

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 481

Representatives Fowler Arthur, Piccolantonio

**Cosponsors: Representatives Hiner, Williams, Brennan, Sigrist, Johnson,
Klopfenstein**

To amend section 121.22 of the Revised Code to	1
allow a public body to meet in an executive	2
session to discuss the performance of a public	3
employee or official.	4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 121.22 of the Revised Code be	5
amended to read as follows:	6

Sec. 121.22. (A) This section shall be liberally construed	7
to require public officials to take official action and to	8
conduct all deliberations upon official business only in open	9
meetings unless the subject matter is specifically excepted by	10
law.	11

(B) As used in this section:	12
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(1) "Public body" means any of the following:	13
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(a) Any board, commission, committee, council, or similar	14
decision-making body of a state agency, institution, or	15
authority, and any legislative authority or board, commission,	16
committee, council, agency, authority, or similar decision-	17
making body of any county, township, municipal corporation,	18

school district, or other political subdivision or local public institution; 19 20

(b) Any committee or subcommittee of a body described in division (B) (1) (a) of this section; 21 22

(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B) (1) (c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code. 23 24 25 26 27 28 29 30 31 32

(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members. 33 34

(3) "Regulated individual" means either of the following: 35

(a) A student in a state or local public educational institution; 36 37

(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness, an intellectual disability, disease, disability, age, or other condition requiring custodial care. 38 39 40 41 42

(4) "Public office" has the same meaning as in section 149.011 of the Revised Code. 43 44

(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a 45 46

public body shall be present in person at a meeting open to the 47
public to be considered present or to vote at the meeting and 48
for purposes of determining whether a quorum is present at the 49
meeting. 50

The minutes of a regular or special meeting of any public 51
body shall be promptly prepared, filed, and maintained and shall 52
be open to public inspection. The minutes need only reflect the 53
general subject matter of discussions in executive sessions 54
authorized under division (G) or (J) of this section. 55

(D) This section does not apply to any of the following: 56

(1) A grand jury; 57

(2) An audit conference conducted by the auditor of state 58
or independent certified public accountants with officials of 59
the public office that is the subject of the audit; 60

(3) The adult parole authority when its hearings are 61
conducted at a correctional institution for the sole purpose of 62
interviewing inmates to determine parole or pardon and the 63
department of rehabilitation and correction when its hearings 64
are conducted at a correctional institution for the sole purpose 65
of making determinations under section 2967.271 of the Revised 66
Code regarding the release or maintained incarceration of an 67
offender to whom that section applies; 68

(4) The organized crime investigations commission 69
established under section 177.01 of the Revised Code; 70

(5) Meetings of a child fatality review board established 71
under section 307.621 of the Revised Code, meetings related to a 72
review conducted pursuant to guidelines established by the 73
director of health under section 3701.70 of the Revised Code, 74
and meetings conducted pursuant to sections 5153.171 to 5153.173 75

of the Revised Code; 76

(6) The state medical board when determining whether to 77
suspend a license or certificate without a prior hearing 78
pursuant to division (G) of either section 4730.25 or 4731.22 of 79
the Revised Code; 80

(7) The board of nursing when determining whether to 81
suspend a license or certificate without a prior hearing 82
pursuant to division (B) of section 4723.281 of the Revised 83
Code; 84

(8) The state board of pharmacy when determining whether 85
to do either of the following: 86

(a) Suspend a license, certification, or registration 87
without a prior hearing, including during meetings conducted by 88
telephone conference, pursuant to Chapters 3719., 3796., 4729., 89
and 4752. of the Revised Code and rules adopted thereunder; or 90

(b) Restrict a person from obtaining further information 91
from the drug database established in section 4729.75 of the 92
Revised Code without a prior hearing pursuant to division (C) of 93
section 4729.86 of the Revised Code. 94

(9) The state chiropractic board when determining whether 95
to suspend a license without a hearing pursuant to section 96
4734.37 of the Revised Code; 97

(10) The executive committee of the emergency response 98
commission when determining whether to issue an enforcement 99
order or request that a civil action, civil penalty action, or 100
criminal action be brought to enforce Chapter 3750. of the 101
Revised Code; 102

(11) The board of directors of the nonprofit corporation 103

formed under section 187.01 of the Revised Code or any committee 104
thereof, and the board of directors of any subsidiary of that 105
corporation or a committee thereof; 106

(12) An audit conference conducted by the audit staff of 107
the department of job and family services with officials of the 108
public office that is the subject of that audit under section 109
5101.37 of the Revised Code; 110

(13) The occupational therapy section of the occupational 111
therapy, physical therapy, and athletic trainers board when 112
determining whether to suspend a license without a hearing 113
pursuant to division (E) of section 4755.11 of the Revised Code; 114

(14) The physical therapy section of the occupational 115
therapy, physical therapy, and athletic trainers board when 116
determining whether to suspend a license without a hearing 117
pursuant to division (F) of section 4755.47 of the Revised Code; 118

(15) The athletic trainers section of the occupational 119
therapy, physical therapy, and athletic trainers board when 120
determining whether to suspend a license without a hearing 121
pursuant to division (E) of section 4755.64 of the Revised Code; 122

(16) Meetings of the pregnancy-associated mortality review 123
board established under section 5180.27 of the Revised Code; 124

(17) Meetings of a fetal-infant mortality review board 125
established under section 3707.71 of the Revised Code; 126

(18) Meetings of a drug overdose fatality review committee 127
described in section 307.631 of the Revised Code; 128

(19) Meetings of a suicide fatality review committee 129
described in section 307.641 of the Revised Code; 130

(20) Meetings of the officers, members, or directors of an 131

existing qualified nonprofit corporation that creates a special 132
improvement district under Chapter 1710. of the Revised Code, at 133
which the public business of the corporation pertaining to a 134
purpose for which the district is created is not discussed; 135

(21) Meetings of a domestic violence fatality review board 136
established under section 307.651 of the Revised Code; 137

(22) Any nonprofit agency that has received an endorsement 138
under section 5101.315 of the Revised Code. 139

(E) The controlling board, the tax credit authority, or 140
the minority development financing advisory board, when meeting 141
to consider granting assistance pursuant to Chapter 122. or 166. 142
of the Revised Code, in order to protect the interest of the 143
applicant or the possible investment of public funds, by 144
unanimous vote of all board or authority members present, may 145
close the meeting during consideration of the following 146
information confidentially received by the authority or board 147
from the applicant: 148

(1) Marketing plans; 149

(2) Specific business strategy; 150

(3) Production techniques and trade secrets; 151

(4) Financial projections; 152

(5) Personal financial statements of the applicant or 153
members of the applicant's immediate family, including, but not 154
limited to, tax records or other similar information not open to 155
public inspection. 156

The vote by the authority or board to accept or reject the 157
application, as well as all proceedings of the authority or 158
board not subject to this division, shall be open to the public 159

and governed by this section. 160

(F) Every public body, by rule, shall establish a 161
reasonable method whereby any person may determine the time and 162
place of all regularly scheduled meetings and the time, place, 163
and purpose of all special meetings. A public body shall not 164
hold a special meeting unless it gives at least twenty-four 165
hours' advance notice to the news media that have requested 166
notification, except in the event of an emergency requiring 167
immediate official action. In the event of an emergency, the 168
member or members calling the meeting shall notify the news 169
media that have requested notification immediately of the time, 170
place, and purpose of the meeting. 171

The rule shall provide that any person, upon request and 172
payment of a reasonable fee, may obtain reasonable advance 173
notification of all meetings at which any specific type of 174
public business is to be discussed. Provisions for advance 175
notification may include, but are not limited to, mailing the 176
agenda of meetings to all subscribers on a mailing list or 177
mailing notices in self-addressed, stamped envelopes provided by 178
the person. 179

(G) Except as provided in divisions (G)(8) and (J) of this 180
section, the members of a public body may hold an executive 181
session only after a majority of a quorum of the public body 182
determines, by a roll call vote, to hold an executive session 183
and only at a regular or special meeting for the sole purpose of 184
the consideration of any of the following matters: 185

(1) To consider the appointment, employment, dismissal, 186
discipline, promotion, demotion, or compensation of a public 187
employee or official, or the investigation of charges or 188
complaints against a public employee, official, licensee, or 189

regulated individual, unless the public employee, official, 190
licensee, or regulated individual requests a public hearing. 191
~~Except~~ A public body may hold an executive session to discuss 192
the performance of a public employee or official but, except as 193
otherwise provided by law, no public body shall hold an 194
executive session for the discipline of an elected official for 195
conduct related to the performance of the elected official's 196
official duties or for the elected official's removal from 197
office. If a public body holds an executive session pursuant to 198
division (G)(1) of this section, the motion and vote to hold 199
that executive session shall state which one or more of the 200
approved purposes listed in division (G)(1) of this section are 201
the purposes for which the executive session is to be held, but 202
need not include the name of any person to be considered at the 203
meeting. 204

(2) To consider the purchase of property for public 205
purposes, the sale of property at competitive bidding, or the 206
sale or other disposition of unneeded, obsolete, or unfit-for- 207
use property in accordance with section 505.10 of the Revised 208
Code, if premature disclosure of information would give an 209
unfair competitive or bargaining advantage to a person whose 210
personal, private interest is adverse to the general public 211
interest. No member of a public body shall use division (G)(2) 212
of this section as a subterfuge for providing covert information 213
to prospective buyers or sellers. A purchase or sale of public 214
property is void if the seller or buyer of the public property 215
has received covert information from a member of a public body 216
that has not been disclosed to the general public in sufficient 217
time for other prospective buyers and sellers to prepare and 218
submit offers. 219

If the minutes of the public body show that all meetings 220

and deliberations of the public body have been conducted in 221
compliance with this section, any instrument executed by the 222
public body purporting to convey, lease, or otherwise dispose of 223
any right, title, or interest in any public property shall be 224
conclusively presumed to have been executed in compliance with 225
this section insofar as title or other interest of any bona fide 226
purchasers, lessees, or transferees of the property is 227
concerned. 228

(3) Conferences with an attorney for the public body 229
concerning disputes involving the public body that are the 230
subject of pending or imminent court action; 231

(4) Preparing for, conducting, or reviewing negotiations 232
or bargaining sessions with public employees concerning their 233
compensation or other terms and conditions of their employment; 234

(5) Matters required to be kept confidential by federal 235
law or regulations or state statutes; 236

(6) Details relative to the security arrangements and 237
emergency response protocols for a public body or a public 238
office, if disclosure of the matters discussed could reasonably 239
be expected to jeopardize the security of the public body or 240
public office; 241

(7) In the case of a county hospital operated pursuant to 242
Chapter 339. of the Revised Code, a joint township hospital 243
operated pursuant to Chapter 513. of the Revised Code, or a 244
municipal hospital operated pursuant to Chapter 749. of the 245
Revised Code, to consider trade secrets, as defined in section 246
1333.61 of the Revised Code; 247

(8) To consider confidential information related to the 248
marketing plans, specific business strategy, production 249

techniques, trade secrets, or personal financial statements of 250
an applicant for economic development assistance, or to 251
negotiations with other political subdivisions respecting 252
requests for economic development assistance, provided that both 253
of the following conditions apply: 254

(a) The information is directly related to a request for 255
economic development assistance that is to be provided or 256
administered under any provision of Chapter 715., 725., 1724., 257
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 258
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 259
5709.81 of the Revised Code, or that involves public 260
infrastructure improvements or the extension of utility services 261
that are directly related to an economic development project. 262

(b) A unanimous quorum of the public body determines, by a 263
roll call vote, that the executive session is necessary to 264
protect the interests of the applicant or the possible 265
investment or expenditure of public funds to be made in 266
connection with the economic development project. 267

If a public body holds an executive session to consider 268
any of the matters listed in divisions (G)(2) to (8) of this 269
section, the motion and vote to hold that executive session 270
shall state which one or more of the approved matters listed in 271
those divisions are to be considered at the executive session. 272

A public body specified in division (B)(1)(c) of this 273
section shall not hold an executive session when meeting for the 274
purposes specified in that division. 275

(H) A resolution, rule, or formal action of any kind is 276
invalid unless adopted in an open meeting of the public body. A 277
resolution, rule, or formal action adopted in an open meeting 278

that results from deliberations in a meeting not open to the 279
public is invalid unless the deliberations were for a purpose 280
specifically authorized in division (G) or (J) of this section 281
and conducted at an executive session held in compliance with 282
this section. A resolution, rule, or formal action adopted in an 283
open meeting is invalid if the public body that adopted the 284
resolution, rule, or formal action violated division (F) of this 285
section. 286

(I) (1) Any person may bring an action to enforce this 287
section. An action under division (I) (1) of this section shall 288
be brought within two years after the date of the alleged 289
violation or threatened violation. Upon proof of a violation or 290
threatened violation of this section in an action brought by any 291
person, the court of common pleas shall issue an injunction to 292
compel the members of the public body to comply with its 293
provisions. 294

(2) (a) If the court of common pleas issues an injunction 295
pursuant to division (I) (1) of this section, the court shall 296
order the public body that it enjoins to pay a civil forfeiture 297
of five hundred dollars to the party that sought the injunction 298
and shall award to that party all court costs and, subject to 299
reduction as described in division (I) (2) of this section, 300
reasonable attorney's fees. The court, in its discretion, may 301
reduce an award of attorney's fees to the party that sought the 302
injunction or not award attorney's fees to that party if the 303
court determines both of the following: 304

(i) That, based on the ordinary application of statutory 305
law and case law as it existed at the time of violation or 306
threatened violation that was the basis of the injunction, a 307
well-informed public body reasonably would believe that the 308

public body was not violating or threatening to violate this 309
section; 310

(ii) That a well-informed public body reasonably would 311
believe that the conduct or threatened conduct that was the 312
basis of the injunction would serve the public policy that 313
underlies the authority that is asserted as permitting that 314
conduct or threatened conduct. 315

(b) If the court of common pleas does not issue an 316
injunction pursuant to division (I)(1) of this section and the 317
court determines at that time that the bringing of the action 318
was frivolous conduct, as defined in division (A) of section 319
2323.51 of the Revised Code, the court shall award to the public 320
body all court costs and reasonable attorney's fees, as 321
determined by the court. 322

(3) Irreparable harm and prejudice to the party that 323
sought the injunction shall be conclusively and irrebuttably 324
presumed upon proof of a violation or threatened violation of 325
this section. 326

(4) A member of a public body who knowingly violates an 327
injunction issued pursuant to division (I)(1) of this section 328
may be removed from office by an action brought in the court of 329
common pleas for that purpose by the prosecuting attorney or the 330
attorney general. 331

(J)(1) Pursuant to division (C) of section 5901.09 of the 332
Revised Code, a veterans service commission shall hold an 333
executive session for one or more of the following purposes 334
unless an applicant requests a public hearing: 335

(a) Interviewing an applicant for financial assistance 336
under sections 5901.01 to 5901.15 of the Revised Code; 337

(b) Discussing applications, statements, and other 338
documents described in division (B) of section 5901.09 of the 339
Revised Code; 340

(c) Reviewing matters relating to an applicant's request 341
for financial assistance under sections 5901.01 to 5901.15 of 342
the Revised Code. 343

(2) A veterans service commission shall not exclude an 344
applicant for, recipient of, or former recipient of financial 345
assistance under sections 5901.01 to 5901.15 of the Revised 346
Code, and shall not exclude representatives selected by the 347
applicant, recipient, or former recipient, from a meeting that 348
the commission conducts as an executive session that pertains to 349
the applicant's, recipient's, or former recipient's application 350
for financial assistance. 351

(3) A veterans service commission shall vote on the grant 352
or denial of financial assistance under sections 5901.01 to 353
5901.15 of the Revised Code only in an open meeting of the 354
commission. The minutes of the meeting shall indicate the name, 355
address, and occupation of the applicant, whether the assistance 356
was granted or denied, the amount of the assistance if 357
assistance is granted, and the votes for and against the 358
granting of assistance. 359

Section 2. That existing section 121.22 of the Revised 360
Code is hereby repealed. 361