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136th General Assembly  
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Sub. H. B. No. 609

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To amend section 121.22 of the Revised Code to  
require a public body to allow for public  
commentary and testimony before taking formal  
action on any item.

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

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

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

(B) As used in this section:

(1) "Public body" means any of the following:

(a) Any board, commission, committee, council, or similar  
decision-making body of a state agency, institution, or  
authority, and any legislative authority or board, commission,  
committee, council, agency, authority, or similar decision-  
making body of any county, township, municipal corporation,



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school district, or other political subdivision or local public institution; 19  
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(b) Any committee or subcommittee of a body described in division (B) (1) (a) of this section; 21  
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(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  
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(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members. 33  
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(3) "Regulated individual" means either of the following: 35

(a) A student in a state or local public educational institution; 36  
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(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  
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(4) "Public office" has the same meaning as in section 149.011 of the Revised Code. 43  
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(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  
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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) (1) Every public body, by rule, shall ~~establish a~~ do  
all of the following: 161  
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(a) Establish a reasonable method whereby any person may 163  
determine the time and place of all regularly scheduled meetings 164  
and the time, place, and purpose of all special meetings. ~~A;~~ 165

(b) Prohibit a public body ~~shall not hold~~ from holding a 166  
special meeting unless it gives at least twenty-four hours' 167  
advance notice to the news media that have requested 168  
notification, except in the event of an emergency requiring 169  
immediate official action. In the event of an emergency, the 170  
member or members calling the meeting shall be required to 171  
notify the news media that have requested notification 172  
immediately of the time, place, and purpose of the meeting. 173

~~The rule shall provide;~~ 174

(c) Provide that any person, upon request, may obtain 175  
reasonable advance notification of all meetings at which any 176  
specific type of public business is to be discussed. Provisions 177  
for advance notification may include mailing the agenda of 178  
meetings to all subscribers on a mailing list or mailing notices 179  
in self-addressed, stamped envelopes provided by the person. 180  
Rules adopted pursuant to this division may allow a public body 181  
to require that a person pay a reasonable fee to obtain advance 182  
notification of meetings by means other than electronic mailing 183  
list or electronic mail. 184

(2) (a) A public body composed, in whole or in part, of 185  
individuals who were elected to that body shall, by rule, in 186  
addition to the requirements established under division (F) (1) 187  
of this section, allow for at least one period, of reasonable 188

duration and accessibility to the public, of public commentary 189  
and testimony before taking formal action on items included on 190  
the meeting agenda. The body may establish, by rule, reasonable 191  
restrictions on the duration, nature, and venue of the public 192  
commentary and testimony. The rules shall not require an 193  
individual to register, or obtain approval to comment or 194  
testify, before commencement of the public meeting. The rules 195  
may require that an individual provide the individual's name and 196  
contact information before being granted permission to comment 197  
or testify. 198

(b) Nothing in this section shall be construed to require 199  
a public body to do either of the following: 200

(i) Provide more than one period of public commentary and 201  
testimony per meeting. 202

(ii) Provide a period of public commentary and testimony 203  
each time the body takes formal action on a meeting agenda item. 204

~~that any person, upon request and payment of a reasonable~~ 205  
~~fee, may obtain reasonable advance notification of all meetings~~ 206  
~~at which any specific type of public business is to be~~ 207  
~~discussed. Provisions for advance notification may include, but~~ 208  
~~are not limited to, mailing the agenda of meetings to all~~ 209  
~~subscribers on a mailing list or mailing notices in self-~~ 210  
~~addressed, stamped envelopes provided by the person.~~ 211

(G) Except as provided in divisions (G) (8) and (J) of this 212  
section, the members of a public body may hold an executive 213  
session only after a majority of a quorum of the public body 214  
determines, by a roll call vote, to hold an executive session 215  
and only at a regular or special meeting for the sole purpose of 216  
the consideration of any of the following matters: 217

(1) To consider the appointment, employment, dismissal, 218  
discipline, promotion, demotion, or compensation of a public 219  
employee or official, or the investigation of charges or 220  
complaints against a public employee, official, licensee, or 221  
regulated individual, unless the public employee, official, 222  
licensee, or regulated individual requests a public hearing. 223  
Except as otherwise provided by law, no public body shall hold 224  
an executive session for the discipline of an elected official 225  
for conduct related to the performance of the elected official's 226  
official duties or for the elected official's removal from 227  
office. If a public body holds an executive session pursuant to 228  
division (G)(1) of this section, the motion and vote to hold 229  
that executive session shall state which one or more of the 230  
approved purposes listed in division (G)(1) of this section are 231  
the purposes for which the executive session is to be held, but 232  
need not include the name of any person to be considered at the 233  
meeting. 234

(2) To consider the purchase of property for public 235  
purposes, the sale of property at competitive bidding, or the 236  
sale or other disposition of unneeded, obsolete, or unfit-for- 237  
use property in accordance with section 505.10 of the Revised 238  
Code, if premature disclosure of information would give an 239  
unfair competitive or bargaining advantage to a person whose 240  
personal, private interest is adverse to the general public 241  
interest. No member of a public body shall use division (G)(2) 242  
of this section as a subterfuge for providing covert information 243  
to prospective buyers or sellers. A purchase or sale of public 244  
property is void if the seller or buyer of the public property 245  
has received covert information from a member of a public body 246  
that has not been disclosed to the general public in sufficient 247  
time for other prospective buyers and sellers to prepare and 248

submit offers.	249
If the minutes of the public body show that all meetings	250
and deliberations of the public body have been conducted in	251
compliance with this section, any instrument executed by the	252
public body purporting to convey, lease, or otherwise dispose of	253
any right, title, or interest in any public property shall be	254
conclusively presumed to have been executed in compliance with	255
this section insofar as title or other interest of any bona fide	256
purchasers, lessees, or transferees of the property is	257
concerned.	258
(3) Conferences with an attorney for the public body	259
concerning disputes involving the public body that are the	260
subject of pending or imminent court action;	261
(4) Preparing for, conducting, or reviewing negotiations	262
or bargaining sessions with public employees concerning their	263
compensation or other terms and conditions of their employment;	264
(5) Matters required to be kept confidential by federal	265
law or regulations or state statutes;	266
(6) Details relative to the security arrangements and	267
emergency response protocols for a public body or a public	268
office, if disclosure of the matters discussed could reasonably	269
be expected to jeopardize the security of the public body or	270
public office;	271
(7) In the case of a county hospital operated pursuant to	272
Chapter 339. of the Revised Code, a joint township hospital	273
operated pursuant to Chapter 513. of the Revised Code, or a	274
municipal hospital operated pursuant to Chapter 749. of the	275
Revised Code, to consider trade secrets, as defined in section	276
1333.61 of the Revised Code;	277

(8) To consider confidential information related to the 278  
marketing plans, specific business strategy, production 279  
techniques, trade secrets, or personal financial statements of 280  
an applicant for economic development assistance, or to 281  
negotiations with other political subdivisions respecting 282  
requests for economic development assistance, provided that both 283  
of the following conditions apply: 284

(a) The information is directly related to a request for 285  
economic development assistance that is to be provided or 286  
administered under any provision of Chapter 715., 725., 1724., 287  
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 288  
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 289  
5709.81 of the Revised Code, or that involves public 290  
infrastructure improvements or the extension of utility services 291  
that are directly related to an economic development project. 292

(b) A unanimous quorum of the public body determines, by a 293  
roll call vote, that the executive session is necessary to 294  
protect the interests of the applicant or the possible 295  
investment or expenditure of public funds to be made in 296  
connection with the economic development project. 297

If a public body holds an executive session to consider 298  
any of the matters listed in divisions (G)(2) to (8) of this 299  
section, the motion and vote to hold that executive session 300  
shall state which one or more of the approved matters listed in 301  
those divisions are to be considered at the executive session. 302

A public body specified in division (B)(1)(c) of this 303  
section shall not hold an executive session when meeting for the 304  
purposes specified in that division. 305

(H) A resolution, rule, or formal action of any kind is 306

invalid unless adopted in an open meeting of the public body. A 307  
resolution, rule, or formal action adopted in an open meeting 308  
that results from deliberations in a meeting not open to the 309  
public is invalid unless the deliberations were for a purpose 310  
specifically authorized in division (G) or (J) of this section 311  
and conducted at an executive session held in compliance with 312  
this section. A resolution, rule, or formal action adopted in an 313  
open meeting is invalid if the public body that adopted the 314  
resolution, rule, or formal action violated division (F) of this 315  
section. 316

(I) (1) Any person may bring an action to enforce this 317  
section. An action under division (I) (1) of this section shall 318  
be brought within two years after the date of the alleged 319  
violation or threatened violation. Upon proof of a violation or 320  
threatened violation of this section in an action brought by any 321  
person, the court of common pleas shall issue an injunction to 322  
compel the members of the public body to comply with its 323  
provisions. 324

(2) (a) If the court of common pleas issues an injunction 325  
pursuant to division (I) (1) of this section, the court shall 326  
order the public body that it enjoins to pay a civil forfeiture 327  
of five hundred dollars to the party that sought the injunction 328  
and shall award to that party all court costs and, subject to 329  
reduction as described in division (I) (2) of this section, 330  
reasonable attorney's fees. The court, in its discretion, may 331  
reduce an award of attorney's fees to the party that sought the 332  
injunction or not award attorney's fees to that party if the 333  
court determines both of the following: 334

(i) That, based on the ordinary application of statutory 335  
law and case law as it existed at the time of violation or 336

threatened violation that was the basis of the injunction, a 337  
well-informed public body reasonably would believe that the 338  
public body was not violating or threatening to violate this 339  
section; 340

(ii) That a well-informed public body reasonably would 341  
believe that the conduct or threatened conduct that was the 342  
basis of the injunction would serve the public policy that 343  
underlies the authority that is asserted as permitting that 344  
conduct or threatened conduct. 345

(b) If the court of common pleas does not issue an 346  
injunction pursuant to division (I)(1) of this section and the 347  
court determines at that time that the bringing of the action 348  
was frivolous conduct, as defined in division (A) of section 349  
2323.51 of the Revised Code, the court shall award to the public 350  
body all court costs and reasonable attorney's fees, as 351  
determined by the court. 352

(3) Irreparable harm and prejudice to the party that 353  
sought the injunction shall be conclusively and irrebuttably 354  
presumed upon proof of a violation or threatened violation of 355  
this section. 356

(4) A member of a public body who knowingly violates an 357  
injunction issued pursuant to division (I)(1) of this section 358  
may be removed from office by an action brought in the court of 359  
common pleas for that purpose by the prosecuting attorney or the 360  
attorney general. 361

(J)(1) Pursuant to division (C) of section 5901.09 of the 362  
Revised Code, a veterans service commission shall hold an 363  
executive session for one or more of the following purposes 364  
unless an applicant requests a public hearing: 365

(a) Interviewing an applicant for financial assistance	366
under sections 5901.01 to 5901.15 of the Revised Code;	367
(b) Discussing applications, statements, and other	368
documents described in division (B) of section 5901.09 of the	369
Revised Code;	370
(c) Reviewing matters relating to an applicant's request	371
for financial assistance under sections 5901.01 to 5901.15 of	372
the Revised Code.	373
(2) A veterans service commission shall not exclude an	374
applicant for, recipient of, or former recipient of financial	375
assistance under sections 5901.01 to 5901.15 of the Revised	376
Code, and shall not exclude representatives selected by the	377
applicant, recipient, or former recipient, from a meeting that	378
the commission conducts as an executive session that pertains to	379
the applicant's, recipient's, or former recipient's application	380
for financial assistance.	381
(3) A veterans service commission shall vote on the grant	382
or denial of financial assistance under sections 5901.01 to	383
5901.15 of the Revised Code only in an open meeting of the	384
commission. The minutes of the meeting shall indicate the name,	385
address, and occupation of the applicant, whether the assistance	386
was granted or denied, the amount of the assistance if	387
assistance is granted, and the votes for and against the	388
granting of assistance.	389
<b>Section 2.</b> That existing section 121.22 of the Revised	390
Code is hereby repealed.	391