

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 609

Representatives Thomas, D., Craig

Cosponsors: Representatives Brennan, Glassburn, Hall, T., Johnson, Williams

To amend section 121.22 of the Revised Code to 1
require a public body to allow for public 2
commentary and testimony before taking formal 3
action on any item. 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

(1) "Public body" means any of the following: 13

(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 19

institution; 20

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

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

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

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

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

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

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

(C) All meetings of any public body are declared to be 45
public meetings open to the public at all times. A member of a 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~~ do all 161
of the following: 162

(1) 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

(2) 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

(3) Allow for public commentary and testimony before 175
taking formal action on any item and may provide reasonable 176
restrictions on the length and nature of the public commentary 177
and testimony. The rule shall not require an individual to 178
register, or obtain approval to comment, before commencement of 179
the public meeting. The rule may require that an individual 180
provide the individual's name and contact information before 181
being granted permission to speak. 182

(4) Provide that any person, upon request and payment of a 183
reasonable fee, may obtain reasonable advance notification of 184
all meetings at which any specific type of public business is to 185
be discussed. Provisions for advance notification may include, 186
but are not limited to, mailing the agenda of meetings to all 187
subscribers on a mailing list or mailing notices in self- 188
addressed, stamped envelopes provided by the person. 189

(G) Except as provided in divisions (G)(8) and (J) of this 190
section, the members of a public body may hold an executive 191
session only after a majority of a quorum of the public body 192
determines, by a roll call vote, to hold an executive session 193
and only at a regular or special meeting for the sole purpose of 194
the consideration of any of the following matters: 195

(1) To consider the appointment, employment, dismissal, 196
discipline, promotion, demotion, or compensation of a public 197
employee or official, or the investigation of charges or 198
complaints against a public employee, official, licensee, or 199
regulated individual, unless the public employee, official, 200
licensee, or regulated individual requests a public hearing. 201
Except as otherwise provided by law, no public body shall hold 202
an executive session for the discipline of an elected official 203
for conduct related to the performance of the elected official's 204
official duties or for the elected official's removal from 205
office. If a public body holds an executive session pursuant to 206
division (G)(1) of this section, the motion and vote to hold 207
that executive session shall state which one or more of the 208
approved purposes listed in division (G)(1) of this section are 209
the purposes for which the executive session is to be held, but 210
need not include the name of any person to be considered at the 211
meeting. 212

(2) To consider the purchase of property for public 213
purposes, the sale of property at competitive bidding, or the 214
sale or other disposition of unneeded, obsolete, or unfit-for- 215
use property in accordance with section 505.10 of the Revised 216
Code, if premature disclosure of information would give an 217
unfair competitive or bargaining advantage to a person whose 218
personal, private interest is adverse to the general public 219
interest. No member of a public body shall use division (G)(2) 220

of this section as a subterfuge for providing covert information 221
to prospective buyers or sellers. A purchase or sale of public 222
property is void if the seller or buyer of the public property 223
has received covert information from a member of a public body 224
that has not been disclosed to the general public in sufficient 225
time for other prospective buyers and sellers to prepare and 226
submit offers. 227

If the minutes of the public body show that all meetings 228
and deliberations of the public body have been conducted in 229
compliance with this section, any instrument executed by the 230
public body purporting to convey, lease, or otherwise dispose of 231
any right, title, or interest in any public property shall be 232
conclusively presumed to have been executed in compliance with 233
this section insofar as title or other interest of any bona fide 234
purchasers, lessees, or transferees of the property is 235
concerned. 236

(3) Conferences with an attorney for the public body 237
concerning disputes involving the public body that are the 238
subject of pending or imminent court action; 239

(4) Preparing for, conducting, or reviewing negotiations 240
or bargaining sessions with public employees concerning their 241
compensation or other terms and conditions of their employment; 242

(5) Matters required to be kept confidential by federal 243
law or regulations or state statutes; 244

(6) Details relative to the security arrangements and 245
emergency response protocols for a public body or a public 246
office, if disclosure of the matters discussed could reasonably 247
be expected to jeopardize the security of the public body or 248
public office; 249

(7) In the case of a county hospital operated pursuant to 250
Chapter 339. of the Revised Code, a joint township hospital 251
operated pursuant to Chapter 513. of the Revised Code, or a 252
municipal hospital operated pursuant to Chapter 749. of the 253
Revised Code, to consider trade secrets, as defined in section 254
1333.61 of the Revised Code; 255

(8) To consider confidential information related to the 256
marketing plans, specific business strategy, production 257
techniques, trade secrets, or personal financial statements of 258
an applicant for economic development assistance, or to 259
negotiations with other political subdivisions respecting 260
requests for economic development assistance, provided that both 261
of the following conditions apply: 262

(a) The information is directly related to a request for 263
economic development assistance that is to be provided or 264
administered under any provision of Chapter 715., 725., 1724., 265
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 266
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 267
5709.81 of the Revised Code, or that involves public 268
infrastructure improvements or the extension of utility services 269
that are directly related to an economic development project. 270

(b) A unanimous quorum of the public body determines, by a 271
roll call vote, that the executive session is necessary to 272
protect the interests of the applicant or the possible 273
investment or expenditure of public funds to be made in 274
connection with the economic development project. 275

If a public body holds an executive session to consider 276
any of the matters listed in divisions (G)(2) to (8) of this 277
section, the motion and vote to hold that executive session 278
shall state which one or more of the approved matters listed in 279

those divisions are to be considered at the executive session. 280

A public body specified in division (B) (1) (c) of this 281
section shall not hold an executive session when meeting for the 282
purposes specified in that division. 283

(H) A resolution, rule, or formal action of any kind is 284
invalid unless adopted in an open meeting of the public body. A 285
resolution, rule, or formal action adopted in an open meeting 286
that results from deliberations in a meeting not open to the 287
public is invalid unless the deliberations were for a purpose 288
specifically authorized in division (G) or (J) of this section 289
and conducted at an executive session held in compliance with 290
this section. A resolution, rule, or formal action adopted in an 291
open meeting is invalid if the public body that adopted the 292
resolution, rule, or formal action violated division (F) of this 293
section. 294

(I) (1) Any person may bring an action to enforce this 295
section. An action under division (I) (1) of this section shall 296
be brought within two years after the date of the alleged 297
violation or threatened violation. Upon proof of a violation or 298
threatened violation of this section in an action brought by any 299
person, the court of common pleas shall issue an injunction to 300
compel the members of the public body to comply with its 301
provisions. 302

(2) (a) If the court of common pleas issues an injunction 303
pursuant to division (I) (1) of this section, the court shall 304
order the public body that it enjoins to pay a civil forfeiture 305
of five hundred dollars to the party that sought the injunction 306
and shall award to that party all court costs and, subject to 307
reduction as described in division (I) (2) of this section, 308
reasonable attorney's fees. The court, in its discretion, may 309

reduce an award of attorney's fees to the party that sought the 310
injunction or not award attorney's fees to that party if the 311
court determines both of the following: 312

(i) That, based on the ordinary application of statutory 313
law and case law as it existed at the time of violation or 314
threatened violation that was the basis of the injunction, a 315
well-informed public body reasonably would believe that the 316
public body was not violating or threatening to violate this 317
section; 318

(ii) That a well-informed public body reasonably would 319
believe that the conduct or threatened conduct that was the 320
basis of the injunction would serve the public policy that 321
underlies the authority that is asserted as permitting that 322
conduct or threatened conduct. 323

(b) If the court of common pleas does not issue an 324
injunction pursuant to division (I)(1) of this section and the 325
court determines at that time that the bringing of the action 326
was frivolous conduct, as defined in division (A) of section 327
2323.51 of the Revised Code, the court shall award to the public 328
body all court costs and reasonable attorney's fees, as 329
determined by the court. 330

(3) Irreparable harm and prejudice to the party that 331
sought the injunction shall be conclusively and irrebuttably 332
presumed upon proof of a violation or threatened violation of 333
this section. 334

(4) A member of a public body who knowingly violates an 335
injunction issued pursuant to division (I)(1) of this section 336
may be removed from office by an action brought in the court of 337
common pleas for that purpose by the prosecuting attorney or the 338

attorney general. 339

(J) (1) Pursuant to division (C) of section 5901.09 of the 340
Revised Code, a veterans service commission shall hold an 341
executive session for one or more of the following purposes 342
unless an applicant requests a public hearing: 343

(a) Interviewing an applicant for financial assistance 344
under sections 5901.01 to 5901.15 of the Revised Code; 345

(b) Discussing applications, statements, and other 346
documents described in division (B) of section 5901.09 of the 347
Revised Code; 348

(c) Reviewing matters relating to an applicant's request 349
for financial assistance under sections 5901.01 to 5901.15 of 350
the Revised Code. 351

(2) A veterans service commission shall not exclude an 352
applicant for, recipient of, or former recipient of financial 353
assistance under sections 5901.01 to 5901.15 of the Revised 354
Code, and shall not exclude representatives selected by the 355
applicant, recipient, or former recipient, from a meeting that 356
the commission conducts as an executive session that pertains to 357
the applicant's, recipient's, or former recipient's application 358
for financial assistance. 359

(3) A veterans service commission shall vote on the grant 360
or denial of financial assistance under sections 5901.01 to 361
5901.15 of the Revised Code only in an open meeting of the 362
commission. The minutes of the meeting shall indicate the name, 363
address, and occupation of the applicant, whether the assistance 364
was granted or denied, the amount of the assistance if 365
assistance is granted, and the votes for and against the 366
granting of assistance. 367

Section 2. That existing section 121.22 of the Revised	368
Code is hereby repealed.	369