

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 563

Representative Ghanbari

A BILL

To amend sections 149.43, 3701.17, and 3727.99 and 1
to enact sections 3707.11, 3707.111, 3727.80, 2
and 3727.801 of the Revised Code to require 3
prompt notification of an emergency medical 4
services worker who has treated or transported a 5
patient who is presumptively positive for a 6
contagious or infectious disease and to declare 7
an emergency. 8

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

Section 1. That sections 149.43, 3701.17, and 3727.99 be 9
amended and sections 3707.11, 3707.111, 3727.80, and 3727.801 of 10
the Revised Code be enacted to read as follows: 11

Sec. 149.43. (A) As used in this section: 12

(1) "Public record" means records kept by any public 13
office, including, but not limited to, state, county, city, 14
village, township, and school district units, and records 15
pertaining to the delivery of educational services by an 16
alternative school in this state kept by the nonprofit or for- 17
profit entity operating the alternative school pursuant to 18
section 3313.533 of the Revised Code. "Public record" does not 19

mean any of the following:	20
(a) Medical records;	21
(b) Records pertaining to probation and parole	22
proceedings, to proceedings related to the imposition of	23
community control sanctions and post-release control sanctions,	24
or to proceedings related to determinations under section	25
2967.271 of the Revised Code regarding the release or maintained	26
incarceration of an offender to whom that section applies;	27
(c) Records pertaining to actions under section 2151.85	28
and division (C) of section 2919.121 of the Revised Code and to	29
appeals of actions arising under those sections;	30
(d) Records pertaining to adoption proceedings, including	31
the contents of an adoption file maintained by the department of	32
health under sections 3705.12 to 3705.124 of the Revised Code;	33
(e) Information in a record contained in the putative	34
father registry established by section 3107.062 of the Revised	35
Code, regardless of whether the information is held by the	36
department of job and family services or, pursuant to section	37
3111.69 of the Revised Code, the office of child support in the	38
department or a child support enforcement agency;	39
(f) Records specified in division (A) of section 3107.52	40
of the Revised Code;	41
(g) Trial preparation records;	42
(h) Confidential law enforcement investigatory records;	43
(i) Records containing information that is confidential	44
under section 2710.03 or 4112.05 of the Revised Code;	45
(j) DNA records stored in the DNA database pursuant to	46

section 109.573 of the Revised Code;	47
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	48 49 50 51
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	52 53 54 55
(m) Intellectual property records;	56
(n) Donor profile records;	57
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	58 59
(p) Designated public service worker residential and familial information;	60 61
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	62 63 64 65 66
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	67 68
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons	69 70 71 72 73 74

participating in the director's review, and all work products of	75
the board or director, and in the case of a child fatality	76
review board, child fatality review data submitted by the board	77
to the department of health or a national child death review	78
database, other than the report prepared pursuant to division	79
(A) of section 307.626 of the Revised Code;	80
(t) Records provided to and statements made by the	81
executive director of a public children services agency or a	82
prosecuting attorney acting pursuant to section 5153.171 of the	83
Revised Code other than the information released under that	84
section;	85
(u) Test materials, examinations, or evaluation tools used	86
in an examination for licensure as a nursing home administrator	87
that the board of executives of long-term services and supports	88
administers under section 4751.15 of the Revised Code or	89
contracts under that section with a private or government entity	90
to administer;	91
(v) Records the release of which is prohibited by state or	92
federal law;	93
(w) Proprietary information of or relating to any person	94
that is submitted to or compiled by the Ohio venture capital	95
authority created under section 150.01 of the Revised Code;	96
(x) Financial statements and data any person submits for	97
any purpose to the Ohio housing finance agency or the	98
controlling board in connection with applying for, receiving, or	99
accounting for financial assistance from the agency, and	100
information that identifies any individual who benefits directly	101
or indirectly from financial assistance from the agency;	102
(y) Records listed in section 5101.29 of the Revised Code;	103

(z) Discharges recorded with a county recorder under	104
section 317.24 of the Revised Code, as specified in division (B)	105
(2) of that section;	106
(aa) Usage information including names and addresses of	107
specific residential and commercial customers of a municipally	108
owned or operated public utility;	109
(bb) Records described in division (C) of section 187.04	110
of the Revised Code that are not designated to be made available	111
to the public as provided in that division;	112
(cc) Information and records that are made confidential,	113
privileged, and not subject to disclosure under divisions (B)	114
and (C) of section 2949.221 of the Revised Code;	115
(dd) Personal information, as defined in section 149.45 of	116
the Revised Code;	117
(ee) The confidential name, address, and other personally	118
identifiable information of a program participant in the address	119
confidentiality program established under sections 111.41 to	120
111.47 of the Revised Code, including the contents of any	121
application for absent voter's ballots, absent voter's ballot	122
identification envelope statement of voter, or provisional	123
ballot affirmation completed by a program participant who has a	124
confidential voter registration record, and records or portions	125
of records pertaining to that program that identify the number	126
of program participants that reside within a precinct, ward,	127
township, municipal corporation, county, or any other geographic	128
area smaller than the state. As used in this division,	129
"confidential address" and "program participant" have the	130
meaning defined in section 111.41 of the Revised Code.	131
(ff) Orders for active military service of an individual	132

serving or with previous service in the armed forces of the 133
United States, including a reserve component, or the Ohio 134
organized militia, except that, such order becomes a public 135
record on the day that is fifteen years after the published date 136
or effective date of the call to order; 137

(gg) The name, address, contact information, or other 138
personal information of an individual who is less than eighteen 139
years of age that is included in any record related to a traffic 140
accident involving a school vehicle in which the individual was 141
an occupant at the time of the accident; 142

(hh) Protected health information, as defined in 45 C.F.R. 143
160.103, that is in a claim for payment for a health care 144
product, service, or procedure, as well as any other health 145
claims data in another document that reveals the identity of an 146
individual who is the subject of the data or could be used to 147
reveal that individual's identity; 148

(ii) Any depiction by photograph, film, videotape, or 149
printed or digital image under either of the following 150
circumstances: 151

(i) The depiction is that of a victim of an offense the 152
release of which would be, to a reasonable person of ordinary 153
sensibilities, an offensive and objectionable intrusion into the 154
victim's expectation of bodily privacy and integrity. 155

(ii) The depiction captures or depicts the victim of a 156
sexually oriented offense, as defined in section 2950.01 of the 157
Revised Code, at the actual occurrence of that offense. 158

(jj) Restricted portions of a body-worn camera or 159
dashboard camera recording; 160

(kk) In the case of a fetal-infant mortality review board 161

acting under sections 3707.70 to 3707.77 of the Revised Code, 162
records, documents, reports, or other information presented to 163
the board or a person abstracting such materials on the board's 164
behalf, statements made by review board members during board 165
meetings, all work products of the board, and data submitted by 166
the board to the department of health or a national infant death 167
review database, other than the report prepared pursuant to 168
section 3707.77 of the Revised Code. 169

(ll) Records, documents, reports, or other information 170
presented to the pregnancy-associated mortality review board 171
established under section 3738.01 of the Revised Code, 172
statements made by board members during board meetings, all work 173
products of the board, and data submitted by the board to the 174
department of health, other than the biennial reports prepared 175
under section 3738.08 of the Revised Code; 176

(mm) Telephone numbers for a victim, as defined in section 177
2930.01 of the Revised Code, a witness to a crime, or a party to 178
a motor vehicle accident subject to the requirements of section 179
5502.11 of the Revised Code that are listed on any law 180
enforcement record or report; 181

(nn) Any record of a verbal notification made to an 182
emergency medical services worker or the worker's employer under 183
section 3707.11 or 3727.80 of the Revised Code. 184

A record that is not a public record under division (A) (1) 185
of this section and that, under law, is permanently retained 186
becomes a public record on the day that is seventy-five years 187
after the day on which the record was created, except for any 188
record protected by the attorney-client privilege, a trial 189
preparation record as defined in this section, a statement 190
prohibiting the release of identifying information signed under 191

section 3107.083 of the Revised Code, a denial of release form 192
filed pursuant to section 3107.46 of the Revised Code, or any 193
record that is exempt from release or disclosure under section 194
149.433 of the Revised Code. If the record is a birth 195
certificate and a biological parent's name redaction request 196
form has been accepted under section 3107.391 of the Revised 197
Code, the name of that parent shall be redacted from the birth 198
certificate before it is released under this paragraph. If any 199
other section of the Revised Code establishes a time period for 200
disclosure of a record that conflicts with the time period 201
specified in this section, the time period in the other section 202
prevails. 203

(2) "Confidential law enforcement investigatory record" 204
means any record that pertains to a law enforcement matter of a 205
criminal, quasi-criminal, civil, or administrative nature, but 206
only to the extent that the release of the record would create a 207
high probability of disclosure of any of the following: 208

(a) The identity of a suspect who has not been charged 209
with the offense to which the record pertains, or of an 210
information source or witness to whom confidentiality has been 211
reasonably promised; 212

(b) Information provided by an information source or 213
witness to whom confidentiality has been reasonably promised, 214
which information would reasonably tend to disclose the source's 215
or witness's identity; 216

(c) Specific confidential investigatory techniques or 217
procedures or specific investigatory work product; 218

(d) Information that would endanger the life or physical 219
safety of law enforcement personnel, a crime victim, a witness, 220

or a confidential information source.	221
(3) "Medical record" means any document or combination of	222
documents, except births, deaths, and the fact of admission to	223
or discharge from a hospital, that pertains to the medical	224
history, diagnosis, prognosis, or medical condition of a patient	225
and that is generated and maintained in the process of medical	226
treatment.	227
(4) "Trial preparation record" means any record that	228
contains information that is specifically compiled in reasonable	229
anticipation of, or in defense of, a civil or criminal action or	230
proceeding, including the independent thought processes and	231
personal trial preparation of an attorney.	232
(5) "Intellectual property record" means a record, other	233
than a financial or administrative record, that is produced or	234
collected by or for faculty or staff of a state institution of	235
higher learning in the conduct of or as a result of study or	236
research on an educational, commercial, scientific, artistic,	237
technical, or scholarly issue, regardless of whether the study	238
or research was sponsored by the institution alone or in	239
conjunction with a governmental body or private concern, and	240
that has not been publicly released, published, or patented.	241
(6) "Donor profile record" means all records about donors	242
or potential donors to a public institution of higher education	243
except the names and reported addresses of the actual donors and	244
the date, amount, and conditions of the actual donation.	245
(7) "Designated public service worker" means a peace	246
officer, parole officer, probation officer, bailiff, prosecuting	247
attorney, assistant prosecuting attorney, correctional employee,	248
county or multicounty corrections officer, community-based	249

correctional facility employee, youth services employee, 250
firefighter, EMT, medical director or member of a cooperating 251
physician advisory board of an emergency medical service 252
organization, state board of pharmacy employee, investigator of 253
the bureau of criminal identification and investigation, judge, 254
magistrate, or federal law enforcement officer. 255

(8) "Designated public service worker residential and 256
familial information" means any information that discloses any 257
of the following about a designated public service worker: 258

(a) The address of the actual personal residence of a 259
designated public service worker, except for the following 260
information: 261

(i) The address of the actual personal residence of a 262
prosecuting attorney or judge; and 263

(ii) The state or political subdivision in which a 264
designated public service worker resides. 265

(b) Information compiled from referral to or participation 266
in an employee assistance program; 267

(c) The social security number, the residential telephone 268
number, any bank account, debit card, charge card, or credit 269
card number, or the emergency telephone number of, or any 270
medical information pertaining to, a designated public service 271
worker; 272

(d) The name of any beneficiary of employment benefits, 273
including, but not limited to, life insurance benefits, provided 274
to a designated public service worker by the designated public 275
service worker's employer; 276

(e) The identity and amount of any charitable or 277

employment benefit deduction made by the designated public 278
service worker's employer from the designated public service 279
worker's compensation, unless the amount of the deduction is 280
required by state or federal law; 281

(f) The name, the residential address, the name of the 282
employer, the address of the employer, the social security 283
number, the residential telephone number, any bank account, 284
debit card, charge card, or credit card number, or the emergency 285
telephone number of the spouse, a former spouse, or any child of 286
a designated public service worker; 287

(g) A photograph of a peace officer who holds a position 288
or has an assignment that may include undercover or plain 289
clothes positions or assignments as determined by the peace 290
officer's appointing authority. 291

(9) As used in divisions (A) (7) and (15) to (17) of this 292
section: 293

"Peace officer" has the meaning defined in section 109.71 294
of the Revised Code and also includes the superintendent and 295
troopers of the state highway patrol; it does not include the 296
sheriff of a county or a supervisory employee who, in the 297
absence of the sheriff, is authorized to stand in for, exercise 298
the authority of, and perform the duties of the sheriff. 299

"Correctional employee" means any employee of the 300
department of rehabilitation and correction who in the course of 301
performing the employee's job duties has or has had contact with 302
inmates and persons under supervision. 303

"County or multicounty corrections officer" means any 304
corrections officer employed by any county or multicounty 305
correctional facility. 306

"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code.

"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.

(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	336 337
(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.	338 339 340 341 342 343
(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.	344 345
(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	346 347
(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	348 349 350 351
(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.	352 353
(15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties.	354 355 356 357
(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.	358 359 360 361
(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of	362 363

a body-worn camera or dashboard camera recording that shows, 364
communicates, or discloses any of the following: 365

(a) The image or identity of a child or information that 366
could lead to the identification of a child who is a primary 367
subject of the recording when the law enforcement agency knows 368
or has reason to know the person is a child based on the law 369
enforcement agency's records or the content of the recording; 370

(b) The death of a person or a deceased person's body, 371
unless the death was caused by a peace officer or, subject to 372
division (H)(1) of this section, the consent of the decedent's 373
executor or administrator has been obtained; 374

(c) The death of a peace officer, firefighter, paramedic, 375
or other first responder, occurring while the decedent was 376
engaged in the performance of official duties, unless, subject 377
to division (H)(1) of this section, the consent of the 378
decedent's executor or administrator has been obtained; 379

(d) Grievous bodily harm, unless the injury was effected 380
by a peace officer or, subject to division (H)(1) of this 381
section, the consent of the injured person or the injured 382
person's guardian has been obtained; 383

(e) An act of severe violence against a person that 384
results in serious physical harm to the person, unless the act 385
and injury was effected by a peace officer or, subject to 386
division (H)(1) of this section, the consent of the injured 387
person or the injured person's guardian has been obtained; 388

(f) Grievous bodily harm to a peace officer, firefighter, 389
paramedic, or other first responder, occurring while the injured 390
person was engaged in the performance of official duties, 391
unless, subject to division (H)(1) of this section, the consent 392

of the injured person or the injured person's guardian has been	393
obtained;	394
(g) An act of severe violence resulting in serious	395
physical harm against a peace officer, firefighter, paramedic,	396
or other first responder, occurring while the injured person was	397
engaged in the performance of official duties, unless, subject	398
to division (H) (1) of this section, the consent of the injured	399
person or the injured person's guardian has been obtained;	400
(h) A person's nude body, unless, subject to division (H)	401
(1) of this section, the person's consent has been obtained;	402
(i) Protected health information, the identity of a person	403
in a health care facility who is not the subject of a law	404
enforcement encounter, or any other information in a health care	405
facility that could identify a person who is not the subject of	406
a law enforcement encounter;	407
(j) Information that could identify the alleged victim of	408
a sex offense, menacing by stalking, or domestic violence;	409
(k) Information, that does not constitute a confidential	410
law enforcement investigatory record, that could identify a	411
person who provides sensitive or confidential information to a	412
law enforcement agency when the disclosure of the person's	413
identity or the information provided could reasonably be	414
expected to threaten or endanger the safety or property of the	415
person or another person;	416
(l) Personal information of a person who is not arrested,	417
cited, charged, or issued a written warning by a peace officer;	418
(m) Proprietary police contingency plans or tactics that	419
are intended to prevent crime and maintain public order and	420
safety;	421

(n) A personal conversation unrelated to work between 422
peace officers or between a peace officer and an employee of a 423
law enforcement agency; 424

(o) A conversation between a peace officer and a member of 425
the public that does not concern law enforcement activities; 426

(p) The interior of a residence, unless the interior of a 427
residence is the location of an adversarial encounter with, or a 428
use of force by, a peace officer; 429

(q) Any portion of the interior of a private business that 430
is not open to the public, unless an adversarial encounter with, 431
or a use of force by, a peace officer occurs in that location. 432

As used in division (A)(17) of this section: 433

"Grievous bodily harm" has the same meaning as in section 434
5924.120 of the Revised Code. 435

"Health care facility" has the same meaning as in section 436
1337.11 of the Revised Code. 437

"Protected health information" has the same meaning as in 438
45 C.F.R. 160.103. 439

"Law enforcement agency" has the same meaning as in 440
section 2925.61 of the Revised Code. 441

"Personal information" means any government-issued 442
identification number, date of birth, address, financial 443
information, or criminal justice information from the law 444
enforcement automated data system or similar databases. 445

"Sex offense" has the same meaning as in section 2907.10 446
of the Revised Code. 447

"Firefighter," "paramedic," and "first responder" have the 448

same meanings as in section 4765.01 of the Revised Code. 449

(B) (1) Upon request and subject to division (B) (8) of this 450
section, all public records responsive to the request shall be 451
promptly prepared and made available for inspection to any 452
person at all reasonable times during regular business hours. 453
Subject to division (B) (8) of this section, upon request by any 454
person, a public office or person responsible for public records 455
shall make copies of the requested public record available to 456
the requester at cost and within a reasonable period of time. If 457
a public record contains information that is exempt from the 458
duty to permit public inspection or to copy the public record, 459
the public office or the person responsible for the public 460
record shall make available all of the information within the 461
public record that is not exempt. When making that public record 462
available for public inspection or copying that public record, 463
the public office or the person responsible for the public 464
record shall notify the requester of any redaction or make the 465
redaction plainly visible. A redaction shall be deemed a denial 466
of a request to inspect or copy the redacted information, except 467
if federal or state law authorizes or requires a public office 468
to make the redaction. 469

(2) To facilitate broader access to public records, a 470
public office or the person responsible for public records shall 471
organize and maintain public records in a manner that they can 472
be made available for inspection or copying in accordance with 473
division (B) of this section. A public office also shall have 474
available a copy of its current records retention schedule at a 475
location readily available to the public. If a requester makes 476
an ambiguous or overly broad request or has difficulty in making 477
a request for copies or inspection of public records under this 478
section such that the public office or the person responsible 479

for the requested public record cannot reasonably identify what 480
public records are being requested, the public office or the 481
person responsible for the requested public record may deny the 482
request but shall provide the requester with an opportunity to 483
revise the request by informing the requester of the manner in 484
which records are maintained by the public office and accessed 485
in the ordinary course of the public office's or person's 486
duties. 487

(3) If a request is ultimately denied, in part or in 488
whole, the public office or the person responsible for the 489
requested public record shall provide the requester with an 490
explanation, including legal authority, setting forth why the 491
request was denied. If the initial request was provided in 492
writing, the explanation also shall be provided to the requester 493
in writing. The explanation shall not preclude the public office 494
or the person responsible for the requested public record from 495
relying upon additional reasons or legal authority in defending 496
an action commenced under division (C) of this section. 497

(4) Unless specifically required or authorized by state or 498
federal law or in accordance with division (B) of this section, 499
no public office or person responsible for public records may 500
limit or condition the availability of public records by 501
requiring disclosure of the requester's identity or the intended 502
use of the requested public record. Any requirement that the 503
requester disclose the requester's identity or the intended use 504
of the requested public record constitutes a denial of the 505
request. 506

(5) A public office or person responsible for public 507
records may ask a requester to make the request in writing, may 508
ask for the requester's identity, and may inquire about the 509

intended use of the information requested, but may do so only 510
after disclosing to the requester that a written request is not 511
mandatory, that the requester may decline to reveal the 512
requester's identity or the intended use, and when a written 513
request or disclosure of the identity or intended use would 514
benefit the requester by enhancing the ability of the public 515
office or person responsible for public records to identify, 516
locate, or deliver the public records sought by the requester. 517

(6) If any person requests a copy of a public record in 518
accordance with division (B) of this section, the public office 519
or person responsible for the public record may require that 520
person to pay in advance the cost involved in providing the copy 521
of the public record in accordance with the choice made by the 522
person requesting the copy under this division. The public 523
office or the person responsible for the public record shall 524
permit that person to choose to have the public record 525
duplicated upon paper, upon the same medium upon which the 526
public office or person responsible for the public record keeps 527
it, or upon any other medium upon which the public office or 528
person responsible for the public record determines that it 529
reasonably can be duplicated as an integral part of the normal 530
operations of the public office or person responsible for the 531
public record. When the person requesting the copy makes a 532
choice under this division, the public office or person 533
responsible for the public record shall provide a copy of it in 534
accordance with the choice made by that person. Nothing in this 535
section requires a public office or person responsible for the 536
public record to allow the person requesting a copy of the 537
public record to make the copies of the public record. 538

(7) (a) Upon a request made in accordance with division (B) 539
of this section and subject to division (B) (6) of this section, 540

a public office or person responsible for public records shall 541
transmit a copy of a public record to any person by United 542
States mail or by any other means of delivery or transmission 543
within a reasonable period of time after receiving the request 544
for the copy. The public office or person responsible for the 545
public record may require the person making the request to pay 546
in advance the cost of postage if the copy is transmitted by 547
United States mail or the cost of delivery if the copy is 548
transmitted other than by United States mail, and to pay in 549
advance the costs incurred for other supplies used in the 550
mailing, delivery, or transmission. 551

(b) Any public office may adopt a policy and procedures 552
that it will follow in transmitting, within a reasonable period 553
of time after receiving a request, copies of public records by 554
United States mail or by any other means of delivery or 555
transmission pursuant to division (B) (7) of this section. A 556
public office that adopts a policy and procedures under division 557
(B) (7) of this section shall comply with them in performing its 558
duties under that division. 559

(c) In any policy and procedures adopted under division 560
(B) (7) of this section: 561

(i) A public office may limit the number of records 562
requested by a person that the office will physically deliver by 563
United States mail or by another delivery service to ten per 564
month, unless the person certifies to the office in writing that 565
the person does not intend to use or forward the requested 566
records, or the information contained in them, for commercial 567
purposes; 568

(ii) A public office that chooses to provide some or all 569
of its public records on a web site that is fully accessible to 570

and searchable by members of the public at all times, other than 571
during acts of God outside the public office's control or 572
maintenance, and that charges no fee to search, access, 573
download, or otherwise receive records provided on the web site, 574
may limit to ten per month the number of records requested by a 575
person that the office will deliver in a digital format, unless 576
the requested records are not provided on the web site and 577
unless the person certifies to the office in writing that the 578
person does not intend to use or forward the requested records, 579
or the information contained in them, for commercial purposes. 580

(iii) For purposes of division (B) (7) of this section, 581
"commercial" shall be narrowly construed and does not include 582
reporting or gathering news, reporting or gathering information 583
to assist citizen oversight or understanding of the operation or 584
activities of government, or nonprofit educational research. 585

(8) A public office or person responsible for public 586
records is not required to permit a person who is incarcerated 587
pursuant to a criminal conviction or a juvenile adjudication to 588
inspect or to obtain a copy of any public record concerning a 589
criminal investigation or prosecution or concerning what would 590
be a criminal investigation or prosecution if the subject of the 591
investigation or prosecution were an adult, unless the request 592
to inspect or to obtain a copy of the record is for the purpose 593
of acquiring information that is subject to release as a public 594
record under this section and the judge who imposed the sentence 595
or made the adjudication with respect to the person, or the 596
judge's successor in office, finds that the information sought 597
in the public record is necessary to support what appears to be 598
a justiciable claim of the person. 599

(9) (a) Upon written request made and signed by a 600

journalist, a public office, or person responsible for public 601
records, having custody of the records of the agency employing a 602
specified designated public service worker shall disclose to the 603
journalist the address of the actual personal residence of the 604
designated public service worker and, if the designated public 605
service worker's spouse, former spouse, or child is employed by 606
a public office, the name and address of the employer of the 607
designated public service worker's spouse, former spouse, or 608
child. The request shall include the journalist's name and title 609
and the name and address of the journalist's employer and shall 610
state that disclosure of the information sought would be in the 611
public interest. 612

(b) Division (B) (9) (a) of this section also applies to 613
journalist requests for: 614

(i) Customer information maintained by a municipally owned 615
or operated public utility, other than social security numbers 616
and any private financial information such as credit reports, 617
payment methods, credit card numbers, and bank account 618
information; 619

(ii) Information about minors involved in a school vehicle 620
accident as provided in division (A) (1) (gg) of this section, 621
other than personal information as defined in section 149.45 of 622
the Revised Code. 623

(c) As used in division (B) (9) of this section, 624
"journalist" means a person engaged in, connected with, or 625
employed by any news medium, including a newspaper, magazine, 626
press association, news agency, or wire service, a radio or 627
television station, or a similar medium, for the purpose of 628
gathering, processing, transmitting, compiling, editing, or 629
disseminating information for the general public. 630

(10) Upon a request made by a victim, victim's attorney, 631
or victim's representative, as that term is used in section 632
2930.02 of the Revised Code, a public office or person 633
responsible for public records shall transmit a copy of a 634
depiction of the victim as described in division (A) (1) (gg) of 635
this section to the victim, victim's attorney, or victim's 636
representative. 637

(C) (1) If a person allegedly is aggrieved by the failure 638
of a public office or the person responsible for public records 639
to promptly prepare a public record and to make it available to 640
the person for inspection in accordance with division (B) of 641
this section or by any other failure of a public office or the 642
person responsible for public records to comply with an 643
obligation in accordance with division (B) of this section, the 644
person allegedly aggrieved may do only one of the following, and 645
not both: 646

(a) File a complaint with the clerk of the court of claims 647
or the clerk of the court of common pleas under section 2743.75 648
of the Revised Code; 649

(b) Commence a mandamus action to obtain a judgment that 650
orders the public office or the person responsible for the 651
public record to comply with division (B) of this section, that 652
awards court costs and reasonable attorney's fees to the person 653
that instituted the mandamus action, and, if applicable, that 654
includes an order fixing statutory damages under division (C) (2) 655
of this section. The mandamus action may be commenced in the 656
court of common pleas of the county in which division (B) of 657
this section allegedly was not complied with, in the supreme 658
court pursuant to its original jurisdiction under Section 2 of 659
Article IV, Ohio Constitution, or in the court of appeals for 660

the appellate district in which division (B) of this section 661
allegedly was not complied with pursuant to its original 662
jurisdiction under Section 3 of Article IV, Ohio Constitution. 663

(2) If a requester transmits a written request by hand 664
delivery, electronic submission, or certified mail to inspect or 665
receive copies of any public record in a manner that fairly 666
describes the public record or class of public records to the 667
public office or person responsible for the requested public 668
records, except as otherwise provided in this section, the 669
requester shall be entitled to recover the amount of statutory 670
damages set forth in this division if a court determines that 671
the public office or the person responsible for public records 672
failed to comply with an obligation in accordance with division 673
(B) of this section. 674

The amount of statutory damages shall be fixed at one 675
hundred dollars for each business day during which the public 676
office or person responsible for the requested public records 677
failed to comply with an obligation in accordance with division 678
(B) of this section, beginning with the day on which the 679
requester files a mandamus action to recover statutory damages, 680
up to a maximum of one thousand dollars. The award of statutory 681
damages shall not be construed as a penalty, but as compensation 682
for injury arising from lost use of the requested information. 683
The existence of this injury shall be conclusively presumed. The 684
award of statutory damages shall be in addition to all other 685
remedies authorized by this section. 686

The court may reduce an award of statutory damages or not 687
award statutory damages if the court determines both of the 688
following: 689

(a) That, based on the ordinary application of statutory 690

law and case law as it existed at the time of the conduct or 691
threatened conduct of the public office or person responsible 692
for the requested public records that allegedly constitutes a 693
failure to comply with an obligation in accordance with division 694
(B) of this section and that was the basis of the mandamus 695
action, a well-informed public office or person responsible for 696
the requested public records reasonably would believe that the 697
conduct or threatened conduct of the public office or person 698
responsible for the requested public records did not constitute 699
a failure to comply with an obligation in accordance with 700
division (B) of this section; 701

(b) That a well-informed public office or person 702
responsible for the requested public records reasonably would 703
believe that the conduct or threatened conduct of the public 704
office or person responsible for the requested public records 705
would serve the public policy that underlies the authority that 706
is asserted as permitting that conduct or threatened conduct. 707

(3) In a mandamus action filed under division (C) (1) of 708
this section, the following apply: 709

(a) (i) If the court orders the public office or the person 710
responsible for the public record to comply with division (B) of 711
this section, the court shall determine and award to the relator 712
all court costs, which shall be construed as remedial and not 713
punitive. 714

(ii) If the court makes a determination described in 715
division (C) (3) (b) (iii) of this section, the court shall 716
determine and award to the relator all court costs, which shall 717
be construed as remedial and not punitive. 718

(b) If the court renders a judgment that orders the public 719

office or the person responsible for the public record to comply 720
with division (B) of this section or if the court determines any 721
of the following, the court may award reasonable attorney's fees 722
to the relator, subject to division (C) (4) of this section: 723

(i) The public office or the person responsible for the 724
public records failed to respond affirmatively or negatively to 725
the public records request in accordance with the time allowed 726
under division (B) of this section. 727

(ii) The public office or the person responsible for the 728
public records promised to permit the relator to inspect or 729
receive copies of the public records requested within a 730
specified period of time but failed to fulfill that promise 731
within that specified period of time. 732

(iii) The public office or the person responsible for the 733
public records acted in bad faith when the office or person 734
voluntarily made the public records available to the relator for 735
the first time after the relator commenced the mandamus action, 736
but before the court issued any order concluding whether or not 737
the public office or person was required to comply with division 738
(B) of this section. No discovery may be conducted on the issue 739
of the alleged bad faith of the public office or person 740
responsible for the public records. This division shall not be 741
construed as creating a presumption that the public office or 742
the person responsible for the public records acted in bad faith 743
when the office or person voluntarily made the public records 744
available to the relator for the first time after the relator 745
commenced the mandamus action, but before the court issued any 746
order described in this division. 747

(c) The court shall not award attorney's fees to the 748
relator if the court determines both of the following: 749

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(4) All of the following apply to any award of reasonable attorney's fees awarded under division (C) (3) (b) of this section:

(a) The fees shall be construed as remedial and not punitive.

(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C) (4) (c) of this section.

(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount

of the fees and to otherwise litigate entitlement to the fees. 779

(d) The court may reduce the amount of fees awarded if the 780
court determines that, given the factual circumstances involved 781
with the specific public records request, an alternative means 782
should have been pursued to more effectively and efficiently 783
resolve the dispute that was subject to the mandamus action 784
filed under division (C) (1) of this section. 785

(5) If the court does not issue a writ of mandamus under 786
division (C) of this section and the court determines at that 787
time that the bringing of the mandamus action was frivolous 788
conduct as defined in division (A) of section 2323.51 of the 789
Revised Code, the court may award to the public office all court 790
costs, expenses, and reasonable attorney's fees, as determined 791
by the court. 792

(D) Chapter 1347. of the Revised Code does not limit the 793
provisions of this section. 794

(E) (1) To ensure that all employees of public offices are 795
appropriately educated about a public office's obligations under 796
division (B) of this section, all elected officials or their 797
appropriate designees shall attend training approved by the 798
attorney general as provided in section 109.43 of the Revised 799
Code. A future official may satisfy the requirements of this 800
division by attending the training before taking office, 801
provided that the future official may not send a designee in the 802
future official's place. 803

(2) All public offices shall adopt a public records policy 804
in compliance with this section for responding to public records 805
requests. In adopting a public records policy under this 806
division, a public office may obtain guidance from the model 807

public records policy developed and provided to the public 808
office by the attorney general under section 109.43 of the 809
Revised Code. Except as otherwise provided in this section, the 810
policy may not limit the number of public records that the 811
public office will make available to a single person, may not 812
limit the number of public records that it will make available 813
during a fixed period of time, and may not establish a fixed 814
period of time before it will respond to a request for 815
inspection or copying of public records, unless that period is 816
less than eight hours. 817

The public office shall distribute the public records 818
policy adopted by the public office under this division to the 819
employee of the public office who is the records custodian or 820
records manager or otherwise has custody of the records of that 821
office. The public office shall require that employee to 822
acknowledge receipt of the copy of the public records policy. 823
The public office shall create a poster that describes its 824
public records policy and shall post the poster in a conspicuous 825
place in the public office and in all locations where the public 826
office has branch offices. The public office may post its public 827
records policy on the internet web site of the public office if 828
the public office maintains an internet web site. A public 829
office that has established a manual or handbook of its general 830
policies and procedures for all employees of the public office 831
shall include the public records policy of the public office in 832
the manual or handbook. 833

(F) (1) The bureau of motor vehicles may adopt rules 834
pursuant to Chapter 119. of the Revised Code to reasonably limit 835
the number of bulk commercial special extraction requests made 836
by a person for the same records or for updated records during a 837
calendar year. The rules may include provisions for charges to 838

be made for bulk commercial special extraction requests for the 839
actual cost of the bureau, plus special extraction costs, plus 840
ten per cent. The bureau may charge for expenses for redacting 841
information, the release of which is prohibited by law. 842

(2) As used in division (F)(1) of this section: 843

(a) "Actual cost" means the cost of depleted supplies, 844
records storage media costs, actual mailing and alternative 845
delivery costs, or other transmitting costs, and any direct 846
equipment operating and maintenance costs, including actual 847
costs paid to private contractors for copying services. 848

(b) "Bulk commercial special extraction request" means a 849
request for copies of a record for information in a format other 850
than the format already available, or information that cannot be 851
extracted without examination of all items in a records series, 852
class of records, or database by a person who intends to use or 853
forward the copies for surveys, marketing, solicitation, or 854
resale for commercial purposes. "Bulk commercial special 855
extraction request" does not include a request by a person who 856
gives assurance to the bureau that the person making the request 857
does not intend to use or forward the requested copies for 858
surveys, marketing, solicitation, or resale for commercial 859
purposes. 860

(c) "Commercial" means profit-seeking production, buying, 861
or selling of any good, service, or other product. 862

(d) "Special extraction costs" means the cost of the time 863
spent by the lowest paid employee competent to perform the task, 864
the actual amount paid to outside private contractors employed 865
by the bureau, or the actual cost incurred to create computer 866
programs to make the special extraction. "Special extraction 867

costs" include any charges paid to a public agency for computer 868
or records services. 869

(3) For purposes of divisions (F) (1) and (2) of this 870
section, "surveys, marketing, solicitation, or resale for 871
commercial purposes" shall be narrowly construed and does not 872
include reporting or gathering news, reporting or gathering 873
information to assist citizen oversight or understanding of the 874
operation or activities of government, or nonprofit educational 875
research. 876

(G) A request by a defendant, counsel of a defendant, or 877
any agent of a defendant in a criminal action that public 878
records related to that action be made available under this 879
section shall be considered a demand for discovery pursuant to 880
the Criminal Rules, except to the extent that the Criminal Rules 881
plainly indicate a contrary intent. The defendant, counsel of 882
the defendant, or agent of the defendant making a request under 883
this division shall serve a copy of the request on the 884
prosecuting attorney, director of law, or other chief legal 885
officer responsible for prosecuting the action. 886

(H) (1) Any portion of a body-worn camera or dashboard 887
camera recording described in divisions (A) (17) (b) to (h) of 888
this section may be released by consent of the subject of the 889
recording or a representative of that person, as specified in 890
those divisions, only if either of the following applies: 891

(a) The recording will not be used in connection with any 892
probable or pending criminal proceedings; 893

(b) The recording has been used in connection with a 894
criminal proceeding that was dismissed or for which a judgment 895
has been entered pursuant to Rule 32 of the Rules of Criminal 896

Procedure, and will not be used again in connection with any 897
probable or pending criminal proceedings. 898

(2) If a public office denies a request to release a 899
restricted portion of a body-worn camera or dashboard camera 900
recording, as defined in division (A)(17) of this section, any 901
person may file a mandamus action pursuant to this section or a 902
complaint with the clerk of the court of claims pursuant to 903
section 2743.75 of the Revised Code, requesting the court to 904
order the release of all or portions of the recording. If the 905
court considering the request determines that the filing 906
articulates by clear and convincing evidence that the public 907
interest in the recording substantially outweighs privacy 908
interests and other interests asserted to deny release, the 909
court shall order the public office to release the recording. 910

Sec. 3701.17. (A) As used in this section: 911

(1) "Prosecutor" has the same meaning as in section 912
2935.01 of the Revised Code. 913

(2) "Protected health information" means information, in 914
any form, including oral, written, electronic, visual, 915
pictorial, or physical that describes an individual's past, 916
present, or future physical or mental health status or 917
condition, receipt of treatment or care, or purchase of health 918
products, if either of the following applies: 919

(a) The information reveals the identity of the individual 920
who is the subject of the information. 921

(b) The information could be used to reveal the identity 922
of the individual who is the subject of the information, either 923
by using the information alone or with other information that is 924
available to predictable recipients of the information. 925

(B) Protected health information reported to or obtained 926
by the director of health, the department of health, or a board 927
of health of a city or general health district is confidential 928
and shall not be released without the written consent of the 929
individual who is the subject of the information unless the 930
information is released pursuant to division (C) of this section 931
or one of the following applies: 932

(1) The release of the information is necessary to provide 933
treatment to the individual and the information is released 934
pursuant to a written agreement that requires the recipient of 935
the information to comply with the confidentiality requirements 936
established under this section. 937

(2) The release of the information is necessary to ensure 938
the accuracy of the information and the information is released 939
pursuant to a written agreement that requires the recipient of 940
the information to comply with the confidentiality requirements 941
established under this section. 942

(3) The information is released pursuant to a search 943
warrant or subpoena issued by or at the request of a grand jury 944
or prosecutor in connection with a criminal investigation or 945
prosecution. 946

(4) The director determines the release of the information 947
is necessary, based on an evaluation of relevant information, to 948
avert or mitigate a clear threat to an individual or to the 949
public health. Information may be released pursuant to this 950
division only to those persons or entities necessary to control, 951
prevent, or mitigate disease. 952

(5) The information is released to an emergency medical 953
services worker or that worker's employer pursuant to section 954

3707.11 of the Revised Code. 955

(C) Information that does not identify an individual is 956
not protected health information and may be released in summary, 957
statistical, or aggregate form. Information that is in a 958
summary, statistical, or aggregate form and that does not 959
identify an individual is a public record under section 149.43 960
of the Revised Code and, upon request, shall be released by the 961
director. 962

(D) Except for information released pursuant to division 963
(B) (4) of this section, any disclosure pursuant to this section 964
shall be in writing and accompanied by a written statement that 965
includes the following or substantially similar language: "This 966
information has been disclosed to you from confidential records 967
protected from disclosure by state law. If this information has 968
been released to you in other than a summary, statistical, or 969
aggregate form, you shall make no further disclosure of this 970
information without the specific, written, and informed release 971
of the individual to whom it pertains, or as otherwise permitted 972
by state law. A general authorization for the release of medical 973
or other information is not sufficient for the release of 974
information pursuant to this section." 975

Sec. 3707.11. (A) As used in this section and section 976
3707.111 of the Revised Code: 977

(1) "Board of health" means the board of health of a city 978
or general health district or the authority having the duties of 979
a board of health under section 3709.05 of the Revised Code. 980

(2) "Contagious or infectious disease" means COVID-19 or 981
any other disease classified as a class A disease pursuant to 982
rules adopted under section 3701.23 of the Revised Code. 983

<u>(3) "Emergency medical services worker" means all of the</u>	984
<u>following:</u>	985
<u>(a) A peace officer;</u>	986
<u>(b) An employee of an emergency medical service</u>	987
<u>organization as defined in section 4765.01 of the Revised Code;</u>	988
<u>(c) A firefighter employed by a political subdivision;</u>	989
<u>(d) A volunteer firefighter, emergency operator, or rescue</u>	990
<u>operator;</u>	991
<u>(e) An employee of a private organization that renders</u>	992
<u>rescue services, emergency medical services, or emergency</u>	993
<u>medical transportation to accident victims and persons suffering</u>	994
<u>serious illness or injury.</u>	995
<u>(4) "Peace officer" has the same meaning as in division</u>	996
<u>(A) of section 109.71 of the Revised Code, except that it also</u>	997
<u>includes a sheriff and the superintendent and troopers of the</u>	998
<u>state highway patrol.</u>	999
<u>(5) "Presumptive positive case" means at least one</u>	1000
<u>specimen taken from a patient has tested positive for the virus,</u>	1001
<u>bacterium, or other microorganism that causes a contagious or</u>	1002
<u>infectious disease.</u>	1003
<u>(B) A board of health that becomes aware of a patient's</u>	1004
<u>presumptive positive case for a contagious or infectious disease</u>	1005
<u>shall promptly determine whether the patient was treated,</u>	1006
<u>handled, or transported for medical care by an emergency medical</u>	1007
<u>services worker in the thirty days prior to becoming aware of</u>	1008
<u>the presumptive positive case. If the patient was treated,</u>	1009
<u>handled, or transported by one or more emergency medical</u>	1010
<u>services workers under those circumstances, the board of health</u>	1011

shall promptly provide verbal notification of the presumptive 1012
positive case to each emergency medical services worker involved 1013
with the patient's treatment, handling, or transportation, as 1014
well as that worker's employer. 1015

(C) Using the procedure set forth in section 3701.248 of 1016
the Revised Code, an emergency medical services worker who 1017
received verbal notification under division (B) of this section 1018
may request to be notified of the results of any test performed 1019
on the patient to determine the presence of a contagious or 1020
infectious disease. 1021

(D) No person or government entity shall knowingly fail to 1022
comply with division (B) of this section. 1023

(E) Any record of a verbal notification made under 1024
division (B) of this section is not a public record under 1025
section 149.43 of the Revised Code. 1026

Sec. 3707.111. (A) As used in this section, "violation" 1027
means an occasion of noncompliance involving a single injured 1028
individual. 1029

(B) A local board of health that knowingly violates 1030
division (B) of section 3707.11 of the Revised Code may be found 1031
liable in a civil action, which may be brought by any individual 1032
injured by the violation. Except as otherwise provided in 1033
division (C) of this section, the court may award compensatory 1034
damages and any equitable relief, including injunctive relief, 1035
it finds appropriate. If an award is made in favor of the 1036
plaintiff, the judge may award reasonable attorney's fees to the 1037
plaintiff after a hearing to determine the amount of the fees. 1038

(C) A local board of health that acts in good faith in 1039
accordance with section 3707.11 of the Revised Code is not 1040

liable for damages in a civil action brought pursuant to this 1041
section. 1042

(D) A civil action under this section is barred unless the 1043
action is commenced within one year after the cause of action 1044
accrued. 1045

(E) The remedies in this section are the exclusive civil 1046
remedies for an individual injured by noncompliance with section 1047
3707.11 of the Revised Code. 1048

Sec. 3727.80. (A) As used in this section and section 1049
3727.801 of the Revised Code: 1050

(1) "Contagious or infectious disease" means COVID-19 or 1051
any other disease classified as a class A disease pursuant to 1052
rules adopted under section 3701.23 of the Revised Code. 1053

(2) "Emergency medical services worker" means all of the 1054
following: 1055

(a) A peace officer; 1056

(b) An employee of an emergency medical service 1057
organization as defined in section 4765.01 of the Revised Code; 1058

(c) A firefighter employed by a political subdivision; 1059

(d) A volunteer firefighter, emergency operator, or rescue 1060
operator; 1061

(e) An employee of a private organization that renders 1062
rescue services, emergency medical services, or emergency 1063
medical transportation to accident victims and persons suffering 1064
serious illness or injury. 1065

(3) "Peace officer" has the same meaning as in division 1066
(A) of section 109.71 of the Revised Code, except that it also 1067

includes a sheriff and the superintendent and troopers of the 1068
state highway patrol. 1069

(4) "Presumptive positive case" means at least one 1070
specimen taken from a patient has tested positive for the virus, 1071
bacterium, or other microorganism that causes a contagious or 1072
infectious disease. 1073

(B) A hospital that becomes aware of a patient's 1074
presumptive positive case for a contagious or infectious disease 1075
shall promptly determine whether the patient was treated, 1076
handled, or transported for medical care by an emergency medical 1077
services worker in the thirty days prior to becoming aware of 1078
the presumptive positive case. If the patient was treated, 1079
handled, or transported by one or more emergency medical 1080
services workers under those circumstances, the hospital shall 1081
promptly provide verbal notification of the presumptive positive 1082
case to each emergency medical services worker involved with the 1083
patient's treatment, handling, or transportation, as well as 1084
that worker's employer. 1085

(C) Using the procedure in section 3701.248 of the Revised 1086
Code, an emergency medical services worker who received verbal 1087
notification under division (B) of this section may request to 1088
be notified of the results of any test performed on the patient 1089
to determine the presence of a contagious or infectious disease. 1090

(D) No person shall knowingly fail to comply with division 1091
(B) of this section. 1092

(E) Any record of a verbal notification made under 1093
division (B) of this section is not a public record under 1094
section 149.43 of the Revised Code. 1095

Sec. 3727.801. (A) As used in this section, "violation" 1096

means an occasion of noncompliance involving a single injured individual. 1097
1098

(B) A person or government entity that knowingly violates division (B) of section 3727.80 of the Revised Code may be found liable in a civil action, which may be brought by any individual injured by the violation. Except as otherwise provided in division (C) of this section, the court may award compensatory damages and any equitable relief, including injunctive relief, it finds appropriate. If an award is made in favor of the plaintiff, the judge may award reasonable attorney's fees to the plaintiff after a hearing to determine the amount of the fees. 1099
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(C) A person who acts in good faith in accordance with section 3727.80 of the Revised Code is not liable for damages in a civil action brought pursuant to this section. 1108
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(D) A civil action under this section is barred unless the action is commenced within one year after the cause of action accrued. 1111
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(E) The remedies in this section are the exclusive civil remedies for an individual injured by noncompliance with section 3727.80 of the Revised Code. 1114
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Sec. 3727.99. Whoever violates division (A) of section 3727.02 of the Revised Code is guilty of a misdemeanor of the first degree and shall be liable for an additional penalty of one thousand dollars for each day of operation in violation of such division. 1117
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Whoever violates division (D) of section 3727.80 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the fourth degree. 1122
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Section 2. That existing sections 149.43, 3701.17, and 1126
3727.99 of the Revised Code are hereby repealed. 1127

Section 3. This act is hereby declared to be an emergency 1128
measure necessary for the immediate preservation of the public 1129
peace, health, and safety. The reason for such necessity is that 1130
immediate action is crucial to protecting public health during 1131
the ongoing COVID-19 pandemic. Therefore, the act shall go into 1132
immediate effect. 1133