

**As Reported by the Senate Health, Human Services and Aging
Committee**

125th General Assembly

Regular Session

2003-2004

Am. Sub. H. B. No. 398

Representatives J. Stewart, Allen, Aslanides, Core, Hollister, McGregor,
Redfern, Seitz, Setzer, Taylor, Willamowski, Olman, Martin, Harwood, Barrett,
Cirelli, Hoops, Slaby, DeBose, Kearns, Brown, Callender, Carano, Chandler,
Collier, Distel, Domenick, C. Evans, Fessler, Flowers, Gilb, Hagan, Hughes,
Key, Miller, Otterman, S. Patton, T. Patton, Perry, Peterson, Price,
Reidelbach, Schaffer, Schmidt, G. Smith, S. Smith, D. Stewart, Strahorn,
Wilson

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A B I L L

To enact sections 5122.44 to 5122.47 of the Revised Code to require the Department of Mental Health to create compilations of information about patients buried, entombed, or inurned in cemeteries located on the grounds of or adjacent to the grounds of hospitals under the Department's control.

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

Section 1. That sections 5122.44, 5122.45, 5122.46, and 5122.47 of the Revised Code be enacted to read as follows:

Sec. 5122.44. As used in sections 5122.44 to 5122.47 of the Revised Code:

(A) "Compilation" means a written list of the following information, as the department of mental health is able to reasonably ascertain, for every patient who was buried, entombed,

or inurned prior to the effective date of this section in a
cemetery located on the grounds of or adjacent to the grounds of a
public hospital:

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(1) Name;

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(2) Date of birth;

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(3) Date of death or burial;

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(4) Specific physical location of the burial, entombment, or
inurnment, including the plot or grave site number if available.

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(B) "Patient" means an individual who died while admitted to
a public hospital that was under the control of the department of
mental health.

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(C) "Record" has the same meaning as in section 149.011 of
the Revised Code.

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(D) "State agency" means every organized body, office, or
agency established by the laws of the state for the exercise of
any function of state government.

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Sec. 5122.45. The department of mental health shall create a
separate compilation for each cemetery located on the grounds of
or adjacent to the grounds of a public hospital that is under the
control of the department on the effective date of this section.
The compilation shall be created within a reasonable time not
exceeding three years after the effective date of this section.
The department shall use its best efforts to create the most
complete compilations possible using records in the department's
possession and records obtained in accordance with section 5122.46
of the Revised Code.

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Sec. 5122.46. The Ohio historical society and each state
agency shall, at the request of the department of mental health,
provide the department access to records and information in the

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possession of the historical society or state agency for purposes 43
of creating compilations. 44

Sec. 5122.47. The department of mental health shall deposit a 45
copy of each compilation with the Ohio historical society and the 46
state library as soon as a compilation is completed. The 47
department shall not disclose any record or information used to 48
create a compilation except as provided in sections 149.43 and 49
5122.31 of the Revised Code. 50