

## As Passed by the House

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Representatives J. Stewart, Allen, Aslanides, Barrett, Beatty, Bocchieri, Brown, Buehrer, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Core, Daniels, DeBose, DePiero, Domenick, Driehaus, C. Evans, Faber, Flowers, Gibbs, Gilb, Hartnett, Harwood, Hollister, Husted, Jolivette, Key, Latta, Martin, Miller, Niehaus, Oelslager, Olman, S. Patton, T. Patton, Perry, Peterson, Price, Raussen, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Seitz, Setzer, Sferra, G. Smith, D. Stewart, Strahorn, Sykes, Taylor, Ujvagi, Walcher, Webster, White, Widowfield, Williams, Wolpert, Woodard, Yates

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### A B I L L

To amend sections 149.43, 339.89, 3701.03, 3701.04, 1  
3701.06, 3701.07, 3701.13, 3701.14, 3701.15, 2  
3701.16, 3701.17, 3701.19, 3701.22, 3701.23, 3  
3701.24, 3701.241, 3701.25, 3701.34, 3701.35, 4  
3701.352, 3701.501, 3701.56, 3701.57, 3701.99, 5  
3707.06, 3715.02, 3901.46, and 4736.01; to amend, 6  
for the purpose of adopting new section numbers as 7  
indicated in parentheses, sections 3701.16 8  
(3701.161), 3701.17 (3701.162), 3701.23 9  
(3701.221), and 3707.33 (3707.38); to enact new 10  
sections 3701.16, 3701.17, and 3701.23 and 11  
sections 3701.072, 3701.146, 3701.201, 3701.231, 12  
3701.232, 3701.571, and 3707.34 of the Revised 13  
Code; to amend the version of section 149.43 of 14  
the Revised Code that is scheduled to take effect 15  
January 1, 2004; and to amend Section 56.01 of Am. 16  
Sub. H.B. 94 of the 124th General Assembly, as 17

subsequently amended, to modify the powers and 18  
duties of the Department of Health, Public Health 19  
Council, and boards of health relative to 20  
bioterrorism and other public health matters. 21

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

**Section 1.** That sections 149.43, 339.89, 3701.03, 3701.04, 22  
3701.06, 3701.07, 3701.13, 3701.14, 3701.15, 3701.16, 3701.17, 23  
3701.19, 3701.22, 3701.23, 3701.24, 3701.241, 3701.25, 3701.34, 24  
3701.35, 3701.352, 3701.501, 3701.56, 3701.57, 3701.99, 3707.06, 25  
3715.02, 3901.46, and 4736.01 be amended; sections 3701.16 26  
(3701.161), 3701.17 (3701.162), 3701.23 (3701.221), and 3707.33 27  
(3707.38) be amended for the purpose of adopting new section 28  
numbers as indicated in parentheses; and new sections 3701.16, 29  
3701.17, and 3701.23 and sections 3701.072, 3701.146, 3701.201, 30  
3701.231, 3701.232, 3701.571, and 3707.34 of the Revised Code be 31  
enacted to read as follows: 32

**Sec. 149.43.** (A) As used in this section: 33

(1) "Public record" means records kept by any public office, 34  
including, but not limited to, state, county, city, village, 35  
township, and school district units, and records pertaining to the 36  
delivery of educational services by an alternative school in Ohio 37  
kept by a nonprofit or for profit entity operating such 38  
alternative school pursuant to section 3313.533 of the Revised 39  
Code. "Public record" does not mean any of the following: 40

(a) Medical records; 41

(b) Records pertaining to probation and parole proceedings; 42

(c) Records pertaining to actions under section 2151.85 and 43  
division (C) of section 2919.121 of the Revised Code and to 44

appeals of actions arising under those sections;	45
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;	46 47 48
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	49 50 51 52 53 54
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	55 56 57
(g) Trial preparation records;	58
(h) Confidential law enforcement investigatory records;	59
(i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;	60 61
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	62 63
(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;	64 65 66 67
(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;	68 69 70 71
(m) Intellectual property records;	72
(n) Donor profile records;	73

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	74 75
(p) Peace officer, firefighter, or EMT residential and familial information;	76 77
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	78 79 80
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	81 82
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;	83 84 85 86 87
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	88 89 90 91
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	92 93 94 95 96
(v) Records the release of which is prohibited by state or federal law;	97 98
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	99 100 101
<u>(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code.</u>	102 103

(2) "Confidential law enforcement investigatory record" means 104  
any record that pertains to a law enforcement matter of a 105  
criminal, quasi-criminal, civil, or administrative nature, but 106  
only to the extent that the release of the record would create a 107  
high probability of disclosure of any of the following: 108

(a) The identity of a suspect who has not been charged with 109  
the offense to which the record pertains, or of an information 110  
source or witness to whom confidentiality has been reasonably 111  
promised; 112

(b) Information provided by an information source or witness 113  
to whom confidentiality has been reasonably promised, which 114  
information would reasonably tend to disclose the source's or 115  
witness's identity; 116

(c) Specific confidential investigatory techniques or 117  
procedures or specific investigatory work product; 118

(d) Information that would endanger the life or physical 119  
safety of law enforcement personnel, a crime victim, a witness, or 120  
a confidential information source. 121

(3) "Medical record" means any document or combination of 122  
documents, except births, deaths, and the fact of admission to or 123  
discharge from a hospital, that pertains to the medical history, 124  
diagnosis, prognosis, or medical condition of a patient and that 125  
is generated and maintained in the process of medical treatment. 126

(4) "Trial preparation record" means any record that contains 127  
information that is specifically compiled in reasonable 128  
anticipation of, or in defense of, a civil or criminal action or 129  
proceeding, including the independent thought processes and 130  
personal trial preparation of an attorney. 131

(5) "Intellectual property record" means a record, other than 132  
a financial or administrative record, that is produced or 133

collected by or for faculty or staff of a state institution of 134  
higher learning in the conduct of or as a result of study or 135  
research on an educational, commercial, scientific, artistic, 136  
technical, or scholarly issue, regardless of whether the study or 137  
research was sponsored by the institution alone or in conjunction 138  
with a governmental body or private concern, and that has not been 139  
publicly released, published, or patented. 140

(6) "Donor profile record" means all records about donors or 141  
potential donors to a public institution of higher education 142  
except the names and reported addresses of the actual donors and 143  
the date, amount, and conditions of the actual donation. 144

(7) "Peace officer, firefighter, or EMT residential and 145  
familial information" means either of the following: 146

(a) Any information maintained in a personnel record of a 147  
peace officer, firefighter, or EMT that discloses any of the 148  
following: 149

(i) The address of the actual personal residence of a peace 150  
officer, firefighter, or EMT, except for the state or political 151  
subdivision in which the peace officer, firefighter, or EMT 152  
resides; 153

(ii) Information compiled from referral to or participation 154  
in an employee assistance program; 155

(iii) The social security number, the residential telephone 156  
number, any bank account, debit card, charge card, or credit card 157  
number, or the emergency telephone number of, or any medical 158  
information pertaining to, a peace officer, firefighter, or EMT; 159

(iv) The name of any beneficiary of employment benefits, 160  
including, but not limited to, life insurance benefits, provided 161  
to a peace officer, firefighter, or EMT by the peace officer's, 162  
firefighter's, or EMT's employer; 163

(v) The identity and amount of any charitable or employment 164  
benefit deduction made by the peace officer's, firefighter's, or 165  
EMT's employer from the peace officer's, firefighter's, or EMT's 166  
compensation unless the amount of the deduction is required by 167  
state or federal law; 168

(vi) The name, the residential address, the name of the 169  
employer, the address of the employer, the social security number, 170  
the residential telephone number, any bank account, debit card, 171  
charge card, or credit card number, or the emergency telephone 172  
number of the spouse, a former spouse, or any child of a peace 173  
officer, firefighter, or EMT. 174

(b) Any record that identifies a person's occupation as a 175  
peace officer, firefighter, or EMT other than statements required 176  
to include the disclosure of that fact under the campaign finance 177  
law. 178

As used in divisions (A)(7) and (B)(5) of this section, 179  
"peace officer" has the same meaning as in section 109.71 of the 180  
Revised Code and also includes the superintendent and troopers of 181  
the state highway patrol; it does not include the sheriff of a 182  
county or a supervisory employee who, in the absence of the 183  
sheriff, is authorized to stand in for, exercise the authority of, 184  
and perform the duties of the sheriff. 185

As used in divisions (A)(7) and (B)(5) of this section, 186  
"firefighter" means any regular, paid or volunteer, member of a 187  
lawfully constituted fire department of a municipal corporation, 188  
township, fire district, or village. 189

As used in divisions (A)(7) and (B)(5) of this section, "EMT" 190  
means EMTs-basic, EMTs-I, and paramedics that provide emergency 191  
medical services for a public emergency medical service 192  
organization. "Emergency medical service organization," 193  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 194

section 4765.01 of the Revised Code.	195
(8) "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:	196 197 198 199 200
(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;	201 202 203
(b) The social security number, birth date, or photographic image of a person under the age of eighteen;	204 205
(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	206 207
(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.	208 209 210 211 212 213
(B)(1) Subject to division (B)(4) of this section, all public records shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(4) of this section, upon request, a public office or person responsible for public records shall make copies available at cost, within a reasonable period of time. In order to facilitate broader access to public records, public offices shall maintain public records in a manner that they can be made available for inspection in accordance with this division.	214 215 216 217 218 219 220 221 222 223
(2) If any person chooses to obtain a copy of a public record in accordance with division (B)(1) of this section, the public	224 225



office or person responsible for the public record shall permit 226  
that person to choose to have the public record duplicated upon 227  
paper, upon the same medium upon which the public office or person 228  
responsible for the public record keeps it, or upon any other 229  
medium upon which the public office or person responsible for the 230  
public record determines that it reasonably can be duplicated as 231  
an integral part of the normal operations of the public office or 232  
person responsible for the public record. When the person seeking 233  
the copy makes a choice under this division, the public office or 234  
person responsible for the public record shall provide a copy of 235  
it in accordance with the choice made by the person seeking the 236  
copy. 237

(3) Upon a request made in accordance with division (B)(1) of 238  
this section, a public office or person responsible for public 239  
records shall transmit a copy of a public record to any person by 240  
United States mail within a reasonable period of time after 241  
receiving the request for the copy. The public office or person 242  
responsible for the public record may require the person making 243  
the request to pay in advance the cost of postage and other 244  
supplies used in the mailing. 245

Any public office may adopt a policy and procedures that it 246  
will follow in transmitting, within a reasonable period of time 247  
after receiving a request, copies of public records by United 248  
States mail pursuant to this division. A public office that adopts 249  
a policy and procedures under this division shall comply with them 250  
in performing its duties under this division. 251

In any policy and procedures adopted under this division, a 252  
public office may limit the number of records requested by a 253  
person that the office will transmit by United States mail to ten 254  
per month, unless the person certifies to the office in writing 255  
that the person does not intend to use or forward the requested 256  
records, or the information contained in them, for commercial 257

purposes. For purposes of this division, "commercial" shall be 258  
narrowly construed and does not include reporting or gathering 259  
news, reporting or gathering information to assist citizen 260  
oversight or understanding of the operation or activities of 261  
government, or nonprofit educational research. 262

(4) A public office or person responsible for public records 263  
is not required to permit a person who is incarcerated pursuant to 264  
a criminal conviction or a juvenile adjudication to inspect or to 265  
obtain a copy of any public record concerning a criminal 266  
investigation or prosecution or concerning what would be a 267  
criminal investigation or prosecution if the subject of the 268  
investigation or prosecution were an adult, unless the request to 269  
inspect or to obtain a copy of the record is for the purpose of 270  
acquiring information that is subject to release as a public 271  
record under this section and the judge who imposed the sentence 272  
or made the adjudication with respect to the person, or the 273  
judge's successor in office, finds that the information sought in 274  
the public record is necessary to support what appears to be a 275  
justiciable claim of the person. 276

(5) Upon written request made and signed by a journalist on 277  
or after December 16, 1999, a public office, or person responsible 278  
for public records, having custody of the records of the agency 279  
employing a specified peace officer, firefighter, or EMT shall 280  
disclose to the journalist the address of the actual personal 281  
residence of the peace officer, firefighter or EMT and, if the 282  
peace officer's, firefighter's or EMT's spouse, former spouse, or 283  
child is employed by a public office, the name and address of the 284  
employer of the peace officer's, firefighter's, or EMT's spouse, 285  
former spouse, or child. The request shall include the 286  
journalist's name and title and the name and address of the 287  
journalist's employer and shall state that disclosure of the 288  
information sought would be in the public interest. 289

As used in division (B)(5) of this section, "journalist" 290  
means a person engaged in, connected with, or employed by any news 291  
medium, including a newspaper, magazine, press association, news 292  
agency, or wire service, a radio or television station, or a 293  
similar medium, for the purpose of gathering, processing, 294  
transmitting, compiling, editing, or disseminating information for 295  
the general public. 296

(C) If a person allegedly is aggrieved by the failure of a 297  
public office to promptly prepare a public record and to make it 298  
available to the person for inspection in accordance with division 299  
(B) of this section, or if a person who has requested a copy of a 300  
public record allegedly is aggrieved by the failure of a public 301  
office or the person responsible for the public record to make a 302  
copy available to the person allegedly aggrieved in accordance 303  
with division (B) of this section, the person allegedly aggrieved 304  
may commence a mandamus action to obtain a judgment that orders 305  
the public office or the person responsible for the public record 306  
to comply with division (B) of this section and that awards 307  
reasonable attorney's fees to the person that instituted the 308  
mandamus action. The mandamus action may be commenced in the court 309  
of common pleas of the county in which division (B) of this 310  
section allegedly was not complied with, in the supreme court 311  
pursuant to its original jurisdiction under Section 2 of Article 312  
IV, Ohio Constitution, or in the court of appeals for the 313  
appellate district in which division (B) of this section allegedly 314  
was not complied with pursuant to its original jurisdiction under 315  
Section 3 of Article IV, Ohio Constitution. 316

(D) Chapter 1347. of the Revised Code does not limit the 317  
provisions of this section. 318

(E)(1) The bureau of motor vehicles may adopt rules pursuant 319  
to Chapter 119. of the Revised Code to reasonably limit the number 320  
of bulk commercial special extraction requests made by a person 321

for the same records or for updated records during a calendar 322  
year. The rules may include provisions for charges to be made for 323  
bulk commercial special extraction requests for the actual cost of 324  
the bureau, plus special extraction costs, plus ten per cent. The 325  
bureau may charge for expenses for redacting information, the 326  
release of which is prohibited by law. 327

(2) As used in divisions (B)(3) and (E)(1) of this section: 328

(a) "Actual cost" means the cost of depleted supplies, 329  
records storage media costs, actual mailing and alternative 330  
delivery costs, or other transmitting costs, and any direct 331  
equipment operating and maintenance costs, including actual costs 332  
paid to private contractors for copying services. 333

(b) "Bulk commercial special extraction request" means a 334  
request for copies of a record for information in a format other 335  
than the format already available, or information that cannot be 336  
extracted without examination of all items in a records series, 337  
class of records, or data base by a person who intends to use or 338  
forward the copies for surveys, marketing, solicitation, or resale 339  
for commercial purposes. "Bulk commercial special extraction 340  
request" does not include a request by a person who gives 341  
assurance to the bureau that the person making the request does 342  
not intend to use or forward the requested copies for surveys, 343  
marketing, solicitation, or resale for commercial purposes. 344

(c) "Commercial" means profit-seeking production, buying, or 345  
selling of any good, service, or other product. 346

(d) "Special extraction costs" means the cost of the time 347  
spent by the lowest paid employee competent to perform the task, 348  
the actual amount paid to outside private contractors employed by 349  
the bureau, or the actual cost incurred to create computer 350  
programs to make the special extraction. "Special extraction 351  
costs" include any charges paid to a public agency for computer or 352

records services. 353

(3) For purposes of divisions (E)(1) and (2) of this section, 354  
"commercial surveys, marketing, solicitation, or resale" shall be 355  
narrowly construed and does not include reporting or gathering 356  
news, reporting or gathering information to assist citizen 357  
oversight or understanding of the operation or activities of 358  
government, or nonprofit educational research. 359

**Sec. 339.89.** Sections 339.71 to 339.88 of the Revised Code, 360  
and the rules for tuberculosis adopted under section ~~3701.14~~ 361  
3701.146 of the Revised Code, do not require a person to undergo 362  
testing, medical treatment, or detention in a hospital or other 363  
place for treatment if the person, or, in the case of a child, the 364  
child's parents, rely exclusively on spiritual treatment through 365  
prayer, in lieu of medical treatment, in accordance with a 366  
recognized, religious method of healing. The person may be 367  
quarantined or otherwise safely isolated in the home or another 368  
place that is suitable to the health of the person and has been 369  
approved by the tuberculosis control unit as a place that provides 370  
appropriate protection to other persons and the community. 371

**Sec. 3701.03.** (A) The director of health shall perform ~~such~~ 372  
duties ~~as that~~ are incident to ~~his~~ the director's position as 373  
chief executive officer of the department of health. ~~He~~ The 374  
director shall administer the laws relating to health and 375  
sanitation and the ~~regulations~~ rules of the department of health. 376  
~~He~~ The director may designate employees of the department and, 377  
during a public health emergency, other persons to administer the 378  
laws and rules on the director's behalf. 379

(B) Nothing in this section authorizes any action that 380  
prevents the fulfillment of duties or impairs the exercise of 381  
authority established by law for any other person or entity. 382

(C) The director shall prepare sanitary and public health regulations ~~rules~~ for consideration by the public health council and ~~shall~~ submit to ~~said~~ the council recommendations for new legislation. The director shall sit at meetings of the council but shall have no vote.

**Sec. 3701.04.** (A) The director of health shall:

(1) Require ~~such~~ reports and make ~~such~~ inspections and investigations ~~as~~ that the director considers necessary;

(2) Provide ~~such methods of~~ administration, appoint ~~such~~ personnel, make ~~such~~ reports, and take ~~such~~ other action as ~~may be~~ necessary to comply with the requirements of the ~~federal act~~ "Construction and Modernization of Hospitals and Other Medical Facilities Act," Title VI of the "Public Health Service Act," 60 Stat. 1041 (1946), 42 U.S.C. 291, as amended, and the regulations ~~thereunder~~ adopted under that act;

(3) Procure by contract the temporary or intermittent services of experts ~~or,~~ consultants, or organizations ~~thereof~~ when ~~such~~ those services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;

(4) Enter into agreements for the utilization of the facilities and services of other departments, agencies, and institutions, public or private;

(5) On behalf of the state, solicit, accept, hold, administer, and deposit in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code, any grant, gift, devise, bequest, or contribution made to assist in meeting the cost of carrying out the director's responsibilities and expend the grant, gift, ~~devise~~ devise, bequest, or contribution for the purpose for which made. Fees

collected by the director in connection with meetings and 413  
conferences shall also be credited to the fund and expended for 414  
the purposes for which paid. 415

(6) Make an annual report to the governor on activities and 416  
expenditures, including recommendations for such additional 417  
legislation as the director considers appropriate to furnish 418  
adequate hospital, clinic, and similar facilities to the people of 419  
this state. 420

(B) The director of health may enter into agreements to sell 421  
services offered by the department of health to boards of health 422  
of city and general health districts and to other departments, 423  
agencies, and institutions of ~~the~~ this state, other states, or the 424  
United States. Fees collected by the director for the sale of 425  
services ~~under this division~~ shall be deposited into the state 426  
treasury to the credit of the general operations fund created in 427  
section 3701.83 of the Revised Code. 428

**Sec. 3701.06.** The director of health and any person 429  
~~authorized by him~~ the director authorizes may, without fee or 430  
hindrance, enter, examine, and survey all grounds, vehicles, 431  
apartments, buildings, and places in furtherance of any duty laid 432  
upon the director or department of health or where ~~he~~ the director 433  
has reason to believe there exists a violation of any health law 434  
or ~~of the sanitary code~~ rule. 435

**Sec. 3701.07.** (A) The public health council shall adopt rules 436  
in accordance with Chapter 119. of the Revised Code defining and 437  
classifying hospitals and dispensaries and providing for the 438  
reporting of information by hospitals and dispensaries. ~~The~~ Except 439  
as otherwise provided in the Revised Code, the rules providing for 440  
the reporting of information shall not require inclusion of any 441  
confidential patient data or any information concerning the 442

financial condition, income, expenses, or net worth of the 443  
facilities other than that financial information already contained 444  
in those portions of the medicare or medicaid cost report that is 445  
necessary for the department of health to certify the per diem 446  
cost under section 3701.62 of the Revised Code. The rules may 447  
require the reporting of information in the following categories: 448

(1) Information needed to identify and classify the 449  
institution; 450

(2) Information on facilities and type and volume of services 451  
provided by the institution; 452

(3) The number of beds listed by category of care provided; 453

(4) The number of licensed or certified professional 454  
employees by classification; 455

(5) The number of births that occurred at the institution the 456  
previous calendar year; 457

(6) Any other information that the council considers relevant 458  
to the safety of patients served by the institution. 459

Every hospital and dispensary, public or private, annually 460  
shall register with and report to the department of health. 461  
Reports shall be submitted in the manner prescribed in ~~rule~~ rules 462  
adopted under this division. 463

(B) Every governmental entity or private nonprofit 464  
corporation or association whose employees or representatives are 465  
defined as residents' rights advocates under divisions (E)(1) and 466  
(2) of section 3721.10 or division (A)(10) of section 3722.01 of 467  
the Revised Code shall register with the department of health on 468  
forms furnished by the director of health and shall provide such 469  
reasonable identifying information as the director may prescribe. 470

The department shall compile a list of the governmental 471  
entities, corporations, or associations registering under this 472



division and shall update the list annually. Copies of the list 473  
shall be made available to nursing home administrators as defined 474  
in division (C) of section 3721.10 of the Revised Code and to 475  
adult care facility managers as defined in section 3722.01 of the 476  
Revised Code. 477

(C) Every governmental entity or private nonprofit 478  
corporation or association whose employees or representatives act 479  
as residents' rights advocates for community alternative homes 480  
pursuant to section 3724.08 of the Revised Code shall register 481  
with the department of health on forms furnished by the director 482  
of health and shall provide such reasonable identifying 483  
information as the director may prescribe. 484

The department shall compile a list of the governmental 485  
entities, corporations, and associations registering under this 486  
division and shall update the list annually. Copies of the list 487  
shall be made available to operators or residence managers of 488  
community alternative homes as defined in section 3724.01 of the 489  
Revised Code. 490

Sec. 3701.072. (A) As used in this chapter: 491

(1) "Bioterrorism" has the same meaning as in section 492  
3701.232 of the Revised Code. 493

(2) "Surveillance" in the public health service means the 494  
systematic collection, analysis, interpretation, and dissemination 495  
of health data on an ongoing basis, to gain knowledge of the 496  
pattern of disease occurrence and potential in a community in 497  
order to control and prevent disease in the community. 498

(3) "Trauma center" has the same meaning as in section 499  
4765.01 of the Revised Code. 500

(B) The public health council shall adopt rules in accordance 501  
with Chapter 119. of the Revised Code that require a trauma center 502

to report information to the director of health describing the  
trauma center's preparedness and capacity to respond to disasters,  
mass casualties, and bioterrorism. The council's rules may require  
the reporting of any information the council considers necessary  
for an accurate description of a trauma center's preparedness and  
capacity to respond to disasters, mass casualties, and  
bioterrorism. Information reported pursuant to this division is  
not a public record under section 149.43 of the Revised Code.

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(C) Upon request, the department of health shall provide a  
summary report of the public health council's rules adopted  
pursuant to this section.

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(D) The director shall review all information received  
pursuant to this section. After reviewing the information, the  
director may conduct an evaluation of a trauma center's  
preparedness and capacity to respond to disasters, mass  
casualties, and bioterrorism. An evaluation conducted pursuant to  
this division is not a public record under section 149.43 of the  
Revised Code.

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**Sec. 3701.13.** The department of health shall have supervision  
of all matters relating to the preservation of the life and health  
of the people and have ~~supreme~~ ultimate authority in matters of  
quarantine and isolation, which it may declare and enforce, when  
~~none~~ neither exists, and modify, relax, or abolish, when ~~it~~ either  
has been established. It may approve means of immunization against  
mumps, poliomyelitis, rubeola, diphtheria, rubella (German  
measles), pertussis, tetanus, and hepatitis B for the purpose of  
carrying out the provisions of section 3313.671 of the Revised  
Code and take such actions as are necessary to encourage  
vaccination against those diseases. It may make special or  
standing orders or rules for preventing the use of fluoroscopes  
for nonmedical purposes which emit doses of radiation likely to be

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harmful to any person, for preventing the spread of contagious or 534  
infectious diseases, for governing the receipt and conveyance of 535  
remains of deceased persons, and for such other sanitary matters 536  
as are best controlled by a general rule. Whenever possible, the 537  
department shall work in cooperation with the health commissioner 538  
of a general or city health district. It may make and enforce 539  
orders in local matters when an emergency exists, or when the 540  
board of health of a general or city health district has neglected 541  
or refused to act with sufficient promptness or efficiency, or 542  
when such board has not been established as provided by sections 543  
3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 544  
of the Revised Code. In such cases the necessary expense incurred 545  
shall be paid by the general health district or city for which the 546  
services are rendered. 547

The department may make evaluative studies of the nutritional 548  
status of Ohio residents, and of the food and nutrition-related 549  
programs operating within the state. Every agency of the state, at 550  
the request of the department, shall provide information and 551  
otherwise assist in the execution of such studies. 552

**Sec. 3701.14.** (A) The director of health shall investigate or 553  
make inquiry as to the cause of disease, ~~especially when or~~ 554  
illness, including contagious, infectious, epidemic, pandemic, or 555  
endemic conditions, and take prompt action to control and suppress 556  
it. The reports of births and deaths, the sanitary conditions and 557  
effects of localities and employments, the personal and business 558  
habits of the people that affect their health, and the relation of 559  
the diseases of man and beast, shall be subjects of study by the 560  
director. The director may make and execute orders necessary to 561  
protect the people against diseases of lower animals, and shall 562  
collect and preserve information in respect to such matters and 563  
kindred subjects as may be useful in the discharge of the 564

director's duties, and for dissemination among the people. When 565  
called upon by the state or local governments, or the board of 566  
health of a general or city health district, the director shall 567  
promptly investigate and report upon the water supply, sewerage, 568  
disposal of excreta of any locality, and the heating, plumbing, 569  
and ventilation of a public building. 570

~~(B) With regard to tuberculosis, the following apply:~~ 571

~~(1) The director shall make payments to boards of county 572  
commissioners in accordance with section 339.77 of the Revised 573  
Code:~~ 574

~~(2) The director shall maintain registries of hospitals, 575  
clinics, physicians, or other care providers to whom the director 576  
shall refer persons who make inquiries to the department of health 577  
regarding possible exposure to tuberculosis:~~ 578

~~(3) The director shall engage in tuberculosis surveillance 579  
activities, including the collection and analysis of 580  
epidemiological information relative to the frequency of 581  
tuberculosis infection, demographic and geographic distribution of 582  
tuberculosis cases, and trends pertaining to tuberculosis:~~ 583

~~(4) The director shall maintain a tuberculosis registry to 584  
record the incidence of tuberculosis in this state:~~ 585

~~(5) The director may appoint physicians to serve as 586  
tuberculosis consultants for geographic regions of the state 587  
specified by the director. Each tuberculosis consultant shall act 588  
in accordance with guidelines established by the director and 589  
shall be responsible for advising and assisting physicians and 590  
other health care practitioners who participate in tuberculosis 591  
control activities and for reviewing medical records pertaining to 592  
the treatment provided to individuals with tuberculosis. 593~~

~~(6) The public health council shall adopt rules establishing 594~~

<del>standards for the following:</del>	595
<del>(a) Performing tuberculosis screenings;</del>	596
<del>(b) Performing examinations of individuals who have been exposed to tuberculosis and individuals who are suspected of having tuberculosis;</del>	597 598 599
<del>(c) Providing treatment to individuals with tuberculosis;</del>	600
<del>(d) Methods of preventing individuals with communicable tuberculosis from infecting other individuals;</del>	601 602
<del>(e) Performing laboratory tests for tuberculosis and studies of the resistance of tuberculosis to one or more drugs;</del>	603 604
<del>(f) Selecting laboratories that provide in a timely fashion the results of a laboratory test for tuberculosis. The standards shall include a requirement that first consideration be given to laboratories located in this state.</del>	605 606 607 608
<del>The rules shall be adopted in accordance with Chapter 119. of the Revised Code and shall be consistent with any recommendations or guidelines on tuberculosis issued by the United States centers for disease control and prevention or by the American thoracic society. The rules shall apply to county or district tuberculosis control units, physicians who examine and treat individuals for tuberculosis, and laboratories that perform tests for tuberculosis</del>	609 610 611 612 613 614 615
<u>Information obtained during an investigation or inquiry the director currently is conducting pursuant to division (A) of this section and that is not yet complete is confidential during the course of that investigation and shall not be released except under one of the following conditions:</u>	616 617 618 619 620
<u>(1) The confidential information is released pursuant to a search warrant or subpoena issued by or at the request of a grand jury or prosecutor, as defined in section 2935.01 of the Revised Code.</u>	621 622 623 624

(2) The director has entered into a written agreement to 625  
share or exchange the information with a person or government 626  
entity, and that agreement requires the person or entity to comply 627  
with the confidentiality requirements established under this 628  
section. 629

(3) The director determines the release of the information is 630  
necessary, based on an evaluation of relevant information, to 631  
avert or mitigate a clear threat to an individual or to the public 632  
health. Information released pursuant to this division shall be 633  
limited to the release of the information to those persons 634  
necessary to control, prevent, or mitigate disease. 635

(C) Division (B) of this section applies during any 636  
investigation or inquiry the director makes pursuant to division 637  
(A) of this section, notwithstanding any other provision of the 638  
Revised Code that establishes the manner of maintaining 639  
confidentiality or the release of information, except that the 640  
confidentiality and release of protected health information under 641  
section 3701.17 of the Revised Code is governed by that section. 642

(D) Nothing in this section bars the release of information 643  
that is in summary, statistical, or aggregate form and that does 644  
not identify a person. Information that is in summary, 645  
statistical, or aggregate form and that does not identify a person 646  
is a public record under section 149.43 of the Revised Code. 647

(E) Nothing in this section authorizes the director to 648  
conduct an independent criminal investigation without the consent 649  
of each local law enforcement agency with jurisdiction to conduct 650  
the criminal investigation. 651

(F) Except for information released pursuant to division 652  
(B)(3) of this section, any disclosure pursuant to this section 653  
shall be in writing and accompanied by a written statement that 654  
includes the following or substantially similar language: "This 655

information has been disclosed to you from confidential records 656  
protected from disclosure by state law. If this information has 657  
been released to you in other than a summary, statistical, or 658  
aggregate form, you shall make no further disclosure of this 659  
information without the specific, written, and informed release of 660  
the person to whom it pertains, or as otherwise permitted by state 661  
law. A general authorization for the release of medical or other 662  
information is not sufficient for the release of information 663  
pursuant to this section." 664

Sec. 3701.146. (A) In taking actions regarding tuberculosis, 665  
the director of health has all of the following duties and powers: 666

(1) The director shall make payments to boards of county 667  
commissioners in accordance with section 339.77 of the Revised 668  
Code. 669

(2) The director shall maintain registries of hospitals, 670  
clinics, physicians, or other care providers to whom the director 671  
shall refer persons who make inquiries to the department of health 672  
regarding possible exposure to tuberculosis. 673

(3) The director shall engage in tuberculosis surveillance 674  
activities, including the collection and analysis of 675  
epidemiological information relative to the frequency of 676  
tuberculosis infection, demographic and geographic distribution of 677  
tuberculosis cases, and trends pertaining to tuberculosis. 678

(4) The director shall maintain a tuberculosis registry to 679  
record the incidence of tuberculosis in this state. 680

(5) The director may appoint physicians to serve as 681  
tuberculosis consultants for geographic regions of the state 682  
specified by the director. Each tuberculosis consultant shall act 683  
in accordance with rules the director establishes and shall be 684  
responsible for advising and assisting physicians and other health 685

care practitioners who participate in tuberculosis control 686  
activities and for reviewing medical records pertaining to the 687  
treatment provided to individuals with tuberculosis. 688

(B)(1) The public health council shall adopt rules 689  
establishing standards for the following: 690

(a) Performing tuberculosis screenings; 691

(b) Performing examinations of individuals who have been 692  
exposed to tuberculosis and individuals who are suspected of 693  
having tuberculosis; 694

(c) Providing treatment to individuals with tuberculosis; 695

(d) Preventing individuals with communicable tuberculosis 696  
from infecting other individuals; 697

(e) Performing laboratory tests for tuberculosis and studies 698  
of the resistance of tuberculosis to one or more drugs; 699

(f) Selecting laboratories that provide in a timely fashion 700  
the results of a laboratory test for tuberculosis. The standards 701  
shall include a requirement that first consideration be given to 702  
laboratories located in this state. 703

(2) Rules adopted pursuant to this section shall be adopted 704  
in accordance with Chapter 119. of the Revised Code and may be 705  
consistent with any recommendations or guidelines on tuberculosis 706  
issued by the United States centers for disease control and 707  
prevention or by the American thoracic society. The rules shall 708  
apply to county or district tuberculosis control units, physicians 709  
who examine and treat individuals for tuberculosis, and 710  
laboratories that perform tests for tuberculosis. 711

**Sec. 3701.15.** Each year, the director of health shall make a 712  
report to the governor, which shall include so much of the 713  
proceedings of the department of health, ~~such~~ information 714



concerning vital statistics and diseases, ~~such~~ instructions on the 715  
subject of hygiene for dissemination among the people and ~~such~~ 716  
suggestions as to legislation, as ~~he~~ the director deems proper. 717  
The director shall include in ~~his~~ the director's annual report a 718  
full statement of all examinations made in the department's 719  
~~chemical and bacteriological~~ public health laboratory maintained 720  
under section 3701.22 of the Revised Code, with a detailed account 721  
of all expenses. 722

Sec. 3701.16. The director of health may purchase, store, and 723  
distribute antitoxins, serums, vaccines, immunizing agents, 724  
antibiotics, and other pharmaceutical agents or medical supplies 725  
that the director deems advisable in the interest of preparing for 726  
or responding to a public health emergency. The discretion granted 727  
to the director by this section does not relieve the director of 728  
the duty to act under section 3701.161 of the Revised Code. 729

~~Sec. 3701.16~~ 3701.161. The director of health shall make 730  
necessary arrangements for the production and distribution of 731  
diphtheria antitoxin. Such antitoxin shall in all respects be 732  
equal in purity and potency to the standard of requirements of the 733  
United States public health service for antitoxin for interstate 734  
commerce. Diphtheria antitoxin shall be distributed in accordance 735  
with ~~such rules and regulations as may be adopted by~~ the public 736  
health council adopts pursuant to Chapter 119. of the Revised 737  
Code. 738

~~Sec. 3701.17~~ 3701.162. Any licensed physician practicing in 739  
~~the~~ this state, or the superintendent of any state or county 740  
institution, may receive without charge ~~such~~ the quantities of 741  
antitoxin as ~~he~~ the physician or superintendent requires for the 742  
treatment or prevention of diphtheria in indigent persons, 743  
provided such antitoxin shall be used only for persons residing in 744

the state, and that a sufficient supply is available for 745  
distribution. 746

Sec. 3701.17. (A) As used in this section: 747

(1) "Prosecutor" has the same meaning as in section 2935.01 748  
of the Revised Code. 749

(2) "Protected health information" means information, in any 750  
form, including oral, written, electronic, visual, pictorial, or 751  
physical that describes an individual's past, present, or future 752  
physical or mental health status or condition, receipt of 753  
treatment or care, or purchase of health products, if either of 754  
the following applies: 755

(a) The information reveals the identity of the individual 756  
who is the subject of the information. 757

(b) The information could be used to reveal the identity of 758  
the individual who is the subject of the information, either by 759  
using the information alone or with other information that is 760  
available to predictable recipients of the information. 761

(B) Protected health information reported to or obtained by 762  
the director of health, the department of health, or a board of 763  
health of a city or general health district is confidential and 764  
shall not be released without the written consent of the 765  
individual who is the subject of the information unless one of the 766  
following applies: 767

(1) The release of the information is necessary to provide 768  
treatment to the individual and the information is released 769  
pursuant to a written agreement that requires the recipient of the 770  
information to comply with the confidentiality requirements 771  
established under this section. 772

(2) The release of the information is necessary to ensure the 773

accuracy of the information and the information is released 774  
pursuant to a written agreement that requires the recipient of the 775  
information to comply with the confidentiality requirements 776  
established under this section. 777

(3) The information is released pursuant to a search warrant 778  
or subpoena issued by or at the request of a grand jury or 779  
prosecutor in connection with a criminal investigation or 780  
prosecution. 781

(4) The director determines the release of the information is 782  
necessary, based on an evaluation of relevant information, to 783  
avert or mitigate a clear threat to an individual or to the public 784  
health. Information may be released pursuant to this division only 785  
to those persons or entities necessary to control, prevent, or 786  
mitigate disease. 787

(C) Information that does not identify a person is not 788  
protected health information and may be released in summary, 789  
statistical, or aggregate form. Upon request, the director shall 790  
release information in a summary, statistical, or aggregate form 791  
that does not identify a person. 792

(D) Except for information released pursuant to division 793  
(D)(4) of this section, any disclosure pursuant to this section 794  
shall be in writing and accompanied by a written statement that 795  
includes the following or substantially similar language: "This 796  
information has been disclosed to you from confidential records 797  
protected from disclosure by state law. If this information has 798  
been released to you in other than a summary, statistical, or 799  
aggregate form, you shall make no further disclosure of this 800  
information without the specific, written, and informed release of 801  
the person to whom it pertains, or as otherwise permitted by state 802  
law. A general authorization for the release of medical or other 803  
information is not sufficient for the release of information 804

pursuant to this section."

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**Sec. 3701.19.** As used in ~~this section and in section 3701.20~~  
sections 3701.19 to 3701.201 of the Revised Code:

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(A) "Poison prevention and treatment center" means an entity  
designated as a poison prevention and treatment center by the  
director of health under section 3701.20 of the Revised Code.

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(B) "Harm" means injury, death, or loss to person or  
property.

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(C) "Tort action" means a civil action for damages for  
injury, death, or loss to person or property. "Tort action"  
includes a product liability claim that is subject to sections  
2307.71 to 2307.80 of the Revised Code, but does not include a  
civil action for a breach of contract or another agreement between  
persons.

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(D)(1) Subject to division (D)(2) of this section,  
"volunteer" means a trustee, officer, or agent of a poison  
prevention and treatment center, or another person associated with  
such a center, who satisfies both of the following:

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(a) Performs services for or on behalf of, and under the  
authority or auspices of, the center;

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(b) Does not receive compensation, either directly or  
indirectly, for performing those services.

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(2) For purposes of division (D)(1) of this section,  
"compensation" does not include any of the following:

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(a) Actual and necessary expenses that are incurred by a  
volunteer in connection with the services performed for a center,  
and that are reimbursed to the volunteer or otherwise paid;

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(b) Insurance premiums paid on behalf of a volunteer, and  
amounts paid or reimbursed, pursuant to division (E) of section

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1702.12 of the Revised Code; 834

(c) Modest perquisites. 835

Sec. 3701.201. (A) As used in this section, "bioterrorism" 836  
has the same meaning as in section 3701.232 of the Revised Code. 837

(B) The public health council shall adopt rules in accordance 838  
with Chapter 119. of the Revised Code under which a poison 839  
prevention and treatment center or other health-related entity is 840  
required to report events that may be caused by bioterrorism, 841  
epidemic or pandemic disease, or established or novel infectious 842  
agents or biological or chemical toxins posing a risk of human 843  
fatality or disability. Rules adopted under this section may 844  
require a report of any of the following: 845

(1) An unexpected pattern or increase in the number of 846  
telephone inquiries or requests to provide information about 847  
poison prevention and treatment and available services; 848

(2) An unexpected pattern or increase in the number of 849  
requests to provide specialized treatment, consultation, 850  
information, and educational programs to health care professionals 851  
and the public; 852

(3) An unexpected pattern or increase in the number of 853  
requests for information on established or novel infectious agents 854  
or biological or chemical toxins posing a risk of human fatality 855  
or disability that is relatively uncommon and may have been caused 856  
by bioterrorism. 857

(C) Each poison prevention and treatment center and other 858  
health-related entity shall comply with any reporting requirement 859  
established in rules adopted under division (B) of this section. 860

(D) Information reported under this section that is protected 861  
health information pursuant to section 3701.17 of the Revised Code 862  
shall be released only in accordance with that section. 863

Information that does not identify an individual may be released 864  
in summary, statistical, or aggregate form. 865

**Sec. 3701.22.** The department of health shall maintain a 866  
~~chemical and bacteriological~~ public health laboratory for the 867  
following: 868

(A) Examination of public water supplies and the effluent of 869  
sewage purification works; 870

(B) Diagnosis of ~~diphtheria, typhoid fever, hydrophobia,~~ 871  
~~glanders, and such other~~ screening for, or confirmation of 872  
diseases or pathogens as it deems necessary; 873

(C) Performance of biological, chemical, or radiological 874  
analyses or examinations as it deems necessary; 875

(D) Analysis of patient specimens and food samples necessary 876  
for investigation of foodborne illnesses. In foodborne illness 877  
investigations, the laboratory shall cooperate and consult with 878  
the director of agriculture acting pursuant to section 3715.02 of 879  
the Revised Code. 880

**Sec. ~~3701.23~~ 3701.221.** (A) The director of health shall have 881  
charge of the public health laboratory ~~authorized by~~ maintained 882  
pursuant to section 3701.22 of the Revised Code. The director may 883  
employ an assistant for the laboratory who shall be a person 884  
skilled in chemistry and bacteriology, and receive ~~such~~ 885  
compensation as the director ~~may allow~~ determines. All expenses of 886  
~~such~~ the laboratory shall be paid from appropriations made for the 887  
department of health. 888

(B) The public health council, in accordance with Chapter 889  
119. of the Revised Code, shall adopt, and may amend or rescind, 890  
rules establishing reasonable fees ~~to be charged~~ for services ~~that~~ 891  
the laboratory performs. The council need not prescribe fees ~~to be~~ 892

~~charged in any case~~ where the council believes that ~~the~~ charging 893  
~~of~~ fees would significantly and adversely affect the public 894  
health. All fees collected for services ~~that~~ the laboratory 895  
performs shall be deposited into the state treasury to the credit 896  
of the "laboratory handling fee fund," which is hereby created for 897  
the purpose of defraying expenses of operating the laboratory. 898

Sec. 3701.23. (A) As used in this section, "health care 899  
provider" means any person or government entity that provides 900  
health care services to individuals. "Health care provider" 901  
includes, but is not limited to, hospitals, medical clinics and 902  
offices, special care facilities, medical laboratories, 903  
physicians, pharmacists, dentists, physician assistants, 904  
registered and licensed practical nurses, laboratory technicians, 905  
emergency medical service organization personnel, and ambulance 906  
service organization personnel. 907

(B) Boards of health, health authorities or officials, health 908  
care providers in localities in which there are no health 909  
authorities or officials, and coroners or medical examiners shall 910  
report promptly to the department of health the existence of any 911  
of the following: 912

(1) Asiatic cholera; 913

(2) Yellow fever; 914

(3) Diphtheria; 915

(4) Typhus or typhoid fever; 916

(5) As specified by the public health council, other 917  
contagious or infectious diseases, illnesses, health conditions, 918  
or unusual infectious agents or biological toxins posing a risk of 919  
human fatality or disability. 920

(C) No person shall fail to comply with the reporting 921  
requirements established under division (B) of this section. 922

(D) The reports required by this section shall be submitted 923  
on forms, as required by statute or rule, and in the manner the 924  
director of health prescribes. 925

(E) Information reported under this section that is protected 926  
health information pursuant to section 3701.17 of the Revised Code 927  
shall be released only in accordance with that section. 928  
Information that does not identify an individual may be released 929  
in summary, statistical, or aggregate form. 930

Sec. 3701.231. If a medical laboratory outside this state 931  
performs a test or other diagnostic or investigative analysis that 932  
results in information pertaining to a resident of this state that 933  
must be reported under section 3701.23 or 3707.06 of the Revised 934  
Code, the entity using the laboratory shall ensure that the 935  
laboratory complies with reporting and confidentiality 936  
requirements and shall verify to the director of health that the 937  
laboratory complies with reporting and confidentiality 938  
requirements. The director shall establish procedures by which an 939  
entity may verify the laboratory's compliance. 940

Sec. 3701.232. (A) As used in this section: 941

(1) "Bioterrorism" means the intentional use of any 942  
microorganism, virus, infectious substance, or biological product 943  
that may be engineered as a result of biotechnology, or any 944  
naturally occurring or bioengineered component of a microorganism, 945  
virus, infectious substance, or biological product, to cause 946  
death, disease, or other biological malfunction in a human, 947  
animal, plant, or other living organism as a means of influencing 948  
the conduct of government or intimidating or coercing a 949  
population. 950

(2) "Pharmacist" means an individual licensed under Chapter 951  
4729. of the Revised Code to engage in the practice of pharmacy as 952



a pharmacist. 953

(3) "Pharmacy" and "prescription" have the same meanings as 954  
in section 4729.01 of the Revised Code. 955

(B) The public health council shall adopt rules in accordance 956  
with Chapter 119. of the Revised Code under which a pharmacy or 957  
pharmacist is required to report significant changes in medication 958  
usage that may be caused by bioterrorism, epidemic or pandemic 959  
disease, or established or novel infectious agents or biological 960  
toxins posing a risk of human fatality or disability. Rules 961  
adopted under this section may require a report of any of the 962  
following: 963

(1) An unexpected increase in the number of prescriptions for 964  
antibiotics; 965

(2) An unexpected increase in the number of prescriptions for 966  
medication to treat fever or respiratory or gastrointestinal 967  
complaints; 968

(3) An unexpected increase in sales of, or the number of 969  
requests for information on, over-the-counter medication to treat 970  
fever or respiratory or gastrointestinal complaints; 971

(4) Any prescription for medication used to treat a disease 972  
that is relatively uncommon and may have been caused by 973  
bioterrorism. 974

(C) No person shall fail to comply with any reporting 975  
requirement established in rules adopted under division (B) of 976  
this section. 977

(D) Information reported under this section that is protected 978  
health information pursuant to section 3701.17 of the Revised Code 979  
shall be released only in accordance with that section. 980  
Information that does not identify an individual may be released 981  
in summary, statistical, or aggregate form. 982

Sec. 3701.24. (A) As used in this section and sections	983
3701.241 to 3701.249 of the Revised Code:	984
(1) "AIDS" means the illness designated as acquired immunodeficiency syndrome.	985 986
(2) "HIV" means the human immunodeficiency virus identified as the causative agent of AIDS.	987 988
(3) "AIDS-related condition" means symptoms of illness related to HIV infection, including AIDS-related complex, that are confirmed by a positive HIV test.	989 990 991
(4) "HIV test" means any test for the antibody or antigen to HIV that has been approved by the director of health under division (B) of section 3701.241 of the Revised Code.	992 993 994
(5) "Health care facility" has the same meaning as in section 1751.01 of the Revised Code.	995 996
(6) "Director" means the director of health or any employee of the department of health acting on the director's behalf.	997 998
(7) "Physician" means a person who holds a current, valid certificate issued under Chapter 4731. of the Revised Code authorizing the practice of medicine or surgery and osteopathic medicine and surgery.	999 1000 1001 1002
(8) "Nurse" means a registered nurse or licensed practical nurse who holds a license or certificate issued under Chapter 4723. of the Revised Code.	1003 1004 1005
(9) "Anonymous test" means an HIV test administered so that the individual to be tested can give informed consent to the test and receive the results by means of a code system that does not link the identity of the individual tested to the request for the test or the test results.	1006 1007 1008 1009 1010
(10) "Confidential test" means an HIV test administered so	1011

that the identity of the individual tested is linked to the test 1012  
but is held in confidence to the extent provided by ~~section~~ 1013  
sections 3701.24 to 3701.248 of the Revised Code. 1014

(11) "Health care provider" means an individual who provides 1015  
diagnostic, evaluative, or treatment services. Pursuant to Chapter 1016  
119. of the Revised Code, the public health council may adopt 1017  
rules further defining the scope of the term "health care 1018  
provider." 1019

(12) "Significant exposure to body fluids" means a 1020  
percutaneous or mucous membrane exposure of an individual to the 1021  
blood, semen, vaginal secretions, or spinal, synovial, pleural, 1022  
peritoneal, pericardial, or amniotic fluid of another individual. 1023

(13) "Emergency medical services worker" means all of the 1024  
following: 1025

(a) A peace officer; 1026

(b) An employee of an emergency medical service organization 1027  
as defined in section 4765.01 of the Revised Code; 1028

(c) A firefighter employed by a political subdivision; 1029

(d) A volunteer firefighter, emergency operator, or rescue 1030  
operator; 1031

(e) An employee of a private organization that renders rescue 1032  
services, emergency medical services, or emergency medical 1033  
transportation to accident victims and persons suffering serious 1034  
illness or injury. 1035

(14) "Peace officer" has the same meaning as in division (A) 1036  
of section 109.71 of the Revised Code, except that it also 1037  
includes a sheriff and the superintendent and troopers of the 1038  
state highway patrol. 1039

(B) ~~Boards of health, health authorities or officials, and~~ 1040  
~~physicians in localities in which there are no health authorities~~ 1041

~~or officials, shall report promptly to the department of health~~ 1042  
~~the existence of any one of the following diseases:~~ 1043

~~(1) Asiatic cholera;~~ 1044

~~(2) Yellow fever;~~ 1045

~~(3) Diphtheria;~~ 1046

~~(4) Typhus or typhoid fever;~~ 1047

~~(5) Any other contagious or infectious diseases that the~~ 1048  
~~public health council specifies.~~ 1049

~~(C)~~ Persons designated by rule adopted by the public health 1050  
council under section 3701.241 of the Revised Code shall report 1051  
promptly every case of AIDS, every AIDS-related condition, and 1052  
every confirmed positive HIV test to the department of health on 1053  
forms and in a manner prescribed by the director. In each county 1054  
the director shall designate the health commissioner of a health 1055  
district in the county to receive the reports. 1056

(C) No person shall fail to comply with the reporting 1057  
requirements established under division (B) of this section. 1058

(D) Information reported under this ~~division~~ section that 1059  
identifies an individual is confidential and may be released only 1060  
with the written consent of the individual except as the director 1061  
determines necessary to ensure the accuracy of the information, as 1062  
necessary to provide treatment to the individual, as ordered by a 1063  
court pursuant to section 3701.243 or 3701.247 of the Revised 1064  
Code, or pursuant to a search warrant or a subpoena issued by or 1065  
at the request of a grand jury, prosecuting attorney, city 1066  
director of law or similar chief legal officer of a municipal 1067  
corporation, or village solicitor, in connection with a criminal 1068  
investigation or prosecution. Information that does not identify 1069  
an individual may be released in summary, statistical, or ~~other~~ 1070  
aggregate form. 1071

Sec. 3701.241. (A) The director of health shall develop and administer the following:

(1) A surveillance system to determine the number of cases of AIDS and the HIV infection rate in various population groups;

(2) Counseling and testing programs for groups determined by the director to be at risk of HIV infection, including procedures for both confidential and anonymous tests, counseling training programs for health care providers, and development of counseling guidelines;

(3) A confidential partner notification system to alert and counsel sexual contacts of individuals with HIV infection;

(4) Risk reduction and education programs for groups determined by the director to be at risk of HIV infection, and, in consultation with a wide range of community leaders, education programs for the public;

(5) Pilot programs for the long-term care of individuals with AIDS or AIDS-related condition, including care in nursing homes and in alternative settings;

(6) Programs to expand regional outpatient treatment of individuals with AIDS or AIDS-related condition;

(7) A program to assist communities, including communities of less than one hundred thousand population, in establishing AIDS task forces and support groups for individuals with AIDS, AIDS-related condition, and HIV infection. The program may include the award of grants if they are matched by local funds.

Information obtained or maintained under the partner notification system is not a public record under section 149.43 of the Revised Code and may be released only in accordance with division (C) of section 3701.243 of the Revised Code.

(B) The director shall: 1101

(1) Approve a test or tests to be used to determine whether 1102  
an individual has HIV infection, define a confirmed positive test 1103  
result, and develop guidelines for interpreting test results; 1104

(2) Establish sites for confidential and anonymous HIV tests, 1105  
and prepare a list of sites where an individual may obtain an 1106  
anonymous test; 1107

(3) Prepare a list of counseling services; 1108

(4) Make available a copy of the list of anonymous testing 1109  
sites or a copy of the list of counseling services to anyone who 1110  
requests it. 1111

(C) The director of health shall require the director or 1112  
administrator of each site where anonymous or confidential HIV 1113  
tests are given to submit a report every three months evaluating 1114  
from an epidemiologic perspective the effectiveness of the HIV 1115  
testing program at that site. Not later than January 31, 1991, and 1116  
each year thereafter, the director of health shall make a report 1117  
evaluating the anonymous and confidential testing programs 1118  
throughout the state with regard to their effectiveness as 1119  
epidemiologic programs. The report shall be submitted to the 1120  
speaker of the house of representatives and the president of the 1121  
senate and shall be made available to the public. 1122

The public health council shall adopt rules pursuant to 1123  
Chapter 119. of the Revised Code for the implementation of the 1124  
requirements of division (B)(1) of this section and division 1125  
~~(C)~~(D) of section 3701.24 of the Revised Code. 1126

(D) The director of health shall administer funds received 1127  
under Title XXVI of the "Public Health Services Act," 104 Stat. 1128  
576 (1990), 42 U.S.C.A. 2601, as amended, for programs to improve 1129  
the quality and availability of care for individuals with AIDS, 1130

AIDS-related condition, and HIV infection. In administering these 1131  
funds, the director may enter into contracts with any person or 1132  
entity for the purpose of administering the programs, including 1133  
contracts with the department of job and family services for 1134  
establishment of a program of reimbursement of drugs used for 1135  
treatment and care of such individuals. The director of health may 1136  
adopt rules in accordance with Chapter 119. of the Revised Code 1137  
and issue orders as necessary for administration of the funds. If 1138  
the department of job and family services enters into a contract 1139  
under this division, the director of job and family services may 1140  
adopt rules in accordance with Chapter 119. of the Revised Code as 1141  
necessary for carrying out the department's duties under the 1142  
contract. 1143

**Sec. 3701.25.** (A) Every physician attending on or called in 1144  
to visit a patient whom ~~he~~ the physician believes to be suffering 1145  
from poisoning from lead, cadmium, phosphorus, arsenic, brass, 1146  
wood alcohol, mercury, or their compounds, ~~or from anthrax~~ or from 1147  
compressed air illness and such other occupational diseases and 1148  
ailments as the department of health shall require to be reported, 1149  
shall within forty-eight hours from the time of first attending 1150  
such patient send to the director of health a report stating: 1151

~~(A)~~(1) Name, address, and occupation of patient; 1152

~~(B)~~(2) Name, address, and business of employer; 1153

~~(C)~~(3) Nature of disease; 1154

~~(D)~~(4) Such other information as may be reasonably required 1155  
by the department. 1156

(B) No person shall fail to comply with the reporting 1157  
requirements established under division (A) of this section. 1158

(C) The reports required by this section shall be made on, or 1159  
in conformity with, the standard schedule blanks provided for in 1160

section 3701.26 of the Revised Code. The mailing of the report, 1161  
within the time required, in a stamped envelope addressed to the 1162  
office of the director, shall be in compliance with this section. 1163

(D) Such reports shall not be evidence of the facts therein 1164  
stated in any action arising out of the disease therein reported. 1165

(E) Information reported under this section that is protected 1166  
health information pursuant to section 3701.17 of the Revised Code 1167  
shall be released only in accordance with that section. 1168  
Information that does not identify an individual may be released 1169  
in summary, statistical, or aggregate form. 1170

**Sec. 3701.34. (A)** The public health council shall: 1171

~~(A)(1)~~ Adopt, and may amend or rescind, ~~sanitary~~ rules to be 1172  
of general application throughout the state. ~~The sanitary rules 1173  
shall be known as the sanitary code. 1174~~

~~(B) Take evidence in appeals from the decision of the 1175  
director of health in a matter relative to the approval or 1176  
disapproval of plans, locations, estimates of cost, or other 1177  
matters coming before the director for official action. In the 1178  
hearing of such appeals the director may be represented in person 1179  
or by the attorney general. 1180~~

~~(C); 1181~~

(2) Conduct hearings in cases where the law requires that the 1182  
department shall give such hearings and reach decisions on the 1183  
evidence presented, which shall govern subsequent actions of the 1184  
director with reference thereto; 1185

~~(D)(3)~~ Prescribe, by rule, the number and functions of 1186  
divisions and bureaus and the qualifications of chiefs or 1187  
divisions and bureaus within the department; 1188

~~(E)(4)~~ Enact and amend bylaws in relation to its meetings and 1189  
the transaction of its business; 1190



~~(F)~~(5) Consider any matter relating to the preservation and 1191  
improvement of the public health and advise the director thereon 1192  
with such recommendations as it considers wise. 1193

(B) The council shall neither have nor exercise executive or 1194  
administrative duties. 1195

**Sec. 3701.35.** Every ~~regulation, adopted by~~ rule the public 1196  
health council, ~~adopts~~ shall state the date on which it takes 1197  
effect, and a copy thereof, signed by the secretary of the 1198  
council, shall be filed in the office of the secretary of state, 1199  
and a copy thereof shall be sent by the director of health to each 1200  
board of health of a general or a city health district, health 1201  
officer, or person performing the duties of health officer, within 1202  
the state, and shall be published in such manner as the council 1203  
may determine. Every provision of the ~~sanitary code~~ council's 1204  
rules shall apply to and be effective in all portions of the 1205  
state. 1206

**Sec. 3701.352.** No person shall violate any rule ~~of~~ the public 1207  
health council ~~of the, director of health, or~~ department of health 1208  
~~adopted under section 3701.34 of the Revised Code~~ adopts or any 1209  
order ~~of~~ the director or department of health ~~issued~~ issues under 1210  
~~Chapter 3701. of the Revised Code~~ this chapter to prevent a threat 1211  
to the public caused by a pandemic, epidemic, or bioterrorism 1212  
event. 1213

**Sec. 3701.501.** (A)(1) Except as provided in division (A)(2) 1214  
of this section, all newborn children shall be screened for the 1215  
presence of the genetic, endocrine, and metabolic disorders 1216  
specified in rules, adopted pursuant to this section. 1217

(2) Division (A)(1) of this section does not apply if the 1218  
parents of the child object thereto on the grounds that the 1219

screening conflicts with their religious tenets and practices. 1220

(B) There is hereby created the newborn screening advisory 1221  
council to advise the director of health regarding the screening 1222  
of newborn children for genetic, endocrine, and metabolic 1223  
disorders. The council shall engage in an ongoing review of the 1224  
newborn screening requirements established under this section and 1225  
shall provide recommendations and reports to the director as the 1226  
director requests and as the council considers necessary. The 1227  
director may assign other duties to the council, as the director 1228  
considers appropriate. 1229

The council shall consist of fourteen members appointed by 1230  
the director. In making appointments, the director shall select 1231  
individuals and representatives of entities with interest and 1232  
expertise in newborn screening, including such individuals and 1233  
entities as health care professionals, hospitals, children's 1234  
hospitals, regional genetic centers, regional sickle cell centers, 1235  
newborn screening coordinators, and members of the public. 1236

The department of health shall provide meeting space, staff 1237  
services, and other technical assistance required by the council 1238  
in carrying out its duties. Members of the council shall serve 1239  
without compensation, but shall be reimbursed for their actual and 1240  
necessary expenses incurred in attending meetings of the council 1241  
or performing assignments for the council. 1242

The council is not subject to sections 101.82 to 101.87 of 1243  
the Revised Code. 1244

(C)(1) The director of health shall adopt rules in accordance 1245  
with Chapter 119. of the Revised Code specifying the disorders for 1246  
which each newborn child must be screened. 1247

(2) The newborn screening advisory council shall evaluate 1248  
genetic, metabolic, and endocrine disorders to assist the director 1249  
in determining which disorders should be included in the 1250

screenings required under this section. In determining whether a 1251  
disorder should be included, the council shall consider all of the 1252  
following: 1253

(a) The disorder's incidence, mortality, and morbidity; 1254

(b) Whether the disorder causes disability if diagnosis, 1255  
treatment, and early intervention are delayed; 1256

(c) The potential for successful treatment of the disorder; 1257

(d) The expected benefits to children and society in relation 1258  
to the risks and costs associated with screening for the disorder; 1259

(e) Whether a screening for the disorder can be conducted 1260  
without taking an additional blood sample or specimen. 1261

(3) Based on the considerations specified in division (C)(2) 1262  
of this section, the council shall make recommendations to the 1263  
director of health for the adoption of rules under division (C)(1) 1264  
of this section. The director shall promptly and thoroughly review 1265  
each recommendation the council submits. 1266

(D) The director shall adopt rules in accordance with Chapter 1267  
119. of the Revised Code establishing standards and procedures for 1268  
the screenings required by this section. The rules shall include 1269  
standards and procedures for all of the following: 1270

(1) Causing rescreenings to be performed when initial 1271  
screenings have abnormal results; 1272

(2) Designating the person or persons who will be responsible 1273  
for causing screenings and rescreenings to be performed; 1274

(3) Giving to the parents of a child notice of the required 1275  
initial screening and the possibility that rescreenings may be 1276  
necessary; 1277

(4) Communicating to the parents of a child the results of 1278  
the child's screening and any rescreenings that are performed; 1279

(5) Giving notice of the results of an initial screening and 1280  
any rescreenings to the person who caused the child to be screened 1281  
or rescreened, or to another person or government entity when the 1282  
person who caused the child to be screened or rescreened cannot be 1283  
contacted; 1284

(6) Referring children who receive abnormal screening or 1285  
rescreening results to providers of follow-up services, including 1286  
the services made available through funds disbursed under division 1287  
(F) of this section. 1288

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1289  
section, all newborn screenings required by this section shall be 1290  
performed by the public health laboratory ~~authorized~~ maintained 1291  
under section 3701.22 of the Revised Code. 1292

(2) If the director determines that the public health 1293  
laboratory ~~authorized under section 3701.22 of the Revised Code~~ is 1294  
unable to perform screenings for all of the disorders specified in 1295  
the rules adopted under division (C) of this section, the director 1296  
shall select another laboratory to perform the screenings. The 1297  
director shall select the laboratory by issuing a request for 1298  
proposals. The director may accept proposals submitted by 1299  
laboratories located outside this state. At the conclusion of the 1300  
selection process, the director shall enter into a written 1301  
contract with the selected laboratory. If the director determines 1302  
that the laboratory is not complying with the terms of the 1303  
contract, the director shall immediately terminate the contract 1304  
and another laboratory shall be selected and contracted with in 1305  
the same manner. 1306

(3) Any rescreening caused to be performed pursuant to this 1307  
section may be performed by the public health laboratory 1308  
~~authorized by section 3701.22 of the Revised Code~~ or one or more 1309  
other laboratories designated by the director. Any laboratory the 1310

director considers qualified to perform rescreenings may be 1311  
designated, including a laboratory located outside this state. If 1312  
more than one laboratory is designated, the person responsible for 1313  
causing a rescreening to be performed is also responsible for 1314  
selecting the laboratory to be used. 1315

(F)(1) The director shall adopt rules in accordance with 1316  
Chapter 119. of the Revised Code establishing a fee that shall be 1317  
charged and collected in addition to or in conjunction with any 1318  
laboratory fee that is charged and collected for performing the 1319  
screenings required by this section. The fee, which shall be not 1320  
less than fourteen dollars, shall be disbursed as follows: 1321

(a) Not less than ten dollars and twenty-five cents shall be 1322  
deposited in the state treasury to the credit of the genetics 1323  
services fund, which is hereby created. Not less than seven 1324  
dollars and twenty-five cents of each fee credited to the genetics 1325  
services fund shall be used to defray the costs of the programs 1326  
authorized by section 3701.502 of the Revised Code. Not less than 1327  
three dollars from each fee credited to the genetics services fund 1328  
shall be used to defray costs of phenylketonuria programs. 1329

(b) Not less than three dollars and seventy-five cents shall 1330  
be deposited into the state treasury to the credit of the sickle 1331  
cell fund, which is hereby created. Money credited to the sickle 1332  
cell fund shall be used to defray costs of programs authorized by 1333  
section 3701.131 of the Revised Code. 1334

(2) In adopting rules under division (F)(1) of this section, 1335  
the director shall not establish a fee that differs according to 1336  
whether a screening is performed by the public health laboratory 1337  
~~authorized under section 3701.22 of the Revised Code~~ or by another 1338  
laboratory selected by the director pursuant to division (E)(2) of 1339  
this section. 1340

**Sec. 3701.56.** Boards of health of a general or city health 1341

district, health authorities and officials, officers of state 1342  
institutions, police officers, sheriffs, constables, and other 1343  
officers and employees of the state or any county, city, or 1344  
township, shall enforce ~~the quarantine and sanitary isolation~~ 1345  
~~orders, and the rules and regulations adopted by~~ the department of 1346  
health adopts. 1347

**Sec. 3701.57.** All prosecutions and proceedings by the 1348  
department of health for the violation of sections 3701.01 to 1349  
3701.56, 3705.01 to 3705.29, 3707.06, 3709.01 to 3709.04, 3709.07 1350  
to 3709.11, 3709.13, 3709.17, 3709.18, and 3709.21 to 3709.36 of 1351  
the Revised Code, or for the violation of any of the orders or 1352  
rules of the department, shall be instituted by the director of 1353  
health. ~~All~~ Except as provided in division (C) of section 3701.571 1354  
of the Revised Code, all fines or judgments ~~collected by~~ the 1355  
department collects shall be paid into the state treasury to the 1356  
credit of the general revenue fund. 1357

The director of health, the board of health of a general or 1358  
city health district, or any person charged with enforcing the 1359  
rules of the department of health as provided in section 3701.56 1360  
of the Revised Code may petition the court of common pleas for 1361  
injunctive or other appropriate relief requiring any person 1362  
violating a rule adopted by the public health council under 1363  
section 3701.34 of the Revised Code or any order issued by the 1364  
director of health under this chapter to comply with such rule or 1365  
order. The court of common pleas of the county in which the 1366  
offense is alleged to be occurring may grant such injunctive or 1367  
other appropriate relief as the equities of the case require. 1368

**Sec. 3701.571.** (A) The director of health shall adopt rules 1369  
pursuant to Chapter 119. of the Revised Code that establish a 1370  
graduated system of fines based on the scope and severity of 1371

violations and the history of compliance, not to exceed seven 1372  
hundred fifty dollars per incident, and in an adjudication under 1373  
Chapter 119. of the Revised Code, may impose a fine against any 1374  
person who violates division (C) of section 3701.23, division (C) 1375  
of section 3701.232, division (C) of section 3701.24, division (B) 1376  
of section 3701.25, or division (B) of section 3707.06 of the 1377  
Revised Code or against any poison prevention and treatment center 1378  
or other health-related entity that fails to comply with division 1379  
(C) of section 3701.201 of the Revised Code. 1380

(B) On request of the director, the attorney general shall 1381  
bring and prosecute to judgment a civil action to collect any fine 1382  
imposed under division (A) of this section that remains unpaid. 1383

(C) All fines collected under this section shall be deposited 1384  
into the state treasury to the credit of the general operations 1385  
fund created under section 3701.83 of the Revised Code. 1386

**Sec. 3701.99.** ~~(A) Whoever violates division (C) of section 1387  
3701.23, division (C) of section 3701.232, division (C) of section 1388  
3701.24, division (B) of section 3701.25 of the Revised Code is 1389  
guilty of a minor misdemeanor on a first offense; on each 1390  
subsequent offense, the person is guilty of a misdemeanor of the 1391  
second degree. 1392~~

~~(B) Whoever violates, division (I) of section 3701.262, 1393  
division (D) of section 3701.263, or ~~section 3701.352~~ or sections 1394  
3701.46 to 3701.55 of the Revised Code is guilty of a minor 1395  
misdemeanor on a first offense; on each subsequent offense, the 1396  
person is guilty of a misdemeanor of the fourth degree. 1397~~

~~(C)~~(B) Whoever violates section 3701.82 of the Revised Code 1398  
is guilty of a misdemeanor of the first degree. 1399

~~(D)~~(C) Whoever violates division (A) of section 3701.352 or 1400  
section 3701.81 of the Revised Code is guilty of a misdemeanor of 1401

the second degree. 1402

~~(E) Whoever violates division (G) of section 3701.88 of the~~ 1403

~~Revised Code shall be fined not more than one hundred dollars.~~ 1404

~~Each day the violation continues is a separate offense.~~ 1405

**Sec. 3707.06.** (A) Each physician or other person called to 1406  
attend a person suffering from cholera, plague, yellow fever, 1407  
typhus fever, diphtheria, typhoid fever, or any other disease 1408  
dangerous to the public health, or required by the department of 1409  
health to be reported, shall report to the health commissioner 1410  
within whose jurisdiction the sick person is found the name, age, 1411  
sex, and color of the patient, and the house and place in which 1412  
the sick person may be found. In like manner, the owner or agent 1413  
of the owner of a building in which a person resides who has any 1414  
of the listed diseases, or in which are the remains of a person 1415  
having died of any of the listed diseases, and the head of the 1416  
family, immediately after becoming aware of the fact, shall give 1417  
notice thereof to the health commissioner. 1418

(B) No person shall fail to comply with the reporting 1419  
requirements of division (A) of this section. 1420

(C) Information reported under this section that is protected 1421  
health information pursuant to section 3701.17 of the Revised Code 1422  
shall be released only in accordance with that section. 1423  
Information that does not identify an individual may be released 1424  
in summary, statistical, or aggregate form. 1425

**Sec. 3707.34.** (A) The health commissioner appointed by a 1426  
board of health of a general or city health district may act on 1427  
behalf of the board in administering the provision of sections 1428  
3707.04 to 3707.32 of the Revised Code regarding quarantine and 1429  
isolation if the commissioner acts pursuant to a policy the board 1430  
adopts as described in division (B) of this section and either of 1431



the following applies: 1432

(1) Circumstances render a meeting of the board impractical 1433  
or impossible. 1434

(2) Delaying action until a meeting of the board compromises 1435  
the public health. 1436

(B) Each board of health shall adopt a policy, subject to the 1437  
approval of the district advisory council or city council for city 1438  
health districts not governed by an advisory council, specifying 1439  
the actions that a health commissioner may take pursuant to this 1440  
section. Any action a health commissioner takes in accordance with 1441  
the board's policy is deemed an action taken by the board unless 1442  
the board votes to nullify the commissioner's action. 1443

**Sec. 3707.33 3707.38.** The board of health of a city or 1444  
general health district may appoint, define the duties of, and fix 1445  
the compensation of the number of inspectors of shops, wagons, 1446  
appliances, and food, and the number of other persons necessary to 1447  
carry out this chapter and Chapter 3717. of the Revised Code and, 1448  
if applicable, to carry out any duties assumed by the board under 1449  
an agreement entered into under division (B) of section 917.02 of 1450  
the Revised Code. Inspectors for those purposes may enter any 1451  
house, vehicle, or yard. The board may authorize the health 1452  
commissioner to perform the duties of the inspectors. 1453

**Sec. 3715.02.** (A) The director of agriculture shall adopt 1454  
rules in accordance with Chapter 119. of the Revised Code that 1455  
establish, when otherwise not established by a law of this state, 1456  
definitions for a food or class of food and standards for the 1457  
following items as they pertain to the food or class of food: 1458

(1) Quality, identity, purity, grade, and strength; 1459

(2) Packaging and labeling; 1460

- (3) Food processing equipment; 1461
- (4) Processing procedures; 1462
- (5) Fill of containers. 1463

The standards and definitions, where applicable, shall 1464  
conform to the standards for foods adopted by the United States 1465  
department of agriculture and the United States food and drug 1466  
administration. Portions of Titles 7, 9, and 21 of the Code of 1467  
Federal Regulations or the regulations adopted for the enforcement 1468  
of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 1469  
(1938), 21 U.S.C.A. 301 et seq., as amended, may be adopted as 1470  
rules by referencing the federal regulations, subject to the 1471  
approval of the joint committee on agency rule review. 1472

In adopting rules that establish definitions and standards of 1473  
identity for a food or class of food in which only a limited 1474  
number of optional ingredients are permitted, the director shall 1475  
designate the optional ingredients that must be listed on the 1476  
label. 1477

(B) The director shall adopt rules in accordance with Chapter 1478  
119. of the Revised Code that establish procedures for the 1479  
performance of sample analyses of food, food additives, and food 1480  
packaging materials. The circumstances under which a sample 1481  
analysis may be required include the following: 1482

(1) When a food, food additive, or food packaging material is 1483  
the subject of a consumer complaint; 1484

(2) When requested by a consumer after a physician has 1485  
isolated an organism from the consumer as the physician's patient; 1486

(3) When a food, food additive, or food packaging material is 1487  
suspected of having caused an illness; 1488

(4) When a food, food additive, or food packaging material is 1489  
suspected of being adulterated or misbranded; 1490

(5) When a food, food additive, or food packaging material is subject to verification of food labeling and standards of identity;	1491 1492 1493
(6) At any other time the director considers a sample analysis necessary.	1494 1495
(C) In foodborne illness investigations, the director of agriculture shall cooperate and consult with the <u>public health</u> laboratory maintained by the department of health under section 3701.22 of the Revised Code.	1496 1497 1498 1499
(D) The director or the director's designee shall do all of the following:	1500 1501
(1) Inspect drugs, food, or drink manufactured, stored, or offered for sale in this state;	1502 1503
(2) Prosecute or cause to be prosecuted each person engaged in the unlawful manufacture or sale of an adulterated drug or article of food or drink, in violation of law;	1504 1505 1506
(3) Enforce all laws against fraud, adulteration, or impurities in drugs, foods, or drinks and unlawful labeling within this state.	1507 1508 1509
(E) The director may appoint or contract for one or more qualified persons to enforce the provisions of this chapter.	1510 1511
<b>Sec. 3901.46.</b> As used in this section, "membership organization" means a fraternal or other association or group of individuals involved in the same occupation, activity, or interest that is organized and maintained in good faith for purposes other than to obtain insurance and is not organized or maintained for the purpose of engaging in activities for gain or profit.	1512 1513 1514 1515 1516 1517
(A) In underwriting an individual policy of life or sickness and accident insurance or a group policy of life or sickness and	1518 1519

accident insurance providing coverage for members of a membership organization, an insurer may require an applicant for coverage under the policy to submit to an HIV test only in conjunction with tests for other health conditions. No applicant shall be required to submit to an HIV test on the basis of ~~his~~ the applicant's sexual orientation or factors described in division (C)(1) of section 3901.45 of the Revised Code that are used to ascertain ~~his~~ the applicant's sexual orientation.

(B)(1) An insurer that requests an applicant to take an HIV test shall obtain the applicant's written consent for the test and shall inform the applicant of the purpose of the test. The consent form shall include information about the tests to be performed, the confidentiality of the results, procedures for notifying the applicant of the results, and a general interpretation of test results.

(2) The superintendent of insurance shall adopt rules under Chapter 119. of the Revised Code establishing the form and content of the consent required under division (B)(1) of this section.

(C) An insurer may disclose the results of a positive HIV test only to the following persons:

(1) The applicant;

(2) The applicant's or insured's physician or other health care provider if the applicant or insured provides the insurer with prior written consent for disclosure;

(3) Another person that the applicant or insured specifically designates in writing;

(4) A medical information exchange for insurers operated under procedures intended to ensure confidentiality, including the use of general codes for results of tests for a number of diseases and conditions as well as for AIDS or an AIDS-related condition.

(D) The HIV test or tests to be given the applicant shall be 1550  
a test or tests approved by the director of health pursuant to 1551  
division (B) of section 3701.241 of the Revised Code. Test results 1552  
shall be interpreted strictly in accordance with guidelines for 1553  
the use of the tests adopted by the director. 1554

(E) The requirements of division ~~(C)~~(B) of section 3701.24 1555  
and sections 3701.242 and 3701.243 of the Revised Code do not 1556  
apply to insurers in the underwriting of an individual policy of 1557  
life or sickness and accident insurance or of a group policy of 1558  
life or sickness and accident insurance providing coverage for 1559  
members of a membership organization, except that an insurer may 1560  
make use of the procedures in division (C) of section 3701.243 of 1561  
the Revised Code. 1562

(F) In underwriting a group policy of life or sickness and 1563  
accident insurance, no insurer shall require an individual seeking 1564  
coverage, other than an individual seeking coverage under the 1565  
policy of a membership organization, to submit to an HIV test. 1566

(G) A violation of this section is an unfair insurance 1567  
practice under sections 3901.19 to 3901.26 of the Revised Code. 1568

**Sec. 4736.01.** As used in this chapter: 1569

(A) "Environmental health science" means the aspect of public 1570  
health science that includes, but is not limited to, the following 1571  
bodies of knowledge: air quality, food quality and protection, 1572  
hazardous and toxic substances, consumer product safety, housing, 1573  
institutional health and safety, community noise control, 1574  
radiation protection, recreational facilities, solid and liquid 1575  
waste management, vector control, drinking water quality, milk 1576  
sanitation, and rabies control. 1577

(B) "Sanitarian" means a person who performs for compensation 1578  
educational, investigational, technical, or administrative duties 1579

requiring specialized knowledge and skills in the field of 1580  
environmental health science. 1581

(C) "Registered sanitarian" means a person who is registered 1582  
as a sanitarian in accordance with Chapter 4736. of the Revised 1583  
Code. 1584

(D) "Sanitarian-in-training" means a person who is registered 1585  
as a sanitarian-in-training in accordance with Chapter 4736. of 1586  
the Revised Code. 1587

(E) "Practice of environmental health" means consultation, 1588  
instruction, investigation, inspection, or evaluation by an 1589  
employee of a city health district, a general health district, the 1590  
Ohio environmental protection agency, the department of health, or 1591  
the department of agriculture requiring specialized knowledge, 1592  
training, and experience in the field of environmental health 1593  
science, with the primary purpose of improving or conducting 1594  
administration or enforcement under any of the following: 1595

(1) Chapter 911., 913., 917., 3717., 3721., or 3733. of the 1596  
Revised Code; 1597

(2) Chapter 3734. of the Revised Code as it pertains to solid 1598  
waste; 1599

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 1600  
~~3707.33~~ 3707.38 to 3707.99, or section 3715.21 of the Revised 1601  
Code; 1602

(4) Rules adopted under section 3701.34 of the Revised Code 1603  
pertaining to home sewage, rabies control, or swimming pools. 1604

"Practice of environmental health" does not include sampling, 1605  
testing, controlling of vectors, reporting of observations, or 1606  
other duties that do not require application of specialized 1607  
knowledge and skills in environmental health science performed 1608  
under the supervision of a registered sanitarian. 1609

The state board of sanitarian registration may further define environmental health science in relation to specific functions in the practice of environmental health through rules adopted by the board under Chapter 119. of the Revised Code.

**Section 2.** That existing sections 149.43, 339.89, 3701.03, 3701.04, 3701.06, 3701.07, 3701.13, 3701.14, 3701.15, 3701.16, 3701.17, 3701.19, 3701.22, 3701.23, 3701.24, 3701.241, 3701.25, 3701.34, 3701.35, 3701.352, 3701.501, 3701.56, 3701.57, 3701.99, 3707.06, 3707.33, 3715.02, 3901.46, and 4736.01 of the Revised Code are hereby repealed.

**Section 3.** That the version of section 149.43 of the Revised Code that is scheduled to take effect January 1, 2004, be amended to read as follows:

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

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in Ohio kept by a nonprofit or for profit entity operating such alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;	1638 1639 1640
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	1641 1642 1643 1644 1645 1646
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	1647 1648 1649
(g) Trial preparation records;	1650
(h) Confidential law enforcement investigatory records;	1651
(i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;	1652 1653
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	1654 1655
(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;	1656 1657 1658 1659
(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;	1660 1661 1662 1663
(m) Intellectual property records;	1664
(n) Donor profile records;	1665
(o) Records maintained by the department of job and family	1666



services pursuant to section 3121.894 of the Revised Code;	1667
(p) Peace officer, firefighter, or EMT residential and familial information;	1668 1669
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	1670 1671 1672
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	1673 1674
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;	1675 1676 1677 1678 1679
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	1680 1681 1682 1683
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	1684 1685 1686 1687 1688
(v) Records the release of which is prohibited by state or federal law;	1689 1690
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	1691 1692 1693
<u>(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code.</u>	1694 1695
(2) "Confidential law enforcement investigatory record" means	1696

any record that pertains to a law enforcement matter of a 1697  
criminal, quasi-criminal, civil, or administrative nature, but 1698  
only to the extent that the release of the record would create a 1699  
high probability of disclosure of any of the following: 1700

(a) The identity of a suspect who has not been charged with 1701  
the offense to which the record pertains, or of an information 1702  
source or witness to whom confidentiality has been reasonably 1703  
promised; 1704

(b) Information provided by an information source or witness 1705  
to whom confidentiality has been reasonably promised, which 1706  
information would reasonably tend to disclose the source's or 1707  
witness's identity; 1708

(c) Specific confidential investigatory techniques or 1709  
procedures or specific investigatory work product; 1710

(d) Information that would endanger the life or physical 1711  
safety of law enforcement personnel, a crime victim, a witness, or 1712  
a confidential information source. 1713

(3) "Medical record" means any document or combination of 1714  
documents, except births, deaths, and the fact of admission to or 1715  
discharge from a hospital, that pertains to the medical history, 1716  
diagnosis, prognosis, or medical condition of a patient and that 1717  
is generated and maintained in the process of medical treatment. 1718

(4) "Trial preparation record" means any record that contains 1719  
information that is specifically compiled in reasonable 1720  
anticipation of, or in defense of, a civil or criminal action or 1721  
proceeding, including the independent thought processes and 1722  
personal trial preparation of an attorney. 1723

(5) "Intellectual property record" means a record, other than 1724  
a financial or administrative record, that is produced or 1725  
collected by or for faculty or staff of a state institution of 1726  
higher learning in the conduct of or as a result of study or 1727

research on an educational, commercial, scientific, artistic, 1728  
technical, or scholarly issue, regardless of whether the study or 1729  
research was sponsored by the institution alone or in conjunction 1730  
with a governmental body or private concern, and that has not been 1731  
publicly released, published, or patented. 1732

(6) "Donor profile record" means all records about donors or 1733  
potential donors to a public institution of higher education 1734  
except the names and reported addresses of the actual donors and 1735  
the date, amount, and conditions of the actual donation. 1736

(7) "Peace officer, firefighter, or EMT residential and 1737  
familial information" means either of the following: 1738

(a) Any information maintained in a personnel record of a 1739  
peace officer, firefighter, or EMT that discloses any of the 1740  
following: 1741

(i) The address of the actual personal residence of a peace 1742  
officer, firefighter, or EMT, except for the state or political 1743  
subdivision in which the peace officer, firefighter, or EMT 1744  
resides; 1745

(ii) Information compiled from referral to or participation 1746  
in an employee assistance program; 1747

(iii) The social security number, the residential telephone 1748  
number, any bank account, debit card, charge card, or credit card 1749  
number, or the emergency telephone number of, or any medical 1750  
information pertaining to, a peace officer, firefighter, or EMT; 1751

(iv) The name of any beneficiary of employment benefits, 1752  
including, but not limited to, life insurance benefits, provided 1753  
to a peace officer, firefighter, or EMT by the peace officer's, 1754  
firefighter's, or EMT's employer; 1755

(v) The identity and amount of any charitable or employment 1756  
benefit deduction made by the peace officer's, firefighter's, or 1757

EMT's employer from the peace officer's, firefighter's, or EMT's 1758  
compensation unless the amount of the deduction is required by 1759  
state or federal law; 1760

(vi) The name, the residential address, the name of the 1761  
employer, the address of the employer, the social security number, 1762  
the residential telephone number, any bank account, debit card, 1763  
charge card, or credit card number, or the emergency telephone 1764  
number of the spouse, a former spouse, or any child of a peace 1765  
officer, firefighter, or EMT. 1766

(b) Any record that identifies a person's occupation as a 1767  
peace officer, firefighter, or EMT other than statements required 1768  
to include the disclosure of that fact under the campaign finance 1769  
law. 1770

As used in divisions (A)(7) and (B)(5) of this section, 1771  
"peace officer" has the same meaning as in section 109.71 of the 1772  
Revised Code and also includes the superintendent and troopers of 1773  
the state highway patrol; it does not include the sheriff of a 1774  
county or a supervisory employee who, in the absence of the 1775  
sheriff, is authorized to stand in for, exercise the authority of, 1776  
and perform the duties of the sheriff. 1777

As used in divisions (A)(7) and (B)(5) of this section, 1778  
"firefighter" means any regular, paid or volunteer, member of a 1779  
lawfully constituted fire department of a municipal corporation, 1780  
township, fire district, or village. 1781

As used in divisions (A)(7) and (B)(5) of this section, "EMT" 1782  
means EMTs-basic, EMTs-I, and paramedics that provide emergency 1783  
medical services for a public emergency medical service 1784  
organization. "Emergency medical service organization," 1785  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 1786  
section 4765.01 of the Revised Code. 1787

(8) "Information pertaining to the recreational activities of 1788

a person under the age of eighteen" means information that is kept 1789  
in the ordinary course of business by a public office, that 1790  
pertains to the recreational activities of a person under the age 1791  
of eighteen years, and that discloses any of the following: 1792

(a) The address or telephone number of a person under the age 1793  
of eighteen or the address or telephone number of that person's 1794  
parent, guardian, custodian, or emergency contact person; 1795

(b) The social security number, birth date, or photographic 1796  
image of a person under the age of eighteen; 1797

(c) Any medical record, history, or information pertaining to 1798  
a person under the age of eighteen; 1799

(d) Any additional information sought or required about a 1800  
person under the age of eighteen for the purpose of allowing that 1801  
person to participate in any recreational activity conducted or 1802  
sponsored by a public office or to use or obtain admission 1803  
privileges to any recreational facility owned or operated by a 1804  
public office. 1805

(9) "Community control sanction" has the same meaning as in 1806  
section 2929.01 of the Revised Code. 1807

(10) "Post-release control sanction" has the same meaning as 1808  
in section 2967.01 of the Revised Code. 1809

(B)(1) Subject to division (B)(4) of this section, all public 1810  
records shall be promptly prepared and made available for 1811  
inspection to any person at all reasonable times during regular 1812  
business hours. Subject to division (B)(4) of this section, upon 1813  
request, a public office or person responsible for public records 1814  
shall make copies available at cost, within a reasonable period of 1815  
time. In order to facilitate broader access to public records, 1816  
public offices shall maintain public records in a manner that they 1817  
can be made available for inspection in accordance with this 1818  
division. 1819

(2) If any person chooses to obtain a copy of a public record 1820  
in accordance with division (B)(1) of this section, the public 1821  
office or person responsible for the public record shall permit 1822  
that person to choose to have the public record duplicated upon 1823  
paper, upon the same medium upon which the public office or person 1824  
responsible for the public record keeps it, or upon any other 1825  
medium upon which the public office or person responsible for the 1826  
public record determines that it reasonably can be duplicated as 1827  
an integral part of the normal operations of the public office or 1828  
person responsible for the public record. When the person seeking 1829  
the copy makes a choice under this division, the public office or 1830  
person responsible for the public record shall provide a copy of 1831  
it in accordance with the choice made by the person seeking the 1832  
copy. 1833

(3) Upon a request made in accordance with division (B)(1) of 1834  
this section, a public office or person responsible for public 1835  
records shall transmit a copy of a public record to any person by 1836  
United States mail within a reasonable period of time after 1837  
receiving the request for the copy. The public office or person 1838  
responsible for the public record may require the person making 1839  
the request to pay in advance the cost of postage and other 1840  
supplies used in the mailing. 1841

Any public office may adopt a policy and procedures that it 1842  
will follow in transmitting, within a reasonable period of time 1843  
after receiving a request, copies of public records by United 1844  
States mail pursuant to this division. A public office that adopts 1845  
a policy and procedures under this division shall comply with them 1846  
in performing its duties under this division. 1847

In any policy and procedures adopted under this division, a 1848  
public office may limit the number of records requested by a 1849  
person that the office will transmit by United States mail to ten 1850  
per month, unless the person certifies to the office in writing 1851

that the person does not intend to use or forward the requested 1852  
records, or the information contained in them, for commercial 1853  
purposes. For purposes of this division, "commercial" shall be 1854  
narrowly construed and does not include reporting or gathering 1855  
news, reporting or gathering information to assist citizen 1856  
oversight or understanding of the operation or activities of 1857  
government, or nonprofit educational research. 1858

(4) A public office or person responsible for public records 1859  
is not required to permit a person who is incarcerated pursuant to 1860  
a criminal conviction or a juvenile adjudication to inspect or to 1861  
obtain a copy of any public record concerning a criminal 1862  
investigation or prosecution or concerning what would be a 1863  
criminal investigation or prosecution if the subject of the 1864  
investigation or prosecution were an adult, unless the request to 1865  
inspect or to obtain a copy of the record is for the purpose of 1866  
acquiring information that is subject to release as a public 1867  
record under this section and the judge who imposed the sentence 1868  
or made the adjudication with respect to the person, or the 1869  
judge's successor in office, finds that the information sought in 1870  
the public record is necessary to support what appears to be a 1871  
justiciable claim of the person. 1872

(5) Upon written request made and signed by a journalist on 1873  
or after December 16, 1999, a public office, or person responsible 1874  
for public records, having custody of the records of the agency 1875  
employing a specified peace officer, firefighter, or EMT shall 1876  
disclose to the journalist the address of the actual personal 1877  
residence of the peace officer, firefighter or EMT and, if the 1878  
peace officer's, firefighter's or EMT's spouse, former spouse, or 1879  
child is employed by a public office, the name and address of the 1880  
employer of the peace officer's, firefighter's, or EMT's spouse, 1881  
former spouse, or child. The request shall include the 1882  
journalist's name and title and the name and address of the 1883

journalist's employer and shall state that disclosure of the 1884  
information sought would be in the public interest. 1885

As used in division (B)(5) of this section, "journalist" 1886  
means a person engaged in, connected with, or employed by any news 1887  
medium, including a newspaper, magazine, press association, news 1888  
agency, or wire service, a radio or television station, or a 1889  
similar medium, for the purpose of gathering, processing, 1890  
transmitting, compiling, editing, or disseminating information for 1891  
the general public. 1892

(C) If a person allegedly is aggrieved by the failure of a 1893  
public office to promptly prepare a public record and to make it 1894  
available to the person for inspection in accordance with division 1895  
(B) of this section, or if a person who has requested a copy of a 1896  
public record allegedly is aggrieved by the failure of a public 1897  
office or the person responsible for the public record to make a 1898  
copy available to the person allegedly aggrieved in accordance 1899  
with division (B) of this section, the person allegedly aggrieved 1900  
may commence a mandamus action to obtain a judgment that orders 1901  
the public office or the person responsible for the public record 1902  
to comply with division (B) of this section and that awards 1903  
reasonable attorney's fees to the person that instituted the 1904  
mandamus action. The mandamus action may be commenced in the court 1905  
of common pleas of the county in which division (B) of this 1906  
section allegedly was not complied with, in the supreme court 1907  
pursuant to its original jurisdiction under Section 2 of Article 1908  
IV, Ohio Constitution, or in the court of appeals for the 1909  
appellate district in which division (B) of this section allegedly 1910  
was not complied with pursuant to its original jurisdiction under 1911  
Section 3 of Article IV, Ohio Constitution. 1912

(D) Chapter 1347. of the Revised Code does not limit the 1913  
provisions of this section. 1914

(E)(1) The bureau of motor vehicles may adopt rules pursuant 1915



to Chapter 119. of the Revised Code to reasonably limit the number 1916  
of bulk commercial special extraction requests made by a person 1917  
for the same records or for updated records during a calendar 1918  
year. The rules may include provisions for charges to be made for 1919  
bulk commercial special extraction requests for the actual cost of 1920  
the bureau, plus special extraction costs, plus ten per cent. The 1921  
bureau may charge for expenses for redacting information, the 1922  
release of which is prohibited by law. 1923

(2) As used in divisions (B)(3) and (E)(1) of this section: 1924

(a) "Actual cost" means the cost of depleted supplies, 1925  
records storage media costs, actual mailing and alternative 1926  
delivery costs, or other transmitting costs, and any direct 1927  
equipment operating and maintenance costs, including actual costs 1928  
paid to private contractors for copying services. 1929

(b) "Bulk commercial special extraction request" means a 1930  
request for copies of a record for information in a format other 1931  
than the format already available, or information that cannot be 1932  
extracted without examination of all items in a records series, 1933  
class of records, or data base by a person who intends to use or 1934  
forward the copies for surveys, marketing, solicitation, or resale 1935  
for commercial purposes. "Bulk commercial special extraction 1936  
request" does not include a request by a person who gives 1937  
assurance to the bureau that the person making the request does 1938  
not intend to use or forward the requested copies for surveys, 1939  
marketing, solicitation, or resale for commercial purposes. 1940

(c) "Commercial" means profit-seeking production, buying, or 1941  
selling of any good, service, or other product. 1942

(d) "Special extraction costs" means the cost of the time 1943  
spent by the lowest paid employee competent to perform the task, 1944  
the actual amount paid to outside private contractors employed by 1945  
the bureau, or the actual cost incurred to create computer 1946

programs to make the special extraction. "Special extraction 1947  
costs" include any charges paid to a public agency for computer or 1948  
records services. 1949

(3) For purposes of divisions (E)(1) and (2) of this section, 1950  
"commercial surveys, marketing, solicitation, or resale" shall be 1951  
narrowly construed and does not include reporting or gathering 1952  
news, reporting or gathering information to assist citizen 1953  
oversight or understanding of the operation or activities of 1954  
government, or nonprofit educational research. 1955

**Section 4.** That the existing version of section 149.43 of the 1956  
Revised Code that is scheduled to take effect January 1, 2004, is 1957  
hereby repealed. 1958

**Section 5.** Sections 3 and 4 of this act take effect January 1959  
1, 2004. 1960

**Section 6.** That Section 56.01 of Am. Sub. H.B. 94 of the 1961  
124th General Assembly, as most recently amended by Am. Sub. H.B. 1962  
524 of the 124th General Assembly, be amended to read as follows: 1963

**Sec. 56.01. HEMOPHILIA SERVICES** 1964

Of the foregoing appropriation item 440-406, Hemophilia 1965  
Services, \$205,000 in each fiscal year shall be used to implement 1966  
the Hemophilia Insurance Pilot Project. 1967

Of the foregoing appropriation item 440-406, Hemophilia 1968  
Services, up to \$245,000 in each fiscal year shall be used by the 1969  
Department of Health to provide grants to the nine hemophilia 1970  
treatment centers to provide prevention services for persons with 1971  
hemophilia and their family members affected by AIDS and other 1972  
bloodborne pathogens. 1973

**CANCER REGISTRY SYSTEM** 1974

Of the foregoing appropriation item 440-412, Cancer Incidence Surveillance System, \$50,000 in each fiscal year shall be provided to the Northern Ohio Cancer Resource Center.

The remaining moneys in appropriation item 440-412, Cancer Incidence Surveillance System, shall be used to maintain and operate the Ohio Cancer Incidence Surveillance System pursuant to sections 3701.261 to 3701.263 of the Revised Code.

Not later than March 1, 2002, the Ohio Cancer Incidence Surveillance Advisory Board shall report to the General Assembly on the effectiveness of the cancer incidence surveillance system and the partnership between the Department of Health and the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute of The Ohio State University.

CHILD AND FAMILY HEALTH SERVICES

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$1,700,000 in each fiscal year shall be used for family planning services. None of the funds received through these family planning grants shall be used to provide abortion services. None of the funds received through these family planning grants shall be used for counseling for or referrals for abortion, except in the case of a medical emergency. These funds shall be distributed on the basis of the relative need in the community served by the Director of Health to family planning programs, which shall include family planning programs funded under Title V of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and Title X of the "Public Health Services Act," 58 Stat. 682 (1946), 42 U.S.C.A. 201, as amended, as well as to other family planning programs that the Department of Health also determines will provide services that are physically and financially separate from abortion-providing and abortion-promoting activities, and that do not include counseling

for or referrals for abortion, other than in the case of medical 2006  
emergency, with state moneys, but that otherwise substantially 2007  
comply with the quality standards for such programs under Title V 2008  
and Title X. 2009

The Director of Health, by rule, shall provide reasonable 2010  
methods by which a grantee wishing to be eligible for federal 2011  
funding may comply with these requirements for state funding 2012  
without losing its eligibility for federal funding, while ensuring 2013  
that a family planning program receiving a family planning grant 2014  
must be organized so that it is physically and financially 2015  
separate from the provision of abortion services and from 2016  
activities promoting abortion as a method of family planning. 2017

Of the foregoing appropriation item 440-416, Child and Family 2018  
Health Services, \$150,000 in each fiscal year shall be used to 2019  
provide malpractice insurance for physicians and other health 2020  
professionals providing prenatal services in programs funded by 2021  
the Department of Health. 2022

Of the foregoing appropriation item 440-416, Child and Family 2023  
Health Services, \$279,000 shall be used in each fiscal year for 2024  
the OPTIONS dental care access program. 2025

Of the foregoing appropriation item 440-416, Child and Family 2026  
Health Services, \$600,000 in each fiscal year shall be used by 2027  
local child and family health services clinics to provide services 2028  
to uninsured low-income persons. 2029

Of the foregoing appropriation item 440-416, Child and Family 2030  
Health Services, \$900,000 in each fiscal year shall be used by 2031  
federally qualified health centers and federally designated 2032  
look-alikes to provide services to uninsured low-income persons. 2033

Of the foregoing appropriation item 440-416, Child and Family 2034  
Health Services, \$50,000 in each fiscal year shall be used for the 2035  
Tree of Knowledge Learning Center in Cleveland Heights. 2036

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$25,000 in fiscal year 2002 shall be provided to the Suicide Prevention Program of Clermont County.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$50,000 in fiscal year 2002 shall be provided to the Discover Health Project.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$75,000 in fiscal year 2002 shall be provided to the Mayerson Center.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$50,000 in fiscal year 2002 shall be provided to the Central Clinic at the University of Cincinnati.

IMMUNIZATIONS

Of the foregoing appropriation item 440-418, Immunizations, \$125,000 per fiscal year shall be used to provide vaccinations for Hepatitis B to all qualified underinsured students in the seventh grade who have not been previously immunized.

Of the foregoing appropriation item 440-418, Immunizations, up to \$25,000 in each fiscal year shall be used to provide vaccinations for pneumococcal disease for children between the ages of two and five.

SEXUAL ASSAULT PREVENTION AND INTERVENTION

The foregoing appropriation item 440-419, Sexual Assault Prevention and Intervention, shall be used for the following purposes:

(A) Funding of new services in counties with no services for sexual assault;

(B) Expansion of services provided in currently funded projects so that comprehensive crisis intervention and prevention services are offered;

(C) Start-up funding for Sexual Assault Nurse Examiner (SANE) projects;	2067 2068
(D) Statewide expansion of local outreach and public awareness efforts.	2069 2070
HIV/AIDS PREVENTION/TREATMENT	2071
Of the foregoing appropriation item 440-444, AIDS Prevention and Treatment, \$6.7 million in fiscal year 2002 and \$7.1 million in fiscal year 2003 shall be used to assist persons with HIV/AIDS in acquiring HIV-related medications.	2072 2073 2074 2075
The HIV Drug Assistance Program is pursuant to section 3701.241 of the Revised Code and Title XXVI of the "Public Health Services Act," 104 Stat. 576 (1990), 42 U.S.C.A. 2601, as amended. The Department of Health may adopt rules pursuant to Chapter 119. of the Revised Code as necessary for the administration of the program.	2076 2077 2078 2079 2080 2081
INFECTIOUS DISEASE PREVENTION	2082
Notwithstanding section 339.77 of the Revised Code, \$60,000 of the foregoing appropriation item 440-446, Infectious Disease Prevention, shall be used by the Director of Health to reimburse Boards of County Commissioners for the cost of detaining indigent persons with tuberculosis. Any portion of the \$60,000 allocated for detainment not used for that purpose shall be used to make payments to counties pursuant to section 339.77 of the Revised Code.	2083 2084 2085 2086 2087 2088 2089 2090
Of the foregoing appropriation item 440-446, Infectious Disease Prevention, \$335,000 in each fiscal year shall be used for the purchase of drugs for sexually transmitted diseases.	2091 2092 2093
HELP ME GROW	2094
The foregoing appropriation item 440-459, Help Me Grow, shall be used by the Department of Health to distribute subsidies to	2095 2096

counties to implement the Help Me Grow program. Appropriation item 2097  
440-459 may be used in conjunction with Temporary Assistance for 2098  
Needy Families from the Department of Job and Family Services, 2099  
Even Start from the Department of Education, and in conjunction 2100  
with other early childhood funds and services to promote the 2101  
optimal development of young children. Local contacts shall be 2102  
developed between local departments of job and family services and 2103  
family and children first councils for the administration of TANF 2104  
funding for the Help Me Grow Program. The Department of Health 2105  
shall enter into an interagency agreement with the Department of 2106  
Education to coordinate the planning, design, and grant selection 2107  
process for any new Even Start grants and to ensure that all new 2108  
and existing programs within Help Me Grow are school linked. 2109

POISON CONTROL NETWORK 2110

The foregoing appropriation item 440-504, Poison Control 2111  
Network, shall be used in each fiscal year by the Department of 2112  
Health for grants to the consolidated Ohio Poison Control Center 2113  
to provide poison control services to Ohio citizens. 2114

TANF FAMILY PLANNING 2115

The Director of Budget and Management shall transfer by 2116  
intrastate transfer voucher, not later than the fifteenth day of 2117  
July of each fiscal year, cash from the General Revenue Fund, 2118  
appropriation item 600-410, TANF State, to General Services Fund 2119  
5C1 in the Department of Health, in an amount of \$250,000 in each 2120  
fiscal year for the purpose of family planning services for 2121  
children or their families whose income is at or below 200 per 2122  
cent of the official poverty guideline. 2123

As used in this section, "poverty guideline" means the 2124  
official poverty guideline as revised annually by the United 2125  
States Secretary of Health and Human Services in accordance with 2126  
section 673 of the "Community Services Block Grant Act," 95 Stat. 2127

511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal 2128  
to the size of the family of the person whose income is being 2129  
determined. 2130

MATERNAL CHILD HEALTH BLOCK GRANT 2131

Of the foregoing appropriation item 440-601, Maternal Child 2132  
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 2133  
fiscal year for the purposes of abstinence-only education. The 2134  
Director of Health shall develop guidelines for the establishment 2135  
of abstinence programs for teenagers with the purpose of 2136  
decreasing unplanned pregnancies and abortion. Such guidelines 2137  
shall be pursuant to Title V of the "Social Security Act," 42 2138  
U.S.C.A. 510, and shall include, but are not limited to, 2139  
advertising campaigns and direct training in schools and other 2140  
locations. 2141

A portion of the foregoing appropriation item 440-601, 2142  
Maternal Child Health Block Grant (Fund 320), may be used to 2143  
ensure that current information on sudden infant death syndrome is 2144  
available for distribution by local health districts. 2145

TITLE XX TRANSFER 2146

Of the foregoing appropriation item 440-611, Title XX 2147  
Transfer (Fund 3W5), \$500,000 in each fiscal year, to the extent 2148  
funds are available based on deposits made pursuant to Section 2149  
63.09 of Am. Sub. H.B. 94 of the 124th General Assembly, shall be 2150  
used for the purposes of abstinence-only education. The Director 2151  
of Health shall develop guidelines for the establishment of 2152  
abstinence programs for teenagers with the purpose of decreasing 2153  
unplanned pregnancies and abortion. The guidelines shall be 2154  
developed pursuant to Title V of the "Social Security Act," 42 2155  
U.S.C. 510, and shall include, but are not to be limited to, 2156  
advertising campaigns and direct training in schools and other 2157  
locations. 2158



GENETICS SERVICES 2159

The foregoing appropriation item 440-608, Genetics Services 2160  
(Fund 4D6), shall be used by the Department of Health to 2161  
administer programs authorized by sections 3701.501 and 3701.502 2162  
of the Revised Code. None of these funds shall be used to counsel 2163  
or refer for abortion, except in the case of a medical emergency. 2164

SICKLE CELL FUND 2165

The foregoing appropriation item 440-610, Sickle Cell Disease 2166  
Control (Fund 4F9), shall be used by the Department of Health to 2167  
administer programs authorized by section 3701.131 of the Revised 2168  
Code. The source of the funds is as specified in section ~~3701.23~~ 2169  
3701.221 of the Revised Code. 2170

SAFETY AND QUALITY OF CARE STANDARDS 2171

The Department of Health may use Fund 471, Certificate of 2172  
Need, for administering sections 3702.11 to 3702.20 and 3702.30 of 2173  
the Revised Code in each fiscal year. 2174

MEDICALLY HANDICAPPED CHILDREN AUDIT 2175

The Medically Handicapped Children Audit Fund (Fund 477) 2176  
shall receive revenue from audits of hospitals and recoveries from 2177  
third-party payors. Moneys may be expended for payment of audit 2178  
settlements and for costs directly related to obtaining recoveries 2179  
from third-party payors and for encouraging Medically Handicapped 2180  
Children's Program recipients to apply for third-party benefits. 2181  
Moneys also may be expended for payments for diagnostic and 2182  
treatment services on behalf of medically handicapped children, as 2183  
defined in division (A) of section 3701.022 of the Revised Code, 2184  
and Ohio residents who are twenty-one or more years of age and who 2185  
are suffering from cystic fibrosis. Moneys may also be expended 2186  
for administrative expenses incurred in operating the Medically 2187  
Handicapped Children's Program. 2188

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 2189  
PERMIT FUND 2190

The Director of Budget and Management, pursuant to a plan 2191  
submitted by the Department of Health, or as otherwise determined 2192  
by the Director of Budget and Management, shall set a schedule to 2193  
transfer cash from the Liquor Control Fund (Fund 043) to the 2194  
Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating 2195  
needs of the Alcohol Testing and Permit program. 2196

The Director of Budget and Management shall transfer to the 2197  
Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control 2198  
Fund (Fund 043) established in section 4301.12 of the Revised Code 2199  
such amounts at such times as determined by the transfer schedule. 2200

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 2201

The foregoing appropriation item 440-607, Medically 2202  
Handicapped Children - County Assessments (Fund 666), shall be 2203  
used to make payments pursuant to division (E) of section 3701.023 2204  
of the Revised Code. 2205

**Section 7.** That existing Section 56.01 of Am. Sub. H.B. 94 of 2206  
the 124th General Assembly, as most recently amended by Am. Sub. 2207  
H.B. 524 of the 124th General Assembly, is hereby repealed. 2208

**Section 8.** Section 149.43 of the Revised Code is presented in 2209  
Section 1 of this act as a composite of the section as amended by 2210  
both Am. Sub. S.B. 180 and Sub. S.B. 258 of the 124th General 2211  
Assembly. The General Assembly, applying the principle stated in 2212  
division (B) of section 1.52 of the Revised Code that amendments 2213  
are to be harmonized if reasonably capable of simultaneous 2214  
operation, finds that the composite is the resulting version of 2215  
the section in effect prior to the effective date of the section 2216  
as presented in this act. 2217

**Section 9.** Section 149.43 of the Revised Code is presented in 2218  
Section 3 of this act as a composite of the section as amended by 2219  
Am. Sub. H.B. 490, Am. Sub. S.B. 180, and Sub. S.B. 258 of the 2220  
124th General Assembly. The General Assembly, applying the 2221  
principle stated in division (B) of section 1.52 of the Revised 2222  
Code that amendments are to be harmonized if reasonably capable of 2223  
simultaneous operation, finds that the composite is the resulting 2224  
version of the section in effect prior to the effective date of 2225  
the section as presented in this act. 2226