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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
Senators Carnes, Harris, Stivers, Mumper

A BILL

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, 3707.99, 3715.02, 3901.46, and 4736.01; 6
to amend, for the purpose of adopting new section 7
numbers as indicated in parentheses, sections 8
3701.16 (3701.161), 3701.17 (3701.162), 3701.23 9
(3701.221), and 3707.33 (3707.38); and to enact 10
new 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 modify the powers and duties of the 14
Department of Health, Public Health Council, and 15
boards of health relative to bioterrorism and 16

other public health matters. 17

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

Section 1. That sections 149.43, 339.89, 3701.03, 3701.04, 18
3701.06, 3701.07, 3701.13, 3701.14, 3701.15, 3701.16, 3701.17, 19
3701.19, 3701.22, 3701.23, 3701.24, 3701.241, 3701.25, 3701.34, 20
3701.35, 3701.352, 3701.501, 3701.56, 3701.57, 3701.99, 3707.06, 21
3707.99, 3715.02, 3901.46, and 4736.01 be amended; sections 22
3701.16 (3701.161), 3701.17 (3701.162), 3701.23 (3701.221), and 23
3707.33 (3707.38) be amended for the purpose of adopting new 24
section numbers as indicated in parentheses; and new sections 25
3701.16, 3701.17, and 3701.23 and sections 3701.072, 3701.146, 26
3701.201, 3701.231, 3701.232, 3701.571, and 3707.34 of the Revised 27
Code be enacted to read as follows: 28

Sec. 149.43. (A) As used in this section: 29

(1) "Public record" means records kept by any public office, 30
including, but not limited to, state, county, city, village, 31
township, and school district units, and records pertaining to the 32
delivery of educational services by an alternative school in Ohio 33
kept by a nonprofit or for profit entity operating such 34
alternative school pursuant to section 3313.533 of the Revised 35
Code. "Public record" does not mean any of the following: 36

(a) Medical records; 37

(b) Records pertaining to probation and parole proceedings or 38
to proceedings related to the imposition of community control 39
sanctions and post-release control sanctions; 40

(c) Records pertaining to actions under section 2151.85 and 41
division (C) of section 2919.121 of the Revised Code and to 42
appeals of actions arising under those sections; 43

(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;	44 45 46
(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;	47 48 49 50 51 52
(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;	53 54 55
(g) Trial preparation records;	56
(h) Confidential law enforcement investigatory records;	57
(i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;	58 59
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	60 61
(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;	62 63 64 65
(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;	66 67 68 69
(m) Intellectual property records;	70
(n) Donor profile records;	71
(o) Records maintained by the department of job and family	72

services pursuant to section 3121.894 of the Revised Code;	73
(p) Peace officer, firefighter, or EMT residential and familial information;	74 75
(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;	76 77 78
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	79 80
(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;	81 82 83 84 85
(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;	86 87 88 89
(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;	90 91 92 93 94
(v) Records the release of which is prohibited by state or federal law;	95 96
(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;	97 98 99
<u>(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code.</u>	100 101
(2) "Confidential law enforcement investigatory record" means	102

any record that pertains to a law enforcement matter of a 103
criminal, quasi-criminal, civil, or administrative nature, but 104
only to the extent that the release of the record would create a 105
high probability of disclosure of any of the following: 106

(a) The identity of a suspect who has not been charged with 107
the offense to which the record pertains, or of an information 108
source or witness to whom confidentiality has been reasonably 109
promised; 110

(b) Information provided by an information source or witness 111
to whom confidentiality has been reasonably promised, which 112
information would reasonably tend to disclose the source's or 113
witness's identity; 114

(c) Specific confidential investigatory techniques or 115
procedures or specific investigatory work product; 116

(d) Information that would endanger the life or physical 117
safety of law enforcement personnel, a crime victim, a witness, or 118
a confidential information source. 119

(3) "Medical record" means any document or combination of 120
documents, except births, deaths, and the fact of admission to or 121
discharge from a hospital, that pertains to the medical history, 122
diagnosis, prognosis, or medical condition of a patient and that 123
is generated and maintained in the process of medical treatment. 124

(4) "Trial preparation record" means any record that contains 125
information that is specifically compiled in reasonable 126
anticipation of, or in defense of, a civil or criminal action or 127
proceeding, including the independent thought processes and 128
personal trial preparation of an attorney. 129

(5) "Intellectual property record" means a record, other than 130
a financial or administrative record, that is produced or 131
collected by or for faculty or staff of a state institution of 132
higher learning in the conduct of or as a result of study or 133

research on an educational, commercial, scientific, artistic, 134
technical, or scholarly issue, regardless of whether the study or 135
research was sponsored by the institution alone or in conjunction 136
with a governmental body or private concern, and that has not been 137
publicly released, published, or patented. 138

(6) "Donor profile record" means all records about donors or 139
potential donors to a public institution of higher education 140
except the names and reported addresses of the actual donors and 141
the date, amount, and conditions of the actual donation. 142

(7) "Peace officer, firefighter, or EMT residential and 143
familial information" means either of the following: 144

(a) Any information maintained in a personnel record of a 145
peace officer, firefighter, or EMT that discloses any of the 146
following: 147

(i) The address of the actual personal residence of a peace 148
officer, firefighter, or EMT, except for the state or political 149
subdivision in which the peace officer, firefighter, or EMT 150
resides; 151

(ii) Information compiled from referral to or participation 152
in an employee assistance program; 153

(iii) The social security number, the residential telephone 154
number, any bank account, debit card, charge card, or credit card 155
number, or the emergency telephone number of, or any medical 156
information pertaining to, a peace officer, firefighter, or EMT; 157

(iv) The name of any beneficiary of employment benefits, 158
including, but not limited to, life insurance benefits, provided 159
to a peace officer, firefighter, or EMT by the peace officer's, 160
firefighter's, or EMT's employer; 161

(v) The identity and amount of any charitable or employment 162
benefit deduction made by the peace officer's, firefighter's, or 163

EMT's employer from the peace officer's, firefighter's, or EMT's 164
compensation unless the amount of the deduction is required by 165
state or federal law; 166

(vi) The name, the residential address, the name of the 167
employer, the address of the employer, the social security number, 168
the residential telephone number, any bank account, debit card, 169
charge card, or credit card number, or the emergency telephone 170
number of the spouse, a former spouse, or any child of a peace 171
officer, firefighter, or EMT. 172

(b) Any record that identifies a person's occupation as a 173
peace officer, firefighter, or EMT other than statements required 174
to include the disclosure of that fact under the campaign finance 175
law. 176

As used in divisions (A)(7) and (B)(5) of this section, 177
"peace officer" has the same meaning as in section 109.71 of the 178
Revised Code and also includes the superintendent and troopers of 179
the state highway patrol; it does not include the sheriff of a 180
county or a supervisory employee who, in the absence of the 181
sheriff, is authorized to stand in for, exercise the authority of, 182
and perform the duties of the sheriff. 183

As used in divisions (A)(7) and (B)(5) of this section, 184
"firefighter" means any regular, paid or volunteer, member of a 185
lawfully constituted fire department of a municipal corporation, 186
township, fire district, or village. 187

As used in divisions (A)(7) and (B)(5) of this section, "EMT" 188
means EMTs-basic, EMTs-I, and paramedics that provide emergency 189
medical services for a public emergency medical service 190
organization. "Emergency medical service organization," 191
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 192
section 4765.01 of the Revised Code. 193

(8) "Information pertaining to the recreational activities of 194

a person under the age of eighteen" means information that is kept 195
in the ordinary course of business by a public office, that 196
pertains to the recreational activities of a person under the age 197
of eighteen years, and that discloses any of the following: 198

(a) The address or telephone number of a person under the age 199
of eighteen or the address or telephone number of that person's 200
parent, guardian, custodian, or emergency contact person; 201

(b) The social security number, birth date, or photographic 202
image of a person under the age of eighteen; 203

(c) Any medical record, history, or information pertaining to 204
a person under the age of eighteen; 205

(d) Any additional information sought or required about a 206
person under the age of eighteen for the purpose of allowing that 207
person to participate in any recreational activity conducted or 208
sponsored by a public office or to use or obtain admission 209
privileges to any recreational facility owned or operated by a 210
public office. 211

(9) "Community control sanction" has the same meaning as in 212
section 2929.01 of the Revised Code. 213

(10) "Post-release control sanction" has the same meaning as 214
in section 2967.01 of the Revised Code. 215

(B)(1) Subject to division (B)(4) of this section, all public 216
records shall be promptly prepared and made available for 217
inspection to any person at all reasonable times during regular 218
business hours. Subject to division (B)(4) of this section, upon 219
request, a public office or person responsible for public records 220
shall make copies available at cost, within a reasonable period of 221
time. In order to facilitate broader access to public records, 222
public offices shall maintain public records in a manner that they 223
can be made available for inspection in accordance with this 224
division. 225

(2) If any person chooses to obtain a copy of a public record 226
in accordance with division (B)(1) of this section, the public 227
office or person responsible for the public record shall permit 228
that person to choose to have the public record duplicated upon 229
paper, upon the same medium upon which the public office or person 230
responsible for the public record keeps it, or upon any other 231
medium upon which the public office or person responsible for the 232
public record determines that it reasonably can be duplicated as 233
an integral part of the normal operations of the public office or 234
person responsible for the public record. When the person seeking 235
the copy makes a choice under this division, the public office or 236
person responsible for the public record shall provide a copy of 237
it in accordance with the choice made by the person seeking the 238
copy. 239

(3) Upon a request made in accordance with division (B)(1) of 240
this section, a public office or person responsible for public 241
records shall transmit a copy of a public record to any person by 242
United States mail within a reasonable period of time after 243
receiving the request for the copy. The public office or person 244
responsible for the public record may require the person making 245
the request to pay in advance the cost of postage and other 246
supplies used in the mailing. 247

Any public office may adopt a policy and procedures that it 248
will follow in transmitting, within a reasonable period of time 249
after receiving a request, copies of public records by United 250
States mail pursuant to this division. A public office that adopts 251
a policy and procedures under this division shall comply with them 252
in performing its duties under this division. 253

In any policy and procedures adopted under this division, a 254
public office may limit the number of records requested by a 255
person that the office will transmit by United States mail to ten 256
per month, unless the person certifies to the office in writing 257

that the person does not intend to use or forward the requested 258
records, or the information contained in them, for commercial 259
purposes. For purposes of this division, "commercial" shall be 260
narrowly construed and does not include reporting or gathering 261
news, reporting or gathering information to assist citizen 262
oversight or understanding of the operation or activities of 263
government, or nonprofit educational research. 264

(4) A public office or person responsible for public records 265
is not required to permit a person who is incarcerated pursuant to 266
a criminal conviction or a juvenile adjudication to inspect or to 267
obtain a copy of any public record concerning a criminal 268
investigation or prosecution or concerning what would be a 269
criminal investigation or prosecution if the subject of the 270
investigation or prosecution were an adult, unless the request to 271
inspect or to obtain a copy of the record is for the purpose of 272
acquiring information that is subject to release as a public 273
record under this section and the judge who imposed the sentence 274
or made the adjudication with respect to the person, or the 275
judge's successor in office, finds that the information sought in 276
the public record is necessary to support what appears to be a 277
justiciable claim of the person. 278

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

nalist's employer and shall state that disclosure of the 290
information sought would be in the public interest. 291

As used in division (B)(5) of this section, "journalist" 292
means a person engaged in, connected with, or employed by any news 293
medium, including a newspaper, magazine, press association, news 294
agency, or wire service, a radio or television station, or a 295
similar medium, for the purpose of gathering, processing, 296
transmitting, compiling, editing, or disseminating information for 297
the general public. 298

(C) If a person allegedly is aggrieved by the failure of a 299
public office to promptly prepare a public record and to make it 300
available to the person for inspection in accordance with division 301
(B) of this section, or if a person who has requested a copy of a 302
public record allegedly is aggrieved by the failure of a public 303
office or the person responsible for the public record to make a 304
copy available to the person allegedly aggrieved in accordance 305
with division (B) of this section, the person allegedly aggrieved 306
may commence a mandamus action to obtain a judgment that orders 307
the public office or the person responsible for the public record 308
to comply with division (B) of this section and that awards 309
reasonable attorney's fees to the person that instituted the 310
mandamus action. The mandamus action may be commenced in the court 311
of common pleas of the county in which division (B) of this 312
section allegedly was not complied with, in the supreme court 313
pursuant to its original jurisdiction under Section 2 of Article 314
IV, Ohio Constitution, or in the court of appeals for the 315
appellate district in which division (B) of this section allegedly 316
was not complied with pursuant to its original jurisdiction under 317
Section 3 of Article IV, Ohio Constitution. 318

(D) Chapter 1347. of the Revised Code does not limit the 319
provisions of this section. 320

(E)(1) The bureau of motor vehicles may adopt rules pursuant 321

to Chapter 119. of the Revised Code to reasonably limit the number 322
of bulk commercial special extraction requests made by a person 323
for the same records or for updated records during a calendar 324
year. The rules may include provisions for charges to be made for 325
bulk commercial special extraction requests for the actual cost of 326
the bureau, plus special extraction costs, plus ten per cent. The 327
bureau may charge for expenses for redacting information, the 328
release of which is prohibited by law. 329

(2) As used in divisions (B)(3) and (E)(1) of this section: 330

(a) "Actual cost" means the cost of depleted supplies, 331
records storage media costs, actual mailing and alternative 332
delivery costs, or other transmitting costs, and any direct 333
equipment operating and maintenance costs, including actual costs 334
paid to private contractors for copying services. 335

(b) "Bulk commercial special extraction request" means a 336
request for copies of a record for information in a format other 337
than the format already available, or information that cannot be 338
extracted without examination of all items in a records series, 339
class of records, or data base by a person who intends to use or 340
forward the copies for surveys, marketing, solicitation, or resale 341
for commercial purposes. "Bulk commercial special extraction 342
request" does not include a request by a person who gives 343
assurance to the bureau that the person making the request does 344
not intend to use or forward the requested copies for surveys, 345
marketing, solicitation, or resale for commercial purposes. 346

(c) "Commercial" means profit-seeking production, buying, or 347
selling of any good, service, or other product. 348

(d) "Special extraction costs" means the cost of the time 349
spent by the lowest paid employee competent to perform the task, 350
the actual amount paid to outside private contractors employed by 351
the bureau, or the actual cost incurred to create computer 352

programs to make the special extraction. "Special extraction 353
costs" include any charges paid to a public agency for computer or 354
records services. 355

(3) For purposes of divisions (E)(1) and (2) of this section, 356
"commercial surveys, marketing, solicitation, or resale" shall be 357
narrowly construed and does not include reporting or gathering 358
news, reporting or gathering information to assist citizen 359
oversight or understanding of the operation or activities of 360
government, or nonprofit educational research. 361

Sec. 339.89. Sections 339.71 to 339.88 of the Revised Code, 362
and the rules for tuberculosis adopted under section ~~3701.14~~ 363
3701.146 of the Revised Code, do not require a person to undergo 364
testing, medical treatment, or detention in a hospital or other 365
place for treatment if the person, or, in the case of a child, the 366
child's parents, rely exclusively on spiritual treatment through 367
prayer, in lieu of medical treatment, in accordance with a 368
recognized, religious method of healing. The person may be 369
quarantined or otherwise safely isolated in the home or another 370
place that is suitable to the health of the person and has been 371
approved by the tuberculosis control unit as a place that provides 372
appropriate protection to other persons and the community. 373

Sec. 3701.03. (A) The director of health shall perform ~~such~~ 374
duties ~~as~~ that are incident to ~~his~~ the director's position as 375
chief executive officer of the department of health. ~~He~~ The 376
director shall administer the laws relating to health and 377
sanitation and the ~~regulations~~ rules of the department of health. 378
~~He~~ The director may designate employees of the department and, 379
during a public health emergency, other persons to administer the 380
laws and rules on the director's behalf. 381

(B) Nothing in this section authorizes any action that 382

prevents the fulfillment of duties or impairs the exercise of 383
authority established by law for any other person or entity. 384

(C) The director shall prepare sanitary and public health 385
~~regulations~~ rules for consideration by the public health council 386
and ~~shall~~ submit to ~~said~~ the council recommendations for new 387
legislation. The director shall sit at meetings of the council but 388
shall have no vote. 389

Sec. 3701.04. (A) The director of health shall: 390

(1) Require ~~such~~ reports and make ~~such~~ inspections and 391
investigations ~~as~~ that the director considers necessary; 392

(2) Provide ~~such methods of~~ administration, appoint ~~such~~ 393
personnel, make ~~such~~ reports, and take ~~such~~ other action as ~~may be~~ 394
necessary to comply with the requirements of the ~~federal act~~ 395
"Construction and Modernization of Hospitals and Other Medical 396
Facilities Act," Title VI of the "Public Health Service Act," 60 397
Stat. 1041 (1946), 42 U.S.C. 291, as amended, and the regulations 398
~~thereunder~~ adopted under that act; 399

(3) Procure by contract the temporary or intermittent 400
services of experts ~~or,~~ consultants, or organizations ~~thereof~~ when 401
~~such~~ those services are to be performed on a part-time or 402
fee-for-service basis and do not involve the performance of 403
administrative duties; 404

(4) Enter into agreements for the utilization of the 405
facilities and services of other departments, agencies, and 406
institutions, public or private; 407

(5) On behalf of the state, solicit, accept, hold, 408
administer, and deposit in the state treasury to the credit of the 409
general operations fund created in section 3701.83 of the Revised 410
Code, any grant, gift, devise, bequest, or contribution made to 411
assist in meeting the cost of carrying out the director's 412

responsibilities and expend the grant, gift, ~~device~~ devise, 413
bequest, or contribution for the purpose for which made. Fees 414
collected by the director in connection with meetings and 415
conferences shall also be credited to the fund and expended for 416
the purposes for which paid. 417

(6) Make an annual report to the governor on activities and 418
expenditures, including recommendations for such additional 419
legislation as the director considers appropriate to furnish 420
adequate hospital, clinic, and similar facilities to the people of 421
this state. 422

(B) The director of health may enter into agreements to sell 423
services offered by the department of health to boards of health 424
of city and general health districts and to other departments, 425
agencies, and institutions of ~~the~~ this state, other states, or the 426
United States. Fees collected by the director for the sale of 427
services ~~under this division~~ shall be deposited into the state 428
treasury to the credit of the general operations fund created in 429
section 3701.83 of the Revised Code. 430

Sec. 3701.06. The director of health and any person 431
~~authorized by him~~ the director authorizes may, without fee or 432
hindrance, enter, examine, and survey all grounds, vehicles, 433
apartments, buildings, and places in furtherance of any duty laid 434
upon the director or department of health or where ~~he~~ the director 435
has reason to believe there exists a violation of any health law 436
or ~~of the sanitary code~~ rule. 437

Sec. 3701.07. (A) The public health council shall adopt rules 438
in accordance with Chapter 119. of the Revised Code defining and 439
classifying hospitals and dispensaries and providing for the 440
reporting of information by hospitals and dispensaries. ~~The~~ Except 441
as otherwise provided in the Revised Code, the rules providing for 442

the reporting of information shall not require inclusion of any 443
confidential patient data or any information concerning the 444
financial condition, income, expenses, or net worth of the 445
facilities other than that financial information already contained 446
in those portions of the medicare or medicaid cost report that is 447
necessary for the department of health to certify the per diem 448
cost under section 3701.62 of the Revised Code. The rules may 449
require the reporting of information in the following categories: 450

(1) Information needed to identify and classify the 451
institution; 452

(2) Information on facilities and type and volume of services 453
provided by the institution; 454

(3) The number of beds listed by category of care provided; 455

(4) The number of licensed or certified professional 456
employees by classification; 457

(5) The number of births that occurred at the institution the 458
previous calendar year; 459

(6) Any other information that the council considers relevant 460
to the safety of patients served by the institution. 461

Every hospital and dispensary, public or private, annually 462
shall register with and report to the department of health. 463
Reports shall be submitted in the manner prescribed in ~~rule~~ rules 464
adopted under this division. 465

(B) Every governmental entity or private nonprofit 466
corporation or association whose employees or representatives are 467
defined as residents' rights advocates under divisions (E)(1) and 468
(2) of section 3721.10 or division (A)(10) of section 3722.01 of 469
the Revised Code shall register with the department of health on 470
forms furnished by the director of health and shall provide such 471
reasonable identifying information as the director may prescribe. 472

The department shall compile a list of the governmental 473
entities, corporations, or associations registering under this 474
division and shall update the list annually. Copies of the list 475
shall be made available to nursing home administrators as defined 476
in division (C) of section 3721.10 of the Revised Code and to 477
adult care facility managers as defined in section 3722.01 of the 478
Revised Code. 479

(C) Every governmental entity or private nonprofit 480
corporation or association whose employees or representatives act 481
as residents' rights advocates for community alternative homes 482
pursuant to section 3724.08 of the Revised Code shall register 483
with the department of health on forms furnished by the director 484
of health and shall provide such reasonable identifying 485
information as the director may prescribe. 486

The department shall compile a list of the governmental 487
entities, corporations, and associations registering under this 488
division and shall update the list annually. Copies of the list 489
shall be made available to operators or residence managers of 490
community alternative homes as defined in section 3724.01 of the 491
Revised Code. 492

Sec. 3701.072. (A) As used in this chapter: 493

(1) "Bioterrorism" has the same meaning as in section 494
3701.232 of the Revised Code. 495

(2) "Surveillance" in the public health service means the 496
systematic collection, analysis, interpretation, and dissemination 497
of health data on an ongoing basis, to gain knowledge of the 498
pattern of disease occurrence and potential in a community in 499
order to control and prevent disease in the community. 500

(3) "Trauma center" has the same meaning as in section 501
4765.01 of the Revised Code. 502

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

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

(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.

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 534
for nonmedical purposes which emit doses of radiation likely to be 535
harmful to any person, for preventing the spread of contagious or 536
infectious diseases, for governing the receipt and conveyance of 537
remains of deceased persons, and for such other sanitary matters 538
as are best controlled by a general rule. Whenever possible, the 539
department shall work in cooperation with the health commissioner 540
of a general or city health district. It may make and enforce 541
orders in local matters when an emergency exists, or when the 542
board of health of a general or city health district has neglected 543
or refused to act with sufficient promptness or efficiency, or 544
when such board has not been established as provided by sections 545
3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 546
of the Revised Code. In such cases the necessary expense incurred 547
shall be paid by the general health district or city for which the 548
services are rendered. 549

The department may make evaluative studies of the nutritional 550
status of Ohio residents, and of the food and nutrition-related 551
programs operating within the state. Every agency of the state, at 552
the request of the department, shall provide information and 553
otherwise assist in the execution of such studies. 554

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

collect and preserve information in respect to such matters and 565
kindred subjects as may be useful in the discharge of the 566
director's duties, and for dissemination among the people. When 567
called upon by the state or local governments, or the board of 568
health of a general or city health district, the director shall 569
promptly investigate and report upon the water supply, sewerage, 570
disposal of excreta of any locality, and the heating, plumbing, 571
and ventilation of a public building. 572

~~(B) With regard to tuberculosis, the following apply:~~ 573

~~(1) The director shall make payments to boards of county 574
commissioners in accordance with section 339.77 of the Revised 575
Code;~~ 576

~~(2) The director shall maintain registries of hospitals, 577
clinics, physicians, or other care providers to whom the director 578
shall refer persons who make inquiries to the department of health 579
regarding possible exposure to tuberculosis;~~ 580

~~(3) The director shall engage in tuberculosis surveillance 581
activities, including the collection and analysis of 582
epidemiological information relative to the frequency of 583
tuberculosis infection, demographic and geographic distribution of 584
tuberculosis cases, and trends pertaining to tuberculosis;~~ 585

~~(4) The director shall maintain a tuberculosis registry to 586
record the incidence of tuberculosis in this state;~~ 587

~~(5) The director may appoint physicians to serve as 588
tuberculosis consultants for geographic regions of the state 589
specified by the director. Each tuberculosis consultant shall act 590
in accordance with guidelines established by the director and 591
shall be responsible for advising and assisting physicians and 592
other health care practitioners who participate in tuberculosis 593
control activities and for reviewing medical records pertaining to 594~~

~~the treatment provided to individuals with tuberculosis.~~ 595

~~(6) The public health council shall adopt rules establishing standards for the following:~~ 596
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~~(a) Performing tuberculosis screenings;~~ 598

~~(b) Performing examinations of individuals who have been exposed to tuberculosis and individuals who are suspected of having tuberculosis;~~ 599
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~~(c) Providing treatment to individuals with tuberculosis;~~ 602

~~(d) Methods of preventing individuals with communicable tuberculosis from infecting other individuals;~~ 603
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~~(e) Performing laboratory tests for tuberculosis and studies of the resistance of tuberculosis to one or more drugs;~~ 605
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~~(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.~~ 607
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~~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~~ 611
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Information obtained during an investigation or inquiry that 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 or inquiry and shall not be released except pursuant to division (D) or (J) of this section or under one of the following conditions: 618
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(1) The confidential information is released pursuant to a 624

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. 625
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(2) The director has entered into a written agreement to share or exchange the information with a person or government entity, and that agreement requires the person or entity to comply with the confidentiality requirements established under this section. 628
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(3) The information is contained in a preliminary report released by the director pursuant to division (G)(1) of this section. 633
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(C) Division (B) of this section applies during any investigation or inquiry the director makes pursuant to division (A) of this section, notwithstanding any other provision of the Revised Code that establishes the manner of maintaining confidentiality or the release of information, except that the confidentiality and release of protected health information under section 3701.17 of the Revised Code is governed by that section. 636
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(D) Nothing in this section bars the release of information that is in summary, statistical, or aggregate form and that does not identify a person. Information that is in summary, statistical, or aggregate form and that does not identify a person is a public record under section 149.43 of the Revised Code. 643
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(E) Nothing in this section authorizes the director to conduct an independent criminal investigation without the consent of each local law enforcement agency with jurisdiction to conduct the criminal investigation. 648
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(F) Except for information released pursuant to division (G) or (J) of this section, any disclosure pursuant to this section shall be in writing and accompanied by a written statement that includes the following or substantially similar language: "This 652
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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

(G)(1) If an investigation or inquiry the director currently 665
is conducting pursuant to division (A) of this section is not 666
completed within six months after the date of commencement, the 667
director shall prepare and release a report containing preliminary 668
findings. Every six months thereafter, the director shall prepare 669
and release a supplementary preliminary report until such time as 670
the investigation or inquiry is completed. 671

(2) Upon completion of an investigation or inquiry conducted 672
pursuant to division (A) of this section, the director shall 673
prepare and release a final report containing the director's 674
findings. 675

(H) No report prepared by the director pursuant to this 676
section shall contain protected health information, as defined in 677
section 3701.17 of the Revised Code. 678

(I) The director shall adopt, in accordance with Chapter 119. 679
of the Revised Code, rules establishing the manner in which the 680
reports prepared by the director pursuant to this section are to 681
be released. 682

(J) The director shall release information obtained during an 683
investigation or inquiry that the director currently is conducting 684
pursuant to division (A) of this section and that is not yet 685
complete, if the director determines the release of the 686

information is necessary, based on an evaluation of relevant 687
information, to avert or mitigate a clear threat to an individual 688
or to the public health. Information released pursuant to this 689
division shall be limited to the release of the information to 690
those persons necessary to control, prevent, or mitigate disease 691
or illness. 692

Sec. 3701.146. (A) In taking actions regarding tuberculosis, 693
the director of health has all of the following duties and powers: 694

(1) The director shall make payments to boards of county 695
commissioners in accordance with section 339.77 of the Revised 696
Code. 697

(2) The director shall maintain registries of hospitals, 698
clinics, physicians, or other care providers to whom the director 699
shall refer persons who make inquiries to the department of health 700
regarding possible exposure to tuberculosis. 701

(3) The director shall engage in tuberculosis surveillance 702
activities, including the collection and analysis of 703
epidemiological information relative to the frequency of 704
tuberculosis infection, demographic and geographic distribution of 705
tuberculosis cases, and trends pertaining to tuberculosis. 706

(4) The director shall maintain a tuberculosis registry to 707
record the incidence of tuberculosis in this state. 708

(5) The director may appoint physicians to serve as 709
tuberculosis consultants for geographic regions of the state 710
specified by the director. Each tuberculosis consultant shall act 711
in accordance with rules the director establishes and shall be 712
responsible for advising and assisting physicians and other health 713
care practitioners who participate in tuberculosis control 714
activities and for reviewing medical records pertaining to the 715
treatment provided to individuals with tuberculosis. 716

(B)(1) The public health council shall adopt rules 717
establishing standards for the following: 718

(a) Performing tuberculosis screenings; 719

(b) Performing examinations of individuals who have been 720
exposed to tuberculosis and individuals who are suspected of 721
having tuberculosis; 722

(c) Providing treatment to individuals with tuberculosis; 723

(d) Preventing individuals with communicable tuberculosis 724
from infecting other individuals; 725

(e) Performing laboratory tests for tuberculosis and studies 726
of the resistance of tuberculosis to one or more drugs; 727

(f) Selecting laboratories that provide in a timely fashion 728
the results of a laboratory test for tuberculosis. The standards 729
shall include a requirement that first consideration be given to 730
laboratories located in this state. 731

(2) Rules adopted pursuant to this section shall be adopted 732
in accordance with Chapter 119. of the Revised Code and may be 733
consistent with any recommendations or guidelines on tuberculosis 734
issued by the United States centers for disease control and 735
prevention or by the American thoracic society. The rules shall 736
apply to county or district tuberculosis control units, physicians 737
who examine and treat individuals for tuberculosis, and 738
laboratories that perform tests for tuberculosis. 739

Sec. 3701.15. Each year, the director of health shall make a 740
report to the governor, which shall include so much of the 741
proceedings of the department of health, ~~such~~ information 742
concerning vital statistics and diseases, ~~such~~ instructions on the 743
subject of hygiene for dissemination among the people and ~~such~~ 744
suggestions as to legislation, ~~as he~~ the director deems proper. 745
The director shall include in ~~his~~ the director's annual report a 746

full statement of all examinations made in the department's 747
~~chemical and bacteriological~~ public health laboratory authorized 748
by section 3701.22 of the Revised Code, with a detailed account of 749
all expenses. 750

Sec. 3701.16. The director of health may purchase, store, and 751
distribute antitoxins, serums, vaccines, immunizing agents, 752
antibiotics, and other pharmaceutical agents or medical supplies 753
that the director deems advisable in the interest of preparing for 754
or responding to a public health emergency. The discretion granted 755
to the director by this section does not relieve the director of 756
the duty to act under section 3701.161 of the Revised Code. 757

Sec. ~~3701.16~~ 3701.161. The director of health shall make 758
necessary arrangements for the production and distribution of 759
diphtheria antitoxin. Such antitoxin shall in all respects be 760
equal in purity and potency to the standard of requirements of the 761
United States public health service for antitoxin for interstate 762
commerce. Diphtheria antitoxin shall be distributed in accordance 763
with ~~such rules and regulations as may be adopted by~~ the public 764
health council adopts pursuant to Chapter 119. of the Revised 765
Code. 766

Sec. ~~3701.17~~ 3701.162. Any licensed physician practicing in 767
~~the~~ this state, or the superintendent of any state or county 768
institution, may receive without charge ~~such~~ the quantities of 769
antitoxin as ~~he~~ the physician or superintendent requires for the 770
treatment or prevention of diphtheria in indigent persons, 771
provided such antitoxin shall be used only for persons residing in 772
the state, and that a sufficient supply is available for 773
distribution. 774

Sec. 3701.17. (A) As used in this section: 775

(1) "Prosecutor" has the same meaning as in section 2935.01 776
of the Revised Code. 777

(2) "Protected health information" means information, in any 778
form, including oral, written, electronic, visual, pictorial, or 779
physical that describes an individual's past, present, or future 780
physical or mental health status or condition, receipt of 781
treatment or care, or purchase of health products, if either of 782
the following applies: 783

(a) The information reveals the identity of the individual 784
who is the subject of the information. 785

(b) The information could be used to reveal the identity of 786
the individual who is the subject of the information, either by 787
using the information alone or with other information that is 788
available to predictable recipients of the information. 789

(B) Protected health information reported to or obtained by 790
the director of health, the department of health, or a board of 791
health of a city or general health district is confidential and 792
shall not be released without the written consent of the 793
individual who is the subject of the information unless the 794
information is released pursuant to division (C) of this section 795
or one of the following applies: 796

(1) The release of the information is necessary to provide 797
treatment to the individual and the information is released 798
pursuant to a written agreement that requires the recipient of the 799
information to comply with the confidentiality requirements 800
established under this section. 801

(2) The release of the information is necessary to ensure the 802
accuracy of the information and the information is released 803
pursuant to a written agreement that requires the recipient of the 804
information to comply with the confidentiality requirements 805
established under this section. 806

(3) The information is released pursuant to a search warrant 807
or subpoena issued by or at the request of a grand jury or 808
prosecutor in connection with a criminal investigation or 809
prosecution. 810

(4) The director determines the release of the information is 811
necessary, based on an evaluation of relevant information, to 812
avert or mitigate a clear threat to an individual or to the public 813
health. Information may be released pursuant to this division only 814
to those persons or entities necessary to control, prevent, or 815
mitigate disease. 816

(C) Information that does not identify an individual is not 817
protected health information and may be released in summary, 818
statistical, or aggregate form. Information that is in a summary, 819
statistical, or aggregate form and that does not identify an 820
individual is a public record under section 149.43 of the Revised 821
Code and, upon request, shall be released by the director. 822

(D) Except for information released pursuant to division 823
(B)(4) of this section, any disclosure pursuant to this section 824
shall be in writing and accompanied by a written statement that 825
includes the following or substantially similar language: "This 826
information has been disclosed to you from confidential records 827
protected from disclosure by state law. If this information has 828
been released to you in other than a summary, statistical, or 829
aggregate form, you shall make no further disclosure of this 830
information without the specific, written, and informed release of 831
the individual to whom it pertains, or as otherwise permitted by 832
state law. A general authorization for the release of medical or 833
other information is not sufficient for the release of information 834
pursuant to this section." 835

Sec. 3701.19. ~~As used in this section and in section 3701.20~~ 836
sections 3701.19 to 3701.201 of the Revised Code: 837

(A) "Poison prevention and treatment center" means an entity 838
designated as a poison prevention and treatment center by the 839
director of health under section 3701.20 of the Revised Code. 840

(B) "Harm" means injury, death, or loss to person or 841
property. 842

(C) "Tort action" means a civil action for damages for 843
injury, death, or loss to person or property. "Tort action" 844
includes a product liability claim that is subject to sections 845
2307.71 to 2307.80 of the Revised Code, but does not include a 846
civil action for a breach of contract or another agreement between 847
persons. 848

(D)(1) Subject to division (D)(2) of this section, 849
"volunteer" means a trustee, officer, or agent of a poison 850
prevention and treatment center, or another person associated with 851
such a center, who satisfies both of the following: 852

(a) Performs services for or on behalf of, and under the 853
authority or auspices of, the center; 854

(b) Does not receive compensation, either directly or 855
indirectly, for performing those services. 856

(2) For purposes of division (D)(1) of this section, 857
"compensation" does not include any of the following: 858

(a) Actual and necessary expenses that are incurred by a 859
volunteer in connection with the services performed for a center, 860
and that are reimbursed to the volunteer or otherwise paid; 861

(b) Insurance premiums paid on behalf of a volunteer, and 862
amounts paid or reimbursed, pursuant to division (E) of section 863
1702.12 of the Revised Code; 864

(c) Modest perquisites. 865

Sec. 3701.201. (A) As used in this section, "bioterrorism" 866

has the same meaning as in section 3701.232 of the Revised Code. 867

(B) The public health council shall adopt rules in accordance 868
with Chapter 119. of the Revised Code under which a poison 869
prevention and treatment center or other health-related entity is 870
required to report events that may be caused by bioterrorism, 871
epidemic or pandemic disease, or established or novel infectious 872
agents or biological or chemical toxins posing a risk of human 873
fatality or disability. Rules adopted under this section may 874
require a report of any of the following: 875

(1) An unexpected pattern or increase in the number of 876
telephone inquiries or requests to provide information about 877
poison prevention and treatment and available services; 878

(2) An unexpected pattern or increase in the number of 879
requests to provide specialized treatment, consultation, 880
information, and educational programs to health care professionals 881
and the public; 882

(3) An unexpected pattern or increase in the number of 883
requests for information on established or novel infectious agents 884
or biological or chemical toxins posing a risk of human fatality 885
or disability that is relatively uncommon and may have been caused 886
by bioterrorism. 887

(C) Each poison prevention and treatment center and other 888
health-related entity shall comply with any reporting requirement 889
established in rules adopted under division (B) of this section. 890

(D) Information reported under this section that is protected 891
health information pursuant to section 3701.17 of the Revised Code 892
shall be released only in accordance with that section. 893
Information that does not identify an individual may be released 894
in summary, statistical, or aggregate form. 895

Sec. 3701.22. The department of health shall maintain a 896
~~chemical and bacteriological~~ public health laboratory for the 897
following: 898

(A) Examination of public water supplies and the effluent of 899
sewage purification works; 900

(B) Diagnosis of ~~diphtheria, typhoid fever, hydrophobia,~~ 901
~~glanders, and such other~~ screening for, or confirmation of 902
diseases or pathogens as it deems necessary; 903

(C) Performance of biological, chemical, or radiological 904
analyses or examinations as it deems necessary; 905

(D) Analysis of patient specimens and food samples necessary 906
for investigation of foodborne illnesses. In foodborne illness 907
investigations, the laboratory shall cooperate and consult with 908
the director of agriculture acting pursuant to section 3715.02 of 909
the Revised Code. 910

~~Sec. 3701.23~~ 3701.221. (A) The director of health shall have 911
charge of the public health laboratory authorized by section 912
3701.22 of the Revised Code. The director may employ an assistant 913
for the laboratory who shall be a person skilled in chemistry and 914
bacteriology, and receive ~~such~~ compensation as the director ~~may~~ 915
~~allow~~ determines. All expenses of ~~such~~ the laboratory shall be 916
paid from appropriations made for the department of health. 917

(B) The public health council, in accordance with Chapter 918
119. of the Revised Code, shall adopt, and may amend or rescind, 919
rules establishing reasonable fees ~~to be charged~~ for services ~~that~~ 920
the laboratory performs. The council need not prescribe fees ~~to be~~ 921
~~charged in any case~~ where the council believes that ~~the~~ charging 922
~~of~~ fees would significantly and adversely affect the public 923
health. All fees collected for services ~~that~~ the laboratory 924
performs shall be deposited into the state treasury to the credit 925

of the "laboratory handling fee fund," which is hereby created for 926
the purpose of defraying expenses of operating the laboratory. 927

Sec. 3701.23. (A) As used in this section, "health care 928
provider" means any person or government entity that provides 929
health care services to individuals. "Health care provider" 930
includes, but is not limited to, hospitals, medical clinics and 931
offices, special care facilities, medical laboratories, 932
physicians, pharmacists, dentists, physician assistants, 933
registered and licensed practical nurses, laboratory technicians, 934
emergency medical service organization personnel, and ambulance 935
service organization personnel. 936

(B) Boards of health, health authorities or officials, health 937
care providers in localities in which there are no health 938
authorities or officials, and coroners or medical examiners shall 939
report promptly to the department of health the existence of any 940
of the following: 941

(1) Asiatic cholera; 942

(2) Yellow fever; 943

(3) Diphtheria; 944

(4) Typhus or typhoid fever; 945

(5) As specified by the public health council, other 946
contagious or infectious diseases, illnesses, health conditions, 947
or unusual infectious agents or biological toxins posing a risk of 948
human fatality or disability. 949

(C) No person shall fail to comply with the reporting 950
requirements established under division (B) of this section. 951

(D) The reports required by this section shall be submitted 952
on forms, as required by statute or rule, and in the manner the 953
director of health prescribes. 954

(E) Information reported under this section that is protected 955
health information pursuant to section 3701.17 of the Revised Code 956
shall be released only in accordance with that section. 957
Information that does not identify an individual may be released 958
in summary, statistical, or aggregate form. 959

Sec. 3701.231. If a medical laboratory outside this state 960
performs a test or other diagnostic or investigative analysis that 961
results in information pertaining to a resident of this state that 962
must be reported under section 3701.23 or 3707.06 of the Revised 963
Code, the entity using the laboratory shall ensure that the 964
laboratory complies with reporting and confidentiality 965
requirements and shall verify to the director of health that the 966
laboratory complies with reporting and confidentiality 967
requirements. The director shall establish procedures by which an 968
entity may verify the laboratory's compliance. 969

Sec. 3701.232. (A) As used in this section: 970

(1) "Bioterrorism" means the intentional use of any 971
microorganism, virus, infectious substance, or biological product 972
that may be engineered as a result of biotechnology, or any 973
naturally occurring or bioengineered component of a microorganism, 974
virus, infectious substance, or biological product, to cause 975
death, disease, or other biological malfunction in a human, 976
animal, plant, or other living organism as a means of influencing 977
the conduct of government or intimidating or coercing a 978
population. 979

(2) "Pharmacist" means an individual licensed under Chapter 980
4729. of the Revised Code to engage in the practice of pharmacy as 981
a pharmacist. 982

(3) "Pharmacy" and "prescription" have the same meanings as 983
in section 4729.01 of the Revised Code. 984

(B) The public health council shall adopt rules in accordance with Chapter 119. of the Revised Code under which a pharmacy or pharmacist is required to report significant changes in medication usage that may be caused by bioterrorism, epidemic or pandemic disease, or established or novel infectious agents or biological toxins posing a risk of human fatality or disability. Rules adopted under this section may require a report of any of the following: 985
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(1) An unexpected increase in the number of prescriptions for antibiotics; 993
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(2) An unexpected increase in the number of prescriptions for medication to treat fever or respiratory or gastrointestinal complaints; 995
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(3) An unexpected increase in sales of, or the number of requests for information on, over-the-counter medication to treat fever or respiratory or gastrointestinal complaints; 998
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(4) Any prescription for medication used to treat a disease that is relatively uncommon and may have been caused by bioterrorism. 1001
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(C) No person shall fail to comply with any reporting requirement established in rules adopted under division (B) of this section. 1004
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(D) Information reported under this section that is protected health information pursuant to section 3701.17 of the Revised Code shall be released only in accordance with that section. Information that does not identify an individual may be released in summary, statistical, or aggregate form. 1007
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Sec. 3701.24. (A) As used in this section and sections 3701.241 to 3701.249 of the Revised Code: 1012
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(1) "AIDS" means the illness designated as acquired 1014

immunodeficiency syndrome.	1015
(2) "HIV" means the human immunodeficiency virus identified as the causative agent of AIDS.	1016 1017
(3) "AIDS-related condition" means symptoms of illness related to HIV infection, including AIDS-related complex, that are confirmed by a positive HIV test.	1018 1019 1020
(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.	1021 1022 1023
(5) "Health care facility" has the same meaning as in section 1751.01 of the Revised Code.	1024 1025
(6) "Director" means the director of health or any employee of the department of health acting on the director's behalf.	1026 1027
(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.	1028 1029 1030 1031
(8) "Nurse" means a registered nurse or licensed practical nurse who holds a license or certificate issued under Chapter 4723. of the Revised Code.	1032 1033 1034
(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.	1035 1036 1037 1038 1039
(10) "Confidential test" means an HIV test administered so that the identity of the individual tested is linked to the test but is held in confidence to the extent provided by section <u>sections</u> 3701.24 to 3701.248 of the Revised Code.	1040 1041 1042 1043
(11) "Health care provider" means an individual who provides	1044

diagnostic, evaluative, or treatment services. Pursuant to Chapter 1045
119. of the Revised Code, the public health council may adopt 1046
rules further defining the scope of the term "health care 1047
provider." 1048

(12) "Significant exposure to body fluids" means a 1049
percutaneous or mucous membrane exposure of an individual to the 1050
blood, semen, vaginal secretions, or spinal, synovial, pleural, 1051
peritoneal, pericardial, or amniotic fluid of another individual. 1052

(13) "Emergency medical services worker" means all of the 1053
following: 1054

(a) A peace officer; 1055

(b) An employee of an emergency medical service organization 1056
as defined in section 4765.01 of the Revised Code; 1057

(c) A firefighter employed by a political subdivision; 1058

(d) A volunteer firefighter, emergency operator, or rescue 1059
operator; 1060

(e) An employee of a private organization that renders rescue 1061
services, emergency medical services, or emergency medical 1062
transportation to accident victims and persons suffering serious 1063
illness or injury. 1064

(14) "Peace officer" has the same meaning as in division (A) 1065
of section 109.71 of the Revised Code, except that it also 1066
includes a sheriff and the superintendent and troopers of the 1067
state highway patrol. 1068

~~(B) Boards of health, health authorities or officials, and 1069
physicians in localities in which there are no health authorities 1070
or officials, shall report promptly to the department of health 1071
the existence of any one of the following diseases: 1072~~

~~(1) Asiatic cholera; 1073~~

~~(2) Yellow fever; 1074~~

(3) Diphtheria;	1075
(4) Typhus or typhoid fever;	1076
(5) Any other contagious or infectious diseases that the public health council specifies.	1077 1078
(C) Persons designated by rule adopted by the public health council under section 3701.241 of the Revised Code shall report promptly every case of AIDS, every AIDS-related condition, and every confirmed positive HIV test to the department of health on forms and in a manner prescribed by the director. In each county the director shall designate the health commissioner of a health district in the county to receive the reports.	1079 1080 1081 1082 1083 1084 1085
<u>(C) No person shall fail to comply with the reporting requirements established under division (B) of this section.</u>	1086 1087
<u>(D) Information reported under this division section that identifies an individual is confidential and may be released only with the written consent of the individual except as the director determines necessary to ensure the accuracy of the information, as necessary to provide treatment to the individual, as ordered by a court pursuant to section 3701.243 or 3701.247 of the Revised Code, or pursuant to a search warrant or a subpoena issued by or at the request of a grand jury, prosecuting attorney, city director of law or similar chief legal officer of a municipal corporation, or village solicitor, in connection with a criminal investigation or prosecution. Information that does not identify an individual may be released in summary, statistical, or other aggregate form.</u>	1088 1089 1090 1091 1092 1093 1094 1095 1096 1097 1098 1099 1100
Sec. 3701.241. (A) The director of health shall develop and administer the following:	1101 1102
(1) A surveillance system to determine the number of cases of AIDS and the HIV infection rate in various population groups;	1103 1104

(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:

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

(2) Establish sites for confidential and anonymous HIV tests,

and prepare a list of sites where an individual may obtain an
anonymous test;

(3) Prepare a list of counseling services;

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

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

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

(D) The director of health shall administer funds received
under Title XXVI of the "Public Health Services Act," 104 Stat.
576 (1990), 42 U.S.C.A. 2601, as amended, for programs to improve
the quality and availability of care for individuals with AIDS,
AIDS-related condition, and HIV infection. In administering these
funds, the director may enter into contracts with any person or
entity for the purpose of administering the programs, including
contracts with the department of job and family services for
establishment of a program of reimbursement of drugs used for
treatment and care of such individuals. The director of health may

adopt rules in accordance with Chapter 119. of the Revised Code 1166
and issue orders as necessary for administration of the funds. If 1167
the department of job and family services enters into a contract 1168
under this division, the director of job and family services may 1169
adopt rules in accordance with Chapter 119. of the Revised Code as 1170
necessary for carrying out the department's duties under the 1171
contract. 1172

Sec. 3701.25. (A) Every physician attending on or called in 1173
to visit a patient whom ~~he~~ the physician believes to be suffering 1174
from poisoning from lead, cadmium, phosphorus, arsenic, brass, 1175
wood alcohol, mercury, or their compounds, ~~or from anthrax~~ or from 1176
compressed air illness and such other occupational diseases and 1177
ailments as the department of health shall require to be reported, 1178
shall within forty-eight hours from the time of first attending 1179
such patient send to the director of health a report stating: 1180

~~(A)~~(1) Name, address, and occupation of patient; 1181

~~(B)~~(2) Name, address, and business of employer; 1182

~~(C)~~(3) Nature of disease; 1183

~~(D)~~(4) Such other information as may be reasonably required 1184
by the department. 1185

(B) No person shall fail to comply with the reporting 1186
requirements established under division (A) of this section. 1187

(C) The reports required by this section shall be made on, or 1188
in conformity with, the standard schedule blanks provided for in 1189
section 3701.26 of the Revised Code. The mailing of the report, 1190
within the time required, in a stamped envelope addressed to the 1191
office of the director, shall be in compliance with this section. 1192

(D) Such reports shall not be evidence of the facts therein 1193
stated in any action arising out of the disease therein reported. 1194

(E) Information reported under this section that is protected 1195

health information pursuant to section 3701.17 of the Revised Code 1196
shall be released only in accordance with that section. 1197
Information that does not identify an individual may be released 1198
in summary, statistical, or aggregate form. 1199

Sec. 3701.34. (A) The public health council shall: 1200

~~(A)(1)~~ Adopt, and may amend or rescind, ~~sanitary~~ rules to be 1201
of general application throughout the state. ~~The sanitary rules~~ 1202
~~shall be known as the sanitary code.~~ 1203

~~(B)~~ Take evidence in appeals from the decision of the 1204
director of health in a matter relative to the approval or 1205
disapproval of plans, locations, estimates of cost, or other 1206
matters coming before the director for official action. In the 1207
hearing of such appeals the director may be represented in person 1208
or by the attorney general. 1209

~~(C)~~ *i* 1210

(2) Conduct hearings in cases where the law requires that the 1211
department shall give such hearings and reach decisions on the 1212
evidence presented, which shall govern subsequent actions of the 1213
director with reference thereto; 1214

~~(D)~~ (3) Prescribe, by rule, the number and functions of 1215
divisions and bureaus and the qualifications of chiefs or 1216
divisions and bureaus within the department; 1217

~~(E)~~ (4) Enact and amend bylaws in relation to its meetings and 1218
the transaction of its business; 1219

~~(F)~~ (5) Consider any matter relating to the preservation and 1220
improvement of the public health and advise the director thereon 1221
with such recommendations as it considers wise. 1222

(B) The council shall neither have nor exercise executive or 1223
administrative duties. 1224

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

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

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

(2) Division (A)(1) of this section does not apply if the parents of the child object thereto on the grounds that the screening conflicts with their religious tenets and practices.

(B) There is hereby created the newborn screening advisory council to advise the director of health regarding the screening of newborn children for genetic, endocrine, and metabolic disorders. The council shall engage in an ongoing review of the newborn screening requirements established under this section and

shall provide recommendations and reports to the director as the 1255
director requests and as the council considers necessary. The 1256
director may assign other duties to the council, as the director 1257
considers appropriate. 1258

The council shall consist of fourteen members appointed by 1259
the director. In making appointments, the director shall select 1260
individuals and representatives of entities with interest and 1261
expertise in newborn screening, including such individuals and 1262
entities as health care professionals, hospitals, children's 1263
hospitals, regional genetic centers, regional sickle cell centers, 1264
newborn screening coordinators, and members of the public. 1265

The department of health shall provide meeting space, staff 1266
services, and other technical assistance required by the council 1267
in carrying out its duties. Members of the council shall serve 1268
without compensation, but shall be reimbursed for their actual and 1269
necessary expenses incurred in attending meetings of the council 1270
or performing assignments for the council. 1271

The council is not subject to sections 101.82 to 101.87 of 1272
the Revised Code. 1273

(C)(1) The director of health shall adopt rules in accordance 1274
with Chapter 119. of the Revised Code specifying the disorders for 1275
which each newborn child must be screened. 1276

(2) The newborn screening advisory council shall evaluate 1277
genetic, metabolic, and endocrine disorders to assist the director 1278
in determining which disorders should be included in the 1279
screenings required under this section. In determining whether a 1280
disorder should be included, the council shall consider all of the 1281
following: 1282

(a) The disorder's incidence, mortality, and morbidity; 1283

(b) Whether the disorder causes disability if diagnosis, 1284
treatment, and early intervention are delayed; 1285

(c) The potential for successful treatment of the disorder;	1286
(d) The expected benefits to children and society in relation to the risks and costs associated with screening for the disorder;	1287 1288
(e) Whether a screening for the disorder can be conducted without taking an additional blood sample or specimen.	1289 1290
(3) Based on the considerations specified in division (C)(2) of this section, the council shall make recommendations to the director of health for the adoption of rules under division (C)(1) of this section. The director shall promptly and thoroughly review each recommendation the council submits.	1291 1292 1293 1294 1295
(D) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the screenings required by this section. The rules shall include standards and procedures for all of the following:	1296 1297 1298 1299
(1) Causing rescreenings to be performed when initial screenings have abnormal results;	1300 1301
(2) Designating the person or persons who will be responsible for causing screenings and rescreenings to be performed;	1302 1303
(3) Giving to the parents of a child notice of the required initial screening and the possibility that rescreenings may be necessary;	1304 1305 1306
(4) Communicating to the parents of a child the results of the child's screening and any rescreenings that are performed;	1307 1308
(5) Giving notice of the results of an initial screening and any rescreenings to the person who caused the child to be screened or rescreened, or to another person or government entity when the person who caused the child to be screened or rescreened cannot be contacted;	1309 1310 1311 1312 1313
(6) Referring children who receive abnormal screening or rescreening results to providers of follow-up services, including	1314 1315

the services made available through funds disbursed under division 1316
(F) of this section. 1317

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1318
section, all newborn screenings required by this section shall be 1319
performed by the public health laboratory authorized under section 1320
3701.22 of the Revised Code. 1321

(2) If the director determines that the public health 1322
laboratory ~~authorized under section 3701.22 of the Revised Code~~ is 1323
unable to perform screenings for all of the disorders specified in 1324
the rules adopted under division (C) of this section, the director 1325
shall select another laboratory to perform the screenings. The 1326
director shall select the laboratory by issuing a request for 1327
proposals. The director may accept proposals submitted by 1328
laboratories located outside this state. At the conclusion of the 1329
selection process, the director shall enter into a written 1330
contract with the selected laboratory. If the director determines 1331
that the laboratory is not complying with the terms of the 1332
contract, the director shall immediately terminate the contract 1333
and another laboratory shall be selected and contracted with in 1334
the same manner. 1335

(3) Any rescreening caused to be performed pursuant to this 1336
section may be performed by the public health laboratory 1337
~~authorized by section 3701.22 of the Revised Code~~ or one or more 1338
other laboratories designated by the director. Any laboratory the 1339
director considers qualified to perform rescreenings may be 1340
designated, including a laboratory located outside this state. If 1341
more than one laboratory is designated, the person responsible for 1342
causing a rescreening to be performed is also responsible for 1343
selecting the laboratory to be used. 1344

(F)(1) The director shall adopt rules in accordance with 1345
Chapter 119. of the Revised Code establishing a fee that shall be 1346
charged and collected in addition to or in conjunction with any 1347

laboratory fee that is charged and collected for performing the 1348
screenings required by this section. The fee, which shall be not 1349
less than fourteen dollars, shall be disbursed as follows: 1350

(a) Not less than ten dollars and twenty-five cents shall be 1351
deposited in the state treasury to the credit of the genetics 1352
services fund, which is hereby created. Not less than seven 1353
dollars and twenty-five cents of each fee credited to the genetics 1354
services fund shall be used to defray the costs of the programs 1355
authorized by section 3701.502 of the Revised Code. Not less than 1356
three dollars from each fee credited to the genetics services fund 1357
shall be used to defray costs of phenylketonuria programs. 1358

(b) Not less than three dollars and seventy-five cents shall 1359
be deposited into the state treasury to the credit of the sickle 1360
cell fund, which is hereby created. Money credited to the sickle 1361
cell fund shall be used to defray costs of programs authorized by 1362
section 3701.131 of the Revised Code. 1363

(2) In adopting rules under division (F)(1) of this section, 1364
the director shall not establish a fee that differs according to 1365
whether a screening is performed by the public health laboratory 1366
~~authorized under section 3701.22 of the Revised Code~~ or by another 1367
laboratory selected by the director pursuant to division (E)(2) of 1368
this section. 1369

Sec. 3701.56. Boards of health of a general or city health 1370
district, health authorities and officials, officers of state 1371
institutions, police officers, sheriffs, constables, and other 1372
officers and employees of the state or any county, city, or 1373
township, shall enforce ~~the~~ quarantine and ~~sanitary~~ isolation 1374
orders, and the rules ~~and regulations adopted by~~ the department of 1375
health adopts. 1376

Sec. 3701.57. All prosecutions and proceedings by the 1377

department of health for the violation of sections 3701.01 to 1378
3701.56, 3705.01 to 3705.29, 3707.06, 3709.01 to 3709.04, 3709.07 1379
to 3709.11, 3709.13, 3709.17, 3709.18, and 3709.21 to 3709.36 of 1380
the Revised Code, or for the violation of any of the orders or 1381
rules of the department, shall be instituted by the director of 1382
health. ~~All~~ Except as provided in division (C) of section 3701.571 1383
of the Revised Code, all fines or judgments ~~collected by~~ the 1384
department collects shall be paid into the state treasury to the 1385
credit of the general revenue fund. 1386

The director of health, the board of health of a general or 1387
city health district, or any person charged with enforcing the 1388
rules of the department of health as provided in section 3701.56 1389
of the Revised Code may petition the court of common pleas for 1390
injunctive or other appropriate relief requiring any person 1391
violating a rule adopted by the public health council under 1392
section 3701.34 of the Revised Code or any order issued by the 1393
director of health under this chapter to comply with such rule or 1394
order. The court of common pleas of the county in which the 1395
offense is alleged to be occurring may grant such injunctive or 1396
other appropriate relief as the equities of the case require. 1397

Sec. 3701.571. (A) The director of health shall adopt rules 1398
pursuant to Chapter 119. of the Revised Code that establish a 1399
graduated system of fines based on the scope and severity of 1400
violations and the history of compliance, not to exceed seven 1401
hundred fifty dollars per incident, and in an adjudication under 1402
Chapter 119. of the Revised Code, may impose a fine against any 1403
person who violates division (C) of section 3701.23, division (C) 1404
of section 3701.232, division (C) of section 3701.24, division (B) 1405
of section 3701.25, or division (B) of section 3707.06 of the 1406
Revised Code or against any poison prevention and treatment center 1407
or other health-related entity that fails to comply with division 1408

<u>(C) of section 3701.201 of the Revised Code.</u>	1409
<u>(B) On request of the director, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under division (A) of this section that remains unpaid.</u>	1410 1411 1412
<u>(C) All fines collected under this section shall be deposited into the state treasury to the credit of the general operations fund created under section 3701.83 of the Revised Code.</u>	1413 1414 1415
Sec. 3701.99. <u>(A) Whoever violates division (C) of section 3701.23, division (C) of section 3701.232, division (C) of section 3701.24, division (B) of section 3701.25 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the second degree.</u>	1416 1417 1418 1419 1420 1421
(B) Whoever violates <u> division (I) of section 3701.262, division (D) of section 3701.263, or section 3701.352 or sections 3701.46 to 3701.55 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the fourth degree.</u>	1422 1423 1424 1425 1426
(C) <u>(B) Whoever violates section 3701.82 of the Revised Code is guilty of a misdemeanor of the first degree.</u>	1427 1428
(D) <u>(C) Whoever violates section 3701.352 or 3701.81 of the Revised Code is guilty of a misdemeanor of the second degree.</u>	1429 1430
(E) Whoever violates division (G) of section 3701.88 of the Revised Code shall be fined not more than one hundred dollars. Each day the violation continues is a separate offense.	1431 1432 1433
Sec. 3707.06. <u>(A) Each physician or other person called to attend a person suffering from cholera, plague, yellow fever, typhus fever, diphtheria, typhoid fever, or any other disease</u>	1434 1435 1436

dangerous to the public health, or required by the department of 1437
health to be reported, shall report to the health commissioner 1438
within whose jurisdiction the sick person is found the name, age, 1439
sex, and color of the patient, and the house and place in which 1440
the sick person may be found. In like manner, the owner or agent 1441
of the owner of a building in which a person resides who has any 1442
of the listed diseases, or in which are the remains of a person 1443
having died of any of the listed diseases, and the head of the 1444
family, immediately after becoming aware of the fact, shall give 1445
notice thereof to the health commissioner. 1446

(B) No person shall fail to comply with the reporting 1447
requirements of division (A) of this section. 1448

(C) Information reported under this section that is protected 1449
health information pursuant to section 3701.17 of the Revised Code 1450
shall be released only in accordance with that section. 1451
Information that does not identify an individual may be released 1452
in summary, statistical, or aggregate form. 1453

Sec. 3707.34. (A) The health commissioner appointed by a 1454
board of health of a general or city health district may act on 1455
behalf of the board in administering the provision of sections 1456
3707.04 to 3707.32 of the Revised Code regarding quarantine and 1457
isolation if the commissioner acts pursuant to a policy the board 1458
adopts as described in division (B) of this section and either of 1459
the following applies: 1460

(1) Circumstances render a meeting of the board impractical 1461
or impossible. 1462

(2) Delaying action until a meeting of the board compromises 1463
the public health. 1464

(B) Each board of health shall adopt a policy, subject to the 1465
approval of the district advisory council or city council for city 1466

health districts not governed by an advisory council, specifying 1467
the actions that a health commissioner may take pursuant to this 1468
section. Any action a health commissioner takes in accordance with 1469
the board's policy is deemed an action taken by the board unless 1470
the board votes to nullify the commissioner's action. 1471

Sec. ~~3707.33~~ 3707.38. The board of health of a city or 1472
general health district may appoint, define the duties of, and fix 1473
the compensation of the number of inspectors of shops, wagons, 1474
appliances, and food, and the number of other persons necessary to 1475
carry out this chapter and Chapter 3717. of the Revised Code and, 1476
if applicable, to carry out any duties assumed by the board under 1477
an agreement entered into under division (B) of section 917.02 of 1478
the Revised Code. Inspectors for those purposes may enter any 1479
house, vehicle, or yard. The board may authorize the health 1480
commissioner to perform the duties of the inspectors. 1481

Sec. 3707.99. (A) Whoever violates section 3707.03 of the 1482
Revised Code, unless good and sufficient reason therefor is shown, 1483
is guilty of a minor misdemeanor. 1484

(B) Whoever violates division (B) of section 3707.06 or 1485
section 3707.48 of the Revised Code is guilty of a minor 1486
misdemeanor on a first offense; on each subsequent offense ~~such~~, 1487
the person is guilty of a misdemeanor of the fourth degree. 1488

Sec. 3715.02. (A) The director of agriculture shall adopt 1489
rules in accordance with Chapter 119. of the Revised Code that 1490
establish, when otherwise not established by a law of this state, 1491
definitions for a food or class of food and standards for the 1492
following items as they pertain to the food or class of food: 1493

- (1) Quality, identity, purity, grade, and strength; 1494
- (2) Packaging and labeling; 1495

- (3) Food processing equipment; 1496
- (4) Processing procedures; 1497
- (5) Fill of containers. 1498

The standards and definitions, where applicable, shall 1499
conform to the standards for foods adopted by the United States 1500
department of agriculture and the United States food and drug 1501
administration. Portions of Titles 7, 9, and 21 of the Code of 1502
Federal Regulations or the regulations adopted for the enforcement 1503
of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 1504
(1938), 21 U.S.C.A. 301 et seq., as amended, may be adopted as 1505
rules by referencing the federal regulations, subject to the 1506
approval of the joint committee on agency rule review. 1507

In adopting rules that establish definitions and standards of 1508
identity for a food or class of food in which only a limited 1509
number of optional ingredients are permitted, the director shall 1510
designate the optional ingredients that must be listed on the 1511
label. 1512

(B) The director shall adopt rules in accordance with Chapter 1513
119. of the Revised Code that establish procedures for the 1514
performance of sample analyses of food, food additives, and food 1515
packaging materials. The circumstances under which a sample 1516
analysis may be required include the following: 1517

(1) When a food, food additive, or food packaging material is 1518
the subject of a consumer complaint; 1519

(2) When requested by a consumer after a physician has 1520
isolated an organism from the consumer as the physician's patient; 1521

(3) When a food, food additive, or food packaging material is 1522
suspected of having caused an illness; 1523

(4) When a food, food additive, or food packaging material is 1524
suspected of being adulterated or misbranded; 1525

(5) When a food, food additive, or food packaging material is subject to verification of food labeling and standards of identity;	1526 1527 1528
(6) At any other time the director considers a sample analysis necessary.	1529 1530
(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.	1531 1532 1533 1534
(D) The director or the director's designee shall do all of the following:	1535 1536
(1) Inspect drugs, food, or drink manufactured, stored, or offered for sale in this state;	1537 1538
(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;	1539 1540 1541
(3) Enforce all laws against fraud, adulteration, or impurities in drugs, foods, or drinks and unlawful labeling within this state.	1542 1543 1544
(E) The director may appoint or contract for one or more qualified persons to enforce the provisions of this chapter.	1545 1546
Sec. 3901.46. 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.	1547 1548 1549 1550 1551 1552
(A) In underwriting an individual policy of life or sickness and accident insurance or a group policy of life or sickness and	1553 1554

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 1585
a test or tests approved by the director of health pursuant to 1586
division (B) of section 3701.241 of the Revised Code. Test results 1587
shall be interpreted strictly in accordance with guidelines for 1588
the use of the tests adopted by the director. 1589

(E) The requirements of division ~~(C)~~(B) of section 3701.24 1590
and sections 3701.242 and 3701.243 of the Revised Code do not 1591
apply to insurers in the underwriting of an individual policy of 1592
life or sickness and accident insurance or of a group policy of 1593
life or sickness and accident insurance providing coverage for 1594
members of a membership organization, except that an insurer may 1595
make use of the procedures in division (C) of section 3701.243 of 1596
the Revised Code. 1597

(F) In underwriting a group policy of life or sickness and 1598
accident insurance, no insurer shall require an individual seeking 1599
coverage, other than an individual seeking coverage under the 1600
policy of a membership organization, to submit to an HIV test. 1601

(G) A violation of this section is an unfair insurance 1602
practice under sections 3901.19 to 3901.26 of the Revised Code. 1603

Sec. 4736.01. As used in this chapter: 1604

(A) "Environmental health science" means the aspect of public 1605
health science that includes, but is not limited to, the following 1606
bodies of knowledge: air quality, food quality and protection, 1607
hazardous and toxic substances, consumer product safety, housing, 1608
institutional health and safety, community noise control, 1609
radiation protection, recreational facilities, solid and liquid 1610
waste management, vector control, drinking water quality, milk 1611
sanitation, and rabies control. 1612

(B) "Sanitarian" means a person who performs for compensation 1613
educational, investigational, technical, or administrative duties 1614

requiring specialized knowledge and skills in the field of 1615
environmental health science. 1616

(C) "Registered sanitarian" means a person who is registered 1617
as a sanitarian in accordance with Chapter 4736. of the Revised 1618
Code. 1619

(D) "Sanitarian-in-training" means a person who is registered 1620
as a sanitarian-in-training in accordance with Chapter 4736. of 1621
the Revised Code. 1622

(E) "Practice of environmental health" means consultation, 1623
instruction, investigation, inspection, or evaluation by an 1624
employee of a city health district, a general health district, the 1625
Ohio environmental protection agency, the department of health, or 1626
the department of agriculture requiring specialized knowledge, 1627
training, and experience in the field of environmental health 1628
science, with the primary purpose of improving or conducting 1629
administration or enforcement under any of the following: 1630

(1) Chapter 911., 913., 917., 3717., 3721., or 3733. of the 1631
Revised Code; 1632

(2) Chapter 3734. of the Revised Code as it pertains to solid 1633
waste; 1634

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 1635
~~3707.33~~ 3707.38 to 3707.99, or section 3715.21 of the Revised 1636
Code; 1637

(4) Rules adopted under section 3701.34 of the Revised Code 1638
pertaining to home sewage, rabies control, or swimming pools. 1639

"Practice of environmental health" does not include sampling, 1640
testing, controlling of vectors, reporting of observations, or 1641
other duties that do not require application of specialized 1642
knowledge and skills in environmental health science performed 1643
under the supervision of a registered sanitarian. 1644

The state board of sanitarian registration may further define 1645
environmental health science in relation to specific functions in 1646
the practice of environmental health through rules adopted by the 1647
board under Chapter 119. of the Revised Code. 1648

Section 2. That existing sections 149.43, 339.89, 3701.03, 1649
3701.04, 3701.06, 3701.07, 3701.13, 3701.14, 3701.15, 3701.16, 1650
3701.17, 3701.19, 3701.22, 3701.23, 3701.24, 3701.241, 3701.25, 1651
3701.34, 3701.35, 3701.352, 3701.501, 3701.56, 3701.57, 3701.99, 1652
3707.06, 3707.33, 3707.99, 3715.02, 3901.46, and 4736.01 of the 1653
Revised Code are hereby repealed. 1654

Section 3. Section 149.43 of the Revised Code is presented in 1655
this act as a composite of the section as amended by Am. Sub. H.B. 1656
490, Am. Sub. S.B. 180, and Sub. S.B. 258 of the 124th General 1657
Assembly. The General Assembly, applying the principle stated in 1658
division (B) of section 1.52 of the Revised Code that amendments 1659
are to be harmonized if reasonably capable of simultaneous 1660
operation, finds that the composite is the resulting version of 1661
the section in effect prior to the effective date of the section 1662
as presented in this act. 1663