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Architectural Design Committee**

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Sub. H. B. No. 6

Representative J. Stewart

A B I L L

To amend sections 149.43, 339.89, 3701.03, 3701.04, 1
3701.06, 3701.07, 3701.13, 3701.14, 3701.15, 2
3701.16, 3701.17, 3701.19, 3701.22, 3701.23, 3
3701.24, 3701.241, 3701.25, 3701.34, 3701.35, 4
3701.352, 3701.501, 3701.56, 3701.57, 3701.99, 5
3707.06, 3715.02, 3901.46, and 4736.01; to amend, 6
for the purpose of adopting new section numbers as 7
indicated in parentheses, sections 3701.16 8
(3701.161), 3701.17 (3701.162), 3701.23 9
(3701.221), and 3707.33 (3707.38); to enact new 10
sections 3701.16, 3701.17, and 3701.23 and 11
sections 3701.072, 3701.146, 3701.201, 3701.231, 12
3701.232, 3701.571, and 3707.34 of the Revised 13
Code; to amend the version of section 149.43 of 14
the Revised Code that is scheduled to take effect 15
January 1, 2004; and to amend Section 56.01 of Am. 16
Sub. H.B. 94 of the 124th General Assembly, as 17
subsequently amended, to modify the powers and 18
duties of the Department of Health, Public Health 19
Council, and boards of health relative to 20
bioterrorism and other public health matters. 21

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

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

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

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

(a) Medical records; 41

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

(c) Records pertaining to actions under section 2151.85 and 43
division (C) of section 2919.121 of the Revised Code and to 44
appeals of actions arising under those sections; 45

(d) Records pertaining to adoption proceedings, including the 46
contents of an adoption file maintained by the department of 47
health under section 3705.12 of the Revised Code; 48

(e) Information in a record contained in the putative father 49
registry established by section 3107.062 of the Revised Code, 50

regardless of whether the information is held by the department of 51
job and family services or, pursuant to section 3111.69 of the 52
Revised Code, the office of child support in the department or a 53
child support enforcement agency; 54

(f) Records listed in division (A) of section 3107.42 of the 55
Revised Code or specified in division (A) of section 3107.52 of 56
the Revised Code; 57

(g) Trial preparation records; 58

(h) Confidential law enforcement investigatory records; 59

(i) Records containing information that is confidential under 60
section 2317.023 or 4112.05 of the Revised Code; 61

(j) DNA records stored in the DNA database pursuant to 62
section 109.573 of the Revised Code; 63

(k) Inmate records released by the department of 64
rehabilitation and correction to the department of youth services 65
or a court of record pursuant to division (E) of section 5120.21 66
of the Revised Code; 67

(l) Records maintained by the department of youth services 68
pertaining to children in its custody released by the department 69
of youth services to the department of rehabilitation and 70
correction pursuant to section 5139.05 of the Revised Code; 71

(m) Intellectual property records; 72

(n) Donor profile records; 73

(o) Records maintained by the department of job and family 74
services pursuant to section 3121.894 of the Revised Code; 75

(p) Peace officer, firefighter, or EMT residential and 76
familial information; 77

(q) In the case of a county hospital operated pursuant to 78
Chapter 339. of the Revised Code, information that constitutes a 79

trade secret, as defined in section 1333.61 of the Revised Code;	80
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	81 82
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;	83 84 85 86 87
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	88 89 90 91
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	92 93 94 95 96
(v) Records the release of which is prohibited by state or federal law;	97 98
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	99 100 101
<u>(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code.</u>	102 103
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	104 105 106 107 108
(a) The identity of a suspect who has not been charged with	109

the offense to which the record pertains, or of an information 110
source or witness to whom confidentiality has been reasonably 111
promised; 112

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

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

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

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

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

(5) "Intellectual property record" means a record, other than 132
a financial or administrative record, that is produced or 133
collected by or for faculty or staff of a state institution of 134
higher learning in the conduct of or as a result of study or 135
research on an educational, commercial, scientific, artistic, 136
technical, or scholarly issue, regardless of whether the study or 137
research was sponsored by the institution alone or in conjunction 138
with a governmental body or private concern, and that has not been 139
publicly released, published, or patented. 140

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

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

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

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

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

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

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

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

(vi) The name, the residential address, the name of the 169
employer, the address of the employer, the social security number, 170

the residential telephone number, any bank account, debit card, 171
charge card, or credit card number, or the emergency telephone 172
number of the spouse, a former spouse, or any child of a peace 173
officer, firefighter, or EMT. 174

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

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

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

As used in divisions (A)(7) and (B)(5) of this section, "EMT" 190
means EMTs-basic, EMTs-I, and paramedics that provide emergency 191
medical services for a public emergency medical service 192
organization. "Emergency medical service organization," 193
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 194
section 4765.01 of the Revised Code. 195

(8) "Information pertaining to the recreational activities of 196
a person under the age of eighteen" means information that is kept 197
in the ordinary course of business by a public office, that 198
pertains to the recreational activities of a person under the age 199
of eighteen years, and that discloses any of the following: 200

(a) The address or telephone number of a person under the age 201

of eighteen or the address or telephone number of that person's	202
parent, guardian, custodian, or emergency contact person;	203
(b) The social security number, birth date, or photographic	204
image of a person under the age of eighteen;	205
(c) Any medical record, history, or information pertaining to	206
a person under the age of eighteen;	207
(d) Any additional information sought or required about a	208
person under the age of eighteen for the purpose of allowing that	209
person to participate in any recreational activity conducted or	210
sponsored by a public office or to use or obtain admission	211
privileges to any recreational facility owned or operated by a	212
public office.	213
(B)(1) Subject to division (B)(4) of this section, all public	214
records shall be promptly prepared and made available for	215
inspection to any person at all reasonable times during regular	216
business hours. Subject to division (B)(4) of this section, upon	217
request, a public office or person responsible for public records	218
shall make copies available at cost, within a reasonable period of	219
time. In order to facilitate broader access to public records,	220
public offices shall maintain public records in a manner that they	221
can be made available for inspection in accordance with this	222
division.	223
(2) If any person chooses to obtain a copy of a public record	224
in accordance with division (B)(1) of this section, the public	225
office or person responsible for the public record shall permit	226
that person to choose to have the public record duplicated upon	227
paper, upon the same medium upon which the public office or person	228
responsible for the public record keeps it, or upon any other	229
medium upon which the public office or person responsible for the	230
public record determines that it reasonably can be duplicated as	231
an integral part of the normal operations of the public office or	232

person responsible for the public record. When the person seeking 233
the copy makes a choice under this division, the public office or 234
person responsible for the public record shall provide a copy of 235
it in accordance with the choice made by the person seeking the 236
copy. 237

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

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

In any policy and procedures adopted under this division, a 252
public office may limit the number of records requested by a 253
person that the office will transmit by United States mail to ten 254
per month, unless the person certifies to the office in writing 255
that the person does not intend to use or forward the requested 256
records, or the information contained in them, for commercial 257
purposes. For purposes of this division, "commercial" shall be 258
narrowly construed and does not include reporting or gathering 259
news, reporting or gathering information to assist citizen 260
oversight or understanding of the operation or activities of 261
government, or nonprofit educational research. 262

(4) A public office or person responsible for public records 263
is not required to permit a person who is incarcerated pursuant to 264

a criminal conviction or a juvenile adjudication to inspect or to 265
obtain a copy of any public record concerning a criminal 266
investigation or prosecution or concerning what would be a 267
criminal investigation or prosecution if the subject of the 268
investigation or prosecution were an adult, unless the request to 269
inspect or to obtain a copy of the record is for the purpose of 270
acquiring information that is subject to release as a public 271
record under this section and the judge who imposed the sentence 272
or made the adjudication with respect to the person, or the 273
judge's successor in office, finds that the information sought in 274
the public record is necessary to support what appears to be a 275
justiciable claim of the person. 276

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

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

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

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

(E)(1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

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

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

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

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

(d) "Special extraction costs" means the cost of the time 347
spent by the lowest paid employee competent to perform the task, 348
the actual amount paid to outside private contractors employed by 349
the bureau, or the actual cost incurred to create computer 350
programs to make the special extraction. "Special extraction 351
costs" include any charges paid to a public agency for computer or 352
records services. 353

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

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

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

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

(C) The director shall prepare sanitary and public health 383
~~regulations~~ rules for consideration by the public health council 384
and ~~shall~~ submit to ~~said~~ the council recommendations for new 385
legislation. The director shall sit at meetings of the council but 386
shall have no vote. 387

Sec. 3701.04. (A) The director of health shall: 388

- (1) Require ~~such~~ reports and make ~~such~~ inspections and 389
investigations ~~as that~~ the director considers necessary; 390
- (2) Provide ~~such methods of~~ administration, appoint ~~such~~ 391
personnel, make ~~such~~ reports, and take ~~such~~ other action as ~~may be~~ 392
necessary to comply with the requirements of the ~~federal act~~ 393
"Construction and Modernization of Hospitals and Other Medical 394
Facilities Act," Title VI of the "Public Health Service Act," 60 395
Stat. 1041 (1946), 42 U.S.C. 291, as amended, and the regulations 396
~~thereunder~~ adopted under that act; 397
- (3) Procure by contract the temporary or intermittent 398
services of experts ~~or~~ consultants, or organizations ~~thereof~~ when 399
~~such~~ those services are to be performed on a part-time or 400
fee-for-service basis and do not involve the performance of 401
administrative duties; 402
- (4) Enter into agreements for the utilization of the 403
facilities and services of other departments, agencies, and 404
institutions, public or private; 405
- (5) On behalf of the state, solicit, accept, hold, 406
administer, and deposit in the state treasury to the credit of the 407
general operations fund created in section 3701.83 of the Revised 408
Code, any grant, gift, devise, bequest, or contribution made to 409
assist in meeting the cost of carrying out the director's 410
responsibilities and expend the grant, gift, ~~devise~~ devise, 411
bequest, or contribution for the purpose for which made. Fees 412
collected by the director in connection with meetings and 413
conferences shall also be credited to the fund and expended for 414
the purposes for which paid. 415
- (6) Make an annual report to the governor on activities and 416
expenditures, including recommendations for such additional 417
legislation as the director considers appropriate to furnish 418
adequate hospital, clinic, and similar facilities to the people of 419

this state. 420

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

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

Sec. 3701.07. (A) The public health council shall adopt rules 436
in accordance with Chapter 119. of the Revised Code defining and 437
classifying hospitals and dispensaries and providing for the 438
reporting of information by hospitals and dispensaries. ~~The~~ Except 439
as otherwise provided in the Revised Code, the rules providing for 440
the reporting of information shall not require inclusion of any 441
confidential patient data or any information concerning the 442
financial condition, income, expenses, or net worth of the 443
facilities other than that financial information already contained 444
in those portions of the medicare or medicaid cost report that is 445
necessary for the department of health to certify the per diem 446
cost under section 3701.62 of the Revised Code. The rules may 447
require the reporting of information in the following categories: 448

(1) Information needed to identify and classify the 449

institution;	450
(2) Information on facilities and type and volume of services provided by the institution;	451 452
(3) The number of beds listed by category of care provided;	453
(4) The number of licensed or certified professional employees by classification;	454 455
(5) The number of births that occurred at the institution the previous calendar year;	456 457
(6) Any other information that the council considers relevant to the safety of patients served by the institution.	458 459
Every hospital and dispensary, public or private, annually shall register with and report to the department of health. Reports shall be submitted in the manner prescribed in rule <u>rules</u> adopted under this division.	460 461 462 463
(B) Every governmental entity or private nonprofit corporation or association whose employees or representatives are defined as residents' rights advocates under divisions (E)(1) and (2) of section 3721.10 or division (A)(10) of section 3722.01 of the Revised Code shall register with the department of health on forms furnished by the director of health and shall provide such reasonable identifying information as the director may prescribe.	464 465 466 467 468 469 470
The department shall compile a list of the governmental entities, corporations, or associations registering under this division and shall update the list annually. Copies of the list shall be made available to nursing home administrators as defined in division (C) of section 3721.10 of the Revised Code and to adult care facility managers as defined in section 3722.01 of the Revised Code.	471 472 473 474 475 476 477
(C) Every governmental entity or private nonprofit corporation or association whose employees or representatives act	478 479

as residents' rights advocates for community alternative homes 480
pursuant to section 3724.08 of the Revised Code shall register 481
with the department of health on forms furnished by the director 482
of health and shall provide such reasonable identifying 483
information as the director may prescribe. 484

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

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

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

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

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

(B) The public health council shall adopt rules in accordance 501
with Chapter 119. of the Revised Code that require a trauma center 502
to report information to the director of health describing the 503
trauma center's preparedness and capacity to respond to disasters, 504
mass casualties, and bioterrorism. The council's rules may require 505
the reporting of any information the council considers necessary 506
for an accurate description of a trauma center's preparedness and 507
capacity to respond to disasters, mass casualties, and 508
bioterrorism. Information reported pursuant to this division is 509

not a public record under section 149.43 of the Revised Code.

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

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

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Sec. 3701.13. The department of health shall have supervision of all matters relating to the preservation of the life and health of the people and have ~~supreme~~ ultimate authority in matters of quarantine and isolation, which it may declare and enforce, when ~~none~~ neither exists, and modify, relax, or abolish, when ~~it~~ either has been established. It may approve means of immunization against mumps, poliomyelitis, rubeola, diphtheria, rubella (German measles), pertussis, tetanus, and hepatitis B for the purpose of carrying out the provisions of section 3313.671 of the Revised Code and take such actions as are necessary to encourage vaccination against those diseases. It may make special or standing orders or rules for preventing the use of fluoroscopes for nonmedical purposes which emit doses of radiation likely to be harmful to any person, for preventing the spread of contagious or infectious diseases, for governing the receipt and conveyance of remains of deceased persons, and for such other sanitary matters as are best controlled by a general rule. Whenever possible, the department shall work in cooperation with the health commissioner of a general or city health district. It may make and enforce orders in local matters when an emergency exists, or when the

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board of health of a general or city health district has neglected 541
or refused to act with sufficient promptness or efficiency, or 542
when such board has not been established as provided by sections 543
3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 544
of the Revised Code. In such cases the necessary expense incurred 545
shall be paid by the general health district or city for which the 546
services are rendered. 547

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

Sec. 3701.14. (A) The director of health shall investigate or 553
make inquiry as to the cause of disease, ~~especially when or~~ 554
illness, including contagious, infectious, epidemic, pandemic, or 555
endemic conditions, and take prompt action to control and suppress 556
it. The reports of births and deaths, the sanitary conditions and 557
effects of localities and employments, the personal and business 558
habits of the people that affect their health, and the relation of 559
the diseases of man and beast, shall be subjects of study by the 560
director. The director may make and execute orders necessary to 561
protect the people against diseases of lower animals, and shall 562
collect and preserve information in respect to such matters and 563
kindred subjects as may be useful in the discharge of the 564
director's duties, and for dissemination among the people. When 565
called upon by the state or local governments, or the board of 566
health of a general or city health district, the director shall 567
promptly investigate and report upon the water supply, sewerage, 568
disposal of excreta of any locality, and the heating, plumbing, 569
and ventilation of a public building. 570

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

~~(1) The director shall make payments to boards of county commissioners in accordance with section 339.77 of the Revised Code;~~ 572
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~~(2) The director shall maintain registries of hospitals, clinics, physicians, or other care providers to whom the director shall refer persons who make inquiries to the department of health regarding possible exposure to tuberculosis;~~ 575
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~~(3) The director shall engage in tuberculosis surveillance activities, including the collection and analysis of epidemiological information relative to the frequency of tuberculosis infection, demographic and geographic distribution of tuberculosis cases, and trends pertaining to tuberculosis;~~ 579
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~~(4) The director shall maintain a tuberculosis registry to record the incidence of tuberculosis in this state;~~ 584
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~~(5) The director may appoint physicians to serve as tuberculosis consultants for geographic regions of the state specified by the director. Each tuberculosis consultant shall act in accordance with guidelines established by the director and shall be responsible for advising and assisting physicians and other health care practitioners who participate in tuberculosis control activities and for reviewing medical records pertaining to the treatment provided to individuals with tuberculosis.~~ 586
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~~(6) The public health council shall adopt rules establishing standards for the following:~~ 594
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~~(a) Performing tuberculosis screenings;~~ 596

~~(b) Performing examinations of individuals who have been exposed to tuberculosis and individuals who are suspected of having tuberculosis;~~ 597
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~~(c) Providing treatment to individuals with tuberculosis;~~ 600

~~(d) Methods of preventing individuals with communicable~~ 601

~~tuberculosis from infecting other individuals;~~

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

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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.~~

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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~~
Information obtained during an investigation or inquiry the
director currently is conducting pursuant to division (A) of this
section and that is not yet complete is confidential during the
course of that investigation and shall not be released except
under one of the following conditions:

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(1) The confidential information is released pursuant to a
search warrant or subpoena issued by or at the request of a grand
jury or prosecutor, as defined in section 2935.01 of the Revised
Code.

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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.

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(3) The director determines the release of the information is
necessary, based on an evaluation of relevant information, to
avert or mitigate a clear threat to an individual or to the public

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health. Information released pursuant to this division shall be
limited to the release of the information to those persons
necessary to control, prevent, or mitigate disease.

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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.

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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.

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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.

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(F) Except for information released pursuant to division
(B)(3) 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
information has been disclosed to you from confidential records
protected from disclosure by state law. If this information has
been released to you in other than a summary, statistical, or
aggregate form, you shall make no further disclosure of this
information without the specific, written, and informed release of
the person to whom it pertains, or as otherwise permitted by state
law. A general authorization for the release of medical or other
information is not sufficient for the release of information

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pursuant to this section."

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

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

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

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

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

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

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

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(a) Performing tuberculosis screenings;

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(b) Performing examinations of individuals who have been

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exposed to tuberculosis and individuals who are suspected of 693
having tuberculosis; 694

(c) Providing treatment to individuals with tuberculosis; 695

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

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

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

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

Sec. 3701.15. Each year, the director of health shall make a 712
report to the governor, which shall include so much of the 713
proceedings of the department of health, ~~such~~ information 714
concerning vital statistics and diseases, ~~such~~ instructions on the 715
subject of hygiene for dissemination among the people and ~~such~~ 716
suggestions as to legislation, ~~as he~~ the director deems proper. 717
The director shall include in ~~his~~ the director's annual report a 718
full statement of all examinations made in the department's 719
~~chemical and bacteriological~~ public health laboratory maintained 720
under section 3701.22 of the Revised Code, with a detailed account 721
of all expenses. 722

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

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

~~Sec. 3701.17~~ 3701.162. Any licensed physician practicing in 739
~~the~~ this state, or the superintendent of any state or county 740
institution, may receive without charge ~~such~~ the quantities of 741
antitoxin as ~~he~~ the physician or superintendent requires for the 742
treatment or prevention of diphtheria in indigent persons, 743
provided such antitoxin shall be used only for persons residing in 744
the state, and that a sufficient supply is available for 745
distribution. 746

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

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

(2) "Protected health information" means information, in any 750
form, including oral, written, electronic, visual, pictorial, or 751

physical that describes an individual's past, present, or future 752
physical or mental health status or condition, receipt of 753
treatment or care, or purchase of health products, if either of 754
the following applies: 755

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

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

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

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

(2) The release of the information is necessary to ensure the 773
accuracy of the information and the information is released 774
pursuant to a written agreement that requires the recipient of the 775
information to comply with the confidentiality requirements 776
established under this section. 777

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

(4) The director determines the release of the information is necessary, based on an evaluation of relevant information, to avert or mitigate a clear threat to an individual or to the public health. Information may be released pursuant to this division only to those persons or entities necessary to control, prevent, or mitigate disease. 782
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(C) Information that does not identify a person is not protected health information and may be released in summary, statistical, or aggregate form. Upon request, the director shall release information in a summary, statistical, or aggregate form that does not identify a person. 788
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(D) Except for information released pursuant to division (D)(4) 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 information has been disclosed to you from confidential records protected from disclosure by state law. If this information has been released to you in other than a summary, statistical, or aggregate form, you shall make no further disclosure of this information without the specific, written, and informed release of the person to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is not sufficient for the release of information pursuant to this section." 793
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Sec. 3701.19. ~~As used in this section and in section 3701.20~~ sections 3701.19 to 3701.201 of the Revised Code: 806
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(A) "Poison prevention and treatment center" means an entity designated as a poison prevention and treatment center by the director of health under section 3701.20 of the Revised Code. 808
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(B) "Harm" means injury, death, or loss to person or 811

property. 812

(C) "Tort action" means a civil action for damages for 813
injury, death, or loss to person or property. "Tort action" 814
includes a product liability claim that is subject to sections 815
2307.71 to 2307.80 of the Revised Code, but does not include a 816
civil action for a breach of contract or another agreement between 817
persons. 818

(D)(1) Subject to division (D)(2) of this section, 819
"volunteer" means a trustee, officer, or agent of a poison 820
prevention and treatment center, or another person associated with 821
such a center, who satisfies both of the following: 822

(a) Performs services for or on behalf of, and under the 823
authority or auspices of, the center; 824

(b) Does not receive compensation, either directly or 825
indirectly, for performing those services. 826

(2) For purposes of division (D)(1) of this section, 827
"compensation" does not include any of the following: 828

(a) Actual and necessary expenses that are incurred by a 829
volunteer in connection with the services performed for a center, 830
and that are reimbursed to the volunteer or otherwise paid; 831

(b) Insurance premiums paid on behalf of a volunteer, and 832
amounts paid or reimbursed, pursuant to division (E) of section 833
1702.12 of the Revised Code; 834

(c) Modest perquisites. 835

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

(B) The public health council shall adopt rules in accordance 838
with Chapter 119. of the Revised Code under which a poison 839
prevention and treatment center or other health-related entity is 840

required to report events that may be caused by bioterrorism, 841
epidemic or pandemic disease, or established or novel infectious 842
agents or biological or chemical toxins posing a risk of human 843
fatality or disability. Rules adopted under this section may 844
require a report of any of the following: 845

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

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

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

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

(D) Information reported under this section that is protected 861
health information pursuant to section 3701.17 of the Revised Code 862
shall be released only in accordance with that section. 863
Information that does not identify an individual may be released 864
in summary, statistical, or aggregate form. 865

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

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

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

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

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

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

(B) The public health council, in accordance with Chapter 889
119. of the Revised Code, shall adopt, and may amend or rescind, 890
rules establishing reasonable fees ~~to be charged~~ for services ~~that~~ 891
the laboratory performs. The council need not prescribe fees ~~to be~~ 892
~~charged in any case~~ where the council believes that ~~the~~ charging 893
of fees would significantly and adversely affect the public 894
health. All fees collected for services ~~that~~ the laboratory 895
performs shall be deposited into the state treasury to the credit 896
of the "laboratory handling fee fund," which is hereby created for 897
the purpose of defraying expenses of operating the laboratory. 898

Sec. 3701.23. (A) As used in this section, "health care 899
provider" means any person or government entity that provides 900

health care services to individuals. "Health care provider" 901
includes, but is not limited to, hospitals, medical clinics and 902
offices, special care facilities, medical laboratories, 903
physicians, pharmacists, dentists, physician assistants, 904
registered and licensed practical nurses, laboratory technicians, 905
emergency medical service organization personnel, and ambulance 906
service organization personnel. 907

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

(1) Asiatic cholera; 913

(2) Yellow fever; 914

(3) Diphtheria; 915

(4) Typhus or typhoid fever; 916

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

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

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

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

in summary, statistical, or aggregate form.

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

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

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

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

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

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(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

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disease, or established or novel infectious agents or biological 960
toxins posing a risk of human fatality or disability. Rules 961
adopted under this section may require a report of any of the 962
following: 963

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

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

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

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

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

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

Sec. 3701.24. (A) As used in this section and sections 983
3701.241 to 3701.249 of the Revised Code: 984

(1) "AIDS" means the illness designated as acquired 985
immunodeficiency syndrome. 986

(2) "HIV" means the human immunodeficiency virus identified 987
as the causative agent of AIDS. 988

(3) "AIDS-related condition" means symptoms of illness	989
related to HIV infection, including AIDS-related complex, that are	990
confirmed by a positive HIV test.	991
(4) "HIV test" means any test for the antibody or antigen to	992
HIV that has been approved by the director of health under	993
division (B) of section 3701.241 of the Revised Code.	994
(5) "Health care facility" has the same meaning as in section	995
1751.01 of the Revised Code.	996
(6) "Director" means the director of health or any employee	997
of the department of health acting on the director's behalf.	998
(7) "Physician" means a person who holds a current, valid	999
certificate issued under Chapter 4731. of the Revised Code	1000
authorizing the practice of medicine or surgery and osteopathic	1001
medicine and surgery.	1002
(8) "Nurse" means a registered nurse or licensed practical	1003
nurse who holds a license or certificate issued under Chapter	1004
4723. of the Revised Code.	1005
(9) "Anonymous test" means an HIV test administered so that	1006
the individual to be tested can give informed consent to the test	1007
and receive the results by means of a code system that does not	1008
link the identity of the individual tested to the request for the	1009
test or the test results.	1010
(10) "Confidential test" means an HIV test administered so	1011
that the identity of the individual tested is linked to the test	1012
but is held in confidence to the extent provided by section	1013
<u>sections</u> 3701.24 to 3701.248 of the Revised Code.	1014
(11) "Health care provider" means an individual who provides	1015
diagnostic, evaluative, or treatment services. Pursuant to Chapter	1016
119. of the Revised Code, the public health council may adopt	1017
rules further defining the scope of the term "health care	1018

provider."	1019
(12) "Significant exposure to body fluids" means a	1020
percutaneous or mucous membrane exposure of an individual to the	1021
blood, semen, vaginal secretions, or spinal, synovial, pleural,	1022
peritoneal, pericardial, or amniotic fluid of another individual.	1023
(13) "Emergency medical services worker" means all of the	1024
following:	1025
(a) A peace officer;	1026
(b) An employee of an emergency medical service organization	1027
as defined in section 4765.01 of the Revised Code;	1028
(c) A firefighter employed by a political subdivision;	1029
(d) A volunteer firefighter, emergency operator, or rescue	1030
operator;	1031
(e) An employee of a private organization that renders rescue	1032
services, emergency medical services, or emergency medical	1033
transportation to accident victims and persons suffering serious	1034
illness or injury.	1035
(14) "Peace officer" has the same meaning as in division (A)	1036
of section 109.71 of the Revised Code, except that it also	1037
includes a sheriff and the superintendent and troopers of the	1038
state highway patrol.	1039
(B) Boards of health, health authorities or officials, and	1040
physicians in localities in which there are no health authorities	1041
or officials, shall report promptly to the department of health	1042
the existence of any one of the following diseases:	1043
(1) Asiatic cholera;	1044
(2) Yellow fever;	1045
(3) Diphtheria;	1046
(4) Typhus or typhoid fever;	1047

~~(5) Any other contagious or infectious diseases that the public health council specifies.~~ 1048
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~~(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. 1050
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(C) No person shall fail to comply with the reporting requirements established under division (B) of this section. 1057
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(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. 1059
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Sec. 3701.241. (A) The director of health shall develop and administer the following: 1072
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(1) A surveillance system to determine the number of cases of AIDS and the HIV infection rate in various population groups; 1074
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(2) Counseling and testing programs for groups determined by the director to be at risk of HIV infection, including procedures 1076
1077

for both confidential and anonymous tests, counseling training	1078
programs for health care providers, and development of counseling	1079
guidelines;	1080
(3) A confidential partner notification system to alert and	1081
counsel sexual contacts of individuals with HIV infection;	1082
(4) Risk reduction and education programs for groups	1083
determined by the director to be at risk of HIV infection, and, in	1084
consultation with a wide range of community leaders, education	1085
programs for the public;	1086
(5) Pilot programs for the long-term care of individuals with	1087
AIDS or AIDS-related condition, including care in nursing homes	1088
and in alternative settings;	1089
(6) Programs to expand regional outpatient treatment of	1090
individuals with AIDS or AIDS-related condition;	1091
(7) A program to assist communities, including communities of	1092
less than one hundred thousand population, in establishing AIDS	1093
task forces and support groups for individuals with AIDS,	1094
AIDS-related condition, and HIV infection. The program may include	1095
the award of grants if they are matched by local funds.	1096
Information obtained or maintained under the partner	1097
notification system is not a public record under section 149.43 of	1098
the Revised Code and may be released only in accordance with	1099
division (C) of section 3701.243 of the Revised Code.	1100
(B) The director shall:	1101
(1) Approve a test or tests to be used to determine whether	1102
an individual has HIV infection, define a confirmed positive test	1103
result, and develop guidelines for interpreting test results;	1104
(2) Establish sites for confidential and anonymous HIV tests,	1105
and prepare a list of sites where an individual may obtain an	1106
anonymous test;	1107

(3) Prepare a list of counseling services; 1108

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

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

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

(D) The director of health shall administer funds received 1127
under Title XXVI of the "Public Health Services Act," 104 Stat. 1128
576 (1990), 42 U.S.C.A. 2601, as amended, for programs to improve 1129
the quality and availability of care for individuals with AIDS, 1130
AIDS-related condition, and HIV infection. In administering these 1131
funds, the director may enter into contracts with any person or 1132
entity for the purpose of administering the programs, including 1133
contracts with the department of job and family services for 1134
establishment of a program of reimbursement of drugs used for 1135
treatment and care of such individuals. The director of health may 1136
adopt rules in accordance with Chapter 119. of the Revised Code 1137
and issue orders as necessary for administration of the funds. If 1138

the department of job and family services enters into a contract 1139
under this division, the director of job and family services may 1140
adopt rules in accordance with Chapter 119. of the Revised Code as 1141
necessary for carrying out the department's duties under the 1142
contract. 1143

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

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

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

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

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

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

(C) The reports required by this section shall be made on, or 1159
in conformity with, the standard schedule blanks provided for in 1160
section 3701.26 of the Revised Code. The mailing of the report, 1161
within the time required, in a stamped envelope addressed to the 1162
office of the director, shall be in compliance with this section. 1163

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

(E) Information reported under this section that is protected 1166
health information pursuant to section 3701.17 of the Revised Code 1167
shall be released only in accordance with that section. 1168

Information that does not identify an individual may be released 1169
in summary, statistical, or aggregate form. 1170

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

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

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

~~(C);~~ 1181

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

~~(D)(3)~~ Prescribe~~7~~ by rule~~7~~ the number and functions of 1186
divisions and bureaus and the qualifications of chiefs or 1187
divisions and bureaus within the department; 1188

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

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

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

Sec. 3701.35. Every ~~regulation, adopted by~~ rule the public 1196

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

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

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

(2) Division (A)(1) of this section does not apply if the 1218
parents of the child object thereto on the grounds that the 1219
screening conflicts with their religious tenets and practices. 1220

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

director requests and as the council considers necessary. The 1227
director may assign other duties to the council, as the director 1228
considers appropriate. 1229

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

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

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

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

(2) The newborn screening advisory council shall evaluate 1248
genetic, metabolic, and endocrine disorders to assist the director 1249
in determining which disorders should be included in the 1250
screenings required under this section. In determining whether a 1251
disorder should be included, the council shall consider all of the 1252
following: 1253

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

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

(c) The potential for successful treatment of the disorder;	1257
(d) The expected benefits to children and society in relation to the risks and costs associated with screening for the disorder;	1258
(e) Whether a screening for the disorder can be conducted without taking an additional blood sample or specimen.	1260
(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.	1262
(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:	1267
(1) Causing rescreenings to be performed when initial screenings have abnormal results;	1271
(2) Designating the person or persons who will be responsible for causing screenings and rescreenings to be performed;	1273
(3) Giving to the parents of a child notice of the required initial screening and the possibility that rescreenings may be necessary;	1275
(4) Communicating to the parents of a child the results of the child's screening and any rescreenings that are performed;	1278
(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;	1280
(6) Referring children who receive abnormal screening or rescreening results to providers of follow-up services, including	1285

the services made available through funds disbursed under division 1287
(F) of this section. 1288

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

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

(3) Any rescreening caused to be performed pursuant to this 1307
section may be performed by the public health laboratory 1308
~~authorized by section 3701.22 of the Revised Code~~ or one or more 1309
other laboratories designated by the director. Any laboratory the 1310
director considers qualified to perform rescreenings may be 1311
designated, including a laboratory located outside this state. If 1312
more than one laboratory is designated, the person responsible for 1313
causing a rescreening to be performed is also responsible for 1314
selecting the laboratory to be used. 1315

(F)(1) The director shall adopt rules in accordance with 1316
Chapter 119. of the Revised Code establishing a fee that shall be 1317
charged and collected in addition to or in conjunction with any 1318

laboratory fee that is charged and collected for performing the 1319
screenings required by this section. The fee, which shall be not 1320
less than fourteen dollars, shall be disbursed as follows: 1321

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

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

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

Sec. 3701.56. Boards of health of a general or city health 1341
district, health authorities and officials, officers of state 1342
institutions, police officers, sheriffs, constables, and other 1343
officers and employees of the state or any county, city, or 1344
township, shall enforce ~~the~~ quarantine and ~~sanitary~~ isolation 1345
orders, and the rules ~~and regulations adopted by~~ the department of 1346
health adopts. 1347

Sec. 3701.57. All prosecutions and proceedings by the 1348

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

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

Sec. 3701.571. (A) The director of health shall adopt rules 1369
pursuant to Chapter 119. of the Revised Code that establish a 1370
graduated system of fines based on the scope and severity of 1371
violations and the history of compliance, not to exceed seven 1372
hundred fifty dollars per incident, and in an adjudication under 1373
Chapter 119. of the Revised Code, may impose a fine against any 1374
person who violates division (C) of section 3701.23, division (C) 1375
of section 3701.232, division (C) of section 3701.24, division (B) 1376
of section 3701.25, or division (B) of section 3707.06 of the 1377
Revised Code or against any poison prevention and treatment center 1378
or other health-related entity that fails to comply with division 1379

<u>(C) of section 3701.201 of the Revised Code.</u>	1380
<u>(B) On request of the director, the attorney general shall</u>	1381
<u>bring and prosecute to judgment a civil action to collect any fine</u>	1382
<u>imposed under division (A) of this section that remains unpaid.</u>	1383
<u>(C) All fines collected under this section shall be deposited</u>	1384
<u>into the state treasury to the credit of the general operations</u>	1385
<u>fund created under section 3701.83 of the Revised Code.</u>	1386
Sec. 3701.99. (A) Whoever violates <u>division (C) of section</u>	1387
<u>3701.23, division (C) of section 3701.232, division (C) of section</u>	1388
<u>3701.24, division (B) of section 3701.25 of the Revised Code is</u>	1389
<u>guilty of a minor misdemeanor on a first offense; on each</u>	1390
<u>subsequent offense, the person is guilty of a misdemeanor of the</u>	1391
<u>second degree.</u>	1392
(B) Whoever violates , <u>division (I) of section 3701.262,</u>	1393
<u>division (D) of section 3701.263, or section 3701.352 or sections</u>	1394
<u>3701.46 to 3701.55 of the Revised Code is guilty of a minor</u>	1395
<u>misdemeanor on a first offense; on each subsequent offense, the</u>	1396
<u>person is guilty of a misdemeanor of the fourth degree.</u>	1397
(C) <u>(B)</u> Whoever violates section 3701.82 of the Revised Code	1398
is guilty of a misdemeanor of the first degree.	1399
(D) <u>(C)</u> Whoever violates <u>division (A) of section 3701.352 or</u>	1400
<u>section 3701.81 of the Revised Code is guilty of a misdemeanor of</u>	1401
<u>the second degree.</u>	1402
(E) Whoever violates division (G) of section 3701.88 of the	1403
Revised Code shall be fined not more than one hundred dollars.	1404
Each day the violation continues is a separate offense.	1405
Sec. 3707.06. <u>(A)</u> Each physician or other person called to	1406
attend a person suffering from cholera, plague, yellow fever,	1407

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

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

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

Sec. 3707.34. (A) The health commissioner appointed by a 1426
board of health of a general or city health district may act on 1427
behalf of the board in administering the provision of sections 1428
3707.04 to 3707.32 of the Revised Code regarding quarantine and 1429
isolation if the commissioner acts pursuant to a policy the board 1430
adopts as described in division (B) of this section and either of 1431
the following applies: 1432

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

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

(B) Each board of health shall adopt a policy, subject to the 1437

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

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

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

- (1) Quality, identity, purity, grade, and strength; 1459
- (2) Packaging and labeling; 1460
- (3) Food processing equipment; 1461
- (4) Processing procedures; 1462
- (5) Fill of containers. 1463

The standards and definitions, where applicable, shall 1464
conform to the standards for foods adopted by the United States 1465
department of agriculture and the United States food and drug 1466

administration. Portions of Titles 7, 9, and 21 of the Code of 1467
Federal Regulations or the regulations adopted for the enforcement 1468
of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 1469
(1938), 21 U.S.C.A. 301 et seq., as amended, may be adopted as 1470
rules by referencing the federal regulations, subject to the 1471
approval of the joint committee on agency rule review. 1472

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

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

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

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

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

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

(5) When a food, food additive, or food packaging material is 1491
subject to verification of food labeling and standards of 1492
identity; 1493

(6) At any other time the director considers a sample 1494
analysis necessary. 1495

(C) In foodborne illness investigations, the director of 1496

agriculture shall cooperate and consult with the public health 1497
laboratory maintained by the department of health under section 1498
3701.22 of the Revised Code. 1499

(D) The director or the director's designee shall do all of 1500
the following: 1501

(1) Inspect drugs, food, or drink manufactured, stored, or 1502
offered for sale in this state; 1503

(2) Prosecute or cause to be prosecuted each person engaged 1504
in the unlawful manufacture or sale of an adulterated drug or 1505
article of food or drink, in violation of law; 1506

(3) Enforce all laws against fraud, adulteration, or 1507
impurities in drugs, foods, or drinks and unlawful labeling within 1508
this state. 1509

(E) The director may appoint or contract for one or more 1510
qualified persons to enforce the provisions of this chapter. 1511

Sec. 3901.46. As used in this section, "membership 1512
organization" means a fraternal or other association or group of 1513
individuals involved in the same occupation, activity, or interest 1514
that is organized and maintained in good faith for purposes other 1515
than to obtain insurance and is not organized or maintained for 1516
the purpose of engaging in activities for gain or profit. 1517

(A) In underwriting an individual policy of life or sickness 1518
and accident insurance or a group policy of life or sickness and 1519
accident insurance providing coverage for members of a membership 1520
organization, an insurer may require an applicant for coverage 1521
under the policy to submit to an HIV test only in conjunction with 1522
tests for other health conditions. No applicant shall be required 1523
to submit to an HIV test on the basis of ~~his~~ the applicant's 1524
sexual orientation or factors described in division (C)(1) of 1525
section 3901.45 of the Revised Code that are used to ascertain ~~his~~ 1526

the applicant's sexual orientation. 1527

(B)(1) An insurer that requests an applicant to take an HIV 1528
test shall obtain the applicant's written consent for the test and 1529
shall inform the applicant of the purpose of the test. The consent 1530
form shall include information about the tests to be performed, 1531
the confidentiality of the results, procedures for notifying the 1532
applicant of the results, and a general interpretation of test 1533
results. 1534

(2) The superintendent of insurance shall adopt rules under 1535
Chapter 119. of the Revised Code establishing the form and content 1536
of the consent required under division (B)(1) of this section. 1537

(C) An insurer may disclose the results of a positive HIV 1538
test only to the following persons: 1539

(1) The applicant; 1540

(2) The applicant's or insured's physician or other health 1541
care provider if the applicant or insured provides the insurer 1542
with prior written consent for disclosure; 1543

(3) Another person that the applicant or insured specifically 1544
designates in writing; 1545

(4) A medical information exchange for insurers operated 1546
under procedures intended to ensure confidentiality, including the 1547
use of general codes for results of tests for a number of diseases 1548
and conditions as well as for AIDS or an AIDS-related condition. 1549

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

(E) The requirements of division ~~(C)~~(B) of section 3701.24 1555
and sections 3701.242 and 3701.243 of the Revised Code do not 1556

apply to insurers in the underwriting of an individual policy of 1557
life or sickness and accident insurance or of a group policy of 1558
life or sickness and accident insurance providing coverage for 1559
members of a membership organization, except that an insurer may 1560
make use of the procedures in division (C) of section 3701.243 of 1561
the Revised Code. 1562

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

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

Sec. 4736.01. As used in this chapter: 1569

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

(B) "Sanitarian" means a person who performs for compensation 1578
educational, investigational, technical, or administrative duties 1579
requiring specialized knowledge and skills in the field of 1580
environmental health science. 1581

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

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

the Revised Code. 1587

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

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

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

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

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

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

The state board of sanitarian registration may further define 1610
environmental health science in relation to specific functions in 1611
the practice of environmental health through rules adopted by the 1612
board under Chapter 119. of the Revised Code. 1613

Section 2. That existing sections 149.43, 339.89, 3701.03, 1614
3701.04, 3701.06, 3701.07, 3701.13, 3701.14, 3701.15, 3701.16, 1615
3701.17, 3701.19, 3701.22, 3701.23, 3701.24, 3701.241, 3701.25, 1616

3701.34, 3701.35, 3701.352, 3701.501, 3701.56, 3701.57, 3701.99, 1617
3707.06, 3707.33, 3715.02, 3901.46, and 4736.01 of the Revised 1618
Code are hereby repealed. 1619

Section 3. That the version of section 149.43 of the Revised 1620
Code that is scheduled to take effect January 1, 2004, be amended 1621
to read as follows: 1622

Sec. 149.43. (A) As used in this section: 1623

(1) "Public record" means records kept by any public office, 1624
including, but not limited to, state, county, city, village, 1625
township, and school district units, and records pertaining to the 1626
delivery of educational services by an alternative school in Ohio 1627
kept by a nonprofit or for profit entity operating such 1628
alternative school pursuant to section 3313.533 of the Revised 1629
Code. "Public record" does not mean any of the following: 1630

(a) Medical records; 1631

(b) Records pertaining to probation and parole proceedings or 1632
to proceedings related to the imposition of community control 1633
sanctions and post-release control sanctions; 1634

(c) Records pertaining to actions under section 2151.85 and 1635
division (C) of section 2919.121 of the Revised Code and to 1636
appeals of actions arising under those sections; 1637

(d) Records pertaining to adoption proceedings, including the 1638
contents of an adoption file maintained by the department of 1639
health under section 3705.12 of the Revised Code; 1640

(e) Information in a record contained in the putative father 1641
registry established by section 3107.062 of the Revised Code, 1642
regardless of whether the information is held by the department of 1643
job and family services or, pursuant to section 3111.69 of the 1644
Revised Code, the office of child support in the department or a 1645

child support enforcement agency;	1646
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	1647 1648 1649
(g) Trial preparation records;	1650
(h) Confidential law enforcement investigatory records;	1651
(i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;	1652 1653
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	1654 1655
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	1656 1657 1658 1659
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	1660 1661 1662 1663
(m) Intellectual property records;	1664
(n) Donor profile records;	1665
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	1666 1667
(p) Peace officer, firefighter, or EMT residential and familial information;	1668 1669
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	1670 1671 1672
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	1673 1674

(s) Records provided to, statements made by review board 1675
members during meetings of, and all work products of a child 1676
fatality review board acting under sections 307.621 to 307.629 of 1677
the Revised Code, other than the report prepared pursuant to 1678
section 307.626 of the Revised Code; 1679

(t) Records provided to and statements made by the executive 1680
director of a public children services agency or a prosecuting 1681
attorney acting pursuant to section 5153.171 of the Revised Code 1682
other than the information released under that section; 1683

(u) Test materials, examinations, or evaluation tools used in 1684
an examination for licensure as a nursing home administrator that 1685
the board of examiners of nursing home administrators administers 1686
under section 4751.04 of the Revised Code or contracts under that 1687
section with a private or government entity to administer; 1688

(v) Records the release of which is prohibited by state or 1689
federal law; 1690

(w) Proprietary information of or relating to any person that 1691
is submitted to or compiled by the Ohio venture capital authority 1692
created under section 150.01 of the Revised Code; 1693

(x) Information reported and evaluations conducted pursuant 1694
to section 3701.072 of the Revised Code. 1695

(2) "Confidential law enforcement investigatory record" means 1696
any record that pertains to a law enforcement matter of a 1697
criminal, quasi-criminal, civil, or administrative nature, but 1698
only to the extent that the release of the record would create a 1699
high probability of disclosure of any of the following: 1700

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

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

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

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

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

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

(5) "Intellectual property record" means a record, other than 1724
a financial or administrative record, that is produced or 1725
collected by or for faculty or staff of a state institution of 1726
higher learning in the conduct of or as a result of study or 1727
research on an educational, commercial, scientific, artistic, 1728
technical, or scholarly issue, regardless of whether the study or 1729
research was sponsored by the institution alone or in conjunction 1730
with a governmental body or private concern, and that has not been 1731
publicly released, published, or patented. 1732

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

the date, amount, and conditions of the actual donation. 1736

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

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

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

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

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

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

(v) The identity and amount of any charitable or employment 1756
benefit deduction made by the peace officer's, firefighter's, or 1757
EMT's employer from the peace officer's, firefighter's, or EMT's 1758
compensation unless the amount of the deduction is required by 1759
state or federal law; 1760

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

officer, firefighter, or EMT. 1766

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

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

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

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

(8) "Information pertaining to the recreational activities of 1788
a person under the age of eighteen" means information that is kept 1789
in the ordinary course of business by a public office, that 1790
pertains to the recreational activities of a person under the age 1791
of eighteen years, and that discloses any of the following: 1792

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

(b) The social security number, birth date, or photographic 1796

image of a person under the age of eighteen;	1797
(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	1798 1799
(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.	1800 1801 1802 1803 1804 1805
(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	1806 1807
(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	1808 1809
(B)(1) Subject to division (B)(4) of this section, all public records shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(4) of this section, upon request, a public office or person responsible for public records shall make copies available at cost, within a reasonable period of time. In order to facilitate broader access to public records, public offices shall maintain public records in a manner that they can be made available for inspection in accordance with this division.	1810 1811 1812 1813 1814 1815 1816 1817 1818 1819
(2) If any person chooses to obtain a copy of a public record in accordance with division (B)(1) of this section, the public office or person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as	1820 1821 1822 1823 1824 1825 1826 1827

an integral part of the normal operations of the public office or 1828
person responsible for the public record. When the person seeking 1829
the copy makes a choice under this division, the public office or 1830
person responsible for the public record shall provide a copy of 1831
it in accordance with the choice made by the person seeking the 1832
copy. 1833

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

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

In any policy and procedures adopted under this division, a 1848
public office may limit the number of records requested by a 1849
person that the office will transmit by United States mail to ten 1850
per month, unless the person certifies to the office in writing 1851
that the person does not intend to use or forward the requested 1852
records, or the information contained in them, for commercial 1853
purposes. For purposes of this division, "commercial" shall be 1854
narrowly construed and does not include reporting or gathering 1855
news, reporting or gathering information to assist citizen 1856
oversight or understanding of the operation or activities of 1857
government, or nonprofit educational research. 1858

(4) A public office or person responsible for public records 1859

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

(5) Upon written request made and signed by a journalist on 1873
or after December 16, 1999, a public office, or person responsible 1874
for public records, having custody of the records of the agency 1875
employing a specified peace officer, firefighter, or EMT shall 1876
disclose to the journalist the address of the actual personal 1877
residence of the peace officer, firefighter or EMT and, if the 1878
peace officer's, firefighter's or EMT's spouse, former spouse, or 1879
child is employed by a public office, the name and address of the 1880
employer of the peace officer's, firefighter's, or EMT's spouse, 1881
former spouse, or child. The request shall include the 1882
journalist's name and title and the name and address of the 1883
journalist's employer and shall state that disclosure of the 1884
information sought would be in the public interest. 1885

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

the general public. 1892

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

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

(E)(1) The bureau of motor vehicles may adopt rules pursuant 1915
to Chapter 119. of the Revised Code to reasonably limit the number 1916
of bulk commercial special extraction requests made by a person 1917
for the same records or for updated records during a calendar 1918
year. The rules may include provisions for charges to be made for 1919
bulk commercial special extraction requests for the actual cost of 1920
the bureau, plus special extraction costs, plus ten per cent. The 1921
bureau may charge for expenses for redacting information, the 1922
release of which is prohibited by law. 1923

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

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

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

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

(d) "Special extraction costs" means the cost of the time 1943
spent by the lowest paid employee competent to perform the task, 1944
the actual amount paid to outside private contractors employed by 1945
the bureau, or the actual cost incurred to create computer 1946
programs to make the special extraction. "Special extraction 1947
costs" include any charges paid to a public agency for computer or 1948
records services. 1949

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

government, or nonprofit educational research. 1955

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

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

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

Sec. 56.01. HEMOPHILIA SERVICES 1964

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

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

CANCER REGISTRY SYSTEM 1974

Of the foregoing appropriation item 440-412, Cancer Incidence 1975
Surveillance System, \$50,000 in each fiscal year shall be provided 1976
to the Northern Ohio Cancer Resource Center. 1977

The remaining moneys in appropriation item 440-412, Cancer 1978
Incidence Surveillance System, shall be used to maintain and 1979
operate the Ohio Cancer Incidence Surveillance System pursuant to 1980
sections 3701.261 to 3701.263 of the Revised Code. 1981

Not later than March 1, 2002, the Ohio Cancer Incidence 1982
Surveillance Advisory Board shall report to the General Assembly 1983
on the effectiveness of the cancer incidence surveillance system 1984
and the partnership between the Department of Health and the 1985
Arthur G. James Cancer Hospital and Richard J. Solove Research 1986
Institute of The Ohio State University. 1987

CHILD AND FAMILY HEALTH SERVICES 1988

Of the foregoing appropriation item 440-416, Child and Family 1989
Health Services, \$1,700,000 in each fiscal year shall be used for 1990
family planning services. None of the funds received through these 1991
family planning grants shall be used to provide abortion services. 1992
None of the funds received through these family planning grants 1993
shall be used for counseling for or referrals for abortion, except 1994
in the case of a medical emergency. These funds shall be 1995
distributed on the basis of the relative need in the community 1996
served by the Director of Health to family planning programs, 1997
which shall include family planning programs funded under Title V 1998
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1999
301, as amended, and Title X of the "Public Health Services Act," 2000
58 Stat. 682 (1946), 42 U.S.C.A. 201, as amended, as well as to 2001
other family planning programs that the Department of Health also 2002
determines will provide services that are physically and 2003
financially separate from abortion-providing and 2004
abortion-promoting activities, and that do not include counseling 2005
for or referrals for abortion, other than in the case of medical 2006
emergency, with state moneys, but that otherwise substantially 2007
comply with the quality standards for such programs under Title V 2008
and Title X. 2009

The Director of Health, by rule, shall provide reasonable 2010
methods by which a grantee wishing to be eligible for federal 2011
funding may comply with these requirements for state funding 2012
without losing its eligibility for federal funding, while ensuring 2013

that a family planning program receiving a family planning grant 2014
must be organized so that it is physically and financially 2015
separate from the provision of abortion services and from 2016
activities promoting abortion as a method of family planning. 2017

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

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

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

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

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

Of the foregoing appropriation item 440-416, Child and Family 2037
Health Services, \$25,000 in fiscal year 2002 shall be provided to 2038
the Suicide Prevention Program of Clermont County. 2039

Of the foregoing appropriation item 440-416, Child and Family 2040
Health Services, \$50,000 in fiscal year 2002 shall be provided to 2041
the Discover Health Project. 2042

Of the foregoing appropriation item 440-416, Child and Family 2043

Health Services, \$75,000 in fiscal year 2002 shall be provided to 2044
the Mayerson Center. 2045

Of the foregoing appropriation item 440-416, Child and Family 2046
Health Services, \$50,000 in fiscal year 2002 shall be provided to 2047
the Central Clinic at the University of Cincinnati. 2048

IMMUNIZATIONS 2049

Of the foregoing appropriation item 440-418, Immunizations, 2050
\$125,000 per fiscal year shall be used to provide vaccinations for 2051
Hepatitis B to all qualified underinsured students in the seventh 2052
grade who have not been previously immunized. 2053

Of the foregoing appropriation item 440-418, Immunizations, 2054
up to \$25,000 in each fiscal year shall be used to provide 2055
vaccinations for pneumococcal disease for children between the 2056
ages of two and five. 2057

SEXUAL ASSAULT PREVENTION AND INTERVENTION 2058

The foregoing appropriation item 440-419, Sexual Assault 2059
Prevention and Intervention, shall be used for the following 2060
purposes: 2061

(A) Funding of new services in counties with no services for 2062
sexual assault; 2063

(B) Expansion of services provided in currently funded 2064
projects so that comprehensive crisis intervention and prevention 2065
services are offered; 2066

(C) Start-up funding for Sexual Assault Nurse Examiner (SANE) 2067
projects; 2068

(D) Statewide expansion of local outreach and public 2069
awareness efforts. 2070

HIV/AIDS PREVENTION/TREATMENT 2071

Of the foregoing appropriation item 440-444, AIDS Prevention 2072

and Treatment, \$6.7 million in fiscal year 2002 and \$7.1 million 2073
in fiscal year 2003 shall be used to assist persons with HIV/AIDS 2074
in acquiring HIV-related medications. 2075

The HIV Drug Assistance Program is pursuant to section 2076
3701.241 of the Revised Code and Title XXVI of the "Public Health 2077
Services Act," 104 Stat. 576 (1990), 42 U.S.C.A. 2601, as amended. 2078
The Department of Health may adopt rules pursuant to Chapter 119. 2079
of the Revised Code as necessary for the administration of the 2080
program. 2081

INFECTIOUS DISEASE PREVENTION 2082

Notwithstanding section 339.77 of the Revised Code, \$60,000 2083
of the foregoing appropriation item 440-446, Infectious Disease 2084
Prevention, shall be used by the Director of Health to reimburse 2085
Boards of County Commissioners for the cost of detaining indigent 2086
persons with tuberculosis. Any portion of the \$60,000 allocated 2087
for detainment not used for that purpose shall be used to make 2088
payments to counties pursuant to section 339.77 of the Revised 2089
Code. 2090

Of the foregoing appropriation item 440-446, Infectious 2091
Disease Prevention, \$335,000 in each fiscal year shall be used for 2092
the purchase of drugs for sexually transmitted diseases. 2093

HELP ME GROW 2094

The foregoing appropriation item 440-459, Help Me Grow, shall 2095
be used by the Department of Health to distribute subsidies to 2096
counties to implement the Help Me Grow program. Appropriation item 2097
440-459 may be used in conjunction with Temporary Assistance for 2098
Needy Families from the Department of Job and Family Services, 2099
Even Start from the Department of Education, and in conjunction 2100
with other early childhood funds and services to promote the 2101
optimal development of young children. Local contacts shall be 2102
developed between local departments of job and family services and 2103

family and children first councils for the administration of TANF 2104
funding for the Help Me Grow Program. The Department of Health 2105
shall enter into an interagency agreement with the Department of 2106
Education to coordinate the planning, design, and grant selection 2107
process for any new Even Start grants and to ensure that all new 2108
and existing programs within Help Me Grow are school linked. 2109

POISON CONTROL NETWORK 2110

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

TANF FAMILY PLANNING 2115

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

As used in this section, "poverty guideline" means the 2124
official poverty guideline as revised annually by the United 2125
States Secretary of Health and Human Services in accordance with 2126
section 673 of the "Community Services Block Grant Act," 95 Stat. 2127
511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal 2128
to the size of the family of the person whose income is being 2129
determined. 2130

MATERNAL CHILD HEALTH BLOCK GRANT 2131

Of the foregoing appropriation item 440-601, Maternal Child 2132
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 2133
fiscal year for the purposes of abstinence-only education. The 2134

Director of Health shall develop guidelines for the establishment 2135
of abstinence programs for teenagers with the purpose of 2136
decreasing unplanned pregnancies and abortion. Such guidelines 2137
shall be pursuant to Title V of the "Social Security Act," 42 2138
U.S.C.A. 510, and shall include, but are not limited to, 2139
advertising campaigns and direct training in schools and other 2140
locations. 2141

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

TITLE XX TRANSFER 2146

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

GENETICS SERVICES 2159

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

SICKLE CELL FUND 2165

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

SAFETY AND QUALITY OF CARE STANDARDS

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

MEDICALLY HANDICAPPED CHILDREN AUDIT

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

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

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

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

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 2201

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

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

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

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