

**As Reported by the Senate Finance and Financial Institutions
Committee**

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Sub. H. B. No. 6

**Representatives J. Stewart, Allen, Aslanides, Barrett, Beatty, Bocchieri,
Brown, Buehrer, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier,
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Walcher, Webster, White, Widowfield, Williams, Wolpert, Woodard, Yates
Senator Carnes**

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, 3707.99, 3715.02, 3901.46, and 4736.01;	6
to amend, for the purpose of adopting new section	7
numbers as indicated in parentheses, sections	8
3701.16 (3701.161), 3701.17 (3701.162), 3701.23	9
(3701.221), and 3707.33 (3707.38); and to enact	10
new sections 3701.16, 3701.17, and 3701.23 and	11
sections 3701.072, 3701.146, 3701.201, 3701.231,	12
3701.232, 3701.571, and 3707.34 of the Revised	13
Code to modify the powers and duties of the	14
Department of Health, Public Health Council, and	15

boards of health relative to bioterrorism and 16
other public health matters. 17

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

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

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

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

(a) Medical records; 37

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

(c) Records pertaining to actions under section 2151.85 and 41
division (C) of section 2919.121 of the Revised Code and to 42

appeals of actions arising under those sections;	43
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;	44 45 46
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	47 48 49 50 51 52
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	53 54 55
(g) Trial preparation records;	56
(h) Confidential law enforcement investigatory records;	57
(i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;	58 59
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	60 61
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	62 63 64 65
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	66 67 68 69
(m) Intellectual property records;	70
(n) Donor profile records;	71

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	72 73
(p) Peace officer, firefighter, or EMT residential and familial information;	74 75
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	76 77 78
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	79 80
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;	81 82 83 84 85
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	86 87 88 89
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	90 91 92 93 94
(v) Records the release of which is prohibited by state or federal law;	95 96
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	97 98 99
<u>(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code.</u>	100 101

(2) "Confidential law enforcement investigatory record" means 102
any record that pertains to a law enforcement matter of a 103
criminal, quasi-criminal, civil, or administrative nature, but 104
only to the extent that the release of the record would create a 105
high probability of disclosure of any of the following: 106

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

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

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

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

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

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

(5) "Intellectual property record" means a record, other than 130
a financial or administrative record, that is produced or 131

collected by or for faculty or staff of a state institution of 132
higher learning in the conduct of or as a result of study or 133
research on an educational, commercial, scientific, artistic, 134
technical, or scholarly issue, regardless of whether the study or 135
research was sponsored by the institution alone or in conjunction 136
with a governmental body or private concern, and that has not been 137
publicly released, published, or patented. 138

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

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

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

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

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

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

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

(v) The identity and amount of any charitable or employment 162
benefit deduction made by the peace officer's, firefighter's, or 163
EMT's employer from the peace officer's, firefighter's, or EMT's 164
compensation unless the amount of the deduction is required by 165
state or federal law; 166

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

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

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

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

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

section 4765.01 of the Revised Code.	193
(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:	194 195 196 197 198
(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;	199 200 201
(b) The social security number, birth date, or photographic image of a person under the age of eighteen;	202 203
(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	204 205
(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.	206 207 208 209 210 211
(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	212 213
(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	214 215
(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,	216 217 218 219 220 221 222

public offices shall maintain public records in a manner that they 223
can be made available for inspection in accordance with this 224
division. 225

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

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

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

In any policy and procedures adopted under this division, a 254

public office may limit the number of records requested by a 255
person that the office will transmit by United States mail to ten 256
per month, unless the person certifies to the office in writing 257
that the person does not intend to use or forward the requested 258
records, or the information contained in them, for commercial 259
purposes. For purposes of this division, "commercial" shall be 260
narrowly construed and does not include reporting or gathering 261
news, reporting or gathering information to assist citizen 262
oversight or understanding of the operation or activities of 263
government, or nonprofit educational research. 264

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

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

employer of the peace officer's, firefighter's, or EMT's spouse, 287
former spouse, or child. The request shall include the 288
journalist's name and title and the name and address of the 289
journalist's employer and shall state that disclosure of the 290
information sought would be in the public interest. 291

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

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

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

(E)(1) The bureau of motor vehicles may adopt rules pursuant 321
to Chapter 119. of the Revised Code to reasonably limit the number 322
of bulk commercial special extraction requests made by a person 323
for the same records or for updated records during a calendar 324
year. The rules may include provisions for charges to be made for 325
bulk commercial special extraction requests for the actual cost of 326
the bureau, plus special extraction costs, plus ten per cent. The 327
bureau may charge for expenses for redacting information, the 328
release of which is prohibited by law. 329

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

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

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

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

(d) "Special extraction costs" means the cost of the time 349

spent by the lowest paid employee competent to perform the task, 350
the actual amount paid to outside private contractors employed by 351
the bureau, or the actual cost incurred to create computer 352
programs to make the special extraction. "Special extraction 353
costs" include any charges paid to a public agency for computer or 354
records services. 355

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

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

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

laws and rules on the director's behalf. 381

(B) Nothing in this section authorizes any action that 382
prevents the fulfillment of duties or impairs the exercise of 383
authority established by law for any other person or entity. 384

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

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

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

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

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

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

(5) On behalf of the state, solicit, accept, hold, 408
administer, and deposit in the state treasury to the credit of the 409

general operations fund created in section 3701.83 of the Revised 410
Code, any grant, gift, devise, bequest, or contribution made to 411
assist in meeting the cost of carrying out the director's 412
responsibilities and expend the grant, gift, ~~devise~~ devise, 413
bequest, or contribution for the purpose for which made. Fees 414
collected by the director in connection with meetings and 415
conferences shall also be credited to the fund and expended for 416
the purposes for which paid. 417

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

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

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

Sec. 3701.07. (A) The public health council shall adopt rules 438
in accordance with Chapter 119. of the Revised Code defining and 439

classifying hospitals and dispensaries and providing for the 440
reporting of information by hospitals and dispensaries. The Except 441
as otherwise provided in the Revised Code, the rules providing for 442
the reporting of information shall not require inclusion of any 443
confidential patient data or any information concerning the 444
financial condition, income, expenses, or net worth of the 445
facilities other than that financial information already contained 446
in those portions of the medicare or medicaid cost report that is 447
necessary for the department of health to certify the per diem 448
cost under section 3701.62 of the Revised Code. The rules may 449
require the reporting of information in the following categories: 450

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

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

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

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

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

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

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

(B) Every governmental entity or private nonprofit 466
corporation or association whose employees or representatives are 467
defined as residents' rights advocates under divisions (E)(1) and 468
(2) of section 3721.10 or division (A)(10) of section 3722.01 of 469

the Revised Code shall register with the department of health on 470
forms furnished by the director of health and shall provide such 471
reasonable identifying information as the director may prescribe. 472

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

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

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

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

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

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

order to control and prevent disease in the community.

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(3) "Trauma center" has the same meaning as in section 4765.01 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 that require a trauma center to report information to the director of health describing the trauma center's preparedness and capacity to respond to disasters, mass casualties, and bioterrorism. The council's rules may require the reporting of any information the council considers necessary for an accurate description of a trauma center's preparedness and capacity to respond to disasters, mass casualties, and bioterrorism. Information reported pursuant to this division is not a public record under section 149.43 of the Revised Code.

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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

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measles), pertussis, tetanus, and hepatitis B for the purpose of 530
carrying out the provisions of section 3313.671 of the Revised 531
Code and take such actions as are necessary to encourage 532
vaccination against those diseases. It may make special or 533
standing orders or rules for preventing the use of fluoroscopes 534
for nonmedical purposes which emit doses of radiation likely to be 535
harmful to any person, for preventing the spread of contagious or 536
infectious diseases, for governing the receipt and conveyance of 537
remains of deceased persons, and for such other sanitary matters 538
as are best controlled by a general rule. Whenever possible, the 539
department shall work in cooperation with the health commissioner 540
of a general or city health district. It may make and enforce 541
orders in local matters when an emergency exists, or when the 542
board of health of a general or city health district has neglected 543
or refused to act with sufficient promptness or efficiency, or 544
when such board has not been established as provided by sections 545
3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 546
of the Revised Code. In such cases the necessary expense incurred 547
shall be paid by the general health district or city for which the 548
services are rendered. 549

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

Sec. 3701.14. (A) The director of health shall investigate or 555
make inquiry as to the cause of disease, ~~especially when or~~ 556
illness, including contagious, infectious, epidemic, pandemic, or 557
endemic conditions, and take prompt action to control and suppress 558
it. The reports of births and deaths, the sanitary conditions and 559
effects of localities and employments, the personal and business 560

habits of the people that affect their health, and the relation of 561
the diseases of man and beast, shall be subjects of study by the 562
director. The director may make and execute orders necessary to 563
protect the people against diseases of lower animals, and shall 564
collect and preserve information in respect to such matters and 565
kindred subjects as may be useful in the discharge of the 566
director's duties, and for dissemination among the people. When 567
called upon by the state or local governments, or the board of 568
health of a general or city health district, the director shall 569
promptly investigate and report upon the water supply, sewerage, 570
disposal of excreta of any locality, and the heating, plumbing, 571
and ventilation of a public building. 572

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

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

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

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

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

~~(5) The director may appoint physicians to serve as 588
tuberculosis consultants for geographic regions of the state 589
specified by the director. Each tuberculosis consultant shall act 590~~

~~in accordance with guidelines established by the director and
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.~~

~~(6) The public health council shall adopt rules establishing
standards for the following:~~

~~(a) Performing tuberculosis screenings;~~

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

~~(c) Providing treatment to individuals with tuberculosis;~~

~~(d) Methods of preventing individuals with communicable
tuberculosis from infecting other individuals;~~

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

~~(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.~~

~~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 that the
director currently is conducting pursuant to division (A) of this
section and that is not yet complete is confidential during the

course of that investigation or inquiry and shall not be released 621
except pursuant to division (D) or (J) of this section or under 622
one of the following conditions: 623

(1) The confidential information is released pursuant to a 624
search warrant or subpoena issued by or at the request of a grand 625
jury or prosecutor, as defined in section 2935.01 of the Revised 626
Code. 627

(2) The director has entered into a written agreement to 628
share or exchange the information with a person or government 629
entity, and that agreement requires the person or entity to comply 630
with the confidentiality requirements established under this 631
section. 632

(3) The information is contained in a preliminary report 633
released by the director pursuant to division (G)(1) of this 634
section. 635

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

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

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

(F) Except for information released pursuant to division 652
(G)(2) or (J) of this section, any disclosure pursuant to this 653
section shall be in writing and accompanied by a written statement 654
that includes the following or substantially similar language: 655
"This information has been disclosed to you from confidential 656
records protected from disclosure by state law. If this 657
information has been released to you in other than a summary, 658
statistical, or aggregate form, you shall make no further 659
disclosure of this information without the specific, written, and 660
informed release of the person to whom it pertains, or as 661
otherwise permitted by state law. A general authorization for the 662
release of medical or other information is not sufficient for the 663
release of information pursuant to this section." 664

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

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

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

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

(J) The director shall release information obtained during an investigation or inquiry that the director currently is conducting pursuant to division (A) of this section and that is not yet complete, if 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 released pursuant to this division shall be limited to the release of the information to those persons necessary to control, prevent, or mitigate disease or illness.

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

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

(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.

(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.

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

(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 713
care practitioners who participate in tuberculosis control 714
activities and for reviewing medical records pertaining to the 715
treatment provided to individuals with tuberculosis. 716

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

(a) Performing tuberculosis screenings; 719

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

(c) Providing treatment to individuals with tuberculosis; 723

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

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

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

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

Sec. 3701.15. Each year, the director of health shall make a 740
report to the governor, which shall include so much of the 741

proceedings of the department of health, ~~such~~ information 742
concerning vital statistics and diseases, ~~such~~ instructions on the 743
subject of hygiene for dissemination among the people and ~~such~~ 744
suggestions as to legislation, ~~as he~~ the director deems proper. 745
The director shall include in ~~his~~ the director's annual report a 746
full statement of all examinations made in the department's 747
~~chemical and bacteriological~~ public health laboratory maintained 748
under section 3701.22 of the Revised Code, with a detailed account 749
of all expenses. 750

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

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

~~Sec. 3701.17~~ 3701.162. Any licensed physician practicing in 767
~~the~~ this state, or the superintendent of any state or county 768
institution, may receive without charge ~~such~~ the quantities of 769
antitoxin as ~~he~~ the physician or superintendent requires for the 770
treatment or prevention of diphtheria in indigent persons, 771

provided such antitoxin shall be used only for persons residing in 772
the state, and that a sufficient supply is available for 773
distribution. 774

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

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

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

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

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

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

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

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

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

(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.

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

(D) Except for information released pursuant to division (B)(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 individual to whom it pertains, or as otherwise permitted by

state law. A general authorization for the release of medical or 833
other information is not sufficient for the release of information 834
pursuant to this section." 835

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

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

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

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

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

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

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

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

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

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

(c) Modest perquisites. 865

Sec. 3701.201. (A) As used in this section, "bioterrorism" 866
has the same meaning as in section 3701.232 of the Revised Code. 867

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

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

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

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

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

(D) Information reported under this section that is protected 891

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

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

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

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

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

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

Sec. ~~3701.23~~ 3701.221. (A) The director of health shall have 911
charge of the public health laboratory ~~authorized by~~ maintained 912
pursuant to section 3701.22 of the Revised Code. The director may 913
employ an assistant for the laboratory who shall be a person 914
skilled in chemistry and bacteriology, and receive ~~such~~ 915
compensation as the director ~~may allow~~ determines. All expenses of 916
~~such~~ the laboratory shall be paid from appropriations made for the 917
department of health. 918

(B) The public health council, in accordance with Chapter 919
119. of the Revised Code, shall adopt, and may amend or rescind, 920

rules establishing reasonable fees ~~to be charged~~ for services that 921
the laboratory performs. The council need not prescribe fees ~~to be~~ 922
~~charged in any case~~ where the council believes that ~~the~~ charging 923
~~of~~ fees would significantly and adversely affect the public 924
health. All fees collected for services ~~that~~ the laboratory 925
performs shall be deposited into the state treasury to the credit 926
of the "laboratory handling fee fund," which is hereby created for 927
the purpose of defraying expenses of operating the laboratory. 928

Sec. 3701.23. (A) As used in this section, "health care 929
provider" means any person or government entity that provides 930
health care services to individuals. "Health care provider" 931
includes, but is not limited to, hospitals, medical clinics and 932
offices, special care facilities, medical laboratories, 933
physicians, pharmacists, dentists, physician assistants, 934
registered and licensed practical nurses, laboratory technicians, 935
emergency medical service organization personnel, and ambulance 936
service organization personnel. 937

(B) Boards of health, health authorities or officials, health 938
care providers in localities in which there are no health 939
authorities or officials, and coroners or medical examiners shall 940
report promptly to the department of health the existence of any 941
of the following: 942

(1) Asiatic cholera; 943

(2) Yellow fever; 944

(3) Diphtheria; 945

(4) Typhus or typhoid fever; 946

(5) As specified by the public health council, other 947
contagious or infectious diseases, illnesses, health conditions, 948
or unusual infectious agents or biological toxins posing a risk of 949
human fatality or disability. 950

(C) No person shall fail to comply with the reporting requirements established under division (B) of this section. 951
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(D) The reports required by this section shall be submitted on forms, as required by statute or rule, and in the manner the director of health prescribes. 953
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(E) Information reported under this section that is protected health information pursuant to section 3701.17 of the Revised Code shall be released only in accordance with that section. 956
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Information that does not identify an individual may be released in summary, statistical, or aggregate form. 959
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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. 961
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Sec. 3701.232. (A) As used in this section: 971

(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. 972
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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. 981
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(3) "Pharmacy" and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 984
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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 disease, or established or novel infectious agents or biological toxins posing a risk of human fatality or disability. Rules adopted under this section may require a report of any of the following: 986
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(1) An unexpected increase in the number of prescriptions for antibiotics; 994
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(2) An unexpected increase in the number of prescriptions for medication to treat fever or respiratory or gastrointestinal complaints; 996
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(3) An unexpected increase in sales of, or the number of requests for information on, over-the-counter medication to treat fever or respiratory or gastrointestinal complaints; 999
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(4) Any prescription for medication used to treat a disease that is relatively uncommon and may have been caused by bioterrorism. 1002
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(C) No person shall fail to comply with any reporting requirement established in rules adopted under division (B) of this section. 1005
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(D) Information reported under this section that is protected health information pursuant to section 3701.17 of the Revised Code shall be released only in accordance with that section. 1008
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<u>Information that does not identify an individual may be released</u>	1011
<u>in summary, statistical, or aggregate form.</u>	1012
Sec. 3701.24. (A) As used in this section and sections	1013
3701.241 to 3701.249 of the Revised Code:	1014
(1) "AIDS" means the illness designated as acquired	1015
immunodeficiency syndrome.	1016
(2) "HIV" means the human immunodeficiency virus identified	1017
as the causative agent of AIDS.	1018
(3) "AIDS-related condition" means symptoms of illness	1019
related to HIV infection, including AIDS-related complex, that are	1020
confirmed by a positive HIV test.	1021
(4) "HIV test" means any test for the antibody or antigen to	1022
HIV that has been approved by the director of health under	1023
division (B) of section 3701.241 of the Revised Code.	1024
(5) "Health care facility" has the same meaning as in section	1025
1751.01 of the Revised Code.	1026
(6) "Director" means the director of health or any employee	1027
of the department of health acting on the director's behalf.	1028
(7) "Physician" means a person who holds a current, valid	1029
certificate issued under Chapter 4731. of the Revised Code	1030
authorizing the practice of medicine or surgery and osteopathic	1031
medicine and surgery.	1032
(8) "Nurse" means a registered nurse or licensed practical	1033
nurse who holds a license or certificate issued under Chapter	1034
4723. of the Revised Code.	1035
(9) "Anonymous test" means an HIV test administered so that	1036
the individual to be tested can give informed consent to the test	1037
and receive the results by means of a code system that does not	1038
link the identity of the individual tested to the request for the	1039

test or the test results. 1040

(10) "Confidential test" means an HIV test administered so 1041
that the identity of the individual tested is linked to the test 1042
but is held in confidence to the extent provided by ~~section~~ 1043
sections 3701.24 to 3701.248 of the Revised Code. 1044

(11) "Health care provider" means an individual who provides 1045
diagnostic, evaluative, or treatment services. Pursuant to Chapter 1046
119. of the Revised Code, the public health council may adopt 1047
rules further defining the scope of the term "health care 1048
provider." 1049

(12) "Significant exposure to body fluids" means a 1050
percutaneous or mucous membrane exposure of an individual to the 1051
blood, semen, vaginal secretions, or spinal, synovial, pleural, 1052
peritoneal, pericardial, or amniotic fluid of another individual. 1053

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

(a) A peace officer; 1056

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

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

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

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

(14) "Peace officer" has the same meaning as in division (A) 1066
of section 109.71 of the Revised Code, except that it also 1067
includes a sheriff and the superintendent and troopers of the 1068
state highway patrol. 1069

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

~~(1) Asiatic cholera;~~

~~(2) Yellow fever;~~

~~(3) Diphtheria;~~

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

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

~~(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.~~

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

(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~~ 1100
aggregate form. 1101

Sec. 3701.241. (A) The director of health shall develop and 1102
administer the following: 1103

(1) A surveillance system to determine the number of cases of 1104
AIDS and the HIV infection rate in various population groups; 1105

(2) Counseling and testing programs for groups determined by 1106
the director to be at risk of HIV infection, including procedures 1107
for both confidential and anonymous tests, counseling training 1108
programs for health care providers, and development of counseling 1109
guidelines; 1110

(3) A confidential partner notification system to alert and 1111
counsel sexual contacts of individuals with HIV infection; 1112

(4) Risk reduction and education programs for groups 1113
determined by the director to be at risk of HIV infection, and, in 1114
consultation with a wide range of community leaders, education 1115
programs for the public; 1116

(5) Pilot programs for the long-term care of individuals with 1117
AIDS or AIDS-related condition, including care in nursing homes 1118
and in alternative settings; 1119

(6) Programs to expand regional outpatient treatment of 1120
individuals with AIDS or AIDS-related condition; 1121

(7) A program to assist communities, including communities of 1122
less than one hundred thousand population, in establishing AIDS 1123
task forces and support groups for individuals with AIDS, 1124
AIDS-related condition, and HIV infection. The program may include 1125
the award of grants if they are matched by local funds. 1126

Information obtained or maintained under the partner 1127
notification system is not a public record under section 149.43 of 1128
the Revised Code and may be released only in accordance with 1129

division (C) of section 3701.243 of the Revised Code. 1130

(B) The director shall: 1131

(1) Approve a test or tests to be used to determine whether 1132
an individual has HIV infection, define a confirmed positive test 1133
result, and develop guidelines for interpreting test results; 1134

(2) Establish sites for confidential and anonymous HIV tests, 1135
and prepare a list of sites where an individual may obtain an 1136
anonymous test; 1137

(3) Prepare a list of counseling services; 1138

(4) Make available a copy of the list of anonymous testing 1139
sites or a copy of the list of counseling services to anyone who 1140
requests it. 1141

(C) The director of health shall require the director or 1142
administrator of each site where anonymous or confidential HIV 1143
tests are given to submit a report every three months evaluating 1144
from an epidemiologic perspective the effectiveness of the HIV 1145
testing program at that site. Not later than January 31, 1991, and 1146
each year thereafter, the director of health shall make a report 1147
evaluating the anonymous and confidential testing programs 1148
throughout the state with regard to their effectiveness as 1149
epidemiologic programs. The report shall be submitted to the 1150
speaker of the house of representatives and the president of the 1151
senate and shall be made available to the public. 1152

The public health council shall adopt rules pursuant to 1153
Chapter 119. of the Revised Code for the implementation of the 1154
requirements of division (B)(1) of this section and division 1155
~~(C)~~(D) of section 3701.24 of the Revised Code. 1156

(D) The director of health shall administer funds received 1157
under Title XXVI of the "Public Health Services Act," 104 Stat. 1158
576 (1990), 42 U.S.C.A. 2601, as amended, for programs to improve 1159

the quality and availability of care for individuals with AIDS, 1160
AIDS-related condition, and HIV infection. In administering these 1161
funds, the director may enter into contracts with any person or 1162
entity for the purpose of administering the programs, including 1163
contracts with the department of job and family services for 1164
establishment of a program of reimbursement of drugs used for 1165
treatment and care of such individuals. The director of health may 1166
adopt rules in accordance with Chapter 119. of the Revised Code 1167
and issue orders as necessary for administration of the funds. If 1168
the department of job and family services enters into a contract 1169
under this division, the director of job and family services may 1170
adopt rules in accordance with Chapter 119. of the Revised Code as 1171
necessary for carrying out the department's duties under the 1172
contract. 1173

Sec. 3701.25. (A) Every physician attending on or called in 1174
to visit a patient whom ~~he~~ the physician believes to be suffering 1175
from poisoning from lead, cadmium, phosphorus, arsenic, brass, 1176
wood alcohol, mercury, or their compounds, ~~or from anthrax~~ or from 1177
compressed air illness and such other occupational diseases and 1178
ailments as the department of health shall require to be reported, 1179
shall within forty-eight hours from the time of first attending 1180
such patient send to the director of health a report stating: 1181

~~(A)~~(1) Name, address, and occupation of patient; 1182

~~(B)~~(2) Name, address, and business of employer; 1183

~~(C)~~(3) Nature of disease; 1184

~~(D)~~(4) Such other information as may be reasonably required 1185
by the department. 1186

(B) No person shall fail to comply with the reporting 1187
requirements established under division (A) of this section. 1188

(C) The reports required by this section shall be made on, or 1189

in conformity with, the standard schedule blanks provided for in 1190
section 3701.26 of the Revised Code. The mailing of the report, 1191
within the time required, in a stamped envelope addressed to the 1192
office of the director, shall be in compliance with this section. 1193

(D) Such reports shall not be evidence of the facts therein 1194
stated in any action arising out of the disease therein reported. 1195

(E) Information reported under this section that is protected 1196
health information pursuant to section 3701.17 of the Revised Code 1197
shall be released only in accordance with that section. 1198
Information that does not identify an individual may be released 1199
in summary, statistical, or aggregate form. 1200

Sec. 3701.34. (A) The public health council shall: 1201

~~(A)(1) Adopt, and may amend or rescind, sanitary rules to be 1202
of general application throughout the state. The sanitary rules 1203
shall be known as the sanitary code. 1204~~

~~(B) Take evidence in appeals from the decision of the 1205
director of health in a matter relative to the approval or 1206
disapproval of plans, locations, estimates of cost, or other 1207
matters coming before the director for official action. In the 1208
hearing of such appeals the director may be represented in person 1209
or by the attorney general. 1210~~

~~(C)i 1211~~

(2) Conduct hearings in cases where the law requires that the 1212
department shall give such hearings and reach decisions on the 1213
evidence presented, which shall govern subsequent actions of the 1214
director with reference thereto; 1215

~~(D)(3) Prescribe, by rule, the number and functions of 1216
divisions and bureaus and the qualifications of chiefs or 1217
divisions and bureaus within the department; 1218~~

~~(E)(4) Enact and amend bylaws in relation to its meetings and 1219~~

the transaction of its business; 1220

~~(F)~~(5) Consider any matter relating to the preservation and 1221
improvement of the public health and advise the director thereon 1222
with such recommendations as it considers wise. 1223

(B) The council shall neither have nor exercise executive or 1224
administrative duties. 1225

Sec. 3701.35. Every ~~regulation, adopted by~~ rule the public 1226
health council, ~~adopts~~ shall state the date on which it takes 1227
effect, and a copy thereof, signed by the secretary of the 1228
council, shall be filed in the office of the secretary of state, 1229
and a copy thereof shall be sent by the director of health to each 1230
board of health of a general or a city health district, health 1231
officer, or person performing the duties of health officer, within 1232
the state, and shall be published in such manner as the council 1233
may determine. Every provision of the ~~sanitary code~~ council's 1234
rules shall apply to and be effective in all portions of the 1235
state. 1236

Sec. 3701.352. No person shall violate any rule ~~of~~ the public 1237
health council ~~of the, director of health, or~~ department of health 1238
~~adopted under section 3701.34 of the Revised Code~~ adopts or any 1239
order ~~of~~ the director or department of health ~~issued~~ issues under 1240
~~Chapter 3701. of the Revised Code~~ this chapter to prevent a threat 1241
to the public caused by a pandemic, epidemic, or bioterrorism 1242
event. 1243

Sec. 3701.501. (A)(1) Except as provided in division (A)(2) 1244
of this section, all newborn children shall be screened for the 1245
presence of the genetic, endocrine, and metabolic disorders 1246
specified in rules, adopted pursuant to this section. 1247

(2) Division (A)(1) of this section does not apply if the 1248

parents of the child object thereto on the grounds that the 1249
screening conflicts with their religious tenets and practices. 1250

(B) There is hereby created the newborn screening advisory 1251
council to advise the director of health regarding the screening 1252
of newborn children for genetic, endocrine, and metabolic 1253
disorders. The council shall engage in an ongoing review of the 1254
newborn screening requirements established under this section and 1255
shall provide recommendations and reports to the director as the 1256
director requests and as the council considers necessary. The 1257
director may assign other duties to the council, as the director 1258
considers appropriate. 1259

The council shall consist of fourteen members appointed by 1260
the director. In making appointments, the director shall select 1261
individuals and representatives of entities with interest and 1262
expertise in newborn screening, including such individuals and 1263
entities as health care professionals, hospitals, children's 1264
hospitals, regional genetic centers, regional sickle cell centers, 1265
newborn screening coordinators, and members of the public. 1266

The department of health shall provide meeting space, staff 1267
services, and other technical assistance required by the council 1268
in carrying out its duties. Members of the council shall serve 1269
without compensation, but shall be reimbursed for their actual and 1270
necessary expenses incurred in attending meetings of the council 1271
or performing assignments for the council. 1272

The council is not subject to sections 101.82 to 101.87 of 1273
the Revised Code. 1274

(C)(1) The director of health shall adopt rules in accordance 1275
with Chapter 119. of the Revised Code specifying the disorders for 1276
which each newborn child must be screened. 1277

(2) The newborn screening advisory council shall evaluate 1278
genetic, metabolic, and endocrine disorders to assist the director 1279

in determining which disorders should be included in the 1280
screenings required under this section. In determining whether a 1281
disorder should be included, the council shall consider all of the 1282
following: 1283

- (a) The disorder's incidence, mortality, and morbidity; 1284
- (b) Whether the disorder causes disability if diagnosis, 1285
treatment, and early intervention are delayed; 1286
- (c) The potential for successful treatment of the disorder; 1287
- (d) The expected benefits to children and society in relation 1288
to the risks and costs associated with screening for the disorder; 1289
- (e) Whether a screening for the disorder can be conducted 1290
without taking an additional blood sample or specimen. 1291

(3) Based on the considerations specified in division (C)(2) 1292
of this section, the council shall make recommendations to the 1293
director of health for the adoption of rules under division (C)(1) 1294
of this section. The director shall promptly and thoroughly review 1295
each recommendation the council submits. 1296

(D) The director shall adopt rules in accordance with Chapter 1297
119. of the Revised Code establishing standards and procedures for 1298
the screenings required by this section. The rules shall include 1299
standards and procedures for all of the following: 1300

- (1) Causing rescreenings to be performed when initial 1301
screenings have abnormal results; 1302
- (2) Designating the person or persons who will be responsible 1303
for causing screenings and rescreenings to be performed; 1304
- (3) Giving to the parents of a child notice of the required 1305
initial screening and the possibility that rescreenings may be 1306
necessary; 1307
- (4) Communicating to the parents of a child the results of 1308
the child's screening and any rescreenings that are performed; 1309

(5) Giving notice of the results of an initial screening and 1310
any rescreenings to the person who caused the child to be screened 1311
or rescreened, or to another person or government entity when the 1312
person who caused the child to be screened or rescreened cannot be 1313
contacted; 1314

(6) Referring children who receive abnormal screening or 1315
rescreening results to providers of follow-up services, including 1316
the services made available through funds disbursed under division 1317
(F) of this section. 1318

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1319
section, all newborn screenings required by this section shall be 1320
performed by the public health laboratory ~~authorized~~ maintained 1321
under section 3701.22 of the Revised Code. 1322

(2) If the director determines that the public health 1323
laboratory ~~authorized under section 3701.22 of the Revised Code~~ is 1324
unable to perform screenings for all of the disorders specified in 1325
the rules adopted under division (C) of this section, the director 1326
shall select another laboratory to perform the screenings. The 1327
director shall select the laboratory by issuing a request for 1328
proposals. The director may accept proposals submitted by 1329
laboratories located outside this state. At the conclusion of the 1330
selection process, the director shall enter into a written 1331
contract with the selected laboratory. If the director determines 1332
that the laboratory is not complying with the terms of the 1333
contract, the director shall immediately terminate the contract 1334
and another laboratory shall be selected and contracted with in 1335
the same manner. 1336

(3) Any rescreening caused to be performed pursuant to this 1337
section may be performed by the public health laboratory 1338
~~authorized by section 3701.22 of the Revised Code~~ or one or more 1339
other laboratories designated by the director. Any laboratory the 1340

director considers qualified to perform rescreenings may be 1341
designated, including a laboratory located outside this state. If 1342
more than one laboratory is designated, the person responsible for 1343
causing a rescreening to be performed is also responsible for 1344
selecting the laboratory to be used. 1345

(F)(1) The director shall adopt rules in accordance with 1346
Chapter 119. of the Revised Code establishing a fee that shall be 1347
charged and collected in addition to or in conjunction with any 1348
laboratory fee that is charged and collected for performing the 1349
screenings required by this section. The fee, which shall be not 1350
less than fourteen dollars, shall be disbursed as follows: 1351

(a) Not less than ten dollars and twenty-five cents shall be 1352
deposited in the state treasury to the credit of the genetics 1353
services fund, which is hereby created. Not less than seven 1354
dollars and twenty-five cents of each fee credited to the genetics 1355
services fund shall be used to defray the costs of the programs 1356
authorized by section 3701.502 of the Revised Code. Not less than 1357
three dollars from each fee credited to the genetics services fund 1358
shall be used to defray costs of phenylketonuria programs. 1359

(b) Not less than three dollars and seventy-five cents shall 1360
be deposited into the state treasury to the credit of the sickle 1361
cell fund, which is hereby created. Money credited to the sickle 1362
cell fund shall be used to defray costs of programs authorized by 1363
section 3701.131 of the Revised Code. 1364

(2) In adopting rules under division (F)(1) of this section, 1365
the director shall not establish a fee that differs according to 1366
whether a screening is performed by the public health laboratory 1367
~~authorized under section 3701.22 of the Revised Code~~ or by another 1368
laboratory selected by the director pursuant to division (E)(2) of 1369
this section. 1370

Sec. 3701.56. Boards of health of a general or city health 1371

district, health authorities and officials, officers of state 1372
institutions, police officers, sheriffs, constables, and other 1373
officers and employees of the state or any county, city, or 1374
township, shall enforce ~~the~~ quarantine and ~~sanitary~~ isolation 1375
orders, and the rules and regulations adopted by the department of 1376
health adopts. 1377

Sec. 3701.57. All prosecutions and proceedings by the 1378
department of health for the violation of sections 3701.01 to 1379
3701.56, 3705.01 to 3705.29, 3707.06, 3709.01 to 3709.04, 3709.07 1380
to 3709.11, 3709.13, 3709.17, 3709.18, and 3709.21 to 3709.36 of 1381
the Revised Code, or for the violation of any of the orders or 1382
rules of the department, shall be instituted by the director of 1383
health. ~~All~~ Except as provided in division (C) of section 3701.571 1384
of the Revised Code, all fines or judgments ~~collected by~~ the 1385
department collects shall be paid into the state treasury to the 1386
credit of the general revenue fund. 1387

The director of health, the board of health of a general or 1388
city health district, or any person charged with enforcing the 1389
rules of the department of health as provided in section 3701.56 1390
of the Revised Code may petition the court of common pleas for 1391
injunctive or other appropriate relief requiring any person 1392
violating a rule adopted by the public health council under 1393
section 3701.34 of the Revised Code or any order issued by the 1394
director of health under this chapter to comply with such rule or 1395
order. The court of common pleas of the county in which the 1396
offense is alleged to be occurring may grant such injunctive or 1397
other appropriate relief as the equities of the case require. 1398

Sec. 3701.571. (A) The director of health shall adopt rules 1399
pursuant to Chapter 119. of the Revised Code that establish a 1400
graduated system of fines based on the scope and severity of 1401

violations and the history of compliance, not to exceed seven 1402
hundred fifty dollars per incident, and in an adjudication under 1403
Chapter 119. of the Revised Code, may impose a fine against any 1404
person who violates division (C) of section 3701.23, division (C) 1405
of section 3701.232, division (C) of section 3701.24, division (B) 1406
of section 3701.25, or division (B) of section 3707.06 of the 1407
Revised Code or against any poison prevention and treatment center 1408
or other health-related entity that fails to comply with division 1409
(C) of section 3701.201 of the Revised Code. 1410

(B) On request of the director, the attorney general shall 1411
bring and prosecute to judgment a civil action to collect any fine 1412
imposed under division (A) of this section that remains unpaid. 1413

(C) All fines collected under this section shall be deposited 1414
into the state treasury to the credit of the general operations 1415
fund created under section 3701.83 of the Revised Code. 1416

Sec. 3701.99. ~~(A) Whoever violates division (C) of section~~ 1417
~~3701.23, division (C) of section 3701.232, division (C) of section~~ 1418
~~3701.24, division (B) of section 3701.25 of the Revised Code is~~ 1419
~~guilty of a minor misdemeanor on a first offense; on each~~ 1420
~~subsequent offense, the person is guilty of a misdemeanor of the~~ 1421
~~second degree.~~ 1422

~~(B) Whoever violates,~~ division (I) of section 3701.262, 1423
division (D) of section 3701.263, or ~~section 3701.352 or~~ sections 1424
3701.46 to 3701.55 of the Revised Code is guilty of a minor 1425
misdemeanor on a first offense; on each subsequent offense, the 1426
person is guilty of a misdemeanor of the fourth degree. 1427

~~(C)~~(B) Whoever violates section 3701.82 of the Revised Code 1428
is guilty of a misdemeanor of the first degree. 1429

~~(D)~~(C) Whoever violates section 3701.352 or 3701.81 of the 1430
Revised Code is guilty of a misdemeanor of the second degree. 1431

~~(E) Whoever violates division (G) of section 3701.88 of the Revised Code shall be fined not more than one hundred dollars. Each day the violation continues is a separate offense.~~

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

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

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

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

(1) Circumstances render a meeting of the board impractical 1462
or impossible. 1463

(2) Delaying action until a meeting of the board compromises 1464
the public health. 1465

(B) Each board of health shall adopt a policy, subject to the 1466
approval of the district advisory council or city council for city 1467
health districts not governed by an advisory council, specifying 1468
the actions that a health commissioner may take pursuant to this 1469
section. Any action a health commissioner takes in accordance with 1470
the board's policy is deemed an action taken by the board unless 1471
the board votes to nullify the commissioner's action. 1472

Sec. ~~3707.33~~ 3707.38. The board of health of a city or 1473
general health district may appoint, define the duties of, and fix 1474
the compensation of the number of inspectors of shops, wagons, 1475
appliances, and food, and the number of other persons necessary to 1476
carry out this chapter and Chapter 3717. of the Revised Code and, 1477
if applicable, to carry out any duties assumed by the board under 1478
an agreement entered into under division (B) of section 917.02 of 1479
the Revised Code. Inspectors for those purposes may enter any 1480
house, vehicle, or yard. The board may authorize the health 1481
commissioner to perform the duties of the inspectors. 1482

Sec. 3707.99. (A) Whoever violates section 3707.03 of the 1483
Revised Code, unless good and sufficient reason therefor is shown, 1484
is guilty of a minor misdemeanor. 1485

(B) Whoever violates division (B) of section 3707.06 or 1486
section 3707.48 of the Revised Code is guilty of a minor 1487
misdemeanor on a first offense; on each subsequent offense ~~such,~~ 1488
the person is guilty of a misdemeanor of the fourth degree. 1489

Sec. 3715.02. (A) The director of agriculture shall adopt 1490

rules in accordance with Chapter 119. of the Revised Code that 1491
establish, when otherwise not established by a law of this state, 1492
definitions for a food or class of food and standards for the 1493
following items as they pertain to the food or class of food: 1494

- (1) Quality, identity, purity, grade, and strength; 1495
- (2) Packaging and labeling; 1496
- (3) Food processing equipment; 1497
- (4) Processing procedures; 1498
- (5) Fill of containers. 1499

The standards and definitions, where applicable, shall 1500
conform to the standards for foods adopted by the United States 1501
department of agriculture and the United States food and drug 1502
administration. Portions of Titles 7, 9, and 21 of the Code of 1503
Federal Regulations or the regulations adopted for the enforcement 1504
of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 1505
(1938), 21 U.S.C.A. 301 et seq., as amended, may be adopted as 1506
rules by referencing the federal regulations, subject to the 1507
approval of the joint committee on agency rule review. 1508

In adopting rules that establish definitions and standards of 1509
identity for a food or class of food in which only a limited 1510
number of optional ingredients are permitted, the director shall 1511
designate the optional ingredients that must be listed on the 1512
label. 1513

(B) The director shall adopt rules in accordance with Chapter 1514
119. of the Revised Code that establish procedures for the 1515
performance of sample analyses of food, food additives, and food 1516
packaging materials. The circumstances under which a sample 1517
analysis may be required include the following: 1518

- (1) When a food, food additive, or food packaging material is 1519
the subject of a consumer complaint; 1520

(2) When requested by a consumer after a physician has isolated an organism from the consumer as the physician's patient;	1521 1522
(3) When a food, food additive, or food packaging material is suspected of having caused an illness;	1523 1524
(4) When a food, food additive, or food packaging material is suspected of being adulterated or misbranded;	1525 1526
(5) When a food, food additive, or food packaging material is subject to verification of food labeling and standards of identity;	1527 1528 1529
(6) At any other time the director considers a sample analysis necessary.	1530 1531
(C) In foodborne illness investigations, the director of agriculture shall cooperate and consult with the <u>public health</u> laboratory maintained by the department of health under section 3701.22 of the Revised Code.	1532 1533 1534 1535
(D) The director or the director's designee shall do all of the following:	1536 1537
(1) Inspect drugs, food, or drink manufactured, stored, or offered for sale in this state;	1538 1539
(2) Prosecute or cause to be prosecuted each person engaged in the unlawful manufacture or sale of an adulterated drug or article of food or drink, in violation of law;	1540 1541 1542
(3) Enforce all laws against fraud, adulteration, or impurities in drugs, foods, or drinks and unlawful labeling within this state.	1543 1544 1545
(E) The director may appoint or contract for one or more qualified persons to enforce the provisions of this chapter.	1546 1547
Sec. 3901.46. As used in this section, "membership organization" means a fraternal or other association or group of	1548 1549

individuals involved in the same occupation, activity, or interest 1550
that is organized and maintained in good faith for purposes other 1551
than to obtain insurance and is not organized or maintained for 1552
the purpose of engaging in activities for gain or profit. 1553

(A) In underwriting an individual policy of life or sickness 1554
and accident insurance or a group policy of life or sickness and 1555
accident insurance providing coverage for members of a membership 1556
organization, an insurer may require an applicant for coverage 1557
under the policy to submit to an HIV test only in conjunction with 1558
tests for other health conditions. No applicant shall be required 1559
to submit to an HIV test on the basis of ~~his~~ the applicant's 1560
sexual orientation or factors described in division (C)(1) of 1561
section 3901.45 of the Revised Code that are used to ascertain ~~his~~ 1562
the applicant's sexual orientation. 1563

(B)(1) An insurer that requests an applicant to take an HIV 1564
test shall obtain the applicant's written consent for the test and 1565
shall inform the applicant of the purpose of the test. The consent 1566
form shall include information about the tests to be performed, 1567
the confidentiality of the results, procedures for notifying the 1568
applicant of the results, and a general interpretation of test 1569
results. 1570

(2) The superintendent of insurance shall adopt rules under 1571
Chapter 119. of the Revised Code establishing the form and content 1572
of the consent required under division (B)(1) of this section. 1573

(C) An insurer may disclose the results of a positive HIV 1574
test only to the following persons: 1575

(1) The applicant; 1576

(2) The applicant's or insured's physician or other health 1577
care provider if the applicant or insured provides the insurer 1578
with prior written consent for disclosure; 1579

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

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

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

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

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

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

Sec. 4736.01. As used in this chapter:

(A) "Environmental health science" means the aspect of public health science that includes, but is not limited to, the following bodies of knowledge: air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing,

institutional health and safety, community noise control, 1610
radiation protection, recreational facilities, solid and liquid 1611
waste management, vector control, drinking water quality, milk 1612
sanitation, and rabies control. 1613

(B) "Sanitarian" means a person who performs for compensation 1614
educational, investigational, technical, or administrative duties 1615
requiring specialized knowledge and skills in the field of 1616
environmental health science. 1617

(C) "Registered sanitarian" means a person who is registered 1618
as a sanitarian in accordance with Chapter 4736. of the Revised 1619
Code. 1620

(D) "Sanitarian-in-training" means a person who is registered 1621
as a sanitarian-in-training in accordance with Chapter 4736. of 1622
the Revised Code. 1623

(E) "Practice of environmental health" means consultation, 1624
instruction, investigation, inspection, or evaluation by an 1625
employee of a city health district, a general health district, the 1626
Ohio environmental protection agency, the department of health, or 1627
the department of agriculture requiring specialized knowledge, 1628
training, and experience in the field of environmental health 1629
science, with the primary purpose of improving or conducting 1630
administration or enforcement under any of the following: 1631

(1) Chapter 911., 913., 917., 3717., 3721., or 3733. of the 1632
Revised Code; 1633

(2) Chapter 3734. of the Revised Code as it pertains to solid 1634
waste; 1635

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 1636
~~3707.33~~ 3707.38 to 3707.99, or section 3715.21 of the Revised 1637
Code; 1638

(4) Rules adopted under section 3701.34 of the Revised Code 1639

pertaining to home sewage, rabies control, or swimming pools. 1640

"Practice of environmental health" does not include sampling, 1641
testing, controlling of vectors, reporting of observations, or 1642
other duties that do not require application of specialized 1643
knowledge and skills in environmental health science performed 1644
under the supervision of a registered sanitarian. 1645

The state board of sanitarian registration may further define 1646
environmental health science in relation to specific functions in 1647
the practice of environmental health through rules adopted by the 1648
board under Chapter 119. of the Revised Code. 1649

Section 2. That existing sections 149.43, 339.89, 3701.03, 1650
3701.04, 3701.06, 3701.07, 3701.13, 3701.14, 3701.15, 3701.16, 1651
3701.17, 3701.19, 3701.22, 3701.23, 3701.24, 3701.241, 3701.25, 1652
3701.34, 3701.35, 3701.352, 3701.501, 3701.56, 3701.57, 3701.99, 1653
3707.06, 3707.33, 3707.99, 3715.02, 3901.46, and 4736.01 of the 1654
Revised Code are hereby repealed. 1655

Section 3. Section 149.43 of the Revised Code is presented in 1656
this act as a composite of the section as amended by Am. Sub. H.B. 1657
490, Am. Sub. S.B. 180, and Sub. S.B. 258 of the 124th General 1658
Assembly. The General Assembly, applying the principle stated in 1659
division (B) of section 1.52 of the Revised Code that amendments 1660
are to be harmonized if reasonably capable of simultaneous 1661
operation, finds that the composite is the resulting version of 1662
the section in effect prior to the effective date of the section 1663
as presented in this act. 1664