

As Introduced

**129th General Assembly
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H. B. No. 612

Representative Damschroder

**Cosponsors: Representatives Yuko, Smith, Reece, Garland, Antonio,
Milkovich**

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A B I L L

To amend sections 3701.261, 3701.262, 3701.263, and 1
3701.99 and to enact sections 3701.265, 3701.266, 2
and 3701.267 of the Revised Code regarding the 3
Ohio Cancer Incidence Surveillance System. 4

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

Section 1. That sections 3701.261, 3701.262, 3701.263, and 5
3701.99 be amended and sections 3701.265, 3701.266, and 3701.267 6
of the Revised Code be enacted to read as follows: 7

Sec. 3701.261. (A) The director of health shall: 8

(1) Establish a population-based cancer registry, which shall 9
be known as the Ohio cancer incidence surveillance system, to 10
monitor the incidence of various types of malignant diseases in 11
Ohio, make appropriate epidemiologic studies to determine any 12
causal relations of such diseases with occupational, nutritional, 13
environmental, or infectious conditions, and alleviate or 14
eliminate any such conditions; 15

(2) Advise, consult, cooperate with, and assist, by contract 16
or otherwise, agencies of the state and federal government, 17
agencies of the governments of other states, agencies of political 18

subdivisions of this state, universities, private organizations, 19
corporations, and associations for the purposes of division (A)(1) 20
of this section; 21

(3) Accept and administer grants from the federal government 22
or other sources, public or private, for carrying out any of the 23
functions enumerated in divisions (A)(1) and (2) of this section; 24

(4) Make available to the public on the internet web site 25
maintained by the department of health annual county cancer 26
profile reports for each county that categorize the type of cancer 27
occurring in each county according to gender, race or ethnicity, 28
and age and that specify the number of cases of cancer occurring 29
per category; 30

(5) Provide copies of the county cancer profile reports 31
required under division (A)(4) of this section to the directors of 32
the department of natural resources, department of agriculture, 33
the environmental protection agency, and each health commissioner 34
appointed by the board of health of a city or general health 35
district or the authority having the duties of a board of health 36
under section 3709.052 of the Revised Code. 37

(B) The Ohio cancer incidence surveillance system shall 38
follow a model of cancer data collection as set forth by the 39
survey epidemiology and end results system (SEERS). 40

Sec. 3701.262. (A) As used in this section and ~~section~~ 41
sections 3701.263 to 3701.267 of the Revised Code: 42

(1) "Physician" means a person who holds a valid certificate 43
issued under Chapter 4731. of the Revised Code authorizing the 44
person to practice medicine or surgery or osteopathic medicine and 45
surgery. 46

(2) "Dentist" means a person who is licensed under Chapter 47
4715. of the Revised Code to practice dentistry. 48

(3) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 49
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(4) "Cancer" includes those diseases specified by rule of the director of health under division (B)(2) of this section. 51
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(5) "Census tract" has the same meaning and describes the same geographical boundaries as used by the United States department of commerce, bureau of the census, in reporting the most recent decennial census of Ohio. 53
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(B) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following: 57
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(1) Establish the Ohio cancer incidence surveillance system required by section 3701.261 of the Revised Code; 59
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(2) Specify the types of cancer and other tumorous and precancerous diseases to be reported to the department of health under division (D) of this section; 61
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(3) Establish reporting requirements for information concerning diagnosed cancer cases as the director considers necessary to conduct epidemiologic surveys of cancer in this state; 64
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~~(4) Establish standards that must be met by research projects to be eligible to receive information from the department of health under division (B) of section 3701.263 of the Revised Code.~~ 68
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(C) The department of health shall record in the registry all reports of cancer received by it. In the development and administration of the cancer registry, the department may use information compiled by public or private cancer registries and may contract for the collection and analysis of, and research related to, the information recorded under this section. 71
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(D) Each physician, dentist, hospital, or person providing diagnostic or treatment services to patients with cancer shall 77
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report each case of cancer to the department. ~~Any~~ If the patient 79
is twenty-five years of age or younger, the report shall be made 80
not later than thirty days after diagnosis. 81

Any person required to report pursuant to this section may 82
elect to report to the department through an existing cancer 83
registry if the registry meets the reporting standards established 84
by the director and reports to the department. 85

(E) All physicians, dentists, hospitals, or persons providing 86
diagnostic or treatment services to patients with cancer shall 87
grant to the department or its authorized representative access to 88
all records that identify cases of cancer or establish 89
characteristics of cancer, the treatment of cancer, or the medical 90
status of any identified cancer patient. 91

(F) The Arthur G. James and Richard J. Solove research 92
institute of the Ohio state university, shall analyze and evaluate 93
the cancer reports collected pursuant to this section. The 94
department shall publish and make available to the public reports 95
summarizing the information collected, including the reports and 96
maps required under section 3701.265 of the Revised Code. Reports 97
Except as provided in section 3701.265 of the Revised Code, 98
reports shall be made on a calendar year basis and published not 99
later than ninety days after the end of each calendar year. 100

(G) Furnishing information, including records, reports, 101
statements, notes, memoranda, or other information, to the 102
department of health, either voluntarily or as required by this 103
section, or to a person or governmental entity designated as a 104
medical research project by the department, does not subject a 105
physician, dentist, hospital, or person providing diagnostic or 106
treatment services to patients with cancer to liability in an 107
action for damages or other relief for furnishing the information. 108

(H) This section does not affect the authority of any person 109

or facility providing diagnostic or treatment services to patients 110
with cancer to maintain facility-based tumor registries, in 111
addition to complying with the reporting requirements of this 112
section. 113

(I) No person shall fail to make the cancer reports required 114
by division (D) of this section. 115

Sec. 3701.263. (A) Any information, data, and reports with 116
respect to a case of malignant disease ~~which~~ that are furnished 117
to, or procured by, any cancer registry in this state or the 118
department of health shall be confidential and shall be used only 119
for statistical, scientific, and medical research for the purpose 120
of reducing the morbidity or mortality of malignant disease. No 121
physician, dentist, person, or hospital furnishing such 122
information, data, or ~~report~~ reports to any such cancer registry 123
or the department of health, with respect to a case of malignant 124
disease treated or examined by such physician, dentist, or person, 125
or confined in such hospital, shall by reason of such furnishing 126
be deemed to have violated any confidential relationship, or be 127
held liable in damages to any person, or be held to answer for 128
willful betrayal of a professional confidence within the meaning 129
and intent of section 4731.22 of the Revised Code. 130

(B)(1) The department of health shall prescribe a release of 131
confidential information form for use under ~~this~~ division (C) of 132
this section. 133

(2) Information concerning individual cancer patients 134
obtained by the department of health for the Ohio cancer incidence 135
surveillance system is for the confidential use of the department 136
only, except ~~as follows:~~ 137

~~(1) The that the department ~~shall~~ may grant to a person 138
involved in a medical research project ~~that meets the standards~~ 139
~~established by the director of health under section 3701.262 of~~ 140~~

~~the Revised Code~~ access to confidential information ~~concerning~~ 141
~~individual cancer patients~~ if all of the following conditions are 142
met: 143

(a) The person conducting the research submits evidence of 144
the researcher's credentials and the credentials of any other 145
individual involved in the research project. 146

(b) The person conducting the research provides written 147
information about the purpose of the research project, the nature 148
of the data to be collected and how the researcher intends to 149
analyze it, the records the researcher seeks to review, and the 150
safeguards the researcher will take to protect the identity of 151
patients whose records the researcher will be reviewing. 152

~~(b)~~(c) In the view of the director of health, the proposed 153
safeguards are adequate to protect the identity of each patient 154
whose records will be reviewed. Safeguards for the protection of 155
the identity of each patient shall include provisions to limit 156
access to identifying data to only those individuals who, during 157
the course of the research project, need access to such 158
information for research purposes, and to provide for the 159
maintenance of the confidentiality of identifying information 160
after the termination of the research project. 161

~~(e)~~(d) An agreement is executed between the department and 162
the researcher that specifies the terms of the researcher's use of 163
the records and prohibits the publication or release of the names 164
of individual cancer patients or any facts tending to lead to the 165
identification of individual cancer patients. 166

~~(2)~~(e) The research project has clearly defined goals that 167
pertain to cancer prevention and control. 168

(f) For case control studies, the research design used in the 169
research project will involve a sufficiently large sample size 170
that any meaningful difference between cases and controls will be 171

statistically significant. For other studies, the research project 172
will provide enough cases for meaningful analysis of the data for 173
identification of potential risk factors and intervention 174
strategies for cancer prevention and control. 175

(g) The research project will be conducted at a university, 176
hospital, or other medical research institution by researchers who 177
have expertise in analyzing and interpreting data. 178

(C) Notwithstanding division (B)~~(1)~~(2) of this section, a: 179

(1) A researcher may, with the approval of the department, 180
use the names of individual cancer patients when requesting 181
additional information for research purposes or soliciting a 182
patient's participation in a research project. If a researcher 183
requests additional information or a cancer patient's 184
participation in a research project, the researcher shall first 185
obtain the oral or written consent of the patient's attending 186
physician. If the consent of the patient's attending physician is 187
obtained, the researcher shall obtain the patient's written 188
consent by having the patient complete a release of confidential 189
information form. 190

~~(3)~~(2) The department may release confidential information 191
concerning individual cancer patients to physicians for diagnostic 192
and treatment purposes if the patient's attending physician gives 193
oral or written consent to the release of the information and the 194
patient gives written consent by completing a release of 195
confidential information form. 196

~~(4)~~(3) The department may release confidential information 197
concerning individual cancer patients to the cancer registry of 198
another state, if the other state has entered into a reciprocal 199
agreement with the department and the agreement provides that the 200
state will comply with this section and that information 201
identifying a patient will not be released to any person without 202

the written consent of the patient. 203

~~(C)(D)~~ Nothing in this section prevents the release to any 204
person of epidemiological information that does not identify 205
individual cancer patients. 206

~~(D) No person shall fail to comply with the confidentiality 207
requirements of this section. 208~~

Sec. 3701.265. (A)(1) The department of health shall make the 210
following available to the public on the department's web site on 211
a calendar year basis: 212

(a) Quarterly reports of the cancer incidence rates of each 213
age group of children reported under division (B)(1) of this 214
section. The reports shall be made available on the last day of 215
each March, June, September, and December. Each report shall 216
contain the following information: 217

(i) For each age group in each census tract, the name of each 218
type of cancer, and the number of cases of each type, reported in 219
that quarter at an address located in that census tract; 220

(ii) For the reports made available in June, September, and 221
December, the cumulative number of cases of each type of cancer 222
occurring within each age group in each census tract between the 223
first day of the preceding January and the end of the quarter 224
being reported. 225

(b) Biannual reports of the cancer incidence rates of adults 226
in each county in this state. The reports shall be made available 227
on the last day of each June and December. Each report shall 228
contain the following information: 229

(i) For each census tract in each county, the name of each 230
type of cancer, and the number of cases of each type, reported in 231
that six-month period at an address located in that census tract. 232

(ii) For the report made available in December, the 233

cumulative number of cases of each type of cancer occurring in 234
each census tract in each county between the first day of the 235
preceding January and the end of the year. 236

(2) With each report prepared under division (A)(1) of this 237
section, the department shall present the information contained in 238
the reports in map form and make the maps available to the public 239
on the department's web site. When preparing the maps, the 240
department shall do the following: 241

(a) For maps representing the cancer incidence rates of 242
children, divide a state map into census tracts and indicate 243
within each tract the type of cancer occurring in that tract. To 244
indicate the type of cancer occurring in each tract, the 245
department shall use a color coding system in which the department 246
assigns a color to each type of cancer and, if the cancer occurs 247
in a tract, the department shall fill the tract with one or more 248
colors representing the types of cancer occurring in that tract. 249

The state map shall include a key that specifies the color 250
assigned to each type of cancer, the number of cases of each 251
cancer type occurring in each age group of children, and for the 252
maps made available in June, September, and December, the 253
cumulative number of cases of each type of cancer occurring within 254
each age group between the first day of the preceding January and 255
the end of the quarter being reported. 256

(b) For maps representing the cancer incidence rates of 257
adults, divide maps representing each county in this state into 258
census tracts, and indicate within each tract the type of cancer 259
occurring in that tract. To indicate the type of cancer occurring 260
in each tract, the department shall use a color coding system in 261
which the department assigns a color to each type of cancer and, 262
if the cancer occurs in a tract, the department shall fill the 263
tract with one or more colors representing the types of cancer 264
occurring in that tract. 265

The county maps shall include a key that specifies the color assigned to each type of cancer, the number of cases of each cancer type, and for the maps made available in December, the cumulative number of cases of each type of cancer occurring between the first day of the preceding January and the end of the year being reported. 266
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(B) When reporting the information required under division (D) of section 3701.262 of the Revised Code, each physician, dentist, hospital, or person providing diagnostic or treatment services to patients with cancer shall also, for purposes of this section, report the following data: 272
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(1) For a patient twenty-five years of age or younger, the age group in which the patient falls at the time of diagnosis, according to the following: 277
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(a) Under five years of age; 280

(b) Five years of age through nine years of age; 281

(c) Ten years of age through fourteen years of age; 282

(d) Fifteen years of age through nineteen years of age; 283

(e) Twenty years of age through twenty-five years of age. 284

(2) For a patient twenty-five years of age or younger, the addresses of all current and former schools and child care providers attended by the patient; 285
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(3) For all patients, the addresses of all of the patient's current and former primary residences; 288
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(4) For all patients with a history of employment, the addresses of all of the patient's current and former places of employment. 290
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(C) The department shall do all of the following regarding the reports and maps required under this section: 293
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<u>(1) Prepare all reports and maps in a legible and easily understood manner;</u>	295
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<u>(2) Clearly display the date of publication of all reports and maps on its web site in a month, day, and year format;</u>	297
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<u>(3) Retain indefinitely all reports and maps required under this section on its web site and make all reports and maps continually available to the public, regardless of the date of publication;</u>	299
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<u>(4) Report, and prepare maps of, the information collected under section 3701.262 of the Revised Code prior to the effective date of this section in the same manner as required under this section;</u>	303
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<u>(5) If the release of the reports or maps under this section would identify any patient, combine the minimum number of reports or maps as necessary to preserve patient confidentiality.</u>	307
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<u>Sec. 3701.266.</u> (A) <u>When reporting data pursuant to section 3701.265 of the Revised Code, the department of health shall determine whether either of the following occurs:</u>	310
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<u>(1) Two or more children were diagnosed with one of the following and reside in the same county or in adjacent census tracts:</u>	313
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<u>(a) Bladder, brain, central nervous system, lung, bronchial, pancreatic, testicular, thyroid, or pelvic cancer;</u>	316
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<u>(b) Hodgkin's lymphoma;</u>	318
<u>(c) Leukemia;</u>	319
<u>(d) Liver cancer and inflammatory bowel disease;</u>	320
<u>(e) Corpus uteri;</u>	321
<u>(f) Uterine cancer of an unspecified origin;</u>	322

<u>(g) Kidney cancer, including renal cell carcinoma.</u>	323
<u>(2) The cancer incidence rate for adults in a single county</u>	324
<u>or in adjacent census tracts for one of the following is</u>	325
<u>proportionately more than, equal to, or within ten percentage</u>	326
<u>points of reaching the national cancer incidence rate for that</u>	327
<u>type of cancer:</u>	328
<u>(a) Bladder, brain, central nervous system, lung, bronchial,</u>	329
<u>pancreatic, testicular, thyroid, or pelvic cancer;</u>	330
<u>(b) Hodgkin's lymphoma;</u>	331
<u>(c) Leukemia;</u>	332
<u>(d) Liver cancer and inflammatory bowel disease;</u>	333
<u>(e) Corpus uteri;</u>	334
<u>(f) Uterine cancer of an unspecified origin;</u>	335
<u>(g) Kidney cancer, including renal cell carcinoma.</u>	336
<u>(B) If either of the circumstances under division (A) of this</u>	337
<u>section occurs, the department shall do the following:</u>	338
<u>(1) Devise an early diagnosis and cancer prevention outreach</u>	339
<u>program and implement the program in the census tract where the</u>	340
<u>cancer type has occurred;</u>	341
<u>(2) Devise and implement a water and air quality monitoring</u>	342
<u>program to identify substances that impact the cancer incidence</u>	343
<u>rates of the type of cancer occurring as described under division</u>	344
<u>(A) of this section.</u>	345
<u>Sec. 3701.267.</u> <u>(A) If the department of health determines</u>	346
<u>that either of the circumstances specified in division (A) of</u>	347
<u>section 3701.266 of the Revised Code has occurred, any person may</u>	348
<u>petition the department to investigate, or take other similar</u>	349
<u>action to determine, the cause of the cancer conditions for which</u>	350
<u>the determination was made within the specified group of</u>	351

individuals, geographical area, or period of time. 352

(B) Not later than sixty days after the date on which the 353
petition is submitted to the department under division (A) of this 354
section, the department shall provide the petitioner with a 355
written description of the investigation or other action being 356
taken to determine the causes of the cancer cases described in 357
division (A) of this section. The description shall include a time 358
frame for the investigation or action, an explanation of the 359
methods of investigation or actions used, and an explanation of 360
the reasons for which the investigation method or other action was 361
taken by the director. 362

(C) If, after an investigation or other action is taken under 363
division (B) of this section, the department determines that the 364
causes of the cancer cases described in division (A) of this 365
section are related, the department shall take one or more of the 366
following actions most appropriate for the investigation: 367

(1) Devise an early diagnosis and cancer prevention outreach 368
program and implement such program in all census tracts where the 369
individuals with cancer reside; 370

(2) Devise and implement a water, soil, and air quality 371
monitoring program to identify substances that impact the cancer 372
incidence rates of the type of cancer under investigation; 373

(3) Make reasonable efforts to reduce exposure, among the 374
residents in the census tracts where the individuals with cancer 375
reside, to sources strongly linked to causing the type of cancer 376
under investigation; 377

(4) Seek assistance from any local, state, or federal 378
agencies in identifying, monitoring, alleviating, or eliminating 379
the possible causes of the cancer under investigation. 380

(D) Not later than thirty days after the effective date of 381

this section, the department shall make available to the public on 382
the internet web site maintained by the department all of the 383
following: 384

(1) The procedures and time frame for submitting a petition 385
under this section; 386

(2) A description of the department's responsibilities in 387
conducting an investigation under this section; 388

(3) Notice of opportunity for community participation in an 389
investigation conducted under this section. 390

Sec. 3701.99. (A) Whoever violates division (C) of section 391
3701.23, division (C) of section 3701.232, division (C) of section 392
3701.24, division (B) of section 3701.25, division (I) of section 393
3701.262, ~~division (D) of section 3701.263,~~ or sections 3701.46 to 394
3701.55 of the Revised Code is guilty of a minor misdemeanor on a 395
first offense; on each subsequent offense, the person is guilty of 396
a misdemeanor of the fourth degree. 397

(B) Whoever violates section 3701.82 of the Revised Code is 398
guilty of a misdemeanor of the first degree. 399

(C) Whoever violates section 3701.352 or 3701.81 of the 400
Revised Code is guilty of a misdemeanor of the second degree. 401

Section 2. That existing sections 3701.261, 3701.262, 402
3701.263, and 3701.99 of the Revised Code are hereby repealed. 403