

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**S. B. No. 137**

**Senators Kunze, Antonio**

**Cosponsors: Senators Thomas, Maharath, Yuko, Fedor, Craig**



**A BILL**

To amend sections 149.43, 3738.01, 3738.03, 1  
3738.04, 3738.05, 3738.06, 3738.07, 3738.08, and 2  
3738.09; to amend, for the purpose of adopting 3  
new section numbers as indicated in parentheses, 4  
sections 3738.05 (3738.06), 3738.06 (3738.07), 5  
3738.07 (3738.08), 3738.08 (3738.09), and 6  
3738.09 (3738.11); and to enact new section 7  
3738.05 and sections 3701.954, 3702.35, 3727.25, 8  
3738.10, and 3738.99 of the Revised Code to 9  
modify the laws governing the Pregnancy- 10  
Associated Mortality Review Board and to require 11  
birthing facilities to report data on severe 12  
maternal morbidity. 13

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

**Section 1.** That sections 149.43, 3738.01, 3738.03, 14  
3738.04, 3738.05, 3738.06, 3738.07, 3738.08, and 3738.09 be 15  
amended; sections 3738.05 (3738.06), 3738.06 (3738.07), 3738.07 16  
(3738.08), 3738.08 (3738.09), and 3738.09 (3738.11) be amended 17  
for the purpose of adopting new section numbers as indicated in 18  
parentheses; and new section 3738.05 and sections 3701.954, 19

3702.35, 3727.25, 3738.10, and 3738.99 of the Revised Code be 20  
enacted to read as follows: 21

**Sec. 149.43.** (A) As used in this section: 22

(1) "Public record" means records kept by any public 23  
office, including, but not limited to, state, county, city, 24  
village, township, and school district units, and records 25  
pertaining to the delivery of educational services by an 26  
alternative school in this state kept by the nonprofit or for- 27  
profit entity operating the alternative school pursuant to 28  
section 3313.533 of the Revised Code. "Public record" does not 29  
mean any of the following: 30

(a) Medical records; 31

(b) Records pertaining to probation and parole 32  
proceedings, to proceedings related to the imposition of 33  
community control sanctions and post-release control sanctions, 34  
or to proceedings related to determinations under section 35  
2967.271 of the Revised Code regarding the release or maintained 36  
incarceration of an offender to whom that section applies; 37

(c) Records pertaining to actions under section 2151.85 38  
and division (C) of section 2919.121 of the Revised Code and to 39  
appeals of actions arising under those sections; 40

(d) Records pertaining to adoption proceedings, including 41  
the contents of an adoption file maintained by the department of 42  
health under sections 3705.12 to 3705.124 of the Revised Code; 43

(e) Information in a record contained in the putative 44  
father registry established by section 3107.062 of the Revised 45  
Code, regardless of whether the information is held by the 46  
department of job and family services or, pursuant to section 47  
3111.69 of the Revised Code, the office of child support in the 48

department or a child support enforcement agency;	49
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	50 51
(g) Trial preparation records;	52
(h) Confidential law enforcement investigatory records;	53
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	54 55
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	56 57
(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;	58 59 60 61
(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;	62 63 64 65
(m) Intellectual property records;	66
(n) Donor profile records;	67
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	68 69
(p) Designated public service worker residential and familial information;	70 71
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in	72 73 74 75

section 1333.61 of the Revised Code;	76
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	77 78
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	79 80 81 82 83 84 85 86 87 88 89 90
(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;	91 92 93 94 95
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;	96 97 98 99 100 101
(v) Records the release of which is prohibited by state or federal law;	102 103
(w) Proprietary information of or relating to any person	104

that is submitted to or compiled by the Ohio venture capital	105
authority created under section 150.01 of the Revised Code;	106
(x) Financial statements and data any person submits for	107
any purpose to the Ohio housing finance agency or the	108
controlling board in connection with applying for, receiving, or	109
accounting for financial assistance from the agency, and	110
information that identifies any individual who benefits directly	111
or indirectly from financial assistance from the agency;	112
(y) Records listed in section 5101.29 of the Revised Code;	113
(z) Discharges recorded with a county recorder under	114
section 317.24 of the Revised Code, as specified in division (B)	115
(2) of that section;	116
(aa) Usage information including names and addresses of	117
specific residential and commercial customers of a municipally	118
owned or operated public utility;	119
(bb) Records described in division (C) of section 187.04	120
of the Revised Code that are not designated to be made available	121
to the public as provided in that division;	122
(cc) Information and records that are made confidential,	123
privileged, and not subject to disclosure under divisions (B)	124
and (C) of section 2949.221 of the Revised Code;	125
(dd) Personal information, as defined in section 149.45 of	126
the Revised Code;	127
(ee) The confidential name, address, and other personally	128
identifiable information of a program participant in the address	129
confidentiality program established under sections 111.41 to	130
111.47 of the Revised Code, including the contents of any	131
application for absent voter's ballots, absent voter's ballot	132

identification envelope statement of voter, or provisional 133  
ballot affirmation completed by a program participant who has a 134  
confidential voter registration record, and records or portions 135  
of records pertaining to that program that identify the number 136  
of program participants that reside within a precinct, ward, 137  
township, municipal corporation, county, or any other geographic 138  
area smaller than the state. As used in this division, 139  
"confidential address" and "program participant" have the 140  
meaning defined in section 111.41 of the Revised Code. 141

(ff) Orders for active military service of an individual 142  
serving or with previous service in the armed forces of the 143  
United States, including a reserve component, or the Ohio 144  
organized militia, except that, such order becomes a public 145  
record on the day that is fifteen years after the published date 146  
or effective date of the call to order; 147

(gg) The name, address, contact information, or other 148  
personal information of an individual who is less than eighteen 149  
years of age that is included in any record related to a traffic 150  
accident involving a school vehicle in which the individual was 151  
an occupant at the time of the accident; 152

(hh) Protected health information, as defined in 45 C.F.R. 153  
160.103, that is in a claim for payment for a health care 154  
product, service, or procedure, as well as any other health 155  
claims data in another document that reveals the identity of an 156  
individual who is the subject of the data or could be used to 157  
reveal that individual's identity; 158

(ii) Any depiction by photograph, film, videotape, or 159  
printed or digital image under either of the following 160  
circumstances: 161

(i) The depiction is that of a victim of an offense the 162  
release of which would be, to a reasonable person of ordinary 163  
sensibilities, an offensive and objectionable intrusion into the 164  
victim's expectation of bodily privacy and integrity. 165

(ii) The depiction captures or depicts the victim of a 166  
sexually oriented offense, as defined in section 2950.01 of the 167  
Revised Code, at the actual occurrence of that offense. 168

(jj) Restricted portions of a body-worn camera or 169  
dashboard camera recording; 170

(kk) In the case of a fetal-infant mortality review board 171  
acting under sections 3707.70 to 3707.77 of the Revised Code, 172  
records, documents, reports, or other information presented to 173  
the board or a person abstracting such materials on the board's 174  
behalf, statements made by review board members during board 175  
meetings, all work products of the board, and data submitted by 176  
the board to the department of health or a national infant death 177  
review database, other than the report prepared pursuant to 178  
section 3707.77 of the Revised Code. 179

(ll) Records, documents, reports, or other information 180  
presented to the pregnancy-associated mortality review board 181  
established under section 3738.01 of the Revised Code, 182  
statements made by board members during board meetings, all work 183  
products of the board, and data submitted by the board to the 184  
department of health, other than the ~~biennial~~ reports prepared 185  
under ~~section 3738.08~~ sections 3738.09 and 3738.10 of the 186  
Revised Code; 187

(mm) Telephone numbers for a victim, as defined in section 188  
2930.01 of the Revised Code, a witness to a crime, or a party to 189  
a motor vehicle accident subject to the requirements of section 190

5502.11 of the Revised Code that are listed on any law 191  
enforcement record or report, other than when requested by an 192  
insurer or insurance agent investigating an insurance claim 193  
resulting from a motor vehicle accident. 194

A record that is not a public record under division (A) (1) 195  
of this section and that, under law, is permanently retained 196  
becomes a public record on the day that is seventy-five years 197  
after the day on which the record was created, except for any 198  
record protected by the attorney-client privilege, a trial 199  
preparation record as defined in this section, a statement 200  
prohibiting the release of identifying information signed under 201  
section 3107.083 of the Revised Code, a denial of release form 202  
filed pursuant to section 3107.46 of the Revised Code, or any 203  
record that is exempt from release or disclosure under section 204  
149.433 of the Revised Code. If the record is a birth 205  
certificate and a biological parent's name redaction request 206  
form has been accepted under section 3107.391 of the Revised 207  
Code, the name of that parent shall be redacted from the birth 208  
certificate before it is released under this paragraph. If any 209  
other section of the Revised Code establishes a time period for 210  
disclosure of a record that conflicts with the time period 211  
specified in this section, the time period in the other section 212  
prevails. 213

(2) "Confidential law enforcement investigatory record" 214  
means any record that pertains to a law enforcement matter of a 215  
criminal, quasi-criminal, civil, or administrative nature, but 216  
only to the extent that the release of the record would create a 217  
high probability of disclosure of any of the following: 218

(a) The identity of a suspect who has not been charged 219  
with the offense to which the record pertains, or of an 220



information source or witness to whom confidentiality has been	221
reasonably promised;	222
(b) Information provided by an information source or	223
witness to whom confidentiality has been reasonably promised,	224
which information would reasonably tend to disclose the source's	225
or witness's identity;	226
(c) Specific confidential investigatory techniques or	227
procedures or specific investigatory work product;	228
(d) Information that would endanger the life or physical	229
safety of law enforcement personnel, a crime victim, a witness,	230
or a confidential information source.	231
(3) "Medical record" means any document or combination of	232
documents, except births, deaths, and the fact of admission to	233
or discharge from a hospital, that pertains to the medical	234
history, diagnosis, prognosis, or medical condition of a patient	235
and that is generated and maintained in the process of medical	236
treatment.	237
(4) "Trial preparation record" means any record that	238
contains information that is specifically compiled in reasonable	239
anticipation of, or in defense of, a civil or criminal action or	240
proceeding, including the independent thought processes and	241
personal trial preparation of an attorney.	242
(5) "Intellectual property record" means a record, other	243
than a financial or administrative record, that is produced or	244
collected by or for faculty or staff of a state institution of	245
higher learning in the conduct of or as a result of study or	246
research on an educational, commercial, scientific, artistic,	247
technical, or scholarly issue, regardless of whether the study	248
or research was sponsored by the institution alone or in	249

conjunction with a governmental body or private concern, and	250
that has not been publicly released, published, or patented.	251
(6) "Donor profile record" means all records about donors	252
or potential donors to a public institution of higher education	253
except the names and reported addresses of the actual donors and	254
the date, amount, and conditions of the actual donation.	255
(7) "Designated public service worker" means a peace	256
officer, parole officer, probation officer, bailiff, prosecuting	257
attorney, assistant prosecuting attorney, correctional employee,	258
county or multicounty corrections officer, community-based	259
correctional facility employee, youth services employee,	260
firefighter, EMT, medical director or member of a cooperating	261
physician advisory board of an emergency medical service	262
organization, state board of pharmacy employee, investigator of	263
the bureau of criminal identification and investigation, judge,	264
magistrate, or federal law enforcement officer.	265
(8) "Designated public service worker residential and	266
familial information" means any information that discloses any	267
of the following about a designated public service worker:	268
(a) The address of the actual personal residence of a	269
designated public service worker, except for the following	270
information:	271
(i) The address of the actual personal residence of a	272
prosecuting attorney or judge; and	273
(ii) The state or political subdivision in which a	274
designated public service worker resides.	275
(b) Information compiled from referral to or participation	276
in an employee assistance program;	277

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker; 278  
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(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer; 283  
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(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law; 287  
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(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker; 292  
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(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority. 298  
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(9) As used in divisions (A) (7) and (15) to (17) of this section: 302  
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"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the 304  
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sheriff of a county or a supervisory employee who, in the 307  
absence of the sheriff, is authorized to stand in for, exercise 308  
the authority of, and perform the duties of the sheriff. 309

"Correctional employee" means any employee of the 310  
department of rehabilitation and correction who in the course of 311  
performing the employee's job duties has or has had contact with 312  
inmates and persons under supervision. 313

"County or multicounty corrections officer" means any 314  
corrections officer employed by any county or multicounty 315  
correctional facility. 316

"Youth services employee" means any employee of the 317  
department of youth services who in the course of performing the 318  
employee's job duties has or has had contact with children 319  
committed to the custody of the department of youth services. 320

"Firefighter" means any regular, paid or volunteer, member 321  
of a lawfully constituted fire department of a municipal 322  
corporation, township, fire district, or village. 323

"EMT" means EMTs-basic, EMTs-I, and paramedics that 324  
provide emergency medical services for a public emergency 325  
medical service organization. "Emergency medical service 326  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 327  
meanings defined in section 4765.01 of the Revised Code. 328

"Investigator of the bureau of criminal identification and 329  
investigation" has the meaning defined in section 2903.11 of the 330  
Revised Code. 331

"Federal law enforcement officer" has the meaning defined 332  
in section 9.88 of the Revised Code. 333

(10) "Information pertaining to the recreational 334

activities of a person under the age of eighteen" means 335  
information that is kept in the ordinary course of business by a 336  
public office, that pertains to the recreational activities of a 337  
person under the age of eighteen years, and that discloses any 338  
of the following: 339

(a) The address or telephone number of a person under the 340  
age of eighteen or the address or telephone number of that 341  
person's parent, guardian, custodian, or emergency contact 342  
person; 343

(b) The social security number, birth date, or 344  
photographic image of a person under the age of eighteen; 345

(c) Any medical record, history, or information pertaining 346  
to a person under the age of eighteen; 347

(d) Any additional information sought or required about a 348  
person under the age of eighteen for the purpose of allowing 349  
that person to participate in any recreational activity 350  
conducted or sponsored by a public office or to use or obtain 351  
admission privileges to any recreational facility owned or 352  
operated by a public office. 353

(11) "Community control sanction" has the meaning defined 354  
in section 2929.01 of the Revised Code. 355

(12) "Post-release control sanction" has the meaning 356  
defined in section 2967.01 of the Revised Code. 357

(13) "Redaction" means obscuring or deleting any 358  
information that is exempt from the duty to permit public 359  
inspection or copying from an item that otherwise meets the 360  
definition of a "record" in section 149.011 of the Revised Code. 361

(14) "Designee," "elected official," and "future official" 362

have the meanings defined in section 109.43 of the Revised Code. 363

(15) "Body-worn camera" means a visual and audio recording 364  
device worn on the person of a peace officer while the peace 365  
officer is engaged in the performance of the peace officer's 366  
duties. 367

(16) "Dashboard camera" means a visual and audio recording 368  
device mounted on a peace officer's vehicle or vessel that is 369  
used while the peace officer is engaged in the performance of 370  
the peace officer's duties. 371

(17) "Restricted portions of a body-worn camera or 372  
dashboard camera recording" means any visual or audio portion of 373  
a body-worn camera or dashboard camera recording that shows, 374  
communicates, or discloses any of the following: 375

(a) The image or identity of a child or information that 376  
could lead to the identification of a child who is a primary 377  
subject of the recording when the law enforcement agency knows 378  
or has reason to know the person is a child based on the law 379  
enforcement agency's records or the content of the recording; 380

(b) The death of a person or a deceased person's body, 381  
unless the death was caused by a peace officer or, subject to 382  
division (H)(1) of this section, the consent of the decedent's 383  
executor or administrator has been obtained; 384

(c) The death of a peace officer, firefighter, paramedic, 385  
or other first responder, occurring while the decedent was 386  
engaged in the performance of official duties, unless, subject 387  
to division (H)(1) of this section, the consent of the 388  
decedent's executor or administrator has been obtained; 389

(d) Grievous bodily harm, unless the injury was effected 390  
by a peace officer or, subject to division (H)(1) of this 391

section, the consent of the injured person or the injured	392
person's guardian has been obtained;	393
(e) An act of severe violence against a person that	394
results in serious physical harm to the person, unless the act	395
and injury was effected by a peace officer or, subject to	396
division (H) (1) of this section, the consent of the injured	397
person or the injured person's guardian has been obtained;	398
(f) Grievous bodily harm to a peace officer, firefighter,	399
paramedic, or other first responder, occurring while the injured	400
person was engaged in the performance of official duties,	401
unless, subject to division (H) (1) of this section, the consent	402
of the injured person or the injured person's guardian has been	403
obtained;	404
(g) An act of severe violence resulting in serious	405
physical harm against a peace officer, firefighter, paramedic,	406
or other first responder, occurring while the injured person was	407
engaged in the performance of official duties, unless, subject	408
to division (H) (1) of this section, the consent of the injured	409
person or the injured person's guardian has been obtained;	410
(h) A person's nude body, unless, subject to division (H)	411
(1) of this section, the person's consent has been obtained;	412
(i) Protected health information, the identity of a person	413
in a health care facility who is not the subject of a law	414
enforcement encounter, or any other information in a health care	415
facility that could identify a person who is not the subject of	416
a law enforcement encounter;	417
(j) Information that could identify the alleged victim of	418
a sex offense, menacing by stalking, or domestic violence;	419
(k) Information, that does not constitute a confidential	420

law enforcement investigatory record, that could identify a 421  
person who provides sensitive or confidential information to a 422  
law enforcement agency when the disclosure of the person's 423  
identity or the information provided could reasonably be 424  
expected to threaten or endanger the safety or property of the 425  
person or another person; 426

(l) Personal information of a person who is not arrested, 427  
cited, charged, or issued a written warning by a peace officer; 428

(m) Proprietary police contingency plans or tactics that 429  
are intended to prevent crime and maintain public order and 430  
safety; 431

(n) A personal conversation unrelated to work between 432  
peace officers or between a peace officer and an employee of a 433  
law enforcement agency; 434

(o) A conversation between a peace officer and a member of 435  
the public that does not concern law enforcement activities; 436

(p) The interior of a residence, unless the interior of a 437  
residence is the location of an adversarial encounter with, or a 438  
use of force by, a peace officer; 439

(q) Any portion of the interior of a private business that 440  
is not open to the public, unless an adversarial encounter with, 441  
or a use of force by, a peace officer occurs in that location. 442

As used in division (A) (17) of this section: 443

"Grievous bodily harm" has the same meaning as in section 444  
5924.120 of the Revised Code. 445

"Health care facility" has the same meaning as in section 446  
1337.11 of the Revised Code. 447



"Protected health information" has the same meaning as in 448  
45 C.F.R. 160.103. 449

"Law enforcement agency" has the same meaning as in 450  
section 2925.61 of the Revised Code. 451

"Personal information" means any government-issued 452  
identification number, date of birth, address, financial 453  
information, or criminal justice information from the law 454  
enforcement automated data system or similar databases. 455

"Sex offense" has the same meaning as in section 2907.10 456  
of the Revised Code. 457

"Firefighter," "paramedic," and "first responder" have the 458  
same meanings as in section 4765.01 of the Revised Code. 459

(18) "Insurer" and "insurance agent" have the same 460  
meanings as in section 3905.01 of the Revised Code. 461

(B) (1) Upon request and subject to division (B) (8) of this 462  
section, all public records responsive to the request shall be 463  
promptly prepared and made available for inspection to any 464  
person at all reasonable times during regular business hours. 465  
Subject to division (B) (8) of this section, upon request by any 466  
person, a public office or person responsible for public records 467  
shall make copies of the requested public record available to 468  
the requester at cost and within a reasonable period of time. If 469  
a public record contains information that is exempt from the 470  
duty to permit public inspection or to copy the public record, 471  
the public office or the person responsible for the public 472  
record shall make available all of the information within the 473  
public record that is not exempt. When making that public record 474  
available for public inspection or copying that public record, 475  
the public office or the person responsible for the public 476

record shall notify the requester of any redaction or make the 477  
redaction plainly visible. A redaction shall be deemed a denial 478  
of a request to inspect or copy the redacted information, except 479  
if federal or state law authorizes or requires a public office 480  
to make the redaction. 481

(2) To facilitate broader access to public records, a 482  
public office or the person responsible for public records shall 483  
organize and maintain public records in a manner that they can 484  
be made available for inspection or copying in accordance with 485  
division (B) of this section. A public office also shall have 486  
available a copy of its current records retention schedule at a 487  
location readily available to the public. If a requester makes 488  
an ambiguous or overly broad request or has difficulty in making 489  
a request for copies or inspection of public records under this 490  
section such that the public office or the person responsible 491  
for the requested public record cannot reasonably identify what 492  
public records are being requested, the public office or the 493  
person responsible for the requested public record may deny the 494  
request but shall provide the requester with an opportunity to 495  
revise the request by informing the requester of the manner in 496  
which records are maintained by the public office and accessed 497  
in the ordinary course of the public office's or person's 498  
duties. 499

(3) If a request is ultimately denied, in part or in 500  
whole, the public office or the person responsible for the 501  
requested public record shall provide the requester with an 502  
explanation, including legal authority, setting forth why the 503  
request was denied. If the initial request was provided in 504  
writing, the explanation also shall be provided to the requester 505  
in writing. The explanation shall not preclude the public office 506  
or the person responsible for the requested public record from 507

relying upon additional reasons or legal authority in defending 508  
an action commenced under division (C) of this section. 509

(4) Unless specifically required or authorized by state or 510  
federal law or in accordance with division (B) of this section, 511  
no public office or person responsible for public records may 512  
limit or condition the availability of public records by 513  
requiring disclosure of the requester's identity or the intended 514  
use of the requested public record. Any requirement that the 515  
requester disclose the requester's identity or the intended use 516  
of the requested public record constitutes a denial of the 517  
request. 518

(5) A public office or person responsible for public 519  
records may ask a requester to make the request in writing, may 520  
ask for the requester's identity, and may inquire about the 521  
intended use of the information requested, but may do so only 522  
after disclosing to the requester that a written request is not 523  
mandatory, that the requester may decline to reveal the 524  
requester's identity or the intended use, and when a written 525  
request or disclosure of the identity or intended use would 526  
benefit the requester by enhancing the ability of the public 527  
office or person responsible for public records to identify, 528  
locate, or deliver the public records sought by the requester. 529

(6) If any person requests a copy of a public record in 530  
accordance with division (B) of this section, the public office 531  
or person responsible for the public record may require that 532  
person to pay in advance the cost involved in providing the copy 533  
of the public record in accordance with the choice made by the 534  
person requesting the copy under this division. The public 535  
office or the person responsible for the public record shall 536  
permit that person to choose to have the public record 537

538 duplicated upon paper, upon the same medium upon which the  
539 public office or person responsible for the public record keeps  
540 it, or upon any other medium upon which the public office or  
541 person responsible for the public record determines that it  
542 reasonably can be duplicated as an integral part of the normal  
543 operations of the public office or person responsible for the  
544 public record. When the person requesting the copy makes a  
545 choice under this division, the public office or person  
546 responsible for the public record shall provide a copy of it in  
547 accordance with the choice made by that person. Nothing in this  
548 section requires a public office or person responsible for the  
549 public record to allow the person requesting a copy of the  
550 public record to make the copies of the public record.

551 (7) (a) Upon a request made in accordance with division (B)  
552 of this section and subject to division (B) (6) of this section,  
553 a public office or person responsible for public records shall  
554 transmit a copy of a public record to any person by United  
555 States mail or by any other means of delivery or transmission  
556 within a reasonable period of time after receiving the request  
557 for the copy. The public office or person responsible for the  
558 public record may require the person making the request to pay  
559 in advance the cost of postage if the copy is transmitted by  
560 United States mail or the cost of delivery if the copy is  
561 transmitted other than by United States mail, and to pay in  
562 advance the costs incurred for other supplies used in the  
563 mailing, delivery, or transmission.

564 (b) Any public office may adopt a policy and procedures  
565 that it will follow in transmitting, within a reasonable period  
566 of time after receiving a request, copies of public records by  
567 United States mail or by any other means of delivery or  
568 transmission pursuant to division (B) (7) of this section. A

public office that adopts a policy and procedures under division 569  
(B) (7) of this section shall comply with them in performing its 570  
duties under that division. 571

(c) In any policy and procedures adopted under division 572  
(B) (7) of this section: 573

(i) A public office may limit the number of records 574  
requested by a person that the office will physically deliver by 575  
United States mail or by another delivery service to ten per 576  
month, unless the person certifies to the office in writing that 577  
the person does not intend to use or forward the requested 578  
records, or the information contained in them, for commercial 579  
purposes; 580

(ii) A public office that chooses to provide some or all 581  
of its public records on a web site that is fully accessible to 582  
and searchable by members of the public at all times, other than 583  
during acts of God outside the public office's control or 584  
maintenance, and that charges no fee to search, access, 585  
download, or otherwise receive records provided on the web site, 586  
may limit to ten per month the number of records requested by a 587  
person that the office will deliver in a digital format, unless 588  
the requested records are not provided on the web site and 589  
unless the person certifies to the office in writing that the 590  
person does not intend to use or forward the requested records, 591  
or the information contained in them, for commercial purposes. 592

(iii) For purposes of division (B) (7) of this section, 593  
"commercial" shall be narrowly construed and does not include 594  
reporting or gathering news, reporting or gathering information 595  
to assist citizen oversight or understanding of the operation or 596  
activities of government, or nonprofit educational research. 597

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

(9) (a) Upon written request made and signed by a journalist, a public office, or person responsible for public records, having custody of the records of the agency employing a specified designated public service worker shall disclose to the journalist the address of the actual personal residence of the designated public service worker and, if the designated public service worker's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the designated public service worker's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B) (9) (a) of this section also applies to journalist requests for:

(i) Customer information maintained by a municipally owned

or operated public utility, other than social security numbers 628  
and any private financial information such as credit reports, 629  
payment methods, credit card numbers, and bank account 630  
information; 631

(ii) Information about minors involved in a school vehicle 632  
accident as provided in division (A) (1) (gg) of this section, 633  
other than personal information as defined in section 149.45 of 634  
the Revised Code. 635

(c) As used in division (B) (9) of this section, 636  
"journalist" means a person engaged in, connected with, or 637  
employed by any news medium, including a newspaper, magazine, 638  
press association, news agency, or wire service, a radio or 639  
television station, or a similar medium, for the purpose of 640  
gathering, processing, transmitting, compiling, editing, or 641  
disseminating information for the general public. 642

(10) Upon a request made by a victim, victim's attorney, 643  
or victim's representative, as that term is used in section 644  
2930.02 of the Revised Code, a public office or person 645  
responsible for public records shall transmit a copy of a 646  
depiction of the victim as described in division (A) (1) (ii) of 647  
this section to the victim, victim's attorney, or victim's 648  
representative. 649

(C) (1) If a person allegedly is aggrieved by the failure 650  
of a public office or the person responsible for public records 651  
to promptly prepare a public record and to make it available to 652  
the person for inspection in accordance with division (B) of 653  
this section or by any other failure of a public office or the 654  
person responsible for public records to comply with an 655  
obligation in accordance with division (B) of this section, the 656  
person allegedly aggrieved may do only one of the following, and 657

not both: 658

(a) File a complaint with the clerk of the court of claims 659  
or the clerk of the court of common pleas under section 2743.75 660  
of the Revised Code; 661

(b) Commence a mandamus action to obtain a judgment that 662  
orders the public office or the person responsible for the 663  
public record to comply with division (B) of this section, that 664  
awards court costs and reasonable attorney's fees to the person 665  
that instituted the mandamus action, and, if applicable, that 666  
includes an order fixing statutory damages under division (C) (2) 667  
of this section. The mandamus action may be commenced in the 668  
court of common pleas of the county in which division (B) of 669  
this section allegedly was not complied with, in the supreme 670  
court pursuant to its original jurisdiction under Section 2 of 671  
Article IV, Ohio Constitution, or in the court of appeals for 672  
the appellate district in which division (B) of this section 673  
allegedly was not complied with pursuant to its original 674  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 675

(2) If a requester transmits a written request by hand 676  
delivery, electronic submission, or certified mail to inspect or 677  
receive copies of any public record in a manner that fairly 678  
describes the public record or class of public records to the 679  
public office or person responsible for the requested public 680  
records, except as otherwise provided in this section, the 681  
requester shall be entitled to recover the amount of statutory 682  
damages set forth in this division if a court determines that 683  
the public office or the person responsible for public records 684  
failed to comply with an obligation in accordance with division 685  
(B) of this section. 686

The amount of statutory damages shall be fixed at one 687



hundred dollars for each business day during which the public 688  
office or person responsible for the requested public records 689  
failed to comply with an obligation in accordance with division 690  
(B) of this section, beginning with the day on which the 691  
requester files a mandamus action to recover statutory damages, 692  
up to a maximum of one thousand dollars. The award of statutory 693  
damages shall not be construed as a penalty, but as compensation 694  
for injury arising from lost use of the requested information. 695  
The existence of this injury shall be conclusively presumed. The 696  
award of statutory damages shall be in addition to all other 697  
remedies authorized by this section. 698

The court may reduce an award of statutory damages or not 699  
award statutory damages if the court determines both of the 700  
following: 701

(a) That, based on the ordinary application of statutory 702  
law and case law as it existed at the time of the conduct or 703  
threatened conduct of the public office or person responsible 704  
for the requested public records that allegedly constitutes a 705  
failure to comply with an obligation in accordance with division 706  
(B) of this section and that was the basis of the mandamus 707  
action, a well-informed public office or person responsible for 708  
the requested public records reasonably would believe that the 709  
conduct or threatened conduct of the public office or person 710  
responsible for the requested public records did not constitute 711  
a failure to comply with an obligation in accordance with 712  
division (B) of this section; 713

(b) That a well-informed public office or person 714  
responsible for the requested public records reasonably would 715  
believe that the conduct or threatened conduct of the public 716  
office or person responsible for the requested public records 717

would serve the public policy that underlies the authority that 718  
is asserted as permitting that conduct or threatened conduct. 719

(3) In a mandamus action filed under division (C) (1) of 720  
this section, the following apply: 721

(a) (i) If the court orders the public office or the person 722  
responsible for the public record to comply with division (B) of 723  
this section, the court shall determine and award to the relator 724  
all court costs, which shall be construed as remedial and not 725  
punitive. 726

(ii) If the court makes a determination described in 727  
division (C) (3) (b) (iii) of this section, the court shall 728  
determine and award to the relator all court costs, which shall 729  
be construed as remedial and not punitive. 730

(b) If the court renders a judgment that orders the public 731  
office or the person responsible for the public record to comply 732  
with division (B) of this section or if the court determines any 733  
of the following, the court may award reasonable attorney's fees 734  
to the relator, subject to division (C) (4) of this section: 735

(i) The public office or the person responsible for the 736  
public records failed to respond affirmatively or negatively to 737  
the public records request in accordance with the time allowed 738  
under division (B) of this section. 739

(ii) The public office or the person responsible for the 740  
public records promised to permit the relator to inspect or 741  
receive copies of the public records requested within a 742  
specified period of time but failed to fulfill that promise 743  
within that specified period of time. 744

(iii) The public office or the person responsible for the 745  
public records acted in bad faith when the office or person 746

voluntarily made the public records available to the relator for 747  
the first time after the relator commenced the mandamus action, 748  
but before the court issued any order concluding whether or not 749  
the public office or person was required to comply with division 750  
(B) of this section. No discovery may be conducted on the issue 751  
of the alleged bad faith of the public office or person 752  
responsible for the public records. This division shall not be 753  
construed as creating a presumption that the public office or 754  
the person responsible for the public records acted in bad faith 755  
when the office or person voluntarily made the public records 756  
available to the relator for the first time after the relator 757  
commenced the mandamus action, but before the court issued any 758  
order described in this division. 759

(c) The court shall not award attorney's fees to the 760  
relator if the court determines both of the following: 761

(i) That, based on the ordinary application of statutory 762  
law and case law as it existed at the time of the conduct or 763  
threatened conduct of the public office or person responsible 764  
for the requested public records that allegedly constitutes a 765  
failure to comply with an obligation in accordance with division 766  
(B) of this section and that was the basis of the mandamus 767  
action, a well-informed public office or person responsible for 768  
the requested public records reasonably would believe that the 769  
conduct or threatened conduct of the public office or person 770  
responsible for the requested public records did not constitute 771  
a failure to comply with an obligation in accordance with 772  
division (B) of this section; 773

(ii) That a well-informed public office or person 774  
responsible for the requested public records reasonably would 775  
believe that the conduct or threatened conduct of the public 776

office or person responsible for the requested public records 777  
would serve the public policy that underlies the authority that 778  
is asserted as permitting that conduct or threatened conduct. 779

(4) All of the following apply to any award of reasonable 780  
attorney's fees awarded under division (C) (3) (b) of this 781  
section: 782

(a) The fees shall be construed as remedial and not 783  
punitive. 784

(b) The fees awarded shall not exceed the total of the 785  
reasonable attorney's fees incurred before the public record was 786  
made available to the relator and the fees described in division 787  
(C) (4) (c) of this section. 788

(c) Reasonable attorney's fees shall include reasonable 789  
fees incurred to produce proof of the reasonableness and amount 790  
of the fees and to otherwise litigate entitlement to the fees. 791

(d) The court may reduce the amount of fees awarded if the 792  
court determines that, given the factual circumstances involved 793  
with the specific public records request, an alternative means 794  
should have been pursued to more effectively and efficiently 795  
resolve the dispute that was subject to the mandamus action 796  
filed under division (C) (1) of this section. 797

(5) If the court does not issue a writ of mandamus under 798  
division (C) of this section and the court determines at that 799  
time that the bringing of the mandamus action was frivolous 800  
conduct as defined in division (A) of section 2323.51 of the 801  
Revised Code, the court may award to the public office all court 802  
costs, expenses, and reasonable attorney's fees, as determined 803  
by the court. 804

(D) Chapter 1347. of the Revised Code does not limit the 805

provisions of this section. 806

(E) (1) To ensure that all employees of public offices are 807  
appropriately educated about a public office's obligations under 808  
division (B) of this section, all elected officials or their 809  
appropriate designees shall attend training approved by the 810  
attorney general as provided in section 109.43 of the Revised 811  
Code. A future official may satisfy the requirements of this 812  
division by attending the training before taking office, 813  
provided that the future official may not send a designee in the 814  
future official's place. 815

(2) All public offices shall adopt a public records policy 816  
in compliance with this section for responding to public records 817  
requests. In adopting a public records policy under this 818  
division, a public office may obtain guidance from the model 819  
public records policy developed and provided to the public 820  
office by the attorney general under section 109.43 of the 821  
Revised Code. Except as otherwise provided in this section, the 822  
policy may not limit the number of public records that the 823  
public office will make available to a single person, may not 824  
limit the number of public records that it will make available 825  
during a fixed period of time, and may not establish a fixed 826  
period of time before it will respond to a request for 827  
inspection or copying of public records, unless that period is 828  
less than eight hours. 829

The public office shall distribute the public records 830  
policy adopted by the public office under this division to the 831  
employee of the public office who is the records custodian or 832  
records manager or otherwise has custody of the records of that 833  
office. The public office shall require that employee to 834  
acknowledge receipt of the copy of the public records policy. 835

The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

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

(2) As used in division (F) (1) of this section:

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

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or

forward the copies for surveys, marketing, solicitation, or 866  
resale for commercial purposes. "Bulk commercial special 867  
extraction request" does not include a request by a person who 868  
gives assurance to the bureau that the person making the request 869  
does not intend to use or forward the requested copies for 870  
surveys, marketing, solicitation, or resale for commercial 871  
purposes. 872

(c) "Commercial" means profit-seeking production, buying, 873  
or selling of any good, service, or other product. 874

(d) "Special extraction costs" means the cost of the time 875  
spent by the lowest paid employee competent to perform the task, 876  
the actual amount paid to outside private contractors employed 877  
by the bureau, or the actual cost incurred to create computer 878  
programs to make the special extraction. "Special extraction 879  
costs" include any charges paid to a public agency for computer 880  
or records services. 881

(3) For purposes of divisions (F) (1) and (2) of this 882  
section, "surveys, marketing, solicitation, or resale for 883  
commercial purposes" shall be narrowly construed and does not 884  
include reporting or gathering news, reporting or gathering 885  
information to assist citizen oversight or understanding of the 886  
operation or activities of government, or nonprofit educational 887  
research. 888

(G) A request by a defendant, counsel of a defendant, or 889  
any agent of a defendant in a criminal action that public 890  
records related to that action be made available under this 891  
section shall be considered a demand for discovery pursuant to 892  
the Criminal Rules, except to the extent that the Criminal Rules 893  
plainly indicate a contrary intent. The defendant, counsel of 894  
the defendant, or agent of the defendant making a request under 895

this division shall serve a copy of the request on the 896  
prosecuting attorney, director of law, or other chief legal 897  
officer responsible for prosecuting the action. 898

(H) (1) Any portion of a body-worn camera or dashboard 899  
camera recording described in divisions (A) (17) (b) to (h) of 900  
this section may be released by consent of the subject of the 901  
recording or a representative of that person, as specified in 902  
those divisions, only if either of the following applies: 903

(a) The recording will not be used in connection with any 904  
probable or pending criminal proceedings; 905

(b) The recording has been used in connection with a 906  
criminal proceeding that was dismissed or for which a judgment 907  
has been entered pursuant to Rule 32 of the Rules of Criminal 908  
Procedure, and will not be used again in connection with any 909  
probable or pending criminal proceedings. 910

(2) If a public office denies a request to release a 911  
restricted portion of a body-worn camera or dashboard camera 912  
recording, as defined in division (A) (17) of this section, any 913  
person may file a mandamus action pursuant to this section or a 914  
complaint with the clerk of the court of claims pursuant to 915  
section 2743.75 of the Revised Code, requesting the court to 916  
order the release of all or portions of the recording. If the 917  
court considering the request determines that the filing 918  
articulates by clear and convincing evidence that the public 919  
interest in the recording substantially outweighs privacy 920  
interests and other interests asserted to deny release, the 921  
court shall order the public office to release the recording. 922

**Sec. 3701.954.** (A) As used in this section: 923

(1) "Freestanding birthing center" means any facility in 924



which deliveries routinely occur, regardless of whether the 925  
facility is located on the same campus of another health care 926  
facility, and which is not licensed under Chapter 3711. of the 927  
Revised Code as a level one, two, or three maternity unit or a 928  
limited maternity unit. 929

(2) "Severe maternal morbidity" has the same meaning as in 930  
section 3738.01 of the Revised Code. 931

(B) Not later than sixty days after the effective date of 932  
this section, the director of health shall adopt rules to do 933  
both of the following: 934

(1) Specify data on severe maternal morbidity that each 935  
hospital and freestanding birthing center in this state shall 936  
report to the director annually under sections 3702.35 and 937  
3727.25 of the Revised Code; 938

(2) Prescribe the manner in which the data described in 939  
division (B)(1) of this section shall be reported. 940

(C) All rules adopted under this section shall be adopted 941  
in accordance with Chapter 119. of the Revised Code. 942

**Sec. 3702.35.** (A) As used in this section: 943

(1) "Freestanding birthing center" means any facility in 944  
which deliveries routinely occur, regardless of whether the 945  
facility is located on the campus of another health care 946  
facility, and which is not licensed under Chapter 3711. of the 947  
Revised Code as a level one, two, or three maternity unit or a 948  
limited maternity unit. 949

(2) "Hospital" means a hospital registered with the 950  
department of health under section 3701.07 of the Revised Code. 951

(3) "Severe maternal morbidity" has the same meaning as in 952

section 3738.01 of the Revised Code. 953

(B) Annually, each freestanding birthing center shall 954  
report to the director of health the data regarding severe 955  
maternal morbidity that the director specifies in rules adopted 956  
under section 3701.954 of the Revised Code. The data shall be 957  
reported in the manner prescribed by the director. 958

Sec. 3727.25. (A) As used in this section, "severe 959  
maternal morbidity" has the same meaning as in section 3738.01 960  
of the Revised Code. 961

(B) Annually, each hospital shall report to the director 962  
of health the data regarding severe maternal morbidity that the 963  
director specifies in rules adopted under section 3701.954 of 964  
the Revised Code. The data shall be reported in the manner 965  
prescribed by the director. 966

Sec. 3738.01. (A) As used in this ~~section and sections~~ 967  
~~3738.02 to 3738.09~~ of the Revised Code, "pregnancy-associated 968  
chapter: 969

(1) "Freestanding birthing center" means any facility in 970  
which deliveries routinely occur, regardless of whether the 971  
facility is located on the campus of another health care 972  
facility, and which is not licensed under Chapter 3711. of the 973  
Revised Code as a level one, two, or three maternity unit or a 974  
limited maternity unit. 975

(2) "Hospital" means a hospital registered with the 976  
department of health under section 3701.07 of the Revised Code. 977

(3) "PAMR board" means the pregnancy-associated mortality 978  
review board established under division (B) of this section. 979

(4) "Pregnancy-associated death" means the death of a 980

woman while pregnant or anytime within one year of pregnancy 981  
regardless of cause. 982

(5) "Severe maternal morbidity" means unexpected outcomes 983  
of pregnancy, labor, or delivery that result in significant 984  
short-term or long-term consequences to a woman's health. 985

(B) There is hereby established in the department of 986  
health a pregnancy-associated mortality review ~~(PAMR)~~ board to 987  
identify and review all pregnancy-associated deaths statewide 988  
for the purpose of reducing the incidence of those deaths. 989

**Sec. 3738.03.** All of the following apply with respect to 990  
the membership and administration of the PAMR board: 991

(A) The executive director of the commission on minority 992  
health or the executive director's designee shall be a member of 993  
the board. The director of health shall appoint the board's 994  
remaining members. In ~~doing so~~ appointing members of the board, 995  
all of the following apply to the director: 996

(1) The director shall make a good faith effort to ~~select~~ 997  
appoint members by selecting individuals who represent all 998  
regions of the state and ~~multiple areas of expertise and~~ 999  
~~constituencies concerned with the care of pregnant and~~ 1000  
~~postpartum women~~ the racial and ethnic backgrounds of families 1001  
affected by severe maternal morbidity. At least eighty per cent 1002  
of the board's members must represent the following 1003  
constituencies or areas of expertise: anesthesiology, emergency 1004  
medicine, family medicine, forensic pathology, maternal-fetal 1005  
medicine, obstetrics and gynecology, pediatrics, nursing, mental 1006  
health, addiction and other substance use disorders, child 1007  
fatality review, intimate partner violence, epidemiology, public 1008  
health, human trafficking, and hospital risk management. 1009

(2) The director shall appoint as a member an individual 1010  
who is either a lay midwife who possesses the certified 1011  
professional midwife credential issued by the north American 1012  
registry of midwives or a doula certified by an organization 1013  
identified in rules adopted under section 3738.11 of the Revised 1014  
Code. 1015

(3) The director shall appoint as members two women who 1016  
have experienced a delivery hospitalization with severe maternal 1017  
morbidity. 1018

(4) The director shall appoint as members individuals who 1019  
represent women and mothers in areas of this state that are 1020  
considered to be medically underserved areas or areas with a 1021  
disproportionately high incidence of delivery hospitalizations 1022  
involving severe maternal morbidity. 1023

(B) The board, by a majority vote of a quorum of its 1024  
members, shall select an individual to serve as its chairperson. 1025  
The board may replace a chairperson in the same manner. 1026

(C) An appointed member shall hold office until a 1027  
successor is appointed. The director of health shall fill a 1028  
vacancy as soon as practicable. 1029

(D) ~~A member~~ The board members who are not employed as 1030  
health care professionals or who do not serve on the board as 1031  
part of their regular duties of employment shall receive 1032  
reimbursement for actual and necessary expenses incurred in the 1033  
performance of official duties and, if requested, a per diem 1034  
compensation established in rules adopted under section 3738.09 1035  
of the Revised Code. Each of the other members shall receive 1036  
reimbursement for actual and necessary expenses incurred in the 1037  
performance of official duties, but otherwise each such member 1038

shall ~~not receive any serve without compensation for, and shall~~ 1039  
~~not be paid for any expenses incurred pursuant to, fulfilling~~ 1040  
~~the member's duties on the board, except to the extent that~~ 1041  
serving on the board is considered part of the member's regular 1042  
duties of employment. 1043

(E) The board shall meet four times each calendar year 1044  
and, in addition to those meetings, shall meet at the call of 1045  
the board's chairperson as often as the chairperson ~~determines~~ 1046  
considers necessary for timely completion of pregnancy- 1047  
associated death reviews. ~~The reviews shall be conducted in~~ 1048  
~~accordance with rules adopted under section 3738.09 of the~~ 1049  
~~Revised Code.~~ 1050

(F) The department of health shall provide meeting space, 1051  
staff services, and other technical assistance required by the 1052  
board in carrying out its duties. 1053

**Sec. 3738.04.** The PAMR board shall seek to reduce the 1054  
incidence of pregnancy-associated deaths in this state by doing 1055  
all of the following: 1056

(A) Promoting cooperation, collaboration, and 1057  
communication ~~between among~~ all groups, professions, agencies, 1058  
and entities that serve pregnant and postpartum women and 1059  
families; 1060

(B) Identifying all pregnancy-associated deaths in this 1061  
state, conducting reviews of the deaths in accordance with rules 1062  
adopted under section 3738.11 of the Revised Code, determining 1063  
causes and factors that contributed to the deaths, and 1064  
determining which actions could have been taken to prevent the 1065  
deaths; 1066

(C) Identifying and making recommendations to ameliorate 1067

gaps in care and systemic care delivery issues, including risk 1068  
of pregnancy-associated deaths resulting from deficiencies in 1069  
insurance coverage, as well as racial and other disparities; 1070

(D) Identifying adverse outcomes resulting from the 1071  
differences in quality of care that may be experienced by women 1072  
of various geographic areas, races, ethnicities, and 1073  
socioeconomic circumstances that may contribute to pregnancy- 1074  
associated deaths; 1075

(E) Recommending and developing plans for implementing 1076  
service and program changes, as well as changes to the groups, 1077  
professions, agencies, and entities that serve pregnant and 1078  
postpartum women and families; 1079

~~(C)~~ (F) Providing the department of health with aggregate 1080  
data, trends, and patterns regarding pregnancy-associated deaths 1081  
using data and other relevant information specified in rules 1082  
adopted under section ~~3738.09~~ 3738.11 of the Revised Code; 1083

~~(D)~~ (G) Developing effective interventions to reduce the 1084  
mortality of pregnant and postpartum women and disseminating 1085  
information about the interventions. 1086

**Sec. 3738.05.** (A) The department of health shall use all 1087  
resources available to it to identify pregnancy-associated 1088  
deaths in this state, including maternal death certificates, the 1089  
international classification of diseases (ICD) obstetric cause 1090  
of death codes, and linking death certificates to live birth and 1091  
fetal death certificates. 1092

(B) As soon as practicable after identifying a pregnancy- 1093  
associated death, but not later than thirty days after 1094  
identifying the death, the department shall submit a written 1095  
request to any person or government entity the department has 1096

reason to believe could have information on the circumstances of 1097  
the death, including physicians, hospitals, coroners or medical 1098  
examiners, emergency medical service personnel, law enforcement 1099  
agencies, mental health and addiction professionals, and family 1100  
members of the deceased. The request shall specify the 1101  
information being sought, which may include medical records; 1102  
police, incident, or crash reports; coroner or medical examiner 1103  
reports; pathology reports, including toxicology screenings or 1104  
autopsy records; descriptions of medical interventions; and 1105  
event timelines. 1106

(C) The department also may request and obtain data and 1107  
other information from any source with which the department has 1108  
a data sharing agreement, including the department of medicaid, 1109  
the WIC program as defined in section 3701.132 of the Revised 1110  
Code, the Ohio opiate death registry, the Ohio violent death 1111  
reporting system established under section 3701.93 of the 1112  
Revised Code, and the department of health child death review 1113  
database or national child death review database described in 1114  
section 307.626 of the Revised Code. 1115

**Sec. 3738.05 3738.06.** (A) Notwithstanding section 3701.243 1116  
and any other section of the Revised Code pertaining to 1117  
confidentiality, and except as provided in division (B) or (C) 1118  
of this section, ~~an individual, government entity, agency that~~ 1119  
~~provides services specifically to individuals or families, law~~ 1120  
~~enforcement agency, health care provider, or other public or~~ 1121  
~~private entity that provided services to a woman whose death is~~ 1122  
~~being reviewed by the PAMR board shall submit to the board a~~ 1123  
~~copy of any record it possesses that the board requests~~ a person 1124  
or government entity that receives a written request from the 1125  
department of health under section 3738.05 of the Revised Code 1126  
shall provide the information specified in the request not later 1127

than sixty days after being informed of the pregnancy-associated 1128  
death. In addition, such ~~an individual~~ a person or entity may 1129  
make available to the board additional information, documents, 1130  
or reports that could be useful to the board's ~~investigation~~ 1131  
review of a pregnancy-associated death. 1132

(B) No person, government entity, law enforcement agency, 1133  
or prosecuting attorney shall provide any information regarding 1134  
a pregnancy-associated death to the department while an 1135  
investigation of the death or prosecution of a person for 1136  
causing the death is pending unless the prosecuting attorney 1137  
~~agrees~~ has agreed pursuant to section 3738.02 of the Revised 1138  
Code to allow the review of the death. If the provision of 1139  
information is to be denied for this reason, the person, 1140  
government entity, law enforcement agency, or prosecuting 1141  
attorney shall notify the department in writing of the 1142  
circumstances. 1143

(C) A family member of the deceased may decline to 1144  
participate in an interview that is proposed to be conducted as 1145  
part of the ~~review process of reviewing a pregnancy-associated~~ 1146  
death. In that case if the family member declines, the review of 1147  
the death shall continue without the family member's 1148  
participation. 1149

**Sec. ~~3738.06~~ 3738.07.** (A) Any record, document, report, or 1150  
other information presented to the PAMR board, as well as all 1151  
statements made by board members during board meetings, all work 1152  
products of the board, and data submitted to the department of 1153  
health by the board, other than the ~~biennial reports described~~ 1154  
~~in section 3738.08~~ required by sections 3738.09 and 3738.10 of 1155  
the Revised Code, are confidential and not a public record under 1156  
section 149.43 of the Revised Code. Such materials shall be used 1157



by the board and department only in the exercise of the proper 1158  
functions of the board and department. 1159

(B) No person shall knowingly permit or encourage the 1160  
unauthorized dissemination of confidential information described 1161  
in division (A) of this section. 1162

~~(C) Whoever violates division (B) of this section is 1163  
guilty of a misdemeanor of the second degree. 1164~~

**Sec. ~~3738.07~~ 3738.08.** (A) An individual or public or 1165  
private entity providing records, documents, reports, or other 1166  
information to the PAMR board is immune from any civil liability 1167  
for injury, death, or loss to person or property that otherwise 1168  
might be incurred or imposed as a result of providing the 1169  
records, documents, reports, or information to the board. 1170

(B) Each PAMR board member is immune from any civil 1171  
liability for injury, death, or loss to person or property that 1172  
might otherwise be incurred or imposed as a result of the 1173  
member's participation on the board. 1174

**Sec. ~~3738.08~~ 3738.09.** (A) The PAMR board shall prepare a 1175  
~~biennial~~an annual report that does all of the following: 1176

(1) Summarizes the board's findings from the pregnancy- 1177  
associated death reviews completed in the immediately preceding 1178  
~~two~~calendar years year, including any trends or patterns 1179  
identified by the board; 1180

(2) Identifies the actual and potential causes of, and 1181  
factors contributing to, pregnancy-associated deaths that 1182  
occurred in the immediately preceding calendar year, including 1183  
whether gaps in availability and quality of care, systemic care 1184  
delivery issues, demographics, deficiencies in insurance 1185  
coverage, and racial and other disparities played a role in such 1186

deaths; 1187

(3) Makes ~~recommendations on how~~ determinations regarding 1188  
the preventability of pregnancy-associated deaths ~~may and~~ 1189  
recommendations on how such deaths could be prevented, including 1190  
changes that should be made to recommendations regarding whether 1191  
changes to any of the following would reduce pregnancy- 1192  
associated deaths: services and programs that serve pregnant and 1193  
postpartum women; the groups, professions, agencies, and 1194  
entities that serve pregnant and postpartum women and families; 1195  
and policies and laws; 1196

~~(3)~~(4) Assesses the board's progress on implementing 1197  
prior board recommendations; 1198

(5) Includes any other information related to pregnancy- 1199  
associated ~~mortality~~ deaths the board considers useful. 1200

(B) A report shall include data that is disaggregated by 1201  
the insurance coverage, race, and ethnicity, as well as other 1202  
categories identified by the director of health, of the women 1203  
who experienced pregnancy-associated death. To the extent 1204  
possible, the data shall be delineated to show differences 1205  
between population subgroups within each category. A report 1206  
shall not contain individually identifiable information 1207  
regarding any woman whose death was reviewed by the board. 1208

(C) The board shall submit a copy of each report to the 1209  
director of health, the general assembly, and the governor. The 1210  
copy to the general assembly shall be submitted in accordance 1211  
with section 101.68 of the Revised Code. ~~The~~ 1212

The initial report shall be submitted not later than ~~March~~ 1213  
1, 2020, with subsequent reports submitted not later than March 1214  
1 every two years thereafter one year after the effective date 1215

of this amendment and shall cover pregnancy-associated deaths 1216  
that occurred in the immediately preceding calendar year and 1217  
prior years. Each subsequent report shall be submitted not later 1218  
than the first day of December of each year beginning with the 1219  
December that occurs in the calendar year immediately following 1220  
the date on which the initial report was submitted. Each 1221  
subsequent report shall cover pregnancy-associated deaths that 1222  
occurred in the immediately preceding calendar year. 1223

The director shall make a copy of each report available on 1224  
the department of health's web site. 1225

(D) Reports prepared under this section are public records 1226  
under section 149.43 of the Revised Code. 1227

**Sec. 3738.10.** Using data reported under sections 3702.35 1228  
and 3727.25 of the Revised Code and any other pertinent data 1229  
available, the department of health shall prepare an annual 1230  
report that evaluates trends and patterns on severe maternal 1231  
morbidity in this state. 1232

Each report shall include data that is disaggregated by 1233  
the insurance coverage, race, and ethnicity, as well as other 1234  
categories identified by the director of health, of women 1235  
affected by severe maternal morbidity. To the extent possible, 1236  
the data shall be delineated to show differences between 1237  
population subgroups within each category. 1238

Each report shall be submitted with and in the same manner 1239  
as the annual reports required by section 3738.09 of the Revised 1240  
Code. 1241

**Sec. 3738.09 3738.11.** The (A) Subject to division (B) of 1242  
this section, the director of health shall adopt rules that are 1243  
as the director considers necessary for the implementation of 1244

~~sections 3738.01 to 3738.08 of the Revised Code, including rules—~~ 1245  
this chapter. All rules adopted under this section shall be 1246  
adopted in accordance with Chapter 119. of the Revised Code. 1247

(B) The rules adopted under this section shall include 1248  
provisions that do all of the following: 1249

~~(A)~~ (1) Establish a procedure for the PAMR board to follow 1250  
in conducting pregnancy-associated death reviews; 1251

~~(B)~~ (2) Specify the data and other relevant information 1252  
the board must use when conducting pregnancy-associated death 1253  
reviews; 1254

~~(C)~~ (3) Establish guidelines for the board to follow to 1255  
prevent an unauthorized dissemination of confidential 1256  
information in violation of division (B) of section ~~3738.06—~~ 1257  
3738.07 of the Revised Code; 1258

(4) Identify the organizations that certify doulas who may 1259  
be appointed to the board under section 3738.03 of the Revised 1260  
Code; 1261

(5) Specify the per diem compensation for board members 1262  
who are eligible to receive the compensation, if requested, as 1263  
described in section 3738.03 of the Revised Code. 1264

~~The rules shall be adopted in accordance with Chapter 119.—~~ 1265  
~~of the Revised Code.~~ 1266

**Sec. 3738.99. Whoever violates division (B) of section** 1267  
**3738.07 of the Revised Code is guilty of a misdemeanor of the** 1268  
**second degree.** 1269

**Section 2.** That existing sections 149.43, 3738.01, 1270  
3738.03, 3738.04, 3738.05, 3738.06, 3738.07, 3738.08, and 1271  
3738.09 of the Revised Code are hereby repealed. 1272