

As Passed by the House

133rd General Assembly

Regular Session

2019-2020

Sub. S. B. No. 311

Senators McColley, Roegner

Cosponsors: Senators Brenner, Hoagland, Huffman, M., Huffman, S., Johnson, Rulli, Schaffer, Burke, Coley, Gavarone, Hottinger, Obhof Representatives Wiggam, Hambley, Stoltzfus, Callender, Carfagna, Carruthers, Cross, Cutrona, Edwards, Fraizer, Ghanbari, Ginter, Green, Grendell, Hillyer, Hood, Hoops, Jones, Jordan, Keller, Kick, Koehler, Lang, Manchester, McClain, Merrin, Perales, Plummer, Powell, Reineke, Richardson, Riedel, Roemer, Seitz, Smith, T., Stein, Stephens, Swearingen, Vitale, Wilkin, Zeltwanger

A BILL

To amend sections 3701.13 and 3701.14 of the
Revised Code to modify the law governing public
health orders, quarantine, and isolation.

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

Section 1. That sections 3701.13 and 3701.14 of the
Revised Code be amended to read as follows:

Sec. 3701.13. (A) (1) The department of health shall have
supervision of all matters relating to the preservation of the
life and health of the people and have ~~ultimate~~ authority in
matters of quarantine and isolation, which it may declare, ~~__~~
modify, and enforce, ~~when neither exists, and modify, relax, or~~
~~abolish, when either has been established; provided, however,~~
that the department shall not issue a general, mandatory
statewide or regional quarantine or isolation order that applies
to and is enforced against individuals who have not been either

directly exposed to or medically diagnosed with the disease that 15
is the subject of the order. ~~The~~ 16

(2) The department may approve methods of immunization 17
against the diseases specified in section 3313.671 of the 18
Revised Code for the purpose of carrying out the provisions of 19
that section and take such actions as are necessary to encourage 20
vaccination against those diseases. 21

~~The~~ (B) (1) Subject to divisions (B) (2) and (3) of this 22
section, the department may make special or standing orders or 23
rules for preventing the use of fluoroscopes for nonmedical 24
purposes that emit doses of radiation likely to be harmful to 25
any person, for preventing the spread of contagious or 26
infectious diseases, for governing the receipt and conveyance of 27
remains of deceased persons, and for such other sanitary matters 28
as are best controlled by a general rule. 29

(2) The department shall not make a special or standing 30
order or rule under division (B) (1) of this section for 31
preventing the spread of a contagious or infectious disease that 32
has the effect of being a general, mandatory statewide or 33
regional quarantine or isolation order that applies to and is 34
enforced against individuals who have not been either directly 35
exposed to or medically diagnosed with the disease that is the 36
subject of the order or rule. 37

(3) The general assembly may rescind a special or standing 38
order or rule issued under division (B) (1) of this section for 39
preventing the spread of a contagious or infectious disease by 40
adopting a concurrent resolution. 41

(C) Whenever possible, the department shall work in 42
cooperation with the health commissioner of a general or city 43

health district. The department may make and enforce orders in 44
local matters or reassign substantive authority for mandatory 45
programs from a general or city health district to another 46
general or city health district when an emergency exists, or 47
when the board of health of a general or city health district 48
has neglected or refused to act with sufficient promptness or 49
efficiency, or when such board has not been established as 50
provided by sections 3709.02, 3709.03, 3709.05, 3709.06, 51
3709.11, 3709.12, and 3709.14 of the Revised Code. In such 52
cases, the necessary expense incurred shall be paid by the 53
general health district or city for which the services are 54
rendered. 55

The department of health may require general or city 56
health districts to enter into agreements for shared services 57
under section 9.482 of the Revised Code. The department shall 58
prepare and offer to boards of health a model contract and 59
memorandum of understanding that are easily adaptable for use by 60
boards of health when entering into shared services agreements. 61
The department also may offer financial and other technical 62
assistance to boards of health to encourage the sharing of 63
services. 64

As a condition precedent to receiving funding from the 65
department of health, the director of health may require general 66
or city health districts to apply for accreditation by July 1, 67
2018, and be accredited by July 1, 2020, by an accreditation 68
body approved by the director. The director of health, by July 69
1, 2016, shall conduct an evaluation of general and city health 70
district preparation for accreditation, including an evaluation 71
of each district's reported public health quality indicators as 72
provided for in section 3701.98 of the Revised Code. 73

(D) The department may make evaluative studies of the 74
nutritional status of Ohio residents, and of the food and 75
nutrition-related programs operating within the state. Every 76
agency of the state, at the request of the department, shall 77
provide information and otherwise assist in the execution of 78
such studies. 79

Sec. 3701.14. (A) (1) The director of health shall 80
investigate or make inquiry as to the cause of disease or 81
illness, including contagious, infectious, epidemic, pandemic, 82
or endemic conditions, and, subject to division (A) (2) of this 83
section, take prompt action to control and suppress it. ~~The~~ 84

The reports of births and deaths, the sanitary conditions 85
and effects of localities and employments, the personal and 86
business habits of the people that affect their health, and the 87
relation of the diseases of man and beast, shall be subjects of 88
study by the director. The director may make and execute orders 89
necessary to protect the people against diseases of lower 90
animals, and shall collect and preserve information in respect 91
to such matters and kindred subjects as may be useful in the 92
discharge of the director's duties, and for dissemination among 93
the people. ~~When~~ 94

When called upon by the state or local governments, or the 95
board of health of a general or city health district, the 96
director shall promptly investigate and report upon the water 97
supply, sewerage, disposal of excreta of any locality, and the 98
heating, plumbing, and ventilation of a public building. 99

(2) Any action the director takes under division (A) (1) of 100
this section to control or suppress a disease or illness shall 101
not have the effect of being a general, mandatory statewide or 102
regional quarantine or isolation order that applies to and is 103

enforced against individuals who have not been either directly 104
exposed to or medically diagnosed with the disease or illness 105
that is the subject of the director's action. 106

(B) Information obtained during an investigation or 107
inquiry that the director currently is conducting pursuant to 108
division (A) of this section and that is not yet complete is 109
confidential during the course of that investigation or inquiry 110
and shall not be released except pursuant to division (D) or (J) 111
of this section or under one of the following conditions: 112

(1) The confidential information is released pursuant to a 113
search warrant or subpoena issued by or at the request of a 114
grand jury or prosecutor, as defined in section 2935.01 of the 115
Revised Code. 116

(2) The director has entered into a written agreement to 117
share or exchange the information with a person or government 118
entity, and that agreement requires the person or entity to 119
comply with the confidentiality requirements established under 120
this section. 121

(3) The information is contained in a preliminary report 122
released by the director pursuant to division (G)(1) of this 123
section. 124

(C) Division (B) of this section applies during any 125
investigation or inquiry the director makes pursuant to division 126
(A) of this section, notwithstanding any other provision of the 127
Revised Code that establishes the manner of maintaining 128
confidentiality or the release of information, except that the 129
confidentiality and release of protected health information 130
under section 3701.17 of the Revised Code is governed by that 131
section. 132

(D) Nothing in this section bars the release of 133
information that is in summary, statistical, or aggregate form 134
and that does not identify a person. Information that is in 135
summary, statistical, or aggregate form and that does not 136
identify a person is a public record under section 149.43 of the 137
Revised Code. 138

(E) Nothing in this section authorizes the director to 139
conduct an independent criminal investigation without the 140
consent of each local law enforcement agency with jurisdiction 141
to conduct the criminal investigation. 142

(F) Except for information released pursuant to division 143
(G) or (J) of this section, any disclosure pursuant to this 144
section shall be in writing and accompanied by a written 145
statement that includes the following or substantially similar 146
language: "This information has been disclosed to you from 147
confidential records protected from disclosure by state law. If 148
this information has been released to you in other than a 149
summary, statistical, or aggregate form, you shall make no 150
further disclosure of this information without the specific, 151
written, and informed release of the person to whom it pertains, 152
or as otherwise permitted by state law. A general authorization 153
for the release of medical or other information is not 154
sufficient for the release of information pursuant to this 155
section." 156

(G) (1) If an investigation or inquiry the director 157
currently is conducting pursuant to division (A) of this section 158
is not completed within six months after the date of 159
commencement, the director shall prepare and release a report 160
containing preliminary findings. Every six months thereafter, 161
the director shall prepare and release a supplementary 162

preliminary report until such time as the investigation or 163
inquiry is completed. 164

(2) Upon completion of an investigation or inquiry 165
conducted pursuant to division (A) of this section, the director 166
shall prepare and release a final report containing the 167
director's findings. 168

(H) No report prepared by the director pursuant to this 169
section shall contain protected health information, as defined 170
in section 3701.17 of the Revised Code. 171

(I) The director shall adopt, in accordance with Chapter 172
119. of the Revised Code, rules establishing the manner in which 173
the reports prepared by the director pursuant to this section 174
are to be released. 175

(J) The director shall release information obtained during 176
an investigation or inquiry that the director currently is 177
conducting pursuant to division (A) of this section and that is 178
not yet complete, if the director determines the release of the 179
information is necessary, based on an evaluation of relevant 180
information, to avert or mitigate a clear threat to an 181
individual or to the public health. Information released 182
pursuant to this division shall be limited to the release of the 183
information to those persons necessary to control, prevent, or 184
mitigate disease or illness. 185

Section 2. That existing sections 3701.13 and 3701.14 of 186
the Revised Code are hereby repealed. 187