



**Am. Sub. H.B. 398**  
125th General Assembly  
(As Passed by the General Assembly)

**Reps. J. Stewart, Allen, Aslanides, Core, Hollister, McGregor, Redfern, Seitz, Setzer, Taylor, Willamowski, Olan, Martin, Harwood, Barrett, Cirelli, Hoops, Slaby, DeBose, Kearns, Brown, Callender, Carano, Chandler, Collier, Distel, Domenick, C. Evans, Fessler, Flowers, Gilb, Hagan, Hughes, Key, Miller, Otterman, S. Patton, T. Patton, Perry, Peterson, Price, Reidelbach, Schaffer, Schmidt, G. Smith, S. Smith, D. Stewart, Strahorn, Wilson**

**Sens. Wachtmann, Brady, Carey, Miller, Mumper, Roberts, Padgett**

**Effective date: \***

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**ACT SUMMARY**

- Requires the Department of Mental Health to create, for each cemetery located on or adjacent to the grounds of a public hospital that, on the act's effective date, is under the Department's control, a compilation of information for each patient who was buried, entombed, or inurned in the cemetery prior to that date.
- Requires the Ohio Historical Society and each state agency, at the request of the Department of Mental Health, to provide the Department access to records and information for purposes of creating compilations.
- Requires the Department of Mental Health to deposit a copy of each compilation with the Ohio Historical Society and the State Library as soon as the compilation is completed.

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*\* The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

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## CONTENT AND OPERATION

### *Department of Mental Health to create compilations of burial information*

(R.C. 5122.44(A) and (B), 5122.45, and 5122.47)

For purposes of the act, a "patient" is an individual who died while admitted to a public hospital<sup>1</sup> that was under the control of the Department of Mental Health. A "compilation" is a written list of every patient who, prior to the act's effective date, was buried, entombed,<sup>2</sup> or inurned<sup>3</sup> in a cemetery located on the grounds of or adjacent to the grounds of a public hospital. A compilation must include the following information about each patient listed, as the Department of Mental Health is able to reasonably ascertain: the patient's name; date of birth; date of death or burial; and the specific physical location of the burial, entombment, or inurnment, including the plot or grave site number if available.

Under the act, the Ohio Department of Mental Health must create a separate compilation for each cemetery located on the grounds or adjacent to the grounds of a public hospital that is under the Department's control on the act's effective date. The compilations must be completed within a reasonable time, not exceeding three years after the act's effective date. As soon as each compilation is completed, the Department must deposit a copy of the compilation with the Ohio Historical Society and the State Library.

### *Access to information for purposes of creating compilations*

(R.C. 5122.44(C) and (D), 5122.45, 5122.46, and 5122.47)

The act requires the Department to use its best efforts to create the most complete compilations possible, using records in the Department's possession. In addition, the Ohio Historical Society and each state agency must provide the Department access to records and information in the possession of the Society or

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<sup>1</sup> A "public hospital" is a facility that is tax-supported and under the jurisdiction of the Department of Mental Health. (R.C. 5122.01(G), not in the act.)

<sup>2</sup> "Entombment" is neither defined in the act nor in the Revised Code. However, the dictionary defines it as the placement of a thing in tomb. *THE RANDOM HOUSE COLLEGE DICTIONARY* 441 (Rev. ed. 1988).

<sup>3</sup> "Inurnment" is neither defined in the act nor in the Revised Code. However, the dictionary defines it as the placement of a thing in a funeral urn (a vase for holding the ashes of a cremated body). *THE RANDOM HOUSE COLLEGE DICTIONARY* 701, 1447 (Rev. ed. 1988).

agency for purposes of creating compilations. (For purposes of the act, "state agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government.) The Department cannot disclose any record or information used to create a compilation except as provided in the public records law (R.C. 149.43) and the information disclosure law pertaining to persons with mental illness (R.C. 5122.31).

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-05-04	p. 1639
Reported H. Health	11-10-04	p. 2208
Passed House (94-1)	11-16-04	pp. 2265-2266
Reported, S. Health, Human Services & Aging	12-08-04	p. 2435
Passed Senate (31-1)	12-08-04	pp. 2459-2460

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