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Bill Analysis
Legislative Service Commission

Sub. H.B. 398
125th General Assembly
(As Reported by H. Health)

Reps. J. Stewart, Allen, Aslanides, Core, Hollister, McGregor, Redfern, Seitz, Setzer, Taylor, Willamowski, Olman, Martin, Harwood, Barrett, Cirelli, Hoops, Slaby, DeBose, Kearns

BILL 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 bill'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.

CONTENT AND OPERATION

Department of Mental Health to create compilations of burial information

(Secs. 5144.44(A) and (B), 5122.45, and 5122.47)

For purposes of the bill, a "patient" is an individual who died while admitted to a public hospital¹ that was under the control of the Department of Mental Health. A "compilation" is a written list of every patient who, prior to the

¹ 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 bill.)

bill's effective date, was buried, entombed,² or inurned³ 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 bill, 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 bill's effective date. The compilations must be completed within a reasonable time, not exceeding three years after the bill'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

(Secs. 5122.44(C) and (D), 5122.45, and 5122.46)

The bill 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 agency for purposes of creating compilations. (For purposes of the bill, "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 law⁴ and the information disclosure law pertaining to persons with mental illness.⁵

² "Entombment" is neither defined in the bill 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).

³ "Inurnment" is neither defined in the bill 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).

⁴ R.C. 149.43.

⁵ R.C. 5122.31.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-05-04	p. 1639
Reported H. Health	11-10-04	p. 2208

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