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# COUNTY ADVISORY BULLETIN

**CAB**

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Bulletin 2026-02

May 2026

## HOUSE BILL 184 PUBLIC RECORDS LAW – ECONOMIC DEVELOPMENT CONFIDENTIALITY

**APPLICABLE LEGISLATION:** Sub. H.B. 184 (136<sup>th</sup> General Assembly)

**REVISED CODE SECTIONS AMENDED:** R.C. 9.66

**LEAD SPONSORS:** Representatives Brian Stewart and Ty Mathews

**HOUSE COSPONSORS:**

Barhorst; Bird; Brennan; Brent; Brewer; Brownlee; Click; Cockley; Creech; Deeter; Dovilla; Fischer; Ghanbari; Glassburn; Grim; Gross; Hall, D.; Hall, T.; Hiner, Jarrells, John, LaRe, Lawson-Rowe; Lorenz; Mathews, A.; Mohamed; Newman; Odioso; Peterson; Piccolantonio; Plummer; Rob Blasdel; Roemer; Rogers; Russo; Salvo; Sigrist; Somani; Tims; Upchurch; Williams; Willis; Young

**SENATE COSPONSORS:**

Antonio; Cirino; Craig; Hicks-Hudson; Huffman; Johnson; Manning; Weinstein

**EFFECTIVE DATE:** March 20, 2026

### BACKGROUND

House Bill 184 was introduced primarily to address issues related to name, image, and likeness contracts involving intercollegiate athletes, along with several other targeted policy changes.

In the later stages of the legislative process, the bill was amended through a broad omnibus amendment that incorporated a wide range of additional provisions spanning multiple policy areas. Among those additions was a new exemption to Ohio's Public Records Law related to economic development activities. Shortly after the economic development confidentiality language was included, the bill was passed by the General Assembly and signed by the Governor.

The bill took effect on March 20, 2026.

## DEFINITIONS

“Economic development assistance” includes all the following:

- The programs and assistance provided or administered by the department of development under Chapters 122. and 166. of the Revised Code and any other section of the Revised Code under which the department provides or administers economic development assistance;
- The programs and assistance provided or administered by a political subdivision through the Urban Renewal Debt Retirement Fund (Chapter 725), Community Redevelopment Corporations (Chapter 1728), Community Reinvestment Areas (R.C. [3735.67](#) to [3735.70](#)), Tax Increment Financing programs (R.C. [5709.40](#) to [5709.43](#); [5709.73](#) to [5709.75](#); [5709.77](#) to [5709.81](#)), Enterprise Zones (R.C. [5709.61](#) to [5709.69](#)) and any other section of the Revised Code under which a political subdivision provides economic development assistance;
- Assistance provided under any other section of the Revised Code under which the state or a state agency provides or administers economic development assistance;
- The employee training tax credits under R.C. [5725.31](#), [5729.07](#), or [5733.42](#).

## PUBLIC RECORDS EXEMPTION AND CONFIDENTIALITY FOR ECONOMIC DEVELOPMENT INFORMATION

The act creates a new confidentiality provision for certain economic development information submitted to public entities. Specifically, information submitted to a political subdivision, port authority, or tax incentive review council by an applicant for or recipient of economic development assistance is confidential and not a public record under R.C. 149.43.

This includes information related to economic development assistance programs as defined in R.C. 9.66, grants, subgrants, exemptions, credits, loans, awards, cooperative agreements, or other similar forms of financial assistance, as well as information taken for any purpose from submitted materials.

The information may be used to evaluate and potentially approve an application and to comply with specific statutory requirements, but the statute further provides that protected information may not be publicly disclosed, whether anonymized or not anonymized.

R.C. 9.66(D)

## KEY CONSIDERATIONS FOR COUNTIES

At the time of publication, the full scope and application of this provision remain subject to interpretation. When engaging in economic development processes, counties should consider the following given the language in R.C. 9.66.

### *Breadth of application*

The statute, as written, is broad and applies to information taken or derived from submitted materials. The broad scope may raise questions about how far the confidentiality extends.

### *Covered entities*

The confidentiality and public records provisions apply to all political subdivisions, including counties, port authorities and tax incentive review councils created under R.C. 5709.85. Many of these entities are commonly involved in local economic development efforts but not under the direct purview of the county commissioners.

### *Process review*

Counties should review internal processes for economic development work to determine if changes are needed to comply with R.C. 9.66. Such processes may include coordination with economic development partners, storage and handling of economic development materials, and responses to public records requests pertaining to economic development.

### *General compliance*

R.C. 9.66(D) states that, “under no circumstance” whether anonymized or not, should counties or other political subdivisions disclose information. It is recommended that counties consult legal counsel when responding to public records requests involving economic development records.

### *Potential Liability Considerations*

The enactment of R.C. 9.66 may raise questions regarding the interaction between the new confidentiality provisions and existing state ethics and confidentiality laws applicable to public officials and employees.

For example, R.C. 102.03(B) prohibits current and former public officials and employees from disclosing confidential information acquired in the course of official duties without appropriate authorization. Violations of that section may carry penalties under R.C. 102.99(B).

At the time of publication, it remains unclear how these statutes may ultimately be interpreted or applied in connection with R.C. 9.66. Counties are encouraged to consult legal counsel regarding compliance and records handling procedures.

R.C. 102.03(B) and R.C. 102.99(B)

#### **ADDITIONAL RESOURCES**

Counties may wish to review the following analysis prepared by Bricker Graydon LLP:  
[\*Economic Development Project Information Now Confidential – New Risks for Public Officials & Employees\*](#)