



**NFIB  
LEGISLATIVE UPDATE**

**134th OHIO  
GENERAL ASSEMBLY**

**FINAL**

## TABLE OF CONTENTS

### **Budget and Taxes**

Tax Amnesty Program	5
Tax Conformity	5
State Operating Budget	6
PTE Tax Rate Equalization	6
Property Tax Complaints	7
Venture Capital Tax Deductions	7
Municipal Income Tax Clean-Up	8
Eliminate CAT	9
Tax Fraud Study Committee	9
Muni Tax Extensions & Penalties	10
Tax Transparency Act	10
Municipal Tax Withholdings	11
SALT Parity	11
BID Equity Resident Owners	12
Reduce Motor Fuel Tax	12
Repeal State Income Tax	13

### **State Government**

Prohibit Foreclosure/Eviction During COVID	14
Eminent Domain	14
Permissive Prevailing Wage	15
Business Grants	15
Bar, Restaurant, Lodging Grants	16
Natural Gas Preemption	17
Business Fairness Act	17
Out-of-State Licensure Recognition	18
COVID Vax & Passport Protection Act	18
Occupational Licensure Streamlining	19
Eminent Domain Reform	20
State Agency Regulatory Reductions	20
Legislative Oversight of Executive Orders	21
Cosmetology Licensure Reform	22
Project Labor Agreements	22
Retailers Must Provide Cash Option	23
Medical Marijuana Update	23
Landlord Reimbursement Eviction Moratorium	24
Prohibit Tanning Under 18 U.S.C	24

## **Healthcare**

ACA State Continuation	25
Prohibit Some Cost-Sharing Practices	25
PANDAS Mandate	26
Child Hearing Aid Mandate	26
Insulin Cost Cap	27
Mammography Screening	27
Employer Healthcare Premium Tax Credit	28
Universal Healthcare	28
Physician Administered Drug Law	29
Prohibit Greater Cost Sharing	29
Biomarker Testing Mandate	30
Affiliated Pharmacies	30
Preventative Care Act	31
Medically Necessary Donor Human Milk	31

## **Labor**

Ohio Equal Pay Act	33
Wage Discrimination Complaints	33
Paid Family Leave	34
Pregnancy Accommodation	34
Minimum Wage Increase	35
Ban the Box	36
Ohio Pregnant Workers Fairness Act	36
Employment Hours for Under 16	37

## **Workers' Comp/Unemployment Comp**

Firefighter Cancer Claims to Surplus	38
Workers' Compensation Budget	38
Industrial Commission Budget	39
Unemployment Overpayments	39
Workers' Comp Work From Home Claims	40
Unemployment Claims Verification	40
Loss of Use	41
Unemployment Claims Identification	41
Legislative Oversight of Unemployment	42
Unemployment Eligibility Expansion	42

## **Tort Reform/Civil Justice**

Eliminate Non-Economic Tort Damage Cap .....	44
Camp Operator Qualified Immunity .....	44
Vaccine Mandate Cause of Action .....	45
Employer Mandated Vaccination Injury .....	45
COVID Vaccine Restrictions & Liability Extension .....	46
Ohio False Claims Act .....	47
Business Discrimination .....	47
Medical Discrimination Business Protection Act .....	48
Scout's Honor Law .....	48
Statute of Limitations on Contracts .....	49
Non-Recourse Litigation Financing .....	49

## **Energy and Environment**

Energy Efficiency Program .....	51
Electric Regulation, Decoupling, Etc. ....	51
Renewable Portfolio & Solar Increase .....	52
Electric Vehicle Infrastructure .....	52

## **Education & Workforce Development**

Education Funding Formula .....	54
Broadband Expansion .....	55
Third Grade Reading Guarantee Elimination .....	55
Department of Education Reform .....	56

## **Elections and Campaign Finance**

Judicial Candidate Party Affiliation .....	57
--	----

## **BUDGET AND TAXES**

**TAX AMNESTY PROGRAM** – House Bill 45 – Sponsored by Representatives Thomas West (D – Canton) and Bill Roemer (R – Richfield)

To require the Tax Commissioner to administer a temporary amnesty program from April 1, 2021, to May 31, 2021, with respect to delinquent state taxes and fees, to repeal Section 1 of this act on June 1, 2021, and to declare an emergency.

**NFIB Position:** Interested Party

**Analysis:** The bill creates a temporary tax amnesty program to permit delinquent taxpayers the opportunity to remit past due taxes without penalties. NFIB supports the concept especially given the pandemic. However, we also want to ensure such programs are not the normal to create an environment whereby taxpayers do not meet their obligations timely. HB 45 was amended to include billions of federal ARPA dollars to fund numerous, mostly one-time projects.

**Status:** Introduced February 3, 2021. Passed the Ohio Senate on December 14, 2022, on a vote of 29-0. Ohio House concurrence on December 14, 2022, on a vote of 71-10.

[House Bill 45](#)

**TAX CONFORMITY** – House Bill 48 & Senate Bill 18 – Sponsored by Representatives Bill Roemer (R – Richfield) and Gail Pavliga (R – Atwater) and Senators Kristina Roegner (R – Hudson) and Tim Schaffer (R – Lancaster)

To expressly incorporate changes in the Internal Revenue Code since March 27, 2020, into Ohio law and to declare an emergency.

**NFIB Position:** Support



**Analysis:** The bills will conform Ohio tax law to federal tax law changes since March 27, 2020. Notably, the bills will incorporate PPP loan deductibility to coincide with Congressional action. Additionally,

Senate Bill 18 (likely vehicle) contains amendments to exempt PPP and BWC dividends from CAT. This keeps more money in the pockets of small business owners who are still struggling amidst the pandemic.

**Status:** Introduced February 3, 2021, and January 26, 2021. Passed the Ohio House on March 24, 2021, on a vote of 98-0. Senate concurrence on March 24, 2021, on a vote of 33-0. Signed by Governor DeWine.

[House Bill 48](#)

[Senate Bill 18](#)

**STATE OPERATING BUDGET** – House Bill 110 – Sponsored by Representative Scott Oelslager (R Canton)

To make operating appropriations for the biennium beginning July 1, 2021, and ending June 30, 2023, to levy taxes, and to provide authorization and conditions for the operation of state programs.

**NFIB Position:** Interested Party

**Analysis:** The biennial operating budget as proposed by Governor DeWine recommends approximately \$75 billion in GRF spending. The bill contains \$460 million in various grant programs to help sustain small businesses. The as introduced version does not tinker with the current tax structure and preserves the BID. NFIB will monitor the progress of this bill as it goes through the typical substantive changes in both chambers of the legislature.

**Status:** Introduced February 16, 2021. Passed the Ohio House on April 21, 2021, on a vote of 70-27. Pending before the Ohio Senate Finance Committee.

[House Bill 110](#)

**PTE TAX RATE EQUILIZATION** – House Bill 124 – Sponsored by Representatives Bill Roemer (R – Richfield) and Bob Young (R – Green)

To equalize the pass-through entity withholding and the business income tax rate.

**NFIB Position:** Support

**Analysis:** The bill will equalize the pass-through entity withholding rate for non-resident investors. Currently the withholding rate, withheld by the PTE is significantly higher than the business income rate. The intent of the law is to have individuals who have investor activity in Ohio have tax withheld. In practice these individuals simply seek a refund for the amount over the business tax rate. This will eliminate the need to file for refunds. NFIB believes this bill will streamline the process.

**Status:** Introduced February 16, 2021. Amended into Senate Bill 18 which passed both chambers March 24, 2021. Senate Bill 18 signed by Governor DeWine.

[House Bill 124](#)

**PROPERTY TAX COMPLAINTS** – House Bill 126 – Sponsored by Representative Derek Merrin (R – Waterville)

To require local governments that contest property values to formally pass an authorizing resolution for each contest and to notify property owners.

**NFIB Position:** Support 

**Analysis:** The bill requires a board of education or legislative authority to pass a resolution prior to filing a property tax complaint (challenge) with the board of revision (BOR). Additionally, a real property owner must be notified of the date a resolution will be offered and basis for the complaint affording an opportunity for the taxpayer to engage prior to a challenge being filed. NFIB believes it is a good government exercise to require legislative authorization for a real property valuation challenge initiated by a third-party.

**Status:** Introduced February 16, 2021. Passed the Ohio House and the Ohio Senate on April 6, 2022, on a vote of 61-38 and 24-8, respectively. Signed by Governor DeWine.

[House Bill 126](#)

**VENTURE CAPITAL TAX DEDUCTIONS** – House Bill 174 – Sponsored by Representatives Jon Cross (R – Kenton) and Laura Lanese (R – Grove City)

To authorize an income tax deduction for capital gains received by investors in certain Ohio based venture capital operating companies.

NFIB Position: Interested Party

**Analysis:** The bill authorizes an income tax deduction for portions of capital gains from Ohio-based venture capital firms. There are Ohio residency requirements and investment requirements to obtain the credit. This bill aims to entice venture capital firms to invest in Ohio start-ups and entrepreneurs. Keeping the investment here can help spark business development and growth. This credit is only given if successful and as such has no fiscal impact as far as loss of expected tax revenue.

**Status:** Introduced March 3, 2021. Pending before the Ohio House Economic & Workforce Development Committee.

[House Bill 174](#)

**MUNICIPAL INCOME TAX CLEAN-UP** – House Bill 228 – Sponsored by Representative Bill Roemer (R – Richfield)

To make changes related to state administered municipal net profits taxes.

**NFIB Position:** Interested Party

**Analysis:** The bill requires Department of Taxation to maintain a web portal for businesses to file their muni net profit obligations, extends opt-in and other notification deadlines, and ends the 0.5% fee for administration taken from municipalities net profit taxes. NFIB is monitoring this bill to ensure this bill focuses only on clean up and does not undo positive municipal tax reform from House Bill 5.

**Status:** Introduced March 23, 2021. Passed the Ohio Senate on a vote of 31-0 and Ohio House concurrence on a vote of 96-0 on October 27, 2021. Signed by Governor DeWine.

[House Bill 228](#)



**ELIMINATE CAT** – House Bill 234 – Sponsored by Representatives Jennifer Gross (R – West Chester) and Riordan McClain (R – Upper Sandusky)

To repeal the commercial activity tax with a five-year phase-out.

**NFIB Position:** Support

**Analysis:** The bill would repeal the CAT over a five-year period. NFIB members are not supportive of a tax on receipts and not on profit. This cost of doing business tax would create a nearly \$2 billion annual budget hole.

**Status:** Introduced March 25, 2021. Pending before the Ohio House Ways & Means Committee.

[House Bill 234](#)

**TAX FRAUD STUDY COMMISSION** – House Bill 482 – Sponsored by Representatives Al Cutrona (R – Canfield) and Jay Edwards (R – Nelsonville)

To create a Tax Fraud Study Commission to study and make recommendations for preventing income tax fraud.

**NFIB Position:** Interested Party

**Analysis:** The bill creates a tax fraud study commission that focuses on employee misclassification. The public appointees to the commission are one from organized labor and one from a contractors association. NFIB will continue to monitor this bill. We certainly do not support misclassification of employees. However, sponsors are using an Ohio AG report from over a decade ago that had questionable results.

**Status:** Introduced November 8, 2021. Passed the Ohio House on March 30, 2022, on a vote of 84-7. Pending before the Ohio Senate Ways & Means Committee.

[House Bill 482](#)

**MUNI TAX EXTENSIONS & PENALTIES** – House Bill 519 – Sponsored by Representatives Bill Roemer (R – Richfield) and Laura Lanese (R – Grove City)

To modify the law regarding extensions for filing municipal income tax returns and to limit penalties for late filings.

**NFIB Position:** Interested Party

**Analysis:** The bill requires the automatic extension of municipal income tax filing when a federal extension is requested or when taxpayer makes the request or municipal tax administrator. The bill stipulates the tax administrator may not make an inquiry when an extension has been filed and allows for taxpayer to be reimbursed for reasonable expenses. The bill further limits the penalty for late filing for each instance to lesser of 50% of unpaid income tax or withholding or \$150.

**Status:** Introduced December 16, 2021. Passed the Ohio House March 30, 2022, on a vote of 61-29. Pending before the Ohio Senate Ways & Means Committee.

[House Bill 519](#)

**TAX TRANSPARENCY ACT** – House Bill 677 – Sponsored by Representative Tom Young (R – Washington Township)

To require local governments to provide certain information to residents regarding proposed property and income tax levies and to name this act the Tax Transparency Act.

**NFIB Position:** Interested Party

**Analysis:** The bill requires local governments to provide information to residents on proposed property and income tax levies, including estimated impact of property tax levy, purpose of tax and term of years tax will be levied. It requires either electronic or ordinary mail communication by local governments. Goal of the bill is to provide more transparency to voters on costs of levies. There will be additional costs incurred by local governments to gather and distribute this information.

**Status:** Introduced May 16, 2022. Pending before the Ohio House Ways & Means Committee.

[House Bill 677](#)

**MUNI TAX WITHHOLDINGS** – Senate Bill 97 and House Bill 157 – Sponsored by Senator Kristina Roegner (R- Hudson) Representatives Kris Jordan (R – Delaware) and Jay Edwards (R – Nelsonville)

To repeal Section 29 of H.B. 197 of the 133<sup>rd</sup> General Assembly to modify municipal income tax employer withholding rules for COVID-19-related work-from-home employees.

**NFIB Position:** Interested Party

**Analysis:** The bill would repeal language that suspended the 20-day withholding rule for municipal income taxes, keeping employers withholding to the principal place of business irrespective of where an employee was working. NFIB is interested in ensuring employers have enough time to adjust their systems to comply with the law.

**Status:** Introduced February 24, 2021 and February 25, 2021, respectively. Pending before Ways & Means Committees.

[Senate Bill 97](#)

[House Bill 157](#)

**SALT PARITY** – Senate Bill 246 – Sponsored by Senators George Lang (R – West Chester) and Michael Rulli (R – Salem)

To levy a tax on a pass-through entity's income apportioned to Ohio and to authorize a refundable income tax credit for an owner for such tax paid.

**NFIB Position:** Interested Party

**Analysis:** The bill would allow Ohio to follow the path of roughly 20 other states that utilized IRS allowance for states to exceed the state and local tax deduction cap of \$10,000. NFIB is working to understand the potential fiscal ramifications of such a measure.

**Status:** Introduced October 5, 2021. Passed the Ohio Senate on March 16, 2022, on a vote of 30-0. Passed the Ohio House on June 1, 2022, on a vote of 88-2. Signed by Governor DeWine.

## [Senate Bill 246](#)

**BID EQUITY RESIDENT OWNERS** – Senate Bill 247 and House Bill 515–  
Sponsored by Senators George Lang (R – West Chester) and Kristina Roegner (R – Hudson) and Representatives Jim Hoops (R – Napoleon) and Craig Riedel (R – Defiance)

To exempt from income tax certain gains from the sale of an ownership interest in a business.

**NFIB Position:** Support

**Analysis:** The bill is aimed at addressing Ohio Department of Taxation audits of pass-through business sales by Ohio residents. These audits have disallowed the BID to be applied for Ohio residents but have allowed for non-residents. NFIB support equal treatment of taxpayers and support policies that keep Ohio residents, Ohio residents.

**Status:** Introduced October 5, 2021 and December 16, 2021. House Bill 515 passed the Ohio Senate on June 1, 2022, on a vote of 31-0. Ohio House concurrence on June 1, 2022 on a vote of 90-0. Signed by Governor DeWine.

[Senate Bill 247](#)

[House Bill 515](#)

**REDUCE MOTOR FUEL TAX** – Senate Bill 277 – Sponsored by Senator Steve Huffman (R – Tipp City)

To temporarily reduce motor fuel excise tax rates and suspend collection of the additional motor vehicle registration taxes on electric and hybrid vehicles, both for five years, and to amend the version of section 4503.10 of the Revised Code that is scheduled to take effect on October 1, 2022, to continue the changes to that section on and after that date.

**NFIB Position:** Interested Party

**Analysis:** The bill will reduce the recent gas tax increase and additional registration fees for electric and hybrid vehicles, for five years. The impetus behind this bill is to help offset rising fuel prices. The motor fuel tax goes to support highway construction. The sponsor indicates the amount of federal money coming for highway

projects will far exceed what the recently enacted tax increase will generate and this will keep more money in Ohioans pockets. NFIB is sensitive to the increased costs this brings especially to trucking companies and other large fuel consumers. We will monitor the progress of this bill and may need to ballot our members if this gains momentum.

**Status:** Introduced December 14, 2021. Pending before the Ohio Senate Transportation Committee.

[Senate Bill 277](#)

**REPEAL STATE INCOME TAX** – Senate Bill 327 – Sponsored by Senator Steve Huffman (R – Tipp City)

To repeal the state income tax on nonbusiness income with a ten-year phase-out.

**NFIB Position:** Interested Party

**Analysis:** The bill would repeal the state's income tax on nonbusiness income in ten years. The bill leaves in place the tax on business income, which is a 3 percent flat rate above the first \$250,000 for pass-through entities. While NFIB recognizes elimination of income tax would make Ohio more attractive, we are concerned about potential replacement for approximately \$9 billion in annual revenue. A true repeal means no replacement.

**Status:** Introduced April 26, 2022. Pending before the Ohio Senate Ways & Means Committee.

[Senate Bill 327](#)

## **STATE GOVERNMENT**

**PROHIBIT FORECLOSURE/EVICTION DURING COVID** – House Bill 20 –  
Sponsored by Representatives David Leland (D – Columbus) and Jeff  
Crossman (D – Parma)

To prohibit foreclosure activity and the eviction of residential and commercial tenants during the state of emergency declared regarding COVID-19, to refer such proceedings caused by the state of emergency to mediation, and to declare an emergency.

**NFIB Position:** Interested Party

**Analysis:** The bill prohibits the removal of a tenant from residential or commercial property during the declared state of emergency at 60 days after. NFIB represents property owners with tenants as well as commercial tenants and will monitor the progress of this legislation.

**Status:** Introduced February 2, 2021. Pending before the Ohio House Civil Justice Committee.

[House Bill 20](#)

**EMINENT DOMAIN** – House Bill 63 – Sponsored by Representatives Al  
Cutrona (R – Canfield) and Reggie Stoltzfus (R – Paris Township)

To amend the law regarding eminent domain and to declare an emergency.

**NFIB Position:** Interested Party

**Analysis:** The bill allows a property owner to request a veto from the legislative authority (or governor for state universities) for a taking of property for purposes of a recreational trail. The intent is to give the elected legislative body a check on unelected agencies or private entities (like utilities) when attempting to take property. This bill does not eliminate any existing remedies in law.

**Status:** Introduced February 3, 2021. Pending before the Ohio House Civil Justice Committee.

[House Bill 63](#)

**PERMISSIVE PREVAILING WAGE** - House Bill 146 Craig Riedel (R – Defiance) and Susan Manchester (R – Lakeview)

To allow political subdivisions, special districts, and state institutions of higher education to elect to apply the Prevailing Wage Law to public improvement projects.

**NFIB Position:** Support

**Analysis:** The bill would allow local governments, special districts (like port authorities) and higher education institutions to decide on a project by project basis whether to apply prevailing wage to any public improvement project. There are NFIB members that are not able to meet the requirements for prevailing wage and thus are excluded from being bidders on prevailing wage projects. This bill also increases the triggering threshold from \$250,000 to \$500,000 .

**Status:** Introduced February 23, 2021. Pending before the Ohio House Commerce and Labor Committee.

[House Bill 146](#)

**BUSINESS GRANTS** – House Bill 168 and Senate Bill 109 – Sponsored by Representatives Mark Fraizer (R – Newark) and Mike Loychik (R – Bazetta) and Senators Nathan Manning (R – North Ridgeville) and Michael Rulli (R – Salem)

To provide grants to businesses, local fairs, child care providers, and veterans homes and to make an appropriation.

**NFIB Position:** Support



**Analysis:** The companion bills provide \$150 million for the small business grant relief program, \$20 million for indoor entertainment venues, and \$10 million for new businesses opened after January 1, 2020. These funds are to be allocated before end of fiscal year 2021, which ends June 30, 2020. NFIB supports allocation of dollars to small businesses that were severely harmed by the COVID pandemic. House Bill 168 was amended to repay the federal government for loans for

unemployment claims. This \$1.4 billion payment prevented \$100 million in additional taxes on employers.

**Status:** Introduced in both chambers on March 2, 2021. SB 109 passed the Ohio House on May 5, 2021, on a vote of 93-2. Ohio Senate concurrence on May 5, 2021, on a vote of 31-2. Signed by Governor DeWine.

House Bill 168 passed the Ohio Senate on June 24, 2021, on a vote of 32-0. House concurrence on June 25, 2021, on a vote of 79-6. Signed by Governor DeWine.

[House Bill 168](#)

[Senate Bill 109](#)

**BAR, RESTAURANT, LODGING GRANTS** – House Bill 169 and Senate Bill 108 – Sponsored by Representatives Al Cutrona (R – Canfield) and D.J. Swearingen (R – Huron) and Senators Steve Huffman (R – Tipp City) and Mark Romanchuk (R – Mansfield)

To provide grants to bars and restaurants and the lodging industry and to make an appropriation.

**NFIB Position:** Support



Analysis: The companion bills provide \$100 million to bars and grants in three tiers based up to \$30,000 based upon demonstrated loss of revenue and number of employees. The bills appropriate \$25 million to the lodging industry in three tiers up to \$30,000 based upon demonstrated loss of revenue and occupancy rates. NFIB supports these bills to provide relief to industries particularly hard hit by the COVID pandemic.

**Status:** Introduced in both chambers on March 2, 2021. Senate Bill 108 became the vehicle. SB 108 passed the Ohio House on May 5, 2021, on a vote of 94-1. Ohio Senate concurrence on May 5, 2021, on a vote of 33-0. Signed by Governor DeWine.

House Bill 169 became a vehicle for ARPA monies on childcare, CDL training and a host of other COVID recovery efforts. Signed by Governor DeWine.

[House Bill 169](#)

[Senate Bill 108](#)



**NATURAL GAS PREEMPTION** – House Bill 201 & Senate Bill 127 – Sponsored by Representative Jason Stephens (R – Kitts Hill) and Senators George Lang (R – West Chester) and Michael Rulli (R – Salem)

To prevent local governments from limiting use of natural gas.

**NFIB Position:** Interested Party

**Analysis:** The bill prevents local governments from enacting any ordinances that would limit the ability of a business or individual from receiving natural gas. Ohio has seen a couple of municipalities attempt to enact such bans. This patchwork of laws would be extremely difficult for businesses to navigate as they seek to meet their energy needs. Further, it would become cumbersome for sellers of natural gas to arbitrarily cut off supply to certain customers as their pipelines run all through the state. NFIB believes patchwork laws affecting every single business and individual are inappropriate and such matters left to the state for uniform policy.

**Status:** Introduced March 10, 2021. House Bill 201 passed the Ohio House on May 6, 2021, on a vote of 65-32, and the Ohio Senate on June 24, 2021, on a vote of 25-7. Signed by Governor DeWine.

[House Bill 201](#)

[Senate Bill 127](#)

**BUSINESS FAIRNESS ACT** – House Bill 215 & Senate Bill 134 – Sponsored by Representatives Jon Cross (R – Findlay) and Shane Wilkin (R – Lynchburg) and Senator George Lang (R – West Chester)

To enact The Business Fairness Act and to declare an emergency.

**NFIB Position:** Support 

**Analysis:** The bill stipulates if a business can meet the protocols required by a health order to remain open they may do so. The bill further stipulates no government order for business closure may last more than two weeks. Many businesses were frustrated that their competitors remained open but they were not able to do so. This will get the government out of deeming businesses essential vs. non-essential.

**Status:** Introduced March 16, 2021 in both chambers. House Bill 215 passed the Ohio House on May 6, 2021, on a vote of 77-17 and the Ohio Senate on November 16, 2021, on a vote of 31-0. Signed by Governor DeWine

[House Bill 215](#)

[Senate Bill 134](#)

**OUT-OF-STATE LICENSURE RECOGNITION** –House Bill 203 and Senate Bill 131 – Sponsored by Senators Kristina Roegner (R – Hudson) and Rob McColley (R – Napoleon) and Representative Jena Powell (R – Arcanum)

To require an occupational licensing authority to issue a license or government certification to an applicant who holds a license, government certification, or private certification or has satisfactory work experience in another state under certain circumstances.

**NFIB Position:** Support

**Analysis:** The bill requires individuals who hold out-of-state licenses to be issued an Ohio license in their respective fields so long as certain criteria are met such as: licensed in good standing in another state, work years experience and if required by current licensing authority, pass a test on Ohio laws. NFIB continues to hear from our members about inability to fill vacancies. The opportunity to allow individuals to work in their trained professions with fewer hurdles will likely allow our members to address worker shortage.

**Status:** Introduced March 10, 2021. House Bill 203 passed the Ohio House on June 1, 2022, on a vote of 56-33. Senate Bill 131 passed the Ohio House on December 14, 2022, on a vote of 81-3. Ohio Senate concurred on December 14, 2022, on a vote of 28-0.

[House Bill 203](#)

[Senate Bill 131](#)

**COVID VACCINATION AND PASSPORT PROTECTION ACT** – House Bill 481- Sponsored by Representative Kris Jordan (R – Ostrander)

To enact the COVID-19 Vaccination and Passport Protection Act to prohibit schools, institutions of higher education, employers, and places of public accommodation from requiring COVID-19 vaccines or proof of vaccination.

**NFIB Position:** Interested Party

**Analysis:** The bill prohibits private employers from requiring COVID vaccines or proof of vaccination as a condition of employment or from customers. NFIB continues to monitor this and similar bills for the addition of new causes of action against employers for dictating the terms of their businesses. This bill does not contain a new cause of action.

**Status:** Introduced November 8, 2021. Pending referral to committee in the Ohio House.

[House Bill 481](#)

**OCCUPATIONAL LICENSURE STREAMLINING** – House Bill 509 – Sponsored by Representatives Marilyn John (R – Shelby) and Sarah Fowler Arthur (R – Ashtabula)

To revise and streamline the state's occupational regulations.

**NFIB Position:** Interested Party

**Analysis:** The bill is a placeholder to deliver on Senate Bill 255 from the 132<sup>nd</sup> General Assembly which required a review of all occupational licenses and eliminate or reduce existing barriers to entry for certain professions. NFIB will monitor this bill and the recommendations of the legislature on which occupational licenses are proposed to be reduced, revamped, and/or eliminated.

**Status:** Introduced December 9, 2021. Passed the Ohio Senate on December 7, 2022, on a vote of 29-0. Ohio House concurrence on December 14, 2022, on a vote of 85-3.

[House Bill 509](#)

**EMINENT DOMAIN REFORM** – House Bill 698 – Sponsored by Representatives Darrel Kick (R – Loudonville) and Rodney Creech (R – West Alexandria)

To amend the law regarding eminent domain.

**NFIB Position:** Interested Party

**Analysis:** The bill makes several changes, in favor of property owners, to Ohio's eminent domain laws. These include allowing property owners to sue known as inverse condemnation, requires an initial offer to be the floor and never be reduced below that amount, gives indefinite timelines for appeal of decision in the bill, reduces legal burden on property owner while increasing burden standard for taking entity (local government or utility), allows for attorney's fees to be recouped, and eliminates recreational trail from public use taking. NFIB will continue to monitor this bill as we have historically engaged in support of private property owners. Opponents indicate this will allow one property owner to stymie economic development projects and cause investment to leave the state.

**Status:** Introduced June 7, 2022. Pending referral to committee in the Ohio House.

[House Bill 698](#)

**STATE AGENCY REGULATORY REDUCTIONS** – Senate Bill 9 – Sponsored by Senators Rob McColley (R – Napoleon) and Kristina Roegner (R – Hudson)

To require certain agencies to reduce the number of regulatory restrictions in their administrative rules.

**NFIB Position:** Support 

**Analysis:** The bill require state agencies to hit percentage benchmarks for regulatory restricting rule reductions in Ohio Administrative Code seeking a 30% target by June 30, 2025. If an agency has not met the 30% reduction, they must jettison two regulatory restrictions for each new proposed until reduction level is achieved. The bill establishes the cut red tape website to allow

members of the public to easily request information and comment on regulator restrictions. The bill also adds the requirement for a state agency to evaluate whether a rule requires a regulatory restriction that should be amended or rescinded prior to submission for 5-year rule review. The bill creates a database to assist JCARR in aggregating rule data. NFIB supports the approach this bill takes to require state agencies to find obsolete or unnecessary rules or those that cause an undue burden and eliminate them from the OAC.

**Status:** Introduced January 21, 2021. Passed the Ohio House and Ohio Senate on March 2, 2022, on a vote of 61-33 and 27-6, respectively. Signed by Governor DeWine.

[Senate Bill 9](#)

**LEGISLATIVE OVERSIGHT OF EXECUTIVE ORDERS – Senate Bill 22 –**

Sponsored by Senators Terry Johnson (R – McDermott) and Rob McColley (R – Napoleon)

To establish legislative oversight of the Governor's executive orders and certain public health orders, including by establishing the Ohio Health Oversight and Advisory Committee.

**NFIB Position:** Interested Party

**Analysis:** The bill establishes a new legislative oversight committee to review executive department orders on health orders or orders related to contagious diseases. Requires legislative consultation on these matters and permits the legislature to rescind a health order on the 11<sup>th</sup> day and if rescinded, the executive may not reinstate for 90 days. Indicates any public health state of emergency may not last longer than 30 days unless a joint resolution passed by both chambers is adopted. Bill further grants legislature ability to rescind any executive order or emergency declaration by adoption of joint resolution. The sponsors' intent is to restore legislative authority and balance of power. NFIB is monitoring this legislation.

**Status:** Introduced January 26, 2021. Ohio Senate and Ohio House voted on March 24, 2021, to override Governor DeWine's veto on a vote of 23-10 and 63-34.

[Senate Bill 22](#)

**COSMETOLOGY LICENSURE REFORM** – Senate Bill 133 and House Bill 277 – Sponsored by Senator Kristina Roegner (R – Hudson) and Representative Jena Powell (R – Arcanum) and House Bill 542 Representatives Bill Roemer (R – Richfield) and Lisa Sobecki (D – Toledo)

To revise the law governing the regulation of cosmetologists and barbers.

**NFIB Position:** Support

**Analysis:** The bill will reduce the hours required to obtain a cosmetology license from 1,500 to 1,000 and a barber license from 1,800 to 1,000. Other occupational licensure take less, like paramedics at 650 hours. This bill will reduce student debt and address a workforce need. NFIB/Ohio supports this bill and furthering the discussion on other occupational license reforms.

**Status:** Introduced March 16, April 27, 2021, and January 24, 2022. Senate Bill 133 amended into House Bill 542. House Bill 542 passed the Ohio Senate on November 30, 2022, on a vote of 24-7. House did not take concurrence vote.

[Senate Bill 133](#)

[House Bill 277](#)

[House Bill 542](#)

**PROJECT LABOR AGREEMENTS** – Senate Bill 175 & House Bill 309 – Sponsored by Senator George Lang (R – West Chester) and Representative Tom Brinkman (R – Mt. Lookout)

To enact the Fair and Open Competition Act regarding project labor agreements in public improvement contracts.

**NFIB Position:** Support

**Analysis:** The bill stipulates that public improvement contracts can neither require nor prohibit a project labor agreement (PLAs) as part of the bid process. PLAs require use of union labor and limit eligible bidders. Government should not favor union vs non-union or vice versa. Let all capable bidders have an opportunity. PLAs require non-union contractors to use union labor over their own employees.

**Status:** Introduced May 5 and May 12, 2021. Pending before the Ohio Senate Finance Committee and the Ohio House Commerce and Labor Committee.

[Senate Bill 175](#)

[House Bill 309](#)

**RETAILERS MUST PROVIDE CASH OPTION** – Senate Bill 242 – Sponsored by Senator Bill Blessing (R – Cincinnati)

To require retail merchants to give customers the option to pay by cash.

**NFIB Position:** Opposed

**Analysis:** The bill requires nearly all retailers to provide a cash payment option for customers. There are exemptions for online retailers and several others. The bill also creates a cause of action under the consumers sales practices act. NFIB does not believe government should dictate how a business accepts payments for goods and services. Options exist for individuals to obtain a payment method outside of cash. Further, the right to remedy under the consumers sales practices act sets up small business owners for potential litigation and fines by the state.

**Status:** Introduced September 30, 2021. Pending before the Ohio Senate Small Business and Economic Opportunity Committee.

[Senate Bill 242](#)

**MEDICAL MARIJUANA UPDATE** - Senate Bill 261 – Sponsored by Senator Steve Huffman (R – Tipp City)

To amend the law related to medical marijuana.

**NFIB Position:** Interested Party

**Analysis:** The bill expands eligibility for the medical marijuana law in Ohio. NFIB is monitoring the bill to ensure that employer workplace policies remain untouched.

**Status:** Introduced November 9, 2021. Passed the Ohio Senate on December 15, 2021, on a vote of 26-5. Pending before the Ohio House Government Oversight Committee.

[Senate Bill 261](#)

**LANDLORD REIMBURSEMENT EVICTION MORATORIUM** – Senate Bill 281 –  
Sponsored by Senator Tim Schaffer (R – Lancaster)

To authorize reimbursements for landlords for lost revenue due to a COVID-19-related federal eviction moratorium.

**NFIB Position:** Interested Party

**Analysis:** The bill would allow for landlords who were prohibited by federal action from evicting tenants during the COVID pandemic to seek reimbursement for lost rent, utilities, etc. It allows up to \$12,000 per residential premises. Landlords can submit for multiple residential premises. NFIB has members impacted by this federal restriction and will monitor the progress of the bill and fiscal impact to the state.

**Status:** Introduced January 12, 2022. Pending before the Ohio Senate Finance Committee.

[Senate Bill 281](#)

**PROHIBIT TANNING UNDER 18** – Senate Bill 336 – Sponsored by Senator Terry Johnson (R – McDermott)

To prohibit the provision of sun lamp tanning services to individuals under age 18.

**NFIB Position:** Interested Party

**Analysis:** The bill prohibits anyone under the age of 18 from using a tanning service. The bill will limit operators of such facilities potential customer pool. NFIB believes parental consent should be a consideration and not an outright ban.

**Status:** Introduced May 11, 2022. Pending before the Ohio Senate Health Committee.

[Senate Bill 336](#)



## **HEALTHCARE**

**ACA STATE CONTINUATION** – House Bill 125 – Sponsored by Representatives Jeff Crossman (D – Parma) and Mary Lightbody (D – Westerville)

Regarding health insurance premiums and benefits.

**NFIB Position:** Opposed

**Analysis:** The bill essentially codifies the provisions of the federal ACA, including prohibiting consideration of preexisting conditions and requiring essential health benefits in small group and individual health plans. The bill notably excludes large group health plans. NFIB members were vehemently opposed to the ACA, in fact, NFIB was the lead plaintiff suing the federal government to stop implementation. NFIB has a long history of supporting market-driven healthcare policy, not mandates from the government.

**Status:** Introduced February 16, 2021. Pending before the Ohio House Insurance Committee.

[House Bill 125](#)

**PROHIBIT SOME COST-SHARING PRACTICES** – House Bill 135 – Sponsored by Representatives Susan Manchester (R – Waynesfield) and Thomas West (D – Canton)

To prohibit certain health insurance cost-sharing practices.

**NFIB Position:** Interested Party

**Analysis:** The bill prohibits some cost-sharing practices implemented by health insurance plans. In particular, the coupons or discounts pharmaceutical companies provide to patients is not being credited toward the patient deductible. As such it may take an individual longer to reach their deductible. However, what health plans say occurs is once a patient reaches their deductible, the pharmaceutical company stops the coupons and discounts and bills the plans for a higher price. NFIB continues to evaluate where, if any, cost shifting is occurring and what impact this has on premiums.

**Status:** Introduced February 18, 2021. Passed the Ohio House on March 30, 2022, on a vote of 89-0. Pending before the Ohio Senate Health Committee.

[House Bill 135](#)

**PANDAS MANDATE** – House Bill 189 – Sponsored by Representative Bob Young (R – Green)

To require health plan issuers and the Medicaid program to cover treatments and services related to Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections and Pediatric Acute-onset Neuropsychiatric Syndrome.

**NFIB Position:** Opposed

**Analysis:** The bill is a health insurance mandate. NFIB is opposed to passage of state-imposed health insurance mandates, not on the coverage or provider contemplated but that any mandate is only applicable to fully-insured plans. Self-insured plans are exempt and thus these mandates impact plans purchased by small businesses and individuals. Further, with the limited applicability significant gaps in coverage will arise. NFIB believes that the state should pay for the costs associated with such coverage for all Ohioans.

**Status:** Introduced March 9, 2021. Pending before the Ohio House Health Committee.

[House Bill 189](#)

**CHILD HEARING AID MANDATE** – House Bill 198 – Sponsored by Representatives Allison Russo (D – Upper Arlington) and Susan Manchester (R – Waynesfield)

To require health plan issuers to cover hearing aids and related services for persons under twenty-two years of age.

**NFIB Position:** Opposed

**Analysis:** The bill is health insurance mandate that requires fully-insured plans (not large, self-insured employers) to provide coverage for hearing aids to any person under the age of 22. While there may be merit to providing these devices to insured individuals, NFIB

believes if the need to provide this benefit is great, the state should establish a fund to pay for coverage for all Ohioans, not the 14 percent that are in the fully-insured market.

**Status:** Introduced March 10, 2021. Passed the Ohio House Health Committee on December 13, 2022. Pending before the full Ohio House.

[House Bill 198](#)

**INSULIN COST- CAP** – House Bill 205 & Senate Bill 220 – Sponsored by Representatives Gayle Manning (R – North Ridgeville) and Beth Liston (D – Dublin) and Senators Nathan Manning (R – North Ridgeville) and Hearcel Craig (D – Columbus)

To enact section 3902.62 of the Revised Code to cap cost sharing for prescription insulin drugs.

**NFIB Position:** Opposed

**Analysis:** The bill caps the amount a health insurance plan may charge for insulin at \$35 per 30-day supply. This bill disregards the costs incurred to provide insulin from a pharmaceutical company and artificially caps costs to consumers. NFIB is opposed to this health insurance mandate as health plan purchasers (small business owners) will ultimately pay through increased premiums. Further, self-insured plans (large companies) are exempt under federal law. This bill does nothing to address the increased costs of insulin from pharmaceutical companies.

**Status:** Introduced May 11, 2021 and August 30, 2021 in the respective chambers. Pending before the Ohio House Health and Ohio Senate Insurance Committees.

[House Bill 305](#)

[Senate Bill 220](#)

**MAMMOGRAPHY SCREENING** – House Bill 371 – Sponsored by Representative Jean Schmidt (R – Loveland)

To revise the laws governing coverage of screening mammography and patient notice of dense breast tissue.

**NFIB Position:** Interested Party

**Analysis:** The bill expands upon the existing mammography health insurance mandate currently in code. The bill is an update to the latest procedures used in this medical procedure. NFIB is working with the sponsor to ensure this new language will not lead to additional upward pressure on health insurance premiums.

**Status:** Introduced July 7, 2021. Passed the Ohio Senate on June 1, 2022, on a vote of 31-1. Ohio House concurrence on June 1, 2022, on a vote of 88-1. Signed by Governor DeWine.

[House Bill 371](#)

**EMPLOYER HEALTHCARE PREMIUM TAX CREDIT** – House Bill 443 –  
Sponsored by Representative Kyle Koehler (R – Springfield)

To authorize a refundable tax credit for a portion of employer group health plan premiums.

**NFIB Position:** Support

**Analysis:** The bill allows employers that provide health insurance to their employees to receive a refundable tax credit of one and three-tenths percent of premiums paid. The intent is to help offset the increasing costs of health insurance premiums. NFIB supports efforts to reduce costs associated with health insurance premiums, a benefit they want to provide to be competitive.

**Status:** Introduced October 6, 2021. Pending before the Ohio House Ways & Means Committee.

[House Bill 443](#)

**UNIVERSAL HEALTHCARE** – House Bill 446 and Senate Bill 253 – Sponsored by Representative Michael Skindell (D – Lakewood) and Senators Teresa Fedor (D – Toledo) and Nickie Antonio (D – Lakewood)

To establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents.

**NFIB Position:** Opposed

**Analysis:** The bill eliminates private health insurance and puts all Ohio residents under a state-administered plan. NFIB has long opposed the government take over of health insurance believing the preponderance of costs will become borne by small businesses.

**Status:** Introduced October 6, 2021. Pending referral to committee in the Ohio House.

[House Bill 446](#)

[Senate Bill 253](#)

**PHYSICIAN-ADMINISTERED DRUG LAW** – House Bill 451 – Sponsored by Representatives Gayle Manning (R – North Ridgeville) and Scott Oelslager (R – Canton)

To amend the law related to physician-administered drugs.

**NFIB Position:** Opposed

**Analysis:** The bill prohibits health insurance plans from restricting distribution of drugs to covered individuals from pharmacies not in-network or adding additional cost sharing requirements. NFIB is monitoring this bill to understand what cost implications may be incurred by insurance companies and passed onto our members who are purchasers of health plans. While we want best outcomes for patients, forcing health insurance plans to cover drugs that are significantly marked up may lead to higher plan costs upon renewal.

**Status:** Introduced December 12, 2021. Pending before the Ohio House Insurance Committee.

[House Bill 451](#)

**PROHIBIT GREATER COST SHARING** – House Bill 460 – Sponsored by Representative Jeff LaRe (R – Violet Township)

To restrict cost sharing requirements with regard to occupational and physical therapists.

**NFIB Position:** Interested Party

**Analysis:** The bill restricts a health insurance plan from requiring a greater cost share (co-pay) from participants for occupational or physical therapists than what would be charged for office visit to primary

care or osteopathic physicians. NFIB is waiting to see the cost and real impacts of such legislation. While such cost sharing prohibitions may seemingly reduce out of pocket to individuals, they will be incurred through increased premium. NFIB is extremely sensitive to policies that will cause premium impacts.

**Status:** Introduced October 19, 2021. Passed the Ohio House Insurance Committee on November 30, 2022, on a vote of 10-1. Pending before the full Ohio House.

[House Bill 460](#)

**BIOMARKER TESTING MANDATE** – House Bill 608 – Sponsored by Representatives Andrea White (R – Kettering) and Thomas West (D – Canton)

To require health benefit plan and Medicaid program coverage of biomarker testing.

**NFIB Position:** Opposed

**Analysis:** The bill requires fully-insured health insurance plans and Medicaid to provide coverage for biomarker testing. The bill is being touted as the new standard for early detection of cancers. NFIB and their members want the best health outcomes for employers and employees and their families. We are working to ascertain the true cost implications of this bill. We believe, like most health insurance mandates, this legislation will put upward pressure on premiums.

**Status:** Introduced March 29, 2022. Passed the Ohio House Health Committee on November 30, 2022, on a vote of 12-1. Pending before the full Ohio House.

[House Bill 608](#)

**AFFILIATED PHARMACIES** – House Bill 655 – Sponsored by Representative Catherine Ingram (D – Cincinnati)

To prohibit health insurers and pharmacy benefit managers from steering patients to affiliated pharmacies.

**NFIB Position:** Interested Party

**Analysis:** The bill restricts the ability of health insurance plans to direct their enrollees to specific pharmacies, requiring that enrollees be able to utilize any pharmacy that agrees to terms of contract with plans and meets all state board of pharmacy requirements. NFIB is monitoring this legislation to understand if there is an associated cost attached to such a prohibition. Health plans may direct to affiliated pharmacies as a means of cost containment. No fiscal impact yet released.

**Status:** Introduced May 12, 2022. Pending before the Ohio House Health Committee.

[House Bill 655](#)

**PREVENTATIVE CARE ACT** – House Bill 680 – Sponsored by Representatives Tom Young (R –Washington Township) and Dick Stein (R – Norwalk)

Regarding certain off-label use of drugs, products, and devices approved or authorized by the United States Food and Drug Administration and to name this act the Preventative Care Act.

**NFIB Position:** Opposed

**Analysis:** The bill is a health insurance mandate, notwithstanding the section that requires applicability to self-insured plans. The bill stipulates a health insurance plan must cover a drug for off-label use if the drug is covered for FDA approved uses. Health insurance plans create formularies and tiers with respect to prescription drugs to keep costs for their enrollees affordable. NFIB is concerned that mandating coverage of drugs for off-label use could increase health plan spending and ultimately our members' health insurance premiums.

**Status:** Introduced May 16, 2022. Pending before the Ohio House Health Committee.

[House Bill 680](#)

**MEDICALLY NECESSARY DONOR HUMAN MILK MANDATE** – Senate Bill 314 – Sponsored by Senator Tina Maharath (D – Columbus)

To require health benefit plan and Medicaid coverage of medically necessary donor human milk.

**NFIB Position:** Opposed

**Analysis:** The bill is a health insurance mandate applicable to the fully-insured market where most NFIB members purchase insurance. NFIB typically opposes health insurance mandates as they put upward pressure on health insurance premiums.

**Status:** Introduced March 15, 2022. Pending before the Ohio Senate Insurance Committee.

[Senate Bill 314](#)



## **LABOR**

**OHIO EQUAL PAY ACT** – House Bill 232– Sponsored by Representatives Jessica Miranda (D – Forest Park) and Stephanie Howse (D – Cleveland)

To enact the Ohio Equal Pay Act to address wage disparities in public and private employment.

**NFIB Position:** Opposed

**Analysis:** The bill requires any contractor seeking to work for the state to certify they are an equal pay employer through a program administered by Dept. of Commerce. Certain information is required to be reported to Commerce but is not a public record. The bill also prohibits an employer from requesting salary information to a prospective employee until such time as an offer of employment is made. The bill also prohibits any adverse action against employees that discuss their wages. Violations require remedial training for employers and multiple violations may be taken up by the Attorney General.

**Status:** Introduced March 24, 2021. Pending before the Ohio House Commerce & Labor Committee.

[House Bill 232](#)

**WAGE DISCRIMINATION COMPLAINTS** – House Bill 233 – Sponsored by Representatives Janine Boyd (D – Cleveland) and Erica Crawley (D – Columbus)

To require the Ohio Civil Rights Commission to establish a system for individuals to make anonymous complaints regarding wage discrimination.

**NFIB Position:** Opposed

**Analysis:** The bill creates a system for individuals to file wage discrimination complaints anonymously with the Ohio Civil Rights Commission and compels the Commission to investigate in a timely manner. NFIB does not condone discrimination in any form. However, there is no formal process outlined in the bill allowing individuals that may have a disagreement with their employer to file

baseless claims. Wages are part of the negotiation between employer and employee and differences in wages may be a result of performance or other factors.

**Status:** Introduced March 25, 2021. Pending before the Ohio House Commerce & Labor Committee.

[House Bill 233](#)

**PAID FAMILY LEAVE** – House Bill 491 – Sponsored by Representatives Janine Boyd (D – Cleveland) and Allison Russo (D – Upper Arlington)

To establish family and medical leave insurance benefits and to require employers to provide an employee with paid bereavement leave on a stillbirth or death of a child.

**NFIB Position:** Opposed

**Analysis:** The bill establishes paid family leave up to 12 weeks for qualifying employees. This bill is funded through employee contributions and voluntary employer contributions. The bill provides for a sliding scale of benefits with those earning less receiving a higher percentage of their earnings, maxed at \$1,000 weekly. The bill also allows an additional two weeks for stillbirth or death of child under 21. The definitions in the bill lend to nearly anyone qualifying as a family member. NFIB believes leave time is a negotiation between employer and employee.

**Status:** Introduced November 16, 2021. Pending before the Ohio House Family, Aging and Human Services Committee.

[House Bill 491](#)

**PREGNANCY ACCOMODATION** – House Bill 707 – Sponsored by Representatives Brigid Kelly (D – Cincinnati) and Terence Upchurch (D – Cleveland)

To enact the "Pregnancy Accommodation Act" to generally require employers to make reasonable accommodations for pregnant employees.

**NFIB Position:** Opposed

**Analysis:** This bill would require businesses to make reasonable accommodations for pregnant workers, unless it can be demonstrated to be an undue hardship. The bill does add any disparate treatment to be an unfair discriminatory practice. NFIB believes employers are taking necessary steps to accommodate their employees. The bill's subjective terms will leave uncertainty for small businesses as to what constitutes reasonable accommodations. This bill is in response to a adverse employee situation from a large employer where the employee prevailed in court. NFIB also believes there are existing federal protections rendering this bill unnecessary.

**Status:** Introduced July 20, 2022. Pending referral to committee in the Ohio House.

[House Bill 707](#)

**MINIMUM WAGE INCREASE** – Senate Bill 51 – Sponsored by Senators Cecil Thomas (D – Cincinnati) and Hearcel Craig (D – Columbus)

To increase the state minimum wage and to allow municipalities, townships, and counties to establish higher minimum wage requirements.

**NFIB Position:** Opposed

**Analysis:** The bill would incrementally increase Ohio's minimum wage to \$15/hour by January 1, 2025 and adjust annually based upon CPI. The bill also permits a municipality, township or county to set a minimum wage higher than the state. The bill also stipulates for employers with employees in multiple jurisdictions to pay employees the highest wage required from any jurisdiction. NFIB believes such a change distorts the market and will lead to job losses, reduction in hours and reduction of ancillary benefits.

**Status:** Introduced February 9, 2021. Pending before the Ohio Senate Workforce and Higher Education Committee.

[Senate Bill 51](#)

**BAN THE BOX** – Senate Bill 68 – Sponsored by Senator Sandra Williams (D – Cleveland)

To prohibit private employers from including on an employment application any question concerning whether an applicant has been convicted of or pleaded guilty to a felony.

**NFIB Position:** Opposed

**Analysis:** The bill prohibits employers from asking on an initial employment application a question regarding any felony convictions or pleas. NFIB opposes this bill as employers have the right to know the background of individuals that may be employed in their businesses. There may very well be prohibitions on employing individuals with prior felony convictions, depending upon the nature of the work and advancing through the hiring process to discover an issue later benefits neither party.

**Status:** Introduced February 17, 2021. Pending before the Ohio Senate Workforce and Higher Education Committee.

[Senate Bill 68](#)

**OHIO PREGNANT WORKERS FAIRNESS ACT** – Senate Bill 177 – Sponsored by Senator Tina Maharath (D – Canal Winchester)

To enact the "Ohio Pregnant Workers Fairness Act" to generally require employers to make reasonable accommodations for employees who are pregnant or breastfeeding.

**NFIB Position:** Opposed

**Analysis:** The bill requires employers to make reasonable accommodations to for employees that are pregnant or breastfeeding. There are undue hardship allowances based upon employer size and type of operation. The bill establishes an unlawful discriminatory practice for employers that do not accommodate these employees, including all penalties associated with such discriminatory actions. NFIB believes employers are making accommodations for their employees and establishing a semi-rigid state policy will erode the ability of employers and employees to negotiate what works best for

their individual workplaces. NFIB feels this bill is a solution in search of a problem.

**Status:** Introduced May 11, 2021. Pending before the Ohio Senate Workforce & Higher Education Committee.

[Senate Bill 177](#)

**EMPLOYMENT HOURS FOR UNDER 16** – Senate Bill 251 – Sponsored by Senators Tim Schaffer (R – Lancaster) and Tina Maharath (D – Columbus)

To allow a person under sixteen years of age to be employed after 7 p.m. during the school year.

**NFIB Position:** Interested Party

**Analysis:** The bill allows minors under the age of 16 to work extended hours during the school year with approval of the parent or legal guardian. NFIB members who are unable to find workers or are limiting hours of operation is at all time highs. This bill would allow limited industries that have minor workers under 16 to elect to give this opportunity. It is mutually beneficial for workers who continue to gain skills and earn more and for employers to keep operations open.

**Status:** Introduced October 5, 2021. Passed the Ohio Sente on December 13, 2022, on a vote of 31-0.

[Senate Bill 251](#)

## **WORKERS' COMP & UNEMPLOYMENT COMP**

**FIREFIGHTER CANCER CLAIMS TO SURPLUS** – House Bill 17 – Sponsored by Representative Tom Patton (R – Strongsville)

Regarding charging workers' compensation experience in firefighter cancer claims.

**NFIB Position:** Interested party

**Analysis:** The bill would charge presumptive cancer claims for firefighters against the mutual fund. This policy will impact the experience of employers that have firefighter manual classifications. NFIB is concerned about the precedent set in removing claims from individual employer experience and spreading across all employers.

**Status:** Introduced February 3, 2021. Pending before the Ohio House Insurance Committee.

[House Bill 17](#)

**WORKERS' COMPENSATION BUDGET** – House Bill 75 – Sponsored by Representative Scott Oelslager (R – Canton)

To make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2021, and ending June 30, 2023, and to provide authorization and conditions for the operation of the Bureau's programs.

**NFIB Position:** Support



**Analysis:** The bill is the biennial appropriations bill for BWC operations and programs. The bill provides \$353.2 million in FY 2022 and \$361.9 million in FY 2023. NFIB successfully advocated for addition of three amendments that: synced statute of limitations on occupational disease claims with all others at one year, syncing wage replacement with temporary total disability for purposes of applying for permanent partial disability, and requiring new and changed circumstances in a permanent total disability claim before refiling.

**Status:** Introduced February 9, 2021. Passed the Ohio Senate on June 24, 2021, on a vote of 32-0. House concurrence on June 24, 2021, on a vote of 90-4. Signed by Governor DeWine.

[House Bill 75](#)

**INDUSTRIAL COMMISSION BUDGET** – House Bill 76 – Sponsored by Representative Scott Oelslager (R – Canton)

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2021, and ending June 30, 2023, and to provide authorization and conditions for the operation of Commission programs.

**NFIB Position:** Interested Party

**Analysis:** The bill is the biennial appropriations bill for IC operations and programs. It is a strict appropriations bill that provides \$54.8 million in FYs 2022 and 2023. NFIB monitors this budget for any amendments related to policy.

**Status:** Introduced February 9, 2021. Passed the Ohio House on March 25, 2021, on a vote of 94-1. Passed the Ohio Senate on May 19, 2021, on a vote of 32-0. Signed by Governor DeWine

[House Bill 76](#)

**UNEMPLOYMENT OVERPAYMENTS** – House Bill 139 – Sponsored by Representatives Lisa Sobecki (D – Toledo) and Jeff Crossman (D – Parma)

To allow the Director of Job and Family Services to waive the collection of certain unemployment benefit overpayments and to declare an emergency.

**NFIB Position:** Opposed

**Analysis:** The bill requires JFS to waive collection of unemployment overpayments if: the payment was between declared emergency and April 30, 2021, individual was not at fault for overpayment, and collection would cause an undue financial hardship. NFIB believes erroneous payments should be collected. The UC trust fund is insolvent, and Ohio is borrowing from the federal government.

**Status:** Introduced February 18, 2021. Pending before the Ohio House Insurance Committee.

[House Bill 139](#)

**WORKERS' COMP WORK FROM HOME CLAIMS** – House Bill 447 – Sponsored by Representative Brian Lampton (R – Beavercreek)

Regarding workers' compensation and employees who work from home.

**NFIB Position:** Interested Party

**Analysis:** The bill would restrict work from home workers' compensation claims except in limited circumstances. NFIB is aiming to ensure that work injury claims are not disallowed leading to other avenues for employers to be sued outside of the workers' compensation system.

**Status:** Introduced October 6, 2021. Passed the Ohio House on February 16, 2022, on a vote of 97-0. Passed the Ohio Senate on June 1, 2022, on a vote of 32-0. Signed by Governor DeWine.

[House Bill 447](#)

**UEMEMPLOYMENT CLAIMS VERIFICATION** – House Bill 568 & Senate Bill 302 – Sponsored by Representatives Mark Fraizer (R – Newark) and Derek Merrin (R – Waterville) and Senators Bob Hackett (R – London) and Bill Reineke (R – Tiffin)

To make changes to the Unemployment Compensation Law and to make an appropriation

**NFIB Position:** Support

**Analysis:** The bill requires ODJFS to data share with Taxation, Corrections, and Health to verify income eligibility, if a claimant is incarcerated, or if a claimant is deceased. The bill aims to address the rampant fraud and overpayments that sent over \$5 billion in erroneous payments. The bill creates a portal for employers to report individuals that are not meeting the work search, education, or training requirements for ongoing eligibility.



**Status:** Introduced February 9, 2022, and March 1, 2022, respectively. Senate Bill 302 passed the Ohio House on December 14, 2022, on a vote of 65-22. Ohio Senate concurrence on December 14, 2022, on a vote of 29-0.

[House Bill 568](#)

[Senate Bill 302](#)

**LOSS OF USE** – House Bill 676 – Sponsored by Representative Tom Brinkman (R – Cincinnati)

Regarding permanent partial disability awards under the Workers' Compensation Law.

**NFIB Position:** Support

**Analysis:** This bill will address a Ohio Supreme Court decision that allowed an individual who was fatally injured to receive both a death benefit under workers' compensation as well as loss of use for multiple body parts even though the injured worker did not regain consciousness. Current statute has scheduled payments for loss of use of body parts over a period of weeks. This bill clarifies that those scheduled benefits are only paid for weeks where the injured worker actually realized the loss of use of body parts.

**Status:** Introduced May 16, 2022. Pending before the Ohio House Civil Justice Committee.

[House Bill 676](#)

**UNEMPLOYMENT CLAIMS IDENTIFICATION** – Senate Bill 116 – Sponsored by Senators Bill Reineke (R – Tiffin) and Bob Hackett (R – London)

To require a person to provide proof of identity at a local employment office before receiving unemployment compensation or pandemic unemployment assistance and to declare an emergency.

**NFIB Position:** Interested Party

**Analysis:** The bill requires individuals to verify their identity in person prior to payment of benefits. This bill aims to address the rampant fraud that has plagued not only Ohio but the nation. There are currently no exemptions in the bill and no alternative means to supply

documentation. NFIB believes our system needs to better prevent fraud. We also want to ensure enactment of this bill would not require additional costs to administer borne by employers.

**Status:** Introduced March 3, 2021. Pending before the Ohio Senate Insurance Committee.

[Senate Bill 116](#)

**LEGISLATIVE OVERSIGHT OF UNEMPLOYMENT** – Senate Bill 228 –  
Sponsored by Senator Tim Schaffer (R – Lancaster)

To establish legislative oversight of executive action regarding voluntary federal unemployment compensation programs.

**NFIB Position:** Interested Party

**Analysis:** The bill would require legislative approval through a joint resolution before the executive branch could accept any additional unemployment compensation payments above what is afforded under state law. NFIB believes there are other implications of the bill that may trigger loss of funding for other unemployment systems upgrades, etc. NFIB will continue to monitor the progress of this bill.

**Status:** Introduced September 14, 2021. Pending before the Ohio Senate Insurance Committee.

[Senate Bill 228](#)

**UNEMPLOYMENT ELIGIBILITY EXPANSION** – Senate Bill 355 – Sponsored by  
Senator Teresa Fedor (D – Toldeo)

To reduce the monetary eligibility requirement for unemployment benefits.

**NFIB Position:** Opposed

**Analysis:** The bill lowers the threshold for eligibility for unemployment benefits. NFIB is trying to bring the system to solvency and this bill will only further tax a broken system. To be eligible for unemployment and individual has to have a meaningful tie to the workforce.

**Status:** Introduced July 21, 2022. Pending before the Ohio Senate Insurance Committee.

[Senate Bill 355](#)

## TORT REFORM/CIVIL JUSTICE

**ELIMINATE NON-ECONOMIC TORT DAMAGES CAP** – House Bill 199 –  
Sponsored by Representatives Kristin Boggs (D – Columbus) and  
Allison Russo (D – Upper Arlington)

To remove the cap on damages for noneconomic loss when a victim of rape or assault brings a tort action.

**NFIB Position:** Interested Party

**Analysis:** The bill removes the non-economic and compensatory damage caps in place for tort claims for victims of rape or assault. This bill does not require a conviction for any of the listed offenses allowing for potential recovery of damages against an individual or entity without proof of guilt. NFIB will monitor this bill carefully as it opens of Ohio's tort statutes as we have historically supported these caps.

**Status:** Introduced March 10, 2021. Pending before the Ohio House Civil Justice Committee.

[House Bill 199](#)

**CAMP OPERATOR QUALIFIED IMMUNITY** – House Bill 229 – Sponsored by  
Representatives Shane Wilkin (Lynchburg) and D.J. Swearingen (R –  
Huron)

To provide a qualified immunity to camp operators for harm arising from a risk inherent to camping.

**NFIB Position:** Support

**Analysis:** The bill provides qualified immunity for camp operators from risks inherent to camping. The bill requires signage to be posted that informs customer of such immunity. Immunity does not protect from willful or wanton disregard and other limiting factors. NFIB supports small businesses being protected from frivolous lawsuits. This bill provides a balance protecting customer and campground owner.

**Status:** Introduced March 23, 2021. Passed the Ohio Senate on January 26, 2022, on a vote of 25-8. House concurrence vote on February 9, 2022, on a vote of 60-31. Signed by Governor DeWine.

[House Bill 229](#)

**VACCINE MANDATE CAUSE OF ACTION** – House Bill 248 – Sponsored by Representative Jennifer Gross (R – West Chester)

To prohibit mandatory vaccinations, vaccination status disclosures, and certain other actions regarding vaccinations and to name this act the Vaccine Choice and Anti-Discrimination Act.

**NFIB Position:** Interested Party

**Analysis:** The bill prohibits employers from requiring employees receive any vaccination as a condition of employment. The bill further prohibits asking vaccine status or creating any sort of vaccine passport for individuals. There are new causes of action for employers to be sued under the bill. NFIB is monitoring to ensure new avenues for employers to be sued are eliminated.

**Status:** Introduced April 6, 2021. Pending before Ohio House Health Committee.

[House Bill 248](#)

**EMPLOYER MANDATED VACCINATION INJURY** – House Bill 401 – Sponsored by Representative Jay Edwards (R – Nelsonville)

To exempt an injury or disability caused by an employer-mandated COVID-19 vaccination from the Workers' Compensation Law and to allow the employee to sue the employer for damages.

**NFIB Position:** Opposed

**Analysis:** The bill creates a new cause of action and allows employees who were required to receive a COVID vaccination as a condition of employment. It specifically exempts this situation from coverage as a workplace injury handled through workers' compensation system and instead allows employers to be sued for an intentional tort. NFIB is opposed to new intentional torts. Especially in instances where

workers' compensation is already covering and compensating such injuries.

**Status:** Introduced August 24, 2021. Pending referral to committee in the Ohio House.

[House Bill 401](#)

**COVID VACCINE RESTRICTIONS & LIABILITY EXTENSION** – House Bill 435 – Sponsored by Representatives Rick Carfagna (R – Genoa Township) and Bill Seitz (R – Cincinnati)

To address COVID-19 vaccine requirements for employees and students; to extend certain timelines for qualified civil immunity and expand immunity to include hearing aid dealers and hearing aid fitters; to authorize emergency medical technicians to administer COVID-19 tests; to expressly cover COVID-19 vaccine injuries under the workers' compensation system; and to repeal sections 3792.05, 3792.06, 3792.07, and 3792.08 of the Revised Code on June 30, 2023.

**NFIB Position:** Interested Party

**Analysis:** The bill requires employers to allow current employees one of four exemptions from a COVID vaccine requirement including: religious, conscience, medical or natural immunity. Employees hired after effective date would not be able to avail themselves of any exemption. The bill extends the COVID liability protections for employers through June 30, 2023, the same day the bill's provisions sunset. NFIB is closely monitoring the progress of this bill. The bill is more narrowly tailored versus previous vaccine prohibition legislation which eviscerated Ohio's employment at-will doctrine. NFIB is supportive of extending the COVID liability protections from House Bill 606 from the 133<sup>rd</sup> General Assembly.

**Status:** Introduced September 27, 2021. Pending before the Ohio House Rules & Reference Committee.

[House Bill 435](#)

**OHIO FALSE CLAIMS ACT** – House Bill 533 – Sponsored by Representatives Jeff Crossman (D-Parma) and Paula Hicks-Hudson (D-Toledo)

Regarding filing false or fraudulent claims with the state and defrauding the state of money or property.

**NFIB Position:** Opposed

**Analysis:** The bill creates a state false claims act. While NFIB does not condone defrauding the state and its citizens, the bill empowers any individual to bring a suit on behalf of the state even if the State Attorney General does not participate. Although the bill has penalties for frivolous filings, there are costs associated with defending one's business, etc. NFIB feels the Attorney General has mechanisms in place to address when situations arise.

**Status:** Introduced January 18, 2022. Pending before the Ohio House Civil Justice Committee.

[House Bill 533](#)

**BUSINESS DISCRIMINATION** – House Bill 678 – Sponsored by Representatives Tom Young (R – Washington Township) and Scott Wiggam (R – Wooster)

To prohibit financial institutions and other businesses from discriminating against customers based on certain factors.

**NFIB Position:** Interested Party

**Analysis:** The bill prohibits financial institutions and other businesses from refusing to do business with an individual for certain reasons like social media posts, individual's employer, political affiliation, or membership in an organization. The bill also establishes fines of \$50,000 for first violation and \$250,000 for each subsequent violation. NFIB in no way condones discrimination. NFIB is concerned with new causes of action created under the bill and subjective interpretation of individuals as to why they were not allowed to conduct business with certain entities. NFIB will work with sponsors to understand the impetus for the bill and whether alternative solutions exist outside of new causes of action.

**Status:** Introduced May 16, 2022. Pending before the Ohio House Civil Justice Committee.

[House Bill 678](#)

**MEDICAL DISCRIMINATION BUSINESS PROTECTION ACT** – House Bill 679 – Sponsored by Representative Kris Jordan (R – Ostrander)

To prohibit taking certain actions against a business based on the vaccination status of its employees, patients, or patrons and to name this act the Medical Discrimination Business Protection Act.

**NFIB Position:** Interested Party

**Analysis:** The bill prohibits health insurance plans, political subdivisions, and state agencies (including licensure and/or accreditation) from treating any business differently based upon vaccination status of employees and/or customers. The bill allows for civil action in court. NFIB is monitoring this bill to understand if such situations have occurred. We do not want our members disparately treated based upon vaccination status.

**Status:** Introduced May 16, 2022. Pending before the Ohio House Civil Justice Committee.

[House Bill 679](#)

**SCOUT'S HONOR LAW** – House Bill 709 – Sponsored by Representatives Bill Seitz (R – Cincinnati) and Jessica Miranda (D – Cincinnati)

To enact the Scout's Honor Law to eliminate the limitations period for a civil action based on a claim of childhood sexual abuse only for purposes of filing claims against a bankruptcy estate.

**NFIB Position:** Interested Party

**Analysis:** The bill aims to ensure that victims of the Boy Scouts are able to receive full compensation. Current statute of limitations in Ohio are reducing these awards to 40-45% of what they should be. This bill is supposed to be narrowly tailored to impact only Boy Scouts. NFIB is monitoring to ensure that the bill remains narrow in scope and does not get expanded to reduce other, unrelated civil justice statutes of limitations.



**Status:** Introduced July 26, 2022. Amended into Senate Bill 199. Senate Bill 199 passed the Ohio House on December 1, 2022, on a vote of 71-6. Ohio Senate did not take up the message.

[House Bill 709](#)

**STATUTE OF LIMITATIONS ON CONTRACTS** – Senate Bill 13 and House Bill 53 – Sponsored by Senator George Lang (R – West Chester) and Representative Brett Hillyer (R – Uhrichsville)

To enact section 2305.117 of the Revised Code to shorten the period of limitations for actions upon a contract; to make changes to the borrowing statute pertaining to applicable periods of limitations; and to establish a statute of repose for a legal malpractice action.

**NFIB Position:** Support 

**Analysis:** The bill reduces the statute of limitations on oral and written contracts from 6 to 4 and 8 to 6 years respectively. Reduction will shorten tail of liability and free up capital to be redirected to other projects. This bill will bring Ohio in line with the national average. It provides less length of time for recordkeeping as well.

**Status:** Introduced January 21, 2021, and February 3, 2021. Passed the Ohio Senate on February 3, 2021, on a vote of 32-0 and the Ohio House on February 25, 2021, on a vote of 95-0. Signed by Governor DeWine.

[Senate Bill 13](#)

[House Bill 53](#)

**NON-RECOURSE LITIGATION FINANCING** – Senate Bill 94 – Sponsored by Senator Steve Wilson (R – Maineville)

To amend the law regarding the non-recourse civil litigation advance business.

**NFIB Position:** Support

**Analysis:** This bill will regulate the practice of non-recourse or third-party funding of civil litigation. The bill requires registration of entities offering such advances, disclosure to parties of presence of advance, interest rate caps for consumers and a prohibition on assignment to another party. The aim of the bill is to prevent entities that are not

party to the underlying lawsuit from directing or prolonging litigation potentially driving up costs of trial and or inhibiting settlements. NFIB supports a fair, stable legal climate. This bill will protect consumers and allow parties to know when an advance is present in a lawsuit.

**Status:** Introduced February 24, 2021. Pending before the Ohio Senate Judiciary Committee.

[Senate Bill 94](#)

## **ENERGY AND ENVIRONMENT**

**ENERGY EFFICIENCY PROGRAM** – House Bill 389 – Sponsored by Representatives Bill Seitz (R – Cincinnati) and David Leland (D – Columbus)

To permit electric distribution utilities to establish energy efficiency and peak demand reduction portfolios.

**NFIB Position:** Interested Party

**Analysis:** The bill allows electric utilities to create energy efficiency and peak demand reduction programs. The bill specifically exempts mercantile customers from the provisions of the bill, leaving residential and smaller commercial class as impacted entities. The bill permits a fee of up to \$1.50 per month, however, customers may opt-out of the provisions of the bill and they would not be subjected to the charge. NFIB is not supportive of mandating energy efficiency programs. The preference would be an opt-in vs. opt-out. We will continue to monitor the progress of the bill to understand potential electric rate impact to our members.

**Status:** Introduced August 12, 2021. Passed the Ohio House Public Utilities Committee on November 28, 2021, on a vote of 17-0. Pending vote of full Ohio House.

[House Bill 389](#)

**ELECTRIC REGULATION – DECOUPLING, ETC.** – Senate Bill 10 – Sponsored by Senator Mark Romanchuk (R – Ontario)

To terminate any approved decoupling mechanism, to modify the significantly excessive earnings determination for an electric security plan, and to provide refunds to retail electric customers in the state.

**NFIB Position:** Interested Party

**Analysis:** The bill eliminates the decoupling provisions of House Bill 6 from the 133<sup>rd</sup> that guaranteed revenue to certain utilities. The bill does not allow aggregation of entities for purposes of significant earnings test. Finally, the bill requires refunds to customers collected as a result of decoupling.

**Status:** Introduced January 21, 2021. Passed the Ohio Senate on February 17, 2021, on a vote of 33-0. Pending before the Ohio House Public Utilities Committee.

[Senate Bill 10](#)

**RENEWABLE PORTFOLIO & SOLAR INCREASE** – Senate Bill 89 – Sponsored by Senator Matt Dolan (R – Chagrin Falls)

To extend the renewable portfolio standard, increase solar energy benchmarks, and extend the property tax exemption for qualified energy projects that use renewable energy resources.

**NFIB Position:** Opposed

**Analysis:** The bill reinstates the renewal portfolio standards for electric utilities that were removed in House Bill 6. The bill requires 0.5% of generation for solar. The bill does extend property tax exemptions for qualified energy projects through 2030. NFIB members have opposed renewal energy mandates and believe the markets will naturally migrate based upon customer demands.

**Status:** Introduced February 24, 2021. Pending before the Ohio Senate Energy and Public Utilities Committee.

[Senate Bill 89](#)

**ELECTRIC VEHICLE INFRASTRUCTURE** – Senate Bill 307 – Sponsored by Senator Michael Rulli (R – Salem)

To authorize incentives for the manufacture and usage of electric vehicles, to permit electric distribution utilities to create, and recover costs of, transportation electrification programs, and to make an appropriation.

**NFIB Position:** Interested Party

**Analysis:** The bill creates incentives for the manufacturing and use of electric vehicles (EVs). The bill also creates a cost recovery mechanism for electric utility companies that build out EV charging stations on all electric customers statewide. NFIB is concerned with language that allows all prudent costs to be recovered and impact on electric bills.

NFIB is also concerned with granting financial rewards to utility companies that will make private investment in EV charging stations/infrastructure anti-competitive. NFIB will be monitoring and advocating for level competition to allow the private sector to develop this infrastructure w/out utility company monopoly.

**Status:** Introduced March 2, 2022. Pending before the Ohio Senate Energy and Public Utilities Committee.

[Senate Bill 307](#)

## **EDUCATION & WORKFORCE DEVELOPMENT**

**EDUCATION FUNDING FORMULA** – House Bill 1 – Sponsored by Representatives Jamie Callender (R – Concord) and Bride Rose Sweeney (D – Cleveland)

To create a new school financing system for fiscal year 2022 and each fiscal year thereafter.

**NFIB Position:** Interested Party

**Analysis:** The bill directs funding to schools, STEM schools or community schools based on enrollment, in lieu of sending to district to be distributed. Per LSC: This system specifies a unique base cost and a unique “per-pupil local capacity amount” for each city, local, and exempted village school district. Generally, a district’s per-pupil local capacity amount is subtracted from the district’s per-pupil amount of its base cost to determine the district’s per-pupil state share of the base cost. Each district’s foundation funding is equal to the district’s aggregate state share of the base cost plus targeted assistance, special education funds, economically disadvantaged funds, English learner funds, and gifted funds. These components of the system are phased-in over six years and subject to a guarantee for FY 2020 and for each fiscal year thereafter.

NFIB is interested in how this plan is funded. Preliminary estimates put the cost at \$2 billion when fully phased in. Given the financial constraints Ohio is facing due to the COVID-19 pandemic, natural growth will likely not be reliable. We will monitor to ensure small businesses are not bearing the burden of funding.

**Status:** Introduced February 3, 2021. Pending before the Ohio House Finance Committee. House Bill 1 was included in the Ohio House passed version of House Bill 110, the state operating budget.

[House Bill 1](#)

**BROADBAND EXPANSION** – Senate Bill 8 and House Bill 2– Sponsored by Senator Rob McColley (R – Napoleon) and Representatives Rick Carfagna (R – Genoa Township) and Brian Stewart (R – Ashville)

Regarding broadband expansion, including access to electric cooperative easements and facilities, and to make an appropriation.

**NFIB Position:** Support 

**Analysis:** The bill will provide state resources broadband developers in offsetting the cost associated between cost effectiveness of last mile broadband fiber and total cost to lay. The bill does have checks to make sure those who avail themselves of these resources deliver on providing access to under and unserved populations. NFIB heard throughout the pandemic about connectivity issues. For those geographic regions it puts employers, their employees and students as a competitive disadvantage. All Ohioans deserve the ability to operate on a level playing field and ensure access to high-speed internet to conduct business, upskill training and for school learning.

**Status:** Introduced January 21, 2021, and February 2, 2011. House Bill 2 passed the Ohio Senate on April 28, 2021, on a vote of 32-0. Ohio House concurrence on May 5, 2021, on a vote of 91-4. Signed by Governor DeWine.

[Senate Bill 8](#)

[House Bill 2](#)

**THIRD GRADE READING GUARANTEE ELIMINATION** – House Bill 497 – Sponsored by Representatives Gayle Manning (R- North Ridgeville) and Phil Robinson (D – Solon)

To eliminate retention under the Third Grade Reading Guarantee

**NFIB Position:** Interested Party

**Analysis:** The bill eliminates the requirement that a school district hold back a third-grader who has not met the reading guarantee. NFIB members have expressed concerns about the ability of students leaving school and entering the workforce. The elimination of a consequences of the reading guarantee may leave many students well behind their peers. Reading is a significant tool necessary for nearly every aspect of life.

**Status:** Introduced November 29, 2021. Passed the Ohio House on June 1, 2022, on a vote of 82-10. Pending referral to committee in the Ohio Senate.

[House Bill 497](#)

**DEPARTMENT OF EDUCATION REFORM** – Senate Bill 178 – Sponsored by Senator Bill Reineke (R – Tiffin)

To enact new section 3301.13 and section 3301.111; and to repeal sections 3301.13, 3302.101, and 3302.102 of the Revised Code to rename the Department of Education as the Department of Education and Workforce; to create the position of Director of Education and Workforce; and to reform the functions and responsibilities of the State Board of Education and the Superintendent of Public Instruction.

**NFIB Position:** Support

Analysis: The bill removes most of the responsibilities from the State Board of Education (SBOE) to a new cabinet-level position under the auspices of the governor and the newly named Department of Education and Workforce. Additionally, two deputies for K-12 and career tech will be created and sit on the Governor’s Workforce Transformation Board. NFIB members have long expressed frustration with the current education system. Remedial scores are way up, SBOE focusing on non-educational related issues, and a convoluted line of accountability, lead 85 percent of our members to support this change. The significant focus on career tech is incredibly important to NFIB members who are struggling to find graduates ready to enter the workforce.

**Status:** Introduced May 11, 2021. Passed the Ohio Senate on December 7, 2022, on a vote of 22-7. Pending before the Ohio House Primary and Secondary Education Committee.

[Senate Bill 178](#)



## **ELECTIONS AND CAMPAIGN FINANCE**

**JUDICIAL CANDIDATE PARTY AFFILIATION** – House Bill 149 and Senate Bill 80 – Sponsored by Representatives D.J. Swearingen (R – Huron) and Brian Stewart (R – Ashville) and Senators Theresa Gavarone (R – Bowling Green) and Jerry Cirino (R – Kirtland)

To require certain judicial candidates to appear on the ballot with a party designation.

**NFIB Position:** Interested Party

**Analysis:** The bill would add Ohio Supreme Court and Court of Appeals candidates to the list of candidates that have party affiliation indicated on ballots. NFIB will continue to monitor progress of the bill. NFIB believes the lack of party affiliation on the ballot may lead electors to vote based upon name and not judicial philosophy.

**Status:** Introduced February 23, 2021. Senate Bill 80 became the vehicle. Passed the Ohio Senate on April 21, 2021, on a vote of 24-9. Passed the Ohio House on June 25, 2021, on a vote of 52-37. Signed by Governor DeWine.

[House Bill 149](#)

[Senate Bill 80](#)