



**NFIB
LEGISLATIVE UPDATE**

**133rd OHIO
GENERAL ASSEMBLY**

FINAL

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BUDGET AND TAXES

LOCAL GOVERNMENT FUND INCREASE – House Bill 54 – Sponsored by Representatives Jack Cera (D – Bellaire) and John Rogers (D – Mentor-on-the-Lake)

To increase the proportion of state tax revenue allocated to the Local Government Fund from 1.66% to 3.53% beginning July 1, 2019.

NFIB Position: Interested Party

Analysis: The bill would increase the amount allocated to the local government fund based upon the total tax revenue credited to the general revenue fund (GRF) in the preceding month. NFIB will be closely monitoring any reallocation of GRF to ensure the business investor deduction is not whittled down.

Status: Introduced February 12, 2019. Pending before the Ohio House Ways and Means Committee.

[House Bill 54](#)

TRANSPORTATION BUDGET – House Bill 62 – Sponsored by Representative Scott Oelslager (R – Canton)

To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2019, and ending June 30, 2021, and to provide authorization and conditions for the operation of those programs.

NFIB Position: Interested Party

Analysis: Gov. DeWine proposed a \$.18 per gallon increase in the motor vehicle fuel tax annually indexed to consumer price index. The final version of the bill contained a bifurcated motor vehicle fuel tax of 10.5 cents on gasoline and 19 cents on diesel effective July 1, 2019. The bill also contained annual registration fees of \$200 on plug-in electric and \$100 on hybrid vehicles.

Status: Introduced February 12, 2019. Concurrence votes on April 2, 2019, of 70-27 in the Ohio House and 22-10 in the Ohio Senate. Signed by Governor DeWine on April 3, 2019.

[House Bill 62](#)

SALES TAX HOLIDAY EXPANSION – House Bill 135 – Sponsored by Representative Niraj Antani (R – Miamisburg)

To expand the class of products exempt from sales tax if bought during a sales tax holiday.

NFIB Position: Interested Party

Analysis: The bill expands the annual three-day sales tax holiday to increase the dollar amount of school supplies and instructional materials exempt from sales tax from \$20 to \$75. The bill further allows a laptop, netbook or tablet computer up to \$2,000 to be exempt. NFIB supported the permanent sales tax holiday in previous years. We remain supportive of the concept and believe these holidays help bolster sales at our retail members.

Status: Introduced March 14, 2019. Pending before the Ohio House Ways and Means Committee.

[House Bill 135](#)

STATE OPERATING BUDGET – House Bill 166– Sponsored by Representative Scott Oelslager (R – Canton)

Providing funding for the operations of the state for fiscal years 2020-2021 commencing on July 1, 2019.

NFIB Position: Interested Party

Analysis: The as-introduced bill contained no major tax policy, breaking from most recent previous budgets. As-introduced did contain a provision that mandates coverage for telemedicine services that are covered through in person visits on the fully-insured health insurance markets. The bill that passed the Ohio House contained a substantial reduction in the business investor deduction, that allows pass-through entities to deduct up to the first \$250,000 of business income and pay a flat 3 percent rate on business income above that. The House proposal dropped the amount to \$100,000 and eliminated the flat-rate. This is a \$528 million tax shift on small businesses to fund an across the board 6.6 percent personal income tax cut. NFIB is working diligently to undo the House passed changes. The House

did remove the telemedicine provision from the budget. Conference report reinstated the BID completely except for lawyers and lobbyists. The telemedicine mandate remains but prohibits facility fees. Unemployment compensation language eliminated meaning taxable wage base reverts to \$9,000 from \$9,500 Jan. 1. 2020.

Status: Introduced March 25, 2019. Conference vote on July 17, 2019, 75-17 in the Ohio House and 29-1 in the Ohio Senate. Signed by Governor DeWine on July 17, 2019.

[House Bill 166](#)

PTE WITHHOLDING RATES – House Bill 467 – Sponsored by Representative Gary Scherer (R – Circleville)

To reduce the pass-through entity withholding tax rate to four per cent.

NFIB Position: Interested Party

Analysis: The bill reduces pass-through entity withholding rates for out of state individuals and PTEs from nearly 5 percent and 8.5 percent respectively to 4 percent. These individuals have no tax obligation and the withholding by the PTE results in a process that requires these individuals to file for a refund. While elimination of the tax or reducing the rate to 3 percent (where business income is currently taxed) may be more ideal, the underlying policy is to ensure Dept. of Taxation is able to find those entities and individuals that have a tax obligation that are not following the law.

Status: Introduced January 14, 2020. Pending before the Ohio House Ways & Means Committee.

[House Bill 467](#)

MUNICIPAL TAX WITHHOLDINGS – House Bill 591 – Sponsored by Representative John Rogers (D – Mentor-on-the-Lake)

To suspend some employer municipal income tax withholding requirements during the COVID-19 state of emergency and to declare an emergency.

NFIB Position: Interested Party

Analysis: The bill forgives the municipal income tax withholding requirement for employer during the March 9, 2020, executive order related to covid-19. This forgiveness is extended to those employees that are working in a place other than their principal place of work as a result of the state of emergency. The treatment under this bill expires with the lifting of the order or July 8, 2020, whichever is earlier. NFIB believes this issue was addressed in House Bill 197 passed by the legislature and signed into law rendering this bill moot.

Status: Introduced March 25, 2020. Pending before the Ohio House Ways & Means Committee.

[House Bill 591](#)

TAX AMNESTY PROGRAM – House Bill 609 – Sponsored by Representative Thomas West (D – Canton)

To require the Tax Commissioner to administer a temporary amnesty program with respect to delinquent state-administered taxes and fees, to credit most collections to the Budget Stabilization Fund, to authorize property and sales and use tax exemptions, to amend the law related to orders of the Department of Health, to repeal Section 4 of this act on July 16, 2021, and to make an appropriation.

NFIB Position: Support 

Analysis: The bill began as a tax amnesty program. The bill was amended in the Ohio Senate to include language that states “The director shall not issue any statewide order or generally applicable order for preventing the spread of contagious or infectious diseases under this section that imposes different duties, obligations, requirements, or standards upon similarly situated businesses.” NFIB believes it is unfair for government to pick winners and losers and this language prevents such actions.

Status: Introduced April 16, 2020. Passed the Ohio House on May 20, 2020, on a vote of 95-0. Passed the Ohio Senate on December 22, 2020, on a vote of 31-0. House did not concur.

[House Bill 609](#)

MUNICIPAL TAX WITHHOLDING COVID – Senate Bill 352 & House Bill 754 –
Sponsored by Senator Kristina Roegner (R – Hudson) and
Representative Kris Jordan (R – Delaware)

To repeal Section 29 of H.B. 197 of the 133rd 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 a temporary law put in place that would have created a paperwork burden for employers whose employees are working from home due to COVID. Temporary law states that employers withhold to the principal work location as opposed to where the employee lives. This bill would require withholding to taxing jurisdiction (if any) where the employee resides arguing the employee is utilizing services in their jurisdiction, not where the business is located. NFIB is working to better understand the impacts on our members. This will likely cause revenue shifting from bigger cities to smaller.

Status: Introduced August 11, 2020 and August 31, 2020. Pending before the Ohio Senate Local Government, Public Safety and Veterans Affairs Committee and the Ohio House Ways and Means Committee.

[Senate Bill 352](#) [House Bill 754](#)

STATE GOVERNMENT

WORKFORCE DEVELOPMENT GRANT PROGRAM – House Bill 2 – Sponsored by Representatives Jon Cross (R – Findlay) and Michelle Lepore-Hagan (D – Youngstown)

To create the TechCred Program and the Individual Microcredential Assistance Program, to develop a grant program to support industry sector partnerships, and to make an appropriation.

NFIB Position: Support 

Analysis: The bill establishes the programs above. Criteria for eligibility for TechCred include current on taxes, reimbursement only for in-state employees, and registered to do business in the state. Also requires employers to demonstrate a wage increase equal to double the amount of the grant for incumbent employees that receive a microcredential. Makes prospective employees eligible for program as well. Permits individuals to seek reimbursement for microcredentialing as well. Appropriates not less than \$2.5 million annually for businesses with fewer than 50 employees. NFIB supports the idea of assisting employers in getting additional training for their employees. The new skills developed and credentialed will benefit employers, their employees and the state. A lot of the funding for the program included in state operating budget.

Status: Introduced May 13, 2019. Conference Committee report passed the Ohio Senate on December 11, 2019, on a vote of 31-0, and the Ohio House on December 12, 2019, on a vote of 85-2.

[House Bill 2](#)

DEVELOP CREDENTIAL AND CERTIFICATE PROGRAMS – House Bill 4 – Sponsored by Representative Tracy Richardson (R – Marysville)

To permit the Governor's Office of Workforce Transformation to develop industry-recognized credentials and certificate programs.

NFIB Position: Support

Analysis: The bill permits employers to submit recommendations for new industry-recognized credentials and certificate programs to the Office of Workforce Transformation to be approved by the Chancellor of Higher Education. These entities, in consultation with stakeholders, including the business community, will develop the program. Preference will be given proposed new credentials or certificate programs that are on the list of in-demand jobs maintained by Dept. of Job & Family Services. NFIB supports business input in the process to develop credentials and certificates that make our members' employees better skilled. This is necessary to ensure that the actual needs of business owners are heard and considered and certificates and programs are not just developed in a vacuum. Portions of this bill included in operating budget.

Status: Introduced May 16, 2019. Passed the Ohio House on June 6, 2019, on a vote of 89-0. Passed the Ohio Senate on December 11, 2019, on a vote of 31-0.

[House Bill 4](#)

MINIMUM WAGE INCREASE – House Bill 34 and Senate Bill 90– Sponsored by Representative Brigid Kelly (D – Cincinnati) and 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 \$15.00 per hour by January 1, 2023, and index to inflation in subsequent years. The bill also permits local governments to set a higher minimum wage than the state and requires employers that have employees in multiple locations to compensate all their employees at the highest minimum wage based upon locale. NFIB opposes any attempt at setting a minimum wage as the market should dictate wages. Small employers are least able to absorb this government mandate and will have to make tough decisions on benefit packages, schedules and employment.

Status: Introduced February 12, 2019, and March 6, 2019. Pending before the Ohio House Commerce and Labor Committee and Ohio Senate Government Oversight and Reform Committee.

[House Bill 34](#)

[Senate Bill 90](#)

BUSINESS CREDIT REPORTS – House Bill 38 – Sponsored by Representative Brett Hillyer (R – Uhrichsville)

To require a commercial credit reporting agency to provide credit reports to businesses and to establish a procedure whereby a business may dispute statements on the report.

NFIB Position: Interested Party

Analysis: The bill allows a business to request a commercial credit report annually and requires a reporting agency to furnish. It allows a business to file a dispute against items contained within and requires action by the reporting agency to either remove or make a notation of objection. The bill as introduced permitted a cause of action against a credit reporting company, but the substitute bill eliminated.

Status: Introduced February 12, 2019. Passed the Ohio House on February 20, 2020, on a vote of 91-1. Passed the Ohio Senate Insurance & Financial Institutions Committee on December 9, 2020, on a vote of 12-0. Pending a floor vote before the full Ohio Senate.

[House Bill 38](#)

COMMERCIAL ROOFING CONTRACTOR LICENSURE – House Bill 199 – Sponsored by Representative Tom Patton (R – Strongsville)

To require commercial roofing contractors to have a license.

NFIB Position: Interested Party

Analysis: The bill requires commercial roofing contractors to be licensed in Ohio. The bill expands the Ohio Construction Industry Licensing Board to include a roofing section. Requires licensees to be in operation in Ohio for at least three years, pay a fee to be set by board and to carry contractor's liability insurance of at least \$500,000. NFIB will carefully monitor this bill as we want to ensure smaller operators are not forced out by too onerous of licensure criteria. NFIB

supports reducing barriers of entry into occupational fields to be balanced by ensuring there are not nefarious actors undercutting our existing members and doing damage to consumers.

Status: Introduced April 16, 2019. Passed the Ohio House on November 18, 2020, on a vote of 64-23. Pending before the Ohio Senate Transportation, Commerce and Workforce Committee.

[House Bill 199](#)

AUXILIARY CONTAINERS – House Bill 242 and Senate Bill 222 – Sponsored by Representatives George Lang (R – West Chester) and Don Jones (R – Freeport) and Senator Michael Rulli (R – Salem)

To authorize the use of an auxiliary container for any purpose, to prohibit the imposition of a tax or fee on those containers, and to apply existing antilittering law to those containers.

NFIB Position: Support 

Analysis: The bill prohibits local governments from creating a patchwork of laws regarding auxiliary containers such as bags and cups. This will preserve uniform statewide law and not lead to small business owners having to adjust point of sale systems based upon municipal boundaries. Further protects against inadvertently running afoul of the law. Senate amended to sunset after twelve months.

Status: Introduced May 13, 2019 and October 15, 2019. HB 242 passed the Ohio House on December 11, 2019, on a vote of 58-35 and the Ohio Senate on May 27, 2020, on a vote of 23-9. House concurrence on September 23, 2020, on a vote of 58-35. Signed by Governor DeWine.

[House Bill 242](#) [Senate Bill 222](#)

OCCUPATIONAL LICENSURE FOR APPRENTICES – House Bill 258 – Sponsored by Representative Jena Powell (R – Arcanum)

To require a licensing authority to issue an occupational license to an applicant who completes a registered apprenticeship program and meets other requirements for licensure.

NFIB Position: Interested Party

Analysis: The bill requires occupational licensing boards to grant a license to applicants that complete either complete an apprenticeship program, pass an exam or meets requirements unrelated to education or experience. Bill prohibits a licensing board from requiring individuals to take an exam, or require a higher passing grade, if others are not required to do so. NFIB supports reducing barriers to employment and believes that licensing boards treating similarly situated candidates is inappropriate.

Status: Introduced May 23, 2019. Pending before the Ohio House Economic and Workforce Development Committee.

[House Bill 258](#)

MINIMUM WAGE INCREASE – House Bill 391 – Sponsored by Representatives Kent Smith (D – Euclid) and Lisa Sobecki (D – Toledo)

To increase the state minimum wage to ten dollars and fifty-five cents per hour beginning January 1, 2021.

NFIB Position: Opposed

Analysis: The bill would increase Ohio’s minimum wage to \$10.50 per hour on 1/1/21. It also, per the Ohio Constitution, adjusts annually. NFIB believes the market should set employee wages. NFIB Research Foundation also has analyzed the impact of artificial increases in minimum wage and negative impacts on job availability.

Status: Introduced November 5, 2019. Pending before the Ohio House Commerce & Labor Committee.

[House Bill 391](#)

COSMETOLOGY LICENSURE REFORM – House Bill 399 and Senate Bill 245 – Sponsored by Representative Jena Powell (R – Arcanum) and Senator Kristina Roegner (R – Hudson)

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. 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 November 6, 2019, and November 26, 2019, in respective chambers. Pending before the Ohio House State & Local Government Committee and the Ohio Senate Transportation Commerce & Workforce Committee.

[House Bill 399](#) [Senate Bill 245](#)

OCCUPATIONAL LICENSURE REFORM – House Bill 452 – Sponsored by Representatives Shane Wilkin (R – Lynchburg) and Jason Stephens (R – Kitts Hill)

To revise and streamline the state's occupational regulations.

NFIB Position: Interested Party

Analysis: The bill is currently a placeholder to address some of the occupational licenses that have been reviewed per Senate Bill 255 (from the 132nd GA). NFIB is interested in right-sizing our occupational licensure structure to ensure Ohio is not creating unnecessary barrier to entry.

Status: Introduced December 17, 2020. Pending before the Ohio House State & Local Government Committee.

[House Bill 452](#)

WATER QUALITY RULES – House Bill 497 – Sponsored by Representatives Mary Lightbody (D – Westerville) and Allison Russo (D – Upper Arlington)

To require the Director of Environmental Protection to adopt rules establishing maximum allowable contaminant levels in drinking water and water quality standards for certain contaminants.

NFIB Position: Interested Party

Analysis: The bill, per the title, requires EPA to adopt new rules on certain contaminants in drinking water. The bill focuses on PFAS, or forever chemicals, that have been in the news lately. The chemicals exist on nearly all materials used by individuals including cooking pans, clothes, etc.

Status: Introduced February 6, 2020. Pending before Ohio House Health Committee.

[House Bill 497](#)

BUSINESS FAIRNESS ACT – House Bill 621 – Sponsored by Representatives Jon Cross (R – Findlay) and Shane Wilkin (R – Lynchburg)

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

NFIB Position: Interested Party

Analysis: The bill stipulates if a business is closed due to a Dept. of Health order, they can continue or resume operations if products are available for sale at a business allowed to continue operating and they comply with safety precautions the order requires of businesses that are allowed to remain open. The bill aims to allow businesses that a selling similar products to those that have not been shut to continue to operate. Many businesses were frustrated that their competitors remained open but they were not able to do so.

Status: Introduced May 7, 2020. Passed the Ohio House on November 11, 2020, on a vote of 77-10. Pending before the Ohio Senate Transportation, Commerce and Workforce Committee.

[House Bill 621](#)

REPEAL PREVAILING WAGE LAW – House Bill 663 – Sponsored by Representatives Ron Hood (R – Ashville) and Bill Dean (R – Xenia)

To repeal the Prevailing Wage Law

NFIB Position: Support

Analysis: The bill would repeal prevailing wage law in Ohio which sets a minimum pay scale on a regional basis typically tied to a union wage. NFIB members have historically opposed prevailing wage as it

can increase amount of bids on projects and crowd out smaller contractors.

Status: Introduced May 19, 2020. Pending before the Ohio House Commerce & Labor Committee.

[House Bill 663](#)

STATE AGENCY REGULATORY REDUCTIONS – Senate Bill 1 and House Bill 115 – Sponsored by Senators Rob McColley (R – Napoleon) and Kristina Roegner (R – Hudson) and Representatives Craig Riedel (R – Defiance) and Bill Roemer (R)

To require certain agencies to reduce the number of regulatory restrictions and to amend the versions of sections 106.021 and 106.03 of the Revised Code that are scheduled to take effect August 18, 2019, to continue the provision of this act on and after that effective date.

NFIB Position: Support 

Analysis: The bills require state agencies to hit percentage benchmarks for regulatory restricting rule reductions in Ohio Administrative Code seeking a 30% target by 2023. The bill further indicates any agency that does not meet the 30% will have to jettison two regulatory restrictive rules for every one proposed. The bill requires a cataloging of all rules by state agencies and sets that as a baseline going forward restricting the state from having more than 70% of that baseline number of rules in effect. 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. Portions of SB 1 included in operating budget, minus the 30% requirement. Bill was amended in House to include language restricting the length of an order from executive branch with respect to business closure.

Status: Introduced February 12, 2019, and March 4, 2019. Concurrence on conference committee report in Ohio Senate on

December 3, 2020, on a vote of 25-8. Pending concurrence on conference committee report in the Ohio House.

[Senate Bill 1](#) [House Bill 115](#)

HEMP DECRIMINALIZATION – Senate Bill 57 – Sponsored by Senators Brian Hill (R – Zanesville) and Stephen Huffman (R – Tipp City)

To decriminalize hemp and hemp products and to establish a hemp cultivation licensing program.

NFIB Position: Support

Analysis: The bill decriminalizes hemp and hemp products following 40 other states that did so following the US Farm Bill of 2018 removing hemp from the Controlled Substances Act. This will allow farmers to grow, manufacturers to produce products and retailers to sell these products. It provides a benefit to all three industries.

Status: Introduced February 20, 2019. Passed the Ohio House on a vote of 89-3 on July 17, 2019. Senate concurrence on a vote of 31-0 on July 17, 2019.

[Senate Bill 57](#)

RESIDENTIAL CONTRACTOR LICENSE – Senate Bill 176 – Sponsored by Senator Tim Schaffer (R – Lancaster)

To license residential only construction contractors and to make changes to the law regulating specialty construction contractors.

NFIB Position: Interested Party

Analysis: The bill establishes a residential contractor license and a new universal license for commercial and residential specialty contractors. NFIB is always skeptical of requiring additional licensure requirements that are not already in place concerned that it is an attempt to limit competition. We will monitor the bill to ensure no undo burdens are cast upon our existing members that do residential contracting work.

Status: Introduced July 11, 2019. Pending before the Ohio Senate Transportation, Commerce and Workforce Committee.

[Senate Bill 176](#)

WORKFORCE-EDUCATION PARTNERSHIP PROGRAM – Senate Bill 181 –
Sponsored by Senator Bill Coley (R – Liberty Township)

To require the Chancellor of Higher Education to create a template for workforce-education partnership programs.

NFIB Position: Interested Party

Analysis: The bill requires the Chancellor of Higher Education to create a template to establish a workforce-education partnership program for both employers and students/employees with the goal of having students/employees graduate without student debt. The bill stipulates providing guidance and resources to employers and students/employees to find funding sources, mentors, etc. To be eligible the individual must be at least half-time and a paid employee of an employer participating in the program. The bill does require employers to establish an educational assistance program pursuant to IRS 127 plan. NFIB supports the concept of private employers and higher education working in concert to provide opportunities to degree attainment without incurring significant debt.

Status: Introduced August 9, 2019. Pending the Ohio Senate on November 6, 2019, on a vote of 33-0. Pending before the Ohio House Higher Education Committee.

[Senate Bill 181](#)

OUT-OF-STATE LICENSURE RECOGNITION – Senate Bill 246 and House Bill 432 – Sponsored by Senators Kristina Roegner (R – Hudson) and Rob McColley (R – Napoleon) and Representatives George Lang (R – West Chester) and 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 November 26, 2019, and December 4, 2019, in their respective chambers. Pending before the Ohio Senate General Government & Agency Review and Ohio House State & Local Government Committee.

[Senate Bill 246](#) [House Bill 432](#)

ADULT CHANGING STATIONS – Senate Bill 249 and House Bill 601 –
Sponsored by Senator Peggy Lehner (R – Kettering) and Representative Rick Perales (R – Beaver creek)

To enact Matthew's Law, requiring public buildings to have at least one rest room facility with an adult changing station and authorizing an income tax credit for installation.

NFIB Position: Interested Party

Analysis: The bill requires any building that hosts the public to install an adult changing station table. The bill does permit a tax credit for installation capped at \$250 and allows for a hardship exemption. NFIB in general does not support these mandates as it is a cost of doing business that is required from government however, it does allow an exemption from the mandate. NFIB would prefer businesses to respond to their customers and provide this when demand is present.

Status: Introduced December 2, 2019, and April 6, 2020. Pending before the Ohio Senate Transportation, Commerce & Workforce Committee and the Ohio House State and Local Government Committee.

[Senate Bill 249](#) [House Bill 601](#)

LLC REFORM – Senate Bill 276 – Sponsored by Senators Kristina Roegner (R – Hudson) and Nathan Manning (R – North Ridgeville)

To enact the Ohio Revised Limited Liability Company Act.

NFIB Position: Interested Party

Analysis: The bill overhauls the entire LLC code. Three major changes according to the Legislative Service Commission:

1: Under current law, a limited liability company (LLC) may be managed by its members or by managers, and the OLLCA spells out the authority members and managers have in each scenario. The ORLLCA does away with this distinction and instead provides that a person’s authority to bind the LLC must be determined by referencing the operating agreement, decisions of the members in accordance with the operating agreement, or the ORLLCA’s default rules.

2: Under the current OLLCA, there are no statutory penalties for an LLC that fails to maintain a statutory agent, although there may be other legal consequences. The ORLLCA requires the Secretary of State to cancel an LLC that fails to maintain a statutory agent, but allows the company to be reinstated upon appointment of a new agent.

3: Lastly, in contrast to the current OLLCA, the ORLLCA allows an LLC to establish one or more designated series of assets that are associated with at least one member and that have separate rights, powers, duties, liabilities, purposes, or investment objectives. NFIB will monitor the progress of this bill which has been introduced as a clean up and updating of existing LLC statute.

Status: Introduced February 11, 2020. Passed the Ohio House on December 17, 2020, on a vote of 83-1. Ohio Senate concurrence on December 18, 2020, on a vote of 29-0.

[Senate Bill 276](#)

PRICE GOUGING – Senate Bill 301 – Sponsored by Senators Nathan Manning (R – North Ridgeville) and Steve Wilson (R – Maineville)

To make changes to the Ohio Consumer Sales Practices Act and to declare an emergency.

NFIB Position: Opposed

Analysis: The bill gives broad powers to the Ohio Attorney General. The bill puts restrictions on selling and purchasing of certain products during a state of emergency. AG will determine limits and what products applicable to. Also prohibits selling of product that is grossly in excess (a term not defined in the bill) of sale price before emergency. Violations are considered violations of the consumers sales practices act. NFIB is concerned about the ability of a government official to determine what constitutes grossly. The bill currently is too wide open and will inevitably subject folks to violations when there purchasing ability is not equal to larger entities.

Status: Introduced April 8, 2020. Pending before the Ohio Senate Judiciary Committee.

[Senate Bill 301](#)

PROHIBIT RELOCATION LICENSE FEES – Senate Bill 314 – Sponsored by Senator Andrew Brenner (R – Powell)

To prohibit state agencies from charging a fee to professional license holders in relation to a business relocation during the COVID-19 declared state of emergency and to declare an emergency.

NFIB Position: Support

Analysis: The bill prohibits a state agency from charging a fee to license holders for business relocation during the COVID pandemic. NFIB believes state government should not be adding to the economic and financial challenges faced by businesses during the pandemic. Waiving fees is appropriate given current circumstances.

Status: Introduced May 19, 2020. Pending before the Ohio Senate Government and Agency Review Committee.

[Senate Bill 314](#)

HEALTHCARE

PROHIBIT ABORTION COVERAGE – House Bill 182 – Sponsored by Representative John Becker (R – Union Township)

To prohibit insurers from offering coverage for abortion services.

NFIB Position: Opposed

Analysis: The bill is a mandate in that it prohibits an insurer from providing coverage for certain services. NFIB has long opposed mandates on health insurance as it distorts the free market. Federal law requires coverage of such services and thus any ACA compliant plan will have this coverage and trump this proposed state law.

Status: Introduced April 3, 2019. Pending before the Ohio House Insurance Committee.

[House Bill 182](#)

CHILD HEARING AID MANDATE – House Bill 243 – Sponsored by Representatives Casey Weinstein (D – Hudson) and Allison Russo (D – Upper Arlington)

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 May 13, 2019. Pending before the Ohio House Health Committee.

[House Bill 243](#)

UNIVERSAL HEALTHCARE – House Bill 292 – Sponsored by Representatives Michael Skindell (D – Lakewood) and Bernadine Kennedy-Kent (D – Columbus)

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 the competitive market for health insurance in favor of a universal, government run program. The bill is funded through employer payroll assessments of no more than 3.85% in first year, assessments on gross receipts of employers not to exceed 3% in the first year, assessments on income tax of 6.2% and for those earning over \$200,000 an additional 5%.

Status: Introduced June 19, 2019. Pending before the Ohio House Health Committee.

[House Bill 292](#)

INSULIN CO-PAY RESTRICTION – House Bill 387 and Senate Bill 232 – Sponsored by Representatives Beth Liston (D – Dublin) and Kristin Boggs (D – Columbus) and Senators Hearcel Craig (D – Columbus) and Nickie Antonio (D – Lakewood)

To cap cost-sharing for prescription insulin drugs.

NFIB Position: Interested Party

Analysis: The bill restricts the ability of health plans to institute a co-pay for insulin above \$100 per 30-day supply. NFIB is always concerned about arbitrary caps put in place on health insurance products that are not actuarially based. NFIB is concerned about what impact such legislation may have on overall premiums charged to our members as capping a drug cost will result in readjusting of premiums to make up lost costs.

Status: Introduced November 5, 2019 in the Ohio House and November 4, 2019 in the Ohio Senate. Pending before the Ohio House Health Committee. Pending before the Ohio Senate Finance Subcommittee on Health & Medicaid.

SURPRISE BILLING – House Bill 388 – Sponsored by Representative Adam Holmes (R – Nashport)

Regarding out-of-network care

NFIB Position: Interested Party

Analysis: This bill aims to address surprise medical bills received by consumers for out-of-network providers. The bill differs from Senate Bill 198. This bill requires providers to accept one of three statutorily explained reimbursements. Arbitration is an option but the results of arbitration are not picking one side versus the other like SB 198, instead reviewing accuracy of payment not adequacy. This bill also requires a 70/30 (loser/winner) split on arbitration costs unlike 198 which requires loser to pay costs. NFIB continues to monitor these bills and our federal team monitors activities in Congress. NFIB aims to ensure whatever policy is enacted not only protects individuals from surprise bills but our members from picking up any associated premium spikes as a result.

Status: Introduced November 5, 2019. Passed the Ohio House on May 20, 2020, on a vote of 95-0. Passed the Ohio Senate on December 22, 2020, on a vote of 26-5.

[House Bill 388](#)

ACA STATE CONTINUATION – House Bill 390 – Sponsored by Representatives Jeff Crossman (D – Parma) and Randy Clites (D – Ravenna)

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 November 5, 2019. Pending before the Ohio House Insurance Committee.

[House Bill 390](#)

PRESCRIPTION DRUGS/MEDICATION SWITCHING – House Bill 418 – Sponsored by Representatives Randi Clites (D – Ravenna) and Sara Carruthers (R – Hamilton)

Regarding prescription drugs and medication switching.

NFIB Position: Interested Party

Analysis: The bill limits the ability of insurance companies to restrict or move prescription drugs on their formulary, at least during a policy year. While predictability and stability is a key tenet for our members, one provision that NFIB will continue to evaluate restricts prior authorization for medications. This practice can help reduce overall costs on health insurance plans our members purchase.

Status: Introduced November 19, 2019. Passed the Ohio House Health Committee on December 2, 2020, on a vote of 13-2. Pending a floor vote before the full Ohio House.

[House Bill 418](#)

MENTAL HEALTH PARITY COMPLIANCE – House Bill 443 and Senate Bill 254 – Sponsored by Representatives Phil Plummer (R – Dayton) and Allison Russo (D – Upper Arlington) and Senators Teresa Gavarone (R – Bowling Green) and Sean O'Brien (D – Bazetta)

Regarding mental health and substance use disorder benefit parity.

NFIB Position: Interested Party

Analysis: The bill requires insurance companies in conjunction with the Dept. of Insurance to demonstrate compliance with the federal mental health parity act. The bill also has restrictions on where medications may fall with respect tiering and step-therapy. NFIB is working to understand what, if any, effects these provisions may have

on our members' health insurance premiums. NFIB has pushed back on disallowing step-therapy in health insurance plans as a means to potentially recognize cost savings. We continue to monitor long-term implications of this bill on overall health insurance premiums on the markets these bills impact: small group and individual where our member purchase insurance.

Status: Introduced December 9, 2019, and December 11, 2019, respectively. Provisions that required Ohio compliance with federal law amended into Senate Bill 284.

[House Bill 443](#) [Senate Bill 254](#)

ENDOMETRIOSIS MANDATE – House Bill 451 – Sponsored by Representative Fred Strahorn (D – Dayton)

To require health plan issuers to cover endometriosis and to require the creation of information materials on endometriosis.

NFIB Position: Opposed

Analysis: The bill mandates the small-group and individual health insurance plans cover this condition. While well intentioned, the bill has limited impact and will likely lead to upward pressure on health insurance premiums.

Status: Introduced December 17, 2019. Pending before the Ohio House Insurance Committee.

[House Bill 451](#)

PROHIBIT SOME COST-SHARING PRACTICES – House Bill 469 – 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 to 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 January 14, 2020. Pending before the Ohio House Health Committee

[House Bill 469](#)

EPINEPHRINE & GLUCAGON MANDATE – House Bill 512 – Sponsored by Representative John Rogers (D – Mentor-on-the-Lake)

To enact sections 3902.50 and 5164.092 of the Revised Code regarding insurance and Medicaid coverage of epinephrine and glucagon.

NFIB Position: Opposed

Analysis: The bill puts a cap on out-of-pocket costs for individuals for epinephrine and glucagon at \$100 per prescription fill. This bill is a health insurance mandate. While capping costs seemingly limits impact to individuals, any costs that exceed \$100 are paid by the insurance company and built into premiums for subsequent years. NFIB opposes health insurance mandates, not on coverage or provider merits, but on inequity to the fully-insured market that bears the entire private-sector costs.

Status: Introduced February 18, 2020. Pending before the Ohio House Insurance Committee.

[House Bill 512](#)

PROHIBIT GREATER COST SHARING – House Bill 547 – 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 March 10, 2020. Pending before the Ohio House Insurance Committee.

[House Bill 547](#)

RX COVERAGE STATE OF EMERGENCY – House Bill 568 – Sponsored by Representative Randi Clites (D – Ravenna)

To require insurance and Medicaid coverage of a ninety-day supply of certain covered drugs and to declare an emergency.

NFIB Position: Interested Party

Analysis: The bill requires health insurance plans to dispense up to a 90-day supply of medications to insureds with no greater cost sharing requirement than under smaller supplies during a declared state of emergency by the Governor. The bill does not require coverage for drugs not currently covered under plans. NFIB is monitoring to ensure the bill is not expanded to provide this additional requirement absent state of emergency. Plans tend to limit drug supplies for various reasons to help prevent premium impacts.

Status: Introduced March 23, 2020. Pending before the Ohio House Insurance Committee.

[House Bill 568](#)

COVID-19 TESTING MANDATE – House Bill 579 – Sponsored by Representative Allison Russo (D – Upper Arlington)

To require health insurers to cover COVID-19 testing and treatment, to prohibit balance billing, to make an appropriation, and to declare an emergency.

NFIB Position: Interested Party

Analysis: This bill creates a health insurance mandate requiring all fully-insured plans to provide coverage for covid-19 testing and treatment and not allow for balance billing. NFIB has been supportive of actions taken by the administration in working with entities to deal with the pandemic. This bill has been addressed in part at the federal level thus rendering this bill moot. The bill also fails to address self-insured entities that will not be subjected to the bills provisions leaving small businesses and individuals to deal with any premium impacts.

Status: Introduced March 23, 2020. Pending before the Ohio House Insurance Committee.

[House Bill 579](#)

COVID-19 TELEMEDICINE COVERAGE – House Bill 580 – Sponsored by Representatives Beth Liston (D – Dublin) and Tom Patton (R – Strongsville)

To require health plan issuers to cover telemedicine services during a state of emergency, and to declare an emergency.

NFIB Position: Interested Party

Analysis: The bill requires fully-insured health plans to cover a wide swath of healthcare providers services through telemedicine. NFIB supports the concept of telemedicine as means to provide access and recognize cost efficiencies. This bill requires parity payment for these services, an issue that was addressed in the state operating budget.

Status: Introduced March 23, 2020. Pending before the Ohio House Insurance Committee.

[House Bill 580](#)

HEARING AID MANDATE UNDER 22 – House Bill 656 – Sponsored by Representative Tavia Galonski (D – Akron)

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

NFIB Position: Opposed

Analysis: The bill requires fully-insured health plans to provide coverage up to \$1,400 every three years for hearing aids for individuals under 22 years of age. NFIB opposes health insurance mandates as they are only applicable on the fully-insured market representing approximately 14 percent of the eligible private market. NFIB welcomes discussions on how coverage can be achieved for all when a public health need arises.

Status: Introduced May 19, 2020. Pending referral to committee in the Ohio House.

[House Bill 656](#)

HEALTH INSURANCE PROMPT PAY LAW – House Bill 691 – Sponsored by Representatives Susan Manchester (R – Waynesfield) and Phil Plummer (R – Dayton)

To enact section 5167.104 of the Revised Code to amend the prompt pay requirements for providers and third-party payers and to include Medicaid managed care organizations.

NFIB Position: Interested Party

Analysis: The bill expedites the timeframe in which a health insurance plan must pay a claim from 45 days to 5 days. The bill also limits plans from requesting certain documentation including payment. This bill has the potential to significantly increase premiums as plans will not be able to request documentation for charges and lead to premium payers (employers) experience increased premiums to offset increased payments from plans. NFIB will be advocating to eliminate this provision to ensure integrity in provider billing.

Status: Introduced June 8, 2020. Pending before the Ohio House Insurance Committee

[House Bill 691](#)

HEALTH INSURANCE CLAIM DATA – Senate Bill 9 – Sponsored by Senator Matt Huffman (R – Lima)

To require health plan issuers to release certain claim information to group plan policyholders.

NFIB Position: Support 

Analysis: The bill requires health insurance companies to provide claim information to group plan policy holders covering 50 or more full-time employees. The intent is to allow small businesses to take this information and shop the market with various carriers. NFIB is very supportive of transparency but questions if releasing this data could have the unintended consequence of disclosing individual employee claims information and costs, violating HIPAA. NFIB supports this concept and would like to see expansion to plans with smaller covered lives that are not ACA plans.

Status: Introduced February 12, 2010. Conference committee report concurrence vote in Ohio Senate on December 9, 2020, on a vote of 30-0, and the Ohio House on December 17, 2020, on a vote of 81-8.

[Senate Bill 9](#)

NON-OPIOID THERAPY COVERAGE MANDATE – Senate Bill 51 – Sponsored by Senator Tina Maharath (D – Canal Winchester)

Regarding non-opioid directives and non-opioid therapies.

NFIB Position: Opposed

Analysis: The bill requires health insurance companies to provide coverage for non-opioid therapies for pain including chiropractic, oriental medicine, acupuncture, and services of osteopathic practitioners. NFIB is opposed to health insurance mandates as they impact the only fully-insured plans in the private sector. Large, self-insured companies are exempt under federal ERISA law.

Status: Introduced February 12, 2019. Pending before the Ohio Senate Health, Human Services and Medicaid Committee.

[Senate Bill 51](#)

MATERNITY SERVICES MANDATE – Senate Bill 116 – Sponsored by Senator Tina Maharath (D – Canal Winchester)

To require that health benefit plans provide coverage for maternity services.

NFIB Position: Opposed

Analysis: The bill requires health plans under Chapter 39 of the Ohio Revised Code to provide coverage for maternity services. NFIB is opposed to all health insurance mandates given the inability of state government to reach all plans, leaving only fully-insured products which NFIB members purchase as the ones impacted. This leaves huge gaps in coverage. NFIB believes that a public health need should be addressed by the state through a different mechanism than the politically expedient health insurance mandate path.

Status: Introduced March 22, 2019. Pending before the Ohio Senate Insurance and Financial Institutions Committee.

[Senate Bill 116](#)

SURPRISE BILLING – Senate Bill 198 – Sponsored by Senators Steve Huffman (R – Tipp City) and Nickie Antonio (D – Lakewood)

Regarding out-of-network care.

NFIB Position: Interested Party

Analysis: The bill aims to address surprise billing, where an individual receives a bill from a medical provider for services provided at an in-network facility by an out-of-network provider. The bill requires binding arbitration when provider and individual's insurance company cannot reach agreement. NFIB is carefully monitoring this issue to understand what premium impact may be as a result of this legislation.

Status: Introduced September 16, 2019. Pending before the Ohio Senate Insurance and Financial Institutions Committee.

[Senate Bill 198](#)

MENTAL HEALTH PARITY – Senate Bill 241 – Sponsored by Senator Sandra Williams (D – Cleveland)

To amend the mental health insurance coverage parity law.

NFIB Position: Opposed

Analysis: The bill prohibits any cost sharing for mental health services above what would be required for other covered services under a health plan. The bill also stipulates that any in-network provider for basic health care services is also considered in-network for mental health so long as that provider is qualified to provide such services. NFIB closely monitors health insurance bills to ensure premiums will not be negatively impacted. We are concerned that by putting restrictions on one provision of health insurance plans it will cause upward pressure on premiums elsewhere thus leading to higher overall health insurance costs for our members.

Status: Introduced November 20, 2019, pending before the Ohio Senate Insurance and Financial Institutions Committee.

[Senate Bill 241](#)

PROHIBIT STEP THERAPY STAGE 4 CANCER DRUGS – Senate Bill 252 – Sponsored by Senators Bob Hackett (R – London) and Hearcel Craig (D – Columbus)

To prohibit "fail first" coverage of drugs used to treat stage four advanced metastatic cancer.

NFIB Position: Opposed

Analysis: The bill prohibits insurance plans from requiring stage 4 cancer patients to undergo a step-therapy or fail first protocol with respect to drugs. In practice, it is believed most insurance companies do not undertake such measures being banned by the bill. NFIB has advocated for a more holistic approach to addressing healthcare needs then simply passing a mandate on what represents 14 percent of the eligible insured population; the fully-insured market.

Status: Introduced December 9, 2019. Passed the Ohio Senate on June 3, 2020, on a vote of 33-0 and the Ohio House on December 8, 2020, on a vote of 83-1.

[Senate Bill 252](#)

LABOR/EMPLOYMENT LAW

PERMISSIVE PREVAILING WAGE - House Bill 78 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 gives local governments and other public entities the ability to better manage their taxpayer dollars on projects and expand the number of competitive bids.

Status: Introduced February 14, 2019. Pending before the Ohio House Commerce and Labor Committee.

[House Bill 78](#)

STATE LEVEL FMLA – House Bill 91 and Senate Bill 91 – Sponsored by Representatives Kristin Boggs (D – Columbus) and Janine Boyd (D – Cleveland) and Senator Tina Maharath (D – Canal Winchester)

To establish family and medical leave insurance benefits.

NFIB Position: Opposed

Analysis: The bill creates a state-level FMLA policy that permits individuals to pay into an insurance-type fund to accumulate paid leave. The contributions are scaled based upon earnings. Employers (with one or more employees) are responsible for collecting and remitting employee premium contributions. Individuals may take up to 12 weeks of paid leave in a 12-month period. Subjects employers to fines and creates a cause of action for any adverse employment

action. NFIB is concerned about employers serving as collectors and remitters of this premium as well as a new cause of action. Beyond these legal concerns is the ability of any qualifying individual taking up to 12 weeks of leave. The bill eliminates flexibility between employer and employee and does not recognize the challenges small businesses will face with having individuals on leave and having to hold positions until they return. This one size fits all proposal leaves small business at a serious disadvantage.

Status: Introduced February 21, 2019, and March 7, 2019. Pending before the Ohio House Insurance Committee and Ohio Senate Insurance and Financial Institutions Committee.

[House Bill 91](#)

[Senate Bill 91](#)

EMPLOYEE PAYCHECK INFORMATION – House Bill 137 – Sponsored by Representatives Brigid Kelly (D – Cincinnati) and Nino Vitale (R – Urbana)

To require an employer to provide earnings and deductions statements to each of the employer's employees.

NFIB Position: Interested Party

Analysis: The bill requires employers to provide information to their employees on number of hours worked, rate of pay, etc. during a pay period. NFIB is neutral on the bill as we believe all of the information in the bill is being reported to appropriate state and federal agencies and will not create any new mandates on employers.

Status: Introduced March 19, 2019. Passed the Ohio House on a vote of 94-2, on May 29, 2019. Pending before the Ohio Senate Transportation, Commerce and Workforce Committee.

[House Bill 137](#)

WAGE DISCRIMINATION COMPLAINTS – House Bill 221 – 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 April 29, 2019. Pending before the Ohio House Civil Justice Committee.

[House Bill 221](#)

WHISTLEBLOWER LAWS – House Bill 238 – Sponsored by Representatives Jack Cera (D – Bellaire) and Gary Scherer (R – Circleville)

To revise Ohio's whistleblower protection laws.

NFIB Position: Interested Party

Analysis: The bill adds new language regarding retaliatory actions against whistleblowers. The bill was amended to remove the private sector components. The Inspector General had requested this legislation in response to their view of an adverse public employee termination. The bill now addresses only the public sector employee issue raised by the IG. NFIB will closely monitor this bill to ensure that some previous attempted expansions of the law allowing individuals to act as private attorneys general does not get added.

Status: Introduced May 7, 2019. Passed the Ohio House Civil Justice Committee on February 26, 2020, on a vote of 10-0. Pending a vote of the full Ohio House.

[House Bill 238](#)

OCCUPATIONAL LICENSURE/COLLATERAL SANCTIONS – House Bill 263 –
Sponsored by Representative Kyle Koehler (R – Springfield)

To revise the initial occupational licensing restrictions applicable to individuals convicted of criminal offenses.

NFIB Position: Interested Party

Analysis: The bill revises some of the restrictions that are associated with limiting individuals' abilities to receive licenses in Ohio. NFIB will monitor this bill but supports eliminating barriers to entry to occupations. However, want we want to ensure that employers are free from liability if/when hiring.

Status: Introduced May 28, 2019. Passed the Ohio Senate on December 17, 2020, on a vote of 29-2. Ohio House concurrence on December 22, 2020, on a vote of 86-0.

[House Bill 263](#)

OHIO EQUAL PAY ACT – House Bill 304 – Sponsored by Representatives
Randi Clites (D – Ravenna) and Stephanie Howse (D – Cleveland)

To enact the Ohio Equal Pay Act to require state contractors and economic incentive recipients to obtain an equal pay certificate, to require public employers to establish a job evaluation system to identify and eliminate sex-based wage disparities, to prohibit employers from seeking a prospective employee's wage or salary history, and to prohibit employer retaliation against an employee who discusses salary or wage rates with another employee.

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 June 26, 2019. Pending before the Ohio House Commerce and Labor Committee.

[House Bill 304](#)

PROMPT PAY ACT – House Bill 380 – Sponsored by Representatives Jon Cross (R – Findlay) and Bride Rose Sweeney (D – Cleveland)

To require owners of construction projects to pay a contractor within thirty-five days of receiving a request for payment.

NFIB Position: Interested Party

Analysis: The bill updates Ohio's Prompt Pay Act to require owners of a construction project to pay contractors within 35 days of payment request. The bill permits a private right of action to contractors if payment is not received within 30 days after the initial 35. Interest also will accrue at 18 percent after 35 day mark. The bill does not impact any retaining language in existing contracts. NFIB supports payment of contractors for their work. NFIB is also hesitant on new causes of action. NFIB will monitor this bill and discuss with contractor members to ascertain a more definitive position.

Status: Introduced October 23, 2019. Pending before the Ohio House Commerce & Labor Committee.

[House Bill 380](#)

PAID LEAVE QUARANTINE – House Bill 593 and Senate Bill 299 – Sponsored by Representatives Janine Boyd (D – Cleveland) and Kristin Boggs (D – Columbus) and Senator Hearcel Craig (D – Columbus)

To require paid leave for an employee who is unable to work due to quarantine or mandatory isolation, to create a grant program to compensate contract workers who cannot perform services during public health emergencies, to make an appropriation, and to declare an emergency.

NFIB Position: Opposed

Analysis: The bill creates a state paid leave act for workers during times of public health emergencies. NFIB has historically opposed paid leave requirements as it disrupts the employer/employee relationship and the flexibility each employer may afford their employees. NFIB also views this bill as moot as the federal government has addressed this issue for covid-19.

Status: Both bills introduced March 25, 2020. House Bill 593 pending before the Ohio House Commerce & Labor Committee. Senate Bill 299 pending before the Ohio Senate Finance Committee.

[House Bill 593](#)

[Senate Bill 299](#)

RETIREMENT PROGRAM FOR PRIVATE EMPLOYEES – House Bill 645 –

Sponsored by Representatives Stephanie Howse (D – Cleveland) and Juanita Brent (D – Cleveland)

To establish an auto-enrollment retirement savings program for private sector employees.

NFIB Position: Interested Party

Analysis: The bill allows private-sector employees to participate in a state-managed retirement program. Requires employers who do not provide a retirement program to furnish employees with information on the program and set up automatic withdrawals for participating employees. This could be a burden for employers that do not have automated payroll processing. The bill also has a \$100 per employee fee for employers that do not follow the parameters of the law. NFIB will monitor this legislation to see if there is some exemptions possible for smaller employers and those that do not currently utilize automated payroll processing.

Status: Introduced May 19, 2020. Pending before the Ohio House Commerce & Labor Committee.

[House Bill 645](#)

EXEMPT EMPLOYEE SALARY INCREASE – House Bill 731 – Sponsored by Representatives Kent Smith (D – Euclid) and Brigid Kelly (D – Cincinnati)

To raise the salary threshold above which certain employees are exempt from the overtime law.

NFIB Position: Opposed

Analysis: The bill would require all overtime exempt, salaried employees be compensated at least \$913 per week or \$47,476 annually. This bill mirrors President Obama’s DOL rule proposal from 2016. Current thresholds have been increased from approx. \$23,000 to over \$35,000. This change could cause salaried employees to revert to hourly and disrupt employee morale, particularly for those that have managerial titles and roles. NFIB believes these negotiations are best left between employer and employee.

Status: Introduced July 21, 2020. Pending before the Ohio House Commerce & Labor Committee.

[House Bill 731](#)

OHIO FAIRNESS ACT – Senate Bill 11 and House Bill 369– Sponsored by Senator Nickie Antonio (D – Lakewood) and Representatives Brett Hillyer (R – Uhrichsville) & Michael Skindell (D – Lakewood)

To enact the Ohio Fairness Act to prohibit discrimination on the basis of sexual orientation or gender identity or expression, to add mediation as an informal method that the Ohio Civil Rights Commission may use, and to uphold existing religious exemptions under Ohio's Civil Rights Law.

NFIB Position: Interested Party

Analysis: The bill would expand Ohio’s protected classes to include sexual orientation and gender identity or expression. The bill also adds a mediation component to the Ohio Civil Rights Commission (OCRC). NFIB does not condone discrimination. We are neutral on this bill but would like to see reforms to Ohio’s employment laws including requiring initial filing at OCRC and exhausting that process before going to court and reducing the statute of limitations to file a claim from 6 years to no more than 2.

Status: Introduced February 12, 2019, and October 16, 2019. Pending before the Ohio Senate Judiciary Committee. Pending before the Ohio House Civil Justice Committee.

[Senate Bill 11](#) [House Bill 369](#)

BAN THE BOX – Senate Bill 70 – 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 26, 2017. Pending before the Ohio Senate Transportation, Commerce and Workforce Committee.

[Senate Bill 70](#)

FAIR ACT – Senate Bill 92 – Sponsored by Senator Tina Maharath (D – Canal Winchester)

To enact the "Fair and Acceptable Income Required (FAIR) Act" and to revise the enforcement of the prohibitions against discrimination in the payment of wages.

NFIB Position: Opposed

Analysis: The bill does several things including expanding Ohio's protected classes to include sexual orientation and gender identity. NFIB is neutral on this policy. The bill does require Ohio employers to justify wage differentials in their operations putting the burden of

proof on employers. It also creates a rebuttable presumption for employees in contesting employer wage differential explanations. The bill prohibits adverse employment actions based upon employees discussing wages. The bill allows a tort action against employers as well. NFIB believes the bill is a solution in search of a problem. Many factors go into compensation and those are negotiations between employer and employee, not the state.

Status: Introduced March 7, 2019. Pending before the Ohio Senate Government Oversight and Reform Committee.

[Senate Bill 92](#)

OHIO PREGNANT WORKERS FAIRNESS ACT – Senate Bill 94 – 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 March 7, 2019. Pending before the Ohio Senate Government Oversight and Reform Committee.

[Senate Bill 94](#)

WORKERS' COMP & UNEMPLOYMENT COMP

UNEMPLOYMENT BENEFITS MASS LAYOFF- House Bill 21 – Sponsored by Representatives Glenn Holmes (D – McDonald) and Adam Miller (D – Columbus)

Regarding notices, resources, and benefits under the Unemployment Compensation Law when a mass layoff occurs.

NFIB Position: Opposed

Analysis: The bill would require JFS to provide additional local office space and personnel to expedite claims processing in an area where an employer laying off 75 or more employees in a seven-day period. Further, the bill allows individuals that are part of this mass layoff group to qualify for an additional 25 weeks of benefits beyond the already allotted 26 weeks. NFIB is working to modernize the UC system in Ohio. We will oppose any attempts to expand benefits while our system remains insolvent.

Status: Introduced February 12, 2019. Pending before the Ohio House Commerce and Labor Committee.

[House Bill 21](#)

INDUSTRIAL COMMISSION BUDGET – House Bill 79 – Sponsored by Representative Scott Oelslager (R- Canton)

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2019, and ending June 30, 2021, and to provide authorization and conditions for the operation of Commission programs.

NFIB Position: Interested Party

Analysis: This is simply an appropriations bill. There is currently no policy changes included. NFIB will continue to monitor for any policy additions. The bill appropriates \$109.4 million over the biennium representing a 5.6 percent increase over the previous biennium, predominantly as result of a 27th pay period in calendar year 2019.

Status: Introduced February 14, 2019. Passed the Ohio House on a vote of 89-1, on May 30, 2019. Passed the Ohio Senate on a vote of 33-0, on June 19, 2019. Signed by Governor DeWine.

[House Bill 79](#)

WORKERS' COMP BUDGET – House Bill 80 – Sponsored by Representative Scott Oelslager (R – Canton)

To make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2019, and ending June 30, 2021, and to provide authorization and conditions for the operation of the Bureau's programs.

NFIB Position: Interested Party 

Analysis: The bill is the biennial budget for the BWC, separate from the state operating budget. The \$645 million budget is a 11% increase from the previous biennium. The bill accounts for a 27th pay period and increase in pay due to collective bargaining agreement. There is additional monies appropriated for Substance Use Recovery and Workplace Safety Program (\$15 million) and statewide safety awareness and education campaign (\$3 million), a new Safety and Health Center of Excellence to allow the bureau to test and deploy advances to prevent workplace accidents, injuries and illnesses (\$2 million) and for safety grants, including those for schools, firefighters and law enforcement (\$40 million). Several detrimental amendments including PTSD for first responders were added to a simple, appropriations bill. NFIB is working diligently to undo the harm from Ohio House Finance Committee. Conference report is an appropriations only bill.

Status: Introduced February 14, 2019. Passed the Ohio Senate on a vote of 22-9 and Ohio House on a vote of 78-13, on July 17, 2019. Signed by Governor DeWine.

[House Bill 80](#)

WORKERS' COMP REFORM – House Bill 81 – Sponsored by Representative Rick Perales (R – Beavercreek)

To enact section 4121.471 of the Revised Code regarding employee medical examinations and changes to the Worker's Compensation Law.

NFIB Position: Support 

Analysis: The bill originated as a workers' comp bill for corrections officers. It was amended in the Ohio House to incorporate several provisions that were agreed to by business and plaintiffs' bar in the BWC budget. Continuing jurisdiction, statute of limitations for VSSR claims, voluntary abandonment and final settlement language suitable to the business community was included.

Status: Introduced February 29, 2019. Passed the Ohio House on November 20, 2019, on a vote of 94-0. Passed the Ohio Senate on May 20, 2020, on a vote of 32-0. Signed by Governor DeWine.

[House Bill 81](#)

PNEUMOCONIOSIS WORKERS' COMP CLAIM FUND – House Bill 167 – Sponsored by Representative Jack Cera (D- Bellaire)

To modify workers' compensation benefit amounts for occupational pneumoconiosis claims and to create the Occupational Pneumoconiosis Board to determine medical findings for such claims.

NFIB Position: Interested Party

Analysis: The bill would move workers' compensation claims for Coal Workers Pneumoconiosis (CWP) from the Federal Coal Mine Health and Safety Act of 1969 to the Ohio State Insurance Fund (BWC). It would make remove federal restrictions for benefit qualification and increase the benefit amount. The BWC has estimated that this bill would increase premiums by \$127.5 million annually.

Status: Introduced March 26, 2019. Pending before the Ohio House Commerce & Labor Committee.

[House Bill 167](#)

PTSD FIRST RESPONDERS – House Bill 308 – Sponsored by Representative Tom Patton (R – Strongsville)

To enact sections 145.364, 742.391, 3309.402, 4123.87, and 5505.182 of the Revised Code concerning workers' compensation and disability retirement for peace officers, firefighters, and emergency medical workers diagnosed with post-traumatic stress disorder arising from employment without an accompanying physical injury.

*To establish a fund to provide compensation and benefits to first responders with post-traumatic stress disorder and to study the financial and administrative requirements for that fund.

NFIB Position: Opposed 

Analysis: The bill would require workers' compensation coverage for first responders for PTSD without an accompanying physical injury meaning a sea change for workers' compensation. NFIB prefers the policy be addressed outside of workers' compensation to avoid potential equal protection challenges that will allow any individual to receive a "mental-mental" claim. The bill does put limits on coverage to one year.

*The legislation was amended to create a PTSD fund that and a study committee to evaluate what resources are needed to administer. NFIB is a listed member of the study committee.

Status: Introduced June 28, 2019. Passed the Ohio Senate on December 17, 2020, on a vote of 32-0. Ohio House concurrence on December 22, 2020, on a vote of 83-3.

[House Bill 308](#)

FIREFIGHTER CANCER CLAIMS TO SURPLUS FUND – House Bill 330 – Sponsored by Representative Tom Patton (R – Strongsville)

Regarding charging workers' compensation experience in firefighter cancer claims.

NFIB Position: Opposed

Analysis: The bill would remove liability for presumptive firefighter cancer claims from public employers to the surplus fund. NFIB does not support shifting the costs associated with workers' compensation claims from liable employers to be spread across all employers.

Status: Introduced September 12, 2019. Pending before the Ohio House Insurance Committee.

[House Bill 330](#)

UNEMPLOYMENT COMP DOMESTIC VIOLENCE – House Bill 508 –
Sponsored by Representatives Jack Cera (D – Bellaire) and Bride Rose Sweeney (D – Cleveland)

To allow an individual to be eligible for unemployment compensation benefits for unemployment due to domestic violence.

NFIB Position: Interested Party

Analysis: The bill allows awarding of unemployment compensation benefits if the claimant can demonstrate through a police or court record that they are the victim of domestic violence. NFIB will work to ensure that individual employers' experience is not negatively impacted by awarding of such benefits. When bills that expand benefits are enacted, it will put further strain on an already insolvent system. NFIB would prefer to discuss the unemployment compensation solvency issue rather than individual bills.

Status: Introduced February 13, 2020. Pending before the Ohio House Criminal Justice Committee.

[House Bill 508](#)

PTSD FIRST RESPONDERS – House Bill 556 – Sponsored by Representatives George Lang (R – Liberty Township) and Niraj Antani (R – Miamisburg)

Concerning compensation, medical benefits, and disability retirement for peace officers, firefighters, and emergency medical workers diagnosed with post-traumatic stress disorder arising from employment without an accompanying physical injury.

NFIB Position: Support

Analysis: This bill will provide coverage to first responders for PTSD claims that occurred during the course of employment. The bill creates a system at the Ohio Department of Public Safety that provides both medical and compensation benefits to first responders for PTSD. The bill allows immediate approval for benefits with a written note from medical doctor or psychiatrist. Appeals must be taken to court of common pleas. The bill appropriates \$44 million from unclaimed funds to start the fund and will collect premiums from employers of first responders going forward to sustain the fund. NFIB supports providing this coverage for first responders, however believes it should be done outside of workers' comp to prevent expansion of benefits for mental only claims.

Status: Introduced March 16, 2020. Pending before the Ohio House Insurance Committee.

[House Bill 556](#)

COVID-19 WORKERS' COMP FIRST RESPONDERS – House Bill 571 –
Sponsored by Representative Kristin Boggs (D – Columbus)

To make COVID-19 contracted by a peace officer, firefighter, or emergency medical worker an occupational disease under the Workers' Compensation Law under certain circumstances and to declare an emergency.

NFIB Position: Interested Party

Analysis: The bill would add Covid-19 to the list of coverages under the occupational disease statute for purposes of workers' compensation. A presumption of workplace contracting of the disease is created for first responders. The bill is limited to the executive order Governor DeWine issued on March 9, 2020. Per the BWC, most communicable diseases are not covered under BWC as it is difficult to ascertain where the disease was contracted. NFIB will monitor this bill to ensure the integrity of our workers' compensation system.

Status: Introduced March 23, 2020. Pending before the Ohio House Insurance Committee.

[House Bill 571](#)

COVID – 19 WORKERS’ COMP COVERAGE – House Bill 573 – Sponsored by Representatives Lisa Sobecki (D – Toledo) and Kristin Boggs (D – Columbus)

To make COVID-19 an occupational disease under the Workers' Compensation Law under certain circumstances and to declare an emergency.

NFIB Position: Interested Party

Analysis: The bill creates a presumption for any employee required by their employer to work outside of their home and contracts covid-19 that it was done in the course of their employment. The bill starts with the executive order on March 9, 2020, and 14 days after the order is lifted. Per the BWC, most communicable diseases are not covered under BWC as it is difficult to ascertain where the disease was contracted. NFIB will monitor this bill to ensure the integrity of our workers’ compensation system.

Status: Introduced March 23, 2020. Pending before the Ohio House Insurance Committee.

[House Bill 573](#)

TEMPORARY UC REQUIREMENT WAIVER – House Bill 584 – Sponsored by Representatives Erica Crawley (D – Columbus) and David Leland (D – Columbus)

To temporarily change eligibility and work search requirements under the Unemployment Compensation Law and to declare an emergency.

NFIB Position: Interested Party

Analysis: The bill requires ODJFS to waive waiting week and search for work requirements for purposes of unemployment eligibility during the Governor’s executive order. The bill goes further and also expands eligibility for those taking care of children or family members. NFIB believes most if not all portions of this bill have been addressed via executive order or through Congress thus rendering this bill moot.

Status: Introduced March 24, 2020. Pending before the Ohio House Insurance Committee.

[House Bill 584](#)

COVID-19 WORKERS' COMP FOOD WORKERS – House Bill 605 – Sponsored by Representatives Brigid Kelly (D – Cincinnati) and Tom Patton (R – Strongsville)

To make COVID-19 contracted by an employee of a retail food establishment or food processing establishment an occupational disease under the Workers' Compensation Law under certain circumstances and to declare an emergency.

NFIB Position: Interested Party

Analysis: The bill creates a presumption retail food workers and food processing workers that contracts covid-19 that it was done in the course of their employment qualifying them for workers' compensation. The bill indicates it is applicable to claims arising during the period of the executive order on March 9, 2020. Per the BWC, most communicable diseases are not covered under BWC as it is difficult to ascertain where the disease was contracted. NFIB will monitor this bill to ensure the integrity of our workers' compensation system.

Status: Introduced April 10, 2020. Pending before the Ohio House Insurance Committee.

[House Bill 605](#)

UNEMPLOYMENT COMP STUDY AND REFORM – House Bill 614 – Sponsored by Representatives Mark Frazier (R – Newark) and Tracy Richardson (R – Marysville)

To study and reform the application, processing, and administration infrastructure of Ohio's unemployment compensation system.

NFIB Position: Interested Party

Analysis: The bill is a placeholder to begin discussions on updating Ohio's unemployment system. NFIB will closely monitor this bill and provide feedback and suggestions on how to update the outdated systems but also systemic reforms need to provide long-term solvency to our unemployment compensation system.

Status: Introduced May 5, 2020. Passed the Ohio House on June 11, 2020, on a vote of 89-0. Passed the Ohio Senate on September 23, 2020, on a vote of 32-0. Signed by Governor DeWine.

[House Bill 614](#)

COVID-19 WORKERS' COMP HEALTHCARE EMPLOYEES – House Bill 633 –
Sponsored by Representative Kristin Boggs (D – Columbus)

To make COVID-19 contracted by specified types of employees an occupational disease under the Workers' Compensation Law under certain circumstances and to declare an emergency.

NFIB Position: Interested Party

Analysis: The bill would amend workers' comp occupational disease statute to add covid-19 to the list. While the bill is limited to nursing home, residential care facility, or healthcare facility, this could easily be expanded and be a sea change to Ohio's workers' comp occupational disease statute.

Status: Introduced May 13, 2020. Pending before the Ohio House Insurance Committee.

[House Bill 633](#)

UNEMPLOYMENT ELIGIBILITY COVID-19 EXCEPTIONS – House Bill 672 –
Sponsored by Representatives David Leland (D – Columbus) and Lisa Sobecki (D – Toledo)

To enact the "Worker Protection Act" to require the Director of Job and Family Services to consider certain factors related to COVID-19 when determining, for purposes of unemployment benefit eligibility, whether an individual had just cause to quit work or refuse employment and to declare an emergency.

NFIB Position: Interested Party

Analysis: The bill creates exceptions for unemployment eligibility for individuals with COVID-19 related issues. The bill allows continuation for the following reasons: diagnosis of COVID-19, care for quarantined family member, care for family member of individual is over 65 years

of age, self-isolation from physician's order, employer inadequate social distancing/ppe. NFIB has concerns with the broadness of some of these criteria. Governor DeWine included many of these in a directive from his office, rendering most of this bill moot.

Status: Introduced May 26, 2020. Pending before the Ohio House Insurance Committee.

[House Bill 672](#)

COVID-19 WORKERS' COMP FIRST RESPONDERS – House Bill 668 –
Sponsored by Representative Brian Baldrige (R – Winchester)

To make COVID-19 contracted by a peace officer, firefighter, or emergency medical worker an occupational disease under the Workers' Compensation Law and to declare an emergency.

NFIB Position: Interested Party

Analysis: The bill would add Covid-19 to the list of coverages under the occupational disease statute for purposes of workers' compensation. A presumption of workplace contracting of the disease is created for first responders. Unlike House Bill 571 the bill is does not have a time limit. Per the BWC, most communicable diseases are not covered under BWC as it is difficult to ascertain where the disease was contracted. NFIB will monitor this bill to ensure the integrity of our workers' compensation system.

Status: Introduced May 20, 2020. Pending before the Ohio House Insurance Committee.

[House Bill 668](#)

UNEMPLOYMENT COMP EMPLOYER COMPLAINTS – Senate Bill 282 –
Sponsored by Senator Frank Hoagland (R – Mingo Junction)

To require the Director of Job and Family Services to establish a process for employers to make complaints regarding unemployment compensation benefits.

NFIB Position: Support

Analysis: The bill requires ODJFS to establish a mechanism to allow employers to file a complaint against an unemployment compensation recipient that is not meeting the requirements for ongoing eligibility through a conspicuous internet link. NFIB believes that recipients should be fulfilling the requirements for ongoing eligibility and if not be rendered ineligible to protect the integrity of the fund.

Status: Introduced February 14, 2020. Passed the Ohio Senate on November 18, 2020, on a vote of 24-8.

[Senate Bill 282](#)

PTSD FIRST RESPONDERS – Senate Bill 384 – Sponsored by Senator Bob Hackett (R – London)

Concerning compensation, medical benefits, and disability retirement for peace officers, firefighters, and emergency medical workers diagnosed with post-traumatic stress disorder arising from employment without an accompanying physical injury.

NFIB Position: Support

Analysis: The bill permits first responders to apply for PTSD mental-only benefits through the Ohio Department of Public Safety. This bill permits one year of benefits. NFIB supports this bill as it provides this benefit to first responders outside of BWC while preserving the long-standing precedent at BWC of requiring an underlying physical injury for mental allowance.

Status: Introduced December 2, 2020. Pending before the Ohio Senate General Government and Agency Review Committee.

[Senate Bill 384](#)

TORT REFORM/CIVIL JUSTICE

STATUTE OF LIMITATIONS CIVIL CASES – House Bill 249 – Sponsored by Representative Brett Hillyer (R – Uhrichsville)

To grant a victim of sexual misconduct committed during a specified period by a physician employed by a land grant university a right of action against the university.

NFIB Position: Interested Party

Analysis: The bill permits individuals to file claims against land grant universities in Ohio. As currently drafted, there is no statute of limitations in which to bring a claim. The bill is narrow in scope and currently only impacts Ohio State University. NFIB always monitors the potential erosion of civil justice statutes that open our members to new liability. Statutes of limitations in civil cases are in place to ensure there exist an end to liability and the preservation of a stable legal climate. Memories fade, etc., and allowing unending litigation potential could be costly to Ohio employers.

Status: Introduced May 16, 2019. Pending before the Ohio House Civil Justice Committee.

[House Bill 249](#)

STATUTE OF LIMITATIONS ON CONTRACTS – House Bill 251 – Sponsored by Representatives George Lang (R – West Chester) and Brett Hillyer (R – Uhrichsville)

To shorten the period of limitations for actions upon a contract.

NFIB Position: Support 

Analysis: The bill will reduce the statute of limitations on written contracts from 8 years to 6 years. Ohio has made progress recently moving from 15 to 8 years. Moving to 6 will provide more predictability and stability to our members, knowing how long they have liability on a written contract.

Status: Introduced May 21, 2019. Passed the Ohio House on November 19, 2019, on a vote of 92-0. Passed the Ohio Senate on December 9, 2020, on a vote of 29-1. Pending concurrence in the Ohio House.

[House Bill 251](#)

NON-ECONOMIC TORT CAP INCREASE – House Bill 324 – Sponsored by Representative Adam Miller (D – Columbus)

To raise the limitations on damages for noneconomic loss and punitive damages in certain tort actions based on adjustments for inflation from the year 2005 to 2019.

NFIB Position: Oppose

Analysis: The bill would adjust the current caps on non-economic losses and punitive damages for inflation based upon the caps put in place in 2005. NFIB supported the caps being put in place in 2005 and does not support any increase. Current law allows individuals to recover all economic losses to be made whole. NFIB believes the current caps are appropriate.

Status: Introduced August 28, 2019. Pending before the Ohio House Civil Justice Committee.

[House Bill 324](#)

EMPLOYMENT LAW REFORM – House Bill 352 – Sponsored by Representatives Jon Cross (R – Findlay) and George Lang (R – Liberty Township)

To modify Ohio civil rights laws related to employment.

NFIB Position: Support



Analysis: The bill would make significant changes to Ohio's employment discrimination laws. There are two key provisions from NFIB's perspective. First, is the reduction in statute of limitations from 6 years (longest in the nation) to 2 years. This reduction will still allow a year longer than what is permitted under federal law. The second is requiring individuals to first file with the Ohio Civil Rights Commission and exhaust that process before heading to court. This prevents small

business owners having to potentially address a complaint at both the OCRC and the court of common pleas. The bill also addresses supervisor liability, creating a process that still allows for individual supervisors to be sued but ensures the ability to do their jobs.

Status: Introduced October 1, 2019. Passed the Ohio House on November 19, 2020, on a vote of 76-13. Passed the Ohio Senate, after receding on their amendments on December 22, 2020, on a vote of 30-1.

[House Bill 352](#)

EMINENT DOMAIN – House Bill 476 – Sponsored by Representatives Don Manning (R – New Middletown) and Steve Hambley (R – Brunswick)

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

NFIB Position: Interested Party

Analysis: The bill permits a legislative body (township trustees, city council, etc.) to veto a taking of private property through eminent domain for purposes of a recreational trail. A property owner must request a veto. Current law permits veto by a legislative body when an appropriation is made for a property owner and the property owner rejects.

Status: Introduced January 21, 2020. Pending before the Ohio House State & Local Government Committee.

[House Bill 476](#)

ELIMINATE NON-ECONOMIC TORT DAMAGES CAP – House Bill 518 – 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 February 19, 2020. Pending before the Ohio House Civil Justice Committee.

[House Bill 518](#)

CIVIL IMMUNITY FOR COVID-19 – House Bill 606 – Sponsored by Representatives Diane Grendell (R – Chesterland) and Bill Seitz (R – Colerain Township)

To grant civil immunity to a person who provides services for essential businesses and operations for injury, death, or loss that was caused by the transmission of COVID-19 during the period of emergency declared by Executive Order 2020- 01D, issued on March 9, 2020, and to declare an emergency.

NFIB Position: Support 

Analysis: The bill has undergone significant changes and provide protection from liability for most businesses as it relates to exposure, contraction and transmission of covid-19. Also stipulates government orders do not constitute a duty or standard of care. This bill will protect our members from frivolous lawsuits, not only those that remained open but those that reopened. NFIB is interested in preserving a stable, predictable civil justice climate and will monitor this legislation toward that goal. House floor amendment added would expand occupational disease statute for purposes of workers' comp by creating a presumption for certain subsets of workers. Amendment removed in Ohio Senate.

Status: Introduced April 10, 2020. Ohio House and Ohio Senate conference committee concurrence vote on September 1 and 2, 2020, on a vote of 63-30 and 23-8.

[House Bill 606](#)

EXPAND TORT CAP EXEMPTION – Senate Bill 46 – Sponsored by Senator John Eklund (R – Munson Township)

To expand the exemption from punitive or exemplary damages limitations in tort law that is related to certain felony convictions.

NFIB Position: Opposed

Analysis: The bill will expand certain offenses from the tort caps that are currently in place in Ohio law. These caps are in place to provide certainty to business owners in the event of lawsuit. While NFIB is not defending the actions of individuals for crimes, any action to open up the tort statutes must be approached with caution. NFIB will work with the sponsor to try and address the need for this legislation.

Status: Introduced February 12, 2019. Pending before the Ohio Senate Judiciary Committee.

[Senate Bill 46](#)

CIVIL IMMUNITY FOR COVID-19 – Senate Bill 308 – Sponsored by Senator Matt Huffman (R – Lima)

To revise the law governing immunity from civil liability and professional discipline for health care providers during disasters or emergencies, to provide qualified civil immunity to service providers providing services during and after a government-declared disaster, and to declare an emergency.

NFIB Position: Support

Analysis: The bill has undergone significant changes and provide protection from liability for most businesses as it relates to exposure, contraction and transmission of covid-19. Also stipulates government orders do not constitute a duty or standard of care. This bill will protect our members from frivolous lawsuits, not only those that remained open but those that reopened. NFIB is interested in preserving a stable, predictable civil justice climate and will monitor this legislation toward that goal.

Status: Introduced May 5, 2020. Passed the Ohio Senate on June 3, 2020. Pending before the Ohio House Civil Justice Committee.

[Senate Bill 308](#)

NON-RECOURSE LITIGATION FINANCING – Senate Bill 322 – 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 June 8, 2020. Pending before the Ohio Senate Judiciary Committee.

[Senate Bill 322](#)

ENERGY AND ENVIRONMENT

OHIO CLEAN AIR PROGRAM – House Bill 6 – Sponsored by Representatives Jamie Callender (R – Concord) and Shane Wilkin (R – Lynchburg)

To create the Ohio Clean Air Program, to facilitate and encourage electricity production and use from clean air resources, to facilitate investment to reduce the emissions from other generating technologies that can be readily dispatched to satisfy demand in real time, and proactively engage the buying power of consumers in this state for the purpose of improving air quality in this state.

NFIB Position: Interested Party

Analysis: The bill creates a program whereby zero emission electric generating entities can obtain credits for the power they produce. The bill would add per monthly charges to all ratepayers based upon their classification with commercial eventually paying \$25 and industrial \$250 per account per month. The latest version of the bill eliminates the renewable portfolio standards that NFIB opposed when they were originally put into law. The bill also adds assessments to ratepayers to compensation investor-owned utilities that signed a lengthy agreement for the Ohio Valley Electric Cooperative (OVEC) NFIB is reassessing what the many substitute versions of the bill and changes mean to our members and may move to a position of opposition on the bill.

Status: Introduced April 12, 2019. Passed the Ohio Senate on a vote of 19-12, on July 17, 2019. House concurrence on a vote of 51-38, on July 23, 2019.

[House Bill 6](#)

REFORM PUCO AND CONSUMERS' COUNSEL – House Bill 246 – Sponsored by Representative Nino Vitale (R – Urbana)

To reform and modernize the Public Utilities Commission and the Consumers' Counsel.

NFIB Position: Interested Party

Analysis: The bill is a placeholder to signify the intent of the General Assembly to reform and modernize both the Public Utilities

Commission of Ohio and the Consumers' Counsel. NFIB will closely monitor this bill and advocate for a small business office within the Consumers' Counsel or some other entity to ensure our typical commercial and smaller industrial energy users' interests are represented during PUCO hearings and negotiations.

Status: Introduced May 14, 2019. Pending before the Ohio House Public Utilities Committee.

[House Bill 246](#)

REPEAL HOUSE BILL 6 – House Bill 746 – Sponsored by Representatives Laura Lanese (R – Grove City) and Dave Greenspan (R – Westlake)

To amend sections 303.213, 519.213, 713.081, 4906.13, 4928.01, 4928.64, 4928.641, 4928.644, 4928.645, 4928.66, 4928.6610, and 5727.75; to enact section 4928.6616, in order to revive the section as it existed prior to the enactment of H.B. 6 of the 133rd General Assembly; and to repeal sections 3706.40, 3706.41, 3706.43, 3706.431, 3706.45, 3706.46, 3706.49, 3706.53, 3706.55, 3706.59, 3706.61, 3706.63, 3706.65, 4928.148, 4928.47, 4928.471, 4928.642, 4928.75, 4928.80, and 5727.231 of the Revised Code and to repeal Sections 4 and 5 of H.B. 6 of the 133rd General Assembly to repeal the changes made by H.B. 6 of the 133rd General Assembly to the laws governing electric service, renewable energy, and energy efficiency and the changes made to other related laws.

NFIB Position: Interested Party

Analysis: This bill would repeal the provisions of House Bill 6, the nuclear bailout bill and revert to the law prior to enactment of HB 6. NFIB did not have a formal position on HB 6 but has previously opposed the renewal portfolio mandates that were repealed by this bill. We will continue to review this bill as it progresses to work to protect our members from increases in utility charges.

Status: Introduced August 6, 2020. Pending before the Select Committee on Energy Policy and Oversight in the Ohio House.

[House Bill 746](#)

REPEAL/REFORM HOUSE BILL 6 – House Bill 772 – Sponsored by Representative Mark Romanchuk (R – Mansfield)

To repeal Section 5 of H.B. 6 of the 133rd General Assembly to make changes regarding electric utility service law, to repeal certain provisions of H.B. 6 of the 133rd General Assembly, and to declare an emergency.

NFIB Position: Support

Analysis: The bill repeals and reforms House Bill 6, the “nuclear bailout” bill. The bill does the following: repeals Clean Air Program subsidy, repeals OVEC rider to subsidize two old coal plans, repeals decoupling mechanism, requires refunding of full amount of decoupling charges, requires rescinding of any rule, etc. used to implement an anti-market provision of HB 6 and contains an emergency clause. The bill also does not reinstate the energy efficiency (EE) or renewal energy (RE) standards. NFIB did not take a formal position on HB 6 when it moved through the legislature. NFIB is interested in allowing the markets to work and not reinstate the EE or RE mandates that were pointed to as offsetting the nuclear subsidy of HB 6.

Status: Introduced September 30, 2020. Pending before the Ohio House Select Committee on Energy Policy and Oversight.

[House Bill 772](#)

ELECTIONS AND CAMPAIGN FINANCE

CAMPAIGN FINANCE REFORM – House Bill 737 & Senate Bill 347–

Sponsored by Representatives Gayle Manning (R – North Ridgeville) and Jessica Miranda (D – Cincinnati) and Senator Nathan Manning (R – North Ridgeville)

To amend the versions of sections 3517.105 and 3517.1011 of the Revised Code that are scheduled to take effect January 1, 2021, to modify the Campaign Finance Law regarding independent expenditures and political action committees.

NFIB Position: Interested Party

Analysis: This bill was introduced in response to the dark money scandal surrounding House Bill 6. The bill brings Ohio's campaign finance law more in line with the Citizens United U.S. Supreme Court decision. Amongst other things it permits corporations and labor organizations to do independent expenditures so long as there is no coordination. Permits communication to members, employees and officers w/out requiring reporting as independent expenditures. The bill also institutes more disclosure requirements. NFIB is working through the mechanics of the bill. At the end of the day, we want to ensure that all entities are required to play by the same rules.

Status: Introduced July 27, 2020 and July 30, 2020. Pending before the Ohio House State & Local Government Committee and Ohio Senate Government Oversight & Reform Committee.

[House Bill 737](#)

[Senate Bill 347](#)

EDUCATION

SCHOOL FUNDING FORMULA – House Bill 305 – Sponsored by Representatives Bob Cupp (R – Lima) and John Patterson (D – Conneaut)

To create a new school financing system, and to make an appropriation.

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 June 26, 2019. Passed the Ohio House on December 3, 2020, on a vote of 87-9. Pending before the Ohio Senate Finance Committee.

[House Bill 305](#)

EDUCATION LAW CHANGES COVID – Senate Bill 358 – Sponsored by Senators Teresa Fedor (D – Toledo) and Nathan Manning (R – North Ridgeville)

To make changes to education law for the 2020-2021 school year in response to implications from COVID-19 and to declare an emergency.

NFIB Position: Interested Party

Analysis: The bill makes changes to education policy in response to the COVID-19 pandemic. Primarily extends prohibitions on many state-mandated requirements including the suspending the Spring assessments. NFIB members, pre-pandemic, expressed inability to find qualified workers as a top business concern. NFIB is concerned eliminating the assessments, and thus a key measuring tool, will not provide an accurate display of student performance, exacerbating our members' concern. NFIB supports fair, robust standards so our members know those entering the workforce have the necessary, basic skills.

Status: Introduced August 27, 2020. Pending before the Ohio Senate Education Committee.

[Senate Bill 358](#)