

**NFIB
LEGISLATIVE UPDATE**

**132nd OHIO
GENERAL ASSEMBLY**

FINAL

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BUDGET AND TAXES

STATE OPERATING BUDGET – House Bill 49 – Sponsored by Representative Ryan Smith (R – Galipolis)

Makes appropriations for the operations of the state.

NFIB Position: Interested Party

Analysis: The operating budget underwent significant changes through both chambers. The as introduced version contained a tax package that added complexity and netted only \$39 million income tax reductions, all of which was scrapped. NFIB supported the inclusion of reduction of two income tax brackets, opt-in language on municipal net-profit tax compliance, two-year sales tax holiday, elimination of health insurance mandate and CAUV reform. The budget also retained language that allowed OBM to take a portion of BWC and IC funds to shore up the general revenue fund. NFIB vehemently opposed this provision and the language was removed in Senate Bill 8.

Status: Signed by Governor Kasich on June 30, 2017.

[House Bill 49](#)

OHIO RESIDENCY TEST – House Bill 292 – Sponsored by Representative Gary Scherer (R – Circleville)

To modify the test for determining an individual's state of residence for income tax purposes.

NFIB Position: Interested Party

Analysis: The bill requires that individual meet all of the following to be considered a non-resident of Ohio: no more than 212 contact periods, has at least one abode outside of the state which no depreciation under IRS 167 claimed, no valid Ohio driver's license, no homestead exemption claim, and no in-state tuition claimed. Individual has to file a form with the tax commissioner attesting to non-domicile which is irrebuttable under the bill. This bill would provide more clarity with respect to factors at play in determining residency. Absent uniformity with respect to the municipal code, you could have different interpretations on residency from the state and a municipality(s). The bill picked up to critical NFIB supported amendments: first is to allow BTA (non-real estate) appeals direct to Ohio Supreme Court and expanded eligibility for workers' comp subrogation claims.

Status: Signed by Governor Kasich.

[House Bill 292](#)

PEO EMPLOYER PTE TAX – House Bill 334 & Senate Bill 186 – Sponsored by Representative Gary Scherer (R – Chillicothe) and Senator Bob Peterson (R – Washington C.H.)

To provide that wages and guaranteed payments paid by a professional employer organization to the owner of a pass-through entity that has contracted with the organization may be considered business income.

NFIB Position: Support

Analysis: The bill would ensure that employers that utilize a PEO are able to avail themselves of the small business investor deduction. Ohio Department of Taxation had been auditing businesses and assessing back due taxes for employers that utilize a PEO and do not have at least 20 percent ownership. These employers are utilizing the services of a PEO to reduce cost, but they are still employers. While Taxation has indicated they are no longer assessing employers that utilize a PEO, the General Assembly has stepped in to make a statutory fix. Some NFIB members utilize PEOs and should be able to take advantage of tax policy like any other employer.

Status: Introduced August 30, 2017, and September 5, 2017, respectively. Both bills pending before respective Ways & Means Committees. These bills were amended into Senate Bill 8.

[House Bill 334](#)

[Senate Bill 186](#)

SALES TAX REMITTANCE – House Bill 545 – Sponsored by Representative Steve Arndt (R – Port Clinton)

To authorize small retailers to remit sales taxes when the retailer receives payment from the purchaser if the payment is received after the purchased item is delivered or the service is provided.

NFIB Position: Interested Party

Analysis: The bill changes when sales tax collected on behalf of the state must be remitted. The bill permits small vendors, defined as those with less than \$1 million in gross sales in a calendar year and a microbusiness, to wait until payment is received in lieu of time of sale. For some businesses the lag time on collection of sale can have an impact on cash flow. There may be an issue with tracking from Dept. of Taxation's end as different taxpayers will be submitting at different times and businesses can drop in and out. The bill also allows qualifying businesses to not pay sales tax on bad debt.

Status: Introduced March 13, 2018. Passed the Ohio House on December 5, 2018, on a vote of 91-1. Not referred to committee in the Ohio Senate.

[House Bill 545](#)

PROPERTY TAX EXEMPTIONS REPORT/REVIEW – House Bill 731 – Sponsored by Representative Jim Hoops (R – Napoleon)

To require the Tax Commissioner's biennial tax expenditure report to include information on property tax exemptions and to require the Tax Expenditure Review Committee to periodically review each property tax exemption.

NFIB Position: Interested Party

Analysis: The bill would add property tax exemptions, defined as any provision in the revised code that exempts or authorizes a subdivision to exempt from taxation all of a portion of the value of real or tangible personal property, to the tax expenditure report required to be delivered to the general assembly typically coinciding with each biennial operating budget. NFIB supports transparency on tax expenditures.

Status: Introduced September 19, 2018. Pending before the Ohio House Ways and Means Committee.

[House Bill 731](#)

BUDGET CORRECTIONS – Senate Bill 8 – Sponsored by Senators Randy Gardner (R – Bowling Green) and Lou Terhar (R – Green Township)

To establish the 1:1 School Facilities Option Program, to revise the law regarding applied bachelor's degree programs offered at two-year state institutions of higher education, to modify the schedule for phasing down tangible personal property tax reimbursement payments to school districts, to modify the payment cap in the school funding formula, to modify the law governing the establishment and operation of transportation financing districts, to modify county funding sources for a tourism development district, to modify the veterans organizations grant program, to allow county sheriffs to contract with municipal courts and county courts for the transportation of persons between the county jail and a county court or municipal court, to make deputy sheriffs ex officio bailiffs of county courts and municipal courts, to revise eligibility for School Employees Retirement System pension and benefit recipients' annual cost-of-living adjustments, to repeal a provision regarding acceptance of prior college courses by state institutions of higher education, to authorize a tax credit for insurance companies that provide capital to investment funds investing in businesses in rural areas, to exempt corrective eyeglasses and contact lenses from sales and use tax beginning July 1, 2019, to provide that wages and guaranteed payments paid by a professional employer organization to the owner of a pass-through entity that has contracted with the organization may be considered business income, to make appropriations, to modify earmarks, and to make changes to reappropriations for grants related to the Lakes in Economic Distress Revolving Loan Program.

NFIB Position: Support (certain provisions)

Analysis: This bill began as a school facilities bill and evolved into a budget corrections bill that contained two issues NFIB was monitoring. Most important was the removal of language that authorized the OBM director to take money from BWC and the Industrial Commission and put toward the general revenue fund. NFIB and other business groups prepared a TRO to stop this authorization to take employer money to pay injured workers to shore up the state budget. This bill removed this authority. The bill also clarified that employers that contract with a PEO are still eligible for the BID and do not have to obtain a percentage ownership threshold in the PEO. This statutory fix addresses an interpretation by Taxation that was hitting small businesses with tax liability and clarifies the intent of the BID.

Status: Signed by Governor Kasich.

[Senate Bill 8](#)

SALES TAX HOLIDAY – Senate Bill 9 and House Bill 89 – Sponsored by Senator Kevin Bacon (R – Minerva Park) and Representatives John Patterson (D – Jefferson) and Brigid Kelly (D – Cincinnati)

To provide for a three-day sales tax "holiday" in August 2017 during which sales of clothing and school supplies are exempt from sales and use taxes.

NFIB Position: Support 

Analysis: The bill follows the trend of previous enacted bills and would institute a three-day sales tax holiday for 2017. NFIB is supportive of making this policy permanent in lieu of revisiting every year.

Status: Introduced January 31, 2017, and February 22, 2017, in respective chambers. SB 9 passed the Ohio Senate on February 22, 2017, on a vote of 32-1. Pending vote of full Ohio House. HB 89 pending before the Ohio House Ways & Means committee in the Ohio House. Two-year (2017-18) sales tax holiday amended into House Bill 49 the state operating budget.

[Senate Bill 9](#)

[House Bill 89](#)

CAUV – Senate Bill 36 – Sponsored by Senator Cliff Hite (R – Findlay)

To require that the computation of the capitalization rate for the purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type.

NFIB Position: Interested Party

Analysis: The bill would revise the current CAUV formula attempting to more adequately reflect fluctuations in commodity prices and subsequent adjustments

in land valuation. Farmers have seen a substantial spike in land value upwards of 300% increases. This bill seeks to bring about tax relief to land designated with CAUV status. NFIB will be closely monitoring this bill and the impact to other property owners. The fiscal note indicates a loss of \$17-\$18 million to local governments and schools which may lead to additional levies being sought.

Status: Introduced February 7, 2017. Pending before the Ohio Senate Ways & Means Committee. Senate language on a three-year phase in added to the House Bill 49, the state operating budget.

[Senate Bill 36](#)

MUNICIPAL TAX EXEMPTION – Senate Bill 176 – Sponsored by Senator Kris Jordan (R – Delaware)

To prohibit municipal corporations from levying an income tax on nonresidents' compensation for personal services or on net profits from a sole proprietorship owned by a nonresident.

NFIB Position: Interested Party

Analysis: The bill would prohibit a municipality from collecting municipal income tax or net profits tax of sole proprietors from any non-resident. The bill follows the principal of no taxation without representation, the notion that non-residents should not be taxed where they do not have the opportunity to vote on any proposed tax changes or elected officials who may change local laws or ordinances. The bill would cause significant revenue impacts for certain municipalities that have a large portion of non-residents working/conducting business within their jurisdictional boundaries but do not reside within.

Status: Introduced August 7, 2017. Pending before the Ohio Senate Ways & Means Committee.

[Senate Bill 176](#)

MUNICIPAL TAX PENALTIES – Senate Bill 187 – Sponsored by Senator John Eklund (R – Munson Township)

To allow municipal corporations to charge delinquent taxpayers the costs of collecting municipal income taxes regardless of whether the costs are incurred before or after a judgment is entered against the taxpayer.

NFIB Position: Interested party

Analysis: The bill would allow a municipality to collect collection costs, fees and contingency attorney's fees on delinquent taxpayers even prior to any judgment on the taxpayer. This could serve to increase taxpayers' costs.

Status: Introduced September 14, 2017. Pending before the Ohio Senate Finance Committee.

[Senate Bill 187](#)

REINSTATE MUNICIPAL THROWBACK – Senate Bill 203 – Sponsored by Senator Matt Dolan (R – Chagrin Falls)

To reinstate the municipal income tax "throw-back rule" used in apportioning business income among municipalities.

NFIB Position: Opposed

Analysis: The bill would undo a portion of the state operating budget that eliminated throwback, a policy that requires a company to have an individual that is regularly engaged in the solicitation of sales through employees within a municipality in order to have tax situated, otherwise it is a nowhere sale. Previously without an employee presence it was thrown back to the municipality where the company is located. This bill would undo this provision and subject businesses to additional tax.

Status: Introduced September 28, 2017. Pending before the Ohio Senate Finance Committee.

[Senate Bill 203](#)

PERMANENT SALES TAX HOLIDAY – Senate Bill 226 – Sponsored by Senator Kevin Bacon (R – Minerva Park)

To provide for a permanent three-day sales tax "holiday" each August during which sales of clothing and school supplies are exempt from sales and use tax.

NFIB Position: Support 

Analysis: The bill would make permanent the temporary sales tax holidays that have been enacted over the past several years. A study indicates the benefits to state and county tax coffers through increased spending on these days on non-eligible exempt purchases. NFIB has supported previous sales tax holidays and advocated for a permanent holiday in Ohio. Ohio would have an advantage over neighboring states that do not have sales tax holidays.

Status: Signed by Governor Kasich.

[Senate Bill 226](#)

STATE GOVERNMENT

MICROBUSINESS –House Bill 5 – Sponsored by Representatives Dorothy Pelandi (R – Marysville) and Theresa Gavarone (R – Bowling Green)

To enact section 166.50 of the Revised Code to create a statutory definition of "microbusiness."

NFIB Position: Interested Party

Analysis: The bill simply defines a microbusiness as one that is for-profit, independently held and employs 20 or fewer.

Status: Amended into House Bill 49 the state operating budget.

[House Bill 5](#)

PUBLIC EXPENDITURE DATABASE – House Bill 40 – Sponsored by Representatives Jonathan Dever (R – Madeira) and Dave Greenspan (R – Westlake)

To require the Treasurer of State to establish the Ohio State Government Expenditure Database.

NFIB Position: Support

Analysis: The bill essentially codifies the Treasurer of State's existing government expenditure database known as Ohio's Online Checkbook. This voluntary program shows all expenditures for participating units of local government. NFIB supports transparency and accountability for public expenditures of taxpayer dollars. Short of codification, and subsequent Treasurer of State could elect to not continue this program.

Status: Introduced February 7, 2017. Pending before the Ohio House State and Local Government Committee.

[House Bill 40](#)

PUBLIC EMPLOYEE RIGHT TO WORK – House Bill 53 – Sponsored by Representative John Becker (R – Union Township)

To remove any requirement under the Public Employees Collective Bargaining Law that public employees join or pay dues to any employee organization, to prohibit public employers from requiring public employees to join or pay dues to any employee organization, to prohibit an employee organization from being required to represent public employees who are not members of the employee organization, and to make an appropriation.

NFIB Position: Interested Party

Analysis: The bill prohibits an individual from having to join an organization as condition of employment. It also prohibits any fair share payments to an organization as condition of employment. Nothing in the bill abolishes collective bargaining rights or the rights of an individual to contribute to an organization.

Status: Introduced February 13, 2017. Pending before the Ohio House Finance Committee.

[House Bill 53](#)

MINIMUM WAGE INCREASE – House Bill 86 – Sponsored by Representatives Kent Smith (D – Euclid) and Hearcel Craig (D – Columbus)

To increase the state minimum wage to ten dollars and ten cents per hour beginning January 1, 2019.

NFIB Position: Opposed

Analysis: The bill would take Ohio’s minimum wage from the current \$8.15 per hour to \$10.10 per hour and index to inflation in subsequent years. NFIB opposes any attempt and 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 22, 2017. Pending before the Ohio House Economic Development, Commerce, & Labor Committee.

[House Bill 86](#)

OCCUPATIONAL LICENSING REFORM – House Bill 289 & Senate Bill 255– Sponsored by Representatives Ron Hood (R – Ashville) and Rob McColley (R – Napoleon) and Senator Rob McColley (R – Napoleon)

To establish a statewide policy on occupational regulation, to require standing committees of the General Assembly to periodically review occupational licensing boards regarding their sunset, to require the Common Sense Initiative Office to review certain actions taken by occupational licensing boards, and to require the Legislative Service Commission to perform assessments of occupational licensing bills and state regulation of occupations.

NFIB Position: Interested Party

Analysis: The bill requires the legislative leaders to establish review committees to review the sun setting of occupational licensing boards to determine if they are still necessary to protect the public good, if they are still meeting their intended purpose, if they are serving as an impediment to competition in a respective field, level of regulation compared with other states, and other points of evaluation. The bill also requires CSI to evaluate proposed rules on occupational licensing. The bill intends to ensure that free markets are allowed to work and that the government and/or licensing boards are not overly-burdensome in requirements

for individuals to practice in certain industries. NFIB believes in reduction in government impediments to allow individuals to work in industries and not be overly burdened in trying to do so.

Status: Introduced June 26, 2017, and February 12, 2018. Pending before the Ohio House Government Accountability and Oversight Committee. SB 255 passed the Ohio House on December 13, 2018, on a vote of 56-28. Senate concurrence on December 19, 2018, on a vote of 24-8.

[House Bill 289](#)

[Senate Bill 255](#)

RESIDENTIAL CONTRACTOR LICENSURE – House Bill 339 – Sponsored by Representatives Tim Schaffer (R – Lancaster) and Christina Hagan (R – Alliance)

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

NFIB Position: Interested Party

Analysis: The bill aims to eliminate municipal licensure for various residential home contractors, instead moving to a statewide license. Although the potential to reduce a patchwork of licenses, the bill still affords individual municipalities the ability to charge registration fees. This provision would still keep an extra cost of doing business for these contractors. NFIB will monitor and provide input on how this bill could be strengthened to provide predictability and certainty for residential contractors.

Status: Introduced September 11, 2017. Pending before the Ohio House Economic Development, Commerce & Labor Committee.

[House Bill 339](#)

PROTECT WAGE COMMUNICATIONS – House Bill 385 – Sponsored by Representative Thomas West (D – Canton)

To prohibit a state agency from preventing an employee from discussing the employee's own wages or another employee's wages, to prohibit a state agency from seeking a prospective employee's wage or salary history, to prohibit retaliation against an employee who discusses wages or opposes a prohibited act or practice, and to create the Wage Disparity Study Committee.

NFIB Position: Interested Party

Analysis: The bill would prohibit state agencies asking prospective employees' wage history and also prohibit preventing current employees from discussing their wages/salaries. Also creates a committee to study wage disparities. NFIB worked with the sponsor to eliminate private sector employees from this bill. We will continue to monitor any changes to this bill.

Status: Introduced October 17, 2017. Pending before the Ohio House Economic Development, Commerce & Labor Committee.

[House Bill 385](#)

PRIVATE HEALTH CARE FACILITY CLOSURE – House Bill 462 – Sponsored by Representative Kirk Schuring (R – Canton) and Thomas West (D – Canton)

To require that a for-profit hospital and its affiliated health care facilities in certain counties follow specified procedures before ceasing operations or closing, and to declare an emergency.

NFIB Position: Interested Party

Analysis: The bill requires nine months notice to employees and patients before a for-profit hospital and/or affiliated health care facility may close. The bill restricts to one county, Stark, and it further requires placement of all employees and patients to another facility within 15 miles of closing facility. While providing advance notice may benefit patients and employees, using the hand of government to force a private entity to remain open against their wishes is egregious. NFIB supports the rights of businesses to make the decision to close when it is in their interest, not the whims of government.

Status: Introduced January 11, 2018. Passed the Ohio House on January 31, 2018, on a vote of 84 -12. Pending before the Ohio Senate Government Oversight & Reform Committee.

[House Bill 462](#)

STATE AGENCY CONSTRUCTION BIDS – House Bill 471 – Sponsored by Representative Anne Gonzales (R – Westerville)

To specify that the Ohio Facilities Construction Commission's powers do not extend to letting or administering contracts that fall under the power of the Department of Administrative Services to make changes to existing facilities.

NFIB Position: Opposed

Analysis: This bill is similar to, albeit even farther reaching, than a proposed amendment to the state operating budget. This bill would allow a circumvention of the OFCC review of contracts for state agency facilities under the auspices of the Department of Administrative Services and grant authority to a third-party. This process will avoid competitive bidding and potentially close out certain bidders and businesses and potentially drive up costs to taxpayers. NFIB opposed the amendment to the budget and believes this bill will reduce transparency and equity in bidding on some public works projects.

Status: Introduced January 18, 2018. Pending before the Ohio House Government Accountability & Oversight Committee.

[House Bill 471](#)

WIRELESS TECHNOLOGY – House Bill 478 – Sponsored by Representatives Ryan Smith (R – Bidwell) and Sarah LaTourette (R – Chesterland)

To modify the law regarding wireless service and the placement of small cell wireless facilities in the public way.

NFIB Position: Support

Analysis: The bill is similar to a provision passed in the 131st GA (stayed by court decision) that grants easier access to wireless companies to install upgraded, 5g technology. The purpose is to eliminate what may be a protracted local government approval process. NFIB supports our members ability to access the latest technology to help improve their businesses while preserving the ability of local governments and citizens to their local landscape. House Bill 478 is the product of negotiations from stakeholders.

Status: Signed by Governor Kasich.

[House Bill 478](#)

WOMEN-OWNED BUSINESS PROGRAM – House Bill 492 – Sponsored by Representative Anne Gonzales (R – Westerville)

To establish the women-owned business enterprise program requiring state agencies to establish women-owned business procurement goals.

NFIB Position: Interested Party

Analysis: The bill requires state agencies and universities to establish goals for awarding contracts and doing business with women-owned enterprises. The bill also requires establishment of criteria for certification as women-owned businesses. NFIB believes in a level playing field for all bidders and has questions the need to establish goals for state agencies for awarding bids outside of most qualified and best price.

Status: Introduced February 5, 2018. Pending before the Ohio House State & Local Government Committee. Amended into House Bill 494.

[House Bill 492](#)

FRANCHISOR LAW – House Bill 494 – Sponsored by Representative Niraj Antani (R – Miamisburg)

To specify that a franchisor is not the employer of a franchisee or employee of a franchisee for purposes of the Minimum Fair Wage Standards Law, the Bimonthly Pay Law, the Workers' Compensation Law, the Unemployment Compensation Law, and the Income Tax Law and to require the Director of Administrative Services to establish the women-owned business enterprise program.

NFIB Position: Support 

Analysis: The bill makes clear that for purposes of Ohio laws, the franchisee is the employer and not the parent entity (franchisor). This bill is in response to an NLRB ruling that changed decades of precedence and created a joint-employer standard, whereby our members that are franchise owners would no longer enjoy the flexibility to operate their own businesses. The bill also included House Bill 492 which establishes the women-owned business enterprise program requiring state agencies to establish women-owned business procurement goals.

Status: Introduced February 5, 2018. Passed the Ohio Senate on December 12, 2018, on a vote of 23-9. House concurrence on December 13, 2018, on a vote of 61-25.

[House Bill 494](#)

EDUCATION/WORKFORCE AGENCY MERGER – House Bill 512 – Sponsored by Representative Bill Reineke (R-Tiffin)

To establish the Department of Learning and Achievement; to abolish the Department of Higher Education, the position of the Chancellor of Higher Education, and the Ohio Board of Regents; to transfer, with exceptions, the duties regarding the administration of primary and secondary education programs and all duties regarding the administration of higher education programs to the Department of Learning and Achievement; and to prescribe certain duties regarding educator licensure, community school sponsorship, and other education programs for the State Board of Education, Superintendent of Public Instruction, and Department of Education.

NFIB Position: Interested Party

Analysis: The bill consolidates the Departments of Education, Higher Education, and Office of Workforce Transformation into the new Department of Learning and Achievement. The goal is to have one person in charge overseeing the coordination of all education entities including primary and secondary schools, vocational schools, career tech schools, community colleges and universities as well as workforce development to ensure that all entities are moving toward same goal of meeting the demands of the employer community and fostering a partnership between the education community and business community. The bill also makes changes to the state board of education. NFIB is interested in the education community better meeting the needs of our members. Workforce issues are climbing to the top of concerns amongst business owners. What is in place today is not working. We encourage trying new strategies.

Status: Introduced February 14, 2018. Pending before the Ohio House Government Accountability and Oversight Committee.

[House Bill 512](#)

MINOR WORKER PROGRAM – House Bill 551 – Sponsored by Representatives Rick Perales (R – Beaver creek) and Mark Romanchuk (R – Ontario)

Regarding hazardous occupations prohibited for minors and providing training to certain minors employed in a construction or manufacturing occupation.

NFIB Position: Support

Analysis: The bill allows 16 and 17 year old individuals to work in the construction and manufacturing industries so long as it does not violate state or federal labor laws. The bill will provide an opportunity to provide students an opportunity to jump start a career and provide employers will individuals developing needed skill sets to be ready to hire upon graduation.

Status: Introduced March 13, 2018. Pending before the Ohio House Economic Development, Commerce & Labor Committee

[House Bill 551](#)

AUXILIARY CONTAINER TAX PREEMPTION – House Bill 625 – Sponsored by Representatives George Lang (R – West Chester) and Scott Lipps (R – Franklin)

To authorize a person to use an auxiliary container for any purpose, to prohibit a municipal corporation, charter county, or limited home rule township from imposing a tax or fee on auxiliary containers, and to clarify that the existing anti-littering law applies to auxiliary containers.

NFIB Position: Support 

Analysis: The bill prohibits local governments from enacting taxes on auxiliary containers. This will prevent small business owners from having to navigate a patchwork of laws and work through the administrative burdens associated with collecting and remitting these taxes. It ensures statewide uniformity.

Status: Introduced May 1, 2018. Passed the Ohio House November 28, 2018, on a vote of 59-30. Not referred to committee in the Ohio Senate.

[House Bill 625](#)

EMPLOYERS OF ASSISTANCE RECEIPTS – House Bill 660 – Sponsored by Representatives Stephanie Howse (D – Cleveland) and Brigid Kelly (D – Cincinnati)

To require an annual report about certain employers of public assistance recipients.

NFIB Position: Interested Party

Analysis: The bill requires a public report on the 25 largest public and private employers (defined by number of employees) that have employees receiving some

sort of public assistance. This report is to include number of employees receiving and amount of assistance. NFIB is concerned about the precedent this bill sets with respect to requiring reporting on private employers on a host of employer/employee issues.

Status: Introduced May 15, 2018. Pending before the Ohio House Community & Family Advancement Committee.

[House Bill 660](#)

REPEAL PREVAILING WAGE – House Bill 712 – 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 the prevailing wage law for public works projects in Ohio. NFIB members have consistently supported a repeal of prevailing wage law on ballots over the past couple of decades. This bill will allow any and all contractors to bid on projects and potentially allow taxpayers to recognize savings on public construction projects.

Status: Introduced June 28, 2018. Pending before the Ohio House Federalism and Interstate Relations Committee.

[House Bill 712](#)

PUBLIC EMPLOYEE RIGHT TO WORK – House Joint Resolution 7 – Sponsored by Representatives John Becker (R – Union Township) and Craig Riedel (R – Defiance)

To enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of public sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember public sector employees in employment-related matters.

NFIB Position: Interested Party

Analysis: The bill would put before the voters of Ohio the question as to whether the state constitution should be amended to prohibit public employees from being required to join a union or employee organization as a condition of employment. The amendment would also prohibit employee organizations from representing nonmember employees in employment matters. NFIB members strongly supported right to work in the last ballot however the question was not related to a constitutional amendment.

Status: Introduced December 21, 2017. Pending before the Ohio House Government Accountability and Oversight Committee.

[HJR 7](#)

ELIMINATE PREVAILING WAGE - House Joint Resolution 9 – Sponsored by Representatives John Becker (R – Union Township) and Craig Riedel (R – Defiance)

To enact Section 43 of Article II of the Constitution of the State of Ohio to prohibit a public authority from requiring a contractor on a public improvement to pay the contractor's workers the prevailing rate of wages for work performed on the public improvement.

NFIB Position: Interested Party

Analysis: The bill would eliminate prevailing wage in Ohio by amending Ohio's constitution. NFIB has long supported eliminating prevailing wage. Membership has not been balloted on question of amending the Ohio Constitution to do so.

Status: Introduced December 21, 2017. Pending before the Ohio House Government Accountability and Oversight Committee.

[HJR 9](#)

PROJECT LABOR AGREEMENTS - House Joint Resolution 10 – Sponsored by Representatives John Becker (R – Union Township) and Craig Riedel (R – Defiance)

To enact Section 2 of Article XV of the Constitution of the State of Ohio to prohibit certain requirements or prohibitions regarding labor agreements in government contracts.

NFIB Position: Interested Party

Analysis: The bill would put before the voters the question of whether to amend Ohio's constitution to neither require nor prohibit project labor agreements (PLAs) on public works projects. PLAs typically require all contractors, including non-union contractors, to agree to use union labor on a project and sign their employees up on the hall roster. NFIB has long supported PLA reform. Membership has not been balloted on question of amending the Ohio Constitution to do so.

Status: Introduced December 21, 2017. Pending before the Ohio House Government Accountability and Oversight Committee.

[HJR 10](#)

PUBLIC UNION ANNUAL RECERTIFICATION - House Joint Resolution 11 – Sponsored by Representatives John Becker (R – Union Township) and Craig Riedel (R – Defiance)

To enact Section 12 of Article XV of the Constitution of the State of Ohio to subject any public employee collective bargaining representative to an annual election to remain certified as the exclusive representative.

NFIB Position: Interested Party

Analysis: The bill would put before the voters the question of whether to amend Ohio's constitution to require public employees to recertify their union (employee organization) on an annual basis. The amendment would require a majority of employees to certify and if not, the union is not the exclusive representative of those employees. NFIB believes it is appropriate to allow employees to vote on a regular basis to determine if they want to continue to be represented by their current union, seek another union, or not be represented by a union at all. Membership has not been balloted on question of amending the Ohio Constitution to do so.

Status: Introduced December 21, 2017. Pending before the Ohio House Government Accountability and Oversight Committee.

[HJR 11](#)

PUBLIC EMPLOYEE PAYCHECK PROTECTION - House Joint Resolution 12 – Sponsored by Representatives John Becker (R – Union Township) and Craig Riedel (R – Defiance)

To enact Section 12 of Article XV of the Constitution of the State of Ohio to prohibit dues and other fees payable to an employee organization from being deducted from the payroll check of a public employee and to prohibit those dues and fees from being used for political purposes unless authorized by the public employee.

NFIB Position: Interested Party

Analysis: The bill would put before the voters the question of whether to amend Ohio's constitution to prohibit public employees from having to pay union dues, fair share, or any other contributions. The amendment further would stipulate that an employee must authorize a union to take dues or other contributions and put toward political causes. NFIB members have supported paycheck protection in the past. This however is only applicable to public employees. Membership has not been balloted on question of amending the Ohio Constitution to do so.

Status: Introduced December 21, 2017. Pending before the Ohio House Government Accountability and Oversight Committee.

[HJR 12](#)

INITIATIVE PETITION PROCESS – House Joint Resolution 19 – Sponsored by Representatives Sarah LaTourette (R – Chesterland) and Glenn Holmes (D – McDonald)

To amend Sections 1a, 1b, 1e, and 1g of Article II of the Constitution of the State of Ohio to modify the requirements for the initiative petition process.

NFIB Position: Opposed

Analysis: This proposal would increase passage requirements for proposed constitutional amendments to 60 percent of voters. The proposal also shortened the timeframe in which to file signatures for constitutional amendments and the length of time the signatures are valid. The resolution eliminates the supplemental petition and instead requires signatures of 5 percent of the electorate for citizen-initiated statutes instead of 3 percent upfront followed by an additional 3 percent if petitioners seek to appear on the ballot due to inaction or unfavorable action by the General Assembly. The proposal also precludes the General Assembly from amending any citizen-initiated statute for one year. NFIB supports modernizing Ohio's initiative petition process but is seeking a more comprehensive package.

Status: Introduced November 28, 2018. Pending before the Ohio House Government Accountability and Oversight Committee.

[HJR 19](#)

EMPLOYEE RIGHTS – Senate Bill 38 – Sponsored by Senator Kenny Yuko (D – Richmond Heights)

To raise the minimum wage; to eliminate the prohibition against political subdivisions establishing a different minimum wage; to raise the salary threshold above which certain employees are exempt from the overtime law; and to create a uniform standard to determine whether an individual performing services for an employer is an employee of that employer.

NFIB Position: Opposed

Analysis: The bill would raise the minimum wage to \$10.15 an hour and index to inflation and repeal the recently enacted and NFIB Key Vote on restricting local governments from establishing a different minimum wage than the state. The bill also increases the salary threshold when certain employees are exempt from overtime. NFIB sued the federal government to stop the doubling of the threshold. This bill takes it further to \$50,000 in 2018 and \$69,000 in 2019. The bill also scraps the current test for who is or is not an employee and creates draconian penalties for employers that recklessly misclassify individuals. The bill also adds liability to general contractors for the hiring practices of their subcontractors. NFIB has long challenged previous iterations of this bill. While we do not condone misclassification, the methods employed in this bill will likely lead to harassment of employers by competitors as any interested party may file a complaint with the Dept. of Commerce.

Status: Introduced February 7, 2017. Pending before the Ohio Senate Transportation, Commerce and Workforce Committee.

[Senate Bill 38](#)

BAN THE BOX – Senate Bill 49 – 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 an employer from asking about an applicant’s pleading guilty to or being convicted of a felony on a job application. The bill does not preclude an employer from doing a background check. The bill appears to include no penalties for non-compliance. NFIB members believe they should have the right to ask the question upfront and make their own decision about how to handle any previous felonies.

Status: Introduced February 14, 2017. Pending before the Ohio Senate Transportation, Commerce and Workforce Committee.

[Senate Bill 49](#)

PERMISSIVE PREVAILING WAGE - Senate Bill 72 & House Bill 163 – Sponsored by Senator Matt Huffman (R – Lima) and Representatives Kristina Roegner (R – Hudson) & Craig Riedel (R – Defiance)

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 27, 2017. Pending before the Ohio Senate Finance and Ohio House Economic Development Commerce and Labor Committees.

[Senate Bill 72](#)

[House Bill 163](#)

COSMETOLOGY LICENCING REFORM – Senate Bill 129 & House Bill 189 – Sponsored by Senators Kris Jordan (R – Delaware) and Charleta Tavares (D – Columbus) and Representatives Kristina Roegner (R – Hudson) and Alicia Reece (D- Cincinnati)

To make changes to the Cosmetology Licensing Law.

NFIB Position: Support **NFIB** KEY VOTE 

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 supports this bill and furthering the discussion on other occupational license reforms.

Status: Introduced April 10, 2017 and April 24, 2017 respectively. Pending before the Ohio Senate Government Reform & Oversight Committee. Passed the Ohio House Government Accountability & Oversight Committee on March 8, 2018. Rereferred to House Government Accountability & Oversight Committee .
[Senate Bill 129](#) [House Bill 189](#)

CYBERSECURITY – Senate Bill 220 – Sponsored by Senators Bob Hackett (R – London) and Kevin Bacon (R – Westerville)

To provide a legal safe harbor to covered entities that implement a specified cybersecurity program, to allow transactions recorded by blockchain technology under the Uniform Electronic Transactions Act, and to alter the definition of "key employee" under the Casino Gaming Law.


NFIB Position: Support **NFIB** KEY VOTE 

Analysis: The bill creates a safe harbor for businesses that meet certain minimum cybersecurity protocols, with deference to size of businesses, to protect the information of their customers if they are sued for stolen information. These businesses will have to regularly update their protocols in order to keep this protection. The bill does not mandate but instead encourages businesses to implement cybersecurity protections for their businesses.

Status: Signed by Governor Kasich June 2018.
[Senate Bill 220](#)

AGENCY RULEMAKING REQUIREMENTS – Senate Bill 221 – Sponsored by Senator Joe Uecker (R – Loveland)

To reform agency rule-making and legislative review thereof.

NFIB Position: Support **NFIB** KEY VOTE 

Analysis: The bill establishes a new right to regulated community to petition to have a rule called up with the statutorily required five year process should an adverse/unintended impact arise. The bill also encourages state agencies to implement rules in lieu of internal agency policy(s) and allows JCARR to bring an agency before it for this purpose. The bill also requires state agencies to make available any texts that are incorporated by reference, so businesses do not have to incur the cost of purchasing.

Status: Vetoed by Governor Kasich. Ohio Senate and Ohio House override veto.
[Senate Bill 221](#)

END MEDICAID EXPANSION – Senate Bill 237 – Sponsored by Senator Kris Jordan (R – Delaware)

To prohibit the Medicaid program from covering the expansion eligibility group after December 31, 2018.

NFIB Position: Interested Party

Analysis: The bill would eliminate eligibility for the Medicaid expansion population. The population has ballooned to over 700,000 recipients and the share of Ohio’s obligation will be increasing to 5%. NFIB members opposed expansion when initially proposed. NFIB will have to ballot our members to see response now that expansion is in place.

Status: Introduced November 29, 2017. Pending before the Ohio Senate Health, Human Services and Medicaid Committee.
[Senate Bill 237](#)

MINIMUM WAGE INCREASE – Senate Bill 277 and House Bill 576 – Sponsored by Senators Cecil Thomas (D – Cincinnati) and Joe Schiavoni (D – Boardman) and Representative Brigid Kelly (D – Cincinnati)

To increase the state minimum wage.


NFIB Position: Opposed

Analysis: The bills would incrementally increase the state minimum wage to \$15/hour by 2025. After this the minimum wage would increase per the constitutional amendment approved by Ohio voters in 2006. NFIB believes that the market should dictate wages, not government. These proposals will serve to keep individuals from gaining entry to the workforce, put upward pressure on all wages and ultimately drive up consumer prices. Finally, a recent study pegged Ohio’s job loss at over 300,000 should such a proposal be enacted.

Status: Introduced March 21, 2018 and March 28, 2018 respectively. Pending before the Ohio Senate Local Government, Public Safety and Veterans Affairs Committee and the Ohio House Government Accountability and Oversight Committee.
[Senate Bill 277](#) [House Bill 576](#)

STATE AGENCY REGULATORY REDUCTIONS – Senate Bill 293 & House Bill 620 – Sponsored by Senators Rob McColley (R – Napoleon) and Bob Peterson (R – Sabina) and Representatives Kristina Roegner (R – Hudson) and Craig Riedel (R – Defiance)

To amend section 106.03 and to enact sections 101.352, 101.353, 121.93, 121.931, and 121.932 of the Revised Code to require agencies to reduce the number of regulatory restrictions.

NFIB Position: Support 

Analysis: The bills require state agencies to hit percentage benchmarks for rule reductions in Ohio Administrative Code seeking a 30% target in 2020. 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 Senate bill does have one additional ORC section that stipulates the creation of a database to assist JCARR in aggregating rule data. NFIB supports the approach this bill takes to require state agencies to find obsolete or unnecessary rules or those that cause an undue burden and eliminate them from the OAC.

Status: Introduced April 23, 2018 and April 26, 2018, respectively. SB 293 passed the Ohio Senate June 27, 2018, on a vote of 23-9. SB 293 and HB 620 pending before the Ohio House Government Accountability and Oversight Committee.

[Senate Bill 293](#)

[House Bill 620](#)

STATE AGENCY FINES TO GRF – Senate Bill 321 – Sponsored by Senator Frank LaRose (R – Hudson)

To require state agencies to deposit all fines, penalties, and late fees into the state treasury to the credit of the General Revenue Fund unless the law specifically provides otherwise.

NFIB Position: Support

Analysis: The bill requires all fines, penalties and late fees levied by a state agency that are not otherwise encumbered to be deposited into the general revenue fund. The intent is to prevent an agency from raising revenue through penalizing businesses and individuals. NFIB supports transparency in how much revenue is being generated through penalties levied on our members.

Status: Introduced August 9, 2018. Pending before the Ohio Senate Finance Committee.

[Senate Bill 321](#)

HEALTHCARE

STEP THERAPY PROTOCOL – Senate Bill 56 & House Bill 72 – Sponsored by Senators Peggy Lehner (R – Kettering) and Charleta Tavares (D – Columbus) and Representative Terry Johnson (R – McDermott) and Nickie Antonio (D – Lakewood)

To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid.

NFIB Position: Interested Party

Analysis: The bill stipulates that step therapy protocols can be bypassed in certain circumstances. Step therapy is utilized by insurance companies to try and treat a patient with less costly drugs/therapy before moving on to more expensive treatments. The proponents of this legislation indicate insurance companies use fail first methods too much even when it is known that the treatment will fail. NFIB is monitoring to see what impacts this might have on our members' health insurance premiums.

Status: Introduced February 14, 2017 and February 21, 2017, in respective chambers. Senate Bill 56 was amended into Senate Bill 265. NFIB secured an amendment to reduce the negative impact to our members' health insurance premiums.

[Senate Bill 265](#)

EMT SERVICES MANDATE – House Bill 197 – Sponsored by Representative Tom Patton (R – Strongsville)

To provide for insurance reimbursement for EMT services in nonemergency situations.

NFIB Position: Opposed

Analysis: The bill requires health insurance companies to reimburse for EMT services provided to their clients. The bill requires a health insurance company to provide an EMT with a list of covered services. The bill further requires a health insurance company to reimburse an EMT the higher amount of what they bill or the usual and customary rate. NFIB is always concerned about health insurance mandates. Although this bill does stipulate Medicaid provide coverage it is silent with respect to state plans. Of concern is the ability of an EMT to submit any billed amount and a health insurance company must pay that amount. This violates the concept of network providers and covered services. The bill will certainly add increased costs of health insurance premiums.

Status: Introduced May 2, 2017. Pending before the Ohio House Insurance Committee.

[House Bill 197](#)

HEALTHCARE COST ESTIMATES – House Bill 416 – Sponsored by Representative Steve Huffman (R – Tipp City)

To repeal section 5162.80 of the Revised Code regarding the provision of cost estimates for scheduled health care services and health care services requiring insurer preauthorization.

NFIB Position: Interested Party

Analysis: The bill requires cost estimates to be provided by healthcare providers and/or insurance carrier. The bill spells out timeframes for notification to patient of estimated costs based upon condition as presented as well as for preauthorization. NFIB believes transparency is important. However, this bill should go further and require an actual cost associated with a procedure irrespective of insurance coverage. Just like a menu of prices at many businesses.

Status: Introduced November 28, 2017. Pending before the Ohio House Insurance Committee.

[House Bill 416](#)

HEALTH INSURANCE MANDATE REVIEW – House Bill 450 – Sponsored by Representative Niraj Antani (R – Miamisburg)

To impose review and other requirements on existing health insurance mandated benefits and to establish requirements for the creation of new mandated benefits.

NFIB Position: Support

Analysis: The bill requires the undertaking of numerous steps prior to enactment of new health insurance mandates including; CPI for medical services is at or below the CPI for all items, passage of mandate in at least five other states, and applicable to public employee benefit plans and Medicaid. The bill also will require a review of possible alternatives that provide coverage beyond just the fully-insured market. The bill requires an actuarial review of the cost of all mandates every five years. Also, the bill creates a review committee of a panel of experts to evaluate existing mandates for efficacy and appropriate standard of care. NFIB is always focused on addressing our members top concern; health insurance. This bill will change the discussion to ensure fairness and widespread coverage prior to enactment of new mandates.

Status: Introduced December 12, 2017. Pending before the Ohio House Government Accountability and Oversight Committee.

[House Bill 450](#)

TELEMEDICINE MANDATE – House Bill 546 – Sponsored by Representative Tom Patton (R – Strongsville)

To prohibit health benefit plans from treating telemedicine services differently from in-person health care services solely because they are provided as telemedicine services.

NFIB Position: Opposed

Analysis: The bill requires health insurance companies to reimburse for telemedicine the same as they would for in-person visits. NFIB opposed health

insurance mandates. While telemedicine provides access for many, one of the key components is the reduction in costs associated with a traditional bricks and mortar facility. This bill allows for billing the same as in person thus negating any cost savings. Further, the bill does not impact Medicaid or public employee benefit plans, which the state can mandate coverage.

Status: Introduced March 13, 2018. Pending a vote before the full Ohio House.

[House Bill 546](#)

CHIROPRACTIC MANDATE – House Bill 739 – Sponsored by Representative Michael O’Brien (D – Warren)

To require health insurers and the Medicaid program to provide coverage for chiropractic and other services when prescribed as alternatives to opioid analgesics.

NFIB Position: Opposed

Analysis: The bill is a healthcare mandate that would require coverage for chiropractic or other services in lieu of opioids. NFIB has long opposed health insurance mandates as they are limited in applicability.

Status: Introduced October 10, 2018. Pending before the Ohio House Insurance Committee.

[House Bill 739](#)

UNIVERSAL HEALTHCARE – Senate Bill 91 & House Bill 440 – Sponsored by Senators Michael Skindell (D – Lakewood) and Charleta Tavares (D – Columbus) and Representatives Teresa Fedor (D – Toledo) and Bernadine 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 March 7, 2017, and December 7, 2017. Pending before the Ohio Senate Insurance & Financial Institutions Committee and the Ohio House Insurance Committee.

[Senate Bill 91](#)

[House Bill 440](#)

HEARING AID MANDATE – Senate Bill 93 – Sponsored by Senator Edna Brown (D – Toledo)

To require health insurers to offer coverage for hearing aids.

NFIB Position: Opposed

Analysis: The bill requires that all health insurance policies that provide basic coverage be required to include a benefit of no less than \$1,500 per year over three years. The bill also prohibits any deductible or co-pay charges. Like all mandates they are only applicable to the fully-insured market, arguably the most volatile, leaving significant coverage gaps.

Status: Introduced March 7, 2017. Pending before the Ohio Senate Insurance and Financial Institutions Committee.

[Senate Bill 93](#)

MAMMOGRAPHY MANDATE EXPANSION – Senate Bill 121 – Sponsored by Senator John Eklund (R – Munson Township)

To include tomosynthesis as part of required screening mammography benefits under health insurance policies.

NFIB Position: Opposed

Analysis: The bill adds an additional requirement to the mammography mandate currently in Ohio Revised Code that would to cover 3D imaging. NFIB is working with the health insurance industry to understand if this service is already covered and the efficacy of this procedure in early detection of cancer. This bill is an expansion of an already existing mandate.

Status: Introduced March 30, 2017. Pending before the Ohio Senate Insurance & Financial Institutions Committee.

[Senate Bill 121](#)

HEALTH INSURANCE CLAIM DATA – Senate Bill 227 – 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. 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. Further, given the community rating under the ACA,

questions arise as to whether having this information will provide tangible benefits to small employers.

Status: Introduced November 2, 2017. Passed the Ohio Senate on May 23, 2018, on vote of 31-0. Pending before the full Ohio House.

[Senate Bill 227](#)

LABOR

EMPLOYMENT LAW REFORM – House Bill 2 – Sponsored by Representative Seitz (R – Cincinnati)

To amend sections 2315.18, 4112.01, 4112.02, 4112.04, 4112.05, 4112.051, 4112.08, and 4112.99; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4112.051 (4112.055) and 4112.052 (4112.056); to enact new sections 4112.051, 4112.052 and sections 4112.053 and 4112.054; and to repeal section 4112.14 of the Revised Code to modify Ohio civil rights laws related to employment.

NFIB Position: Support

Analysis: The bill would update Ohio's employment laws to sync with federal employment laws, particularly as it relates to statutes of limitation for filing of claims. The bill eliminates filing in multiple venues at the same time, eliminates supervisor liability for enforcement of a company policy, and puts a sliding scale cap on damages based upon employer size. These reforms will also streamline age discrimination lawsuits which have four different tracks of pursuit currently.

Status: Introduced February 1, 2017. Pending vote before the full Ohio House of Representatives.

[House Bill 2](#)

RIGHT TO WORK – House Bill 113 – Sponsored by Representative Tom Brinkman (R – Cincinnati)

To prohibit any requirement that employees of private employers join or pay dues to any employee organization and to establish civil and criminal penalties against employers who violate that prohibition.

NFIB Position: Support

Analysis: The bill would prohibit the joining of any employee organization as a condition of employment. This policy is known as right to work. The bill also establishes both civil and criminal penalties including recovery for actual damages for individuals and fines up \$1,000 and up to 90 days in jail. NFIB last ballot on right to work received overwhelming support in favor.

Status: Introduced March 7, 2017. Pending before the Ohio House Economic Development, Commerce & Labor Committee.

[House Bill 113](#)

WAGE DISCRIMINATION – House Bill 138 – Sponsored by Representatives Kent Smith (D – Euclid) and Janine Boyd (D – Cleveland)

To require the Ohio Civil Rights Commission to establish a system for individuals to make anonymous complaints regarding employers discriminating in the payment of wages.

NFIB Position: Interested Party

Analysis: The bill would create a process whereby an individual who feels he/she has been discriminated against with respect to wages/pay may file an anonymous complaint via phone or electronic means. Current procedure requires in person, via mail with a notarized complaint form or electronically which subsequently requires a notarized form to be resubmitted. Wage discrimination is currently illegal. NFIB does not condone discrimination in any form or fashion. We will monitor this bill to ensure that employers are protected during investigations and not penalized simply based upon the filing of a complaint.

Status: Introduced March 21, 2017. Pending before the Ohio House Economic Development, Commerce, & Labor Committee.

[House Bill 138](#)

ELIMINATE GENDER PAY DISPARITY – House Bill 180 – Sponsored by Representative Kathleen Clyde (D – Kent) & Stephanie Howse (D – Cleveland)

To require a contractor or person submitting a bid or other proposal for a state contract or a business entity applying for a grant or other economic incentive from a state agency to obtain an equal pay certificate, to require state agencies and political subdivisions to establish a job evaluation system to identify and eliminate sex-based wage disparities among classes of employees, and to prohibit an employer from retaliating against an employee who discusses the employee's salary or wage rate with another employee.

NFIB Position: Opposed

Analysis: The bill requires a certification from the state based upon disclosure of employees and salary information demonstrating equal pay on a number of different factors in order for a company to be eligible to work on public projects. The bill also prohibits an employer from discharging an employee who discusses his/her salary with another employee, although there is no apparent penalty associated with such a discharge. NFIB is concerned about what could be very subjective interpretations of the various factors used in determining who should be compensated at what rate. These negotiations should remain between employer and employee. Additionally, we are concerned with prohibiting

employers from doing public works because they do not wish to turn over compensation records to the state.

Status: Introduced April 10, 2017. Pending before the Ohio House Government Accountability & Oversight Committee.

[House Bill 180](#)

APPLICATION INFO RESTRICTION – House Bill 187 – Sponsored by Representative Jonathan Dever (R – Madeira)

To regulate the collection, use, and retention of certain information obtained from an applicant during the employee selection process.

NFIB Position: Opposed

Analysis: The bill prohibits an employer for asking an applicant for his/her social security number, driver's license number or date of birth prior to a job offer being made. This prohibition may be waived for an employer to conduct a criminal background check, credit history or driving record if written consent is granted by applicant. The bill requires any such information to be destroyed within two years if the applicant is not hired. The bill further creates a right to civil action to recover actual damages sustained by applicant. NFIB is always concerned with new causes of action against employers. We will monitor the progress of this bill and work to prevent negative consequences for employers.

Status: Introduced April 24, 2017. Pending before the Ohio House Community and Family Advancement Committee.

[House Bill 187](#)

EMPLOYEE PAYCHECK INFORMATION – House Bill 542 – Sponsored by Representative Brigid Kelly (R – Cincinnati)

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 their employees with a statement of their pay and any applicable deductions, like taxes, healthcare, etc. The bill is for non-exempt employees and a written statement may be requested. As employers are required to withhold and remit to the appropriate entities taxes, etc., we believe by and large this practice is taking place. NFIB is monitoring this bill however, we do not currently see a negative impact to our members.

Status: Introduced March 6, 2018. Pending before the Ohio House Economic Development, Commerce, and Labor Committee.

[House Bill 542](#)

EXPAND OVERTIME PAY LAW – House Bill 605 – Sponsored by Representatives Brigid Kelly (D – Cincinnati) and Kent Smith (D – Euclid)

To enact sections 4111.031 and 4111.032 of the Revised Code to raise the salary threshold above which certain employees are exempt from the overtime law.

NFIB Position: Opposed

Analysis: The bill would enact a state level overtime law similar to what was proposed at the federal level requiring overtime to be paid to anyone earning less than \$47,476 and not hourly. The bill would double the current threshold and index to increase on an annual basis. NFIB opposed this at the federal level and will do so at the state level. This more than doubles the threshold for overtime. It will lead to perceived demotions of managerial employees moving from salary to hourly pay. It will also cause employers to adjust their workforce accordingly to address this change in law potentially resulting in reductions in hours and or staff.

Status: Introduced April 17, 2018. Pending before the Ohio House Economic Development, Commerce and Labor Committee.

[House Bill 605](#)

PRIVATE EMPLOYEE RIGHT TO WORK – House Joint Resolution 8 – Sponsored by Representatives John Becker (R – Union Township) and Craig Riedel (R – Defiance)

To enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of private sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember private sector employees in employment-related matters.

NFIB Position: Interested Party

Analysis: The bill would put before the voters of Ohio the question as to whether the state constitution should be amended to prohibit private employees from being required to join a union or employee organization as a condition of employment. The amendment would also prohibit employee organizations from representing nonmember employees in employment matters. NFIB members strongly supported right to work in the last ballot however the question was not related to a constitutional amendment.

Status: Introduced December 21, 2017. Pending before the Ohio House Government Accountability and Oversight Committee.

[HJR 8](#)

PREDICTIVE SCHEDULING – Senate Bill 101 – Sponsored by Senator Michael Skindell (D – Lakewood)

To regulate certain employment practices of formula retail establishment employers, food services establishment employers, and contractors and to require the purchaser of a formula retail establishment or food services establishment to retain certain employees of the establishment on transfer of ownership.

NFIB Position: Opposed

Analysis: The bill requires two weeks advanced notice for employee scheduling. Deviation or adjustment will result in payment of some of the hours to the employee. Bill also requires retention of certain employees when a specific type of business is sold or ownership is transferred. NFIB supported legislation in the 131st GA that keeps scheduling and other fringe benefits between employer and employee. Any interference in this process, including retention of employees upon transfer of ownership, is unnecessary government involvement in an employer/employee contract/relationship.

Status: Introduced March 15, 2017. Pending before the Ohio Senate Transportation, Commerce & Workforce Committee.

[Senate Bill 101](#)

FAIR WAGE ACT – Senate Bill 174 – Sponsored by Senator Cecil Thomas (D – Cincinnati) and Joe Schiavoni (D – Boardman)

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: Interested Party

Analysis: The bill amends the pay discrimination statutes to include sexual orientation and gender identity. Allows employers to justify wage differential if several factors are met. For all wage discrimination creates a rebuttable presumption for individuals that feel their employer did not adopt an alternative employment practice that would eliminate the need for a wage differential. Suspends the revised code sections related to tort actions. This bill will create more avenues for employers to be sued.

Status: Introduced August 2, 2017. Pending before the Ohio Senate Transportation, Commerce & Workforce Committee.

[Senate Bill 174](#)

FAMILY MEDICAL LEAVE ACT – Senate Bill 261 and House Bill 550- Sponsored by Senator Charleta Tavares (D – Columbus) and Representatives Janine Boyd (D – Cleveland) and Kristen Boggs (D- Columbus).

To establish family and medical leave insurance benefits to provide paid leave to allow an individual to address the individual's own serious health condition, to care for a family member, or to bond with a new child and to exempt those benefits from personal income tax.

NFIB Position: Opposed

Analysis: The bill requires establishment of a program that requires individuals (unless the opt-out) to contribute premiums to be collected and remitted by employers to a paid leave insurance fund. The bill allows those working 13 or more hours a week to take up to 12 non-consecutive paid weeks of leave with a sliding-scale wage reimbursement up to \$1,000 per week. The bill also prohibits employer retaliation against an individual that takes leave. NFIB believes this bill eliminates the flexibility between employer and employee to address situations as they arise. The bill subjects employers with one or more employees to the provisions of the bill which is likened to the FMLA, which has a threshold of 50 or more employees.

Status: Introduced February 22, 2018 and March 13, 2018. Pending before the Ohio Senate Insurance & Financial Institutions and House Community and Family Advancement Committee.

[Senate Bill 261](#)

[House Bill 550](#)

WORKERS' COMP & UNEMPLOYMENT COMP

WORKERS' COMP BUDGET – House Bill 27 – Sponsored by Representative Tom Brinkman (R – Cincinnati)

To make changes to the Workers' Compensation Law, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and ending June 30, 2019, 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. There is a provision contained within that would dismiss a claim for permanent partial disability should the applicant not submit to a medical examination. This provision is a part of one of NFIB key workers' compensation reforms. The \$566.5 million budget is a 2.5% increase from the previous biennium. Ongoing monitoring will continue through the legislative process. The sub bill includes a provision that reduces the statute of limitations for filing a claim from 2 years to 1 year. This provision has been a decades long priority of NFIB.

Status: Introduced February 1, 2017. Passed the Ohio Senate on June 28, 2017, on a vote of 24-9. House concurrence on June 28, 2017, on a vote of 60-39. Signed by Governor Kasich on June 30, 2017.

[House Bill 27](#)

INDUSTRIAL COMMISSION BUDGET – House Bill 28 – Sponsored by Representative Tom Brinkman (R- Cincinnati)

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2017, and ending June 30, 2019, 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 \$103.6 million over the biennium representing a one percent increase over the previous biennium.

Status: Introduced February 1, 2017. Passed the Ohio House on May 10, 2017, on a vote of 96-0. Passed the Ohio Senate on June 15, 2017, on a vote of 33-0. Signed by Governor Kasich on June 30, 2017.

[House Bill 28](#)

MILITARY SPOUSE UNEMPLOYMENT COMP – House Bill 158 & Senate Bill 116 – Sponsored by Representatives Rick Perales (R – Beaver Creek) & Hearcel Craig (D – Columbus) and Senators Frank LaRose (R – Hudson) & Sandra Williams (D- Cleveland)

To permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits.

NFIB Position: Interested Party

Analysis: The bill permits the spouse of an active duty military member to qualify for unemployment benefits should the spouse be required to move as a result of a military transfer. NFIB always is always focused on expansion of benefits particularly when an expansion could cause the full FUTA offset credit to be lost skyrocketing employers' rates from \$42 per employee to \$420 per employee. However, as Ohio is no longer in a state of borrowing this penalty would not be triggered. This provision is estimated to cost less than \$100,000 annually in benefit payouts.

Status: Introduced March 23, 2017, in the Ohio House and March 22, 2017, in the Ohio Senate. HB 158 was the vehicle and passed the Ohio Senate on December 5, 2018, on a vote of 31-0. House concurrence on December 6, 2018, on a vote of 75-4.

[House Bill 158](#)

[Senate Bill 116](#)

WORKERS' COMP SELF-INSURED – House Bill 268 – Sponsored by Representative Mike Henne (R – Clayton)

To make changes to the Workers' Compensation Law with respect to self-insuring employers.

NFIB Position: Interested Party

Analysis: The bill would allow companies desiring to be self-insured have a less than favorable credit rating. Further it would grant companies the ability to buy an ancillary policy to cover their liabilities, essentially privatizing without taking that step. NFIB will be monitoring the progress of this bill and anticipate the self-insured association will have issues with respect to the credit rating changes as their members become responsible for shoring up any insolvent self-insured companies.

Status: Introduced June 12, 2017. Pending before the Ohio House Insurance Committee.

[House Bill 268](#)

WORKERS' COMP REFORM – House Bill 269 – Sponsored by Representative Mike Henne (R – Clayton)

To rename the entities who carry out workers' compensation functions in this state, to require the Administrator of Worker Safety and Rehabilitation to develop incentives for employers to participate in safety consultations and loss prevention programs, to require an employee who is receiving temporary total disability compensation to comply with a return to work plan, and to make changes with respect to compensation for permanent total disability and death benefits.

NFIB Position: Interested Party

Analysis: The bill does several changes to Ohio's workers' compensation laws. First it changes the name of BWC. Next it codified safety program incentives for employers. Also, the bill addressed how to get an injured worker off temporary total disability by establishing back to work plan. However, the bill limits options for getting an individual off TTD which would likely be negative for employers. The bill institutes a retirement age for extended benefits and in conjunction a sliding scale based upon how close an individual is to retirement age. Finally, the bill establishes one-time lump-sum death benefit payments to dependents and establishes a scholarship program for these dependents. NFIB will be working closely with the sponsor and the committee to ensure the final product benefits the overall stability of the workers' compensation system.

Status: Introduced June 12, 2017. Pending before the Ohio House Insurance Committee.

[House Bill 269](#)

UNAUTHORIZED WORKER WORKERS' COMP – House Bill 380 – Sponsored by Representative Larry Householder (R – Glenford)

To prohibit illegal and unauthorized aliens from receiving compensation and certain benefits under Ohio's Workers' Compensation Law.

NFIB Position: Interested Party

Analysis: The bill prohibits illegal and unauthorized aliens from receiving workers' compensation benefits. It also allows them to sue an employer who knowingly employed an illegal worker. NFIB worked in the context of the BWC budget to get the language to read at the time of hire as legal status can change unbeknownst to an employer. This language did not remain in final BWC budget. We will work to get the language changed in stand-alone bill.

Status: Introduced October 11, 2017. Passed the Ohio House on December 5, 2017, on a vote of 65-30. Pending before the Ohio Senate Insurance & Financial Institutions Committee.

[House Bill 380](#)

UNEMPLOYMENT COMP REFORM – House Bill 382 – Sponsored by Representative Kirk Schuring (R – Canton)

To modify terms describing payments made under the Unemployment Compensation Law, to increase the amount of wages subject to unemployment compensation premiums, to require qualifying employees to make payments to the Unemployment Compensation Insurance Fund, to allow the Director of Job and Family Services to adjust maximum weekly benefit amounts, to reduce the maximum number of benefit weeks, and to make other changes to the Unemployment Compensation Law.

NFIB Position: Interested Party

Analysis: The bill changes terminology to reflect insurance terminology including premium and co-pay. Institutes a co-pay for employees of 10 percent of employer premium. Freezes benefits until minimum safe level is achieved or 10 years, whichever is shorter. Reduces from 26 to 24 weeks of eligibility but allows up to 26 weeks for weather related causes. Allows ODJFS to offset against dependency benefit. Permanently increases employer taxable wage base to \$11,000. The bill does not do the necessary benefit reforms to establish solvency. Instead it taxes every eligible working Ohioan and does so not equally likely causing DOL compliance issues. NFIB will be working to ensure that any increase in the wage base is offset but benefit reductions.

Status: Introduced October 11, 2017. Pending before the Ohio House Government Accountability and Oversight Committee.

[House Bill 382](#)

UNEMPLOYMENT COMP DRUG TESTING – House Bill 424 – Sponsored by Representative Scott Wiggam (R – Wooster)

To enact the "Substance Recovery and Workforce Improvement Act" regarding drug testing and eligibility for unemployment compensation benefits.

NFIB Position: Support

Analysis: The bill requires individuals to disclose on their initial application for unemployment benefits if they were separated from last employment because of unlawful use of a controlled substance. The bill also adds failure to submit or failure of a drug test as an automatic disqualifier for unemployment benefits, as requested by ODJFS director. The bill further allows an employer to voluntarily pass along information to ODJFS about an individual failing a drug test. The bill also stipulates that an individual who refuses to submit to a drug test that is a condition of unemployment to have refused without good cause suitable work. Finally, the bill requires ODJFS to notify individuals of community addiction services. NFIB believes that unemployment benefits are for those individuals that are separated from employment through no fault of their own.

Status: Introduced November 21, 2017. Pending before the Ohio House Government Accountability and Oversight Committee.

[House Bill 424](#)

WORKERS' COMP GROUP SELF-INSURANCE – House Bill 459 – Sponsored by Representative Mike Henne (R – Clayton)

To allow groups of employers to be granted status as a self-insuring employer for purposes of the Workers' Compensation Law.

NFIB Position: Interested Party

Analysis: The bill would give the administrator of BWC the authority to promulgate rules to allow groups of employers to pool together to self-insure. NFIB is concerned with the lack of statutory direction given in the bill with respect to guaranty funds if/when a company(s) go under and how claims will get paid and what assessments remaining employers will be subjected to. There is also no direction on employers that transfer into and out of group self-insured status.

Status: Introduced January 9, 2018. Pending before the Ohio House Insurance Committee.

[House Bill 459](#)

PROHIBIT REDUCING UC BENEFITS DURING TRAINING – House Bill 679 – Sponsored by Representative John Barnes (D – Cleveland)

To prohibit a claimant's unemployment benefits from being reduced during any week that the claimant receives compensation for participating in a qualifying training course.

NFIB Position: Interested Party

Analysis: The bill would prohibit an individual that is undergoing training in an “in demand job” from having his/her unemployment compensation benefits reduced during training. NFIB is sensitive to any expansion of benefits for individuals as our current UC system remains insolvent long term.

Status: Introduced May 22, 2018. Pending before the Ohio House Family & Community Advancement Committee.

[House Bill 679](#)

DRUG TESTING FOR UC BENEFITS – House Bill 704 – Sponsored by Representative Tim Schaffer (R – Lancaster)

To require applicants for unemployment benefits to submit to a drug test under certain circumstances, to require the Director of Job and Family Services to operate an Ohio Works First drug testing pilot program, and to make an appropriation.

NFIB Position: Support

Analysis: The bill requires applicants to disclose if they have been discharged for using a controlled substance (much like disclosing if they owe child support.) The bill adds failure of refusal to submit to a drug test as a disqualifier. ODJFS director may require individuals he/she has reasonable cause to suspect the individual has used a controlled substance or has been discharged for using a controlled substance to submit to a drug test. Refusal is an automatic disqualifier. The bill will require ODJFS to select 3 counties to administer a pilot program and make available services for those that fail drug tests. NFIB believes that one must be able and ready to work. If a company has a drug free policy and can't hire an individual because of a positive drug test, they are not available for work.

Status: Introduced June 13, 2018. Pending before the Ohio House Community & Family Advancement Committee.

[House Bill 704](#)

UNEMPLOYMENT BONDING – House Joint Resolution 4 – Sponsored by Representative Kirk Schuring (R – Canton)

To enact Section 2t of Article VIII of the Constitution of the State of Ohio to allow the General Assembly to provide by law for the issuance of bonds to pay unemployment compensation benefits when the fund created for that purpose is or will be depleted or to repay outstanding advances made by the federal government to the unemployment compensation program.

NFIB Position: Interested Party

Analysis: The joint resolution would be put before the voters to allow Ohio to issue bonds to either pay for unemployment compensation benefits when the trust fund is depleted or repay loans from the federal government. The intent is to allow Ohio to manage its unemployment obligations and avoid potentially higher federal interest rates associated with prolonged borrowing. NFIB will continue to monitor the viability of such an initiative.

Status: Introduced October 11, 2017. Pending before the Ohio House Government Accountability and Oversight Committee.

[House Joint Resolution 4](#)

PTSD WORKERS' COMP – Senate Bill 118 & House Bill 161– Sponsored by Senators Frank LaRose (R – Hudson) and Edna Brown (D – Toledo) and Representative Tom Patton (R – Strongsville)

To make peace officers, firefighters, and emergency medical workers diagnosed with posttraumatic stress disorder arising from employment without an accompanying physical injury eligible for compensation and benefits under Ohio's Workers' Compensation Law for up to one year and to prohibit such a person from receiving a disability benefit from a state retirement system for post-

traumatic stress disorder arising from employment without an accompanying physical injury during the time period the person receives compensation and benefits under the Workers' Compensation Law for the disorder.

NFIB Position: Opposed

Analysis: The bill would allow PTSD or mental allowances as the basis for a workers' compensation claim for first responders. This would undo decades of precedence that requires an underlying physical injury to have a mental allowance. This bill does limit benefits to one year and prohibit an individual from receiving a disability benefit without a physical injury. When BWC testified against a similar bill they estimated public employer premiums would double. NFIB is very concerned about a potential challenge on equal protection grounds opening up all employers to these claims.

Status: Introduced March 23, 2017, in the Ohio Senate and March 28, 2017, in the Ohio Senate. Pending before the Ohio Senate Insurance & Financial Institutions Committee and the Ohio House Insurance Committee.

[Senate Bill 118](#)

[House Bill 161](#)

TORT REFORM/CIVIL JUSTICE

MED MAL REFORM – House Bill 7 – Sponsored by Representative Bob Cupp (R – Lima)

To grant qualified civil immunity to certain medical providers who provide emergency medical services as a result of a disaster; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to provide that medical bills itemizing charges are inadmissible as evidence and an amount accepted as full payment for medical services is admissible as evidence of the reasonableness of the charges; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to require that governmental agencies that receive peer review committee records maintain their confidentiality; and to clarify the definition of "medical claim."

NFIB Position: Interested Party

Analysis: The many provisions of the bill are articulated in the title. Analysis is ongoing as the bill sees activity.

Status: Introduced February 1, 2017. Passed the Ohio Senate on December 5, 2018, on a vote of 31-0. House concurrence on December 6, 2018, on a vote of 74-7.

[House Bill 7](#)

DAMAGE CAPS REMOVAL – House Bill 20 – Sponsored by Representatives Anne Gonzales (R – Westerville) and Kristin Boggs (D – Columbus)

To amend section 2315.18 of the Revised Code to remove the cap on the amount of compensatory damages that represents damages for noneconomic loss that is recoverable in a tort action when the tort action is brought by a victim of rape, felonious assault, aggravated assault, assault, or negligent assault.

NFIB Position: Opposed

Analysis: The bill is in response to a recent Ohio Supreme Court ruling upholding Ohio's noneconomic damage caps for a victim of sexual assault. This bill would remove the caps in place for instances of rape, felonious assault, aggravated assault, assault, or negligent assault. NFIB will be closely monitoring this bill to protect employer liability for non-work related actions.

Status: Introduced February 1, 2017. Pending before the Ohio House Government Accountability and Oversight Committee.

[House Bill 20](#)

SEXUAL ORIENTATION DISCRIMINATION - House Bill 160 – Sponsored by Representative Nickie Antonio (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 to the list of informal methods by which the Ohio Civil Rights Commission may use to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing, and to uphold existing religious exemptions under Ohio's Civil Rights Law.

NFIB Position: Interested Party

Analysis: The bill would add sexual orientation and gender identity or expression to the list of protected classes for purposes of discrimination. NFIB does not condone discrimination but carefully monitors legislation that adds avenues in which employers may be sued. NFIB supports broader reforms to Ohio's employment discrimination included in House Bill 2.

Status: Introduced March 28, 2017. Pending before the Ohio House Government Accountability & Oversight Committee.

[House Bill 160](#)

ADA VIOLATIONS – House Bill 271 – Sponsored by Representatives Rob McColley (R – Napoleon) and Jeff Rezabek (R – Clayton)

To authorize an alleged aggrieved party to provide a notice of an alleged accessibility law violation in advance of filing a civil action and to establish the circumstances under which an alleged aggrieved party is entitled to attorney's fees in a civil action based on the violation.

NFIB Position: Support 

Analysis: The bill requires an alleged aggrieved party affected by an accessibility violation to first file notice with the property owner before seeking a civil action. If the aggrieved party does not file notice they are not entitled to attorney's fees unless the trial court deems appropriate based upon the nature of the violation. An individual is precluded from filing a civil action prior to a list of factors including allowing a property owner 90 days to remedy. The bill stipulates 15 days to respond to a complaint and gives property owners rights to contest. A plaintiff may recover attorney's fees if notice was served and procedures under the bill followed. NFIB wants to ensure that business owners are not subjected to frivolous lawsuits particularly when they are not well-versed on the nuances of the ADA.

Status: Introduced June 12, 2017. Passed the Ohio House on February 28, 2018, on a vote of 96-0. Passed the Ohio Senate on December 12, 2018, on a vote of 31-0.

[House Bill 271](#)

PROHIBIT DISSEMINATION PRIVATE IMAGES – House Bill 497 and Senate Bill 251 – Sponsored by Representatives John Rogers (D – Mentor-on-the-Lake) and Nathan Manning (R – North Ridgeville) and Senator Joe Schiavoni (D – Boardman)

To prohibit the nonconsensual dissemination of private sexual images, to require that certain property involved in the offense be criminally forfeited, and to create certain legal rights and employment protections of a victim of the offense.

NFIB Position: Interested Party

Analysis: The bill deals with what has been dubbed revenge porn. However also included in the bill is ramifications for employers that take action against an employee subjected to these actions. The bill also requires employers to afford at least 5 days of unpaid leave to victims. While NFIB believes in the privacy of individuals, creating harsh penalties against employers in an at will state for actions of their employees in concerning. Further the required leave could create a hardship particularly for small employers in trying to find replacement workforce for days off. The bill also requires an employer to provide reasonable accommodation for an employee. The bill further creates a cause of action against an employer who violates the bill.

Status: Introduced February 13, 2018. House Bill 497 was the vehicle. Passed the Ohio Senate on December 13, 2018, on a vote of 31-0. House concurrence on December 13, 2018, on a vote of 86-0.

[House Bill 497](#)

STATUTE OF LIMITATIONS ON CONTRACTS – House Bill 694 – Sponsored by Representative George Lang (R – West Chester)

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 3 years. Ohio has made progress recently moving from 15 to 8 years. Moving to 3 will provide more predictability and stability to our members, knowing how long they have liability on a written contract.

Status: Introduced May 22, 2018. Pending before the Ohio Civil Justice Committee.

[House Bill 694](#)

TRESSPASSING NOTIFICATION – Senate Bill 76 – Sponsored by Senator Bill Coley (R – Liberty Township)

To amend the law governing criminal trespass to specify that placing purple paint marks on trees or posts constitutes posting notice in a manner reasonably calculated to come to the attention of potential intruders.

NFIB Position: Interested Party

Analysis: The bill allows private property owners to paint purple marks on trees or posts to notify potential trespassers that they are on or near private property. This bill aims to protect private property owners from potential litigation by giving another means of notification of property boundaries.

Status: Introduced February 27, 2017. Pending before the Ohio Senate Judiciary Committee.

[Senate Bill 76](#)

EXPAND TORT CAP EXEMPTION – Senate Bill 280 – Sponsored by Senator John Eklund (R – Munson Township)

To expand the exemption from punitive or exemplary damages limitations in tort law that is provided with respect to an act resulting in a felony conviction involving purposeful or knowing conduct so that it also applies when the act results in a felony conviction for a strict liability offense.

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 March 26, 2018. Pending before the Ohio Senate Judiciary Committee.

[Senate Bill 280](#)

ENERGY AND ENVIRONMENT

ENERGY EFFICIENCY REFORM – House Bill 114 – Sponsored by Representative Louis Blessing (R – Cincinnati)

To revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program.

NFIB Position: Interested Party

Analysis: The bill is similar to the bill vetoed last GA by Governor Kasich. The bill extends the current renewable energy and energy efficient requirements through 2027 and eliminates after. Additionally, freezes mandates for two years making them goals instead. The bill reduces energy efficiency benchmarks and adds items to what counts toward benchmarks. The bill adds mercantile customers (700k+ kWh annually) to the opt-out provisions. Further the bill permits residential customers to opt-out of any rider or other charges related to renewal energy and expressly states that all costs for providing renewable energy resources are bypassable by any consumer shopping for an electrical supplier.

Status: Introduced March 7, 2017. Passed the Ohio House on March 30, 2017, on a vote of 65-31. Pending before the Ohio Senate Energy and Natural Resources Committee.

[House Bill 114](#)

OVEC NATIONAL SECURITY COST RECOVERY– House Bill 239 & Senate Bill 155 – Sponsored by Representatives Rick Carfagna (R – Westerville) and Ryan Smith (R – Caldwell) and Senators Lou Terhar (R – Cincinnati) and Bob Peterson (R – Sabina)

To allow electric distribution utilities to recover costs for a national security generation resource.

NFIB Position: Interested Party

Analysis: The bill would permit Ohio Valley Electric Corporation facilities (one in Ohio) built to help the federal government power uranium enrichment facilities get guaranteed cost recovery through non-bypassable charges at the PUCO. Caps are put in place on residential customers at \$2.50 per month and for commercial customers at \$2,500 per month. NFIB was very concerned that there will be a disproportionate burden borne on the backs of small commercial customers on a percentage basis versus large industrial and residential customers. Language is included that indicates that the costs will be comparable to existing share of rates. This bill also injects the General Assembly in the process of ratemaking as the discretion of the PUCO to allow such non-bypassable charges is superseded by the General Assembly forcing the issue.

Status: House Bill 239 introduced May 23, 2017, in the Ohio House and pending before the Ohio House Public Utilities Committee. Senate Bill 155 introduced May 23, 2017, in the Ohio Senate and pending before the Ohio Senate Public Utilities Committee.

[House Bill 239](#)

[Senate Bill 155](#)

ELECTRIC CONSUMER PROTECTIONS – House Bill 247 – Sponsored by Representative Mark Romanchuk (Ontario)

To amend, for the purpose of adopting a new section number as indicated in parentheses, section 4928.04 (4928.041); to enact new section 4928.04 and sections 4903.191, 4928.28, 4928.281, 4928.29, and 4928.30; and to repeal section 4928.143 of the Revised Code to require refunds to utility customers who have been improperly charged, to eliminate electric security plans and require all electric standard service offers to be delivered through marketrate offers, and to strengthen corporate separation requirements.

NFIB Position: Support

Analysis: The bill has three main components meant to protect consumers and ensure free market utility rates. First the bill eliminates electric security plans (ESPs) whereby investor-owned utilities could see additional nonbypassable charges on customers' bills above and beyond their standard service offer (SSO) rate which was competitively auctioned. Second the bill requires that any overpayments from an investor-owned utility must be returned to the customer, currently when found to have received overpayments no refund is required. Finally the bill stipulates that investor-owned utilities must completely divest of any ownership on the generation side. This is something contemplated back in 1999 but affiliates of the investor-owned utilities were created to maintain generation operations. NFIB members have indicated through surveying their desire to have free markets. This bill is in line with those results.

Status: Introduced May 24, 2017. Pending before the Ohio House Public Utilities Committee.

[House Bill 247](#)

ZERO-EMISSIONS NUCLEAR PROGRAM – Senate Bill 128 & House Bill 178 – Sponsored by Senators John Eklund (R – Munson Township) and Frank LaRose (R – Hudson) and Representative Anthony DeVitis (R – Akron)

Regarding the zero-emissions nuclear resource program

NFIB Position: Opposed

Analysis: The bill allows First Energy, as the sole operator of nuclear power plants in Ohio, to assess a non-bypassable charge of up to 5% on their customer base to ensure continued operations of their two nuclear facilities, Davis-Besse and Perry. The bill's foundation is that nuclear emissions have a lower environmental impact than other methods of power generation and as such credits

are obtained through the lower environmental impact. Zero-emissions nuclear resources are required to credits for the zero-emissions program. The PUCO will be responsible for set the price for credits and charge a utility company, in this case only First Energy, to purchase these credits. The PUCO will make payment to the resource for the credits purchased and allow up to a 5% charge on customers' bills. NFIB is reviewing this bill to understand the impact on our members and how this policy may deviate from a competitive market.

Status: Introduced April 6 and April 10, 2017, in the Senate and House. Pending before the Ohio Senate Public Utilities Committee and the Ohio House Public Utilities Committee.

[Senate Bill 128](#)

[House Bill 178](#)

ZERO-EMISSIONS NUCLEAR PROGRAM – House Bill 381 – Sponsored by Representative Anthony DeVitis (R – Green)

Regarding the zero-emissions nuclear resource program.

NFIB Position: Opposed

Analysis: This bill follows the model of the OVEC bill and provides price caps for nuclear power plants. The bill would still result in increased charges to customers that are in the First Energy territories and bypass the PUCO process.

Status: Introduced October 11, 2017. Pending before the Ohio House Public Utilities Committee.

[House Bill 381](#)