



**NFIB
LEGISLATIVE UPDATE**

**133rd OHIO
GENERAL ASSEMBLY**

DECEMBER 2019

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BUDGET AND TAXES

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

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

NFIB Position: Interested Party

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

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

[House Bill 54](#)

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

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

NFIB Position: Interested Party

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

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

[House Bill 62](#)

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

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

NFIB Position: Interested Party

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

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

[House Bill 135](#)

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

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

NFIB Position: Interested Party

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

The telemedicine mandate remains but prohibits facility fees.
Unemployment compensation language eliminated meaning taxable
wage base reverts to \$9,000 from \$9,500 Jan. 1. 2020.

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

[House Bill 166](#)

STATE GOVERNMENT

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

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

NFIB Position: Interested Party

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

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

[House Bill 2](#)

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

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

NFIB Position: Support

Analysis: The bill permits employers to submit recommendations for new industry-recognized credentials and certificate programs to the

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

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

[House Bill 4](#)

MINIMUM WAGE INCREASE – House Bill 34 and Senate Bill 90– Sponsored by Representative Brigid Kelly (D – Cincinnati) and Senators Cecil Thomas (D – Cincinnati) and Hearcel Craig (D – Columbus)

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

NFIB Position: Opposed

Analysis: The bill would incrementally increase Ohio's minimum wage to \$15.00 per hour by January 1, 2023, and index to inflation in subsequent years. The bill also permits local governments to set a higher minimum wage than the state and requires employers that have employees in multiple locations to compensate all their employees at the highest minimum wage based upon locale. NFIB opposes any attempt at setting a minimum wage as the market should dictate wages. Small employers are least able to absorb this government mandate and will have to make tough decisions on benefit packages, schedules and employment.

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

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

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

NFIB Position: Interested Party

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

Status: Introduced February 12, 2019. Passed the Ohio House Financial Institutions Committee on November 26, 2019. Pending a vote before the full Ohio House.

[House Bill 38](#)

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

To require commercial roofing contractors to have a license.

NFIB Position: Interested Party

Analysis: The bill requires commercial roofing contractors to be licensed in Ohio. The bill expands the Ohio Construction Industry Licensing Board to include a roofing section. Requires licensees to be in operation in Ohio for at least three years, pay a fee to be set by board and to carry contractor's liability insurance of at least \$500,000. NFIB will carefully monitor this bill as we want to ensure smaller operators are not forced out by too onerous of licensure criteria. NFIB supports reducing barriers of entry into occupational fields to be balanced by ensuring there are not nefarious actors undercutting our existing members and doing damage to consumers.

Status: Introduced April 16, 2019. Pending before the Ohio House Commerce & Labor Committee.

[House Bill 199](#)

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

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

NFIB Position: Support

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

Status: Introduced May 13, 2019 and October 15, 2019. HB 242 passed the Ohio House on December 11, 2019, on a vote of 58-35. HB 242 is pending referral to committee in the Ohio Senate. SB 222 is pending before the Ohio Senate Local Government, Public Safety and Veterans Affairs Committee.

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

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

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

NFIB Position: Interested Party

Analysis: The bill requires occupational licensing boards to grant a license to applicants that complete either complete an apprenticeship program, pass an exam or meets requirements unrelated to education or experience. Bill prohibits a licensing board from requiring

individuals to take an exam, or require a higher passing grade, if others are not required to do so. NFIB supports reducing barriers to employment and believes that licensing boards treating similarly situated candidates is inappropriate.

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

[House Bill 258](#)

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

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

NFIB Position: Opposed

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

Status: Introduced November 5, 2019. Pending referral to committee in the Ohio House.

[House Bill 391](#)

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

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

NFIB Position: Support

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

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

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

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

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

NFIB Position: Support 

Analysis: The bills require state agencies to hit percentage benchmarks for regulatory restricting rule reductions in Ohio Administrative Code seeking a 30% target by 2023. The bill further indicates any agency that does not meet the 30% will have to jettison two regulatory restrictive rules for every one proposed. The bill requires a cataloging of all rules by state agencies and sets that as a baseline going forward restricting the state from having more than 70% of that baseline number of rules in effect. The bill also adds the requirement for a state agency to evaluate whether a rule requires a regulatory restriction that should be amended or rescinded prior to submission for 5-year rule review. The bill creates a database to assist JCARR in aggregating rule data. NFIB supports the approach this bill takes to require state agencies to find obsolete or unnecessary rules or those that cause an undue burden and eliminate them from the OAC. Portions of SB 1 included in operating budget, minus the 30% requirement.

Status: Introduced February 12, 2019, and March 4, 2019. Passed the Ohio Senate on May 8, 2019, on a vote of 24-8. Pending before the Ohio House State and Local Government Committee.

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

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

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

NFIB Position: Support

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

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

[Senate Bill 57](#)

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

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

NFIB Position: Interested Party

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

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

[Senate Bill 176](#)

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

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

NFIB Position: Interested Party

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

Status: Introduced August 9, 2019. Pending the Ohio Senate on November 6, 2019, on a vote of 33-0. Pending introduction and referral to committee in the Ohio House.

[Senate Bill 181](#)

OUT-OF-STATE LICENSURE RECOGNITION – Senate Bill 246 and House Bill 432 – Sponsored by Senators Kristina Roegner (R – Hudson) and Rob McColley (R – Napoleon) and Representatives George Lang (R – West Chester) and Jena Powell (R – Arcanum)

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

NFIB Position: Support

Analysis: The bill requires individuals who hold out-of-state licenses to be issued an Ohio license in their respective fields so long as certain criteria are met such as: licensed in good standing in another state, work years experience and if required by current licensing authority,

pass a test on Ohio laws. NFIB continues to hear from our members about inability to fill vacancies. The opportunity to allow individuals to work in their trained professions with fewer hurdles will likely allow our members to address worker shortage.

Status: Introduced November 26, 2019, and December 4, 2019, in their respective chambers. Pending before the Ohio Senate General Government & Agency Review and Ohio House State & Local Government Committee.

[Senate Bill 246](#)

[House Bill 432](#)

HEALTHCARE

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

To prohibit insurers from offering coverage for abortion services.

NFIB Position: Opposed

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

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

[House Bill 182](#)

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

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

NFIB Position: Opposed

Analysis: The bill is health insurance mandate that requires fully-insured plans (not large, self-insured employers) to provide coverage for hearing aids to any person under the age of 22. While there may be merit to providing these devices to insured individuals, NFIB believes if the need to provide this benefit is great, the state should establish a fund to pay for coverage for all Ohioans, not the 14 percent that are in the fully-insured market.

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

[House Bill 243](#)

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

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

NFIB Position: Opposed

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

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

[House Bill 292](#)

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

To cap cost-sharing for prescription insulin drugs.

NFIB Position: Interested Party

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

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

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

Regarding out-of-network care

NFIB Position: Interested Party

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

Status: Introduced November 5, 2019. Pending before the Ohio House Finance Committee.

[House Bill 388](#)

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

Regarding health insurance premiums and benefits.

NFIB Position: Opposed

Analysis: The bill essentially codifies the provisions of the federal ACA, including prohibiting consideration of preexisting conditions and requiring essential health benefits in small group and individual health plans. The bill notably excludes large group health plans. NFIB members were vehemently opposed to the ACA, in fact, NFIB was the lead plaintiff suing the federal government to stop implementation.

NFIB has a long history of supporting market-driven healthcare policy, not mandates from the government.

Status: Introduced November 5, 2019. Pending referral to committee in the Ohio House.

[House Bill 390](#)

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

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

NFIB Position: Support



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

Status: Introduced February 12, 2010. Passed the Ohio House on December 11, 2019, on a vote of 87-6. Pending concurrence vote in Ohio Senate.

[Senate Bill 9](#)

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

Regarding non-opioid directives and non-opioid therapies.

NFIB Position: Opposed

Analysis: The bill requires health insurance companies to provide coverage for non-opioid therapies for pain including chiropractic, oriental medicine, acupuncture, and services of osteopathic practitioners. NFIB is opposed to health insurance mandates as they

impact the only fully-insured plans in the private sector. Large, self-insured companies are exempt under federal ERISA law.

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

[Senate Bill 51](#)

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

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

NFIB Position: Opposed

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

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

[Senate Bill 116](#)

SURPRISE BILLING – Senate Bill 98 – Sponsored by Senators Steve Huffman (R – Tipp City) and Nickie Antonio (D – Lakewood)

Regarding out-of-network care.

NFIB Position: Interested Party

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

understand what premium impact may be as a result of this legislation.

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

[Senate Bill 198](#)

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

To amend the mental health insurance coverage parity law.

NFIB Position: Opposed

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

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

[Senate Bill 241](#)

LABOR/EMPLOYMENT LAW

PERMISSIVE PREVAILING WAGE - House Bill 78 Craig Riedel (R – Defiance) and Susan Manchester (R – Lakeview)

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

NFIB Position: Support

Analysis: The bill would allow local governments, special districts (like port authorities) and higher education institutions to decide on a project by project basis whether to apply prevailing wage to any public improvement project. There are NFIB members that are not able to meet the requirements for prevailing wage and thus are excluded from being bidders on prevailing wage projects. This bill also gives local governments and other public entities the ability to better manage their taxpayer dollars on projects and expand the number of competitive bids.

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

[House Bill 78](#)

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

To establish family and medical leave insurance benefits.

NFIB Position: Opposed

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

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

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

[House Bill 91](#)

[Senate Bill 91](#)

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

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

NFIB Position: Interested Party

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

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

[House Bill 137](#)

WAGE DISCRIMINATION COMPLAINTS – House Bill 221 – Sponsored by Representatives Janine Boyd (D – Cleveland) and Erica Crawley (D – Columbus)

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

NFIB Position: Opposed

Analysis: The bill creates a system for individuals to file wage discrimination complaints anonymously with the Ohio Civil Rights Commission and compels the Commission to investigate in a timely manner. NFIB does not condone discrimination in any form. However, there is no formal process outlined in the bill allowing individuals that may have a disagreement with their employer to file baseless claims. Wages are part of the negotiation between employer and employee and differences in wages may be a result of performance or other factors.

Status: Introduced April 29, 2019. Pending before the Ohio House Civil Justice Committee.

[House Bill 221](#)

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

To revise Ohio's whistleblower protection laws.

NFIB Position: Interested Party

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

Status: Introduced May 7, 2019. Pending before the Ohio House Civil Justice Committee.

[House Bill 238](#)

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

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

NFIB Position: Interested Party

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

Status: Introduced May 28, 2019. Pending before the Ohio House Commerce and Labor Committee.

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

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

NFIB Position: Opposed

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

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

[House Bill 304](#)

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

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

NFIB Position: Interested Party

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

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

[House Bill 380](#)

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

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

NFIB Position: Interested Party

Analysis: The bill would expand Ohio's protected classes to include sexual orientation and gender identity or expression. The bill also adds a mediation component to the Ohio Civil Rights Commission

(OCRC). NFIB does not condone discrimination. We are neutral on this bill but would like to see reforms to Ohio's employment laws including requiring initial filing at OCRC and exhausting that process before going to court and reducing the statute of limitations to file a claim from 6 years to no more than 2.

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

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

BAN THE BOX – Senate Bill 70 – Sponsored by Senator Sandra Williams (D – Cleveland)

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

NFIB Position: Opposed

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

Status: Introduced February 26, 2017. Pending before the Ohio Senate Transportation, Commerce and Workforce Committee.

[Senate Bill 70](#)

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

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

NFIB Position: Opposed

Analysis: The bill does several things including expanding Ohio's protected classes to include sexual orientation and gender identity. NFIB is neutral on this policy. The bill does require Ohio employers to justify wage differentials in their operations putting the burden of proof on employers. It also creates a rebuttable presumption for employees in contesting employer wage differential explanations. The bill prohibits adverse employment actions based upon employees discussing wages. The bill allows a tort action against employers as well. NFIB believes the bill is a solution in search of a problem. Many factors go into compensation and those are negotiations between employer and employee, not the state.

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

[Senate Bill 92](#)

OHIO PREGNANT WORKERS FAIRNESS ACT – Senate Bill 94 – Sponsored by Senator Tina Maharath (D – Canal Winchester)

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

NFIB Position: Opposed

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

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

[Senate Bill 94](#)

WORKERS' COMP & UNEMPLOYMENT COMP

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

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

NFIB Position: Opposed

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

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

[House Bill 21](#)

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

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

NFIB Position: Interested Party

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

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

[House Bill 79](#)

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

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

NFIB Position: Interested Party

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

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

[House Bill 80](#)

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

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

NFIB Position: Interested Party

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

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

[House Bill 167](#)

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

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

NFIB Position: Opposed

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

Status: Introduced June 28, 2019. Pending before the Ohio House Insurance Committee.

[House Bill 308](#)

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

Regarding charging workers' compensation experience in firefighter cancer claims.

NFIB Position: Opposed

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

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

[House Bill 330](#)

TORT REFORM/CIVIL JUSTICE

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

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

NFIB Position: Interested Party

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

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

[House Bill 249](#)

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

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

NFIB Position: Support

Analysis: The bill will reduce the statute of limitations on written contracts from 8 years to 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 21, 2019. Passed the Ohio House on November 19, 2019, on a vote of 92-0. Pending before the Ohio Senate Judiciary Committee.

[House Bill 251](#)

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

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

NFIB Position: Oppose

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

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

[House Bill 324](#)

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

To modify Ohio civil rights laws related to employment.

NFIB Position: Support

Analysis: The bill would make significant changes to Ohio's employment discrimination laws. There are two key provisions from NFIB's prospective. First, is the reduction in statute of limitations from 6 years (longest in the nation) to 2 years. This reduction will still allow a year longer than what is permitted under federal law. The second is

requiring individuals to first file with the Ohio Civil Rights Commission and exhaust that process before heading to court. This prevents small business owners having to potentially address a complaint at both the OCRC and the court of common pleas. The bill also addresses supervisor liability, creating a process that still allows for individual supervisors to be sued but ensures the ability to do their jobs.

Status: Introduced October 1, 2019. Pending before the Ohio House Civil Justice Committee.

[House Bill 352](#)

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

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

NFIB Position: Opposed

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

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

[Senate Bill 46](#)

ENERGY AND ENVIRONMENT

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

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

NFIB Position: Interested Party

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

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

[House Bill 6](#)

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

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

NFIB Position: Interested Party

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

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

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

[House Bill 246](#)