

Priority Updates and Political Climate

- DeWine State of the State: Governor DeWine delivered his State of the State last week and spent most of the speech discussing current and future proposals to promote child health, wellness, and education. Some highlights of the SOTS include expanded investment in school-based health care, the creation of a children's vision strike force, and a pilot program for universal newborn home visiting. DeWine also called on lawmakers to pass a statewide ban on flavored tobacco products; the General Assembly previously rejected this proposal in HB 33 (State Operating Budget) and instead passed a preemption law against local tobacco regulations (that provision was vetoed by DeWine, overridden by the legislature, and is currently in litigation in Franklin County). DeWine urged lawmakers to make seat belt law violations a primary offense, though this is unlikely to receive attention. Lastly, DeWine proposed requiring schools to adopt cell phone policies and that his administration would be looking into other ways to address social media use. The state's parental consent law for social media is held up in court.
- Ohio House Political Climate: In last month's primary, four incumbent House Republicans who are backers of Speaker Stephens lost their reelection bids (Carruthers, Pavliga, Cross and Hillyer). Additionally, the Majority caucus recently voted to strip control of OHRA campaign accounts from the Speaker; this action followed an unsuccessful legal challenge. Assuming all Democrats back Stephens, he still has the votes to remain Speaker. Senate President Huffman is running for the House and intends to challenge Stephens. Huffman will almost certainly have a majority of votes in the Republican Caucus (similar to Rep. Merrin last year).
- November Election: U.S. Senator Sherrod Brown (D) faces a tough reelection challenge from Cleveland Businessman Bernie Moreno. Further, Congresswoman Marcy Kaptur (D-9th) is a top target for Congressional Republicans. While Republican dominance at the statehouse is unlikely to change Democrats could pick up a handful of seats; some of these races could have a direct impact on the Speaker's race. Lastly, a citizen-led initiative could be on the ballot to modify the Ohio Constitution by establishing an independent redistricting commission. Former President Donald Trump carried Ohio in 2016 and 2020 by 7%.

Gender Affirming Care – HB 68 and DeWine Administration Rules

- Last year, the General Assembly passed HB 68, sponsored by State Rep. Gary Click (R-Vickery). The measure was vetoed by Governor DeWine on December 29th, but Republican lawmakers overrode that veto in January. The effective date was April 23rd, however a Franklin County Common Pleas Judge issued a two-week stay earlier to allow parties time to prepare. HB 68 places several restrictions on gender-affirming care for minors and also prohibits transgender girls from playing women's sports. While litigation in Ohio is focused on state courts, several other versions of this legislation passed in other states are currently being challenged in federal courts.
- Hoping to preempt a veto override vote, the DeWine Administration announced rules regulating gender transition care promulgated under ODH and ODMHAS. The first of these rules, which prohibits gender transition surgeries, was approved earlier this week. Unlike HB 68, these rules do not restrict the use of pharmaceutical interventions in gender affirming care, however they place additional requirements and safeguards on providers. While the rules are in conflict with HB 68, there is a clause in the package that would void them should HB 68 be allowed to take effect. Under this clause, once the gender transition care rules are effective (likely in early Summer), they would be enforceable in the event HB 68 is held up in court.

- Lawmakers are also considering other bills that have drawn opposition from many organizations also opposed to HB 68: HB 8 (Parental Notification), HB 183 (Bathroom Prohibition), and HB 463 (Health Record Access). There are also bills aimed at curbing DEI initiatives in public institutions of higher education (SB 83 and HB 394) and lawmakers have been holding hearings to discuss these programs as part of public university capital budget requests. For now, we will continue to monitor these bills and recommend action as needed. Further, we will provide updates and guidance on HB 68 and rules from the DeWine Administration regarding gender affirming care. The next few months will be especially challenging given the legal uncertainty surrounding HB 68.

Notable Tracked Legislation for Spring 2024

- House Bill 47 (AEDs in Schools): Sponsored by State Representatives Adam Bird (R-Cincinnati) and Richard Brown (D-Canal Winchester), pending in Senate Health Committee. Requires schools and municipal rec facilities to have AED's on site and provide training to staff.
- House Bill 73 (Off-Label Prescribing): Sponsored by State Representative Jennifer Gross (R-West Chester), pending in Senate Health Committee. Would allow for off-label prescribing with no limitations. Concerns from hospitals and healthcare groups.
- House Bill 130 (PA Gold Card): Sponsored by State Representative Kevin Miller (R-Newark), pending in House Insurance Committee. Would allow for expedited PA approval in certain circumstances.
- House Bill 152 (Hearing Aid Coverage): Sponsored by State Representative Casey Weinstein (D-Hudson) and former State Representative Bob Young (R-Green), pending in Senate Insurance Committee. Requires health plans to cover hearing aids and related services for persons under age 21.
- House Bill 169 / SB 59 (Minor Sun Lamp Tanning): Sponsored by State Representative Brett Hillyer (R-Uhrichsville) and State Senator Terry Johnson (R-McDermott), respectively. HB 169 pending in House Health Provider Services Committee and SB 59 pending in Senate Health Committee.
- House Bill 177 (Copay Accumulator): Sponsored by State Representative Susan Manchester (R-Waynesfield), awaiting House floor vote. Requires health plans to apply copay assistance to patient deductible.
- Senate Bill 83 (Higher Education Reform): Sponsored by State Sen. Jerry Cirino (R-Kirtland), seeks to restrict DEI initiatives at public universities, change rules for professor evaluations and tenure, and place limits on teaching of divisive concepts. Strong opposition from public colleges in Ohio. Currently held up in Ohio House Rules and Reference Committee.
- Senate Bill 126 (Physician Non-Compete): Sponsored by State Senator Terry Johnson (R-McDermott), pending in Senate Health Committee. Dr. Johnson working with hospitals on a revised version to be introduced next year. Likely to see movement in 136th GA.
- Senate Bill 144 (Pharmacy Vaccines): Sponsored by State Senator Mark Romanchuk (R-Ontario), pending in House Health Provider Services Committee. Expands scope of practice for pharmacists related to vaccine administration to children.
- Senate Bill 196 (APRN Scope of Practice): State Senator Kristina Roegner (R-Hudson) introduced this legislation last year. The Senate Health Committee recently adopted a substitute bill that addressed OSMA and OOA concerns. Largely technical updates.
- Senate Bill 205 (Substance Abuse Education): Sponsored by State Senator Terry Johnson, DO (R-McDermott), requires schools to provide education on drug, tobacco, and alcohol use and abuse. Likely to see vote in Senate Education Committee later this month.