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**Ohio Association of Ambulatory Surgery Centers  
Legislative Update**

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- HB90**     **OVERSIGHT OF GOVERNOR'S AND HEALTH ORDERS** (WIGGAM S, EDWARDS J) To establish legislative oversight of the Governor's executive orders, certain public health orders, and emergency rules, including by establishing the Ohio Health Oversight and Advisory Committee.  
*Current Status:* 2/24/2021 - **SUBSTITUTE BILL ACCEPTED**, House State and Local Government, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-90>
- HB110**     **OPERATING BUDGET** (OELSLAGER S) To make operating appropriations for the biennium beginning July 1, 2021, and ending June 30, 2023, to levy taxes, and to provide authorization and conditions for the operation of state programs.  
*Current Status:* 7/1/2021 - **SIGNED BY GOVERNOR**; effective 7/1/21  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-110>
- HB122**     **TELEHEALTH SERVICES** (FRAIZER M, HOLMES A) To establish and modify requirements regarding the provision of telehealth services, to establish a provider credentialing program within the Medicaid program, to revise the law governing the State Medical Board's One-Bite Program, and to extend the suspension of certain programs and requirements under the state's insurance laws until January 1, 2026.  
*Current Status:* 12/22/2021 - **SIGNED BY GOVERNOR**; eff. 3/23/22  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-122>
- HB160**     **HEALTH CARE COST ESTIMATES** (HOLMES A) Regarding the provision of health care cost estimates.  
*Current Status:* 3/10/2021 - House Insurance, (First Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-160>
- HB196**     **REGULATE SURGICAL ASSISTANTS** (KELLY B, CARRUTHERS S) To regulate the practice of surgical assistants.  
*Current Status:* 12/1/2022 - **PASSED BY HOUSE**; Vote 67-2  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-196>



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- HB218 COVID-19 VACCINE - QUALIFIED IMMUNITIES** (CUTRONA A) To address medical requirements for employees and students; to address qualified civil immunity regarding certain coronaviruses; to authorize emergency medical technicians to administer COVID-19 tests; to expressly cover COVID-19 vaccine injuries under the workers' compensation system; and to repeal sections 3792.05, 3792.07, and 3792.08 of the Revised Code on September 30, 2025.  
*Current Status:* 12/7/2021 - Senate General Government Budget, (Second Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-218>
- HB267 LIMIT PUBLIC HEALTH ORDERS** (JORDAN K) To limit the duration of public health orders and to allow the General Assembly to act via concurrent resolution in response to a public health emergency if the Governor or Department of Health does not.  
*Current Status:* 5/4/2021 - Referred to Committee House State and Local Government  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-267>
- HB356 REDUCE ABUSE OF PRESCRIPTION OPIOIDS** (LOYCHIK M, BIRD A) Regarding a proposal to reduce the abuse of prescription opioids, to establish addiction treatment facilities, to increase penalties for drug trafficking violations, to modify penalties for drug possession, to require an offender convicted of a drug possession or drug trafficking offense involving certain drugs to be subject to ten years of post-release control, to allow a criminal defendant who has a severe substance use disorder involving certain drugs to be confined by a state detoxification provider while awaiting trial, to create restitution work programs, and to make an appropriation.  
*Current Status:* 4/6/2022 - House Criminal Justice, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-356>
- HB388 REGARDING VACCINE REFUSAL** (JORDAN K) To prohibit taking certain actions against an individual because the individual refuses to be vaccinated against a disease.  
*Current Status:* 8/12/2021 - Introduced  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-388>



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- HB401 EMPLOYER-MANDATED COVID VACCINATION INJURY** (EDWARDS J) To exempt an injury or disability caused by an employer-mandated COVID-19 vaccination from the Workers' Compensation Law and to allow the employee to sue the employer for damages.  
**Current Status:** 8/24/2021 - Introduced  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-401>
- HB411 INDIVIDUAL PRIVACY, ANTI-DISCRIMINATION ACT** (CLICK G, GRENDALL D) To prohibit mandatory disclosures related to an individual's COVID-19 vaccination status, to name the act the Individual Privacy and Anti-Discrimination Act, and to declare an emergency.  
**Current Status:** 9/8/2021 - Introduced  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-411>
- HB424 COVID-19 VACCINE - QUALIFIED IMMUNITIES** (KOEHLER K) To prohibit a political subdivision, public official, public school, state agency, or state institution of higher education from taking certain actions related to the COVID-19 vaccine, to codify the qualified civil immunities under H.B. 606 of the 133rd General Assembly permanently, to repeal section 3792.05 of the Revised Code on the date that is two years after the effective date of that section, and to declare an emergency.  
**Current Status:** 9/20/2021 - Introduced  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-424>
- HB425 COVID-19 - GENETIC TECHNOLOGIES** (WIGGAM S, HALL T) To prohibit certain actions related to COVID-19 and genetic technologies.  
**Current Status:** 9/20/2021 - Introduced  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-425>
- HB435 VACCINE REQUIREMENTS** (CARFAGNA R, SEITZ B) To address COVID-19 vaccine requirements for employees and students; to extend certain timelines for qualified civil immunity and expand immunity to include hearing aid dealers and hearing aid fitters; to authorize emergency medical technicians to administer COVID-19 tests; to expressly cover COVID-19 vaccine injuries under the workers' compensation system; and to repeal sections 3792.05, 3792.06, 3792.07, and 3792.08 of the Revised Code on June 30, 2023.  
**Current Status:** 10/13/2021 - Bills for Third Consideration; (Pending Committee Report)  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-435>



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- HB454**     **SAFE ACT** (CLICK G, GRENDALL D) To prohibit certain procedures to alter a minor child's sex and to designate this act as the Save Adolescents from Experimentation (SAFE) Act.  
*Current Status:* 11/16/2022 - **SUBSTITUTE BILL ACCEPTED & AMENDED**, House Families, Aging and Human Services, (Fifth Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-454>
- HB477**     **EXPULSION, TERMINATION BASED ON VACCINATION STATUS** (RICHARDSON T) To prevent expulsion from school and termination from employment based on COVID-19 vaccination status.  
*Current Status:* 11/1/2021 - Introduced  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-477>
- HB481**     **COVID VACCINE, PASSPORT PROTECTION ACT** (JORDAN K) To enact the COVID-19 Vaccination and Passport Protection Act to prohibit schools, institutions of higher education, employers, and places of public accommodation from requiring COVID-19 vaccines or proof of vaccination.  
*Current Status:* 11/8/2021 - Introduced  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-481>
- HB489**     **INALIENABLE RIGHTS OF CONSCIENCE ACT** (CLICK G) To enact the Inalienable Rights of Conscience Act regarding students and employees who object to certain vaccines and other treatments based on reasons of conscience, including religious convictions.  
*Current Status:* 11/16/2021 - Introduced  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-489>
- HB598**     **PROHIBIT ABORTIONS BASED ON CONDITION** (SCHMIDT J) To enact the Human Life Protection Act to prohibit abortions based upon a condition precedent.  
*Current Status:* 5/26/2022 - House Government Oversight, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-598>
- HB704**     **DESIGNATE PERSONHOOD FROM CONCEPTION** (CLICK G) To enact The Personhood Act to recognize the personhood of an unborn human individual from conception.  
*Current Status:* 11/15/2022 - Referred to Committee House Government Oversight  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-704>



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- HB714**     **ADVANCED PRACTICE RESPIRATORY THERAPISTS** (YOUNG T, JOHN M) To license advanced practice respiratory therapists and to amend the version of section 4761.01 of the Revised Code that is scheduled to take effect September 30, 2024, to continue the change on and after that date.  
*Current Status:* 11/15/2022 - Referred to Committee House Health  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-714>
- SB22**     **LEGISLATIVE OVERSIGHT-PUBLIC HEALTH ORDERS** (JOHNSON T, MCCOLLEY R) To establish legislative oversight of orders issued by the executive branch, including by establishing the Ohio Health Oversight and Advisory Committee.  
*Current Status:* 3/24/2021 - Consideration of Governor's Veto; House Overrides Veto, Vote 62-35  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-22>
- SB150**     **NONCOMPETE PROVISIONS-PHYSICIANS** (JOHNSON T, WILLIAMS S) To prohibit the use of noncompete provisions in physician employment contracts.  
*Current Status:* 10/27/2021 - Senate Small Business and Economic Opportunity, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-150>
- SB157**     **ATTEMPTED ABORTIONS** (JOHNSON T, HUFFMAN S) To require reports to be made after a child is born alive following an abortion or attempted abortion, to establish certain civil or criminal penalties for failing to preserve the health or life of such a child, and to make changes regarding variances from written transfer agreements.  
*Current Status:* 12/22/2021 - **SIGNED BY GOVERNOR**; eff. 3/23/22  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-157>
- SB161**     **SURGICAL SMOKE** (BRENNER A) Regarding surgical smoke.  
*Current Status:* 3/16/2022 - Senate Health, (Third Hearing)  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-161>



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**SB321**     **REGARDING APRN AUTHORITY** (ROMANCHUK M) Regarding the authority of advanced practice registered nurses, and to amend the versions of sections 3701.5010, 3705.30, and 3929.67 of the Revised Code that are scheduled to take effect on September 30, 2024, to continue the changes to those sections on and after that date.

**Current Status:** 5/18/2022 - Referred to Committee Senate Health

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-321>

**SB322**     **SEX OFFENSES, MEDICAL PROFESSIONS** (HACKETT R) Regarding sex offenses and individuals regulated by the State Medical Board.

**Current Status:** 5/18/2022 - Referred to Committee Senate Health

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-SB-322>



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**December 2, 2022**

**AMERICAN RESCUE PLAN ACT (ARPA)**

Ohio failed to show it was likely to suffer any funding clawbacks of COVID relief funds under a federal policy meant to prevent states from using the money to fund tax cuts, federal appeals judges ruled recently in overturning a lower court ruling. When Congress passed the American Rescue Plan Act (ARPA) at the outset of the Biden administration, it included a provision preventing states from using money in the bill to offset revenue losses from tax cuts or credits. Attorney General Dave Yost sued over that provision and won an injunction against enforcement of the provision from U.S. District Court Judge Doug Cole, who wrote that lack of clarity in the tax mandate violated U.S. Supreme Court precedent requiring the federal government to state any conditions placed on the acceptance of federal funds "unambiguously." The U.S. Treasury Department appealed the District Court ruling to the Sixth Circuit Court of Appeals, which on Friday issued a ruling reversing the earlier decision. The ruling notes that the treasury later developed a rule "disavowing Ohio's interpretation of the offset provision and explaining that it would not enforce the provision as if it barred tax cuts per se," meaning Ohio could not demonstrate a "justiciable controversy" for the court to resolve.

**BALLOT ISSUES**

A proposal to increase the threshold to pass citizen-initiated constitutional amendments now also applies to constitutional amendments proposed by the General Assembly. A substitute version of HJR6 (Stewart), accepted on Thursday by the House Government Oversight Committee, would require all proposed constitutional amendments to receive 60 percent of the vote to be adopted into the Ohio Constitution. The previous version of the resolution only applied to citizen-initiated constitutional amendments. Rep. Brian Stewart (R-Ashville) announced the resolution with Secretary of State Frank LaRose in mid-November.

Earlier in the week, voting rights groups and veterans of ballot issue campaigns said that more than 140 organizations are prepared to fight changes to the initiated constitutional amendment process and expect many more to sign on to the effort. Speakers from the League of Women Voters, Ohio Organizing Collaborative and other groups argued at a Statehouse press conference that the proposal, HJR6 (Stewart) is undemocratic and also unfair, because at that point, it gave lawmakers a



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different set of rules for passage than voters. Similar proposals in other states have failed recently, they said.

### **CORRECTIONS**

Legislation intended to enhance protections for emergency medical services (EMS) providers now includes language rolling back changes made in criminal justice reform law 133-HB1 (Plummer-Hicks-Hudson) that generally prohibited the shackling of offenders who are pregnant. The House Criminal Justice Committee added AM3546 to SB16 (Schaffer) on Tuesday, which removes leg and ankle restraints from the types of restraints prohibited from use on a pregnant person who is a charged or convicted criminal offender or a charged or adjudicated delinquent child. Waist restraints remain prohibited. The amendment also reduces the threat level required to use restraints from a "serious threat of physical harm or substantial security risk" to a "risk of physical harm or security risk." Committee Chair Jeff LaRe (R-Canal Winchester), who proposed the amendment, said the language represents a "compromise" between the Buckeye State Sheriffs' Association and Sen. Nickie Antonio (D-Lakewood). Antonio was the sponsor of 133-SB18, which was ultimately included in 133-HB1.

### **CRIME AND PUNISHMENT**

Serious animal abusers would face a greater prospect of prison time and lose the ability to have offenses expunged under legislation heard Tuesday in the House Agriculture and Conservation Committee. The measure is meant to reflect in law the links between violence toward animals and later violence toward other people. Sen. Jay Hottinger (R-Newark), sponsor of SB164, told the House Agriculture and Conservation Committee that the legislation would enact needed updates to Goddard's Law, a prior animal cruelty law that increased penalties for causing serious physical harm to companion animals. Rep. Kyle Koehler (R-Springfield), chair of the committee, said it's likely the committee will meet one more time this session and will consider the bill for a vote then.

State leaders praised the efforts of prosecutors and law enforcement officers for their persistence through a yearslong investigation that led to Wednesday's guilty verdict delivered against George Wagner IV for the 2016 murders of several members of the Rhoden and Gilley families. Gov. Mike DeWine, who served as attorney general at the time of the killings and of the arrests of the Wagner family, said at a press conference shortly after the verdict that he had great respect for the prosecutors and investigators and that he'd maintained his confidence that justice would be served through the several years of the case. Attorney General Dave Yost



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also issued a statement on the verdict, praising the work of his Bureau of Criminal Investigation (BCI).

Cuyahoga County dominates new sexual-assault survivor grants announced by the DeWine administration with nearly one-fifth of all funding. The governor's office issued a total of \$4.8 million to 25 rape crisis centers and survivor programs in 24 counties, including two awards totaling \$900,000 to Cuyahoga. Grants will help awardees provide remote and crisis services, support survivors' emergency needs, and cover hiring and retention bonuses to ensure continuity in sexual assault recovery services, according to Gov. Mike DeWine.

### **ECONOMY**

A recent report by personal finance site WalletHub calculated the maximum holiday budget for 558 U.S. cities, including nine in Ohio. The rankings were developed based on income, age, a debt-to-income ratio, and how monthly income and overall savings compared to expenses. The top five cities were Newton, MA at \$4,233; Palo Alto, CA at \$3,920; Flower Mound, TX at \$3,531; Milpitas, CA at \$3,480; and Bellevue, WA at \$3,401. In Ohio, Columbus led at \$1,154 and ranked 227th overall.

### **EDUCATION**

A major overhaul of education in Ohio is needed to address growing workforce challenges and prepare students for the future economy, according to proponents of a bill that would reform the operations of the Ohio Department of Education (ODE) and State Board of Education (SBOE). Sen. Bill Reineke's (R-Tiffin) SB178 was previously a placeholder bill for legislation to reform the "functions and responsibilities" of ODE, the SBOE, and the state superintendent, but on Tuesday members accepted without objection a sub bill of over 2,100 pages. SB178 would restructure ODE into a cabinet level state agency called the Department of Education and Workforce (DEW), as well as create the position of director of DEW, who would be appointed by the governor with the consent of the Ohio Senate. The bill would create two separate divisions in the department -- Primary and Secondary Education and Career-Technical Education (CTE), each of which would be headed by a deputy director.

Proponents testified Wednesday that a lack of accountability at ODE and the state school board, as well as dysfunction in the board itself are reasons that change is needed. Wednesday's Senate Primary and Secondary Education Committee saw proponents Michael Linton of Accurate Mechanical Inc., Troy McIntosh of the Ohio Christian Education Network, and Chad Aldis of the Thomas B. Fordham Institute



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urge passage of SB178 (Reineke), while Scott DiMauro of the Ohio Education Association, testifying as an interested party, told lawmakers to take their time and allow all stakeholders to weigh in on the issue. McIntosh told the committee that the structure of the SBOE, and the ongoing level of dysfunction within the board, have combined to create an inefficient and often unresponsive ODE. As examples, he cited a poor rollout of the Afterschool Child Enrichment program, slow EdChoice Scholarship processing, a cumbersome process for chartering new non-public schools, delays in processing teacher licensure applications, student transportation issues across the state, and an inability to hire a state superintendent.

Sen. Vern Sykes (D-Akron) asked McIntosh when his group became aware of the structural change proposed in the bill. McIntosh said several weeks ago. Sykes noted McIntosh's extensive testimony and said it shows he has had time to consider it and asked if others should be afforded more time to consider what it changes themselves.

The DeWine administration announced Monday a third round of grant funding for school security upgrades, awarding \$57.8 million. Funding through the K-12 School Safety Program will benefit 708 schools in 57 counties, according to the governor's office.

GrowNextGen, an organization started by the Ohio Soybean Council to encourage development of entrepreneurs and leaders in the industry, announced it is giving its GrowNextGen Teacher Leader of the Year 2022 award to Shelby Guthrie, a food science and agriculture education teacher at Global Impact STEM Academy in Springfield.

### **ELECTIONS 2022**

The Franklin County Board of Elections Tuesday afternoon certified the results of the Nov. 8 General Election, giving Rep. Richard Brown (D-Canal Winchester) the win over Republican Ronald Beach IV, with the race headed to a recount. The vote differential currently stands at 145 votes, or 0.4 percent, with the half percentage point triggering an automatic recount.

### **ENERGY/UTILITIES**

A group of Ohio-based organizations focused on environmental, consumer, health advocacy, and clean energy sent a letter to FirstEnergy recommending the utility find a new leader that is not hostile to clean energy. The letter was addressed to FirstEnergy Interim CEO John Somerhalder and was signed by representatives from



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the Ohio Environmental Council, Ohio Citizen Action, Moms Clean Air Force, Green Energy Ohio, Solar United Neighbors, and the Evangelical Environmental Network. It notes recent comments made by Somerhalder on the type of leader FirstEnergy is looking for, and the groups said they are concerned those remarks did not include a leader "with a track record of leadership on the clean energy transition."

Energy advisor to Gov. Mike DeWine and former Capitol Hill lobbyist for American Electric Power (AEP), Anne Vogel, will become the Public Utilities Commission of Ohio's (PUCO) new chief of staff, moving her a step closer to the job she narrowly missed when the governor passed over Vogel last year to appoint commission Chairwoman Jenifer French to the unexpired seat of former chair Sam Randazzo.

### **FEDERAL**

U.S. Sen. Rob Portman (R-OH) expressed confidence in J.D. Vance's ability to serve as his successor during a press call Tuesday, calling him a "smart guy" with a "great background in the private sector and the military." That will help in supporting workforce growth and provides Vance with a "real interest" in national security issues and Ohio's installations, Portman continued. Having recently conducted a series of visits to those military and federal installations himself, Portman said Ohio is "so fortunate" they are within the state and voiced concerns about how they may be affected if the federal government is funded through a continuing resolution (CR). That prevents new programs from being enacted and disrupts readiness, he explained. Portman also told *Hannah News* passing an appropriations bill rather than a CR would provide new funding for the 179th Wing in Mansfield as it transitions from an airlift unit to cybersecurity.

### **GAMING/GAMBLING**

The Ohio Casino Control Commission (OCCC) is preparing for a month-long inspection and licensing blitz ahead of the Jan. 1, 2023 universal start date for sports betting. Both type A (mobile) and type B (brick-and-mortar) sports gaming proprietors must be ready for system and equipment verification by Friday, Dec. 2.

### **GENERAL ASSEMBLY/STATEHOUSE**

With caucus leaders now named for both chambers, *Hannah News* has released a preliminary legislative directory for the 135th General Assembly that includes House and Senate leadership, all legislators, their Statehouse phone numbers and district addresses. It will be updated as information on legislators' offices and committee assignments becomes available as well. Statewide officials, justices of the



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Ohio Supreme Court and members of Ohio's congressional delegation are also included in the directory. The directory can be found [HERE](#).

The House Democratic Caucus for the incoming 135th General Assembly re-elected Rep. Allison Russo (D-Upper Arlington) as minority leader, the caucus announced Tuesday. Joining her in leadership are Rep. Dontavius Jarrells (D-Columbus) as the new assistant minority leader; Rep. Jessica Miranda (D-Forest Park) as the returning minority whip; and Rep. Tavia Galonski (D-Akron) as the new assistant whip. Democrats said current assistant whip Rep. Richard Brown (D-Canal Winchester), who holds a small lead as his race heads to a recount, is stepping down from leadership. Jarrells is succeeding Rep. Thomas West (D-Canton), who lost his re-election contest.

Legislation restricting gender-affirming care for transgender minors will not move forward in the 134th General Assembly, according to the office of HB454 co-sponsor Rep. Gary Click (R-Vickery). "Rep. Click has made the decision to hold off on HB454. He felt that it would be too much of a rush to get the bill through during lame duck and still get it right. The bill will be back next General Assembly because it is essential to protect our children from permanent medical risks," Click's office told *Hannah News*.

The Senate Workforce and Higher Education Committee recently released a report on proposed changes for occupational licensing, which are incorporated in a proposed substitute bill for HB509 (John-Fowler Arthur), which was accepted by the committee on Wednesday. Additional amendments are also expected. The recommended changes include elimination of existing licenses, merging duplicative licenses and fee restructuring. They were determined by comparing Ohio's current law and rules with those of surrounding states through Legislative Service Commission research and information from the boards under review.

A broad bill on guardianship and trust law matters got broader still Tuesday as the House Civil Justice Committee turned it into the vehicle for several other pending measures that address sexual abuse settlements, prior authorization for drugs covered by Medicaid, clean energy loans and more. The committee reported out SB199 (Blessing) after adopting 10 amendments, some of which lifted some or all of the language other bills. Those bills include HB439 (Galonski-Hillyer), HB709 (Seitz-Miranda), HB488 (Grendell-Galonski) and HB646 (Cutrona-Roemer).

After years of work and numerous compromises among prosecutors, defense lawyers and reform advocates on the legislation, the Senate voted 27-2 to pass criminal justice overhaul SB288 (Manning) on Wednesday. "When you talk about



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criminal justice reform, you talk about 'tough on crime,' 'soft on crime' -- really what we want to do is improve our criminal justice system and make our society a safer place," Sen. Nathan Manning (R-North Ridgeville) said on the Senate floor. "Some aspects of this bill would be labeled as 'tough on crime' -- increasing penalties and implementing ways to make sure that our society is safe in the short-term," he continued. "A lot of this bill is long-term and making sure that people who have entered our judicial system are able to exit the judicial system as better people, and to lower recidivism." The bill was reported out of the Senate Judiciary Committee on Tuesday after receiving a number of amendments, including the addition of language from domestic violence strangulation bill SB90 (Kunze-Antonio). Manning said the bill provides pathways to second chances, modifies Ohio's drug offense laws and strengthens penalties for domestic violence offenders.

The Senate also passed the following on Wednesday:

- **SR204** (Hoagland), which urges President Joe Biden to take action to protect members of the U.S. Armed Forces from punishment for refusing to take the COVID-19 vaccine. The resolution was adopted 24-6.
- **HB542** (Roemer-Sobecki), which makes changes to the law governing cosmetologists and barbers. The bill passed 24-6. It now returns to the House for consideration of the Senate amendments.
- **SB219** (Craig), which changes the name of the Commission on African-American Males to the Ohio Commission on African-Americans. The bill passed 30-0.
- **SB302** (Hackett-Reineke), which makes changes to the unemployment compensation law. The bill passed 29-0.

Both houses on Wednesday approved the conference committee report on SB56 (Blessing), which deals with indemnity provisions in design contracts, immunity for hospital police officers and insurance coverage for accidents with public safety vehicles, sending the bill to the governor.

After session Wednesday, Senate President Matt Huffman (R-Lima) told reporters that he supports HJR6 (Stewart), the proposal to require citizen-initiated constitutional amendments receive at least 60 percent of the vote to be adopted into the Ohio Constitution. Huffman said he plans on passing the resolution by the end of the lame duck session. Huffman also said the Senate plans to pass Ohio Department of Education (ODE) and State Board of Education (SBOE) reform bill SB178 (Reineke) on Wednesday, Dec. 7. On legislation doling out some of the remaining



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American Rescue Plan Act (ARPA) dollars, Huffman said he is working with the House and the governor's office to get something done and expects it to be ready by Tuesday, Dec. 13 or Wednesday, Dec. 14. Huffman said he expects a bill making changes to the "heartbeat" abortion law won't be ready to pass until the final days of the lame duck session.

House Speaker Bob Cupp (R-Lima) said after Wednesday's House session he thinks lawmakers should focus on high-priority purposes for spending federal COVID relief funding and leave the rest for the coming session. "There is not a requirement to spend all of those funds this year, but there are some things in which that funding would be very helpful for organizations that are under some financial distress," he said. "In my view, we'll probably prioritize those that have an immediate need." Cupp said he believes changes the Senate made to its criminal justice omnibus, SB288 (Manning), have brought more supporters on board and lessened the concerns of others. "We'll take a very serious look at that," he said. On voting law changes, Cupp said the House and Senate are in "almost total agreement." Cupp said little about what action the chamber might take on abortion ("I'm not sure what the process and procedure might be, if there is one"), his stance on the Senate proposal to transfer education policy power from the State Board of Education to the governor ("Nothing definite on that") and the push in HJR6 to require supermajority votes to amend the Ohio Constitution ("There's arguments for and against, and we'll just see what develops in committee").

The House made relatively quick work of its calendar Wednesday. The only substantial debate came on HB506 (Bird-LaRe), which would codify the Office of Solicitor General and the Tenth Amendment Center under the Ohio Attorney General's Office. The bill passed 53-23.

Other bills passed by the House on Wednesday include the following:

- **HB456** (Boggs) To decriminalize fentanyl drug testing strips. Vote 77-5
- **HB462** (K. Miller) To prohibit swatting. Vote 68-14
- **HB593** (Humphrey-Seitz) To allow a candidate to use campaign funds to pay certain child care costs. Vote 55-26
- **SB249** (Wilson) To create a regulatory sandbox program for novel financial products and services. Vote 82-0



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The House agreed Thursday to provide more than \$600 million to Ohio nursing homes, much of it tied to meeting quality measures, and to require health care staffing agencies to register with the Ohio Department of Health. The House Finance Committee Thursday morning converted a dormant COVID relief funding measure on rent and utility assistance, SB110 (O'Brien-Wilson), into the nursing home funding vehicle. Rep. Jay Edwards (R-Nelsonville), who sponsored the amendment to SB110, said many facilities are "bleeding out right now" from repercussions of COVID, and are being reimbursed based on pre-pandemic cost figures from 2019. The amendment requires the Ohio Department of Medicaid to rebase nursing home rates for 2023 using 2021 cost data, and appropriates \$615 million, about \$200 million of which is state General Revenue Fund (GRF) money, and the rest of which would come from federal matching funds. The bill passed the chamber 63-12.

The Ohio House Thursday also passed legislation protecting the rights of gun owners during declared emergencies, adding an amendment that would increase penalties for vehicular homicide for striking emergency workers. The chamber passed SB185 (Schaffer) 55-22, which, among other provisions, prevents gun stores from being shut down during a declaration of emergency, with supporters noting instances of that happening in other states during the early days of the pandemic. Democrats, who voted against it, argued the bill would take away home rule rights from local governments and tie the hands of police trying to prevent guns from being carried into areas where riots are occurring.

The House passed a total of seven bills during Thursday's session. In addition to SB110 and SB185, it passed the following:

- **SB278** (Peterson), a bill designating the first full week of February as "Ohio Burn Awareness Week" that became a "Christmas tree" bill. Vote 71-2.
- **HB196** (Kelly-Carruthers) regulating surgical assistants. Vote 67-2.
- **SB199** (Blessing III) making various changes to guardianship law. Vote 69-4.
- **SB210** (Gavarone), addressing legal relations between spouses. Vote 70-0.
- **SB259** (Hoagland), adding a member of the Paralyzed Veteran of America organization to the Veterans Advisory Committee. Vote 74-0.

The state becomes a whole lot sweeter with Thursday's passage of the substitute version of Sen. Bob Peterson's (R-Sabina) SB278. The bill, which became a mini-Christmas Tree bill of sorts Thursday morning when the House State and Local



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Government Committee unanimously accepted a substitute version, now includes the designation of the sugar cookie as the "state cookie." It also now includes HB24 (Sobecki-Sheehy), HB649 (Skindell-Lightbody), HB302 (Skindell-Ingram), SB338 (Lang), HB464 (Wiggam), HB754 (Wiggam) and HB536 (Fowler-Arthur-Grendell).

After session on Thursday, House Speaker Bob Cupp (R-Lima) said elections bill HB294 (Seitz-Ray) is still being worked out, but he anticipates "that there will be a bill in some form and some vehicle." He said he did not know whether HJR6 (Stewart), which would raise the threshold to adopt constitutional amendments on the ballot to 60 percent, will come to the floor, but said if it is going to go on the May ballot, it will likely have to pass in lame duck. On distributing American Rescue Plan Act (ARPA) funds, Cupp said House members have a list of their suggestions, and the Senate has its own list, and they are going to compare and see if there is anything in common. He said there is not a definitive plan at this point but they are working on it. He said he still hopes to wrap up lame duck in a couple of weeks.

Members of the House Families and Human Services Committee heard conflicting testimony Thursday on a bill to regulate the practice of certified professional midwives (CPMs), with some witnesses arguing the legislation would "criminalize" unlicensed midwives and other saying the bill doesn't go far enough with regulations. HB496's sponsor, Rep. Kyle Koehler (R-Springfield), appeared at Thursday's committee meeting to explain a sub bill, which members accepted without objection, and to preemptively push back on some of the rhetoric around the bill.

In other action this week, the House Health Committee reported out HB608 (Lipps), which requires health plans and Medicaid to cover biomarker testing; the House Armed Services and Veterans Affairs Committee reported out HB741 (Bird-Lipps), which designates April 9 as "Yellow Ribbon Day" and HR382 (Lampton-Russo), which designates November as "Military Family Month"; the House Insurance Committee reported out HB675 (Dean), which prohibits the insurance superintendent from prohibiting certain forms of solicitation of Medicare supplement policies; and HB460 (LaRe), which deals with cost sharing with physical therapists; and the House Families, Aging and Human Services Committee reported out HB572 (Ginter-Carruthers), which addresses payments to certain residential care facilities.

The House Transportation and Public Safety Committee also reported out a slew of highway naming and license plate bills including HB720 (Koehler), HB532 (Ferguson), HB525 (Humphrey), HB528 (Lipps), HB536 (Fowler Arthur-Grendell), HB557 (Blackshear-K. Smith), HB576 (Boggs-A. Miller), HB671 (Blackshear), HB696



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(Swearingen), HB697 (Swearingen), HB710 (J. Miller), HB717 (Wiggam), HB736 (Abrams), HB737 (Powell) and HB746 (Ginter).

### **GOVERNOR**

Ohio Bureau of Workers' Compensation (BWC) Administrator/CEO Stephanie McCloud will serve as Gov. Mike DeWine's chief of staff during his second term, the governor's office announced Tuesday. Current Chief of Staff Michael Hall will be taking a position outside of state government, according to DeWine's office. BWC Chief of Strategic Direction John Logue will take over as BWC administrator/CEO. Logue previously served as interim administrator/CEO while McCloud was director of the Ohio Department of Health (ODH). The governor's office also announced that DeWine Deputy Chief of Staff Michael Murry will be chief operating officer in the governor's office, and that DeWine Cabinet Director LeeAnne Cornyn will be deputy chief of staff to the governor. All staff changes are effective on Sunday, Jan. 1, 2023.

More than 50 percent of eligible children -- birth to age 5 -- are now enrolled in Dolly Parton's Imagination Library of Ohio, which means 362,295 Ohio children will receive a free book in the mail this month, Gov. Mike DeWine and Ohio First Lady Fran DeWine announced Thursday. In addition, they said the Imagination Library has mailed more than 10 million books to Ohio children since 2019. When Dolly Parton's Imagination Library of Ohio was established in 2019, the program was only available in pockets of Ohio. It has been First Lady DeWine's priority initiative over the past four years, and in late 2020, the program became available to all Ohio families in each of Ohio's 88 counties.

### **HEALTH AND HUMAN SERVICES**

With just weeks left in the 134th General Assembly (GA) and days left in the Senate session schedule, Rep. Thomas Brinkman (R-Cincinnati) made another push to pass his bill to allow Medicaid coverage of doula services during Monday's Ohio Legislative Children's Caucus meeting. HB142 would allow Medicaid coverage for licensed doula services for five years after the bill's effective date. After passing the Ohio House nearly unanimously in June, the legislation is now in the Senate Health Committee, where it has had its first hearing.

The Ohio Department of Health (ODH) and Opportunities for Ohioans with Disabilities (OOD) announced Monday that they have teamed up with Be My Eyes to help blind or low-vision Ohioans self-administer at-home COVID-19 tests. While the at-home tests have become a standard method of testing for COVID-19, the state agencies noted that blind or low-vision individuals face challenges in self-



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administering the tests that are widely available through retail, pharmacy and grocery stores, community libraries and local health departments.

A bill that lawmakers say would save lives, improve treatment and reduce costs for cancer patients took another step on its winding journey through the Statehouse Tuesday. Nearly all members present for Tuesday's House Health Committee voted to report out HB608 (White-West). Only Rep. Shawn Stevens (R-Sunbury) voted no. The bill requires health care coverage of biomarker testing, which according to the sponsors, is rapidly increasing in use in cancer treatment and has been shown to improve survivorship. The test uses a unique signal specific to a patient's disease to predict which treatments will be more effective and how aggressive the cancer is.

### HIGHER EDUCATION

Ohio State University (OSU) President Kristina M. Johnson officially announced she will resign as president at the close of the current academic year in May 2023. Johnson's departure comes after about two and a half years into her five-year contract with the university. The *Columbus Dispatch*, which first broke the story of Johnson's plans to leave, reported the OSU Board of Trustees asked Johnson to resign following an investigation conducted by an outside firm into "concerns about her that were raised by staff."

Youngstown State University (YSU) has joined a dozen other universities in Ohio, Michigan and Indiana in a collaboration designed to develop solutions for the onshoring of the semiconductor and microelectronics industry and address the industries' research and workforce needs.

The University of Cincinnati (UC) announced its head football coach, Luke Fickell, is leaving to take on the head coaching job at the University of Wisconsin. UC Director of Athletics John Cunningham said Kerry Coombs will be the interim head coach while the university undertakes a national search for Fickell's replacement. Coombs was the special teams coordinator and cornerbacks coach this season. He also served as an assistant at UC from 2007 to 2011. Fickell leaves UC as the winningest head coach in the school's history with a record of 57-18. He won two American Athletic Conference Championships and led Cincinnati to five bowl games in six seasons, including back-to-back New Year's Six games. His 2021 team finished 13-1 and became the first Group of Five team to be selected for the College Football Playoff, playing the 2021 Goodyear Cotton Bowl Classic.



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### INAUGURATION

Gov. Mike DeWine announced Thursday that Michael and Suzanne Kiggin will again serve as the honorary chairs of the DeWine-Husted Inaugural Committee, a role they held during the inauguration for his first term. Brenton Temple, who served as the DeWine-Husted campaign manager, will serve as executive director of the inaugural committee. Inaugural events will be held from Friday, Jan. 6 through Monday, Jan. 9, 2023. The governor said it will be a "celebration of Ohio's history and future."

### JUDICIAL

The Ohio Supreme Court has extended its Professional Excellence Award to three employees representing its Office of the Reporter, Ohio Judicial College and Office of Disciplinary Counsel. Chief Justice Maureen O'Connor led the ceremony recognizing Assistant Reporter Mary Joe Beck of the Office of the Reporter, Education Program Manager Sam Campbell of the Ohio Judicial College, and Cassandra Kilgore, legal research analyst and executive assistant in the Office of Disciplinary Counsel.

All eyes are on federal Judge James Gwin after the Ohio Supreme Court ruled Wednesday that state law does not allow municipalities to sue Netflix, DirectTV or other non-cable sites for "video service provider" fees otherwise destined for the state and counties, settling -- at least for purposes of the Ohio Revised Code -- an intergovernmental battle with far-reaching implications for state legislatures and local jurisdictions struggling with the policy shift in entertainment viewing from cable to streaming services. The Supreme Court had to decide in *Maple Heights v. Netflix* whether Ohio's "Fair Competition in Cable Operations Act" of 2007, when Netflix and Hulu began streaming lucrative content, is flexible enough to require video services that don't own or operate wires or cable in public rights of way to pay local governments a 5 percent franchise fee under R.C. 1332.21(J) rather than a 5.75 percent tax to the state of Ohio and a 0.75-2.25 percent tax to counties.

### MARIJUANA/HEMP

There are 317,018 patients registered in the Ohio Medical Marijuana Control Program (MMCP), according to the Ohio Board of Pharmacy (OBP) in its October MMCP patient and caregiver numbers update. Of registered patients, 19,532 are military veterans, 20,784 are classified as "indigent" and 1,209 have a terminal illness.



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### NATURAL RESOURCES

Bridle trails in most of Ohio's state forests and all-purpose vehicle (APV) areas at Pike, Richland, and Perry state forests will close for the winter season, according to the Ohio Department of Natural Resources (ODNR) Division of Forestry. Bridle trails closed on Monday, Nov. 28 and APV areas will close on Monday, Dec. 12. Ohio's state forest APV areas stay open longer than bridle trails because horseback riding during deer gun season can cause a user conflict. State forest APV areas remain open during regular deer gun season to provide opportunities for people with disabilities to have greater access to the state forests with APV trails.

ODNR recently announced a partnership with the Girl Scout Councils of Black Diamond, North East Ohio, Ohio's Heartland, and Western Ohio to support the "Girl Scout Tree Promise." ODNR has committed to providing resources for Girl Scouts to plant 250,000 trees in Ohio by 2026.

Gov. Mike DeWine and ODNR Director Mary Mertz Wednesday unveiled a new memorial honoring the victims and survivors of the COVID-19 pandemic. *After the Storm*, a mixed-media sculpture designed and created by Ohio artist Kevin Lyles, is now on permanent display at the COVID-19 Pandemic Memorial Grove at Great Seal State Park in Chillicothe.

### PENSIONS

Sen. Kirk Schuring (R-Canton) is looking to buttress Ohio's statutory investment standard with new language to stave off the adoption of environmental, social and governance standards, aka ESG, at pension funds, universities and the Bureau of Workers' Compensation. He said the measure was not introduced in reaction to any action by Ohio institutions but is meant to be preventive. "The topic of ESG is sweeping the entire nation ... [the bill] just underscores what the best investment policies for the state institutions that are listed in the bill should be." Schuring introduced his proposal as SB367, which generally directs that a given investing institution "shall make investment decisions with the sole purpose of maximizing the return on its investments" and "shall not make an investment decision with the primary purpose of influencing any social or environmental policy or attempting to influence the governance of any corporation."

The Ohio Public Employees Retirement System (OPERS) and State Teachers Retirement System (STRS) are pushing for lead-plaintiff status in the class action lawsuit targeting Warner Bros. Discovery (WBD) for allegedly skewing its financials to support a corporate merger, costing state pensions and other investors more than



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\$31 billion in market capitalization. STRS and OPERS say CEO David Zaslav and CFO Gunnar Wiedenfels of WBD, a merger of AT&T subsidiary WarnerMedia and Discovery Inc., knew Warner had overinvested in HBO Max and other streaming services and inflated HBO subscribers by 10 million in company disclosures but hid those facts from shareholders. WBD's common stock price plunged by more than half in five months, according to the lawsuit.

### **PEOPLE**

The County Commissioners Association of Ohio (CCAO) Wednesday announced Steve Caraway as its new service corporation manager. Caraway will be responsible for marketing, managing and designing CCAO Service Corporation Programs to benefit counties in cost savings and by serving their residents.

The Ohio Association for Career and Technical Education (ACTE) said Thursday its board has appointed Maggie Hess, now executive director for the Ohio Association of Career Tech Superintendents (OACTS), to be its interim executive director. Hess succeeds Christine Gardner, who died in early November. Hess will continue working for OACTS while serving as interim leader for ACTE. Gardner, who led Ohio ACTE for 16 years, passed away Nov. 8 at age 57 at Northwestern Memorial Hospital in Chicago.

### **POLITICS**

Hamilton County Republican Party Chairman Alex Triantafilou Monday announced he will seek the state party chairmanship after current Chair Bob Paduchik steps down in January. Paduchik announced earlier he will not run for re-election as chair when the State Central Committee meets in January. He has been chair for nearly two years. Triantafilou sent a letter to State Central Committee members on Monday, saying his vision is for the party "to be a principled, well-funded, well-staffed, and organized entity that truly acts as a service organization for all Republican candidates. Having run a large, diverse and strong county party for more than a decade, I know the difficulties that lay ahead. I believe I am uniquely suited to lead this party during this critical time."

### **PUBLIC SAFETY**

Ohio State Highway Patrol (OSHP) stops were down in most categories for the Thanksgiving holiday compared to 2021, though impaired driving and seat belt neglect were major factors in 16 traffic deaths. The patrol reported 13,253 incidents over the four-day holiday weekend. Operating a vehicle impaired (OVI) accounted



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for six fatalities and 270 arrests, while seat belts were missing in 10 deaths and 686 citations. Two of the deceased were pedestrians. As many as 307 drivers had suspended licenses, 130 were transporting illegal drugs, and 100 were cited for distracted driving. Felony arrests reached 65, with 17 involving warrants. Troopers also assisted 1,542 motorists.

The DeWine administration added two more counties to the number of sheriffs' offices certified under minimum state policing standards Thursday, including one of Ohio's largest law enforcement agencies. Cuyahoga and Henry counties joined 70 others in formal compliance with use of force, including deadly force, and agency recruitment and hiring as defined by the Ohio Community-Police Collaborative Advisory Board. That leaves 16 Ohio counties uncertified by the Ohio Department of Public Safety's (DPS) Office of Criminal Justice Services (OCJS), which administers state policing standards. Those include Ashtabula, Columbiana, Jefferson, Madison, Sandusky, Scioto, Seneca, Shelby, Trumbull, Vinton and Wayne, which all have one or more certified police departments. The counties of Adams, Monroe, Morgan, Noble and Paulding, moreover, include no jurisdictions of any kind having executed an OCJS agreement.

The governor announced Thursday that the Ohio Department of Public Safety's (DPS) Office of Criminal Justice Services (OCJS) has opened the application process for drug task force grants awarded under the Ohio Drug Law Enforcement Fund. Funds can be used to investigate drug trafficking rings and disrupt illegal drug supplies through intelligence gathering, information sharing and multi-agency coordination. Grants may also support local services to drug overdose victims and their families through education, support and treatment. Applications are due 5 p.m., Thursday, Jan. 5, 2023 and cover up to 12 months of operations in FY24. OCJS's grant coordinator can provide technical assistance with the application at 614-466-7782. The request for proposal (RFP) can be found at [tinyurl.com/2vxfxz98](https://tinyurl.com/2vxfxz98). More information is available at [www.ocjs.ohio.gov/grants.stm](http://www.ocjs.ohio.gov/grants.stm).

### STATE GOVERNMENT

Ohio Department of Agriculture (ODAg) Director Dorothy Pelanda and Ohio Department of Public Safety (ODPS) Director Tom Stickrath were the first two cabinet members to announce they will not be returning for Gov. Mike DeWine's second term. Pelanda, who was sworn in as the 39th ODAg director in January 2019, is the first woman to serve in the position in the department's history. Pelanda also served in the House from 2011 to 2019. Stickrath is also retiring at the end of the year, having been appointed in January 2019. He was also director of ODPS under former Gov. Ted Strickland.



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In another personnel change for Gov. Mike DeWine, Tax Commissioner Jeff McClain said in a letter to the governor Thursday that he is retiring effective Dec. 31. He has served in the position for the last four years. Prior to that he was director of tax and economic policy for the Ohio Chamber of Commerce. He also served eight years as a state representative from Upper Sandusky -- House District 87.

### **UNEMPLOYMENT COMPENSATION**

The Unemployment Compensation Modernization and Improvement Council (UCMIC) Thursday approved an updated draft of its report and recognized the work of outgoing Reps. Mark Fraizer (R-Newark) and Lisa Sobecki (D-Toledo) in their last council meeting. Fraizer, who serves as co-chair, said the council has worked for around 22 months to learn lessons from the pandemic in regard to unemployment compensation (UC) and provide a "working document" about them. SB302 (Hackett-Reineke), which passed the Senate Wednesday, would ensure the UCMIC doesn't have a sunset clause so it can continue during the 135th General Assembly. The new draft of the report modifies its legislative response section, Fraizer said, including goals for SB302 and companion bill HB568 (Fraizer-Merrin), as well as updated graphs and information on fraud. The data included a finding that through August 2022, overpayments in Unemployment Insurance (UI) and Pandemic Unemployment Assistance (PUA) included \$4.8 billion in PUA non-fraud, \$1 billion in PUA fraud, \$831 million in UI non-fraud and \$104 million in UI fraud. That data continues to change.

### **VETERANS**

The class of 2022 was officially inducted into the Ohio Veterans Hall of Fame on Tuesday, Nov. 29, according to the Ohio Department of Veterans Services (ODVS). The 20-person class was honored with medals and plaques presented by Gov. Mike DeWine and ODVS Director Deborah Ashenhurst. Other distinguished guests, including those previously inducted into the Ohio Veterans Hall of Fame, attended.