



Ohio Chapter of the American Academy of Pediatrics

Advocacy in Ohio

November 2023

November General Election

- Issue 1 (Reproductive Rights): Ohioans will vote next week on a citizen-initiated constitutional amendment related to abortion access. Several other states have considered and passed similar amendments in the wake of last year's *Dobbs* decision. Polling shows Issue 1 passing. Assuming this is the case, the most immediate result would be a retention of Ohio's current standard for elective abortion, which is post-viability. Additionally, the 'heartbeat bill' that was passed two years ago and is currently on hold in the Ohio Supreme Court would be overturned. Beyond these two changes, the future is unclear. Pro-life groups are likely to challenge Issue 1 in federal court, hoping to have it overturned by SCOTUS. Further, Republican lawmakers may put another constitutional amendment on the ballot next year to modify or repeal Issue 1. Lastly, any current laws related to abortion access would have to be challenged in state court in order to be overturned.
- Issue 2 (Cannabis Use): Voters will also decide on an initiated statute to allow recreational cannabis use for anyone 21 years of age and older. Like Issue 1, polling shows Issue 2 passing; however, unlike Issue 1, this would be a statutory change, not a constitutional amendment. As a result, lawmakers could amend or repeal the measure. While it is too soon to predict the outcome, it is a safe bet that the General Assembly will pass some kind of cannabis-related legislation next year should Issue 2 pass. A top priority for OhioAAP would be addressing childproof packaging and access for youth.

House Bill 68 – SAFE Act / Save Women's Sports Act

- State Representative Gary Click (R-Vickery) introduced HB 68 on February 27th. The bill places several restrictions on the practice of gender-affirming care for minors. Dr. Chris Bolling testified on behalf of OhioAAP on June 14th. The bill was reported out of the House Public Health Policy Committee after being amended to include HB 6 (Save Women's Sports Act). The full House passed the measure by a vote of 64-28 on June 21st.
- HB 68 is now pending in the Senate Government Oversight Committee, with hearings expected to begin the week of November 14th. It is unclear if the Senate will move on the measure this year, though it should be noted that there are an adequate number of session days and opportunities for committee hearings to easily move the measure. As of now, we anticipate opponent testimony the week of December 4th.
- Amendments are already being discussed, though it is unlikely the Senate would make any changes that would threaten House concurrence. Further, it is unclear where Governor DeWine is on this measure. If enacted, HB 68 would almost certainly be challenged by ACLU and other organizations in court. OhioAAP is leading a diverse group of provider organizations and collaborating closely with the Ohio Children's Hospital Association.
- Lawmakers also consider bills related to parental notification (HB 8) and bathroom usage (HB 183).

OhioAAP-Supported Bills and Other Notable Bills

- House Bill 7 (Strong Foundations Act): Sponsored by State Representatives Andrea White (R-Kettering) and Latyna Humphrey (D-Columbus), pending in House Finance Committee.
- House Bill 24 (Biomarker Testing Coverage): Sponsored by State Representative Andrea White (R-Kettering), pending in House Insurance Committee.
- 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.

- House Bill 130 (PA Gold Card): Sponsored by State Representative Kevin Miller (R-Newark), pending in House Insurance Committee.
- 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
- House Bill 156 (White Bagging Prohibition): Sponsored by State Representatives Scott Oelslager (R-North Canton) and Gayle Manning (R-North Ridgeville), pending in House Insurance Committee.
- House Bill 177 (Copay Accumulator): Sponsored by State Representative Susan Manchester (R-Waynesfield), pending in House Public Health Policy Committee.
- House Bill 291 (Non-Medical Switching): Sponsored by State Representatives Beth Liston (D-Dublin) and Sarah Carruthers (R-Butler), pending in House Insurance Committee.
- House Bill 169 / SB 59 (Minor Sun Lamp Tanning): Sponsored by State Representative Brett Hillyer (R-Urichsville) 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.

Scope of Practice Bills / Practice of Medicine Issues

- Senate Bill 144 (Pharmacy Vaccines): Sponsored by State Senator Mark Romanchuk (R-Ontario), pending in Senate Health Committee.
- APRN Independent Practice Legislation: State Senator Kristina Roegner (R-Hudson) preparing an APRN scope of practice bill. Expected to be introduced later this year.
- House Bill 80 (Pharmacy Scope of Practice): Sponsored by State Representative Scott Lipps (R-Franklin), pending in House Health Provider Services Committee.
- House Bill 73 (Off-Label Prescribing): Sponsored by State Representative Jennifer Gross (R-West Chester), pending in Senate Health Committee.
- Senate Bill 126 (Physician Non-Compete): Sponsored by State Senator Terry Johnson (R-McDermott), pending in Senate Health Committee.

House Bill 33 (State Operating Budget)

- DeWine Line-Item Vetoes: At OhioAAP's request, Governor DeWine used his line-item veto on two notable items: nonmedical exemptions for vaccine mandates at institutions of higher education and local preemption of tobacco and nicotine ordinances. He also vetoed a handful of statutory rate increases that would have impacted ODM's ability to fulfill a 5% rate increase administratively. DeWine is expected to push a statewide prohibition on flavored tobacco and nicotine products, and we may see more anti-vaccine legislation introduced in the General Assembly.
- Medicaid Rate Increase / Other Medicaid Changes: Funding was included in HB 33 for a rate increase for providers. This will take effect on January 1st, 2024. The General Assembly rejected DeWine's proposed increase of Medicaid eligibility for pregnant women and kids to 300% FPL but did include continuous enrollment language for any Medicaid-eligible child under age 4. The General Assembly also added a requirement that Ohio reply for a work requirement waiver in early 2025. Following enactment, OhioAAP worked with other members of the Primary Care Coalition to prioritize well child and e&m codes for the rate increase.
- Other Notable Policy Items in HB 33:
 - CMH program eligibility increase to 24 and 25 in each fiscal year, respectively. Additionally, program renamed 'Program for Children and Youth with Special Healthcare Needs'
 - Seizure Safe Schools legislation (HB 606, 134th) that AAP supports was included
 - Text of HB 82 (Mental Health Training for Coaches) included in HB 33
 - Screening for Duchenne Muscular Dystrophy added to newborn panel
 - Ohio Department of Children and Youth created, plus overhaul of ODE included
 - Baby products exempted from Sales Tax (SB 39 and HB 118)