



GOVERNMENTAL POLICY GROUP, INC. RH RESOURCES

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Week in Review

March 31, 2023

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ADDICTION/SUBSTANCE ABUSE

Gov. Mike DeWine this week signed Executive Order 2023-08-D, directing the Board of Pharmacy to immediately classify xylazine as a Schedule III controlled substance, making Ohio one of the first states in the nation to schedule xylazine as a controlled substance drug. This is based on information from the Ohio Narcotics Intelligence Center (ONIC) regarding its being mixed with other illicit drugs.

AGING

The Ohio Department of Aging (ODA) Thursday unveiled plans for the Alzheimer's Disease and Other Dementias Statewide Resource Program, which will be done in partnership with the Ohio State University (OSU) College of Nursing, the Ohio Department of Medicaid (ODM) and several other contributing organizations. The statewide initiative aims to build and develop a dementia-prepared caregiver workforce in Ohio.

AGRICULTURE

The Ohio Department of Agriculture (ODAg) is making farmland preservation a priority, ODAg Director Brian Baldrige told lawmakers during a presentation on Tuesday. The department's proposed funding increase for farmland preservation was among several issues Baldrige discussed during the House Agriculture Committee's first meeting of the 135th General Assembly.

ATTORNEY GENERAL

Attorney General Dave Yost sued Express Scripts and other pharmacy benefit managers (PBM) for alleged drug price fixing and other monopolistic practices Monday, slamming price spikes for insulin, anti-cancer therapeutics and other life-saving prescriptions. Yost said Express Scripts and Prime Therapeutics, two of the nation's largest PBMs, are partnering as joint owners of the group purchasing organization (GPO) Ascent and colluding with Humana Pharmacy Solutions, a/k/a CenterWell, in a "perverse" pay-to-play scheme to drive up prescription prices and drive down pharmacy reimbursements.

BALLOT ISSUES

House Republicans in support of raising the threshold for amending the Ohio Constitution filed a discharge petition Wednesday in hopes of forcing a vote on the issue. Meanwhile, a former leader of the Ohio Constitutional Modernization Commission urged senators to consider the combined approach that body took on reforming both the constitutional and statutory initiative processes in tandem. Testimony in the Senate highlighted the interplay between the idea and a potential statewide vote on abortion rights. Numerous House Republicans Wednesday signed the discharge petition on HJR1 (Stewart), the House version of the proposed constitutional amendment to raise the threshold, which would send it straight to the floor. House Speaker Jason Stephens (R-Kitts Hills) softened his stance somewhat on the issue, calling an August special election for an amendment "a possibility," after earlier saying he was "frankly not interested."

BUDGET – F.Y. 2024-25

The transportation budget, HB23 (Edwards), is headed to Gov. Mike DeWine's desk after the House and Senate reached a conference committee compromise Tuesday and passed the final version Wednesday. Among other major provisions, the conference report includes a 133 percent increase in force account limits and the institution of a 5 percent annual inflation cap; moves debate over the proposed \$1 billion Rural Highway Fund to the operating budget, HB33 (Edwards); and restores language to enable the sale of the Cincinnati Southern Railway. The bill passed the House 93-2 and the Senate 30-1.

BUSINESS/CORPORATE

The Ohio Department of Development (DOD) announced that qualified organizations can now apply to partner with it in hosting a Minority Business Assistance Center (MBAC). The centers help strengthen the minority business community, support job creation and grow the state economy. The seven MBAC providers address business needs by offering services including technical assistance, professional consulting, access to capital and assistance obtaining contracts. The applications are for community-based nonprofits, public economic development organizations and educational institutions with strong experience in business and economic development. They can be found at <https://tinyurl.com/mr3mznhn>. The site also has program guidelines, application information and a presentation with details on the MBAC program team, the RFP process and eligibility requirements.

Sen. Michael Rulli (R-Salem) was joined by Secretary of State Frank LaRose and Ohio Chamber of Commerce President Steve Stivers Tuesday to announce legislation aimed at protecting businesses from identity theft. Rulli said the instances of identity theft for businesses increased during and after the pandemic, necessitating the need for his SB98 (Rulli). He cited instances where some bad actors will create a new corporation seemingly under the umbrella of an already existing corporation. In other cases, corporations may create different subsidiary corporations to handle certain aspects of the business, such as owning the land the business sits on. If those subsidiaries are later closed, some fraudsters may come along and try to reactivate them.

CHILDREN/FAMILIES

The Ohio Legislative Children's Caucus Monday heard an update on the Healthy Beginnings at Home (HBAH) program for expectant mothers facing housing insecurity. The program is slated to receive a major boost through the FY24-25 state budget. Healthy Beginnings at Home, which was launched in 2018 as a pilot program, provides rental subsidies and housing stabilization services to Medicaid-eligible pregnant women who are experiencing homelessness or are housing insecure and at a greater risk of infant mortality. Gov. Mike DeWine's budget proposal contains a significant expansion of the program with recommended funding of \$16 million in FY24 and \$1 million in FY25 through the new Department of Children and Youth. The money would build off the \$2.5 million allocated to the program in 134-HB110 (Oelslager).

CORONAVIRUS

A recent report by the medical journal *The Lancet* found Ohio was tied for seventh lowest in COVID-19 deaths at 293 per 100,000 residents. The leading states were Hawaii, 147; New Hampshire, 215; Maine, 218; Vermont, 249; Maryland, 285; and Washington, 286. Connecticut also

had 293, while Pennsylvania had 297 and Nebraska had 298. The data cover the period from Jan. 1, 2020 to July 31, 2022, during which the national rate was 372 deaths per 100,000.

EAST PALESTINE DERAILMENT

Ohio Attorney General Dave Yost and Norfolk Southern announced Wednesday that the railroad company has committed to hiring Ohio companies and workers for all future repair and replacement work due to the Feb. 3 derailment in East Palestine. "We didn't ask for this accident to happen here in Ohio or in East Palestine, and we would be quite happy not to have to deal with it," Yost said at a press conference in Trumbull County, according to a release. "But since this accident did happen, I'm pleased that Norfolk Southern has signed off on the agreement and that Ohio businesses are going to benefit."

ECONOMIC DEVELOPMENT

Gov. Mike DeWine's administration announced Monday the approval of assistance for four projects expected to create 209 new jobs and retain 356 jobs statewide. During its monthly meeting, the Ohio Tax Credit Authority (TCA) reviewed economic development proposals brought by JobsOhio and its regional partners. The projects are expected to collectively result in more than \$13.4 million in new payroll and spur more than \$55.6 million in investments across Ohio.

ECONOMY

The Ohio Department of Job and Family Services (ODJFS) said Friday that the state unemployment rate decreased to 3.9 percent in February, down from 4 percent in January. The state added 900 jobs over the month. ODJFS said the number of workers unemployed in Ohio in February was 224,000, down from 229,000 in January. The number of unemployed has decreased by 6,000 in the past 12 months from 230,000. The February unemployment rate for Ohio decreased 0.1 percent from 4.0 percent in February 2022. The U.S. unemployment rate for February 2023 was 3.6 percent, up from 3.4 percent in January 2023, and down from 3.8 percent in February 2022.

EDUCATION

The state should give schools greater flexibility in using money now proposed for hiring school resource officers, and should do more to ensure proper training and accountability for those officers, a coalition of groups focused on children's wellbeing and juvenile justice said Monday. ACLU of Ohio, Children's Defense Fund-Ohio, Juvenile Justice Coalition, Policy Matters Ohio and Ohio Poverty Law Center participated in a videoconference to raise questions and concerns about Gov. Mike DeWine's executive budget proposal to provide \$338 million to put a school resource officer in every building that wants one.

The U.S. Department of Education (USDOE) should not rescind a religious student organization rule implemented during the Trump administration, Attorney General Dave Yost wrote in a letter to the department. USDOE is seeking to rescind regulations that "prescribe a novel role for the department in enforcing grant conditions related to student organizations" at institutions of higher education (IHEs), according to USDOE's proposal in the *Federal Register*. Yost said the current rule "provides an additional check on wayward administrators who, all too frequently, trample students' right to freely exercise their religion."

The Ohio Department of Development (DOD) announced Thursday that the third round of its High School Tech Internship pilot program was currently open for applications, encouraging businesses and employers to participate. The program provides reimbursement for establishing a recruitment pipeline through hosting high school interns in tech-related roles. The students receive "valuable work experience at an early age." Educational entities should email High_School_Tech_Internship@Development.Ohio.gov to start their applications, and businesses looking to host interns should notify their local educational entity such as a school district, educational service center or business advisory council. Businesses cannot participate without partnering with an educational entity. For more information, visit the program website at <https://tinyurl.com/4hzf24vn>.

ELECTIONS

The deadline to register to vote in the Tuesday, May 2 primary will be Monday, April 3, and early voting will begin on Tuesday, April 4. Voting for military and overseas Ohio voters began last month. Meanwhile, provisions of a new state law that requires Ohioans to present a state-issued photo identification to vote go into effect next week. Beginning on Friday, April 7, the provisions of 134-HB458 (Hall) take effect.

Sen. Theresa Gavarone (R-Bowling Green) announced Monday that she will run for re-election to the 2nd Senate District in 2024. Appointed in 2019 to replace Sen. Randy Gardner after he was appointed chancellor of the Department of Higher Education, she won the Senate seat in 2020. Gavarone ran unsuccessfully in the Republican primary for the 9th Congressional District in 2022.

ENERGY/UTILITIES

This week, the Public Utilities Commission of Ohio (PUCO) approved an average wholesale auction price of \$83.75 per megawatt hour (MWh) for customers on FirstEnergy's standard service offer (SSO). That number will be blended with additional auction prices for the June 1, 2023-May 31, 2024 service period to determine the price to compare to independent power sold by competitive retail electric services (CRES). American Electric Power (AEP) of Ohio secured an even higher megawatt hour price of \$88.55 this month for the same service period and Duke Energy Ohio, \$82.79 MWh last month. AES Ohio's (DP&L) wholesale auction is weeks away in April, when the minimum starting bid will be \$90.00 MWh and the maximum bid \$120.00 MWh.

A former executive at Blackstone and chief financial officer for American Electric Power (AEP) becomes FirstEnergy Corp.'s second chief executive in two years, effective Thursday, June 1. Its board of directors named Brian Tierney president and CEO Monday after Steven Strah abruptly retired last September in the wake of an internal management review linked to the 133-HB6 (Callender-Wilkin) scandal. Tierney, 55, would follow interim President and CEO John Somerhalder, who will retain his current post as board chairman. Tierney joins FirstEnergy from his previous role as global head of portfolio operations and asset management for Blackstone's infrastructure group. He previously held various AEP leadership positions over two decades, including most recently as executive vice president of strategy after 11 years as CFO.

Public Utilities Commission of Ohio (PUCO) Chair Jenifer French's testimony before the House Public Utilities Committee Wednesday provided a rare window into a state government agency following the 133-HB6 (Callender-Wilkin) debacle and the hasty departure of her predecessor, Sam Randazzo, now mired in a multi-million-dollar lawsuit with Ohio Attorney General Dave Yost. Her presentation also provided insight into her philosophy of public service. After reprising her Senate

overview of PUCO, French took questions on the impact of natural gas price hikes on low-income households; the reason for current energy costs and their likely future; the agency's responsibility for rail oversight and its relationship to hazardous material disasters like that of East Palestine; its role in facilitating voluntary energy efficiency (EE) programs at Ohio's major utilities; and what French had envisioned and what she learned on replacing Randazzo.

The Office of Ohio Consumers' Counsel (OCC) will launch its official search for new leadership Saturday with the announced retirement of Consumers' Counsel Bruce Weston. He is part of a major management change that includes the simultaneous departure of Deputy Consumers' Counsel Larry Sauer. Weston made his retirement plans known in January but is waiting until April 1 to open the job to applicants. As of Saturday, the job posting for his replacement will be found at careers.ohio.gov.

ENVIRONMENT

Madison Fields Solar has been approved for up to \$341 million in bond funding, the Ohio Air Quality Development Authority (OAQDA) announced recently. The Madison County project will produce solar energy while also creating hundreds of jobs and providing local economic benefits, according to OAQDA. The project is expected to generate more than 404,000 megawatts of electricity annually. The project has received local support from Fairbanks Local School District, Madison County and Pike Township. The company has entered into agreements with local governments, organizations and project neighbors. The bond financing was approved through the Clean Air Improvement Program (CAIP).

GENERAL ASSEMBLY

Members of the Joint Committee on Agency Rule Review (JCARR) objected to none of the 25 rule packages on its regular agenda Monday.

Rep. Bill Roemer (R-Richfield) became the latest Ohio lawmaker calling for the elimination of E-Check, a federal program designed to test and identify motor vehicles that release high levels of pollutants into the air. He cited a recent air quality study from IQAir, a Swiss air technology company, which said the air quality in Cleveland and Northeast Ohio is significantly cleaner than that in Columbus. He said it is nonsensical that E-Check continues to be imposed on seven Northeast Ohio counties.

In addition to adoption of the final transportation budget, Wednesday's House session included passage of HB35 (Miranda-Seitz), meant to enable full collection of settlement proceeds by child sexual abuse victims as part of a \$2.46 billion settlement with the Boy Scouts of America; and HB22 (Schmidt-Hall), regarding stroke care; and agreed to Senate amendments on HB52 (Fowler-John), regarding emergency medical training. In addition to passing the transportation budget, Wednesday's Senate session included passage of HB52; SB41 (Reogner), regarding appeals for building inspections; SB43 (Brenner), regarding the homestead exemption for surviving spouses of disabled veterans; SB42 (Johnson-S. Huffman), regarding adoption of the Wright Flyer III as the state airplane; and SB54 (Reynolds-Sykes), to establish the New African Immigrants Grant and Gift Fund.

In other legislative action, the House Government Oversight Committee reported out HB87 (Santucci-Demetriou), which requires government agencies to purchase only flags made in the U.S.; the House State and Local Government Committee reported out HB61 (Troy-Callender), which designates Nov. 19 as “James A Garfield Day”; the House Transportation Committee reported out highway naming bill HB88 (Stoltzfus); the House Ways and Means Committee reported out HB66 (Hall-Stoltzfus), which addresses the recovery of bad debts for tobacco products; the Senate Education Committee reported out SB49 (Reynolds), which requires public schools provide religious accommodations; House Finance Committee reported out HB31 (Edwards), the Bureau of Workers’ Compensation Budget; and HB32 (Edwards), the Industrial Commission budget; and House Insurance Committee reported out HB49 (Ferguson-Barhorst), regarding hospital price transparency.

HEALTH AND HUMAN SERVICES

Sens. Paula Hicks-Hudson (D-Toledo) and Michele Reynolds (R-Canal Winchester) have introduced SB93, which would enable doula service providers to become certified with the Ohio Board of Nursing, establish a Doula Advisory Board that works collaboratively with the Ohio Board of Nursing to implement and oversee the standards for certification, and authorize Medicaid reimbursement for doula services in Ohio. The legislation follows a similar bipartisan bill introduced in the House. According to the sponsors, doulas are trained professionals who provide physical, emotional and informational support to women and their families before, during and after childbirth.

NATURAL RESOURCES

Ohio Department of Natural Resources (ODNR) Director Mary Mertz Wednesday appeared before the House Energy and Natural Resources Committee during its first hearing of the 135th General Assembly, outlining the functions and administration of her agency. She said the agency manages 75, soon to be 76 state parks, 24 state forests, 142 nature preserves, and 150 wildlife areas across the state. ODNR's properties continue to have increased attendance and unprecedented demand, she said in her testimony.

PENSIONS

Teachers who retire but then rejoin the ranks cannot run for seats on the State Teachers Retirement System (STRS) Board of Trustees, but two House members are proposing to change that. Under HB78, sponsored by Reps. Joe Miller (D-Amherst) and Bill Seitz (R-Cincinnati), such rehired retirants could run for either one of the five board positions elected by active teachers or the two board positions elected by retirees. They testified on the bill Tuesday in the House Pensions Committee. Seitz called it a "modest step" in addressing thorny questions of representation on the board of STRS, which has faced significant member discontent over a five-year freeze on cost-of-living adjustments.

Meanwhile, another contentious race is looming for a seat on the STRS board, following the election of new members last year who are critical of current management. The board recently split 50-50 on a vote of confidence in STRS Executive Director William Neville. Berea City Schools teacher Pat Davidson is challenging incumbent board member Arthur Lard, a teacher in Portsmouth City Schools. Lard was among those voting to express confidence in Neville at the board's February meeting.

PEOPLE

The Ohio Chamber of Commerce announced Thursday that its Board of Directors had elected Brian Hicks, president and CEO of Hicks Partners LLC, as its new chairman. He has been a board member since 2010 and was president of the Ohio Chamber Research Foundation until February 2022. As chairman, he will be responsible for board management and act as an advisor to Ohio Chamber staff.

Ohio Secretary of State Frank LaRose has been named vice chair of the Republican Secretaries of State Committee (RSSC), a caucus of the Republican State Leadership Committee (RSLC), the group recently announced.

PUBLIC SAFETY

The Division of State Fire Marshal announced 2023 Fire Department Equipment Grants exceeding \$1.37 million Friday to 154 jurisdictions in 70 counties, led by Stark County. Eligible fire equipment includes protective clothing, self-contained breathing devices, communications, and other miscellaneous supplies. Fire departments met a variety of criteria including their annual budget, compliance status, submission of annual fire incident reports for the year, number of incidents, and a resident population served of less than 25,000.

The Ohio Narcotics Intelligence Center (ONIC) released a public safety bulletin alerting parents to emojis targeting youth on social media and electronic communications to market, sell and buy illegal drugs including fentanyl, heroin, Xanax and other pain pills, cocaine and ecstasy. Housed within the Ohio Department of Public Safety (DPS), ONIC says emojis used in electronic drug dealing commonly refer to physical, psychological or physiological effects of the drugs. Their presence in digital communications is one sign of possible drug activity, it notes, allowing that emojis intended meaning may or may not be illicit.

Advocates, police officers and an attorney appeared before the House Homeland Security Committee Wednesday, telling lawmakers that 18-year-olds lack the maturity and impulse control necessary for police work. HB84 (Demetriou-Williams), a companion bill to SB53 (Reynolds-Roegner), would lower the minimum age for an original appointment as a police officer from 21 to 18 years of age. In the third hearing on the bill, opponents of the legislation repeatedly voiced concerns about 18-year-olds' maturity and life experience and suggested other methods for increasing recruitment and retention of police officers.

SECRETARY OF STATE

According to Secretary of State Frank LaRose, there were 16,065 new business filings in February, the highest February number of business filings in Ohio history.

TELECOMMUNICATIONS/BROADBAND

Ohio is on track to quadruple Internet speeds statewide within five to six years if the Legislature authorizes Gov. Mike DeWine's current budget proposal and BroadbandOhio receives another \$500 million to \$1 billion in federal funding from the U.S. Department of Commerce (DOC), state broadband chief Peter Voderberg told the Senate Energy and Public Utilities Committee Tuesday. Voderberg brought senators up to date on the build-out of high-speed Internet since the signing of broadband omnibus 134-HB2 (Carfagna-Stewart) nearly two years ago. He said BroadbandOhio,

launched by DeWine in 2020, has awarded \$232 million in 31 counties and brought affordable high-speed Internet to 43,000 households through the Ohio Residential Broadband Expansion Grant (ORBEG), a provision of HB2.

TRANSPORTATION/INFRASTRUCTURE

Ohio Rail Development Commission (ORDC) Executive Director Matt Dietrich appeared before the House Transportation Committee Tuesday, giving an overview on Ohio's rail industry and answering questions about passenger rail. Dietrich said Ohio has 5,100 active rail lines and one of the most dense rail networks in the nation. He said 59 percent of the tracks are owned by CSX and Norfolk Southern.

The Ohio Turnpike and Infrastructure Commission said Monday that it will spend about \$226 million for capital improvement projects across the 241-mile toll road during this year's construction season. The major roadway construction projects on the Ohio Turnpike in 2023 include pavement replacement and resurfacing, bridge renovations, and modernizing the toll collection system.

The Transportation Review Advisory Council this week unanimously approved the annual list of projects to receive funding from the Ohio Department of Transportation's (ODOT) Major New Capacity Program over the next four years. The approval includes nearly \$392 million in new funding commitments for 27 projects. This includes \$167.4 million for project development and \$224.5 million for construction.

LEGISLATIVE ACTIVITY

HOUSE

PASSED BY HOUSE

HB22 STROKE CARE DATA (Rep. Jean Schmidt, Rep. Thomas Hall) Regarding the collection of stroke care data and the recognition of thrombectomy-capable stroke centers.
Vote 94-1

HB35 ELIMINATE LIMITATIONS PERIOD - CHILD SEXUAL ABUSE (Rep. Bill Seitz, Rep. Jessica Miranda) To enact the Scout's Honor Law to eliminate the limitations period for a civil action based on a claim of childhood sexual abuse only for purposes of filing claims against a bankruptcy estate of an organization chartered under federal law; to provide with respect to sex offenders and childvictim offenders who committed their offense prior to January 1, 2008, mechanisms for reclassifying or classifying the offenders in specified circumstances under the SORN Law in effect prior to that date; and to subsequently amend section 2305.111 of the Revised Code five years after the effective date of that section to remove the described elimination of the limitations period.
Vote 95-0

CONSIDERATION OF SENATE AMENDMENTS

HB52 MEDICAL SERVICES TRAINING, CONTINUING EDUCATION (Rep. Sarah Fowler, Rep. Marilyn John) To restore law related to emergency medical services training and continuing education programs and EMS and fire instructor certification, to amend the versions of sections 4765.10, 4765.11, 4765.30, and 4765.55 of the Revised Code that are scheduled to take effect on December 29, 2023, to continue the changes on and after that date, and to declare an emergency.
House Does Concur, Vote 95-0; Emergency Clause 95-0

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

HB23 TRANSPORTATION BUDGET (Rep. Jay Edwards) To make appropriations for programs related to transportation for the biennium beginning July 1, 2023, and ending June 30, 2025, and to provide authorization and conditions for the operation of those programs.
House Accepts Conference Committee Report, Vote 93-2

SENATE**PASSED BY SENATE**

HB52 MEDICAL SERVICES TRAINING, CONTINUING EDUCATION (Rep. Sarah Fowler, Rep. Marilyn John) To restore law related to emergency medical services training and continuing education programs and EMS and fire instructor certification, to amend the versions of sections 4765.10, 4765.11, 4765.30, and 4765.55 of the Revised Code that are scheduled to take effect on December 29, 2023, to continue the changes on and after that date, and to declare an emergency.
Vote 31-0, Emergency Clause 31-0

SB41 LAW CHANGES-BUILDING INSPECTIONS (Sen. Kristina Roegner) To make changes to the law relating to building inspections.
Vote 31-0

SB42 STATE PLANE-WRIGHT FLYER III (Sen. Terry Johnson, Sen. Stephen Huffman) To adopt the 1905 Wright Flyer III as the state airplane.
Vote 31-0

SB43 HOMESTEAD EXEMPTION-SURVIVING SPOUSES (Sen. Andrew Brenner) To modify the homestead exemption for the surviving spouse of a disabled veteran.
Vote 31-0

SB54 ESTABLISH NEW AFRICAN IMMIGRANTS GRANT (Sen. Michele Reynolds, Sen. Vernon Sykes) To establish the New African Immigrants Grant and Gift Fund in the state treasury.
Vote 31-0

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

HB23 TRANSPORTATION BUDGET (Rep. Jay Edwards) To make appropriations for programs related to transportation for the biennium beginning July 1, 2023, and ending June 30, 2025, and to provide authorization and conditions for the operation of those programs.

Senate Accepts Conference Committee Report, Vote 30-1