

**OHIO NOW/OHIO NOW ELF/ACTION OHIO LEGISLATIVE-LEGAL REPORT
SEPTEMBER 12, 2022**

By Michael Smalz, Legislative Coordinator

- 1. REPRODUCTIVE RIGHTS – HB 598, would make abortion a fourth-degree felony and provide that promoting abortion is a first-degree misdemeanor. It applies to both surgical abortions and abortions caused by a drug or substance. An abortion is “a purposeful termination of a human pregnancy with an intention other than to produce a live birth or to remove a dead fetus or embryo.”) There is no exception for rape or incest, and it would be very difficult for a doctor or other defendant to raise an affirmative defense claiming the abortion was necessary to protect the life of the mother. Another, newly introduced bill, HB 704, would declare that “personhood” begins at conception. The enactment of either HB 598 or HB 704 would probably make in vitro fertilization (IVF) and some birth control methods illegal in Ohio. The House Government Oversight Committee has heard sponsor and proponent testimony on HB 598. HB 704 has not yet been assigned to a committee. The sponsors predict that HB 598 will be passed by the General Assembly during the post-November election lame duck session. Governor DeWine has not said whether he would sign HB 598, but he has stated that his ODH should provide guidance to doctors regarding the applicability of any exceptions to Ohio’s abortion bans.**

HB 378 would require medical professionals (with criminal and civil penalties for failure to disclose) to explain to abortion patients a medically unproven method of “reversing” the abortion by not taking the second of the two-pill regimen and giving additional progesterone to counteract the first pill. The House Health Committee has heard sponsor testimony.

HB 421 would require abortion doctors to provide ultrasound images accompanied by the sound of fetal heartbeats to the woman 24 hours prior to the abortion. It also requires doctors to inform the woman of the possible increased risk of breast cancer associated with abortions (medically unproven) along with the “short-term and long-term risk of psychological harm” from having an abortion. This bill has been assigned to the Senate Health Committee.

On March 15, 2021, Planned Parenthood of Greater Ohio announced that uninsured patients will now have access to no-cost IUDs at Ohio Planned Parenthood clinics. They have partnered with Direct Relief, an international humanitarian organization, to provide these devices on demand.

In April, 2021, a Hamilton County Judge Issued a temporary restraining order preventing a law banning telemedicine abortion services from taking effect as planned on April 12.

On April 5, 2021, a Hamilton County judge granted a preliminary injunction temporarily blocking enactment of the new fetal remains disposition law (SB 27), in part because the state had not created forms, rules, and regulations needed for clinics to follow the law. On April 9, Governor DeWine signed an order allowing ODH to adopt emergency rules. On December, 2021, ODH adopted emergency rules implementing the fetal remains disposition requirements (requiring burial or cremation). However, on February 2, 2022, a Hamilton County Judge issued a preliminary injunction preventing the state from enforcing the fetal remains law because the law likely violates abortion providers' and patients' rights to due process and equal protection. The injunction will remain in effect until a final judgment is issued in the case.

On June 24, 2025, the U.S. Supreme Court issued its decision in *Dobbs v. Jackson Women's Health Organization*, which concerned a Mississippi law that bans most abortions after 15 weeks. Mississippi's 15-week abortion ban makes exceptions only for medical emergencies or cases in which there is a "severe fetal abnormality," but not for instances of rape or incest. The majority opinion completely overruled *Roe v. Wade*, finding there is no constitutional right to abortion, and allows states to ban abortions. As a result, the majority of states have implemented or will soon implement abortion bans or severe abortion restrictions. Some Republican states legislators around the country are also targeting abortion medications and some contraceptives, especially IUDs and the "morning after" pill. Legal experts have also expressed concerns that the same legal reasoning used the *Dobbs* majority may be extended to overturn earlier decisions allowing same-sex marriage and decriminalizing of same-sex relationships, and Justice Clarence Thomas's concurring opinion urges the Court to reconsider those decisions. In the meantime, abortion bans and restrictions will affect the poor and minorities unequally, and domestic violence survivors will be placed in more unsafe situations when they do not have reproductive options and choice.

In Ohio, the Ohio abortion cardiac activity bill (banning him abortions after six weeks) was triggered and became law as a result of the U.S. Supreme Court's reversal of *Roe v. Wade*. It has no exceptions for rape or incest. House and Senate Democrats then introduced a constitutional amendment that would "guarantee the right to reproductive freedom, including "prenatal care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage, management and infertility care." It will not be on the November 2022 ballot because it would first need to make it through a Republican legislative supermajority. In early July 2022, the ACLU and Planned Parenthood filed a lawsuit in the Ohio Supreme Court asking the Court to

block the Ohio abortion law, but the Supreme Court case has stalled. Therefore, on September 2, the plaintiffs filed a motion to withdraw their Supreme Court case and then filed a new case with the Hamilton County Court of Common Pleas asking the Court to grant a temporary restraining order blocking the Ohio abortion law. In the meantime, the Ohio abortion law has attracted national notoriety because of the 10-year-old rape victim who was forced to flee to Indiana to obtain an abortion. In addition, Abortion Fund-Ohio (AFO) has been overwhelmed with calls from people seeking help for transportation/lodging costs to the closest cities for services, like Pittsburgh and Chicago.

On July 8, 2022, President Biden issued an Executive Order preserving some access to abortion in states where the procedure remains legal. Specifically, the order directs the U.S. Health and Human Services secretary to make sure abortion medication “is as widely accessible as possible,” asked the Chair of the FTC to take steps to protect consumers’ privacy when seeking information about abortion services, and requested HHS to take “additional actions” to protect “sensitive information related to reproductive health care.” The administration also posted websites to help patients protect information their cell phones may store about reproductive health care and about the types of healthcare records are protected under the Health Insurance Portability and Accountability Act (HIPAA). On August 2, President Biden issued a second Executive Order, which orders DHHS to work with states to use Medicaid waivers to pay for expenses for women for women who cross state lines to receive abortions. It also instructs DHHS to improve federal research and data collection to evaluate the impact of the Supreme Court’s ruling on maternal health and reproductive healthcare. President Biden is also considering whether to declare a public health emergency; an emergency declaration would narrowly focus on abortion medication, allowing people to not have to travel across state lines to get access to abortions. But there would be many legal challenges to such a declaration, and the cases would likely end up back in the U.S. Supreme Court.

In addition, on July 12, 2022, HHS Secretary Xavier Becerra issued a letter to health care providers clarifying that the federal Emergency Medical Treatment and Active Labor Act (EMTALA) preempts any state law that restricts access to abortions in medical emergencies, including but not limited to ectopic pregnancy, complications of pregnancy loss, or emergent hypertensive disorders such as preeclampsia with severe features. On August 24, 2022, a federal district court in Idaho relied on EMTALA to block the portion of an Idaho law that criminalizes abortion on a woman to protect her health. In issuing a preliminary injunction, the judge ruled that a doctor cannot be punished if he or she performs an abortion to protect the health of a pregnant woman. However, that same day a federal district court in Texas issued a contrary ruling, temporarily blocking the federal government from enforcing EMTALA in abortion

cases because doing so would place the health of the pregnant woman over that of the fetus or embryo even though EMTALA “is silent as to abortion.

On July 15, 2022, the U.S. House of Representatives passed two bills to protect access to abortion. One of the bills, the Women’s Health Protection Act, would legally grant medical professionals the ability to provide abortions to patients. The other measure, the Ensuring Access to Abortion Act, would allow residents to cross state to seek an abortion. On July 21, 2022, the House passed a bill to codify the constitutional right to contraception, but only 8 GOP members voted for the measure.

On August 2, 2022, Kansas voters overwhelmingly supported a constitutional right to abortion, suggesting that public opinion in most states is supportive of a right to abortion, at least during the first trimester.

The Supreme Court ruling in *Dobbs* has also raised concerns that the *Court* may later reverse earlier decisions protecting contraception and same-sex marriage. The US House of Representatives has passed the Respect for Marriage act codifying same-sex marriage, but it faces an uncertain future in the Senate.

On a more positive note, the Ohio budget bill (HB 110) provision for expanded Medicaid postpartum coverage takes effect in October. It extends Medicaid coverage from 60 days postpartum for individuals with incomes up to 200 percent of the federal poverty level.

On a more positive note, in mid-December, 2021 the U.S. Food and Drug Administration (FDA) permanently removed the in-person dispensing requirement for the abortion pill mifepristone. Mifepristone must be prescribed by or under the supervision of a certified healthcare provider, but removing the in-person dispensing requirement allows, for example, dispensing of mifepristone by mail via certified prescribers or pharmacies, in addition to in-dispensing clinics, medical offices, and hospitals. **However, recently introduced SB 304 would make it more difficult in Ohio to obtain a medication abortion by, for example, requiring an in-person examination before a medication abortion; verification that the gestational age is under 10 weeks; testing to protect “a woman’s future fertility”; a follow-up examination to check for complications; and a state certification program for doctors and distributors of abortion-inducing drugs. SB 304 has been assigned to the Senate Health Committee.**

Meanwhile, Ohio Attorney General Dave Yost has received a formal opinion request from the Delaware County Prosecutor’s Office on the potential use of state and local revenues and to fund (1) abortions, (2) health care plans that cover abortions, and (3) nonprofits and other organizations that provide abortions based on the budget bill

(HB 166) prohibition against using state and local fund for abortion-related care except for “special circumstances,” including pregnancies due to rape or incest, physical conditions that threatened the life of the mother,.

CASES

- 2. Transgender Advocates Win Lawsuit (Ray et al. v. Ohio Dept of Health)** – Four transgender Ohioans who sued the state of Ohio after the Office of Vital Statistics refused to change their birth certificates to reflect their gender identities won their lawsuit. On December 16, 2020, a federal district court judge ruled in favor of the plaintiffs, saying an Ohio Department of Health and Ohio Office of Vital Statistics policy refusing transgender people the ability to change the gender stated on their birth certificate was unconstitutional.
- 3. Criminal Drug Possession of Mother** – On October 1, 2021, The Ohio Supreme Court in *State of Ohio v. Foreman* reversed the conviction of a defendant who was convicted of criminal drug possession after her newborn tested positive in Seneca County. The Court ruled that the presence of a controlled substance in a person’s bloodstream or urine does not establish that that person “possessed” the controlled substance. According to Chief Justice O’Connor’s ruling, “when a controlled substance is assimilated into a person’s body, the person loses the ability to control or possess the substance.” Moreover, the presence of a controlled substance in a person’s body does not prove that the person ever possessed the drug in Seneca County, where the defendant-mother was prosecuted.
- 4. Same-Sex Foster Parents** – On June 17, 2021, the U.S. Supreme Court ruled in *Fulton v. City of Philadelphia*, that the City of Philadelphia’s refusal to contract with an agency for foster care because it declines to certify same-sex foster couples on religious grounds violates the First Amendment.
- 5. Ohio Supreme Court Decision Impacting Marsy’s Law** – On January 6, 2022, the Court ruled in *DuBose v. McGuffey* that public safety is not a consideration with respect to the financial conditions of bail and that the defendant’s appearance is the only criteria for bail calculations. (The ruling still allows prosecutors and judges concerned for public safety to resort to Ohio’s “no-bail” statute.) This decision effectively overruled certain provisions of Marsy’s Law. On March 28, 2022, HJR 2 was introduced in the House, and the next day SJR 5 was introduced in the Senate. These proposed constitutional amendments would require judges to consider public safety when setting bail. HB 607 was also introduced on March 28; it would require judges to weigh all “relevant

information” in determining money bail,” including the risk to public safety.” It has been assigned to the House Criminal Justice committee.

6. **Definition of Rape** – The Ohio Supreme Court has narrowed the definition of rape, in *State v. Smith*, Slip Opinion No. 2022-Ohio-274, by overturning a rape conviction on the grounds that compelling another person to rape a child does not constitute rape because only the person engaging in sexual conduct can be convicted of rape under the Ohio rape statute. However, the defendant’s conduct in this case does constitute gross sexual imposition, which is a lesser charge with a lesser punishment.
8. **DV Abusers and Firearms** – In November 2021, the Ohio Supreme Court ruled in *State ex rel. Suwalski v. Peeler*, Slip Opinion 2021-Ohio-4061, that a state judge may not restore the firearms rights of a person who has been convicted of domestic violence and is therefore prohibited from acquiring or possessing firearms under federal law. This decision also affirmed that victims of crime have Marsy’s constitutional rights that extend beyond the criminal trial to other matters related to the criminal offense.
9. **Jury Awards for Child Rape Victims** – On March 30, 2022, the Ohio Supreme Court heard oral arguments in *Brandt v. Pompa*, where the plaintiff, a victim of child rape, successfully sued her rapist and is seeking to overturn (as unconstitutional) the Ohio tort reform law’s \$250,000 statutory cap on noneconomic damages.
10. **Lawsuit Challenging Ohio Law Ohio’s “Medical Conscience” Law** – On April 29, 2022, the ACLU of Ohio filed a state lawsuit challenging a the Ohio law that allows medical providers and insurance companies to deny someone medical care based on the provider’s or insurer’s “moral” or “religious” beliefs. The lawsuit raises due process issues and argues that the law violates the Ohio Constitution’s single-subject rule.

RULES AND EXECUTIVE ORDERS

11. **Biden Executive Order on LGBTQ+ Rights** – On January 20, 2021, President Biden issued an Executive Order fully implementing the U.S. Supreme Court’s decision in *Bostok v. Clayton County* by enforcing federal law to protect LGBTQ people from discrimination in employment, healthcare, housing, and education. This reverses the position taken by the Trump administration, which interpreted *Bostok* more narrowly by limiting its scope to employment discrimination cases.
12. **New White House Gender Policy Council** – On January 19, 2021, President-Elect Biden and Vice President-Elect Harris announced the formation of the White House Gender Policy Council, co-chaired by Jennifer Klein and Julissa Reynoso. The Council will coordinate government policy that impacts women and girls, across a wide range of issues such as economic security, healthcare, racial justice, gender-based violence, and

foreign policy working in cooperation with other White House policy councils. On October 22, 2021, the Council issued its Gender Strategy Report.

- 13. Biden Executive Order on LGBTQ+ Rights** – On January 20, 2021, President Biden issued an Executive Order fully implementing the U.S. Supreme Court’s decision in *Bostok v. Clayton County* by enforcing federal law to protect LGBTQ people from discrimination in employment, healthcare, housing, and education. This reverses the position taken by the Trump administration, which interpreted *Bostok* more narrowly by limiting its scope to employment discrimination cases.
- 14. Mediation of CSPO Cases** – The Ohio Supreme Court issued proposed rules allowing voluntary mediation of some civil stalking protection order cases. The proposed rules are intended to allow mediation of stalking cases arising from neighbor disputes, pet disputes, and the like. The proposed rules exclude cases involving domestic violence or sexually oriented offenses, and strongly discourage mediation in any cases involving ongoing physical violence or where the petitioner fears the respondent. Mike Smalz submitted written comments on behalf of Ohio NOW ELF and the ACTION OHIO Coalition for Battered Women. The comments generally support the proposed rules, but suggest several minor improvements and strongly reiterate the importance of retaining the proposed exclusion of cases involving domestic violence or sexually oriented offenses. On August 9, 2021, the Supreme Court adopted final rules that are consistent with the comments that we submitted to the Court. The final rules allowing voluntary mediation of CSPO cases involving “neighborly disputes” such as property lines, pet waste, and the like. The occurrence of any “coercive, abusive” conduct or other conduct that might put a party or mediator at risk of harm or abuse would “weigh against” the grant of mediation. Most importantly, mediation would not be permitted in any cases involving a family or household member of the defendant, a sexually oriented offense, actual, serious physical harm, or an active criminal complaint. If mediation is ordered, the court may not assess the complainant any fees or costs for mediation of the CSPO.
- 15. Custody Evaluator Rules** – The Ohio Supreme Court has proposed new rules on child custody evaluators. The proposed rules would require custody evaluators to conduct culturally sensitive interviews with affected minors, parents, significant others, step-parents, other live-in adults, siblings, childcare providers, schools, counselors, hospitals, medical providers, social service agencies, and law enforcement, and to review clinical tests of the child and any history of physical or sexual abuse, domestic violence, substance abuse, psychiatric illness, and/or family involvement in the legal system. The proposed rules also set forth educational qualifications and initial /continuing education training requirements for custody evaluators, clarify the complementary but

differing roles of custody evaluators and guardians ad litem, require the evaluator's fee to be based on the parties' financial circumstances, and provide guidance regarding the written reports required to be submitted to the court by custody evaluators. Mike submitted written (largely supportive) comments on behalf of Ohio NOW, ELF, and ACTION OHIO. The Ohio Supreme Court has approved the final rules, which take effect on September 1, 2022. The final rules – with very minor changes – are essentially the same as the proposed rules.

- 16. Biden Administration Extends Protections to Transgender Students** – On June 16, 2021, the U.S. Department of Education expanded its interpretation of federal sex discrimination laws to include transgender and gay students, a move that reverses Trump-era policy and stands against legislative proposals in many states to bar transgender girls from school sports. In its new policy directive, the Department said discrimination based on a student's sexual orientation or gender identity will be treated as a violation of Title IX, the federal law that protects students against sex discrimination in education. Twenty state attorneys general, including Ohio AG Dave Yost, have filed a lawsuit demanding that sexual orientation and gender identity not be included in discrimination protections. **Also, on July 26, 2022, Ohio AG Yost and 21 other states fled a similar lawsuit against the US Department of Agriculture challenging a final Biden administration rule prohibiting LGBTQ discrimination in school food assistance programs.**

- 17. Biden Administration Reverses Trump-Era DV Asylum Policies** – On June 16, 2021, Attorney General Merrick issued orders repealing previous Trump-era immigration rulings that had narrowed asylum standards by denying protection to victims of domestic violence and those threatened by gangs in their home country. These actions reinstate previous legal standards as the new administration carries out a public rulemaking process to seek input on how to assess when threats from private actors can be the basis for an asylum claim. Garland's actions mean that in the meantime immigration judges will be free to again grant asylum to individuals based on domestic violence or violence from drug gangs. Some whose claims were already denied may benefit from a Justice Department review of the cases of individuals who went to federal court after being turned down based on the Trump-era orders.

- 18. Ohio Supreme Court FFPSA Toolkit** – The Ohio Supreme Court has released a judicial toolkit to help judges incorporate the Family First Prevention Services Act (FFPSA), effective October 1, 2021, which will fund services for families with children at risk of entering foster care and change standards for placing youth in congregate care. The toolkit explains the approval process for Qualified Residential Treatment Programs (QTRP), which provide short-term, non-family placement for children with specific needs. A section on QTRP hearings, or level of care assessments, site relevant state and

federal law and include the best practices and sample court forms to be used during assessments. The FFPSA aims to reduce the number of children placed in foster care.

- 19. Miscellaneous Policy Letters** – ACTION OHIO, along with 446 other organizations, signed onto a letter to Congress and the Biden Administration asking them to include Healthy School Meals for All and upcoming state and/or federal legislation. Since then, two states, Maine and California, have passed legislation enacting Healthy School Meals for All statewide.

FEDERAL LEGISLATION

- 20. American Rescue Plan** – President Biden signed the federal pandemic relief bill – the American Rescue Plan – which includes important benefits impacting domestic violence survivors and their children, including: dramatically reducing child poverty through expanded child and earned income tax credits; stimulus checks and extended unemployment benefits; reducing the costs of health insurance premiums purchased through the Affordable Care Act and helping states to improve maternal health care; providing food and nutrition for babies, children and families; providing housing and utility assistance so families did not become homeless; helping schools welcome back students and providing mental health services for those who experience trauma and violence. The Treasury Department began sending out monthly child tax credit payments (of either \$250 or \$300 per child) on July 15, 2021, which may reduce child poverty by almost half.
- 21. Equality Act** – The Equality Act, H.R. 5, would expand federal civil rights law to prohibit LGBTQ and gender identity discrimination in public accommodations. The U.S. House of Representatives recently passed H.R. 5, and it is now being heard by the Senate Judiciary Committee. It faces strong Republican opposition.
- 22. Equal Rights Amendment** – In January 2020, the Virginia legislature passed the federal Equal Rights Amendment (ERA), becoming the 38th state to do so. The Virginia Attorney General – joined by the Illinois and Nevada attorneys general – then filed civil rights litigation seeking to overturn the previously expired deadline (established by a long-ago Congressional resolution) in order to allow the ERA to take effect based on Virginia’s ratification of the amendment. Subsequently, on February 13, 2020, the U.S. House of Representatives passed HJR 79, which would remove the deadline for ratification of the ERA. A companion bill in the U.S. Senate, S.J. Res. 6, attracted 46 sponsors, including Republicans Collins and Murkowski. The Republican-controlled Senate did not move this legislation in 2020. With the election of President Biden and a Democratic-controlled Senate, there is a renewed push to pass this or similar legislation extending the ERA ratification deadline. Ohio NOW recently joined with hundreds of other

advocates and organizations in signing onto a petition to President Biden urging him to take action to secure the enactment of the ERA.

- 23. Gun Legislation – On June 25, 2022, President Biden signed the Bipartisan Safer Communities Act. The Act provides \$750 million to help states implement red flag laws and other crisis intervention programs such as mental health, drug and veteran courts. The legislation also encourages states to include juvenile records in the National Instant Criminal Background Check System; requires individuals who sell guns as primary sources of income to register as Federally Licensed Firearm Dealers; and bars guns from anyone convicted of domestic violence who has a “continuing serious relationship of a romantic or intimate nature.”**

- 24. Military Justice System –** On July 21, 2021, the Senate Armed Services Committee passed Senator Kirsten Gillibrand’s Military Justice and Increasing Prevention Act, which has 66 Senate co-sponsors. If enacted, this legislation will move the prosecution of sexual assault and serious crimes from the chain of command to trained, independent prosecutors.

- 25. Paycheck Fairness Act and Pregnant Workers Fairness Act –** There are two important bills pending in the U.S. House of Representatives – the Paycheck Fairness Act (H. R. 7) and the Pregnant Workers Fairness Act (H. R. 1065). The Paycheck Fairness Act would strengthen equal pay laws to help close the wage gap between men and women and end pay discrimination. The Pregnant Workers Fairness Act would require employers to provide reasonable accommodations (temporary workplace adjustments) for qualified pregnant workers.

- 26. Declaring Racism a Public Health Crisis –** Senator Sherrod Brown has introduced a Senate Resolution Declaring Racism a Public Health Crisis. ACTION OHIO is listed among the organizations endorsing the resolution.

- 27. VAWA Reauthorization –** The Congressional authorization for the Violence Against Women Act (VAWA) expired on December 21, 2018. The U.S. House of Representatives has passed H.R. 1620. In addition to reauthorizing existing programs and protections, it provides more support for communities of color; increases investment in prevention programs; allows tribal prosecution of non-Native perpetrators of sexual assault, domestic violence, child abuse, stalking, and sex trafficking; improves access to housing for victims and survivors; protects victims of dating violence from firearm homicide; and improves the healthcare system’s response to domestic violence, sexual assault, dating violence, and stalking. On February 11, 2022, in a major breakthrough a bipartisan group of Senators introduced a new VAWA reauthorization bill, S. 3623. In addition to reauthorizing VAWA, S. 3623 creates community pathways to justice;

augments programs for rural survivors; reaffirms Tribal Nations’ jurisdiction over non-Indian perpetrators of child violence, sexual violence, sex trafficking, stalking, crimes against tribal law enforcement and correctional officers, and obstruction of justice; increases resources for Tribal Nations exercising Special Tribal Criminal Jurisdiction; enhances implementation and enforcement of VAWA’s existing housing provisions and expands access to temporary and emergency housing; increases access for culturally specific communities; increases resources for prevention; provides tools to ensure adjudicated abusers who are prohibited from possessing firearms do not obtain new ones; maintains vital non-discrimination protections; includes a new LGBTQ+ grant program; expands access to and training for Sexual Assault Nurse examiners; and continues to invest in other lifesaving and healing services. All Democratic Senators and eleven Republican Senators plan to vote for this bill, but it is unclear when it will be called for a vote. On March 10, 2022, the Senate passed the VAWA Reauthorization Act, and President Biden signed the Act on March 16.

28. VOCA Fix Act – On July 20, 2021, the U.S. Senate passed H.R. 1652, the VOCA Fix Act, to sustain and increase funding under the Crime Victims Fund Act for paying reparations to victims of violent crimes and for funding DV and sexual assault programs.

29. New Federal Sexual Harassment Law – In a rare bipartisan Congressional victory, Congress passed the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act, which prohibits employers from forcing people in arbitration and forbidding people from filing lawsuits for sexual assault or sexual harassment. In lawsuits. President Biden signed the Act on March 3, 2022.

STATE LEGISLATION

30. Aisha’s Law (Changes to DV Law) – HB 3 would make various changes to civil and criminal law regarding domestic violence, including making domestic violence-related strangulation a felony, requiring law enforcement agencies to do lethality assessments (screenings) after responding to DV calls and to undergo training regarding lethality assessments, requiring judges and magistrates to consider those lethality assessments in making bail determinations, elevating murder of a family or household member to “aggravated murder” where the offender has previously been convicted of domestic violence; creating a new type of protection order called an “emergency protection order” that may be obtained by a law enforcement officer, on behalf of and with the consent of a victim of domestic violence, at any time in the court is not available for regular business; and creating a legislative task force charged with examining policies to protect victims of domestic violence throughout the judicial process. On October 27, 2021, the Ohio House passed HB 3. The Senate Judiciary Committee has heard sponsor

testimony. A separate bill, SB 90, would expand the definition of domestic violence to include strangulation as a felony offense. The Senate Judiciary Committee has heard sponsor, proponent, and interested party testimony on SB 90.

31. Racism as a Public Health Crisis – SCR 4 would declare racism a public health crisis and ask the Gov. to establish a working group to promote racial equity. It has been assigned to the Senate Health Committee. HCR 6 is an identical companion bill; the House State and Local Government Committee has heard sponsor testimony. However, on October 13, 2021, the State School Board of Education voted 10-7 to repeal the Board’s 2020 Anti-Racism resolution and replaced it with a much weaker resolution that also condemns any teachings that “seek to divide” or ascribes “collective guilt” to a particular race.

32. Child Abuse Reporters’ Right to Information – HB 4 would impose additional requirements regarding review and updates of any annual memorandum of understanding (MOU) entered into between a public children services agency and other service agencies. It would also permit both mandatory and permissive reporters of child abuse or neglect, rather than only mandatory reporters as in current law, to make a reasonable number of requests to the PCSA that received the report to be provided with information regarding the status of the PCSA investigation and a notice that the investigation has been closed. The House Families, Aging, and Human Services Committee heard sponsor, proponent and interested party testimony, and the bill was amended to include language creating a Children Services Ombudsman Office within ODJFS. The House Committee later accepted a sub bill which would only require abuse and certain categories of neglect cases to be referred to law enforcement and would allow a juvenile court, if probable cause exists, to issue an order, without a hearing, authorizing a Children Services agency to interview or examine a child who may be abused, neglected, or dependent when the child’s parent refuses the agency reasonable access to the child. The House passed Sub HB 4. The Senate Judiciary Committee heard sponsor and proponent testimony and accepted a substitute bill, which creates an independent Children Services Ombudsman (outside ODJFS) to independently investigate and resolve complaints by or on behalf of children and families. The Senate Committee later amended that bill to create a separate Youth Ombudsman, and on January 26, 2022, the Committee passed Sub HB 4. On February 9, the Senate passed and the House concurred with the Senate amendments. The Governor signed Sub HB 4, and it will take effect on May 30, 2022.

33. Restricting Public Benefits – SB 17 would restrict eligibility for SNAP (food stamp) and Medicaid benefits, and it would increase red tape and other barriers to obtaining SNAP, Medicaid, and unemployment benefits. It would also require ODJFS to more aggressively pursue and recover unemployment benefit overpayments even where the

claimant is not at fault. This bill is been assigned to the Senate Government Oversight and Reform Committee.

34. Crime Victim Reparations – SB 36 revises eligibility standards and procedures for awarding reparations (VOCA funds) to crime victims. It expands eligibility to victims who are ineligible for compensation under current Ohio law by reducing the period of disqualification for victims with past felony convictions; narrowing the definition of “contributory misconduct”; and allowing certain family members of crime victims to obtain reparations for counseling or treatment for their personal trauma. The Ohio Senate passed SB 36, and the House Criminal Justice Committee passed SB 36 after accepting amendments that would: (1) withhold reparations from victims if and while they are incarcerated; and (2) bar reparations (with limited “good cause” exceptions) for claims filed more than three years after the “criminally injurious conduct,” or if the claim was previously denied. On October 27, 2021, the Ohio passed amended SB 36, and on November 10, 2021, the Senate concurred with the House amendments. On December 1, 2021, Governor DeWine signed SB 36, and it became law on March 2, 2022.

35. Cultural Competency – SB 48 would require healthcare professionals (broadly defined to include clinical psychologists, social workers and marriage and family therapists) to complete instruction in cultural competency. It has been assigned to the Senate Health Committee.

36. Nursing Home Resident Safety (Esther’s Law) – SB 58 would permit a resident of a long-term care facility to conduct electronic monitoring of the resident’s room, to protect the safety of the resident from abusive co-residents or staff. On May 19, 2021, the Ohio Senate passed SB 58. On November 18, the Ohio House passed SB 58, and the Ohio Senate passed it on November 23. Both votes were unanimous. The Governor signed HB 58, and it becomes effective on March 23, 2022.

37. Anti-Transgender Legislation – On June 1, 2022, the Ohio House passed HB 151, which includes language prohibiting transgender women from participating in women’s and girls’ sports. The bill requires genital examinations of any female athletes “accused” or “suspected” of being transgender. But a public backlash has persuaded the House Speaker, Matt Huffman, to announce that the genital examination language will be removed from the bill.

Another anti-trans bill, HB 454, would prohibit healthcare providers from offering minors any kind of gender affirming treatment – from hormones to surgery. It defines such treatment as “unprofessional conduct” for state licensing boards, and makes “actual or threatened violations” of the bill grounds for a lawsuit. The House

Families, Aging, and Human Services Committee has heard sponsor, proponent and opponent (from a panel of health care providers) testimony.

38. Child Support Orders for Caretakers – HB 83 would establish child support procedures and time frames for situations when a child is in the custody of a third-party (nonparent) caretaker. Specifically, the bill defines the term “caretaker” and clarifies that it is not limited to legal custodians and guardians; requires the CSEA to determine if the third party has standing as a defined caretaker to request a support order; allows for both the caretaker and parents have notice and opportunity to be heard on the issue; allows the CSEA to establish a support order for botcompeeling) h parents to pay the caretaker or, if a support order already exists, to redirect the child support payments to the recognized caretaker; sets a process to follow any time the CSEA is notified of a change with regard to the child, parents and caretakers; and creates a consistent process to be used by all CSEAs. The House has passed Sub HB 83, and it was assigned to the Senate Judiciary Committee.

39. Child Abuse in Military Families – HB 92 would require Public Children’s Services Agencies to report child abuse or neglect in military families to the appropriate military authorities. The General Assembly has passed and the Governor has signed HB 92. It became law on September 29, 2021.

40. Address Confidentiality – HB 93 would make changes to the Secretary of State’s Address Confidentiality Program (aka “Safe at Home Program”) for victims of domestic violence, stalking, sexual violence and human trafficking. It would close certain existing loopholes, including deeds recorded with the County Recorder’s Office and allowing a program participant seeking to acquire real property to provide a confidentiality notice to any person involved in the acquisition process. It would also eliminate the requirement that an applicant for the Address Confidentiality Program be changing residence in order to be eligible for the program. Additionally, it would give a program participant who is a party to a child custody or child support proceeding the right to notice and a hearing before the court may disclose the participant’s confidential information to another party. The House has passed HB 93, and the Senate Local Government and Elections Committee has heard sponsor and proponent testimony.

41. Child Sexual Abuse Education –A bipartisan bill, HB 105, would require “age-appropriate instruction” in child sexual abuse prevention for students in kindergarten through sixth grade. The education would include resources and available counseling for children who are sexually abused. For grades seven through twelve, sexual violence prevention education would be implemented. The Department of Education would be required to provide free resources for schools and instructors. The House passed HB

105, and it has been assigned to the Senate Primary and Secondary Education Committee.

42. LGBTQ Anti-Discrimination Legislation – SB 108 and HB 219 would prohibit LGBTQ discrimination in employment, housing and public accommodations. These bills have been stalled in the Senate Judiciary Committee and the House Civil Justice Committee, respectively.

43. Spousal Rape - HB 121 would eliminate the spousal exceptions for the crimes of rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, sexual imposition, and importuning children. It would also allow a person to testify against the person's spouse in a prosecution for any of those offenses. The House Criminal Justice Committee has heard sponsor and proponent testimony. testimony. HB 266 would eliminate the statute of limitations for criminal prosecution of a person for rape and for a civil action by a victim of rape, eliminate the spousal exception for the offense of rape, and extend the statute of limitations for a civil action by a victim of childhood sexual abuse other than rape. It has been assigned to the House Criminal Justice Committee. HB 199 would remove the cap for damages for noneconomic loss when a victim of rape or assault brings a civil action against the perpetrator. The House Civil Justice Committee has heard sponsor testimony. There is a companion bill, SB 198, in the Senate.

44. The Safe Birthing Bill – **HB 142 would establish in the Medicaid program and DRC five-year programs for the coverage or provision of doula services; require each doula participating in either program to hold a certificate issued by the Ohio Board of Nursing; and require the Board of Nursing to establish a registry of certified doulas. On May 30, 2022, the Ohio Senate passed Hb 142, and in June 1, the House voted to concur with the Senate amendments; the Governor later signed the bill and it becomes law on**

45. Child Care Eligibility – HB 145 would expand eligibility for publicly funded child care by raising the assistance group's income eligibility level to 200% of the federal poverty level.

46. Child Abuse Database – HB 161 would include certain child abuse offenses – those perpetrated by someone over 18 years of age against someone under 14 years of age – in the violent offender database. **On January 9, 2022, the House passed HB 161. The Senate Judiciary Committee has heard sponsor testimony.**

47. Ohio Pregnant Workers Fairness Act – SB 177 would require employers to make reasonable accommodations for employees who are pregnant or breast feeding. The Senate Workforce and Education Committee has heard sponsor testimony.

48. Gun Legislation & Policy – HB 99 – the “armed teachers” bill - would exempt teachers or other staff persons authorized by the school system to go armed within a school safety zone from a requirement that they obtain peace officer basic training, but, subject to certain loopholes, would require 18 hours of “general training” and 2 hours of handgun training, plus an additional 2 hours of “general training” and 2 hours of handgun training to be prescribed by Ohio Peace Officer Academy rules. On November 17, 2021, the Ohio House passed HB 99, **and on June 1, 2022, the Senate passed HB 99 and the Senate concurred with the House amendments to the bill.**

Another bill, SB 215, allows persons who are 21 years of age or older to carry a firearm without having a concealed handgun license, and would require a pretrial immunity hearing for defendants who claim self-defense for using a firearm. On March 2, 2022, the Ohio House passed SB 215, and the Senate concurred. **The Governor signed SB 215 despite calls for him to veto the bill. SB 215 took effect on June 13, 2022; “permitless carry” is now legal in Ohio as of that date..**

SB 266 would grant civil (tort) immunity to any individuals who act in self-defense or defense of another to protect members and guests of a nonprofit corporation. The Senate Judiciary Committee has heard sponsor testimony.

HB 455 would allow a concealed handgun licensee or military member to avoid charges for carrying a deadly weapon into a prohibited place if the person leaves upon request. The House Government Oversight Committee has heard sponsor testimony.

The newest gun-related bill, SB 357, would require adults younger than 21 to have a co-signer to buy guns that have more than a single round of ammunition; provide \$175 million in federal ARPA monies to expand regional mental health crisis centers and increase the number of mental health workers; improve state and federal background check databases; and allow courts to issue a “due process protection order” to retrieve guns from individuals believed to be a danger to themselves or others.

49. Ohio Anti-Bullying and Hazing Act – HB 126 requires schools and colleges to implement anti-bullying and hazing policies at schools and colleges and related school discipline, require the State Board of Education to develop a model anti-bullying policy, and criminalize certain hazing conduct that creates a substantial risk of harm or coerces individuals to consume alcohol or a drug of abuse. The General Assembly passed and Governor DeWine signed SB 126; it became effective on October 7, 2021.

50. Housing Discrimination – HB 182 would prohibit discrimination in rental housing based on a tenant’s lawful source of income, including housing assistance; the House Civil Justice Committee has heard sponsor testimony on HB 182. The House Civil Justice Committee has heard sponsor and proponent testimony. HB 256, also assigned to the House Civil Justice committee, would allow a tenant to terminate a lease or rental agreement if a tenant is a victim of domestic violence, dating violence, abuse, rape, attempted rape, or a sexually oriented offense, and would allow an income tax credit for landlords who rented to such tenants. Additionally, HB 256 would prohibit any local government entity from charging a victim of those crimes for any assistance that law enforcement provides to the victim.

51. Anti-Protest Bills – There are three Republican-sponsored anti-protest bills: HB 22, HB 109, and SB 41. On November 10, 2021, the House Criminal Justice Committee passed HB 109, and on February 16, 2022, the Ohio House passed HB 109. It raises riot-related property crimes and even temporarily blocking a street to a second-degree felony, lowers the mental state for vandalizing property from knowingly to recklessly, and allows law enforcement officers to sue protesters and organizations sponsoring or supporting protests. The Senate Judiciary Committee has heard sponsor and proponent testimony on HB 109. On June 25, 2021, the Ohio House passed HB 22, and it has been assigned to the Senate Judiciary Committee. As amended, HB 22 expands the definition of obstruction of justice to include failing to follow a “lawful order from a law enforcement officer” or intentionally or recklessly diverting a law enforcement officer’s attention. SB 41 would require persons convicted of felonious vandalism, “inciting to violence, or “aggravated riot” to provide restitution for economic loss a person or governmental entity incurs due to the violation, including costs of cleaning or restoring any property. It has been assigned to the Senate Judiciary Committee.

52. Expanding Human Trafficking Justice Act -- SB 183 would expand the law that allows a human trafficking victim of any of six specified sex offenses to apply for expungement of those conviction records to cover the conviction of any offense that the person participated in as a result of the human trafficking victimization. The House Criminal Justice Committee has heard sponsor testimony and has accepted a substitute bill. Under the sub bill, courts would be required to order their probation departments to provide detailed reports on applicants and there would be an additional level of scrutiny for expungement applications involving higher-level felonies.

53. Postnuptial Agreements – SB 210 would allow married couples to enter into postnuptial agreements and amend or terminate prenuptial agreements. According to sponsor testimony before the Senate Judiciary Committee, possible reasons for spouses to enter into postnuptial agreements include the desire to provide for children from previous marriages, tax law implications, and responding to changes in how

spouses want to define their responsibilities. On November 16, 2021, the Ohio Senate passed SB 210, and the bill has been assigned to the House Civil Justice Committee.

- 54. Custody of Infants & Substance Exposure** – SB 216 would require parents of substance-exposed infants to do all of the following before reunification: complete a course on caring for newborns with alcohol or drug withdrawal; complete inpatient rehabilitation at a community addiction services provider; and undergo a home study to be approved for reunification. Once these requirements are met, the parent or parents must also submit to monthly alcohol or drug testing as applicable for a minimum of three months prior to reunification and for six months after reunification. Having met those requirements, parents would transition to full-time care of the child through visit supervised by their local children services agency and then through unsupervised weekend visits. The Senate Judiciary Committee has heard sponsor, proponent, and (strong) opponent testimony.
- 55. Statute of Limitations for Child Abuse or Neglect** – SB 226 would extend, from the age of majority to age 26, the tolling (suspension) of the statute of limitations for criminal offenses involving a wound, injury, disability, or condition that indicates abuse or neglect of a child. The Senate Judiciary Committee has heard sponsor and proponent testimony.
- 56. Ohio Equal Pay Act** – HB 232 would enact the Ohio Equal Pay Act to address wage disparities between men and women in public and private employment. The House Commerce and Labor Committee has heard sponsor testimony.
- 57. DV Fatality Review Boards** – HB 254 provides for the establishment of local domestic violence fatality review boards. On October 27, 2021, the Ohio House passed HB 254. The Senate Judiciary Committee has heard sponsor testimony.
- 58. Foster Youth Bill of Rights SB 254** – It would codify a bill of rights for foster youth, including rights to be free from physical, verbal, emotional and sexual abuse, be free from discrimination, and to have privacy, belongings and access to communication. The bill has been assigned to the Senate Judiciary Committee.
- 59. Expanding Human Trafficking Justice Act** – HB 318 would allow a victim of human trafficking to request expungement of any criminal records other than aggravated murder, murder, or rape. The House Criminal Justice committee has heard sponsor testimony.
- 60. Rights of Crime Victims** – HB 343 aims to “update, clarify and synchronize” the Ohio victim’s rights statute with the “Crime Victim Bill of Rights” in the Marsy’s Law

Amendment to the Ohio Constitution. The sponsor has given testimony regarding a substitute version of the bill to the House Criminal Justice Committee. The sub bill would, inter alia, require the Marsy's Law Victim's Rights Request/Waiver Form be provided first by law enforcement, then by the prosecutor, and lastly by the court (upon the defendant's sentencing to the Ohio Department of Rehabilitation and Correction); would protect the confidentiality of victim information collected at the crime scene; requires notification of victims and allow their input should an offender request ceiling or expungement of their conviction; expand the current protection of victims from live testimony for persons under 13 or with developmental disabilities in certain instances as to all minors and people with developmental disabilities when the prosecution or victim's counsel can show live testimony would have "serious emotional consequences; update "who can attend court proceedings, who has a right to speak, and who should be notified in what time frame"; require notification of victims when a defendant is seeking medical or psychological records and allow them to object, with the burden of proof on the victim; allow victims to confer with defense counsel without the prosecutor acting as "gatekeeper"; and give victims 14 days to file an appeal of a violation of their rights once told of an order by the prosecutor. On May 18, 2022, the House passed HB 343, and the Senate Judiciary Committee has heard sponsor and proponent testimony.

- 61. Denial of Custody Based on Disability** – HB 352 would generally prohibit a person's disability from being used to deny or limit child custody, parenting time, visitation, adoption or service as a guardian or foster caregiver of a minor. On December 8, 2021, the Ohio House passed HB 352. It has been assigned to the Senate Judiciary Committee.
- 62. Mammography Coverage** – HB 371 would expand insurance and Medicaid coverage of mammography screening by allowing all women, regardless of age, to have an annual screening, including a more advanced kind of mammography called digital breast tomosynthesis, and would require that women who are diagnosed with dense breast tissue be given notice of available supplemental breast cancer screenings. On November 18, 2021 the Ohio House passed HB 371. **On June 1, 2022, the Ohio Senate passed HB 371, and the House concurred with the Senate amendments; the Governor later signed the bill and it becomes law on September 23, 2022.**
- 63. Sexual Assault Exam Kits** – HB 390 would require governmental evidence-retention entities to secure and test sexual assault examination kits in relation to an investigation or prosecution of trafficking in human trafficking. It does not require anyone to be tested against her will. The House passed HB 390 on March 31, 2022, and the Senate Judiciary Committee has heard sponsor testimony.

- 64. Failure to Report Elder Abuse – HB 419 would make failure to make a mandatory report of elder abuse, neglect, or exploitation a fourth- degree misdemeanor and provide statutory guidance for collecting \$500 fines for failure to report abuse, neglect or exploitation of senior citizens. The House Criminal Justice Committee has heard sponsor testimony.**
- 65. ACE Study Commission – HB 428 would establish the Adverse Childhood Experiences Study Commission (ACE). On January 26, 2022, the House passed HB 428. It has been assigned to the Senate Health Committee.**
- 66. Certified Midwives – HB 496 would authorize and regulate the practice of certified nurse midwives, certified midwives (hospital births), and certified professional midwives (freestanding birth centers or at home)., The House Families, Aging and Human Services Committee has heard sponsor and proponent testimony.**
- 67. Shared Parenting and Equal Custody – HB 508 would establish a rebuttable presumption in favor of shared parenting and equal custody in child custody cases in Ohio domestic relations and juvenile courts. The presumption might be rebutted by proof by clear and convincing evidence of a history of domestic violence or child abuse, but the language is inadequate and this bill would be detrimental to many DV victims and their children. Also, if the presumption is rebutted, the court must award sole custody to the “more cooperative” parent – the friendly parent rule, which means that the abuser would usually win sole custody of the children. The House Civil Justice Committee has heard sponsor, proponent, interested party, and opponent testimony. About 35 opponent witnesses testified on May 24, 2022, including Nancy Fingerhood on behalf of Ohio NOW and Michael Smalz on behalf of the ACTION OHIO Coalition for Battered Women. The Committee Chair will ask the Legislative Service Commission to research relevant laws in other states over the summer.**
- 68. Don’t Say Gay/Divisive Concepts Bill – HB 616 would restrict school instructions on “divisive concepts,” also including a prohibition on instruction on sexual orientation and gender identity in grades K-3. Under HB 616, would be specifically barred from using material or curriculum promoting “any divisive concept, including critical race theory, intersectional theory, the New York Times essay collection “The 1619 Project,” “diversity, equity and inclusion learning outcomes,” inherited racial guilt and any other concept so defined by the State Board of Education. The prohibitions apply to both public schools and private schools that enroll students on state scholarships. The House State and Local Government Committee has heard sponsor testimony.**

69. Costs of Law Enforcement Assistance to DV Victims – HB 634 would prohibit political subdivisions from requiring reimbursement from victims or landlords for the cost of law enforcement officer’s assisting victims of domestic violence, dating violence, rape, or other sexually oriented offenses.

70. Setting Bail – Two bills, HB 607 and HJR 2 (a constitutional amendment), would direct judges to consider “public safety” is setting the amount of cash bail. Another bill, HB 315, would expand the list of crimes for which defendants can be held without bail of any kind, but would also set limits on the amount of cash bail, capping the amount at 25% of the defendant’s monthly income or \$200, whichever is greater. On May 11, 2022, the House Criminal Justice Committee passed all three of these bills.

COALITIONS, COMMISSIONS & TASK FORCES

71. Infant Mortality - Governor DeWine’s newly announced “Eliminating Disparities in Infant Mortality Task Force” held its first meeting on March 16, 2021 and its second meeting on May 18, 2021. The Task Force is addressing the following: (1) working with local, state and national leaders to develop a statewide shared vision and strategy for reducing infant mortality rates in eliminating racial disparities by 2030; (2) creating recommendations for interventions, performance and (3) quality improvement, data collection, and policy; and advising the Gov.’s Office of Children’s Initiative on ways to improve Ohio’s investments and strategies addressing racial inequalities in birth outcomes. The Commission plans to meet this summer or early fall to get recommendations from interested parties and start working on changes that can be made in the next state budget to be introduced in early 2023.

72. Ohio Redistricting Commission – On January 12, 2022, the Ohio Supreme Court ruled that the GOP-drawn state legislative maps were unconstitutional, and two days later the Ohio Supreme Court ruled that the GOP-drawn Congressional maps were also unconstitutional. On January 22, the Republican majority on the Ohio Redistricting Commission approved a second state legislative redistricting map that was an improvement over their first map but still heavily favored Republicans. On February 7, 2022, the Ohio Supreme Court struck down that map on constitutional grounds. On March 1, after missing a Supreme Court deadline and triggering a possible contempt hearing before the Court, the Redistricting Commission Republicans passed a third (still gerrymandered) state legislative map on March 1, and the Democratic Commission members again filed objections with the Ohio Supreme Court. On March 3, the Redistricting Commission Republicans passed a second (still gerrymandered) Congressional map. The National Redistricting Action Fund and the LWV filed motions asking the Ohio Supreme Court to stop the state from using those Congressional maps,

but the Court denied the motions for lack of jurisdiction. The National Democratic Redistricting Committee filed a new lawsuit with the Ohio Supreme Court seeking to overturn the latest GOP-drawn Congressional map for the 2022 election. The ACLU and LVW filed a similar lawsuit, but requested that any new Congressional map resulting from their lawsuit first go into effect for the 2024 elections. The Supreme Court consolidated these two lawsuits and set a hearing schedule that extended past the current May 3 primary.

On July 19, 2022, the Ohio Supreme Court ruled that the latest GOP-drawn Congressional map was unconstitutional because it was skewed to favor Republicans. The Court gave the General Assembly 30 days to issue a new map. If the General Assembly cannot do so, then the Redistricting Commission will have 30 days after that to issue a new map. The General Assembly is unlikely to act within the first 30-day period. However, Republican leaders have indicated that they plan to appeal the Ohio Supreme Court ruling to the US Supreme Court.

On March 16, the Ohio Supreme Court rejected the third GOP-drawn General Assembly redistricting map and give the Redistricting Commission a deadline of March 28 to file an “an entirely new General Assembly map. The Redistricting Commission hired two “independent” mapmakers to together to draw up a new General Assembly map. However, on March 28, 2022, the GOP majority on the Redistricting Commission abandoned the independent mapmakers and voted to approve a “mildly tweaked” version of the map that was previously rejected by the Ohio Supreme Court. The next day the plaintiffs in the lawsuits that challenged the previous General Assembly plan filed a contempt motion asking the Supreme Court to order the Redistricting Commission members to explain why they should not be held in contempt for passing a non-compliant plan. On April 14, the Supreme Court struck down the fourth GOP-drawn General Assembly redistricting, again finding that the GOP plan was non-compliant with the state constitutional redistricting amendment, and ordered the Redistricting Commission to produce a new map by May 5.

Republicans asked a federal court to require use of the Redistricting Commission’s third General Assembly map, but a 3-judge federal panel deferred any action until April 20. On April 20, 2022, the federal court panel deferred any action until May 28, but if no redistricting map is approved by that deadline the federal court will order implementation of the Redistricting Commission’s third General Assembly map. On April 26, the ACLU and anti-gerrymandering groups asked the Ohio Supreme Court to hold the Redistricting Commission in contempt for making no moves to meet the May 5 deadline. Redistricting Commission invalid and ordered the Redistricting Commission to produce a new, compliant map by June 3. The Redistricting Commission failed to meet the deadline, but the Ohio Supreme Court did not hold

the Commission members or legislators in contempt. The next General Assembly redistricting map to be drawn by the Commission in response to the Supreme Court's latest ruling – subject to any future Supreme Court appeals -- would be used for the 2024 elections.