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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**S.B. 308**  
**133<sup>rd</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for S.B. 308's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsor:** Sen. M. Huffman

**Local Impact Statement Procedure Required:** No

Robert Meeker, Budget Analyst, and other LBO staff

### **Highlights**

- The bill's qualified civil immunity provisions may create an expenditure savings effect for local trial courts by reducing the time and effort that otherwise may have been required to adjudicate civil actions resulting from a declared disaster.
- The bill may decrease investigation or disciplinary costs for certain occupational licensing boards due to the expansion of immunity from professional discipline for health care providers during a declared emergency.

### **Detailed Analysis**

The bill grants a qualified civil immunity for additional health care providers and certain defined service providers in the context of disasters, provides health care providers with immunity from professional disciplinary action, specifies that these immunity provisions apply retroactively to the date a disaster is declared, and declares an emergency.

#### **Qualified immunity for certain providers**

The bill generally expands the providers<sup>1</sup> and actions that are covered by the qualified immunity for health care providers during or in response to a declared disaster, but does not apply to actions, omissions, decisions, or compliance that constitute willful or wanton

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<sup>1</sup> Under current law, advanced practice registered nurses, registered nurses, pharmacists, dentists, optometrists, physicians, physician assistants, hospitals, emergency medical technicians (EMTs), and paramedics are eligible for immunity.

misconduct. The bill also grants that, with exceptions, a “service provider”<sup>2</sup> is not liable in damages to any “person” for acts or omissions during, in response to, or in recovering from, a declared disaster. The “service provider” immunity does not apply to an act or omission determined to be intentional, willful, or wanton misconduct. The frequency with which these qualified civil immunities may apply is unpredictable, and therefore, indeterminate.

## **Local trial courts**

The bill may affect the common pleas, municipal, and county courts that have subject matter jurisdiction over civil cases resulting from a declared disaster as follows: (1) prevent certain civil actions from being filed, or (2) expedite their resolution subsequent to the finding of the court that such persons or entities in the circumstances at hand are protected from being sued for damages. The timing, frequency, and complexity of such cases being filed in any given local trial court is unpredictable. If the bill prevents the filing, or expedites the resolution, of certain civil actions, local trials generally may realize an expenditure savings. If there is in fact a savings, its magnitude is unknown, and not likely to be easily measured in terms of dollars and cents.

## **Occupational licensing boards**

The bill may affect certain occupational licensing boards, such as the State Medical Board, the Dental Board, and the Board of Nursing. These boards may realize a decrease in the number of cases that require investigation or disciplinary action due to the expansion of civil immunity and immunity from professional discipline for health care providers during a declared emergency. As a result, impacted licensing boards may experience a decrease in related costs.

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<sup>2</sup> A service provider is defined as any person that provides lodging, sheltering, groceries, pharmaceutical products, fuel products, other products, retail merchandise, manufacturing, care, religious, or other nonprofit services.