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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 188**  
**134<sup>th</sup> General Assembly**

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

[Click here for H.B. 188's Bill Analysis](#)

**Version:** As Passed by the Senate

**Primary Sponsors:** Reps. Lampton and Cross

**Local Impact Statement Procedure Required:** No

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### **Highlights**

- Enforcing the bill's prohibition pertaining to organ donors may increase the Department of Insurance's administrative costs. Any such costs would be paid from the Department of Insurance Operating Fund (Fund 5540).
- A life, disability, or long-term care insurer that does not comply with the bill's prohibition would be committing an unfair and deceptive act or practice in the business of insurance, which carries civil penalties. Any increase in revenue from such penalties would depend on compliance with the bill; the penalties would be deposited into Fund 5540.
- The bill modifies the deadlines associated with the mailing and receiving of military and overseas voter ballots for the 2022 primary election, requiring the Secretary of State (SOS) to take any steps necessary to ensure those deadlines are met. Estimated expedited return postage for these ballots is approximately \$25,000. Approximately 1,000 to 2,000 ballots are impacted by these changes.
- The bill declares that an emergency applies to these election-related provisions, meaning that they take effect immediately.

## Detailed Analysis

### Department of Insurance

The bill prohibits an insurer from discriminating against a living organ donor<sup>1</sup> in the offering, issuance, premium, or conditions of a policy of insurance based solely, and without any additional actuarial risks, on that person's status as a living organ donor. This prohibition applies to life, disability, and long-term care insurance policies. The bill specifies that a violation of this prohibition is defined to be an unfair and deceptive practice in the business of insurance under existing section 3901.21 of the Revised Code, and the bill provides that the Superintendent of Insurance may adopt any necessary rules to carry out its requirements.

This provision may increase the Department of Insurance's administrative costs to enforce the prohibition. The Department's administrative costs are paid from the Department of Insurance Operating Fund (Fund 5540). LBO economists believe that any increase in such expenditures would likely be minimal. In addition, Fund 5540 may receive revenue from penalties assessed by the Superintendent due to insurers committing an unfair and deceptive practice in the business of insurance.<sup>2</sup> The amount of revenue collected would depend on insurers' compliance with the prohibition.

### Uniformed and overseas ballots and other elections changes

The bill specifies that the Secretary of State (SOS) take all steps determined to be necessary to expedite the delivery of uniformed services and overseas ballots and the return of those ballots to county boards of elections. The bill does not specify what any such steps should entail. The SOS has indicated that providing expedited return postage on these ballots would be needed in order to meet the deadlines in the bill. Under these circumstances, providing return postage on these requested ballots would cost \$25,000 statewide.

In general, the bill modifies certain deadlines for the 2022 primary election that apply to uniformed services and overseas ballots. In particular, it delays the date by which uniformed services and overseas ballots must be ready for use from 46 days before the election to 29 days before the election. The bill concurrently extends the date by which those ballots must arrive at the board of elections from the tenth day after the election to the 20<sup>th</sup> day after the election. Modifying these deadlines does not appear to have any direct fiscal impact. The SOS estimates that these changes would potentially impact between 1,000 and 2,000 uniformed services and

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<sup>1</sup> The bill defines a living organ donor as a living person who donates an organ to another living person. Based on a database on organ donation, a total of 7,515 living donors were Ohio residents and donated organs between January 1, 1988 and October 31, 2021. Based on the most recent years' data, a total of 316 and 218 living donors in 2019 and 2020, respectively, were Ohio residents. These data were derived from the [Organ Procurement and Transplantation Network Database](#), administered by the U.S. Department of Health and Human Services, which reports counts of living donors, by donor state of residence.

<sup>2</sup> Under section 3901.22 of the Revised Code, not in the bill, the Superintendent may assess an insurer for half of the Department's costs of investigating the insurer for possible unfair and deceptive practices, up to \$100,000. In addition, a court may levy a civil penalty up to \$3,500 per violation and up to \$35,000 in a six-month period for failure to comply with a cease and desist order issued by the Superintendent.

overseas ballots. The bill also allows the SOS to adjust deadlines for boards of elections to conduct the canvass of the election returns. Any such changes do not appear to have any direct fiscal impact to county boards of elections. Finally, the bill declares that an emergency applies to all the elections-related provisions and thus these particular parts of the bill take effect immediately.