



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 338 of the 132nd G.A.

**Status:** As Reported by Senate Government Oversight & Reform

**Sponsor:** Rep. Ginter

**Local Impact Statement Procedure Required:** No

**Subject:** School bus driver medical examinations and the sale of mesh crib liners

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The bill has no direct fiscal effect on the state or political subdivisions. It permits medical professionals listed on the National Registry of Certified Medical Examiners and chiropractors to perform the annual physical examination required under rules adopted by the State Highway Patrol for school bus drivers. It also eliminates a provision of law that, beginning April 6, 2020, would have prohibited any person from recklessly manufacturing or selling a mesh crib liner in the absence of consumer safety standards. Additional information is provided below.

### Medical examinations for school bus drivers

Current law requires individuals employed as drivers of school buses or motor vans to have an annual physical examination. The examination is required to comply with rules adopted by the State Board of Education for individuals employed to drive a bus or van that is owned or operated by any school district or educational service center (ESC) or privately owned and operated under contract with any district or ESC. Otherwise, the examination must comply with rules adopted by the State Highway Patrol (SHP).<sup>1</sup> Both the State Board and SHP require these examinations to be performed by persons licensed to practice medicine or osteopathic medicine in Ohio or another state, physician assistants, certified nurse practitioners, clinical nurse specialists, and certified nurse-midwives.

The bill provides additional options to drivers whose examinations are subject to the rules of the SHP by permitting the examinations to also be performed by (1) persons licensed as chiropractors in Ohio or another state and (2) medical professionals listed on the National Registry of Certified Medical Examiners established by the Federal Motor Carrier Safety Administration. School districts and ESCs pay the cost of the physical examinations. While a school district or ESC will need to verify that a medical professional is listed on the National Registry in cases where the professional is

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<sup>1</sup> The provision for examinations of individuals employed to drive buses not owned by a district board or ESC and not under contract with a board or ESC is presumably directed at the privately owned bus that is hired on a casual basis or for a specific event or purpose. See Kimball H. Carey, *Ohio School Law Manual*, § 9.33, page 1049 (Matthew Bender & Co. 2017).

qualified under that new option, there appears to be no cost associated with this new duty.

### **Mesh crib liners**

The bill also eliminates a provision of law that, beginning April 6, 2020, would have prohibited the sale of mesh crib liners if the products do not comply with consumer safety standards concerning permeability and breathability that are promulgated after October 9, 2016, by the U.S. Consumer Product Safety Commission (CPSC). The bill also removes a maximum \$500 fine that would have applied to daily violations of this prohibition. Since the prohibition under existing law does not go into effect until April 6, 2020, there is no fiscal effect on the operations of the Division of Industrial Compliance within the Ohio Department of Commerce, the entity responsible for enforcing standards that apply to testing, certification, and licensing of bedding. The Division's operating costs are paid from various fees deposited into the Industrial Compliance Operating Fund (Fund 5560).