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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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S.B. 241
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Patton

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SUMMARY

- Requires a trial judge to assess a \$50,000 penalty against an employer if the employer appeals a workers' compensation award for compensation or benefits for cancer contracted by a firefighter in the course of hazardous duty and loses the appeal.

DETAILED ANALYSIS

Employer penalty for lost workers' compensation appeal

The bill requires a trial judge to assess a penalty of \$50,000 against an employer if the employer appeals an award for compensation or benefits under the Ohio Workers' Compensation Law¹ for cancer contracted by a firefighter in the course of hazardous duty and loses the appeal. The employer must pay the penalty to the claimant. The penalty is in addition to any other legal costs, including attorney's fees, the employer must pay on losing an appeal.² Under continuing law, a firefighter with at least six years of hazardous duty who is disabled as a result of cancer is presumed to have incurred the cancer while performing official duties, if the firefighter was exposed to certain carcinogens. Cancer contracted under these conditions is considered a compensable occupational disease under the Workers' Compensation Law. Continuing law lists circumstances under which the presumption may be rebutted.³

If the bill were challenged, a court might examine the penalty under an Ohio constitutional provision that guarantees access to the courts for redress of an injury.⁴ However, there does not appear to be case law regarding a penalty designed to discourage appeals like the

¹ R.C. Chapters 4121, 4123, 4127, and 4131.

² R.C. 4123.512, by reference to R.C. 4123.68, not in the bill.

³ R.C. 4123.68(X), not in the bill.

⁴ Ohio Constitution, Article I, Section 16 and Article II, Section 35.

one created under the bill. Thus, it is unclear how a court would rule with respect to the constitutionality of such a penalty if the bill were challenged.

HISTORY

Action	Date
Introduced	07-30-25
