



# OHIO LEGISLATIVE SERVICE COMMISSION

## Bill Analysis

Emily E. Wendel

### **Am. H.B. 338**

132nd General Assembly

(As Reported by S. Government Oversight and Reform)

**Reps.** Ginter, Brenner, Hambley, Anielski, Antonio, Ashford, Brown, Carfagna, Galonski, Hagan, Hill, Hughes, Johnson, Leland, Lepore-Hagan, Patterson, Patton, Perales, Reineke, Riedel, Ryan, Schaffer, Schuring, R. Smith, Sprague, Stein, Sweeney, Thompson, Young

**Sen.** Coley

---

## **BILL SUMMARY**

- 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.
- 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 safety standards for mesh crib liners promulgated by the U.S. Consumer Product Safety Commission after October 9, 2016.

---

## **CONTENT AND OPERATION**

### **Medical examinations for school bus drivers**

Individuals employed as drivers of school buses or motor vans are currently required to have an annual physical examination. If the individual is employed to drive a bus or van that is owned or operated by any school district or educational service center or privately owned and operated under contract with any district or service center, the examination must comply with rules adopted by the State Board of Education.<sup>1</sup> Otherwise, the examination must comply with rules adopted by the State Highway Patrol.<sup>2</sup> Currently, the State Board<sup>3</sup> and the State Highway Patrol<sup>4</sup> require

---

<sup>1</sup> R.C. 3327.10(A).

<sup>2</sup> R.C. 3327.10(B).

<sup>3</sup> Ohio Administrative Code 3301-83-07(B).

<sup>4</sup> R.C. 3327.10(B).

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 does not make any changes regarding the annual physical examinations that must comply with rules adopted by the State Board of Education. It does, however, permit additional individuals to perform the examination that must comply with rules adopted by the State Highway Patrol. These individuals are (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.<sup>5</sup> The National Registry is a list of professionals who have satisfied the requirements for conducting physical examinations for interstate commercial motor vehicle drivers.<sup>6</sup> These requirements include licensure by any state as a doctor of medicine, doctor of osteopathy, doctor of chiropractic, physician assistant, advanced practice nurse, or other medical professional authorized to perform physical examinations. The Registry also requires completion of a training program and passage of a certification test.<sup>7</sup>

## **Mesh crib liners**

The bill eliminates a provision of law that, beginning April 6, 2020, would have prohibited any person from recklessly manufacturing, offering for sale, selling, or delivering a mesh crib liner intended for placement between a crib mattress and the inner sides of a crib, or possessing a mesh crib liner for one of those purposes, in the absence of safety standards for mesh crib liners promulgated by the U.S. Consumer Product Safety Commission (CPSC) after October 9, 2016, to prevent infant suffocation. If a person violated that prohibition and continued to violate it after receiving a notice from the Superintendent of Industrial Compliance, the person would have been subject to a maximum fine of \$500 for each day of violation.

Continuing law prohibits any person from recklessly manufacturing, offering for sale, selling, or delivering a mesh crib liner, or possessing a mesh crib liner for one of those purposes, if the mesh crib liner does not comply with CPSC standards promulgated after October 9, 2016. Under the bill, if those CPSC standards do not exist, a person may continue to sell mesh crib liners after April 6, 2020. It appears that CPSC has not issued safety standards for mesh crib liners.<sup>8</sup>

---

<sup>5</sup> R.C. 3327.10(B)(1) and (6).

<sup>6</sup> 77 Federal Register 24104 (April 20, 2012).

<sup>7</sup> 49 Code of Federal Regulations 390.103.

<sup>8</sup> R.C. 3713.022 and 3713.99. See also S.B. 332 of the 131st General Assembly, effective April 6, 2017.



---

## HISTORY

| ACTION                                    | DATE     |
|---|----------|
| Introduced                                | 09-11-17 |
| Reported, H. Education & Career Readiness | 12-07-17 |
| Passed House (93-0)                       | 12-13-17 |
| Reported, S. Gov't Oversight & Reform     | 05-16-18 |

H0338-RS-132.docx/ar

