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H.B. 68
(1_135_0096-6)
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 68's Bill Analysis](#)

Version: In House Public Health Policy

Primary Sponsor: Rep. [Click](#)

Local Impact Statement Procedure Required: No

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Highlights

- There may be costs to licensing boards, regulating specified medical professionals, to investigate complaints and violations of the bill's provisions. The costs will depend on the scope and number of investigations.
- The Ohio Attorney General's Office may realize an increase in costs if any actions are taken to enforce compliance with the bill's provisions.
- The bill prohibits Medicaid coverage of gender transition services for minors.

Detailed Analysis

Medical and mental health care professionals

The bill prohibits physicians from knowingly performing gender reassignment surgery on a minor, prescribing a cross-sex hormone or puberty blocking drug for a minor for the purpose of assisting the minor with gender transition, and from engaging in conduct that aids or abets the performance of these practices. Also, the bill prohibits a mental health professional from diagnosing or treating a minor for a gender-related condition without first obtaining the consent of each of the minor's residential parents and legal custodian or the minor's guardian. Additionally, no mental health professionals can diagnose or treat such a minor without doing both of the following during the course of diagnosis and treatment: screening the minor individual for comorbidities that may be influencing the minor individual's gender-related condition and for physical, sexual, mental, and emotional abuse and other traumas. Under the bill, a medical health care or mental health care professional who violates these provisions is engaging in unprofessional conduct and is subject to discipline by the appropriate licensing board. As a result, occupational licensing boards regulating these professionals could realize an

increase in costs to address licensee questions or to respond and investigate any potential complaints or violations.

The bill allows the Ohio Attorney General to bring an action to enforce compliance with the bill's provisions, which could result in costs if any action is taken.

Medicaid

The bill prohibits Medicaid from covering gender transition services for minors. However, the prohibition does not include mental health services provided for a minor's gender-related condition, any services that are not gender transition services, or certain permissible medical services addressed in the bill. If any of the services prohibited by the bill are currently provided to minors (enrolled onto Medicaid), then Medicaid could no longer provide any reimbursements. The majority of Medicaid enrollees receive services through a Medicaid managed care organization (MCO), which are paid a capitated rate for providing services. Thus, any impact associated with this provision will reflect in the capitation rates that Medicaid pays to the MCOs.

Parental rights and responsibilities

The bill prohibits a judge, when allocating parental rights and responsibilities, from considering a parent's decision to refer to and raise their child in a manner consistent with the child's biological sex, to decline to consent to their child receiving gender transition services, or to decline to consent to their child receiving mental health services that affirm the child's self-perception as of the child's gender or sex, if the child's perception is inconsistent with the child's biological sex. This should not have a direct fiscal effect on courts. However, if any cases were conducted previously and these things were considered, it is possible that a parent may seek to have the decision reevaluated.

Save Women's Sports Act

The bill requires schools, state institutions of higher education, and private, nonprofit colleges or universities to designate separate athletic teams for participants of the female sex within female sports divisions, separate athletic teams for participants of the male sex within male sports divisions, and if applicable, co-ed teams for participants of both sexes within co-ed sports divisions. The bill expressly prohibits schools and institutions from knowingly permitting students of the male sex to participate in female sports divisions and teams but permits students of the female sex to participate within male sports divisions. Interscholastic and intercollegiate athletics at Ohio schools and institutions are generally single-sex. School districts, other public schools, and state institutions may need to update rules, regulations, and administrative policies to comply with the bill but this work can likely be accomplished with existing resources.

Synopsis of Fiscal Effect Changes

The substitute bill, I_135_0096-6, removes the requirement in the As Introduced version that any mental health professional who diagnoses or treats a minor for a gender-related condition to annually report to the Ohio Department of Health (ODH) specified information regarding minors diagnosed or treated for a gender-related condition, and that ODH submit an annual report compiling this information. Thus, ODH will not experience the costs associated with receiving and compiling this information. Additionally, the provision is removed specifying that a mental health care professional who violates the reporting requirements is engaging in

unprofessional conduct and is subject to discipline. This removes the costs associated with licensing boards investigating any complaints that may have arisen from these.

The substitute version of the bill removes a provision that would have banned political subdivisions from prohibiting the use of watchful waiting, treatment and therapies similar to those provided for the treatment of body dysmorphia and eating disorders, or other models of care that attempt to help a minor reconcile their gender identity with their biological sex. This provision may have resulted in a savings if there were any administrative or enforcement costs associated with these bans.

The substitute bill removes a provision that allows an individual to bring a claim for a violation of the bill's provisions. This could have resulted in court costs.

The substitute bill also adds the Save Women's Sports Act, H.B. 6, to the bill. This does not impact the fiscal effects of the bill.