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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 68  
135<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

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

**Version:** As Reported by Senate Government Oversight

**Primary Sponsor:** Rep. Click

**Local Impact Statement Procedure Required:** No

Ryan Sherrock, Economist, and other LBO staff

### Highlights

- There may be costs to licensing boards, regulating physicians and mental health 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 concerning physicians and mental health professionals.
- The bill prohibits Medicaid coverage of gender transition services for minors.

### Detailed Analysis

#### 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. However, the bill allows a physician to continue to prescribe a cross-sex hormone or puberty-blocking drug to a minor individual after the bill's effective date under specified conditions. 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 at least one of the minor's parents or legal custodians 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 physician 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 concerning physicians and mental health professionals, 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 court, when allocating parental rights and responsibilities or parenting time, from denying or limiting a parent's rights, responsibilities, or parenting time based on the parent's decision to refer to and raise the child in a manner consistent with the child's biological sex, to decline to consent to the child receiving gender transition services, or to decline to consent to the child receiving mental health services that affirm the child's self-perception as transgender. This should not have a direct fiscal effect on courts. However, if any cases were conducted previously and these things were factored into a decision, it is possible that a parent may seek to have the decision reevaluated.

## **Interscholastic athletic teams**

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.