

Ohio Ballot Issues Summary

Two issues will appear on Ohio's statewide ballot for the Nov. 7 election:

Issue 1 – Crime Victim Rights

Issue 1 would repeal a portion of the Ohio Constitution which addresses the rights of crime victims, and would replace that section with language based a newer model law which would provide crime victims with specific constitutional rights, including the right to be treated with fairness and respect for the victim's safety, dignity, and privacy; to be notified about and present at proceedings; to be heard at proceedings involving release, plea, sentencing, disposition, or parole of the accused; to a prompt conclusion of the case; to reasonable protection from the accused; to be notified about release or escape of the accused; to refuse an interview or disposition at the request of the accused; and to receive restitution from the individual who committed the criminal offense.

There is no significant opposition campaign to Issue 1.

Issue 2 – Prescription Drug Costs

Issue 2 is also called the "Ohio Drug Price Relief Act." It is a citizen-initiated proposal to require the state and state-funded agencies to pay no more for prescription drugs than the lowest price paid for the same medication by the U.S. Department of Veterans Affairs. In doing so, Issue 2 would set an artificial price for prescription drug purchases by the state of Ohio.

Opponents assert that while most Ohioans agree that patients deserve access to affordable prescription drugs, Issue 2 won't fix that problem and could quite possibly make things significantly worse. Cost could skyrocket for some plans, discounts for veterans' medications would also be at risk, and access to some medicines could be curtailed. Taxpayers would also have to pay legal fees to the proponents of the measure for any resulting legal challenges if it passes. Issue 2 is opposed by more than 70 statewide and local organizations, including many representing businesses across our state.

You can register to vote, find more information, and take advantage of early voting in Ohio by visiting ohiop2.com/voting.

Federal Issues

Significant Progress Made on Fixing Joint Employer

The U.S. House of Representatives recently passed an appropriations bill which included language to prohibit funds from being used to enforce the National Labor Relations Board's (NLRB) Browning-Ferris Industries decision which significantly and dangerously expanded joint employer liability under federal law. OHLA participated in efforts led by AHLA and national business coalitions to secure this policy rider and will continue to press for its inclusion during end of the year spending negotiations.

Bipartisan legislation was also recently introduced in the House that would provide much needed clarity and relief for hoteliers trying to navigate what constitutes joint employment since the decision was issued. The Save Local Business Act (H.R. 3441) would amend the National Labor Relations Act and the Fair Labor Standards Act to reverse the BFI decision and return the joint employer standard to its previous definition. An employer would only be considered a joint employer if it "directly, actually, and immediately" maintains control over primary elements of employment.

Numerous employment law issues that were pending prior to the 2018 elections are coming to the fore and will require continued advocacy by our industry and our national partners.

State Issues

Ohio legislators attempt to limit "drive-by" lawsuits

The Ohio House of Representatives has begun deliberations on the issue of arbitrary and predatory lawsuits filed against hotels and other businesses, often for very minor and technical ADA violations. H.B. 271, sponsored by Robert McColley (R-Napoleon) and Jeff Rezabek (R-Clayton), seeks to discourage practice of drive-by lawsuits.

Prior to formal legal action, notifications or "demand letters" are often sent to businesses such as hotels for minor and unnoticeable violations of the ADA. These letters are often sent by individuals who are known to be "serial filers," for such lawsuits, and are not sent as a courtesy for the hotel to fix violations. Instead, these letters are intended to threaten the hotel into settling a potential case for large sums of money. The proliferation of this tactic has promoted the filing of more frivolous lawsuits and caused problems for business across the country.

HB 271 requires that the aggrieved party must provide notice of an ADA access violation before filing suit. In addition, the legislation provides for a notice and cure period (90 days) before a civil action can be pursued against the businesses. This gives businesses a fair chance at correcting minor problems.

Lawmakers aim to encourage any true violations to be corrected, rather than creating unnecessary expense for both parties, and the courts, that lawsuits create.

The House plans to continue hearings on HB 271 through the fall, with possible passage before the year's end.