



OHIO ALLIANCE FOR CIVIL JUSTICE



March 19, 2025

Chairman Thomas, Vice-Chair Mathews, Ranking Member Isaacsohn, and distinguished members of the Ohio House Judiciary Committee, my name is Tony Long, and I serve as vice-chair of the Ohio Alliance for Civil Justice (OACJ). I am here to testify in support of House Bill 126 on behalf of the OACJ.

The Ohio Alliance for Civil Justice (OACJ) supports a stable, predictable, and balanced civil justice climate. In alignment with preserving a stable legal climate in Ohio, House Bill 126 helps to protect against misuse of public nuisance claims and expressly codifies the Ohio Supreme Court holding in the *In Re National Prescription Opiate Litigation* case.

By way of background, the OACJ was founded in the mid-1980s to stop lawsuit abuse and promote a common-sense civil justice system in Ohio. The OACJ is comprised of representatives of dozens of Ohio trade and professional associations, small and large businesses, medical groups, farmers, non-profit organizations and local government associations — for a combined representation of more than 100,000 individuals and businesses. The OACJ's leadership team includes representatives from the following organizations: Ohio NFIB, Ohio Chamber of Commerce, Ohio Council of Retail Merchants, Ohio Hospital Association, Ohio Manufacturers' Association, Ohio Society of CPAs, and the Ohio State Medical Association. OACJ works to ensure that the civil justice system remains stable and predictable for Ohio's businesses. In this regard, the OACJ supported amendments to the Ohio Product Liability Act ("OPLA") to specifically include public nuisance claims as product liability claims.

Public nuisance is a legal argument originally intended to address issues involving land use and public spaces. However, there have been efforts to expand this concept far beyond its original scope in attempt to profit off its misuse by applying it to the production and manufacturing of products. House Bill 126 would help ensure that municipalities cannot bring common law public nuisance claims arising from products. Instead, municipalities would be required to bring any public nuisance claim arising from a product under Ohio's statutory scheme governing product liability claims—the OPLA.

House Bill 126 also expressly codifies the Ohio Supreme Court's recent decision in *In Re National Prescription Opiate Litigation*, holding that all common law public nuisance claims arising from the sale of a product are abrogated by the OPLA. The OACJ and Ohio businesses have advocated for this result before the General Assembly for years. The Court's decision expressly references the 2005 and 2007 amendments to the OPLA, which was the culmination of those efforts. It also cites to the uncodified law which made clear the General Assembly's intent to abrogate "all common law product liability causes of action, including public nuisance causes of action, regardless of how the claim is described . . . including claims against a manufacturer or supplier for a public nuisance allegedly caused by a manufacturer's or supplier's product."

In short, the decision recognizes what this body —the General Assembly— has been saying for years: if the public nuisance claim involves a product, it must be brought under Ohio’s statutory scheme governing product liability claims.

The OACJ supports House Bill 126’s amendments to the OPLA and R.C. 715.44, which governs a municipality’s power to abate nuisances, and respectfully asks for your favorable consideration of House Bill 126. Thank you for the opportunity to testify on behalf of the OACJ. I will endeavor to answer any questions you may have for me.