

# Ohio House Judiciary Committee

## *Opponent Testimony on House Bill 126 City of Cleveland Law Director Mark Griffin*

*March 26, 2025*

Chair Thomas, Vice Chair Matthews, Ranking Member Isaacsohn, and members of the Ohio House Judiciary Committee—on behalf of the City of Cleveland, thank you for this opportunity to submit written opponent testimony on House Bill 126.

House Bill 126 poses a potential threat to municipal Home Rule authority and public health.

This preemption legislation seeks to codify the Ohio Supreme Court’s 2024 ruling in *In re National Prescription Opiate Litigation*. If enacted, the bill would prohibit municipalities from using public nuisance claims to hold manufacturers, distributors, or retailers accountable for the harm caused by their products.

House Bill 126 severely undermines the ability of municipalities to respond to public health and safety crises. By restricting public nuisance claims, the bill forces cities to rely exclusively on Ohio’s Product Liability Law—a legal framework that significantly limits corporate accountability for dangerous or defective products. This shift weakens local governments’ capacity to seek justice and recoup costs from corporations whose products may cause widespread harm.

Further, the bill applies a narrow Supreme Court ruling to a broad range of potential future scenarios. By extending the decision beyond the facts of a single case, House Bill 126 risks tying the hands of municipalities in responding to emerging public health threats. This overreach could prevent cities from taking timely and effective legal action in the face of future crises.

The City of Cleveland also is concerned that House Bill 126 will erode Home Rule authority—a foundational principle of local governance in Ohio. By stripping municipalities of a key legal tool and shielding potential bad actors from accountability, the bill forces cities to rely solely on state or federal agencies, which may not act as swiftly or effectively. Local governments must retain flexibility to protect their residents and address harm within their communities.

Viewed in historical context, if House Bill 126 had been law decades ago, municipalities might have been powerless to take legal action against Big Tobacco, opioid manufacturers, or environmental polluters. Public nuisance claims have historically served as a critical legal avenue for cities. For example, the City of Cleveland filed a pending lawsuit against Kia and Hyundai, seeking compensation for city costs incurred because of the car manufacturers' failure to install industry-standard anti-theft technology in millions of vehicles—a failure that led to a surge in car thefts and other serious crimes committed while using those stolen vehicles. Without the tool that public nuisance laws provide, cities such as Cleveland lack a meaningful

way to recover the costs of addiction treatment, environmental remediation, or increased public safety burdens caused by harmful products.

Put simply, House Bill 126 threatens both municipal authority and public health. By weakening public nuisance claims, the bill undermines local control and shields potential bad actors from accountability. We urge the committee to oppose this legislation and preserve the ability of cities to protect residents, respond to crises, and hold responsible parties accountable.

Thank you for your consideration.