



OHIO HOUSE JUDICIARY COMMITTEE

March 26, 2025

Written Opponent Testimony House Bill 126

Chair Thomas, Vice Chair Mathews, Ranking Member Isaacsohn, and members of the Ohio House Judiciary Committee:

My name is Kent Scarrett, and I am the Executive Director of the Ohio Municipal League. On behalf of OML, thank you for the opportunity to provide written opponent testimony regarding the league's position on House Bill 126, which takes away a vital tool to protect communities.

House Bill 126 is preemption legislation that would prevent municipalities from using public nuisance claims to hold manufacturers, distributors, or retailers accountable for harms caused by their products.

HB126 may violate the Home Rule authority and local control to hold corporations accountable when their products harm public health and safety – shielding bad actors and forcing municipalities to rely on state and federal agencies that may not act swiftly or effectively. Companies could no longer be sued by municipalities under public nuisance law, even if their actions cause massive harm to communities.

The bill seeks to codify the Ohio Supreme Court case of *In re National Prescription Opiate Litigation*, Slip Opinion 2024-Ohio-5744.

Specifically, the proposed statute states:

Section 2307.801 (A) No person shall bring a public nuisance claim or cause of action at common law in which it is alleged that the design, manufacture, supply, marketing, distribution, promotion, advertising, labeling, or sale of a product unreasonably interferes with a right common to the general public.

The Supreme Court decision is a slip opinion at this point, and therefore it is hard to draw conclusions from the limited slip opinion. At a minimum, the enacting of legislation is premature. The language of the new Section 2307.801 is not contained in the slip opinion, and may be broader than what the court held. It overreaches by applying a court ruling from one case to all potential future public health crises.

If this law had been in place decades ago, municipalities would have been powerless to take legal action against big tobacco, opioid manufacturers, and environmental polluters.

Without public nuisance claims, municipalities have no recourse to sue for damages caused by corporations (e.g., costs of addiction treatment, environmental cleanup, or crime linked to harmful products).

For centuries, the courts have determined the limits of common law. Therefore, legislation is not necessary.

We urge for your opposition to the bill. Thank you for your attention to House Bill 126 and the dangerous precedent it sets for future public health crises.