

As Introduced

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H. B. No. 593

Representative Deeter

Cosponsor: Representative Craig

To amend section 3902.02 and to enact sections 1
3966.01, 3966.02, 3966.03, 3966.04, 3966.05, 2
3966.06, 3966.07, 3966.08, 3966.09, 3966.10, and 3
3966.11 of the Revised Code regarding paid 4
family leave insurance. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3902.02 be amended and sections 6
3966.01, 3966.02, 3966.03, 3966.04, 3966.05, 3966.06, 3966.07, 7
3966.08, 3966.09, 3966.10, and 3966.11 of the Revised Code be 8
enacted to read as follows: 9

Sec. 3902.02. As used in sections 3902.01 to 3902.08 of 10
the Revised Code: 11

(A) "Policy" or "policy form" means any policy, contract, 12
plan or agreement of life insurance and annuities, credit life 13
insurance and credit disability insurance, paid family leave 14
insurance, and sickness and accident insurance, and subscriber 15
policies, contracts, certificates, and agreements of health 16
insuring corporations, delivered or issued for delivery in this 17
state by any company subject to sections 3902.01 to 3902.08 of 18
the Revised Code; any certificate, contract or policy issued by 19

a fraternal benefit society; any certificate issued pursuant to 20
a group insurance policy delivered or issued for delivery in 21
this state; and any evidence of coverage issued by a health 22
insuring corporation. 23

(B) "Company" or "insurer" means any entity authorized to 24
do the business of life insurance and annuities, paid family 25
leave insurance, sickness and accident insurance, credit life 26
insurance, or credit disability insurance; a fraternal benefit 27
society; and a health insuring corporation. 28

(C) "Paid family leave insurance" has the same meaning as 29
in section 3966.01 of the Revised Code. 30

Sec. 3966.01. As used in this chapter: 31

(A) "Armed forces of the United States" has the same 32
meaning as in section 145.30 of the Revised Code. 33

(B) "Child" means a person who meets both of the 34
following: 35

(1) Is either of the following: 36

(a) Under eighteen years of age; 37

(b) Is eighteen years of age or older and incapable of 38
self-care because of a mental or physical disability; 39

(2) Is any of the following with regard to a person 40
covered under a policy of paid family leave insurance: 41

(a) A biological, adopted, or foster son or daughter; 42

(b) A stepson or stepdaughter; 43

(c) A legal ward; 44

(d) A son or daughter of a domestic partner; 45

(e) A son or daughter of a person to whom the person 46
covered under the policy stands in loco parentis. 47

(C) "Continuing supervision by a health care provider" 48
includes a period of incapacity that is permanent or long term 49
due to a condition for which treatment may not be effective and 50
where the person afflicted by the condition need not be 51
receiving active treatment by a health care provider. 52

(D) "Family leave" is any leave taken by an employee from 53
work for reasons enumerated in section 3966.04 of the Revised 54
Code. 55

(E) "Family member" includes a child, spouse, or parent as 56
defined in this section, or any other person defined as a 57
"family member" in a policy of paid family leave insurance. 58

(F) "Health care provider" has the same meaning as in 59
section 3701.74 of the Revised Code. 60

(G) "Paid family leave insurance" means an insurance 61
policy issued to an employer related to a benefit program 62
provided to an employee to pay for a percentage or portion of 63
the employee's income loss due to any of the following: 64

(1) The birth of a child or adoption of a child by the 65
employee; 66

(2) Placement of a child with the employee for foster 67
care; 68

(3) Care of a family member of the employee who has a 69
serious health condition; 70

(4) Circumstances arising out of the fact that the 71
employee's family member who is a service member is on active 72
duty or has been notified of an impending call or order to 73

active duty. 74

(H) "Parent" means a biological, foster, or adoptive 75
parent, a stepparent, a legal guardian, or other person who 76
stands in loco parentis to a child. 77

(I) "Serious health condition" means an illness, injury, 78
impairment, or physical or mental condition, including 79
transplantation preparation and recovery from surgery related to 80
organ or tissue donation, that involves inpatient care in a 81
hospital, hospice, or residential health care facility, 82
continuing treatment, or continuing supervision by a health care 83
provider, as defined in a policy of paid family leave insurance. 84

Sec. 3966.02. Paid family leave insurance coverage may 85
include any of the following: 86

(A) Participation in providing care, including physical or 87
psychological care, for a family member of the employee made 88
necessary by a serious health condition of the family member; 89

(B) Bonding with the employee's child during the first 90
twelve months after the child's birth, or the first twelve 91
months after the placement of the child for adoption or foster 92
care with the employee; 93

(C) Addressing a qualifying exigency as interpreted under 94
the "Family and Medical Leave Act," 29 U.S.C. 2612(a)(1)(e), and 95
related regulations, arising out of the fact that the spouse, 96
child, or parent of the employee is on active duty, or has been 97
notified of an impending call or order to active duty, in the 98
armed forces of the United States; 99

(D) Caring for a family service member injured in the line 100
of duty; 101

(E) Taking other leave to provide care for a family member 102
or other family leave as specified in the policy of paid family 103
leave insurance. 104

Sec. 3966.03. A policy of paid family leave insurance 105
shall set forth all details and requirements with regard to 106
coverage for each form of family leave covered under the policy. 107

Sec. 3966.04. (A) A policy of paid family leave insurance 108
shall set forth the length of family leave benefits available 109
for each form of family leave covered under the policy. 110

(B) The length of family leave benefits provided in a 111
policy of paid family leave insurance shall not be less than two 112
weeks during a period of fifty-two consecutive calendar weeks. 113

(C) Fifty-two consecutive calendar weeks may be calculated 114
by any of the following methods: 115

(1) A calendar year; 116

(2) Any fixed period starting on a particular date such as 117
the effective or anniversary date of a policy of paid family 118
leave insurance; 119

(3) The period measured forward from the employee's first 120
day of family leave; 121

(4) A rolling period measured by looking back from the 122
employee's first day of family leave; 123

(5) Any other method that is specified in the policy of 124
paid family leave insurance. 125

Sec. 3966.05. (A) If a policy of paid family leave 126
insurance imposes a waiting period before benefits will be paid, 127
the policy must set forth the terms and conditions of the 128

<u>waiting period.</u>	129
<u>(B) The terms and conditions of the waiting period may</u>	130
<u>include all of the following:</u>	131
<u>(1) Whether the waiting period runs over a consecutive</u>	132
<u>calendar day period;</u>	133
<u>(2) Whether the waiting period is included when</u>	134
<u>determining the availability of the annual allotment of family</u>	135
<u>leave benefits or if it is excluded when determining the</u>	136
<u>availability of the annual allotment of family leave benefits;</u>	137
<u>(3) Whether the waiting period must be met only once per</u>	138
<u>benefit year or must be met for each separate claim for</u>	139
<u>benefits;</u>	140
<u>(4) Whether the employee may work or receive paid time off</u>	141
<u>or other compensation by the employer during the waiting period.</u>	142
<u>Sec. 3966.06. (A) A policy of paid family leave insurance</u>	143
<u>must set forth all of the following:</u>	144
<u>(1) The amount of benefits that will be paid for covered</u>	145
<u>family leave reasons;</u>	146
<u>(2) The wages or other income upon which the amount of</u>	147
<u>family leave benefits will be based;</u>	148
<u>(3) How benefits based on the wages or other income will</u>	149
<u>be calculated.</u>	150
<u>(B) If paid family leave benefits are subject to offsets</u>	151
<u>for wages or other income received or for which the insured may</u>	152
<u>be eligible, the policy shall set forth both of the following:</u>	153
<u>(1) All the wages or other income that may be offset;</u>	154
<u>(2) The circumstances under which the wages or other</u>	155

income may be offset. 156

Sec. 3966.07. (A) Eligibility for benefits under a policy 157
of paid family leave insurance may be limited, excluded, or 158
reduced, but any limitations, exclusions, or reductions shall be 159
set forth in the policy. 160

(B) Permissible limitations, exclusions, or reductions may 161
include any of the following: 162

(1) Any period of family leave wherein any required notice 163
or medical certification required under the policy has not been 164
provided; 165

(2) Any family leave related to a serious health condition 166
or other harm to a family member brought about by the willful 167
intention of the employee; 168

(3) Any period of family leave during which the employee 169
performed work for remuneration or profit; 170

(4) Any period of family leave for which the employee is 171
eligible to receive from the employee's employer, or from a fund 172
to which the employer has contributed, remuneration or 173
maintenance; 174

(5) Any period of family leave in which the employee is 175
eligible to receive benefits under any other statutory or 176
employer-sponsored program, including unemployment insurance 177
benefits, worker's compensation benefits, statutory disability 178
benefits, statutory paid leave benefits, or any paid time off 179
under an employer's paid leave policy; 180

(6) Any period of family leave commencing before the 181
employee becomes eligible for family leave benefits under the 182
policy; 183

(7) Any period of family leave where more than one person 184
seeks family leave for the same family member. 185

Sec. 3966.08. (A) Except as provided in division (B) of 186
this section, benefits provided under a policy of paid family 187
leave insurance shall be paid periodically and promptly. 188

(B) An insurer is not required to comply with division (A) 189
of this section with regard to a period of family leave 190
contested for any of the reasons prescribed in section 3966.07 191
while the matter is being resolved. 192

(C) If a contested period of family leave is determined to 193
be eligible for benefits under a policy of paid family leave 194
insurance, the insurer shall comply with division (A) of this 195
section as soon as is practicable after the matter has been 196
resolved. 197

Sec. 3966.09. (A) Policies of paid family leave insurance 198
may provide coverage for paid family leave benefits or may 199
provide paid family leave benefits as an amendment or rider to a 200
policy of disability income or life insurance in accordance with 201
the requirements of this chapter and any applicable chapter of 202
the Revised Code. 203

(B) Premiums for policies or riders providing paid family 204
leave benefits in accordance with the residential state 205
supplement program for disabled individuals provided for under 206
section 5119.41 of the Revised Code or with life insurance 207
policies issued under Chapter 3915. of the Revised Code shall be 208
calculated in accordance with this chapter and all applicable 209
sections governing insurance in the Revised Code. 210

Sec. 3966.10. Purchase of paid family leave insurance for 211
employees is voluntary. Nothing in this chapter shall be 212

<u>construed as requiring employers to purchase paid family leave</u>	213
<u>insurance for their workers.</u>	214
<u>Sec. 3966.11. The superintendent of insurance may adopt</u>	215
<u>rules as necessary in accordance with Chapter 119. of the</u>	216
<u>Revised Code to carry out the requirements of this chapter.</u>	217
<u>Section 2. That existing section 3902.02 of the Revised</u>	218
<u>Code is hereby repealed.</u>	219