

As Reported by the House Insurance Committee

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Am. H. B. No. 593

Representative Deeter

Cosponsors: Representatives Craig, Lampton, Hall, D.

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, 3
3966.11, and 3966.12 of the Revised Code 4
regarding paid 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, 3966.11, and 3966.12 of the Revised 8
Code be 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 3966.05 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. (A) The purpose of this chapter is to create 85
a new line of insurance, known as paid family leave insurance, 86
under which any insurer licensed to engage in the business of 87
disability income insurance or life insurance in this state may 88
issue policies covering against risk related to paid family 89
leave. 90

(B) Insurers offering paid family leave insurance and paid 91
family leave policies are subject to all other applicable laws, 92
except that the specific provisions of this chapter supersede 93
any conflicting general provisions of law that would otherwise 94
apply. 95

Sec. 3966.03. Paid family leave insurance coverage may 96
include any of the following: 97

(A) Participation in providing care, including physical or 98
psychological care, for a family member of the employee made 99
necessary by a serious health condition of the family member; 100

(B) Bonding with the employee's child during the first 101
twelve months after the child's birth, or the first twelve 102

months after the placement of the child for adoption or foster 103
care with the employee; 104

(C) Addressing a qualifying exigency as interpreted under 105
the "Family and Medical Leave Act," 29 U.S.C. 2612(a)(1)(e), and 106
related regulations, arising out of the fact that the spouse, 107
child, or parent of the employee is on active duty, or has been 108
notified of an impending call or order to active duty, in the 109
armed forces of the United States; 110

(D) Caring for a family service member injured in the line 111
of duty; 112

(E) Taking other leave to provide care for a family member 113
or other family leave as specified in the policy of paid family 114
leave insurance. 115

Sec. 3966.04. A policy of paid family leave insurance 116
shall set forth all details and requirements with regard to 117
coverage for each form of family leave covered under the policy. 118

Sec. 3966.05. (A) A policy of paid family leave insurance 119
shall set forth the length of family leave benefits available 120
for each form of family leave covered under the policy. 121

(B) The length of family leave benefits provided in a 122
policy of paid family leave insurance shall not be less than two 123
weeks during a period of fifty-two consecutive calendar weeks. 124

(C) Fifty-two consecutive calendar weeks may be calculated 125
by any of the following methods: 126

(1) A calendar year; 127

(2) Any fixed period starting on a particular date such as 128
the effective or anniversary date of a policy of paid family 129
leave insurance; 130

<u>(3) The period measured forward from the employee's first</u>	131
<u>day of family leave;</u>	132
<u>(4) A rolling period measured by looking back from the</u>	133
<u>employee's first day of family leave;</u>	134
<u>(5) Any other method that is specified in the policy of</u>	135
<u>paid family leave insurance.</u>	136
<u>Sec. 3966.06.</u> (A) <u>If a policy of paid family leave</u>	137
<u>insurance imposes a waiting period before benefits will be paid,</u>	138
<u>the policy must set forth the terms and conditions of the</u>	139
<u>waiting period.</u>	140
<u>(B) The terms and conditions of the waiting period may</u>	141
<u>include all of the following:</u>	142
<u>(1) Whether the waiting period runs over a consecutive</u>	143
<u>calendar day period;</u>	144
<u>(2) Whether the waiting period is included when</u>	145
<u>determining the availability of the annual allotment of family</u>	146
<u>leave benefits or if it is excluded when determining the</u>	147
<u>availability of the annual allotment of family leave benefits;</u>	148
<u>(3) Whether the waiting period must be met only once per</u>	149
<u>benefit year or must be met for each separate claim for</u>	150
<u>benefits;</u>	151
<u>(4) Whether the employee may work or receive paid time off</u>	152
<u>or other compensation by the employer during the waiting period.</u>	153
<u>Sec. 3966.07.</u> (A) <u>A policy of paid family leave insurance</u>	154
<u>must set forth all of the following:</u>	155
<u>(1) The amount of benefits that will be paid for covered</u>	156
<u>family leave reasons;</u>	157

<u>(2) The wages or other income upon which the amount of</u>	158
<u>family leave benefits will be based;</u>	159
<u>(3) How benefits based on the wages or other income will</u>	160
<u>be calculated.</u>	161
<u>(B) If paid family leave benefits are subject to offsets</u>	162
<u>for wages or other income received or for which the insured may</u>	163
<u>be eligible, the policy shall set forth both of the following:</u>	164
<u>(1) All the wages or other income that may be offset;</u>	165
<u>(2) The circumstances under which the wages or other</u>	166
<u>income may be offset.</u>	167
Sec. 3966.08. <u>(A) Eligibility for benefits under a policy</u>	168
<u>of paid family leave insurance may be limited, excluded, or</u>	169
<u>reduced, but any limitations, exclusions, or reductions shall be</u>	170
<u>set forth in the policy.</u>	171
<u>(B) Permissible limitations, exclusions, or reductions may</u>	172
<u>include any of the following:</u>	173
<u>(1) Any period of family leave wherein any required notice</u>	174
<u>or medical certification required under the policy has not been</u>	175
<u>provided;</u>	176
<u>(2) Any family leave related to a serious health condition</u>	177
<u>or other harm to a family member brought about by the willful</u>	178
<u>intention of the employee;</u>	179
<u>(3) Any period of family leave during which the employee</u>	180
<u>performed work for remuneration or profit;</u>	181
<u>(4) Any period of family leave for which the employee is</u>	182
<u>eligible to receive from the employee's employer, or from a fund</u>	183
<u>to which the employer has contributed, remuneration or</u>	184

<u>maintenance;</u>	185
<u>(5) Any period of family leave in which the employee is</u>	186
<u>eligible to receive benefits under any other statutory or</u>	187
<u>employer-sponsored program, including unemployment insurance</u>	188
<u>benefits, worker's compensation benefits, statutory disability</u>	189
<u>benefits, statutory paid leave benefits, or any paid time off</u>	190
<u>under an employer's paid leave policy;</u>	191
<u>(6) Any period of family leave commencing before the</u>	192
<u>employee becomes eligible for family leave benefits under the</u>	193
<u>policy;</u>	194
<u>(7) Any period of family leave where more than one person</u>	195
<u>seeks family leave for the same family member.</u>	196
Sec. 3966.09. <u>(A) Except as provided in division (B) of</u>	197
<u>this section, benefits provided under a policy of paid family</u>	198
<u>leave insurance shall be paid periodically and promptly.</u>	199
<u>(B) An insurer is not required to comply with division (A)</u>	200
<u>of this section with regard to a period of family leave</u>	201
<u>contested for any of the reasons prescribed in section 3966.08</u>	202
<u>of the Revised Code while the matter is being resolved.</u>	203
<u>(C) If a contested period of family leave is determined to</u>	204
<u>be eligible for benefits under a policy of paid family leave</u>	205
<u>insurance, the insurer shall comply with division (A) of this</u>	206
<u>section as soon as is practicable after the matter has been</u>	207
<u>resolved.</u>	208
Sec. 3966.10. <u>(A) Policies of paid family leave insurance</u>	209
<u>may provide coverage for paid family leave benefits or may</u>	210
<u>provide paid family leave benefits as an amendment or rider to a</u>	211
<u>policy of disability income or life insurance in accordance with</u>	212
<u>the requirements of this chapter and any applicable chapter of</u>	213

<u>the Revised Code.</u>	214
<u>(B) Premiums for policies or riders providing paid family</u>	215
<u>leave benefits in accordance with the residential state</u>	216
<u>supplement program for disabled individuals provided for under</u>	217
<u>section 5119.41 of the Revised Code or with life insurance</u>	218
<u>policies issued under Chapter 3915. of the Revised Code shall be</u>	219
<u>calculated in accordance with this chapter and all applicable</u>	220
<u>sections governing insurance in the Revised Code.</u>	221
<u>Sec. 3966.11. Purchase of paid family leave insurance for</u>	222
<u>employees is voluntary. Nothing in this chapter shall be</u>	223
<u>construed as requiring employers to purchase paid family leave</u>	224
<u>insurance for their workers.</u>	225
<u>Sec. 3966.12. The superintendent of insurance may adopt</u>	226
<u>rules as necessary in accordance with Chapter 119. of the</u>	227
<u>Revised Code for the purposes of administering and enforcing</u>	228
<u>this chapter.</u>	229
<u>Section 2. That existing section 3902.02 of the Revised</u>	230
<u>Code is hereby repealed.</u>	231