



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 693
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 693's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Reps. Click and Williams

Local Impact Statement Procedure Required: No

Ryan Sherrock, Senior Economist

Highlights

- The bill requires certification of compliance with a number of provisions. The departments of Children and Youth (DCY) and Administrative Services (DAS), professional licensing boards, and other state and local government entities that conduct programs or oversee training related to working with minor children will have costs to establish a certification process. Any entity required to provide certification to these agencies will also have costs. Total costs will depend on the certification method established in rules.
- The bill prohibits a state agency or a political subdivision from using state funds or contracting with any entity or conducting any educational or training program using training, educational materials, or curricula that characterize the act of affirming a child's sex as abuse, neglect, creating a risk of abuse or neglect, or creating an unsafe environment. There could be costs if any materials need to be modified to comply.
- The bill prohibits state and local government entities from entering into any contract or using state funds for services, training, programming to minor children that characterizes the act of affirming a child's sex as abuse, neglect, creating a risk of abuse or neglect, or creating an unsafe environment. A violation could result in the loss of the contract as well as eligibility for future contracts or other funding. DAS is required to report on such losses, which will result in reporting costs.
- The bill establishes a private cause of action for violations of the provisions of the bill. This could result in court costs depending on the number and scope of suits brought forward. If a government entity is involved in such a cause of action, the entity may be subject to court costs or damages.

Detailed Analysis

The bill establishes that affirming a child's sex is not (1) abuse, neglect, or risk thereof, (2) contrary to the best interests of the child, or (3) creating an unsafe environment for the child. Based on this, the bill enacts various prohibitions related to affirming a child's sex and applies this principle to a variety of domains. These provisions are described below, along with their potential fiscal impacts. Please refer to [LSC's bill analysis \(PDF\)](#) for a thorough description of provisions.¹

Certification

The bill requires every state agency responsible for certifying compliance with the provisions described below to adopt rules to implement certification. The bill also requires that all certifications be provided to specified individuals and be made available in a publicly accessible document at the end of each fiscal year.

Department of Children and Youth

The bill prohibits the state and any state agency from certain actions impacting a child's parent, guardian, or legal custodian with respect to affirming a child's sex, such as taking adverse action against such an individual for affirming the sex of that person's child or withholding any information from that individual concerning a child's mental, emotional, or physical health or well-being, etc. Additionally, the bill prohibits the state, a state agency, or a political subdivision from implementing a policy or action that withholds information or requires the concealment of information about a child from a parent, guardian, legal custodian, or kinship caregiver because the parent, guardian, legal custodian, or kinship caregiver affirms the child's sex. The bill requires the Director of Children and Youth to certify compliance with these provisions.

Department of Administrative Services

The bill prohibits an employee, contractor, agent, or volunteer of the state or a political subdivision from being required to deny or not affirm a child's sex in the course of his or her work involving minor children. The bill further prohibits the state or a political subdivision from taking retaliatory action against an employee, contractor, agent, or volunteer who affirms a child's sex. The bill requires the Director of Administrative Services to certify compliance with these provisions.

Licensing boards or commissions

The bill prohibits a state regulatory entity from requiring that professional licensure or certification for any individual, organization, or agency that works with children be contingent on (1) referring to or treating children in a manner that is inconsistent with the child's sex or (2) denying children care that affirms their sex. The bill states that a violation of this provision results in the loss of licensure or certification for the person responsible. The bill requires each board, commission, or agency that regulates occupations and professions to certify compliance with these provisions.

¹ [LSC bill analysis \(PDF\)](#), which can be accessed by doing a "HB693" keyword search on the Ohio legislature's website: legislature.ohio.gov/.

Fiscal impact

The Department of Children and Youth (DCY), the Department of Administrative Services (DAS), and impacted professional licensing boards or commissions will have costs to certify compliance with these provisions and to adopt rules. The bill does not describe the certification process. As a result, the costs will depend on how the certification procedure is conducted, how many entities are required to comply, and whether follow-up actions are necessary. These entities could realize information technology costs if a database is necessary to track compliance and personnel costs if employees are needed to address questions or to survey entities. Additionally, any state or local governmental entity that is required to promulgate or update rules or certify its compliance to DCY, DAS, or a licensing board will have costs to do so. Costs for these entities will also depend on the method of certification but could be minimal if a certification consisted of filling out a form or sending a letter, etc. to the applicable certifying entity.

Training and educational materials

Prohibitions and certification

The bill does the following: prohibits state and local governmental entities from using state funds or contracting with any entity or conducting any educational or training program that uses training or educational materials or curricula that characterize the act of affirming a child's sex as abuse, neglect, creating a risk of abuse or neglect, or creating an unsafe environment; and prohibits training by, or for specified individuals, from characterizing the act of affirming a child's sex as abuse, neglect, creating a risk of abuse or neglect, or creating an unsafe environment. Each state agency, court, state institution of higher education, county department of job and family services, and public children services agency that conducts training or educational programs related to working with minor children or oversees such training must certify compliance with these prohibitions. Additionally, any entity that contracts with state or local government entities to provide professional child welfare training must provide certification language as specified by the bill as part of the contract. These entities must adopt rules to implement the certification requirements.

State funds and contracts

The state and local government entities cannot enter into any contract or use state funds for services, training, or programming to minor children that characterizes the act of affirming a child's sex as abuse, neglect, creating a risk of abuse or neglect, or creating an unsafe environment. A person or entity that violates this provision will lose the contract as well as eligibility for future contracts or other funding. The bill requires the Director of Administrative Services to report on the losses of contracts.

Fiscal impact

Any state or local government entity that uses materials or curricula that do not comply with the above will need to make modifications to comply with the bill. There would be costs to do so. The total costs would depend on the number and scope of changes necessary. There will be costs to implement certification. However, each entity will adopt rules to implement this process, so costs will depend on the rules adopted. If a contractee violates a provision as specified above, a state or local government entity may have costs to determine if a violation occurred and if a contract should be terminated. Lastly, DAS will realize costs to report on any contract losses.

Data collection

The bill establishes specified actions that may not be taken regarding data collection by state or local governmental entities on behalf of the state or using state funds. For instance, the soliciting of personal information or statements from a child about that child's perception of his or her sexual orientation or gender identity without a court order or written permission from the child's parent, guardian, or legal custodian cannot be collected.

Fiscal impact

Any state or local government that collects such information will no longer be able to under the conditions specified above. If this information is collected, then entities will need to modify data questionnaires, forms, etc.

Other provisions

The bill applies the principle that affirming a child's sex is not abuse, neglect, contrary to the best interests of a child, etc. to a variety of other domains including the allocation of parental rights and responsibilities, the investigation of child abuse or neglect, child placement, case plans, and medical care and research. For instance, the bill prohibits a court from considering a parent's act of affirming a child's sex as contrary to the best interest of the child when allocating parental rights and responsibilities as part of a divorce, etc. and a public children services agency (PCSA) from entertaining or investigating a report of child abuse or neglect if that report is solely based on the child's parent, guardian, legal custodian, or kinship caregiver affirming the child's sex.

Fiscal impact

The impacts associated with the above provisions will depend on current practice. For instance, if a PCSA currently investigates a case solely on the basis of affirming a child's sex, then these investigations would no longer be conducted.

Private cause of action

The bill establishes that any of the following may initiate a private cause of action against any employee, contractor, agent, or volunteer of the state, agency, institution, or entity that violates the provisions of this bill: a (1) parent, guardian, legal custodian, (2) child, or (3) employee, contractor, agent, or volunteer of the state or a political subdivision. The bill allows a court to award damages and equitable relief as it determines to be justified, in addition to reasonable attorney's fees and court costs to a plaintiff that prevails in an action. As a part of the creation of this private cause of action, the state and any of its political subdivisions waive immunity from liability and consent to be sued with the same rules of law that are applicable to suits between private parties regarding violations of the bill's prohibitions.

Fiscal impact

If any private causes of action are initiated under these provisions, there will be court costs. The total costs will depend on the number and scope of any such cases brought forward. If a government entity is involved in such a cause, the entity could have costs or damages.