

As Introduced

136th General Assembly

Regular Session

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H. B. No. 723

Representatives Klopfenstein, Miller, M.

**Cosponsors: Representatives Williams, Thomas, D., Johnson, King, Newman,
McClain**

To amend section 4117.10 and to enact section 1
4113.25 of the Revised Code to prohibit certain 2
nondisclosure or confidentiality agreements 3
regarding sexual abuse of a child. 4

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

Section 1. That section 4117.10 be amended and section 5
4113.25 of the Revised Code be enacted to read as follows: 6

Sec. 4113.25. (A) As used in this section: 7

(1) "Sexual abuse of a child" means any of the following 8
acts or conduct where the victim is under eighteen years of age, 9
regardless of whether any person has been arrested, charged, or 10
indicted for, or convicted of, committing the act or conduct: 11

(a) A sexual assault as described in sections 2907.02 to 12
2907.09 of the Revised Code; 13

(b) Compelling prostitution as described in section 14
2907.21 of the Revised Code; 15

(c) Trafficking in persons as described in section 2905.32 16
of the Revised Code; 17

(d) Endangering children as described in division (B) (5) 18
of section 2919.22 of the Revised Code. 19

(2) "Person" has the same meaning as in section 1.59 of 20
the Revised Code and also includes a public agency or any other 21
legal entity. 22

(B) On or after the effective date of this section, no 23
person shall enter into an agreement or employment contract with 24
an individual if the agreement or contract does any of the 25
following: 26

(1) Prohibits a party from notifying, or limits the 27
party's ability to notify, a local or state law enforcement 28
agency or any state or federal regulatory agency of an act, or 29
suspected act, of sexual abuse of a child; 30

(2) Prohibits a party from disclosing to any person, 31
including during any related investigation, prosecution, legal 32
proceeding, or dispute resolution, facts surrounding an act, or 33
suspected act, of sexual abuse of a child, including the 34
identity of the alleged offender. 35

(C) A provision of an agreement or contract that is in 36
violation of this section is void and unenforceable as against 37
public policy. 38

Sec. 4117.10. (A) An agreement between a public employer 39
and an exclusive representative entered into pursuant to this 40
chapter governs the wages, hours, and terms and conditions of 41
public employment covered by the agreement. If the agreement 42
provides for a final and binding arbitration of grievances, 43
public employers, employees, and employee organizations are 44
subject solely to that grievance procedure and the state 45
personnel board of review or civil service commissions have no 46

jurisdiction to receive and determine any appeals relating to 47
matters that were the subject of a final and binding grievance 48
procedure. Where no agreement exists or where an agreement makes 49
no specification about a matter, the public employer and public 50
employees are subject to all applicable state or local laws or 51
ordinances pertaining to the wages, hours, and terms and 52
conditions of employment for public employees. All of the 53
following prevail over conflicting provisions of agreements 54
between employee organizations and public employers: 55

(1) Laws pertaining to any of the following subjects: 56

(a) Civil rights; 57

(b) Affirmative action; 58

(c) Unemployment compensation; 59

(d) Workers' compensation; 60

(e) The retirement of public employees; 61

(f) Residency requirements; 62

(g) The minimum educational requirements contained in the 63
Revised Code pertaining to public education including the 64
requirement of a certificate by the fiscal officer of a school 65
district pursuant to section 5705.41 of the Revised Code; 66

(h) The provisions of division (A) of section 124.34 of 67
the Revised Code governing the disciplining of officers and 68
employees who have been convicted of a felony; 69

(i) The minimum standards promulgated by the director of 70
education and workforce pursuant to division (D) of section 71
3301.07 of the Revised Code—; 72

(j) The prohibition against entering certain nondisclosure 73

or confidentiality agreements regarding sexual abuse of a child 74
under section 4113.25 of the Revised Code. 75

(2) The law pertaining to the leave of absence and 76
compensation provided under section 5923.05 of the Revised Code, 77
if the terms of the agreement contain benefits which are less 78
than those contained in that section or the agreement contains 79
no such terms and the public authority is the state or any 80
agency, authority, commission, or board of the state or if the 81
public authority is another entity listed in division (B) of 82
section 4117.01 of the Revised Code that elects to provide leave 83
of absence and compensation as provided in section 5923.05 of 84
the Revised Code; 85

(3) The law pertaining to the leave established under 86
section 5906.02 of the Revised Code, if the terms of the 87
agreement contain benefits that are less than those contained in 88
section 5906.02 of the Revised Code; 89

(4) The law pertaining to excess benefits prohibited under 90
section 3345.311 of the Revised Code with respect to an 91
agreement between an employee organization and a public employer 92
entered into on or after September 29, 2015; 93

(5) ~~state~~State employee work location policies with 94
respect to an agreement between an employee organization and a 95
public employer entered into on or after ~~the effective date of~~ 96
~~this amendment~~September 30, 2025. 97

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 98
the Revised Code and arrangements entered into thereunder, and 99
section 4981.21 of the Revised Code as necessary to comply with 100
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 101
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 102

entered into thereunder, this chapter prevails over any and all 103
other conflicting laws, resolutions, provisions, present or 104
future, except as otherwise specified in this chapter or as 105
otherwise specified by the general assembly. Nothing in this 106
section prohibits or shall be construed to invalidate the 107
provisions of an agreement establishing supplemental workers' 108
compensation or unemployment compensation benefits or exceeding 109
minimum requirements contained in the Revised Code pertaining to 110
public education or the minimum standards promulgated by the 111
director of education and workforce pursuant to division (D) of 112
section 3301.07 of the Revised Code. 113

(B) The public employer shall submit a request for funds 114
necessary to implement an agreement and for approval of any 115
other matter requiring the approval of the appropriate 116
legislative body to the legislative body within fourteen days of 117
the date on which the parties finalize the agreement, unless 118
otherwise specified, but if the appropriate legislative body is 119
not in session at the time, then within fourteen days after it 120
convenes. The legislative body must approve or reject the 121
submission as a whole, and the submission is deemed approved if 122
the legislative body fails to act within thirty days after the 123
public employer submits the agreement. The parties may specify 124
that those provisions of the agreement not requiring action by a 125
legislative body are effective and operative in accordance with 126
the terms of the agreement, provided there has been compliance 127
with division (C) of this section. If the legislative body 128
rejects the submission of the public employer, either party may 129
reopen all or part of the entire agreement. 130

As used in this section, "legislative body" includes the 131
governing board of a municipal corporation, school district, 132
college or university, village, township, or board of county 133

commissioners or any other body that has authority to approve 134
the budget of their public jurisdiction and, with regard to the 135
state, "legislative body" means the controlling board. 136

(C) The chief executive officer, or the chief executive 137
officer's representative, of each municipal corporation, the 138
designated representative of the board of education of each 139
school district, college or university, or any other body that 140
has authority to approve the budget of their public 141
jurisdiction, the designated representative of the board of 142
county commissioners and of each elected officeholder of the 143
county whose employees are covered by the collective 144
negotiations, and the designated representative of the village 145
or the board of township trustees of each township is 146
responsible for negotiations in the collective bargaining 147
process; except that the legislative body may accept or reject a 148
proposed collective bargaining agreement. When the matters about 149
which there is agreement are reduced to writing and approved by 150
the employee organization and the legislative body, the 151
agreement is binding upon the legislative body, the employer, 152
and the employee organization and employees covered by the 153
agreement. 154

(D) There is hereby established an office of collective 155
bargaining in the department of administrative services for the 156
purpose of negotiating with and entering into written agreements 157
between state agencies, departments, boards, and commissions and 158
the exclusive representative on matters of wages, hours, terms 159
and other conditions of employment and the continuation, 160
modification, or deletion of an existing provision of a 161
collective bargaining agreement. Nothing in any provision of law 162
to the contrary shall be interpreted as excluding the bureau of 163
workers' compensation and the industrial commission from the 164

preceding sentence. This office shall not negotiate on behalf of 165
other statewide elected officials or boards of trustees of state 166
institutions of higher education who shall be considered as 167
separate public employers for the purposes of this chapter; 168
however, the office may negotiate on behalf of these officials 169
or trustees where authorized by the officials or trustees. The 170
staff of the office of collective bargaining are in the 171
unclassified service. The director of administrative services 172
shall fix the compensation of the staff. 173

The office of collective bargaining shall: 174

(1) Assist the director in formulating management's 175
philosophy for public collective bargaining as well as planning 176
bargaining strategies; 177

(2) Conduct negotiations with the exclusive 178
representatives of each employee organization; 179

(3) Coordinate the state's resources in all mediation, 180
fact-finding, and arbitration cases as well as in all labor 181
disputes; 182

(4) Conduct systematic reviews of collective bargaining 183
agreements for the purpose of contract negotiations; 184

(5) Coordinate the systematic compilation of data by all 185
agencies that is required for negotiating purposes; 186

(6) Prepare and submit an annual report and other reports 187
as requested to the governor and the general assembly on the 188
implementation of this chapter and its impact upon state 189
government. 190

Section 2. That existing section 4117.10 of the Revised 191
Code is hereby repealed. 192