

STATE OF OHIO
Executive Department

OFFICE OF THE GOVERNOR

Columbus

VETO MESSAGE

**STATEMENT OF THE REASONS FOR THE
VETO OF SUBSTITUTE HOUSE BILL 68**

December 29, 2023

Pursuant to Article II, Section 16, of the Ohio Constitution, which states that the Governor may disapprove of any bill, I hereby disapprove of Substitute House Bill 68 and set forth the following reasons why provisions of this bill are not in the best interest of Ohioans.

On December 18th, the Ohio legislature sent me Substitute House Bill 68. Since that time, I have sought out people on all sides of the issue to hear their concerns.

Ultimately, I believe this is about protecting human life. Many parents have told me that their child would be dead today if they had not received the treatment they received from an Ohio children's hospital. I have also been told, by those that are now grown adults, that but for this care, they would have taken their lives when they were teenagers.

What so many of these young people and their families have also told me is that nothing they have faced in life could ever prepare them for this extremely tough journey. Parents are making decisions about the most precious thing in their life, their child, and none of us should underestimate the gravity and the difficulty of those decisions.

Were I to sign Substitute House Bill 68 or were Substitute House Bill 68 to become law, Ohio would be saying that the State, that the government, knows what is best medically for a child rather than the two people who love that child the most, the parents. While there are rare times in the law, in other circumstances, where the State overrules the medical decisions made by the parents, I can think of no example where this is done not only against the decision of the parents, but also against the medical judgement of the treating physician and the treating team of medical experts.

I have listened to the concerns the Legislature raised that led to this bill. While I have reached a different conclusion on whether to sign this bill, I do share a number of these concerns and agree that action is necessary regarding a number of issues raised.

I believe we can address a number of goals in Substitute House Bill 68 by administrative rules that will have a better chance of surviving judicial review and being adopted. Today, I am directing my administration and the relevant agencies to begin work on administrative rules that will go through the full JCARR process to establish important protections. I invite the members of the General Assembly to meet with us to collaborate in the rule drafting and move this process forward starting as early as next week.

I adamantly agree with the General Assembly that no surgery of this kind should ever be performed on those under the age of 18. I am directing our agencies to draft rules to ban this practice in Ohio.

I share with the legislature their concerns that there is no comprehensive data regarding persons who receive this care, nor independent analysis of any such data. I am today directing our agencies to immediately draft rules to require reporting to the relevant agencies and to report this data to the General Assembly and the public every six months. We will do this not only when patients are minors, but also when the patients are adults.

I also share with the legislature's concerns about clinics that may pop up and try to sell patients inadequate or even ideological treatments. This is a concern shared by people I spoke with who had both positive experiences and negative experiences with their own treatments. Those who had positive experiences all noted that they received significant counseling, therapy, and consultation as a family before discussing even the possibility of other treatments. Those who had negative experiences report that they did not receive adequate counseling.

Therefore, I am directing our agencies to draft rules that establish restrictions that prevent pop-up clinics or fly-by-night operations and provide important protections for Ohio children and their families and for adults.

I truly believe that we can collaborate, find common ground, adopt rules to protect Ohio children and families in this area. It will be my goal in the coming weeks to get these protections adopted through a collaborative and deliberative process.

For the reasons set forth above, this veto is in the public interest.



IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus, this 29th day of December, Two Thousand Twenty-Three.

Mike DeWine

Mike DeWine, Governor

This will acknowledge receipt of this Veto Message of Substitute House Bill 68, that was disapproved by Governor Mike DeWine on December 29, 2023.

Name and Title of Officer

Date and Time of Receipt