
Detailed Fiscal Analysis

Private right of action

Direct fiscal effect

The bill: (1) requires that any statute enacted in Ohio that creates a private right of action contain express language providing for that right of action, and (2) states that an Ohio court cannot construe any statute so enacted to imply the creation of a private right of action in the absence of such express language. For the purposes of this analysis, the bill's provisions are viewed as "rules of construction" that will have no direct fiscal effect on the state or any of its political subdivisions.

Indirect fiscal effect

The more notable effect of the bill may be more indirect in that, as a result of the bill, Ohio courts may no longer expend any time and effort in determining whether a private cause of action exists in the spirit or intent of any enacted statute absent such an express declaration. To the extent that were true, then there may be some corresponding reduction in the number of private causes of actions filed alleging the existence of a nonexpressly enumerated right of private action, or a more swift disposition of those actions that are actually still filed. In either instance, presumably, a savings effect may be created, as a court's resources would no longer be expended in adjudicating such matters. The magnitude of any such savings is uncertain, and would be directly dependent on the frequency with which the General Assembly includes such express language creating a private right of action in future legislation.

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