

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Allied Health & Chiropractic, L.L.C. v. State*, Slip Opinion No. 2026-Ohio-3308.]

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SLIP OPINION NO. 2026-OHIO-3308

**ALLIED HEALTH & CHIROPRACTIC, L.L.C., ET AL., APPELLEES, v. THE STATE
OF OHIO ET AL., APPELLANTS.**

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may be cited as *Allied Health & Chiropractic, L.L.C. v. State*, Slip Opinion No.
2026-Ohio-3308.]**

*Constitutional law—Article II, Section 15(D) of Ohio Constitution—One-subject
rule—New language added in amended statutes becomes the operative law
and the constitutionality of the earlier versions of the statutes does not
render the versions enacted in the later bills void—Amendments to two
statutes that were allegedly enacted in violation of one-subject rule repealed
the contested provisions and enacted new provisions—Court of appeals’
judgment reversed and cause remanded.*

(No. 2024-0945—Submitted June 4, 2025—Decided August 27, 2026.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 112991, 2024-Ohio-1976.

SHANAHAN, J., authored the opinion of the court, which KENNEDY, C.J., and FISCHER, DEWINE, BRUNNER, DETERS, and HAWKINS, JJ., joined.

SHANAHAN, J.

{¶ 1} This appeal arises from a challenge to the constitutionality of two statutes that were originally enacted in an Ohio budget bill allegedly in violation of the Ohio Constitution’s one-subject rule and were amended in subsequently enacted bills. We are asked to decide whether the amendments to those two statutes cured the alleged constitutional defects in the statutes. Specifically, when the General Assembly amended the statutes through separate bills, did the original alleged one-subject-rule violations render the amended statutes void?

{¶ 2} We conclude that the amendments enacted in the subsequent bills repealed the prior versions of the two statutes and cured any purported one-subject-rule violations. Because the statutes stand on their own as enacted in the later legislation, the constitutionality of the amendments to the statutes must be judged independently of any infirmities in the original versions of the statutes. Because the Eighth District Court of Appeals concluded otherwise, we reverse its judgment and remand the case to that court for further proceedings.

I. BACKGROUND

{¶ 3} This case involves two statutes: R.C. 1349.05 (“the Accident Victim Solicitation Law”) and R.C. 149.43(A)(1)(mm) (“the Victim Telephone Number Privacy Law”). Both statutes were first enacted by the General Assembly in 2019 Am.Sub.H.B. No. 166, Ohio’s 2020-2021 operating-budget bill (“the budget bill”), and took effect in October 2019. The version of the statutes in the budget bill prevented healthcare providers from soliciting crime or motor-vehicle-accident victims for 30 days, respectively, after the date that the crime was committed or the accident occurred, *see* former R.C. 1349.05(B), and created a public-records

exception for telephone numbers of crime and motor-vehicle-accident victims that might appear in police reports, *see* former R.C. 149.43(A)(1)(mm).

{¶ 4} Before the two statutes took effect in 2019, appellee Allied Health¹ filed a complaint against appellant the State of Ohio² in the Cuyahoga County Common Pleas Court, challenging the constitutionality of the statutes by claiming that they exceeded the subject of budget and appropriations in violation of the one-subject rule set forth in Article II, Section 15(D) of the Ohio Constitution and that they violated the Ohio Constitution’s equal-protection and free-speech guarantees.³

{¶ 5} While that action was pending before the trial court, the General Assembly enacted the following bills:

- 2020 Sub.H.B. No. 151 (effective Nov. 22, 2020) (“the consumer-protection amendment”), which amended the Accident Victim Solicitation Law;
- 2021 S.B. No. 284 (effective Mar. 24, 2021) (“the first public-records amendment”), which amended the Victim Telephone Number Privacy Law; and
- 2021 Am.Sub.H.B. No. 110 (effective Sept. 30, 2021) (“the second public-records amendment”), which further amended the Victim Telephone Number Privacy Law.

{¶ 6} After the consumer-protection amendment was enacted, the State moved to dismiss Allied Health’s first amended complaint,⁴ arguing that the amendment of the Accident Victim Solicitation Law by a subsequent bill mooted

1. Appellees, Allied Health & Chiropractic, L.L.C.; Ty Dahodwala, D.C.; First Choice Chiropractic, L.L.C.; James Fonner, D.C.; Prestige Chiropractic & Injury, L.L.C.; Rennes Bowers, D.C.; and Schroeder Referral Systems, Inc., are referred to collectively as “Allied Health” in this opinion.

2. Appellants, the State of Ohio, Ohio Governor Mike DeWine, Ohio Attorney General D. Andrew Wilson, the Ohio General Assembly, the Ohio State Chiropractic Board, and the Ohio Department of Public Safety, are referred to collectively as “the State” in this opinion.

3. Allied Health also sought an injunction to prohibit enforcement of the two statutes and sought class certification. We do not address the injunction or class-certification issues in this opinion.

4. The complaint was amended the first time to add defendants.

Allied Health’s claims in its first amended complaint that were based on the budget bill. Rather than rule on the State’s motion to dismiss, the trial court granted Allied Health leave to amend its first amended complaint. Allied Health then filed a second amended complaint, again alleging that the budget bill violated the one-subject rule and additionally claiming that the alleged one-subject-rule violation in the budget bill rendered any subsequent amendments to the Accident Victim Solicitation Law “constitutionally ineffective and unenforceable” because the original enactment was “void *ab initio*.”

{¶ 7} The State filed a motion to dismiss the second amended complaint, arguing that Allied Health’s claims were rendered moot by the enactment of the first public-records amendment because that amendment repealed the version of the Victim Telephone Number Privacy Law in the budget bill. The first public-records amendment provided that telephone numbers for a victim, a witness to a crime, or a party to a motor-vehicle accident listed in a law-enforcement record or report are not a public record “other than when requested by an insurer or insurance agent investigating an insurance claim resulting from a motor vehicle accident.” Former R.C. 149.43(A)(mm), 2020 Am.Sub.S.B. No. 284. The trial court denied the State’s motion to dismiss the second amended complaint.

{¶ 8} The Victim Telephone Number Privacy Law was amended again in the second public-records amendment. Allied Health did not seek leave to further amend its complaint after the enactment of the first or second public-records amendments.

{¶ 9} On cross-motions for summary judgment, the trial court granted summary judgment to Allied Health, holding that the Accident Victim Solicitation Law and the Victim Telephone Number Privacy Law were unenforceable under the Ohio Constitution because they originated in a bill that violated the one-subject rule. The Eighth District affirmed, concluding that because “the initial enactment of the contested sections by the [budget bill] was an unconstitutional violation of

the one-subject rule, . . . the subsequent amendments are void because they amend provisions that were not constitutionally enacted,” 2024-Ohio-1976, ¶ 50 (8th Dist.). The Eighth District also determined that Allied Health had abandoned its equal-protection claim, *id.* at ¶ 30, fn. 3, and that it did not need to reach Allied Health’s free-speech claim, because “[c]onstitutional questions will not be decided until” necessary, and the court had already concluded that the enactment of the amendments was unconstitutional under the one-subject rule, *id.* at ¶ 51, quoting *In re Black Fork Wind Energy, L.L.C.*, 2018-Ohio-5206, ¶ 29, quoting *State ex rel. Herbert v. Ferguson*, 142 Ohio St. 496, 503 (1944).

{¶ 10} The State appealed, and we accepted jurisdiction over the following proposition of law: “Ohio’s one-subject rule allows the General Assembly to cure an initial violation by making an amendment to an offending statutory provision.” *See* 2024-Ohio-4501.

II. ANALYSIS

A. *The One-Subject Rule*

{¶ 11} Article II, Section 15(D) of the Ohio Constitution provides:

No bill shall contain more than one subject, which shall be clearly expressed in its title. No law shall be revived or amended unless the new act contains the entire act revived, or the section or sections amended, and the section or sections amended shall be repealed.

{¶ 12} “[I]n construing the Ohio Constitution, our duty is to determine and give effect to the meaning expressed in its plain language.” *Newburgh Heights v. State*, 2022-Ohio-1642, ¶ 17, citing *State ex rel. LetOhioVote.org v. Brunner*, 2009-Ohio-4900, ¶ 50. For more than a century, this court has recognized that an amendment to a statute replaces the original section and enacts the entire statute

anew. *See McKibben v. Lester*, 9 Ohio St. 627 (1859) (“Where one or more sections of a statute are amended by a new act, and the amendatory act contains the entire section or sections amended, and repeals the section or sections so amended, the section or sections as amended must be construed as though introduced into the place of the repealed section or sections in the original act”); *State v. Cincinnati*, 52 Ohio St. 419 (1895), paragraph one of the syllabus (“An amended section of a statute takes the place of the original section The whole statute, after the amendment, has the same effect as if re-enacted with the amendment, and hence an unconstitutional statute may be amended into a constitutional one”); *see also State v. Vause*, 84 Ohio St. 207, 216-217 (1911) (several statutes “were blended into one consistent and harmonious whole” based on “the settled rule that the whole statute after an amendment has the same effect as if re-enacted with the amendment”).

{¶ 13} After *McKibben*, *Cincinnati*, and *Vause*, this court concluded that when a statute is amended, the unchanged provisions continue as law from the time of their original enactment and the new provisions become the law at the time of their enactment. *See State ex rel. Durr v. Spiegel*, 91 Ohio St. 13, 22 (1914) (“The presumption is that, when the Legislature adopts an amendment, it intends to make some change in the statute amended, and when it re-enacts the original statute, as amended, it has then made the only change it desired to make, leaving the rest of the provisions undisturbed.”); *In re Allen*, 91 Ohio St. 315 (1915), syllabus (“Where there is re-enacted in an amendatory act provisions of the original statute in the same or substantially the same language, and the original statute is repealed in compliance with Section 16, Article II, of the [Ohio] Constitution, such provisions will not be considered as repealed and again re-enacted, but will be regarded as having been continuous and undisturbed by the amendatory act.”); *In re Application of Hesse*, 93 Ohio St. 230, 234 (1915) (“The provisions contained in the act as amended which were in the original act are not considered as repealed and again

re-enacted, but are regarded as having been continuous and undisturbed by the amendatory act.”); *Weil v. Taxicabs of Cincinnati, Inc.*, 139 Ohio St. 198, 206 (1942) (“The courts have generally held, notwithstanding [Section 16, Article II of the Ohio Constitution] and similar constitutional provisions, that where an act is amended, the part of the original act which remains unchanged is to be considered as having continued in force as the law from the time of its original enactment, and new portions as having become the law only at the time of the amendment.”).

{¶ 14} Despite the plain text of the Ohio Constitution and our long line of precedent holding that an amendment enacts the entire statute anew, the Eighth District concluded that the amendments “left provisions from the original enactment, challenged as violating the one-subject rule, untouched. . . ,” 2024-Ohio-1976 at ¶ 49 (8th Dist.). In doing so, it purported to rely on our decision in *Stevens v. Ackman*, 2001-Ohio-249. But *Stevens* offers scant support for the result reached by the Eighth District.

B. Stevens v. Ackman

{¶ 15} In *Stevens*, Stevens sued the City of Middletown for wrongful death. The city filed a motion for summary judgment based on political-subdivision immunity, which was denied. The city appealed, relying on R.C. 2744.02(C), which provided that “[a]n order that denies a political subdivision . . . the benefit of an alleged immunity from liability . . . is a final order.” *Stevens* at ¶ 6, quoting former R.C. 2744.02(C). R.C. 2744.02(C) was originally enacted in Am.Sub.H.B. No. 350, 146 Ohio Laws, Part II, 3867 (“H.B. 350”). Five months later, Am.Sub.H.B. No. 215, 147 Ohio Laws, Part I, 909 (“H.B. 215”), was enacted. H.B. 215 amended R.C. 2744.02(B)(2) to add cross-references to other statutes, and it reprinted the entire section, including R.C. 2744.02(C). The differences between the version of R.C. 2744.02 enacted in H.B. 350 and the version enacted in H.B. 215 were the deletion of the word “section,” indicated by striking through the word, and the addition of the phrase “SECTIONS 3314.07 AND 3746.24” in R.C.

2744.02(B)(2), indicated by capitalization. 147 Ohio Laws, Part I, at 1150. The amendment at issue in *Stevens* was to a provision other than the provision in H.B. 350 that was later struck down. R.C. 2744.02(C) appeared in H.B. 215 exactly as it appeared in H.B. 350.

{¶ 16} The question faced by this court was whether R.C. 2744.02(C), originally enacted in H.B. 350, which was declared unconstitutional in *State ex rel. Ohio Academy of Trial Lawyers v. Sheward*, 1999-Ohio-123, *overruled on other grounds* by *State ex rel. Martens v. Findlay Mun. Court*, 2024-Ohio-5667, was validly enacted or reenacted in H.B. 215. The city argued that because H.B. 215 amended R.C. 2744.02(B)(2) in compliance with Article II, Section 15(D) of the Ohio Constitution, an entirely new R.C. 2744.02—including R.C. 2744.02(C)—was enacted and effective. This court rejected the city’s argument and determined that R.C. 2744.02(C) was not enacted or reenacted by the General Assembly through H.B. 215. *Stevens* at ¶ 66-67.

{¶ 17} Our decision in *Stevens* stands in considerable tension with the plain text of Article II, Section 15(D) of the Ohio Constitution and our long line of precedent recognizing that an amendment to a statute replaces the original section and enacts the entire statute anew. But we need not determine whether *Stevens* has any continued viability, because *Stevens* is readily distinguishable from the facts in this case.

{¶ 18} Our holding in *Stevens* does not support the Eighth District’s conclusion that the subsequent amendments in this case “merely amended [each] statute and left provisions from the original enactment, challenged as violating the one-subject rule, untouched,” 2024-Ohio-1976 at ¶ 49 (8th Dist.). The amendments at issue in *Stevens* contained no change to the provision that was held to be violative of the one-subject rule; here, the amendments changed the exact provisions that were initially enacted by the General Assembly and challenged by Allied Health.

And those provisions were reenacted in statutory amendments—exactly as contemplated by Article II, Section 15(D) of the Ohio Constitution.

{¶ 19} Treating the amended statutes as reenacted allows the General Assembly to amend an “unconstitutional statute . . . into a constitutional one . . . by removing its objectionable provisions, or supplying others, to conform it to the requirements of the constitution.” *Cincinnati*, 52 Ohio St. 419, at paragraph one of the syllabus. If an amendment to a statute replaces the original section and reenacts the entire statute, then it follows that constitutional flaws in the method of the original enactment become irrelevant upon the enactment of the amendment. If the same flaws are repeated in the new statute, then constitutional infirmities might persist. But the statute must be judged as amended—not as it was.

C. The Amendments in This Case

{¶ 20} The Accident Victim Solicitation Law and the Victim Telephone Number Privacy Law were amended by bills that were enacted before the trial court declared the two laws to be unconstitutional. The statutory amendments repealed the original sections of the two laws. The amended versions derive from the later enactments, not from the budget bill.

{¶ 21} Unlike the amendments at issue in *Stevens* that simply cross-referenced other statutes in a neighboring provision and did not change the language in R.C. 2744.02(C), the amendments in this case changed the language of the Accident Victim Solicitation Law once and the language of the Victim Telephone Number Privacy Law twice from the language originally enacted in the legislation that purportedly violated the one-subject rule. Those amendments are valid under Article II, Section 15(D) of the Ohio Constitution. And the original sections that Allied Health challenged as violating the one-subject rule were repealed.

{¶ 22} Allied Health does not challenge the amendments to the two laws under the one-subject rule. It argues that the original violations of the one-subject

rule render all future amendments void. This argument conflicts with the Ohio Constitution. Regardless of any defect in the budget bill,⁵ the amended statutes now stand on their own and must be evaluated independently.

{¶ 23} The two statutes that Allied Health challenged from the budget bill have been replaced with language from new bills. The new language is now the operative law, and the constitutionality or unconstitutionality of the earlier versions of the two statutes does not render the versions enacted in the later bills void.

III. CONCLUSION

{¶ 24} The amendments to the Accident Victim Solicitation Law and the Victim Telephone Number Privacy Law repealed the contested provisions and enacted new provisions. The constitutionality of the two laws depends on the later enactments, not on the versions of the two laws that were enacted by the General Assembly in the budget bill. The State therefore is entitled to judgment in its favor on Allied Health's claim that the Accident Victim Solicitation Law and the Victim Telephone Number Privacy Law are void ab initio.

{¶ 25} We accordingly reverse the judgment of the Eighth District Court of Appeals and remand the case to that court for it to consider the State's second and fourth assignments of error regarding the trial court's granting Allied Health's motions for class certification and for preliminary injunction.

Judgment reversed
and cause remanded.

Paul Flowers Co., L.P.A., Paul W. Flowers, and Louis E. Grube, for appellees.

D. Andrew Wilson, Attorney General, and Mathura J. Sridharan, Solicitor General, for appellants.

5. Whether the budget bill violates the one-subject rule is not before us.

January Term, 2026
