

As Reported by the House State and Local Government Committee

133rd General Assembly

Regular Session

2019-2020

Am. H. B. No. 621

Representatives Cross, Wilkin

Cosponsors: Representatives Wiggam, Manchester, Zeltwanger, Vitale, Baldridge, Lipps, Becker, Jordan, Ginter, Abrams, Powell, Stephens, Stein, Ghanbari, Lang, Perales, Holmes, A., McClain, Scherer, Reineke, Hoops, Brinkman, Smith, T., Stoltzfus, Hood, Jones, Plummer, Romanchuk, LaRe, Richardson, Riedel, Merrin, Hambley

A BILL

To amend sections 3701.352, 3707.48, and 3709.211 1
and to enact sections 3701.353, 3707.481, and 2
3709.212 of the Revised Code to enact The 3
Business Fairness Act and to declare an 4
emergency. 5

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

Section 1. That sections 3701.352, 3707.48, and 3709.211 6
be amended and sections 3701.353, 3707.481, and 3709.212 of the 7
Revised Code be enacted to read as follows: 8

Sec. 3701.352. ~~No~~ Except as otherwise provided in section 9
3701.353 of the Revised Code, no person shall violate any rule 10
the director of health or department of health adopts or any 11
order the director or department of health issues under this 12
chapter to prevent a threat to the public caused by a pandemic, 13
epidemic, or bioterrorism event. 14

Sec. 3701.353. A business that has been required to cease 15
or limit operations by order or rule of the director or 16

department of health, issued under this chapter to prevent a 17
threat to the public caused by a pandemic, epidemic, or 18
bioterrorism event, may continue or resume operations if it 19
complies with any safety precautions that the order or rule 20
requires of businesses that are permitted to continue 21
operations. 22

Sec. 3707.48. ~~No~~ Except as otherwise provided in section 23
3707.481 of the Revised Code, no person shall violate sections 24
3707.01 to 3707.50 or section 3707.53 of the Revised Code, or 25
any order or regulation of the board of health of a city or 26
general health district made in pursuance thereof, obstruct or 27
interfere with the execution of such order, or willfully or 28
illegally omit to obey such order. 29

Sec. 3707.481. A business that has been required to cease 30
or limit operations by order or regulation of the board of 31
health of a city or general health district, issued under this 32
chapter due to epidemic, threatened epidemic, or the unusual 33
prevalence of a dangerous communicable disease, may continue or 34
resume operations if it complies with any safety precautions 35
that the order or regulation requires of businesses that are 36
permitted to continue operations. 37

Sec. 3709.211. ~~When~~ Except as otherwise provided in 38
section 3709.212 of the Revised Code, when an order of the board 39
of health of a city or general health district made pursuant to 40
section 3709.20 or 3709.21 of the Revised Code is not complied 41
with in whole or in part, the board may petition the court of 42
common pleas for injunctive or other appropriate relief 43
requiring all persons to whom such order of the board is 44
directed to comply with such order. The court of the county in 45
which such offense is alleged to be occurring may grant such 46

injunctive or other appropriate relief as the equities of the 47
case require. 48

Sec. 3709.212. A business that has been required to cease 49
or limit operations by order or regulation of the board of 50
health of a city or general health district, issued under this 51
chapter, in the case of an emergency caused by an epidemic of 52
contagious or infectious disease, may continue or resume 53
operations if it complies with any safety precautions that the 54
order or regulation requires of businesses that are permitted to 55
continue operations. 56

Section 2. That existing sections 3701.352, 3707.48, and 57
3709.211 of the Revised Code are hereby repealed. 58

Section 3. This act's amendment of sections 3701.352, 59
3707.48, and 3709.211 of the Revised Code and enactment of 60
sections 3701.353, 3707.481, and 3709.212 of the Revised Code 61
shall be known as "The Business Fairness Act." 62

Section 4. This act is hereby declared to be an emergency 63
measure necessary for the immediate preservation of the public 64
peace, health, and safety. The reasons for such necessity are 65
the economic effects of COVID-19. Therefore, this act shall go 66
into immediate effect. 67