

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 127

Representative Merrin

A BILL

To establish relief for businesses that have
violated COVID-19 orders by vacating and
expunging the violations and by refunding fines
to those businesses and to make an
appropriation.

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

Section 1. (A) As used in Sections 1, 2, and 3 of this
act:

(1) "Board of health" means a city board of health or a
general health district, or an authority having the duties of a
city board of health as authorized by section 3709.05 of the
Revised Code.

(2) "Business" means a corporation, association,
partnership, limited liability company, sole proprietorship,
joint venture, or other business entity composed of one or more
individuals, whether or not the entity is operated for profit.

(3) "Order" means any of the following:

(a) An executive order addressing COVID-19 or any other
order related to such an executive order;

(b) A state or local order or rule issued under Chapter 19
3701. of the Revised Code related to COVID-19; 20

(c) A rule promulgated under division (G) of section 21
119.03 of the Revised Code related to COVID-19; 22

(d) Any other rule, order, or directive issued by a state 23
agency or a board of health imposing restrictions related to 24
COVID-19 on a business. 25

(4) "State agency" means the offices of all elected state 26
officers, and all departments, boards, offices, commissions, 27
agencies, institutions, and other instrumentalities of the state 28
of Ohio. 29

(B)(1) Any violation or any sanction imposed in response 30
to any violation of an order by a business that occurred between 31
March 14, 2020, and the effective date of this section is hereby 32
vacated. 33

(2) Not later than thirty days after the effective date of 34
this section: 35

(a) The Director of Budget and Management, in consultation 36
with state agencies, shall determine the amount of money 37
collected by a state agency in civil or administrative penalties 38
for each violation of an order by each business that occurred 39
between March 14, 2020, and the effective date of this section. 40
After that determination, the Director shall refund to each 41
business the amount of penalties paid by each such business. 42

(b) A board of health shall determine the amount of money 43
collected by the board of health in civil or administrative 44
penalties for each violation of an order by each business that 45
occurred between March 4, 2020, and the effective date of this 46
section. After that determination, the board of health shall 47

refund to each business the amount of penalties paid by each 48
such business. 49

(c) A state agency or board of health, as applicable, 50
shall expunge any record of a violation. 51

(d) A state agency or board of health shall treat any 52
finding of a violation as a nullity and take the steps within 53
its power, forthwith, to restore any rights or privileges lost 54
as a result of a finding of violation. These steps shall include 55
but shall not be limited to reinstatement of a revoked license 56
and other right or privilege to do business. 57

(3) If a state agency or board of health has initiated, 58
but has not completed, disciplinary action against a business 59
for violation of an order that occurred between March 14, 2020, 60
and the effective date of this section, the state agency or 61
board of health shall cease taking such action regarding the 62
order. 63

(C) Notwithstanding any provision of law to the contrary, 64
on and after the effective date of this section, a state agency 65
or board of health shall not take any disciplinary action 66
against a business if both of the following apply: 67

(1) The disciplinary action is based on a violation of an 68
order and the violation occurs after the effective date of this 69
section, but before October 1, 2021. 70

(2) Other than violating the order, the business operated 71
in compliance with the business's applicable licenses and 72
permits. 73

Section 2. Not later than thirty days after the effective 74
date of this section, or as soon as possible thereafter, each 75
state agency that has collected money in civil or administrative 76

penalties for the violation of an order, in consultation with 77
the Director of Budget and Management, shall determine the 78
amount of fine revenue collected in accordance with Section 1 of 79
this act. Each state agency shall certify to the Director of 80
Budget and Management a list of businesses that were issued a 81
fine and the amount of that fine in accordance with Section 1 of 82
this act. Upon receipt of this list from each state agency, the 83
Director of Budget and Management shall issue a reimbursement to 84
those businesses in the amount certified. The certified amounts 85
are hereby appropriated. 86

Section 3. Notwithstanding other jurisdictional or venue 87
limitations, any business may bring an action in the court of 88
common pleas in a county where the business is located to 89
enforce the rights, privileges, and obligations identified in 90
Sections 1 and 2 of this act. 91