

As Introduced

133rd General Assembly

Regular Session

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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

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 to sell 19
certain products if both of the following are true: 20

(A) The products are available for sale at a business that 21
has not been required to cease or limit operations by the order 22
or rule and that business is operating at a physical location in 23
the area affected by the order or rule. 24

(B) The business that was required to limit or cease 25
operations complies with any safety precautions that the order 26
or rule requires of businesses that are permitted to continue 27
operations. 28

Sec. 3707.48. ~~No~~ Except as otherwise provided in section 29
3707.481 of the Revised Code, no person shall violate sections 30
3707.01 to 3707.50 or section 3707.53 of the Revised Code, or 31
any order or regulation of the board of health of a city or 32
general health district made in pursuance thereof, obstruct or 33
interfere with the execution of such order, or willfully or 34
illegally omit to obey such order. 35

Sec. 3707.481. A business that has been required to cease 36
or limit operations by order or regulation of the board of 37
health of a city or general health district, issued under this 38
chapter due to epidemic, threatened epidemic, or the unusual 39
prevalence of a dangerous communicable disease, may continue or 40
resume operations to sell certain products if both of the 41
following are true: 42

(A) The products are available for sale at a business that 43
has not been required to cease or limit operations by the order 44
or regulation and that business is operating at a physical 45

location in the area affected by the order or regulation. 46

(B) The business that was required to limit or cease 47
operations complies with any safety precautions that the order 48
or regulation requires of businesses that are permitted to 49
continue operations. 50

Sec. 3709.211. ~~When~~ Except as otherwise provided in 51
section 3709.212 of the Revised Code, when an order of the board 52
of health of a city or general health district made pursuant to 53
section 3709.20 or 3709.21 of the Revised Code is not complied 54
with in whole or in part, the board may petition the court of 55
common pleas for injunctive or other appropriate relief 56
requiring all persons to whom such order of the board is 57
directed to comply with such order. The court of the county in 58
which such offense is alleged to be occurring may grant such 59
injunctive or other appropriate relief as the equities of the 60
case require. 61

Sec. 3709.212. A business that has been required to cease 62
or limit operations by order or regulation of the board of 63
health of a city or general health district, issued under this 64
chapter, in the case of an emergency caused by an epidemic of 65
contagious or infectious disease, may continue or resume 66
operations to sell certain products if both of the following are 67
true: 68

(A) The products are available for sale at a business that 69
has not been required to cease or limit operations by the order 70
or regulation and that business is operating at a physical 71
location in the area affected by the order or regulation. 72

(B) The business that was required to limit or cease 73
operations complies with any safety precautions that the order 74

or regulation requires of businesses that are permitted to 75
continue operations. 76

Section 2. That existing sections 3701.352, 3707.48, and 77
3709.211 of the Revised Code are hereby repealed. 78

Section 3. This act's amendment of sections 3701.352, 79
3707.48, and 3709.211 of the Revised Code and enactment of 80
sections 3701.353, 3707.481, and 3709.212 of the Revised Code 81
shall be known as "The Business Fairness Act." 82

Section 4. This act is hereby declared to be an emergency 83
measure necessary for the immediate preservation of the public 84
peace, health, and safety. The reasons for such necessity are 85
the economic effects of COVID-19. Therefore, this act shall go 86
into immediate effect. 87