

As Introduced

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H. B. No. 215

Representatives Wilkin, Cross

**Cosponsors: Representatives Jones, Merrin, Carfagna, Richardson, Edwards,
Seitz, Bird, Stoltzfus, Kick, Riedel, Stewart, McClain, Powell, Click, Loychik,
Koehler, Manchester, Young, T., Hall, Fowler Arthur, Schmidt, Swearingen, LaRe,
Carruthers, Miller, J., Gross, Pavliga, Lampton**

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) A business that has been required to 15
cease 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

(B) No rule the director of health or department of health 23
adopts and no order the director or department of health issues 24
or reissues under this chapter to prevent a threat to the public 25
caused by a pandemic, epidemic, or bioterrorism event shall be 26
applied to require businesses or business locations to close, 27
due to circumstances not uniquely present at those particular 28
businesses or business locations, for more than fourteen days 29
due to the same pandemic, epidemic, or bioterrorism event. 30

(C) Divisions (A) and (B) of this section only apply to 31
orders or rules of the director or department of health, issued 32
under this chapter to prevent a threat to the public caused by a 33
pandemic, epidemic, or bioterrorism event. Divisions (A) and (B) 34
of this section do not apply to orders or rules of the director 35
or department of health, issued under this chapter, and 36
applicable only to particular businesses or business locations 37
due to circumstances uniquely present at those particular 38
businesses or business locations. 39

Sec. 3707.48. ~~No~~ Except as otherwise provided in section 40
3707.481 of the Revised Code, no person shall violate sections 41
3707.01 to 3707.50 or section 3707.53 of the Revised Code, or 42
any order or regulation of the board of health of a city or 43
general health district made in pursuance thereof, obstruct or 44
interfere with the execution of such order, or willfully or 45
illegally omit to obey such order. 46

Sec. 3707.481. (A) A business that has been required to 47
cease or limit operations by order or regulation of the board of 48
health of a city or general health district, issued under this 49
chapter due to epidemic, threatened epidemic, or the unusual 50
prevalence of a dangerous communicable disease, may continue or 51
resume operations if it complies with any safety precautions 52
that the order or regulation requires of businesses that are 53
permitted to continue operations. 54

(B) No order or regulation of the board of health of a 55
city or general health district issued under this chapter due to 56
epidemic, threatened epidemic, or the unusual prevalence of a 57
dangerous communicable disease shall be applied to require 58
businesses or business locations to close, due to circumstances 59
not uniquely present at those particular businesses or business 60
locations, for more than fourteen days due to the same epidemic, 61
threatened epidemic, or period of unusual prevalence of a 62
dangerous communicable disease. 63

(C) Divisions (A) and (B) of this section only apply to 64
orders or regulations of the board of health of a city or 65
general health district, issued under this chapter due to 66
epidemic, threatened epidemic, or the unusual prevalence of a 67
dangerous communicable disease. Divisions (A) and (B) of this 68
section do not apply to orders or regulations of the board of 69
health of a city or general health district, issued under this 70
chapter, and applicable only to particular businesses or 71
business locations due to circumstances uniquely present at 72
those particular businesses or business locations. 73

Sec. 3709.211. ~~When~~ Except as otherwise provided in 74
section 3709.212 of the Revised Code, when an order of the board 75
of health of a city or general health district made pursuant to 76

section 3709.20 or 3709.21 of the Revised Code is not complied 77
with in whole or in part, the board may petition the court of 78
common pleas for injunctive or other appropriate relief 79
requiring all persons to whom such order of the board is 80
directed to comply with such order. The court of the county in 81
which such offense is alleged to be occurring may grant such 82
injunctive or other appropriate relief as the equities of the 83
case require. 84

Sec. 3709.212. (A) A business that has been required to 85
cease or limit operations by order or regulation of the board of 86
health of a city or general health district, issued under this 87
chapter, in the case of an emergency caused by an epidemic of 88
contagious or infectious disease, may continue or resume 89
operations if it complies with any safety precautions that the 90
order or regulation requires of businesses that are permitted to 91
continue operations. 92

(B) No order or regulation of the board of health of a 93
city or general health district issued under this chapter in the 94
case of an emergency caused by an epidemic of contagious or 95
infectious disease shall apply to require businesses or business 96
locations to close, due to circumstances not uniquely present at 97
those particular businesses or business locations, for more than 98
fourteen days due to the same epidemic of contagious or 99
infections disease. 100

(C) Divisions (A) and (B) of this section only apply to 101
orders or regulations of the board of health of a city or 102
general health district, issued under this chapter, in the case 103
of an emergency caused by an epidemic of contagious or 104
infectious disease. Divisions (A) and (B) of this section do not 105
apply to orders or regulations of the board of health of a city 106

or general health district, issued under this chapter, and 107
applicable only to particular businesses or business locations 108
due to circumstances uniquely present at those particular 109
businesses or business locations. 110

Section 2. That existing sections 3701.352, 3707.48, and 111
3709.211 of the Revised Code are hereby repealed. 112

Section 3. This act's amendment of sections 3701.352, 113
3707.48, and 3709.211 of the Revised Code and enactment of 114
sections 3701.353, 3707.481, and 3709.212 of the Revised Code 115
shall be known as "The Business Fairness Act." 116

Section 4. This act is hereby declared to be an emergency 117
measure necessary for the immediate preservation of the public 118
peace, health, and safety. The reasons for such necessity are 119
the economic effects of COVID-19. Therefore, this act shall go 120
into immediate effect. 121