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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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H.B. 621
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Cross and Wilkin

Andrew Little, Attorney

SUMMARY

- Enacts the Business Fairness Act, allowing businesses required to limit or cease operations by orders, rules, or regulations issued due to dangerous disease to sell products that are available from businesses not required to limit or cease operations by the order, rule, or regulation, so long as the same safety requirements imposed on businesses that were not required to limit or cease operations are observed.
- Declares an emergency.

DETAILED ANALYSIS

The Business Fairness Act

Operation

The bill enacts the Business Fairness Act. The Act grants businesses that have been required to limit or cease operations by certain orders, rules, or regulations, issued to curtail the spread of disease, the right to continue selling certain products, with two conditions:

- The products must be available for sale at a business that has not been required to cease or limit operations in the area affected by the order, rule, or regulation.
- The business that was required to cease or limit operations must comply with the same safety precautions that the order, rule, or regulation imposes on business that are permitted to continue operations.¹

¹ R.C. 3701.353, 3707.481, and 3709.212, with conforming changes in R.C. 3701.352, 3707.48, and 3709.211.

Orders affected

The bill applies to the following orders, rules, and regulations:

- Rules adopted by the Department of Health and orders adopted by the Director of Health to prevent a threat to the public caused by a pandemic, epidemic, or bioterrorism event.
 - A violation of such an order is a second degree misdemeanor, punishable by up to 90 days in jail and a \$750 fine.²
- Orders or regulations of the board of health of a city or a general health district issued due to epidemic, threatened epidemic, or the unusual prevalence of a dangerous communicable disease.
 - A violation of such an order is a minor misdemeanor, punishable by a fine, up to \$150, on a first offense and a fourth degree misdemeanor, punishable by a fine, up to \$250, and up to 30 days in jail on a subsequent offense.³
- Emergency orders or regulations of the board of health of a city or general health district issued in the case of an epidemic of contagious or infectious disease.
 - These order are enforceable by court ordered injunctions, and a violation is punishable by a fine, up to \$100, and up to 90 days in jail, though no jail term is permitted for a first offense.⁴

HISTORY

Action	Date
Introduced	05-07-20

H0621-I-133/ks

² R.C. 3701.353, with conforming changes in R.C. 3701.352; R.C. 3701.99, 2929.24, and 2929.28, not in the bill.

³ R.C. 3707.481, with conforming changes in R.C. 3707.48; R.C. 2929.24, 2929.28, and 3707.99, not in the bill.

⁴ R.C. 3709.212, with conforming changes in R.C. 3709.211; R.C. 3709.20, 3709.21, and 3709.99, not in the bill.