A BILL

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

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

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

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

Sec. 3701.353. A business that has been required to cease or limit operations by order or rule of the director or
department of health, issued under this chapter to prevent a threat to the public caused by a pandemic, epidemic, or bioterrorism event, may continue or resume operations to sell certain products if both of the following are true:

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

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

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

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

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

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

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

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

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

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

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

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

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