



OHIO WHOLESALE MARKETERS ASSOCIATION

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May 11, 2020

The Honorable John Eklund, Chair
Senate Judiciary Committee
Senate Office Building
Ohio Statehouse
Columbus Ohio 43215

RE: Senate Bill 308 – Civil Liability of Service Providers in Emergency

Dear Senator Eklund,

On behalf of the members of the Ohio Wholesale Marketers Association, I am writing to share support for Senate Bill 308 that is pending in the Senate Judiciary Committee.

OWMA's distributor members are primarily small multi-generation family owned businesses that are the link between manufacturers and retailers, making sure that consumers find the products they want and need on store shelves in their communities. As essential businesses under federal and Ohio Covid-19 emergency directives, they have been continuing operations as suppliers of food, drinks, tobacco products, paper products, cleaning supplies, non-prescription medications and other products to convenience stores, small grocers/mom-n-pops and restaurants across the state. Some also supply businesses and organizations that are not operating under Covid-19 orders including casinos, schools [K - higher ed], parks, summer camps, community pools/rec centers and many other hospitality/entertainment venues.

OWMA's members take seriously their responsibility to their employees and their customer accounts. They have implemented best practices for Covid-19 specific safety protocols using state and federal guidance adapted for their specific business operations. Some procedure changes can add time to how long it should take to move a task from start to finish. It gets more complicated if employees are off because they are in a high risk category or they lost childcare. But these businesses remain committed to taking care of their employees, getting the job done and keeping stores stocked.

At the same time, they have concerns for their businesses moving forward including higher than normal account receivables because some business customers closed, hopefully temporarily, before invoices were paid; excise and business tax due dates when operating cash flow is getting tighter; workforce returning to full staffing levels; and liability risk if anyone who comes in contact with their company associates is diagnosed with Covid-19.

OWMA appreciates that Senate Bill 308 recognizes the importance of protecting businesses that are essential and remaining open from pandemic related lawsuits. This protection is equally important to businesses, some which are customers to OWMA members, that are assessing the risk of reopening as we continue moving through this pandemic time. Frivolous lawsuits are time consuming and expensive and the risk of being named in one is an unnecessary hurdle for all businesses. Senate Bill 308 gives businesses important protection as they continue to operate or as they contemplate reopening to move Ohio's economy forward.

Thank you for considering Senate Bill 308 and please do not hesitate to contact me if you have questions.

Sincerely,

Beth Wymer
Executive Director