

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**H. B. No. 127**

**Representative Merrin**

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**A BILL**

To establish relief for businesses that have 1  
violated COVID-19 orders by vacating and 2  
expunging the violations and by refunding fines 3  
to those businesses and to make an 4  
appropriation. 5

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

**Section 1.** (A) As used in Sections 1, 2, and 3 of this 6  
act: 7

(1) "Board of health" means a city board of health or a 8  
general health district, or an authority having the duties of a 9  
city board of health as authorized by section 3709.05 of the 10  
Revised Code. 11

(2) "Business" means a corporation, association, 12  
partnership, limited liability company, sole proprietorship, 13  
joint venture, or other business entity composed of one or more 14  
individuals, whether or not the entity is operated for profit. 15

(3) "Order" means any of the following: 16

(a) An executive order addressing COVID-19 or any other 17  
order related to such an executive order; 18

(b) A state or local order or rule issued under Chapter 3701. of the Revised Code related to COVID-19;	19 20
(c) A rule promulgated under division (G) of section 119.03 of the Revised Code related to COVID-19;	21 22
(d) Any other rule, order, or directive issued by a state agency or a board of health imposing restrictions related to COVID-19 on a business.	23 24 25
(4) "State agency" means the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state of Ohio.	26 27 28 29
(B)(1) Any violation or any sanction imposed in response to any violation of an order by a business that occurred between March 14, 2020, and the effective date of this section is hereby vacated.	30 31 32 33
(2) Not later than thirty days after the effective date of this section:	34 35
(a) The Director of Budget and Management, in consultation with state agencies, shall determine the amount of money collected by a state agency in civil or administrative penalties for each violation of an order by each business that occurred between March 14, 2020, and the effective date of this section. After that determination, the Director shall refund to each business the amount of penalties paid by each such business.	36 37 38 39 40 41 42
(b) A board of health shall determine the amount of money collected by the board of health in civil or administrative penalties for each violation of an order by each business that occurred between March 4, 2020, and the effective date of this section. After that determination, the board of health shall	43 44 45 46 47

refund to each business the amount of penalties paid by each 48  
such business. 49

(c) A state agency or board of health, as applicable, 50  
shall expunge any record of a violation. 51

(d) A state agency or board of health shall treat any 52  
finding of a violation as a nullity and take the steps within 53  
its power, forthwith, to restore any rights or privileges lost 54  
as a result of a finding of violation. These steps shall include 55  
but shall not be limited to reinstatement of a revoked license 56  
and other right or privilege to do business. 57

(3) If a state agency or board of health has initiated, 58  
but has not completed, disciplinary action against a business 59  
for violation of an order that occurred between March 14, 2020, 60  
and the effective date of this section, the state agency or 61  
board of health shall cease taking such action regarding the 62  
order. 63

(C) Notwithstanding any provision of law to the contrary, 64  
on and after the effective date of this section, a state agency 65  
or board of health shall not take any disciplinary action 66  
against a business if both of the following apply: 67

(1) The disciplinary action is based on a violation of an 68  
order and the violation occurs after the effective date of this 69  
section, but before October 1, 2021. 70

(2) Other than violating the order, the business operated 71  
in compliance with the business's applicable licenses and 72  
permits. 73

**Section 2.** Not later than thirty days after the effective 74  
date of this section, or as soon as possible thereafter, each 75  
state agency that has collected money in civil or administrative 76

penalties for the violation of an order, in consultation with 77  
the Director of Budget and Management, shall determine the 78  
amount of fine revenue collected in accordance with Section 1 of 79  
this act. Each state agency shall certify to the Director of 80  
Budget and Management a list of businesses that were issued a 81  
fine and the amount of that fine in accordance with Section 1 of 82  
this act. Upon receipt of this list from each state agency, the 83  
Director of Budget and Management shall issue a reimbursement to 84  
those businesses in the amount certified. The certified amounts 85  
are hereby appropriated. 86

**Section 3.** Notwithstanding other jurisdictional or venue 87  
limitations, any business may bring an action in the court of 88  
common pleas in a county where the business is located to 89  
enforce the rights, privileges, and obligations identified in 90  
Sections 1 and 2 of this act. 91