

As Re-Referred by the House Rules and Reference Committee

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 127

Representative Merrin

Cosponsors: Representatives Wiggam, John, Creech, Fowler Arthur, Ginter

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, including emergency rule 4301:1-1-13 and emergency rule 4301:1-1-80 of the Administrative Code;	21 22 23 24
(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.	25 26 27
(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.	28 29 30 31
(B) 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, including violations adjudicated by the Liquor Control Commission under rule 4301:1-1-13, rule 4301:1-1-80, and, insofar as the violation relates to COVID-19, rule 4301:1-1-52(B) (1) of the Administrative Code.	32 33 34 35 36 37 38
(C) Not later than thirty days after the effective date of this section, all of the following shall occur:	39 40
(1) A state agency or board of health, as applicable, shall expunge any record of a violation that is vacated under division (B) of this section.	41 42 43
(2) The Division of Liquor Control within the Department of Commerce and the Department of Public Safety shall expunge	44 45

any record of a violation of rule 4301:1-1-13 and rule 4301:1-1-80, and, insofar as the violation relates to COVID-19, rule 4301:1-1-52(B) (1) of the Administrative Code, that occurred between March 14, 2020, and the effective date of this section. The Liquor Control Commission shall notify any business that was convicted of a penalty under rule 4301:1-1-13 or rule 4301:1-1-80, or of a penalty related to COVID-19 under rule 4301:1-1-52(B) (1) of the Administrative Code, that the conviction is expunged.

(3) A state agency or board of health shall treat any finding of a violation vacated and expunged under this section as a nullity and take the steps within its power, forthwith, to restore any rights or privileges lost as a result of a finding of a violation. These steps shall include but shall not be limited to reinstatement of a revoked license and other right or privilege to do business.

(D) Not later than thirty days after the effective date of this section, all of the following shall occur:

(1) (a) Except as provided in division (D) (1) (b) of this section, 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. If the business no longer exists, the Director shall make a reasonable effort to locate, and issue the refund to, the owner of the business.

(b) A financial penalty that was paid by a business for a

conviction under rule 4301:1-1-13 or rule 4301:1-1-80, or for a 76
COVID-19 related conviction under rule 4301:1-1-52(B) (1) of the 77
Administrative Code, shall be refunded under division (D) (1) (a) 78
of this section, unless another conviction was assessed at the 79
time of the adjudication for a violation not related to rule 80
4301:1-1-13 or rule 4301:1-1-80, or not related to a COVID-19 81
enforcement of rule 4301:1-1-52(B) (1) of the Administrative 82
Code. 83

(2) A board of health shall determine the amount of money 84
collected by the board of health in civil or administrative 85
penalties for each violation of an order by each business that 86
occurred between March 14, 2020, and the effective date of this 87
section. After that determination, the board of health shall 88
refund to each business the amount of penalties paid by each 89
such business. If the business no longer exists, the board of 90
health shall make a reasonable effort to locate, and issue the 91
refund to, the owner of the business. 92

(E) Not later than thirty days after the actions required 93
under divisions (C) and (D) of this section are complete, the 94
Liquor Control Commission shall issue a report to the House of 95
Representatives and the Senate that all violations of rule 96
4301:1-1-13 and rule 4301:1-1-80, and all COVID-19-related 97
violations of rule 4301:1-1-52(B) (1) of the Administrative Code, 98
have been expunged and that fine money related to those 99
violations was refunded. 100

(F) If a state agency or board of health has initiated, 101
but has not completed, disciplinary action against a business 102
for violation of an order that occurred between March 14, 2020, 103
and the effective date of this section, the state agency or 104
board of health shall cease taking such action regarding the 105

order. 106

(G) This section shall not be construed as prohibiting a 107
state agency or board of health from enforcing restrictions, 108
requirements, or other matters not satisfying the definition of 109
"order" in division (A) of this section. 110

Section 2. Not later than thirty days after the effective 111
date of this section, or as soon as possible thereafter, each 112
state agency that has collected money in civil or administrative 113
penalties for the violation of an order, in consultation with 114
the Director of Budget and Management, shall determine the 115
amount of fine revenue collected in accordance with Section 1 of 116
this act. Each state agency shall certify to the Director of 117
Budget and Management a list of businesses that were issued a 118
fine and the amount of that fine in accordance with Section 1 of 119
this act. Upon receipt of this list from each state agency, the 120
Director of Budget and Management shall issue a reimbursement to 121
those businesses in the amount certified. The certified amounts 122
are hereby appropriated. 123

Section 3. Notwithstanding other jurisdictional or venue 124
limitations, any business may bring an action in the court of 125
common pleas in a county where the business is located to 126
enforce the rights, privileges, and obligations identified in 127
Sections 1 and 2 of this act. 128