

As Introduced

134th General Assembly
Regular Session
2021-2022

S. B. No. 85

Senator Williams

Cosponsors: Senators Yuko, Antonio, Maharath

A BILL

To enact section 4113.66 of the Revised Code to
prohibit the use of noncompete provisions in
employment contracts in the broadcasting
industry.

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

Section 1. That section 4113.66 of the Revised Code be
enacted to read as follows:

Sec. 4113.66. (A) As used in this section:

(1) "Broadcasting industry employer" includes any of the
following:

(a) Television stations or networks, radio stations or
networks, cable stations or networks, and internet or satellite-
based services similar to a broadcast station or network;

(b) Any broadcast entities affiliated with any of the
entities listed in division (A)(1)(a) of this section;

(c) Any other entity that provides broadcasting services
such as news, weather, traffic, sports, or entertainment reports
or programming.

(2) "Broadcast employee" means any on-air employee or off-air employee employed by a broadcasting industry employer. 18
"Broadcast employee" does not include a management employee 19
employed by a broadcasting industry employer. 20
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(3) "Management employee" means an employee who formulates 22
policy on behalf of the broadcasting industry employer, who 23
responsibly directs the implementation of policy, or who may 24
reasonably be required on behalf of the broadcasting industry 25
employer to have a major role in personnel administration. 26

(B) No broadcasting industry employer shall require a 27
broadcast employee or a prospective broadcast employee to agree, 28
as a condition of employment with the broadcasting industry 29
employer, that at the conclusion of the employment with the 30
broadcasting industry employer, the employee will refrain from 31
obtaining employment in a specified geographic area, for a 32
specific period of time, with a particular employer, or in a 33
particular industry. 34

(C) This section does not prohibit a broadcasting industry 35
employer from requiring a broadcast employee or a prospective 36
broadcast employee to agree, as a condition of employment with 37
the broadcasting industry employer, that during the term of a 38
broadcast employee's employment contract with the broadcasting 39
industry employer the employee refrain from obtaining employment 40
in a specified geographic area, for a specific period of time, 41
with a particular employer, or in a particular industry. 42

(D) An agreement by a broadcast employee to waive the 43
broadcast employee's rights under division (B) of this section 44
shall be void and unenforceable. 45

(E) If a broadcast employee or prospective broadcast 46

employee believes that a broadcasting industry employer has 47
violated division (B) of this section, the broadcast employee or 48
prospective broadcast employee may bring a civil action against 49
the broadcasting industry employer in a court of competent 50
jurisdiction. A broadcasting industry employer who violates 51
division (B) of this section is liable to a broadcast employee 52
or prospective broadcast employee for damages and attorney's 53
fees and costs. 54