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H.B. 617
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Wiggam

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SUMMARY

- Prohibits individuals from being required to wear a mask or other facial covering in (1) a place of public accommodation, (2) a facility owned or operated by a political subdivision or state agency, or (3) a court.
- Permits an individual who believes a violation of the bill's provisions has occurred to (1) petition a court for injunctive relief or a declaratory judgment, or (2) bring a private civil action for money damages.

DETAILED ANALYSIS

Prohibition against required wearing of mask or facial covering

The bill provides that individuals cannot be required to wear a mask or other facial covering in (1) a place of public accommodation, (2) a facility owned or operated by a political subdivision or state agency, or (3) a court.¹ The bill defines a "place of public accommodation" to mean all of the following:²

- An inn, hotel, motel, or other place of lodging;
- A restaurant, bar, or other establishment serving food or drink;
- A motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;

¹ R.C. 9.59(B)(1).

² R.C. 9.59(A)(1).

- An auditorium, convention center, lecture hall, or other place of public gathering;
- A bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;
- A laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, publicly accessible area of a hospital, or other service establishment;
- A terminal, depot, or other station used for public transportation;
- A museum, library, gallery, or other place of public display or collection;
- A park, zoo, amusement park, or other place of recreation;
- A preschool, elementary, secondary, undergraduate, or postgraduate public or private school, or other place of education;
- A child care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; or
- A gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

The bill specifies that nothing in its provisions is to be construed as applying to a private residence.³

Enforcement and penalty

If an individual believes that a violation of the bill's provisions has occurred, the individual may (1) petition a court of competent jurisdiction for injunctive relief or a declaratory judgment, or (2) bring a private civil action in a court of competent jurisdiction for money damages against the place of public accommodation, political subdivision or state agency, or court.⁴ If an individual elects to bring a private civil action and proves by a preponderance of the evidence that a violation of the bill's provisions has occurred, the bill requires the court to award the individual both of the following:⁵

- Three times the amount of the individual's actual damages or \$200, whichever is greater; and
- The individual's reasonable attorney fees and court costs.

³ R.C. 9.59(B)(2).

⁴ R.C. 9.59(C)(1) and (2)(a).

⁵ R.C. 9.59(C)(2)(b).

HISTORY

Action	Date
Introduced	06-03-24
