As Introduced

134th General Assembly
Regular Session
2021-2022

S. B. No. 134

Senator Lang
Cosponsors: Senators Brenner, Cirino, Reineke, Romanchuk, Rulli, Wilson

A BILL

To amend sections 3701.352, 3707.48, and 3709.211 and to enact sections 3701.353, 3707.481, and 3709.212 of the Revised Code to enact The Business Fairness Act and to declare an emergency.

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

Section 1. That sections 3701.352, 3707.48, and 3709.211 be amended and sections 3701.353, 3707.481, and 3709.212 of the Revised Code be enacted to read as follows:

Sec. 3701.352. Except as otherwise provided in section 3701.353 of the Revised Code, no person shall violate any rule the director of health or department of health adopts or any order the director or department of health issues under this chapter to prevent a threat to the public caused by a pandemic, epidemic, or bioterrorism event.

Sec. 3701.353. (A) A business that has been required to cease or limit operations by order or rule of the director or department of health, issued under this chapter to prevent a threat to the public caused by a pandemic, epidemic, or
bioterrorism event, may continue or resume operations if it complies with any safety precautions that the order or rule requires of businesses that are permitted to continue operations.

(B) No rule the director of health or department of health adopts and no order the director or department of health issues or reissues under this chapter to prevent a threat to the public caused by a pandemic, epidemic, or bioterrorism event shall be applied to require businesses or business locations to close, due to circumstances not uniquely present at those particular businesses or business locations, for more than fourteen days due to the same pandemic, epidemic, or bioterrorism event.

(C) Divisions (A) and (B) of this section only apply to orders or rules of the director or department of health, issued under this chapter to prevent a threat to the public caused by a pandemic, epidemic, or bioterrorism event. Divisions (A) and (B) of this section do not apply to orders or rules of the director or department of health, issued under this chapter, and applicable only to particular businesses or business locations due to circumstances uniquely present at those particular businesses or business locations.

Sec. 3707.48. No person shall violate sections 3707.01 to 3707.50 or section 3707.53 of the Revised Code, or any order or regulation of the board of health of a city or general health district made in pursuance thereof, obstruct or interfere with the execution of such order, or willfully or illegally omit to obey such order.

Sec. 3707.481. (A) A business that has been required to cease or limit operations by order or regulation of the board of
health of a city or general health district, issued under this chapter due to epidemic, threatened epidemic, or the unusual prevalence of a dangerous communicable disease, may continue or resume operations if it complies with any safety precautions that the order or regulation requires of businesses that are permitted to continue operations.

(B) No order or regulation of the board of health of a city or general health district issued under this chapter due to epidemic, threatened epidemic, or the unusual prevalence of a dangerous communicable disease shall be applied to require businesses or business locations to close, due to circumstances not uniquely present at those particular businesses or business locations, for more than fourteen days due to the same epidemic, threatened epidemic, or period of unusual prevalence of a dangerous communicable disease.

(C) Divisions (A) and (B) of this section only apply to orders or regulations of the board of health of a city or general health district, issued under this chapter due to epidemic, threatened epidemic, or the unusual prevalence of a dangerous communicable disease. Divisions (A) and (B) of this section do not apply to orders or regulations of the board of health of a city or general health district, issued under this chapter, and applicable only to particular businesses or business locations due to circumstances uniquely present at those particular businesses or business locations.

Sec. 3709.211. Except as otherwise provided in section 3709.212 of the Revised Code, when an order of the board of health of a city or general health district made pursuant to section 3709.20 or 3709.21 of the Revised Code is not complied with in whole or in part, the board may petition the court of
common pleas for injunctive or other appropriate relief  
requiring all persons to whom such order of the board is  
directed to comply with such order. The court of the county in  
which such offense is alleged to be occurring may grant such  
injunctive or other appropriate relief as the equities of the  
case require.

Sec. 3709.212. (A) A business that has been required to  
cease or limit operations by order or regulation of the board of  
health of a city or general health district, issued under this  
chapter, in the case of an emergency caused by an epidemic of  
contagious or infectious disease, may continue or resume  
operations if it complies with any safety precautions that the  
order or regulation requires of businesses that are permitted to  
continue operations.

(B) No order or regulation of the board of health of a  
city or general health district issued under this chapter in the  
case of an emergency caused by an epidemic of contagious or  
infectious disease shall apply to require businesses or business  
locations to close, due to circumstances not uniquely present at  
those particular businesses or business locations, for more than  
fourteen days due to the same epidemic of contagious or  
infectious disease.

(C) Divisions (A) and (B) of this section only apply to  
orders or regulations of the board of health of a city or  
general health district, issued under this chapter, in the case  
of an emergency caused by an epidemic of contagious or  
infectious disease. Divisions (A) and (B) of this section do not  
apply to orders or regulations of the board of health of a city  
or general health district, issued under this chapter, and  
applicable only to particular businesses or business locations.
due to circumstances uniquely present at those particular
businesses or business locations.

Section 2. That existing sections 3701.352, 3707.48, and
3709.211 of the Revised Code are hereby repealed.

Section 3. This act's amendment of sections 3701.352,
3707.48, and 3709.211 of the Revised Code and enactment of
sections 3701.353, 3707.481, and 3709.212 of the Revised Code
shall be known as "The Business Fairness Act."

Section 4. This act is hereby declared to be an emergency
measure necessary for the immediate preservation of the public
peace, health, and safety. The reasons for such necessity are
the economic effects of COVID-19. Therefore, this act shall go
into immediate effect.