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H.B. 215
134th General Assembly

Bill Analysis

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Version: As Reported by House Economic and Workforce Development

Primary Sponsors: Reps. Wilkin and Cross

Andrew Little, Attorney

SUMMARY

- Enacts the Business Fairness Act, to:
 - Allow businesses required to limit or cease operations by orders, rules, or regulations issued due to the widespread presence of disease or a bioterrorism event to remain open so long as they observe the same safety requirements imposed on businesses that were not required to limit or cease operations.
 - Prohibit orders, rules, or regulations issued due to the widespread presence of disease or a bioterrorism event from requiring businesses or business locations to close due to circumstances not uniquely present at those particular businesses or business locations for more than 14 days.
- Declares an emergency.

DETAILED ANALYSIS

The Business Fairness Act

Operation

The bill enacts the Business Fairness Act, which grants businesses that have been required to limit or cease operations by certain orders, rules, or regulations, issued to curtail the spread of disease or a biological threat, the right to continue operations under one condition. They must comply with the same safety precautions that the order, rule, or regulation imposes on businesses that are not required to limit or cease operations.

The bill also limits closure of a business or business location by those same orders, rules, or regulations to 14 days if the closure is due to the general presence of a dangerous disease or

biological threat as opposed to circumstances uniquely present at the particular business or business location.¹

Orders affected

The bill applies to the following orders, rules, and regulations:

- Rules adopted by the Department of Health and orders adopted by the Director of Health to prevent a threat to the public caused by a pandemic, epidemic, or bioterrorism event.
 - A violation of such an order is a second degree misdemeanor, punishable by up to 90 days in jail and a \$750 fine.²
- Orders or regulations of the board of health of a city or a general health district issued due to epidemic, threatened epidemic, or the unusual prevalence of a dangerous communicable disease.
 - A violation of such an order is a minor misdemeanor, punishable by a fine, up to \$150, on a first offense and a fourth degree misdemeanor, punishable by a fine, up to \$250, and up to 30 days in jail on a subsequent offense.³
- Emergency orders or regulations of the board of health of a city or general health district issued in the case of an epidemic of contagious or infectious disease.
 - These orders are enforceable by court ordered injunctions, and a violation is punishable by a fine, up to \$100, and up to 90 days in jail, though no jail term is permitted for a first offense.⁴

HISTORY

Action	Date
Introduced	03-16-21
Reported, H. Economic and Workforce Development	04-21-21

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¹ R.C. 3701.353, 3707.481, and 3709.212, with conforming changes in R.C. 3701.352, 3707.48, and 3709.211.

² R.C. 3701.353, with conforming changes in R.C. 3701.352; R.C. 3701.99, 2929.24, and 2929.28, not in the bill.

³ R.C. 3707.481, with conforming changes in R.C. 3707.48; R.C. 2929.24, 2929.28, and 3707.99, not in the bill.

⁴ R.C. 3709.212, with conforming changes in R.C. 3709.211; R.C. 3709.20, 3709.21, and 3709.99, not in the bill.