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H.B. 621
133rd General Assembly

Bill Analysis

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Version: As Passed by the House

Primary Sponsors: Reps. Cross and Wilkin

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SUMMARY

- Enacts the Business Fairness Act, allowing businesses required to limit or cease operations by orders, rules, or regulations issued due to dangerous disease to remain open so long as they observe the same safety requirements imposed on businesses that were not required to limit or cease operations.

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, 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.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.

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

- 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	05-07-20
Reported, H. State and Local Gov't	11-12-20
Passed House (77-10)	11-18-20

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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.