

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 617

Representative Wiggam

Cosponsors: Representatives Click, Dean, Gross, Hall, Johnson, King, Merrin,  
Miller, K., Richardson, Stewart, Swearingen, Willis

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A BILL

To enact section 9.59 of the Revised Code to 1  
protect individuals from being compelled to wear 2  
a mask or other facial covering. 3

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

**Section 1.** That section 9.59 of the Revised Code be 4  
enacted to read as follows: 5

Sec. 9.59. (A) As used in this section: 6

(1) "Place of public accommodation" means all of the 7  
following: 8

(a) An inn, hotel, motel, or other place of lodging; 9

(b) A restaurant, bar, or other establishment serving food 10  
or drink; 11

(c) A motion picture house, theater, concert hall, 12  
stadium, or other place of exhibition or entertainment; 13

(d) An auditorium, convention center, lecture hall, or 14  
other place of public gathering; 15

- (e) A bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment; 16  
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- (f) 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; 18  
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- (g) A terminal, depot, or other station used for public transportation; 23  
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- (h) A museum, library, gallery, or other place of public display or collection; 25  
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- (i) A park, zoo, amusement park, or other place of recreation; 27  
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- (j) A preschool, elementary, secondary, undergraduate, or postgraduate public or private school, or other place of education; 29  
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- (k) A child care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; 32  
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- (l) A gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation. 35  
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- (2) "State agency" means any organized body, office, agency, commission, board, institution, or other entity established by the laws of the state for the exercise of any function of state government. 37  
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- (B) (1) No individual shall be required to wear a mask or other facial covering in any of the following locations: 41  
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<u>(a) A place of public accommodation;</u>	43
<u>(b) A facility owned or operated by a political subdivision or state agency;</u>	44
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<u>(c) A court.</u>	46
<u>(2) Nothing in this section shall be construed as applying to a private residence.</u>	47
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<u>(C) An individual who believes a violation of this section has occurred may do either of the following:</u>	49
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<u>(1) Petition a court of competent jurisdiction for injunctive relief or declaratory judgment.</u>	51
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<u>(2) (a) 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.</u>	53
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<u>(b) If the individual who brings a private action under division (C) (2) (a) of this section proves by a preponderance of the evidence that there was a violation of this section, the court shall award the individual both of the following:</u>	57
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<u>(i) Three times the amount of the individual's actual damages or two hundred dollars, whichever is greater;</u>	61
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<u>(ii) The individual's reasonable attorney fees and court costs.</u>	63
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