



Phil Mullin

Bill Analysis
Legislative Service Commission

H.B. 366

123rd General Assembly
(As Introduced)

Reps. Trakas, Gerberry, Willamowski, Goodman, Netzley, Calvert, Buchy, Coughlin, Krebs, Van Vyven, Williams, Schuring, Allen, DePiero, Callender, Hood, Corbin

BILL SUMMARY

- Prohibits a public agency generally from forbidding any person, including any of its officers or employees, from wearing any item of apparel or possessing any personal property, on any public property under the agency's jurisdiction or control, that displays an athletic team's logo or symbol, if the display is expression protected by the United States Constitution or the Ohio Constitution.

CONTENT AND OPERATION

The bill generally prohibits a public agency from forbidding any person, including an officer or employee of that agency, from wearing any item of apparel or possessing any personal property, on any public property under the agency's jurisdiction or control, that displays an athletic team's logo or symbol, if the display is considered to be expression protected by the First Amendment to the United States Constitution or expression protected by Section 11 of Article I of the Ohio Constitution (sec. 9.68(B)).¹ (See **COMMENT.**)

Under the bill, the prohibition described in the preceding paragraph does *not* (1) prohibit a public agency from adopting and applying to its officers or employees, or a public agency that is an educational institution from adopting and

¹ *The bill defines "public agency" as meaning a state agency or political subdivision, "political subdivision" as meaning a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in geographic areas smaller than that of the state, and "state agency" as meaning every organized body, office, or agency established by the laws of Ohio for the exercise of any function of state government (sec. 9.68(A)).*

applying to its students, a dress code that forbids the wearing of some or all items of apparel that display logos or symbols of athletic teams as long as the dress code applies to the logos or symbols of all athletic teams, or (2) apply to or affect the items of apparel worn by, or the personal property of, prisoners residing in a correctional institution (sec. 9.68(C) and (D)).

A public agency that violates the prohibition described in the second immediately preceding paragraph is ineligible to receive any state funds, whether by appropriation, grant, or any other form of distribution, until it is in compliance (sec. 9.68(E)).

COMMENT

Article I, Section 11 provides that every "citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right" and prohibits any law from being passed "to restrain or abridge the liberty of speech, or of the press."

HISTORY

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