



State Representative Jason Stephens
Sponsor Testimony - House Bill 671
House State and Local Government Committee
May 27, 2020

Rep. Stephens

If enacted, this legislation will take three measures to keep our economy up and running during a pandemic.

First, licensing authorities are prevented from taking punitive action against a license holder for operating in a way in which the license holder is already lawfully permitted to engage. This does not mean that businesses will not be punished for typical health inspector violations (food safety violations etc). Put simply, this bill does not allow businesses to be punished for their customers not adhering to social distancing guidelines, or for staying open.

Second, this bill will provide oversight to local health boards by subjecting them to review by the Joint Committee on Agency Rule and Review when implementing an order. If a local board of health makes an order or regulation under the same subject and same pandemic as the Dept. of Health Director. Then, the order will be under consideration for approval by JCARR. If JCARR votes to approve the order, then the order shall be effective for 14 days unless extended by the joint committee.

This is in place to ensure that local health boards are not issuing stricter orders than the Health Director's.

Lastly, this bill will ensure local businesses have a fair and speedy process within the court system if ordered to close.

Under this bill, businesses can appeal closing to the local court of common pleas.

The appeal shall be heard in 48 hours, and the court shall weigh 2 things: whether there is clear/convincing evidence that the pandemic significantly endangers public health, and

whether the local health board has considered more than one means for addressing the pandemic and if the order was the least restrictive of those means.

Our form of government is fundamentally based on checks and balances and separation of powers. This HB 671 puts in place a system, utilizing checks and balances that protects the public as well as business owners, even when epidemics of contagious or infectious diseases are declared by the Ohio Department of Health and/or Health Departments.

Chairman Wiggam and members of the committee, thank you again for the opportunity to provide sponsor testimony for HB 671, and at this time, we are happy to answer any questions.