



## Opponent Testimony

### HB 671

### Association of Ohio Health Commissioners (AOHC)

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### Before the House State and Local Government Committee, 6/3/20

Chairman Wiggam, Vice Chairman Stephens, Ranking Member Kelly and members of the House State and Local Government Committee:

The Association of Ohio Health Commissioners (AOHC) is presenting this testimony in strong opposition to House Bill 671, which proposes to:

- In an emergency caused by an epidemic of a contagious disease, generally prohibit a local board of health from issuing an order to prevent or restrict disease when the Department of Health has issued an order for the same epidemic.
- Allow a board of health to issue an order when the Department of Health has already done so, **but only on the approval of the General Assembly's Joint Committee on Agency Rule Review (JCARR).**
- Provide that any order issued by a board of health under the bill's provisions is effective for not more than 14 days, unless extended by JCARR.
- Specify that certain orders issued by the Department of Health or a board of health do not apply to the General Assembly, state courts, state departments, and state correctional institutions.
- Prohibit a state or local licensing authority from disciplining a licensee for engaging in a profession or occupation or operating a business permitted by the license during a pandemic event.
- Declare an emergency

These proposed changes have far-reaching implications for the local investigation and management of communicable disease outbreaks, including for all of the diseases listed on the attached list. In the event a local board of health determines the need to issue an order more stringent than a state level order, the situation is typically quite urgent and necessary for the protection of the public's health, to prevent the immediate spread of a serious communicable disease in a local community. One current example might be: the State changes their current order to allow limited visitation in nursing homes; one

particular nursing home is experiencing a significant outbreak of COVID-19. The local board of health, in order to respond effectively to that outbreak, orders just that specific nursing home to not allow visitors. That action would have to wait for approval by JCARR, who meets every three weeks, to be implemented. Hopefully you have seen in the states surrounding Ohio what a difference even one day can make in successfully managing an outbreak. Further, the requirement to return to JCARR to obtain an extension beyond 14 days, would allow the order to expire for 7 days before JCARR would meet again to act on the request for extension.

The bill's proposal to prohibit action against a licensee for activities permitted under that license presents additional difficulties. For example, during the period where restaurants were open for carry-out only, a foodborne outbreak may have been tracked back to food purchased at a particular restaurant, totally unrelated to COVID-19. The Board of Health may need to close that restaurant entirely until the contaminated food item is identified and removed from that restaurant. We do not believe it is the General Assembly's intention to delay or thwart the efforts of a local board of health to prevent the further spread of disease in such circumstances.

We believe this bill is attempting to solve a problem, given the current situation related to COVID-19, that simply does not exist in any significant way statewide, without consideration for its longterm impact on the ability of local boards of health to act on their statutorily stated mission to protect the public's health. Over the past two weekends, the Ohio Investigative Unit of the Department of Public Safety, in partnership with local health departments and local law enforcement, conducted statewide checks:

Friday/Saturday/Sunday of Memorial Day Weekend, May 23-25, 2020:

- 1496 checks
- 23 warnings issued
- 2 citations issues
- 0 arrests related to state health orders

Friday/Saturday – May 28-30, 2020

- 1440 checks
- 11 warnings
- 2 citations
- 0 arrests

The appropriate time will come for careful consideration of different ways to equip our state to respond in the future, including legislative changes that will strengthen our ability to respond in future public health crises. However, now is not that time, as our efforts are focused on a safe reopening of our state during a once-every-century pandemic that currently has no vaccine or effective therapeutic intervention. Tried and true public health measures remain our only effective mitigation strategy at this time.

Therefore, AOHC respectfully requests that you not act to advance House Bill 671. We are very eager to provide more information and to have continued conversations on this important public health issue. Thank you for your time.

DRAFT