

TESTIMONY BEFORE THE OHIO HOUSE FINANCE SUBCOMMITTEE
ON HEALTH AND HUMAN SERVICES
IN OPPOSITION TO SECTION 107.20 OF H.B. 166

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Chairman Romanchuk and members of the Committee: Thank you for considering my testimony in opposition to Section 107.20 of H.B. 166, the Ohio biennial budget proposal. I live near Dayton, Ohio and am a registered pharmacist with a Ph.D. in biopharmaceutics, specializing in pharmacology, toxicology, and drug kinetics.

Section 107.20 would transfer powers from the General Assembly to the Governor through the power of Executive Order. The Governor would have supreme authority to declare and enforce a so-called “public health emergency” anywhere in Ohio. This includes a “county, township, municipal corporation, school district, or other...geographic area smaller than ...the state.”¹

This legislation is unnecessary and potentially dangerous for the following reasons:

- The Ohio Revised Code already delegates public health matters, including public health emergencies, to the Director of Health, who is appointed by the Governor. Ohioans have been well-served by this arrangement.² Why change it?
- The Governor could order “transfer of cash” from other state agencies, bypassing legislative budget authority in state expenditures.³
- “Health care practitioners” not licensed in Ohio could “provide health care services during the emergency...”⁴ Who verifies these practitioners’ qualifications?
- The Executive Order would direct “state and local law enforcement agencies” to implement their police powers “for the purpose of securing compliance” with the order.⁵ Could Ohio families be threatened with arrest or imprisonment? Does this violate Ohio’s Home Rule constitutional provisions?
- Section 107.20 violates Article 1, Section 21 of the Ohio Constitution, which forbids “federal, state, or local law or rule [which] compel[s]...any person...to participate in a health care system.” The section defines “compel” as the “levying of penalties or fines...used to punish or discourage the exercise of rights...”

Considering the subjective nature of the term “public health emergency,” Section 107.20 could threaten Ohioans’ right to medical informed consent. The Ohio Revised Code should not be altered to give the Governor sole power to negate the civil rights of Ohioans by usurping legislative authority. The General Assembly should delete Section 107.20 from H.B. 166.

¹ H.B. 166, 133rd General Assembly, 2019-2020, §107.20 (A), (B)(1) and (B)(2)

² See R.C. 3701.03; 3701.04; 3701.048; 3701.13.

³ §107.20 (C)(6)

⁴ §107.20 (C)(4)

⁵ §107.20 (D)(1)