



We have the legal right of way.

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Interested Party Testimony on Senate Bill 308
Senate Judiciary Committee
May 27, 2020

Chair Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the House Civil Justice Committee, thank you for the opportunity to provide written-only interested party testimony regarding Senate Bill 308. Disability Rights Ohio (DRO) is the state's designated and federally authorized protection and advocacy system for people with disabilities. DRO has the mission to advocate for the human, civil, and legal rights of people with disabilities. Because of this, DRO would like to raise concerns with this legislation and its impact on people with disabilities in Ohio.

As you know, the COVID-19 pandemic has a disproportionate impact on people with disabilities. SB 308 puts individuals at an even greater risk of illness or death and allows businesses to injure, infect, or kill people without any liability. This testimony will address two provisions of the bill that will have a disparate impact on people with disabilities.

- 1) SB 308 will disproportionately impact on people with disabilities receiving care in hospitals, congregate care settings, and in home and community-based settings.** The bill exempts healthcare providers from lawsuits and professional discipline for all negligent and reckless acts taken, or omitted, during the COVID-19 pandemic. This provision would provide a broad shield for healthcare professionals and allow discriminatory action against people with disabilities. Specifically, the bill prohibits individuals from taking legal action if a provider does not treat an individual for COVID-19. This puts individuals with disabilities living in congregate care settings and in home and community-based settings at an even greater risk of contracting the virus and potentially death.
- 2) SB 308 has a disparate impact on employees with disabilities.** The bill prevents businesses from being responsible for the transmission of COVID-19 regardless if the employer has taken necessary safety precautions or not. As you know, people with disabilities are more likely to contract COVID-19 and as the economy begins to reopen it is critically important for businesses to take all precautions to protect their employees. Not following the recommended safety guidelines will put employees with disabilities at greater risk of contracting the virus.

Furthermore, SB 308 does not have an effective end date and provides immunity to providers and businesses during any public health emergency essentially ensuring long-term immunity for

negligent behavior. The language in the legislation is overly broad and would have a disproportionate impact on people with disabilities in Ohio.

DRO appreciates the opportunity to provide interested party testimony regarding SB 308 and how the legislation will impact people with disabilities in Ohio. If you have any questions or wish to discuss the issue further feel free to reach out to me or Jordan Ballinger, Policy Analyst (614-466-7264 x135 or jballinger@disabilityrightsohio.org)