

Testimony of Kathleen Gmeiner, JD, MHSA  
Ohio Senate Committee on Transportation, Commerce and Workforce  
December 9, 2020  
HB 621 – Opponent Testimony

Chairman McColley, Vice Chair Johnson, Ranking Member Antonio, and members of the Ohio Senate Committee on Transportation, Commerce and Workforce.

I am Kathleen Gmeiner. I am a retired health care advocate and an attorney who is inactive. I am very concerned about the continuing spread of the Corona virus throughout Ohio and the country. I would like to be delivering my testimony in person, but as a person over 70 with a spouse with an underlying medical condition it is not safe for me to do so. I hope that the Ohio General Assembly will create a way to testify virtually as the Columbus City Council has done.

I oppose HB 621 because it will lead to confusion, is not necessary and there are other ways to reach the fairness that it seeks to achieve.

- I say it will lead to confusion because “business” is not defined. Is it retail business? All businesses? For-profit businesses? Not-for-profit businesses? Service businesses? Can a person who provides massage services open her business following a closure order if she wears the same PPE as a health care provider? Or is the health care provider not the comparable group? But who is? And if the health care provider is the comparable group, which health care provider? Some health care providers are short on PPE and wear one mask for an entire shift, or longer.
- I say it is not necessary because I am doubtful Ohio will see the type of mandated business closures that originally prompted this bill. Given how high Ohio’s COVID daily numbers are right now, and the fact that retail remains open is a sign that the Governor intends to do all he can to avoid shutting down the economy as was done in the spring of 2020.
- There are other ways to achieve the fairness HB 621 hopes to achieve. Since the adoption of the closure orders issued in the spring of 2020, each closed business had the option of contesting with the local health department whether other like businesses that remained open were truly essential. If the big box stores were selling jewelry, apparel, accessories, or housewares because they were able to sell essentials such as food and pharmaceuticals, the solution for the small business was to file a complaint with the health department. I do not know if any businesses did that. If they did and that was unsuccessful, then this bill should be more narrowly crafted to address that issue alone.

Thank you for your concern about this issue.