

Opposition Testimony for HB 435

Cosponsors: Speaker Cupp, Representatives Ginter, Jones, Abrams, Lipps

Opposition Testimony: Michael N. Dohn, MD MSc

Ohio House Labor and Commerce Committee ~ October 6th and 7th 2021

Submitted to: Bob.Reed@OhioHouse.gov, 5 October 2021

Chairman Stein, Vice Chair Johnson, Ranking Member Lepore-Hagan, and members of the Ohio House Labor and Commerce Committee:

I am Dr. Michael Dohn. I serve as the Medical Director for Public Health - Dayton & Montgomery County. I am writing as an individual, though my opposition to HB 435 is informed by my training as a physician and my education and background in population and public health.

HB 435 is not helpful for the control of the COVID-19 pandemic in Ohio and does not advance an agenda aimed at restoring Ohio to normal business and educational activities. It is hard for me to conceive how HB 435 supports Ohio businesses when it removes the rights of owners to manage their businesses as they see fit to accomplish their commercial goals. Employers should be able to do what is best for the health and safety their employees and customers. Similarly, when the state legislature uses HB 435 to take away the ability of local schools to make the best decisions for their students, it usurps local school control and places students' health in danger.

The selective prohibition against vaccines that have Food and Drug Administration (FDA) Emergency Use Authorization (EUA) directly cancels the whole reason that the FDA issues EUA's. The FDA grants EUA's to get beneficial and life-saving new therapeutics (as is the case with COVID vaccines) to the American population early on when they are shown to be safe and effective. The state legislature seeks to withhold effective health measures from the population when the ethical position would be to encourage the adoption COVID vaccination and all the benefits that accrue to the citizens of Ohio in terms of health, avoidance of preventable morbidity and mortality, sustained economic activity without illness-based disruptions, and maintenance of educational opportunities for our young people and children. Through

HB 435, the state legislature goes on record as against the best interests of the citizens of Ohio and in favor of withholding proven health measures and vaccines from the people. With HB 435, the legislature declares that it is in favor of the government interfering with business practices in Ohio.

Vaccine requirements protect health and also support health equity. Two recent articles published in the Journal of the American Medical Association discuss the question of mandatory vaccination against SARS-CoV-2 and are representative of the current medical and public health data that underlies the pragmatic considerations of requiring vaccines and monitoring vaccination levels (Gostin, Shaw, & Salmon, 2021; Talbot, 2021).

Both articles propose that requirements for vaccination against SARS-CoV-2 is a “logical addition” (to use the words of one author) to the current protections offered students and employees within existing academic and institutional safety programs. HB 435 stands in stark contrast to these summaries of best practice and considerations for protecting people’s health.

Talbot writes, “One of the true scientific triumphs of the COVID-19 pandemic has been the development of safe and highly effective vaccines against SARS-CoV-2.”

Gostin and colleagues write that mandatory vaccination and proof of vaccination increase vaccine uptake and promote health equity when applied across a population (for example, school children) irrespective of socioeconomic or other status. Health equity and the decreasing of health disparities among Ohioans is a priority for public health and local governments across Ohio. This consideration applies to schools, colleges and universities, and businesses.

HB 435 is a mistake. Despite all the legal language and length in HB 435, the premise is fatally flawed. HB 435 ought to be rejected by the Ohio House Labor and Commerce Committee and not referred to the House for a vote.

~ Michael Dohn (see appended Witness Information Form for additional information)