



Representative Jena Powell
Ohio's 80th House District

Chairman Wilkin, Vice Chair White, Ranking Member Sweeney, and members of the House Government Oversight Committee, thank you for the opportunity to present sponsor testimony on HB 202, to remove the statewide mask mandate.

During times of public health emergencies, we all recognize that the government has a legitimate interest in short-term authority. It has now been over a year since our Governor declared a state of emergency in Ohio. He has imposed a statewide mask mandate on all Ohioans since July 23, 2020. Time has elapsed, and we now know that data has not supported, and does not support, the continued lockdowns, regulations, and mask mandate that the Governor unilaterally demands of Ohioans.

Everyone who wants to get a vaccine in Ohio can now get a vaccine. The CDC reports that 80% of the US population over 65 has received at least one dose of the vaccine, and 51% of the entire US adult population has received at least one dose of the vaccine. 65% of the US population over 65 is fully vaccinated, and 33% of all US adults are fully vaccinated.

If you want to guard against contracting COVID-19, you can get a vaccine or make your own adequate decisions to stay healthy. People are making personal choices every day right now regarding whether or not to get vaccinated, and we need to extend that personal choice to the wearing or not wearing of facemasks.

24 states have no mask mandate. 24. That is almost half of our nation.

The numbers have decreased in these states once their mask mandate was lifted. These 24 states have either never had a statewide mask mandate or have since removed their statewide mask mandates.

Alabama – mask mandate order expired April 9th, 2021

Alaska – there has never been a statewide mandate

Arkansas – on March 31st, Governor Hutchinson removed his 8 month long mask mandate order

Arizona – Governor Ducey issued orders on March 25th not allowing cities and counties to have mask mandates except for in government buildings and on public transportation. Arizona,

however, never had a statewide mask mandate (except requiring masks for personal care shops like salons and barbershops).

Florida – there has never been a statewide mandate

Georgia – there has never been a statewide mandate

Idaho – there has never been a statewide mandate

Indiana – changed from mandatory order to advisory recommendation on April 6th

Iowa – Governor Reynolds lifted the statewide mask mandate on February 7th

Kansas – the Kansas legislature removed the Governor’s statewide mask mandate on April 1st

Mississippi – mask mandate lasted about two months, ending September 30th Then, in September, their Governor issued a new order making it mandatory to wear masks only in indoor public places in counties with super high covid cases, and this order expired March 3rd. (although children are still required to wear masks in schools)

Missouri – never been a statewide mandate

Montana – there was an order from July –February, but on February 12th the order ended.

Nebraska – there has never been a statewide mandate. Only personal care shop customers and employees (barber shops and salons) must wear masks.

New Hampshire – mask mandate expired April 16th (about six months after implementation) and has not been renewed.

North Dakota – mask mandate was only in place from November 14th to January 18th.

Oklahoma – never been a statewide mandate

South Carolina – never been a statewide mandate

South Dakota – never been a statewide mandate

Tennessee – never been a statewide mandate

Texas – there was a mandate for about 8 months, which was lifted by Governor Abbott on March 10th.

Utah – there was a mandate for about 5 months, but it ended on April 10th

Wisconsin – the Wisconsin Supreme Court struck down Governor Evers’ statewide mask mandate on March 31st.

Wyoming – there was a mandate for about 3 months, which was lifted by Governor Gordon on March 16th.

Again, I'd like to reiterate that over 80% of the US population over 65 and over 51% of all US adults have had at least one dose of the vaccine. 65% of the US population over 65 and 33% of all US adults are fully vaccinated.

Committee members, this is a freedom issue in our state. The executive branch of government, for an extended period of time, has been infringing on our rights by mandating every individual's personal health decisions.

In *Skyworks, LTD v Centers for Disease Control and Prevention*, the United States District Court mentions how it is unconstitutional for there to be unlimited and ongoing executive administrative orders without Congressional action or specific and unambiguous statutory direction.

In an Ashland County case this month in Ohio, the Court said:

“R.C. 3701.13 grants no authority to the Director of the Ohio Department of Health to issue or enforce mandatory mask, social distancing, or other similar type orders since there is *no* stated or implied authority in R.C. 3701.13 which authorizes any action to prevent the spread of contagious or infectious disease (the orders' express purpose). Under R.C. 3701.13, the Ohio Department of Health only has ultimate authority in matters of *quarantine and isolation*. Furthermore, the orders at issue in Erie County, Lake County, as well as the *Dine Safe Ohio* Order in this case, fail to accomplish anything scientifically demonstrable, or otherwise corroborated with empirical data, to prevent the spread of contagious or infectious disease even if that purpose were authorized by R.C. 3701.13.”

A recent Stanford University study that came out this week about COVID and masks says,

“The existing scientific evidences challenge the safety and efficacy of wearing face masks as preventative intervention for COVID-19. The data suggest that both medical and non-medical face masks are ineffective to block human-to-human transmission of viral and infectious disease such as SARS-CoV-2 and COVID-19, supporting against the usage of facemasks. Wearing facemasks has been demonstrated to have substantial adverse physiological and psychological effects. These include hypoxia, hypercapnia, shortness of breath, increased acidity and toxicity, activation of fear and stress response, rise in stress hormones, immunosuppression, fatigue, headaches, decline in cognitive performance, predisposition for viral and infectious illnesses, chronic stress, anxiety and depression. Long-term consequences of wearing face masks can cause health deterioration, developing and progression of chronic diseases and premature death.”

This is precisely why wearing or not wearing a facemask should be a personal decision, between you and your doctor.

I have heard and received thousands of stories from individuals around Ohio who are suffering deeply because of Governor DeWine's mask mandate. I want to share just a few of those stories with you.

"My daughter is 5 she has down syndrome which results in a language delay. She needs to see our face[s] so she can communicate. When we go out in public we get dirty looks just because we are trying to communicate with our child. It is sad that we are now back to shaming and discriminating against the disabled and their caretakers."

"I am a PTSD soldier with suicidal ideology who is also a rape and domestic violence survivor. I struggle so hard on a daily basis to overcome my anxiety issues. Slowly as the years have passed I was starting to thrive again...The day we were forced to wear these stupid masks it triggered the anxiety to mass proportions all over again. It brought back all the memories and pain of all that trauma. I felt like I was back in those traumatic events. If I had to go anywhere and I wouldn't wear a mask I was threatened to have the law called on me. They didn't care when I told them I had trauma issues."

"I'm a brain tumor survivor. I can't wear a mask without risking permanent brain damage. My wife has severe allergies and CPTSD. We have had to do the best we can for about a year now to function in this new dystopian society without wearing masks. It has taken so much of our time and energy and has absolutely sucked the color out of our lives."

"My husband is a farmer and is deaf. He wears hearing aids, but with people wearing masks, he can't understand anything they say (plus no one speaks loudly or enunciates their words, so there's that). IT IS SO FRUSTRATING FOR HIM! He is 73 years old, and I'm sure people just think he's just another crotchety old guy.... Masks have truly restricted his freedom to live his life and do his job!"

"My 7-year-old developed OCD and anxiety due to the lockdown and disruption in his daily life last spring when we were forced into quarantine...He is unable to wear a mask or do virtual appointments (which induces panic attacks) due to his anxiety. He was doing really well and showing improvements after the first couple of in-person sessions. We were then told that we had to have a medical exemption in writing in order to continue to see him in person. They stated 2 separate times in writing that they didn't need to know what the medical condition was, just that he was unable to wear one from a medical professional. When we provided his written medical exemption, they told us that they wouldn't accept it (no specific reason was given), mocked our "unidentified medical condition" - which they said we didn't need to identify and they already knew it was due to his anxiety and said he could no longer come to his appointments unless he would wear a mask. My son is no longer able to get the help he needs thanks to the unlawful restrictions that the governor has put on the state."

"I have a 5-year-old son who suffers from allergies and asthma along with a speech delay due to endless ear infections when he was very young. He has also had pneumonia multiple times within the past couple years. Masks increase all his breathing issues and further set back his speech progress. I also have a 8-year-old son who is terrified of ever breaking a rule, so masks give him tremendous anxiety. He is afraid to lift or move his mask to eat or drink or breath; due to the fact, that he might get in trouble. We have kids suffering from dry mouth, coughing,

headaches, anxiety, social issue, depression, developing social anxiety, children on IEPs dealing with setbacks, etc.”

“I have Lyme disease and a nervous system disorder called dysautonomia which causes dizziness, heart palpitations, nausea and headaches when wearing a mask (even for 5 minutes) and the mask triggers it for the rest of the day, not just when wearing the mask. My two daughters get headaches from mask wearing, both at church and because required at orchestra.”

“So many of us walk around with the anti-bodies either from the vaccine or from having covid, and yet we continue to live without the freedom to decide if we want to mask our own face. I have felt a difference in the community around me on the sidewalks I walk on and stores I shop in with the lack of smiles and greetings to each other. In the gym, I see people pushing themselves beyond what is healthy for their body on cardio machines, restricting the oxygen they need for their body out of fear that they might be confronted for not wearing a mask. In schools, kids don’t see the encouraging faces of their teachers, but instead have barriers on their faces making it even harder to make friends after a year of being socially isolated from them. It’s time to return to a community of friendliness, where you can smile at someone as you see them and not cower in fear behind a mask that really is only a social barrier, not a “covid-barrier”.”

“my daughter suffers from a social anxiety disorder called Selective Mutism in addition to dyslexia. [she] has struggled to be verbal in a school setting, and has spent many years working with amazing educators to help her speak while in a school setting. She is currently verbal, but her voice level only goes above a whisper i[n] most situations. Wearing a mask, has increased her anxiety about speaking and prohibited her from being heard. In previous years, if she was not at a speaking level she could communicate nonverbally and/or her teachers could see her facial expressions to understand if she was trying to speak. Masks have stopped her progress, and made her less successful in the classroom.”

“1. My clinical depression that was in remission for 10+ years returned with a vengeance. I became depressed and started having thoughts about self harm. I also gained 20 pounds.

2. Every time I go shopping and am forced to wear a mask (hello, Costco!), my mental state is depressed. For the rest of the day, I am unable to cope with my normal daily tasks.

3. I have become extremely isolated and I have developed anxiety to the point of panic attacks when I am forced to wear a mask.

4. Friends will not visit and don't want to be with my family because we refuse to wear masks. Friendships that have been in existence for 20+ years are dissolving because of masks.”

“As a survivor of childhood sexual tra[u]ma I suffer from PTSD and severe anxiety. Covering my face causes panic attacks. Our Governor is not a medical professional, our director of health is not a medical professional, none of the people enforcing these ridiculous restrictions have medical degrees. I am also a recent cancer survivor and was given treatment options and a choice with my own health and body. Given the survival rate of this overhyped virus the decision to wear a mask should be left to the individual to make their own medical assessment and decide what's best for them.”

“I have been denied basic healthcare that I desperately need and medications that need monitored for over a year. The rheumatologist I go to is associated with Cleveland Clinic and has refused me healthcare. I not only need this appointment but also to see an optometrist because my disease affects my eyes and I have a cataract forming. I've been denied a mammogram with a high family history of breast cancer and been denied seeing a gynecologist for having a history of cancer. These denials are life threatening to me. I have also been denied access to my medication at Giant Eagle and was forced to change my pharmacy. My family physician even refused to see me due to my medical exemption of wearing a mask. She knows that I am a survivor of sexual assault but continues to deny any visits. These tele-med visits do not work when you have a disability that requires in person appointments. Something has to be done about the discrimination of people not able to wear a mask or shield.”

“As a stroke survivor, masks increase my chances of another significantly, and I should not have to be subjected to a greater risk than I feel covid is.”

Wearing a face mask should be a personal choice for Ohioans. In this country, and in this state, we believe in the importance of self-government, and of individual liberty and responsibility. These principles require us to remove Governor DeWine’s statewide mask mandate, and prohibit him from issuing future statewide mask mandate orders unless approved by the General Assembly.

24 states do not mandate masks - it is time Ohio stops mandating masks, and starts allowing Ohioans to once again live in the freedom to make their own personal health decisions.

Thank you, and I am happy to answer any questions from the committee at this time.