

Chairman Wiggam, Vice Chair John, Ranking Member Kelly, and members of the Committee,

Thank you for the opportunity to speak today in favor of the passage of HB 90. I am here today as an Ohio Mother and voter speaking for myself, my children, my family, and the future of a state that I have come to hold dear.

To start, I do have questions as to the necessity of this bill given the separation of powers as enumerated within our state and national Constitutions. But I do believe that legislative leadership on behalf of the thousands of voters you represent is long overdue.

Where I would like to focus today is on the status of existing Ohio law as related to a public health emergency and state of emergency.

First, as I am sure you are aware, nowhere in current Ohio law is the governor or ODH granted explicit emergency power. And yet for the past eleven months, they each have acted as though they *have*.

Further, I anticipate that you agree that even a public health emergency does not extinguish the 14th or 5th amendments. Rather, the preservation of due process, and "equal protection under the law" is a fundamental principle necessary to ensure that no citizen - be they sick or well, young or elderly, conservative or liberal - is deprived of life, liberty, or property. While temporary stays on legal processes may be necessary at times, prolonged abuses of these rights tear down the very fabric of what makes us a lawful, Constitutional Republic.

Second, the past year has made it quite clear that Ohio's laws governing "public health" and a "state of emergency" are in desperate need of revision. The ORC lags behind better-written laws in numerous states.

Let me give you some examples.

Other states require court approval within 10 days of an order requiring someone to stay in their home under quarantine if they are considered a risk to public health. In **Alaska**, the improper application of a quarantine and isolation order, or negligent medical treatment therein, is an actionable claim against the state for compensation.

Arizona law dictates that a state or local health authority may only declare a quarantine if it is the "**least intrusive means** of protecting the public health."

"**Least intrusive or least restrictive means**" is a common term found across better written state laws relating to public health emergencies.

Further, AZ law stipulates that quarantine and isolation must be established by written court order unless there is an urgent threat to public health -- and even under those circumstances, the law requires the department of health or local health authority to file a petition for a court order within 10 days following a directive.

Georgia and **Hawaii** law stipulate that those ordered into quarantine or isolation "shall" have access to legal representation and can challenge an order in court.

In **Louisiana**, parish health officers may establish quarantine only with the permission of the state health officer and parish legislative body.

Multiple states bring in a legislative check to a state of emergency through a "concurrent resolution" which may rescind an order or state of emergency.

In contrast to these examples, Ohio law grants "ultimate authority" to one unelected individual who apparently answers to no one. Existing Ohio law puts no limit on how long a declared state of emergency may last. It puts no check on what the Director of Public Health may do, in the case of a public health emergency. And worse.

The truth of the matter is that existing Ohio law has put the people of Ohio at great risk of being ruled by out of control edicts, and individuals who are willing to overstep their legal and Constitutional bounds. And here we are...

While this bill addresses some of these issues, there is yet much more that needs to be done.

Ohio law must be revised to align with the Constitution and ensure that every official, elected or unelected, is bound to the powers and authority established therein. Only *then* can we protect and preserve the rights of every citizen.

I am here today to call you forward to stand in the gap for we the people. We have been without legislative leadership for far too long.

Whether you like it or not, you are the watchmen on our towers. You have been called to stand guard over we the people, and our state.

It is time for you to take a stand that will echo through generations. You can go down in history for standing to preserve this state, yes this nation. Or you can go down in infamy for standing by until eventually *your* rights are taken away too.

Do not think that because you are in the king's house that you alone of all ...will escape. For if you remain silent at this time, relief and deliverance... will arise from another place, but you and your father's family will perish. And who knows but that you have come to your...position for such a time as this? (Esther 4)

You are living in your “such a time as this.”

I urge quick passage of this bill - or the support of it's counterpart in the Senate, SB 22, when it comes to this Chamber. **But more, I urge a return to the principles and form of government as established by our Constitution.**

Thank you.