

Substitute House Bill 90 Proponent Testimony  
House State and Local Government Committee  
February 17<sup>th</sup>, 2021  
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Chairman Wiggam, vice-chair John, ranking member Kelly and members of the committee, thank you for allowing me the opportunity to testify in support of Substitute House Bill 90, a measure that is designed to ensure a proper balance of accountability in the face of a public health emergency.

I am here today representing Health Freedom Ohio, an Ohio-based nonprofit who is committed to raising awareness about health choices and works to preserve the fundamental human right to health freedom. I also speak for the Center for Christian Virtue, whose mission includes efforts to ensure that our representative form of government operates with transparency and is accountable to the people.

We applaud the Chairman, his co-lead sponsor Rep. Jay Edwards and their 25 cosponsors for bringing Sub. House Bill 90 forward. As we have witnessed through the last 11 months, there is a pressing need to clarify and draw Constitutional boundaries around the statutes relating to public health states of emergency.

Substitute House Bill 90 does draw such clear lines, by first removing the “ultimate” authority from the Executive Branch currently found under ORC 3701.13 and then tempering that remaining authority with reasonable accountability measures which involve the review and approval of the elected representatives of the people of Ohio, both through the joint Ohio Health Oversight and Advisory Committee and through the option of both chambers adopting resolutions regarding the extent and duration of any orders under these powers.

Additionally, this reasonable proposal sets forth clear language to further refine to whom the quarantine and isolation powers of the Department of Health actually apply, rather than the previously-experienced blanket lockdowns, designations of essential and non-essential businesses, or current patchwork color coding system used to restrict entire counties or regions or certain business types.

The substitute bill before you today is forward-thinking, setting legitimate safeguards for the people of Ohio should other agencies, boards or commissions be utilized to carry out similar public health emergency orders. As we are now operating within this pandemic mode more under the “special duties” provisions in ORC 3701.14, we would hope that this panel would add this particular section under the oversight that the legislative committee or full Assembly will exercise.

Nowhere in this bill does it prohibit either the Governor or the Department of Health from actually acting in order to address an emerging public health crisis, but it will engage the Legislature in a significant way. Other provisions of the bill to ensure that there is open communication between the Executive and the Legislature during the crisis on a daily basis are

necessary to maintain both transparency and the appropriate accountability the people of Ohio expect from our elected officials.

Substitute House Bill 90 is a reasonable means of maintaining the delicate balance between the need to address real health crises when they arise, and the inalienable freedoms of the people of this state to live, move, and do business. We ask that this panel favorably report this measure at your earliest opportunity, and I would be happy to take questions from the committee.