

Chairman Lipps, Vice Chair Holmes, Ranking Member Russo, and Members of the House Health Committee, thank you for the opportunity to provide proponent testimony on House Bill 248.

I am an Ohio attorney and I am also licensed to practice in our nation's Vaccine Injury Compensation program within the Federal Court of Claims. I am very much in support of legislation to protect our civil rights, including rights to our own bodies and the medical care we wish to receive. I am in support of protecting Ohioans from discrimination and segregation based on vaccine status.

In Ohio, our Constitution preserves our freedom to choose health care. Article I, §21(A) of the Ohio Constitution states that "[n]o federal, state, or local law or rule shall compel, directly or indirectly, any person, employer, or health care provider to participate in a health care system." It goes on to clarify that there will be no levying of penalties or fines for not participating in healthcare systems, and it covers both public and private entities. Therefore, mandating vaccines already violates our Ohio constitution.

So already the government cannot do some of the things that are being proposed in Ohio: government cannot coerce or force people to take this vaccine. However, nothing in the aforementioned section prohibits us from segregating and discriminating against citizens if they choose not to use these products.

For example, businesses are already displaying signs that say that if you are vaccinated you no longer need to wear a mask. The corollary to this is that those that choose not to take the product have to continue to wear masks. The president of our country says you will be forced to wear a mask *until* you comply with accepting the product. This is setting us up for more division, and to be forced to carry records of all medical procedures around with us all at times to participate in society.

Segregation is defined as "the action or state of setting someone or something apart from other people or things or being set apart." How is dividing people based on receipt of a drug any different than other historical forms of segregation and discrimination?

I am someone who will not be vaccinated because I suffered an anaphylactic response to DPT as a child. There are many doctors who agree that I should not receive these products. On the other hand, there are public health agencies and the government who are more interested in my receiving it as a form of compliance and force than they are with my individual health. Yet none of these government officials or agencies have ever looked at my medical history, and if something were to happen to me, none of these government officials or agencies would show up at my door to lend a hand.

Who does pay if something bad happens to me as a result of the vaccine? The vaccine manufacturers themselves are indemnified from liability. I would not go through a typical product liability lawsuit where my attorney files a claim against the manufacturer. I would enter

our nation's Vaccine Injury Compensation program. This no-fault compensation program was the outgrowth of the National Childhood Vaccine Injury Act of 1986.<sup>1</sup> There are several important differences between this and our more typical legal process—most notably, there is no discovery and no jury. The FDA is also off the hook at the moment with regard to liability because they have not yet approved any of the products currently being used. As consumers, we are more or less on our own to deal with any repercussions caused by these products.

Informed consent is defined by the American Medical Association as “communication between a patient and physician result[ing] in the patient's authorization or agreement to undergo a specific medical intervention.”<sup>2</sup> If citizens are set apart in our jobs and communities and punished for not consuming these products, that is not a choice. It is not informed consent. It is a threat and it is coercion.

As Americans and as Ohioans, we must be able to move freely about our state, country, and world without regard to our status of consuming a liability-free pharmaceutical product. This legislation will ensure that, at least in Ohio, we will remain free and able to exercise our rights to choose or refuse medical procedures—and not be punished for whichever choice we make. Thank you for allowing me the opportunity to provide testimony.

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<sup>1</sup> <https://www.hrsa.gov/vaccine-compensation/about/index.html>

<sup>2</sup> Code of Medical Ethics Opinion 2.1.1 (<https://www.ama-assn.org/delivering-care/ethics/informed-consent>)