

Ohio House Health Committee
Testimony of Melanie Elsey
Sub. H.B. 248
May 25, 2021

Chairman Lipps, Vice Chair Holmes, Ranking Member Russo and members of the House Health Committee, I appreciate the opportunity to present testimony in support of Substitute H.B. 248 which is designed to protect the choice of Ohio citizens to determine their own health care through vaccinations and to protect the privacy of decisions made regarding these medical interventions.

Paragraph (B) of proposed RC 3345.47 beautifully describes state policy “that individuals have a right to direct their own health care decisions, free from coercion or penalty, and with informed consent, for themselves, their children, their family, and anyone for whom they stand in loco parentis.”

This would not be the first time Ohio law, both statutory and constitutional, has articulated the right of personal choice in health care decisions.

RC 3313.671(A) provides a list of diseases for which the State of Ohio requires school aged public school students to be immunized: mumps, poliomyelitis, diphtheria, pertussis, tetanus, rubeola, rubella, hepatitis B, chicken pox, and meningococcal disease. Paragraph (B) provides the right of personal choice by exempting students who have natural immunities from having had certain diseases; have been advised that the immunization would be medically contraindicated; or for reasons of conscience, including religious convictions, the parent or guardian declines to have the student immunized.

It is appropriate and appreciated that this legislation extends this same medical freedom to students enrolled in postsecondary programs and/or enrolled in nonpublic schools. This constitutional principle of equal protection is long overdue.

Ohio voters also approved an amendment to the Ohio Constitution in 2011 that affects health care policy in this state. This amendment was proposed through an initiative petition to preserve the freedom of Ohioans to choose their health care and health care coverage. It was approved by almost a 2 to 1 margin (66% - 34%) and received majority approval in all 88 counties.

Even though the context of this amendment at the time was to address federal health mandates, the terms of the text of the amendment provide, in part: “No federal, state, or local law or rule shall compel, directly or indirectly any person...to participate in a health care system.” In paragraph (E)(2) it defines a health care system, in part to be: any public or private...program whose function includes enrollment or processing of health care services or health care data...for its participants.

When patients are required to be vaccinated or processed for vaccination or the data is shared regarding the provision of vaccines to individuals, these would appear to directly be prohibited in our state constitution. Providing choice through opt outs and informed consent would satisfy the constitutional protections.

For these reasons, I would respectfully ask that you support the passage of Substitute H.B. 248.

Thank you.