

## **HB248 Proponent Testimony**

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Representing Equal Protection for Posterity

House Health Committee

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Chairman Lipps, Vice-Chair Holmes, Ranking Member Russo,, and Members of the House Health Committee

Thank you so much for this opportunity to provide written proponent testimony regarding HB248. I am the Ohio Chairperson for Equal Protection for Posterity, but perhaps more notably for this bill, my primary position and career is as an infectious disease epidemiologist. I have a tenured faculty position at a well-respected university in Ohio, have studied infectious diseases since 2000, and I have a PhD in epidemiology. I teach an undergraduate course in epidemiology. I also do work in research ethics. **My views are my own and do not represent the views of my university.**

First, I would like to thank the sponsor and co-sponsors of this bill for having the personal freedoms of Ohioans in mind when they developed this bill. Second, I would like to underscore the essential nature of this bill, and I hope that it moves forward quickly because these freedoms are already being violated. Several employers throughout the state are already denying employment based on whether a person has been not been vaccinated, are starting their own vaccine registries, and/or imposing restrictions on unvaccinated individuals essentially imposing segregation. This is discriminatory and inappropriate for the reasons I will state here.

The reasons that I support this bill are fairly basic. First, no entity has the right to inquire about another person's medical information. Second, no one should be required to undertake a medical procedure against their will. This bill protects against inquiring about an individual's vaccination status, does not store that information in a registry, prohibits differential treatment

based on vaccination status (if known or presumed) and actually provides penalty when these policies are violated.

When employers threaten a person's livelihood over their personal decision over whether to take an experimental vaccine (because recall, these are not yet FDA approved), this is both undue influence and coercion. Coercion occurs when an overt or implicit threat of harm is intentionally presented by one person to another in order to obtain compliance. Undue influence, by contrast, often occurs through an offer of an excessive or inappropriate reward or other overture in order to obtain compliance<sup>1</sup>. These both violate informed consent, a cornerstone of medicine, which should be both voluntary and include a recognition of risks and alternatives<sup>2</sup>. When an employer, service provider, or any such entity requires vaccination or else would deny a job or service, this is both coercion and inducement, and violates informed consent. I am pleased to see that HB 248 reinforces the importance of informed consent.

There are those that believe that constitutionally protected freedoms should be put aside in the case of a scary pandemic. Or as described above, that medical ethics should be violated. Allow me to briefly counteract those arguments. First, analyses of case-fatality rate and infection-fatality rate by both the CDC<sup>3</sup> and world-renowned epidemiologists<sup>4</sup> show the survival rate of COVID-19 is >99% in individuals below 70 years of age, and >95% in individuals greater than 70 years of age. Second, on average, Ohio's COVID-19 hospitalization rate has averaged ~5.2%, though analysis of Ohio's coronavirus database presented through previous testimony before this legislature has shown that these hospitalization numbers are likely inflated<sup>5</sup>. This hardly reflects a scary virus worth losing one's liberties. The vast majority of individuals infected with SARS-CoV-2 have relatively mild disease, or are often asymptomatic. This is not to say that individuals have not died from COVID-19, or have had severe cases with potentially

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<sup>1</sup> <https://www.msudenver.edu/irb/guidance/informedconsent/coercionandinfluence/>

<sup>2</sup> <https://www.ama-assn.org/delivering-care/ethics/informed-consent>

<sup>3</sup> Most recent CDC document now presents in terms of deaths per million, no longer as a percent:  
<https://www.cdc.gov/coronavirus/2019-ncov/hcp/planning-scenarios.html>

<sup>4</sup> <https://www.who.int/bulletin/volumes/99/1/20-265892/en/>

<sup>5</sup> [https://www.youtube.com/watch?v=ewUoM\\_R2uuE&t=214s](https://www.youtube.com/watch?v=ewUoM_R2uuE&t=214s)

long-lasting effects. But, it makes no sense to require a medical procedure on an entire population when the burden of severity is felt by a minority.

Furthermore, it is important to remind the committee that vaccines are never 100% effective, not even in clinical trials, despite what the governor has stated repeatedly, nor were the clinical trials designed to evaluate whether the vaccine decreased transmission<sup>6</sup>. This latter point is critical: if people want to decrease their risk by taking a vaccine, they should feel free to do so, but imposing that on others is not warranted based on the science. And yes, there are adverse reactions associated with these vaccines<sup>7</sup>, and there have been numerous reports in the media of so-called “breakthrough” cases of COVID-19 in fully vaccinated individuals, which again is not surprising given that no vaccine is 100% effective. This is important to clarify because an individual’s choice to refuse or accept a vaccine does not infringe on the personal liberties of other individuals. If transmission can occur from vaccinated or unvaccinated individuals, an individual’s personal choice to decline vaccination does not make them a danger to society any more than vaccinated individuals do.

Lastly, I would like to remind the committee that in addition to the philosophical objections justified above, individuals may have religious<sup>8,9</sup> and/or medical reasons for not taking this vaccine. To require a vaccine then violates freedom of religious expression as well as discriminates on medical condition.

Please recall your oath of office, that your job is to uphold and defend the Constitution. The Declaration of Independence asserts,

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men... “

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<sup>6</sup> <https://www.bmj.com/content/371/bmj.m4037>

<sup>7</sup> <https://www.openvaers.com/covid-data>

<sup>8</sup> <http://www.increasinglearning.com/blog/vaccines>

<sup>9</sup> <https://www.vaccinesandchristianity.org/2021/05/01/biblical-critique-of-vaccines-series/>

Vaccine requirements very clearly violate the above. Some people have lost their lives, or their lives have been forever changed, after taking the vaccine, which was often mandated by their employers. There is a related passage in the Bible:

Romans 3:8 KJV: “And not rather, (as we be slanderously reported, and as some affirm that we say,) Let us do evil, that good may come? whose damnation is just.”

In other words, if there are adverse consequences to vaccines, do we require them “that good may come”? The Apostle Paul says that is “slanderous”.

Thank you for this opportunity provide testimony. I would have loved to testify in person so that I could answer any of your questions, and I would welcome any opportunity to discuss these issues further.

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