

SB 22

Senate Government Oversight & Reform Committee

Opponent Testimony, February 10, 2021

Christiane Schmenk, Union County Commissioner

Chair Roegner, Vice Chair McColley, and Ranking Member Craig, my name is Christiane Schmenk, and I'm a Union County Commissioner, former Director of the Ohio Development Services Agency, and former Mayor of Marysville. Thank you for this opportunity to share my concerns about Senate Bill 22.

During the past year, Union County and the other 87 counties in Ohio have struggled to serve our constituents in the face of a raging pandemic. We've seen friends and neighbors die of this virus, and we've seen others remain disabled by lingering symptoms. Because there was so much unknown about this novel coronavirus, it was imperative that our Governor, the Ohio Department of Health (ODH), and our county health departments have strong emergency powers to issue orders intended to protect our citizens.

The Covid-19 pandemic is not over, and the virus continues to rage. In fact, it is now mutating, and medical experts say the mutant strains are more contagious than the original virus. While there is light at the end of the tunnel, the tunnel still exists. In fact, epidemiologists generally agree that the pandemic will continue for a number of years, that surges in the number and severity of cases will continue, and that government shutdowns and other protective measures will periodically be required to keep Covid-19 under control.

In 2020, our Governor, ODH and our county health commissioners had to use their emergency powers to reduce the spread of the coronavirus. Restrictive orders were informed by top medical experts, using the best-available information. While I and my fellow commissioners quickly became tired of mask requirements, restrictions on gatherings and business regulations, we followed these restrictions because we knew this public health emergency was outside our areas of expertise. We recognized that we are not health experts, and we acknowledged the need for those who are to act quickly and decisively.

SB 22 would restrict these emergency powers by creating the Ohio Health Oversight and Advisory Committee. The Committee would have the power to oversee the Governor and ODH, rescinding emergency orders issued by the Governor as well as ODH orders intended to decrease the spread of contagious or infectious diseases. The bill also would prevent a declaration of a public health state of emergency to last for longer than 30 days without consent by the General Assembly, and it would allow the General Assembly to rescind emergency declarations issued by the Governor as well as ODH orders intended to stop the spread of contagious diseases.

During times of disease outbreaks, the government must balance between protecting the public health and individual civil liberties. I believe that our current statutes, when coupled with the Ohio Constitution, effectively strike that balance. These statutes recognize that health officials with medical knowledge and expertise, as well as our Governor, need the power to issue orders to prevent the spread of infectious disease.

Last year, health experts predicted that the U.S. would reach Covid-19 herd immunity status in the summer or fall of 2021. However, the emergence of more infectious variants of the coronavirus is now causing these experts to question that prediction. I urge you not to support SB 22 or consider restricting the emergency powers of our Governor or the ODH unless and until the imminent threat of Covid-19 abates. Thank you.