

House Bill 618  
Proponent Testimony  
Barry Sheets, Legislative Consultant  
House State and Local Government Committee  
November 17<sup>th</sup>, 2020

Chairman Wiggam, Vice Chairman Stephens, Ranking Member Kelly and members of the State and Local Government Committee, thank you for allowing me to come before you today in support of House Bill 618, a measure to ensure a proper balance of authority is maintained in the face of an emergency.

I am here today on behalf of Health Freedom Ohio, a non-profit coalition of medical and health professionals, advocates, families and individuals who are dedicated to raising awareness about holistic health pathways to wellness, connecting consumers and providers, and standing up against legislation that limits our freedom to choose, while pushing for greater transparency and greater access to these choices

This year's event have been challenging for all of us. Dealing with a then-unknown virus outbreak has exposed an imbalance in this state's ability to both respond to an emergency while protecting and preserving the rights and interests of Ohio citizens. Powers never intended to be extended by the legislature to the executive branch of government have been used to hinder Ohio's economy, explode our unemployment numbers, interfere with the curtail the rights and privileges of our citizens, and be used to extend again and again the "emergency orders" under ever-moving, changing and largely ambiguous targets.

House Bill 618 would seek to re-establish a better balance between the need of the executive branch to respond to a health emergency and the proper authority of the General Assembly to set the extent of a law and to regulate the execution of elections. Under the bill, any emergency order issued by the Governor or the Ohio Department of Health under ORC 3701.13 to prevent the spread of contagious or infectious disease would be considered to be advisory only unless and until being approved by the General Assembly. No emergency declarations in this respect can be issued unless and until approved by the Ohio General Assembly.

During the spring, the administration and the Department of Health had sufficient time and preparation to be able to approach the Assembly to discuss the need for taking steps to reduce the impact of the COVID-19 outbreak in our state. Sadly they chose instead to read into the statute extraordinary powers to shut down legitimate businesses, which are all "essential" in one way or another to our economic health and our citizens' ability to conduct commerce and provide for personal, family and community needs, limit the freedom of our citizens to associate with one another in gatherings, and prevent citizens from being able to access certain medical care and to be in the presence of or comfort loved ones in long-term care facilities or hospital situations.

The bill's provisions would also extend to ensuring that ODH, the Director of Health, or any regional, county or municipal level health authority cannot issue order that affect the conducting of a legally-scheduled election, as we have now experienced during the spring primary election, which effectively negated the Constitutionally-reserved authority of the General Assembly to be the sole body to set or alter elections in this state.

Changes to the existing ORC 3701.13 are necessary to make sure that the powers to isolate and quarantine during a health emergency are exercised solely upon those who have actually contracted the contagious or infection disease, and not the entire population or an entire region or county, and can certainly not be used to postpone, delay or cancel an election.

We would respectfully urge this body to favorably consider this important safeguard to Ohio's separation of powers, and move quickly and in bipartisan fashion to re-establish the direct oversight of the people's elected representatives in this matter. Thank you for your kind attention to these comments, and I would be happy to take any questions of the committee.