

TO: Chairman Eklund and Members of the Senate Judiciary Committee
FROM: John Marshall, Ohio Employment Lawyers Association, Jeremy Morris, Ohio Statewide Independent Living Council, Fred Gittes, Protecting Ohio's Employees, Sue Hetrick, The Center for Disability Empowerment, Gina Wilt, Coalition on Homelessness and Housing in Ohio, Pam Davies, Western Reserve ILC, Jeremy Caffee, Access Center for Independent Living, Renee Wood, Ohio Olmstead Task Force, Jo Spargo, Developmental Disabilities Council
RE: Sub. SB 308/Sub. HB 606 – Extreme immunity legislation
DATE: May 18, 2020

Substitute HB 606 and Substitute SB 308 put Ohioans who are elderly, disabled, black or low income at higher risk for illness or death from the coronavirus. These bills are extreme measures that harm Ohio citizens and allow businesses to injure and kill people with no liability.

The provisions of these bills include:

- All health care providers are exempt from lawsuits and from professional discipline for all negligent and reckless acts taken, or omitted, as a result of or in response to any disaster or emergency.

For example, if a physician is intoxicated during a procedure to intubate a COVID-19 patient in order to place her on a ventilator, and rips open her trachea, the patient cannot hold the doctor responsible, and more importantly, the medical board would be barred from investigating or issuing any professional discipline to that doctor.

- Sub. HB 606 says all businesses (even non-essential businesses) cannot be held responsible regarding the negligent transmission of a coronavirus during the disaster.

This provision disproportionately harms people with disabilities and unrelated health problems, the elderly, minorities, and low-income populations who are at greater risk of severe long-term illness or death if exposed to the virus.

- Sub. SB 308 goes even further in protecting businesses from lawsuits. In this bill, all essential businesses such as grocery stores, pharmacies, manufacturers of PPE, meat processing plants, etc. are shielded from suit for all negligent and reckless acts or omissions taken, directly or indirectly, in providing its services during any disaster or emergency. This shield from suit applies to all injuries, even those that are unrelated to COVID-19.

This provision shields employers from suit for recklessly endangering the health and safety of their employees, forcing employees to choose between keeping their jobs and keeping themselves and their families safe. And it is so broad it could even shield employers who punish or fire employees for reporting unsafe conditions.

Declared disasters and emergencies have no effective end date, so this immunity would go on far longer than the impact of COVID-19.

Sub. HB 606 and Sub. SB 308 are extreme and overly broad that have unintended consequences of harming the most vulnerable Ohioans. We urge you to reject these bills.