



**Tuesday, August 24, 2021**

Article 1

## **House Weighs Future Of Vaccine Bill Following Lengthy Hearing**

The **House Health** Committee returned early from summer recess Tuesday to hear hours of testimony on a measure barring employers and others from mandating vaccines.

The measure (**HB 248**) drew significant attention during extended spring hearings, with some proponents garnering national notoriety for unfounded claims about vaccines while opponents warned of the threat it posed to the health care system and the rights of businesses.

Chairman **Rep. Scott Lipps** (R-Franklin) said he urged House leadership to let the committee come back early to hear more testimony on the bill, setting it up for possible amendments next month. He said the committee is not trying to stall on the measure.

"If we were stalling, we'd be back here September 14," he said. "This was our attempt not to stall. This was our attempt to get these voices of Ohioans out."

A statement Monday from House **Speaker Bob Cupp** (R-Lima) and the Republican leadership indicated the plan is to pause hearings after this one.

"This legislation is important to many members of this caucus," the speaker said. "Due to the high interest in the bill, we have directed Chairman Lipps to have one hearing, which will take place on Tuesday, August 24, with no amendments or votes. We will then pause hearings on HB248 while we work with the chairman, the bill's sponsor, and all interested parties on this important issue."

Chairman Lipps said when the committee returns next month, it will have more guidance from leadership.

"The information gathered today is going to leadership," he said. "Leadership will be polling members of the House on where they stand on the bill today and where they will stand if particular amendments are added."

The committee heard extensive testimony Tuesday in a hearing that lasted several hours and included discussions of topics from employment law to Catholic theology. More than **1,000 people submitted testimony**, Rep. Lipps said.

Questions from committee members were generally more limited than they had been at past hearings on the bill, with Rep. Lipps encouraging members to limit their queries to those of clarification.

Backers included individuals who shared stories of their personal experiences with vaccines, along with those who said mandates would inhibit their individual freedom.

Scott Shoemaker, president of Health Freedom Ohio, said two of his children were injured by vaccines and other family members had adverse reactions to vaccinations.

"Vaccine injury is very real, and very common in my family, and the thought of my children being exposed to forced vaccine mandates, passports, and discrimination for not consuming a liability-free medical product is unsettling for not just me, but an overwhelming portion of the population," he said.

He said the bill is "not about whether vaccines work or not, or even whether you are for them or against them."

"It is about freedom," he added. "Freedom matters to me, and it should matter to everyone in this room. This bill is about whether a person has the right to decide what is injected into themselves or their children, especially when they can never take it out, their children have been injured already by some of these products, and the manufacturers have absolutely no liability."

Dr. Kristine Severyn, a pharmacist with a Ph.D. in biopharmaceutics, expressed skepticism about the vaccine's effectiveness, saying both the vaccinated and unvaccinated groups in the Pfizer shot's study each experienced less than 1% of subjects contracting COVID. She said that meant the vaccine reduced the risk of COVID by less than 1%, compared to the 95% the company claimed. The vaccinated group included eight mild COVID-like illnesses out of 22,000 subjects, while the unvaccinated group had 162 out of the same number of subjects, 20 times higher.

**Rep. Brian Stewart** (R-Ashville) asked why the rate of hospitalization and death did not continue to increase in the spring after vaccination became widely available.

"Doesn't it suggest the vaccine works if for eight months only 2% of the people who are being hospitalized got the vaccine?" he asked.

The witness said she believes federal and state officials are "not being quite straight with us."

"Your testimony is the vaccine doesn't work and the data isn't bearing that out," Rep. Stewart said.

Christine Ankenbauer said she was worried about mandates because she believes it's best to make that choice on her own.

"Forcing vaccines of any kind, especially experimental, do nothing to foster community or respect for personal boundaries and freedom," she said. "This will not end well for any Ohioan if we don't get this bill passed."

**Rep. Tim Ginter** (R-Salem) asked how the witness would feel if the bill covered just the issue of mandatory COVID-19 vaccines. "Would that also be acceptable to you if this bill dealt with that matter that is right in our

face?"

Ms. Ankenbauer said that would be "shortsighted" and that people need to be able to explore different medical options.

"I don't think any medical procedure should be mandated," she said.

Opponents, meanwhile, included medical experts and business groups.

Dr. Michael Brady, representing the Ohio Chapter of the American Academy of Pediatrics, said vaccination has been recognized as the "single most significant health care achievement over the past century."

Rep. Stewart said the law requires the reporting of adverse events that occur after vaccinations, even if a death might likely be caused by something else.

"A lot of the time, it's automobile accidents or heart attacks or things that have nothing to do with the vaccine," Dr. Brady said.

Anyone can file such reports, including those who are not medical professionals, he said.

**Rep. Al Cutrona** (R-Canfield) asked Dr. Brady if mandating the COVID-19 vaccine is necessary.

The witness said it is "perfectly appropriate" not to do so if vaccination rates can reach the needed 85-90% without mandates, but that thousands of people will die because vaccination rates aren't reaching that level.

"I think the situation is that if people took personal responsibility for other people, they would get the vaccine and we wouldn't have this problem, but right now we have these surges," he said.

Sara Jodka, representing the Ohio Chamber of Commerce, said businesses that are barred from requiring the vaccine for workers will likely have to reinstate disruptive safety precautions, such as mandatory masks, frequent testing, social distancing, reduced capacity events and remote work.

Protections already exist for employees who want exemptions, she said. "I haven't seen a single employer put in place a policy that ignores these. Employers don't like this any more than anybody else. It's hard for them. They're doing what they need to do to protect their workplaces and to provide the goods and services that Ohioans need and that they want."

The proposal's creation of a new protected class of people who want to make personal health choices would lead to litigation from employees seeking exemptions from drug testing and other businesses' rules, Ms. Jodka said.

She told Rep. Stewart that businesses don't want the government to be a "super-HR department" that tells them what to do.

**Rep. Jennifer Gross** (R-West Chester), who sponsored HB248, asked the witness if she believes the rights of individual businesses supersede the rights of the individual.

Ms. Jodka said Ohio is an at-will employment state, and that the legislation does not deal with the right of someone to make their own medical choice, but the right of an employer to prevent that person from coming into the workplace with preventable, communicable disease.

"This is about legitimate health interests and the interests of coworkers and their families," she said.

Franklin County Commissioner Kevin Boyce said certain rules exist to promote public safety, such as pulling over for an ambulance or going through a metal detector.

"The new rules that HB248 would enact are akin to saying that employers and institutions must now rely on everyone's personal sense of responsibility, rather than enforce common sense workplace safety rules like wearing a mask if you are not vaccinated, complying with testing guidance if you are sick, or considering a range of wellness incentives to take healthy steps on the advice of doctors like getting a vaccine," he said.

Eric Lichtenfeld said the bill "violates many of the bedrock Republican principles that I have always known." He said responses to personal individual choices based on the risk that choice poses to them is not discrimination but a consequence.

"There are better ways to promote an individual's rights than with legislation that targets other individuals' rights—and increases the risk of further community harm in the bargain," he said. "I urge you to find them. Find them rather than cater to the vocal minority that would see the consequences of their own personal choices assigned to everyone else."

Chairman Lipps said he took exception to Mr. Lichtenfeld's arguments about Republican values and said he wanted those discussing the bill to "grow up." Mr. Lichtenfeld apologized and said he intended the comment philosophically, not as a personal insult to anyone.

Discussions sometimes veered off the topic of the bill. Questions to The Rev. Gabriel Lavery, a Catholic priest, hinged on the Catholic Church's teachings related to vaccines and medical decisions, with the witness at one point saying he did not believe Pope Francis is truly Catholic because he does not believe he follows the teachings of the church.

"You can't be the head of the church if you don't profess the Catholic faith," he said.