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**Representative Jennifer Gross
The Ohio House of Representatives**

HB 248 – Rep. Jennifer Gross, Sponsor Testimony, Tuesday May 18th, 2021

Chairman Lipps, Vice Chair Holmes, Ranking Member Russo, and Members of the House Health Committee, thank you for the opportunity to provide sponsor testimony on House Bill 248, commonly referred to as the Vaccine Choice and Anti-Discrimination Act.

As a Board Certified Family Nurse Practitioner, I participated in Operation WARP Speed as a sub-investigator. During this research, I studied monoclonal antibody treatment, as well as two of the other vaccines currently being utilized for covid-19.

Although this information is private, I will share with you that my children, my husband, as well as myself are fully vaccinated. My mother chose to receive the Covid19 vaccination, while I did not.

I believe in vaccines and scientific research. I also recognize that vaccination is a personal choice and that, for a variety of reasons, not all Ohioans can or want to receive vaccines. I believe that protecting the freedom of all Ohioans is our role as legislators! We need to protect Ohioans from forced vaccination whether it comes from the government, school, an employer, or even a local retailer. I am an advocate for informed choice, for making healthcare decisions free of coercion, and for the right of an individual to maintain privacy as it pertains to their healthcare decisions.

I'd like to begin this testimony by telling you what HB 248 does NOT do.

This bill is not about the appropriateness of vaccination as a practice. It does not discourage, dissuade, or prohibit vaccination. HB 248 seeks to shield individuals from forced vaccination by outlawing mandates or using private business as long arms of the law. This bill focuses on establishing policies that afford citizens the opportunity to opt out of a vaccination without scrutiny or harassment from an employer or anywhere public accommodations occur in the private or public sector.

This bill does not eliminate an employer's ability to "recommend" a vaccine to their employees or inform them of the benefits.

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This bill does not eliminate a college's ability to "recommend" a vaccine to their students or inform them of the benefits.

This bill does not eliminate a state or private school's ability to "require" certain vaccines for attending school.

This bill which includes a provision for exemption transparency does NOT hinder a pediatrician or healthcare professional from consulting with parents on the benefits of vaccination in school or community environments.

This bill does not end the state's ability to require vaccine records as a part of school attendance.

So, what DOES HB 248 do?

HB 248 was introduced in an effort to help maintain Ohioans right to directly control their personal and very private healthcare decisions regarding vaccines for themselves and their families, and to preserve their right to medical privacy. It prevents vaccine mandates for adults and college students and prevents public and private entities from requiring citizens to show proof of vaccination or a "passport" to keep employment or participate in commerce.

HB 248 ensures that businesses abiding by vaccine choice law are protected from potential insurance company penalties, and from the possibility of workman's comp claims and lawsuits. Recent OSHA guidelines state that any adverse reactions an employee experiences after being required to receive a Covid-19 vaccine will "automatically be a reportable safety incident."

The bill also provides Ohioans several means to pursue restitution should they believe their rights, or their child's medical choice rights have been violated. This bill also extends and enhances existing Ohio law for vaccine exemptions among public and private preschools and day cares, and requires transparency on the availability of those vaccine exemptions.

Simply put, this bill is a freedom bill.

This bill is about unalienable Rights, which may not be removed and are supported by the US Constitution. Our rights are given by God. They are not given based on our acceptance of a medical product. The constitution provides protection which allows citizens to exercise their beliefs according to the dictates of their conscience. The concept that a state would allow any individual or entity, public or private, to compel an

invasive medical intervention on another individual through coercive tactics or mandates sets a dangerous precedence. Our country was founded in part, on the principle that the rights of the minority need to be protected. Anything less than freedom to choose, does not honor equality, inclusivity or our diversity, which are part of what makes us a great state and nation. We can support public policies and educational efforts that promote individual health, and public health while rejecting those policies that do not comply with our guiding principles of freedom. This bill ensures the fundamental right of ALL Ohioans to have access to public accommodations, and the ability to obtain or retain employment in order to provide for themselves and their families.

This bill seeks to address Equity Under the Law and Anti-Discrimination. Individuals with religious, conscientious, or cultural beliefs, or those with medical contraindications to a vaccination, should not have to choose between their personal beliefs or potential health risks and their ability to participate in a free society. An employer should not be able to threaten an employee with the loss of a job or other punishment for failing to receive an injection of any vaccine, much less an emergency use vaccine. The state of Ohio and the entire country, over the past 15 months, has created conditions and a regulatory environment in which businesses and those who have authority over public accommodations – either knowingly or unknowingly – have been forced to become public health police and are now being given a free pass under “business protection” to violate the rights of others under the umbrella of “public health.”

Some have argued that this bill is a reaction to a problem that doesn't exist: saying “No one in Ohio is mandating vaccines,” “no one in Ohio is requiring vaccine passports.” Yet for nearly a decade, healthcare workers have been subjected to workplace vaccine mandates, and despite this, flu rates in Ohio have NOT decreased. Additionally, mandates regarding flu vaccination of healthcare workers have become more draconian as the years pass. Healthcare constituents have shared with me that they have faced the dilemma of taking yearly Influenza injections against their wishes, or being terminated from the jobs they loved, and degree’s they worked hard to earn, because they declined. Healthcare providers put their lives on the line every day, and make tough decisions to protect the lives of their patients. Isn’t it time for Ohio to allow our frontline workers to direct their own healthcare choices as well?

It’s not just healthcare workers that are being forced out of their jobs, it is happening in other professions as well. My office was recently made aware of a non- healthcare employee who was terminated from his job for refusing the Covid-19 vaccine for cultural reasons. This person’s reason for declining the vaccine was because of the historical abuse and discrimination of others within the community of color. Some employers are not yet mandating the vaccine, but are already engaging in

discriminatory actions against unvaccinated employees that in some cases disproportionately affect minorities who may have cultural concerns over the Covid-19 vaccine. Last week, Walmart, one of the largest private employers of African Americans in the US, employing over 51,000 Ohioans, 45% of whom are persons of color - notified employees that starting today they will end the mask mandates for those "showing proof of vaccination," while requiring all the unvaccinated to remain masked. This labeling could likely lead to unequal treatment of employees by their co-workers and even by store customers based on their vaccination status. Wright Patterson AFB, the largest employer in Ohio has stated that when the Covid19 vaccine is fully approved by the FDA they may require their 27,000+ civilian employees to be vaccinated and to be prepared to be terminated if they do not choose to get the vaccine.

Other mandating employers include, Q-lab West Lake, Cleveland Cliffs, WIWA - a company that makes professional spray paint equipment, Supers landscaping. West Cleveland senior center is requiring that seniors taking classes must be vaccinated for entrance. The Montgomery County prosecutor's office issued a memorandum to employees that the Covid-19 vaccine would be a requirement of continued employment and termination if the vaccine was not obtained by May 1st, 2021. Trinity Health, who employs thousands in this state, has made a similar announcement of required vaccination by end of July. The city of Newburg Heights has mandated the vaccine for their city employees and Cuyahoga County is currently deliberating on mandates for their employees. The list continues to grow daily.

Identifying labels and the public revealing vaccination status is also a grave concern, Metro Health recently announced that all employees will be required to wear Covid-19 vaccine status 'stickers' on their badges in order to enter the building, and those who are not vaccinated will be required to test two times a week, indefinitely. Menlow Park Academy in Cleveland is requiring their staff to submit their vaccine records. A private middle school in NE Ohio will be requiring "unvaccinated students" to "wear masks into the future." It begs the question, will the school eventually make the vaccine mandatory for attendance? Parkside, a Cleveland area church, has segregated seating for masked and mask-exempt congregation. Will they be exchanging those mask segregated sections for vaccinated and non-vaccinated sections like Cleveland Browns stadium has?

Discriminatory actions do not stop with mask and testing requirements. I have received emails from Ohioans who are being told they will be forced to pay "smokers insurance rates" for declining the Covid-19 vaccine. Prosecutor Matt Heck's office pressured nursing mothers to disclose when they would stop breast feeding so that their vaccine appointments could be scheduled. He released "un-vaccinated rules" for employees that included excluding un-vaccinated employees from meetings, requiring them to

wear masks even when alone, and requiring them to “use disinfectant wipes” on “anything they touch” outside of their office space. The vaccinated employees will be allowed to be unmasked and mingle without social distancing.

Employer mandates are not the only issue of concern. Schools are likely to engage in mandatory vaccine requirements and discriminatory practices as well. For example, two summers ago the Department of Education issued a letter of warning to a private school in NE Ohio, threatening to revoke the school’s charter if the school did not permit a student to attend school while exercising a vaccine exemption that is clearly defined in Ohio Revised Code. After receiving the letter, the school instead dismissed the student for “truancy”, despite the student’s “absence” being a result of the school’s actions. This student’s vaccine exemption was medical in nature, but despite the recommendation from the student’s doctor, the school did not find the medical reasoning to meet their satisfaction. Since the school was allowed to carry out these extreme policy changes unchecked, the following year the school made the influenza vaccine mandatory for all students and staff. While I have not received notice that any charter or private K-12 schools are mandating the Covid-19 vaccine, I do have proof that Bishop Liebold, a catholic elementary school, is requiring kindergarten graduation attendees to be vaccinated.

While U.S government and Ohio officials have denied that mandates for vaccine passports will be required, it is important to realize that a de facto enforcement of Covid vaccine policy is occurring. This enforcement directly impacts how we all buy, sell, trade, are employed, travel and how we are educated. We cannot hide behind the state feigning “Oh there is NO mandate,” while allowing others to do the dirty work of socially enforcing the wishes of governmental agencies. Today these policies are based on Covid-19, but we will be at the mercy of vaccine mandates for whatever illness our government or private industry fears next.

Opposition to HB248 will, in fact, encourage the discrimination of tens of thousands of people in this state. Opposition to HB248 is an attack on civil rights and educational opportunities. Opposition to HB248 is the condoning of discrimination based upon the most immutable of characteristics – the choice of bodily autonomy. My hope is that this does not become a party line vote. The protections offered by this bill are for ALL people in Ohio regardless of race, color, religion or party.

This bill is not unique and is common sense legislation. Several states have introduced new vaccine legislation which has become law. These states are AK, AR, FL, IN, KY, MT, ND, and UT.

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Medical freedom and vaccine choice is proving to be the number one concern of our constituents today. I am not sure about your office, but my office alone has received well over 700 emails, and countless phone calls from Ohioans advocating in favor of this bill. Emails and phone calls continue to pour in daily, urging us to pass this key legislation to preserve vaccine choice while protecting their ability to freely participate in commerce and provide for their families without discriminatory action.

As a nurse practitioner, it is my ethical duty to advocate for and support my patients, including their right to informed consent, and including their right to choose to decline a medical procedure – even one that I may recommend.

As a legislator, it is my duty to ensure that the liberties of my constituents are protected. Even their right to determine the direction of their own healthcare decisions, free from fear of retribution or discrimination.

As a retired Air Force Lt Col and combat veteran, it remains my duty to support and defend the Constitution of the United States, and its citizenry. I believe that this includes protecting their right to life, liberty, and the pursuit of happiness which cannot happen if an individual is denied the ability to work or participate in commerce due to their medical choices.

We were elected by the people of Ohio and it is our duty to stand in the gap for our constituents on the issue of forced vaccination.

Thank you once again for this opportunity to provide testimony on the need for and urgency of HB 248. I am more than happy to answer any questions.