



Senator Theresa Gavarone

2nd Ohio Senate District

Sponsor Testimony for Senate Bill 55

House Criminal Justice Committee

May 30, 2019

Chairman Lang, Vice-Chairman Plummer and Ranking Member Leland, I appreciate the opportunity to address you and the other members of the Criminal Justice Committee about my legislation, Senate Bill 55, also known as the 'Relapse Reduction Act'. This legislation would elevate the level of offense for certain drug crimes that occur near substance addiction services providers.

This bill is a re-introduction of HB 296 from last General Assembly that was voted out of the House by a vote of 92-1 and nearly got across the finish line after a favorable vote of 7-2 in the Senate Judiciary Committee. The bill received support from the Ohio Association of Prosecuting Attorneys, Buckeye Sheriffs' Association, Ohio Association of Chiefs of Police, Wood County Sheriff, Wood County Prosecutor, Bowling Green Police Department, and two community addiction services providers in Wood County (Zepf Center and a Renewed Mind).

As all of you know, we have invested a lot of time and money towards fighting the opioid epidemic. We allocated money in the last budget, passed legislation and those of us who served in the House last session had the opportunity to attend meetings of the Speaker's Task Force on Heroin, Opioids, Prevention, Education and Safety, chaired by Treasurer and former Representative Robert Sprague.

The first meeting of that task force took place in my district and in attendance was Wood County Prosecutor and former President of the Ohio Prosecuting Attorneys Association, Paul Dobson. Around the time of that meeting, Paul brought this idea to my attention. He has an interesting perspective on this issue because he deals with it every day professionally, but also dealt with it personally as a result of losing his stepson to an overdose. I want to allow Paul to tell his story, and he will during a future hearing, but I want to mention him as someone who is a tremendous resource as we go forward in this process.

This bill would enhance penalties for certain drug offenses that occur within 1,000 feet of a 'substance addiction services provider'. As an example, current law states that aggravated trafficking of drugs is a felony of the 4th degree, however, when this law goes into effect and if it takes place within 1,000 feet of

a substance addiction services provider, it would be a felony of the 3rd degree. The idea is that a person coming out of a facility should be able to get to their car, the bus stop or possibly even walk to their home without being accosted by a drug dealer. I would like to note that this bill was modeled after current law that applies penalty enhancements for certain drug crimes that occur within the vicinity of a school or juvenile.¹

For those people currently addicted to a substance, the decision to seek treatment could be life-changing. However, the pull their addiction has is strong and the odds they face to complete treatment at a rehab facility, even under perfect circumstances, are not great. And once a person completes treatment, they are in an extremely vulnerable state of mind and it is probable they will relapse. They are perfect prey for dealers.

A simple Google search yields many stories from across the country of drug dealers targeting people entering, staying and leaving rehab facilities. The drug dealers have a product that this population would do just about anything to get, so why shouldn't they traffic the drugs into the facility, set up camp in the parking lot or wait at the end of the street for guaranteed customers? The logic and economics are easy to understand.

In fact, during one of the committee hearings in the Senate, we heard about the conviction of a man who attended Narcotics Anonymous meetings solely to give drugs to people trying to get clean so they would stay hooked. And a few weeks ago an officer informed me that a parolee he arrested for several different violations told him that drug dealers came to his treatment group each time carrying heroin to sell. Luckily, they found one of them, but are actively searching for the others.

I would also like to note that this bill passed the Senate with a strong, bipartisan vote of 31-2 and added 15 co-sponsors.

Ultimately, I want to increase the rate of success for everyone entering rehab and reduce the amount of relapses. I believe that we can do that, in part, by getting dealers off the streets and away from rehab centers for a longer period of time.

Chairman Lang, thank you for allowing me to speak in favor of SB 55. I am ready to answer any questions the members of your committee may have.

¹ Ohio Revised Code 2925.01(P). <http://codes.ohio.gov/orc/2925.01>