

TO: Senate Health Committee  
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio  
DATE: March 23, 2022  
RE: Senate Bill 296 – Proponent testimony



To Chairman Huffman, Vice Chair Antani, Ranking Member Antonio, and members of the Senate Health Committee, thank you for this opportunity to provide the following proponent testimony for Senate Bill 296.

The ACLU of Ohio supports SB 296 because it makes much-needed, wise changes and updates to our current laws regarding drug overdose issues. It does this in several ways.

First, SB 296 cuts red tape to make naloxone more widely available and accessible. As you know, naloxone is a non-addictive, otherwise safe medication known for quickly reversing opiate overdoses. It continues to be administered and successfully used by medical professionals, law enforcement, friends and families, and many others to literally save lives. In a variety of ways, SB 296 further reduces unnecessary restrictions and regulations and expands the number of people and entities who can access and use naloxone. The hope is passage of SB 296 will mean even more lives saved.

SB 296 also clarifies existing law regarding the use of narcotics testing products, such as fentanyl strips. It does this by explicitly immunizing from criminal prosecution those who use such products. This is important because, if we wish to save lives and reduce overdoses, we must work to ensure that people who want to use fentanyl strips are not discouraged from or afraid to use them for fear they will be arrested, convicted, and imprisoned.

The positive changes in SB 296 are crucially important as Ohio is consistently among the top few states for overdoses and overdose deaths. For this reason, the ACLU of Ohio has two suggested changes to make SB 296 even better.

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Number one, Ohio desperately needs updates to its existing Good Samaritan/overdose laws. Under current law, people may receive immunity from criminal prosecution for drug possession and paraphernalia laws if they contact emergency services because they or someone else have overdosed. However, current law restricts this immunity to two uses, it does not apply to those on community control and other sanctions, and it requires those who utilize it to be in or seek drug treatment. These unnecessary and counterproductive restrictions keep Ohio from being as good as it should be in this regard. The better we can make these laws the more lives we will save.

Number two, around Ohio, law enforcement and prosecutors have been charging those who overdose with such crimes as Inducing Panic. The ACLU of Ohio believes SB 296 should be amended to remove all possibilities someone who overdoses gets another expensive, life-altering obstacle cruelly thrown in their path when the focus should be on reducing barriers in order to prevent or reduce overdoses.

The ACLU of Ohio has made both these suggestions in testimony regarding Senate Bill 288. SB 288 is a 1,800 page omnibus bill working its way through the Senate Judiciary Committee. It expands our current Good Samaritan law but only to include drug paraphernalia in addition to the existing drug possession exemption regarding immunity from criminal charges.

The ACLU of Ohio is a proponent of SB 288. But, we also realize there are a multitude of reasons why some bills may or may not cross the finish line during this legislative session. We feel these commonsense changes deserve to be in both bills in case one of them does not ultimately pass and we hope you support these changes, too.

In short, the ACLU of Ohio is thankful for the introduction of Senate Bill 288 and the leadership of its sponsors, Senators Huffman and Manning. We hope the Senate improves it even more during the legislative process and we urge your support for both the bill as introduced and efforts to make it better.