

Proponent Testimony to the Ohio Senate Health Committee

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Senate Bill 296

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Thank you to Chair Huffman, Vice Chair Antani, Ranking Member Antonio, and Members of the Senate Health Committee for taking the time to consider this proponent testimony regarding SB 296.

My name is Spencer Cahoon. I'm an Ohio resident and 15-year criminal defense attorney and, previously, a licensed social worker working with homelessness, mental health, and recovery services. This background helps to illuminate collateral criminal and financial impacts not fully encompassed by prior testimony.

First, I commend and agree with the many doctors, researchers, and advocates who have already addressed this committee on the impact of the Naloxone and Fentanyl test strip access expansion and protections. They cite the research showing the great potential to save lives, which provides our community with time to address people's needs and help them successfully recover. Regardless of how you envision illegal drug use, we can all agree that we value protecting life.

While Naloxone plays an important role in saving lives by reversing an overdose, Fentanyl test strips have a huge potential to mitigate the impact of our opiate crisis by further reducing overdoses and deaths. Unlike Naloxone, test strips are cheap (costing a mere \$1 per strip)¹, are easy to use, and do not suffer from the storage and expiration limitations² that Naloxone has. This means that it is much easier for people to get Fentanyl test strips in the community. This includes both people suffering from drug use disorders and community harm reduction/public health groups. Our most recent data shows that Fentanyl was involved in 81% of Ohio overdose deaths.³ Making test strips available without the risk of criminal prosecution is a common sense policy approach.

Adoption

In considering this approach, Ohio joins at least 17 other states that either have enacted or have recently taken up similar legislation.⁴ Our neighbors in West Virginia signed this

¹ <https://legislativeanalysis.org/wp-content/uploads/2021/05/Fentanyl-Teststrips-FINAL-1.pdf>

² [https://www.montcopa.org/DocumentCenter/View/29412/2020-9-2-Adapt-nasal-Spray-Extended-Shelf-Life#:~:text=Current%20Label%3A%20Store%20NARCAN%C2%AE.F%20\(40%C2%B0C\)](https://www.montcopa.org/DocumentCenter/View/29412/2020-9-2-Adapt-nasal-Spray-Extended-Shelf-Life#:~:text=Current%20Label%3A%20Store%20NARCAN%C2%AE.F%20(40%C2%B0C))

³ <https://odh.ohio.gov/know-our-programs/violence-injury-prevention-program/media/2020+ohio+drug+overdose+report>

⁴ **Enacted - Arizona**

(<https://www.12news.com/article/news/local/arizona/legislation-arizona-prevent-fentanyl-overdoses/75-68178f88-550d-4a03-a8dd-a7ed81589590>), **Delaware**

(<https://legis.delaware.gov/BillDetail?legislationId=48404>), **Virginia**

(<https://law.lis.virginia.gov/vacode/18.2-265.1/>), **Maryland**

(<https://health.maryland.gov/phpa/Documents/FINAL%20GUIDANCE%20DOC.pdf>), **Nevada**

(<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7883/Overview>), **Maine**

legislation into law less than two weeks ago.⁵ Last year the federal government, through the Centers for Disease Control (CDC) and the Substance Abuse & Mental Health Services Administration (SAMHSA), authorized state grantees to purchase Fentanyl test strips to help reduce and prevent overdose deaths.⁶ Legislators and governors across the country are moving to adopt Fentanyl test strip legislation to save lives. We should as well.

Costs

The University of Toledo studied the economic impact of overdose deaths and found that approximately \$8.67 million dollars was the impact of a single opiate overdose death; accounting for “lost spending, wages and productivity, and indirectly from lower employment and other trickle-down effects.”⁷

There are also cost impacts from a criminal legal system perspective. Ohio prosecutes murder charges for people involved in a drug-induced death. Ohio ranks second in the country for pursuing drug-induced homicide cases.⁸ Simply put, these are cases where one person, often another person using drugs, provides drugs that result in an overdose death. In the majority of these cases a caretaker, family member, friend, or romantic partner supplies the drugs that lead to the overdose death underlying the charge.⁹ That person is ultimately convicted of murder, which carries a life sentence. The average person sentenced to murder is paroled in approximately 24.4 years.¹⁰ It costs \$97 a day to incarcerate someone, which, after 24.4 years, amounts to roughly \$864,000. These incarcerations cause further economic impact by removing more people from the community for decades, which amplifies the overdose death’s impact.

(https://legislature.maine.gov/legis/bills/display_ps.asp?LD=994&snum=130), **West Virginia** (https://www.wvlegislature.gov/Bill_Status/bills_history.cfm?INPUT=4373&year=2022&sessiontype=RS), **North Carolina** (<https://www.ncleg.gov/BillLookUp/2019/h325>), **New Mexico** (<https://www.nmlegis.gov/Legislation/Legislation?chamber=H&legtype=B&legno=52&year=22>), **Tennessee** (<https://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=SB2427&GA=112>), **Wisconsin** (https://content.govdelivery.com/attachments/WIGOV/2022/03/14/file_attachments/2103260/sb600.pdf); **Enacted in a limited manner** - **North Dakota, Vermont; Bills Introduced** - **Kansas** (http://www.kslegislature.org/li/b2021_22/measures/hb2277/), **Massachusetts** (<https://legiscan.com/MA/bill/H2125/2021>), **Minnesota** (<https://www.revisor.mn.gov/bills/bill.php?view=chrono&f=HF0883&y=2021&ssn=0&b=house#actions>), **Pennsylvania** (<https://www.legis.state.pa.us/CFDOCS/billInfo/billInfo.cfm?year=2021&sInd=0&body=S&type=B&bn=845>))

⁵ West Virginia

(https://www.wvlegislature.gov/Bill_Status/bills_history.cfm?INPUT=4373&year=2022&sessiontype=RS)

⁶ <https://www.samhsa.gov/newsroom/press-announcements/202104070200>

⁷ <https://www.utoledo.edu/economic-impact/opioids/> (2019)

⁸ <https://www.healthinjustice.org/drug-induced-homicide>

⁹ At F.N. 7 (Relationship between overdose decedents and individuals accused of drug-induced homicide, by category).

¹⁰ <https://drc.ohio.gov/reports/time-served> (2016)

A \$1 Fentanyl testing strip or \$50 dose¹¹ of Naloxone may save a life - more than ¾ of a million dollars in incarceration costs - and \$8.67 million dollars in economic impact.

Conclusion

This legislation preserves the lives of our neighbors and avoids staggering financial impacts. This legislation simply makes sense. Thank you Senator's Huffman and Manning for introducing this bill. Thank you as well to this committee for your attention to this critical public health matter.

¹¹ <https://www.goodrx.com/narcan>