



Ohio Prosecuting Attorneys Association

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House Bill 230
Proponent Testimony
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Chairman Ghanbari, Vice Chairman Plummer and Ranking Member Thomas:

Thank for you the opportunity to provide testimony in favor of House Bill 230 on behalf of Ohio's prosecutors. I am sure that it comes as no surprise to you that the poisons of cocaine, heroin, methamphetamine and fentanyl – especially fentanyl – are destroying our communities. This is true in both the urban and rural areas of our state. I have been a prosecutor in Jefferson County for 18 years. As I stand before you today, I can tell you that these drugs are destroying more lives than they ever have. We lost another young woman in our county on Saturday evening.

Jefferson County is not alone. In preparing for my testimony today, I began researching this epidemic anew. Just a few of the most recent headlines:

- From Cuyahoga County in July: “Nine Suspected Overdose Deaths in One Day” According to the Medical Examiner: “This is the highest number of suspected overdose deaths we’ve had within a 24-hour period. As best we know, this spike is largely driven by fentanyl.” Ages of the victims ranged from 26 to 65.
- From Columbus: The rate of fentanyl-related overdose deaths has skyrocketed over the last 10 years, even doubling since 2019 and Ohio now ranks in the top 10 in fentanyl overdose fatalities. At last count, we had moved all the way up to the 4th highest drug overdose death rate in the United States.
- In 2021, 98.8% of all opioid overdoses were from fentanyl, which was responsible for only 11.7% ten years ago.
- September 2022: Two Ohio State students died of fentanyl overdoses after ingesting what they believed to be Adderall. OSU police discovered fentanyl present in a bag inside an OSU library and those who found it believed it to be the study aid Adderall.
- From the Summit County Health Commissioner: As of September, the county had already seen 163 overdose deaths in 2023, surpassing the total of 155 during that same period in 2022. 80% of those were tied to fentanyl.

- From the Columbus Public Health and Franklin County Public Health Departments: Fentanyl and other substances are being mixed with all recreational street drugs, including cocaine, counterfeit pills, methamphetamine, heroin and marijuana.

And that is the most frightening part about fentanyl: It is everywhere. Virtually every other drug – cocaine, methamphetamine, heroin and even marijuana – can be, and is, laced with it. The users and addicts do not know that. Cannot know that. There is no difference in taste or smell or appearance. The very moment you realize you have ingested fentanyl may be your very last moment.

But we know who does know it: The traffickers. There is no better way to ensure repeat business than to hook your clientele right off the bat. Drugs laced with fentanyl – and almost all of them are – increase the high, increase the length of the high and increase the rate of addiction and subsequent overdoses. In Cuyahoga County, three or more cause of death drugs were identified in nearly two-thirds of opiate/opioid decedents. Cocaine/opioid mixtures led to 4 times as many African American decedents than two years ago. Fentanyl and its analogs were present in 90% of decedents. According to the National Institute of Health, Ohio's age-adjusted opioid overdoses fatality rate is double the national average.

Ohio drug laws have not kept up with the death rate of these drugs. Under current law, a dealer could traffic 99 pills of a fentanyl compound and there is only a presumption of prison time and a maximum sentence of no more than 36 months at that – even though just one of those pills could kill a user. That is no deterrent, and it is no real punishment considering the profit that comes with trafficking in drugs.

This bill also removes the requirement in our drug possession statute that for Schedule III, IV, or V drugs prosecutors prove that the offender knew that the drugs were laced with fentanyl in order to prosecute them for possession of fentanyl. In March of this year Governor DeWine authorized the emergency classification of xylazine, an animal tranquilizer, as a Schedule III drug in response to overdose deaths involving xylazine/fentanyl mixtures. An unintended consequence of this, due to this language in our drug possession statute, was that it made it possible for a person who is in possession of large amounts of a xylazine/fentanyl mixture (up to 120 grams) to face minimal consequences. This provision of the bill addresses the unintended consequence of having xylazine added as a Schedule III drug.

House Bill 230 will allow our prosecutors to seek mandatory prison terms for offenders who have already been convicted of two or more felony drug offenses. It enhances penalties for dealers who choose to sell these deadly drugs in the vicinities of children, schools and rehabilitation centers. It arms us to do what is best for the people we serve. It serves as a deterrent in a way that current law simply does not.

Finally, this bill provides prosecutors with a specification that allows us to seek an additional five-year mandatory prison term when an offender is found guilty of a fentanyl-related death in a case of involuntary manslaughter. It is time to hold these dealers responsible for the death and destruction that they are inflicting on our communities.

It is also important to note what this bill does not do. It does not punish addicts. It does not change penalties (except for fentanyl dealers) for low-level offenders who may be selling very small amounts to feed their own addiction. Those individuals will continue to have options such as drug court programs, probation monitoring and other community control sanctions. This bill is aimed squarely at the drug traffickers who are killing our community members. I have read the concerns that this bill may result in more offenders in our prisons. But, I would suggest that our prisons are better locations for them than our streets.

I stand before you to also offer support for the provisions of House Bill 230 that strengthen prosecutors' abilities to charge individuals who are engaging in behavior designed to organize, manage, direct, supervise, coordinate, facilitate, lead, assist, participate in or finance organizations involved in human trafficking. It provides a first-degree felony charge for this criminal behavior and expands the definition of human trafficking. This has become a critical necessity as the number of individuals profiting from the horrors of human trafficking continues to dramatically increase in our state.

Thank you.