



March 5, 2025

**Ohio House Health Committee
Interested Party Testimony on House Bill 96**

Chairwoman Schmidt, Vice Chairwoman Detter, Ranking Member Somani, and members of the House Health Committee, thank you for the opportunity to provide interested party testimony today on the as-introduced state budget, House Bill 96. My name is Dylan Armstrong and I'm a Public Policy Fellow with The Center for Community Solutions, a nonprofit, nonpartisan think tank focused on improving health, social and economic conditions for Ohioans.

As we all know, the opioid crisis has hit and continues to hit Ohio hard. Addiction, overdoses, and related fatalities continue to plague the state. In 2023, the most recent data available, 4,452 lives were claimed by unintentional drug overdoses. While this is a slight reduction from 2022, there is more we can do to reduce these deaths, and the as-introduced budget includes a perfect example of a strategy to achieve this.

The as-introduced budget expands, beyond fentanyl testing strips, the items that may be lawfully possessed and used to test for the presence of drugs and to prevent drug poisoning, without being considered in violation of the prohibition against drug paraphernalia. Additionally, it would require the State Board of Pharmacy to adopt rules for approving additional types of instruments that may be possessed and used because they demonstrate efficacy in reducing drug poisoning by determining the presence of specific compounds.

Under current law, all drug testing or analyzing equipment is considered drug paraphernalia in Ohio, except for fentanyl test strips. This is problematic when considering how fentanyl test strips work. Fentanyl test strips are dipped into water containing a small amount of well-mixed drug residue and if fentanyl is in that drug residue, then it shows positive. While these test strips are very sensitive, only requiring a small amount to trigger a positive test, the phenomenon called the "chocolate chip cookie effect" is of concern. The idea is that fentanyl can be clumped together in a small pocket, like chocolate chips inside a cookie, meaning that one section of the drug tested could contain fentanyl while the rest does not, which can cause a false negative.

By allowing for additional items beyond fentanyl testing strips to be legalized the chances of detecting fentanyl, or other harmful compounds, can increase. For example, Xylazine test strips could be used to help detect fentanyl as 9 out of 10 drugs that contain Xylazine also contain fentanyl. But, under current law, Xylazine test strips are illegal. By permitting individuals to acquire the tools they need to make an informed decision, we can enable proper risk management and allow them to take whatever steps are necessary to reduce the possible harm they face.

I want to thank you again for the opportunity to provide testimony as Community Solutions always values the chance to weigh in on policy that would greatly impact the health and

wellbeing of Ohioans. We would welcome the chance to share additional research that we have conducted in this space and are happy to answer any questions that you may have. Thank you!

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