



## Opposition Testimony for HB 88

November 10, 2025

Dear Chair Thomas, Vice Chair Swearingen, Ranking Member Synenberg, and members of the House Judiciary Committee,

Thank you for this opportunity to submit this letter in opposition to House Bill 88.

The Alliance for Safety and Justice (ASJ) is a multi-state organization that promotes effective approaches to public safety and healing for victims of crime across the country. We bring together diverse crime survivors via our flagship project, Crime Survivors Speak, to advance policies that help crime victims and stop cycles of crime. We have more than 12,000 crime survivor members across the state of Ohio.

We agree that pursuing solutions to address harmful drug activity is an urgent priority. **We oppose HB 88, however, because it is too broad, too expensive, and would not make Ohio safer.** HB 88 would require the state to spend tens of millions of dollars every year on outdated and counterproductive criminal penalties rather than investing in safety and prevention.

**HB 88 is overly broad.** HB 88 is not a focused effort to combat fentanyl in Ohio. Rather, the bill's sweeping scope would make the most dramatic changes to drug law in the last decade.<sup>1</sup> HB 88 would impose drastic departures from the current drug felony classification structure – including jumping up several felony categories for some weight categories and drug types – that are economically reckless and do not bring a public safety return. We estimate that these penalty changes would impact sentences for a substantial portion, and possibly the majority, of people entering prison for drug trafficking offenses.<sup>2</sup>

**HB 88 would cost nearly \$60 million per year – a cost Ohio cannot afford.**<sup>3</sup> The Department of Rehabilitation and Correction (DRC) is already struggling to staff its facilities in the face of modest predicted prison population growth.<sup>4</sup> HB 88 alone would more than double the anticipated prison population increase, necessitating at least 1,500 additional beds on top of the

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<sup>1</sup> Provisions of HB 88 include: Creating a new Felony 1 offense of “participating in an organization or operation for trafficking in persons,” increasing the felony grading and quantity scale for trafficking of variety of types of drugs (cocaine, heroin, methamphetamine, and any mixture of drugs that includes any amount of fentanyl), removing the knowledge requirement for possession of a non-marijuana mixture of drugs that includes any amount of fentanyl, requiring death certificates to indicate when the cause of death was fentanyl-related, requiring K-12 schools to provide education on the dangers of fentanyl and designating a “Fentanyl Poisoning Awareness Week,” requiring higher education institutions to provide education on the dangers of fentanyl, and naming August as “Fentanyl Poisoning Awareness Month.”

<sup>2</sup> We assume that the majority of trafficking offenses involve cocaine, methamphetamine, heroin, or some mixture of drugs that involves fentanyl. According to the ODRC Commitment Report, as of FY 2023, nearly three in four commitments to prison for drug trafficking were Felony 2, 3, or 4 offenses – categories subject to one- to two-level felony class increases in HB 88.

<sup>3</sup> Ohio Legislative Service Commission, [HB 88 Fiscal Note & Local Impact Statement](#).

<sup>4</sup> Testimony of ODRC Director Annette Chambers-Smith before the House Finance Committee, February 6, 2025.

1,000 beds already projected. HB 88's increases alone could cost taxpayers almost \$60 million every year, require additional prison capacity, and significantly worsen the DRC's staffing crisis.

**Ohio already has penalties that hold people accountable and specifically target fentanyl offenses on the books.** The Ohio Legislature passed SB 1 in 2018 to increase penalties for fentanyl offenses. That bill increased both drug trafficking and possession sentences for fentanyl and any mixture of drugs that includes any amount of fentanyl, and also created a mandatory sentence specifically for fentanyl-related offenses. Ohio already has tough sentences for people who distribute controlled substances, including long sentences and required prison terms for trafficking across drug types.

**Research shows that HB 88's drug policies do not work.** Research shows that severe prison terms do not impact illegal drug activity. There is no relationship between aggressive drug sentencing penalties and drug use or arrests, and longer mandatory sentences do not increase public safety.<sup>5</sup> A growing number of states have replaced mandatory minimums and other ineffective drug penalties with smarter crime control policy.<sup>6</sup> HB 88 would take Ohio backwards.

For these reasons, we urge you to reject HB 88 and instead invest in evidence-based solutions to Ohio's fentanyl crisis that will interrupt drug markets, promote behavioral health, and save lives.

Shaena Fazal  
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Alliance for Safety and Justice

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<sup>5</sup> See, e.g., National Research Council (2014), *The Growth of Incarceration in the United States: Causes and Consequences*; FAMM (2024), *FAMM Policy Briefing: Mandatory Minimum Sentences*; Pew Charitable Trusts (2018), *More Imprisonment Does Not Reduce State Drug Problems*.

<sup>6</sup> Pew Charitable Trusts (2018), *More Imprisonment Does Not Reduce State Drug Problems*.