



November 12, 2025

Chairman Thomas, Vice-Chair Swearingen, Ranking Member Synenberg and Members of the House Judiciary Committee:



As a consortium of experts in helping Ohioans struggling with addiction and substance use well-intentioned piece of legislation that’s ripe with unintended consequences for Ohio communities and taxpayers. Not only is the bill overly broad, wandering far from the goal of punishing human traffickers and members of international criminal operations, the bill fails to incorporate widely accepted evidence-based practices for treating substance use disorder rather than criminalizing the issue. The bill is also an affront to taxpayers. HB 88 proposes to increase penalties for offenses where Ohio already has some of the strictest criminal laws on the books. That means Ohioans would be on the hook for tens of millions of dollars per year to fund the increased prison bed count and potentially foot the bill for people locked out of the economy based on future collateral sanctions of this bill.



imposes drastic departures from the current drug felony classification structure, including jumping up several felony categories for some weight categories and drug types and increasing some penalties from probation and community-based Most troubling, the bill removes the *mens rea* element for possession of many drugs, including fentanyl, while imposing serious felony penalties. This promises to ensnare low-level users who don’t even know that their substances are laced with fentanyl, forcing judges to sentence them to mandatory felony prison time and removing the opportunity for local treatment or community control. Instead of affording low-level users the ability to get drug treatment, rehabilitation, and training in secure residential treatment centers to become contributing members of society, HB 88 will mandate that anyone swept up by these new penalties be sent to prison.



Not only does this approach dramatically restructure Ohio’s already-strict drug laws, but it is not backed by best practices or scientific research. A growing number of states have replaced mandatory minimums and other ineffective drug penalties like those proposed in HB 88 with smarter crime control policy. 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. HB 88 would simply take Ohio backwards.

Finally, Ohioans cannot afford HB 88's nearly \$60M/year price tag, as conservatively estimated by the Ohio Legislative Service Commission. The Department of Rehabilitation and Correction (DRC) is already struggling to staff its facilities in the face of predicted prison population growth in the coming years. HB 88 would *more than double* the anticipated prison population increase, necessitating at least 1,500 additional beds on top of the 1,000 beds already needed. This increase would surely require additional prison capacity, and perhaps the building of an additional prison at massive taxpayer expense. Local government budgets will also be severely impacted by this bill, as their county jails are the initial point of intake before individuals are sentenced to DRC. This unfunded mandate will bring additional fiscal and resource strain on local governments, further swallowing their budgets and taking away their ability to properly fund community programs that help people with addiction recover and live meaningful, safe lives. Many counties already spend two-thirds of their annual budget on public safety and HB 88 promises to further exasperate the spending.

We implore you to reconsider HB 88 and recognize the dangerous consequences it contains for both communities who need real solutions for substance abuse disorders and the taxpayers who will shoulder the burden for heading in the wrong direction.

Sincerely,

Members of the Pathways to Public Safety Coalition