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Ohio Senate

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**Sponsor Testimony on Senate Bill 1
Senate Judiciary Committee
Wednesday, February 8, 2017**

Chairman Bacon, Vice Chair Dolan, Ranking Minority Member Thomas, distinguished members of the Senate Judiciary Committee, thank you for the opportunity to provide sponsor testimony on Senate Bill 1 this morning. This legislation would update our drug abuse laws to reflect the lethal nature of illegally produced and trafficked fentanyl-related products. Fentanyl is a synthetic opiate that is 30 to 50 times more potent than heroin. In its prescribed form, fentanyl is typically used during anesthesia, to treat patients with severe pain or to manage pain after surgery, and, it is sometimes used to treat people with chronic pain who are physically tolerant to opiates. While prescription fentanyl serves an important medical purpose as a powerful synthetic opiate painkiller, contraband fentanyl has been linked with hundreds of overdose deaths throughout our state when it is mixed with heroin. This legislation, formerly Senate Bill 237, passed the Senate last general assembly with bipartisan support.

Heroin laced with fentanyl, known as “blue drop” heroin, has been linked with drug overdose deaths throughout the state. Based on law enforcement drug seizures, Ohio has seen a major increase in drug reports involving contraband fentanyl. The number of unintentional drug overdose deaths in Ohio increased again in 2015, driven by a sharp rise in fentanyl-related deaths, according to a report released by the Ohio Department of Health. The number of fentanyl-related deaths in Ohio has increased from 84 in 2013, to 503 in 2014 and rose to 1,155 in 2015. By comparison for 2015, the Highway Patrol reported 1,110 traffic fatalities.

I worked with the Wayne County Prosecutor’s office in developing this legislation to address the growing problem with drugs, specifically opiates, methamphetamines, and prescription drugs, that plague my district and the rest of the state. The legislation targets anyone trafficking fentanyl-related substances. This legislation would lower the amount of fentanyl-related compounds needed to receive higher-level felony convictions that carry longer sentences. In addition, if a fentanyl-related drug conviction is connected to a homicide conviction, the prison sentences will be held consecutively. The need for this legislation became evident when three people were arrested at a home in Wayne County. Because the fentanyl discovered there was not in its “final dosage form,” the plea deals the prosecutor could obtain from all three illustrated the insufficiency of current drug laws in relation to the severity of this substance.

This legislation would also give people who are suffering with addiction the chance to seek rehabilitation. Those individuals who are found in possession of smaller amounts of fentanyl would be eligible for drug treatment options at sentencing. I believe, as many of you do, that addicts need treatment but traffickers need to be in prison. This bill helps achieve that balance.

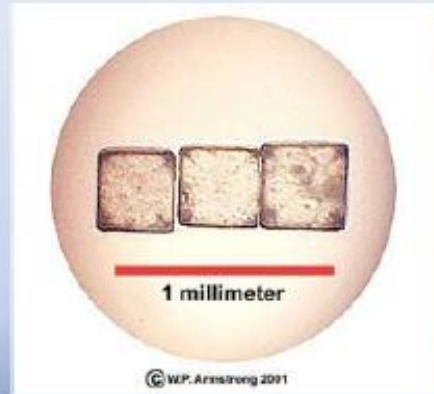
This legislation would also allow felony permitting drug abuse to be charged when someone permits a methamphetamine lab or the assembly of chemicals for the manufacture of methamphetamine in their home, apartment, vehicle, etc. As assembly of methamphetamine chemicals involves great risk to the general public, permitting this activity should be punishable to the same extent as other serious drug related offenses. Adding references to R.C. 2925.04 Illegal Manufacture of Drugs and 2925.041 Illegal Assembly of Chemicals for Manufacture of Drugs to R.C. 2925.13 (C)(3) section will accomplish this.

Lastly, this bill adds lisdexamfetamine to the Ohio schedule of controlled substances found in R.C. 3719.41. Currently, lisdexamfetamine is listed as a federal Schedule II controlled substance in 21 C.F.R. Section 1308.12, but is not included in the Ohio schedule of controlled substances. Lisdexamfetamine is used to treat ADHD and hyperactivity and is at a high risk of being abused, especially in juveniles. There have been instances where prosecutors could not charge a case of drug abuse involving this drug because it is not listed in R.C. 3719.41. Adding lisdexamfetamine to the Ohio schedule of controlled substances would make Ohio law consistent with federal law.

Thank you for the opportunity to testify this morning. I would be happy to answer any questions that you may have.

Dangers of Fentanyl

- Single dose of fentanyl by IV is approximately 125 micrograms
- 1 grain of salt = 60 micrograms



Single dose of fentanyl = 2 grains of salt

Dangers of Fentanyl

- Lethal dose of fentanyl is roughly 2 mg
 - 32 grains of salt
 - 7 poppy seeds



1 poppy seed = 0.3 mg



2 mg of fentanyl

