

79TH HOUSE DISTRICT

PARTS OF CLARK COUNTY

INCLUDING: SPRINGFIELD, NEW CARLISLE,
SOUTH CHARLESTON, AND ENON

COMMITTEES

CHAIR: AGRICULTURE & CONSERVATION
PRIMARY AND SECONDARY EDUCATION
TECHNOLOGY AND INNOVATION



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State Representative Kyle Koehler Ohio House of Representatives

Chairman Lipps, Vice-Chair Holmes, Ranking Member Russo and members of the House Health Committee – thank you for giving me the opportunity to provide sponsor testimony for House Bill 9.

House Bill 9 is not a new bill – during the 133rd General Assembly, an identical bill, House Bill 29, passed the Ohio House with votes of 16-0 and 88-4, before passing 7-0 from the Senate Local Government, Public Safety and Veterans Affairs Committee. HB 9 is nearly identical to House Bill 73 from the 132nd General Assembly, which passed the Ohio House on a similar vote of 92-4.

Put simply, the bill restricts access to medicine containing dextromethorphan by prohibiting retail stores from selling medicines containing the ingredient to anyone under the age of 18 (without a prescription). Dextromethorphan (also known as DXM or “dex”) is the active ingredient found in cough and cold medicine. Some popular brands you may recognize are Robotussin or DayQuil.

Those involved with Children’s Services and the juvenile courts see this every day. In your districts, kids are mixing medicine containing dextromethorphan with alcohol and sugary drinks. Often, this occurs within the poor and hurting areas of your districts.

It was the experience of former State Representative and Juvenile Court Judge Jeff Rezabek, who worked with juveniles in the Dayton area, which became the genesis of this bill. Then, as now, children were being harmed, some even *hospitalized*, after ingesting half or full bottles of cough syrup mixed with alcohol in an effort to become intoxicated.

Kids looking for a cheap way to get a hallucinogenic-type buzz associated with what they call “robotripping” are mixing alcohol with dextromethorphan, or drinking large amounts of it “straight up.”

Mr. Chairman, I imagine that it is possible that, upon reviewing this bill, members of this committee have realized what is going on with dextromethorphan for the first time. For a glimpse into the conversations being had among young people about how to abuse DXM, see the “How to RoboTrip” thread on the Psychedelics subreddit: https://www.reddit.com/r/Psychedelics/comments/bgs65h/how_to_robotrip/.

Some teens think they are more safely imitating what their friends are doing with codeine and alcohol, creating what on the street is called “lean”, “Surrzip”, or “Purple Drank” among other names.

While they think they are doing something harmless, they are not. This is dangerous, and worst of all a definite gateway to doing the same thing with codeine – which is addictive and deadly.

Because of all this - the industry which creates medicines containing dextromethorphan is asking us to pass this law. Twenty-two (22) other states have already adopted laws to do the same thing.

I want to repeat: they are asking us to pass this law. They support this bill. They would rather continue to sell this medicine over-the-counter than regulate it behind-the-counter and require a prescription.

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For that reason, we have created a very simple bill of only two pages containing 5 sub-sections. A, B, C, D and E. Just 47 lines.

"A" sets forth three definitions used in the bill;

"B" tells us what the bill does in one paragraph: Basically, prohibits selling to minors without a prescription;

"C" tells retailers what they have to do to satisfy the law in one paragraph. Basically: Card anyone who appears to be under the age of 25;

"D" in one single paragraph - removes liability from the retailer or employee for what someone might do with the substance even if they are underage - unless they are found to be knowingly, intentionally selling to minors;

"E" is one sentence that says whoever violates this is guilty of a minor misdemeanor.

That is the bill - a simple bill that does what the industry has asked for in twenty-two other states. Why? So their product can remain available over the counter while reducing the chance that kids are buying this stuff at the local convenience store and abusing it.

The producers want to be responsible to the public, and they are asking for our help. If members do not think this is a problem, I encourage everyone to go to StopMedicineAbuse.org which details this issue and what is happening in your districts.

I believe this bill serves a dual purpose. First, it will help keep this product out of the hands of young teens on a Friday or Saturday night. Second, it will act as an educational tool for parents, as it might set off an alarm as to why their teenage child keeps taking so much cough medicine out of the cabinet.

After seven (7) hearings in the Ohio House and four (4) hearings in the Ohio Senate over the last two General Assemblies, we have yet to have anyone testify in opposition of the bill. It has been supported by the Ohio State Medical Association, Nationwide Children's Hospital, American Academy of Pediatrics, and the Consumer Healthcare Products Association.

I ask you to support this bill to help the industry remain responsible and return responsibility to parents when it comes to the medicine their kids have access to through retail outlets.

Again, Mr. Chairman – thank you for allowing me sponsor testimony on House Bill 9. I will be happy to take any questions you may have.