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Memorandum to the Ohio Senate Health Committee

From: The Ohio Council of Behavioral Health & Family Services Providers
Date: March 21, 2022
Subj: Support for SB 296

Chairman Huffman, Vice Chair Antani, Ranking Member Antonio, and members of the Senate Health Committee, thank you for the opportunity to offer this testimony in support of Senate Bill 296. The Ohio Council fully supports this legislative measure as it represents sound policy and a welcomed path forward for community behavioral health providers and local communities working to prevent fentanyl-related overdose deaths in Ohio. Indeed, the Ohio Council applauds Senator Huffman and Manning for sponsoring this legislation and we thank the DeWine Administration, especially the Board of Pharmacy and RecoveryOhio staffs for their efforts to advance these important initiatives.

SB 296 would clarify and decriminalize the use of narcotic testing products, including fentanyl test strips, while also essentially deregulating naloxone so that it can be more readily available and accessible in our local communities and neighborhoods.

Swift passage of this bill is important because it will make it possible to check for the presence of fentanyl by using fentanyl test strips – this is necessary and vital unfortunately due to Ohio’s increasingly lethal drug supply. ODH data indicates that illicit fentanyl was involved in 81% of Ohio’s 2020 overdose deaths, often in combination with other drugs such as cocaine and methamphetamines. Additionally, counterfeit prescription tablets containing fentanyl are being sold on the streets that are nearly impossible to detect with the naked eye.

Fentanyl test strips are easy to use, inexpensive, and are very accurate in detecting the presence of fentanyl. Importantly, fentanyl test strips have also been shown to facilitate behavior change to protect against overdose. According to a [2018 John Hopkins Study](#) of active drug users, 70% of respondents reported that knowing that their drugs contained fentanyl would lead them to modify their behavior. Another [study](#), conducted out of North Carolina, concluded that individuals with a positive fentanyl test strip test result were five times more likely to report changes in drug use behavior compared to those with a negative result.

Under current law, paraphernalia is defined to include items used to test drugs, including fentanyl test strips. This leaves many community addiction treatment providers and community organizations fearful of potential criminal and civil penalties for distributing these life-saving tools. SB 296 would align Ohio with other states such as Arizona, which updated its state law in 2021 to remove fentanyl test strips from the definition of drug paraphernalia.

Along with the legalization of fentanyl test strips, SB 296 would also remove barriers to the distribution and administration of naloxone. Naloxone is a life-saving drug that can reverse an opioid overdose, including those involving fentanyl. This bill exempts naloxone from most Board of Pharmacy distribution laws and broadens access to naloxone to all Ohioans.

SB 296 will make it easier for community addiction treatment providers to make sure their patients and other Ohioans seeking treatment will have access to this life-saving medication.

The Ohio Council of Behavioral Health and Family Services Providers strongly supports the passage of SB 296. This legislation expands access to important interventions necessary to respond to the dangerous rise of fentanyl in our state and will save lives.