

Representatives

Cindy Abrams
Willis E. Blackshear, Jr.
Juanita O. Brent
Sara P. Carruthers
Rodney Creech
Steve Demetriou
Thomas Hall
Adam C. Miller
Kevin D. Miller
Ismail Mohamed



Chairman
Haraz N. Ghanbari

Vice-Chairman
Phil Plummer

Ranking Member
Cecil Thomas

HOMELAND SECURITY COMMITTEE

Meeting Minutes | October 18, 2023

Chairman Ghanbari called the committee to order at 11:01 a.m.

Chairman Ghanbari brings forward HB 241 for its 4th hearing and recognizes Representative Kevin Miller for an amendment.

Representative Kevin Miller provides a description for AM_135_1177-1.

Chairman Ghanbari adopts the amendment to HB 241 and concludes the 4th hearing.

Chairman Ghanbari brings HB 230 forward for its 3rd hearing.

Chairman Ghanbari recognizes Joshua Swindell from the Ohio State Highway Patrol.

Joshua Swindell states the roadways are being used for trafficking and the OSHP is the line of defense between our state and the border. The OSHP pull people over and use their small violations such as a cracked windshield in order to discover drugs and guns through probable cause. Since 2022, there has been an increase in most if not all drugs. These smugglers do not have a concern for the public or community health and are a danger to every community.

Representative Kevin Miller asks about the seizure of the weapons that he mentioned and how important it is for the OSHP to partner with the federal agencies.

Joshua Swindell states that it is crucial for their cooperation due to the fact that many cases that they have will spill over into the case load of the federal agencies.

Representative Kevin Miller asks what the impact would be if we did not partner with them.

Joshua Swindell states the investigation would end on their side and the chain of criminal activity will be lost.

Vice-Chair Plummer states the issue is that smugglers coming from the border keep getting sent back to Mexico and they then return. He asks how the OSHP feels about increased penalties for illegal immigrants.

Joshua Swindell states OSHP would be in support of increasing penalties for these illegal immigrants.

Ranking Member Thomas asks what it looks like on his end of finding drugs laced with fentanyl.

Joshua Swindell states fentanyl is laced in all narcotics.

Ranking Member Thomas asks what the lethal dose of fentanyl looks like.

Joshua Swindell states the tip of a pen could be lethal to a human, especially those with no tolerance.

Ranking Member Thomas asks how many people could have been killed from the seizure they recently had.

Joshua Swindell states it could have killed over 250,000 people.

Chairman Ghanbari asks if the crime log is back logged on the testing of drugs and how can the state assist them.

Joshua Swindell states they cannot test the drug quick enough to see the fentanyl content. There is always a backlog, and they need assistance with hiring people to do more testing. Additionally, they have a new machine that can test for thousands of different drugs or compounds.

Chairman Ghanbari asks what legislatively needs to be done to assist with this increase in drug usage.

Joshua Swindell states they are looking at an oral fluid sample that will absorb saliva and be submitted to the lab for testing. If the tests come back positive, they will be able to provide these people with rehabilitation. A legislative change to recognize the oral fluid for impairment would also be helpful.

Chairman Ghanbari asks what jurisdiction the federal agencies have to enforce the law against illegal immigrants when there are no agencies in the area.

Joshua Swindell states Border Patrol will send these people to be held but they are limited on this issue.

Chairman Ghanbari states the federal administration has handcuffed our border patrol and federal agencies. This is preventing them from enforcing our border and the partners in the federal branch should work to support these federal law enforcement agencies.

Chairman Ghanbari calls forward Heinz von Eckartsberg from the Ohio Association of Chiefs of Police.

Heniz von Eckartsberg states 80% of overdoses in Ohio are due to fentanyl. It is impossible to tell if a recreational drug has been laced with fentanyl unless it is tested. This bill is not about immigration, it is about discouraging the further influence of these drugs in our state. The OACP supports the increased penalties for trafficking of drugs and people as well as drug overdose related deaths.

Representative Brent asks how the bill will assist communities on a practical level.

Heniz von Eckartsberg states on the local level, the drug overdose rate is hitting all communities regardless of socio-economic status. All of the labs and agencies that are enforcing these laws are inundated with drugs and testing.

Chairman Ghanbari recognizes Commander Tom Fallon from the Hamilton County Heroin Task Force and Quick Response Team.

Commander Tom Fallon states they have investigated over 1,600 overdose deaths in Hamilton County. The navigators and police in the area pair up in order to provide services to the people struggling with addiction in their community. He states he strongly supports HB 230's increased penalties in order to address the 80% increase in fentanyl overdoses. Fentanyl used to be prominent in heroin but now it is laced in all drugs. These overdoses are greatly affecting all populations, especially the minority populations.

Ranking Member Thomas states the bill will serve as a deterrent; however, he asks how the penalties can be used to cause cooperation on a street vendor.

Commander Tom Fallon states this bill will cause more cooperation. The street vendors are not held accountable for the drugs they are selling, and the mandatory sentencing could be used to create more cooperation.

Ranking Member Thomas states most families do not have a court involved with assisting a family member who is addicted to drugs. He asks what could be done for families to get power of attorney over these individuals.

Commander Tom Fallon states their task force is going to the doorstep of these people; however, they cannot force these people to do anything, including treatment. He states it is up to the legislature in order for this idea to be enforceable.

Representative Abrams states this bill does not target street level dealers and she asks if this is correct.

Commander Tom Fallon states this is correct and veteran police officers know the difference between the traffickers and the addicts who are struggling.

Representative Abrams asks how important the state and federal partnerships are with regard to the legal code.

Commander Tom Fallon states this will give prosecutors a tool to hold these people accountable.

Vice-Chair Plummer asks if this bill is comparable to federal penalties.

Commander Tom Fallon states that the 5-year mandatory sentence is a step in the right direction, however, increasing it to 10 or 15 may assist in putting Ohio law into accordance with federal law.

Vice-Chair Plummer asks how often they are able to see if fentanyl overdose is the cause of death.

Commander Tom Fallon states most cases were never looked into to see if it was a fentanyl overdose, but now they have seen an increase in cases.

Vice-Chair Plummer asks how the legislature can assist with drug rehabilitation.

Commander Tom Fallon states it would assist if it was possible to force people into treatment.

Ranking Member Thomas states this is the sort of method he is looking to support in order to keep a family member who is struggling in rehabilitation.

Commander Tom Fallon states it will take all agencies to be creative to assist these individuals.

Ranking Member Thomas states a court order will be the best route to go.

Representative Brent asks about the demographics who are suffering from overdose.

Commander Tom Fallon states he does not have the exact numbers, but it is visible to see the increase in the African American population in comparison from the Latin Americans. He states that they hire African American leaders to work in the task force in order to better address their respective communities.

Representative Brent asks what sort of prevention the Hamilton Task Force is taking on.

Commander Tom Fallon states there is an increase with Narcan distribution as well as other testing strips.

Representative Brent asks how this bill compares to other states.

Commander Tom Fallon states the rehabilitation program is working on supporting these people with felonies on getting a well-paying job after they have been rehabilitated and gone through other trainings.

Chairman Ghanbari asks what information he has for drugs being organically produced here in Ohio.

Commander Tom Fallon states the Task Force is seeing all of the drugs coming from Mexico and they are not seeing home grown drugs.

Chairman Ghanbari asks what latitude the border patrol has in Michigan compared to Ohio.

Commander Tom Fallon states they were able to see a solid cooperation between departments during the war on black tar heroin.

Ranking Member Thomas asks if the state is moving towards drug treatment centers that are similar to the heroin epidemic.

Commander Tom Fallon states Hamilton County has increased their treatment by 5 times.

Chairman Ghanbari recognizes Mark Murphy for testimony.

Mark Murphy states he had a personal event occur in his own family where he lost his own daughter to a fentanyl poisoning. He visited the border and was shown how the drug trafficking cartels function and how brutal they are. He states the raising depression and other complexities of life are turning people to the dark web and other methods of buying drugs.

Chairman Ghanbari states that the testimony was moving and is greatly appreciated.

Representative Hall states he appreciates him coming and points out the Butler County bust that recently occurred on October 14th. During this seizure, they recovered 3 kilos of fentanyl, and this could kill roughly one million people.

Representative Brent state she appreciates his transparency and strength as well as his families. She asks what is being done to make sure there is not another father that has to go through this situation.

Mark Murphy states his daughter took a pill that she thought was Xanax and this one pill was enough to kill her. This bill will hopefully prevent people from sharing his pain.

Representative Brent asks if there is some sort of messaging for only taking pills from your doctor.

Mark Murphy states this is an important message and young people need to think twice before taking these drugs.

Ranking Member Thomas states there needs to be a move in the direction of allowing families to get a court order to place somebody in a facility and he asks if this would have helped his daughter.

Mark Murphy that his daughter could not get into a therapist, and she sought out a Xanax to assist with anxiety and it only took one pill to poison her.

Chairman Ghanbari recognizes Virginia Krieger from the Lost Voices of Fentanyl.

Virginia Krieger states her daughter was taken from her because of a Percocet laced with fentanyl. These overdose deaths happen 300 times every day. She states she conducted two separate studies on the fentanyl crisis and provided them to the governor. Her son also has almost passed away three times from overdoses and is now left in a coma. Both of her children have been impacted by fentanyl and she only has one child left. She states her daughter was poisoned and this was not an accident. She was poisoned and the pill was used to create a new addiction to profit off of her. Her children do not mean to take fentanyl, but it is hidden in these pills. These pills are created intentionally and deliberately. Not enough is done for prevention and more steps need to be taken within schools. Half of the U.S. population has used a pill that was not diagnosed by their doctor for recreational purposes. This drug usage is now the same 'right of way' that alcohol used to be. The penalties for people dealing death need to be increased. There must be more studies conducted on those affected by this crisis, including those in comas and the families handling those being harmed by the affects of fentanyl.

Vice-Chair Plummer apologizes for what her family has gone through. He states that the pill press should be regulated.

Virginia Krieger states licensing may be needed to clarify who is buying these products.

Chairman Ghanbari states on a ride along they found pills that were color coated from Detroit that looked like smarties or candy from the 80s. He states that looking into regulating pill presses may be a necessary step to take.

Virginia Krieger states children are taking these pills are an accident because they do believe they are candy. The resources need to make fake pills are too easily accessible.

Chairman Ghanbari states if you were to go on Amazon, you can see the pill binding materials are likely coming from overseas.

Representative Brent thanks her for her testimony and she sees situations often where people are sharing pills without thinking about the possibility of them being laced with fentanyl. She states there is not enough messaging, and the accessibility of these resources need to be regulated.

Virginia Krieger states the cartel has evolved and society and the government has not kept up with them. The new message needs to be if you take a recreational pill, you can die.

Representative Abrams asks if she has a messaging approach already created.

Virginia Krieger states there are workbooks and picture books for children as well as other approaches for the ages between middle school and high school. Children do have mechanisms that they will be receptive to.

Representative Thomas asks if the three elements that need to be supported are treatment, education and enforcement.

Virginia Krieger states that this is correct.

Ranking Member Thomas asks if it may be better to spend money on addiction recovery treatment compared to enforcement.

Virginia Krieger states more money does need to go into these programs, however, there still needs to be more resources for law enforcement. This bill will give teeth to law enforcement to get these people off of the streets.

Chairman Ghanbari asks if she can repeat the toxicology report piece of her testimony.

Virginia Krieger states the toxicology report used to go under opiate.

Chairman Ghanbari asks to clarify for Ohio.

Virginia Krieger states in Ohio it also went under general opiate.

Chairman Ghanbari asks how the death certificates will be handled in order to account for fentanyl poisoning.

Virginia Krieger states fentanyl needs to be accounted for on the death certificate.

Representative Abrams states the bill does include a provision that will add a category that creates a category for fentanyl poisoning if it is 2 grams or over.

Virginia Krieger states this would be helpful. She states Narcan and testing strips are not keeping up with the change of fentanyl, but this issue needs to be given attention.

Chairman Ghanbari calls for Dennis Eng from the Ohio Task Force Commander Association.

Dennis Eng states Ohio is leading in drug overdoses compared to the entire nation. There are even overdoses in the county jail where they have seen 2 inmates overdosed and the officers exposed were also harmed. As of now, Ohio is ranked 5th in the country for human trafficking. These people are being used for slave labor and sex acts. This is often coming from Asian countries and families who are being sold into indentured slavery at Chinese restaurants and at retail locations. HB 230 will assist in increasing penalties to fentanyl trafficking as well as preventing human trafficking.

Chairman Ghanbari calls forward Jim Rauh from Families Against Fentanyl.

James Rauh states fentanyl is a weapon of mass destruction. Fentanyl is the number 1 cause of death for people that age of 18-24 and now infants are joining this statistic. Ohio is among the top 4 states that have fentanyl overdose deaths. HB 230 will strengthen our state, and this will allow the state to take on these cartels and traffickers.

Representative Brent asks what the message for Ohioans should be.

James Rauh states fentanyl needs to be seen as a weapon of mass destruction that can poison our air, food, and water. The amount of fentanyl in our state is being stockpiled and the terrorists in our country and state can use this against the people of the state.

Chairman Ghanbari states this has been the most moving testimony he has seen since he began his term as a state legislator.

Chairman Ghanbari recognizes Barry Carter for testimony.

Barry Carter states his daughter passed away from a fentanyl overdose. He states that not enough attention has been brought up for the costs of drug addiction on the courts. 70% of the cases in courts are related to drugs. Additionally, healthcare has a burden placed on them for the medical attention that is being demanded. Homelessness is on the rise as well due to drug addiction. His daughter was outgoing and loved people, she joined the military, got married, had a child, went to school, then was injured in the military. She was taking pills from the doctor for her back issues. The doctor cut the pills off and her boyfriend went to the street and got her the drugs she wanted. She became addicted because of this. His daughter overdosed and he was called to the hospital. He went to the hospital, and she checked herself out after overdosing twice and being brought back to life twice. He came to her house one day after having her checked into a treatment center. He found her dead on the floor the next day. He states he support 9-1-1 housing that provides 65 beds for rehabilitation in his community. He points out that if somebody had shot his daughter, it would have been treated much differently compared to how her death was treated from fentanyl.

Representative Brent asks what the amount of time is for treatment.

Barry Carter states there are several different programs that take varying number of times. He is a proponent of 9-month programs is an opponent to 30-day programs.

Representative Brent asks LSC what the standard amount of time people spend in rehabilitation in Ohio.

Barry Carter states the people in the treatment centers are good people and they should not be treated as such.

Representative Brent asks where the 9-month program comes from.

Barry Carter states the program is coming from people that he talks to that stated 9-month programs work.

Chairman Ghanbari states he has a friend who is suffering from alcohol abuse. He joined a program from the airline that had an intense in-treatment patient care. Pilots often have alcohol addiction and through this program many come back, including his friend, successfully rehabilitated.

Ranking-Member Thomas states he had a friend that served 10 years in prison and went through rehabilitation, when he came out of prison, he would suffer from the needs of his addiction from being in the area where he previously bought his drugs. He continues to hear stories like this as well as Barry Carter's story that show how powerful this addiction is. He states the issue needs to put more money forward for treatment centers.

Barry Carter states his daughter started to steal and was sent to jail, instead of a rehabilitation center.

Representative Abrams states Melissa Powers from the Hamilton County Prosecutors shows that drug court needs to look more like Hamilton County where they are handling this issue by looking at rehabilitation first.

Barry Carter states the detective on the case felt his pain and spent time with him after the loss of his daughter. There was nobody except him and his wife and the detective that stayed with him. Legislation is important but the damage being done needs to be looked at and seen by communities.

Chairman Ghanbari notes the written testimony and recognizes Stephanie and Tom Quahl.

Stephanie Quahl states she and her husband created Do It For Jack for their son who passed away from fentanyl overdose. The goal of their organization is to raise awareness in schools for fentanyl. Their son Jack enjoyed traveling abroad and was a bright student, it only took one mistake and one pill to end his life. Her son went out to a party with his fraternity brothers and overdosed. She drove to the hospital and watched her son code 5 times. He could not even donate his organs, as fentanyl had fried his entire body.

Tom Quahl states HB 230 is a well needed bill and is not meant for illegal immigrants, it is needed to take the drug traffickers off of the street.

Chairman Ghanbari thanks them for their testimony.

Ranking Member Thomas asks what sorts of resources the state could provide in order to support them.

Stephanie Quahl states a program needs to be built to provide more awareness.

Tom Quahl states there are raising money to create a documentary of their story so that teachers can be provided with this video in order to widely educate all of the schools.

Ranking Member Thomas asks about what sort of education needs to be provided.

Stephanie Quahl state ads and other public warnings such as billboards need to become more common.

Chairman Ghanbari states fentanyl is being described as a weapon of mass destruction. In the military, he has noticed that terrorists continue to shift their approach as the military changes. In this fight against fentanyl, the approach must be nimble in order to prevent the cartels from pivoting from the states approach.

Tom Quahl states fentanyl may be used as a widespread weapon of destruction used for directly attacking citizens if it is in the hands of somebody with these intentions.

James Rauh states there are several types of fentanyl coming into the country and there are types that will be capable of causing mass casualties by either lighting it on fire and sending it into the air. Another option is to disperse fentanyl in the powder form from drones that can kill off crowds of people. It can be dispersed in simple ways, for example through water, food, or air. With the intent and evil behind the fentanyl, it could be used easily to kill off the population swiftly and relatively cleanly.

Ranking Member Thomas states the focus needs to be on the cartels in order to prevent an attack like this from happening.

James Rauh states that there are several mechanisms to cause mass casualties and endless possibilities to use them.

Chairman Ghanbari asks how to destroy the fentanyl.

James Rauh states sulfuric acid has to be used to rapidly destroy it.

Ranking Member Thomas states that there needs to be a larger view on fentanyl of it being used as a weapon.

James Rauh states there is no other weapon in the world that can be easily transported that can cause this much damage.

Virginia Krieger states there is no specific funding for fentanyl focused organization. It would greatly assist them if there was an earmark that was directly specified for them.

Ranking Member Thomas states this is what he is intending in order to get people directly involved on a practical basis.

Chairman Ghanbari concludes the 3rd hearing of HB 230.

Chairman Ghanbari adjourns committee at 2:02 p.m.

Chairman Ghanbari

Ranking Member Thomas