

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 25, 2023

Chairman Ghanbari called the committee to order at 11:00 a.m.

Chairman Ghanbari brings forward HB 241 for its 5th hearing and recognizes Representative Kevin Miller for an amendment.

Chairman Ghanbari calls HB 241 for a vote. Vice-Chair Plummer motions for a vote.

The vote is 8 affirmative and 0 negative. HB 241 favorably passes from the committee.

Chairman Ghanbari calls forward HB 237 for its 3rd hearing.

Chairman Ghanbari recognizes Duane Taylor for opponent testimony.

Duane Taylor states the Specialty Vehicle Institute of America, Recreational Off-Highway

Vehicle Association is opposed to the bill because it will not promote safety. The vehicles in the bill are not meant to be used on road due to their design and the tires are not designed to be used on these roads. Even when after market tires are put on these vehicles, it still does not suffice. They appreciate the request for uniformity in the law however, it would be better for the General Assembly to prohibit these vehicles from being on the road. It was claimed that the Spyder and slingshots were less safe than the ATVs and the other vehicles mentioned in the bill. This is not true, as the Spyder and slingshots are regulated and are designed for use on roads. This legislation will oppose the recommendations placed by the manufacturers on the vehicles.

Representative Creech states there are communities that are friendly to these vehicles. He asks if Duane Taylor is stating that these vehicles are less safe on roads compared to unpaved roads.

Duane Taylor states this is true.

Representative Creech asks how they are not road worthy.

Duane Taylor states trails do not have paved roadways and there are no tractor trailers on the roads.

Representative Brent states there has been an increase in ATVs in the urban areas. She states it is becoming a nuisance for these vehicles to be on the roads and parked in markets.

Duane Taylor states they agree with this sentiment.

Representative Brent asks how the bill could be made more appropriate to apply to the entire state.

Duane Taylor states the vehicles should be made illegal on the roads.

Chairman Ghanbari states that before ATVs it was crotch rockets and other vehicles on the roadways. He states that law enforcement is already looking at these elements and change in vehicles.

Representative Kevin Miller states the bill is specific to UTVs that have a steering wheel and you sit inside of them. He asks if they opposed similar legislation in the 12 other states that are doing this legislation.

Duane Taylor states they are.

Representative Kevin Miller asks what states are doing this.

Duane Taylor states he does not know what the specific states are, but they are opposing all of the legislation.

Representative Kevin Miller asks if they were aware that these vehicles are already legal on Ohio roads.

Duane Taylor states he is aware.

Representative Kevin Miller asks how these vehicles are unsafe for roads compared to motorcycles.

Duane Taylor states vehicles such as the Spyder and slingshots are regulated by federal standards and are designed specifically for the roads. The UTVs are not designed for this purpose, and they are not better equipped to interact with the road.

Representative Kevin Miller states the Specialty Vehicle Institute of America, Recreational Off-Highway approves riding these vehicles on a designated trail system. He asks if this includes paved roadways.

Duane Taylor states it depends if there is a realistic situation like if there is a short distance between the two destinations of a trail system.

Representative Kevin Miller asks if the vehicles are built with turn signals, why are they built with turn signals.

Duane Taylor asks what vehicles are designed this way.

Chairman Ghanbari states the purpose is for when you meet a fork on the trail.

Representative Kevin Miller states the vehicles are designed this way because they know they are being used on the roads. He also asks if his testimony is for the purpose of mitigating responsibility if an issue were to arise.

Duane Taylor states he is not and the issue is personal to him.

Chairman Ghanbari states there is additional opponent testimony on the iPads.

Chairman Ghanbari concludes the third hearing on HB 237.

Chairman Ghanbari calls forward HB 230 for its 4th hearing.

Chairman Ghanbari recognizes Dr. Beth Weinstock for opponent testimony.

Beth Weinstock states she is a physician that has practiced for 25 years in Franklin County. She is also a mother of a child who passed away from an overdose of fentanyl. She then founded BirdieLight in order

to teach children and high schoolers about the danger of fentanyl. She states HB230 will not reduce crime or promote more public safety. Most criminals that are tried for these crimes are not aware of the penalties that are enforced. She states that this issue disproportionately affects black and brown people. Additionally, there is already an overcrowding issue in the prisons. Most people that are selling fentanyl do not know that it is not present in the drugs they are selling because it is prevalent in all drugs. People who seek treatment for opioid addiction will be put off from rehabilitation because it may threaten them with criminal penalties.

Representative Brent asks what Ohio should do in order to deal with these crimes.

Beth Weinstock states the increase in penalties in HB 230 are harsher than warranted. Instead, the state funding should be spent on more rehabilitation and mental health assistance. There are some areas that are treatment deserts, and some people are in areas that do not have these services available to them.

Representative Brent asks why black and brown people are being disproportionately put in prison.

Beth Weinstock states that it could go back to the harsher penalties that were established in the 90s. The black and brown individual would receive a harsher penalty. Additionally, white communities are getting more resources distributed to them in order to prevent them from being harmed by these issues.

Representative Mohamed states HB 230 does not recognize whether an addict or a person is aware or not if they are trafficking fentanyl.

Beth Weinstock asks if he is asking specifically to the circumstance of her son's death.

Representative Mohamed states he is looking for the substance and circumstance of her son's death.

Beth Weinstock states her son was a college student who was not struggling with addiction. There are many possibilities that her son could have received that pill from somebody else. Additionally, he could have gotten the name of somebody who was selling counterfeit Xanax. However, she is not sure how he got the pill that ended his life. She states it is difficult to define what is a low-level drug dealer and a high-level drug dealer.

Vice-Chair Plummer asks if her community has an increase in drug rehabilitation.

Beth Weinstock states there has been an increase.

Vice-Chair Plummer states if there is an increase in addiction and treatment, then there is not a 'silver bullet' therefore, it is worth considering looking into punishing people's behavior.

Beth Weinstock states she is not aware whether or not drug treatment has increased in every community.

Vice-Chair Plummer asks if rehabilitation has increased in her community.

Beth Weinstock states rehabilitation has increased in her own community.

Vice-Chair Plummer states there has been an increase in drug rehabilitation but there is still a growing addiction rate.

Beth Weinstock states some communities have not seen new rehabilitation centers.

Representative Abrams states that police do know the difference between a high-level dealer and an addict. This bill does not target the local addict, it targets the traffickers who are bringing this drug into the state. She asks if she is aware of all of the programs the states already funds. She then lists several different programs and funds that were provided in this year's budget. She asks what else can we do in Ohio to support this issue.

Beth Weinstock states Ohio is working to fund these rehabilitation centers. She asks why is it that if somebody sells one pill and they are near a treatment center, this would be a first-degree felony instead of a fourth-degree felony.

Representative Abrams states this bill is looking to mirror federal law. She states task forces do not target people selling one pill, they are targeting the traffickers who are bring fentanyl in. She asks what more can we do in Ohio.

Beth Weinstock states educating the community is important. She recommends mandating fentanyl education in the schools.

Representative Abrams states she agrees, and she can make that part of the bill.

Representative Creech states there is a lack of accountability in today's modern society. He states there was a rehabilitation center that came into his county, and it closed because nobody was seeking treatment and the court could not mandate it. He asks what the answer is then if there is no punishment against these people other than incarceration.

Beth Weinstock states this is a complex issue and making sure that people have access to mental health care and housing as well as the funding that goes with it. She states the people being arrested for drugs are going to prison and are still addicted when they are released. There needs to be more effort of finding the core issue that is causing people to become addicted.

Representative Creech asks if she believes that it is murder if somebody takes a gun and shoots somebody.

Beth Weinstock responds yes.

Representative Creech asks if somebody deals one pill and it is laced with fentanyl, would she consider it murder.

Beth Weinstock responds not in all cases

Representative Brent states there was a student who took a pill thinking it would keep him awake and this caused him to overdose. She asks if the person who gave them that pill should be given a mandatory 5-year sentence or how else should we deal with this issue.

Beth Weinstock responds that it should be viewed in the lens of finding out who actually knew they were dealing fentanyl and how much they were dealing.

Representative Ghanbari recognizes Gary Daniels from the ACLU to provide opponent testimony.

Gary Daniels states Ohio is deeply affected by a drug use problem. There is no single cause or answer. Punishment and incarceration have been the solution that has been used. There are other states that have been able to find a solution that decrease fentanyl overdose and prison rates. Ohio has continued to go down the path of arresting people to solve the drug use problem. The number one reason somebody goes to jail in Ohio is for drug possession. The number two reason is for drug trafficking. He mentions S.B. 1 and its approach to fighting drug trafficking and if this is the metric used to decide if the General Assembly's approach is working, then it has failed. The position of people believing that the fight on drug trafficking is not working because the penalties are not harsh enough, there is no other collection of legislation that has continued to be used while still failing. This bill is stated to be for targeting the high-level traffickers, however, if there is a drug mixed with fentanyl, it becomes a fentanyl case. He states the funding of this bill is also a concern because it will cost 1 billion dollars to fund a prison for 20 years. Therefore, it needs to be considered how many new additions will need to be made in order to keep up with the demand. The money being spent on HB 230 should be allocated to other preventative measures.

Representative Blackshear asks what alternatives Ohio should consider curbing the use of fentanyl.

Gary Daniels states each person who is addicted has several unique issues that led them to addiction. He states Ohio does not spend enough on the demand of treatment.

Representative Blackshear asks if emulating the laws of West Virginia is a good idea.

Gary Daniels states this is not a good idea as West Virginia is the largest incarcerator of the entire planet. They are also within the highest states for overdose rates.

Representative Blackshear asks how the weight of fentanyl will be determined and does each county have the equipment to test for the weight of the drugs.

Gary Daniels states most counties go through BCI at the state level. Additionally, if you mix something with a heavier weight, then you are responsible for the weight of entire drugs.

Vice-Chair Plummer states Ohio got out of the era of crack because of the stronger penalties. He uses the example of the basketball player who was arrested in Russia. Fentanyl is coming from China, and this is an attack from the inside. He asks if he believes that the harsher penalties on crack helped solve the crisis.

Gary Daniels states some people have the experience that the punishments did help them and their addiction. The current laws are written for the sober people and not those who are addicted. He states the fight against crack may have been from many causes such as people moving onto other drugs or if the supply chain for another drug is easier. The crack penalties in the U.S. and Ohio were 80 to 100 times stronger for crack cocaine and not cocaine and this impacted the minority communities more.

Vice-Chair Plummer asks about the cost of healthcare and the workforce that the state may be spending.

Gary Daniels states he understands that sentiment but with this bill the next thing that must be addressed is how many prisons need to be built. This bill will directly lead to more arrests.

Representative Mohamed states the war on drugs has been a failure. There is more that can be done for the drug crisis such as mandatory teachings about the effects of fentanyl. He asks what more can be done instead of spending more money on prisons.

Gary Daniels states that supplying healthcare to all Ohioans may help with the issue. It will provide more drug treatment. However, we do not have statewide data collection from the courts and therefore we are not able to tell who is getting sent to prison and for what. The General Assembly should mandate data collecting in order to get useful information on these issues.

Representative Mohamed asks what other states are doing who are less punitive and more rehabilitative.

Gary Daniels states it depends on what state it is. However, there are states out there that are creating solutions in respect to their state. We can make drastic improvements by looking at other states and other countries. He states West Virginia is one of the top incarcerators on the entire Earth and Ohio is close to them as well.

Representative Abrams states this bill is not the only solution and the state spends billions of dollars to assist people in the state of Ohio. She states Ohio assists people on every step along the way. She asks how much it takes to kill everybody in the room with fentanyl.

Gary Daniels responds it is a very small amount.

Representative Abrams states it is the tip of a pen to kill somebody. She asks if it is the position of the ACLU to legalize all drugs.

Gary Daniels states it is the official position of the ACLU of Ohio and nationally for the legalization of drugs. It is not a conversation anybody in the room is ready to have. However, when you have substances that are adulterated, somebody gets a pill, and it turns out it is mixed with fentanyl. When you look at a country like Portugal, they do not have the overdose or addiction rates compared to the United States. The question is whether this is because they legalized drugs there. When we have individuals that we are mad at, so we are going to put them away, that is understandable. However, does this do anything to the larger drug problem. For 50 years we have attempted to incarcerate our way out of this problem. There will always be traffickers there to meet the demand, they want to put them out of businesses.

Representative Abrams states it would take 4 second to die and only a tip of a pen to kill somebody from fentanyl. This bill is focusing on the traffickers. The states that have stricter drug penalties are actually reducing the prison population. For example, Florida and Arizona have reduced.

Gary Daniels states we should not assume that a change in drug law causes a decrease in prison population. The respective state may be taking other measures to assist with the decrease in prison population. The language of the bill changes from an f5 to an f2 no matter how little the amount of fentanyl is being trafficked.

Representative Abrams states police are able to tell the difference between an addict and a trafficker. LSC completed a fiscal analysis on the bill that does not prove there will be an increase in spending.

Gary Daniels states the amount of people will be increased because the people that are going to prison will now be there for longer and it grows the prison population. He disagrees with the LSC fiscal analysis or at least the scope of the impact on the prison system. The analysis says it may increase prison population, but the bill is designed to increase the population. We should look at what prisons in Ohio do drug traffickers and user go to in Ohio and what the prison population is. There will be an increase in costs in incarceration and releasing them. The capacity and the current population need to be viewed in the lens of what the fiscal impact will be.

Representative Abrams states the message the bill is going to send is do not sell drugs in Ohio, this is why they do not deal in West Virginia.

Chairman Ghanbari asks for a matter of record that the ACLU does support the legalization of all drugs.

Gary Daniels states this is true.

Chairman Ghanbari asks if Gary Daniels would ask if he would request for the charges to be dropped against a loved one who passed away from a drug overdose.

Gary Daniels states the chairman assumes that he has not already had this scenario occur to many loved ones in his life. If this is the assumption, then the chairman is incorrect.

Chairman Ghanbari asks if he then did request the charges to be dropped against those individuals.

Gary Daniels states that he did not.

Chairman Ghanbari asks if there was an expectation then that individuals that provided drugs to your loved ones that there would be consequences for that.

Gary Daniels states under current law there is a consequence. This is not a crime that currently goes unpunished under law.

Chairman Ghanbari states his stance is to legalize all drugs but then when his loved one's overdose, he supports the punishments handed down in those instances.

Gary Daniels states this is a twisted path because he is not calling the prosecutors and asking not to convict somebody for this does not mean that he does not care about the impacts on his loved ones. There is no real conflict to say we need to take a radically different approach than the current standard because it has not systemically worked under any measure. He can go into his neighborhood now and find it cheaper than 30 years ago. There is no issue in the supply and demand problem despite the many new laws passed in the past years. The money should be spent to fight the demand problem.

Chairman Ghanbari states if his testimony is correct and on behalf of the ACLU, the legalization of drugs is the stance they are taking. However, he just stated the folks and loved ones that he knew that succumbed to an overdose, he was okay with the penalty handed down to them and that is a conflict. In one stance, it is legalizing all drugs and have no consequences. On the other hand, the families who were here last week want more penalties. As the lobbyist for the ACLU, how can you stand for the legalization of drugs but on the other side when there is a personal connection to it you do not ask the prosecutor to drop such charges.

Gary Daniels states he is reading too much into this. He did not bring up the legalization of drugs. The ACLU does not generally bring up this position because it is kryptonite.

Chairman Ghanbari states it was brought up today.

Gary Daniels states it was asked of him. When you look at 50 years of failure on the war of drugs and we choose not to arrest people with cancer and schizophrenia, we decide to arrest people with an addiction. There is no evidence that this works anywhere in the world. When you ask what the position of the ACLU is he gave that, but he does not bring it up proactively because it shuts down the conversation. What would help is the legalization of drugs, so people know they have a safe source of drugs. This is a temporary answer to help people get off of drugs. When you expand things like fentanyl testing strips and clean needle exchanges it will help. He states things are better in Portugal in all of the measures than they are here in Ohio.

Chairman Ghanbari states he appreciates him providing the position on behalf of the ACLU and that is on the record.

Representative Creech states he appreciates Gary Daniels being there and he appreciates him being there and after today's testimony they still have nothing in common.

Representative Brent states that none of the members were present for S.B. 1 and it received support because of the war on crime. The war on crime has existed longer than she has been alive. During that period since the war on crime the prison rate has increased by 5 or 6 times. During this time the people who are being sent to prison are African Americans at a rate of 45% even though they only make up 14% of the population in the State of Ohio. Only 17% of the people getting treatment are African Americans. She states that everybody is leaving the room. The numbers show there is an increase in black and brown people being put in prison, we know this is not where the numbers are going. She asks how we should approach this disproportionate rate.

Gary Daniels states this requires a complex answer. He was here for HB 86, 68, and last year's HB 288 for the reform bills. They do help some people but with these bills, it will impact some people more than others.

Chairman Ghanbari concludes the 4th hearing of HB 230.

Chairman Ghanbari adjourns the committee at 12:49 p.m.

Chairman Ghanbari

Ranking Member Thomas