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OHIO LEGISLATIVE SERVICE COMMISSION

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Office

H.B. 396
135th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsors: Reps. Brennan and Williams

Local Impact Statement Procedure Required: No

Jamie Duskocil, Division Chief

Highlights

- The bill appropriates \$6 million in FY 2024 to provide funding for the replacement of police dogs previously imprinted to detect marijuana.
- The bill authorizes a subsequent cash transfer from adult-use excise tax revenue to the General Revenue Fund to reimburse those expenses.
- The Department of Public Safety's Office of Criminal Justice Services will incur minimal administrative costs to develop the grant program, release the solicitation, and to then oversee the awards.

Detailed Analysis

The bill appropriates \$6 million in FY 2024 to GRF appropriation item 768425, Justice Program Services, in order for the Office of Criminal Justice Services (an office within the Department of Public Safety) to administer and distribute grants to state and local law enforcement agencies for the replacement of canines that were previously trained to detect marijuana. The grants may be used for the purchase, training, and equipment related to the replacement canines. The Office of Criminal Justice Services is tasked with developing the selection criteria for awarding the grants, but grants may not exceed \$20,000 per canine replaced. Moneys not expended by the end of FY 2024 may be carried over to FY 2025.

The bill provides for the transfer of \$6 million in cash from the Cannabis Social Equity and Jobs Fund to the GRF to reimburse the GRF for the bill's appropriation.¹ The transfer is to take place within one year after the first collection of revenue from the adult-use tax on the sale of adult-use cannabis required under current law.²

The Department of Public Safety's Office of Criminal Justice Services will incur minimal administrative costs to develop the grant program, release the solicitation, and to then oversee the awards.

The funding is expected to support the replacement and acquisition of up to 300 canines, including equipment and training costs. The general life service of a trained canine can average around nine to ten years, but this varies depending on a variety of factors including illness or injury or a change in handlers which typically hinders the transferability and future performance of the canine. Therefore, the number of agencies that may qualify for the grant after the bill is enacted is unknown and will largely depend on timing of the bill's effective date and subsequent grant notice and award.

Due to changes in law in recent years, particularly with the advent of medical marijuana in Ohio and later, adult-use cannabis, several law enforcement agencies have already ceased training canines on the detection of marijuana, including the Ohio State Highway Patrol (with the exception of those assigned to detect contraband in restricted settings, like prisons and jails). Because of the nature of the training these canines have undergone, re-training or re-purposing is generally discouraged by the law enforcement profession. Additionally, many canines are imprinted on multiple types of drugs (e.g., cocaine, heroin, and marijuana), and alerts are not substance specific, meaning the canine cannot alert the handler that they have detected cocaine versus marijuana, only that a substance they have been trained to alert to may be present at the scene or on the person.

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¹ The Cannabis Social Equity and Jobs Fund derives its revenue from a portion of the adult-use excise tax. The current 10% excise tax on the retail sale of adult-use cannabis was included in State Issue 2, which was approved by Ohio voters on November 7, 2023, and was effective December 7, 2023.

² R.C. 3780.22.