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Testimony from:

Stacey McKenna, Senior Fellow, Integrated Harm Reduction, R Street Institute

In SUPPORT of removing fentanyl test strips from the definition of “drug paraphernalia” ([2023 AR S 40](#))

January 24, 2023

Senate Judiciary Committee

Chair Stubblefield, Vice Chair Flowers and Honorable Members of the Committee,

My name is Stacey McKenna, and I am a senior fellow in Integrated Harm Reduction at the R Street Institute, a public policy research organization focused on advancing limited, effective government in a number of policy areas, including opioid harm reduction. Last year, the overdose crisis in the United States took more than 110,000 lives.<sup>1</sup> During the 12-month period ending in August 2022, Arkansas saw an estimated 621 overdose deaths, an increase of nearly 9 percent over the prior year.<sup>2</sup> Though from a public health perspective, it would be ideal if people simply abstained from all use of non-prescribed opioids, abstinence-only policies do not work at the population level, and even the best cessation and prevention programs leave people behind. Thus, R Street supports harm reduction as an evidence-based approach that saves lives.

As in the rest of the United States, synthetic compounds such as fentanyl are poisoning the illicit drug supply and making it much more dangerous.<sup>3</sup> Because fentanyl is approximately 50 to 100 times as potent as morphine, if people use it unaware, they are at a much higher risk of overdosing.<sup>4</sup> Thus, fentanyl test strips (FTS) represent an important harm reduction tool that can help people make safer choices, and in many cases, save their lives.

Commercially available FTS are easy to use and have been shown to detect not only fentanyl but up to 24 of the most commonly found analogs.<sup>5</sup> They do not pose any dangers to the community, and research indicates that FTS use can empower many people to change their behaviors, reducing their risk of overdose.<sup>6</sup> Furthermore, the tool is most useful in places where fentanyl is on the rise, such as Arkansas.<sup>7</sup>

By removing fentanyl test strips from the definition of “drug paraphernalia,” AR S 40 would expand access to this life-saving tool and ensure people feel safe and empowered to use it. As such, R Street urges your **favorable report**.

Respectfully submitted,

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<sup>1</sup> Brian Mann, “2022 was a deadly (but hopeful) year in America’s opioid crisis,” National Public Radio, Dec. 31, 2022. <https://www.npr.org/2022/12/31/1145797684/2022-was-a-deadly-but-hopeful-year-in-americas-opioid-crisis>.

<sup>2</sup> National Center for Health Statistics, “Provisional Drug Overdose Death Counts,” Centers for Disease Control and Prevention, Jan. 11, 2023. <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>.

<sup>3</sup> Brandon Ringo, “Traffic stop in Pope County leads to seizure of 19,000 fentanyl pills,” KARK, Jan. 19, 2023. <https://www.kark.com/crime/traffic-stop-in-pope-county-leads-to-seizure-of-19000-fentanyl-pills>.

<sup>4</sup> National Institute on Drug Abuse, “Fentanyl DrugFacts,” National Institutes of Health, June 2021. <https://nida.nih.gov/publications/drugfacts/fentanyl>.

<sup>5</sup> Marianne Skov-Skov Bergh et al., “Selectivity and sensitivity of urine fentanyl test strips to detect fentanyl analogues in illicit drugs,” *International Journal of Drug Policy* 90 (April 2021). <https://www.sciencedirect.com/science/article/pii/S0955395920304035?via%3Dihub>.

<sup>6</sup> Nicholas C. Peiper et al., “Fentanyl test strips as an opioid overdose prevention strategy: Findings from a syringe services program in the Southeastern United States,” *International Journal of Drug Policy* 63 (January 2019), pp. 122-128. <https://www.sciencedirect.com/science/article/pii/S0955395918302135?via%3Dihub>.

<sup>7</sup> Noelle P. Weicker et al., “Agency in the fentanyl era: Exploring the utility of fentanyl test strips in an opaque drug market,” *International Journal of Drug Policy* 84 (October 2020). <https://www.sciencedirect.com/science/article/abs/pii/S0955395920302395?via%3Dihub>; Kathryn Gilker, “Arkansas overdoses from drugs laced with fentanyl on the rise,” 5 News, Sept. 12, 2022. <https://www.5newsline.com/article/news/local/arkansas-overdoses-drugs-laced-fentanyl-on-rise/527-b6a09650-bfea-45ef-8054-38f8ea3b9221>.