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Testimony from:

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

In SUPPORT of permitting the possession and use of drug checking equipment (2023 NH H 470)

January 31, 2023

House Criminal Justice and Public Safety Committee

Chair Roy and 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 United States overdose crisis took more than 110,000 lives.¹ As of September 2022, an estimated 230 people in New Hampshire had died of an overdose, up from 201 at the same time the year before.² From a public health perspective, it would be ideal if people simply abstained from all use of non-prescribed opioids. However, 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 by meeting people where they are and providing resources, services and education to support their ability to make health-promoting decisions. As such, we support NH H 470, which would remove a life-saving harm reduction tool—drug checking—from the state’s definition of paraphernalia.

Due to the illicit nature of many recreational drugs in the United States, there are no safety or quality control mechanisms in place. The current drug supply is increasingly contaminated by fentanyl—which is 50 to 100 times as potent as morphine and has an extremely narrow margin between desired and dangerous effects—and related compounds. These drugs significantly increase risk for overdose, especially for individuals who consume them without knowing.³

Drug checking equipment such as fentanyl test strips (FTS) and spectrometers can alert people to the presence of fentanyl and related substances in powder or pills.⁴ FTS are especially easy to use, have low margins of error and commercially available products have been shown to detect not only fentanyl but up to 24 of its most commonly found analogs.⁵ Drug checking may be performed by community-based and public health organizations as well as individuals who use drugs. The equipment does not pose any dangers to the community, and research indicates that drug checking can empower people who use drugs to change their behaviors in ways that reduce the risk of overdose.⁶ Furthermore, the tool is most useful in places where fentanyl is on the rise or its presence on the market is unstable, as is the case in New Hampshire.⁷



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By removing FTS and other drug checking equipment from New Hampshire's definition of drug paraphernalia, NH H 470 is reducing barriers to a life-saving harm reduction tool and empowering people to make health-protecting decisions. As such, R Street urges your **favorable report**.

Respectfully submitted,

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¹ 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>.

² *New Hampshire Drug Monitoring Initiative: Drug Environment Report*, New Hampshire Information and Analysis Center, October 2022. <https://www.dhhs.nh.gov/sites/g/files/ehbemt476/files/documents2/dmi-october2022.pdf>.

³ *New Hampshire Drug Monitoring Initiative: Drug Environment Report*. <https://www.dhhs.nh.gov/sites/g/files/ehbemt476/files/documents2/dmi-october2022.pdf>; National Institute on Drug Abuse, "Fentanyl DrugFacts," National Institutes of Health, June 2021. <https://nida.nih.gov/publications/drugfacts/fentanyl/>.

⁴ Traci C. Green et al., "An assessment of the limits of detection, sensitivity and specificity of three devices for public health-based drug checking of fentanyl in street-acquired samples," *International Journal of Drug Policy* 77, (March 2020). <https://www.sciencedirect.com/science/article/pii/S0955395920300025>.

⁵ Traci Green et al. <https://www.sciencedirect.com/science/article/pii/S0955395920300025>; 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>.

⁶ 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>.

⁷ 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>.