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Testimony from:

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

In SUPPORT of S.926, removing fentanyl test strips from Massachusetts' definition of drug paraphernalia

June 13, 2023

Joint Committee on the Judiciary

Chairs Eldridge and Day 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, opioid-related overdoses took an estimated 80,411 lives in the United States, including 2,301 in Massachusetts.¹ 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 that empower them to make health-promoting decisions. As such, we support S.926, which would permit a life-saving harm reduction tool, fentanyl test strips.

Due to the illicit nature of many recreational drugs in the United States, there are no safety or quality control mechanisms in place, and adulterants can significantly increase risk for overdose, especially for individuals who consume them without knowing.² In Massachusetts, the current predominant adulterant

¹ "Drug Overdose Death Rates," National Institute on Drug Abuse, Feb. 9, 2023.

[https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates#:~:text=Drug%20overdose%20deaths%20involving%20any,through%202021%20with%2080%2C411%20deaths](https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates#:~:text=Drug%20overdose%20deaths%20involving%20any,through%202021%20with%2080%2C411%20deaths;); "Massachusetts opioid-related overdose death rate declines 1.5 percent in the first nine months of 2022," Massachusetts Department of Public Health, Dec. 14, 2022.

<https://www.mass.gov/news/massachusetts-opioid-related-overdose-death-rate-declines-15-percent-in-the-first-nine-months-of-2022>.

² *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/>.



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is illicit fentanyl, a synthetic opioid which is 50 to 100 times as potent as morphine and has an extremely narrow margin between desired and dangerous effects.³

Fentanyl test strips (FTS) are an easy-to-use tool that alert people to the presence of fentanyl and related substances in powder or pills.⁴ They 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 FTS do 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

By removing FTS from Massachusetts' definition of drug paraphernalia, S.926 would reduce barriers to this life-saving harm reduction tool. It is an important first step to allowing people who use drugs to protect their own health in the current, highly dangerous, drug market. As such, R Street urges your favorable report.

Respectfully submitted,

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³ "Data Brief: Opioid-Related Deaths among Massachusetts Residents," Massachusetts Department of Public Health, December 2022.

<https://www.mass.gov/doc/opioid-related-overdose-deaths-among-ma-residents-december-2022/download>.

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>.