

How fentanyl is creating opportunities to **advance drug checking** in the U.S.

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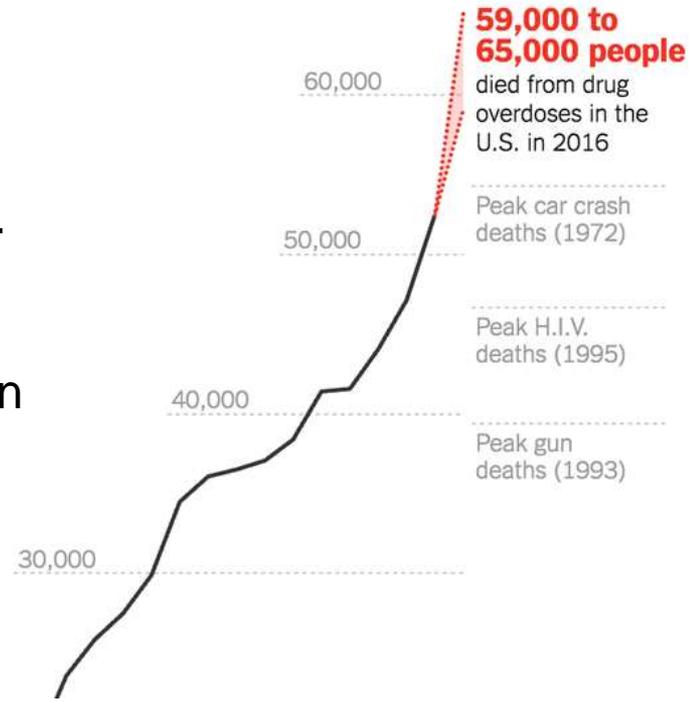
**We are
the Drug
Policy
Alliance.**

Overdose deaths in the U.S.

- From 1980 to 2000 overdose deaths slightly increased, but remained under 20,000 people.
- Overdose deaths began to sharply rise. The number of deaths in 2017 was 70,237.
- Almost 70% of these deaths involved an opioid.

Source: *New York Times* & Centers for Disease Control

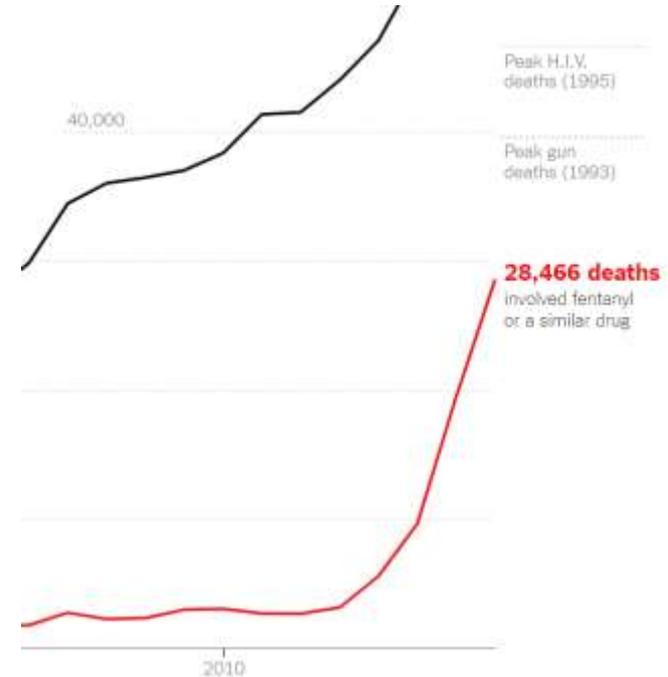
**Drug overdose deaths,
1980 to 2016**



Increase in OD deaths driven by fentanyl.

- Since 2013, OD deaths associated with fentanyls and similar drugs have increased from 3,000 to more than 28,000.
- Deaths involving fentanyls increased by 43% in In 2017 alone.

Source: New York Times & Center for Disease Control



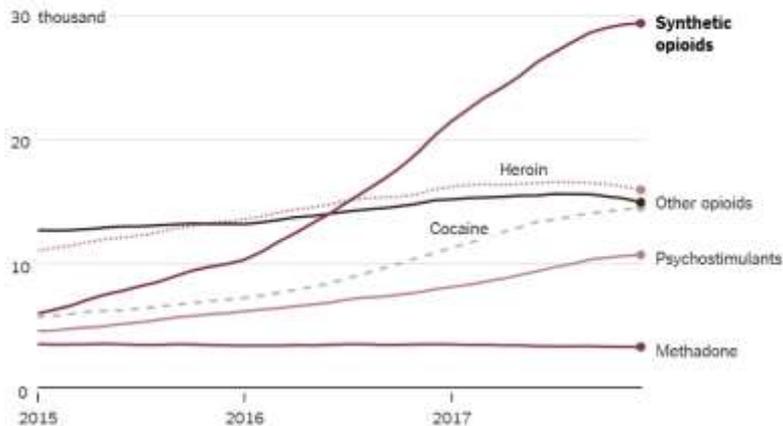
Why is fentanyl-related OD on the rise?

- Fentanyl and its analogues have been found in illicit heroin, cocaine, meth and benzodiazepine supply.
- While Eastern and Midwestern states have seen the worst of the opioid OD epidemic, there is some evidence suppliers are learning to mix fentanyl in with black tar heroin more common in the West.

Source: *New York Times & Centers for Disease Control*

Synthetic Opioids Are Driving Up the Overdose Rate

Overdose deaths in thousands in preceding 12 months



Note: These numbers are adjusted to account for some death investigations that are not completed. Some deaths involve more than one drug.

By The New York Times | Source: The Centers for Disease Control and Prevention

Looking for solutions: drug checking via fentanyl test strips.



U.S. laws affecting drug checking.

Drug Paraphernalia laws

- Most states include language that defines drug paraphernalia as anything that “tests or analyzes”.

Drug Possession laws

- Drug checking requires the person doing the testing to be in possession of an illicit substance in order to perform the analysis.

RAVE Act / Illicit Drug Anti-Proliferation Act (?)

- Holds promoters responsible for anything that can be described as a “drug-involved premise”; so arguably any stable location hosting drug checking.

D.C.'s story.

- **Primary driver:** Drug Policy Alliance
- **Legislation:** [B22-0459](#) – Opioid Use Disorder Treatment & Safe Access Amendment Act of 2018
- **Legislative change:** drug checking exemption (amendment)
- **How did it happen?** Compromise process expedited by “emergency” legislation
- **Signed:** January 30, 2019



Maryland's story.

- **Primary driver:** Drug Policy Alliance
- **Legislation:** [SB 1137](#) – Criminal Law – Prohibitions, Prosecutions, and Corrections (amendment)
- **Legislative change:** drug checking exemption (low level only)
- **How did it happen?** Exemption wording got added to unrelated piece of legislation in a “trade off”
- **Signed:** April 24, 2018



Rhode Island's story.

- **Primary driver:** Rhode Island Drug Users Union
- **Legislation:** [SB 2896](#) – Good Samaritan Overdose Prevention Act 2016 (amendment)
- **Legislative change:** drug checking exemption (users & testers)
- **How did it happen?** Motivated elected official working with RIDUU
- **Signed:** July 2, 2018



New Mexico's story.

- **Primary driver:** Drug Policy Alliance
- **Legislation:** [SB 323](#) – Decrease Marijuana Penalties
- **Legislative change:** broad paraphernalia decrim (\$50 penalty)
- **How did it happen?** As part of marijuana decrim (people may not realize what they passed!)
- **Signed:** April 3, 2019



Where drug checking is breaking through without law change (yet).

- **Fentanyl test strips.** Public health departments in the following states: California, Ohio, Connecticut, Washington, and North Carolina fund and distribute fentanyl test strips.
- **High level, opioid-using community-based.** Harm reduction programs in Illinois (Chicago Recovery Alliance, FTIR – Bruker), Massachusetts (AHOPE, mass spec – MX908).
- **High level, festival-based.** Pilots in California & Florida (DanceSafe) and Nevada (DPA Safer Partying) with FTIR – Bruker.

Ways forward in the U.S.

Dialogue between groups doing drug checking

- What technologies are being used in what community? What best practices are emerging?

Model legislation

- Can excitement for fentanyl test strips be expanded to other forms of drug checking? Can pilot drug checking work take place in more than one community?

Funding and community support

- How much does the general public understand drug checking as a harm reduction intervention? How can community programs get funding to run pilots?

Thank you! And contact info.

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