

February 13, 2023

From: Libby Davis, RN MSN

Re: Support for excluding fentanyl test strips from the definition of “drug paraphernalia” in HB 2390

Dear Members of the Kansas Legislature,

I write to you today as the mother of a 16-year-old son who was poisoned by a fake pill containing illicit fentanyl on August 29, 2021. He was just a curious teenager who did not get the opportunity to learn from his mistake. Over the past year and half, I have come to learn a lot about illicit fentanyl. Most importantly, I have come to understand that illicit fentanyl is a poison, and it is taking the lives of more than 150 Americans every day and that number continues to grow. It has become the leading cause of death for Americans ages 18 to 45, and we are seeing the largest growth in death rates in our youth ages 14-23. More must be done!

Despite much effort, the DEA is unable to stop illicit fentanyl from coming into our country. In fact, in 2021 and 2022 the DEA seized enough fentanyl to kill every American. Sadly, that is only 20% of what comes across our border. The amount of fentanyl being smuggled into our country by the Mexican drug cartels could kill every American 5 times over. If we cannot stop it from coming in, we must use every harm reduction tool we have available. Fentanyl testing strips is one of those. Kansans currently have access to Narcan, a reactive harm reduction tool to treat overdose, so why would we not also want to make available a proactive harm reduction tool such as fentanyl testing strips. Studies on fentanyl test strips have shown the efficacy in detecting fentanyl in street drugs and that false negative results are unlikely. They can and will save lives. Every American deserves to have the option to test a substance they are about to consume to find out if it could contain a poison that may kill them. If we knew that our milk supply was being tainted with poison coming from Mexico, we would take every precaution necessary to ensure it did not make it into the mouths of our citizens.

The availability of fentanyl testing strips could also have some downstream positive effects on those plagued with substance use disorder. Use of the test strips provides a time for the drug user to become more mindful of their actions. Studies have shown that **81%** of those with access to testing strips routinely tested their drugs before use and found that those with a positive test result were **five times** more likely to change their drug use behavior to reduce the risk of overdose. Availability of the test strips will only increase awareness around the fentanyl crisis our country is facing. Embracing those afflicted with addiction and providing these harm reduction tools may lead to them feeling more accepted. Fewer would feel they have to live in the shadows and may be more willing to ask for and accept the help they need.

In a perfect scenario, Americans would not use drugs. Everyone needs to set aside what they think about drug use, because the reality is that addiction is a disease of the brain and it exists, therefore people are going to use. Our country already has a large substance use disorder problem, and it is only going to grow exponentially. With the rapid and massive influx of illicit fentanyl, Cartels are driving

addiction and creating repeat users due to the higher potency and highly addictive nature of illicit fentanyl. This is the Mexican cartel's #1 goal, and their business model is working so we need to have a nimble and comprehensive response to this clear and present danger. Americans struggling with substance use disorder did not wake up one day and say, "I hope one day I have a drug addiction." It may have been a choice the first time or two, but it quickly turns into a disease. They no longer can make a logical choice each day to use or not to use, the disease that has taken over their bodies is making those choices. Whether a person has cancer, asthma, Alzheimer's, diabetes, or substance use disorder, every American should have access to harm reduction tools to protect themselves against the hidden poison that is coming into our country in unprecedented amounts.

The overdose epidemic in the U.S. has been exacerbated by the new drug landscape and the introduction of illicit fentanyl and we need a Covid-like response to combat this crisis. Harm reduction is all around us from seatbelts to sunscreen. Harm reduction is about saving lives and we need to meet people where they are at. Fentanyl testing strips are a simple, inexpensive, and evidence-based method of averting drug overdose. Legalizing fentanyl test strips will not only save lives by preventing overdose but can also help connect people who use drugs with other services and resources they may need, including treatment to help them quit.

I also believe the addition of an opioid overdose fatality review board will be extremely beneficial. The continual review of overdose deaths will provide real time feedback so we know what is working and what may not be, and so we can make timely adjustments to our important course of action. It will also provide important data that can be shared with the public to increase awareness about the current illicit fentanyl crisis.

Thank you for your time.

Sincerely,

Libby Davis, RN, MSN