

November 29, 2022



Chairman LaRe, Vice Chair White, Ranking Member Leland, and members of the House Criminal Justice Committee, we write to express support for legislation aimed at decriminalizing fentanyl testing strips, House Bill 456.

Community Medical Services (CMS) began providing treatment in Phoenix, Arizona in 1983. Today, CMS operates over 52 clinics across ten states. At CMS, our focus is on meeting the challenges presented by the growing opioid epidemic in communities where treatment is lacking. We strive to eliminate the consequences of substance use and to help our patients navigate the continuum of care without discrimination and stigma that they may face as result of their opioid use disorder and use of medication-assisted treatment. Because we believe so strongly in the *continuum* of care, we engage with community partners to help individuals at all levels of treatment and recovery.

CMS testified recently in support of similar legislation pending in the Senate, Senate Bill 296 sponsored by Senators Manning and S. Huffman. We believe the more comprehensive approach in S.B. 296 is preferable, in that it would provide immunity to individuals acting in good faith to not just *use* fentanyl testing strips, but also provide and administer them. This would enable peer supports and other medical providers to furnish these life saving products as part of their service delivery. In an effort to help curb the recent spike in overdose deaths attributed to synthetic opioids such as fentanyl, the federal government took steps to permit federal grantees to use federal funds to purchase fentanyl test strips.<sup>3</sup>

To further improve the bill, we respectfully request your consideration of an amendment to add language expressly authorizing local governments, agencies, and service providers to purchase, procure, and grant test strips. We suggest mirroring similar language relating to naloxone, under Sec. 3715.50 of S.B. 296, such as:

Notwithstanding any conflicting provision of the Revised Code, a government entity, community addiction services provider or community mental health services provider for addiction services, mental health services, or recovery support may purchase, possess, distribute, sell, or otherwise obtain or provide narcotic testing products or equipment, including fentanyl test strips, for purposes of determining whether toxic or hazardous chemicals, compounds, or other substances are present.

Data shows that testing strips are affordable and have the ability to change peoples' behavior to reduce overdoses and save lives.<sup>1</sup> Further, we believe that access to tools such as testing strips make it easier for people to enter treatment. Harm reduction organizations and agencies are often the place where individuals receive these tools, and also serve as an entry point for treatment when that person is ready. Reports show that the test strips are a good tool for talking to clients about the risks of fentanyl.<sup>2</sup> The individual has already established a connection to ask for assistance, instead of being overwhelmed by the process of finding a treatment provider, which we know is a challenge faced by many.

CMS is proud to be a strong partner to the state of Ohio, serving as the state's OTP provider to the Department of Rehabilitation and Corrections in the state's prison system. We stand ready to act as a resource as you consider HB456 and any other legislation to address the opioid epidemic.

Thank you for your consideration of our comments.

Sincerely,

*Nick Stavros*

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Nick Stavros  
CEO

<sup>1</sup> <https://americanhealth.jhu.edu/fentanyl>

<sup>2</sup> <https://doh.wa.gov/you-and-your-family/drug-user-health/overdose-education-naloxone-distribution/fentanyl-test-strip-project>

<sup>3</sup> <https://www.cdc.gov/media/releases/2021/p0407-Fentanyl-Test-Strips.html>