

The Honorable Stephen A. Huffman
Senate Building
1 Capitol Square, Ground Floor
Columbus, OH 43215

RE: Letter of Support - Senate Bill 296

Dear Chair Huffman and Members of the Senate Health Committee,

I am writing on behalf of BirdieLight, a fentanyl education initiative, to express my support for Senate Bill 296, which would legalize the use of narcotic testing products, including fentanyl test strips, and deregulate naloxone. If passed, this legislation would be a significant step forward for local communities and organizations working to prevent fentanyl-related overdose deaths in the state.

Making it possible for individuals to check their drugs for the presence of fentanyl using fentanyl test strips is vital due to Ohio's increasingly lethal drug supply. For example, illicit fentanyl was involved in 81% of Ohio's 2020 overdose deaths, often in combination with other drugs such as cocaine and methamphetamines.ⁱ Additionally, counterfeit prescription tablets containing fentanyl are being sold on the streets that are nearly impossible to detect with the naked eye.ⁱⁱ Fentanyl test strips are easy to use, cost one dollar per strip, and are 96-100% accurate in detecting the presence of fentanyl.

Fentanyl test strips have been shown to facilitate behavior change to protect against overdose. According to a 2018 John Hopkins Study of active drug users, 70% of respondents reported that knowing that their drugs contained fentanyl would lead them to modify their behavior.ⁱⁱⁱ Another study, conducted out of North Carolina, concluded that individuals with a positive fentanyl test strip test result were five times more likely to report changes in drug use behavior compared to those with a negative result.^{iv}

Under current law, paraphernalia is defined to include items used to test drugs, including fentanyl test strips. This leaves many Ohio communities and organizations fearful of potential criminal and civil penalties for distributing these life-saving tools. Senate Bill 296 would align Ohio with other states such as Arizona, which updated its state law in 2021 to remove fentanyl test strips from the definition of drug paraphernalia.

Along with the legalization of fentanyl test strips, Senate Bill 296 would also remove barriers to the distribution and administration of naloxone. Naloxone is a life-saving drug that can reverse an opioid overdose, including those involving fentanyl. This bill exempts naloxone from most Board of Pharmacy distribution laws and broadens access to naloxone to all Ohioans.

The decriminalization of fentanyl test strips would allow my organization, BirdieLight, to apply for grant awards, and in particular would allow us to provide fentanyl test strips to young people who want to ensure a safe drug supply. While we educate always that drug avoidance is the safest route, we realize that young people also need the ability to test any substance for deadly fentanyl.

On behalf of **BirdieLight** we strongly support the passage of SB 296. This legislation expands access to important interventions necessary to respond to the dangerous rise of fentanyl in our state and will save lives.

Sincerely,

Beth Weinstock MD

Founder and CEO of BirdieLight

Birdielight.org

ⁱ Ohio Department of Health, 2020 Ohio Drug Overdose Data: General Findings. <https://odh.ohio.gov/know-our-programs/violence-injury-prevention-program/media/2020+ohio+drug+overdose+report>

ⁱⁱ Ohio Narcotics Intelligence Center Warns of Dangerous Counterfeit Prescription Tablets Found in Ohio. <https://publicsafety.ohio.gov/news-and-events/all-news/onc-120321>

ⁱⁱⁱ Fentanyl Overdose Reduction Checking Analysis Study. https://americanhealth.jhu.edu/sites/default/files/website-media/resources/Fentanyl_Executive_Summary_032018.pdf

^{iv} Fentanyl test strips as an opioid overdose prevention strategy: Findings from a syringe services program in the Southeastern United States. <https://www.sciencedirect.com/science/article/pii/S0955395918302135>