



Kentucky Society of Addiction Medicine

A Chapter of American Society of Addiction Medicine

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March 24, 2023

The Honorable Stephen Meredith
Chair
Senate Standing Committee on Health Services
700 Capital Ave
Annex Room 169
Frankfort, KY 40601

Re: KYSAM Support for HB 353

Dear Chair Meredith,

On behalf of the Kentucky Society of Addiction Medicine (KYSAM), the medical specialty society representing physicians and other clinicians in Kentucky who specialize in the prevention and treatment of addiction, thank you for the opportunity to comment on this important legislation. We write today to express our support for HB 353. This bipartisan legislation would remove drug testing equipment, including fentanyl test strips (FTS), from drug paraphernalia classification under state law. Additionally, this bill would provide legal immunity for possession of trace amounts synthetic opioids. With drug overdose deaths increasing, primarily due to the proliferation of illicit fentanyl, it is vital that we pursue policies to reduce the harms associated with drug use while also promoting public safety.

Over 2,000 Kentuckians lost their lives to drug overdose in 2021, representing a 14.5% increase over the year prior.ⁱ In light of these staggering statistics, we must adopt public policy responses to reduce overdose deaths. Legalizing and expanding the availability of fentanyl test strips and other drug testing equipment is an evidence-based harm reduction strategy. Fentanyl test strips are accessible and inexpensive tests that can be utilized by persons who use drugs to detect the presence of fentanyl with high accuracy.ⁱⁱ In turn, states across the country have moved to legalize fentanyl test strip possession and usage. In 2022 alone, states representing settings as diverse as New Mexico, Tennessee, and Wisconsin enacted legislation to decriminalize fentanyl test strips. Further, possession of fentanyl test strips often exists in a legal gray area. Therefore, it is recommended that states clarify their laws to ensure that fentanyl test strips are clearly excluded from drug paraphernalia classification.ⁱⁱⁱ The enactment of HB 353 would accomplish this goal.

Enhanced accessibility to and awareness of fentanyl test strips promotes public safety. The testing of pre-obtained drugs is an important tool to address rising opioid overdose deaths. Based on the results of this test, individuals can take precautions accordingly. These precautions can prove lifesaving. Additionally, research suggests that these tests are associated with positive changes in drug use behavior and desire to seek treatment.^{iv v} As such, people who use drugs

and community health programs must be able to easily obtain this vital equipment without fear of possible legal consequences.

We commend the bipartisan sponsors of HB 353 for taking evidence-based steps to protect public health and reduce harms associated with drug use. **As such, we urge you to favorably report HB 353 and support its enactment.** We appreciate the opportunity to comment on this legislation. Please contact tratuy7@gmail.com if there is any further assistance that our organization can provide.

Sincerely,


Tuyen T. Tran, MD, MBA, FACP, FASAM
President, Kentucky Society of Addiction Medicine

CC: The Honorable Donald Douglas
The Honorable Julie Raque Adams
The Honorable Cassie Chambers Armstrong
The Honorable Karen Berg
The Honorable Shelley Funke Frommeyer
The Honorable Michael J. Nemes
The Honorable Lindsey Tichenor
The Honorable Max Wise
The Honorable Danny Carroll

ⁱ Harvey, K., & Ingram, V. (2022). 2021 Overdose Fatality Report Kentucky Office of Drug Control Policy. Kentucky.gov. <https://odcp.ky.gov/Reports/2021%20Overdose%20Fatality%20Report%20%28final%29.pdf>

ⁱⁱ Appel, G., Farmer, B., & Avery, J. (2021). Fentanyl Test Strips Empower People And Save Lives—So Why Aren't They More Widespread? Health Affairs. <https://doi.org/10.1377/forefront.20210601.974263>

ⁱⁱⁱ Davis, C. S., Lieberman, A. J., & O'Kelley-Bangsberg, M. (2022). Legality of drug checking equipment in the United States: A systematic legal analysis. Drug and Alcohol Dependence, 234. <https://doi.org/10.1016/j.drugalcdep.2022.109425>

^{iv} Peiper, N. C., Clarke, S. D., Vincent, L. B., Ciccarone, D., Kral, A. H., & Zibbell, J. E. (2019). 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, 122–128. <https://doi.org/10.1016/j.drugpo.2018.08.007>

^v Krieger, M. S., Goedel, W. C., Buxton, J. A., Lysyshyn, M., Bernstein, E., Sherman, S. G., Rich, J. D., Hadland, S. E., Green, T. C., & Marshall, B. D. L. (2018). Use of rapid fentanyl test strips among young adults who use drugs. International Journal of Drug Policy, 61, 52–58. <https://doi.org/10.1016/j.drugpo.2018.09.009>