



Utah Society of Addiction Medicine

A Chapter of American Society of Addiction Medicine

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February 17, 2023

The Honorable Spencer Cox
Governor of Utah
350 N. State Street, Suite 200
Salt Lake City, UT 84114-2220

Re: UTSAM Support for SB 86

Dear Governor Cox,

On behalf of the Utah Society of Addiction Medicine (UTSAM), the medical specialty society representing physicians and other clinicians in Utah who specialize in the prevention and treatment of addiction, thank you for your efforts to address the opioid epidemic in our state. We write today to express our support for SB 86 and urge that you sign the legislation into law. This important, bipartisan legislation would remove fentanyl test strips (FTS) and other testing equipment from drug paraphernalia classification under state law. Additionally, this bill would allow a healthcare facility, substance use harm reduction services program, or drug addiction treatment facility to temporarily possess controlled substances to test for their safety. 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.

Fentanyl testing strips are accessible and inexpensive tests that can be utilized by persons who use drugs to detect the presence of fentanyl in their drugs with high accuracy.ⁱ These tests are associated with positive changes in drug use behavior and desire to seek treatment.^{ii iii} In turn, states across the country have acknowledged this evidence and 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. Research has shown that 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.^{iv} The enactment of SB 86 would accomplish this goal.

Harm reduction methods such as the testing of pre-obtained drugs for safety are important tools to address rising opioid overdose deaths. SB 86 authorizes certified programs to legally test and analyze pre-obtained drugs to ensure their safety and purity. Based on the results of this test, individuals can take precautions accordingly. Enhanced accessibility and awareness of fentanyl test strips promotes public safety and will help to address opioid overdoses in a safe and responsible manner.

UTSAM greatly appreciates the opportunity to comment on this important legislation. We offer our full support to SB 86 and urge you to sign it into law. Please contact our president, Dr. Amy de la Garza, at amydelagarza@mac.com, if there is any other assistance that we can provide.

Sincerely,

Amy de la Garza

Amy de la Garza, MD
President, Utah Society of Addiction Medicine

ⁱ 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>

ⁱⁱ 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>

ⁱⁱⁱ 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>

^{iv} 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>