

HB52



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## Bill Analysis 2022 Regular Session

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**SHORT TITLE:** Harm Reduction Act Amendments

**SYNOPSIS OF BILL:** Amending the New Mexico Harm Reduction Act to expand access to drug checking supplies or devices provided to harm reduction participants; providing that possession of certain drug checking supplies or devices is not a violation of the Controlled Substance Act.

**STRENGTHS:** One of the most effective interventions shown to address the dangerous trend of drug overdoses in the State has been greater access to services that prevent overdose deaths such as access to naloxone, a medication to rapidly reverse an overdose. However, the nature of drug use has changed in recent years as people who use drugs in New Mexico, including heroin and illicit prescription medications, are at a greater risk of overdose death as a result of increased adulterants in the drugs they consume; powerful substances like fentanyl, acetylentanyl, furanylfentanyl and carfentanyl. The New Mexico Department of Health reports that fentanyl overdose mortality in NM has increased 136% from December 2019-'20 and estimates that **1/3 of fentanyl-related overdoses, or 250 deaths**, could have been prevented had fentanyl test strips been available for distribution to users during this past year.

HB 52, seeks to expand overdose prevention by allowing the State's Harm Reduction Program to distribute drug checking supplies and devices while amending the Controlled Substance Act to exempt the possession of those supplies or devices from criminalization. Drug checking (also known as pill testing or adulterant screening) allows people who use drugs to help identify the substance they intend on taking and therefore prevent harms associated with consuming an unknown substance. Simple identification methods, such as reagents and drug checking strips, can help prevent drug-related injury and overdose.

**ADDITIONAL INFO:** Reagent Testing: Reagents (also known as spot or colorimetric tests) are liquid drops that can be applied to a small sample of a substance with minimal user training. A chemical interaction identifies the presence of certain substances contained in the sample based on color changes and corresponding codes. Results take about 30 seconds and allow users to identify a variety of substances, including methamphetamine, opiates, MDMA, LSD, and cathinones ("bath salts").

Fentanyl Testing: More recently, as fentanyl-related drug overdose deaths have increased dramatically, fentanyl checking strips, originally designed for urine drug tests, are now being used off label to test for the presence or absence of fentanyl and fentanyl analogs in the illegal drug supply. Drug checking strips allow users to dissolve a small sample of a drug into water, insert a test strip, and look for an indicator line alerting the user to the presence of fentanyl. Strips are available on Amazon for as little as \$1 per test.

(OVER)

<u>Safer</u>	<u>Apolitical</u>	<u>Fiscally-Responsible</u>	<u>Evidence Based</u>	<u>Grade</u>
<p>Drug checking saves lives and allows public health officials to track deadly trends in the drug supply.</p> <p>Awareness of contamination reduces overdose risk by prompting individuals to not use the adulterated drugs, use more slowly, use with others who have naloxone, or to change purchasing behaviors.</p> <p>Drug checking is a useful tool in the fight against overdoses and can lead to changes in an individual's drug use as well as provide an opportunity to engage individuals in recovery.</p> <p>The New Mexico Department of Health reports that fentanyl overdose mortality in NM has increased 136% from December 2019-'20 and estimates that</p> <p><b>1/3 of fentanyl-related overdoses, or 250 deaths,</b> could have been prevented had fentanyl test strips been available for distribution to users during this past year.</p> <p>In the context of the COVID-19 pandemic in the U.S. and in New Mexico, the already-alarming rate of drug overdose is worsening.</p>	<p>Saving lives and saving money is inherently apolitical.</p>	<p>Drug checking services not only save lives but save money as well by reducing the use of EMS, emergency room and hospital services.</p> <p>Testing devices and supplies are inexpensive, easy to distribute (given adequate infrastructure) and can accurately read whether a substance contains adulterants or not.</p> <p>The Centers for Disease Control and Prevention (CDC) and the Substance Abuse and Mental Health Services Administration (SAMHSA) has announced federal funding may be used to purchase rapid fentanyl test strips (FTS) in an effort to help curb the <a href="#">dramatic spike in drug overdose deaths</a> largely driven by the use of strong synthetic opioids, including illicitly manufactured <a href="#">fentanyl</a>.</p>	<p>"The Centers for Disease Control and Prevention (CDC) recommended the establishment of drug-checking programs by harm reduction organizations in order to "[i]mprove detection of overdose outbreaks" involving illicit drugs commonly adulterated by fentanyl, a potent synthetic opioid, novel psychoactive substances and benzodiazepines."<sup>i</sup></p> <p>Research shows that individuals want to know what is in their drug supply, and, in particular, if their drugs contain fentanyl. In one study, 90% felt drug checking would help them prevent an overdose, the majority of those interested would utilize drug checking at least daily (54%).<sup>ii</sup></p>	A+

[www.nmsafe.org](http://www.nmsafe.org)

<sup>i</sup> Filter Magazine. CDC Recommends Drug-Checking Services Amid Historic Overdose Deaths. 2020 <https://filtermag.org/cdc-drug-checking/>

<sup>ii</sup> <https://pubmed.ncbi.nlm.nih.gov/30991301/>