



# Allegheny County Council

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## Legislation Text

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Motion of the Council of Allegheny County urging the Pennsylvania General Assembly to enact House Bill 1393/Senate Bill 845 with all deliberate speed in order to help protect Pennsylvanians against the potential for inadvertent overdoses of the synthetic opioid fentanyl.

**Whereas**, according to published reports, in 2017, 5,614 people in Pennsylvania died from a drug overdose, and the various county coroner and medical examiner reports show that fentanyl, a synthetic opioid, was present in 64.8 percent of these fatalities (Boden, *Fentanyl Test Strips Could Save Lives, But They're Illegal In Pennsylvania*, wesa.com 8/13/19); and

**Whereas**, according to the National Institute on Drug Abuse (NIDA), fentanyl is a synthetic opioid (as is morphine) and is sometimes legitimately prescribed as a pain killer, but is also manufactured and distributed illegally; and

**Whereas**, also according to NIDA, fentanyl can be 100 times stronger than morphine, and the U.S. Department of Justice/Drug Enforcement Agency Fentanyl Drug Fact Sheet indicates that fentanyl is 50 times more potent than heroin as an analgesic; and

**Whereas**, dangerous levels of fentanyl are often intentionally incorporated into illegally manufactured drugs such as heroin, cocaine, methamphetamine, and MDMA (also known as ecstasy) because the strength of fentanyl provides a comparatively cheap alternative for providing these controlled substances' desired effects; and

**Whereas**, often, fentanyl is incorporated into other drugs without the knowledge of the individuals who will be using them, greatly increasing the risk of accidental death by overdose; and

**Whereas**, fentanyl test strips, which are relatively inexpensive and available to the public in other jurisdictions, can help a person determine if fentanyl is present in an illicit substance, which greatly reduces the risk of inadvertent fentanyl overdoses; and

**Whereas**, within the Commonwealth of Pennsylvania, however, fentanyl test strips are categorized as drug paraphernalia, and possession of them is therefore illegal pursuant to the terms of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. §780-101, *et. seq.*; and

**Whereas**, in recognition of the clear and present danger the fentanyl presents to a vulnerable population of Pennsylvanians, Pennsylvania Representative Struzzi (R- Indiana County) has introduced House Bill 1393, which would amend §780-102(b) of the Controlled Substance, Drug, Device and Cosmetic Act in order to render the possession of fentanyl test strips for personal use legal within the Commonwealth; and

**Whereas**, as Representative Struzzi's sponsorship memo for H.B. 1393 eloquently notes, "[w]e have seen the increasing tragedies associated with fentanyl and it is time to take action. Fentanyl is being added to heroin to increase its potency - often without the knowledge of those who use it - leading to additional overdose

deaths. By allowing those who are in the grip of addiction to possess and use test strips to assure their own safety, we will be able to prevent overdoses.”; and

**Whereas**, H.B. 1393 enjoys bipartisan sponsorship, and is currently before the House Judiciary Committee; and

**Whereas**, an identical bill, S.B. 845, is also currently pending before the Senate Judiciary Committee;

***The Council of the County of Allegheny therefore hereby moves as follows:***

Allegheny County Council hereby urges the Pennsylvania General Assembly to enact House Bill 1393/Senate Bill 845 with all deliberate speed in order to help protect Pennsylvanians against the potential for inadvertent overdoses of the synthetic opioid fentanyl.