

Lifesaving fentanyl test strips still illegal in some states under '70s-era war on drugs law

June 8 2023, by Samantha Hendrickson



Kim Adams of the SOAR Initiative, a nonprofit that seeks to prevent drug overdoses in Ohio, packs fentanyl testing strips to be shipped out to anonymous recipients on April 13, 2023, at their office in Columbus, Ohio. The test strips, previously labeled as illegal drug paraphernalia, were only recently decriminalized in the state this spring as part of a nationwide effort to save people who use drugs from overdosing on the deadly synthetic opioid. Credit: AP Photo/Samantha Hendrickson

At Cleveland's Urban Kutz Barbershop, customers can flip through magazines as they wait, or help themselves to drug screening tests left out in a box on a table with a somber message: "Your drugs could contain fentanyl. Please take free test strips."

Owner Waverly Willis has given out strips for years at his barbershop, hoping to protect others from unwittingly being exposed to the highly potent synthetic opioid ravaging the U.S. and often secretly laced into other illegal drugs.

"When I put them out, they just fly out the door," said Willis, who proudly hands out about 30 strips a week as part of The Urban Barber Association, a Cleveland organization that provides health education to the community via local barbershops.

Nearly 18 years into his own sobriety from drugs, Willis isn't shy about making the strips available. He figures he'd be dead if fentanyl were so widely prevalent when he was using.

Fentanyl has driven overdose deaths in the U.S. since 2016, and [that isn't changing](#) as the cheaper and deadlier synthetic opioid continues to be cut into the drug supply. Approximately 75,000 of the nearly 110,000 overdose deaths of 2022 could be linked to fentanyl, according to data from the U.S. Centers for Disease Control and Prevention. Legalizing test strips could bring those numbers down, advocates say, saving lives by helping more people understand just how deadly their drugs could be.

Until this spring, use of the strips was technically illegal in Ohio. It has joined at least 20 other states whose lawmakers formally decriminalized the strips since Rhode Island became the first in 2018. Pennsylvania, South Dakota, Kentucky and Mississippi also followed suit this year.

The CDC recommends [fentanyl test strips](#) as a low-cost means of

helping prevent drug overdoses. They can detect fentanyl in cocaine, methamphetamine, heroin and many other drugs—whether in pills, powders or injectables.

Yet these small paper strips are still considered illegal in some states, outlawed under drug paraphernalia laws dating to the 1970s era war on drugs—long before fentanyl began seeping into the nation's drug supply. Every state but Alaska had an anti-paraphernalia law on the books by the mid-1980s, making materials used for testing and analyzing illicit substances illegal.

Increasingly, the strips are now being seen as potentially lifesaving.

Newark, Ohio, resident Rodney Olinger has used methamphetamines for eight years. The 45-year-old gets four to five fentanyl test strips weekly from the Newark Homeless Outreach, and calls them a "blessing." He credits the strips with helping ensure he and his fiancée, who also uses, stay alive.

"It's very scary," Olinger said of fentanyl. "Just a little bit could kill you."

While the strips may not prevent drug use overall, they allow testers to take a pause if a strip comes back positive, possibly encouraging them to reconsider drug use and seek help, said Sheila Vakharia with the national nonprofit Drug Policy Alliance, which seeks to shape U.S. drug policy.

"You never know if a fentanyl test strip can keep someone alive long enough so they can make that decision for themselves," she said.

The CDC says any drug that dissolves in water can be tested. The strip is dipped in the solution for about 15 seconds, set out a few minutes, and is positive for fentanyl if a single pink line appears. Two pink lines is a negative result.

The strips can often be obtained from advocacy groups, local and state health departments, or purchased online.



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Where strips are illegal, the push to change the law continues.

In Kansas, lawmakers debated until April whether to legalize the strips. But there was never any debate for Kansas mother Brandy Harris, who lost her 21-year-old son Sebastain Sheahan to a fentanyl overdose in April 2022. Addicted since age 13, he was first prescribed opioids after being hit by a truck.

Friends and family knew Sheahan as "big-hearted" and "goofy" with a soft spot for abused animals. He was open about his addiction issues and had been clean three years before he died after a relapse.

Harris believes her son would still be alive if he'd had test strips showing what he was ingesting. "I do believe that if these were available, that at least one person would be saved," Harris said. "And that is the main goal—at least one person."

Kansas' governor recently signed a bipartisan bill decriminalizing the strips starting July 1.

Montana and other states are considering similar legislation. Republican Gov. Greg Abbott of Texas recently dropped opposition to decriminalizing the strips, citing a "better understanding" of how they prevent opioid deaths.

And in Pennsylvania, Republican state Rep. Jim Struzzi lost his brother to a drug overdose in 2014 and lobbied colleagues for years to destigmatize the strips.

"Fentanyl isn't going to ask you if you're a Democrat or a Republican before it kills you," said Struzzi, who sponsored state legislation making test strips legal in January.

The shift in how political leaders view the strips has advocacy groups, health departments and outreach programs optimistic. Increased legalization opens doors for more funding, including for strips themselves and for public education campaigns.

The SOAR Initiative, a Columbus, Ohio-based nonprofit fighting overdose deaths, distributes about 5,000 strips each month, according to executive director Jessica Warner.

SOAR sends out the strips via mail to anonymous recipients, both individuals and larger distributors. Handing them out never brought legal consequences in Ohio even before.

In fact, prosecution for possessing the strips doesn't appear to be occurring anywhere in the U.S., according to Jonathan Woodruff of the Legislative Analysis and Public Policy Association, which tracks drug laws nationwide. He said drug paraphernalia possession is a minor offense in most states and law enforcement may now be more attuned to the strips' lifesaving benefits.

Northeast of Boston, police Lt. Sarko Gergerian of the Winthrop Police Department has boxes of them stacked in his office.

Legalized in Massachusetts in 2018, the strips go into "survival kits" that his department, as part of the Community and Law Enforcement Assisted Recovery Program, gives to those struggling with substance use—as well as to recovery coaches and social workers for distribution.

Gergerian calls it a "win" when a life is saved—not the arrest of someone struggling with addiction.

"Could you imagine if your kid was addicted to a substance and they weren't ready to give it up?" Gergerian posed. "We need to keep them

alive. Anything else is immoral.""

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Citation: Lifesaving fentanyl test strips still illegal in some states under '70s-era war on drugs law (2023, June 8) retrieved 5 May 2024 from <https://medicalxpress.com/news/2023-06-alive-states-legalize-fentanyl-combat.html>

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