

HOUSE No. 2009

The Commonwealth of Massachusetts

PRESENTED BY:

Smitty Pignatelli

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act advancing public health and safety using fentanyl testing strips.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Smitty Pignatelli</i>	<i>3rd Berkshire</i>	<i>1/9/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/19/2023</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>1/20/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/25/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/25/2023</i>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>1/26/2023</i>
<i>Ryan M. Hamilton</i>	<i>15th Essex</i>	<i>1/30/2023</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/30/2023</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/31/2023</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/9/2023</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>2/15/2023</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>2/21/2023</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/22/2023</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/26/2023</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>3/7/2023</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>4/5/2023</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>7/13/2023</i>

HOUSE No. 2009

By Representative Pignatelli of Lenox, a petition (accompanied by bill, House, No. 2009) of Smitty Pignatelli and others that the Executive Office of Health and Human Services develop a pilot program to implement and study the use of fentanyl testing strips by individuals addicted to opioids and other substances. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act advancing public health and safety using fentanyl testing strips.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. There shall be a pilot program for the purpose of implementing and
2 studying the efficacy, public health, and public safety outcomes of the use of fentanyl testing
3 strips by individuals addicted to opioids and other substances.

4 The executive office of health and human services shall develop a 3-year pilot program to
5 implement and study the public health and public safety outcomes of fentanyl testing strips. The
6 pilot program shall be a competitive grant process. The office shall develop criteria for grant
7 eligibility, which shall include the implementation of a fentanyl testing program which shall be
8 designed to (1) enable those struggling with opioid and other drug addiction to test for the
9 presence of fentanyl and other derivatives prior to each episode of drug use; (2) study the
10 program’s public health and public safety outcomes, including any strategies or behaviors
11 adopted by individuals using test strips that result in the reduction of overdose and overdose
12 death and; (3) enable the use of fentanyl test strips by police, service providers, individuals

13 dependent on drugs, and others to support the creation of rapid response systems and public
14 health warnings to reduce the incidence of overdose deaths. The office shall develop and make
15 public a list of laboratories offering quality test strips. The list shall be updated annually as part
16 of this pilot program.

17 SECTION 2. The executive office of health and human services may promulgate rules
18 and regulations for the pilot program, which may include, though not necessarily be limited to:

19 (i) regulate the nature and manner of testing;

20 (ii) regulate the procedures and apparatus for testing;

21 (iv) require and provide for a data collection and management plan to be used by the
22 office to manage outreach, testing, data access, fees and fee payments, and any required reports;
23 and

24 (v) allow for those participating in the program, in addition to any and all necessary
25 education, treatment, or rehabilitation programs, to access government and non-governmental
26 drug addiction treatment programs while accessing fentanyl testing strips.

27 The office shall develop guidelines and an evaluation process for review of the fentanyl
28 testing strip program.

29 SECTION 3. The executive office of health and human services shall report annually on
30 the activities and status of the program to the clerks of the senate and the house, who shall
31 forward the report to the senate and house co-chairs of the joint committee on mental health and
32 substance abuse. The report shall include a list and description of all programs that received
33 grant funds, the size of the grant awarded to each program, other sources of public funds that

34 supported each program, a detailed analysis of the impact of each program, including the number
35 of individuals participating, the types of services each participant received, the health and safety
36 outcomes of the participants at the time they completed the program and 1, 6, 12 and 24 months
37 following participation in the program, and the lives saved and estimated savings due to reduced
38 overdoses.