



NEW YORK STATE SENATOR  
Pete Harckham

## Harckham Introduces Bill to Greatly Expand Access to Lifesaving Fentanyl Testing Kits

PETE HARCKHAM December 16, 2022

| ISSUE: **SENATOR HARCKHAM. SD40, ALCOHOLISM AND SUBSTANCE ABUSE COMMITTEE, OPIOID OVERDOSE PREVENTION, FENTANYL**



*Albany, NY* – In response to rising opioid deaths, New York State Senator Pete Harckham introduced today new legislation that will allow pharmacists to dispense testing kits to detect fentanyl. A powerful synthetic opioid, fentanyl was the cause of 87.8% of all U.S. opioid overdose deaths—over 70,600 people—in 2021, according to a new [report](#).

The new bill ([S.9616](#)) is being called “Matthew’s Law” in honor and memory of Matthew Horan, a Westchester resident with Substance Use Disorder who died of a fentanyl overdose in November 2020. His sister, Kailey Horan, had requested Harckham find a way to make fentanyl testing kits more commonplace and easier to procure after her brother ingested the drug unknowingly.

“Our hearts go out to the Horan family and all those who have lost a loved one to the scourge of drugs. The overdose crisis we are facing now is due to the dangerous practice of adulterating drugs with fentanyl, which can be deadly in even the smallest amounts,” said Harckham, chair of the Senate Committee on Alcoholism and Substance Abuse. “We need to stop as many overdoses as we can before they occur, and the best way to do so is by making sure fentanyl testing kits are widely available. These lifesaving tools need to be stocked in every pharmacy in New York, for starters.”

Currently, fentanyl testing strips, which can detect the presence of fentanyl in different narcotics (such as cocaine, heroin, methamphetamine and marijuana) and in various drug forms (pills, powders, injectables), are inaccessible in most communities statewide. For the most part, the testing strips are distributed by drug treatment providers at locations that are few and often far between.

In Senate District 40, for instance, there are only seven treatment centers with test kits, according to an [interactive map online](#) furnished by the state’s Department of Health (DOH) at [nyoverdose.org](http://nyoverdose.org).

Opioid overdose deaths attributable to fentanyl have increased sharply in recent years, as opioid prescriptions decreased because of concerns of abuse and drug reformulations to counter rampant abuse led to users seeking street sales of illicit painkillers, which are often spiked with fentanyl. As little as two milligrams of fentanyl can be a lethal dose.

Harckham’s bill allows healthcare professionals who are licensed, registered and authorized to prescribe prescription drugs to dispense fentanyl testing kits to any person. The kits can be stored at a licensed pharmacy, hospital, clinic or other health care facility, as well as at retail stores that contain a pharmacy department. Transactions will be limited to five testing kits at a time.

Rules and regulations regarding the dispensing of fentanyl test kits in New York will be set by the state’s DOH commissioner. Harckham’s bill models the August 2022 standing order from the DOH commissioner to make naloxone, an opioid overdose reversal medication, available at pharmacies statewide.

“My mother and I would like to express our sincere appreciation and gratitude to Senator Harckham and his team for sponsoring Matthew’s Law,” said Kailey Horan. “He understands the value of every life and the urgent need to maximize accessibility of harm reduction tools in the fight against fentanyl.”

Continued Horan, “I want to stress that Senator Harckham’s bill is not only necessary for people struggling with Substance Use Disorder but for children, teenagers, college students and police officers across the state. Drug traffickers are mixing fentanyl in multiple drugs and maliciously targeting a new demographic with Rainbow Fentanyl, which resembles candy. Imagine every seat in Yankee Stadium filled twice—at the end of this year, that’s how many people will have died due to an opioid overdose.

Every minute matters in the fight against overdose deaths. So, please, let's now shift from being reactive to proactive. As it stands, we are already too late for thousands and thousands of families.”

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#### RELATED LEGISLATION

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## 2021-S9616

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- Introduced
  
- - In Committee Assembly
  - In Committee Senate
  
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
  
- - Passed Assembly
  - Passed Senate
  
- Delivered to Governor
- Signed By Governor
- 

March 24, 2023

Do you support this bill?