



NEW YORK STATE SENATOR

Pete Harckham

Harckham, McDonald Introduce Bill to Greatly Expand Access to Lifesaving Fentanyl, Xylazine Testing Kits

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Albany, NY – In response to rising opioid deaths, New York State Senator Pete Harckham and Assemblymember John T. McDonald III have introduced legislation that will allow pharmacists to dispense testing kits to detect drug alterants like fentanyl and xylazine.

The Centers for Disease Control & Prevention **reported** that 10,236 people died in a single 12-month period, a new record, in 2022. This epidemic was driven largely by the spread of illicit

fentanyl, a potent synthetic opioid drug. Earlier this week, the White House Office of National Drug Control Policy **officially designated** fentanyl adulterated with xylazine as an emerging threat to the United States. Xylazine, or “tranq,” is a drug that has been increasingly found in the illicit drug supply. This drug is incredibly dangerous, as it can intensify the effects of other drugs such as opioids, and complicate opioid overdose treatment, as naloxone cannot treat the effects of xylazine.

The bill (**S.2099B / A.5200A**), a version of which was introduced last year, 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.

“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, a member of the Senate Committee on Alcoholism and Substance Abuse who served as its chair from 2018 through 2022. “We need to stop as many overdoses as we can before they occur, and the best way to do so is by making sure testing kits for adulterants are widely available. These lifesaving tools need to be stocked in every pharmacy in New York, for starters.”

“The increase in drug overdose deaths is a public health crisis that requires immediate action and novel strategies,” said McDonald, a registered pharmacist. “This legislation can help save lives by providing tools to identify the growing presence of adulterants like fentanyl and xylazine in the illicit drug supply. The opioid crisis continues to evolve in dangerous and unpredictable ways, and we must do everything we can to provide our communities with tools to prevent as many of these deaths as we can.”

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.

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. In addition, new data points to a 1000% increase in overdoses caused by “tranq” in some areas around the US. Dealers are now mixing fentanyl and Xylazine to create a low-coat “cocktail” that is highly addictive.

Harckham and McDonald’s bill allows healthcare professionals who are licensed, registered and authorized to prescribe prescription drugs to dispense fentanyl and xylazine 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 drug adulterant test kits in New York will be set by the state’s DOH commissioner. Harckham and McDonald’s bill models the August 2022 standing order from the DOH commissioner to make naloxone, an opioid overdose reversal medication, available at pharmacies statewide.

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2023-S2099B

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- Delivered to Governor
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Enacts "Matthew's law"

January 18, 2023

Signed by Governor

Sponsored by **Pete Harckham**

Do you support this bill?