



NEW YORK STATE SENATOR

Pete Harckham

## Harckham Bill Expanding Access to Lifesaving Fentanyl Testing Kits Passes in Senate

PETE HARCKHAM May 18, 2023

| ISSUE: **SENATOR HARCKHAM. SD40, SUBSTANCE USE DISORDER, FENTANYL, HARM REDUCTION, OPIOID OVERDOSE PREVENTION**



*Albany, NY* – New York State Senator Pete Harckham and his colleagues in the Senate approved legislation yesterday that will allow pharmacists to dispense testing kits to detect drug adulterants like fentanyl.

“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.”

To see a video of Sen. Harckham speaking on the floor of the Senate today in support of his bill, click [here](#)

Over 109,000 people died from a drug overdose in 2022, according to a new Centers for Disease Control and Prevention [report](#) released this week; and fentanyl, a powerful synthetic opioid, was the cause of 68.8% of all U.S. opioid overdose deaths—[over 75,000 people](#). The bill ([S.2099B](#)), 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.

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.

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 adulterant 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.

Kailey Horan said, “The successful passage of Matthew's Law in the Senate demonstrates the effectiveness of a shared commitment to address crucial issues by enacting meaningful laws that bring about tangible improvements in society. We cannot emphasize enough how thankful we are for Senator Harckham’s perseverance in navigating the complexities of the political landscape to ensure its success

and for his profound understanding and compassion for the challenges faced by our society.”

Horan added, “My family and I would also like to convey our genuine hope and belief that this bill will play a pivotal role in saving lives and preventing other families from enduring the same tragic circumstance. We remain optimistic that all Assembly Members will recognize the inherent lifesaving potential in the bill, and eagerly anticipate that Matthew’s Law will become a beacon of hope for countless individuals and their loved ones across New York. We are certain that its impact will be far-reaching and long-lasting.”

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#### RELATED LEGISLATION

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### 2023-S2099B

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- Introduced
- - In Committee Assembly
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- - On Floor Calendar Assembly
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- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
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Enacts "Matthew's law"

January 18, 2023

Signed by Governor

Sponsored by **Pete Harckham**

Do you support this bill?