



Testimony of Fran Chardo
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PDAA Legislative Chair
House Judiciary Committee
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Fentanyl Test Strips

Thank you for the opportunity to speak with you this morning. My name is Fran Chardo, and I am the District Attorney in Dauphin County and legislative chair of the Pennsylvania District Attorneys Association. I am here on behalf of the PDAA to applaud efforts to remove legal barriers that may prevent individuals from lawfully using fentanyl test strips and to lend our support to legislation that will ensure that such test strips are not deemed to fall under the definition of drug paraphernalia. We support such legislation for one simple reason: it will literally save lives.

Fentanyl is 50 times more potent than heroin. It is deadly. It is destructive. It is dangerous. It is cheap to manufacture and is extraordinarily potent. But here is the most frightening part, which some of you know: many who overdose from fentanyl had no idea they were actually taking fentanyl. They thought they were using heroin, or cocaine, or even marijuana. Utterly frightening and tragic.

This is a state-wide and country-wide reality. For example, my colleague Mark Powell, the district attorney in Lackawanna County, recently stood with the mayor and police chief of Scranton and advocated for the legal use of fentanyl test strips, noting that dealers in his county have cut the price of fentanyl in half, that fentanyl is being disguised as heroin, and that fentanyl is being mixed with other drugs. Indeed, when I discuss public safety challenges with my colleagues around the Commonwealth, fentanyl overdoses are almost always at or near the top of the list. And the problems and tragedies I have discussed are the same problems and tragedies throughout Pennsylvania. It is for these reasons that enacting legislation ensuring that fentanyl test strips are not included in the definition of drug paraphernalia is so important.

As a technical matter, there is some ambiguity as to whether the current definition of drug paraphernalia would cover these test strips. But that's not the point. Those who want to purchase them, including organizations that provide services and treatment to those who suffer from substance use disorder, should not have to wonder whether what they are doing is legal or not. We should make it abundantly clear.

The experts on the other panels will no doubt discuss in greater detail how the test strip works. For now, please know that fentanyl test strips are inexpensive and can detect the presence of fentanyl in drug samples prior to ingestion. According to a 2018 study by researchers at Brown University, Boston Medical Center, and Johns Hopkins University in collaboration with law enforcement found that the test

strips were accurate at detecting fentanyl when it was present in samples of street drugs provided by law enforcement and unlikely to produce false negative results.

This is important harm reduction. It is about saving lives.

We need not be concerned that enacting such legislation will embolden drug traffickers. We have asked law enforcement officials who work in the area of drug trafficking whether they have found test strips to be a tool used by drug traffickers, and their answer was no.

Test strips are one tool to reduce the deadly effects of fentanyl overdoses. Every entity testifying today has worked incredibly hard to try to reduce the devastating impact of our opioid crisis. By way of example, PDAA several years ago worked with different organizations to provide grants to law enforcement to provide medical drop boxes for individuals to dispose their prescription drugs. This was an important tool in addressing addiction and overdoses related to opioids. PDAA also distributed grants to allow law enforcement to purchase Naloxone, a life-saving medication to reverse overdoses from heroin and now fentanyl. District Attorneys believe in robust treatment and specialty courts to help those suffering from substance use disorder, many of whom often have cooccurring mental health challenges.

Thank you Chairmen Kauffman and Briggs, and members of this Committee for holding this hearing. We look forward to working with all of you to help advance this legislation.