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3 Councilmember David Grosso

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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, The Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101, *et seq.*) to allow the use of testing kits.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Controlled Substance Testing Emergency Declaration Resolution of 2017”.

Sec. 2 (a) The Council passed the Drug Paraphernalia Act of 1982 (D.C. Law 4-149.), effective September 1982, which qualified testing kits as paraphernalia and prohibited such kits in the District.

(b) Testing kits can be used to determine whether licit or illicit drugs contain unknown adulterants such as fentanyl and fentanyl analogues.

(c) Fentanyl and fentanyl analogues are synthetic opioids that are far more potent than heroin or morphine, and lethal at much lower doses. Consuming even a miniscule amount can cause overdose and death.

(d) Fentanyl or its analogues are often added as a cutting agent to heroin or other drugs high in the supply chain, many drug users are not aware that fentanyl analogues have been

33 added. Experts believe the majority of East Coast heroin supply now includes adulterants such as
34 fentanyl. Fentanyl is also increasingly being detected in the cocaine supply.

35 (e) Overdose deaths involving synthetic opioids like fentanyl have increased rapidly
36 throughout the United States and Canada over the past several years. The US synthetic opioid
37 overdose death rate increased 72.2% from 2014 to 2015, with a total of 9,580 deaths in 2015. In
38 the District opioid overdose deaths increased 89.5% from 114 in 2015 to 216 in 2016. In 2016
39 64% of deaths involved fentanyl or its analogues.

40 (f) No test is infallible. However, testing opioids to ensure they do not contain fentanyl is
41 a proven measure to reduce mortality and harms to drug users. It also provides valuable
42 information about trends in the drug supply that can be used to benefit public health.

43 (g) There is a need to allow for testing of opioids to reduce mortality. However, in 2016
44 the District arrested 634 individuals for possession of paraphernalia, which includes testing kits.

45 (h) This emergency legislation will permit individuals in the District to use testing kits
46 and permits their use to test or analyze drugs.

47 Sec. 3. The Council of the District of Columbia determined that the circumstances
48 enumerated in section 2 constitute emergency circumstances making it necessary that the
49 Controlled Substance Testing Emergency Amendment Act of 2017 be adopted after a single
50 reading.

51 Sec. 4. This resolution shall take effect immediately.