

May 06, 2024

Honorable Senate Majority Leader Andrea Stewart-Cousins
Honorable Assembly Speaker Carl Heastie
NYS Capitol Building, Albany, NY 12224

Re: Drug Checking Services Bill ([S4880/A7487](#)), Senator Fernandez & Assembly Member Kelles

Dear Senate Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heastie,

We write to you as 88 organizations working on the front lines of New York State's overdose crisis.

With an unpredictable drug supply that underscores a surge in preventable overdoses, we urge you to pass the critical Drug Checking Services Bill (S4880/A7487) to ensure that New York remains proactive and rooted in education, public health, and community care to save lives in the midst of the state's unrelenting overdose crisis.

Drug checking services are a preventative public health tool. Drug checking technology is a crucial tactic in the state's ability to allocate public health approaches to address an unpredictable drug supply associated with the rise of preventable overdose deaths.

Drug checking technology offers accurate and timely information about the local drug supply, and equips consumers with education and resources to use more safely. Currently, data on the ever-shifting composition of the state's drug supply is acquired *retroactively* through toxicology tests when someone dies, or through law enforcement executing buy-and-busts and drug seizures. Not only do these methods contribute to the cycle of incarceration, they are not effective public health strategies to *prevent* overdose deaths.

Distinct from the more broadly accessible fentanyl and xylazine testing strips (which only confirm if a sample is positive or negative for these substances) – drug checking technology offers granular level information about the various substances that may be present in a sample, down to the percentage.

Studies show that when a person knows what exactly is in their drug supply, they are better prepared and more likely to employ life-saving strategies to reduce harm¹, such as choosing to use lower doses, avoiding mixing drugs, or not using alone. Additionally, studies show that instances of drug use do not increase in areas that have drug-checking systems in place². In fact, the same study also found that the presence of drug-checking services did not encourage those who do not use drugs to begin drug use.

¹ <https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-11243-4>

² <https://apo.org.au/sites/default/files/resource-files/2017-10/apo-nid219011.pdf>

To encourage drug checking behavior, the legislation protects the privacy of participants, and any drug checking results cannot be entered as evidence in any civil, criminal, or administrative proceedings.

The Drug Checking Services Bill takes an important step in separating the criminal-legal system from an essential public health tool. This bill would extend legal immunity to all parties involved in the drug checking infrastructure, including participants who test their samples, technicians who operate the drug checking machines, and the organization that hosts drug checking services.

In October 2023, New York State allocated Opioid Stewardship Funds for the Department of Health (DOH) to implement a drug checking program³ in existing Drug User Health Hubs (DUHH) in Central New York, Southern Tier, Mohawk Valley, and the Capital Region. New York City has 5 already existing drug checking programs⁴.

New York State's drug checking program currently includes the use of onsite FTIR spectroscopy as well as a confirmatory lab that allows programs to send residual amounts of inactivated drug samples to the lab and in compliance with Drug Enforcement Administration (DEA) and postal regulations. The laboratory providing the additional analysis utilizes gas chromatography coupled with mass spectrometry (GC/MS), which is regarded as a gold standard for drug checking.

These critical, state-authorized public health services are currently operating without clear legal protections. The Drug Checking Services Bill makes it clear to New Yorkers that our state's drug checking program is about care and preventative public health, not criminalization.

In grief and memory of the over 17,480 New Yorkers who have died from a *preventable* overdose since 2020, we the 88 organizations urge the Senate and Assembly to pass S4480/A7487 this session. We have run out of time on the overdose crisis, and now is the moment for the state to take action to implement these proven public health solutions.

Respectfully,

³ https://www.health.ny.gov/press/releases/2023/2023-10-23_drug_checking_programs.htm

⁴ <https://www.nyc.gov/site/doh/health/health-topics/alcohol-and-drug-use-services.page>

ACMH, Inc.
ACR Health
Alliance for Positive Change
Alliance for Positive Health
BOOM!Health
Bridging Access to Care
Bronx Movil
BronxConnect (Urban Youth Alliance)
Caribbean Equality Project
CASES (The Center for Alternative Sentencing and Employment Solutions)
Catholic Charities Care Coordination Services
Center for Community Alternatives
Center for Employment Opportunities (CEO)
Center for Family Representation
Chinese-American Planning Council (CPC)
Church Women United in New York State
Coalition for Medication-Assisted Treatment Providers and Advocates (COMPA)
Common Justice
Community Action for Social Justice
Community Health Action of Staten Island
CPR
CSPNJ
Drug Policy Alliance
DRUM - Desis Rising Up & Moving
Evergreen Health
Exodus Transitional Community
Faith in Harm Reduction
Family Promise of Western New York
Family Services Network of New York Inc
Fifth Avenue Committee
For the Many
Harlem United
Hope House Inc
Horizon Health Services
HOUSE ROCHESTER NY
Housing Works, Inc.
Interfaith Assembly on Homelessness and Housing
InUnity Alliance (formerly the Coalition for Behavioral Health and ASAP)

Jason Holloway PsyD
Judson Memorial Church
Justice Committee
Legal Action Center
Lyell Otis Community Association
Met Council on Housing
Michael Galipeau Consulting
National Action Network NYC Chapter
Second Chance Committee
National Harm Reduction Coalition
New Alternatives for Homeless LGBT Youth
New Hour for Women and Children
New State Harm Reduction Association
New York Civil Liberties Union
New York Communities for Change
New York Recovery Alliance
New York State Council for Community Behavioral Healthcare
NEXT Distro
OnPoint NYC
Partnership for the Public Good
Phoenix Houses
Positive Health Project
Prisoners' Brain Trust
Project Safe Point-Catholic Charities Care Coordination Services
Queens Defenders
RAW - Recovery All Ways
REACH Medical
Recovery All Ways
Robert Ross Health Care Consulting
Safe Horizon
Samaritan Daytop Village
Seawy Valley Prevention Council
Southern Tier AIDS Program
St. Ann's Corner of Harm Reduction
START Treatment and Recovery Centers
Survivors Union of New York
The Giving Back Foundation
The Health & Housing Consortium
The Legal Aid Society
The NYC Justice Peer Initiative

The Saeman Family
Trillium Health
Truth Pharm
UConnectCare
United Community Center of Westchester

VOCAL-NY
We Are Revolutionary
WESPAC Foundation, Inc.
Youth and Family Counseling Agency of
Oyster Bay
Youth Represent

cc: Jennifer Best, NYS Assembly Secretary to The Speaker for Program and Policy,
Eric Katz, NYS Senate Counsel to the Majority