



FENTANYL TEST STRIPS

HB 4373 to exclude Fentanyl test strips from the definition of drug paraphernalia

WHAT ARE THEY?

Fentanyl test strips (FTS) are small strips of paper that detect fentanyl in drug samples before ingestion, helping prevent unplanned fentanyl usage and overdose.

They are:

- Simple
- Inexpensive

HOW DO THEY WORK?

An FTS is dipped into water containing a small amount of well-mixed drug residue. Results with one line indicate the presence of fentanyl and two lines show no detection. FTS can be used to screen any street drug including stimulants, benzodiazepines, and other opiates.



HOW DO THEY HELP?

Fentanyl in powdered form is commonly mixed with other substances and can be made into pills that resemble prescription medication without the user's knowledge. FTS create opportunities to better educate and engage drug users on the dangers of their use, and offer supportive services and linkage to care.

FTS allow people who use drugs to make educated decisions about their safety.

If fentanyl is detected the user can:

- Ensure the presence of naloxone
- Have another individual present upon usage
- Use less than the intended amount

FTS can be lifesaving in many situations:

- Experimenting for the first time
- Using a preferred substance obtained from a new source
- Years into recovery with a return to use

Studies show that individuals who use FTS:

- Have recently witnessed someone else overdose¹
- 43% report a change in drug use behavior²
- Report that a positive test significantly promoted change in overdose risk behavior
- 42% report using more slowly
- 39% report use with someone else present³

House Bill 4373, which became effective on June 10, 2022, specifically excludes fentanyl test strips from the definition of "drug paraphernalia." House Bill 4373 adds to the West Virginia's Uniform Controlled Substances Act that possession, sale, or purchase of fentanyl test strips is not prohibited by West Virginia law.

Since June 10, 2022, West Virginia Department of Human Services (DoHS), Bureau for Behavioral Health (BBH) grantees have been able to purchase fentanyl test strips with funds from State Opioid Response Grants or other federally funded grants. Grantees must purchase fentanyl test strips from reputable sellers.

¹Beaulieu T, Hayashi K, Nosova E, et al. Effect of witnessing an overdose on the use of drug checking services among people who use illicit drugs in Vancouver, Canada. *Am J Drug Alcohol Abuse*. 2020;46(4):506-511.

²Nicholas C. Peiper, Sarah Duhart Clarke, Louise B. Vincent, Dan Ciccarone, Alex H. Kral, Jon E. Zibbell, Fentanyl test strips as an opioid overdose prevention strategy: Findings from a syringe services program in the Southeastern United States. *International Journal of Drug Policy*, Volume 63, 2019, Pages 122-128, ISSN 0955-3959, <https://doi.org/10.1016/j.drugpo.2018.08.007>

³Maxwell S. Krieger, William C. Goedel, Jane A. Buxton, Mark Lysyshyn, Edward Bernstein, Susan G. Sherman, Josiah D. Pich, Scott E. Hadland, Traci C. Green, Brandon D.L. Marshall, Use of rapid fentanyl test strips among young adults who use drugs. *International Journal of Drug Policy*, Volume 61, 2018, Pages 52-58, ISSN 0955-3959, <https://doi.org/10.1016/j.drugpo.2018.09.009.3>