

Proposal for Legislation – 2023 Legislative Session

Fentanyl Test Strips

Return to:

Sue O'Connell
Legislative Services Division
E-mail: soconnell@mt.gov
Phone: 444-3597 Fax: 444-3036

PROPOSER'S NAME/TITLE: Rebecca de Camara / BHDD Division Administrator

ORGANIZATION: DPHHS – BHDD

ADDRESS: 111 N. Sanders Helena, MT. 59601

PHONE: (406) 444-6951

E-MAIL: RdeCamara@mt.gov

1. What is the problem or issue?

Counterfeit pills that mimic other prescribed drugs but are laced with illicit fentanyl have been identified in Montana, contributing to the unprecedented number of opioid-related overdoses reported statewide. Fentanyl test strips give individuals the opportunity to reduce their risk of overdose as some may consume fentanyl unknowingly but are currently prohibited from using such tests under Montana law.

2. What do you want the legislation to do?

Remove fentanyl test strips from the drug paraphernalia category to increase access to opioid overdose and fatality prevention strategies.

3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.

Amend MCA 45-10-103.

4. If the proposed change requires additional funding, what funding sources do you propose?

Substance Abuse Block Grant

5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.

Fourteen states have drug paraphernalia laws in which the state's definition of drug paraphernalia does not include the "testing equipment" provision, thus making at least some testing equipment legal. In 10 of these 14 states, the state recently (i.e., since 2018) amended the law to exclude some or all types of testing equipment from the definition. These 10 states are Arizona, Colorado, Maine, Maryland, Minnesota, Nevada, Tennessee, Virginia, West Virginia, and Wisconsin. West Virginia's new law took effect

in June of this year. In the remaining four states, Nebraska, New York, South Carolina, and Wyoming, the definition either never contained the testing equipment provision or has not included it for several years.

[Drug Paraphernalia Summary of State Laws \(legislativeanalysis.org\)](https://legislativeanalysis.org/Drug-Paraphernalia-Summary-of-State-Laws)