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**Testimony COMMENTING on SB0671 SD1  
RELATING TO HEALTH**

REPRESENTATIVE DAVID A. TARNAS, CHAIR  
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Hearing Date: March 16, 2023

Room Number: 325

1 **Fiscal Implications:** Undetermined

2 **Department Testimony:** The Department of Health supports the intent of this measure but  
3 prefers the narrower exemption offered in a similar measure, HB573; defers to the Department of  
4 Law Enforcement on its implementation, and offers the following comments.

5 This measure amends §HRS 329-1, Hawaii Revised Statute by exempting certain testing  
6 products, including but not limited to fentanyl test strips (FTS), from the current definition of  
7 drug paraphernalia, and defines FTS.

8 The Centers for Disease Control and Prevention and the Substance Abuse and Mental Health  
9 Services Administration encourage the use of federal funds to purchase FTS to curb the dramatic  
10 spike in drug overdose deaths from the use of synthetic opioids which include illicitly  
11 manufactured fentanyl. There were 74 fatal opioid poisonings in Hawaii in 2021, 50 of which  
12 come from synthetic opioids including fentanyl. FTS may be useful to find out if drugs were  
13 mixed with fentanyl, thus giving communities information on illicit drug supply and what steps  
14 we should take to prevent and reduce overdoses.

15 Thank you for the opportunity to testify.

16 **Offered Amendments:** Amend page 7, lines 11 to 15 to read:

1           ~~"Drug paraphernalia" does not include testing products~~  
2 ~~utilized in determining whether a controlled substance contains~~  
3 ~~chemicals, toxic substances; or hazardous compounds in~~  
4 ~~quantities that can cause physical harm or death, including but~~  
5 ~~not limited to fentanyl test strips."~~

## TESTIMONY IN SUPPORT OF SB 671, SD 1

TO: Chair Tarnas, Vice Chair Takayama, & Committee Members

FROM: Nikos Leverenz  
Grants & Advancement Manager

DATE: March 16, 2023 (2:00 PM)

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Hawaii Health & Harm Reduction Center (HHRC) **strongly supports** SB 671, SD1, which specifies that the definition of drug paraphernalia does not include testing products utilized in determining whether a controlled substance contains chemicals, toxic substances, or hazardous compounds in quantities that can cause physical harm or death, including but not limited to fentanyl test strips.

HHRC operates Hawaii's statewide syringe exchange program, [\*which has effectively kept HIV rates among persons who inject drugs and their intimate partners low for over three decades\*](#), in every county. We first obtained fentanyl test strips using private grant funding from the Comer Family Foundation in 2019. Fentanyl test strips and other drug checking tools are critical in helping to prevent accidental and fatal overdoses. Broader access to drug checking tools, including portable spectrometers, is a policy reality in other jurisdictions.

Due consideration should also be given to repealing Hawaii's drug paraphernalia statute entirely, [\*as currently proposed in HB 431\*](#). Paraphernalia laws [\*do not advance individual or public health\*](#). Instead, they serve as a gateway to protracted criminal legal system involvement for those with behavioral health problems, including those who are unhoused or are from under-resourced communities. The baseline penalty provided by [\*HRS Section 712-1243\*](#) for possession of non-cannabis Schedule I & II drugs for personal use, including unusable traces and residue, [\*is among the nation's most draconian\*](#).

HHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawaii and the Pacific. We work with many individuals who are impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those relating to substance use and underlying mental health conditions, and have been deeply impacted by trauma that include histories of physical, sexual, and psychological abuse.

Thank you for the opportunity to testify on this important measure.

**SB-671-SD-1**

Submitted on: 3/14/2023 1:45:50 PM

Testimony for JHA on 3/16/2023 2:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Samuel M Mitchell   | Individual          | Support                   | Written Testimony<br>Only |

Comments:

Strongly support SB671 SD1

Samuel Mitchell Makiki NB-10

**SB-671-SD-1**

Submitted on: 3/14/2023 3:53:31 PM

Testimony for JHA on 3/16/2023 2:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Mark Gordon         | Individual          | Support                   | Written Testimony<br>Only |

Comments:

Please Support SB 671. This proposed regulation would remove fentanyl test strips and other testing kits to determine if some drugs contain hazardous as well as fatal substances from the drug paraphernalia definition.

As we may be aware, many younger people as well as adults may take certain drugs which can be laced with a very fetal drug such as fentanyl. Many times they are totally unaware of this contamination. By not restricting the use of fentanyl test strips and other drug testing materials, many overdoses and deaths could be avoided.

**SB-671-SD-1**

Submitted on: 3/15/2023 7:34:00 AM

Testimony for JHA on 3/16/2023 2:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Will Caron          | Individual          | Support                   | Written Testimony<br>Only |

Comments:

Fentanyl test strips (FTS) are a low-cost method of helping prevent drug overdoses and reducing harm. FTS are small strips of paper that can detect the presence of fentanyl in all different kinds of drugs (cocaine, methamphetamine, heroin, etc.) and drug forms (pills, powder, and injectables). FTS provide people who use drugs and communities with important information about fentanyl in the illicit drug supply so they can take steps to reduce risk of overdose. Decriminalizing FTS in Hawai'i will save lives, period. Please pass SB671 SD1.

**SB-671-SD-1**

Submitted on: 3/15/2023 1:52:04 PM

Testimony for JHA on 3/16/2023 2:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Ilina DeCosta       | Individual          | Support                   | Written Testimony<br>Only |

Comments:

I support SB671 SD1, which would exempt testing products from the definition of drug paraphenalia.

I work for HHHRC and provide HIV/HepC testing, as well as provide support to the Syringe Exchange Program. SB671 would protect our programs/services from being inadvertently identified as providers of "drug paraphenalia" and would allow myself and other service providers to continue offering life saving services to any individuals who are at risk for HIV and Hepatitis.

I urge the committee to pass this measure. Mahalo.

**SB-671-SD-1**

Submitted on: 3/15/2023 2:10:28 PM

Testimony for JHA on 3/16/2023 2:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| RUSSELL ABORDO      | Individual          | Support                   | Written Testimony Only |

Comments:

I support SB671, SD1. Providers need this protection to continue providing harm reduction services to our most vulnerable population.



**SB-671-SD-1**

Submitted on: 3/15/2023 2:18:04 PM

Testimony for JHA on 3/16/2023 2:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Natalia Werkoff     | Individual          | Support                   | Written Testimony Only |

Comments:

Aloha,

I am writing in support of SB671 SD1. I am a Licensed Clinical Social Worker and Certified Substance Abuse Counselor working with Hawaii's most vulnerable populations. I know many people (in my professional and personal life) who have died of overdose. Fentanyl test strips are a tool that can help save lives. From a public health perspective: their use should be encouraged, and test strips should be widely and easily accessible. From a human rights perspective: they should not lead to legal persecution. Outlawing such a tool is destructive to our community and will lead to more wasted resources being dumped into our carceral system.

Thanks for your time,

Natalia Werkoff

**SB-671-SD-1**

Submitted on: 3/15/2023 2:26:43 PM

Testimony for JHA on 3/16/2023 2:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Erin Furuichi       | Individual          | Support                   | Written Testimony<br>Only |

Comments:

I support SB 671, SD 1. Thank you.

**SB-671-SD-1**

Submitted on: 3/15/2023 2:35:37 PM

Testimony for JHA on 3/16/2023 2:00:00 PM

| <b>Submitted By</b>   | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|-----------------------|---------------------|---------------------------|------------------------|
| LaVada Beard-Holdener | Individual          | Support                   | Written Testimony Only |

Comments:

I support SB671 that would expempt certain harrm reductio items from being classified as "drug paraphenalia."

As the Syringe Exchange Specialist I have seen first hand how the opoid epemic is being affected by not having the ability to test substances that may have been contaminated by fentynal or carfentynal, which is 100 times stronger than that of regular fentynal.

As someone who regularly engages those that suffer from potential opoid overdose this bill would allow us as Harm Reduction Specialist alleviate some of the risk of fataility due to overdose.

Mahalo for the oppportunity to be heard with regard to this issue.

**SB-671-SD-1**

Submitted on: 3/15/2023 2:37:59 PM

Testimony for JHA on 3/16/2023 2:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Carolyn A           | Individual          | Support                   | Written Testimony Only |

Comments:

I support SB 671, SD 1

**SB-671-SD-1**

Submitted on: 3/15/2023 3:12:56 PM

Testimony for JHA on 3/16/2023 2:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Samantha Toyooka    | Individual          | Support                   | Written Testimony Only |

Comments:

I support SB 671, SD 1. I believe that Fentanyl test strips and other drug checking tools are very important to help prevent accidental overdoses and death.

**SB-671-SD-1**

Submitted on: 3/15/2023 7:10:27 PM

Testimony for JHA on 3/16/2023 2:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Thaddeus Pham       | Individual          | Support                   | Written Testimony Only |

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and JHA Committee Members,

As a public health professional and a citizen concerned with justice, I write in strong support of HB671 SD1, which would exclude fentanyl test strips from the definition of drug paraphernalia in the controlled substances act.

As the opioid overdose crisis continues to impact local communities, we need all the public health tools available in order to ensure that people in Hawai'i do not die from preventable deaths. Fentanyl test strips are a proven intervention to help people reduce the risk from overdose, thereby improving community health and social cohesion. For more info on the public health importance of these tools, go to: <https://www.cdc.gov/stopoverdose/fentanyl/fentanyl-test-strips.html>.

Please pass this necessary and important bill.

With thanks,

Thaddeus Pham (he/him)

**SB-671-SD-1**

Submitted on: 3/16/2023 1:05:52 AM

Testimony for JHA on 3/16/2023 2:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Kavika Puahi        | Individual          | Support                   | Written Testimony<br>Only |

Comments:

I strongly support SB 671 SD1.

**SB-671-SD-1**

Submitted on: 3/16/2023 7:23:23 AM

Testimony for JHA on 3/16/2023 2:00:00 PM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Shannon Rudolph     | Individual          | Support                   | Written Testimony Only |

Comments:

Support