

A RESOLUTION

22-654

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 13, 2018

To declare the existence of an emergency with respect to the need to amend the Drug Paraphernalia Act of 1982 to permit persons to use, or possess with the intent to use, testing equipment or other objects used, intended, or designed for use in testing personal use quantities of controlled substances, and to allow community-based organizations to deliver or sell, or possess with intent to deliver or sell, testing equipment for that same purpose.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Controlled Substance Testing Emergency Declaration Resolution of 2018”.

Sec. 2. (a) In September 1982, the Council passed the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101 *et seq.*), which classified testing equipment or other objects used, intended, or designed for use in testing controlled substances as drug paraphernalia, and subjected the use of such testing equipment to criminal penalties.

(b) Testing equipment 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 and its analogues are often added as a cutting agent to heroin or other drugs high in the supply chain. Moreover, many drug users are not aware that fentanyl analogues have been added to the drugs they consume. Experts believe the majority of East Coast heroin supply now includes adulterants such as fentanyl. Fentanyl is also increasingly being detected in the cocaine supply.

(e) In the past several years, overdose deaths involving synthetic opioids such as fentanyl have increased rapidly throughout the United States and Canada. In the United States, the synthetic opioid overdose death rate increased 72.2% from 2014 to 2015, with a total of 9,580

deaths in 2015. In the District, opioid overdose deaths increased 89.5%, from 114 in 2015 to 216 in 2016. And in 2016, 64% of deaths involved fentanyl or its analogues.

(f) Testing opioids to ensure they do not contain fentanyl is a proven measure that can reduce mortality and harms to drug users. It also provides valuable information about trends in the drug supply that can be used to benefit public health.

(g) There is a need to allow for testing of opioids to reduce mortality. In 2016, however, the District arrested 634 individuals for possession of drug paraphernalia, which includes testing equipment.

(h) This emergency and temporary were previously moved at the November 30, 2017, legislative meeting, and the authority for the temporary legislation expires on November 8, 2018.

(i) The emergency legislation will have an applicability date of November 8, 2018.

(j) This emergency legislation will permit individuals in the District to use testing equipment to test personal use quantities of controlled substances, and will also allow community-based organizations to deliver or sell, or possess with intent to deliver or sell, testing equipment, for that same purpose.

Sec. 3. The Council of the District of Columbia determined that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Controlled Substance Testing Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.