

# Building Health-Centered Approaches towards Safe and Healthy Communities: Summary of the Drug Checking Services Bill



[S4880/A7487](#) (Fernandez/Kelles)

## **New York is in Crisis**

Since 2020, over 17,480 New Yorkers have died from a *preventable* overdose. New York broke another record with over 6,427 deaths in 2022 alone. Marginalized communities -- low-income communities, unstably housed, older New Yorkers, and Black and Brown neighborhoods -- have disproportionately higher rates of overdose. The drug war has created the conditions for an unstable and unpredictable drug supply that exacerbates overdose deaths.

## **Drug Checking Services as a Preventative Public Health Tool**

In October 2023, New York State utilized Opioid Settlement Funds to implement a drug checking program<sup>1</sup> to Central New York, Southern Tier, Mohawk Valley, and the Capital Region, on top of 5 already existing drug checking programs across New York City<sup>2</sup>.

New York's drug checking program currently includes the use of onsite FTIR spectroscopy at Drug Use Health Hubs (DUHH) as well as a confirmatory lab that allows DUHH's 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 codifying drug checking as part of the state's drug policy framework.

Drug checking technology is a crucial component in the state's ability to allocate public health solutions to address an unpredictable drug supply associated with the rise of preventable overdose deaths. Distinct from the more broadly accessible fentanyl or xylazine testing strips -- which only confirm if a sample is positive or negative for these substances -- drug checking technology offers a granular level of information of the various substances that may be present in a sample -- down to the percentage.

Outside of community-based drug checking technology, data on the 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

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<sup>1</sup> [https://www.health.ny.gov/press/releases/2023/2023-10-23\\_drug\\_checking\\_programs.htm](https://www.health.ny.gov/press/releases/2023/2023-10-23_drug_checking_programs.htm)

<sup>2</sup> <https://www.nyc.gov/site/doh/health/health-topics/alcohol-and-drug-use-services.page>

to the cycle of incarceration, they are not effective public health strategies and disrupt an informational feedback loop rooted in public health and community care.

Drug checking technology offers accurate and timely information about local drug supplies, and equips consumers with education and resources to use more safely. 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 harm<sup>3</sup>, such as choosing to use lower doses, avoid mixing drugs, or not to use alone.

Additionally, studies show that instances of drug use does not increase in areas that have drug-checking systems in place<sup>4</sup>. 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.

### **Drug Checking Services Bill ([S4880/A7487](#))**

The Drug Checking Services Bill would extend legal immunity to all parties involved in the drug checking infrastructure. This includes participants who would test their samples, technicians who operate the drug checking machines, and the organization who hosts the drug checking services.

This bill also protects the anonymity of participants, and results of any drug checking 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, making it clear to New Yorkers that our state's drug checking program is about care, not criminalization.

**With preventable overdose deaths surging, and an increasingly unstable drug supply, it's time New York State expands these public health tools by passing the Drug Checking Services Bill.**

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<sup>3</sup> <https://bmcpublihealth.biomedcentral.com/articles/10.1186/s12889-021-11243-4>

<sup>4</sup> <https://apo.org.au/sites/default/files/resource-files/2017-10/apo-nid219011.pdf>