

Vincent C. Gray

Councilmember Vincent C. Gray

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to authorize employees and contractors of the District government to deliver and possess with the intent to deliver drug testing equipment.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the as the “Opioid Overdose Prevention Emergency Declaration Resolution of 2023”.

Sec. 2. (a) There exists an immediate need to amend the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101 *et seq.*) to authorize employees of the District government acting within the scope of their official duties and District contractors or grantees acting within the scope of their contracts to deliver and possess with the intent to deliver drug testing equipment to reduce the incidence of opioid overdose related fatalities.

(b) The Office of the Chief Medical Examiner investigated a total of 1,841 opioid related deaths in the District from January 1, 2016, through December 31, 2021. The percent of overdose deaths containing fentanyl or a fentanyl analog has increased dramatically since 2015

34 when 20% contained fentanyl. The number jumped to 62% in 2016 and in 2021, 95% of
35 overdoses contained fentanyl or a fentanyl analog.

36 (c) The distribution of fentanyl test strips is a key strategy of the District government to
37 combat opioid use and misuse and opioid-related deaths.

38 (d) Under existing District law, however, the distribution of fentanyl test strips is generally
39 considered the illegal distribution of drug paraphernalia.

40 (e) The law was recently amended to authorize the distribution of fentanyl testing strips
41 by community-based organizations.

42 (f) Fentanyl remains a major factor in opioid deaths in the District.

43 (g) In order for the District to more successfully implement its opioid overdose
44 prevention program, it is important that District government employees acting within the scope
45 of their official duties and District contractors acting within the scope of their contract also be
46 authorized to legally distribute fentanyl test strips and other drug testing equipment.

47 (h) A delay in providing this authorization could result in additional, unnecessary opioid-
48 related deaths.

49 (i) On June 28, 2022, the Council passed the “Opioid Overdose Prevention Emergency
50 Amendment Act of 2023”, and accompanying temporary legislation, which is set to expire on
51 May 4, 2023. The purpose of the “Opioid Overdose Prevention Emergency Amendment Act of
52 2023” is to retroactively extend the authorization granted in the act, and continue to empower
53 District government employees and contractors in helping to curb the city’s opioid crisis.

54 Sec. 3. The Council of the District of Columbia determines that the circumstances
55 enumerated in section 2 constitute emergency circumstances making it necessary that the Opioid
56 Overdose Prevention Emergency Amendment Act of 2023 be adopted after a single reading.

Sec 4. The resolution shall take effect immediately.