

ASSEMBLY, No. 5445

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 23, 2019

Sponsored by:

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

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Co-Sponsored by:

**Assemblywoman Vainieri Huttel, Assemblyman Houghtaling,
Assemblywomen Downey, Lopez, Assemblymen Space, Wirths and
Verrelli**

SYNOPSIS

Requires AG to establish program to detect fentanyl in State's illegal drug supply and make information related to presence of fentanyl available in database accessible by law enforcement.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2019)

1 AN ACT concerning the testing of illegal substances seized by law
2 enforcement and supplementing Title 52 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. The Attorney General, in consultation with the
8 Commissioner of Health, shall establish a program to monitor
9 trends related to the presence and content of fentanyl in illegal
10 substances seized by law enforcement throughout the State. In
11 order to identify these trends, the Attorney General shall require all
12 controlled dangerous substances seized by law enforcement officers
13 in the State to be tested for the presence of fentanyl.

14 b. The seized substances shall be tested to determine whether
15 fentanyl is present in the substance and, if so, any available
16 information related to the presence and content of fentanyl in the
17 substance shall be reported to the Attorney General in a timely
18 manner.

19 c. The testing shall be performed using the most current drug
20 testing techniques available including, but not limited to, fentanyl
21 testing strips, in order to evaluate whether a substance contains
22 fentanyl.

23 d. The information received pursuant to subsection b. of this
24 section shall be compiled into a database that is accessible by all
25 law enforcement agencies throughout the State. The information
26 shall be continuously updated to reflect the most current
27 information available concerning the presence of fentanyl in illegal
28 substances in the State.

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30 2. This act shall take effect on the first day of the fourth month
31 next following the date of enactment.

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STATEMENT

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36 This bill requires the Attorney General, in consultation with the
37 Commissioner of Health, to establish a program to detect fentanyl
38 in the State's illegal drug supply and make information related to
39 the presence of fentanyl available in a database that is accessible by
40 law enforcement.

41 Fentanyl is a synthetic opioid that can be up to 25 times more
42 powerful than heroin. Fentanyl-related drug overdose deaths in
43 New Jersey have increased dramatically. In 2017, there were 1,969
44 drug overdose deaths involving opioids in New Jersey, which is
45 50% higher than the national rate. The greatest increase in opioid
46 deaths was seen in cases involving synthetic opioids, mainly
47 fentanyl, with a rise from 38 deaths in 2012 to 1,376 deaths in 2017.

1 Making information concerning trends related to the presence
2 and content of fentanyl in the State's illegal drug supply available
3 could help reduce the risk of overdose. Drug checking, also known
4 as pill testing or adulterant screening, facilitates the identification
5 of illegal substances in illegal substances. Simple identification
6 methods, such as reagents and drug testing strips, can help prevent
7 drug-related injury and overdose. A February 2018 John Hopkins
8 University study showed that the testing strips, which cost about
9 one to two dollars per test, could detect the presence of fentanyl
10 nearly 100 percent of the time.

11 This bill requires the Attorney General to establish a program for
12 testing all controlled dangerous substances seized by law
13 enforcement officers in the State for the presence of fentanyl. Any
14 available information related to the presence and content of fentanyl
15 in the substance tested is to be reported to the Attorney General in a
16 timely manner. The testing is to be performed using the most
17 current drug testing techniques available including, but not limited
18 to, fentanyl testing strips, to evaluate the presence of fentanyl in a
19 substance.

20 The information received as a result of the testing is to be
21 compiled into a database that is accessible by all law enforcement
22 agencies throughout the State. The information shall be
23 continuously updated to reflect the most current information
24 available concerning the presence of fentanyl in illegal substances
25 in the State.