

Legislative Analysis



SPECIFY THAT FENTANYL TESTING STRIPS ARE NOT DRUG PARAPHERNALIA

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5179 as reported from committee
Sponsor: Rep. Carrie A. Rheingans
Committee: Health Policy
Revised 8-28-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5179 would amend the Public Health Code to specify that the term *drug paraphernalia* does not include testing products (such as fentanyl testing strips) that are used to determine whether a controlled substance contains chemicals, toxic substances, or hazardous compounds in amounts that can cause death or physical harm.

The Public Health Code defines *drug paraphernalia* as any equipment, product, or material that is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling a controlled substance, or otherwise introducing a controlled substance into the human body. The code prohibits selling drug paraphernalia or offering it for sale.

MCL 333.7451

FISCAL IMPACT:

The bill would not have a fiscal impact on the state or on local units of government.

POSITIONS:

Representatives of the following entities testified in support of the bill (10-26-23):

- Families Against Narcotics
- Michigan Overdose Prevention Coalition
- Opioid Advisory Commission

The following entities indicated support for the bill:

- Department of Health and Human Services (3-5-24)
- ACCESS Community Health and Research Center (10-26-23)
- Collegiate Recovery Program (10-26-23)
- Community Health Awareness Group (10-26-23)
- Decriminalize Nature Michigan (10-26-23)
- Grand Rapids Red Project (10-26-23)
- Harm Reduction Michigan (10-26-23)
- HVI/AIDS Alliance of Michigan (10-26-23)
- Kiwanis Club of Ann Arbor (10-26-23)
- Lookout Project (10-26-23)

- Michigan Association for Local Public Health (10-26-23)
- Michigan Drug Users Health Alliance (10-26-23)
- Michigan Nurses Association (3-5-24)
- Michigan Society of Addiction Medicine (10-26-23)
- Mid-State Health Network (10-26-23)
- Oakland County Harm Reduction Program (10-26-23)
- Oakland County Health Division (10-26-23)
- Pet Pals Mutual Aid of Washtenaw County (10-26-23)
- Prosecuting Attorneys Association Legislative Committee (10-26-23)
- Sacred Heart Rehabilitation Center (10-26-23)
- A Servant's Heart (10-26-23)
- Shelter Association of Washtenaw County (10-26-23)
- Southeast Michigan Drug Users Union (10-26-23)
- Strategies to Overcome Obstacles and Reduce Recidivism (SOOAR) (10-26-23)
- Students for Sensible Drug Policy (10-26-23)
- Substance Use Disorder Services Directors (3-5-24)
- Wayne County Medical Officer (3-5-24)
- Wellness Services (10-26-23)
- WeRoc (10-26-23)
- Wolverine Street Medicine (10-26-23)
- Ypsi Bike Co-Op (10-26-23)
- Ypsilanti Peace House (10-26-23)

The Michigan Sheriff's Association indicated opposition to the bill. (10-26-23)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.