



CITY OF PHILADELPHIA

OFFICE OF THE MAYOR

EXECUTIVE ORDER 4-21

**IMPLEMENTATION OF CITYWIDE POLICY REGARDING THE DISTRIBUTION OF
FENTANYL TEST STRIPS
FOR HARM REDUCTION PURPOSES**

WHEREAS, the City is in the midst of an ongoing opioid epidemic while continuing to fight against the COVID-19 pandemic; and

WHEREAS, substance use disorder is recognized as a disease in the medical community and treatment of such disorder requires a comprehensive public health approach to prevent unnecessary deaths; and

WHEREAS, the number of overdose deaths has increased nationally, with 88,000 people dying of overdoses in the United States between September 2019 and August 2020, the highest of any 12-month period in history; and

WHEREAS, in 2019, fentanyl contributed to over 75% of all overdose deaths, and 94% of opioid-related overdose deaths in the City; and

WHEREAS, overdose deaths in the City involving fentanyl have increased from 9 in 2012 to 878 in 2019, an increase of over 9,500% during that period; and

WHEREAS, in the second quarter of 2019, fentanyl and fentanyl analogues were found in 39% of all drugs seized by the DEA in Philadelphia and in 82% of all tested heroin samples; and

WHEREAS, from the first quarter of 2019 to the third quarter of 2020, overdose deaths involving methamphetamine and fentanyl increased 350%, while overdose deaths involving PCP and fentanyl increased 1,333%;

WHEREAS, various scientific studies have identified the distribution and use of fentanyl test strips as an effective public health intervention resulting in up to 77% of individuals whose drug tested positive for fentanyl taking steps to reduce their risk of an overdose, including changing how they use their drug, discarding their drug supply, not using alone, and keeping naloxone nearby; and

WHEREAS, the use of these harm reduction behaviors is known to save lives; and

WHEREAS, the distribution of fentanyl test strips represents one of the few effective tools to increase harm reduction behaviors among individuals who suffer from substance use disorder and to reduce fatal overdoses; and

WHEREAS, on April 7, 2021, the Centers for Disease Control and Prevention and the Substance Abuse and Mental Health Services Administration announced and encouraged the use of federal funding to purchase rapid fentanyl test strips to use as a tool to curb the significant increase in drug overdose deaths; and

WHEREAS, the Philadelphia District Attorney and Pennsylvania Attorney General have publicly announced policies of declining to prosecute individuals possessing or distributing fentanyl test strips for harm reduction purposes given the importance of this critical lifesaving intervention and the importance of treating substance use disorder as a disease, and not as a crime; and

WHEREAS, the City of Philadelphia supports those decisions not to prosecute individuals possessing or distributing fentanyl test strips for harm reduction purposes and desires to support those decisions; and

WHEREAS, the City can play a vital role in such harm reduction interventions by declining to arrest individuals possessing or distributing fentanyl test strips for harm reduction purposes; and

NOW, THEREFORE, James F. Kenney, Mayor of the City of Philadelphia, pursuant to all authority granted under the Philadelphia Home Rule Charter and The Philadelphia Code, hereby **ORDER** as follows:

Section 1. Policy of Not Arresting Individuals Engaged In Certain Harm Reduction Activities

It is the City's policy not to arrest individuals possessing or distributing fentanyl test strips for harm reduction purposes.

Section 2. Implementation and Public Outreach.

A. The Police Commissioner shall issue new directives, regulations or other policy statements, and provide for such training, as the Police Commissioner deems necessary in order to implement the policy of not arresting individuals possessing or distributing fentanyl test strips for harm reduction purposes.

B. The City shall initiate a public outreach campaign to inform citizens about the

dangers of fentanyl in the drug supply in Philadelphia, the existence and the importance of fentanyl strips as a harm reduction measure, and the City's policy not to arrest individuals possessing or distributing fentanyl test strips for harm reduction purposes. The campaign may include, but is not limited to:

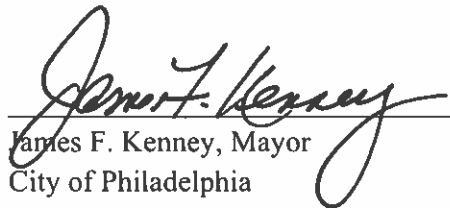
- (1) Distribution of educational materials and local resources pertaining to substance use treatment, harm reduction, and social services;
- (2) Public service announcements;
- (3) Overdose prevention trainings; and
- (4) Other outreach efforts as may be appropriate.

Section 3. Preventative and Support Services; Health Information and Education

The City shall continue to support the implementation of evidence-based substance use and violence prevention programming in order to educate the public about the dangers of substance use. The Office of Behavioral Health and Intellectual disAbility Services shall continue to devote appropriate resources to the provision of substance use disorder treatment and services for all citizens who seek or are referred to treatment, through the criminal justice system or otherwise, so that every person who seeks treatment for substance use disorder can obtain appropriate services.

Section 4. This Order shall be effective immediately

Date: 8/2/21


James F. Kenney, Mayor
City of Philadelphia