



Attachment 1  
Letter in support of H 441 - ACLU Idaho

Written Testimony in Support of HB 441  
Submitted to the Senate State Affairs Committee  
March 4, 2024  
American Civil Liberties Union of Idaho

Chairman and Committee Members,

The ACLU of Idaho supports HB 441.

We acknowledge the tremendous loss that many Idaho families have experienced due to drug use. Addiction is incredibly complex. Addiction is devastating for individuals caught in it.

***Lawful, readily available access to fentanyl test strips improves health outcomes***

Fentanyl is laced into many other substances, often completely disguised as something else. People who are poly substance abusers, according to the testimony of Idaho addiction treatment specialist Dr. Cate Heil with Full Circle Health in House State Affairs earlier this Session, can use up to 30 pills a day. Any one of those pills can be laced with fentanyl. Lawfully available fentanyl test strips are an easy way for Idahoans struggling with addiction to protect themselves from a fentanyl dose which could kill them.

***Lawful fentanyl test strips are a common sense way to save Idahoans' lives***

Even lawmakers arguing in support of HB 406, fentanyl mandatory minimums and drug-induced-homicide earlier this session noted repeatedly, that increased jail penalties won't stop fentanyl-caused deaths in Idaho. Allowing Idahoans access to fentanyl test strips without criminal penalty for possession of drug paraphernalia, most definitely will.

***Harm reduction works. More jail time doesn't.***

Evidence-based and successful approaches to addiction include **increasing** the accessibility of needle exchanges and fentanyl testing strips, the accessibility of Naloxone, increasing harm-reduction policing, expansion of evidence-based pharmacological treatments, and stigma reduction messaging emphasizing fentanyl risk. There is no statistically significant link between state-level drug-related imprisonment rates and state-level drug-related problems such as overdose deaths, arrests, and self-reported drug use.

*Resources:*

Mandatory minimums, are *the least effective policy solution* to drug use.  
Colleen Barry PhD, MPP (2018) *Psychiatric Services*  
<https://ps.psychiatryonline.org/doi/epdf/10.1176/appi.ps.201700235>

More imprisonment doesn't improve states drug problems [Pew Trusts:](https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems)  
<https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems>

Crack cocaine mandatory minimums failed  
[National Institute of Health & Virginia Commonwealth University:](https://pubmed.ncbi.nlm.nih.gov/30497476/)  
<https://pubmed.ncbi.nlm.nih.gov/30497476/>

### **Incarceration Produces More Idahoans At Risk of Addiction and Death**

Overdose was the leading cause of death (167 per 100 000 person-years [CI, 153 to 181]), and overdose deaths in former prisoners accounted for 8.3% of the overdose deaths among persons aged 15 to 84 years in Washington from 2000 to 2009. Women were at increased risk for overdose (HR, 1.38 [CI, 1.12 to 1.69]) and opioid-related deaths (HR, 1.39 [CI, 1.09 to 1.79]).  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5242316/>

Persons released from prison are at an increased risk of mortality compared to the non-incarcerated population, particularly from drug- and opioid-related overdose.  
<https://pubmed.ncbi.nlm.nih.gov/36283246/>

### **Incarceration Costs More Than It Benefits Idaho**

Incarceration is incredibly expensive. Idaho spends over \$22,000 per incarcerated person – roughly \$209 million per year as of 2019. *US DOJ:* <https://nicic.gov/state-statistics/2019/idaho-2019> . Undoubtedly the cost is more now, in 2024.

Of all the tactics considered by the legislature this Session to fight Idaho's drug addiction challenges, the approval of lawful fentanyl test strips is one that will directly decrease deaths occurring in our communities.

Respectfully,  
Julianne Donnelly Tzul  
Advocacy Director  
ACLU of Idaho