

118TH CONGRESS
1ST SESSION

S. 2919

To require research with respect to fentanyl and xylazine test strips, to authorize the use of grant funds for such test strips, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26 (legislative day, SEPTEMBER 22), 2023

Ms. HASSAN (for herself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require research with respect to fentanyl and xylazine test strips, to authorize the use of grant funds for such test strips, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Advancing Lifesaving
5 Efforts with Rapid Test strips for Communities Act” or
6 the “ALERT Communities Act”.

1 **SEC. 2. GRANT PROGRAM FROM STATE AND TRIBAL RE-**
2 **SPONSE TO OPIOID USE DISORDERS.**

3 Section 1003(b)(4)(A) of the 21st Century Cures Act
4 (42 U.S.C. 290ee–3 note) is amended by inserting “or
5 fentanyl or xylazine test strips (as defined in section 6
6 of the Advancing Lifesaving Efforts with Rapid Test
7 strips for Communities Act)” before the period at the end.

8 **SEC. 3. FIRST RESPONDER TRAINING.**

9 Section 546(c) of the Public Health Service Act (42
10 U.S.C. 290ee–1(c)) is amended—

11 (1) in paragraph (3), by striking “; and” and
12 inserting a semicolon;

13 (2) in paragraph (4), by striking the period and
14 inserting “; and”; and

15 (3) by adding at the end the following:

16 “(5) train and provide resources for first re-
17 sponders and members of other relevant community
18 sectors on carrying and facilitating access to
19 fentanyl or xylazine test strips (as defined in section
20 6 of the Advancing Lifesaving Efforts with Rapid
21 Test strips for Communities Act).”.

22 **SEC. 4. RESEARCH AND MARKETING FRAMEWORKS FOR**
23 **TEST STRIP TECHNOLOGY.**

24 The Secretary of Health and Human Services, in con-
25 sultation with the Director of the National Institutes of
26 Health, the Director of the Office of National Drug Con-

1 trol Policy, the Commissioner of Food and Drugs, and the
2 Administrator of the Drug Enforcement Administration,
3 shall develop and make publicly available research and
4 marketing frameworks for developing, improving, and
5 evaluating test strip technology for detecting fentanyl and
6 other dangerous substances. Such frameworks shall—

7 (1) include standards and guidance for manu-
8 facturers seeking to develop and test new test strip
9 technology;

10 (2) emphasize bringing new test strip tech-
11 nology intended for testing human specimens in clin-
12 ical settings to support on-site clinical decision-mak-
13 ing; and

14 (3) include guidance on available authorization
15 pathways for test strips described in paragraphs (1)
16 and (2).

17 **SEC. 5. STUDY ON FENTANYL TEST STRIP INTERVENTIONS.**

18 The Secretary of Health and Human Services shall—

19 (1) conduct a study on the impact of the avail-
20 ability, accessibility, and usage of drug checking
21 supplies, including test strips, on frequency of over-
22 dose, overdose deaths, and engagement in substance
23 use disorder treatment; and

1 (2) not later than 2 years after the date of en-
2 actment of this Act, submit to Congress a report on
3 the study conducted under paragraph (1).

4 **SEC. 6. DEFINITION.**

5 In this Act, the term “test strip” means a rapid re-
6 sponse, single use diagnostic that can be used to detect
7 the adulteration of a drug with, or the presence in a
8 human specimen of, any substance that may lead to in-
9 creased morbidity or mortality, such as fentanyl, xylazine,
10 or another synthetic opioid or emerging substance.

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