

**DAVID S. BENTZ**  
STATE REPRESENTATIVE  
18<sup>th</sup> District



**HOUSE OF REPRESENTATIVES**  
**STATE OF DELAWARE**  
411 LEGISLATIVE AVENUE  
DOVER, DELAWARE 19901

**COMMITTEES**  
Health & Human Development, Chair  
Energy, Vice-Chair  
Appropriations  
Joint Finance  
Labor  
Natural Resources

**House Health and Human Development Committee Meeting Minutes**  
March 31, 2021

Chair Bentz called the virtual meeting to order at 11:00 a.m. He stated that the meeting was planned in accordance with HCR 1 and took the roll call of the committee's members. Members present included Vice Chair Minor-Brown and Reps. Chukwuocha, Johnson, Baumbach, Heffernan, Morrison, Kowalko, Lynn, Postles, Shupe, Smith, Briggs King, Hensley, and Collins. For a list of guests present please see the attendance list below.

Chair Bentz introduced **SB 60 with SA 1, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO MEDICAL MARIJUANA.**

Rep. Dorsey Walker, the House prime sponsor of the bill, explained that this bill would allow more nurse practitioners and physician assistants to recommend medical marijuana for adult patients in addition to making technical corrections.

Sen. Lopez, the prime sponsor of the bill, stated that this is a very practical and simple piece of legislation that expands the ability for adult patients to be prescribed medical marijuana. He explained that Delaware's Medical Marijuana program has been in place for almost ten years and has been very successful, and that they are continually looking for ways to improve it. Sen. Lopez explained that SA 1 clarifies language in the bill and was recommended by representatives of Christina Care and Nemours.

Rep. Bentz and Rep. Smith thanked the sponsors for bringing this bill forward.

Rep. Heffernan stated her support and explained that nurse practitioners and physicians assistants can prescribe other medications, and that this bill will help with the shortage of primary care providers in the state.

Rep. Briggs King also emphasized the importance of nurse practitioners and physicians assistants in providing care. She then stated that this can help access as well as keep costs down as there are few physicians who will engage in providing Medical Marijuana cards.

Chair Bentz opened the floor to public comment.

Robert Overmiller spoke in support of the bill.

Dustyn Thompson of Delaware United shared his personal experience with the Medical Marijuana Program and emphasized the potential for the bill to bring down costs and increase access.

A motion was made by Rep. Smith and seconded by Reps. Briggs King and Baumbach to release SB 60 with SA 1 from committee, the motion carried. Yes = 14 (Chair Bentz, Vice Chair Minor-Brown, Reps. Chukwuocha, Johnson, Baumbach, Heffernan, Morrison, Kowalko, Lynn, Postles, Smith, Briggs King, Hensley, Collins); No = 0; Absent = 1 (Shupe). The bill was released from committee with a F=7, M=7, U=0 vote.

Chair Bentz introduced **SB 84, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO ABUSE, NEGLECT, MISTREATMENT, FINANCIAL EXPLOITATION, OR MEDICATION DIVERSION OF RESIDENTS OR PATIENTS.**

Vice Chair Minor-Brown, the sponsor of the bill, explained that this bill would elevate medication diversion in the law and place it on par with abuse, neglect, mistreatment, and financial exploitation. She stated that it is not intended to change existing obligations for long-term care facilities or psychiatric facilities, but it does make it a requirement that hospitals report an alleged incident of medication diversion. Knowing that opioid abuse is the main cause of medication diversion

which goes underreported, she emphasized that this bill is intended to protect the health and safety of patients and provide additional resources for healthcare workers.

Chair Bentz opened the floor to public comment.

Robert Overmiller spoke in support of the bill.

Lauren Vella of the Department of Justice explained that the goal of the bill is to increase reporting which increases patient safety. She stated that the bill comes from their Medicaid Fraud Control Unit within the Department of Justice.

A motion was made by Rep. Baumbach and seconded by Reps. Briggs King to release SB 84 from committee, the motion carried. Yes = 14 (Chair Bentz, Vice Chair Minor-Brown, Reps. Chukwuocha, Johnson, Baumbach, Heffernan, Morrison, Kowalko, Lynn, Postles, Smith, Briggs King, Hensley, Collins); No = 0; Absent = 1 (Shupe). The bill was released from committee with a F=7, M=7, U=0 vote.

Chair Bentz introduced **SB 76, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FENTANYL TESTING STRIPS.**

Chair Bentz, the sponsor of the bill, explained that the bill authorizes the use of fentanyl testing strips by amending the criminal code to exempt fentanyl strips from the definition of drug paraphernalia. He stated that the goal is to distribute them as a harm reduction strategy in the opioid epidemic. He further explained that the bill provides limitations on liability for lay individuals and organizations providing the testing strips and that the bill is in collaboration with the Department of Justice and Delaware Healthcare Consortium.

Rep. Heffernan spoke in support of the bill.

Rep. Postles asked what would happen if a presence of fentanyl is determined.

Chair Bentz introduced Lauren Vella of the Department of Justice, a witness for the bill. Ms. Vella explained that the research on fentanyl strips indicates that when drug users have access to test their drugs, they do test them and then alter their behavior if it is present, for example throwing out that batch, taking a smaller quantity, having naloxone or other people on hand in case of an overdose.

Rep. Postles asked if naloxone helps counter an overdose involving fentanyl.

Chair Bentz responded yes and explained that this bill is not directly related to naloxone which is already being distributed.

Chair Bentz opened the floor to public comment.

Robert Overmiller spoke in support of the bill.

Dustyn Thompson of Delaware United spoke in support of the bill, explaining its importance in meeting people where they are in their individual journey towards recovery and saving lives. He emphasized that addiction is a disease not a character flaw. He stated his appreciation for the compassion the State illustrates by recognizing that this is not a problem that can be solved through more punishment and taking steps to address the need on the ground right now.

Dave Humes of AtTack Addiction shared that he has been personally affected by drug overdoses. He stated that Delaware is struggling in addressing the opioid epidemic and are still first in the nation in per capita prescribing of high dosage, long-acting opioids, and recently have become second in the nation in per capita overdose deaths. He stated that 50 percent of individuals released from incarceration die of an overdose within 3 months of release and that 75 percent of inmates released die of an overdose within 1 year of release. He explained that fentanyl is 50 to 100 times stronger than heroine and only takes trace amounts to cause harm, and that 85 percent of overdose deaths in Delaware contain fentanyl.

A motion was made by Rep. Smith and seconded by Reps. Baumbach to release SB 76 from committee, the motion carried. Yes = 14 (Chair Bentz, Vice Chair Minor-Brown, Reps. Chukwuocha, Johnson, Baumbach, Heffernan, Morrison, Kowalko, Lynn, Postles, Smith, Briggs King, Hensley, Collins); No = 0; Absent = 1 (Shupe). The bill was released from committee with a F=8, M=6, U=0 vote.

Chair Bentz introduced **SB 44 with SA 1, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE DRUG OVERDOSE FATALITY REVIEW COMMISSION.**

Rep. Lambert, the sponsor of the bill, shared his experience growing up in Claymont, and the frequent conversations with friends where he learns of someone passing away due to a drug overdose. He explained that this bill allows the Drug Overdose Fatality Review Commission to review all deaths related to a drug overdose, regardless of the type of drug implicated in the overdose death. He added it would provide an opportunity for medical professionals and agencies to take a deeper dive into overdose cases and review these deaths comprehensively. Rep. Lambert explained that the opioid epidemic impacts people across socioeconomic barriers, race, and geography and stated the importance of proactive legislation.

Rep. Postles inquired about line 12 and 13 and the use of the term “controlled substance.” Rep. Lambert explained that this term was chosen to expand the scope of the bill. Rep. Postles then asked if there were numbers on the overdose deaths from different drug substances, and if those numbers were tracked by the Commission.

Chair Bentz introduced a witness for the bill, Julia Lawes, Director of the Drug Overdose Fatality Review Commission. Ms. Lawes explained that the Commission does not categorize the drug causing an overdose death. She shared that the Commission does not have the authority to investigate any death not associated with an opioid meaning that they do not have toxicology screens and would not be certain. The data goes through Safety and Homeland Security as they do all the toxicology screens.

Rep. Postles asked for clarification on the role of the regional review teams.

Ms. Lawes responded that the Commission is already established and they have review teams to review cases by county.

Rep. Collins stated that the federal government statistics indicate about 16,000 deaths due to meth and 16,000 deaths due to cocaine nationally, so there are several other drugs beyond opioids causing harm.

Vice Chair Minor-Brown highlighted the importance of this bill based on the severity and personal nature of the issue.

Chair Bentz emphasized the importance of understanding the full scope of the problem in order to develop effective interventions.

Chair Bentz opened the floor to public comment.

Robert Overmiller stated that the Commission does not have the proper resources to do their current work and is concerned that they will not have the capacity to take on additional functions.

Dave Humes is an appointee to the Drug Overdose Fatality Review Commission, and in favor of the legislation so that deaths can be investigated due to new variants of synthetic drugs.

A motion was made by Rep. Briggs King and seconded by Reps. Baumbach to release SB 44 with SA 1 from committee, the motion carried. Yes = 14 (Chair Bentz, Vice Chair Minor-Brown, Reps. Chukwuocha, Johnson, Baumbach, Heffernan, Morrison, Kowalko, Lynn, Postles, Smith, Briggs King, Hensley, Collins); No = 0; Absent = 1 (Shupe). The bill was released from committee with a F=8, M=6, U=0 vote.

Chair Bentz adjourned the meeting at 11:41 a.m.

Respectfully submitted,  
Chelsea Chatterton

Speaker List:

- Rep. Dorsey Walker
- Sen. Lopez
- Rep. Larry Lambert
- Robert Overmiller
- Dustyn Thompson (Delaware United)
- Lauren Vella (Department of Justice)
- Dave Humes (AtTack Addiction, Drug Overdose Fatality Review Commission)
- Julia Lawes (Drug Overdose Fatality Review Commission)

Legislative Hall, 411 Legislative Avenue, Dover, Delaware 19901  
Dover: (302) 744-4351 Wilmington: (302) 577-8476  
Email: [David.Bentz@delaware.gov](mailto:David.Bentz@delaware.gov)

## BOARD MEMBERS

Karl Fischer  
Dawn Hess-Fischer  
David C. Humes  
Kimberly Jones  
Donald C. Keister Jr.  
Jeanne Keister  
Bernie Lovenvirth  
Robert Procopio  
Doug Salter  
Joyce White

## ADVISORY BOARD

Kathryn Berkow, PhD  
Courtney Keister Clark, Ed. D.  
Honorable Rita Landgraf  
William Lynch, RPh  
Fran Russo-Avena, R.N.

## AWARDS & RECOGNITION

2019 | NAMI Advocate of the Year Award

2018 | *Oxford House Tyler A. Keister Award*

2017 | *Order of the First State*

2015 | *American Public Health Association, Community-Based Leadership Award (National)*

2015 | *Delaware State Senate Tribute*

2014 & 2016 | *Heroes in Recovery Awards (National)*

2014 | *Governor's Outstanding Volunteer Award* | State of Delaware

## TAX IDENTIFICATION NUMBERS

Non-Profit EIN:  
32-0404094

United Way #13072

## **House Health and Human Development Committee March 31, 2021**

### **SENATE BILL NO. 76 AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FENTANYL TESTING STRIPS**

Public Comment  
David C. Humes

**Honorable Representative David Bentz, Chair  
Honorable Representative Melissa Minor-Brown, Vice-Chair  
Honorable Representatives Chuckwuocha, Johnson, Baumbach, Heffernan,  
Morrison, Kowalko, Lynn, Postles, Shupe, Smith, King, Hensley, Collins**

*atTAcK addiction* is in favor of this bill.

As a state, based on our best efforts to stem what we consider to be The Public Health Crisis of the 21<sup>st</sup> Century, Opioid Use Disorder and Overdose Death, we are failing to get ahead of this deadly disease. We need a greater sense of urgency. We need additional tools to combat this disease that has plagued our state for decades. We continue to see double digit percentage increases of overdose deaths. The Coronavirus pandemic has made it worse.

Since 2018 *atTAcK addiction* has conducted over 100 community education and naloxone training programs. We have distributed thousands of kits of the life-saving medication, naloxone, with no cost to the state. Short term solution to saving lives. **Harm Reduction**. The impact on Delaware:

- **FIRST in the nation** in per capita prescribing of high dosage long acting opioids<sup>(1)</sup>, for several years
- **SECOND in the nations** per capita **overdose deaths** in 2018 (43/100K)<sup>(1)</sup> up from tied for 5<sup>th</sup> in 2017  
Largest increase of all 50 states, up 18.3%
- **Fifth in the nation** for its rate of children affected by overdose<sup>(7)</sup>
- 431 overdose deaths in 2019<sup>(5)</sup>
- Cost to the state (take your pick):
  - \$100 million<sup>(6)</sup>
  - \$320 million (DSAMH Director Elizabeth Romero)
  - \$1.150 billion<sup>(3)</sup>

More recently *atTAcK addiction* has started to conduct naloxone distribution and training to Department of Corrections, Parole and Probation clients, at miniscule cost to the state. **Harm Reduction.**

- **50%** of individuals released from incarceration **die of an overdose within 3 months** after release
- **75%** of individuals released from incarceration **die of an overdose within the first year** of release
- 79% of overdoses, non-fatal and fatal, occur in a residence
- Only 7% of those residences are equipped with naloxone

(These figures come from “Delaware Drug Overdose Fatality Review Commission – June 2019 Commission Report.” )

Fentanyl has become the dealers’ drug of choice. It is 50 to 100 times more potent than heroin. In June of 2019 several members of *atTAcK addiction* and “Hero Help” attended a conference in Washington, D.C. Present were five of the eight former Directors of the Office of National Drug Control Policy (ONDCP), the President’s “Drug Czar” including the current Director. Former “Drug Czar” General Barry McCaffrey (ret.) held up a standard sugar pack. He told the conferees that it contained 300 mg and that 3 mg was enough to kill someone. He went on to say that package of sugar, if it were fentanyl, could have wiped out the entire crowd in that ballroom.

Fentanyl continues to be the most frequently identified compound in toxicology with it being **present in 85% of overdose deaths** in Delaware (“Delaware Drug Monitoring Initiative Third Quarter 2020 Report).

Delaware needs to see this bill passed so that groups such ours that conduct naloxone training may include fentanyl test strips in the naloxone kits that are distributed. Funding for fentanyl test strips would not need to come from the general fund. *atTAcK addiction* was instrumental in successfully passing the nation’s first “Opioid Impact Fee Law”. (Thank you Rep. Bentz for championing this legislation.) This is exactly the type of program these fees were meant for, to help those who have literally been “*drug into addiction*”. Fees that have been collected from this law go into the separate Opioid Impact Fee Fund (OIFF). Non-profits and treatment providers could be provided with grants in order to distribute fentanyl test strips as part of the mobile syringe exchange programs and naloxone distribution programs. **Harm Reduction.**

Passing this bill will save lives. Please vote in favor of this bill and send it on to the full House.

## Notations:

(1) U.S. Department of Health and Human Services, Center for Disease Control, [www.cdc.gov](http://www.cdc.gov)

(2) "New York Times", November 29, 2018

<https://www.nytimes.com/interactive/2017/06/05/upshot/opioid-epidemic-drug-overdose-deaths-are-rising-faster-than-ever.html>

[https://www.washingtonpost.com/national/health-science/fueled-by-drug-crisis-us-life-expectancy-declines-for-a-second-straight-year/2017/12/20/2e3f8dea-e596-11e7-ab50-621fe0588340\\_story.html?noredirect=on&utm\\_term=.050be7b80bf3](https://www.washingtonpost.com/national/health-science/fueled-by-drug-crisis-us-life-expectancy-declines-for-a-second-straight-year/2017/12/20/2e3f8dea-e596-11e7-ab50-621fe0588340_story.html?noredirect=on&utm_term=.050be7b80bf3)

(3) U.S. Surgeon General's Report, September 20, 2016; "FACING ADDICTION IN AMERICA: The Surgeon General's Spotlight on Opioids", pages. 1,2

(4) Delaware Department of Health & Social Services

<https://dhss.delaware.gov/dhss/>

(5) "Delaware Drug Monitoring Initiative 2018 Annual Report"

(6) Delaware Attorney General Matt Denn, from Council of Economic Advisors, "The Underestimated Cost of the Opioid Crisis", November 2017

(7) "National and State Estimates of the U.S. Opioid Epidemic's Impact on Children", November 2019