

CHECK SHEET TO BE USED FOR
CLEARING ORDINANCES, MOTIONS AND RESOLUTIONS
BEFORE SUBMISSION TO COUNCIL CLERK

The originating agency shall attach a copy of each proposed ordinance, motion or resolution to the check sheet for processing in the sequence indicated after preparing a synopsis. The detailed memorandum of explanation shall also be attached to this check sheet.

SYNOPSIS OF DOCUMENT: .

1.

Department Head

2.

Department of Law

3.

Chief Administrative Officer

4.

Executive Assistant for Intergovernmental Relations

5.

Initials of Sponsoring Council Member

COUNCIL ACTION

COUNCIL MEMBERS PRESENT: _____

ABSENT: _____

AMENDMENTS:

FINAL ADOPTION:

MOVED: _____

2ND: _____

YEAS: _____

NAYS: _____

ABSENT: _____

RECUSED: _____

6.

Reviewed by the Chief Administrative Officer after adoption by the City Council and prior to the Mayor's signature.

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: April 22, 2021

CALENDAR NO. 33,305

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBER MORENO

AN ORDINANCE to amend and reordain Section 102-115 of the Code of the City of New Orleans to provide for an exception to the article allowing for the sale and possession of fentanyl test strips; and otherwise to provide thereto.

WHEREAS, per the Centers for Disease Control and Prevention, Louisiana saw a sharp increase in deaths associated with drug overdoses in 2020 with a 54% increase from the previous year; in 2020, Louisiana was the top state in drug overdose growth during the COVID-19 pandemic, second only to Washington D.C.; and

WHEREAS, fentanyl is a powerful synthetic opioid that has been used in clinical settings for decades; per the National Institute on Drug Abuse (NIDA), fentanyl can be 50 to 100 times more potent than morphine and is typically used to treat patients with severe or chronic pain, especially after surgical procedures; and

WHEREAS, fentanyl is a Schedule II prescription drug and can be seen moving through the street market in a powder form that can be injected, smoked, or snorted and has been found in other drugs such as heroin, methamphetamine, cocaine, and pressed pills; and

WHEREAS, exposure to potent synthetic opioids such as illicitly manufactured fentanyl (IMF) has fueled the escalating overdose crisis throughout the United States; NIDA notes that in 2017, 59% of opioid-related deaths involved fentanyl compared to 14.3% in 2010; and

WHEREAS, rapid fentanyl test strips (FTS) are used to detect fentanyl in illicit drugs and are a resource to help inform individuals who use drugs about their risk to fentanyl exposure prior to consumption; as such, FTS serve as a critical harm reduction intervention measure to reduce fentanyl overdose risk among this population; **NOW THEREFORE**

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Section 102-115 of the Code of the City of New Orleans is amended and reordained as follows:

Sec. 102-115. - Exceptions

(a) Nothing contained in this article shall be construed to prohibit the sale of hypodermic syringes or needles by licensed pharmacists or drug prevention and/or AIDS education programs as approved by the department of health and/or the state department of health and hospitals.

(b) Notwithstanding any other provision of law, the provisions of this division shall not apply to the manufacture, sale, distribution, or advertisement of any product or object designed and sold primarily for scientific research, industrial, veterinary, or agricultural purposes, or for bona fide medical or clinical use.

(c) It shall be an affirmative defense that the person to whom the drug related object or advertisement or notice was distributed had a prescription from a licensed medical practitioner or psychiatrist for marijuana or the controlled substance for which the object is primarily intended to be used. It is also an affirmative defense that the drug related object was designed or marketed as useful primarily for veterinary or agricultural purposes.

(d) Notwithstanding any other provision of law, the provisions of this division shall not apply to a needle exchange program that has been expressly approved by the council. The council may, by resolution, approve the operation of such programs.

- 20 (e) Nothing contained in this article shall be construed to prohibit the possession or the sale
21 of rapid fentanyl test strips (FTS).

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS _____

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON _____

APPROVED:
DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON _____ **AT** _____

CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT:

RECUSED: