PENNSYLVANIA STATE POLICE

HOUSE JUDICIARY COMMITTEE

SCHEDULING UNDER THE CONTROLLED SUBSTANCES ACT

APRIL 10, 2024

Good morning, Chairman Briggs, Chairman Kauffman, and members of the House Judiciary Committee. The Pennsylvania State Police (PSP) appreciates the opportunity to offer remarks on scheduling under the Controlled Substance, Drug, Device, and Cosmetic Act (CSDDCA).

The PSP Bureau of Forensic Services (BFS) is composed of six regional laboratories and one DNA laboratory. The laboratories are strategically located across the state encompassing 10 forensic disciplines. The laboratories serve all PSP stations, District Liquor Enforcement and Gaming offices, approximately 900 municipal police departments, and as requested, federal agencies. In 2023, the laboratories completed analyses for 37,482 cases.

While testing services vary by laboratory, the following forensic disciplines are performed:

- Biology (Body Fluid Identification, Bloodstain Pattern Analysis, DNA)
- Drug Chemistry (Controlled Substances, Clandestine Laboratory Analysis, Alcohol Beverage Analysis)
- Firearms and Tool Marks (including Serial Number Restoration)
- Latent Prints (including Impression Evidence/Footwear &Tires)
- Questioned Documents
- Toxicology (Blood Alcohol, Blood-Drug Analysis)
- Trace Evidence (Paint, Fiber/Textiles, Gunshot Residue, Hair, Explosives, Fire Debris, General Physical and Chemical Analysis)

All BFS laboratories are accredited by the American National Standards Institute National Accreditation Board and must adhere to stringent standards to retain that accreditation.

Among the over 200 personnel who work within the BFS, there are 45 civilian forensic scientists who specialize in drug analysis. These forensic scientists, at a minimum, must have a bachelor's degree in chemistry, biochemistry, biology, or forensic science with at least 16 college credits of chemistry.

The type of analysis conducted on drug evidence includes the identification of any controlled drug substances present. These are chemical compounds listed and scheduled in the CSDDCA or the Federal Drug Statute. Lab reports typically include the identity of the drug substance, the schedule it falls under, and the weight of the drug evidence. Though forensic scientists can identify chemical compounds that are not controlled and not scheduled in the drug statutes, they do not include such compounds in their reported results unless it is an unscheduled substance that is becoming a new drug of interest. This happens as new emerging designer drugs are developed to skirt the drug laws. Once the drug statutes are updated to include the new designer drug, the lab reports then include the proper schedule of that chemical compound. A recent example of this process would be with the addition of fentanyl derivatives due to Act 37 of 2016.

The analysis of drug evidence should not be confused with toxicology testing. Toxicology involves the testing of body fluids, such as blood or urine, for the presence of drug analytes. This type of testing is conducted for DUI/DUID investigations as well as for overdose death investigations. The PSP BFS laboratories only conduct toxicology testing on DUI/DUID cases for a limited number of the most commonly encountered drugs of impairment. In death cases, post-mortem samples are sent to toxicology labs

authorized by the Pennsylvania Department of Health to determine the presence of drug analytes related to the overdose.

Thank you for the opportunity to provide you with information on this topic. The PSP looks forward to participating in any future discussions on this topic.