

December 8, 2015

The Honorable Joe Pitts
Chairman
House Energy and Commerce Committee
Subcommittee on Health
2125 RHOB
Washington, D.C. 20515

Dear Chairman Pitts:

Thank you again for giving me the opportunity to testify on behalf of the American College of Emergency Physicians (ACEP) before your subcommittee on October 20, 2015 at the hearing entitled "Examining Legislative Proposals to Combat Our Nation's Drug Abuse Crisis." As I stated at the conclusion of the hearing, I am happy to respond to any follow-up questions posed by members of the subcommittee.

The Honorable Representative Gus Bilirakis

Dr. Katz, synthetic drug use has been a growing problem in Florida and has recently garnered the state significant media attention. Changing the statutory language to ban "chemically similar" substances or substances that "produce a similar clinical effect" will hopefully reduce the incentive to tweak formulas in an attempt to create drugs that are not technically illegal, which has been a root cause of this epidemic.

1. However, the drug known as flakka is already illegal in the United States, yet this has not prevented the widespread use of it in southern Florida. What steps can Congress and the public take to improve awareness of the dangers of these synthetic drugs and reduce access within our communities?

This is the million dollar question, and one that is not easily answered. Unfortunately, despite the efforts to date to inform and educate individuals about the inherent dangers of illicit synthetic drugs, such as flakka, inappropriate use of synthetic drugs continues. As health care professionals and policy makers, we are obligated to use every tool at our disposal to warn the public about these poisons so that they are not misled by claims that these are "safe," or "legal," alternatives to other illicit drugs.

As both a board certified emergency physician and medical toxicologist, I use every opportunity available to help patients and families understand these perils by educating at the bedside and also by lecturing to a myriad of colleagues and other health care professionals. Continued education at all levels is likely the only pragmatic answer, and this effort must remain steadfast and diligent.

The American College of Emergency Physicians (ACEP) has a long history of conducting public awareness campaigns related to injury prevention and public safety issues, such as: wearing bicycle and motorcycle helmets, texting while driving, child passenger safety, drunk driving and firearm safety, just to name a few. It has been our experience that these efforts, done correctly, distributed widely and appropriately funded, help avert emergency department visits that might otherwise have been avoided.

Moreover, I firmly believe parents must take responsibility for their children and teach them about these issues because this is the first line of defense against drug abuse.

The Honorable Representative Frank Pallone

The synthetic drug crisis has had tragic consequences for individuals who take these substances and for our health care system. H.R. 3537, the "Synthetic Drug Control Act of 2015," would add over 300 chemicals to Schedule I and would lower the standard for whether a chemical is similar enough to an already-scheduled drug to become subject to the same schedule. While lowering this standard would make it easier for law enforcement to prosecute individuals who were trying to get around the law, concerns have been raised that it could lead to prosecution of people who were unaware they were using an illegal drug, such as young adults.

1. The intent of H.R. 3537, the "Synthetic Drug Control Act of 2015," is for the penalties to fall onto the manufacturer, distributor, importer and seller, and not the end user. As drafted, does H.R. 3537 achieve this goal?

Yes, I believe that H.R. 3537, as written, will achieve its goal of focusing prosecution on all parties involved in the development and sale of these dangerous drugs except the end user. The bill sponsor, Representative Charlie Dent (R-PA), indicated this was his intent, and the legislation is clearly crafted to this end.

2. Further, will you please explain what more you believe can be done to prevent young adults from using synthetic drugs and other drugs that are susceptible to abuse?

A successful solution will include equal parts enforcement and education to address both the supply and demand of these deadly drugs. Federal, state and local law enforcement officials should work cooperatively to help prevent these poisons from first reaching the United States and, barring that, to shut down the distribution supply lines. Pressure should also be applied through diplomatic channels to encourage China and other countries where these poisons are manufactured to intercede and close these manufacturers at the source.

Educating Americans about how truly dangerous these substances are must be a collective, diligent and steadfast effort that cannot waiver. Efforts to educate the public, from government sponsored campaigns to school programs to the health care professionals at the bedside, are critical elements to a successful outcome. Furthermore, I truly believe this education must start in the home. Parents must be accountable and responsible as much as possible for the actions of their children.

One aspect that ACEP strongly encourages federal lawmakers to pursue is the reauthorization and funding of the "National All Schedules Prescription Electronic Reporting Reauthorization Act of 2015" (H.R. 1725/S. 480). ACEP applauds you and your colleagues on the House Energy and Commerce Committee for expediting approval of this legislation in order to get its approval under the House suspension calendar in September. Please work with the U.S. Senate to enact this legislation as soon as possible. An effective, interstate prescription drug tracking system would be of tremendous value to all physicians (especially emergency physicians) and other health care prescribers who are working to prevent drug abuse and misuse.

Thank you for your leadership on this important issue. ACEP and I look forward to working with you to enact H.R. 3537, the "Synthetic Drug Control Act of 2015." If I may be of any further assistance to you or your colleagues on this matter, please let me know.

Sincerely,

Kenneth D. Katz, M.D., F.A.C.M.T., F.A.A.E.M.