

September 2, 2021

Speaker Nancy Pelosi  
1236 Longworth H.O.B.  
Washington, DC 20515

Senate Majority Leader Charles Schumer  
322 Hart S.O.B.  
Washington, DC 20510



House Majority Leader Steny Hoyer  
H-107, The Capitol  
Washington, DC 20515

Senate Minority Leader Mitch McConnell  
317 Russell S.O.B.  
Washington, DC 20510

House Minority Leader Kevin McCarthy  
2468 Rayburn H.O.B.  
Washington, DC 20515

**Re: Co-Sponsor the STOP Fentanyl Act (H.R. 2366/S. 1457)**

Dear Speaker Pelosi, Majority Leader Schumer, Majority Leader Hoyer, Minority Leader McConnell, Minority Leader McCarthy, and Honorable Members of the U.S. Senate and House of Representatives:

We, the undersigned criminal justice, civil rights, drug policy, health policy, and advocacy organizations and public health professionals, write today to urge you to co-sponsor the Support, Treatment, and Overdose Prevention of Fentanyl Act of 2021 or the STOP Fentanyl Act of 2021 (H.R. 2366/S. 1457). This Act improves surveillance and detection of fentanyl, enhances evidence-based public health approaches to opioid overdose and substance use disorders, and requires studies of further interventions to be taken to reduce the supply of fentanyl and fatal overdoses.

The STOP Fentanyl Act is a necessary measure to save lives. Overdose is the leading cause of unintentional death in our country, killing more people per year than car crashes.<sup>1</sup> Over half a million people have died in the United States due to drug overdose since 1999 and the death toll continues to climb.<sup>2</sup> Provisional estimates suggest that over 93,000 people died of overdose in 2020, the highest amount ever recorded in a year.<sup>3</sup>

Synthetic opioids, including fentanyl and fentanyl analogues, were involved in over 60 percent of overdose deaths.<sup>4</sup> Overdose rates involving these substances have steeply risen in the past decade,

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<sup>1</sup> Hedegaard, H., Miniño, A.M., & Warner, M., Centers for Disease Control and Prevention, "Drug overdose deaths in the United States, 1999–2018," 2020, <https://www.cdc.gov/nchs/products/databriefs/db356.htm>.

<sup>2</sup> Hedegaard, H., Miniño, A. M., & Warner, M., Centers for Disease Control and Prevention, "NCHS Data Brief, Number 394," Dec. 2020, <https://www.cdc.gov/nchs/data/databriefs/db394-HI.pdf>.

<sup>3</sup> Centers for Disease Control and Prevention, "Provisional Drug Overdose Death Counts," July 14, 2021, [https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm#drug\\_specificity](https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm#drug_specificity).

<sup>4</sup> *Id.*

increasing nearly 40 percent from June 2019 to May 2020.<sup>5</sup> Seventeen states and the District of Columbia experienced a 50 percent or greater increase in fentanyl and fentanyl analogue overdose deaths in the same time period.<sup>6</sup>

People of color have disproportionately suffered from overdose deaths involving fentanyl and fentanyl analogues, with non-Hispanic Blacks facing the highest increase in synthetic opioid-related deaths.<sup>7</sup> Between 2014 and 2017, the death rate among non-Hispanic Blacks involving synthetic opioids increased 818 percent.<sup>8</sup> According to the Substance Abuse and Mental Health Services Administration, “In 2017, non-Hispanic Blacks had the highest percentages of opioid-related overdose deaths and total drug deaths attributed to synthetic opioids when compared to other race/ethnicities and the national population. Synthetic opioids accounted for nearly 70 percent of the opioid-related overdose deaths and 43 percent of the total drug overdose deaths...”<sup>9</sup> These disparities are made worse by the fact that “access to treatment options is more dependent on race, income, geography, and insurance status, rather than individual preferences, or medical or psychiatric indicators.”<sup>10</sup>

The STOP Fentanyl Act is a necessary step to address the overdose crisis and provide effective public health interventions to save lives. Enforcement-first responses to drug policy, including class-wide drug scheduling of fentanyl analogues, have only entrenched racial disparities in the criminal legal system and locked in tougher sentences, without reducing overdose deaths.<sup>11</sup> These responses deter scientific research and ignore the root causes of the overdose crisis, thwarting any meaningful public health solutions.<sup>12</sup> The most effective ways to address the overdose crisis are evidence-based public health and harm reduction approaches. Such approaches are supported by nearly two-thirds

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<sup>5</sup> Centers for Disease Control and Prevention, “Increase in Fatal Drug Overdoses Across the United States Driven by Synthetic Opioids Before and During the COVID-19 Pandemic,” Dec. 17, 2020, <https://emergency.cdc.gov/han/2020/han00438.asp>.

<sup>6</sup> *Id.*

<sup>7</sup> Substance Abuse and Mental Health Services Administration, “The Opioid Crisis and the Black/African American Population: An Urgent Issue,” 2020, [https://store.samhsa.gov/sites/default/files/SAMHSA\\_Digital\\_Download/PEP20-05-02-001\\_508%20Final.pdf](https://store.samhsa.gov/sites/default/files/SAMHSA_Digital_Download/PEP20-05-02-001_508%20Final.pdf).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Madden, G. J., “Ammunition for Fighting a Demand-Side War on Drugs: A Review of Contingency Management in Substance Abuse Treatment,” *J. Appl. Behav. Anal.* 41(4): 645-651, 2008; Centers for Disease Control and Prevention, “Provisional Drug Overdose Death Counts,” July 14, 2021, [https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm#drug\\_specificity](https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm#drug_specificity). An in-depth analysis of fentanyl analogue sentencing from the United States Sentencing Commission in fiscal year 2019 found that 70 percent of those sentenced for fentanyl analogues were Black or Latinx. U.S. Sentencing Commission, *Fentanyl and Fentanyl Analogues: Federal Trends and Trafficking Patterns*, Jan. 2021, [https://www.uscc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20210125\\_Fentanyl-Report.pdf](https://www.uscc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20210125_Fentanyl-Report.pdf).

<sup>12</sup> Letter from Senators Richard J. Durbin, Michael S. Lee, Sheldon Whitehouse, Amy Klobuchar, Christopher A. Coons, Mazie Hirono, Cory A. Booker, Kamala D. Harris to The Hon. Alex M. Azar II, Secretary, U.S. Dep’t of Health and Human Services, July 10, 2019, <https://www.durbin.senate.gov/imo/media/doc/Letter%20to%20DOJ%20HHS%207.10.pdf>; Collins, M., & Vakharia, S., *Drug Policy Alliance, Criminal Justice Reform in the Fentanyl Era: One Step Forward, Two Steps Back*, 2020, [https://drugpolicy.org/sites/default/files/dpa-cj-reform-fentanyl-era-v.3\\_0.pdf](https://drugpolicy.org/sites/default/files/dpa-cj-reform-fentanyl-era-v.3_0.pdf).

of Americans, who believe drug use should be addressed as a public health issue and not as a criminal justice issue.<sup>13</sup>

The STOP Fentanyl Act provides a comprehensive health and evidence-based response to fentanyl and fentanyl analogues. This Act would improve access to the opioid overdose reversal drug naloxone, establish Federal Good Samaritan immunity protections for individuals providing care to someone who is overdosing, and expand access to medications for opioid use disorder in correctional facilities: three approaches that have been shown to reduce fatal overdoses.<sup>14</sup> The STOP Fentanyl Act would also permanently extend expansions to telehealth access to medications for opioid use disorder made during the COVID-19 pandemic, improve public health surveillance of fentanyl-related substances, provide resources to state, local, and community-based organizations to provide overdose prevention services, and fund education for stakeholders on evidence-based treatment for opioid use disorder. These interventions align with the recommendations of the Centers for Disease Control and Prevention.<sup>15</sup>

The STOP Fentanyl Act is a thoughtful, public health approach rather than a knee-jerk criminal response that would only serve to exacerbate mass incarceration and racial disparities. Given the comprehensive approach provided by the bill, we believe the STOP Fentanyl Act will reduce overdose deaths, increase access to health services, including treatment, for people with substance use disorders, and improve health outcomes across the country. The provisions found in the STOP Fentanyl Act are common sense solutions to one of the most pressing problems our country currently faces.

Immediate action is needed to save lives. We urge you to co-sponsor the STOP Fentanyl Act. For more information about anything contained in this letter, please contact Maritza Perez, Director of the Office of National Affairs of the Drug Policy Alliance, at [mperez@drugpolicy.org](mailto:mperez@drugpolicy.org) or Grant Smith, Deputy Director of the Office of National Affairs of the Drug Policy Alliance, at [gsmith@drugpolicy.org](mailto:gsmith@drugpolicy.org).

Sincerely,

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<sup>13</sup> Franklin, D. "Overwhelming Majority Say War on Drugs Has Failed, Support New Approach," June 2, 2021, [https://drugpolicy.org/sites/default/files/bpi-aclu\\_wod\\_public\\_release\\_memo\\_060221\\_updated\\_002\\_002.pdf](https://drugpolicy.org/sites/default/files/bpi-aclu_wod_public_release_memo_060221_updated_002_002.pdf).

<sup>14</sup> Hamilton, L., Davis, C. S., Kravitz-Wirtz, N., Ponicki, W., & Cerdá, M., "Good Samaritan laws and overdose mortality in the United States in the fentanyl era," *International Journal of Drug Policy* 97(103294), 2021, doi: 10.1016/j.drugpo.2021.103294; Substance Abuse and Mental Health Services Administration, *Use of Medication-Assisted Treatment for Opioid Use Disorder in Criminal Justice Settings*, 2019, <https://store.samhsa.gov/sites/default/files/d7/priv/pep19-matusecjs.pdf>.

<sup>15</sup> Centers for Disease Control and Prevention, "Increase in Fatal Drug Overdoses Across the United States Driven by Synthetic Opioids Before and During the COVID-19 Pandemic," Dec. 17, 2020, <https://emergency.cdc.gov/han/2020/han00438.asp>.

## **Organizations**

A New PATH (Parents for Addiction Treatment & Healing)  
Access Support Network  
AIDS Alabama  
AIDS United  
All Saints Episcopal Church  
Bienestar Human Services  
Broken No More  
Cascade AIDS Project & Prism Health  
Center for Living and Learning  
Centre on Drug Policy Evaluation  
Church of Scientology National Affairs Office  
CLARE | Matrix  
Community Health Project Los Angeles  
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces  
CURE (Citizens United for Rehabilitation of Errants)  
DanceSafe  
Dream Corps JUSTICE  
Drug Policy Alliance  
Drug Policy Forum of Hawaii  
Due Process Institute  
End Hep C SF  
End Substance Use Disorder  
Exchange Union  
Fair and Just Prosecution  
Faith in Public Life  
Florida Harm Reduction Collective Inc  
Get it Together Coalition  
GLIDE  
GoodWorks: North AL Harm Reduction  
Harm Reduction Caucus at Columbia School of Social Work  
Healing Equity and Liberation (HEAL) Organization  
Health Equity Alliance  
Health in Justice Action Lab  
Hepatitis C Mentor and Support Group, Inc.  
Homeless Health Care Los Angeles  
Housing Works  
Humboldt Area Center for Harm Reduction  
Idaho Harm Reduction Project  
Intercambios Puerto Rico  
InterReligious Task Force on Central America and Colombia

Jewish Council for Public Affairs  
JustLeadershipUSA  
LA Community Health Project  
Law Enforcement Action Partnership  
The Leadership Conference on Civil and Human Rights  
Maine Drug Policy Lab at Colby College  
National Advocacy Center of the Sisters of the Good Shepherd  
National Association of Criminal Defense Lawyers  
National Council of Churches USA  
National Council on Alcoholism and Drug Dependence- Maryland Chapter  
National Health Care for the Homeless Council  
National Health Law Program  
National Pain Advocacy Center  
National Sobering Collaborative  
National Viral Hepatitis Roundtable  
New Jersey Harm Reduction Coalition  
Ohio Transformation Fund  
PAIN  
Peer Network Of New York  
Penn State College of Medicine  
People's Action  
R Street Institute  
Rights & Democracy - NH & VT  
SLO Bangers Syringe Exchange and Overdose Prevention Program  
St. Ann's Corner of Harm Reduction  
StoptheDrugWar.org  
Suncoast Harm Reduction Project , Sarasota FL  
SURJ Ohio  
T Stephen Jones Public Health Consulting  
Tarzana Treatment Centers Inc.  
The AIDS Institute  
The Freedom BLOC  
The Katrice Williams CLE Group  
The Los Angeles Regional Reentry Partnership  
The Los Angeles Trust for Children's Health  
The Monterey County Prescribe Safe Initiative  
The People's Harm Reduction Alliance  
The Porchlight Collective, SAP  
The Seven Challenges  
The Sidewalk Project  
Trumbull Neighborhood Partnership

Truth & Destiny Covenant Ministries Fellowship UCC  
Truth Pharm  
Tzedek Association  
VICTA  
Vivent Health  
VOCAL-NY  
William C. Velasquez Institute

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