

Dear Members of the Senate Judiciary Committee,

I am writing to express my strong support for Senate Bill 25-044, which seeks to make the distribution of material amounts of fentanyl a Level 1 felony offense. This legislation is crucial in combating the rise of fentanyl-related crimes and destruction in our communities.

As a member of a good neighbour committee . I represent homeowners and renters in a marginalized neighbourhood of southeast Denver.

A low barrier micro shelter was placed in our neighbourhood despite resistance from the community.

The third party management company in conjunction with the City of Denver offers free housing, access to medicare, legal warrant clearing assistance, transportation , meals and many other services not related to treatment. There are low to no accountability requirements for the residents of the micro community.

In June 2024, the third-party provider harboured a felon for over 30 days. The residents of the micro shelter have been seen in the neighborhood, engaging in open air drug use, vomiting , and experiencing mental health crises . The neighbours also report prostitution , graffiti , drug paraphernalia, theft, drug dealing, assaults and overall lawlessness in the community and local city Parks where children play. Our quality of life , safety and security has been egregiously compromised .

In the book “ Smoke and Ashes “ a work of historical nonfiction. The author documents the history of Opiates from the eighth century to the present day. He explains how Opiate addiction is used to enslave, destroy and manipulate for power, colonization and economic gain. We are witnessing this on the city streets of Denver, the state of Colorado, and throughout the United States of America.

I respectfully urge your support of SB25-044, I believe there is destruction through inaction. Let us Coloradans take action.

(Please excuse typos. I am vision impaired)

Attachment D: Written Testimony SB 44

Tony Frey <tonyfre8@yahoo.com>	Tue, Feb 11, 10:27 PM (7 days ago)	
to Julie.Gonzales.senate, Mike.weissman.senate, Matt.ball.senate, John.Carson.senate, Lindsey.Daugherty.senate, Lisa.frizell.senate, Dylan.Roberts.senate, me, Ryan.armagost.house, Bryan.pelton.senate, byron.pelton.senate@coleg.gov		

Senate Judiciary Committee,

The result of Monday's discussion of this proposed legislation is regrettable. The fentanyl crisis will continue to worsen with some small dips driven by the latest increases in enforcement by the federal government. We unfortunately have to rely on the federal government to help communities like mine fight the fentanyl crisis because the state of Colorado fails to do so. I hope more legislation will be proposed and passed before the end of session which properly addresses the fentanyl problem. My community is losing trust in those of you against solutions like SB 25-044.

Tony

On Saturday, February 8, 2025, 9:14 AM, Tony Frey <tonyfre8@yahoo.com> wrote:

Dear Members of the Senate Judiciary Committee,

I am writing to express my strong support for Senate Bill 25-044, which seeks to make the distribution of material amounts of fentanyl a Level 1 felony offense. This legislation is crucial in combating the rise of fentanyl-related crimes, deterring those who profit off destruction of our communities, and protecting the health and safety of Colorado neighborhoods including mine of West Colfax in Denver.

As you are well aware, fentanyl is a powerful synthetic opioid, cheap and easy to distribute, that has contributed significantly to the increase in overdose deaths in our state. Currently, the penalties for dealing fentanyl do not reflect the severity of

the threat it poses to individuals and families. SB25-044 will help address this crisis by holding dealers accountable and deterring the distribution of this deadly substance. In 2023 more people died of overdose of fentanyl than of homicide in 2021, 2022, and 2023 combined, yet we punish people who distribute fentanyl much less harshly than those who commit homicide.

I am very active in my community and have seen firsthand the devastating impact of fentanyl. Overdose and unmitigated open drug dealing near families, at our bus shelters, and around RTD trains are becoming far too common. The ease with which this substance is distributed only exacerbates the problem. The externalities of addiction result in adjacent crimes of desperation including theft and/or unnecessary strain on resources intended to lead to recovery. This is an impossible environment for families to live healthy lives. By making the distribution of material amounts of fentanyl a felony, SB25-044 will provide law enforcement and the judicial system with the tools they need to address this epidemic more effectively and reduce drug-related crime.

This bill is not about punishing individuals struggling with addiction but about targeting those who profit from the suffering of others. I firmly believe that SB25-044 is a necessary step toward creating safer communities and saving lives.

I respectfully urge you to support SB25-044 and help protect Colorado citizens from the dangers of fentanyl and to make our communities safe for families. Thank you for your time, consideration, and dedication to improving the well-being of our state.

Tony

February 10, 2025

The Honorable Julie Gonzales

Chair
Senate Committee on the Judiciary
Colorado General Assembly
200 E Colfax Avenue
Denver, CO 80203

Re: COSAM's Opposition SB25-044, Synthetic Opiates Criminal Penalties

Dear Chair Gonzales,

On behalf of the Colorado Society of Addiction Medicine (COSAM), the medical specialty society representing physicians and clinicians in Colorado specializing in the treatment of addiction, we write today in opposition to SB25-044. This legislation would enhance criminal penalties for the possession of any synthetic opioids like fentanyl. While perhaps well intentioned, this policy of strict criminalization is misguided and would have significant unintended consequences if enacted. Specifically, this policy would hurt vulnerable individuals, increase barriers to addiction treatment, and cost taxpayer money without reducing drug use or overdose deaths.

While we encourage lawmakers to respond forcefully to the overdose crisis, an effective response would prioritize treatment over criminalization. In our state, it is already a felony to possess more than personal use quantities of synthetic opioids.¹ And indeed, decades of pursuing strict policies criminalizing possession of substances have failed to meaningfully reduce substance misuse or improve health outcomes for those with substance use disorders (SUD).^{2 3}

Instead, we must move away from this outdated approach and continue to invest in building addiction treatment systems in our state so that all Coloradans with SUD can receive affordable and accessible treatment for their condition.

Further, if enacted, we are concerned that SB25-044 would have significant negative unintended consequences, specifically on the patient populations that we serve. Decades of research indicate that severe criminal penalties for drug possession disproportionately impact communities of color and communities of limited means.^{4 5}

These communities also happen to be the most vulnerable to negative health impacts related to drug use. Additionally, this legislation further siphons taxpayer dollars and other state resources away from prevention, treatment, and recovery. For us as

addiction treatment professionals, it is clear that we must invest in enhancing the accessibility of evidence-based treatment for addiction, including Food and Drug Administration (FDA)-approved medications for SUD.⁶ Unfortunately, SB25-044 does not meet this aim and therefore is insufficient to address the overdose epidemic. For these reasons, we oppose SB25-044 and urge members of the committee to vote against this legislation.

Please do not hesitate to contact me if you have any questions or concerns. Thank you for your consideration.

Sincerely,

Stephanie Stewart, MD, MPHS, MRO, FASAM

President, Colorado Society of Addiction Medicine (COSAM)

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Cell: 847 525 3527

CC: The Honorable Mike Weissman

The Honorable Matt Ball

The Honorable John Carson

The Honorable Lindsey Daugherty

The Honorable Lisa Frizell

The Honorable Dylan Roberts

Justyna Madenska

I strongly oppose SB25-044, as it contradicts the reality of the drug crisis in the United States.

Reclassifying the possession of synthetic opiates from a Class 1 drug felony to a Class 4 felony once again demonstrates how soft our criminal justice system has become. We cannot allow our elected officials to support policies that enable this kind of leniency.

I urge our state lawmakers to consider federal drug possession and conspiracy laws, where individuals are serving life sentences in federal prison for marijuana possession—a substance that is now legal in most states. If marijuana possession can still be classified as a Class 1 drug felony in certain circumstances at the federal level, why should synthetic opiates—some of the deadliest drugs on the market—be treated with less severity?

We have been fighting a war on drugs since 1951, yet this bill seems to shift blame rather than enforce accountability. I fully expect organizations like CCJRC to push bureaucratic justifications in support of this bill, as they are already in discussions with Democratic legislators. However, I am shocked that Republicans are bringing this to the table. What is the purpose of this bill? Is it simply about lowering prison

populations at the cost of public safety?

Possessing a highly lethal drug is a crime, period. Whether someone knowingly or unknowingly carries fentanyl, carfentanil, or other synthetic opiates, possession is possession. Claiming ignorance is not an excuse—if you are an adult, you are responsible for what you carry. Those who choose to possess and distribute these substances are making choices that endanger lives.

This is why I believe our state needs to adopt elements of federal conspiracy laws, particularly:

Conspiracy to commit drug offenses

Conspiracy to possess controlled substances

Conspiracy to distribute resulting in death

These factors must be incorporated into state law. Instead, this bill moves us backward, making it easier for offenders to escape consequences.

I strongly urge lawmakers to reject SB25-044. We are already too soft on drug-related crimes, and this bill will only make things worse.