

House Judiciary

03/06/2024 01:30 PM

HB24-1306 Increase Penalty Possession of Synthetic Opiates

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
<p>Doug Trainer For City of Colorado Springs</p>	<p>The City of Colorado Springs supports HB24-1306.</p> <p>There is no "relatively safe" amount of fentanyl or other synthetic opioids, and we believe public policy around its possession should demonstrate its seriousness. The legislature has previously recognized there are certain drugs for which the possession of any amount is so dangerous they should be considered drug felonies. These felonies were not changed to misdemeanors when other drug possession charges were lowered in 2019. Synthetic opioids are every bit as dangerous as these other drugs; small amounts can have devastating consequences, including death.</p> <p>Suspended felony sentences are a strong motivator for people to get sober and work toward recovery. These potential consequences can be both a carrot and a stick approach. For example, Recovery Court in our area uses intensive probation supervision and multiple levels of treatment for felons assigned to that court. We believe the best approach to this crisis includes both serious penalties in the criminal justice system and robust prevention, treatment, and recovery efforts.</p> <p>We appreciate the bill sponsors bringing this important issue forward.</p> <p>Thank you.</p> <p>Submitted by: Doug Trainer, Commander, Colorado Springs Police Department, Metro Division with oversight of narcotics investigations.</p>
<p>Ron Hunt For themselves</p>	<p>I am urging the house to pass this bill which will make fentanyl possession illegal. I was frankly surprised that it wasn't.</p>

<p>Rachel Diedrich</p> <p>For themselves</p>	<p>Hi,</p> <p>I live near a homeless shelter and see firsthand how much damage fentanyl and other drugs cause. There are drug overdoses every day and letting people kill themselves is not humane. Please make drug enforcement laws stronger and save lives.</p>
<p>Tony Frey</p> <p>For themselves</p>	<p>Hello,</p> <p>I am writing to you as concerned resident of the West Colfax neighborhood of Denver. In the past two years I have invested my personal time outside my full time job toward improving Safety in my neighborhood, which has become a much needed focus, to the extent that I have volunteered as the Chair of the Safety Committee of my RNO spending many hours each week toward the subject. As Safety Chair, I do my best to keep up to speed on initiatives, grant opportunities, etc. with potential to benefit my and other communities from a safety perspective. One such initiative is HB24-1306 which I ask you to please support.</p> <p>You may be aware of the material spike in drug use such as fentanyl visible in local, state, and national data. States like Oregon, which followed Colorado in our direction to lessening criminal repercussions of hard substances like fentanyl in recent years to an even more radical degree, are realizing the negative outcomes of allowing rampant free drug use in its communities to the extent that Oregon has made major strides recently toward pulling back its current policy toward consumption of fentanyl and other similar substances. Victims of these substances do not have the clarity to take ownership of their addictions and therefore we are committing an act of cruelty by not intervening. Families in my neighborhood often cannot safely walk their kids to school or use public transportation without coming within arm's reach of folks openly using and suffering from addiction. This bill will allow for police to compassionately disrupt cycles of addiction and mitigate what could be another thousand deaths in Colorado. We are on a path that requires a serious change of direction with influence from leaders like yourselves as the Office of the Medical Examiner for Denver, for example, has found the number of drug-related overdose deaths in 2023 is the highest ever recorded with 522 people dead from an overdose in 2023, with 342 of the deaths related to fentanyl just in Denver.</p>

	<p>I'm sure you're aware of the gravity of destruction fentanyl and other opiates has caused to residents of communities like mine in West Colfax and I kindly ask for your participation in supporting the solution to our statewide and local drug crisis by supporting this bill. I hope to get your thoughts and your support. Thank you.</p> <p>Tony</p>
<p>Bev Pogreba For themselves</p>	<p>As we have witnessed for 3 yrs, the minimum to no penalty for illegal drug use in Oregon & California has only shown an increase of drug abuse.</p> <p>Taking addicts off the streets even for a short time might result in some getting sober while disrupting profits for drug dealers & cartels if more addicts are off the streets & making businesses & the public safer with reduced crimes & theft.</p> <p>We've yet to see the impact of insurance via crime & theft which will result in higher priced items or businesses who can no longer afford or obtain insurance due to crime & theft. This also means higher unemployment if businesses close. This is a Drug Addiction Crisis, not a Homeless Crisis. Addiction can often result in Loss of Job, Income THEN Housing, custody of children & divorce,</p> <p>Drug Dealers & Cartel members should be required to pay restitution to Addicts as well as Hospitals & others who provide services that go unpaid due to Addiction.</p>



Colorado Society of Addiction Medicine

A Chapter of American Society of Addiction Medicine

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March 6, 2024

The Honorable Mike Weissman
Chair

House Committee on Judiciary
200 E Colfax Avenue, RM 307
Denver, CO 80203

Re: HB24-1306: Increase Penalty Possession of Synthetic Opiates

Dear Chair Weissman:

On behalf of the Colorado Society of Addiction Medicine (COSAM), the medical specialty society representing physicians and other clinicians who specialize in the treatment of addiction, **we write to oppose HB24-1306: Increase Penalty Possession of Synthetic Opiates**. We believe that increasing criminal penalties for possession of small amounts of drugs would hurt vulnerable individuals, increase barriers to evidence-based treatments, and waste taxpayer money without impacting drug use or overdose deaths.

The bill would felonize possession of any amount of fentanyl, regardless of whether the individual was aware of fentanyl's presence in the substance. In Colorado, it already is a felony to possess more than one gram of fentanyl. Fifty years of failed drug war policies provide clear evidence that increasing penalties for possessing small amounts of drugs increases incarceration, particularly among communities of color, without reducing drug importation, use or overdose deaths. Taxpayers interested in responsible spending should be outraged by efforts to stiffen penalties for persons that use drugs, which could siphon money away from evidence-based treatment and prevention efforts in favor of supporting increasing numbers of individuals with non-violent offenses in jail.

There is no doubt that the overdose crisis deserves the attention of the Colorado General Assembly. COSAM favors an approach that invests in evidence-based interventions—rather than further criminalization. People struggling with an opioid use disorder (or those using any substance and are unaware of contamination with fentanyl in the volatile illicit drug supply) need the opportunity to seek affordable and accessible treatment whenever possible, rather than being subjected to criminalization.

We encourage lawmakers to invest in expanding access to evidence-based treatment for addiction; methadone, buprenorphine, and naltrexone are three medications approved by the Food and Drug Administration (FDA) to treat addiction. However, despite their clear benefits for persons with substance use disorders, these medications are dramatically under-utilized. Further, their access is inequitable for specific demographic groups such as Black adults, women, and people living in non-metropolitan areas. As such, we encourage lawmakers interested in addressing addiction and overdose to prioritize enhancing the availability of treatment.

As addiction-treatment professionals, **we urge the committee to oppose HB24-1306**. Please do not hesitate to contact me if there is any other assistance we can provide.

Sincerely,

Stephanie Stewart, MD, MPH, FASAM

President-Elect, Colorado Society of Addiction Medicine (COSAM)

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Hannan Braun, MD, FASAM

Public Policy Liaison, COSAM

CC: The Honorable Jennifer Bacon

The Honorable Judy Amabile

The Honorable Ryan Armagost

The Honorable Gabe Evans

The Honorable Lorena Garcia

The Honorable Leslie Herod

The Honorable Javier Mabrey

The Honorable Marc Snyder

The Honorable Matt Soper

The Honorable Steven Woodrow

Mr. Chair and members of the committee, thank you for the opportunity to submit written testimony in opposition to HB24-1306, Increase Penalty Possession of Synthetic Opiates.

My name is Lucy Carroll and I am the public policy specialist at WellPower, the community mental health center of Denver. Our organization provides behavioral health safety net services and substance use disorder services for individuals across the city.

WellPower strongly opposes HB24-1306. This bill is not aligned with evidence-based practices for substance use disorder treatment, and will substantially increase incarceration rates of individuals experiencing substance use disorders. Criminalization has repeatedly been shown to be an ineffective treatment for addressing substance use, and individuals with substance use disorders who are incarcerated are at higher risk of overdose and death, as jails are not effectively equipped to support them. This bill is in direct opposition to the recommendations of experts in both the criminal justice and substance use disorder treatment fields.

Individuals with substance use disorders are often unaware that the drugs they are in possession of are contaminated with the synthetic opioids listed in this bill. HB24-1306 removes the current provision that protects individuals who are unaware of the presence of these opioids in the substance they possess. We are seeing unprecedented overdose deaths due to these synthetic opioids contaminating drug supplies, and this bill only serves to further victimize individuals who are already in danger of overdosing due to contaminants, further criminalizing them instead of supporting them via harm reduction and treatment. This is not only an ineffective policy approach – it is a cruel one.

We know beyond a doubt that incarceration and criminalization does nothing to improve the prevalence of substance use and substance use disorders. In the two weeks following their release, people incarcerated in state prisons are 129 times more likely to die from an overdose, according to a study in Washington State. A similar study in North Carolina found that formerly incarcerated people were 40 times more likely to die of an opioid overdose within two weeks of their release.

At WellPower, we provide substance use disorder and behavioral health treatment to thousands of people each year. We see people get the help they desire and come to thrive in recovery. And we know that further criminalization and incarceration does nothing to support individuals on their journey to recovery.

This bill stands in opposition to years' worth of carefully developed, evidence-based approaches to substance use disorder treatment. I respectfully ask for your no vote on HB24-1306.

Thank you for your time.



March 6th, 2024

Dear Members of the House Judiciary,

On behalf of Mental Health Colorado, we are writing to convey our opposition of HB24-1306. Mental Health Colorado is a statewide mental health advocacy organization. We are committed to the work of disentangling our mental health from the criminal legal system, and ensuring those with substance use conditions are met with meaningful healthcare rather than systems-involvement. To that end, we strongly oppose criminalizing substance use.

In 2022, Mental Health Colorado opposed HB-1326, which became law and made possession of greater than one gram of fentanyl a felony. HB24-1306 removes the slim protections that law has by making any possession of any amount a felony, while removing the exception for those who did not knowingly possess fentanyl. Increasing penalties and lowering possession thresholds will only subject some of our most vulnerable community members to incarceration and trauma, without getting them any closer to care:

- Since the passage of HB22-1326, overdose rates have not declined. [During the first half of 2023](#), Denver's overdose rate rose by sixteen percent, while the number of fentanyl-related charges doubled in the wake of 1326.
- As more of our community members are criminalized for their substance use conditions, access to substance use treatment in Colorado remains inadequate. In 2023, [Mental Health America](#) found that over half of Coloradans who needed any mental health care including substance use treatment were unable to access it. The rate for the inability to access substance use treatment specifically is likely higher, with 93.5% of those reporting a substance use condition in the U.S. having not received any form of treatment in the previous year.

With overdose and incarceration rates climbing alongside limited options for treatment, we owe Coloradans facing opioid use conditions our understanding and compassion through investing in community-based treatment options and upstream interventions including housing and access to healthcare. The ongoing opioid crisis in Colorado and across the nation requires us to prioritize health and well-being, rather than continuing to punish those with substance use conditions. We urge the state to instead approach this issue through evidence-based, public health endorsed strategies. We urge you to oppose this bill.

Sincerely,

Michaela Whitley
Program Manager, Care Not Cuffs
Mental Health Colorado