

Bryon Adinoff, M.D.

Adinoff Addiction Psychiatry, PLLC

Addiction Psychiatry Consultant

March 6, 2023

Re SB-109 Criminal Penalty Controlled Substance Supplier

Senate Judiciary Committee

Denver, Colorado 80203

Madame Chair Gonzalez and Committee Members:

My name is Bryon Adinoff. I am an addiction psychiatrist, neuroscientist, and Clinical Professor at CU Anschutz Medical Campus. I am here representing the Colorado Psychiatric Society, which opposes SB-109.

Prior to moving to Colorado upon retirement from full-time academia in 2018, I was the Distinguished Professor of Alcohol and Drug Abuse Research at the University of Texas Southwestern Medical Center in Dallas and for over 30 years I was a physician in the Department of Veterans Affairs. I have published 200 papers and chapters and have spoken widely on the biological effects and treatment of addictive disorders and I am the Editor of *The American Journal of Drug and Alcohol Abuse*.

During my four-decade career, I have watched drug prohibitionist policies, language, and practice permeate our politics and justice system, resulting in millions of arrests and incarcerations at enormous economic and societal costs. And little, if any, benefit.

As a clinician, however, I have seen multiple advances that have improved our care and treatment of those with substance use disorders. Needle exchange to prevent HIV and hepatitis, medications for opioid use disorder, widespread naloxone distribution to reverse overdoses, fentanyl strips, Good Samaritan laws, and increased access to treatment, to name a few.

As a scientist, I can provide you with clear, empirical, peer-reviewed evidence that these prevention, harm reduction, and treatment approaches are effective. But I challenge you to provide similar evidence supporting the effectiveness of drug-induced homicide prosecutions. In fact, the evidence shows that drug-induced homicide prosecutions can exacerbate the risk of fatal overdoses, negates the benefits of Good Sam laws, do not reduce drug sales and use, by and large target low-level drug users and/or friends and family of the deceased, and perpetuate racial disparities.

Over the past few years, Colorado has made great strides in supporting evidence-based practices to guide our approach to substance misuse. I encourage you to continue in this more humane and effective effort to stop drug overdose deaths.

Sincerely,

Bryon Adinoff, MD



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Date: March 6, 2023

Re: SB 109 - Criminal Penalty Controlled Substance Supplier

Position: OPPOSE

To: The Colorado Senate Judiciary Committee

Dear Distinguished Members of the Committee,

Thank you for the opportunity to testify today. My name is Diane Goldstein, and I served for 21 years with the Redondo Beach Police Department, from patrol to special investigations to crisis negotiation. I am writing in opposition to SB 109 on behalf of myself and the Law Enforcement Action Partnership (LEAP) because I believe this bill would actually increase overdose deaths.

LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience. Our mission is to make communities safer by focusing law enforcement resources on the greatest threats to public safety, promoting alternatives to arrest and incarceration, addressing the root causes of crime, and working toward healing police-community relations.

Drug overdose has become a devastating crisis in Colorado, with deaths increasing by 50% in 2020 and [again by 70% in 2021](#). Having spent my career in law enforcement, I have seen addiction and overdose tear families apart, including my own – I lost my brother to a drug overdose. I care as deeply as anyone about preventing tragic drug overdoses.

So I understand why Colorado legislators are considering SB 109, which would establish criminal penalties for supplying a fatal dose of a controlled substance to another individual.

Unfortunately, we cannot prevent overdose simply by threatening people with prison time if they give a fatal dose to an overdose victim. First, these laws do not lock up kingpins. Everyone in law enforcement knows that most people who

LawEnforcementActionPartnership.org

Formerly known as Law Enforcement Against Prohibition

provide a dose of drugs to others are doing it to support their own habit. Many are simply sharing drugs with their friends and partners. As a result, many of the people other states have sent to prison under this type of law are the [friends and family of the victim](#).

Second, people using drugs are not deterred by possible prison sentences. With fentanyl in the drug supply, they already risk death every time they use drugs. Potential prison time does not dissuade them from providing drugs to others, and sending them to prison does nothing to stop drug sales.

As an officer, I have seen that doubling down on punishment will not stop overdose. For years, states like West Virginia have tried charging people for murder for “drug-induced homicide,” and they continue to [lead the nation in overdose and addiction](#). There is no evidence that these laws have helped deter sales.

In fact, I believe SB 109 would actually increase overdose deaths because, with an eight to thirty-year prison sentence on the line, people who witness an overdose will flee the scene rather than call the police to save a life. Colorado has already created Good Samaritan protections because it is so important that people feel safe calling 911 in case of overdose. SB 109 would unravel these protections and prevent those life-saving phone calls.

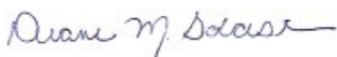
The main effect of SB 109 would be to make more of our police officers show up to overdose scenes where the body has already grown cold.

We need to stop repeating our mistakes of the past and look to proven alternatives to reduce overdose deaths. An effective approach is to institute state-wide access to the life-saving overdose reversal drug naloxone, as well as to strengthen Good Samaritan protections for those who call 911 to report an overdose.

All of us care about saving the lives lost to overdose. Unfortunately, my experience as an officer leads me to believe SB 109 would not only fail to prevent overdose, it would increase overdose deaths.

Thank you for the opportunity to share my experience in opposition to SB 109.

Respectfully,



Lt. Diane Goldstein (Ret.)
Redondo Beach Police Department
Executive Director, Law Enforcement Action Partnership (LEAP)

My name is Maggie Seldeen and I am the founder and director of High Rockies Harm Reduction, an organization committed to reducing overdose deaths and the negative consequences of drug use by bringing evidence-based treatments and services directly to rural Colorado communities. I live in and was raised in Carbondale, Colorado, but have lived, worked, and learned all over the state. I have a bachelor's degree from Colorado Mesa University and am considered by many to be an expert on substance abuse and addiction issues, based on my academic, professional and personal experience as an affected friend and family member and a person in recovery.

We have seen across Colorado in the past year alone that more punitive legislation has not led to less drug use or crime in our communities, but has only increased community fear in law enforcement and led to more deaths due to people's unwillingness to call 911 during emergency events.

While it is true that some people achieve recovery through the criminal justice system, the vast majority of individuals with histories of incarceration and those who utilize inpatient treatment programs do NOT achieve long-term recovery and wellness through these pathways, due to their restrictive, judgmental, one-size-fits all approach. We must utilize all of the nationally and globally endorsed strategies to mitigate drug abuse and its negative consequences, which includes a compassionate, non-punitive approach to drug use.

We need to truly focus on expanding treatment options in Colorado instead of creating more laws that hurt low-level dealers and tear families and communities apart.

One of the biggest concerns with this bill is the threat to those who "in anyway transfer" substances. This language indicates a clear ignorance for how drug use and trafficking actually plays out in the real world, particularly in rural communities. The focus on low-level dealers and those who share drugs with friends and family members will do nothing to stem the flow of illicit substances in our community and will only waste countless law enforcement hours and taxpayer dollars. We need to focus our attention on the root of substance abuse issues in the United States, which is our deteriorating mental health system.

For these reasons, I implore you to please vote NO on Senate Bill 109. Thank you for your time.

Sincerely,

Maggie Seldeen

Good afternoon committee members,

As previously noted in my email sent to all of you on Sunday morning, I am writing to express my strong opposition to SB23-109. My name is Christopher Bonham and I am representing myself. I hold strong concerns that this bill, if passed, will do nothing to address overdoses or have a meaningful impact on substance use rates, and that it may lead to an even higher number of overdoses due to individuals being reluctant to call for emergency help in the event of an overdose out of fear they may end up catching criminal charges. My own professional experience is a testament to what actually happens with two individuals who are in active use - I currently work in a supervised living environment for young adults with addiction, and in most cases where I have had two individuals turn out to be under the influence upon returning to the center I work at, it is rapidly determined that they obtained a substance from either a third party (who also usually is in addiction themselves and sells due to a glaring lack of other, lawful means of employment options) or they had it somewhere off site to begin with.

All of that is beside the point - at no single point should we ever be responding to individuals who are using together with arrest and incarceration. We have had a century now of this failed approach to addiction with little to no impact on our incarceration rates, no real measurable impact on the overall usage of drugs themselves and, if anything, ever increased funding sent to police who by this point in time are heavily militarized. And too much of this has been done in the name of combating drugs. I wish to reiterate at this point several more workable solutions to the issue of substance use and addiction, since this bill touches directly on that area in every way:

1. Drastically expand access to Medication Assisted Treatment (MAT) for substance use so that access to MAT is available to every Coloradan.
2. Expand access and availability to naloxone (Narcan), which can rapidly reverse an overdose.
3. Support the creation of overdose prevention centers - there are several decades of data by this point attesting to the effectiveness of these centers in helping individuals address and overcome addiction from both a short term and long-term basis, and from a fiscal perspective they cost far less than any single jail sentence ever could.
4. Engage Coloradans who have experienced addiction to better inform changes made to policy and practice and to foster a more complete understanding of why Coloradans even use substances and the barriers they face when seeking care for their addiction.
5. Support treatment and recovery organizations with good funding options rather than grants to ensure a well-qualified workforce will be in place and so that innovative new practices in combating addiction could be fostered and explored.

None of this is difficult to achieve or impossible to do. It is far past time that we rely upon a prison system and a justice system that has proven incapable in every capacity of addressing substance use and addiction. If there is any truth to be had here, people with addiction do not deserve the fate of being locked away in a cold concrete cell where they are confronted by people who treat them in a dehumanizing way, as I witnessed so often when working both in our state prison system and in our community corrections system. We are dealing with a population that has a lot of lived-in trauma that led them to using and the single golden rule is to treat them with dignity, respect, care and compassion, and not utter disregard as has been the case so often in our history. I urge a no vote on SB23-109.

Respectfully submitted,
Christopher Bonham