



Written by [Luis Miguel](#) on April 3, 2022

State Lawmakers Grapple With Fentanyl Epidemic as Deaths Climb

With fentanyl addiction and overdoses skyrocketing as part of a trend that has plagued America for two decades, state governments are [racing to find ways](#) to stop the damage caused by dangerous synthetic opioids.

Members of state legislatures have been debating and passing two types of laws: Those intended to reduce the risk of such drugs to users, and those aimed at increasing penalties for dealing fentanyl or mixing it with other drugs.

At the same time, Republican state attorneys general are urging greater federal action, and some GOP governors are deploying National Guard units to stem the flow of fentanyl from Mexico.

“It’s a fine line to help people and try to get people clean, and at the same time incarcerate and get the drug dealers off the streets,” said Nathan Manning, a Republican state senator in Ohio who is sponsoring a bill to clarify that materials used to test drugs for fentanyl are legal.

The heightened urgency is tied to the growing impact of the drugs. In 2021, the Centers for Disease Control and Prevention (CDC) reported shocking figures: Over 100,000 Americans died of overdoses during a 12-month period. Of these deaths, approximately two-thirds were linked to fentanyl and other synthetic drugs, which can be 50 to 100 times more powerful than morphine, heroin, or prescription opioids.

A recent case that highlights the gravity of the fentanyl situation is that of five West Point cadets who overdosed on the drug, which was laced with cocaine, while on spring break in Florida.

The chemical precursors for the drugs are primarily sent from China and Mexico, where much of the illicit fentanyl supply is produced in labs before being smuggled to America.

Though users sometimes specifically seek out fentanyl, often it and other synthetics are mixed with other drugs or turned into counterfeit pills so users don’t even know what they’re consuming.

Advocates of test strips say they can help prevent overdoses of drugs laced with fentanyl. The strips are handed out at needle exchanges or events, such as concerts, where it’s expected that people will be using drugs.

Thomas Stuber, chief legislative officer at The LCADA Way, a drug treatment organization in Ohio that serves Lorain County and nearby areas, has been pushing for the test-strip legislation. The bill he supports would also ease access to naloxone, a drug that can be used to revive people when they’re having opioid overdoses.



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“This is a harm-reduction approach that has received a lot of acceptance,” Stuber said. “We cannot treat somebody if they’re dead.”

At least half a dozen states passed such laws last year, and a dozen others are weighing similar legislation, according to research by the National Conference of State Legislatures.

West Virginia, the state that has been hardest hit by opioids per capita, just passed a bill to legalize the testing strips. It is now heading to the governor’s desk.

AP reports:

But for many lawmakers, making sure that tough criminal penalties apply to fentanyl is a priority.

California Assemblywoman Janet Nguyen, a Republican, introduced a measure that would make penalties for dealing fentanyl just as harsh as those for selling cocaine or heroin. The Republican represents Orange County, where there were more than 600 reported fentanyl-related deaths last year.

“This is sending messages to those who aren’t afraid of selling these drugs that there’s a longer, bigger penalty than you might think,” said Nguyen, whose bill failed to advance from her chamber’s public safety committee in a 5-2 vote last week. She said after the bill failed that she was considering trying again.

In Colorado, fentanyl has been in the spotlight since February, when five people were found dead in a suburban Denver apartment from overdoses of fentanyl mixed with cocaine.

Under Colorado law, possession with intent to distribute less than 14 grams of fentanyl is an offense punishable by two to four years in prison. But fentanyl is so potent that 14 grams can represent up to 700 lethal doses, per a calculation used by the U.S. Drug Enforcement Agency.

According to AP, Democratic Colorado House Speaker Alec Garnett said, “It’s making it impossible to hold the dealer accountable for the deadliness of the drugs they’re peddling.”

Back in March, West Virginia Attorney General Patrick Morrisey urged U.S. Attorney General Merrick Garland to provide more enforcement and tougher penalties for fentanyl trafficking.

Morrisey told AP in a statement, “Fentanyl is killing Americans of all walks of life in unprecedented numbers, and the federal government must respond with full force, across the board, using every tool available to stem the tide of death.”



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