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NATIONAL SHERIFFS' ASSOCIATION OPPOSES PRESCRIPTION DRUG IMPORTATION PROPOSALS THAT JEOPARDIZE LAW ENFORCEMENT'S ABILITY TO PROTECT PUBLIC SAFETY AND HEALTH

WHEREAS, the National Sheriffs' Association joined others in warning about the opioid crisis record breaking numbers of overdoses and deaths, expressed concerns about counterfeit prescription medication, the increasing use of deadly fentanyl in counterfeit opioids and the expanded use of fentanyl in counterfeits beyond opioids in Resolution 2017-07; and

WHEREAS, the National Sheriffs' Association, in addition to reports from the Drug Enforcement Administration (DEA) and a former Federal Bureau of Investigation (FBI) director, relied on NSA sheriffs' first-hand experience in enforcing the law in their counties and seeing the crisis' effects in county jails; and

WHEREAS, the National Sheriffs' Association as a result opposed legislation to loosen the standards for importation of prescription medication, which is in reality disguised, counterfeit, or adulterated with illicit drugs that would jeopardize public safety and health; and

WHEREAS, the National Sheriffs' Association passed resolution 2021-12, detailing concerns about the increasing proliferation of counterfeit drugs and medicines and calling on congressional leaders to combat the issue¹; and

WHEREAS, more than 107,000 died in 2021 from drug overdose with most deaths involving the use of synthetic opioids and methamphetamine²; and

WHEREAS, counterfeit prescription medication often contains lethal doses of fentanyl and the DEA has alerted the public that "6 out of 10 Fentanyl-Laced Fake Prescription Pills Now Contain a Potentially Lethal Dose of Fentanyl", and this problem of fentanyl poisoning continues to expand to new counterfeits, including pills that appear nearly identical to OxyContin, Percocet and Vicodin³; and

¹ The National Sheriffs' Association, <https://www.sheriffs.org/sites/default/files/2021-12%20Counterfeit%20Drugs.pdf>

² U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics (May 2022), U.S. Overdose Deaths In 2021, Retrieved from https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2022/202205.htm

³ U.S. Department of Justice, Drug Enforcement Administration (December 2022), Public Safety Alert, DEA Laboratory Testing Reveals that 6 out of 10 Fentanyl-Laced Fake Prescription Pills Now Contain a Potentially Lethal Dose of Fentanyl, Retrieved from <https://www.dea.gov/alert/dea-laboratory-testing-reveals-6-out-10-fentanyl-laced-fake-prescription-pills-now-contain>

WHEREAS, in 2021, the DEA seized more than 20.4 million fake prescription pills and in 2022 seized 10.2 million fake pills across all 50 states through a nationwide operational surge in just over three months⁴; and

WHEREAS, in 2019 and 2020, ten of 23 DEA Field Divisions reported methamphetamine in pill form had appeared in several states, including counterfeit pills resembling the prescription drug Adderall, as seen in a large-scale seizure of 660,000 fake Adderall pills made with methamphetamine in Rhode Island in March of 2022⁵; and

WHEREAS, Failing to adequately secure our borders, in particular the U.S. Southwest border, is allowing transnational criminal organizations to easily smuggle these dangerous and deadly drugs into the United States at unprecedented rates; and

WHEREAS, the National Sheriffs' Association has added concerns about the dependence on China to produce and export unadulterated and effective pharmaceutical ingredients⁶; and

NOW, THEREFORE, BE IT RESOLVED, the National Sheriffs' Association continues to oppose legislative, administrative, or regulatory proposals to change or expand the rules for the importation of prescription medication, unless the rules and new procedures, including robust inspection and quality-control authority, budget, and resources for the FDA, reasonably safeguard the public against dangerous fentanyl-laced and other adulterated counterfeit medications and do not exacerbate the opioid and fentanyl epidemics and counterfeit-prescription-medication problem. The National Sheriff's Association also requests that immediate and effective action be taken at the Federal level to secure our nation's southwest border and help stop the flow of these dangerous and deadly drugs into our country.

⁴ U.S. Department of Justice, Drug Enforcement Administration (December 2022), Public Safety Alert, DEA Laboratory Testing Reveals that 6 out of 10 Fentanyl-Laced Fake Prescription Pills Now Contain a Potentially Lethal Dose of Fentanyl, Retrieved from <https://www.dea.gov/alert/dea-laboratory-testing-reveals-6-out-10-fentanyl-laced-fake-prescription-pills-now-contain>

⁵ Assessment, at Page 26, Retrieved from https://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment_WEB.pdf, and AP News (September 2022), Feds seize 'staggering' amount of fake Adderall pills, Retrieved from <https://apnews.com/article/rhode-island-9281a1207c402263a714c99693bed2cb>

⁶ See House Committee on Energy and Commerce, Safeguarding Pharmaceutical Supply Chains in a Global Economy (Oct. 29, 2019) (discussing the open question about the degree of the nation's dependence on foreign sources of API and its national security implications), Retrieved from <https://www.fda.gov/news-events/congressional-testimony/safeguarding-phannaceutical-supply-chains-global-economy-1-0302019>; ODNI, Annual Threat Assessment of the U.S. Intelligence Community, at 6 (Apr. 9, 2021) ("The Chinese Communist Party (CCP) will continue its whole-of-government efforts to spread China's influence").