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A Chapter of American Society of Addiction Medicine

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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or improve health outcomes for those with substance use disorders (SUD).^{2 3} Instead, we must move away from this outdated approach and continue to invest in building addiction treatment systems in our state so that all Coloradans with SUD can receive affordable and accessible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,

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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

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- ¹ Miller, B. (2022). *Colorado Gov. Polis signs fentanyl bill aimed at better treatment, increasing criminal penalties*. Denver 7 Colorado News (KMGH). <https://www.denver7.com/news/politics/colorado-gov-polis-signs-fentanyl-bill-aimed-at-better-treatment-increasing-criminal-penalties>
- ² Werb D. (2018). *Post-war prevention: Emerging frameworks to prevent drug use after the War on Drugs*. *The International Journal on Drug Policy*, 51, 160–164. <https://doi.org/10.1016/j.drugpo.2017.06.012>
- ³ Rosenberg, A., Groves, A. K., & Blankenship, K. M. (2017). *Comparing Black and White Drug Offenders: Implications for Racial Disparities in Criminal Justice and Reentry Policy and Programming*. *Journal of Drug Issues*, 47(1), 132–142. <https://doi.org/10.1177/0022042616678614>
- ⁴ Ibid.
- ⁵ ASAM - American Society of Addiction Medicine. (2022). *Racial Justice Beyond Health Care: Addressing the Broader Structural Issues at the Intersection of Racism, Drug Use, and Addiction*. [www.asam.org. https://www.asam.org/advocacy/public-policy-statements/details/public-policy-statements/2023/02/09/racial-justice-beyond-health-care-addressing-the-broader-structural-issues-at-the-intersection-of-racism-drug-use-and-addiction](https://www.asam.org/advocacy/public-policy-statements/details/public-policy-statements/2023/02/09/racial-justice-beyond-health-care-addressing-the-broader-structural-issues-at-the-intersection-of-racism-drug-use-and-addiction)
- ⁶ SAMHSA. (2024). *Medications for Substance Use Disorders*. <https://www.samhsa.gov/medications-substance-use-disorders>