

**FOR IMMEDIATE RELEASE**

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August 23, 2018

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## **AG Balderas Urges Congress to Close Deadly Fentanyl Loophole**

*Albuquerque, NM*– Today, Attorney General Hector Balderas, as part of a bipartisan group of 52 state and territory attorneys general, called on Congress to help end the opioid epidemic and close a loophole that allows those who traffic deadly fentanyl to stay a step ahead of law enforcement.

“Giant, out-of-state companies, and their billionaire companies are being allowed to make a fortune off of the overdose deaths of thousands of New Mexicans,” said Attorney General Hector Balderas. “Congress needs to do its job, and put New Mexicans’ lives before the profits of drug corporations.”

The attorneys general today sent a letter to Congress in support of S. 1553 and H.R. 4922, Stopping Overdoses of Fentanyl Analogues (SOFA) Act. Fentanyl is currently a Schedule II controlled substance and when used as prescribed by a doctor, can be a safe painkiller. However outside of careful supervision, fentanyl and analogues manufactured illicitly can be lethal.

The SOFA Act, if passed by the U.S. Senate and U.S. House of Representatives, would eliminate the current loophole which keeps the controlled substance scheduling system one step behind those who manufacture fentanyl analogue and then introduce these powders into the opioid supply. The SOFA Act utilizes catch-all language which will allow the Drug Enforcement Administration (DEA) to proactively schedule all newly-modified fentanyl analogues.

Joining AG Balderas are the Attorneys General from Connecticut and Wisconsin, the other attorneys general who signed the letter were Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

A copy of the letter is attached below.



PRESIDENT  
Jeff Landry  
*Louisiana Attorney General*

PRESIDENT-ELECT  
Tim Fox  
*Montana Attorney General*

VICE PRESIDENT  
Karl A. Racine  
*District of Columbia  
Attorney General*

IMMEDIATE PAST PRESIDENT  
Derek Schmidt  
*Kansas Attorney General*

EXECUTIVE DIRECTOR  
Chris Toth

The Honorable Paul Ryan  
Speaker of the House  
H-232 The Capitol  
Washington, DC 20515

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
317 Russell Senate Office Bldg.  
Washington DC 20510

The Honorable Nancy Pelosi  
Minority Leader  
235 Cannon House Office Bldg.  
Washington, DC 20515

The Honorable Charles Schumer  
Minority Leader  
United States Senate  
322 Hart Senate Office Bldg.  
Washington, DC 20510

August 23, 2018

Dear Speaker Ryan, Majority Leader McConnell, Minority Leader Pelosi, and  
Minority Leader Schumer:

We, the undersigned Attorneys General, write to express our support for swift  
passage of the Stopping Overdoses of Fentanyl Analogues (SOFA) Act.

There is little doubt that the nation's ongoing battle against heroin and opiates  
is unlike any other public health emergency. It touches all corners of our  
society. States and localities are on the front line of this crisis and are a large  
part of winning the battle from both a law enforcement and public health  
perspective. We are grateful for the steps that Congress has taken to assist our  
states, including passing the International Narcotics Trafficking Emergency  
Response by Detecting Incoming Contraband with Technology (INTERDICT)  
Act earlier this year.

Unfortunately, as states have taken measures on a local level to solve this  
crisis, a new front has emerged in the form of trafficking in fentanyl and  
fentanyl analogues. As you are probably aware, fentanyl is a synthetic opioid  
that is used to treat late-stage cancer patients. Sadly, fentanyl and its analogues  
have made their way onto our streets with alarming regularity and overdose  
deaths related to fentanyl now surpass deaths related to heroin. These  
troubling facts were expressed in detail recently in a May 8, 2018, hearing in  
the House of Representatives Judiciary Committee entitled, "Challenges and  
Solutions in the Opioid Abuse Crisis."

The SOFA Act will eliminate the current loophole which keeps the controlled  
substance scheduling system one step behind those who manufacture fentanyl  
analogues and then introduce these fentanyl analogues into the opioid supply.  
In short, the SOFA Act utilizes catch-all language which will allow the Drug  
Enforcement Administration to proactively schedule all newly modified  
fentanyl analogues and thus will assist law enforcement's efforts on the front  
end. The SOFA Act unplugs the entire fentanyl machine in the first instance

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by making fentanyl analogues illegal as soon as they are manufactured, which occurs most often abroad in countries without adequate controls.

While there remains much work to be done on all levels of government to address the opioid crisis, we urge Congress to act expeditiously and pass this important piece of legislation.

Very truly yours,



George Jepsen  
Connecticut Attorney General



Steve Marshall  
Alabama Attorney General



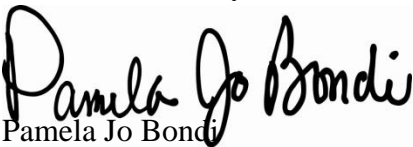
Mark Brnovich  
Arizona Attorney General



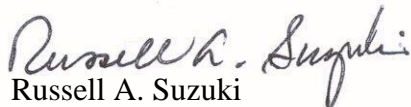
Xavier Becerra  
California Attorney General



Matthew P. Denn  
Delaware Attorney General



Pamela Jo Bondi  
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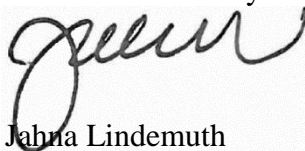
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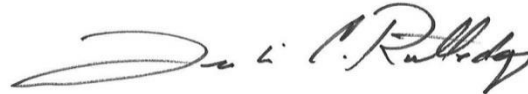
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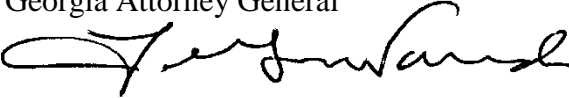
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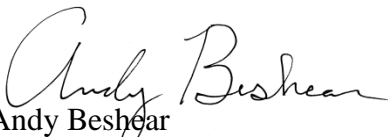
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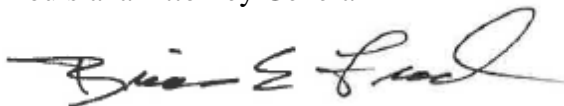
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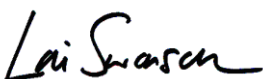
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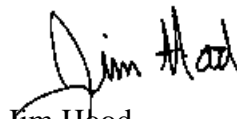
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Missouri Attorney General



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Montana Attorney General



Douglas Peterson  
Nebraska Attorney General



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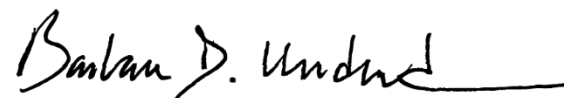
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