

May 10, 2023

Senator Paul Sarlo
Chair, Senate Budget and Appropriations Committee

Senator Sandra B. Cunningham
Vice-Chair, Senate Budget and Appropriations Committee

Members of the Senate Budget and Appropriations Committee

CC: Senate President Nicholas Scutari
Assembly Speaker Craig Coughlin
Governor Philip Murphy

VIA ELECTRONIC MAIL

Dear Chairman Sarlo and Members of the Senate Budget and Appropriations Committee,

We the undersigned are people who use drugs, people who used to use drugs, people in recovery, family members, civil rights leaders, faith leaders, direct service providers, harm reductionists, policy experts, and advocates.

Our collective work is the reason overdose deaths are declining in New Jersey. Every day, we are reversing overdoses, connecting people to treatment and recovery options, and making sure people who use drugs have the medical and social services they need.

Previously, we have celebrated New Jersey's successes in expanding access to medication for opioid use disorder, syringe services, naloxone, and recovery support to prevent overdose deaths and support people struggling with their drug use. These are the lifesaving policies we need to end the overdose crisis: policies that prioritize public health, harm reduction, and healing.

Today, we are writing not in celebration but in dismay at the proposed legislation (S-3325) to increase harsh fentanyl penalties. The increased penalties in these bills will exacerbate the overdose crisis, do nothing to reduce drug supply or demand, and only lead to over-policing and enforcement, which undermines the efforts of those on the front lines of preventing overdose deaths. We urge you to vote against these misguided and deadly proposals and instead work with us to expand a public health approach to drug use that is proven to save lives.

Through direct service and targeted outreach, we are working every day to prevent and respond to overdoses in our communities. Every overdose reversed is an opportunity to connect someone to the services, care, and community that they need to not only survive but thrive.

That only works *if* someone feels safe calling for help. **The increased penalties in S-3325 will make our lifesaving work harder, push drug use further underground, and disincentivize people from calling for help and connecting to care.**

While well-intentioned, these bills traffic in the deadly myth that overdose deaths can be prevented with more punishment and harsher penalties. In fact, we have a robust body of evidence that harsher penalties *increase* overdose deaths and *decrease* people's opportunities to find recovery that works for them. We have together borne witness to decades of a catastrophic drug war that targets Black and Hispanic/Latinx communities while not achieving any of its stated goals of reducing the harms associated with drug use.

It is time for New Jersey policymakers to "just say no" to the War on Drugs and reject S-3325. The misguided logic behind bills like S-3325 says: "If we increase drug penalties, we will get fentanyl off the streets, and the only people harmed by these penalties be drug 'kingpins.'"

This logic is not grounded in the realities of the drug supply or global drug markets. Here is the reality:

Increased fentanyl penalties will worsen the overdose crisis and criminalize the same people who policymakers say deserve care and compassion.

- Substance use disorder — what many know as "addiction" — is a chronic health condition, and returning or continuing to use is an expected part of someone's treatment and recovery.
- The penalties in the proposed legislation are for weights of substances so commonly used and carried that they would worsen a dangerous net of criminalization for people living with a substance use disorder.
- Criminalization makes it harder for people to connect to treatment and care, and disincentivizes people from calling 9-1-1 or seeking help.

Fentanyl and other synthetic opioids are in the drug supply *because* of prohibition policies like the proposed legislation, and these bills will only make the drug supply more dangerous.

- Increased arrests and criminal penalties do not result in lower drug use or fewer sales. Instead, they incentivize new and more potent synthetic drugs that result in more deaths.
- Crackdowns on heroin are why fentanyl is so present in the current drug supply. Now, crackdowns on fentanyl have opened the door to newer, more potent opioid drugs like nitazene and etizolam, endangering people who use drugs.

Increased fentanyl penalties will fuel racial injustice.

- Black residents are already 3.3 times more likely to be arrested for drug penalties than their white peers, despite white people both using and selling criminalized drugs at higher rates.

- Overdose deaths for Black residents increased over the past year, while they decreased for white residents and in the state overall.
- Research shows that financial security, stable housing, and access to health care all increase the likelihood that someone struggling with drug use will find long-term stability and safety. Increasing criminal penalties does not address the root causes of overdose risks.

Drug penalties are already highly enforced in New Jersey, without any gains for residents.

- New Jersey currently has what the *New York Times* called “some of the toughest drug laws in the nation,” which are already misaligned with the best practice of treating drug use as a health issue and not a criminal one.
- Between 2010-2019, New Jersey spent nearly \$11 billion on drug law policing, prosecution, and incarceration. This has done nothing to stop the recent spike in overdose deaths.
- In 2019, New Jersey’s investment in the drug war was 8.5 times greater than what the state budget allocates for addiction services, and 545 times greater than state spending on harm reduction services that are proven to connect people to care and save lives.

We have decades of evidence that the War on Drugs — and the faulty logic that underpins it — has made our communities less safe, increased overdose deaths, and fueled racial injustice. Families and communities across New Jersey are mourning the loss of loved ones to the overdose crisis every day. As tempting as it may be to try to get fentanyl out of the drug supply through increased penalties, the courageous action of true leadership will be letting the facts guide policy and saving lives by rejecting these misguided proposals. Instead of advancing failed War on Drugs policies, we ask that you dedicate your leadership to expanding a public health approach to drug use.

Sincerely,

ACLU of New Jersey

Bethany Baptist Church, Newark, NJ

Black Lives Matter Paterson

Central New Jersey Democratic Socialists of America

Community in Crisis

Drug Policy Alliance

Fair Share Housing Center

Faith in New Jersey

Hackensack Meridian School of Medicine (HMSOM) Harm Reduction

Latino Action Network Foundation
Make The Road New Jersey
Middlesex Somerset Counseling and Consultation
Montclair Area Solidarity Network
Mount Zion Baptist Church, Pleasantville, NJ
NAACP New Jersey State Conference
National Association of Social Workers - NJ
National Center for Advocacy and Recovery, Inc (NCAAR)
National Harm Reduction Coalition
New Jersey Addiction Professionals Association
New Jersey Alliance for Immigrant Justice
New Jersey Coalition for Addiction Recovery Support (NJ-CARS)
New Jersey Harm Reduction Coalition (NJHRC)
New Jersey Organizing Project
New Jersey Policy Perspective
Newark Community Street Team
NJ Prison Justice Watch
NJ Public Health Association
Noble Advocacy Alliance
Nolan Center for Behavioral Health
Northern NJ MAT Center of Excellence
Pennsylvania Harm Reduction Network
Ruby's Vision, Inc.
Salvation and Social Justice
Sea Change RCO
South Jersey AIDS Alliance
WESPAC Foundation, Inc.
Wind of the Spirit
Woodbridge Addiction Services

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