

# OPINION: It's time to get serious on fentanyl and update our laws

It's clear to me that our State and Federal governments have misclassified fentanyl and partially why the synthetic opioid now accounts for **90% of all the overdose deaths in Massachusetts**. Over 1,500 people died from drug overdoses in Massachusetts last year – nearly 1,350 of the deceased had fentanyl in their system. If our government treated fentanyl more like carfentanil, we would reduce the number of fentanyl dealers on the street and reduce the number of overdose deaths in the state.

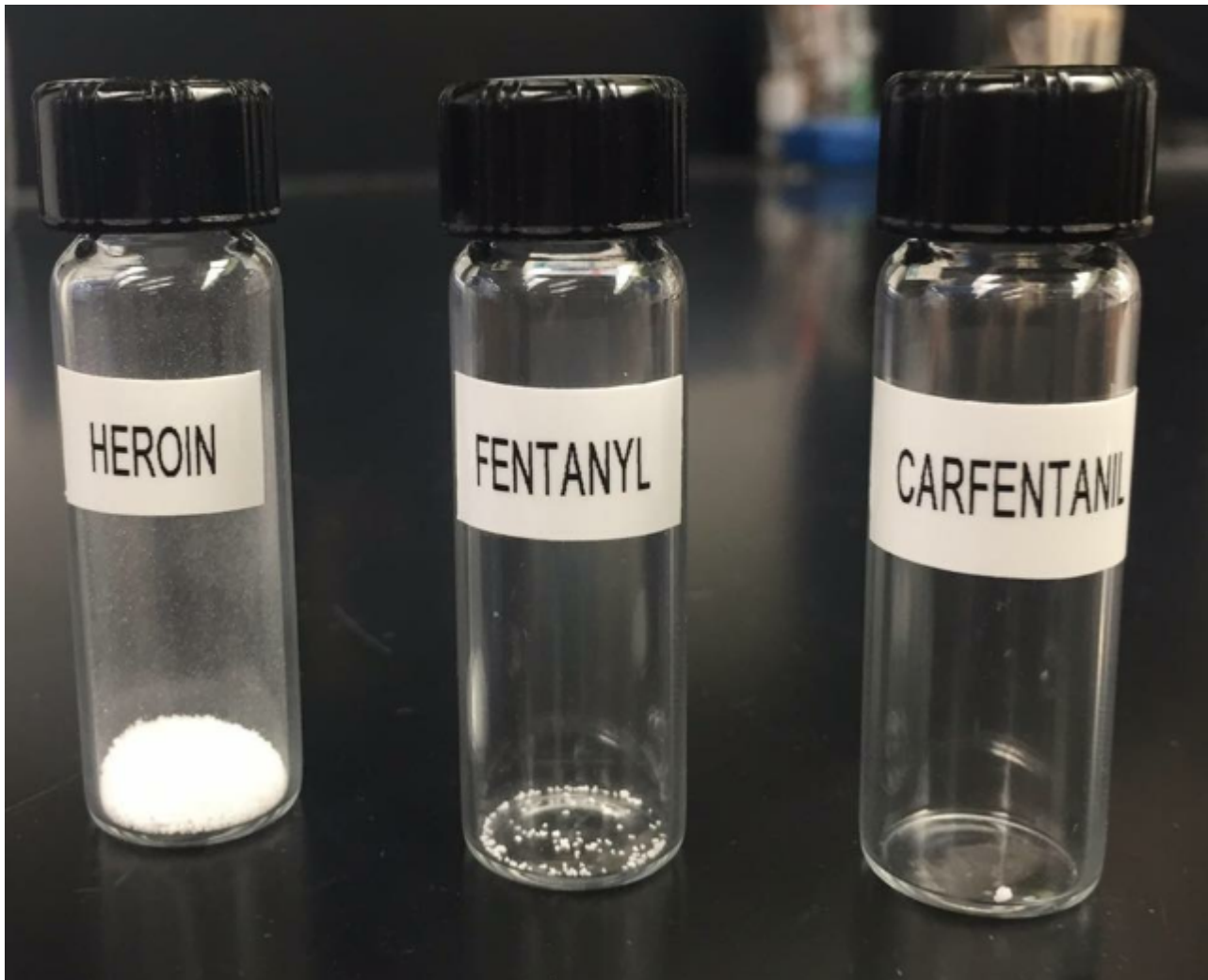
Let's examine how police charge people that are arrested for possession of heroin, fentanyl, and carfentanil:

When you are arrested for illegally possessing a drug, you are generally charged with possession (user), distribution/trafficking (dealer) depending on the class of the drug and the amount. For example, someone will be charged with trafficking if they possess more than 10 grams of fentanyl, 18 grams of heroin/cocaine or more than 50 pounds of Marijuana. They'll be charged with trafficking for any amount of carfentanil and that's how fentanyl should be treated.

Distribution is simply the act of illegally passing or sharing a drug with someone with the amount not qualifying for trafficking.

The penalty increases as you go from possession to distribution to trafficking, so how we charge people matters. Arresting someone with enough fentanyl to overdose half the city of New Bedford and then charging them as a user shows the lack of understanding our state and federal legislators have on this topic.

Now let's look at the amount of heroin, fentanyl or carfentanil it takes to overdose a single person. This photo was provided by the Fairhaven Police Department:



This photo also gives you an idea why so many first responders have become high or overdosed at the scene of an overdose where fentanyl was simply present. It takes just a few grains to overdose.

Clearly, fentanyl is more like carfentanil than heroin. In fact, fentanyl and carfentanil are used to mix into street heroin (a diluted form of heroin cut with cheap powders) to make it stronger at a much cheaper cost. By the time street dealers get "heroin," it's been cut so many times it has become diluted and weak. Fentanyl, and to a lesser extent carfentanil, is mixed into the heroin to increase the potency. There really is no such thing as a pure fentanyl and

carfentanil user. It's a cutting agent used to spike weaker drugs and fentanyl needs to be treated as such.

Read through any of the city police blotters in Massachusetts and you'll see a ton of fentanyl possession charges. These charges are inappropriate because these people are distributors/traffickers, not users. Prosecutors and judges have become extremely lenient on users, as they should be. Users need help with treatment, not punished with incarceration. It's the distributors and traffickers that we should focus our resources on and have tougher punishments for.

It's a general misunderstanding and classification by our legislators of fentanyl that is partially responsible for fentanyl now being responsible for 9 out of every 10 overdose deaths in Massachusetts. A simple fix would be to treat fentanyl exactly like carfentanil – if you are found with any amount you will be charged as a trafficker, not a user.

The rise in overdose deaths in Massachusetts disproportionately impact the black community – in 2017, there was a 44% increase in non-Hispanic black male overdose deaths. You hear that “addiction doesn't discriminate”, but clearly fentanyl is impacting the black community more than other communities in Massachusetts.

I'll be reaching out to every legislator in the south coast Massachusetts area to get their take on this and follow up with an article.