

From Punishment to Prevention: Revisiting the Failed War on Drugs in the Fentanyl Era

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Fentanyl is an indiscriminate killer when misused. It doesn't care if you're a mother, a baby or a grandmother. It doesn't care if you're a police sergeant surrounded by colleagues or an art teacher surrounded by students.

5 Fentanyl's potency – it is 100 times more potent than morphine and 50 times more potent than heroin – has fueled a dramatic escalation in the opioid crisis: more than 150 people die every day from overdoses connected to synthetic opioids such as fentanyl, according to the Centers for Disease Control and Prevention.

10 These alarming statistics are why many grieving families are pressuring lawmakers to take action to punish drug dealers. At the state level, hundreds of fentanyl-related bills have been introduced of late, and prosecutors in a number of states have the ability to pursue murder or manslaughter charges against dealers or others who provide the drug resulting in a fatal overdose. But this strategy, though gaining steam, dangerously blurs the lines between justice and vengeance, and in some cases can condemn people suffering from opioid use disorder to a life behind bars.

15 This punitive approach toward drugs carries echoes of past efforts that have proved to be a monumental failure. Fifty years after the War on Drugs began, drug use in America has evolved but is rampant, while the number of individuals convicted of drug offenses reportedly skyrocketed by more than 500% over four decades. These inmates now account for more than 40% of the federal prison population.

20 But the ramifications of drug law violations also extend far beyond prison walls, deepening cycles of poverty and unemployment in low-income areas, with a particularly disproportionate effect on communities of color.

25 Whether we try to exert greater control over our borders with Mexico, punish the chemical makers of synthetic opioids in China or introduce harsh prison sentences in an attempt to curb fentanyl overdoses within our borders, these tactics all represent historically ineffective supply-side interventions to a problem that calls for demand-side solutions. To stop the opioid epidemic, we must address the root causes of addiction.

30 The urgency now is to embrace a radically different approach from what we've done in the past. Last December, Biden signed into law the Mainstreaming Addiction Treatment Act. It's a bipartisan bill that clears the way for more providers to prescribe buprenorphine, a highly effective medication used to combat drug cravings and withdrawal and the gold standard of treatment for opioid addiction.

But more is needed.

35 Policymakers must redirect the focus from punitive laws to supportive measures, investing more in medication-assisted treatment programs, mental health treatment options and harm reduction programs like overdose prevention centers.

40 We need policies that heal, not harm. That offer support, not condemnation. That see the human being behind the addiction. The fentanyl crisis is a call to action – a plea for compassion, understanding and sensible policy. It's time to listen to the pleas of health care, civil rights and justice reform advocates and respond with policy that treats addiction as a public health issue, not a criminal act.