

More Than 60 Colorado Organizations Urge General Assembly to Oppose Re-felonization of Drug Possession and Adopt Public Health Approach to Addressing Fentanyl Crisis

The coalition's letter to legislators debunks recent claims that the crisis is linked to a 2019 bill that reduced the penalty for simple possession to a misdemeanor; it also warned that "going back to the failed policy of the past will exacerbate the overdose crisis" and disproportionately harm low-income individuals and people of color

DENVER — A coalition of more than 60 Colorado organizations sent a letter to state lawmakers Wednesday urging them to oppose re-felonization of simple drug possession and adopt a public health approach to addressing the fentanyl overdose crisis. Signatories include a wide range of nonprofits working in the public health, treatment, education, civil rights, and criminal justice spaces, among others.

View the full letter and list of signatory organizations at <https://bit.ly/3i8Vttt>.

"We agree that bold action must be taken to address the overdose crisis," the letter said. "But we do not believe people with an addiction should be made felons for simple drug possession, and polls show most Coloradans (and most Americans) agree."

The letter also debunks recent claims that the overdose crisis was created or made worse by HB19-1263, a bipartisan bill that reduced the penalty for simple drug possession from a felony to a misdemeanor.

Colorado's overdose death rate began rising sharply in 2016, when possession was still a felony, and fentanyl deaths began spiking significantly in 2019, prior to HB19-1263 going into effect. Overdose rates also increased in states where simple possession is a felony, and most of the states with higher rates of overdose have felony penalties for possession. The Colorado Health Institute attributed the sharp rise in overdose deaths in 2020 to effects of the COVID-19 pandemic.

The coalition reminds lawmakers that HB19-1263 was enacted because felony penalties for possession had proven to be an ineffective and counterproductive approach to preventing addiction and overdose deaths.

"Going back to the failed policy of the past will exacerbate the overdose crisis and do more harm than good, especially for low-income individuals and people of color, who have long bore the brunt of criminal drug laws," it said.

Specifically, the organizations worry re-felonizing possession will result in more overdose deaths because the risk of a felony conviction will drive people who use drugs away from health services and result in riskier drug-using activity to avoid detection and prosecution.

They conclude the letter by providing lawmakers with several recommendations for how Colorado could more effectively prevent overdose deaths.

“The most effective ways to address the fentanyl crisis are evidence-based public health and harm reduction approaches that keep people alive and maximize their potential for recovery. Such efforts warrant substantial investment, particularly in underserved communities of color that are experiencing higher rates of overdose deaths.”

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The Colorado Criminal Justice Reform Coalition is a non-profit organization dedicated to eliminating the overuse of the criminal justice system and advancing community health and safety. For more information, visit <https://www.ccjrc.org>.