The Case Against the Comprehensive Fentanyl Control Act – H.R. 1781

H.R. 1781 relies on ineffective mandatory minimum sentencing to combat the opioid crisis:
- Mandatory minimum sentencing has been an abject failure in reducing drug use and drug-related crime.
- Mandatory minimum policies produce unjust and absurd sentences. H.R. 1781 will only increase the frequency and absurdity of our federal prison sentences.
- Unjust mandatory prison terms waste limited prison space and taxpayer dollars on individuals who pose little to no threat to public safety.
- Mandatory minimums have been proven to be ineffective in deterring future crime and reducing drug use. A 2017 study from the Pew Charitable Trust found that drug sentences have no effect on an area’s rate of drug use, drug overdose, and drug arrests.

H.R. 1781 will target drug users and drug addicts, not kingpins:
- H.R. 1781 drastically reduces the weight threshold of fentanyl that would trigger a mandatory minimum prison term.
- Should H.R. 1781 become law, 0.5 grams of a mixture containing fentanyl would trigger a 5-year mandatory minimum and 5 grams of a mixture containing fentanyl would trigger a 10-year mandatory minimum.
- Thresholds that low would surely incarcerate far more individuals with addictions, who would be better served in treatment than in prison, and low-level, nonviolent drug dealers.
- Incarcerating drug dealers who sell such small amounts will not reduce the use of fentanyl, as low-level dealers are easily replaced due to high market demand. Focusing on international interdiction of fentanyl before it gets to the streets is a better use of resources.

H.R. 1781 will grant far too much authority to the Attorney General:
- H.R. 1781 gives the attorney general unchecked power to schedule analogues and synthetic opioids without congressional approval.
- If Congress wants more drugs to be punished by harsh sentences, Congress – not a government bureaucrat – should pass laws to do so.
- It’s important to address new drugs as they come on the scene, but it’s also important for Congress to do its job under the Constitution.

The states have chosen to combat this problem without the use of mandatory minimums:
- Over 30 states have reformed or repealed their mandatory minimum sentencing laws, including Georgia, South Carolina, Iowa, New York, Maryland, and Michigan.
- In 2017, Louisiana, the nation’s top jailer, repealed most of their mandatory drug laws.
- States that have reduced or repealed their mandatory drug laws have all seen drops in crime and prison populations, while saving their taxpayers millions.