

AG Schimel: Leads bipartisan group of 52 AGs in urging Congress to close deadly fentanyl loophole

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MADISON, Wis. – Attorney General Brad Schimel is leading a bipartisan group of 52 state and territory attorneys general, calling on the U.S. Congress to pass legislation that will help end the opioid epidemic and close a loophole that has allowed those who traffic deadly fentanyl to stay a step ahead of law enforcement. The legislation is called the Stopping Overdoses of Fentanyl Analogues (SOFA) Act.

“A small amount of fentanyl has the ability to cause great harm, even to unsuspecting people like children and first responders at overdose scenes,” said Attorney General Brad Schimel. “Attorneys general in all 50 states agree – passing the SOFA Act in Congress is vital to the front line law enforcement fighting the opioid epidemic every day.”

Led by Attorneys General Brad Schimel and George Jepsen of Connecticut, the attorneys general from all 50 states and the District of Columbia and Puerto Rico today sent a letter to the U.S. Congress in support of the SOFA Act, S. 1553 and H.R. 4922, legislation authored by U.S. Rep. Jim Sensenbrenner and U.S. Sen. Ron Johnson.

“The scourge of addiction and overdose deaths has devastated thousands of American families, including my own,” said U.S. Sen. Ron Johnson. “The widespread introduction of fentanyl and its analogues into illicit drug markets has resulted in skyrocketing overdose rates throughout the country. The SOFA Act will give law enforcement important new tools to curb the supply of illicit fentanyl and close legal loopholes that have allowed criminal drug manufacturers and traffickers to stay one step ahead of the law. I appreciate the support of Attorney General Schimel and

such a broad bipartisan collection of attorneys general for this important bill. I join them in urging Congressional leadership to pass the SOFA Act as soon as possible.”

“Combatting the newest front in the opioid crisis—fentanyl and its analogues—will require an all-hands-on-deck effort and passing the SOFA Act is an essential piece of the puzzle. I’m extremely grateful to Attorney General Schimel for his leadership on this effort,” said Congressional bill author U.S. Representative Jim Sensenbrenner (WI-5).

Fentanyl is currently a Schedule II controlled substance, and when used as prescribed by a doctor, can be a safe painkiller. However outside of careful supervision, fentanyl and any analogues that are manufactured illicitly, can be lethal.

The SOFA Act, if passed by the U.S. Senate and U.S. House of Representatives, would eliminate the current loophole which keeps the controlled substance scheduling system one step behind those who manufacture fentanyl analogues and then introduce them into the opioid supply. The SOFA Act utilizes catch-all language which will allow the Drug Enforcement Administration (DEA) to proactively schedule all newly-modified fentanyl analogues.

In addition to Wisconsin the other attorneys general who signed the letter were Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

A copy of the letter is available at <https://www.doj.state.wi.us/sites/default/files/news-media/Letter%20to%20Congress%20-%20SOFA%20Act%208.23.pdf>.