

U.S. Rep. Grothman: In response to increase in overdose deaths in Wisconsin, introduces the Fentanyl Penalties Parity Act

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(Washington, D.C.) – Congressman Glenn Grothman (WI-06) has introduced the *Fentanyl Penalties Parity Act*, a bill to reduce the threshold for mandatory minimum penalties for fentanyl-related offenses, putting it on par with quantity thresholds for other opiate offenses, like heroin. The bill is cosponsored by Congressman Tom Tiffany (R-WI), Congressman Scott Fitzgerald (R-WI), and Congressman Ronny Jackson (R-TX).

Currently, to trigger a 10-year mandatory minimum sentence under the *Controlled Substances Act*, an offense must involve 400 or more grams of a mixture or substance containing fentanyl. Because the average lethal dose of fentanyl is 2 milligrams, the offense would need to contain roughly 200,000 lethal doses in order to trigger the 10-year mandatory minimum.

By comparison, to trigger the 10-year mandatory minimum for heroin, the offense would have to involve at least 1 kilogram, which contains roughly 10,000 lethal doses.

“We recently exceeded 90,000 deaths from illegal drug use in this country in one year, largely driven by the use of fentanyl,” **said Grothman.** *“This is a large-scale epidemic in need of immediate attention.”*

“Fentanyl is a dangerous, highly-potent drug that is fatal in very small doses. This toxin has been a thorn in the side of the Drug Enforcement Agency and Customs and Border Protection (CBP) for decades. This year, fentanyl has been flooding into the United States in record numbers after President Biden reversed numerous immigration policies of the Trump Administration that were showing positive results.

“Border Patrol agents have told me that the cartels intentionally overflow certain areas of the Southern border, diverting resources, and creating vulnerable spots in other areas along the border that would otherwise be guarded. If the Biden Administration adequately supported CBP, these agents would be more prepared to detect and confiscate the copious amount of fentanyl entering our country.

“The lack of leadership from the White House concerning the border is encouraging drug traffickers to profit from the Administration’s open border policies. It is an ongoing tragedy that Americans are paying the price of bad immigration policy in tens of thousands of human lives.

“Fentanyl is tearing families apart in what has become the deadliest drug crisis in American history. My bill will bring a sorely-needed increase to the penalty of trafficking deadly fentanyl.”

Background Information

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Current mandatory minimum penalties for fentanyl-related offenses are not sufficient because they are not proportionate to the drug’s public health hazard. For example, fentanyl is [50 times more deadly](#) than heroine, but, shockingly, fentanyl offenders often receive more lenient sentences than purveyors of heroine for trafficking the same amount of lethal doses. This inconsistency has been underscored by the fact that more fentanyl was captured by CBP in the [first five months of 2021 than in all of 2020](#).

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The *Fentanyl Penalties Parity Act* corrects the discrepancy between fentanyl and other drugs by reducing the threshold for mandatory minimum penalties for fentanyl-related offenses. Specifically, the bill:

- Amends the *Controlled Substances Act* and *Controlled Substances Import and Export Act* to reduce the 10-year mandatory minimum threshold for fentanyl offenses from 400 grams to 20 grams and fentanyl analogue offenses from 10 grams to 5 grams;
- Amends the *Controlled Substances Act* and *Controlled Substances Import and Export Act* to reduce the 5-year mandatory minimum threshold for fentanyl offenses from 40 grams to 2 grams and fentanyl analogue offenses from 10 grams to 0.5 grams;
- Clarifies that fentanyl analogues can include both scheduled and unscheduled.