



U.S. Department of Justice
Drug Enforcement Administration

Office of the Administrator

Springfield, VA 22152

October 17, 2022

The Honorable Carlton W. Reeves
Chair
United States Sentencing Commission
One Columbus Circle, NE
Suite 2-500, South Lobby
Washington, D.C. 20002-8002

Dear Judge Reeves:

The United States is in the midst of an unprecedented drug poisoning epidemic: last year, 107,622 people were killed by drug poisonings in the United States. Fake pills – containing deadly amounts of fentanyl, methamphetamine, and other controlled substances – are driving the epidemic. In light of this crisis, I urge the United States Sentencing Commission to make fake pills a policy priority for the amendment cycle ending May 1, 2023.

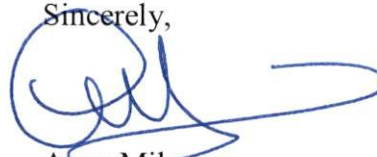
The Drug Enforcement Administration (DEA) seized more than 20 million fake pills in 2021. Criminal drug networks are manufacturing and selling fake pills – oftentimes made to look like legitimate pharmaceuticals (like OxyContin®, Xanax®, and Adderall®) with respect to shape, size, color, and markings – that contain no legitimate medicine, and instead contain dangerous and deadly drugs. Fake pills are easy to purchase and are widely available on social media platforms to anyone with a smartphone, including minors. Moreover, drug traffickers are now producing pills in bright rainbow colors to drive addiction and increase sales. Many drug-poisoning victims have no idea they are ingesting deadly drugs in fake pills until it is too late.

DEA lab testing reveals that four out of every ten pills with fentanyl contain a potentially lethal dose. However, other new and dangerous substances also are being identified in fake pills. For example, DEA's laboratories have identified synthetic opioids belonging to the benzimidazole class of opioids (*e.g.*, isotonitazene) in recent pills seizures. Like other highly potent opioids, benzimidazoles can be deadly.

The DEA respectfully submits that the current United States Sentencing Guidelines do not adequately reflect the significant and unique risks that fake pills pose to unwitting victims.

Thank you for your consideration and for giving DEA the opportunity to comment on possible policy priorities. I look forward to further conversations with you and the Commission on this important issue.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Anne Milgram', with a long horizontal flourish extending to the right.

Anne Milgram
Administrator

cc: Kenneth A. Polite, Jr., Assistant Attorney General