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U.S. Senate Caucus on International Narcotics Control Field Hearing
Fighting for Iowans: Examining Drug Control, Prevention, and Treatment Efforts
Cedar Rapids, Iowa – October 14, 2021...Answer to Follow-Up Question 11-2-21

Question

Polydrug use and trafficking are on the rise. Nowadays, an overdose isn't due to only one drug. Instead, users are often addicted to multiple substances, and traffickers adapt and sell any drug that'll make a buck. This problem is exacerbated by the influx and threat of fentanyl analogues. What issues do you think need to be addressed when it comes to polydrug dealers?

Answer

I am not an attorney but, based on discussions with others, submit the following response. Polydrug transactions may be defined or interpreted in a couple of ways: (1) a person selling multiple substances, each as a separate product (e.g., heroin and meth individually); and (2) a person selling a combination product consisting of two or more substances mixed together (e.g., meth laced with fentanyl). The buyer/user in scenario #2 may be less likely to know what's in a product, compared with scenario #1.

Conversations are underway in our state about growing scenario #2 challenges to protect unsuspecting Iowans. One option considered by some is a "drug delivery causing death or serious injury" sanction, similar to federal law. Based on preliminary discussions, other strategy options for strengthening state or federal deterrents for selling dangerous polydrug blends may include the following.

1. Regulate/schedule synthetic fentanyl and fentanyl analogs—and potentially other synthetic drugs—in a way to preemptively and equitably apply to the distribution of current and future formulations. In 2021, Iowa enacted statutory language with a goal of regulating illicit fentanyl and fentanyl analogs under state law as Schedule I controlled substances ([Iowa Code 124.401\(1\)\(c\)\(9\)](#)).
2. Criminal sanctions, or enhanced penalties, for selling *polysubstance* products consisting of a mixture of fentanyl blended with at least one other controlled substance (dealer "knowledge" requirements, minimum drug amounts and schedule details TBD). The goal is to align penalties with the elevated threat to individual health and public safety. (Note: This may be applied more broadly, such as to other deadly or dangerous combinations, or two or more Schedule I and/or II controlled substances.)
3. Increase public awareness of polysubstance mixtures and their potential dangers, to enhance prevention and intervention efforts. This could include timely law enforcement alerts, warning communities when "hot batches" of illicit drugs are suspected in the area. This may help family members and friends intervene with people who use drugs, and turn up the heat on drug dealers.

Respectfully,

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Director