

FOR SUSPENSION OF THE RULES

File No. 17-734

A resolution by Supervisor West, opposing changes to the Controlled Substances Act that severely limit the ability of the Drug Enforcement Administration to freeze suspicious shipments of narcotics, by recommending adoption of the following:

A RESOLUTION

WHEREAS, an investigation by The Washington Post and 60 Minutes exposed how the drug industry and Congress hobbled the Drug Enforcement Administration's (DEA) ability to stop the flow of opioids into United States (U.S.) communities; and

WHEREAS, the major blow to the DEA's ability to stop the transport of large, suspicious, shipments of opioids, occurred with the passage of the Ensuring Patient Access and Effective Drug Enforcement Act of 2016 (the Act); and

WHEREAS, the Act changed the legal standard required to freeze large drug shipments from showing an "imminent danger" to showing there is "a substantial likelihood of an immediate threat" – a change that is nearly impossible for the DEA to show because as stated by Joe Rannazzisi, the former head of the DEA's Office of Diversion Control, "immediate, by definition, means right now"; and

WHEREAS, regarding the legislation, DEA Administrative Law Judge John Mulrooney wrote in the Marquette Law Review "[i]f it had been the intent of Congress to completely eliminate the DEA's ability to ever impose an immediate suspension on distributors or manufacturers, it would be difficult to conceive of a more effective vehicle for achieving that goal;" and

WHEREAS, at a time when opioid deaths in the U.S. are numbering in the tens of thousands a year, the DEA needs every legal option available to halt the illegal distribution and sale of opioids; now, therefore,

BE IT RESOLVED, that Milwaukee County opposes the changes to the Controlled Substances Act, enacted under the Ensuring Patient Access and Effective Drug Enforcement Act of 2016 (the Act), which limit the ability of the Drug Enforcement Administration to freeze suspicious drug shipments amidst a national public health emergency due to the opioid crisis; and

BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors urges Congress to repeal the Act; and

BE IT FURTHER RESOLVED, that upon adoption, the Milwaukee County Office of Government Affairs is authorized and requested to deliver a copy of this resolution to the President of the United States, all members of Wisconsin's Congressional delegation, the heads of all appropriate Federal agencies, all members of the Wisconsin Legislature, and the Governor of Wisconsin.

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