



PRESS RELEASE

Attorney General Frosh Leads Coalition Urging Repeal of “Ensuring Patient Access and Effective Drug Enforcement Act” *Federal Law Hinders Law Enforcement in the Effort to Combat Opioid Epidemic*

BALTIMORE, MD (November 14, 2017) – Maryland Attorney General Brian E. Frosh today led a bipartisan coalition of 44 attorneys general, the District of Columbia and the Virgin Islands in sending a letter to congressional leadership calling for the repeal of the “Ensuring Patient Access and Effective Drug Enforcement Act.” The letter was sent in cooperation with the National Association of Attorneys General (NAAG).

The letter, authored by Attorney General Frosh, Florida Attorney General Pamela Bondi, North Carolina Attorney General Josh Stein, and Oklahoma Attorney General Mike Hunter says the act is a step backward in the collective effort to address the nation’s worsening epidemic of opioid addiction and overdose deaths.

The letter also states the act, signed into law in April 2016, severely limits the Drug Enforcement Administration’s (DEA) ability to take action against a drug manufacturer or distributor alleged of wrongdoing. In 2016, more than two million Americans suffered from addiction to prescription or illicit opioids. Since 2000, more than 300,000 Americans have died from overdoses involving opioids.

“In the midst of this deepening public health crisis – at a time when our nation needs every available weapon at its disposal to combat the opioid epidemic – the Act effectively strips the Drug Enforcement Administration of a mission-critical tool, namely, the ability to issue an immediate suspension order against a drug manufacturer or distributor whose unlawful conduct poses an immediate danger to public health or safety,” reads the [NAAG letter](#). “We urge you to repeal the Act so that the public is protected and drug manufacturers and distributors may be held accountable for their actions.”

The act requires the DEA to show cause before it denies, revokes or suspends a registration for a controlled substance act violation. The order to show cause must specifically state the legal basis for the action and notify the registrant of the opportunity to submit a corrective action plan.

In the letter, the attorneys general quote DEA Chief Administrative Law Judge John J. Mulrooney, II, who writes in a forthcoming article for the *Marquette Law Review*, the language has created a burden that is nearly impossible to meet.

Mulrooney states, the new procedure “is akin to a state legislature mandating law enforcement authorities allow shoplifting suspects caught in the act to outline how they intend to replace purloined items on store shelves, or allow bank robbers to round up and return ink-stained money and agree not to rob any more banks. Such mandates sound absurd because they would be absurd.”