

March 1, 2019

The Hon. Ralph Northam
Governor of Virginia
Office of the Governor
Patrick Henry Building, Third Floor
1111 E. Broad Street
Richmond, Va. 23219

Dear Gov. Northam:

I am writing on behalf of the more than 24,000 members and supporters of the ACLU of Virginia in the Commonwealth to urge you to veto House Bill 2528 (Hugo).



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This legislation would expand the law to allow someone to be charged with felony homicide for supplying a drug to another adult who takes the drug voluntarily and overdoses. Contrary to representations by some proponents, this bill does not just punish drug dealers (who are already subject to substantial penalties). The bill makes it a felony regardless of whether the drug is sold or given to the person who overdoses.

After more than 40 years of the failed War on Drugs, we know one thing for sure – imposing harsh punishments on suppliers hasn't solved the drug problem but has cost the taxpayers of the Commonwealth millions of dollars in the costs of prosecution and incarceration. Drugs are just as available, cheap, and in demand as ever. Expanding the law to allow someone to be charged for murder for supplying a drug when another adult voluntarily takes the drug will not end overdoses. Moreover, given the practical and legal difficulty in proving such a case beyond a reasonable doubt, the bill offers no real solution to the opiate problems now confronting our communities.

Trying to prosecute our way out of drug problems (especially when a significant causal factor is overprescribing by licensed providers) is an expensive and ineffective approach. Many petty dealers sell drugs to support their own habit. The Commonwealth would be much better served by redirecting people into treatment programs, using other proven effective ways for reducing drug dependency, and saving lives at a fraction of the expense of incarcerating these individuals. Virginia policy makers should focus on and invest in addressing the root causes of crime rather than enacting message bills that offer no real solutions to this public health problem.

This legislation would take the Commonwealth in the wrong direction. Virginia doesn't need stiffer penalties for drug dealers and people who share drugs with friends. Virginia law already provides for stiff penalties for drug distributors. For example, distribution of 100 grams or more of heroin carries a penalty of a five years to life sentence with a mandatory minimum of five years and a fine up to one million dollars, Virginia Code §18.2-248. C.1.

The Commonwealth should focus on what actually works to save lives, including safe reporting laws, better and more widely available treatment programs, and stigma-free services. The General Assembly has taken steps in previous sessions toward addressing drug use as a public health issue including approving making naloxone broadly accessible. This legislation takes Virginia backward to the incarceration-focused policies of the War on Drugs that have been shown to be expensive and ineffective in addressing the root causes of this public health crisis.

As a doctor and a scientist, we hope you will agree that the escalating human cost of the proliferation of opiates in our Commonwealth needs smarter, evidence-based responses than this bill offers, and, accordingly, that you will choose to veto this expensive, unnecessary and ineffective legislation.

Very truly yours,



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