

AG's opioid proposal targets fentanyl trafficking



Dina Rudick/Globe Staff

Attorney General Maura Healey (right) handed Cathy Fennelly, whose son, Paul, fatally overdosed from fentanyl-laced heroin, his death certificate.

By [Joshua Miller](#) Globe Staff August 17, 2015

Aiming to give law enforcement officials a new weapon to battle the opioid overdose crisis that has torn through Massachusetts, Attorney General Maura Healey on Monday proposed a law that would make trafficking in an extremely powerful narcotic a crime.

Officials say fentanyl, a synthetic opioid that can be many times more potent than morphine, is being added to heroin to make it more powerful, and is a contributing factor in the increasing number of overdoses and deaths in Massachusetts.

While there are criminal charges for trafficking in drugs like heroin and cocaine, there isn't a comparable statute for fentanyl. The bill would close that gap and make trafficking in fentanyl — including manufacturing, distributing, or dispensing more than 10 grams of the drug — a crime punishable by up to 20 years in state prison.

“It’s killing people, it’s hurting people, and we need to do all we can to get fentanyl off of our streets,” Healey said, flanked by top police officials, district attorneys, legislators, and advocates, at an afternoon news conference.

Healey and other officials emphasized that the work of tackling the opioid overdose scourge is multi-faceted, from getting more people struggling with addiction in treatment, to shutting down “pill mills.”

But so is taking on traffickers of fentanyl, which cartels have figured out how to manufacture, they said. The drug can be laced into heroin — sometimes without users’ knowledge — and also shows up on the street on its own.

Officials need to “make that distinction between those who need our help and those who treat this as a business without regard for the deaths that are the consequences,” said Representative John V. Fernandes, House chairman of the Legislature’s Joint Committee on the Judiciary, who is proposing the bill with Healey and scores of other legislators from across the political spectrum.

Under current law, the penalty for possession of fentanyl with intent to distribute is no more than 10 years in state prison and/or a fine of no more than \$10,000. Should the new bill become law, it would boost penalties for those trafficking the potent narcotic, which officials said sometimes shows up on the street on its own.

Fentanyl is also legally prescribed for severe chronic pain.

Massachusetts has seen an uptick in unintentional opioid overdose deaths in recent years. The state Department of Public Health said this month that an estimated 1,256 Massachusetts residents died from opioid overdoses in 2014, [a sharp increase from 2013 and 2012](#).

“Fentanyl, without a doubt, is contributing to a portion of the overdose deaths to which our detectives respond every day in all corners of the state,” said Colonel Richard McKeon, superintendent of the State Police.

He said the samples being tested by the State Police lab underscore the growing prevalence of the drug. In 2013, just five cases submitted to the lab involved seized drugs that tested positive for fentanyl or a mixture of fentanyl and heroin, McKeon said. In 2014, the lab handled 170 cases of drugs that were positive for fentanyl or a mix, and, so far this year, the number has grown to 473.

At the news conference, Healey and other officials did not provide the specific numbers of Massachusetts deaths directly attributable to fentanyl.

But Cathy Fennelly provided an emotional look at the deadly impact of the drug. She spoke about the February death of her 21-year-old son, Paul S. Connolly of Quincy, holding up both his picture and his death certificate, which says he died of acute intoxication by the combined effects of fentanyl and opiates.

“I want to put a face to this epidemic,” Fennelly said. “I have proof, my son’s death certificate, that he died from fentanyl. Yes, he was a heroin user, but that’s not what killed him. What killed him was a laced opiate.”

She said her son started off at age 13 with marijuana. Later, he turned to alcohol, prescription pills, and eventually heroin.

And she emphasized that there's a new face of addiction.

"It doesn't look like what you would assume — a homeless person on the streets, no teeth, just a bum. It's not what it is. It's our kids," she told reporters assembled at the attorney general's office.

"Something needs to be done," she said, "someone needs to be held accountable. It's an instant death."

Addressing the opioid overdose crisis has largely been a bipartisan effort in Massachusetts: Healey, a Democrat, was part of a working group on the issue put together by Governor Charlie Baker, a Republican.

Asked about the governor's position on the new bill, a Baker spokeswoman said the administration "has launched a massive effort to combat the opioid epidemic and will review all legislation concerning drug trafficking."

There's also been a federal effort to battle the opioid issue, with the White House announcing \$5 million Monday to combat heroin trafficking, distribution, and use.

One local doctor lauded Healey's effort.

Dr. Daniel P. Alford, who directs the Clinical Addiction Research and Education Unit at Boston Medical Center, said he has, anecdotally, seen an uptick in the use of fentanyl-laced heroin, and he supports strengthening laws targeting fentanyl distribution.

He said there is a difference between the type of fentanyl prescribed for severe pain and the type found on the street.

"It's not the fentanyl being manufactured by the pharmaceutical industry, it's a synthetic opioid that's being manufactured by somebody," he said in a telephone interview. "I'm not sure where it's coming from, but it sometimes seems to be mixed with the heroin which is very potent and very lethal. We've heard about instantaneous deaths related to it."

Alford also lauded increased government efforts to distribute naloxone, also known as Narcan, which can help reverse opioid overdoses.

"But with this fentanyl-laced heroin," the doctor said, "sometimes the user is already dead by the time someone with Narcan arrives."

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