

January 28, 2020

The Honorable Lindsey Graham
Chairman
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington D.C., 20510

The Honorable Dianne Feinstein
Ranking Member
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington D.C., 20510

Chairman Graham, Ranking Member Feinstein, and Members of the Committee:

On behalf of the American Society of Anesthesiologists (ASA) and our membership of 54,000 physician anesthesiologists, I am writing regarding the December 17, 2019 Senate Judiciary hearing, “Tackling the Opioid Crisis: A Whole-of-Government Approach” and the recent passage of S. 3201, the Temporary Reauthorization and Study of the Emergency Schedule of Fentanyl Analogues Act. We applaud the Committee’s actions to examine the federal government’s strategy to stop the flow of illicit drugs into the United States. ASA believes this issue is of great importance in the fight against the opioid crisis. As discussions continue around how to address fentanyl analogues, ASA appreciates the opportunity to emphasize the importance of lawfully administered fentanyl, categorized as Schedule II, and its value in health care settings. **We are interested in ensuring that lawfully administered fentanyl remains available for medical purposes.**

Lawfully administered fentanyl in health care settings, such as hospitals, ambulatory surgery centers, health clinics and in hospice care, is an important and essential treatment in the practice of medicine. Approximately 51 million Americans undergo inpatient surgery annually. Lawful fentanyl, typically injectable, is used by physician anesthesiologists to control pain during most surgical procedures in the U.S. It is also used for patients suffering from cancer-related pain and during end-of-life care.

ASA understands the dangers posed by illicit fentanyl and its analogues and we recognize these substances have contributed greatly to the opioid crisis and are largely the cause of most of the overdoses in recent years. We also understand that the Drug Enforcement Administration (DEA) has been successful in using its emergency authority to temporarily place all non-scheduled fentanyl-like substances into Schedule I, to combat these dangerous substances entering the U.S. As DEA’s emergency power is set to expire February 6, 2020, ASA is pleased that the Senate passed S. 3201 on January 16, 2020.

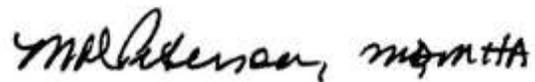
We support the intent of S. 3201 to address fentanyl analogues by extending the temporary order and requiring a study evaluating the impact of controls on fentanyl-related substances. ASA is also pleased that the bill would ensure the current regulation (21 CFR §1308.11 (h)(30)) authorizing the emergency scheduling would remain in effect until May 6, 2021. This regulation explicitly ensures only “fentanyl-related substances” are targeted and only applies to “any substance not otherwise listed under another Administration Controlled Substance Code Number... and for which no exemption or approval is in

effect.” We believe this provides assurance of continued access to fentanyl in Schedule II for medical purposes.

As Congress continues to discuss how to address fentanyl analogues, ASA appreciates the opportunity to emphasize the importance of lawfully administered fentanyl, categorized as Schedule II, and its value in health care settings.

Thank you for your continued dedication to addressing the opioid crisis.

Sincerely,

A handwritten signature in black ink, appearing to read "MD Peterson, MSHCA, FACHE". The signature is written in a cursive, somewhat stylized font.

Mary Dale Peterson, M.D., MSHCA, FACHE
President
American Society of Anesthesiologists