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## Comment from Nevada Sheriffs' and Chiefs' Association

This is a Comment on the **Food and Drug Administration (FDA)**  
Proposed Rule: **Importation of Prescription Drugs**

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### Submitter Information

**Country:**

United States

**State or Province:**

NV

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**Category:**

Association - D0003

### Comment

The Nevada Sheriffs' and Chiefs' Association is opposed to drug importation. We applaud the purpose of this proposed rule "to lower costs and reduce out of pocket costs for American patients." However, we have significant public health and safety concerns, as many public health and law enforcement experts, believe that drug importation is not the appropriate path to address the country's rising prescription drug prices, but will rather have the serious unintended consequences of increasing the black market for counterfeit drugs, placing an unfunded mandate on already limited law enforcement resources by creating a significant interior enforcement issue.

Canada not only lacks the capacity and desire to have the United States deplete their drug supply, but Canadian government officials and established suppliers have strongly indicated that they will likely be non-cooperative on any attempts to export their own drugs, already in short supply. As a result, criminals will exploit this opportunity and will increase the market for counterfeit, adulterated and misbranded prescription drugs.

Criminal organizations will claim that these drugs are Canadian, while they are actually transshipped from other foreign nations. We in law enforcement already see how criminals exploit loopholes or inspection weaknesses today. For example, FDA reported that in 2019, they screened approximately 25,200 parcels, containing more than 41,000 products combined at all of its International Mail Facilities (IMF). The FDA detained more than 38,000 of those products and expects to ultimately destroy more than 17,000 as unauthorized drugs. FDA inspections, amongst other items, look for unapproved, counterfeit and/or potentially dangerous, such as illicit opioid products and counterfeit prescription drugs. While these inspections sound significant, they are only a fraction of the hundreds of millions of international mail into the United States. This threat is not just limited to the 9 IMFs, but similar inspection challenges exist at all 328 ports of entry and highlights the ability of criminals to exploit loopholes or weaknesses in our border inspections to traffic their goods. We believe importation adds such an inspection weakness or loophole.

these illegal and potentially dangerous prescription drugs are not intercepted at the border, they become our issue. Your office and your dispatchers will field the 911 calls. Your officers often will be the first to arrive on scene, when an unknown medical incidence is reported. And local law enforcement will be asked to bring the criminals to justice.

Counterfeit drugs pose serious health risks to your communities. Counterfeit prescription drugs can potentially be dangerous when criminals use toxic substances such as floor wax, mercury, concrete, road tar, paint thinner, anti-freeze and other poisons. Moreover, criminals have taken advantage of those Americans with opioid addictions by supplying significant amounts of counterfeit opioid pills laced with fentanyl with devastating effects and rising fatal synthetic opioid overdoses. DEA in a 2019 reported that 27% or 1 in 4 of counterfeit pills seized contained a deadly dose of fentanyl. While opioids might not be the immediate target for criminals taking advantage of importation, recent FDA & DEA reports and enforcement show that criminals already seek for loopholes for trafficking. Even counterfeit Adderall prescription pills made from methamphetamine are now being seized across the nation.

We believe that HHS has not undertaken the proper due-diligence check with law enforcement to ensure that this rule "shall become effective only if the [Health and Human Services] Secretary certifies to the Congress that the implementation of this section will pose no additional risk to the public's health and safety."

To our knowledge, there has been no comprehensive consultation with federal, state or local law enforcement agencies on this policy proposal. Nor does the Administration's Safe Importation Action Plan allot any additional resources for law enforcement. As such, this proposal would impose an unfunded mandate on the law enforcement community to address the inevitable unintended consequences.

Several leading law enforcement associations, including the National Sheriffs' Association (NSA), the Major County Sheriffs' Association (MCSA), the Western States Sheriffs' Association (WSSA) and several state associations, including ours, have voiced their concerns about foreign drug importation to policy makers, elected officials and legislators.

We urge HHS not to finalize this rule as proposed without consulting with Federal, state, and local law enforcement on their black market, enforcement and funding concerns.

## Attachments (1)

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