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## On Drug-induced Homicide Laws & Severe Penalties for People Who Sell Drugs

1 message

**Maggie Hart** <mhart@drugpolicy.org>  
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Hi Jacob -

I'm reaching out in case you are planning to cover the alarming trend of federal and state governments turning to drug-induced homicide laws and other severe criminal penalties for people who sell drugs that result in a drug overdose. These issues are once again in the news with the recent announcement that **the two individuals who supplied drugs to prominent advocate and actress, Cecilia Gentili, who died of a fatal overdose, will face felony charges**. The announcement of these charges comes just months after the man who supplied **Michael K. Williams with the drugs that resulted in his accidental overdose was sentenced to 10 years in prison**.

As you report on these issues, it's important to acknowledge that the U.S. has harshly criminalized people who sell drugs for decades, and over this period there has been no significant decrease in drug use, drug prices or the availability of drugs.

- **Severe sentences for people who sell drugs have not reduced the price, demand, or availability of drugs.** (PEW, 2022)
- In most instances, demand for illegal drugs has driven supply, not the other way around – and **people who sell or distribute drugs have little influence on the demand for drugs.** (Fader, 2016)
- **When a person who sells or distributes drugs is imprisoned, they are often just replaced by a new recruit** or by remaining suppliers which is commonly referred to as the replacement effect. (PEW, 2015)
- Drug-induced homicide laws, mandatory minimum laws, and other severe penalties that people face when they sell or share drugs that result in a fatal overdose **primarily punish people involved with low-level selling who often use drugs themselves. People who sell drugs rarely know the exact contents of their drug supply or a given dose.** Research shows drug mixing is typically done at much higher levels of the supply chain. (See: [The Kingpin Myth](#); [Amy's Story - Drug-Induced Homicide](#); [James' Story - Drug-Induced Homicide](#))
- **Strict penalties for people who sell drugs cost lives because fear of prosecution deters people from seeking help in an emergency.** Drug-induced homicide prosecutions may have the unintended consequence of people failing to seek medical help in a drug overdose situation, resulting in increased likelihood of death.

Here are resources that may aid your reporting on these issues:

- [An Overdose Death Is Not Murder: Why Drug-Induced Homicide Laws Are Counterproductive and Inhumane](#) (DPA, 2017)
- [Fentanyl Fact Sheet](#) (2023)
- [Rethinking and Reducing Punishment of People in the Drug Trade](#)
- [How Has the Drug War Driven the Overdose Crisis?](#) (Explainer video)
- [200 Families Release Open Letter to Lawmakers: Urge Health Response to Overdose, Not More Punishment](#) (2023)

The loss of a fearless advocate like Cecilia is devastating to all of us. To honor the memory of our loved ones, [we need health-based solutions focused on overdose prevention, harm reduction, and evidence-based treatment options](#), not increasingly punitive policies that cause further harm.

If you have questions about any of these resources or would like to speak with one of our experts, don't hesitate to reach out.

Sincerely,  
Maggie Hart

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