

**Testimony Prepared for
House Human Services
Donnell Preskey, NDACo
3/9/2021**



Chair Weisz and committee members, I'm Donnell Preskey with the North Dakota Association of Counties. One of my roles at NDACo is serving as the Executive Director for the North Dakota Sheriffs and Deputies Association (NDSDA). NDSDA is in opposition to SB 2209 as we feel the issue of importation should be studied first as proposed by SB 2212.

While prescription drug importation proposals are well-intentioned to help lower drug prices for average Americans, they are likely to trigger significant and dangerous unintended consequences by greatly expanding the illicit trade in adulterated, substandard and counterfeit drugs. This in turn will increase the black-market, will require more enforcement and create an unfunded mandate for law enforcement in North Dakota. Studying the issue as proposed in SB 2212 will help flush out some of the concerns raised by stakeholders, including law enforcement, before passing this legislation.

We are members of the Western States Sheriffs' Association (WSSA) and the National Sheriffs' Association (NSA) which both have resolution opposing prescription drug importation.

Our reasoning for our concerns are based on the lack of genuine Canadian prescription drug supply, the lack of law enforcement resources and the difficulties for U.S. law enforcement to pursue foreign nationals who violate our laws. Since Canada has stated that it is unlikely to supply U.S. importation programs, the lack of genuine supply opens the door to foreign criminals willing to fill unmet demand with adulterated, substandard or counterfeit drugs.

Most importantly, SB 2209 does not provide any resources for inspections or enforcement. With criminal organizations ready to expand their operations within North Dakota, this creates a significant interior enforcement issue and an unfunded mandate for North Dakota law enforcement. Even if caught by law enforcement, extradition proceedings for Canadian or foreign suspects are very cumbersome and often ineffective for U.S. law enforcement due to jurisdictional limitations.

Law enforcement from across the state is already reporting significant counterfeit prescription drug issues. Communities across North Dakota have been experiencing a significant increase in fatal and near-fatal overdoses, due to counterfeit pills.¹ These Counterfeit pills look identical to legitimate medications, such as oxycodone, hydrocodone, Xanax and other pain and anxiety medication. Importation is likely to make this issue worse, especially without an increase in law enforcement funding, resources, training or specialized equipment.

¹ Dickinson: <https://www.kxnet.com/news/local-news/dickinson-police-believe-recent-overdoses-stem-from-counterfeit-medication/>
 Fargo: <https://www.inforum.com/news/crime-and-courts/6595149-Fargo-police-warn-of-potentially-deadly-counterfeit-pills>
 Devils Lake: <https://www.valleynewslive.com/content/news/Devils-Lake-Police-warn-of-fake-prescription-drugs-laced-with-fentanyl-571317651.html>
 DEA: <https://www.dea.gov/press-releases/2020/08/12/dea-reports-significant-increase-counterfeit-pills-minnesota>