

United States Senate

WASHINGTON, DC 20510

February 10, 2022

VIA ELECTRONIC TRANSMISSION

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, DC 20201

Dear Secretary Becerra,

We are writing with great concern about the Department of Health and Human Services (HHS) issuing a Notice of Funding Opportunity announcement for harm reduction that potentially allows grantees to purchase drug paraphernalia. With more than 100,000 lives lost to drug overdoses in the last year, it is shocking to believe that HHS would allow U.S. taxpayer funding to be used for such an expense.

On February 7, 2022, the Substance Abuse and Mental Health Services Administration (SAMHSA) closed a Notice of Funding Opportunity (No. SP-22-001) for nearly \$30 million. The Notice specifically allows grantees to purchase and provide “smoking kits/supplies... [and] syringes.” According to harm reduction organizations Toward the Heart¹ and Interior Health,² smoking kits may include “glass stem... [and] Meth pipes.” These organizations state that these supplies are used to “smoke crack” and “use crystal meth.” While we understand some smoking kits may not include this paraphernalia,³ the SAMHSA Notice of Funding Opportunity does not include specific prohibitions against their inclusion.

This funding opportunity defies bipartisan congressional intent expressly prohibiting the use of taxpayer dollars to purchase drug paraphernalia for illicit drug use. For more than 30 years Congress has passed annual funding bills explicitly prohibiting federal funds from being used to purchase needles or syringes for injection of any illegal drug. Yet, SAMHSA is allowing grantees to purchase syringes with American Rescue Plan Act money. According to the

¹ Toward the Heart BCCDC Harm Reduction Services, accessed 10 February 2022, <https://towardtheheart.com/assets/uploads/1603734665AaiyNXgl3ehtneE3DYxXVLbMplwErO8i80bVIGp.pdf>.

² Interior Health, accessed 10 February 2022, <https://www.interiorhealth.ca/sites/default/files/PDFS/handout-safer-smoking-supplies.pdf>.

³ *Harm Reduction for Stimulant Use*, April 2019, Harm Reduction International, accessed 10 February 2022, <https://www.hri.global/files/2019/04/28/harm-reduction-stimulants-coact.pdf> and Imtiaz, Sameer, 2019, *Safer Smoking Kits For Methamphetamine Consumption*, Addiction, accessed 10 February 2022, <https://onlinelibrary.wiley.com/doi/pdf/10.1111/add.14914>.

agency's frequently asked questions document, "...the Harm Reduction grant program is authorized under Section 2706 of the American Rescue Plan Act of 2021 which is not subject to the same syringe funding restrictions as other federal grants. Syringes to prevent and control the spread of infectious diseases are allowed for purchase with these grant funds." Congress has not changed the law. And, even if the grant's funding mechanism is different, why would the Administration believe Congress would support federal funding for smoking kits and related supplies if it doesn't align with three decades of congressional intent?

There is a fine balance to strike in government-funded harm reduction programs that work to prevent the spread of infectious disease while protecting individuals and communities from the spread of illicit drug use. In fact, Congress has made reasonable accommodations to the needle exchange ban in recent years in recognition of communities at significant risk of hepatitis or HIV infections. This funding opportunity, however, crosses a line that Congress does not support.

As a former legislator, we trust you understand the grave impact this policy may have on communities and recognize the Department's harmful disregard for congressional intent. We hope that under your leadership, SAMHSA will not allow American taxpayer dollars to be used for such purposes, and clarify that this funding opportunity does not allow for purchasing of drug paraphernalia.

We appreciate your prompt attention to this matter, and response on how you intend to enforce these restrictions.

Sincerely,



Roy Blunt
United States Senator



Susan M. Collins
United States Senator



Joe Manchin III
United States Senator