

Brittany Pettersen was the primary sponsor of a bill that classified the possession of a lethal amount of fentanyl as a misdemeanor instead of a felony, making it quicker for some people possessing drugs to get back on the streets.

Note: Pettersen [voted](#) for the version of this legislation that was [signed](#) into law. That [version](#) made possession of more than one gram of a substance that an individual knew contained fentanyl a felony and possessing up to a gram of a substance that contains fentanyl a misdemeanor. Two milligrams of fentanyl can be [lethal](#) in humans.

Note: Pettersen has a strong [personal experience](#) with proximity to drug abuse. Her mother struggled with opioid addiction while Brittany was young.

In March 2022, Brittany Pettersen sponsored legislation that made possession of more than four grams of a substance containing fentanyl a felony but left possession of less than four grams a misdemeanor:

- **In March 2022, Pettersen was a prime sponsor on a bill that, as introduced, classified the possession of more than four grams of a substance containing fentanyl as a felony and made distribution of a similar substance a felony at any level of possession.** “The bill makes the unlawful possession of any material, compound, mixture, or preparation that weighs more than 4 grams and contains any amount of fentanyl, carfentanyl, or an analog thereof a level 4 drug felony... The bill makes the unlawful distribution, manufacturing, dispensing, or sale of a material, compound, mixture, or preparation containing fentanyl, carfentanyl, or an analog thereof: A level 1 drug felony if it weighs more than 50 grams; A level 2 drug felony if it weighs more than 4 grams, but not more than 50 grams; and A level 3 drug felony if it weighs not more than 4 grams. (Colorado General Assembly, “HB22-1326: Bill Summary,” [Introduced](#), 3/5/22)
- **Denver Police Chief Paul Pazen criticized the bill for leaving possession of less than four grams a misdemeanor saying, “there is no safe amount of fentanyl.”** Though Denver Police Chief Paul Pazen commended lawmakers for ‘attempting’ to fix the problem, he said the law governing simple possession needs to be changed and that he doesn’t know what could justify allowing possession of up to 4 grams of fentanyl to remain a misdemeanor. ‘There is no safe amount of fentanyl on our streets,’ he said in an interview Wednesday afternoon, noting that, on average, more than one person dies from a drug overdose in Denver every day. ‘And we are hopeful that this possession side can be addressed, just based on the level of harm that fentanyl has created.’ In addition to Garnett, other sponsors expected are Rep. Mike Lynch, R-Wellington; and, Sens. Brittany Pettersen, D-Lakewood and John Cooke, R-Greeley.” (Marianne Goodland, “Colorado lawmakers poised to introduce legislation tackling fentanyl crisis,” [Colorado Politics](#), 3/26/22)
- **More than 800 Coloradans died from fentanyl overdoses in 2021 – a 50% increase from 2020 and three times the rate in 2019.** “The fentanyl legislation comes amid heightened attention to the drug’s increasingly deadly impact in Colorado. Fatal overdoses involving the drug have skyrocketed since 2015, the product of shifting economics and priorities within the illicit drug trade and accelerated by the pandemic. More than 800 Coloradans died after ingesting fentanyl in 2021, according to state data. That represents a roughly 50% increase from 2020 and more than triple the number of deaths from 2019. One of the biggest complaints on how the state legislature has handled fentanyl is tied to a

bipartisan 2019 law that decriminalized possession of certain Schedule II drugs, such as heroin and fentanyl. The 2019 legislation allowed for misdemeanor charges for possession of less than 4 grams, but critics say that turned out to be a boon for drug dealers, who learned to carry 39 fentanyl pills of 0.1 gram each, enough to sell but not enough for the more serious felony charge. Fatal fentanyl overdoses have been rising in Colorado and nationally for years, a trend that began before the 2019 law change, state, and national data show.” [[Colorado Politics](#), 3/26/22]

In 2019, Brittany Pettersen co-sponsored and voted for HB19-1263, legislation that “defelonizes” single-use drug possession for substances such as fentanyl to a misdemeanor—even if the individual possesses enough fentanyl to kill thousands of people:

- **Brittany Pettersen was a co-sponsor of HB19-1263, legislation regarding “Offense Level For Controlled Substance Possession.”** (Colorado General Assembly, “HB19-1263,” [Sponsors](#), Introduced: 3/22/19)
- **On May 3, 2019, Brittany Pettersen voted for HB19-1263.** (Colorado General Assembly, “HB19-1263,” Third Reading: Passed 20-15, [Pettersen Voted Aye](#), 5/3/19)
- **HB19-1263 “defelonizes” single-use drug possession for substances such as heroin, fentanyl, cocaine, and most other illicit drugs.** “Colorado Governor Jared Polis on Tuesday signed a law “defelonizing” single-use drug possession for Schedule I and II substances. HB19-1263, ‘defelonizes’ drug possession for substances such as heroin, fentanyl, cocaine and most other illicit drugs. Under the newly passed law, those caught with small amounts of these drugs would face a misdemeanor instead of a felony charge. Dealers would still be punished with a felony, however.” (Oscar Contreras, “Gov. Polis signs bill ‘defelonizing’ single-use drug possession,” [The Denver Post](#), 5/29/19)
- **Under the provisions of HB19-1263, possession of up to four grams of fentanyl—enough to kill up to 2,000 people—is classified as a misdemeanor.** “Three years ago, lawmakers inexplicably downgraded possession of fentanyl and an array of other Schedule I and Schedule II controlled substances from a felony to a misdemeanor. Now, possession of up to four grams of fentanyl – which could kill up to 2,000 people – warrants no more than a ticket from police.” (Editorial Board, “Denver Gazette: Polis must demand action on fentanyl,” [Colorado Politics](#), 3/4/22)

Since HB19-1263 became law, Colorado has seen a surge in deaths caused by fentanyl that has outpaced nearly every other state:

- **Colorado’s surge in deaths caused by fentanyl has surpassed that of every other state except Alaska since 2019, increasing 382% over the past two years.** “The epidemic of fentanyl overdose deaths is now a staple of headlines, like the deaths of five people last week – at just one residence – in Commerce City. And the hard numbers are terrifying. The surge in deaths caused by the synthetic opioid in our state has outstripped that of every other state but Alaska since 2019 – soaring 382% over the past two years.” (Editorial Board, “Denver Gazette: Polis must demand action on fentanyl,” [Colorado Politics](#), 3/4/22)