



# FORMER PRESIDENT DONALD TRUMP: DRUG POLICY RECORD

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Drug Policy Action believes that drug policy should be grounded in evidence, health, equity, and human rights. The 2024 U.S. presidential election will have critical implications for drug policy nationwide. It's important you know the facts about each candidate's record and history.

## TRUMP'S DRUG POLICY RECORD CENTERS A PUNITIVE APPROACH

Former President Donald Trump's policy positions on drugs and crime have varied over the years. But since stepping into the spotlight as a politician, Trump has taken a "law and order" and "tough-on-crime" approach to drug policy. As president, Trump supported draconian criminal justice and immigration policies in the name of the drug war. If re-elected, Trump has promised to continue on this path.

## TRUMP SIGNALS SUPPORT FOR STATES' RIGHTS TO LEGALIZE MARIJUANA

As president, Trump largely stayed true to his position that marijuana laws should be handled at the state level. Despite Trump's Attorney General Jeff Sessions overturning the Obama-era Cole Memo protecting state legal marijuana programs, the move did not result in widespread state-level enforcement.<sup>1</sup> While he was largely silent on the issue of legalization, he did tentatively endorse a bipartisan bill to codify federal policy respecting states' rights to legalize.<sup>2</sup> Trump has spoken in favor of medical marijuana legalization, but on several occasions he signaled that he reserved the right to ignore a long-standing rider that prohibits the Department of Justice (DOJ) from using its funds to interfere with state-legal medical marijuana programs.<sup>3</sup>

## KEY FEDERAL LEGISLATION SUPPORTED BY TRUMP:

- Endorsed [STATES Act of 2018](#)

## TRUMP SUPPORTS "TOUGH-ON-CRIME" APPROACH TO CRIMINAL JUSTICE

Trump has promised that, if re-elected, his administration will continue a "tough-on-crime" approach. He has promised that his administration will expand the use of the death penalty by broadening the category of crimes punishable by death.<sup>4</sup> He has repeatedly supported the death penalty for people who sell drugs.<sup>5</sup>

As president, Trump's Department of Justice encouraged prosecutors to seek the harshest criminal penalties and longest prison terms available.<sup>6</sup> His administration also proposed a new rule to deny asylum to individuals convicted of misdemeanor offenses like drug possession, including marijuana.<sup>7</sup> Yet, the Trump administration played a key role in passing the bipartisan First Step Act into law in 2018.<sup>8</sup> The First Step Act was significant legislation intended to improve federal prison conditions, reform federal sentencing provisions, and provide increased programming and re-entry services to people incarcerated in federal prisons.

However, Trump retreated from his support of criminal legal reform as he approached reelection. In the last six months of his administration, Trump executed 13 people on death row, which amounted to more executions than the previous 10 administrations combined.<sup>9</sup>

## KEY FEDERAL LEGISLATION SUPPORTED BY TRUMP:

- Signed [First Step Act of 2018](#)

## TRUMP PRIORITIZES HARSH CRIMINAL PENALTIES & ENFORCEMENT IN RESPONSE TO THE OVERDOSE CRISIS

The Trump administration's approach to managing the overdose crisis oftentimes paired investments in treatment with law enforcement. For instance, the administration launched the Initiative to Stop Opioid Abuse and Reduce Drug Supply and Demand in 2018.<sup>10</sup> The goal of the initiative was to have the Department of Justice (DOJ) and Drug Enforcement Administration (DEA) reduce the demand of drugs by reducing opioid manufacturing, cutting the flow of drugs across borders, while expanding opportunities for opioid addiction treatment. Similarly, the primary goal of the Trump administration's response to the overdose crisis was to seize as many drugs as possible and disrupt trafficking. For instance, the Trump administration's DOJ prosecuted more fentanyl traffickers than ever before and dismantled 3,000 drug trafficking organizations.<sup>11,12</sup> Trump also supported the death penalty and mandatory minimums for opioid trafficking.<sup>13</sup> Trump claimed this focus on interdiction, enforcement, and criminal penalties would help curb the overdose crisis but overdose deaths actually went up.<sup>14</sup>

In 2018, the Trump administration's DOJ claimed that overdose prevention centers (OPCs) violate the Controlled Substance Act and threatened to federally intervene and prohibit the implementation and operation of OPCs in the U.S.<sup>15</sup> In 2019, the Trump administration took legal action against Safehouse, a community-based nonprofit planning to establish an OPC in Philadelphia.<sup>16</sup> The *United States v. Safehouse* civil case was filed by the U.S. Attorney for the Eastern District of Pennsylvania against Safehouse asking the federal court to declare OPCs would violate the federal Controlled Substances Act. This case is currently pending,

but whatever the decision, it is likely Trump will continue to try to federally intervene in efforts to open OPCs in the U.S. There is overwhelming evidence that OPCs provide benefits to the health and safety of individuals and communities. They are proven to save lives by preventing overdose deaths.<sup>17</sup> They increase connections to health services and mental healthcare, including drug treatment.<sup>18</sup> And they improve public health by reducing public drug use and drug-related litter, minimizing the spread of infectious diseases, and saving money by dramatically shrinking the burden on emergency response services.<sup>19,20,21</sup>

Under the Trump administration, the Office of National Drug Control Policy (ONDCP) failed its central mission: implementing an annual drug control strategy to guide more than a dozen federal agencies and hundreds of billions of dollars in federal spending.<sup>22</sup> As a result of agency mismanagement under Trump, ONDCP failed to coordinate legislative efforts to reduce opioid overdose deaths.<sup>23</sup>

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*If you have questions about this information please contact our Director of Federal Affairs Maritza Perez Medina at [mperez@drugpolicy.org](mailto:mperez@drugpolicy.org).*

*Visit [www.drugpolicy.org/OverdosePlan](http://www.drugpolicy.org/OverdosePlan) to learn about our campaign demanding an overdose prevention plan from the presidential candidates.*

*Drug Policy Action works to pass new drug laws and policies grounded in evidence, health, equity, and human rights — and undertakes a wide range of activities including political advocacy and electoral work to support these principles. Drug Policy Action is a nonpartisan, not-for-profit 501(c)(4) organization, and is the advocacy and political partner of the Drug Policy Alliance. Learn more at [drugpolicyaction.org](http://drugpolicyaction.org).*

# END NOTES

1. Laura Jarret. "Jeff Sessions nixes Obama-era rules leaving states alone that legalize pot." CNN, Jan. 4, 2018, <https://www.cnn.com/2018/01/04/politics/jeff-sessions-cole-memo/index.html>.
2. Dennis Romero. "Trump says he'll probably back marijuana protections bill." NBC News, June 8, 2018, <https://www.nbcnews.com/politics/white-house/trump-says-he-ll-probably-back-marijuana-protections-bill-n88156>.
3. Kyle Jaeger. "Biden vs. Trump on marijuana: where the candidates stand heading into the 2024 election." Marijuana Moment, June 26, 2024, <https://www.marijuanamoment.net/biden-vs-trump-on-marijuana-where-the-candidates-stand-heading-into-the-2024-election/>.
4. Asawin Suebsaeng, Patrick Reis. "Trump plans to bring back firing squads, group executions if he retakes White House." Rolling Stone, Feb. 14, 2023, <https://www.rollingstone.com/politics/politics-news/trump-death-penalty-firing-squad-executions-1234679447/>.
5. Devin Speak and Dustin Jones. "Trump wants the death penalty for drug dealers. Here's why that probably won't happen." NPR, May 10, 2023, <https://www.npr.org/2023/05/10/1152847242/trump-campaign-execute-drug-dealers-smugglers-traffickers-death-row>.
6. Julia Harte and Susan Heavey. "U.S. Justice Department orders tough criminal punishments." Reuters, May 12, 2017, <https://www.reuters.com/article/legal/us-justice-department-orders-tougher-criminal-punishments-idUSL1N11E1S1/>.
7. Zolan Kanno-Youngs. "Trump Administration proposes adding minor crimes to list of offenses that bar asylum." The New York Times, Dec. 18, 2019, <https://www.nytimes.com/2019/12/18/us/politics/trump-asylum-misdemeanors.html>.
8. Federal Bureau of Prisons. "An overview of the First Step Act." <https://www.bop.gov/inmates/fsa/overview.jsp>.
9. Asawin Suebsaeng, Patrick Reis. "Trump's killing spree: the inside story of his race to execute every prisoner he could." Rolling Stone, Jan. 27, 2023, <https://www.rollingstone.com/politics/politics-features/trump-capital-punishment-brandon-bernard-lisa-montgomery-1234664126/>.
10. White House Archives. "Fact sheet: President Donald J. Trump's initiative to stop opioid abuse and reduce drug supply and demand." White House, Oct. 24, 2018, <https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trumps-initiative-stop-opioid-abuse-reduce-drug-supply-demand-2/#:~:text=The%20President%27s%20initiative%20to%20Stop,based%20treatments%20for%20opioid%20addiction>.
11. White House Archives. "Law & Justice." White House, <https://trumpwhitehouse.archives.gov/issues/law-justice/>.
12. Ibid.
13. White House Archives. "Fact sheet: President Donald J. Trump's initiative to stop opioid abuse and reduce drug supply and demand."
14. Sarah Braner. "An epidemic in the shadow of a pandemic: drug overdose deaths reach an all-time high in US." CNN, July 17, 2021, <https://www.cnn.com/2021/07/17/health/us-drug-overdose-deaths-pandemic/index.html>.
15. Bobby Alyn. "U.S. prosecutors sue to stop nation's first supervised injection site for opioids." NPR, Feb. 6, 2019, <https://www.npr.org/sections/health-shots/2019/02/06/691746907/u-s-prosecutors-sue-to-stop-nation-s-first-supervised-injection-site>.
16. German Lopez. "The Trump Administration is taking legal action against Philadelphia's safe injection site." Vox, Feb. 6, 2019, <https://www.vox.com/policy-and-politics/2019/2/6/18214021/philadelphia-safe-injection-site-trump-justice-department>.
17. Armbrrecht E, Guzauskas G, Hansen R, Pandey R, Fazioli K, Chapman R, Pearson SD, Rind DM. "Supervised Injection Facilities and other Supervised Consumption Sites: effectiveness and value; final evidence report." Institute for Clinical and Economic Review, Jan. 8, 2021, [https://icer.org/wp-content/uploads/2020/10/ICER\\_SIF\\_Final-Evidence-Report\\_010821.pdf](https://icer.org/wp-content/uploads/2020/10/ICER_SIF_Final-Evidence-Report_010821.pdf).
18. Kora DeBeck, Thomas Kerr, Lorna Bird, Ruth Zhang, David Marsh, Mark Tyndall, Julio Montaner and Evan Wood. "Injection drug use cessation and use of North America's first medically supervised safer injecting facility." National Library of Medicine, Aug. 30, 2010, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5590717/>.
19. Kinna Thakarar, DO, MPH, Katherine Nenninger, MD, and Wolelaw Agmas. "Harm reduction services to prevent and treat infectious diseases in people who use drugs." National Library of Medicine, 2020, MDC <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7596878/>.
20. Behrends CN, Paone D, Nolan ML, Tuazon E, Murphy SM, Kapadia SN, Jeng PJ, Bayoumi AM, Kunins HV, Schackman BR. "Estimated impact of supervised injection facilities on overdose fatalities and healthcare costs in New York City." National Library of Medicine, Aug. 14, 2019, <https://pubmed.ncbi.nlm.nih.gov/31540615/>.
21. Kral AH, Lambdin BH, Wenger LD, Browne EN, Suen LW, Davidson PJ. "Improved syringe disposal practices associated with unsanctioned safe consumption site use: A cohort study of people who inject drugs in the United States." National Library of Medicine, Oct. 12, 2021, <https://pubmed.ncbi.nlm.nih.gov/34654588/>.
22. Kim Bellware and Robert O'Harrow Jr. "Trump said solving the overdose crisis was a top priority. His drug office's track record suggests otherwise." The Washington Post, Oct. 3, 2020, <https://www.washingtonpost.com/politics/2020/10/03/trump-drug-crisis/>.
23. Ibid.