

CRUZ Hearing 2/26/25

My name is Jena Ehlinger.

I never imagined that I would be on the front lines of a war I knew nothing about. And then I received the life-shattering call that my 20-year-old son Jake had been poisoned with fentanyl. This photo of Jake was taken 10 days before that call.

Jake grew up in Austin, Texas. He was a gifted athlete who also excelled in academics. With a score of 35 out of 36 on the ACT exam combined with his stellar high school grades and athleticism, Jake was recruited to play linebacker by a number of top-tier universities, including Stanford, Yale, Brown, Penn, and Dartmouth.

Jake passed on these incredible offers so he could play football at his dream school, The University of Texas. His dad and I went to UT and his brother, Sam, was then UT's quarterback. Jake wanted to play football with his brother on the team he had been an avid fan of his entire life.

Jake was admitted into the McCombs School of Business as a finance major, became a member of the Texas Silver Spurs, was a UT football player, and a straight A student. In the spring of 2021, as a sophomore, he was looking forward to his upcoming summer internship at Dell and his little sister Morgan joining him at UT in the fall.

On May 6, 2021, I received that horrific call. Jake had taken a counterfeit Xanax that had been laced with fentanyl. As with many things, until you have lived it, the reality of such devastation is difficult to fully understand.

To our family's further devastation, when the death certificate was issued, the DEA and the Austin Police informed us that they were closing their investigations because the "manner of death" on the death certificate was classified as an "Accident". Jake's death was not an accident. He was killed – literally poisoned to death.

Labeling the poisoning and murder of my son as an "Accident":

- (1) resulted in the premature closing of federal and local law enforcement investigations;

(2) ensured that no one will ever be arrested for poisoning and killing Jake;
and

(3) prevented the case from ever reaching a prosecutor's desk.

I hope no other families have to live through the additional nightmare that their child's killers will never be arrested or prosecuted because a medical examiner labeled their child's poisoning an "Accident" for statistical purposes.

Through my experience, I learned that there were few to no consequences for murdering someone by poisoning them with a fentanyl-laced pill. Most laws address larger quantities of drugs, not the mere 2 milligrams of fentanyl that is considered a lethal dose. As a result, those illegally manufacturing and distributing fentanyl remained on the streets and continued killing our children - one pill at a time - with little fear of prosecution.

Thankfully, with the help of friends, we were able to pass a law in Texas addressing this vacuum in the law. Our legislation requires medical examiners to classify death from a fentanyl-laced substance as what it is - poisoning – and created a murder offense for the unlawful manufacture or distribution of fentanyl resulting in death, including from just one pill. Now, in Texas:

- on the death certificate, it is described as “fentanyl poisoning” thereby keeping law enforcement investigations from prematurely closing;
- illegally manufacturing or distributing a fentanyl-laced substance that results in death - even from one pill - may be prosecuted as murder;
- those poisoning Texans can no longer kill one pill at a time without fear of arrest and prosecution and are being taken off the streets; and
- other families may not have to live with the fact that no one will ever be prosecuted for killing their child or loved one.

The law has been effective. Before this law, there were no Texas state murder charges for deaths from one fentanyl-laced pill. In the first eight months, there were approximately 25 murder charges. To date, there have been nearly 60 murder charges.

But we are just one state. We need federal laws to accomplish these goals and more nationwide, including stopping the distribution of fentanyl in our country.

Senators, our country is at war and are losing the war, as evidenced by fentanyl becoming the number one killer in the U.S. for ages 18-45. It impacts all races, religions, socioeconomic statuses, and political affiliations. This lethal epidemic is killing young Americans and destroying families. I am just one mom who lost her precious son. You are among the most powerful people in this country. There is no higher use of that power than to save someone's child and perhaps even your own.

Thank you for listening.