The following is a compendium of news reports over the past month that may be of interest to our AG offices who are dealing with substance abuse issues. Neither the National Association of Attorneys General nor the National Attorneys General Training & Research Institute expresses a view as to the accuracy of news accounts, nor as to the position expounded by the authors of the hyperlinked articles.

MARCH 2014

States Are Taking Steps to Prevent and Treat Neonatal Abstinence Syndrome
A recent study published in medical journal Anesthesiology has found that, between 2005 and 2012, approximately one in seven pregnant women in the United States was prescribed opioids during her pregnancy. This rate is significantly higher than that relating to pregnant European women. The article explains the health risks associated with the use of opioids during pregnancy.

Kentucky Attorney General Jack Conway recently toured Chrysalis House, a facility that provides substance abuse treatment for pregnant women in Kentucky. A portion of the approximately $32 million secured by the state from recent settlements with drug companies will be provided to the facility. This article details the state’s plan for how the rest of the settlement will be distributed.

Indiana’s legislature is considering a bill which would require the development of a standard protocol for diagnosing Neonatal Abstinence Syndrome (NAS), as well as track the data relating to the prevalence of NAS. Indiana Attorney General Greg Zoeller has expressed support for the legislation.

The number of babies born with NAS in New Hampshire rose 600 percent from 2003 through 2009. This article details the physical symptoms of NAS as well as the effect that the increase of NAS has had on hospitals and Medicaid programs in the state. New Hampshire’s governor has established a task force to explore ways hospitals can respond to the problem.

Maine’s Center for Disease Control has developed Snuggle ME, a practitioner’s guide to caring for drug-affected babies and their families. The guide was developed by stakeholders in Maine after the number of drug-affected newborns in Maine hospitals increased from 165 in 2005 to 779 in 2012. Information relating to this program can be accessed using this link.

Florida Attorney General Pam Bondi recently convened the Statewide Task Force on Prescription Drug Abuse and Newborns to discuss the Task Force’s newly released 2014 report, which details the implementation of recommendations to combat NAS. Click on this link to access the report.

New Developments in Combatting Prescription Drug Abuse
New York Attorney General Eric T. Schneiderman announced the release of new data which shows that the state’s recent implementation of its new prescription drug monitoring program (PDMP) has been successful. The PDMP, known as I-STOP, is a real-time database that tracks every prescription for opioid pills filled in New York. Prescribers are required to consult the database and pharmacists are required to report each prescription in real time. The PDMP legislation also established safe drug disposal programs and addressed prescription diversion. Last, the legislation mandates that by March 2015, all prescription orders must be e-prescriptions.
A Florida court recently dismissed a lawsuit brought by a defense attorney against a prosecutor, alleging that Florida’s PDMP was unconstitutional. The court held that the PDMP “did not violate the constitutional protection against unreasonable search and seizures” and that the government’s compelling interest in regulating controlled substances . . . justifies the intrusion into Plaintiff’s privacy.”

Conversely, a federal judge in Oregon held that the DEA’s use of administrative subpoenas to obtain data from Oregon’s PDMP violated patients’ Fourth Amendment right to privacy.

A study published in medical journal BMJ shows that one-third of Medicare patients obtain prescription painkillers from multiple doctors. This practice can lead to an increased risk of drug-related complications such as drowsiness, breathing problems and injuries from falls.

Acting New Jersey Attorney General John J. Hoffman announced that prescription forms will soon have security enhancements such as color changing ink, micro-printing, and hidden words. The use of these scripts will become mandatory in August 2014.

R. Gil Kerlikowske, Director of the White House Office of National Drug Control Policy, called for an increase in the availability of naloxone, a drug that reverses opioid overdoses. Director Kerlikowske also encouraged states to pass “Good Samaritan” laws and to allow doctors to prescribe naloxone to the relatives of individuals with addictions, a process known as “co-prescribing.”

West Virginia Attorney General Patrick Morrisey is partnering with law enforcement to expand access to secure prescription drug disposal sites.

Pending State Legislation Relating to Substance Abuse
Michigan’s legislature is considering legislation which would prohibit the sale of ephedrine or pseudoephedrine to individuals previously convicted of methamphetamine-related crimes within the previous ten years. This legislation was recently approved by the state’s Senate.

Missouri legislators are considering a bill that would schedule additional synthetic cannabinoids as controlled substances. Additionally, a controlled substance bill recently passed through Florida’s Criminal Justice Subcommittee. The legislation, which is supported by Florida Attorney General Pam Bondi, would add schedule six additional synthetic compounds as Schedule I drugs as well as add three synthetic compounds, commonly found in “molly,” to the trafficking statute.

Missouri has not yet established a PDMP. Recently, legislation was introduced which would have established such a program. Many legislators are concerned with the potential intrusion into the privacy of patients. This article details the ongoing PDMP debate in Missouri.

Anti-diversion legislation drafted by Delaware Attorney General Beau Biden’s office was approved by Delaware’s legislature this month. The bill establishes a new felony, Medication Diversion, which criminalizes the intentional diversion of prescription narcotics from patients “under the care of healthcare programs in medical or other 24-hour facilities such as hospitals, group homes, or nursing homes.”

Illinois’ Senate is considering legislation which would separate marijuana and other illegal drugs from alcohol in the laws criminalizing intoxicated driving, due to Illinois’ recent legalization of medical marijuana. Specifically, the proponents of the law are concerned with the amount of time that marijuana remains in one’s system, as the law currently criminalizes operating a vehicle with any amount of an illegal drug in one’s system. Lawmakers are also planning to introduce a package of bills that would combat doctor shopping and fund substance abuse treatment centers.

Legislation that would increase penalties for driving while intoxicated was recently introduced to the Rhode Island House Judiciary Committee on behalf of Rhode Island Attorney General Peter Kilmartin. The legislation creates a new
offense which criminalizes driving under the influence resulting in an injury. It also increases penalties for certain offenses relating to driving under the influence.

Increase in Heroin Use throughout the Country
Heroin manufacturers have recently added Fentanyl, a powerful painkiller administered to terminally ill cancer patients, to their product, with deadly results. Over the past month and a half, approximately 80 people have overdosed from the combination of these two substances.

The Portland Press Herald has published a number of articles over the past month detailing the heroin epidemic in Maine. One article explains why heroin use has increased within the state. A second article details the lack of drug treatment funding within Maine.

Rural Vermont is experiencing an enormous increase in the amount of heroin use. This article details the steps taken by Rutland County, Vermont to counter the problem. Law enforcement, social workers, and other stakeholders have worked together to develop data-driven coordinated approaches to the problem, such as a rapid intervention program and law enforcement operations. Vermont Governor Peter Shumlin recently announced that Vermont will use a nearly $10 million federal grant to train health care providers on ways to identify signs of substance abuse. Vermont is one of five states awarded grant money through the federal Substance Abuse and Mental Health Services Administration (SAMHSA).

Other News of Interest
University of Wisconsin – Madison: Pain & Policy Studies Group’s website has a number of useful tools and links relating to prescription drug abuse. For example, one can access the 2011 global, regional and national opioid consumption statistics, and review a progress report card for achieving balance in federal and state pain policies.

On February 27, DEA published a Notice of Proposed Rulemaking in the Federal Register to move hydrocodone combination products from Schedule III to Schedule II. The public is invited to review the proposed rule and post comments. The rule can be accessed using this link.

According to a study published in The American Journal of Epidemiology and Prevention, marijuana was detected in the bodies of deceased drivers three times more often during 2010 than in 1999. The physician who co-authored the study stated that the statistics show that marijuana is playing an increased role in fatal car crashes. The study suggests that this increase began when states began to legalize medical marijuana.

Missouri has recently experienced an influx of methamphetamine from Mexico. The drug is transported throughout the state via train or Interstate 70.

Mexico City is considering passing legislation which will legalize the sale of marijuana.

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