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.

OCTOBER 2013

New Developments in Combatting Prescription Drug Abuse
A report recently released by the Florida Medical Examiners, entitled The 2012 Drugs Identified in Deceased Persons Report, indicated that deaths caused by oxycodone in Florida decreased by 41% in 2012, and overall occurrences of deaths related to methadone, hydrocodone and cocaine fell by 9.9%. Florida’s Statewide Drug Enforcement Strike Force teams and the state’s Prescription Drug Monitoring Database are largely credited for this decrease. The complete report can be accessed via this webpage. Attorney General Pam Bondi’s news release, as well as a summary of the report, can be accessed at this website.

The 2012 National Survey on Drug Use and Health report issued by the Substance Abuse and Mental Health Services Administration (SAMHSA) also reports a decrease in prescription drug use, though the use of heroin by all individuals older than 12 years old rose dramatically during the past five years. However, while prescription drug use is declining, a recent study released by the Centers for Disease Control showed that overdose rates for women are increasing.

California lawmakers recently passed three bills aimed at fighting prescription drug abuse. One requires coroners to report overdose deaths involving prescription drugs to the medical board. The board can then use the information to detect “patterns of death” in order to investigate doctors who over-prescribe opioids. The second bill will improve the state’s prescription drug monitoring program (PDMP) by implementing a database of information relating to narcotics dispensed in California. The third bill takes steps to prevent doctors from failing to turn over the records of deceased patients. Doctors who fail to cooperate with investigators can now face board sanctions.

Purdue Pharma recently released a list of 49 California doctors that it suspected of over-prescribing Oxycontin to the Medical Board of California, after facing pressure to do so from the California state senate and the board. The chairman of the Nevada Senate Judiciary Committee is now calling upon the corporation to provide his state with a similar list.

Walgreens has implemented its Good Faith Dispensing Policy, a checklist that must be used by pharmacy staff whenever a customer presents a prescription for a highly-addictive controlled substance. The policy mandates include that employees must check the Walgreens system to ensure that the prescription was not previously denied by another Walgreens pharmacy, review a customer’s PDMP history, and answer a series of questions about the customer and the prescription.

The FDA has announced safety labeling changes for all extended-release and long-acting opioid analgesics intended to treat pain. NAAG had previously sent a letter to the FDA urging that it require these “black box warnings,” in order to alert pregnant women that the use of such opioids may cause Neonatal Abstinence Syndrome.

Increase in Synthetic Drug Use Results in Tragedy and Calls for Action
During August 2013, numerous fatal overdoses were attributed to synthetic drugs, including the synthetic drug known as “molly.” The use of such substances is increasing throughout the country. Often, users of “molly” believe they are ingesting pure MDMA, and do not realize that “molly” is a mixture of many, often dangerous, substances.
On September 25, 2013, the Senate Caucus on International Narcotics Control held a hearing to examine the impact of dangerous synthetic drugs. Witnesses included Michael Botticelli, Deputy Director of the Office of National Drug Control Policy, Dr. Nora Volkow, M.D., Director of the National Institute on Drug Abuse, Joseph T. Rannazzisi, Deputy Assistant Administrator of the Office of Diversion Control of the Drug Enforcement Administration, and Timothy Heaphy, United States Attorney for the Western District of Virginia. All of the witnesses’ testimony can be accessed via this webpage. Topics addressed include the current state of the federal laws relating to controlled substance analogues, federal and state responses to the growing problems presented by these drugs and challenges facing prosecutors. Joseph Rannazzisi’s testimony also provides a helpful and startling overview of the history of the development of synthetic drugs.

Moreover, results of a study recently released by the White House Office of National Drug Control Policy show that synthetic marijuana use is often not detected by commonly used drug tests, including the tests used by parole and probation.

The Financial Effects of the Legalization of Marijuana and the Creation of “Big Marijuana”

Law enforcement and legislators are continuing to examine the widespread consequences of the legalization of marijuana for recreational use in Colorado and Washington. As a result of the legalization of marijuana, there is now interest in investing in the marijuana industry. In Washington, there is no cap on the number of licenses that will be issued or on the size of growing operations. There is significant concern that as the marijuana industry grows, the industry will target the same populations as the tobacco industry once did – young people and racial minorities. In Colorado, newspapers and magazines can now legally run marijuana vendor advertisements, as long as there is “reliable evidence” that “no more than 30 percent of the publication’s readership is expected to be under 21.”

On September 10, 2013, the Senate Judiciary Committee held a hearing to examine how to reconcile state marijuana laws with the federal marijuana prohibition, after a Justice Department memorandum outlined how the federal government will enforce marijuana prohibitions. On October 2, 2013, the House of Representatives Committee on Oversight and Government Reform will also hold a hearing to review the federal government’s response to marijuana legalization.

Moreover, the Washington Department of Revenue is in the process of determining where to deposit the state revenue derived from marijuana sales, given federal policy which treats the banking of marijuana proceeds as money laundering.

Other News of Interest

In an effort to combat drugged driving, law enforcement is beginning to explore the use of the Drager machine, which uses saliva to test for the presence of seven kinds of drugs.

The Obama Administration has released its 2013 National Drug Control Strategy.