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 2015

New Developments in Combatting Opioid Abuse

Alabama Attorney General Luther Strange recently held a Law Enforcement Summit in Montgomery, Alabama, and discussed the opioid epidemic with the approximately 700 law enforcement attendees.

Arkansas Attorney General Leslie Rutledge has announced that the fourth annual Arkansas Prescription Drug Abuse Summit will be held on November 3. This event is a free training and educational opportunity for law enforcement, medical professionals, pharmacists, and educators, and is also open to the general public. The keynote address will be given by Indiana Attorney General Greg Zoeller.

Georgia Attorney General Sam Olens recently launched the “We’re Not Gonna Take It” high school video contest in his state. The videos will be uploaded to YouTube and help raise awareness of opioid abuse.

Indiana Attorney General Greg Zoeller and other members of the Indiana Prescription Drug Abuse Prevention Task Force recently met with U.S. Surgeon General Dr. Vivek H. Murthy and Indiana State Health Commissioner Dr. Jerome Adams to discuss the prescription drug epidemic and the need for federal support to further the progress being made in Indiana to combat the epidemic.

General Zoeller also recently issued an opinion “clarifying that a new state law allows medical professionals to prescribe Naloxone. . . to family members and others who provide care for those at risk of overdoses.” The opinion confirms that standing orders for Naloxone are authorized. The law is known as Aaron’s Law and was recently passed by the state legislature.

Kentucky Attorney General Jack Conway has announced the launch of the annual Keep Kentucky Kids Safe PSA Contest for Kentucky high school students. Participants must create a PSA that increases public awareness regarding the dangers of prescription drug abuse.

Massachusetts Attorney General Maura Healey urged the Massachusetts Judiciary Committee to advance legislation which would criminalize fentanyl trafficking. Existing law only criminalizes the manufacturing, distributing, or possessing of the drug. The bill would criminalize the trafficking of more
than ten grams of fentanyl and authorize incarceration of up to 20 years for those convicted of this crime.

**New Hampshire Attorney General Joseph A. Foster** has announced that his office is investigating the manner in which several pharmaceutical companies marketed prescription opioids in his state. A review of preliminary information indicated that the companies may have deceptively minimized the risk of addiction from long-term use of narcotics painkillers and exaggerated their benefits for treating chronic pain.

On October 29-30, 2015, **NAAG Eastern Region Chair Rhode Island Attorney General Peter F. Kilmartin** and **New York Attorney General Eric T. Schneiderman** will host the NAAG Eastern Region Meeting, where attendees will discuss best practices for combatting the opioid epidemic in the Northeast United States and nationally. The event will be held at New York University Law School. Law enforcement participants will also be provided with the opportunity to tour the New York/New Jersey High-Intensity Drug Trafficking Area (HIDTA) headquarters on Thursday afternoon. For more information and to register, please click on this [link](#).

**Rhode Island Attorney General Peter F. Kilmartin** recently entered into an agreement with Amphastar Pharmaceuticals Inc., the manufacturer of Naloxone. The agreement requires Amphastar to offer a $4 rebate for each syringe dosage kit purchased by non-federal government agencies within the state, including state agencies, municipal governments, state and municipal law enforcement agencies, emergency medical service agencies, and non-profit community based programs. **General Kilmartin** has agreed to process all rebate requests.

**Virginia Attorney General Mark Herring** has announced that Virginia has joined the Northeast and Mid-Atlantic Heroin Task Force (NEMA-HTF), which “fosters cross-state collaboration and leverages resources to combat heroin distribution and the associated rise in heroin overdose fatalities.” Other members include Maine, Maryland, Massachusetts, New Jersey, New York, and Pennsylvania.

**Wisconsin Attorney General Brad Schimel** released his “Dose of Reality” statewide marketing campaign designed to raise awareness of the dangers of misusing opioid medications and to encourage the community to take action against the opioid epidemic.

Attorneys general from 38 states have signed on to a [letter](#) supporting the Comprehensive Addiction and Recovery Act (**CARA**), which was sent to the U.S. Senate and House Committees on the Judiciary. The letter is now official NAAG policy. **CARA** would give states tools to more effectively confront the epidemic of heroin addiction and prescription painkiller abuse.

Saturday, September 26, 2015, was the [National Take Back Day](#). Many of the attorneys general participated in and/or planned their own Take Back events. To learn more about the event involving a particular attorney general, visit that attorney general’s [website](#).

A Montgomery County, Alabama, doctor has been charged in connection with a fatal car crash. It is alleged that Dr. Rezik Saqer, who owns a pain management clinic, prescribed Ronald Cooper with
OxyContin and Valium eight days after Cooper was prescribed hydrocodone by another doctor, which violates state law. Cooper then allegedly drove while under the influence of the drugs and caused a multivehicle crash that killed a family of four. According to the county prosecutor, Dr. Saqer’s clinic has been described as a “pill mill.” Between January 9, 2015, and August 19, 2015, doctors at the clinic prescribed Cooper 1,306 single doses of valium, oxycodone, or hydrocodone.

Kentucky Governor Steve Beshear announced that community mental health centers and residential treatment facilities will receive more than $3.5 million in grant funding as part of the state’s landmark heroin legislation, which was passed this year. The funding is to assist the organizations in the treatment of opioid abuse and to address neonatal abstinence syndrome (NAS) within the state.

While Missouri still does not have a statewide prescription drug monitoring program (PDMP), it has instituted a system to track prescriptions through Medicaid claims, with positive results.

A new law signed by New York Governor Andrew Cuomo prevents drug court judges from ordering defendants to stop medication-assisted treatment that has been prescribed by a physician, such as Suboxone or methadone.

Ohio legislators are considering a bill which would require that state health insurance companies cover the expense of abuse-deterrent opioids, which are more expensive than opioids that do not contain abuse-deterrent properties.

In Cleveland, Ohio, a man convicted of trafficking large amounts of heroin and using violence to control the East Cleveland drug trade has been sentenced to life in prison. The man, Keith Ricks, was found guilty of nine counts in federal court.

A number of states are now allowing public school nurses to use Naloxone, including New York, Vermont, Massachusetts, and Delaware. In June, the National Association of School Nurses endorsed Naloxone in schools.

Massachusetts General Hospital has agreed to pay the United States $2.3 million to settle a case in which the U.S. Attorney for the District of Massachusetts alleged that the hospital’s lax controls enabled employees to divert controlled substances for personal use. This is the largest settlement of its kind involving hospital drug diversion allegations.

The U.S. Centers for Disease Control and Prevention (CDC) has recently updated its Draft CDC Guideline for Prescribing Opioids for Chronic Pain.

The U.S. Department of Health and Human Services (HHS) has announced that it plans to change prescribing rules relating to the treatment of opioid abuse in order to increase access to treatment. The changes will relate to the regulation which limits the number of prescriptions that doctors can write for buprenorphine. HHS’s Office of Rural Health Policy will also provide $1.8 million in grant funding to community partners in 13 states.
U.S. Senators signed a letter to the U.S. Food and Drug Administration questioning its decision to approve the use of OxyContin by pediatric patients. The letter points out that the country is in the midst of an opioid abuse crisis and adds that “an increase in the availability of opioids like OxyContin to children – and the potential for abuse – poses a serious U.S. public health issue.” A number of U.S. Senators also sent a letter to the U.S. Senate Health, Education, Labor and Pensions Committee, calling for an investigation into the approval.

A Massachusetts state legislator is also seeking a ban which would prohibit Massachusetts doctors from prescribing OxyContin to Massachusetts residents under the age of 17. The bill was filed in mid-September.

The New York Times published an Op-Ed written by Vermont Governor Peter Shumlin, entitled “OxyContin is Not for Kids,” which also criticized the recent approval. Governor Shumlin stated that “[n]ow is the time for the F.D.A. to be a partner in reducing - not expanding – the availability of these drugs. Instead, it is doing the exact opposite.”

The FDA is rebutting this recent criticism. An FDA spokesperson has stated, “[i]t’s important to stress that this approval was not intended to expand or otherwise change the pattern of use of extended-release opioids in pediatric patients. . . Doctors were already prescribing it to children, without the safety and efficacy data in hand with regard to the pediatric population.” The Acting Commissioner of the FDA also wrote a letter to the Editor of the New York Times, which can be accessed here.

In September, the U.S. Senate Health, Education, Labor and Pensions (HELP) Committee approved the Protecting Our Infants Act, S.799, which relates to neonatal abstinence syndrome (NAS). This article details the causes of and difficulties surrounding NAS and explains the Protecting Our Infants Act, which includes a requirement that the U.S. Department of Health and Human Services (HHS) “evaluate and coordinate federal efforts to research and respond to NAS, and assist state health agencies for data collection.”

The U.S. House of Representatives passed the National All Schedules Prescription Electronic Reporting Reauthorization Act (NASPER), which reauthorizes federal grants for states’ prescription drug monitoring programs. The U.S. Senate will now consider the bill.

The American Society of Addiction Medicine (ASAM) released new guidelines on the use of medications in the treatment of opioid addiction. ASAM’s goal was to help doctors treating such patients to match the best treatment to each individual patient.

Researchers examining data from the 2011 and 2012 National Survey on Drug Use and Health, which surveyed 32,036 adolescents on prescription opioid abuse, found that adolescents living in rural areas and small towns and cities are more likely to abuse prescription opioids than adolescents living in large urban areas.
CVS will now sell Naloxone in 14 states without requiring a prescription. These states include Arkansas, California, Massachusetts, Minnesota, Mississippi, Montana, New Jersey, North Dakota, Pennsylvania, South Carolina, Rhode Island, Tennessee, Utah, and Wisconsin.

Updates in the Field of Marijuana Legalization

Ohio Attorney General Mike DeWine has rejected a resubmitted petition for a proposed amendment to his state’s constitution which would legalize medical marijuana. The petition, entitled “Ohio Medical Cannabis Amendment,” was submitted by Ohio Medical Cannabis Care LLC. General DeWine found at least six defects with the summary language. The list of defects can be viewed at this link.

The Colorado Medical Board is considering a proposed policy which includes certain suggestions for doctors who recommend marijuana to their patients. In particular, such doctors should be competent in the treatment of pain, keep certain records, and advise patients of the risks of marijuana use. The proposed policy also states that “pregnancy testing during the initial evaluation should be considered for all women of child-bearing age.” Other recommendations include a risk assessment for drug abuse, possible urine screens, and a physical examination.

In Florida, Ricardo Varona was charged in connection with the alleged operation of a marijuana grow house. At trial, he argued that he operated the grow house solely to provide marijuana to his wife, who suffers from cancer. The jury heard expert testimony from a neurologist as well as a Colorado marijuana dealer. Prosecutors presented evidence to show that Varona was operating a sophisticated lab. Additionally, at the time of Varona’s arrest, police seized approximately 16 live marijuana plants, which could have yielded at least 30 pounds of marijuana. Prosecutors argued that this quantity of marijuana is too much for the intended consumption of one woman. Ultimately, Varona was convicted of these charges.

The Passamaquoddy Indian tribe, which is based in Maine, has signed a letter of intent with a marijuana management and consultant company and is planning to develop a cultivation facility on tribal land. The Chief of the tribe has stated that the facility will grow industrial hemp rather than medical marijuana. The tribe will then reassess before expanding production as the tribe does not want to violate any laws. Maine’s legislature recently allowed the industrial cultivation of hemp as long as the business is licensed by the state and affiliated with a university.

Oregon counties and cities can opt to ban recreational marijuana businesses from operating in their area. So far, six counties and 19 cities have decided to do so. In some of these areas, local residences will have the opportunity to vote to approve or deny the ban.

The Santee Sioux tribe, located in South Dakota, is planning to open the nation’s first “marijuana resort” on its reservation. The tribe plans to grow marijuana and sell it in a smoking lounge which would also include “a nightclub, arcade games, bar and food service, and eventually, slot machines and an outdoor music venue.” The president of the tribe has described it as “an adult playground.”
Recent preliminary statistics released by the Washington State Toxicologist show that from January through April of 2015, the total percentage of drivers who tested positive for THC increased from 28% to 33%, compared to the first four months of 2014.

The FBI recently released statistics which show the number of marijuana possession arrests made by law enforcement officers nationwide in 2014. This is the first time that this number has increased since 2009.

The National Alliance for Model State Drug Laws (NAMSDL) now has a publically available repository of marijuana laws, by state, on its website.

**Synthetic Drug News**

**Washington, D.C. Attorney General Karl A. Racine** has announced that his office has established a partnership with the Coalition for Responsible Cannabis Production to combat the rising use of synthetic drugs within the District. The goals of the initiative are to educate the public and businesses about the dangers and misinformation around synthetic drugs and to further develop criminal and civil remedies to reduce the use of these substances.

**New York Attorney General Eric T. Schneiderman** has announced that lawsuits have been filed against businesses that allegedly sold and shipped synthetic drugs throughout New York State and in other states. These lawsuits are the result of an ongoing effort by General Schneiderman to stop the sale of designer drugs.

**Texas Attorney General Ken Paxton** and the Harris County, Texas, Attorney’s Office have worked together to stop the sale of synthetic drugs at a convenience store in Houston. As a result of several undercover investigations, the State obtained a temporary restraining order against the store and its owners, prohibiting the distribution and sale of synthetic marijuana.

The Pretrial Services Agency Office of Forensic Toxicology Services in Washington, D.C., will now test defendants in the District’s criminal justice system for synthetic drug use. The Director of Pretrial Services has characterized this change as “a public health response as much as it is a criminal justice response,” explaining that the testing is being done to identify those who may have problems with substance abuse.

In early September, police officers in Washington, D.C., seized at least $2.3 million worth of synthetic marijuana. This is the largest synthetic drug seizure “in history,” according to the article. Two men were arrested and charged with intent to distribute synthetic cannabinoids.

U.S. Senator Chuck Schumer has called on the Drug Enforcement Administration (DEA) to work to block credit card companies from allowing online transactions that involve the sale of synthetic marijuana. Senator Schumer also urged the DEA to publish information about new brands of synthetic marijuana online.
Researchers from NYU Langone Medical Center have stated that national data indicates that the use of synthetic drugs has increased from 2009 to 2013. Use was most common among “males, whites, people with lower income and city dwellers.”

Other News of Interest

**California Attorney General Kamala D. Harris** announced that the U.S. Department of Justice’s Community Oriented Policing Services (COPS) Office has awarded the California Department of Justice over two million dollars in grants to combat gang activity and the manufacturing and distribution of methamphetamine throughout California.

**Florida Attorney General Pam Bondi**, together with Orange County, Florida, Sheriff Jerry Demings and the Metropolitan Bureau of Investigation, announced the arrest of 21 people in connection with a massive drug and human trafficking ring operating in central Florida. The underlying investigation lasted two years and involved the execution of search warrants which led to the seizure of large amounts of marijuana, cocaine, heroin, and several stolen weapons, as well as cash.

**New Jersey Acting Attorney General John J. Hoffman** announced the indictment of a man charged with possessing 20 kilograms of cocaine and three kilograms of heroin. The defendant, Jeffrey Groth, was allegedly distributing the drugs from his home in Dunnellen, New Jersey.

**Pennsylvania Attorney General Kathleen Kane** announced that Donald Charles Fritz has been arrested as the result of a joint investigation conducted by her office, Homeland Security Investigations, and the Carbon County Drug Task Force. During the investigation, Fritz allegedly sold crystal methamphetamine to undercover investigators. During a search warrant execution at Fritz’ home, investigators reported recovering a kilogram of crystal methamphetamine, which has a street value of roughly $200,000, as well as six firearms, one with an obliterated serial number, drug paraphernalia, and over $28,000.


Kentucky state officials are considering the use of a roadside field test that would help to detect the use of controlled substances by drivers. The portable kits would allow for the testing of saliva samples for up to ten drugs. However, the testing would not show the person’s level of impairment and would not
be allowed into evidence at a subsequent trial. The test results would help officers to narrow down which drugs to test for during blood testing.

Officials have reported that a four-month-old baby found dead in her mother’s bed in Newnan, Georgia, had methamphetamine in her system. Methamphetamine was also found in the systems of the baby’s two-year-old sister and four-year-old brother. The mother of the children has been charged with three counts of felony child cruelty and possession of methamphetamine and may face additional charges as the investigation continues.

The New Mexico Department of Public Safety will receive over $550,000 in federal grant funding to combat methamphetamine trafficking and related violence. The Department is one of seven recipients who will receive such funding. The U.S. Department of Justice explained that the funding is for state-level law enforcement agencies that are handling high seizures of precursor chemicals, finished methamphetamine, and laboratories.

In 2011, President Obama issued a Presidential Proclamation designating October as National Substance Abuse Prevention Month. To learn more about Prevention Month, click on this link.

The National Institute on Drug Abuse (NIDA) has released its draft 2016-2020 Strategic Plan which provides a framework for the research it will support over the next five years. To learn more and to access the draft plan, click on this link.

The U.S. Substance Abuse and Mental Health Services has released a new annual report which provides trend data on people’s perceptions of the risk of illicit substances and how the perceptions may affect the likelihood of use of those substances. For a summary of the report, click on this link. To view the entirety of the report, click on this link.

To learn more about the HOPE Probation Strategy, which was first conceived and established in Honolulu and has shown very successful results, click on this link to access a comprehension description of the Strategy. The report was prepared by The Institute for Behavior and Health.

On September 25, 2015, I viewed the “Big Cities & Prescription Drugs: Health Departments in Our Nation’s Largest Cities Respond to Opioid Misuse and Addiction” webinar, which was hosted by the Association of State and Territorial Health Officials (ASTHO). I found it to be very informative. To learn more about what was discussed, please email me at fliquori@naag.org.

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