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.

APRIL 2015

New Developments in Combatting Opioid Abuse

Kentucky Attorney General Jack Conway and First Lady Jane Beshear announced that the state will purchase opioid reversal kits and make them available to patients at hospitals with the highest rates of heroin overdose deaths, such as the University of Louisville Hospital. Funding for the project is provided by the Substance Abuse Treatment Advisory Committee (SATAC). SATAC was created by the Governor to oversee the KY Kids Recovery grant program and the distribution of $32 million worth of funds obtained through a settlement secured by the Attorney General against two pharmaceutical companies.

Mississippi Attorney General Jim Hood and Mississippi Bureau of Narcotics Director Sam Owens warned opioid users within the state of the recent overdoses linked to fentanyl-laced heroin. Specifically, of the 154 overdoses reported to the Mississippi Bureau of Narcotics in 2014, 8 involved fentanyl. Fentanyl is 50 to 100 times stronger than morphine and 30 to 50 times more potent than heroin. This month, the Drug Enforcement Administration (DEA) also issued a nationwide alert regarding the dangers of fentanyl and fentanyl analogues/compounds, stating that “[i]n the last two years, DEA has seen a significant resurgence in fentanyl-related seizures...[and]...has identified 15 other fentanyl-related compounds.” In one case in 2014, the DEA seized 12 kilograms of fentanyl, which originated with Mexican drug trafficking organizations.

Massachusetts Attorney General Maura Healey announced that two people have been charged in connection with heroin trafficking and conspiracy to distribute heroin. This month, General Healey also gave remarks at the state Governor’s Opioid Addiction Working Group Listening Tour, during which she was able to listen to community concerns relating to opioid abuse and participate in a Fall River, Massachusetts, roundtable event on the same topic.

New York State Attorney General Eric T. Schneiderman has announced the arrest of a registered nurse in connection with six alleged thefts of oxycodone from an emergency supply of the drug maintained by the facility where she was formerly employed. She is also charged with forging facility records and forging the signature of other nurses to conceal the thefts.
Attorney General Schneiderman also announced that indictments had been secured against 22 individuals for allegedly operating cocaine and heroin trafficking rings within New York State, Connecticut and New Jersey. When arrests were made in connection with the indictments, authorities recovered crack-cocaine, three firearms, and heroin.

Virginia Attorney General Mark Herring is continuing his 11-stop public safety tour across his state, with mental health and heroin use serving as the main topics of discussion. This is General Herring’s second annual statewide public safety tour. At each stop, he speaks with officials and members of law enforcement regarding their greatest concerns.

Wisconsin Attorney General Brad Schimel will serve as a guest caller on the state’s “Teen Connection: Teens and Prescription Drugs,” a television show airing on the state’s public and local television stations.

Kentucky Governor Steve Beshear has signed SB192 into law. It “provides a public health response to a public health crisis.” The legislation increases the time that heroin dealers would have to serve upon conviction, provides more than $20 million each year to the state budget for treatment, gives local health departments the option of creating needle exchanges upon approval from their city and county governments, and includes a Good Samaritan provision and increased access to Naloxone. Specifically, pharmacists will be able to provide Naloxone to drug abusers and their families.

The Maryland legislature is considering HB896, which, among other actions, would create the Maryland Opioid Use Disorder Consortium. The Consortium would be made up of stakeholders including members of law enforcement, the medical community, academia and state officials and would work to combat heroin and opioid abuse. The state Senate will consider a companion bill. The bill cites Colorado as a model.

The Ohio House of Representatives has passed HB4, which expands access to Naloxone to health departments, pharmacies and friends and family members of at-risk abusers. The legislation also works “towards granting permission for selling naloxone wholesale for use in law enforcement.”

On July 1, New Jersey will launch a 24-hour state call line for citizens seeking substance abuse treatment. The service will “provide an assessment of callers’ needs, chart a plan for treatment and provide referrals to available treatment centers.”

A former FBI agent has been charged with over 50 federal crimes in connection with the alleged theft of heroin seized in a drug raid. Charges include obstruction of justice, possession of heroin, falsification of records, and conversion of property. Federal authorities accused the agent, Matthew Lowry, of using a portion of the heroin before adding fillers to account for the change in weight and then returning the remaining heroin to the evidence locker. Lowry is accused of tampering with heroin on twenty occasions. It is alleged that his actions resulted in the dismissal of 24 defendants’ drug trafficking cases.

A recent U.S. Government Accountability Office (GAO) study found that DEA has “contributed to the shortage of prescription drugs containing controlled substances” by not meeting deadlines for setting
quotas for how much particular types of controlled substances can be produced by drug manufacturers.

A recent study conducted by the Urban Institute found that, between 1992 and 2006, death rates for women increased in 42.8 percent of U.S. counties while death rates for men increased in only 3.4 percent of the counties. In 1999, opioid-related complications accounted for the deaths of 3.3 per 100,000 women. By 2011, that number was up to 15.9 per 100,000 women.

**Synthetic Drug News**

Oklahoma Attorney General Scott Pruitt announced that an investigation into three stores relating to the sale and distribution of synthetic marijuana has led to the execution of search warrants across four states and the arrest of six individuals.

A Kansas man was sentenced to over seven years in prison in connection with the marketing of designer drugs in the United States and abroad. He conspired with two others to manufacture and sell the drugs. The three netted at least $3.3 million as a result of the scheme which spanned the United States, Canada, South America, Europe and Asia.

The highest appellate court in Maine ruled that the conviction of David Reckards can be upheld. Reckards was charged with conspiracy and unlawful trafficking in synthetic hallucinogenic drugs and later plead guilty. His plea was “conditional” in that, if his appeal to higher courts on the grounds that Maine’s synthetic drug laws are unconstitutionally vague were successful, then he could withdraw his plea. The appellate found that the state law was complicated, but not unconstitutionally vague.

Authorities in New Mexico are warning citizens about the emergence of a new synthetic drug, called 25I-NBOMe, or N-Bomb, which apparently caused the recent death of a 15 year old in the state and several other deaths around the United States. The substance is a stimulant that causes LSD-like effects.

**Neonatal Abstinence Syndrome**

The Massachusetts Department of Children and Families has reported that over 1,770 babies born in 2014 within the state had been exposed to drugs while in vitro. The state legislature is now considering a bill which will address neonatal abstinence syndrome (NAS) to “ensure affected infants receive better care.”

A review of Tennessee’s statistics relating to NAS shows that “legally prescribed drugs account for more than half of drug addicted newborns.” The Hawkins County Anti-Drug Coalition was given the opportunity to hold dolls which simulate the actions of newborns suffering from NAS. These dolls can be a valuable education and prevention tool.
This interview of Dr. Jennifer Lind PharmD, MPH, from the CDC’s Division of Birth Defects and Developmental Disabilities, explains the findings of a report recently published by the CDC and Florida officials relating to NAS. 97% of the 242 infants studied were admitted to an intensive care unit. Only a small portion of the infants’ mothers had documentation of referrals to substance abuse treatment.

Updates in the Field of Marijuana Legalization

Colorado Attorney General Cynthia Coffman announced that thirty-two people have been arrested in connection with an investigation into a marijuana drug trafficking conspiracy. The investigation was conducted jointly between the Attorney General’s Office, the Denver Police Department, the U.S. Department of Justice, the Colorado Department of Revenue Criminal Tax Enforcement and other state and federal law enforcement agencies. The conspirators are alleged to have laundered millions of dollars by holding “themselves out as medical marijuana patient caregivers, property managers servicing marijuana growers, as marijuana ‘cooperatives,’ and small business owners while they trafficked tens of thousands of pounds of marijuana trim, concentrate, and butane hash oil out of state.”

Senate Bill 30 has advanced through the Alaska Senate Finance Committee. It updates the state’s criminal sanctions for marijuana violations and also prohibits marijuana retailers in the state’s “unorganized borough outside the municipalities.”

A pending Colorado bill would repeal the requirement that edible marijuana be “clearly identifiable...with a standard symbol indicating that it contains marijuana and is not for consumption for children.” A panel of stakeholders has been unable to agree on how to make the foods “clearly identifiable,” as different types of edibles are manufactured and packaged differently.

Georgia’s House of Representatives recently passed House Bill 1, which legalizes the use of cannabidiol (CBD) by adults and children to treat a range of illnesses. However, the bill does not legalize the production or sale of this substance.

Iowa’s legislature is considering a bill which would establish a medical marijuana program as well as a Medical Advisory Board to oversee the program. Senate Study Bill 1243 legalizes various forms of cannabis for the treatment of certain medical conditions. While the law will not permit the smoking of marijuana, meaning that the substance will have to be ingested through edibles or other non-smoking methods, the law will allow residents to obtain the substance locally.

A Louisiana legislator has filed legislation which would allow voters to decide whether the possession, distribution and dispensation of marijuana should be legal within the state. Voters would decide in November 2016.

In late March, the Campaign to Regulate Marijuana Like Alcohol filed an initiative to legalize marijuana for adults in Maine. The initiative calls for the legalization of the possession of up to one ounce of marijuana as well as the growing of up to six marijuana plants and the possession of the marijuana
grown from the plants. As per Maine law, five registered voters had to support the initiative. The registered voters supporting the Campaign included a current state representative, a former state representative and a county commissioner, among others. If the Secretary of State approves the initiative, the Campaign must then collect approximately 62,000 signatures in order for the initiative to appear on the November 2016 ballot.

The Massachusetts legislature is considering a bill which would legalize the possession and growing of marijuana for adults ages 21 or older and would also establish a regulated system of marijuana growers, retailers and testing and processing facilities.

A Montana Senator introduced a bill that will codify the holding of a lawsuit which challenged a 2011 state medical marijuana law. Attorney General Tim Fox is currently appealing the findings of this lawsuit. This article outlines the key provisions of the bill. Provisions of note include removing the limit of cardholders that can be assisted by a medical marijuana provider and allowing for the advertising of medical marijuana.

New Jersey’s Department of Health has issued standards for marijuana edibles. The state currently has three medical marijuana dispensaries. These standards may “clear the way” for the dispensaries to prepare and sell edibles. Current New Jersey law only legalizes the manufacture and sale of edible medical marijuana for children.

This article details New York’s medical marijuana law and the regulations that the New York State Health Department will be issuing soon. The law lists the ten medical conditions that qualify one for the use of medical marijuana and also prohibits the smoking of marijuana. The state will initially only allow 20 dispensaries across the state, which will be run by five organizations. Sales will be restricted to five medical marijuana brands. Pricing will be determined by the State Health Commissioner. Medical marijuana will not be covered by insurance or Medicaid. The system should be running by 2016.

Various Oregon legislators are developing bills which will place new limits on growers of medical marijuana. A legislator in favor of stricter regulations “estimated that as much as 75 percent of the medical marijuana in the state winds up going to the black market.” Some topics of pending legislation in this regard include a limit on the number of plants that can be grown, the licensing of medical marijuana growers, and a prohibition on the issuance of Oregon medical marijuana cards to out-of-state residents.

Washington State legislators are considering S.B. 6083 and companion H.B. 2196, which would allow adults aged 21 and older to grow up to six marijuana plants for personal use and to donate up to one ounce to another adult. The legislation would also allow growers to possess up to eight ounces of “usable marijuana.”

The U.S. Senate is considering The Compassionate Access, Research Expansion and Respect States Act (CARERS) and the U.S. House is considering companion bill HR1538. The stated goals of the legislation are to “extend the principle of federalism to State drug policy, provide access to medical marijuana, and enable research into the medicinal properties of marijuana. In particular, the legislation would
decriminalize the transportation of cannabidiol from states that allow production to states that allow its use and amend the federal Controlled Substances Act so that marijuana is classified as a Schedule II substance so that the federal ban on marijuana would not apply to people who grow, distribute or use the drug for medicinal purposes in compliance with State law. It would also provide a “safe harbor” for depository institutions. In addition, the legislation would expand researchers’ access to medical marijuana.

Recently, a state-licensed laboratory in Denver, Colorado, performed testing on marijuana grown and sold within the state. The article found at this link details the results, including potency, levels of THC versus CBD and contamination levels.

The City of Denver has ordered six commercial marijuana growers to quarantine hundreds of their plants due to possible pesticide violations. All licensed marijuana grow facilities must provide city authorities with a list of pesticides used by April 1.

The Colorado Springs Gazette recently published a series of articles that “examine the health, social, regulatory and financial issues associated with the world’s boldest experiment with legal marijuana.” The series can be accessed at this link.

A recent article published in The Wall Street Journal examines the current debate surrounding the use of cannabidiol to treat children’s medical conditions.

Other News of Interest

Florida’s legislature recently considered a bill which would have classified two of the alkaloids found in kratom as Schedule I substances, with an exception for FDA approved drugs. The legislature ultimately decided that further research was needed. State agencies, including Florida Attorney General Pam Bondi’s office, have been directed to study the effects of kratom to determine whether the substance should be scheduled within the state.

I have recently compiled information relating to kratom for NAAG’s Substance Abuse Committee. If you are interested in reviewing this research, please feel free to email me.

Colorado Governor John Hickenlooper signed legislation into law which allows for the taxation and regulation of powdered alcohol. Powdered alcohol will be regulated by the state’s liquor enforcement division. This article examines some concerns relating to the legalization of powdered alcohol.

FedEx Corp. has been charged with federal money laundering and drug trafficking charges in connection with alleged shipments of prescription pills to patients who never underwent a medical examination to from online pharmacies. FedEx has argued that its actions are protected under federal law, stating that it “cannot reasonably be expected to police whether any of the millions of packages tendered for shipment each day encloses a commodity that might somehow violate one among the thicket of federal, state and local laws.
The National Safety Council recently issued a report which examines the psychological and physical side effects of pain medications. The report can be accessed at this link.

On April 8, the Office of National Drug Control Policy (ONDCP) will host a webinar on synthetic drugs, from 1:00-2:00 PM EST. Click on this link to register.

One of NAAG’s Visiting Fellows recently attended the U.S. House of Representatives Energy and Commerce Prescription Drug Meeting. During the meeting, a panel of doctors, law enforcement representatives, and civic organizations discussed issues relating to opioid abuse and treatment. For a summary of that meeting, please feel free to email me.

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