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.

AUGUST 2015

New Developments in Combatting Opioid Abuse

A year-long study conducted by researchers at the University of Kentucky Institute for Pharmaceutical Outcomes and Policy found that, since Kentucky’s prescription drug legislation was enacted, the Commonwealth has seen a significant decline in the number of prescriptions for the most commonly abused drugs. Kentucky has also experienced a large decrease in doctor shopping and an increase in the number of its citizens who are seeking treatment for addiction. Kentucky Attorney General Jack Conway worked with the legislators and Governor Steve Beshear to “craft and pass...[the] legislation.”

Montana Attorney General Tim Fox announced the availability of prescription drug disposal grants for pharmacies through the Montana Pharmacy Safe Medication Disposal Initiative. General Fox’s office will award up to ten grants of $2,000 each in order to allow more pharmacies to offer free and safe drug disposal to their customers.

Ohio Attorney General Mike DeWine announced that, as the result of a joint investigation with the Mahoning Valley, Ohio, Law Enforcement Task Force and the Mahoning County Prosecutor, a 261-count indictment has been filed against 37 people who allegedly participated in a heroin trafficking organization within Mahoning County.

Charges have been filed against five men accused of distributing approximately $100,000 in heroin over a three-month period. The investigation against these men was led by the Bureau of Narcotics Investigation Unit in Pennsylvania Attorney General Kathleen Kane’s Office.

Connecticut Governor Dannel P. Malloy signed a bill into law which addresses prescription drug abuse. Public Act No. 15-198: An Act Concerning Substance Abuse and Opioid Overdose Protection, requires physicians to take a continuing education course on prescribing controlled substances and pain management and requires physicians to review Connecticut’s Prescription Drug Monitoring Program (PDMP) before dispensing more than a 72-hour supply of certain controlled substances. Last, the legislation allows pharmacists to prescribe Narcan after receiving training to do so.
A new law in New Jersey will mandate that prescribers and pharmacists register for the state’s Prescription Drug Monitoring Program (PDMP). The law also requires pharmacists and physicians to consult the PDMP under certain circumstances. For example, a pharmacist must consult the PDMP prior to dispensing a Schedule II controlled substance if he or she believes the patient “may be seeking the prescription for any use other than medical treatment.”

In July, the U.S. House of Representatives Judiciary Subcommittee on Crime, Terrorism, Homeland Security and Investigations explored the causes of the increase in the amount of heroin being brought into the United States. Causes include increased demand among young people who use heroin “recreationally” by snorting it and the increased activity of Mexican drug cartels.

The DEA has announced that its 10th National Prescription Drug Take-Back event will take place on Saturday, September 26, from 10AM-2PM in every state but Pennsylvania and Delaware (the event will take place on September 12 in those states).

According to the Centers for Disease Control and Prevention (CDC), heroin addiction and the rate of fatal heroin overdoses have increased dramatically over the past decade. This article details the key findings of the CDC.

The increase in heroin overdose rates in this country has caused some experts to question whether the FDA’s Risk Evaluation and Mitigation Strategies (REMS) for prescription opioids are effective. The FDA’s REMS “ensures that the benefits of a drug or biological product outweigh its risks.”

The National Institute on Drug Abuse (NIDA) has released two new online resources. First, the Substance Use in Women “provides information on the importance of scientific research into sex and gender issues related to drug use,” summarizes the latest research related to drug use while pregnant or breastfeeding, and examines other issues related to drug use. The second resource is the Therapeutic Communities Research Report, which discusses the approach, key components, and effectiveness of therapeutic communities, which are a common model of long-term residential treatment.

The National Association of School Nurses released a position statement relating to Naloxone use in a school setting. The organization believes that “the safe and effective management of opioid pain reliever (OPR)-related overdose in schools [should] be incorporated into the school emergency preparedness and response plan” and that “[s]chool nurses...should facilitate access to naloxone for the management of OPR-related overdose in the school setting.”

This article explores how drug abuse affects women. Women tend to become dependent on drugs faster and find it harder to stop using the drugs. Women also may be more susceptible than men to relapse and have reported feeling more influenced by social pressure to use drugs. Men, however, are more likely to die from heroin overdoses, as men typically consume larger quantities of the drug than women.
According to researchers from the Johns Hopkins Bloomberg School of Public Health, many physicians “incorrectly believe that abuse-deterrent pills are less addictive than standard opioid painkillers” and this misunderstanding “maybe contributing to the problem of prescription drug abuse and addiction.”

Researchers from the Mayo Clinic found that 25% of first-time users of an opioid drug went on to become long-term users. Top risk factors include past or present nicotine use and substance abuse.

Updates in the Field of Marijuana Legalization

The Flandreau Reservation of Sioux Falls, South Dakota is working with Colorado-based company Monarch America, to develop marijuana grow facility. The reservation hopes to open the facility by the first week of December. South Dakota Attorney General Marty Jackley is in talks with the reservation but has stated that anyone in possession of marijuana is in violation of state and federal law, including non-Indians on tribal lands and Indians who leave the reservations.

California Governor Jerry Brown signed AB-258, The Medical Cannabis Organ Transplant Act, into law in early July. The law prohibits discrimination against medical cannabis patients in the organ transplant process. There is an exception for when a doctor has determined that medical marijuana use is “clinically significant” to the process.

In early July, a raid of two properties on the Cahuilla Indian Reservation in California resulted in the arrest of 13 people and the seizure of 11,000 marijuana plants, a stolen rifle, a handgun, and Ecstasy pills. Federal agents also raided territories of the Pit River Tribe and the Alturas Rancheria in California and seized over 12,000 plants. The Bureau of Indian affairs also supported the raid.

In Colorado, a woman was acquitted of driving under the influence of marijuana, even after tests showed that her blood contained over five times the legal limit of marijuana. The defendant is a medical marijuana patient who was pulled over for driving with an expired license plate tag. She failed a roadside sobriety test.

The Illinois Department of Public Health recently reported that only about 2,600 patients have been cleared to access medical marijuana. While 22,600 people have signed up to obtain the drug, only 3,200 have completed the extensive application. Business owners have said that the low numbers cannot sustain the medical marijuana industry within the state.

The Michigan Supreme Court has remanded two case back to a Circuit Court to decide whether two men can claim immunity from prosecution for growing and providing marijuana to people with marijuana cards. Both defendants are certified medical marijuana users and one of the two defendants is a certified caregiver. While the Supreme Court decision states that the lower court must decide whether the men can claim immunity, the decision does not allow the men to present an affirmative defense against the charges. The Court stated that “the many inconsistencies...
“law” have caused confusion for medical marijuana caregivers and patients, law enforcement, attorneys and judges and have consumed valuable public and private resources to interpret and apply it.”

An appellate court in New Mexico recently held that the state’s Workers’ Compensation Act required an employer/insurer to reimburse an injured worker for medical marijuana.

Portland International Airport will now allow those traveling to other cities within the state of Oregon to possess up to one ounce of marijuana. This policy was enacted on July 1, which is the same day that recreational marijuana became legal in Oregon.

The Oregon Senate has passed Senate Joint Memorial 12, which calls on the U.S. Congress to declassify marijuana as a Schedule I drug under the federal Controlled Substances Act.

In the last week of July, new marijuana laws took effect in Washington state, including a prohibition on the use of butane gas by any medical marijuana processor to manufacture butane hash oil (BHO). Licensed recreational processors can still use the gas, because there are more controls and certifications required on recreational processing facilities. Other changes to marijuana law in the state include the addition of post-traumatic stress disorder and traumatic brain injuries to the list of qualifying conditions for medical marijuana use, additional regulations for healthcare practitioners who write medical marijuana authorizations, and the mandate that no more than fifteen plants may be grown in a single housing unit even if multiple patients or designated providers live within that unit.

Washington state and local governments have collected more than $70 million in taxes since recreational marijuana was legalized last year. This is double the forecasted marijuana tax revenue of $36 million.

The U.S. Senate Appropriations Committee passed a bill which would allow Washington, D.C., to open regulated marijuana stores and allow banks to provide financial services to state-legalized marijuana dispensaries. Additionally, S.1726, the Marijuana Businesses Access to Banking Act of 2015, has been introduced in the U.S. Senate. The legislation would, in part, establish a “safe harbor” for depository institutions that provide financial services to a marijuana-related legitimate business and prohibits a bank from losing federal deposit insurance solely because it serves legal marijuana businesses.

In early July, an amendment to the 21st Century Cures Act died in the U.S. House. The Amendment would have “reclassified marijuana so that national laboratories could conduct ‘credible research on its safety and efficacy as a medical treatment.’”

A federal judge who allowed defendants charged with marijuana-related crimes to challenge the federal government’s ban on marijuana has upheld the law on the grounds that “there are ‘disagreements among well-informed experts’ about whether the plant has any medicinal value,” and so Congress has a “rational basis” for classifying marijuana as a Schedule I drug.

A report issued by the U.S. Centers for Disease Control and Prevention examined the circumstances of the death of a 19-year-old Coloradan who died last year after eating six times the recommended dose of
a marijuana cookie and then jumping off a balcony. The report recommends that marijuana edibles have clear labels and limited portion sizes according to dosage guidelines.

Researchers at the University of Texas at Austin found that marijuana use is on the decline among teenagers and that disapproval of marijuana by young teens is increasing. The research also found that the growing legalization of marijuana did not “result[ed] in more use or greater approval of marijuana among younger adolescents.”

This article details the current state of banking regulations in the United States as they relate to marijuana. In November, the Fourth Corner Credit Union, based in Denver, Colorado, applied to the Federal Reserve for a master account. As the article explains, the institution recently learned it had not been approved and, as a result, filed a lawsuit against the Federal Reserve in federal court in Colorado.

**Synthetic Drug News**

District of Columbia Attorney General Karl A. Racine announced that his office obtained a court-ordered permanent injunction which forced a store within the District to shut down for one year after the store repeatedly sold synthetic drugs. The Office has taken similar actions against other stores within the District and is working with the District’s Department of Consumer and Regulatory Affairs and the Metropolitan Police Department to fight the sale and use of these drugs.

In 2013, Indiana’s legislature passed a law which would allow the Indiana State Pharmacy Board to add new compounds to the state’s list of outlawed substances as the substances were identified by the state drug labs. Recently, the state’s Court of Appeals found that a portion of the law was unconstitutionally vague, because the definition of which substances were illegal was too difficult to find in some circumstances. The case is now pending before the Indiana Supreme Court, where Indiana Attorney General Greg Zoeller recently argued that the statute is constitutional and asked the Court to affirm the decision of the trial court, which would leave the ban intact.

New Hampshire Governor Maggie Hassan signed a bill prohibiting the sale, use, or possession of “spice.” New Hampshire Attorney General Joseph Foster stated that the goal of the legislation was to pressure New Hampshire businesses to refrain from carrying the product. Businesses found selling spice can lose their beer, wine, food, and lottery ticket licenses. The law also allows for a faster scheduling of new synthetic substances and lets the Governor’s Commission on Alcohol and Drug Abuse recommend education programs for community members.

New York Governor Andrew Cuomo enacted emergency legislation that added additional synthetic drug compounds to the list of compounds banned within the state. New York’s Public Health and Health Planning Council must now approve the measure.
Vermont lawmakers are considering legislation which will outlaw 75 additional synthetic drug compounds, including acetyl-fentanyl, a derivative of fentanyl which has caused several deaths within the state.

This article details the lengthy process involved in testing synthetic drugs seized during arrests and the effect that it has on prosecutors handling such cases.

A study published in The American Journal on Addictions found that one-fifth of high school seniors who have tried bath salts have taken the drug 40 times or more. However, only about one percent of the high school seniors surveyed admitted to trying the substances. The study was conducted by a researcher at New York University who studied data about drug use relating to 8,000 teens across the nation.

This article provides a good overview of the problems that law enforcement faces in relation to synthetic drugs and also details the specific epidemic of “spike” use among certain communities in Syracuse, New York.

Other News of Interest

California Attorney General Kamala D. Harris announced the seizure of $2 million worth of methamphetamine and the arrest of five individuals in connection to drug trafficking linked to the Sinaloa Cartel.

The Oregon Department of Justice’s Criminal Justice Division, which is part of the office of Oregon Attorney General Ellen F. Rosenblum, recently concluded a four-month wiretap investigation involving a drug trafficking organization with direct ties to the La Familia Michoacana cartel. Working with the Drug Enforcement Administration, the Oregon State Police and local law enforcement agencies, the operation dismantled the drug trafficking organization and made what is believed to be the largest liquid methamphetamine seizure in Oregon history. The operation also intercepted more than 2,000 phone calls relating to drug trafficking and seized $44,000 in a single targeted interdiction. In all, 17 defendants have been charged with racketeering under Oregon law.

Rhode Island Attorney General Peter F. Kilmartin recently released a public service announcement (PSA) on the dangers of drunk driving. The PSA focuses specifically on demonstrating the severe and deadly dangers of drunk driving to younger drivers.

United States Health and Human Services (HHS) Secretary Sylvia Burwell announced that the Substance Abuse and Mental Health Services Administration (SAMHSA) will award up to $11 million to eleven states to enhance and expand their opioid treatment service systems. A major focus of the funding will be on medication-assisted treatment (MAT).

The U.S. National Institutes of Health (NIH) is developing a five year NIH-wide Strategic Plan which will outline a vision for biomedical research that ultimately extends healthy life and reduces illness and
disability. NIH senior leadership and staff have developed a proposed framework for the Plan that identifies areas of opportunity across all biomedicine and unifying principles to guide NIH’s support of the biomedical research enterprise, with the aim of pursuing crosscutting areas of research that span NIH’s 27 Institutes, Centers, and Offices. NIH has invited stakeholders to review the framework in its Request for Information and on the NIH website and to provide feedback via the Request for Information Submission Site. NIH will also be hosting webinars to gather additional input in early to mid-August.

The Office of National Drug Control Policy (ONDCP) will host a webinar on medication-assisted treatment (MAT) on August 27 at 3 PM Eastern Time. Panelists will provide technical advice on implementing successful MAT programs and coordinating care for patients with opioid use disorder. To register, click on this link.

Responsibility.org, which is a partner of the National Center For DWI Courts, recently released a publication which tracks legislative activity in a number of states relating to drunk driving, underage drinking, and drug-impaired driving.

This month, I attended the National Association of Drug Court Professional’s annual training conference. During the Conference, the organization distributed the Adult Drug Court Best Practice Standards Volume II. If you are interested in learning more about what was discussed at the conference or viewing the Best Practice Standards, please email me at fliquori@naag.org.

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