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.

FEBRUARY 2015

New Developments in Combatting Opioid Abuse

**Indiana Attorney General Greg Zoeller** has worked to provide secure drop-off locations for prescription drugs as part of his effort to reduce prescription drug abuse within the state. A new drop-box was recently installed at a police department in Westfield, Indiana, with Attorney General Zoeller stating that “fighting prescription drug abuse begins in our local communities and homes.”

**Maine Attorney General Janet Mills** and **Maryland Attorney General Brian E. Frosh** have joined the Northeast and Mid-Atlantic Heroin Task Force (NEMA-HTF), a task force of state attorneys general which is co-chaired by **New York Attorney General Eric T. Schneiderman** and **New Jersey Acting Attorney General John Jay Hoffman**. Other members include **Pennsylvania Attorney General Kathleen Kane**, and **Massachusetts Attorney General Maura Healey**. The “foremost goal” of the task force is collaboration, coordination and information-sharing between the attorneys general and other law enforcement agencies to combat organized narcotics enterprises that are supplying citizens with heroin.

**New York Attorney General Eric T. Schneiderman** is expected to announce that he has reached an agreement with Amphastar Pharmaceuticals, the manufacturer of naloxone, which will reduce the price of such drug. Over the past year, numerous state agencies have reported that the cost of the drug has increased from approximately $20 to around $35 or $40 per dose. As detailed in the cited article, the agreement will provide a $6 rebate per dose to police departments and other New York agencies that distribute the drug. The rebate amount will increase to match any wholesale price increases over the next year.

**Pennsylvania Attorney General Kathleen Kane** has announced that 22 people have been arrested as part of an investigation into a prescription drug forgery ring that operated in two-thirds of the state’s counties. The ring allegedly made a profit of around $1.7 million during the course of its operation. According to General Kane, the state’s prescription drug monitoring program (PDMP) was one of the tools used by investigators.

The Virginia General Assembly has passed all pieces of **Attorney General Mark R. Herring’s heroin and prescription drug legislation package**. The bills include provisions that will allow law enforcement and first responders to carry and administer naloxone and will permit prosecutors to charge a drug dealer with second degree murder if an individual fatally overdoses after ingesting the drugs sold by that dealer. An included bill also grants probation officers access to the state’s prescription drug monitoring program (PDMP) to ensure that probationers are not improperly obtaining opioid
Attorney General Mark Herring recently spoke about the bills, stating “[t]he goal of these bills is to save lives. I don’t want another parent to have to bury a child. And I don’t want another child to lose a parent to heroin or prescription drug overdose.”

A state judge recently ruled that the West Virginia Department of Health and Human Resources and the state Department of Military Affairs have the right to sue a number of drug companies. The plaintiff, West Virginia Attorney General Patrick Morrissey, alleges that the companies failed “to provide effective controls and procedures to guard against the diversion of controlled substances that are known to have a high likelihood for abuse.”

New Jersey Governor Chris Christie has signed three bills into law that address the heroin and prescription drug problem within his state, including a Good Samaritan bill applicable to emergency responders and needle-exchange program employees who administer naloxone, a requirement that inmates have access to mental health and substance abuse treatment programs and a requirement that “the state Division of Mental Health and Addiction Services. . . prepare an annual report detailing the performance of treatment providers.”

The U.S. Food and Drug Administration (FDA) has approved a formulation of Zohydro ER which contains abuse-deterrent properties. When the pill is crushed or dissolved, a viscous gel will form.

The Centers for Disease Control (CDC) has reviewed the percentage of women of childbearing age who have been prescribed opioid pain medications each year from 2008 to 2012 and called the results a “significant public health concern.” Specifically, roughly 25 percent of this group who are privately insured and approximately 33 percent of the group insured by Medicaid has filled such a prescription within that time period. The CDC is concerned that the women may become pregnant while ingesting these pills and advise “more targeted interventions and communication strategies [as such are necessary] to reduce ‘unnecessary prescribing and use of opioid-containing medications, particularly among women who might become pregnant.’”

**Synthetic Drug News**

An Iowa court recently held that the owner of a Shop N Save must pay $50,000 in fines to the state in connection with the sale of synthetic drugs. The court also ordered the retailer to stop selling such drugs. Iowa Attorney General Tom Miller brought the case against the retailer as the result of an investigation conducted by multiple state agencies.

The New Hampshire Legislature is considering SB 106, a bill which will ban the sale and possession of all synthetic drugs and subject businesses selling these drugs to penalties and fines. The bill also calls for educating the state’s youth as to the dangers of synthetic drugs. The legislation allows the state’s Department of Health and Human Services to “add, delete, or otherwise revise” the list of substances that are currently listed in the bill. Currently, certain towns within the state ban the drugs. New Hampshire Attorney General Joe Foster supports the legislation, saying that it will “ensure ‘uniformity going forward.’”
South Dakota Attorney General Marty Jackley and state law enforcement are warning South Dakota residents of the existence of a liquid synthetic hallucinogenic drug which can “be mistaken for tap water.” It is known as 25i.

On February 10, 2015, a NAAG sign-on letter, signed by 43 Attorneys General, was sent to the CEOs of nine oil companies asking them to help eliminate any synthetic drug sales from retail locations operating under their brand names. Click on this link to access the press release, which contains a link to the body of the letter.

Texas senators are considering SB461, which prohibits the sale of “mislabeled abusable synthetic substances.” An “abusable synthetic substance” is defined by the bill as a substance that is not otherwise regulated under the title of the statute or federal law and when inhaled, ingested or otherwise introduced into a person’s body, produces an effect on the central nervous system, creates a condition of intoxication, hallucination, or elation, or charges, distorts or disturbs the person’s eyesight, thinking process, balance, or coordination.

A Texas Department of Public Safety trooper recently seized more than $3.7 million worth of synthetic marijuana during a traffic stop of a U-Haul. The marijuana was stored inside 39 boxes. The driver was from California and the drugs were allegedly being transported to Houston.

The United States Supreme Court has granted cert. in the case of McFadden v. United States. At issue is “whether, in a prosecution under the Controlled Substance Analogue Enforcement Act of 1986... the government must prove that the defendant knew, had a strong suspicion, or deliberately avoided knowing that the substance he was intentionally distributing for human consumption possessed the characteristics of a controlled substance analogue.” This will resolve the split between the Second, Seventh and Eight Circuits, who have ruled that the government is subject to such requirement, and the Fourth and Fifth Circuits.

Updates in the Field of Marijuana Legalization

The Colorado Department of Public Health released a new report that examines recreational marijuana use within the state. The report has been provided to NAAG by the Conference of Western Attorneys General (CWAG), who describes the study as:

> utilizing the standard public health approaches to alcohol, tobaccos and prescription drugs in monitoring use patterns and behaviors, health care utilization and potential health impacts, and emerging scientific literature to guide the development of policies or consumer education strategies to prevent serious health consequences. This report presents initial efforts regarding monitoring the changes in marijuana use patterns, potential health effects of marijuana use, and the most recent scientific findings associated with marijuana use to help facilitate evidence-based policy decisions and science-based public education campaigns.

To access a copy of the study, click on the PDF document below.
During a recent Senate confirmation hearing, United States Attorney General Nominee Loretta Lynch made clear that she does not support the legalization of marijuana and that it is not the position of the U.S. Department of Justice to support the legalization of marijuana.

The American Academy of Pediatrics’ new policy regarding marijuana holds that medical marijuana should only be administered to children with life-limiting or severely debilitating conditions who do not have other treatment options. The Academy also recommended re-scheduling marijuana to allow for more ease in research and development.

In Washington State, recreational marijuana is approximately 50 percent more expensive than medical marijuana, due to differences in regulatory schemes. Recreational marijuana dealers have now hired lobbyists to advocate for more regulation of medical marijuana to limit competition from the medical marijuana industry.

**New Efforts in the Fight Against Methamphetamine**

**Colorado Attorney General Cynthia Coffman** has announced the indictment of eight individuals alleged to have operated a methamphetamine drug trafficking ring in Denver. Charges include drug trafficking, firearm possession, money laundering and conspiracy. Those arrested are believed to be high-ranking members of the Bandidos Motorcycle Club, which, according to General Coffman, “is well known for its use of violence and intimidation.”

According to Mexican police, a small aerial drone which crashed in a shopping mall parking lot close to the United States border was carrying several pounds of methamphetamine.

**Other News of Interest**

**Pennsylvania Attorney General Kathleen Kane** has announced that eleven individuals have been charged in connection with a heroin and narcotics trafficking operation. Other arrests were previously made in connection with the operation in September 2014. The defendants were allegedly involved in the distribution of heroin, cocaine, hashish and prescription drugs.

A recent study conducted at Columbia University’s Mailman School of Public Health found that half of drivers, aged 16-25, who were fatally injured in car crashes in nine states between 1999-2011 were under the influence of marijuana, alcohol or both. The following states were included in the study: California, Connecticut, Hawaii, Illinois, New Hampshire, New Jersey, Rhode Island, Washington, and West Virginia.
Dr. Margaret A. Hamburg, Commissioner of the Food and Drug Administration (FDA), has announced that she will be stepping down at the end of March.

President Obama’s 2016 Budget, recently submitted to the U.S. Congress, includes more than $12 billion in Federal funds for reducing drug use through prevention and treatment programs, which is the “largest commitment to substance use disorder treatment and prevention efforts to date,” according to Office of National Drug Control Policy (ONDCP) Director Michael Botticelli. To review the allocation of funds, click on the following link.

The Obama Administration’s budget may also lead to legal sales of marijuana in Washington, D.C., as it removes a congressional restriction which currently prevents the city from establishing a regulatory structure for the legal sale and taxation of marijuana.

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