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.

JANUARY 2015

New Developments in Combatting Opioid Abuse

Florida Attorney General Pam Bondi has announced that 20 individuals were arrested in connection with their participation in a prescription drug trafficking ring. Trafficked drugs included oxycodone, hydrocodone and hydromorphone, which were sold in Central Florida. The investigation which led to the arrests was conducted jointly by General Bondi’s Office of Statewide Prosecution and the Drug Enforcement Administration (DEA).

As the result of a joint investigation conducted by Indiana Attorney General Greg Zoeller’s Medicaid Fraud Control Unit, the DEA, and local law enforcement, a doctor and nurse practitioner were arrested and charged with several federal felonies. The doctor’s license had already been suspended and General Zoeller will request an extension of the license suspension.

Indiana Attorney General Greg Zoeller also urged state residents to properly dispose of unused and unwanted prescription drugs by bringing them to last month’s Indianapolis Colts’ Bleed Blue Blood Drive and Health Fair at Lucas Oil Stadium. Members of his office also staffed a booth at the fair which provided attendees with information relating to prescription drug abuse.

Kentucky Attorney General Jack Conway, together with Kentucky Governor Steve Beshear and First Lady Jane Beshear announced that funds provided by the state’s Substance Abuse Treatment Advisory Committee (SATAC) will be used to provide overdose patients treated at Kentucky hospitals with Naloxone Rescue kits upon their discharge. SATAC was established by Governor Beshear after General Conway obtained $32 million in settlement funds from litigation against pharmaceutical companies. Settlement funds have also been used to fund adolescent treatment and drug-free homes, in addition to other programs.

General Conway also recently released a list of priorities, developed by his office, prosecutors and law enforcement, that he feels must be included in legislation related to heroin that will be considered by the Kentucky legislature. These priorities include expanded treatment, a Good
Samaritan provision, providing responding officers with Naloxone, and higher penalties for “high-volume traffickers.”

**Massachusetts Attorney General Maura Healy**, who has recently taken office, has stated that she is considering taking legal action “against pharmaceutical companies that are engaged in unfair or deceptive marketing practices and aren’t being straight with the public.” She also is in favor of youth prevention efforts, expanding the state’s prescription drug monitoring program, and increasing the number of drug courts within her state.

**Ohio Attorney General Mike DeWine**, together with the Ohio Department of Health, the Drug-Free Action Alliance and the National Association of Drug Diversion Investigators, has worked to provide 66 law enforcement agencies with permanent prescription drug drop boxes.

**West Virginia Attorney General Patrick Morrisey’s** Public Health Trust’s Dispose Responsibly of Prescriptions (DRoP) Program has awarded grants to three law enforcement agencies that will be used to purchase drug disposal boxes. The goal of the DRoP Program is to provide each county with a permanent disposal container.

The New Jersey legislature passed a number of bills relating to opioid abuse. These bills include, among other provisions, broad changes to the state’s “prevention education curriculum,” the creation of a report card ranking system for substance abuse centers, and a Good Samaritan provision for those who dispense Naloxone.

The New Jersey Supreme Court unanimously ruled that a woman who ingested methadone during her pregnancy could not be guilty of abuse or neglect after her baby was harmed by the drug, as the drug had been legitimately prescribed to her. The child at issue was born with Neonatal Abstinence Syndrome (NAS).

New York Governor Andrew Cuomo has developed ten public service announcements relating to heroin abuse that will be aired in New York movie theatres as part of his Combat Heroin campaign.

A Wisconsin woman was sentenced to 30 years in prison after she pled guilty to first-degree reckless homicide and pled no contest to physical abuse of a child, in connection with providing a three year old girl with Oxycodone while babysitting her. The child, whose body also showed signs of physical abuse, later died of an overdose.

The Food and Drug Administration (FDA) has approved a non-opioid injectable painkiller called Dyloject. It is for patients who are suffering from moderate to severe pain and will provide fast relief.

The FDA released a final labeling rule for prescription drugs which will provide guidance to pregnant and breastfeeding women. The rule provides more information regarding potential risks and also amends the format in which information is provided. The FDA also recently released a Safety Announcement relating to the possible risks of pain medicine use by pregnant women. In its statement, the FDA explains that it has evaluated studies in this area and
“determined they are too limited to make any recommendations,” adding that “[b]ecause of this uncertainty, the use of pain medicines during pregnancy should be carefully considered.”

Researchers at the University of Georgia have received a grant from the Robert Wood Johnson Foundation which will be used to determine whether prescription drug monitoring programs prevent patients who legitimately need prescription drugs from obtaining the drugs. This article provides some helpful statistics relating to prescription drug abuse in states such as Georgia and Tennessee and also provides a quote from Georgia Attorney General Sam Olens in which General Olens urges parents to pay attention to the contents of their medicine cabinets in order to ensure that their children do not abuse prescription drugs.

A recent study conducted by Express Scripts, a pharmacy benefits manager, found that half of patients that are prescribed more than 30 days’ worth of prescription painkillers were still using the drugs three years later, and that close to sixty percent of the patients were also prescribed other drugs including anti-anxiety drugs or muscle relaxants. One of the doctors who works for Express Scripts was quoted as saying that the study “begs for the use of active monitoring and also for better coordination of care.”

This article provides readers with an interesting summary of the history of opioid abuse within our country and the steps taken to combat such abuse.

**Synthetic Drug News**

Florida Attorney General Pam Bondi has announced the results of Operation Synthetic Web, a joint federal and state investigation into an organized synthetic drug trafficking organization. Fifteen individuals were arrested in connection with the sale and distribution of synthetic cannabinoids and over 80 kilograms of synthetic cannabinoids and 4,000 vials of liquid based synthetic cannabinoids were seized from convenience stores in Broward County. In total, the drugs have a street value of over $350,000. The organization also dealt in stolen property and has been connected to over $37,000 worth of stolen goods.

New York Attorney General Eric Scheiderman has secured a temporary restraining order that prevents a Brooklyn distributor from selling synthetic drugs. The related lawsuit was filed after an undercover investigation showed evidence of state labeling law violations and the promotion of dangerous and illegal drugs in New York and Colorado.

Oklahoma Attorney General Scott Pruitt has announced that an Oklahoma City store owner has been charged with selling synthetic marijuana. Search warrants executed at the store resulted in the seizure of over 500 packets of synthetic marijuana and over $11,000 which has been linked to drug distribution and money laundering. The investigation was conducted jointly by General Pruitt’s office and local and federal law enforcement.

The Drug Enforcement Administration has banned three additional synthetic cannabinoid strands. The strands have been added to Schedule I of the Controlled Substance Act (CSA).
John Skruck, who has been called “the leader of the nation’s largest synthetic hallucinogen operation” pled guilty in federal court in West Virginia to the distribution of bath salts and money laundering. The defendant ran two very profitable headshops which, according to federal authorities, were responsible for an increase in medical emergencies within the state.

Updates in the Field of Marijuana Legalization

Last month, now-former Colorado Attorney General John Suthers released an opinion relating to marijuana hash oil, in connection with a case in which a man has been charged with arson, reckless endangerment and manufacture of marijuana concentrate. Specifically, General Suthers’ brief states that producing such oil in one’s home is still illegal under Colorado state law.

Oklahoma Attorney General Scott Pruitt and Nebraska Attorney General Jon Bruning have filed a lawsuit in United States Supreme Court against the State of Colorado, arguing that the state’s commercialized marijuana system is unconstitutional. This article, issued by the Conference of Western Attorneys General, provides a helpful overview of the lawsuit.

Smart Approaches to Marijuana (SAM) has released a study showing a number of changes within Colorado and Washington after the legalization of marijuana. Some of the areas examined include the number of marijuana users within each state and nationally and the number of marijuana-related poisonings.

This article provides the reader with a helpful outline of how the U.S.

For an overview of the issues faced by employers with regards to the legalization of marijuana, click on this link.

Recently, the U.S. Department of Justice released a policy statement to US Attorneys regarding marijuana issues in Indian country (see attached). The statement outlines the eight federal law enforcement priorities enumerated in the August 2013 Cole Memorandum regarding the federal enforcement of marijuana laws. Specifically, the Indian country policy statement reads that “Nothing in the Cole Memorandum alters the authority or jurisdiction of the United States to enforce federal law in Indian Country. Each United States Attorney must assess all of the threats present in his or her district, including those in Indian Country, and focus enforcement efforts based on that district-specific assessment. The eight priorities…will guide United States Attorneys’ marijuana enforcement efforts in Indian Country, including in the event that sovereign Indian Nations seek to legalize the cultivation or use of marijuana in Indian Country.” (emphasis added). The statement also says that in making such an evaluation, the United States Attorneys “should consult with the affected tribes on a government-to-government basis.” Click on the link below to access the statement.
Washington State University researchers are working to develop a breath test that will detect THC, to be used in investigations into drugged driving. The research team is building upon technologies used by airlines and customs agents to detect contraband.

**New Efforts in the Fight Against Methamphetamine**

Over 200,000 pharmacies in the United States have switched to “meth-resistant” pseudoephedrine products over the past two years. Some states that are home to such pharmacies have experienced a drop in sales of pseudoephedrine and in the number of methamphetamine labs.

A study of medical records of more than 40,000 people from Utah, which has been published in *Drug and Alcohol Dependence*, found that those who use methamphetamine have a “greatly increased risk” of developing Parkinson’s disease. A previous study, conducted in California, found a similar risk.

**Other News of Interest**

The Foundation for Advancing Alcohol Responsibility recently recognized even attorneys general (Kansas Attorney General Derek Schmidt, Kentucky Attorney General Jack Conway, Montana Attorney General Tim Fox, Rhode Island Attorney General Peter Kilmartin, South Carolina Attorney General Alan Wilson, South Dakota Attorney General Marty Jackley, and Washington Attorney General Bob Ferguson) for the work that they have done to prevent underage drinking and impaired driving and to promote teen driver safety.

According to the Center for Disease Control and Prevention (CDC), six Americans die from alcohol poisoning each day, including a large number of middle-age adults.

Recent studies conducted at Yale, Mount Sinai and the National Institute of Mental Health have resulted in research that may suggest that ketamine (Special K) can help relieve depression in those who have not been helped by Prozac or Lexapro. However, some researchers are concerned that not enough studies have been done to indicate that this drug should be provided to patients.

In December, I participated in a conference call which discussed drugged driving and which was organized by the Institute for Behavior and Health. If you are interested in obtaining the minutes of that call, please feel free to email me at fliquori@naag.org.

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