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.

JULY 2015

New Developments in Combatting Opioid Abuse

Florida Attorney General Pam Bondi announced that a doctor and his wife have been arrested in connection with the trafficking of oxycodone. The doctor, Dr. Ibem Borges, has been charged with one count of manslaughter, three counts of trafficking oxycodone, racketeering, and conspiracy to commit racketeering, while his wife has been charged with racketeering, conspiracy to commit racketeering, and structuring transactions to evade reporting requirements. The manslaughter charge relates to the death of a patient who overdosed on narcotics allegedly prescribed by Borges, whose prescribing practices have been described as “concerning and at times even alarming.”

Indiana Attorney General Greg Zoeller attended a recent training for law enforcement on how to utilize Naloxone in order to show his support for the program. General Zoeller hopes to increase the number of first responders who have access to the tools and procedures taught at the training by making the training part of Indiana’s police academy programs.

Massachusetts Attorney General Maura Healey visited local legislators and law enforcement in Berkshire and Pittsfield to learn more about how opioid abuse is affecting state residents. General Healey is in favor of, among other initiatives, working with the manufacturer of Narcan to establish a bulk purchasing agreement that would make the drug more accessible to first responders. The visit was part of a statewide tour to “learn about, highlight, and promote anti-addiction efforts and treatment availability. General Healey also announced that two men have been indicted in connection with an extensive fentanyl and heroin packaging and distribution operation. At the time of the men’s arrest, investigators seized almost one kilogram of fentanyl, over a kilogram of heroin, four guns, and approximately $5,000.

The Office of Ohio Attorney General Mike DeWine recently met with Knox County community members affected by opioid abuse in order to learn more about ideas and programs that the community would like to see implemented in the County. The Attorney General’s Office plans to match the needs of the community with “resources, grant programs and ideas that have proven successful elsewhere.” If you have any questions about this program, please contact Craig Rapp at
Wisconsin Attorney General Brad Schimel has released the results of the May 16 Wisconsin Department of Justice Drug Take-Back Day. Over 39,000 pounds of prescription drugs were collected.

A recent change to Arkansas law has resulted in an expansion of the state’s prescription drug monitoring program (PDMP). Act 901 states that law enforcement may now gain access to the state PDMP without a search warrant.

The Connecticut legislature has passed a bill which sets out new training and education requirements for prescribers and medical providers who dispense narcotics. The bill also allows pharmacists to dispense naloxone.

Kentucky Governor Steve Beshear announced how the $10 million allocated by the state legislature to curb heroin abuse will be spent. The allocations include $2.6 million to community mental health centers for substance abuse treatment, $1 million for comprehensive care for babies suffering from neonatal abstinence syndrome, and $1 million to the Kentucky Agency for Substance Abuse Policy.

The Massachusetts Department of Public Health launched “Stop Addiction In Its Tracks,” a new campaign to educate parents on opioid use, prevention methods, and the warning signs of drug abuse.

Massachusetts Governor Charlie Baker released the findings and recommendations of the state’s Opioid Working Group, which included increasing the number of beds in treatment centers, educating pregnant women on the dangers of drug abuse, and increasing the availability of Naloxone. Massachusetts Attorney General Maura Healey served as a member of the Working Group.

During the recent riots in Baltimore, Maryland, over 175,000 doses of prescription drugs were stolen from pharmacies and methadone clinics. Many of the drugs were labeled with private patient information, causing authorities to be concerned about the potential for identity theft.

Michigan Governor Rick Snyder has created a prescription drug task force, which will examine how the state can combat the opioid epidemic. Task force members will include legislators, the lieutenant governor, law enforcement, and Michigan Attorney General Bill Schuette.

New Jersey Governor Chris Christie announced that the state has negotiated an agreement with Amphastar Pharmaceuticals which will “secure the affordability and availability of Naloxone kits to . . . law enforcement and first responders.” The Office of New Jersey Acting Attorney General John Hoffman will act as the administrative conduit in the rebate process.

The Pennsylvania Department of Health and Department of Drug and Alcohol Programs released a third set of prescribing guidelines for dentists, which address the use of opioids to treat acute dental pain. The guidelines have been endorsed by the Pennsylvania Medical Society and the Pennsylvania Dental Association.
The U.S. Department of Justice announced that 37 people have been charged in a 108-count superseding indictment with participating in a multi-state heroin trafficking organization with ties to Mexico. Those charged include members of the Laredo Drug Trafficking Organization, which worked with other drug trafficking organizations to supply heroin in Philadelphia, Chicago, Camden, New Jersey, and elsewhere.

U.S. Representatives Joseph Kennedy III and Susan Brooks are sponsoring legislation which would “create expert panels for dealing with opioid addiction, reauthorize the Byrne Justice Assistance Program that funds law enforcement and prevention programs, make the antidote Naloxone more available and provide grants for electronic reporting systems.” The bill is entitled, “The Heroin and Prescription Opioid Abuse Prevention, Education, and Enforcement Act of 2015.”

According to the Centers for Disease Control and Prevention (CDC), Hepatitis C virus rates increased 364% over the past six years in four central Appalachian states (Kentucky, Tennessee, Virginia, and West Virginia), with approximately 44.8% of the new cases among people under 30. About 73% of the patients cited injection drug use as a principal risk factor.

The National Association of Boards of Pharmacy (NABP) recently approved continued funding to support the Association’s PMP InterConnect program at no cost to state prescription drug monitoring programs (PDMPs). The InterConnect program facilitates integration of interstate PDMP data directly into health care providers’ workflow and facilitates interstate data sharing.

Findings from a recent study conducted by Johns Hopkins Bloomberg School of Public Health show that many primary care physicians do not understand basic facts regarding drug abuse and how those who abuse drugs ingest such drugs. The findings have been published online in the Clinical Journal of Pain.

A website called StreetRx tracks street prices for illicit opioids. Buyers and sellers can anonymously post prices. This website can be a helpful tool for law enforcement.

### Updates in the Field of Marijuana Legalization

The South Dakota-based Flandreau Santee Sioux Tribe Executive Committee has now legalized marijuana. The Tribe plans to develop a grow facility as well as a facility in which users over 21 years of age can purchase and use up to one gram of the substance. South Dakota Attorney General Marty Jackley issued a statement, in which he recognizes Tribal authority to pass laws that govern Indian persons in Indian country but points out that the possession, distribution, and manufacture of marijuana is a violation of both federal and South Dakota law and that the state has jurisdiction over criminal conduct by non-Indians within Indian country. General Jackley wishes to work with Tribal leaders to ensure that their respective laws are followed and that public safety is protected.

The Washington State Supreme Court declined to hear a challenge to the state’s recreational marijuana law and referred the case back to the Washington Court of Appeals. This decision was consistent with
the position of Washington Attorney General Bob Ferguson, who filed a response brief in connection with the case.

The Colorado Supreme Court recently held that the use of medical marijuana by a registered patient outside of working hours does not constitute a “lawful activity” under the state’s lawful activity statute and therefore, the patient’s employer was able to discharge the employee. The plaintiff used medical marijuana in his home. A random drug test, unrelated to performance issues, revealed his marijuana use and he was fired as a result. Colorado Attorney General Cynthia Coffman released a statement which praised the court’s decision on the grounds that it “allows Colorado companies the freedom to write their own employment policies regarding marijuana.”

As of July 2017, the tax on recreational marijuana in Colorado will decrease from 10% to 8%. There will also be a one-time “tax holiday” on September 16, 2015. This article details the effects of the tax decrease in the state and also explores issues relating to the Colorado’s Taxpayer Bill of Rights, which “requires the state to issue refunds to taxpayers if the state’s spending or revenue collections exceed the previous projections.”

Delaware Governor Jack Markell has signed a bill which makes the consumption or possession of less than an ounce of marijuana punishable with a civil fine. The decriminalization does not apply to the public use of marijuana. The law will go into effect in December 2015.

While some forms of medicinal marijuana are now legal in Minnesota, many doctors will not sign certifications for patient use. Doctors have the ability to opt out of certification. A Minnesota Medical Association survey found that 68% of responding doctors were not planning to participate in the program.

The New York Senate passed legislation which would expedite access to medical marijuana for patients with a “progressive and degenerative disease’ or whose life or health is at risk without the drug.” These patients would be granted access to medical marijuana prior to the state’s program launch date of January 2016.

New York health officials will disclose the identity of entities who bid for licenses to grow and distribute medical marijuana.

Beginning on July 1, Oregon will begin its recreational marijuana program. Oregon’s Liquor Control Commission has unveiled its “What’s Legal” advertising campaign which provides details about recreational marijuana use and sale within the state. This article also provides information relating to the current state of the recreational marijuana system in Oregon.

Oregon’s House of Representatives has passed House Bill 3400, a comprehensive bill which addresses both medical and recreational marijuana. The bill places limits on medical marijuana growers, reduces penalties for many of the state’s marijuana-related crimes, and sets out testing and packaging requirements for marijuana products.
The White House has announced that it is removing the Public Health Service Review requirement as it applies to medical marijuana research. This requirement mandated that all marijuana research be reviewed by the Department of Health and Human Services, which resulted in a “bureaucratic hurdle” that “heavily” slowed down research.

On June 24, the U.S. Senate Caucus on International Narcotics Control held a hearing which explored barriers to cannabidiol research. The Caucus heard testimony from individuals including Dr. Nora Volkow, Director of the National Institute on Drug Abuse, and Joseph Rannazzisi, the Deputy Assistant Administrator of Drug Diversion with the Drug Enforcement Administration (DEA), among others. To read the transcript of the testimony presented, click on this link.

The U.S. House of Representatives reauthorized an amendment which “protects medical marijuana operations from federal interference in states where the drug is legal,” through its 2016 Commerce, Justice, Science and Related Agencies appropriations bill, which blocks the U.S. Department of Justice from using funds to undermine these programs. Other amendments approved by the House allow farmers to grow hemp, reduce funding for the DEA, and ban “dragnet collection of Americans’ records in drug investigations.”

A recent study found that the potency labels on many medical marijuana products inaccurately state the potency of such products. Researchers purchased 75 products in three states and found that only 17% were correctly labeled, with 23% under-labeled, meaning that the products contained more THC than the label detailed, and 60% were over-labeled.

A study conducted by researchers at the Nationwide Children’s Hospital found that “the rate of marijuana exposure among children age 5 and under increased almost 16 percent each year” after legalization in the states where the children resided.

**Synthetic Drug News**

**Florida Attorney General Pam Bondi** announced that eleven members of a synthetic drug trafficking ring are now carrying out their sentences. The successful prosecution of these individuals was the result of a multi-agency investigation into labs set up to produce synthetic drugs within Florida.

**Attorney General Bondi** has also warned the public of the dangers of flakka (also known as “gravel”), a synthetic drug which is growing in popularity in Florida. Flakka is “outpacing cocaine in popularity in south Florida,” as it is cheaper and easier to obtain than cocaine. The drug has also been found in Western New York, where nine people have been prosecuted for possession of the drug over the past year.

**Pennsylvania Attorney General Kathleen Kane** announced that seven individuals have been arrested and charged with conspiring to distribute bath salts. Authorities seized more than 500 grams of bath
salts, with a street value of approximately $100,000 as well as 31 firearms and close to $18,000 in connection with the investigation.

In mid-June, Texas Attorney General Ken Paxton and Harris County, Texas, Attorney Vince Ryan announced a joint operation against Houston-area stores selling synthetic marijuana. The joint effort involved an undercover operation which resulted in the filing of a lawsuit against a number of stores by General Paxton, alleging that the stores participated in false, deceptive, and misleading acts and practices in the course of trade and commerce, as well as activities which constituted common nuisances under Texas law. General Paxton also obtained temporary restraining orders and temporary injunctions to prevent the further sale of the synthetic drugs.

The New York Senate has passed S.5888, a bill which makes the sale, use, or possession of synthetic drugs a class E felony. Current law does not penalize the sale of all synthetic drugs.

The U.S. Supreme Court recently decided McFadden v. U.S. Its decision narrowed the scope of the Federal Analogue Act. The Court held that, when a controlled substance is an analogue, the government is required to establish that the defendant knew he was dealing with a substance regulated under the Controlled Substances Act or Analogue Act.

During the month of June, at least eleven individuals were treated for synthetic marijuana overdoses in Washington, D.C. Authorities have vowed to target synthetic drug suppliers operating online and within the District. On June 30, the District’s Council unanimously approved emergency legislation that allows the Chief of Police to order a business found to be selling the drugs to be shut down for four days. The business would also be subject to strict fines.

The U.S. Centers for Disease Control and Prevention (CDC) has reported a 229% rise in calls to poison control centers relating to synthetic marijuana from this time last year until now. The median age of callers requesting help is 26.

Other News of Interest

New Jersey Acting Attorney General John J. Hoffman announced that 32 people have been arrested in connection with an investigation into two drug trafficking organizations. The suspects included a police officer and a public works employee. Additionally, investigators recovered more than four kilograms of cocaine, over three ounces of heroin, 16 pounds of marijuana, 1,000 prescription pills and ecstasy pills, a handgun, seven vehicles, a variety of steroids and more than $125,000 in cash.

Rhode Island Attorney General Peter Kilmartin announced that 14 individuals have been charged with state drug trafficking crimes and 11 individuals have been charged federally with trafficking heroin and cocaine in connection with a series of ongoing investigations. Other gang members were charged with firearms crimes and armed robbery. These investigations were handled jointly by the Providence Police
Department and the DEA, with substantial assistance from local, state, and federal law enforcement and prosecutors as part of the Rhode Island Urban Violent Crime Initiative Investigation.

Investigators in Western Kentucky have reported that kratom is now being sold at gas stations within the region. Kratom is not illegal in Kentucky but the drug is on DEA’s list of drugs and chemicals of concern.

The U.S. Food and Drug Administration (FDA) is taking action against over 1,050 websites which sell counterfeit medicines and medical devices. The FDA, as part of an international effort led by Interpol, seized contraband and sent warnings to website operators.

A recent National Institute on Drug Abuse (NIDA) study found that “using marijuana and alcohol together impacts driving more than using either substance alone.”

A study conducted by Trust for America’s Health found that in 26 states, the number of overdose deaths increased from 2009 to 2013. The number of such deaths decreased over this period of time in only six states. Fifty-two percent of overdose deaths in 2013 were related to prescription drugs.

Researchers from the National Institute on Drug Abuse and Alcoholism (NIAAA) discovered that 14 percent of American adults suffer from an alcohol use disorder. The number of individuals with this disorder has increased over the past decade.

The National Association of State Controlled Substance Authorities is holding its annual conference on October 20-23, 2015 in Scottsdale, Arizona. The deadline to apply for scholarships (for member state agencies) is June 26, 2015. For more information, click on the following link.

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