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.

JUNE 2015

New Developments in Combatting Opioid Abuse

Colorado Attorney General Cynthia H. Coffman announced the largest and most complex heroin bust in the history of the Rocky Mountain region. The investigation, which was conducted in two phases and involved federal, state, and local law enforcement, led to a total of 54 state-level indictments and three federal-level indictments. These defendants allegedly participated in a drug trafficking organization that brought heroin, methamphetamine, and cocaine from Mexico to the Western United States. During the course of the investigation, over 273 pounds of heroin ($40 million street value), 31 pounds of methamphetamine ($500,000 street value), and 25 pounds of cocaine ($1 million street value) were seized, as well as over $2 million and 25 vehicles.

Florida Attorney General Pam Bondi announced that eight pain clinic employees were arrested and charged with racketeering, conspiracy, and manslaughter after issuing prescriptions for prescription opioids without medical necessity. According to the investigation, the employees were aware of patients dying from overdoses but continued to issue drugs as long as purchasers paid in cash.

Attorney General Jack Conway and Kentucky First Lady Jane Beshear announced that Naloxone kits will be provided free of charge to heroin overdose victims at hospitals in the St. Elizabeth Healthcare system in Northern Kentucky. The funding for the kits is provided through the Substance Abuse Treatment Advisory Committee (SATAC), of which both General Conway and First Lady Beshear are members.

Kentucky Attorney General Jack Conway announced the two recipients of the “Sarah Shay and Michael Donta Memorial Scholarships for Hope and Healing.” These $1,500 scholarships are awarded annually to two Kentucky high school students whose lives have been personally affected by prescription drug abuse.

Indiana Attorney General Greg Zoeller thanked the members of the Indiana General Assembly for passing bills which will help law enforcement combat human trafficking and provide greater access to individuals addicted to opioid drugs. Senate Enrolled Act 464 encourages the prescribing of medications such as Vivitrol to patients in court-ordered addiction-treatment programs to help break the cycle of
addiction and allows the creation of five new opioid treatment programs to supplement the existing thirteen.

The Indiana Prescription Drug Abuse Prevention Task Force supported a training program that educated Indiana State University’s campus law enforcement on the use of Naloxone. General Zoeller, the co-chairman of the Task Force, thanked Indiana State University for being the first institution of higher learning in the state to take part in the training program.

Massachusetts Attorney General Maura Healey announced that a physician was indicted for illegally prescribing oxycodone and other oxycodone-based medications and defrauding the state’s Medicaid program. Medical records indicate that the physician continued to prescribe medications to patients despite their documented substance abuse and after learning patients were in treatment programs or receiving opioids from other prescribers. This article details the work that General Healey is doing to combat opioid abuse in her state, including a lawsuit she recently filed against a treatment center within Massachusetts, alleging that the center illegally profited off patients seeking treatment for opiate addiction.

The Office of Maine Attorney General Janet Mills released an analysis that showed an 18% increase in the number of people dying from drug overdoses from 2013 to 2014. Fentanyl-related deaths saw the biggest increase, jumping from 9 deaths in 2013 to 43 deaths in 2014.

New York Attorney General Eric T. Schneiderman announced the guilty pleas of two members of a major heroin distribution ring that distributed heroin to counties in New York and Pennsylvania. One individual pleaded guilty to Operating as a Major Trafficker and will be sentenced to 12 years in prison, and the other individual pleaded guilty to Criminal Sale of a Controlled Substance and will be sentenced to 6 years in prison. Eleven others were also indicted in connection with the investigation.

North Carolina Attorney General Ray Cooper announced the winners of a 2015 Stop Rx Abuse video contest that was held by his office, the National Association of Drug Diversion Investigators, the North Carolina Parent Resource Center, and the Governor’s Institute on Substance Abuse. Among the winners were three high school students and three middle school students in North Carolina.

Pennsylvania Attorney General Kathleen Kane was party to a Achieving Better Care by Monitoring the All Prescriptions Program (ABC-MAP) Board Meeting convened by Pennsylvania’s Secretary of Health. The goal of the meeting was to develop and expand the policies and procedures of the state’s prescription drug monitoring program (PDMP). At the meeting, the board reviewed operational best practices of Prescription Drug Monitoring Programs across the country.

The office of Virginia Attorney General Mark Herring announced that Andrew Dwight Williams was sentenced to 14 years in prison for conspiring to distribute heroin after a successful prosecution by the Attorney General’s Office.

Information culled from a DEA database in connection with the ongoing West Virginia lawsuit against drug wholesalers showed that, between 2007 and 2012, eleven drug distributors shipped 59.9 million
oxycodone pills and 140.6 million hydrocodone pills to West Virginia. The state has a population of only 1.85 million. Jim Cagle, a Special Assistant Attorney General with the West Virginia Attorney General’s Office, wrote, “[t]he drug distributors provided the fuel for the prescription drug problem in this state.”

In Arizona, Native American tribes are turning their attention to more traditional indigenous remedies to combat increasing heroin related health issues and the drug’s associated criminal provocation. Because of the lack of tribal resources in many of these Native American lands, drug cartels have been progressively targeting Native Americans as both users and pushers of their products. In an effort to counter these effects, Native American rehab centers in the southwest have focused their programs on combining Native American practices coupled with western approaches.

Earlier this month, a federal judge dismissed claims filed by the City of Chicago, Illinois, against Johnson & Johnson and Actavis Plc. in a lawsuit against a number of large painkiller drug companies. However, the judge is allowing the suit to continue against other opioid producers, including Purdue Pharma, Inc., the producer of OxyContin. The city has until June 8 to appeal the exclusion of Johnson & Johnson and Actavis Plc.

Lawmakers in Maine are advocating legislation that would require insurance companies to consider placing abuse-deterrent opioids on the same footing with regular opioids. The bill requires that the same co-pay be established for abuse-deterrent opioids even though the costs of the drug are higher than its non-deterrent counterpart. Previously the bill required all insurance companies to foot the extra cost for deterrent opioids; however, now the bill has been amended to allow an insurance company the option of covering the deterrent opioid, but only at the same expense to the policy holder as regular prescriptions.

A group that represents 25,000 doctors in Massachusetts issued new guidelines for prescribing pain medication with the goal of combating the epidemic of opioid abuse in the state. The new guidelines include “screening patients for personal or family histories of substance abuse and mental health status; starting patients on the minimum doses needed to achieve the desired level of pain control; and counseling patients to store medications securely and never share them with others.”

In Gloucester, Massachusetts, Police Chief Leonard Campanello announced that beginning June 1, 2015, individuals who turn in drugs and paraphernalia to the police station will not be charged with a crime but, instead, will be immediately enrolled in a drug recovery program. The program will assign the individual with an “angel” to guide the addict in the recovery process and check him or her into one of two local hospitals that have agreed to “fast track” these patients. Naloxone will also be available for very little cost at the local drug store. For those without health insurance or who cannot cover the cost of treatment, Campanello has agreed to cover the costs of their health bills from monies seized during drug investigations.

Over 70 kilograms of heroin were seized by federal and state law enforcement in Bronx, New York. The drugs were valued at over $50 million, making it the largest heroin seizure in New York City history. Authorities stated that the mammoth stash was just one of a series of shipments scheduled for
delivery in the 5 boroughs, as well as to Connecticut, Massachusetts, Pennsylvania, and Rhode Island. A firearm and $2 million was seized as well.

In Richmond, Virginia, due to the increase of overdose related deaths, several families have agreed to participate in a program that seeks to raise awareness about drug abuse for those who may be uncomfortable with talking about the problem with their families. The support group, Families for Recovery, helps family members of addicts by sharing stories and by searching for ways to spread awareness.

The West Virginia Supreme Court decided that the Mingo County residents who alleged that they were negligently prescribed pain medication that caused or enabled their addiction to opioids will be able to maintain their lawsuits against the pharmacies and doctors that distributed the drugs.

PharMerica has agreed to settle a federal lawsuit for $31.5M. The Kentucky-based pharmaceutical company was sued after allegedly dispensing prescription opioids without valid prescriptions and submitting false claims to Medicare Part D. As part of the settlement, PharMerica has agreed to enter into a corporate integrity agreement with the Department of Health and Human Service’s Office of the Inspector General to undertake internal compliance reforms and for the overview of all federal healthcare program claims submitted by the company for the next five years.

A federal investigation known as Operation Pilluted resulted in the arrest of 22 doctors and pharmacists across four states, including Arkansas, Alabama, Louisiana, and Mississippi. In total, almost 1,000 members of law enforcement were involved and 280 arrests were made. Those arrested were charged in connection with illegal prescribing activities. More than 200 weapons, 50 vehicles, $11 million in cash and over $6 million in real property were seized. DEA has called this the “largest-ever prescription drug operation” in law enforcement history.

The DEA released the 2015 National Heroin Threat Assessment Summary. The assessment shows that heroin use and availability is on the rise and has caused more overdose deaths than anytime during the last decade. The assessment is based on survey responses of more than 1,100 law enforcement agencies. A majority of the agencies indicated that heroin was the greatest drug threat in their areas.

CVS has agreed to settle a federal suit for $22 million. Federal agencies shut down two CVS pharmacies in Florida after investigators found that the locations were filing painkiller prescriptions “far in excess of the average pharmacy.” The stores, located within five miles of each other, ordered more than three million dosage units of oxycodone in one year. The average drugstore orders only 69,000 dosage units per year.

According to the Centers for Disease Control and Prevention (CDC) indicates that Hepatitis C virus (HCV) infections spiked from 2006 through 2012 due to injection drug use (IDU). The CDC analyzed data from Kentucky, Tennessee, Virginia, and West Virginia and found that, among individuals between the ages of 12 through 29, there was a 364% increase in HCV infections from 2006-2012. There were 1,377 cases reported, correlating with an increase of treatment admissions for opioid dependency by 21.1% in those states. Out of the admissions, 12.6% reported that injection was their main route for drugs. The data
also indicated that every three out of four heroin and prescription opioid users said that they began with the prescription misuse before heroin. The full CDC article can be accessed at this link.

CDC researchers also recently found that, from 2008 to 2012, more than one-third of reproductive-aged women enrolled in Medicaid and more than one-fourth of reproductive-aged women with private insurance filled a prescription for an opioid each year of the study. The most commonly prescribed opioids among both groups of women were hydrocodone, codeine, and oxycodone.

According to a study conducted by the Vanderbilt University Medical Center in Nashville, Tennessee, the number of children born with Neonatal Abstinence Syndrome (NAS) doubled between 2009 and 2012. The study also found that the rise in NAS correlates geographically with the rise of opioid prescriptions. The study has been published in the Journal of Perinatology.

Findings from a study conducted by Harvard Medical School and Boston University School of Medicine indicates that opioid dispensing and prescription opioid overdoses decreased substantially following two major changes in the pharmaceutical market in 2010: the introduction of abuse-deterrent, extended-release oxycodone hydrochloride and withdrawal of propoxyphene from the U.S. market after it was shown to have high rates of overdose deaths and cardiac side effects. However, heroin overdose increased by 23% during this timeframe. The results were published by JAMA Internal Medicine.

A report in the Journal of Addiction Medicine explains that the cost of treatment for infants that suffer from NAS has increased drastically from 2008 to 2011. These costs were 15 to 16 times higher than the costs associated with healthy infants. The rising rates and costs of NAS reflect the ongoing "opioid epidemic" in the United States.

A recent study from The Lancet found that, among prisoners that have suffered from the effects of drug addiction, those that received methadone before being sentenced to prison were more likely to continue their treatment post-release than prisoners who did not seek treatment.

At the 2015 annual meeting of the Academy of Pain Medicine, results were presented from an online survey showing that legitimate pain patients were harmed during the first 100 days following the DEA’s decision to move hydrocodone from a Schedule III drug to a Schedule II drug. Legitimate pain patients had trouble getting prescriptions filled, were prescribed less-effective medicines, and were subjected to higher costs.

The Association of State and Territorial Health Officials (ASTHO) has released the results of its 2014 Prescription Drug Inventory survey, which profiles state policies and activities addressing prescription opioid abuse and overdose. The results show how states and territories, including state health departments, are addressing prescription drug abuse and overdose.

Pernix Therapeutics Holdings, Inc., has announced that the new abuse-deterrent formulation of Zohydro ER is now available in U.S. pharmacies. Whenever crushed or dissolved in liquids, the formula immediately forms a viscous gel.
**Synthetic Drug News**

Two operators of a Des Moines, Iowa, convenience store pled guilty to money laundering and possession of imitation controlled substances in connection with the sale of synthetic drugs. They have not yet been sentenced. Iowa Attorney General Tom Miller brought suit against the two in 2014 in connection with violations of the Iowa Consumer Fraud Act and the Iowa Drug, Device and Cosmetic Act. That suit was resolved in January 2015 after the defendants agreed to pay a $50,000 fine and to refrain from selling synthetic drugs.

Pennsylvania lawmakers are considering H.B.1052 which would address the synthetic drug problem within the state. The bill would allow legislators to add new chemical formulas to the list of outlawed drugs every three months and would create programs to allow law enforcement to test for synthetic marijuana in the field.

Two people have been indicted on federal charges that they distributed party drugs at Wesleyan University that sent 11 people to the hospital in February. It is alleged the two individuals distributed MDMA but that the drugs were likely cut with other substances.

According to the American Association of Poison Control Centers (AAPCC), synthetic marijuana reports have increased drastically over the past year. In 2014, the AAPCC received 250 reports of public exposure to synthetic marijuana. So far, in 2015, there have been over 1,500 reports.

The Texas Senate has approved S.B. 1582, which defines “hazardous controlled substances” as substances which are “chemically similar ‘in structure or effect’ to a controlled substance or pose an immediate danger to life or health.’”

**Updates in the Field of Marijuana Legalization**

In April, Wichita, Kansas, voters approved an initiative which reduces marijuana penalties. Kansas Attorney General Derek Schmidt later filed suit to block the initiative on the ground that the initiative is in conflict with state law. The city has agreed to not implement the initiative pending the resolution of the case.

Rhode Island Attorney General Peter F. Kilmartin filed legislation in the Rhode Island Senate that prohibits medical marijuana patients and caregivers from producing butane hash oil and allows compassion centers to produce it only within the regulations to be created by the Rhode Island Department of Health.

The Washington State Supreme Court agreed with Attorney General Bob Ferguson’s position that local jurisdictions have the right to regulate or ban collective marijuana gardens of any type, and that such right does not apply solely to commercial activities. General Ferguson’s position was outlined in an
**amicus curiae** brief filed in connection with the case of *Cannabis Action Coalition v. City of Kent*, in which a medical marijuana advocacy group challenged the city’s ban on collective gardens.

In Alaska, the public can now submit comments on the proposed recreational marijuana regulations, which were unveiled in April. The borough of Fairbanks, Alaska, recently released drafts of multicolored maps to show “neighborhoods where different types of marijuana businesses would be permitted, prohibited or only allowed under certain circumstances.”

Colorado Governor John Hickenlooper signed medical marijuana legislation, **SB15-014** into law last month. The legislation aims to strengthen the state’s medical marijuana laws and prevent the illegal sale and use of untaxed medical marijuana. Specifically, the law establishes new guidelines for primary caregivers and encourages them to register with the state licensing agency. Caregivers are now limited in the amount of marijuana that they may grow (up to 99 plants) and must warn patients that the plants may contain contamination and THC levels will vary between plants. The legislation also establishes a task force that will provide public access to the state’s marijuana testing labs. The law allows parents of underage marijuana patients to seek the help of experienced growers, instead of being required to grow the plant themselves.

The Illinois State Senate passed a bill that decriminalized possession of up to 15 grams of marijuana. The legislation makes such possession a civil offense punishable by only a fine of up to $125. More than 100 cities in Illinois have already passed similar legislation.

The Louisiana Senate voted to advance **S.B.241**, which would change many of the penalties applicable to the possession of fewer than 2.5 pounds of marijuana. The bill would also allow offenders to apply to have their records expunged of marijuana convictions if the offenders are not convicted of another marijuana offense within two years of their first offense.

Health authorities in Massachusetts dramatically overhauled the process for granting licenses for medical marijuana dispensaries. Under the revised guidelines, dispensaries will be licensed similar to other health care facilities, such as pharmacies. Each application will be judged on its merits using clear guidelines and will move forward when the company meets the overhauled standards. Further, the department will make staff available to applicants throughout the process to provide technical support. The new system will retain several features from the previous one, including required letters of support from the community in which a company intends to locate a dispensary and mandatory background checks on nearly every one associated with a dispensary company.

Las Vegas banks have withdrawn their previous offers to handle the operational accounts of local medical marijuana businesses. The recant was due to the exorbitant costs that have been attributed to complying with federal regulations.

The Oregon Senate voted to impose stricter medical marijuana legalizations. **SB964** limits the number of plants that one may grow, imposes an inventory tracking and reporting system, adds a residency mandate for growers and patients and implements inspection requirements. Additionally, the legislation allows local governments to refuse permission for marijuana businesses to operate. The
Oregon House is considering HB3400, a proposed retail sales tax for marijuana. This article details additional legislative action taking place in the state with regard to recreational marijuana.

A medical marijuana patient in Oregon has sued Shell Oil and 12 other parties, claiming that Shell sold him butane which exploded as he and his friend were making hash oil, resulting in the death of his friend and third-degree burns over half the patient’s body. The patient is seeking $11 million, alleging that the defendants’ failure to add warnings to their butane stating that it can cause explosions is a violation of product liability laws as well as a failure to warn, a breach of implied warranty, and negligence.

Puerto Rico Governor Alejandro Garcia Padilla signed an executive order which allows for the medical use of marijuana. The Puerto Rico Health Secretary must provide a report which outlines the details of the system within three months.

Texas Governor Greg Abbott signed SB339 into law. This legislation provides patients suffering from intractable epilepsy with access to small amounts of cannabis oil. Patients with the disease, whose seizures are not controlled by usual treatments, will be able to receive the drug with a prescription.

Seattle, Washington, Mayor Ed Murray has announced that the city plans to require a new business license for marijuana establishments and that such establishments will be required to obtain the license by July 2016. This will result in the closure of businesses that have been operating without a city business license.

Washington Governor Jay Inslee signed HB2000 into law. The legislation authorizes his office to enter into agreements of mutual interest with federally-recognized Indian tribes with regard to marijuana regulation. Such tribes would charge a marijuana tax equal to the state’s recreational marijuana tax, with exceptions for tribally-grown marijuana which is sold “between tribal enterprises or to tribal members.”

This article details the effect a tax provision known as 280E on marijuana businesses. The provision is described as a “decades-old law aimed at preventing drug dealers from claiming their smuggling costs and couriers as business expenses on their tax returns.” The law bans all tax credits and deductions that these companies would otherwise be able to claim. As a result, some companies that are in the marijuana field are subject to income taxes of up to 70% on their gross income.

Law enforcement has reported an increase of marijuana edibles being transported across state lines. Such items are easier to smuggle than marijuana plants due to their resemblance to cookies and candies.

This map shows the price of marijuana in each state. The drug is cheaper in states that have legalized it.

Other News of Interest
John Barnes, Director of Communications for Montana Attorney General Tim Fox, responding to a letter to the editor, indicated that the Montana Attorney General’s Office has taken several steps in combating the trafficking of illegal drugs and the abuse of prescription drugs. The steps include the launching of a new prescription drug abuse campaign, the deployment of K-9 narcotics units, the hiring of five new Highway Patrol officers and two new narcotic investigators, the addition of a toxicologist to the state’s crime lab, and the advancement of legislative measures criminalizing synthetic drugs.

South Dakota Attorney General Marty Jackley announced that the South Dakota 24/7 Sobriety Program is being featured as part of the U.S. Department of Justice’s Crime Solutions.

Ross Ulbricht, the creator of the Silk Road website, has been sentenced to life in prison after being convicted of seven felony charges, including conspiracy to traffic in narcotics and money laundering. The Silk Road website was a “billion-dollar, anonymous black market for drugs.” The parents of drug users who had overdosed and died after using drugs purchased on the website addressed the court prior to sentencing.

The Alliance for Safe Online Pharmacies (ASOP) Global, and the Food and Drug Administration (FDA) have issued warnings to online prescription consumers that of the 35,000 to 50,000 online pharmacies roughly 97% do not comply with federal law. The FDA has also found that many of these online drug sellers have filled prescriptions with counterfeit medicines.

This article describes a disturbing type of unregulated housing for recovered drug abusers in New York City called “three-quarter houses.”

The results of a study released by the Substance Abuse and Mental Health Services Administration (SAMHSA) found that out of more than 14,000 U.S. substance abuse treatment facilities, only 25 percent offered at least one medication to treat alcohol use disorders (AUD).

Researchers are studying whether MDMA may be utilized by autistic adults to increase social adaptability and reduce anxiety.

Researchers at UCLA have found that Naltrexone, which is used to treat alcoholism, might also be an effective treatment for methamphetamine addiction.

Boston University has published a study suggesting that people who initially use drugs only on the weekend often start using them during the week. The full study can be accessed at this link.

On May 18, The Boston Globe and the Harvard T.H. Chan School of Public Health co-sponsored a live webcast to discuss opioid abuse entitled, “Opioid Painkiller Abuse: Ending the Crisis.” Panelists included the White House’s Office of National Drug Control Policy (ONDCP) Director Michael Botticelli as well as Monica Bhref, Commissioner of the Massachusetts Department of Public Health, Harvard Professor Robert Blendon and Dr. Daniel Alford, Associate Professor of Medicine at the Boston University School of Medicine. To view the archived webcast, click on this link.
Additionally, one of NAAG’s Visiting Fellows recently attended a hearing held by the U.S. House Subcommittee on Oversight and Investigations, entitled, “What Are the State Governments Doing to Combat the Opioid Abuse Epidemic?” The purpose of this hearing was to confer with a selection of state health officials regarding their ongoing efforts to combat the opioid abuse epidemic and explore how State and Federal policies can most effectively incentivize the development and broadened use of evidence-based practices and treatments in their communities. For a description of that meeting, please feel free to email me.

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