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.

MARCH 2015

New Developments in Combatting Opioid Abuse

Colorado Governor John Hickenlooper recently launched a statewide education campaign called “Take Meds Seriously,” which is aimed at educating Coloradans on the safe use, storage, and disposal of prescription drugs. The campaign received $1 million in funding from the office of Colorado Attorney General Cynthia Coffman. The funds come from settlement agreements with pharmaceutical companies.

Florida Attorney General Pam Bondi’s “Born Drug Free” program, which was launched in 2013 to combat neonatal abstinence abuse within her state, will now serve as a model for the East Tennessee Neonatal Abstinence Syndrome Task Force’s campaign.

Massachusetts governor Charlie Baker has established The Opioid Addiction Working Group, which is a task force of state authorities, doctors, and addiction experts which will “formulat[e] a statewide strategy for dealing with addiction, treatment and recovery.” Massachusetts Attorney General Maura Healy will serve on the task force.

Maine Attorney General Janet Mills has provided us with a link to a powerful public service announcement which details the life of William Henry Philbrick Gates, an extreme skier and University of Vermont student who died of a heroin overdose. The PSA is entitled “The Opiate Effect.” Gates’ father now travels along the East Coast to share his son’s story with middle and high school students. General Mills also provided us with this article, which details the agonizing story of a family who lost their son after a presumed heroin overdose and details the scale of the opioid epidemic in Maine.

New Jersey Acting Attorney General John J. Hoffman has announced the expansion of “Project Medicine Drop,” the state’s prescription drug drop-off program, to a total of 122 locations across New Jersey. Since the program’s launch in November 2011, New Jerseyans have disposed of a total of approximately 43,616 pounds, or 21.8 tons, of unused medications. More than half of that total, approximately 56 percent, was dropped off during 2014 alone.
New York Attorney General Eric T. Schneiderman announced that the Community Overdose Prevention (COP) program has saved more than 100 lives by providing funding to equip law enforcement officers with naloxone. Click on this link to view the full report released by General Schneiderman’s office.

North Carolina Attorney General Roy Cooper and the North Carolina Department of Justice are sponsoring a video contest for middle and high school students. The Stop RX Abuse Contest asks students to create a 30-second public service announcement relating to teen prescription drug abuse and then post the video on YouTube. The contest is in its fourth year.

Ohio Attorney General Mike DeWine has contacted Amphastar Pharmaceuticals, Inc., regarding the cost of Naloxone. The letter details the work done by General DeWine and other stakeholders within Ohio to reduce prescription drug abuse and expresses concern with Amphastar’s choice to “dramatically increase its Naloxone prices,” explaining that “[t]his decision will make efforts to save lives much more difficult.” The letter references the company’s recent rebate agreement with New York Attorney General Eric T. Schneiderman and asks for a similar agreement.

A senior supervisory special agent with the office of Pennsylvania Attorney General Kathleen Kane presented a training on prescription drug use in adolescents to the KidsPeace Institute. KidsPeace provides education, training, and development to those who work with youth.

South Dakota Attorney General Marty Jackley is working to combat doctor shopping in his state by signing up more physicians and pharmacists to the state’s prescription drug monitoring program (PDMP).

Washington Attorney General Bob Ferguson has filed charges against a man who allegedly used the last names of Washington Seahawks players to fraudulently obtain narcotics and other prescription drugs on at least seventeen occasions.

Wisconsin Attorney General Brad Schimel has announced that the Wisconsin Department of Justice will coordinate a drug disposal program within Wisconsin, given that the DEA will no longer be conducting take-back programs. The program will hold at least two collections per year.

In Missouri, HB 1133, which will establish the state’s prescription drug monitoring program, has been passed by the House and will now be considered by the Senate.

New York State has received millions of dollars in federal funding through the Strategic Prevention Framework – Partnership for Success. It will provide up to ten community coalitions within the state with funds over a five year period. The grant will focus on drug use among citizens aged 12 to 25.

The Tennessee Senate has repealed the 2001 Intractable Pain Treatment Act. Prosecutors within the state believe that the Act, known as the Pain Patient’s Bill of Rights, has worked as a “legal shield” for pill mills to “avoid prosecution.” The bill repealing the 2001 Act has now moved to the House for consideration.
The new federal restrictions placed on opioid prescribing have had negative effects on veterans, who struggle to obtain appointments with their doctors at the VA. This article provides a good summary of the problems faced by the veterans and also includes a response from the VA’s national director for pain management.

A study recently published in the American Pain Society’s The Journal on Pain found that patients with a history of substance abuse are more likely to misuse therapeutic opioids. The report is based on research conducted at the Cleveland Clinic and focused on patients undergoing long-term opioid therapy and those who recently underwent chemical dependency treatment for opioids. Researchers found that 83% of the patients with a known history of substance abuse disorders also had abused therapeutic opioids versus 25% of patients with no known history of a substance use disorder.

This article provides a helpful overview of the debate surrounding Suboxone and medication-assisted treatment.

Researchers from the John Hopkins Bloomberg School of Public Health surveyed over 400 primary care physicians and found that 72% were aware of their state’s PDMP and 53% used their state’s PDMP regularly. The complete findings of the study are published in Health Affairs.

A new report released by the Centers for Disease Control and Prevention (CDC), entitled “Drug-poisoning Deaths Involving Heroin: United States, 2000-2013” states that heroin-related deaths are most common among young, white males in the Midwest. The report begins by noting that drug overdose is the number one cause of injury-related death in the United States.

This article details the rise and fall of Mexican drug lord Joaquin “El Chapo” Guzman and examines whether his recent arrest will have an effect on the supply of drugs entering the United States.

**Synthetic Drug News**

The Indiana Supreme Court will determine the constitutionality of Indiana’s synthetic drug ban after Indiana Attorney General Greg Zoeller appealed the recent state Court of Appeals decision which found a portion of the statute to be unconstitutional. General Zoeller stated, “The statute is designed to be flexible and allow the Board of Pharmacy to update the banned synthetics list because the man-made nature of the drugs allows manufacturers to come up with endless new strains of these deadly products.”

On February 10, 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. A number of recipients have responded. See below for the letters sent by ExxonMobil, Phillips 66, Shell Oil Company, BP America Inc., and Valero Marketing and Supply Company and click on this link
The New Hampshire Senate has passed Senate Bill 106, which prohibits the sale and possession of a long list of synthetic substances. Convenience stores that violate the law by selling such substances would lose their licenses to sell lottery tickets, alcohol, and food services.

**Updates in the Field of Marijuana Legalization**

Adults can now legally possess up to two ounces of marijuana in the District of Columbia and can grow six marijuana plants at home. District of Columbia Attorney General Karl A. Racine has released a Frequently Asked Questions document relating to the current state of legalization in the District.

District of Columbia legislators will consider a bill that bans employers in the jurisdiction from drug testing job applicants for marijuana prior to the offer of a job. Employers would still be allowed to drug test current employees and mandate drug testing for applicants who have been offered employment.

A bill which would require medical marijuana caregivers to register with the state has passed a Colorado Senate committee. Currently, the only regulations applicable to caregivers are that they must be at least 18 years old and have “significant responsibility” for the care of a licensed medical marijuana user.

In late February, two additional lawsuits were filed in connection with the legalization of recreational marijuana in Colorado. One suit, filed by anti-drug groups “allege[s] that by allowing for a regulated marijuana market, [Colorado] lawmakers are breaking federal law, which considers the plant illegal.” The second lawsuit was filed by the owners of a Colorado Holiday Inn and alleges that the state violated federal civil racketeering laws.

Office of National Drug Control Policy (ONDCP) Director Michael Botticelli recently gave an interview to Kevin Sabet of Smart Approaches to Marijuana (SAM), in which Director Botticelli discussed his views on marijuana legalization.

Hector Diaz, who was the first person arrested in connection with the largest federal raid on Colorado’s medical marijuana industry, has pled guilty to conspiracy to possess marijuana with intent to distribute and visa fraud. He had been charged with conspiring to send money from Columbia to Colorado to buy a warehouse to grow marijuana, among other charges.

The Virginia General Assembly has passed legislation legalizing the use of two marijuana derivatives, cannabidiol (CBD) oil and THC-A oil, for the treatment of epilepsy. The bill requires patients to provide
written certification from a doctor that the use of the derivatives is medically necessary. A similar bill has been approved by the state Senate.

A recent analysis of marijuana edibles in Oregon found that levels of THC were “wildly inconsistent.” In contrast to Colorado, marijuana testing labs are not closely regulated by Oregon state authorities.

In late February, representatives from 75 Indian tribes from around the country gathered in Washington state to discuss the legalization of marijuana on tribal lands.

The Conference of Western Attorneys General (CWAG) forwarded along a copy of the 2014 Colorado Department of Revenue Marijuana Enforcement Division Annual Report for 2014. Click on the PDF document (below) to view the entire report.

As per CWAG, the report contains information relevant to regulatory agencies and law enforcement, including the following:

- Nearly 150,000 total pounds of marijuana were sold in Colorado by medical and retail outlets, with 109,578 pounds of medical marijuana sold versus 38,660 pounds of recreational marijuana
- 2,249 licenses have been issued, including 1,416 medical licenses and 833 retail licenses
- The state received $700 million in revenue from marijuana sales, with $487 million from medicinal marijuana and $313 from recreational marijuana
- 67 of the state’s 321 jurisdictions allow recreational and medical marijuana sales
- Close to 5 million units of marijuana-infused edibles were sold, with approximately 3 million recreational units and 2 million medical units sold
- Retail recreational potency testing at 8 certified labs within the state show compliance rates of 98% or better on two different potency tests. Under current state regulations there are no potency testing requirements for medical marijuana/infused medical marijuana.
- "Seed to Sale" tracking of plant production at every level, initiated by Colorado in 2013, tracked 37 million of cases

While this report does not address the tax allocation of marijuana revenue under Colorado’s Amendment 64, CWAG provided the following information as a reference:

The first $40 million in annual excise tax revenue on wholesale marijuana sales (from recreational marijuana only; not medical), which is taxed at 15%, goes into a special state fund for public school construction. In addition, 10% of the state’s retail state sales tax goes back to local governments in which the sales tax is collected (i.e., local jurisdictions that allow retail marijuana sales).
For those states interested in reviewing the tax revenue related to marijuana sales or other information comparing the two systems, here is a website which summarizes information relating to Colorado and Washington’s marijuana systems.

**New Efforts in the Fight Against Methamphetamine**

The Indiana legislature is considering Senate Bill 536 which makes it harder to purchase ephedrine and pseudoephedrine. The legislation requires the use of the National Precursor Log Exchange, which is described as “a national database which tracks the sale of substances like ephedrine and pseudoephedrine, in order to track individuals with drug-related felony convictions who are trying to purchase precursor ingredients.”

**Other News of Interest**

**Florida Attorney General Pam Bondi** announced that three men were arrested in Florida in connection with a multi-state drug diversion ring. The ring spanned from Florida to Newark, New Jersey, Philadelphia, Pennsylvania, Chicago, Illinois, Houston, Texas and San Juan, Puerto Rico. Drugs involved included anti-depressants, anti-psychotics, and HIV medications. In connection with the investigation, investigators seized over $60,000, two assault rifles and thousands of dollars’ worth of liquors, designer shoes and imported champagne, as well as trophy heads from South African safari hunting trips.

**Rhode Island Attorney General Peter F. Kilmartin** has filed legislation which would increase the penalty for driving under the influence resulting in death. The bills would also increase penalties for those found guilty of driving under the influence resulting in serious bodily injury.

A new study published in the *Journal of Neuroscience* shows that “individuals with substance use disorder have difficulty computing the difference between expected versus unexpected outcomes, which is critical for learning and future decision making.” This study specifically looked at the effects of cocaine on the human brain.

The American Medical Association, together with more than 150 national and state organizations including all United States medical societies recently sent a letter to the National Governors Association (NGA) urging the organization to focus on overdose prevention and treatment of prescription drug abuse.

I recently participated in a conference call, organized by the Institute for Behavior and Health, which discussed drugged driving and specifically examined the findings of two recent National Highway Traffic Safety Administration (NHTSA) studies as well as recent bills relating to drugged and drunk driving that were introduced or will soon be introduced in Virginia and California. If you are interested in obtaining information relating to that call, please feel free to email me at fliquori@naag.org.
Additionally, one of NAAG’s Visiting Fellows recently attended a forum, organized by the Alliance to Prevent the Abuse of Medicines and CQ Roll Call, which examined the economic impact of prescription drug abuse. Speakers included Massachusetts Governor Charlie Baker, Virginia Governor Terry McAuliffe, and U.S. Senators Sheldon Whitehouse and Rob Portman, as well as industry and government representatives. For a description of that meeting, please feel free to email me.

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