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.

NOVEMBER 2014

New Developments in Combatting Opioid Abuse

Indiana Attorney General Greg Zoeller and the state’s Prescription Drug Abuse Task Force are now working with the Indiana Colts to prevent youth prescription drug abuse. The initiative asks high school students to pledge to not abuse or share the drugs. The school with the most pledges will receive $5,000 from the football team and will be recognized as a community leader.

Kentucky Attorney General Jack Conway, together with the Prosecutors Advisory Council PAC, the National Association of Drug Diversion Investigators (NADDI) and two parents who have lost children to drug overdoses announced the availability of two scholarships for high school Kentuckians who have been impacted by prescription drug abuse. The public can also donate to the scholarship fund through the Attorney General’s website.

Massachusetts Attorney General Martha Coakley, New Jersey Acting Attorney General John J. Hoffman, New York Attorney General Eric T. Schneiderman and Pennsylvania Attorney General Kathleen G. Kane have formed the Northeast and Mid-Atlantic Heroin Task Force (NEMA-HTF), with the mission of combating the heroin epidemic in their region. The Attorneys General will work collaboratively and share information among their states, with the goal of targeting large scale multistate distribution operations.

Montana Attorney General Tim Fox has praised a 15 year-old student who is raising awareness of prescription drug abuse in an effort to become an Eagle Scout. The student hosted his local police department’s prescription drug take-back day and publicized the event by handing out pamphlets at pharmacies, retailers and hospitals. He also visited neighborhoods to educate residents about the dangers of keeping unused medication in their homes.

New Jersey Acting Attorney General John J. Hoffman announced this month that the State Division of Consumer Affairs convened its inaugural Pain Management Council. The Council is comprised of state regulatory agencies, health care professional organizations, hospitals and medical consultants, and will review current medical standards and regulations to develop a set of voluntary best practices for healthcare professionals within New Jersey, including the development of medical school and continuing education curriculum.
Nevada Attorney General Catherine Cortez Masto and Nevada Governor Brian Sandoval announced a video contest for middle and high school students. Students must prepare short videos that detail the risks of prescription drug abuse.

Virginia Attorney General Mark Herring and Virginia Governor Terry McAuliffe held a Prescription Drug Summit on October 2, which identified the impact of opioid abuse on the state’s criminal justice and health care systems. The agenda can be accessed here.

Maryland has enacted a Good Samaritan law, which makes calling for help for another person who is overdosing a mitigating factor for those charged with drug possession at the time of sentencing.

Baltimore, Maryland’s Heroin Treatment and Prevention Task Force is working to identify the size of the drug problem within the city and determine how to decrease drug use and increase access to drug treatment programs. One specific focus of the task force is the relationship between methadone clinics and the neighborhoods in which they are situated.

New Jersey is now sharing its prescribing records, gathered by its prescription drug monitoring program, with doctors and pharmacists in Delaware and plans to share this information with health care professionals in New York, as well.

A new outpatient recovery center for Pennsylvanian pregnant women struggling with substance abuse has been launched by Magee-Womens Hospital of UPMC, in association with several insurers. Doctors will prescribe buprenorphine as part of the patients’ recovery plans. Patients will also have access to midwives and social workers for counseling and prenatal care.

Pennsylvania Governor Tom Corbett signed into law Senate Bill 1180 and House Bill 1846. Senate Bill 1180 establishes an electronic data monitoring system for the prescription of controlled substances, called the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP). House Bill 1846 places limits on physician dispensing, as such prescriptions are more costly than pharmacy-dispensed drugs. Pennsylvania Attorney General Kathleen G. Kane supported this legislation.

New Hampshire has established its prescription drug monitoring program. Health care professionals can now begin to use the database, which will be updated, at minimum, weekly.

According to the U.S. Centers for Disease Control and Prevention (CDC), deaths from heroin overdoses doubled from 2010 to 2012. The CDC relied on data from 28 states, which accounts for 56% of the country’s population. The Northeast and the South saw the greatest increase, though each state studied had a rise in heroin-related deaths. Individual states have commissioned similar studies. For example, a recent study by Maryland’s Department of Health and Mental Hygiene showed that, in 2013, overdose deaths among pregnant women increased, with one out of every three pregnancy-related deaths involving substance abuse.

This article provides an informative overview of the causes of and risks associated with neonatal abstinence syndrome (NAS). It also details the problems that Delaware hospitals are facing due to an increase in NAS.
A new study of emergency room visits revealed that 68% of opioid overdoses treated in emergency rooms were caused by the use of prescription painkillers.

Purdue Pharma is facing a lawsuit in Kentucky that the company's attorney has described as a “billion-dollar case.” The suit alleges that Purdue is guilty of Medicaid fraud, false advertising, creating a public nuisance, and unjust enrichment, and argues that the company misled doctors and others as to the addictiveness and dangers of OxyContin. Lawsuits have also been filed in California and Illinois. This article provides a helpful overview of the case and an explanation of the significance of lawsuit.

Zogenix, the manufacturer of Zohydro, is seeking FDA approval for a version of Zohydro which is more tamper-resistant. The new version will be more difficult to inject or snort, as it is a capsule that contains a thick gel.

**Synthetic Drug News**

Click on the following link for a helpful PowerPoint which outlines the dangers involved in the online sales of pharmaceuticals and synthetic drugs. It was provided to me by Maine Attorney General Janet Mills, who received it from an attendee of the 2014 NASCA conference. The presentation was given by Libby Baney, J.D., Executive Director for the Alliance for Safe Online Pharmacies. For additional conference presentations, please click on this link. I believe the website also contains the contact information for the presenters in case you are interested in learning more or obtaining permission to use any of their presentations.

The Ohio state legislature is considering a new bill, House Bill 640, which would provide the Attorney General with emergency powers to temporarily ban new versions of synthetic drugs for one-year, upon a finding that such drugs are an imminent hazard to public safety. The state's pharmacy board would be required to approve the ban as well. Ohio Attorney General Mike DeWine is in support of the legislation.

The U.S. Department of Justice awarded 17 individuals that work within the North Dakota Attorney General’s Office with the 2014 Outstanding Investigation for Creative Response to Emerging Public Safety Threat award. The award was given in connection with Operation Stolen Youth, a 2012 investigation that involved synthetic drug use and eventually led to the shutdown of an international drug trafficking organization.

Stakeholders in New Hampshire are working as part of a special committee to draft new legislation that would provide better protection against synthetic drugs.

A task force that was established to prevent large-scale beer thefts from convenience stores in Tulsa, Oklahoma uncovered information that led to a raid of thirteen convenience stores in connection with the sale of synthetic drugs imported from China.

Authorities in Delaware County, Ohio, announced that a new synthetic drug called “crown” has emerged in the area. At least two teenagers were hospitalized after smoking the substance. State forensic scientists identified
the drug as a synthetic cannabinoid known as AB-PINACA. The drug is legal within the state, though it is chemically similar to ADB-PINACA, which was outlawed this year.

**New Efforts in the Fight Against Methamphetamine**

California Attorney General Kamala Harris announced the creation of an anti-methamphetamine team. The team will be made up of Department of Justice special agents and based in Los Angeles. It is funded by a federal grant. The team will combat transnational criminal organizations which have smuggled methamphetamine into the United States through California.

**Updates in the Field of Marijuana Legalization**

Recently, a Pierce County Superior Court ruled in favor of Washington Attorney General Bob Ferguson in the case of MMH, LLC v. Fife. The Attorney General argued that nothing in the state marijuana initiative overrode governments’ preexisting authority to regulate local businesses, including marijuana businesses, through zoning or otherwise, meaning that local governments do not have to allow marijuana businesses.

Colorado’s Department of Health and Environments is requesting that the Colorado Department of Revenue’s Marijuana Enforcement Division institute a ban on most marijuana edibles within the state and legislators are also recommending that a new bill include additional regulations on the sale of such products.

While the sale of recreational marijuana is now legal in Washington, there is only one marijuana store open within the state. Only 60 store licenses have been granted and the supply of saleable marijuana is “scarce.” This article examines the current state of the recreational marijuana industry in Washington.

Recent changes to the Colorado marijuana industry were implemented last month. Specifically, the market is now open to additional sellers. Additionally, recreational marijuana dealers no longer have to grow the majority of the marijuana that they sell. Now, stores and growers can separate, meaning that some in the market will become sellers only, while others will operate as wholesale growers.

A recent review of marijuana research, published in *U.S. News and World Report*, shows that there are risks to the use of the drug, such as an increased risk of car crashes, cognitive impairment, and high school age-students dropping out of school.

**Drugged Driving**

Michigan Governor Rick Snyder has signed bills into law which relate to the investigation of drugged driving. Specifically, law enforcement can now conduct a “preliminary roadside analysis” for the use of controlled and intoxicating substances. Moreover, information relating to those arrested for drugged driving will be entered into a law enforcement database.

**Other News of Interest**

A new study provides some guidance to health care workers who struggled with the treatment of mentally ill individuals with substance abuse issues. Specifically, many health care professionals were unsure of which to
treat first – the substance abuse or the mental illness. The study shows that treating the substance abuse issues will reduce the risk that the patients will commit violent acts, indicating that substance abuse treatment is important to include at the onset.

The FDA ordered the seizure of Kratom, a botanical substance which the FDA has stated “poses a risk to public health and has the potential for abuse.” The alkaloids in the substance cause effects similar to opiates. U.S. Marshalls have seized an estimated $5 million worth of the drug.

Click on this link to view an inspiring story about an Army veteran who has battled abuse, started a drug abuse counseling center, and chaired New Jersey’s heroin task force. He believes that substance abuse is a “massive problem” within the military and advocates for mental health and addiction training for active duty soldiers and veterans.

This month, a number of NAAG’s Visiting Fellows attended events in Washington, D.C. related to drug abuse. Please see below for a full listing of events attended. If you are interested in obtaining the documents distributed or notes taken at the events, please contact me at fliquori@naag.org.

Events attended:

- Congressional Briefing: Adolescent Brain Development: Understanding the Impact of Substance Abuse (sponsored jointly by the Friends of the National Institute on Alcohol Abuse and Alcoholism and the Friends of the National Institute on Drug Abuse in cooperation with the Congressional Addiction, Treatment and Recovery Caucus)
- “I Can’t Even...Addressing Teen Pressure and Rx Drug Abuse” (held by drugfree.org)
- Black Market Drugs Policy Discussion (hosted by the Center for Lawful Access and Abuse Deterrence)

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