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.

**OCTOBER 2014**

**New Developments in Combatting Opioid Abuse**

This month, more than 600 stakeholders attended Arkansas’ third annual prescription drug abuse summit, including [Arkansas Attorney General Dustin McDaniel](#), who stated that the goal of the summit was to help reduce overdoses and addiction and increase public awareness. [Mississippi Attorney General](#) and NAAG President Jim Hood served as the summit’s keynote speaker.

[Indiana Attorney General Greg Zoeller](#) and State Senator Ron Grooms visited Clark Memorial Hospital in Jefferson, Indiana. The hospital is one of six statewide locations which participates in a year-round prescription drop off program called Yellow Jug Old Drugs. General Zoeller is the founder of the state’s Prescription Drug Abuse Prevention Task Force and Senator Grooms serves as a member of the task force.

The medical license of Dr. Paul M. DiLorenzo, an Oakhurst, New Jersey physician, has been temporarily suspended after he was accused of “indiscriminately prescribing” large quantities of oxycodone. One of Dr. DiLorenzo’s patients was found dead with large amounts of oxycodone and alcohol in her blood. According to an administrative complaint filed by [New Jersey Acting Attorney General John J. Hoffman](#) with the Board of Medical Examiners, the doctor’s patients were required to pay cash for the prescriptions and often obtained prescriptions from the doctor’s employees, without having been examined. The amount of oxycodone allegedly prescribed for some of these patients was “appropriate only for the most extreme of underlying conditions, such as end-of-life care.”

[New York Attorney General Eric T. Schneiderman](#) announced that 41 people have been indicted in connection with two heroin and cocaine trafficking pipelines. Over one kilogram of cocaine and large quantities of prescription pills and heroin were seized. Some of the individuals allegedly involved have been charged with New York’s Operating as a Major Trafficker statute, which carries a possible life sentence. This investigation was conducted jointly with New York State Police.

[Virginia Attorney General Mark Herring](#) announced his drug abuse strategy, which targets heroin and prescription drug overdoses. The plan includes Good Samaritan legislation, improved drug-induced homicide statutes, and aggressive action against “professionals (doctors, pharmacists, pharmacy
technicians, etc.) who make it easier for Virginians to obtain drugs.” General Herring will also incorporate new training materials for law enforcement, establish an Executive Summit on Heroin and Prescription Drug Abuse, and consider whether to expand the state’s Naloxone pilot plan. Additionally, this month Virginia Governor Terry McAuliffe signed Executive Order 29 which established the Governor’s Task Force on Prescription Drug and Heroin Abuse. Representatives from General Herring’s office will serve on the Task Force.

The U.S. Department of Justice has awarded the Massachusetts Department of Public Health a $400,000 grant, which will be used to improve the state’s Prescription Drug Monitoring Program. Specifically, the state will use the money to provide training for providers using the system as well as training for law enforcement relating to prescription drug abuse.

U.S. Senators Portman and Whitehouse have introduced the Comprehensive Addiction and Recovery Act of 2014, which would “provide a series of resources and incentives to help state and local governments expand treatment, prevention and recovery efforts.” The linked article provides a good summary of the legislation. To view the actual bill, click on this link.

The New Jersey legislature is now considering 21 bills that address heroin and prescription drug abuse. If adopted, the legislation will make improvements to the state’s prescription drug monitoring program and will allow substance abuse workers and volunteers to carry Naloxone. This article details many of the proposed changes.

Pennsylvania Governor Tom Corbett signed Senate Bill 1164, a Good Samaritan law which allows for the prescribing of Naloxone to third parties, such as friends or family members of those who abuse opioids. The governor also approved certain recommendations made by a prescription drug working group, which are outlined in this article.

The American Academy of Neurology (AAN) released a policy statement relating to the use of opioids, which lists best practices for practitioners. Notably, the AAN stated that, for certain chronic pain conditions, the risks of opioids far outweigh their benefits.

**Controversy Still Surrounds Zohydro**

Express Scripts has decided to not include Zohydro ER in its 2015 formulary of covered medications. This article explains the role of Express Scripts as a Pharmacy Benefit Management Service (PBMS) and the effect of the new formulary on the consumer. Patients who have prescriptions for this drug will now have to pay full price.

In early September, the governors of Massachusetts, Vermont, New Hampshire, Rhode Island, and Connecticut asked the Department of Health and Human Services to rescind the approval of Zohydro, citing the likelihood of abuse of the drug and the anticipated availability of an alternative drug. The governors also wrote a letter to the Canadian Health Minister and Minister of Public Safety and Emergency Preparedness advocating for abuse deterrence requirements on certain controlled substances. Zogenix, the manufacturer of Zohydro, wrote an email in response to the governors’ letter,
arguing that abuse deterrent formulations are “not a silver bullet” and that the company has taken a comprehensive approach to address the addiction epidemic. Representatives of the FDA have also published an article in The Journal of the American Medical Association calling for a “comprehensive policy approach” and addressing the approval of Zohydro.

**Synthetic Drug News**

Over the past five months, approximately 25 Southeast Michiganders have been hospitalized after ingesting a synthetic drug called “Cloud 9” and also known as “Hookah Relax.” The drug has been described by law enforcement as “absolutely deadly.” Ingredients include those found in air fresheners and bath salts. Users, including teenagers, have experienced agitation, hallucinations, and near heart attacks, among other symptoms.

The Idaho Supreme Court recently upheld the conviction of a man who sold synthetic cannabinoids. The defendant argued that there was insufficient evidence to support a conviction in that the prosecution did not show that he knew that the substance that he delivered was illegal and alleged that he had been told that the substance he sold was legal. However, the court found that circumstances of the sale, including the conversation between the defendant and the undercover officer to whom the drugs were sold, gave the jury a sufficient basis to find that the defendant knew that he was selling a synthetic cannabinoid.

Researchers at Manchester Metropolitan University are working to develop the first portable device for testing for synthetic drugs. The initial findings have been published in the American Chemical Society’s Analytical Chemistry.

This article provides the reader with a clear explanation of the dangers and risks associated with synthetic marijuana. Notably, the author quotes one of the original designers of synthetic marijuana, John W. Huffman, Ph.D., who analogized the substance to “playing Russian roulette.”

The European Union has banned the manufacture and sale of four synthetic drugs, including MPDV and mephedrone, in response to approximately 150 deaths.

**Updates in the Field of Marijuana Legalization**

Recently, Colorado Attorney General John Suthers spoke about the marijuana legalization movement at Columbia Law School, at an event sponsored by the school’s National State Attorneys General Program. General Suthers described the effect that legalization has had on his state and his office’s responsibilities as they relate to regulation. A video of General Suthers’ presentation can be accessed at this link.

Colorado’s Supreme Court is considering whether employers can fire their employees for use of medical marijuana. Part of the debate centers around the definition of “lawful,” as the state’s Lawful Off-Duty Activities Statute prohibits employers from firing employees for engaging in off-duty activities that are not illegal.
According to a study conducted at Massachusetts General Hospital and published in the Journal of Addiction Medicine, forty percent of teens dependent on marijuana experienced withdrawal symptoms when they stopped using the substance, which can lead to difficulties with school, work, and relationships. This group is also more likely to meet the criteria for mood disorders. The decision will be a timely one, as a recent study has shown that, from 2012 through 2013, the number of Coloradans undergoing employment-related drug testing through Quest Diagnostics who tested positive for marijuana has increased by twenty percent.

Prevention and Awareness

Georgia Attorney General Sam Olens, together with a number of other prevention groups and state agencies, launched the “Not Gonna Take It” video contest this month. The contest is open to high school students and asks them to create a video explaining why they choose to avoid abusing prescription drugs.

Kentucky Attorney General Jack Conway has also launched a video contest this month, which targets both middle and high school students. The competition challenges the students to create a public awareness video that will highlight the risks of prescription drug abuse.

This month, DEA released its new rule relating to the disposal of controlled substances. The rule was published in the Federal Register. The rule expands the methods of drug disposal to include approved pharmacies and doctors’ offices and clinics, as well as year-round drop boxes. The White House Office of Drug Control Policy released a number of helpful documents relating to the new rules, which can be accessed using the links listed below.

Other News of Interest

Since DEA’s August announcement of the proposed final rule rescheduling hydrocodone as a Schedule II drug, many people have submitted comments to the DEA during the public comment period. Seventy-four percent of the general public and 56% of prescribers are in support of the rule while 60% of pharmacists and 90% of the drug’s users are opposed. This article explains the reasoning behind the rescheduling and the practical effects of the final rule while this article details the concerns of those opposed to the rescheduling and outlines the current pending legislation relating to prescription drug abuse.

October is National Substance Abuse Prevention Month. SAMHSA’s website lists the steps that interested parties can take to address drug abuse in their communities.