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 2015

New Developments in Combatting Opioid Abuse

A bad batch of counterfeit Xanax has caused at least three overdoses in San Francisco, California. Authorities have announced that the pills, which were inscribed and sold on the street as Xanax, contained fentanyl.

In early October, there were over 70 heroin overdoses reported in Chicago, Illinois, over the course of 72 hours. Police are investigating the cause of the rash of overdoses and suspect a connection to an extremely strong batch of fentanyl-laced heroin.

The Obama administration announced a multi-pronged plan to engage the public, private, federal, state, and local sectors to address prescription drug abuse and heroin use. The plan includes donations of millions of dollars from the private sector to fund public service announcements as well as commitments from 40 provider groups that over 500,000 health care providers will complete prescriber training over the next two years. President Obama also issued a Memorandum to Federal Departments and Agencies directing that (1) federal departments and agencies provide training on the prescribing of opioid medications to federal health care professionals who prescribe these drugs as part of their federal responsibilities and (2) federal departments and agencies that directly provide, contract to provide, reimburse for, or otherwise facilitate access to health benefits conduct a review to identify barriers to medication-assisted treatment and to develop action plans to address these barriers. Pharmacies have joined this effort in a number of ways. Many pharmacies have pledged to expand pharmacist training and naloxone dispensing, among other initiatives.

The U.S. Senate recently passed the Protecting Our Infants Act, which mandates that the U.S. Department of Health and Human Services (HHS) develop a comprehensive strategy to address neonatal abstinence syndrome and directs the Centers for Disease Control and Prevention (CDC) to “work with states to improve data collection and implement public health measures to address the problem.” The bill will now be sent to the U.S. House of Representatives for consideration.

In mid-October, a field hearing was held by U.S. Senator Pat Toomey, chairman of the Senate Financial Subcommittee on Health Care, in order to learn more about the heroin epidemic. Senator Toomey and
Senator Bob Casey, who also attended, are sponsoring the bipartisan Stopping Medication Abuse and Protecting Seniors Act, S.1913, which, if passed, would “‘lock in’ patients to one physician and one pharmacist if it is shown that [the patients] are ‘doctor shopping.’”

HHS recently launched a website focused on increasing education about opioid misuse and providing resources for communities. It includes tools and information for law enforcement, patients, health professionals, and families about drug abuse, prevention, treatment, and overdose response.

Research conducted at Johns Hopkins Bloomberg School of Public Health shows that while the number of overdoses for prescription opioids and heroin has increased drastically over the past ten years, the percentage of people getting treatment for opioid abuse has remained about the same. The report can be accessed at this link.

A study conducted at the University of Michigan shows that high school students who legally use prescription opioids are more likely to abuse prescription opioids when they become adults.

Government studies show that four million “baby boomers” are addicted to drugs and that 4.3 million adults over 50 have used illegal drugs in the past year.

A newly published survey suggests that many teenagers are abusing prescription drugs in an effort to cope with underlying physical and emotional problems, including anxiety or eating disorders. Twenty percent of the teens polled reported that they had a friend who abused prescription drugs.

The National RX Drug Abuse Summit, which is in its fifth year, has announced that it is changing its name to the National RX Drug Abuse & Heroin Summit, in order to properly address issues relating to heroin abuse.

Delaware Attorney General Matt Denn has entered into an agreement with Amphastar Pharmaceuticals, the manufacturer of Naloxone. The company has agreed to provide a $4 rebate to government and public entities within the state for each Naloxone syringe purchased from September 18, 2015, through September 17, 2015, or for a reimbursement made by the entity for such a purchase during that time period.

The Indiana Prescription Drug Abuse Prevention Task Force, which was founded by and is currently co-chaired by Indiana Attorney General Greg Zoeller, recently hosted its sixth-annual Prescription Drug Abuse Symposium. The event was titled, “In the Trenches, A Community Approach.” At the Symposium, General Zoeller announced a new grant program which will fund increased naloxone distribution to first responders. Non-profit organizations that are registered with the state to distribute naloxone kits and provide naloxone training to first responders can apply for grant funding. The program is funded by a recent pharmaceutical settlement. The Task Force is also urging Indiana teens to participate in the second-annual Pledge Challenge by learning more about prescription drugs through the Bitter Pill website and by taking an online pledge not to abuse or share prescription drugs.

Michigan has drafted statewide guidelines for the treatment of those addicted to opioids. The “guidelines . . . define mild, moderate, and severe levels of addiction and then appl[y] medication and
behavioral therapy that research has shown to be the most effective for that level of addiction.” The Michigan Prescription Drug and Opioid Abuse Task Force has also presented Governor Rick Snyder with a comprehensive report of its findings as well as 25 primary recommendations and seven contingent recommendations relating to prevention, treatment, regulation, policy and outcomes, and enforcement. Michigan Attorney General Bill Schuette was a member of the task force and joined Governor Snyder to announce the release of the recommendation.

Ohio Attorney General Mike DeWine, together with federal and local authorities, has announced that eight people have been indicted in connection with a multi-county drug trafficking organization. Search warrants executed in connection with the investigation uncovered various illicit drugs, including prescription drugs, marijuana, and heroin, with a combined estimated street value of more than $1 million, as well as illegally-owned guns and items used to make heroin in pill form.

Pennsylvania Attorney General Kathleen Kane announced that an East Stroudsburg University police officer has been charged with unlawfully obtaining hundreds of prescription opioids by visiting 19 doctors over a 16 month period.

On October 29-30, 2015, NAAG Eastern Region Chair Rhode Island Attorney General Peter F. Kilmartin and New York Attorney General Eric T. Schneiderman hosted the NAAG Eastern Region Meeting at New York University Law School in New York. Attendees discussed best practices for combatting the opioid epidemic in the Northeast United States and nationally. Law enforcement participants were also provided with the opportunity to tour the New York/New Jersey High-Intensity Drug Trafficking Area (HIDTA) headquarters on Thursday afternoon.

Updates in the Field of Marijuana Legalization

Retail prices for marijuana have dropped in Colorado over the past year due to greater competition among stores and cultivation facilities.

The Illinois Medical Cannabis Advisory Board recently recommended that eight conditions and diseases be added to the list of those already approved under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act. This list includes autism. If the list is approved by the Illinois Department of Public Health Director, Illinois will be the first state to allow the use of medical marijuana to treat autism.

A group of Massachusetts patients who are addicted to opioids are being treated with medical marijuana through a month-long tapering program. At one clinic, a doctor who treats those addicted to opioids, anti-anxiety medication, or muscle relaxers reported that, out of 80 patients, three-quarters stopped using those drugs once they completed the program.

New York will require physicians to complete an education course on medical marijuana treatment before such physicians may authorize medical marijuana for their patients.
After one week of recreational marijuana sales, Oregon dispensaries were reporting approximately $11 million in sales, meaning that the state’s estimated tax revenue might have been too low a figure. One dispensary reported serving approximately 500 people each day. Oregon recreational marijuana sales will remain tax free until January 2016. At that time, there will be a 25 percent tax added to purchases. However, Oregon medical marijuana dispensaries are closing at a rapid rate, due to a “mix of factors” including “oversaturation, bad locations, a lack of business savvy and the difficulty and added costs of operating a cash-only business.”

Employees at two Oregon marijuana dispensaries have signed contracts with the United Food and Commercial Workers Union (UFCW). In anticipation of additional workers joining the union, the UFCW has created a division called “Cannabis Workers Rising.”

The U.S. District Court for the Northern District of California has ruled that the 2015 Rohrabacher-Farr amendment to the federal Consolidated and Further Continuing Appropriations Act, “prohibits the Department of Justice from expending any funds in connection with the enforcement of any law that interferes with California’s ability to ‘implement [its] own State law[] that authorize[s] the use, distribution, possession, or cultivation of medical marijuana’” and therefore prevents federal investigators from taking action against cannabis businesses that are lawful within the states where they reside.

Federal investigators seized 30,000 cannabis plants from the Menominee Indian tribe’s reservation in Wisconsin. Tribe leaders have stated that the plants were “intended for lawful research into growing industrial hemp.” A 2014 federal farm bill allows states to implement such pilot programs. The tribe had announced earlier this year that it would be implementing such a program in cooperation with the College of the Menominee Nation. The DEA contends that the seized plants were marijuana, not industrial hemp.

A study conducted by Canadian researchers and published in the Journal of Pain concluded that medical marijuana “appears mostly safe” for treating chronic pain for those patients with “some experience using the drug.”

**Synthetic Drug News**

New York City has now banned the manufacture and sale of certain synthetic cannabinoids and cathinones, including K2 and “bath salts.” The law imposes criminal and civil penalties for violations and also allows the City to shut down any business that violates the law twice in a three-year period.

The DEA has announced the results of a multi-agency investigation into synthetic drug rings that has culminated in the arrest of 151 people in 16 states. The investigation was known as Project Synergy III and targeted wholesalers, money launderers, and other criminal facilitators of the synthetic drug industry. Thirty-nine weapons and over $15 million cash and assets were seized in connection with this
case, as well as over 316 kilograms of synthetic cathinones, 3,000 kilograms of synthetic cannabinoids, 7,000 packs of synthetic cannabinoids, and 98 kilograms of treated plant material.

**Colorado Attorney General Cynthia H. Coffman** has reached the largest civil settlement in U.S. history against a store owner for the sale of spice. Under the terms of the settlement, the company will pay a civil penalty of $160,000.

**Indiana Attorney General Greg Zoeller** has issued a statement in reaction to the Indiana Supreme Court’s recent decisions to uphold the state’s synthetic drug ban, stating in part, “[the] ruling . . . allows state law to keep pace with those criminals who manufacture synthetic drugs in endless new formulas to evade state law and target our youth.”

**New York Attorney General Eric T. Schneiderman** recently held a roundtable discussion, together with Niagara Falls Mayor Paul Dyster, members of Niagara Falls law enforcement, and local health professionals, to coordinate strategies to combat the sale of dangerous designer drugs.

**Other News of Interest**

A recent study found that more Americans are driving while under the influence of drugs, although drunk driving rates are still in decline. Thirty-eight percent of drivers killed in accidents who were tested had drugs in their system. Marijuana constituted over one-third of the drugs identified. Additionally, a roadside survey recently conducted by the National Highway Traffic Safety Administration (NHTSA) found that 22 percent of drivers tested positive for some type of illegal drug or medication.

A study recently published in *Alcoholism: Experimental and Clinical Research* suggests that “quitting smoking may help people with a history of alcohol problems stay sober.”


**New York Attorney General Eric T. Schneiderman** announced that the ringleader of a major drug ring has pleaded guilty to an A-II felony and is facing 12 years in prison. The ring trafficked drugs from New York City throughout the Capital Region of New York.

**Oregon Attorney General Ellen Rosenblum** has filed suit against GNC on the grounds that the company knowingly sold workout and fat-burner supplements containing two synthetic drugs that cannot be lawfully included in dietary supplements.

**South Dakota Attorney General and NAAG President Marty Jackley** announced that his office’s 24/7 Sobriety Program is distributing more than $60,000 in administrative costs back to counties to strengthen and improve the program.