

NEWS BITES

MAY 2022

LAPPA NEWS

Rx DRUG ABUSE AND HEROIN SUMMIT

LAPPA staff recently attended the Rx Drug Abuse and Heroin Summit, held in Atlanta, Georgia the week of April 18th. In the exhibit hall, LAPPA had the pleasure of meeting and speaking with hundreds of stakeholders, learning about their organizations, and discussing how we can work together towards common goals. Four attorneys on LAPPA's team gave presentations at the Summit.

In a session titled, "Opioid Settlement: Protecting and Optimizing Proceeds," LAPPA President Susan Weinstein was part of a panel of experts that provided an overview on the status of state laws enacted to direct the funds from the multistate opioid litigation and the efforts being taken by state and local governments to ensure that the proceeds will be used solely to prevent and treat substance use disorders and their adverse outcomes. The panel further: (1) described and shared a model law that community leaders and policymakers can use to help advocate for the adoption of state laws to ensure that the litigation proceeds are used to prevent overdoses, treat substance use disorders, and support recovery; (2) discussed ways advocates can provide input on the allocation of opioid litigation proceeds to address specific community needs; and (3) provided recommendations to local government agencies, not-for-profit organizations, and private organizations on how to access the funds and optimize their expenditure. For more information about the presentation or for a copy of the slides, please email info@thelappa.org. Click [here](#) to read the Model Opioid Litigation Proceeds Act.

In a separate session, titled, "Fentanyl Test Strips for Harm Reduction and Overdose Prevention: Research and Legislative Update," LAPPA Senior Legislative Attorney Jon Woodruff and LAPPA Legislative Attorney Stephanie Noblit addressed practical and legal implications for the use of fentanyl test strips (FTS), providing a legislative update on their classification as "drug paraphernalia" and other legal challenges to their use. One of the main obstacles to getting FTS into the hands of those who need them most are state laws concerning the use and possession of "drug paraphernalia." Together with their fellow panelists, Woodruff and Noblit: (1) explained the functionality of FTS in helping to prevent unintentional overdoses; (2) described various ways that FTS can be disseminated within communities, coupled with education and other harm reductions prevention efforts; (3) identified potential key partners that can support the process of making FTS and prevention education more readily available within communities; (4) described the practical and legal implications for the use of FTS; and (5) outlined information that will assist in amending or drafting state legislation on FTS. For more information about the presentation or for a copy of the slides, please email info@thelappa.org. Click [here](#) to read LAPPA's fact sheet on Fentanyl Test Strips. See below for information about LAPPA's recently published 50-state summary on drug paraphernalia laws.

LAPPA Senior Legislative Attorney Heather Gray was in the Summit's poster hall with a presentation titled, "Syringe Service Programs: Radical Expansion of Access to Sterile Syringes as a Means of Reducing the Risk of Overdose." The poster included information on: (1) the scope of the problem; (2) what comprises a syringe service program (SSP); (3) the benefits of SSPs; and (4) obstacles to implementation of SSP programs. To receive a copy of the poster, please email info@thelappa.org and visit LAPPA's website to review the [Model Syringe Service Services Program Act](#), the [Syringe Services Program Fact Sheet](#), and a [50-state Summary of Syringe Services Programs](#) across the country.

BOARD OF DIRECTORS

LAPPA is pleased to announce that it recently welcomed four new members to its Board of Directors:

- Michael Barnes is the Chairman of the Center for U.S. Policy, a not-for-profit organization advancing solutions to pressing national challenges, including the substance use disorder and drug poisoning crises. He is also a Principal Attorney at Sequel Legal, where his practice is on health and drug law and policy. Mr. Barnes was a political appointee under President George W. Bush, having served as confidential counsel in the White House Office of National Drug Control Policy;
- Honesty Liller is the Chief Executive Officer of the McShin Foundation, a not-for-profit authentic peer-to-peer recovery community organization (RCO), that supports individuals and their families when a person is suffering from a substance use disorder. Ms. Liller is the recipient of the 2015 Vernon Johnson Award given by Faces and Voices of Recovery. She has been a field reviewer for the Substance Abuse and Mental Health Services Administration, Faces & Voices of Recovery, and the Council on Accreditation of Peer Recovery Support Services. As a female entrepreneur, she co-founded CARE Talks, LLC. which provides information to communities about substance use disorders and recovery. Honesty is a woman in long-term recovery and is able to be a voice for those with substance use disorder and their families;
- Amelia Walton is a licensed professional counselor, consultant, and advocate who specializes in working with developmental and acute trauma. She holds degrees in psychology and clinical mental health counseling as well as an education specialist degree. Ms. Walton has advanced training in multiple trauma-informed modalities and is certified in eye movement desensitization and reprocessing; and
- Brandon Wieland is a certified public accountant and certified financial planner who spent the first 15 years of his career working in the public accounting industry, primarily working with not-for-profit organizations conducting financial statement audits and regulatory and compliance tax filings. He also served as an outsourced consultant for accounting systems and operations. Mr. Wieland is currently the Director of Finance for the American Society for Biochemistry and Molecular Biology (ASBMB), an international 501(c)(3) not-for-profit scientific society with over 11,000 members. Click [here](#) to learn more about LAPPA's new board members.

FACT SHEETS & 50-STATE SUMMARIES

Just under 106,000 Americans died from a fatal drug overdose between November 2020 and October 2021. This is the highest number of drug overdose deaths ever recorded. Opioids are a major contributor to the drug overdose epidemic and many opioid overdose deaths could be prevented with the timely administration of naloxone, an emergency opioid antagonist medication that is approved by the Food and Drug Administration (FDA) to reverse an opioid overdose. Approximately 60 percent of the 106,000 deaths mentioned above are linked to illicitly manufactured fentanyl. When someone shows signs of an opioid overdose, the timely administration of naloxone can play a huge role in stopping the overdose until the person can receive medical intervention. Research indicates that overdose deaths decrease when emergency opioid antagonists and overdose education are made available to community members. LAPPA's new [fact sheet](#) provides readers with

an overview of what naloxone is and a brief overview of naloxone access laws in the United States. Visit LAPP's website to review the [Model Expanded Access to Emergency Opioid Antagonists Act](#), and the [50-state summary on naloxone laws](#).

Given the increased emphasis in recent years on using harm reduction strategies to stem the overdose crisis, the hurdle posed by state drug paraphernalia laws to establishing syringe services programs or distributing and using testing equipment is not inconspicuous. Accordingly, LAPP undertook a research project to identify both currently-in-force statutes and recently proposed legislation, throughout all 50 states and the District of Columbia, concerning the treatment of needles, syringes, and testing equipment, under state drug paraphernalia laws. The results of this research project are presented in a [50-state summary on drug paraphernalia laws](#) which provides jurisdiction-by-jurisdiction tables describing aspects of each law in effect as of March 2022, including: (1) statutory citations and effective dates of drug paraphernalia laws and exceptions to those laws, if any; (2) dates of substantive amendments to the cited statutes, if any; (3) whether or not a state's definition of drug paraphernalia includes syringes, needles, and/or testing equipment; (4) penalties for possession or use of drug paraphernalia; (5) circumstances under which use or possession of drug paraphernalia is allowed; (6) forfeiture provisions; and (7) recently proposed, but not yet enacted, legislation. LAPP designed this document to provide a singular resource for each jurisdiction's laws; allow for a comparison of these laws between jurisdictions; and identify and highlight interesting provisions.

STATE NEWS BITS

Colorado: In February, the Denver Department of Public Health and Environment announced that city residents could order fentanyl testing strips and naloxone directly from the city, free of charge. A little over one month after the announcement, the agency received 4,500 requests for naloxone and the testing strips – the high demand has resulted in shortages and distribution problems. Limited supply of these harm reduction measures is a growing problem as the opioid crisis deepens and more individuals are seeking out the life-saving tools.

Connecticut: A new state bill, unanimously advanced through committee, would dedicate \$3 million to explore psychedelic-assisted therapy using doctor-supervised MDMA or psilocybin as an alternative to treat conditions such as depression and post-traumatic stress disorder. HB 5296 creates a pilot program in partnership with the state's Department of Mental Health and Addiction Services and establishes an advisory panel to get a jump start on crafting state regulations in advance of possible loosening restrictions on federal regulations surrounding the use of psychedelics as a treatment modality.

Delaware: State officials recently announced a new program to train and educate restaurant workers on how to recognize and reverse opioid overdoses. The state's Division of Public Health's Office of Health Crisis Response will teach servers how to determine if someone is experiencing an overdose and what steps to take to save that person's life. The program was created with restaurant, hospitality groups, and other food service industry workers in mind and will work to eliminate some of the stigma associated with substance use disorder.

Georgia: Governor Brian Kemp recently signed HB 1013, the Georgia Mental Health Parity Act, which mandates that private insurance companies that offer mental health coverage must do so in the same manner in which physical health conditions are covered. The legislation also funnels more money into treatment and crisis services and brings the state up to par with federal parity laws.

Illinois: Governor JB Pritzker announced a new plan that provides resources to help those suffering with a substance use disorder, particularly opioid use disorder, in Black and Latinx communities. The plan, which is already being implemented, is providing help via a mobile van which is equipped with different types of medication (e.g., buprenorphine or naloxone) that assists those with an opioid use disorder. For example, \$50,000 naloxone kits have been distributed through the new initiative, throughout Chicago's West Side neighborhoods, which have been ravaged by overdoses in recent years.

Maryland: The Maryland Department of Health and Maryland 211, a program that assists those with behavioral health issues, announced the launch of a new database that will improve access for residents looking for mental health and substance use disorder services. The database has dropdown filters that narrow search results and identify the specific treatment and recovery options for which users are looking. The filters include age, language, payment options, special populations, and service type. Marylanders are able to access immediate mental health and substance use support by calling 211 and pressing one, where trained specialists will then help resolve crisis situations and help people by providing resources to improve their behavioral health.

Mississippi: Representing another step in the state's ongoing efforts to address the opioid epidemic, Governor Tate Reeves signed HB 679 into law, which will give authorities an additional resource to punish those who adulterate pills with fentanyl, distribute the doctored pills, and endanger the lives of communities. The Mississippi Department of Public Safety is tasked with promulgating regulations regarding the registration, transfer, and destruction of pill presses.

Missouri: The Missouri Senate recently endorsed legislation requiring stricter regulation of products containing kratom. The initiative will not only ban the sale of the product to anyone under the age of 18 but would further require sellers to ensure that products containing kratom do not contain other dangerous substances. Kratom is a plant grown in Southeast Asia that affects the same opioid brain receptors as morphine. While there are stores that specialize in selling kratom, it is also increasingly available online and in convenience stores.

Nebraska: State lawmakers took an initial step towards repealing a state law that bars people with certain drug convictions from getting federal food assistance. Nebraska currently denies federal food benefits to low-income residents who have been convicted of at least three drug possession felonies and those who have been found guilty of selling or distributing illegal drugs. Individuals with one or two felony drug possession convictions can only qualify for the Supplemental Nutrition Assistance Program (SNAP) if they are getting substance use treatment.

Nevada: The opioid overdose reversal medication, naloxone, is now available throughout the State of Nevada, free of charge and without a prescription. The state's Unintentional Drug Overdose Reporting System (SUDORS) recently reported that the rate of accidental overdose deaths among Nevadans increased 20 percent from January of 2020 to June of 2021. Two thirds of those deaths involved opioids and may have been averted if the individual experiencing the overdose had been administered naloxone.

New Jersey: A New Jersey man has been charged with manslaughter this week after prosecutors alleged that he forced his 12-year-old nephew to clean fentanyl paraphernalia, which caused the boy to fatally overdose on the illicit drug. The Philadelphia medical examiner's office performed the autopsy and determined the cause of death to be drug intoxication, specifically fentanyl. The highly lethal opioid can be absorbed through the skin, and witnesses have indicated that the boy was not wearing gloves while cleaning the items in question.

New York: Oneida County is integrating a new drug detection device at the county's correctional facility, which will collect data findings to support the county's Opioid Task Force Overdose Response Team's drug trend surveillance program. The device utilizes technology that detects trace levels of drugs in mere seconds and will be used to screen mail entering the facility. The county spent \$80,000 to purchase the device, and it will be the first of its kind in operation in New York.

New York: Governor Kathy Hochul announced the state's award of \$1.6 million to eight addiction service providers for the establishment of Mobile Medication Units (MMUs). These units will dispense medication to treat substance use disorder, including methadone and buprenorphine, allowing people to receive these treatments without having to travel to a treatment facility. MMUs are designed to help people who face barriers to accessing traditional treatment, such as geographic proximity of treatment facilities and lack of reliable transportation.

North Carolina: North Carolina recorded more jail deaths in 2020 from untreated medical conditions, suicide, or substance use-related causes than in any other year since 2013, which is when that statistic was first monitored. In 2020, at least 21 people died by suicide and 11 died from drug overdoses or withdrawal. Officers in the state are required to check detainees twice an hour and increase those checks to four times an hour for detainees who are intoxicated, display unusual behavior, or are at risk of suicide.

Pennsylvania: The animal tranquilizer xylazine, which has strong sedative effects, is increasingly turning up in Philadelphia's fentanyl supply and in the toxicology reports of overdose victims. This finding is part of a new study, whose authors say more research is needed on the prevalence of the drug in Philadelphia and across the rest of the country. Anecdotally, drug users and health care workers have reported serious skin lesions appearing on those who have injected xylazine. The study was conducted by researchers at the University of California at Los Angeles, the University of Alabama, and Columbia University – results were published in the April issue of *Drug and Alcohol Dependence*.

Tennessee: Fentanyl testing strips (FTS) may not be illegal in Tennessee much longer, after the state senate passed a bill to legalize the harm reduction tool used to stem the tide of fatal overdoses in this country. House Bill 2177, if enacted, would exclude the test strips from the classification of drug paraphernalia, which currently makes it illegal to own the strips if someone possesses them while also intending to use or sell drugs. With overdose deaths in Tennessee doubling over the past five years, proponents of FTS point out that the tool allows individuals to test their drugs for the presence of the deadly synthetic opioid, fentanyl.

Wisconsin: A million-dollar grant will help pay for a new collaboration designed to help address the rise in substance use and addiction across the state. The effort has been dubbed the Wisconsin Rural Health & Substance Use Clinical Support (RHeSUS), and it will target improvements in patient care for those living in rural areas. The partnership will train healthcare workers at rural hospitals and clinics to recognize signs of substance abuse and provide care for patients.

ABOUT LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

The Legislative Analysis and Public Policy Association (LAPPA) is a 501(c)(3) nonprofit organization whose mission is to conduct legal and legislative research and analysis and draft legislation on effective law and policy in the areas of public safety and health, substance use disorders, and the criminal justice system.

LAPPA produces up-to-the-minute comparative analyses, publications, educational brochures, and other tools ranging from podcasts to model laws and policies that can be used by national, state, and local criminal justice and substance use disorder practitioners who want the latest comprehensive information on law and policy. Examples of topics on which LAPPA has assisted stakeholders include naloxone laws, law enforcement/community engagement, alternatives to incarceration for those with substance use disorders, medication for addiction treatment in correctional settings, and the involuntary commitment and guardianship of individuals with alcohol or substance use disorders.

For more information about LAPPA, please visit: <https://legislativeanalysis.org/>.

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