

NEWS BITES

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LAPPA NEWS

PUBLICATIONS

Model Acts

LAPPA recently published the [Model Substance Use During Pregnancy and Family Care Plans Act](#) which provides certain protections to pregnant or postpartum individuals (those who have given birth in the previous 12 months) with a substance use disorder (SUD). The Act recognizes that pregnant and postpartum individuals may be reluctant to engage in pre- and post-natal medical treatment out of fear of losing custody of their child(ren) to the state child welfare agency. The Act, therefore, makes it clear that having an SUD in and of itself is not grounds for removal of a child from the care and custody of the birth parent. The Act encourages medical professionals to screen all pregnant individuals for SUD at the first visit, requires that SUD treatment providers give pregnant individuals priority for treatment, and allows the use of telehealth to provide such treatment. Additionally, the Act builds on the requirements of the Child Abuse Prevention and Treatment Act regarding plans of safe care by recommending that medical professionals establish a family care plan with the pregnant individual *before* the child's birth so that the individual can begin receiving needed services as soon as possible. The ultimate goals of the Act are to ensure the health and well-being of infant and parent and to maintain the family unit, if possible.

LAPPA also published the [Model Substance Use Disorder Treatment in Emergency Settings Act \(Act\)](#). Drafted in collaboration with the O'Neill Institute for National and Global Health Law at the Georgetown University Law Center, the purpose of the Act is to establish and align mechanisms for maximizing emergency medical settings as intervention points for people who experience a substance use-related emergency, people with substance use disorders, and their families. This Act does so by addressing the barriers to implementing protocols in emergency medical settings that would ensure evidence-based treatment of patients with substance use-related emergencies. The Act also intends to address barriers to expedited connection to the appropriate level of care following discharge. As such, the Act is crafted in accordance with guidance from subject matter experts, including emergency health care physicians, addiction medicine specialists, legislators, insurance providers, and people with lived experience. It also incorporates best practices and promising innovations from interdisciplinary research analyzing protocols for emergency medical care delivery for the people most at risk of dying after emergency room discharge. Importantly, this Act seeks to address all substance use disorders, including opioid use disorder, alcohol use disorder, and stimulant use disorder.

Fact Sheets

The new fact sheet available on LAPPAs website, [Emoji Codes and Social Media's Illegal Drug Trade](#), details the rapid growth of the illegal drug trade through various social media platforms. Millions of people throughout the world use social media, providing an easy avenue to reach a large number of people, and companies spend billions of dollars to advertise on these platforms because they are ideal venues for marketing their products. Unfortunately, legitimate businesses are not the only ones using social media apps as a marketing tool, and in recent years, drug dealers have used these tools to solicit buyers and arrange sales. This fact sheet examines the growing use of social media, by drug suppliers, to surreptitiously advertise to a wide audience by using apps that offer encrypted or disappearing messages.

50-State Surveys

LAPPA continues to update its 50-state summaries, each of which is a comprehensive analysis of every state and U.S. territory's statutes and regulations on a particular topic. Every analysis includes a summary of the topic, maps, and a chart for each state and territory that has a statute or regulation governing a particular topic. LAPPA recently published updated surveys on [Home-generated Sharps Collection](#) and [Naloxone](#).

Presentations & Articles

LAPPA Senior Legislative Attorney Jon Woodruff provided an overview of information sharing laws and regulations, including the HIPAA Privacy Rule, 42 C.F.R. Part 2, and 28 C.F.R. Part 23, as part of the Overdose Response Strategy's 2023 webinar series that is being supported by COSSAP, IIR, BJA, CDC, and W/B HIDTA. Mr. Woodruff's presentation was titled "To share or not share: Consideration on information exchange to address the overdose epidemic," and it covered the many intricacies associated with the sharing of private health data. For more information about this topic and Mr. Woodruff's presentation, please email him at jwoodruff@thelappa.org.

LAPPA President Susan P. Weinstein authored an article for HIT Consultant on the importance of deflection as a tool in the fight against the opioid epidemic. "[Why We Need Deflection to Reduce Overdose Deaths \(and Drug Diversion\) in 2023](#)" reviews the key benefits of deflection and details how a state can develop and use deflection programs to prevent those with a substance use disorder from entering the justice system. Ms. Weinstein also presented on the topic of deflection alongside Dr. Rahul Gupta, Director of the Office of National Drug Control Policy, at the 2023 National Leadership Council Summit of the Police Treatment and Community Collaborative in Washington, D.C. on March 1st.

FEDERAL NEWS BITS

Will Xylazine Become a Controlled Substance: Illicit xylazine is increasingly showing up in street drugs, and because it is not an opioid, its effects cannot be reversed with the opioid antagonist naloxone, complicating the efforts of first responders and emergency physicians. Xylazine, commonly manufactured in China, is a pharmaceutical drug legitimately and widely used by veterinarians to sedate large animals such as horses – however, it is not safe for use in humans and can cause serious and life-threatening side effects. These include the depression of breathing, blood pressure, heart rate, and body temperature to critical levels, and for those who inject xylazine, it can cause severe skin wounds and patches of dead and rotting tissue. Congressional lawmakers are considering scheduling xylazine as a controlled substance through legislation and the Drug Enforcement Administration has begun the internal process to schedule the drug. The American Veterinary Medical Association has expressed concern about the impact scheduling will have on the practice of veterinary medicine and is working with Congress to lessen those impacts and ensure that vets will have access to the xylazine they need to safely perform surgical procedures on their large animal patients.

NATIONAL NEWS BITS

Over-the-Counter Naloxone May Not Help Those Most in Need: Public health advocates are warning that the push to make opioid overdose reversal medications available over-the-counter (OTC) may have little to no impact on those who most need access to the medication. The formulation of the drug that is likely to receive approval from the Food and Drug Administration to be sold without a prescription is naloxone nasal spray, which currently costs up to 100 times more than generic injectable naloxone kits available to harm reduction groups. Harm reduction advocates, while pleased with the notion of having an OTC product on the horizon, are more interested in getting the life-saving medication into the hands of drug-users, who are most at risk of overdose, and who are generally not in a position to visit a pharmacy and pay hundreds of dollars for the nasal spray, whether or not a prescription is required.

Ketamine Poisonings on the Rise: Between 2019 and 2021 Ketamine poisonings in the United States increased a staggering 81 percent, according to a new analysis of calls to poison control centers. Ketamine is a short-acting anesthetic with hallucinogenic effects that is commonly used to facilitate sexual assault crimes and increasingly being used recreationally. Fifty-one of the 55 poison control centers in the country had cases included in the recent analysis, and while researchers did not have access to specific harm data recorded with the calls, ketamine use has previously been associated with serious side effects, including significant cognitive impairment, hallucinations, immobility, amnesia, depression, and unconsciousness. Professionals in the field of addiction medicine note their concern that a trending rise in the recreational use of any substance can lead to or be indicative of the beginning of poly-drug use and addiction; these addiction treatment providers would like to see data analyses like this one serve as a basis for identifying a need for education, implementation of a prevention program, and adoption of harm reduction initiatives.

STATE NEWS BITS

Alabama: In the wake of the federal government dropping rules that imposed limitations on the number of patients that a doctor could treat with addiction medication, Alabama legislators passed a measure imposing new regulations on clinics that prescribe buprenorphine. Access to treatment is already a challenge for many patients in Alabama, with 20 counties lacking an opioid treatment program, and providers are concerned that new restrictions will add to these challenges and discourage individuals from seeking treatment.

Arkansas: Governor Sarah Huckabee Sanders recently announced new steps that her administration is taking to increase prosecutions related to illegal drugs. She announced that she would sign legislation, if passed by the general assembly, increasing penalties for drug-related crime including one measure that will charge drug dealers with murder if they deliver drugs that cause a fatal overdose. Arkansas will also institute a state-level drug czar's office, occupied by Tom Fisher, who spent 25 years with the Drug Enforcement Administration.

California: Lawmakers in San Francisco are looking to legalize the operation of privately owned and operated overdose prevention sites as part of a comprehensive strategy to address mounting challenges faced in relation to the city's surging fentanyl crisis. These sites are, however, currently against both state and federal law; just last year Governor Gavin Newsom vetoed legislation that would have allowed city-sponsored injection sites in three major California cities, including San Francisco.

Colorado: Last year the Colorado legislature passed, and Governor Jared Polis signed, legislation requiring the executive director of the state's department of revenue to submit a report to the general assembly analyzing the feasibility of regulating the sale of kratom products, much in the same way cannabis is already regulated in the state. Kratom, which affects opioid brain receptors in the same way as morphine, is viewed as a substance of concern by the Food and Drug Administration. The agency has cautioned that Kratom has properties that can expose users to risks such as addiction, abuse, and dependence.

Florida: A bill in Florida would permanently add nitazene compounds, also known as “Frankenstein opioids,” to the list of Schedule I substances in that state. The compounds have been temporarily banned pursuant to an emergency rule issued by Attorney General Ashley Moody last year. Frankenstein opioids appear in many forms, including powder, liquid, and counterfeit prescription pills, and the compound nitazene can be up to 20 times more powerful than fentanyl, which itself is 50 times more powerful than other opioids.

Hawaii: The nonprofit Hawaii Health and Harm Reduction Center recently reported a record number of needle syringe exchanges in Hawaii County and the entire state of Hawaii for the year ending December 2021. More than 1.23 million syringes were exchanged statewide, representing a four percent increase from 2020, with 362,652 of those coming from the Big Island. Hawaii was the first state to establish a state-funded syringe exchange program and is one of only three in the nation that uses a one-for-one exchange model, meaning a used syringe must be brought in and exchanged to receive a new one.

Michigan: After relying only on overdose mortality data to identify areas of the state with high levels of substance use, Michigan will now add more data to its assessment formula, creating a county-by-county index of substance use risk. The department of health and human services says the new data will paint a clearer picture of how substance use is affecting individual communities across the state. Ultimately, the data collected will help the state direct the \$800 million Michigan expects to receive over the next 18 years as part of a nationwide opioid litigation settlement.

New Jersey: In 2017, the New Jersey legislature passed a law that limited initial opioid prescriptions for acute pain to five days, as part of an overall effort to reduce the number of such prescriptions being written in the state and decrease the number of opioid medications being dispensed. A recent analysis of the implementation efforts indicated that the legislation has little, if any, effect on opioid prescribing and dispensing in New Jersey. Researchers found that prior to passage of the legislation, prescribing was already on a downward trend, probably due to other efforts and initiatives.

New York: Saratoga County officials revealed a near, real-time substance use surveillance dashboard that will help the county in its education, prevention, treatment, and response efforts in relation to the opioid epidemic. Health department epidemiologists will leverage data from six primary resources to craft a comprehensive overview of substance abuse across the county – the data will help officials identify concerning patterns such as a spike in overdoses in a specific time period and/or in a specific location. Multiple departments will benefit from this dashboard, including the departments of health, mental health, and addiction services, and the sheriff’s office.

North Dakota: The state senate unanimously approved a bill in February that would make it a Class A felony to supply a drug to someone who dies or is severely injured because of consuming that drug – the measure aims to punish drug dealers and hold them accountable for the sharp rise in overdose deaths. The bill also: (1) requires law enforcement and health care providers to annually report deaths related to fentanyl consumption; and (2) creates an opioid settlement fund in the state treasury that will manage the approximately \$30 million in funds that North Dakota expects to receive from recent opioid litigation.

Ohio: The Ohio Board of Pharmacy (Board) recently banned any products containing the chemical tianeptine, also known as “tia, tianna or gas station heroin.” The state agency was able to take that action pursuant to an emergency order issued by Governor Mike DeWine, which permitted the Board to classify tianeptine as a Schedule 1 controlled substance. Found in many different types of packaging, tia has been behind gas station counters since 2000, but in 2015, the National Poison Data System reported a significant increase in exposure calls, a likely byproduct of the opioid epidemic.

Oregon: On January 1, 2023, Oregon became the first state in the nation to allow adult use of psilocybin, also known as “magic mushrooms.” Pursuant to the measure that was narrowly passed by voters in the state, anyone over the age of 21 will be allowed to consume mushrooms in a psilocybin service center in a supervised setting. Trends show not only growing public support for decriminalization of certain drugs but also growing scientific

interest in psychedelics, and in 2018 the FDA granted psilocybin “breakthrough therapy” status for major depressive disorder, paving the way for clinic trials.

West Virginia: Nearly one in eight infants born in West Virginia between 2020 and 2022 was born exposed to opioids, stimulants, or cannabis. According to new research, this represents a rate 10 times higher than the national rate for opioid and stimulant use among expectant mothers. Cannabis was the most common drug to which infants were exposed before birth, followed by opioids, and then stimulants. Drug use during pregnancy in the United States has risen sharply in the last three years, according to the CDC, and rural populations in states like West Virginia tend to have higher rates of substance use in both the general population and among those who are pregnant.

UPCOMING EVENTS



Interested in driving change in addiction policy? The O’Neill Institute for National & Global Health Law at the Georgetown University Law Center offers a yearlong program that prepares students for a career in addiction policy, in government or in either the nonprofit or the private sector. This unique course of study prepares future addiction policy leaders who seek to build a response to addiction based on science and evidence and grounded in compassion. The application deadline is April 1, 2023. For more information, visit addictionpolicy.georgetown.edu.



The 2023 Police, Treatment, and Community Collaborative’s (PTACC) National Deflection and Pre-arrest Diversion Summit will take place from October 3-6, 2023 in Denver, Colorado. This is an opportunity to learn and network with peers in the field of deflection. On the first two days, attendees will be able to learn from and engage with experts and practitioners in the field through educational sessions. On days three and four, PTACC will provide one-on-one support to teams who are interested in developing, revising, and expanding deflection initiative action plans. For inquiries, contact PTACC at info@ptaccollaborative.org.

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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