

NEWS BITES

JANUARY 2021

LAPPA NEWS

Model Acts

In 2020, the Legislative Analysis and Public Policy Association (LAPPA) released three new model acts: the *Model Overdose Mapping and Response Act*, the *Model Expanding Access to Peer Recovery Support Services Act*, and the *Model Access to Medication for Addiction Treatment in Correctional Settings Act*.

The *Model Overdose Mapping and Response Act* is designed for use by policymakers to develop statewide legislation addressing overdose incident reporting. The legislation requires a state (or other jurisdiction) to create an overdose mapping and response system using ODMAP (the Overdose Detection and Mapping Application Program developed by the Washington/Baltimore High Intensity Drug Trafficking Areas) where all law enforcement officers, other first responders, medical examiners, and coroners must report certain information about a confirmed or suspected overdose incident within 24 hours. To read the full Act, click [here](#).

In conjunction with the *Model Overdose Mapping and Response Act*, LAPPA also released a guidance document that analyzes the extent to which the use of ODMAP implicates the protections for health information contained in the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). To read the full guidance document, click [here](#).

The *Model Expanding Access to Peer Recovery Support Services Act* was written in consultation with a host of subject matter experts including peer support workers and credentialing professionals. This Model provides a legislative framework for implementing a responsive and cohesive peer support worker credentialing program and offers policymakers in jurisdictions with established peer support programs dynamic strategies to improve their existing peer support credentialing process. To read the full Act, click [here](#).

The *Model Access to Medication for Addiction Treatment in Correctional Settings Act*, written in collaboration with the O'Neill Institute for National and Global Health Law at the Georgetown University Law Center and a cadre of subject matter experts, sets forth a comprehensive, evidence-based framework for ensuring that all incarcerated individuals with a substance use disorder are provided access to FDA-approved medications for addiction treatment in state and local correctional settings. To read the full Act, click [here](#).

Model Acts Coming Soon

In the next several months, LAPPa will release another series of model acts, including the *Model Recovery Residence Certification Act*, the *Model Overdose Fatality Review Teams Act*, and the *Model Safe Disposal of Residential Sharps Waste Act*.

The *Model Recovery Residence Certification Act* will set out the suggested requirements for voluntary certification of recovery residences in a state and will encourage certification by conditioning the award of state funds to certified recovery residences and prohibiting treatment service providers from referring patients to any recovery residence that is not certified. The Act will include provisions for the filing of complaints against a recovery residence, appeals by residences for adverse rulings, whether for the denial, revocation, or suspension of a certification or as the result of a complaint, and will set out various crimes and penalties related to fraud, patient brokering, and retaliation, among others. The overall purpose of the Act will be to, through the certification process, make recovery residences subject to oversight for the protection of their vulnerable residents.

The *Model Overdose Fatality Review Teams Act* will address the duties, responsibilities, and composition of overdose fatality review (OFR) teams in order for them to properly examine and understand the circumstances leading up to a fatal overdose. Based on the information gathered from case reviews, OFR teams can make recommendations on policy changes and resource allocations to prevent future overdoses. To ensure that OFR teams are able to access and review records and other documentation related to fatal overdoses from relevant agencies, entities, and individuals, the Model Act will provide a framework through which OFR teams can access this information while remaining compliant with local, state, and federal confidentiality laws and regulations.

The *Model Safe Disposal of Residential Sharps Waste Act* will address medical “sharps” (items such as needles, syringes, lancets, auto-injectors, and infusion sets), which are commonly used outside of health care facilities by people who need to treat or manage various medical conditions. The purpose of this Act will be to give state legislators a way to establish a uniform, effective, statewide system for the safe collection and disposal of sharps used outside of healthcare facilities to protect public health and to reduce the improper disposal of such waste in solid waste and recycling systems.

Model Acts Coming Later This Year

Later in 2021, LAPPa will release several model acts, including the *Model Law Enforcement Deconfliction Act*, the *Model Universal Naloxone Access Act*, and the *Model Act for the Utilization of License Plate Readers*. For questions about any of LAPPa’s Model Acts please visit our website at www.legislativeanalysis.org or email info@thelappa.org.

IN THE NEWS

Fraternity Houses Serving as Drug Deal Hotspots

A recent investigation concluded that drug trafficking was occurring in and near three fraternity houses at the University of North Carolina at Chapel Hill (UNC). These high-volume drug deals were conducted so brazenly that the local Sheriff in Orange County declared that an investigation basically fell into his department’s lap. The investigation culminated with charges being leveled against 21 individuals allegedly involved in a drug trafficking ring that rapidly spread to other universities and moved hundreds of kilograms of drugs, including

cocaine and Xanax. Those charged include current and former students from UNC, Appalachian State University, and Duke University. Informants told investigators that drug sales happened in the rooms of the fraternity houses and that prices for drugs were often posted on GroupMe (a group texting app) threads. Investigators say that suppliers in California were mailing cocaine to North Carolina, and marijuana was being trafficked to UNC by car – with total sales from the alleged drug ring exceeding \$1.5 million. To read the full article published in the *Washington Post*, click [here](#).

Opioid Use After Mastectomy

New research shows that women who are prescribed opioids and other drugs to ease pain after a mastectomy and reconstructive surgery are continuing use of opioids after their surgical recovery is complete. An analysis revealed that new, persistent use of opioids was observed in just over 13 percent of women who underwent breast cancer surgery, and nearly seven percent of women who were prescribed another class of addictive substance became persistent users of those medications. The rate of opioid use in the United States' cancer population has steadily been increasing as have instances where short-term opioid exposure (such as following a surgical procedure) leads to long-term opioid dependence. To read more about this study in *Medpage Today*, click [here](#).

Thousands Wait for Access to Substance Use Disorder Treatment

According to a prisoner advocacy group, more than 6,000 prison inmates in the State of California are waiting for the doctors' appointments they need to receive medication to treat a substance use disorder. These delays can have devastating and even fatal consequences, as recent research has shown that opioid-related overdoses are among the leading causes of death among people who are released from jails and prisons. An analysis conducted in 2017 found that the fatality rate from drug overdoses in California prisons was three times higher than any other prison system in the country. A spokesperson for the state stated that the prison system is working hard to alleviate backlogs and that California is in fact home to the world's largest treatment program housed in a correctional facility. To read the full story from *KQED*, click [here](#).

Eye Disease Tied to Opioids Crisis

A new study reported finding that America's opioid epidemic is costing individuals who suffer from substance use disorder their eyesight, citing data showing that the number of addicted persons who developed vision-endangering eye infections quadrupled in the 13-year period between 2003 and 2016. The initial eye infections are primarily caused by bacteria and fungi that enter a person's bloodstream through the use of infected needles. Tough restrictions on opioid prescriptions resulted in more persons with substance use disorder turning to cheaper alternatives, such as heroin and fentanyl, which in turn resulted in increased needle sharing. Pathogens that are injected into the bloodstream can spread throughout the body, causing not just dangerous eye infections, but also affecting heart valves, the brain, and other vital organs. Treatments are available but often are not sought until irreversible damage to a person's eyesight has occurred. To read the full article in *U.S. News and World Report*, click [here](#).

Art Being Used as a Tool in the Fight Against Opioid Abuse

A first-ever report from the National Endowment for the Arts finds that incorporating music into treatment for opioid use disorder (OUD) can have significant, positive effects on patients. The report, entitled *Arts Strategies for Addressing the Opioid Crisis: Examining the Evidence*, focuses on arts integration in pain management and

treatment of OUD. Key findings from an extensive literature review include the following: (1) listening to music was shown to reduce post-operative pain, chronic pain, and the need for pain medication; (2) music was shown to improve readiness and motivation for OUD treatment; and (3) music was shown to reduce opioid cravings. The report's authors recommend that future studies include other art media, in addition to music, and that researchers should establish specific outcomes, metrics, and reporting guidelines. To read the full report from the National Endowment for the Arts, click [here](#).

Nurse Practitioners Serving Important Roles in Rural America

Allowing nurse practitioners to prescribe buprenorphine has vastly increased access to treatment for opioid addiction, especially for America's rural population. A new study from the Washington State University School of Nursing used prescription drug monitoring program data to analyze prescribing and dispensing patterns in Oregon both before and after nurse practitioners gained authority to prescribe buprenorphine, and the data shows that the change had an immediate impact on access to the medication that is used in a variety of substance use disorder treatment protocols. By the end of 2018, buprenorphine prescriptions written by nurse practitioners accounted for one in five total prescriptions for buprenorphine in rural Oregon and, in frontier areas, nurse practitioner prescriptions made up one-third of buprenorphine prescriptions dispensed. In Oregon, and elsewhere across the United States, a nurse practitioner is often the only healthcare provider available in a rural area, and people are reliant upon those providers for a wide array of services, including substance use disorder treatment services. To read more about this study in *Medical Xpress*, click [here](#).

How Much Do Medical Students Know About Overdose and Substance Use Disorder

A recently-published study led by the Wayne State University School of Medicine concluded that incoming medical students have greater knowledge about opioids than the general population but that misinformation and stigma related to substance use disorder persists. Those involved in the study published a paper entitled "Incoming Medical Students' Knowledge of and Attitudes Toward People with Substance Use Disorder: Implications for Curricular Training," and one of the findings was that over 50 percent of students knew someone with a substance use disorder, but that knowledge did not necessarily translate into knowing more specifics about overdose and how to respond to overdose victims. When surveyed, students overwhelmingly showed interest in receiving more training on substance use disorder and opioid overdose, and work is ongoing in medical schools around the country to incorporate new training into the curriculum, including opioid overdose prevention and response training. This study has been accepted for publication in the journal *Substance Abuse* – to read more from Wayne State University, click [here](#).

NEWS BITS

California: A proposed measure in this state would require the Attorney General to establish and serve as chair of the Southern California Fentanyl Task Force. Senate Bill 75 requires the task force to develop information, make recommendations, and report findings to the California Department of Justice and to the legislature regarding matters relating to the fentanyl crisis in Southern California communities. The bill further establishes the membership of the task force and requires that the group's first meeting be held no later than July 1, 2022.

Indiana: The Indiana Department of Corrections (IDOC) recently announced that it will make the opioid reversal medication, naloxone, available to every offender released from a state correctional facility. Overdose

Lifeline, Inc., a nonprofit dedicated to helping those affected by substance use disorder, provided 2,255 naloxone kits to the IDOC, the value of which is more than \$84,000. During pre-release screening, an offender will be asked if he or she would like to leave with a naloxone kit which includes one dose of naloxone, instructions for use, and a referral card for treatment.

Massachusetts: Forty percent of parents in Massachusetts believe that the legal drinking age should be lowered from the current age of 21. Alcohol.org (<https://www.alcohol.org/>) polled just over 3,000 parents nationwide, and a disproportionately large percentage of those living in Massachusetts favor lowering the drinking age. Those parents who voted in favor of lowering the age for legal drinking suggest that teens would learn how to drink responsibly with their parents in the family home and would, therefore, be less likely to exhibit rebellious drinking behavior.

Oregon: Oregon's new drug decriminalization measure takes effect on February 1, 2021, which will make it the first state in the nation to remove criminal penalties for small amounts of street drugs, such as heroin and cocaine. The law also reduces penalties for possession of larger amounts of drugs and redirects marijuana tax revenue towards services and programs aimed at addressing substance use disorder in the state. The Oregon Health Authority is required to appoint members for an oversight and accountability council that will evaluate which programs will receive funding.

Washington: The State of Washington has embarked upon an effort aimed at reducing medication misuse and abuse through the creation of a program that creates a unified, statewide medication return program that will afford residents access to a free, convenient, and environmentally responsible option for disposing of their unused and unwanted medications. Physical drop boxes will be available at locations throughout the state, and individuals can also request free mail-back envelopes if they prefer not to leave their homes. Washington is the first state to implement such a program pursuant to a statewide law.

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-assisted treatment in prisons, and the involuntary commitment and guardianship of individuals with alcohol or substance use disorders.

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