

NEWS BITES

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LAPPA NEWS



The Legislative Analysis and Public Policy Association is pleased to announce that it is the proud recipient of the Office of National Drug Control Policy's (ONDCP) Model Acts Grant, a program that funds efforts to help states develop and implement model legislation aimed at: (1) increasing access to harm reduction services; (2) ensuring equitable enforcement of drug laws; (3) increasing access to treatment; and (4) reducing stigma associated with substance use disorder. To read the full press release from ONDCP, click [here](#).

In partnership with the Institute for Intergovernmental Research, LAPPA developed information sharing fact sheets to provide guidance for overdose fatality review teams, overdose detection mapping application program programs, and law enforcement diversion partnership efforts on what can and cannot legally be shared pursuant to federal law (e.g., 42 C.F.R. Part 2 and the Health Insurance Portability and Accountability Act – HIPAA). Click [here](#) to access the fact sheets.



PUBLICATIONS & PODCASTS

LAPPA recently published two documents pertaining to drugged driving. The first is a legislative summary entitled “Drugged Driving: A Summary of State Laws.” In this 50-state survey, LAPPA examines state-level legislative responses to drugged driving. The summary presents the existing laws on driving under the influence of drugs in the 50 states and the District of Columbia and highlights a selection of additional resources for policymakers on drugged driving research and policy proposals in the United States. These resources include scientific studies, such as the latest research on the physiological effects of certain substances on drivers, and the effectiveness of new testing methods, as well as policy analysis, including recommendations from the U.S. Department of Justice on how to effectively detect and prosecute drugged driving. To read the full survey, click [here](#). The second drugged driving document is a fact sheet that provides an overview of drugged driving, presents the scientific uncertainty surrounding the offense of drugged driving, delineates challenges faced by law enforcement, and describes technological advancements related to testing. To read the fact sheet, click [here](#).

Also available on LAPPA’s website is its recently released 50-state summary of state laws on deflection programs. All across the U.S., jails are filled with people who need medical care and social services, many of whom cycle in and out of jail without ever receiving the help they need. One emerging model to combat this problem is deflection, which seeks to prevent individuals who have low to moderate criminogenic risk, but significant unmet social, economic, and health needs, from entering the criminal justice system. The goal of deflection programs is to lessen the burden on the criminal justice system by connecting those individuals—before they enter the criminal justice system—to treatment and social services to which they might not

otherwise have access. The 50-state summary is designed to: (1) provide a singular resource for each jurisdiction's deflection laws; (2) allow for a comparison of these laws between jurisdictions; and (3) identify and highlight interesting provisions. To read this document, click [here](#), and, in the coming weeks, look out for LAPPAs *Model Law Enforcement and Other First Responder Deflection Act*, developed in collaboration with the Police Treatment and Community Collaborative.

In addition to the publications referenced and summarized above, LAPPAs has a new podcast available in its podcast series, One-on-One with LAPPAs. In a fascinating interview, Arica Kulm, PhD, a digital forensics analyst at Dakota State University, discusses the dark web, which has, in recent years, become an active marketplace for individuals to both sell and purchase controlled substances. To listen to the latest installment of the podcast series, click [here](#).

IN THE NEWS

“Designer” Opioids May be Less Addictive

The treatment of chronic pain is currently the leading cause of opioid abuse in the United States, and this abuse often begins with a patient being prescribed opioids to treat physical pain. The question then becomes, how can pain patients get the relief they need without facing the risk of becoming addicted to their pain relief medication? The answer may lie in the science of chemistry and the possibility that scientists can design a less addictive opioid. There are many different classes of opioids, varying in chemical structure, but all opioids contain the same chemical group that dictates the drug's biomedical activity. The addictive quality of opioids lies in the feelings of calm and euphoria the substances produce in the brain, prompting researchers to ask whether it might be possible to limit the effect of opioids to treating bodily pain, without affecting a person's brain. Research in this area is ongoing and, if successful, could result in a class of opioids that are effective at treating pain, without causing addiction. To read more about this research, click [here](#).

Entrepreneur Creates Database of Jobs That Do Not Require Marijuana Testing

The Philadelphia-based company Phynally is a new job search engine that only accepts postings for openings from employers that do not require potential employees to undergo marijuana drug testing. The site went active in the spring of 2021 and started accepted postings in June. Calling it the “LinkedIn for cannabis users,” the founder, Damian Jordan, has said that he is looking to match applicants with progressive, transparent employers who accept that legalization of marijuana is on the horizon. Phynally does not just focus on jobs in Philadelphia, with recent listings including an opening for a social media director in California and a catheterization lab technician in Maine. Positions are searchable by location and job sector and employers can post an unlimited number of listings for \$150 per year. In addition to revenue from employers' listings, the company also raises dollars by allowing doctors who prescribe medical marijuana to advertise on the site. Phynally is hoping to match these doctors with cannabis-using job hunters who are in the process of applying for a medical-marijuana card. To visit Phynally, click [here](#).

Using Video Games to Fight the Opioid Crisis

Doctors at Yale University are utilizing a new tool in the fight to address surging overdose deaths – a video game. “Play Smart” was developed by Professor Lynn Feillin at the Yale School of Medicine with funding from the National Institutes of Health. Feillin hopes that by using “Play Smart” in her research, her team will be able to collect data related to opioid misuse from the adolescents who play the game. “Play Smart” is a character-driven, cartoon-based, choose-your-own-adventure style game that places players into situations where they must make difficult choices; the players face digital peer pressure and are shown the consequences of their choices before proceeding further. The purpose of the platform is to attempt to teach teens how to respond to difficult situations and to allow researchers to review player data in the hopes of gaining more understanding about opioid use and other high-risk behaviors. Feillin and her team plan to spend two years

sifting through data generated from millions of player logs, and specific focus will be on: (1) how “Play Smart” impacts players’ knowledge about the risks of opioid misuse; (2) the ability to use skills taught in the game; and (3) whether a player has experimented with opioids. Opponents of this research have concerns about combatting one addictive behavior (opioid abuse) with another (gaming), but several experts have noted that games like “Play Smart” are different from the types of games that are leading to increasing diagnosis of gaming disorder. Click [here](#) to read the full article from the *Washington Post*.

California Wants to Pay Individuals with Addiction to Stay Sober

Research has shown that one of the most effective ways to get people to stop using drugs is to pay them to do so. The federal government has been doing this for years with veterans, and now, California wants to become the first state to pay people to stay sober. Leaders in the state are seeking permission from the federal government to use Medicaid dollars to provide small incentives or payments for every negative drug test a person produces. The cost of implementing such a program would depend on how many participants are eligible - 1,000 participants would cost around \$300,000, a small amount compared to California’s operating budget of more than \$250 billion. Contingency management, as these types of programs are known, is not currently in wide use as it is not clear if state and/or federal law allows Medicaid dollars to essentially provide “kickbacks” from treatment programs. To read more about the state’s efforts, click [here](#).

Methamphetamine in Waterways May be Addicting Trout

According to new research, trout can become addicted to methamphetamine that finds its way into waterways that serve as the fish’s habitat. A research team, led by a behavioral ecologist from Czech University of Life Sciences in Prague, placed 40 brown trout in a tank of water that contained a level of methamphetamine comparable to what has been found in freshwater rivers for a period of eight weeks before transferring them to an untainted tank with fresh, clean water. The researchers observed the trout for signs of withdrawal by giving the fish a choice between water containing methamphetamine and water without the drug. During the observation period, researchers added a control group of 40 more trout, and it was noted that the fish who had lived in the tank with methamphetamine (the addicted fish) became lethargic and less active when placed in the fresh water, particularly when compared to the control group trout. Broad concerns about these observations include the possibility that fish may forgo habits that previously provided a natural euphoria, such as foraging and mating, because those behaviors no longer make them feel as good as the methamphetamine encountered in their environment. To read more about this story, click [here](#).

NEWS BITS

California: Researchers at the University of California at Davis are exploring ways to turn tarantula venom into a non-addictive painkiller. The project is part of a government initiative to develop creative solutions to the nation’s opioid crisis. Researchers estimate that as many as 50 million adults in the U.S. suffer from some type of chronic pain and nearly 50,000 died in 2019 from an opioid overdose. For many chronic pain sufferers, over-the-counter medications are not effective in treating their pain, and while opioids can be very effective in doing so, they carry the risk of addiction and overdose.

Louisiana: The East Baton Rouge Parish Metro Council recently voted to soften restrictions that previously prevented people from buying and distributing rapid test strips that would alert them to the presence of the dangerous opioid, fentanyl. Seventy-five percent of overdoses in the parish in 2020 were fentanyl-related, with that number climbing to near 90 percent so far in 2021. The vote on lifting restrictions was unanimous, despite opponents arguing that doing so might encourage people to continue using opioids. The measure is targeted towards people suffering from opioid addiction, but overdoses involving cocaine and marijuana (both laced with fentanyl) are also on the rise, and the test strips can be used on those drugs, as well. The Centers for Disease Control and Prevention announced in April of this year that federal funds can be used to purchase the

test strips in the hopes they may curb a sharp rise in opioid overdoses due to fentanyl. LAPPa recently produced a fact sheet that sets forth how fentanyl test strips work as a drug checking tool, their harm reduction benefits, and the current challenges surrounding their legality. Click [here](#) to read the fact sheet.

Maine: Two people were arrested following the discovery of cocaine disguised as cake, while their vehicle was traveling along an interstate highway. Acting on anonymously received information, officers stopped the vehicle, and a drug sniffing K9 alerted the officers to the presence of illegal drugs. The trunk of the vehicle contained four pounds of cocaine, some of which was pressed into a block and wrapped in packaging resembling a cake. Coffee grounds had been sprinkled over the top of the “cake,” in an effort to disguise the scent of the cocaine. Officials believe that the drugs were being transported for distribution in several Maine counties, and the suspects could face 20 years in prison if convicted of aggravated trafficking.

Maine: Maine has become the first state in the country to roll out an overdose alert program statewide, the aim of which is to alert Mainers when there are overdoses in communities, promoting awareness, so people can reach out to help loved ones living in those communities. The state’s department of health and human services teamed up with the Partnership to End Addiction to implement the pilot program, which not only provides overdose alerts but also makes people aware of specific resources. To sign up for the alerts, a person need only text the word SPIKE to an established phone number; first responders feed information into the system that then gets distributed to those who have signed up to receive information about overdoses. Two hundred people signed up during the first few weeks after the program’s launch. Click [here](#) to read LAPPa’s fact sheet on overdose alert applications.

Massachusetts: Lawmakers in the commonwealth are looking to implement a decade-long pilot program that will establish at least two safe injection sites, where individuals will be permitted to inject illicit drugs under the supervision of medical personnel. Staff at the centers would educate people on the safe use and disposal of needles, as well as on ways to prevent overdose. Visitors to the injection sites would receive information about treatment options. Safe injection sites are currently illegal under federal law, and Massachusetts’ governor, Charlie Baker, has publicly opposed the sites, instead wanting to remain focused on legal, evidence-based approaches to combatting overdose.

Michigan: A new law in Michigan gives individuals with OWI (operating while intoxicated) convictions the option to seek an expungement of their first offense five years after their probation period comes to an end. The bi-partisan legislation is expected to afford approximately 200,000 non-repeat OWI offenders an opportunity to clear their respective records of offenses for: (1) operating a vehicle with a blood alcohol content of .08 or more; (2) operating a vehicle while visibly impaired by alcohol or a controlled substance; (3) operating a vehicle with a blood alcohol content of .02 or more by persons under the age of 21; and (4) operating a vehicle with any bodily amount of cocaine or a Schedule I controlled substance. Applicants for expungement will submit petitions to the court to be reviewed and determined by a judge; incidents that involved death or serious injury to a victim are not eligible.

Montana: A new program called Recovery Pathways will be used to help treat addiction in the state by sending personalized text messages to those recovering from addiction as a part of efforts to supplement in-person therapy under the jurisdiction of drug treatment courts. The messages will provide advice on managing stress, preparing for court appearances, and practicing self-care. The Montana public health department estimates that 64,000 residents suffer with substance use disorder, a number that amounts to more than six percent of the state’s population.

New Mexico: The state supreme court recently ruled that gas stations in New Mexico have a legal obligation not to sell fuel to drivers who are believed to be intoxicated. The split decision noted that only one other state – Tennessee – applied law in such a way as to create a duty of care for businesses to refrain from supplying gasoline to drunk drivers because of all the risks associated with driving while intoxicated. Under the legal doctrine of negligent entrustment, owners of potentially dangerous goods have a responsibility to supply goods

only to someone competent enough to safely use them. In making the connection to drunk driving, the majority wrote in its opinion that since gasoline is required to operate most vehicles, providing gasoline to an intoxicated driver is tantamount to providing keys to that same driver. This ruling could have far-reaching implications for not just gasoline merchants, but also for other vehicle-related businesses such as tire vendors, who might sell a set of tires to someone who then commits a drugged driving offense.

New York: With the help of volunteers, police officers in several communities in Westchester County are steering people with substance use disorder towards treatment, in lieu of arresting them. Fifteen police chiefs announced a partnership with the nonprofit, Hope Not Handcuffs, creating a program through which anyone suffering from addiction can walk into a participating police department and ask for help. A trained volunteer from Hope Not Handcuffs arrives at the police station within 30 minutes to help guide the person requesting assistance into treatment. To date, Hope Not Handcuffs has helped find treatment for more than 500 people since its efforts launched in 2019.

Texas: Governor Greg Abbott has signed legislation that enhances criminal penalties for manufacturing and distributing fentanyl in Texas. Under the new law, the following punishments for manufacture and delivery will apply: (1) for 4-200 grams of fentanyl, a minimum of 10 years in prison; (2) for 200-400 grams of fentanyl, a minimum of 15 years in prison; and (3) for an amount over 400 grams of fentanyl, a minimum of 20 years in prison. Recent data from the Centers for Disease Control and Prevention suggests that fentanyl was involved in more than 60 percent of overdose deaths in 2020, a statistic that is prompting states to take legislative action to increase penalties for fentanyl-involved offenses.

Utah: The saga involving a multimillion dollar online opioid drug ring ended recently as a group of individuals, who ran a dark-web operation from their suburban homes, were sentenced to prison. The operation in question grew to the point where it was shipping tens of thousands of counterfeit pills laced with fentanyl to customers across the country. One of the founders of the massive operation testified in court that he initially was trying to make some money to help pay off student loans. Prosecutors in the case were pleased with the sentences that were handed down and have stated that the penalties show that those involved in illegal sales of controlled substances (licit and illicit) will face severe consequences.

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 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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