

# NEWS BITES

SEPTEMBER 2022

## LAPPA NEWS

### FACT SHEETS & 50-STATE SUMMARIES

LAPPA recently published two fact sheets, the first of which is on recovery residences which provide a sober, safe, and healthy living environment that promotes recovery from alcohol and other drug use and associated problems. These residences are commonly referred to by several names, including sober living houses, sober living environments, and recovery homes, and their primary purpose is to provide a home-like environment for individuals in recovery from substance use disorder to help sustain that recovery. Click [here](#) to read the Recovery Residences Fact Sheet and [here](#) for the Model Recovery Residence Certification Act.

The second fact sheet is the first in a series that LAPPA will be publishing in the coming months addressing novel psychoactive substances. *N*-pyrrolidino etonitazene, also known as etonitazepyne and by the street name “Pyro,” is a relatively new high potency synthetic opioid increasing in prevalence in the U.S. Studies estimate that *N*-pyrrolidino etonitazene is over 800 times more potent than morphine and 20-40 times more potent than fentanyl. Like other opioids, *N*-pyrrolidino etonitazene use can potentially cause fatal respiratory depression in the person ingesting the drug. However, *N*-pyrrolidino etonitazene is an opioid, so naloxone can be used to reverse an overdose. Click [here](#) to read the “Pryo” Fact Sheet.

In addition to the two fact sheets summarized above, LAPPA recently released a 50-state summary on kratom, an herb derived from a leafy Southeast Asian tree which contains two psychoactive compounds that can bind to opioid receptors in the brain and produce a pharmacological response similar to effects produced by other opioid agonists, such as morphine. As of July 2022, 18 states and the District of Columbia regulate kratom. This research document: (1) provides a singular resource for each jurisdiction’s laws; (2) allows for a comparison of these laws between jurisdictions; and (3) identifies and highlights interesting provisions. Click [here](#) to read the full summary.

LAPPA is in the process of updating all of its 50-state summaries. Updated versions of the state law summaries are available at [www.legislativeanalysis.org](http://www.legislativeanalysis.org), and the topics include: Drug Take-back and Disposal Programs; Naloxone: Good Samaritan Fatal Overdose Prevention and Drug-induced Homicide: Drugged Driving; Fentanyl Cleanup: Pill Presses; Syringe Services Programs; and Opioid Litigation Proceeds. Additional updates will be posted in the coming weeks, and all the updates can be found [here](#).

## SPEAKING ENGAGEMENTS

On August 4, 2022, Legislative Analysis and Public Policy Association (LAPPA) Senior Legislative Attorney Jon Woodruff presented to attendees at the Police, Treatment, and Community Collaborative's (PTACC) 2022 Deflection & Pre-Arrest Diversion Training Summit in Chicago, IL on "Addressing Privacy and Confidentiality in Deflection: HIPAA and 42 CFR Part 2." Jon spoke about how the two information disclosure laws work, and he provided a framework for analyzing real-world information sharing scenarios.

## NATIONAL NEWS BITS

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**Concerning Rise in Gabapentin-linked Overdose Deaths:** Authorities are sounding the alarm on the rise of fatal overdoses in which Gabapentin is one of the substances detected in the overdose victim. Gabapentin, a widely prescribed pain medication, was originally approved as an anti-convulsant and a treatment for shingles. The drug is now currently prescribed to treat pain associated with a variety of conditions, causing public health officials to ask for more vigilance from doctors who prescribe Gabapentin and from patients who have Gabapentin prescriptions. The drug can induce an intense high when ingested on its own, and, in combination with other drugs, can cause deep sedation and depressed, ineffective breathing. Despite these documented dangers, Gabapentin is not a scheduled substance per the federal government. A handful of states have moved to (or are planning to) schedule Gabapentin as a Schedule V controlled substance, with Schedule V being drugs that have the least potential for abuse. States have filed petitions with the Food and Drug Administration and the Drug Enforcement Administration, asking those agencies to provide additional safeguards – the request is currently under review.

**Fentanyl Becoming a Drug of Choice:** The deadly synthetic opioid, fentanyl, is morphing from a silent killer adulterating other substances into one that drug users are now seeking out as their drug of choice. Part of the driving force behind this trend is a steep increase in the number of individuals who have developed such a tolerance to heroin that they are turning to the synthetics like fentanyl, which can be as much as 50 times more powerful. In supervised medical settings, fentanyl has long been used to effectively treat patients with severe pain, such as post-surgical pain. However, about 10 years ago the synthetic began to make its way into the illicit drug supply. Today, the addition of fentanyl to other drugs, often in lethal dosages, is resulting in skyrocketing overdose numbers, so much so that by 2021, fentanyl was involved in most overdose deaths nationwide. Doctors warn that this will be a difficult trend to reverse because, once someone starts using fentanyl, that person will not be able to get the high they are seeking from heroin or other less powerful opioids.

**Artificial Intelligence Can Help Treat Pain:** A new study from the University of Michigan suggests that cognitive behavioral therapy (CBT) supported by artificial intelligence (AI) results in the same outcomes as treatments delivered by licensed therapists. The study's investigators recruited nearly 300 patients with chronic back pain and randomized them into two groups, one receiving standard CBT through 10 45-minute telephone sessions with a therapist and the other receiving therapy supported by AI. The patients supported by AI reported their symptoms through brief, daily automated calls and based on the information the patients provided, the AI-supported program recommended either a session with a therapist or an automated session covering the same content but without a live therapist. After three months of therapy, patients' pain intensity and pain interference were the same regardless of whether a patient received therapy from a live therapist or AI. After six months of therapy, substantially more AI-supported patients showed clinical improvement than did their counterparts in the group undergoing more traditional therapy. The study concluded that AI could help determine how much individual attention should be paid to each patient in order to achieve the best outcome, without expending resources like in-person therapy on a patient that may not be in need of that particular service.

**“Rainbow Fentanyl” Spreading across the Country:** Authorities are warning of a potent form of fentanyl that is making its way up the west coast of the United States and across the southern border. A recently executed search warrant in Portland, Oregon yielded cash, guns, methamphetamine, heroin, 800 pills of fentanyl, and four grams of multi-colored powdered fentanyl, dubbed “rainbow fentanyl.” There is heightened concern over “rainbow fentanyl,” because children may mistake the colorful drug for candy. Colored fentanyl is cropping up in the drug supply in various colors and, while its strength can vary, it is typically in powder form, which is more potent than the pressed-pill forms with which many in the field are familiar. Current estimates put the number of fentanyl pills seized at U.S. ports of entry at four million just since the start of August, and “rainbow fentanyl” is becoming increasingly prevalent in the shipments being intercepted by law enforcement agencies.

## STATE NEWS BITS

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**California:** The state legislature passed a measure that authorizes Los Angeles, Oakland, and San Francisco to open safe injection sites for heroin users. Similar to his predecessor, Governor Jerry Brown, Governor Gavin Newsom vetoed the measure. Under federal law, it is currently a felony to operate a space to distribute or use a controlled substance, and the establishment of so-called “safe consumption sites” has become a subject of much debate in communities across the country.

**Florida:** Governor Ron DeSantis recently appointed Dr. Courtney Philips as the first-ever statewide director of opioid recovery and announced the expansion of a new substance abuse and recovery network aimed at combatting the opioid epidemic. Coordinated Opioid Recovery (CORE) will be overseen by the Department of Health, Department of Children and Families, and the Agency for Health Care Administration, with the hope that the effort will help reduce record numbers of overdose deaths in Florida.

**Georgia:** Research from the University of Georgia found that 71 out of the state’s 159 counties do not have a methadone clinic within a 15-minute drive of county residents. Nearly 100 percent of the state’s methadone clinics (or 50 out of 51) are in Georgia’s non-rural counties, even though the state has experienced an annual and steady increase in overdose deaths in rural areas. Methadone is an effective treatment for weaning opioid withdrawal but must be administered daily under strict supervision for the first three months of use.

**Hawaii:** Recently signed legislation creates a three-year pilot program for establishing the state’s first Women’s Court, appropriating nearly \$700,000 from the state’s general fund to address the specific needs of women. Eligible women entering the court program will have access to trauma and mental health treatment, domestic violence prevention, and life-skills training. The goal is to reduce recidivism and divert participants away from incarceration.

**Ohio:** The OneOhio Recovery Foundation Board (Board), established to determine how to distribute hundreds of millions of dollars of opioid settlement money, is refusing to share records or allow the public to attend meetings. Several groups have filed a public-records lawsuit against the Board, which is tasked with distributing \$440 million of the settlement reached last year with the nation’s three largest pharmaceutical distributors and drugmaker Johnson & Johnson. OneOhio claims it is not subject to public-records or open-meetings laws because it is a private non-profit, non-governmental entity. However, plaintiffs note that OneOhio has not yet received 501(c)(3) non-profit designation from the Internal Revenue Service.

**Tennessee:** A new state law requires doctors to offer a naloxone prescription to patients being prescribed more than a three-day supply of opioids, patients being prescribed an opioid at the same time as a benzodiazepine, and patients at a higher-than-average risk of overdose. In 2021, 4.7 million opioid prescriptions were written in the state, and supporters of increased naloxone access advocate that naloxone should be put in as many hands as possible as each dose can save the life of someone who overdoses.

**Wisconsin:** The herbal extract kratom, which is currently banned in Wisconsin, could soon be legalized across the state after a regulatory board agreed to provide guidance to the state legislature. The state Controlled Substance Board announced it would study kratom, which can be used to treat pain and manage opioid withdrawal and would then make a recommendation to the legislature as to whether the substance ought to be legally available to purchase. In 2016, the U.S. Drug Enforcement Administration planned to classify kratom as a Schedule I controlled substance, but that plan was scuttled amid opposition from members of congress and expert analysis against prohibition.

## IN OTHER NEWS...

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**National Recovery Month:** Every September, going back to 1989, an observance is held that promotes (1) evidence-based treatment and recovery practices; (2) the recovery community; and (3) service providers and communities that facilitate recovery. Listed below are some resources with information about Recovery Month 2022:

- Office of National Drug Control Policy - <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/08/31/a-proclamation-on-national-recovery-month-2022/>; and
- Substance Abuse and Mental Health Services Administration - <https://www.samhsa.gov/recovery-month>.

**New Master's Program at Georgetown University:** Georgetown University is hosting a virtual information session about its new degree program that offers students the opportunity to earn a Master of Science Degree in Addiction Policy and Practice. The yearlong program is a comprehensive, multi-disciplinary course of study working to build a national addiction policy workforce. Potential applicants, interested in more information, can sign up for the webinar [here](#).

## 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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