

NEWS BITES

NOVEMBER 2023

LAPPA NEWS

JOIN OUR TEAM

The Legislative Analysis and Public Policy Association (LAPPA) is seeking a Legislative Attorney to work with its team of attorneys to perform research and comparative analyses of state laws and regulations. The position is remote, so the ideal candidate must be independent and a self-starter who will: (1) be able to manage multiple projects; (2) be detail-oriented; (3) like working within tight deadlines and for a fast-paced organization; (4) be able to operate within a bipartisan framework; and (5) enjoy public policy work. Qualifications include:

- A Juris Doctorate from an accredited law school and admission to a state bar.
- Excellent legal and legislative research, writing, analysis, and communications skills.
- Outstanding organizational skills and the ability to work independently.
- The ability to write documents in a non-partisan fashion.
- Experience in and knowledge about substance use disorder within the context of public health and safety.

Individuals interested in the position should send: (1) a resume; (2) a cover letter; and (3) two writing samples, at least one of which shows the analysis of a statute/regulation/court case to info@thelappa.org. The application deadline is December 22, 2023.

MODEL ACTS

LAPPA is excited to announce the publication of the [Model Recovery Ready Workplaces Act](#) (Model Act), which establishes a program by which employers can become recovery-ready participants or certified as recovery ready workplaces. Examples of recovery-ready policies may include (1) establishing a culture that values a healthy work environment; (2) encouraging the hiring of qualified people in recovery; and (3) eliminating barriers for employees seeking treatment. The Model Act was part of a package of resources released by the White House Office of National Drug Control Policy on November 9th, which also included a [Recovery-Ready Workplace Toolkit](#) for businesses, available through the U.S. Department of Labor.



KNOWLEDGE LABS



LAPPA will host the final event of the six-part **Model Law Virtual Knowledge Labs** series, which has offered hundreds of stakeholders an exciting opportunity to engage with experts from around the country on a variety of topics ranging from overdose prevention to medication for addiction treatment in correctional settings. Sponsored in partnership with the White House Office of National Drug Control Policy, the Knowledge Labs are a virtual learning series that provide participants with an opportunity to deepen their awareness and understanding of how model laws can assist jurisdictions in addressing substance use disorders and concomitant issues. The final session, **Substance Use During Pregnancy and Family Care Plans**, will take place November 16th at 2:00 pm. The panel of experts participating includes: (1) Mishka Terplan, MD - Medical Director and Senior Research Scientist at Friends Research Institute; (2) Nancy Young, PhD - Executive Director of Children and Family Futures; (3) Daniel Blaney-Koen, JD – Senior Legislative Attorney at the American Medical Association; and (4) Yuan He, MD – a pediatrician and Assistant Professor of Clinical Pediatrics at the Perelman School of Medicine at the University of Pennsylvania. Click [here](#), to register.

PUBLICATIONS

Fact Sheets

LAPPA recently published two more fact sheets in its Novel Psychoactive Substances series - [Nitazenes](#) and [Bromazolam](#). “Novel” substances are not never-before-seen substances but rather substances that are newly available in the drug market. These fact sheets, the fifth and sixth in the series highlighting these dangerous drugs, examine bromazolam, a novel benzodiazepine and nitazenes, a group of synthetic opioids derived from 2-benzylbenzimidazole.

Also available on LAPPA’s website is a fact sheet on [Contingency Management](#), a behavioral therapy used by mental health professionals, alongside other methods of treatment, that reinforces or rewards positive behavioral change. In the context of substance use disorder treatment, patients typically receive something of monetary value to incentivize abstinence from drug use.

50-state Summaries

LAPPA is in the process of updating its 50-state summaries, available in the [Legal and Legislative Research](#) section of www.legislativeanalysis.org. These comprehensive documents are updated twice yearly, once in the summer after most states’ respective legislative sessions have ended and again at the end of the calendar year after special sessions have ended and governors have signed new bills into law. In this current update cycle, LAPPA’s attorneys are adding a new section to each document; a list of all pending state and federal legislation now appears at the end summary, after the last state or territory chart listing applicable code provisions. Fifty-state summaries that have recently been updated include Fentanyl Cleanup and Opioid Antagonist Access.

NATIONAL NEWS BITS

Carfentanil Reemergence: Detections of the ultra-deadly fentanyl analog carfentanil are skyrocketing from coast to coast, increasing by a staggering 3,400 percent in urine drug test screening from 2022 to 2023. Carfentanil, commonly used in veterinary medicine as a large animal tranquilizer but not approved for human use, is 100 times more powerful than fentanyl and 10,000 times more powerful than morphine. Carfentanil was

previously associated with a spike of synthetic opioid overdose deaths in 2016 and 2017 before use of the substance decreased and then all but disappeared. As data is now clearly pointing to the return of carfentanyl, law enforcement and public health officials are sounding the alarm about its presence in the illicit drug supply, hoping to stay ahead of the issue and warn the public about the enormity of the dangers that the drug poses.

Marketing of Opioids Rose After Opioid Litigation: After the nationwide legal proceedings against all involved in the opioid crisis, the pharmaceutical company, Purdue Pharma, significantly decreased its spending on promotion of the controversial, controlled-release oral formulation of OxyContin. A recent study by the University of Washington, however, shows that competing companies increased their spending after the legal proceedings, promoting opioids to physicians that previously were only prescribing OxyContin, including in counties where the opioid crisis was known to be spinning out of control.

FEDERAL NEWS BITS



Food and Drug Administration (FDA) Urging New Treatments: The FDA is encouraging drugmakers to develop treatments for stimulant use disorder, hoping to address what has long been a major gap in the response to the crisis of addiction in the United States. There are currently no approved treatments for addiction to cocaine, methamphetamine, or prescription stimulants, whose use has been surging in recent years. Draft guidance, issued in October 2023, reflects the FDA's current thinking on clinical design and consideration throughout the

drug development process. The agency also noted that there may be opportunities for trials with greater sensitivity to detecting the effect of a particular treatment. The FDA indicated an openness to expedited approval if a major unmet medical need can be met.

STATE NEWS BITS

Alabama: State prisons may soon see a portion of opioid litigation settlement proceeds, which will be used to help reduce abuse and violence within the prison system. State Attorney General Steve Marshall announced that Alabama would receive \$250,000,000 during a 10-to-15-year timespan, \$1.5 million of which would be allocated directly for inmate treatment programs. These programs would include medication for addiction treatment coordinators, nursing staff, drug treatment staff, and additional specialists. The settlement fund plan will also allow the state department of corrections to give inmates injectable naltrexone prior to their release date, to block cravings for opioids.

Alabama: The number of arrests of pregnant people for allegedly harming their fetuses has increased sharply since 2006, with nearly half of those arrests occurring in Alabama. Multiple factors are driving this increase, including the adoption of personhood statutes, which give fetuses the same rights as children who have already been born. Pregnant people in Alabama can face a felony charge of chemical endangerment, even if their babies are born healthy, that can carry between one and 10 years in prison.

California: Staff at a Santa Barbara jail saved an overdosing inmate by performing CPR and administering several rounds of Narcan, according to the local sheriff's office. After regaining consciousness, the inmate was taken to an area hospital for further observation and follow-up treatment. The sheriff's office plans to highlight the incident as an example of the dangers posed by fentanyl and the importance of carrying the life-saving opioid overdose reversal agent, naloxone.

District of Columbia: Mayor Muriel Bowser cut the ribbon on the District’s first Stabilization Center, a facility that will provide immediate resources for individuals experiencing substance use disorder along with individualized supports such as peer counseling and other services to help sustain long-term recovery. The Center will offer patients a safe and comfortable space to undergo stabilization, while receiving comprehensive medical and psycho-social evaluation along with an individualized treatment plan. Before a patient is discharged, he or she will be connected with ongoing substance use disorder treatment at one of 29 certified provider locations available throughout the District’s eight wards.

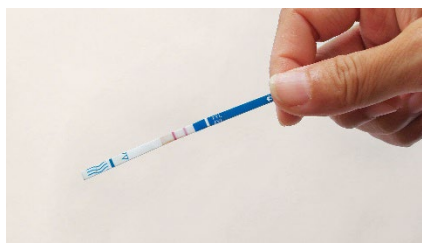
Massachusetts: Over 220 pounds of suspected drugs, including fentanyl, methamphetamine, and counterfeit Adderall was seized from a Massachusetts residence in what is believed to be New England’s largest-ever drug recovery from a single location. Among the confiscated items was a 20.2-pound bag of heart-shaped pills resembling Valentine’s Day candy, that tested positive for fentanyl. The pills are valued at approximately \$8 million and amount to approximately 10 million doses.

Massachusetts: Seventy percent of voters surveyed in a new poll said that they support passing state legislation that would allow cities and towns to establish safe injection sites, also known as supervised consumption sites, safe consumption sites, or overdose prevention centers. There are currently approximately 200 safe consumption sites operating around the world, and legislative efforts to establish them in Massachusetts go back many years. According to data from the commonwealth’s department of public health, overdose deaths reached a new high in 2022.

Minnesota: The state’s bureau of criminal apprehension recently launched a dashboard to help public safety and health professionals respond to drug-related overdoses, deaths, and crimes across the state of Minnesota. The tool was designed to be used by public health and safety officials and professionals but is available to everyone. The Minnesota Drug Crimes and Overdose Dashboard uses trend analysis to prevent overdose deaths, which rose steeply across the state, due in large part to a rise in fentanyl poisonings.

New Jersey: Beginning on October 1, 2023, New Jersey lawyers no longer must disclose past conduct or behavior related to a mental health diagnosis, substance use disorder, or other condition that is or has been treated effectively by a health care provider or other medical professional, or through consistent participation in an established treatment program. New Jersey is one of a dozen states to remove or revise questions about past mental health treatment from bar exam applications.

New Jersey: Camden County officials recently announced that they will begin providing naloxone kits to school bus drivers, in an effort to make the life-saving medication more accessible. There are currently four school districts enrolled in the program, with 104 bus drivers already trained to administer naloxone – the eventual goal is to have a kit on every bus in the county. Following the death of a student who was poisoned by fentanyl, naloxone is now available in every county school building.



Pennsylvania: Fentanyl test strips (FTS) became legal in Pennsylvania in January of this year, but nearly nine months later, access to them remains challenging. The strips are in short supply and when supplies become available at retailers, such as Amazon, most potential buyers cannot afford the full price at which they are offered. FTS are available through non-profit organizations, but most have an application process, which many advocates view as a barrier to access.

Pennsylvania: Delaware County is preparing to spend \$1 million of its allotment of opioid settlement money on distribution of medication disposal pouches directly to households who can use the pouches to dispose of

unwanted medication. The pouches work by adding water to the medications and shaking the pouch, rendering them inactive and unusable. The initial mailing, which will include a pouch, postage for returning the pouch, and education material, is targeted for approximately 75 percent of county households in locations with the highest incidence of opioid usage.

Virginia: Following seven fentanyl-related overdoses in one Loudoun County high school in a three-week period, Governor Glenn Youngkin recently issued an executive order requiring school systems to notify parents of school-related overdoses. Youngkin faulted the school system for failing to notify parents in a timely manner about the overdoses, none of which were fatal, but several of which occurred on school grounds and required CPR or the administration of naloxone to save a student's life.

Texas: The City of Austin is second in the country to introduce a new \$100,000 program designed to help keep bar patrons' drinks safe from being spiked. The pilot program, part of the Safer Sixth Street Initiative, will provide test strips to bars, allowing patrons to test their drinks to see if they have been spiked with any controlled substances. Austin is only the second city in the country that has initiated this type of program, which will allow city officials to measure the full scale of the drink-spiking problem in the city.

Texas: Throughout 2019, Texas distributed more than 230,000 doses of naloxone through its More Narcan Please program – yet now, more than three years later, many of those doses have gone unused and are past their expiration date. Recipients of the Narcan are destroying the medication as it expires, as is required by policies that are in place, particularly in government agencies. Grassroots organizations around the state are clamoring for the expired doses, particularly harm reduction groups, who willingly receive donations of expired Narcan.

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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