

NEWS BITES

JULY 2024

LAPPA NEWS

PUBLICATIONS

Model Laws

The Legislative Analysis and Public Policy Association (LAPPA) recently released the [Model Pharmacist Collaboration for Medication for Opioid Use Disorder Act](#). Drafted in collaboration with the Center for Health Law Studies at the St. Louis University School of Law, the purpose of this Act is to save the lives and improve the health and quality of life of individuals who have an opioid use disorder (OUD) by expanding access to and availability of medication for OUD. This Act does so by increasing the health care workforce that provides medication for OUD by authorizing pharmacists to: (1) prescribe medications for OUD for treatment and refer patients for long-term treatment; and (2) prescribe, initiate, monitor, and adjust long-term treatment pursuant to collaborative practice agreements for collaborative drug therapy management. The Act further requires Medicaid and private health insurance coverage for pharmacists' comprehensive patient care and medication management services provided as part of a standing protocol or drug therapy management collaborative practice for medication for OUD. It also provides for the establishment of a grant program to incentivize and sustain interprofessional collaborations that include pharmacists through educational programs, statewide initiatives, community programs, and pilot programs.

Fact Sheets

LAPPA continues to monitor the emergence of novel psychoactive substances (NPS) appearing on the streets of the United States. The [Medetomidine](#) fact sheet is the seventh in a series highlighting these dangerous drugs. Medetomidine is a synthetic alpha-2 agonist that is used as a sedative in veterinary medicine and sold under the brand name Domitor®. Medetomidine, known by the street name, "rhino tranq," belongs to the same drug class as xylazine, but its potency is 200 times greater, and has a longer duration of action, than xylazine. The U.S. Food and Drug Administration (FDA) has only approved medetomidine for use in veterinary medicine, and information about the use of the substance in humans is limited. While medetomidine has only been found in a handful of jurisdictions (mostly in the Northeast and the Midwest) thus far, it is likely that the substance will continue to spread across the country as xylazine becomes more expensive and difficult to obtain because of increased federal and state regulation and penalties.

Methadone is one of the three medications approved by the U.S. Food and Drug Administration (FDA) used for the treatment of opioid use disorder (OUD). It is safe and effective when used as directed, and evidence shows

that for patients who suffer a nonfatal overdose, subsequent methadone treatment reduces the likelihood of a future fatal opioid overdose by over 50 percent. In 2024, the Substance Abuse and Mental Health Services Administration (SAMHSA) issued the first substantive changes to its federal methadone regulations in over 20 years. This final rule updated and modified several aspects of existing regulations with the goal of expanding the use of methadone for OUD treatment. As part of the revisions, SAMHSA clarified that a hospital, long-term care entity, or correctional facility, if appropriately registered with the Drug Enforcement Administration (DEA), can provide and initiate methadone as a treatment for OUD to those with a primary diagnosis other than substance withdrawal or OUD. In this [fact sheet, LAPPA details the changes](#) to the above referenced “primary diagnosis” regulation; the fact sheet also briefly describes the federal regulatory scheme for methadone for OUD and explains what led to SAMHSA’s decision to revise its regulations.

50-State Summaries

Two updated 50-state summaries have recently been posted on LAPPA’s website. The [Substance Use During Pregnancy and Child Abuse or Neglect](#) document examines state-level statutes and regulations related to substance use during pregnancy and whether such use during pregnancy is considered child abuse or neglect in the jurisdiction.

The [Methamphetamine and Precursors](#) summary analyzes the current status of state laws and regulations addressing methamphetamine and its precursors, ephedrine and pseudoephedrine. This document: (1) provides a single resource for each state’s laws addressing methamphetamine and methamphetamine precursors; (2) allows for a comparison of these laws between states; and (3) identifies and highlights any provisions of note.

FEDERAL NEWS BITS

White House Convenes Private Sector to Discuss Preventing Fatal Overdoses: At the beginning of June, the White House Domestic Policy Advisor, Office of Intergovernmental Affairs Director, and Office of National Drug Control Policy Director convened a call with city, county, and private sector leaders from across the country that are being devastated by the overdose crisis – the topic at hand was increasing access to overdose reversal medications and saving lives by preventing fatal overdoses. White House officials discussed the recently launched [Challenge to Save Lives from Overdose](#), an initiative to save lives by increasing training on and access to lifesaving opioid overdose reversal medications. The Biden-Harris Administration has made addressing the nation’s overdose crisis a top priority, and throughout his four years in office, President Biden has overseen the investment of more than \$167 billion in drug control efforts.

NATIONAL NEWS BITS

Walgreens to Offer Less Expensive Overdose Reversal Medication: Walgreens, the chain pharmacy retailer, recently announced that it would soon offer its own brand of the overdose reversal medication, naloxone. Two-dose packs of “Walgreens Brand Naloxone” will be sold for \$34.99, which is about \$10 lower than over-the-counter branded Narcan that is currently available at most pharmacies. The retailer is hoping to both increase accessibility to the life-saving medication in terms of quantity and price and reduce stigma associated with naloxone use.

INTERNATIONAL NEWS BITS

Mexico Cuts Back Seizure Efforts: Statistics released by the U.S. Department of Defense show that although Mexican-made fentanyl continues to flood into the U.S., Mexico's efforts to seize the drug before it enters U.S. territory ebbed dramatically during the first half of 2024. Mexican forces seized 286 pounds of fentanyl between January and June of this year – which is down 94 percent from the same period last year. U.S. officials are attempting to increase efforts to seize fentanyl as it comes across the southern border, but rather than join these efforts, Mexico's Army and National Guard are refocusing their attention towards methamphetamines, which are more commonly consumed domestically in that country than fentanyl. Mexican President Andrés Manuel López Obrador has long denied that fentanyl is even produced in Mexico, though members of his own administration acknowledge that it is largely produced by Mexican cartels using precursor chemicals from China, for purposes of smuggling into the U.S.

A Canadian Province Reverses Course: A little less than two years ago, British Columbia embarked on a three-year trial to decriminalize the possession of small amounts of certain drugs including methamphetamine, cocaine, fentanyl, and heroin, for personal use. This approach – officials said – would reduce the stigma associated with the use of illicit substances. However, those who previously supported this effort have abruptly reversed course and are now looking to re-criminalize drug possession in most public spaces. Large drivers of the back-pedal are a steep rise in complaints about public drug use and a rise in overdose deaths attributed, in part, to a tainted street drug supply. Supporters of decriminalization claim it is too soon to abandon the effort and would have preferred to at least wait until the three-year pilot was completed. Provincial officials, however, have faced intense pressure from constituents to look to other ways to fight the opioid epidemic.

STATE NEWS BITS

California: San Francisco police will soon begin piloting a new device during public intoxication arrests – a system that can test saliva samples for the presence of amphetamines, cocaine, and opiates. Drager, a German-based company, is already under contract with the city (and many other U.S. cities) to collect and test saliva as evidence after arrests – but San Francisco would be the first city to collect and test a new prototype that Drager developed, which is capable of testing for eight different substances, including fentanyl, methadone, and ketamine. Like cases involving DUI suspects, officers investigating public intoxication will have to receive consent before administering the saliva test.

California: As part of the efforts to address the growing homelessness crisis in his state, Governor Gavin Newsom recently announced that his administration will make \$3.3 billion available for counties and private developers to start building behavioral health treatment centers. The monies hail from a previously passed ballot measure that was designed to help cities, counties, tribes, and developers build or renovate treatment centers and clinics in a state that accounts for nearly a third of this country's homeless population, which suffers disproportionately from mental health and substance use issues.

Idaho: A state department of health and welfare investigation showed that state funds were likely used to purchase harm reduction materials that are still classified as illegal under Idaho law. The finding came subsequent to a raid of two Idaho Harm Reduction Project (IHRP) offices following allegations of drug paraphernalia distribution. At the time of the raids, the IHRP was a grant recipient of the state's syringe exchange program, though it appears that the program's operators were distributing other harm reduction supplies to the community, such as fentanyl test strips, cookers, and pipes, all without approval, and in violation of Idaho law and the parameters of their grant.

Maryland: The people of Baltimore are dying of overdoses at a rate never seen in any other major American city, with nearly 6,000 lives lost in the past six years. The overdose death rate in Baltimore from 2018 to 2022 was nearly double that of any other large city in the U.S. and higher than nearly all of Appalachia during the Oxycontin crisis, the Midwest during the clandestine methamphetamine laboratory crisis, and New York during the crack epidemic. As recently as a decade ago, overdose deaths numbered less than 1,000, and when fatalities began to rise, the city's response was hailed as a national model. City officials, however, became preoccupied with other crises, such as gun violence and the COVID pandemic, so efforts to combat overdose deaths have stalled.

Michigan: The St. Clair County Sheriff's Office reported its first seizure of the drug desomorphine and is now warning the public of its presence in the community drug supply. Desomorphine, also known as "Krokodil" or "Crocodil" is a synthetic opioid-like substance thought to be about 10 times more potent than morphine. Long-term users may see their skin turn greenish and scaly due to underlying damage to blood vessels, hence the acquired street names for the drug. Crocodil produces a brief and powerful narcotic effect that works as a pain reliever and respiratory depressant. There is currently no accepted medical use for the drug in the U.S.

Minnesota: Commercial cultivators will soon be able to start growing marijuana in preparation for the launch of retail sales across the state. Governor Tim Walz recently signed legislation that amends the state's year-old recreational marijuana law, making several notable changes, including establishing a process for social equity applicants to be preapproved for cannabis business licenses, with other applicants needing to wait until 2025. The bill also sets new caps in license types, such as retail dispensaries, to avoid market oversaturation.

Minnesota: The state department of commerce recently fined UnitedHealthCare (UHC) \$450,000 for violating state mental health parity laws, which are laws that require mental health claims be treated no differently than claims for any other health care issue. The state concluded that the insurance company had been applying different standards to its scrutiny of mental health claims as compared to claims for other health conditions. The state and the insurance company agreed to a consent decree with UHC, neither admitting nor denying fault. Since the fine was levied, UHC has increased its provider network and improved compliance in other areas. Minnesota is one of many states scrutinizing insurer compliance with both state and federal parity laws.

Pennsylvania: Governor Josh Shapiro signed legislation that criminalizes the illicit use of xylazine, the powerful animal tranquilizer that is showing up in the commonwealth's street drug supply with increasing frequency. The law permanently classifies the drug, also known as "tranq," as a Schedule III drug along with ketamine and anabolic steroids. The state health department reported that in 2022, xylazine contributed to more than 760 overdose deaths, and data from the last five years shows a 22-fold increase across the state in xylazine-involved deaths.

Texas: A vaccine developed at the University of Houston, that may be able to prevent fentanyl-related deaths, is headed into human clinical trials. Fentanyl Armour works by preventing fentanyl from reaching a person's brain, thus eliminating the drug's "high." The vaccine's creator, OVAX, has raised \$10 million for research and plans to begin trials early in 2025.

Vermont: Lawmakers have voted to override Governor Phil Scott's veto of legislation that allows for the establishment of an overdose prevention center in Burlington, paving the way for the opening of a pilot site in the state's largest city, with funding from the opioid settlement litigation. Proponents of the center say it will offer a safe and sanitary place where people who use drugs can do so without fear of overdose. Critics, including Governor Scott, contend that these centers are untested and that state funds would be better spent supporting evidence-based treatment and recovery programs.

Wisconsin: The State of Wisconsin collected more unused prescription drugs than any other state during the most recent Drug Enforcement Administration Drug Take Back Day on April 27, 2024. Attorney General Josh Kaul attributes the success to the partnership between law enforcement agencies and public health departments across the state, with both groups wholly committed to getting unused pharmaceuticals out of circulation.

Wisconsin's take-back efforts extend throughout the year, as evidenced by the nearly 500 permanent drop box locations across the state where people can securely dispose of their expired or unused prescription drugs 365-days a year.

NOTABLE STUDIES

The Contribution of Untested Drugs to Drug-Impaired Driving: The National Institute of Justice funded researchers from the Center for Forensic Science Research and Education to examine blood samples from more than 2,500 cases of driving under the influence. The goal was to glean information about so-called Tier I and Tier II drugs that might be contributing to impaired driving cases and compare the results to testing parameters recommended by the National Safety Council. Researchers used a scope of 850 therapeutic, commonly abused, and newly emerging drugs and examined deidentified blood samples randomly selected from a pool of impaired driving cases in the Commonwealth of Pennsylvania. The overall positivity rate for a Tier I or Tier II drug was 79 percent; 23 percent tested positive for drugs and alcohol, and only 17 percent of the samples tested positive for alcohol alone. These results highlight the importance of testing for drugs, not just alcohol, and many argue more must be done to equip law enforcement agencies with the tools that they need, and laboratories with more equipment, to speed up processing times. Click [here](#), for more information about this study.

UPCOMING EVENTS



July 14th-20th is National Deflection Week – a week set aside to recognize and celebrate the advancement of the field and movement of pre-arrest diversion. Click [here](#) for the Police, Treatment, and Community Collaborative's (PTACC) guide to National Deflection Week.

ABOUT THE 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, treatment in emergency settings, alternatives to incarceration for those with substance use disorders, medication for addiction treatment in correctional settings, and syringe services programs.

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

© Legislative Analysis and Public Policy Association - This project is funded by a grant from the Office of National Drug Control Policy. Neither the Office of National Drug Control Policy, nor any other federal instrumentality operate, control, or are responsible for, or necessarily endorse this project.