

# NEWS BITES

SEPTEMBER 2024

## LAPPA NEWS

### PUBLICATIONS

#### *Model Laws*

LAPPA recently released the [Model Medicaid Reentry Section 1115 Demonstration Waiver Act](#), the purpose of which is to require a state department of health and human services to: (1) apply for a Medicaid reentry Section 1115 demonstration waiver to allow a state Medicaid program to cover pre-release services for a Medicaid eligible incarcerated individual for up to 90 days prior to the individual's expected release date; and (2) conduct comprehensive monitoring and evaluation of the Medicaid reentry demonstration, if the waiver is approved.



#### *50-State Summaries*

LAPPA's new 50-state summary on [Mental Health and Substance Use Disorder Insurance Parity](#) summarizes how health insurance statutes throughout the 50 states, the District of Columbia, and all U.S. territories treat mental health and substance use disorder (SUD) parity. Parity, for purposes of this document, occurs when health insurance coverage for mental health and SUD conditions is no more restrictive than that for medical or surgical benefits for physical health conditions.

#### *Fact Sheets*

There is a new fact sheet available on LAPPA's website - [Methadone Treatment: Recent Revision to Regulation Covering Facilities Treating Individuals for Primary Diagnosis Other Than Opioid Use Disorder](#). In this fact sheet, LAPPA details the changes to the above-referenced "primary diagnosis" regulation and what the regulation does, and importantly, does not, do. LAPPA also briefly describes the federal regulatory scheme for methadone for OUD and explains what led to SAMHSA's decision to revise its regulations.

This is one of more than 40 fact sheets currently available on LAPPA's [website](#). Visit our [Fact Sheets](#) page to read the seven-part (and growing) series on novel psychoactive substances, a fact sheet on [Recovery Residences](#), one about the [Privacy of Treatment Records](#), and others covering timely topics and emerging issues of concern.

## NOTABLE STUDIES

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**Implantable Sensor Could Reverse Overdoses:** Researchers at MIT and Brigham and Women’s Hospital have developed a new device that they hope will help save lives of overdose victims – an implant, about the size of a stick of gum, that is capable of monitoring heart rate, breathing rate, and other vital signs. When the implant determines an overdose has occurred, it rapidly pumps out a dose of naloxone. In animal studies, researchers used sensors on the implant to measure certain signals and how those signals change during a fentanyl overdose. By measuring the changes, researchers were then able to determine exactly when to administer naloxone. In the study, effects of an overdose were reversible 96 percent of the time. Researchers hope to test the device in humans within the next three to five years and are currently working on miniaturizing the device and optimizing the battery. Click [here](#), to read the study.

## FEDERAL NEWS BITS

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**FDA Reverses Course on Kratom Study:** Kratom, a plant used around the world for both its pain relief and stimulant properties, has been surging in popularity in the United States, where products containing the substance can be found online, in corner shops, gas stations, and bars. At low doses, kratom works as a stimulant, providing an energy boost and mild pain relief, but at higher doses, kratom can have addictive, opioid-like properties and has, in some cases, been linked to fatal overdoses. In early August of this year, the Food and Drug Administration (FDA) proposed a study looking at the safety of and risks associated with kratom use, but just 10 days later, on August 12<sup>th</sup>, the agency canceled the study, saying that there had been a change in circumstances. A spokesperson for the FDA noted that the scope of the study is changing which is the reason that the agency is currently not moving forward. The American Kratom Association has thus far been successful in its efforts to keep kratom from becoming a scheduled drug, and it remains largely unregulated, even though the Drug Enforcement Administration has issued repeated warnings about it and its potential side effects.

**Record-breaking Fentanyl Seizure:** U.S. Customs and Border Protection (CPB) officers at the Port of Lukeville in Arizona recently seized approximately four million blue fentanyl pills – weighing more than 1,000 pounds – making the seizure the largest single fentanyl seizure in CPB history. On July 1<sup>st</sup>, a 20-year-old Arizonan arrived at the border in a pick-up truck hauling an SUV on a trailer – canines alerted to something on the frame of the trailer, and an inspection of the frame yielded 234 packages containing the four million pills.

## NATIONAL NEWS BITS

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**Pink Cocaine Emerging as the Newest Threat:** A potent powder, known among its users and its traffickers as “pink cocaine,” is rapidly gaining a foothold in the U.S., particularly in New York and California where law enforcement recently seized more than 140 pounds in just a four-month period. The drug, which is also known as “tusi” in Latin America and Europe can vary greatly in composition and does not typically contain any cocaine. Rather, it is powder tinted with food coloring composed mostly of ketamine along with MDMA, methamphetamine, and a mixture of various opioids. The primary concern is that users will expect something labeled cocaine to have a stimulant effect, but a substance composed primarily of ketamine will have an entirely different effect – ketamine is an anesthetic and a sedative and could be extremely harmful, potentially completely incapacitating a person. Watch for LAPP’s fact sheet on the substance, coming soon.

## INTERNATIONAL NEWS BITS

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**Staggering Death Toll Attributed to Alcohol and Drug Use:** According to a recent report from the World Health Organization (WHO), alcohol consumption and psychoactive drug use contribute to more than three million deaths worldwide annually, which is nearly five percent of all annual worldwide deaths. Those most affected were men between the ages of 20 to 39 living in Europe and Africa. For purposes of this report, a psychoactive drug was defined as a drug that can change the consciousness, mood, or thinking process of a person and includes nicotine, opioids, cannabis, cocaine, amphetamines and other stimulants, hallucinogens, hypnotics and sedatives, and psychoactive inhalants. The WHO highlighted that access to quality treatment for substance use disorder is very limited, especially for those most in need, and cited stigma and unaffordability as contributing factors to the high mortality statistics. Click [here](#), to read more.

## STATE NEWS BITS

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**Connecticut:** State lawmakers are seeking to designate addiction as an occupational disease, which would entitle employees with substance use disorders to collect workers compensation benefits. Affected employees would be eligible for prevention and treatment benefits, in addition to workers compensation benefits, according to legislators who support the proposed change. Proponents claim that the occupational disease designation would provide support for affected workers while allowing workers to stay in their positions, thereby reducing turnover. A bill has not yet been introduced.

**Massachusetts:** The synthetic sedative medetomidine is increasingly contributing to opioid-related overdoses in the Worcester area. A local first responder reported, and hospitals have confirmed, that medetomidine is increasingly showing up in the local drug supply, and while it responds to naloxone, medetomidine overdose patients may continue to experience symptoms and remain in a dangerous semi-responsive state for hours after an overdose reversal. LAPP's fact sheet on [Medetomidine](#) is part of a series of fact sheets on novel psychoactive substances, all available at <https://legislativeanalysis.org/fact-sheet/>.

**New Jersey:** All school districts in the state can now obtain naloxone at no cost through the state's Naloxone DIRECT program. Schools must place an order through their respective county offices by submitting a simple form requesting the overdose reversal medication. The county offices then submit the requests through the Naloxone DIRECT portal, and cases of naloxone containing 24 total doses each are delivered to the offices and distributed to the requesting schools. First launched in 2022, Naloxone DIRECT is New Jersey's state program that works to provide first responder agencies, mobile outreach providers, opioid treatment programs, harm reduction programs, and other eligible entities the opportunity to easily request direct shipments of free naloxone through an online portal.

**New Jersey:** In its 2025 budget, the state allocated \$250,000 to Sonora Health, a startup founded by a doctor in 2020 and backed by billionaire NBA owner Mark Cuban, to start a remote methadone pilot program, which will give more patients access to medication for their substance use disorder (SUD). Methadone is sometimes referred to as "liquid handcuffs" because patients must travel to a treatment center every day to receive a daily dose, which can conflict with work and family life, often resulting in less retention in treatment for SUD. Sonora Health created a web-based application which allows patients to record their take home methadone doses by scanning a QR code placed on the methadone bottle, and then the patient records a video of him or herself taking a dose for a clinician at an opioid treatment program to view. The goal of the pilot is to gather data and present findings to the state to show that this type of treatment can become safe, standard practice that can be supported by Medicaid reimbursement.

**North Carolina:** The state may soon forfeit approximately \$5.4 million in federal funds, sorely needed to combat the opioid epidemic and support treatment initiatives, if it does not increase efforts to cut access to

tobacco products by underage buyers. In order to receive federal block grant funding for substance use treatment and prevention, federal law says that states must annually survey a random sample of tobacco retailers and report the percentage of them that sell to people under the age of 21 – the federal minimum tobacco sale age. If that percentage exceeds 20 percent, a state can face penalties, including up to a 10 percent cut in its grant funding. In 2023, North Carolina’s violation rate was almost 22 percent. This rate has been steadily increasing in part because of a limit on state law enforcement authority – North Carolina law enforcement officials can only enforce the state’s minimum sales age, which is 18, severely hindering the state’s ability to restrict access to tobacco products to people aged 18 to 20.

**North Dakota:** State law enforcement officers will soon begin training on the use of a new device capable of detecting drug impairment in drivers. Starting later this fall, 40 law enforcement agencies will begin training to use the SoToxa oral fluid device, a screening tool that can detect the presence of marijuana, cocaine, amphetamines, methamphetamines, and opiates. A pilot program of the device in 2022 and 2023 determined that at least one of those drugs was present in 83 percent of cases, with 46 percent of samples indicating two or more drugs in drivers’ systems, indicating a clear need for law enforcement to have tools to identify those drivers and remove them from the road.

**Ohio:** Governor Mike DeWine recently attended the state’s launch of the Ohio Recovery Friendly Workplace Program which encourages businesses to adopt hiring practices that are friendly to people in recovery from substance use disorder (SUD) and who are trying to enter the workforce. These programs also provide funding for companies that adopt recovery-friendly policies and provide mental health and SUD treatment for employees. In 2023, LAPPA released its [Model Recovery Ready Workplaces Act](#) which direct states on how to implement a program like the one in Ohio.

**Ohio:** According to the Division of Cannabis Control in the Ohio Department of Commerce, marijuana sales in the state topped \$11.5 million in the first week such sales were legal. Approximately 173,043 units of manufacturer product and 1,285 pounds of raw plant material sold respectively in the state’s licensed 120 dual-use dispensaries, each of which is authorized to sell both medical and non-medical marijuana. Per Ohio’s ballot measure to legalize marijuana, there is a 10 percent point of sale tax for each non-medical marijuana transaction – which funds the adult use tax fund, the cannabis social equity and jobs fund, the host community cannabis fund, the substance abuse and addiction fund, and the division of cannabis control and tax commission fund.

**Oregon:** Attorneys for victims in the state have filed a \$303 million lawsuit against a medical facility where a nurse has been accused of replacing prescribed fentanyl with nonsterile tap water in intravenous drips. The wrongful death and medical malpractice complaint accuses the hospital of negligence and maintains that there was a failure to monitor medication administration and prevent drug diversion by employees. The nurse at the center of this case is not a named defendant in this suit but was separately arrested and charged with 44 counts of second-degree assault.

**Pennsylvania:** A hospital in the western part of the state is offering its patients the chance to manage surgical and post-operative pain without opioids in an effort to prevent opioid use disorder. Per the “opioid-free pathway,” regional anesthesia, nerve blocks, local anesthesia, and non-opioid IV medications are used for post-operative pain. In addition to non-opioid medications, patients can choose from techniques like aromatherapy, acupuncture, hypnosis, music therapy, and biomedical devices. Patients who sign up for the program wear a special bracelet and have stickers added to their charts so that hospital staff is aware of their pain management plan. Many who enroll have a family history of addiction, some have a personal history of addiction, and some are afraid of the side effects of opioid use and the potential of becoming addicted.

**Virginia:** Five people, including a three-year old, have been sickened by gummies that are marketed as a supplement to promote brain function but after testing, are shown to contain harmful ingredients not listed on the label, including psilocybin – the hallucinogen found in “magic mushrooms.” The gummies claim to contain the amanita muscaria mushroom, a proprietary blend, which is not classified by the U.S. Food and Drug

Administration (FDA). However, lab analysis has shown that three out of five of the brands of gummies that can be bought in Virginia gas stations and smoke shops contain psilocybin or psilocin, substances which are both classified as illicit by the FDA. Symptoms caused by the gummies include hallucinations, racing heartbeat, upset stomach, and altered mental state.

## UPCOMING EVENTS & OPPORTUNITIES

**Master of Science in Addiction and Policy Practice at Georgetown University:** Are you passionate about making a difference in the addiction policy field? Are you eager to be a leader in crafting effective policies to transform communities? The Master of Science in Addiction Policy & Practice at Georgetown University is designed to equip you with the knowledge, skills, and expertise to address one of society’s most pressing public health challenges. The M.S. in Addiction Policy & Practice program trains leaders in the addiction policy advocacy field by providing students with a comprehensive understanding of addiction, including public health and criminal justice policy, basic science, and evidence-based prevention, treatment and recovery. Visit <https://addictionpolicy.georgetown.edu/> for more information about the degree program, application deadlines, prerequisites, and to apply.



The Police Treatment and Community Collaborative (PTACC) 2024 International Deflection and Pre-Arrest Diversion Summit is just over a month away and there is still time to register. The theme of this year’s event, being held October 29 through November 1 in Seattle Washington, is “Deflection: Evolution and Innovation.” Visit the [Conference Page](#), to register, book hotel accommodations, and preview and conference agenda.

## 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. The

LAPPA produces model laws on critical issues as well as comparative analyses, publications, educational brochures, and other tools that can be used by national, state, and local public health and public safety practitioners who want the latest comprehensive information on law and policy. Examples of topics on which LAPPA has assisted stakeholders include naloxone access, treatment in emergency settings, Medicaid Section 1115 demonstration waivers, medication for addiction treatment in correctional settings, collateral consequences of conviction, syringe services programs, and the health information disclosure provisions of HIPAA and 42 C.F.R. Part 2.

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

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