

NEWS BITES

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LAPPA NEWS

PUBLICATIONS

50-state Summaries

[Opioid Litigation Proceeds: Summary of State Laws](#): In 2014, several U.S. cities and counties filed lawsuits against drug manufacturers, alleging that the companies' aggressive marketing practices fueled a national opioid addiction epidemic that subsequently killed hundreds of thousands of people. Since then, more than 3,000 state and local governments have filed lawsuits of their own against not only drug manufacturers but also distributors and retailers, seeking to recoup the billions of dollars these entities spent on the fallout from the epidemic. The result of these legal efforts is a series of ongoing monetary settlements, nearly \$58 billion to date, on a scale not seen since the Big Tobacco settlements of the 1990s. In this document, LAPPA examines state and territorial laws expressly providing for the receipt and use of settlement proceeds from opioid litigation. 39 states, D.C., the Northern Mariana Islands, and the U.S. Virgin Islands have enacted legislation that addresses the use of opioid litigation settlement funds. The remaining 11 states, Guam, and Puerto Rico, do not have legislation in place but have written policies in place to regulate the disbursement and approved uses of opioid litigation settlement funds.

[Psilocybin: Summary of State Laws](#): Psilocybin is a chemical compound produced by more than 100 species of mushrooms found growing around the world. Because of the psychedelic effects that these mushrooms produce when consumed, psilocybin-containing mushrooms have been colloquially referred to as "magic mushrooms" or "shrooms." Psilocybin is categorized as a classic psychedelic, along with lysergic acid diethylamide (LSD), mescaline, and dimethyltryptamine (DMT). Classic psychedelics interact with serotonin receptors in the brain and central nervous system. When consumed, classic psychedelics produce visual and auditory distortions; hypersensitivity to touch, light, and sound; an altered or slowed perception of time; synesthesia; and, in rare cases, hallucinations. Classic psychedelics are also associated with mystical or spiritual experiences. Psilocybin works by metabolizing into psilocin when consumed; this metabolite is the psychoactive form of psilocybin and closely resembles the structure of the neurotransmitter serotonin, which allows it to bind to serotonin receptors in the body. LAPPA conducted a research project to identify both currently-in-force statutes/regulations and recently proposed legislation related to psilocybin throughout all 50 states, the District of Columbia, and the U.S. territories. LAPPA is aware that city and county ordinances related to psilocybin exist, however, keeping track of new and amended local laws is difficult because a legal database containing the municipal code for all U.S. counties and incorporated places does not exist. In this document, LAPPA provides jurisdiction-by-jurisdiction tables describing aspects of each law currently in effect as of November 2025, including: statutory and/or regulatory citation(s); dates of substantive amendments to the cited statutes or regulations; defined terms; whether

psilocybin is a controlled substance in the jurisdiction; whether the personal, private use of psilocybin is decriminalized in the jurisdiction; whether regulated supported adult use or medical use of psilocybin is permitted in the jurisdiction; other psilocybin related provisions of note; and recently proposed, but not enacted, legislation.

Deflection Initiatives: Summary of State Laws: 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. This document 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.

Fact Sheets

Automatic License Plate Recognition Systems: Automatic license plate recognition systems (ALPRs) are camera systems that capture license plate data of vehicles and are available in fixed, mobile, and portable applications. ALPR systems automatically capture images or videos of all vehicles that pass the camera if the system algorithm detects what it determines to be a license plate. A computer algorithm then converts the image or video into readable data, that includes the license plate number and any additional information that the system is set up to detect. This data can then be used by law enforcement for a variety of investigative purposes.

Psilocybin: In addition to the 50-state summary noted above, LAPPAs also recently published a fact sheet on psilocybin, which shows that various indigenous cultures have consumed psilocybin-containing mushrooms for medical purposes and as part of spiritual ceremonies for thousands of years. In 1970, Congress enacted the Controlled Substances Act and categorized psilocybin and other psychedelic substances as Schedule I controlled substances, which effectively stopped the research into the therapeutic effects of psilocybin for several decades. Despite the continued challenges of researching Schedule I controlled substances, the 21st century has brought forth a renewed interest in investigating the therapeutic potential of psilocybin. The revival of psilocybin research in the 21st century has led to a cultural shift in how Americans, particularly policymakers, view the substance. With the FDA approval of synthetic psilocybin possible by the end of the decade, jurisdictions are taking steps to make psilocybin more accessible to individuals who may benefit from its potential therapeutic effects.

Closing the Hemp Loophole: The New Federal Definition of Hemp and Its Impact: On November 12, 2025, President Trump signed the Continuing Appropriations and Extensions Act of 2026, a funding package which closed what lawmakers have referred to as the “hemp loophole” created by the 2018 Farm Bill. By narrowing the federal definition of hemp and identifying specific exclusions to the definition, the supporters of this measure believe that the change will protect public health. The hemp industry, however, is concerned that the change will destroy its operations. With the change to the federal hemp definition set to go into effect on November 12, 2026, various stakeholders are now attempting to find a common solution to the issue that addresses both public health concerns around hemp and hemp-derived products and the business concerns of the hemp industry.

Novel Psychoactive Substances: Tianeptine (UPDATE): LAPPAs continues to monitor the emergence of novel psychoactive substances (NPS) appearing on the illicit drug market in the United States. The term “novel” does not denote a new, never-before-seen substance but rather a substance that is newly available in the drug market. This fact sheet, an UPDATE to the third in a series highlighting these potentially dangerous drugs, examines tianeptine, an unapproved drug commonly sold in gas stations and on the internet as a dietary supplement and which can cause opioid-like withdrawals.

FEDERAL NEWS BITS

ONDCP Director Confirmed: On January 6, 2026, the U.S. Senate confirmed Sara Carter as the 10th Director of the White Office of the National Drug Control Policy (ONDCP). Carter was nominated by President Trump at the beginning of his second term to help lead the Administration's fight against drug cartels and the constant flow of illicit drugs into this country. Much of Carter's professional background is as an investigative journalist, having spent more than two decades reporting on national security and cartel activity, including extensive on-the-ground reporting along the U.S.–Mexico border and in conflict zones overseas. Her work centered on mapping drug trafficking routes, exposing cartel operations, and examining how narcotics networks intersect with organized crime and terrorism. Click [here](#), to read the press release from the White House on Sara Carter's confirmation.

The DEA's Fentanyl Free America: In December, the U.S. Drug Enforcement Administration (DEA) launched [Fentanyl Free America](#), a “comprehensive enforcement initiative and public awareness campaign” to reduce the supply and demand for fentanyl in the United States. A major goal of the initiative is to eliminate the fentanyl that continues to fuel the nation’s drug crisis that has claimed over 325,000 American lives since 2021. Recently, the DEA has been able to reduce the number of lethal doses of fentanyl in the drug supply from 76 percent of pills and 19.5 percent of powder in FY 2023 to 29 percent of pills and 10.3 percent of powder in FY 2025.

NATIONAL NEWS BITS

Restricting Kratom: 2025 saw a flurry of state legislative and executive activity related to products containing kratom, a trend that is likely to continue into 2026. For a complete summary of each state’s laws and regulations pertaining to kratom, as well as pending legislation, please refer to [Kratom: Summary of State Laws](#) – LAPPA’s 50-state compilation on this topic. Some highlights include the following:

- **Kentucky:** Governor Andy Beshear, by emergency designation, re-classified 7-hydroxymitragynine (7-OH; the opioid-like chemical in the kratom plant) as a Schedule I narcotic. This classification effectively made it illegal to sell, possess, or distribute any isolated or concentrated forms of 7-OH in the commonwealth. The Kentucky Cabinet for Health and Family Services is working on updating regulations to classify isolated and concentrated forms of 7-OH as Schedule I substances, the category that also includes heroin, LSD, and fentanyl analogs. Once finalized, the governor’s action will allow law enforcement and regulatory agencies to immediately begin removing kratom products from retail shelves.
- **Missouri:** Attorney General Catherine Hanaway launched a statewide investigation into several kratom manufacturers and distributors operating throughout the state in the wake of reports that consumers were being exposed to unapproved, unsafe, and deceptively marketed products containing kratom. The Attorney General’s Office issued six Civil Investigative Demands (CIDs) to companies it believed were manufacturing, distributing, or selling kratom products in violation of state law. The CIDs require each company to disclose information about: (1) how their products are manufactured, labeled, and marketed; (2) all ingredients used; (3) any representations regarding safety, health effects, or “safe” dosage levels; (4) communications with consumers about adverse effects; and (5) any materials showing whether the company sold unapproved new drugs in violation of state or federal law.
- **New York:** Assembly Bill 5852, signed by Governor Kathy Hochul on December 19, 2025, requires manufacturers of kratom products within the state to include warning labels that: (1) their product has not been approved by the U.S. Food and Drug Administration; and (2) list the products’ side effects. The law also prohibits labeling kratom products as “all natural.” These provisions took effect on

January 1, 2026. Senate Bill 4552, also signed by Governor Hochul on December 19, 2025, prohibits the sale of kratom to individuals under the age of 21 and imposes a civil penalty of no more than 500 dollars for to sale or provision of kratom to someone under the age of 21.

INTERNATIONAL NEWS BITS

Cocaine Trafficking Thriving: Stopping the proliferation of fentanyl and its death toll has been a major priority in the United States over the last decade, resulting in fewer overdoses in recent years. However, the shift in focus to fentanyl has allowed cocaine trafficking to thrive, particularly in Ecuador which has effectively fallen into the grips of cocaine criminal enterprises. Several of the once pristine cities of the country are now considered some of the world's most dangerous. Ecuadorean cocaine traffickers, in alliance with Columbian gangs, Mexican cartels, and some of the European mafia, have created a "cocaine superhighway" that leads directly to the United States and Europe. Ecuador's President Daniel Noboa estimates that approximately 70 percent of the world's cocaine supply now comes from Ecuador. World health organizations warn that cocaine use has been quietly surging, with consumption increasing by 154 percent in the Western United States and by 20 percent in the East since 2019. Ecuador has asked the United States for help, with the Navy at the forefront of the battle, but the criminal groups have what appears to be an endless supply of weapons and money.

STATE NEWS BITS

California: With more than 800 inmates on a waitlist for treatment, Los Angeles County is struggling to keep up with an ever-rising demand for medication for addiction treatment within its jail system. A lack of funding for treatment in the carceral system has been blamed on several factors, including lingering stigma associated with substance use disorder. L.A. County Correctional Health Services administered more than 100,000 doses of the oral medication suboxone and 14,000 doses of buprenorphine in 2025 – a substantial increase from the previous year – and demand continues to grow. One of the drivers of the increased demand for treatment is a spike in the jail population resulting from the passage of Proposition 36, which placed stricter punishments (including more jail time) on repeat drug offenders.

Illinois: A new law, which took effect on the first of the year, requires public libraries across the state to stock opioid overdose reversal medication. The legislation also instructs libraries to take "reasonable steps" to ensure that there is always a staff person present who has been trained to recognize and respond to an opioid overdose. Libraries are not expected to incur any implementation costs, since overdose reversal medication (and training on it) can be obtained for free from the state. A director of social services and public safety at one library estimated that two or three people overdose at his branch each year, so having opioid antagonists available is absolutely going to save lives, according to the department of social services.

Massachusetts: In December, the commonwealth's Cannabis Control Commission unanimously approved a set of regulations governing sites where people can consume marijuana products in social settings. The new rules outline how marijuana can legally be consumed at events and social settings, establishing a licensing procedure for businesses to eventually allow customers to consume cannabis at lounges, dispensaries, yoga studios, and the like. Commissioners estimate that it may take up to 18 months before businesses are able to "serve" marijuana, and municipalities must opt in to social consumption and will have to develop their own standards of practice. Three types of social consumption licenses are available per the new regulations – a supplemental license for existing marijuana businesses to offer customers the option to consume purchased products on-site; a hospitality license allowing for on-site consumption at new or existing non-cannabis businesses like yoga studios or theaters; and event organizer licenses for temporary on-site consumption at rallies and festivals.

New Mexico: Members of the state's newly formed Medical Psilocybin Advisory Board recently announced plans to implement the state's medical psilocybin program ahead of schedule – possibly as much as a year early. According to the legislation that passed in 2025, patients will qualify for the psilocybin program and treatment if they are diagnosed with major treatment-resistant depression, post-traumatic stress disorder, substance use disorder, end-of-life care, and other approved conditions.

NOTABLE STUDIES

AMA Releases 2025 Report on Substance Use and Treatment: The American Medical Association just released its [2025 Report on Substance Use and Treatment](#) which stresses that while overdose deaths from opioids have declined in the last year, the crisis remains pervasive, with increasing complexity. The report highlights key trends in pain care, medication for the treatment of opioid use disorder, naloxone access, and emerging threats that include kratom, xylazine, and cannabis use. The report stresses that the continued progress in combatting the opioid epidemic requires coordinated action from key players.

Study Finds SUD Costs Almost \$93 Billion to U.S. Economy: A [study](#) conducted by the Centers for Disease Control and Prevention (CDC) and released in the December issue of the *American Journal of Preventive Medicine* found that in 2023, substance use disorder (SUD) caused missed work, reduced work productivity, and lost household productivity, costing the United States almost \$93 billion. A CDC official noted that the magnitude of the numbers made clear that “[e]conomic harms from substance use disorder extend well beyond medical expenses and are borne by families, employers, and individuals. Effective prevention and treatment interventions have the potential to generate substantial cost savings for the U.S. economy.” The study’s authors stated that policy changes that address the prevalence of SUD may be the first step in helping the economy.

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 disorder, 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 policymakers and practitioners who want the latest comprehensive information on law and policy. Examples of topics on which LAPPA has assisted stakeholders include naloxone access laws, law enforcement deflection to treatment, medication for addiction treatment in correctional settings, diversion in healthcare settings, and the involuntary commitment of individuals with substance use disorder.

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