



Opioids and the Courts News: Dec. 21, 2018

National

[Opioid MDL Judge Refuses to Dismiss Claims That Drug Companies Caused 'Man-Made Plague'](#)

Yahoo News

In the most substantial ruling to come out of the litigation over opioids, a federal judge in Ohio has allowed most of the claims to go forward against the manufacturers, distributors and retailers of the prescription painkillers over what he called “a man-made plague.”

U.S. District Judge Dan Pollster, in Cleveland, adopted most of a magistrate judge’s Oct. 5 report and recommendation. He upheld claims brought under the Racketeer Influenced and Corrupt Organizations Act, but parted with U.S. Magistrate Judge David Ruiz on the only part of his report that sided with defendants — common-law public nuisance — in allowing those claims to go forward.

“It is accurate to describe the opioid epidemic as a man-made plague, 20 years in the making,” he [wrote Wednesday in an order](#). “Plaintiffs have made very serious accusations, alleging that each of the defendant manufacturers, distributors and pharmacies bear part of the responsibility for this plague because of their action and inaction in manufacturing and distributing prescription opioids. Plaintiffs allege that defendants have contributed to the addiction of millions of Americans to these prescription opioids and to the foreseeable result that many of those addicted would turn to street drugs. While these allegations do not fit neatly into the legal theories chosen by plaintiffs, they fit nevertheless.”

National

[This Killer Opioid Could Become a Weapon of Mass Destruction](#)

Bloomberg

Fentanyl has emerged as the most dangerous of a group of drugs blamed for creating a U.S. public health crisis. American deaths linked to fentanyl grew more than 50 percent to 29,406 last year, from 19,413 in 2016, according to the National Institute on Drug Abuse (NIDA). Relatively easy to manufacture, the drug is turning up more on the streets as dealers strive to meet still-enormous demand for opioids in the U.S.

Fentanyl is ever-evolving as suppliers try to avoid detection and still boost the potency of the drug using what are called analogues — essentially chemical cousins.

“There’s never been a drug like fentanyl before,” said Josh Bloom, senior director of chemical and pharmaceutical research at the American Council on Science and Health. “For street drugs, this absolutely destroys anything else in terms of lethality and danger.”





Opioids and the Courts News: Dec. 21, 2018

National

[FDA panel backs prescribing overdose reversal drug with opioids](#)

Reuters

An advisory panel to the U.S. Food and Drug Administration on Tuesday narrowly recommended prescribing the opioid overdose reversal drug, naloxone, along with addictive painkillers.

The panel voted 12-11 in favor of labeling changes for opioids that recommend co-prescribing the overdose antidote, concluding a two-day discussion on ways to make the potentially life-saving drug readily available.

The recommendation underscores concerns about the growing opioid overdose epidemic that claimed more than 49,000 American lives last year.

When administered quickly, naloxone helps reverse the effects of an overdose and saves lives.

District of Columbia

[African American heroin users are dying rapidly in an opioid epidemic nobody talks about](#)

Washington Post

An unseen opioid epidemic in the nation's capital.

America's drug epidemic is commonly associated with rural towns and suburbs. But more people died from opioid overdoses than homicides last year in the District of Columbia as local government officials looked the other way.

Indiana

[Commission meets to figure out ways to help Indiana children](#)

WANE

Another area discussed was to improve the juvenile public defense system. Amy Karozos is a director with Indiana's Public Defender Council. She said kids in some counties sometimes represent themselves in court. According to Karozos, often there just aren't enough public defenders.

"We're trying to make sure kids get a fair process," Karozos said. "That they get represented by an attorney and aren't representing themselves as a 14-year-old in court. We're also trying to make sure public defenders are well-trained."

Loretta Rush, chief justice of the Indiana Supreme Court, said, "We have Rule 25, which is if a child is facing detention, a child needs to have an attorney."



Opioids and the Courts News: Dec. 21, 2018

Rush added, "Even though the law gives you the right to an attorney, we need to make sure those attorneys are available. I think that was their request and the education piece they were talking about. I think everybody would agree, a child should not be incarcerated with the Department of Correction that does not have somebody representing them."

New York

[Federal judge kills Cuomo's \\$600M opioid tax](#)

Crain's New York Business

A federal judge on Wednesday struck down a New York state law intended to raise \$600 million from opioid manufacturers and distributors to pay for treatment and enforcement.

The Opioid Stewardship Act, which took effect July 1, created a fund to support treatment for people dependent on opioids and to prevent new cases of addiction. That same month, the Healthcare Distribution Alliance, representing drug distributors, sued the state on the grounds that the law was unconstitutional.

New York

[Ontario County implements Opioid Stabilization to help high risk defendants](#)

WXXI News

A specialized part of Finger Lakes Treatment Court will be tailored to eligible defendants at a high risk of opioid overdose.

It's called the Opioid Stabilization Part, or OSP, and has already been introduced in Erie and Monroe Counties.

Betsy Lee, treatment Court Coordinator for the Finger Lakes Treatment Court says the new step will provide immediate intervention, treatment, and supervision to high-risk defendants.

"We want to get people that have an issue with opiates [or] an addiction to opioids into treatment even faster than we've been doing with the treatment courts. To get to these folks sooner, to hopefully save lives."