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# REACHING NEW HEIGHTS: CURBING KENTUCKY'S OPIOID PROBLEM THROUGH LEGALIZATION OF MARIJUANA

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The raging opioid epidemic in the Ohio River Valley is seeing its worst year yet in 2017.<sup>[i]</sup> Drug overdoses are now the leading cause of death among Americans under 50.<sup>[ii]</sup> Northern Kentucky, Louisville, and Lexington have felt the worst of its effects in the Commonwealth.<sup>[iii]</sup> Earlier this year, Louisville experienced 151 overdoses in only 4 days.<sup>[iv]</sup> The rapid increase in heroin addiction in recent years has been credited to the reformulation of OxyContin and Opana, two widely abused prescription drugs, which made them more difficult to crush and snort.<sup>[v]</sup> As a result, many drug users switched to heroin, which is significantly cheaper and easier to purchase.<sup>[vi]</sup>

Heroin creates a particularly dangerous threat to its users because of its addictive nature and the inability of purchasers to know exactly what they're buying.<sup>[vii]</sup> Heroin is also increasingly being laced with fentanyl, a synthetic opiate typically used during anesthesia or to treat pain.<sup>[viii]</sup> The potency of fentanyl makes it particularly dangerous when mixed with heroin, which too often results in a deadly combination.<sup>[ix]</sup> First responders have found that multiple doses of naloxone, an anti-overdose medication, are needed in order to assist a person overdosing on fentanyl.<sup>[x]</sup>



<http://www.wlky.com/article/spike-in-overdoses-expected-in-kentucky-hospitals-this-weekend/3869382>

The opioid epidemic has drawn a number of political responses, including a pledge from President Trump during his campaign to address the problem.<sup>[xi]</sup> Yet the proposed House Republican healthcare bill threatens to cut access to drug treatment programs funded through Medicaid.<sup>[xii]</sup> Dan Picard, a city council member in Ohio, has proposed a “three-strikes” policy for those who overdose repeatedly.<sup>[xiii]</sup> He suggested that the city not send an ambulance to those who have overdosed too many times.<sup>[xiv]</sup> The Kentucky Legislature has also passed legislation targeting the trafficking of heroin and fentanyl as felony offenses, allowing for needle exchanges at health departments, and including a “Good Samaritan” provision that prevents prosecution of people who seek help for someone who overdoses.<sup>[xv]</sup>

As the search for an effective solution to the opioid problem continues, lawmakers should consider an additional possibility. A recent study has indicated that states with legalized medical marijuana actually see less opioid abuse and overdoses than other states.<sup>[xvi]</sup> One possible explanation for this trend is that using marijuana instead of opioid painkillers prevents the kind of exposure that can lead to serious addiction.<sup>[xvii]</sup> In addition, the study found no increases in marijuana abuse after using it for treatment.<sup>[xviii]</sup> While former White House press secretary Sean Spicer cautioned against a distinction between marijuana and opioid use, nothing has conclusively linked recreational marijuana use to opioid addiction.<sup>[xix]</sup> With no signs of improvement in so far in 2017, Kentucky’s opioid epidemic could be the right catalyst for marijuana legalization in the Bluegrass state.

[i] See Jeanna Smialek, *The Heroin Business Is Booming in America*, BLOOMBERG BUSINESSWEEK (May 11, 2017, 6:00:07 AM), <https://www.bloomberg.com/news/features/2017-05-11/the-heroin-business-is-booming-in-america>.

[ii] Josh Katz, *Drug Deaths in America Are Rising Faster Than Ever*, THE N.E.W.Y. YORK TIMES (June 5, 2017), <https://www.nytimes.com/interactive/2017/06/05/upshot/opioid-epidemic-drug-overdose-deaths-are-rising-faster-than-ever.html>.

[iii] *The Heroin Epidemic*, OFFICE OF DRUG CONTROL POLICY, <http://odcp.ky.gov/Pages/The-Heroin-Epidemic.aspx> (last visited June 29, 2017).

[iv] Sonia Moghe and Wayne Drash, *‘Hes blue’: Louisville rattled by 151 overdoses in 4 days*, CNN, (Feb. 14, 2017 at 1:53 PM), <http://www.cnn.com/2017/02/14/health/heroin-overdose-louisville-opioid-responders-erprise/index.html>.

[v] *Id.*

[vi] *Id.*

[vii] *Id.*

[viii] *Id.*

[ix] *Id.*

[x] Katz, *supra* note 2.

[xi] Smialek, *supra* note 1.

[xii] *Id.*

[xiii] Cleve R. Wootson Jr., *One politician’s solution to the overdose problem: Let addicts die*, THE WASHINGTON POST (June 28, 2017), [https://www.washingtonpost.com/news/to-your-health/wp/2017/06/28/a-council-members-solution-to-his-ohio-towns-overdose-problem-let-addicts-die/?utm\\_term=.5996a6065806](https://www.washingtonpost.com/news/to-your-health/wp/2017/06/28/a-council-members-solution-to-his-ohio-towns-overdose-problem-let-addicts-die/?utm_term=.5996a6065806).

[xiv] *Id.*

[xv] 2017 Legislative Initiatives, OFFICE OF DRUG CONTROL POLICY, <http://odcp.ky.gov/Pages/Legislative-Initiatives.aspx> (last visited June 29, 2017).

[xvi] *Legalized Marijuana Could Help Curb the Opioid Epidemic, Study Finds*, NBC NEWS (Mar. 27, 2017, 9:47 PM), <http://www.nbcnews.com/health/health-news/legalized-marijuana-could-help-curb-opioid-epidemic-study-finds-n739301>.

[xvii] *See id.*

[xviii] *Id.*

[xix] Jacqueline Howard, *Are recreational marijuana and opioid addiction linked?*, CNN (Feb. 24, 2017 at 1:05 PM), <http://www.cnn.com/2017/02/24/health/sean-spicer-opioids-marijuana-bn/index.html>.

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