

# 2022 Mid-year Report: Enacted State Legislation



**ASAM** American Society of  
Addiction Medicine

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## Overview

State lawmakers have been busy during the 2022 legislative sessions! Through the end of June, 451 addiction-related bills were introduced in state legislatures across the country. Of those bills, 76 (17%) were passed and subsequently became law. 209 (46%) of the bills introduced failed (died in committee, vetoed by the governor, or only passed one house of the legislature). Another portion of these bills are still under consideration by state legislatures – 41 (9%) in total. The remaining 119 bills (26%) find themselves in an introductory status – meaning these bills are stuck in state legislative committees and are not moving through the regular legislative process. Many of these bills will convert to “failed” status if no further action is taken upon the adjournment of state legislatures for the 2022 session.

Regarding the bills that passed and were signed into law, the top 3 issue categories were criminal justice reform/access to treatment, overdose prevention, and other actions to combat the opioid overdose epidemic broadly – such as the creation of opioid abatement fund stewardship committees (Michigan, Vermont, South Carolina), expansion of OTP licensure authority (Virginia), and allowing nurses to dispense naloxone in emergency departments (Washington).

## Harm Reduction and Overdose Prevention

In response to a historic surge in overdose deaths, states enacted new measures to curb the toll of the epidemic and increase access to overdose prevention resources. In Illinois (IL), [HB 4408](#) was signed into law, preventing insurers from charging a copay on naloxone. Similarly, [SB 2535](#) was signed into law in Illinois requiring prescribers to offer a prescription for naloxone under specified circumstances. Tennessee (TN) [enacted](#) similar legislation, including [legislation supported](#) by ASAM’s TN chapter to increase the availability of naloxone by both prescription and standing order. Meanwhile, [Maryland](#) (MD) expanded the list of people eligible to prescribe naloxone for an opioid overdose while [Maine](#) (ME) extended this authority to officers in correctional settings. Maine also [strengthened its Good Samaritan law](#) and [enhanced the operating capacity of syringe service programs \(SSPs\)](#), both policy changes were [supported](#) by ASAM’s Northern New England Society of Addiction Medicine (NNESAM) chapter.

Legislators in [Florida](#) (FL):

- Authorized pharmacists to order and dispense naloxone;
- Extended protection from civil and criminal liability to people authorized to possess, store, and administer emergency naloxone; and
- Added specified personnel of a law enforcement agency or other agencies to the list of persons who are authorized to possess, store, and administer emergency naloxone.

[New Jersey](#) (NJ) changed state law to allow any entity to operate syringe service programs, rather than the current standard that only allows municipalities to provide such services.

Meanwhile, [Tennessee](#), [Wisconsin](#), and [Louisiana](#) (buttressed by [support](#) from the Louisiana Society of Addiction Medicine) decriminalized the use of fentanyl test strips, and [Illinois](#) changed its law to allow physicians, nurse practitioners, physician assistants, and others the ability to dispense fentanyl test strips. The law in Illinois now also requires that records of people involved with syringe exchange programs be kept confidential.

Lawmakers in [Washington](#) state changed the law there to allow nurses to dispense naloxone in the emergency department.

## Cannabis

There was a flurry of cannabis-related legislation considered in the 2022 session. Overall, 107 cannabis-related bills were introduced in state legislatures, though only 9 bills passed. This is a marked increase from the 2021 session where a total of 45 cannabis-related bills were introduced with only 12 becoming law. That year, NY, VA, and NJ legalized adult possession of marijuana.

In 2022, almost 40 of those bills relate to the use of cannabis for medical purposes, while 13 states (NH, IN, WV, HI, VA, KY, SD, FL, WI, TN, NC, OH) rejected almost 30 bills to legalize adult use of cannabis. Another 8 states rejected legislation to decriminalize cannabis use (KY, IN, VA, MD, WV, IL, MI, NE).

In North Carolina, legislators worked with the governor to enact a new law that would make prescription drugs containing marijuana and tetrahydrocannabinols (THC) lawful in [North Carolina](#) automatically under certain conditions. [Rhode Island](#) became the 19th state in the country to legalize marijuana use at the state level, while [Maryland](#) legislators sent the question on whether to legalize adult use to a November 2022 ballot initiative. [Washington, DC](#), [Utah](#), and [South Dakota](#) also made changes to their state's medical cannabis programs.

## Parity, Prior Authorization, and Insurance Regulation

Overall, there were 30 bills filed in this category at the mid-point in the 2022 legislative session. Of those bills, 8 became law. [Louisiana](#) and [Michigan](#) passed legislation on prior authorization, while [Kentucky](#) passed legislation regarding step therapy protocols. Lawmakers in [Oklahoma](#) also passed legislation on mental health parity.

## Telehealth

Legislative activity regarding treatment for substance use disorder using telehealth/telemedicine surged during the 2022 regular session. Overall, state lawmakers filed 22 bills on the subject, compared to just 7 bills in the 2021 session. 5 telehealth/telemedicine bills have been enacted during the 2022 regular session. [Florida](#) enacted a new law that will allow practitioners to prescribe controlled substances, except those listed in Schedule II with certain exceptions, while [Alabama](#) passed a law to regulate the practice of telehealth. In Ohio, legislators enacted new [legislation](#) to permit community mental health services providers and community addiction services providers certified by the Ohio Department of Mental Health and Addiction Services (OhioMHAS) to provide services through telehealth.

## PDMPs and Confidentiality

[Illinois](#) enacted legislation to limit the disclosure of information contained in the state's prescription drug monitoring program (PDMP) and to prohibit the use of such data as evidence in court. In [Maryland](#), the governor signed legislation into law that will require prescribers to report data on naloxone prescribing to the state's PDMP. In Colorado, the Colorado Society of Addiction Medicine [wrote](#) to regulatory officials opposing potential changes to allow law enforcement access to PDMP information without obtaining court approval.

## Criminal Justice Reform

[Illinois](#) made some modifications to its drug court treatment statutes. In [Louisiana](#), legislation was enacted that will provide immunity for certain offenses related to providing care for an overdose victim. The new law also provides certain immunity for the possession of drug testing paraphernalia if evidence was obtained as a result of the overdose and the need for medical assistance.

[New Jersey](#) enacted legislation that will expand the list of offenses eligible for expungement upon a defendant's successful discharge from special probation (drug court) to permit the expungement of records that include a conviction for endangering the welfare of a child by causing the child harm that would make the child an abused or neglected child if the person had a substance use disorder at the time of the commission of the offense.

# Criminal Justice Reform

Meanwhile, [Florida](#) legislators enacted a new law that will make it a first degree felony to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of a substance use, mental health, or pain management facility. [Colorado](#) enacted legislation that reinstated felony penalties for fentanyl possession, despite [calls](#) by ASAM’s Colorado chapter opposing the reinstatement of such penalties.

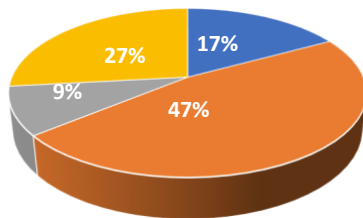
In [Tennessee](#), the law was changed to require hospitals, clinics, physicians, and other practitioners who render aid to a person suffering from a fatal drug overdose to report the drug overdose to the police and district attorney.

# Other Legislation

In Virginia, the governor signed [legislation](#) effective in 2023 that removes the requirement that OTPs be located more than one-half mile from a public or private licensed day care center or a public or private K-12 school. [Virginia](#) will also now prohibit providers from requiring any payments from Medicaid patients who are filling prescriptions for buprenorphine or who are dispensed methadone at OTPs, even if the provider does not participate in Medicaid.

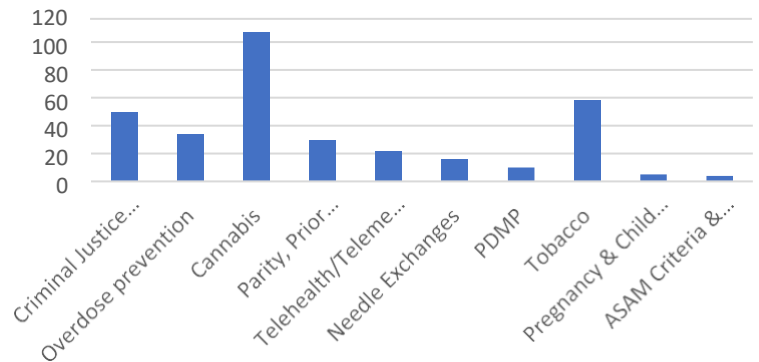
[Tennessee](#) lawmakers gave localities the authority to regulate smoking and the use of vapor products in age-restricted venues. This bill followed after the Food and Drug Administration (FDA) [proposed](#) rules to prohibit menthol as a characterizing flavor in cigarettes and to prohibit all characterizing flavors in cigars.

Status of 2022 State Legislation - June 30, 2022



■ Enacted ■ Failed ■ Under consideration ■ Introduced

Number of Bills per Subject Area



Percentage of Bills by Category Signed into Law

