

ARTICLES FOR 5-25-17 ROUNDUP

LAW ENFORCEMENT INTRODUCES ANONYMOUS TEXTING PROGRAM TO COMBAT ILLEGAL DRUG USE

PIERRE, S.D. – Attorney General Marty Jackley, Sanford Health, South Dakota Sheriff's Association, South Dakota Police Chiefs' Association and the South Dakota Department of Public Safety announce the rollout of Project Stand Up- a statewide anonymous texting program that allows citizens to standup to drug crimes in their communities.

"As our nation faces a growing drug epidemic, it is important that South Dakotans use innovation and technology to better protect our communities. Anonymous texting allows citizens to be proactive and take part in keeping their communities safe. Please join me, law enforcement, healthcare providers and our communities to Stand Up to illegal drug use," said Jackley.

"Sanford Health is proud to join with SD law enforcement on this important program to help keep our SD communities safe," Mike Begeman, Sanford Health.

Project Stand Up is a coordinated effort amongst law enforcement officials and healthcare providers statewide to standup to illegal drug use in South Dakota. Texting a tip is simple- just text 'drugs' to 82257. The tipster will be asked a series of questions for additional information. The level of involvement lies with the citizen, while always remaining anonymous. An educational component will be added in the fall to address the legal consequences of drug use.

AG SCHIMEL FILES LAWSUITS AGAINST MILWAUKEE STORES SELLING SYNTHETIC CANNABINOIDS

MADISON, WI – Today, Attorney General Brad Schimel and the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), sued Atomic Glass and Food Town Mini Mart, in Milwaukee County, for selling designer drug synthetic cannabinoids known by such names as "Spice" and "Kush" in violation of Wisconsin consumer protection law, in particular, the prohibition on fraudulent drug advertising (Wis. Stat. § 100.182).

"I will not tolerate any drug dealer putting our communities at risk with dangerous and unpredictable drugs. At DOJ, we work hard to bring all illicit drug dealers to justice, whether their retail venue is on the street or at a store," said Attorney General Schimel. "This case would not have been successful without dedicated attorneys, investigators, and law enforcement from DOJ, DATCP, Milwaukee Police Department, City of Milwaukee and the DEA."

Synthetic cannabinoids, known to be unpredictable and dangerous, are one type of designer drugs. They are similar to THC, the main psychotropic compound in marijuana, but have slightly different chemical compositions. Synthetic cannabinoids are often dangerous, and have been linked to cases of organ failure, acute psychotic episodes, delirium, and death.

"Wisconsin and much of the United States has been awash in hundreds of new and dangerous psychoactive drugs, putting our youth at risk," said DEA Assistant Special Agent in Charge Robert Bell. "This action holds accountable those who have targeted our kids for profit."

Some but not all synthetic cannabinoids are on the list of controlled substances, subject to criminal prohibition. The producers of these drugs keep changing the chemical formula to stay one step ahead of the legislation. When one of these chemicals becomes illegal, they switch to a new one. As a result, users of these drugs don't know what they are getting when they smoke them. These drugs have not been tested for safety and are not approved by the Food and Drug Administration. This case uses the prohibition on fraudulent drug advertising to crack down on a seller of these dangerous products.

Atomic Glass and Food Town Mini Mart have sold large amounts of these dangerous products to the public, from stores in the Milwaukee area.

The defendants broke the law by representing to buyers that they could achieve the effects of a drug that is not approved by the FDA. The defendants' products were mislabeled as "incense" and "potpourri" but were intended for human consumption, despite bogus claims to the contrary on some of the package labels. The product packages do not warn buyers what is really in them, exposing users (and others) to risk of injury.

DATCP is seeking temporary and permanent injunctive relief and substantial civil penalties of up to \$200 for every package of fraudulently-labeled drugs that were sold by Atomic Glass and Food Town Mini Mart.

Wisconsin Assistant Attorney General Laura McFarlane and Wisconsin Department of Justice Consumer Protection and Antitrust Unit Investigator Cam Howe are leading the State's lawsuits against Atomic Glass and Food Town Mini Mart.

CVS TO SELL OPIATE OVERDOSE DRUG NALOXONE WITHOUT PRESCRIPTION IN ARIZONA

By Casey Kuhn

Arizona's attorney general met with CVS Pharmacy representatives Tuesday to announce a drug to reverse an opioid overdose will be available at all stores across the state without a prescription.

State law last year allowed pharmacists to distribute the overdose reversal drug called naloxone or Narcan without a prescription.

CVS announced it will have two versions of the drug — a nasal spray for \$110 and an injectable drug for \$40.

Officials say almost 500 reversals have been carried out in Arizona this year.

Attorney General Mark Brnovich said the opioid epidemic will need to be addressed with more than just the reversal drug, but widespread availability is a start.

"Whether you're in Scottsdale, or Sierra Vista, whether you're in Tucson or Tonopah, you will have an antidote available if someone is overdosed," he said.

Naloxone will be available in all 195 CVS stores in the state.

Brnovich said the drug, which works by immediately stopping the process of an opioid overdose, isn't the only cure for the widespread opioid epidemic.

"If you're a caregiver, maybe you're worried about your kids, there's a multitude of reasons why you maybe want to have this on hand, but this is just one step," Brnovich said. "Ultimately, this is just one step, there's a lot of other things as a society we need to do to address this problem."

State officials say more than 6,000 naloxone kits have been distributed across the state this year.

CVS IS THE LATEST TO EASE ACCESS TO OPIOID-OVERDOSE DRUG IN ARIZONA

Robert Gundran , The Republic | azcentral.com

Arizona Attorney General Mark Brnovich said he has been working with pharmacies to combat opioid addiction in Arizona. He appeared with CVS officials at a press conference to announce the new policy, which is allowed under a law signed last year by Gov. Doug Ducey.

"This is an epidemic, and we as a society need to do something about it," Brnovich said.

CVS joins Walgreens as the second pharmacy chain to sell Naloxone to customers without a prescription.

"We are in full support of making this drug readily available," said Robert Marshall, regional manager for CVS Pharmacy.

Narcan and overdosing

Narcan is a brand of Naloxone sold in pharmacies throughout the country. CVS will be selling it as a nasal spray for \$110 and as an injection for \$40.

"The great thing about Narcan, is that it has no negative side effects," Marshall said.

Brian Jefferies, president of the Professional Firefighters of Arizona, agrees that he doesn't see any negatives in administering the drug.

Naloxone is the first drug that is administered to anyone unconscious who is suspected to have overdosed on opioids, Jefferies said.

Cindy Sierzchula, who lost her daughter, Courtney, to an opioid overdose in 2007, was at Tuesday's press conference to warn against the dangers of prescription drugs.

"When I speak to kids at schools, I'll warn them that even if they have a buddy who does drugs on a regular basis and is fine, that doesn't mean that they can overdose from even one pill, it's different for everyone," she added.

Opioid overdose: A public-health issue

Brnovich is treating overdoses as a public-health issue by working with pharmacies to get Naloxone readily available for purchase, while still pursuing those who illicitly provide prescription drugs.

"We're going after doctors that over-prescribe, and we're going after pill-mills," he said. A "pill-mill" is a term used to describe clinics or doctors who prescribe drugs for non-medical use.

"We're going after doctors that over-prescribe, and we're going after pill-mills."

Arizona Attorney General Mark Brnovich

Someone in the middle of an opioid overdose will have extremely small pupils, breathe only six to eight times a minute, and be semiconscious or unconscious, Jefferies said.

If someone is unconscious, then Naloxone must be administered to them within three to five minutes. Any longer, and the person overdosing is at risk of brain damage.

If they are semiconscious, Naloxone should be administered as soon as possible, and the person overdosing should be kept awake, according to Jefferies.

Brnovich said that he will work with any and all pharmacies that want to make Narcan and Naloxone available to the public without a prescription.

Pharmacies located in Walmart, Fry's and Safeway all said they currently require a prescription to purchase any form of Naloxone.

SCHUETTE STATEMENT ON NEW LAW PROTECTING HUMAN TRAFFICKING VICTIMS

LANSING – Michigan Attorney General Bill Schuette today issued the following statement regarding the signing of House Bill 4219 into law. PA 35 will allow human trafficking victims the opportunity to have their prostitution related charges diverted by the court.

"Victims of human trafficking are just that, victims. The crimes they committed while they were under the control of a trafficker were overwhelmingly done out of fear, force and coercion. I will continue to support legislation that gives human trafficking victims a chance at regaining a normal life which was so cruelly robbed from them."

STRONGER PRIVACY PROTECTIONS PASS OUT OF OREGON LEGISLATURE

Oregon Attorney General Ellen Rosenblum today praised the Oregon legislature for passing legislation (HB 2090) that will update Oregon's consumer law to hold companies accountable for their online privacy policies. Sen. Chuck Riley carried the bill in the Senate, and Reps. Jennifer Williamson and John Huffman carried the bill in the House. The bill will now move to the Governor's desk.

"This new law does something very simple, but important: If a business tells you its privacy policy is going to treat your online information a certain way--and then it doesn't comply with what it told you--it's in violation of the Oregon consumer protection laws. We are living in an era where companies are happy to give out our personal data for the right price, and some are even completely disregarding their own online privacy policies," said Attorney General Rosenblum. "Oregonians give up a lot of data to private companies every day--everything from your location, browsing history, steps per minute, traffic patterns and much more. Now under the law, what a consumer agrees to when signing up for an app or other online tool will actually have to be followed. With shifting sands for consumer privacy at the federal level, this bill adds a level of accountability for the truthful handling of online data that is needed now more than ever."

Under the legislation, businesses will have to follow the terms of their online privacy policies that consumers agree to before downloading an app, or other online tool. Oregon's Unlawful Trade Practices Act, first passed in the 1970's--well before the advent of the internet--will now cover online privacy policies so that businesses will be held accountable when they do not follow their own privacy rules.

Consumers can report violations of a companies' privacy policy or any other consumer complaints to the Attorney General's Consumer Complaint Hotline.

ATTORNEY GENERAL JIM HOOD SETTLES SUIT IN EPPS SCANDAL

Attorney General Jim Hood announced today that the State of Mississippi has settled its claims with Branan Medical Corporation for \$2,000,000.00. This settlement effectively recovers not only the State's cost for purchasing hundreds of thousands of drug testing cups during then-Commissioner Christopher Epps tenure at MDOC, but also any of Branan's profits.

"I am pleased with Alere Inc. for cooperating and quickly resolving this matter with the State's taxpayers," said General Hood. "Alere bought Branan Medical after the Epps scandal occurred, and they were one of the first companies to approach our office seeking settlement in this case. Due to their cooperation, we have quickly resolved this matter."

This settlement ends one of 11 civil actions the Attorney General filed on February 8, 2017, accusing 10 individuals and 12 out-of-state corporations of using alleged "consultants" as conduits to pay bribes and kickbacks to then-Commissioner Epps for the awarding and retention of MDOC contracts -- all while defrauding the State through a pattern of misrepresentation, fraud,

concealment, money laundering and other wrongful conduct, arising from the MDOC Prison Bribery Scandal.

“We are pursuing these cases not only to disgorge these companies and individuals of their ill-gotten profits, but also the value of the contracts. Before this is over, these companies will lose big on these contracts and wish they never heard the word bribe or consultant in the state of Mississippi,”□ said General Hood. “The State received the benefit of all the drug testing cups it purchased in this case. The State also recovered the taxpayers’ money that was illegally used by former-Commissioner Epps, and we proved that this contract cost the company money. Other corporations who are playing these illegal games with Mississippi taxpayers should take note.”

ATTORNEY GENERAL RACINE OBTAINS SETTLEMENT AGAINST COMPANY THAT FALSELY CLAIMED TO ELIMINATE DEBT

WASHINGTON, D. C. – Attorney General Karl A. Racine announced today that the Office of the Attorney General (OAG) Office of Consumer Protection has obtained a settlement with a consent judgment against Burlington Financial Group, LLC (Burlington) and its owner and manager, Sang Yi, for falsely promising to reduce or eliminate debt for consumers.

The Maryland-based Burlington is an example of a company that promised debt-reduction assistance for consumers and charged fees while only providing services that consumers could procure for free elsewhere. In return for their services, Burlington Financial Group and Sang Yi charged significant fees. For example, one District consumer agreed to make installment payments to Burlington totaling an eye-popping \$30,089.70.

Under the terms of the settlement, Burlington and Sang Yi will:

Reimburse District consumers for all payments they made to the company (a total amount of at least \$51,254);

Pay \$40,000 in costs and civil penalties to the District; and

Stop offering services in the District that promise a reduction or resolution of consumers’ debts.

“Many District residents are burdened by onerous debt from credit cards and other sources, and they are desperate for any solution that might reduce their payments,” Attorney General Racine said. “Burlington took advantage of consumers like these by claiming it could help in ways it couldn’t and charging for services that any consumer can obtain without charge.”

Burlington Charged Significant Fees for Services Available for Free Online

Burlington Financial Group began doing business in the District in approximately January of 2016. The company promised it would help consumers become debt-free and save thousands of dollars. However, if a consumer agreed to do business with the company, Burlington would simply send out a generic letter to the consumer’s creditors or debt collectors, disputing the consumer’s debt and directing the collectors to stop communicating with the consumer. The company previously operated under the name Flying Point Financial.

Similar form letters to dispute debt or direct the debt collector to cease contacting consumers are widely available for free online and from consumer advocacy organizations. For instance, OAG’s

Office of Consumer Protection has templates of these letters available on our website; consumers can use these templates to send their own letters (more information available by following this link).

Additional Settlement Terms

In addition to refunding all fees they collected, which will return at least \$51,254 to District residents, the settlement prohibits Burlington and Sang Yi from:

Directly or indirectly offering or selling any services to consumers with the purpose of assisting them in validating, disputing, resolving or reducing their debts;

Making any oral or written statements that have the capacity, tendency, or effect of deceiving or misleading consumers;

Enforcing unconscionable terms or provisions in their sales of services or property to consumers; and

Selling, providing, or performing for a fee services that they claim:

Can improve a consumer's credit record, history, or rating; or

Provides advice or assistance to a consumer regarding any matter related to the consumer's personal, household, or family credit.

Attorney General Racine offered thanks to the attorneys who brought the case to his attention and pursued it. "I want to thank the D.C. Bar Advice and Referral Clinic, through which this company came to our attention, and the attorneys in our Office of Consumer Protection who worked hard to gain this judgment," he said. "In particular, my thanks to Assistant Attorney General Wendy Weinberg and Office of Consumer Protection Director Phil Ziperman and Deputy Director Jimmy Rock for their excellent work on this case. While the total funds recovered in this judgment may seem relatively small, the problem of debt-relief companies is huge for everyday consumers."

ATTORNEY GENERAL BONDI LAUNCHES NEW MILITARY CONSUMER PROTECTION INITIATIVE

TALLAHASSEE, Fla.—Attorney General Pam Bondi today launched a new consumer protection program that will serve the unique needs of our military and veteran communities and directly assist with consumer protection-related issues. The Military and Veterans Assistance Program is Attorney General Bondi's most recent effort to spread awareness of and stop deceptive business practices affecting military service members, veterans and their families.

"Florida has more than 90,000 active duty and reserve military members and more than 1.5 million veterans," said Attorney General Bondi. "To the men and women who have put on a uniform to protect our country, we will continue to do everything we can to protect you from these scammers. As Memorial Day approaches at the end of this month, I am honored to have the opportunity to assist the heroes who lay their lives on the line to keep us safe."

Members of Attorney General Bondi's MVAP team will provide resources and information to base JAG officers, county veteran service officers and other organizations across the state to help service members and veterans learn how to protect themselves from scams and file complaints.

As part of Attorney General Bondi's efforts to protect military consumers, the MVAP team will also:

Partner with military and veteran leadership statewide to provide education regarding emerging scams targeting active military and veterans and how to report them;

Provide both internal and external assistance on consumer-protection related issues;

Connect service members and veterans with legal aid offices or other agencies if needed; and

Foster open communication between local, state and federal partners to help ensure complaints are being handled by the correct organization and new information is shared.

The Attorney General's Office works tirelessly to ensure that all military members, whether active duty, returning from deployment, guard and reserve members or veterans of the Armed Forces, are protected from unscrupulous businesses and individuals.

CONSUMER ALERT: AG HUNTER URGES OKLAHOMANS TO STOP USING, PURCHASING LAYZ BOARD HOVERBOARDS

U.S. Consumer Product Safety Commission issued warning after deadly house fire

OKLAHOMA CITY – Oklahoma Attorney General Mike Hunter is urging Oklahomans to stop purchasing or using LayZ Board Hoverboards.

A letter from the U.S. Consumer Product Safety Commission (CPSC) is warning citizens about hoverboards manufactured by LayZ Board, Inc., after investigators found evidence a LayZ Board was to blame for a house fire on March 10, in Harrisburg, Pa. that claimed the lives of two young girls.

Attorney General Hunter said the dangerous product should not be purchased or used under any circumstance.

“Oklahomans should not purchase a LayZ Board Hoverboard, but if they have, they need to take it to a local recycling center for safe disposal immediately,” Hunter said. “Using this product is not worth the risk to the safety and security of families and loved ones. I am deeply concerned with the tragic case in Pennsylvania and do not want the citizens of Oklahoma to experience a similar situation. My thoughts and prayers continue to be with the families who experienced the heartbreaking loss of the two children.”

According to the CPSC, the LayZ Board Hoverboards were manufactured in China and more than 3,000 units were imported into the United States. An ABC News report says a recall on the product is unlikely, suggesting the company is refusing to cooperate with the government.

Hoverboard Issues

The CPSC has investigated more than 60 hoverboard-related fires since 2015. The Pennsylvania fire was the CPSC's first reported fatality related to a hoverboard fire.

In 2016, the CPSC issued a recall of more than 500,000 hoverboards by 10 retailers. For more information on the recall, [click here](#).

Authorities urge individuals making a purchase of hoverboards to ensure the product complies with federal standards. Products that are certified will have a UL marking on the package. UL is a safety consulting firm. For more on how to look for UL certified products, including an online directory, [click here](#).

AG STEIN APPLAUDS WIN AGAINST PATENT TROLLS

(RALEIGH, NC) Attorney General Josh Stein today applauded a U.S. Supreme Court Case ruling holding that patent trolls – i.e. businesses that exist for the primary purpose of bringing patent infringement lawsuits – cannot sue businesses in far-off states where they have little or no connection. AG Stein previously joined a bipartisan coalition of 17 state Attorneys General in an amicus brief on the case.

“Patent trolls have regularly cherry-picked far-flung and burdensome judicial districts that they believe will be favorable for their case,” said AG Stein. “This can come at great expense and disadvantage to information technology businesses. I was proud to join a bipartisan effort to stop this drain on resources for many innovative North Carolina businesses. This ruling will help these businesses and their employees focus on innovating and creating, not on defending against abusive litigation tactics.”

Attorney General Stein’s amicus brief can be found [here](#). Other states signed on include Texas, Arizona, Colorado, Connecticut, Hawaii, Illinois, Iowa, Maine, Maryland, Michigan, Nebraska, Ohio, South Carolina, Vermont, Virginia and Wisconsin.

COZEN O’CONNOR’S STATE ATTORNEYS GENERAL PRACTICE TO BE HONORED FOR EXCELLENCE IN LEGAL COVERAGE OF STATE AG ISSUES

Washington, DC – May 22, 2017- Global law firm Cozen O’Connor’s State Attorneys General practice group has received the Burton Award’s first “Blog of the Year Award in Law.” The national awards program is held in association with the Library of Congress and co sponsored by the American Bar Association. Cozen O’Connor’s State AG Report blog is the weekly go-to resource for updates and analysis on key developments within each state’s Attorney General (AG) office that may affect businesses and sectors across the country. American Bar Association President Linda A. Klein will present the award to Bernard Nash and Lori Kalani, co-editors of the blog and co-chairs of Cozen O’Connor’s State AG practice group, on May 22, 2017, at the eighteenth anniversary celebration of the Burton Awards Program, held at the Library of Congress. During the ceremony, U.S. Supreme Court Justice Ruth Bader Ginsburg will be the guest speaker.

The Burton Awards for Legal Achievement recognize excellence in legal writing, reform, and public service. According to William Burton, founder and chair of the Burton Awards program, the honor was presented to Cozen O’Connor for “the finest updated news on a subject presented in blog fashion, which possesses outstanding insights and analysis and writing.”

About the Burton Awards

The Burton Awards program is a 501(c)(3) effort funded by the Burton Foundation which is a not for profit, academic effort. The Program is held in association with the Library of Congress, presented by Lead Sponsor Law360 and co-sponsored by the American Bar Association. It is devoted to recognizing and rewarding excellence in the legal profession. Since its inception in 1999 a principal focus of the organization has been the refinement and enrichment of legal writing; however, the scope of the program has grown into recognizing all major achievements in law. The founder of the program is William C. Burton, a partner in the law firm Sagat|Burton LLP and a former New York State assistant attorney general, assistant special prosecutor and author of the profession's first legal thesaurus.