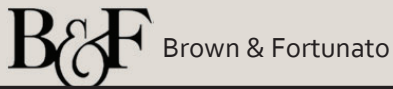




# THE OPIOID CRISIS

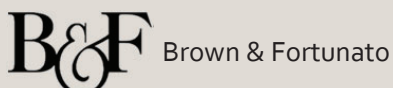
COMPETING VALUES IN THE REGULATORY STATE

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## THE OPIUM POPPY

Cultivated since 3500 B.C.E.



# COMPETING VALUES

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## COMPETING VALUES – THE WINNER IS ...

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### THIS VALUE OR ...

- Medical Autonomy and Privacy
- Self-Regulation of the Medical Profession
- Capitalism
- Public Health and Safety
- Rehabilitation
- Criminal Controls

### THIS COMPETING VALUE?

- Regulation
- Regulation
- Regulation
- Free Market/Capitalism
- Incarceration
- Regulation (Civil Penalties)

# ALLOCATION



# OF AUTHORITY

## REGULATORY

FDA:

Pre-Marketing vs.

Post-Marketing

## CRIMINAL

Various Agencies:

FBI, DEA, DOJ:

Discretion vs.

Mandatory Penalties

## PRIVATE

Medical Community

“Big Pharma”

Individuals

## THE FIRST OPIOID EPIDEMIC IN AMERICA: THE CIVIL WAR

- 10 million opium pills used by the Union Army during the War
- 80 tons of opium powders and tinctures (e.g., laudanum)



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Title search: The Opioid Crisis

Also available as part of the eCourse

[Hooked on CLE: May 2019](#)

First appeared as part of the conference materials for the

31<sup>st</sup> Annual Health Law Conference session

"The Opioid Crisis"