

2025 AGA Annual Meeting Wrap-Up: Day 1

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The Attorney General Alliance (AGA) hosted its 2025 Annual Meeting last week, bringing together state attorneys general and their staff, legal practitioners, and industry participants to discuss various topics important to AGs. In the first post of this three-part series, we explore the first day of panels, which included discourse on counterfeit prescriptions and fentanyl, innovative tools to disrupt human trafficking, unregulated synthetically derived substances, and gift card fraud. The Annual Meeting is the premier event hosted by the AGA each year, with almost 600 participants engaging in dialogue around the most critical legal issues facing the states and identifying opportunities for public/private partnerships to address those issues.

Kansas Attorney General Kris Kobach kicked off the panels with a discussion of counterfeit pills and pills laced with fentanyl. He explained that while Attorney General in Kansas, he has increased penalties for fatalities from fentanyl consumption and trained the first fentanyl-sniffing dogs in the U.S., noting that each AG office is tackling the issue in a different way. For example, panelists discussed HB6 in Texas, which permits prosecutors to pursue murder charges for some fentanyl-related deaths. (As part of that law, certificates of death would classify “overdoses” from fentanyl as “poisonings.”) Panelists also discussed that counterfeit medicines more broadly are making their way into the U.S. supply chain, with 95% of online “pharmacies” operating illegally. Industry panelists described that businesses can assist in the efforts to combat fentanyl and counterfeit pills by partnering with state officials, supporting investigations, conducting education training sessions, and generally raising awareness.

Arkansas Attorney General Tim Griffin then facilitated a discussion on innovative ways to combat human trafficking. Panelists included former U.S. Virgin Islands Attorney General Denise George, who led the investigation and legal battles against Jeffrey Epstein, his estate, and related entities. Former AG George discussed finding novel ways to use her *parens patriae* authority to pursue justice following Epstein’s death, including by bringing suit against financial institutions that allegedly facilitated his sex trafficking. Panelists also discussed the role that the hospitality industry has historically played in facilitating human trafficking, explaining that hotels have a financial incentive to enforce policies that allow such activities to continue.

Next, Texas Attorney General Ken Paxton led a conversation on unregulated synthetically derived substances (generally those derived from kratom, including mitragynine and hydroxymitragynine (7-OH)). AG Paxton explained that in 2023, Texas passed the Texas Kratom Consumer Health and Safety Protection Act, which imposes labeling requirements on the sale of kratom and kratom products, bans the sale of adulterated kratom products, and allows the Texas AG to enforce the law. He explained that other states could consider passing similar legislation, or that they could address unregulated substances using their nuisance statutes. Other panelists elaborated that states should

also consider using their existing UDAP and consumer protection statutes to combat false labeling, their controlled substance state analogs to classify kratom products as controlled substances, or their federal drug and cosmetic act state analog to treat kratom products as unapproved.

The day concluded with a working group session on organized retail crime — specifically, fraud in the gift card space. Panelists discussed various types of gift card fraud, including gift card tampering, tap-and-pay related fraud, and gift card draining— a scheme where a bad actor steals a gift card and then copies the card number and security code before resealing it and replacing it on a store shelf, making it difficult to notice it has been compromised. When another person later purchases the card and puts money on it, the bad actor then takes the money, or “drains” the card of its funds. Panelists explained that they expect to see more legislation addressing gift card fraud in 2025, including a recently passed Texas law that defines new offenses for gift card fraud.

Stay tuned for our next installment wherein we will discuss day two of the AGA Annual Meeting.