

# MINUTES **Amended 7-12-2016**

## Substance Abuse Prevention Interim Study



Senator Jim White, Chair  
Representative Mike Stevens, Vice Chair

**First Meeting, 2016 Interim  
Wednesday, June 15, 2016**

**Room 413 – Capitol  
Pierre, SD**

The first meeting of the Substance Abuse Prevention Interim Study Committee was called to order by Senator Jim White, Chair, at 10:00 a.m. (CDT) on June 15, 2016, in Room 413 of the State Capitol, Pierre, South Dakota.

A quorum was determined by the following members answering the roll call: Senator Jim White, Chair; Representative Mike Stevens, Vice Chair; Senators Jim Bradford, Brock Greenfield, Jeff Monroe, and Craig Tieszen; Representatives Jim Bolin, Kristin Conzet, Steven Haugaard, and Steven McCleerey. Representative Tona Rozum was excused.

Staff members present included Roxanne Hammond, Legislative Attorney; Denice Houlette, Fiscal Analyst; and Paul Giovanetti, Senior Legislative Secretary.

*NOTE: For purpose of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents distributed at the meeting are attached to the original minutes on file in the Legislative Research Council office. This meeting was web cast live. The archived web cast is available at the LRC web site at <http://sdlegislature.gov>.*

### **Opening Remarks**

**Senator Jim White** commented that he appreciates the committee members, staff members, and presenters for taking their time to address a major problem that is affecting our state. He continued to review the guidelines of the committee.

### **Scope and Goals of the Committee**

Senator White reviewed the scope of the interim study ([Document #1](#)) and the goals for the committee. The committee is tasked to explore the problem of substance abuse, specifically methamphetamine (meth) and prescription drug use, as well as possible methods of community prevention and intervention for pre-teens, teens, and young adults. The questions before the committee include: at what age are children first exposed to meth; what factors frequently lead to early exposure; what have been the most effective prevention and intervention methods; and how can the community be a part of the solution?

**Representative Jim Bolin** commented that meth has a list of implications that have a negative impact on the state, local governments, communities, and families.

**Senator Jim Bradford** expressed appreciation to all members seeking to find solutions to the drug problem that is affecting our state. Substance abuse affects everyone in our state including members living on our reservations. Both the states and the reservations need to be on the offense working together to address this problem.

**Representative Steven Haugaard** stated the committee should look to find a solution that will work for both the state and the tribes. Prescription medication abuse is on the rise and leads to illicit drug addictions. This is why it is important for the state find a way to stop substance abuse through prevention measures.

**Representative Steven McCleerey** suggested that the committee should look into how families can be active in substance abuse prevention.

**Representative Mike Stevens** stated that as legislators we see the individuals in our districts that are addicted to meth and how this affects our communities. The state faces a number of challenges due to the fact that the ability to create this addictive drug is easily accomplished out of household products, and videos to showing how to make it are available on the internet. The end result for an individual using meth does not change, the individual will die from this drug. The packet distributed to the committee ([Document #2](#)) discusses meth and how it affects not only the user but all parts of our communities.

The committee watched the video "[The Truth About Crystal Meth](http://www.drugfreeworld.org/real-life-stories/crystal-meth.html)", which can be found at <http://www.drugfreeworld.org/real-life-stories/crystal-meth.html>

Representative Stevens commented that the video shows the problem the state is facing. This drug is not just in metropolitan areas but it is statewide.

**Senator Craig Tieszen** commented that the video shows a realistic representation of what a meth addiction looks like. The work of this committee needs to be on prevention to ensure that a person does not become addicted to this drug.

Senator Bradford expressed that the answer is not locking addicts up in prison. The state needs to develop methods that focus on treating the issues that cause substance abuse and develop effective prevention measures.

Senator White stated that the video is a great introduction for committee members to use when talking to the public about our committee. The committee needs to be focused on prevention measures and how our pre-teens, teens, and young adults are educated, in order to prevent them from turning to substance use.

#### **Update from the Attorney General's Office on the current state of substance abuse issues and programs around the state**

**Mr. Charles McGuigan, Chief Deputy, Attorney General's Office** stated the data currently available comes from the Division of Criminal Investigation and introduced Director Bryan Gortmaker.

**Mr. Bryan Gortmaker, Director, Division of Criminal Investigations** presented information that the division has regarding substance abuse in the state ([Document #3](#)). The data shows that there is a steady increase in drug arrests with the total number of arrests increasing the last five years. In the last three years there has been a major increase in the number of arrests, charges filed, and convictions relating

specifically to controlled or illegal substances. Meth arrests have increased since 2003, with a record number of 2,125 arrests in 2015. A map of the data for the number of meth arrests, labs, and amounts seized broken down by county shows that the problem is not localized but is an issue throughout the whole state ([Document #4](#)). The abuse of opioid prescriptions is also on the rise. Last year there were 710,000 prescriptions written for opioids, with a total quantity of over 49 million pills. This presents a problem because juveniles have access to the pills that are in their parent's or grandparent's medicine cabinets.

Mr. Gortmaker stated that they are seeing children exposed to meth as young as infants because parents are using the substance around their children. By middle school, children are taking medication from their families' medicine cabinets or sharing their own prescribed medications with their peers. This behavior progresses and by high school these teens are trafficking, dealing, and using meth. The first exposure to illegal drug use is generally through marijuana, which Mr. Gortmaker believes is a gateway drug that can lead to using stronger illicit drugs. Currently, the state is combatting Tetrahydrocannabinol (THC) infused products which are foods and candies that contain an unknown percentage of THC. The main factor into the increase of early exposure is the federal government's lack of enforcement of drug regulations by allowing the legalization of marijuana. Society has shifted its view of illegal drug use to a method of self-medication. There is also increased peer pressure from friends and relationships to participate in illegal drug use among teens. The most effective prevention method is law enforcement intervention with teens. Currently the state has 100 officers that run the D.A.R.E. Program in 39 different school districts, reaching 1,111 students. School Resource Officers are an effective resource to a school district because the officer knows what is going on with the students. Community involvement through non-profit organization assistance and promoting strong families is key to fighting the drug problem at the community level. The Attorney General's Office, the Board of Regents, and the US Attorney's Office have begun a new meth campaign. This campaign involves college students competing to develop a public service message directed at middle and high school age students. The winners of the competition will receive a scholarship towards their education. Montana's Attorney General's Office began the [Montana Meth Project](#) which was the guide used to develop the new meth campaign.

**Senator Brock Greenfield** asked if the increase in the amount of drugs is directly related to the passage and implementation of the Public Safety Improvement Act (PSIA) or Juvenile Justice Reinvestment Initiative (JJRI), and have other states implemented similar legislation. Mr. Gortmaker replied that the increase in the amount of drugs is not an effect of PSIA. All of our neighboring states have seen an increase in controlled substance abuse, although the substance differs by state. No other surrounding state has implemented similar legislation at this time.

Senator White inquired if drug courts are effective since they have been implemented through PSIA. Mr. Gortmaker recommended that the committee hear testimony from a panel on the drug court process.

Representative Stevens questioned from a legislative standpoint how can we address the current issues with prescription opioids. Mr. Gortmaker stated that he is not the right one to address that question, and that the question should be brought to the South Dakota Board of Pharmacy and South Dakota Board of Medical and Osteopathic Examiners.

Representative Stevens asked for clarification on the number of drug crimes charged versus conviction and why around 60% of cases are dismissed by the state's attorney. Mr. Gortmaker replied that the South Dakota State's Attorneys Association should answer that question but some of those numbers are the effect of PSIA and drug courts. Treatment facilities are proponents of keeping the ingestion statute as a felony because it is an effective incentive for ensuring addicts complete their treatment.

Representative Stevens asked how much money comes from drug forfeiture and where is the money used. Mr. Gortmaker replied that the money from drug forfeiture is less than a million dollars a year, which is reported annually to the Joint Committee on Appropriations. The Attorney General determines where the money goes, but most of it goes to local law enforcement agencies. This year the scholarship money for the meth campaign will come from the drug forfeiture funds. Representative Stevens requested the last four years of the drug forfeiture data.

Representative Bolin asked if meth is more frequently imported into, or produced in, South Dakota, and if that changed for our state. Mr. Gortmaker indicated that meth has always been more often imported into the state than made in the state, which has made it hard for local law enforcement to deal with the sources of the drug.

Representative Bolin inquired if meth can be tracked by police canine units. Mr. Gortmaker indicated that canine units are able to detect all illegal drugs.

Representative Bolin asked on a scale of one to ten, ten being a major problem, what would Mr. Gortmaker rate the current problem of meth for teens and young adults in South Dakota. Mr. Gortmaker replied that meth leads to violent crimes including assaults, burglaries, and even murders, and is a solid eight or nine on that scale.

Senator Greenfield asked what can be done with the excess amount of prescription drugs that are not being used completely. Mr. Gortmaker indicated that there is National Takeback Day which encourages the public to turn in unused prescription medications to local law enforcement, free of any prosecution.

#### **Update from the Department of Social Services on the current state of substance abuse issues and programs around the state**

**Ms. Lynne Valenti, Secretary, Department of Social Service** introduced staff members presenting information regarding substance abuse in South Dakota to the committee.

**Ms. Tiffany Wolfgang, Director, Division of Behavioral Health, Department of Social Services** provided an overview of substance abuse in the state and the services offered by the Division of Behavioral Health ([Document #5](#)). The division is currently conducting a methamphetamine awareness campaign that is focused on educating high school students and the local community. The division monitors substance abuse treatment services that are offered throughout the state, including outpatient, day treatment, low intensity residential, and inpatient services. Additionally, the state has specialized treatment services for pregnant women and detoxification, as well as the intense meth treatment program. In fiscal year 2015 there were 11,252 patients participating in substance abuse treatment, with 11% being under the age of eighteen. The funding for these services is 82% state funds, and 18% third-party funding. The budget is

\$23,309,941, with 46% coming from state general funds, 50% federal funds, and 4% other funds. The primary substance that is abused by adolescents is cannabis. Looking back five years, meth usage is on the rise in adolescents with other substances declining.

Senator White asked for an overview including the objective of the meth awareness campaign. **Ms. Amy Iversen-Pollreisz, Deputy Secretary, Department of Social Services** replied that the campaign will include videos, posters, and other materials to educate both students and the community on the dangers of meth. The materials will begin in the communities late this summer, and the information will be presented to students in schools in the fall. These activities will continue throughout fiscal year 2017.

Senator Tieszen questioned why the department is now developing the campaign when 10 years ago there were similar programs available through the department. Ms. Iversen-Pollreisz indicated that under Governor Rounds there was a meth awareness program. Federal funding requires that certain substances be targeted in certain geographical areas within the state. Since the end of the Rounds administration and the campaign, meth has not been targeted in the state, which resulted in a loss of funding.

Representative Bolin inquired if there were any federal funds going towards the department's meth campaign. Ms. Iversen-Pollreisz indicated that this campaign is being funded through state general funds.

Senator White asked if the campaign is targeting all substance abuse or specifically meth. Ms. Iversen-Pollreisz stated that the campaign only addresses meth.

Representative Haugaard asked of the 68% of teens treated for cannabis, was alcohol used as a precursor to illegal drug use. Ms. Wolfgang replied that the progression of illegal substance abuse begins with underage drinking, cannabis, and then harder drugs.

Representative Stevens asked if the state has evidence based treatment (EBT) programs. Ms. Wolfgang indicated that there is not a set treatment program used across the state, however all programs are using a form of cognitive based therapy which can provide individualized treatment.

Representative Stevens asked if there was any correlation between EBT and recidivism. Ms. Wolfgang specified that there are 2 types of recidivism: relapse and judicial. EBT programs have shown that through successful completion of treatment the client is able to live a successful, sober lifestyle, however there is not enough data to show how EBT programs have affected judicial recidivism.

Representative Stevens inquired about possible treatments to assist families of adolescents in dealing with the behaviors of addiction. Ms. Wolfgang replied that when treating adolescents, the focus has shifted to functional family therapy which is an EBT family model. This model requires both the guardian and minor to be actively involved in the treatment process.

**Senator Jeff Monroe** asked what level of behavioral health professional can authorize an intensive treatment program. Ms. Wolfgang replied that a licensed addictions counselor can request the treatment through the division.

Senator Tieszen asked whether the amount of services provided to juveniles had increased or decreased, and what is the current wait time for services. Ms. Wolfgang responded that services are provided adequately, the amount of juveniles entering into treatment has remained constant, and when a teen needs to receive treatment the services are available to them.

Representative Bolin asked if the department has informed the school boards and education associations about the meth campaign and asked for their input. Ms. Wolfgang replied that the department has not contacted the school boards or education associations at this time but those conversations are part of the next phase of the campaign planning process.

Senator White inquired as to how the state is providing services on the reservations. Ms. Wolfgang replied that there are treatment facilities close to the reservations but most treatment is conducted through Indian Health Services.

### **Update from the Police Chief's Association on the current state of substance abuse issues and programs around the state on a local level**

**Mr. Karl Jegeris, Chief of Police, Rapid City Police Department** stated that substance abuse in South Dakota is a great concern for all law enforcement. The state needs to develop an education program, prevention services, and enforce stronger deterrents to encourage citizens not to use drugs because substance abuse has a lasting impact on the community. Last year Rapid City saw a record number of murders which were connected to some aspect of substance abuse, as well as record-setting numbers of aggravated assaults, robberies, stolen vehicles, sexual assaults, and drug arrests. Additionally, 63% of the adults arrested were Native American, which only make up 12% of the city's population. Substance abuse is having a negative impact on the reservations and our Native American population. The city has seen an increase in traffic pursuits and suicides. Last year there were four officer-involved shootings, which resulted in all four criminals being killed. Three of the four were directly related to meth. Society has normalized drug abuse by attributing the addict usage to a form of self-medicating themselves. There currently is not a strong deterrent for drug users in our criminal justice system. Mr. Jegeris provided three examples of criminals who were not deterred and their criminal behavior progressed throughout the last year. The Rapid City Police Department is also dealing with infants being born with meth in their system, which has also increased over the years. The increased number of infants born with meth in their system impacts the state's future when it comes to health, education, and criminal justice. Mr. Jegeris recommended that this statistic be tracked at the state level. Mr. Jegeris also recommended a third party survey be completed by parole and probation officers about the criminal justice system and how drug use violations are handled when a person is under state supervision.

**Mr. David Kull, Chief of Police, Brandon Police Department** stated that eastern South Dakota is facing an increase in criminal activity. In the last five years the Sioux Falls population has increased by 9.5%, but drug cases have increased by 46% and violent crimes have increased by 37%. Guns and drugs are the current problem in the area, with an increase in drive-by shootings that harm innocent bystanders. There are no deterrents in place and law enforcement officers are arresting repeat offenders that are committing the same crimes. Opioid addiction is also a major problem and getting an individual into treatment has proven to be very difficult.

**Mr. Scott Jones, Chief of Police, Belle Fourche Police Department** stated that the current meth problem is the worst it has been in the last twenty years. Meth and substance abuse have a direct correlation to the increase in theft that has been occurring throughout the state. Last year the amount of stolen property reported in Belle Fourche was \$8,000, this year that amount has increased to \$60,000. Deterrents against crime are not present in our current criminal justice system. Children are exposed to illegal drug activity and witness drug transactions in the home. Prostitution has increased due to the drug problem in our communities. Drug courts are not viewed as a deterrent because offenders want to go into the program, knowing that they can continue their illegal business without repercussions. Meth is not a victimless crime, it affects families and community members.

**Mr. Vaughn Vargas, Cultural Advisory Coordinator, Rapid City Police Department** stated the substance abuse is impacting the Rapid City community, especially within the Native population. In order for treatment facilities to receive state and federal funding they must utilize evidence-based treatment (EBT). However, EBT does not allow for individualized treatment plans that are unique to the individual, their cultural heritage, and recovery process.

Senator Bradford stated that the Rosebud Reservation had opened a long term meth treatment facility and asked if there will be similar facilities opening on the other reservations in South Dakota. Mr. Vargas replied that treatment facilities on the reservations are highly dependent on Indian Health Services. When a meth addict needs to go to treatment it tends to be an emergency basis, and sometimes a bed is not available at that time. Because a bed is not available, the addict cannot get into treatment and continues using meth.

Representative Haugard expressed that the committee needs to examine what has been the most effective prevention and intervention methods, and asked what the current viable options are for our state if the criminal justice system is allowing repeat offenders to go unpunished. Mr. Jegris responded that he believed the state is on the right track with wanting to educate on prevention, but there needs to be a review of the sanctions for offenders for violations while they are on probation or parole. Mr. Kull added that with the JJRI Reforms the juvenile detention population has decreased, but there are juveniles that are continually failing drug tests. This means that the system is failing the youth. When an offender is on probation and tests positive for drugs in their system, the offender needs to be incarcerated.

Representative Bolin indicated that the state cannot go back to incarcerating all offenders, there has to be a fundamental change in attitude towards the usage of controlled substances. Mr. Jegris agreed that there needs to be a change in attitude but both law enforcement and the criminal justice system cannot be soft on substance abuse, especially meth, because our crime statistics show that meth has a negative and violent impact on the community.

### **Public Testimony**

**Ms. Ruby L. Douglas, Project Director, Parents Matter Coalition of Pierre and Ft. Pierre**, presented information on drug use prevention. The coalition requires the community to change their approach to juvenile access to alcohol. The group consists of concerned citizens that are working to reduce underage drinking and substance abuse in the community with evidence-based prevention education.

Senator White inquired how the coalition was able to get individuals involved in the community. Ms. Douglas replied that the coalition works actively with non-profit organizations and invites individuals to be a part of the solution to a growing problem in their community.

**Ms. Amy Fowler, Treasurer, Parents Matter Coalition of Pierre and Ft. Pierre,** stated that she appreciates the Legislature looking into this problem. The state needs to be on the offense and focus on substance abuse prevention.

### **Committee Discussion**

The committee discussed that the focus during the interim needs to be on substance abuse prevention and education. There are community prevention organizations established and their model should be duplicated throughout the state, including the reservations.

The committee discussed topics and presenters for the next meeting which was scheduled for July 12, 2016.

### **Adjournment**

**SENATOR GREENFIELD MOVED, SECONDED BY SENATOR TIESZEN, TO ADJOURN.** The motion prevailed unanimously on a voice vote.

The committee adjourned at 3:51 p.m. (CDT)