

MINUTES

Substance Abuse Prevention Interim Study

Senator Jim White, Chair
Representative Mike Stevens, Vice Chair



**Second Meeting, 2016 Interim
Tuesday, July 12, 2016**

**LCR 1 – State Capitol
Pierre, SD**

The second 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 July 12, 2016, in LCR 1 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, and Steven Haugaard. Representatives Steven McCleerey and Tona Rozum were excused.

Staff members present included Roxanne Hammond, Senior Legislative Attorney; Denice Houlette, Senior 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>.

Approval of Minutes

SENATOR TIESZEN MOVED, SECONDED BY REPRESENTATIVE BOLIN, TO AMEND THE JUNE 15, 2016 MINUTES:

On Page 2, Paragraph 4 after the title of the video insert
which can be found at <http://www.drugfreeworld.org/real-life-stories/crystal-meth.html>.

AND APPROVAL OF THE MINUTES AS AMENDED. The motion prevailed unanimously on a voice vote.

Opening Remarks

Senator Jim White provided an introduction to the committee's scope and goals. He continued to review the guidelines of the committee. He stated that after public testimony the committee will discuss possible legislation that will be developed for the next legislative session. The committee is appreciative of the information presented at the last meeting and extended gratitude to the presenters in attendance.

Representative Jim Bolin requested that a definition of an "opioid" be provided either by staff or any of the presenters.

Senator Jeff Monroe stated that the committee is tasked to develop legislation that enables a solution to the current problem of substance abuse, and prevention measures for meth and prescription drug use among youth. He encouraged presenters to express their opinion on ways to solve this ongoing problem in the state.

Substance Involved Offenders and the Unified Judicial System

Mr. Greg Sattizahn, State Court Administrator, Unified Judicial System (UJS), stated from the UJS perspective, if the courts see individuals for crimes related to illegal substance abuse, the prevention measures have failed. The courts are willing to work with the committee to ensure that juveniles stay away from the use of illegal substances. The court system addresses substance abuse for adults through specialty courts. The state has three type of adult specialty courts: Drug Courts, DUI Courts, and Veteran Courts. Currently there are seventeen specialty courts: nine Drug Courts, six DUI Courts and two Veteran Courts. There are no specialty courts established for juveniles. In fiscal year 17 (FY17), the specialty courts are projected to serve 630 individuals out of the 8,000 on probation.

The state changed the process in which it deals with substance involved offenders with the passage of the Public Safety Improvement Act (SB 70) in 2013, and subsequent passage of the Juvenile Justice Public Safety Improvement Act (SB 73) in 2015. When an offender is removed from the environment in which substance abuse is occurring, the individual does not face the underlying issues that are causing them to turn to substances, which frequently causes them to reoffend upon return to that environment. If an offender on probation violates their terms of probation, appropriate sanctions are applied to their probation.

SB73 was a policy statement that the justice system will treat juveniles in the community, focusing on connecting the juvenile and family to services and providing Functional Family Therapy (FFT). Connecting the juvenile and their family to services, identified through an evidence-based risk and needs assessment is key to successful probation. While the juvenile is on probation, the goal during the four months is to ensure the juvenile does not continue committing criminal behaviors and end up under state supervision with the Department of Corrections. The focus shifted from punishment for minor offenses to diversion programs. The effects of SB73 are visible with the number of juvenile cases involving drug charges decreasing in FY16 ([Document #1](#)).

Representative Bolin asked when the first Drug Courts go into effect. Mr. Sattizahn replied that the first Drug Court began in 2008 with the first client served in 2009.

Representative Mike Stevens asked if there is a problem providing FFT throughout the whole state, especially in rural communities. Mr. Sattizahn replied that it has been a challenge to effectively provide services in rural areas. However, the services are available throughout the whole state by having providers go to the communities and provide on-site therapy sessions.

Senator Monroe asked how many families in the state are currently involved in FFT. Mr. Sattizahn replied that there are currently 200-250 families involved. Senator Monroe asked if prevention is being addressed while the offender is on probation. Mr. Sattizahn replied that UJS does not actively engage in prevention

programs, however the Drug Court program addresses the issues that lead to substance abuse and works with other agencies to provide services.

Senator Craig Tieszen asked if there were any common tools, programs, or services that judges need in order to accomplish their job. Mr. Sattizahn replied that the judges need more options and services available in the rural communities.

Representative Stevens asked for an explanation of the options available to judges dealing with a juvenile who has committed a crime. Mr. Sattizahn presented the number of options that are available under SB 73, however those options are limited depending on geographic location in the state.

Senator Brock Greenfield asked if an individual fails to meet the compliance part of probation, how the individual is able to "complete" probation. Mr. Sattizahn replied that under SB73, the individual is on probation for four months. The probation officer's goal is to get that individual to accept the terms of probation and comply to the conditions of probation. If the youth chooses to violate their probation, the officer cannot put the youth in a Juvenile Detention Center; only the judge can order that punishment. If the youth is unsuccessful in probation, UJS will likely see the youth again on a different charge, and attempt to address the appropriate legal action at that time. Additionally, under the sanctioning grid, a violation of probation has an appropriate sanction. The sanctions that are applied are not public knowledge and would not be known to law enforcement or to the state's attorney's office.

Senator Tieszen asked if the four-month probation time is too short and will there be a request to extend that time from UJS. Mr. Sattizahn replied that UJS will not be requesting the four-month time on probation be extended through legislation. The data related to the changes brought about by SB73 is just now coming to UJS. In order to see the full effects on recidivism, the process will need to be in effect for three to four years.

Drug Abuse Resistance Education (D.A.R.E)

Mr. Scott Rechtenbaugh, Executive Secretary, Law Enforcement Training Academy, presented that the Law Enforcement Training Academy has a two-week D.A.R.E Officer Training Course and provided statistics on the D.A.R.E program in South Dakota ([Document #2](#)).

Mr. Brent Koens, President, State D.A.R.E. Officers Association of South Dakota presented the history of the program since 1983 and changes that have been made to the curriculum.

Senator Tieszen noted that the statistics show constant fluctuation in the number of students, schools, and officers trained and asked what have been the limiting factors for the constant change in the statistics. Mr. Koens replied that the time requirement for the program has competed with the education requirements that have changed over the years. The curriculum has expanded from a nine-week course to a twelve-week course. Mr. Rechtenbaugh stated that in the training class, there are always seats available, which is then opened to out-of-state participants.

Representative Steven Haugaard stated that from his constituents he has received complaints that the program is too long and preaching to the students. He asked what needs to be changed and is the program

effective in substance abuse prevention. Mr. Koens replied that the program has increased from nine weeks to twelve weeks due to the added curriculum regarding suicide, decision making, sexting, and bullying. This length of time has become an issue for some departments not wanting to train officers. If officers could modify the curriculum for each target population, it would be taught more often. However, where it is currently taught, the program is very effective.

Representative Stevens asked how D.A.R.E addresses prescription drug abuse. Mr. Koens replied that there is a lesson that discusses prescription drug abuse for the middle school curriculum and there is an additional prescription drug abuse supplement that D.A.R.E publishes.

Diversion and Prevention Programs

Ms. Lynne Valenti, Secretary, Department of Social Service, introduced staff members presenting information regarding diversion and prevention program in South Dakota to the committee.

Ms. Amy Iversen-Pollreisz, Deputy Secretary, Department of Social Services, provided an overview of prevention programs in the state ([Document #3](#)). The state has 23 Prevention Providers & Coalitions and 3 Prevention Resource Centers focused on substance abuse prevention and suicide prevention which reach over 235,000 South Dakotans each year.

Mr. Gib Sudbeck, Prevention Program Manager, Department of Social Services, presented the key services that the division of behavioral health is currently conducting in regard to Substance Abuse Prevention. The DSS Prevention Program and key stakeholders developed a five-year prevention strategic plan. Providers must complete a local needs assessment and develop a local strategic plan that includes areas from the state plan. They must select an Evidence Based Program (EBP) and evaluate the outcomes of the EBP. There are four EBPs offered in schools which include Project Success, SAFE, Life Skills, and Positive Action. Colleges and Universities provide BASICS, CCAA, eCHECKUP, CHOICES, and Primed for Life(PFL). The community EBPs offered include PFL, Project Venture, and Canoe Journey. Approximately 6,833 students were served in school based programs across the state in FY 15. The reported use of alcohol in the last 30 days among high school students has decreased by almost 30% since 1991. The reported cases of binge drinking by high school students has decreased by 26% since 1991. The major reductions came after 2009, when these programs were implemented into the state prevention plan.

Senator Tieszen asked to what degree are these programs being used in the school and who are the instructors. Mr. Sudbeck replied that the instructors are trained in the curriculum, and the division assesses the method of instruction. After the division's assessment, if the division feels that the instructor needs a refresher, that additional training is provided. The instructors are not state workers, they vary from teachers, to counselors, to personnel hired by the providers.

Representative Stevens asked how the division measures success of the program and is the data only based on alcohol. Mr. Sudbeck replied that success of the prevention programs are based on the reduction of underage drinking. The programs are funded through federal grants, therefore the focus has to be on alcohol abuse.

Representative Bolin asked how much of the program is based on federal funding. Mr. Sudbeck stated all funding is through federal funds. Currently \$3.5 million dollars is funded through federal grants. Representative Bolin asked if the division has or will be requesting state general funds for these programs. Ms. Iversen-Pollreisz stated that there has not been any request for state funding.

Senator Tieszen asked if the programs are offered at the request of the school district. Mr. Sudbeck replied that all schools requested the program. In 2009, 26 providers applied for the grant funding, 15 were funded. The division acquired a block grant to fund the remaining eight programs. Senator Tieszen asked if a school district wants the program in their school, will they receive the program. Mr. Sudbeck replied that at this time the grant funds do not allow for additional school districts to be served, however there have not been any additional request from school districts.

Senator Tieszen asked if the programs require students to fill out surveys. Mr. Sudbeck stated that surveys are required by federal grant requirements to establish baseline data and target a specific age group.

Representative Bolin asked if the surveys had any identifiable data. Mr. Sudbeck stated that the surveys are anonymous and have no identifiable data about the student or the family.

Programs and Issues at the School Level

Mr. Terry Nebelsick, Superintendent, Huron School District, (via telephone) presented information regarding substance abuse in the school systems and how schools work towards an environment of prevention. The school resource officer (SRO), is vital in substance abuse prevention. The SRO has three jobs while serving a school: teach students about the law; advise students on legal ramifications of breaking the law; and law enforcement. The D.A.R.E program guarantees that all students are exposed to the dangers of drugs, substance abuse, and establishes a healthy relationship between the student and law enforcement. Prescription drug abuse is on the rise within schools and elementary teachers are wanting to incorporate prevention education at the earliest age. Students are also able to access marijuana easier than alcohol. The schools combat drug abuse by having two to four random drug searches with K9 units a year. The five-year average is three marijuana arrests annually, for possession in the school parking lot and two prescription drug distribution arrests. There has been a surge in middle school students use of marijuana, possibly because the fines imposed with SB73 are not a deterrent for students that are not involved in extra-curricular activities. To combat this surge, the school district will begin drug searches at the middle school.

Representative Stevens asked what deterrents would be effective for students that are not involved in extra-curricular activities. Mr. Nebelsick replied that all children make mistakes, regardless of their involvement in activities. When a student is in an activity, the unwanted behavior ends on the first offense because they have disappointed an adult figure (coach, teacher, parent) they respect. For students not involved, the goal is to find an adult figure, role model, or mentor that can establish the relationship and become influential in changing the student's behavior.

Representative Stevens asked for an explanation of the time constraints that are placed on teachers. Mr. Nebelsick replied that with more standardized testing, there is pressure for teachers to ensure that the

material is being taught. However, there are also demands from the community and society to address social issues that were traditionally taught in the home or through a religious organization.

Public Testimony

Mr. Jeff Deutscher and Mrs. Maureen Deutscher, Parents and Advocates, Sioux Falls, provided insight on opioid use and told the story of their son who passed away from accidental opioid overdose ([Document #4](#)). The Deutschers recommended changes to legislation that will provide monetary support for substance abuse education to public and private schools; work with state pharmacy and medical boards to regulate opioid prescriptions; and provide effective rehabilitation services in the UJS and DOC system.

Senator Greenfield stated that he recommends their testimony be provided to the full Legislature.

Representative Stevens asked if the medication he died from was not his own medication. Mrs. Deutscher replied that the medication was not his own, he had obtained it from a person who filled their prescriptions for opioids for the purpose of street resale. During treatment his drug of choice was not named, however his counselors disclosed that he mentioned the struggles he had with opioids his senior year of high school.

Representative Stevens asked what obstacles their son faced during his struggle with his addiction. Mrs. Deutscher replied that the biggest obstacle was returning to the real world and the transition from residential treatment. Opioid addiction is very swift. He was on the drugs for two to four weeks when his body built up a tolerance to the drug. The physicians then prescribed stronger pain medication and even though his parents voiced their concerns about the stronger medication, the medical professionals were not concerned. While in the Work Release program he was not tested for drugs and the "Sweat Patch" was not used by the facilities

Ms. Yvonne Taylor, South Dakota Municipal League, Ft. Pierre, stated that municipalities do not have prevention programs and the police have to deal with the aftermath of substance abuse. Ms. Taylor also stated that the municipalities are interested in assisting with prevention programs however they are able.

Ms. Kerri Wagner, PharmCem Inc., Volga, stated that the "Sweat Patch" is available for state and county correctional facilities to use to detect substance abuse while offenders are incarcerated. The patch tests for drugs continuously through the offender's sweat.

Mr. Kevin Jensen, Vice President, Prairie View Interventions, Sioux Falls, presented the services that his organization provides for substance abuse prevention through the state's contract. He provided the committee with the 2001 model ([Document #5](#)), used to combat the meth epidemic. He stated that school districts do not request substance abuse prevention directly to the state, the school district sends their request to the coalition.

Dr. Jennifer Giroux, Medical Epidemiologist, Great Plains Tribal Chairmen's Health Board and Ms. Carolyn Crisp, Intern, Great Plains Tribal Chairmen's Health Board, Rapid City, presented information regarding the need to change Public Health Laws to extend beyond infectious disease

outbreaks; the Medical & Tribal Law and Policy Forum to Address Maternal Substance Abuse during Pregnancy; and changing the Good Samaritan Law ([Document #6](#)).

The committee addressed the details of how Public Health Laws would need to change to extend beyond infectious disease outbreaks, who determines what an outbreak is at the state level, and how border states' laws allow for the information to be gathered. This way drug addictions epidemics could be considered an infectious disease outbreak.

Mr. Terry Dosch, Executive Director, South Dakota Council of Substance Abuse Directors, Pierre, stated that prevention needs to be the focus, as opioid and meth abuse are on the rise. Opioids are medication that act on opioid receptors to produce morphine-like effects to relieve pain in the central nervous system and the brain. An opiate is a drug with a morphine-like effect that is derived from opium. Prescription drugs have become expensive on the street, therefore more substance abuse is moving from prescription drugs to heroine, which is cheaper. The [Opioid Overdose Prevention Toolkit](#) located at <http://store.samhsa.gov/product/Opioid-Overdose-Prevention-Toolkit-Updated-2016/> from The Substance Abuse and Mental Health Services Administration (SAMHSA), is a great tool for opioid prevention. Prevention funding has been very unreliable and in order to combat substance abuse, prevention funding is needed.

Committee Discussion

The committee discussed topics for the next meeting and legislation focused on meth prevention and opioid abuse. The committee scheduled the next meeting for August 17, 2016.

Adjournment

SENATOR MONROE MOVED, SECONDED BY REPRESENTATIVE STEVENS, TO ADJOURN. The motion prevailed unanimously on a voice vote.

The committee adjourned at 3:55 p.m. (CDT)