

MEETING MINUTES



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Committee	UTAH SUBSTANCE ABUSE ADVISORY COUNCIL
Date	Tuesday, December 10, 2013
Time	12:00 noon – 2:00 p.m.
Location	Utah State Capitol Complex, Senate Office Building, Copper Room
Members Present	Camille Anthony, Pat Bird, Heather Borski, Paul Boyden, Susan Burke, Craig Burr, Colonel (Ret.) Merrill Carter, Santiago Cortez, Commissioner Bill Cox, Ron Gordon, Verne Larsen, Craig PoVey, Shirlee Silversmith, Deputy Commissioner Jeff Carr, Doug Thomas
Members Excused	Senator Stuart Adams, Dan Becker, Dr. Karen Buchi, Peg Coleman, Judge Michael Kwan, Dr. Joel Millard, Representative Paul Ray, Scott Reed, Mayor JoAnn Seghini, Chief Paul Tittensor, Kirk Torgensen
Guests	Lt. Governor Greg Bell, Edward Berkovich, Deputy Chief Mike Brown, Jeff Carter, Mayor Kelvyn Cullimore, Michael Curtis, Rep. Jack Draxler, Amy Frandsen, Rep. Gage Froerer, Bryant Howe, Brent Kelsey, Denise Leavitt, Annette Maughn, Jennifer May, Portia Millet, Rep. Carol Spackman Moss, Jim Olsen, John Park, Dr. Mark Rosenfeld, Lt. Mike Ross, Chief Robby Russo, Stephanie Russo, Elizabeth Sollis, Kirsten Stewart, Dr. Christopher Stock, Lana Stohl, Ming Wang
Staff	Mary Lou Emerson, David Walsh, Doreen Weyland
Agenda Item	Presentation of 2013 USAAV Awards
Notes	<p>The following individuals were presented with plaques honoring them as the 2013 USAAV Governor's Awards recipients:</p> <p>Denise Leavitt, Program Administrator for the Access to Recovery (ATR) Program at the Division of Substance Abuse and Mental Health, for her work to introduce and implement a truly innovative program to Utah that has been key to expanding substance use disorder (SUD) services into a Recovery Oriented System of Care model.</p> <p>Chief Robby Russo, Cottonwood Heights Police Department, for his leadership in reducing the number of impaired drivers on the streets of Cottonwood Heights as well as cutting down on narcotics trafficking and prescription drug fraud.</p> <p>Utah Pharmaceutical Drug Crime Project, operating out of the Salt Lake City Police Department as a collaborative effort between federal, state and local governments, as well as private agencies, to reduce the abuse and illegal distribution of prescription drugs in Utah. The award was received by Deputy Chief Mike Brown, and Lieutenant Mike Ross.</p>
Agenda Item	Recognition of Departing USAAV Members
	Camille Anthony recognized outgoing Council members Lana Stohl and former Lt. Governor Greg Bell for their dedicated service to the USAAV Council.
Agenda Item	Call to Order
Notes	<p>Camille Anthony called the meeting to order.</p> <p><u>Approval of October 29, 2013 Meeting Minutes</u></p> <p>Motion: Craig Burr made a motion to approve the minutes of the October 29, 2013 meeting. The motion was seconded by Susan Burke and passed unanimously.</p>
Agenda Item	Beer Tax Funds Report
Notes	Doreen Weyland presented information on the FY 2014 Beer Tax distribution list that has been provided to the Utah Tax Commission for the December distribution, in accordance with the statutory requirement. All recipients of FY 2013 Beer Tax Funds have complied with the annual reporting requirement and there will be no de-obligated funds this year. Disbursement

	checks are expected to be mailed in the next two weeks.
Agenda Item	2013 DORA Statewide Report
Notes	<p>Camille Anthony addressed the 2013 DORA Statewide Report prepared by the Utah Criminal Justice Center. The report was recently presented by Mary Lou Emerson and Audrey Hickert to the Legislature's Law Enforcement and Criminal Justice Interim Committee. The report indicated there were no significant differences in outcomes between DORA participants and a comparison group. Since the Interim meeting, Camille and Mary Lou were asked to meet with Representative Ronda Menlove and Stephen Jardine from the Office of the Legislative Fiscal Analyst to discuss the implications of the report. Initially, Representative Menlove's concern was that funds were committed to a program that did not produce the expected results. There are several factors that may help to explain the report's findings, however, including the fact that the DORA budget was drastically reduced and may have influenced the less than expected outcomes. Both staff and Representative Menlove are interested in seeing the program succeed.</p> <p>Camille emphasized this is an opportunity for USAAV to show the Legislature there is still value in continuing the funding for DORA and to tell them what has been accomplished. Areas to address include clarifying the strengths and weaknesses of the program; getting consistent information on who violates the terms of the program and whether they need additional treatment; and utilizing the outcomes of the CPC process to be conducted by the University of Utah Criminal Justice Center to strengthen both DORA treatment and supervision. Finally, sharing information about drug addiction being a chronic disease that may require ongoing treatment and recovery support for the life of the subjects is important.</p>
Agenda Item	2014 Proposed Legislation
Notes	<p><u>Beer Excise Tax Revenue Amendments</u> Representative Jack Draxler presented his draft legislation on proposed changes regarding the use of the beer excise tax revenue. After meeting with the various interested parties, he is proposing the following modifications to the statute:</p> <ul style="list-style-type: none"> (1) expanding the scope of the Alcoholic Beverage Enforcement and Treatment Restricted Account to include substance abuse; (2) modifying the definition of "prevention" to be defined by rule by the Division of Substance Abuse and Mental Health (DSAMH) to include only evidence based programs and to provide for coordination with Local Substance Abuse Authorities; (3) requiring recipients to expend not less than 10 percent of the portion distributed on prevention, unless the county/municipality received \$5,000 or less in the prior fiscal year; (4) clarifying the USAAV Council as the appropriate body to prepare reporting forms; and (5) granting rulemaking authority to the DSAMH as it applies to defining "prevention." <p>Susan Burke asked Representative Draxler to consider expanding the definition of prevention to include "evidence informed" programs/strategies in addition to the evidence based criteria.</p> <p>Motion: Doug Thomas made a motion to support the proposed legislation in concept with the addition of adding "evidence informed" to the definition of prevention. The motion was seconded by Commissioner Bill Cox and passed unanimously.</p> <p><u>Use of Cannabidiol for Treatment of Seizure Disorders</u> Representative Gage Froerer informed the Council he will be presenting legislation to permit the use of Cannabidiol for treatment of seizure disorders in Utah. He indicated there has been a lot of misinformation being circulated and he wanted to bring the information forward for the Council to review. Representative Froerer is working with ten other states on getting the Cannabidiol extract legalized. He stated emphatically that the Cannabidiol extract is not medical Marijuana, nor does he want to legalize Marijuana.</p>

A presentation was made by Annette Maughn, from the Epilepsy Association of Utah, and Jennifer May, from Hope 4 Children with Epilepsy, that showed the epileptic episodes their children experience on a daily basis. They provided information on the hemp content of the cannabis plant that has been extracted and is being marketed in Colorado (soon to be produced in California) under the trade name *Alepsia*.

Representative Froerer indicated there is federal legislation that is awaiting a hearing in Washington D.C., but the states need to take action. He has been informed that the Department of Justice considers this a non-issue and it is not on the Drug Enforcement Administration's (DEA) agenda. Once the bill is drafted and released, the USAAV Council Executive Committee will review and take a position during the legislative review meetings.

Overdose Reporting Amendments

Representative Carol Spackman Moss provided an update on proposed legislation regarding reporting of drug overdoses. The draft legislation provides for the following:

- (1) a person who reports a person's overdose from a controlled substance or other substance may claim an affirmative defense to specified charges of violating the Utah Controlled Substances Act if the person remains with the person who is subject to the overdose and cooperates with responding medical providers and law enforcement; and
- (2) remaining with a person subject to an overdose and cooperating with medical providers and law enforcement will be considered a mitigating factor when determining the penalty for a related violation of the Utah Controlled Substances Act.

The bill will be numbered and released next week. The Utah Sentencing Commission has reviewed the draft and voted to support the legislation. While many refer to the legislation as a "Good Samaritan" bill, Representative Moss prefers to call it an "affirmative defense" bill.

Paul Boyden indicated the Statewide Association of Prosecutors (SWAP) is supportive of the legislation, they will have amendments made to include the following language after the word ingestion: *injection, inhalation or other introduction into the human body of.*"

Motion: Santiago Cortez made a motion to support the proposed legislation in concept, with the addition of the SWAP language. The motion was seconded by Commissioner Bill Cox and passed unanimously.

Overdose Emergency Treatment

Representative Carol Spackman Moss presented information on a companion bill that proposes a change to the statute to allow third party prescriptions of Naloxone/Narcan, an opiate antagonist that can stop an overdose. To date, 14 states and the District of Columbia have passed this type of legislation. The bill will allow third parties to receive a prescription for Naloxone/Narcan. The medication can save the life of a person who is overdosing on opiate drugs, but the problem is the prescription is currently written for the patient, who is not always able to administer the medication. With a third party prescription, a family member could receive the Naloxone/Narcan and learn the correct way to administer the medication. Once the bill is drafted and released, the USAAV Council Executive Committee will review and take a position during the legislative review meetings.

DUI Legislation

Paul Boyden and Edward Berkovich explained under the current DUI statute, in order to successfully prosecute a DUI offense, the elements of being under the influence to the extent that it is not safe to operate a motor vehicle may be compromised when the individual was stopped for an equipment violation. In some instances, law enforcement officers state the

traffic stop was for an equipment violation and identified the individual being under the influence only after the stop. The argument from the defense is the individual was safely operating a motor vehicle, so there may have been issues with the intoxilyzer. It is difficult to counter the argument if the traffic stop was not for impaired driving. The proposed amendment to the DUI statute would change the standard/wording from “*under the influence of alcohol, any drug, or the combined influence of alcohol and any drug; to a degree that renders the person incapable of safely operating a vehicle*” to “*impaired to the slightest degree by alcohol, any drug or the combination of alcohol and any drug*” (§41-6a-502 (1)(b)). Once the bill is drafted and released, the USAAV Council Executive Committee will review and take a position during the legislative review meetings.

Other Legislation

Due to the late hour this item was not discussed; however, Mary Lou Emerson provided a list of possible USAAV-related bills in the meeting packet. Legislative review meetings will begin at CCJJ on Monday, January 13, 2014 and will take place every Monday during the legislative session.

Next Meeting | **USA AV Annual Meeting: Tuesday, April 8, 2014 – 9:00 a.m. - 3:00 p.m.**

Note: Copies of meeting materials are available upon request by contacting Mary Lou Emerson, USAAV Council Director, at (801) 538-1921 or memerson@utah.gov.

Pending Formal Approval