

Senate Joint Resolution No. 11

Study Plan

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for the Children, Families, Health, and Human Services Interim Committee
August 11, 2003

PART I

History and Background

Senate Joint Resolution No. 11 was passed during the 2003 Legislature and was ranked 6th in priority for interim studies. SJR 11 proposes a study of the problems of alcohol and drug abuse and of prevention, early intervention, and treatment and was assigned to the Children, Families, Health, and Human Services Interim Committee (Committee).

The Committee is directed to:

- (1) review the progress made by the Governor's and Attorney General's Alcohol, Tobacco, and Other Drug Control Policy Task Force and the proposals that are enacted by the 58th Legislature; and*
- (2) continue to identify the issues and to develop proposals for a coordinated, cooperative effort by federal, state, and local levels of government and the private sector to implement prevention and early intervention efforts, to develop and use alternatives to incarceration, and to provide appropriate treatment opportunities at the most effective time and in the most cost-effective and efficient manner.*

The resolution calls for the Committee to work with representatives of local government, law enforcement, prosecution and defense counsel, the judiciary, corrections, probation and parole, the medical and treatment communities, those involved in public education and outreach, and with other interested persons in its research and development of recommendations.

Governor Judy Martz and Attorney General Mike McGrath jointly formed the Alcohol, Tobacco and Other Drug Control Policy Task Force (Task Force) to address the drug and substance abuse issues facing Montana. The goal of the Task Force was to collaboratively develop statewide drug control strategy recommendations. The Task Force identified 13 desired outcomes that correspond with 67 specific recommendations. Appendix B from the Comprehensive Blueprint for the Future is attached as Attachment A for your reference.

During the 2003 Legislature, the Legislature considered multiple bills that were related to the Task Force recommendations, although originated from many sectors. Some of the successful bills include:

- SB 364 (Cooney) Dangerous drug manufacture or distribution as form of child abuse
- SB 362 (Grimes) Revise penalties for minor in possession law violations
- SB 13 (DOT, Mahlum) Reduce DUI BAC to 0.08 for federal highway aid funds
- HB 618 (Dickenson) Double driver license reinstatement fee
- HB 289 (Newman) Increase sanctions for refusal to submit to blood or breath test
- HB 284 (Gillan) Mandatory blood alcohol test for certain vehicle accidents
- HB 195 (DOT, Younkin) Mandatory penalty provisions for DUI -- federal funding

Other related legislation that was introduced but was not successful includes:

- SB 421 (Grimes) Create office and director of drug control substance abuse prevention
- SB 317 (Wheat) Increase fines for DUI
- SB 39 (DOT, Mahlum) Open containers -- federal funding requirement
- HB 660 (Buzzas) Revise youth access to alcohol laws, provide for keg registration
- HB 500 (Dowell) Increase penalties for DUI
- HB 295 (Jent) Aggravated DUI
- HB 282 (Younkin) Crime of vehicular homicide
- HB 226 (Gillan) Graduated teen drivers license

The recommendations that have been enacted by the 58th Legislature could be monitored but need not be revisited by the Committee unless a need to do so is determined. Legislation that was unsuccessful could be reviewed if the Committee wishes to pursue a similar recommendation.

Other Resources

The Interagency Coordinating Council on Prevention (ICC) has been working on 12 Tasks related to numerous recommendations from last interim's Task Force. They will be reporting on their progress and have offered to provide support to the Committee within their limited resources. A comprehensive list of their activities has been provided to staff and is noted by recommendation in Attachment B. An ICC work group has been actively working on defining best practices and on definitions and guiding principles for prevention and intervention for the Committee to reference. The Committee may wish to consider the ICC recommendations for future study and recommendation.

The Addictive and Mental Disorders Division (AMDD) of the Department of Public Health and Human Resources (DPHHS) has received a "Resources for Recovery" grant from the Robert Wood Johnson Foundation. The grant includes a "Purchasing Institute" to provide states with strategies to maximize interagency financing of addiction services, to increase service delivery efficiency, and to expand coverage and improve quality of care. The AMDD has asked two legislators and staff to participate in the state team for the purchasing institute and has offered to provide technical assistance to the Committee through this grant. The AMDD is also administering a co-occurring disorders grant.

Community Efforts, Recommendations, and Task Forces

A Methamphetamine Working Group from Great Falls was active in the passage of Senate Joint Resolution No. 11. They have provided information to staff and recommendations that they wish to have the Committee pursue. Members will provide a presentation to the Committee at a future meeting.

Consistent with the directives in SJR 11 to work with stakeholders, the Great Falls Working Group included Mayor Randy Gray, District Court Judge Neil, Rep. John Parker who is a Deputy County Attorney, the pre-release director Paul Cory, retired Probation and Parole Bureau Chief Mary Fay, the Medical Director of Addictions Medicine at Benefis Hospital Dr. Dan Nauts, Mary Ann Cosgrove who is current principal of Skyline High School, Mike Mikulski and Jody Coler from Gateway which is a private addiction services provider that contracts with the state, Janet Meisner from the Alliance for Youth which is a private nonprofit that works on drug prevention and is assisting the District Court with starting a treatment court, Glenn Heryford who has been dealing with addictions in his family some of whom are in the corrections system, and Senator Trudi Schmidt who sponsored SJR 11 on their behalf.

The working group provided rich information from a local perspective and their major **recommendations for the Committee to study** include:

(1) to include resource and reference information on substance abuse prevention, intervention, and treatment in the final report as a resources for local communities;

(2) to pursue a continuum of resources needed for a long-term treatment program for persons on a voluntary basis and those in the criminal justice system that treats the whole person and may necessitate other supports such as housing, detoxification, and allowing state-supported innovative treatment allowing for multiple philosophies dependent on type of addiction, family circumstances, criminal justice status, etc. Integration of multiple resources may require greater case/care management than has been utilized in the past;

(3) assistance to district courts in funding Treatment Courts. There have been successful efforts at Drug Courts across the state, but they have been started with federal or local funds, and need a more stable funding stream. They have proven successful in integrating other state-supported programs such as child welfare which may provide savings in other societal costs. Existing resources may need to be integrated or reallocated in a more efficient manner and this may be where the value of case management can be best demonstrated in state to date. Numerous studies nationwide are available as a resource for the Committee if it wishes to pursue this option.

(4) supporting an educational component on the costs of substance abuse to society, anecdotes provide information in areas such as child welfare, children's education and behavior in schools, declining available workforce in Montana as more communities are devastated by meth abuse, etc.

Other communities may have or have had similar work groups or task forces (i.e. DUI Task Forces) in the past. Consistent with Recommendation # 6.7 I on re-establishing DUI task forces, the Committee

could direct staff to determine which communities have, have had, or are interested in developing work groups or task forces and ask for similar proposals or participation from the other groups at future meetings.

Issues and Options for Remaining Task Force Recommendations

Part II of this document is a Study Issues and Options report that compiles the recommendations that either have not yet been enacted through legislation or that no agency could be determined to be actively pursuing. The Committee can use this document to:

- 1) prioritize remaining Task Force and other recommendations to pursue during the interim and address at the next meeting; or
- 2) use the document as background information to pursue broader policy topics at the next meeting for development of future recommendations.

Work Plan

Staff proposes the following work plan for this study. The Committee must further delineate the amount of time that the members wish to spend on this study in adopting the Committee's overall Work Plan.

August 22, 2003 Senate Joint Resolution No. 11 Study Plan Overview

- 1) ICC/DPHHS Presentations
- 2) Issues and Options
- 3) Set priorities for further review in October. Indicate interest in accepting resources offered by DPHHS or NCSL and interest in October Forum.

October 2003 Hold 1-day Forum on Alcohol and Drug Control Policy. Could include results from Resources for Recovery Grant, NCSL technical assistance, panel discussion in morning (on selected topics based upon priorities), and allow for public testimony and a committee work session in the afternoon. Goal should be to develop a list of specific policy choices to work on in order to develop specific concrete proposals for the 2005 Legislature.

January and March 2004 meetings Continue to gather information and refine proposals.

May 2004 Make final recommendations for legislation to be drafted for final adoption at **August 2004** final meeting of the interim.

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