



# 2000 Annual Report to the Governor, Legislature, Judicial Council and CCJJ

December 2000

**The Mission of the Utah Substance Abuse and Anti-Violence Coordinating Council is to provide a unified voice for the establishment of a comprehensive strategy to combat substance abuse, illegal drug activity, and violence.**

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## Introduction

Few Utahns are untouched by the destructive nature of substance abuse, illegal drug activity, and violence. Drugs and violence destroy individuals, families, and communities, and an effective strategy must create a balance among prevention, treatment, and justice programs. It is the USAAV Council's premise that any discussion of drugs or violence must necessarily take the other into account -- *the strong correlation between drugs and violence is indisputable*. This correlation is the foundation of USAAV's efforts and recommendations.

## Illegal Drug Lab Decontamination

During the 1990's methamphetamine became one of Utah's largest drug problems. The number of meth labs annually discovered and dismantled within the state rose rapidly from just 10 in 1994 to 266 in 1999. Meth treatment has likewise dramatically increased from just 63 admissions in 1992 to over 2,800 in 1999 representing 17.3% of all treatment admissions. In an effort to address this growing problem, *H.J.R. 11*, passed by the 1999 Utah Legislature, established an Illegal Drug Lab Decontamination Workgroup within USAAV to make recommendations regarding standards, certification, training, and funding related to the decontamination of illegal drug labs. Legislation sponsored by Rep. Lamont Tyler during the 2000 session (*H.B. 98 & H.B. 162*) failed to pass both houses due to concerns raised over the liability of innocent homeowners and the cost of a proposed clean-up loan fund. The Workgroup met during the summer of 2000 making various revisions in the original bill in preparation for the 2001 general session. This legislation is intended to protect innocent owners and renters from renting or moving into a residence that has not been appropriately decontaminated. The provisions of this bill would create uniform cleanliness standards for local health departments, rules regarding how and where waste may be disposed of, certification to legitimize contractors, and public nuisance action so abandoned property does not become a greater public health risk.

## Tobacco Settlement Funds

After reviewing over \$75 million in requests for Utah's share of the Tobacco Settlement Funds during the 2000 general session of the Utah Legislature, S.B. 15 passed, allocating \$15.5 million in settlement funds to the following programs:

- \$5.5 million to the Children's Health Insurance Program (CHIP) which is expected to provide access to health care insurance for 30,000 Utah children.
- \$4.0 million to alcohol, tobacco, and other drug prevention, reduction, cessation, and control programs.
- \$4.0 million as state matching funds for increased donations to the University of Utah Huntsman Cancer Institute. Funds will be used to expand cancer research

- and treatment with a new hospital and additional technology.
- \$1.49 million in adult and juvenile Drug Court programs in 6 of Utah's 8 judicial districts. These drug courts include intensive judicial supervision, drug testing, graduated sanctions and treatment to help break the cycle of addiction and crime.
- \$.5 million for an innovative Drug Board Pilot program, similar to drug courts, to help parolees overcome their addiction to drugs thus closing the revolving door to prison.

Continuation funding for these programs will be provided through annual tobacco settlement payments to the extent Utah's payments continue at current levels. USAAV recommended an increase in drug court funding. Governor Leavitt's FY02 budget includes a \$3.5 million general fund increase for drug courts.

### Asset Forfeiture

Ongoing efforts by USAAV's Forfeiture Workgroup included legislation, proposed during the 2000 general session, to address concerns raised by the Utah Legislative Auditor General's 1999 audit of forfeiture in Utah. Though sincere efforts by law enforcement and legislators ultimately failed to pass new legislation, the Workgroup has been active during 2000. Initiative B, the *Utah Private Property Protection Act*, gathered enough signatures to be placed on the November 2000 ballot. This initiative, which passed on November 7<sup>th</sup>, effectively erased years of effort by professionals and lawmakers to ensure a balance between governmental authority and private citizen rights. Due to the provisions of this initiative Utah's forfeiture process has effectively been eliminated, further weakening the ability of citizens and law enforcement to stem the flow of illegal drugs, and their associated crimes, into local communities. Efforts are underway by USAAV's forfeiture workgroup to amend the initiative so that forfeiture proceedings may once again be used against drug dealers and pushers.

### Local Government Alcohol Funds

Under section 32A-1-115 of the Utah code, all municipalities and counties receive an annual distribution of liquor control profits and beer excise tax monies according to a formula based on population, alcohol-related convictions, state liquor stores and licensees. *H.B. 18*, passed by the 1999 Legislature, requires entities receiving these funds to submit an annual report to USAAV outlining the utilization of their funds. Initial reports received during 1999/00 yielded the following:

- 232 entities (89%) submitted reports.
- 180 entities (69%) received less than \$5,000.
- 140 entities (60%) used funds in compliance with statute (alcohol-related prevention, detection, prosecution, confinement, and treatment).
- 66 entities (28%) did not report sufficient information to determine how funds were used.
- 17 entities (7%) used funds in compliance but not exclusively.
- 9 entities (4%) did not use funds in compliance.

By majority vote of the USAAV Council, funding was withheld from entities which did not comply with the reporting standard. Based on the proper use of these funds, USAAV has proposed full funding of \$4.35 million in liquor profits and beer tax be restored to local municipalities and counties to enhance their

substance abuse programs. Governor Leavitt's FY02 budget provides \$1.74 million in additional funds to achieve this goal.

### Governor's Council on DUI

On September 20, 1999, Governor Leavitt signed an Executive Order creating the Governor's Council on Driving Under the Influence. This Council, co-chaired by Lt. Governor Olene Walker and Rep. Nora B. Stephens has been conducting meetings throughout 2000 reviewing several key issues including, (a) accountability through current penalties, graduated sanctions, and closing a loophole in the ignition interlock system law, (b) public awareness including a 3 hour alcohol server training course with annual re-certification, (c) research and assessment to provide more effective reporting of prior offenses to law enforcement and the courts, (d) financial resources to increase local funding of prevention, detection and treatment, and (e) a review of sanctions that include penalty reclassification, suspensions, exemptions, and liability for servers and establishments.

### Legislative Priorities for 2001

- *H.B. 6* - Illegal Drug Lab Decontamination legislation to create standards for cleanliness, certification of contractors, appropriate waste disposal, and provisions for local governmental oversight. \$150,000 is provided in the Governor's FY02 budget.
- *H.B. 25* - Support Civil Stalking amendments creating a procedure for ex-parte injunctions.
- Funding for one FTE and equipment within the Dept. of Health to provide testing services for victims of date rape drugs, such as GHB, and other "club drugs". \$501,000 is provided in the Governor's FY02 budget.
- Legislation to facilitate the administration of school surveys of student tobacco, alcohol, other drug use and youth violence.
- Fund a 3% inflationary adjustment to regional substance abuse authorities to halt the continued decline in the number of treatment slots available to the public at large. \$224,700 is provided in the Governor's FY02 budget.
- Revise the funding allocation to drug court programs. Budgeted funds of \$2,500 per individual are insufficient to cover the \$3,500 to \$5,000 actual cost. This shortage results in a decreased number of treatment slots for non-criminal justice referrals. A \$3.5 million increase in funding for drug courts, including \$3.0 million for treatment needs, is provided in the Governor's budget.
- Provide 150 additional methamphetamine treatment slots for females. \$500,000 is provided for this effort in the Governor's FY02 budget.
- Legislative appropriation for the construction of domestic violence shelters in rural communities.
- Clarify current statute to require BCI background checks only for individuals who will have "power or influence over one or more juveniles" at local mental health and substance abuse authority facilities.
- Establish 23 Hour Assessment Facilities as emergency centers where law enforcement officers, courts, or family could take mentally ill or substance abusing individuals for assessment and referral to appropriate treatment services.
- Insurance parity for substance abuse and mental health services.