



OFFICE OF THE ATTORNEY GENERAL

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RESPONSE SUBCOMMITTEE

Substance Use Response Group (SURG)

October 27, 2022

9:00 am

**1. CALL TO ORDER AND
ROLL CALL TO ESTABLISH
QUORUM**

1. Call to Order and Roll Call to Establish Quorum

| Name | SURG ROLE | Committee Role |
|------------------------------|------------------------------------|-----------------------|
| Gina Flores-O'Toole | SUD Treatment Provider | Member |
| Shayla Holmes | Rural Human Services (Lyon County) | Member |
| Christine Payson | Sheriffs' & Chiefs' Assoc. | Member |
| Dr. Terry Kerns | Attorney General Appointee | Member |
| Jill Tolles | Assembly Minority Appointee | Chair |
| Dr. Stephanie Woodard | DHHS Director Appointee | Member |

2. PUBLIC COMMENT

Public Comment

- Public comment will be received via the Zoom Meeting. Public comment shall be limited to three (3) minutes per person (this is a period devoted to comments by the general public, if any, and discussion of those comments). No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to NRS 241.020.

**3. REVIEW AND APPROVE
SEPTEMBER 13, 2022
MEETING MINUTES**

4. FINALIZE SUBCOMMITTEE RECOMMENDATIONS

Response Subcommittee Preliminary Recommendations

Proposed Guiding Principle: *Harmonize criminal justice and public health responses to promote access to treatment and medical care to reduce criminalization and punitive practices towards individuals with substance use disorder.*

Response Subcommittee Preliminary Recommendations

1. Support legislation to establish a statewide and regional Overdose Fatality Review (OFR) committees and recommend an allocation of funding to support the OFR to effectively identify system gaps and innovative community-specific overdose prevention and intervention strategies in accordance with established best practices such as the Bureau of Justice Assistance's Overdose Fatality Review: A Practitioner's Guide to Implementation.

10/12 Prevention Subcommittee meeting suggestion to merge with Prevention Recommendation: ***Support a backbone agency that specializes in data collection, evaluation, analysis, and assessment, and provides consultation to entities across Nevada to help improve internal local data collection systems and create a comprehensive statewide data sharing system that includes all State dashboards and public data.***

Suggested language underlined: Support legislation to establish statewide and regional Overdose Fatality Review (OFR) committees and recommend an allocation of funding to support the OFR to effectively identify system gaps and innovative community-specific overdose prevention and intervention strategies in accordance with established best practices (including data sharing agreements between public safety and public health) such as the Bureau of Justice Assistance's Overdose Fatality Review: A Practitioner's Guide to Implementation.

Justification, Action Step: Recommendation #1

Justification:

- Current systems limit data sharing and often first responders and public health don't fully understand the investigations, procedures, language, and sometimes conflicting priorities of the other discipline.
- By conducting a series of OFRs, jurisdictions begin to see patterns of need and opportunity, not only within specific agencies, but across systems.

Action Step:

- Bill Draft Request

Research Links:

- <https://www.cossapresources.org/Tools/OFR>

Response Subcommittee Preliminary Recommendations

2. Revise penalties based on the quantity of Fentanyl, analogs, or other synthetic drugs of high potency that are trafficked. (NRS 453.3385, NRS 453.336, 453.339, 453.3395).

Justification: Recommendation #2

Justification: While the intent of the legislation was to address Nevada's growing prison population and the expense of that growth to Nevada taxpayers, it did not consider the public safety threat stemming from increased weights involving deadlier drugs like fentanyl being trafficked in the community and the impact to overdose victims and their families.

Weight/Penalty (potential deaths when comparing 2 milligrams to grams of fentanyl):

Less than 14g: deferral (potential to kill 6,995 people)

o Prior law: less than 4g – low level trafficking

Greater than 14g less than 28g: 1-4 years (potential to kill 13,995 people)

o Prior law: 4g-28g – mid level trafficking

• Greater than 28g less than 42g: - 1-10 years (potential to kill 20,995 people)

o Prior law: 28g or more – high level trafficking

• Greater than 42g but less than 100g: 2-15 years (potential to kill 49,995 people)

Action Step, Links: Recommendation #2

- Action Step: Bill Draft Request (already in process from AG's Office)
- Research Links: *Subcommittee to provide*

Response Subcommittee Preliminary Recommendations

3. Leverage existing programs and funding to develop outreach response provider(s) and/or personnel that can respond to any suspected overdose and offer follow-up support, referrals, and services to the individual (and loved ones) following an overdose. Provider(s) and/or personnel to be deployed to anyone being released from an institutional setting who is being discharged post overdose or suspected overdose.

Suggestion from 10/3 SURG Meeting: add long-term support for families, e.g., those raising their grandchildren who are going back to school and are pre-disposed to use.

Suggestion from 10/13 Prevention Meeting: consolidate with Treatment and Recovery Recommendation:

- Implement follow-ups and referrals to support and care; linkage of care for justice-involved individuals and pregnant or birthing persons with opioid use disorder.

Justification, Action Step: Recommendation #3

Justification:

- The research and pilot program has been utilized in Arizona, Texas, and Missouri.

Action Step:

- Expenditure of Opioid Settlement Funds

Research Links:

- White, M., Perron, D., Watts, S., Malm, A., (July 3, 2021). Moving Beyond Narcan: A Police, Social Service, and Researcher Collaborative Response to the Opioid Crisis. American Journal of Criminal Justice (46:626-643).
<https://pubmed.ncbi.nlm.nih.gov/34248322/>

Response Subcommittee Preliminary Recommendations

4. Fund personnel and resources to investigate and prosecute drug-related crimes, including an independent medical examiner for reports that specify the cause of death in overdose cases where the source of the drug supply has been identified and can be prosecuted.

Justification, Action Step: Recommendation #4

Justification:

- By arresting the source of supply; dealers and traffickers who bring this into our communities are removed from the streets.
- District Attorneys want causation experts to provide the reports before they will go forward with prosecution, particularly in cases where there are poly-drugs in the victim's system.

Action Step:

- Bill Draft Request
- Expenditure of Settlement Funds

Research Links:

- <https://www.cdc.gov/drugoverdose/foa/state-opioid-mm.html>

Response Subcommittee Preliminary Recommendations

For Further Review:

- Resolve the conflict between the Good Samaritan Drug Overdose Act and Drug Induced Homicide Law; immediate actions may include recommending community-level education using best practice guidelines, as well as education for law enforcement personnel.
- Policy change to cover non-pharmacological or complementary treatments for pain, also to increase coverage of preventive and non-pharm/CAM modalities.

Note Support For:

- Reform and fund criminal justice services to offer all three FDA approved medications for the treatment of opioid users.

5. SUBCOMMITTEE APPOINTMENTS AND PROCESS

5. PUBLIC COMMENT

Public Comment

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6. ADJOURNMENT

**ADDITIONAL INFORMATION, RESOURCES &
UPDATES AVAILABLE AT:**

[https://ag.nv.gov/About/Administration/Substance
Use Response Working Group \(SURG\)/](https://ag.nv.gov/About/Administration/Substance_Use_Response_Working_Group_(SURG)/)



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