

## MEETING NOTES

### Statewide Substance Use Response Working Group Prevention Subcommittee Meeting

December 2, 2024  
11:00 a.m.

Zoom Meeting ID: 825 0031 7472

Call in audio: 1 253-205-0468

No Physical Public Location

#### Members Present via Zoom or Telephone

Chair Jessica Johnson, Vice Chair Erik Schoen, Senator Fabian Doñate, Debi Nadler, Angela Nickels

#### Attorney General's Office Staff

Terry Kerns and Ashley Tackett (joined 11:32 a.m.)

#### Social Entrepreneurs, Inc. Support Team

Crystal Duarte, Kim Hopkinson, and Mary O'Leary

#### Members of the Public via Zoom

Elyse Monroy; Heather Kerwin; Nadine Kienhoefer; Pauline Whelan; Roberta Miranda-Alfonzo, PhD; Linda Anderson; Denise Davidson; Jamie Ross; Tray Abney; Jen Kelsh; Noelle Hart (joined 11:31 a.m.); VpGa-iP12; Fireflies.ai Notetaker Alex

### **1. Call to Order and Roll Call to Establish Quorum**

Chair Johnson called the meeting to order at 11:01 a.m.

### **2. Public Comment** (*Discussion Only*)

Ms. Duarte read public comment guidance and Chair Johnson asked for public comment.

Seeing or hearing no public comment, Chair Johnson moved to agenda item 3.

### **3. Review and Approve Minutes from September 4, 2024 Prevention Subcommittee Meeting** (*For Possible Action*)

Chair Johnson asked for a motion to approve the minutes from the September 4, 2024, Prevention Subcommittee meeting.

- Vice Chair Schoen made a motion to approve the minutes.
- Ms. Nadler seconded the motion.
- The motion passed unanimously.

Chair Johnson moved to agenda item 4.

### **4. Finalize and Adopt Recommendations** (*For Possible Action*)

For full recommendation details, please refer to the document with file name "SURG Combined Recommendations Oct 2024" and document name "Statewide Substance Use Response Working Group (SURG) 2024 DRAFT Recommendations". This is available as an attachment to the December 2, 2024 Statewide Substance Use Response Working Group Subcommittee #1 meeting on the [SURG Website](#).

Chair Johnson presented this agenda item, noting that the subcommittee members would first review the Prevention and Harm Reduction recommendations in light of feedback and guidance presented at the SURG October 9, 2024 meeting. Following that discussion and any possible

resulting revisions, the subcommittee members would be asked to vote on adopting the revised recommendations.

Prevention Recommendations:

*PS 1. Recommend to DHHS/DPBH/the Bureau of Behavioral Health Wellness and Prevention to include in their Governor's budget request, a request to double the amount of investment in SAPTA primary prevention programming (i.e., increase from current \$12 million to \$24 million for this biennium) for ages 0-24 and review the funding allocations annually. This funding should not be at the expense of existing programming.*

When presented to the full SURG on October 9, 2024, this recommendation received no suggested revisions. However, it was noted that Division/Dept. budgets were due on August 31<sup>st</sup>.

Chair Johnson asked the subcommittee members if they had any final revisions to this recommendation or if they were okay to move on to the next recommendation. Vice Chair Schoen answered that he would be comfortable moving on.

Ms. Nadler then asked, since the budget was due by August 31<sup>st</sup>, if the budget request would go through next August 31<sup>st</sup> or in February or March?

Chair Johnson responded that she imagined it would be delayed until the next biennium and asked Senator Doñate for input.

Senator Doñate agreed with Chair Johnson's statement, adding that the departments have already submitted their recommendations. Therefore, this would then more likely be a recommendation for the next biennium.

Chair Johnson thanked Senator Doñate for his explanation. Ms. Nadler asked a follow-up question to clarify if this meant two years from now.

Senator Doñate noted that was correct. The process involves departments making allocation recommendations, which the Governor incorporates into his budget proposal. The legislature then reviews and either confirms or modifies it. The recommendation discussed here could aim to influence the Governor's proposal before it becomes public or be brought forth in the next biennium.

In response, Ms. Nadler asked what the best course of action for getting this recommendation approved would be. Senator Doñate replied that how the recommendation is written is the best way to move forward. It could be a point of discussion for legislators to look at and review as a point of discussion.

Vice Chair Schoen remarked that this recommendation boldly sets a higher baseline for funding expectations, moving beyond the previous \$12 million. He highlighted the need for significant investment to address current deficits and catch up to where funding levels should be, and expressed hope that this recommendation would influence upcoming legislative discussions about funding priorities and considerations.

Chair Johnson thanked the group for their dialogue and input. No further discussion was had, and Chair Johnson moved to the next recommendation.

*PS 2. Create a bill draft request to amend the NRS for a 15 percent set aside of tobacco control and prevention funds from the Fund for a Healthy Nevada. This would be distributed using a*

*local lead agencies model to reach \$2 per capita, a recommended funding goal from the Nevada Tobacco Control & Smoke-free Coalition and subject matter experts.*

When presented to the full SURG on October 9, 2024, this recommendation received no suggested revisions.

Chair Johnson asked the subcommittee members if they had any final revisions to this recommendation or if they were okay to move on to the next recommendation. Hearing no comment, Chair Johnson moved to the next recommendation.

*PS 3. Require the state office of Medicaid to develop a state plan amendment to implement changes to support the recommendation requesting rates and billing standards for CHWs and Peers be increased to align with the national average and CMS standard.*

When presented to the full SURG on October 9, 2024, this recommendation received no suggested revisions.

Chair Johnson asked the subcommittee members if they had any final revisions to this recommendation or if they were okay to move on to the next recommendation. Hearing no comment, Chair Johnson moved to the next recommendation.

*PS 4. Create a bill draft request to allocate a 15 percent set aside of cannabis retail funds to be distributed using a local lead agencies model to reach \$2 per capita, a recommended funding goal from the Nevada Tobacco Control & Smoke-free Coalition and subject matter experts.*

When presented to the full SURG on October 9, 2024, this recommendation received no suggested revisions.

Chair Johnson noted that Ms. Nadler had suggested that a national subject matter expert, Dr. Lev, present at today's meeting to help further refine this recommendation. Unfortunately, Dr. Lev was unavailable for this meeting. Chair Johnson will work with staff to ensure that Dr. Lev will be able to come to a future Prevention Subcommittee meeting to give additional feedback on this recommendation.

Chair Johnson then asked the subcommittee members if they had any final revisions to this recommendation or if they were okay to move on to the next recommendation. Hearing no comment, Chair Johnson moved to the Harm Reduction recommendations.

Harm Reduction Recommendations:

*HR 1. Establish a statewide initiative for community drug checking that incorporates qualitative and quantitative drug checking and includes the following parameters:*

- *Utilize a regional implementation approach with standardized, statewide indicators, since local jurisdictions are best equipped to respond to findings from community drug checking.*
- *Work with harm reduction community to identify partners/ locations and provide guidance and training.*
- *Start all sites with mail-based testing while piloting on-site drug checking in a subset of early adopters to refine implementation needs.*
- *Standardize the data collection, entry, testing, mailing, analysis, reporting as a best practice. Make this as transparent of a process as possible.*
- *Articulate principles and plans for what will happen to the data.*

When presented to the full SURG on October 9, 2024, this recommendation received no suggested revisions.

Chair Johnson asked the subcommittee members if they had any final revisions to this recommendation or if they were okay to move on to the next recommendation. Hearing no comment, Chair Johnson moved to the next recommendation.

*HR 2. Harm Reduction Shipping Supply: Provide for shipping costs for evidence-based harm reduction supplies (e.g., naloxone, sharps, fentanyl test strips, etc.) and for travel costs for the pickup of used sharps products to be returned for destruction. Increase advertising about shipping programs to rural Nevada. In collaboration with local agencies and through community conversations, establish local support for harm reduction efforts. Establish an alternative strategy for harm reduction supply delivery if people can't receive delivery of the supplies directly.*

*In collaboration with local agencies and through community conversations, recommend to DHHS to provide for shipping costs for evidence-based harm reduction supplies (e.g., naloxone, sharps, test strips, etc.) and for travel costs for the pickup of used sharps products to be returned for destruction. Increase advertising about shipping programs to rural Nevada. Establish an alternative strategy for harm reduction supply delivery if people can't receive delivery of the supplies directly.*

When presented to the full SURG on October 9, 2024, this recommendation received no suggested revisions.

Chair Johnson asked the subcommittee members if they had any final revisions to this recommendation or if they were okay to move on to the next recommendation. Hearing no comment, Chair Johnson moved to the next recommendation.

*HR 3. Recommend to DHHS to develop an annual or biannual saturation and distribution plan for overdose reversal medication. DHHS should utilize opioid settlement dollars to designate a baseline level of identification and overdose reversal medication for the next 10 years in Nevada (which should be based on the state's Naloxone Saturation Plan) to create a supply of stable, sustainable overdose reversal medication throughout the state.*

When presented to the full SURG on October 9, 2024, this recommendation received no suggested revisions.

Chair Johnson asked the subcommittee members if they had any final revisions to this recommendation or if they were okay to move on to the next recommendation. Hearing no comment, Chair Johnson moved to the next recommendation.

*HR 4. Recommend a bill draft request to support legislation that will (1) help to fund/establish a statewide association for Peers, and (2) better define supervision requirements for Peers under the age of 18.*

When presented to the full SURG on October 9, 2024, this recommendation received no suggested revisions.

Chair Johnson asked the subcommittee members if they had any final revisions to this recommendation or if they were okay to move on to the next recommendation. Hearing no comment, Chair Johnson moved to the next recommendation.

*HR Recommendation for Potential Consideration. Create a bill draft request at the legislature to change the Nevada paraphernalia definition as it relates to smoking supplies, utilizing Maine or Colorado as examples.*

When presented to the full SURG on October 9, 2024, this recommendation received no suggested revisions. Chair Johnson reported that outreach regarding this recommendation was conducted to several groups, including the Nevada Attorneys for Criminal Justice (NAJC), the Nevada District Attorneys Association (NDAA), and the Nevada Sheriffs' and Chiefs' Association. The NAJC supported the recommendation with revisions, suggesting a relocation of Section K and adding clear definitions for smoking supplies to avoid legal issues. The NDAA opposed the recommendation as written and had not provided further feedback. However, the NDAA indicated they might reconsider this recommendation with further changes.

Finally, the Nevada Sheriffs' and Chiefs' Association had originally sent some questions via Ms. Christine Payson. When staff followed up on these questions in late October, they had no further feedback.

With those updates, Chair Johnson opened this recommendation up for discussion.

Vice Chair Schoen supported adopting the NACJ's recommendations, stating they provided clarity.

Senator Doñate opposed advancing the recommendation, citing concerns about insufficient vetting and potential opposition on a sensitive issue. He suggested focusing on more bipartisan proposals that could get more traction.

Chair Johnson asked Senator Doñate if his recommendation would be to table the recommendation and continue to refine it in 2025.

Senator Doñate replied that he does not support this recommendation moving forward into next year. He noted that the committee could choose to table the recommendation, but his perspective would not change.

Ms. Nadler agreed with Senator Doñate, opposing that the recommendation move forward.

Chair Johnson thanked them for their feedback, noting that it sounded like the subcommittee would like the recommendation to be removed. Chair Johnson opened the floor for a motion to remove this recommendation from the SURG recommendations.

- Senator Doñate made a motion to remove the recommendation.
- Ms. Nadler seconded the motion.
- The motion carried.

This recommendation will be omitted from the ranked recommendations.

Before moving to agenda item #5, Chair Johnson asked SEI staff if they would recommend a short break to allow for subcommittee members to look through the approved recommendations and identify how they would like to rank them.

Ms. Duarte explained that members would take a short break to review the approved recommendations and rank them. The members would rank Prevention and Harm Reduction recommendations separately.

Vice Chair Schoen asked about logistics. Ms. Duarte explained that the members would work independently to rank their recommendations and then come back as a group and take turns verbally indicating their ranking choices. Then Ms. Hopkinson will record those rankings in an Excel spreadsheet and confirm with the member that the record is correct.

Chair Johnson thanked Ms. Duarte for that clarification, asking how much time would be appropriate to review the recommendations. Ms. Duarte responded that the break could be between five and 10 minutes.

Chair Johnson then gave the subcommittee a ten-minute break to review and rank the recommendations.

The meeting resumed at 11:35 a.m. Chair Johnson moved to agenda item #5.

### **5. Rank Recommendations** (*For Possible Action*)

Chair Johnson explained the ranking process, noting that it uses a formula, as was done in the past, in Excel to provide a final ranking for the recommendations. The formula weighs each ranking. Weights are determined based on relative priority: 1=8 points, 2=7 points, 3=6 points, 4=5 points, and 5=4 points.

Each member will need to verbally provide their ranking. As they do so, SEI staff will enter their ranking into the Excel spreadsheet. Then the subcommittee members would need to double check that their rankings have been entered correctly.

One by one, the subcommittee members verbally stated their rankings, and Ms. Hopkinson entered it to the Excel spreadsheet. Following the ranking of each subcommittee member, Ms. Hopkinson asked each person to confirm that what was visible on the screen matched their stated ranking.

Senator Doñate began the process. His Prevention recommendation rankings were as follows: PS 3, PS 1, PS 2, and PS 4. Senator Doñate's Harm Reduction recommendation rankings were HR 3, HR 1, HR 4, and HR 2.

Next, Chair Johnson offered her Prevention recommendation rankings: PS 2, PS 1, PS 4, and PS 3. Chair Johnson's Harm Reduction recommendation rankings were as follows: HR 3, HR 1, HR 2, and HR 4.

Ms. Nadler provided her rankings next. Her Prevention recommendation rankings were as follows: PS 1, PS 4, PS 3, and PS 2. Then, her Harm Reduction recommendation rankings were HR 3, HR 1, HR 2, and HR 4.

Afterwards, Ms. Nickels offered her Prevention recommendation rankings: PS 1, PS 2, PS 4, and PS 3. Ms. Nickel's Harm Reduction recommendation rankings were as follows: HR 3, HR 4, HR 1, and HR 2.

Lastly, Vice Chair Schoen provided his rankings. His Prevention recommendation rankings were as follows: PS 1, PS 3, PS 2, and PS 4. Then, his Harm Reduction recommendation rankings were HR 1, HR 2, HR 3, and HR 4.

Chair Johnson thanked the committee members for their rankings. She called for a vote to move the recommendations forward as currently ranked. Vice Chair Schoen asked if they could first read through the final ranked recommendations. Chair Johnson agreed and the final rankings were verbally shared.

#### Final Prevention Recommendation Rankings:

1. *Recommend to DHHS/DPBH/the Bureau of Behavioral Health Wellness and Prevention to include in their Governor's budget request, a request to double the amount of investment in SAPTA primary prevention programming (i.e., increase from current \$12 million to \$24 million for this biennium) for ages 0-24 and review the funding allocations annually. This funding should not be at the expense of existing programming.*
2. *Create a bill draft request to amend the NRS for a 15 percent set aside of tobacco control and prevention funds from the Fund for a Healthy Nevada. This would be distributed using a local lead agencies model to reach \$2 per capita, a recommended funding goal from the Nevada Tobacco Control & Smoke-free Coalition and subject matter experts.*
3. *Require the state office of Medicaid to develop a state plan amendment to implement changes to support the recommendation requesting rates and billing standards for CHWs and Peers be increased to align with the national average and CMS standard.*
4. *Create a bill draft request to allocate a 15 percent set aside of cannabis retail funds to be distributed using a local lead agencies model to reach \$2 per capita, a recommended funding goal from the Nevada Tobacco Control & Smoke-free Coalition and subject matter experts.*

#### Final Harm Reduction Recommendation Rankings:

1. *Recommend to DHHS to develop an annual or biannual saturation and distribution plan for overdose reversal medication. DHHS should utilize opioid settlement dollars to designate a baseline level of identification and overdose reversal medication for the next 10 years in Nevada (which should be based on the state's Naloxone Saturation Plan) to create a supply of stable, sustainable overdose reversal medication throughout the state.*
2. *Establish a statewide initiative for community drug checking that incorporates qualitative and quantitative drug checking and includes the following parameters:*
  - *Utilize a regional implementation approach with standardized, statewide indicators, since local jurisdictions are best equipped to respond to findings from community drug checking.*
  - *Work with harm reduction community to identify partners/ locations and provide guidance and training.*
  - *Start all sites with mail-based testing while piloting on-site drug checking in a subset of early adopters to refine implementation needs.*
  - *Standardize the data collection, entry, testing, mailing, analysis, reporting as a best practice. Make this as transparent of a process as possible.*
  - *Articulate principles and plans for what will happen to the data.*
3. *Harm Reduction Shipping Supply: Provide for shipping costs for evidence-based harm reduction supplies (e.g., naloxone, sharps, fentanyl test strips, etc.) and for travel costs for the pickup of used sharps products to be returned for destruction. Increase advertising about shipping programs to rural Nevada. In collaboration with local agencies and through community conversations, establish local support for harm*

*reduction efforts. Establish an alternative strategy for harm reduction supply delivery if people can't receive delivery of the supplies directly.*

*In collaboration with local agencies and through community conversations, recommend to DHHS to provide for shipping costs for evidence-based harm reduction supplies (e.g., naloxone, sharps, test strips, etc.) and for travel costs for the pickup of used sharps products to be returned for destruction. Increase advertising about shipping programs to rural Nevada. Establish an alternative strategy for harm reduction supply delivery if people can't receive delivery of the supplies directly.*

4. *Recommend a bill draft request to support legislation that will (1) help to fund/establish a statewide association for Peers, and (2) better define supervision requirements for Peers under the age of 18.*

Chair Johnson then opened the floor for a motion to move the recommendations forward as ranked to the full SURG at the December 11, 2024, meeting.

- Ms. Nadler moved.
- Vice Chair Schoen seconded.
- Motion carried.

The finalized rankings will move forward as presented.

With that, Chair Johnson moved to agenda item #6.

## **6. Presentation of Prevention Subcommittee Recommendations for December SURG Meeting** *(For Possible Action)*

Chair Johnson moved to the next agenda item, which focused on the presentation of the Prevention Subcommittee Recommendations at the upcoming SURG meeting on December 11, 2024. She noted that historically this has been something she has done as chair with subcommittee members being able to add additional information or answer any questions.

Chair Johnson asked the subcommittee if that was a structure that works for them or if there was any alternative strategy that they would recommend.

Vice Chair Schoen stated that he is comfortable with Chair Johnson being the point person for that as she is a strong communicator and presenter. He remarked that the subcommittee members could add whatever they thought was helpful.

Chair Johnson thanked Vice Chair Schoen for that feedback.

Ms. Nadler agreed with Vice Chair Schoen.

Chair Johnson thanked both Vice Chair Schoen and Ms. Nadler for their input. She noted that she will work with SEI to make sure everything is gathered in advance of the next meeting.

With no further discussion, Chair Johnson closed agenda item #6 and moved on to agenda item #7.

## **7. Discussion of 2025 Subcommittee Membership and Schedule** *(For Discussion Only)*

Chair Johnson began by explaining that the SURG will reselect subcommittee members and a vice chair in January 2025. Members will need to be reappointed, including one Senate appointee



by the Senate Majority Leader. Chair Johnson noted that both she and Senator Doñate are up for reappointment as of January 1, 2025.

Senator Doñate added that it may be difficult for him to attend some meetings when he is in legislative session. Chair Johnson thanked Senator Doñate for that input and noted that his leadership on the subcommittee will be missed. However, she appreciates his work on both fronts.

Chair Johnson then invited members to express interest in remaining on their current subcommittee or transitioning to another.

Ms. Nadler stated her desire to stay on the Prevention Subcommittee. Similarly, Vice Chair Schoen expressed interest in continuing with this subcommittee, stating that it feels like his "home team" and provides a unique opportunity to drive change. Vice Chair Schoen emphasized the importance of raising the profile of prevention efforts and their potential for significant impact, particularly in areas like workforce development and resource allocation.

Ms. Nichols echoed these sentiments, expressing her interest in remaining on the Prevention Subcommittee. Additionally, Chair Johnson confirmed her own interest in continuing her role within this subcommittee.

Chair Johnson added as a reminder that there is an update on a bill draft request (BDR) submitted by the Attorney General, which proposes expanding SURG membership in 2026. The potential new members would include a representative of the general public, individuals from Fire/EMS and family services/foster care, the director of the Department of Indigenous Defense Services or a designee, and a representative from the Nevada District Attorney Association. These changes would require amendments to the SURG bylaws and onboarding of new members starting in 2026.

Regarding scheduling, Chair Johnson noted that Ms. Deanna Lyons from SEI would coordinate the 2025 subcommittee meetings. Also, as mentioned previously, efforts will be made to find a time that accommodates Dr. Lev, a subject matter expert, who will provide additional information during an upcoming meeting.

Chair Johnson concluded the discussion, stating that there were no further comments or input on membership and scheduling. She then moved on to agenda item #8.

#### **8. Public Comment** (*Discussion Only*)

Chair Johnson opened the floor for public comment, asking Ms. Duarte if she sees anyone who would like to speak. Ms. Duarte noted that Ms. Elyse Monroy had her hand raised.

Chair Johnson recognized Ms. Monroy.

Ms. Monroy thanked Chair Johnson. She greeted the committee and introduced herself as a member of the Advisory Committee for Resilient Nevada (ACRN), which guides the state in their spending of opioid settlement dollars. Ms. Monroy noted that she wanted to provide a public comment related to the pulling of the recommendation to revise Nevada's paraphernalia laws.

Ms. Monroy stated: "Nevada is receiving opioid settlement dollars to remediate the harms of inappropriate prescribing and to further prevent overdose deaths in Nevada. The CDC has reported that in the last two years the route of drug use involving overdose death has changed

from injection to smoking. In looking at data from the Clark County Opioid Task Force, 50% of deaths reviewed had high percentages of risk factors for smoking Fentanyl. Because smoking implements are listed as paraphernalia in Nevada statute, opioid settlement dollars cannot be expended on safe smoking implements. This means that Nevada's opioid settlement dollars are not going to be able to be used in a way to address drug use as it's happening in Nevada. Continuing to keep smoking implements as drug paraphernalia while test strips and syringes have been removed keeps our state in a position where we cannot use this once in a lifetime funding for its intended use to further prevent overdose deaths in Nevada. I would encourage the full SURG committee to reconsider the inclusion of this recommendation in its full report, so the state can be in a better position to effectively use opioid settlement dollars to prevent opioid deaths... or overdose deaths. Thank you.”

Chair Johnson thanked Ms. Monroy for her comment.

Seeing and hearing no additional public comment, Chair Johnson moved to agenda item #9.

### **9. Adjournment**

Chair Johnson thanked subcommittee members and others in attendance and adjourned the meeting at 11:55 a.m.

### **Meeting Chat Log:**

**Kim Hopkinson (she/her)** 2:03 PM

Please do not utilize chat for anything other than technical issues because the content is not necessarily available to the general public, which is a requirement of the open meeting law.