

MEETING NOTES

Statewide Substance Use Response Working Group Response Subcommittee Meeting

Wednesday, April 19, 2023
11:00 a.m.

Zoom Meeting ID: 868 3331 1069

Call in audio: (669) 900 6833

No Public Location

Members Present via Zoom or Telephone

Dr. Terry Kerns, Shayla Holmes, Christine Payson, Gina Flores-O'Toole (joined at 11:14 a.m.)

Members Absent

Dr. Stephanie Woodard

Attorney General's Office Staff

Ashley Tackett and Joel Becker, DAG

Social Entrepreneurs, Inc. Support Team

Crystal Duarte and Margaret Del Giudice

Members of the Public via Zoom

Joan Waldock, Linda Anderson, Trey Delap

1. Call to Order and Roll Call to Establish Quorum

Chair Kerns called the meeting to order at 11:03 am.

Ms. Duarte asked members and meeting participants to refrain from writing in the chat or from texting members.

Ms. Duarte called the roll and established a quorum, with two members absent.

2. Public Comment (11:04 am) *(Discussion Only)*

Chair Kerns asked for public comment.

No public comment was provided.

3. Review and Approve Minutes from October 27, 2022 Response Subcommittee Meeting (11:05 am) *(For Possible Action)*

Chair Kerns asked members if there were any changes requested to the October 27, 2022 meeting minutes. Hearing no comment, Chair Kerns asked for a motion to approve the October 27, 2022 Response Subcommittee meeting minutes.

- Ms. Holmes made the motion.

- Ms. Payson abstained due to absence from the Oct. 27, 2022 meeting.

Chair Kerns asked Deputy Attorney General (DAG) Becker for clarification regarding votes needed to approve minutes. DAG Becker confirmed that a vote of two members out of the three present constituted a majority and could approve the minutes.

- Chair Kerns seconded the motion.
- The motion was approved.

4. Review 2023 Subcommittee Guidance (11:08am) *(Discussion Only)*

Chair Kerns

Chair Kerns reviewed SURG recommendation submission guidance (for details see slides 8-9 of PowerPoint posted to [SURG Website](#)). She noted that a template would be provided to subject matter experts or presenters for presentations on any recommendations.

Ms. Duarte reviewed feedback from a survey distributed to subcommittee members at the end of 2022 about what was working well and what could be improved (see slides 10-11 for details).

Members were given an opportunity to provide additional feedback.

Chair Kerns added that it is important to review and monitor recommendations made in the 2022 report. Towards that end, a document was included as part of the meeting materials to allow for continued evaluation of progress towards recommendations previously made.

Chair Kerns paused for comments. Hearing none she moved to agenda item 5.

5. Review AB374 Section 10 Requirements Specific to Response Subcommittee and Recommendations in 2022 Annual Report (11:14) *(For Possible Action)*

Chair Kerns

Chair Kerns reviewed cross-cutting elements assigned to all subcommittee members (see slides 14-15 for details), specific assignments for the Response Subcommittee (see slides 16-18), and SURG Annual Report Recommendations as they align with Response Subcommittee assignments (see slides 19-27). She noted that some of the recommendations presented on slides 19 to 27 were a synthesis of Response recommendations with other aligned subcommittee recommendations.

7. 2023 Legislative Session Update (11:24) *(For Possible Action)*

Vice Chair Holmes

Vice Chair Holmes reviewed Senate and Assembly Bills overlapping with 2022 SURG Annual Report recommendations from the Response Subcommittee (see slides 29-31 for details).

Chair Kerns noted that the full tracker, “Substance Use Bills 2023,” was included as part of the meeting materials (available on the [SURG Website](#)). This tracker will be updated monthly and includes relevant bills beyond those presented during this meeting. She referred members to the Nevada Electronic Legislative Information System (NELIS) for increased specificity.

Vice Chair Holmes asked members if there were any questions. Hearing none she moved to agenda item 8.

8. Overview of Recommendations Received and Next Steps (11:25) (For Possible Action)

Vice Chair Holmes

Vice Chair Holmes reviewed the recommendations received by subcommittee members.

Recommendation #1 was submitted by Chair Kerns (see slide 33 for details):

Resolve the conflict between the Good Samaritan Law and the Drug Induced Homicide Law.

Chair Kerns added that this conflict continues to be an issue. She reported listening to the Senate Judiciary Committee hearing on SB35 where there was testimony by members of the public that many continue to be afraid to call 911 because do not feel comfortable with law enforcement and fear arrest. She questioned the efficacy of considering more restrictive legislation and asked Ms. Payson if she had any comments on this.

Ms. Payson stated that she did not consider the Good Samaritan Law and the Drug Induced Homicide Law to be in conflict. She explained that she did not consider the Good Samaritan Law to be a free pass and did not think it should be a free pass. She added that the law indicates criteria for arrest clearly. She did not think the law should be changed to allow for a free pass for serious drug offenses.

Vice Chair Holmes thanked members for their comments and moved onto a recommendation that she had submitted, recommendation #2 (see slide 34 for details):

*Revise NRS 453c.150 to include language similar to the State of Delaware:
"Defendant made a good faith effort to promptly seek, provide, or obtain emergency medical or law enforcement assistance to another person who was experiencing a medical emergency after using a Schedule I or II controlled substance, and whose death would otherwise form the basis for criminal liability."
or*

Rhode Island: "An eligible person will not be charged or prosecuted for the offense of controlled substance delivery resulting in death if a person, in good faith, without malice and in the absence of evidence of an intent to defraud, sought medical assistance for someone experiencing a controlled substance overdose and the evidence for the charge was gained because of the seeking of medical assistance. The protection only applies to the death of an adult and does not apply to the offense of controlled substance transaction resulting in death of a minor."

Chair Kerns commented that both recommendation #1 and #2 seek to cover both public health and public safety.

Vice Chair Holmes agreed with Chair Kerns. She expressed acknowledgment and agreement with both Chair Kerns' and Ms. Payson's comments regarding the Good Samaritan Law, emphasizing the importance of ensuring that people feel safe to call 911 while also holding people accountable for serious crimes.

Vice Chair Holmes reminded members that the next meeting is scheduled for May 15th at 9:00 am and asked members to submit recommendations for presentations for that meeting.

Chair Kerns offered as a possible recommendation something previously suggested by Dr. Dixon and the Treatment and Recovery Subcommittee but that also extends to Prevention and Harm Reduction. This recommendation involves Bridge Programs in emergency departments and Buprenorphine. She added that there has also been a lot of work done around making naloxone available without a prescription to prevent future overdoses and have tools they need to reverse an overdose. She reported that the Prevention Subcommittee chair Jessica Johnson has been working with California in the implementation of this type of program and she may be able to recommend presenters who can discuss this in depth and refine what is meant by a Bridge Program. She added that most members are aware that the Federal Drug Administration (FDA) recently made naloxone available over the counter, but that price may be prohibitive so making this available and free or low-cost will be important to reach some populations.

Vice Chair Holmes agreed that this was a great idea and emphasized the importance of having naloxone in the individual's hands after an overdose. She also suggested considering making naloxone available for family and friends and readily available for paramedics.

Chair Kerns agreed with Vice Chair Holmes and added that the Center for Application of Substance Abuse Technologies (CASAT) has been doing work with naloxone distribution and their grant does look at "leave behind" programs. She suggested Morgan Green with CASAT as a possible presenter on current work within the state, adding that if the Bridge Program were to be implemented in Nevada, CASAT likely would be at the forefront of the implementation.

Vice Chair Holmes asked for additional comments or conversation regarding recommendations or future suggestions for presenters.

Chair Kerns commented that she had seen a presentation from the individual who started a program working with individuals in the criminal justice system, primarily in the specialty courts. The program has also implemented strategies to assist individuals with re-entry. She offered to reach out to the program founder for more information and as a possible presenter.

Vice Chair Holmes asked for additional feedback.

Chair Kerns asked Ms. Payson about the work she's doing with overdose response teams and asked if there was anything this subcommittee could do to help this program.

Ms. Payson indicated that the program is currently working to address the Clark County area only, but that once they have done so they can use this work as a template to expand to other parts of the state. She added that some of the funding could be used to hire a coordinator who would work with the responding law enforcement personnel and help ensure a linkage of care for the victims and their family.

Chair Kerns asked if this was something about which someone could present.

Ms. Payson agreed that there could be a presentation on this, but that she likely would not be able to secure one in time for the May meeting.

Vice Chair Holmes commented that a presentation on this would be noted for future meetings. She then reminded members of the survey through which they can submit recommendations and presenter suggestions.

9. Public Comment (11:47) (Discussion Only)

Mr. Delap, director of Group Six Partners, talked about efforts to improve the Good Samaritan Law noting that the biggest challenge is education of the judiciary, lawyers, and law enforcement. He reported that of the 40 states that have this law, 31 have not addressed it in any type of legal capacity. He emphasized that public education, accessing the law, and invoking the law has been a challenge such that changing the letter of the law may not have the impact intended unless it includes a public education component.

Chair Kerns thanked Mr. Delap for his comment and asked if there were any other comments. Hearing or seeing none the meeting was adjourned.

10. Adjournment

The meeting was adjourned at 11:51 a.m.

DRAFT