



John Bel Edwards
Governor

State of Louisiana

OFFICE OF THE GOVERNOR
DRUG POLICY

Dr. Chaunda Mitchell
Director, Drug Policy &
Executive Director,
Diversity and Inclusion

Kristy Miller
Project Director

DWI TASK FORCE
September 5, 2018; 10:00 AM - 12:00 PM

MINUTES

Call to Order

Lisa Freeman, Chair of the DWI Task Force and Executive Director of the Louisiana Highway Safety Commission, called the meeting to order at 10:05 am.

Welcome and Introductions

Lisa welcomed everyone to the first meeting of the DWI Task Force under the Edwards Administration. She reminded everyone that they needed to sign in if they hadn't done so and confirmed that all required members had picked up a member binder. Then, Lisa suggested that each person introduce him/her self and state their agency/organization affiliation. A complete list of attendees is included at the end of this document.

Governor's Address

As the final individual was introducing himself, Governor John Bel Edwards entered the room and Lisa if he could address the DWI Task Force for a few minutes. Governor Edwards provided some data on the current state of impaired driving in Louisiana and thanked the members for agreeing to serve on the Task Force to address this important public safety issue. Governor Edwards encouraged the Task Force to look at the current state of practice and identify an array of evidence-based strategies to address impaired driving from multiple perspectives. Lisa thanked the Governor on behalf of everyone and committed to lead the Task Force with his words in mind.

New Business

A. Member binders

Lisa noted that we had achieved quorum, and that actually, we had a super majority of members in attendance. With that, Lisa called everyone's attention to their member binders and briefly oriented attendees to the contents.

Contents included:

- Executive Order which re-established the DWI Task Force. The executive order identifies those duties that are expected to flow from our participation in this task force. Additionally, it contains requirements such as number of meetings to be held and reports that must be developed and to whom they must be delivered.
- List of current members as identified by the Executive Order. Some required members have identified designees. Lisa expressed that we should use this list to remain in contact so we can support collaboration among member agencies.
- Sept 2018 Meeting Packet. The remaining documents pertain to proceedings of the first meeting.

After reviewing the binder content, Lisa expressed her belief that Governor Edwards was serious when he stated that his staff is always available to assist the DWI Task Force. Further, she stated that it was her understanding that the DWI Task Force was previously facilitated by another agency, but Governor Edwards moved its support and reporting line under his Office of Drug Policy to reinforce his commitment to public safety.

Lisa informed the group that the DWI Task Force is one of four boards and commissions under the Office of Drug Policy and under the direction of the Drug Policy Board. Lisa turned to Dr. Chaunda Mitchell, Director of the Office of Drug Policy, to introduce her more formally as the chair of the Drug Policy Board. Lisa asked Chaunda to give an overview of how the pieces fit together.

Chaunda explained that the Office of Drug Policy has five boards and commissions that fall under her department. The Drug Policy Board (DPB) is the umbrella board with all others reporting to it. DPB has two long-standing subcommittees called the State Epidemiology Workgroup (SEW) and the Prevention Systems Committee (PSC). The PSC and SEW are the “worker bee” subcommittees of the DPB. These groups represent a cross-section of agencies and organizations that engage in substance abuse prevention, not all of which are legislatively designated to serve on DPB or DWI task force. The newest board is the Heroin and Opioid Prevention and Education – or HOPE – Council. The HOPE Council is a 13-member statutorily defined group that has been tasked with coming up with Interagency Coordination Plan to address the opioid epidemic in Louisiana. The HOPE Council has galvanized themselves around this issue.

Finally, Chaunda shared that the Pew Charitable Trust has come into Louisiana to support the HOPE Council’s work. They have engaged well previously to contribute to the criminal justice reform efforts of led by the Governor’s Office and now want to address opioid abuse.

Lisa thanked Chaunda for the brief explanation and expressed that the reasoning for putting the DWI Task Force under DPB is to allow for seamless transition and collaboration among all the drug-related issues so we don’t have silos and duplication of effort or, worse, things fall through the cracks. She praised the foresight to ensure the integration of substance use/abuse prevention efforts. Lisa expressed her excitement over having the opportunity to see such an amazing wealth of knowledge and experience around the table. She stated that the passion for public service and for public safety and for learning about new issues will allow the Task Force to flourish.

With that Lisa introduced Kristy Miller, Project Director for the Office of Drug Policy to brief the Task Force on a recent report issued by the Governors Highway Safety Association (GHSA) focused on marijuana and opioid-impaired driving issues.

B. Drug-impaired driving from the National perspective

Kristy noted that copies of the full report are included in the meeting packet. She explained that GHSA decided to issue a report on these two specific drugs and their impacts on driving because of the growing trend toward medical and recreational marijuana and because of the increased abuse of opioids across the country. The sections of the report include: Size of the problem, Marijuana, Opioids, Detection methods, and Recommendations. PowerPoint slides of the briefing are available through the Office of Drug Policy.

Lisa thanked Kristy for the briefing and then introduced Rebecca Nugent, Chemistry Manager at the Louisiana State Police Crime Lab, who prepared a presentation on alcohol and drug impairment in Louisiana.

C. Impaired driving from the Louisiana perspective

Rebecca introduced her presentation called *A Snapshot of Alcohol and Drug Impairment in Crash/DWI Blood Samples Analyzed by the Louisiana State Police Crime Lab (LSPCL)*. She noted that there are limitations to her being able to disseminate her PowerPoint presentation so she developed a one-pager with bullet points of data and information that can be disseminated. Kristy noted that the one-page briefing document is included in everyone's packets. A copy of the one-page document is available through the Office of Drug Policy.

Norma DuBois, LA District Attorneys Association representative and Director of DWI Felony and Traffic Safety Outreach for the Jefferson Parish DA's Office, explained that, for the last six years, she and Rebecca have been talking about setting a drugged driving per se limit. Norma said that she screens all the felonies that come through the DA's office. Six years ago when they started talking about this, she was seeing about 30% of the cases returned as positive for poly drug use. And, these are just felonies; this didn't include misdemeanors. The problem is way worse now, so the need for a drugged driving per se is even greater.

Dr. Beau Clark, At-large member and EBR Coroner, responded that one of the biggest misperceptions is that people die from an overdose of one drug. He said that what he is seeing is a significant amount of poly drug overdose. There is a compounding effect when you add all these depressants to a system. He stated that he thinks the problem though, is that the science for drug impairment is very challenging. He proceeded to use marijuana as an example that there is no magic number.

Then Dr. Clark asked a question to Rebecca: "Are you doing quantitative analysis now? You knew I was going to ask that." Rebecca responded that the Crime Lab is working on it. She continued by saying that the marijuana project was their first effort. Dr. Clark explained to the group that what they are talking about is qualitative vs quantitative analysis. In this situation, qualitative analysis simply confirms whether there is a drug presence or not, while quantitative analysis can detect actual amounts and provide additional detail. Dr. Clark went on to explain that there are 2 national labs that can do quantitative so he has to use them for all his testing. If the LSP Crime Lab can do quantitative analysis, that would be tremendous for Louisiana. Rebecca confirmed that they are working toward each drug panel one by one now that all the equipment has been validated for accreditation. THC is the first way they are addressing the establishment of quantitative analysis. Dr. Clark said that perhaps this is something the Task Force can address.

Norma interjected that she would like the Task Force to take up the issue of "affirmative defense" before getting to anything else. Under the DWI statute currently, there is something called an affirmative defense so that if you don't take more than the recommended dosage of something...such as a prescription drug..., but under the statute, I can't be prosecuted if they took the recommended dosage. If you start quantitative analysis, you may give the defense more opportunities to say, "oh look, this person took only the recommended dosage." But we know that even recommended dosages can be impairing to drive. Rebecca did agree that this is true; and that it would be the case even if someone had multiple drugs in their system, but as long as they weren't over the legal limit for any of them. Rebecca suggested starting with Schedule I drugs as a step in the right direction to make prosecution cut and dry. Norma clarified that this could be for any diverted drug so even prescription drugs that haven't been

prescribed for you then you would be in trouble. She concluded by saying that we have to get beyond the excuse that “well, I have a prescription for that”.

Juana Lombard, Commissioner for the Office of Alcohol and Tobacco Control, asked if it would be easier to amend the current piece of legislation to include a list of drugs that cannot fall under an affirmative defense. It wouldn't address every drug, but we can identify those that specifically state not driving while under the influence. She explained that she knows how this is an issue from when she was on the bench. However, there is no doubt we can come up with some that we all know or explicitly state shouldn't be in someone's system when driving. Norma said that she understands where the Commissioner is coming from, but worried that having a list will make some people feel as though they can get away with driving with those drugs in their system that aren't on the list. She stated she's in favor of just getting rid of the affirmative defense all together. The Commissioner stated that she agreed; she was just thinking about a fallback in the event that we couldn't get the affirmative defense out of the statute all together, especially since Norma had stated that they hadn't been successful getting it out in the past. At this point, Norma cited the statute 14:98, subsection E for anyone to reference if they wanted.

Norma stated that there is another affirmative defense that addresses combining alcohol and other drugs. That may be something else we may want to look at as well.

Lisa interjected that this is a great conversation. We think about this from a legal perspective, but it's also a health issue to mix multiple drugs together. For example, mixing alcohol and cocaine can make the cocaine break down in such a way that it develops a toxic byproduct that people can die from. Most people don't know that; they would think mixing alcohol and a little cocaine will give them a great high, but not that it can potentially kill them. Public education is what we need.

Lisa referred back to Rebecca's presentation and the listing of the most common drugs found in the blood samples. The third down is Alprazolam which is Xanax. This is in the benzodiazepine drug class and acts as a depressant. Rebecca stated that they are usually on board with something else, such as alcohol. Dr. Clark offered that it takes a lot if you take them by themselves to die from them. But if you mix them with alcohol or if you mix them with alcohol and get behind the wheel of a car, a 0.04 BAC isn't a 0.04.

Rebecca suggested that all of this reinforces the need to get a toxicologist who works for the state. She is fearful that once the Crime Lab starts having all the quantitative analysis reports the need for a toxicologist who can put all the reports together and testify in court is going to skyrocket. Norma offered that it is very expensive to hire a toxicologist just to read reports, much less testify in court. She knows that most offices can't afford that expense. In Jefferson Parish, they will do it for felonies, but on misdemeanors, they probably won't. And they are a big parish with theoretically more funds than smaller jurisdictions.

D. Roundtable discussion on Task Force priorities

Lisa interjected that it sounds like we already have some priorities bubbling to the top during the conversation and that we may be able to identify some others as we move forward. She expressed that it's a great segue to the next topic of identifying priorities for the Task Force to address. Lisa referred to a sheet in everyone's packet with a list of six priorities that have been brainstormed and documented thus far. She explained that these are based on the contents of the Executive Order as well as informed by the state of practice in the field.

The proposed priority areas are:

1. Data systems related to alcohol and other drug-related driving

Lisa talked about the effort LHSC and DOTD have exercised to ensure there is good motor vehicle crash data about impaired driving. Dr. Leslie Brougham Freeman, Director of Prevention Services within the Office of Behavioral Health (OBH)/LA Department of Health, explained that the Office of Public Health (OPH) has developed a surveillance system to look at opioid-related ER visits and poisonings. Dortha Cummins, Deputy Director for LSHC, added that recently, OPH and LHSC worked together to apply for funds that would enhance their systems to look at opioid-related motor vehicle crashes (MVCs). The idea would be for Drug Recognition Experts (who are specially trained law enforcement officers), Emergency Medical Technicians, and hospital Emergency Departments would report into an opioid-related MVC tracking system.

Beau talked about the fact that, as a coroner, when he has a motor-vehicle fatality, he has to do a toxicology test to determine cause. Rebecca responded that smaller coroners don't have the funds to pay for the testing. Beau countered with a recommendation that "we" pay for it for them. Dortha responded that the opioid-related tracking system that has been proposed would also track non-fatal MVC injuries to determine if they were caused by opioids. Leslie concluded this conversation by offering to ask the OPH to attend a future meeting to share more about their new data and surveillance system.

2. DWI/DUID-related research, evaluation, and stakeholder input

As Lisa began to define the second priority area, a discussion about alcohol and other drug educational programs, particularly in school settings began to take shape.

Juana stated that the Office of Alcohol and Tobacco Control has begun doing school based presentations. They are conducting presentations for grades as low as 6th grade. Juana expressed that they need to add a drug component; thus far, they have been focused on alcohol and tobacco. She stated that they just added vaping and would be willing to start a prescription drug component. Further, she explained that ATC has 2 specialists who are trained to do the presentations; the team also includes a drug sniffing dog. Juana stated that their focus has been on East Baton Rouge parish, Jefferson parish, and Orleans parish, but emphasized that they will go anywhere they are invited. She explained that they started by sending blanket emails out to all school districts and received many invites. In addition, she did some outreach herself to some schools that she knows for certain have had problems. Many of those schools never responded to her offers to present. Messages usually go out in mid-March to get schools during pre-prom time. In addition, ATC gets lots of requests from summer camps. Juana concluded that they are trying to get onto the college campuses too. When asked about the length of presentations for middle school, she responded that they can be done in as little as 30 minutes, but she prefers 45 minutes to 1 hour. Again, she emphasized that ATC has done the presentation with those as young as 9 years.

Valerie Cox shared that MADD has a similar program called Power of Youth. Currently, they conduct the program in middle schools and high schools; They have had some success with accessing college campuses. MADD has booklets that go along with the presentation; she will bring copies to a future meeting to share

Leslie shared that OBH provides funding to 10 regional local governing entities where they are conducting school-based prevention programs. Last year, the regional entities served 80,000 people last year so perhaps OBH can assist with maximizing resources by making some connections. Also, she shared that OBH funds the Caring Communities Youth Survey as well as

the Core Survey. She suggested that perhaps we can use the data to identify targeted areas to prioritize for accessing.

Karen St. Germain, Commissioner of the Office of Motor Vehicles, shared that maybe we need to try to get into the PTOs for those schools where we can't get into.

At this point, Lisa noted that due to a lack of time, we would include the rest of the priority areas in the minutes and move onto the final pieces of business before adjourning. Thus, the remaining priority areas are listed below.

3. Status of alcohol testing and refusals: state of practice in Louisiana and nationally
4. Status of drug testing and refusals: state of practice in Louisiana and nationally
5. State of evidence-based DWI/DUID countermeasures in Louisiana and nationally
6. Public awareness measures and opportunities

Other Business

A. Agency updates

No agency updates were offered.

B. Future meeting dates for DWI Task Force

Lisa raised the question of whether the members thought it would be feasible to meet an additional time before the end of the calendar year. The purpose of the meeting would be to finalize the end-of-year report. Members responded that they would like to convene again and, after some discussion, settled on mid- to late November. Kristy offered to look at calendars and follow up with a poll to include several options for the next meeting date.

Upcoming Meetings of Other Office of Drug Policy Boards

Lisa concluded by reminding everyone of the other boards and commissions managed by the Office of Drug Policy and pointed out that meeting dates for those groups are included on the agenda. All meetings are open to the public.

Adjournment

The meeting adjourned at 12:02 pm.

DWI TASK FORCE MEMBERS

Member Agency	Appointee/Designee	In Attendance
Attorney General's Office	Keetsie Gunnels	Yes
Governor's Office of Drug Policy	Dr. Chaunda Mitchell	Yes
House of Representatives member	Rep. John Stefanski	
Office of Behavioral Health	Dr. Leslie Freeman	Yes
Office of Motor Vehicles	Karen St. Germain	Yes
Louisiana District Attorneys Association	Norma DuBois	Yes
Louisiana Highway Safety Commission	Lisa Freeman	Yes
Louisiana Office of Alcohol & Tobacco Control	Juana Lombard	Yes
Department of Transportation and Development	Dr. Shawn Wilson	Yes
Louisiana Sheriffs' Association	Vacant	
Louisiana State Police Crime Lab	Rebecca Nugent	Yes
Louisiana State Police	Lt Colonel Jay Oliphant	Yes
Property and Casualty Insurance Commission	Tom Travis	Yes
Senate member	Vacant	
Mothers Against Drunk Driving	Valerie Cox	Yes
Louisiana Restaurant Association	Jeff Conaway	Yes
Louisiana Association of Chiefs of Police	Vacant	
At-Large	Delia Brady	Yes
At-Large	Pat Minor	Yes
At-Large	Dr. Beau Clark	Yes

STAFF

Kristy Miller – Office of Drug Policy

GUESTS

Kelly Simmons – Office of Motor Vehicles
 Janice White – Smart Start of Louisiana
 Mike Barron - Louisiana Highway Safety Commission
 Dortha Cummins - Louisiana Highway Safety Commission
 Adriane McRae – Department of Transportation and Development
 Dan Magri – Department of Transportation and Development
 Johnathan Hill – Louisiana Highway Safety Commission
 Bobby Breland – Louisiana Highway Safety Commission
 Colonel Kevin Reeves – Louisiana State Police
 Michelle Augustine – Alcohol and Tobacco Control
 Betsey Tramonte – Federal Highway Administration
 Dr. Adren Wilson – Governor’s Office