

Colorado Substance Abuse Trend and Response Task Force

Meeting Minutes

August 5th, 2022, 10:00 a.m. – 12:00 p.m.

Meeting Minutes

Members Present: Attorney General Weiser, Chief Rick Brandt, Matt Baca, Julia Roguski, Matt Holtman, Dr. Liz Hickman, Sheriff Jaime FitzSimons, Jack Reed, Melissa Divido, Tonya Wheeler, Andrés Guerrero, Hon. Elizabeth Weishaupl, Jose Esquibel

Department of Law Staff: Heidi Williams, Jamie Feld, Jack Patterson, Michael Angel, Jeffery Reister

Attendees: Jennifer Mackender, Jessica Eaddy, Avani Dilger, Melissa McConnell, Jenny Wood, Shaina Swain, Lindsey Simbeye, Adam Musielweic, Kent MacLennan, Kelli Sutton, Rachel Vilner, Rebecca Gleason (18th Judicial District DA's Office), Dante Gonzales, Jillian Morrison, Henny Lasley, Emily Fine, Ashley Brooks-Russell, Allison Rosenthal, Andrea Thomas

Welcome and Introductions

Attorney General Weiser provided welcome and thanked everyone for being present at the meeting

Review and Approval of Minutes

Attorney General Phil Weiser requested a motion to approve the minutes

Motioned

Seconded

Unanimously approved

Opioid Settlement Distribution Update and Next Steps

Director of Opioid Response Heidi Williams provided an overview of the All-Colorado Plan for the Opioid Settlement funds that was negotiated with the 312 signatory local governments.

Core Principles for All Colorado Plan

1. Maximize settlement funds
2. Utilize existing infrastructure to the extent possible
3. Ensure Equity for all local governments

Funds are allocated in four buckets, with 80% of all funds being directly distributed the 19 Regions and 312 Participating Local Governments. 60% for the Regional Share, 20% to the Local Government Share, 10% to the Infrastructure Share, and a 10% State Share. Funds must be used on Approved Purposes, defined by Exhibit A of the Colorado Opioid Settlement MOU. Approved Purposes are intention broad to work across the continuum of opioid response.

Next Steps for State Opioid Response Unit include planning the next annual Conference, further developing our data dashboard, and providing resources, technical assistance, and connections to the regions, local governments, and community stakeholders.

First distributions to Local Governments and Regions are expected fourth quarter. Local Governments directly receive their allocation (unless they have chosen to “opt-out” to pool their allocation with their region(s)). Regions must submit 2-Year Plans to receive funding

Heidi also shared the “Fentanyl: Overdoses and Impacts in Colorado” toolkit for fentanyl awareness as one of the currently available resources from the Attorney General’s office.

Fentanyl Awareness in Schools Discussion Follow-Up

Andrea Thomas representing Voices for Awareness Facing Fentanyl Foundation, presented on take-aways from the 5/29/22 Fentanyl Awareness in Schools meeting convened by the Department of Law for community stakeholders to discuss the current state of curriculum and programming in fentanyl awareness in schools across the state.

Andrea noted that experiences with student loss because of opioid usage was shared, and how organizations such as Rise Above are attempting to educate students as a preventative measure using evidence-based programs. Schools are working with students as well to understand the science of addiction and the legal issues with sharing prescription drugs.

Andrea emphasized a need to bring in-person youth prevention to our state with the next project. They noted that there is an expectation that youth can only be reached on social media, however in-person youth prevention is just as effective.

Andrea shared a list of resources and contacts from the meeting to allow for follow-ups and connection.

AG Weiser noted that we cannot overcommunicate this issue.

Fentanyl Legislation

Colorado Department of Law Director of Legislative Affairs & Assistant Attorney General Jeffrey Reister provided a quick evaluation of the recent Fentanyl legislation.

Section 18-1-711(3)(a), C.R.S. specifically creates immunity from arrest and prosecution for an offense described in section 18-18-403.5(2), C.R.S. The fentanyl bill, HB 22-1326, created a new subsection, section 18-18-403.5(2.5), to address possession of fentanyl (and related compounds) under four grams. However, this new (2.5) subsection is not referenced in the Good Samaritan statute.

So, in essence, subsection -403.5(2.5), does not come within the purview of the Good Samaritan statute and does not receive immunity, as currently constructed. Again, this is because the Good Samaritan statute does not reference subsection -403.5(2.5) (although someone who *uses* fentanyl could still receive protection under the Good Samaritan statute, *see* §§ 18-1-711(2) & (3)(b); 18-18-404).

Notably, the legislature did amend the Good Samaritan provisions with respect to other aspects related to fentanyl, for example in section 18-18-405(2)(a)(III)(a) (concerning distribution resulting in death) but did not do so with respect to possessing less than 4 grams of fentanyl (and related compounds).

This evaluation of HB 22-1326 and impact on Good Samaritan laws does not reflect the Attorney General’s opinion and ultimately is a question for District Attorneys who enforce this law along with local law enforcement.

Jeffrey also noted that the bill required the Department of Law to provide a report on fentanyl in the coming months.

Healthy Kids Colorado Survey

School and Youth Survey Manager Emily Fine and Ashley Brooks-Russell with the Colorado Department of Public Health and Environment discussed the purpose of the Healthy Kids Colorado Survey (HKCS) and the methodology of how the survey is given.

Methodology

- Aggregated data, random school sample, administered every odd-numbered year with weighted results. Emily stressed that the Survey is voluntary, confidential, and anonymous

Emily noted that new communities are being surveyed, online systems have been installed for survey administration, enabling quick turnaround of results for informing students and school health and better communication support from advocates and partners

Emily emphasized the following key messages when communicating about the survey

- Expansion of demographic questions to ensure inclusivity of all young people
- New questions were requested by several groups, refined through youth focus groups
- Asking a young person about their health is not harmful
- Districts can choose to use a censored version of the survey

Emily noted that policies and systems have a greater impact than individual choices in youth.

Inequities include geography, sexual orientation, race and ethnicity, and gender identity. Emily stressed a need to focus on the systems that create and perpetuate these inequities in Colorado.

Emily and Ashley Brooks-Russell provided the following results from the 2021 Healthy Kids Colorado Survey

- Increase in the % of youth who experienced depression in the past year
- No change in the % of suicidal ideation
- Decrease in % of youth who currently use substances
- Increase in youth perception that it is harder to access substances
- Increase in perceived risk of harm by substance
- Trans youth experienced significantly higher rates in depression and suicidal ideation, while YGBA youth saw similar results
- Higher Mental Health Risk factors for LGB students than straight students, transgender students than cisgender students, and females than males.
- Higher protector factors for stress management and recovery are the inverse of the risk factors.
- LGBTQ + Youth of color and disabled youth have lower rates of feeling like they belong at school, and having a trusted adult

Ashley Brooks-Russell emphasizes the importance of having a trusted adult, one is less likely to engage in substance abuse and have poor mental health if they can communicate with a trusted adult.

Colorado Public Safety Substance Use Trends

Colorado Department of Public Health and Environment DUI Statistical Analyst Allison Rosenthal shared update on current drug crime trends.

- Increase in drug arrests for synthetic narcotics
- Steep decline for cannabis arrests
- Decline in heroin arrests
- Huge decline in district court-drug filings
- Decrease in juvenile drug filings
- Large decrease in all drug seizures from customs and border patrol

- Fentanyl dosage units: huge increase in seizures

Demographics

- 25-44 males higher arrest rates
- Black and Hispanic people arrested at higher rates
- National trends on substance use
- High rates for Native Americans and mixed-race people

Impaired driving trends

- DUI arrests and cases have decreased
- Binge drinking trends are almost identical with DUI case filing trends
- Cannabis had highest rate of DUI filings

Allison Rosenthal summarized the trends, noting an overall decline of drug-related criminal activity though with a significant increase in fentanyl-related offenses and presence.

Closing and Adjournment

Attendees were thanked and reminded of upcoming conference in November.

Adjournment