

ALASKA STATE LEGISLATURE
SENATE HEALTH, EDUCATION AND SOCIAL SERVICES STANDING COMMITTEE

March 19, 2007

1:34 p.m.

MEMBERS PRESENT

Senator Bettye Davis, Chair
Senator Joe Thomas, Vice Chair
Senator John Cowdery
Senator Kim Elton
Senator Fred Dyson

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE CONCURRENT RESOLUTION NO. 4
Relating to public health and a health compact.
MOVED CSSCR 4 (HES) OUT OF COMMITTEE

SENATE BILL NO. 38
"An Act relating to scheduling Salvia divinorum and Salvinorin A
as controlled substances."
MOVED SB 38 OUT OF COMMITTEE

SENATE BILL NO. 100
"An Act relating to substance abuse and mental health disorder
prevention and treatment programs; and relating to long-term
secure treatment programs for persons with substance abuse or
co-occurring substance abuse and mental health disorders."
MOVED SB 100 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SCR 4
SHORT TITLE: PUBLIC HEALTH AND HEALTH COMPACT
SPONSOR(S): HEALTH, EDUCATION & SOCIAL SERVICES

02/21/07 (S) READ THE FIRST TIME - REFERRALS
02/21/07 (S) HES

BILL: SB 38
SHORT TITLE: SALVIA DIVINORUM AS CONTROLLED SUBSTANCE
SPONSOR(S): SENATOR(S) THERRIAULT

01/16/07 (S) PREFILE RELEASED 1/5/07
01/16/07 (S) READ THE FIRST TIME - REFERRALS
01/16/07 (S) HES, JUD, FIN

BILL: SB 100

SHORT TITLE: SUBSTANCE ABUSE/MENTAL HEALTH PROGRAMS
SPONSOR(S): SENATOR(S) ELLIS

02/28/07 (S) READ THE FIRST TIME - REFERRALS
02/28/07 (S) HES, STA, FIN

WITNESS REGISTER

Richard Benavides
Staff to Chair Davis
Juneau, AK

POSITION STATEMENT: Presented SCR 4

Representative Cissna
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Sponsor of HCR 1, companion bill to SCR 4.

Liz Clement
Staff to Representative Cissna
Juneau, AK

POSITION STATEMENT: Testified on SCR 4

Karleen Jackson, Commissioner
Department of Health and Social Services (DHSS)
Juneau, AK

POSITION STATEMENT: Testified on SCR 4

Diane Casto, Manager
Prevention and Early Intervention Services
Division of Behavioral Health
Department of Health and Social Services (DHSS)
Juneau, AK

POSITION STATEMENT: Testified on SCR 4

Senator Johnny Ellis
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Sponsor of SB 100

Kate Herring

Aide to Senator Ellis
Juneau, AK

POSITION STATEMENT: Testified on SB 100 for the sponsor

Sonia Subani
AARP Alaska
Anchorage, AK

POSITION STATEMENT: In support of SB 100

Nathan Johnson, Division Manager
Anchorage Municipal Department of Health and Social Services
Anchorage, AK

POSITION STATEMENT: In support of SB 100

Mike Ford
Alaska Native Health Board
Anchorage, AK

POSITION STATEMENT: In support of SB 100

Lonnie Walters, Chair
Advisory Board on Alcohol and Drug Abuse
Prince of Wales Island

POSITION STATEMENT: In support of SB 100

Margaret Lowe
Alaska Mental Health Trust Authority (AMHTA)
Anchorage, AK

POSITION STATEMENT: In support of SB 100

Jeff Jesse, Chief Executive Officer
AMHTA
Anchorage, AK

POSITION STATEMENT: In support of SB 100

Matt Felix
National Council on Alcoholism and Drug Dependence
Juneau, AK

POSITION STATEMENT: In support of SB 100

Dave Stancliff
Staff to Senator Therriault
Juneau, AK

POSITION STATEMENT: Presented SB 38

Jack Hurd
Alaska Scientific Crime Detection Laboratory
Anchorage, AK

POSITION STATEMENT: Testified on SB 38

Jack Degenstein
Alaskan Libertarian Party
Juneau, AK

POSITION STATEMENT: Against SB 38

ACTION NARRATIVE

CHAIR BETTYE DAVIS called the Senate Health, Education and Social Services Standing Committee meeting to order at [1:34:05 PM](#). Present at the call to order were Senators Thomas, Elton, Dyson, Cowdery, and Chair Davis.

SCR 4-PUBLIC HEALTH AND HEALTH COMPACT

[1:35:39 PM](#)

CHAIR BETTYE DAVIS announced SCR 4 to be up for consideration.

RICHARD BENAVIDES, aide to Senator Davis, sponsor of SCR 4, said that the resolution is a compact examining the multi-layered health crisis in Alaska. Medical costs rise while the physician population shrinks; while the legislature will work to improve this, individual Alaskans must also try to minimize their impact on the health care system. The compact will encourage Alaskans to make healthy choices and share their experiences and ideas with one another.

REPRESENTATIVE CISSNA, sponsor of HCR 1, companion bill to SCR 4, said that the resolution deals with the problem of health care, and the choices that Alaskans make for their own health. She explained how health habits are important to a person's well-being, and the legislature must help Alaskans change the way they care for their health. With this resolution the governor can make an invitation to the population to inform itself on its health and share information and stories; SCR 4 will start a statewide conversation on healthy living.

LIZ CLEMENT, aide to Representative Cissna, said that the House Finance subcommittee recently passed out recommendations for a \$2 billion dollar health budget for the next fiscal year; the resolution won't cost a cent, but provides a new approach to health education.

REPRESENTATIVE CISSNA said that SCR 4 asks the state department to look for a different way of communicating with the people of Alaska.

CHAIR DAVIS commented that she and Representative Cissna had discussed the SCR with the governor, and that all three had talked about options for early intervention and public involvement.

[1:42:45 PM](#)

KARLEEN JACKSON, Commissioner for the Department of Health and Social Services (DHSS), said that many people have been working on ways to get Alaskans to act together on health care.

[1:43:58 PM](#)

DIANA KASTO, manager of Prevention and Early Intervention Services with the Division of Behavioral Health (DBH) in the Department of Health and Social Services (DHSS), said that she's worked with Representative Cissna over the years, and the DBH wants to see people promoting healthy communities; the resolution speaks to this. In order for the state to be healthy, individuals must be healthy as well. As a state we must begin focusing on health issues, physically and behaviorally. The department looks forward to working to promote this.

[1:46:24 PM](#)

SENATOR COWDERY moved to adopt the proposed committee substitute to CSR 4, labeled 25-LS0627/K, Version K, as the working document of the committee. There being no objection, the motion carried.

[1:46:51 PM](#)

SENATOR ELTON said that the committee substitute changes the way of communication proposed in the original, and asked if there is a central way for getting the message of the SCR to the people of Alaska.

[1:48:52 PM](#)

REPRESENTATIVE CISSNA said that the language was changed because of concerns about the interpretation of the language. The core of the initiative is that it's voluntary; it's an invitation to change the way people think. People shouldn't expect more than the resolution actually contains, and the wrong wording would change the aim of the SCR.

1:51:11 PM

SENATOR ELTON said that the core of the compact seems to be ballooning, and that it may be difficult to share opinions about the resolution with the changed wording.

MS. JACKSON said that the real goal of the SCR is dinner-table conversations and person-to-person change; what the resolution addresses is supporting existing efforts rather than creating a new program.

SENATOR ELTON said that he doesn't mean to suggest the goal is faulty; if a compact is created to encourage healthy choices, there should simply be follow-up.

MS. JACKSON concurred.

1:54:33 PM

SENATOR DYSON said that he agreed with Senator Elton, and that somehow a tracking method should be created as well as an outlet for people's success stories and comments. He added that he hopes that this will be done even if it's not included in the language of the SCR.

CHAIR DAVIS said that the issue is important, and perhaps the committee could add text to the SCR encouraging such developments.

SENATOR ELTON said that in the CS there is a component that points to the sharing of experiences. He emphasized that community involvement is important for personal success, and that maybe the existing language should be improved.

He then moved to adopt a conceptual amendment to SCR 4.

SENATOR DYSON suggested talking to other people about the change in languages before amending the resolution.

CHAIR DAVIS suggested deciding to accept the amendment immediately.

SENATOR DYSON said that perhaps the authors of SCR 4 would have the best suggestions.

REPRESENTATIVE CISSNA said that the language won't be as important as the intention.

There being no objection, the motion carried.

[2:00:39 PM](#)

SENATOR ELTON moved to report CSSCR 4(HES) from committee with individual recommendations and accompanying fiscal notes. There being no objection, the motion carried.

SB 100-SUBSTANCE ABUSE/MENTAL HEALTH PROGRAMS

[2:01:42 PM](#)

CHAIR BETTYE DAVIS announced SB 100 to be up for consideration.

SENATOR ELLIS, sponsor of SB 100, cited statistics regarding alcohol abuse in Alaska, and said that it's no revelation that the issue is huge, tragic and expensive. The bill is long overdue, and the state of Washington (WA) has set an example for what SB 100 could do in Alaska. There is growing recognition of the link between substance abuse and mental illness. As resources allow, these would be the priorities outlined in the bill: treatment for incarcerated sufferers, children, and certain populations. The bill also mandates priority treatments for pregnant women in in-state programs, and provides a non-discrimination clause for effective faith-based programs, which have shown to be very helpful in prisons and other public institutions when state services are lacking.

He continued to explain that section eight of the bill would create a facility for involuntary commitments. The state of WA has shown that it's an effective solution for many people; it would not be for street inebriates, but rather people who are severe substance abusers who are dangerous to themselves and others. This bill would simply expand the existing program, which is currently underused; it proposes a small number of beds and a secure facility. People often walk out of detoxification facilities and return to the same abusive lifestyles; the population of these repeat offenders is around 40 in anchorage. A University of Alaska Anchorage study recommended that forced interventions towards these users could be effective. These high-end users constantly cycle through the system at great cost to the state.

He said that the bill could be a vehicle for working together to find a better approach to treating this issue.

[2:12:32 PM](#)

SENATOR DYSON asked which part of the bill addresses the faith-based-initiative funding.

SENATOR ELLIS replied that the provision is in line 30 of the bill.

SENATOR DYSON commented that faith-based programs are very effective, and asked if that provision of the bill might be challenged in any way.

SENATOR ELLIS said that he'll have the Department of Law look at the language of the bill.

SENATOR DYSON commented on a program in Anchorage that's currently underused because it's faith-based.

SENATOR ELLIS said that the bill has a fiscal note of \$1.9 million for the secure-bed facility, and that it would make sense to have the beds co-located with a detoxification program.

[2:16:07 PM](#)

SENATOR COWDERY asked when the pilot program in WA state will be completed.

KATE HERRING, aide to Senator Ellis, said that the WA program is just now getting underway and will be completed in 2 years. WA has had the facilities for years now, and the new program is just for a secure facility.

SENATOR COWDERY asked how SB 100 differs from the WA bill.

MS. HERRING said that the language in Alaska's bill is less colloquial, and that the one main difference is that Alaska only sets up one pilot program versus WA's two.

[2:18:30 PM](#)

SENATOR DYSON said that some people in Juneau who have been using an involuntary commitment program are claiming significant success.

SENATOR ELLIS said that he would look for data on this.

[2:19:42 PM](#)

SONIA SUBANI, with AARP Alaska, asked if the committee received her letter of support.

CHAIR DAVIS replied that they had.

MS. SUBANI said that substance abuse is prevalent in Alaska, particularly among older citizens. Currently there's only one treatment center for older Alaskans in Anchorage; often abuse problems are confusing to a lot of people and are misdiagnosed by those treating them. The AARP is also concerned with how abuse affects grandchildren of its members, who often live with the grandparents because of their own parents' problems.

[2:23:10 PM](#)

NATHAN JOHNSON, Division Manager for the Anchorage Municipal Department of Health and Social Services (DHSS), said that the department continually struggles with treating abuse and the bill will help its efforts greatly. The Alaskan statistics for alcohol and drug related issues are high, and treatment ability is critical to reduce costs. The lifetime financial cost for a baby with Fetal Alcohol Syndrome, for example, is almost \$3 million. A limited number of people are responsible for the bulk of drug and alcohol abuse incidents in Anchorage; they're a major burden on tax dollars and a more comprehensive means of treating them is necessary.

[2:26:00 PM](#)

MIKE FORD, with the Alaska Native Health Board, said that this area of concern deserves a sharper focus, and the individuals being discussed today are a major cost and should be targeted.

[2:27:33 PM](#)

LONNIE WALTERS, Chair of the Advisory Board on Alcohol and Drug Abuse, related his history with involuntary commitment work, and said that he has never seen more success than with such programs. The system won't necessarily burden the court system, because people can often be persuaded to enter on their own recognizance. Cuts in treatment funding for involuntary commitment have made the waiting list incredible long.

He concluded by saying that he wholeheartedly recommends the program and its high success rate.

[2:31:02 PM](#)

SENATOR ELTON asked what the commitment process entails.

MR. WALTERS said that state laws need to be carefully consulted before the involuntary commitment process is used, and the Alaskan and Washingtonian laws are very similar. In his experience, he would obtain letters of support from family and friends of individuals.

SENATOR ELTON asked if Mr. Walters, in his past involuntary commitment experience, had remained involved through the patient's process and treatment.

MR. WALTERS said that he did not, and gave an example of how the program worked in WA.

SENATOR ELTON asked how Mr. Walters felt about turning a patient over to people unfamiliar with their particular case.

MR. WALTERS said that it's not a problem with a good counselor, and that the counselors were provided with information beforehand; such programs have the highest success rates he's ever seen.

[2:35:35 PM](#)

MARGARET LOWE, with the Alaska Mental Health Trust Authority (AMHTA), said that substance abuse is very often linked to child abuse, and the state is in great need of more treatment options. Far more money needs to be spent on treatment facilities and personnel to make a difference in the future of the state.

JEFF JESSE, Chief Executive Officer for the AMHTA, said that he's pleased with the bill and impressed with the grants for evidence-based programs and the prioritization of pregnant women; in the long run, there will be significant cost savings. The pilot program is important because 20 percent of chronic substance abusers cases incur 80 percent of the associated costs; they need to be held accountable for their behavior.

[2:40:20 PM](#)

MATT FELIX, with the National Council on Alcoholism and Drug Dependence, said that during the years when the Juneau Hospital did involuntary commitments the program was very successful. The most chronically addicted were committed, and many of them are

still sober today; they needed to be forced to turn their lives around. Addiction isn't a choice, but a loss of control.

[2:42:58 PM](#)

SENATOR ELTON asked for the elements that lead to commitment.

MR. FELIX said that laws protect civil rights very well, so the process before court is lengthy; loss of control must be proved, as well as the chance of rehabilitation. The program was successful in Juneau because it was a city program with access to the city lawyers.

[2:44:36 PM](#)

SENATOR THOMAS said that hopefully the program will do some good because the present situation needs to be changed; he asked what the problem is with convincing people to agree to funding the program, and what effort is needed to show that the program is effective.

MR. FELIX said that per capita alcohol consumption has fallen to under a gallon annually in Alaska, partially due to awareness of abuse problems. He added that addiction is better understood now, and treatment is getting to be more effective.

SENATOR THOMAS asked if alcohol abuse is being replaced by drug abuse.

MR. FELIX said that alcohol is a drug of choice, and in Alaska it's the major problem.

[2:50:09 PM](#)

SENATOR THOMAS moved to report SB 100 from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

SB 38-SALVIA DIVINORUM AS CONTROLLED SUBSTANCE

[2:51:04 PM](#)

CHAIR BETTYE DAVIS announced SB 38 to be up for consideration.

DAVE STANCLIFF, staff to Senator Therriault, sponsor of SB 38, said that the bill would add *Salvia divinorum* to the state's list of controlled substances. It's the most potent naturally occurring hallucinogenic substance on the planet; there are

groups on both sides of the issue of classification, and Mr. Stancliff cited testimony from users. Alaska is considered to be a "green-light" state for shipping of the substance, meaning it can be easily obtained over the internet without legal ramifications. It has gained popularity as a legal alternative to marijuana, and many young people have access to it. Studies indicate that the use of it is rising, while the internet is making it very easy to find. The state crime lab is in the process of creating a way to identify the presence of the drug in a user's system. SB 38 will send a message to all using the drug that it's a substance that is unpredictable, powerful, and dangerous, while allowing it to remain prescribeable for medical reasons. He added that the drug is currently available in Juneau and online; he showed print-outs from the internet showing the prevalence of *Salvia divinorum* information on the internet.

[2:59:21 PM](#)

SENATOR COWDERY asked if the drug is a plant.

MR. STANCLIFF said that it's a plant grown in Mexico, and a member of the sage genus; there's no blood or breath test available for the drug. The main purpose of the bill is to act as a disincentive to people shipping it to Alaska.

SENATOR COWDERY asked about the effects of the drug.

MR. STANCLIFF said that according to online research, the drug causes hallucinations and a state of uncontrolled delirium. It would be dangerous to operate a motor vehicle under the influence.

[3:02:03 PM](#)

JACK HURD, analyst for the Alaska Scientific Crime Detection Laboratory, said that he was available for questions on the bill.

SENATOR DYSON asked if people are victimized under the influence of the drug.

MR. STANCLIFF said that that would be possible.

SENATOR DYSON asked how many other states have criminalized the drug.

MR. STANCLIFF said that four states have banned it, and at least seven countries have banned it or control it heavily.

3:03:25 PM

SENATOR ELTON asked if the state crime laboratory is currently developing tests for identification in a person's body, and asked if there are costs incurred by the process.

MR. HURD said that the costs would be negligible.

SENATOR ELTON asked if the drug is federally banned.

MR. STANCLIFF said that the DEA has not placed it on its controlled substance list, although there have been several measures before Congress to begin that action.

3:05:06 PM

JACK DEGENSTEIN, with the Alaskan Libertarian Party, said that he's studied the plant for the last four years, and the information in the sponsor statement is skewed. He said that the news on the drug has changed to become more pejorative over time, and that facts often cited about the case of a kid who committed suicide under the influence were not clearly used.

He explained that *Salvia divinorum* is not a similar substance to LSD or marijuana. The bill proposes to keep children from accessing the plant, but since it's federally legal it can't ever become totally illegal in Alaska. Other substances are more dangerous than *Salvia divinorum*, which doesn't cause brain damage. If *Salvia* is made illegal, it will simply be replaced by something else. It will only make criminals out of law-abiding citizens, and people using it irresponsibly will continue to do so. Vendors have said that they will continue sending it to Alaska despite a state ban, so the bill will be pointless.

He explained how the drug has been found to relieve depression where other substances have failed. Recent studies have shown that it relieves cocaine and opium addiction in rats; if the plant is made illegal in the state, research possibilities will be limited. The drug is non-toxic even with prolonged exposure, and shows promise in addiction help; the bill would be harmful to those wishing to cease their addictions. The bill could be altered to allow for older individuals to receive the plant; Maine is attempting to make it legal for those 18 and older, but

a felony for provision to underage kids. The people who want to use the plant responsibly shouldn't be punished.

SENATOR COWDERY asked if the testifier had used the drug.

MR. DEGENSTEIN said that he had, 4 months previously.

SENATOR COWDERY asked how he found the plant.

MR. DEGENSTEIN replied that he ordered a live plant over the internet.

DAVIS said that there were some concerns about the bill but she thought it should be allowed to move through the system. She then asked the will of the body.

SENATOR COWDERY moved to report SB 38 from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

CHAIR DAVIS, seeing no further business before the committee, adjourned the meeting at [3:16:47 PM](#).