

## CHSP Impaired Driving Emphasis Area Virtual Meeting

Wednesday, March 8, 2023  
10am-noon



### Attendees:

Alyssa Johnson, Trauma Systems Manager, Department of Health and Human Services (DPHHS)  
Amanda Dunn, Education Specialist, Cannabis Control Division (CCD), Department of Revenue (DOR)  
Barb Reiter, Jefferson Co DUI Task Force Coordinator  
Brooklyn Johns-Blassic, FARS Data Analyst, State Highway Traffic Safety Section (SHTSS), Montana Department of Transportation (MDT)  
Captain Doug Samuelson, Drug Recognition Expert (DRE) Trainer / Traffic Safety Resource Officer, MHP  
Cynthia Swenson, STEER/DUI Treatment Court Coordinator, 13<sup>th</sup> Judicial District  
Dwight Nelson, Traffic Education Director, Office of Public Instruction  
Ed Hirsch, Traffic Safety Resource Prosecutor, AGO  
Gary McDonald, Roosevelt Co Commissioner/DUI Task Force  
Janet Kenny, SHTSS Supervisor, MDT  
John Westerhold, NHTSA Region 10 Program Manager  
Judge Mary Jane Knisely, 13<sup>th</sup> Judicial District  
Kent Haab, Alcohol Beverage Control Division (ABCD) Education, Department of Revenue (DOR)  
Kevin Dusko, Impaired Driving Program Coordinator, SHTSS, MDT  
Kimberly Koch, Prevention Manager, Behavioral Health & Development Disabilities, DPHHS  
Mark Keeffe, Data Analyst-SHTSS, MDT  
Natalia Bowser, Board of Crime Control (BOCC)  
Pam Langve-Davis, Comprehensive Highway Safety Plan (CHP) Manager, MDT  
Sarah Harmon, AMDD Prevention Program Manager, Substance Abuse Block Grant, BHDD, DPHHS  
Steve Schmidt, Drive Safe Missoula, Missoula Ci-County Health Department  
Tanner VanWyck, Educational Specialist, CDD, DOR  
Trooper Ryan Janes, Traffic Safety Resource Officer, MHP

**Meeting purpose: Discuss the recommendations of the Impaired Driving Assessment and the States response to the recommendations to be rolled into workplan.**

**Legislative Updates-** Chair Kevin Dusko provided an overview of legislative bills related to impaired driving and included whether the bills strengthen efforts to reduce impaired driving or are a threat to preventing impaired driving fatalities and serious injuries.

Bill Number: SB13

Title: Revise DUI laws related to admissible tests for presence of drugs

Legislative Intent: An act providing additional types of bodily fluids to test for the presence of drugs in driving while under the influence cases.

Current Status: Passed Senate, sent to House Judiciary

- Strengthens efforts in reducing impaired driving related fatalities & serious injuries.

Bill Number: HB92

Title: Revise laws related to addiction counselor assessments in DUI cases

Legislative Intent: An act allowing the department of justice to accept a licensed addiction counselor's assessment in determining whether to restore driving privileges for individuals convicted of an offense involving driving under the influence.

Current Status: Returned from enrolling.

- Mainly a clean up Legislation seen as positive.

Bill Number: SB107

Title: Revise laws relating to civil liability for injuries related to alcohol

Legislative Intent: An act revising laws relating to civil liability for injuries involving alcohol overconsumption; providing that statutory law precludes a claim under any other theory of recovery or common law claim for injury or damages involving the alcohol consumer; clarifying laws related to the serving of alcohol consumers; providing considerations required of a jury or trier of fact; prohibiting certain considerations by a jury or trier of fact; revising who may bring a civil action; revising notice requirements; revising punitive damage.

Current Status: Passed Senate, hearing in House Labor, pending executive action.

- Watching this Legislation and still waiting for outcome

Bill Number: HB279

Title: Revise alcohol laws relating to server training.

Legislative Intent: An act revising laws related to responsible server and sales training programs concerning alcohol; requiring two training programs related to whether the server is employed at a licensed location where on-premises consumption of alcohol is allowed; requiring that a program for employees of licensees only providing off-premises consumption must take less time; specifying the minimum requirements for the training programs; and amending section 16-4-1006, mca."

Current Status: Passed House, transmitted to Senate.

- Unknown of exact impact to reducing impaired driving efforts.

Bill Number: HB437

Title: Revise Drug laws

Legislative Intent: An act generally revising criminal drug laws; removing items related to testing drugs from the list of paraphernalia; removing the limitation on the type of tetrahydrocannabinols that must be present to constitute driving under the influence; amending sections 45-10-103 and 61-8-1002, mca; and providing an immediate effective date."

Current Status: Passed House, transmitted to the Senate.

- Strengthen laws regarding reducing impaired driving MV fatalities & serious injuries.

Bill Number: HB681

Title: Revise laws related to sample collection to test for driver intoxication

Legislative Intent: An act revising laws related to the collection of breath, blood, urine, and other bodily fluid samples from a person suspected of driving under the influence; requiring that the sample be collected without unreasonable delay after establishing particularized suspicion or probable cause, or obtaining a search warrant; allowing a peace officer to request a search warrant for a blood sample if the peace officer has probable cause that a person was under the influence of drugs, alcohol, or both and was involved in an accident or collision that resulted in serious bodily injury or death; allowing a peace officer to use reasonable force to obtain a sample when a search warrant is issued for the sample; and amending section 61-8-1016, mca."

Current Status: Passed House, transmitted to the Senate.

- Strengthen laws regarding reducing impaired driving MV fatalities & serious injuries.

Bill Number: HB704

Title: Revise laws related to expungement of a dui

Legislative Intent: An act revising laws related to expungement of driving under influence offenses; providing that expungement is presumed when the vehicle that the person was inside did not move; and amending sections 46-18-1107 and 6 46-18-1108, mca."

Current Status: Passed House, transmitted to the Senate.

- Weakens DUI laws and efforts to reduce impaired driving & related MV fatalities & serious injuries.

There were bills that were tabled including one defining physical control of a motor vehicle in relation to a DUI, changing legal drinking age, & 1<sup>st</sup> time DUI. It was noted by the Traffic Safety Resource Prosecutor that it was apparent that there was a need to educate legislators and risks associated with being in actual physical control of a vehicle while impaired.

CHSP manager Pam Langve-Davis asked the questions to the group knowing there may be a likelihood to see these types of bills again in two years - What can be done to educate decision makers in advance of the next session?

### **Discussion of Assessment Recommendations and draft State Responses-**

Kevin provided an overview and shared screen of the document that was sent out to the group in advance. Kevin has been working with individuals to gather their input on the response document and rolling into the workplan for Executive leadership Team (ELT) approval.

Pam encouraged attendees to carefully review any safety efforts that may be associated with agencies and organizations; and if there are any concerns to please bring to Kevin's attention.

### **Strategy Updates**

#### **Strategy 1 - Deterrence and Enforcement-**

MHP Capt Doug Samuelson reported on DRE scenario raining in Stillwater & Carbon counties. ARIDE courses are being planned as is Advanced Trial Court training. 2023 DRE classes are being scheduled. He is planning to attend a green lab training in Colorado.

- Kevin will touch base with Spencer Harris for the other Strategy 1 efforts.

#### **Strategy 2- Prevention and Education**

Kimberly Koch reported that the Prevention Academy is planned for Aug 1 & 2 at Fairmont. Currently, developing sessions and lining up speakers. A topic of interest is prevention of underage youth use of marijuana. A potential topic of focus to address is alcohol use and abuse at the collegiate level. Steve Schmidt shared the Think Twice [www.dui prevention.org](http://www.dui prevention.org) has a couple college focused programs.

Information on the Substance Abuse Prevention Program can be found at [prevention \(mt.gov\)](http://prevention.mt.gov). A list of prevention specialist can be found at [Data and Resources \(mt.gov\)](http://Data and Resources (mt.gov)).

Following the meeting Kim shared the Behavioral Health in Montana 2022 report that was sent out to the group. A link will be provided when it is posted.

Alyssa Johnson shared that the Trauma WebX is well received and is working on grant funded by SHTSS. Currently, working on trauma designation criteria for verification for Trauma I hospital. Annual reports and several epidemiology reports and fact sheets relevant to the CHSP Emphasis Area have been developed by Hannah Yang have been posted.

[Trauma Report 2022: A summary of 2021 data \(mt.gov\)](http://Trauma Report 2022: A summary of 2021 data (mt.gov))

[Summary of Alcohol Use in Montana \(mt.gov\)](http://Summary of Alcohol Use in Montana (mt.gov))

[Alcohol 1pager.pdf \(mt.gov\)](http://Alcohol 1pager.pdf (mt.gov))

[Opioid Use in Montana \(mt.gov\)](http://Opioid Use in Montana (mt.gov))

[Fentanyl Facts \(mt.gov\)](http://Fentanyl Facts (mt.gov))

[Methamphetamine Use in Montana \(mt.gov\)](http://Methamphetamine Use in Montana (mt.gov))

[Summary of Marijuana Use in Montana \(mt.gov\)](http://Summary of Marijuana Use in Montana (mt.gov))

[Cannabis \(Marijuana\) Use in Montana \(mt.gov\)](http://Cannabis (Marijuana) Use in Montana (mt.gov))

[2022 EMS Suspected Opioid Overdose Report \(mt.gov\)](http://2022 EMS Suspected Opioid Overdose Report (mt.gov))

[MTOpioidODSyndromeEMS.pdf](http://MTOpioidODSyndromeEMS.pdf)

[Special Emphasis Report: Unintentional Motor Vehicle Traffic Injuries \(mt.gov\)](http://Special Emphasis Report: Unintentional Motor Vehicle Traffic Injuries (mt.gov))

[SeatbeltFactsheet.pdf \(mt.gov\)](http://SeatbeltFactsheet.pdf (mt.gov))

A full list of reports can be found at [Data Collection and Reporting \(mt.gov\)](http://Data Collection and Reporting (mt.gov))

Kent Haab, ABCD reports that responsible alcohol sales and service (RASS) training has been provided to Dillon and Livingston Police Departments. . A new curriculum is being rolled out for RASS training.

Steve Schmidt shared he has been / will be involved in various educational opportunities, including speaking at upcoming Montane Traffic Education Conference (MTEA) and the Lifesavers Conference among others. Dwight Nelson, Traffic Education Director , OPI shared he is working on the MT D.R.I.V.E. CDL program, which came about due to the shortage of school bus drivers.

### **Strategy 3- Criminal Justice System**

Judge Knisley reported that CAMO & STEER continues with implementation an active in training other Treatment Courts in the Country. STEER has again been recognized as an Academy court . There is a scheduled Operation Tune-Up Training in May where 7 Treatment Court will be attending . Judge Knisley extended invitation to team members to attend the STEER Court. STEER meets every Wednesday of the week. There are 91 participants in the month of April. Currently working to finish National Center of DWI Courts Research. There has been some staff turnover. John Ryan is the new prosecutor. Referrals remain consistent. About 20% have cannabis on board with alcohol . Recidivism is still low at < 10%. Teleservice track is funded for 7 years by MDT. There is a tribal connection with federal courts to serve tribal members.

Ed Hirsch, TSRP put the call out to let prosecutors and law enforcement that DUI Prosecution training is available. Trainings are scheduled through June.

Kevin shared that the Crime Labs annual report will be out soon.

Tanner Van Wyck, CCD educational specialist with DOR reported that they have developed and continue to work on education and promote responsibility and proper storage of adult use recreational marijuana products.

### **Strategy 4 - Communication Program**

Janet Kenny, SHTS supervisor relayed that MDT is recommitted to promote positive messaging and are in the formative stages of media campaign to be rolled out this summer. Enhanced focus on distracted driving and speeding will be promoted with additional of other funding made available for safety messaging.

### **Strategy 6- Program Evaluation and Data**

Kevin will be having a focused data discussion and topic will be a focus of the April meeting. There is a Criminal Justice data legislation (SB 11), which will have an impact on the Montana Board of Crime Control if passed. Brooklyn Johns- Blassic reported that the 2021 date files including impaired driving has been submitted to FARS/NHTSA.

### **Announcements & Training**

- Big Sky Alcohol and Drug Symposium – May 4-5, Billings, MT
- DUI Court Operational Tune-up Training. May 9-10, Billings, MT
- Substance Abuse Prevention Academy. August 1-2, Fairmont Hot Springs
- [Crime Prevention Conference](#), October 3-4, Fairmont Hot Springs
- 2023 Annual Transportation Safety Meeting, October 4-5, Helena

### **Next Meeting**

- April 13, 2023
- Executive Leadership Team, June 2023

### **Adjournment**