

Governor's Commission on Alcohol and Other Drugs
Meeting Minutes 06/23/2023
9:30am- 11:30am
NH State House
Executive Council Chambers

Attendance: Steve Ahnen, James Boffetti, Kara Buxton, Alex Casale, Russ Conte, Jen Hunter, Annette Escalante, Traci Fowler, Katja Fox, Chief Mark Armaganian, Helen Hanks, Keith Howard, Matthew McKenney, Major General David Mikolaities, Robert Quinn, Pastor Kathie Saari, Seddon Savage MD, Charlotte Scott, NH Governor Chris Sununu, Kate Thomson, Patrick Tufts, Senator David Watters, Lori Weaver

Approval of Minutes (Vote) and Presentation Interest Forms, Patrick Tufts

Chairman Patrick Tufts welcomed everyone to the meeting, stating there was a packed agenda with some great presentations, so he would be watching the time closely. He requested that we get through both planned presentations before asking questions. He added if there is time, he will take questions from the public, but otherwise, he would limit questions to commission members only.

Patrick referred to the Medicaid expansion letter and thanked everyone for their feedback. He also informed the board that Amy Daniels brought copies of a Presentation Interest Form, and asked the commission to please fill them out and return them to Amy. He stated that he would like to try to focus on having at least one knowledge presentation at each meeting throughout the year.

Patrick asked for a motion to approve the 04/21/23 minutes.

First: Steve Ahern

Second: Annette Escalante

No objections. Alex Casale abstained. Motion carries.

Commissioner's Update: Lori Weaver

Commissioner Lori Weaver announced that we have a budget. The commission welcomed this news with a round of applause. Lori thanked everyone who had helped and stated that the department has already begun working on what Medicaid expansion will look like and how messages will go out to people. The plan is to engage and communicate often. Next, she updated the commission on the construction project that is set to begin soon, adding that the Youth Development center had its first meeting last week, and they are looking mostly at how it will impact the community where it is located. She then added an update on the psychiatric residential facility which opened recently, and is now up to 6 residents. Lastly, Lori announced that Director Joe Ribsam has moved on and they are in the process of actively pursuing a replacement.

Director's Report, Katja Fox

Katja referred to the dashboard in the packet, focusing on the number in the right-hand bottom corner. When the Budget Task Force makes recommendations, it comes out of this uncommitted amount, which is \$3.8 million. Some of the money for 2024 is already committed and this is what is remaining. Some other areas of interest were the additional appropriation of over \$2 million for Recovery Friendly Workplace, which will essentially be \$1 million per year. There are also prevention funds as well as grief support for youth, as there are children who are without parents due to substance use. She added there are lots of good things in the budget and thanked everyone who supported it.

Chairman Patrick Tufts asked if we will be looking at both 2024 and 2025 at the August meeting, to which Katja replied yes. He reiterated that the important number is the \$3.8 million. Patrick also added that New Hampshire Governor Chris Sununu would be coming today, though this was not on the agenda.

Budget Task Force, Traci Fowler & Matt McKenney

Matt McKenney started off by thanking the Budget Task Force for their work and asked for a motion for \$1.5 million to be applied to state contact treatment for underinsured patients.

First: Helen Hanks

Second: Senator David Watters

Seddon Savage requested that they tell the commission a little more about it. Traci Fowler said there is a lack of revenue stream for folks who are underinsured, and this funding would be for them. Seddon asked if these folks are not getting treatment. Matt replied that if someone comes to a facility presenting primarily for alcohol use disorder, there is currently no funding for that, and that is the case throughout the state. This funding is intended to provide flexibility in those situations and to offset those costs. Annette Escalante added that many patients end up on the waitlist. The contracted funds can only go so far for this population.

Final vote: Annette Escalante abstained. No one opposed. Motion carries.

Katja said there are some treatments that go through funding very quickly. Patrick noted there are targets in the plan that are not met or funded yet. Matt said the thought is to have some funding available for emergent needs, which they are working on developing a transparent process for. He added that having some funds left is good because it allows us to be agile and responsible. Senator David Williams asked if it would make sense to designate some money to an emergent-needs fund. Patrick answered that we could, but it is probably not necessary. The commission has met their obligations in the past and has done a good job of being transparent about how current and future money is being committed, and of assuring people that these dollars are getting out there in the community. Helen Hanks added that she worries this could cause people to say we don't really need all the funding.

Presentation, NH High Utilizer Project, Gina Evans

Next, Commissioner Hanks introduced the manager of the NH High Utilizer Project, Gina Evans. This project involved learning about where we can intervene and divert people with various mental illnesses from the justice system. These issues encompass all mental health disorders, including substance use disorder. The data reflects that while 55% of people who leave state corrections do not come back in five

years, 44% are returning for parole violations, most of which are repeat acts that interfere with public safety. The project focused on jail recidivism, and how a small percentage of people create a large amount of traffic cycling through the jail. Just 9% of the people cycling through the jail represent 35% of jail entrances. It is important to determine who those people are, and what their behaviors are. Gina added that 89% of those people had a history of Medicaid enrollment, with 93% of them having some sort of behavioral health claim. 40% checked off that they were homeless at the time of enrolling in Medicaid. She reminded the commission that this is a highly complex population. Jail costs in 2019-2021 were \$60,500,000, and that was just to incarcerate people in a county jail. Medicaid reimbursement was another \$33,200,000. \$3.5 million were for emergency room visits, and \$17 million were opioid related claims. Overall, \$93.7 million dollars were spent on this population. Gina stated that she has worked with lots of states to fix issues like this. Patrick added that he will distribute the full report to the commission.

Update on the Legalization of Marijuana, NH Governor Chris Sununu

Governor Sununu joined the meeting to provide an update, stating that one of the bigger changes he intended to discuss was his pivot on the legalization of marijuana, and the driving force behind that. He said he realizes this may have taken some folks by surprise, and while his personal feelings have not changed, the reality is that it is going to pass, and it will be veto-proof. There are certain individuals in the Senate who will support legalization, and it was going to pass overwhelmingly. Governor Sununu added that he had two options. One was to hold the line, as legalization creates more problems than it potentially solves. He knew, however, that the system they would put forward would be fraught with problems like Maine and Massachusetts have, so he decided to cut a deal and get behind this. Governor Sununu stated that there is a responsibility in designing the best system possible, a lot of factors would go into it, and he will get behind it if we can do it the right way. He noted that the number one thing he hears when implementing this type of plan is that you better be careful.

In NH, we have a liquor commission, so we already have a system in place that can be used. The governor added that this is an amazing tool that no other state has, and it gives us an advantage. He said that when he drove through Berwick, there were pot shops everywhere, which many residents do not like. New Hampshire, on the other hand, would do this in a way so that the marketing and messaging is controlled. We can make sure that under the state's control, the shops will never be placed near a school, for example. We would not have hundreds of stores across the state like other states have, nor would we be out of control with billboards and digital ads. We would control the messaging. Governor Sununu emphasized that while he does not believe that the state does anything better than the private sector, his main concern is around the safety of kids, and the state can take an approach that could work with this in mind. We could allow marijuana to be available recreationally for adults while also minimizing its impact and availability to children.

Governor Sununu added that other factors have changed in recent years as well, and poly drugs are a real issue. Different types of opioids, including fentanyl, are being laced into everything. He made the case that we could minimize the harmful effects of black-market opportunity if we are controlling it. The governor added that he would never tax this because the key is to undercut the cartels, stressing that this is not being done as an opportunity for state revenue. The idea is to keep a tax off it, sell it for a small profit margin, and keep it manageable. He added that if in ten years he was no longer the governor of New Hampshire, he would be kicking himself if he drove through our towns and saw pot shops everywhere the way that other states have let that happen. The governor added that in other

states, this is almost always done on ballot referendum, but we do not have that here. He knew this was going to come to his desk in such a way that he would not be able to hold the line, so he decided to get behind it in a better way, and to design and utilize this resource that we already have in place. It is coming down the pike very quickly, and we do not know who the next governor will be.

Sununu vocalized that holding back on this issue is one of the hardest things he has had to do as governor, and this has come from both parties on both sides of the aisle. He has had to continuously negotiate to keep this issue off his desk, adding that while the Senate usually holds the line, this has now fallen apart. It would be hard on the next governor to hold the line given the current dynamics, and now we have the opportunity to do this the best way we can. The whole point is to try to keep it in the right box. Sununu added that he is a big believer in what we are doing with the Medicaid rates, attracting more social workers, and making investments for folks who really need services, as there are still huge gaps in the system. We have data that will allow us to focus on reducing recidivism, and there is a lot of opportunity to take on a lot of that.

Chairman Patrick Tufts opened the floor up for questions from commission members. Seddon Savard thanked Governor Sununu for his thoughtful approach. She added that she sits on the Therapeutic Cannabis Medical Oversight Board and asked how therapeutic cannabis will interface with recreational cannabis.

Sununu warned about crossing over the recreational side with the therapeutic side, insisting that the state control most of the retail sales. He added that if you test what other states are selling, it is not what it says on the package. Shops buy stuff that says it has "X" amount of TCH, but when it is brought to the lab, none of that criterion is met. He stated that we will have tight standards on labs and let the state run most of the recreational side.

A member of the public asked the governor if he has looked closely at what this will look like if it passes in terms of minimizing harm to youth. A control model for liquor makes the most sense, but how does he envision legality at the federal level? Governor Sununu said discussions from the industry saying that it will not work because of federal issues are a red herring, and anyone trying to push that argument is just trying to make money for themselves. Other states who have gone down this path do not have a single issue with fully regulated banks controlling their cash. They are not going to suddenly start implementing laws and this administration is not going to get into something like that, which would affect California negatively. A member of the public stated that she would also like us to look more closely at products for liquor that appeal to kids like toys and marketing, which the governor also agreed with.

A member of the public asked if profits from marijuana sales could ultimately go towards treatments. The governor replied that he thinks everyone understands that this is an opportunity, and while he is not going to veto something based on that, he feels very confident that this is not just a general fund financial draft. He added that they will make more money if they do not tax it. He pointed to our liquor, and how we are far and away the most profitable liquor-controlled state. We do not have taxes, but we market it responsibly and well, and our stores are inviting and not scary places. Everyone is looking at the different opportunities, but this group should have a voice. It is not like the liquor funds of \$10-12 million a year, it is going to be a lot more than that.

Chairman Tufts thanked Sununu for the budget, which includes full funding for this commission, adding that did not go unseen or unappreciated. Charlotte Scott added her thanks for the \$40,000 for communities' coalitions that was built in, stating that will have a huge impact on sustainability.

The governor called it a "miracle budget" and said that democrats deserve just as much credit as republicans. It was a full-blown team effort and passed unanimously in the Senate on the first vote when we had a 2-vote margin. Anywhere else in America, it would have been dead on arrival. Everyone remained focused on non-extremes and came together. It was a win for everyone. Governor Sununu excused himself from the meeting and Patrick called up Greg and Tym to discuss Care at the Crossroads.

Care at the Crossroads Presentation, Greg Williams and Tym Rourke

Traci Fowler introduced the Care at the Crossroads presentation, explaining that the report was really about how money moves through our financial ecosystem, and the structural and administrative barriers that are getting in the way of work being done on the ground.

Greg Williams stated that the public safety net is operating in ways that predate Medicaid Expansion. Tym, the Senior Director for Third Horizon Strategies, said this had been an incredible opportunity and experience and he was grateful for all community members who allowed them to do their analysis. He walked through the slide deck, which went over how dollars get from state agency out to community providers. Tym noted that access to Medicaid claims was restricted, so they used other data related to Medicaid. While they were able to get seven years of data from the claims database of NH, this data is not complete, as not every health plan submits their claims to it. They worked on this project for a year and the report was completed a few weeks prior to the budget passing. He explained that they were only talking about funding and economics and leaving it to others to talk about impact.

The state of NH has \$171 million focused on substance use disorder services. These are dollars available, but not necessarily on the ground. They are not making a value judgement about whether these dollars should be out there, but the state of the NH has never had these kinds of funds before, and the report should be looked at as a source of incredible opportunity.

A few funding points were highlighted specifically. The state opioid response to grant funding is about to undergo a major change. New Hampshire is no longer in the top 10 in overdose death rates. While our rates are high, other states are even worse. We are now more in the middle. The SOR program will drop from \$28 million to \$6 million due to this. While the program should provide an offramp or process for states as they go through this decline, as of today, there is no federal guidance for this. Challenges at the federal level are impacting the state's ability to make decisions. Congratulations were extended to everyone for moving in the direction to allow this fund to be fully given for its indented purpose.

Next, Greg stepped in and walked the board through the slide deck, which was printed out and available to the commission and the public. The full report can be viewed online, and printed copies of the presentation were made available at the meeting.

After the presentations were finished, Chairman Tufts thanked everyone for their patience, stating that while we don't usually go over the established time, a lot of great information was presented. He asked members to read and familiarize themselves with the reports, and then have a conversation moving

forward about whether we will be taking any action. Patrick recommended that we not immediately react to the reports, but wanted to let the minutes reflect that we accept both reports. Senator Williams asked if portions of the report should be designated to different members of the task force. Patrick said yes, we will parcel some of this out as homework and come back to the commission with some thoughts. Patrick apologized to the public that we would not have time for questions but confirmed that the presenters would be sticking around if anyone had any questions for them. Chairman Patrick Tufts adjourned the meeting, wished everyone a wonderful summer, and announced that the next meeting will be on August 25th.