REPORT OF THE

JOINT LEGISLATIVE COMMITTEE

TO STUDY THE PROBLEMS OF

ALCOHOL AND DRUG ABUSE

1987 - 1988

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JANUARY 1989

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To the Honorable Carroll A. Campbell, Jr., Governor of South Carolina and the Honorable Presiding Officers and members of the General Assembly.

The Committee to make a full and complete study of the illicit drug problems in South Carolina with a view to formulating and recommending appropriate legislative proposals for coping with the problem, was created by Concurrent Resolution S-771 of the General Assembly, approved April 24, 1970. The creating resolution authorized the establishment of a nine-member committee to consist of three members from the Senate three members from the House and three members appointed by the Governor.

The Committee was formally organized on August 31, 1970, and was made a permanent committee on June 22, 1971.

Since the enactment of modernized drug legislation in 1971 and the creation of a permanent drug and narcotics study committee, the members have continuously worked to become knowledgeable and keep abreast of the activities in the areas of drug education, treatment, aftercare, rehabilitation and law enforcement, and in addition to discover for themselves how the interrelationship of these divisions contributes to an effective and meaningful drug program.

On June 14, 1977, legislation was ratified which changed the name of the Committee to The Joint Legislative Committee to Study the Problems of Alcohol and Drug Abuse. The membership was increased from nine members to twelve members, and the Committee has since given the same attention to alcohol and drug problems as it has previously given to drug problems alone.

Approved and Respectfully Submitted.

SENATE MEMBERS:

- /S/ Senator J. Verne Smith, Chm.
- /S/ Senator Peden B. McLeod
- /S/ Senator Nikki G. Setzler
- /S/ Senator Kay Patterson

HOUSE MEMBERS:

/S/ Representative Joyce Hearn

/S/ Representative Robert W. Hayes, Jr.

/S/ Representative Michael L. Fair

Representative James C. Johnson, (Resigned)

GOVERNOR'S APPOINTEES:

Mr. Sterling Laney

(Resigned)

/S/ Mr. Donny Wilder

/S/ Mrs. Leslie Harrison

/S/ Dr. Gael Caution

The Committee has continuously stayed abreast of the activities of those agencies deeply involved in the alcohol and drug problem. In the following pages is a short synopsis of the activities of these agencies as they reported to the Committee.

JOINT LEGISLATIVE COMMITTEE TO STUDY THE PROBLEMS OF ALCOHOL AND DRUG ABUSE

The 1987-88 legislative years have seen the Committee make notable advancement in legislation. The challenge of keeping abreast of the activities of various State divisions and their interrelationships was met enabling South Carolina to further its goals in relationship to meaningful alcohol and drug legislation and programs.

For 1987-88 the Committee emphasis has focused on a number of major alcohol and drug related issues and proposals. During the interim subcommittes met and made their report to the full Committee at their Annual Meeting. At this time the Committee also heard presentations by representatives state divisions and state and community various leaders on alcohol and drug abuse issues proposals including an overview of the Involuntary Commitment Law, Dually-diagnosed Individuals, S.C. Network of Alcohol and Drug Abuse Services, SCCADA Funding, Opposition to Sunday Beer Sales, needed legislation Limiting Drink Promotions, Realistic Taxation of Alcoholic Beverages in S.C. and support for other proposed pieces of legislation such as Watercraft DUI and the Highway Safety Act. Members of the Committee were instrumental in the passage of a number of legislative proposals brought before them which will be addressed later in this report. The following information contains subcommittee reports and recommendations:

SUBCOMMITTEE TO REVIEW AND EVALUATE THE IMPLEMENTATION OF THE INVOLUNTARY COMMITMENT ACT, chaired by Senator Peden McLeod, recommended a continuation of monitoring implementation of the involuntary Commitment legislation.

SPECIAL SUBCOMMITTEE ON SCCADA FUNDING, chaired by Representative Michael Fair, recommended a continued study of revenue sources. H.4095 (Reps. Fair and Hayes): Proposed a 20% surtax on beer and wine tax. This Bill was referred to House Ways and Means Committee.

Also, this Subcommittee recommended opposition to any effort to allow Sunday Beer Sales.

REPRESENTATIVE JOYCE HEARN'S SUBCOMMITTEE reported to the Committee that Strengthening Implied Consent and an Increase in Penalties for Driving Under

Suspension passed during the 1987 Session.

No action was taken on the prosposal on Closing the Marijuana Loophole. (This proposal requires appearance before a Magistrate for a first time offense for possession of a controlled substance instead of allowing forfeiture of bond, and is an effort to identify those persons with anticipation of a drug program modeled after the present ADSAP program.) Due to the cost of this program at \$2.2 million, it was decided to forego the pursuit of this program.

Third Party Payment for Treatment: An interim evaluation of N.C.'s Law on optional insurance was received. The subcommittee is awaiting the next

report on the impact of this legislation.

Warning Labels on Alcoholic Beverages: Federal legislation has been introduced to address this concern.

The Subcommittee made no formal recommendation on establishing a lower BAC for drivers under 21.

Members of the Committee were instrumental in the passage of a number of major legislative proposals and are as follows:

Senators J. Verne Smith, Peden McLeod, Nikki Setzler and Kay Patterson were co-sponsors of S576 (referred to Senate Judiciary where it became a Senate Judiciary Committee Bill S734) establishing the State Grand Jury Act. ACT #150 of 1987 takes effect upon the ratification of amendments to Articles I and V of the State Constitution. The House Companion Bill H.2736 was co-sponsored by Representatives Joyce Hearn, Robert W Hayes, Mike Fair and others.

S577 co-sponsored by Senators J. Verne Smith, Peden McLeod, Nikki Setzler and Kay Patteron is a Joint Resolution proposing amendments to the State Constitution authorizing the General Assembly to establish a State Grand Jury. This Resolution passed on June 3, 1987 and became ACT 206 of 1987 and will be placed on the November, 1988 General Election ballot. The House Companion Bill H.2735 was co-sponsored by Representatives Joyce Hearn, Robert W. Hayes, Mike Fair and others.

Based upon information that Judges were suspending prison terms and granting probation to convicted drug traffickers, Senator J. Verne Smith sponsored legislation (S723) to prohibit sentences from being suspended and to increase penalties for repeat offenders which was referred to the Senate Judiciary Committee. The House Companion Bill H.4114 passed on May 29, 1988 and became ACT 565 of 1988.

Senator J. Verne Smith served on the Committee of Conference and Free Conference Committee on <u>S.704</u>, the Highway Safety Act, which was designed to make the State's highways safer and includes a number of alcohol related proposals which increase penalties upon conviction. ACT 532 of 1988 takes effect January 1, 1989. The House Companion Bill H.2954, co-sponsored by Representative Mike Fair and others was referred to House Education and Public Works where it became Committee Bill H.3512.

<u>H.3320</u> sponsored by Representative Mike Fair prohibits the transfer of beer, wine or alcoholic liquors to persons under the age of 21 for the purpose of consumption, provides exceptions and penalties for violations. ACT 448 of 1988.

<u>H.3338</u> sponsored by Representative Mike Fair amends the "Happy Hour" legislation by placing on further restrictions for on-premises consumption.

ACT 651 of 1988.

The Committee has continued to research and study the problems of alcohol and drug related issues with deliberate concern and effort. Interaction with citizens' action groups and various state agencies was substantial and furthered the Committee's awareness of needed legislation.

The Committee was represented by Representatives Michael Fair and Robert W. Hayes at the Alcohol Policy Conference V sponsored by the South Carolina Commission on Alcohol and Drug Abuse on November 1, 1987 which focused on prevention issues affecting youth, women, ethnics of color, labeling, advertising, access, price, safe communities, safe roadways and safe workplaces.

In July of 1988, Cynthia Wood, Committee staff, attended and completed the SOUTH CAROLINA SCHOOL OF ALCOHOL AND DRUG STUDIES held at Clemson University, sponsored jointly by the South Carolina Commission on Alcohol and Drug Abuse and Clemson University.

The Study Committee continues to assign highest priority to exercising every opportunity to gain personal understanding of information revealing new and innovative efforts to reduce alcohol and drug abuse. The Committee accepts its responsibility to organize and develop this information to promote appropriate legislation aimed at controlling and reducing alcohol and drug abuse in South Carolina. The Committee shares the results of their research and information development by responding promptly for information requests by concerned The Committee has provided, citizenry. request, their Annual Report to the S. C.

Library, S. C. Archives and History, USC Library and the Caroliniana Library and to libraries in other states including Florida, Illinois, Kentucky, Wisconsin and Virginia.

The Committee anticipates two Committee meetings during the interim to hear issues and proposals

prior to the 1989 legislative session.

The following status list contains those proposals introduced during the 1987 session and acted on in the 1988 session; and those proposals introduced during the 1988 session with the status of each. At the end of the 1988 session any legislation not enacted is no longer considered pending.

ALCOHOL/DRUG LEGISLATIVE STATUS REPORT 1987 proposals acted on in 1988 1988 Legislative Session Status Report

- 38. <u>H.2101</u> (Reps. P. Harris, J. Harris and Helmly): Relating to emergency admission to mental health facilities, so as to provide for admission to psychiatric treatment facilities licensed by the Dept. of Health and Environmental Control as well as mental Health facilities approved by the Dept. of Mental Health and make changes in the procedure for emergency admissions. R427 ACT #397
- 48. <u>H.2697</u> (Rep. Wilkins and others): A Bill to amend Article 3, Chapter 13 of Title 61, Code of Laws of SC, 1976, relating to offenses against and the enforcement of ABC laws, by adding section 61-13-295 so as to provide that if any permittee or licensee, or servant, agent, or employee of the permittee or licensee pleads guilty or nolo contendere to, or is convicted of any criminal offense which occurred on the licensed premises, the conviction or plea constitutes proof that the offense occurred and the record or a written summary of the fact thereof are admissible in an administrative proceeding before the Commission. R344. ACT #331
- 61. H.2796 (Rep. JC Johnson & others): To amend Article 23, Chapter 5, Title 65, SC Code, 1976, relating to, among other provisions, driving under

the influence of intoxicating liquor or drugs, by adding section 56-5-2941 so as to provide that any person arrested for a first offense violation of driving under the influence must surrender his driver's license to the arresting officer at the time of arrest... Referred to House Judiciary. Tabled in Committee.

63. H.2801 (Rep. Sharpe and others): Relating to motor vehicle traffic accidents so as to provide that drivers of all vehicles involved in accidents which result in bodily injury or death must be given a chemical test of their breath for the purpose of determining the alcoholic content of their blood... Referred to House Judiciary. Tabled in Committee

66. <u>S.651</u> (Thomas): Prohibit furnishing SCMH patients or prisoners contraband. R321 ACT #311

- 67. H.2897 (Davenport): Relating to Drug Outlets and Hospital Pharmacies so as to make it unlawful for hospital pharmacies to dispense drugs at or below wholesale price. Referred to 3M. Tabled in Committee
- 69. H.2954 (Rep. Wilkins and others): (SEE H.3512 COMMITTEE BILL) and SEE S.704 A combination of bills including alcehol and drug legislation. Referred to House Ed and Public Works Made a Committee Bill and assigned a number # H.3512.
- 71. H.2988 (Davenport): Relating to issuance of license by ABC Commission, so as to provide devolvement and authorize governing body of county to issue. Referred to House Judiciary. Tabled in Committee
- 73. H.2994 (Moss): A Bill to require that an administrative fee must be paid by a person responsible for an automobile accident while DUI of drugs or alcohol to the employer of the Law Enforcement officer investigating the accident. Referred to Judiciary. Tabled in Committee

75. H.2998 (P.Harris & others): Relating to the prohibition against furnishing a patient or prisoner under jurisdiction of SCDMH with any matter declared contraband... Referred to House Judiciary. Tabled in Committee

76. <u>H.3018</u> (Rep. Phillips): Relating to review of certain driver's license, relating to review of suspension, relating to review of implied consent, relating to review of hearings, relating to review of motor vehicle inspection. R716 ACT #616

78. S.704 (Senator Lourie and others): H.2954 (SEE H.3512 COMMITTEE BILL) A combination of Bills including alcohol and drug legislation. Referred to Senate Transportation. Transportation reported favorable with amendment. Recalled and recommittee to Transportation retaining place on calendar. Senator Leventis desires to be present. Set for Special Order 1-12-88 following all other Special Orders. Sens. McConnell, Shealy & Hinson desire to be present. Interrupted debate. Carried over. Amended, debate interrupted by adjournment. Amended, Committee amendment adopted. Rec'd 2nd ordered to 3rd with notice of general amendments. Amended, rec'd 3rd and sent to the House. House placed on calendar without reference on 2-16-88. On calendar for 2nd. Objections by Reps. Aydlette, Arthur & Gregory, Taken off contested calendar. Amended, rec'd 2nd and ordered Rec'd 3rd and returned to Senate with amendments. Senate non concurred and message sent to House. House insisted on its amendments. Reps. Beasley, JC Johnson, McCain appointed to Conference Committee and message sent to Senate. appointed Sens. JV Smith, Lourie and McConnell to Conference Committee. Met 3-17-88 Conference Committee reported, were granted Free Conference Powers and report adopted 4-27-88. Enrolled. R603. ACT #532

86. S.840 (Long): A Bill to amend the Code of Laws of SC, 1976, By adding Sec. 61-9-210 so as to allow the possession and sale of beer and wine by retail dealers for off-premises consuption between 12 o'clock midnight Sat. and sunrise Monday. Referred to Senate Judiciary. Tabled in Committee.

87. S.841 (Long): A Bill to amend the Code, 1976, by adding Sec. 61-5-200 so as to provide for the issuance of a temporary permit to allow the

possession and sale of beer and wine by Retail Dealers. Referred to Senate Judiciary. Carried over in Committee.

PRE-FILED BILLS FOR 1988 SESSION:

- 90. H.3320 (Fair): A Bill to amend Code of Laws of SC, 1976, by adding Section 61-13-287 so as to prohibit the transfer of beer, wine, or alcoholic liquor to persons under the age of 21, provide exceptions and penalties for violations. R496 ACT #448
- 91. H.3329 (Kohn): A Bill to amend Chapter 13, Title 61, Code of Laws of SC, relating generally to the enforcement of alcoholic beverage control laws, by adding Article 6 so as to provide that persons who hold a license to sell alcoholic liquors, beer, or wine for on- or off-premises consumption, and the managers and employees of the establishments wherein these beverages are sold, are liable for certain damages if they negligently sell or furnish these beverages to an underage or intoxicated person, and to require holders of these licenses to furnish to the ABC Commission proof of financial responsibility in meeting any liability impose above. Referred to House Judiciary when prefiled. Referred to Ways and Means.
- 92. H.3337 (Burriss): A Bill to amend Section 56-5-2945, as amended, Code of Laws of SC, 1976, relating to felony DUI, so as to provide that any person in a vehicle which causes great bodily injury or death of another, who was under the influence of alcohol, drugs, or a combination of alcohol or drugs, is guilty of a violation of this Section if the driver of the vehicle cannot be reasonably determined and it is not shown by clear preponderance of evidence that this person was not the driver of the vehicle. Referred to House Judiciary. Tabled in Committee.
- 93. <u>H.3338</u> (Fair): A Bill to amend Section 61-13-875, Code of Laws of SC, 1976, relating to the prohibition against the sale of beer, wine, or alcoholic liquor for on-premises consumption on a two or more for the price of one basis, so as to

provide for the Section to apply to person who hold licenses and permanent permits to sell the beverages, to prohibit dispensing the beverages for free, and to prohibit sale of the beverages at less than the regular price except from 4 o'clock p.m. until 8 o'clock p.m. Referred to House Judiciary. rec'd favorable report. On calendar for Point of order. On calendar for 2nd. Objections. on 2-4-88 by Rep. Baxley, Blanding & Faber. Faber removed objection. Mcleod objected, withdrawn. Avdlette objected. Objs. removed. Amended. objections; objections withdrawn; amended ordered to 3rd. On calendar for 3rd. Rec'd 3rd and sent to Senate. Senate referred to Judiciary. Favorable report. Amended, rec'd 2nd and ordered to 3rd. Rec'd 3rd and sent to the House with Senate requested House to return amendments. Returned from the House with 3rd reading reconsidered, amendment tabled. Interrupted debate Senator Lindsay retaining the floor. Amendment reconsidered and tabled. Bill made a Special Order for Tuesday, May 10, 1988 at 12:30 P. M. Parlimentary inquiry. Sen. McConnell desires to be present. Amended and rec'd 3rd and returned to the House with amendments. House concurred and enrolled (R767) ACT #651

94. H.3355 (Aydlette): A Bill to amend the Code of Laws of SC, 1976, by adding Section 56-5-6215 so as to provide for the deposit of a driver's license in lieu of bond in traffic violation cases and to provide an implementation procedure. Referred to

Judiciary

95. H.3365 (Kirsh, Elliott, McLellan, McTeer): (SEE S.933) A Bill to repeal Section 61-13-560, Code of Laws of SC, 1976, relating to the declaration of unstamped alcoholic liquors as contraband. Referred to Sen. Judiciary.

96. <u>H.3369</u> (Kirsh, Elliott, McLellan, McTeer): (SEE S.929) A Bill to amend Section 12-21-1010, Code of Laws of SC, 1976, relating to definitions for purposes of the beer and wine license tax, so as to exclude from the definition of beer and wine beverages with an alcohol content of less than

one-half percent by weight; to amend Section 12-21-1730, relating to the imposition of the soft drink license tax, so as to include as soft drinks beer and wine with an alcohol content of one-half percent or less by weight; and to amend Section 12-21-1860, relating to definitions for purposes of the soft drink license tax, so as to include with the definition beer and wine with an alcohol content of one-half percent or less by weight. R660 ACT #574

97. <u>H.3393</u> (Wilkins, Fair, Hayes, J.W. Johnson): (SEE S.986) A Bill to amend Section 56-5-2950, as amended, Code of Laws of SC, 1976, relating to implied consent to tests to determine the alcoholic or drug content of blood, so as to define persons who are permitted to take blood and urine samples instead of administering tests to determine the presence of alcohol or drugs or a combination of them in the systems of persons arrested for DUI. R363 ACT #348

98. H.3402 (Wilkins and others): . . . and to provide that convictions of cultivation of marijuana or receiving stolen goods are felonies instead of misdemeanors. . . Referred to Senate Judiciary.

99. S.918 (Leventis): A Bill to amend Section 56-5-2940, Code of Laws of SC, 1976, relating to penalties for violation of laws prohibiting the operation of motor vehicles while under the influence of intoxicating substances, so as to provide for the confiscation, impounding, and release of the vehicles. Referred to Senate Transportation

100. S.929 (Waddell, Hayes, Leatherman, Lourie): (SEE H.3369) A Bill to amend Section 12-21-1010, Code of Laws of SC, 1976, relating to definitions for purposes of the beer and wine license tax, so as to exclude from the definition of beer and wine beverages with an alcohol content of less than one-half percent by weight; to amend Section 12-2-11730, relating to the imposition of the soft drink license tax, so as to include as soft drinks beer and wine with an alcohol content of one-half

percent or less by weight; and to amend Section 12-21-1860, relating to definitions for purposes of the soft drink license tax, so as to include within the definition beer and wine with an alcohol content of one-half percent or less by weight. Referred to Finance Committee

101. S. 933 (Waddell, Hayes, Leatherman, Lourie): (SEE H.3365) A Bill to repeal Section 61-13-560, Code of Laws of SC, 1976, relating to the declaration of unstamped alcoholic liquors as contraband. R369 ACT #353

102. S.963 (Giese): A Joint Resolution to conduct a pilot project in Charleston, Greenville, and Richland Counties to test the effectiveness of ignition interlock devices on motor vehicles of persons convicted of second offense DUI from 7-1-88, until 7-1-1990. Referred to Sen.Jud.

103. S.986 (Lourie): (SEE H.3393) A Bill to amend Section 56-5-2950, as amended, Code of Laws of SC, 1976, relating to implied consent to tests to determine the alcoholic and drug content of blood, so as to provide for blood and urine samples be taken by medical personnel instead of providing for blood and urine tests to be administered by the personnel. Referred to Senate Judiciary

INTRODUCTION OF BILLS - 1-12-1988

104. H.3454 (Foster): . . . By adding section 61-5-27 so as to make it unlawful for anyone to transfer or give any alcoholic liquor to persons under 21. . . Referred to House Judiciary. Tabled in Committee

105. S.996 (Wilson): . . . Implied Consent - define persons who are permitted to take blood and urine samples instead of administering tests. . . . Referred to Senate Judiciary.

106. S.1013 (Bryan): Amend 56-1-510, unlawful use of and fradulent application for driver's license, so as to increase monetary penalty. . . R640. ACT #559

107. H.2871 (Rep Martin): Amend 16-17-530, relating to public disorderly conduct, so as to define "Public Place". Senate referred to Sen. Judiciary

108. H.3512 (Ed.& Public Works): (SEE S.704) (previously H.2954 before being made a Committee Bill) Amend numerous sections relating to the regulation of the operation of motor vehicles. Referred to Senate Transportation.

109. H.3521 (Rep. Tucker): Amend 56-7-10 relating to uniform traffic ticket. Referred to

House Judiciary.

110. H.3566 (Reps. Hayes & Fair): Amend 61-5-190 relating to regulation of retail beer, wine, or alcoholic beverage locations by ABC Commission so as to provide that the Commission shall give full recognition to a lawful county or municipality zoning ordinance. . . Referred to 3M. Tabled in Subcommittee 4-26-88.

111. S.1081 (Sen. Tom Smith): SCCADA to promulgate regulations to establish guidelines for

successful completion of ADSAP. Enrolled R644

112. <u>S.1145</u> (Sens. Shealy, H. Smith, Williams, Bryan, Waddell, McConnell, Martschink & Giese): Concurrent Resolution to create a committee to study electronic surveillance. Placed on the calendar without reference. Adopted and sent to the House. House read and referred to House Judiciary. Rec'd favorable report. On calendar for 2nd. Adopted and returned to Senate. Senate rec'd as information.

113. <u>H.3625</u> (Rep. Carnell): Amend 61-3-420 - relating to persons ineligible for a retail liquor

license. Enrolled R520. ACT #468

114. H.3627 (Rep. McGinnis, Wells, Sharpe, Nesbitt, Shelton, Gordon, Koon, Sturkie, Faber, J. Brown & Humphries): Relating to the prohibition against granting an alcoholic liquor license to a place of business within a certain distance of a church, school, playground, aso as to make these provisions apply to beer and wine permits. Referred to House Judiciary. Tabled in Committee

115. S.1186 (Sen. Waddell): SEE H.3730 JT. Resolution to authorize Budget and Control to transfer surplus funds. . Placed on the calendar without reference. Rec'd 2nd and ordered to 3rd on

2-12-88. Rec'd 3rd and sent to the House. House referred to Ways and Means. Tabled in Committee

S.1195 (Sen. Williams): Amend Sec. 14-7-1780 relating to providing space for the State

Grand Jury. . . Enrolled R416 ACT #388

H.3759 (Rep. Rogers): Amend Sec. 12-21-1010 relating to definitions in regard to beer and wine taxes, so as to define the term "Cooler Beverages", and to amend Article 7, Chap. 21 of Title 12, relating to beer and wine taxes. by adding section 12-21-1025 so as to provide for the taxation of "Cooler Beverages". Referred to House Ways and Means.

118. H.3741 (Rep. Beasley): Amend 56-5-2950 relating to implied consent to test to determine presence of alcohol or drugs in the system of a motor vehicle operator, so as to require Hearings to be held as provided by Art. 3, Chap. 23, Title 1 of the 76 Code (THE ADMINISTRATIVE PROCEDURES

ACT). Referred to Senate Judiciary.

119. H.3736 (Rep. Hodges): Amend 56-1-460 relating to DUS so as to clarify the application of the minimum sentence requirement by specifically limiting the minimum sentence to convictions for third and subsequent offenses. Referred to House Judiciary.

H.3732 (Rep. Felder and others): Amend 120. 61-9-625 relating to the importation of wine into this State being limited to the registered producer thereof and the registration of a particular brand being available only to the producer or primary source of supply, so as to make

the above provisions also applicable to beer, ale,

porter, and malt beverages. R689. ACT #598

H.3730 (Rep. McClellan): SEE S.1186: Budget and Control to transfer funds. . . Ratified R399. Signed by the Governor 3-14-88.

H.3772 (Rep. Winstead and others): Relating to structural and other requirements for

retail liquor stores. Enrolled R697 ACT # 602

S.1166 (Sen. Martschink): Amend Code by 123. addint 59-63-70 which would provide immunity to public school administrators who, in good faith,

report the suspected use by students of drugs and/or alcohol. Enrolled R.786.

124. S.1128 (Sen. Drummond): Amend by adding 50-21-105 so as to permit the Dept. of Wildlife and Marine Resources to tow away and store any unattended watercraft. . Enrolled R500 ACT #452

125. S.1213 (Sen. Williams): Amend 61-13-875, relating to prohibition against the sale of beer, wine, or alcoholic liquor for on-premises consumption. . . Referred to Senate Judiciary

126. H.3818 (Rep. E.B. McLeod and others): Amend 56-5-1210, relating to unlawfully leaving the scene of a motor vehicle accident. . . Referred to

House Judiciary.

127. <u>H.3909</u> (Reps Koon & Derrick): A concurrent resolution to declare the week of April 24 - 30, 1988, as SADD Awareness Week. Adopted.

128. <u>S.1289</u> (Sens.Lee, Russell & HC Smith): A concurrent resolution to commend "Just Say No, Spartanburg Co." Adopted and sent to House. House concurred and returned to Senate.

129. S.1293 (Sen Lee): Amend Title 16 by adding Chap. 29 so as to enact the SC Wiretapping and Electronic Surveillance Control Act" Ref. to Sen. Judiciary.

130. <u>H.1330</u> (Sen Williams): Relating to alcohol beverage licenses. . Enrolled. R780

131. H.4031 (Rep. Koon & others): Amend by adding Sect. 61-3-445 so as to prohibit the issuance of a license to any establishment to sell beer or wine for on-premise consumption or alcholic beverages at retail within four miles of a church, school, playground, or community center upon petition of the governing body of any three of such entities when the establishment is located within three miles of an incorporated municipality. Referred to House 3M.

132. H.4057 (Rep. Huff): Relating to motor vehicle driver's license. Suspension of dr. lic. for offenses relating to possession, sale, and consumption of beer, wine and alcoholic liquors. Referred to House

133. Regulation #972 concerning suggested procedure for obtaining and handling blood and urine samples from SLED. Enrolled R.604 Signed

by the Governor 5-17-88

134. H.4085 (Rep. McAbee): Relating to Implied Consent to chemical tests of breath, blood, and urine. . . so as to provide that, in any county that does not have a licensed med all facility, blood and urine samples may be taken in office of any physician licensed by the State Board of Medical Examiners. . . Senate referred to Sen. Judiciary.

135. H.4095 (Reps. Fair and Hayes): To provide for a 20% Surtax on beer taxes. . . Referred to

House Judiciary. Referred to Ways and Means

136. <u>H.4114</u> (Rep. Wilkins and Huff): SEE S.723 Trafficking. . Rec'd 2nd and ordered to 3rd with notice. Enrolled. R650 ACT #565

137. H.4137 (Rep. Hearn, Burriss, Humphries and L. Martin) Relating to prohibition of granting an alcoholic beverage license to a place of business within certain distance. . . Referred to House Judiciary.

138. H.4174 (Rep. Pettigrew, Baxley, Haskins and JC Johnson) Suspension of dr. lic. under age 18 convicted of narcotics and controlled substance

offenses. . . Referred to House Judiciary.

139. H.4183 (Rep. Moss) Relating to forfeiture procedures and disposition of forfeited property in regard to narcotics and controlled substance. . . Referred to House Judiciary.

140. $\underline{\text{H.3937}}$ (Rep. Wilkins) Relating to disposition of proceeds from sales of forfeited

items. . . Enrolled R664 ACT #577

141. <u>H.4228</u> (Jud.Com): Joint Resolution to

approve Regulation #950. Enrolled R777

142. <u>H.4268</u> (Reps. Rudnick & others): Concurrent Resolution to designate June as "Just Say No Month". Immediate consideration. Agreed to and sent to Senate. Senate referred to Invitations. Adopted and returned to the House.

143. <u>H.4282</u> (Rep. Humphries & others): Concurrent Resolution commending Ms. Charlene

Boyette for her dedication on behalf of victims of drunken drivers. . . Adopted by both Houses.

SOUTH CAROLINA COMMISSION ON ALCOHOL AND DRUG ABUSE

During the past decade, there has been a great deal of attention focused on our society's drug epidemic. Yet, despite this widespread recognition of the problem, the use and misuse of alcohol and other drugs continue to represent a major threat to the health and safety of our state and nation.

Highway safety is compromised every day as innocent victims are maimed and killed by others who drive while under the influence of alcohol and/or other drugs. Police officer judgments have revealed that approximately 35 percent of all fatal traffic accidents in this state are related to the use of alcohol or other drugs, while coroners' data have suggested that this figure may actually be twice this high.

During 1987, alcohol and other drug related arrests accounted for 42 percent of all arrests made in South Carolina. A large percentage of the remaining arrests made during the year were for crimes committed while under the influence of alcohol and/or other drugs. For example, almost two-thirds of all burglaries and more than one-half of all murders and rapes were committed while under the influence.

The economic cost of alcohol abuse in this state is estimated at \$1.8 billion per year, the majority of which is attributable to reduced productivity. increased absenteeism. lost earnings due death and the of premature cost treatment services. The economic cost resulting from the abuse of drugs other than alcohol is estimated at additional \$936 million, the majority of which attributable to reduced productivity and associated with illicit drug use.

Although South Carolina collects each year approximately \$155 million in state revenues generated from the sale of alcholic beverages, a portion of which goes to fund alcohol and drug abuse prevention, intervention and treatment programs, the costs associated with alcohol abuse

greatly outweigh the benefits derived from these revenue sources. For every one dollar collected in revenues, the state loses \$11.79 as a result of alcohol abuse.

During FY88, the South Carolina Commission and Drug Abuse (SCCADA) continued Alcohol maintain its ongoing prevention, intervention and treatment programs, while looking for new methods reach previously underserved means to Consequently, the SCCADA negotiated a populations. contract with the state Health and Human Services Finance Commission to provide alcohol and drug rehabilitative services Medicaid to part of their medical recipients benefits as package. Effective July 1, 1988. these rehabilitative services will be offered in locations throughout the state in order to serve the entire state's Medicaid-eligible population. Plans are to expand these services to 25 additional locations in FY90.

New services were implemented during the year by expanding the availability of intensive outpatient treatment programs to 13 sites; establishing an Emergency Commitment Inpatient Facility located in Anderson; and opening a 25 bed Involuntary Commitment Transitional Facility located in Columbia. These programs and treatment facilities continue to provide the capability at the community level to serve both involuntarily and voluntarily committed clients.

Significant bills passed relating to alcohol and drug abuse include: (!) the "Highway Safety Act" which increased monetary fines for driving under the influence, increased penalties for driving under suspension and changed from five to 10 years the period for consideration of prior offenses; (2) a bill which increased penalties for the transfer of alcoholic beverages to a minor; (3) an amendment to the "Happy Hour" legislation which now limits on-premises consumption and hours of reduced pricing; (4) an amendment which increased fines and penalties for drug trafficking; and (5) a bill which now provides immunity to public school

administrators who in good faith report suspected

alcohol or other drug use by students.

SCCADA was also directed to promulgate regulations which provide objective guidelines as to what constitutes successful completion of the Alcohol and Drug Safety Action Program (ADSAP). The authorization for an ADSAP fee increase of \$50 was passed to be effective July 1, 1988. This increase will allow county alcohol and drug abuse authorities to hire additional intervention specialists to help meet the demands of increased client enrollment which has more than doubled since 1980 and increased more than 12 percent in the past year alone.

In its continuing effort to respond to the increasing needs of the public, the statewide network of county alcohol and drug abuse authorities provided intervention and/or treatment services to 50,242 individuals during FY88. This number, a 14.8 percent increase since 1987, represents approximately 1.5 percent of the state's total population. In addition, the system coordinated and/or conducted during the year 7,319 different prevention activities impacting 390,276 individuals, an 11.2 percent increase since FY87.

As has been true in the past, alcohol continued to represent the number one drug of abuse in this state, accounting for 81 percent of all treatment admission to the county alcohol and drug abuse system during the year. Cocaine, which surpassed marijuana for the first time in FY87, again represented the number two drug of abuse in the state during FY88.

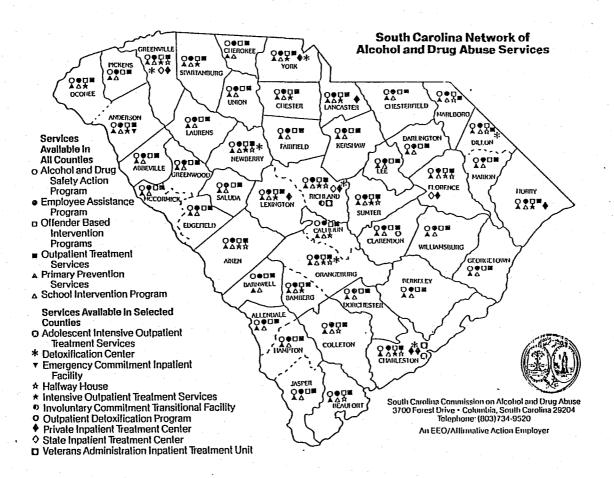
In working toward the uitimate goal to prevent and control alcohol and other drug abuse in South Carolina, the SCCADA will continue the search for new ways to meet the increasing demands on its service-delivery system, and at the same time, ensure its efficiency and effectiveness. Continued emphasis will be placed on prevention, intervention and treatment programs designed to reduce both the supply of and the demand for alcohol and other drugs.

CLIENTS SERVED AND SERVICES PROVIDED BY COUNTY ALCOHOL AND DRUG ABUSE AUTHORITIES FY1987 VERSUS FY1988

	DSAP	ScIP	180	EAP	Other Intervention	Yoluntary Clients	<u>Total</u>
Number of Cli	ents						
FY87 FY88	16,030 17,964	6,241 7,232	4,762 4,907	1,635 2,028		14,838 17,860	43,761 50,242
% Difference	12.1	15.9	3.0	24.0	-1.6	20.4	14.8
Outpatient Ho	urs						
FY87 FY88	210,690 244,228	66,985 70,401	48,070 47,656	12,18 17,18		137,856 232,081	478,624* 613,408*
% Difference	15.9	5.1	-0.9	41.0		68.4	28.2
Residential D	ay s						
FY87 FY88	1,149 657	9 0	1,266 753	339 223		42,193 34,498	44,981* 36,146*
% Difference	-42.8	N/A	-40.5	-34.2	-	-18.2	-19.6
Detox Days							7.*
FY87	190	14	172	47		25,199	25,639*
FY88 % Difference	219 15.3	32 128.6	150 -12.8	4 <u>2</u> -10.6		26,755 6.2	27,252* 6.3
Average Hours Outpatient Se Per Client							
FY87	13.14	10.73	10.09	7.45		9.29	10.94
FY88 % Difference	13.60 3.4	9.73 -9.3	9.71 -3.8	8.47 13.		12.99 39.9	12.21 11.6

ADSAP — ALCOHOL AND DRUG SAFETY ACTION PROGRAM
SCIP — SCHOOL INTERVENTION PROGRAM
OBI — OFFENDER BASED INTERVENTION PROGRAMS
EAP — EMPLOYEE ASSISTANCE PROGRAM

*THE DISCREPANCIES BETWEEN THE INDIVIDUAL PROGRAM DAYS AND HOURS AND THE TOTAL DAYS AND HOURS REFLECT CLIENTS WHO DID NOT ENTER THE SYSTEM THROUGH ANY OF THESE IDENTIFIED PROGRAMS.



SUBSTANCE ABUSE INFORMATION SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

During fiscal year 1987-88, the South Carolina Department of Corrections continued to provide a range of human services to the inmate population. Services provided in the area of addiction (1) initial reception and evaluation include: screening and evaluation to identify inmates with alcohol and drug problems, (2) individual and group therapy to resolve personal, social, adjustment, emotional, or addictions problems, (3) Alcoholic Anonymous Groups, (4) Narcotics Anonymous Groups and (5) placements at the Earle E. Morris Alcohol and Drug Abuse Center for intensive alcohol or drug rehabilitation treatment during the last 28 days of the inmate's incarceration.

The South Carolina Department of Corrections received and assessed 8,502 new inmates during fiscal year 1987-88. The following information represents a summary of inmate self-reports about

their substance abuse histories:

A. How was the current offense related to substance abuse?

1.	Offense committed while under	
	influence of both alcohol and drugs	8.6%
2.	Offense committed while under	
	influence of drugs only	7.5%
3.	Offense committed while under	
	influence of alcohol only	24.4%
4.	DUI offense	3.3%
5.	Offense instrumental to obtaining	
	drugs	1.1%
6.	Offense involved drug dealing	6.7%
7.	Possession at Crime	5.6%
8.	Not applicable	42.9%

B. Percentage of inmates acknowledging convictions in the following categories:

CONVICTIONS	<u>DU I</u>	PUBLIC DRUNK	DRUG OFFENSE
0	70.5	76.7	75.5
1	13.5	10.1	17.0
2	8.0	4.1	5.0
3	4.9	2.0	1.4
4	1.9	1.4	0.6
5+	1.1	.5	0.4

C. Inmates acknowledge a substance abuse problem?

Yes 32.1% No 67.9%

Through the Department's Institutional Social Work Services program, consisting of 75 Social Workers, the following services and the number of inmates participating are as follows:

SERVICE			NUMBER OF_
			INMATES PARTICIPATING

1.	Alcohol/Drug Education Course	3064
2.	Alcohol/Drug Group Therapy	564
3.	Alcohol/Drug Individual Therapy	191
4.	Alcoholics Anonymous Groups	2829
5.	Brief Alcohol/Drug Counseling	119
6.	Narcotics Anonymous Groups	1738

There are Alcoholics Anonymous Groups in (24) correctional institutions and Narcotics Anonymous Groups in (23) correctional institutions. Community volunteer sponsors conduct such groups.

Twenty-four (24) inmates were placed at Morris Village during their last 28 days of incarceration for intensive alcohol and/or drug treatment.

The Department of Corrections will strive to increase the present level of drug abuse services for fiscal year 1988-89 by initiating a plan to build a 48-bed residential drug treatment unit.

SOUTH CAROLINA DEPARTMENT OF EDUCATION SUBSTANCE ABUSE EDUCATION

The State Department of Education was the recipient of 1.6 million dollars, from the U.S. Office of Education, as a result of the passage of the "Drug-Free Schools and Communities Act of 1986." Ninety per cent of the 1.6 million dollars was provided directly to all 91 school districts at a rate of \$2.10 per person who is between the ages 5-17.

A one day conference was conducted for superintendents and their representatives to brief them on the "Drug-Free Schools and Communities Act of 1986", the application procedure and funding process. Four additional regional meetings were conducted for the prupose of assisting local districts in developing their application for funding.

The State Department of Education Drug Education Consultants assisted the Southeast Regional Center for Drug-Free Schools and Communites to identify Six School Community teams from South Carolina to receive 4-days of training to ensure that drug-free school efforts are integrated with community activities to prevent drug and alcohol use among

young people.

The department sponsored six regional two-day workshops for junior and high schools using The New Model Me, a National Diffusion Network approved prevention program. Additionally, five one-day regional meetings were conducted to train local educators in the implementation of Strategies, a drug education program, grades K-12, plus a parent component.

The Seventh Annual School Nurse's Conference was conducted in cooperation with the Department of Health and Environmental Control. An agreement between the State Department of Education and the

South Carolina Commission on Alcohol and Drug Abuse (SCCADA) continued to plan jointly and conduct cooperative ventures, such as the Second Annual Coach's Workshop attended by 225 coaches and athletes. The unit personnel worked closely with the Council on Child Abuse and Neglect, The Primary Prevention Council and the State Reorganization Commission in order to improve Substance Abuse Education for the public schools in South Carolina.

Also four graduate courses were conducted during the summer session of 1988. Drug-free schools funds were used to provide tuition, materials and textbooks for guidance counselors, administrators, and teachers at Clemson University, University of South Carolina, University of South Carolina at Spartanburg, and Winthrop College.

STATE LAW ENFORCEMENT DIVISION

NARCOTICS SECTION . . . The Narcotics Section was formed in 1971 with the advent of legislation charging SLED with enforcement of laws pertaining to the illicit traffic in narcotics and dangerous drugs (Section 44-53-480, South Carolina Code of Laws). The section is given the responsibility for providing investigative assistance to local enforcement agencies and for initiating overt and covert investigations into major narcotic and dangerous drug traffickers operating interstate and intrastate.

The Narcotics Section maintains a close liaison with other state and federal agencies in coordinating investigations against illicit drug traffic and provides intelligence information to these agencies regarding such traffic activity.

There are 25 agents and a supervisor assigned to

the department at this time.

On June 3, 1988, Governor Campbell announced the formulation of a Strike Force known as the RAID Team (Retaliation Against Illegal Drugs) made up of members from the South Carolina Highway Patrol, Alcoholic Beverage Commission, South Carolina Wildlife and Marine Resources and SLED. The statistics relative to this unit will be reported

in next years annual report as they spent the first two weeks training and have only been in operation for about one month at the time of this report.

During the Fiscal Year 1987-88, the Narcotics Section received and processed 300 requests for investigations from federal, state and local agencies. These requests for investigations generated 472 investigations by the section.

TOTAL VALUE OF DRUGS PURCHASED OR SEIZED (ESTIMATE)

\$235,547,437.00 120,015 Marijuana Plants Seized for 1987/88

Fiscal Year - 77 Arrests

South Carolina placed number 8 in the United States on seizure of Marijuana Plants during this period.

STATE TOTALS Sale/Manufacturing Cocaine/Heroin/Opium Marijuana Synthetic Narcotics Other Drugs	<u>July-Dec 198</u> 7 849 971 -0- 47	<u>Jan-Mar 1988*</u> 537 400 2 24
Possession Cocaine/Heroin/Opium Marijuana Synthetic Narcotics Other Drugs	515 3514 -0- 175	274 1568 1 90

^{*}April through June totals not available until end of August.

DEPARTMENT OF MENTAL HEALTH Alcohol and Drug Services

The Involuntary Commitment Act has been successful in achieving two primary legislative goals: (1) a decrease in the number of persons at South Carolina State Hospital with a diagnosis of alcohol or drug addiction, and (2) the placement of persons committed under alcohol and drug abuse proceedings in appropriate settings, that is to units or facilities where treatment programs are available.

The implementation of Act 487 of 1986 (Involuntary Commitment Act) has (1) markedly increased the demand for services to chemically dependent citizens at the Department of Mental Health, (2) created stress at Morris Village by changing the characteristic patient population, and (3) caused some serious quality of care problems.

The Department continues to operate treatment programs at Harris, Byrnes, and Morris Village to respond to the legislative mandate to establish a comprehensive and coordinated program of treatment

for chemically dependent citizens.

The demand for involuntary treatment services has changed the mission of Morris Village dramatically over the past year. The treatment program and staff have struggled to adapt to the current population. Meanwhile, the capacity to respond to demand for voluntary services has been reduced.

The needed community treatment programs are not in place, thus the major thrust of treatment has taken place in department inpatient programs. Primary community needs are detox/emergency stabilization capability, halfway house/housing, and transportation. Until more services are available in communities, inpatient treatment demands on the Department will not be decreased.

EARLE E. MORRIS, JR. ALCOHOL AND DRUG ADDICTION TREATMENT CENTER Fiscal Year 1987-88

The past Fiscal Year has been a busy one for Morris Village. During the year we admitted a

total of 2,874 residents, 2,165 of which were involuntary commitments under the alcohol and drug commitment law which went into effect January 1, 1987. Of those involuntarily committed, 326 were judicial commitments.

The majority of Porbatero Hearings were held at Morris Village last year. Thirty-nine percent (39%) of them were held in the home county, which required 358 trips involving 850 residents. Although Morris Village does not routinely do designated examinations for counties which normally hold hearings away from the Village, our staff provided 2,344 designated examinations for 1,169 residents and attended 258 Probate Hearings at Morris Village for 927 residents.

For some time now Patrick Harris Hospital been receiving all emergency admissions from its catchment area. Other emergency admissions have been detoxified and medically cleared at Byrnes Medical Center and transferred to Bryan Psychiatric Hospital where they remained until the Hearing. During the latter part of Fiscal 1987-88 it became clear that having Morris Village alcohol and drug clients at Bryan Hospital had the potential for threatening JCAH accreditation at As of August 5, 1988, the plan to that facility. Hospital from Bryan out Byrnes-Bryan-Morris Village continuum was completed.

During Fiscal 1987-88 a Program Review Panel was appointed by the State Commissioner to review the Morris Village program and make appropriate recommendations. That panel has made its recommendations and the Village, with the cooperation of the Review Panel, is in the process of implementing those recommendations.

Several structural changes were made at the Village to accommodate the needs of the involuntary population. Two much needed seclusion rooms were built in the Infirmary. The location of the two locked cottages is to be moved from Cottages 10 and 11 to Cottages 6 and 7. To provide a place where residents in locked cottages who are elopement risks can have access to out-doors without the

necessity of one-to-one staff, a fence was erected in front of those cottages. The contract has been let to purchase a video-surveillance system to provide better control of elopements and the

bringing in of contraband.

With the phasing out of Bryan Hospital and emergency commitments coming to the village directly from Byrnes Medical Center certain program modifications were necessary. At the time of this writing a new program initiative is being implemented to provide higher quality services to those residents who are at the Village prior to the Probate Hearing and to improve services to those who are remanded to us at the hearing.

Finally, our Quality Assurance activities during the past fiscal year have resulted in a comprehensive Quality Assurance Plan for the facility as well as individual plans for each

clinical department.

SCVR ALCOHOL REHABILITATION CENTERS

the Department's An integral part of rehabilitation response to the needs of persons vocationally handicapping substance abuse problems is Palmetto Center in Florence Holmesview Center in Greenville. These two residential alcohol treatment centers, operated by Vocational Rehabilitation, provide clients with a comprehensive program of group and individual therapy; vocational assessment; personal and social adjustment training; psychological evaluation: recreational, family, nutritional, and media therapy; plus religious and A.A. activities. length of treatment is either 28 or 56 depending on the needs of the particular client, and admission is on a voluntary basis.

Additionally, both centers conduct extensive outpatient services in the form of weekly group therapy sessions for family members of current and past residents and after-care therapy groups as follow-up for residents who have completed their inpatient treatment. The services of the Centers' programs also include training as part of the

curriculum in nursing education programs by community treatment and rehabilitation individuals,

employers, and other interested groups.

Referrals to the centers come from human service agencies and interested Individuals all over South These referrals are coordinated through Carolina. local Vocational Rehabilitation counselor in the referral's home community to provide initial assessment and establish a service relationship with the referral prior to admission to treatment so that follow-up services leading to successful sobriety, placement, continued participation in some form of after-care therapy occur with more effective results. continuous service relationship provides a unique approach to the successful rehabilitation of this significant vocationally impaired client population.

In FY 1988, Palmetto Center in Florence provided residential treatment services to 583 clients, whose average length of stay was 26.7 days, with total client service days of 13,854. Also, 993 treatment hours of group therapy were rendered in

the Family and Ex-Resident Programs.

During this same year, Holmesview Center in Greenville served 346 clients whose average stay was 34 days, totaling 10,242 total client days of service. Also, 1,192 treatment hours of therapy were provided to families and ex-residents in the

Non-Resident Program.

addition, the South Carolina Vocational Rehabilitation Department continues to operate a program in cooperation with the South Carolina Mental Health Department at the Earle E. Morris Jr., Alcohol and Drug Addiction Center. program provides vocational assessment, adjustment training, counseling, and referral to local Rehabilitation Vocational counselors for placement and follow-up services. During FY1988, Vocational Rehabilitation services were provided 736 Morris Village residents with 238 referred for services by Vocational Rehabilitation offices throughout the state and 135 were provided follow-up services after discharge by the Morris

Village Vocational Rehabilitation staff.

In addition to this network of specialized facilities and programs, Vocational Rehabilitation has, functioning in the majority of its local areas, counselors who specialize in Vocational Rehabilitation services to substance abuse clients. These speciality counselors provide services as well as provide liaison with other agencies, such as substance abuse commissions for coordinated service efforts to this population. In some areas, these specialty counselors even operate ongoing group counseling sessions for substance abusers, in order to help them either gain or maintain gainful employment.

SOUTH CAROLINA VOCATIONAL REHABILITATION DEPARTMENT

For the South Carolina Vocational Rehabilitation Department, 1988 has been a year of continued increase in treatment and vocational rehabilitation services to substance abuse clients. Through its two residential alcohol treatment centers, the Department continued to provide significant rehabilitation services to substance abusers to enable them to remain in or return to gainful employment as tax payers rather than tax recipients.

In order to better serve the private and public sectors, the South Carolina Vocational Rehabilitation Department has implemented employee intervention programs, statewide. These programs address individual needs of those troubled employees meeting Vocational Rehabilitation eligibility guidelines before they have to be separated from their present employment due to alcohol and substance abuse.

The needs of persons with substance abuse problems are complex, and place considerable demands on South Carolina's treatment network. Whether these persons are unemployed or in danger of losing their employment due to their inability to function without abuse of alcohol and/or drugs, their rehabilitation needs are increasingly being

met by the South Carolina Vocational Rehabilitation Department as is indicated in the following comparison table.

SOUTH CAROLINA VOCATIONAL REHABILITATION DEPARTMENT

<u>F/Y</u>	DISABILITY	NEW REFERRALS	CLIENTS RECEIV- ING SERVICES	CLIENTS REHABIL- ITATED
1984	Drug Addiction/Ab			243
	Alcoholism	2,12	0 4,296	1,073
1985	Drug Addiction/Ab	use 59	5 1,136	252
	Alcoholism	2,14	4 4,251	1,027
1986	Drug Addiction/Ab	use 57	9 1,148	281
	Alcoholism	2,02		1,040
1987	Drug Addiction/Ab			324
	Alcoholism	2,22		1,007
1988	Drug Addiction/Ab			467
	Alcoholism	2,19		1,142