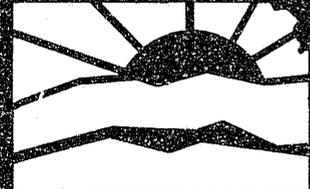


TOWARD A
DRUG-FREE



KANSAS

Report on
Alcohol and Other Drug Abuse:
Policies, Priorities and Program Benefits

Governor's Office of Drug Abuse
Programs and the Governor's
Interagency Coordinating
Committee on Substance Abuse

Brent Bengtson, Director and Chairman
900 S.W. Jackson Room 112
Topeka, Kansas
Telephone: 913-296-2584

February 1994

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Alcohol and Other Drug Abuse:
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February 1994

STATE OF KANSAS



OFFICE OF THE GOVERNOR

JOAN FINNEY, Governor
State Capitol, 2nd Floor
Topeka, KS 66612-1590



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March 1, 1994

Dear Fellow Kansans:

The abuse of alcohol and illicit drugs, which is at the root of most crimes and violent acts, costs Kansans approximately \$1 billion each year. This does not include the pain and suffering of individuals and their families.

We know that if we are to reduce the risk factors leading to abuse, we must confront those risk factors with a comprehensive approach. I, therefore, compliment the Governor's Interagency Coordinating Committee and the Governor's Office of Drug Abuse Programs in describing their coordinated approach to the problem of alcohol and other drug abuse as set forth in this report.

I invite the readers of this report to share their perspectives on these approaches. In addition, I encourage you to take an active part and "join hands" with all efforts in combating alcohol and drug abuse.

Sincerely yours,

A handwritten signature in cursive script that reads "Joan Finney".
Joan Finney

Table of Contents

Executive Summary	2
Executive Order #92-150	4
State Agency Funding SFY 1993 and SFY 1994 Recommended Funding	6
Adjutant General	6
Administration, Department of	8
Attorney General	12
Corporation for Change	14
Corrections, Department of	16
Education, State Board of	20
Health and Environment, Department of	28
Highway Patrol	31
Judicial Administration	33
Regents, Board of	35
Revenue, Department of	37
Social and Rehabilitation Services, Department of	39
• Alcohol and Drug Abuse Services	39
Transportation, Department of	42
Treasurer, State	44
Wildlife and Parks, Department of	45
Appendix A: State Agency Expenditures Charts	46
FY 1992-FY 1993	46
FY 1993-FY 1994	47
Appendix B: State-Wide Risk Factors	48-52
Appendix C: Kansas Statutes Relevant to Alcohol and Other Drug Abuse	53-64

Executive Summary

This report has been compiled by the Governor's Interagency Coordinating Committee on Substance Abuse and the Governor's Office of Drug Abuse Programs. Printing costs were paid by administrative fees of the Governor's Discretionary Grant of the U.S. Department of Education's Drug-Free Schools and Communities' Program.

The purpose of this report is to inform Kansas citizens and policy-makers as to programs of Kansas' state agencies and how their resources are being invested "Towards a Drug-Free Kansas".

The Governor's Interagency Coordinating Committee on Substance Abuse has been meeting since January, 1992, pursuant to Executive Order 92-150. The committee consists of twenty-two member agencies. The committee meets on a monthly basis and serves as an information-sharing forum. As a result of information being shared, agencies have collaborated on several projects.

This report will summarize agency alcohol and other drug abuse programs, actual expenditures in SFY'93, and recommend SFY'94 expenditures. In addition, each agency will describe what "risk factor(s)" they addressed in SFY'93 and what "risk factor(s)" they will address in SFY'94.

The Governor's Interagency Coordinating Committee on Substance Abuse (ICC) members have been utilizing the "Risk and Protective Factors" model for two years and in October 1993 formally adopted the "vehicle" in promoting a comprehensive and coordinated approach to problems of the abuse of alcohol and other drugs. Toward that end, each agency is using this theoretical model from which to plan their contributions to the continuum of prevention, treatment and enforcement services. To the committee's knowledge, Kansas is the first state to actually write how risk factors are to be addressed in a public report such as this.

The theoretical model, "Risk and Protective Factors", was authored by Dr. David Hawkins and Dr. Rick Catalano of the University of Washington. These authors reviewed thirty years of research and empirically arrived at the premise that there are sixteen conditions that are significantly correlated with the abuse of alcohol and other drugs. Therefore, just as in physical problems, i.e., lung and heart disease, these conditions can be "risk factors" or precursors for future abuse of alcohol and other drugs. If these risk factors can be reduced or eliminated by "protective factors", then the quality of life of Kansans can be enhanced by less abuse of alcohol and other drugs. The risk factors are as follows:

1. Economic and social deprivation
2. Low neighborhood attachment and community disorganization
3. Transitions and mobility
4. Community laws and norms favorable toward drug use
5. Availability of drugs
6. Family history of alcoholism
7. Family management problems
8. Parental drug use and positive attitudes towards use
9. Early anti-social behavior
10. Academic failure
11. Low commitment to school
12. Alienation or rebelliousness
13. Anti-social behavior in early adolescence
14. Friends who use drugs
15. Favorable attitudes toward drug use
16. Early first use of drugs

Obviously, not every risk factor can be addressed by every agency. This clearly makes the point that every contribution(s) of each agency should be respected since it does take a comprehensive approach to impact problems of alcohol and other drugs. Readers of this report are encouraged to join this comprehensive

approach by giving suggestions as to strategies or protective factors that can be used "Toward a Drug-Free Kansas".

Appendix A is a chart displaying those agencies that invest monies in the continuum. The chart is broken out as to expenditures in SFY93 and recommended expenditures in SFY 94. as far as prevention, treatment and enforcement Appendix A of last year's report is included here for comparative purposes.

Appendix B demonstrates the state-wide risk factors. The risk factors are divided into the four domains of family, community, school and individual/peers. Then the combined risk factors are displayed.

Appendix C summarizes Kansas statutes regarding alcohol and other drug abuse.

STATE OF KANSAS

OFFICE OF THE GOVERNOR

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EXECUTIVE ORDER NO. 92-150

EXECUTIVE ORDER ESTABLISHING
THE GOVERNOR'S INTERAGENCY COORDINATING
COMMITTEE ON SUBSTANCE ABUSE

WHEREAS, Article 1, § 3 of the Constitution of the State of Kansas vests the supreme executive power of the state in the Governor; and

WHEREAS, the abuse of alcohol and other drugs costs Kansans approximately \$1 billion annually, and results in broken individuals, families, and communities; and

WHEREAS, alcohol and other drug abuse is closely associated with higher health care costs, child abuse, family violence, crime, automobile fatalities, truancy, and other problems; and

WHEREAS, a coordinated and comprehensive response by state criminal justice, education and treatment agencies is required to effectively address the abuse of alcohol and other drug abuse problems in Kansas; and

WHEREAS, program and fiscal activities of Kansas state government efforts to combat abuse of alcohol and other drugs need to be communicated to Kansas citizens, as well as to federal, state and local governments;

NOW, THEREFORE, pursuant to authority vested in me as Governor and chief executive of the State of Kansas, I hereby order that the Interagency Coordinating Committee on Substance Abuse be formed and chaired by the Director of the Governor's Office of Drug Abuse Programs.

The mission of the committee shall be to promote the development, implementation, maintenance, and evaluation of a coordinated interagency system in order to maximize resources and encourage partnerships both public and private for the purpose of empowering Kansans to eliminate the abuse of alcohol and other drugs.

The committee shall consist of:

1. Secretary of Administration
2. Secretary of Aging
3. Secretary of Commerce
4. Secretary of Corrections
5. Secretary of Health and Environment
6. Secretary of Human Resources
7. Secretary of Revenue
8. Secretary of Social and Rehabilitation Services
9. Secretary of Transportation
10. Secretary of Wildlife and Parks
11. Adjutant General
12. Chairman of the Parole Board

- 13. Superintendent of the Highway Patrol
- 14. Director of the Governor's Office of Drug Abuse Programs

The following state officials are requested to serve on the committee:

- 1. Commissioner of Education
- 2. Attorney General
- 3. Executive Director of the Human Rights Commission
- 4. Executive Director of Commission on Veteran's Affairs
- 5. Executive Director of the Kansas Board of Regents
- 6. Administrator of Emergency Medical Services

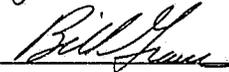
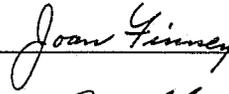
State officers or agency heads may appoint an individual to represent them on the committee.

This Order shall continue in full force and effect until the date any subsequent Executive Order with respect to the subject hereof is promulgated.

This document shall be filed with the Secretary of State as Executive Order No. 92-150 and shall become effective immediately.

THE GOVERNOR'S OFFICE

By the Governor _____



Secretary of State

Date

Assistant Secretary of State

Adjutant General of Kansas

Risk Factor Response Drug Interdiction and Law Enforcement Support Programs

The Adjutant General's Department receives funds from the Department of Defense to support law enforcement agencies conducting interdiction and eradication counterdrug operations. The funds allow the forces of the Kansas National Guard to attack the community risk-factor of drug availability. Intelligence data are used to target high-risk community areas. The National Guard support improves the operational effectiveness of law enforcement by providing military personnel and equipment to augment the forces and capabilities of the state, county and local law enforcement agencies. The program authorizes and provides special teams and the use of aerial, ground, and communications assets in support of counterdrug operations in Kansas. This support is coordinated through the lead agency, the Kansas Bureau of Investigation.

In Fiscal Year 1993, the Kansas National Guard flew 440 helicopter and 13 airplane hours to support law enforcement agencies. 360 helicopter and 25 airplane hours are allocated to support operations in Fiscal Year 1994. Ground operations will keep the same tempo of the previous year.

The estimated value of Guard-assisted ground seizures of marijuana in Kansas last year was \$27,612,750. The budget for National Guard interdiction operations in Fiscal Year 1994 has increased seven percent:

1993 Budget	1994 Budget
\$830,000	\$891,000

Drug Demand Reduction Programs

The Adjutant General's Department participates in risk-focused prevention through its demand reduction and networking programs. In support of communities, families, and schools, the Kansas National Guard members assist in implementation of drug-free actions. The demand reduction program within the National Guard is receiving continued emphasis at all levels. A Demand Reduction Coordinator has been added to the state staff to organize Guard support and act as a liaison between the Guard and the Governor's Program for Drug-Free Communities and Schools.

The Secretary of Defense has authorized for Kansas a pilot family network program. This program is designed to reduce community, family, and school risk factors. Parent training, in conjunction with community networking, is provided to support strong family bonding and community norms in reducing drug and alcohol abuse among youth. This program also supports the Governor's Program for Drug-Free Communities and Schools. The Drug Demand Reduction Budget for Fiscal Year 1994 has increased 43 percent as indicated:

1993 Budget	1994 Budget
\$210,000	\$300,000

Addressing Risk Factor

Risk Factors	SFY'93	SFY'94
#'s 4, 5	Protective Factor	Protective Factor
#'s 2, 7, 8, 15	Drug Interdiction Support Support Involvement with Kansas Family Initiative (KFI) and "Not One More Life Red Ribbon Campaign"	Drug Interdiction Support KFI and Not One More Life Red Ribbon Campaign
#11	Star Base Program at Wichita Air Base	Star Base at Wichita and Forbes Air Bases

Administration, Department of

Governor's Office of Drug Abuse Programs (Prevention/Treatment/Enforcement)

The Governor's Office of Drug Abuse Programs researches alcohol and other drug abuse issues, provides coordination for the state and local agencies that deliver alcohol and drug abuse services, and directly administers two federal grant programs. The two programs are entitled BUREAU OF JUSTICE ASSISTANCE (BJA) ANTI-DRUG GRANT PROGRAM and the U.S. DEPARTMENT OF EDUCATION'S GOVERNOR'S DISCRETIONARY PREVENTION GRANT PROGRAM.

The BJA grant provides for drug enforcement, prosecution and demand reduction activities. In the last few years, the following allocations were made to state and local agencies:

FY 1991	\$ 4,212,000	59 Projects
FY 1992	5,054,250	76 Projects
FY 1993	5,381,831	74 Projects
FY 1994	4,421,894	77 Projects

The Governor's Discretionary Prevention Grant Program provided for prevention and intervention activities in community based programs. The following allocations were made:

FY 1991	\$ 914,255	17 Projects
FY 1992	1,007,590	24 Projects
FY 1993	1,035,633	12 Projects
FY 1994	997,525	19 Projects

FY 1993—Actual	FY 1994 Recommended
\$6,043,063.	\$5,421,894.

Addressing Risk Factors:

SFY'93 PROTECTIVE FACTORS

2.
 - A. Funding to Kansas Regional Prevention Centers' community mobilization efforts;
 - B. Funding to multicultural conference;
 - C. Funded Governor's Adventure Program in Hays;
 - D. Funded Governor's Conference: "Neighbors Helping Neighbors".

3. COMMUNITY LAWS AND NORMS FAVORABLE TOWARD DRUG ABUSE
 - A. Funded 34 drug interdiction projects and 5 prosecution projects and one lab project;
 - B.

5. AVAILABILITY OF DRUGS
 - A. Same as III (A)
 - B. Advocated for securing a D.E.A. agent for SW Kansas:

SFY'94 PROTECTIVE FACTORS

- A. Funding to Kansas Regional Prevention Centers' community mobilization efforts;

- A. Funded 31 drug interdictions, 3 prosecutorial projects and 2 lab projects;
- B. Testified in favor of .08 BAC legislation;

- A. Same as III (A)

- | | |
|---|---|
| <p>6. FAMILY HISTORY OF ALCOHOL AND OTHER DRUG ADDICTION
 A. Funding for treatment in community corrections' day reporting centers;</p> | <p>A. Funding for treatment in community corrections' day reporting centers;</p> |
| <p>7. FAMILY MANAGEMENT PROBLEMS
 A. Kansas Family Initiative; (KFI)</p> | <p>A. Kansas Family Initiative; (KFI)</p> |
| <p>8. PARENTAL DRUG-USE AND POSITIVE ATTITUDE TOWARD USE
 A. D.A.R.E. Funding
 B. KFI funding
 C. Regional Prevention Center funding
 D. Red Ribbon Campaign funding</p> | <p>A. D.A.R.E. Funding
 B. KFI funding
 C. Regional Prevention Center funding
 D. Red Ribbon Campaign funding</p> |
| <p>10. ACADEMIC FAILURE
 A. Funding after-school tutorial program in Wichita</p> | <p>A. Funding after-school program in Topeka and Wichita</p> |
| <p>12. ALIENATION OR REBELLIOUSNESS
 A. Funding for community service project in Topeka</p> | |
| <p>13. ANTISOCIAL BEHAVIOR IN EARLY ADOLESCENCE
 A. Funding suppression units focused on youth gangs in Wichita, Topeka, and Johnson County</p> | <p>A. Funding suppression units focused on youth gangs in Wichita, Topeka, and Johnson County</p> |
| <p>14. FRIENDS WHO USE DRUGS
 A. Alliance with Partnership for Drug-Free America
 B. D.A.R.E. funding
 C. Media Advisory Committee
 D. Gang intervention funding in Topeka, Wichita, Johnson County</p> | <p>A. Alliance with Partnership for Drug-Free America
 B. D.A.R.E. funding
 C. Media Advisory Committee
 D. Gang intervention funding in Topeka, Wichita and Johnson County</p> |
| <p>15. FAVORABLE ATTITUDES TOWARD DRUG USE
 A. D.A.R.E. funding
 B. KFI funding
 C. Regional Prevention Center Funding</p> | <p>A. D.A.R.E. funding increased
 B. KFI funding
 C. Regional Prevention Center Funding
 D. Community Policing in Hutchinson</p> |
| <p>16. EARLY FIRST USE OF DRUGS
 A. D.A.R.E. funding
 B. Regional Prevention Center Funding</p> | <p>A. D.A.R.E. funding
 B. Regional Prevention Center Funding</p> |

Division of Personnel Services

I. Drug Screening Program (Intervention)

The 1988 Legislature authorized a drug screening program to be administered by the Division of Personnel Services (DPS). The law provides that drug screening will be required for certain elected and appointed

officials, and applicants for safety-sensitive jobs. Employees already in safety-sensitive jobs may be required to undergo drug screening if there is reasonable suspicion that they are using illegal drugs. All test results are confidential. Drug screening was implemented November 1, 1988. The 1991 Legislature authorized the expansion of the drug screening program to include positions located in the mental health and retardation facilities of the Department of Social and Rehabilitation Services. Drug screening for SRS positions began July 1, 1992, accounting for 398 of the 749 drug screens conducted during Fiscal Year 1993.

The following chart shows the volume of drug screens administered during each fiscal year since the inception of the program:

Fiscal Year	Number of Drug Screens
1989	427
1990	436
1991	454
1992	521
1993	749

There are 2.0 FTEs associated with the drug screening program. The program provides coordination and oversight of the integrity and effectiveness of the laboratory facility and collection sites; evaluation of drug screening procedures; identification of modifications required due to changes in technology; training of employees and supervisors; and maintenance of participant records. In addition, the staff refers employees to the State's Employee Assistance Program for confidential assistance. Employee rehabilitation, not punishment, is the goal of the drug screening program.

A drug-free workplace program was established in March 1989 to address alcohol and drug abuse prevention among state employees. The program continues to provide educational materials and information about alcohol and other drug abuse to ensure the State's compliance with the Federal Drug-Free Workplace Act of 1988. Provision of this program is a necessary prerequisite for Kansas' continued receipt of federal funds.

	FY 1993 Actual	FY 1994 Recommended
Drug Screening Contract funds	\$27,859	\$35,000

Employee Assistance Program (EAP) (Intervention)

The State of Kansas employee assistance program, LIFELINE, was implemented in March of 1988. LIFELINE telephone services are available to all employees and immediate family members 24 hours a day, seven days a week. Face-to-face visits can be scheduled at the employee's convenience at any of the 26 counseling sites across the state. In addition to alcohol and drug abuse counseling, professional help is available for legal, financial, family care, personal and emotional problems.

In calendar year 1992 there were 2603 calls made to the LIFELINE program. Approximately 7.6% of all calls were related to alcohol and drug problems.

LIFELINE is part of the State of Kansas employee health promotion program, HealthQuest. The HealthQuest program is jointly administered by the Department of Administration and the Kansas State Employees Health Care Commission. Within the Division of Personnel Services, HealthQuest is part of the Benefits section.

Addressing Risk Factors

Risk Factors
#s 4, 5, 6, 15
#s 6, 8, 14, 15

SFY'93
Protective Factors
Drug Screening
Employee Assistance Program

SFY'94
Protective Factors
Drug Screening
Employee Assistance Program

Attorney General/Kansas Bureau of Investigation

1. Investigation (Enforcement)

Drug investigations are conducted by the KBI Narcotic Division which is comprised of the Strike Force and the Undercover Unit. The Strike Force has 15 agents and investigates major illicit drug interdiction and distribution, large scale marijuana production, and the manufacturing of illicit drugs by clandestine drug laboratories. The Undercover Unit has 13 agents and operates in a covert manner to deal directly with drug traffickers. The primary emphasis of the Undercover Unit is to provide services to jurisdictions with limited resources to conduct narcotic investigations.

FY 1993 Actual	FY 1994 Recommended
\$1,770,111	\$1,722,267

2. Prosecution (Enforcement)

Two Assistant Attorney General positions are assigned to the KBI to handle prosecutions, post-conviction proceedings and other legal matters. One Assistant Attorney General is assigned full-time to the Narcotic Strike Force. The second Assistant Attorney General serves as general counsel for the KBI which includes a portion of time spent on drug related cases. The following amounts are attributable to prosecutorial expenditures on drug related cases.

FY 1993 Actual	FY 1994 Recommended
\$86,143	\$89,533

3. Crime Prevention Unit (Education/Prevention)

There are 2.0 FTEs assigned to the KBI Crime Prevention Unit. This unit provides instructional services and printed materials for public education on crime prevention, including information concerning alcohol and drugs.

FY 1993 Actual	FY 1994 Recommended
\$102,480	\$101,567

4. Forensic Laboratory Program (Enforcement)

The forensic laboratories at Great Bend and Topeka provide forensic examinations and services to law enforcement agencies within the State. In addition to the examination of evidence, lab personnel provide expert testimony in Kansas criminal court proceedings regarding the results of examinations are performed.

Although most examinations involving alcohol- and drug-related crimes are performed in the Chemistry Unit, several other units may also examine the evidence, depending on the nature of the crime. The KBI estimates costs of alcohol- and drug-related examinations performed in the laboratories as follows:

FY 1993
Actual
 \$475,454

FY 1994
Recommended
 \$401,355

Addressing Risk Factors

Risk Factors	SFY'93 Protective Factors	SFY'94 Protective Factors
#'s 4, 5	Investigating and interdicting drug traffic Prosecuting drug crimes, including forfeiture action	Investigating and interdicting drug traffic Prosecuting drug crimes, including forfeiture action
# 15	Instructional services on crime prevention	Instructional services on crime prevention

The Corporation for Change

The Corporation for Change was created to implement a comprehensive, coordinated strategy for investment in Kansas children and their families. A goal of The Corporation is to coordinate and implement reform of services to Kansas families, using the "Blueprint for Investing in the Future of Kansas Children and Families," as a guide. The Blueprint identifies substance abuse as a root cause of many problems affecting children and their families (Target VII- Reduce High Risk Behavior in Children and Families). It is evident that the prevention, intervention, and treatment of these substance abuse problems are integral parts of the overall reform mission of The Corporation for Change.

For the purposes of this document, we are reporting on three specific components of our work.

Local Planning Councils

Local planning councils are designed to build each community's capacity to reform the service delivery system at a local level. As of the writing of this document, there are 31 of these councils. Many councils are addressing issues related to substance abuse prevention and intervention, as they pursue strategies identified in Target VII of *The Blueprint: Reduce High Risk Behavior in Children and their Families*. In so doing, these councils attack the risk factors listed under the categories of community, family, and school risk factors.

Revenue sources are the United Methodist Health Ministries Fund and the Annie E. Casey Foundation.

FY 1993—Actual	FY 1994 Recommended
\$15,000	\$95,101

Kansas Family and Children Trust Fund

The Kansas Family and Children Trust Fund was created in 1980 for the purpose of providing funds to community projects for the broad range of child abuse and neglect prevention. By preventing child abuse and neglect, we are also preventing the likelihood of substance abuse later in life. Included among the many risk factors addressed in Trust Fund projects are family management problems, antisocial behavior in children, and alienation or rebelliousness.

Revenue sources are from a small federal grant through the National Center on Child Abuse and Neglect in the U.S. Department of Health and Human Services, a portion of Kansas marriage license fees, and a state general fund appropriation. In both years, funds were expended in grants to thirty-two local projects.

FY 1993—Actual	FY 1994 Recommended
\$450,150	\$475,000

Permanent Families Fund

The 1992 Kansas Legislature created the Permanent Families Fund to provide funding to support two kinds of services for children and families before the courts. Court Appointed Special Advocates are trained volunteers who advocate for the best interest of individual children before the juvenile court. Citizen Review Boards provide a panel of trained volunteers to gather information, review progress, and make case recommendations to the judge on behalf of children in need of care who are in the court system.

Both these programs address the risk factors of low neighborhood attachment and community disorganization, early antisocial behaviors, family management problems, and alienation or rebelliousness.

Revenue sources are from a surcharge on copies of birth certificates.

Although we know it to be a significant factor, we are unable to determine how frequently substance abuse issues contribute to the situations causing a family to appear before the court.

FY 1993—Actual
NONE

FY 1994 Recommended
\$184,863

Corporation for Change

	SFY'93	SFY'94
Risk Factors	Protective Factors	Protective Factors
#s 2, 6, 7	Developing local planning councils	Developing local planning councils
	Support of KFI	Support of KFI
	Support of treatment initiatives	Support of treatment initiatives
#s 12, 13	Coordinating continuum of care of high-risk youth, e.g., CASA and Court Review Boards	Coordinating continuum of care of high-risk youth, e.g., CASA and Court Review Boards

Corrections, Department of

Institutional Substance Abuse Programs

1. Alcohol and Drug Addiction Primary Treatment (ADAPT) (Intervention/Treatment)

In FY 93 substance abuse programs were offered at six Kansas correctional facilities. The ADAPT program for medium and maximum custody male offenders is an intensive, dual track (i.e. offering simultaneous primary and relapse prevention treatment curriculums), day treatment program. This program includes an open entry policy, with a minimum treatment cycle duration of 240 service hours (the length of treatment beyond the minimum is individualized to meet the offenders' treatment needs.) The program curriculum usually provides at least eight service hours of structured alcohol and drug abuse treatment activities each day, including a minimum of ten service hours per week in group or individual counseling. The relapse prevention treatment track is based on the CENAPS model and is focused on community and individual/peer risk factors as well as other aspects of relapse. The ADAPT program provided for female offenders is a single track program that incorporates primary and relapse approaches in a single approach and operates on a half time basis in the evening hours at Topeka Correctional Facility. The Risk-focused Prevention model is incorporated into the portion of the treatment curriculum addressing family and reintegration issues and aftercare. The total number of treatment slots in the system for FY 93 was 216, in which approximately 1344 offenders were provided primary or relapse prevention treatment.

Aftercare counseling is designed as a thirteen week program to provide a bridge between intensive treatment and return to general population and eventual release from custody. Approximately 994 offenders received aftercare treatment in 152 slots in FY 93. Also in FY 93, all offenders received substance abuse educational workshops during their orientation at a correctional facility.

FY 1993 Actual	FY 1994 Recommended
\$1,122,652	\$954,496

2. Chemical Dependency Recovery Program/Larned State Security Hospital (CDRP) (Treatment)

Chemical Dependency Recovery Programs at Larned State Security Hospital offers diagnostic and primary treatment services for minimum security offenders on a referral basis. 43 primary treatment slots are available at no cost to the Department of Corrections. This intensive, primary treatment is provided on a 24 hour basis in a therapeutic setting for minimum custody offenders whose severe history of substance abuse demonstrates a need for an intensive program and who are determined to be as genuinely motivated by their unit team. This 24 hour therapeutic treatment setting is more intensive than a day treatment program but is referred to as an intermediate treatment program because it is less structured than an inpatient, full service hospital treatment program setting. The program lasts 7 weeks and provides a minimum of 40 hours of structured therapeutic activities a week emphasizing small group and individual counseling. This program has a modified exit feature similar to the ADAPT programs. Participation is encouraged especially for inmates with severe substance abuse dependence or addiction issues who are motivated for an intensive care program. In FY 93 approximately 301 offenders participated in this program.

FY 1993
Actual
\$0

FY 1994
Recommended
\$0

Community Substance Abuse Programs

1. Intermediate Treatment (Intervention/Treatment)

The intermediate treatment program provides a 24-hour therapeutic setting for diagnostic and intermediate treatment for program participants under parole supervision, whose history of substance abuse and/or current substance abuse situation demonstrates a need for an intensive treatment environment. This program provides services to both genders in most areas of the state and provides a minimum of 40 service hours per week of structured activities, including 10 service hours of individual and group counseling and includes the same simultaneous dual track, open entry/modified open exit policy as the facility based ADAPT programs. This treatment modality also provides classes aimed at the further development of re-socialization skills, discharge planning, decision making skills, employment seeking and placement skills. Family counseling focusing on individual/peer, family and community risk factors is also available. A total of 47 treatment slots were available for this program in FY 93. These slots provided intermediate treatment for 420 offenders.

FY 1993
Actual
\$532,170

FY 1994
Recommended
\$532,170

2. Reintegration Treatment (Treatment)

The reintegration treatment program (halfway) provides a structured and supportive 24-hour residential living environment for recovering offenders. The curriculum emphasizes community, personal/peer risk factors as well as relapse prevention and job development services. (Funding for these treatment slots are based on a co-payment plan. The funding paid by KDOC represents a basic payment structure with the balance paid by the offender.) In FY 93, 26 male and 8 female treatment slots were available. Approximately 136 offenders under parole supervision were provided these services in FY 93. The level of reintegration services will increase by 13 treatment slots FY 94 to meet increased offender population needs in the Eastern Parole Region.

FY 1993
Actual
\$411,000

FY 1994
Recommended
\$548,605

3. Day Treatment (Intervention/Treatment)

This program provides intensive treatment to clients who do not stay at the treatment facility but meet for approximately four hours per day. 12 treatment slots are dedicated to this modality of treatment. The program is focused on risk factors and relapse prevention issues. It is designed to allow employed offenders

who do not pose a clear and present danger to the community to continue working and regain their sobriety while participating in community based treatment.

FY 1993	FY 1994
Actual	Recommended
\$80,640	\$80,640

4. Outpatient Counseling (Intervention/Treatment)

This program provides outpatient alcohol and drug abuse counseling in a therapeutic setting on both a scheduled and non-scheduled basis to paroled offenders. The program offers individual, group, motivational and crisis intervention counseling. In FY 93, 165 slots were available to serve 660 offenders under parole supervision.

FY 1993	FY 1994
Actual	Recommended
\$226,600	\$226,600

Community Corrections Programs Statewide Alcohol/Drug Treatment Services

ALCOHOL/DRUG TREATMENT SERVICES, through contractual agreements with local and statewide treatment providers, are made available to adult and juvenile offenders placed on community based supervision. The treatment services made available may include:

1. **Evaluations/Assessments** to determine the intensity and type of intervention needed to assist each participating offender in learning how to sustain a drug free lifestyle;
2. **Relapse Prevention/Intervention Services** that educate and assist offenders in increasing their awareness and understanding of the relapse process. A primary focus is the continuous practice of skills and activities that empower offenders to lengthen the duration of each drug free period;
3. **Alcohol/Drug Group Counseling** for those offenders who need the structure, support and confrontation experienced in intensive group sessions;
4. **Individual Alcohol/Drug Counseling** provides opportunities for those offenders unable to tolerate the group experience or who need both group and individual counseling in order to understand their addiction and how to sustain a drug-free lifestyle.

Drug Testing services are provided by all community corrections programs. The frequency of drug testing is determined by the offenders current and/or past history of use. Test supplies and confirmation testing services are purchased through contractual agreements with local and state vendors.

The Kansas Department of Corrections, during FY 93, allocated monies to community corrections programs statewide for outpatient drug/alcohol treatment and drug testing services. Fourteen (14) community corrections programs received grants to provide treatment services for drug-dependent adult and juvenile offenders. The grant award totalled \$450,000 and required a 25 percent match (\$150,000).

FY 93	FY 94
Actual Expenditures	Actual Award
\$415,333.07	\$240,261

Addressing Risk Factors

	SFY'93	SFY'94
Risk Factors	Protective Factors	Protective Factors
#s 6, 8	Institutional and Community Treatment Programs	Institutional and Community Treatment Programs
#5	Drug Testing	Drug Testing

Drug-Free Schools and Communities Act (DFS&CS)

I. History and Review of the Act

The Drug-Free Schools and Communities Act (P.L. 99-570) (DFS&CS) was enacted on October 27, 1986 and is the single largest drug prevention program funded by the federal government. This legislation was subsequently reenacted as Title V of the Elementary and Secondary Education Act of 1965 (ESEA) (P.L. 100-297). The U.S. Department of Education is responsible for administering Title V of ESEA, as amended, by the Anti-Drug Abuse Act of 1988 (P.L. 100-690) and the Drug-Free Schools and Communities Act Amendments of 1989 (P.L. 101-226). Most recently, the Drug-Free Schools and Communities Act was amended by the Crime Control Act of 1990 (P.L. 101-647), signed on November 29, 1990. Its purpose is to provide financial assistance for the development and maintenance of community and school-based tobacco, alcohol, and other drugs (TAOD) prevention and education programs. The Kansas State Board of Education received its first grant through the U.S. Department of Education in 1988.

According to the conditions of the grant award from the U.S. Department of Education, the Governor's office receives 30% of the total grant award. The Kansas State Board of Education (KSBE) receives the remaining 70% and passes 90% of its entitlement to local school districts or interlocals. The KSBE is allowed to use the remaining 10% for statewide leadership activities and program administration.

The Act provides schools and communities with funds to supplement their prevention, intervention, and education TAOD programs. The Drug-Free legislation emphasizes the ability of educators, parents, policymakers, and community leaders to assist our youth to live healthy, responsible, drug-free lives.

School districts or interlocals receive these funds by participating in the application process and by meeting basic statute-driven requirements. The Kansas funding base has increased annually:

\$1,536,474 in FY 88
\$1,813,629 in FY 89
\$2,748,697 in FY 90
\$3,275,211 in FY 91
\$4,223,724 in FY 92
\$4,649,207 in FY 93
\$4,616,686 in FY 94 (preliminary allotment based on projected census data)

The actual funding base for Kansas schools is determined through a federal formula which factors student enrollment and Chapter 1 funding. These formulas are then applied on a district-by-district basis.

In order for a district or interlocal to be eligible for these funds, an application must be submitted to the SEA for approval. The applications can be for one, two or three years, based upon the judgment of the SEA. In Kansas, the first three applications were yearly. In school year 1991-92, a two-year application process was begun and beginning in school year 1993-94, districts and interlocals were provided a three-year application.

Eligible Applicants

Kansas public schools are eligible to apply.

How do districts or interlocals obtain their allocated funds?

An application must be submitted according to guidelines provided by the KSBE. Non-public schools are served through the districts or interlocals in which they reside.

II. Application Requirements

All applicants shall:

1. Set forth a three-year plan for programs to be carried out by the local education agency or an interlocal.
2. Contain a budget for the establishment and operation of the tobacco, alcohol, and other drugs (TAOD) program. The funds must be clearly attached to the goals and objectives.
3. Establish and maintain an advisory council on TAOD education and prevention composed of individuals who are parents, teachers, students, Regional Prevention Center staff, treatment professionals, or prevention staff, medical professionals, representatives from law enforcement, mental health professionals, community leaders, and other groups. This requirement may be met within the structure of the required school site councils.
4. Describe the extent of the current TAOD use among youth. A student use survey is required at a minimum of every other year. For more information, refer to section three, number three.
5. Maintain a tobacco, alcohol, and other illicit drug policy to include:
 - a. Standards of conduct that are applicable to all students and which clearly prohibit, at a minimum, the unlawful possession, use, or distribution TAOD by students on school premises or as part of any of school-sponsored activities.
 - b. A clear statement that disciplinary sanctions (consistent with local, state and federal law), up to and including expulsion and referral for prosecution, will be imposed on students who violate the standards of conduct. A disciplinary sanction may include the completion of an appropriate rehabilitation/treatment program.
 - c. Information about any TAOD counseling and rehabilitation and re-entry programs that are available to students.
 - d. A requirement that all parents and students be given a copy of the standards of conduct and the statement of disciplinary sections.
 - e. Notification to parents and students that compliance with the standards of conduct is mandatory.
6. Describe how the applicant will monitor and evaluate the effectiveness of their program.
7. Describe the manner in which the applicant will coordinate its efforts with TAOD treatment and prevention programs.
8. Describe how the applicant will coordinate its efforts with appropriate state and local health, law enforcement agencies, and other appropriate community-based organizations in order to effectively conduct TAOD education, intervention, and referral for treatment and rehabilitation for the student population.
9. Describe how the applicant will ensure that the schools will be an important part of a community-wide effort to raise TAOD-free successful youth.
10. Describe how, to the extent practicable, assistance provided under this Act will be used to provide trained counselors, social workers, psychologists, and nurses to carry out TAOD prevention and intervention activities.

11. Agree to keep such records and provide such information to the Kansas SEA as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the state agency under the Drug-Free Schools and Communities Act.
12. Describe how the applicant will maintain and make available for distribution a list of local and state resources for TAOD counseling, intervention, and treatment.
13. Submit annually to the Kansas SEA an annual report.
14. Provide an age-appropriate, developmentally-based TAOD education and prevention curriculum which addresses the legal, social, and health consequences of TAOD use and which provides information about effective techniques for resisting peer pressure to use TAOD for all students in all grades of the schools operated or served by the LEA or interlocal from the early childhood level through grade twelve.
15. Provide a statement to all students that the use of TAOD and the unlawful possession and use of TAODs is wrong and harmful.

III. Certification/Assurance; the Drug-Free Schools and Communities Act of 1986, P.L. 101-226, as Amended in November 1989

Under the Drug-Free Schools and Communities Act amendments of 1989, P.L. 101-226, schools could lose all Federal funds if schools haven't complied with the Drug Prevention Program Certification. The Act requires districts to have policies which address the use, manufacture or distribution of illicit drugs and alcohol by a student or employee at any time on school property or at any school activity. These policies must be reviewed on a biennial basis with documentation of the review. To meet the certification requirements, districts must have the following elements in place:

(1) for students, districts must have:

- an age-appropriate, developmentally-based drug and alcohol education and prevention program (which addresses the legal, social, and health consequences of drug and alcohol use and which provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol) for all students in all grades of the schools operated or served by the local education agency, from early childhood level through grade 12.
- communicated to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful.
- implemented standards of conduct that are applicable to students in all the local education agency's schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any of its activities.
- developed a clear statement that disciplinary sanctions (consistent with local, State, and Federal law), up to and including expulsion and referral for prosecution, will be imposed on students who violate the standards of conduct, and a description of those sanctions. A disciplinary sanction may include the completion of an appropriate rehabilitation program.
- provided information about any drug and alcohol counseling and rehabilitation and re-entry programs that are available to students.
- provided parents and students with a copy of the standards of conduct and the statement of disciplinary sanctions.
- provided notification to parents and students that compliance with the standards of conduct is mandatory.

(2) for employees, districts must have:

- implemented standards of conduct applicable to employees that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol on school premises or as part of any of its activities.
- developed a clear statement that disciplinary sanctions (consistent with local, State, and Federal law) up to and including termination of employment and referral for prosecution, will be imposed on employees who violate the standards of conduct, and a description of those sanctions. A disciplinary sanction may include the completion of an appropriate rehabilitation program.
- provided information about any drug and alcohol counseling and rehabilitation and re-entry programs that are available to employees.
- provided a requirement that employees be given a copy of the standards of conduct and the statement of disciplinary sanctions required.
- provided notification to employees that compliance with the standards of conduct required is mandatory.

(3) for both student and employee drug prevention programs, districts must:

- conduct a biennial review of its programs to—
 - (a) determine the program's effectiveness and implement changes to the programs if they are needed; and
 - (b) ensure that disciplinary sanctions are consistently enforced.

This is an additional requirement and is above and beyond participation with the DFS&C project. The Certification Assurance Requirement is a non-funded Federal requirement and could jeopardize all Federal funding should a district fail to comply.

IV. Concept Design and Contribution to Improving the Quality of Tobacco, Alcohol and Other Drug Use Education Prevention, and Intervention Strategies

Past efforts to reduce or eliminate the use of tobacco, alcohol, and other drugs among our youth were often met with frustration and did not address the complexity of factors that had an impact upon our youth's decision to use. In the early and mid 1970's, communities across the nation focused on informational strategies about the dangers of tobacco, alcohol, and other drug usage; however, they failed or caused greater harm (Goodstadt, et al., 1982; Third Special Report, 1978). Evaluation of informational curricula demonstrated an increase in student knowledge, but displayed no significant change in attitude or behavior. Short-term approaches, such as one-shot presentations by experts on drugs, were also found to be ineffective. Education programs designed to help youth develop skills to enhance self-esteem, decision making, problem solving, and interpersonal communications, were also ineffective (DiCicco, et al., 1984; Shaps, et al., 1981; Goodstadt, et al., 1982; and Barnens, 1984).

Prevention programs that demonstrated impact assisted our youth with the development of social skills for resisting influences to use tobacco, alcohol, and other drugs and emphasized norms against use. Research, however, identified that these effects often dissipated after two or three years without reinforcement. Students needed to be exposed consistently and over an extended time and to provide effective intervention strategies to meet the needs of students who were at greater risk of using tobacco, alcohol, and other drugs and/or came from families with addiction problems.

School-based programs that have shown a carryover effect for an extended time have either offered booster sessions or have broadened the program to involve parents, the media, and community, improving norms against drug use. A student's choice to smoke, drink, or use other illicit drugs is largely determined by those systems of influence in his or her daily environment, i.e., the family, school, friends, and the community. The more each system presents risk factors, the greater the likelihood the youth will choose health compromising behaviors.

Recent research has demonstrated that prevention programs must reflect a fully-coordinated school and community approach (Bell and Battjes, 1987; Glynn, Leukenfeld, and Ludford, 1983; and Jones and Battjes, 1987). In short, research findings suggest that the most effective prevention programs combine both affect and skill development approaches that are comprehensive and involve all four domains of influence: the family, community, school, and individual.

State and local level agencies, whose missions intersect or parallel, have adopted the Hawkins-Catalano "Risk-Focused Prevention Model" as a common conceptual framework upon which all community and school-based programs in Kansas can now communicate. This has created a common point of reference in language and vocabulary and has greatly enhanced statewide planning and service delivery. The Governor's Interagency Coordinating Council, that represents twenty-one state agencies, has formally adopted the model. The state agency, Social Rehabilitation Services and Alcohol and Drug Abuse Services have been conducting statewide community risk assessments based upon the Hawkins and Catalano Risk-Focused Model for the past two years. Their grantees, the Regional Prevention Centers, have been providing the school districts with a summary and technical assistance about the data. The state has most recently gained a significant resource through a federal grant that the department of Social Rehabilitation Services and Alcohol and Drug Abuse Services submitted in collaboration with five other states. The funds will provide the resources to conduct statewide student risk, household, and student use surveys in consultation with researchers Hawkins and Catalano. Student risk surveys will be made available this spring.

Through collaborative efforts, state policymakers have worked to avoid duplication and to identify gaps in services. In 1991, the Kansas Family Initiative was developed to address a major gap by building partnerships with parents in prevention and to address the risk factors in the family domain. Within two years, the effort has managed to attract 800 individuals throughout the state who are now workshop leaders in at least one of the following parenting programs: Preparing for the Drug-Free Years, Effective Black Parenting, and Los Ninos Bien Educados. A total of 2000 parents have successfully completed one of the three programs. Through program adaptation, the Kansas Family Initiative is currently serving parents in prisons, parents in recovery, and parents in serious financial stress. The Kansas Family Initiative plays a significant role in the overall success of the prevention efforts in Kansas because it is an important referral resource and a strong linkage to the community and family. These three resources—the community risk assessment data, the Kansas Family Initiative, and the risk-focused student survey—will greatly enhance the overall effectiveness of school-based prevention efforts. The strong interagency collaborative atmosphere in Kansas among prevention service providers has built a solid foundation for community-wide prevention partnerships. Involving the entire community can facilitate widespread communication that in turn promotes consistent norms about tobacco, alcohol, and other underage drug use as well as knowledge about risk and protective factors.

The comprehensive community-school-family focus in Kansas is creating a synergy where the whole is more powerful than all its parts.

V. Separate and Apart from Statutory Responsibility and Regulations, the Drug-Free Schools and Communities Project is able to Report Significant Local Commitment

The districts in Kansas have shown significant local commitment to prevention services.

The receptiveness is clearly demonstrated through the ninety-eight percent participation level in the Kansas State Board of Education's Drug-Free Schools and Communities Project and willingness to be actively engaged in statewide prevention efforts. Districts prevention and intervention strategies are being integrated with the Quality Performance Accreditation process which all schools must comply with by 1996.

Acting on their commitment to quality education, the State Board of Education began its improvement process in 1989 when it adopted its strategic directions aimed at providing the framework for quality instruction for Kansas school children. The strategic directions then became the launching pad for the Quality Performance Accreditation process. The successful Quality Performance Accreditation program can be categorized into five basic components: 1) focus on the effective school principles, 2) emphasis on creating a learning community, 3) staff training and retraining, 4) emphasis on high academic performance, 5) meet world class standards using integrated curricular instruction. The accreditation of schools in Kansas has a mission of improvement of school and student performance. In this atmosphere of improvement, local control, and renewal, our schools are in a better position to begin addressing the full range of problems that students experience which interfere with academic success. The Kansas Quality Performance Accreditation process promotes a self-renewal where schools become centers of inquiry and teachers and administrators become reflective practitioners who continually expand their knowledge about student success. It encourages parents to become a part of the learning community, not just a "partner with," but as "a part of," the school to form a collective task of educating our youth.

Student needs vary, not only by their age and development levels, but also by their number of risks. These risk factors tend to cluster together and have multiple effects. Clearly the educational system plays a critical role in this. Kansas schools are implementing prevention initiatives to strengthen their capacity to ensure that equitable learning opportunities exist for all students. Kansas school leaders have begun to coordinate their efforts with the community, parents, and youth to create a home-school-community partnership that protects our youth and reduces risk.

The Kansas State Board of Education Drug-Free Schools and Communities project has encouraged all participating districts to infuse the Risk-Focused Prevention Model with the Quality Performance Accreditation Outcomes. The education system clearly addresses most of the 16 risk factors and is impacted by all of them.

VI. Risk Factors Addresses Through the DFS&C'S Participating Districts and Interlocals

Risk Factors	DFS&C's Response
<i>Family</i>	
<input type="checkbox"/> Family management problems	<input type="checkbox"/> Community involvement <input type="checkbox"/> Parent training/education/involvement <input type="checkbox"/> Kansas family initiative <input type="checkbox"/> K-12 prevention curriculum emphasis on creating youth awareness on the role that peers, family, media, and community play in influencing decisions to use
<input type="checkbox"/> Parental drug use and positive attitudes towards drug use	
<input type="checkbox"/> Low commitment to school	<input type="checkbox"/> Staff development, emphasis on interactive teaching and cooperative learning <input type="checkbox"/> Student assistance programs <input type="checkbox"/> Provide TAOD alternative activities <input type="checkbox"/> Life skills <input type="checkbox"/> After school program <input type="checkbox"/> Foster active student participation and involvement

Academic failure

- Tutoring for at risk youth
- Peer helper/peer leader
- Student assistance programs
- Staff development
- K-12 prevention curriculum, with an emphasis on decision making communication, coping skills
- Parent involvement
- School policy

School transitions

- Student preparation
- Parental involvement
- Peer leadership

Individual/Peer

Alienation or rebelliousness

- Staff development
- Student assistance programs
- School policy
- Student involvement
- Conflict resolution training
- K-12 prevention curriculum, with emphasis on interpersonal and cognitive skills

Friends who use drugs

- Peer leadership
- Problem solving emphasizing life skills, decision making, peer resistance
- K-12 prevention curriculum
- School policy
- Student assistance programs

Favorable attitudes toward drug use

- K-12 prevention curriculum
- Student assistance programs
- Peer leadership
- Mentoring programs
- Provide TAOD alternative activities
- School policy

Family history of alcoholism

- Support/intervention programs for children of alcoholics
- Student assistance programs

Community

Community laws and norms favorable toward alcohol and other drug use

- Promote the enforcement of laws regarding alcohol and other drugs
- Community involvement/coalition building
- Alcohol and other illicit drug-free alternatives
- Safe homes program
- No use norms for underage youth

Transition and mobility

- Peer helper program
- Mentoring
- Transition preparation
- School management and development
- Community service programs

Easy availability of tobacco, alcohol and other drugs

- Promote the enforcement of laws
- School policy
- Community coalition development

School

Early antisocial behavior

- Conflict resolution training
- School policy
- Student assistance programs
- Staff development, emphasis on classroom management
- Life skills
- Peer leadership, mentoring
- School policy
- K-12 prevention curriculum
- Law-related education, emphasis on citizenship skills and favorable attitudes towards law and justice system

Early first use

- Student assistance programs
- School policy
- Parent education/training/involvement
- Provide TAOD alternative activities
- K-12 prevention curriculum
- Skill building, refusal skills, peer resistance
- After school programs
- Promote school involvement

Addressing Risk Factors

Risk Factors
#s 6, 7, 8, 9, 10, 11, 12,
13, 14, 15, 16

SFY'93
Protective Factors
Involvement with KFI

Drug-Free School Education in
96% of Kansas Schools
Support S.A.D.D.

SFY'94
Protective Factors
Involvement with KFI

Drug-Free School Education in
96% of Kansas Schools
Support S.A.D.D.
Teen trainers against smoking

Activities of the Kansas Department of Health and Environment Relating to the Prevention of the Use of Alcohol and Other Drugs

The Kansas Department of Health and Environment, the chief public health agency in the state, recognizes the threat of drug abuse to the public health. In 1991, KDHE included in its Cooperative Agreement with the Kansas Department of Social and Rehabilitation Services a component that addresses interaction with the Alcohol and Drug Abuse Services of SRS. The purpose of this agreement is to establish methods for ongoing collaboration and coordination; prevent duplication of efforts; promote dissemination of information regarding risks of the use of alcohol and other drugs; and establish methods for collection, sharing, and analysis of data.

Various programs within the Division of Health focus on prevention (both primary and secondary) of the use of alcohol and other drugs. Most activities related to secondary prevention, also known as intervention. Those programs are outlined as follows:

Bureau of Disease Control

The BDC supports local health department efforts in substance use prevention through trainings and other technical support provided to local health agency personnel who interact with clients of HIV antibody testing sites who self-report substance use problems. Staff receive information about local resources, in particular SRS/ADAS supported AOD prevention and treatment centers, to which their clients can be referred for substance abuse services. There is no specific dollar amount allocated for this activity. Because of the linkage between substance use and risk for HIV infection, it is considered to be an integrated part of HIV counseling and testing services rather than a separate component of such programs.

Federal AIDS prevention funds through the Centers for Disease Control and Prevention support three HIV prevention outreach programs targeting substance users. Activities are carried out by community-based organizations in Topeka, Kansas City, and Wichita. Total funding per year is \$29,700.

The Bureau, in conjunction with SRS/ADAS, has developed programs at the local health departments of Wyandotte and Shawnee Counties in an effort to provide on-site substance abuse counseling for substance-abusing clients. In addition to ongoing technical support from staff of the BDC, the Bureau contributes \$9,900 in federal AIDS prevention funds for this project.

Bureau of Family Health

The Bureau of Family Health coordinates several community-based prevention- or intervention-related activities. These programs are generally carried out through the local health department with technical support and funding from the Bureau.

The Bureau receives federal Maternal and Child Health Block Grant funds that support objectives relating to smoking cessation during pregnancy; alcohol consumption by women; and adolescents and substance use.

The BFH recently has taken a leading role in supporting the inclusion of substance use prevention as a part of the "Baby Your Baby" multi-media initiative in Topeka and Wichita.

Bureau staff review information about the incidence of alcohol and tobacco use as a medical risk factor as documented on live birth and fetal death certificates. This information, which gives some indication of the impact of substance use on perinatal outcome, can then be used in developing public education campaigns to stress the importance of considering the use of AOD prior to or during pregnancy.

Another federal program administered by the BFH is the Special Supplemental Food Program for Women, Infants, and Children (WIC). In general, local agencies (with the support of the BFH) work to prevent substance use by providing information about the dangers of substance abuse, including clients not identified through screening as users. WIC programs coordinate with local alcohol and drug treatment centers, and WIC clients who are substance users are referred to them for further assessment and treatment.

Family planning services also receive BFH supports. Prevention and assessment of substance use is included in the KDHE Family Planning Standards and Protocols. Information, in either print or verbal form, is given during the initial family planning and subsequent visits as needed. For clients who report that they use substances, family planning services staff document the use, referral, and plans for follow-up. Referral to local services is the primary method of intervention.

The BFH coordinates school health activities relating to substance abuse prevention. In so doing, the Bureau relies on the Drug Free Schools Program through the Kansas Board of Education and SRS/ADAS. This is done in an effort to promote the existing program and to prevent duplication of effort. BFH personnel conduct in-service trainings for school nurses and counselor in order to support school-based interventions.

Other BFH programs designed to provide information about substance use to clients include the Health Start program and the Maternal and Infant Health program. The latter receives assistance from the substance abuse counselors based at the local health agencies of Wyandotte and Shawnee Counties, as described under the activities of the Bureau of Disease Control.

There are no specific dollar amounts set aside for these programs. Substance prevention activities are viewed as essential components of each program rather than separate ones.

Office of Government and Community Relations

The Office of Government and Community Relations maintains a literature distribution center which contains several pamphlets focusing on substance abuse prevention. These are available upon request and are primarily used by schools, local health departments, and at health fairs. A limited number of videos are also available for loan. Most of the literature and some of the videos are provided to OGC free of cost through SRS/ADAS or the Kansas State Board of Education. State general funds are also used to purchase some items. The amount spent each year varies depending upon demand as there is not specific amount allotted for the purchase of these materials.

Certification of the Breath Alcohol Instruments and Operators (Enforcement)

The Kansas Department of Health and Environment (KDHE) has statutory responsibility for certifying evidential breath-testing instruments and operators. The Breath Alcohol Unit of the Kdhe Laboratory provides training and performance evaluation for operators of evidential breath alcohol measurement instruments.

During the last 24 months, the unit provided training and a performance evaluation program for approximately 2,600 certified operators of evidential breath alcohol measurement instruments located in 219 law enforcement agencies throughout the state. On-site evaluations of 153 instruments and laboratory methods used by the operators are reviewed annually. Alcohol standards and quarterly proficiency test samples are provided to each agency.

These components are necessary to maintain the accuracy and legal credibility of breath alcohol data used in the prosecution of 35,858 DUI cases throughout Kansas each year. The majority of these subjects, 33,031, exceeded the new .08 limit. The average DUI case had a breath alcohol of .169. This figure dropped to .161 in the last quarter, but this probably cannot be considered to be an ongoing trend.

Spending authority on a grant from the National Highway safety expired July 1, 1993. Program expenses in FY 93 were \$284,267.

FY 1994
Actual
\$14,479

FY 1995
Recommended
\$190,550

Addressing Risk Factors

Risk Factors	SFY'93 Protective Factors	SFY'94 Protective Factors
<p>#4</p> <p>#'s 6, 7, 8, 14, 15, 16</p>	<p>Certification of alcohol instruments and operators</p> <p>Interagency agreement with SRS/ADAS for preventional intervention with using parent AIDS prevention/education</p> <p>Sponsored state-wide primary care conference</p> <p>Community-based prevention or intervention activities</p> <p>Smoking cessation activities with maternal and child health program</p> <p>Alcohol & Other Drug (AOD) education with Intravenous Drug Users and family planning programs</p>	<p>Certification of alcohol instruments and operators</p> <p>Interagency agreement with SRS/ADAS for preventional intervention with using parent AIDS prevention/education</p> <p>Sponsored state-wide primary care conference</p> <p>Community-based prevention or intervention activities</p> <p>Smoking cessation activities with maternal and child health program</p> <p>Alcohol & Other Drug (AOD) education with Intravenous Drug Users and family planning programs</p>

Highway Patrol

Alcohol Traffic Safety Grant (Enforcement, Prevention/Education)

The Kansas Highway Patrol plans to continue statewide training through at least FY 1994 in the detection, apprehension and prosecution of drunk drivers. The Patrol will furnish six existing officers, specialized in DUI training, to train Kansas law enforcement officers, breath alcohol instrument operators, prosecutors and judges in the proper use of breath alcohol testing devices and enforcement techniques.

This program receives funding from a Kansas Department of Transportation Grant (Federal Section 408 Program). The goal at the outset of the program was to increase DUI arrests from the 14,353 reported in 1987 to 32,000 annually. To bolster the overall campaign, new strategies are being implemented to increase public awareness. The Patrol believes that if aggressive DUI enforcement activities are more conspicuous, then many potentially drunk drivers can be diverted from getting behind the wheel of an automobile. Working closely with KDHE, an effective support system is being carried out to assist and encourage local agencies to participate in high profile programs to increase public awareness. To date, 7,011 officers have been trained to effectively deal with the threat of drunk driving on Kansas streets and highways. Kansas troopers stop 1,000 plus vehicles every month. This active enforcement is specifically designed to increase the perception of "risk of apprehension" of motorists who would operate a vehicle while impaired by alcohol or drugs. Through design of these endeavors, we are striving to make a substantial contribution toward reducing teenage alcoholism, the abuse of alcohol and drug combinations, drugged drivers, irresponsible recreational alcohol consumption and death or injury. A large percentage of all violent crimes are committed while under the influence of alcohol. As an agency, we are committed to change the public perception of substance abuse.

The Patrol is very proud that two state agencies working closely together have demonstrated such competent performance. The supportive atmosphere between the Patrol and KDHE has concentrated the available resources on the greatest need and largest benefit statewide.

FY 1993	FY 1994
Actual	Recommended
\$83,200	\$156,243

Criminal/Drug Interdiction Unit

In July of 1991, the Kansas Highway Patrol was awarded a grant from the Kansas Criminal Justice Anti-Drug Grant Program to assist in the formation of a Criminal/Drug Interdiction (CID) Unit within the Highway Patrol. On October 1, 1991, that Unit became operational and almost immediately began to make its mark on criminals in Kansas. With two interstate highways, the Kansas Turnpike and numerous state and federal highways traversing our state, Kansas is the "crossroads" of this nation. Behind only Texas, California and Illinois, Kansas ranks fourth in the nation in the total number of highway miles. Enforcement problems on these highways tend to transcend jurisdictional boundaries, causing difficulties for local law enforcement agencies. The Highway Patrol had the jurisdictional authority to respond to this problem.

The CID Unit is comprised of fourteen Troopers, working in two-man teams. Troopers in this unit are free to pursue the goals of this program without interruption whenever possible. Troop commanders were encouraged to accept this deviation from normal trooper duties. Troopers assigned to this unit are self-motivated, reliable and good team workers.

The goal of this unit is to intercept illegal goods, drugs and materials being transported on Kansas highways and to arrest the persons responsible and assist in their prosecution as may be required. Further, the unit seeks to arrest criminals who are using Kansas highways to commit their crimes or to go to and from their criminal activity. To accomplish this, troopers are being trained to "go beyond the traffic stop". That is, to look for and recognize behavior which is consistent with how criminals act when confronted by a law enforcement officer. CID troopers are then being asked to share this training and knowledge with their fellow troopers so that the end result will better the entire organization and make life exceedingly difficult for criminals in Kansas.

FY 1993
Actual
\$5,512

FY 1994
Recommended
0

Addressing Risk Factors

Risk Factors	SFY'93 Protective Factor	SFY'94 Protective Factor
#'s 4, 5	Highway drug interdiction	Highway drug interdiction
	Enforcing DUI Laws	Enforcing DUI Laws
#'s 8, 14	Patrolmen teach D.A.R.E.	Patrolmen teach D.A.R.E.

Judicial Administration, Office of

Alcohol and Drug Safety Action Program (ADSAP)

(Treatment)

K.S.A. 8-1008 establishes community-based alcohol and drug safety action programs to provide the following: 1) pre-sentence alcohol and drug evaluations of any person convicted of DUI; 2) supervision of all persons convicted of DUI whose sentences or terms of probation required completion of an ADSAP program or an alcohol and drug treatment program; 3) alcohol and drug evaluation of those eligible for diversion; and 4) supervision of all persons required by a diversion agreement to complete an ADSAP program or an alcohol and drug abuse treatment program.

A fee of \$110 is assessed against all persons convicted of driving under the influence of alcohol or drugs or entering into a diversion agreement. The fee may be waived if the individual is indigent. The assessment is charged by municipal and district courts and deposited in the respective court's alcohol and drug safety fund. Generally, the administrative judge of the judicial district certifies ADSAP programs in the judicial district.

If the administrative judge declines to certify ADSAP programs, then the Secretary of SRS is authorized to certify the ADSAP programs in that judicial district. The law provides that if the Secretary of SRS certifies the ADSAP programs, 15 percent of the \$110 fee assessed against the person and collected by the court is transferred to SRS. Money collected by the court is to be used only for the expense of purchasing services, except that not more than 10 percent of the money may be expended to recover the expenses of the court. The Office of Judicial Administration does not collect data on ADSAP funds of the municipal and district courts.

The district or municipal judge having administrative authority over that court shall compile a report and send such report to the office of the state judicial administrator on or before January 20 of each year, beginning January 20, 1991. Such report shall include, but not be limited to:

- (1) The balance of the alcohol and drug safety action fund of the court on December 31 of each year;
- (2) the assessments deposited into the fund during the 12-month period ending the preceding December 31; and
- (3) the dollar amounts expended from the fund during the 12-month period ending the preceding December 31.

The office of the state judicial administrator shall compile such reports into a statewide report and submit such statewide report to the legislature on or before March 1 of each year, beginning March 1, 1991.

Juvenile Alcohol/Highway Safety Workshop

Calendar 1992

Actual

\$1,578,619

Calendar Year

1993

\$1,494,549

Addressing Risk Factors

Risk Factors

#'s 6, 8

SFY'93

Protective Factors

Via funding ADSAP programs
intervention is made to abusing
individuals

SFY'94

Protective Factors

Via funding ADSAP programs
intervention is made to abusing
individuals

Regents, Board of

Alcohol and Drug Abuse Education (Education)

Programs and activities of the Kansas Board of Regents and the Regents institutions, relating to alcohol and drug abuse education, intervention and support services, are directed primarily toward two targeted audiences—i.e. institution employees and the students who attend one of the six universities which make up the Regents system of public higher education.

The Board of Regents has appointed a system-wide Committee on Substance Abuse/Regents institutions, composed of representatives from each Regents institution. The primary focus of this group is student education and awareness. Activities include:

- Support for campus programs related to the National Collegiate Alcohol Awareness Week and the National Collegiate Drug Abuse Awareness Week;
- Assistance with the establishment of local campus, "Boost Alcohol Consciousness Concerning the Health of University Students" (BACCHUS) chapters;
- The planning and sponsoring of Regents Conferences on Substance Abuse Issues; and
- The coordination of efforts to join the National Network of Drug-Free Colleges and Universities.
- The promotion of a designated drivers program in the communities where Regents Institutions are located.

The Athletic Directors of the Regents institutions have worked together to support the publication of a nationally distributed textbook, *Athletes At Risk: Drugs and Sport*, which is expected to be a leading educational publication in this field.

Each Regents institution offers several on-going programs which provide student education and support services with respect to substance abuse issues. These efforts are provided via different outlets campus-wide—e.g. in classrooms, in residence halls, in Greek organizations, through athletic departments, through counseling services, through student health services, and through student affairs offices. Students are encouraged to assume leadership roles in many of the programs and activities.

Each institution also offers numerous on-going programs to assist its employees. Each campus follows the dictates of the federal Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989. Alcohol and drug abuse education programs for faculty and staff are integral parts of campus Employee Assistance Programs. These programs provide education, intervention and referral services to help employees cope with personal problems and concerns which could affect their satisfactory job performance. The campuses also coordinate and work with DPS to provide employee services and assistance.

Neither the Board of Regents nor the Regents institutions receive appropriations from the state of Kansas specifically related to substance abuse. Most activities and programs are provided as a part of other campus operations and are funded by the State General Fund and/or student fees.

Additionally, many of the campuses and/or faculty are recipients of federal, state, local or private grants which fund important substance abuse research and educational efforts. Many campus faculty and administrators are national leaders in the field of substance abuse education.

FY 1993
Actual
\$1,571,275

FY 1994
Recommended
\$1,576,955

Addressing Risk Factors

	SFY'93	SFY'94
Risk Factors	Protective Factors	Protective Factors
#'s 3, 14, 15	Add prevention/education programs Awareness campaigns i.e., NCAA week National Collegiate Drug Abuse Awareness Week, BACCHUS Chapters	Add prevention/education programs Awareness campaigns i.e., NCAA week National Collegiate Drug Abuse Awareness Week, BACCHUS Chapters
#'s 6, 8	E.A.P. programming for employees & students	E.A.P. programming for employees & students

Revenue, Department of

Division of Alcoholic Beverage Control

Enforcement Bureau/Criminal Fraud Unit (Enforcement)

The Division of Alcoholic Beverage Control has statutory responsibility to regulate and enforce the Kansas Liquor Control Act. In addition to this responsibility, the Division is charged with enforcement of the marijuana and controlled substance tax laws.

Revenue Agents are stationed throughout Kansas. Agents have full law enforcement authority and work closely with local and state agencies in investigations pertaining to alcohol and drug tax violations. Revenue Agents make arrests and issue summons for violations and request administrative actions against licensees under the authority of the Director of the Division of Alcoholic Beverage Control. Agents perform financial and criminal background investigations of licenses and potential licensees to insure compliance with legal licensing requirements.

Agents assist local law enforcement agencies in drug raids and identify assets and resources which may be used to satisfy drug tax violations assessments. Agents perform net worth investigations and provide resource documentation to determine taxable assets which might not otherwise be seized under the drug tax statutes. The Criminal Fraud Unit coordinates drug asset investigations with the Division of Taxation to insure that investigative information is provided for asset seizure of drug tax violators.

The Division provides educational presentations to law enforcement, liquor industry, student and citizen groups. These presentations are designed to enhance compliance and increase awareness of the problems relating to violations of the liquor laws and abuse of alcohol. Law enforcement training includes information concerning the drug tax laws and the role of the Revenue Enforcement Agents in the investigation of violations, both criminal and administrative.

The Division places the highest enforcement priority on reducing underage access to alcoholic beverages. Field resources were realigned at the beginning of FY 93 in order to better target licensees suspected of illegal sales to minors and other violations. The increased level of enforcement effort is reflected in the following activities conducted by the Division in FY 93:

- Conducted 2,301 investigations in 89 Kansas counties
- Accomplished 4,344 on-site licensee inspections
- Issued 350 Notices to Appear in Court (62% increase)
- Collected drug taxes totalling \$536,836 (61% increase)
- Presented 62 training programs to law enforcement and citizen groups

Fiscal years 94 and 95 will continue to see increased emphasis on sales to minors and other serious violations. The Division will also institute enforcement procedures aimed at reducing sales of cigarettes and tobacco products to underage individuals in response to the Synar amendment to the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) Reorganization Act. Revenue agents will be trained in the use of controlled buys or "stings" in order to monitor and enforce compliance with both the cigarette and alcoholic beverage age laws. These initiatives represent a targeted approach aimed at reducing the types of violations which are most associated with the abuse and misuse of alcohol and tobacco.

FY 1993
Actual
 \$1,360,908

FY 1994
Recommended
 \$1,350,734

Division of Vehicles
Driver Control/Driver License Bureau
(Enforcement)

The Driver Control Bureau maintains individual driver history records and takes appropriate action against individual license privileges when dictated by statute or court. This includes the processing of DUI-related convictions, diversion agreements and license reinstatements. In calendar year 1992 the bureau imposed 18,084 DUI license suspensions and diversion agreements and processed 20,600 refusals/failures of chemical tests to detect blood alcohol content. The bureau also monitored 17,429 individuals who were required to maintain proof of financial security on file with the Division due to DUI convictions.

The Driver License Examination Bureau is responsible for the examination and licensure of drivers. This bureau administered 8,938 driving tests for reinstatement of privileges suspended as a result of DUI convictions. In addition, the Department has 6 FTE positions devoted to the processing of DUI-related convictions.

FY 1993
Actual
 \$198,302

FY 1994
Recommended
 \$206,447

Addressing Risk Factors

Risk Factors	SFY'93	SFY'94
#'s 4, 5	Protective Factors	Protective Factors
	Licensing retail sales of liquor	Licensing retail sales of liquor
	Enforcing under-age drinking laws	Enforcing under-age drinking laws
	Assess fees relative to tax stamp law	Assess fees relative tax stamp law
	DUI related actions including driver's license revocation	DUI related actions including driver's license revocation
		Initiating baseline compliance of tobacco sales, followed by prosecutions of underage sales of tobacco

Kansas Department of Social and Rehabilitation Services

Alcohol and Drug Abuse Services (ADAS)

The State alcohol program was established in Kansas by the 1972 Legislature (K.S.A. 65-4001). Similar action was taken in 1973 with the establishment of a drug program (K.S.A. 75-5375). Both functioned separately under a five member commission until 1975, when the commissions were brought under the Kansas Department of Social and Rehabilitation Services (SRS).

In 1979 a Governor's Task Force implemented Executive Order No. 17. Section 18 of that Order established the State Alcohol and Drug Program as a full Commission under SRS. That charge was to plan, develop and implement a regional program of prevention, intervention and treatment services.

ADAS' mission is to "provide leadership in reducing alcohol and other drug abuse in Kansas by creating conditions for healthy communities through a comprehensive continuum of services."

ADAS administers State and Federal funds, assures recognized quality of care standards, promotes effective public policy, and develops and evaluates programmatic and human resources to reduce alcohol and other drug abuse. These responsibilities are concentrated in five areas:

- Develop a strong, responsive and comprehensive system of alcohol and other drug services, which is research-based and meets the needs of local communities and special populations. ADAS funds a continuum of services, including a Regional Prevention Center and various levels of treatment in the 12 SRS geographic regions.
- License and evaluate the impact and outcome of prevention and treatment programs to determine cost efficiency and program effectiveness.
- Collect, develop and disseminate accurate information that can be used for policy and program planning and public education. ADAS serves as the Kansas RADAR (Regional Alcohol and Drug Awareness Resource) Center and the TIE (Treatment Information Exchange) Center for the Federal Substance Abuse and Mental Health Administration.
- Provide professional training and technical assistance to increase the knowledge and efficiency of program personnel and to upgrade service delivery.
- Develop collaborative, coordinated and cooperative relationships at the local, State and national levels to help eliminate duplication, increase information and resource sharing and enhance performance effectiveness.

Department of Social and Rehabilitation Services/Alcohol and Drug Abuse Services Funding

Fiscal Year	State Grant Funds	Federal Grant Funds	State + Fed. Total	Admin. Funds	Admin. Funds	Total Funding
1990	\$5,362,872	\$ 4,497,338	\$ 9,860,210	\$ 986,799	9.1%	\$10,847,009
1991	6,378,539	6,247,592	12,626,131	891,429	6.6%	13,517,560
1992	6,325,824	6,702,694	13,028,533	878,147	6.3%	13,906,680
1993	6,464,438	7,177,529	13,641,967	989,325	6.7%	14,631,292
1994 GBR	6,318,383	12,232,183	18,550,566	1,064,702	5.4%	19,615,268 *
1995 GBR	6,189,883	10,095,082	16,284,965	1,097,707	6.3%	17,382,672 **

* The FY 1994 total includes \$769,000 one-time federal flood/relief funds, \$729,000 one-time federal block grant funds and \$603,542 one-time federal capacity expansion funds to correct an error in the FY 1993 budget.

** For Federal fiscal year 1994, ADAS has been allocated \$8,755,783 in Federal Block Grant funds. This is a \$604,343 increase over the State Fiscal Year 1995 GBR of \$8,151,440. ADAS will be requesting a Governor's Budget Amendment for this increase.

The following progress was made in Fiscal Year 1993 in reducing risks and increasing protection for families and communities.

- Funded two new women and children's treatment programs; seven Intervention/Referral Specialists to assist the SRS area offices; increased the Regional Prevention Services budget by nearly \$800,000.
- Conducted a comprehensive risk assessments at the State, regional and county levels. The information is used for conducting needs assessment, program planning, and in tracking improvements. ADAS was awarded a \$2.86 million federal contract to coordinate a six-state Risk and Protective Factor Needs Assessment Project for three years. Dr. Richard Catalano and Dr. David Hawkins are project consultants.
- Implemented the Addiction Severity Index to determine client improvements. The instrument is administered at treatment admission, discharge and six months following discharge. Seven areas of an individual's life are reviewed: alcohol use, other drug use, employment, health, legal, psychological and family/social relationships.
- Implemented an electronic management information system that includes client demographic data and the Addiction Severity Index.
- Received approval for the 12 Regional Prevention Centers to serve as Associate RADAR members which allows local access to the latest research, data, public education, program development strategies, and funding opportunities.
- Created new counselor standards as part of the ADAS Licensure process. The historic passage of the 1992 Alcoholism and Drug Addiction Counselor's Registration Statute allowed ADAS to work with the alcohol and other drug field and consumers in setting the standards.
- Co-sponsored with the Kansas Department of Health and Environment, a Secretary's Conference on Substance Abuse, TB and HIV/AIDS; co-sponsored the Kansas Multicultural Conference on Substance abuse; and sponsored a Round Table on Juvenile Justice.
- Continued developing the Prevention Partnership with the Kansas State Board of Education; the Governor's Office on Drug Abuse Programs and the Kansas National Guard.

- Supported the Kansas Family Initiative through funding, technical assistance, and State/Regional leadership.
- Launched the Kansas Dairy Queens "Partners In Prevention" Public Education Campaign.

Addressing Risk Factors

Risk Factors	SFY'93 Protective Factors	SFY'94 Protective Factors
#'s 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16	1st annual community risk assessment by Regional Prevention Centers Funding to adult and adolescent treatment centers; involving the family in recovery Kansas RADAR Centers to provide prevention education materials Supporting and promoting the Kansas Family Initiative Funding to women and children treatment programs Treatment of youth offenders	2nd annual community risk assessment by Regional Prevention Centers Funding to adult and adolescent treatment involving the family in recovery Kansas RADAR Centers to provide prevention, research and education materials Supporting and promoting the Kansas Family Initiative Funding to women and children treatment programs Treatment of youth offenders

Department of Transportation

Alcohol Traffic Safety

The U.S. Department of Transportation Section 408 program provides federal funds to state and local governments as an incentive for development and implementation of drunk/drugged driving countermeasures. Basic and supplemental grant criteria require substantiated increases each year in DUI arrests, DUI convictions, public information efforts, etc. The grant was allocated to Kansas for the years 1989 through 1993, with the final year of funding planned for 1994. Statewide initiatives completed in the four years of funding and planned for 1994 are:

- Training of municipal and district court judges in DUI adjudication, funded through the Office of Judicial Administration
- Training of county and city prosecutors through the Kansas County and District Attorney's Association
- Dissemination of a public information and education campaign toward targeted groups
- Implementation of a statewide breathtesting system, funded through Department of Health and Environment
- Training of all law enforcement officers in detection and apprehension, and field sobriety testing through the Kansas Highway Patrol
- The purchase of preliminary breathtesting devices to distribute to law enforcement agencies statewide
- Establishment of a statewide youth leadership training center aimed at the development of drug-free lifestyles among youth, and
- Implementation of a statewide sobriety checkpoint program.

These countermeasures address community risk factors (community laws and norms favorable toward alcohol/drug use and personal risk factors: individual/peer (friends who use alcohol/drugs, favorable attitudes toward alcohol/drug use, early first of alcohol/drugs).

DUI arrests have increased 30 percent, from 13,910 in FY87 to 18,137 in FY90. DUI arrests increased 23 percent from FY90 to FY92, to a total of 22,360. DUI convictions rose from 12,261 in FY89 to 14,571 in FY90. DUI convictions increased 30 percent from FY90 to FY92, to a total of 18,911.

FY 1993
Actual
\$877,155

FY 1994
Recommended
\$985,700

Highway Traffic Safety

The U.S. Department of Transportation Section 402 program provides federal funds to state and local governments to foster increased local efforts in alcohol/highway safety, safety belt usage, speed limit compliance and other safety programs. At least 40 percent of the federal funds must be passed through to local units of government.

KDOT developed a three year highway safety plan for FFY94-FFY96. One annual goal is to reduce the number of alcohol related fatal and injury crashes in Kansas. Based on size, need, and availability of local support, the following sites were selected for funding: Kansas City, Hutchinson, Salina, Topeka, Wichita, Lenexa, Labette County.

These countermeasures address community risk factors (community laws and norms favorable toward alcohol/drug use) and personal risk factors: individual/peer (friends who use alcohol/drug, favorable attitudes toward alcohol/drug use).

Using nighttime single vehicle fatal and injury crashes as a surrogate measure, KDOT reports that the number of such crashes has dropped from 950 in 1982 to 673 in 1990.

FY 1993	FY 1994
Actual	Recommended
\$1,421,300	\$1,706,000

Addressing Risk Factor

Risk Factors	SFY'93	SFY'94
#4	Protective Factors	Protective Factors
	Funds to support DUI convictions	Funds to support DUI convictions
#'s 14, 15, 16	Governor's Teen Leadership	Governor's Teen Leadership

Treasurer, State of

Local Alcoholic Liquor Aid (Treatment, Prevention/Education)

K.S.A. 79-41a01 *et seq.* imposes a 10 percent tax on gross receipts derived from sales of alcoholic liquor by private clubs. Consumers pay the tax to private club operators, and the operators remit the tax to the Department of Revenue. The Department of Revenue deposits liquor tax receipts in the State Treasury as follows: 70 percent to the Local Alcoholic Liquor Fund, 25 percent to the State General Fund, and 5 percent to the SRS Community Alcoholism and Intoxication Programs Fund.

The State Treasurer is responsible for quarterly distributions to cities and counties from the Local Alcoholic Liquor Fund. Each city generally receives 70 percent of liquor taxes collected within city limits; counties receive 70 percent of liquor taxes collected outside of city limits. [For cities with populations of 6,000 or 23¹/₃ percent of the liquor taxes collected from clubs within city limits is remitted to the county, rather than to the city.]

State law dictates that one-third of the money returned to cities and counties be used for local general funds, *one-third for local parks and recreation funds*, and one-third for local Special Alcohol and Drug Program funds. Consequently, although \$12.0 million will be returned to local governments in fiscal year 1994, only \$4.0 million will be used for local alcohol and drug services.

State law also requires that money in the local Special Alcohol and Drug Programs fund be spent on alcohol and drug abuse prevention, education, intervention and/or treatment. In all instances, the city or county governing body is responsible for approving grant awards.

FY 1993	FY 1994
Actual	Estimated
\$4,053,087	\$4,013,293

Department of Wildlife and Parks

The Kansas Department of Wildlife and Parks through legislation increased Boating Under the Influence penalties by successfully lowering the legal limit to .08 B.A.C., securing a penalty to implied consent, and enlisting mandatory boating education as part of the penalty for conviction. Boating Under the Influence became national headlines this past year with the deaths of (3) Major League baseball players who were involved in an alcohol related boating accident. Statistics provided by the National Transportation and Safety board indicate that nationally, alcohol related boating fatalities are only superseded by highway related fatalities as the nations #1 loss of life. Wildlife and Parks statistics continue to show an increase in the number of alcohol related boating accidents. To increase officer visibility, the Department has reallocated (2) full-time Conservation Officers to a Boating Enforcement/Education unit to support regional Conservation Officers in the detection and apprehension of BUI offenders. The Department began purchase of Pre-Breath Testers (PBT'S) to enhance officers investigations of impaired boat operators. An aggressive BUI selective enforcement operation will be implemented in the spring/summer of 1994 to increase the Department's efforts towards reducing the number of intoxicated boat operators on our waterways. Training for the Department's 148 certified law enforcement officers continues in BUI/DUI detection, drug awareness, drug profiling, and breath alcohol instrument training.

Conservation officers and Park enforcement officers completed 42 various drug related arrest, including a number of felony drug arrests, while enforcing Kansas Wildlife and Parks laws. Department law enforcement officers provided assistance to local law enforcement agencies and the KBI in a continuing marijuana eradication program on public lands.

The Kansas Department of Wildlife continues to take a proactive approach in developing preventive substance abuse programs. The Department implemented a drug prevention program for schools and communities tabbed "GET HOOKED ON FISHING - NOT ON DRUGS". The program supplements the K-12 curriculum utilizing the fun activity of fishing and the aquatic environment to meet drug prevention objectives. The program can be integrated throughout language arts, mathematics, science, social studies, art, health, physical education/recreation, and guidance. The Department continues to provide drug/alcohol awareness segments in the mandated Hunter Education Program which could provide supporting evidence to the reduced number of hunting accidents recorded in the state in the past year. The Boating Safety Education program developed by the Department provides enhanced education to boaters in the area of alcohol awareness on the water.

Department Funding

LAW ENFORCEMENT

FY 1993 Actual	\$75,299.34
FY 1994 Recommended	\$82,800.00

EDUCATION

FY 1993 Actual	\$17,061.49
FY 1994 Recommended	\$78,800.00

*includes needed grant for "Hooked on Fishing - Not on Drugs"

Addressing Risk Factors

	SFY'93 Protective Factors	SFY'94 Protective Factors
Risk Factors #s 4, 5	Boating under the influence law enforcement	Boating under the influence law enforcement
#16	Collaborating with drug interdiction task forces	Collaborating with drug interdiction task forces Development of "Hooked On Fishing - Not on Drugs"

Appendix A
ALCOHOL AND OTHER DRUG ABUSE PROGRAMS
State Agency Expenditures
FY 1992 - FY 1993

Agency/Program	Actual FY 1992				Recommended FY 1993			
	Prevention/ Education	Intervention/ Treatment	Enforcement	Total	Prevention/ Education	Intervention/ Treatment	Enforcement	Total
Adjutant General	\$ 37,800	\$ 0	\$ 771,000	\$ 808,800	\$ 55,000	\$ 0	\$ 813,000	\$ 868,000
Administration, Dept. of	1,007,590	539,046	4,675,750	6,222,386	1,035,633	544,481	4,903,331	6,483,445
Attorney General/KBI	30,402	0	2,386,352	2,416,754	32,850	0	2,499,008	2,531,858
Corrections, Dept. of	0	3,271,845	0	3,271,845	0	\$2,868,105	0	2,868,105
Education, Dept. of	3,275,211	0	0	3,275,211	3,644,346	0	0	3,644,346
* Health/Environment, Dept. of	0	0	131,114	131,114	0	0	103,525	103,525
Highway Patrol	0	0	74,181	74,181	0	0	160,200	160,200
Regents, Board of	1,085,206	0	0	1,085,206	1,091,936	0	0	1,091,936
Revenue, Dept. of	0	0	1,325,280	1,325,280	0	0	1,375,372	1,375,372
** SRS/ADAS	2,860,550	10,673,615	0	13,534,165	2,895,858	11,176,971	0	14,072,829
Transportation, Dept. of	600,460	0	820,862	1,421,322	1,344,234	0	820,862	2,165,096
*** State Treasurer	1,888,518	1,888,518	0	3,777,036	1,888,518	1,888,518	0	3,777,036
Wildlife & Parks, Dept. of	<u>11,637</u>	<u>0</u>	<u>70,642</u>	<u>82,279</u>	<u>32,000</u>	<u>0</u>	<u>100,000</u>	<u>132,000</u>
TOTAL	10,797,374	16,373,024	10,255,181	37,425,579	12,020,375	16,478,075	10,775,298	39,273,748

* Since prevention/education materials are integral parts of KDHE's programs, it is impossible to delineate specific dollar amounts.

** In addition, SRS/ADAS has budgeted \$1,038,953 in FY1992 and \$957,206 in FY1993 for administration i.e. funding, licensing, evaluation, collecting and disseminating accurate alcohol and drug information and professional development.

*** Dollar amounts represent a 50/50 split between prevention and treatment, but local governmental entities award monies on a grant by grant basis.

Appendix A
ALCOHOL AND OTHER DRUG ABUSE PROGRAMS
State Agency Expenditures
FY 1993 - FY 1994

Agency/Program	Actual FY 1993				Recommended FY 1994			
	Prevention/ Education	Intervention/ Treatment	Enforcement	Total	Prevention/ Education	Intervention/ Treatment	Enforcement	Total
Adjutant General	\$ 210,000	\$ 0	\$ 830,000	\$ 1,040,000	\$ 300,000	\$ 0	\$ 891,000	\$ 1,191,000
Administration, Dept. of	1,035,633	382,594	5,027,195	6,445,422	997,525	249,045	4,172,849	5,419,419
Attorney General	102,480	0	2,331,708	2,434,188	101,567	0	2,213,155	2,314,722
Corporation for Change	450,150	0	0	450,150	659,863	0	0	659,863
Corrections, Dept. of	0	2,788,395	0	2,788,395	0	2,582,772	0	2,582,772
Education, Dept. of	4,649,207	0	0	4,649,207	4,616,686	0	0	4,616,686
* Health/Environment, Dept. of	0	0	284,267	284,267	0	0	141,479	141,479
Highway Patrol	0	0	89,212	89,212	0	0	156,243	156,243
47 **** Judicial Administration	0	1,578,619	0	1,578,619	0	1,494,549	0	1,494,549
Regents, Board of	1,571,275	0	0	1,571,275	1,576,955	0	0	1,576,955
Revenue, Dept. of	0	0	1,559,210	1,559,210	0	0	1,557,181	1,557,181
** SRS/ADAS	2,532,304	11,109,663	0	13,641,967	3,604,300	14,899,706	0	18,504,006
*** State Treasurer	2,026,518	2,026,518	0	4,053,036	2,006,646	2,006,646	0	4,013,292
Transportation, Dept. of	625,655	0	1,672,800	2,298,455	795,300	0	1,896,400	2,691,700
Wildlife & Parks, Dept. of	<u>17,061</u>	<u>0</u>	<u>75,299</u>	<u>92,360</u>	<u>78,800</u>	<u>0</u>	<u>82,800</u>	<u>161,600</u>
TOTAL	13,220,283	17,885,789	11,869,691	42,975,763	14,737,642	21,232,718	11,111,107	47,081,467

* Since prevention/education materials are integral parts of KDHE's programs, it is impossible to delineate specific dollar amounts.

** In addition, SRS/ADAS has budgeted \$989,325 in FY'93 and budgeted \$1,064,702 in FY 1994 for administration i.e. funding, licensing, evaluation, collecting and disseminating accurate alcohol and drug information and professional development.

*** Dollar amounts represent a 50/50 split between prevention and treatment, but local governmental entities award monies on a grant by grant basis.

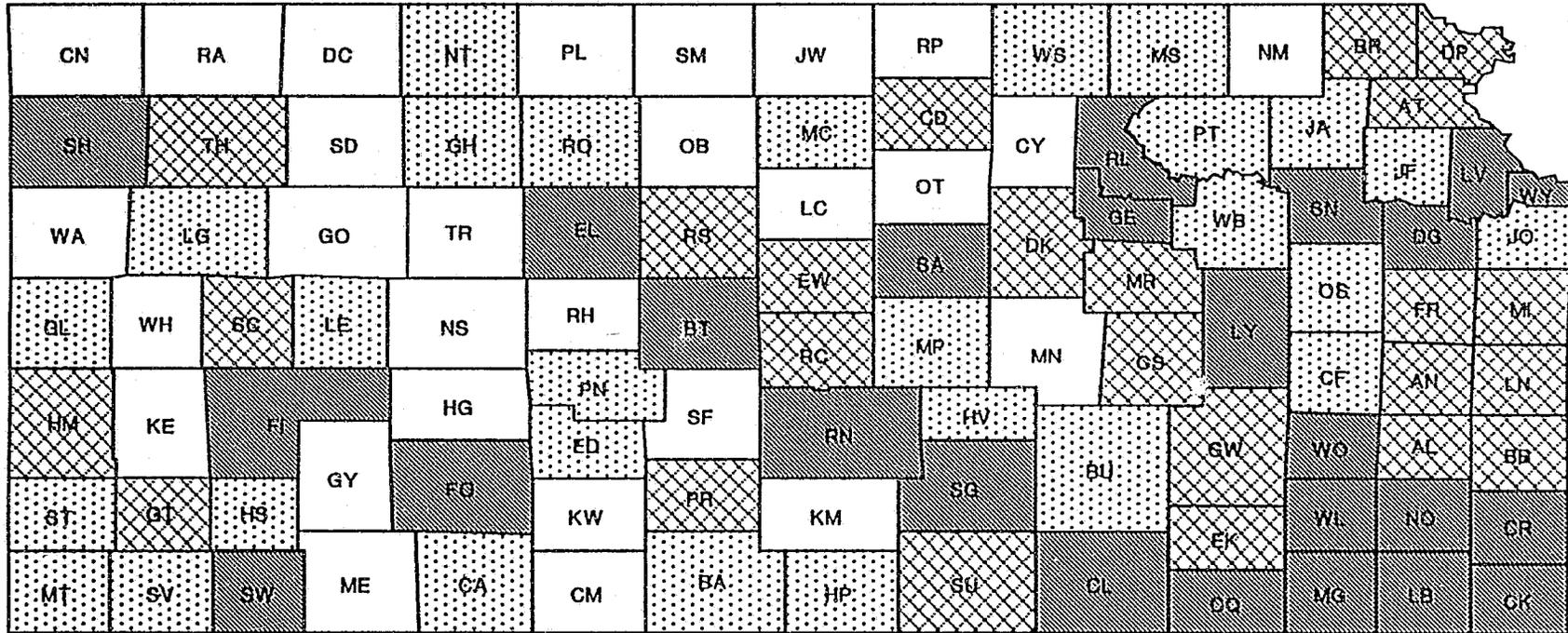
**** Calendar years ending December 1992 and 1993.

Appendix B

COMMUNITY RISK FACTORS:

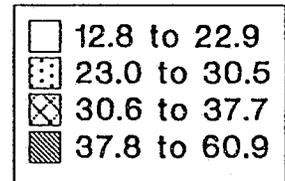
COMMUNITY AVERAGE:

The average standardized score of all eleven Community Risk Factors.



Maximum: 60.9 Minimum: 12.8 Average: 30.5

Data provided by the KSU Extension DIRECT Program.



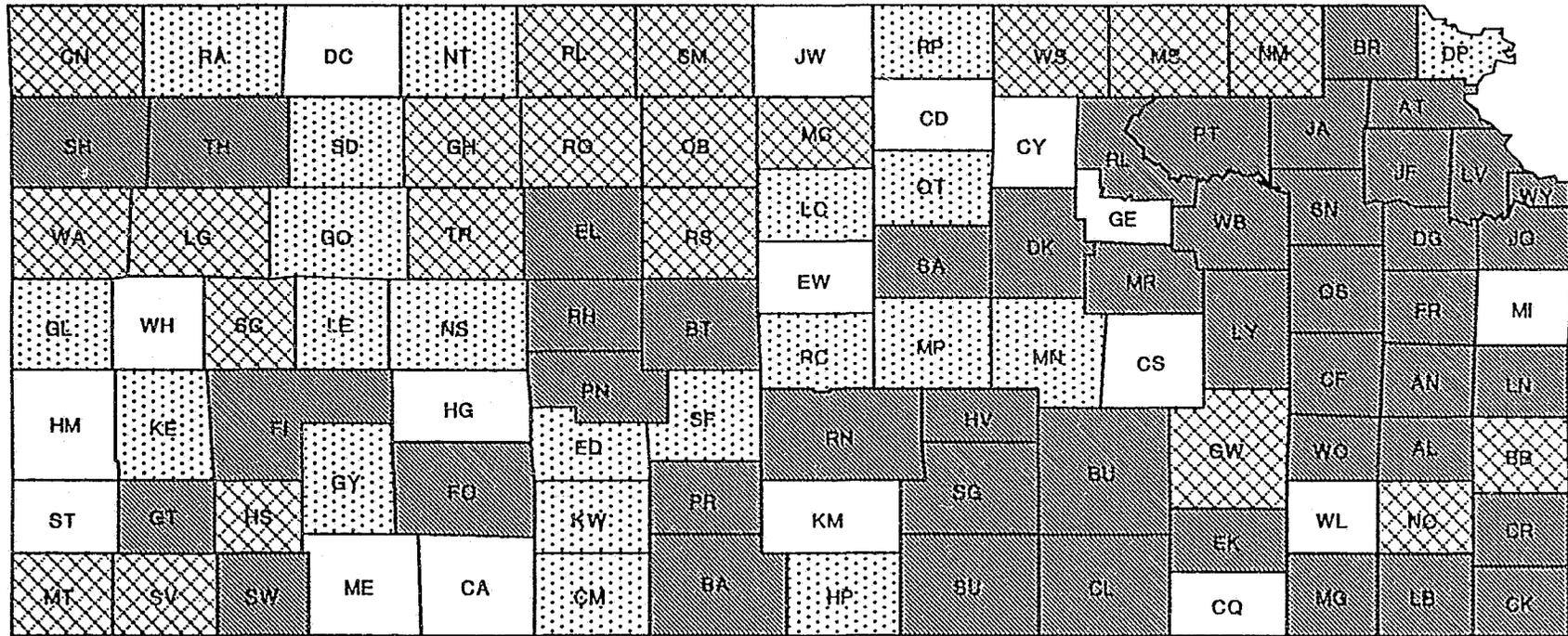
Source: SRS/Alcohol and Drug Abuse Services 1993

PERSONAL RISK FACTORS: FAMILY

FAMILY AVERAGE:

The average standardized score of all six Family Risk Factors.

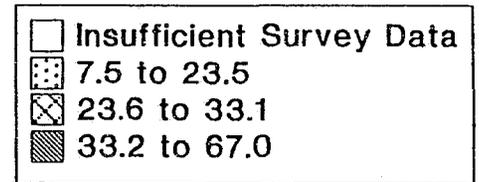
610



Maximum: 67.0 Minimum: 7.5 Average: 33.1

Data provided by the KSU Extension DIRECT Program.

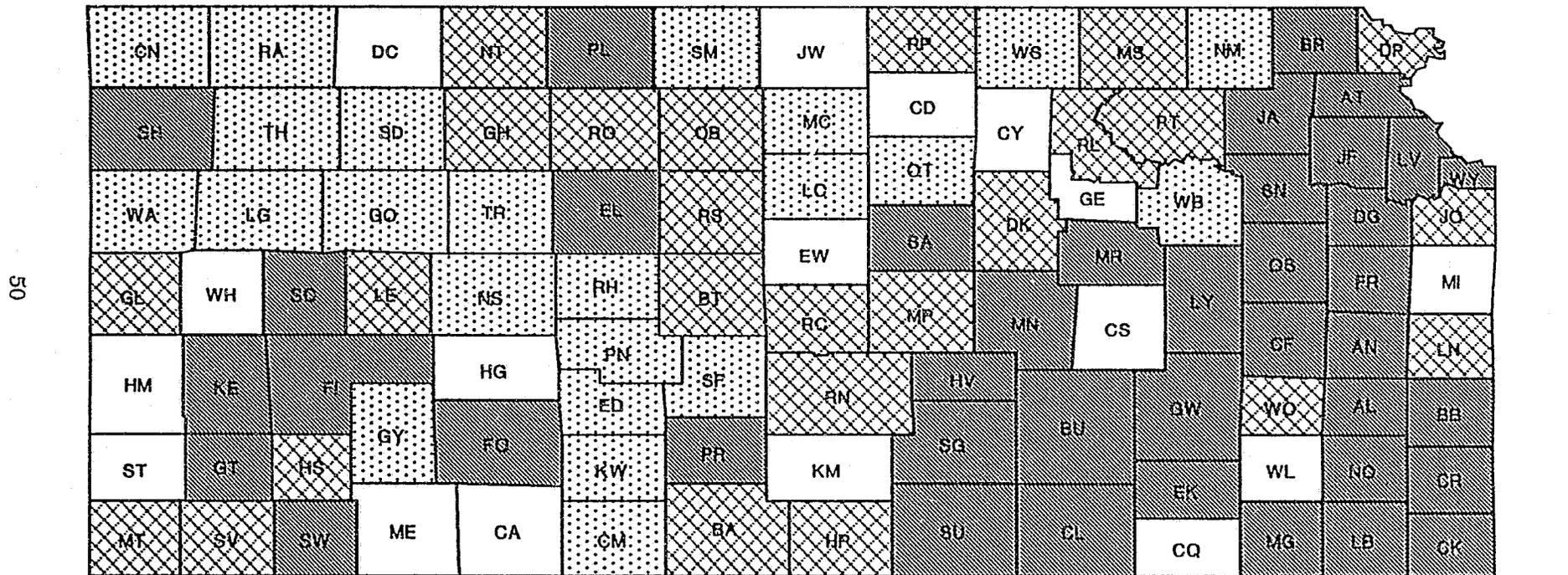
Source: SRS/Alcohol and Drug Abuse Services 1993



PERSONAL RISK FACTORS: SCHOOL

SCHOOL AVERAGE:

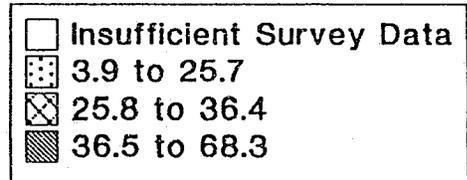
The average standardized score of all four School Risk Factors.



Maximum: 68.4 Minimum: 3.9 Average: 36.4

Data provided by the KSU Extension DIRECT Program.

Source: SRS/Alcohol and Drug Abuse Services 1993

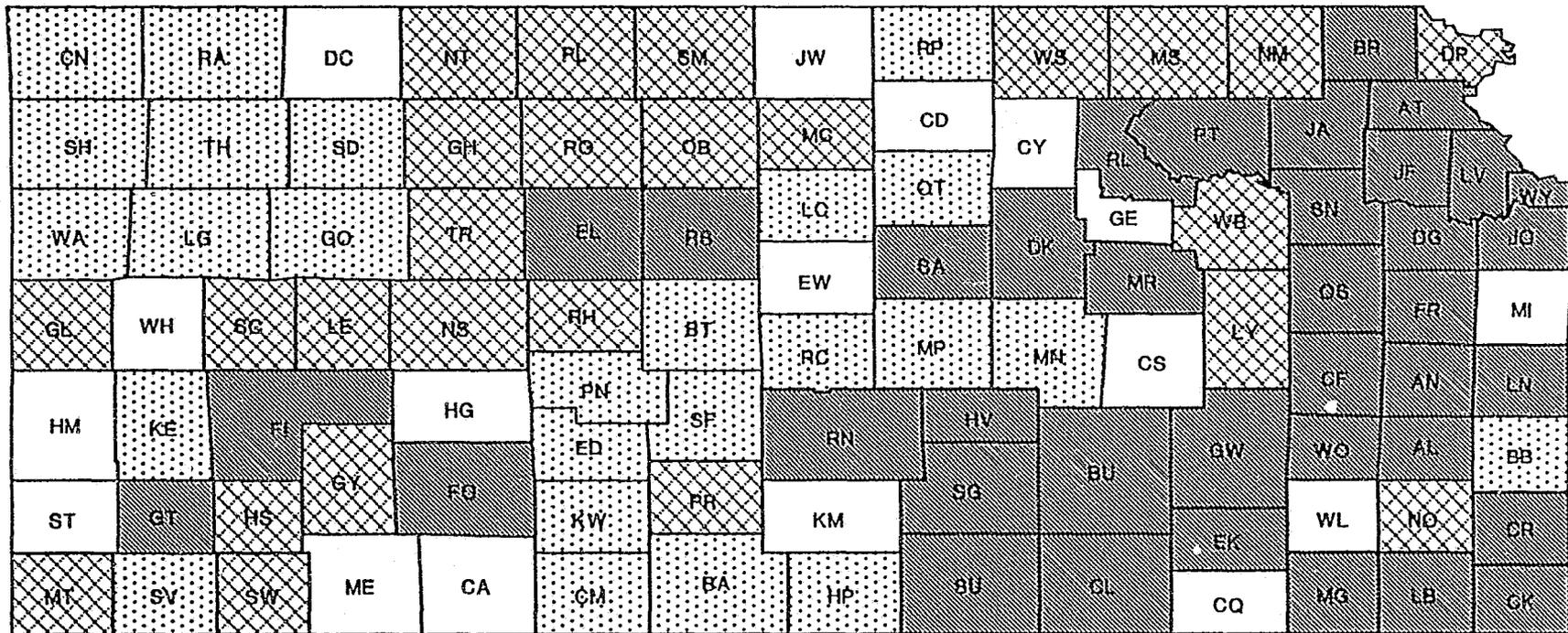


PERSONAL RISK FACTORS: INDIVIDUAL\PEER

INDIVIDUAL\PEER AVERAGE:

The average standardized score of all nineteen Individual\Peer Risk Factors.

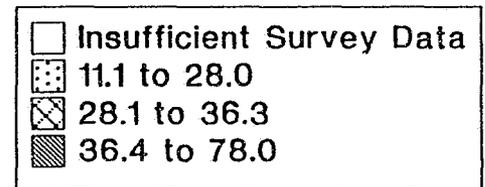
51



Maximum: 78.0 Minimum: 11.1 Average: 36.3

Data provided by the KSU Extension DIRECT Program.

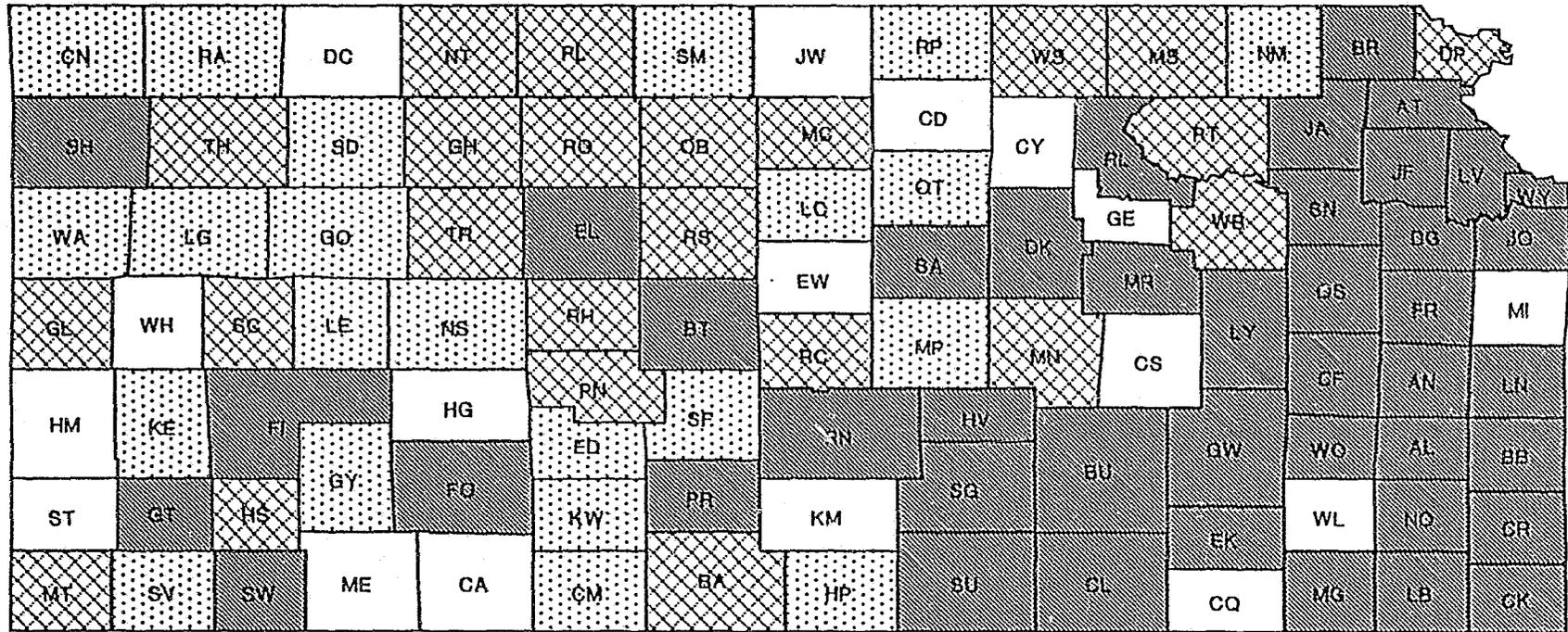
Source: SRS/Alcohol and Drug Abuse Services 1993



TOTAL-RISK:

The Average standardized score of all four risk factor domains.

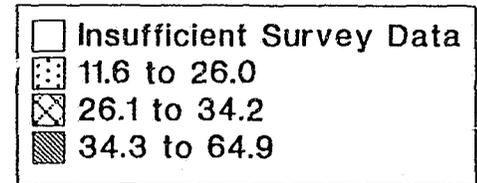
52



Maximum: 64.9 Minimum: 11.6 Average: 34.2

Data provided by the KSU Extension DIRECT Program.

Source: SRS/Alcohol and Drug Abuse Services 1993



Appendix C

Kansas Substance Abuse Criminal Statutes

Controlled Substances:

1. K.S.A. 65-4127a —Illegal poss/trafficking in narcotics and amphetamines
2. K.S.A. 65-4127b —Illegal poss/trafficking in hallucinogens, stimulants, depressants and steroids
3. K.S.A. 65-4141 —Use of telephonic device to facilitate drug transactions
4. K.S.A. 65-4142 —Money Laundering
5. K.S.A. 65-4153 —Trafficking in simulated controlled substances or drug paraphernalia
6. K.S.A. 65-4155 —Delivery of simulated controlled substance
7. K.S.A. 65-4159 —Manufacture of controlled substance
8. K.S.A. 79-5208 —Drug Tax Stamp violation

Alcohol:

1. K.S.A. 8-1567 —Operating vehicle under the influence
2. K.S.A. 32-1131 —Operating vessel under the influence
3. K.S.A. 41- 719 —Consumption of alcohol on public streets
4. K.S.A. 41- 727 —Purchase of alcohol by minor
5. K.S.A. 41- 804 —Transporting open container—Alcoholic liquor
6. K.S.A. 41-2719 —Transporting open container—cereal malt beverage
7. K.S.A. 21-3610 —Furnishing alcoholic liquor to a minor
8. K.S.A. 21-3610a —Furnishing cereal malt beverage to a minor
9. K.S.A. 21-3610b —Furnishing alcoholic beverages to a minor for illicit purpose

Kansas Prevention and Treatment Statutes

1. K.S.A. 65-4001 —Establishing the state alcohol program
2. K.S.A. 75-5375 —Establishing a state drug program

65-4127a. Unlawful acts regarding opiates, opium, narcotic drugs or designated stimulants; penalties; acts within 1,000 feet of school property. (a) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to possess or have under such person's control any opiates, opium or narcotic drugs, or any stimulant designated in subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107 and amendments thereto. Except as provided in subsection (c), any person who violates this subsection shall be guilty of a drug severity level 4 felony.

(b) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to sell; offer for sale or have in such person's possession with intent to sell, deliver or distribute; prescribe; administer; deliver; distribute; dispense or compound any opiates, opium or narcotic drugs, or any stimulant designated in subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107 and amendments thereto. Except as provided

in subsections (c) and (d), any person who violates this subsection shall be guilty of a drug severity level 3 felony.

(c) If any person has a prior conviction under this section or a conviction for a substantially similar offense from another jurisdiction, then that person shall be guilty of a drug severity level 2 felony and if the person who violates this section has two or more prior convictions under this section or substantially similar offenses under the laws of another jurisdiction, then such person shall be guilty of a drug severity level 1 felony.

(d) Notwithstanding any other provision of law, upon conviction of any person for a first offense pursuant to subsection (b), such person shall be guilty of a drug severity level 2 felony if such person is 18 or more years of age and the substances involved were possessed with intent to sell, deliver or distribute; sold or offered for sale in or on, or within 1,000 feet of any school property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12.

Nothing in this subsection shall be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the description above, the actual use of that structure or property at the time alleged shall not be a defense to the crime charged or the sentence imposed.

(e) It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance.

65-4127b. Unlawful acts regarding depressants, stimulants or hallucinogenic drugs or other substances; penalties; acts within 1,000 feet of school property. (a) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to possess or have under such person's control:

(1) Any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

(2) any stimulant designated in subsection (f) of K.S.A. 65-4105, subsection (d)(2), (d)(4) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;

(3) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105 and amendments thereto or designated in subsection (g) of K.S.A. 65-4107 and amendments thereto;

(4) any substance designated in subsection (g) of K.S.A. 65-4105, and amendments thereto, and designated in subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111 and amendments thereto; or

(5) any anabolic steroids as defined in subsection (f) of K.S.A. 65-4109, and amendments thereto.

Except as otherwise provided, any person who violates this subsection shall be guilty of a class A nonperson misdemeanor. If any person has a prior conviction under this section or a conviction for a substantially similar offense from another jurisdiction, then such person shall be guilty of a drug severity level 4 felony.

(b) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to sell, offer for sale or have in such person's possession with the intent to sell, deliver or distribute; cultivate; prescribe; administer; deliver; distribute; dispense or compound:

(1) Any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

(2) any stimulant designated in subsection (f) of K.S.A. 65-4105, subsection (d)(2), (d)(4) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;

(3) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105, and amendments thereto or designated in subsection (g) of K.S.A. 65-4107 and amendments thereto;

(4) any substance designated in subsection (g) of K.S.A. 65-4105, and amendments thereto, and designated in subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111, and amendments thereto; or

(5) any anabolic steroids as defined in subsection (f) of K.S.A. 65-4109, and amendments thereto.

Any person who violates this subsection shall be guilty of a drug severity level 3 felony.

(c) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to possess, have under such person's control, prescribe, administer, deliver, distribute, dispense, compound, sell, offer for sale or have in such person's possession with intent to sell, deliver or distribute any controlled substance designated in K.S.A. 65-4113 and amendments thereto. Any person who violates this subsection shall be guilty of a class A nonperson misdemeanor, except that such person shall be guilty of a drug severity level 4 felony if the substance was prescribed for or administered, delivered, distributed, dispensed, sold,

offered for sale or possessed with intent to sell to a child under 18 years of age.

(d) Notwithstanding any other provision of law, upon conviction of any person pursuant to subsection (b) for an offense in which the substances involved were possessed with intent to sell, sold or offered for sale in or on, or within 1,000 feet of any school property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades 1 through 12 and such person is 18 or more years of age, such person shall be guilty of a drug severity level 2 felony.

Nothing in this subsection shall be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the description above, the actual use of that structure or property at the time alleged shall not be a defense to the criminal charged or the sentence imposed.

(e) It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance.

65-4141. Unlawfully arranging sales or purchases of controlled substances using a communication facility; penalty. (a) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person knowingly or intentionally to use any communication facility: (1) In committing or in causing or facilitating the commission of any felony under K.S.A. 65-4127a, 65-4127b or 65-4159 and amendments thereto; or (2) in any attempt to commit, any conspiracy to commit or any criminal solicitation of any felony under K.S.A. 65-4127a, 65-4127b or 65-4159 and amendments thereto. Each separate use of a communication facility may be charged as a separate offense under this subsection.

(b) As used in this section, "communication facility" means any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures or sounds of all kinds and includes telephone, wire, radio, computer, computer networks, beepers, pagers and all other means of communication.

(c) Any person who violates this section shall be guilty of a nondrug severity level 8, nonperson felony.

(d) This act shall be part of and supplemental to the uniform controlled substances act.

65-4142. Unlawful acts involving proceeds derived from violations of the uniform controlled substances act; penalties. (a) It is unlawful for any person knowingly or intentionally to receive or acquire proceeds, or engage in transactions involving proceeds, known to be derived from any violation of the uniform controlled substances act, K.S.A. 65-4101 *et seq.* and amendments thereto. The provisions of this subsection do not apply to any transaction between an individual and that individual's counsel necessary to preserve that individual's right to representation, as guaranteed by section 10 of the bill of rights of the constitution of the state of Kansas and by the sixth amendment to the United States constitution. This exception does not create any presumption against or prohibition of the right of the state to seek and obtain forfeiture of any proceeds derived from a violation of the uniform controlled substances act and amendments thereto.

(b) It is unlawful for any person knowingly or intentionally to give, sell, transfer, trade, invest, conceal, transport or maintain an interest in or otherwise make available anything of value which that person knows is intended to be used for the purpose of committing or furthering the commission of any violation of the uniform controlled substances act and amendments thereto.

(c) It is unlawful for any person knowingly or intentionally to direct, plan, organize, initiate, finance, manage, supervise or facilitate the transportation or transfer of proceeds known to be derived from any violation of the uniform controlled substances act and amendments thereto.

(d) It is unlawful for any person knowingly or intentionally to conduct a financial transaction involving proceeds derived from a violation of the uniform controlled substances act and amendments thereto when the transaction is designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the proceeds known to be derived from a violation of the uniform controlled substances act and amendments thereto or to avoid a transaction reporting requirement under state or federal law.

(e) A person who violates this section is guilty of a severity level 7, nonperson felony.

(f) This section shall be part of and supplemental to the uniform controlled substances act, K.S.A. 65-4101 *et seq.* and amendments thereto.

65-4153. Simulated controlled substances and drug paraphernalia; prohibited acts; penalties. (a) No person shall deliver, possess with intent to deliver, manufacture with intent to deliver or cause to be delivered within this state:

(1) Any simulated controlled substance; or

(2) any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the uniform controlled substances act.

(b) Except as provided in subsection (c), violation of this section is a class A nonperson misdemeanor.

(c) Any person who violates this section by delivering or causing to be delivered within this state drug paraphernalia or a simulated controlled substance to a person under 18 years of age is guilty of a nondrug severity level 9, nonperson felony.

65-4155. Representation that noncontrolled substance is controlled substance; prohibitions; penalties.

(a) No person shall knowingly deliver or cause to be delivered in this state any substance which is not a controlled substance:

(1) Upon an express representation that the substance is a controlled substance or that the substance is of such nature or appearance that the recipient will be able to distribute the substance as a controlled substance; or

(2) under circumstances which would give a reasonable person reason to believe that the substance is a controlled substance.

(b) If any one of the following factors is established, there shall be a presumption that delivery of a substance was under circumstances which would give a reasonable person reason to believe that a substance is a controlled substance:

(1) The substance was packaged in a manner normally used for the illegal delivery of controlled substances.

(2) The delivery of the substance included an exchange of or demand for money or other consideration for delivery of the substance, and the amount of the consideration was substantially in excess of the reasonable value of the substance.

(3) The physical appearance of the capsule or other material containing the substance is substantially identical to a specific controlled substance.

(c) Except as provided in subsection (d), violation of this section is a class A nonperson misdemeanor.

(d) Any person 18 or more years of age who violates this section by delivering or causing to be delivered in this state a substance to a person under 18 years of age and who is at least three years older than the person under 18 years of age to whom the delivery is made is guilty of a nondrug severity level 9, nonperson felony.

65-4159. Unlawful manufacturing or attempting such of any controlled substance; penalty. Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to manufacture any controlled substance. Any person violating the provisions of this section with respect to the unlawful manufacturing or attempting to unlawfully manufacture any controlled substance, upon conviction, is guilty of a drug severity level 3 felony, except that, upon conviction for a second offense, such person shall be guilty of a drug severity level 2 felony, and upon conviction for a third or subsequent offense, such person shall be guilty of a drug severity level 1 felony and the sentence for which shall not be subject to statutory provisions for suspended sentence, community work service, or probation.

79-5208. Same; penalties for violation of act. Any dealer violating this act is subject to a penalty of 100% of the tax in addition to the tax imposed by K.S.A. 1987 Supp. 79-5202. In addition to the tax penalty imposed, a dealer distributing or possessing marijuana or controlled substances without affixing the appropriate stamps, labels or other indicia is guilty of a crime and, upon conviction, may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

8-1567. Driving under influence of alcohol or drugs; blood alcohol concentration; penalties. (a) No person shall operate or attempt to operate any vehicle within this state while:

(1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013, and amendments thereto, is .08 or more;

(2) the alcohol concentration in the person's blood or breath, as measured within two hours of the time of operating or attempting to operate a vehicle, is .08 or more;

(3) under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or

(5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

(b) No person shall operate or attempt to operate any vehicle within this state if the person is a habitual user of any narcotic, hypnotic, somnifacient or stimulating drug.

(c) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(d) Upon a first conviction of a violation of this section, a person shall be guilty of a class B, nonperson misdemeanor and sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$200 nor more than \$500. The person convicted must serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. In addition, the court shall enter an order which requires that the person enroll in and successfully complete an alcohol and drug safety action education program or treatment program as provided in K.S.A. 8-1008, and amendments thereto, or both the education and treatment programs.

(e) On a second conviction of a violation of this section, a person shall be guilty of a class A, nonperson misdemeanor and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$500 nor more than \$1,000. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. Except as provided in subsection (g), the person convicted must serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for alcohol and drug abuse as provided in K.S.A. 8-1008, and amendments thereto.

(f) On the third or a subsequent conviction of a violation of this section, a person shall be guilty of a severity level 9, nonperson felony and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$2,500. Except as provided in subsection (g), the person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The court may also require as a condition of parole that such person enter into and complete a treatment program for alcohol and drug abuse as provided by K.S.A. 8-1008, and amendments thereto. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program.

(g) On a second or subsequent conviction of a violation of this section, the court may place the person convicted under a house arrest program, pursuant to K.S.A. 21-4603b, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

(h) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(i) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(j) The court shall report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings or a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of

the motor vehicle laws of this state.

(k) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(1) "Conviction" includes being convicted of a violation of this section or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(2) "conviction" includes being convicted of a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

(3) only convictions occurring in the immediately preceding five years, including prior to the effective date of this act, shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable; and

(4) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(l) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(m) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this act as unlawful or prohibited in such city or county and prescribing penalties for violation thereof, but the minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this act for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation. In addition, any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(n) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 *et seq.* or 22-2906 *et seq.*, and amendments thereto, shall not constitute plea bargaining.

(o) The alternatives set out in subsections (a)(1) (2) and (3) may be pleaded in the alternative, and the state, city or county, but shall not be required to, may elect one or two of the three prior to submission of the case to the fact finder.

(p) Upon a fourth or subsequent conviction, the judge of any court in which any person is convicted of violating this section, may revoke the person's license plate or temporary registration certificate of the motor vehicle driven during the violation of this section for a period of one year. Upon revoking any license plate or temporary registration certificate pursuant to this subsection, the court shall require that such license plate or temporary registration certificate be surrendered to the court.

(q) For the purpose of this section : (1) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

(2) "Imprisonment" shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city.

32-1131. Same; crime. (a) No person shall operate or attempt to operate any vessel within this state while:

(1) The alcohol concentration in the person's blood or breath, at the time or within two hours after the person operated or attempted to operate the vessel, is .08 or more;

(2) under the influence of alcohol;

(3) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely operating a vessel; or

(4) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely operating a vessel.

(b) No person shall operate or attempt to operate any vessel within this state if the person is a habitual user

of any narcotic, hypnotic, somnifacient or stimulating drug.

(c) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(d) No person shall operate or attempt to operate any vessel within this state for three months after the date of refusal of submitting to a test if such person refuses to submit to a test pursuant to K.S.A. 32-1132, and amendments thereto.

(e) Violation of this section is a misdemeanor punishable:

(1) On the first conviction, by imprisonment of not more than one year or a fine of not less than \$100 nor more than \$500, or both; and

(2) on the second or a subsequent conviction, by imprisonment for not less than 90 days nor more than one year and, in the court's discretion, a fine not exceeding \$500.

(f) In addition to any other penalties prescribed by law or rule and regulation, any person convicted of a violation of this section shall be required to satisfactorily complete a boater education course of instruction approved by the secretary before such person subsequently operates or attempts to operate any vessel.

41-719. Consumption of alcoholic liquor prohibited in certain places. (a) No person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.

(b) No person shall drink or consume alcoholic liquor on private property except:

(1) On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;

(2) upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(3) in a lodging room of any hotel, motel or boarding house by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(4) in a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place; or

(5) on the premises of a microbrewery or farm winery, if authorized by K.S.A. 41-308a or K.S.A. 41-308b, and amendments thereto.

(c) No person shall drink or consume alcoholic liquor on public property except:

(1) On real property leased by a city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.

(2) In any state-owned or operated building or structure, and on the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.

(3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated or established by a city having a population of more than 200,000.

(4) On the state fair grounds on the day of any race held thereon pursuant to the Kansas parimutuel racing act.

(5) On the state fairgrounds, if such liquor is domestic wine or wine imported under subsection (e) of K.S.A. 41-308a, and amendments thereto, and is consumed only for purposes of judging competitions.

(6) In the state historical museum provided for by K.S.A. 76-2036, and amendments thereto, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(7) On the premises of any state-owned historic site under the jurisdiction and supervision of the state historical society, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(8) On property exempted from this subsection (c) pursuant to subsection (d), (e), (f), (g) or (h).

(d) Any city may exempt, by ordinance, from the provisions of subsection (c) specified property the title of

which is vested in such city.

(e) The board of county commissioners of any county may exempt, by resolution, from the provisions of subsection (c) specified property the title of which is vested in such county.

(f) The state board of regents may exempt from the provisions of subsection (c) specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(g) The board of regents of Washburn university may exempt from the provisions of subsection (c) specified property the title of which is vested in such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(h) Any city may exempt, by ordinance, from the provisions of subsection (c) any national guard armory in which such city has a leasehold interest, if the Kansas military board consents to the exemption.

(i) Violation of any provision of this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200 or by imprisonment for not more than six months, or both.

41-727. Purchase or consumption of alcoholic beverage by minor; penalty. (a) Except with regard to serving of alcoholic liquor or cereal malt beverage as permitted by K.S.A. 41-308a, 41-308b, 41-2610 or 41-2704 or and amendments thereto, no person under 21 years of age shall possess, consume, obtain, purchase or attempt to obtain or purchase alcoholic liquor or cereal malt beverage except as authorized by law.

(b) Violation of this section by a person 18 or more years of age but less than 21 years of age is a class C misdemeanor for which the minimum fine is \$100.

(c) Any person less than 18 years of age who violates this section is a juvenile offender under the Kansas juvenile offenders code. Upon adjudication thereof and as a condition of disposition, the court shall require the offender to pay a fine of not less than \$100 nor more than \$500.

(d) In addition to any other penalty provided for a violation of this section, the court may order the offender to do either or both of the following:

(1) Perform 40 hours of public service; or

(2) attend and satisfactorily complete a suitable educational or training program dealing with the effects of alcohol or other chemical substances when ingested by humans.

(e) This section shall not apply to the possession and consumption of cereal malt beverage by a person under the legal age for consumption of cereal malt beverage when such possession and consumption is permitted and supervised, and such beverage is furnished, by the person's parent or legal guardian.

(f) Any city ordinance or county resolution prohibiting the acts prohibited by this section shall provide a minimum penalty which is not less than the minimum penalty prescribed by this section.

(g) This section shall be part of and supplemental to the Kansas liquor control act.

41-804. Transportation of liquor in opened containers unlawful; exceptions; penalty. (a) No person shall transport in any vehicle upon a highway or street any alcoholic liquor unless such liquor is:

(1) In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed;

(2) in the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or

(3) in the exclusive possession of a passenger in a vehicle which is a recreational vehicle, as defined by K.S.A. 75-1212 and amendments thereto, or a bus, as defined by K.S.A. 8-1406 and amendments thereto, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.

(b) Violation of this section is a misdemeanor punishable by a fine of not more than \$200 or by imprisonment for not more than six months, or both.

(c) Except as provided in subsection (f) upon conviction or adjudication of a violation of this section, the judge, in addition to any other penalty or disposition ordered pursuant to law, shall suspend the person's driver's license or privilege to operate a motor vehicle on the streets and highways of this state. Upon conviction or adjudication of the first violation by such person, the suspension shall be for three months. Upon adjudication of a second or subsequent violation, the suspension shall be for one year.

(d) Upon suspension of a license pursuant to this section, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued

promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.

(e) As used in this section, "highway" and "street" have the meanings provided by K.S.A. 8-1424 and 8-1473, and amendments thereto.

(f) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any person convicted of violating this section, as provided in subsection (c), the judge of the court in which such person was convicted may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of less than three months for a first violation nor more than one year for a second violation.

Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator, of such person's state of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this section.

Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this subsection, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

(g) It shall be an affirmative defense to any prosecution under this section that an occupant of the vehicle other than the defendant was in exclusive possession of the alcoholic liquor.

41-2719. Transportation of cereal malt beverage in opened containers unlawful; exception; penalty. (a) No person shall transport in any vehicle upon a highway or street any cereal malt beverage unless such beverage is:

(1) In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed;

(2) in the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or

(3) in the exclusive possession of a passenger in a vehicle which is a recreational vehicle, as defined by K.S.A. 75-1212, or a bus, as defined by K.S.A. 8-1406, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.

(b) Except as provided in subsection (f) upon adjudication of a violation of this section, the judge, in addition to any other disposition ordered pursuant to law, shall suspend the person's driver's license or privilege to operate a motor vehicle on the streets and highways of this state. Upon adjudication of the first violation by such person, the suspension shall be for three months. Upon adjudication of a second or subsequent violation, the suspension shall be for one year.

(c) Upon suspension of a license pursuant to this section, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.

(d) As used in this section, "highway" and "street" have the meanings provided by K.S.A. 8-1424 and 8-1473,

and amendments thereto.

(e) This section shall be part of and supplemental to article 27 of chapter 41 of the Kansas Statutes Annotated.

(f) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any person convicted of violating this section, as provided in subsection (c), the judge of the court in which such person was convicted may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of less than three months for a first violation nor more than one year for a second violation.

Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator, of such person's state of residence. Such judge shall furnish to any person whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this section.

Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this subsection, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

(g) It shall be an affirmative defense to any prosecution under this section that an occupant of the vehicle other than the defendant was in exclusive possession of the cereal malt beverage.

21-3610. Furnishing alcoholic liquor to a minor. (a) Furnishing alcoholic liquor to a minor is directly or indirectly, selling to, buying for, giving or furnishing any alcoholic liquor to any minor.

(b) Furnishing alcoholic liquor to a minor is a class B person misdemeanor for which the minimum fine is \$200.

(c) As used in this section, terms have the meanings provided by K.S.A. 41-102 and amendments thereto.

(d) It shall be a defense to a prosecution under this section if: (1) The defendant is a licensed retailer, club, drinking establishment or caterer or holds a temporary permit, or an employee thereof; (2) the defendant sold the alcoholic liquor to the minor with reasonable cause to believe that the minor was 21 or more years of age; and (3) to purchase the alcoholic liquor, the minor exhibited to the defendant a driver's license, Kansas nondriver's identification card or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was 21 or more years of age.

21-3610a. Furnishing cereal malt beverage to a minor. (a) Furnishing cereal malt beverage to a minor is buying for or selling, giving or furnishing, whether directly or indirectly, any cereal malt beverage to any person under the legal age for consumption of cereal malt beverage.

(b) Furnishing cereal malt beverage to a minor is a class B person misdemeanor for which the minimum fine is \$200.

(c) This section shall not apply to the furnishing of cereal malt beverage by a parent or legal guardian to such parent's child or such guardian's ward.

(d) It shall be a defense to a prosecution under this section if: (1) The defendant is a licensed retailer, or an employee thereof; (2) the defendant sold the cereal malt beverage to the person with reasonable cause to believe that such person was of legal age for consumption of cereal malt beverage; and (3) to purchase the cereal malt beverage, the person exhibited to the defendant a driver's license, Kansas nondriver's identification card or other official or apparently official document containing a photograph of the minor and purporting to establish that such

person was of legal age for consumption of cereal malt beverage.

(e) As used in this section, "cereal malt beverage", "retailer" and "legal age for consumption of cereal malt beverage" have the meanings provided by K.S.A. 41-2701 and amendments thereto.

(f) This section shall be part of and supplemental to the Kansas criminal code.

21-3610b. Furnishing alcoholic beverages to a minor for illicit purposes. (a) Furnishing alcoholic beverages to a minor for illicit purposes is, either directly or indirectly, buying for or selling, giving or furnishing to a child under 18 years of age any cereal malt beverage or intoxicating liquor with the intent to commit against such child, or to encourage or induce such child to commit or participate in, any act defined as a crime in article 35 of chapter 21 of the Kansas Statutes Annotated or in K.S.A. 21-3602 or 21-3603, and amendments thereto.

(b) Furnishing alcoholic beverages to a minor for illicit purposes is a severity level 9, person felony.

(c) As used in this section, "cereal malt beverage" has the meaning provided by K.S.A. 41-2701 and amendments thereto.

(d) This section shall be part of and supplemental to the Kansas criminal code.

65-4001. Purpose of act. It shall be the purpose of this act to provide for the development, establishment and enforcement of standards:

(1) For the care and treatment of individuals in public and private treatment facilities as defined herein;

(2) for the construction, maintenance and operation of public and private treatment facilities as defined herein, which will promote safe and adequate treatment of such individuals in alcohol treatment facilities.

75-5375. Drug abuse treatment and prevention duties of secretary of social and rehabilitation services. The secretary of social and rehabilitation services is hereby authorized and directed:

(a) To coordinate the total drug abuse treatment and prevention effort within the state of Kansas;

(b) to plan for, develop, implement and utilize objective devices and methodologies for the evaluation of all drug abuse treatment and prevention functions within this state;

(c) to pass on and coordinate the delivery of all funding applications, from whatever source, to state agencies, local units of government and private agencies, with regard to drug abuse treatment and prevention functions;

(d) to require such information and reports as may reasonably be necessary from state agencies, local units of government and private agencies for planning, management, coordination and evaluation and for carrying out the provisions of this act;

(e) to receive, administer and expend all federal and other financial assistance in the form of grants, contracts or otherwise, including cost reimbursement and similar contracts administered by the secretary for local programs or local units of government, which is or may become available to the state for furthering the purposes of this act, and the secretary may take such action as may be necessary to enable the state to meet any requirement set forth in federal laws or regulations in effect on the effective date of this act for obtaining federal financial assistance for drug abuse, prevention, treatment or rehabilitation;

(f) to prepare and administer, or supervise the preparation and administration of a comprehensive state plan for planning, establishing, conducting and coordinating projects and efforts for the development of more effective drug abuse treatment and prevention functions in the state;

(g) to cooperate with local authorities in conducting, maintaining and distributing detailed surveys of state and local problems and needs for drug abuse treatment and prevention and periodically advise the governor, legislature and local officials and citizens relative to such problems and needs;

(h) to establish a state clearinghouse for drug abuse information to serve the educational, informational and research needs of the state;

(i) to establish a centralized drug abuse data collection, dissemination and management information system for all drug abuse treatment and prevention functions;

(j) to devise policies and procedures to foster greater cooperation and interaction among organizations, agencies and other bodies, public and private, engaged in drug abuse treatment and prevention;

(k) to cooperate with all drug abuse education and training programs conducted within the state through cooperation with state and local boards of education, schools and other public and private agencies in establishing education programs for the prevention of drug abuse and for training in the treatment of drug involved individuals;

(l) to review annually and update the state plan for drug abuse treatment and prevention in such a manner as to maximize citizen involvement in the reviewing and updating process;

(m) to report annually to the governor and the legislature concerning activities under this act for the past year;

(n) to cooperate with federal, state and local criminal justice systems in the development of improved methods of treating and rehabilitating drug offenders;

(o) to foster, encourage and assist in the development of local and regional plans and programs for improving local and regional treatment and prevention capabilities and insure that such local and regional efforts impact on the overall state planning effort;

(p) to foster, encourage and assist in the development of scientific and operational research efforts designed to further define the nature and causes of drug misuse, drug abuse and drug addiction and to improve treatment and prevention methods and capabilities in these areas;

(q) to assist in the development of programs within business, industry and agriculture designed to reduce the problem of drug abuse and the costs of crime related thereto;

(r) to foster, encourage and assist in the development of programs designed to reduce the misuse and abuse of drugs;

(s) to adopt rules or regulations to carry out the provisions of this act.