

Re: *Attorney General Marty Jackley's testimony to the South Dakota State Senate on prescription drug monitoring legislation*

Dear Mr. Chairman and Committee Members:

I am urging your passage of House Bill 1231 to provide for the monitoring of the prescribing and dispensing of controlled substances. South Dakota has, unfortunately, followed the national trend by experiencing a significant increase in prescription drug addiction and abuse. Division of Criminal Investigation prescription cases have tripled over the last three years, and prescription drug abuse has further attributed to significant increases in violent crime. Over forty states have addressed the serious issue of prescription drug abuse through prescription drug monitoring programs.

I believe that the prescription drug monitoring program set forth in House Bill 1231 is responsible legislation that addresses this serious problem, as well as the following concerns of the Attorney General:

First, it emphasizes prevention over prosecution. Several states, including Texas, California, and Oklahoma, have prescription programs administered through the Attorney General and law enforcement. The South Dakota model is operated by health professionals and utilizes an advisory board comprised of doctors, pharmacists, governing boards, and law enforcement.

Second, this South Dakota model respects doctor/patient privileged information through limiting access. It is important to appreciate that law enforcement receives no further access to this information than already exists under current South Dakota statute and case law.

Third, the South Dakota program does not call for use of general fund tax money. Rather, implementation of the program is derived from federal grant opportunities, as well as consumer litigation funds in the Attorney General's Office that have specifically been set aside for this type of program designed to protect the public.

South Dakota faces a growing problem associated with prescription drug misuse. The responsible action is to provide doctors and pharmacists with the tools necessary to potentially reduce or avoid the misuse. This in turn will improve health safety and reduce necessary treatment, prosecutions, and costs associated with incarceration.

I thank you for your consideration of this most important matter.

Sincerely,

Marty J. Jackley
Attorney General

MJJ/dh