



## 【25<sup>th</sup> Edition】

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Conference

### **2017 Adolescents Substance Abuse Prevention and Counseling Conference and the 2<sup>nd</sup> Annual Meeting of Taiwan Society for Substance Abuse Research**

Dear Scholars and Experts:

Taiwan Society of Substance Abuse Research (TSSAR) and National Chung Cheng University, Education Center for Prevention of Drug Abuse (ECPDA) will host “The 2nd Annual Meeting of Adolescents Substance Abuse Prevention and Counseling Symposium and Taiwan Society of Substance Abuse Research” at the international conference room of National Chug Cheng University on December 7-8, 2017.

In view of the prevalence of substance abuse as well as narcotics abuse in recent years, the negative impacts have caused serious social crises all over the world. Moreover, the appearance of New Psychoactive Substances (NPS) and mixed drugs also cause serious damage to younger populations. Therefore, the theme of the symposium will focus on “The Prevention and Counseling of Substance Abuse in Adolescents”. Experts in Adolescent substance abuse and narcotics control will be invited to the symposium to share their invaluable experience in the field through brainstorming, and thus provide effective countermeasures for Adolescent substance abuse control and consequently achieve the goal of harm reduction caused by narcotics.

The Ministry of Education, Department of Student Affairs and Special Education particularly offers their advices and assistance in this symposium. We call for papers related to the theme “The Prevention and Counseling of Substance Abuse in Adolescents”. Field experts and researchers are welcome to submit their clinical practice and research work concerning the control of substance abuse. Please submit a 300-word abstract in Chinese to the TSSAR or ECPDA through post by July 30th, 2017. The review results will be published before September 1st, 2017.

For matters concerning registration, invitation letter or article submission, please refer to our website at <http://tasar.ccu.edu.tw>.

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# UNODC Reports

## Latin America meeting marks first move towards establishing UNODC-supported global brand of prison products

### ➤ Editorial Office



Developing a global brand of prison products moved a step closer to being realized this week with the bringing together of key prison administrators from across Latin America. Part of UNODC's Doha Declaration Global Programme, the event was organized to explore new and innovative approaches within the Latin American region which are being used to mitigate the social, economic and personal challenges faced by prisoners and reduce the risk of recidivism through rehabilitation. By identifying programmes which support prisoner's ability to lead self-sustained lives, the aim is to support the wider ideal of promoting a culture of lawfulness.

The meeting, held in Panama City, was opened by Panama's Minister of Government, H.E. María Luisa Romero, who presented key experiences in implementing IntregArte, a work programme currently active in four penitentiary centres in the country and which presently produces a wide range of products, including furniture, fashion and other arts and handicraft products. Since launching in 2016, more than 150 people in prison have benefitted from this initiative.

The Minister also highlighted the critical role that work-related activities within prisons play for both prisoners and society, noting that rehabilitation provides an opportunity to develop skills, increase post-release employability and contribute to families and society. She further elaborated that by promoting



products made by prisoners - such as through a specific brand - it provides an opportunity to showcase to society the type of productive work that prisoners can do if given the chance.

Attended by prison practitioners from Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, EL Salvador, Panama, Paraguay, Peru and Uruguay, the meeting is a key step forward in determining a series of good practices and lessons within this area. Discussions held covered a range of essential topics which will ultimately feed into the global brand, including: experiences in developing and marketing prison brands; designing systems to incentivize prisoners to participate and benefit from work programmes; ensuring that work programmes in prisons are in line with international standards; experiences engaging the private sector, chambers of commerce, unions and relevant NGOs; as well as measuring the impact of work programmes on the access of prisoners to economic opportunities after release and reducing recidivism rates.



Amado de Andrés, UNODC's Regional Representative for Central America and the Caribbean, also spoke at the opening, stressing the leadership role of the region in developing prison-based work programmes and the marketing of them, including through public-private partnerships. With the idea of a

global prison brand building on a number of successful, existing initiatives which have been carried out in assorted regions, the consultation provided an opportunity for different national prison administrations to share their experiences and feed into the UNODC-led global brand.

*This paper is from: United Nations Office on Drugs and Crime*

<https://www.unodc.org/unodc/en/frontpage/2017/May/latin-america-meeting-marks-first-move-towards-establishing-unodc-supported-global-brand-of-prison-products.html>



# NIDA Reports

## Rethinking How We Talk About Addiction

➤ **Editorial Office**

People with substance use disorders and other mental health issues face greater stigma than those with other illnesses. As the head of the White House Office of the National Drug Control Policy (ONDCP), Michael Botticelli, and former Assistant Secretary for Health, Howard Koh, argued in JAMA Viewpoint last month, many of the addiction-related terms widely used in our society—even in the addiction field—retain an implicit moral judgment and subtly frame drug problems as transgressions worthy of punishment. Thus, reexamining how we talk about substance use disorders and those who suffer from them is an important step in overcoming the misconceptions and moralizing that have hindered access to treatment and compassionate recovery supports in our society.

Repeated substance use changes key brain circuits in fundamental ways, and people who become addicted often lose their motivation and ability to derive pleasure from natural rewards. They experience distress when not using and diminished ability to resist the drug-seeking urge or follow through with decisions to quit. Thus, addiction is not a weakness of willpower or a moral failing—it is a medical issue. But studies show that subtle differences in how people describe those with addictions can reinforce a punitive rather than medical approach.

In a 2010 study conducted by Harvard addiction psychiatrist John F. Kelly and colleagues, doctoral-level mental health and addiction clinicians were more likely to favor a jail sentence over treatment when a character in a case vignette was described as a "substance abuser" than when that character was described as having a "substance use disorder." (All other words of the two descriptions



were the same.) In another study, they found that mental health practitioners at professional conferences were likewise more likely to consider the subject of a case vignette worthy of punishment (instead of treatment) if he was described as a "substance abuser" (again, versus having a "substance use disorder").

Other terms can sometimes carry misleading assumptions, even when they are not stigmatizing. The term getting high is an example: Even though initial drug use or infrequent use produces euphoria, people with addiction have a diminished ability to feel pleasure from drugs; their primary motivation is not to feel euphoric but to temporarily escape the extreme lows caused by withdrawal. Much of the moralizing and judgment directed at people with addictions arises from a false belief that they have willfully abandoned their responsibilities in favor of a search for pleasure, a belief reinforced when we characterize disordered substance use as simply pursuing drug highs.

This month, after working with the NIDA, the National Institute on Alcohol Abuse and Alcoholism, and other federal partners such as the Substance Abuse and Mental Health Services Administration, ONDCP released a draft set of guidelines, *Changing the Language of Addiction*, to set new language standards around addiction for the federal government and its stakeholders. The new ONDCP recommendations include avoiding the terms addict and abuser and consistently adopting terms consistent with current diagnostic terminology—i.e., person with a substance use disorder. They also include replacing abuse with less pejorative terms such misuse or unhealthy/harmful use. The ONDCP also recommends avoiding the terms clean (for a negative drug test) or getting clean (for achieving abstinence from drugs or alcohol) in favor of less stigmatizing terminology. The guidelines instead recommend that people describe those who have achieved long-term abstinence as being in recovery, for instance.

*This paper is from: National Institute on Drug Abuse*

<https://www.drugabuse.gov/about-nida/noras-blog/2016/10/rethinking-how-we-talk-about-addiction>



# Taiwan Research News

## German Correction Model for Drug Addicts

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As of March 31, 2010, the total number of offenders imprisoned in Germany's correctional institutions was 53,973, of which, 8,800 offenders violated Anesthetic Drug Regulation Act, accounted for 16.5% of total detainees. During imprisoning, drug addicts would bring a lot of negative impacts of subculture layer, for example: may cause damage to other detainees in same prison due to their addiction, may commit other property crimes in order to buy drugs, and detainees in prison may infect HIV or hepatitis C because of using or taking drugs. Moreover, the existing drug-related replacement therapies are also contrary to the purpose of punishment enforcement, i.e., the purpose of punishment enforcement should aim to make drug addicts live in a life of no drug-related harm at any layer.

Therefore, in the drug-related criminal laws and regulations of Germany, the criminal punishment system has been gradually moving toward a special measure in the middle of assessment punishment and imprisonment punishment should be enforced. That is, from a technical perspective of law, it is similar to probation punishment adapted from imprisonment punishment, but follows another solution approach and takes prosecutors having enforcement authority status as core. The purpose of doing so mainly aims at avoiding the enforcement of imprisonment punishment for drug addicts through intensively treating drug addiction of perpetrators, and thus making them free from committing a crime. The relevant provisions are provided under Article 35 of Anesthetic Drug Regulation Act, and this measure is called as "substituting criminal punishment with curing" in both legal terminology and general expression. In article itself, the term used is "exempted from the enforcement of criminal



punishment”, and the longest period is two years. Therefore, currently in Germany the treatment model – community correction model practiced outside correctional institutions – has become the most important criminal policy for drug addicts. In the followings, this paper will focus primarily on legislative technique of and criticism against the treatment model for drug addicts, and provide them as a reference for future relevant legislative policy of our country.

### A. Current Criminal Punishment Model for Drug Addicts

Based on above principle of “substituting criminal punishment with curing”, courts usually would apply suspended sentence placed under probation punishment for convicted drug addicts with imprisonment punishment of less than two years, and the main models are as follows:

#### 1. Scope of Application

It mainly targets on imprisonment punishment, not applicable to fine punishment and “additional imprisonment punishment” (Ersatzfreiheitsstrafe), and mainly for imprisonment punishment of less than two years (Article 56 of Germany Criminal Law, Article 21 of Juvenile Court Act).

#### 2. Review Criteria - Positive Social Forecast

The review criteria of suspended sentence placed under protective measure lies in “positive social forecast” (Günstige Sozialprognose), i.e., when court declares a suspended sentence, it should consider individual situation, experience, crime circumstances, attitude after committed the crime, living conditions, as well as impact of suspended sentence of the convicted (Germany Criminal Law, Article 56, Paragraph 1). If after conducted a comprehensive assessment on behaviors and personal circumstances of the convicted, the court regards that the convicted has an exceptional situation and when he/she is in line with the conditions specified in Paragraph 1, then the court may declare a suspended sentence for





imprisonment punishment of less than two years. And when declaring a suspended sentence, the court must consider whether the convicted has paid efforts to restore the damage caused by his/her crime (Germany Criminal Law, Article 56, Paragraph 2). Speaking in a step further, the premise of whether the court will consider declaring a suspended sentence is based on the purpose of “re-socialization”, and if the consideration is mingled with sentencing and suspended sentence, then the suspended sentence will not be allowed.

### 3. Legal Effects

If the convicted is sentenced to serve a imprisonment punishment of more than six months according to Punishment Law for Violating Public Order, then he/she can not be declared with a suspended sentence (Paragraph 3). Suspended sentence shall not be considered as part of criminal punishment. The convicted can not be considered as not applicable to a suspended sentence because of sentence deduction of custody and other deprivation of his/her physical liberty (Paragraph 4). The convicted can be declared with a suspended sentence in accordance with the provisions of this Article. Meanwhile, according to Article 56c of Germany’s Criminal Law, in order to prevent the convicted from re-committing other crimes the court can take a step further to give certain instructions when declaring the suspended sentence.

In addition, the judge may give certain instructions (Weisung) to the sentenced person declared with a suspended sentence for his/her protective measure period (Bewährungszeit); and according to Nr. 1, Paragraph 2, Article 56c of Germany’s Criminal Law, these instructions must be appropriately given based on daily living (Aufenthalt), education, work, and economic status of the sentenced person. In case of the occurrence of being difficult to enforce protective measure or the convicted committed a crime again during protective measure period, the Criminal Court will no longer certainly revoke the declared





suspended sentence as in the past, rather the protective measure conditions will be adjusted and the convicted will be continuously imposed by protective measure under supervision in accordance with Paragraph 2, Article 56e of Criminal Law. Only for cases that continuous supervision is hopeless even after adjusted protective measure conditions, the final decisive revocation of suspended sentence shall be applied (Criminal Law, Article 56e, Paragraph 1), at this time the perpetrator will be required to serve the imprisonment punishment originally declared. If the convicted has passed assessment based on original or adjusted conditions, the criminal punishment will be exempted in advance or after the pre-defined assessment period, i.e., “exempted from enforcement of criminal punishment” (Erlass der Vollstreckung der Strafe); however, the judgment and punishment themselves will still be retained and registered in criminal record book.

### B. Theoretical Basis of “Stopping Punishment Enforcement” for Drug Addicts

Because drug-related crimes are different from other types of crimes and drug addicts have a high degree of recidivism rate, so after granted a suspended sentence placed under protective measure to a drug addict, the court will give treatment instructions and require a certain degree of treatment outcomes in accordance with the provisions of Paragraph 3 of Article 56 of Criminal Law; Secondly, a drug addict can attend a drug rehabilitation agency according to Article 64 of Criminal Law, however, this is limited to “serious” (erheblich) crimes; based on this, if the perpetrator is a drug addict but has no risk of committing a serious crime, under this circumstance, then the drug addict can be granted “stopping punishment enforcement” (Zurückstellung der Strafvollstreckung) to provide multiple treatment models according to Articles 35, 36 of Anesthetic Drug Regulation Act provided that the drug addict has been involved in a drug rehabilitation agency to carry out treatment and the drug rehabilitation agency has given corresponding treatment. And the drug rehabilitation treatment can be



regarded as general imprisonment and counted into original sentence period (Criminal Law, Article 67, Paragraph 4), and must be evaluated when the sentence period of the drug addict has been enforced two thirds (Anesthetic Drug Regulation Act , Article 36, Sentence 1 and Paragraph 3). If, after assessment, the drug addict has successfully quited addiction, the court can still grant a suspended sentence placed under probation punishment (Bewährungsstrafe) for the remaining sentenced period (Sentence 3, Paragraph 1, Article 36, and Paragraph 2 of the same Article of Anesthetic Drug Regulation Act), therefore, the convicted can follow this model to be allowed not be subject to a longer imprisonment; conversely, if treatment failed, or not involved in a designted drug rehabilitation agencyr, or committed a drug-related crime again, then the court may revoke the original punishment and send the convicted to prison for enforcement.

### C. Key Elements of “ Stopping Punishment Enforcement” for Drug Addicts

According to Paragraph 1 of Article 35 of Anesthetic Drug Regulation Act, the purposes of “stopping punishment enforcement” for drug addicts include: eliminating addiction of the convicted, getting rid of the effects of becoming addicted again, allowing the convicted to live a life without drug, and bringing back career and life the convicted should have. Therefore, under the following circumstances, after approved by court, the prosecutor may postpone the enforcement of imprisonment punishment of less than two years or place the convicted into a retention center of a drug rehabilitation agencyr for drug-dependent perpetrators:

#### 1. The Convicted Belongs to Drug Addiction

As mentioned above, drug-related offenders can be divided into profit-earning offenders purely aiming for making profit, and profit-violating offenders committing property crimes due to drug addiction. With regard to the former, all countries in the world have applied serious crime model and



have no dispute; as for the latter, Germany adopts a treatment model of “substituting criminal punishment with curing”.

In the classification of drug use level, Germany mainly takes high or low drug-induced dependence level of human body on drug as distinguishing criteria. Generally speaking, the dependence on drugs can be divided into three levels:

(1) No dependence (Keine Abhängigkeit): refers to that human body has no dependence on drugs, only because the drug user subjectively wants to experience the process of using drugs, such as for relaxing purpose, and the behavior of using drugs is in line with the extent of social appropriateness;

(2) Psychological dependence (Psychische Abhängigkeit): refers to that human body has been psychologically/mentally induced dependence on drugs, if suddenly stops using drugs or reduces amount used, will generate psychological “withdrawal syndrome”; and

(3) Physiological dependence (Psysische Abhängigkeit): If a user’s dependence on a certain drug has reached physiological dependence, then if suddenly stops using the drug or reduces amount used, will inevitably generate “withdrawal syndrome” on both psychological and physiological sides.

### 2. Imprisonment Punishment Enforcement Not Exceeding Two Years

The imprisonment punishment enforcement not exceeding two years refers to: for imprisonment punishment without an additional punishment, the sentenced period is less than two years (Anesthetic Drug Regulation Act, Article 35, Paragraph 1, Sentence 1 and Paragraph 3, Subparagraph 1); for imprisonment punishment with an additional punishment, the sentenced period is less than two years and the remaining sentenced period (Anesthetic Drug Regulation Act, Article 35, Paragraph 3).

### 3. Must Already Being Treated or Committed to Accept Drug Abuser Treatment



The convicted commits to accept treatment and start treatment (for example: because the drug rehabilitation therapy class has been fully occupied, so cannot start treatment), and promises to start treatment. If the convicted has been admitted by a nationally recognized institution (e.g., a privately run drug rehabilitation clinic) to remove drug dependence (addiction) or avoid dependence on new drugs, is also regarded as treatment under this sense. In order to make the program carefully seen by parties concerned, the convicted and addiction treatment institution have the following reporting obligations (Anesthetic Drug Regulation Act, Article 35, Paragraph 4): the convicted must prove to prosecutor at specified dates/times that he/she has accepted or regularly continued treatment in accordance with requirements; addiction treatment institution or independently practicing therapist must notify the prosecutor when the patient/the convicted suspends treatment program, but no need to report details. “Substituting criminal punishment with curing” may also be adopted afterwards. That is, after the drug-dependent perpetrator was imprisoned to serve his/her sentence and when he/she may be released on parole (Anesthetic Drug Regulation Act, Article 35, Paragraph 3, Sentence 1, Subparagraph 2) (because the prosecutor, based on the position enforcement agency, does not allow the releasing on parole), the competent court can grant parole placed under assessment and not to enforce the remaining imprisonment punishment period according to Article 57 of Criminal Law, so that the sentenced person may leave the prison to accept drug addiction treatment.

#### D. Legal Effects

##### 1. Remaining Portion of Imprisonment Punishment Placed under Probation Punishment

According to the provisions of Paragraph 1, Article 36 of Anesthetic Drug Regulation Act, after made the order of stopping enforcement and asked the convicted to report to a nationally recognized medical institution to accept treatment, the court may, at pre-defined dates, assess whether the convicted still



has to accept criminal punishment. When conducting assessment, the court should consider that whether the perpetrator has been granted a suspended sentence according to Article 35 of Anesthetic Drug Regulation Act and placed under probation punishment for a period exceeding two-thirds of the punishment enforcement period and not necessary to carry out treatment in a addiction treatment institution, besides, the court also should consider whether the convicted will constitute a threat to public safety, after assessment the court may decide to place the remaining un-enforced criminal punishment under probation punishment for the convicted. If the court has a decision different from the above, such as a suspended sentence placed under probation punishment (continue treatment) or a continuation of imprisonment punishment enforcement, should also based on the consideration of public safety (Anesthetic Drug Regulation Act, Article 36, paragraph 2). If the perpetrator did not attend a drug rehabilitation agency to accept treatment, the court may order the convicted to serve all or part of criminal punishment (Anesthetic Drug Regulation Act, Article 36, Paragraph 3). Regarding suspended sentence placed under probation punishment, the court may give the convicted certain burden and instructions in accordance with Articles 57a to 57g and Sentence 2, Subparagraph 5 of Article 57 of Criminal Law (Anesthetic Drug Regulation Act, Article 36, Paragraph 4).

The decision, with respect to Paragraphs 1 to 3, Article 36 of Anesthetic Drug Regulation Act, made by the court of first instance may be finalized without the necessity of verbal trial, the enforcement authority, counterpart, as well as addiction treatment institution may attend and listen the judgment and propose counter appeal immediately, and the court may also conduct elucidation for the suspended sentence of remaining sentence period (Anesthetic Drug Regulation Act, Article 36, Paragraph 5).

## 2. The Revocation of Temporary Suspension of Criminal Punishment Enforcement

The Paragraph 5 of Article 35 of Anesthetic Drug Regulation Act provides that the original



suspension of punishment enforcement of the convicted can be revoked if he/she has not yet begun treatment, carried out treatment, and achieved expected results of treatment. In addition, if a newly committed crime of perpetrator has caused the combined sentence period of imprisonment punishment to surpass two years, the convicted will be given a more favorable and safer way than rules of imprisonment punishment or other non-imprisonment punishment.

When a criminal prosecution agency, based on its authority, revokes the suspension of enforcement of a criminal punishment and requires the convicted to resume the enforcement of imprisonment punishment, should give a order of being involved in a rehabilitation institution. The convicted can propose a counter appeal against the decision given by the court of first instance. The provisions of Article 462 of Criminal Procedure Act are not applicable to the decision of resuming enforcement proposed by the court.

#### E. Summary

Compared to a suspended sentence placed under protective measure where its initiating agency is court, the initiating body of Anesthetic Drug Regulation Act is prosecutor (Code of Criminal Procedure Act, Article 451) but he/she is still required to obtain the approval from the court (Anesthetic Drug Regulation Act, Article 35, Paragraphs 1 and 2). In terms of current practical status, taking judgments for violating Anesthetic Drug Regulation Act in 1984 as an example, 11% of all the convicted did not receive treatment, 47% of all the convicted did not complete treatment, and 42% of all the convicted had completed treatment and been placed under protective measure.



## New Publication: The Adolescent Substance Abuse Prevention and Counseling



Due to drastic social changes, the incidence of Adolescent substance abuse has been increased lately. To prevent Adolescents from the harm caused by illegal drugs, active prevention as well as counseling for Adolescents is considered necessary.

Moreover, to provide higher quality or prevention and counseling, an intensified training for school teachers and associated counseling personnel concerning substance abuse is also required. Therefore, in light of recent research and counseling experience of

scholars and experts in the field, and the international control results of experience in substance abuse counseling, Professor Shu-Lung Yang, the Present of the Taiwan Society of Substance Abuse Research (TSSAR) and Professor Jong-Long Guo, vice dean of College of Education, National Taiwan Normal University, invited experts in the Prevention and Control of Substance Abuse in Adolescents, including National Taiwan University, National Taiwan Normal University, National Chung Cheng University, Kaohsiung Medical University, China Medical University, Bali Psychiatric Center, Ministry of Health and Welfare, Taipei City Hospital, Taiwan Society of Addiction Science, Department of Health, Kaohsiung City Government, etc., to write and edit this book as a reference for associated personnel (the Head of Office of Student Affairs, safety personnel, teachers of the schools, or case managers of anti-drug centers in individual counties/cities) to counsel Adolescents on substance abuse control. The feature of this book is the extensive introduction of Adolescent substance abuse (including the definition, types, addiction syndromes and the causes of substance abuse). In addition, this book also introduces effective preventive strategies and counseling approaches commonly used worldwide against substance abuse, and finally provides adequate recommendations for substance abuse treatment.





# Latest Conferences Information

➤ Editorial Office

Conference	Host Organization	Date	Location
NIDA International Forum	National Institute on Drug Abuse(NIDA)	June 16-19 2017	Montreal, Canada Contact : <a href="https://www.drugabuse.gov/international/2017-nida-international-forum#About">https://www.drugabuse.gov/international/2017-nida-international-forum#About</a>
College on Problems of Drug Dependence (CPDD)	College on Problems of Drug Dependence (CPDD)	June 17-22 2017	Montreal, Canada Contact: <a href="http://cpdd.org/meetings/future-meeting-sites/">http://cpdd.org/meetings/future-meeting-sites/</a>
International Cannabinoid Research Society(ICRS)	International Cannabinoid Research Society(ICRS)	June 22-27 2017	Montreal, Canada Contact: <a href="http://icrs.co/index.html">http://icrs.co/index.html</a>
National Association of Drug Court Professionals (NADCP) Annual Training Conference	National Association of Drug Court Professionals (NADCP)	July 9-12 2017	Gaylord National Resort & Convention Center, National Harbor, MD Contact: <a href="http://www.nadcp.org/learn/annual-training-conference/future-and-past-conference-dates">http://www.nadcp.org/learn/annual-training-conference/future-and-past-conference-dates</a>
International Drug Abuse Research Society (IDARS)	International Drug Abuse Research Society (IDARS)	September 4-8 2017	Dubrovnik, Croatia Contact: <a href="http://www.idars.org/">http://www.idars.org/</a>