

House Bill 4137

Sponsored by Representative SANCHEZ (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Alcohol and Drug Policy Commission to report to interim committees of Legislative Assembly, no later than September 15, 2018, its comprehensive addiction, prevention, treatment and recovery plan. Requires plan to be reviewed and updated by September 15 of each year. Requires commission to report to Legislative Assembly on scope of alcohol and drug abuse and addiction in Oregon and on availability of prevention, treatment and recovery services.

Grants specified powers to Director of Alcohol and Drug Policy Commission to carry out duties, functions and powers of commission.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to addiction recovery; creating new provisions; amending ORS 430.241, 430.242, 430.270 and
3 430.357; and declaring an emergency.

4 Whereas recovery from addiction is a key priority for Oregonians; and

5 Whereas recovery from addiction is not only possible but a reality for hundreds of thousands
6 of Oregonians; and

7 Whereas research and science emphatically demonstrate that addiction is a chronic, progressive
8 disease and is only effectively treated as such; and

9 Whereas almost one in 10 Oregonians go untreated for addiction; and

10 Whereas addiction treatment and recovery support are woefully beyond reach for many
11 Oregonians in need, especially rural Oregonians and people of color; and

12 Whereas the cost and challenges posed by addiction impact each and every Oregonian; and

13 Whereas the cost of untreated addiction is at least \$5.9 billion annually; and

14 Whereas the trauma wreaked on Oregonians suffering from addiction, their families, neighbors,
15 friends and loved ones and the costs associated with this trauma have achieved crisis proportions
16 that can only be understood as a public health emergency; and

17 Whereas numerous studies have reported that Oregon's addiction services system is underfunded
18 when compared to the need; and

19 Whereas the long-term recovery model is without doubt the most successful, cost effective and
20 humane approach to ending the ravages of addiction; and

21 Whereas addiction often exacerbates other forms of oppression including but not limited to
22 racism, sexism, homophobia, transphobia and economic disenfranchisement; now, therefore,

23 **Be It Enacted by the People of the State of Oregon:**

24 **SECTION 1. No later than September 15, 2018, the Alcohol and Drug Policy Commission**
25 **created in ORS 430.241 shall report to the interim committees of the Legislative Assembly**
26 **related to health on the comprehensive addiction, prevention, treatment and recovery plan**
27 **required by ORS 430.242. The commission shall recommend legislative changes needed to fully**
28 **implement the plan.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **SECTION 2. (1) The Governor shall appoint a Director of the Alcohol and Drug Policy**
 2 **Commission who shall serve at the pleasure of the Governor and be responsible for the dis-**
 3 **semination and implementation of the Alcohol and Drug Policy Commission’s policies and the**
 4 **performance of the commission’s duties, functions and powers.**

5 (2) The director shall be paid a salary as provided by law or, if not so provided, as pre-
 6 scribed by the Governor.

7 (3) Subject to ORS chapter 240, the director shall appoint all employees of the commis-
 8 sion, prescribe their duties and fix their compensation.

9 (4) The director has all powers necessary to effectively and expeditiously carry out the
 10 duties, functions and powers of the commission.

11 (5) The director and each authorized representative of the director may administer oaths,
 12 take depositions and issue subpoenas to compel the attendance of witnesses and the pro-
 13 duction of documents or other written information necessary to carry out the duties, func-
 14 tions and powers of the commission.

15 (6) The director shall enter into agreements with the Oregon Health Authority, the De-
 16 partment of Justice, the Department of Human Services and other state and local agencies
 17 for the sharing of information as necessary to carry out the duties of the commission. The
 18 agreements shall ensure the confidentiality of all information that is protected from disclo-
 19 sure by state and federal laws.

20 **SECTION 3.** ORS 430.241 is amended to read:

21 430.241. (1) As used in this section and ORS 430.242:

22 (a) “Local government” means a local government as defined in ORS 174.116 that receives state
 23 or federal funding for programs that provide alcohol or drug abuse prevention or treatment services.

24 (b) “Participating state agency” means the Department of Corrections, the Department of Hu-
 25 man Services, the Oregon Health Authority, the Department of Education, the Oregon Criminal
 26 Justice Commission, the Oregon State Police, the Oregon Youth Authority or any other state agency
 27 that is approved by the Alcohol and Drug Policy Commission to license, contract for, provide or
 28 coordinate alcohol or drug abuse prevention or treatment services.

29 (c) “Provider” means any person that is licensed by the Oregon Health Authority to provide
 30 alcohol or drug abuse prevention or treatment services.

31 (2) There is created the Alcohol and Drug Policy Commission, which is charged with improving
 32 the effectiveness and efficiency of state and local alcohol and drug abuse prevention and treatment
 33 services.

34 (3) The membership of the commission consists of:

35 (a) At least 12 but no more than 16 members appointed by the Governor, subject to confirmation
 36 by the Senate in the manner prescribed in ORS 171.562 and 171.565. The Governor shall appoint
 37 members, as the Governor deems practicable, to ensure representation from stakeholders directly
 38 impacted by the work of the commission. In making the appointments, the Governor shall consider
 39 representatives of:

40 (A) District attorneys;

41 (B) County sheriffs;

42 (C) County commissioners;

43 (D) Indian tribes;

44 (E) Providers of alcohol and drug abuse prevention and treatment services;

45 (F) Chiefs of police;

1 (G) Alcohol or drug treatment researchers or epidemiologists;

2 (H) Criminal defense attorneys;

3 (I) The health insurance industry, hospitals or coordinated care organizations; and

4 (J) Consumers of alcohol and drug abuse prevention and treatment services who are in recovery
5 and the family members of consumers.

6 (b) Two members of the Legislative Assembly appointed to the commission as nonvoting mem-
7 bers of the commission, acting in an advisory capacity only and including:

8 (A) One member from among members of the Senate appointed by the President of the Senate;
9 and

10 (B) One member from among members of the House of Representatives appointed by the Speaker
11 of the House of Representatives.

12 (c) A judge of a circuit court appointed to the commission as a nonvoting member by the Chief
13 Justice of the Supreme Court.

14 (4) The Alcohol and Drug Policy Commission shall select one of its members as chairperson and
15 another as vice chairperson, for such terms and with duties and powers necessary for the perform-
16 ance of the functions of such offices as the commission determines.

17 (5) A majority of the voting members of the commission constitutes a quorum for the transaction
18 of business.

19 (6) Official action of the commission requires the approval of a majority of a quorum.

20 (7) The commission may establish a steering committee and subcommittees. These committees
21 may be continuing or temporary. A person who is not a member of the commission may be appointed
22 by the commission to serve on a subcommittee. The commission shall appoint subcommittee members
23 to ensure representation from all stakeholders directly impacted by the work of the commission.

24 (8) The term of office of each commission member appointed by the Governor is four years, but
25 a member serves at the pleasure of the Governor. If there is a vacancy for any cause, the Governor
26 shall make an appointment to become immediately effective.

27 [(9) *The Oregon Health Authority shall provide staff support to the commission. Subject to avail-*
28 *able funding, the commission may contract with a public or private entity to provide staff support.*]

29 [(10)] (9) Members of the commission who are not members of the Legislative Assembly are en-
30 titled to compensation and expenses incurred by them in the performance of their official duties in
31 the manner and amounts provided for in ORS 292.495. Claims for compensation and expenses shall
32 be paid out of funds appropriated to the [*Oregon Health Authority or funds appropriated to the*]
33 commission for purposes of the commission.

34 [(11)(a) *The Governor shall appoint a Director of the Alcohol and Drug Policy Commission who*
35 *shall serve at the pleasure of the Governor and be responsible for the dissemination and implementation*
36 *of the commission's policies and the performance of the duties, functions and powers of the commission*
37 *that are delegated to the director by the commission.*]

38 [(b) *The director shall be paid a salary as provided by law or, if not so provided, as prescribed*
39 *by the Governor.*]

40 **SECTION 4.** ORS 430.242 is amended to read:

41 430.242. (1) For purposes of this section, "program" means a state or local alcohol and drug
42 abuse prevention and treatment program.

43 (2) The Alcohol and Drug Policy Commission established under ORS 430.241 shall [*establish*
44 *priorities and policies for alcohol and drug abuse prevention and treatment services as part of a long-*
45 *term strategic prevention and treatment*] **develop a comprehensive addiction, prevention, treat-**

1 **ment and recovery** plan for this state. The plan must include, but is not limited to,
 2 recommendations regarding:

- 3 (a) Capacity, type and utilization of programs;
- 4 (b) Methods to assess the effectiveness and performance of programs;
- 5 (c) The best use of existing programs;
- 6 (d) Budget policy priorities for participating state agencies;
- 7 (e) Standards for licensing programs;
- 8 (f) Minimum standards for contracting for, providing and coordinating alcohol and drug abuse
 9 prevention and treatment services among programs that use federal, private or state funds adminis-
 10 tered by the state; and
- 11 (g) The most effective and efficient use of participating state agency resources to support pro-
 12 grams.

13 **(3) The commission shall review and update the plan developed under subsection (2) of**
 14 **this section no later than September 15 of each year.**

15 **(4) No later than November 15 of each even-numbered year, the commission shall report**
 16 **to the Legislative Assembly, in the manner provided in ORS 192.245, on the scope of drug and**
 17 **alcohol abuse and addiction in this state and on the availability of prevention, treatment and**
 18 **recovery services to the residents of this state.**

19 [(3)] (5) The commission may:

- 20 (a) Conduct studies related to the duties of the commission in collaboration with other state
 21 agencies;
- 22 (b) Apply for and receive gifts and grants for public and private sources; and
- 23 (c) Use funds received by the commission to carry out the purposes of ORS 430.241 and this
 24 section.

25 **(6) All state and local agencies shall assist the commission in developing the compre-**
 26 **hensive addiction, prevention, treatment and recovery plan.**

27 [(4)] (7) The commission may adopt rules to carry out its duties under this section.

28 **SECTION 5.** ORS 430.270 is amended to read:

29 430.270. (1) The Oregon Health Authority shall take such means as it considers most effective
 30 to bring to the attention of the general public, employers, the professional community and partic-
 31 ularly the youth of the state, the harmful effects to the individual and society of the irresponsible
 32 use of alcoholic beverages, controlled substances and other chemicals, and substances with abuse
 33 potential.

34 (2) The activities of the authority under this section may not be inconsistent with the [*long-term*
 35 *strategic alcohol and drug abuse prevention and treatment*] **comprehensive addiction, prevention,**
 36 **treatment and recovery** plan developed by the Alcohol and Drug Policy Commission under ORS
 37 430.242.

38 **SECTION 6.** ORS 430.357 is amended to read:

39 430.357. (1) The Oregon Health Authority shall adopt rules to implement ORS 430.338 to 430.380
 40 and to establish minimum standards for alcohol and drug prevention and treatment programs in ac-
 41 cordance with the [*rules, policies, priorities and standards of*] **comprehensive addiction, pre-**
 42 **vention, treatment and recovery plan developed by** the Alcohol and Drug Policy Commission
 43 under ORS 430.242.

44 (2) All standards and guidelines adopted by the authority to implement programs authorized
 45 under ORS 430.338 to 430.380 shall be adopted as rules pursuant to ORS chapter 183 regardless of

1 whether they come within the definition of rule in ORS 183.310 (9).

2 **SECTION 7. In addition to and not in lieu of any other appropriation, there is appropri-**
3 **ated to the Alcohol and Drug Policy Commission, for the biennium ending June 30, 2019, out**
4 **of the General Fund, the amount of \$1 million, which may be expended for carrying out**
5 **section 1 of this 2018 Act.**

6 **SECTION 8. Section 1 of this 2018 Act is repealed on December 31, 2018.**

7 **SECTION 9. This 2018 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect**
9 **on its passage.**

10