

Enrolled
Senate Bill 951

Sponsored by Senator MONNES ANDERSON, Representative GREENLICK

CHAPTER

AN ACT

Relating to substance abuse programs; amending ORS 430.241, 430.242 and 430.270; and repealing section 29, chapter 856, Oregon Laws 2009.

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

SECTION 1. ORS 430.241 is amended to read:

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

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

(b) "Participating state agency" means [*the Youth Development Division,*] the Department of Corrections, the Department of Human Services, the Oregon Health Authority, the Department of Education, the Oregon Criminal Justice Commission, the Oregon State Police, the Oregon Youth Authority or any other state agency that is approved by the Alcohol and Drug Policy Commission to license, contract for, provide or coordinate alcohol or drug **abuse** prevention or treatment services.

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

(2) There is created the Alcohol and Drug Policy Commission, which is charged with [*planning, evaluating and coordinating policies for the funding and effective delivery of alcohol and drug prevention and treatment services*] **improving the effectiveness and efficiency of state and local alcohol and drug abuse prevention and treatment services.**

(3) The membership of the commission consists of:

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

(A) [*An elected district attorney*] **District attorneys;**

(B) [*An elected county sheriff*] **County sheriffs;**

(C) [*A county commissioner*] **County commissioners;**

(D) [*A representative of an Indian tribe*] **Indian tribes;**

(E) [*A provider*] **Providers of alcohol and drug abuse prevention and treatment services;**

(F) [*A chief of police*] **Chiefs of police;**

(G) [*An alcohol or drug treatment researcher or epidemiologist*] **Alcohol or drug treatment researchers or epidemiologists;**

- (H) *[A criminal defense attorney]* **Criminal defense attorneys;**
- (I) *[A representative of the health insurance industry]* **The health insurance industry, hospitals or coordinated care organizations; and**
- [(J) A representative of hospitals;]*
- [(K) An alcohol or treatment professional who is highly experienced in the treatment of persons with a dual diagnosis of mental illness and substance abuse;]*
- [(L) An alcohol or drug abuse prevention representative;]*
- [(M)] (J) [A consumer of alcohol or drug treatment who is in recovery]* **Consumers of alcohol and drug abuse prevention and treatment services who are in recovery and the family members of consumers.[:]**
- [(N) A representative of the business community;]*
- [(O) An alcohol or drug prevention representative who specializes in youth; and]*
- [(P) A person with expertise in and experience working with information technology systems used in complex intergovernmental or corporate settings.]*
- (b) Two members of the Legislative Assembly appointed to the commission as nonvoting members of the commission, acting in an advisory capacity only and including:
- (A) One member from among members of the Senate appointed by the President of the Senate; and
- (B) One member from among members of the House of Representatives appointed by the Speaker of the House of Representatives.
- [(c) The following voting ex officio members:]*
- [(A) The Governor or the Governor's designee;]*
- [(B) The Attorney General;]*
- [(C) The Director of the Oregon Health Authority;]*
- [(D) The Director of the Department of Corrections;]*
- [(E) The Deputy Superintendent of Public Instruction or the deputy superintendent's designee;]*
- [(F) The Director of Human Services;]*
- [(G) The Director of the Oregon Youth Authority;]*
- [(H) The Youth Development Director; and]*
- [(I) The administrator of the Oregon Liquor Control Commission.]*
- [(d)] (c)* A judge of a circuit court appointed to the commission as a nonvoting member by the Chief Justice of the Supreme Court.
- (4) The Alcohol and Drug Policy Commission shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the commission determines.
- (5) A majority of the voting members of the commission constitutes a quorum for the transaction of business.
- (6) Official action of the commission requires the approval of a majority of a quorum.
- (7) The commission may establish a steering committee and subcommittees. These committees may be continuing or temporary. **A person who is not a member of the commission may be appointed by the commission to serve on a subcommittee. The commission shall appoint subcommittee members to ensure representation from all stakeholders directly impacted by the work of the commission.**
- (8) The term of office of each commission member appointed by the Governor is four years, but a member serves at the pleasure of the Governor. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective.
- (9) The Oregon Health Authority shall provide staff support to the commission. Subject to available funding, the commission may contract with a public or private entity to provide staff support.
- (10) Members of the commission who are not members of the Legislative Assembly are entitled to compensation and expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for compensation and expenses shall be

paid out of funds appropriated to the Oregon Health Authority or funds appropriated to the commission for purposes of the commission.

[(11) The commission shall establish a budget advisory committee composed of the individuals listed in subsection (3)(a)(C), (c)(B) to (I) and (d) of this section. The individual described in subsection (3)(d) of this section is a nonvoting member of the committee. The committee shall recommend budget policy priorities to the commission:]

[(a) Regarding the allocation of funding for alcohol and drug prevention and treatment services across state agencies and throughout this state;]

[(b) That identify additional funding from federal and private sources for alcohol and drug prevention and treatment services; and]

[(c) For authorizing a suspension of the payment of state funds, or funds administered by this state, to programs that do not comply with the commission's rules or the budget priority policy or that do not provide effective prevention or treatment services.]

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

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

SECTION 2. ORS 430.242 is amended to read:

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

[(1)] **(2)** The Alcohol and Drug Policy Commission established under ORS 430.241 shall[:]

[(a)] establish priorities and policies for alcohol and drug **abuse** prevention and treatment services as part of a long-term strategic prevention and treatment plan for this state. **The plan must include, but is not limited to, recommendations regarding:**

(a) Capacity, type and utilization of programs;

(b) Methods to assess the effectiveness and performance of programs;

(c) The best use of existing programs;

(d) Budget policy priorities for participating state agencies;

(e) Standards for licensing programs;

(f) Minimum standards for contracting for, providing and coordinating alcohol and drug abuse prevention and treatment services among programs that use federal, private or state funds administered by the state; and

(g) The most effective and efficient use of participating state agency resources to support programs.

(3) The commission may:

(a) Conduct studies related to the duties of the commission in collaboration with other state agencies;

(b) Apply for and receive gifts and grants for public and private sources; and

(c) Use funds received by the commission to carry out the purposes of ORS 430.241 and this section.

[(b) In consultation with the budget advisory committee described in ORS 430.241, adopt budget policy priorities including recommendations for state agency budget allocations, in the Governor's proposed budget, for alcohol and drug prevention and treatment services.]

[(c) For alcohol and drug prevention and treatment services that use state funds or that use private or federal funds administered by this state, establish, as the commission deems appropriate, minimum standards for licensing, contracting for, providing and coordinating the services.]

[(2) To promote the effective and efficient use of resources and to reduce unnecessary administrative requirements, the commission, in consultation with participating state agencies, the Judicial Department, local governments, providers and the Oregon Department of Administrative Services, shall develop and implement a plan for structuring Oregon's data collection and reporting systems for alcohol

and drug prevention and treatment programs to enable participating state agencies, the Judicial Department, local governments and providers to share data to:]

[(a) Improve client care;]

[(b) Improve and ensure the fidelity of evidence-based treatment practices;]

[(c) Improve alcohol and drug prevention and treatment programs;]

[(d) Ensure the accountability of publicly funded programs;]

[(e) Establish high-level, statewide performance measures for Oregon's alcohol and drug prevention and treatment programs; and]

[(f) Advance the science of alcohol and drug prevention and treatment.]

[(3) The plan established under subsection (2) of this section must:]

[(a) Include protocols and procedures to improve data collection, sharing and analysis and the interoperability of data and information systems;]

[(b) Include safeguards for protecting the confidentiality of information consistent with state and federal privacy and security requirements;]

[(c) Include safeguards for protecting trade secret information of providers;]

[(d) Include a review of the data collection, sharing and analysis functions of participating state agencies with respect to alcohol and drug prevention and treatment programs to identify duplicative, inefficient, wasteful or unnecessary functions and include recommendations for improvements to the functions described in this paragraph; and]

[(e) Be published no later than six months after the appointment, under ORS 430.241, of the first Director of the Alcohol and Drug Policy Commission and shall be revised as frequently as the commission determines is appropriate.]

[(4) Consistent with the plan established under subsection (2) of this section, the commission may:]

[(a) Designate a statewide data repository for data related to alcohol and drug prevention and treatment services and require participating state agencies, local governments and providers to furnish data to the designated statewide data repository in the form and manner prescribed by the commission.]

[(b) Direct participating state agencies, local governments and providers to furnish other data, information and reports that the commission considers necessary to perform its duties.]

[(c) Furnish data to participating state agencies, local governments, providers and the Judicial Department.]

[(d) Direct the unit within the Oregon Health Authority that conducts analyses and evaluations of alcohol and drug prevention and treatment programs to:]

[(A) Modify systems and business processes to conform to the plan established under subsection (2) of this section; and]

[(B) Change or stop data collection, data sharing or data analysis functions that are duplicative, inefficient, wasteful or unnecessary.]

[(5) All participating state agencies shall:]

[(a) Provide staff support and financial resources to assist the commission in the performance of its duties, which may include making reasonable modifications to the information systems of the state agencies to conform the systems to the plan established under subsection (2) of this section.]

[(b) Furnish such information, assistance and advice as the commission considers necessary to perform its duties.]

[(c) Coordinate grant applications that seek funding for alcohol or drug prevention or treatment programs.]

[(d) Coordinate with research entities to obtain current information about issues related to alcohol and drug use and to encourage research to evaluate and refine prevention and treatment efforts.]

[(e) Educate the general public about issues related to alcohol and drug use and the effectiveness of evidence-based prevention and treatment services, to increase public awareness and the allocation of resources.]

[(f) Promote a treatment delivery infrastructure that will meet anticipated increases in demand for services, ensure a skilled addictions treatment workforce and provide effective treatment assessment mechanisms.]

[(g) Assess funding priorities and explore opportunities for additional federal resources for alcohol and drug prevention and treatment services.]

[(h) Solicit from agencies, associations, individuals and all political subdivisions of this state program proposals that address identified priorities.]

[(i) Evaluate and report to the commission, in the manner and at intervals prescribed by the commission, on the cost and effectiveness of the state agency's treatment programs.]

[(6) The commission may:]

[(a) Establish up to 10 pilot programs, located in diverse Oregon communities including at least one tribe, to:]

[(A) Phase in the long-term strategic prevention and treatment plan developed under subsection (1)(a) of this section; and]

[(B) Implement prevention programs developed under subsection (7) of this section.]

[(b) Delegate to the Director of the Alcohol and Drug Policy Commission the authority to carry out the provisions of this section.]

[(c) Apply for and receive gifts and grants from any public or private source. All moneys received by the commission under this paragraph are continuously appropriated to the commission for the purposes of carrying out the duties, functions and powers of the commission.]

[(d) Award grants from funds appropriated to the commission by the Legislative Assembly, or from funds otherwise available from any other source, for the purpose of carrying out the duties of the commission.]

[(7) No later than six months after the appointment of the first Director of the Alcohol and Drug Policy Commission, the director shall develop a science-based model alcohol and drug prevention program for use in conjunction with the pilot programs, if any, established under subsection (6) of this section and as otherwise directed by the commission. The director shall develop the model program in consultation with:]

[(a) The Oregon Health Authority;]

[(b) The Department of Human Services;]

[(c) The Department of Education;]

[(d) The Oregon Liquor Control Commission;]

[(e) The Youth Development Division;]

[(f) Organizations that represent or advocate on behalf of consumers of alcohol and drug prevention and treatment programs; and]

[(g) Behavioral scientists.]

[(8) The commission and participating state agencies shall enter into interagency agreements to:]

[(a) Provide staff and financial resources to assist the commission in carrying out its duties;]

[(b) Share computer systems and technologies between participating state agencies' staff;]

[(c) Collect and analyze data related to the performance of alcohol and drug prevention and treatment programs; and]

[(d) Investigate the impacts of drug and alcohol abuse on Oregonians.]

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

SECTION 3. ORS 430.270 is amended to read:

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

(2) The activities of the authority under this section *[must be consistent with any coordination efforts of the Alcohol and Drug Policy Commission conducted or developed]* **may not be inconsistent**

with the long-term strategic alcohol and drug abuse prevention and treatment plan developed by the Alcohol and Drug Policy Commission under ORS 430.242.

SECTION 4. Section 29, chapter 856, Oregon Laws 2009, as amended by section 225, chapter 720, Oregon Laws 2011, is repealed.

Passed by Senate April 21, 2015

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 2, 2015

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State