

B-Engrossed
House Bill 4137

Ordered by the House March 2
Including House Amendments dated February 12 and March 2

Sponsored by Representative SANCHEZ; Representatives ALONSO LEON, HELFRICH, KENY-GUYER, MALSTROM, SOLLMAN (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.

Requires Alcohol and Drug Policy Commission to report to interim committees of Legislative Assembly, no later than [*September 15*] **December 31, 2018, its recommendations for scope and framework** for its comprehensive addiction, prevention, treatment and recovery plan. Requires plan to be reviewed and updated by [*September 15*] **July 1** of each **even-numbered** year **beginning July 1, 2020**. [*Requires Oregon Health Authority 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:**

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 1.** (1) No later than September 15, 2018, the Alcohol and Drug Policy Commis-
2 sion created in ORS 430.241 shall develop preliminary recommendations for the scope and
3 framework of the comprehensive addiction, prevention, treatment and recovery plan to be
4 completed by July 1, 2020.

5 (2) The commission shall incorporate the recommendations into a request for proposals
6 issued by November 1, 2018.

7 (3) The commission shall report to the interim committees of the Legislative Assembly
8 related to health, no later than December 31, 2018, on the recommendations for the scope
9 and framework of the plan and the status of the request for proposals.

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

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

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

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

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

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

26 430.241. (1) As used in this section and ORS 430.242:

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

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

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

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

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

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

45 (A) District attorneys;

- 1 (B) County sheriffs;
- 2 (C) County commissioners;
- 3 (D) Indian tribes;
- 4 (E) Providers of alcohol and drug abuse prevention and treatment services;
- 5 (F) Chiefs of police;
- 6 (G) Alcohol or drug treatment researchers or epidemiologists;
- 7 (H) Criminal defense attorneys;
- 8 (I) The health insurance industry, hospitals or coordinated care organizations; and
- 9 (J) Consumers of alcohol and drug abuse prevention and treatment services who are in recovery
- 10 and the family members of consumers.

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

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

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

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

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

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

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

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

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

32 (9) The Oregon Health Authority shall provide staff support to the commission. Subject to
33 available funding, the commission may contract with a public or private entity to provide staff sup-
34 port.

35 (10) Members of the commission who are not members of the Legislative Assembly are entitled
36 to compensation and expenses incurred by them in the performance of their official duties in the
37 manner and amounts provided for in ORS 292.495. Claims for compensation and expenses shall be
38 paid out of funds appropriated to the Oregon Health Authority or funds appropriated to the com-
39 mission for purposes of the commission.

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

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

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

2 430.242. (1) For purposes of this section, “program” means a state or local alcohol and drug
3 abuse prevention and treatment program.

4 (2) The Alcohol and Drug Policy Commission established under ORS 430.241 shall [*establish*
5 *priorities and policies for alcohol and drug abuse prevention and treatment services as part of a long-*
6 *term strategic prevention and treatment*] **develop a comprehensive addiction, prevention, treat-**
7 **ment and recovery** plan for this state. The plan must include, but is not limited to,
8 recommendations regarding:

9 (a) Capacity, type and utilization of programs;

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

11 (c) The best use of existing programs;

12 (d) Budget policy priorities for participating state agencies;

13 (e) Standards for licensing programs;

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

17 (g) The most effective and efficient use of participating state agency resources to support pro-
18 grams.

19 **(3) The commission shall review and update the plan developed under subsection (2) of**
20 **this section no later than July 1 of each even-numbered year, beginning July 1, 2020.**

21 [(3)] (4) The commission may:

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

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

25 (c) Use funds received by the commission to carry out the purposes of ORS 430.241 and this
26 section **and section 2 of this 2018 Act.**

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

29 [(4)] (6) The commission may adopt rules to carry out its duties under this section.

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

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

36 (2) The activities of the authority under this section may not be inconsistent with the [*long-term*
37 *strategic alcohol and drug abuse prevention and treatment*] **comprehensive addiction, prevention,**
38 **treatment and recovery** plan developed by the Alcohol and Drug Policy Commission under ORS
39 430.242.

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

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

1 (2) All standards and guidelines adopted by the authority to implement programs authorized
2 under ORS 430.338 to 430.380 shall be adopted as rules pursuant to ORS chapter 183 regardless of
3 whether they come within the definition of rule in ORS 183.310 (9).

4 **SECTION 7.** ORS 430.242, as amended by section 4 of this 2018 Act, is amended to read:

5 430.242. (1) For purposes of this section, “program” means a state or local alcohol and drug
6 abuse prevention and treatment program.

7 (2) The Alcohol and Drug Policy Commission established under ORS 430.241 shall develop a
8 comprehensive addiction, prevention, treatment and recovery plan for this state. The plan must in-
9 clude, but is not limited to, recommendations regarding:

10 (a) Capacity, type and utilization of programs;

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

12 (c) The best use of existing programs;

13 (d) Budget policy priorities for participating state agencies;

14 (e) Standards for licensing programs;

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

18 (g) The most effective and efficient use of participating state agency resources to support pro-
19 grams.

20 (3) The commission shall review and update the plan developed under subsection (2) of this
21 section no later than July 1 of each even-numbered year[, *beginning July 1, 2020*].

22 (4) The commission may:

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

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

26 (c) Use funds received by the commission to carry out the purposes of ORS 430.241 and this
27 section and section 2 of this 2018 Act.

28 (5) All state and local agencies shall assist the commission in developing the comprehensive
29 addiction, prevention, treatment and recovery plan.

30 (6) The commission may adopt rules to carry out its duties under this section.

31 **SECTION 8. Section 1 of this 2018 Act is repealed on December 31, 2020.**

32 **SECTION 9. The amendments to ORS 430.242 by section 7 of this 2018 Act become oper-**
33 **ative January 1, 2021.**

34 **SECTION 10. Notwithstanding any other provision of law, the General Fund appropriation**
35 **made to the Oregon Health Authority by section 1 (1), chapter 545, Oregon Laws 2017, for the**
36 **biennium ending June 30, 2019, for programs, is increased by \$46,202 for the purpose of car-**
37 **rying out the provisions of sections 1 and 2 of this 2018 Act and the amendments to ORS**
38 **430.241, 430.242, 430.270 and 430.357 by sections 3 to 7 of this 2018 Act.**

39 **SECTION 11. This 2018 Act being necessary for the immediate preservation of the public**
40 **peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect**
41 **on its passage.**

42