

HOUSE AMENDMENTS TO HOUSE BILL 4137

By COMMITTEE ON HEALTH CARE

February 12

1 On page 1 of the printed bill, delete lines 24 through 28 and delete pages 2 through 5 and insert:

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

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

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

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

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

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

22 “**SECTION 3.** ORS 430.241 is amended to read:

23 “430.241. (1) As used in this section and ORS 430.242:

24 “[*(a)* ‘Local government’ means a local government as defined in ORS 174.116 that receives state
25 or federal funding for programs that provide alcohol or drug abuse prevention or treatment services.]

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

31 “[*(c)*] (b) ‘Provider’ means any person that is licensed by the Oregon Health Authority to provide
32 alcohol or drug abuse prevention or treatment services.

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

1 “(3) The membership of the commission consists of:

2 “(a) At least 12 but no more than 16 members appointed by the Governor, subject to confirma-
3 tion by the Senate in the manner prescribed in ORS 171.562 and 171.565. The Governor shall appoint
4 members, as the Governor deems practicable, to ensure representation from stakeholders directly
5 impacted by the work of the commission. In making the appointments, the Governor shall consider
6 representatives of:

7 “(A) District attorneys;

8 “(B) County sheriffs;

9 “(C) County commissioners;

10 “(D) Indian tribes;

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

12 “(F) Chiefs of police;

13 “(G) Alcohol or drug treatment researchers or epidemiologists;

14 “(H) Criminal defense attorneys;

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

16 “(J) Consumers of alcohol and drug abuse prevention and treatment services who are in recov-
17 ery and the family members of consumers.

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

20 “(A) One member from among members of the Senate appointed by the President of the Senate;
21 and

22 “(B) One member from among members of the House of Representatives appointed by the
23 Speaker of the House of Representatives.

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

26 “(4) The Alcohol and Drug Policy Commission shall select one of its members as chairperson
27 and another as vice chairperson, for such terms and with duties and powers necessary for the per-
28 formance of the functions of such offices as the commission determines.

29 “(5) A majority of the voting members of the commission constitutes a quorum for the trans-
30 action of business.

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

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

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

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

42 “(10) Members of the commission who are not members of the Legislative Assembly are entitled
43 to compensation and expenses incurred by them in the performance of their official duties in the
44 manner and amounts provided for in ORS 292.495. Claims for compensation and expenses shall be
45 paid out of funds appropriated to the Oregon Health Authority or funds appropriated to the com-

1 mission for purposes of the commission.

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

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

8 “**SECTION 4.** ORS 430.242 is amended to read:

9 “430.242. (1) For purposes of this section, ‘program’ means a state or local alcohol and drug
10 abuse prevention and treatment program.

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

16 “(a) Capacity, type and utilization of programs;

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

18 “(c) The best use of existing programs;

19 “(d) Budget policy priorities for participating state agencies;

20 “(e) Standards for licensing programs;

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

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

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

28 “[~~(3)~~ (4) The commission may:

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

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

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

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

36 “[~~(4)~~ (6) The commission may adopt rules to carry out its duties under this section.

37 “**SECTION 5.** ORS 430.270 is amended to read:

38 “430.270. (1) The Oregon Health Authority shall take such means as it considers most effective
39 to bring to the attention of the general public, employers, the professional community and partic-
40 ularly the youth of the state, the harmful effects to the individual and society of the irresponsible
41 use of alcoholic beverages, controlled substances and other chemicals, and substances with abuse
42 potential.

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

1 430.242.

2 “(3) No later than November 15 of each even-numbered year, the Oregon Health Au-
3 thority shall report to the Legislative Assembly, in the manner provided in ORS 192.245, on
4 the scope of drug and alcohol abuse and addiction in this state and on the availability of
5 prevention, treatment and recovery services to the residents of this state.

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

7 “430.357. (1) The Oregon Health Authority shall adopt rules to implement ORS 430.338 to 430.380
8 and to establish minimum standards for alcohol and drug prevention and treatment programs in ac-
9 cordance with the [*rules, policies, priorities and standards of*] **comprehensive addiction, pre-**
10 **vention, treatment and recovery plan developed by** the Alcohol and Drug Policy Commission
11 under ORS 430.242.

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

15 “**SECTION 7. Section 1 of this 2018 Act is repealed on December 31, 2018.**

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

19
