

Requested by Representative SANCHEZ

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4137**

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

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

9 **“SECTION 2. (1) The Governor shall appoint a Director of the Al-**  
10 **cohol and Drug Policy Commission who shall serve at the pleasure of**  
11 **the Governor and be responsible for the dissemination and implemen-**  
12 **tation 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**  
15 **so provided, as prescribed by the Governor.**

16 **“(3) Subject to ORS chapter 240, the director shall appoint all em-**  
17 **ployees of the commission, prescribe their duties and fix their com-**  
18 **pensation.**

19 **“(4) The director has all powers necessary to effectively and expe-**  
20 **ditiously carry out the duties, functions and powers of the commis-**  
21 **sion.**

1       **“(5) The director shall enter into agreements with the Oregon**  
2 **Health Authority, the Department of Justice, the Department of Hu-**  
3 **man Services and other state and local agencies for the sharing of**  
4 **information as necessary to carry out the duties of the commission.**  
5 **The agreements shall ensure the confidentiality of all information that**  
6 **is protected from disclosure by state and federal laws.**

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

8       “430.241. (1) As used in this section and ORS 430.242:

9       “[(a) *‘Local government’ means a local government as defined in ORS*  
10 *174.116 that receives state or federal funding for programs that provide alcohol*  
11 *or drug abuse prevention or treatment services.*]

12       “[(b)] **(a) ‘Participating state agency’** means the Department of Cor-  
13 rections, the Department of Human Services, the Oregon Health Authority,  
14 the Department of Education, the Oregon Criminal Justice Commission, the  
15 Oregon State Police, the Oregon Youth Authority or any other state agency  
16 that is approved by the Alcohol and Drug Policy Commission to license,  
17 contract for, provide or coordinate alcohol or drug abuse prevention or  
18 treatment services.

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

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

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

26       “(a) At least 12 but no more than 16 members appointed by the Governor,  
27 subject to confirmation by the Senate in the manner prescribed in ORS  
28 171.562 and 171.565. The Governor shall appoint members, as the Governor  
29 deems practicable, to ensure representation from stakeholders directly im-  
30 pacted by the work of the commission. In making the appointments, the

1 Governor shall consider representatives of:

2 “(A) District attorneys;

3 “(B) County sheriffs;

4 “(C) County commissioners;

5 “(D) Indian tribes;

6 “(E) Providers of alcohol and drug abuse prevention and treatment ser-

7 vices;

8 “(F) Chiefs of police;

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

10 “(H) Criminal defense attorneys;

11 “(I) The health insurance industry, hospitals or coordinated care organ-

12 izations; and

13 “(J) Consumers of alcohol and drug abuse prevention and treatment ser-

14 vices who are in recovery and the family members of consumers.

15 “(b) Two members of the Legislative Assembly appointed to the commis-

16 sion as nonvoting members of the commission, acting in an advisory capacity

17 only and including:

18 “(A) One member from among members of the Senate appointed by the

19 President of the Senate; and

20 “(B) One member from among members of the House of Representatives

21 appointed by the Speaker of the House of Representatives.

22 “(c) A judge of a circuit court appointed to the commission as a nonvoting

23 member by the Chief Justice of the Supreme Court.

24 “(4) The Alcohol and Drug Policy Commission shall select one of its

25 members as chairperson and another as vice chairperson, for such terms and

26 with duties and powers necessary for the performance of the functions of

27 such offices as the commission determines.

28 “(5) A majority of the voting members of the commission constitutes a

29 quorum for the transaction of business.

30 “(6) Official action of the commission requires the approval of a majority

1 of a quorum.

2 “(7) The commission may establish a steering committee and subcommit-  
3 tees. These committees may be continuing or temporary. A person who is not  
4 a member of the commission may be appointed by the commission to serve  
5 on a subcommittee. The commission shall appoint subcommittee members to  
6 ensure representation from all stakeholders directly impacted by the work  
7 of the commission.

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

12 “(9) The Oregon Health Authority shall provide staff support to the  
13 commission. Subject to available funding, the commission may contract with  
14 a public or private entity to provide staff support.

15 “(10) Members of the commission who are not members of the Legislative  
16 Assembly are entitled to compensation and expenses incurred by them in the  
17 performance of their official duties in the manner and amounts provided for  
18 in ORS 292.495. Claims for compensation and expenses shall be paid out of  
19 funds appropriated to the Oregon Health Authority or funds appropriated to  
20 the commission for purposes of the commission.

21 “[*(11)(a) The Governor shall appoint a Director of the Alcohol and Drug*  
22 *Policy Commission who shall serve at the pleasure of the Governor and be re-*  
23 *sponsible for the dissemination and implementation of the commission’s poli-*  
24 *cies and the performance of the duties, functions and powers of the commission*  
25 *that are delegated to the director by the commission.*]

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

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

29 “430.242. (1) For purposes of this section, ‘program’ means a state or local  
30 alcohol and drug abuse prevention and treatment program.

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

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

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

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

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

11 “(e) Standards for licensing programs;

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

15 “(g) The most effective and efficient use of participating state agency re-  
16 sources to support programs.

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

20 “[3] (4) The commission may:

21 “(a) Conduct studies related to the duties of the commission in collab-  
22 oration with other state agencies;

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

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

27 “**(5) All state and local agencies shall assist the commission in de-**  
28 **veloping the comprehensive addiction, prevention, treatment and re-**  
29 **covery plan.**

30 “[4] (6) The commission may adopt rules to carry out its duties under

1 this section.

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

3 “430.270. (1) The Oregon Health Authority shall take such means as it  
4 considers most effective to bring to the attention of the general public, em-  
5 ployers, the professional community and particularly the youth of the state,  
6 the harmful effects to the individual and society of the irresponsible use of  
7 alcoholic beverages, controlled substances and other chemicals, and sub-  
8 stances with abuse potential.

9 “(2) The activities of the authority under this section may not be incon-  
10 sistent with the [*long-term strategic alcohol and drug abuse prevention and*  
11 *treatment*] **comprehensive addiction, prevention, treatment and recov-**  
12 **ery** plan developed by the Alcohol and Drug Policy Commission under ORS  
13 430.242.

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

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

20 “430.357. (1) The Oregon Health Authority shall adopt rules to implement  
21 ORS 430.338 to 430.380 and to establish minimum standards for alcohol and  
22 drug prevention and treatment programs in accordance with the [*rules, poli-*  
23 *cies, priorities and standards of*] **comprehensive addiction, prevention,**  
24 **treatment and recovery plan developed by** the Alcohol and Drug Policy  
25 Commission under ORS 430.242.

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

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

1 2018.

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

5

---