

A-Engrossed
House Bill 4149

Ordered by the House February 13
Including House Amendments dated February 13

Sponsored by Representative SANCHEZ; Representatives BARKER, GREENLICK, HERNANDEZ, SCHOUTEN
(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.

[Directs Oregon Health Authority to study implementation of Alcohol and Drug Policy Commission's biennial strategic plan. Requires report to interim committee of Legislative Assembly related to health care.]

Directs Director of Alcohol and Drug Policy Commission to work with Director of Oregon Health Authority and Deputy Superintendent of Public Instruction to develop intervention strategy to address substance use among school-aged children and youth, and report strategy to Legislative Assembly by November 1, 2020.

Requires Director of Oregon Health Authority to work with Alcohol and Drug Policy Commission to take statewide inventory of services available to prevent and treat substance use disorders and to support individuals in recovery from substance use disorders. Specifies requirements for inventory. Requires Director of Alcohol and Drug Policy Commission to report findings to interim committees of Legislative Assembly related to mental and behavioral health by November 1, 2020.

Expands designated state agencies that must work with commission and requires agencies to meet with commission quarterly to review and report on each agency's progress and to report process and outcome measures established under commission's comprehensive addiction, prevention, treatment and recovery plan.

Sunset provisions on January 2, [2021] 2022.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to behavioral health; creating new provisions; amending ORS 430.220, 430.221 and 430.223;
3 and declaring an emergency.

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

5 **SECTION 1. (1) The Director of the Alcohol and Drug Policy Commission shall work with**
6 **the Director of the Oregon Health Authority and the Deputy Superintendent of Public In-**
7 **struction to develop an intervention strategy to address substance use among school-aged**
8 **children and youth. The directors shall engage stakeholders in the process used to develop**
9 **the strategy.**

10 **(2) No later than November 1, 2020, the directors shall report the strategy developed**
11 **under subsection (1) of this section to the Legislative Assembly in the manner provided in**
12 **ORS 192.245.**

13 **SECTION 2. (1) As used in this section, "recovery supports" means care and services**
14 **that prevent harm to an individual with a substance use disorder and assist the individual**
15 **in successfully overcoming or managing the individual's disorder.**

16 **(2) The Director of the Oregon Health Authority shall work with the Alcohol and Drug**
17 **Policy Commission to take an inventory of the resources available in this state to address**

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 the prevention of, treatment for and recovery from substance use disorders. To the greatest
2 extent practicable, the director shall take the inventory using previously conducted studies,
3 compilations and reports. The director may enter into one or more contracts for portions
4 of the work as necessary.

5 (3) The inventory must identify:

6 (a) The types of recovery supports that are currently available;

7 (b) The levels of recovery supports that are currently available;

8 (c) The types, levels and quantities of recovery supports that are necessary to meet the
9 need for recovery supports in this state;

10 (d) The barriers to providing the necessary levels of recovery supports;

11 (e) Physical spaces, beds and services available for the treatment of and recovery from
12 substance use disorders, and how the spaces, beds and services may be accessed; and

13 (f) The available care and recovery supports specifically designed for individuals who are
14 at risk of relapsing and the services for individuals who experience adverse health, social or
15 legal consequences from the individuals' substance use.

16 (4) No later than November 1, 2020, the Director of the Alcohol and Drug Policy Com-
17 mission shall report the findings under this section, in the manner provided in ORS 192.245,
18 to the interim committees of the Legislative Assembly related to mental and behavioral
19 health.

20 **SECTION 3.** ORS 430.220 is amended to read:

21 430.220. (1) The Governor shall appoint a Director of the Alcohol and Drug Policy Commission
22 who shall serve at the pleasure of the Governor and be responsible for the dissemination and im-
23 plementation of the Alcohol and Drug Policy Commission's policies and the performance of the
24 commission's duties, functions and powers.

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

27 (3) Subject to ORS chapter 240, the director shall appoint all employees of the commission,
28 prescribe their duties and fix their compensation.

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

31 (5) The director shall enter into agreements with [*the Oregon Health Authority, the Department*
32 *of Justice, the Department of Human Services and other state and local*] **participating state** agencies
33 for the sharing of information as necessary to carry out the duties of the commission. The agree-
34 ments shall ensure the confidentiality of all information that is protected from disclosure by state
35 and federal laws.

36 **SECTION 4.** ORS 430.221 is amended to read:

37 430.221. (1) As used in this section and ORS **430.220 and 430.223**:

38 (a) "Participating state agency" means the Department of Corrections, the Department of Hu-
39 man Services, the Oregon Health Authority, the Department of Education, the Oregon Criminal
40 Justice Commission, the Oregon State Police, the Oregon Youth Authority, [*or any other state agency*
41 *that is approved by the Alcohol and Drug Policy Commission to license, contract for, provide or coor-*
42 *ordinate*] **the Department of Consumer and Business Services, the Housing and Community**
43 **Services Department, the Youth Development Division, the Higher Education Coordinating**
44 **Commission, the Oregon State Lottery, the Oregon Liquor Control Commission, the Depart-**
45 **ment of Veterans' Affairs or any state agency that administers or funds alcohol or drug abuse**

1 prevention, **recovery** or treatment services.

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

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

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

8 (a) No more than 17 members appointed by the Governor, subject to confirmation by the Senate
9 in the manner prescribed in ORS 171.562 and 171.565 and appointed, as the Governor deems practi-
10 cable, to ensure representation from stakeholders directly impacted by the work of the commission,
11 as follows:

12 (A) At least 75 percent of the members appointed by the Governor must be representatives of
13 the following public health and health care stakeholder groups:

14 (i) County commissioners, managers and administrators;

15 (ii) Indian tribes;

16 (iii) The following providers of addiction prevention and recovery services:

17 (I) Treatment providers employed by an outpatient addiction treatment program;

18 (II) Directors of inpatient addiction treatment centers;

19 (III) Addiction treatment providers who are culturally competent to serve specific cultural or
20 ethnic populations;

21 (IV) Certified prevention specialists;

22 (V) Certified addiction counselors; and

23 (VI) Certified addiction recovery mentors;

24 (iv) Alcohol or drug treatment researchers or epidemiologists;

25 (v) The health insurance industry or hospitals;

26 (vi) Consumers of addiction recovery services who are in recovery and the family members of
27 consumers;

28 (vii) Experts in addiction medicine;

29 (viii) Entities that provide housing to individuals who are in recovery; and

30 (ix) Social service providers.

31 (B) Up to 25 percent of the members appointed by the Governor shall be representatives of one
32 or more of the following stakeholder groups:

33 (i) District attorneys.

34 (ii) County sheriffs.

35 (iii) Chiefs of police.

36 (iv) Criminal defense attorneys.

37 (v) County community corrections agencies.

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

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

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

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

1 (d) The director of the behavioral health program of the Oregon Health Authority as a nonvot-
2 ing member.

3 (e) A representative of a coordinated care organization appointed to the commission as a non-
4 voting member by the Governor.

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

8 (5)(a) A majority of the voting members of the commission constitutes a quorum for the trans-
9 action of business.

10 (b) If a member of the commission is absent for more than two consecutive scheduled meetings
11 of the commission, the Director of the Alcohol and Drug Policy Commission appointed under ORS
12 430.220 may recommend to the Governor that the member be replaced.

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

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

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

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

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

29 **SECTION 5.** ORS 430.223 is amended to read:

30 430.223. (1) For purposes of this section, “program” means a state, local or tribal alcohol and
31 drug abuse prevention and treatment program.

32 (2) The Alcohol and Drug Policy Commission established under ORS 430.221 shall develop a
33 comprehensive addiction, prevention, treatment and recovery plan for this state. The plan must in-
34 clude, but is not limited to, recommendations regarding:

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

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

37 (c) The best use of existing programs;

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

39 (e) Standards for licensing programs;

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

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

45 **(3) All participating state agencies shall:**

1 **(a) Meet with the commission on a quarterly basis to review and report on each agency's**
2 **progress on implementing the plan; and**

3 **(b) Report to the commission, in the manner prescribed by the commission, each**
4 **agency's process and outcome measures established under the plan.**

5 [(3)] **(4)** The commission shall review and update the plan [*developed under subsection (2) of this*
6 *section*] no later than July 1 of each even-numbered year [*beginning July 1, 2020*] **and shall produce**
7 **and publish a report on the metrics and other indicators of progress in achieving the goals**
8 **of the plan.**

9 [(4)] **(5)** The commission may:

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

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

13 (c) Use funds received by the commission to carry out the purposes of ORS 430.220 and 430.221
14 and this section.

15 [(5)] **(6)** All **participating state agencies** and local agencies shall assist the commission in de-
16 veloping the comprehensive addiction, prevention, treatment and recovery plan.

17 [(6)] **(7)** The commission may adopt rules to carry out its duties under this section.

18 **SECTION 6.** ORS 430.223, as amended by section 7, chapter 44, Oregon Laws 2018, and section
19 3, chapter 54, Oregon Laws 2019, is amended to read:

20 430.223. (1) For purposes of this section, "program" means a state, local or tribal alcohol and
21 drug abuse prevention and treatment program.

22 (2) The Alcohol and Drug Policy Commission established under ORS 430.221 shall develop a
23 comprehensive addiction, prevention, treatment and recovery plan for this state. The plan must in-
24 clude, but is not limited to, recommendations regarding:

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

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

27 (c) The best use of existing programs;

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

29 (e) Standards for licensing programs;

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

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

35 **(3) All participating state agencies shall:**

36 **(a) Meet with the commission on a quarterly basis to review and report on each agency's**
37 **progress on implementing the plan; and**

38 **(b) Report to the commission, in the manner prescribed by the commission, each**
39 **agency's process and outcome measures established under the plan.**

40 [(3)] **(4)** The commission shall review and update the plan [*developed under subsection (2) of this*
41 *section*] no later than July 1 of each even-numbered year **and shall produce and publish a report**
42 **on the metrics and other indicators of progress in achieving the goals of the plan.**

43 [(4)] **(5)** The commission may:

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

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

2 (c) Use funds received by the commission to carry out the purposes of ORS 430.220 and 430.221
3 and this section.

4 ~~[(5)]~~ **(6)** All **participating** state **agencies** and local agencies shall assist the commission in de-
5 veloping the comprehensive addiction, prevention, treatment and recovery plan.

6 ~~[(6)]~~ **(7)** The commission may adopt rules to carry out its duties under this section.

7 **SECTION 7.** **In addition to and not in lieu of any other appropriation, there is appropri-**
8 **ated to the Alcohol and Drug Policy Commission, for the biennium ending June 30, 2021, out**
9 **of the General Fund, the amount of \$200,000, which may be expended for carrying out**
10 **sections 1 and 2 of this 2020 Act.**

11 **SECTION 8.** **Sections 1 and 2 of this 2020 Act are repealed on January 2, 2022.**

12 **SECTION 9.** **This 2020 Act being necessary for the immediate preservation of the public**
13 **peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect**
14 **on its passage.**