

HOUSE AMENDMENTS TO HOUSE BILL 4149

By COMMITTEE ON BEHAVIORAL HEALTH

February 13

1 In line 2 of the printed bill, after the semicolon insert “creating new provisions; amending ORS
2 430.220, 430.221 and 430.223;”.

3 Delete lines 4 through 8 and insert:

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

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

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

15 **“(2) The Director of the Oregon Health Authority shall work with the Alcohol and Drug
16 Policy Commission to take an inventory of the resources available in this state to address
17 the prevention of, treatment for and recovery from substance use disorders. To the greatest
18 extent practicable, the director shall take the inventory using previously conducted studies,
19 compilations and reports. The director may enter into one or more contracts for portions
20 of the work as necessary.**

21 **“(3) The inventory must identify:**

22 **“(a) The types of recovery supports that are currently available;**

23 **“(b) The levels of recovery supports that are currently available;**

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

26 **“(d) The barriers to providing the necessary levels of recovery supports;**

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

29 **“(f) The available care and recovery supports specifically designed for individuals who are
30 at risk of relapsing and the services for individuals who experience adverse health, social or
31 legal consequences from the individuals’ substance use.**

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

1 “**SECTION 3.** ORS 430.220 is amended to read:

2 “430.220. (1) The Governor shall appoint a Director of the Alcohol and Drug Policy Commission
3 who shall serve at the pleasure of the Governor and be responsible for the dissemination and im-
4 plementation of the Alcohol and Drug Policy Commission’s policies and the performance of the
5 commission’s duties, functions and powers.

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

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

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

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

17 “**SECTION 4.** ORS 430.221 is amended to read:

18 “430.221. (1) As used in this section and ORS **430.220 and** 430.223:

19 “(a) ‘Participating state agency’ means the Department of Corrections, the Department of Hu-
20 man Services, the Oregon Health Authority, the Department of Education, the Oregon Criminal
21 Justice Commission, the Oregon State Police, the Oregon Youth Authority, [*or any other state agency*
22 *that is approved by the Alcohol and Drug Policy Commission to license, contract for, provide or coor-*
23 *ordinate*] **the Department of Consumer and Business Services, the Housing and Community**
24 **Services Department, the Youth Development Division, the Higher Education Coordinating**
25 **Commission, the Oregon State Lottery, the Oregon Liquor Control Commission, the Depart-**
26 **ment of Veterans’ Affairs or any state agency that administers or funds** alcohol or drug abuse
27 prevention, **recovery** or treatment services.

28 “(b) ‘Provider’ means any person that is licensed by the Oregon Health Authority to provide
29 alcohol or drug abuse prevention or treatment services.

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

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

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

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

40 “(i) County commissioners, managers and administrators;

41 “(ii) Indian tribes;

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

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

44 “(II) Directors of inpatient addiction treatment centers;

45 “(III) Addiction treatment providers who are culturally competent to serve specific cultural or

1 ethnic populations;

2 “(IV) Certified prevention specialists;

3 “(V) Certified addiction counselors; and

4 “(VI) Certified addiction recovery mentors;

5 “(iv) Alcohol or drug treatment researchers or epidemiologists;

6 “(v) The health insurance industry or hospitals;

7 “(vi) Consumers of addiction recovery services who are in recovery and the family members of

8 consumers;

9 “(vii) Experts in addiction medicine;

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

11 “(ix) Social service providers.

12 “(B) Up to 25 percent of the members appointed by the Governor shall be representatives of one

13 or more of the following stakeholder groups:

14 “(i) District attorneys.

15 “(ii) County sheriffs.

16 “(iii) Chiefs of police.

17 “(iv) Criminal defense attorneys.

18 “(v) County community corrections agencies.

19 “(b) Two members of the Legislative Assembly appointed to the commission as nonvoting mem-

20 bers of the commission, acting in an advisory capacity only and including:

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

22 and

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

24 Speaker of the House of Representatives.

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

26 Justice of the Supreme Court.

27 “(d) The director of the behavioral health program of the Oregon Health Authority as a non-

28 voting member.

29 “(e) A representative of a coordinated care organization appointed to the commission as a non-

30 voting member by the Governor.

31 “(4) The Alcohol and Drug Policy Commission shall select one of its members as chairperson

32 and another as vice chairperson, for such terms and with duties and powers necessary for the per-

33 formance of the functions of such offices as the commission determines.

34 “(5)(a) A majority of the voting members of the commission constitutes a quorum for the trans-

35 action of business.

36 “(b) If a member of the commission is absent for more than two consecutive scheduled meetings

37 of the commission, the Director of the Alcohol and Drug Policy Commission appointed under ORS

38 430.220 may recommend to the Governor that the member be replaced.

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

40 “(7) The commission may establish a steering committee and subcommittees. These committees

41 may be continuing or temporary. A person who is not a member of the commission may be appointed

42 by the commission to serve on a subcommittee. The commission shall appoint subcommittee members

43 to ensure representation from all stakeholders directly impacted by the work of the commission.

44 “(8) The term of office of each commission member appointed by the Governor is four years, but

45 a member serves at the pleasure of the Governor. If there is a vacancy for any cause, the Governor

1 shall make an appointment to become immediately effective.

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

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

10 “**SECTION 5.** ORS 430.223 is amended to read:

11 “430.223. (1) For purposes of this section, ‘program’ means a state, local or tribal alcohol and
12 drug abuse prevention and treatment program.

13 “(2) The Alcohol and Drug Policy Commission established under ORS 430.221 shall develop a
14 comprehensive addiction, prevention, treatment and recovery plan for this state. The plan must in-
15 clude, but is not limited to, 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) All participating state agencies shall:**

27 “**(a) Meet with the commission on a quarterly basis to review and report on each**
28 **agency’s progress on implementing the plan; and**

29 “**(b) Report to the commission, in the manner prescribed by the commission, each**
30 **agency’s process and outcome measures established under the plan.**

31 “[**(3)**] **(4) The commission shall review and update the plan [developed under subsection (2) of this**
32 **section] no later than July 1 of each even-numbered year [beginning July 1, 2020] and shall produce**
33 **and publish a report on the metrics and other indicators of progress in achieving the goals**
34 **of the plan.**

35 “[**(4)**] **(5) The commission may:**

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

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

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

41 “[**(5)**] **(6) All participating state agencies and local agencies shall assist the commission in de-**
42 **veloping the comprehensive addiction, prevention, treatment and recovery plan.**

43 “[**(6)**] **(7) The commission may adopt rules to carry out its duties under this section.**

44 “**SECTION 6.** ORS 430.223, as amended by section 7, chapter 44, Oregon Laws 2018, and section
45 3, chapter 54, Oregon Laws 2019, is amended to read:

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

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

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

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

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

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

10 “(e) Standards for licensing programs;

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

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

16 “(3) All participating state agencies shall:

17 “(a) Meet with the commission on a quarterly basis to review and report on each
18 agency’s progress on implementing the plan; and

19 “(b) Report to the commission, in the manner prescribed by the commission, each
20 agency’s process and outcome measures established under the plan.

21 “[3] (4) The commission shall review and update the plan [*developed under subsection (2) of this*
22 *section*] no later than July 1 of each even-numbered year **and shall produce and publish a report**
23 **on the metrics and other indicators of progress in achieving the goals of the plan.**

24 “[4] (5) The commission may:

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

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

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

30 “[5] (6) All **participating** state **agencies** and local agencies shall assist the commission in de-
31 veloping the comprehensive addiction, prevention, treatment and recovery plan.

32 “[6] (7) The commission may adopt rules to carry out its duties under this section.

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

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

38 In line 9, delete “3” and insert “9”.
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