

HOUSE BILL NO. 833

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~~*This sentence is marked with strikethrough and italic, indicating text to be removed.*~~

Bill Status

H0833.....by WAYS AND MEANS
SUBSTANCE ABUSE - Amends, adds to and repeals existing law relating to substance abuse; to define terms; to revise a definition; to remove a provision relating to the designation of a State Substance Abuse Authority; to create the Interagency Committee on Substance Abuse Prevention and Treatment; to state the purpose of the interagency committee and to provide membership and duties; to provide for meeting requirements; to provide for sharing of interagency committee administrative costs; to establish regional advisory committees that address substance abuse; to provide for appointment to the regional advisory committees; to provide for meeting of the regional advisory committee chairs; to provide for the selection of a representative to the interagency committee; to provide reporting requirements; to provide that the Department of Health and Welfare is designated as the State Substance Abuse Authority; and to provide for the interagency committee to advise the Department on the content of the comprehensive program for treatment of alcoholics, intoxicated persons and drug addicts.

03/17 House intro - 1st rdg - to printing

03/20 Rpt prt - to Health/Wel

03/23 Rpt out - rec d/p - to 2nd rdg

03/24 2nd rdg - to 3rd rdg

Rls susp - PASSED - 57-12-1

AYES -- Anderson, Andrus, Barraclough, Bastian, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Martinez, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Sayler, Schaefer, Shepherd(2), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker

NAYS -- Barrett, Bayer, Hart, Harwood, Loertscher, Mathews, McGeachin, McKague, Rydalch, Sali, Shepherd(8), Wood

Absent and excused -- Trail

Floor Sponsor - Henbest

Title apvd - to Senate

03/27 Senate intro - 1st rdg - to Health/Wel

03/29 Rpt out - rec d/p - to 2nd rdg

03/30 2nd rdg - to 3rd rdg

Rls susp - PASSED - 34-0-1

AYES -- Andreason, Brandt, Broadsword, Bunderson, Burkett,
Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis,
Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough,
Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce,
Richardson, Schroeder, Stegner, Stennett, Werk, Williams

NAYS -- None

Absent and excused -- Sweet

Floor Sponsor - Keough

Title apvd - to House

03/31 To enrol
04/03 Rpt enrol - Sp signed - Pres signed
04/04 To Governor
04/10 Governor signed
Session Law Chapter 407
Effective: 07/01/06; 07/01/11 Sunset Clause
for Section 3 with provision of evaluation
by Legislative Oversight Committee before
1/01/11

Bill Text

]]]] LEGISLATURE OF THE STATE OF IDAHO]]]]
Fifty-eighth Legislature Second Regular Session - 2006

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 833

BY WAYS AND MEANS COMMITTEE

1 AN ACT
2 RELATING TO SUBSTANCE ABUSE; AMENDING SECTION 39-302, IDAHO CODE, TO DEFINE
3 TERMS, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; REPEALING
4 SECTION 39-303, IDAHO CODE, RELATING TO THE DESIGNATION OF A STATE SUB-
5 STANCE ABUSE AUTHORITY; AMENDING CHAPTER 3, TITLE 39, IDAHO CODE, BY THE
6 ADDITION OF A NEW SECTION 39-303, IDAHO CODE, TO CREATE THE INTERAGENCY
7 COMMITTEE ON SUBSTANCE ABUSE PREVENTION AND TREATMENT, TO STATE THE PUR-
8 POSE OF THE INTERAGENCY COMMITTEE, TO PROVIDE FOR INTERAGENCY COMMITTEE
9 MEMBERSHIP, TO PROVIDE FOR TRAVEL AND EXPENSE REIMBURSEMENT, TO PROVIDE
10 FOR INTERAGENCY COMMITTEE DUTIES, TO PROVIDE FOR INFORMATION REPORTING AND
11 DISTRIBUTION REQUIREMENTS AND PROCEDURES, TO PROVIDE FOR MEETING REQUIRE-
12 MENTS AND PROCEDURES AND TO PROVIDE FOR SHARING OF INTERAGENCY COMMITTEE
13 ADMINISTRATIVE COSTS; AMENDING SECTION 39-303A, IDAHO CODE, TO ESTABLISH
14 REGIONAL ADVISORY COMMITTEES THAT ADDRESS SUBSTANCE ABUSE, TO PROVIDE FOR
15 APPOINTMENT TO THE REGIONAL ADVISORY COMMITTEES, TO REMOVE A PROVISION
16 REGARDING INFORMATION TO BE PROVIDED TO A COMMISSION ON ALCOHOL AND DRUG
17 ABUSE, TO PROVIDE FOR MEETINGS OF THE REGIONAL ADVISORY COMMITTEE CHAIRS,
18 TO PROVIDE FOR THE SELECTION OF A REPRESENTATIVE TO THE INTERAGENCY COM-
19 MITTEE, TO PROVIDE FOR REPORTING REQUIREMENTS AND TO MAKE A TECHNICAL COR-
20 RECTION; AMENDING SECTION 39-304, IDAHO CODE, TO PROVIDE THAT THE DEPART-
21 MENT OF HEALTH AND WELFARE IS DESIGNATED AS THE STATE SUBSTANCE ABUSE
22 AUTHORITY AND TO PROVIDE FOR INTERAGENCY COMMITTEE ADVICE TO THE DEPART-
23 MENT ON THE CONTENT OF THE COMPREHENSIVE PROGRAM FOR TREATMENT OF ALCOHOL-
24 ICS, INTOXICATED PERSONS AND DRUG ADDICTS; PROVIDING A SUNSET PROVISION;
25 AND PROVIDING FOR AN EVALUATION TO BE PERFORMED.

26 Be It Enacted by the Legislature of the State of Idaho:

27 SECTION 1. That Section 39-302, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 39-302. DEFINITIONS. As used in this chapter, the terms defined in this
30 section shall have the following meanings, unless the context clearly indi-
31 cates another meaning:

32 (1) "Director" means the director of the Idaho department of health and
33 welfare.

34 (2) "Department" means the Idaho department of health and welfare.

35 (3) "Drug addict" means a person who habitually lacks self-control with
36 respect to the use of addictive drugs, or uses addictive drugs to the extent
37 that his health is substantially impaired or endangered, or his social or eco-
38 nomic functions are substantially disrupted.

39 (4) "Alcoholic" means a person who habitually lacks self-control with
40 respect to the use of alcoholic beverages, or uses alcoholic beverages to the
41 extent that his health is substantially impaired or endangered, or his social
42 or economic functions are substantially disrupted.

43 (5) "Interagency committee" means the interagency committee on substance

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1 abuse prevention and treatment as provided for in section 39-303, Idaho Code.

2 (6) "Intoxicated person" means a person whose mental or physical func-
3 tioning is substantially impaired as a result of the use of drugs or alcohol.

4 (67) "Approved public treatment facility" means a treatment agency oper-
5 ating under this ~~act chapter~~ through a contract with the department of health
6 and welfare pursuant to section 39-304(6), Idaho Code, and meeting the stan-
7 dards prescribed in section 39-305(1), Idaho Code, and approved pursuant to
8 section 39-305(3), Idaho Code, and rules ~~and regulations~~ promulgated by the
9 board of health and welfare pursuant to this ~~act chapter~~.

10 (78) "Approved private treatment facility" means a private agency meeting
11 the standards prescribed in section 39-305(1), Idaho Code, and approved under
12 the provisions of section 39-305(3), Idaho Code, and rules ~~and regulations~~
13 promulgated by the board of health and welfare pursuant to this ~~act chapter~~.

14 (89) "Incapacitated by alcohol or drugs" means that a person, as a result
15 of the use of alcohol or drugs, is unconscious or has his judgment otherwise
16 so impaired that he is incapable of realizing and making a rational decision
17 with respect to his need for treatment.

18 (910) "Incompetent person" means a person who has been adjudged incompe-
19 tent by an appropriate court within this state.

20 (11) "Substance abuse" means the misuse or excessive use of alcohol or
21 other drugs or substances.

22 (12) "Treatment" means the broad range of emergency, outpatient, interme-
23 diate, and inpatient services and care, including diagnostic evaluation, medi-
24 cal, psychiatric, psychological, and social service care, vocational rehabili-
25 tation and career counseling, which may be extended to alcoholics and intoxi-
26 cated persons and/or drug addicts.

27 SECTION 2. That Section 39-303, Idaho Code, be, and the same is hereby
28 repealed.

29 SECTION 3. That Chapter 3, Title 39, Idaho Code, be, and the same is
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
31 ignated as Section 39-303, Idaho Code, and to read as follows:

32 39-303. INTERAGENCY COMMITTEE ON SUBSTANCE ABUSE PREVENTION AND TREAT-
33 MENT. (1) There is hereby created within the department of health and welfare
34 the interagency committee on substance abuse prevention and treatment. The

35 purpose of the interagency committee is to focus on statewide efforts to
 36 address substance abuse by assessing statewide needs, developing a statewide
 37 plan, coordinating efforts of all state entities that use public funds for
 38 efforts to address substance abuse, and advising these agencies on needs and
 39 strategies pertaining to services provided to address substance abuse.

40 (2) Membership of the interagency committee shall be:

41 (a) The director of the department of health and welfare, or the
 42 director's designee;

43 (b) The director of the department of correction, or the director's des-
 44 ignee;

45 (c) The director of the department of juvenile corrections, or the
 46 director's designee;

47 (d) The superintendent of public instruction, or the superintendent's
 48 designee;

49 (e) The director of the Idaho state police, or the director's designee;

50 (f) The director of the Idaho transportation department, or the
 51 director's designee;

52 (g) The administrative director of the supreme court, or the director's

3

1 designee;

2 (h) The chairperson of the state board of health and welfare, or the
 3 chair's designee;

4 (i) The chairperson of the board of correction, or the chair's designee;

5 (j) The chairperson of the board of juvenile corrections, or the chair's
 6 designee;

7 (k) The chairperson of the drug court and mental health court coordinat-
 8 ing committee established under section 19-5606, Idaho Code, or the
 9 chair's designee;

10 (l) The chairperson of the senate health and welfare committee, or the
 11 chair's designee;

12 (m) The chairperson of the house of representatives health and welfare
 13 committee, or the chair's designee;

14 (n) The chairperson of the senate judiciary and rules committee, or the
 15 chair's designee;

16 (o) The chairperson of the house of representatives judiciary, rules and
 17 administration committee, or the chair's designee;

18 (p) The chief administrative official of each other state governmental
 19 entity that expends funds to provide services to address substance abuse,
 20 or that chief administrative official's designee;

21 (q) One (1) representative of the regional advisory committees as deter-
 22 mined in section 39-303A, Idaho Code; and

23 (r) One (1) representative of the office of the governor as determined by
 24 the governor.

25 Interagency committee members shall serve without additional compensation but
 26 may be reimbursed by their respective entities for interagency committee
 27 related travel and expenses pursuant to chapter 20, title 67, Idaho Code.

28 (3) The duties of the interagency committee shall be to:

29 (a) Develop and annually update a statewide plan to address substance
 30 abuse;

31 (b) Exchange information on programs that address substance abuse;

32 (c) Identify and promote opportunities for coordination, cooperation,
 33 collaboration and elimination of service duplication among relevant state
 34 entities;

35 (d) Monitor programs and evaluate outcomes;

36 (e) Identify state needs for addressing substance abuse;

37 (f) Review and assess the use of funds available to address substance
 38 abuse;

39 (g) Promote coordinated approaches to substance abuse prevention and

40 treatment;

41 (h) Research, share, discuss and promote the use of best practices; and

42 (i) Annually report to the legislature and governor prior to the begin-

43 ning of the legislative session on the state's efforts to address sub-

44 stance abuse, including descriptions of:

45 (i) The statewide need for services to address substance abuse;

46 (ii) The state's capacity to meet those identified needs;

47 (iii) The types of substance abuse services being provided, and the

48 groups and numbers of people served;

49 (iv) Which programs are effective in addressing substance abuse and

50 which are not; and

51 (v) An overall evaluation of the state's efforts to address sub-

52 stance abuse.

53 (4) Each state administrative agency that expends public funds to provide

54 services to address substance abuse shall report semiannually to the inter-

55 agency committee, and shall include the following information:

4

1 (a) The amount of moneys expended on programs or services to address sub-

2 stance abuse;

3 (b) The number of individuals served or the extent of services provided,

4 by specific type of service;

5 (c) The number of individuals not served and/or placed on waiting lists

6 for services, by specific type of service;

7 (d) The agency's overall capacity to provide specific types of services;

8 (e) The completion, dropout and relapse rates for treatment programs, and

9 the relevant indicators for other services and programs;

10 (f) The average length of stay for individuals in each type of treatment

11 program, or the average duration of other services and programs.

12 The interagency committee shall establish procedures for collecting and com-

13 piling the information required for these reports and the distribution of the

14 compiled information to all interagency committee members, the legislature and

15 the governor.

16 (5) The interagency committee shall meet within three (3) months of the

17 effective date of this act. The director of the department of health and wel-

18 fare shall coordinate the scheduling of the initial meeting. At its initial

19 meeting the interagency committee shall elect a chairperson from among its

20 members, who shall serve a one (1) year term. A chairperson of the interagency

21 committee shall be elected at each subsequent annual meeting. No interagency

22 committee chairperson shall serve consecutive terms as chairperson and no sin-

23 gle state agency or entity shall be represented in consecutive terms through

24 the chair. Following the initial meeting, the interagency committee shall meet

25 at least once each calendar quarter, or more frequently at the call of the

26 chairperson. Public notice of each interagency committee meeting shall be

27 given two (2) weeks in advance thereof. Any interagency committee member may

28 submit agenda items to be discussed at the interagency committee meetings.

29 (6) Each state administrative agency or entity with representation on the

30 interagency committee shall share in providing the administrative support

31 required by the interagency committee. The allocation of administrative sup-

32 port among the state administrative agencies represented on the interagency

33 committee shall be collectively determined by the chief administrative officer

34 of each such agency and reassessed at least annually.

35 SECTION 4. That Section 39-303A, Idaho Code, be, and the same is hereby

36 amended to read as follows:

37 39-303A. REGIONAL ADVISORY COMMITTEES. **(1)** Regional advisory committees

38 ~~are that address substance abuse issues shall be~~ established by the department

39 of health and welfare. The regional advisory committees shall be composed of

40 regional directors of the department or their designees, regional substance
 41 abuse program staff, ~~a member of the commission on alcohol drug abuse,~~ and
 42 representatives of other appropriate public and private agencies. Members
 43 shall be appointed by the **respective** regional directors for terms determined
 44 by the regional director. The committees shall meet at least quarterly at the
 45 call of the chair, who shall also be appointed by the regional director. The
 46 committees shall provide for the coordination of, and exchange of information
 47 on, all programs relating to alcoholism and drug addiction, and shall act as
 48 liaison among the departments engaged in activities affecting alcoholics and
 49 intoxicated persons. ~~The regional advisory committees shall provide to the~~
 50 ~~commission on alcohol drug abuse information pertaining to local substance~~
 51 ~~abuse program needs and other information as it pertains to the treatment and~~
 52 ~~prevention of alcoholism and other drug addiction.~~

53 **(2) The chairpersons of each regional advisory committee shall collec-**

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1 **tively meet at least annually and elect one (1) of its members to serve as the**
 2 **regional advisory committees' representative on the interagency committee.**
 3 **Each regional advisory committee shall provide to the regional advisory com-**
 4 **mittees' representative, before each regular meeting of the interagency com-**
 5 **mittee, a report addressing local substance abuse program needs and other**
 6 **information as it pertains to the treatment and prevention of alcoholism and**
 7 **other drug addiction or as required by the chairperson of the interagency com-**
 8 **mittee. The regional advisory committees' representative shall be responsible**
 9 **for communicating information from these reports at each regular meeting of**
 10 **the interagency committee.**

11 SECTION 5. That Section 39-304, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 39-304. COMPREHENSIVE PROGRAM FOR TREATMENT. **The Idaho department of**
 14 **health and welfare is hereby designated as the state substance abuse author-**
 15 **ity.**

16 (1) The department shall establish a comprehensive and coordinated program
 17 for the treatment of alcoholics, intoxicated persons and drug addicts. **The**
 18 **interagency committee shall advise the department in the establishment and in**
 19 **the content of this program.**

20 (2) The program shall include:

21 (a) Emergency detoxification treatment and medical treatment directly
 22 related thereto provided by a facility affiliated with or part of the med-
 23 ical service of a general hospital;

24 (b) Inpatient treatment;

25 (c) Intermediate treatment;

26 (d) Outpatient and follow-up treatment; and

27 (e) Community detoxification provided by an approved facility.

28 (3) The department shall provide for adequate and appropriate treatment
 29 for persons admitted pursuant to section 39-307, Idaho Code. Treatment shall
 30 not be provided at a correctional institution except for inmates.

31 (4) The department shall maintain, supervise, and control all facilities
 32 operated by it. The administrator of each such facility shall make an annual
 33 report of its activities to the director in the form and manner the director
 34 specifies.

35 (5) All appropriate public and private resources shall be coordinated
 36 with and utilized in the program whenever possible.

37 (6) The department shall prepare, publish and distribute annually a list
 38 of all approved public and private treatment facilities.

39 (7) The department may contract for the use of any facility as an
 40 approved public treatment facility if the director considers this to be an
 41 effective and economical course to follow.

42 (8) The program shall include an individualized treatment plan prepared
43 and maintained for each client.

44 SECTION 6. The provisions of Section 3 of this act shall be null, void
45 and of no force and effect on and after July 1, 2011; provided however, the
46 Joint Legislative Oversight Committee shall perform an evaluation of the
47 interagency committee's activities and continued relevance on or before Janu-
48 ary 1, 2011.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE

RS 16263

This proposed legislation seeks to establish a committee to focus on statewide efforts to address substance abuse based on a recommendation from the Office of Performance Evaluations. The committee will concentrate on analyzing services provided through the relevant state agencies, assessing statewide needs, developing a statewide plan, and coordinating efforts of pertinent agencies. The efforts of this committee will advise state agencies on needs and strategies pertaining to services provided, and annually inform the Legislature and the Governor about the impacts and results of state efforts and about further needs.

FISCAL NOTE

Because it will draw from the existing staff and resources of the pertinent state entities, this committee should not require any new resources. Minimal costs will be incurred through member travel and related expenses, which will be reimbursed by their respective state entity. In addition, participating agencies may have to direct some resources to track and compile the basic data necessary for the committee to perform its functions effectively.

Contact

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STATEMENT OF PURPOSE/FISCAL NOTE

H 833

