

CHAPTER 44

AN ACT

HB 4137

Relating to addiction recovery; creating new provisions; amending ORS 430.241, 430.242, 430.270 and 430.357; and declaring an emergency.

Whereas recovery from addiction is a key priority for Oregonians; and

Whereas recovery from addiction is not only possible but a reality for hundreds of thousands of Oregonians; and

Whereas research and science emphatically demonstrate that addiction is a chronic, progressive disease and is only effectively treated as such; and

Whereas almost one in 10 Oregonians go untreated for addiction; and

Whereas addiction treatment and recovery support are woefully beyond reach for many Oregonians in need, especially rural Oregonians and people of color; and

Whereas the cost and challenges posed by addiction impact each and every Oregonian; and

Whereas the cost of untreated addiction is at least \$5.9 billion annually; and

Whereas the trauma wreaked on Oregonians suffering from addiction, their families, neighbors, friends and loved ones and the costs associated with this trauma have achieved crisis proportions that can only be understood as a public health emergency; and

Whereas numerous studies have reported that Oregon's addiction services system is underfunded when compared to the need; and

Whereas the long-term recovery model is without doubt the most successful, cost effective and humane approach to ending the ravages of addiction; and

Whereas addiction often exacerbates other forms of oppression including but not limited to racism, sexism, homophobia, transphobia and economic disenfranchisement; now, therefore,

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

SECTION 1. (1) No later than September 15, 2018, the Alcohol and Drug Policy Commission created in ORS 430.241 shall develop preliminary recommendations for the scope and framework of the comprehensive addiction, prevention, treatment and recovery plan to be completed by July 1, 2020.

(2) The commission shall incorporate the recommendations into a request for proposals issued by November 1, 2018.

(3) The commission shall report to the interim committees of the Legislative Assembly related to health, no later than December 31, 2018, on the recommendations for the scope and framework of the plan and the status of the request for proposals.

SECTION 2. (1) The Governor shall appoint a Director of the Alcohol and Drug Policy Com-

mission who shall serve at the pleasure of the Governor and be responsible for the dissemination and implementation of the Alcohol and Drug Policy Commission's policies and the performance of the commission's duties, functions and powers.

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

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

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

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

SECTION 3. ORS 430.241 is amended to read:

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

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

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

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

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

(3) The membership of the commission consists of:

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

(A) District attorneys;

- (B) County sheriffs;
 - (C) County commissioners;
 - (D) Indian tribes;
 - (E) Providers of alcohol and drug abuse prevention and treatment services;
 - (F) Chiefs of police;
 - (G) Alcohol or drug treatment researchers or epidemiologists;
 - (H) Criminal defense attorneys;
 - (I) The health insurance industry, hospitals or coordinated care organizations; and
 - (J) Consumers of alcohol and drug abuse prevention and treatment services who are in recovery and the family members of consumers.
- (b) Two members of the Legislative Assembly appointed to the commission as nonvoting members of the commission, acting in an advisory capacity only and including:
- (A) One member from among members of the Senate appointed by the President of the Senate; and
 - (B) One member from among members of the House of Representatives appointed by the Speaker of the House of Representatives.
- (c) A judge of a circuit court appointed to the commission as a nonvoting member by the Chief Justice of the Supreme Court.
- (4) The Alcohol and Drug Policy Commission shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the commission determines.
- (5) A majority of the voting members of the commission constitutes a quorum for the transaction of business.
- (6) Official action of the commission requires the approval of a majority of a quorum.
- (7) The commission may establish a steering committee and subcommittees. These committees may be continuing or temporary. A person who is not a member of the commission may be appointed by the commission to serve on a subcommittee. The commission shall appoint subcommittee members to ensure representation from all stakeholders directly impacted by the work of the commission.
- (8) The term of office of each commission member appointed by the Governor is four years, but a member serves at the pleasure of the Governor. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective.
- (9) The Oregon Health Authority shall provide staff support to the commission. Subject to available funding, the commission may contract with a public or private entity to provide staff support.
- (10) Members of the commission who are not members of the Legislative Assembly are entitled to compensation and expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for compensation and expenses shall be paid out of funds appropriated to the Oregon Health Authority

or funds appropriated to the commission for purposes of the commission.

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

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

SECTION 4. ORS 430.242 is amended to read:

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

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

- (a) Capacity, type and utilization of programs;
- (b) Methods to assess the effectiveness and performance of programs;
- (c) The best use of existing programs;
- (d) Budget policy priorities for participating state agencies;
- (e) Standards for licensing programs;
- (f) Minimum standards for contracting for, providing and coordinating alcohol and drug abuse prevention and treatment services among programs that use federal, private or state funds administered by the state; and
- (g) The most effective and efficient use of participating state agency resources to support programs.

(3) The commission shall review and update the plan developed under subsection (2) of this section no later than July 1 of each even-numbered year, beginning July 1, 2020.

[(3)] (4) The commission may:

- (a) Conduct studies related to the duties of the commission in collaboration with other state agencies;
- (b) Apply for and receive gifts and grants for public and private sources; and
- (c) Use funds received by the commission to carry out the purposes of ORS 430.241 and this section **and section 2 of this 2018 Act.**

(5) All state and local agencies shall assist the commission in developing the comprehensive addiction, prevention, treatment and recovery plan.

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

SECTION 5. ORS 430.270 is amended to read:

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

(2) The activities of the authority under this section may not be inconsistent with the [long-term strategic alcohol and drug abuse prevention and treatment] **comprehensive addiction, prevention, treatment and recovery plan** developed by the Alcohol and Drug Policy Commission under ORS 430.242.

SECTION 6. ORS 430.357 is amended to read:

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

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

SECTION 7. ORS 430.242, as amended by section 4 of this 2018 Act, is amended to read:

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

(2) The Alcohol and Drug Policy Commission established under ORS 430.241 shall develop a comprehensive addiction, prevention, treatment and recovery plan for this state. The plan must include, but is not limited to, recommendations regarding:

- (a) Capacity, type and utilization of programs;
- (b) Methods to assess the effectiveness and performance of programs;
- (c) The best use of existing programs;
- (d) Budget policy priorities for participating state agencies;
- (e) Standards for licensing programs;
- (f) Minimum standards for contracting for, providing and coordinating alcohol and drug abuse pre-

vention and treatment services among programs that use federal, private or state funds administered by the state; and

(g) The most effective and efficient use of participating state agency resources to support programs.

(3) The commission shall review and update the plan developed under subsection (2) of this section no later than July 1 of each even-numbered year[, beginning July 1, 2020].

(4) The commission may:

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

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

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

(5) All state and local agencies shall assist the commission in developing the comprehensive addiction, prevention, treatment and recovery plan.

(6) The commission may adopt rules to carry out its duties under this section.

SECTION 8. Section 1 of this 2018 Act is repealed on December 31, 2020.

SECTION 9. The amendments to ORS 430.242 by section 7 of this 2018 Act become operative January 1, 2021.

SECTION 10. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Health Authority by section 1 (1), chapter 545, Oregon Laws 2017, for the biennium ending June 30, 2019, for programs, is increased by \$46,202 for the purpose of carrying out the provisions of sections 1 and 2 of this 2018 Act and the amendments to ORS 430.241, 430.242, 430.270 and 430.357 by sections 3 to 7 of this 2018 Act.

SECTION 11. This 2018 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect on its passage.

Approved by the Governor March 27, 2018
 Filed in the office of Secretary of State March 28, 2018
 Effective date March 27, 2018