



LAWS OF ALASKA

2007

Source

HCS CSSB 100(HES)

Chapter No.

AN ACT

Relating to substance abuse and mental health disorder prevention and treatment programs; and relating to long-term secure treatment programs for persons with substance abuse or co-occurring substance abuse and mental health disorders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to substance abuse and mental health disorder prevention and treatment programs;
2 and relating to long-term secure treatment programs for persons with substance abuse or co-
3 occurring substance abuse and mental health disorders.

4 _____

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 FINDINGS AND INTENT. (a) The legislature finds that a substantial number of
8 persons have co-occurring substance abuse and mental health disorders and that identification
9 and integrated treatment of co-occurring disorders is critical to successful outcomes and
10 recovery.

11 (b) It is the intent of the legislature to

12 (1) support the Department of Health and Social Services in its efforts to
13 implement programs that accurately identify and provide appropriate treatment for persons
14 with substance abuse or co-occurring substance abuse and mental health disorders;

1 (2) increase treatment availability to persons with substance abuse or co-
2 occurring substance abuse and mental health disorders;

3 (3) improve treatment outcomes by expanding evidence-based, research-
4 based, and consensus-based treatment practices and removing barriers that prevent
5 implementation of those practices.

6 * **Sec. 2.** AS 47.37.030 is amended to read:

7 **Sec. 47.37.030. Powers of department.** The department may

8 (1) plan, establish, and maintain programs for the prevention and
9 treatment of alcoholism, drug abuse, and misuse of hazardous volatile materials and
10 substances by inhalant abusers;

11 (2) make contracts and award grants necessary or incidental to the
12 performance of its duties and the execution of its powers, including contracts with the
13 grants to public and private agencies, organizations, and individuals, to pay them for
14 services rendered or furnished to alcoholics, intoxicated persons, drug abusers, or
15 inhalant abusers; to the maximum extent possible, contracts and grants must be for a
16 period of two years; contracts under this paragraph are governed by AS 36.30 (State
17 Procurement Code);

18 (3) solicit and accept for use a gift of money or property or a grant of
19 money, services, or property from the federal government, the state, or a political
20 subdivision of it or a private source, and do all things necessary to cooperate with the
21 federal government or any of its agencies in making an application for a grant;

22 (4) administer or supervise the administration of the provisions relating
23 to alcoholics, intoxicated persons, drug abusers, and inhalant abusers of state plans
24 submitted for federal funding under federal health, welfare, or treatment legislation;

25 (5) coordinate its activities and cooperate with alcoholism, drug abuse,
26 and inhalant abuse programs in this and other states, and make contracts and other
27 joint or cooperative arrangements with state, local, or private agencies for the
28 treatment of alcoholics, intoxicated persons, drugs abusers, and inhalant abusers, and
29 for the common advancement of alcoholism, drug abuse, and inhalant abuse programs
30 in this and other states;

31 (6) keep records and engage in research and the gathering of relevant

1 statistics;

2 (7) do other acts necessary to implement the authority expressly
3 granted to it;

4 (8) acquire, hold, or dispose of real property or any interest in it, and
5 construct, lease, or otherwise provide treatment facilities for alcoholics, intoxicated
6 persons, drug abusers, and inhalant abusers; however, the department shall encourage
7 local initiative, involvement, and financial participation under grants-in-aid whenever
8 possible in preference to the construction or operation of facilities directly by the
9 department; contracting and construction under this paragraph are governed by
10 AS 36.30 (State Procurement Code);

11 **(9) strengthen and enhance the process for identifying people who**
12 **have co-occurring substance abuse and mental health disorders;**

13 **(10) establish a secure enhanced detoxification and treatment**
14 **center for persons involuntarily detained because they are likely to inflict**
15 **physical harm to self or others; in this paragraph, "enhanced" means the ability**
16 **to treat co-occurring substance abuse and mental health disorders;**

17 **(11) develop and implement a substance abuse treatment system**
18 **using evidence-based best practices or, if evidence-based best practices do not**
19 **exist, research-based practices, that includes a procedure for adapting the**
20 **practices to new situations and for collaboration with consumer-based programs;**
21 **if research-based practices are not known or available, the department may**
22 **include consensus-based or, if funds are available, promising practices; a practice**
23 **must promote independence, recovery, employment, education, ongoing**
24 **community-based treatment, housing, and other aspects of harm reduction.**

25 * **Sec. 3.** AS 47.37.040 is amended to read:

26 **Sec. 47.37.040. Duties of department.** The department shall

27 (1) develop, encourage, and foster statewide, regional, and local plans
28 and programs for the prevention of alcoholism and drug abuse and treatment of
29 alcoholics, intoxicated persons, drug abusers, and inhalant abusers in cooperation with
30 public and private agencies, organizations, and individuals, and provide technical
31 assistance and consultation services for these purposes;

1 (2) coordinate the efforts and enlist the assistance of all public and
2 private agencies, organizations, and individuals interested in prevention of alcoholism,
3 drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug
4 abusers, and inhalant abusers;

5 (3) cooperate with the Department of Corrections in establishing and
6 conducting programs to provide treatment for alcoholics, intoxicated persons, drug
7 abusers, and inhalant abusers in or on parole from penal institutions;

8 (4) cooperate with the Department of Education and Early
9 Development, school boards, schools, police departments, courts, and other public and
10 private agencies, organizations, and individuals in establishing programs for the
11 prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,
12 intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum
13 materials for use at all levels of school education;

14 (5) prepare, publish, evaluate, and disseminate educational material
15 dealing with the nature and effects of alcohol and drugs, and the misuse of hazardous
16 volatile substances;

17 (6) develop and implement, as an integral part of treatment programs,
18 an educational program for use in the treatment of alcoholics, intoxicated persons,
19 drug abusers, and inhalant abusers that includes the dissemination of information
20 concerning the nature and effects of alcohol, drugs, and hazardous volatile substances;

21 (7) organize and foster training programs for all persons engaged in
22 treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and
23 establish standards for training paraprofessional alcoholism, drug abuse, and inhalant
24 abuse workers;

25 (8) sponsor and encourage research into the causes and nature of
26 alcoholism, drug abuse, and inhalant abuse, and the treatment of alcoholics,
27 intoxicated persons, drug abusers, and inhalant abusers, and serve as a clearinghouse
28 for information relating to alcoholism, drug abuse, and inhalant abuse;

29 (9) specify uniform methods for keeping statistical information by
30 public and private agencies, organizations, and individuals, and collect and make
31 available relevant statistical information, including number of persons treated,

1 frequency of admission and readmission, and frequency and duration of treatment;

2 (10) conduct program planning activities approved by the Advisory
3 Board on Alcoholism and Drug Abuse;

4 (11) review all state health, welfare, and treatment plans to be
5 submitted for federal funding, and advise the commissioner on provisions to be
6 included relating to alcoholics, intoxicated persons, drug abusers, and inhalant
7 abusers;

8 (12) assist in the development of, and cooperate with, alcohol, drug
9 abuse, and inhalant abuse education and treatment programs for employees of state
10 and local governments and businesses and industries in the state;

11 (13) use the support and assistance of interested persons in the
12 community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to
13 encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo
14 treatment;

15 (14) cooperate with the Department of Public Safety and the
16 Department of Transportation and Public Facilities in establishing and conducting
17 programs designed to deal with the problem of persons operating motor vehicles while
18 under the influence of an alcoholic beverage, inhalant, or controlled substance, and
19 develop and approve alcohol information courses required to be taken by drivers under
20 AS 28.15 or made available to drivers to reduce points assessed for violation of traffic
21 laws;

22 (15) encourage hospitals and other appropriate health facilities to
23 admit without discrimination alcoholics, intoxicated persons, drug abusers, and
24 inhalant abusers and to provide them with adequate and appropriate treatment;

25 (16) encourage all health insurance programs to include alcoholism
26 and drug abuse as a covered illness;

27 (17) prepare an annual report covering the activities of the department
28 and notify the legislature that the report is available;

29 (18) develop and implement a training program on alcoholism and
30 drug abuse for employees of state and municipal governments, and private institutions;

31 (19) develop curriculum materials on drug and alcohol abuse and the

1 misuse of hazardous volatile substances for use in grades kindergarten through 12, as
2 well as a course of instruction for teachers to be charged with presenting the
3 curriculum;

4 (20) develop and implement or designate, in cooperation with other
5 state or local agencies, a juvenile alcohol safety action program that provides alcohol
6 and substance abuse screening, referral, and monitoring of persons under 18 years of
7 age who have been referred to it by

8 (A) a court in connection with a charge or conviction of a
9 violation or misdemeanor related to the use of alcohol or a controlled
10 substance;

11 (B) the agency responsible for the administration of motor
12 vehicle laws in connection with a license action related to the use of alcohol or
13 a controlled substance; or

14 (C) department staff after a delinquency adjudication that is
15 related to the use of alcohol or a controlled substance;

16 (21) develop and implement, or designate, in cooperation with other
17 state or local agencies, an alcohol safety action program that provides alcohol and
18 substance abuse screening, referral, and monitoring services to persons who have been
19 referred by a court in connection with a charge or conviction of a misdemeanor
20 involving the use of a motor vehicle, aircraft, or watercraft and alcohol or a controlled
21 substance, referred by a court under AS 28.35.028, or referred by an agency of the
22 state with the responsibility for administering motor vehicle laws in connection with a
23 driver's license action involving the use of alcohol or a controlled substance;

24 **(22) whenever possible, apply evidence-based, research-based, and**
25 **consensus-based substance abuse and co-occurring substance abuse and mental**
26 **health disorders treatment practices and remove barriers that prevent the use of**
27 **those practices;**

28 **(23) collaborate with first responders, hospitals, schools, primary**
29 **care providers, developmental disability treatment providers, law enforcement,**
30 **corrections, attorneys, the Alaska Court System, community behavioral**
31 **treatment providers, Alaska Native organizations, and federally funded**

1 **programs in implementing programs for co-occurring substance abuse and**
2 **mental health disorders treatment.**

3 * **Sec. 4.** AS 47.37.045 is amended by adding new subsections to read:

4 (f) In addition to the priority given under (d) of this section, the department
5 shall grant a priority to a proposed program or project under (c)(5) of this section if the
6 proposed program or project provides prompt substance abuse treatment for a pregnant
7 woman by advancing the woman on a waiting list for the program or project and by
8 streamlining paperwork for admission of the woman to the program.

9 (g) In addition to the priorities given under (d) and (f) of this section, the
10 department shall grant a priority to a proposed program or project under (c)(5) of this
11 section if the proposed program or project

12 (1) creates alternatives to incarceration for nonviolent offenders;

13 (2) provides rehabilitation services to prisoners who have substance
14 abuse problems;

15 (3) measures and demonstrates a high rate of harm reduction for
16 participants;

17 (4) is based on scientifically sound principles of prevention and
18 treatment;

19 (5) provides job training or employment opportunities after completion
20 of substance abuse treatment;

21 (6) provides youth treatment;

22 (7) focuses on drug and alcohol abuse prevention;

23 (8) addresses alcohol or substance abuse in targeted populations that
24 have statistically higher incidences of alcohol or substance abuse problems; or

25 (9) addresses co-occurring substance abuse and mental health
26 disorders.

27 (h) The department may consider not funding a proposed program or project
28 that has been previously funded under this section unless the applicant provides
29 satisfactory evidence of success of the program or project.

30 (i) The department may not deny funding for a program under this section
31 solely on the basis that the program relies on faith-based strategies so long as the

1 strategies are effective for preventing or treating substance abuse.

2 * **Sec. 5.** AS 47.37.120 is amended by adding a new subsection to read:

3 (b) The comprehensive program carried out under this section must include a
4 strategy for expanding substance abuse treatment services and reducing waiting lists
5 for eligible participants in a substance abuse prevention or treatment program and
6 must include one or more of the factors listed under AS 47.37.045(g).

7 * **Sec. 6.** AS 47.37.130(b) is amended to read:

8 (b) The program of the department must include

9 (1) emergency treatment provided by a facility affiliated with or part of
10 the medical service of a general hospital;

11 (2) inpatient treatment;

12 (3) intermediate treatment;

13 (4) outpatient and follow-up treatment; [AND]

14 (5) standards for alcohol safety action programs; the standards may
15 vary in their requirements and stringency according to the population, price level,
16 remoteness, access to transportation, and availability of ancillary services of the area
17 to be served; a program must meet the applicable standards before it is approved by
18 the department as an alcohol safety action program; the standards required under this
19 paragraph shall be established in a manner that provides protection of the health,
20 safety, and well-being of clients of the affected programs and protection for the
21 affected programs from exposure to malpractice and liability actions;

22 **(6) the priorities created under AS 47.37.045(f) and (g); and**

23 **(7) standards that are consistent with scientifically sound**
24 **principles for measuring outcomes.**

25 * **Sec. 7.** AS 47.37.140 is amended by adding a new subsection to read:

26 (g) The standards established for facilities under this section must be based on
27 scientifically sound evidence and be consistent with the priorities created under
28 AS 47.37.045(f) and (g).