

SESSION OF 2007

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR SENATE BILL NO. 354**

As Amended by Senate Committee of the Whole

Brief*

Sub. for SB 354, if enacted, would combine into one act, two separate but parallel acts that concern alcohol and drug addiction. The current statutes in Article 40 of Chapter 65 of the *Kansas Statutes Annotated* concern the development of plans for and standards to be met in the prevention, care, and treatment of persons addicted to alcohol, while the statutes found in Article 46 of Chapter 65 concern the development of plans for and standards to be met in the prevention, care and treatment of persons addicted to drugs. Both acts are administered by the Secretary of Social and Rehabilitation Services. The substitute bill would create a new act to be known as the Alcohol or Other Drug Addiction Treatment Act. The new act would include amended statutes now appearing in Article 40 of Chapter 65 and new statutes created by the bill. The parallel statutes in Article 46 would be repealed.

The amendments to existing statutes would generally add the term "alcohol or other drug addiction" to replace references to alcoholics and intoxicated persons, make terminology consistent throughout the statutes, name the Secretary of Social and Rehabilitation Services as the state agency responsible for the prevention and treatment of alcohol and other drug addiction, and provide for uniform definitions.

The bill would make violation of the licensing requirements for public and private treatment programs a class C misdemeanor, continue the license application fees in existence until changed by rules and regulations, create a new statute

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

that requires moneys received from license fees to be remitted to the State Treasurer who is to credit 20 percent to the State General Fund and the remainder to the Other State Fees Fund of the Department of Social and Rehabilitation Services, and create a new statute that would authorize the Secretary to deny, suspend, or revoke a license when there is a substantial failure to comply with standards adopted pursuant to the act. The bill would amend an existing statute to require that persons suffering from alcohol or other drug addiction be assessed to determine the appropriateness of treatment and receive treatment in the least restrictive treatment environment.

New sections of the bill would provide that rules and regulations adopted by the Secretary under the provisions of either Article 40 or 46 of Chapter 65 in effect on the day preceding the effective date of the bill, be continued in force until amended or revoked and that licenses issued pursuant to KSA 65-4603, which would be repealed, continue to be effective for the license period for which they were issued. For the period commencing on July 1, 1998 and ending on the effective date of the new act, any action taken by the Secretary of Social and Rehabilitation Services under the statutes specified in the bill are to be deemed authorized and done in compliance with the provisions of the statutes in existence at the time of the performance of such duty and would be validated.

Sub. for SB 354 also would amend a statute in the *Care and Treatment Act for Persons With an Alcohol or Substance Abuse Problems* to expand the definition of "treatment facility" to include certain persons licensed by the Behavioral Sciences Regulatory Board. The effect of the amendment would be the exemption of such persons from licensure requirements as a treatment facility if such licensed individuals are not primarily engaged in the treatment of persons who are incapacitated by alcohol or other drug abuse.

A statute that relates to the disposition of the fines, penalties, and forfeitures remitted by district courts to the State Treasurer monthly would be amended to increase the amount

credited to the Community Alcoholism and Intoxication Programs Fund from 2.01 percent to 3.01 percent.

Background

SB 354 was introduced at the request of a representative of the Department of Social and Rehabilitation Services who also testified in support of the bill, noting that at one time the federal funding streams for alcohol and drug abuse treatment were separate and required separate legislation at the state level. Since the federal funding has been combined, the state no longer is required to have the two parallel acts. No one appeared in opposition to the bill.

The Senate Committee recommends a substitute bill because the bill as introduced required technical amendments and because it appeared desirable to utilize uniform terminology within the new act that would be created by the bill.

The substitute bill incorporates several of the provisions of Senate Bill 11 as amended by the Senate. The latter was introduced by the Joint Committee on Administrative Rules and Regulations which in the Committee review of proposed regulations discovered that two of the statutes that authorized rules and regulations had inadvertently been repealed in 1998. SB 11, and now Sub. for SB 354, would validate any rules and regulations adopted by the Secretary of Social and Rehabilitation Services during the period July 1, 1998 and the effective date of the 2007 legislation.

The amendment relating to the distribution of moneys derived from district court remittances to the State Treasurer was added to the bill in the Senate Committee of the Whole.

Passage of the original SB 354 would have no fiscal effect.