

1 Introduced by Committee on Health and Welfare

2 Referred to Committee on

3 Date:

4 Subject: Human services; substance misuse prevention

5 Statement of purpose of bill as introduced: This bill proposes to establish a

6 Substance Misuse Prevention Council to replace the Alcohol and Drug Abuse

7 Council. It also proposes to establish a Director of Substance Misuse

8 Prevention and a Substance Misuse Prevention Fund. The bill proposes to

9 eliminate the Tobacco Evaluation and Review Board and rename the

10 Controlled Substances and Pain Management Advisory Council to be the

11 Vermont Prescription Monitoring System Advisory Council.

12 An act relating to substance misuse prevention

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 * * * Legislative Intent * * *

15 Sec. 1. LEGISLATIVE INTENT

16 It is the intent of the General Assembly to explore revenue generated by the

17 sale of substances such as cannabis, tobacco, and alcohol for the purpose of

18 funding the Universal Substance Misuse Prevention Fund established by this

19 act. This Fund shall be the primary source of funding for the Department of

20 Health's substance misuse prevention initiatives, including staffing the

1 Substance Misuse Prevention Council. Until such time as funds become
2 available from any cannabis excise tax, any carry forward previously
3 designated for the Tobacco Evaluation and Review Board pursuant to 2018
4 Special Session No. 11, § C.105.1(a)(4) shall be redirected to the Fund.

5 * * * Vermont Prescription Monitoring System Advisory Council* * *

6 Sec. 2. 18 V.S.A. § 4255 is amended to read:

7 § 4255. ~~CONTROLLED SUBSTANCES AND PAIN MANAGEMENT~~

8 VERMONT PRESCRIPTION MONITORING SYSTEM

9 ADVISORY COUNCIL

10 (a) There is hereby created the ~~Controlled Substances and Pain~~
11 ~~Management~~ Vermont Prescription Monitoring System Advisory Council for
12 the purpose of advising the Commissioner of Health on matters related to the
13 Vermont Prescription Monitoring System and to the appropriate use of
14 controlled substances in treating acute and chronic pain and in preventing
15 prescription drug abuse, misuse, and diversion.

16 (b)(1) The ~~Controlled Substances and Pain Management~~ Advisory Council
17 shall consist of the following members:

18 * * *

19 Sec. 3. 18 V.S.A. § 4284 is amended to read:

20 § 4284. PROTECTION AND DISCLOSURE OF INFORMATION

21 * * *

1 (g) Following consultation with the ~~Controlled Substances and Pain~~
2 ~~Management~~ Vermont Prescription Monitoring System Advisory Council and
3 an opportunity for input from stakeholders, the Department shall develop a
4 policy that will enable it to use information from VPMS to determine if
5 individual prescribers and dispensers are using VPMS appropriately.

6 (h) Following consultation with the ~~Controlled Substances and Pain~~
7 ~~Management~~ Vermont Prescription Monitoring System Advisory Council and
8 an opportunity for input from stakeholders, the Department shall develop a
9 policy that will enable it to evaluate the prescription of regulated drugs by
10 prescribers.

11 * * *

12 Sec. 4. 18 V.S.A. § 4289 is amended to read:

13 § 4289. STANDARDS AND GUIDELINES FOR HEALTH CARE

14 PROVIDERS AND DISPENSERS

15 * * *

16 (e) The Commissioner of Health shall, after consultation with the
17 ~~Controlled Substances and Pain Management~~ Vermont Prescription
18 Monitoring System Advisory Council, adopt rules necessary to effect the
19 purposes of this section. The Commissioner and the Council shall consider
20 additional circumstances under which health care providers should be required
21 to query the VPMS, including whether health care providers should be

1 required to query the VPMS prior to writing a prescription for any opioid
2 Schedule II, III, or IV controlled substance or when a patient requests renewal
3 of a prescription for an opioid Schedule II, III, or IV controlled substance
4 written to treat acute pain, and the Commissioner may adopt rules accordingly.

5 * * *

6 * * * Substance Misuse Prevention Council * * *

7 Sec. 5. 18 V.S.A. § 4803 is amended to read:

8 § 4803. ~~ALCOHOL AND DRUG ABUSE COUNCIL; CREATION; TERMS;~~

9 ~~PER DIEM~~ SUBSTANCE MISUSE PREVENTION COUNCIL

10 (a) ~~The Alcohol and Drug Abuse~~ To the extent funds permit, the Substance
11 Misuse Prevention Council is established within the Agency of Human
12 Services to ~~promote the dual purposes of reducing problems arising from~~
13 ~~alcohol and drug abuse and improving~~ improve prevention, ~~intervention,~~
14 ~~treatment, and recovery~~ services by advising the Secretary on related policy
15 ~~areas that can inform Agency programs~~ and overseeing regional prevention
16 networks and other initiatives throughout the State.

17 (b) The Council shall consist of ~~12~~ the following members:

18 (1) ~~the Secretary of Human Services or designee;~~

19 (2) ~~the Commissioner of Public Safety or designee;~~

20 (3) ~~the Commissioner of Mental Health or designee;~~

1 ~~(4) the Deputy Commissioner of Health for the Division of Alcohol and~~
2 ~~Drug Abuse Programs;~~

3 ~~(5) the Director of the Blueprint for Health or designee;~~

4 ~~(6) a representative of an approved provider or preferred provider,~~
5 ~~appointed by the Governor;~~

6 ~~(7) a licensed alcohol and drug abuse counselor, appointed by the~~
7 ~~Governor;~~

8 ~~(8)(2) a representative of hospitals, appointed by the Vermont~~
9 ~~Association of Hospitals and Health Systems;~~

10 ~~(9)(3) an educator involved in substance abuse misuse prevention~~
11 ~~services, appointed by the Governor;~~

12 ~~(10)(4) a youth substance abuse misuse prevention specialist, appointed~~
13 ~~by the Governor;~~

14 ~~(11)(5) a community prevention coalition member local law~~
15 ~~enforcement officer, appointed by the Governor; and~~

16 ~~(6) a pediatrician specializing in substance misuse prevention, appointed~~
17 ~~by the Governor;~~

18 ~~(12)(7) a member of the peer community involved in recovery services,~~
19 ~~appointed by the Governor;~~

20 ~~(8) a representative of the designated and specialized service agencies,~~
21 ~~appointed by Vermont Care Partners; and~~

1 (9) four academic researchers specializing in either substance misuse
2 prevention or in behavioral addiction treatment, two of whom shall be
3 appointed by the Speaker of the House and two of whom shall be appointed by
4 the Committee on Committees.

5 (c) The term of office of members appointed pursuant to subsection (b) of
6 this section shall be three years.

7 (d) The Council membership shall annually elect a member to serve as
8 chair.

9 (e) All members shall be voting members. A majority of the membership
10 shall constitute a quorum.

11 (f) At the expiration of the term of an appointed member or in the event of
12 a vacancy during an unexpired term, the new member shall be appointed in the
13 same manner as his or her predecessor. Members of the Council may be
14 reappointed.

15 (g)(1) ~~The~~ Annually on or before January 15th, the Council may shall
16 submit a written report to the House Committee on Human Services and to the
17 Senate Committee on Health and Welfare with its findings and any
18 recommendations for legislative action.

19 (2) ~~The report shall include the following:~~

20 ~~(A) measurable goals for the State's substance abuse system of care;~~

21 and

1 ~~(B) three to five performance measures that demonstrate the system's~~
2 ~~results.~~

3 ~~(3) The provisions of 2 V.S.A. § 20(d) (expiration of required reports)~~
4 shall not apply to the report required ~~to be made under~~ pursuant to this
5 subsection.

6 (h) The Council shall have the administrative, technical, and legal
7 assistance of the Director of Substance Misuse Prevention established
8 pursuant to section 4804 of this title.

9 (i) Each member of the Council not otherwise receiving compensation from
10 the State of Vermont or any political subdivision thereof shall be entitled to
11 receive per diem compensation as provided in 32 V.S.A. § 1010(b) for not
12 more than six meetings annually. Each member shall be entitled to his or her
13 actual and necessary expenses.

14 Sec. 6. 18 V.S.A. § 4804 is amended to read:

15 § 4804. ~~ADMINISTRATIVE SUPPORT~~ DIRECTOR OF SUBSTANCE

16 MISUSE PREVENTION

17 ~~The Agency of Human Services shall provide the Council with such~~
18 ~~administrative support as is necessary for it to accomplish the purposes of this~~
19 ~~chapter~~ To the extent funds permit, there is created the permanent position of
20 the Director of Substance Misuse Prevention within the Department of Health
21 for the purpose of directing and coordinating statewide substance misuse

1 prevention programming. The Director shall fulfill his or her duties with the
2 advice of the Council established pursuant to section 4803 of this section,
3 including:

4 (1) providing technical assistance to regional prevention networks; and
5 (2) overseeing and evaluating the use of monies from the Substance
6 Misuse Prevention Fund established pursuant to section 4810 of this section.

7 Sec. 7. 18 V.S.A. § 4805 is amended to read:

8 § 4805. DUTIES

9 The Council shall:

10 (1) advise the Governor and General Assembly as to the nature and
11 extent of ~~alcohol and drug abuse~~ substance misuse problems, identify
12 prevention programs with a proven record of success, and ~~the programs~~
13 ~~necessary to understand, prevent, and alleviate those problems~~ develop
14 corresponding evidence-based or evidence-informed programs to address
15 unmet need;

16 (2) make recommendations to the Governor and General Assembly for
17 developing:

18 ~~(A) a comprehensive and coordinated system for delivering effective~~
19 ~~programs, including any appropriate reassignment of responsibility for such~~
20 ~~programs; and~~

1 (B) a ~~substance abuse~~ system of care that integrates substance ~~abuse~~
2 misuse prevention services with health care reform initiatives, ~~such as pay for~~
3 ~~performance methodologies~~;

4 (3) provide for coordination and communication among the regional
5 alcohol and drug abuse councils, State agencies and departments, providers,
6 consumers, consumer advocates, and interested citizens;

7 (4) jointly, with the State Board of Education, develop evidence –based
8 or evidenced informed educational and preventive programs;

9 (5) establish and oversee regional prevention networks that:

10 (A) support prevention programming, including afterschool
11 programming;

12 (B) maintain and coordinate educational and counter marketing
13 campaigns;

14 (C) serve as a policy clearinghouse for local leaders with regard to
15 best practices and model public health policies;

16 (D) produce data and evaluations;

17 (E) develop strategic regional plans; and

18 (F) engage youth and young adults in prevention activities; and

19 (6) assess substance ~~abuse~~ misuse prevention services and service
20 delivery in the State, including the following:

1 (A) the effectiveness of existing substance ~~abuse~~ misuse prevention
2 services in Vermont and opportunities for improved ~~treatment~~ prevention
3 activities, including those offered by schools, parent-child centers, and local
4 law enforcement agencies; and

5 (B) strategies for enhancing the coordination and integration of
6 substance ~~abuse~~ misuse prevention services across the system of care; ~~and~~

7 ~~(6) provide recommendations to the General Assembly regarding State~~
8 ~~policy and programs for individuals experiencing public inebriation.~~

9 Sec. 8. 18 V.S.A. § 4810 is added to read:

10 § 4810. UNIVERSAL SUBSTANCE MISUSE PREVENTION FUND

11 (a)(1) The Universal Substance Misuse Prevention Fund is established
12 pursuant to 32 V.S.A. chapter 7, subchapter 5 to consolidate monies designated
13 for substance misuse prevention programming.

14 (2) The Fund shall be administered by the Director of Substance Misuse
15 Prevention established pursuant to section 4804 of this title.

16 (b) Monies appropriated from this Fund shall be used to implement and
17 oversee comprehensive substance misuse prevention strategies throughout the
18 State, including:

19 (1) regional prevention networks throughout the State that are tailored to
20 each individual community;

1 (2) statewide media and communications strategies based on formative
2 research and evaluated for audience reach and engagement on topics,
3 including, increasing awareness and understanding of the State’s laws
4 pertaining to cannabis and other substances; perceived risks associated with the
5 use of cannabis and other substances; the health impacts of the use of cannabis
6 and other substances on youth, young adults, and during pregnancy;

7 (3) embedding substance use professionals in schools to:

8 (A) provide screening, intervention, and referral services for those
9 students who are identified as having a substance use disorder; and

10 (B) educate and train members of the school and local community to
11 prevent substance misuse, enhance interpersonal skills, and create
12 opportunities for group and stress management; and

13 (4) completion of at least one longitudinal study at an academic
14 institution to determine the impact of cannabis use on the health of
15 Vermonters.

16 * * * Repealing the Tobacco Evaluation and Review Board* * *

17 Sec. 9. 18 V.S.A. chapter 225 is amended to read:

18 Chapter 225. Tobacco Prevention, Cessation, and Control

19 § 9501. DEFINITIONS

20 As used in this chapter:

1 ~~this section, for reducing adult and youth smoking rates by 50 percent in the~~
2 ~~following 10 years. By June 1 of each year, the Department and the Board~~
3 ~~shall jointly establish goals for reducing adult and youth smoking rates in the~~
4 ~~following two years, including goals for each program component listed in~~
5 ~~subsection (a) of this section. The services provided by a quitline approved by~~
6 ~~the Department of Health shall be offered and made available to any minor,~~
7 ~~upon his or her consent, who is a smoker or user of tobacco products as~~
8 ~~defined in 7 V.S.A. § 1001.~~

9 * * *

10 ~~(f) The Board shall be represented on all tobacco program advisory~~
11 ~~committees, including the youth working group, Community Grants Advisory~~
12 ~~Board, and the Scientific Advisory Board. The Board's representative on any~~
13 ~~such advisory committee shall include at least one member other than the~~
14 ~~Commissioner of Health. [Repealed.]~~

15 § 9504. ~~CREATION OF THE VERMONT TOBACCO EVALUATION AND~~
16 ~~REVIEW BOARD~~

17 ~~(a) There is created and established, within the Office of the Secretary, a~~
18 ~~body to be known as the Vermont Tobacco Evaluation and Review Board, an~~
19 ~~independent State board created to work in partnership with the Agency of~~
20 ~~Human Services and the Department of Health in establishing the annual~~

1 ~~budget, program criteria and policy development, and review and evaluation of~~
2 ~~the tobacco prevention and treatment program.~~

3 ~~(b) The Board shall consist of 14 members, including ex officio the~~
4 ~~Commissioner of Health and the Secretary of Education or their designees; the~~
5 ~~Commissioner of Liquor Control or designee; the Attorney General or~~
6 ~~designee; a member of the House of Representatives appointed by the Speaker~~
7 ~~of the House; a member of the Senate appointed by the Committee on~~
8 ~~Committees; a member representing a nonprofit organization qualifying under~~
9 ~~Section 501(c)(3) of the Internal Revenue Code and dedicated to anti-tobacco~~
10 ~~activities appointed by the Speaker of the House; a member representing the~~
11 ~~low income community appointed by the Senate Committee on Committees;~~
12 ~~two persons under the age of 30, one appointed by the Speaker of the House~~
13 ~~and one appointed by the Committee on Committees; and four members~~
14 ~~appointed by the Governor with the advice and consent of the Senate,~~
15 ~~including: one K-12 educator involved in prevention education; one tobacco~~
16 ~~use researcher; one member representing the health care community; and one~~
17 ~~tobacco industry countermarketing expert. The public members shall serve for~~
18 ~~three year terms, beginning on July 1 of the year in which the appointment is~~
19 ~~made, except that the first members appointed by the Governor to the Board~~
20 ~~shall be appointed, two for a term of two years, one for a term of three years,~~

1 and one for a term of four years. Vacancies shall be filled in the same manner
2 as the original appointment for the unexpired portion of the term vacated.

3 (c) The Governor shall appoint a chair from among the Board's public
4 members. The Chair shall serve for a term of two years. The Chair may be
5 removed for good cause by a two-thirds, voting majority of the Board. The
6 Board may elect such other officers as it may determine. The Board may
7 appoint committees or subcommittees for the purpose of providing advice on
8 community-based programs, countermarketing activities, and independent
9 program evaluations. Meetings shall be held at the call of the Chair or at the
10 request of three members; however, the Board shall meet no fewer than four
11 times a year. A majority of the sitting members shall constitute a quorum, and
12 action taken by the Board under the provisions of this chapter may be
13 authorized by a majority of the members present and voting at any regular or
14 special meeting. Actions taken by the Board to approve, authorize, award,
15 grant, or otherwise expend money appropriated to the Board or the Department
16 shall require authorization from a majority of members of the entire Board.

17 (d) Public members other than ex officio members shall be entitled to per
18 diem compensation authorized under 32 V.S.A. § 1010 for each day spent in
19 the performance of their duties, and members shall be reimbursed from the
20 Fund for reasonable expenses incurred in carrying out their duties under this

1 ~~chapter. Legislative members shall be entitled to per diem compensation and~~
2 ~~reimbursement for expenses in accordance with 2 V.S.A. § 406.~~

3 ~~(e) The Board may employ staff, through the Agency of Human Services, to~~
4 ~~assist the Board in planning, administering, and executing its functions under~~
5 ~~this chapter, subject to the policies, control, and direction of its members and~~
6 ~~the powers and duties of the Board under this chapter. The Board may employ~~
7 ~~technical experts and contractors as necessary to effect the purposes of this~~
8 ~~chapter. The Board shall use the Office of the Attorney General for legal~~
9 ~~services. The Board shall receive additional staff assistance from the~~
10 ~~Department of Health, the Office of Legislative Council, and the Joint Fiscal~~
11 ~~Office.~~

12 ~~(f) The Agency of Human Services shall provide administrative support to~~
13 ~~the Board for the purposes of this chapter.~~

14 ~~(g) No member of the Board shall have any direct or knowing affiliation or~~
15 ~~contractual relationship with any tobacco company, its affiliates, its~~
16 ~~subsidiaries, or its parent company. Each Board member shall file a conflict of~~
17 ~~interest statement, stating that he or she has no such affiliation or contractual~~
18 ~~relationship. [Repealed.]~~

19 § 9505. GENERAL POWERS AND DUTIES

1 The ~~Board~~ Department shall have all the powers necessary and convenient
2 to carry out and effectuate the purposes and provisions of this section, and
3 shall:

4 (1) Establish ~~jointly with the Department of Health~~ the selection criteria
5 for community grants and review and recommend the grants to be funded.

6 (2) Select, ~~upon the advice of the Commissioner,~~ a contractor
7 responsible for countermarketing activities. The Department shall pay the fees
8 and costs of any such contractor. ~~The Board and Commissioner shall jointly~~
9 and approve any final countermarketing campaign.

10 (3) Review ~~and advise the Department~~ selection criteria for grantees and
11 contracts funded by the Program ~~in conformity with the goals established by~~
12 ~~the Department and Board.~~

13 (4) Establish ~~jointly with the Department~~ an application process, criteria,
14 and components for an independent evaluation. The ~~Board~~ Department shall
15 select an independent contractor to perform an independent evaluation, and
16 oversee the independent contractor's evaluation of the tobacco prevention,
17 treatment, and control program.

18 (5) Review and make recommendations regarding the overall plan and
19 any memorandum of understanding developed ~~jointly by the Department of~~
20 ~~Health and~~ with the Agency of Education for school-based programs funded
21 through the Tobacco Program Fund.

1 (6) Review and make recommendations regarding enforcement activities
2 administered by the Department of Liquor Control in accordance with the
3 provisions of this chapter.

4 (7) Review and advise any State agency on applications for funds
5 contributed from any outside sources that are designated for purposes of
6 reducing tobacco use.

7 (8) In collaboration with the Agency ~~and Department~~, organize a
8 minimum of two public meetings by September 15 of each year, to receive
9 public input and advice for setting program priorities and establishing an
10 annual program budget.

11 (9) Conduct jointly with the Secretary a review of the ~~Department's~~
12 proposed annual budget for the program, including funds contributed from any
13 outside sources that are designated for purposes of reducing tobacco use, and
14 submit independent recommendations to the Governor, Joint Fiscal
15 Committee, and House and Senate Committees on Appropriations by October
16 1 of each year.

17 (10) Propose ~~to the Department~~ strategies for program coordination and
18 collaboration with other State agencies, health care providers and
19 organizations, community and school groups, nonprofit organizations
20 dedicated to anti-tobacco activities, and other nonprofit organizations.

1 (11) ~~Adopt a conflict of interest policy within 30 days of the appointment~~
2 ~~of the full Board and include this policy in the annual report required under~~
3 ~~this chapter. [Repealed.]~~

4 § 9506. ALLOCATION SYSTEM

5 (a) In determining the allocation of funds available for the purposes of this
6 chapter, the Department ~~and the Board~~ shall consider all relevant factors,
7 including:

8 (1) the level of funding or other participation by private or public
9 sources in the activity being considered for funding;

10 (2) what resources will be required in the future to sustain the program;

11 (3) geographic distribution of funds; and

12 (4) the extent to which the goals of the project can be measured by
13 reductions in adult or youth smoking rates.

14 (b) The Department's ~~and Board's~~ allocation system shall include a
15 method, developed jointly, that evaluates the need for and impact and quality
16 of the activities proposed by eligible applicants, including, if appropriate,
17 measuring the results of the project through reductions in adult and youth
18 smoking rates.

19 § 9507. ANNUAL REPORT

20 (a) On or before January 15 of each year, the ~~Board~~ Department shall
21 submit a report concerning its activities under this chapter to the Governor and

1 the General Assembly. The report shall include, to the extent possible, the
2 following:

3 (1) the results of the independent program evaluation, beginning with
4 the report filed on January 15, 2003, and then each year thereafter;

5 (2) a full financial report of the activities of the Departments of Health
6 and of Liquor Control, and the Agency of Education, ~~and the Board~~, including
7 a special accounting of all activities from July 1 through December 31 of the
8 year preceding the legislative session during which the report is submitted;

9 (3) a recommended budget for the program; and

10 (4) an explanation of the results of approved programs, measured
11 through reductions in adult and youth smoking rates.

12 (b) [Repealed.]

13 Sec. 10. EFFECTIVE DATE

14 This act shall take effect on July 1, 2019.