

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred Senate Bill No.
3 146 entitled “An act relating to substance misuse prevention” respectfully
4 reports that it has considered the same and recommends that the House propose
5 to the Senate that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 * * * Legislative Intent * * *

8 Sec. 1. LEGISLATIVE INTENT

9 It is the intent of the General Assembly:

10 (1) to explore funding opportunities for the prevention of substance
11 misuse prevention; and

12 (2) to redirect funds designated for the Opioid Coordination Council to
13 fund the Director of Substance Misuse Prevention pursuant to 18 V.S.A.
14 § 4800 and the Manager of Substance Misuse Prevention pursuant to 18
15 V.S.A. § 4804.

16 * * * Vermont Prescription **Drug** Advisory Council * * *

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

18 § 4255. ~~CONTROLLED SUBSTANCES AND PAIN MANAGEMENT~~

19 VERMONT PRESCRIPTION **DRUG** ADVISORY COUNCIL

20 (a) There is hereby created the ~~Controlled Substances and Pain~~

21 ~~Management~~ Vermont Prescription **Drug** Advisory Council for the purpose of

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

2 § 4289. STANDARDS AND GUIDELINES FOR HEALTH CARE

3 PROVIDERS AND DISPENSERS

4 * * *

5 (e) The Commissioner of Health shall, after consultation with the

6 ~~Controlled Substances and Pain Management~~ Vermont Prescription Drug

7 Advisory Council, adopt rules necessary to effect the purposes of this section.

8 The Commissioner and the Council shall consider additional circumstances

9 under which health care providers should be required to query the VPMS,

10 including whether health care providers should be required to query the VPMS

11 prior to writing a prescription for any opioid Schedule II, III, or IV controlled

12 substance or when a patient requests renewal of a prescription for an opioid

13 Schedule II, III, or IV controlled substance written to treat acute pain, and the

14 Commissioner may adopt rules accordingly.

15 * * *

1 § 4803. ~~ALCOHOL AND DRUG ABUSE COUNCIL; CREATION; TERMS;~~
2 PER DIEM SUBSTANCE MISUSE PREVENTION ADVISORY
3 COUNCIL

4 (a) ~~The Alcohol and Drug Abuse Council is established within the Agency~~
5 ~~of Human Services to promote the dual purposes of reducing problems arising~~
6 ~~from alcohol and drug abuse and improving prevention, intervention,~~
7 ~~treatment, and recovery services by advising the Secretary on policy areas that~~
8 ~~can inform Agency programs.~~

9 (b) ~~The Council shall consist of 12 members:~~

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

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

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

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

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

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

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

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

1 ~~(9) an educator involved in substance abuse prevention services,~~
2 ~~appointed by the Governor;~~

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

5 ~~(11) a community prevention coalition member, appointed by the~~
6 ~~Governor; and~~

7 ~~(12) a member of the peer community involved in recovery services,~~
8 ~~appointed by the Governor.~~

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

11 ~~(d) The Council membership shall annually elect a member to serve as~~
12 ~~chair.~~

13 ~~(e) All members shall be voting members.~~

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

18 ~~(g)(1) The Council may submit a written report to the House Committee on~~
19 ~~Human Services and to the Senate Committee on Health and Welfare with its~~
20 ~~findings and any recommendations for legislative action.~~

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

1 ~~(A) measurable goals for the State’s substance abuse system of care;~~
2 ~~and~~

3 ~~(B) three to five performance measures that demonstrate the system’s~~
4 ~~results.~~

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

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

12 (a) Creation. There is created the Substance Misuse Prevention Advisory
13 Council within the Department of Health for the purpose of consolidating
14 oversight of substance misuse prevention programs across the Department [or
15 State government] and for providing advice to the Commissioner Governor
16 for improving prevention policies and programming throughout the State.
17 [Question: Reference that the Council is “independent”?] The Advisory
18 Council’s prevention initiatives shall encompass all substances at risk of
19 misuse [or that are misused], including:

20 (1) tobacco, tobacco substitutes, and other nicotine delivery
21 systems, such as e-cigarettes and vaping;

1 **(2) cannabis;**

2 **(3) controlled substances, such as opioids, cocaine, and**

3 **methamphetamines; and**

4 **(4) alcohol.**

5 **(b)(1) Membership. The Advisory Council shall be co-chaired by an**
6 **executive committee composed of the following members:**

7 **(A) the Secretary of Education or designee;**

8 **(B) the Commissioner of Public Safety or designee;**

9 **(C) the Commissioner of Health or designee;**

10 **(D) the Chief Prevention Officer established pursuant to**
11 **section 4800 of this title; and**

12 **(E) a community leader in the field of substance misuse**
13 **prevention, appointed by the Governor.**

14 **(2) To the extent practicable, the members of the executive**
15 **committee shall jointly appoint seven members to the Council who**
16 **represent various regions of the State who are appointed by the Secretary**
17 **of Human Services and who collectively offer expertise in the following**
18 **disciplines:**

19 **(A) substance misuse prevention in a professional setting;**

20 **(B) pediatric care specific to substance misuse prevention or**
21 **substance use disorder;**

1 (C) academic research pertaining to substance misuse prevention or
2 behavioral addiction treatment;

3 (D) education specific to substance misuse prevention;

4 (E) child and family trauma prevention and resilience development;

5 (F) law enforcement **with expertise in drug enforcement,**
6 **impaired driving, and community policing,** ~~criminal justice, or highway~~
7 ~~safety; and~~

8 (G) community outreach or collaboration in the field of substance
9 misuse prevention;

10 **(H) the criminal justice system;**

11 **(I) treatment of substance use disorder;**

12 **(J) recovery from substance use disorder in a community**
13 **setting;**

14 **(K) municipalities;**

15 **(L) substance use disorder or substance misuse prevention**
16 **within youth and elder populations; and**

17 **(M) families of individuals with substance use disorder..**

18 (c) Powers and duties. The Advisory Council shall strengthen the State's
19 response to the substance use disorder crisis by advancing evidence-based
20 and evidence-informed substance misuse prevention initiatives. The
21 Advisory Council's duties shall include:

1 (1) reviewing and making recommendations on best practices to assist
2 communities **and schools** to significantly reduce the demand for substances
3 through prevention and education;

4 (2) reviewing substance misuse prevention program evaluations and
5 making specific recommendations for modification based on the results;

6 (3) reviewing existing State ~~health, mental health, and drug and~~
7 ~~alcohol addiction~~ laws, rules, policies, and programs and proposing changes
8 to eliminate redundancy and to eliminate barriers experienced by
9 communities **and schools** in coordinating preventative action with State
10 government; and

11 (4) reviewing existing community-based recreation, afterschool, and
12 parent-child center programs to determine a foundation of connection and
13 support for all Vermont children and youth.

14 (d) **Committees.** The Advisory Council shall have the ability to create
15 issue-specific **committees** for the purpose of carrying out its duties. ~~Any~~
16 ~~subcommittees created may draw on the expertise of any individual~~
17 ~~regardless of whether that individual is a member of the Advisory Council.~~

18 (e) Assistance. The Advisory Council shall have ~~the~~ administrative,
19 technical, and ~~legal~~ **communications** assistance ~~of from the~~ Substance
20 Misuse Prevention Manager established pursuant to section 4804 of this title.

1 (f) Report. Annually on or before January 1, the Advisory Council shall
2 submit a written report to the Governor, the House Committees on
3 Appropriations and on Human Services, and the Senate Committees on
4 Appropriations and on Health and Welfare with its findings and any
5 recommendations for legislative action.

6 (g) Organization.

7 ~~(1) The Secretary of Human Services or designee and the substance~~
8 ~~misuse prevention professional shall serve as co chairs of the Advisory~~
9 ~~Council.~~

10 ~~(2) Members of the Advisory Council shall serve two-year terms. Any~~
11 ~~vacancy on the Advisory Council shall be filled in the same manner as the~~
12 ~~original appointment. The replacement member shall serve for the remainder~~
13 ~~of the unexpired term.~~

14 ~~(3) A majority of the membership shall constitute a quorum.~~

15 (h) Compensation and reimbursement. Other members of the Advisory
16 Council shall be entitled to per diem compensation and reimbursement of
17 expenses as permitted under 32 V.S.A. § 1010 for not more than six
18 meetings. Payments to members of the Advisory Council authorized under
19 this subsection shall be made from monies appropriated to the Department of
20 Health.

1 § 4804. ~~ADMINISTRATIVE SUPPORT~~ MANAGER OF SUBSTANCE
2 MISUSE PREVENTION

3 ~~The Agency of Human Services shall provide the Council with such~~
4 ~~administrative support as is necessary for it to accomplish the purposes of this~~
5 ~~chapter.~~ There is created the permanent position of the Manager of Substance
6 Misuse Prevention within the Department of Health for the purpose of:

7 (1) coordinating the work of the Substance Misuse Prevention Advisory
8 Council established pursuant to section 4803 of this title;

9 (2) coordinating strategic regional plans; and

10 (3) serving as a liaison to the Director of Substance Misuse Prevention
11 established pursuant to section 4800 of this title and to the Agency of

12 Education all of State government. *[Question: Necessary if Chief Prevention*
13 *Officer is on Council?]*

14 § 4805. ~~DUTIES~~

15 ~~The Council shall:~~

16 ~~(1) advise the Governor as to the nature and extent of alcohol and drug~~
17 ~~abuse problems and the programs necessary to understand, prevent, and~~
18 ~~alleviate those problems;~~

19 ~~(2) make recommendations to the Governor and General Assembly for~~
20 ~~developing:~~

1 (7) policy initiatives; and

2 (8) any other activities determined by the Commissioner ~~or the Board~~ to
3 be necessary to implement the provisions of this section.

4 (b) ~~By June 1, 2001, the Department and the Board shall jointly establish a~~
5 ~~plan that includes goals for each program component listed in subsection (a) of~~
6 ~~this section, for reducing adult and youth smoking rates by 50 percent in the~~
7 ~~following 10 years. By June 1 of each year, the Department and the Board~~
8 ~~shall jointly establish goals for reducing adult and youth smoking rates in the~~
9 ~~following two years, including goals for each program component listed in~~
10 ~~subsection (a) of this section. The services provided by a quitline approved by~~
11 ~~the Department of Health shall be offered and made available to any minor,~~
12 ~~upon his or her consent, who is a smoker or user of tobacco products as~~
13 ~~defined in 7 V.S.A. § 1001.~~

14 * * *

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

1 use researcher; one member representing the health care community; and one
2 tobacco industry countermarketing expert. The public members shall serve for
3 three year terms, beginning on July 1 of the year in which the appointment is
4 made, except that the first members appointed by the Governor to the Board
5 shall be appointed, two for a term of two years, one for a term of three years,
6 and one for a term of four years. Vacancies shall be filled in the same manner
7 as the original appointment for the unexpired portion of the term vacated.

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

1 ~~(d) Public members other than ex officio members shall be entitled to per~~
2 ~~diem compensation authorized under 32 V.S.A. § 1010 for each day spent in~~
3 ~~the performance of their duties, and members shall be reimbursed from the~~
4 ~~Fund for reasonable expenses incurred in carrying out their duties under this~~
5 ~~chapter. Legislative members shall be entitled to per diem compensation and~~
6 ~~reimbursement for expenses in accordance with 2 V.S.A. § 406.~~

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

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

18 ~~(g) No member of the Board shall have any direct or knowing affiliation or~~
19 ~~contractual relationship with any tobacco company, its affiliates, its~~
20 ~~subsidiaries, or its parent company. Each Board member shall file a conflict of~~

1 ~~interest statement, stating that he or she has no such affiliation or contractual~~
2 ~~relationship. [Repealed.]~~

3 § 9505. GENERAL POWERS AND DUTIES

4 The ~~Board~~ Department shall have all the powers necessary and convenient
5 to carry out and effectuate the purposes and provisions of this section, and
6 shall:

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

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

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

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

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

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

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

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

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

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

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

8 § 9506. ALLOCATION SYSTEM

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

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

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

15 (3) geographic distribution of funds; and

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

18 (b) The Department's ~~and Board's~~ allocation system shall include a
19 method, developed jointly, that evaluates the need for and impact and quality
20 of the activities proposed by eligible applicants, including, if appropriate,

1 measuring the results of the project through reductions in adult and youth
2 smoking rates.

3 § 9507. ANNUAL REPORT

4 (a) On or before January 15 of each year, the ~~Board~~ Department shall
5 submit a report concerning its activities under this chapter to the Governor and
6 the General Assembly. The report shall include, to the extent possible, the
7 following:

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

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

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

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

17 (b) [Repealed.]

18 * * * Substance Misuse Prevention Inventory * * *

19 Sec. 7. INVENTORY; SUBSTANCE MISUSE PREVENTION SERVICES

20 (a) On or before January 1, 2021, the Manager of Substance Misuse
21 Prevention established pursuant to 18 V.S.A. § 4804, in consultation with the

1 Director of Substance Misuse Prevention established pursuant to 18 V.S.A.
2 § 4800, shall develop and submit to the House Committee on Human Services
3 and to the Senate Committee on Health and Welfare an inventory of substance
4 misuse prevention programs in the State. The Director shall include in the
5 inventory:

- 6 (1) the estimated cost of each program;
- 7 (2) the geographic reach of each program;
- 8 (3) the effectiveness of each program; and
- 9 (4) any identified gaps in services.

10 (b) On or before January 1, 2020, the Manager shall submit an interim
11 report to the House Committee on Human Services and to the Senate
12 Committee on Health and Welfare regarding its progress and findings related
13 to subsection (a) of this section.

14 Sec. 8. [Deleted.]

15 * * * Effective Date * * *

16 Sec. 9. EFFECTIVE DATE

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

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1 (Committee vote: _____)

2

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Representative _____

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FOR THE COMMITTEE