



February 26, 2020

**ENGROSSED
HOUSE BILL No. 1094**

DIGEST OF HB 1094 (Updated February 25, 2020 12:39 pm - DI 135)

Citations Affected: IC 4-3; IC 5-2.

Synopsis: Substance use prevention and recovery. Requires the executive director of the Indiana criminal justice institute to work with local coordinating councils and other stakeholders when implementing certain recommendations concerning substance use and substance use disorder. Includes public safety programs in the statutory definition of "criminal justice services and activities". Specifies that local coordinating councils responsible for the combating of drug and substance use are: (1) collaborative; and (2) open to the public. Permits county drug free community funds to supplement local government spending on: (1) drug use recovery programs; (2) drug use intervention programs; and (3) drug use prevention programs. Defines certain terms.

Effective: July 1, 2020.

**Ziemke, Macer, Vermilion, Fleming,
Forestal**

(SENATE SPONSOR — GLICK)

January 7, 2020, read first time and referred to Committee on Courts and Criminal Code.

January 16, 2020, reported — Do Pass.

January 21, 2020, read second time, ordered engrossed. Engrossed.

January 23, 2020, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 5, 2020, read first time and referred to Committee on Corrections and Criminal Law.

February 25, 2020, reported favorably — Do Pass.

EH 1094—LS 6480/DI 123



February 26, 2020

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1094

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-3-25-15, AS ADDED BY P.L.7-2016, SECTION
2 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2020]: Sec. 15. The executive director of the Indiana criminal justice
4 institute is responsible for the following:

5 (1) ~~Implementing Working with local coordinating councils~~
6 ~~and other stakeholders to implement~~ the commission's
7 recommendations concerning local coordinating councils (**as**
8 **defined in IC 5-2-11-1.6.**)

9 (2) Maintaining a system to provide technical assistance,
10 guidance, and funding support to local coordinating councils.

11 (3) Assisting in the development of local coordinating councils to
12 identify community drug programs, coordinate community
13 initiatives, design comprehensive, collaborative community
14 strategies, and monitor local ~~antidrug activities.~~ **efforts to**
15 **decrease and mitigate substance use.**

16 (4) Approving comprehensive drug free community plans and
17 funding requests submitted by local coordinating councils.

EH 1094—LS 6480/DI 123



1 (5) Providing quarterly reports to the commission on the
 2 ~~comprehensive drug free community plans: efforts of local~~
 3 ~~coordinating councils.~~

4 SECTION 2. IC 5-2-11-0.3 IS ADDED TO THE INDIANA CODE
 5 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2020]: **Sec. 0.3. As used in this chapter, "comprehensive**
 7 **community plan" means the systematic, community driven**
 8 **gathering, analysis, and reporting of community level indicators**
 9 **for the purpose of identifying and addressing local substance use**
 10 **and substance use disorder problems.**

11 SECTION 3. IC 5-2-11-0.5, AS ADDED BY P.L.44-2006,
 12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2020]: **Sec. 0.5. As used in this chapter, "criminal justice**
 14 **services and activities" means programs that assist:**

- 15 (1) law enforcement agencies;
 16 (2) courts;
 17 (3) correctional facilities;
 18 (4) programs that offer probation services; ~~and~~
 19 (5) community corrections programs; **and**
 20 **(6) public safety programs;**

21 with individuals who have ~~alcohol or drug addictions~~ **a history of**
 22 **substance use** and who are suspected of having committed a felony or
 23 misdemeanor, have been charged with a felony or misdemeanor, or
 24 have been convicted of a felony or misdemeanor.

25 SECTION 4. IC 5-2-11-1.3 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.3. As used in this**
 27 **chapter, "intervention" means:**

- 28 (1) activities performed to:
 29 **(A) identify persons in need of ~~addiction~~ substance use**
 30 **treatment services; and**
 31 **(B) encourage the desire to address and improve recovery**
 32 **needs by persons described in clause (A); and**
 33 (2) referring persons to or enrolling persons in ~~addiction evidence~~
 34 **informed** treatment programs.

35 SECTION 5. IC 5-2-11-1.6, AS AMENDED BY P.L.7-2016,
 36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2020]: **Sec. 1.6. As used in this chapter, "local coordinating**
 38 **council" means a countywide, collaborative citizen body that is open**
 39 **to the public and approved and appointed by the Indiana commission**
 40 **to combat drug abuse established by IC 4-3-25-3 to plan, implement,**
 41 **monitor, and evaluate ~~comprehensive~~ local alcohol and drug abuse**
 42 **comprehensive community plans.**



1 SECTION 6. IC 5-2-11-1.8, AS ADDED BY P.L.44-2006,
 2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2020]: Sec. 1.8. As used in this chapter, "prevention" means
 4 the anticipatory process that prepares and supports ~~an individual and~~
 5 **programs individuals, families, and communities** with the creation
 6 and reinforcement of healthy behaviors and lifestyles.

7 SECTION 7. IC 5-2-11-1.9, AS ADDED BY P.L.44-2006,
 8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2020]: Sec. 1.9. As used in this chapter, "prevention initiative"
 10 means ~~a~~ **an evidence guided program or activity** that is designed to
 11 decrease ~~alcohol or drug use. and mitigate substance use.~~

12 SECTION 8. IC 5-2-11-2, AS AMENDED BY P.L.1-2006,
 13 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2020]: Sec. 2. A county drug free community fund is
 15 established in each county to ~~promote~~ **support** comprehensive local
 16 ~~alcohol and drug abuse~~ **substance use recovery and** prevention
 17 initiatives by supplementing local funding for treatment, **intervention,**
 18 **prevention,** education, and criminal justice ~~efforts. services and~~
 19 **activities.** The fund consists of amounts deposited under
 20 IC 33-37-7-2(c) and IC 33-37-7-8(e).

21 SECTION 9. IC 5-2-11-2.2 IS ADDED TO THE INDIANA CODE
 22 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 23 1, 2020]: **Sec. 2.2. As used in this chapter, "recovery" means a**
 24 **dynamic, nonlinear process of change through which persons**
 25 **improve their health and wellness, live a self directed life, and**
 26 **strive to reach their full potential.**

27 SECTION 10. IC 5-2-11-2.4 IS ADDED TO THE INDIANA CODE
 28 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 29 1, 2020]: **Sec. 2.4. As used in this chapter, "treatment" means**
 30 **evidence guided activities and services that foster change, enhance**
 31 **the ability to achieve and maintain recovery, and improve mental**
 32 **health.**

33 SECTION 11. IC 5-2-11-5, AS AMENDED BY P.L.7-2016,
 34 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2020]: Sec. 5. (a) Subject to subsections (b) and (c), a county
 36 fiscal body shall annually appropriate from the fund amounts allocated
 37 by the county legislative body for the use of persons, organizations,
 38 agencies, and political subdivisions to carry out recommended actions
 39 contained in a comprehensive drug free ~~communities~~ **community** plan
 40 submitted by the local coordinating council and approved by the
 41 criminal justice institute as follows:

42 (1) For persons, organizations, agencies, and political



- 1 subdivisions to provide prevention and education services, at least
 2 twenty-five percent (25%) of the money in the fund.
- 3 (2) For persons, organizations, agencies, and political
 4 subdivisions to provide intervention and treatment services, at
 5 least twenty-five percent (25%) of the money in the fund.
- 6 (3) For persons, organizations, agencies, and political
 7 subdivisions to provide criminal justice services and activities, at
 8 least twenty-five percent (25%) of the money in the fund.
- 9 (4) A county fiscal body shall allocate the remaining twenty-five
 10 percent (25%) of the money in the fund to persons, organizations,
 11 agencies, and political subdivisions to provide services and
 12 activities under subdivisions (1) through (3) based on the
 13 comprehensive drug free ~~communities~~ **community** plan
 14 submitted by the local coordinating council and approved by the
 15 criminal justice institute.
- 16 (b) In ~~the a~~ comprehensive drug free ~~communities~~ **community** plan,
 17 the local coordinating council shall determine the amount of funds the
 18 county fiscal body shall appropriate to implement the objectives
 19 approved in the comprehensive drug free ~~communities~~ **community**
 20 plan **based upon local community indicators**.
- 21 (c) If the comprehensive drug free ~~communities~~ **community** plan is
 22 not approved by the criminal justice institute, the county fiscal body
 23 may not appropriate any funds at the request of the local coordinating
 24 council or any other local entity.
- 25 (d) If funds are allocated by a county legislative body under
 26 subsection (a) and the criminal justice institute has not approved the
 27 comprehensive drug free ~~communities~~ **community** plan for the county,
 28 the criminal justice institute may:
- 29 (1) approve ~~and appoint~~ a new local coordinating council for the
 30 county;
- 31 (2) freeze funds allocated by the county legislative body; or
- 32 (3) reevaluate the comprehensive drug free ~~communities~~
 33 **community** plan.
- 34 SECTION 12. IC 5-2-11-6 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. The fund may not be
 36 used to replace other funding for ~~alcohol and drug abuse~~ **substance use**
 37 services provided to the county.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1094, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1094 as introduced.)

MCNAMARA

Committee Vote: Yeas 11, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1094, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1094 as printed January 17, 2020.)

YOUNG M, Chairperson

Committee Vote: Yeas 9, Nays 0

