

ASSEMBLY BILL NO. 372—ASSEMBLYWOMAN KIRKPATRICK

MARCH 18, 2013

Referred to Committee on Health and Human Services

SUMMARY—Provides for the award of certain grants relating to the prevention and treatment of substance abuse. (BDR 40-1023)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to abuse of substances; creating the Substance Abuse Prevention and Treatment Agency within the Division of Mental Health and Developmental Services of the Department of Health and Human Services and the Governing Board of the Agency; requiring the Agency and the Governing Board to perform certain duties relating to the award of certain grants; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing federal regulations provide for a Substance Abuse Prevention and
2 Treatment Block Grant to be awarded to a state. The recipient state is required to
3 award subgrants from the Substance Abuse Prevention and Treatment Block Grant
4 for the prevention and treatment of substance abuse. (45 C.F.R. §§ 96.120 et seq.)
5 **Section 2** of this bill creates the Substance Abuse Prevention and Treatment
6 Agency within the Division of Mental Health and Developmental Services of the
7 Department of Health and Human Services. The Agency is required to: (1) receive
8 and review applications for those subgrants and grants from funds or accounts of
9 the State which are available for the purpose of substance abuse prevention and
10 treatment; (2) make recommendations to the Governing Board regarding which
11 applicants should be awarded a grant; (3) establish criteria to evaluate applications;
12 and (4) monitor each grant awarded. In addition, **section 2** authorizes the Substance
13 Abuse Prevention and Treatment Agency to assist the Division with certain duties
14 relating to the prevention and treatment of substance abuse.
15 **Section 3** of this bill creates the Governing Board of the Substance Abuse
16 Prevention and Treatment Agency to award subgrants from the Substance Abuse
17 Prevention and Treatment Block Grant and grants from a fund or account of the
18 State which is available for the purpose of substance abuse prevention and
19 treatment. **Section 3** also requires each recipient of a grant to submit information



20 annually concerning the effectiveness of each program awarded a grant. **Section 3**
21 further requires the Governing Board to submit an annual report to the Governor
22 and the Legislature. Each report must contain certain information concerning the
23 grants awarded by the Governing Board. **Section 4** of this bill authorizes the
24 Division to adopt regulations to carry out the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 458 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2. 1.** *The Substance Abuse Prevention and Treatment*
4 *Agency is hereby created within the Division of Mental Health and*
5 *Developmental Services of the Department of Health and Human*
6 *Services.*

7 *2. Any person who administers an alcohol and drug abuse*
8 *program may submit an application to the Substance Abuse*
9 *Prevention and Treatment Agency for a grant of money from any*
10 *federal allotment received by this State as a Substance Abuse*
11 *Prevention and Treatment Block Grant pursuant to 45 C.F.R. Part*
12 *96 and any fund or account of this State available for the purpose*
13 *of the prevention and treatment of substance abuse.*

14 *3. The Substance Abuse Prevention and Treatment Agency*
15 *shall:*

16 *(a) Receive and review each application submitted pursuant to*
17 *subsection 2;*

18 *(b) Recommend to the Governing Board created in section 3 of*
19 *this act each applicant whom the Substance Abuse Prevention and*
20 *Treatment Agency believes should be awarded a grant of money;*

21 *(c) Establish criteria for determining which applicants to*
22 *recommend for a grant of money pursuant to paragraph (b); and*

23 *(d) Monitor each grant of money awarded by the Governing*
24 *Board for an alcohol and drug abuse program.*

25 *4. The Substance Abuse Prevention and Treatment Agency*
26 *may assist the Division in determining the needs of local*
27 *communities and in establishing priorities for funding programs*
28 *for the prevention and treatment of substance abuse and funding*
29 *services related to the development of data, the assessment of*
30 *needs, the performance of evaluations or technical assistance.*

31 **Sec. 3. 1.** *The Governing Board of the Substance Abuse*
32 *Prevention and Treatment Agency is hereby created. The*
33 *Governing Board consists of:*

34 *(a) The following voting members:*

35 *(1) The Administrator;*

36 *(2) The State Health Officer; and*



1 (3) *The Administrator of the Health Division of the*
2 *Department of Health and Human Services; and*

3 (b) *The following nonvoting members, to be appointed by the*
4 *Director of the Department of Health and Human Services:*

5 (1) *One member who possesses knowledge, skill, training*
6 *and experience in the treatment of substance abuse; and*

7 (2) *One member who possesses knowledge, skill, training*
8 *and experience in the prevention of substance abuse.*

9 2. *A nonvoting member appointed pursuant to paragraph (b)*
10 *of subsection 1 must not be an employee of a person who:*

11 (a) *Receives a grant of money awarded by the Governing*
12 *Board; or*

13 (b) *Applies for a grant of money pursuant to subsection 2 of*
14 *section 2 of this act.*

15 3. *After the initial terms, each nonvoting member must be*
16 *appointed for a term of 4 years.*

17 4. *The Governing Board shall award grants of money from:*

18 (a) *Any federal allotment received by this State as a Substance*
19 *Abuse Prevention and Treatment Block Grant in the manner*
20 *required by 45 C.F.R. Part 96; and*

21 (b) *Any fund or account of this State available for the purpose*
22 *of prevention and treatment of substance abuse.*

23 5. *The Governing Board shall specify the amount of each*
24 *grant of money awarded pursuant to subsection 4 that may be*
25 *used for administrative costs and salaries.*

26 6. *On or before May 1 of each year, a recipient of a grant*
27 *awarded pursuant to subsection 4 shall submit to the Substance*
28 *Abuse Prevention and Treatment Agency and the Governing*
29 *Board:*

30 (a) *If the grant was awarded for a treatment program,*
31 *information concerning the results of the treatment for each*
32 *person who was treated by the program; or*

33 (b) *If the grant was awarded for a prevention program,*
34 *information concerning the effectiveness of the program.*

35 7. *On or before August 1 of each year, the Governing Board*
36 *shall submit to the Governor and to the Director of the Legislative*
37 *Counsel Bureau for transmittal to the Legislature a report*
38 *concerning the grants of money awarded by the Governing Board.*
39 *The report must include, without limitation:*

40 (a) *The conditions upon which the Governing Board awarded*
41 *each grant;*

42 (b) *The amount of money awarded to each recipient;*

43 (c) *The source of all money awarded;*

44 (d) *Information concerning the effectiveness of each program*
45 *awarded a grant; and*



1 *(e) Any other relevant information specified by the Governing*
2 *Board.*

3 **Sec. 4.** *The Division may adopt regulations to carry out the*
4 *provisions of sections 2 and 3 of this act.*

5 **Sec. 5.** NRS 458.010 is hereby amended to read as follows:

6 458.010 As used in NRS 458.010 to 458.350, inclusive, *and*
7 *sections 2, 3 and 4 of this act* unless the context requires otherwise:

8 1. "Administrator" means the Administrator of the Division.

9 2. "Alcohol and drug abuse program" means a project
10 concerned with education, prevention and treatment directed toward
11 achieving the mental and physical restoration of alcohol and drug
12 abusers.

13 3. "Alcohol and drug abuser" means a person whose
14 consumption of alcohol or other drugs, or any combination thereof,
15 interferes with or adversely affects the ability of the person to
16 function socially or economically.

17 4. "Alcoholic" means any person who habitually uses alcoholic
18 beverages to the extent that the person endangers the health, safety
19 or welfare of himself or herself or any other person or group of
20 persons.

21 5. "Civil protective custody" means a custodial placement of a
22 person to protect the health or safety of the person. Civil protective
23 custody does not have any criminal implication.

24 6. "Detoxification technician" means a person who is certified
25 by the Division to provide screening for the safe withdrawal from
26 alcohol and other drugs.

27 7. "Division" means the Division of Mental Health and
28 Developmental Services of the Department of Health and Human
29 Services.

30 8. "Facility" means a physical structure used for the education,
31 prevention and treatment, including mental and physical restoration,
32 of alcohol and drug abusers.

33 **Sec. 6.** NRS 458.100 is hereby amended to read as follows:

34 458.100 1. All gifts or grants of money for an alcohol and
35 drug abuse program which the Division is authorized to accept must
36 be deposited in the State Treasury for credit to the State Grant and
37 Gift Account for Alcohol and Drug Abuse which is hereby created
38 in the Department of Health and Human Services' Gift Fund.

39 2. Subject to the limitations set forth in NRS 458.094, money
40 in the Account must be used to carry out the provisions of NRS
41 458.010 to 458.350, inclusive **H**, *and sections 2, 3 and 4 of this*
42 *act.*

43 3. ~~FAH~~ *Except as otherwise provided in sections 2, 3 and 4 of*
44 *this act, all* claims must be approved by the Administrator before
45 they are paid.



1 **Sec. 7.** NRS 458.110 is hereby amended to read as follows:
2 458.110 In addition to the activities set forth in NRS 458.025
3 to 458.115, inclusive, *and sections 2, 3 and 4 of this act*, the
4 Division may engage in any activity necessary to effectuate the
5 purposes of NRS 458.010 to 458.350, inclusive ~~1~~, *and sections 2,*
6 *3 and 4 of this act.*

7 **Sec. 8.** As soon as practicable after July 1, 2013, the Director
8 of the Department of Health and Human Services shall appoint the
9 nonvoting members of the Governing Board created pursuant to
10 section 3 of this act to initial terms as follows:

- 11 1. One member to a term that expires on July 1, 2015.
- 12 2. One member to a term that expires on July 1, 2017.

13 **Sec. 9.** This act becomes effective on July 1, 2013.

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