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SENATE BILL NO. 824

Offered January 11, 2023

Prefiled December 21, 2022

A BILL to amend and reenact §§ 2.2-2101, 2.2-2696, 37.2-203, and 37.2-310 of the Code of Virginia, relating to Substance Abuse Services Council; name change; membership.

Patrons—Bell and Boysko; Delegates: Kory and Rasoul

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2101, 2.2-2696, 37.2-203, and 37.2-310 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2101. Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3126; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3121; to members of the Board of Directors of the New College Institute, who shall be appointed as provided for in § 23.1-3112; to members of the Advisory Board on Teacher Education and Licensure, who shall be appointed as provided for in § 22.1-305.2; to members of the Virginia Interagency Coordinating Council, who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23.1-3117; to members of the Board of Trustees of the Online Virginia Network Authority, who shall be appointed as provided in § 23.1-3136; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Information Technology Advisory Council, who shall be appointed as provided for in § 2.2-2699.5; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the ~~Substance Abuse Services~~ *Virginia Addiction Recovery* Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Children's Services, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure and Resilient Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485; to members of the Henrietta Lacks Commission, who shall be appointed as provided in § 2.2-2538; or to members of the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans, who shall be appointed as provided in § 2.2-2552.

§ 2.2-2696. Virginia Addiction Recovery Council.

A. The ~~Substance Abuse Services~~ *Virginia Addiction Recovery* Council (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council is to advise and make recommendations to the Governor, the General Assembly, and the State Board of Behavioral Health and Developmental Services on broad policies and goals and on the coordination of the Commonwealth's public and private efforts to control substance abuse, as

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59 defined in § 37.2-100, *and problem gambling, as defined in § 37.2-314.2.*

60 B. The Council shall consist of ~~29~~ 32 members. Four members of the House of Delegates shall be
61 appointed by the Speaker of the House of Delegates, in accordance with the principles of proportional
62 representation contained in the Rules of the House of Delegates, and two members of the Senate shall
63 be appointed by the Senate Committee on Rules. The Governor shall appoint one member representing
64 the Virginia Sheriffs' Association, one member representing the Virginia Drug Courts Association, one
65 member representing the Substance Abuse Certification Alliance of Virginia, two members representing
66 the Virginia Association of Community Services Boards, *two members representing the problem*
67 *gambling recovery community, one member representing the Opioid Task Force*, and two members
68 representing statewide consumer and advocacy organizations. The Council shall also include the
69 Commissioner of Behavioral Health and Developmental Services; the Commissioner of Health; the
70 Commissioner of the Department of Motor Vehicles; the Superintendent of Public Instruction; the
71 Directors of the Departments of Juvenile Justice, Corrections, Criminal Justice Services, Medical
72 Assistance Services, and Social Services; the Chief Executive Officer of the Virginia Alcoholic Beverage
73 Control Authority; the Executive Director of the Virginia Foundation for Healthy Youth or his designee;
74 the Executive Director of the Commission on the Virginia Alcohol Safety Action Program or his
75 designee; and the chairs or their designees of the Virginia Association of Drug and Alcohol Programs,
76 the Virginia Association of Addiction Professionals, and the Substance Abuse Council and the
77 Prevention Task Force of the Virginia Association of Community Services Boards.

78 C. Appointments of legislative members and heads of agencies or representatives of organizations
79 shall be for terms consistent with their terms of office. Beginning July 1, 2011, the Governor's
80 appointments of the seven nonlegislative citizen members shall be staggered as follows: two members
81 for a term of one year, three members for a term of two years, and two members for a term of three
82 years. Thereafter, appointments of nonlegislative members shall be for terms of three years, except an
83 appointment to fill a vacancy, which shall be for the unexpired term. The Governor shall appoint a
84 chairman from among the members for a two-year term. No member shall be eligible to serve more than
85 two consecutive terms as chairman.

86 No person shall be eligible to serve more than two successive terms, provided that a person
87 appointed to fill a vacancy may serve two full successive terms.

88 D. The Council shall meet at least four times annually and more often if deemed necessary or
89 advisable by the chairman.

90 E. Members of the Council shall receive no compensation for their services but shall be reimbursed
91 for all reasonable and necessary expenses incurred in the performance of their duties as provided in
92 §§ 2.2-2813 and 2.2-2825. Funding for the cost of expenses shall be provided by the Department of
93 Behavioral Health and Developmental Services.

94 F. The duties of the Council shall be:

95 1. To recommend policies and goals to the Governor, the General Assembly, and the State Board of
96 Behavioral Health and Developmental Services;

97 2. To coordinate agency programs and activities, to prevent duplication of functions, and to combine
98 all agency plans into a comprehensive interagency state plan for substance abuse *and problem gambling*
99 *services*;

100 3. To review and comment on annual state agency budget requests regarding substance abuse *or*
101 *problem gambling* and on all applications for state or federal funds or services to be used in substance
102 *abuse or problem gambling* programs;

103 4. To define responsibilities among state agencies for various programs for persons with substance
104 *abuse or problem gambling* and to encourage cooperation among agencies; and

105 5. To make investigations, issue annual reports to the Governor and the General Assembly, and make
106 recommendations relevant to substance abuse *and problem gambling* upon the request of the Governor.

107 G. Staff assistance shall be provided to the Council by the Office of Substance Abuse Services of the
108 Department of Behavioral Health and Developmental Services.

109 **§ 37.2-203. Powers and duties of Board.**

110 The Board shall have the following powers and duties:

111 1. To develop and establish programmatic and fiscal policies governing the operation of state
112 hospitals, training centers, community services boards, and behavioral health authorities;

113 2. To ensure the development of long-range programs and plans for mental health, developmental,
114 and substance abuse services provided by the Department, community services boards, and behavioral
115 health authorities;

116 3. To review and comment on all budgets and requests for appropriations for the Department prior to
117 their submission to the Governor and on all applications for federal funds;

118 4. To monitor the activities of the Department and its effectiveness in implementing the policies of
119 the Board;

120 5. To advise the Governor, Commissioner, and General Assembly on matters relating to mental

health, developmental, and substance abuse services;

6. To adopt regulations that may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the Commissioner or the Department;

7. To ensure the development of programs to educate citizens about and elicit public support for the activities of the Department, community services boards, and behavioral health authorities;

8. To ensure that the Department assumes the responsibility for providing for education and training of school-age individuals receiving services in state facilities, pursuant to § 37.2-312;

9. To change the names of state facilities; and

10. To adopt regulations that establish the qualifications, education, and experience for registration of peer recovery specialists by the Board of Counseling.

Prior to the adoption, amendment, or repeal of any regulation regarding substance abuse services, the Board shall, in addition to the procedures set forth in the Administrative Process Act (§ 2.2-4000 et seq.), present the proposed regulation to the ~~Substance Abuse Services~~ *Virginia Addiction Recovery* Council, established pursuant to § 2.2-2696, at least 30 days prior to the Board's action for the Council's review and comment.

§ 37.2-310. Powers and duties of Department related to substance abuse.

The Department shall have the following powers and duties related to substance abuse:

1. To act as the sole state agency for the planning, coordination, and evaluation of the comprehensive interagency state plan for substance abuse services.

2. To provide staff assistance to the ~~Substance Abuse Services~~ *Virginia Addiction Recovery* Council pursuant to § 2.2-2696.

3. To (i) develop, implement, and promote, in cooperation with federal, state, local, and other publicly-funded agencies, a comprehensive interagency state plan for substance abuse services, consistent with federal guidelines and regulations, for the long-range development of adequate and coordinated programs, services, and facilities for the research, prevention, and control of substance abuse and the treatment and rehabilitation of persons with substance abuse; (ii) review the plan annually; and (iii) make revisions in the plan that are necessary or desirable.

4. To develop, in cooperation with the Department of Corrections, Virginia Parole Board, Department of Juvenile Justice, Department of Criminal Justice Services, Commission on the Virginia Alcohol Safety Action Program, Office of the Executive Secretary of the Supreme Court of Virginia, Department of Education, Department of Health, Department of Social Services, and other appropriate agencies, a section of the comprehensive interagency state plan for substance abuse services that addresses the need for treatment programs for persons with substance abuse who are involved with these agencies.

5. To specify uniform methods for keeping statistical information for inclusion in the comprehensive interagency state plan for substance abuse services.

6. To provide technical assistance and consultation services to state and local agencies in planning, developing, and implementing services for persons with substance abuse.

7. To review and comment on all applications for state or federal funds or services to be used in substance abuse programs in accordance with § 37.2-311 and on all requests by state agencies for appropriations from the General Assembly for use in substance abuse programs.

8. To recommend to the Governor and the General Assembly legislation necessary to implement programs, services, and facilities for the prevention and control of substance abuse and the treatment and rehabilitation of persons with substance abuse.

9. To organize and foster training programs for all persons engaged in the treatment of substance abuse.

10. To identify, coordinate, mobilize, and use the research and public service resources of institutions of higher education, all levels of government, business, industry, and the community at large in the understanding and solution of problems relating to substance abuse.

11. To inspect substance abuse treatment programs at reasonable times and in a reasonable manner.

12. To maintain a current list of substance abuse treatment programs, which shall be made available upon request.