

HOUSE BILL NO. HB0059

Substance abuse control plan.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 AN ACT relating to an alcohol and other drug abuse control
2 plan; granting rulemaking authority for the department of
3 health to establish treatment and prevention standards;
4 including a drug free workplace as a requirement for a
5 safety program approved by the department of health;
6 authorizing a grants assistance pilot program; authorizing
7 review of juvenile programs in Wyoming; requiring a family
8 substance abuse assessment in specified criminal cases;
9 requiring various reports; creating an addicted offenders
10 accountability act; providing for sentencing of addicted
11 qualified offenders; allowing the use of minors in
12 detecting sales of alcohol to minors; requiring the court
13 to include sentencing provisions necessary to reasonably
14 protect the health of an offender; providing for the
15 deposit of funds into a drug court and treatment providers'
16 compensation account; authorizing a study of children of
17 incarcerated persons and reentry of incarcerated persons

1 into the community; providing appropriations; and providing
2 for effective dates.

3

4 *Be It Enacted by the Legislature of the State of Wyoming:*

5

6 **Section 1.** W.S. 7-13-1301 through 7-13-1304, 7-22-116,
7 9-2-2601 through 9-2-2607 and 12-6-103 are created to read:

8

9

ARTICLE 13

10

ADDICTED OFFENDER ACCOUNTABILITY

11

12 **7-13-1301. Definitions.**

13

14 (a) As used in W.S. 7-13-1301 through 7-13-1304:

15

16 (i) "Adequate treatment alternative" is a
17 community program certified under rules adopted by the
18 department of health for purposes of providing substance
19 abuse and other related services to criminal offenders. The
20 program shall provide the level of services required of the
21 offender being referred, be certified by the department of
22 health to treat the criminal justice population and shall
23 include protections, including psychological testing and
24 frequent chemical drug testing that can be reasonably

1 relied upon to protect the public safety and to hold the
2 offender accountable;

3

4 (ii) "Community facility or program" means a
5 community based or community-oriented facility or program
6 which is operated either by a unit of local government or
7 by a nongovernmental agency which provides substance abuse
8 treatment and other necessary programs, services and
9 monitoring to aid offenders in obtaining and holding
10 regular employment, in enrolling in and maintaining
11 academic courses or participating in vocational training
12 programs, in utilizing the resources of the community in
13 meeting their personal and family needs and in
14 participating in other specialized treatment programs
15 existing within the state. These services may be provided
16 directly or through referrals to other programs;

17

18 (iii) "Convicted" means an unvacated
19 determination of guilt by any court having legal
20 jurisdiction of the offense and from which no appeal is
21 pending and includes pleas of guilty and nolo contendere.
22 For purposes of W.S. 7-13-1302 only, "convicted" shall
23 include dispositions pursuant to W.S. 7-13-301,
24 7-13-302(a), 35-7-1037 or deferred prosecutions when

1 ordered. Otherwise, for purposes of this act, "convicted"
2 shall not include dispositions pursuant to W.S. 7-13-301,
3 7-13-302(a), 35-7-1037 or deferred prosecutions;

4
5 (iv) "Qualified offender" means a person
6 convicted of a felony whom the court finds has a need for
7 alcohol or other drug treatment. The payment amount
8 required of the offender shall be based on the ability of
9 the offender to pay as established on a sliding fee scale
10 pursuant to rules and regulations adopted by the department
11 of health and may, at the discretion of the court, be paid
12 through delayed or installment payments. In determining an
13 offender's ability to pay the court may consider present
14 circumstances as well as reasonable future potential;

15
16 (v) "Substance abuse assessment" means an
17 evaluation conducted by a qualified person using practices
18 and procedures approved by the department of health to
19 determine whether a person has a need for alcohol or other
20 drug treatment and the level of treatment services required
21 to treat that person;

22
23 (vi) "Violent felony" means murder,
24 manslaughter, kidnapping, sexual assault in the first or

1 second degree, robbery, aggravated assault, aircraft
2 hijacking, arson in the first or second degree or
3 aggravated burglary;

4

5 (vii) "This act" means W.S. 7-13-1301 through
6 7-13-1304.

7

8 (b) For purposes of this act "incarceration" or
9 "incarcerated" shall not include periods of confinement
10 allowed under the provisions of W.S. 7-13-1102 or
11 7-13-1107(b).

12

13 **7-13-1302. Substance abuse assessment required.**

14

15 All persons convicted of a felony shall receive, as a part
16 of a presentence report, a substance abuse assessment. The
17 cost of the substance abuse assessment shall be assessed to
18 and paid by the offender.

19

20 **7-13-1303. Suspended sentence for qualified**
21 **offenders.**

22

23 (a) Except as provided in subsection (c) of this
24 section, notwithstanding any other provision of law,

1 qualified offenders may be placed on probation under W.S.
2 7-13-301, receive a suspended sentence under W.S.
3 7-13-302(a) or placed on probation under W.S. 35-7-1037.
4 The sentence or probation order shall set forth the terms
5 of a treatment program based upon the substance abuse
6 assessment and any other terms and conditions as the court
7 may deem appropriate under the circumstances, and require
8 the offender to satisfactorily complete the treatment
9 program. The court shall include in the sentence or
10 probation order any provisions necessary to reasonably
11 protect the health of the offender.

12

13 (b) The treatment provider shall be required to
14 report to the court, the prosecuting attorney, probation
15 officer and counsel representing the offender not less than
16 once per month on the offender's progress in meeting the
17 requirements of the sentence and the program.

18

19 (c) A qualified offender or person sentenced under
20 this act may be incarcerated if the court concludes on the
21 basis of the evidence that:

22

23 (i) No adequate treatment alternative exists;

24

1 (ii) Under the facts of the case, the interests
2 of justice require a period of incarceration; provided
3 however, under the circumstances, a portion of the sentence
4 may be suspended under the conditions set forth in
5 subsection (a) of this section;

6

7 (iii) The offender refuses to agree to
8 participate in the court ordered treatment program or fails
9 to satisfactorily complete the court ordered treatment
10 program; or

11

12 (iv) The offender commits a felony, sells or
13 otherwise delivers controlled substances while in a program
14 pursuant to this section, or engages in other behavior that
15 poses an unreasonable risk to public safety while in the
16 program. Notwithstanding any other provision of law, in the
17 absence of the commission of these acts, those programs and
18 sanctions set forth in W.S. 7-13-1102 and 7-13-1107(b) may
19 be used at the discretion of the probation officer or court
20 to address other violations of the sentencing or probation
21 order.

22

23 (d) In the event probation is revoked, the court may
24 impose one (1) or more of the sanctions set forth in W.S.

1 7-13-1102 or 7-13-1107(b) unless the court, in its sole
2 discretion, finds that another disposition, including
3 imprisonment, is necessary under the facts of the case.

4

5 **7-13-1304. Rebuttable presumption in violent crime or**
6 **delivery of controlled substance cases.**

7

8 If a person has been convicted of a violent felony or
9 delivery or unlawful manufacture of a controlled substance
10 under W.S. 35-7-1031, there is a rebuttable presumption
11 that the person is not a "qualified offender" for purposes
12 of sentencing under this act. This presumption may be
13 rebutted by clear and convincing evidence that the person
14 who is an otherwise qualified offender convicted of a
15 violent felony could participate in a treatment program
16 without posing an unreasonable risk to the safety of the
17 public. As to persons convicted of manufacture or delivery
18 of a controlled substance, the presumption may be rebutted
19 by clear and convincing evidence that the person committed
20 the crime because of his own dependency.

21

22 **7-22-116. Applicability of act.**

23

1 The provisions of W.S. 7-22-101 through 7-22-115 do not
2 apply to a secure substance abuse treatment facility
3 created under W.S. 9-2-2604.

4

5

ARTICLE 26

6

SUBSTANCE ABUSE CONTROL PLAN

7

8

9-2-2601. Substance Abuse Control Plan.

9

10 (a) The legislature hereby finds that the state of
11 Wyoming has significant problems stemming from the abuse of
12 alcohol and other drugs. In order to confront this
13 challenge it is necessary to implement a comprehensive,
14 integrated plan. The report submitted by the department of
15 health as required by the provisions of W.S. 9-2-122
16 entitled "Reclaiming Wyoming: A Comprehensive Blueprint for
17 the Prevention, Early Intervention and Treatment of
18 Substance Abuse" is found to be a useful planning document
19 for state and local government entities, the judiciary,
20 private sector and business community, civic organizations
21 and the faith community. The legislature encourages the use
22 of this blueprint and its revisions as a basis for planning
23 and implementing prevention, early intervention and
24 treatment programs.

1

2 (b) The department of health shall, in consultation
3 with the department of education, department of family
4 services, department of workforce services and department
5 of corrections adopt rules and regulations establishing
6 standards for the effective treatment and prevention of
7 substance abuse. The rules shall be adopted by December 31,
8 2002, and shall include standards for providers, programs
9 and facilities, procedures for data collection and
10 analysis, protocols for testing and methods of effectively
11 measuring outcomes. The rules shall require the use of best
12 practices, establish the means for determining priorities
13 for treatment and prevention services, set standards for
14 managing wait lists of patients and establish standards for
15 cross training and continuing education of personnel. The
16 rules shall specify certification requirements for
17 programs, providers and facilities. The rules and
18 regulations establishing standards for treatment programs
19 in state correctional facilities and the secure facilities
20 authorized under W.S. 9-2-2604 shall be promulgated by the
21 department of corrections no later than December 31, 2002.
22 Rules and regulations establishing standards for those
23 programs reviewed pursuant to W.S. 9-2-2605 shall be
24 adopted no later than July 1, 2004.

1

2 (c) The department of health shall certify programs,
3 providers and facilities which meet the requirements of the
4 rules and regulations adopted under subsection (b) of this
5 section provided the department of corrections shall
6 certify programs in state correctional facilities and the
7 secure treatment facilities authorized pursuant to W.S.
8 9-2-2604. Beginning July 1, 2004, no state funds provided
9 for substance abuse treatment shall be allocated to
10 programs, providers or facilities which are not certified
11 by the department of health. Beginning July 1, 2004, courts
12 shall not refer individuals for substance abuse or related
13 treatment to programs, providers or facilities which are
14 not certified to provide those services for which the
15 individual is referred.

16

17 (d) The department of health shall have the authority
18 to contract with a private entity to conduct compliance
19 reviews, quality assurance checks and other related
20 services.

21

22 (e) The department of health may allow exceptions to
23 the requirements of rules adopted pursuant to subsection
24 (b) of this section relating to the use of best practices

1 to permit bonafide research to develop new effective
2 treatment, intervention and prevention.

3

4 **9-2-2602. Definitions.**

5

6 (a) As used in this act:

7

8 (i) "Best practices" means intentional methods,
9 procedures or systems that produce consistent, cost-
10 effective prevention or treatment outcomes, which have been
11 validated in replicated randomized control group studies or
12 high quality time series studies, published or reported in
13 reputable scholarly sources. In the absence of high quality
14 research studies, a practice or approach may be selected on
15 the basis of the consensus of prevailing scientific opinion
16 or theory-based procedures published in peer-reviewed
17 journals, until the best practices data are available;

18

19 (ii) "Cross training" means acquisition of
20 skills to implement or use prevention, intervention or
21 treatment procedures from different roles, disciplines or
22 perspectives with the intent of improving overall,
23 effective treatment or prevention outcomes. Cross training

1 does not include the acquisition of licensure in another
2 discipline;

3

4 (iii) "Patient" means any individual or client
5 for whom confidential medical or psychological records are
6 kept as a part of the provision of treatment or prevention
7 services;

8

9 (iv) "Programs and facilities" means coordinated
10 and planned activities or services that receive financial
11 consideration from any source including third party
12 payments or grants for the provision of treatment of
13 prevention services and scientifically related problems,
14 provided however, the term does not include public
15 workshops, public speeches, courses or workshops not
16 holding themselves out as intending to provide therapeutic
17 services;

18

19 (v) "Provider" means any individual,
20 partnership, corporation or organization that receives
21 financial consideration from any source including third
22 party payments or grants for the purpose of treatment or
23 prevention services targeting substance abuse or other

1 scientifically related problems such as delinquency, school
2 failure, mental illness or criminal behavior;

3

4 (vi) "Therapeutic community" means a
5 comprehensive, research based method of substance abuse and
6 cognitive behavioral treatment, effectively preparing the
7 client for reentry into society;

8

9 (vii) "This act" means W.S. 9-2-2601 through
10 9-2-2607.

11

12 **9-2-2603. Grants assistance pilot program.**

13

14 (a) The department of health is authorized to
15 contract with a private entity which possesses expertise
16 regarding the preparation of applications for grants for
17 programs designed to control substance abuse. The entity
18 shall assist state and local entities in applying for
19 grants for such programs.

20

21 (b) The department of health shall promulgate rules
22 and regulations necessary for the effective implementation
23 of this section as specified by W.S. 9-2-2601. The rules
24 shall assure that grants sought are used to develop

1 research based programs consistent with the state substance
2 abuse plan as set forth in "Reclaiming Wyoming: A
3 Comprehensive Blueprint for Prevention, Early Intervention
4 and Treatment of Substance Abuse" published by the
5 substance abuse division of the department of health and
6 submitted to the joint labor, health and social services
7 interim committee on October 1, 2001, and its revisions.

8

9 (c) This section is repealed effective July 1, 2004.

10

11 **9-2-2604. Secure substance abuse treatment.**

12

13 (a) The department of corrections is authorized to
14 contract with a private entity for the provision of secure
15 substance abuse treatment in Wyoming for persons in the
16 custody of the department of corrections subject to the
17 following:

18

19 (i) The entity providing the treatment and the
20 facility where it is provided shall be selected in a
21 competitive process following a request for proposals
22 issued by the department of corrections. The proposal
23 selected shall best serve the interests of the state of

1 Wyoming and shall be evaluated by the department of
2 corrections on the basis of:

3

4 (A) Cost determined by the per diem cost to
5 the state for inmates treated plus other costs incurred by
6 the state;

7

8 (B) The quality and appropriateness of the
9 treatment proposed to be provided including the extent to
10 which an effective therapeutic community will be formed
11 within the facility;

12

13 (C) The relevant experience of the entity
14 providing the treatment;

15

16 (D) The security of the facility;

17

18 (E) The location of the proposed facility
19 and the compliance of the location with local zoning and
20 land use planning;

21

22 (F) The speed with which the proposed
23 facility can be made available for use;

24

1 (G) Arrangements for transporting prisoners
2 to and from the facility; and

3

4 (H) Any other factors the department of
5 corrections deems relevant as determined by rules adopted
6 by the department of corrections.

7

8 (ii) The contract shall be for a period
9 specified in the contract which shall not exceed ten (10)
10 years;

11

12 (iii) The contract shall state that the
13 department of corrections may terminate the contract due
14 to:

15

16 (A) Unsatisfactory performance by the
17 entity;

18

19 (B) For breach of contract; or

20

21 (C) Failure of the department of
22 corrections to receive an adequate appropriation.

23

1 (iv) After an initial period specified in the
2 contract the entity may terminate the contract for failure
3 to receive an adequate reimbursement for the services
4 provided. The contract shall contain a mechanism for
5 negotiating an increase in reimbursement due to inflation
6 in costs or changes in programming, but the increase shall
7 be subject to the availability of appropriations;

8

9 (v) The contract shall provide that the entity
10 has the right to return to the department of corrections at
11 an institution identified by the department any inmate who:

12

13 (A) Poses an undue danger to other inmates
14 or the staff;

15

16 (B) Fails to obey the rules of the program;

17 or

18

19 (C) Is unwilling or unable to participate
20 in the treatment program or does not make a good faith
21 effort to progress in the treatment program.

22

23 (b) The initial facility shall be for one hundred
24 (100) beds to be contracted by the state of Wyoming. The

1 facility may, with the consent of the department of
2 corrections, have other beds for inmates from other
3 governmental jurisdictions.

4

5 (c) The department of corrections may subsequently
6 make a long term contract for additional treatment beds at
7 the initial or additional facilities provided the
8 additional treatment beds are specifically authorized in an
9 enacted general appropriations bill. The department of
10 corrections may enter into contracts of less than two (2)
11 years for additional beds within a facility.

12

13 (d) Unless delayed for good cause, the department of
14 corrections shall issue the request for proposal authorized
15 by subsection (a) of this section within ninety (90) days
16 of the effective date of this act and shall seek to have a
17 facility in place in operation during the fiscal year
18 commencing July 1, 2003.

19

20 (e) The department of corrections may assign any
21 inmate in its custody to a secure treatment facility up to
22 the capacity provided by the contract. Assignment to the
23 facility is at the discretion of the department of
24 corrections and is not the right of any inmate.

1

2 (f) The provisions of W.S 7-22-101 through 7-22-115
3 do not apply to a secure substance abuse treatment facility
4 created under this section.

5

6 **9-2-2605. Review of adolescent treatment programs.**

7

8 The department of health shall contract with an independent
9 entity specializing in the evaluation of adolescent drug
10 and alcohol treatment programs. The independent entity
11 shall perform a review of the present status of programs
12 available at adolescent residential facilities to which the
13 state of Wyoming refers children. The review shall focus on
14 the effectiveness of existing programs, and shall make
15 recommendations to improve or replace those programs. The
16 report shall be completed and presented to the joint labor,
17 health and social services interim committee prior to
18 September 1, 2003.

19

20 **9-2-2606. Annual report required.**

21

22 The substance abuse division of the department of health
23 shall, in conjunction with the department of education,
24 department of workforce services, department of family

1 services and department of corrections jointly prepare an
2 annual report regarding the effectiveness of achieving the
3 goals and directives of the substance abuse control plan
4 under W.S. 9-2-122 and as set forth in "Reclaiming Wyoming:
5 A Comprehensive Blueprint for Prevention, Early
6 Intervention and Treatment of Substance Abuse" and its
7 revisions. The report shall be submitted to the joint
8 labor, health and social services interim committee on or
9 before October 1 of each year.

10

11 **9-2-2607. Authorized studies.**

12

13 (a) The department of health, department of
14 education, department of family services, department of
15 workforce services and department of corrections shall
16 jointly conduct a study of children of incarcerated persons
17 and a study of offenders who reenter the community. The
18 studies shall consider the following:

19

20 (i) Appropriate interventions to identify
21 children whose parent or caretaker is incarcerated, common
22 risk factors and recommendations for appropriate responses;

23

1 (ii) Integrating services to provide
2 educational, employment, substance abuse, mental health,
3 medical, housing and other services for purposes of
4 assisting in the reentry of incarcerated persons into the
5 community.

6
7 (b) The agencies shall jointly report annually on or
8 before July 1 of each year following the effective date of
9 this section to the joint labor, health and social services
10 interim committee on the status of studies authorized by
11 this section. The studies shall be completed and submitted
12 to the joint labor, health and social services interim
13 committee no later than July 1, 2005.

14

15 **12-6-103. Compliance.**

16

17 (a) The department of health, working with local law
18 enforcement agencies and other local individuals and
19 organizations shall be the lead agency in the
20 administration of this article. Nothing contained in this
21 section shall be construed to limit or otherwise alter the
22 authority granted to the department of revenue under any
23 other provision of title 12.

24

1 (b) The department of health shall develop strategies
2 to coordinate and support local law enforcement efforts in
3 the enforcement of all state statutes relating to the
4 prohibition of the sale of alcohol products to minors.

5

6 (c) The department of health shall have discretion to
7 work with local agencies and individuals in the
8 coordination of local education, prevention and enforcement
9 efforts that appropriately reflect the needs of the
10 community.

11

12 (d) For purposes of this section, the term
13 "compliance check" shall mean an inspection conducted
14 pursuant to the provisions of this section for purposes of
15 education or enforcement of laws prohibiting the sale of
16 alcohol to minors. The use of persons age eighteen (18) to
17 twenty-one (21) during compliance checks is authorized
18 subject to the following:

19

20 (i) A person participating in a compliance check
21 shall, if questioned, state his true age and that he is
22 less than twenty-one (21) years of age;

23

1 (ii) The person's appearance shall not be
2 altered to make him appear to be twenty-one (21) years of
3 age or older;

4
5 (iii) Neither a person age eighteen (18) to
6 twenty-one (21) nor his parents or guardians shall be
7 coerced into participating in such inspections;

8
9 (iv) In the event that a citation may result the
10 person conducting the compliance check shall photograph the
11 participant immediately before the compliance check and any
12 photographs taken of the participant shall be retained by
13 the person conducting the compliance check;

14
15 (v) Any participant or adult aiding a
16 participant in a compliance check under this section shall
17 be granted immunity from prosecution under W.S. 12-6-101
18 and 12-5-203.

19
20 (e) The person conducting a compliance check under
21 this section shall:

22
23 (i) Remain within sight or sound of the
24 participant attempting to make the purchase;

1

2 (ii) Immediately inform in writing a
3 representative or agent of the business establishment that
4 a compliance check has been performed and the results of
5 the compliance check;

6

7 (iii) If the compliance check may result in a
8 citation, within two (2) days, prepare a report of the
9 compliance check containing:

10

11 (A) The name of the person who supervised
12 the compliance check;

13

14 (B) The age and date of birth of the
15 participant who assisted in the compliance check;

16

17 (C) The name and position of the person
18 from whom the participant attempted to purchase alcoholic
19 beverages;

20

21 (D) The name and address of the
22 establishment checked;

23

1 (E) The date and time of the compliance
2 check; and

3

4 (F) The results of the compliance check,
5 including whether the compliance check resulted in the sale
6 or distribution of, or offering for sale, alcoholic
7 beverages to the minor.

8

9 (iv) Immediately upon completion of the report
10 required under this subsection, provide a copy of the
11 report to a representative or agent of the business
12 establishment that was checked;

13

14 (v) Request a law enforcement officer to issue a
15 citation for any illegal acts relating to providing
16 alcoholic beverages to minors during the compliance check.

17

18 **Section 2.** W.S. 5-10-102 by creating a new subsection
19 (d), 14-6-219(a), 14-6-402(a) by creating a new paragraph
20 (xxii), 14-6-419(a), 27-14-201(o) by creating a new
21 paragraph (v) and 33-1-115 by creating a new subsection (g)
22 are amended to read:

23

1 **5-10-102. Establishment of drug court system; drug**
2 **court account.**

3

4 (d) In addition to those funds appropriated to the
5 account under subsection (a) of this section the department
6 may accept, and shall deposit to the account, any gifts,
7 contributions, donations, grants or federal funds
8 specifically given to the department for the benefit of the
9 drug courts or treatment providers in Wyoming.

10

11 **14-6-219. Physical and mental examinations;**
12 **involuntary commitment of incompetents; subsequent**
13 **proceedings.**

14

15 (a) Any time after the filing of a petition, on
16 motion of the district attorney or the child's parents,
17 guardian, custodian or attorney or on motion of the court,
18 the court may order the child to be examined by a licensed
19 and qualified physician, surgeon, psychiatrist or
20 psychologist designated by the court to aid in determining
21 the physical and mental condition of the child. The
22 examination shall be conducted on an outpatient basis, but
23 the court may commit the child to a suitable medical
24 facility or institution for examination if deemed

1 necessary. Commitment for examination shall not exceed
2 fifteen (15) days. Any time after the filing of a petition,
3 the court on its own motion or motion of the district
4 attorney or the child's parents, guardian, custodian or
5 attorney, may order the child's parents, guardians or other
6 custodial members of the child's family to undergo a
7 substance abuse assessment at the expense of the child's
8 parents, guardians or other custodial members of the
9 child's family and to fully comply with all findings and
10 recommendations set forth in the assessment. Failure to
11 comply may result in contempt proceedings as set forth in
12 W.S. 14-6-242.

13

14 **14-6-402. Definitions.**

15

16 (a) As used in this act:

17

18 (xxii) "Substance abuse assessment" means an
19 evaluation conducted by a qualified person using practices
20 and procedures approved by the department of health to
21 determine whether a person has a need for alcohol or other
22 drug treatment and the level of treatment services required
23 to treat that person.

24

1 **14-6-419. Physical and mental examinations.**

2

3 (a) Any time after the filing of a petition, on
4 motion of the district attorney or the child's parents,
5 guardian, custodian or attorney or on motion of the court,
6 the court may order the child to be examined by a licensed
7 and qualified physician, surgeon, psychiatrist,
8 psychologist or licensed mental health professional
9 designated by the court to aid in determining the physical
10 and mental condition of the child. The examination shall be
11 conducted on an outpatient basis, but the court may commit
12 the child to a suitable medical facility or institution for
13 examination if deemed necessary. Commitment for examination
14 shall not exceed fifteen (15) days. Any time after the
15 filing of a petition, the court on its own motion or on
16 motion of the district attorney or the child's parents,
17 guardian, custodian or attorney, may order the child's
18 parents, guardians or other custodial members of the
19 child's family to undergo a substance abuse assessment at
20 the expense of the child's parents, guardians or other
21 custodial members of the child's family and to fully comply
22 with all findings and recommendations set forth in the
23 assessment. Failure to comply may result in contempt
24 proceedings as set forth in W.S. 14-6-438.

1

2

27-14-201. Rates and classifications; rate surcharge.

3

4

(o) The division may in accordance with its rules and regulations, grant a discount to rates established under this section in an amount not to exceed ten percent (10%) of the base rate for the employment classification of any employer if the employer complies with a safety program approved by the division. In determining safety program approval and the total discount granted under this subsection, the division shall consider:

12

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23

(v) Whether the employer adopts and enforces policies establishing a drug-free workplace which may include an employee assistance program to assist employees with alcohol or other drug problems. The division shall follow rules adopted by the department of employment in consultation with the department of health for the effective implementation of this paragraph. Rules adopted pursuant to this paragraph shall not impose on any employer the requirement to pay the costs of treatment or any other intervention. Employers enrolled in a safety discount program under this paragraph shall have one (1) year from

1 the effective date of those rules within which to come into
2 compliance.

3
4 **33-1-115. Professional assistance programs for health**
5 **care providers and others as specified; confidentiality of**
6 **records.**

7
8 (g) The department of health shall provide assistance
9 to any licensure board that desires to establish
10 professional assistance programs as defined under this
11 section.

12
13 **Section 3.**

14
15 (a) There is appropriated from the general fund for
16 the biennium beginning July 1, 2002:

17
18 (i) Eighteen million two hundred forty-three
19 thousand three hundred sixty-nine dollars (\$18,243,369.00)
20 to the department of health, substance abuse division, to
21 implement its responsibilities created by this act;

22
23 (ii) One million seven hundred seventy-four
24 thousand one hundred ninety dollars (\$1,774,190.00) to the

1 department of corrections to implement its responsibilities
2 created by this act;

3

4 (iii) Four million nine hundred seventy-seven
5 thousand five hundred twenty-five dollars (\$4,977,525.00)
6 to the department of family services to implement its
7 responsibilities created by this act.

8

9 **Section 4.**

10

11 (a) Except as provided by subsection (b) of this
12 section, this act is effective immediately upon completion
13 of all acts necessary for a bill to become law as provided
14 by Article 4, Section 8 of the Wyoming Constitution.

15

16 (b) W.S. 7-13-1301 through 7-13-1304 are effective
17 July 1, 2003, and shall apply to crimes committed on or
18 after July 1, 2003.

19

20 (END)