

## 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 a pregnant offender; providing for  
15 the deposit of funds into a drug court and treatment  
16 providers' compensation account; authorizing the department  
17 of workforce services to conduct tests for the receipt of

1 benefits; authorizing a study of children of incarcerated  
2 persons and reentry of incarcerated persons into the  
3 community; and providing for effective dates.

4

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

6

7 **Section 1.** W.S. 7-13-1301 through 7-13-1304, 7-22-116,  
8 9-2-2601 through 9-2-2605 and 12-6-103 are created to read:

9

10

#### ARTICLE 13

11

#### ADDICTED OFFENDER ACCOUNTABILITY

12

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

14

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

16

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

1 frequent chemical drug testing that can be reasonably  
2 relied upon to protect the public safety and to hold the  
3 offender accountable;

4

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

18

19 (iii) "Convicted" means an unvacated  
20 determination of guilt by any court having legal  
21 jurisdiction of the offense and from which no appeal is  
22 pending. Pleas of guilty and nolo contender shall be deemed  
23 convictions for the purposes of this act;

24

1           (iv) "Qualified offender" means a person whose  
2 substance abuse assessment demonstrates he has a need for  
3 alcohol or other drug treatment and has the ability to  
4 contribute financially to the cost of his own treatment.  
5 The payment amount shall be based on the ability of the  
6 offender to pay as established on a sliding fee scale  
7 pursuant to rules and regulations adopted by the department  
8 of health and may, at the discretion of the court, be paid  
9 through delayed or installment payments. In determining an  
10 offender's ability to pay the court may consider present  
11 circumstances as well as reasonable future potential;

12

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

19

20           (vi) "Violent felony" means murder,  
21 manslaughter, kidnapping, sexual assault in the first or  
22 second degree, robbery, aggravated assault, aircraft  
23 hijacking, arson in the first or second degree or  
24 aggravated burglary;

1

2 (vii) "This act" means W.S. 7-13-1301 through  
3 7-13-1304.

4

5 **7-13-1302. Substance abuse assessment required.**

6

7 All persons convicted of a felony shall receive, as a part  
8 of a presentence report, a substance abuse assessment. The  
9 cost of the substance abuse assessment shall be assessed to  
10 the offender.

11

12 **7-13-1303. Suspended sentence for qualified**  
13 **offenders.**

14

15 (a) Except as provided in paragraph (b) of this  
16 section, notwithstanding any other provision of law,  
17 qualified offenders may be placed on probation under W.S.  
18 7-13-301, receive a suspended sentence under W.S.  
19 7-13-302(a) or placed on probation under W.S. 35-7-1037.  
20 The sentence shall require the offender to satisfactorily  
21 complete the treatment program, and may include other terms  
22 and conditions as the court may deem appropriate under the  
23 circumstances. If an offender sentenced under this act is  
24 pregnant, the court shall include in the sentence any

1 provisions necessary to reasonably protect the health of  
2 the offender.

3

4 (b) The treatment provider shall be required to  
5 report to the court not less than once per month on the  
6 offender's progress in meeting the requirements of the  
7 sentence and the program.

8

9 (c) A qualified offender may be incarcerated only if  
10 the court concludes on the basis of the evidence that:

11

12 (i) No adequate treatment alternative exists;

13

14 (ii) Under the facts of the case, the interests  
15 of justice require a period of incarceration; provided  
16 however, under the circumstances, a portion of the sentence  
17 may be suspended under the conditions set forth in  
18 subsection (a) of this section;

19

20 (iii) The offender refuses to agree to  
21 participate in the treatment program or fails to  
22 satisfactorily complete the program; or

23

1           (iv) The offender commits a felony, sells or  
2 otherwise delivers controlled substances while in a program  
3 pursuant to this section, or engages in other behavior that  
4 poses an unreasonable risk to public safety while in the  
5 program. Notwithstanding any other provision of law, in the  
6 absence of the commission of these acts, probation under  
7 this section shall not be revoked, provided however, the  
8 court and the program may use those programs and sanctions  
9 set forth in W.S. 7-13-1102 and 7-13-1107(b).

10  
11           **7-13-1304. Rebuttable presumption in violent crime or**  
12 **delivery of controlled substance cases.**

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

1 by clear and convincing evidence that the person committed  
2 the crime because of his own dependency.

3

4 **7-22-116. Applicability of act.**

5

6 The provisions of W.S. 7-22-101 through 7-22-115 do not  
7 apply to a secure substance abuse treatment facility  
8 created under W.S. 9-2-2603.

9

10

ARTICLE 26

11

SUBSTANCE ABUSE CONTROL PLAN

12

13 **9-2-2601. Substance Abuse Control Plan.**

14

15 (a) The legislature hereby finds that the state of  
16 Wyoming has significant problems stemming from the abuse of  
17 alcohol and other drugs. In order to confront this  
18 challenge it is necessary to implement a comprehensive,  
19 integrated plan. The report submitted by the department of  
20 health as required by the provisions of W.S. 9-2-122  
21 entitled "Reclaiming Wyoming: A Comprehensive Blueprint for  
22 the Prevention, Early Intervention and Treatment of  
23 Substance Abuse" is found to be a useful planning document  
24 for state and local government entities, the judiciary,



1 private sector and business community, civic organizations  
2 and the faith community. The legislature encourages the use  
3 of this blueprint as a basis for planning and implementing  
4 prevention, early intervention and treatment programs.

5

6 (b) The department of health shall, in consultation  
7 with the department of education, department of family  
8 services, department of workforce services and department  
9 of corrections adopt rules and regulations establishing  
10 standards for the effective treatment and prevention of  
11 substance abuse. The rules shall be adopted by December 31,  
12 2002, and shall include standards for providers, programs  
13 and facilities, procedures for data collection and  
14 analysis, protocols for testing and methods of effectively  
15 measuring outcomes. The rules shall require the use of best  
16 practices, establish the means for determining priorities  
17 for treatment and prevention services, set standards for  
18 managing wait lists of patients and establish standards for  
19 cross training and continuing education of personnel. The  
20 rules shall specify certification requirements for  
21 programs, individual providers and facilities. The rules  
22 and regulations establishing standards for treatment  
23 programs in state correctional facilities and the secure  
24 facilities authorized under W.S. 9-2-2603 shall be

1 promulgated by the department of corrections no later than  
2 December 31, 2002. Rules and regulations establishing  
3 standards for those programs reviewed pursuant to W.S.  
4 9-2-2603 shall be adopted no later than July 1, 2004.

5  
6 (c) The department of health shall certify programs,  
7 individual providers and facilities which meet the  
8 requirements of the rules and regulations adopted under  
9 subsection (b) of this section provided the department of  
10 corrections shall certify programs in state correctional  
11 facilities and the secure treatment facilities authorized  
12 pursuant to W.S. 9-2-2603. Beginning July 1, 2004, no state  
13 funds provided for substance abuse treatment shall be  
14 allocated to programs, individual providers or facilities  
15 which are not certified by the department of health.  
16 Beginning July 1, 2004, courts shall not refer individuals  
17 for substance abuse or related treatment to programs,  
18 individual providers or facilities which are not certified  
19 to provide those services for which the individual is  
20 referred.

21

22 (d) The department of health shall have the authority  
23 to contract with a private entity to conduct compliance

1 reviews, quality assurance checks and other related  
2 services.

3

4 (e) The department of health may allow exceptions to  
5 the requirements of rules adopted pursuant to subsection  
6 (b) of this section relating to the use of best practices  
7 to permit bonafide research to develop new effective  
8 treatment, intervention and prevention.

9

10 **9-2-2602. Definitions.**

11

12 (a) As used in this act:

13

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

24

1           (ii) "Cross training" means acquisition of  
2 skills to implement or use prevention, intervention or  
3 treatment procedures from different roles, disciplines or  
4 perspectives with the intent of improving overall,  
5 effective treatment or prevention outcomes. Cross training  
6 does not include the acquisition of licensure in another  
7 discipline;

8

9           (iii) "Patient" means any individual or client  
10 for whom confidential medical or psychological records are  
11 kept as a part of the provision of treatment or prevention  
12 services;

13

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

23

1           (v) "Provider" means any individual,  
2 partnership, corporation or organization that receives  
3 financial consideration from any source including third  
4 party payments or grants for the purpose of treatment or  
5 prevention services targeting substance abuse or other  
6 scientifically related problems such as delinquency, school  
7 failure, mental illness or criminal behavior;

8  
9           (vi) "Therapeutic community" means a  
10 comprehensive, research based method of substance abuse and  
11 cognitive behavioral treatment, effectively preparing the  
12 client for reentry into society;

13  
14           (vii) "This act" means W.S 9-2-2601 through  
15 9-2-2606.

16  
17           **9-2-2603. Grants assistance pilot program.**

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

1

2 (b) The department of health shall promulgate rules  
3 and regulations necessary for the effective implementation  
4 of this section as specified by W.S. 9-2-2601. The rules  
5 shall assure that grants sought are used to develop  
6 research based programs consistent with the state substance  
7 abuse plan as set forth in "Reclaiming Wyoming: A  
8 Comprehensive Blueprint for Prevention, Early Intervention  
9 and Treatment of Substance Abuse" published by the  
10 substance abuse division of the department of health and  
11 submitted to the joint labor, health and social services  
12 interim committee on October 1, 2001.

13

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

15

16 **9-2-2604. Secure substance abuse treatment.**

17

18 (a) The department of corrections is authorized to  
19 contract with a private entity for the provision of secure  
20 substance abuse treatment in Wyoming for persons in the  
21 custody of the department of corrections subject to the  
22 following:

23

1           (i) The entity providing the treatment and the  
2 facility where it is provided shall be selected in a  
3 competitive process following a request for proposals  
4 issued by the department of corrections. The proposal  
5 selected shall best serve the interests of the state of  
6 Wyoming and shall be evaluated by the department of  
7 corrections on the basis of:

8

9           (A) Cost determined by the per diem cost to  
10 the state for inmates treated plus other costs incurred by  
11 the state;

12

13           (B) The quality and appropriateness of the  
14 treatment proposed to be provided including the extent to  
15 which an effective therapeutic community will be formed  
16 within the facility;

17

18           (C) The relevant experience of the entity  
19 providing the treatment;

20

21           (D) The security of the facility;

22

1                   (E) The location of the proposed facility  
2 and the compliance of the location with local zoning and  
3 land use planning;

4  
5                   (F) The speed with which the proposed  
6 facility can be made available for use;

7  
8                   (G) Arrangements for transporting prisoners  
9 to and from the facility; and

10  
11                   (H) Any other factors the department of  
12 corrections deems relevant as determined by rules adopted  
13 by the department of corrections.

14  
15                   (ii) The contract shall be for a period  
16 specified in the contract which shall not exceed ten (10)  
17 years;

18  
19                   (iii) The contract shall state that the  
20 department of corrections may terminate the contract due  
21 to:

22  
23                   (A) Unsatisfactory performance by the  
24 entity;



1

2

(B) For breach of contract; or

3

4

5

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

6

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

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

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

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

1                   (C) Is unwilling or unable to participate  
2 in the treatment program or does not make a good faith  
3 effort to progress in the treatment program.

4  
5           (b) The initial facility shall be for one hundred  
6 (100) beds to be contracted by the state of Wyoming. The  
7 facility may, with the consent of the department of  
8 corrections, have other beds for inmates from other  
9 governmental jurisdictions.

10

11           (c) The department of corrections may subsequently  
12 make a long term contract for additional treatment beds at  
13 the initial or an additional facility provided the  
14 additional treatment beds are specifically authorized in an  
15 enacted general appropriations bill. The department of  
16 corrections may enter into contracts of less than two (2)  
17 years for additional beds within a facility.

18

19           (d) Unless delayed for good cause, the department of  
20 corrections shall issue the request for proposal authorized  
21 by subsection (a) of this section within ninety (90) days  
22 of the effective date of this act and shall seek to have a  
23 facility in place in operation during the fiscal year  
24 commencing July 1, 2003.

1

2 (e) The department of corrections may assign any  
3 inmate in its custody to a secure treatment facility up to  
4 the capacity provided by the contract. Assignment to the  
5 facility is at the discretion of the department of  
6 corrections and is not the right of any inmate.

7

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

11

12 **9-2-2604. Review of adolescent treatment programs.**

13

14 The department of health shall contract with an independent  
15 entity specializing in the evaluation of adolescent drug  
16 and alcohol treatment programs. The independent entity  
17 shall perform a review of the present status of programs  
18 available at adolescent residential facilities to which the  
19 state of Wyoming refers children. The review shall focus on  
20 the effectiveness of existing programs, and shall make  
21 recommendations to improve those programs. The report shall  
22 be completed and presented to the joint labor, health and  
23 social services interim committee prior to September 1,  
24 2003.

1

2           **9-2-2605. Annual report required.**

3

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

16

17           **9-2-2606. Authorized studies.**

18

19           (a) The department of health, department of  
20 education, department of family services, department of  
21 workforce services and department of corrections shall  
22 jointly conduct a study of children of incarcerated persons  
23 and a study of offenders who reenter the community. The  
24 studies shall consider the following:

1

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

5

6 (ii) Integrating services to provide  
7 educational, employment, substance abuse, mental health,  
8 medical, housing and other services for purposes of  
9 assisting in the reentry of incarcerated persons into the  
10 community.

11

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

19

20 **12-6-103. Compliance.**

21

22 (a) The department of health, working with local law  
23 enforcement agencies and other local individuals and  
24 organizations shall be the lead administrator to ensure

1 compliance with this article. Nothing contained in this  
2 section shall be construed to limit or otherwise alter the  
3 authority granted to the department of revenue under any  
4 other provision of title 12.

5

6 (b) The department of health shall develop strategies  
7 to coordinate and support local law enforcement efforts to  
8 enforce all state statutes relating to the prohibition of  
9 the sale of alcohol products to minors.

10

11 (c) The department of health shall have discretion  
12 to:

13

14 (i) Work with each local agency and individual;  
15 and

16

17 (ii) Coordinate local education, prevention and  
18 enforcement efforts that appropriately reflect the needs of  
19 the community.

20

21 (d) To coordinate the enforcement of state statutes  
22 relating to the prohibition of the sale of alcohol products  
23 to minors, the department of health shall have authority to  
24 contract with or provide grants to local law enforcement

1 agencies to conduct random, unannounced compliance checks  
2 of retail liquor license locations where alcoholic  
3 beverages are sold. For purposes of this section, the term  
4 "compliance check" shall mean an inspection conducted  
5 pursuant to the provision of this section for purposes of  
6 education or enforcement of laws prohibiting the sale of  
7 alcohol to minors. The use of persons age eighteen (18) to  
8 twenty-one (21) during compliance checks is authorized  
9 subject to the following:

10

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

14

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

18

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

22

23 (iv) In the event that a citation may result the  
24 person conducting the compliance check shall photograph the

1 participant immediately before the compliance check and any  
2 photographs taken of the participant shall be retained by  
3 the person conducting the compliance check;

4

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

9

10 (e) The person conducting a compliance check under  
11 this section shall:

12

13 (i) Remain within sight or sound of the  
14 participant attempting to make the purchase;

15

16 (ii) Immediately inform in writing a  
17 representative or agent of the business establishment that  
18 a compliance check has been performed and the results of  
19 the compliance check;

20

21 (iii) If the compliance check may result in a  
22 citation, within two (2) days, prepare a report of the  
23 compliance check containing:

24



1 (A) The name of the person who supervised  
2 the compliance check;

3

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

6

7 (C) The name and position of the person  
8 from whom the participant attempted to purchase alcoholic  
9 beverages;

10

11 (D) The name and address of the  
12 establishment checked;

13

14 (E) The date and time of the compliance  
15 check; and

16

17 (F) The results of the compliance check,  
18 including whether the compliance check resulted in the sale  
19 or distribution of, or offering for sale, alcoholic  
20 beverages to the minor.

21

22 (iv) Immediately upon completion of the report  
23 required under this subsection, provide a copy of the

1 report to a representative or agent of the business  
2 establishment that was checked;

3

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

7

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

13

14 **5-10-102. Establishment of drug court system; drug**  
15 **court account.**

16

17 (d) In addition to those funds appropriated to the  
18 account under subsection (a) of this section the department  
19 may accept, and shall deposit to the account, any gifts,  
20 contributions, donations, grants or federal funds  
21 specifically given to the department for the benefit of the  
22 drug courts or treatment providers in Wyoming.

23

1           **14-6-219. Physical and mental examinations;**  
2 **involuntary commitment of incompetents; subsequent**  
3 **proceedings.**

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

24

1           **14-6-402. Definitions.**

2

3           (a) As used in this act:

4

5                   (xxii) "Substance abuse assessment" means an  
6 evaluation conducted by a qualified person using practices  
7 and procedures approved by the department of health to  
8 determine whether a person has a need for alcohol or other  
9 drug treatment and the level of treatment services required  
10 to treat that person.

11

12           **14-6-419. Physical and mental examinations.**

13

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

1 shall not exceed fifteen (15) days. Any time after the  
2 filing of a petition, the court on its own motion or on  
3 motion of the district attorney or the child's parents,  
4 guardian, custodian or attorney, may order the child's  
5 parents, guardians or other custodial members of the  
6 child's family to undergo a substance abuse assessment. At  
7 the expense of the child's parents, guardians or other  
8 custodial members of the child's family.

9  
10 **27-14-201. Rates and classifications; rate surcharge.**

11  
12 (o) The division may in accordance with its rules and  
13 regulations, grant a discount to rates established under  
14 this section in an amount not to exceed ten percent (10%)  
15 of the base rate for the employment classification of any  
16 employer if the employer complies with a safety program  
17 approved by the division. In determining safety program  
18 approval and the total discount granted under this  
19 subsection, the division shall consider:

20  
21 (v) Whether the employer adopts and enforces  
22 policies establishing a drug-free workplace which may  
23 include an employee assistance program to assist employees  
24 with alcohol or other drug problems. The division shall

1 follow rules adopted by the department of employment in  
2 consultation with the department of health for the  
3 effective implementation of this paragraph. Rules adopted  
4 pursuant to this paragraph shall not impose on any employer  
5 the requirement to pay the costs of treatment or any other  
6 intervention. Employers enrolled in a safety discount  
7 program under this paragraph shall have one (1) year from  
8 the effective date of those rules within which to come into  
9 compliance.

10  
11 **33-1-115. Professional assistance programs for health**  
12 **care providers and others as specified; confidentiality of**  
13 **records.**

14  
15 (g) The department of health shall provide assistance  
16 to any licensure board that desires to establish  
17 professional assistance programs as defined under this  
18 section.

19  
20 **Section 3.**

21  
22 (a) Except as provided by subsection (b) of this  
23 section, this act is effective immediately upon completion

1 of all acts necessary for a bill to become law as provided  
2 by Article 4, Section 8 of the Wyoming Constitution.

3

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

7

8 (END)