

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; amending
2 revenue streams and uses of funds received under the master
3 settlement agreement regarding litigation between several
4 states and major tobacco manufacturers; authorizing
5 positions; and providing for effective dates.

6
7 *Be It Enacted by the Legislature of the State of Wyoming:*

8
9 **Section 1.** W.S. 7-13-1301 through 7-13-1304, 7-22-116,
10 9-2-2601 through 9-2-2607 and 12-6-103 are created to read:

11
12 ARTICLE 13

13 ADDICTED OFFENDER ACCOUNTABILITY

14
15 **7-13-1301. Definitions.**

16
17 (a) As used in W.S. 7-13-1301 through 7-13-1304:

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

1 health to treat the criminal justice population and shall
2 include protections, including psychological testing and
3 frequent chemical drug testing that can be reasonably
4 relied upon to protect the public safety and to hold the
5 offender accountable;

6

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

20

21 (iii) "Convicted" means an unvacated
22 determination of guilt by any court having legal
23 jurisdiction of the offense and from which no appeal is
24 pending and includes pleas of guilty and nolo contendere.

1 For purposes of W.S. 7-13-1302 only, "convicted" shall
2 include dispositions pursuant to W.S. 7-13-301,
3 7-13-302(a), 35-7-1037 or deferred prosecutions when
4 ordered. Otherwise, for purposes of this act, "convicted"
5 shall not include dispositions pursuant to W.S. 7-13-301,
6 7-13-302(a), 35-7-1037 or deferred prosecutions;

7

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

19

20 (v) "Substance abuse assessment" means an
21 evaluation conducted by a qualified person using practices
22 and procedures approved by the department of health to
23 determine whether a person has a need for alcohol or other

1 drug treatment and the level of treatment services required
2 to treat that person;

3

4 (vi) "Violent felony" means murder,
5 manslaughter, kidnapping, sexual assault in the first or
6 second degree, robbery, aggravated assault, aircraft
7 hijacking, arson in the first or second degree or
8 aggravated burglary;

9

10 (vii) "This act" means W.S. 7-13-1301 through
11 7-13-1304.

12

13 (b) For purposes of this act "incarceration" or
14 "incarcerated" shall not include periods of confinement
15 allowed under the provisions of W.S. 7-13-1102 or
16 7-13-1107(b).

17

18 **7-13-1302. Substance abuse assessment required.**

19

20 All persons convicted of a felony shall receive, as a part
21 of a presentence report, a substance abuse assessment. The
22 cost of the substance abuse assessment shall be assessed to
23 and paid by the offender.

24

1 **7-13-1303. Suspended sentence for qualified**
2 **offenders.**

3

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

17

18 (b) The treatment provider shall be required to
19 report to the court, the prosecuting attorney, probation
20 officer and counsel representing the offender not less than
21 once per month on the offender's progress in meeting the
22 requirements of the sentence and the program.

23

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

4

5 (i) No adequate treatment alternative exists;

6

7 (ii) Under the facts of the case, the interests
8 of justice require a period of incarceration; provided
9 however, under the circumstances, a portion of the sentence
10 may be suspended under the conditions set forth in
11 subsection (a) of this section;

12

13 (iii) The offender refuses to agree to
14 participate in the court ordered treatment program or fails
15 to satisfactorily complete the court ordered treatment
16 program; or

17

18 (iv) The offender commits a felony, sells or
19 otherwise delivers controlled substances while in a program
20 pursuant to this section, or engages in other behavior that
21 poses an unreasonable risk to public safety while in the
22 program. Notwithstanding any other provision of law, in the
23 absence of the commission of these acts, those programs and
24 sanctions set forth in W.S. 7-13-1102 and 7-13-1107(b) may

1 be used at the discretion of the probation officer or court
2 to address other violations of the sentencing or probation
3 order.

4
5 (d) In the event probation is revoked, the court may
6 impose one (1) or more of the sanctions set forth in W.S.
7 7-13-1102 or 7-13-1107(b) unless the court, in its sole
8 discretion, finds that another disposition, including
9 imprisonment, is necessary under the facts of the case.

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. 9-2-2604.

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 substance abuse control plan.

20

21 (b) The department of health shall, in consultation
22 with the department of education, department of family
23 services, department of workforce services and department
24 of corrections adopt rules and regulations establishing

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

1 those programs reviewed pursuant to W.S. 9-2-2605 shall be
2 adopted no later than July 1, 2004.

3

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

18

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

23

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

6
7 (f) No later than forty-five (45) days prior to the
8 adoption of new rules under this act, the department of
9 health shall provide notice of intent to adopt the rules, a
10 copy of the proposed rules and a synopsis of those rules to
11 the joint labor, health and social services interim
12 committee and the joint judiciary interim committee.

13

14 **9-2-2602. Definitions.**

15

16 (a) As used in this act:

17

18 (i) "Best practices" means intentional methods,
19 procedures or systems that produce consistent, cost-
20 effective prevention or treatment outcomes, which have been
21 validated in replicated randomized control group studies or
22 high quality time series studies, published or reported in
23 reputable scholarly sources. In the absence of high quality
24 research studies, a practice or approach may be selected on

1 the basis of the consensus of prevailing scientific opinion
2 or theory-based procedures published in peer-reviewed
3 journals, until the best practices data are available;

4

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

12

13 (iii) "Patient" means any individual or client
14 for whom confidential medical or psychological records are
15 kept as a part of the provision of treatment or prevention
16 services;

17

18 (iv) "Programs and facilities" means coordinated
19 and planned activities or services that receive financial
20 consideration from any source including third party
21 payments or grants for the provision of treatment of
22 prevention services and scientifically related problems,
23 provided however, the term does not include public
24 workshops, public speeches, courses or workshops not

1 holding themselves out as intending to provide therapeutic
2 services;

3

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

11

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

16

17 (vii) "This act" means W.S 9-2-2601 through
18 9-2-2607.

19

20 **9-2-2603. Grants assistance pilot program.**

21

22 (a) The department of health is authorized to
23 contract with a private entity which possesses expertise
24 regarding the preparation of applications for grants for

1 programs designed to control substance abuse. The entity
2 shall assist state and local entities in applying for
3 grants for such programs.

4

5 (b) The department of health shall promulgate rules
6 and regulations necessary for the effective implementation
7 of this section as specified by W.S. 9-2-2601. The rules
8 shall assure that grants sought are used to develop
9 research based programs.

10

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

12

13 **9-2-2604. Secure substance abuse treatment.**

14

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

20

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

1 selected shall best serve the interests of the state of
2 Wyoming and shall be evaluated by the department of
3 corrections and the department of health on the basis of:

4

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

8

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

13

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

16

17 (D) The security of the facility;

18

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

22

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

1

2

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

4

5

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

8

9

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

12

13

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

16

17

(A) Unsatisfactory performance by the
entity;

19

20

(B) For breach of contract; or

21

22

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

24

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. The report shall include detailed
5 information with respect to all expenditures made under the
6 substance abuse control plan. The report shall be submitted
7 to the joint labor, health and social services interim
8 committee on or before October 1 of each year. The
9 substance abuse plan may from time to time be revised by
10 the department of health. Any revision shall be approved by
11 the director of the department only after the revision has
12 been submitted to the joint labor, health and social
13 services interim committee for comment at least forty-five
14 (45) days prior to approval.

15

16 **9-2-2607. Authorized studies.**

17

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

24

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

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

11 (b) The agencies shall jointly report annually on or
12 before July 1 of each year following the effective date of
13 this section to the joint labor, health and social services
14 interim committee on the status of studies authorized by
15 this section. The report shall include detailed information
16 with respect to all expenditures made to conduct the
17 studies. The studies shall be completed and submitted to
18 the joint labor, health and social services interim
19 committee no later than July 1, 2005.
20

21 **12-6-103. Compliance.**
22

23 (a) The department of health, working with local law
24 enforcement agencies and other local individuals and

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

6

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

11

12 (c) The department of health shall have discretion to
13 work with local agencies and individuals in the
14 coordination of local education, prevention and enforcement
15 efforts that appropriately reflect the needs of the
16 community.

17

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

1

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

5

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

9

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

13

14 (iv) In the event that a citation may result the
15 person conducting the compliance check shall photograph the
16 participant immediately before the compliance check and any
17 photographs taken of the participant shall be retained by
18 the person conducting the compliance check;

19

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

24

1 (e) The person conducting a compliance check under
2 this section shall:

3

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

6

7 (ii) Immediately inform in writing a
8 representative or agent of the business establishment that
9 a compliance check has been performed and the results of
10 the compliance check;

11

12 (iii) If the compliance check may result in a
13 citation, within two (2) days, prepare a report of the
14 compliance check containing:

15

16 (A) The name of the person who supervised
17 the compliance check;

18

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

21

22 (C) The name and position of the person
23 from whom the participant attempted to purchase alcoholic
24 beverages;

1

2

3

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

4

5

6

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

7

8

9

10

11

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

12

13

14

15

16

17

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

18

19

20

21

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

22

23

24

Section 2. W.S. 5-10-102 by creating a new subsection (d), 9-4-1203(a)(i), (b), (c)(i) and by creating a new subsection (d), 14-6-219(a), 14-6-402(a) by creating a new

1 paragraph (xxii), 14-6-419(a), 27-14-201(o) by creating a
2 new paragraph (v) and 33-1-115 by creating a new subsection
3 (g) are amended to read:

4

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

7

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

14

15 **9-4-1203. Tobacco settlement trust fund established;**
16 **corpus inviolate; investment by state treasurer.**

17

18 (a) An account within the trust and agency fund is
19 established which shall be referred to as the Wyoming
20 tobacco settlement trust fund. The Wyoming tobacco
21 settlement trust fund shall consist of:

22

23 (i) All funds received by the state of Wyoming
24 prior to March 15, 2002 as financial recovery under the

1 terms of the master settlement agreement regarding
2 litigation between several states and major tobacco
3 manufacturers, which settlement agreement was approved by
4 the state of Wyoming in November 1998; and

5
6 (b) Funds deposited into the Wyoming tobacco
7 settlement trust fund established pursuant to subsection
8 (a) of this section are intended to be inviolate and
9 constitute a permanent or perpetual trust fund which shall
10 be invested by the state treasurer as authorized by law and
11 in a manner to obtain the highest return possible
12 consistent with preservation of the corpus. Any earnings
13 from investment of the corpus of the trust fund and all
14 funds received by the state of Wyoming on or after March
15 15, 2002 as financial recovery under the terms of the
16 master settlement agreement specified in paragraph (a)(i)
17 of this section shall be credited by the state treasurer
18 into a separate trust fund income account within the
19 earmarked revenue fund.

20
21 (c) Revenues deposited into the trust fund income
22 account established under subsection (b) shall be expended:
23

1 (i) Only for purposes related to the improvement
2 of the health of Wyoming's citizens including:

3
4 (A) Efforts to prevent in prevention and
5 cessation of tobacco use through school and community based
6 programs; and

7
8 (B) Efforts to establish and implement
9 programs to prevent, intervene in, and otherwise limit
10 alcohol and substance abuse; and

11
12 (d) Funds not otherwise appropriated, expended or
13 obligated as provided in subsection (c) of this section
14 shall be transferred to the tobacco settlement trust fund
15 on July 1 of each year following the receipt of those
16 funds.

17
18 **14-6-219. Physical and mental examinations;**
19 **involuntary commitment of incompetents; subsequent**
20 **proceedings.**

21
22 (a) Any time after the filing of a petition, on
23 motion of the district attorney or the child's parents,
24 guardian, custodian or attorney or on motion of the court,

1 the court may order the child to be examined by a licensed
2 and qualified physician, surgeon, psychiatrist or
3 psychologist designated by the court to aid in determining
4 the physical and mental condition of the child. The
5 examination shall be conducted on an outpatient basis, but
6 the court may commit the child to a suitable medical
7 facility or institution for examination if deemed
8 necessary. Commitment for examination shall not exceed
9 fifteen (15) days. Any time after the filing of a petition,
10 the court on its own motion or motion of the district
11 attorney or the child's parents, guardian, custodian or
12 attorney, may order the child's parents, guardians or other
13 custodial members of the child's family to undergo a
14 substance abuse assessment at the expense of the child's
15 parents, guardians or other custodial members of the
16 child's family and to fully comply with all findings and
17 recommendations set forth in the assessment. Failure to
18 comply may result in contempt proceedings as set forth in
19 W.S. 14-6-242.

20

21 **14-6-402. Definitions.**

22

23 (a) As used in this act:

24

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

7
8 **14-6-419. Physical and mental examinations.**

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

1 parents, guardians or other custodial members of the
2 child's family to undergo a substance abuse assessment at
3 the expense of the child's parents, guardians or other
4 custodial members of the child's family and to fully comply
5 with all findings and recommendations set forth in the
6 assessment. Failure to comply may result in contempt
7 proceedings as set forth in W.S. 14-6-438.

8
9 **27-14-201. Rates and classifications; rate surcharge.**

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

19
20 (v) Whether the employer adopts and enforces
21 policies establishing a drug-free workplace which may
22 include an employee assistance program to assist employees
23 with alcohol or other drug problems. The division shall
24 follow rules adopted by the department of employment in

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

9
10 **33-1-115. Professional assistance programs for health**
11 **care providers and others as specified; confidentiality of**
12 **records.**

13
14 (g) The department of health shall provide assistance
15 to any licensure board that desires to establish
16 professional assistance programs as defined under this
17 section.

18
19 **Section 3.**

20
21 (a) There is appropriated from the trust fund income
22 account established under W.S. 9-4-1203(b) for the biennium
23 beginning July 1, 2002:
24

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

5

6 (ii) One million seven hundred seventy-four
7 thousand one hundred ninety dollars (\$1,774,190.00) to the
8 department of corrections to implement its responsibilities
9 created by this act;

10

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

15

16 **Section 4.**

17

18 (a) There are authorized for the biennium beginning
19 July 1, 2002:

20

21 (i) Six (6) full-time equivalent positions to
22 the department of health to implement the purposes of this
23 act;

24

1 (ii) Ten (10) full-time equivalent positions to
2 the department of family services to implement the purposes
3 of this act;

4

5 (iii) Four (4) full-time equivalent positions to
6 the department of corrections to implement the purposes of
7 this act.

8

9 (b) In addition to the positions authorized under
10 subsection (a) of this section, there are authorized for
11 the fiscal year beginning July 1, 2003:

12

13 (i) Ten (10) full-time equivalent positions to
14 the department of family services to implement the purposes
15 of this act;

16

17 (ii) Ten (10) full-time equivalent positions to
18 the department of corrections to implement the purposes of
19 this act.

20

21 **Section 5.**

22

23 (a) Except as provided by subsection (b) of this
24 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)