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H.B. NO. 990

A Bill for an Act Relating to Substance Abuse.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there exist two agencies in the State responsible for the development of substance abuse programs. The legislature further finds that the increasing use of alcohol and drugs makes it imperative that a coordinated and comprehensive program in substance abuse treatment and prevention be established. The purpose of this Act is to provide a means by which full coordination of substance abuse programs may be developed.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . SUBSTANCE ABUSE

Sec. 321- Definitions. As used in this part:

- (1) “Advisory commission” means the state advisory commission on drug abuse and controlled substances established in section 329-2.
- (2) “Department” means the department of health.
- (3) “Substance” means alcohol, any drug on schedules I through IV of chapter 329, or any substance which includes in its composition volatile organic solvents.
- (4) “Substance abuse” means the misuse of a substance or the use of a substance to an extent deemed deleterious or detrimental to the user, to others, or to society.

Sec. 321- Substance abuse program. The department shall establish a substance abuse program in the State under this part.

Sec. 321- Duties and responsibilities of department. The department shall:

- (1) Coordinate all substance abuse programs including rehabilitation, treatment, education, research, and prevention activities.
- (2) Prepare, administer, and supervise the implementation of a state plan for substance abuse which may consist of a plan for alcohol abuse prevention and a plan for drug abuse prevention.
- (3) Identify all funds, programs, and resources available in the State, public and private, and from the federal government which are being used or may be used to support substance abuse prevention, rehabilitation, treatment, education, and research activities.
- (4) Be the designated agency required by, and receive and administer all available substance abuse funds including but not limited to funds received from, the federal government under Public Law 92-255, Public Law 91-616, Public Law 91-211, and Title IVA and XVI of the Social Security Act or other subsequent acts of Congress which may

amend or succeed such acts.

- (5) Encourage and coordinate the involvement of private and public agencies in the assessment of substance abuse problems, needs, and resources.
- (6) Coordinate the delivery of available funding to public and private agencies for program implementation.
- (7) Establish mechanisms and procedures for receiving and evaluating program proposals, providing technical assistance, monitoring programs and securing necessary information from public and private agencies for the purposes of planning, management, and evaluation.
- (8) Review the state plan for substance abuse annually for the purpose of evaluation and make necessary amendments to conform with the requirements of federal or state laws.
- (9) Do all things necessary to effectuate the purposes of this part.

Sec. 321- State advisory commission. The state advisory commission on drug abuse and controlled substances established in section 329-2 shall advise the director on all matters relating to substance abuse including but not limited to the preparation of the state plan for substance abuse. In addition, the advisory commission shall perform such duties and assume such responsibilities as required by federal law for the purpose of receiving federal funding.

Sec. 321- Annual report to the legislature. The department shall submit an annual report to the legislature detailing its progress in the implementation of the state plan for substance abuse. The report shall be submitted twenty days before the beginning of each regular session of the legislature.

Sec. 321- Rules. The department shall adopt rules in accordance with chapter 91 to carry out the purposes of this part.

Sec. 321- Personnel. The director of health may hire such necessary personnel to carry out the purposes of this part in accordance with chapters 76 and 77.”

SECTION 3. Section 329-4, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 329-4 Duties of the commission.** The commission shall:

- (1) Act in an advisory capacity to the department relating to the scheduling of substances provided in part II of this chapter, by recommending the addition, deletion, or rescheduling of all substances enumerated in part II of this chapter.
- (2) Act in an advisory capacity to the department relating to establishment and maintenance of the classes of controlled substances, as provided in part II of this chapter.
- (3) Assist the department in coordinating all action programs of community agencies (State, county, military, or private) specifically focused on the problem of drug abuse.
- (4) Assist the department in carrying out educational programs designed to prevent and deter abuse of controlled substances.
- (5) Encourage research on abuse of controlled substances. In connection with such research, and in furtherance of the enforcement of this

chapter, it may, with the approval of the director of health: (A) establish methods to assess accurately the effects of controlled substances and to identify and characterize controlled substances with potential for abuse; (B) make studies and undertake programs of research to:

- (i) Develop new or improved approaches, techniques, systems, equipment, and devices to strengthen the enforcement of this chapter.
 - (ii) Determine patterns of abuse of controlled substances and the social effects thereof; and
 - (iii) Improve methods for preventing, predicting, understanding, and dealing with the abuse of controlled substances.
- (6) Create public awareness and understanding of the problems of drug abuse.
 - (7) Sit in an advisory capacity to the governor and other state departments as may be appropriate on matters relating to the commission's work.
 - (8) Act in an advisory capacity to the director of health in substance abuse matters under chapter 321, part . For the purposes of this paragraph, "substance" shall include alcohol in addition to any drug on schedules I through IV of this chapter and any substance which includes in its composition volatile organic solvents."

SECTION 4. The functions of the substance abuse agency established under Executive Order 74-2 are transferred to the department of health.

SECTION 5. Any law to the contrary notwithstanding, all moneys appropriated under Act 218, Session Laws of Hawaii 1974, to the substance abuse agency shall be transferred to the department of health.

SECTION 6. All officers and employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to this Act.

No officer or employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which he is transferred or appointed; and provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

An officer or employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided that such officer or employee possesses the minimum qualifications for the position to which he is transferred or appointed.

In the event that an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated

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from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the officer or employee is eligible under the personnel laws of the State as determined by the head of the department or the governor.

SECTION 7. All records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the substance abuse agency relating to the functions transferred to the department of health shall be transferred with the functions to which they relate.

SECTION 8. It is the intent of this Act not to jeopardize the receipt of any federal aid and to the extent, and only to the extent, necessary to effectuate this intent, the governor may modify the strict provisions of this Act, but shall promptly report any such modification with his reasons therefor to the legislature at its next session thereafter for review by the legislature.

SECTION 9. This Act shall take effect upon its approval.

(Approved June 2, 1975.)