

Assembly Bill No. 374—Assemblymen Tolles; Gorelow, Hafen, Nguyen, Orentlicher, Peters, Roberts, Summers-Armstrong and Thomas

Joint Sponsors: Senators Seevers Gansert; and Ratti

CHAPTER.....

AN ACT relating to substance use disorders; creating the Statewide Substance Use Response Working Group; requiring the Working Group to review certain issues relating to substance misuse and substance use disorders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to formulate a comprehensive state plan for programs for alcohol and other substance use disorders. (NRS 458.025) **Section 6** of this bill creates the Statewide Substance Use Response Working Group within the Office of the Attorney General, and **section 7** of this bill prescribes requirements for the operation of the Working Group. **Section 10** of this bill requires the Working Group to comprehensively review various aspects of substance misuse and substance use disorders and programs and activities to combat substance misuse and substance use disorders in this State. **Section 10.5** of this bill requires the Department of Health and Human Services to annually report to the Working Group concerning the use of state and local money to address substance misuse and substance use disorders, and **section 10** requires the Working Group to study, evaluate and make recommendations concerning the use of that money. **Section 10** also requires the Working Group to submit annually a report of its recommendations to the Governor, the Attorney General, the Legislature and certain other entities.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 458 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10.5, inclusive, of this act.

Secs. 2-4. (Deleted by amendment.)

Sec. 5. *As used in sections 5 to 10.5, inclusive, of this act, unless the context otherwise requires, “Working Group” means the Statewide Substance Use Response Working Group created by section 6 of this act.*

Sec. 6. 1. *The Statewide Substance Use Response Working Group is hereby created in the Office of the Attorney General.*

2. *The Working Group consists of the following members:*



(a) The Attorney General or his or her designee;
(b) The Director of the Department of Health and Human Services, or his or her designee;

(c) One member of the Senate who is appointed by the Senate Majority Leader;

(d) One member of the Senate who is appointed by the Senate Minority Leader;

(e) One member of the Assembly who is appointed by the Speaker of the Assembly;

(f) One member of the Assembly who is appointed by the Assembly Minority Leader; and

(g) The following members, appointed by the Attorney General:

(1) One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is 700,000 or more;

(2) One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is 100,000 or more but less than 700,000;

(3) One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is less than 100,000;

(4) One provider of health care with expertise in medicine for the treatment of substance use disorders;

(5) One representative of the Nevada Sheriffs' and Chiefs' Association, or its successor organization;

(6) One advocate for persons who have substance use disorders and family members of such persons;

(7) One person who is in recovery from a substance use disorder;

(8) One person who provides services relating to the treatment of substance use disorders;

(9) One representative of a substance use disorder prevention coalition;

(10) One representative of a program to reduce the harm caused by substance misuse;

(11) One representative of a hospital; and

(12) One representative of a school district.

3. After the initial terms, members of the Working Group serve terms of 2 years and serve at the pleasure of the appointing authority. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments.



4. *If a vacancy occurs during a member's term, the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.*

5. *Members of the Working Group serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

6. *A member of the Working Group who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Working Group and perform any work necessary to carry out the duties of the Working Group in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Working Group to:*

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Working Group; or

(b) Take annual leave or compensatory time for the absence.

7. *As used in this section, "substance use disorder prevention coalition" means a coalition of persons and entities who possess knowledge and experience related to the prevention of substance misuse and substance use disorders in a region of this State.*

Sec. 7. 1. *At the first meeting of each calendar year, the Working Group shall elect from its members a Chair and a Vice Chair.*

2. *The Working Group shall meet at the call of the Chair or a majority of its members.*

3. *A majority of the members of the Working Group constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Working Group.*

Secs. 8 and 9. *(Deleted by amendment.)*

Sec. 10. 1. *The Working Group shall:*

(a) Leverage and expand efforts by state and local governmental entities to reduce the use of substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants, and identify ways to enhance those efforts through coordination and collaboration.

(b) Assess evidence-based strategies for preventing substance use and intervening to stop substance use, including, without limitation, the use of heroin, other synthetic and non-synthetic



opioids and stimulants. Such strategies must include, without limitation, strategies to:

(1) Help persons at risk of a substance use disorder avoid developing a substance use disorder;

(2) Discover potentially problematic substance use in a person and intervene before the person develops a substance use disorder;

(3) Treat the medical consequences of a substance use disorder in a person and facilitate the treatment of the substance use disorder to minimize further harm; and

(4) Reduce the harm caused by substance use, including, without limitation, by preventing overdoses.

(c) Assess and evaluate existing pathways to treatment and recovery for persons with substance use disorders, including, without limitation, such persons who are members of special populations.

(d) Work to understand how residents of this State who are involved in the criminal justice system access supports for treatment of and recovery from substance use disorders at various points, including, without limitation, by reviewing existing diversion, deflection and reentry programs for such persons.

(e) Evaluate ways to improve and expand evidence-based or evidence-informed programs, procedures and strategies to treat and support recovery from opioid use disorder and any co-occurring substance use disorder, including, without limitation, among members of special populations.

(f) Examine support systems and programs for persons who are in recovery from opioid use disorder and any co-occurring substance use disorder.

(g) Make recommendations to entities including, without limitation, the State Board of Pharmacy, professional licensing boards that license practitioners, other than veterinarians, the State Board of Health, the Division, the Governor and the Legislature, to ensure that controlled substances are appropriately prescribed in accordance with the provisions of NRS 639.2391 to 639.23916, inclusive.

(h) Examine qualitative and quantitative data to understand the risk factors that contribute to substance use and the rates of substance use and substance use disorders, focusing on special populations.

(i) Develop strategies for local, state and federal law enforcement and public health agencies to respond to and prevent overdoses and plans for implementing those strategies.



(j) Study the efficacy and expand the implementation of programs to:

(1) Educate youth and families about the effects of substance use and substance use disorders; and

(2) Reduce the harms associated with substance use and substance use disorders while referring persons with substance use disorders to evidence-based treatment.

(k) Recommend strategies to improve coordination between local, state and federal law enforcement and public health agencies to enhance the communication of timely and relevant information relating to substance use and reduce duplicative data collection and research.

(l) Evaluate current systems for sharing information between agencies regarding the trafficking and distribution of legal and illegal substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants.

(m) Study the effects of substance use disorders on the criminal justice system, including, without limitation, law enforcement agencies and correctional institutions.

(n) Study the sources and manufacturers of substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants, and methods and resources for preventing the manufacture, trafficking and sale of such substances.

(o) Study the effectiveness of criminal and civil penalties at preventing the misuse of substances and substance use disorders and the manufacture, trafficking and sale of substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants.

(p) Evaluate the effects of substance use disorders on the economy of this State.

(q) Study, evaluate and make recommendations to the Department of Health and Human Services concerning the use of the money described in section 10.5 of this act to address substance use disorders, with a focus on:

(1) The use of the money described in subsections 1, 2 and 3 of section 10.5 of this act to supplement rather than supplant existing state or local spending;

(2) The use of the money described in section 10.5 of this act to support programs that use evidence-based interventions;



(3) *The use of the money described in section 10.5 of this act to support programs for the prevention of substance use disorders in youth;*

(4) *The use of the money described in section 10.5 of this act to improve racial equity; and*

(5) *Reporting by state and local agencies to the public concerning the funding of programs to address substance misuse and substance use disorders.*

2. *On or before January 31 of each year, the Working Group shall:*

(a) *Compile a report which includes, without limitation, recommendations for the establishment, maintenance, expansion or improvement of programs to address substance misuse and substance use disorders based on the evaluations conducted pursuant to subsection 1; and*

(b) *Submit the report to the Governor, the Attorney General, the Advisory Commission on the Administration of Justice, any other entities deemed appropriate by the Attorney General and the Director of the Legislative Counsel Bureau for transmittal to:*

(1) *During an even-numbered year, the Legislative Committee on Health Care and the Interim Finance Committee; or*

(2) *During an odd-numbered year, the next regular session of the Legislature.*

3. *As used in this section:*

(a) *“Practitioner” has the meaning ascribed to it in NRS 639.0125.*

(b) *“Special populations” includes, without limitation:*

(1) *Veterans, elderly persons and youth;*

(2) *Persons who are incarcerated, persons who have committed nonviolent crimes primarily driven by a substance use disorder and other persons involved in the criminal justice or juvenile justice systems;*

(3) *Pregnant women and the parents of dependent children;*

(4) *Lesbian, gay, bisexual, transgender and questioning persons;*

(5) *Intravenous drug users;*

(6) *Children who are involved with the child welfare system; and*

(7) *Other populations disproportionately impacted by substance use disorders.*



(c) *“Substance use disorder prevention coalition” means a coalition of persons and entities who possess knowledge and experience related to the prevention of substance misuse and substance use disorders in a region of this State.*

Sec. 10.5. *The Department of Health and Human Services shall annually submit to the Working Group a report concerning the use of:*

1. All money received by this State pursuant to any settlement entered into by the State of Nevada concerning the manufacture, distribution, sale and marketing of opioids;

2. All money recovered by this State from a judgment in a civil action by the State of Nevada concerning the manufacture, distribution, sale and marketing of opioids;

3. Any gifts, grants or donations received by the State and each political subdivision of the State for purposes relating to substance misuse and substance use disorders; and

4. All other money spent by the State and each political subdivision of the State for purposes relating to substance misuse and substance use disorders.

Secs. 11 and 12. (Deleted by amendment.)

Sec. 12.5. 1. As soon as practicable after the effective date of this act:

(a) The Senate Majority Leader, Senate Minority Leader, Speaker of the Assembly and Assembly Minority Leader shall appoint to the Working Group the members described in paragraphs (c), (d), (e) and (f), respectively, of subsection 2 of section 6 of this act to initial terms that expire on January 1, 2023.

(b) The Attorney General shall appoint to the Working Group:

(1) The members described in subparagraphs (1) to (4), inclusive, of paragraph (g) of subsection 2 of section 6 of this act to initial terms that expire on January 1, 2023; and

(2) The members described in subparagraphs (5) to (12), inclusive, of paragraph (g) of subsection 2 of section 6 of this act to initial terms that expire on January 1, 2024.

2. As used in this section, “Working Group” means the Statewide Substance Use Response Working Group created by section 6 of this act.

Sec. 13. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 14. This act becomes effective upon passage and approval.

