

**LOCAL SUBSTANCE ABUSE AUTHORITY**

**AMENDMENTS**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Paul Ray**

**This act modifies provisions related to special districts. The act expands the duties of local substance abuse authorities to include services to people convicted of driving under the influence and authorizes the use of proceeds from DUI penalties to fund those services. The act makes technical amendments.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**17A-3-701**, as last amended by Chapter 1, Laws of Utah 2000

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **17A-3-701** is amended to read:

**17A-3-701. Local substance abuse authorities -- Responsibilities.**

(1) All county governing bodies in this state are local substance abuse authorities. Within legislative appropriations and county matching funds required by this section, and under the policy direction of the state Board of Substance Abuse and the administrative direction of the Division of Substance Abuse within the Department of Human Services, local substance abuse authorities shall provide substance abuse services to residents of their respective counties. Two or more county governing bodies may join to provide substance abuse prevention and treatment services.

(2) The governing bodies may establish acceptable ways of apportioning the cost of substance abuse services. Any agreement for joint substance abuse services may designate the treasurer of one of the participating counties as the custodian of moneys available for those joint services, and that the designated treasurer, or other disbursing officer, may make payments from those moneys for such purposes upon audit of the appropriate auditing officer or officers representing the participating counties. The agreement may provide for joint operation of services and facilities or for operation of services and facilities under contract by one participating local substance abuse authority for other participating local substance abuse authorities.

(3) (a) All county governing bodies, as local substance abuse authorities, are accountable to the Department of Human Services, the Department of Health, and the state with regard to the use of state and federal funds received from those departments for substance abuse services, regardless of whether the services are provided by a private contract provider.

(b) A local substance abuse authority shall comply, and require compliance by its contract provider, with all directives issued by the Department of Human Services and the Department of Health regarding the use and expenditure of state and federal funds received from those departments for the purpose of providing substance abuse programs and services. The Department of Human Services and Department of Health shall ensure that those directives are not duplicative or conflicting, and shall consult and coordinate with local substance abuse authorities with regard to programs and services.

(4) Local substance abuse authorities shall:

(a) review and evaluate substance abuse prevention and treatment needs and services;

(b) annually prepare and submit a plan to the division for funding and service delivery; the plan shall include, but is not limited to, primary prevention, targeted prevention, early intervention, and treatment services;

(c) establish and maintain, either directly or by contract, programs licensed under Title 62A, Chapter 2, Licensure of Programs and Facilities;

(d) appoint directly or by contract a full or part time director for substance abuse programs, and prescribe his duties;

(e) provide input and comment on new and revised policies established by the state Board of Substance Abuse;

(f) establish and require contract providers to establish administrative, clinical, personnel, financial, and management policies regarding substance abuse services and facilities, in accordance with the policies of the state Board of Substance Abuse, and state and federal law;

(g) establish mechanisms allowing for direct citizen input;

(h) annually contract with the Division of Substance Abuse to provide substance abuse programs and services in accordance with the provisions of Title 62A, Chapter 8, Substance Abuse;

(i) comply with all applicable state and federal statutes, policies, audit requirements, contract requirements, and any directives resulting from those audits and contract requirements;

(j) promote or establish programs for the prevention of substance abuse within the community setting through community-based prevention programs;

(k) provide funding equal to at least 20% of the state funds that it receives to fund services described in the plan; [~~and~~]

(l) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal Cooperation Act, Title 51, Chapter 2, Audits of Political Subdivisions, Interlocal Organizations and Other Local Entities, and Title 17A, Chapter 1, Part 4, Uniform Fiscal Procedures for Special Districts Act[-];

(m) for persons convicted of driving under the influence in violation of Subsection 41-6-44(2) or Section 41-6-44.6, conduct the following as defined in Section 41-6-44:

(i) a screening and assessment;

(ii) an educational series; and

(iii) substance abuse treatment; and

(n) utilize proceeds of the accounts described in Subsection 62A-8-303(1) to supplement the cost of providing the services described in Subsection (4)(m).

(5) Before disbursing any public funds, local substance abuse authorities shall require that all entities that receive any public funds from a local substance abuse authority agree in writing that:

(a) the division may examine the entity's financial records;

(b) the county auditor may examine and audit the entity's financial records; and

(c) the entity will comply with the provisions of Subsection (3)(b).

(6) Local substance abuse authorities may receive property, grants, gifts, supplies, materials, contributions, and any benefit derived therefrom, for substance abuse services. If those gifts are conditioned upon their use for a specified service or program, they shall be so used.

(7) (a) For purposes of this section "public funds" means the same as that term is defined in Section 17A-3-703.

(b) Nothing in this section limits or prohibits an organization exempt under Section

501(c)(3), Internal Revenue Code, from using public funds for any business purpose or in any financial arrangement that is otherwise lawful for that organization.