

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1129

BY: BENSON

COMMITTEE SUBSTITUTE AN ACT RELATING TO STATE GOVERNMENT AND SCHOOLS;
CREATING THE OKLAHOMA DRUG AND ALCOHOL ABUSE POLICY BOARD ACT;
PROVIDING SHORT TITLE; STATING LEGISLATIVE FINDINGS AND INTENT;
CREATING THE OKLAHOMA DRUG AND ALCOHOL ABUSE POLICY BOARD; PROVIDING
FOR MEMBERSHIP, TERMS, VACANCIES, OFFICERS, MEETINGS AND APPOINTMENT
OF CHAIRPERSON; PROVIDING FOR POWERS AND DUTIES OF SAID BOARD;
PROVIDING FOR DEVELOPMENT OF STATEWIDE DRUG AND ALCOHOL POLICY PLAN;
AMENDING SECTIONS 1, 2, 3 AND 5, CHAPTER 116, O.S.L. 1987 (70 O.S.
SUPP. 1990, SECTIONS 1210.229-1, 1210.229-2, 1210.229-3 AND
1210.229-5), WHICH RELATE TO THE OKLAHOMA ALCOHOL AND DRUG ABUSE
PREVENTION AND LIFE SKILLS EDUCATION ACT; MODIFYING STATUTORY
REFERENCES; TRANSFERRING DUTIES OF THE OKLAHOMA ALCOHOL AND DRUG
PREVENTION LIFE SKILLS EDUCATION ADVISORY COUNCIL TO OTHER ENTITIES;
DELETING LANGUAGE; REPEALING SECTION 4, CHAPTER 116, O.S.L. 1987, AS
AMENDED BY SECTION 134, CHAPTER 51, O.S.L. 1990 (70 O.S. SUPP. 1990,
SECTION 1210.229-4), WHICH RELATES TO THE OKLAHOMA ALCOHOL AND DRUG
ABUSE PREVENTION AND LIFE SKILLS EDUCATION ACT; PROVIDING FOR
CODIFICATION; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 30 of Title 74, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 4 of this act shall be known and may be cited as the "Oklahoma Drug and Alcohol Abuse Policy Board Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 30a of Title 74, unless there is created a duplication in numbering, reads as follows:

The Legislature finds that drug and alcohol abuse is one of the most critical problems facing law enforcement, education, and the social service agencies in the State of Oklahoma and that the problem continues to escalate, threatening the quality of life in our state, destroying the integrity of the family, disrupting the lives of children and adults, increasing crime, and creating a drain on the resources available to combat those many problems through the various state and local agencies in our state. In order to expand and enhance the ability of the state to combat the serious drug and alcohol problems, the Legislature finds that a centralized, well-coordinated statewide effort is necessary to curb both the supply of drugs and the demand for drugs and alcohol among Oklahomans, especially our youth, and that a statewide plan should be coordinated by the Attorney General of Oklahoma and developed by the various state and local law enforcement, education, and social service agencies in order to direct the efforts and activities of all entities that are involved in efforts against drug and alcohol abuse.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 30b of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Drug and Alcohol Abuse Policy Board.

B. A chairperson shall be appointed by the members of the Oklahoma Drug and Alcohol Abuse Policy Board at the first meeting. The chairperson may establish such committees, subcommittees, or other working groups in order to accomplish the goals of the Board.

C. The Board shall be composed of the following members:

1. The Governor or his designee;
2. The Attorney General;
3. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;
4. The Director of the Oklahoma State Bureau of Investigation;
5. The Commissioner of Public Safety;
6. The Commissioner of the Department of Mental Health and Substance Abuse Services;
7. The Commissioner of Health;
8. The Adjutant General of the Military Department;
9. The Superintendent of Public Instruction;
10. The Director of Corrections;
11. The Director of the Department of Human Services;
12. The Director of the Alcoholic Beverage Laws Enforcement Commission;
13. The Executive Director of the District Attorneys' Council;
14. The Executive Director of the Oklahoma Commission on Children and Youth; and
15. Two appointees of the Governor, who shall be private citizens appointed to serve for one-year terms.

D. Any other state or local agency or individual may become a nonvoting member of the Board upon approval of a two-thirds (2/3) majority of the voting members set forth in subsection C of this section.

E. Other officers, excluding the chairperson, may be elected at the discretion of the voting Board members.

F. The Board shall hold meetings at least quarterly and at such other times as the chairperson deems necessary.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 30c of Title 74, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Drug and Alcohol Abuse Policy Board shall:

1. Encourage the establishment of a mechanism for the exchange of information and ideas to assist in the marshalling, coordinating and directing of the various missions and efforts related to fighting drug and alcohol abuse of the agencies set forth in subsection C of Section 3 of this act;

2. Encourage other institutions, both public and private, to participate in creating uniform drug policies for the state;

3. Create a structure and organization to facilitate the coordination of this state's war against drug and alcohol abuse by establishing strategies on prevention, treatment and rehabilitation, thereby avoiding duplication of effort and preserving state resources;

4. Establish a central focus and policy in coordinating and directing public and private efforts toward solving all alcohol and drug-related problems;

5. Develop and refine a comprehensive statewide plan which addresses all areas of the war against drugs including: law enforcement, prosecution, prevention, treatment and rehabilitation efforts, maximizing the utilization of the state's resources; and

6. Issue reports of findings and recommendations to the Governor, President Pro Tempore of the Senate and Speaker of the House of Representatives on or before February 1 of each year.

SECTION 5. AMENDATORY Section 1, Chapter 116, O.S.L. 1987 (70 O.S. Supp. 1990, Section 1210.229-1), is amended to read as follows:

Section 1210.229-1 ~~Sections 1 through 6 of this act~~ 1210.229-1 through 1210.229-5 of this title shall be known and may be cited as the "Oklahoma Alcohol and Drug Abuse Prevention and Life Skills Education Act".

SECTION 6. AMENDATORY Section 2, Chapter 116, O.S.L. 1987 (70 O.S. Supp. 1990, Section 1210.229-2), is amended to read as follows:

Section 1210.229-2 The Legislature finds that for the purpose of preventing drug and alcohol abuse among our young people, and for preventing or alleviating problems which lead to and are closely associated with drug and alcohol abuse, it is desirable that all Oklahoma school districts develop and implement a curriculum for drug and alcohol abuse prevention for all grade levels. Such curriculum may include training in life skills, such as problem-solving, responsibility, communication and decision-making skills, which enable young people to successfully resist social and other pressures to engage in activities which are destructive to their health and future. The Legislature encourages all school districts to adopt as a goal for the year 1990 the full implementation of drug and alcohol abuse prevention programs in their schools. In order to expand and enhance the ability of school districts to implement drug and alcohol prevention programs, it is the intent of the Legislature that local school districts participate in the federal Drug-Free Schools and Communities Act of 1986, 20 U.S.C., Section 4601 et seq.

In order to derive maximum benefit from their drug and alcohol prevention programs, it is further the intent of the Legislature that the school districts coordinate their efforts and activities with the Oklahoma Drug and Alcohol Abuse Policy Board, and with

appropriate state and local drug and alcohol abuse, health and law enforcement agencies and programs within the community which provide drug education, prevention, treatment and rehabilitation.

SECTION 7. AMENDATORY Section 3, Chapter 116, O.S.L. 1987 (70 O.S. Supp. 1990, Section 1210.229-3), is amended to read as follows:

Section 1210.229-3 For purposes of the Oklahoma Alcohol and Drug Abuse Prevention and Life Skills Education Act, Section 1210.229-1 et seq. of this title:

1. "Alcohol" means any nonintoxicating beverage as defined in Section 163.2 of Title 37 of the Oklahoma Statutes or alcoholic beverage as defined in Section 506 of Title 37 of the Oklahoma Statutes;

2. "Board" means the State Board of Education;

3. ~~"Council" means the Oklahoma Alcohol and Drug Abuse Prevention and Life Skills Education Advisory Council;~~

4. "Department" means the State Department of Education;

5. 4. "Drug" means a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes; and

~~6.~~ 5. "Life skills" includes but is not limited to fostering skills in responsibility, decision making, communication, self-confidence and goal setting. Life skills shall not include values clarification or sex education.

SECTION 8. AMENDATORY Section 5, Chapter 116, O.S.L. 1987 (70 O.S. Supp. 1990, Section 1210.229-5), is amended to read as follows:

Section 1210.229-5 A. ~~The Oklahoma Alcohol and Drug Abuse Prevention and Life Skills Education Advisory Council~~ State Superintendent of Public Instruction and State Department of Education in conjunction with the Oklahoma Drug and Alcohol Abuse Policy Board shall:

1. establish objective criteria, guidelines and a comprehensive integrated curriculum for substance abuse programs and the teaching of life skills in local schools and school districts;

2. establish and review annually model policies for alcohol and drug abuse issues, including but not limited to policies regarding disciplinary actions and referral for services;

3. develop and implement strategies which encourage all schools to employ guidance counselors trained in substance abuse prevention and life skills and to develop and begin implementing quality substance abuse and life skills education programs; and

4. develop guidelines and criteria to encourage teachers and administrators to receive in-service training on alcohol and drug abuse. The training or workshops should be included in the staff development point system; ~~and~~

~~5. issue reports of its findings and recommendations to the State Superintendent of Public Instruction and to the State Board of Education.~~

B. The State Department of Education shall distribute information or reports provided by the ~~Council~~ Oklahoma Drug and Alcohol Abuse Policy Board, to each school district and, upon request, to members of the public. Upon request of the chief administrator of a school or school district, the Department shall provide technical assistance to schools and school districts to implement policies and programs pursuant to guidelines provided by the ~~Council~~ Oklahoma Drug and Alcohol Abuse Policy Board and shall provide a clearinghouse program accessible by school districts to provide information about life skills and drug and alcohol abuse prevention curricula and programs.

C. Final determination of materials to be used, means of implementation of the curriculum, and ages and times at which students receive instruction about said life skills and drug and alcohol abuse prevention shall be made by the local school board.

The local school district, at least one (1) month prior to giving such instruction to students, shall conduct for parents and guardians of students involved, during weekend or evening hours, at least one presentation concerning the plans for instruction and the materials to be used. No student shall be required to receive instruction about said life skills and drug and alcohol abuse prevention if a parent or guardian of the student objects in writing.

SECTION 9. REPEALER Section 4, Chapter 116, O.S.L. 1987, as amended by Section 134, Chapter 51, O.S.L. 1990 (70 O.S. Supp. 1990, Section 1210.229-4), is hereby repealed.

SECTION 10. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-1000 NP