STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE BILL HB2201 By: Deutschendorf

AS INTRODUCED

An Act relating to substance abuse courses; amending 43A O.S. 1991, Section 3-453, as amended by Section 1, Chapter 162, O.S.L. 1996 (43A O.S. Supp. 1999, Section 3-453), which relates to alcohol and drug substance abuse courses; modifying entities which can provide courses; modifying class size limitation; amending 47 O.S. 1991, Section 6-212.2, as last amended by Section 2, Chapter 162, O.S.L. 1996 (47 O.S. Supp. 1999, Section 6-212.2), which relates to required completion of drug and alcohol evaluation program and course; removing requirement for persons under certain age to attend course designed specifically for young persons; and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 1991, Section 3-453, as amended by Section 1, Chapter 162, O.S.L. 1996 (43A O.S. Supp. 1999, Section 3-453), is amended to read as follows:

Section 3-453. A. Alcohol and drug substance abuse courses shall be offered only by nonprofit educational institutions of higher learning, governmental or nonprofit organizations<u>, or corporations recognized by the state as a provider of educational services for profit</u>.

B. Enrollment fees for those attending the courses shall be set by the Department of Mental Health and Substance Abuse Services and shall be within a range of not less than Sixty-five Dollars ($65.00) and not more than:

1. Eighty-five Dollars ($85.00) for a first offense; and

2. Two Hundred Fifty Dollars ($250.00) for a second or subsequent offense.

C. Ten percent (10%) of each fee collected shall be remitted to the State Treasurer to be credited to the Department of Mental Health and Substance Abuse Services Revolving Fund in the State Treasury and shall be used to provide substance abuse services to the indigent. Five percent (5%) of each fee collected by the Department shall be used for the administrative costs related to providing such services.

D. Enrollment in the course shall not be limited to persons ordered to enroll, attend and successfully complete the course.

E. All alcohol and drug substance abuse courses for drinking drivers shall be approved and certified by the Department of Mental Health and Substance Abuse Services.

F. The Department of Mental Health and Substance Abuse Services, in consultation with D.U.I. School Administrators of Oklahoma, is authorized to promulgate rules governing:

1. Minimum curriculum requirements for such courses;

2. Facilities, equipment and instructional materials for such courses;

3. Minimum qualifications for certification of course instructors;

4. Grounds for revocation of the authority to conduct such courses and for revocation of an instructor's certification;

5. Attendance requirements; and

6. Guidelines for certifying to the Department of Mental Health and Substance Abuse Services successful completion of such course.

G. The Department shall require that each course for a first offense shall be conducted in no less than two sessions on two (2) separate days. For a second or subsequent offense, the Department shall require that:

1. Each such course shall consist of at least twenty-four (24) hours;

2. Each such course shall consist of no more than two (2) hours of education on any given day, nor more than four (4) hours in a given week, and shall not contain more than ten percent (10%) films or education on any one specialized area;

3. Each instructor shall be a qualified practitioner with one (1) year teaching experience, or a certified D.U.I. Instructor with five (5) years' teaching experience; and

4. No more than ~~twelve~~ thirty students shall be allowed in a given class.

H. Any institution or organization authorized under this act to conduct an alcohol and drug substance abuse course shall certify to the Department of Public Safety all persons who successfully complete such course.

I. Alcohol and drug substance abuse treatment programs shall be offered by facilities designated for that purpose by the Department of Mental Health and Substance Abuse Services. The facilities shall either be operated by the Department of Mental Health and Substance Abuse Services or shall be certified approved treatment facilities as provided for in the Oklahoma Alcohol and Drug Abuse Services Act.

J. Any person participating in a substance abuse treatment program shall be required to pay all or part of the actual cost incurred for treatment of the person, if the court determines that the person has the ability to pay for all or part of the cost of treatment. The court shall determine the amount of reimbursement the person shall pay.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 6-212.2, as last amended by Section 2, Chapter 162, O.S.L. 1996 (47 O.S. Supp. 1999, Section 6-212.2), is amended to read as follows:

Section 6-212.2 A. Whenever the records of the Department of Public Safety reflect a conviction of a person pursuant to Section 11-902 of this title or an alcohol- or drug-related revocation or suspension of the driver license of that person pursuant to the

provisions of paragraph 2 of subsection A of Section 6-205 or Sections 6-205.1, 6-206, 753, 754 or 761 of this title, the person shall participate in an alcohol and drug substance abuse evaluation program offered by a facility or qualified practitioner certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the person's receptivity to treatment and prognosis. The person shall enroll, attend and successfully complete an alcohol and drug substance abuse course offered by an institution or organization certified by the Department of Mental Health and Substance Abuse Services to conduct such courses. For a second or subsequent offense, the alcohol and drug substance abuse course shall consist of at least twenty-four (24) hours of instruction and shall conform with the provisions of subsection G of Section 3-453 of Title 43A of the Oklahoma Statutes. ~~Persons under twenty-one (21) years of age shall be required to attend and successfully complete an alcohol and drug substance abuse course developed specifically to address the needs of young persons and offered by an institution or organization certified by the Department of Mental Health and Substance Abuse Services to conduct such courses.~~ No citizen shall be compelled to travel more than fifty (50) miles from the citizen's place of residence to attend a course or evaluation program required herein. As used in this subsection, "qualified practitioner" means a person with at least a bachelor's degree in substance abuse treatment, mental health or a related health care field and at least two (2) years' experience in providing alcohol abuse treatment, other drug abuse treatment, or both alcohol and other drug abuse treatment, who is certified each year by the Department of Mental Health and Substance Abuse Services to provide such assessments. For purposes of this subsection, the requirement for alcohol and drug substance abuse evaluation shall be considered satisfied if the person is evaluated by a qualified

practitioner or facility certified for that purpose and a report of such evaluation is presented to the court prior to sentencing.

B. The requirements of subsection A of this section shall be a condition for reinstatement of a driver license, in addition to other conditions for driver license reinstatement provided by law.

SECTION 3. This act shall become effective November 1, 2000.

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