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H.462

Introduced by Representative Pugh of South Burlington

Referred to Committee on

Date:

Subject: Human services; Department of Health; Division of Substance Use

Programs; autopsies; Child Fatality Review Team; unused

prescription drug disposal

Statement of purpose of bill as introduced: This bill proposes to: (1) rename the Department of Health's Alcohol and Drug Abuse Programs to be the Division of Substance Use Programs; (2) require pharmacies with ten or more outlets to host a drug disposal kiosk; (3) enable the Department of Health to share deidentified data produced by the Child Fatality Review Team with similar review teams in other states; and (4) require the Chief Medical Officer to provide autopsy reports to both federal prosecutors and prosecutors from other states upon written request.

An act relating to miscellaneous Department of Health programs

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 * * * Division of Substance Use Programs * * *

3 Sec. 1. 3 V.S.A. § 3004 is amended to read:

4 § 3004. PERSONNEL DESIGNATION

5 The Secretary, Deputy Secretary, commissioners, deputy commissioners,
6 attorneys, Directors of the Offices of State Economic Opportunity, ~~of Alcohol~~
7 ~~and Drug Abuse Programs~~, and of Child Support, and all members of boards,
8 committees, commissions, or councils attached to the Agency for support are
9 exempt from the classified State service. Except as authorized by section 311
10 of this title or otherwise by law, all other positions shall be within the classified
11 service.

12 Sec. 2. 18 V.S.A. § 4255 is amended to read:

13 § 4255. VERMONT PRESCRIPTION DRUG ADVISORY COUNCIL

14 * * *

15 (b)(1) The Advisory Council shall consist of the following members:

16 (A) the Commissioner of Health or designee, who shall serve as
17 chair;

18 (B) the Deputy Commissioner of Health for ~~Alcohol and Drug Abuse~~
19 ~~Programs~~ the Division of Substance Use Programs or designee;

20 * * *

1 (CC) a drug and alcohol abuse counselor licensed pursuant to
2 26 V.S.A. chapter 62, to be selected by the Deputy Commissioner of Health for
3 ~~Alcohol and Drug Abuse Programs~~ the Division of Substance Use Programs;

4 * * *

5 Sec. 3. 18 V.S.A. § 4803 is amended to read:

6 § 4803. SUBSTANCE ~~MISUSE~~ USE PREVENTION OVERSIGHT AND
7 ADVISORY COUNCIL

8 (a) Creation. There is created the Substance ~~Misuse~~ Use Prevention
9 Oversight and Advisory Council within the Department of Health to improve
10 the health outcomes of all Vermonters through a consolidated and holistic
11 approach to substance ~~misuse~~ use prevention that addresses all categories of
12 substances. The Council shall provide advice to the Governor and General
13 Assembly for improving prevention policies and programming throughout the
14 State and to ensure that population prevention measures are at the forefront of
15 all policy determinations. The Advisory Council's prevention initiatives shall
16 encompass all substances at risk of misuse, including:

17 * * *

18 (b)(1) Membership. The agenda of the Council shall be determined by an
19 executive committee composed of the following members:

20 * * *

1 (xiii) comprehensive communications and media campaigns.

2 (c) Powers and duties. The Council shall strengthen the State's response to
3 the substance use disorder crisis by advancing evidence-based and evidence-
4 informed substance ~~misuse~~ use prevention initiatives. The Council's duties
5 shall include:

6 * * *

7 (2) reviewing substance ~~misuse~~ use prevention program evaluations and
8 making specific recommendations for modification based on the results,
9 including recommendations to address gaps in both services and populations
10 served;

11 * * *

12 (6) recommending strategies to integrate substance ~~misuse~~ use
13 prevention programming across the State, including between State agencies
14 and in public-private partnerships;

15 (7) development of a statewide media campaign for substance ~~misuse~~
16 use prevention; and

17 (8) holding a minimum of two public meetings to receive public input
18 and advice for setting program priorities for substances at risk of misuse.

19 * * *

1 (e) Assistance. The Council shall have administrative, technical, and
2 communications assistance from the Manager of Substance ~~Misuse~~ Use
3 Prevention established pursuant to section 4804 of this title.

4 * * *

5 (g) Organization.

6 (1) Members of the Council shall serve two-year terms and may be
7 reappointed. Any vacancy on the Council shall be filled in the same manner as
8 the original appointment. The replacement member shall serve for the
9 remainder of the unexpired term. Any individual interested in serving on the
10 Council may submit a letter of interest or resume to the Manager of Substance
11 ~~Misuse~~ Use Prevention.

12 * * *

13 Sec. 4. 18 V.S.A. § 4804 is amended to read:

14 § 4804. MANAGER OF SUBSTANCE ~~MISUSE~~ USE PREVENTION

15 There is created the permanent position of the Manager of Substance
16 ~~Misuse~~ Use Prevention within the Department of Health for the purpose of:

17 (1) coordinating the work of the Substance ~~Misuse~~ Use Prevention
18 Oversight and Advisory Council established pursuant to section 4803 of this
19 title; and

20 (2) coordinating regional planning.

1 Sec. 5. 18 V.S.A. 4806 is amended to read:

2 § 4806. DIVISION OF ~~ALCOHOL AND DRUG ABUSE~~ SUBSTANCE USE
3 PROGRAMS

4 (a) The Division of ~~Alcohol and Drug Abuse~~ Substance Use Programs shall
5 plan, operate, and evaluate a consistent, effective program of substance abuse
6 programs. All duties, responsibilities, and authority of the Division shall be
7 carried out and exercised by and within the Department of Health.

8 * * *

9 (c) Under the direction of the Commissioner of Health, the Deputy
10 Commissioner of ~~Alcohol and Drug Abuse Programs~~ for the Division shall
11 review and approve all alcohol and drug programs developed or administered
12 by any State agency or department, except for alcohol and drug education
13 programs developed by the Agency of Education in conjunction with the
14 Alcohol and Drug Abuse Council pursuant to 16 V.S.A. § 909.

15 * * *

16 Sec. 6. 18 V.S.A. § 7253 is amended to read:

17 § 7253. CLINICAL RESOURCE MANAGEMENT AND OVERSIGHT

18 The Commissioner of Mental Health, in consultation with health care
19 providers as defined in section 9432 of this title, including designated
20 hospitals, designated agencies, individuals with mental conditions or
21 psychiatric disabilities, and other stakeholders, shall design and implement a

1 clinical resource management system that ensures the highest quality of care
2 and facilitates long-term, sustained recovery for individuals in the custody of
3 the Commissioner.

4 * * *

5 (2) For the purpose of maintaining the integrity and effectiveness of the
6 clinical resource management system, the Department of Mental Health shall:

7 * * *

8 (B) coordinate care across the mental and physical health care
9 systems as well as ensure coordination within the Agency of Human Services,
10 particularly the Department of Corrections, the Department of Health's
11 ~~Alcohol and Drug Abuse~~ Division of Substance Use Programs, and the
12 Department of Disabilities, Aging, and Independent Living;

13 * * *

14 Sec. 7. 23 V.S.A. § 1216 is amended to read:

15 § 1216. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL

16 CONCENTRATION OF 0.02 OR MORE

17 * * *

18 (g) The Alcohol and Driving Program required under this section shall be
19 administered by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's
20 Division of Substance Use Programs and shall take into consideration any
21 particular treatment needs of operators under ~~the age of 21~~ years of age.

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Sec. 8. 23 V.S.A. § 3207f is amended to read:

§ 3207f. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL
CONCENTRATION OF 0.02 OR MORE

* * *

(f) The alcohol program required under this section shall be administered
by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of
Substance Use Programs and shall take into consideration any particular
treatment needs of operators under ~~the age of 21~~ years of age.

* * *

Sec. 9. 23 V.S.A. § 3323a is amended to read:

§ 3323a. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL
CONCENTRATION OF 0.02 OR MORE

* * *

(f) The alcohol program required under this section shall be administered
by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of
Substance Use Programs and shall take into consideration any particular
treatment needs of operators under ~~the age of 21~~ years of age.

* * *

1 (b) Pharmacies that operate 10 or more establishments in the United States,
2 while concurrently conducting business in Vermont, shall enroll in a drug
3 disposal kiosk program not later than December 31, 2022.

4 * * * Child Fatality Review Team * * *

5 Sec. 12. 18 V.S.A. § 1561 is amended to read:

6 § 1561. CHILD FATALITY REVIEW TEAM

7 * * *

8 (g)~~(4)~~ Confidentiality.

9 (1)(A) The records produced or acquired by the Team are exempt from
10 public inspection and copying under the Public Records Act and shall be kept
11 confidential. The records of the Team are not subject to subpoena, discovery,
12 or introduction into evidence in a civil or criminal action. Nothing in this
13 section shall be construed to limit or restrict the right to discover or use in any
14 civil or criminal proceedings information or records that are available from
15 another source and entirely outside the Team's review. The Team shall not use
16 the information or records generated during the course of its review for
17 purposes other than those described in this section.

18 (B) The Department may share deidentified data produced or
19 acquired by the Team with other states that have child fatality review panels,

1 provided access under such agreements is consistent with the privacy, security,
2 and disclosure protections in this chapter.

3 * * *

4 * * * Autopsy Reports * * *

5 Sec. 13. 18 V.S.A. § 5205 is amended to read:

6 § 5205. DEATH CERTIFICATE WHEN NO ATTENDING PHYSICIAN
7 AND IN OTHER CIRCUMSTANCES; AUTOPSY

8 * * *

9 (f) The State's Attorney or Chief Medical Examiner, if either deem it
10 necessary and in the interest of public health, welfare, and safety, or in
11 furtherance of the administration of the law, may order an autopsy to be
12 performed by the Chief Medical Examiner or under ~~his or her~~ the Chief
13 Medical Examiner's direction. Upon completion of the autopsy, the Chief
14 Medical Examiner shall submit a report to such State's Attorney and the
15 Attorney General and shall submit a report of death to the State Registrar.
16 Upon the written request of a federal prosecutor or a prosecutor in another
17 state, the Chief Medical Examiner shall submit a report of a death to the
18 requesting office.

19 * * *

1

* * * Effective Date * * *

2

Sec. 14. EFFECTIVE DATE

3

This act shall take effect on July 1, 2022.