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SENATE BILL 786

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Cisco McSorley

AN ACT

**RELATING TO HEALTH; PROVIDING FOR A SUBSTANCE ABUSE PROGRAM
OPERATED BY A COUNTY, A MUNICIPALITY, THE DEPARTMENT OF HEALTH
OR A PRIVATE ORGANIZATION; ENACTING THE SUBSTANCE ABUSE
TREATMENT ACT.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. SHORT TITLE.--This act may be cited as the
"Substance Abuse Treatment Act".**

**Section 2. DEFINITIONS.--As used in the Substance Abuse
Treatment Act:**

A. "department" means the department of health;

**B. "fund" means the Substance Abuse Treatment Act
fund;**

**C. "program" means a full array of substance abuse
services operated by a county, a municipality, the department**

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1 or a private organization, individually or jointly, with the
2 purpose of providing services to criminal offenders; and

3 D. "substance abuser" means any person requesting
4 treatment for substance abuse.

5 Section 3. SUBSTANCE ABUSE TREATMENT ACT FUND--
6 ESTABLISHED.--There is created in the state treasury a special
7 fund to be known as the "substance abuse treatment act fund".
8 All money appropriated to the fund or accruing to it as a
9 result of gifts, deposits, investments or other sources shall
10 not be transferred to another fund or encumbered or disbursed
11 in any manner except as provided in the Substance Abuse
12 Treatment Act. The fund shall be for the purpose of providing
13 programs and services for the treatment of substance abusers
14 in the most appropriate settings.

15 Section 4. FUND--ADMINISTRATION.--The department shall
16 administer the fund and make grants to counties,
17 municipalities or private organizations, individually or
18 jointly, pursuant to the provisions of the Substance Abuse
19 Treatment Act; provided that a grant shall not be made to a
20 private organization that is not a nonprofit organization
21 without the approval of the secretary of health. The
22 department may also utilize the fund to contract directly for
23 programs and services. The department shall use no more than
24 ten percent of the fund for administration and monitoring
25 purposes by the state. In addition, the department shall

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1 allow no more than ten percent of a grant from the fund to be
2 used for administrative costs incurred by counties,
3 municipalities and private organizations. After proper notice
4 and public hearings, the department shall adopt regulations
5 that provide standards for qualifications for grants,
6 priorities for awarding of funds and other standards regarding
7 substance abuse and shall review and approve or disapprove all
8 applications submitted pursuant to the provisions of the
9 Substance Abuse Treatment Act. Disbursements from the fund
10 shall be made only upon warrant drawn by the secretary of
11 finance and administration pursuant to vouchers signed by the
12 secretary of health.

13 Section 5. CRITERIA FOR APPLICATIONS. -- Counties,
14 municipalities or private organizations, individually or
15 jointly, may apply for grants from the fund, including grants
16 for counties or municipalities to purchase contractual
17 services from private organizations, provided that:

18 A. the application is for funding a program with
19 priority use being for substance abuse treatment services
20 selected pursuant to the provisions of Section 33-9-7 NMSA
21 1978;

22 B. the applicant certifies that it is willing and
23 able to operate the program according to standards provided by
24 the department;

25 C. the applicant demonstrates the support of key

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1 components of the Substance Abuse Treatment Act system; and

2 D. no class A county as defined in Section
3 4-44-1 NMSA 1978, alone or in conjunction with any
4 municipality within a class A county, shall receive more than
5 forty-nine percent of any money appropriated to the fund.

6 Section 6. APPLICATION REVIEW PANEL. --The department
7 shall establish a panel to review all applications for funding
8 under the Substance Abuse Treatment Act. The panel shall make
9 recommendations to the secretary of health regarding each
10 application. The panel shall be appointed by the secretary of
11 health and shall include substance abuse professionals,
12 substance abuse providers and representatives of the general
13 public.

14 Section 7. ANNUAL REPORT. --The department shall submit
15 an annual report to the governor and the legislature not later
16 than December 15 of each year. The report shall include, but
17 not be limited to, funding awards, program effectiveness,
18 monitoring efforts and future recommendations.

19 Section 8. APPROPRIATION. --Forty million dollars
20 (\$40,000,000) is appropriated from the general fund to the
21 Substance Abuse Treatment Act fund for expenditure in fiscal
22 year 2002 and subsequent fiscal years to carry out the
23 provisions of the Substance Abuse Treatment Act. Any
24 unexpended or unencumbered balance remaining at the end of a
25 fiscal year shall not revert to the general fund.

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