

SB3333



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3333

Introduced 2/10/2010, by Sen. Dan Cronin

SYNOPSIS AS INTRODUCED:

20 ILCS 301/5-10

Amends the Alcoholism and Other Drug Abuse and Dependency Act. Provides that the Illinois Department of Human Services shall prepare, publish, evaluate, disseminate and serve as a central repository for educational materials dealing with the nature and effects of alcoholism and other drug abuse and dependency, and that such materials may deal with the educational needs of the citizens of Illinois, and shall (rather than may) include at least pamphlets which describe the causes and effects of fetal alcohol syndrome, which the Department may distribute free of charge to each county clerk in sufficient quantities that the county clerk may provide a pamphlet to the recipients of all marriage licenses issued in the county. Effective immediately.

LRB096 18125 KTG 33500 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Alcoholism and Other Drug Abuse and
5 Dependency Act is amended by changing Section 5-10 as follows:

6 (20 ILCS 301/5-10)

7 Sec. 5-10. Functions of the Department.

8 (a) In addition to the powers, duties and functions vested
9 in the Department by this Act, or by other laws of this State,
10 the Department shall carry out the following activities:

11 (1) Design, coordinate and fund a comprehensive and
12 coordinated community-based and culturally and
13 gender-appropriate array of services throughout the State
14 for the prevention, intervention, treatment and
15 rehabilitation of alcohol and other drug abuse and
16 dependency that is accessible and addresses the needs of
17 at-risk or addicted individuals and their families.

18 (2) Act as the exclusive State agency to accept,
19 receive and expend, pursuant to appropriation, any public
20 or private monies, grants or services, including those
21 received from the federal government or from other State
22 agencies, for the purpose of providing an array of services
23 for the prevention, intervention, treatment and

1 rehabilitation of alcoholism or other drug abuse or
2 dependency. Monies received by the Department shall be
3 deposited into appropriate funds as may be created by State
4 law or administrative action.

5 (3) Coordinate a statewide strategy among State
6 agencies for the prevention, intervention, treatment and
7 rehabilitation of alcohol and other drug abuse and
8 dependency. This strategy shall include the development of
9 an annual comprehensive State plan for the provision of an
10 array of services for education, prevention, intervention,
11 treatment, relapse prevention and other services and
12 activities to alleviate alcoholism and other drug abuse and
13 dependency. The plan shall be based on local
14 community-based needs and upon data including, but not
15 limited to, that which defines the prevalence of and costs
16 associated with the abuse of and dependency upon alcohol
17 and other drugs. This comprehensive State plan shall
18 include identification of problems, needs, priorities,
19 services and other pertinent information, including the
20 needs of minorities and other specific populations in the
21 State, and shall describe how the identified problems and
22 needs will be addressed. For purposes of this paragraph,
23 the term "minorities and other specific populations" may
24 include, but shall not be limited to, groups such as women,
25 children, intravenous drug users, persons with AIDS or who
26 are HIV infected, African-Americans, Puerto Ricans,

1 Hispanics, Asian Americans, the elderly, persons in the
2 criminal justice system, persons who are clients of
3 services provided by other State agencies, persons with
4 disabilities and such other specific populations as the
5 Department may from time to time identify. In developing
6 the plan, the Department shall seek input from providers,
7 parent groups, associations and interested citizens.

8 Beginning with State fiscal year 1996, the annual
9 comprehensive State plan developed under this Section
10 shall include an explanation of the rationale to be used in
11 ensuring that funding shall be based upon local community
12 needs, including, but not limited to, the incidence and
13 prevalence of, and costs associated with, the abuse of and
14 dependency upon alcohol and other drugs, as well as upon
15 demonstrated program performance.

16 The annual comprehensive State plan developed under
17 this Section shall contain a report detailing the
18 activities of and progress made by the programs for the
19 care and treatment of addicted pregnant women, addicted
20 mothers and their children established under subsection
21 (j) of Section 35-5 of this Act.

22 Each State agency which provides or funds alcohol or
23 drug prevention, intervention and treatment services shall
24 annually prepare an agency plan for providing such
25 services, and these shall be used by the Department in
26 preparing the annual comprehensive statewide plan. Each

1 agency's annual plan for alcohol and drug abuse services
2 shall contain a report on the activities and progress of
3 such services in the prior year. The Department may provide
4 technical assistance to other State agencies, as required,
5 in the development of their agency plans.

6 (4) Lead, foster and develop cooperation, coordination
7 and agreements among federal and State governmental
8 agencies and local providers that provide assistance,
9 services, funding or other functions, peripheral or
10 direct, in the prevention, intervention, treatment or
11 rehabilitation of alcoholism and other drug abuse and
12 dependency. This shall include, but shall not be limited
13 to, the following:

14 (A) Cooperate with and assist the Department of
15 Corrections and the Department on Aging in
16 establishing and conducting programs relating to
17 alcoholism and other drug abuse and dependency among
18 those populations which they respectively serve.

19 (B) Cooperate with and assist the Illinois
20 Department of Public Health in the establishment,
21 funding and support of programs and services for the
22 promotion of maternal and child health and the
23 prevention and treatment of infectious diseases,
24 including but not limited to HIV infection, especially
25 with respect to those persons who may abuse drugs by
26 intravenous injection, or may have been sexual

1 partners of drug abusers, or may have abused substances
2 so that their immune systems are impaired, causing them
3 to be at high risk.

4 (C) Supply to the Department of Public Health and
5 prenatal care providers a list of all alcohol and other
6 drug abuse service providers for addicted pregnant
7 women in this State.

8 (D) Assist in the placement of child abuse or
9 neglect perpetrators (identified by the Illinois
10 Department of Children and Family Services) who have
11 been determined to be in need of alcohol or other drug
12 abuse services pursuant to Section 8.2 of the Abused
13 and Neglected Child Reporting Act.

14 (E) Cooperate with and assist the Illinois
15 Department of Children and Family Services in carrying
16 out its mandates to:

17 (i) identify alcohol and other drug abuse
18 issues among its clients and their families; and

19 (ii) develop programs and services to deal
20 with such problems.

21 These programs and services may include, but shall not
22 be limited to, programs to prevent the abuse of alcohol
23 or other drugs by DCFS clients and their families,
24 rehabilitation services, identifying child care needs
25 within the array of alcohol and other drug abuse
26 services, and assistance with other issues as

1 required.

2 (F) Cooperate with and assist the Illinois
3 Criminal Justice Information Authority with respect to
4 statistical and other information concerning drug
5 abuse incidence and prevalence.

6 (G) Cooperate with and assist the State
7 Superintendent of Education, boards of education,
8 schools, police departments, the Illinois Department
9 of State Police, courts and other public and private
10 agencies and individuals in establishing prevention
11 programs statewide and preparing curriculum materials
12 for use at all levels of education. An agreement shall
13 be entered into with the State Superintendent of
14 Education to assist in the establishment of such
15 programs.

16 (H) Cooperate with and assist the Illinois
17 Department of Healthcare and Family Services in the
18 development and provision of services offered to
19 recipients of public assistance for the treatment and
20 prevention of alcoholism and other drug abuse and
21 dependency.

22 (I) Provide training recommendations to other
23 State agencies funding alcohol or other drug abuse
24 prevention, intervention, treatment or rehabilitation
25 services.

26 (5) From monies appropriated to the Department from the

1 Drunk and Drugged Driving Prevention Fund, make grants to
2 reimburse DUI evaluation and remedial education programs
3 licensed by the Department for the costs of providing
4 indigent persons with free or reduced-cost services
5 relating to a charge of driving under the influence of
6 alcohol or other drugs.

7 (6) Promulgate regulations to provide appropriate
8 standards for publicly and privately funded programs as
9 well as for levels of payment to government funded programs
10 which provide an array of services for prevention,
11 intervention, treatment and rehabilitation for alcoholism
12 and other drug abuse or dependency.

13 (7) In consultation with local service providers,
14 specify a uniform statistical methodology for use by
15 agencies, organizations, individuals and the Department
16 for collection and dissemination of statistical
17 information regarding services related to alcoholism and
18 other drug use and abuse. This shall include prevention
19 services delivered, the number of persons treated,
20 frequency of admission and readmission, and duration of
21 treatment.

22 (8) Receive data and assistance from federal, State and
23 local governmental agencies, and obtain copies of
24 identification and arrest data from all federal, State and
25 local law enforcement agencies for use in carrying out the
26 purposes and functions of the Department.

1 (9) Designate and license providers to conduct
2 screening, assessment, referral and tracking of clients
3 identified by the criminal justice system as having
4 indications of alcoholism or other drug abuse or dependency
5 and being eligible to make an election for treatment under
6 Section 40-5 of this Act, and assist in the placement of
7 individuals who are under court order to participate in
8 treatment.

9 (10) Designate medical examination and other programs
10 for determining alcoholism and other drug abuse and
11 dependency.

12 (11) Encourage service providers who receive financial
13 assistance in any form from the State to assess and collect
14 fees for services rendered.

15 (12) Make grants with funds appropriated from the Drug
16 Treatment Fund in accordance with Section 7 of the
17 Controlled Substance and Cannabis Nuisance Act, or in
18 accordance with Section 80 of the Methamphetamine Control
19 and Community Protection Act, or in accordance with
20 subsections (h) and (i) of Section 411.2 of the Illinois
21 Controlled Substances Act.

22 (13) Encourage all health and disability insurance
23 programs to include alcoholism and other drug abuse and
24 dependency as a covered illness.

25 (14) Make such agreements, grants-in-aid and
26 purchase-care arrangements with any other department,

1 authority or commission of this State, or any other state
2 or the federal government or with any public or private
3 agency, including the disbursement of funds and furnishing
4 of staff, to effectuate the purposes of this Act.

5 (15) Conduct a public information campaign to inform
6 the State's Hispanic residents regarding the prevention
7 and treatment of alcoholism.

8 (b) In addition to the powers, duties and functions vested
9 in it by this Act, or by other laws of this State, the
10 Department may undertake, but shall not be limited to, the
11 following activities:

12 (1) Require all programs funded by the Department to
13 include an education component to inform participants
14 regarding the causes and means of transmission and methods
15 of reducing the risk of acquiring or transmitting HIV
16 infection, and to include funding for such education
17 component in its support of the program.

18 (2) Review all State agency applications for federal
19 funds which include provisions relating to the prevention,
20 early intervention and treatment of alcoholism and other
21 drug abuse and dependency in order to ensure consistency
22 with the comprehensive statewide plan developed pursuant
23 to this Act.

24 (3) Prepare, publish, evaluate, disseminate and serve
25 as a central repository for educational materials dealing
26 with the nature and effects of alcoholism and other drug

1 abuse and dependency. Such materials may deal with the
2 educational needs of the citizens of Illinois, and shall
3 ~~may~~ include at least pamphlets which describe the causes
4 and effects of fetal alcohol syndrome, which the Department
5 may distribute free of charge to each county clerk in
6 sufficient quantities that the county clerk may provide a
7 pamphlet to the recipients of all marriage licenses issued
8 in the county.

9 (4) Develop and coordinate, with regional and local
10 agencies, education and training programs for persons
11 engaged in providing the array of services for persons
12 having alcoholism or other drug abuse and dependency
13 problems, which programs may include specific HIV
14 education and training for program personnel.

15 (5) Cooperate with and assist in the development of
16 education, prevention and treatment programs for employees
17 of State and local governments and businesses in the State.

18 (6) Utilize the support and assistance of interested
19 persons in the community, including recovering addicts and
20 alcoholics, to assist individuals and communities in
21 understanding the dynamics of addiction, and to encourage
22 individuals with alcohol or other drug abuse or dependency
23 problems to voluntarily undergo treatment.

24 (7) Promote, conduct, assist or sponsor basic
25 clinical, epidemiological and statistical research into
26 alcoholism and other drug abuse and dependency, and

1 research into the prevention of those problems either
2 solely or in conjunction with any public or private agency.

3 (8) Cooperate with public and private agencies,
4 organizations and individuals in the development of
5 programs, and to provide technical assistance and
6 consultation services for this purpose.

7 (9) Publish or provide for the publishing of a manual
8 to assist medical and social service providers in
9 identifying alcoholism and other drug abuse and dependency
10 and coordinating the multidisciplinary delivery of
11 services to addicted pregnant women, addicted mothers and
12 their children. The manual may be used only to provide
13 information and may not be used by the Department to
14 establish practice standards. The Department may not
15 require recipients to use specific providers nor may they
16 require providers to refer recipients to specific
17 providers. The manual may include, but need not be limited
18 to, the following:

19 (A) Information concerning risk assessments of
20 women seeking prenatal, natal, and postnatal medical
21 care.

22 (B) Information concerning risk assessments of
23 infants who may be substance-affected.

24 (C) Protocols that have been adopted by the
25 Illinois Department of Children and Family Services
26 for the reporting and investigation of allegations of

1 child abuse or neglect under the Abused and Neglected
2 Child Reporting Act.

3 (D) Summary of procedures utilized in juvenile
4 court in cases of children alleged or found to be
5 abused or neglected as a result of being born to
6 addicted women.

7 (E) Information concerning referral of addicted
8 pregnant women, addicted mothers and their children by
9 medical, social service, and substance abuse treatment
10 providers, by the Departments of Children and Family
11 Services, Public Aid, Public Health, and Human
12 Services.

13 (F) Effects of substance abuse on infants and
14 guidelines on the symptoms, care, and comfort of
15 drug-withdrawing infants.

16 (G) Responsibilities of the Illinois Department of
17 Public Health to maintain statistics on the number of
18 children in Illinois addicted at birth.

19 (10) To the extent permitted by federal law or
20 regulation, establish and maintain a clearinghouse and
21 central repository for the development and maintenance of a
22 centralized data collection and dissemination system and a
23 management information system for all alcoholism and other
24 drug abuse prevention, early intervention and treatment
25 services.

26 (11) Fund, promote or assist programs, services,

1 demonstrations or research dealing with addictive or
2 habituating behaviors detrimental to the health of
3 Illinois citizens.

4 (12) With monies appropriated from the Group Home Loan
5 Revolving Fund, make loans, directly or through
6 subcontract, to assist in underwriting the costs of housing
7 in which individuals recovering from alcohol or other drug
8 abuse or dependency may reside in groups of not less than 6
9 persons, pursuant to Section 50-40 of this Act.

10 (13) Promulgate such regulations as may be necessary
11 for the administration of grants or to otherwise carry out
12 the purposes and enforce the provisions of this Act.

13 (14) Fund programs to help parents be effective in
14 preventing substance abuse by building an awareness of
15 drugs and alcohol and the family's role in preventing abuse
16 through adjusting expectations, developing new skills, and
17 setting positive family goals. The programs shall include,
18 but not be limited to, the following subjects: healthy
19 family communication; establishing rules and limits; how
20 to reduce family conflict; how to build self-esteem,
21 competency, and responsibility in children; how to improve
22 motivation and achievement; effective discipline; problem
23 solving techniques; and how to talk about drugs and
24 alcohol. The programs shall be open to all parents.

25 (Source: P.A. 94-556, eff. 9-11-05; 95-331, eff. 8-21-07.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.