**South Carolina General Assembly**

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**H. 3421**

**STATUS INFORMATION**

General Bill

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Introduced in the House on January 25, 2011

Currently residing in the House Committee on **Judiciary**

Summary: Division of Alcohol and Other Drug Abuse Services

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/25/2011 House Introduced and read first time ([House Journal‑page 25](file:///h:\hj%20archive\2011\01-25-11.docx))

1/25/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 25](file:///h:\hj%20archive\2011\01-25-11.docx))

**VERSIONS OF THIS BILL**

[1/25/2011](file:///p:\pprever\2011-12\3421_20110125.docx)

**A** **BILL**

TO AMEND SECTION 1‑30‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEPARTMENTS OF EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; TO AMEND SECTION 1‑30‑70, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF MENTAL HEALTH, SO AS TO ESTABLISH WITHIN THAT DEPARTMENT THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE FUNCTIONS OF THE FORMER DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO RECONSTITUTE THAT DEPARTMENT AS A DIVISION OF THE DEPARTMENT OF MENTAL HEALTH UNDER THE ADMINISTRATION OF THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH; TO REPEAL SECTION 1‑30‑20 RELATING TO THE FUNCTIONS TRANSFERRED TO THE FORMER DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; TO PROVIDE THAT THE PROVISIONS OF THIS ACT TAKE EFFECT JULY 1, 2011, AND TO PROVIDE TRANSACTION PROVISIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1‑30‑10(A)2. of the 1976 Code is amended to read:

“2. ~~Department of Alcohol and Other Drug Abuse Services~~ Reserved”

SECTION 2. Section 1‑30‑70 of the 1976 Code is amended to read:

“Section 1‑30‑70. (A) Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are ~~hereby~~ transferred to and incorporated in and ~~shall~~ must be administered as part of the Department of Mental Health to include a Children’s Services Division and ~~shall~~ include:

Department of Mental Health, provided for ~~at Section 44‑9‑10, et seq~~ pursuant to Chapter 9, Title 44.

(B) Effective July 1, 2011, the former Department of Alcohol and Other Drug Abuse Services is incorporated into and must be administered as a division of the Department of Mental Health.”

SECTION 3. Chapter 49, Title 44 of the 1976 Code is amended to read:

“CHAPTER 49

~~Department~~ Division of Alcohol and Other Drug Abuse Services

of the Department of Mental Health

Section 44‑49‑10. (A) There is established within the Department of Mental Health and under the administration of the director of the department, the ~~Department~~ Division of Alcohol and Other Drug Abuse Services. The ~~department shall be~~ division is vested with all the functions, powers, and duties, of the ~~South Carolina Commission on Alcoholism and the South Carolina Commission on Alcohol and Drug Abuse and shall have~~ Department of Alcohol and Other Drug Abuse Services established pursuant to the former provisions of Section 1‑30‑20. The division has full authority for formulating, coordinating and administering the state plans for controlling narcotics and controlled substances and alcohol abuse.

(B) All functions, powers, and duties of the ~~commissioner of the narcotics and controlled substances section of the State Planning and Grants Division (Division of Administration in the Office of the Governor)~~ Director of the Department of Alcohol and Other Drug Abuse Services are ~~hereby~~ transferred to the department, except those powers and duties related to the traffic of narcotics and controlled substances as defined in Section 44‑53‑130 which ~~shall be~~ are vested in the State Law Enforcement Division.

(C) All ~~rules and~~ regulations promulgated and rules prescribed by the ~~commissioner of narcotics and controlled substances shall~~ Department of Alcohol and Other Drug Abuse Services remain in effect until changed by the ~~department~~ division.

(D) The ~~department is authorized to~~ division may establish a block grant mechanism to provide ~~such~~ monies ~~as may be~~ appropriated by the ~~Legislature~~ General Assembly for this purpose to each of the agencies designated under Section 61‑12‑20(a). The distribution of these monies must be on a per capita basis according to the most recent United States Census. The agencies designated under Section 61‑12‑20(a) ~~must~~ shall expend any funds received through this mechanism in accordance with the county plans required under Section 61‑12‑20(b).

(E) The ~~department is authorized to develop such~~ division may prescribe rules and promulgate regulations not inconsistent with the provisions of this chapter as it ~~may find to be reasonably~~ determines appropriate for the government of the county plans called for in Section 61‑12‑20(b), and the financial and programmatic accountability of funds provided under this section and all other funds provided by the ~~department~~ division to agencies designated under Section 61‑12‑20(a).

Section 44‑49‑20. The ~~Department~~ Division of Alcohol and Other Drug Abuse Services ~~shall~~ must be headed by a deputy director of the Department of Mental Health appointed by the ~~Governor, upon the advice and consent of the Senate~~ director. The deputy director is subject to removal by the ~~Governor pursuant to the provisions of Section 1‑3‑240~~ director.

Section 44‑49‑40. (A) Under the overall administration of the director of the Department of Mental Health, the ~~department~~ division shall arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances.

(B) Results, information, and evidence received from the Department of Health and Environmental Control relating to the regulatory functions of this chapter and Article 3, ~~of~~ Chapter 53 of this title, including results of inspections conducted by ~~such~~ that department, may be relied upon and acted upon by the ~~department~~ division in conformance with its administration and coordinating duties under this chapter and Article 3, ~~of~~ Chapter 53 of this title.

(C)(1) The ~~department~~ division shall: plan, coordinate and cooperate in educational programs for schools, communities and general public designed to prevent and deter misuse and abuse of controlled substances;

(2) promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations;

(3) assist the regulated industry, interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances;

(4) consult with interested groups and organizations to aid them in solving administrative and organizational problems;

(5) evaluate procedures, projects, techniques, and controls conducted or proposed as part of educational programs on misuse and abuse of controlled substances;

(6) disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to combat them;

(7) assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances;

(8) encourage research on misuse and abuse of controlled substances;

(9) cooperate in establishing methods to assess accurately the effects of controlled substances and to identify and characterize controlled substances with potential for abuse;

(10) cooperate in making studies and in undertaking programs of research to:

(a) develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of Sections 44‑49‑10, 44‑49‑40 and 44‑49‑50 and Article 3, ~~of~~ Chapter 53 of this title;

(b) determine patterns of misuse and abuse of controlled substances and the social effects ~~thereof~~ of that misuse and abuse; and

(c) improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled substances.

(D) The ~~department~~ division may enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on misuse and abuse of controlled substances.

(E) The ~~department~~ division may enter into contracts for educational and research activities without performance bonds.

(F) The ~~department is authorized to~~ division may accept gifts, bequests, devises, contributions, and grants, public or private, including federal funds, or funds from any other source for use in furthering the purpose of the ~~department~~ division. The ~~department is authorized to~~ division may administer the grants and contracts arising from the federal program entitled the Drug‑Free Schools and Communities Act of 1986, P.L. 99‑570.

Section 44‑49‑50. It ~~shall be~~ is the duty of all departments, officers, agencies, and employees of the State to cooperate with the ~~Department~~ Division of Alcohol and Other Drug Abuse Services of the Department of Mental Health in carrying out its functions. The Attorney General shall furnish ~~such~~ legal services as are necessary to the ~~department~~ division.

Section 44‑49‑60. The ~~department~~ division shall appoint a supervisor of adult education for the prevention of alcoholism, who ~~shall be~~ is responsible for activating and implementing an adequate alcoholic education program for the citizens of this State above high school age. The program ~~shall~~ must be designed to prevent or reduce alcoholism in this State and to create a recognition and understanding of the problem.

In carrying out the provisions of this section the ~~department~~ division and the supervisor of adult education for the prevention of alcoholism may consult and work in conjunction with groups such as Alcoholics Anonymous, the Yale Center of Alcohol Studies of Yale University, the Research Council on Problems of Alcohol of the American Association for the Advancement of Science, the South Carolina Medical Association, ~~the department~~ other divisions of the Department of Mental Health, the Christian Action Council, the Committee on Alcoholism of the South Carolina Conference of Social Work and other groups or agencies that are able to assist in the study, prevention, treatment and rehabilitation of alcoholics and in a scientific educational program on the problems of alcohol.

Section 44‑49‑70. The ~~department~~ division shall furnish the supervisor of adult education for the prevention of alcoholism adequate ways and means to accomplish an effective educational program for the prevention of alcoholism in this State.

Section 44‑49‑80. The ~~department~~ division shall establish a program to provide alcohol and drug abuse intervention, prevention, and treatment services for the public schools of the State. The ~~department~~ division shall provide staff and support necessary to administer the program. Funds for this program must be annually appropriated by the General Assembly from the Education Improvement Act of 1984 Fund as it determines appropriate. The appropriated funds must be forwarded to the ~~South Carolina Department~~ Division of Alcohol and Other Drug Abuse Services from the Education Improvement Act of 1984 Fund in the manner the State Treasurer ~~shall direct~~ directs.”

SECTION 4. Section 1‑30‑20 of the 1976 Code is repealed.

SECTION 5. (1) Where the provisions of this act abolish the Department of Alcohol and Other Drug Abuse Services as a separate agency in the executive branch of state government and reconstitute it as a division of the Department of Mental Health, the employees, authorized appropriations, and assets and liabilities of the Department of Alcohol and Other Drug Abuse Services are also transferred to and become part of the Department of Mental Health. All classified or unclassified personnel employed by the Department of Alcohol and Other Drug Abuse Services on the effective date of this act, either by contract or by employment at will, become employees of the Department of Mental Health with the same compensation, classification, and grade level, as applicable. The State Budget and Control Board shall cause all necessary actions to be taken to accomplish this transfer in accordance with state laws and regulations.

(2) Regulations promulgated by the Department of Alcohol and Other Drug Abuse Services are continued and are considered to be promulgated by the Department of Mental Health.

(3) The Code Commissioner is directed to change or correct all references to the Department of Alcohol and Other Drug Abuse Services to reflect its status as a division of the Department of Mental Health. References to the name of the Department of Alcohol and Other Drug Abuse Services in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references.

SECTION 6. This act takes effect July 1, 2011.

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