

Vermont Legislative Joint Fiscal Office

One Baldwin Street • Montpelier, VT 05633-5701 • (802) 828-2295 • Fax: (802) 828-2483

FISCAL NOTE

Date: Updated August 21, 2019

Prepared by: Nolan Langweil

S. 146 - An act relating to substance misuse prevention

As passed by the General Assembly (Act No. 82)

<https://legislature.vermont.gov/bill/status/2020/S.146>

The bill proposes establishing two new positions within the Executive Branch for the purposes of directing and coordinating substance misuse prevention strategies across State government and in collaboration with community partners. The bill also proposes to establish a Substance Misuse Prevention Oversight and Advisory Council and repeals several existing advisory boards and councils.

Estimated Fiscal Impacts:

The following are sections of the bill that have potential fiscal implications. Yet, the bill as passed by the Senate and amended (as per draft 5.1) by the House Committee on Human Services ***require no additional appropriation at this time.***

Legislative Intent

Sec. 1(3) states that it is the intent of the general assembly that a significant portion of any new revenue generated by taxation of substances at risk of misuse, including cannabis, tobacco, tobacco substitutes, alcohol, and opioids, be directed to fund substance misuse prevention initiatives. While such intent language has no immediate fiscal implications, it is meant to emphasize the goal of legislators at the time of the bill's passage.

Director & Manager of Substance Misuse Prevention

The bill proposes creating two new permanent positions:

- Chief Prevention Officer – Sec. 2 creates this position within the Agency of Administration for the purpose of coordinating across State government and in collaboration with community partners, policies, programs, and budgets to support and improve the well-being of all Vermonters through prevention efforts.
 - Note: Under the Senate version, this position was called the *Director of Substance Misuse Prevention*.
- Manager of Substance Misuse Prevention – This position is created (in Sec. 3) within the Department of Health for the purpose of coordinating the work of the Substance Misuse Prevention Oversight and Advisory Council (also created in Sec. 3), coordinating strategic regional plans, and serving as a liaison to the Chief Prevention Officer.

According to AHS, no new positions need to be created since positions already exist within AHS (related to the Opioid Coordination Council) that can be reconstituted for the purposes laid out in this bill. The positions are currently filled but could be adapted to reflect the intent of S.146. While

the two existing positions are not currently funded in the Governor’s proposed FY 2020 budget, AHS planned to fund them with carryforward funds appropriated in Act 11 of the 2018 Special Session for the purpose of supporting substance use disorder activities.¹

Current Positions		New Positions & Agency / Department As proposed under S.146	
Position & Agency	FY 2020 Total Budgeted Salary & Benefits	Senate as passed	House Human Services as Proposed
Director of Drug Prevention Policy - Agency of Human Services	\$137,658	Director of Substance Misuse Prevention (AOA) - Agency of Human Services	Chief Prevention Officer - Agency of Administration
Community Engagement Liaison (AHS) - Agency of Human Services	\$131,108	Manager of Substance Misuse Prevention (VDH) - Department of Health	Manager of Substance Misuse Prevention (VDH) - Department of Health

Advisory Boards and Councils

Sec. 3 also creates the *Substance Misuse Prevention Oversight and Advisory Council* within the Department of Health to provide advice to the Governor and the General Assembly for improving prevention policies and programming throughout the State.² Members who are not employed by the State or whose participation is not supported through their employment or association shall be entitled to compensation and reimbursement per diems.³

The bill also repeals the following boards and councils:

- The Alcohol and Drug Abuse Council (Sec.3)
- The Tobacco Evaluation and Review Board (Sec. 4)

While it is unclear how many members of this new committee will claim per diems, any new per diem costs will very likely be off-set by the elimination of the aforementioned boards and councils.

Sec. #	Board / Council	Current			Senate as passed	House Human Services as proposed
		# of Members	Statute	# of Meetings		
5	Substance Misuse Prevention Oversight and Advisory Council		-----		Created in Senate Bill. 9 members	Add's " <u>oversight and</u> " to the title. No required membership size. Membership must collectively encompass <u>specific experience criteria.</u> Six meetings
	Alcohol and Drug Abuse Council	12 Members	18 V.S.A. § 4803	Not more than <u>six</u> meetings	Repealed	Repealed
6	Tobacco Evaluation and Review Board	13 Members	18 V.S.A. § 9504	No fewer than <u>four</u> meetings	Repealed	Repealed

¹ Sec. C.1000(a)(14) appropriated \$7.1 million to AHS to maintain critical health care services that have lost federal funding and to support substance use disorder activities including needle exchange programs, active case management of opioid addicted persons and the distribution of naloxone.

² Created as the Substance Misuse Prevention Oversight and Advisory Council in the Senate passed version.

³ As permitted under 32. V.S.A. § 1010.

Previous Fiscal Notes:

As Introduced by the Senate Committee on Health & Welfare:

<https://lifo.vermont.gov/assets/Publications/Senate-Bills/a0c4515d84/S.146-Prevention-as-introduced.pdf>

House Human Services Proposal of Amendment, Draft 7.1

<https://lifo.vermont.gov/assets/Publications/Senate-Bills/9d384a8ce8/S.146-Prevention-as-amended-by-HHS-update.pdf>