

AN ACT relating to problem, compulsive, or pathological gambling and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 222.001 is amended to read as follows:

This chapter shall be known and may be cited as the Kentucky **Law for the Prevention, Intervention, and Treatment of Alcohol and Other Drug Abuse and Problem and Pathological Gambling**~~[Prevention, Intervention, and Treatment Law]~~.

➔Section 2. KRS 222.003 is amended to read as follows:

- (1) The programs or activities of the voluntary self-help organizations known as Alcoholics Anonymous, Narcotics Anonymous, **Gamblers Anonymous, Gam-Anon**, Al-Anon, and similar organizations in the area of **addiction**~~[alcohol and other drug abuse]~~ rehabilitation shall not be restricted or regulated by the provisions of this chapter.
- (2) The programs or activities of voluntary community groups and agencies, such as Students Against Drunk Driving, National Federation of Parents, Parent Resource Institute for Drug Education, **National Council on Problem Gambling**, and similar organizations in the area of **addiction**~~[alcohol and other drug abuse]~~ prevention, shall not be restricted or regulated by the provisions of this chapter.
- (3) Nothing contained in this chapter shall affect any laws, administrative regulations, ordinances, resolutions, or local regulations against driving under the influence of alcohol or other drugs, or other similar offenses that involve the operation of motor vehicles, machinery, or other hazardous equipment.

➔Section 3. KRS 222.005 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

- (1) "Administrator" means the person or the designee of the person, in charge of the operation of **a prevention, intervention, or treatment program for**~~[an]~~ alcohol and other drug abuse **or problem or pathological gambling**~~[prevention, intervention, or~~

- ~~treatment program~~];
- (2) "Agency" means a legal entity operating hospital-based or nonhospital-based prevention, intervention, or treatment programs for alcohol and other drug abuse or problem or pathological gambling~~[prevention, intervention, or treatment programs]~~];
- (3) "Alcohol and other drug abuse" means a dysfunctional use of alcohol or other drugs or both, characterized by one (1) or more of the following patterns of use:
- (a) The continued use despite knowledge of having a persistent or recurrent social, legal, occupational, psychological, or physical problem that is caused or exacerbated by use of alcohol or other drugs or both;
 - (b) Use in situations which are potentially physically hazardous;
 - (c) Loss of control over the use of alcohol or other drugs or both; and
 - (d) Use of alcohol or other drugs or both is accompanied by symptoms of physiological dependence, including pronounced withdrawal syndrome and tolerance of body tissues to alcohol or other drugs or both;
- (4) "Cabinet" means the Cabinet for Health and Family Services;
- (5) "Director" means the director of the Division of Behavioral Health of the Department for Behavioral Health, Developmental and Intellectual Disabilities;
- (6) "Hospital" means an establishment with organized medical staff and permanent facilities with inpatient beds which provide medical services, including physician services and continuous nursing services for the diagnosis and treatment of patients who have a variety of medical conditions, both surgical and nonsurgical;
- (7) "Intoxication" means being under the influence of alcohol or other drugs, or both, which significantly impairs a person's ability to function;
- (8) "Juvenile" means any person who is under the age of eighteen (18);
- (9) "Narcotic treatment program" means a substance abuse program using approved controlled substances and offering a range of treatment procedures and services for

- the rehabilitation of persons dependent on opium, morphine, heroin, or any derivative or synthetic drug of that group;
- (10) "Other drugs" means controlled substances as defined in KRS Chapter 218A and volatile substances as defined in KRS 217.900;
- (11) "Patient" means any person admitted to a hospital or a licensed alcohol and other drug abuse or problem or pathological gambling treatment program;
- (12) "Pathological gambling," also known as compulsive gambling, means persistent and recurrent maladaptive behavior that disrupts personal, family, or vocational interests or pursuits and means the same as the definition of pathological gambling in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV-TR), or a subsequent edition;
- (13) "Problem gambling" means maladaptive gambling behavior as indicated by the presence of four (4) or fewer of the diagnostic criteria defined in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV-TR), or a subsequent edition;
- (14) "Program" means a set of services rendered directly to the public that is organized around a common goal of either preventing, intervening, or treating alcohol and other drug abuse or problem or pathological gambling problems;
- (15)~~(13)~~ "Secretary" means the secretary of the Cabinet for Health and Family Services;
- (16)~~(14)~~ "Treatment" means services and programs for the care and rehabilitation of intoxicated persons, ~~and~~ persons suffering from alcohol and other drug abuse, or persons suffering from problem or pathological gambling. "Treatment" includes those services provided by the cabinet in KRS 222.211 and, in KRS 222.430 to 222.437, it specifically includes the services described in KRS 222.211(1)(c) and (d); and
- (17)~~(15)~~ "Qualified health professional" has the same meaning as qualified mental

health professional in KRS 202A.011, except that it also includes an alcohol and drug counselor licensed or certified under KRS Chapter 309 or a compulsive gambling counselor certified under the standards established pursuant to Section 5 of this Act.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

(1) For the purposes of this section, "division" means the Division of Behavioral Health of the Department for Behavioral Health, Developmental and Intellectual Disabilities.

(2) (a) The Problem and Pathological Gamblers Awareness and Treatment Program is hereby created in the division, to be funded through general fund appropriations. The program shall be administered by the division, in collaboration with the Gamblers Awareness and Treatment Program Advisory Council established by subsection (2) of Section 5 of this Act.

(b) The division shall not expend more than two hundred thousand dollars (\$200,000) per fiscal year to administer the program. Except for administrative expenses, all moneys appropriated for the program shall be used exclusively for the purpose of providing assistance to the regional community mental health/mental retardation boards, certified compulsive gambling counselors, and other agencies, groups, organizations, and persons that:

1. Provide education and treatment to persons affected by problem or pathological gambling;
2. Promote the awareness of problem or pathological gamblers' assistance programs; or
3. Operate programs for the prevention of problem or pathological gambling.

(3) No moneys appropriated for this program shall be used to pay the debts or living expenses of a problem or pathological gambler.

→SECTION 5. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

(1) The director of the Division of Behavioral Health, in collaboration with the Gamblers Awareness and Treatment Program Advisory Council established by subsection (2) of this section, shall be responsible for:

(a) Establishing standards for the regional community mental health/mental retardation boards, certified compulsive gambling counselors, and other types of agencies, groups, organizations, and persons that may be eligible to receive funding from the Problem and Pathological Gamblers Awareness and Treatment Program created in Section 4 of this Act;

(b) Establishing standards for the types of activities that may be eligible for funding. Standards shall be consistent with the program's purposes, as established in Section 4 of this Act;

(c) Developing standards for the appropriate documentation of past performance of regional community mental health/mental retardation boards, certified compulsive gambling counselors, and other agencies, groups, organizations, and persons, and the activities that they have conducted;

(d) Receiving applications for funding assistance;

(e) Evaluating the requests submitted by the regional community mental health/mental retardation boards, certified compulsive gambling counselors, and other agencies, groups, organizations, and persons that are seeking funding from the Problem and Pathological Gamblers Awareness and Treatment Program to help finance the provision of services listed in subsection (2) of Section 4 of this Act; and providing funding assistance to

those that have demonstrated their capability to efficiently and effectively provide the necessary services;

(f) Certifying to the Department for Behavioral Health, Developmental and Intellectual Disabilities appropriate disbursement of funds from the Problem and Pathological Gamblers Awareness and Treatment Program to those regional community mental health/mental retardation boards, certified compulsive gambling counselors, and other agencies, groups, organizations, and persons, as specified in Section 4 of this Act;

(g) Requesting and receiving appropriate documentation from the recipients of funding that explains the manner in which funds from the Problem and Pathological Gamblers Awareness and Treatment Program have been expended, including audits; and

(h) On or before October 1, 2018, and on or before October 1 of each year thereafter, reporting to the Governor, the secretary of the Cabinet for Health and Family Services, and the Legislative Research Commission on the expenditure of funds, the number of persons receiving services from funding recipients, and any recommendations for improving the services provided with assistance from the Problem and Pathological Gamblers Awareness and Treatment Program.

(2) (a) The Gamblers Awareness and Treatment Program Advisory Council is hereby established and shall be composed of:

1. The executive director of the Kentucky Council on Problem Gambling or his or her designee;
2. The executive director of the Kentucky Association of Regional Mental Health/Mental Retardation Programs or his or her designee;
3. The executive director of the Kentucky Mental Health Coalition or his or her designee;

4. The executive director of the Catholic Conference of Kentucky or his or her designee;
 5. The executive director of the Kentucky Charitable Gaming Association or his or her designee;
 6. The president of the Kentucky Lottery Corporation or his or her designee;
 7. The executive director of the Kentucky Horse Racing Commission or his or her designee;
 8. The commissioner of the Department of Charitable Gaming or his or her designee;
 9. One (1) representative of the Joint Executive Council of Veterans Organizations of Kentucky to be appointed by the Governor to serve a term of four (4) years from a list of at least three (3) names submitted by that group;
 10. One (1) member of the Kentucky House of Representatives to be appointed by the Speaker of the House to serve a term of four (4) years;
 11. One (1) member of the Kentucky Senate to be appointed by the President of the Senate to serve a term of four (4) years; and
 12. One (1) person who is in recovery from a gambling addiction to be appointed by the Governor to serve a term of four (4) years.
- (b) A vacancy in the appointed position on the council shall be filled in the same manner as the initial appointment.
- (c) The council shall meet no less than twice a year and shall select a chair from among the members of the council to serve a term of one (1) year.
- (d) A majority of the council's members shall constitute a quorum.
- (e) The commissioner of the Department for Behavioral Health, Developmental

and Intellectual Disabilities shall convene the first meeting of the council no later than December 31, 2016.

(f) Members of the council shall not be paid, but shall be reimbursed for necessary travel and other expenses actually incurred in the discharge of his or her duties on the council.

(g) The council shall advise the cabinet on the implementation and administration of the Problem and Pathological Gamblers Awareness and Treatment Program and shall make funding recommendations, provided that the division shall make the sole determination providing for the distribution of funds.

(h) The council shall be attached to the Cabinet for Health and Family Services for administrative purposes.

(3) The Cabinet for Health and Family Services, in collaboration with the Gamblers Awareness and Treatment Program Advisory Council, shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this chapter.

→Section 6. There is appropriated to the Division of Behavioral Health of the Department for Behavioral Health, Developmental and Intellectual Disabilities from the General Fund \$600,000 in fiscal year 2017-2018 and \$1,200,000 in fiscal year 2018-2019 for the Problem and Pathological Gamblers Awareness and Treatment Program. Notwithstanding KRS 45.229, any General Fund appropriation unexpended at the end of fiscal year 2017-2018 shall not lapse but shall be carried forward into the next fiscal year.