

**STATEWIDE SUBSTANCE USE RESPONSE WORKING GROUP
BY-LAWS DRAFT
ARTICLE 1 – NAME**

Section 1. Name

The Statewide Substance Use Response Working Group, herein after referred to as the Working Group.

ARTICLE 2 – CREATION AND PURPOSE

Section 1. Creation

The Working Group was established in compliance with the passage of Assembly Bill (AB) 374 by the 2021 State Legislature 81st session to comprehensively review various aspects of substance misuse and substance use disorders and programs and activities to combat substance misuse and substance use disorders in the State of Nevada. The Nevada Department of Health and Human Services (DHHS) is required to annually report to the Working Group concerning the use of state and local money to address substance misuse and substance use disorders. The goal of the Working Group is to make recommendations to effectively address risks, impacts, and harms of substance abuses, including the effects of the opioid epidemic, in the State.

Section 2. Purpose

Consistent with its statutory duties, the Working Group will, in part, study, evaluate and make recommendations to DHHS concerning the use of the state and local money to address opioid substance misuse and opioid use disorder from the Resilient Fund of Nevada utilizing, in part, the State needs assessment and State plan through an integrated approach. The Working Group will also make recommendations to DHHS concerning the use of state and local money to address substance use misuse and substance use disorders.

ARTICLE 3 – ROLES AND RESPONSIBILITIES

Section 1. Responsibilities

AB 374 includes the Working Group's responsibilities which shall include:

- A. Leverage and expand efforts by state and local governmental entities to reduce the use of substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants, and identify ways to enhance those efforts through coordination and collaboration.
- B. Assess evidence-based strategies for preventing substance use and intervening to stop substance use, including, without limitation, the use or heroin, other synthetic and non-synthetic opioids and stimulants. Such strategies must include, without limitation, strategies to:
 - a. Help persons at risk of a substance use disorder avoid developing a substance use disorder;
 - b. Discover potentially problematic substance use in a person and intervene before the person develops a substance use disorder;
 - c. Treat the medical consequences of a substance use disorder in a person and facilitate the treatment of the substance use disorder to minimize further harm; and

- d. Reduce the harm caused by substance use, including, without limitation, by preventing overdoses.
- C. Assess and evaluate existing pathways to treatment and recovery for persons with substance use disorders, including, without limitation, such persons who are members of special populations. Special populations includes, without limitation;
 - a. Veterans, elderly persons and youth;
 - b. Persons who are incarcerated, persons who have committed nonviolent crimes primarily driven by a substance use disorder and other persons involved in the criminal justice or juvenile systems;
 - c. Pregnant women and the parents of dependent children;
 - d. Lesbian, gay, bisexual, transgender and questioning persons;
 - e. Intravenous drug users;
 - f. Children who are involved with the child welfare system, and
 - g. Other populations disproportionately impacted by substance use disorders.
- D. Work to understand how residents of the State of Nevada who are involved in the criminal justice system access supports for treatment of and recovery from substance use disorders at various points, including without limitation, by reviewing existing diversion, deflection and reentry programs for such persons.
- E. Evaluate ways to improve and expand evidence-based or evidence-informed programs, procedures, and strategies to treat and support recovery from opioid use disorder and any co-occurring substance use disorder, including, without limitation, among members of special populations.
- F. Examine support systems and programs for persons who are in recovery from opioid use disorder and any co-occurring substance use disorder.
- G. Make recommendations to entities including, without limitation, the State Board of Pharmacy, professional licensing boards that license practitioners, other than veterinarians, the State Board of Health, the Division, the Governor and the Legislature, to ensure that controlled substances are appropriately prescribed in accordance with provisions of NRS 639.2391 to 639.23916, inclusive.
- H. Examine qualitative and quantitative data to understand the risk factors that contribute to substance use and the rates of substance use and substance use disorders, focusing on special populations.
- I. Develop strategies for local, state, and federal law enforcement and public health agencies to respond to and prevent overdoses and plans for implementing those strategies.
- J. Study the efficacy and expand the implementation of programs to:
 - a. Educate youth and families about the effects of substance use and substance use disorders; and
 - b. Reduce the harms associated with substance use and substance use disorders while referring persons with substance use disorders to evidence-based treatment.
- K. Recommend strategies to improve coordination between local, state, and federal law enforcement and public health agencies to enhance the communication of timely and relevant information relating to substance use and reduce duplicative data collection and research.

- L. Evaluate current systems for sharing information between agencies regarding trafficking and distribution of legal and illegal substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants.
- M. Study the effects of substance use disorders on the criminal justice system, including, without limitation, law enforcement agencies and correctional institutions.
- N. Study the source and manufacturers of substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants, and methods and resources for preventing the manufacture, trafficking and sale of such substances.
- O. Study the effectiveness of criminal and civil penalties at preventing the misuse of substances and substance use disorders and the manufacture, trafficking and sale of substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants.
- P. Evaluate the effects of substance use disorders on the economy of the State of Nevada.
- Q. Study, evaluate and make recommendations to the DHHS concerning the use of the money as described below to address substance use disorders, with a focus on the use of all money received by the State of Nevada pursuant to any settlement entered into by the State of Nevada concerning the manufacture, distribution, dispensing, sale and marketing of opioids, all money recovered by the State of Nevada from a judgment in a civil action by the State of Nevada concerning the manufacture, distribution, dispensing, sale, and marketing of opioids, or any gifts, grants, or donations received by the State of Nevada and each political subdivision of the State of Nevada for purposes:
- a. relating to substance use disorders to supplement rather than supplant existing state and local spending;
 - b. relating to substance use disorders, and all other money spent by the State of Nevada and each political subdivision of the State of Nevada for purposes relating to substance misuse and substance use disorders to support evidence based interventions;
 - c. relating to substance use disorders, and all other money spend by the State of Nevada and each political subdivision of the State of Nevada for purposes relating to substance misuse and substance use disorders to support programs for the prevention of substance use disorders in youth,
 - d. relating to substance misuse and substance use disorders to improve racial equity, and
 - e. Reporting by state and local agencies to the public concerning the funding of programs to address substance misuse and substance use disorders.

Section 2. Working Group Support

The Working Group is authorized to collaborate with and request the assistance of providers of services or any person or entity with expertise in issues related to substance use or the impacts of substance use, including, without limitation, employees of federal, state and local agencies and advocacy groups for those with substance use disorders, to assist the Working Group in carrying out its duties.

Section 3. Public Collaboration

Legislation requires state and local agencies to collaborate with and provide information to the Working Group, upon request by the Working Group, to such extent it is consistent with their lawful duties.

Section 4. Responsibilities for Reporting

On or before January 31 of each year, the Working Group shall transmit a report which includes, without limitation, recommendations for the establishment, maintenance, expansions, or improvement of programs to address substance misuse and substance use disorders based on evaluations to:

- A. The Governor,
- B. The Attorney General,
- C. The Advisory Commission on the Administration of Justice,
- D. Any other entities deemed appropriate by the Attorney General and the Director of the Legislative Counsel Bureau for transmittal to:
 - a. During an even-numbered year, the Legislative Committee on Health Care and the Interim Finance Committee; or
 - b. During an odd-numbered year, the next regular session of the Legislature.

ARTICLE 4 – MEMBERSHIP AND TERMS

Section 1 – Members.

As established in AB 374, the Working Group consists of eighteen, membership shall include

Member	Initial Term Expiration
Attorney General or his/her designee	January 1, 2023
Director of the Department of Health and Human Services or his/her designee	January 1, 2023
One member of the Senate who is appointed by the Senate Majority Leader	January 1, 2023
One member of the Senate who is appointed by the Senate Minority Leader	January 1, 2023
One member of the Assembly who is appointed by the Speaker of the Assembly	January 1, 2023
One member of the Assembly who is appointed by the Assembly Minority Leader	January 1, 2023

Attorney General Appointments	Initial Term Expiration
One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is 700,000 or more	January 1, 2023
One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is 100,000 or more but less than 700,000	

	January 1, 2023
One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is less than 100,000	January 1, 2023
One provider of health care with expertise in medicine for the treatment of substance use disorders	January 1, 2023
One representative of the Nevada Sheriffs' and Chiefs' Association, or its successor organization.	January 1, 2023
One Advocate for persons who have substance use disorders and family members of such persons	January 1, 2024
One person who is in recovery from a substance use disorder	January 1, 2024
One person who provides services relating to the treatment of substance use disorders	January 1, 2024
One representative of a substance use disorder prevention coalition	January 1, 2024
One representative of a program to reduce the harm caused by substance misuse	January 1, 2024
One representative of a hospital	January 1, 2024
One representative of a school district	January 1, 2024

Section 2. Terms

Pursuant to AB374 section 12.5 subsection 1 the Working Group members initial terms are mandated as follows below. After the initial term expiration dates, the Working Group team member's terms will be for 2 years. Members may be reappointed for additional terms of 2 years.

- 1) The Senate Majority Leader, Senate Minority Leader, Speaker of the Assembly and Assembly Minority Leader shall appoint to the Working Group the members described in paragraphs (c), (d), (e) and (f), respectively, of subsection 2 of section 6 of this act to initial terms that expire on January 1, 2023.
- 2) The Attorney General shall appoint to the Working Group:
 - (a) The members described in section 6, subsections (2)(g)(1)-(4), of AB374 to initial terms that expire on January 1, 2023; and
 - (1) One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is 700,000 or more;
 - (2) One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is 100,000 or more but less than 700,000;

- (3) One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is less than 100,000;
- (4) One provider of health care with expertise in medicine for the treatment of substance use disorders; inclusive,
- (b) The members described in section 6, subsections (2)(g)(5)-(12), of AB374 to initial terms that expire on January 1, 2024.
 - (5) One representative of the Nevada Sheriffs' and Chiefs' Association, or its successor organization;
 - (6) One advocate for persons who have substance use disorders and family members of such persons;
 - (7) One person who is in recovery from a substance use disorder;
 - (8) One person who provides services relating to the treatment of substance use disorders;
 - (9) One representative of a substance use disorder prevention coalition;
 - (10) One representative of a program to reduce the harm caused by substance misuse;
 - (11) One representative of a hospital; and
 - (12) One representative of a school district.

Section 3. Compensation.

Members of the Working Group serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. A member of the Working Group who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Working Group and perform any work necessary to carry out the duties of the Working Group in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Working Group to:

- (a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Working Group; or
- (b) Take annual leave or compensatory time for the absence.

Section 4. Vacancies.

Vacancies among the Working Group must be filled in the same manner as the original. The initial term shall be for the remaining length of the vacated term and the appointment made by the appointing authority.

Section 5. Resignation.

A member who resigns from the Working Group must provide written notification to the Chair of the Working Group and to the head of the agency or organization he or she was representing.

Section 6. Removal.

The Chair shall forward recommendations for a Working Group member's removal to the Attorney General based on inactivity, defined as missing three or more meetings in a calendar year, or a conflict of interest.

Section 7. Administrative Support.

The Attorney General's Office shall provide such administrative support to the Working Group as is necessary to carry out the duties of the Working Group.

ARTICLE 5 – MEETINGS

Section 1. Meeting Conduct

All meetings will be run according to Roberts Rules of Order.

Section 2. Open Meeting Law.

All proceedings and actions shall be conducted in accordance with the Nevada Open Meeting law (N.R.S. 241.010 through 241.040, inclusive).

Section 3. Quorum.

A simple majority, ten Working Group members, shall constitute a quorum for the transaction of business.

Section 4. Regular Meetings.

The regular meetings of the Working Group shall be not less than twice annually, and as called by the Chair.

Section 5. Officers.

The officers of the Working Group shall be a Working Group Chair and Working Group Vice Chair. These officers shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the Working Group.

- A. Working Group Chair. The Advisory Committee shall elect from its member the Working Group Chair at the first meeting of each calendar year. The Working Group Chair
 - 1. Shall develop the agenda, with input from the Working Group membership and Grant Management Unit;
 - 2. Shall conduct the Working Group meetings in accordance with state laws;
 - 3. Shall oversee public hearings and ensure public comment;
 - 4. Shall convene special meetings, as necessary; and
 - 5. Shall prepare reports as required.
- B. Working Group Co-Chair. Serves in the absence of the Chair and monitors Working Group record keeping.
- C. Working Group members. May nominate themselves or others for Vice Chair. At the first meeting of each calendar year the Working Group will elect these officers from its members.
- D. Notification. Officer election(s) shall be posted as a business item on the agenda of a regularly scheduled meeting.

Section 6. Working Group Participation.

- A. Notification. Working Group members shall, to the extent practicable: Inform administrative support staff at least forty-eight (48) hours in advance of an anticipated excused absence.

B. Participation. Working Group members must participate in at least 75 percent of meetings. Any absence without sufficient or overriding reason will be considered unexcused absences and may constitute grounds for the Working Group recommending the member's removal from the Working Group to the respective Department or agency.

1. At each regularly scheduled meeting, absences will be noted and indications of excused or unexcused will be noted. The Chair will determine if the absences are excused or unexcused at the time of the next scheduled meeting. An excused absence includes, but is not limited to, an unexpected occurrence or emergency with health, family, or employment that would prevent the member from attending the meeting. An unexcused absence includes, but is not limited to, lack of communication (no contact) with the Chair, Co-Chair, or Administrative Staff. When a member has not participated in at least 75 percent of meetings within any twelve-month period, the Chair will send a notification letter to the member that the Working Group intends to take action at the next scheduled meeting. At that meeting, the member will have an opportunity to refute the action or the Working Group will proceed with the removal process. A member may designate a proxy from the same membership category for any meeting. A designated proxy will not count toward the calculation of a quorum for the meeting and the proxy may not vote on behalf of the member they represent. Advance notice must be given in writing to the Co-Chairs and/or administrative staff for the Committee. Electronic mail is acceptable. Proxies may not represent Committee members for more than 50% of meetings held within a calendar year.

Section 7. Subcommittees.

The Working Group shall have the ability to create up to three subcommittees.

- A. Each subcommittee must include a minimum of two voting member(s) of the Working Group.
- B. Each subcommittee shall have one (1) Chair who is a voting member of the Working Group.
- C. The Working Group Chair shall appoint the subcommittee chairs and members from the Working Group.
- D. Each subcommittee, through the subcommittee Chair, may request presentations from subject matter experts (SME), as needed based on area of expertise and/or specific projects.
- E. The subcommittee members will serve for one year on the subcommittee. After one year, the Working Group chair will determine if the subcommittee needs to continue for another year. If the committee is needed for another year, the Working Group Chair will appoint the subcommittee chair and members from the Working Group.
- F. The subcommittee chair will report back to the Working Group on the activity of the subcommittee and recommendations from the subcommittee.

- G. The number of Working Group members serving on a single subcommittee cannot be equal to or greater than a quorum of the Working Group and the Working Group members are limited to serving on one of the three subcommittees.

Section 8. Special Meetings.

Special meetings may be called by the Chair. A request for special meeting can also be made by other Working Group members through a written request submitted to the Chair for approval or the Director can call a special meeting.

Section 9. Voting.

Members participating in a meeting of the Working Group by means of a conference call, video conference, or other such means that allow for each participant to hear and be heard by each participant at the same time, shall be deemed to be present at such meeting.

- A. Voting on all matters shall be by voice vote and shall be entered in the minutes of the meeting.
- B. Each Working Group member shall have one vote.
- C. The Working Group Chair will have a vote on any measure before the Working Group.
- D. The Chair may not make or second motions.
- E. Proxies may not vote on behalf of the Committee member they represent.
- F. A vote shall pass if a majority of those present vote in the affirmative.

Section 10. Record Keeping.

The conduct of all meetings and public access thereto, and the maintaining of all records of the Working Group shall be governed by Nevada's Open Meeting law and monitored by the Working Group Vice-Chair.

ARTICLE 6 - FISCAL SUPPORT

Section 1. Grants and Gifts.

The Working Group may accept gifts, grants and donations from any source for the support of the Working Group in carrying out the provisions of duties. Any fiscal administration shall be overseen by the Nevada Office of the Attorney General's Chief Financial Officer or his or her designee.

ARTICLE 7 - CONFLICT OF INTEREST

Section 1. Survey.

The Department will survey the Working Group members annually to collect information regarding their affiliations outside the Department. Each member is responsible for fully disclosing all current affiliations.

- A. Conflicts of interest must be declared by members prior to discussion of any matter that would provide direct financial benefit for that member, or otherwise have the appearance of a conflict of interest. When funding or other decisions are made regarding an organization with which the member has an affiliation, the member shall state his intention to abstain from making specific motions or casting a vote, before participating in related discussions.

B. Members are required to disclose and abstain in accordance with the provisions of NRS 281A.420.

Section 2. Declaration of Conflict.

The Chair or a majority of the Working Group may also declare a conflict of interest exists for a member and ask that the member abstain from the voting process.

ARTICLE 8 - STATEMENT OF NON-DISCRIMINATION

The Working Group is an equal opportunity/ affirmative action entity. Qualified persons are considered for appointment without regard to race, sex, sexual orientation, gender identity or expression, religion, color, national origin, age, genetic information or disability, as outlined the state affirmative action plan.

ARTICLE 9 - REVISION OF BYLAWS

Section 1. Bylaw Review.

These bylaws will be reviewed at least every four (4) years or sooner as deemed necessary by the Working Group. Proposed amendments will be distributed to the Working Group members in writing at least one week prior to a regularly scheduled or special meeting. These bylaws may be altered, amended or repealed by a majority of the Working Group members at any regularly scheduled or special meeting in compliance with Nevada’s Open Meeting Law and must be in compliance with the AB 374 legislation.

Section 2. Bylaw Approval.

These bylaws were approved and adopted at a regularly scheduled meeting of the Working Group on November 16, 2021 and most recently amended on March 9, 2022.

Chair, Substance Use Response Working Group Date

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