

4846

2011-2012 Regular Sessions

I N   S E N A T E

April 27, 2011

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Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to renaming the advisory council on underage alcohol consumption and authorizing such council to address the issue of substance use among youth

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 19.06 of the mental hygiene law, as added by chap-  
2     ter 275 of the laws of 2008, is amended to read as follows:  
3     S 19.06 Advisory council on underage alcohol consumption AND YOUTH  
4     SUBSTANCE ABUSE.  
5     1. Definitions. As used in this section:  
6     (a) "Council" shall mean the advisory council on underage alcohol  
7     consumption AND YOUTH SUBSTANCE ABUSE created by this section.  
8     (b) "Chairperson" shall mean the chairperson of the advisory council  
9     on underage alcohol consumption AND YOUTH SUBSTANCE ABUSE.  
10    2. Advisory council on underage alcohol consumption AND YOUTH  
11    SUBSTANCE ABUSE. There is hereby created an advisory council on under-  
12    age alcohol consumption AND YOUTH SUBSTANCE ABUSE. The council shall  
13    consist of twenty-one members, who are broadly representative of the  
14    various groups in society which are stakeholders in the effort to combat  
15    underage alcohol consumption AND YOUTH SUBSTANCE ABUSE. Seven members  
16    shall be appointed by the governor, seven members by the temporary pres-  
17    ident of the senate and seven members by the speaker of the assembly. In  
18    making such appointments, due consideration shall be given to the recom-  
19    mendations made by representative civic, educational, legal and advocacy  
20    groups and associations concerned with, or otherwise engaged in, the  
21    representation of the interests of the youth of New York state. The  
22    commissioner, the chairman of the state liquor authority, the commis-  
23    sioner of mental health, the attorney general, the temporary president

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 of the senate and the speaker of the assembly shall be ex-officio  
2 members of the council.

3 3. Term of office for council members. (a) The term of office for each  
4 member of the council shall be two years. Vacancies in the council  
5 occurring, other than by expiration of a term, shall be filled for the  
6 remainder of the unexpired term in the same manner as original appoint-  
7 ments.

8 (b) At the beginning of each two year term, the members of the council  
9 shall choose one member of the council to be a chairperson and one  
10 member to be vice-chairperson. The members of the council shall receive  
11 no compensation for their services, but shall be reimbursed for all  
12 expenses actually and necessarily incurred by them in the performance of  
13 their duties under this section within the amount made available by  
14 appropriation therefor.

15 4. Powers and duties of the council. The council shall have the  
16 following powers and duties:

17 (a) To receive information with respect to, and to study and analyze,  
18 incidents of underage consumption of alcoholic beverages, YOUTH  
19 SUBSTANCE ABUSE, and to examine the elements of such incidents to iden-  
20 tify those factors that are consistently associated with such behavior;

21 (b) To identify and analyze the responses to underage drinking AND  
22 YOUTH SUBSTANCE ABUSE made by governmental officials, including law  
23 enforcement officials and prosecutors, and to make recommendations as to  
24 whether such responses appear to be achieving decreases in the incidence  
25 of such behavior, and if not, whether it appears that a change is  
26 required in policies and procedures;

27 (c) To conduct public hearings as may be necessary to carry out its  
28 functions under this section;

29 (d) To make recommendations with respect to the following:

30 (i) educational programs to teach children the dangers of underage  
31 drinking AND YOUTH SUBSTANCE ABUSE;

32 (ii) training programs for law enforcement officials and prosecutors  
33 to sensitize them to the special nature of youth-related crime to  
34 encourage them to develop appropriate responses;

35 (iii) the appropriateness and effectiveness of existing civil and  
36 criminal laws in redressing underage drinking AND YOUTH SUBSTANCE ABUSE  
37 and any changes that should be made in such laws; and

38 (iv) such other matters as may be deemed appropriate by the council  
39 after consultation with involved parties;

40 (e) To promulgate any necessary rules of order or procedures relating  
41 to the administration and performance of the powers and duties of the  
42 council pursuant to this section; and

43 (f) To perform all other tasks necessary and convenient to carry out  
44 the functions, powers and duties of the council and to effectuate the  
45 purposes of this section.

46 5. Report. The council shall submit a written report to the governor,  
47 temporary president of the senate and the speaker of the assembly by no  
48 later than October first of the year next succeeding the effective date  
49 of this section and annually thereafter, setting forth the recommenda-  
50 tions and activities of the council on matters within the scope of its  
51 powers and duties as set forth in this section.

52 S 2. This act shall take effect immediately.