

SUBJECT:	Revising penalty criteria for chemical dependency treatment facilities
COMMITTEE:	Public Health — favorable, without amendment
VOTE:	6 ayes — Klick, Collier, Jetton, Oliverson, Price, Smith 1 nay — Tinderholt 4 absent — Campos, A. Johnson, J. Jones, V. Jones
SENATE VOTE:	On final passage (April 27) — 30 - 1
WITNESSES:	None
BACKGROUND:	Concerns have been raised that a chemical dependency treatment facility's ability to pay a penalty may not be taken into consideration when determining civil and administrative penalties.
DIGEST:	<p>SB 2474 would require courts, when determining the amount of a civil penalty for a chemical dependency treatment facility, to consider:</p> <ul style="list-style-type: none">• the person or facility's ability to pay the penalty; and• if the person or facility's license was not revoked due to a violation, the ability of the person or facility to continue providing services after paying the penalty. <p>The bill also would require the Department of State Health Services, when determining the amount of an administrative penalty for a person who is licensed or regulated under provisions regulating chemical dependency treatment facilities, to base the amount on:</p> <ul style="list-style-type: none">• the person's ability to pay the penalty;• if the person's license was not revoked due to a violation, the ability of the person to continue providing services after paying the penalty; and

- the degree of the person's culpability in causing the violation.

The bill also would require the Health and Human Services Commission to base the administrative penalty schedule on the economic impact of a penalty assessed against a person licensed or regulated by this chapter and the criteria for determining administrative penalties as provided by the bill.

The bill would take effect September 1, 2023, and would only apply to a violation that occurred on or after the effective date.