

## CHAPTER 40

RULES OF THE GOVERNOR'S COUNCIL ON  
ALCOHOLISM AND DRUG ABUSE

## Authority

N.J.S.A. 26:2BB-1 et seq., specifically 26:2BB-4j.

## Source and Effective Date

R.2000 d.459, effective October 19, 2000.  
See: 32 N.J.R. 3213(b), 32 N.J.R. 4111(a).

## Executive Order No. 66(1978) Expiration Date

Chapter 40, Rules of the Governor's Council on Alcoholism and Drug Abuse, expires on October 19, 2005.

## Chapter Historical Note

Chapter 40, Rules of the Governor's Council on Alcoholism and Drug Abuse, was adopted as R.1990 d.549, effective November 19, 1990. See: 22 N.J.R. 2120(a), 22 N.J.R. 3583(a).

Pursuant to Executive Order No. 66(1978), Chapter 40, Rules of the Governor's Council on Alcoholism and Drug Abuse, was readopted as R.1995 d.666, effective October 19, 1995. See: 27 N.J.R. 3587(a), 27 N.J.R. 5042(a).

Pursuant to Executive Order No. 66(1978), Chapter 40, Rules of the Governor's Council on Alcoholism and Drug Abuse, was readopted as R.2000 d.459, effective October 19, 2000. See: Source and Effective Date. See, also, section annotations.

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## SUBCHAPTER 1. GENERAL PROVISIONS

## 17:40-1.1 Scope

This chapter shall constitute the Governor's Council on Alcoholism and Drug Abuse's rules governing the establishment of the Alliance to Prevent Alcoholism and Drug Abuse, Local Advisory Committees on Alcoholism and Drug Abuse, County Alliance Steering Subcommittees, and Municipal Alliance Committees. These rules shall also govern the distribution of grants to counties and municipalities for alcohol and drug abuse programs established under the Alliance to Prevent Alcoholism and Drug Abuse.

## 17:40-1.2 Construction

This chapter shall be liberally construed to permit the Council, the Alliance, LACADAs, County Alliance Steering Subcommittees and Municipal Alliance Committees to discharge their Statutory functions under N.J.S.A. 26:2BB-1 et seq. and N.J.S.A. 26:2B-32 et seq.

## 17:40-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Alcoholism" means the chronic, habitual, or periodic consumption of alcohol beverages to the extent that such use substantially and progressively injures the health, interferes with social or economic functioning in the community or results in the loss of self-control with respect to the use of such beverages.

"Alliance" means the Alliance to Prevent Alcoholism and Drug Abuse created in the Governor's Council on Alcoholism and Drug Abuse.

"Alliance coordinator" means the individual designated by the county to coordinate all activities of the County Alliance Steering Committee.

"Arrests" means all arrests reported in the 1988 New Jersey Uniform Crime Report, compiled by the New Jersey State Police.

"Collection rate" means the amount of DEDR fines collected divided by the amount assessed.

"Council" means the Governor's Council on Alcoholism and Drug Abuse (GCADA).

"County Alliance Steering Subcommittee" means the subcommittee established by each Local Advisory Committee on Alcoholism and Drug Abuse pursuant to N.J.S.A. 26:2BB-8.

“DEDR” means the July 1990 cumulative list of the Drug Enforcement Demand Reduction funds compiled by the Administrative Office of the Courts.

“DEDR Funds” means the Mandatory Drug Enforcement and Demand Reduction Penalties established by N.J.S.A. 2C:35-15 et seq.

“Drug abuse” means the regular use of a controlled dangerous substance and/or licit psychoactive substances that affect the central nervous system resulting in persistent or recurrent psychological, physical, social, legal, or occupational problems.

“Income” means three year average per capita income in the county or the State, according to 1988 New Jersey Department of Labor estimates.

“LACADA” means the Local Advisory Committee on Alcoholism and Drug Abuse established pursuant to N.J.S.A. 26:2B-33.

“Matching funds” means a percentage or designated amount of funds required as a cost sharing for grants awarded by the Council.

“Municipal Alliance Committee” means the committee established by the governing body of a municipality pursuant to N.J.S.A. 26:2BB-9.

“Need” means the estimates of the prevalence of alcoholism, as delineated in the current Behavioral Health Services Plan prepared by the New Jersey Department of Health.

“Population” means the county or State population, according to 1988 New Jersey Department of Labor estimates.

“RFP” means the Request For Proposal process described in this chapter.

“Youth” means all persons in the county or State up to, but not including, the age of 18, according to the 1988 New Jersey Department of Labor population estimates.

Amended by R.1991 d.150, effective March 18, 1991.

See: 23 N.J.R. 26(b), 23 N.J.R. 883(a).

Added definitions for arrests, DEDR, income, need, and youth.

#### 17:40-1.4 Duties and Responsibilities of the Governor's Council on Alcoholism and Drug Abuse

(a) The Council is authorized and empowered to:

1. Review and coordinate all State departments' efforts in regard to the planning and provision of treatment, prevention, research, evaluation, and education services for, and public awareness of, alcoholism and drug abuse;

2. Prepare by July 1 of each year, the State government component of the Comprehensive Statewide Alcoholism and Drug Abuse Master Plan for the treatment, prevention, research, evaluation, education and public awareness of alcoholism and drug abuse in this State, which plan shall include an emphasis on prevention, community awareness, and family and youth services;

3. Review each County Alliance Annual Plan and the recommendations of the Division of Alcoholism and Drug Abuse in the Department of Health for awarding the Alliance grants and, by October 1 of each year, return the plan to the Local Advisory Committee on Alcoholism and Drug Abuse with the Council's proposed recommendations for awarding Alliance grants;

4. Submit to the Governor and the Legislature by December 1 of each year the Comprehensive Statewide Alcoholism and Drug Abuse Master Plan, which shall include recommended appropriate allocations to State departments, local governments and local agencies and service providers of all State and federal funds for the treatment, prevention, research, evaluation, education and public awareness of alcoholism and drug abuse in accordance with the regular budget cycle, and shall incorporate and unify all State, county, local and private alcohol and drug abuse initiatives;

5. Distribute grants, upon the recommendation of the Executive Director of the Council, by August 1 of each year to counties and municipalities for alcohol and drug abuse programs established under the Alliance to Prevent Alcoholism and Drug Abuse;

6. Evaluate the existing funding mechanisms for alcoholism and drug abuse services and recommend to the Governor and the Legislature any changes which may improve the coordination of services to citizens in this State;

7. Encourage the development or expansion of employee assistance programs for employees in both government and the private sector;

8. Evaluate the need for, and feasibility of, including other addictions, such as smoking and gambling, within the scope and responsibility of the Council; and

9. Collect from any State, county, local governmental entity or any other appropriate source data, reports, statistics or other materials which are necessary to carry out the Council's functions.

Amended by R.2000 d.459, effective November 20, 2000.

See: 32 N.J.R. 3213(b), 32 N.J.R. 4111(a).

In (a), substituted “is authorized and empowered to” for “shall” in the introductory paragraph.

## SUBCHAPTER 2. ALLIANCE TO PREVENT ALCOHOLISM AND DRUG ABUSE

### 17:40-2.1 Purpose and scope

(a) Pursuant to N.J.S.A. 26:2BB-7a, an Alliance to Prevent Alcoholism and Drug Abuse was created in the Council. The purpose of the Alliance is to create a network, comprised of all the communities in New Jersey, which is dedicated to a comprehensive and coordinated effort against alcoholism and drug abuse.

(b) The Alliance shall be a mechanism both for implementing policies to reduce alcoholism and drug abuse at the municipal level, and for providing funds, including moneys from mandatory penalties on drug offenders, to member communities to support appropriate county and municipal-based alcohol and drug abuse education and public awareness activities.

(c) The Alliance shall be comprised of all LACADAs, County Alliance Steering Subcommittees and Municipal Alliance Committees established under N.J.S.A. 26:2BB-1 et seq., N.J.S.A. 26:2B-32 et seq., and this chapter.

(d) Alliance members, in accordance with N.J.S.A. 26:2BB-1 et seq., 26:2B-32 et seq. and this chapter, may be awarded grants by the Governor's Council for the purpose of developing:

1. Organized and coordinated efforts involving schools, law enforcement, business groups and other community organizations for the purpose of reducing alcoholism and drug abuse;
2. In cooperation with local school districts, comprehensive and effective alcoholism and drug abuse education programs in grades K through 12;
3. In cooperation with local school districts, procedures for the intervention, treatment and discipline of students abusing alcohol or drugs;
4. Comprehensive alcoholism and drug abuse education, support and outreach efforts for parents in the community; and
5. Comprehensive alcoholism and drug abuse community awareness programs.

#### **17:40-2.2 County Alliance Steering Subcommittees; membership; meetings**

(a) Each LACADA established pursuant to N.J.S.A. 26:2B-33 shall establish a County Alliance Steering Subcommittee.

(b) Each County Alliance Steering Subcommittee shall include broad representation from the county. The members of the Subcommittee shall include, but shall not be limited to, private citizens and representatives of the following:

1. The LACADA;
2. The county Human Services Advisory Council;
3. The county superintendent of schools;
4. The existing county council on alcoholism, if any;
5. The county prosecutor's office;
6. Family Part of the Chancery Division of the Superior Court;
7. The Youth Services Commission;

8. The county school board association;
9. The county health agency;
10. The county mental health agency;
11. Local businesses;
12. The county affiliate of the New Jersey Education Association;
13. The Parent-Teacher Association (PTA) or Parent-Teacher Organization (PTO); and
14. Other service providers.

(c) The county LACADA shall be responsible for appointing members to the County Alliance Steering Subcommittee. There is no limitation on the number of members who may be appointed to the Subcommittee by the LACADA. Members should be appointed for specific terms. Officers may be appointed by the LACADA or elected by the Subcommittee. A complete list of Steering Committee members, with their addresses, shall be annually provided to the Council.

(d) The County Alliance Steering Subcommittee shall hold meetings regularly with an annual calendar of meetings established at the Subcommittee's organizational meeting. Minutes must be kept of all Subcommittee meetings and a quorum of Subcommittee members is needed for action to be taken by the Subcommittee. A quorum shall be 50 percent of the Subcommittee membership plus one.

#### **17:40-2.3 Functions of the County Alliance Steering Subcommittee**

(a) The functions of the County Alliance Steering Subcommittee shall include:

1. Development and submission of a County Annual Alliance Plan for the expenditure of DEDR funds;
2. Development of programs and fiscal guidelines consistent with Council directives for the awarding of funds to counties and municipalities for drug and alcohol Alliance activities;
3. Identification of a network of community leadership for the expansion, replication and development of successful community model programs throughout the county;
4. Coordination of projects among and within municipalities to assure cost effectiveness and avoid fragmentation and duplication;
5. Establishment of a cooperative relationship with the County Youth Services committee in regard to the development of Municipal Alliances;
6. Provision of ongoing training to both itself and municipal-member alliance committees; and

7. Development of a County Alliance Plan incorporating the Municipal Alliance Committee Requests for Proposals for submission by October of each year to the Governor's Council on Alcoholism and Drug Abuse.

(b) The County Alliance Steering Subcommittee shall ensure that funds dedicated to education pursuant to N.J.S.A. 54:32C-3.1 do not duplicate the Alliance effort.

**17:40-2.4 Municipal Alliance Committees; membership; bylaws, meetings**

(a) Municipalities, in compliance with the standards set forth herein, may become members of the Alliance effort and may become eligible to receive State funds to assist the programs developed in their community.

(b) The governing body of each municipality may appoint a Municipal Alliance Committee, or join with one or more municipalities to appoint a Municipal Alliance Committee.

(c) Members of the Municipal Alliance Committee may be appointed by the governing body of the municipality. Each Committee shall include broad representation from the local community. Membership may include, but is not limited to:

1. The governing body's appointed representative;
2. The chief of police;
3. The President of the school board;
4. The superintendent of schools;
5. A student assistance coordinator;
6. A representative of the Parent-Teacher Association;
7. A representative of the local bargaining unit for teachers;
8. A representative of the Chamber of Commerce;
9. A representative from the local court system;
10. A representative of local civic associations;
11. Representatives of local religious groups;
12. Individuals who have been impacted by alcoholism and/or drug abuse, including individuals who have been directly affected by their own, or family's member's abuse or addictions;
13. Representatives of labor unions;
14. Representatives of the media;
15. Private citizens with interest or experience in issues concerning alcohol and/or drug abuse; and/or
16. Representatives of public and private organizations involved in treatment of alcohol and drug related problems.

(d) There shall be no limitation on the number of members who may be appointed to the Municipal Alliance Committee by the Mayor or governing body. Fifty percent of the members, however must reside in the municipality. Members shall be appointed for specific terms. Officers may either be appointed by the governing body, or elected by the Committee. A complete list of Municipal Alliance Committee members, with their addresses, shall be annually provided to the Council.

(e) Municipal Alliance Committees shall be established by municipal ordinance or resolution. Thereafter, a letter from the local governing body shall be submitted to the County Alliance Steering Committee, along with a copy of the ordinance and a membership list, requesting acknowledgement of the municipality as an Alliance member. The County Alliance Steering Committee shall acknowledge all Municipal Alliance Committees which meet the requirements of this chapter and shall promptly advise the municipality and the Council in writing when acknowledgement is issued.

(f) Bylaws should be adopted by each Municipal Alliance Committee. Committee meetings shall be held regularly, with an annual calendar of meetings established at the Committee's organizational meeting. Minutes shall be kept of all Committee meetings, and a quorum of Committee meetings shall be required for action to be taken by the Committee. A quorum shall be 50 percent of the Committee membership plus one.

**17:40-2.5 Functions of the Municipal Alliance Committee**

(a) The Municipal Alliance Committee, in consultation with the Local (County) Advisory Committee on Alcoholism and Drug Abuse, shall identify alcoholism and drug prevention, education, and community needs.

(b) The Municipal Alliance Committee shall implement the Alliance programs formulated pursuant to N.J.S.A. 26:2BB-8.

(c) The Municipal Alliance Committee may apply for funding through the procedures described in this chapter.

(d) The Municipal Alliance Committee shall also be responsible for:

1. Organizing and coordinating efforts involving schools, law enforcement, business groups and other community organizations for the purpose of reducing alcoholism and drug abuse;
2. In cooperation with local school districts, developing comprehensive and effective alcoholism and drug abuse education programs in grades K through 12;
3. In cooperation with local school districts, developing procedures for the intervention, referral to treatment and discipline of students abusing alcohol or drugs;

4. Developing comprehensive alcoholism and drug abuse education support and outreach efforts for parents in the community;

5. Developing comprehensive alcoholism and drug abuse community awareness programs;

6. Creating a network of community leaders, private citizens, and representatives of public and private human service agencies who will make a comprehensive and coordinated effort to promote and support drug and alcohol prevention and education programs and related activities with an emphasis on youth;

7. Conducting an assessment of their community to determine the needs of the community in relation to alcoholism and drug abuse issues;

8. Identifying existing efforts and services acting to reduce alcoholism and drug abuse;

9. Coordinating projects within the municipality to avoid fragmentation and duplication;

10. Developing programs to be implemented at the municipal level or participating in regionally-developed programs that accomplish the purpose of the Alliance effort and the purposes of the Municipal Alliance Committee;

11. Assisting the municipality in acquiring funds for Alliance programs, including the establishment of a permanent, standing subcommittee on fundraising;

12. The Municipal Alliance Committee shall keep such records and provide such information to the Governor's council as may be required for fiscal audit; and

13. Cooperating with the Governor's Council on Alcoholism and Drug Abuse and the Alliance Steering Subcommittee of the County Local Advisory Committee on Alcoholism and Drug Abuse to provide municipal data, reports or other information which may be required for the County Alliance Plan or needed to assist the Alliance effort.

#### 17:40-2.6 Development of the Municipal Alliance Network

Cooperative relationships are necessary to effectively develop the Municipal Alliance Network, to maximize coordination and avoid duplication of efforts, and to assure effective use of resources, including volunteers and funds. Therefore, each municipality should determine how best to work with and/or join municipal groups, such as drug and alcohol task forces, municipal youth services commissions, youth task forces or other groups compatible with the purposes and functions of the Alliance. These interrelationships may involve shared memberships, joint subcommittees or joined groups.

## SUBCHAPTER 3. FUNDING FOR ALLIANCE PROGRAMS

### 17:40-3.1 Overview of the funding process

(a) Mandatory drug enforcement and demand reduction (DEDR) penalties imposed in drug-related offenses are collected by the courts, Probation and the Department of Corrections. These monies are then forwarded to the State Department of Treasury and are deposited in a fund known as the DEDR Fund. The funds may then be appropriated by the Legislature to the Governor's Council on an annual basis for the purposes of funding the Alliance to Prevent Alcoholism and Drug Abuse and other alcohol and drug abuse programs.

(b) DEDR funds may be released by the Governor's Council on Alcoholism and Drug Abuse to counties, contingent upon submission and approval of a County Annual Alliance Plan. Following the establishment of a Municipal Alliance Committee, a municipality may apply for these funds through the Request for Proposal (RFP) process initiated annually through the County Local Advisory Committee on Alcoholism and Drug Abuse/Alliance Steering Subcommittee. Funds will be released to municipalities only upon approval of the proposal by the Council.

(c) It is the Council's intention that the DEDR funds be used primarily for programs in municipalities which are members of the Alliance and for the County Alliance Coordinator established by this chapter.

### 17:40-3.2 Request for Proposal contents

(a) The RFP application form shall be developed annually by the Council and shall include the following:

#### 1. Program Description and Guidelines:

- i. Background and purpose;
- ii. Biopsychosocial disease model;
- iii. Allowable use of funds;
- iv. Suggested program models; and
- v. Criteria for selection.

#### 2. Application for Funding:

- i. Applicant description;
- ii. Statement of assurances;
- iii. Statement of need;
- iv. Program description;
- v. Goals and objectives;
- vi. Activity plan (applicant cites activities, dates of completion);
- vii. List of participating/affiliated agencies;

- viii. Evaluation (applicant cites method and manner);
- ix. Budget; and
- x. Matching funds.

### 17:40-3.3 Request for Proposal process

(a) The Council shall develop the RFP and distribute it to the LACADA Alliance Steering Subcommittee each year.

(b) The LACADA Alliance Steering Subcommittee shall distribute the RFP forms to the Municipal Alliance Subcommittees.

(c) The LACADA Alliance Steering Subcommittee, in conjunction with the Alliance Coordinator, shall provide technical assistance and monitoring to the Municipal Alliance Subcommittees in the completion of the RFP forms.

(d) In order to be considered for approval, the Municipal Alliance Committee must complete and return the RFP form to the LACADA Alliance Steering Subcommittee.

(e) The LACADA Alliance Steering Subcommittee, in conjunction with the Alliance Coordinator, shall review the RFPs submitted by Municipal Alliance Committees for compliance with the requirements of the RFP process, this chapter, and the governing law (N.J.S.A. 26:2BB-1 et seq.). The LACADA Alliance Steering Committee, in conjunction with the Alliance Coordinator, shall then develop a county plan incorporating the Municipal Alliance Committees' RFPs for submission to the Governor's Council on Alcoholism and Drug Abuse.

(f) Upon receipt of the LACADA Alliance Steering Subcommittee's plan, it and the RFPs contained therein shall be reviewed by the Governor's Council and its staff. Additional information may be requested by the Council from the LACADA Alliance Steering Subcommittee or the Municipal Alliance Committee as needed.

(g) The Governor's Council will annually develop a formula for funding for the purpose of granting funds appropriated each year to the LACADA Alliance Coordinator and the Municipal Alliance Committees. The formula shall be adopted by the Council at a public meeting and shall thereafter be promulgated as a separate rule.

(h) To the extent the Legislator makes appropriation therefor, DEDR funds shall be granted by the Council, upon the recommendation of its Executive Director, to the LACADA Alliance Coordinator for the purpose of training and coordination and to Municipal Alliance Committees and member municipalities within the county which successfully complete the RFP and have it approved by the Council.

(i) The Governor's Council shall issue its determinations for the distribution of DEDR funds to LACADA Alliance Coordinators and Municipal Alliance Committees.

(j) The county agency or individual designated by the governing body of each county pursuant to N.J.S.A. 26:2B-33 is authorized to receive from the Governor's Council moneys made available under the RFP process. The designated county agency shall establish a separate fund for the receipt and disbursement of these moneys and such disbursement shall be made as directed by the Council for approved grants only.

### 17:40-3.4 Acceptance of grants through the RFP process

(a) In accepting a grant of DEDR funds from the Governor's Council, the grantee (municipality) must agree to abide by the following conditions:

1. The grantee agrees to repay to the Council's fund any portion of the amount granted which is not used for purposes of the grant at the end of the contract term;
2. The grantee shall submit detailed and accurate accounting, in a form prescribed by the Council, of all expenditures made under the grant;
3. The grantee shall submit periodic reports, in a form prescribed by the Council, of the progress made in accomplishing the purpose of the grant; and
4. The grantee shall be prohibited from using the grant funds to undertake any activity not in accordance with the purpose of the grant as approved by the Council.

(b) At the end of the fiscal year in which the grant falls, the grantee must submit an audited financial statement explaining its use and provide such other information as may be prescribed by the Council.

### 17:40-3.5 Matching funds

(a) Funds disbursed by the Council to grantees shall not supplant local funds that would have otherwise been available for alcoholism and drug abuse initiatives.

(b) Each Municipality Alliance Committee receiving DEDR funds from the Council shall develop a comprehensive plan to provide matching funds equivalent to the amount of the grant award, with a minimum to be established by the Governor's Council on an annual basis as part of the RFP process.

(c) Each Municipal Alliance Committee shall establish a fundraising subcommittee, which shall meet at least quarterly during the project period.

(d) The comprehensive plan for providing matching funds may include, but is not limited to, the following:

1. The donation of the use of municipal property at a fair market value to the project;

2. Time, as reflected by salary and wages, of municipal and private sector employers who perform services in accord with the project;

3. Complimentary (public service) advertising on local media, such as newspapers, radio and cable television, above the level of standard public service requirements;

4. Organized community benefits focused on the Alliance, which utilize celebrities, sports figures or experts in the field of addictions, who donate their services;

5. Door-to-door types of fund raising;

6. Solicitations to business and industry for donations;

7. Activities to raise funds which have the potential for bringing a significant number of community persons together, such as runs, walks, bake sales, and car washes; and

8. The donation of printing and other mass reproductions of materials to carry the anti-alcohol and drug abuse message to the community.

(e) The quality of the plan for matching grant funds received shall be a major factor in the Council's consideration of the Municipal Alliance Committee's RFP application.

(f) The participating municipal government shall have the duty of ensuring that the match requirement is met and shall be responsible for any failure to do so. The County Alliance Coordinator, under guidelines established by the Governor's Council, shall be responsible for monitoring the

municipal government's compliance with the match requirement and shall submit such reports on the progress of the municipal government in meeting this requirement as the Council may require. The Council shall make the final determination on whether the municipal government has met its match requirement.

(g) The grantee shall submit periodic reports to the Council on its progress in obtaining matching funds.

(h) If, at the end of the contract period, the grantee fails to generate sufficient matching funds, the grantees must provide the Council with a detailed explanation of its failure. In the discretion of the Council, a grantee which fails to generate the required matching funds, may be required to return all, or a portion of, the grant funds received by it.

**17:40-3.6 Annual funding formula**

Drug Enforcement Demand Reduction funds, as appropriated, will be distributed by the Council in accordance with the following formula:

$$\left( \text{Total Program Funding} \right) \left\{ .66 \left( \frac{\text{County population}}{\text{State population}} \right) \left[ .50 \frac{\text{State income}}{\text{County income}} + .50 \left( \frac{\text{County need}}{\text{State need}} \right) + .20 \left( \frac{\text{County youth}}{\text{State youth}} \right) + .10 \left( \frac{\text{County arrests}}{\text{State arrests}} \right) + .04 \left( \frac{\text{County DEDR collections}}{\text{State average DEDR collections}} \right) \right\} = \text{County allotment}$$

New Rule, R.1991 d.150, effective March 18, 1991.  
See: 23 N.J.R. 26(b), 23 N.J.R. 883(a).