

IC 12-23

ARTICLE 23. ADDICTION SERVICES

IC 12-23-1

Chapter 1. Bureau of Addiction Services

IC 12-23-1-1

Repealed

(Repealed by P.L.40-1994, SEC.83.)

IC 12-23-1-2

Repealed

(Repealed by P.L.40-1994, SEC.83.)

IC 12-23-1-3

Repealed

(Repealed by P.L.40-1994, SEC.83.)

IC 12-23-1-4

Repealed

(Repealed by P.L.40-1994, SEC.83.)

IC 12-23-1-5

Repealed

(Repealed by P.L.40-1994, SEC.83.)

IC 12-23-1-6

Powers

Sec. 6. The division has the following powers:

- (1) Promoting unified programs for education and research, prevention and control, diagnosis, and treatment of substance and gambling abuse based on comprehensive plans developed by the division.
- (2) Assuring compliance with state rules and federal regulations for substance abuse services programs and revoking authorization of the programs upon a determination that the programs do not comply with the rules and regulations.
- (3) Making agreements and contracts with:
 - (A) another department, authority, or agency of the state;
 - (B) another state;
 - (C) the federal government;
 - (D) a state or private postsecondary educational institution;or
 - (E) a public or private agency;to effectuate the purposes of this article.
- (4) Directly or by contract, approving and certifying facilities and services for the treatment, care, or rehabilitation of alcoholics, drug abusers, and compulsive gamblers in accordance with requirements established by the division and assigning or transferring individuals placed under the division's

care or supervision to the facilities.

(5) Requiring, as a condition of operation, that each public and private treatment facility, except facilities and services created and funded under IC 12-23-14 that do not provide treatment and rehabilitation services, be certified according to standards established by the division.

(6) Maintaining a toll free telephone line that the public may use to obtain counseling and information about programs that help individuals with drug, alcohol, and gambling problems.

(7) Adopting rules under IC 4-22-2 to implement this article.

As added by P.L.2-1992, SEC.17. Amended by P.L.40-1994, SEC.34; P.L.54-1995, SEC.3; P.L.122-1997, SEC.1; P.L.2-2007, SEC.164.

IC 12-23-1-7

Authority of division; grants, loans, and gifts; federal government grants and contracts

Sec. 7. (a) Except as provided in subsection (b) and notwithstanding any other law, the division is the sole state authority authorized to:

(1) disburse grants, loans, or gifts made by the federal government or any other source to the state, state agencies, and subdivisions of the state; and

(2) review and approve grants or contracts made by the federal government to or with a local governmental unit or other public or private agency;

for alcoholism, compulsive gambling, or drug abuse prevention or for treatment in the field of addictions.

(b) Subsection (a) does not apply if the federal law regulating a grant, loan, or gift does not allow exclusive power and control over the disbursement of the grant, loan, or gift to be vested in a single state authority.

As added by P.L.2-1992, SEC.17. Amended by P.L.40-1994, SEC.35; P.L.54-1995, SEC.4.

IC 12-23-1-8

Authority of division; disbursements to addiction services advisory council or for purposes of IC 12-23-1-6

Sec. 8. Notwithstanding any other law, the division is the sole state authority authorized to disburse money appropriated to the division for a purpose described in section 6 of this chapter.

As added by P.L.2-1992, SEC.17. Amended by P.L.40-1994, SEC.36.

IC 12-23-1-9

Allocation of federal aid for Drug Abuse and Alcohol Abuse/Alcoholic Efforts

Sec. 9. (a) A part of the total amount of the federal money earmarked for Drug Abuse and Alcohol Abuse/Alcoholics Efforts received for disbursement by the division shall be used for local programs that provide prevention, intervention, or treatment services for individuals who:

(1) have a primary diagnosis of chronic substance abuse and dependence; and

(2) are without significant or immediate treatment needs for mental illness or serious emotional disturbance.

(b) The amount designated in subsection (a) shall be distributed to specialty addiction providers that serve the eligible population to provide consumer choice based on outcomes determined by the division.

As added by P.L.2-1992, SEC.17. Amended by P.L.40-1994, SEC.37; P.L.143-2011, SEC.27.

IC 12-23-1-10

Cooperation of other agencies

Sec. 10. The division is the state authority primarily responsible for prevention, control, treatment and rehabilitation, education, research, and planning in the field of addictions. All other agencies of state and local government shall cooperate with the division to assist in the performance of the division's functions.

As added by P.L.2-1992, SEC.17. Amended by P.L.40-1994, SEC.38.

IC 12-23-1-11

Operation of vehicle under influence of liquor or drugs; laws unaffected; alternative methods of prosecution

Sec. 11. (a) This article does not repeal or modify Indiana law relating to the operation of a vehicle under the influence of liquor or drugs.

(b) IC 12-23-5, IC 12-23-6, IC 12-23-7, IC 12-23-8, and any other related provisions of this article shall be considered to be alternative methods or procedures for the prosecution of alcoholics or drug abusers as criminals.

As added by P.L.2-1992, SEC.17.

IC 12-23-1-12

Enforcement of article

Sec. 12. (a) The division and the director shall enforce this article.

(b) The division or the director may bring an action at law or in equity to enforce any of the provisions of this article and the circuit and superior courts of the state have jurisdiction to compel or enforce the provisions of this article by prohibitory or mandatory injunction.

As added by P.L.2-1992, SEC.17.

IC 12-23-1-13

Participation in alcohol and drug services program

Sec. 13. Notwithstanding the amendments made to IC 12-7-2-12 by P.L.168-2002, a person participating in an alcohol and drug services program before July 1, 2002, solely as a result of committing an infraction may continue in the program until the person successfully completes the program or is removed for a violation or noncompliance, whichever occurs first.

As added by P.L.220-2011, SEC.274.