

SENATE BILL No. 443

By Committee on Federal and State Affairs

2-22

1 AN ACT concerning addiction counselors; amending K.S.A. 59-29b54,
2 59-29b61 and 65-4016 and K.S.A. 2011 Supp. 21-6824, 38-1608, 38-
3 2213, 38-2223, 38-2310, 39-1402, 39-1431, 59-29b46, 65-4012 and 65-
4 4024a and repealing the existing sections.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2011 Supp. 21-6824 is hereby amended to read as
8 follows: 21-6824. (a) There is hereby established a nonprison sanction of
9 certified drug abuse treatment programs for certain offenders who are
10 sentenced on or after November 1, 2003. Placement of offenders in
11 certified drug abuse treatment programs by the court shall be limited to
12 placement of adult offenders, convicted of a felony violation of K.S.A. 65-
13 4160 or 65-4162, prior to their repeal or K.S.A. 2010 Supp. 21-36a06,
14 *prior to its transfer; or K.S.A. 2011 Supp. 21-5706*, and amendments
15 thereto:

16 (1) Whose offense is classified in grid blocks 4-E, 4-F, 4-G, 4-H or 4-
17 I of the sentencing guidelines grid for drug crimes and such offender has
18 no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or
19 65-4164, prior to their repeal or K.S.A. 2010 Supp. 21-36a03, 21-36a05 or
20 21-36a16, *prior to their transfer; or K.S.A. 2011 Supp. 21-5703, 21-5705*
21 *or 21-5716*, and amendments thereto, or any substantially similar offense
22 from another jurisdiction; or

23 (2) whose offense is classified in grid blocks 4-A, 4-B, 4-C or 4-D of
24 the sentencing guidelines grid for drug crimes, such offender has no felony
25 conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164,
26 prior to their repeal, or K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-
27 36a16, *prior to their transfer; or K.S.A. 2011 Supp. 21-5703, 21-5705 or*
28 *21-5716*, and amendments thereto, or any substantially similar offense
29 from another jurisdiction, if the person felonies in the offender's criminal
30 history were severity level 8, 9 or 10 or nongrid offenses of the sentencing
31 guidelines grid for nondrug crimes, and the court finds and sets forth with
32 particularity the reasons for finding that the safety of the members of the
33 public will not be jeopardized by such placement in a drug abuse treatment
34 program.

35 (b) As a part of the presentence investigation pursuant to K.S.A. 2011
36 Supp. 21-6813, and amendments thereto, offenders who meet the

1 requirements of subsection (a) shall be subject to:

2 (1) A drug abuse assessment which shall include a clinical interview
3 with a mental health professional and a recommendation concerning drug
4 abuse treatment for the offender; and

5 (2) a criminal risk-need assessment, unless otherwise specifically
6 ordered by the court. The criminal risk-need assessment shall assign a high
7 or low risk status to the offender.

8 (c) The sentencing court shall commit the offender to treatment in a
9 drug abuse treatment program until the court determines the offender is
10 suitable for discharge by the court. The term of treatment shall not exceed
11 18 months. The court may extend the term of probation, pursuant to
12 subsection (c)(3) of K.S.A. 2011 Supp. 21-6608, and amendments thereto.
13 The term of treatment may not exceed the term of probation.

14 (d) Offenders shall be supervised by community correctional
15 services.

16 (e) Placement of offenders under subsection (a)(2) shall be subject to
17 the departure sentencing statutes of the revised Kansas sentencing
18 guidelines act.

19 (f) (1) Offenders in drug abuse treatment programs shall be
20 discharged from such program if the offender:

21 (A) Is convicted of a new felony; or

22 (B) has a pattern of intentional conduct that demonstrates the
23 offender's refusal to comply with or participate in the treatment program,
24 as established by judicial finding.

25 (2) Offenders who are discharged from such program shall be subject
26 to the revocation provisions of subsection (n) of K.S.A. 2011 Supp. 21-
27 6604, and amendments thereto.

28 (g) As used in this section, "mental health professional" includes
29 licensed social workers, licensed psychiatrists, licensed psychologists,
30 licensed professional counselors ~~or registered alcohol and other drug abuse~~
31 ~~counselors licensed or certified as addiction,~~ *licensed addiction counselors*
32 *or licensed clinical addiction* counselors who have been certified by the
33 secretary of corrections to treat offenders pursuant to K.S.A. 2011 Supp.
34 75-52,144, and amendments thereto.

35 (h) (1) The following offenders who meet the requirements of
36 subsection (a) shall not be subject to the provisions of this section and
37 shall be sentenced as otherwise provided by law:

38 (A) Offenders who are residents of another state and are returning to
39 such state pursuant to the interstate corrections compact or the interstate
40 compact for adult offender supervision; or

41 (B) offenders who are not lawfully present in the United States and
42 being detained for deportation.

43 (2) Such sentence shall not be considered a departure and shall not be

1 subject to appeal.

2 Sec. 2. K.S.A. 2011 Supp. 38-1608 is hereby amended to read as
3 follows: 38-1608. (a) All records of law enforcement officers and agencies
4 and municipal courts concerning a public offense committed or alleged to
5 have been committed by a juvenile under 14 years of age shall be kept
6 readily distinguishable from criminal and other records and shall not be
7 disclosed to anyone except:

8 (1) The judge and members of the court staff designated by the judge
9 of a court having the juvenile before it in any proceedings;

10 (2) parties to the proceedings and their attorneys;

11 (3) the department of social and rehabilitation services;

12 (4) any individual, or any officer of a public or private agency or
13 institution, having custody of the juvenile under court order or providing
14 educational, medical or mental health services to the juvenile or a court-
15 approved advocate for the juvenile;

16 (5) any educational institution to the extent necessary to enable the
17 educational institution to provide the safest possible environment for its
18 pupils and employees;

19 (6) any educator to the extent necessary to enable the educator to
20 protect the personal safety of the educator and the educator's pupils;

21 (7) law enforcement officers or county or district attorneys or their
22 staff when necessary for the discharge of their official duties;

23 (8) the central repository, as defined by K.S.A. 22-4701, and
24 amendments thereto, for use only as a part of the juvenile offender
25 information system established under K.S.A. 38-1618, and amendments
26 thereto;

27 (9) juvenile intake and assessment workers;

28 (10) juvenile justice authority;

29 (11) any other person when authorized by a court order, subject to
30 any conditions imposed by the order; and

31 (12) as provided in subsection (c).

32 (b) The provisions of this section shall not apply to records
33 concerning:

34 (1) A violation, by a person 14 or more years of age, of any provision
35 of chapter 8 of the Kansas Statutes Annotated, *and amendments thereto*, or
36 of any city ordinance or county resolution which relates to the regulation
37 of traffic on the roads, highways or streets or the operation of self-
38 propelled or nonself-propelled vehicles of any kind;

39 (2) a violation, by a person 16 or more years of age, of any provision
40 of chapter 32 of the Kansas Statutes Annotated, *and amendments thereto*;
41 or

42 (3) an offense for which the juvenile is prosecuted as an adult.

43 (c) All records of law enforcement officers and agencies and

1 municipal courts concerning a public offense committed or alleged to have
2 been committed by a juvenile 14 or more years of age shall be subject to
3 the same disclosure restrictions as the records of adults. Information
4 identifying victims and alleged victims of sex offenses, as defined in
5 K.S.A. chapter 21, article 35, *and amendments thereto*, shall not be
6 disclosed or open to public inspection under any circumstances. Nothing in
7 this section shall prohibit the victim or any alleged victim of any sex
8 offense from voluntarily disclosing such victim's identity.

9 (d) Relevant information, reports and records shall be made available
10 to the department of corrections upon request and a showing that the
11 former juvenile has been convicted of a crime and placed in the custody of
12 the secretary of the department of corrections.

13 (e) All records, reports and information obtained as a part of the
14 juvenile intake and assessment process for juvenile offenders shall be
15 confidential and shall not be disclosed except as provided in this section
16 or by rules and regulations established by the commissioner of juvenile
17 justice.

18 (1) Any court of record may order the disclosure of such records,
19 reports and other information to any person or entity.

20 (2) The head of any juvenile intake and assessment program, certified
21 pursuant to the commissioner of juvenile justice, may authorize disclosure
22 of such records, reports and other information to:

23 (A) A person licensed to practice the healing arts who has before that
24 person a child whom the person reasonably suspects may be abused or
25 neglected;

26 (B) a court-appointed special advocate for a child, which advocate
27 reports to the court, or an agency having the legal responsibility or
28 authorization to care for, treat or supervise a child;

29 (C) a parent or other person responsible for the welfare of a child, or
30 such person's legal representative, with protection for the identity of
31 persons reporting and other appropriate persons;

32 (D) the child or the guardian *ad litem* for such child;

33 (E) the police or other law enforcement agency;

34 (F) an agency charged with the responsibility of preventing or
35 treating physical, mental or emotional abuse or neglect or sexual abuse of
36 children, if the agency requesting the information has standards of
37 confidentiality as strict or stricter than the requirements of the revised
38 Kansas code for care of children or the Kansas juvenile justice code,
39 whichever is applicable;

40 (G) a person who is a member of a multidisciplinary team;

41 (H) an agency authorized by a properly constituted authority to
42 diagnose, care for, treat or supervise a child who is the subject of a report
43 or record of child abuse or neglect;

1 (I) any individual, or public or private agency authorized by a
2 properly constituted authority to diagnose, care for, treat or supervise a
3 child who is the subject of a report or record of child abuse or neglect and
4 specifically includes the following: ~~Physicians, psychiatrists, nurses, nurse~~
5 ~~practitioners, Persons licensed to practice medicine and surgery, licensed~~
6 ~~professional or practical nurses, licensed advance practice registered~~
7 ~~nurses, licensed psychologists, licensed social workers, child development~~
8 ~~specialists, physicians~~ *licensed physician assistants, community mental*
9 *health workers, alcohol and drug abuse licensed addiction counselors,*
10 *licensed clinical addiction counselors and licensed or registered child care*
11 *providers;*

12 (J) a citizen review board;

13 (K) an educational institution if related to a juvenile offender that
14 attends such educational institution; and

15 (L) educators who have exposure to the juvenile offender or who are
16 responsible for pupils who have exposure to the juvenile offender.

17 (3) To any juvenile intake and assessment worker of another certified
18 juvenile intake and assessment program.

19 Sec. 3. K.S.A. 2011 Supp. 38-2213 is hereby amended to read as
20 follows: 38-2213. (a) *Principle of limited disclosure.* Information
21 contained in confidential law enforcement records concerning a child
22 alleged or adjudicated to be in need of care may be disclosed as provided
23 in this section. Disclosure shall in all cases be guided by the principle of
24 providing access only to persons or entities with a need for information
25 that is directly related to achieving the purposes of this code.

26 (b) *Free exchange of information.* Pursuant to K.S.A. 2011 Supp. 38-
27 2210, and amendments thereto, a law enforcement agency shall participate
28 in the free exchange of information concerning a child who is alleged or
29 adjudicated to be in need of care.

30 (c) *Access to information in law enforcement records.* In order to
31 discharge their official duties, the following persons or entities shall have
32 access to confidential law enforcement records concerning a child alleged
33 or adjudicated to be in need of care-:

34 (1) The court having jurisdiction over the proceedings, including the
35 presiding judge and any court personnel designated by the judge-;

36 (2) The secretary-;

37 (3) The commissioner of juvenile justice-;

38 (4) Law enforcement officers or county or district attorneys or their
39 staff-;

40 (5) Any juvenile intake and assessment worker-;

41 (6) Members of a court-appointed multidisciplinary team-;

42 (7) Any other federal, state or local government executive branch
43 entity, or any agent of such entity, having a need for such information in

1 order to carry out such entity's responsibilities under law to protect
2 children from abuse and neglect; *and*

3 (8) persons or entities allowed access pursuant to subsection (f) of
4 K.S.A. 2011 Supp. 38-2212, and amendments thereto.

5 (d) *Necessary access.* The following persons or entities shall have
6 access to information from law enforcement records when reasonably
7 necessary to carry out their lawful responsibilities, to maintain their
8 personal safety and the personal safety of individuals in their care, or to
9 educate, diagnose, treat, care for or protect a child alleged or adjudicated
10 to be in need of care. Information authorized to be disclosed in this
11 subsection shall not contain information which identifies a reporter of a
12 child alleged or adjudicated to be a child in need of care.

13 (1) Any individual, or public or private agency authorized by a
14 properly constituted authority to diagnose, care for, treat or supervise a
15 child who is the subject of a report or record of child abuse or neglect,
16 including ~~physicians, psychiatrists, nurses, nurse practitioners, persons~~
17 *licensed to practice medicine and surgery, licensed professional or*
18 *practical nurses, licensed advance practice registered nurses, licensed*
19 *psychologists, licensed social workers, child development specialists,*
20 *licensed physician assistants, community mental health workers, alcohol*
21 ~~*and drug abuse licensed addiction counselors, licensed clinical addiction*~~
22 *counselors, and licensed or registered child care providers.*

23 (2) School administrators shall have access to but shall not copy law
24 enforcement records and may disclose information to teachers,
25 paraprofessionals and other school personnel as necessary to meet the
26 educational needs of the child or to protect the safety of students and
27 school employees.

28 (3) The department of health and environment or persons authorized
29 by the department of health and environment pursuant to K.S.A. 65-512,
30 and amendments thereto, for the purposes of carrying out responsibilities
31 relating to licensure or registration of child care providers as required by
32 article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments
33 thereto.

34 (e) *Legislative access.* Information from law enforcement records of a
35 child alleged or adjudicated to be in need of care shall be available to
36 members of the standing house or senate committee on judiciary, house
37 committee on corrections and juvenile justice, house committee on
38 appropriations, senate committee on ways and means, legislative post audit
39 committee and any joint committee with authority to consider children's
40 and families' issues, when carrying out such member's or committee's
41 official functions in accordance with K.S.A. 75-4319, and amendments
42 thereto, in a closed or executive meeting. Except in limited conditions
43 established by $\frac{2}{3}$ of the members of such committee, records and reports

1 received by the committee shall not be further disclosed. Unauthorized
2 disclosure may subject such member to discipline or censure from the
3 house of representatives or senate.

4 (f) *Court order*: Notwithstanding the provisions of this section, a
5 court of competent jurisdiction, after in camera inspection, may order
6 disclosure of confidential law enforcement records pursuant to a
7 determination that the disclosure is in the best interests of the child who is
8 the subject of the reports or that the records are necessary for the
9 proceedings of the court and otherwise admissible as evidence. The court
10 shall specify the terms of disclosure and impose appropriate limitations.

11 Sec. 4. K.S.A. 2011 Supp. 38-2223 is hereby amended to read as
12 follows: 38-2223. (a) *Persons making reports*. (1) When any of the
13 following persons has reason to suspect that a child has been harmed as a
14 result of physical, mental or emotional abuse or neglect or sexual abuse,
15 the person shall report the matter promptly as provided in subsections (b)
16 and (c);

17 (A) The following persons providing medical care or treatment:
18 Persons licensed to practice the healing arts, dentistry and optometry;
19 persons engaged in postgraduate training programs approved by the state
20 board of healing arts; licensed professional or practical nurses; and chief
21 administrative officers of medical care facilities;

22 (B) the following persons licensed by the state to provide mental
23 health services: Licensed psychologists, licensed masters level
24 psychologists, licensed clinical psychotherapists, licensed social workers,
25 licensed marriage and family therapists, licensed clinical marriage and
26 family therapists, licensed professional counselors, licensed clinical
27 professional counselors and ~~registered alcohol and drug abuse~~, *licensed*
28 *addiction counselors and licensed clinical addiction counselors*;

29 (C) teachers, school administrators or other employees of an
30 educational institution which the child is attending and persons licensed by
31 the secretary of health and environment to provide child care services or
32 the employees of persons so licensed at the place where the child care
33 services are being provided to the child; ~~and~~

34 (D) firefighters, emergency medical services personnel, law
35 enforcement officers, juvenile intake and assessment workers, court
36 services officers and community corrections officers, case managers
37 appointed under K.S.A. 23-1001 *et seq.*, and amendments thereto, and
38 mediators appointed under K.S.A. 23-602, and amendments thereto; and

39 (E) any person employed by or who works as a volunteer for any
40 organization, whether for profit or not-for-profit, that provides social
41 services to pregnant teenagers, including, but not limited to, counseling,
42 adoption services and pregnancy education and maintenance.

43 (2) In addition to the reports required under subsection (a)(1), any

1 person who has reason to suspect that a child may be a child in need of
2 care may report the matter as provided in subsection (b) and (c).

3 (b) *Form of report.* (1) The report may be made orally and shall be
4 followed by a written report if requested. Every report shall contain, if
5 known: The names and addresses of the child and the child's parents or
6 other persons responsible for the child's care; the location of the child if
7 not at the child's residence; the child's gender, race and age; the reasons
8 why the reporter suspects the child may be a child in need of care; if abuse
9 or neglect or sexual abuse is suspected, the nature and extent of the harm
10 to the child, including any evidence of previous harm; and any other
11 information that the reporter believes might be helpful in establishing the
12 cause of the harm and the identity of the persons responsible for the harm.

13 (2) When reporting a suspicion that a child may be in need of care,
14 the reporter shall disclose protected health information freely and
15 cooperate fully with the secretary and law enforcement throughout the
16 investigation and any subsequent legal process.

17 (c) *To whom made.* Reports made pursuant to this section shall be
18 made to the secretary, except as follows:

19 (1) When the department of social and rehabilitation services is not
20 open for business, reports shall be made to the appropriate law
21 enforcement agency. On the next day that the department is open for
22 business, the law enforcement agency shall report to the department any
23 report received and any investigation initiated pursuant to K.S.A. 2011
24 Supp. 38-2226, and amendments thereto. The reports may be made orally
25 or, on request of the secretary, in writing.

26 (2) Reports of child abuse or neglect occurring in an institution
27 operated by the secretary of social and rehabilitation services or the
28 commissioner of juvenile justice shall be made to the attorney general. All
29 other reports of child abuse or neglect by persons employed by or of
30 children of persons employed by the department of social and
31 rehabilitation services shall be made to the appropriate law enforcement
32 agency.

33 (d) *Death of child.* Any person who is required by this section to
34 report a suspicion that a child is in need of care and who knows of
35 information relating to the death of a child shall immediately notify the
36 coroner as provided by K.S.A. 22a-242, and amendments thereto.

37 (e) *Violations.* (1) Willful and knowing failure to make a report
38 required by this section is a class B misdemeanor. It is not a defense that
39 another mandatory reporter made a report.

40 (2) Intentionally preventing or interfering with the making of a report
41 required by this section is a class B misdemeanor.

42 (3) Any person who willfully and knowingly makes a false report
43 pursuant to this section or makes a report that such person knows lacks

1 factual foundation is guilty of a class B misdemeanor.

2 (f) *Immunity from liability.* Anyone who, without malice, participates
3 in the making of a report to the secretary or a law enforcement agency
4 relating to a suspicion a child may be a child in need of care or who
5 participates in any activity or investigation relating to the report or who
6 participates in any judicial proceeding resulting from the report shall have
7 immunity from any civil liability that might otherwise be incurred or
8 imposed.

9 Sec. 5. K.S.A. 2011 Supp. 38-2310 is hereby amended to read as
10 follows: 38-2310. (a) All records of law enforcement officers and agencies
11 and municipal courts concerning an offense committed or alleged to have
12 been committed by a juvenile under 14 years of age shall be kept readily
13 distinguishable from criminal and other records and shall not be disclosed
14 to anyone except:

15 (1) The judge of the district court and members of the staff of the
16 court designated by the judge;

17 (2) parties to the proceedings and their attorneys;

18 (3) the department of social and rehabilitation services;

19 (4) the juvenile's court appointed special advocate, any officer of a
20 public or private agency or institution or any individual having custody of
21 a juvenile under court order or providing educational, medical or mental
22 health services to a juvenile;

23 (5) any educational institution, to the extent necessary to enable the
24 educational institution to provide the safest possible environment for its
25 pupils and employees;

26 (6) any educator, to the extent necessary to enable the educator to
27 protect the personal safety of the educator and the educator's pupils;

28 (7) law enforcement officers or county or district attorneys, or their
29 staff, when necessary for the discharge of their official duties;

30 (8) the central repository, as defined by K.S.A. 22-4701, and
31 amendments thereto, for use only as a part of the juvenile offender
32 information system established under K.S.A. 2011 Supp. 38-2326, and
33 amendments thereto;

34 (9) juvenile intake and assessment workers;

35 (10) the juvenile justice authority;

36 (11) juvenile community corrections officers;

37 (12) any other person when authorized by a court order, subject to
38 any conditions imposed by the order; and

39 (13) as provided in subsection (c).

40 (b) The provisions of this section shall not apply to records
41 concerning:

42 (1) A violation, by a person 14 or more years of age, of any provision
43 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, or

1 of any city ordinance or county resolution which relates to the regulation
2 of traffic on the roads, highways or streets or the operation of self-
3 propelled or nonself-propelled vehicles of any kind;

4 (2) a violation, by a person 16 or more years of age, of any provision
5 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto;
6 or

7 (3) an offense for which the juvenile is prosecuted as an adult.

8 (c) All records of law enforcement officers and agencies and
9 municipal courts concerning an offense committed or alleged to have been
10 committed by a juvenile 14 or more years of age shall be subject to the
11 same disclosure restrictions as the records of adults. Information
12 identifying victims and alleged victims of sex offenses, as defined in
13 article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their
14 repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or
15 K.S.A. 2011 Supp. 21-6419 through 21-6421, and amendments thereto,
16 shall not be disclosed or open to public inspection under any
17 circumstances. Nothing in this section shall prohibit the victim or any
18 alleged victim of any sex offense from voluntarily disclosing such victim's
19 identity.

20 (d) Relevant information, reports and records, shall be made available
21 to the department of corrections upon request and a showing that the
22 former juvenile has been convicted of a crime and placed in the custody of
23 the secretary of corrections.

24 (e) All records, reports and information obtained as a part of the
25 juvenile intake and assessment process for juveniles shall be confidential,
26 and shall not be disclosed except as provided by statutory law and rules
27 and regulations promulgated by the commissioner thereunder.

28 (1) Any court of record may order the disclosure of such records,
29 reports and other information to any person or entity.

30 (2) The head of any juvenile intake and assessment program, certified
31 by the commissioner of juvenile justice, may authorize disclosure of such
32 records, reports and other information to:

33 (A) A person licensed to practice the healing arts who has before that
34 person a juvenile whom the person reasonably suspects may be abused or
35 neglected;

36 (B) a court-appointed special advocate for a juvenile or an agency
37 having the legal responsibility or authorization to care for, treat or
38 supervise a juvenile;

39 (C) a parent or other person responsible for the welfare of a juvenile,
40 or such person's legal representative, with protection for the identity of
41 persons reporting and other appropriate persons;

42 (D) the juvenile, the attorney and a guardian *ad litem*, if any, for such
43 juvenile;

1 (E) the police or other law enforcement agency;

2 (F) an agency charged with the responsibility of preventing or
3 treating physical, mental or emotional abuse or neglect or sexual abuse of
4 children, if the agency requesting the information has standards of
5 confidentiality as strict or stricter than the requirements of the Kansas code
6 for care of children or the revised Kansas juvenile justice code, whichever
7 is applicable;

8 (G) members of a multidisciplinary team under this code;

9 (H) an agency authorized by a properly constituted authority to
10 diagnose, care for, treat or supervise a child who is the subject of a report
11 or record of child abuse or neglect;

12 (I) any individual, or public or private agency authorized by a
13 properly constituted authority to diagnose, care for, treat or supervise a
14 juvenile who is the subject of a report or record of child abuse or neglect,
15 specifically including the following: ~~Physicians, psychiatrists, nurses,~~
16 ~~nurse practitioners, Persons licensed to practice medicine and surgery,~~
17 *licensed professional or practical nurses, licensed advanced practice*
18 *registered nurses, licensed psychologists, licensed social workers, child*
19 *development specialists, physicians' physician assistants, community*
20 *mental health workers, alcohol and drug abuse licensed addiction*
21 *counselors, licensed clinical addiction counselors* and licensed or
22 registered child care providers;

23 (J) a citizen review board pursuant to K.S.A. 2011 Supp. 38-2207,
24 and amendments thereto;

25 (K) an educational institution to the extent necessary to enable such
26 institution to provide the safest possible environment for pupils and
27 employees of the institution;

28 (L) any educator to the extent necessary for the protection of the
29 educator and pupils; and

30 (M) any juvenile intake and assessment worker of another certified
31 juvenile intake and assessment program.

32 Sec. 6. K.S.A. 2011 Supp. 39-1402 is hereby amended to read as
33 follows: 39-1402. (a) Any person who is licensed to practice any branch of
34 the healing arts, a licensed psychologist, a licensed master level
35 psychologist, a licensed clinical psychotherapist, a chief administrative
36 officer of a medical care facility, an adult care home administrator or
37 operator, a licensed social worker, a licensed professional nurse, a licensed
38 practical nurse, a licensed marriage and family therapist, a licensed clinical
39 marriage and family therapist, licensed professional counselor, licensed
40 clinical professional counselor, ~~registered alcohol and drug abuse licensed~~
41 *addiction counselor, licensed clinical addiction counselor*, a teacher, a
42 bank trust officer and any other officers of financial institutions, a legal
43 representative or a governmental assistance provider who has reasonable

1 cause to believe that a resident is being or has been abused, neglected or
2 exploited, or is in a condition which is the result of such abuse, neglect or
3 exploitation or is in need of protective services, shall report immediately
4 such information or cause a report of such information to be made in any
5 reasonable manner to the department on aging with respect to residents
6 defined under subsection (a)(1) of K.S.A. 39-1401, and amendments
7 thereto, to the department of health and environment with respect to
8 residents defined under subsection (a)(2) of K.S.A. 39-1401, and
9 amendments thereto, and to the department of social and rehabilitation
10 services and appropriate law enforcement agencies with respect to all other
11 residents. Reports made to one department which are required by this
12 subsection to be made to the other department shall be referred by the
13 department to which the report is made to the appropriate department for
14 that report, and any such report shall constitute compliance with this
15 subsection. Reports shall be made during the normal working week days
16 and hours of operation of such departments. Reports shall be made to law
17 enforcement agencies during the time the departments are not open for
18 business. Law enforcement agencies shall submit the report and
19 appropriate information to the appropriate department on the first working
20 day that such department is open for business. A report made pursuant to
21 K.S.A. 65-4923 or 65-4924, and amendments thereto, shall be deemed a
22 report under this section.

23 (b) The report made pursuant to subsection (a) shall contain the name
24 and address of the person making the report and of the caretaker caring for
25 the resident, the name and address of the involved resident, information
26 regarding the nature and extent of the abuse, neglect or exploitation, the
27 name of the next of kin of the resident, if known, and any other
28 information which the person making the report believes might be helpful
29 in an investigation of the case and the protection of the resident.

30 (c) Any other person, not listed in subsection (a), having reasonable
31 cause to suspect or believe that a resident is being or has been abused,
32 neglected or exploited, or is in a condition which is the result of such
33 abuse, neglect or exploitation or is in need of protective services may
34 report such information to the department on aging with respect to
35 residents defined under subsection (a)(1) of K.S.A. 39-1401, and
36 amendments thereto, to the department of health and environment with
37 respect to residents defined under subsection (a)(2) of K.S.A. 39-1401, and
38 amendments thereto, and to the department of social and rehabilitation
39 services with respect to all other residents. Reports made to one
40 department which are to be made to the other department under this
41 section shall be referred by the department to which the report is made to
42 the appropriate department for that report.

43 (d) Notice of the requirements of this act and the department to which

1 a report is to be made under this act shall be posted in a conspicuous
2 public place in every adult care home and medical care facility in this
3 state.

4 (e) Any person required to report information or cause a report of
5 information to be made under subsection (a) who knowingly fails to make
6 such report or cause such report to be made shall be guilty of a class B
7 misdemeanor.

8 Sec. 7. K.S.A. 2011 Supp. 39-1431 is hereby amended to read as
9 follows: 39-1431. (a) Any person who is licensed to practice any branch of
10 the healing arts, a licensed psychologist, a licensed master level
11 psychologist, a licensed clinical psychotherapist, the chief administrative
12 officer of a medical care facility, a teacher, a licensed social worker, a
13 licensed professional nurse, a licensed practical nurse, a licensed dentist, a
14 licensed marriage and family therapist, a licensed clinical marriage and
15 family therapist, licensed professional counselor, licensed clinical
16 professional counselor, ~~registered alcohol and drug abuse~~ *licensed*
17 *addiction counselor, licensed clinical addiction* counselor, a law
18 enforcement officer, a case manager, a rehabilitation counselor, a bank
19 trust officer or any other officers of financial institutions, a legal
20 representative, a governmental assistance provider, an owner or operator of
21 a residential care facility, an independent living counselor and the chief
22 administrative officer of a licensed home health agency, the chief
23 administrative officer of an adult family home and the chief administrative
24 officer of a provider of community services and affiliates thereof operated
25 or funded by the department of social and rehabilitation services or
26 licensed under K.S.A. 75-3307b, and amendments thereto, who has
27 reasonable cause to believe that an adult is being or has been abused,
28 neglected or exploited or is in need of protective services shall report,
29 immediately from receipt of the information, such information or cause a
30 report of such information to be made in any reasonable manner. An
31 employee of a domestic violence center shall not be required to report
32 information or cause a report of information to be made under this
33 subsection. Other state agencies receiving reports that are to be referred to
34 the department of social and rehabilitation services and the appropriate law
35 enforcement agency, shall submit the report to the department and agency
36 within six hours, during normal work days, of receiving the information.
37 Reports shall be made to the department of social and rehabilitation
38 services during the normal working week days and hours of operation.
39 Reports shall be made to law enforcement agencies during the time social
40 and rehabilitation services are not in operation. Law enforcement shall
41 submit the report and appropriate information to the department of social
42 and rehabilitation services on the first working day that social and
43 rehabilitation services is in operation after receipt of such information.

1 (b) The report made pursuant to subsection (a) shall contain the name
2 and address of the person making the report and of the caretaker caring for
3 the involved adult, the name and address of the involved adult, information
4 regarding the nature and extent of the abuse, neglect or exploitation, the
5 name of the next of kin of the involved adult, if known, and any other
6 information which the person making the report believes might be helpful
7 in the investigation of the case and the protection of the involved adult.

8 (c) Any other person, not listed in subsection (a), having reasonable
9 cause to suspect or believe that an adult is being or has been abused,
10 neglected or exploited or is in need of protective services may report such
11 information to the department of social and rehabilitation services. Reports
12 shall be made to law enforcement agencies during the time social and
13 rehabilitation services are not in operation.

14 (d) A person making a report under subsection (a) shall not be
15 required to make a report under K.S.A. 39-1401 to 39-1410, inclusive, and
16 amendments thereto.

17 (e) Any person required to report information or cause a report of
18 information to be made under subsection (a) who knowingly fails to make
19 such report or cause such report not to be made shall be guilty of a class B
20 misdemeanor.

21 (f) Notice of the requirements of this act and the department to which
22 a report is to be made under this act shall be posted in a conspicuous
23 public place in every adult family home as defined in K.S.A. 39-1501, and
24 amendments thereto, and every provider of community services and
25 affiliates thereof operated or funded by the department of social and
26 rehabilitation services or other facility licensed under K.S.A. 75-3307b,
27 and amendments thereto, and other institutions included in subsection (a).

28 Sec. 8. K.S.A. 2011 Supp. 59-29b46 is hereby amended to read as
29 follows: 59-29b46. When used in the care and treatment act for persons
30 with an alcohol or substance abuse problem:

31 (a) "Discharge" means the final and complete release from treatment,
32 by either the head of a treatment facility acting pursuant to K.S.A. 59-
33 29b50, and amendments thereto, or by an order of a court issued pursuant
34 to K.S.A. 59-29b73, and amendments thereto.

35 (b) "Head of a treatment facility" means the administrative director of
36 a treatment facility or such person's designee.

37 (c) "Law enforcement officer" shall have the meaning ascribed to it in
38 K.S.A. 22-2202, and amendments thereto.

39 (d) "Other facility for care or treatment" means any mental health
40 clinic, medical care facility, nursing home, the detox units at either
41 Osawatomie state hospital or Larned state hospital, any physician or any
42 other institution or individual authorized or licensed by law to give care or
43 treatment to any person.

- 1 (e) "Patient" means a person who is a voluntary patient, a proposed
2 patient or an involuntary patient.
- 3 (1) "Voluntary patient" means a person who is receiving treatment at
4 a treatment facility pursuant to K.S.A. 59-29b49, and amendments thereto.
- 5 (2) "Proposed patient" means a person for whom a petition pursuant
6 to K.S.A. 59-29b52 or 59-29b57, and amendments thereto, has been filed.
- 7 (3) "Involuntary patient" means a person who is receiving treatment
8 under order of a court or a person admitted and detained by a treatment
9 facility pursuant to an application filed pursuant to subsection (b) or (c) of
10 K.S.A. 59-29b54, and amendments thereto.
- 11 (f) "Person with an alcohol or substance abuse problem" means a
12 person who: (1) Lacks self-control as to the use of alcoholic beverages or
13 any substance as defined in subsection (k); or
- 14 (2) uses alcoholic beverages or any substance as defined in
15 subsection (k) to the extent that the person's health may be substantially
16 impaired or endangered without treatment.
- 17 (g) (1) "Person with an alcohol or substance abuse problem subject to
18 involuntary commitment for care and treatment" means a person with an
19 alcohol or substance abuse problem, as defined in subsection (f), who also
20 is incapacitated by alcohol or any substance and is likely to cause harm to
21 self or others.
- 22 (2) "Incapacitated by alcohol or any substance" means that the
23 person, as the result of the use of alcohol or any substance as defined in
24 subsection (k), has impaired judgment resulting in the person: (A) Being
25 incapable of realizing and making a rational decision with respect to the
26 need for treatment; or
- 27 (B) lacking sufficient understanding or capability to make or
28 communicate responsible decisions concerning either the person's well-
29 being or estate.
- 30 (3) "Likely to cause harm to self or others" means that the person, by
31 reason of the person's use of alcohol or any substance: (A) Is likely, in the
32 reasonably foreseeable future, to cause substantial physical injury or
33 physical abuse to self or others or substantial damage to another's property,
34 as evidenced by behavior threatening, attempting or causing such injury,
35 abuse or damage; except that if the harm threatened, attempted or caused is
36 only harm to the property of another, the harm must be of such a value and
37 extent that the state's interest in protecting the property from such harm
38 outweighs the person's interest in personal liberty; or
- 39 (B) is substantially unable, except for reason of indigency, to provide
40 for any of the person's basic needs, such as food, clothing, shelter, health
41 or safety, causing a substantial deterioration of the person's ability to
42 function on the person's own.
- 43 (h) "Physician" means a person licensed to practice medicine and

1 surgery as provided for in the Kansas healing arts act or a person who is
2 employed by a state psychiatric hospital or by an agency of the United
3 States and who is authorized by law to practice medicine and surgery
4 within that hospital or agency.

5 (i) "Psychologist" means a licensed psychologist, as defined by
6 K.S.A. 74-5302, and amendments thereto.

7 ~~(j) "State certified alcohol and drug abuse counselor" means a person~~
8 ~~approved by the secretary of social and rehabilitation services to perform~~
9 ~~assessments using the American Society of Addiction Medicine criteria~~
10 ~~and employed at a state funded and designated assessment center.~~
11 *"Licensed addiction counselor" means a person who engages in the*
12 *practice of addiction counseling limited to substance use disorders and*
13 *who is licensed by the behavioral sciences regulatory board and employed*
14 *at a state-funded and designated assessment center; unless otherwise*
15 *exempt for licensure under subsection (m).*

16 (k) "Substance" means: (1) The same as the term "controlled
17 substance" as defined in K.S.A. 2011 Supp. 21-5701, and amendments
18 thereto; or

19 (2) fluorocarbons, toluene or volatile hydrocarbon solvents.

20 (l) "Treatment" means the broad range of emergency, outpatient,
21 intermediate and inpatient services and care, including diagnostic
22 evaluation, medical, psychiatric, psychological and social service care,
23 vocational rehabilitation and career counseling, which may be extended to
24 persons with an alcohol or substance abuse problem.

25 (m) (1) "Treatment facility" means a treatment program, public or
26 private treatment facility, or any facility of the United States government
27 available to treat a person for an alcohol or other substance abuse problem,
28 but such term shall not include a licensed medical care facility, a licensed
29 adult care home, a facility licensed under K.S.A. 75-3307b, and
30 amendments thereto, ~~a community-based alcohol and drug safety action~~
31 ~~program certified under K.S.A. 8-1008 and amendments thereto, and~~
32 ~~performing only those functions for which the program is certified to~~
33 ~~perform under K.S.A. 8-1008 and amendments thereto, or a professional~~
34 ~~licensed by the behavioral sciences regulatory board to diagnose and treat~~
35 ~~mental disorders at the independent level or a physician, who may treat in~~
36 ~~the usual course of the behavioral sciences regulatory board licensee's or~~
37 ~~physician's professional practice individuals incapacitated by alcohol or~~
38 ~~other substances, but who are not primarily engaged in the usual course of~~
39 ~~the individual's professional practice in treating such individuals, or any~~
40 ~~state institution, even if detoxification services may have been obtained at~~
41 ~~such institution, or a licensed clinical addiction counselor.~~

42 (2) "Private treatment facility" means a private agency providing
43 facilities for the care and treatment or lodging of persons with either an

1 alcohol or other substance abuse problem and meeting the standards
2 prescribed in either K.S.A. 65-4013 or 65-4603, and amendments thereto,
3 and licensed under either K.S.A. 65-4014 or 65-4607, and amendments
4 thereto.

5 (3) "Public treatment facility" means a treatment facility owned and
6 operated by any political subdivision of the state of Kansas and licensed
7 under either K.S.A. 65-4014 or 65-4603, and amendments thereto, as an
8 appropriate place for the care and treatment or lodging of persons with an
9 alcohol or other substance abuse problem.

10 (n) The terms defined in K.S.A. 59-3051, and amendments thereto,
11 shall have the meanings provided by that section.

12 Sec. 9. K.S.A. 59-29b54 is hereby amended to read as follows: 59-
13 29b54. (a) A treatment facility may admit and detain any person for
14 emergency observation and treatment upon an *ex parte* emergency custody
15 order issued by a district court pursuant to K.S.A. 59-29b58, and
16 amendments thereto.

17 (b) A treatment facility or the detox unit at Osawatomie state hospital
18 or at Larned state hospital may admit and detain any person presented for
19 emergency observation and treatment upon written application of a law
20 enforcement officer having custody of that person pursuant to K.S.A. 59-
21 29b53, and amendments thereto. The application shall state:

22 (1) The name and address of the person sought to be admitted, if
23 known;

24 (2) the name and address of the person's spouse or nearest relative, if
25 known;

26 (3) the officer's belief that the person is or may be a person with an
27 alcohol or substance abuse problem subject to involuntary commitment for
28 care and treatment and is likely to cause harm to self or others if not
29 immediately detained;

30 (4) the factual circumstances in support of that belief and the factual
31 circumstances under which the person was taken into custody including
32 any known pending criminal charges; and

33 (5) the fact that the law enforcement officer will file the petition
34 provided for in K.S.A. 59-29b57, and amendments thereto, by the close of
35 business of the first day thereafter that the district court is open for the
36 transaction of business, or that the officer has been informed by a parent,
37 legal guardian or other person, whose name shall be stated in the
38 application will file the petition provided for in K.S.A. 59-29b57, and
39 amendments thereto, within that time.

40 (c) A treatment facility may admit and detain any person presented
41 for emergency observation and treatment upon the written application of
42 any individual. The application shall state:

43 (1) The name and address of the person sought to be admitted, if

1 known;

2 (2) the name and address of the person's spouse or nearest relative, if
3 known;

4 (3) the applicant's belief that the person may be a person with an
5 alcohol or substance abuse problem subject to involuntary commitment
6 and is likely to cause harm to self or others if not immediately detained;

7 (4) the factual circumstances in support of that belief;

8 (5) any pending criminal charges, if known;

9 (6) the fact that the applicant will file the petition provided for in
10 K.S.A. 59-29b57, and amendments thereto, by the close of business of the
11 first day thereafter that the district court is open for the transaction of
12 business; and

13 (7) the application shall also be accompanied by a statement in
14 writing of a physician, psychologist or ~~state certified alcohol and drug~~
15 ~~abuse licensed addiction counselor or licensed clinical addiction~~
16 counselor finding that the person is likely to be a person with an alcohol or
17 substance abuse problem subject to involuntary commitment for care and
18 treatment under this act.

19 (d) Any treatment facility or personnel thereof, who in good faith
20 renders treatment in accordance with law to any person admitted pursuant
21 to subsection (b) or (c), shall not be liable in a civil or criminal action
22 based upon a claim that the treatment was rendered without legal consent.

23 Sec. 10. K.S.A. 59-29b61 is hereby amended to read as follows: 59-
24 29b61. (a) The order for an evaluation required by subsection (a)(5) of
25 K.S.A. 59-29b60, and amendments thereto, shall be served in the manner
26 provided for in a subsections (c) and (d) of K.S.A. 59-29b63, and
27 amendments thereto. It shall order the proposed patient to submit to an
28 evaluation to be conducted by a physician, psychologist or ~~state certified~~
29 ~~alcohol and drug abuse, licensed addiction counselor or licensed clinical~~
30 *addiction counselor* and to undergo such other medical examinations or
31 evaluations as may be designated by the court in the order, except that any
32 proposed patient who is not subject to a temporary custody order issued
33 pursuant to K.S.A. 59-29b59, and amendments thereto, and who requests a
34 hearing pursuant to K.S.A. 59-29b62, and amendments thereto, need not
35 submit to such evaluations or examinations until that hearing has been held
36 and the court finds that there is probable cause to believe that the proposed
37 patient is a person with an alcohol or substance abuse problem subject to
38 involuntary commitment for care and treatment under this act. The
39 evaluation may be conducted at a treatment facility, the home of the
40 proposed patient or any other suitable place that the court determines is not
41 likely to have a harmful effect on the welfare of the proposed patient.

42 (b) At the time designated by the court in the order, but in no event
43 later than three days prior to the date of the trial provided for in K.S.A. 59-

1 29b65, and amendments thereto, the examiner shall submit to the court a
2 report, in writing, of the evaluation which report also shall be made
3 available to counsel for the parties at least three days prior to the trial. The
4 report also shall be made available to the proposed patient and to
5 whomever the patient directs, unless for good cause recited in the order,
6 the court orders otherwise. Such report shall state that the examiner has
7 made an examination of the proposed patient and shall state the opinion of
8 the examiner on the issue of whether or not the proposed patient is a
9 person with an alcohol or substance abuse problem subject to involuntary
10 commitment for care and treatment under this act and the examiner's
11 opinion as to the least restrictive treatment alternative which will protect
12 the proposed patient and others and allow for the improvement of the
13 proposed patient if treatment is ordered.

14 Sec. 11. K.S.A. 2011 Supp. 65-4012 is hereby amended to read as
15 follows: 65-4012. (a) No person or governmental unit *other than a*
16 *licensed clinical addiction counselor licensed by the behavioral sciences*
17 *regulatory board* acting severally or jointly with any other person or
18 governmental unit shall establish or operate a public or private treatment
19 facility in this state without a license under this law. *No licensed clinical*
20 *addiction counselor shall employ others without first becoming a licensed*
21 *treatment facility within the meaning of K.S.A. 59-29b46, and amendments*
22 *thereto.*

23 (b) Violation of this section is a class C misdemeanor.

24 Sec. 12. K.S.A. 65-4016 is hereby amended to read as follows: 65-
25 4016. The secretary shall adopt rules and regulations with respect to
26 treatment facilities to be licensed and designed to further the
27 accomplishment of the purposes of this law in promoting a safe and
28 adequate treatment program for individuals in treatment facilities in the
29 interest of public health, safety and welfare ~~including, but not limited to,~~
30 ~~minimum qualifications for employees of licensed or certified programs~~
31 ~~which are less than the qualifications required for a registered alcohol and~~
32 ~~other drug abuse counselor.~~ Boards of trustees or directors of institutions
33 licensed under this act shall have the right to select the professional staff
34 members of such institutions and to select and employ interns, nurses and
35 other personnel.

36 Sec. 13. K.S.A. 2011 Supp. 65-4024a is hereby amended to read as
37 follows: 65-4024a. As used in this act:

38 (a) "Act" means the alcohol or other drug addiction treatment act;

39 (b) "Alcohol or other drug addiction" means a pattern of substance
40 use, leading to significant impairment or distress, manifested by three or
41 more of the following occurring at any time in the same 12-month period:

42 (1) Tolerance, defined as: (A) A need for markedly increased amounts
43 of the substance to achieve intoxication or desired effect; or (B) a

1 markedly diminished effect with continued use of the same amount of
2 substance;

3 (2) withdrawal, as manifested by either of the following: (A) The
4 characteristic withdrawal syndrome for the substance; or (B) the same or a
5 closely related substance is taken to relieve or avoid withdrawal
6 symptoms;

7 (3) the substance is often taken in larger amounts or over a longer
8 period than was intended;

9 (4) there is a persistent desire or unsuccessful efforts to cut down or
10 control substance use;

11 (5) a great deal of time is spent in activities necessary to obtain the
12 substance, use the substance or recover from its effects;

13 (6) important social, occupational or recreational activities are given
14 up or reduced because of substance use;

15 (7) the substance use is continued despite knowledge of having a
16 persistent or recurrent physical or psychological problem that is likely to
17 have been caused or exacerbated by the substance.

18 (c) "Care or treatment" means such necessary services as are in the
19 best interests of the physical and mental health of the patient.

20 (d) "Committee" means the Kansas citizens committee on alcohol and
21 other drug abuse.

22 ~~(e) "Counselor" means an individual whose education, experience and~~
23 ~~training has been evaluated and approved by the department of social~~
24 ~~and rehabilitation services to provide the scope of practice afforded to an~~
25 ~~alcohol and drug credentialed counselor or counselor assistant working in~~
26 ~~a licensed, certified alcohol and drug treatment program.~~

27 (f) "Department" means the department of social and rehabilitation
28 services.

29 ~~(g)~~(f) "Designated state funded assessment center" or "assessment
30 center" means a treatment facility designated by the secretary.

31 ~~(h)~~(g) "Discharge" shall have the meaning ascribed to it in K.S.A.
32 59-29b46, and amendments thereto.

33 ~~(i)~~(h) "Government unit" means any county, municipality or other
34 political subdivision of the state; or any department, division, board or
35 other agency of any of the foregoing.

36 ~~(j)~~(i) "Head of the treatment facility" shall have the meaning ascribed
37 to it in K.S.A. 59-29b46, and amendments thereto.

38 ~~(k)~~(j) "Incapacitated by alcohol" shall have the meaning ascribed to
39 it in K.S.A. 59-29b46, and amendments thereto.

40 ~~(l)~~(k) "Intoxicated individual" means an individual who is under the
41 influence of alcohol or drugs or both.

42 ~~(m)~~(l) "Law enforcement officer" shall have the meaning ascribed to
43 it in K.S.A. 59-29b46, and amendments thereto.

1 (m) *"Licensed addiction counselor" means a person who engages in*
2 *the practice of addiction counseling limited to substance use disorders*
3 *only in a state-licensed or certified alcohol and other drug treatment*
4 *program and who is licensed by the behavioral sciences regulatory board.*

5 (n) *"Licensed clinical addiction counselor" means a person who*
6 *engages in the independent practice of addiction counseling and the*
7 *diagnosis and treatment of substance use disorders specified in the edition*
8 *of the American psychiatric association's diagnostic and statistical*
9 *manual of mental disorders (DSM) designated by the board, and who is*
10 *licensed by the behavioral sciences regulatory board.*

11 ~~(n)~~ (o) "Patient" shall have the meaning ascribed to it in K.S.A. 59-
12 29b46, and amendments thereto.

13 ~~(o)~~ (p) "Private treatment facility" shall have the meaning ascribed to
14 it in K.S.A. 59-29b46, and amendments thereto.

15 ~~(p)~~ (q) "Public treatment facility" shall have the meaning ascribed to
16 it in K.S.A. 59-29b46, and amendments thereto.

17 ~~(q)~~ (r) "Treatment" shall have the meaning ascribed to it in K.S.A.
18 59-29b46, and amendments thereto.

19 ~~(r)~~ (s) "Treatment facility" shall have the meaning ascribed to it in
20 K.S.A. 59-29b46, and amendments thereto.

21 ~~(s)~~ (t) "Secretary" means the secretary of social and rehabilitation
22 services.

23 Sec. 14. K.S.A. 59-29b54, 59-29b61 and 65-4016 and K.S.A. 2011
24 Supp. 21-6824, 38-1608, 38-2213, 38-2223, 38-2310, 39-1402, 39-1431,
25 59-29b46, 65-4012 and 65-4024a are hereby repealed.

26 Sec. 15. This act shall take effect and be in force from and after its
27 publication in the statute book.