

HB0116/812711/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 116

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “repealing” in line 4 down through “circumstances;” in line 6; in lines 6 and 9, in each instance, strike “State and”; in line 12, after “circumstances;” insert “requiring local correctional facilities to make available at least certain treatments; requiring State and local correctional facilities to evaluate and offer certain treatment to pregnant women with an opioid use disorder as soon as practicable;”; in lines 17 and 18, strike “Maryland Commission on Correctional Standards” and substitute “Governor’s Office of Crime Control and Prevention”; in line 20, strike “Maryland Commission on Correctional Standards and” and substitute “Department of Public Safety and Correctional Services and”; in line 22, after “treatment;” insert “requiring the Governor’s Office of Crime Control and Prevention, the Maryland Department of Health, and the Maryland Correctional Association to evaluate the implementation of certain provisions of this Act and make a certain determination; requiring the Department of Public Safety and Correctional Services to make a certain report to certain committees under certain circumstances; requiring the Department of Public Safety and Correctional Services to establish a certain program, beginning on or before a certain date; requiring the Governor’s Office of Crime Control and Prevention, the Department of Public Safety and Correctional Services, and the Maryland Department of Health to apply for federal funding to support the implementation of this Act and make a certain report; providing for the construction of this Act; providing for the application of certain provisions of this Act; providing for the termination of certain provisions of this Act;”; and after line 29, insert:

“BY adding to

Article - Correctional Services

Section 9-603.1

(Over)

Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 4, insert:

“(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE REQUIREMENTS UNDER THIS SECTION SHALL APPLY TO:

(I) LOCAL DETENTION CENTERS IN THE FOLLOWING COUNTIES BY JANUARY 1, 2020:

1. HOWARD COUNTY;
2. MONTGOMERY COUNTY;
3. PRINCE GEORGE’S COUNTY; AND
4. ST. MARY’S COUNTY; AND

(II) LOCAL DETENTION CENTERS IN SIX ADDITIONAL COUNTIES BY OCTOBER 1, 2021.

(2) (I) THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION, THE MARYLAND DEPARTMENT OF HEALTH, AND THE MARYLAND CORRECTIONAL ADMINISTRATORS ASSOCIATION SHALL EVALUATE THE IMPLEMENTATION OF THE REQUIREMENTS OF THIS SECTION AND DETERMINE A SCHEDULE TO ADD ADDITIONAL COUNTIES, PROVIDED THAT THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL LOCAL DETENTION CENTERS AND THE BALTIMORE PRE-TRIAL COMPLEX BY JANUARY 2023.

(II) IF THE BALTIMORE PRE-TRIAL COMPLEX HAS NOT FULLY IMPLEMENTED THE PROVISIONS OF THIS SECTION BY JANUARY 2023, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE JUDICIARY COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE STATUS AND TIMELINE OF IMPLEMENTATION.

(III) FUNDING FOR THE PROGRAM AT THE BALTIMORE PRE-TRIAL COMPLEX SHALL BE AS PROVIDED IN THE STATE BUDGET.”;

strike in their entirety lines 5 through 9, inclusive; in line 10, strike “(A)” and substitute “(B)”;

strike beginning with the colon in line 12 down through “ARTICLE” in line 20 and substitute “AN INDIVIDUAL WHO IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE UNDER THE HEALTH OCCUPATIONS ARTICLE”; after line 20, insert:

“(3) “INMATE” MEANS AN INDIVIDUAL CONFINED WITHIN A LOCAL CORRECTIONAL FACILITY.”;

and in lines 21, 24, and 28, strike “(3)”, “(4)”, and “(5)”, respectively, and substitute “(4)”, “(5)”, and “(6)”, respectively.

On page 3, in line 1, strike “(6)” and substitute “(7)”; in lines 1 and 2, strike “IN RECOVERY FOR OPIOID USE DISORDER”; after line 5, insert:

“(a) (C) An inmate in a State or local correctional facility shall be placed on a properly supervised program of methadone detoxification if:

(1) a physician determines that the inmate is [an addict] A PERSON WITH AN OPIOID USE DISORDER;

(2) the treatment is prescribed by a physician; and

(3) the inmate consents in writing to the treatment.”;

in line 6, strike “(B)” and substitute “(D)”;

in the same line, strike “(I)”;

in the same line, strike “STATE OR”;

strike beginning with “WITHIN” in line 8 down through “HEALTH” in line 11 and substitute “USING EVIDENCE-BASED SCREENINGS AND ASSESSMENTS”;

in lines 12 and 14, strike “1.” and “2.”, respectively, and substitute “(I)” and “(II)”, respectively;

strike in their entirety lines 16 through 19, inclusive;

in line 21, strike “A PHYSICAL EXAMINATION” and substitute “AN EVALUATION”;

in line 22, after “PRACTITIONER” insert “WITH PRESCRIPTIVE AUTHORITY AUTHORIZED UNDER TITLE 8, TITLE 14, OR TITLE 15 OF THE HEALTH OCCUPATIONS ARTICLE”;

after line 22, insert:

“(3) INFORMATION SHALL BE PROVIDED TO THE INMATE DESCRIBING MEDICATION OPTIONS USED IN MEDICATION-ASSISTED TREATMENT.”;

in line 23, strike “(3)” and substitute “(4)”;

after line 25, insert:

“(5) EACH LOCAL CORRECTIONAL FACILITY SHALL MAKE AVAILABLE AT LEAST ONE FORMULATION OF EACH FDA-APPROVED FULL OPIOID AGONIST, PARTIAL OPIOID AGONIST, AND LONG-ACTING OPIOID ANTAGONIST USED FOR THE TREATMENT OF OPIOID USE DISORDERS.

(6) EACH PREGNANT WOMAN IDENTIFIED WITH AN OPIOID USE DISORDER SHALL RECEIVE EVALUATION AND BE OFFERED MEDICATION-ASSISTED TREATMENT AS SOON AS PRACTICABLE.;

in line 26, strike “(C)” and substitute “**(E)**”; in the same line, strike “STATE AND”; after line 26, insert “**(1) FOLLOWING AN ASSESSMENT USING CLINICAL GUIDELINES FOR MEDICATION-ASSISTED TREATMENT:**”; in line 27, strike “(1)” and substitute “**(I)**”; strike beginning with “MAKE” in line 27 down through the semicolon in line 30 and substitute “**MAKE MEDICATION AVAILABLE BY A QUALIFIED PROVIDER TO THE INMATE; OR**”; after line, 30 insert:

“(II) BEGIN WITHDRAWAL MANAGEMENT SERVICES PRIOR TO ADMINISTRATION OF MEDICATION;”;

and strike beginning with “MAINTAIN” in line 31 down through “THERAPY” in line 33 and substitute “**MAKE AVAILABLE AND ADMINISTER MEDICATIONS FOR THE TREATMENT OF OPIOID USE DISORDER**”.

On page 4, strike beginning with “LICENSED” in line 4 down through “2016” in line 6 and substitute “**WHO CAN PROVIDE ACCESS TO ALL FDA-APPROVED MEDICATIONS FOR THE TREATMENT OF OPIOID USE DISORDERS**”; strike in their entirety lines 9 through 14, inclusive; in line 15, strike “(E)” and substitute “**(F)**”; in lines 15 and 16, strike “THE MARYLAND DEPARTMENT OF HEALTH SHALL DETERMINE WHETHER” and substitute “**IF**”; in line 18, strike “INCLUDING PRETRIAL INCARCERATION, AND” and substitute “**A LOCAL CORRECTIONAL FACILITY**”; in line 19, strike “WITHIN 24 HOURS”; in line 25, strike “(F)” and substitute “**(G)**”; in line 26, strike “(B)” and substitute “**(D)**”; and in the same line, strike “STATE OR”.

On page 5, in line 2, strike “AND” and substitute “**OR**”; in lines 3, 6, and 9, strike “(G)”, “(H)”, and “(I)”, respectively, and substitute “**(H)**”, “**(I)**”, and “**(J)**”, respectively;

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in line 4, strike “**OPIOID USE DISORDER and treatment of addicted**” and substitute “**SUBSTANCE USE DISORDER DIAGNOSIS AND TREATMENT OF**”; in line 6, strike “The” and substitute “**AS PROVIDED IN THE STATE BUDGET, THE**”; in line 7, strike “**EXAMINATION**” and substitute “**EVALUATION**”; in line 10, strike “**MARYLAND COMMISSION ON CORRECTIONAL STANDARDS**” and substitute “**GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION**”; in the same line, after “**REPORT**” insert “**DATA FROM INDIVIDUAL LOCAL CORRECTIONAL FACILITIES**”; after line 12, insert:

“(1) THE NUMBER OF INMATES DIAGNOSED WITH:

(I) A MENTAL HEALTH DISORDER;

(II) AN OPIOID USE DISORDER;

(III) A NON-OPIOID SUBSTANCE USE DISORDER; AND

(IV) A DUAL DIAGNOSIS OF MENTAL HEALTH AND SUBSTANCE USE DISORDER;”;

in line 13, strike “**(1)**” and substitute “**(2)**”; in the same line, strike “**BEHAVIORAL HEALTH**”; in line 14, strike “**AND OPIOID USE DISORDER EXAMINATIONS**”; in the same line, strike “**STATE AND**”; strike beginning with “**THE**” in line 15 down through “**AND**” in line 16; and in lines 17, 20, 22, 24, 26, and 29, strike “**(2)**”, “**(3)**”, “**(4)**”, “**(5)**”, “**(6)**”, and “**(7)**”, respectively, and substitute “**(3)**”, “**(4)**”, “**(5)**”, “**(6)**”, “**(7)**”, and “**(8)**”, respectively.

On page 6, in lines 1, 4, 7, 11, 14, 20, 23, 26, and 30, strike “**(8)**”, “**(9)**”, “**(10)**”, “**(11)**”, “**(12)**”, “**(13)**”, “**(14)**”, “**(15)**”, and “**(16)**”, respectively, and substitute “**(9)**”,

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“(10)”, “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, “(16)”, and “(17)”, respectively; and in lines 26 and 30, in each instance, strike “STATE AND LOCAL FACILITIES”.

On page 7, in line 1, strike “(17)” and substitute “(18)”; in line 4, strike “(J)” and substitute “(K)”; in the same line, strike “PHYSICAL EXAMINATION” and substitute “EVALUATION”; in line 6, strike “MARYLAND COMMISSION ON CORRECTIONAL STANDARDS” and substitute “GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION”; in lines 7 and 8, strike “FOR THE MARYLAND COMMISSION ON CORRECTIONAL STANDARDS”; after line 9, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Correctional Services

9-603.1.

(A) BEGINNING JANUARY 1, 2020, THE DEPARTMENT SHALL ESTABLISH A MEDICATION-ASSISTED TREATMENT PROGRAM THAT UTILIZES AT LEAST ONE FORMULATION OF EACH FDA-APPROVED FULL OPIOID AGONIST, PARTIAL OPIOID AGONIST, AND LONG-ACTING ANTAGONISTS USED FOR THE TREATMENT OF OPIOID USE DISORDERS IN THE BALTIMORE PRE-TRIAL COMPLEX.

(B) FUNDING FOR THE PROGRAM SHALL BE AS PROVIDED IN THE STATE BUDGET.

(C) THE DEPARTMENT SHALL, IN CONSULTATION WITH ITS HEAD OF MEDICAL TREATMENT SERVICES, DETERMINE WHETHER THE PROGRAM IS CAPABLE OF BEING ADMINISTERED IN EXISTING STRUCTURES OF THE BALTIMORE PRE-TRIAL COMPLEX.”;

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in line 10, strike “2.” and substitute “3.”; in lines 10 and 11, strike “Maryland Commission on Correctional Standards” and substitute “Department of Public Safety and Correctional Services”; in line 12, after “Health” insert “, in consultation with the Maryland Correctional Administrators Association,”; in line 13, strike “examinations” and substitute “evaluation”; after line 13, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall not be construed to supersede any federal law or existing agreement between a court or agency of the federal, state, or local government.

SECTION 5. AND BE IT FURTHER ENACTED, That on or before December 1, 2019, the Governor’s Office of Crime Control and Prevention, the Department of Public Safety and Correctional Services, and the Maryland Department of Health shall apply for federal funding to support implementation of this Act beyond fiscal year 2020 and shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the efforts to secure funding.”;

in line 14, strike “3.” and substitute “6.”; and in line 15, after the period insert “Section 2 of this Act shall remain effective for a period of 4 years and, at the end of September 30, 2023, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and no further force and effect.”.