

HOUSE BILL 82

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2000 Regular Session
0lr0904
CF 0lr0586

(PRE-FILED)

By: **Delegate Sophocleus**
Requested: November 15, 1999
Introduced and read first time: January 12, 2000
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Alcohol and Drug Abuse - Prevention, Treatment, and Rehabilitation**
3 **Programs - Demonstration of Need Prior to Approval or Certification**

4 FOR the purpose of requiring that the Alcohol and Drug Abuse Administration ensure
5 that all prevention, treatment, and rehabilitation programs relating to drug and
6 alcohol abuse that are approved, reapproved, certified, or recertified by the
7 Administration be coordinated with and integrated into a broad plan for
8 comprehensive community health services; prohibiting the Administration from
9 approving, reapproving, certifying, or recertifying a program unless the program
10 demonstrates the existence of a need for the additional services among residents
11 of the county in which the program is or would be located; prohibiting the
12 Administration from approving, reapproving, certifying, or recertifying a
13 program unless the program provides notice of its application for approval,
14 reapproval, certification, or recertification to certain entities and provides these
15 entities with an opportunity to meet with the owner or operator of the program;
16 authorizing the Administration to adopt certain regulations; and generally
17 relating to the Alcohol and Drug Abuse Administration and prevention,
18 treatment, and rehabilitation programs relating to drug and alcohol abuse.

19 BY repealing and reenacting, with amendments,
20 Article - Health - General
21 Section 8-401
22 Annotated Code of Maryland
23 (1994 Replacement Volume and 1999 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article - Health - General**

27 8-401.

28 (a) The Administration shall:

1 (1) Promote, develop, establish, conduct, certify, and monitor programs
2 for the prevention, treatment, and rehabilitation related to the misuse of alcohol and
3 drugs;

4 (2) Promote and conduct training and research related to the misuse of
5 alcohol and drugs; and

6 (3) (i) [1.] In cooperation with the Motor Vehicle Administration,
7 courts, police, and other agencies, the Administration shall approve appropriate
8 programs of alcohol and drug abuse education or treatment for individuals who,
9 under § 21-902 of the Transportation Article, are convicted of driving while
10 intoxicated or while under the influence of alcohol and/or drugs.

11 [2. The programs under this subparagraph shall be
12 coordinated with and integrated into broad planning for comprehensive community
13 health and welfare services.]

14 (ii) The Administration shall:

15 1. Review and, in accordance with regulations that the
16 Administration shall adopt, approve or disapprove each program that a public or
17 private agency wants to offer under Article 27, § 639(b) or § 641(a)(1)(ii) of the Code;

18 2. Promptly give the Administrative Office of the Courts
19 notice of each program approved under this subparagraph;

20 3. Monitor and biennially review each program approved
21 under this subparagraph;

22 4. Investigate each complaint made in connection with a
23 program; and

24 5. Promptly give the Administrative Office of the Courts
25 notice if the Department withdraws its approval of any program.

26 (b) (1) THE ADMINISTRATION SHALL ENSURE THAT ALL PROGRAMS THAT
27 ARE APPROVED, REAPPROVED, CERTIFIED, OR RECERTIFIED UNDER THIS SUBTITLE
28 ARE COORDINATED WITH AND INTEGRATED INTO A BROAD PLAN FOR
29 COMPREHENSIVE COMMUNITY HEALTH SERVICES.

30 (2) THE ADMINISTRATION MAY NOT APPROVE, REAPPROVE, CERTIFY, OR
31 RECERTIFY A NEW OR EXPANDING PROGRAM UNDER THIS SUBTITLE UNLESS THE
32 PROGRAM DEMONSTRATES THE EXISTENCE OF A NEED FOR ADDITIONAL SERVICES
33 AMONG RESIDENTS OF THE COUNTY IN WHICH THE PROGRAM IS OR WOULD BE
34 LOCATED.

35 (3) THE ADMINISTRATION MAY NOT APPROVE, REAPPROVE, CERTIFY, OR
36 RECERTIFY A NEW OR EXPANDING PROGRAM UNDER THIS SUBTITLE UNLESS THE
37 PROGRAM HAS NOTIFIED THE FOLLOWING ENTITIES OF ITS APPLICATION FOR
38 APPROVAL, REAPPROVAL, CERTIFICATION, OR RECERTIFICATION AND PROVIDED

1 THESE ENTITIES WITH AN OPPORTUNITY TO MEET WITH THE OWNER OR OPERATOR
2 OF THE PROGRAM:

3 (I) THE COUNTY HEALTH OFFICER AND COUNTY COUNCIL OR
4 COUNTY COMMISSIONERS IN THE COUNTY IN WHICH THE PROGRAM IS OR WOULD BE
5 LOCATED;

6 (II) IF THE PROGRAM IS OR WOULD BE LOCATED IN A MUNICIPAL
7 CORPORATION, THE GOVERNING BODY OF THE MUNICIPAL CORPORATION; AND

8 (III) ANY COMMUNITY ASSOCIATIONS LOCATED WITHIN A 1-MILE
9 RADIUS OF THE PROGRAM'S LOCATION OR PROPOSED LOCATION.

10 (4) THE ADMINISTRATION MAY ADOPT REGULATIONS THAT REQUIRE A
11 PROGRAM THAT SEEKS APPROVAL, REAPPROVAL, CERTIFICATION, OR
12 RECERTIFICATION UNDER THIS SUBTITLE TO SUBMIT INFORMATION TO THE
13 ADMINISTRATION REGARDING THE NATURE AND SCOPE OF THE PROGRAM.

14 (C) The Administration may:

15 (1) Develop pilot programs;

16 (2) For these purposes and notwithstanding any other law, establish,
17 direct, and conduct any experimental pilot clinical program for the treatment of
18 alcohol or drug abusers, including any program to administer, under medical
19 supervision and control, maintenance dosages of prescribed drugs;

20 (3) Either alone or with other public or private agencies, direct and
21 conduct basic research in alcohol or drug abuse, including clinical epidemiological,
22 social science, and statistical research; and

23 (4) In cooperation with the Department of Public Safety and Correctional
24 Services or any other appropriate correctional agency, establish and maintain, in any
25 correctional institution in this State, programs for the prevention and treatment of
26 alcohol and drug abuse and for the rehabilitation of alcohol and drug abusers.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2000.