

Chapter 661

(House Bill 219)

AN ACT concerning

Office of the Governor – State Drug and Alcohol Abuse Council

FOR the purpose of establishing the State Drug and Alcohol Abuse Council in the Office of the Governor; providing for the membership of the Council; requiring the Governor to designate the chair of the Council; providing for the terms of the members of the Council; authorizing members of the Council to receive a certain reimbursement; providing that a majority of the voting members of the Council is a quorum; authorizing the Council to adopt certain procedures and consult with State agencies; authorizing the chair to designate certain individuals to serve on a committee or task force of the Council; requiring the Council to meet at least four times a year; providing for the purposes and duties of the Council; requiring the ~~Office of the Governor to designate~~ Alcohol and Drug Abuse Administration to provide staff for the Council; specifying the terms of certain initial members of the Council; and generally relating to the State Drug and Alcohol Abuse Council.

BY adding to

Article – State Government

Section 9–2801 through 9–2806 to be under the new subtitle “Subtitle 28. State Drug and Alcohol Abuse Council”

Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – State Government

SUBTITLE 28. STATE DRUG AND ALCOHOL ABUSE COUNCIL.

9–2801.

THERE IS A STATE DRUG AND ALCOHOL ABUSE COUNCIL IN THE OFFICE OF THE GOVERNOR.

9–2802.

(A) (1) THE COUNCIL CONSISTS OF THE FOLLOWING VOTING MEMBERS:

(I) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(II) ONE MEMBER OF THE MARYLAND HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(III) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE;

(IV) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE;

(V) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S DESIGNEE;

(VI) THE SECRETARY OF HUMAN RESOURCES, OR THE SECRETARY'S DESIGNEE;

(VII) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE SECRETARY'S DESIGNEE;

(VIII) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

(IX) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S DESIGNEE;

(X) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE SUPERINTENDENT'S DESIGNEE;

(XI) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE FOR CHILDREN, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(XII) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(XIII) THE PUBLIC DEFENDER OF MARYLAND, OR THE PUBLIC DEFENDER'S DESIGNEE;

~~(XIII)~~ (XIV) TWO REPRESENTATIVES OF THE MARYLAND JUDICIARY, A DISTRICT COURT JUDGE AND A CIRCUIT COURT JUDGE,

APPOINTED BY THE GOVERNOR AFTER NOMINATION OF THE CHIEF JUDGE OF THE COURT OF APPEALS; AND

~~(XIV)~~ (XV) EIGHT MEMBERS APPOINTED BY THE GOVERNOR WHO ARE REPRESENTATIVE TO THE EXTENT PRACTICABLE OF:

1. GEOGRAPHIC REGIONS OF THE STATE;
2. AT-RISK POPULATIONS;
3. KNOWLEDGEABLE PROFESSIONALS;
4. CURRENT OR FORMER CONSUMERS OF SUBSTANCE ABUSE PREVENTION, INTERVENTION, AND TREATMENT SERVICES;
5. FAMILY MEMBERS OF SUBSTANCE ABUSERS;
6. PREVENTION AND TREATMENT PROVIDERS; AND
7. INDIVIDUALS WHO ARE ACTIVE ON SUBSTANCE ABUSE ISSUES IN THEIR COMMUNITIES.

(2) THE COUNCIL CONSISTS OF THE FOLLOWING NONVOTING MEMBERS:

(I) THE DIRECTOR OF THE ALCOHOL AND DRUG ABUSE ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

(II) THE DIRECTOR OF MENTAL HYGIENE OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

(III) THE DIRECTOR OF THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;

(IV) THE ASSISTANT SECRETARY FOR TREATMENT SERVICES OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES; AND

(V) THE PRESIDENT OF THE MARYLAND ADDICTION DIRECTORS' COUNCIL.

(B) THE GOVERNOR SHALL APPOINT A CHAIR FROM AMONG THE VOTING MEMBERS OF THE COUNCIL.

9-2803.

(A) (1) MEMBERS APPOINTED BY THE GOVERNOR UNDER § 9-2802(A)(1)(~~XIII~~) AND (XIV) AND (XV) OF THIS SUBTITLE:

(I) SERVE FOR A 3-YEAR TERM;

(II) MAY SERVE FOR A MAXIMUM OF TWO CONSECUTIVE TERMS; AND

(III) SERVE AT THE PLEASURE OF THE GOVERNOR.

(2) THE TERMS OF MEMBERS APPOINTED BY THE GOVERNOR UNDER § 9-2802(A)(1)(~~XIV~~) (XV) OF THIS SUBTITLE ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COUNCIL ON OCTOBER 1, 2010.

(3) A MEMBER APPOINTED UNDER § 9-2802(A)(1)(I) THROUGH (~~XIII~~) (XIV) AND (2) OF THIS SUBTITLE SERVES AS LONG AS THE MEMBER HOLDS THE SPECIFIED OFFICE OR DESIGNATION.

(B) A MEMBER OF THE COUNCIL:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COUNCIL; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(C) (1) A MAJORITY OF THE VOTING MEMBERS OF THE COUNCIL IS A QUORUM.

(2) (I) THE COUNCIL MAY ADOPT PROCEDURES NECESSARY TO DO BUSINESS, INCLUDING THE CREATION OF COMMITTEES OR TASK FORCES.

(II) WITH THE CONSENT OF THE COUNCIL, THE CHAIR MAY DESIGNATE ADDITIONAL INDIVIDUALS WITH RELEVANT EXPERTISE TO SERVE ON A COMMITTEE OR TASK FORCE.

(3) THE COUNCIL MAY CONSULT WITH STATE AGENCIES TO COMPLETE THE DUTIES OF THE COUNCIL.

(4) THE COUNCIL SHALL MEET AT LEAST FOUR TIMES A YEAR.

9-2804.

THE PURPOSES OF THE COUNCIL ARE TO:

(1) DEVELOP A COMPREHENSIVE, COORDINATED, AND STRATEGIC APPROACH TO THE USE OF STATE AND LOCAL RESOURCES FOR PREVENTION, INTERVENTION, AND TREATMENT OF DRUG AND ALCOHOL ABUSE AMONG THE RESIDENTS OF THE STATE;

(2) PROMOTE A COORDINATED, COLLABORATIVE, AND COMPREHENSIVE EFFORT BY STATE EXECUTIVE BRANCH AGENCIES TO ENSURE THE EFFICIENT AND EFFECTIVE USE OF STATE RESOURCES FOR THE DELIVERY OF A FULL CONTINUUM OF DRUG AND ALCOHOL ABUSE PREVENTION, INTERVENTION, AND TREATMENT SERVICES FOR ALL RESIDENTS WITHIN THEIR JURISDICTION;

(3) PROMOTE A COORDINATED, COLLABORATIVE, AND COMPREHENSIVE EFFORT BY LOCAL ALCOHOL AND DRUG ABUSE COUNCILS AND STATE SERVICE AGENCIES TO ENSURE EFFECTIVE AND EFFICIENT USE OF STATE RESOURCES FOR THE DELIVERY OF A FULL CONTINUUM OF DRUG AND ALCOHOL ABUSE PREVENTION, INTERVENTION, AND TREATMENT SERVICES FOR ALL RESIDENTS WITHIN THEIR JURISDICTION;

(4) PROMOTE A COORDINATED, COLLABORATIVE, AND COMPREHENSIVE EFFORT BY STATE AND LOCAL AGENCIES TO ALLOCATE ADEQUATE RESOURCES TO ADDRESS THE DRUG AND ALCOHOL ABUSE PREVENTION, INTERVENTION, AND TREATMENT SERVICES NEEDS OF INDIVIDUALS INVOLVED IN THE CRIMINAL JUSTICE SYSTEM AT ALL STAGES OF THE PROCESS, INCLUDING:

(I) SERVICES WHILE INCARCERATED;

(II) RE-ENTRY SERVICES;

(III) PAROLE AND PROBATION SERVICES; AND

(IV) COURT MANDATED SERVICES; AND

(5) PROMOTE A COORDINATED, COLLABORATIVE, AND COMPREHENSIVE EFFORT BY STATE AND LOCAL AGENCIES TO ALLOCATE ADEQUATE RESOURCES TO ADDRESS THE DRUG AND ALCOHOL ABUSE

PREVENTION, INTERVENTION, AND TREATMENT SERVICES NEEDS OF INDIVIDUALS WITH CO-OCCURRING PROBLEMS REQUIRING SPECIALIZED SERVICES, INCLUDING:

- (I) MENTAL HEALTH DISORDERS;**
- (II) HOMELESSNESS;**
- (III) SOMATIC HEALTH PROBLEMS;**
- (IV) PHYSICAL AND COGNITIVE DIFFICULTIES; AND**
- (V) CHILD WELFARE INVOLVEMENT.**

9-2805.

THE COUNCIL SHALL:

(1) IDENTIFY, DEVELOP, AND RECOMMEND THE IMPLEMENTATION OF COMPREHENSIVE SYSTEM IMPROVEMENTS IN ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT SERVICES IN THE STATE IN COORDINATION WITH STATE AND LOCAL CRIME PREVENTION AND HEALTH PROGRAMS;

(2) PREPARE AND ANNUALLY UPDATE A 2-YEAR PLAN ESTABLISHING PRIORITIES AND STRATEGIES FOR THE ORGANIZATION, DELIVERY, AND FUNDING OF STATE DRUG AND ALCOHOL ABUSE PREVENTION, INTERVENTION, AND TREATMENT SERVICES IN COORDINATION WITH THE IDENTIFIED NEEDS OF THE RESIDENTS OF THE STATE, INCLUDING THE GENERAL PUBLIC AND THE CRIMINAL JUSTICE POPULATION, AND THE STRATEGIES AND PRIORITIES IDENTIFIED IN LOCAL DRUG AND ALCOHOL ABUSE COUNCIL PLANS;

(3) SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON OR BEFORE AUGUST 1 OF EACH YEAR THE 2-YEAR PLAN AND ALL UPDATES AND INCLUDE RECOMMENDATIONS FOR THE COORDINATION AND COLLABORATION AMONG STATE AGENCIES IN THE FUNDING OF DRUG AND ALCOHOL ABUSE PREVENTION, INTERVENTION, AND TREATMENT SERVICES, PROMISING PRACTICES AND PROGRAMS, AND EMERGING NEEDS FOR STATE SUBSTANCE ABUSE PREVENTION, INTERVENTION, AND TREATMENT SERVICES;

(4) SUPPORT THE WORK OF THE LOCAL DRUG AND ALCOHOL ABUSE COUNCILS THROUGH FACILITATING COORDINATION AND COMMUNICATION AMONG THE COUNCILS, LOCAL STATE AGENCIES AND DEPARTMENTS, AND PUBLIC AND PRIVATE PROVIDERS AND PROVIDE TECHNICAL ASSISTANCE AS NEEDED;

(5) PREPARE ANNUAL SURVEYS OF ALL FEDERAL AND STATE RESOURCES USED TO FUND SUBSTANCE ABUSE PREVENTION, INTERVENTION, AND TREATMENT SERVICES AND REVIEW THE ALLOCATION OF THE FUNDS BY RELEVANT STATE AGENCIES FOR THE PURPOSE OF IDENTIFYING GAPS IN SERVICE DELIVERY, DUPLICATION OF SERVICES, AND OPPORTUNITIES FOR IMPROVED COORDINATION AND COLLABORATION TO ENSURE COST-EFFECTIVE AND QUALITY SERVICES AND CONSISTENCY WITH POLICY PRIORITIES ESTABLISHED IN THE STATE PLAN; AND

(6) FACILITATE IMPROVED LINKAGES OF THE COURT, CRIMINAL JUSTICE, AND CORRECTIONAL SYSTEMS WITH EXISTING DRUG AND ALCOHOL ABUSE SERVICES.

9-2806.

~~THE OFFICE OF THE GOVERNOR SHALL DESIGNATE THE~~ ALCOHOL AND DRUG ABUSE ADMINISTRATION SHALL PROVIDE STAFF FOR THE COUNCIL.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the appointed members of the State Drug and Alcohol Abuse Council established under Section 1 of this Act shall expire as follows:

- (1) Five in 2013; and
- (2) Five in 2014.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.