

Disability Rights Maryland
SB 801: Correctional Services- Medication-Assisted Treatment
Senate Budget and Taxation Committee
February 21, 2024
Position: Unfavorable

Disability Rights Maryland (DRM) is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of persons with disabilities. We supported the institution of medication assisted treatment (MAT) and behavioral health counseling for incarcerated individuals with opioid use disorders in local correctional facilities statewide. MAT, in combination with behavioral health counseling, is a proven method of treating opioid use disorder. We oppose Senate Bill 801 because it would no longer require local correctional facilities to 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. This bill would allow correctional facilities to choose to only supply one or two of the three FDA-approved medication assisted treatment options for opioid use disorder—limiting this essential healthcare treatment, regardless of which formulation an individual was taking before their incarceration or which formulation works best for them.

MAT works best when patients have access to all medication options. All patients are different, and will respond differently to the different medication options (methadone, buprenorphine, and naltrexone)¹. By allowing local correctional facilities to limit treatment options, this bill would effectively deny appropriate healthcare to anyone who does not respond well to whichever option is available where they are incarcerated. Individuals who are incarcerated are already often in crisis, and have no way to seek alternative medical treatment. Denying them the treatment that works for them will only further punish those individuals who are seeking treatment for opioid use disorder.

Medication-assisted treatment for opioid use disorder is healthcare, and as such, denying or restricting access to MAT is considered discrimination on the basis of disability and a violation of the Americans with Disabilities Act. The Department of Justice has shown interest in this issue, and recently reached a settlement with the Unified Judicial System of Pennsylvania about discrimination against individuals taking their prescribed opioid use disorder medication.² By allowing individual correctional facilities the ability to pick and choose which opioid disorder medications they will allow, Maryland will allow them to discriminate about what kinds of treatment they will offer. If a doctor prescribes one kind of medication, because it is the best kind of medication for an individual, should local correctional facilities be allowed to change the prescription?

¹ Evidence-Based Strategies for Preventing Opioid Overdose: What's Working in the United States, Centers for Disease Control and Prevention (2018), <https://www.cdc.gov/drugoverdose/pdf/pubs/2018-evidence-based-strategies.pdf>

²Justice Department Secures Agreement with Pennsylvania Courts to Resolve Lawsuit Concerning Discrimination Against People with Opioid Use Disorder, U.S. Department of Justice Office of Public Affairs (Feb. 1, 2024), <https://www.justice.gov/opa/pr/justice-department-secures-agreement-pennsylvania-courts-resolve-lawsuit-concerning>

Maryland's commitment to providing MAT in local correctional facilities is an extremely important step in combating the opioid epidemic. It should not be undercut by limiting the forms of MAT that are available to those who are incarcerated at local correctional facilities. For these reasons, DRM urges this committee to issue an unfavorable report on SB 801. Please contact Em Holcomb, Staff Attorney, at 443-692-2536 or EmH@DisabilityRightsMD.org with any questions.