



Senate Bill 801

Correctional Services – Medication-Assisted Treatment

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Budget and Taxation and
Judicial Proceedings Committees

Date: February 21, 2024

From: Sarah Sample and Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS SB 801 WITH AMENDMENTS**. This bill clarifies funding requirements for medication-assisted treatment (MAT) in local detention centers. Additionally, it broadens the medications available to incarcerated individuals with an opioid use disorder. County amendments would clarify certain responsibilities, in line with a stakeholder consensus.

Providing services for incarcerated individuals with an opioid use disorder requires resources and efficiency. Local detention centers agree that this is an important time to frame the means to make these services as successful as possible, particularly with one of the most vulnerable populations in the community. Counties and State stakeholders have spent the last five years discussing ways to make these programs sustainable, and one consensus has been resoundingly clear – the required State funding has not been effectively provided. The Office of the Attorney General issued a formal letter of advice clarifying that the lack of funding from the State converts the mandate to a nonbinding option.

State and local government agencies, non-profits, and community-based stakeholders all agree: continuous funding from the State is necessary to providing these services. Local governments believe – after five years of uncertainty – that stakeholders need to address the funding challenges that have hindered implementation. MACo amendments simply clarify a few elements of the funding language and add additional flexibility for the State to fulfill the funding mandate through opioid settlement funds or a general fund appropriation. Amendments also clarify that the State may require additional information in the reporting requirements for local detention centers in order to receive the appropriate reimbursements for services.

Counties propose the below amendments to clarify a sustainable funding pathway that uses opioid settlement funds, in conjunction with state general funds, to fulfill the State’s statutory obligation from the original mandate to fund the local programs. For this reason, MACo **urges a FAVORABLE WITH AMENDMENTS report on SB 801** (amendments detailed on next page).

SB 801 AMENDMENTS OFFERED BY MACo

On page 5, strike in their entirety lines 4 through 28 and substitute:

(I) THE STATE SHALL FUND THE PROGRAM OF OPIOID USE DISORDER SCREENING, EVALUATION, AND TREATMENT OF INCARCERATED INDIVIDUALS AS PROVIDED UNDER THIS SECTION.

“(1) IN ACCORDANCE WITH SUBSECTION I OF THIS SECTION, FOR EACH FISCAL YEAR THE STATE SHALL PROVIDE EACH COUNTY FUNDING EQUAL TO THE COST OF THEIR MEDICATION-ASSISTED TREATMENT PROGRAM, AS OUTLINED IN THIS SECTION, FOR THE PRECEDING FISCAL YEAR.

(2) FUNDS, CONSISTENT WITH THE FULL COST OF THE LOCAL MEDICATION-ASSISTED TREATMENT PROGRAMS SHALL BE PROVIDED FROM:

(I) THE STATE’S PORTION OF OPIOID SETTLEMENT FUNDS THROUGH THE MARYLAND DEPARTMENT OF HEALTH; OR

(II) THROUGH A GENERAL FUND APPROPRIATION.

(3) ON OR BEFORE OCTOBER 1 OF EACH YEAR, A COUNTY SHALL SUBMIT TO THE OFFICE OF OVERDOSE RESPONSE, IN THE MARYLAND DEPARTMENT OF HEALTH, A REPORT WITH:

(I) THE NUMBER OF DAYS EACH INCARCERATED INDIVIDUAL WAS PROVIDED ALL SERVICES REQUIRED BY THE MEDICATION-ASSISTED TREATMENT PROGRAM AS OUTLINED IN THIS SECTION FOR THE PREVIOUS FISCAL YEAR;

(II) THE TOTAL ITEMIZED COSTS INCURRED FOR MEDICATION-ASSISTED TREATMENT SERVICES IN THE LOCAL FACILITY; AND

(III) ANY OTHER INFORMATION REASONABLY REQUIRED BY THE DEPARTMENT.

(4) REPORTS SUBMITTED BEFORE OCTOBER 1, 2025, MAY INCLUDE PRIOR YEAR EXPENDITURES NOT PREVIOUSLY FULFILLED BY STATE FUNDING.

(II) IF A COUNTY FAILS TO SUBMIT THE INFORMATION REQUIRED UNDER PARAGRAPH THREE OF THIS SUBECTION BY OCTOBER 1 OF EACH YEAR, THE DEPARTMENT MAY DEDUCT AN AMOUNT EQUAL TO 20% OF THE FUNDING REQUIRED UNDER SUBPARAGRAPH TWO OF THIS SUBSECTION FOR EACH 30 DAYS OR PART OF 30 DAYS AFTER THE DUE DATE THAT THE INFORMATION WAS NOT SUBMITTED.”