
By: Delegates Nathan-Pulliam, Morhaim, Hecht, Parker, E. Burns, Frush, Benson, Marriott, Crumlin, Stull, Goldwater, Grosfeld, Doory, Pitkin, Menes, Perry, Shriver, Dypski, Muse, Opara, and C. Mitchell

Introduced and read first time: February 1, 1996

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 30, 1996

CHAPTER _____

1 AN ACT concerning

2 **Alcohol and Drug Abuse Treatment - Inmates - State Funding**

3 FOR the purpose of requiring that ~~inmates in State or local correctional facilities who~~
4 ~~have an alcohol or drug dependence be placed in treatment programs under~~
5 ~~specified circumstances; making a certain exception; requiring that certain~~
6 ~~procedures and standards be subject to certain regulations; requiring the State~~
7 ~~Alcohol and Drug Abuse Administration to adopt certain regulations; requiring the~~
8 ~~State to provide funding for the provision of alcohol and drug abusetreatment~~
9 ~~under specified circumstances; and generally relating to State funding for alcohol~~
10 ~~and drug abuse treatment of inmates in State and local correctional facilities.~~

11 ~~BY adding to~~

12 ~~Article — Health — General~~

13 ~~Section 8-6A-01 to be under the new subtitle "Subtitle 6A. Alcohol Abuse and~~

14 ~~Drug Abuse Treatment for Inmates"~~

15 ~~Annotated Code of Maryland~~

16 ~~(1994 Replacement Volume and 1995 Supplement) certain inmates who have an~~

17 ~~alcohol or drug dependence be placed in treatment programs under specified~~

18 ~~circumstances; making a certain exception; requiring that certain procedures~~

19 ~~and standards be subject to certain regulations; requiring the State Alcohol~~

20 ~~and Drug Abuse Administration to adopt certain regulations; requiring the~~

21 ~~Department of Public Safety and Correctional Services to submit a certain~~

22 ~~report by a certain date to certain persons; requiring the State to provide~~

23 ~~funding for the provision of alcohol abuse and drug abuse treatment under~~

24 ~~specified circumstances; requiring the phasing in of certain fundingprovisions~~

25 ~~of this Act in a certain manner over a certain period of time; defining certain~~

1 terms; requiring the Department of Health and Mental Hygiene, the
2 Department of Public Safety and Correctional Services, and the Department
3 of Juvenile Justice to conduct certain studies and present certain reports;
4 providing for the termination of this Act; and generally relating to State
5 funding for alcohol abuse and drug abuse treatment of inmates.

6 BY adding to

7 Article - Health - General
8 Section 8-6A-01 and 8-6A-02 to be under the new subtitle "Subtitle 6A. Alcohol
9 Abuse and Drug Abuse Treatment for Inmates"
10 Annotated Code of Maryland
11 (1994 Replacement Volume and 1995 Supplement)

12 **Preamble**

13 ~~WHEREAS, Many studies have indicated that substance abuse constitutes one of~~
14 ~~the major contributing factors to criminal activity, including violent crimes and property~~
15 ~~crimes; and~~

16 ~~WHEREAS, A study by the pretrial release program in Baltimore City estimated~~
17 ~~that 70% of those arrested tested positive for drug use; and~~

18 ~~WHEREAS, There is a 6-month waiting period in the State to receive drug~~
19 ~~treatment; and~~

20 ~~WHEREAS, Alcohol and drug abuse treatment programs constitute a good~~
21 ~~investment of public funds yielding a significant return; and~~

22 ~~WHEREAS, The benefits of alcohol and drug abuse treatment programs justify the~~
23 ~~use of scarce public funds to pay for these programs; and~~

24 ~~WHEREAS, The results of a landmark 1992 study in California of the effectiveness~~
25 ~~and benefits of alcohol and drug abuse treatment programs in California indicated three~~
26 ~~major findings: (1) there is a \$7 return for every dollar invested in these programs; (2)~~
27 ~~criminal activities of individuals who have an alcohol or drug abuse dependence~~
28 ~~significantly declined after the completion of treatment; and (3) significant improvements~~
29 ~~in health and corresponding reductions in hospitalizations of individuals were found~~
30 ~~during and after treatment; now, therefore,~~

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

33 ~~**Article - Health - General**~~

34 ~~SUBTITLE 6A. ALCOHOL ABUSE AND DRUG ABUSE TREATMENT FOR INMATES.~~

35 ~~8-6A-01.~~

36 ~~(A) IN THIS SECTION, "ALCOHOL ABUSE AND DRUG ABUSE TREATMENT~~
37 ~~PROGRAM" HAS THE MEANING STATED IN § 8-403(A) OF THIS SUBTITLE.~~

~~1 (B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION,
2 AN INMATE DETAINED IN A LOCAL OR STATE CORRECTIONAL FACILITY WHO IS
3 DETERMINED BY A PHYSICIAN LICENSED UNDER § 14-301 OF THE HEALTH
4 OCCUPATIONS ARTICLE TO HAVE AN ALCOHOL OR DRUG DEPENDENCE SHALL BE
5 PLACED IN AN APPROPRIATE ALCOHOL AND DRUG ABUSE TREATMENT PROGRAM
6 UNDER THE SUPERVISION OF THE PHYSICIAN.~~

~~7 (C) ANY TREATMENT PRESCRIBED MAY NOT COMMENCE UNTIL THE INMATE
8 TO BE TREATED HAS CONSENTED IN WRITING TO THE TREATMENT.~~

~~9 (D) ALL PROCEDURES AND STANDARDS RELATING TO THE DETERMINATION
10 OF AN ALCOHOL OR DRUG DEPENDENCE AND THE TREATMENT OF AN INMATE WHO
11 HAS AN ALCOHOL OR DRUG DEPENDENCE SHALL BE SUBJECT TO THE
12 REGULATIONS ADOPTED BY THE ADMINISTRATION.~~

~~13 (E) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO IMPLEMENT THE
14 PROVISIONS OF THIS SECTION.~~

~~15 (F) THE GOVERNOR SHALL PROVIDE FUNDING IN THE ANNUAL BUDGET FOR
16 THE PROVISION OF ALCOHOL AND DRUG ABUSE TREATMENT UNDER THIS SECTION.~~

~~17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 1996.~~

19 Preamble

20 WHEREAS, Many studies have indicated that substance abuse constitutes one of
21 the major contributing factors to criminal activity, including violent crimes and property
22 crimes; and

23 WHEREAS, A study by the pretrial release program in Baltimore City estimated
24 that 70% of those arrested tested positive for drug use; and

25 WHEREAS, There is a 6-month waiting period in the State to receive drug
26 treatment; and

27 WHEREAS, Alcohol abuse and drug abuse treatment programs constitute a good
28 investment of public funds yielding a significant return; and

29 WHEREAS, The benefits of alcohol abuse and drug abuse treatment programs
30 justify the use of scarce public funds to pay for these programs; and

31 WHEREAS, The results of a landmark 1992 study in California of the
32 effectiveness and benefits of alcohol abuse and drug abuse treatment programs in
33 California indicated three major findings: (1) there is a \$7 return forevery dollar invested
34 in these programs; (2) criminal activities of individuals who have an alcohol or drug abuse
35 dependence significantly declined after the completion of treatment; and (3) significant
36 improvements in health and corresponding reductions in hospitalizations of individuals
37 were found during and after treatment; now, therefore,

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

4

1 Article - Health - General

2 SUBTITLE 6A. ALCOHOL ABUSE AND DRUG ABUSE TREATMENT FOR INMATES.

3 8-6A-01.

4 (A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (2) "ALCOHOL ABUSE AND DRUG ABUSE TREATMENT PROGRAM" HAS
7 THE MEANING STATED IN § 8-403(A) OF THIS TITLE.

8 (3) "INMATE" MEANS:

9 (I) A PERSON DETAINED IN A STATE CORRECTIONAL FACILITY;
10 OR

11 (II) A CHILD COMMITTED TO CUSTODY OR GUARDIANSHIP UNDER
12 § 3-820(C) OF THE COURTS ARTICLE FOR A PERIOD OF MORE THAN 90 DAYS.

13 (B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION,
14 AN INMATE WHO IS DETERMINED BY A PHYSICIAN LICENSED UNDER § 14-301 OF THE
15 HEALTH OCCUPATIONS ARTICLE OR A MENTAL HEALTH PROFESSIONAL WHO HAS A
16 MASTER'S DEGREE IN A MENTAL HEALTH FIELD AND HAS EXPERTISE IN THE
17 TREATMENT OF SUBSTANCE ABUSE TO HAVE AN ALCOHOL OR DRUG DEPENDENCE
18 SHALL BE PLACED IN AN APPROPRIATE ALCOHOL ABUSE AND DRUG ABUSE
19 TREATMENT PROGRAM UNDER THE SUPERVISION OF THE PHYSICIAN OR THE
20 MENTAL HEALTH PROFESSIONAL.

21 (C) ANY TREATMENT PRESCRIBED FOR ALCOHOL OR DRUG DEPENDENCE
22 MAY NOT COMMENCE UNTIL THE INMATE TO BE TREATED HAS CONSENTED IN
23 WRITING TO THE TREATMENT.

24 (D) ALL PROCEDURES AND STANDARDS RELATING TO THE DETERMINATION
25 OF AN ALCOHOL OR DRUG DEPENDENCE AND THE TREATMENT OF AN INMATE WHO
26 HAS AN ALCOHOL OR DRUG DEPENDENCE SHALL BE SUBJECT TO THE
27 REGULATIONS ADOPTED BY THE ADMINISTRATION.

28 (E) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO IMPLEMENT THE
29 PROVISIONS OF THIS SECTION.

30 (F) THE GOVERNOR SHALL PROVIDE FUNDING IN THE ANNUAL BUDGET FOR
31 ALCOHOL ABUSE AND DRUG ABUSE TREATMENT PROGRAMS UNDER THIS SECTION.

32 8-6A-02.

33 ON DECEMBER 1, 1999, AND EACH DECEMBER 1 THEREAFTER, THE
34 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL SUBMIT A
35 REPORT IN ACCORDANCE WITH § 2-1312 OF THE STATE GOVERNMENT ARTICLE TO
36 THE SENATE ECONOMIC AND ENVIRONMENTAL AFFAIRS COMMITTEE OF THE
37 GENERAL ASSEMBLY AND THE HOUSE APPROPRIATIONS COMMITTEE OF THE
38 GENERAL ASSEMBLY ON:

1 (1) THE TOTAL NUMBER OF INMATES WHO HAVE PARTICIPATED IN
2 ALCOHOL ABUSE AND DRUG ABUSE TREATMENT PROGRAMS BEFORE RELEASE AND
3 PARTICIPATED IN AFTERCARE FOLLOW-UP TREATMENT AFTER RELEASE IN
4 ACCORDANCE WITH § 8-6A-01 OF THIS SUBTITLE;

5 (2) THE NUMBER OF INMATES CURRENTLY PARTICIPATING IN
6 ALCOHOL ABUSE AND DRUG ABUSE TREATMENT PROGRAMS BEFORE RELEASE AND
7 PARTICIPATING IN AFTERCARE FOLLOW-UP TREATMENT AFTER RELEASE IN
8 ACCORDANCE WITH § 8-6A-01 OF THIS SUBTITLE;

9 (3) THE TOTAL COST OF THE ALCOHOL ABUSE AND DRUG ABUSE
10 TREATMENT PROGRAM SERVICES PROVIDED TO INMATES, INCLUDING THE COST OF
11 AFTERCARE FOLLOW-UP TREATMENT; AND

12 (4) THE NUMBER OF PARTICIPANTS WHO ARE REARRESTED WHO HAVE
13 PARTICIPATED IN ALCOHOL ABUSE AND DRUG ABUSE TREATMENT PROGRAMS
14 BEFORE RELEASE AND AFTERCARE FOLLOW-UP TREATMENT AFTER RELEASE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the
16 provisions of § 8-6A-01(f) of the Health - General Article as enacted by this Act, during
17 Fiscal Years 1998 through 2001, the Governor shall provide funding as required under §
18 8-6A-01 of the Health - General Article only as follows:

19 (1) In Fiscal Year 1998, 550 inmates in State correctional facilities that are
20 scheduled to be released within 6 months and that have consented in writing to be placed
21 in an appropriate alcohol abuse and drug abuse treatment program shall be treated
22 during that 6-month period and shall receive appropriate aftercare follow-up treatment
23 for a 1-month period after release in Fiscal Year 1998.

24 (2) In Fiscal Year 1999, an additional 550 inmates in State correctional facilities
25 that are scheduled to be released within 6 months and that have consented in writing to
26 be placed in an appropriate alcohol abuse and drug abuse treatment program shall be
27 treated during that 6-month period and shall receive appropriate aftercare follow-up
28 treatment for a 1-month period after release in Fiscal Year 1999.

29 (3) In Fiscal Year 2000, an additional 550 inmates in State correctional facilities
30 that are scheduled to be released within 6 months and that have consented in writing to
31 be placed in an appropriate alcohol abuse and drug abuse treatment program shall be
32 treated during that 6-month period and shall receive appropriate aftercare follow-up
33 treatment for a 1-month period after release in Fiscal Year 2000.

34 (4) In Fiscal Year 2001, an additional 1,000 inmates in State correctional facilities
35 that are scheduled to be released within 6 months and that have consented in writing to
36 be placed in an appropriate alcohol abuse and drug abuse treatment program shall be
37 treated during that 6-month period and shall receive appropriate aftercare follow-up
38 treatment for a 1-month period after release in Fiscal Year 2001.

39 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of
40 Health and Mental Hygiene and the Department of Public Safety and Correctional
41 Services shall jointly conduct a study of alcohol and drug treatment programs for inmates
42 nationwide as well as those programs that exist in Maryland. The study shall address: the
43 impact these programs have on inmate recidivism; the existence of ancillary services; and

1 the total cost of these programs, including the cost of ancillary services provided to the
2 individual while not incarcerated by State agencies. The study shall be presented to the
3 General Assembly no later than November 1, 1996.

4 SECTION 4. AND BE IT FURTHER ENACTED, That funds may not be
5 expended to carry out the provisions of this Act until the provisions of Section 3 of this
6 Act are met.

7 SECTION 5. AND BE IT FURTHER ENACTED, That the Department of
8 Health and Mental Hygiene and the Department of Juvenile Justice shall jointly conduct
9 a study of alcohol and drug treatment programs for youth in juvenile justice systems
10 nationwide as well as those programs that exist in Maryland. The purpose of the study is
11 to determine the efficacy of developing a program, similar to the program provided for in
12 this Act, for youth in the Maryland juvenile justice system. The study shall address: the
13 impact these programs have on recidivism in the juvenile justice system; the existence of
14 ancillary services; and the total cost of these programs, including the cost of ancillary
15 services provided to the child while not under State supervision. The study shall be
16 presented to the General Assembly no later than December 1, 1996.

17 SECTION 6. AND BE IT FURTHER ENACTED, That the Department of
18 Health and Mental Hygiene shall assess the need in Maryland for providing alcohol and
19 drug treatment programs for pregnant and postpartum women and women with young
20 children. On December 31, 1996, the Department shall submit a report in accordance
21 with § 2-1312 of the State Government Article to the Senate Economic and
22 Environmental Affairs Committee and the House Appropriations Committee of the
23 General Assembly on the needs assessment of pregnant and postpartum women and
24 women with young children.

25 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 1996. It shall remain effective for a period of 5 years and, at the end of June 30,
27 2001, with no further action required by the General Assembly, this Act shall be
28 abrogated and of no further force and effect.