

SENATE BILL 61

Unofficial Copy  
E4

1999 Regular Session  
9lr0077

(PRE-FILED)

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By: **Chairman, Economic and Environmental Affairs Committee**  
**(Departmental - Public Safety and Correctional Services)**

Requested: July 27, 1998

Introduced and read first time: January 13, 1999

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of providing that an eligible inmate who refuses to participate in an  
4 appropriate alcohol abuse and drug abuse treatment program is subject to any  
5 sanctions that may be imposed upon an inmate who refuses to participate in any  
6 mandatory program; stating that the required written consent for treatment is  
7 valid regardless of whether a potential sanction may be imposed when an  
8 inmate refuses to participate; and generally relating to alcohol abuse and drug  
9 abuse treatment for inmates.

10 BY repealing and reenacting, with amendments,  
11 Article - Health - General  
12 Section 8-6A-01  
13 Annotated Code of Maryland  
14 (1994 Replacement Volume and 1998 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article - Health - General  
17 Section 8-6A-02  
18 Annotated Code of Maryland  
19 (1994 Replacement Volume and 1998 Supplement)

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

22 **Article - Health - General**

23 8-6A-01.

24 (a) (1) In this subtitle the following words have the meanings indicated.

25 (2) "Alcohol abuse and drug abuse treatment program" has the meaning  
26 stated in § 8-403(a) of this title.

1 (3) "Inmate" means a person detained in a State correctional facility.

2 (b) Except as otherwise provided in subsection (c) of this section, an inmate  
3 who is determined by a physician licensed under § 14-301 of the Health Occupations  
4 Article or a mental health professional who has a master's degree in a mental health  
5 field and has expertise in the treatment of substance abuse to have an alcohol or drug  
6 dependence shall be placed in an appropriate alcohol abuse and drug abuse treatment  
7 program under the supervision of the physician or the mental health professional.

8 (c) (1) Any treatment prescribed for alcohol or drug dependence may not  
9 commence until the inmate to be treated has consented in writing to the treatment.

10 (2) IF AN INMATE REFUSES TO PARTICIPATE IN THE ALCOHOL ABUSE  
11 AND DRUG ABUSE TREATMENT PROGRAM AFTER THE INMATE HAS BEEN  
12 DETERMINED UNDER THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION TO  
13 HAVE AN ALCOHOL OR DRUG DEPENDENCE, THE INMATE SHALL BE SUBJECT TO ANY  
14 SANCTIONS THAT ARE IMPOSED UPON AN INMATE WHO REFUSES TO PARTICIPATE IN  
15 ANY MANDATORY PROGRAM.

16 (3) AN INMATE'S CONSENT TO TREATMENT AS REQUIRED UNDER  
17 PARAGRAPH (1) OF THIS SUBSECTION IS VALID EVEN IF A SANCTION MAY BE  
18 IMPOSED ON THE INMATE IF THE INMATE REFUSES TO PARTICIPATE IN THE  
19 TREATMENT PROGRAM.

20 (d) All procedures and standards relating to the determination of an alcohol or  
21 drug dependence and the treatment of an inmate who has an alcohol or drug  
22 dependence shall be subject to the regulations adopted by the Administration.

23 (e) The Administration shall adopt regulations to implement the provisions of  
24 this section.

25 (f) The Governor shall provide funding in the annual budget for alcohol abuse  
26 and drug abuse treatment programs under this section.

27 8-6A-02.

28 On December 1, 1999, and each December 1 thereafter, the Department of  
29 Public Safety and Correctional Services shall submit a report in accordance with §  
30 2-1246 of the State Government Article to the Senate Economic and Environmental  
31 Affairs Committee of the General Assembly and the House Appropriations Committee  
32 of the General Assembly on:

33 (1) The total number of inmates who have participated in alcohol abuse  
34 and drug abuse treatment programs before release and participated in aftercare  
35 follow-up treatment after release in accordance with § 8-6A-01 of this subtitle;

36 (2) The number of inmates currently participating in alcohol abuse and  
37 drug abuse treatment programs before release and participating in aftercare  
38 follow-up treatment after release in accordance with § 8-6A-01 of this subtitle;

1           (3)       The total cost of the alcohol abuse and drug abuse treatment program  
2 services provided to inmates, including the cost of aftercare follow-up treatment; and

3           (4)       The number of participants who are rearrested who have  
4 participated in alcohol abuse and drug abuse treatment programs before release and  
5 aftercare follow-up treatment after release.

6       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
7 effect October 1, 1999.