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By: **Senator Green**

Introduced and read first time: February 21, 2000

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Juveniles - Substance Abuse and Mental Health Treatment Programs -**  
3 **Funding**

4 FOR the purpose of requiring the Governor to appropriate a certain amount of money  
5 in the State budget for a certain fiscal year from certain sources for certain  
6 treatment programs for certain juvenile offenders; clarifying that the Cigarette  
7 Restitution Fund may be used for expenditures for certain treatment programs  
8 for certain juvenile offenders; providing for the award of certain grants by a  
9 certain agency, subject to certain standards and criteria adopted by regulation;  
10 and generally relating to certain funding for mental health and substance abuse  
11 treatment programs for juveniles in the juvenile justice system in the State.

12 BY repealing and reenacting, with amendments,  
13 Article - State Finance and Procurement  
14 Section 7-317(f)(1)  
15 Annotated Code of Maryland  
16 (1995 Replacement Volume and 1999 Supplement)

17 BY repealing and reenacting, without amendments,  
18 Article - Courts and Judicial Proceedings  
19 Section 3-810(c-1)  
20 Annotated Code of Maryland  
21 (1998 Replacement Volume and 1999 Supplement)

22 Preamble

23 WHEREAS, The General Assembly finds and declares that there is a  
24 significant lack of commitment of resources for the effective treatment and  
25 rehabilitation of juvenile offenders in the juvenile justice system who are suffering  
26 from substance abuse and mental illness; and

27 WHEREAS, In 1999, Chapter 446 was enacted to provide that, if it is  
28 determined that a juvenile for whom a complaint has been received is mentally  
29 handicapped, seriously emotionally disturbed, or a substance abuser, a qualified

1 health, mental health, or substance abuse professional or staff shall conduct a  
2 comprehensive mental health or substance abuse assessment of the juvenile; and

3 WHEREAS, Chapter 446 of 1999 seeks to address the mental health and  
4 substance abuse treatment needs of juveniles who enter the juvenile justice system;  
5 however, many children, when adjudicated as delinquent and subsequently confined  
6 to a facility in the juvenile justice system, often fail to receive the necessary  
7 treatment and other assistance to meet their needs for proper care, protection, and  
8 rehabilitation as required by law; and

9 WHEREAS, Section 3-802 of the Courts and Judicial Proceedings Article  
10 provides, in part, that the purpose of the juvenile causes statute, as codified in Title 3,  
11 Subtitle 8 of the Courts Article, is "[t]o provide for the care, protection, and wholesome  
12 mental and physical development of children coming within the provisions of [the  
13 juvenile causes laws]; and to provide for a program of treatment, training, and  
14 rehabilitation consistent with the child's best interests and the protection of the  
15 public interest"; now, therefore,

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

18 **Article - State Finance and Procurement**

19 7-317.

20 (f) (1) Expenditures from the Cigarette Restitution Fund shall be made for  
21 the following purposes:

22 (i) reduction of the use of tobacco products by minors;

23 (ii) implementation of the Southern Maryland Regional  
24 Strategy-Action Plan for Agriculture adopted by the Tri-County Council for Southern  
25 Maryland with an emphasis on alternative crop uses for agricultural land now used  
26 for growing tobacco;

27 (iii) public and school education campaigns to decrease tobacco use  
28 with initial emphasis on areas targeted by tobacco manufacturers in marketing and  
29 promoting cigarette and tobacco products;

30 (iv) smoking cessation programs;

31 (v) enforcement of the laws regarding tobacco sales;

32 (vi) the purposes of the Maryland Health Care Foundation under  
33 Title 20, Subtitle 5 of the Health - General Article;

34 (vii) primary health care in rural areas of the State and areas  
35 targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco  
36 products;

1 (viii) prevention, treatment, and research concerning cancer, heart  
 2 disease, lung disease, tobacco product use, and tobacco control, including operating  
 3 costs and related capital projects;

4 (ix) substance abuse treatment and prevention programs; [and]

5 (X) TREATMENT PROGRAMS FOR JUVENILES IN THE JUVENILE  
 6 JUSTICE SYSTEM WHO HAVE BEEN ASSESSED AS SUFFERING FROM MENTAL OR  
 7 EMOTIONAL DISORDERS OR SUBSTANCE ABUSE; AND

8 [(x)] (XI) any other public purpose.

9 **Article - Courts and Judicial Proceedings**

10 3-810.

11 (c-1) (1) In this subsection, "seriously emotionally disturbed" has the meaning  
 12 stated in § 15-130 of the Health - General Article.

13 (2) (i) As soon as possible and in no event later than 25 days after  
 14 receipt of a complaint, the intake officer shall discuss with the child who is the subject  
 15 of a complaint and the child's parent or guardian information regarding a referral for  
 16 a mental health and substance abuse screening of the child.

17 (ii) The screening authorized under subparagraph (i) of this  
 18 paragraph shall be conducted by a person who:

- 19 1. Has been selected by the child's parent or guardian;
- 20 2. Has been approved by the child's health insurance carrier;
- 21 and
- 22 3. Is:
- 23 A. A qualified health, mental health, or substance abuse  
 24 professional; or
- 25 B. Staff trained by a qualified health, mental health, or  
 26 substance abuse professional.

27 (iii) Within 15 days of the date of the discussion with the child and  
 28 the child's parent or guardian, the intake officer shall document whether the child's  
 29 parent or guardian made an appointment for a mental health and substance abuse  
 30 screening of the child who is the subject of a complaint.

31 (3) If, as a result of the screening authorized under paragraph (2) of this  
 32 subsection, it is determined that the child is a mentally handicapped or seriously  
 33 emotionally disturbed child, or is a substance abuser, the qualified health, mental  
 34 health, or substance abuse professional or staff, no later than 5 working days after

1 the screening, shall conduct a comprehensive mental health or substance abuse  
2 assessment of the child.

3 (4) The Department of Juvenile Justice and the Department of Health  
4 and Mental Hygiene:

5 (i) May not disclose to any person any information received by the  
6 Departments relating to a specific mental health and substance abuse screening or  
7 assessment conducted under this section that could identify the child who was the  
8 subject of the screening or assessment; and

9 (ii) May make public other information unless prohibited by law.

10 (5) The Secretary of Juvenile Justice and the Secretary of Health and  
11 Mental Hygiene jointly shall adopt any regulation necessary to carry out this  
12 subsection.

13 SECTION 2. AND BE IT FURTHER ENACTED, That:

14 (a) The Governor shall appropriate \$10,000,000 in the Fiscal 2001 State  
15 budget from the Cigarette Restitution Fund to the Department of Juvenile Justice  
16 and other appropriate State agencies for programs and services for the treatment of  
17 juveniles who:

18 (1) have been assessed as suffering from mental and emotional disorders  
19 or substance abuse in accordance with the provisions of § 3-810(c-1) of the Courts  
20 and Judicial Proceedings Article, as enacted by Chapter 446 of the Acts of 1999; or

21 (2) are confined in facilities of the juvenile justice system in the State  
22 and who are in need of treatment for mental or emotional disorders or substance  
23 abuse.

24 (b) The funds appropriated by this Act shall be in addition to, and not in lieu  
25 of, any other funding in the Fiscal 2001 State budget for the treatment of juveniles  
26 confined to facilities that serve the juvenile justice system of the State.

27 (c) The Department of Health and Mental Hygiene (DHMH), in cooperation  
28 with the Department of Juvenile Justice, shall be the administering agency for the  
29 funds appropriated for the treatment programs implemented, expanded, or otherwise  
30 funded under this Act. From the moneys appropriated under this Act, DHMH may  
31 award grants, subject to the standards and criteria adopted by regulation by DHMH,  
32 to providers of mental health and substance abuse treatment services and programs  
33 for juveniles in the juvenile justice system that do not exceed the \$10,000,000  
34 mandated by this Act.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 July 1, 2000.