

HOUSE BILL 850

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By: **Delegates Hammen, Oaks, Ross, and Tarrant**

Introduced and read first time: February 9, 2007

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Alcohol and Drug Abuse Administration – State Drug and Alcohol Abuse**
3 **Council**

4 FOR the purpose of requiring the Alcohol and Drug Abuse Administration to conduct a
5 certain needs assessment; requiring the Administration to submit the needs
6 assessment to the State Drug and Alcohol Abuse Council; establishing the State
7 Drug and Alcohol Abuse Council in the Office of the Governor; providing for the
8 membership of the Council; requiring the Governor to designate the chair of the
9 Council; providing for the terms of the members of the Council; specifying the
10 terms of the initial members of the Council; authorizing members of the Council
11 to receive a certain reimbursement; providing that a majority of the voting
12 members of the Council is a quorum; authorizing the Council to adopt certain
13 procedures and consult with State agencies; authorizing the chair to designate
14 certain individuals to serve on a committee or task force of the Council;
15 requiring the Council to meet at a least four times a year; providing for the
16 purpose and duties of the Council; requiring the Office of the Governor to
17 designate staff for the Council; and generally relating to the Alcohol and Drug
18 Abuse Administration and the State Drug and Alcohol Abuse Council.

19 BY repealing and reenacting, with amendments,
20 Article – Health – General
21 Section 8–204
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2006 Supplement)

24 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Health – General

2 Section 8–6D–01 through 8–6D–06 to be under the new subtitle “Subtitle 6D.
3 State Drug and Alcohol Abuse Council”

4 Annotated Code of Maryland

5 (2005 Replacement Volume and 2006 Supplement)

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

8 **Article – Health – General**

9 8–204.

10 (a) The Director is responsible for carrying out the powers, duties, and
11 responsibilities of the Administration.

12 (b) In addition to the powers set forth elsewhere in this title, the Director
13 may:

14 (1) Within the amounts made available by appropriation, gift, or
15 grant, make any agreement or joint financial arrangement to do or have done
16 anything necessary, desirable, or proper to carry out the purposes of this title; and

17 (2) Within the amounts made available by appropriation, employ a
18 staff.

19 (c) In addition to the duties set forth elsewhere in this title, the Director
20 shall:

21 (1) Adopt regulations to carry out the provisions of this title, including
22 provisions setting reasonable fees for the issuance and renewal of certification for
23 those programs certified to perform medication–assisted treatment;

24 (2) [Survey and analyze the] **EVERY 3 YEARS, CONDUCT AN**
25 **ASSESSMENT OF THE** needs of the State for prevention, diagnosis, and treatment of
26 drug misuse or alcohol misuse **THAT IDENTIFIES THE FINANCIAL AND TREATMENT**
27 **NEEDS OF EACH JURISDICTION AND OF EACH DRUG TREATMENT PROGRAM**
28 **OPERATED BY THE STATE;**

29 (3) **SUBMIT THE NEEDS ASSESSMENT CONDUCTED UNDER**
30 **PARAGRAPH (2) OF THIS SUBSECTION TO THE STATE DRUG AND ALCOHOL**
31 **ABUSE COUNCIL;**

1 [(3)] (4) Submit each report that the Secretary, Governor, or General
2 Assembly requests;

3 [(4)] (5) Gather and disseminate statistics and other information on
4 drug misuse and alcohol misuse and drug misuse and alcohol misuse services;

5 [(5)] (6) Work cooperatively and coordinate with other State agencies
6 and advisory bodies in carrying out the provisions of this title; and

7 [(6)] (7) Do anything necessary or proper to carry out the scope of
8 this title.

9 **SUBTITLE 6D. STATE DRUG AND ALCOHOL ABUSE COUNCIL.**

10 **8-6D-01.**

11 **THERE IS A STATE DRUG AND ALCOHOL ABUSE COUNCIL IN THE OFFICE**
12 **OF THE GOVERNOR.**

13 **8-6D-02.**

14 (A) (1) **THE COUNCIL CONSISTS OF THE FOLLOWING VOTING**
15 **MEMBERS:**

16 (I) **TWO MEMBERS OF THE SENATE OF MARYLAND,**
17 **APPOINTED BY THE PRESIDENT OF THE SENATE;**

18 (II) **TWO MEMBERS OF THE MARYLAND HOUSE OF**
19 **DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;**

20 (III) **THE SECRETARY OF HEALTH AND MENTAL HYGIENE,**
21 **OR THE SECRETARY'S DESIGNEE;**

22 (IV) **THE SECRETARY OF PUBLIC SAFETY AND**
23 **CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE;**

24 (V) **THE SECRETARY OF JUVENILE SERVICES, OR THE**
25 **SECRETARY'S DESIGNEE;**

1 (VI) THE SECRETARY OF HUMAN RESOURCES, OR THE
2 SECRETARY'S DESIGNEE;

3 (VII) THE SECRETARY OF BUDGET AND MANAGEMENT, OR
4 THE SECRETARY'S DESIGNEE;

5 (VIII) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE
6 SUPERINTENDENT'S DESIGNEE;

7 (IX) THE SPECIAL SECRETARY OF THE GOVERNOR'S
8 OFFICE FOR CHILDREN, OR THE SPECIAL SECRETARY'S DESIGNEE;

9 (X) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S
10 OFFICE OF CRIME CONTROL AND PREVENTION, OR THE EXECUTIVE
11 DIRECTOR'S DESIGNEE;

12 (XI) TWO REPRESENTATIVES OF THE MARYLAND
13 JUDICIARY, A DISTRICT COURT JUDGE, AND A CIRCUIT COURT JUDGE,
14 APPOINTED BY THE GOVERNOR AFTER NOMINATION OF THE CHIEF JUDGE OF
15 THE COURT OF APPEALS; AND

16 (XII) UP TO SEVEN MEMBERS WITH RELEVANT INTEREST OR
17 EXPERTISE, APPOINTED BY THE GOVERNOR.

18 (2) THE COUNCIL CONSISTS OF THE FOLLOWING NONVOTING
19 MEMBERS:

20 (I) THE DIRECTOR OF THE ALCOHOL AND DRUG ABUSE
21 ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

22 (II) THE DIRECTOR OF MENTAL HYGIENE OF THE
23 DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

24 (III) THE DIRECTOR OF THE DIVISION OF PAROLE AND
25 PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
26 SERVICES; AND

1 (IV) THE ASSISTANT SECRETARY FOR TREATMENT
2 SERVICES OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
3 SERVICES.

4 (B) THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE
5 VOTING MEMBERS OF THE COUNCIL.

6 **8-6D-03.**

7 (A) (1) MEMBERS APPOINTED BY THE GOVERNOR UNDER
8 § 8-6D-02(A)(1)(XII) OF THIS SUBTITLE:

9 (I) SERVE FOR A 3-YEAR TERM;

10 (II) MAY SERVE FOR A MAXIMUM OF TWO CONSECUTIVE
11 TERMS; AND

12 (III) SERVE AT THE PLEASURE OF THE GOVERNOR.

13 (2) THE TERMS OF MEMBERS APPOINTED BY THE GOVERNOR
14 UNDER § 8-6D-02(A)(1)(XII) OF THIS TITLE ARE STAGGERED AS REQUIRED BY
15 THE TERMS PROVIDED FOR MEMBERS OF THE COUNCIL ON OCTOBER 1, 2007.

16 (B) A MEMBER OF THE COUNCIL:

17 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
18 COUNCIL; BUT

19 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
20 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE
21 BUDGET.

22 (C) (1) A MAJORITY OF THE VOTING MEMBERS OF THE COUNCIL IS A
23 QUORUM.

24 (2) (I) THE COUNCIL MAY ADOPT PROCEDURES NECESSARY TO
25 DO BUSINESS, INCLUDING THE CREATION OF COMMITTEES OR TASK FORCES.

1 **(II) WITH THE CONSENT OF THE COUNCIL, THE CHAIR MAY**
2 **DESIGNATE ADDITIONAL INDIVIDUALS WITH RELEVANT EXPERTISE TO SERVE ON**
3 **A COMMITTEE OR TASK FORCE.**

4 **(3) THE COUNCIL MAY CONSULT WITH STATE AGENCIES TO**
5 **COMPLETE THE DUTIES OF THE COUNCIL.**

6 **(4) THE COUNCIL SHALL MEET AT LEAST FOUR TIMES A YEAR.**

7 **8-6D-04.**

8 **THE PURPOSE OF THE COUNCIL IS TO:**

9 **(1) DEVELOP A COMPREHENSIVE, COORDINATED, AND**
10 **COLLABORATIVE APPROACH TO THE USE OF STATE AND LOCAL RESOURCES FOR**
11 **PREVENTION, INTERVENTION, AND TREATMENT OF DRUG AND ALCOHOL ABUSE**
12 **AMONG THE CITIZENS OF THE STATE;**

13 **(2) PROMOTE THE COORDINATED PLANNING AND DELIVERY OF**
14 **STATE DRUG AND ALCOHOL ABUSE PREVENTION, INTERVENTION, EVALUATION,**
15 **AND TREATMENT RESOURCES; AND**

16 **(3) PROMOTE COLLABORATION AND COORDINATION BY STATE**
17 **SUBSTANCE ABUSE PROGRAMS WITH LOCAL DRUG AND ALCOHOL ABUSE**
18 **COUNCILS, LOCAL HEALTH SYSTEMS, AND PRIVATE DRUG AND ALCOHOL ABUSE**
19 **SERVICES PROVIDERS.**

20 **8-6D-05.**

21 **THE COUNCIL SHALL:**

22 **(1) IDENTIFY, DEVELOP, AND RECOMMEND THE**
23 **IMPLEMENTATION OF COMPREHENSIVE SYSTEMIC IMPROVEMENTS IN ALCOHOL**
24 **AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT SERVICES IN**
25 **THE STATE IN COORDINATION WITH STATE AND LOCAL CRIME PREVENTION**
26 **AND HEALTH PROGRAMS;**

27 **(2) PREPARE AND ANNUALLY UPDATE A 2-YEAR PLAN:**

1 (I) ESTABLISHING PRIORITIES AND STRATEGIES FOR THE
2 DELIVERY AND FUNDING OF STATE DRUG AND ALCOHOL PREVENTION,
3 INTERVENTION, AND TREATMENT SERVICES IN COORDINATION WITH THE
4 NEEDS ASSESSMENT PROVIDED BY THE ALCOHOL AND DRUG ABUSE
5 ADMINISTRATION, THE GOVERNOR'S CRIMINAL JUSTICE STRATEGY, AND THE
6 CRIMINAL JUSTICE SYSTEM; AND

7 (II) INCLUDING BEST PRACTICES AND PROGRAMS,
8 RECOMMENDATIONS FOR COORDINATION AND COLLABORATION WITH LOCAL
9 AND PRIVATE PROGRAMS, AND EMERGING NEEDS FOR STATE SUBSTANCE
10 ABUSE PREVENTION, INTERVENTION, AND TREATMENT SERVICES;

11 (3) REPORT THE PLAN PREPARED UNDER ITEM (2) OF THIS
12 SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE
13 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON OR BEFORE
14 AUGUST 1 OF EACH YEAR;

15 (4) REVIEW PLANS SUBMITTED BY LOCAL DRUG AND ALCOHOL
16 ABUSE COUNCILS AND IDENTIFY, DEVELOP, AND IMPLEMENT METHODS FOR
17 COORDINATING THE STRATEGIES AND PRIORITIES IDENTIFIED IN THE LOCAL
18 PLANS WITH THE STATE PLAN; AND

19 (5) (I) COORDINATE WITH THE GOVERNOR'S GRANTS OFFICE
20 IN EFFORTS TO SEEK FUNDS FROM APPROPRIATE SOURCES FOR DRUG AND
21 ALCOHOL ABUSE PREVENTION, INTERVENTION, AND TREATMENT SERVICES;

22 (II) ADVISE LOCAL DRUG AND ALCOHOL ABUSE COUNCILS
23 OF FUNDING OPPORTUNITIES; AND

24 (III) RECEIVE, REVIEW, AND SERVE AS A REPOSITORY FOR
25 STUDIES AND EVALUATIONS OF STATE AND LOCAL SUBSTANCE ABUSE
26 PROGRAMS AND OTHER RELEVANT MATERIALS AND MAKE THE INFORMATION
27 AVAILABLE TO STATE AND LOCAL AGENCIES.

28 **8-6D-06.**

29 **THE OFFICE OF THE GOVERNOR SHALL DESIGNATE THE STAFF FOR THE**
30 **COUNCIL.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the
2 appointed members of the State Advisory Drug and Alcohol Abuse Council established
3 under Section 1 of this Act shall expire as follows:

4 (1) four in 2010; and

5 (2) three in 2011.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2007.