

# HOUSE BILL 850

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By: Delegates Hammen, Oaks, Ross, and Tarrant ~~Tarrant~~, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Pena-Melnyk, Pendergrass, V. Turner, and Weldon

Introduced and read first time: February 9, 2007

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Alcohol and Drug Abuse Administration – ~~State Drug and Alcohol Abuse~~**  
3 **Council Needs Assessment**

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~~ a needs

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 assessment for prevention, diagnosis, and treatment of drug misuse and alcohol  
 2 misuse in the State.

3 BY repealing and reenacting, with amendments,  
 4 Article – Health – General  
 5 Section 8–204  
 6 Annotated Code of Maryland  
 7 (2005 Replacement Volume and 2006 Supplement)

8 ~~BY adding to~~  
 9 ~~Article – Health – General~~  
 10 ~~Section 8–6D–01 through 8–6D–06 to be under the new subtitle “Subtitle 6D:~~  
 11 ~~State Drug and Alcohol Abuse Council”~~  
 12 ~~Annotated Code of Maryland~~  
 13 ~~(2005 Replacement Volume and 2006 Supplement)~~

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

16 **Article – Health – General**

17 8–204.

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

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

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

25 (2) Within the amounts made available by appropriation, employ a  
 26 staff.

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

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

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

6           ~~(3) SUBMIT THE NEEDS ASSESSMENT CONDUCTED UNDER~~  
 7 ~~PARAGRAPH (2) OF THIS SUBSECTION TO THE STATE DRUG AND ALCOHOL~~  
 8 ~~ABUSE COUNCIL;~~

9           ~~{(3)}~~ (4) Submit each report that the Secretary, Governor, or General  
 10 Assembly requests;

11           ~~{(4)}~~ (5) Gather and disseminate statistics and other information on  
 12 drug misuse and alcohol misuse and drug misuse and alcohol misuse services;

13           ~~{(5)}~~ (6) Work cooperatively and coordinate with other State agencies  
 14 and advisory bodies in carrying out the provisions of this title; and

15           ~~{(6)}~~ (7) Do anything necessary or proper to carry out the scope of  
 16 this title.

17           ~~**SUBTITLE 6D. STATE DRUG AND ALCOHOL ABUSE COUNCIL.**~~

18           ~~**§ 6D-01.**~~

19           ~~**THERE IS A STATE DRUG AND ALCOHOL ABUSE COUNCIL IN THE OFFICE**~~  
 20 ~~**OF THE GOVERNOR.**~~

21           ~~**§ 6D-02.**~~

22           ~~(A) (1) THE COUNCIL CONSISTS OF THE FOLLOWING VOTING~~  
 23 ~~MEMBERS:~~

24           ~~(i) TWO MEMBERS OF THE SENATE OF MARYLAND,~~  
 25 ~~APPOINTED BY THE PRESIDENT OF THE SENATE;~~

26           ~~(ii) TWO MEMBERS OF THE MARYLAND HOUSE OF~~  
 27 ~~DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;~~

1                   ~~(III) THE SECRETARY OF HEALTH AND MENTAL HYGIENE,~~  
2 ~~OR THE SECRETARY'S DESIGNEE;~~

3                   ~~(IV) THE SECRETARY OF PUBLIC SAFETY AND~~  
4 ~~CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE;~~

5                   ~~(V) THE SECRETARY OF JUVENILE SERVICES, OR THE~~  
6 ~~SECRETARY'S DESIGNEE;~~

7                   ~~(VI) THE SECRETARY OF HUMAN RESOURCES, OR THE~~  
8 ~~SECRETARY'S DESIGNEE;~~

9                   ~~(VII) THE SECRETARY OF BUDGET AND MANAGEMENT, OR~~  
10 ~~THE SECRETARY'S DESIGNEE;~~

11                   ~~(VIII) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE~~  
12 ~~SUPERINTENDENT'S DESIGNEE;~~

13                   ~~(IX) THE SPECIAL SECRETARY OF THE GOVERNOR'S~~  
14 ~~OFFICE FOR CHILDREN, OR THE SPECIAL SECRETARY'S DESIGNEE;~~

15                   ~~(X) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S~~  
16 ~~OFFICE OF CRIME CONTROL AND PREVENTION, OR THE EXECUTIVE~~  
17 ~~DIRECTOR'S DESIGNEE;~~

18                   ~~(XI) TWO REPRESENTATIVES OF THE MARYLAND~~  
19 ~~JUDICIARY, A DISTRICT COURT JUDGE, AND A CIRCUIT COURT JUDGE,~~  
20 ~~APPOINTED BY THE GOVERNOR AFTER NOMINATION OF THE CHIEF JUDGE OF~~  
21 ~~THE COURT OF APPEALS; AND~~

22                   ~~(XII) UP TO SEVEN MEMBERS WITH RELEVANT INTEREST OR~~  
23 ~~EXPERTISE, APPOINTED BY THE GOVERNOR.~~

24                   ~~(2) THE COUNCIL CONSISTS OF THE FOLLOWING NONVOTING~~  
25 ~~MEMBERS:~~

26                   ~~(i) THE DIRECTOR OF THE ALCOHOL AND DRUG ABUSE~~  
27 ~~ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;~~

1                   ~~(II) THE DIRECTOR OF MENTAL HYGIENE OF THE~~  
2 ~~DEPARTMENT OF HEALTH AND MENTAL HYGIENE;~~

3                   ~~(III) THE DIRECTOR OF THE DIVISION OF PAROLE AND~~  
4 ~~PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL~~  
5 ~~SERVICES; AND~~

6                   ~~(IV) THE ASSISTANT SECRETARY FOR TREATMENT~~  
7 ~~SERVICES OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL~~  
8 ~~SERVICES.~~

9                   ~~(B) THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE~~  
10 ~~VOTING MEMBERS OF THE COUNCIL.~~

11 ~~§ 6D-03.~~

12                   ~~(A) (1) MEMBERS APPOINTED BY THE GOVERNOR UNDER~~  
13 ~~§ 8-6D-02(A)(1)(XII) OF THIS SUBTITLE;~~

14                           ~~(I) SERVE FOR A 3-YEAR TERM;~~

15                           ~~(II) MAY SERVE FOR A MAXIMUM OF TWO CONSECUTIVE~~  
16 ~~TERMS; AND~~

17                           ~~(III) SERVE AT THE PLEASURE OF THE GOVERNOR.~~

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

21                   ~~(B) A MEMBER OF THE COUNCIL;~~

22                           ~~(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE~~  
23 ~~COUNCIL; BUT~~

24                           ~~(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE~~  
25 ~~STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE~~  
26 ~~BUDGET.~~

1           ~~(c) (1) A MAJORITY OF THE VOTING MEMBERS OF THE COUNCIL IS A~~  
2 ~~QUORUM.~~

3           ~~(2) (i) THE COUNCIL MAY ADOPT PROCEDURES NECESSARY TO~~  
4 ~~DO BUSINESS, INCLUDING THE CREATION OF COMMITTEES OR TASK FORCES.~~

5           ~~(ii) WITH THE CONSENT OF THE COUNCIL, THE CHAIR MAY~~  
6 ~~DESIGNATE ADDITIONAL INDIVIDUALS WITH RELEVANT EXPERTISE TO SERVE~~  
7 ~~ON A COMMITTEE OR TASK FORCE.~~

8           ~~(3) THE COUNCIL MAY CONSULT WITH STATE AGENCIES TO~~  
9 ~~COMPLETE THE DUTIES OF THE COUNCIL.~~

10          ~~(4) THE COUNCIL SHALL MEET AT LEAST FOUR TIMES A YEAR.~~

11 ~~§ 6D-04.~~

12           ~~THE PURPOSE OF THE COUNCIL IS TO:~~

13           ~~(1) DEVELOP A COMPREHENSIVE, COORDINATED, AND~~  
14 ~~COLLABORATIVE APPROACH TO THE USE OF STATE AND LOCAL RESOURCES FOR~~  
15 ~~PREVENTION, INTERVENTION, AND TREATMENT OF DRUG AND ALCOHOL ABUSE~~  
16 ~~AMONG THE CITIZENS OF THE STATE;~~

17           ~~(2) PROMOTE THE COORDINATED PLANNING AND DELIVERY OF~~  
18 ~~STATE DRUG AND ALCOHOL ABUSE PREVENTION, INTERVENTION, EVALUATION,~~  
19 ~~AND TREATMENT RESOURCES; AND~~

20           ~~(3) PROMOTE COLLABORATION AND COORDINATION BY STATE~~  
21 ~~SUBSTANCE ABUSE PROGRAMS WITH LOCAL DRUG AND ALCOHOL ABUSE~~  
22 ~~COUNCILS, LOCAL HEALTH SYSTEMS, AND PRIVATE DRUG AND ALCOHOL ABUSE~~  
23 ~~SERVICES PROVIDERS.~~

24 ~~§ 6D-05.~~

25           ~~THE COUNCIL SHALL:~~

26           ~~(1) IDENTIFY, DEVELOP, AND RECOMMEND THE~~  
27 ~~IMPLEMENTATION OF COMPREHENSIVE SYSTEMIC IMPROVEMENTS IN ALCOHOL~~  
28 ~~AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT SERVICES IN~~

~~1 THE STATE IN COORDINATION WITH STATE AND LOCAL CRIME PREVENTION  
2 AND HEALTH PROGRAMS;~~

~~3 (2) PREPARE AND ANNUALLY UPDATE A 2-YEAR PLAN;~~

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

~~10 (ii) INCLUDING BEST PRACTICES AND PROGRAMS,  
11 RECOMMENDATIONS FOR COORDINATION AND COLLABORATION WITH LOCAL  
12 AND PRIVATE PROGRAMS, AND EMERGING NEEDS FOR STATE SUBSTANCE  
13 ABUSE PREVENTION, INTERVENTION, AND TREATMENT SERVICES;~~

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

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

~~22 (5) (i) COORDINATE WITH THE GOVERNOR'S GRANTS OFFICE  
23 IN EFFORTS TO SEEK FUNDS FROM APPROPRIATE SOURCES FOR DRUG AND  
24 ALCOHOL ABUSE PREVENTION, INTERVENTION, AND TREATMENT SERVICES;~~

~~25 (ii) ADVISE LOCAL DRUG AND ALCOHOL ABUSE COUNCILS  
26 OF FUNDING OPPORTUNITIES; AND~~

~~27 (iii) RECEIVE, REVIEW, AND SERVE AS A REPOSITORY FOR  
28 STUDIES AND EVALUATIONS OF STATE AND LOCAL SUBSTANCE ABUSE  
29 PROGRAMS AND OTHER RELEVANT MATERIALS AND MAKE THE INFORMATION  
30 AVAILABLE TO STATE AND LOCAL AGENCIES.~~

~~31 8-6D-06.~~

1 ~~THE OFFICE OF THE GOVERNOR SHALL DESIGNATE THE STAFF FOR THE~~  
2 ~~COUNCIL.~~

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

6 (1) ~~four in 2010; and~~

7 (2) ~~three in 2011.~~

8 SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take  
9 effect October 1, 2007.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.