

SENATE BILL 761

E4, J1
HB 1099/09 – JUD & HGO

0lr3113
CF 0lr1039

By: **Senators Pugh, Forehand, and Kramer**
Introduced and read first time: February 10, 2010
Assigned to: Judicial Proceedings and Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Mental Health – Local Correctional Facilities – Incarcerated Individuals with**
3 **Mental Illness**

4 FOR the purpose of requiring the managing official of a local correctional facility to
5 provide access to a certain amount of medication to certain individuals under
6 certain circumstances; providing that part of a certain supply of medication may
7 be provided by prescription under certain circumstances; establishing immunity
8 from civil liability for certain persons; creating a certain exception; and
9 generally relating to mental health treatment for incarcerated individuals.

10 BY adding to
11 Article – Correctional Services
12 Section 11–206
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2009 Supplement)

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

17 **Article – Correctional Services**

18 **11–206.**

19 **(A) THIS SECTION DOES NOT APPLY TO PRETRIAL INMATES.**

20 **(B) THE MANAGING OFFICIAL OF A LOCAL CORRECTIONAL FACILITY**
21 **SHALL PROVIDE AN INMATE WHO HAS BEEN INCARCERATED IN A LOCAL**
22 **CORRECTIONAL FACILITY FOR AT LEAST 60 DAYS AND WHO HAS BEEN**
23 **DIAGNOSED WITH A MENTAL ILLNESS WITH ACCESS TO A 30–DAY SUPPLY OF**
24 **MEDICATION FOR THE MENTAL ILLNESS ON THE RELEASE OF THE INMATE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(C) PART OF THE 30-DAY SUPPLY OF MEDICATION PROVIDED UNDER**
2 **SUBSECTION (B) OF THIS SECTION MAY BE PROVIDED BY PRESCRIPTION IF THE**
3 **INMATE IS PROVIDED SUFFICIENT MEDICATION ON RELEASE THAT ENABLES**
4 **THE INMATE TO REMAIN MEDICATION-COMPLIANT UNTIL ADDITIONAL**
5 **MEDICATION BECOMES AVAILABLE FROM FILLING THE PRESCRIPTION.**

6 **(D) THIS SECTION SHALL APPLY ONLY IF A TREATING PHYSICIAN**
7 **DETERMINES THAT:**

8 **(1) THE RELEASED INMATE'S POSSESSION OF MEDICATION IN THE**
9 **QUANTITY PRESCRIBED IS IN THE BEST INTEREST OF THE INMATE; AND**

10 **(2) POSSESSION OF THE PRESCRIBED MEDICATION WILL NOT**
11 **CONSTITUTE A DANGER TO THE RELEASED INMATE.**

12 **(E) A LOCAL CORRECTIONAL FACILITY, AN EMPLOYEE OF A LOCAL**
13 **CORRECTIONAL FACILITY, OR AN AGENT OF A LOCAL CORRECTIONAL FACILITY,**
14 **INCLUDING A PHYSICIAN OR CORPORATE ENTITY PROVIDING MEDICAL**
15 **SERVICES TO INMATES ON BEHALF OF THE LOCAL CORRECTIONAL FACILITY,**
16 **MAY NOT BE HELD LIABLE UNDER THIS SECTION FOR ISSUING MEDICATION OR A**
17 **PRESCRIPTION FOR MEDICATION TO AN INMATE ON THE INMATE'S RELEASE,**
18 **NOTWITHSTANDING THAT THE RELEASED INMATE:**

19 **(1) IS NO LONGER UNDER THE CARE OR SUPERVISION OF THE**
20 **PRESCRIBING PHYSICIAN; AND**

21 **(2) MAY BE WITHOUT MEDICAL SUPERVISION FOR THE PERIOD**
22 **DURING WHICH THE MEDICATION HAS BEEN PROVIDED OR PRESCRIBED.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2010.