

HOUSE BILL 1618

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CF SB 1144

By: ~~Delegate Hammen~~ **Delegates Hammen, Angel, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, Sample-Hughes, West, and K. Young**

Introduced and read first time: March 2, 2016

Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, March 11, 2016

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2016

CHAPTER _____

1 AN ACT concerning

2 **Cigarette Restitution Fund – Establishment of Behavioral Health Treatment**
3 **Account and Funding for Substance Use Treatment Services**

4 FOR the purpose of requiring the Cigarette Restitution Fund to include a separate account
5 to be used for substance use treatment, with priority given to certain services and
6 housing, and for rate adjustments for certain agencies or programs; requiring the
7 account to contain certain payments; requiring certain distributions from the
8 account to be used to supplement and not supplant certain other funds; limiting
9 appropriations from the account in any fiscal year to a certain amount; requiring the
10 Governor to develop certain statements for each program, project, or activity
11 receiving funds from the account and to report the statements in a certain part of
12 the State budget submission; requiring the Governor to provide a certain report no
13 later than a certain date each year to the General Assembly on certain funds and on
14 certain outcomes and benefits; authorizing the Governor in certain fiscal years to
15 transfer by budget amendment certain funds for a certain purpose; repealing an
16 obsolete reference; making stylistic changes; and generally relating to the
17 establishment of a behavioral health treatment account in the Cigarette Restitution
18 Fund and funding for substance use treatment services.

19 BY repealing and reenacting, with amendments,
20 Article – State Finance and Procurement

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 Section 7–317
2 Annotated Code of Maryland
3 (2015 Replacement Volume)

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

6 **Article – State Finance and Procurement**

7 7–317.

8 (a) There is a Cigarette Restitution Fund.

9 (b) (1) The Fund is a continuing, nonlapsing fund that is not subject to §
10 7–302 of this subtitle.

11 (2) **[There] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS**
12 **SECTION, THERE** shall be credited to the Fund all revenues consisting of funds received
13 by the State from any source resulting, directly or indirectly, from any judgment against or
14 settlement with tobacco product manufacturers, tobacco research associations, or any other
15 person in the tobacco industry relating to litigation, administrative proceedings, or any
16 other claims made or prosecuted by the State to recover damages for violations of State law.

17 (3) There shall be credited to the Fund all money collected under § 24–508
18 of the Health – General Article or § 5–608 of the Labor and Employment Article.

19 (c) The Treasurer shall:

20 (1) invest and reinvest the Fund in the same manner as other State funds;
21 and

22 (2) credit any investment earnings to the Fund.

23 (d) Expenditures from the Fund shall be made by an appropriation in the annual
24 State budget.

25 (e) (1) The Fund shall be expended subject to any restrictions on its use or
26 other limitations on its allocation that are:

27 (i) expressly provided by statute;

28 (ii) required as a condition of the acceptance of funds; or

29 (iii) determined to be necessary to avoid recoupment by the federal
30 government of money paid to the Fund.

1 (2) The provisions of this subsection may not be construed to affect the
2 Governor's powers with respect to a request for an appropriation in the annual budget bill.

3 (g) (1) Amounts may only be expended from the Fund through appropriations
4 in the State budget bill as provided in this subsection.

5 (2) The Governor shall include in the annual budget bill appropriations
6 from the Fund equivalent to the lesser of \$100,000,000 or 90% of the funds estimated to be
7 available to the Fund in the fiscal year for which the appropriations are made.

8 (3) For each fiscal year for which appropriations are made, at least 50% of
9 the appropriations shall be made for those purposes enumerated in subsection (f)(1)(i), (ii),
10 and (iii) 1 through [9] 8 of this section subject to the requirement of subsection (e)(2) of this
11 section.

12 (4) For each fiscal year for which appropriations are made, at least 30% of
13 the appropriations shall be made for the purposes of the Maryland Medical Assistance
14 Program.

15 (5) For each fiscal year for which appropriations are made, 0.15% of the
16 Fund shall be appropriated for the purposes of enforcement of Title 16, Subtitle 5 of the
17 Business Regulation Article.

18 (6) Any additional appropriations, not subject to paragraph (3), paragraph
19 (4), or paragraph (5) of this subsection, may be made for any lawful purpose.

20 **(H) (1) THE FUND SHALL INCLUDE A SEPARATE BEHAVIORAL HEALTH**
21 **TREATMENT ACCOUNT TO BE USED FOR:**

22 **(I) SUBSTANCE USE TREATMENT, WITH PRIORITY GIVEN TO:**

23 **1. RESIDENTIAL TREATMENT SERVICES;**

24 **2. RECOVERY SUPPORT HOUSING; AND**

25 **3. CRISIS RESPONSE SERVICES FOR INDIVIDUALS WITH**
26 **SUBSTANCE USE DISORDERS; AND**

27 **(II) RATE ADJUSTMENTS FOR COMMUNITY-BASED AGENCIES**
28 **OR PROGRAMS FUNDED BY THE BEHAVIORAL HEALTH ADMINISTRATION OR THE**
29 **MEDICAL CARE PROGRAMS ADMINISTRATION THAT SERVE INDIVIDUALS WITH**
30 **MENTAL DISORDERS, SUBSTANCE-RELATED DISORDERS, OR A COMBINATION OF**
31 **THESE DISORDERS.**

1 **(2) THE ACCOUNT SHALL CONTAIN PAYMENTS RECEIVED BY THE**
2 **STATE AS A RESULT OF LITIGATION BY PARTICIPATING MANUFACTURERS RELATED**
3 **TO THE STATE'S DILIGENT ENFORCEMENT OF TITLE 16, SUBTITLE 4 OF THE**
4 **BUSINESS REGULATION ARTICLE.**

5 **(3) DISTRIBUTIONS FROM THE ACCOUNT TO PROGRAMS FUNDED BY**
6 **THE STATE OR WITH FEDERAL FUNDS ADMINISTERED BY THE STATE SHALL BE USED**
7 **SOLELY TO SUPPLEMENT, AND NOT TO SUPPLANT, FUNDS OTHERWISE AVAILABLE**
8 **FOR THE PROGRAMS UNDER FEDERAL OR STATE LAW.**

9 **(4) NO MORE THAN \$10,000,000 MAY BE APPROPRIATED FROM THE**
10 **ACCOUNT IN ANY FISCAL YEAR.**

11 **[(h)] (I)** For each program, project or activity receiving funds appropriated
12 under **[subsection] SUBSECTIONS (g)(3) AND (H)** of this section, the Governor shall:

13 (1) develop appropriate statements of vision, mission, key goals, key
14 objectives, and key performance indicators and report these statements in a discrete part
15 of the State budget submission, which shall also provide data for key performance
16 indicators; and

17 (2) report annually, subject to § 2-1246 of the State Government Article,
18 to the General Assembly no later than November 1 on:

19 (i) total funds expended, by program and subdivision, in the prior
20 fiscal year from the Fund established under this section; and

21 (ii) the specific outcomes or public benefits resulting from that
22 expenditure.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor in fiscal year
24 2017 may transfer by budget amendment no less than \$2,500,000, and up to \$5,000,000,
25 from the Cigarette Restitution Fund to the Behavioral Health Administration in the
26 Department of Health and Mental Hygiene in order to increase the funding made available
27 in the fiscal year 2017 budget to support substance use treatment services, including
28 recovery housing, residential treatment, and crisis services. This funding may not supplant
29 existing State funding.

30 SECTION 3. AND BE IT FURTHER ENACTED, That the Governor in fiscal year
31 2018 may transfer by budget amendment no less than \$2,500,000, and up to \$5,000,000,
32 from the Cigarette Restitution Fund to the Behavioral Health Administration in the
33 Department of Health and Mental Hygiene in order to increase the funding made available
34 in the fiscal year 2018 budget to support substance use treatment services, including
35 recovery housing, residential treatment, and crisis services. This funding may not supplant
36 existing State funding.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.