



House Bill 203

Correctional Services – Local Detention Centers – Reporting on Opioid Use Disorder

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Judiciary Committee

Date: March 7, 2024

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS HB 203 WITH AMENDMENTS**. This bill clarifies reporting requirements for local detention centers providing medication-assisted treatment (MAT) to incarcerated individuals with an opioid use disorder. It does so by eliminating four reporting redundancies from the original medication-assisted treatment mandate. **MACo amendments would support these important services with proper funding.**

Counties appreciate the agency's effort to streamline some of the reporting mandates, so that more time can be spent on the care of the individuals. Providing services for inmates with an opioid use disorder requires resources and efficiency. This bill removes some barriers to that outcome and facilitates better collaboration with the State as Maryland works toward minimizing the number of opioid overdose fatalities.

Local detention centers agree that this is an important time to frame the means to make these services as successful as possible, particularly with one of the most vulnerable populations in the community. Counties and State stakeholders have spent the last five years discussing ways to make these programs sustainable, and one consensus has been resoundingly clear – the required State funding has not been effectively provided. The Office of the Attorney General issued a formal letter of advice clarifying that the lack of funding from the State converts the mandate to a nonbinding option. **MACo amendments would address this disconnect between funding and policy, and extend these services with proper support.**

Counties believe MAT services for incarcerated individuals are a necessary component to curbing the number of overall opioid fatalities. However, it cannot be done if the resources are not available. State and local government agencies, non-profits, and community-based stakeholders all agree: sustainable funding from the State is necessary in providing these services. Local governments support the procedural clarifications presented in HB 203, but believe – after five years of uncertainty – it is an appropriate time to address the funding challenges that have hindered implementation.

Counties propose the below amendments to specify a sustainable funding pathway that uses opioid settlement funds, in conjunction with state general funds, to fulfill the State's statutory obligation from the original mandate to fund the local programs. While counties appreciate the effort to repair elements from the original MAT legislation, the effort must also address the required state funding. For this reason, **MACo urges a FAVORABLE WITH AMENDMENTS report on HB 203** (amendments detailed on next page).

AMENDMENTS OFFERED BY MACo

On page 4, line 32, remove:

[As provided in the State budget,]

On page 4, after line 34 insert:

“(1) IN ACCORDANCE WITH SUBSECTION I OF THIS SECTION, FOR EACH FISCAL YEAR THE STATE SHALL PROVIDE EACH COUNTY FUNDING EQUAL TO THE COST OF THEIR MEDICATION-ASSISTED TREATMENT PROGRAM, AS OUTLINED IN THIS SECTION, FOR THE PRECEDING FISCAL YEAR.

(2) FUNDS, CONSISTENT WITH THE FULL COST OF THE LOCAL MEDICATION-ASSISTED TREATMENT PROGRAMS SHALL BE PROVIDED FROM:

(I) THE STATE’S PORTION OF OPIOID SETTLEMENT FUNDS THROUGH THE MARYLAND DEPARTMENT OF HEALTH; OR

(II) THROUGH A GENERAL FUND APPROPRIATION.

(3) ON OR BEFORE OCTOBER 1 OF EACH YEAR, A COUNTY SHALL SUBMIT TO THE OFFICE OF OVERDOSE RESPONSE, IN THE MARYLAND DEPARTMENT OF HEALTH, A REPORT WITH:

(I) THE NUMBER OF DAYS EACH INMATE WAS PROVIDED ALL SERVICES REQUIRED BY THE MEDICATION-ASSISTED TREATMENT PROGRAM AS OUTLINED IN THIS SECTION FOR THE PREVIOUS FISCAL YEAR;

(II) THE TOTAL ITEMIZED COSTS INCURRED FOR MEDICATION-ASSISTED TREATMENT SERVICES IN THE LOCAL FACILITY; AND

(III) ANY OTHER INFORMATION REASONABLY REQUIRED BY THE DEPARTMENT.

(4) REPORTS SUBMITTED BEFORE OCTOBER 1, 2025, MAY INCLUDE PRIOR YEAR EXPENDITURES NOT PREVIOUSLY FULFILLED BY STATE FUNDING.

(II) IF A COUNTY FAILS TO SUBMIT THE INFORMATION REQUIRED UNDER PARAGRAPH THREE OF THIS SUBECTION BY OCTOBER 1 OF EACH YEAR, THE DEPARTMENT MAY DEDUCT AN AMOUNT EQUAL TO 20% OF THE FUNDING REQUIRED UNDER SUBPARAGRAPH TWO OF THIS SUBSECTION FOR EACH 30 DAYS OR PART OF 30 DAYS AFTER THE DUE DATE THAT THE INFORMATION WAS NOT SUBMITTED.”