

First Regular Session 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 499

AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 12-23-21.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 21.2. Opioid Treatment Pilot Program

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Certified treatment provider" means a person certified by the division to provide opioid treatment services.**
- (2) "Division" means the division of mental health and addiction.**
- (3) "Opioid treatment services" means evidence based treatment and recovery support services provided in an inpatient, residential, or outpatient setting to individuals diagnosed with opioid use disorder. The services include:
 - (A) opioid reversal medication;**
 - (B) addiction counseling;**
 - (C) inpatient detoxification; and**
 - (D) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid dependence.****
- (4) "Program" means the opioid treatment pilot program for**

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opioid use disorder established under section 2 of this chapter.

Sec. 2. (a) Subject to the approval of the Indiana commission to combat drug abuse, the division of mental health and addiction shall establish a three (3) year opioid treatment pilot program for opioid use disorder.

(b) The program shall be designed to assist participants in overcoming opioid use disorder by providing inpatient, residential, and outpatient opioid treatment services.

(c) An individual is eligible to participate in the program if the individual is:

- (1) at least eighteen (18) years of age;**
- (2) not being charged with a felony or misdemeanor; and**
- (3) incapacitated by opioid use disorder as demonstrated by the fact that the individual is at serious risk of injury or death due to abuse of opioids.**

(d) The division shall establish the program in the following counties:

- (1) Tippecanoe County.**
- (2) Marion County.**
- (3) Wayne County.**

(e) A county may use:

- (1) outpatient commitment proceedings under IC 12-26-14; and**
- (2) commitment proceedings under IC 12-26;**

in appropriate cases if a person meets the requirements of the statute.

Sec. 3. (a) Opioid treatment services may be provided only by a certified treatment provider.

(b) A certified treatment provider shall do the following:

- (1) Conduct initial and periodic behavioral health assessments for each patient.**
- (2) Provide opioid treatment services.**
- (3) Periodically review each patient's treatment plan.**
- (4) Consider changes to the treatment plan with the goal of requiring the minimal clinically necessary medication dose, including, when appropriate, the goal of opioid abstinence.**
- (5) Transition off agonist and partial agonist therapies with the goal, when appropriate, of opioid abstinence.**
- (6) Provide reintegration services, which may include:**
 - (A) case management;**
 - (B) daily living skills;**
 - (C) vocational services;**



- (D) housing assistance;
- (E) community support services; and
- (F) care coordination.

(c) The commission may make a grant, or authorize the use of an existing grant, to establish and maintain an electronic system that may be used for one (1) or more of the following:

- (1) Electronic remote monitoring of a person receiving treatment in the program.
- (2) Videoconferencing to allow a provider to examine or provide treatment to a person receiving treatment at a distant location.
- (3) Videoconferencing among a court, a person receiving treatment in the program, and any other persons whose presence may be necessary or useful.

Sec. 4. (a) The division shall maintain and operate or contract with a certified treatment provider to provide opioid treatment services in accordance with this chapter.

(b) The division may use available state owned buildings that may be converted and used to provide inpatient treatment for opioid detoxification, treatment, and reintegration services as described in this chapter.

Sec. 5. (a) The division shall collect data and report the outcomes of the services provided under this chapter to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2020.

(b) The report shall include the following:

- (1) The number of patients served by the program.
- (2) The average length of time spent in the program.
- (3) The number and type of opioid treatment services provided by the program.
- (4) The number of patients demonstrating improvement in functioning, as defined by the division, while receiving opioid treatment services in the program.
- (5) The number of patients who transitioned to opioid abstinence.
- (6) A summary description of the most effective opioid treatment services.
- (7) The patient relapse rate after leaving the program.
- (8) The number of patients arrested upon leaving the program, and the reason for the arrest, if known.
- (9) Recommendations to improve the effectiveness and efficiency of the program.



Sec. 6. This chapter expires December 31, 2020.

SECTION 2. IC 35-48-4-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 12.5. (a) This section applies to a person:**

(1) charged with or convicted of a violation of section 6 of this chapter based on the possession of a narcotic drug classified in schedule I or II; and

(2) who was administered an overdose intervention drug (as defined in IC 16-18-2-263.9) for an acute opioid overdose.

(b) Except as provided in subsection (c), a person to whom this section applies is entitled to be enrolled on a priority basis in:

(1) a forensic diversion program (as described in IC 11-12-3.7) providing a treatment plan for a person with an addictive disorder;

(2) a pretrial diversion program offered by the prosecuting attorney that mandates treatment for addictive disorders; or

(3) another county program, including a drug court program, that provides treatment for persons suffering from addictive disorders who have been charged with or convicted of a drug offense.

(c) A person to whom this section applies is not entitled to enrollment in a program described in subsection (b) if:

(1) an appropriate program is not available in the county;

(2) the person is not eligible for an appropriate program; or

(3) placement in a program is not appropriate due to the person's criminal history.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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