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Date: (Filing No. S-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 618, L.D. 1682, Bill, “An Act To Ensure the Quality of and Increase Access to Recovery Residences”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 5 MRSA §20001, as enacted by PL 1989, c. 934, Pt. A, §3, is amended to read:

§20001. Title

This chapter may be known and cited as the "Maine Substance Abuse Prevention ~~and~~, Treatment and Recovery Act."

Sec. 2. 5 MRSA §20002, sub-§1, as amended by PL 2007, c. 116, §1, is further amended to read:

1. Integrated and comprehensive approach. To adopt an integrated approach to the problem of alcohol and other drug abuse and to focus all the varied resources of the State on developing a comprehensive and effective range of alcohol and other drug abuse prevention ~~and~~, treatment and recovery activities and services;

Sec. 3. 5 MRSA §20002, sub-§2, as amended by PL 2011, c. 657, Pt. AA, §5, is further amended to read:

2. Coordination of activities and services. To establish within the Department of Health and Human Services the responsibility for planning, developing, implementing, coordinating and evaluating all of the State's alcohol and other drug abuse prevention ~~and~~, treatment and recovery activities and services;

Sec. 4. 5 MRSA §20003, sub-§17-A is enacted to read:

17-A. Person recovering from a substance use disorder. "Person recovering from a substance use disorder" means an alcoholic, a drug abuser, a drug addict or a drug-dependent person.

COMMITTEE AMENDMENT

1 **Sec. 5. 5 MRSA §20003, sub-§19-A** is enacted to read:

2 **19-A. Recovery residence.** "Recovery residence" means a shared living residence
3 for persons recovering from a substance use disorder that: is focused on peer support;
4 provides to its residents an environment free of alcohol and illegal drugs; and assists its
5 residents by connecting the residents to support services or resources in the community
6 that are available to persons recovering from a substance use disorder.

7 **Sec. 6. 5 MRSA §20005, sub-§1**, as amended by PL 1991, c. 601, §6, is further
8 amended to read:

9 **1. State Government.** Establish the overall plans, policies, objectives and priorities
10 for all state alcohol and other drug abuse prevention ~~and~~ treatment and recovery
11 functions, except the prevention of drug traffic and the State Employee Assistance
12 Program established pursuant to Title 22, chapter 254-A;

13 **Sec. 7. 5 MRSA §20005, sub-§12**, as amended by PL 2011, c. 657, Pt. AA, §20,
14 is further amended to read:

15 **12. Rules.** Adopt rules, in accordance with the Maine Administrative Procedure Act,
16 necessary to carry out the purposes of this chapter and approve any rules adopted by state
17 agencies for the purpose of implementing alcohol or drug abuse prevention ~~or~~ treatment
18 or recovery programs.

19 All state agencies must comply with rules adopted by the department regarding uniform
20 alcohol and other drug abuse contracting requirements, formats, schedules, data
21 collection and reporting requirements;

22 **Sec. 8. 5 MRSA §20005, sub-§20**, as amended by PL 2005, c. 674, §1, is further
23 amended to read:

24 **20. Review policies.** Review the full range of public policies and strategies existing
25 in State Government to identify changes that would strengthen its response, identify
26 policies that might discourage excessive consumption of alcohol and other drugs and
27 generate new funding for alcohol and other drug services; ~~and~~

28 **Sec. 9. 5 MRSA §20005, sub-§21**, as enacted by PL 2005, c. 674, §2, is amended
29 to read:

30 **21. List of banned performance-enhancing substances.** Develop and maintain a
31 list of banned performance-enhancing substances in accordance with Title 20-A, section
32 6621-; and

33 **Sec. 10. 5 MRSA §20005, sub-§22** is enacted to read:

34 **22. Certification of recovery residences.** Establish by rule criteria for the
35 certification of recovery residences. The criteria for the certification of recovery
36 residences must be based on criteria for recovery residences developed by a nationally
37 recognized organization that supports persons recovering from a substance use disorder.
38 Certification of a recovery residence pursuant to this subsection is voluntary. Rules
39 adopted pursuant to this subsection are routine technical rules as defined in chapter 375,
40 subchapter 2-A.

1 **Sec. 11. 5 MRSA §20008, first ¶**, as amended by PL 2011, c. 657, Pt. AA, §26,
2 is further amended to read:

3 The department shall establish and provide for the implementation of a
4 comprehensive and coordinated program of alcohol and drug abuse prevention ~~and~~,
5 treatment and recovery in accordance with subchapters 2 and 3 and the purposes of this
6 Act. The program must include the following elements.

7 **Sec. 12. 5 MRSA §20009, first ¶**, as amended by PL 2011, c. 657, Pt. AA, §29,
8 is further amended to read:

9 The department shall plan alcohol and drug abuse prevention ~~and~~, treatment and
10 recovery activities in the State and prepare and submit to the Legislature the following
11 documents:

12 **Sec. 13. 5 MRSA §20022, first ¶**, as amended by PL 2011, c. 657, Pt. AA, §31,
13 is further amended to read:

14 As part of its comprehensive prevention ~~and~~, treatment and recovery program, the
15 department shall operate an information clearinghouse and oversee, support and
16 coordinate a resource center within the Department of Education. The information
17 clearinghouse and resource center constitute a comprehensive reference center of
18 information related to the nature, prevention and treatment of and recovery from alcohol
19 and other drug abuse. In fulfillment of the requirement of this section, the resource center
20 may be located within the Department of Education and may operate there pursuant to a
21 memorandum of agreement between the departments. Information must be available for
22 use by the general public, political subdivisions, public and private nonprofit agencies
23 and the State.

24 **Sec. 14. 5 MRSA §20041, sub-§1**, as amended by PL 2011, c. 657, Pt. AA, §34,
25 is further amended to read:

26 **1. Data collection; sources.** The department shall collect data and use information
27 from other sources to evaluate or provide for the evaluation of the impact, quality and
28 value of alcohol and drug abuse prevention activities, treatment facilities, recovery
29 services and other alcohol and other drug abuse programs.

30 **Sec. 15. 5 MRSA §20041, sub-§2**, as amended by PL 1991, c. 601, §20, is
31 further amended to read:

32 **2. Content of evaluation.** Any evaluation of treatment facilities must include, but is
33 not limited to, administrative adequacy and capacity, policies and treatment planning and
34 delivery. Alcohol and drug abuse prevention ~~and~~, treatment and recovery services
35 authorized by this Act and by the following federal laws and amendments that relate to
36 drug abuse prevention must be evaluated:

37 A. The Drug Abuse Office and Treatment Act of 1972, 21 United States Code,
38 Section 1101 et seq. (1982);

39 B. The Community Mental Health Centers Act, 42 United States Code, Section 2688
40 et seq. (1982);

41 C. The Public Health Service Act, 42 United States Code, Section 1 et seq. (1982);

1 D. The Vocational Rehabilitation Act, 29 United States Code, Section 701 et seq.
2 (1982);

3 E. The Social Security Act, 42 United States Code, Section 301 et seq. (1982); and

4 F. The federal Comprehensive Alcohol Abuse and Alcoholism Prevention,
5 Treatment and Rehabilitation Act of 1970, Public Law 91-616 (1982) and similar
6 Acts.

7 **Sec. 16. 22-A MRSA §206, sub-§8**, as enacted by PL 2007, c. 539, Pt. N, §45, is
8 amended to read:

9 **8. Substance abuse prevention, treatment and recovery.** The commissioner shall
10 administer and carry out the purposes of the Maine Substance Abuse Prevention ~~and~~
11 Treatment and Recovery Act.

12 **Sec. 17. Rental subsidies for certified recovery residences.** The Maine State
13 Housing Authority shall develop a pilot project to provide a short-term rental subsidy to a
14 person recovering from a substance use disorder, as defined in the Maine Revised
15 Statutes, Title 5, section 20003, subsection 17-A, to reside in a recovery residence
16 certified pursuant to Title 5, section 20005, subsection 22. Rules adopted pursuant to this
17 section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

18 **Sec. 18. Maine Revised Statutes headnote amended; revision clause.** In
19 the Maine Revised Statutes, Title 5, Part 25, in the Part headnote, the words "substance
20 abuse prevention and treatment" are amended to read "substance abuse prevention,
21 treatment and recovery" and the Revisor of Statutes shall implement this revision when
22 updating, publishing or republishing the statutes.

23 **Sec. 19. Maine Revised Statutes headnote amended; revision clause.** In
24 the Maine Revised Statutes, Title 5, chapter 521, in the chapter headnote, the words
25 "substance abuse prevention and treatment" are amended to read "substance abuse
26 prevention, treatment and recovery" and the Revisor of Statutes shall implement this
27 revision when updating, publishing or republishing the statutes.

28 **Sec. 20. Appropriations and allocations.** The following appropriations and
29 allocations are made.

30 **HOUSING AUTHORITY, MAINE STATE**

31 **Rental Subsidies for Certified Recovery Residences N277**

32 Initiative: Provides one-time funds for rental subsidies for certified recovery residences.

33	GENERAL FUND	2017-18	2018-19
34	All Other	\$0	\$100,000
35			
36	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$100,000</u>
37			

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SUMMARY

This amendment, which is the majority report of the committee, adds definitions of "person recovering from a substance use disorder" and "recovery residence" and directs the Department of Health and Human Services to establish a voluntary certification process for recovery residences. It also directs the Maine State Housing Authority to create a pilot project to provide a short-term rental subsidy to a person recovering from a substance use disorder to reside in a certified recovery residence.

It also adds recovery to substance abuse prevention and treatment in the context of activities and services under the laws addressing alcohol and drug abuse. It also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)