

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1583

H.P. 1028

House of Representatives, April 11, 2023

An Act to Provide a Pathway to Sobriety for Formerly or Currently Incarcerated Individuals

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative WHITE of Guilford.
Cosponsored by Senator BRAKEY of Androscoggin and
Representatives: ARDELL of Monticello, BOYER of Poland, GREENWOOD of Wales,
HYMES of Waldo, PERKINS of Dover-Foxcroft, Senator: GUERIN of Penobscot.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §20056** is enacted to read:

3 **§20056. Services for individuals released from Department of Corrections custody**

4 **1. Services for formerly incarcerated individuals.** The department shall coordinate
5 with the Commissioner of Corrections to provide treatment and placement in certified
6 recovery residences as described in section 20057 to those individuals who received
7 comprehensive substance use disorder treatment services under Title 34-A, section 3052
8 and have been identified as no longer requiring medication-assisted treatment or alternative
9 treatment as described in Title 34-A, section 3052, subsection 1-B. The department shall
10 provide individuals served under this section with weekly screening for a period of 3 years
11 beginning from the date the individual is identified as no longer using medication-assisted
12 treatment. Screening must show no evidence of a dependency-related drug or medication-
13 assisted treatment.

14 **2. Costs.** Recovery residence placement for individuals released from Department of
15 Corrections custody must be provided at a cost that is no greater than the cost of providing
16 a hotel room in the area to an individual.

17 **Sec. 2. 34-A MRSA §3052, sub-§1,** as enacted by PL 2021, c. 706, §1 and
18 reallocated by RR 2021, c. 2, Pt. A, §120, is amended to read:

19 **1. Screening, assessment and treatment.** The program must include screening,
20 assessment and treatment, including, but not limited to, screening during the intake process,
21 medically managed withdrawal, medication-assisted treatment, alternative treatment as
22 described in subsection 1-A, individual and group counseling and other behavioral
23 treatment options. Medication-assisted treatment must use medications approved or
24 authorized by the United States Food and Drug Administration for the treatment of
25 substance use disorder, including alcohol use disorder, including at least one of each
26 formulation of all United States Food and Drug Administration-approved medication-
27 assisted treatments for those disorders.

28 **Sec. 3. 34-A MRSA §3052, sub-§1-A** is enacted to read:

29 **1-A. Alternative treatment.** A correctional facility must offer an alternative
30 treatment to a person with substance use disorder, including alcohol use disorder, residing
31 in a correctional facility and provide the treatment if it is requested. For the purposes of
32 this section, "alternative treatment" means treatment using plant-based therapies, including,
33 but not limited to, cannabis products as defined in Title 28-B, section 102, subsection 33
34 or Title 22, section 2422, subsection 4-I or traditional herbal medications. Alternative
35 treatment options must be legal in this State but do not need to be recognized by the United
36 States Food and Drug Administration as approved treatment for substance use disorder.

37 **Sec. 4. 34-A MRSA §3052, sub-§1-B** is enacted to read:

38 **1-B. Program standards.** The program must include standards that result in at least
39 30% of individuals in the program no longer requiring medication-assisted treatment or
40 alternative treatment as determined by correctional facility medical staff after participating
41 in the program for a period of up to 6 months. Those individuals who are identified as no
42 longer requiring medication-assisted treatment or alternative treatment may still participate
43 in other program activities, including, but not limited to, individual or group counseling.

1 other behavioral treatment options and other activities related to recovery. The program
2 must demonstrate that those individuals are identified as no longer requiring medication-
3 assisted treatment or alternative treatment after one year and 2 years following the
4 discontinuation of medication-assisted treatment or alternative treatment. The program
5 must ensure that those individuals who are identified as no longer requiring medication-
6 assisted treatment or alternative treatment undertake weekly screening that demonstrates
7 no evidence of substance use, medication-assisted treatment or alternative treatment. The
8 30% of individuals in the program who are identified as no longer requiring medication-
9 assisted treatment or alternative treatment may include individuals who reside in
10 correctional facilities or individuals who have been released but continue to receive
11 services after release as established in subsection 3 and Title 5, section 20056.

12 **Sec. 5. 34-A MRSA §3052, sub-§1-C** is enacted to read:

13 **1-C. Program renewal; cancellation.** Failure to meet the 30% program standards
14 required under subsection 1-B results in a cancellation of the contract for the program. The
15 department shall contract with another organization for a comprehensive substance use
16 disorder treatment program within 6 months of the failure or at the end of the contracted
17 period if less than 6 months.

18 SUMMARY

19 This bill makes changes to the comprehensive substance use disorder treatment
20 program maintained by the Commissioner of Corrections for individuals residing in
21 correctional facilities and for individuals released from Department of Corrections custody.

22 1. It requires correctional facilities to offer alternative treatment that is plant-based,
23 including traditional herbal medications or cannabis products, to residents receiving
24 treatment for substance use disorder. If requested, the alternative treatment must be
25 provided. Such treatments must be legal in this State but do not need to be approved by
26 the United States Food and Drug Administration.

27 2. It requires the program to adopt a standard that requires 30% of participants in the
28 program to no longer require medication-assisted treatment or alternative treatment after 6
29 months. The program must continue to show that participants no longer require such
30 medications or alternative treatment after one year and 2 years. The 30% may include
31 individuals who continue to reside in correctional facilities or have been released and are
32 receiving services in the community.

33 3. If the contracted organization providing services to the correctional facilities does
34 not maintain the standard of 30% of participants no longer requiring medical or alternative
35 treatment, the contract must be cancelled and the Department of Corrections must seek a
36 new provider.

37 4. It requires those individuals identified as no longer requiring medical or alternative
38 treatment to undertake weekly screening for 3 years.

39 5. It requires the Department of Health and Human Services to provide recovery
40 residence placements to individuals who were receiving services in correctional facilities
41 and have been identified as no longer requiring medication-assisted treatment or alternative
42 treatment. The cost of each placement must be no more than the cost of providing a hotel
43 room in the area to the individual.