

491

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law and the state finance law, in relation to the reinvestment of funds into community-based services for persons suffering from chemical dependence

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative intent and findings.     The legislature finds  
2     that declines in the state prison inmate census, due to the utilization  
3     of alternatives to incarceration and changes in the sentencing laws for  
4     persons convicted of drug offenses, create concomitant demand and strain  
5     on community-based chemical dependence treatment services.  
6     The legislature also finds that as state expenditures for incarcerated  
7     individuals are reduced due to the aforementioned interventions, it is  
8     necessary and appropriate to establish a dedicated fund, comprised of  
9     those savings, which will be reinvested into the development and expansion  
10    of community-based chemical dependence treatment and prevention  
11    programs.  
12    The legislature further finds that as it is well established that  
13    chemical dependence prevention and treatment is the most effective  
14    response to chemical abuse and addiction and the resulting criminal  
15    offenses, the availability of effective prevention and treatment  
16    programs should be a prominent component of the state's response.  
17    S 2. Section 1.03 of the mental hygiene law is amended by adding a new  
18    subdivision 56 to read as follows:  
19    56.    "COMMUNITY CHEMICAL DEPENDENCE REINVESTMENT SERVICES" SHALL  
20    INCLUDE CHEMICAL DEPENDENCE SERVICES AS DEFINED IN SUBDIVISION  
21    FIFTY-FIVE OF THIS SECTION.  
22    S 3. The mental hygiene law is amended by adding a new section 22.12  
23    to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 S 22.12 COMMUNITY REINVESTMENT PROGRAM.

2 (A) THE COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE  
3 SERVICES SHALL PLAN, PROMOTE, ESTABLISH, DEVELOP, COORDINATE, EVALUATE,  
4 AND CONDUCT PROGRAMS AND SERVICES OF PREVENTION, DIAGNOSIS, EXAMINATION,  
5 CARE, TREATMENT, REHABILITATION, EDUCATION AND VOCATIONAL TRAINING, AND  
6 RESEARCH FOR THE BENEFIT OF INDIVIDUALS WHO SUFFER FROM AND/OR ARE AT  
7 RISK FOR CHEMICAL DEPENDENCE. SUCH PROGRAMS SHALL BE LICENSED OR  
8 APPROVED BY THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES AND  
9 SHALL INCLUDE BUT NOT BE LIMITED TO INPATIENT, RESIDENTIAL, HALF-WAY  
10 HOUSE, OUTPATIENT, METHADONE MAINTENANCE TREATMENT, EMERGENCY, REHABILI-  
11 TATIVE, EDUCATIONAL AND VOCATIONAL AND OTHER APPROPRIATE TREATMENT,  
12 PREVENTION AND SUPPORT SERVICES.

13 (B) ALL MONEYS RECEIVED OR ACCEPTED PURSUANT TO THIS SECTION SHALL BE  
14 DEPOSITED INTO THE CHEMICAL DEPENDENCE REINVESTMENT FUND ESTABLISHED  
15 PURSUANT TO SECTION NINETY-NINE-Q OF THE STATE FINANCE LAW.

16 (C) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, IN APPROVING  
17 FUNDS PURSUANT TO SECTION NINETY-NINE-Q OF THE STATE FINANCE LAW AND  
18 SECTION 26.00 OF THIS TITLE, THE COMMISSIONER OF THE OFFICE OF ALCOHOL-  
19 ISM AND SUBSTANCE ABUSE SERVICES SHALL CONSIDER THE EXTENT TO WHICH  
20 LOCAL GOVERNMENTAL UNITS HAVE MAINTAINED LOCAL CONTRIBUTIONS FOR EXPEND-  
21 ITURES IN ANY LOCAL FISCAL YEAR FOR LOCAL OR UNIFIED SERVICES, AS APPLI-  
22 CABLE, PROVIDED TO PERSONS DIAGNOSED WITH CHEMICAL DEPENDENCE AND MADE  
23 PURSUANT TO THIS ARTICLE, AT A LEVEL EQUAL TO OR GREATER THAN THE AMOUNT  
24 EXPENDED THAT FISCAL YEAR. SUCH COMMISSIONER SHALL BE AUTHORIZED TO  
25 REDUCE PAYMENTS MADE TO LOCAL GOVERNMENTAL UNITS WHICH HAVE RECEIVED  
26 GRANTS PURSUANT TO THIS SECTION, IN THE FOLLOWING FISCAL YEAR FOR FAIL-  
27 URE TO MAINTAIN EXPENDITURES. FUNDS ANNUALLY APPROPRIATED BY THE LEGIS-  
28 LATURE FOR COMMUNITY CHEMICAL DEPENDENCE REINVESTMENT SERVICES ARE  
29 INTENDED TO PAY FOR THE DEVELOPMENT, EXPANSION, AND OPERATION OF COMMU-  
30 NITY CHEMICAL DEPENDENCE SERVICES. ANNUAL COMMUNITY CHEMICAL DEPENDENCE  
31 REINVESTMENT FUNDS SHALL NOT BE USED TO SUPPLANT OR REPLACE COMMUNITY  
32 CHEMICAL DEPENDENCE COSTS OF ANY PROVIDER THAT WERE PREVIOUSLY PAID FROM  
33 THE PRIOR YEAR'S OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES  
34 GENERAL FUND APPROPRIATIONS FOR THE IDENTICAL PURPOSE.

35 (D) THERE IS HEREBY ESTABLISHED THE STATE INTERAGENCY COUNCIL ON CHEM-  
36 ICAL DEPENDENCE REINVESTMENT FUND UTILIZATION. THIS COUNCIL SHALL DEVEL-  
37 OP AND IMPLEMENT A SCHEDULE FOR STUDYING CHEMICAL DEPENDENCE PREVENTION  
38 AND TREATMENT PROGRAMS, FOCUSING ON THE AVAILABILITY OF SUCH PROGRAMS  
39 AND WHETHER THESE PROGRAMS ADEQUATELY MEET THE NEEDS OF THOSE INMATES  
40 RELEASED FROM DEPARTMENT OF CORRECTIONS FACILITIES. FURTHER, THIS COUN-  
41 CIL SHALL RECOMMEND ANY NEEDED EXPANSIONS TO CHEMICAL DEPENDENCE TREAT-  
42 MENT PROGRAMS. BY JANUARY FIRST OF THE YEAR FOLLOWING IMPLEMENTATION OF  
43 THIS SECTION, THIS COUNCIL SHALL REPORT ITS FINDING TO THE GOVERNOR, THE  
44 TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY. SUCH  
45 COUNCIL SHALL OPERATE INDEPENDENTLY AND SHALL CONSIST OF A CHAIRPERSON,  
46 CHOSEN BY THE COUNCIL MEMBERS, AND THE COMMISSIONERS OF THE OFFICE OF  
47 ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, THE OFFICE OF COURT ADMINIS-  
48 TRATION, THE DIVISION OF CRIMINAL JUSTICE SERVICES, THE DEPARTMENT OF  
49 CORRECTIONAL SERVICES, AND THE OFFICE OF CHILDREN AND FAMILY SERVICES.  
50 THE COUNCIL SHALL ALSO CONSIST OF NINE REPRESENTATIVES SELECTED FROM THE  
51 FOLLOWING THREE COMMUNITIES AS FOLLOWS: THREE REPRESENTATIVES FROM THE  
52 SERVICE PROVIDER COMMUNITY; THREE REPRESENTATIVES FROM THE CONSUMER  
53 COMMUNITY; AND THREE REPRESENTATIVES WHO SHALL BE FAMILY MEMBERS OF  
54 CONSUMERS. ONE REPRESENTATIVE FROM EACH OF THESE THREE COMMUNITIES SHALL  
55 BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, THE GOVERNOR, THE

1 SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE ASSEMBLY AND THE  
2 MINORITY LEADER OF THE SENATE.

3 S 4. The state finance law is amended by adding a new section 99-q to  
4 read as follows:

5 S 99-Q. CHEMICAL DEPENDENCE REINVESTMENT FUND. 1. THERE IS HEREBY  
6 ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER AND THE COMMISSIONER  
7 OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE CHEMICAL DEPENDENCE  
8 REINVESTMENT FUND.

9 2. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE AND  
10 ALLOCATION BY THE DIRECTOR OF BUDGET, SHALL BE AVAILABLE TO THE COMMIS-  
11 SIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES FOR THE  
12 DEVELOPMENT, EXPANSION AND OPERATION OF NEW AND EXPANDED COMMUNITY CHEM-  
13 ICAL DEPENDENCE SERVICES, INCLUDING BUT NOT LIMITED TO, SERVICES  
14 RENDERED TO PERSONS MANDATED INTO CHEMICAL DEPENDENCE TREATMENT IN LIEU  
15 OF INCARCERATION BY THE CRIMINAL JUSTICE SYSTEM. SPECIFIC AMOUNTS SHALL  
16 BE MADE AVAILABLE FOR APPROPRIATION UPON DETERMINATIONS MADE BY SUCH  
17 COMMISSIONER PURSUANT TO SUBDIVISION (B) OF SECTION 26.00 OF THE MENTAL  
18 HYGIENE LAW. SUCH FUNDS MADE AVAILABLE TO THE OFFICE OF ALCOHOLISM AND  
19 SUBSTANCE ABUSE SERVICES MAY ALSO BE USED TO DEVELOP STATE OPERATED  
20 SERVICES, INCLUDING EMERGENCY AND CRISIS SERVICES, CASE MANAGEMENT  
21 SERVICE, EDUCATION AND VOCATIONAL SERVICES, SERVICES FOR HOMELESS CHEMI-  
22 CALLY-ADDICTED PERSONS WITH AND/OR AT RISK FOR HIV INFECTION, HIV-RELAT-  
23 ED ILLNESSES OR AIDS, PERSONS DUALY-DIAGNOSED WITH CHEMICAL DEPENDENCE  
24 AND MENTAL ILLNESS, OTHER HARD TO SERVE POPULATIONS, AND OTHER SPECIAL-  
25 IZED SERVICES AS APPROVED BY SUCH COMMISSIONER.

26 S 5. Each year an independent actuarial accounting of the savings  
27 generated from declines in the state prison census shall be conducted  
28 and the results reported to the governor, the division of the budget,  
29 the senate finance committee and the assembly ways and means committee  
30 no later than one year following the effective date of this act.

31 S 6. This act shall take effect on the first of April next succeeding  
32 the date on which it shall have become a law.