S T A T E O F N E W Y O R K

491

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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:

Section 1. Legislative intent and findings. The legislature finds that declines in the state prison inmate census, due to the utilization of alternatives to incarceration and changes in the sentencing laws for persons convicted of drug offenses, create concomitant demand and strain on community-based chemical dependence treatment services.

The legislature also finds that as state expenditures for incarcerated individuals are reduced due to the aforementioned interventions, it is necessary and appropriate to establish a dedicated fund, comprised of those savings, which will be reinvested into the development and expansion of community-based chemical dependence treatment and prevention programs.

The legislature further finds that as it is well established that chemical dependence prevention and treatment is the most effective response to chemical abuse and addiction and the resulting criminal offenses, the availability of effective prevention and treatment programs should be a prominent component of the state's response.

S 2. Section 1.03 of the mental hygiene law is amended by adding a new subdivision 56 to read as follows:

56. "COMMUNITY CHEMICAL DEPENDENCE REINVESTMENT SERVICES" SHALL INCLUDE CHEMICAL DEPENDENCE SERVICES AS DEFINED IN SUBDIVISION FIFTY-FIVE OF THIS SECTION.

S 3. The mental hygiene law is amended by adding a new section 22.12 to read as follows:

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

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S 22.12 COMMUNITY REINVESTMENT PROGRAM.

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

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

(C) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, IN APPROVING FUNDS PURSUANT TO SECTION NINETY-NINE-Q OF THE STATE FINANCE LAW AND SECTION 26.00 OF THIS TITLE, THE COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES SHALL CONSIDER THE EXTENT TO WHICH LOCAL GOVERNMENTAL UNITS HAVE MAINTAINED LOCAL CONTRIBUTIONS FOR EXPENDITURES IN ANY LOCAL FISCAL YEAR FOR LOCAL OR UNIFIED SERVICES, AS APPLICABLE, PROVIDED TO PERSONS DIAGNOSED WITH CHEMICAL DEPENDENCE AND MADE PURSUANT TO THIS ARTICLE, AT A LEVEL EQUAL TO OR GREATER THAN THE AMOUNT EXPENDED THAT FISCAL YEAR. SUCH COMMISSIONER SHALL BE AUTHORIZED TO REDUCE PAYMENTS MADE TO LOCAL GOVERNMENTAL UNITS WHICH HAVE RECEIVED GRANTS PURSUANT TO THIS SECTION, IN THE FOLLOWING FISCAL YEAR FOR FAILURE TO MAINTAIN EXPENDITURES. FUNDS ANNUALLY APPROPRIATED BY THE LEGISLATURE FOR COMMUNITY CHEMICAL DEPENDENCE REINVESTMENT SERVICES ARE INTENDED TO PAY FOR THE DEVELOPMENT, EXPANSION, AND OPERATION OF COMMUNITY CHEMICAL DEPENDENCE SERVICES. ANNUAL COMMUNITY CHEMICAL DEPENDENCE REINVESTMENT FUNDS SHALL NOT BE USED TO SUPPLANT OR REPLACE COMMUNITY CHEMICAL DEPENDENCE COSTS OF ANY PROVIDER THAT WERE PREVIOUSLY PAID FROM THE PRIOR YEAR'S OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES GENERAL FUND APPROPRIATIONS FOR THE IDENTICAL PURPOSE.

(D) THERE IS HEREBY ESTABLISHED THE STATE INTERAGENCY COUNCIL ON CHEMICAL DEPENDENCE REINVESTMENT FUND UTILIZATION. THIS COUNCIL SHALL DEVELOP AND IMPLEMENT A SCHEDULE FOR STUDYING CHEMICAL DEPENDENCE PREVENTION AND TREATMENT PROGRAMS, FOCUSING ON THE AVAILABILITY OF SUCH PROGRAMS AND WHETHER THESE PROGRAMS ADEQUATELY MEET THE NEEDS OF THOSE INMATES RELEASED FROM DEPARTMENT OF CORRECTIONS FACILITIES. FURTHER, THIS COUNCIL SHALL RECOMMEND ANY NEEDED EXPANSIONS TO CHEMICAL DEPENDENCE TREATMENT PROGRAMS. BY JANUARY FIRST OF THE YEAR FOLLOWING IMPLEMENTATION OF THIS SECTION, THIS COUNCIL SHALL REPORT ITS FINDING TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY. SUCH COUNCIL SHALL OPERATE INDEPENDENTLY AND SHALL CONSIST OF A CHAIRPERSON, CHOSEN BY THE COUNCIL MEMBERS, AND THE COMMISSIONERS OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, THE OFFICE OF COURT ADMINISTRATION, THE DIVISION OF CRIMINAL JUSTICE SERVICES, THE DEPARTMENT OF CORRECTIONAL SERVICES, AND THE OFFICE OF CHILDREN AND FAMILY SERVICES. THE COUNCIL SHALL ALSO CONSIST OF NINE REPRESENTATIVES SELECTED FROM THE FOLLOWING THREE COMMUNITIES AS FOLLOWS: THREE REPRESENTATIVES FROM THE SERVICE PROVIDER COMMUNITY; THREE REPRESENTATIVES FROM THE CONSUMER COMMUNITY; AND THREE REPRESENTATIVES WHO SHALL BE FAMILY MEMBERS OF CONSUMERS. ONE REPRESENTATIVE FROM EACH OF THESE THREE COMMUNITIES SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, THE GOVERNOR, THE

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

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

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

2. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE AND ALLOCATION BY THE DIRECTOR OF BUDGET, SHALL BE AVAILABLE TO THE COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES FOR THE DEVELOPMENT, EXPANSION AND OPERATION OF NEW AND EXPANDED COMMUNITY CHEMICAL DEPENDENCE SERVICES, INCLUDING BUT NOT LIMITED TO, SERVICES RENDERED TO PERSONS MANDATED INTO CHEMICAL DEPENDENCE TREATMENT IN LIEU OF INCARCERATION BY THE CRIMINAL JUSTICE SYSTEM. SPECIFIC AMOUNTS SHALL BE MADE AVAILABLE FOR APPROPRIATION UPON DETERMINATIONS MADE BY SUCH COMMISSIONER PURSUANT TO SUBDIVISION (B) OF SECTION 26.00 OF THE MENTAL HYGIENE LAW. SUCH FUNDS MADE AVAILABLE TO THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES MAY ALSO BE USED TO DEVELOP STATE OPERATED SERVICES, INCLUDING EMERGENCY AND CRISIS SERVICES, CASE MANAGEMENT SERVICE, EDUCATION AND VOCATIONAL SERVICES, SERVICES FOR HOMELESS CHEMICALLY-ADDICTED PERSONS WITH AND/OR AT RISK FOR HIV INFECTION, HIV-RELATED ILLNESSES OR AIDS, PERSONS DUALLY-DIAGNOSED WITH CHEMICAL DEPENDENCE AND MENTAL ILLNESS, OTHER HARD TO SERVE POPULATIONS, AND OTHER SPECIALIZED SERVICES AS APPROVED BY SUCH COMMISSIONER.

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

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