

2193

2009-2010 Regular Sessions

I N S E N A T E

February 13, 2009

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

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.