

STATE OF NEW YORK

3390

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. CYMBROWITZ -- 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 Assem-
bly, 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 expan-
10 sion 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 § 2. Section 1.03 of the mental hygiene law is amended by adding a new
18 subdivision 59 to read as follows:

19 59. "Community chemical dependence reinvestment services" shall
20 include chemical dependence services as defined in subdivision fifty-
21 five of this section.

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

24 § 22.12 Community reinvestment program.

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

LBD07371-01-9

1 (a) The commissioner of the office of alcoholism and substance abuse
2 services shall plan, promote, establish, develop, coordinate, evaluate,
3 and conduct programs and services of prevention, diagnosis, examination,
4 care, treatment, rehabilitation, education and vocational training, and
5 research for the benefit of individuals who suffer from and/or are at
6 risk for chemical dependence. Such programs shall be licensed or
7 approved by the office of alcoholism and substance abuse services and
8 shall include but not be limited to inpatient, residential, half-way
9 house, outpatient, methadone maintenance treatment, emergency, rehabili-
10 tative, educational and vocational and other appropriate treatment,
11 prevention and support services.

12 (b) All moneys received or accepted pursuant to this section shall be
13 deposited into the chemical dependence reinvestment fund established
14 pursuant to section ninety-five-j of the state finance law.

15 (c) Notwithstanding any inconsistent provision of law, in approving
16 funds pursuant to section ninety-five-j of the state finance law, the
17 commissioner of the office of alcoholism and substance abuse services
18 shall consider the extent to which local governmental units have main-
19 tained local contributions for expenditures in any local fiscal year for
20 local or unified services, as applicable, provided to persons diagnosed
21 with chemical dependence and made pursuant to this article, at a level
22 equal to or greater than the amount expended that fiscal year. Such
23 commissioner shall be authorized to reduce payments made to local
24 governmental units which have received grants pursuant to this section,
25 in the following fiscal year for failure to maintain expenditures. Funds
26 annually appropriated by the legislature for community chemical depend-
27 ence reinvestment services are intended to pay for the development,
28 expansion, and operation of community chemical dependence services.
29 Annual community chemical dependence reinvestment funds shall not be
30 used to supplant or replace community chemical dependence costs of any
31 provider that were previously paid from the prior year's office of alco-
32 holism and substance abuse services general fund appropriations for the
33 identical purpose.

34 (d) There is hereby established the state interagency council on chem-
35 ical dependence reinvestment fund utilization. This council shall devel-
36 op and implement a schedule for studying chemical dependence prevention
37 and treatment programs, focusing on the availability of such programs
38 and whether these programs adequately meet the needs of those inmates
39 released from department of corrections facilities. Further, this coun-
40 cil shall recommend any needed expansions to chemical dependence treat-
41 ment programs. By January first of the year following implementation of
42 this section, this council shall report its finding to the governor, the
43 temporary president of the senate, and the speaker of the assembly. Such
44 council shall operate independently and shall consist of a chairperson,
45 chosen by the council members, and the commissioners of the office of
46 alcoholism and substance abuse services, the office of court adminis-
47 tration, the division of criminal justice services, the department of
48 corrections and community supervision, and the office of children and
49 family services. The council shall also consist of nine representatives
50 selected from the following three communities as follows: three repre-
51 sentatives from the service provider community; three representatives
52 from the consumer community; and three representatives who shall be
53 family members of consumers. One representative from each of these three
54 communities shall be appointed by the temporary president of the senate,
55 the governor, the speaker of the assembly, the minority leader of the
56 assembly and the minority leader of the senate.

1 § 4. The state finance law is amended by adding a new section 95-j to
2 read as follows:

3 § 95-j. Chemical dependence reinvestment fund. 1. There is hereby
4 established in the joint custody of the comptroller and the commissioner
5 of taxation and finance a fund to be known as the chemical dependence
6 reinvestment fund.

7 2. Moneys of the fund, following appropriation by the legislature and
8 allocation by the director of budget, shall be available to the commis-
9 sioner of the office of alcoholism and substance abuse services for the
10 development, expansion and operation of new and expanded community chem-
11 ical dependence services, including but not limited to, services
12 rendered to persons mandated into chemical dependence treatment in lieu
13 of incarceration by the criminal justice system. Specific amounts shall
14 be made available for appropriation upon determinations made by such
15 commissioner. Such funds made available to the office of alcoholism and
16 substance abuse services may also be used to develop state operated
17 services, including emergency and crisis services, case management
18 service, education and vocational services, services for homeless chemi-
19 cally-addicted persons with and/or at risk for HIV infection, HIV-relat-
20 ed illnesses or AIDS, persons dually-diagnosed with chemical dependence
21 and mental illness, other hard to serve populations, and other special-
22 ized services as approved by such commissioner.

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

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