

FOR the purpose of providing that an eligible inmate who refuses to participate in an appropriate alcohol abuse and drug abuse treatment program is subject to any sanctions that may be imposed upon an inmate who refuses to participate in any mandatory program; providing that certain diminution credits may only be revoked for a certain time period; stating that the required written consent for treatment is valid regardless of whether a potential sanction may be imposed when an inmate refuses to participate; and generally relating to alcohol abuse and drug abuse treatment for inmates.

BY repealing and reenacting, with amendments,

Article - Health - General

Section 8-6A-01

Annotated Code of Maryland

(1994 Replacement Volume and 1998 Supplement)

BY repealing and reenacting, without amendments,

Article - Health - General

Section 8-6A-02

Annotated Code of Maryland

(1994 Replacement Volume and 1998 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Health - General

8-6A-01.

(a) (1) In this subtitle the following words have the meanings indicated.

(2) "Alcohol abuse and drug abuse treatment program" has the meaning stated in § 8-403(a) of this title.

(3) "Inmate" means a person detained in a State correctional facility.

(b) Except as otherwise provided in subsection (c) of this section, an inmate who is determined by a physician licensed under § 14-301 of the Health Occupations Article or a mental health professional who has a master's degree in a mental health field and has expertise in the treatment of substance abuse to have an alcohol or drug dependence shall be placed in an appropriate alcohol abuse and drug abuse treatment program under the supervision of the physician or the mental health professional.

(c) (1) Any treatment prescribed for alcohol or drug dependence may not commence until the inmate to be treated has consented in writing to the treatment.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF AN INMATE REFUSES TO PARTICIPATE IN THE ALCOHOL ABUSE AND DRUG ABUSE TREATMENT PROGRAM AFTER THE INMATE HAS BEEN DETERMINED UNDER THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION TO HAVE AN