

**ASSEMBLY, No. 3692**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED MARCH 16, 2020

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

Requires DOC and county correctional facilities to provide certain inmates with medication-assisted treatment.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/16/2020)**

1   **AN ACT** concerning substance use disorder treatment for inmates,  
2       supplementing Title 30 of the Revised Statutes, and amending  
3       P.L.1986, c.71.

4  
5       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8       1. (New section) a. As used in this act:

9       “Medication-assisted treatment” means the use of any  
10      medications approved by the federal Food and Drug Administration  
11      to treat substance use disorders, including extended-release  
12      naltrexone, methadone, and buprenorphine, in combination with  
13      counseling and behavioral therapies, to provide a whole-patient  
14      approach to the treatment of substance use disorders.

15      “Substance use disorder” is as defined by the American Psychiatric  
16      Association in the Diagnostic and Statistical Manual of Mental  
17      Disorders, Fifth Edition and any subsequent editions and shall include  
18      substance use withdrawal.

19      b. The Commissioner of Corrections shall require each inmate to  
20      be evaluated when initially admitted to a State-owned, operated, or  
21      contracted correctional facility to identify whether the inmate is in  
22      need of temporary or continued management of the inmate’s  
23      substance use disorder by means of medication-assisted treatment.

24      c. An inmate determined to be in need of temporary or  
25      continued management for a substance use disorder following an  
26      evaluation pursuant to subsection b. of this section:

27      (1) shall be provided information regarding the medication  
28      options utilized in medication-assisted treatment; and

29      (2) may voluntarily agree to receive medication-assisted  
30      treatment in the substance use disorder treatment program  
31      established pursuant to paragraph (5) of subsection a. of section 2 of  
32      P.L.1986, c.71 (C.30:4-82.2).

33      d. Each inmate who voluntarily agrees to receive medication-  
34      assisted treatment shall have access to:

35      (1) withdrawal management services prior to the administration  
36      of the medication;

37      (2) behavioral health counseling for inmates diagnosed with a  
38      substance use disorder that shall be consistent with current  
39      therapeutic standards in a community setting; and

40      (3) a health care practitioner who shall provide access to  
41      medications approved by the federal Food and Drug Administration.

42      e. In administering the medication-assisted treatment pursuant  
43      to this section, a State-owned, operated, or contracted correctional  
44      facility shall adhere to the program established by the  
45      Commissioner of Human Services and Commissioner of

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 Corrections pursuant to paragraph (5) of subsection a. of section 2  
2 of P.L.1986, c.71 (C.30:4-82.2).

3  
4 2. (New section) a. As used in this act:

5 “Medication-assisted treatment” means the use of any  
6 medications approved by the federal Food and Drug Administration  
7 to treat substance use disorders, including extended-release  
8 naltrexone, methadone, and buprenorphine, in combination with  
9 counseling and behavioral therapies, to provide a whole-patient  
10 approach to the treatment of substance use disorders.

11 “Substance use disorder” is as defined by the American Psychiatric  
12 Association in the Diagnostic and Statistical Manual of Mental  
13 Disorders, Fifth Edition and any subsequent editions and shall include  
14 substance use withdrawal.

15 b. The warden, keeper, or administrator of a county  
16 correctional facility shall require each inmate to be evaluated when  
17 initially admitted to a county correctional facility to identify  
18 whether the inmate is in need of temporary or continued  
19 management of the inmate’s substance use disorder by means of a  
20 medication-assisted treatment.

21 c. An inmate determined to be in need of temporary or  
22 continued management for a substance use disorder following an  
23 evaluation pursuant to subsection b. of this section:

24 (1) shall be provided information regarding the medication  
25 options utilized in medication-assisted treatment; and

26 (2) may voluntarily agree to receive medication-assisted  
27 treatment in the substance use disorder treatment program  
28 established pursuant to subsection e. of this section.

29 d. Each inmate who voluntarily agrees to receive medication-  
30 assisted treatment shall have access to:

31 (1) withdrawal management services prior to the administration  
32 of the medication;

33 (2) behavioral health counseling for inmates diagnosed with a  
34 substance use disorder that shall be consistent with current  
35 therapeutic standards in a community setting; and

36 (3) a health care practitioner who shall provide access to  
37 medications approved by the federal Food and Drug Administration.

38 e. The Commissioner of Human Services and the  
39 Commissioner of Corrections shall formulate a program to provide  
40 medication-assisted treatment to county inmates pursuant to this  
41 section which shall be consistent with the program established for  
42 inmates in State-owned, operated, or contracted correctional  
43 facilities pursuant to paragraph (5) of subsection a. of section 2 of  
44 P.L.1986, c.71 (C.30:4-82.2).

45  
46 3. Section 2 of P.L.1986, c.71 (C.30:4-82.2) is amended to read as  
47 follows:

1       2. a. The Commissioner of Human Services and the  
2 Commissioner of Corrections shall formulate a plan to provide  
3 adequate and appropriate mental health and substance use disorder  
4 services to inmates in all State-owned, operated, or contracted  
5 correctional facilities.

6       The plan shall include, but need not be limited to, the following:

7       (1) Procedures for identifying a person in need of mental health  
8 and substance use disorder services when the person is initially  
9 admitted to a State-owned, operated, or contracted correctional  
10 facility, and while the person is confined therein;

11       (2) Procedures for providing a mental health and substance use  
12 disorder evaluation to a person identified under subsection a. of this  
13 section to determine whether the person is in need of mental health  
14 or substance use disorder services;

15       (3) Procedures for providing adequate and appropriate mental  
16 health or substance use disorder treatment to a person determined to  
17 be in need under paragraph (2) of this subsection;

18       (4) Enumeration of the types of mental health and substance use  
19 disorder treatment that may be provided to a person determined to  
20 be in need under paragraph (2) of this subsection, which types of  
21 treatment shall include, but need not be limited to, individual or  
22 group counseling, treatment with prescription drugs, and increased  
23 monitoring as needed to prevent harm to self or others, which may  
24 include confinement in a secure hospital setting;

25       (5) Procedures **【for the provision of】** to provide medication-  
26 assisted treatment in a substance use disorder treatment 【programs,  
27 as appropriate and available】 program to inmates pursuant to  
28 section 1 of P.L. , c. (C. ) (pending before the Legislature  
29 as this bill);

30       (6) Procedures for terminating the treatment provided under  
31 paragraph (3) of this subsection when it is no longer needed by the  
32 person receiving it;

33       (7) Identifying community mental health and substance use  
34 disorder treatment providers and services to assist in a person's  
35 community reintegration upon the person's discharge from a State-  
36 owned, operated, or contracted correctional facility;

37       (8) Procedures for ensuring cooperation between the  
38 Department of Corrections and the Department of Human Services  
39 at all personnel levels and at every stage of identification,  
40 evaluation, treatment, and termination of treatment so that adequate  
41 and appropriate mental health and substance use disorder services  
42 are provided;

43       (9) Procedures for maintaining the confidentiality of mental  
44 health and substance use disorder treatment records; and

45       (10) Procedures for biennial review and revision of the plan  
46 developed under this section.



1 assisted treatment following a medical assessment upon being  
2 admitted to a corrections facility.

3 Under current law, the Commissioners of Human Services and  
4 Corrections are required to establish a joint plan to ensure the  
5 provision of mental health and substance use disorder services, by  
6 licensed service provider organizations, to inmates housed in State-  
7 owned, operated, or contracted correctional facilities, including prisons  
8 and halfway houses. The plan, in part, requires the commissioners to  
9 establish procedures for the provision of medication-assisted  
10 treatment, as appropriate and available. This bill requires the  
11 commissioners to establish a program to allow all designated State  
12 and county inmates the opportunity to receive medication-assisted  
13 treatment.