

HOUSE BILL 832

Q7, O3, J1

0lr2031
CF 0lr1617

By: **Delegates Bronrott, Hubbard, Ali, Anderson, Barnes, Benson, Bobo, Burns, Carr, Carter, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hucker, Ivey, Kramer, Kullen, Lee, Levi, Manno, McIntosh, Mizeur, Montgomery, Nathan-Pulliam, Pena-Melnyk, Ramirez, Reznik, Robinson, Rosenberg, Ross, Simmons, Stukes, Tarrant, Taylor, Valderrama, and Waldstreicher**

Introduced and read first time: February 9, 2010

Assigned to: Ways and Means and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **The Lorraine Sheehan Health and Community Services Act of 2010**

3 FOR the purpose of altering State tax rates for alcoholic beverages sold in Maryland;
4 altering the distribution of the alcoholic beverage tax revenue; requiring the
5 Comptroller to distribute a portion of the alcoholic beverage tax revenue to
6 certain special funds to be used only for certain purposes; establishing the
7 Developmental Disability Support Fund as a special fund to be used to support
8 certain services for individuals with developmental disabilities; establishing the
9 Addiction Treatment and Prevention Fund as a special fund to be used to
10 support certain programs for the treatment and prevention of drug and alcohol
11 addictions; establishing the Mental Health Care Fund as a special fund to be
12 used to support certain programs for the treatment and prevention of mental
13 illness; establishing the Maryland Medicaid Trust Fund as a special fund to be
14 used to provide certain health care services to certain individuals; and generally
15 relating to the alcoholic beverage tax and the dedication of certain alcoholic
16 beverage tax revenue for certain purposes.

17 BY repealing and reenacting, with amendments,
18 Article – Tax – General
19 Section 2–301 and 5–105
20 Annotated Code of Maryland
21 (2004 Replacement Volume and 2009 Supplement)

22 BY adding to
23 Article – Health – General
24 Section 7–207, 8–207, 10–209, and 15–103.6

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2009 Replacement Volume)

3 Preamble

4 WHEREAS, Only one-quarter of the individuals in Maryland who have alcohol
5 and drug addictions access treatment; and

6 WHEREAS, Alcohol abuse costs the Maryland economy \$3.5 billion every year,
7 and the costs associated with illicit drug abuse approach \$2.5 billion annually, for a
8 combined total of \$6 billion yearly; and

9 WHEREAS, The majority of jailable crimes committed in Maryland and the
10 majority of admissions to Maryland trauma centers result from drug- or
11 alcohol-related incidents; and

12 WHEREAS, Statistics show that more than one-quarter of the individuals
13 treated for alcohol and drug addiction and about half of the individuals treated for
14 mental health problems are diagnosed with a co-occurring substance use and mental
15 health disorder; and

16 WHEREAS, Every \$1 invested in addiction treatment saves \$7 in reduced
17 crime and criminal justice costs and, when savings related to health care are factored
18 in, every \$1 invested saves \$12; and

19 WHEREAS, There are more than 18,000 individuals with developmental
20 disabilities who are eligible for community-based services through the Developmental
21 Disabilities Administration who are on a waiting list due to lack of funding; and

22 WHEREAS, Community-based service providers are facing a fiscal crisis due to
23 historical underfunding and lack of inflationary rate increases; and

24 WHEREAS, It is the policy of the State to require the Developmental
25 Disabilities Administration to designate sufficient resources to foster and strengthen a
26 permanent comprehensive system of community programming for individuals with
27 developmental disabilities; and

28 WHEREAS, Developmental disabilities result in loss of economic productivity
29 of individuals with disabilities and their caregivers who are forced to remain at home
30 to care for their family member; and

31 WHEREAS, Fetal Alcohol Syndrome and Fetal Alcohol Spectrum Disorder are
32 the leading known preventable causes of intellectual and physical disabilities; and

33 WHEREAS, One in 100 live births is affected by Fetal Alcohol Syndrome and
34 Fetal Alcohol Spectrum Disorder each year, with lifetime health care costs of more
35 than \$800,000 incurred; and

1 WHEREAS, An estimated one in five Americans lives with a diagnosable
2 mental disorder in a given year and about 6%, or one in 17, have a serious mental
3 illness; and

4 WHEREAS, The public mental health system's budget has been reduced by 7%
5 while the need for public mental health care has risen by 7 to 8% per year for 2 years
6 running; and

7 WHEREAS, The average annual cost of the most comprehensive array of
8 community mental health services is \$30,000, but the average annual cost of a State
9 hospital bed is approximately \$180,000; and

10 WHEREAS, According to a new study by Johns Hopkins Professors David
11 Jernigan and Hugh Waters, increasing the state alcohol tax by a dime a drink will
12 save lives and money by reducing alcohol abuse; and

13 WHEREAS, The 2007 Governor's Working Families and Small Business Health
14 Care Coverage Act has expanded health care to over 52,000 parents but has not been
15 implemented for tens of thousands of childless adults because of lack of funds; now,
16 therefore,

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

19 **Article – Tax – General**

20 2–301.

21 (a) From the alcoholic beverage tax revenue, the Comptroller shall distribute
22 the amount necessary to administer the alcoholic beverage tax laws to an
23 administrative cost account.

24 **(B) AFTER MAKING THE DISTRIBUTION REQUIRED UNDER SUBSECTION**
25 **(A) OF THIS SECTION, OF THE REMAINING ALCOHOLIC BEVERAGE TAX REVENUE,**
26 **THE COMPTROLLER SHALL DISTRIBUTE:**

27 **(1) 15% TO THE DEVELOPMENTAL DISABILITY SUPPORT FUND**
28 **ESTABLISHED UNDER § 7–207 OF THE HEALTH – GENERAL ARTICLE;**

29 **(2) 15% TO THE ADDICTION TREATMENT AND PREVENTION**
30 **FUND ESTABLISHED UNDER § 8–207 OF THE HEALTH – GENERAL ARTICLE;**

31 **(3) 15% TO THE MENTAL HEALTH CARE FUND ESTABLISHED**
32 **UNDER § 10–209 OF THE HEALTH – GENERAL ARTICLE; AND**

1 **(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
2 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

3 **(2) THE STATE TREASURER SHALL HOLD THE FUND**
4 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

5 **(F) THE FUND CONSISTS OF:**

6 **(1) ALCOHOLIC BEVERAGE TAX REVENUE DISTRIBUTED TO THE**
7 **FUND UNDER § 2-301(B) OF THE TAX - GENERAL ARTICLE;**

8 **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

9 **(3) INVESTMENT EARNINGS OF THE FUND; AND**

10 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
11 **FOR THE BENEFIT OF THE FUND.**

12 **(G) (1) THE FUND MAY BE USED ONLY AS PROVIDED IN THIS**
13 **SUBSECTION.**

14 **(2) THE SECRETARY SHALL USE 50% OF THE MONEY IN THE**
15 **FUND TO SUPPORT PROVIDERS WHO ARE LICENSED UNDER THIS TITLE, BY:**

16 **(I) PROVIDING FUNDING FOR THE AVERAGE COST OF**
17 **WAGES AND BENEFITS OF COMMUNITY-BASED DIRECT SUPPORT STAFF, AS**
18 **DETERMINED BY THE COMMUNITY SERVICES REIMBURSEMENT RATE**
19 **COMMISSION; AND**

20 **(II) IF THE DEPARTMENT HAS PROVIDED FULL FUNDING**
21 **FOR THE COSTS DESCRIBED IN ITEM (I) OF THIS PARAGRAPH, PROVIDING**
22 **FUNDING FOR THE REMAINING COSTS OF PROVIDING SERVICES.**

23 **(3) THE SECRETARY SHALL USE 50% OF THE MONEY IN THE**
24 **FUND TO SUPPORT SERVICES TO INDIVIDUALS WHO ARE ON THE**
25 **ADMINISTRATION WAITING LIST AND ARE ELIGIBLE FOR, BUT NOT RECEIVING,**
26 **ONE OR MORE SERVICES FROM THE ADMINISTRATION, AS FOLLOWS:**

27 **(I) 25% OF THE FUNDS UNDER THIS PARAGRAPH SHALL BE**
28 **USED TO PROVIDE COMMUNITY-BASED RESIDENTIAL SERVICES,**
29 **COMMUNITY-BASED DAY SERVICES, AND SUPPORTED EMPLOYMENT SERVICES**
30 **TO INDIVIDUALS; AND**

1 **(II) 75% OF THE FUNDS UNDER THIS PARAGRAPH SHALL BE**
2 **USED TO PROVIDE COMMUNITY-BASED RESPITE CARE, INDIVIDUAL SUPPORT**
3 **SERVICES, AND FAMILY SUPPORT SERVICES TO INDIVIDUALS LIVING WITH**
4 **THEIR FAMILIES.**

5 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
6 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

7 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE**
8 **CREDITED TO THE FUND.**

9 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
10 **ACCORDANCE WITH THE STATE BUDGET.**

11 **(J) MONEY EXPENDED FROM THE FUND TO SUPPORT**
12 **COMMUNITY-BASED SERVICES FOR INDIVIDUALS WITH DEVELOPMENTAL**
13 **DISABILITIES:**

14 **(1) IS SUPPLEMENTAL TO AND NOT INTENDED TO TAKE THE**
15 **PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THOSE**
16 **PROGRAMS; AND**

17 **(2) MAY NOT BE USED TO COVER THE COST OF PROVIDING**
18 **INFLATIONARY ADJUSTMENTS AS REQUIRED UNDER § 16-201.2 OF THIS**
19 **ARTICLE.**

20 **(K) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE DEPARTMENT**
21 **SHALL SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF**
22 **THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE NUMBER**
23 **OF INDIVIDUALS SERVED AND THE SERVICES PROVIDED IN THE PRECEDING**
24 **FISCAL YEAR USING THE FUND.**

25 **8-207.**

26 **(A) IN THIS SECTION, “FUND” MEANS THE ADDICTION TREATMENT AND**
27 **PREVENTION FUND.**

28 **(B) THERE IS AN ADDICTION TREATMENT AND PREVENTION FUND.**

29 **(C) THE PURPOSE OF THE FUND IS TO SUPPORT COMMUNITY-BASED**
30 **PROGRAMS FOR THE TREATMENT AND PREVENTION OF DRUG AND ALCOHOL**
31 **ADDICTIONS IN ADULTS AND ADOLESCENTS, INCLUDING TREATMENT FOR**
32 **THOSE WITH CO-OCCURRING SUBSTANCE USE AND MENTAL HEALTH**
33 **DISORDERS.**

1 **(D) THE SECRETARY SHALL ADMINISTER THE FUND.**

2 **(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
3 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

4 **(2) THE STATE TREASURER SHALL HOLD THE FUND**
5 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

6 **(F) THE FUND CONSISTS OF:**

7 **(1) ALCOHOLIC BEVERAGE TAX REVENUE DISTRIBUTED TO THE**
8 **FUND UNDER § 2-301(B) OF THE TAX – GENERAL ARTICLE;**

9 **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

10 **(3) INVESTMENT EARNINGS OF THE FUND; AND**

11 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
12 **FOR THE BENEFIT OF THE FUND.**

13 **(G) THE FUND MAY BE USED ONLY TO PROVIDE ADDITIONAL FUNDING**
14 **FOR THE ADMINISTRATION TO SUPPORT COMMUNITY-BASED PROGRAMS FOR**
15 **THE TREATMENT AND PREVENTION OF DRUG AND ALCOHOL ADDICTIONS IN**
16 **ADULTS AND ADOLESCENTS, INCLUDING TREATMENT FOR THOSE WITH**
17 **CO-OCCURRING SUBSTANCE USE AND MENTAL HEALTH DISORDERS.**

18 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
19 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

20 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE**
21 **CREDITED TO THE FUND.**

22 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
23 **ACCORDANCE WITH THE STATE BUDGET.**

24 **(J) MONEY EXPENDED FROM THE FUND TO SUPPORT**
25 **COMMUNITY-BASED PROGRAMS FOR THE TREATMENT AND PREVENTION OF**
26 **DRUG AND ALCOHOL ADDICTIONS IN ADULTS AND ADOLESCENTS IS**
27 **SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING**
28 **THAT OTHERWISE WOULD BE APPROPRIATED FOR THOSE PURPOSES.**

29 **10-209.**

1 (A) IN THIS SECTION, "FUND" MEANS THE MENTAL HEALTH CARE
2 FUND.

3 (B) THERE IS A MENTAL HEALTH CARE FUND.

4 (C) THE PURPOSE OF THE FUND IS TO SUPPORT COMMUNITY-BASED
5 PROGRAMS FOR THE TREATMENT AND PREVENTION OF MENTAL ILLNESSES IN
6 CHILDREN AND ADULTS, INCLUDING TREATMENT FOR THOSE WITH
7 CO-OCCURRING SUBSTANCE USE AND MENTAL HEALTH DISORDERS.

8 (D) THE SECRETARY SHALL ADMINISTER THE FUND.

9 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
10 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

11 (2) THE STATE TREASURER SHALL HOLD THE FUND
12 SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

13 (F) THE FUND CONSISTS OF:

14 (1) ALCOHOLIC BEVERAGE TAX REVENUE DISTRIBUTED TO THE
15 FUND UNDER § 2-301(B) OF THE TAX - GENERAL ARTICLE;

16 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

17 (3) INVESTMENT EARNINGS OF THE FUND; AND

18 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED
19 FOR THE BENEFIT OF THE FUND.

20 (G) THE FUND MAY BE USED ONLY TO PROVIDE ADDITIONAL FUNDING
21 FOR THE ADMINISTRATION TO SUPPORT COMMUNITY-BASED PROGRAMS FOR
22 THE TREATMENT AND PREVENTION OF MENTAL ILLNESSES IN CHILDREN AND
23 ADULTS, INCLUDING TREATMENT FOR THOSE WITH CO-OCCURRING SUBSTANCE
24 USE AND MENTAL HEALTH DISORDERS.

25 (H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE
26 FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

27 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE
28 CREDITED TO THE FUND.

29 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN
30 ACCORDANCE WITH THE STATE BUDGET.

1 **(J) MONEY EXPENDED FROM THE FUND TO SUPPORT**
2 **COMMUNITY-BASED PROGRAMS FOR THE TREATMENT AND PREVENTION OF**
3 **MENTAL ILLNESSES IN CHILDREN AND ADULTS IS SUPPLEMENTAL TO AND IS**
4 **NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE**
5 **APPROPRIATED FOR THOSE PURPOSES.**

6 **15-103.6.**

7 **(A) IN THIS SECTION, "FUND" MEANS THE MARYLAND MEDICAID**
8 **TRUST FUND.**

9 **(B) THERE IS A MARYLAND MEDICAID TRUST FUND.**

10 **(C) THE PURPOSE OF THE FUND IS TO PROVIDE HEALTH SERVICES**
11 **UNDER THE MARYLAND MEDICAL ASSISTANCE PROGRAM TO THE POPULATION**
12 **OF INDIVIDUALS DESCRIBED IN § 15-103(A)(2)(X) OF THIS SUBTITLE BEYOND**
13 **THE LEVEL OF PRIMARY CARE SERVICES.**

14 **(D) THE SECRETARY SHALL ADMINISTER THE FUND.**

15 **(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
16 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

17 **(2) THE STATE TREASURER SHALL HOLD THE FUND**
18 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

19 **(F) THE FUND CONSISTS OF:**

20 **(1) ALCOHOLIC BEVERAGE TAX REVENUE DISTRIBUTED TO THE**
21 **FUND UNDER § 2-301(B) OF THE TAX - GENERAL ARTICLE;**

22 **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

23 **(3) INVESTMENT EARNINGS OF THE FUND; AND**

24 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
25 **FOR THE BENEFIT OF THE FUND.**

26 **(G) THE FUND MAY BE USED ONLY TO PROVIDE FUNDING FOR HEALTH**
27 **SERVICES UNDER THE MARYLAND MEDICAL ASSISTANCE PROGRAM TO THE**
28 **POPULATION OF INDIVIDUALS DESCRIBED IN § 15-103(A)(2)(X) OF THIS**
29 **SUBTITLE BEYOND THE LEVEL OF PRIMARY CARE SERVICES.**

1 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
2 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

3 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE**
4 **CREDITED TO THE FUND.**

5 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
6 **ACCORDANCE WITH THE STATE BUDGET.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2010.