

106TH CONGRESS
1ST SESSION

S. 423

To prohibit certain Federal payments for certain methadone maintenance programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 1999

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To prohibit certain Federal payments for certain methadone maintenance programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Addiction Free Treat-
5 ment Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Heroin use in the United States continues
9 to increase.

1 (2) Drug use among teenagers in the United
2 States is increasing and the number of teenagers
3 that are using heroin for the first time is higher
4 than at any previous time in history.

5 (3) Between 1992 and 1996 heroin use among
6 college-age students increased an estimated 10 per-
7 cent.

8 (4) There are an estimated 810,000 chronic
9 heroin users in the United States, with an estimated
10 115,000 heroin addicts in the United States cur-
11 rently participating in methadone programs.

12 (5) Methadone is a synthetic opiate and the use
13 of methadone in the treatment of heroin addiction
14 results in the transfer of addiction from 1 narcotic
15 to another.

16 (6) Methadone addicts attempting detoxification
17 experience the same difficult withdrawal process as
18 would be experienced with heroin detoxification.

19 (7) The Federal Government should adopt a
20 zero-tolerance, non-pharmacological policy that has
21 as its defined objective independence from drug ad-
22 diction.

23 (8) The approach of the Federal Government
24 should be to address a range of human needs and
25 conditions that contribute to recidivism among re-

1 covering heroin addicts and that should be designed
 2 to provide opportunities for former heroin addicts to
 3 become drug-free, self-sufficient, productive mem-
 4 bers of society.

5 **SEC. 3. PROHIBITION ON THE USE OF MEDICAID FUNDS**
 6 **FOR CERTAIN METHADONE MAINTENANCE**
 7 **PROGRAMS.**

8 Section 1903(i) of the Social Security Act (42 U.S.C.
 9 1396b(i)) is amended—

10 (1) in paragraph (18), by striking the period
 11 and inserting “; or”; and

12 (2) by adding at the end the following:

13 “(19) with respect to any amount expended for
 14 any drug treatment or rehabilitation program that
 15 utilizes methadone or Levo-Alpha Acetyl-Methadol
 16 unless the program—

17 “(A) has as its primary objective the elimi-
 18 nation of drug addiction, including addiction to
 19 methadone or Levo-Alpha Acetyl-Methadol;

20 “(B) has a specifically defined timetable
 21 (not to exceed 6 months from the date of an in-
 22 dividual’s enrollment as a patient in the pro-
 23 gram) for achieving complete termination of
 24 methadone or Levo-Alpha Acetyl-Methadol
 25 treatment; davis

1 “(C) conducts random and frequent com-
2 prehensive drug testing for all narcotics;

3 “(D) provides documentation of the results
4 of such testing;

5 “(E) requires that patients who are par-
6 ticipating in the program be drug-free for the
7 duration of their methadone or Levo-Alpha Ace-
8 tyl-Methadol treatment; and

9 “(F) terminates the methadone or Levo-
10 Alpha Acetyl-Methadol treatment of any patient
11 who tests positive for any other illegal narcotic
12 during the duration of their methadone or
13 Levo-Alpha Acetyl-Methadol treatment.”.

14 **SEC. 4. PROHIBITION ON THE USE OF CERTAIN PUBLIC**
15 **HEALTH SERVICE ACT FUNDS FOR CERTAIN**
16 **METHADONE MAINTENANCE PROGRAMS.**

17 Section 501 of the Public Health Service Act (42
18 U.S.C. 290aa) is amended by adding at the end the follow-
19 ing:

20 “(n) LIMITATION.—Notwithstanding any other provi-
21 sion of law, amounts appropriated under this title or title
22 XIX and administered by the Substance Abuse and Men-
23 tal Health Services Administration may not be expended
24 for any drug treatment or rehabilitation program that uti-

1 lizes methadone or Levo-Alpha Acetyl-Methadol unless the
2 program—

3 “(1) has as its primary objective the elimination
4 of drug addiction, including addiction to methadone
5 or Levo-Alpha Acetyl-Methadol;

6 “(2) has a specifically defined timetable (not to
7 exceed 6 months from the date of an individual’s en-
8 rollment as a patient in the program) for achieving
9 complete termination of methadone or Levo-Alpha
10 Acetyl-Methadol treatment;

11 “(3) conducts random and frequent comprehen-
12 sive drug testing for all narcotics;

13 “(4) provides documentation of the results of
14 such testing;

15 “(5) requires that patients who are participat-
16 ing in the program be drug-free for the duration of
17 their methadone or Levo-Alpha Acetyl-Methadol
18 treatment; and

19 “(6) terminates the methadone or Levo-Alpha
20 Acetyl-Methadol treatment of any patient who tests
21 positive for any other illegal narcotic during the du-
22 ration of their methadone or Levo-Alpha Acetyl-
23 Methadol treatment.”.

1 **SEC. 5. STUDY OF TREATMENT PROGRAMS.**

2 Not later than 3 years after the date of enactment
3 of this Act, the Director of the National Institute of Drug
4 Abuse shall have conducted and completed a study
5 concerning—

6 (1) the methods and effectiveness of non-
7 pharmacological heroin rehabilitation programs; and

8 (2) the methods and effectiveness of metha-
9 done-to-abstinence programs.

10 **SEC. 6. ANNUAL REPORT ON EFFECTIVENESS OF HEROIN**
11 **REHABILITATION PROGRAMS.**

12 (a) IN GENERAL.—Not later than January 1, 2000,
13 and each January 1 thereafter, the Secretary of Health
14 and Human Services acting through the Center for Sub-
15 stance Abuse Treatment shall prepare and submit to Con-
16 gress a report concerning the effectiveness of heroin reha-
17 bilitation programs. Each such report shall focus on both
18 nonpharmacological and methadone-to-abstinence based
19 approaches to heroin rehabilitation.

20 (b) TERMINATION.—The requirement under sub-
21 section (a) shall terminate after the Secretary of Health
22 and Human Services submits the 5th annual report under
23 such subsection.

1 **SEC. 7. EFFECTIVE DATE.**

2 The amendments made by this Act apply to amounts
3 expended on and after the date that is 6 months after
4 the date of enactment of this Act.

