

110TH CONGRESS  
1ST SESSION

# S. 884

To amend the Public Health Service Act regarding residential treatment programs for pregnant and parenting women, a program to reduce substance abuse among nonviolent offenders, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 14, 2007

Mr. DURBIN (for himself and Mr. COLEMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Public Health Service Act regarding residential treatment programs for pregnant and parenting women, a program to reduce substance abuse among nonviolent offenders, 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 “Family-Based Meth  
5       Treatment Access Act of 2007”.

1 **SEC. 2. RESIDENTIAL TREATMENT PROGRAMS FOR PREG-**  
2 **NANT AND PARENTING WOMEN.**

3 Section 508 of the Public Health Service Act (42  
4 U.S.C. 290bb-1) is amended—

5 (1) in the section heading, by striking “PREG-  
6 NANT AND POSTPARTUM WOMEN” and inserting  
7 “PREGNANT AND PARENTING WOMEN”;

8 (2) in subsection (a)—

9 (A) in the matter preceding paragraph (1),  
10 by striking “postpartum women treatment for  
11 substance abuse” and inserting “parenting  
12 women treatment for substance abuse (includ-  
13 ing treatment for addiction to methamphet-  
14 amine)”;

15 (B) in paragraph (1), by striking “reside  
16 in” and inserting “reside in or receive out-  
17 patient treatment services from”; and

18 (C) in paragraph (2), by striking “reside  
19 with the women in” and inserting “reside with  
20 the women in, or receive outpatient treatment  
21 services from,”;

22 (3) in subsection (d)(6), by inserting “, or re-  
23 ferrals for counseling,” after “Counseling”;

24 (4) in subsection (h)(1), by striking “pregnant  
25 and postpartum women” and inserting “pregnant  
26 and parenting women”;

1           (5) by amending subsection (m) to read as fol-  
 2       lows:

3       “(m) ALLOCATION OF AWARDS.—In making awards  
 4 under subsection (a), the Director shall give priority to  
 5 any entity that agrees to use the award for a program  
 6 serving an area that—

7           “(1) is a rural area, an area designated under  
 8 section 332 by the Administrator of the Health Re-  
 9 sources and Services Administration as a health pro-  
 10 fessional shortage area with a shortage of mental  
 11 health professionals, or an area determined by the  
 12 Director to have a shortage of family-based sub-  
 13 stance abuse treatment options; and

14          “(2) is determined by the Director to have high  
 15 rates of addiction to methamphetamine or other  
 16 drugs.”;

17          (6) in subsection (p), by—

18               (A) striking “October 1, 1994” and insert-  
 19 ing “October 1, 2008”;

20               (B) striking “Committee on Labor and  
 21 Human Resources” and inserting “Committee  
 22 on Health, Education, Labor, and Pensions”;

23               (C) inserting “In submitting reports under  
 24 this subsection, the Director may use data col-  
 25 lected under this section or other provisions of

1 law.” after “biennial report under section  
2 501(k).”; and

3 (D) striking “Each report under this sub-  
4 section shall include” and all that follows and  
5 inserting “Each report under this subsection  
6 shall, with respect to the period for which the  
7 report is prepared, include the following:

8 “(1) A summary of any evaluations conducted  
9 under subsection (o).

10 “(2) Data on the number of pregnant and par-  
11 enting women in need of, but not receiving, treat-  
12 ment for substance abuse under programs carried  
13 out pursuant to this section. Such data shall include,  
14 but not be limited to, the number of pregnant and  
15 parenting women in need of, but not receiving, treat-  
16 ment for methamphetamine abuse under such pro-  
17 grams, disaggregated by State and tribe.

18 “(3) Data on recovery and relapse rates of  
19 women receiving treatment for substance abuse  
20 under programs carried out pursuant to this section,  
21 including data disaggregated with respect to treat-  
22 ment for methamphetamine abuse.”;

23 (7) by redesignating subsections (q) and (r) as  
24 subsections (r) and (s), respectively;

1 (8) by inserting after subsection (p) the fol-  
 2 lowing:

3 “(q) METHAMPHETAMINE ADDICTION.—In carrying  
 4 out this section, the Director shall expand, intensify, and  
 5 coordinate efforts to provide to pregnant and parenting  
 6 women treatment for methamphetamine addiction.”; and

7 (9) in subsection (s) (as so redesignated), by  
 8 striking “such sums as may be necessary to fiscal  
 9 years 2001 through 2003” and inserting  
 10 “\$70,000,000 for each of fiscal years 2008 through  
 11 2012”.

12 **SEC. 3. PROGRAM TO REDUCE SUBSTANCE ABUSE AMONG**  
 13 **NONVIOLENT OFFENDERS: FAMILY TREAT-**  
 14 **MENT ALTERNATIVES TO INCARCERATION.**

15 Title V of the Public Health Service Act (42 U.S.C.  
 16 290aa et seq.) is amended by inserting after section 509  
 17 the following:

18 **“SEC. 510. PROGRAM TO REDUCE SUBSTANCE ABUSE**  
 19 **AMONG NONVIOLENT OFFENDERS: FAMILY**  
 20 **TREATMENT ALTERNATIVES TO INCARCER-**  
 21 **ATION.**

22 “(a) IN GENERAL.—The Secretary, acting through  
 23 the Administrator of the Substance Abuse and Mental  
 24 Health Services Administration, shall make awards of  
 25 grants, cooperative agreements, or contracts to public and

1 nonprofit private entities for the purpose of assisting local  
 2 jails and detention facilities in providing comprehensive,  
 3 family-based substance abuse treatment services (includ-  
 4 ing treatment for addiction to methamphetamine) to preg-  
 5 nant and parenting adults who are considered nonviolent  
 6 offenders.

7 “(b) MINIMUM QUALIFICATIONS FOR NONPROFIT  
 8 PRIVATE ENTITIES.—An award may be made under sub-  
 9 section (a) to an applicant that is a nonprofit private enti-  
 10 ty only if the Secretary determines that—

11 “(1) the applicant has the capacity to provide  
 12 the services described in subsection (a); and

13 “(2) the applicant meets all applicable State li-  
 14 cense and certification requirements regarding the  
 15 provision of substance abuse treatment services.

16 “(c) REQUIREMENTS APPLICABLE TO FAMILY DRUG  
 17 TREATMENT PROGRAM THAT IS AN ALTERNATIVE TO IN-  
 18 CARCERATION.—A grant under this section may be used  
 19 for a family drug treatment program that is an alternative  
 20 to incarceration only if the program complies with the fol-  
 21 lowing:

22 “(1) The program is a comprehensive, long-  
 23 term family treatment program focused on the treat-  
 24 ment of the parent and child.

1           “(2) The program and its providers meet all ap-  
2           plicable State licenser and certification requirements  
3           regarding the provision of substance abuse treat-  
4           ment services.

5           “(3) Each parent offender who participates in  
6           the program is sentenced to, or placed with, a long-  
7           term family treatment program (which shall include  
8           a residential component).

9           “(4) Each parent offender who participates in  
10          the program serves a sentence with respect to the  
11          underlying crime if that parent offender does not  
12          successfully complete treatment with the residential  
13          treatment provider.

14          “(5) The program has mandatory periodic drug  
15          testing. The Secretary shall, by prescribing guide-  
16          lines or regulations, specify standards for the timing  
17          and manner of complying with such testing. The  
18          standards shall ensure that—

19                 “(A) each individual participating in the  
20                 program as an alternative to incarceration is  
21                 tested for every controlled substance that the  
22                 participant has been known to abuse, and for  
23                 any other controlled substance the Secretary  
24                 may require; and

1                   “(B) the testing is accurate and prac-  
2                   ticable; and

3                   “(C) the drug testing regime is a factor in  
4                   determinations of whether program participants  
5                   successfully complete treatment.

6           “(d) ALLOCATION OF AWARDS.—In making awards  
7 under subsection (a), the Secretary shall give priority to  
8 any entity that agrees to use the award for a program  
9 serving an area that—

10           “(1) is a rural area, an area designated under  
11 section 332 by the Administrator of the Health Re-  
12 sources and Services Administration as a health pro-  
13 fessional shortage area with a shortage of mental  
14 health professionals, or an area determined by the  
15 Secretary to have a shortage of family-based sub-  
16 stance abuse treatment options; and

17           “(2) is determined by the Secretary to have  
18 high rates of addiction to methamphetamine or other  
19 drugs.

20           “(e) DEFINITIONS.—In this section the terms ‘family  
21 drug treatment’, ‘family treatment’, and ‘comprehensive,  
22 long-term family treatment’ describe programs that pro-  
23 vide, or are able to provide referrals for, the following serv-  
24 ices: Substance abuse treatment, children’s early interven-  
25 tion services, family counseling, legal services, medical



1 care, mental health services, nursery and preschool, par-  
2 enting skills training, pediatric care, prenatal care, sexual  
3 abuse therapy, relapse prevention, transportation, and job  
4 or vocational training or general equivalency diploma  
5 (GED) classes.

6 “(f) AUTHORIZATION OF APPROPRIATIONS.—For the  
7 purpose of carrying out this section, there are authorized  
8 to be appropriated \$40,000,000 for each of fiscal years  
9 2008, 2009, and 2010, and \$50,000,000 for each of fiscal  
10 years 2011 and 2012.”.

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