

111TH CONGRESS
1ST SESSION

H. R. 439

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2009

Mr. REHBERG introduced the following bill; which was referred to the
Committee on Energy and Commerce

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 2009”.

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 subsection (a)—

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

12 (B) in paragraph (1), by striking “reside
13 in” and inserting “reside in or receive out-
14 patient treatment services from”; and

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

19 (2) in subsection (d)(6), by inserting “, or re-
20 ferrals for counseling,” after “Counseling”;

21 (3) by amending subsection (h) to read as fol-
22 lows:

23 “(h) ACCESSIBILITY OF PROGRAM.—A funding
24 agreement for an award under subsection (a) for an appli-
25 cant is that the program operated pursuant to such sub-
26 section will be accessible to—

1 “(1) low-income pregnant and parenting
2 women; and

3 “(2) pregnant and parenting women in health
4 disparity populations.”;

5 (4) by amending subsection (m) to read as fol-
6 lows:

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

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

18 “(2) is determined by the Director to have high
19 rates of addiction to methamphetamine or other
20 drugs.”;

21 (5) in subsection (p)—

22 (A) by striking “October 1, 1994” and in-
23 serting “October 1, 2010”;

24 (B) by inserting “In submitting reports
25 under this subsection, the Director may use

1 data collected under this section or other provi-
2 sions of law.” after “biennial report under sec-
3 tion 501(k).”; and

4 (C) by striking “Each report under this
5 subsection shall include” and all that follows
6 and inserting “Each report under this sub-
7 section shall, with respect to the period for
8 which the report is prepared, include the fol-
9 lowing:

10 “(1) A summary of any evaluations conducted
11 under subsection (o).

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

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

1 (6) by redesignating subsections (q) and (r) as
2 subsections (r) and (s), respectively;

3 (7) by inserting after subsection (p) the fol-
4 lowing:

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

9 (8) in subsection (r) (as so redesignated)—

10 (A) by redesignating paragraphs (4) and

11 (5) as paragraphs (5) and (6), respectively; and

12 (B) by inserting after paragraph (3) the
13 following:

14 “(4) The term ‘health disparity population’
15 means a population in which there is a significant
16 disparity in the overall rate of disease incidence,
17 prevalence, morbidity, mortality, or survival rates in
18 the population as compared to the health status of
19 the general population.”; and

20 (9) in subsection (s) (as so redesignated), by
21 striking “such sums as may be necessary to fiscal
22 years 2001 through 2003” and inserting
23 “\$70,000,000 for each of fiscal years 2010 through
24 2014”.

1 **SEC. 3. PROGRAM TO REDUCE SUBSTANCE ABUSE AMONG**
 2 **NONVIOLENT OFFENDERS: FAMILY TREAT-**
 3 **MENT ALTERNATIVES TO INCARCERATION.**

4 Title V of the Public Health Service Act (42 U.S.C.
 5 290aa et seq.) is amended by inserting after section 509
 6 the following:

7 **“SEC. 510. PROGRAM TO REDUCE SUBSTANCE ABUSE**
 8 **AMONG NONVIOLENT OFFENDERS: FAMILY**
 9 **TREATMENT ALTERNATIVES TO INCARCER-**
 10 **ATION.**

11 “(a) IN GENERAL.—The Secretary, acting through
 12 the Administrator of the Substance Abuse and Mental
 13 Health Services Administration, shall make awards of
 14 grants, cooperative agreements, or contracts to public and
 15 nonprofit private entities for the purpose of assisting local
 16 jails and detention facilities in providing comprehensive,
 17 family-based substance abuse treatment services (includ-
 18 ing treatment for addiction to methamphetamine) to preg-
 19 nant and parenting adults who are considered nonviolent
 20 offenders.

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

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

1 “(2) the applicant meets all applicable State li-
2 censor and certification requirements regarding the
3 provision of substance abuse treatment services.

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

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

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

17 “(3) Each parent offender who participates in
18 the program is sentenced to, or placed with, a long-
19 term family treatment program (which shall include
20 a residential component).

21 “(4) Each parent offender who participates in
22 the program serves a sentence with respect to the
23 underlying crime if that parent offender does not
24 successfully complete treatment with the residential
25 treatment provider.

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

6 “(A) each individual participating in the
7 program as an alternative to incarceration is
8 tested for every controlled substance that the
9 participant has been known to abuse, and for
10 any other controlled substance the Secretary
11 may require; and

12 “(B) the testing is accurate and prac-
13 ticable; and

14 “(C) the drug testing regime is a factor in
15 determinations of whether program participants
16 successfully complete treatment.

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

21 “(1) is a rural area, an area designated under
22 section 332 by the Administrator of the Health Re-
23 sources and Services Administration as a health pro-
24 fessional shortage area with a shortage of mental
25 health professionals, or an area determined by the

1 Secretary to have a shortage of family-based sub-
2 stance abuse treatment options; and

3 “(2) is determined by the Secretary to have
4 high rates of addiction to methamphetamine or other
5 drugs.

6 “(e) DEFINITIONS.—In this section the terms ‘family
7 drug treatment’, ‘family treatment’, and ‘comprehensive,
8 long-term family treatment’ describe programs that pro-
9 vide, or are able to provide referrals for, the following serv-
10 ices: Substance abuse treatment, children’s early interven-
11 tion services, family counseling, legal services, medical
12 care, mental health services, nursery and preschool, par-
13 enting skills training, pediatric care, prenatal care, sexual
14 abuse therapy, relapse prevention, transportation, and job
15 or vocational training or general equivalency diploma
16 (GED) classes.

17 “(f) AUTHORIZATION OF APPROPRIATIONS.—For the
18 purpose of carrying out this section, there are authorized
19 to be appropriated \$40,000,000 for each of fiscal years
20 2010, 2011, and 2012, and \$50,000,000 for each of fiscal
21 years 2013 and 2014.”.

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