

107TH CONGRESS  
1ST SESSION

# S. 160

To provide assistance to States to expand and establish drug abuse treatment programs to enable such programs to provide services to individuals who voluntarily seek treatment for drug abuse.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 23, 2001

Mrs. BOXER 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 provide assistance to States to expand and establish drug abuse treatment programs to enable such programs to provide services to individuals who voluntarily seek treatment for drug abuse.

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 “Drug Abuse Treatment  
5       on Demand Assistance Act”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

1           (1) According to the Department of Health and  
2           Human Services, each year drug and alcohol related  
3           abuse kills more than 120,000 Americans.

4           (2) In 1999, an estimated 14,800,000 Ameri-  
5           cans were current illicit drug users.

6           (3) States across the country are faced with in-  
7           creasing demands for drug treatment programs.

8           (4) In addition, methamphetamine abuse con-  
9           tinues to be on the rise. Methamphetamine abuse ac-  
10          counts for 5.1 percent of all treatment admissions,  
11          which was the fourth highest percentage after co-  
12          caine, heroin, and marijuana.

13          (5) Current statistics show that methamphet-  
14          amine use is increasing rapidly especially among the  
15          nation's youth.

16          (6) There are 2,700,000 substance abusers in  
17          America in need of treatment.

18          (7) This number exceeds the 2,137,100 persons  
19          receiving treatment.

20          (8) Recent reports indicate that every addi-  
21          tional dollar invested in substance abuse treatment  
22          saves taxpayers \$7.46 in societal costs.

23          (9) In California, the average cost to taxpayers  
24          per inmate, per year, is \$23,406 versus \$4,300 for  
25          a full treatment program.

1           (10) Drugs and alcohol cost taxpayers nearly  
2           \$276,000,000,000 annually in preventable health  
3           care costs, extra law enforcement, auto crashes,  
4           crime and lost productivity versus \$3,100,000,000  
5           appropriated for substance abuse-related activities in  
6           fiscal year 2000.

7           (11) Nationwide, 59 percent of police chiefs be-  
8           lieve that drug offenders should be treated rather  
9           than incarcerated.

10          (12) Current treatment on demand programs  
11          such as those in San Francisco and Baltimore focus  
12          on the specific drug abuse needs of the local commu-  
13          nity and should be encouraged.

14          (13) Many States have developed programs de-  
15          signed to treat non-violent drug offenders and this  
16          should be encouraged.

17          (14) Drug treatment prevention programs must  
18          be increased in order to effectively address the needs  
19          of those actively seeking treatment before they com-  
20          mit a crime.

21 **SEC. 3. PURPOSE.**

22          It is the purpose of this Act to—

23               (1) assist individuals who voluntarily seek the  
24               services of drug abuse treatment programs by pro-  
25               viding them with treatment on demand;

1           (2) provide assistance to help eliminate the  
2 backlog of individuals on waiting lists to obtain drug  
3 treatment for their addictions;

4           (3) enhance public safety by reducing drug-re-  
5 lated crimes and preserving jails and prison cells for  
6 serious and violent criminal offenders; and

7           (4) assist States in the implementation of alter-  
8 native drug treatment programs that divert non-vio-  
9 lent drug offenders to treatment programs that are  
10 more suited for the rehabilitation of drug offenders.

11 **SEC. 4. DEFINITIONS.**

12       In this Act:

13           (1) DRUG TREATMENT PROGRAM.—

14           (A) IN GENERAL.—The terms “drug treat-  
15 ment program” and “alternative treatment pro-  
16 gram” mean a licensed or certified community  
17 drug treatment program that may include—

18                   (i) outpatient treatment;

19                   (ii) half-way house treatment;

20                   (iii) narcotic replacement therapy; or

21                   (iv) drug education or prevention  
22 courses or limited inpatient or residential  
23 drug treatment as needed to address spe-  
24 cial detoxification or relapse situation or  
25 severe dependence.

1 (B) LIMITATION.—Such terms shall not in-  
 2 clude drug treatment programs offered in a  
 3 prison or jail facility.

4 (2) NON-VIOLENT.—The term “non-violent”  
 5 with respect to a criminal offense means an offense  
 6 that is not a crime of violence as defined under the  
 7 applicable State law.

8 (3) SECRETARY.—The term “Secretary” means  
 9 the Secretary of Health and Human Services.

10 (4) STATE.—The term “State” means each of  
 11 the 50 States, the District of Columbia and the  
 12 Commonwealth of Puerto Rico.

13 **SEC. 5. GRANTS FOR THE EXPANSION OF CAPACITY FOR**  
 14 **PROVIDING TREATMENT.**

15 Section 501 of the Public Health Service Act (42  
 16 U.S.C. 290aa), as amended by section 3102 of the Youth  
 17 Drug and Mental Health Services Act (Public Law 106–  
 18 310), is amended—

19 (1) in subsection (d)—

20 (A) in paragraph (17), by striking “and”  
 21 at the end;

22 (B) in paragraph (18), by striking the pe-  
 23 riod and inserting “; and”; and

24 (C) by adding at the end the following:

1           “(19) make grants for the purpose of increasing  
2           the maximum number of individuals to whom public  
3           and nonprofit private entities are capable of pro-  
4           viding effective treatment for substance abuse, with  
5           the goal of ensuring that substance abuse treatment  
6           is available for all substance abusers who seek it.”;  
7           and

8           (2) in subsection (o)—

9           (A) by striking “For the” and inserting  
10          the following:

11          “(1) IN GENERAL.—For the”;

12          (B) by inserting “except for grants under  
13          subsection (d)(19),”; and

14          (C) by adding at the end the following:

15          “(2) TREATMENT CAPACITY.—For the purpose  
16          of making grants under subsection (d)(19), there are  
17          authorized to be appropriated—

18                 “(A) \$600,000,000 for fiscal year 2002;

19                 “(B) \$1,200,000,000 for fiscal year 2003;

20                 “(C) \$1,800,000,000 for fiscal year 2004;

21                 “(D) \$2,400,000,000 for fiscal year 2005;

22           and

23                 “(E) \$3,000,000,000 for fiscal year  
24                 2006.”.

1 **SEC. 6. ALTERNATIVE TREATMENT PROGRAMS.**

2 (a) GRANTS.—The Attorney General, in consultation  
3 with the Secretary, shall award grants to eligible States  
4 to enable such States, either directly or through the provi-  
5 sion of assistance to counties or local municipalities, to  
6 provide drug treatment services to individuals who have  
7 been convicted of non-violent drug possession offenses and  
8 diverted from incarceration because of the enrollment of  
9 such individuals into community-based drug treatment  
10 programs.

11 (b) ELIGIBILITY.—To be eligible to receive a grant  
12 under this section a State shall—

13 (1) be implementing an alternative drug treat-  
14 ment program under which any individual in the  
15 State who has been convicted of a non-violent drug  
16 possession offense may be enrolled in an appropriate  
17 drug treatment program as an alternative to incar-  
18 ceration; and

19 (2) prepare and submit to the Secretary an ap-  
20 plication at such time, in such manner, and con-  
21 taining such information as the Secretary may re-  
22 quire.

23 (c) USE OF FUNDS.—Amounts provided to a State  
24 under a grant under this section may be used by the State  
25 (or by State or local entities that receive funding from the

1 State under this section) to pay expenses associated  
2 with—

3 (1) the construction of treatment facilities;

4 (2) payments to related drug treatment services  
5 providers that are necessary for the effectiveness of  
6 the program, including aftercare supervision, voca-  
7 tional training, education, and job placement;

8 (3) drug testing;

9 (4) probation services; and

10 (5) counseling, including mental health services.

11 (d) MATCHING REQUIREMENT.—Funds may not be  
12 provided to a State under this section unless the State  
13 agrees that, with respect to the costs to be incurred by  
14 the State in carrying out the drug treatment program in-  
15 volved, the State will make available (directly or through  
16 donations from public or private entities) non-Federal con-  
17 tributions toward such costs in an amount that is at least  
18 equal to the amount of Federal funds provided to the  
19 State under this section.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to carry out this section, \$125,000,000 for  
22 each of fiscal years 2002 through 2006.

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