
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: AB 644 **Hearing Date:** June 8, 2021
Author: Waldron
Version: February 12, 2021
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *California MAT Re-Entry Incentive Program*

HISTORY

Source: Author

Prior Legislation: AB 1304 (Waldron), Ch. 325, Stats. 2020
SB 843 (Comm. on Budget and Fiscal Review), Ch. 33, Stats. 2016

Support: Alcohol Justice; Anti-Recidivism Coalition; California Access Coalition;
California Association of Alcohol/Drug Educators; California Public Defenders
Association; County Behavioral Health Directors Association of California; Drug
Policy Alliance; Voices of Recovery

Opposition: None known

Assembly Floor Vote: 77 - 0

PURPOSE

The purpose of this bill is to change the existing requirement for the California Medication-Assisted Treatment (MAT) Re-Entry Incentive Program that a person participate in an institutional substance abuse program in order to be eligible for a reduction to the period of parole to a requirement that the person has been enrolled or participated in a post-release substance abuse program.

Existing law establishes the California MAT Re-Entry Incentive Program, which makes a person eligible for a 30-day reduction to the period of parole for every six months of treatment that is not ordered by the court, up to a maximum 90-day reduction, if the person meets all of the following requirements:

- The person has been released from state prison and is subject to the jurisdiction of, and parole supervision by, the department, as specified;
- The person has been enrolled in, or successfully participated in, an institutional substance abuse program; and,
- The person successfully participates in a substance abuse treatment program that employs a multifaceted approach to treatment, including the use of United States Food and Drug Administration approved medically assisted therapy (MAT), and, whenever possible, is provided through a program licensed or certified by the State Department of Health Care

Services, including federally qualified health centers (FQHS), community clinics, and Native American Health Centers. (Pen. Code, § 3000.02, subs. (a) & (b).)

Existing law exempts persons convicted of specified sex offenses from the MAT Re-Entry Incentive Program. (Pen. Code, § 3000.02, subd. (d).)

Existing law authorizes the California Department of Corrections and Rehabilitation (CDCR) to award an inmate program credit reductions from his or her term of confinement for participation in approved rehabilitation programming, including substance abuse treatment. (Pen. Code, § 2933.05.)

This bill changes the existing requirement for program eligibility that a person participate in an institutional substance abuse program to a post-release substance abuse program.

COMMENTS

1. Need for This Bill

According to the author:

The Newsom Administration, including CDCR, and Assemblymember Waldron agree that the provisions of AB 1304 will be most impactful if parolees are not excluded from eligibility because they did not participate in a custodial treatment program.

The risk of relapse to opioid use following release from a correctional setting is extremely high, and the majority of participants drop out of community-based treatment before completion. This propagates a cycle of failure for these individuals. It is imperative that the investment the State of California is making in substance use treatment within correctional settings be complimented with policies that improve adherence to medications and treatment post-release.

AB 644 incentivizes formerly incarcerated individuals to participate in post-release SUD treatment, regardless of whether or not they participated in in-custody treatment. This bill represents an agreement between the Newsom Administration and Assemblymember Waldron that will strengthen the California MAT Re-Entry Incentive Program, reduce recidivism and associated state costs, and provide a much-needed lifeline to formerly incarcerated persons seeking to overcome addiction.

2. Medication Assisted Treatment

Medication-assisted treatment (MAT) is a “whole-patient” approach to treating substance use disorders that uses medication in combination with counseling and behavioral therapies. MAT is clinically effective in treating substance use disorders, including opioid and alcohol use disorders. Medications used in MAT are approved by the Food and Drug Administration (FDA), and MAT programs are clinically driven and tailored to meet each patient’s needs. The Substance Abuse and Mental Health Services Administration (SAMHSA) within the U.S. Department of Health and Human Services describes the mechanics of MAT:

MAT is primarily used for the treatment of addiction to opioids such as heroin and prescription pain relievers that contain opiates. The prescribed medication operates to normalize brain chemistry, block the euphoric effects of alcohol and opioids, relieve physiological cravings, and normalize body functions without the negative effects of the abused drug. (<https://www.samhsa.gov/medication-assisted-treatment>)

MAT has been shown to improve patient survival, increase retention in treatment, decrease illicit opiate use and other criminal activity among people with substance use disorders, increase patients' ability to gain and maintain employment, and improve birth outcomes among women who have substance use disorders and are pregnant. (*Id.*)

The 2019-2020 budget allocated a significant amount of funding through the 2021-2022 fiscal year to implement an integrated substance use disorder treatment program throughout the state's prisons. The program includes the use of MAT to treat inmates with opioid and alcohol use disorders, a redesign of the current cognitive behavioral treatment curriculum, the development and management of inmate treatment plans, as well as substance use disorder-specific pre-release transition planning. The statewide MAT program is an expansion of a MAT pilot program previously operated by the Receiver at three state prisons.

AB 1304 (Waldron), Chapter 325, Statutes of 2020, established the California MAT Re-Entry Incentive Program which created a reduction in parole time for a person who had been enrolled in or successfully participated in a substance abuse program while incarcerated and participation in the program was not court-ordered. This bill changes the existing requirement for program eligibility that a person has participated in an institutional substance abuse program to a requirement that a person has been enrolled in or successfully participated in a post-release substance abuse program in order to be eligible for a reduction in parole time.

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