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House of Representatives, April 25, 2023

**An Act to Establish the Homeless Substance Use Disorder Service
Program**

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GATTINE of Westbrook.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** substance use disorder is a crisis in this State, and housing is a critical
4 service when assisting individuals with substance use disorder; and

5 **Whereas,** the homeless opioid users service engagement pilot project is currently in
6 operation and it is important that the lessons of the pilot project are immediately
7 incorporated into the Homeless Substance Use Disorder Service Program; and

8 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
9 the meaning of the Constitution of Maine and require the following legislation as
10 immediately necessary for the preservation of the public peace, health and safety; now,
11 therefore,

12 **Be it enacted by the People of the State of Maine as follows:**

13 **Sec. 1. 5 MRSA §20003, sub-§17-C** is enacted to read:

14 **17-C. Person experiencing homelessness.** "Person experiencing homelessness"
15 means:

16 A. A person who is an adult, an unaccompanied youth or an adult with a family who
17 lacks a fixed, regular and adequate nighttime residence or is at risk of imminently
18 losing that person's primary nighttime residence, including a person who is sharing
19 another person's dwelling on a temporary basis under which permission to remain is
20 contingent upon the hospitality of the primary leaseholder or owner and can be
21 rescinded at any time without notice;

22 B. A person who is fleeing or attempting to flee domestic violence, dating violence,
23 sexual assault, stalking or another dangerous or life-threatening situation involving
24 violence against the person or a member of the person's family; and

25 C. A person who is exiting an institution where the person resided for 90 or fewer days
26 and who resided in an emergency shelter or place not meant for human habitation
27 immediately before entering the institution.

28 **Sec. 2. 5 MRSA §20056** is enacted to read:

29 **§20056. Homeless Substance Use Disorder Service Program**

30 The department shall establish and administer the Homeless Substance Use Disorder
31 Service Program, referred to in this section as "the program," to provide rapid access to
32 low-barrier treatment for substance use disorder and stable housing to support recovery.
33 The program includes the following requirements.

34 **1. Participants.** A participant receiving services in the program must be a person with
35 substance use disorder and a person experiencing homelessness who has a history of drug
36 overdose. Participation is voluntary, and a participant may withdraw from the program at
37 any time.

38 **2. Contracts; services.** The department shall contract with one or more social service
39 or health care providers for the program. The contracts must be sufficient to provide
40 services for up to 50 participants in each year. The contractor may subcontract with partner
41 providers to implement portions of the program. Services provided in the program must

1 include, but are not limited to, integrated medication-assisted treatment; inpatient treatment
2 programs; intensive case management services; access to stable housing that facilitates
3 recovery and independence and offers a harm reduction approach; housing assistance;
4 recovery support services that are flexible and appropriate to the participant; peer support
5 services; outreach services to identify and engage with potential participants; transition
6 services for a participant recently incarcerated or hospitalized; transportation services; and
7 any other appropriate services. Services provided to participants are individualized and
8 flexible as appropriate to each participant's needs. Each participant shall engage in
9 developing an individual plan with the provider.

10 **3. Service locations.** The department shall ensure that the program is available in at
11 least one urban and one rural area of the State and is based on the geographic location of
12 potential participants described in subsection 1.

13 **4. Housing assistance fund.** The contractor shall administer a housing assistance
14 fund to provide participants with immediate access to stable housing. The housing
15 assistance fund must contain sufficient capital to provide all participants with 18 months
16 of rent at fair market value based on the location of the housing. The contractor may
17 provide a participant with more or less than 18 months of financial assistance from the
18 housing assistance fund, depending on the participant's need for financial assistance to
19 achieve housing stability. The contractor shall assist participants in securing an alternative
20 financial resource or resources for housing including but not limited to employment,
21 general assistance, the Bridging Rental Assistance Program established in Title 34-B,
22 section 3011, the federal shelter plus care program authorized by the federal McKinney-
23 Vento Homeless Assistance Act, Public Law 100-77 (1987) as amended by the federal
24 Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, Public Law
25 111-22, Division B (2009) and housing choice vouchers under Section 8 of the United
26 States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, as amended.

27 **5. Housing funding.** The Maine State Housing Authority shall collaborate with the
28 department to provide funding for costs associated with housing provided under this
29 section.

30 **6. Rulemaking.** The department shall adopt rules to implement the program. Rules
31 adopted pursuant to this section are routine technical rules as defined in chapter 375,
32 subchapter 2-A.

33 **7. Reports.** The department shall provide a report to the joint standing committee of
34 the Legislature having jurisdiction over health and human services matters every 2 years
35 beginning January 2, 2025 regarding the program. The report must include numbers of
36 participants including those who leave the program because they no longer need services
37 and those who are unsuccessful, descriptions of services provided, evaluation data, funding
38 levels and continuing challenges. The joint standing committee is authorized to report out
39 legislation related to the report in any regular or special session in the year in which the
40 committee receives the report.

41 **Sec. 3. Rulemaking.** Rules adopted by the Department of Health and Human
42 Services pursuant to the Maine Revised Statutes, Title 5, section 20056 to develop the
43 Homeless Substance Use Disorder Service Program must incorporate the evaluation
44 information from the homeless opioid users service engagement pilot project established
45 in Resolve 2019, chapter 105. The department shall include the contractors and

1 subcontractors that provided the services pursuant to the homeless opioid users service
2 engagement pilot project in developing the program rules adopted pursuant to Title 5,
3 section 20056, subsection 6.

4 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
5 takes effect when approved.

6 **SUMMARY**

7 This bill establishes the Homeless Substance Use Disorder Service Program to provide
8 rapid access to low-barrier treatment for substance use disorder and stable housing to
9 support recovery. The program is similar to the homeless opioid users service engagement
10 pilot project established in Resolve 2019, chapter 105, but the program is not limited to
11 opioid use and provides additional services including transportation, community services
12 and inpatient treatment services. The evaluation of the pilot project must be used to inform
13 the rules implementing the program and the contractors and subcontractors of the pilot
14 project must be included in developing the rules.