



Legal Action Center Urges Continued Bipartisan Support for Expanding Addiction Treatment and Reforming Criminal Justice Policies

The opioid epidemic has ravaged communities and families across the country, and in doing so, it has challenged our understanding of the disease and deepened our awareness of the consequences of an untreated addiction. When it comes to increasing access to addiction and mental health treatment, significant progress has been made in recent years. But much work remains. President Trump and members of Congress from both sides of the aisle have championed expansion of addiction treatment, including the full range of services and FDA-approved medications, as well as criminal justice reform.

As a new President and a new Congress set policy priorities, Legal Action Center looks forward to working with them to find common ground and build on years of progress by expanding substance use disorder and mental health prevention and care and reforming criminal justice policies to reverse mass incarceration and to facilitate the reentry of people who pay their debt to society and are returning to their communities. Recent legislative activity, comments from the campaign trail as well as public opinion polling suggest there are, in fact, many areas of bipartisan agreement when it comes to improving access to addiction treatment and reforming our criminal justice system.

According to polling released by the Pew Research Center in November, 2016ⁱ, while voters “sharply diverged on [the] seriousness of an array of problems,” drug addiction surfaced as one of the only areas of shared concern, with 91% of all voters saying it was either a “very big” (58%) or “moderately big” (33%) problem. Furthermore, of the 13 major issues surveyed, drug addiction was the only one viewed

as a “very big problem” by a majority of both Trump and Clinton supporters – 62% and 56%, respectively.

As policymakers evaluate proposed legislation released March 6, 2017 by members of Congress to modify the **Affordable Care Act**, four Republican Senators – **Rob Portman (R-OH), Shelley Moore Capito (R-WV), Cory Gardner (R-CO) and Lisa Murkowski (R-AK)** – were quick to voice concerns about inadequate protections for individuals receiving mental health and substance use services.

“We are concerned that any poorly implemented or poorly timed change in the current funding structure in Medicaid could result in a reduction in access to life-saving health care services. The Medicaid population includes a wide range of beneficiaries, many of which cycle on and off Medicaid due to frequent changes in income, family situations, and living environments. The Department of Health and Human Services reports that nearly one-third of individuals covered under the Medicaid expansion have a mental health or substance use disorder. As the largest payer of mental health and substance use services in the United States, it is critical that any health care replacement provide states with a stable transition period and the opportunity to gradually phase-in their populations to any new Medicaid financing structure.”ⁱⁱ

This comes on the heels of the **Comprehensive Addiction and Recovery Act (CARA)**, which had early and deep bipartisan support, with Senators Rob Portman (R-OH) and Sheldon Whitehouse (D-RI) as sponsors and Senators Amy Klobuchar (D-MN) and Kelly Ayotte (R-NH) as primary cosponsors, joined by 40 other cosponsors. The legislation was passed with broad bipartisan support and signed into law by President Obama in July, 2016.

Sen. Portman: “We know that the abuse of heroin and prescription drugs is tearing apart families and devastating our communities. This bill will help more Americans put their lives back together and achieve their God-given potential.”

Sen. Whitehouse: “This bill treats addiction like the illness it is. The bill will help states give law enforcement officers, health care providers, family members, and all those on the front lines of this battle a better shot at success.”

Sen. Klobuchar: “As a former prosecutor, I have seen firsthand the devastating effects drug abuse can have on families in Minnesota and across the country. We must spare no effort to reverse this deadly trend.”

Sen. Ayotte: “CARA will help increase prevention efforts, ensure law enforcement and first responders have greater access to the tools they need on the front lines, increase support for individuals in recovery, and improve treatment, intervention, and prescribing practices for pain management.”ⁱⁱⁱ

Efforts to reform the criminal justice system have also received broad bipartisan support over the years. **The Second Chance Act**, which passed in 2008 and was signed into law by President Bush, provides grants to states and communities to help them address the needs of people returning home from incarceration. Second Chance funding supports addiction and mental health treatment, mentoring, job training and education, housing, and other critical reentry services. The grants are administered primarily by the U.S. Department of Justice, Bureau of Justice Assistance. Legislation has been introduced to reauthorize the funding for the Second Chance Act, and the bill continues to receive broad support leaders in law enforcement and the courts as well as workforce training and addiction treatment providers.

Legislation to reauthorize The Second Chance Act also enjoys bipartisan support in both houses of Congress, including among the bills’ original sponsors: Sen. Rob Portman (R-OH), Rep. Jim Sensenbrenner (R-WI) and Sen. Patrick Leahy (D-VT).

Sen. Portman: “If you want to turn your life around and become a productive member of society, we want to help. Rather than incarcerating repeat offenders in the same communities generation after generation, we can put our taxpayer dollars to better use to break this vicious cycle and turn lives around. The ultimate goal of this legislation is to make families and communities stronger, save taxpayer dollars, and improve the criminal justice system.”^{iv}

Rep. Sensenbrenner: “We’ve seen time and again that the initiatives put forth in the Second Chance Act work. In addition to saving significant taxpayer dollars, this legislation gives imprisoned individuals the tools they need to successfully re-enter society and become contributing members of their communities. With broad bipartisan support, this targeted bill will enhance our overall efforts to bring serious and desperately needed reform to our failing criminal justice system.”^v

Sen. Leahy: “Too much of our federal money goes to locking people away, meaning that we have fewer resources for programs that actually prevent crime in the first place. With more than 2 million people behind bars, and 650,000 ex-offenders being released each year, we must support and improve crucial programs that reduce crime and increase public safety. Investing in these services

has been proven to reduce recidivism and bring down prison costs. It is also the right thing to do.”^{vi}

In remarks delivered in Portsmouth, New Hampshire on October 15, **Donald Trump** outlined a detailed agenda for expanding access to treatment.^{vii}

“It is tragedy enough that so many Americans are struggling with life-threatening addiction. We should not compound that tragedy with government policies and bureaucratic rules that make it even harder for them to get help.

Recovery medications have the potential to save thousands and thousands of lives. We prescribe opioids like Oxycontin freely, but when patients become addicted to those drugs, we stop doctors from giving patients the treatments they medically need.

As president, I’d work to lift the cap on the number of patients that doctors can treat, provided they follow safe prescribing practices and proper treatment supervision.

[W]e will give people struggling with addiction access to the help they need. Congress has already taken the first step by passing the Comprehensive Addiction and Recovery Act. This legislation is an important step.

I would also expand incentives for states and local governments to use drug courts and mandated treatment. These can be a cost effective, appropriate, and humane response to addiction.

I would dramatically expand access to treatment slots and end Medicaid policies that obstruct inpatient treatment.

I would dramatically expand first responders’ and caregivers’ access to Narcan, an antidote that treats overdoses and saves thousands of lives.”

Effective strategies to address the heroin and opioid epidemic and other substance use disorders will require access to the full continuum of services and medications in all public and private insurance, including full implementation and enforcement of the federal Wellstone Domenici Mental Health Parity and Addiction Equity Act, which passed with broad bi-partisan support in 2008.

Similarly, we must build on bipartisan consensus to reform our criminal justice system. Legal Action Center will work with broad and diverse coalitions to advocate for

prevention and initial diversion strategies to increase the provision of post-release supports, including efforts to reduce discrimination and criminal record barriers.

For more information, visit www.lac.org

ⁱ <http://www.people-press.org/2016/11/10/a-divided-and-pessimistic-electorate/>

ⁱⁱ <http://www.portman.senate.gov/public/index.cfm/press-releases?ID=C6D96A68-A891-4BA1-8AD2-1CE166E0F8EB>

ⁱⁱⁱ <http://www.aaap.org/senate-passes-far-reaching-bill-to-tackle-addiction-crisis/>

^{iv} <https://lac.org/sen-patrick-leahy-sen-rob-portman-introduce-bill-to-reauthorize-the-second-chance-act/>

^v <http://sensenbrenner.house.gov/news/documentsingle.aspx?DocumentID=397937>

^{vi} <https://lac.org/sen-patrick-leahy-sen-rob-portman-introduce-bill-to-reauthorize-the-second-chance-act/>

^{vii} <https://www.donaldjtrump.com/press-releases/donald-j.-trump-remarks-in-portsmouth-nh>