



STATE OF VERMONT

MEMORANDUM

To: Joint Legislative Justice Oversight Committee
From: Benjamin E. Novogroski, Esq.
Date: September 18, 2024
Subject: Act 159 of 2024 (H.876) – Offender prescription and opioid drug coverage

Act 159 Offender Prescription and Opioid Use Treatment Coverage

Prior to Act 159, there were no Vermont laws that specifically outlined the procedure and quantity of prescription medications for offenders preparing for release into the community. Instead, Vermont law mandated that the contract between the Department of Corrections (DOC) and its third-party medical provider establish such procedures and quantities. However, Vermont law provided a bit more detail for offenders experiencing opioid use disorder and how they should be treated in the community.

Act 159 created the following mandates for DOC and its provider as part of the reentry plan for an offender taking prescription medication:

- Offenders prescribed medication while incarcerated shall be provided with not less than a 28-day supply of the medication upon release, if available and clinically appropriate.
- Offenders are provided with a valid prescription to continue the medication after any supply provided at release is depleted.
- DOC or its medical provider must identify any necessary licensed health care provider or substance use disorder treatment program, or both, and schedule an intake appointment with the provider or program to ensure continued treatment in the community.

Act 159 created the following mandates for DOC and its provider as part of the reentry plan for an offender taking medication for opioid use disorder:

- Offenders prescribed opioid use disorder medication while incarcerated shall be provided with a legally permissible supply of the medication upon release, if available and clinically appropriate.
- DOC must inform and offer care coordination to an offender to expedite access to counseling and behavioral therapies within the community.
- DOC or its medical provider must identify any necessary licensed health care provider or opioid use disorder treatment program, or both, and schedule an intake appointment with the provider or program to ensure continued treatment in the community.