

KNOW YOUR RIGHTS MEDICATION-ASSISTED TREATMENT IN MAINE JAILS AND PRISONS

People incarcerated in Maine jails and prisons have the right to Medication-Assisted Treatment (MAT) for treatment of substance use disorder.

KNOW YOUR RIGHTS: MEDICATION-ASSISTED TREATMENT IN MAINE JAILS AND PRISONS

Your right to Medication-Assisted Treatment (MAT) is guaranteed under Maine and federal laws and regulations.

Medically-managed withdrawal treatment:

Maine jails must provide screening, assessment, and medically managed withdrawal treatment. Medically managed withdrawal treatment includes whichever addiction treatment medication is most appropriate for a given person, behavioral treatment, and post-incarceration transitional support for residents with substance use disorder. Maine Department of Corrections standards specifically require Maine jails to provide residents with substance use disorder with a treatment plan that includes MAT.

You do not need a prescription:

Residents do not need a prescription before receiving MAT. The law requires that all individuals be screened for substance use disorder and provided MAT if the treatment is deemed appropriate—regardless of whether they have an existing prescription or are already on MAT.

Treatment cannot be denied if you test positive for illegal drugs:

Residents cannot be denied MAT for positive tests for illegal drugs, nor can they be forced to taper off MAT or given a clinically inappropriate dosage.

WHAT IS MAT, AND WHY IS IT IMPORTANT THAT INCARCERATED PERSONS WITH SUBSTANCE ABUSE DISORDER HAVE ACCESS TO IT?

Medication-Assisted Treatment (MAT) is the standard of care for treating people with substance use disorder. The treatment uses medications—methadone, buprenorphine, or naltrexone—in combination with counseling and behavioral therapies.

There is a significant need for MAT in jails and prisons. Across the nation, about 25% of all incarcerated people have opioid use disorder. In Maine, about 40% of the incarcerated population currently receives MAT.

Providing MAT for people in jails and prisons is also lifesaving. If symptoms are not properly managed, withdrawal can lead to mental health issues and death. Receiving MAT significantly lowers risk of overdose, suicide, and other preventable causes of death.

HOW DID THE RIGHT TO RECEIVE MAT COME ABOUT IN MAINE?

The ACLU of Maine won a federal lawsuit against the Aroostook County Jail and Sheriff Shawn Gillen for refusing to provide MAT to Brenda Smith for her opioid disorder during her incarceration.

The ACLU of Maine alleged in the lawsuit that the refusal to provide MAT to Ms. Smith violated her rights under the Americans with Disabilities Act and the Eighth Amendment of the U.S. Constitution.

District Court victory:

In 2019, the United States District Court for the District of Maine ordered Aroostook County and Sheriff Gillen to provide Brenda Smith with MAT. Specifically, the court concluded that Aroostook County's refusal constituted illegal discrimination under the Americans with Disabilities Act. The court also found that the refusal of care would cause Smith severe harm, including painful physical symptoms of withdrawal and an increased risk of later relapse, overdose, and even death.

Circuit Court victory:

Aroostook County appealed this victory, but the United States Court of Appeals for the First Circuit upheld the district court's ruling and protected the right to MAT in Maine.

MAT added to Maine statute and regulation:

Following this landmark ruling, the right to receive MAT for substance use disorder treatment in Maine jails and prisons was codified in statute and regulation.

WHAT SHOULD I DO IF I AM BEING DENIED ACCESS TO MAT IN A MAINE JAIL OR PRISON?

If you or someone you know is being denied access to MAT in a Maine jail or prison, send a letter to the prison administrator.

Legal letter:

Writing a demand letter to the jail or prison administrator is the first step. You can download our demand letter template to get started on our website. Scan the QR code below to quickly access our site.

Request assistance from the ACLU of Maine:

If you receive no response or no further action is taken on the part of the Maine jail or prison, contact the ACLU of Maine by completing a request for legal assistance on our website.



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