

AMENDMENTS TO SENATE BILL NO. 922

Sponsor: SENATOR LANGERHOLC

Printer's No. 1236

1 Amend Bill, page 1, lines 1 through 10, by striking out all
2 of said lines and inserting
3 Amending Titles 35 (Health and Safety), 42 (Judiciary and
4 Judicial Procedure) and 61 (Prisons and Parole) of the
5 Pennsylvania Consolidated Statutes, establishing the
6 Nonnarcotic Medication Substance Use Disorder Treatment
7 Program; in organization and jurisdiction of courts of common
8 pleas, providing for court assessments for substance use
9 disorder treatment; in other criminal provisions, further
10 providing for supervisory relationship to offenders; and, in
11 Pennsylvania Board of Probation and Parole, further providing
12 for supervisory relationship to offenders.

13 Amend Bill, page 1, lines 15 through 21; pages 2 through 9,
14 lines 1 through 30; page 10, lines 1 through 17; by striking out
15 all of said lines on said pages and inserting

CHAPTER 52BNONNARCOTIC MEDICATIONSUBSTANCE USE DISORDER TREATMENT PROGRAMSec.52B01. Definitions.52B02. Program established.52B03. Single county authority requirements.52B04. Use of grant funding.52B05. Powers and duties of department.§ 52B01. Definitions.

The following words and phrases when used in this chapter
shall have the meanings given to them in this section unless the
context clearly indicates otherwise:

"Court." A court of common pleas of a judicial district, a
problem-solving court and the Municipal Court of Philadelphia.

"Department." The Department of Drug and Alcohol Programs of
the Commonwealth.

"Eligible provider." An organization or entity licensed by
the Commonwealth capable of:

(1) assessing an offender to determine if the offender

1 is a candidate to whom medication that prevents a relapse to
2 drug and alcohol dependence should be administered;

3 (2) providing an individualized treatment plan; and

4 (3) administering an FDA-approved nonnarcotic medication
5 indicated for use in treating a substance use disorder.

6 "Nonnarcotic medication assisted substance use disorder
7 treatment." A substance use disorder treatment that includes
8 the use of an FDA-approved nonnarcotic medication indicated for
9 use in treating a substance use disorder, as well as counseling
10 and other substance use disorder treatment measures as deemed
11 clinically appropriate by an eligible provider.

12 "Program." The Nonnarcotic Medication Substance Use Disorder
13 Treatment Program established under this chapter.

14 "Single county authority." An agency designated by the
15 Department of Health under the act of April 14, 1972 (P.L.221,
16 No.63), known as the Pennsylvania Drug and Alcohol Abuse Control
17 Act, to plan and coordinate drug and alcohol prevention,
18 intervention and treatment services for a geographic area, which
19 may consist of one or more counties.

20 § 52B02. Program established.

21 The Nonnarcotic Medication Substance Use Disorder Treatment
22 Program is established within the department to increase
23 opportunities for single county authorities to provide
24 comprehensive substance use disorder treatment to offenders as
25 may be clinically appropriate through the awarding of grants. To
26 the extent that grant money is available, a single county
27 authority may contract with an eligible provider to make
28 available nonnarcotic medication assisted substance use disorder
29 treatment to any offender upon whom a court imposes a sentence
30 of confinement, intermediate punishment, an alternative
31 sentence, probation, Accelerated Rehabilitative Disposition or a
32 fine.

33 § 52B03. Single county authority requirements.

34 In order to be eligible for grant funding under the program,
35 a single county authority shall:

36 (1) Make an application on a form and in a manner
37 determined by the department.

38 (2) Enter into a contract with one or more eligible
39 providers as required under section 52B04 (relating to use of
40 grant funding).

41 (3) Meet any other requirement established by the
42 department.

43 § 52B04. Use of grant funding.

44 (a) General rule.--Except as provided for in subsection (b),
45 a single county authority awarded a grant under the program
46 shall contract with an eligible provider that shall:

47 (1) Assess each offender to determine if the offender is
48 a candidate to be administered medication that prevents
49 relapse to substance use dependence.

50 (2) Create an individualized program for each offender
51 identified under paragraph (1).

1 (3) Provide access to and administer nonnarcotic
2 medication assisted substance use disorder treatment when
3 clinically appropriate.

4 (4) If determined to not be a candidate for nonnarcotic
5 medication assisted substance use disorder treatment, provide
6 recommendations to the single county authority as to what
7 type, if any, of medication assisted treatment may be
8 necessary or helpful to the offender and may make a referral
9 to another medication assisted treatment facility that can
10 provide the appropriate treatment.

11 (5) Provide clinically appropriate inpatient or
12 outpatient services determined necessary to support each
13 individual's treatment plan.

14 (6) Establish a plan and timetable to collect and
15 disseminate the identified information to the department
16 relating to recidivism, deterrence, relapses and overall
17 effectiveness of the program.

18 (b) Exception.--If a single county authority is approved by
19 the department as meeting all of the requirements under
20 subsection (a), the single county authority shall be exempt from
21 the requirement to contract with an eligible provider.

22 § 52B05. Powers and duties of department.

23 (a) General rule.--The department shall:

24 (1) Create a form for single county authorities to apply
25 for grant funding under the program.

26 (2) Establish criteria for eligible single county
27 authorities applying for grant funding under the program.

28 (3) Create a form available to eligible providers to be
29 used to confirm that an offender is eligible for and enrolled
30 in the program.

31 (4) Promulgate rules and regulations as necessary to
32 implement this chapter.

33 (5) In coordination with the Department of Corrections,
34 issue a report to the General Assembly relating to
35 recidivism, deterrence, relapses and overall effectiveness of
36 the program no later than one year from the effective date of
37 this section and no later than December 15 of each calendar
38 year thereafter.

39 (b) Limits on grant awards.--Grant awards shall be at the
40 discretion of the department and shall be limited to amounts
41 annually appropriated to the department for the program.

42 (c) Statewide substance use disorder treatment assessment
43 coordinator.--To the extent that money is available, the
44 department may appoint a Statewide substance use disorder
45 treatment assessment coordinator. The coordinator may:

46 (1) Encourage and assist in the establishment of
47 substance use disorder treatment assessments in each judicial
48 district.

49 (2) Identify sources of funding for substance use
50 disorder treatment assessments, including the availability of
51 grants.

1 (3) Provide coordination and technical assistance for
2 grant applications.

3 (4) Develop model guidelines for the administration of
4 substance use disorder treatment assessments.

5 (5) Establish procedures for monitoring substance use
6 disorder treatment assessments and for evaluating the
7 effectiveness of substance use disorder treatment
8 assessments.

9 (d) Advisory committee.--The department may establish, from
10 available money, an interdisciplinary and interbranch advisory
11 committee to advise and assist the Statewide substance use
12 disorder treatment assessment coordinator in monitoring and
13 administrating substance use disorder treatment assessments
14 Statewide.

15 Section 2. Title 42 is amended by adding a section to read:
16 § 918. Court assessments for substance use disorder treatment.

17 (a) Establishment.--Except as provided in subsection (b),
18 the court of common pleas of a judicial district, a problem-
19 solving court and the Municipal Court of Philadelphia may order
20 an offender charged with a drug-related offense upon whom a
21 court imposes a sentence of confinement, intermediate
22 punishment, an alternative sentence, probation, Accelerated
23 Rehabilitative Disposition or a fine to be assessed by an
24 eligible provider to determine whether the use of a nonnarcotic
25 medication assisted substance use disorder treatment program may
26 be clinically appropriate for the offender. The court may adopt
27 local rules for substance use disorder treatment assessments.
28 The local rules may not be inconsistent with this section or any
29 rules established by the General Assembly or the Supreme Court.

30 (b) Noneligibility.--The following offenders are not
31 eligible for the program under subsection (a). An offender who:

32 (1) Has demonstrated violent behavior.

33 (2) Has been subject to a sentence which included an
34 enhancement for the use of a deadly weapon as defined under
35 law or the sentencing guidelines promulgated by the
36 Pennsylvania Commission on Sentencing.

37 (3) Has been found guilty or was convicted of an offense
38 involving a deadly weapon, an offense under 18 Pa.C.S. Ch. 61
39 (relating to firearms and other dangerous articles) or an
40 equivalent offense under the laws of the United States or one
41 of its territories or possessions, another state, the
42 District of Columbia, the Commonwealth of Puerto Rico or a
43 foreign nation.

44 (4) Has been found guilty or previously convicted of or
45 adjudicated delinquent for committing or attempting or
46 conspiring to commit a personal injury crime as defined under
47 section 103 of the act of November 24, 1998 (P.L.882,
48 No.111), known as the Crime Victims Act, except for an
49 offense under 18 Pa.C.S. § 2701 (relating to simple assault)
50 when the offense is a misdemeanor of the third degree, or an
51 equivalent offense under the laws of the United States or one

1 of its territories or possessions, another state, the
2 District of Columbia, the Commonwealth of Puerto Rico or a
3 foreign nation.

4 (5) Has been found guilty, previously convicted or
5 adjudicated delinquent for violating any of the following
6 provisions or an equivalent offense under the laws of the
7 United States or one of its territories or possessions,
8 another state, the District of Columbia, the Commonwealth of
9 Puerto Rico or a foreign nation:

10 (i) 18 Pa.C.S. § 4302(a) (relating to incest).

11 (ii) 18 Pa.C.S. § 5901 (relating to open lewdness).

12 (iii) 18 Pa.C.S. Ch. 76 Subch. C (relating to
13 Internet child pornography).

14 (iv) Any offense for which registration is required
15 under 42 Pa.C.S. Ch. 97 Subch. H (relating to
16 registration of sexual offenders).

17 (v) Any offense for which registration is required
18 under 42 Pa.C.S. Ch. 97 Subch. I (relating to continued
19 registration of sexual offenders).

20 (6) Received a criminal sentence under 42 Pa.C.S. §
21 9712.1 (relating to sentences for certain drug offenses
22 committed with firearms) or has been found guilty, previously
23 convicted or adjudicated delinquent for violating an
24 equivalent offense under the laws of the United States or one
25 of its territories or possessions, another state, the
26 District of Columbia, the Commonwealth of Puerto Rico or a
27 foreign nation.

28 (7) Is awaiting trial or sentencing for additional
29 criminal charges, if a conviction or sentence on the
30 additional charges would cause the offender to become
31 ineligible under this subsection.

32 (c) Failure to participate.--If treatment is determined
33 clinically appropriate by an eligible provider, an offender's
34 failure to participate in a recommended treatment plan as
35 determined by the court-ordered assessment may be considered by
36 the court to be a probation or parole violation and treated as
37 such under appropriate State or local court rules.

38 (d) Definitions.--The following words and phrases when used
39 in this section shall have the meanings given to them in this
40 subsection unless the context clearly indicates otherwise:

41 "Drug-related offense." Except for the offenses listed under
42 subsection (b), a criminal offense which the court determines
43 was motivated by the offender's consumption of or addiction to
44 alcohol or a controlled substance, counterfeit, designer drug,
45 drug, immediate precursor or marihuana, as those terms are
46 defined in the act of April 14, 1972 (P.L.233, No.64), known as
47 The Controlled Substance, Drug, Device and Cosmetic Act.

48 "Eligible provider." An organization or entity capable of:

49 (1) assessing an offender to determine if the offender
50 is a candidate to whom medication that prevents a relapse to
51 drug and alcohol dependence should be administered;

1 (2) providing an individualized treatment plan; and
2 (3) administering an FDA-approved nonnarcotic medication
3 indicated for use in treating a substance use disorder.
4 "Nonnarcotic medication assisted substance use disorder
5 treatment." A substance use disorder treatment that includes
6 the use of an FDA-approved nonnarcotic medication indicated for
7 use in treating a substance use disorder as well as counseling
8 and other substance use disorder treatment measures as deemed
9 clinically appropriate by an eligible provider.

10 Section 3. Section 9912 of Title 42 is amended by adding a
11 subsection to read:

12 § 9912. Supervisory relationship to offenders.

13 * * *

14 (e.2) Recommendation of offenders for nonnarcotic medication
15 assisted substance use disorder treatment.--

16 (1) An officer may recommend that an offender under
17 their supervision be assessed by an eligible provider to
18 determine whether the use of the program may be clinically
19 appropriate for the offender as described in section 918
20 (relating to court assessments for substance use disorder
21 treatment).

22 (2) As used in this subsection, the following words and
23 phrases shall have the meanings given to them in this
24 paragraph:

25 "Eligible provider." An organization or entity capable
26 of:

27 (i) assessing an offender to determine if the
28 offender is a candidate to whom medication that prevents
29 a relapse to drug and alcohol dependence should be
30 administered;

31 (ii) providing an individualized treatment plan; and

32 (iii) administering an FDA-approved nonnarcotic
33 medication indicated for use in treating a substance use
34 disorder.

35 "Program." The Nonnarcotic Medication Substance Use
36 Disorder Treatment Program established under 35 Pa.C.S. Ch.
37 52B (relating to Nonnarcotic Medication Substance Use
38 Disorder Treatment Program).

39 * * *

40 Section 4. Section 6153 of Title 61 is amended by adding a
41 subsection to read:

42 § 6153. Supervisory relationship to offenders.

43 * * *

44 (e.1) Recommendation of offenders for nonnarcotic medication
45 assisted substance use disorder treatment.--

46 (1) An agent may recommend that an offender under their
47 supervision be assessed by an eligible provider to determine
48 whether the use of the program may be clinically appropriate
49 for the offender as described in 42 Pa.C.S. § 918 (relating
50 to court assessments for substance use disorder treatment).

51 (2) As used in this subsection, the following words and

1 phrases shall have the meanings given to them in this
2 paragraph:
3 "Eligible provider." An organization or entity capable of:
4 (i) assessing an offender to determine if the
5 offender is a candidate to whom medication that prevents
6 a relapse to drug and alcohol dependence should be
7 administered;
8 (ii) providing an individualized treatment plan; and
9 (iii) administering an FDA-approved nonnarcotic
10 medication indicated for use in treating a substance use
11 disorder.
12 "Program." The Nonnarcotic Medication Substance Use
13 Disorder Treatment Program established under 35 Pa.C.S. Ch.
14 52B (relating to Nonnarcotic Medication Substance Use
15 Disorder Treatment Program).
16 * * *
17 Section 5. This act shall take effect in 60 days.