

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1186 Session of 2009

INTRODUCED BY DiGIROLAMO, McCALL, BAKER, MAHONEY, SAYLOR, ADOLPH, ARGALL, BARRAR, BEAR, BELFANTI, BEYER, BISHOP, BOYD, BRENNAN, BROWN, BUXTON, CALTAGIRONE, CASORIO, CAUSER, CHRISTIANA, CIVERA, CLYMER, COHEN, CONKLIN, CURRY, CUTLER, DALEY, DALLY, DENLINGER, DePASQUALE, DERMODY, DeWEESE, DRUCKER, J. EVANS, EVERETT, FABRIZIO, FARRY, FLECK, FRANKEL, GALLOWAY, GEIST, GEORGE, GIBBONS, GINGRICH, GOODMAN, GROVE, GRUCELA, HALUSKA, HARHAI, HARHART, HARKINS, HARRIS, HELM, HENNESSEY, HESS, HICKERNELL, HORNAMAN, HOUGHTON, JOHNSON, JOSEPHS, W. KELLER, KESSLER, KILLION, KIRKLAND, KORTZ, KOTIK, KULA, LEVDANSKY, LONGIETTI, MANDERINO, MANN, MARKOSEK, MARSHALL, MARSICO, MATZIE, MCGEEHAN, McILVAINE SMITH, MELIO, MILNE, MOUL, MURPHY, MURT, MYERS, OBERLANDER, M. O'BRIEN, OLIVER, O'NEILL, PARKER, PAYNE, PAYTON, PERZEL, PETRARCA, PETRI, PHILLIPS, PICKETT, PRESTON, PYLE, QUIGLEY, QUINN, READSHAW, REICHLEY, ROEBUCK, ROHRER, ROSS, SABATINA, SAMUELSON, SANTARSIERO, SANTONI, SCHRODER, SEIP, SHAPIRO, SIPTROTH, K. SMITH, SOLOBAY, SONNEY, STABACK, STURLA, SWANGER, J. TAYLOR, R. TAYLOR, THOMAS, TRUE, VEREB, VULAKOVICH, WAGNER, WALKO, WATERS, WATSON, WHITE, WILLIAMS, YOUNGBLOOD AND SAINATO, APRIL 3, 2009

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, APRIL 3, 2009

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
 2 "An act providing for and reorganizing the conduct of the
 3 executive and administrative work of the Commonwealth by the
 4 Executive Department thereof and the administrative
 5 departments, boards, commissions, and officers thereof,
 6 including the boards of trustees of State Normal Schools, or
 7 Teachers Colleges; abolishing, creating, reorganizing or
 8 authorizing the reorganization of certain administrative
 9 departments, boards, and commissions; defining the powers and
 10 duties of the Governor and other executive and administrative
 11 officers, and of the several administrative departments,
 12 boards, commissions, and officers; fixing the salaries of the
 13 Governor, Lieutenant Governor, and certain other executive

1 and administrative officers; providing for the appointment of
2 certain administrative officers, and of all deputies and
3 other assistants and employes in certain departments, boards,
4 and commissions; and prescribing the manner in which the
5 number and compensation of the deputies and all other
6 assistants and employes of certain departments, boards and
7 commissions shall be determined," establishing the Department
8 of Drug and Alcohol Programs; repealing related provisions of
9 the Pennsylvania Drug and Alcohol Abuse and Control Act; and
10 making editorial changes.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 201 of the act of April 9, 1929 (P.L.177,
14 No.175), known as The Administrative Code of 1929, amended
15 December 30, 1984 (P.L.1299, No.245) and repealed in part May
16 26, 1988 (P.L.414, No.72), is amended to read:

17 Section 201. Executive Officers, Administrative Departments
18 and Independent Administrative Boards and Commissions.--(a) The
19 executive and administrative work of this Commonwealth shall be
20 performed by the Executive Department, consisting of the
21 Governor, Lieutenant Governor, Secretary of the Commonwealth,
22 Attorney General, Auditor General, State Treasurer, and
23 Secretary of Education; by the Executive Board, and the
24 Pennsylvania State Police; by the following administrative
25 departments: Department of State, Office of Attorney General,
26 Department of Corrections, Department of the Auditor General,
27 Treasury Department, Department of Education, Department of
28 Military Affairs, Insurance Department, Department of Banking,
29 Department of Agriculture, Department of Transportation,
30 Department of Health, Department of Drug and Alcohol Programs,
31 Department of Labor and Industry, Department of Aging,
32 Department of Public Welfare, Department of General Services,
33 Department of Revenue, [Department of Commerce, Department of
34 Community Affairs and Department of Environmental Resources]
35 Department of Community and Economic Development, Department of

1 Environmental Protection and Department of Conservation and
2 Natural Resources; and by the following independent
3 administrative boards and commissions: Pennsylvania Game
4 Commission, Pennsylvania Fish and Boat Commission, State Civil
5 Service Commission, Pennsylvania Public Utility Commission and
6 the Pennsylvania Securities Commission.

7 (b) All of the provisions of this act, which apply generally
8 to administrative departments, or generally except to the
9 Department of the Auditor General, the Treasury Department and
10 the Office of Attorney General, shall apply to the Executive
11 Board and to the Pennsylvania State Police.

12 Section 2. Section 202 of the act is amended by adding,
13 before the last paragraph, a clause to read:

14 Section 202. Departmental Administrative Boards,
15 Commissions, and Offices.--The following boards, commissions,
16 and offices are hereby placed and made departmental
17 administrative boards, commissions, or offices, as the case may
18 be, in the respective administrative departments mentioned in
19 the preceding section, as follows:

20 * * *

21 In the Department of Drug and Alcohol Programs,
22 Bureau of Prevention and Intervention,
23 Bureau of Treatment,
24 Bureau of Administration.

25 All of the foregoing departmental administrative boards and
26 commissions shall be organized or reorganized as provided in
27 this act.

28 Section 3. Section 203 of the act, amended December 3, 1970
29 (P.L.834, No.275), July 22, 1975 (P.L.75, No.45), June 20, 1978
30 (P.L.477, No.70), December 6, 1982 (P.L.774, No.223) and June

1 30, 1988 (P.L.475, No.80), is amended to read:

2 Section 203. Advisory Boards and Commissions.--The following
3 advisory boards and commissions are placed in and made parts of
4 the respective administrative departments, as follows:

5 In the Department of Military Affairs,

6 State Military Reservation Commission,

7 In the Department of Environmental [Resources] Protection,

8 Citizens Advisory Council;

9 In the Department of Health,

10 Advisory Health Board;

11 In the Department of Labor and Industry,

12 Advisory Council on Affairs of the Handicapped,

13 Advisory Board on Problems of Older Workers,

14 Policy, Planning and Evaluation Advisory Committee;

15 In the Department of Public Welfare,

16 State Board of Public Welfare,

17 Advisory Committee for the Blind,

18 Advisory Committee for General and Special Hospitals,

19 Advisory Committee for Children and Youth,

20 Advisory Committee for Public Assistance,

21 Advisory Committee for Mental Health and Mental

22 Retardation.

23 Section 4. Section 206 of the act, amended December 30, 1984
24 (P.L.1299, No.245), is amended to read:

25 Section 206. Department Heads.--Each administrative
26 department shall have as its head an officer who shall, either
27 personally, by deputy, or by the duly authorized agent or
28 employe of the department, and subject at all times to the
29 provisions of this act, exercise the powers and perform the
30 duties by law vested in and imposed upon the department.

1 The following officers shall be the heads of the
2 administrative departments following their respective titles:
3 Secretary of the Commonwealth, of the Department of State;
4 Auditor General, of the Department of the Auditor General;
5 State Treasurer, of the Treasury Department;
6 Attorney General, of the Office of Attorney General;
7 Secretary of Education, of the Department of Education;
8 Adjutant General, of the Department of Military Affairs;
9 Insurance Commissioner, of the Insurance Department;
10 Secretary of Banking, of the Department of Banking;
11 Secretary of Agriculture, of the Department of Agriculture;
12 Secretary of Transportation, of the Department of
13 Transportation;
14 Secretary of Health, of the Department of Health;
15 Secretary of Drug and Alcohol Programs, of the
16 Department of Drug and Alcohol Programs;
17 Secretary of Labor and Industry, of the Department of Labor
18 and Industry;
19 Secretary of Aging, of the Department of Aging;
20 Secretary of Public Welfare, of the Department of Public
21 Welfare;
22 Secretary of Revenue, of the Department of Revenue;
23 [Secretary of Commerce, of the Department of Commerce;
24 Secretary of Community Affairs, of the Department of
25 Community Affairs;
26 Secretary of Environmental Resources, of the Department of
27 Environmental Resources;]
28 Secretary of Community and Economic Development, of the
29 Department of Community and Economic Development;
30 Secretary of Environmental Protection, of the Department of

1 Environmental Protection;
2 Secretary of Conservation and Natural Resources, of the
3 Department of Conservation and Natural Resources;
4 Secretary of General Services, of the Department of General
5 Services;
6 Secretary of Corrections, of the Department of Corrections.

7 Section 5. Section 207.1(d)(1) of the act, amended December
8 30, 2002 (P.L.2075, No.231), is amended to read:

9 Section 207.1. Gubernatorial Appointments.--* * *

10 (d) The Governor shall nominate in accordance with the
11 provisions of the Constitution of the Commonwealth of
12 Pennsylvania and, by and with the advice and consent of a
13 majority of the members elected to the Senate appoint persons to
14 fill the following positions:

15 (1) The Secretary of Education, the Secretary of the
16 Commonwealth, the Adjutant General, the Insurance Commissioner,
17 the Secretary of Banking, the Secretary of Agriculture, the
18 Secretary of Transportation, the Secretary of Health, the
19 Secretary of Drug and Alcohol Programs, the Commissioner of the
20 State Police, the Secretary of Corrections, the Secretary of
21 Labor and Industry, the Secretary of Aging, the Secretary of
22 Public Welfare, the Secretary of General Services, the Secretary
23 of Revenue, the Secretary of Community and Economic Development,
24 the Secretary of Environmental Protection and the Secretary of
25 Conservation and Natural Resources.

26 * * *

27 Section 6. Section 451(b) of the act, amended July 7, 1989
28 (P.L.241, No.42), is amended to read:

29 Section 451. State Planning Board.--* * *

30 (b) (1) The State Planning Board shall consist of fifteen

1 members to be appointed by the Governor from among the citizens
2 of the State, who during their terms shall hold no other office
3 in the executive branch of State Government to which any salary
4 is attached. In addition to these members, there shall be six ex
5 officio members, the Secretary of Agriculture, the [Secretary of
6 Commerce, the Secretary of Community Affairs, the Secretary of
7 Environmental Resources] Secretary of Community and Economic
8 Development, the Secretary of Environmental Protection, the
9 Secretary of Conservation and Natural Resources, the Secretary
10 of Public Welfare and the Secretary of Transportation. There
11 shall also be two members appointed by, and serve at the
12 pleasure of, the President pro tempore of the Senate, neither of
13 whom shall be members of the same political party, and two
14 members appointed by, and serve at the pleasure of, the Speaker
15 of the House of Representatives, neither of whom shall be
16 members of the same political party. The terms of office of
17 those members appointed by the Governor shall be for four years
18 and until their successors are appointed and have qualified. In
19 case of a vacancy, the Governor shall make an appointment for
20 the unexpired portion of the term. The Governor shall designate
21 the chairman and vice-chairman of the board from among the
22 members of the board, other than the ex officio and legislative
23 members.

24 (2) Thirteen members of the board shall constitute a quorum.

25 (3) The members of the board shall serve without
26 compensation but shall be entitled to receive traveling and
27 other reasonable expenses incurred in the discharge of their
28 duties.

29 (4) The board may, with the approval of the Governor,
30 appoint and fix the compensation of an executive director who

1 shall be technically qualified for the duties of the office and
2 who shall act as secretary of the board and conduct the work of
3 the board under its supervision.

4 * * *

5 Section 7. Section 1209 introductory paragraph and (b) of
6 the act, amended February 1, 1966 (1965 P.L.1849, No.582), are
7 amended to read:

8 Section 1209. Local Government Budget and Financial Reports;
9 Compilation of Statistics.--The Department of Community
10 [Affairs] and Economic Development shall have power and its duty
11 shall be:

12 * * *

13 (b) To furnish to the corporate authorities of each county
14 (except counties of the first class), city of the third class,
15 borough, incorporated town, township suitable blank forms for
16 the making of annual reports of the financial condition of their
17 respective local governments to the department, which forms for
18 financial report purposes shall be placed by said corporate
19 authorities into the hands of the director, controller or
20 auditors who by law are required to make such financial reports
21 to the department. Such annual financial reports shall be
22 prepared in cooperation with aforesaid duly authorized
23 committees of local government officials and shall contain: (1)
24 a statement of the receipts of the unit of local government from
25 all sources and of all accounts and revenue which may be due and
26 uncollected at the close of the fiscal year; (2) a statement of
27 the disbursements for all the governmental activities of the
28 unit of local government during the fiscal year; (3) a detailed
29 statement of the indebtedness of the unit of local government at
30 the close of the fiscal year, the provisions made for the

1 payment thereof, together with the purposes for which it was
2 incurred; (4) a statement of the cost of ownership and operation
3 of each and every public service industry owned, maintained or
4 operated by the unit of local government; (5) such further or
5 more specific information in relation to the cost of any branch
6 of the local government and improvements therein as may be
7 required by the department.

8 In the case of blank forms for financial reports by townships
9 of the second class and counties, the same shall be so arranged
10 that corresponding data and information, required to be reported
11 by said units of local government to the Department of
12 [Highways] Transportation or the Department of Public Welfare,
13 may be used for the information required to be furnished to the
14 Department of Community [Affairs] and Economic Development under
15 this section.

16 * * *

17 Section 8. Section 2203-A(a)(11) and (26) of the act,
18 amended December 15, 1988 (P.L.1244, No.153), are amended to
19 read:

20 Section 2203-A. Powers and Duties in General.--(a) The
21 Department of Aging hereinafter referred to in this article as
22 the department shall, subject to any inconsistent provisions in
23 this act contained, have the power and its duty shall be to:

24 * * *

25 (11) Promote and support programs, studies and policies, in
26 cooperation with the Departments of Labor and Industry,
27 Education, [Commerce] Community and Economic Development, Public
28 Welfare and other agencies, which will enhance the opportunity
29 for continued work, education and training for older persons and
30 for preretirement assistance where appropriate.

1 * * *

2 (26) Review and comment on all rules, regulations,
3 eligibility or payment standards issued by the Departments of
4 Public Welfare, Environmental [Resources, Health] Protection or
5 Labor and Industry relating to the licensure and regulation of
6 nursing homes, hospitals, and other health facilities; medical
7 assistance, supplemental security income; homemaking and home-
8 health care or residential care facilities for older adults.
9 Said rules, regulations and standards shall not take effect
10 until they have been submitted to the department for comment.

11 * * *

12 Section 9. The act is amended by adding an article to read:

13 ARTICLE XXIII-A

14 POWERS AND DUTIES OF THE DEPARTMENT OF DRUG

15 AND ALCOHOL PROGRAMS

16 Section 2301-A. Powers and duties.

17 The Department of Drug and Alcohol Programs shall have the
18 power, and its duty shall be:

19 (1) To develop and adopt a State plan for the control,
20 prevention, intervention, treatment, rehabilitation,
21 research, education and training aspects of drug and alcohol
22 abuse and dependence problems. The State plan shall include,
23 but not be limited to, provision for:

24 (i) Coordination of the efforts of all State
25 agencies in the control, prevention, intervention,
26 treatment, rehabilitation, research, education and
27 training aspects of drug and alcohol abuse and dependence
28 problems so as to avoid duplications and inconsistencies
29 in the efforts of the agencies.

30 (ii) Coordination of all health and rehabilitation

1 efforts to deal with the problem of drug and alcohol
2 abuse and dependence, including, but not limited to,
3 those relating to vocational rehabilitation, manpower
4 development and training, senior citizens, law
5 enforcement assistance, parole and probation systems,
6 jails and prisons, health research facilities, mental
7 retardation facilities and community mental health
8 centers, juvenile delinquency, health professions,
9 educational assistance, hospital and medical facilities,
10 social security, community health services, education
11 professions development, higher education, Commonwealth
12 employees health benefits, economic opportunity,
13 comprehensive health planning, elementary and secondary
14 education, highway safety and the civil service laws.

15 (iii) Encouragement of the formation of local
16 agencies and local coordinating councils, and promotion
17 of cooperation and coordination among such groups, and
18 encouragement of communication of ideas and
19 recommendations from such groups to the Pennsylvania
20 Advisory Council on Drug and Alcohol Abuse.

21 (iv) Development of model drug and alcohol abuse and
22 dependence control plans for local government, utilizing
23 the concepts incorporated in the State plan. The model
24 plans shall be reviewed on a periodic basis but not less
25 than once a year, and revised to keep them current. The
26 model plans shall specify how all types of community
27 resources and existing Federal and Commonwealth
28 legislation may be utilized.

29 (v) Assistance and consultation to local
30 governments, public and private agencies, institutions

1 and organizations, and individuals with respect to the
2 prevention and treatment of drug and alcohol abuse and
3 dependence, including coordination of programs among
4 them.

5 (vi) Cooperation with organized medicine to
6 disseminate medical guidelines for the use of drugs and
7 controlled substances in medical practice.

8 (vii) Coordination of research, scientific
9 investigations, experiments and studies relating to the
10 cause, epidemiology, sociological aspects, toxicology,
11 pharmacology, chemistry, effects on health, dangers to
12 public health, prevention, diagnosis and treatment of
13 drug and alcohol abuse and dependence.

14 (viii) Investigation of methods for the more precise
15 detection and determination of alcohol and controlled
16 substances in urine and blood samples, and by other
17 means, and publication on a current basis of uniform
18 methodology for such detections and determinations.

19 (ix) Any information obtained through scientific
20 investigation or research conducted pursuant to this act
21 shall be used in ways so that no name or identifying
22 characteristics of any person shall be divulged without
23 the approval of the department and the consent of the
24 person concerned. Persons engaged in research pursuant to
25 this section shall protect the privacy of individuals who
26 are the subject of such research by withholding from all
27 persons not connected with the conduct of such research
28 the names or other identifying characteristics of such
29 individuals. Persons engaged in the research shall
30 protect the privacy of such individuals and may not be

1 compelled in any State, civil, criminal, administrative,
2 legislative or other proceeding to identify such
3 individuals.

4 (x) Establishment of training programs for
5 professional and nonprofessional personnel with respect
6 to drug and alcohol abuse and dependence, including the
7 encouragement of such programs by local governments.

8 (xi) Development of a model curriculum, including
9 the provision of relevant data and other information, for
10 utilization by elementary and secondary schools for
11 instructing children and for parent-teachers'
12 associations, adult education centers, private citizen
13 groups, or other State and local sources, for instruction
14 of parents and other adults about drug and alcohol abuse
15 and dependence.

16 (xii) Preparation of a broad variety of educational,
17 prevention and intervention material for use in all
18 media, to reach all segments of the population, that can
19 be utilized by public and private agencies, institutions
20 and organizations in educational programs with respect to
21 drug and alcohol abuse and dependence.

22 (xiii) Establishment of educational courses,
23 including the provision of relevant data and other
24 information on the causes and effects of and treatment
25 for drug and alcohol abuse and dependence, for law
26 enforcement officials, including prosecuting attorneys,
27 court personnel, the judiciary, probation and parole
28 officers, correctional officers and other law enforcement
29 personnel, welfare, vocational rehabilitation and other
30 State and local officials who come in contact with drug

1 abuse and dependence problems.

2 (xiv) Recruitment, training, organization and
3 employment of professional and other persons, including
4 former drug and alcohol abusers and dependent persons, to
5 organize and participate in programs of public education.

6 (xv) Treatment and rehabilitation services for male
7 and female juveniles and adults who are charged with,
8 convicted of or serving a criminal sentence for any
9 criminal offense under the laws of this Commonwealth.
10 Provision of similar services shall be made for juveniles
11 adjudged to be delinquent, dependent or neglected. These
12 services shall include, but are not limited to, emergency
13 medical services, inpatient services and intermediate
14 care, rehabilitative and outpatient services.

15 (xvi) Giving priority to developing community-based
16 drug or alcohol abuse treatment services in a cooperative
17 manner among State and local governmental agencies and
18 departments and public and private agencies, institutions
19 and organizations. Consideration shall be given to
20 supportive medical care, services or residential
21 facilities for drug or alcohol dependent persons for whom
22 treatment has repeatedly failed and for whom recovery is
23 unlikely.

24 (xvii) Establishment of a system of emergency
25 medical services for persons voluntarily seeking
26 treatment, for persons admitted and committed to
27 treatment facilities according to the procedural
28 admission and commitment provisions of the act of July 9,
29 1976 (P.L.817, No.143), known as the Mental Health
30 Procedures Act, and for persons charged with a crime

1 under Pennsylvania law. Upon the establishment of such
2 emergency medical services, the Department of Drug and
3 Alcohol Programs, by regulation, shall require that
4 appropriate emergency medical services be made available
5 to all drug and alcohol abusers who are arrested for a
6 crime under Pennsylvania law.

7 (xviii) Providing standards for the approval by the
8 relevant State agency for all private and public
9 treatment and rehabilitative facilities, which may
10 include, but are not limited to, State hospitals and
11 institutions, public and private general hospitals,
12 community mental health centers or their contracting
13 agencies and public and private drug or alcohol
14 dependence and drug and alcohol abuse and dependence
15 treatment and rehabilitation centers.

16 (xix) Grants and contracts for the prevention,
17 intervention and treatment of drug and alcohol
18 dependence. The grants and contracts may include
19 assistance to local governments and public and private
20 agencies, institutions and organizations for prevention,
21 intervention, treatment, rehabilitation, research,
22 education and training aspects of the drug and alcohol
23 abuse and dependence problems with the Commonwealth. Any
24 grant made or contract entered into by a department or
25 agency shall be pursuant to the functions allocated to
26 that department or agency by the State plan.

27 (xx) Preparation of general regulations for, and
28 operation of, programs supported with assistance.

29 (xxi) Establishment of priorities for deciding
30 allocation of the funds.

1 (xxii) Review the administration and operation of
2 programs, including the effectiveness of such programs in
3 meeting the purposes for which they are established and
4 operated, and make annual reports of the findings.

5 (xxiii) Evaluate the programs and projects carried
6 out and disseminate the results of such evaluations.

7 (xxiv) Establish such advisory committees as deemed
8 necessary to assist the department in fulfilling its
9 responsibilities.

10 (2) In developing the State plan initially, and prior to
11 its amendment annually, to hold a public hearing at least 30
12 days prior to the adoption of the initial State plan and
13 subsequent amendments and to afford all interested persons an
14 opportunity to present their views either orally or in
15 writing. The Department of Drug and Alcohol Programs, through
16 its staff, shall consult and collaborate with appropriate
17 Federal and State and local departments, boards, agencies and
18 governmental units, and with appropriate public and private
19 agencies, institutions, groups and organizations. Otherwise,
20 the promulgation of the State plan shall conform to the
21 procedure contained in the Commonwealth Documents Law.

22 (3) In accordance with the State plan, to allocate the
23 responsibility for all services, programs and other efforts
24 provided for among the appropriate departments, agencies and
25 other State personnel. The department, through its employees,
26 shall have the power and its duty shall be to implement
27 compliance with the provisions of the State plan and to
28 coordinate all such efforts.

29 (4) To gather and publish statistics pertaining to drug
30 and alcohol abuse and dependence and promulgate regulations,

1 specifying uniform statistics to be obtained, records to be
2 maintained and reports to be submitted by public and private
3 departments, agencies, organizations, practitioners and other
4 persons with respect to drug and alcohol abuse and
5 dependence, and related problems. Such statistics and reports
6 shall not reveal the identity of any patient or drug or
7 alcohol-dependent person or other confidential information.

8 (5) To establish an information center, which will
9 attempt to gather and contain all available published and
10 unpublished data and information on the problems of drug and
11 alcohol abuse and dependence. All Commonwealth departments
12 and agencies shall send to the Department of Drug and Alcohol
13 Programs any data and information pertinent to the cause,
14 prevention, diagnosis and treatment of drug and alcohol abuse
15 and dependence and the toxicology, pharmacology, effects on
16 the health of drug and alcohol abusers and danger to the
17 public health of alcohol, drugs and controlled substances.
18 The Department of Drug and Alcohol Programs shall make such
19 data and information widely available.

20 (6) To require all appropriate State and local
21 departments, agencies, institutions and others engaged in
22 implementing the State plan to submit as often as necessary,
23 but no less often than annually, reports detailing the
24 activities and effects of the implementation and recommending
25 appropriate amendments to the State plan. The department may
26 direct a performance audit of any activity engaged in
27 pursuant to the State plan.

28 (7) To submit an annual report to the General Assembly
29 which shall specify the actions taken and services provided
30 and funds expended and an evaluation of their effectiveness.

1 The annual report shall also contain the current State plan.
2 The Department of Drug and Alcohol Programs shall submit such
3 additional reports as may be requested by the General
4 Assembly and recommendations to further the prevention,
5 treatment and control of drug and alcohol abuse and
6 dependence.

7 (8) To make provision for facilities in each city or
8 region or catchment area which shall provide information
9 about the total Commonwealth drug and alcohol abuse and drug
10 and alcohol dependency programs and services.

11 (9) The department shall have the power to promulgate
12 the rules and regulations necessary to carry out the
13 provisions of this article.

14 Section 10. All personnel, allocation, appropriations,
15 equipment, files, records, contracts, agreements, obligations
16 and other material which are used, employed or expended in
17 connection with the powers, duties or functions of the
18 Department of Health concerning drug or alcohol abuse are hereby
19 transferred to the Department of Drug and Alcohol Programs
20 established by this act with the same force and effect as if the
21 appropriations had been made to and said items had been the
22 property of the Department of Drug and Alcohol Programs in the
23 first instance, and as if said contracts, agreements and
24 obligations had been incurred or entered into by the Department
25 of Drug and Alcohol Programs. The personnel, appropriations,
26 equipment and other items and material transferred by this
27 section shall include Federal grants and funds and other
28 benefits from any Federal program. All personnel transferred
29 pursuant to this act shall retain any civil service employment
30 status assigned to said personnel.

1 Section 11. All positions in the Department of Drug and
2 Alcohol Programs shall be deemed to be "classified service" as
3 defined in section 3(d) of the act of August 5, 1941 (P.L.752,
4 No.286), known as the Civil Service Act, and the provisions and
5 benefits of that act shall be applicable to the employees of,
6 and positions in, the department.

7 Section 12. All orders, permits, regulations, decisions and
8 other actions of the Department of Health or any department,
9 board, commission or agency whose functions have been
10 transferred by this act to the Department of Drug and Alcohol
11 Programs shall remain in full force and effect until modified,
12 repealed, superseded in or otherwise changed by appropriate
13 action of the Department of Drug and Alcohol Programs.

14 Section 13. The Pennsylvania Advisory Council on Drug and
15 Alcohol Abuse established in section 3 of the act of April 14,
16 1972 (P.L.221, No.63), known as the Pennsylvania Drug and
17 Alcohol Abuse Control Act, shall be recognized as the advisory
18 council to the Department of Drug and Alcohol Programs.

19 Section 14. (a) The General Assembly finds that the repeal
20 in subsection (b) is necessary to effectuate this act.

21 (b) Section 4 of the act of April 14, 1972 (P.L.221, No.63),
22 known as the Pennsylvania Drug and Alcohol Abuse Control Act, is
23 repealed.

24 (c) All other acts and parts of acts are repealed insofar as
25 they are inconsistent with this act.

26 Section 15. This act shall take effect in 60 days.