

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 850

Session of
1971

INTRODUCED BY MR. BERKES, MRS. CRAWFORD, MRS. ANDERSON, MESSRS. GREENFIELD, SCANLON, MILLER, SAVITT, J. H. HAMILTON, GALLAGHER, KNEPPER, BRAIG, R. W. WILT, MELTON, FEE, MRS. KELLY, MESSRS. BELLOMINI, DOMBROWSKI, DeMEDIO, O'PAKE, BLAIR, D. S. HAYES, PIEVSKY, FINEMAN, ENGLEHART, MRS. FAWCETT, MESSRS. HUTCHINSON, RITTER, O'BRIEN, KURY, WANSACZ, MALADY, COMER, DAGER, TAYLOR, HASKELL, ZORD, MEBUS, F. M. ALLEN, WRIGHT, PIPER, WISE, HETRICK, PRENDERGAST, GELFAND, LAUDADIO, BONETTO, SHELHAMER, LETTERMAN, HOPKINS, H. S. PARKER, STONE, B. L. PARKER, PEZAK, SHERMAN, BARBER, J. JOHNSON, DOYLE, CESSAR, KELLY, FRANK, LUTTY, E. B. DAVIS, ARTHURS, CROWLEY, RAPPAPORT, RIEGER, KOWALYSHYN, MRS. TOLL, MESSRS. BERSON, HALVERSON, R. O. DAVIS, WOJDAK, SCHMITT, ZELLER, MEHOLCHICK, MANDERINO, HOVIS, EARLY, McMONAGLE, BENNETT, KLEPPER, DREIBELBIS, PERRY, MORRIS, YAHNER, KLUNK, GLEESON, STEMMER, NEEDHAM, SHERMAN, D. M. DAVIS AND WEIDNER, MAY 3, 1971

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MAY 3, 1971

AN ACT

1 Establishing the Governor's Council On Drug, Narcotic and
2 Alcohol Abuse; imposing duties on the council to develop and
3 coordinate a comprehensive health, education and
4 rehabilitation program for the prevention and treatment of
5 drug and alcohol abuse and drug and alcohol dependence;
6 providing for short term civil commitment for emergency
7 medical treatment; providing for pretrial detention for
8 treatment in certain cases; providing for civil commitment
9 for treatment of drug and alcohol dependence, repealing an
10 act; making appropriations and providing penalties.

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

13 Section 1. Short Title.--This act shall be known and may be
14 cited as the "Pennsylvania Drug, Narcotic and Alcohol Abuse
15 Control Act of 1971."

1 Section 2. Definitions:

2 (1) The definitions contained and used in "The Drug, Device
3 and Cosmetic Act of 1971," shall also apply for the purposes of
4 this act.

5 (2) "Council" means the Governor's Council On Drug, Narcotic
6 and Alcohol Abuse established by this act.

7 (3) "Director" means the Executive Director of the
8 Governor's Council On Drug, Narcotic and Alcohol Abuse appointed
9 pursuant to this act.

10 (4) "Drug abuser" means any person who uses any controlled
11 drug, controlled dangerous substance or alcohol under
12 circumstances that constitute a violation of the law.

13 (5) "Drug dependent person" means a person who is using a
14 controlled drug, controlled dangerous substance or alcohol, and
15 who is in a state of psychic or physical dependence, or both,
16 arising from administration of that drug, substance or alcohol
17 on a continuing basis. Such dependence is characterized by
18 behavioral and other responses which include a strong compulsion
19 to take the drug, substance or alcohol on a continuous basis in
20 order to experience its psychic effects, or to avoid the
21 discomfort of its absence. An alcoholic is a drug dependent
22 person who is dependent on alcohol.

23 (6) "Drug related offense" means any criminal offense
24 committed by a dependent person as herein defined: (i) to
25 satisfy his dependence or to obtain funds to satisfy his
26 dependence; or (ii) while under and as a result of the influence
27 of a controlled drug or controlled dangerous substance:

28 Provided, That the term shall not include criminal offenses
29 committed while under and as a result of the influence of
30 alcohol.

1 (7) "Emergency medical services" includes all appropriate
2 short term services for the acute effects of abuse and
3 dependence which: (i) are available twenty-four hours a day;
4 (ii) are community based and located so as to be quickly and
5 easily accessible to patients; (iii) are affiliated with and
6 constitute an integral (but not necessarily physical) part of
7 the general medical services of a general hospital; and (iv)
8 provide drug and alcohol withdrawal and other appropriate
9 medical care and treatment, professional examination, diagnosis,
10 and classification with respect to possible dependence, and
11 referral for other treatment and rehabilitation.

12 (8) "Government attorney" means an attorney authorized to
13 represent the Commonwealth or any political subdivision thereof
14 with respect to this act.

15 (9) "Inpatient services" includes all treatment and
16 rehabilitation services for drug and alcohol abuse and
17 dependence provided for a resident patient while he spends part
18 time in a treatment institution (including but not limited to a
19 rehabilitative center, half-way house, hostel or foster home)
20 which is community based and located so as to be quickly and
21 easily accessible to patients.

22 (10) "Outpatient services" includes all treatment and
23 rehabilitation services (including but not limited to clinics,
24 social centers, vocational rehabilitational services, welfare
25 centers, and job referral services) for drug and alcohol abuse
26 and dependence provided while the patient is not a resident of a
27 treatment institution, which are community based and located so
28 as to be quickly and easily accessible to patients.

29 (11) "Prevention and treatment" includes all appropriate
30 forms of educational programs and services (including but not

1 limited to radio, television, films, books, pamphlets, lectures,
2 adult education and school courses); planning, coordinating,
3 statistical, research, training, evaluation, reporting,
4 classification, and other administrative, scientific or
5 technical programs or services; and screening, diagnosis,
6 treatment (emergency medical care, inpatient, intermediate care
7 and outpatient), vocational rehabilitation, job training and
8 referral, and other rehabilitation programs or services.

9 (12) "Courts" includes all courts located in the
10 Commonwealth of Pennsylvania, including magistrates and justices
11 of the peace.

12 (13) "Medical officer" means a physician, approved by the
13 council and appointed by the court to perform the functions
14 herein set forth.

15 Section 3. Council Established.--(a) There is hereby
16 established a Governor's Council On Drug, Narcotic and Alcohol
17 Abuse which shall develop, plan and administer a comprehensive
18 health, education and rehabilitation program for the prevention
19 and treatment of drug and alcohol abuse and dependence. To the
20 greatest possible extent the council shall make use of existing
21 programs in existing governmental agencies except that the
22 council may initiate its own programs whenever it deems it
23 necessary to carry out the provisions of this act.

24 (b) The council shall be composed as follows:

25 The Governor, who shall serve as chairman of the council,
26 The Attorney General,
27 The Secretary of Health,
28 The Secretary of Public Welfare,
29 The Secretary of Administration,
30 The Secretary of Education,

1 The Secretary of Labor and Industry,
2 The Secretary of Community Affairs,
3 The Executive Director of the Pennsylvania Crime Commission,
4 The Commissioner of the Pennsylvania State Police,
5 The Chairman of the Board of Probation and Parole,
6 The Chairman of the Pharmacy Board,
7 The President Pro Tempore of the Senate,
8 The Speaker of the House of Representatives,
9 The Minority Leader of the Senate,
10 The Minority Leader of the House of Representatives.

11 (c) A majority of the members shall constitute a quorum for
12 the purpose of conducting the business of the council, and
13 exercising all of its powers. Any member shall have the right to
14 designate another person to act in his place and such designee
15 shall be counted in any determination of a quorum. A vote of the
16 majority of the members or designees present shall be sufficient
17 for all actions of the council.

18 (d) The council shall have the power to prescribe, amend and
19 repeal bylaws, rules and regulations governing the manner in
20 which the business of the body is conducted and the manner in
21 which the powers granted to it are exercised. The council may
22 delegate supervision of the administration of council activities
23 to an executive director and such other employees as the chairman
24 shall appoint. Any or all of the responsibilities of the council
25 may be delegated to the director or other designated staff
26 members.

27 (e) The council shall have the power and its duty shall be:

28 (1) To coordinate the efforts of all State agencies in the
29 control, prevention, treatment, rehabilitation, research, and
30 training aspects of the drug and alcohol abuse and dependence

1 problems within the Commonwealth of Pennsylvania.

2 (2) To initiate new programs and develop a master State plan
3 for the control, prevention, treatment, rehabilitation, research
4 and training aspects of drug and alcohol abuse problems. Also,
5 to coordinate the efforts of the Commonwealth with those of the
6 Federal and local governments as well as private agencies.

7 (3) To identify and, when possible, resolve inconsistencies
8 and duplications in the efforts of State agencies with respect
9 to the various aspects of the drug and alcohol abuse and
10 dependence.

11 (4) To collect, organize, and evaluate educational programs
12 and materials dealing with drug or alcohol abuse, dependence and
13 related problems.

14 (5) To distribute the evaluations to local communities, and
15 interested groups or individuals.

16 (6) To acquire and disseminate, to the extent that is
17 feasible, evaluated material which is considered most effective.

18 (7) To take all other actions that will improve or
19 contribute to the Commonwealth's response to the problems of
20 drug and alcohol abuse and dependence.

21 (f) The council shall have the power to do all things
22 necessary or convenient to carry out the powers granted to it by
23 this act.

24 (g) The council may, for the authentication of its records,
25 process and proceedings, adopt, keep and use a common seal of
26 which seal judicial notice shall be taken in all courts of this
27 Commonwealth and any process, writ, notice or other document,
28 which the council may be authorized by law to issue, shall be
29 deemed sufficient if signed by the chairman or secretary of the
30 council and authenticated by such seal. All acts, proceedings,

1 orders, papers, findings, minutes and records of the council and
2 all reports and documents filed with the council, may be proved
3 in any court of this Commonwealth by a copy thereof certified to
4 by the chairman or secretary of the council with the seal of the
5 council attached.

6 (h) In order to enable the council to carry out the
7 provisions of this act, on various matters, it shall have the
8 power to issue subpoenas, requiring the attendance and testimony
9 of, or the production of, pertinent books and papers by persons
10 whom the council believes to have information, books or papers
11 of importance to it in carrying out the purposes and intent of
12 this act. Each member of the council and such officers, employees
13 or others employed in the work of the council designated by the
14 chairman of the council also shall have the power to administer
15 oaths and affirmations, to question witnesses thereunder, and to
16 examine such books and papers. The council may issue
17 commissions, letters rogatory, or other appropriate processes
18 outside the Commonwealth.

19 (i) Any person who refuses to obey a subpoena issued
20 hereunder, or to be sworn or affirmed, or to testify, or who is
21 guilty of any contempt after summons to appear, may be punished
22 as for contempt of court. For this purpose an application may be
23 made by the council to the court of common pleas within the
24 territorial jurisdiction of which the offense was committed, for
25 which purpose, such court is hereby given jurisdiction.

26 (j) The programs and services of the council shall be
27 staffed with an adequate number of personnel, who shall possess
28 appropriate qualifications and competence, and some of whom may
29 formerly have been drug abusers or drug dependent persons or
30 alcoholics. Prior criminal arrests or convictions shall not be a

1 bar to such employment.

2 The council is authorized to establish an administrative unit
3 or units for the purpose of enforcing the provisions of this act
4 and to employ such consultants, assistants, stenographers,
5 inspectors, clerks and other employes as, in its opinion, may be
6 necessary and to fix their compensation subject to the act of
7 April 9, 1929 (P.L.177), known as "The Administrative Code of
8 1929," as amended.

9 (k) (1) The council shall have the authority to promulgate
10 in accordance with the provisions of this section any
11 regulations hereinbefore referred to in this act and such other
12 regulations regarding the possession, sale, purchase or
13 manufacture of drugs, devices or cosmetics as may be necessary
14 to aid in the enforcement of this act.

15 (2) (i) Prior to the promulgation, amendment or repeal of
16 any regulation under this act the council shall give at least
17 thirty days public notice of its proposed action, and shall
18 afford all interested persons an opportunity to present their
19 views thereon either orally or in writing. As soon as
20 practicable thereafter, the council shall either withdraw such
21 proposal or shall promulgate the proposed regulation; (ii) any
22 person aggrieved by the promulgation, amendment or repeal of a
23 regulation, or by the refusal to promulgate, amend or repeal a
24 regulation, may file objections with the council specifying,
25 with particularity, the reason why such action is deemed
26 objectionable and the grounds for such objection. As soon as
27 possible after the filing of objections, the council shall hold
28 a public hearing for the purpose of receiving evidence relevant
29 to such objections. As soon as practicable after completion of
30 hearings, the council shall issue an appropriate order either

1 confirming, modifying or withdrawing the regulation in question;
2 (iii) any party to proceedings, conducted pursuant to subclause
3 (ii) hereof, aggrieved by the order of the council, shall have a
4 right of appeal in accordance with the provisions of the
5 "Administrative Agency Law," and such order shall be deemed an
6 "adjudication" as that term is defined and used in the
7 "Administrative Agency Law."

8 (1) The "Administrative Agency Law" shall be applicable in
9 its entirety in the administration of this act.

10 Section 4. Administrative Function of the Council.--It shall
11 be the duty of the council with respect to its administrative
12 functions to:

13 (1) Administer services and programs relating to the
14 prevention and treatment of drug and alcohol abuse and
15 dependence in this Commonwealth in accordance with this act;

16 (2) Administer the program for treatment and rehabilitation
17 of criminal offenders established under this act;

18 (3) Review and provide in writing an evaluation of the
19 adequacy and appropriateness of the provisions relating to the
20 prevention and treatment of drug and alcohol abuse and
21 dependence of all comprehensive local health, welfare, and
22 rehabilitation plans submitted to the council pursuant to this
23 act;

24 (4) Administer the grants and contracts authorized under
25 this act; and

26 (5) Administer any other service or program, or take any
27 other action, consistent with the intent and objectives of this
28 act.

29 Section 5. Planning Functions of the Council.--It shall be
30 the duty of the council with respect to its planning functions

1 to:

2 (1) Develop a detailed and comprehensive drug and alcohol
3 abuse and dependence control plan to implement the objectives
4 and policies of this act. The plan shall be submitted to the
5 General Assembly as soon as practicable, but not later than one
6 year after the enactment date of this act. It shall be reviewed
7 annually and submitted to the General Assembly with any
8 appropriate revisions as part of the council's annual report.

9 The council shall, in developing the comprehensive plan, consult
10 and collaborate with all appropriate Federal and State and local
11 departments, boards, agencies and governmental units, and with
12 appropriate public and private nonprofit agencies, institutions,
13 and organizations. The plan shall specify how all available
14 health, welfare, educational, and rehabilitation resources
15 available to the Commonwealth, and how funds, programs,
16 services, and facilities authorized under existing legislation,
17 are to be utilized;

18 (2) Develop model drug and alcohol abuse and dependence
19 control plans for local governments, utilizing the concepts
20 incorporated in the comprehensive plan. The model plans shall be
21 reviewed on a periodic basis and revised to keep them current.
22 They shall specify how all types of community resources and
23 existing Federal and Commonwealth legislation may be utilized;
24 and

25 (3) Provide assistance and consultation to local
26 governments, public and private nonprofit agencies,
27 institutions, and organizations, and individuals with respect to
28 the prevention and treatment of drug and alcohol abuse and
29 dependence.

30 Section 6. Coordination Functions of the Council.--It shall

1 be the duty of the council with respect to its coordinating
2 functions to:

3 (1) Assist all Commonwealth departments and agencies in the
4 development and maintenance of appropriate prevention, treatment
5 and rehabilitation programs and services for drug and alcohol
6 abuse and dependence;

7 (2) Serve in a consulting capacity to all courts,
8 departments, and agencies, including those responsible for
9 programs affected by this act, and to be responsible for
10 assisting in the development and coordination of a full range of
11 programs, facilities, and services available to them for
12 education, diagnosis, counseling, and treatment with respect to
13 the drug and alcohol abuse and dependence problems they
14 encounter;

15 (3) Coordinate all health and rehabilitation efforts to deal
16 with the problem of drug and alcohol abuse and dependence,
17 including but not limited to those relating to vocational
18 rehabilitation, manpower development and training, older
19 citizens, law enforcement assistance, health research
20 facilities, mental retardation facilities and community mental
21 health centers, juvenile delinquency, health professions,
22 educational assistance, hospital and medical facilities, social
23 security, community health services, education professions
24 development, higher education, Commonwealth employees health
25 benefits, economic opportunity, comprehensive health planning,
26 elementary and secondary education, highway safety and the civil
27 service laws;

28 (4) Encourage and assist local government programs and
29 services, and programs and services of public and private
30 nonprofit agencies, institutions, and organizations, for the

1 prevention and treatment of drug and alcohol abuse and
2 dependence;

3 (5) Stimulate more effective use of existing resources and
4 available services for the prevention and treatment of drug and
5 alcohol abuse and dependence;

6 (6) Assist local governments in coordinating programs among
7 themselves for the prevention and treatment of drug and alcohol
8 abuse and dependence; and

9 (7) Cooperate with organized medicine to disseminate medical
10 guidelines for the use of controlled drugs and dangerous
11 substances in medical practice. A practitioner may prescribe,
12 administer, or dispense a controlled drug or dangerous substance
13 in the course of his professional practice: (i) in good faith
14 within the scope of the patient relationship, and (ii) in
15 accordance with principles of medical care and treatment
16 accepted by a responsible segment of the medical profession.

17 Section 7. Statistical Functions of the Council.--It shall
18 be the duty of the council with respect to its statistical
19 functions to:

20 (1) Gather and publish statistics pertaining to drug and
21 alcohol abuse and dependence, and related problems; and

22 (2) Promulgate regulations, with the approval of the
23 chairman, specifying uniform statistics to be obtained, records
24 to be maintained, and reports to be submitted, by public and
25 private departments, agencies, organizations, practitioners, and
26 other persons with respect to drug and alcohol abuse and
27 dependence, and related problems. Such statistics and reports
28 shall not reveal the identity of any patient or drug or alcohol
29 dependent person or other confidential information.

30 Section 8. Research Functions of the Council.--It shall be

1 the duty of the council with respect to its research functions
2 to:

3 (1) Conduct and encourage all forms of research,
4 investigations, experiments, and studies relating to the cause,
5 epidemiology, sociological aspects, prevention, diagnosis, and
6 treatment of drug and alcohol abuse and dependence;

7 (2) Conduct, and encourage and assist others to conduct, all
8 forms of research, investigations, experiments, and studies
9 relating to the toxicology, pharmacology, chemistry, effects on
10 the health of drug and alcohol abusers, and danger to the public
11 health, of alcohol and controlled drugs and dangerous
12 substances. Investigation of the use of alcohol or any
13 controlled drug or dangerous substance for therapeutic,
14 research, experimental, or other investigational purposes
15 pursuant to this section shall be by a practitioner or other
16 qualified investigator, and in compliance with the requirements
17 and the law of this Commonwealth. Any such investigation may be
18 prohibited, delayed or terminated only on the grounds that the
19 investigator has materially falsified any application required
20 to be filed prior to the investigation, or has been convicted of
21 a felony under any law relating to controlled dangerous
22 substances, or has had his registration suspended or revoked and
23 is no longer authorized by law to engage in the dispensing or
24 administration of controlled dangerous substances, or fails to
25 establish adequate procedures to account for dangerous
26 controlled substances or to safeguard adequately his supply of
27 such drugs against diversion from legitimate investigational
28 use;

29 (3) Coordinate research conducted by the council with
30 research conducted by other State agencies, public and private

1 nonprofit agencies, institutions, and organizations, and
2 individuals. To facilitate this activity, the council shall
3 establish and maintain a complete and current register of all
4 practitioners and other qualified investigators engaged in any
5 form of or research on alcohol or controlled drugs or dangerous
6 substances. Placement on such register shall be pursuant to an
7 application to the council which shall state: (i) the name,
8 address, and qualifications of the applicant, (ii) the
9 procedures used to account for dangerous controlled substances
10 and to safeguard such substances adequately against diversion
11 from legitimate investigational use, and (iii) an outline of the
12 investigation. Placement on such register may be denied only for
13 cause, and shall constitute registration for purposes of "The
14 Drug, Device and Cosmetic Act of 1971," but shall not authorize
15 the dispensing or administration of alcohol or controlled drugs
16 or dangerous substances to human beings except by persons
17 licensed or otherwise permitted to dispense or administer such
18 substances under applicable State laws;

19 (4) Make available research facilities and resources of the
20 council to appropriate authorities, health officials, and
21 individuals engaged in investigations or research related to the
22 purposes of this act. Such resources shall include the
23 maintenance of an adequate supply of alcohol and controlled
24 drugs and dangerous substances for investigational and research
25 purposes, and the establishment of criteria pursuant to which
26 any registered investigator is to be authorized to manufacture
27 or otherwise acquire sufficient alcohol, controlled drugs or
28 dangerous substances for his legitimate investigational and
29 research needs;

30 (5) Make grants to, and contracts with, universities,

1 hospitals, laboratories and public and private nonprofit
2 agencies, institutions, and organizations, and individuals for
3 such research;

4 (6) Establish an information center on such research, which
5 will gather and contain all available published and unpublished
6 data and information. All Commonwealth departments and agencies
7 shall send to the council any unpublished data and information
8 pertinent to the cause, prevention, diagnosis, and treatment of
9 drug and alcohol abuse and dependence, and the toxicology,
10 pharmacology, effects on the health of drug and alcohol abusers,
11 and danger to the public health of alcohol and controlled drugs
12 and dangerous substances, and the council shall make such data
13 and information widely available;

14 (7) Investigate methods for the more precise detection and
15 determination of alcohol and narcotic drugs in urine and blood
16 samples, and by other means, and publish on a current basis
17 uniform methodology for such detections and determinations; and

18 (8) Evaluate existing and proposed new programs and services
19 for the prevention and treatment of drug and alcohol abuse and
20 dependence.

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

1 and may not be compelled in any Federal, State, civil, criminal,
2 administrative, legislative, or other proceeding to identify
3 such individuals.

4 Section 9. Training Functions of the Council.--It shall be
5 the duty of the council with respect to its training functions
6 to:

7 (1) Establish training programs for professional and
8 nonprofessional personnel with respect to drug and alcohol abuse
9 and dependence;

10 (2) Encourage the establishment of training courses for
11 professional and nonprofessional personnel by local governments
12 with respect to drug and alcohol abuse and dependence; and

13 (3) Establish and maintain training fellowships in the
14 council and elsewhere, and provide for such fellowships through
15 grants to public and private nonprofit agencies, institutions
16 and organizations.

17 Section 10. Educational Functions of the Council.--It shall
18 be the duty of the council with respect to its educational
19 functions to:

20 (1) Develop a model curriculum, including the provision of
21 relevant data and other information, for utilization by
22 elementary and secondary schools for instructing children about
23 drug and alcohol abuse and dependence;

24 (2) Develop a model curriculum, including the provision of
25 relevant data and other information, for utilization by parent-
26 teachers' associations, adult education centers, private citizen
27 groups, or other State or local sources, for instruction of
28 parents and other adults about drug and alcohol abuse and
29 dependence;

30 (3) Prepare a broad variety of educational material for use

1 in all media and to reach all segments of the population, that
2 can be utilized by public and private agencies, institutions,
3 and organizations in educational programs with respect to drug
4 and alcohol abuse and dependence;

5 (4) Establish educational courses, including the provision
6 of relevant data and other information, on the causes and
7 effects of, and treatment for, drug and alcohol abuse and
8 dependence, for law enforcement officials (including prosecuting
9 attorneys, court personnel, the judiciary, probation and parole
10 officers, correctional officers, and other law enforcement
11 personnel), welfare, vocational rehabilitation, and other State
12 and local officials who come in contact with drug and alcohol
13 abuse and dependence problems;

14 (5) Develop educational courses, including the provision of
15 relevant data and other information, on the causes and effects
16 of, and treatment for, drug and alcohol abuse and dependence for
17 use by appropriate local government and private agencies,
18 institutions, and organizations, for local law enforcement
19 officials (including prosecuting attorneys, court personnel, the
20 judiciary, probation and parole officers, correction officials,
21 and other law enforcement personnel), local welfare, vocational
22 rehabilitation, personnel, and other local officials and
23 community leaders;

24 (6) Serve as a clearinghouse for the collection,
25 preparation, and dissemination of all information relating to
26 drug and alcohol abuse and dependence, including local drug and
27 alcohol abuse and dependence treatment plans, availability of
28 treatment resources, training and educational programs,
29 statistics, research, and other pertinent data and information;

30 (7) Recruit, train, organize, and employ professional and

1 other persons, including former drug and alcohol abusers and
2 drug or alcohol dependent persons, to organize and participate
3 in programs of public education; and

4 (8) Coordinate activities carried on by all departments,
5 agencies and instrumentalities of the Commonwealth with respect
6 to health education aspects of drug and alcohol abuse and
7 undertake such other activities as the council may consider
8 important to a Commonwealth program of education relating to
9 drug and alcohol abuse and drug or alcohol dependence.

10 Section 11. Reporting Functions of the Council.--It shall be
11 the duty of the council with respect to its reporting functions
12 to:

13 (1) Submit an annual report to the General Assembly which
14 shall specify the actions taken and services provided and funds
15 expended under each provision of this act and an evaluation of
16 their effectiveness, and which shall contain the current drug
17 and alcohol abuse and dependence control plan;

18 (2) Submit such additional reports as may be requested by
19 the General Assembly; and

20 (3) Submit to the General Assembly such recommendations as
21 will further the prevention, treatment, and control of drug and
22 alcohol abuse and dependence.

23 Section 12. Treatment and Rehabilitation Services.--(a) The
24 council shall provide at least the following treatment and
25 rehabilitation services for male and female juveniles and adults
26 who are charged with, convicted of, or serving a criminal
27 sentence for any criminal offense under the law of this
28 Commonwealth and are eligible for treatment under this act:

29 (1) Emergency medical services;

30 (2) Inpatient services, which shall not be a part of or at

1 the same location as a correctional institution; and

2 (3) Intermediate care, rehabilitative and outpatient
3 services.

4 The council shall give priority to developing these community
5 based treatment services in cooperation with other State
6 agencies or departments. Reasonable surveillance techniques such
7 as urine analysis may be used for treatment purposes but the
8 results thereof shall remain confidential and may not be used
9 against any patient in any criminal proceeding. Because of the
10 nature and seriousness of the disease a drug or alcohol
11 dependent person can be expected to relapse into drug or alcohol
12 abuse one or more times after the onset of therapy. The decision
13 whether to continue or to modify or to discontinue intermediate
14 care or outpatient treatment after one or more such relapses
15 shall be made on the basis of sound clinical judgment. All
16 reasonable methods of treatment shall be used to prevent their
17 recurrence. Supportive medical care, services, and residential
18 facilities shall be provided for drug or alcohol dependent
19 persons for whom treatment has repeatedly failed and recovery is
20 unlikely so that they may live in a decent and productive
21 manner.

22 (b) The treatment and rehabilitation services authorized by
23 this act may be provided at any available facility approved by
24 the council, including but not limited to State hospitals and
25 institutions, public and private general hospitals, community
26 mental health centers or their contracting agencies, and public
27 and private drug or alcohol dependence and drug and alcohol
28 abuse treatment and rehabilitation centers. The council may
29 contract with any appropriate public or private agency,
30 organization, or institution that has proper and adequate

1 facilities and personnel in order to carry out the purposes of
2 this act.

3 (c) There shall be in each city or region a central office
4 to coordinate and provide information concerning the
5 availability of all such services. The council may determine the
6 area to be served by any such office.

7 (d) Any person assisted under this act may be required to
8 contribute toward the cost of his subsistence, care, or
9 treatment, to the extent that he is financially able to do so,
10 under regulations promulgated by the council. Such regulations
11 shall specify how funds available to any person as a result of
12 his drug or alcohol abuse or drug or alcohol dependence under
13 Federal or State government programs such as social security,
14 welfare, medicare, medicaid, veterans' benefits, and employe
15 health insurance plans and policies, shall be used to contribute
16 to the cost of such treatment so far as practicable without
17 imposing undue hardship on him or his family. No person may be
18 discriminated against on the basis of indigence.

19 Section 13. Emergency Medical Services.--(a) (1) Any person
20 charged with a misdemeanor under Pennsylvania law and who
21 appears to be a drug or alcohol abuser, or who is taken into
22 custody for what appears to be a drug related misdemeanor under
23 Pennsylvania law, shall, after preliminary police processing and
24 an opportunity to consult with counsel, promptly be taken for
25 emergency medical services, where he shall either be admitted as
26 a patient or transported to another appropriate health facility
27 for treatment and diagnosis. Upon admission as a patient, such
28 person shall immediately be examined to determine whether: (i)
29 it is probable that he is not a drug or alcohol abuser and has
30 not committed a drug related misdemeanor, or (ii) it is probable

1 that he is not in need of emergency medical services although he
2 may be a drug or alcohol abuser, or (iii) it is probable that he
3 is a drug or alcohol abuser or a drug or alcohol dependent
4 person who is in need of emergency medical services. Such
5 screening shall be completed within twenty-four hours of such
6 person's admission to emergency medical services. Any person
7 determined to fall within subclause (iii) of this clause shall
8 be detained there as long as is necessary to complete emergency
9 medical treatment, to conduct a diagnosis for possible drug or
10 alcohol dependence, but in no event longer than ten days after
11 his submission.

12 (2) Any person determined to fall within subclause (i) or
13 (ii) of clause (1) of this subsection (a) shall be released from
14 emergency medical services immediately upon completion of the
15 initial screening process, and in no event shall he be detained
16 there longer than twenty-four hours. Upon his release from
17 emergency medical services, he shall be handled as in any other
18 criminal case.

19 (3) If a person is determined to fall within subclause (iii)
20 of clause (1) of this subsection (a) and prior to trial on the
21 offense he requests voluntary treatment or civil commitment for
22 treatment in lieu of criminal prosecution, the medical officer
23 shall, after a review of his record, advise the government
24 attorney and the court in writing whether for the treatment and
25 rehabilitation of the person it would be preferable for the
26 criminal charges to be held in abeyance or withdrawn in order to
27 institute either voluntary treatment for his drug or alcohol
28 dependence or treatment for his drug or alcohol dependence under
29 civil commitment, or for the criminal charges to be prosecuted.
30 The government attorney shall exercise his discretion whether to

1 accept the medical officer's advice, but in the event that he
2 does not accept the medical officer's advice he shall state in
3 writing the reasons for his decision.

4 (4) If the criminal charges are prosecuted and such person
5 is convicted, and at the time of conviction he requests
6 probation with treatment or civil commitment for treatment in
7 lieu of criminal punishment, the medical officer shall advise
8 the court in writing whether for the treatment and
9 rehabilitation of the person it would be preferable for him to
10 receive a suspended sentence and probation on the condition that
11 he undergo education and treatment for drug or alcohol abuse and
12 drug or alcohol dependence, or to be civilly committed pursuant
13 to this act for treatment in lieu of criminal punishment, or to
14 receive criminal incarceration. The court shall exercise its
15 discretion whether to accept the medical officer's advice.

16 (5) Any person determined to fall within subclause (iii) of
17 clause (1) of this subsection (a) shall immediately be informed
18 of his right to request any of the procedures for treatment in
19 lieu of criminal prosecution or punishment which are available
20 to him under clause (3) or (4) of this subsection (a) as a
21 result of his diagnosis. If such person is, as a result of his
22 drug or alcohol abuse or drug or alcohol dependence, unable at
23 the time of diagnosis either to understand or to make a rational
24 decision concerning his right to request treatment under such
25 subsections, he shall again be informed of such right as soon as
26 he is able to understand the choices available to him and to
27 make a rational decision concerning them.

28 (6) A criminal charge may be held in abeyance pursuant to
29 clause (3) of this subsection (a) for no longer than one year,
30 after which it is automatically dismissed. A person civilly

1 committed pursuant to this act may be returned to stand trial
2 within a year.

3 (b) (1) Any person charged with a felony under Pennsylvania
4 law and who appears to be a drug or alcohol abuser, or who is
5 taken into custody for what appears to be a drug related felony
6 under Pennsylvania law, shall, after preliminary police
7 processing and an opportunity to consult with counsel, promptly
8 be taken for emergency medical care services, where he shall
9 either be admitted as a patient or transported to another
10 appropriate health facility for treatment and diagnosis. Upon
11 admission as a patient, such person shall immediately be
12 examined to determine whether: (i) it is probable that he is not
13 a drug or alcohol abuser and has not committed a drug related
14 felony, or (ii) it is probable that he is not in need of
15 emergency medical services although he may be a drug or alcohol
16 abuser, or (iii) it is probable that he is a drug or alcohol
17 abuser or a drug or alcohol dependent person who is in need of
18 emergency medical services. Such screening shall be completed
19 within twenty-four hours of such person's admission to emergency
20 medical services. Any person determined to fall within subclause
21 (iii) of this clause shall be detained there as long as is
22 necessary to complete emergency medical treatment, to conduct a
23 diagnosis for possible drug or alcohol dependence, but in no
24 event longer than ten days after his admission.

25 (2) Any person determined to fall within subclause (i) or
26 (ii) of clause (1) of this subsection (b) shall be released from
27 emergency medical services immediately upon completion of the
28 initial screening process, and in no event shall he be detained
29 there longer than twenty-four hours. Upon his release from
30 emergency medical services, he shall be handled as in any other

1 criminal case.

2 (3) If a person determined to fall within subclause (iii) of
3 clause (1) of this subsection (b) is diagnosed as not a drug or
4 alcohol dependent person, he shall be handled as in any other
5 criminal case.

6 (4) If a person determined to fall within subclause (iii) of
7 clause (1) of this subsection (b) is diagnosed as a drug or
8 alcohol dependent person and prior to trial on the offense he
9 requests voluntary treatment or civil commitment for treatment
10 in lieu of criminal prosecution, the medical officer shall,
11 after a review of his record, advise the government attorney and
12 the court in writing whether for the treatment and
13 rehabilitation of the person it would be preferable for the
14 criminal charges to be held in abeyance or withdrawn in order to
15 institute either voluntary treatment for his drug or alcohol
16 dependence or treatment for his drug or alcohol dependence under
17 civil commitment, or for the criminal charges to be prosecuted.
18 The government attorney shall exercise his discretion whether to
19 accept the medical officer's advice, but in the event that he
20 does not accept the medical officer's advice he shall state in
21 writing the reasons for his decision.

22 (5) If a person determined to fall within subclause (iii) of
23 clause (1) of this subsection (b) is diagnosed as a drug or
24 alcohol dependent person and he pleads nolo contendere or
25 guilty, or he is found guilty after trial, and at that time he
26 requests probation with treatment or civil commitment for
27 treatment in lieu of criminal punishment, the medical officer
28 shall advise the court in writing whether it would be preferable
29 for the treatment and rehabilitation of the person for him to
30 receive a suspended sentence and probation on the condition that

1 he undergo education and treatment for drug or alcohol abuse and
2 drug or alcohol dependence, or to be civilly committed for
3 treatment in lieu of criminal punishment, or to receive criminal
4 incarceration. The court shall exercise its discretion whether
5 to accept the medical officer's advice.

6 (6) Any person diagnosed as a drug or alcohol dependent
7 person pursuant to clauses (4) or (5) of this subsection (b)
8 shall immediately be informed of his right to request probation
9 with treatment or civil commitment for treatment in lieu of
10 criminal punishment. If such person is, as a result of his drug
11 or alcohol dependence, unable at the time of diagnosis either to
12 understand or to make a rational decision concerning his right
13 to make such a request, he shall again be informed of such right
14 as soon as he is able to understand the choices available to him
15 and to make a rational decision concerning them.

16 (c) Any officer, government attorney, court, or probation or
17 parole officer shall refer any person to the council for
18 handling pursuant to subsection (a) or (b) of this section
19 whenever it appears that such person is a drug or alcohol abuser
20 or that an offense with which he is charged may be drug related.

21 (d) The medical officer shall be given all pertinent records
22 and information with respect to any person handled pursuant to
23 subsection (a) or (b) of this section by any department, agency,
24 officer, government attorney, court or probation or parole
25 officer who has such records or information.

26 Section 14. Civil Commitment for Treatment of Drug or
27 Alcohol Dependence.--(a) Any person who, through the excessive
28 use of drugs or alcoholic beverages, has become unable to care
29 for himself, his family, or his property, or has become a burden
30 on the public, may be committed to the council for treatment and

1 care for drug or alcohol dependence as follows:

2 (1) Court commitment on voluntary application:

3 (i) Any person may apply to the council for commitment. The
4 application shall be in writing, upon forms to be furnished by
5 the council, and shall be signed by the applicant in the
6 presence of at least one witness.

7 (ii) The council, upon receiving such application, shall
8 examine the applicant. If it finds that the applicant is
9 addicted to the excessive use of drugs or alcoholic beverages,
10 and that he is in need of care and will benefit from such
11 treatment, and that facilities are available to receive the
12 applicant, it shall make a certification to that effect, and
13 shall thereupon forward the application, together with its
14 certification, to the court of common pleas of the county
15 wherein the applicant is a resident.

16 (iii) The court, upon receiving the application and
17 certification, shall examine the same, and, in its discretion,
18 may hold a hearing, at which time the applicant shall be
19 present. If it finds the application to be in order, and no
20 reason exists to refuse it, the court shall forthwith order the
21 commitment of the applicant.

22 (iv) The testimony, of the applicant or any other person, at
23 any hearing held on any application may not be used against the
24 applicant in any other judicial proceeding.

25 (2) Court commitment upon petition of certain persons:

26 (i) A petition to commit any person to the council may be
27 presented to the court of common pleas of the county in which
28 such person is a resident or may be found, or if a resident of
29 or found in Philadelphia either to a court of common pleas or to
30 the Municipal Court of Philadelphia, and notice thereof shall be

1 given to the council which shall immediately certify to the
2 court whether facilities are available to receive the person
3 referred to in the petition in the event that the court should
4 order his commitment.

5 (ii) The petition may be made by the spouse, parent, child,
6 legal guardian, the person having the legal custody or liability
7 for his support, his next friend, or any other responsible
8 person.

9 (iii) Whenever a petition is presented, and upon receipt of
10 the council's certification that facilities are available, the
11 court may immediately appoint a commission composed of three
12 persons, two qualified physicians and one attorney-at-law, who
13 shall prepare and file all necessary notices, reports and other
14 papers. Each member of the commission shall receive a fee
15 consistent with the prevailing scale in the county, as
16 determined by the court, for the time he is necessarily employed
17 in the duty of his appointment.

18 (iv) The commission shall hear such evidence as may be
19 offered or as they may require relating to the person sought to
20 be committed who is addicted to the excessive use of drugs or
21 alcoholic beverages, as well as his or his counsel's statement.
22 If such person shall refuse to submit to an examination before
23 the commission, the court may issue a warrant to bring him
24 before the commission for examination.

25 (v) The commission shall make a written report to the court,
26 setting forth whether or not they find that such person is in
27 fact addicted to the excessive use of drugs or alcoholic
28 beverages, and that he is in need of care and will benefit from
29 such treatment, and the facts on which their conclusion is
30 based.

1 (vi) Upon receipt of the petition for the commitment of such
2 person, or of the report of the commission if one has been
3 appointed, the court may fix a day for a hearing, to be held at
4 such place as the court directs. When the hearing is to be held,
5 the court shall notify the parties in interest. The court may
6 require the presence of the person sought to be committed and
7 may exclude the public.

8 (vii) The testimony of any person at any hearing before the
9 commission or the court may not be used against the person who
10 is the subject of the petition in any other judicial proceeding.

11 If the court approves the report of the commission that the
12 person in question is addicted to the excessive use of drugs or
13 alcoholic beverages and that he is in need of care and will
14 benefit from such treatment, the court shall make an order
15 committing such person.

16 (3) Whenever any person is committed in accordance with the
17 provisions of subsection (a) of this section, the court may, at
18 the time of ordering commitment, appoint a guardian of the
19 estate of the person so committed, if it is necessary to protect
20 the interests and estate of such person.

21 (4) Any person committed under any of the provisions of
22 subsection (a) of this section shall thereby be subjected to
23 treatment and confinement for a period not to exceed one year:
24 Provided, however, That he may be released sooner than one year
25 in accordance with the provisions of subsections (d), (e) and
26 (f) of this section.

27 (5) The council in its discretion, may allow a leave of
28 absence to any person whose condition is such as to warrant it,
29 and upon such conditions as it may prescribe for the best
30 interests of such person, including supervision by any

1 nationally recognized scientific and service organizations whose
2 purpose is to treat and rehabilitate persons addicted to the
3 excessive use of drugs or alcoholic beverages: Provided, That
4 the council, upon learning of the violation of any such
5 condition, may, in its discretion, request the committing court
6 for a warrant to return the person to confinement.

7 (6) The council may order and compel the final discharge of
8 any person, committed under the provisions of subsection (a) of
9 this section, as cured, or no longer being in need of care, or
10 as not amenable to treatment.

11 (7) Any person committed under the provisions of subsection
12 (a) of this section shall have the right at any time to secure
13 his release, by writ of habeas corpus, if it appears to the
14 court that such person is cured and not in need of further
15 treatment.

16 (8) The per diem rate for persons receiving care and
17 treatment in the facilities provided for in this act shall be
18 determined by rates established by the council, based on
19 estimates and actual cost of operation: Provided, however, That
20 no person shall be charged at a rate greater than the actual
21 cost of care and treatment.

22 Liability for all cost of treatment and care of any person
23 committed under the provisions of subsection (a) of this section
24 is hereby imposed, in the following order, against:

25 (1) The person's real and personal property.

26 (2) The persons liable for the patient's support.

27 (3) The county in which he resides.

28 (9) (i) In ordering the commitment of any person pursuant to
29 the provisions of subsection (a) of this section, the court, at
30 the time of commitment, shall make an order for the payment of

1 the costs of treatment and care of the patient. The court shall
2 take into consideration the ability to pay of the patient or the
3 persons liable for his support, and shall have the power or duty
4 to modify or revise the order from time to time on cause shown.

5 (ii) Every order shall be entered in the prothonotary's
6 office and shall have the effect of a judgment.

7 (10) All money due the Commonwealth from the estate of a
8 person committed, or the persons liable for his support, or the
9 county in which he resides, for his treatment and care shall be
10 collected by the Department of Revenue, as collection agency for
11 the division, and shall be promptly transmitted by the
12 Department of Revenue to the State Treasurer.

13 (b) (1) The courts may commit to the council for treatment
14 and care for drug or alcohol dependence in lieu of criminal
15 prosecution or punishment for up to a specified period of time a
16 drug or alcohol dependent person who: (i) is charged with a
17 misdemeanor or felony and who, prior to trial on the offense,
18 requests such treatment in lieu of criminal prosecution; or (ii)
19 is charged with a misdemeanor or felony and who, after having
20 pled nolo contendere or guilty to, or having been found guilty
21 of, the offense charged, at the time sentence is imposed
22 requests such treatment in lieu of serving the sentence imposed;
23 or (iii) is serving a criminal sentence and petitions the court
24 for such treatment in lieu of serving the remainder of his
25 sentence.

26 (2) No term of commitment shall be ordered for a period
27 longer than the maximum sentence that could have been imposed
28 for the offense with which the person was charged with respect
29 to subclause (i) of clause (1) of this subsection (b), or for a
30 period longer than the sentence actually imposed with respect to

1 subclauses (ii) or (iii) of clause (1) of this subsection (b). A
2 patient may voluntarily remain in treatment for as long as the
3 medical officer believes warranted.

4 (c) Prior to the commitment of any person pursuant to
5 subsections (a) or (b) of this section the court shall hold a
6 civil hearing without a jury and must find that he is a drug or
7 alcohol dependent person; and appropriate treatment is available
8 for him.

9 (d) The council shall immediately inform the court whenever
10 in its opinion any one of the findings made pursuant to
11 subsection (c) of this section is no longer applicable, or for
12 any reason the person should be unconditionally released.

13 (1) The council shall, after a review of the patient's
14 record, recommend to the court whether the commitment order
15 should be continued, or whether the patient should be
16 unconditionally released, or whether the patient should be
17 returned to stand trial if he was committed under subclause (i)
18 of clause (1) of subsection (b) of this section, or to serve the
19 remainder of his sentence if he was committed under subclauses
20 (ii) or (iii) of clause (1) of subsection (b) of this section,
21 or whether some other appropriate action should be taken. The
22 court shall hold a civil hearing and shall enter an appropriate
23 order.

24 (2) Time spent under civil commitment shall be counted
25 toward any sentence for a person returned to stand trial or to
26 serve the remainder of his sentence.

27 (3) A person committed under this section may be returned to
28 stand trial or to serve the remainder of his sentence if he does
29 not cooperate with an appropriate treatment or care program, or
30 if appropriate treatment or care is ineffective: Provided, That

1 the decision whether to return the person to stand trial or to
2 serve the remainder of his sentence after failure to conform to
3 a schedule for rehabilitation shall be made on the basis of what
4 is most consistent with the rehabilitation of the individual and
5 the safety of the community.

6 (4) Except as otherwise provided herein, no person shall
7 remain committed for treatment or care pursuant to this section
8 after a court determines that any one of the findings made under
9 this act is no longer applicable.

10 (e) A committed person may, upon the expiration of six
11 months following the commitment order, and not more frequently
12 than every six months thereafter, request the council in writing
13 to conduct a review of the current applicability of the required
14 findings, and if the request is timely it shall be granted. The
15 patient may, at his own expense, have one or more qualified
16 physicians participate in this review or conduct an independent
17 review. The council shall, upon the written request of an
18 indigent patient, assist him in obtaining a qualified physician
19 to participate in the review, and such a physician shall be
20 compensated for his services by the council in an amount
21 determined by the council to be fair and reasonable. The council
22 shall report the result of the review to the patient. If the
23 patient is not released as a result of this review he may
24 petition the court for an order directing his release. The court
25 may hold a hearing and shall consider all pertinent evidence and
26 enter an appropriate order. The burden of proof in such a
27 proceeding shall remain on the council.

28 (f) In addition to the right of review upon a patient's
29 written request, the council shall as often as practicable, but
30 not less often than every six months, review a patient's status

1 under the required findings. Any right available to him for
2 obtaining release from confinement, including the right to
3 petition for a writ of habeas corpus, shall also be retained,
4 and the burden of proof in such a proceeding of the continuing
5 existence of the findings upon which the commitment is based
6 shall remain on the council.

7 (g) A committed person or a person detained for treatment
8 may initially be placed in inpatient, intermediate care or
9 outpatient treatment on the basis of sound clinical judgment,
10 except that a person charged with or subject to a prison
11 sentence for a felony shall initially be placed in inpatient
12 treatment unless the court orders otherwise. The council may
13 transfer a committed person or a person detained for treatment
14 between inpatient, intermediate care, and outpatient services
15 without court permission on the basis of sound clinical
16 judgment, except that a court order must be obtained for the
17 transfer from inpatient status of any person charged with or
18 subject to a prison sentence for a felony. No committed person
19 may be unconditionally released without a court order. A
20 committed or detained person has a right to intermediate care
21 and outpatient status, and to unconditional release, as quickly
22 as is consistent with sound clinical judgment and with the
23 safety of other persons and of property.

24 (h) Neither mail nor other communications to or from a
25 person committed pursuant to this section may be read by others
26 or censored except when ordered by a physician for treatment
27 reasons: Provided, That reasonable regulations regarding
28 visiting hours and the use of telephone and telegraph facilities
29 may be adopted, and reasonable precautions may be used to
30 prevent persons from illegally obtaining controlled dangerous

1 substances.

2 (i) Upon the institutions of proceedings for the commitment
3 of a person pursuant to this act, the council shall give such
4 person and his nearest known adult relative a written statement
5 and explanation outlining in simple nontechnical language the
6 procedure and rights set out in this section. If such person is
7 committed, the council shall give him and his nearest known
8 adult relative a further written statement and explanation
9 outlining all release procedures and other rights provided by
10 this section, as well as by other statutes and general legal
11 principles.

12 (j) A specific treatment plan, adopted to each individual,
13 shall be prepared and maintained by the council on a current
14 basis for every patient committed pursuant to this act. It shall
15 show the treatment planned and the treatment provided, in
16 sufficient detail to permit an evaluation of the adequacy of the
17 program for that individual. The plan shall be reviewed by the
18 court in considering the findings required by this act.

19 (k) Each individual treatment plan prepared pursuant to
20 subsection (j) of this section may utilize inpatient,
21 intermediate care, rehabilitative and outpatient services in
22 accordance with principles of medical care and treatment
23 accepted by a responsible segment of the medical profession. All
24 public and private community efforts, including but not limited
25 to welfare services, vocational rehabilitation, and job
26 replacement, shall be utilized as part of outpatient treatment
27 programs to integrate drug or alcohol dependent persons back
28 into society as productive citizens.

29 (l) Any hearing held pursuant to subsections (c), (d) or (e)
30 of this section shall be conducted according to the provisions

1 thereof.

2 Section 15. Drug or Alcohol Abuse Services in Correctional
3 Institutions and on Probation and Parole.--(a) The services
4 established by this act shall be used by the Department of
5 Justice for drug and alcohol abusers or drug and alcohol
6 dependent offenders, including juveniles, placed on work
7 release, probation, parole, or other conditional release. The
8 council and the Bureau of Correction and Board of Probation and
9 Parole shall cooperate in establishing and encouraging the
10 establishment of community based drug and alcohol abuse
11 treatment services and of drug and alcohol abuse treatment
12 services in State and county correctional institutions.

13 (b) The conditional release of any drug or alcohol abuser or
14 drug or alcohol dependent person convicted of any Commonwealth
15 offense may be conditioned on the person's agreement to periodic
16 urine analysis or other means of detecting narcotic drugs within
17 the body.

18 (c) The Bureau of Correction and Board of Probation and
19 Parole may transfer an offender placed on conditional release
20 from one treatment service to another depending upon his
21 response to treatment. The decision whether to retain or to
22 restrict or to revoke probation or parole or other conditional
23 release after failure to conform to a schedule for
24 rehabilitation shall be made on the basis of what is most
25 consistent with both the rehabilitation of the individual and
26 the safety of the community. All reasonable methods of treatment
27 shall be used to prevent relapses and to promote rehabilitation.
28 The council shall provide periodic reports and recommendations
29 to the Bureau of Correction and Board of Probation and Parole on
30 persons being treated pursuant to this section.

1 Section 16. Availability of Criminal Records.--In order to
2 facilitate the treatment and rehabilitation of drug abusers and
3 drug dependent persons, any arrest for a criminal offense under
4 "The Drug, Device and Cosmetic Act of 1971" or under the
5 provisions of Pennsylvania law previously governing narcotics
6 and dangerous drugs shall no longer be available as part of the
7 person's public arrest and other public criminal records when
8 the charges are withdrawn or dismissed or the person is
9 acquitted of the charges.

10 Section 17. Retention of Civil Rights and Liberties.--A
11 person receiving care or treatment under the provisions of this
12 act shall retain his civil rights and liberties except as herein
13 otherwise explicitly provided.

14 Section 18. Confidentiality of Records.--(a) A complete
15 medical, social, occupational, and family history shall be
16 obtained as part of the diagnosis, classification and treatment
17 of a patient pursuant to this act. Copies of all pertinent
18 records from other agencies, practitioners, institutions, and
19 medical facilities shall be obtained in order to develop a
20 complete and permanent confidential personal history for
21 purposes of the patient's treatment.

22 (b) All patient records (including all records relating to
23 any commitment proceeding) prepared or obtained pursuant to this
24 act, and all information contained therein, shall remain
25 confidential, and may be disclosed with the patient's consent
26 only to medical personnel and only for purposes of diagnosis and
27 treatment of the patient or to government or other officials for
28 the purpose of obtaining benefits due the patient as a result of
29 his drug or alcohol abuse or drug or alcohol dependence.

30 Disclosure may be made for purposes unrelated to such treatment

1 or benefits upon an order of a court after application showing
2 good cause therefor. In determining whether there is good cause
3 for disclosure, the court shall weigh the need for the
4 information sought to be disclosed against the possible harm of
5 disclosure to the person to whom such information pertains, the
6 physician-patient relationship, and to the treatment services,
7 and may condition disclosure of the information upon any
8 appropriate safeguards. No such records or information may be
9 used to initiate or substantiate charges against a patient under
10 any circumstances.

11 (c) All patient records and all information contained
12 therein relating to drug or alcohol abuse or drug or alcohol
13 dependence prepared or obtained by a private practitioner shall
14 remain confidential and may be disclosed only with the patient's
15 consent and only to medical personnel for purposes of diagnosis
16 and treatment of the patient or to government or other officials
17 for the purpose of obtaining benefits due the patient as a
18 result of his drug or alcohol abuse or drug or alcohol
19 dependence.

20 Section 19. Welfare.--(a) Drug and alcohol abuse and
21 dependence shall, for the purpose of all State welfare programs
22 be regarded as a major health and economic problem.

23 (b) State agencies charged with administering such welfare
24 programs shall take action to reduce the incidence of financial
25 indigency and family disintegration caused by drug and alcohol
26 abuse and dependence, and shall provide for treatment and
27 rehabilitation services for those persons enrolled in welfare
28 programs whose financial eligibility for such assistance
29 results, in part or in whole, from drug and alcohol dependence.

30 (c) Persons otherwise eligible for such welfare assistance

1 shall not be ineligible for such assistance because of drug and
2 alcohol abuse and dependence unless they refuse to accept
3 treatment and rehabilitation services. Any person whose
4 financial eligibility for such assistance results in whole or in
5 part, from drug and alcohol abuse or dependence shall be
6 provided the services of appropriate treatment and
7 rehabilitation services upon a certification by a responsible
8 medical officer that (i) the services will more likely than not
9 be appropriate for the recipient, and (ii) the services can
10 accommodate the recipient. After such certification,
11 participation by the recipient in the program shall be a
12 requirement for continuing eligibility for such assistance, in
13 the absence of good cause for nonparticipation.

14 (d) Any recipient of welfare assistance whose inability to
15 work or to participate in a work training program is the result
16 of drug and alcohol abuse or dependence shall be excused from
17 such participation only on condition that he accept appropriate
18 treatment and rehabilitation services made available to him.

19 (e) The council shall promulgate appropriate regulations and
20 offer technical assistance to the departments and agencies of
21 the Commonwealth in providing programs of education about drug
22 and alcohol abuse and drug and alcohol dependence for children
23 of school age and adults responsible for them, and appropriate
24 treatment for children physically or mentally damaged or
25 otherwise affected, as a result of drug or alcohol abuse or drug
26 or alcohol dependence on the part of such children and other
27 children or adults with whom they have significant contact.

28 Section 20. General.--Drug and alcohol abuse or dependence
29 shall be regarded as a health problem, sickness, illness,
30 disease, disability, or similar term, for purposes of all

1 legislation relating to health, welfare, and rehabilitation
2 programs, services, funds and other benefits. Any legislation
3 providing for medical assistance, medical care, treatment,
4 rehabilitation or other similar services, shall be regarded as
5 including programs and services for the prevention and treatment
6 of drug and alcohol abuse and dependence.

7 Section 21. Grants and Contracts for the Prevention and
8 Treatment of Drug and Alcohol Abuse and Dependence.--(a) The
9 council is authorized to make grants and enter into contracts
10 for the prevention and treatment of drug and alcohol abuse and
11 dependence to assist local governments and public and private
12 nonprofit agencies, institutions, and organizations to:

13 (1) Meet the costs of equipment and operating treatment and
14 rehabilitation facilities including but not limited to emergency
15 medical, inpatient, intermediate care, rehabilitative and
16 outpatient facilities for drug or alcohol abusers and drug or
17 alcohol dependent persons and to assist them to meet, for the
18 temporary periods specified in subsection (b) of this section, a
19 portion of the costs of compensation of personnel for the
20 initial operation of such facilities, and of new services in
21 existing facilities for drug or alcohol abusers and drug or
22 alcohol dependent persons;

23 (2) Conduct research, demonstration, and evaluation
24 projects, including surveys and field trials, looking toward the
25 development of improved, expanded, and more effective methods of
26 prevention and treatment of drug or alcohol abuse and drug or
27 alcohol dependence;

28 (3) Provide education and training for professional
29 personnel, including medical, psychiatric, vocational
30 rehabilitation, and social welfare personnel, in academic and

1 professional institutions and in postgraduate courses, about the
2 prevention and treatment of drug and alcohol abuse and drug and
3 alcohol dependence, and provide training for such personnel in
4 the administration, operation, and supervision of programs and
5 services for the prevention and treatment of drug and alcohol
6 abuse and drug and alcohol dependence;

7 (4) Recruit, educate, train, organize, and employ community
8 drug and alcohol abuse and drug and alcohol dependence
9 prevention and treatment personnel to serve with and under the
10 direction of professional medical, psychiatric, vocational
11 rehabilitation, and social welfare personnel in drug and alcohol
12 abuse and drug and alcohol dependence and prior criminal arrests
13 or convictions shall not be a bar to such employment;

14 (5) Provide services in correctional and penal institutions
15 for the prevention and treatment of drug and alcohol abuse and
16 drug and alcohol dependence;

17 (6) Provide services, in cooperation with schools, law
18 enforcement agencies, courts and other public and private
19 nonprofit agencies, institutions, and organizations, for the
20 prevention and treatment of drug and alcohol abuse and drug and
21 alcohol dependence among juveniles and young adults. These
22 services where feasible shall include curricula for drug and
23 alcohol abuse education in elementary and secondary schools, and
24 among parents and other adults;

25 (7) Provide programs and services, in cooperation with local
26 law enforcement agencies, the courts, and other public and
27 private nonprofit agencies, institutions, and organizations, for
28 the instruction of law enforcement officers, prosecuting
29 attorneys, court personnel, the judiciary, probation and parole
30 officers, correctional officials and legal aid, public defender,

1 and neighborhood legal services attorneys with respect to the
2 causes, effects, prevention, and treatment of drug or alcohol
3 abuse and drug or alcohol dependence. Such programs and services
4 shall include, where possible a full range of services available
5 to State and local courts for diagnosis, counseling, and
6 treatment for drug or alcohol abuse and drug or alcohol
7 dependence for persons coming before the courts;

8 (8) Provide services for outpatient counseling of drug and
9 alcohol abusers and drug and alcohol dependent persons to
10 include employment, welfare, legal, education, and other
11 assistance, in cooperation and coordination with welfare and
12 rehabilitation personnel;

13 (9) Develop or evaluate curriculums on drug and alcohol
14 abuse prevention and treatment, including the preparation of new
15 and improved curricular materials for use in elementary,
16 secondary, college, and adult education programs;

17 (10) Develop or evaluate a program of dissemination of
18 curricular material;

19 (11) Provide training programs on drug and alcohol abuse and
20 drug and alcohol dependence (including courses of study,
21 institutes, seminars, films, workshops, and conferences) for
22 teachers, counselors, and other educational personnel;

23 (12) Provide community education programs on drug and
24 alcohol abuse (including courses of study, institutes, seminars,
25 films, workshops, and conferences) especially for parents and
26 other adults in the community;

27 (13) Assist local education agencies in the planning,
28 development, and implementation of drug and alcohol abuse
29 education programs; and

30 (14) Develop educational material and programs about the

1 prevention and treatment of, and problems arising from, drug or
2 alcohol abuse and drug and alcohol dependence, for use of
3 distribution by any form of mass media.

4 (b) The amount of any grant made under subsection (a) of
5 this section shall not exceed fifty per cent of the cost of the
6 program or project specified in the application for such grant
7 and may be made only for the period beginning with the first day
8 for which such a grant is made and ending with the close of five
9 years after such first day. Such grants may not exceed sixty per
10 cent of such costs for the period ending with the close of the
11 twenty-fourth month following such first day, forty per cent of
12 such costs for the first year thereafter, thirty per cent of
13 such costs for the second year thereafter and twenty per cent of
14 such costs of the third year thereafter.

15 Section 22. Admission to Private and Public Hospitals.--Drug
16 and alcohol abusers and dependent persons shall be admitted to
17 and treated in secure and appropriate facilities of private and
18 public hospitals on the basis of medical need and shall not be
19 discriminated against because of their drug or alcohol abuse or
20 dependence. Any hospital that violates this section shall not
21 receive financial assistance under the provisions of this act or
22 any other law of this Commonwealth. No such action shall be
23 taken without due notice by the council to the appropriate
24 person or persons of the failure to comply with this section,
25 and an opportunity for a correction or a hearing as provided by
26 law. Actions taken under this section shall be subject to
27 judicial review as provided by the "Administrative Agency Law."

28 Section 23. Advisory Committee on Drug and Alcohol Abuse and
29 Dependence.--(a) The Governor shall appoint an Advisory
30 Committee on Drug and Alcohol Abuse and Dependence, to consist

1 of fifteen qualified persons who have knowledge of and an
2 interest in the subject, to represent different geographical
3 regions and occupations, and some of whom must formerly have
4 been drug or alcohol abusers or drug dependent persons, to
5 advise and consult with the council and to assist them in
6 carrying out the provisions of this act.

7 (b) The members of the committee shall elect a chairman, who
8 shall serve a one-year term but may be reelected. The members of
9 the committee shall serve without compensation for three years,
10 staggered so that five vacancies occur every year.

11 (c) The committee shall meet at least once every two months,
12 and may meet more often. It shall consult at regular intervals
13 with representatives of the Commonwealth and political
14 subdivisions thereof, and with the judiciary, corrections,
15 probation, vocational rehabilitation, public welfare, parole and
16 other agencies as may become involved in a total treatment and
17 rehabilitation effort to control drug and alcohol abuse and
18 dependence.

19 Section 24. Law Enforcement Officials.--Because of full
20 cooperation of law enforcement officials is essential for the
21 effective implementation of the provisions of this act, the
22 council shall, in cooperation with the Attorney General, the
23 police, the courts, and other public and private agencies,
24 provide services and consultation for the education of
25 policemen, prosecuting attorneys, court personnel, the
26 judiciary, probation and parole officers, correctional
27 officials, and other law enforcement personnel, with respect to
28 the cause, effects and treatment for drug and alcohol abuse and
29 dependence. Further, the council shall foster and coordinate a
30 full range of services available to the courts for diagnosis,

1 counseling and treatment for drug and alcohol abuse and
2 dependence for persons coming before the courts.

3 Section 25. Programs.--None of the programs established by
4 this act shall go into effect until the council shall publicly
5 certify that the funds and facilities requisite thereto are
6 available.

7 Section 26. Appropriations.--The following sums, or as much
8 thereof as may be necessary, are appropriated to the departments
9 and agencies indicated, subject to the approval of the
10 Governor's Council on Drug, Narcotic and Alcohol Abuse, for the
11 fiscal year July 1, 1971 to June 30, 1972, to effectuate the
12 purposes of this act:

13	Pennsylvania State Police	\$ 710,000
14	Department of Justice	
15	General Government Operations	57,000
16	Correctional Institutions-State Owned	300,000
17	Department of Health	500,000
18	Department of Public Welfare	8,253,000
19	Department of Education	80,000
20	Governor's Office	100,000

21 Section 27. Savings Provision.--The provisions of this act
22 shall not affect any act done, liability incurred, or right
23 accrued or vested, or affect any suit or prosecution pending to
24 enforce any right or penalty or punish any offense under the
25 authority of any act of Assembly, or part thereof, repealed by
26 this act.

27 Section 28. Severability.--The provisions of this act are
28 severable and, if any provision or part hereof shall be held
29 invalid or unconstitutional or inapplicable to any person or
30 circumstances, such invalidity, unconstitutionality or

1 inapplicability shall not affect or impair the remaining
2 provising of the act. It is hereby declared to be the
3 legislative intent that this act would have been adopted if such
4 invalid, unconstitutional or inapplicable provisions had not
5 been included therein.

6 Section 29. Repealer.--The act of August 20, 1953
7 (P.L.1212), entitled "An act providing for the study of the
8 problems of alcoholism; the treatment, commitment,
9 rehabilitation and protection of persons addicted to the
10 excessive use of alcoholic beverages; conferring powers and
11 imposing duties upon the courts and the Department of Health;
12 and making an appropriation," is repealed absolutely.

13 Section 30. Effective Date.--This act shall take effect
14 sixty days after the enactment thereof.