

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 870 Session of
2007

INTRODUCED BY VANCE, COSTA, ERICKSON, WASHINGTON, BOSCOLA,
BROWNE, FONTANA, GORDNER, GREENLEAF, KASUNIC, KITCHEN,
MADIGAN, McILHINNEY, O'PAKE, ORIE, PUNT, RHOADES, ROBBINS,
STOUT, TOMLINSON, C. WILLIAMS AND WONDERLING, MAY 31, 2007

REFERRED TO PUBLIC HEALTH AND WELFARE, MAY 31, 2007

AN ACT

1 Establishing the Drug and Alcohol Treatment and Prevention Fund;
2 and providing for the deposit of a portion of the liquor tax
3 into the fund and for use of fund.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Drug and
8 Alcohol Treatment and Prevention Fund Act.

9 Section 2. Definitions.

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

13 "Fund." The Drug and Alcohol Treatment and Prevention Fund
14 established in section 3.

15 "Liquor tax." The tax imposed in accordance with the act of
16 June 9, 1936 (1st Sp.Sess., P.L.13, No.4), entitled "An act
17 imposing an emergency State tax on liquor, as herein defined,

1 sold by the Pennsylvania Liquor Control Board; providing for the
2 collection and payment of such tax; and imposing duties upon the
3 Department of Revenue and the Pennsylvania Liquor Control
4 Board."

5 "Liquor tax rate." The rate of tax imposed pursuant to
6 section 2 of the act of June 9, 1936 (1st Sp.Sess., P.L.13,
7 No.4), entitled "An act imposing an emergency State tax on
8 liquor, as herein defined, sold by the Pennsylvania Liquor
9 Control Board; providing for the collection and payment of such
10 tax; and imposing duties upon the Department of Revenue and the
11 Pennsylvania Liquor Control Board."

12 Section 3. Establishment of special fund.

13 The Drug and Alcohol Treatment and Prevention Fund is hereby
14 established as a special fund in the State Treasury. The moneys
15 of the fund are hereby appropriated on a continuing basis to
16 carry out the provisions of this act.

17 Section 4. Deposit of revenues.

18 All revenues received by the Commonwealth pursuant to the
19 imposition of the liquor tax shall be deposited by the
20 Department of Revenue as follows:

21 (1) The revenues derived from the first 12.445
22 percentage points of the liquor tax rate shall be deposited
23 in the Drug and Alcohol Treatment and Prevention Fund.

24 (2) The remainder shall be deposited in the General
25 Fund.

26 Section 5. Use of fund.

27 (a) Annual report.--The Governor shall report on the fund in
28 the annual budget which shall include the amounts allocated to
29 each program.

30 (b) Allocations.--

1 (1) The moneys of the fund shall be allocated in
2 accordance with the percentages set forth in paragraph (2)
3 based on actual liquor tax revenues that were required to be
4 deposited in the fund for the immediately preceding fiscal
5 year. For the first fiscal year to which this act applies,
6 the allocations from the fund shall be based on the revenues
7 that would have been deposited in the fund had the division
8 of revenues required under section 4 been in effect for the
9 immediately preceding fiscal year.

10 (2) The allocations from the fund pursuant to paragraph
11 (1) shall be as follows:

12 (i) 9.739% shall be allocated to the Department of
13 Public Welfare to provide for a continuum of alcohol and
14 drug detoxification and rehabilitation services to
15 persons eligible for medical assistance pursuant to
16 section 2334 of the act of April 9, 1929 (P.L.177,
17 No.175), known as The Administrative Code of 1929.

18 (ii) 27.188% shall be allocated to the Department of
19 Public Welfare for behavioral health services for
20 individuals affected by eligibility changes for the
21 general assistance medically needy only program based on
22 section 442.1 of the act of June 13, 1967 (P.L.31,
23 No.21), known as the Public Welfare Code.

24 (iii) 25.569% shall be allocated to the Department
25 of Health to distribute to single county authorities for
26 the provision of drug and alcohol services to include
27 prevention, treatment, intervention and case management.

28 (iv) 10.803% shall be allocated to the Governor for
29 the Pennsylvania Commission on Crime and Delinquency to
30 provide drug and alcohol treatment-based restrictive

intermediate punishment programs. The allocation under this paragraph shall be expended on programs that treat only offenders who fall under 204 Pa. Code § 303.11(b)(3) or (4) (relating to guideline sentence recommendations: sentencing levels).

(v) 26.701% shall be allocated to the Department of Corrections to provide comprehensive drug and alcohol treatment to the inmate population including assessment, education, intensive treatment and aftercare.

(c) Lapses.--Lapses from moneys provided for a program under this section shall be reallocated to that department or commission and program specified in subsection (b) for use in succeeding years.

(d) Pro rata calculation.--If the Governor determines that the deposits in the fund will be insufficient to allocate the amounts calculated under subsection (b) in a fiscal year, each program specified under subsection (b) shall be allocated a pro rata share of the amounts the Governor estimates will be deposited in the fund.

(e) Transfer to General Fund.--Any balance in the fund which remains unallocated after the application of subsections (b), (c) and (d) shall be transferred to the General Fund on or before June 30 of each fiscal year.

Section 6. Repeals.

All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 7. Applicability.

This act shall apply to the fiscal year beginning after the effective date of this section and to each fiscal year thereafter.

1 Section 8. Effective date.

2 This act shall take effect immediately.