

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1555 Session of
2009

INTRODUCED BY MANDERINO, TRUE, BEAR, BOYD, BRADFORD, BRENNAN,
BRIGGS, BROOKS, BROWN, BUXTON, CALTAGIRONE, CLYMER, COHEN,
D. COSTA, CREIGHTON, CUTLER, DALEY, DALLY, DENLINGER, FLECK,
FRANKEL, GALLOWAY, GEIST, GEORGE, GIBBONS, GODSHALL, GRUCELA,
HARKINS, HARRIS, HENNESSEY, HESS, HICKERNELL, HORNAMAN,
JOHNSON, KILLION, KIRKLAND, KOTIK, KULA, LONGIETTI, MAJOR,
MANN, MENSCH, MICOZZIE, MILNE, MOUL, MUNDY, MURT, OBERLANDER,
O'NEILL, PALLONE, PARKER, PHILLIPS, PICKETT, PYLE, REED,
REICHLEY, ROSS, SANTONI, SIPTROTH, SONNEY, STABACK, STERN,
J. TAYLOR, VULAKOVICH, WATERS, WATSON, WHEATLEY, YOUNGBLOOD
AND YUDICHAK, MAY 29, 2009

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, MAY 29, 2009

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.

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

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

15 Section 3. Establishment of special fund.

16 The Drug and Alcohol Treatment and Prevention Fund is
17 established as a special fund in the State Treasury. The money
18 of the fund is hereby appropriated on a continuing basis to
19 carry out the provisions of this act.

20 Section 4. Certifications, notifications and reports.

21 (a) Secretary of Revenue certification.--Within 15 days of
22 the beginning of each fiscal year, the Secretary of Revenue
23 shall calculate and certify the amount to be deposited in the
24 fund for the fiscal year. The amount certified shall be
25 calculated by determining the revenue derived from 12.85
26 percentage points of the liquor tax rate in the immediately
27 preceding fiscal year.

28 (b) Secretary of the Budget notification.--Within 30 days of
29 the beginning of each fiscal year, the Secretary of the Budget
30 shall notify each Commonwealth agency receiving allocations

1 under this act of the amount of the allocation for the fiscal
2 year.

3 (c) Annual report.--The Governor shall report on the fund in
4 the annual budget. The report shall include the amounts
5 allocated to each program.

6 Section 5. Drug and alcohol treatment and prevention funding.

7 (a) General rule.--The Department of Revenue shall transfer
8 the revenue received by the Commonwealth pursuant to the
9 imposition of the liquor tax from the General Fund to the fund.
10 No amount in excess of the amount calculated and certified under
11 section 4(a) shall be transferred to the fund in the fiscal
12 year.

13 (b) Allocations.--The money in the fund shall be allocated
14 out of the amount certified under section 4(a) as follows:

15 (1) 8.835% shall be allocated to the Department of
16 Public Welfare to provide for a continuum of alcohol and drug
17 detoxification and rehabilitation services to persons
18 eligible for medical assistance pursuant to section 2334 of
19 the act of April 9, 1929 (P.L.177, No.175), known as The
20 Administrative Code of 1929.

21 (2) 30.559% shall be allocated to the Department of
22 Public Welfare for behavioral health services for individuals
23 affected by eligibility changes for the general assistance
24 medically needy only program based on section 442.1 of the
25 act of June 13, 1967 (P.L.31, No.21), known as the Public
26 Welfare Code.

27 (3) 22.732% shall be allocated to the Department of
28 Health to distribute to single county authorities for the
29 provision of drug and alcohol services to include prevention,
30 treatment, intervention and case management.

1 (4) 9.569% shall be allocated to the Governor for the
2 Pennsylvania Commission on Crime and Delinquency to provide
3 drug and alcohol treatment-based restrictive intermediate
4 punishment programs. The allocation under this paragraph
5 shall be expended on programs that treat only offenders who
6 fall under 204 Pa. Code § 303.11(b)(3) or (4) (relating to
7 guideline sentence recommendations: sentencing levels).

8 (5) 28.305% shall be allocated to the Department of
9 Corrections to provide comprehensive drug and alcohol
10 treatment to the inmate population including assessment,
11 education, intensive treatment and aftercare.

12 (c) Lapses.--Lapses from money provided for a program under
13 this section shall be reallocated to that Commonwealth agency
14 and program specified in subsection (b) for use in succeeding
15 years.

16 Section 28. Repeals.

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

19 Section 29. Applicability.

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

23 Section 30. Effective date.

24 This act shall take effect immediately.