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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1958 Session of  
2020

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INTRODUCED BY T. DAVIS, MILLARD, HILL-EVANS, DEASY, FRANKEL,  
OTTEN, HOHENSTEIN, LEE, DONATUCCI, SANCHEZ, GALLOWAY, ROZZI,  
HOWARD, McNEILL AND WARREN, MARCH 4, 2020

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 4, 2020

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AN ACT

1 Authorizing police departments to establish and administer an  
2 ANGEL Program that assists eligible individuals in  
3 identifying and receiving treatment for opioid use disorder;  
4 and imposing powers and duties on the Attorney General.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the ANGEL Act.

9 Section 2. Findings and declarations.

10 The General Assembly finds and declares as follows:

11 (1) Opioid use disorder should be treated as a health  
12 issue, not a crime.

13 (2) Combating opioid use disorder requires a  
14 multifaceted approach that utilizes intervention, prevention  
15 and rehabilitation efforts within the communities of our  
16 Commonwealth.

17 (3) Allowing law enforcement officials to assist those  
18 with opioid use disorder in locating treatment will provide

1 an additional tool in fighting opioid use disorder.

2 Section 3. Definitions.

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

6 "ANGEL Program" or "program." An ANGEL Program established  
7 and operated by a qualified police department in accordance with  
8 this act.

9 "Controlled substance." As defined in section 2 of the act  
10 of April 14, 1972 (P.L.233, No.64), known as The Controlled  
11 Substance, Drug, Device and Cosmetic Act.

12 "Designer drug." As defined in section 2 of The Controlled  
13 Substance, Drug, Device and Cosmetic Act.

14 "Drug paraphernalia." As defined in section 2 of The  
15 Controlled Substance, Drug, Device and Cosmetic Act.

16 "Individualized treatment plan." A treatment plan developed  
17 for a specific participant.

18 "Opioid use disorder." The use of prescription or  
19 nonprescription opioids resulting in a physical dependency which  
20 requires treatment or intervention.

21 "Participant." An individual who is approved to participate  
22 in a program for the purpose of receiving treatment for opioid  
23 use disorder.

24 "Qualified police department." A police department in this  
25 Commonwealth that operates a program in accordance with this  
26 act.

27 "Qualified volunteer." An individual who is approved by a  
28 qualified police department to assist participants in a program.

29 Section 4. ANGEL Program.

30 (a) Authorization.--A police department may establish and

1 operate a program in accordance with this act.

2 (b) Guidelines to be developed.--

3 (1) The Attorney General shall, within 120 days of the  
4 effective date of this section and in consultation with the  
5 Pennsylvania State Police and a Statewide association  
6 representing chiefs of police, develop guidelines for a  
7 program, to be known as an ANGEL Program, that assists  
8 individuals who suffer from opioid use disorder and who meet  
9 the eligibility criteria of this act to identify and receive  
10 appropriate treatment.

11 (2) Eligible individuals utilizing the ANGEL Program  
12 offered by a qualified police department may not be charged  
13 for a criminal offense related to the possession of  
14 controlled substances, designer drugs or drug paraphernalia  
15 if the individual successfully completes an individualized  
16 treatment plan.

17 (3) In the development of the guidelines, the Attorney  
18 General shall consider eligibility of individuals with opioid  
19 use disorder seeking the assistance of a qualified police  
20 department at a police station as well as in the field.

21 (4) Guidelines established by the Attorney General shall  
22 be consistent with this act.

23 (c) Application.--Prior to operating a program, a police  
24 department must apply to the Attorney General for approval to be  
25 designated as a qualified police department. The application  
26 shall be in such form and contain such information as required  
27 by the Attorney General.

28 (d) Review of application.--

29 (1) The Attorney General shall review an application  
30 submitted under subsection (c) and, if the application

1 complies with the guidelines developed under subsection (b),  
2 approve the applicant as a qualified police department.  
3 Otherwise, the application shall be denied and the reason for  
4 the denial shall be submitted in writing to the applicant.

5 (2) The Attorney General shall conclude a review of an  
6 application and notify the police department of the approval  
7 or denial of the application within 90 days of receipt.

8 (3) The Attorney General shall forward a copy of the  
9 approval to the district attorney of the county in which the  
10 qualified police department is located.

11 Section 5. Program operation.

12 (a) Process.--At a minimum, a program shall operate as  
13 follows:

14 (1) When a potential participant arrives at a qualified  
15 police department, a police officer shall be assigned to the  
16 potential participant.

17 (2) The police officer shall determine the eligibility  
18 of the potential participant and confirm that the potential  
19 participant has completed the required program application  
20 and participant agreement developed by the qualified police  
21 department and approved by the Attorney General.

22 (3) If the police officer determines that the individual  
23 is eligible to participate in the program, the police officer  
24 may utilize and contact a qualified volunteer for the purpose  
25 of learning the circumstance of the participant, educating  
26 the participant on the rehabilitative process, providing  
27 moral support for the participant and assisting in the  
28 identification of available treatment facilities.

29 (4) The qualified volunteer or police officer shall  
30 contact a treatment facility that may assist the qualified

1 police department in determining an individualized treatment  
2 plan for the participant and may provide opioid use disorder  
3 treatment.

4 (5) If the qualified volunteer or police officer  
5 determines that placement in a treatment facility is not  
6 available, the qualified volunteer or police officer may not  
7 permit the participant to leave the qualified police  
8 department without locating a safe place to temporarily  
9 reside and shall determine an alternative plan to seek other  
10 opioid use disorder treatment.

11 (b) Duty to contact emergency dispatch.--

12 (1) If at any time a participant or potential  
13 participant shows signs or symptoms of withdrawal or requests  
14 emergency medical attention, the police department or  
15 qualified volunteer shall contact emergency dispatch.

16 (2) Nothing in this subsection shall be construed to  
17 prohibit an individual who may obtain a supply of naloxone  
18 from administering a supply of naloxone to an individual  
19 undergoing, or who is reasonably believed to be undergoing,  
20 an opioid-related drug overdose as provided in the act of  
21 April 14, 1972 (P.L.233, No.64), known as The Controlled  
22 Substance, Drug, Device and Cosmetic Act.

23 (c) Transportation.--

24 (1) A qualified police department may request the  
25 participant or the family of the participant to pay or  
26 contribute to transportation costs.

27 (2) A qualified police department may utilize emergency  
28 transportation services or other transportation services that  
29 have volunteered for the purpose of transporting a  
30 participant to a treatment facility if the transportation has

1       been approved by the qualified police department.

2           (3) A police officer or qualified volunteer shall remain  
3       with a participant during transportation to a treatment  
4       facility.

5 Section 6. Participant eligibility.

6       (a) Requirements.--A potential participant must meet the  
7       following requirements in order to participate in the program:

8           (1) Be at least 18 years of age or have the consent of a  
9       parent or legal guardian.

10          (2) Complete the required program application and  
11       participant agreement.

12       (b) Disqualifications.--A potential participant shall be  
13       deemed ineligible when:

14          (1) The potential participant has an outstanding arrest  
15       warrant.

16          (2) The potential participant has three or more drug-  
17       related arrests on the potential participant's criminal  
18       record and at least one of those arrests resulted in a  
19       conviction under any of the following:

20           (i) 18 Pa.C.S. § 6317 (relating to drug-free school  
21       zones).

22           (ii) 18 Pa.C.S. § 7508 (relating to drug trafficking  
23       sentencing and penalties).

24          (3) The police officer has reasonable belief that the  
25       qualified volunteer could be seriously harmed by the  
26       potential participant.

27       (c) Repeat participant.--No participant may be refused  
28       participation in a program due to previous participation in the  
29       program.

30 Section 7. Participant agreement.

1 (a) Requirement.--In order to participate in a program, an  
2 eligible participant must complete a participant agreement which  
3 expresses in writing to the qualified police department the  
4 understanding that:

5 (1) The participant is willing to accept and complete  
6 opioid use disorder treatment in a treatment facility.

7 (2) A qualified volunteer may be present to assist the  
8 police department in the operation of the program.

9 (3) A different qualified volunteer may be assigned to  
10 the participant at any time if the participant expresses that  
11 the participant is not comfortable with the assigned  
12 qualified volunteer.

13 (4) A qualified volunteer does not have to be assigned  
14 if the participant expresses discomfort.

15 (5) The qualified police department may contact the  
16 participant in the future in order to learn about the  
17 experience of the participant in the program.

18 (6) A hospital or participating treatment facility that  
19 provides treatment to the participant as part of the program  
20 may update the qualified police department on the treatment  
21 status of the participant.

22 (7) The exchange of contact information with a qualified  
23 volunteer is a mutual agreement between both parties.

24 (8) Any communication with a qualified volunteer outside  
25 of the program is not considered part of the program.

26 (b) Reports of participating hospitals and treatment  
27 facilities.--Information on a participant's treatment status and  
28 experience in a program, provided by a participating hospital or  
29 treatment facility to a qualified police department, shall be  
30 strictly confidential and used solely for statistical purposes

1 which determine the success of the program.

2 Section 8. Qualified volunteer eligibility.

3 (a) Application.--A police department may require a  
4 potential qualified volunteer to complete an application and  
5 background screening.

6 (b) Impairments.--

7 (1) An individual participating as a qualified volunteer  
8 may not have a mental or physical condition that would cause  
9 an impairment to the individual's capability to serve in the  
10 program.

11 (2) Individuals in recovery and familiar with opioid use  
12 disorder shall not be disqualified from serving as a  
13 qualified volunteer in the program.

14 Section 9. Qualified volunteer agreement.

15 A qualified volunteer must complete a volunteer agreement,  
16 developed by the qualified police department, which at a minimum  
17 expresses the understanding that:

18 (1) Any information, written, verbal or otherwise,  
19 obtained during the time in which the qualified volunteer  
20 participates in the program shall remain confidential,  
21 including all information pertaining to:

22 (i) Participants.

23 (ii) Families of participants.

24 (iii) Members or staff of the police department.

25 (iv) Employees of participating hospitals.

26 (v) Employees of participating treatment facilities.

27 (vi) Any other organization or person designated by  
28 the qualified police department.

29 (2) Failure to maintain confidentiality as required by  
30 this section may, at the discretion of the qualified police

1 department, be grounds for immediate dismissal from the  
2 program.

3 (3) An exchange of contact information with a  
4 participant may only occur with the mutual agreement of the  
5 participant and the qualified volunteer.

6 (4) Any contact between a qualified volunteer and a  
7 participant outside of the program shall not be considered  
8 part of the program.

9 (5) All risks and responsibilities for any and all  
10 property damage and bodily injury that may be sustained while  
11 participating in the program is assumed solely by the  
12 qualified volunteer.

13 Section 10. Existing programs.

14 A police department that establishes, prior to the effective  
15 date of this section, a program that operates consistent with an  
16 ANGEL Program shall not be required to submit an application and  
17 obtain approval by the Attorney General as provided in section  
18 4.

19 Section 11. Effective date.

20 This act shall take effect immediately.