

2016D10229LKK:BTW

No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for emergency overdose involuntary commitment.

INTRODUCED _____ 20 _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Referred to Committee on	
Date _____	20 _____
Reported _____	20 _____
As Committed-Amended	
Recommendation	

By Hon. _____	

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for emergency overdose
3 involuntary commitment.

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

6 Section 1. Title 35 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 82

9 EMERGENCY OVERDOSE INVOLUNTARY COMMITMENT

10 Sec.

11 8201. Short title of chapter.

12 8202. Declaration of policy.

13 8203. Definitions.

14 8204. Involuntary emergency commitment.

15 8305. Immunity.

16 § 8201. Short title of chapter.

17 This chapter shall be known and may be cited as the Emergency

18 Overdose Involuntary Commitment Law.

1 § 8202. Declaration of policy.

2 The General Assembly finds and declares as follows:

3 (1) Life threatening overdoses of heroin and other
4 opioids provide a unique health problem to the residents of
5 this Commonwealth.

6 (2) The use of heroin and other opioids can constitute a
7 life threatening addiction which deprives users of the
8 capacity to exercise self-control, judgment and discretion in
9 making basic decisions.

10 (3) The use of opioid blockers has saved the lives of
11 users of heroin and other opioids; however, the effect of the
12 blocker is relatively short-lived and is of shorter duration
13 than the effect of heroin or other opioids.

14 (4) It is in the public interest to ensure that
15 individuals who have overdosed on heroin or other opioids, to
16 the extent that the overdose endangers the individual's life
17 or the lives of others, are not immediately released under
18 conditions which substantially increase the risk of continued
19 heroin or opioid use and subsequent overdose.

20 § 8303. Definitions.

21 The following words and phrases when used in this chapter
22 shall have the meanings given to them in this section unless the
23 context clearly indicates otherwise:

24 "Health care practitioner." An individual authorized to
25 practice a component of the healing arts with a license, permit
26 or registration.

27 "Health care provider." An individual, trust, estate,
28 partnership, corporation, association, joint stock company, the
29 Commonwealth, political subdivision, instrumentality, municipal
30 corporation or authority that operates a hospital.

1 "Hospital." The term includes general, specialty and
2 psychiatric hospitals.

3 "Involuntary emergency commitment." Commitment within a
4 hospital, irrespective of the patient's stated wishes, for a
5 period of at least 48 hours, to be measured from the time of a
6 patient's arrival at the hospital to treat an overdose on heroin
7 or other opioids and who received naloxone or a similar opioid
8 blocker as part of a treatment to prevent the patient's death.
9 § 8204. Involuntary emergency commitment.

10 (a) Commitment.--An individual who has overdosed on heroin
11 or other opioids and is taken to a hospital shall be deemed to
12 lack capacity to make decisions regarding medical treatment and
13 to exercise self-control, judgment and discretion causing the
14 individual to pose a clear and present danger of harm to the
15 individual and to others. A health care practitioner, as well as
16 the hospital or an agent or employee of the hospital, must admit
17 the individual for involuntary emergency commitment whether or
18 not naloxone or another opioid blocker has been administered.

19 (b) Assessment.--A drug and alcohol assessment, including
20 blood work to identify the illegal drugs or alcohol level
21 causing the overdose, shall be completed during the commitment.
22 § 8205. Immunity.

23 A health care practitioner, a hospital or an agent or
24 employee of a hospital shall be immune from liability for an
25 action taken in good faith under this chapter.

26 Section 2. This act shall apply to an individual who is
27 treated for an overdose on or after the effective date of this
28 act.

29 Section 3. This act shall take effect in 60 days.