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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.

Prior Session _____

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. Scope of chapter.

12 8202. Declaration of policy.

13 8203. Definitions.

14 8204. Involuntary emergency commitment.

15 8205. Immunity.

16 § 8201. Scope of chapter.

17 This chapter relates to emergency overdose involuntary
18 commitment.

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 individuals
15 who have overdosed on heroin or other opioids are not
16 immediately released and to ensure that assessment is
17 completed to protect them, their children who are minors,
18 other members of their families and their communities.

19 § 8203. Definitions.

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

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

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

30 "Hospital." The term includes general, specialty and

1 psychiatric hospitals.

2 "Involuntary emergency commitment." Commitment within a
3 hospital, irrespective of the patient's stated wishes, for a
4 period of at least 48 hours, to be measured from the time of a
5 patient's arrival at the hospital to treat an overdose of heroin
6 or other opioids and which commitment includes the
7 administration of naloxone or a similar opioid blocker to
8 prevent the patient's death.

9 § 8204. Involuntary emergency commitment.

10 (a) Persons subject to involuntary emergency commitment for
11 opioid use.--

12 (1) An individual who has consumed opioids, or a
13 combination of opioids and other substances, in such quantity
14 that medical intervention has been utilized to prevent death
15 or serious bodily injury to the individual or others is
16 subject to mandatory involuntary commitment under this
17 section.

18 (2) In such circumstances, a health care practitioner,
19 as well as the hospital, or agent or employee of the
20 hospital, shall admit the individual for involuntary
21 emergency treatment. The involuntary emergency medical
22 treatment may not exceed 48 hours in duration, measured from
23 time of entry to a hospital, during which time a drug and
24 alcohol assessment must be provided to the individual.

25 (3) All health care practitioners, as well as a
26 hospital, or agent or employee of a hospital, shall be immune
27 from liability for actions taken in good faith under this
28 subsection.

29 (b) Assessment.--

30 (1) A drug and alcohol assessment, including blood work

1 to identify the illegal drugs or alcohol level causing the
2 overdose, shall be completed during the commitment.

3 (2) In the event that the patient has underage children
4 living with the patient, the county children and youth agency
5 shall be notified within 24 hours of entry to a hospital. A
6 copy of the assessment shall be provided to the county
7 children and youth agency.

8 § 8205. Immunity.

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

12 Section 2. This act shall apply to an individual who is
13 treated for an overdose on or after the effective date of this
14 act.

15 Section 3. This amendatory act shall be known and may be
16 cited as Summer's Protection Act.

17 Section 4. This act shall take effect in 60 days.