

ADMINISTRATIVE CODE OF 1929, THE - OMNIBUS AMENDMENTS

Act of Jul. 8, 1993, P.L. 451, No. 65

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Session of 1993

No. 1993-65

AN ACT

SB 263

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," providing for the establishment by the Department of Health of residential drug and alcohol treatment programs for pregnant women and mothers and their dependent children; providing for certain training programs; and providing for temporary above-ground refrigerated low-pressure storage regulatory authority.

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

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding sections to read:

Section 2123. Residential Drug and Alcohol Treatment Programs for Pregnant Women and Mothers and Their Dependent Children.--(a)

The Department of Health shall have the power, and its duty shall be, to make grants or contracts to provide residential drug and alcohol treatment and related services for pregnant women, mothers and their dependent children and mothers who do not have custody of their children where there is a reasonable likelihood that the children will be returned to them if the mother participates satisfactorily in the treatment program. Grant or contract moneys shall only be used for treatment and related services provided to residents of this Commonwealth by drug and alcohol treatment programs licensed by the Department of Health which provide the following services:

(1) Residential treatment services for women and their children, subject to reasonable limitations on the number and ages of the children, provided in a therapeutic community setting and including, but not limited to:

(i) onsite addiction and substance abuse education, counseling and treatment;

(ii) onsite individual, group and family counseling;

(iii) onsite drug and alcohol prevention and education activities for children approved by the Office of Drug and Alcohol Programs of the Department of Health;

(iv) onsite special counseling for children of alcoholics and addicts;

(v) involvement with Alcoholics Anonymous, Narcotics Anonymous, support groups for children of alcoholics and addicts and other support groups; and

(vi) activities which enhance self-esteem and self-sufficiency.

(2) Onsite parenting skills counseling and training.

(3) Access to school for children and mothers where appropriate, including, but not limited to, securing documents necessary for registration.

(4) Job counseling and referral to existing job training programs.

(5) Onsite day care for children when the mother is attending counseling, school or a job training program and when the mother is at a job or looking for a job and at other times as the department deems appropriate.

(6) Referral and linkage to other needed services, including, but not limited to, health care.

(7) Onsite structured reentry counseling and activities.

(8) Referral to outpatient counseling upon discharge from the residential program.

(b) The Department of Health shall inform the single county authorities of those programs in their jurisdiction being considered for funding to provide the services listed in this section and shall give the single county authorities an opportunity to comment on these funding proposals prior to the department making a decision to award funding.

(c) The Department of Health shall require programs receiving funds under this section to collect and provide to the department information concerning the number of women and children denied treatment or placed on waiting lists and may require such data and other information as the department deems useful in determining the effectiveness of the treatment programs. Confidentiality of records regarding identifiable individuals enrolled in treatment programs funded under this section shall be maintained.

(d) Contributions by counties or single county authorities shall not be required as a condition for receiving grants for programs funded under this section, but the Department of Health may require counties or single county authorities to make commitments to provide outpatient intervention, referral and aftercare services to women whose residential treatment is funded under this section upon completion of their residential treatment.

(e) The Department of Health shall annually convene a meeting of all recipients of funds for programs funded under this section and other interested parties so that the department may receive input regarding ways to improve and expand treatment services and prevention activities for pregnant women, mothers and young children.

(f) The Department of Health shall report annually to the Governor and the General Assembly as to its activities and expenditures under this section, the activities of recipients of funds under this section, the number of women and children served, the number of women and children denied treatment or placed on waiting lists, the recommendations in summary form made at the annual meeting provided for in subsection (e) and the recommendations of the department.

(g) As used in this section and section 2124, the term "single county authority" means the agency designated to plan and coordinate drug and alcohol prevention, intervention and treatment services

for a geographic area which may consist of one or more counties and to administer the provisions of such services funded through the agency.

(h) As used in this section, the term "therapeutic community setting" means a drug-free, residential, nonhospital treatment program using therapeutic community principles as the underlying philosophy.

Section 2124. Staff Training and Referral Mechanisms.--The Department of Health shall have the power, and its duty shall be:

(a) To establish, on a demonstration basis, programs to train the staff of child protective services agencies, counseling programs and shelters for victims of domestic violence, recipients of funds under the High Risk Maternity Program or the Federal Maternal and Child Health Block Grant and community or State health care centers in order to identify those pregnant women and mothers, for whom these agencies are already providing services, who are in need of drug or alcohol treatment; and

(b) To establish referral networks and mechanisms between these agencies and the single county authorities and appropriate drug and alcohol treatment programs.

Section 2. Section 2217 of the act, added December 18, 1992 (P.L.1638, No.180), is amended to read:

Section 2217. Above-Ground Refrigerated Low-Pressure Storage and Handling of Propane.--(a) The Department of Labor and Industry shall make, promulgate and enforce regulations setting forth minimum general standards for the design, installation and construction of above-ground refrigerated low-pressure storage facilities for propane. Said regulations issued under the authority of this act and the act of December 27, 1951 (P.L.1793, No.475), referred to as the Liquefied Petroleum Gas Act, shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

(b) Any person desiring to install, construct or operate an above-ground refrigerated low-pressure storage facility for propane prior to the effective date of the regulations promulgated by the Department of Labor and Industry pursuant to subsection (a) setting forth minimum general standards for design, installation and construction of such a facility shall make application to the department for construction and/or operating approval. Upon receipt of an application hereunder, the department shall, within a reasonable time, review or cause to be reviewed the design, installation and construction of the facility and shall issue approval if the department determines, within its discretion, that the facility meets or exceeds the standards set forth in the current edition of the National Fire Protection Association (NFPA) 58, Chapter 8, the American Petroleum Institute (API) Standard 2510 and 29 CFR 1910.119 (relating to process safety management) and if the department determines that there is a reasonable assurance that operation of the facility would be safe with regard to life and property in the vicinity, particularly in the event of an inability to retain control of the propane by means of keeping it in a liquid state of refrigeration. These standards shall have the same effect as regulations duly promulgated by the department until the effective date of new regulations that the department promulgates.

(c) The temporary above-ground refrigerated low-pressure storage regulatory authority in subsection (b) shall be the sole regulations applicable to any facility approved prior to the effective date of adoption of final rules and regulations by the Department of Labor and Industry and shall not be applicable to any facility applying for approval after the department promulgates final regulations pursuant to subsection (a).

Section 3. The amendment of section 2217 of the act shall be retroactive to December 22, 1992.

Section 4. The addition of 2217(b) of the act shall expire upon adoption of final regulations by the Department of Labor and Industry pursuant to section 2217(a).

Section 5. This act shall take effect as follows:

(1) The addition of sections 2123 and 2124 of the act shall take effect in 60 days.

(2) The amendment of section 2217 of the act and the remainder of this act shall take effect immediately.

APPROVED--The 8th day of July, A. D. 1993.

MARK L. SINGEL
ACTING GOVERNOR