

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 771 Session of
1995

INTRODUCED BY HOLL, MARCH 14, 1995

AS AMENDED ON THIRD CONSIDERATION, JUNE 26, 1995

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," requiring the Department of
21 Environmental Resources to make annual in lieu of tax
22 payments to certain school districts; and further providing
23 for the powers and duties of the Department of Health in
24 relation to methadone maintenance facilities.

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

27 Section 1. Section 1906-A of the act of April 9, 1929
28 (P.L.177, No.175), known as The Administrative Code of 1929, is
29 amended by adding a clause to read:

Section 1906-A. Parks.--The Department of Environmental Resources shall have the power, and its duty shall be:

* * *

(4.1) To make annual in lieu of tax payments, within the limits of annual appropriations for such purpose, to any school district which has a State park situated within the boundaries of that school district and which State park has parcels of land leased under clause (4) at a rental amount nearly equivalent to fair market value, such in lieu of tax payment to be equivalent to the amount of tax which would be collected except for Commonwealth ownership.

* * *

Section 2. The act is amended by adding a section to read:

Section 2125. Methadone Maintenance Facilities.--(a) The Department of Health may, in its opinion, SHALL refuse any application for a new license for a methadone maintenance facility if the facility is or would be within one thousand feet of any church, charitable institution, school or public playground, or if, in the opinion of the department the facility is or would be detrimental to the health, welfare, peace or morals of such church, charitable institution, school or public playground or the inhabitants of the neighborhood within a radius of one thousand feet of the licensed facility.

(b) (1) Owners and operators of methadone maintenance facilities licensed by the department shall require prospective employes to submit with their employment application, pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal history record information), a report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that their central repository contains

1 no such information relating to that person. This criminal
2 history record information shall be limited to that which is
3 disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to
4 general regulations) and shall be no more than one year old. An
5 applicant may submit a copy of the required information with the
6 application for employment. Administrators shall maintain a copy
7 of the required information and shall require each applicant to
8 produce the original document prior to employment. All current
9 employees must obtain this report within six months from the
10 effective date of this section in order to remain an employee of
11 the facility.

12 (2) This subsection shall apply to all current and
13 prospective employees of methadone maintenance facilities
14 licensed by the Department of Health.

15 (C) OWNERS AND OPERATORS OF METHADONE MAINTENANCE FACILITIES <—
16 LICENSED BY THE DEPARTMENT SHALL REQUIRE PROSPECTIVE EMPLOYEES TO
17 UNDERGO CHEMICAL TESTING FOR ALCOHOL AND CONTROLLED SUBSTANCES
18 AND SUBMIT THE RESULTS OF SUCH TESTING TO THE FACILITY. ALL
19 CURRENT EMPLOYEES SHALL BE REQUIRED TO UNDERGO SUCH TESTING
20 WITHIN SIX MONTHS FROM THE EFFECTIVE DATE OF THIS SECTION IN
21 ORDER TO REMAIN AN EMPLOYEE OF THE FACILITY. OWNERS AND OPERATORS
22 OF METHADONE MAINTENANCE FACILITIES SHALL DEVELOP AND IMPLEMENT
23 A DRUG AND ALCOHOL POLICY FOR EACH FACILITY IN ACCORDANCE WITH
24 REGULATIONS DEVELOPED BY THE DEPARTMENT UNDER SUBSECTION (D).
25 SUCH POLICY SHALL INCLUDE REQUIREMENTS FOR PERIODIC RETESTING OF
26 EMPLOYEES OF THE FACILITY.

27 ~~(e)~~ (D) The department shall promulgate regulations to <—
28 implement the provisions of this section.

29 (E) FOR THE PURPOSES OF THIS SECTION, THE TERM "METHADONE <—
30 MAINTENANCE FACILITY" SHALL REFER TO ANY SITE THE PRIMARY

1 PURPOSE OF WHICH IS TO CONDUCT PROJECTS APPROVED BY THE
2 DEPARTMENT WHICH USE THE DRUG METHADONE IN THE TREATMENT,
3 MAINTENANCE OR DETOXIFICATION OF PERSONS. SUCH FACILITIES SHALL
4 COMPLY WITH ALL APPLICABLE FEDERAL AND STATE REGULATIONS
5 CONCERNING THE ADMINISTRATION, DISPENSING AND STORAGE OF
6 METHADONE. THE PROVISIONS OF THIS SECTION SHALL BE IN ADDITION
7 TO ALL OTHER FEDERAL AND STATE REQUIREMENTS GOVERNING THE
8 OPERATION OF METHADONE PROJECTS.

9 Section 3. The amendment of section 1906-A of the act shall
10 apply to the fiscal year beginning July 1, 1995, and each fiscal
11 year thereafter.

12 Section 4. This act shall take effect as follows:

13 (1) The addition of section 2125 of the act shall take
14 effect in 60 days.

15 (2) The remainder of this act shall take effect
16 immediately.