
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3008 Session of
2004

INTRODUCED BY KENNEY AND BROWNE, NOVEMBER 18, 2004

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
NOVEMBER 18, 2004

AN ACT

1 Amending the act of April 14, 1972 (P.L.221, No.63), entitled,
2 as amended, "An act establishing the Pennsylvania Advisory
3 Council on Drug and Alcohol Abuse; imposing duties on the
4 Department of Health to develop and coordinate the
5 implementation of a comprehensive health, education and
6 rehabilitation program for the prevention and treatment of
7 drug and alcohol abuse and drug and alcohol dependence;
8 providing for emergency medical treatment; providing for
9 treatment and rehabilitation alternatives to the criminal
10 process for drug and alcohol dependence; and making repeals,"
11 further providing for the financial stability of community
12 drug and alcohol programs.

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

15 Section 1. Section 4 of the act of April 14, 1972 (P.L.221,
16 No.63), known as the Pennsylvania Drug and Alcohol Abuse Control
17 Act, amended December 20, 1985 (P.L.529, No.119), is amended to
18 read:

19 Section 4. Department's Powers and Responsibilities.--(a)
20 The department shall develop and adopt a State plan for the
21 control, prevention, intervention, treatment, rehabilitation,
22 research, education, and training aspects of drug and alcohol

1 abuse and dependence problems. The State plan shall include, but
2 not be limited to, provision for:

3 (1) Coordination of the efforts of all State agencies in the
4 control, prevention, intervention, treatment, rehabilitation,
5 research, education, and training aspects of drug and alcohol
6 abuse and dependence problems so as to avoid duplications and
7 inconsistencies in the efforts of the agencies.

8 (2) Coordination of all health and rehabilitation efforts to
9 deal with the problem of drug and alcohol abuse and dependence,
10 including, but not limited to, those relating to vocational
11 rehabilitation, manpower development and training, senior
12 citizens, law enforcement assistance, parole and probation
13 systems, jails and prisons, health research facilities, mental
14 retardation facilities and community mental health centers,
15 juvenile delinquency, health professions, educational
16 assistance, hospital and medical facilities, social security,
17 community health services, education professions development,
18 higher education, Commonwealth employes health benefits,
19 economic opportunity, comprehensive health planning, elementary
20 and secondary education, highway safety and the civil service
21 laws.

22 (3) Encouragement of the formation of local agencies and
23 local coordinating councils, and promotion of cooperation, and
24 coordination among such groups, and encouragement of
25 communication of ideas and recommendations from such groups to
26 the council.

27 (4) Development of model drug and alcohol abuse and
28 dependence control plans for local government, utilizing the
29 concepts incorporated in the State plan. The model plans shall
30 be reviewed on a periodic basis but not less than once a year,

1 and revised to keep them current. They shall specify how all
2 types of community resources and existing Federal and
3 Commonwealth legislation may be utilized.

4 (5) Assistance and consultation to local governments, public
5 and private agencies, institutions, and organizations, and
6 individuals with respect to the prevention and treatment of drug
7 and alcohol abuse and dependence, including coordination of
8 programs among them.

9 (6) Cooperation with organized medicine to disseminate
10 medical guidelines for the use of drugs and controlled
11 substances in medical practice.

12 (7) Coordination of research, scientific investigations,
13 experiments, and studies relating to the cause, epidemiology,
14 sociological aspects, toxicology, pharmacology, chemistry,
15 effects on health, dangers to public health, prevention,
16 diagnosis and treatment of drug and alcohol abuse and
17 dependence.

18 (8) Investigation of methods for the more precise detection
19 and determination of alcohol and controlled substances in urine
20 and blood samples, and by other means, and publication on a
21 current basis of uniform methodology for such detections and
22 determinations.

23 Any information obtained through scientific investigation or
24 research conducted pursuant to this act shall be used in ways so
25 that no name or identifying characteristics of any person shall
26 be divulged without the approval of the department and the
27 consent of the person concerned. Persons engaged in research
28 pursuant to this section shall protect the privacy of
29 individuals who are the subject of such research by withholding
30 from all persons not connected with the conduct of such research

1 the names or other identifying characteristics of such
2 individuals. Persons engaged in such research shall protect the
3 privacy of such individuals and may not be compelled in any
4 State, civil, criminal, administrative, legislative, or other
5 proceeding to identify such individuals.

6 (9) Establishment of training programs for professional and
7 nonprofessional personnel with respect to drug and alcohol abuse
8 and dependence, including the encouragement of such programs by
9 local governments.

10 (10) Development of a model curriculum, including the
11 provision of relevant data and other information, for
12 utilization by elementary and secondary schools for instructing
13 children, and for parent-teachers' associations, adult education
14 centers, private citizen groups, or other State and local
15 sources, for instruction of parents and other adults, about drug
16 and alcohol abuse and dependence.

17 (11) Preparation of a broad variety of educational,
18 prevention and intervention material for use in all media, to
19 reach all segments of the population, that can be utilized by
20 public and private agencies, institutions, and organizations in
21 educational programs with respect to drug and alcohol abuse and
22 dependence.

23 (12) Establishment of educational courses, including the
24 provision of relevant data and other information, on the causes
25 and effects of, and treatment for, drug and alcohol abuse and
26 dependence, for law enforcement officials (including prosecuting
27 attorneys, court personnel, the judiciary, probation and parole
28 officers, correctional officers and other law enforcement
29 personnel), welfare, vocational rehabilitation, and other State
30 and local officials who come in contact with drug abuse and

1 dependence problems.

2 (13) Recruitment, training, organization and employment of
3 professional and other persons, including former drug and
4 alcohol abusers and dependent persons, to organize and
5 participate in programs of public education.

6 (14) Treatment and rehabilitation services for male and
7 female juveniles and adults who are charged with, convicted of,
8 or serving a criminal sentence for any criminal offense under
9 the law of this Commonwealth. Provision of similar services
10 shall be made for juveniles adjudged to be delinquent, dependent
11 or neglected. These services shall include but are not limited
12 to: (i) emergency medical services; (ii) inpatient services; and
13 (iii) intermediate care, rehabilitative and outpatient services.

14 The State plan shall give priority to developing community
15 based drug or alcohol abuse treatment services in a cooperative
16 manner among State and local governmental agencies and
17 departments and public and private agencies, institutions and
18 organizations. Consideration shall be given to supportive
19 medical care, services, or residential facilities for drug or
20 alcohol dependent persons for whom treatment has repeatedly
21 failed and for whom recovery is unlikely.

22 The department shall develop as part of the State plan and
23 require the establishment of a system of emergency medical
24 services for persons voluntarily seeking treatment, for persons
25 admitted and committed pursuant to the provisions of section 5
26 of this act, and for persons charged with a crime under
27 Pennsylvania law. Upon the establishment of such emergency
28 medical services, the department, by regulation, shall require
29 that appropriate emergency medical services be made available to
30 all drug and alcohol abusers who are arrested for a crime under

1 Pennsylvania law.

2 The State plan shall further provide standards for the
3 approval by the relevant State agency for all private and public
4 treatment and rehabilitative facilities, which may include but
5 are not limited to State hospitals and institutions, public and
6 private general hospitals, community mental health centers or
7 their contracting agencies, and public and private drug or
8 alcohol dependence and drug and alcohol abuse and dependence
9 treatment and rehabilitation centers.

10 (15) Grants and contracts from the appropriate State
11 department or agency for the prevention, intervention and
12 treatment of drug and alcohol dependence. The grants and
13 contracts may include assistance to local governments and public
14 and private agencies, institutions, and organizations for
15 prevention, intervention, treatment, rehabilitation, research,
16 education and training aspects of the drug and alcohol abuse and
17 dependence problems with the Commonwealth. Any grant made or
18 contract entered into by a department or agency shall be
19 pursuant to the functions allocated to that department or agency
20 by the State plan.

21 (16) Preparation of general regulations for, and operation
22 of, programs supported with assistance under this act.

23 (17) Establishment of priorities for deciding allocation of
24 the funds under this act.

25 (17.1) An annual cost-of-living adjustment, at a minimum,
26 based on the projected Home Health Market Basket Index for wage
27 earners developed for the department for the plan year, and
28 applied to the single county authorities for use in drug and
29 alcohol prevention, intervention and treatment programs.

30 (18) An annual cost-of-living adjustment appropriated by the

1 General Assembly. The cost-of-living adjustment shall be based
2 on the projected Home Health Market Basket Index for wage
3 earners. The department shall allocate these funds to the single
4 county authorities for use in drug and alcohol prevention,
5 intervention and treatment programs.

6 [(18)] (19) Review the administration and operation of
7 programs under this act, including the effectiveness of such
8 programs in meeting the purposes for which they are established
9 and operated, and make annual reports of its findings.

10 [(19)] (20) Evaluate the programs and projects carried out
11 under this act and disseminate the results of such evaluations.

12 [(20)] (21) Establish such advisory committees as the
13 department may deem necessary to assist the department in
14 fulfilling its responsibilities under this act.

15 (b) In developing the State plan initially, and prior to its
16 amendment annually, the department shall hold a public hearing
17 at least thirty days prior to the adoption of the initial State
18 plan and subsequent amendments and shall afford thereby all
19 interested persons an opportunity to present their views thereon
20 either orally or in writing. The department, through its staff,
21 shall consult and collaborate with appropriate Federal and State
22 and local departments, boards, agencies and governmental units,
23 and with appropriate public and private agencies, institutions,
24 groups and organizations. Otherwise the promulgation of the
25 State plan shall conform to the procedure contained in the
26 Commonwealth Documents Law.

27 (c) The department in accordance with the State plan shall
28 allocate the responsibility for all services, programs and other
29 efforts provided for therein among the appropriate departments,
30 agencies and other State personnel. The department, through its

1 employees, shall have the power and its duty shall be to
2 implement compliance with the provisions of the State plan and
3 to coordinate all such efforts.

4 (e) The department shall gather and publish statistics
5 pertaining to drug and alcohol abuse and dependence and
6 promulgate regulations, specifying uniform statistics to be
7 obtained, records to be maintained and reports to be submitted,
8 by public and private departments, agencies, organizations,
9 practitioners, and other persons with respect to drug and
10 alcohol abuse and dependence, and related problems. Such
11 statistics and reports shall not reveal the identity of any
12 patient or drug or alcohol dependent person or other
13 confidential information.

14 (f) The department shall establish an information center,
15 which will attempt to gather and contain all available published
16 and unpublished data and information on the problems of drug and
17 alcohol abuse and dependence. All Commonwealth departments and
18 agencies shall send to the department any data and information
19 pertinent to the cause, prevention, diagnosis and treatment of
20 drug and alcohol abuse and dependence, and the toxicology,
21 pharmacology, effects on the health of drug and alcohol abusers
22 and danger to the public health of alcohol, drugs and controlled
23 substances, and the department shall make such data and
24 information widely available.

25 (g) To facilitate the effectuation of the purposes of this
26 act, the department shall require all appropriate local and
27 State departments, agencies, institutions and others engaged in
28 implementing the State plan to submit as often as necessary, but
29 no less often than annually, reports detailing the activities
30 and effects of the efforts of the aforementioned and

1 recommending appropriate amendments to the State plan. The
2 department may direct a performance audit of any activity
3 engaged in pursuant to the State plan.

4 (h) The department shall submit an annual report to the
5 General Assembly which shall specify the actions taken and
6 services provided and funds expended under each provision of
7 this act and an evaluation of their effectiveness, and which
8 shall contain the current State plan. The department shall
9 submit such additional reports as may be requested by the
10 General Assembly and such recommendations as will further the
11 prevention, treatment, and control of drug and alcohol abuse and
12 dependence.

13 (i) The department shall make provision for facilities in
14 each city or region or catchment area which shall provide
15 information about the total Commonwealth drug and alcohol abuse
16 and drug and alcohol dependency programs and services.

17 (j) The department shall have the power to promulgate the
18 rules and regulations necessary to carry out the provisions of
19 this act.

20 Section 2. This act shall take effect immediately.