

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1649 Session of
2005

INTRODUCED BY TRUE, BEBKO-JONES, HICKERNELL, BOYD, THOMAS,
BISHOP, BARRAR, BELARDI, BUXTON, CALTAGIRONE, CAPPELLI,
CRAHALLA, CREIGHTON, DALEY, DeLUCA, FABRIZIO, FICHTER,
FRANKEL, GEORGE, GERGELY, GOOD, HARHART, JAMES, JOSEPHS,
KENNEY, LEACH, MACKERETH, MANDERINO, MANN, McILHATTAN,
NAILOR, PETRONE, PHILLIPS, RAPP, REICHLEY, ROEBUCK, ROSS,
RUBLEY, SCHRODER, SHANER, SIPTROTH, STABACK, STERN, STURLA,
SURRA, TANGRETTI, E. Z. TAYLOR, TURZAI, WATSON AND
YOUNGBLOOD, JUNE 7, 2005

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, JUNE 7, 2005

AN ACT

1 Establishing the Drug and Alcohol Treatment and Prevention Fund;
2 and providing for the deposit of a portion of the liquor tax
3 into the fund and for use of fund.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Drug and
8 Alcohol Treatment and Prevention Fund Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Fund." The Drug and Alcohol Treatment and Prevention Fund
14 established in section 3 (relating to establishment of special

1 fund).

2 "Liquor tax." The tax imposed in accordance with the act of
3 June 9, 1936 (1st Sp.Sess., P.L.13, No.4), entitled "An act
4 imposing an emergency State tax on liquor, as herein defined,
5 sold by the Pennsylvania Liquor Control Board; providing for the
6 collection and payment of such tax; and imposing duties upon the
7 Department of Revenue and the Pennsylvania Liquor Control
8 Board."

9 "Liquor tax rate." The rate of tax imposed pursuant to
10 section 2 of the act of June 9, 1936 (1st Sp.Sess., P.L.13,
11 No.4), entitled "An act imposing an emergency State tax on
12 liquor, as herein defined, sold by the Pennsylvania Liquor
13 Control Board; providing for the collection and payment of such
14 tax; and imposing duties upon the Department of Revenue and the
15 Pennsylvania Liquor Control Board."

16 Section 3. Establishment of special fund.

17 The Drug and Alcohol Treatment and Prevention Fund is hereby
18 established as a special fund in the State Treasury. The moneys
19 of the fund are hereby appropriated on a continuing basis to
20 carry out the provisions of this act.

21 Section 4. Deposit of revenues.

22 All revenues received by the Commonwealth pursuant to the
23 imposition of the liquor tax shall be deposited by the
24 Department of Revenue as follows:

25 (1) The revenues derived from the first 13.407
26 percentage points of the liquor tax rate shall be deposited
27 in the Drug and Alcohol Treatment and Prevention Fund.

28 (2) The remainder shall be deposited in the General
29 Fund.

30 Section 5. Use of fund.

1 (a) Annual report.--The Governor shall report on the fund in
2 the annual budget which shall include the amounts allocated to
3 each program.

4 (b) Allocations.--

5 (1) The moneys of the fund shall be allocated in
6 accordance with the percentages set forth in paragraph (2)
7 based on actual liquor tax revenues that were required to be
8 deposited in the fund for the immediately preceding fiscal
9 year. For the first fiscal year to which this act applies,
10 the allocations from the fund shall be based on the revenues
11 that would have been deposited in the fund had the division
12 of revenues required under section 4 (relating to deposit of
13 revenues) been in effect for the immediately preceding fiscal
14 year.

15 (2) The allocations from the fund pursuant to paragraph
16 (1) shall be as follows:

17 (i) 11.754% shall be allocated to the Department of
18 Public Welfare to provide for a continuum of alcohol and
19 drug detoxification and rehabilitation services to
20 persons eligible for medical assistance pursuant to
21 section 2334 of the act of April 9, 1929 (P.L.177,
22 No.175), known as The Administrative Code of 1929.

23 (ii) 28.443% shall be allocated to the Department of
24 Public Welfare for behavioral health services for
25 individuals affected by eligibility changes for the
26 general assistance medically needy only program based on
27 section 442.1 of the act of June 13, 1967 (P.L.31,
28 No.21), known as the Public Welfare Code.

29 (iii) 24.994% shall be allocated to the Department
30 of Health to distribute to single county authorities for

1 the provision of drug and alcohol services to include
2 prevention, treatment, intervention and case management.

3 (iv) 10.234% shall be allocated to the Governor for
4 the Pennsylvania Commission on Crime and Delinquency to
5 provide drug and alcohol treatment-based restrictive
6 intermediate punishment programs. The allocation under
7 this paragraph shall be expended on programs that treat
8 only offenders who fall under 204 Pa. Code § 303.11(b)(3)
9 or (4) (relating to guideline sentence recommendations:
10 sentencing levels).

11 (v) 24.575% shall be allocated to the Department of
12 Corrections to provide comprehensive drug and alcohol
13 treatment to the inmate population including assessment,
14 education, intensive treatment and aftercare.

15 (c) Lapses.--Lapses from moneys provided for a program under
16 this section shall be reallocated to that department or
17 commission and program specified in subsection (b) for use in
18 succeeding years.

19 Section 6. Repeals.

20 All acts and parts of acts are repealed insofar as they are
21 inconsistent with this act.

22 Section 7. Applicability.

23 This act shall apply to the fiscal year beginning after the
24 effective date of this section and to each fiscal year
25 thereafter.

26 Section 8. Effective date.

27 This act shall take effect immediately.