

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1186 Session of
2009

INTRODUCED BY DiGIROLAMO, McCALL, BAKER, MAHONEY, SAYLOR, ADOLPH, ARGALL, BARRAR, BEAR, BELFANTI, BEYER, BISHOP, BOYD, BRENNAN, BROWN, BUXTON, CALTAGIRONE, CASORIO, CAUSER, CHRISTIANA, CIVERA, CLYMER, COHEN, CONKLIN, CURRY, CUTLER, DALEY, DALLY, DENLINGER, DePASQUALE, DERMODY, DeWEESE, DRUCKER, J. EVANS, EVERETT, FABRIZIO, FARRY, FLECK, FRANKEL, GALLOWAY, GEIST, GEORGE, GIBBONS, GINGRICH, GOODMAN, GROVE, GRUCELA, HALUSKA, HARHAI, HARHART, HARKINS, HARRIS, HELM, HENNESSEY, HESS, HICKERNELL, HORNAMAN, HOUGHTON, JOHNSON, JOSEPHS, W. KELLER, KESSLER, KILLION, KIRKLAND, KORTZ, KOTIK, KULA, LEVDANSKY, LONGIETTI, MANDERINO, MANN, MARKOSEK, MARSHALL, MARSICO, MATZIE, McGEEHAN, McILVAINE SMITH, MELIO, MILNE, MOUL, MURPHY, MURT, MYERS, OBERLANDER, M. O'BRIEN, OLIVER, O'NEILL, PARKER, PAYNE, PAYTON, PERZEL, PETRARCA, PETRI, PHILLIPS, PICKETT, PRESTON, PYLE, QUIGLEY, QUINN, READSHAW, REICHLEY, ROEBUCK, ROHRER, ROSS, SABATINA, SAMUELSON, SANTARSIERO, SANTONI, SCHRODER, SEIP, SHAPIRO, SIPTROTH, K. SMITH, SOLOBAY, SONNEY, STABACK, STURLA, SWANGER, J. TAYLOR, R. TAYLOR, THOMAS, TRUE, VEREB, VULAKOVICH, WAGNER, WALKO, WATERS, WATSON, WHITE, WILLIAMS, YOUNGBLOOD, SAINATO, HANNA, BOYLE, PASHINSKI AND CREIGHTON, APRIL 3, 2009

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, JANUARY 25, 2010

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

1 Governor, Lieutenant Governor, and certain other executive
2 and administrative officers; providing for the appointment of
3 certain administrative officers, and of all deputies and
4 other assistants and employes in certain departments, boards,
5 and commissions; and prescribing the manner in which the
6 number and compensation of the deputies and all other
7 assistants and employes of certain departments, boards and
8 commissions shall be determined," establishing the Department
9 of Drug and Alcohol Programs; repealing related provisions of
10 the Pennsylvania Drug and Alcohol Abuse and Control Act; and
11 making editorial changes.

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

14 Section 1. Section 201 of the act of April 9, 1929 (P.L.177,
15 No.175), known as The Administrative Code of 1929, amended
16 December 30, 1984 (P.L.1299, No.245) and repealed in part May
17 26, 1988 (P.L.414, No.72), is amended to read:

18 Section 201. Executive Officers, Administrative Departments
19 and Independent Administrative Boards and Commissions.--(a) The
20 executive and administrative work of this Commonwealth shall be
21 performed by the Executive Department, consisting of the
22 Governor, Lieutenant Governor, Secretary of the Commonwealth,
23 Attorney General, Auditor General, State Treasurer, and
24 Secretary of Education; by the Executive Board, and the
25 Pennsylvania State Police; by the following administrative
26 departments: Department of State, Office of Attorney General,
27 Department of Corrections, Department of the Auditor General,
28 Treasury Department, Department of Education, Department of
29 Military Affairs, Insurance Department, Department of Banking,
30 Department of Agriculture, Department of Transportation,
31 Department of Health, Department of Drug and Alcohol Programs,
32 Department of Labor and Industry, Department of Aging,
33 Department of Public Welfare, Department of General Services,
34 Department of Revenue, [Department of Commerce, Department of
35 Community Affairs and Department of Environmental Resources]

1 Department of Community and Economic Development, Department of
2 Environmental Protection and Department of Conservation and
3 Natural Resources; and by the following independent
4 administrative boards and commissions: Pennsylvania Game
5 Commission, Pennsylvania Fish and Boat Commission, State Civil
6 Service Commission, Pennsylvania Public Utility Commission and
7 the Pennsylvania Securities Commission.

8 (b) All of the provisions of this act, which apply generally
9 to administrative departments, or generally except to the
10 Department of the Auditor General, the Treasury Department and
11 the Office of Attorney General, shall apply to the Executive
12 Board and to the Pennsylvania State Police.

13 Section 2. Section 202 of the act is amended by adding,
14 before the last paragraph, a clause to read:

15 Section 202. Departmental Administrative Boards,
16 Commissions, and Offices.--The following boards, commissions,
17 and offices are hereby placed and made departmental
18 administrative boards, commissions, or offices, as the case may
19 be, in the respective administrative departments mentioned in
20 the preceding section, as follows:

21 * * *

22 In the Department of Drug and Alcohol Programs,
23 Bureau of Prevention and Intervention,
24 Bureau of Treatment,
25 Bureau of Administration.

26 All of the foregoing departmental administrative boards and
27 commissions shall be organized or reorganized as provided in
28 this act.

29 Section 3. Section 203 of the act, amended December 3, 1970
30 (P.L.834, No.275), July 22, 1975 (P.L.75, No.45), June 20, 1978

1 (P.L.477, No.70), December 6, 1982 (P.L.774, No.223) and June
2 30, 1988 (P.L.475, No.80), is amended to read:

3 Section 203. Advisory Boards and Commissions.--The following
4 advisory boards and commissions are placed in and made parts of
5 the respective administrative departments, as follows:

6 In the Department of Military Affairs,

7 State Military Reservation Commission,

8 In the Department of Environmental [Resources] Protection,

9 Citizens Advisory Council;

10 In the Department of Health,

11 Advisory Health Board;

12 In the Department of Labor and Industry,

13 Advisory Council on Affairs of the Handicapped,

14 Advisory Board on Problems of Older Workers,

15 Policy, Planning and Evaluation Advisory Committee;

16 In the Department of Public Welfare,

17 State Board of Public Welfare,

18 Advisory Committee for the Blind,

19 Advisory Committee for General and Special Hospitals,

20 Advisory Committee for Children and Youth,

21 Advisory Committee for Public Assistance,

22 Advisory Committee for Mental Health and Mental

23 Retardation.

24 Section 4. Section 206 of the act, amended December 30, 1984
25 (P.L.1299, No.245), is amended to read:

26 Section 206. Department Heads.--Each administrative
27 department shall have as its head an officer who shall, either
28 personally, by deputy, or by the duly authorized agent or
29 employe of the department, and subject at all times to the
30 provisions of this act, exercise the powers and perform the

1 duties by law vested in and imposed upon the department.

2 The following officers shall be the heads of the
3 administrative departments following their respective titles:

4 Secretary of the Commonwealth, of the Department of State;

5 Auditor General, of the Department of the Auditor General;

6 State Treasurer, of the Treasury Department;

7 Attorney General, of the Office of Attorney General;

8 Secretary of Education, of the Department of Education;

9 Adjutant General, of the Department of Military Affairs;

10 Insurance Commissioner, of the Insurance Department;

11 Secretary of Banking, of the Department of Banking;

12 Secretary of Agriculture, of the Department of Agriculture;

13 Secretary of Transportation, of the Department of

14 Transportation;

15 Secretary of Health, of the Department of Health;

16 Secretary of Drug and Alcohol Programs, of the

17 Department of Drug and Alcohol Programs;

18 Secretary of Labor and Industry, of the Department of Labor

19 and Industry;

20 Secretary of Aging, of the Department of Aging;

21 Secretary of Public Welfare, of the Department of Public

22 Welfare;

23 Secretary of Revenue, of the Department of Revenue;

24 [Secretary of Commerce, of the Department of Commerce;

25 Secretary of Community Affairs, of the Department of

26 Community Affairs;

27 Secretary of Environmental Resources, of the Department of

28 Environmental Resources;]

29 Secretary of Community and Economic Development, of the

30 Department of Community and Economic Development;

1 Secretary of Environmental Protection, of the Department of
2 Environmental Protection;

3 Secretary of Conservation and Natural Resources, of the
4 Department of Conservation and Natural Resources;

5 Secretary of General Services, of the Department of General
6 Services;

7 Secretary of Corrections, of the Department of Corrections.

8 Section 5. Section 207.1(d)(1) of the act, amended December
9 30, 2002 (P.L.2075, No.231), is amended to read:

10 Section 207.1. Gubernatorial Appointments.--* * *

11 (d) The Governor shall nominate in accordance with the
12 provisions of the Constitution of the Commonwealth of
13 Pennsylvania and, by and with the advice and consent of a
14 majority of the members elected to the Senate appoint persons to
15 fill the following positions:

16 (1) The Secretary of Education, the Secretary of the
17 Commonwealth, the Adjutant General, the Insurance Commissioner,
18 the Secretary of Banking, the Secretary of Agriculture, the
19 Secretary of Transportation, the Secretary of Health, the
20 Secretary of Drug and Alcohol Programs, the Commissioner of the
21 State Police, the Secretary of Corrections, the Secretary of
22 Labor and Industry, the Secretary of Aging, the Secretary of
23 Public Welfare, the Secretary of General Services, the Secretary
24 of Revenue, the Secretary of Community and Economic Development,
25 the Secretary of Environmental Protection and the Secretary of
26 Conservation and Natural Resources.

27 * * *

28 Section 6. Section 451(b) of the act, amended July 7, 1989
29 (P.L.241, No.42), is amended to read:

30 Section 451. State Planning Board.--* * *

(b) (1) The State Planning Board shall consist of fifteen members to be appointed by the Governor from among the citizens of the State, who during their terms shall hold no other office in the executive branch of State Government to which any salary is attached. In addition to these members, there shall be six ex officio members, the Secretary of Agriculture, the [Secretary of Commerce, the Secretary of Community Affairs, the Secretary of Environmental Resources] Secretary of Community and Economic Development, the Secretary of Environmental Protection, the Secretary of Conservation and Natural Resources, the Secretary of Public Welfare and the Secretary of Transportation. There shall also be two members appointed by, and serve at the pleasure of, the President pro tempore of the Senate, neither of whom shall be members of the same political party, and two members appointed by, and serve at the pleasure of, the Speaker of the House of Representatives, neither of whom shall be members of the same political party. The terms of office of those members appointed by the Governor shall be for four years and until their successors are appointed and have qualified. In case of a vacancy, the Governor shall make an appointment for the unexpired portion of the term. The Governor shall designate the chairman and vice-chairman of the board from among the members of the board, other than the ex officio and legislative members.

(2) Thirteen members of the board shall constitute a quorum.

(3) The members of the board shall serve without compensation but shall be entitled to receive traveling and other reasonable expenses incurred in the discharge of their duties.

(4) The board may, with the approval of the Governor,

1 appoint and fix the compensation of an executive director who
2 shall be technically qualified for the duties of the office and
3 who shall act as secretary of the board and conduct the work of
4 the board under its supervision.

5 * * *

6 Section 7. Section 1209 introductory paragraph and (b) of
7 the act, amended February 1, 1966 (1965 P.L.1849, No.582), are
8 amended to read:

9 Section 1209. Local Government Budget and Financial Reports;
10 Compilation of Statistics.--The Department of Community
11 [Affairs] and Economic Development shall have power and its duty
12 shall be:

13 * * *

14 (b) To furnish to the corporate authorities of each county
15 (except counties of the first class), city of the third class,
16 borough, incorporated town, township suitable blank forms for
17 the making of annual reports of the financial condition of their
18 respective local governments to the department, which forms for
19 financial report purposes shall be placed by said corporate
20 authorities into the hands of the director, controller or
21 auditors who by law are required to make such financial reports
22 to the department. Such annual financial reports shall be
23 prepared in cooperation with aforesaid duly authorized
24 committees of local government officials and shall contain: (1)
25 a statement of the receipts of the unit of local government from
26 all sources and of all accounts and revenue which may be due and
27 uncollected at the close of the fiscal year; (2) a statement of
28 the disbursements for all the governmental activities of the
29 unit of local government during the fiscal year; (3) a detailed
30 statement of the indebtedness of the unit of local government at

1 the close of the fiscal year, the provisions made for the
2 payment thereof, together with the purposes for which it was
3 incurred; (4) a statement of the cost of ownership and operation
4 of each and every public service industry owned, maintained or
5 operated by the unit of local government; (5) such further or
6 more specific information in relation to the cost of any branch
7 of the local government and improvements therein as may be
8 required by the department.

9 In the case of blank forms for financial reports by townships
10 of the second class and counties, the same shall be so arranged
11 that corresponding data and information, required to be reported
12 by said units of local government to the Department of
13 [Highways] Transportation or the Department of Public Welfare,
14 may be used for the information required to be furnished to the
15 Department of Community [Affairs] and Economic Development under
16 this section.

17 * * *

18 Section 8. Section 2203-A(a)(11) and (26) of the act,
19 amended December 15, 1988 (P.L.1244, No.153), are amended to
20 read:

21 Section 2203-A. Powers and Duties in General.-(a) The
22 Department of Aging hereinafter referred to in this article as
23 the department shall, subject to any inconsistent provisions in
24 this act contained, have the power and its duty shall be to:

25 * * *

26 (11) Promote and support programs, studies and policies, in
27 cooperation with the Departments of Labor and Industry,
28 Education, [Commerce] Community and Economic Development, Public
29 Welfare and other agencies, which will enhance the opportunity
30 for continued work, education and training for older persons and

1 for preretirement assistance where appropriate.

2 * * *

3 (26) Review and comment on all rules, regulations,
4 eligibility or payment standards issued by the Departments of
5 Public Welfare, Environmental [Resources, Health] Protection or
6 Labor and Industry relating to the licensure and regulation of
7 nursing homes, hospitals, and other health facilities; medical
8 assistance, supplemental security income; homemaking and home-
9 health care or residential care facilities for older adults.
10 Said rules, regulations and standards shall not take effect
11 until they have been submitted to the department for comment.

12 * * *

13 Section 9. The act is amended by adding an article to read:

14 ARTICLE XXIII-A

15 POWERS AND DUTIES OF THE DEPARTMENT OF DRUG

16 AND ALCOHOL PROGRAMS

17 Section 2301-A. Powers and duties.

18 The Department of Drug and Alcohol Programs shall have the
19 power, and its duty shall be:

20 (1) To develop and adopt a State plan for the control,
21 prevention, intervention, treatment, rehabilitation,
22 research, education and training aspects of drug and alcohol
23 abuse and dependence problems. The State plan shall include,
24 but not be limited to, provision for:

25 (i) Coordination of the efforts of all State
26 agencies in the control, prevention, intervention,
27 treatment, rehabilitation, research, education and
28 training aspects of drug and alcohol abuse and dependence
29 problems so as to avoid duplications and inconsistencies
30 in the efforts of the agencies.

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

16 (iii) Encouragement of the formation of local
17 agencies and local coordinating councils, and promotion
18 of cooperation and coordination among such groups, and
19 encouragement of communication of ideas and
20 recommendations from such groups to the Pennsylvania
21 Advisory Council on Drug and Alcohol Abuse.

22 (iv) Development of model drug and alcohol abuse and
23 dependence control plans for local government, utilizing
24 the concepts incorporated in the State plan. The model
25 plans shall be reviewed on a periodic basis but not less
26 than once a year, and revised to keep them current. The
27 model plans shall specify how all types of community
28 resources and existing Federal and Commonwealth
29 legislation may be utilized.

30 (v) Assistance and consultation to local

1 governments, public and private agencies, institutions
2 and organizations, and individuals with respect to the
3 prevention and treatment of drug and alcohol abuse and
4 dependence, including coordination of programs among
5 them.

6 (vi) Cooperation with organized medicine to
7 disseminate medical guidelines for the use of drugs and
8 controlled substances in medical practice.

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

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

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

1 protect the privacy of such individuals and may not be
2 compelled in any State, civil, criminal, administrative,
3 legislative or other proceeding to identify such
4 individuals.

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

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

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

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

1 State and local officials who come in contact with drug
2 abuse and dependence problems.

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

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

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

25 (xvii) Establishment of a system of emergency
26 medical services for persons voluntarily seeking
27 treatment, for persons admitted and committed to
28 treatment facilities according to the procedural
29 admission and commitment provisions of the act of July 9,
30 1976 (P.L.817, No.143), known as the Mental Health

1 Procedures Act, and for persons charged with a crime
2 under Pennsylvania law. Upon the establishment of such
3 emergency medical services, the Department of Drug and
4 Alcohol Programs, by regulation, shall require that
5 appropriate emergency medical services be made available
6 to all drug and alcohol abusers who are arrested for a
7 crime under Pennsylvania law.

8 (xviii) Providing standards for the approval by the
9 relevant State agency for all private and public
10 treatment and rehabilitative facilities, which may
11 include, but are not limited to, State hospitals and
12 institutions, public and private general hospitals,
13 community mental health centers or their contracting
14 agencies and public and private drug or alcohol
15 dependence and drug and alcohol abuse and dependence
16 treatment and rehabilitation centers.

17 (xix) Grants and contracts for the prevention,
18 intervention and treatment of drug and alcohol
19 dependence. The grants and contracts may include
20 assistance to local governments and public and private
21 agencies, institutions and organizations for prevention,
22 intervention, treatment, rehabilitation, research,
23 education and training aspects of the drug and alcohol
24 abuse and dependence problems with the Commonwealth. Any
25 grant made or contract entered into by a department or
26 agency shall be pursuant to the functions allocated to
27 that department or agency by the State plan.

28 (xx) Preparation of general regulations for, and
29 operation of, programs supported with assistance.

30 (xxi) Establishment of priorities for deciding

1 allocation of the funds.

2 (xxii) Review the administration and operation of
3 programs, including the effectiveness of such programs in
4 meeting the purposes for which they are established and
5 operated, and make annual reports of the findings.

6 (xxiii) Evaluate the programs and projects carried
7 out and disseminate the results of such evaluations.

8 (xxiv) Establish such advisory committees as deemed
9 necessary to assist the department in fulfilling its
10 responsibilities.

11 (2) In developing the State plan initially, and prior to
12 its amendment annually, to hold a public hearing at least 30
13 days prior to the adoption of the initial State plan and
14 subsequent amendments and to afford all interested persons an
15 opportunity to present their views either orally or in
16 writing. The Department of Drug and Alcohol Programs, through
17 its staff, shall consult and collaborate with appropriate
18 Federal and State and local departments, boards, agencies and
19 governmental units, and with appropriate public and private
20 agencies, institutions, groups and organizations. Otherwise,
21 the promulgation of the State plan shall conform to the
22 procedure contained in the Commonwealth Documents Law.

23 (3) In accordance with the State plan, to allocate the
24 responsibility for all services, programs and other efforts
25 provided for among the appropriate departments, agencies and
26 other State personnel. The department, through its employees,
27 shall have the power and its duty shall be to implement
28 compliance with the provisions of the State plan and to
29 coordinate all such efforts.

30 (4) To gather and publish statistics pertaining to drug

1 and alcohol abuse and dependence and promulgate regulations,
2 specifying uniform statistics to be obtained, records to be
3 maintained and reports to be submitted by public and private
4 departments, agencies, organizations, practitioners and other
5 persons with respect to drug and alcohol abuse and
6 dependence, and related problems. Such statistics and reports
7 shall not reveal the identity of any patient or drug or
8 alcohol-dependent person or other confidential information.

9 (5) To establish an information center, which will
10 attempt to gather and contain all available published and
11 unpublished data and information on the problems of drug and
12 alcohol abuse and dependence. All Commonwealth departments
13 and agencies shall send to the Department of Drug and Alcohol
14 Programs any data and information pertinent to the cause,
15 prevention, diagnosis and treatment of drug and alcohol abuse
16 and dependence and the toxicology, pharmacology, effects on
17 the health of drug and alcohol abusers and danger to the
18 public health of alcohol, drugs and controlled substances.
19 The Department of Drug and Alcohol Programs shall make such
20 data and information widely available.

21 (6) To require all appropriate State and local
22 departments, agencies, institutions and others engaged in
23 implementing the State plan to submit as often as necessary,
24 but no less often than annually, reports detailing the
25 activities and effects of the implementation and recommending
26 appropriate amendments to the State plan. The department may
27 direct a performance audit of any activity engaged in
28 pursuant to the State plan.

29 (7) To submit an annual report to the General Assembly
30 which shall specify the actions taken and services provided

1 and funds expended and an evaluation of their effectiveness.
2 The annual report shall also contain the current State plan.
3 The Department of Drug and Alcohol Programs shall submit such
4 additional reports as may be requested by the General
5 Assembly and recommendations to further the prevention,
6 treatment and control of drug and alcohol abuse and
7 dependence.

8 (8) To make provision for facilities in each city or
9 region or catchment area which shall provide information
10 about the total Commonwealth drug and alcohol abuse and drug
11 and alcohol dependency programs and services.

12 (9) The department shall have the power to promulgate
13 the rules and regulations necessary to carry out the
14 provisions of this article.

15 Section 10. All personnel, allocation, appropriations,
16 equipment, files, records, contracts, agreements, obligations
17 and other material which are used, employed or expended in
18 connection with the powers, duties or functions of the
19 Department of Health concerning drug or alcohol abuse are hereby
20 transferred to the Department of Drug and Alcohol Programs
21 established by this act with the same force and effect as if the
22 appropriations had been made to and said items had been the
23 property of the Department of Drug and Alcohol Programs in the
24 first instance, and as if said contracts, agreements and
25 obligations had been incurred or entered into by the Department
26 of Drug and Alcohol Programs. The personnel, appropriations,
27 equipment and other items and material transferred by this
28 section shall include Federal grants and funds and other
29 benefits from any Federal program. All personnel transferred
30 pursuant to this act shall retain any civil service employment

1 status assigned to said personnel.

2 Section 11. All positions in the Department of Drug and
3 Alcohol Programs shall be deemed to be "classified service" as
4 defined in section 3(d) of the act of August 5, 1941 (P.L.752,
5 No.286), known as the Civil Service Act, and the provisions and
6 benefits of that act shall be applicable to the employees of,
7 and positions in, the department.

8 Section 12. All orders, permits, regulations, decisions and
9 other actions of the Department of Health or any department,
10 board, commission or agency whose functions have been
11 transferred by this act to the Department of Drug and Alcohol
12 Programs shall remain in full force and effect until modified,
13 repealed, superseded in or otherwise changed by appropriate
14 action of the Department of Drug and Alcohol Programs.

15 Section 13. The Pennsylvania Advisory Council on Drug and
16 Alcohol Abuse established in section 3 of the act of April 14,
17 1972 (P.L.221, No.63), known as the Pennsylvania Drug and
18 Alcohol Abuse Control Act, shall be recognized as the advisory
19 council to the Department of Drug and Alcohol Programs.

20 Section 14. (a) The General Assembly finds that the repeal
21 in subsection (b) is necessary to effectuate this act.

22 (b) Section 4 of the act of April 14, 1972 (P.L.221, No.63),
23 known as the Pennsylvania Drug and Alcohol Abuse Control Act, is
24 repealed.

25 (c) All other acts and parts of acts are repealed insofar as
26 they are inconsistent with this act.

27 Section 15. This act shall take effect ~~in 60 days~~ JULY 1,
28 2011.

