
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1364 Session of
2011

INTRODUCED BY K. SMITH, BRENNAN, CALTAGIRONE, D. COSTA, DeWEESE,
GIBBONS, JOHNSON, JOSEPHS, KULA, LONGIETTI, MALONEY, MANN,
McGEEHAN, MURT, M. O'BRIEN, PASHINSKI, PAYTON AND WAGNER,
APRIL 25, 2011

REFERRED TO COMMITTEE ON APPROPRIATIONS, APRIL 25, 2011

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.

15 "Liquor tax." The tax imposed in accordance with the act of
16 June 9, 1936 (1st Sp.Sess., P.L.13, No.4), entitled "An act
17 imposing an emergency State tax on liquor, as herein defined,

1 sold by the Pennsylvania Liquor Control Board; providing for the
2 collection and payment of such tax; and imposing duties upon the
3 Department of Revenue and the Pennsylvania Liquor Control
4 Board."

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

12 Section 3. Establishment of special fund.

13 The Drug and Alcohol Treatment and Prevention Fund is
14 established as a special fund in the State Treasury. The money
15 of the fund is hereby appropriated on a continuing basis to
16 carry out the provisions of this act.

17 Section 4. Certifications, notifications and reports.

18 (a) Secretary of Revenue certification.--Within 15 days of
19 the beginning of each fiscal year, the Secretary of Revenue
20 shall calculate and certify the amount to be deposited in the
21 fund for the fiscal year. The amount certified shall be
22 calculated by determining the revenue derived from 6.43
23 percentage points of the liquor tax rate in the immediately
24 preceding fiscal year.

25 (b) Secretary of the Budget notification.--Within 30 days of
26 the beginning of each fiscal year, the Secretary of the Budget
27 shall notify each Commonwealth agency receiving allocations
28 under this act of the amount of the allocation for the fiscal
29 year.

30 (c) Annual report.--The Governor shall report on the fund in

1 the annual budget. The report shall include the amounts
2 allocated to each program.

3 Section 5. Drug and alcohol treatment and prevention funding.

4 (a) General rule.--The Department of Revenue shall transfer
5 the revenue received by the Commonwealth pursuant to the
6 imposition of the liquor tax from the General Fund to the fund.
7 No amount in excess of the amount calculated and certified under
8 section 4(a) shall be transferred to the fund in the fiscal
9 year.

10 (b) Allocations.--The money in the fund shall be allocated
11 out of the amount certified under section 4(a) as follows:

12 (1) One-third shall be allocated to the Department of
13 Public Welfare as follows:

14 (i) 50% of this allocation shall be used to provide
15 for a continuum of alcohol and drug detoxification and
16 rehabilitation services to persons eligible for medical
17 assistance pursuant to section 2334 of the act of April
18 9, 1929 (P.L.177, No.175), known as The Administrative
19 Code of 1929.

20 (ii) 50% of this allocation shall be used for
21 behavioral health services for individuals affected by
22 eligibility changes for the general assistance medically
23 needy only program based on section 442.1 of the act of
24 June 13, 1967 (P.L.31, No.21), known as the Public
25 Welfare Code.

26 (2) One-third shall be allocated to the Department of
27 Health to distribute to single county authorities for the
28 provision of drug and alcohol services to include prevention,
29 treatment, intervention and case management.

30 (3) One-third shall be allocated to the Governor for the

1 Pennsylvania Commission on Crime and Delinquency to provide
2 drug and alcohol treatment-based restrictive intermediate
3 punishment programs. The allocation under this paragraph
4 shall be expended on programs that treat only offenders to
5 whom sentencing recommendations under 204 Pa. Code §
6 303.11(b)(3) or (4) (relating to guideline sentence
7 recommendations: sentencing levels) apply.

8 (c) Lapses.--Lapses from money provided for a program under
9 this section shall be reallocated to that Commonwealth agency
10 and program specified in subsection (b) for use in succeeding
11 years.

12 Section 28. Repeals.

13 All acts and parts of acts are repealed insofar as they are
14 inconsistent with this act.

15 Section 29. Applicability.

16 This act shall apply to the fiscal year beginning after the
17 effective date of this section and to each fiscal year
18 thereafter.

19 Section 30. Effective date.

20 This act shall take effect immediately.