

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1298 Session of 2013

INTRODUCED BY FARRY, DIGIROLAMO, O'BRIEN, GODSHALL, WATSON, V. BROWN, COHEN, BAKER, DAVIS, BISHOP, GINGRICH, DeLUCA, QUINN, CLYMER, KORTZ, MILNE, MURT, NEILSON AND FLYNN, MAY 1, 2013

AS REPORTED FROM COMMITTEE ON HUMAN SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 10, 2013

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," further providing for
21 powers and duties of the Department of Drug and Alcohol
22 Programs.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 ~~Section 1. Section 2301 A(9) of the act of April 9, 1929~~ <--
26 ~~(P.L.177, No.175), known as The Administrative Code of 1929,~~

1 ~~added June 9, 2010 (P.L.348, No.50), is amended and the section~~
2 ~~is amended by adding a paragraph to read:~~

3 ~~Section 2301 A. Powers and duties.~~

4 ~~The Department of Drug and Alcohol Programs shall have the~~
5 ~~power and its duty shall be:~~

6 ~~* * *~~

7 ~~(9) [The department shall have the power to] To~~
8 ~~promulgate the rules and regulations necessary to carry out~~
9 ~~the provisions of this article.~~

10 ~~(10) To promulgate regulations regarding housing~~
11 ~~programs that offer assistance to people with drug or alcohol~~
12 ~~abuse problems, sometimes referred to as recovery houses. The~~
13 ~~regulations shall include, but not be limited to, a~~
14 ~~definition of "recovery house," rights of inspection,~~
15 ~~assignment of rights of inspection and penalties when~~
16 ~~violations of a departmental regulation occur. In order to~~
17 ~~receive any Federal or State funding, a recovery house must~~
18 ~~comply with regulations promulgated by the Department of Drug~~
19 ~~and Alcohol Programs.~~

20 ~~Section 2. The regulations promulgated initially under~~
21 ~~section 2301 A of the act of April 9, 1929 (P.L.177, No.175),~~
22 ~~known as The Administrative Code of 1929, shall be developed~~
23 ~~with the assistance and recommendations of a task force~~
24 ~~consisting of the chairperson and minority chairperson of the~~
25 ~~Public Health and Welfare Committee of the Senate, the~~
26 ~~chairperson and minority chairperson of the Human Services~~
27 ~~Committee of the House of Representatives, the prime sponsor of~~
28 ~~paragraph (10) of section 2301 A of the act and a representative~~
29 ~~of the Drug and Alcohol Services Providers of Pennsylvania.~~

30 ~~Section 3. This act shall take effect in 30 days.~~

1 SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN <--
2 AS THE ADMINISTRATIVE CODE OF 1929, IS AMENDED BY ADDING
3 SECTIONS TO READ:

4 SECTION 2302-A. DEFINITIONS.

5 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
6 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
7 CONTEXT CLEARLY INDICATES OTHERWISE:

8 "DEPARTMENT." THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS OF
9 THE COMMONWEALTH.

10 "DRUG AND ALCOHOL RECOVERY HOUSE." A SAFE AND SUPPORTIVE,
11 ALCOHOL AND DRUG-FREE ENVIRONMENT WHERE RESIDENTS IN RECOVERY
12 FROM ALCOHOL OR OTHER DRUG ADDICTION LIVE TOGETHER AS A
13 COMMUNITY.

14 SECTION 2303-A. DEVELOPMENT OF CRITERIA.

15 THE DEPARTMENT SHALL DEVELOP CRITERIA FOR CERTIFICATION OF
16 DRUG AND ALCOHOL RECOVERY HOUSES THAT RECEIVE FUNDS FROM THE
17 DEPARTMENT TO ENSURE THAT THE HOUSES PROVIDE A SAFE ENVIRONMENT
18 FOR RESIDENTS AND FOR THE SURROUNDING COMMUNITY.

19 SECTION 2304-A. FUNDING.

20 A DRUG AND ALCOHOL OR OTHER RECOVERY HOUSE SHALL NOT RECEIVE
21 FUNDING FROM THE DEPARTMENT WITHOUT CERTIFICATION.

22 SECTION 2305-A. CERTIFICATION REQUIREMENTS.

23 CERTIFICATION REQUIREMENTS SHALL INCLUDE, BUT NOT BE LIMITED
24 TO, THE FOLLOWING:

25 (1) PROCEDURES REQUIRING COMPLIANCE WITH ALL STATE AND
26 LOCAL ORDINANCES.

27 (2) PROCEDURES ADDRESSING THE SAFETY AND PROTECTION OF
28 RESIDENTS AND THE COMMUNITY.

29 (3) POLICIES WHICH PROMOTE RECOVERY BY REQUIRING
30 RESIDENT PARTICIPATION IN TREATMENT, SELF-HELP GROUPS OR

1 OTHER RECOVERY SUPPORTS.

2 (4) PROCEDURES TO ENSURE THAT UPON ADMISSION RESIDENTS
3 ARE INFORMED OF ALL HOUSE RULES, RESIDENCY REQUIREMENTS AND
4 ANY LEASE AGREEMENTS.

5 (5) POLICIES REQUIRING ABSTINENCE FROM ALCOHOL AND OTHER
6 DRUGS.

7 (6) PROCEDURES, INCLUDING REFERRAL AGREEMENTS, TO HANDLE
8 RELAPSE.

9 (7) PROCEDURES REGARDING APPROPRIATE USE AND SECURITY OF
10 MEDICATION.

11 SECTION 2306-A. TASK FORCE.

12 THE DEPARTMENT SHALL CONVENE A TASK FORCE TO MAKE
13 RECOMMENDATIONS TO THE DEPARTMENT REGARDING CRITERIA FOR
14 CERTIFICATION OF DRUG AND ALCOHOL RECOVERY HOUSES.

15 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 90 DAYS.