
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 922 Session of
2017

INTRODUCED BY LANGERHOLC, SCARNATI, RAFFERTY, WHITE, BREWSTER,
COSTA, BARTOLOTTA, WARD, VULAKOVICH, MENSCH, YAW, GREENLEAF,
BLAKE, YUDICHAK, MARTIN AND STEFANO, OCTOBER 11, 2017

REFERRED TO JUDICIARY, OCTOBER 11, 2017

AN ACT

1 Amending Titles 35 (Health and Safety), 42 (Judiciary and
2 Judicial Procedure) and 61 (Prisons and Parole) of the
3 Pennsylvania Consolidated Statutes, establishing the
4 Nonnarcotic Medication Substance Abuse Treatment Program; in
5 organization and jurisdiction of courts of common pleas,
6 providing for court assessments for substance abuse
7 treatment; in other criminal provisions, further providing
8 for supervisory relationship to offenders; and, in State
9 parole agents, further providing for supervisory relationship
10 to offenders.

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

13 Section 1. Title 35 of the Pennsylvania Consolidated
14 Statutes is amended by adding a chapter to read:

15 CHAPTER 52B

16 NONNARCOTIC MEDICATION

17 SUBSTANCE ABUSE TREATMENT PROGRAM

18 Sec.

19 52B01. Definitions.

20 52B02. Program established.

21 52B03. Single county authority requirements.

1 52B04. Use of grant funding.

2 52B05. Powers and duties of department.

3 § 52B01. Definitions.

4 The following words and phrases when used in this chapter
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Court." A court of common pleas of a judicial district, a
8 problem-solving court and the Municipal Court of Philadelphia.

9 "Department." The Department of Drug and Alcohol Programs of
10 the Commonwealth.

11 "Eligible provider." An organization or entity capable of:

12 (1) assessing a defendant to determine if the defendant
13 is a candidate to whom medication that prevents a relapse to
14 drug and alcohol dependence should be administered;

15 (2) providing an individualized treatment plan; and

16 (3) administering long-acting nonnarcotic, nonaddictive
17 medication.

18 "Nonnarcotic medication assisted substance abuse treatment."

19 A substance abuse treatment that includes the use of long-acting
20 nonnarcotic, nonaddictive medication, as well as counseling and
21 other substance abuse treatment measures as deemed clinically
22 appropriate by a provider.

23 "Program." The Nonnarcotic Medication Substance Abuse
24 Treatment Program established under this chapter.

25 "Single county authority." An agency designated by the
26 Department of Health pursuant to the act of April 14, 1972
27 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol
28 Abuse Control Act, to plan and coordinate drug and alcohol
29 prevention, intervention and treatment services for a geographic
30 area, which may consist of one or more counties.

1 § 52B02. Program established.

2 The Nonnarcotic Medication Substance Abuse Treatment Program
3 is established within the department to increase opportunities
4 for single county authorities to provide long-acting
5 nonnarcotic, nonaddictive medication combined with comprehensive
6 substance abuse treatment to defendants as may be clinically
7 appropriate through the awarding of grants. To the extent grant
8 money is available, a single county authority may contract with
9 an eligible provider to make available nonnarcotic medication
10 assisted substance abuse treatment to any defendant upon whom a
11 court imposes a sentence of confinement, intermediate
12 punishment, an alternative sentence, probation, Accelerated
13 Rehabilitative Disposition or a fine.

14 § 52B03. Single county authority requirements.

15 In order to be eligible for grant funding under the program,
16 a single county authority shall:

17 (1) Make an application on a form and in a manner
18 determined by the department.

19 (2) Enter into a memorandum of understanding with one or
20 more eligible providers as required under section 52B04
21 (relating to use of grant funding).

22 (3) Meet any other requirement established by the
23 department.

24 § 52B04. Use of grant funding.

25 A single county authority awarded a grant under the program
26 shall contract with an eligible provider that shall:

27 (1) Assess each defendant to determine if the defendant
28 is a candidate to be administered medication that prevents
29 relapse to drug dependence or alcohol dependence, or both.

30 (2) Create an individualized program for each defendant

1 identified under paragraph (1).

2 (3) Provide access to and administer nonnarcotic
3 medication assisted treatment when clinically appropriate.

4 (4) Provide clinically appropriate inpatient or
5 outpatient services determined necessary to support each
6 individual's treatment plan.

7 (5) Establish a plan and timetable to collect and
8 disseminate information to the department relating to
9 recidivism, deterrence and overall effectiveness of the
10 program.

11 § 52B05. Powers and duties of department.

12 (a) General rule.--The department shall:

13 (1) Create a form for single county authorities to apply
14 for grant funding under the program.

15 (2) Establish criteria for eligible single county
16 authorities applying for grant funding under the program.

17 (3) Create a form available to providers to be used to
18 confirm that an offender is eligible for and enrolled in the
19 program.

20 (4) Promulgate rules and regulations necessary to
21 implement this chapter.

22 (5) Seek input from the Supreme Court regarding the
23 powers and duties enumerated under this chapter.

24 (6) Issue a report to the General Assembly relating to
25 recidivism, deterrence and overall effectiveness of the
26 program no later than one year from the effective date of
27 this section and no later than December 15th of every
28 calendar year thereafter.

29 (b) Limits on grant awards.--Grant awards shall be at the
30 discretion of the department and shall be limited to amounts

1 annually appropriated to the department for the program.

2 (c) Statewide substance abuse treatment assessment
3 coordinator.--To the extent that money is available, the
4 department may appoint a Statewide substance abuse treatment
5 assessment coordinator. The coordinator may:

6 (1) Encourage and assist in the establishment of
7 substance abuse treatment assessments in each judicial
8 district.

9 (2) Identify sources of funding for substance abuse
10 treatment assessments, including the availability of grants.

11 (3) Provide coordination and technical assistance for
12 grant applications.

13 (4) Develop model guidelines for the administration of
14 substance abuse treatment assessments.

15 (5) Establish procedures for monitoring substance abuse
16 treatment assessments and for evaluating the effectiveness of
17 substance abuse treatment assessments.

18 (d) Advisory committee.--The department may establish, from
19 available money, an interdisciplinary and interbranch advisory
20 committee to advise and assist the Statewide substance abuse
21 treatment assessment coordinator in monitoring and
22 administrating substance abuse treatment assessments Statewide.

23 Section 2. Title 42 is amended by adding a section to read:
24 § 918. Court assessments for substance abuse treatment.

25 (a) Establishment.--Except as provided in subsection (b),
26 the court of common pleas of a judicial district, a problem-
27 solving court and the Municipal Court of Philadelphia may order
28 a defendant charged with a drug-related offense upon whom a
29 court imposes a sentence of confinement, intermediate
30 punishment, an alternative sentence, probation, Accelerated

1 Rehabilitative Disposition or a fine to be assessed by an
2 eligible provider to determine whether the use of a nonnarcotic
3 medication assisted substance abuse treatment program may be
4 clinically appropriate for the defendant. The court may adopt
5 local rules for substance abuse treatment assessments. The local
6 rules may not be inconsistent with this section or any rules
7 established by the Supreme Court.

8 (b) Noneligibility.--The following defendants are not
9 eligible for the program under subsection (a). A defendant who:

10 (1) Has demonstrated violent behavior.

11 (2) Has been subject to a sentence which included an
12 enhancement for the use of a deadly weapon as defined under
13 law or the sentencing guidelines promulgated by the
14 Pennsylvania Commission on Sentencing.

15 (3) Has been found guilty of or was convicted of an
16 offense involving a deadly weapon, an offense under 18
17 Pa.C.S. Ch. 61 (relating to firearms and other dangerous
18 articles) or an equivalent offense under the laws of the
19 United States or one of its territories or possessions,
20 another state, the District of Columbia, the Commonwealth of
21 Puerto Rico or a foreign nation.

22 (4) Has been found guilty of or previously convicted of
23 or adjudicated delinquent for or an attempt or conspiracy to
24 commit a personal injury crime as defined under section 103
25 of the act of November 24, 1998 (P.L.882, No.111), known as
26 the Crime Victims Act, except for an offense under 18 Pa.C.S.
27 § 2701 (relating to simple assault) when the offense is a
28 misdemeanor of the third degree, or an equivalent offense
29 under the laws of the United States or one of its territories
30 or possessions, another state, the District of Columbia, the

1 Commonwealth of Puerto Rico or a foreign nation.

2 (5) Has been found guilty, previously convicted or
3 adjudicated delinquent for violating any of the following
4 provisions or an equivalent offense under the laws of the
5 United States or one of its territories or possessions,
6 another state, the District of Columbia, the Commonwealth of
7 Puerto Rico or a foreign nation:

8 (i) 18 Pa.C.S. § 4302(a) (relating to incest).

9 (ii) 18 Pa.C.S. § 5901 (relating to open lewdness).

10 (iii) 18 Pa.C.S. Ch. 76 Subch. C (relating to
11 Internet child pornography).

12 (iv) Received a criminal sentence pursuant to 42
13 Pa.C.S. § 9712.1 (relating to sentences for certain drug
14 offenses committed with firearms).

15 (v) Any offense for which registration is required
16 under 42 Pa.C.S. Ch. 97 Subch. H (relating to
17 registration of sexual offenders).

18 (6) Is awaiting trial or sentencing for additional
19 criminal charges, if a conviction or sentence on the
20 additional charges would cause the defendant to become
21 ineligible under this subsection.

22 (c) Failure to participate.--If treatment is determined
23 clinically appropriate by an eligible provider, a defendant's
24 failure to participate in a recommended treatment plan as
25 determined by the court-ordered assessment may be considered by
26 the court to be a probation or parole violation and treated as
27 such under appropriate State or local court rules.

28 (d) Definitions.--The following words and phrases when used
29 in this section shall have the meanings given to them in this
30 section unless the context clearly indicates otherwise:

1 "Drug-related offense." Except for the offenses listed under
2 subsection (b), a criminal offense which the court determines
3 was motivated by the defendant's consumption of or addiction to
4 alcohol or a controlled substance, counterfeit, designer drug,
5 drug, immediate precursor or marihuana, as those terms are
6 defined in the act of April 14, 1972 (P.L.233, No.64), known as
7 The Controlled Substance, Drug, Device and Cosmetic Act.

8 "Eligible provider." An organization or entity capable of:

9 (1) assessing a defendant to determine if the defendant
10 is a candidate to whom medication that prevents a relapse to
11 drug and alcohol dependence should be administered;

12 (2) providing an individualized treatment plan; and

13 (3) administering long-acting nonnarcotic, nonaddictive
14 medication.

15 "Nonnarcotic medication assisted substance abuse treatment."

16 A substance abuse treatment that includes the use of long-acting
17 nonnarcotic, nonaddictive medication as well as counseling and
18 other substance abuse treatment measures as deemed clinically
19 appropriate by a provider.

20 Section 3. Section 9912 of Title 42 is amended by adding a
21 subsection to read:

22 § 9912. Supervisory relationship to offenders.

23 * * *

24 (e.2) Recommendation of offenders for nonnarcotic medication
25 assisted substance abuse treatment.--

26 (1) An officer may recommend that an offender under
27 their supervision be assessed by an eligible provider to
28 determine whether the use of the program may be clinically
29 appropriate for the offender as described in section 918
30 (relating to court assessments for substance abuse

1 treatment).

2 (2) As used in this subsection, the following words and
3 phrases shall have the meanings given to them in this
4 paragraph:

5 "Eligible provider." An organization or entity capable
6 of:

7 (i) assessing a defendant to determine if the
8 defendant is a candidate to whom medication that prevents
9 a relapse to drug and alcohol dependence should be
10 administered;

11 (ii) providing an individualized treatment plan; and

12 (iii) administering long-acting nonnarcotic,
13 nonaddictive medication.

14 "Program." The Nonnarcotic Medication Substance Abuse
15 Treatment Program established under 35 Pa.C.S. Ch. 52B
16 (relating to Nonnarcotic Medication Substance Abuse Treatment
17 Program).

18 * * *

19 Section 4. Section 6153 of Title 61 is amended by adding a
20 subsection to read:

21 § 6153. Supervisory relationship to offenders.

22 * * *

23 (e.1) Recommendation of offenders for nonnarcotic medication
24 assisted substance abuse treatment.--

25 (1) An agent may recommend that an offender under their
26 supervision be assessed by an eligible provider to determine
27 whether the use of the program may be clinically appropriate
28 for the offender as described in 42 Pa.C.S. § 918 (relating
29 to court assessments for substance abuse treatment).

30 (2) As used in this subsection, the following words and

1 phrases shall have the meanings given to them in this
2 paragraph:

3 "Eligible provider." An organization or entity capable
4 of:

5 (i) assessing a defendant to determine if the
6 defendant is a candidate to whom medication that prevents
7 a relapse to drug and alcohol dependence should be
8 administered;

9 (ii) providing an individualized treatment plan; and

10 (iii) administering long-acting nonnarcotic,
11 nonaddictive medication.

12 "Program." The Nonnarcotic Medication Substance Abuse
13 Treatment Program established under 35 Pa.C.S. Ch. 52B
14 (relating to Nonnarcotic Medication Substance Abuse Treatment
15 Program).

16 * * *

17 Section 5. This act shall take effect in 60 days.