

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

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, MARCH 27, 2018

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 AMENDING TITLES 35 (HEALTH AND SAFETY), 42 (JUDICIARY AND <--
12 JUDICIAL PROCEDURE) AND 61 (PRISONS AND PAROLE) OF THE
13 PENNSYLVANIA CONSOLIDATED STATUTES, ESTABLISHING THE
14 NONNARCOTIC MEDICATION SUBSTANCE USE DISORDER TREATMENT
15 PROGRAM; IN ORGANIZATION AND JURISDICTION OF COURTS OF COMMON
16 PLEAS, PROVIDING FOR COURT ASSESSMENTS FOR SUBSTANCE USE
17 DISORDER TREATMENT; IN OTHER CRIMINAL PROVISIONS, FURTHER
18 PROVIDING FOR SUPERVISORY RELATIONSHIP TO OFFENDERS; AND, IN
19 PENNSYLVANIA BOARD OF PROBATION AND PAROLE, FURTHER PROVIDING
20 FOR SUPERVISORY RELATIONSHIP TO OFFENDERS.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

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

25 CHAPTER 52B <--
26 NONNARCOTIC MEDICATION

1 SUBSTANCE ABUSE TREATMENT PROGRAM

2 Sec.

3 52B01. Definitions.

4 52B02. Program established.

5 52B03. Single county authority requirements.

6 52B04. Use of grant funding.

7 52B05. Powers and duties of department.

8 § 52B01. Definitions.

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

12 "Court." A court of common pleas of a judicial district, a
13 problem solving court and the Municipal Court of Philadelphia.

14 "Department." The Department of Drug and Alcohol Programs of
15 the Commonwealth.

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

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

20 (2) providing an individualized treatment plan; and

21 (3) administering long acting nonnarcotic, nonaddictive
22 medication.

23 "Nonnarcotic medication assisted substance abuse treatment."

24 A substance abuse treatment that includes the use of long acting
25 nonnarcotic, nonaddictive medication, as well as counseling and
26 other substance abuse treatment measures as deemed clinically
27 appropriate by a provider.

28 "Program." The Nonnarcotic Medication Substance Abuse
29 Treatment Program established under this chapter.

30 "Single county authority." An agency designated by the

1 ~~Department of Health pursuant to the act of April 14, 1972~~
2 ~~(P.L.221, No.63), known as the Pennsylvania Drug and Alcohol~~
3 ~~Abuse Control Act, to plan and coordinate drug and alcohol~~
4 ~~prevention, intervention and treatment services for a geographic~~
5 ~~area, which may consist of one or more counties.~~

6 ~~§ 52B02. Program established.~~

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

19 ~~§ 52B03. Single county authority requirements.~~

20 ~~In order to be eligible for grant funding under the program,~~
21 ~~a single county authority shall:~~

22 ~~(1) Make an application on a form and in a manner~~
23 ~~determined by the department.~~

24 ~~(2) Enter into a memorandum of understanding with one or~~
25 ~~more eligible providers as required under section 52B04~~
26 ~~(relating to use of grant funding).~~

27 ~~(3) Meet any other requirement established by the~~
28 ~~department.~~

29 ~~§ 52B04. Use of grant funding.~~

30 ~~A single county authority awarded a grant under the program~~

1 ~~shall contract with an eligible provider that shall:~~

2 ~~(1) Assess each defendant to determine if the defendant~~
3 ~~is a candidate to be administered medication that prevents~~
4 ~~relapse to drug dependence or alcohol dependence, or both.~~

5 ~~(2) Create an individualized program for each defendant~~
6 ~~identified under paragraph (1).~~

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

9 ~~(4) Provide clinically appropriate inpatient or~~
10 ~~outpatient services determined necessary to support each~~
11 ~~individual's treatment plan.~~

12 ~~(5) Establish a plan and timetable to collect and~~
13 ~~disseminate information to the department relating to~~
14 ~~recidivism, deterrence and overall effectiveness of the~~
15 ~~program.~~

16 ~~§ 52B05. Powers and duties of department.~~

17 ~~(a) General rule. The department shall:~~

18 ~~(1) Create a form for single county authorities to apply~~
19 ~~for grant funding under the program.~~

20 ~~(2) Establish criteria for eligible single county~~
21 ~~authorities applying for grant funding under the program.~~

22 ~~(3) Create a form available to providers to be used to~~
23 ~~confirm that an offender is eligible for and enrolled in the~~
24 ~~program.~~

25 ~~(4) Promulgate rules and regulations necessary to~~
26 ~~implement this chapter.~~

27 ~~(5) Seek input from the Supreme Court regarding the~~
28 ~~powers and duties enumerated under this chapter.~~

29 ~~(6) Issue a report to the General Assembly relating to~~
30 ~~recidivism, deterrence and overall effectiveness of the~~

~~program no later than one year from the effective date of this section and no later than December 15th of every calendar year thereafter.~~

~~(b) Limits on grant awards. Grant awards shall be at the discretion of the department and shall be limited to amounts annually appropriated to the department for the program.~~

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

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

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

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

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

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

~~(d) Advisory committee. The department may establish, from available money, an interdisciplinary and interbranch advisory committee to advise and assist the Statewide substance abuse treatment assessment coordinator in monitoring and administering substance abuse treatment assessments Statewide.~~

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

~~(a) Establishment. Except as provided in subsection (b),~~

1 ~~the court of common pleas of a judicial district, a problem~~
2 ~~solving court and the Municipal Court of Philadelphia may order~~
3 ~~a defendant charged with a drug related offense upon whom a~~
4 ~~court imposes a sentence of confinement, intermediate~~
5 ~~punishment, an alternative sentence, probation, Accelerated~~
6 ~~Rehabilitative Disposition or a fine to be assessed by an~~
7 ~~eligible provider to determine whether the use of a nonnarcotic~~
8 ~~medication assisted substance abuse treatment program may be~~
9 ~~clinically appropriate for the defendant. The court may adopt~~
10 ~~local rules for substance abuse treatment assessments. The local~~
11 ~~rules may not be inconsistent with this section or any rules~~
12 ~~established by the Supreme Court.~~

13 ~~(b) Noneligibility. The following defendants are not~~
14 ~~eligible for the program under subsection (a). A defendant who:~~

15 ~~(1) Has demonstrated violent behavior.~~

16 ~~(2) Has been subject to a sentence which included an~~
17 ~~enhancement for the use of a deadly weapon as defined under~~
18 ~~law or the sentencing guidelines promulgated by the~~
19 ~~Pennsylvania Commission on Sentencing.~~

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

27 ~~(4) Has been found guilty of or previously convicted of~~
28 ~~or adjudicated delinquent for or an attempt or conspiracy to~~
29 ~~commit a personal injury crime as defined under section 103~~
30 ~~of the act of November 24, 1998 (P.L.882, No.111), known as~~

~~the Crime Victims Act, except for an offense under 18 Pa.C.S. § 2701 (relating to simple assault) when the offense is a misdemeanor of the third degree, or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.~~

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

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

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

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

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

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

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

~~(c) Failure to participate. If treatment is determined clinically appropriate by an eligible provider, a defendant's failure to participate in a recommended treatment plan as determined by the court ordered assessment may be considered by~~

1 ~~the court to be a probation or parole violation and treated as~~
2 ~~such under appropriate State or local court rules.~~

3 ~~(d) Definitions. The following words and phrases when used~~
4 ~~in this section shall have the meanings given to them in this~~
5 ~~section unless the context clearly indicates otherwise:~~

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

13 ~~"Eligible provider." An organization or entity capable of:~~

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

17 ~~(2) providing an individualized treatment plan; and~~

18 ~~(3) administering long acting nonnarcotic, nonaddictive~~
19 ~~medication.~~

20 ~~"Nonnarcotic medication assisted substance abuse treatment."~~

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

25 ~~Section 3. Section 9912 of Title 42 is amended by adding a~~
26 ~~subsection to read:~~

27 ~~§ 9912. Supervisory relationship to offenders.~~

28 ~~* * *~~

29 ~~(e.2) Recommendation of offenders for nonnarcotic medication~~
30 ~~assisted substance abuse treatment.~~

1 ~~(1) An officer may recommend that an offender under~~
2 ~~their supervision be assessed by an eligible provider to~~
3 ~~determine whether the use of the program may be clinically~~
4 ~~appropriate for the offender as described in section 918~~
5 ~~(relating to court assessments for substance abuse~~
6 ~~treatment).~~

7 ~~(2) As used in this subsection, the following words and~~
8 ~~phrases shall have the meanings given to them in this~~
9 ~~paragraph:~~

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

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

16 ~~(ii) providing an individualized treatment plan; and~~

17 ~~(iii) administering long acting nonnarcotic,~~
18 ~~nonaddictive medication.~~

19 ~~"Program." The Nonnarcotic Medication Substance Abuse~~
20 ~~Treatment Program established under 35 Pa.C.S. Ch. 52B~~
21 ~~(relating to Nonnarcotic Medication Substance Abuse Treatment~~
22 ~~Program).~~

23 * * *

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

26 § 6153. Supervisory relationship to offenders.

27 * * *

28 ~~(e.1) Recommendation of offenders for nonnarcotic medication~~
29 ~~assisted substance abuse treatment.~~

30 ~~(1) An agent may recommend that an offender under their~~

~~supervision be assessed by an eligible provider to determine whether the use of the program may be clinically appropriate for the offender as described in 42 Pa.C.S. § 918 (relating to court assessments for substance abuse treatment).~~

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

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

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

~~(ii) providing an individualized treatment plan; and~~

~~(iii) administering long acting nonnarcotic, nonaddictive medication.~~

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

~~* * *~~

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

CHAPTER 52B

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NONNARCOTIC MEDICATION

SUBSTANCE USE DISORDER TREATMENT PROGRAM

SEC.

52B01. DEFINITIONS.

52B02. PROGRAM ESTABLISHED.

52B03. SINGLE COUNTY AUTHORITY REQUIREMENTS.

52B04. USE OF GRANT FUNDING.

1 52B05. POWERS AND DUTIES OF DEPARTMENT.

2 § 52B01. DEFINITIONS.

3 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
4 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
5 CONTEXT CLEARLY INDICATES OTHERWISE:

6 "COURT." A COURT OF COMMON PLEAS OF A JUDICIAL DISTRICT, A
7 PROBLEM-SOLVING COURT AND THE MUNICIPAL COURT OF PHILADELPHIA.

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

10 "ELIGIBLE PROVIDER." AN ORGANIZATION OR ENTITY LICENSED BY
11 THE COMMONWEALTH CAPABLE OF:

12 (1) ASSESSING AN OFFENDER TO DETERMINE IF THE OFFENDER
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 AN FDA-APPROVED NONNARCOTIC MEDICATION
17 INDICATED FOR USE IN TREATING A SUBSTANCE USE DISORDER.

18 "NONNARCOTIC MEDICATION ASSISTED SUBSTANCE USE DISORDER
19 TREATMENT." A SUBSTANCE USE DISORDER TREATMENT THAT INCLUDES
20 THE USE OF AN FDA-APPROVED NONNARCOTIC MEDICATION INDICATED FOR
21 USE IN TREATING A SUBSTANCE USE DISORDER, AS WELL AS COUNSELING
22 AND OTHER SUBSTANCE USE DISORDER TREATMENT MEASURES AS DEEMED
23 CLINICALLY APPROPRIATE BY AN ELIGIBLE PROVIDER.

24 "PROGRAM." THE NONNARCOTIC MEDICATION SUBSTANCE USE DISORDER
25 TREATMENT PROGRAM ESTABLISHED UNDER THIS CHAPTER.

26 "SINGLE COUNTY AUTHORITY." AN AGENCY DESIGNATED BY THE
27 DEPARTMENT OF HEALTH UNDER THE ACT OF APRIL 14, 1972 (P.L.221,
28 NO.63), KNOWN AS THE PENNSYLVANIA DRUG AND ALCOHOL ABUSE CONTROL
29 ACT, TO PLAN AND COORDINATE DRUG AND ALCOHOL PREVENTION,
30 INTERVENTION AND TREATMENT SERVICES FOR A GEOGRAPHIC AREA, WHICH

1 MAY CONSIST OF ONE OR MORE COUNTIES.

2 § 52B02. PROGRAM ESTABLISHED.

3 THE NONNARCOTIC MEDICATION SUBSTANCE USE DISORDER TREATMENT
4 PROGRAM IS ESTABLISHED WITHIN THE DEPARTMENT TO INCREASE
5 OPPORTUNITIES FOR SINGLE COUNTY AUTHORITIES TO PROVIDE
6 COMPREHENSIVE SUBSTANCE USE DISORDER TREATMENT TO OFFENDERS AS
7 MAY BE CLINICALLY APPROPRIATE THROUGH THE AWARDING OF GRANTS. TO
8 THE EXTENT THAT GRANT MONEY IS AVAILABLE, A SINGLE COUNTY
9 AUTHORITY MAY CONTRACT WITH AN ELIGIBLE PROVIDER TO MAKE
10 AVAILABLE NONNARCOTIC MEDICATION ASSISTED SUBSTANCE USE DISORDER
11 TREATMENT TO ANY OFFENDER UPON WHOM A COURT IMPOSES A SENTENCE
12 OF CONFINEMENT, INTERMEDIATE PUNISHMENT, AN ALTERNATIVE
13 SENTENCE, PROBATION, ACCELERATED REHABILITATIVE DISPOSITION OR A
14 FINE.

15 § 52B03. SINGLE COUNTY AUTHORITY REQUIREMENTS.

16 IN ORDER TO BE ELIGIBLE FOR GRANT FUNDING UNDER THE PROGRAM,
17 A SINGLE COUNTY AUTHORITY SHALL:

18 (1) MAKE AN APPLICATION ON A FORM AND IN A MANNER
19 DETERMINED BY THE DEPARTMENT.

20 (2) ENTER INTO A CONTRACT WITH ONE OR MORE ELIGIBLE
21 PROVIDERS AS REQUIRED UNDER SECTION 52B04 (RELATING TO USE OF
22 GRANT FUNDING).

23 (3) MEET ANY OTHER REQUIREMENT ESTABLISHED BY THE
24 DEPARTMENT.

25 § 52B04. USE OF GRANT FUNDING.

26 (A) GENERAL RULE.--EXCEPT AS PROVIDED FOR IN SUBSECTION (B),
27 A SINGLE COUNTY AUTHORITY AWARDED A GRANT UNDER THE PROGRAM
28 SHALL CONTRACT WITH AN ELIGIBLE PROVIDER THAT SHALL:

29 (1) ASSESS EACH OFFENDER TO DETERMINE IF THE OFFENDER IS
30 A CANDIDATE TO BE ADMINISTERED MEDICATION THAT PREVENTS

1 RELAPSE TO SUBSTANCE USE DEPENDENCE.

2 (2) CREATE AN INDIVIDUALIZED PROGRAM FOR EACH OFFENDER
3 IDENTIFIED UNDER PARAGRAPH (1).

4 (3) PROVIDE ACCESS TO AND ADMINISTER NONNARCOTIC
5 MEDICATION ASSISTED SUBSTANCE USE DISORDER TREATMENT WHEN
6 CLINICALLY APPROPRIATE.

7 (4) IF DETERMINED TO NOT BE A CANDIDATE FOR NONNARCOTIC
8 MEDICATION ASSISTED SUBSTANCE USE DISORDER TREATMENT, PROVIDE
9 RECOMMENDATIONS TO THE SINGLE COUNTY AUTHORITY AS TO WHAT
10 TYPE, IF ANY, OF MEDICATION ASSISTED TREATMENT MAY BE
11 NECESSARY OR HELPFUL TO THE OFFENDER AND MAY MAKE A REFERRAL
12 TO ANOTHER MEDICATION ASSISTED TREATMENT FACILITY THAT CAN
13 PROVIDE THE APPROPRIATE TREATMENT.

14 (5) PROVIDE CLINICALLY APPROPRIATE INPATIENT OR
15 OUTPATIENT SERVICES DETERMINED NECESSARY TO SUPPORT EACH
16 INDIVIDUAL'S TREATMENT PLAN.

17 (6) ESTABLISH A PLAN AND TIMETABLE TO COLLECT AND
18 DISSEMINATE THE IDENTIFIED INFORMATION TO THE DEPARTMENT
19 RELATING TO RECIDIVISM, DETERRENCE, RELAPSES AND OVERALL
20 EFFECTIVENESS OF THE PROGRAM.

21 (B) EXCEPTION.--IF A SINGLE COUNTY AUTHORITY IS APPROVED BY
22 THE DEPARTMENT AS MEETING ALL OF THE REQUIREMENTS UNDER
23 SUBSECTION (A), THE SINGLE COUNTY AUTHORITY SHALL BE EXEMPT FROM
24 THE REQUIREMENT TO CONTRACT WITH AN ELIGIBLE PROVIDER.

25 § 52B05. POWERS AND DUTIES OF DEPARTMENT.

26 (A) GENERAL RULE.--THE DEPARTMENT SHALL:

27 (1) CREATE A FORM FOR SINGLE COUNTY AUTHORITIES TO APPLY
28 FOR GRANT FUNDING UNDER THE PROGRAM.

29 (2) ESTABLISH CRITERIA FOR ELIGIBLE SINGLE COUNTY
30 AUTHORITIES APPLYING FOR GRANT FUNDING UNDER THE PROGRAM.

1 (3) CREATE A FORM AVAILABLE TO ELIGIBLE PROVIDERS TO BE
2 USED TO CONFIRM THAT AN OFFENDER IS ELIGIBLE FOR AND ENROLLED
3 IN THE PROGRAM.

4 (4) PROMULGATE RULES AND REGULATIONS AS NECESSARY TO
5 IMPLEMENT THIS CHAPTER.

6 (5) IN COORDINATION WITH THE DEPARTMENT OF CORRECTIONS,
7 ISSUE A REPORT TO THE GENERAL ASSEMBLY RELATING TO
8 RECIDIVISM, DETERRENCE, RELAPSES AND OVERALL EFFECTIVENESS OF
9 THE PROGRAM NO LATER THAN ONE YEAR FROM THE EFFECTIVE DATE OF
10 THIS SECTION AND NO LATER THAN DECEMBER 15 OF EACH CALENDAR
11 YEAR THEREAFTER.

12 (B) LIMITS ON GRANT AWARDS.--GRANT AWARDS SHALL BE AT THE
13 DISCRETION OF THE DEPARTMENT AND SHALL BE LIMITED TO AMOUNTS
14 ANNUALLY APPROPRIATED TO THE DEPARTMENT FOR THE PROGRAM.

15 (C) STATEWIDE SUBSTANCE USE DISORDER TREATMENT ASSESSMENT
16 COORDINATOR.--TO THE EXTENT THAT MONEY IS AVAILABLE, THE
17 DEPARTMENT MAY APPOINT A STATEWIDE SUBSTANCE USE DISORDER
18 TREATMENT ASSESSMENT COORDINATOR. THE COORDINATOR MAY:

19 (1) ENCOURAGE AND ASSIST IN THE ESTABLISHMENT OF
20 SUBSTANCE USE DISORDER TREATMENT ASSESSMENTS IN EACH JUDICIAL
21 DISTRICT.

22 (2) IDENTIFY SOURCES OF FUNDING FOR SUBSTANCE USE
23 DISORDER TREATMENT ASSESSMENTS, INCLUDING THE AVAILABILITY OF
24 GRANTS.

25 (3) PROVIDE COORDINATION AND TECHNICAL ASSISTANCE FOR
26 GRANT APPLICATIONS.

27 (4) DEVELOP MODEL GUIDELINES FOR THE ADMINISTRATION OF
28 SUBSTANCE USE DISORDER TREATMENT ASSESSMENTS.

29 (5) ESTABLISH PROCEDURES FOR MONITORING SUBSTANCE USE
30 DISORDER TREATMENT ASSESSMENTS AND FOR EVALUATING THE

1 EFFECTIVENESS OF SUBSTANCE USE DISORDER TREATMENT
2 ASSESSMENTS.

3 (D) ADVISORY COMMITTEE.--THE DEPARTMENT MAY ESTABLISH, FROM
4 AVAILABLE MONEY, AN INTERDISCIPLINARY AND INTERBRANCH ADVISORY
5 COMMITTEE TO ADVISE AND ASSIST THE STATEWIDE SUBSTANCE USE
6 DISORDER TREATMENT ASSESSMENT COORDINATOR IN MONITORING AND
7 ADMINISTRATING SUBSTANCE USE DISORDER TREATMENT ASSESSMENTS
8 STATEWIDE.

9 SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:
10 § 918. COURT ASSESSMENTS FOR SUBSTANCE USE DISORDER TREATMENT.

11 (A) ESTABLISHMENT.--EXCEPT AS PROVIDED IN SUBSECTION (B),
12 THE COURT OF COMMON PLEAS OF A JUDICIAL DISTRICT, A PROBLEM-
13 SOLVING COURT AND THE MUNICIPAL COURT OF PHILADELPHIA MAY ORDER
14 AN OFFENDER CHARGED WITH A DRUG-RELATED OFFENSE UPON WHOM A
15 COURT IMPOSES A SENTENCE OF CONFINEMENT, INTERMEDIATE
16 PUNISHMENT, AN ALTERNATIVE SENTENCE, PROBATION, ACCELERATED
17 REHABILITATIVE DISPOSITION OR A FINE TO BE ASSESSED BY AN
18 ELIGIBLE PROVIDER TO DETERMINE WHETHER THE USE OF A NONNARCOTIC
19 MEDICATION ASSISTED SUBSTANCE USE DISORDER TREATMENT PROGRAM MAY
20 BE CLINICALLY APPROPRIATE FOR THE OFFENDER. THE COURT MAY ADOPT
21 LOCAL RULES FOR SUBSTANCE USE DISORDER TREATMENT ASSESSMENTS.
22 THE LOCAL RULES MAY NOT BE INCONSISTENT WITH THIS SECTION OR ANY
23 RULES ESTABLISHED BY THE GENERAL ASSEMBLY OR THE SUPREME COURT.

24 (B) NONELIGIBILITY.--THE FOLLOWING OFFENDERS ARE NOT
25 ELIGIBLE FOR THE PROGRAM UNDER SUBSECTION (A). AN OFFENDER WHO:

26 (1) HAS DEMONSTRATED VIOLENT BEHAVIOR.

27 (2) HAS BEEN SUBJECT TO A SENTENCE WHICH INCLUDED AN
28 ENHANCEMENT FOR THE USE OF A DEADLY WEAPON AS DEFINED UNDER
29 LAW OR THE SENTENCING GUIDELINES PROMULGATED BY THE
30 PENNSYLVANIA COMMISSION ON SENTENCING.

1 (3) HAS BEEN FOUND GUILTY OR WAS CONVICTED OF AN OFFENSE
2 INVOLVING A DEADLY WEAPON, AN OFFENSE UNDER 18 PA.C.S. CH. 61
3 (RELATING TO FIREARMS AND OTHER DANGEROUS ARTICLES) OR AN
4 EQUIVALENT OFFENSE UNDER THE LAWS OF THE UNITED STATES OR ONE
5 OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE
6 DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A
7 FOREIGN NATION.

8 (4) HAS BEEN FOUND GUILTY OR PREVIOUSLY CONVICTED OF OR
9 ADJUDICATED DELINQUENT FOR COMMITTING OR ATTEMPTING OR
10 CONSPIRING TO COMMIT A PERSONAL INJURY CRIME AS DEFINED UNDER
11 SECTION 103 OF THE ACT OF NOVEMBER 24, 1998 (P.L.882,
12 NO.111), KNOWN AS THE CRIME VICTIMS ACT, EXCEPT FOR AN
13 OFFENSE UNDER 18 PA.C.S. § 2701 (RELATING TO SIMPLE ASSAULT)
14 WHEN THE OFFENSE IS A MISDEMEANOR OF THE THIRD DEGREE, OR AN
15 EQUIVALENT OFFENSE UNDER THE LAWS OF THE UNITED STATES OR ONE
16 OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE
17 DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A
18 FOREIGN NATION.

19 (5) HAS BEEN FOUND GUILTY, PREVIOUSLY CONVICTED OR
20 ADJUDICATED DELINQUENT FOR VIOLATING ANY OF THE FOLLOWING
21 PROVISIONS OR AN EQUIVALENT OFFENSE UNDER THE LAWS OF THE
22 UNITED STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS,
23 ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF
24 PUERTO RICO OR A FOREIGN NATION:

25 (I) 18 PA.C.S. § 4302(A) (RELATING TO INCEST).

26 (II) 18 PA.C.S. § 5901 (RELATING TO OPEN LEWDNESS).

27 (III) 18 PA.C.S. CH. 76 SUBCH. C (RELATING TO
28 INTERNET CHILD PORNOGRAPHY).

29 (IV) ANY OFFENSE FOR WHICH REGISTRATION IS REQUIRED
30 UNDER 42 PA.C.S. CH. 97 SUBCH. H (RELATING TO

1 REGISTRATION OF SEXUAL OFFENDERS).

2 (V) ANY OFFENSE FOR WHICH REGISTRATION IS REQUIRED
3 UNDER 42 PA.C.S. CH. 97 SUBCH. I (RELATING TO CONTINUED
4 REGISTRATION OF SEXUAL OFFENDERS).

5 (6) RECEIVED A CRIMINAL SENTENCE UNDER 42 PA.C.S. §
6 9712.1 (RELATING TO SENTENCES FOR CERTAIN DRUG OFFENSES
7 COMMITTED WITH FIREARMS) OR HAS BEEN FOUND GUILTY, PREVIOUSLY
8 CONVICTED OR ADJUDICATED DELINQUENT FOR VIOLATING AN
9 EQUIVALENT OFFENSE UNDER THE LAWS OF THE UNITED STATES OR ONE
10 OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE, THE
11 DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A
12 FOREIGN NATION.

13 (7) IS AWAITING TRIAL OR SENTENCING FOR ADDITIONAL
14 CRIMINAL CHARGES, IF A CONVICTION OR SENTENCE ON THE
15 ADDITIONAL CHARGES WOULD CAUSE THE OFFENDER TO BECOME
16 INELIGIBLE UNDER THIS SUBSECTION.

17 (C) FAILURE TO PARTICIPATE.--IF TREATMENT IS DETERMINED
18 CLINICALLY APPROPRIATE BY AN ELIGIBLE PROVIDER, AN OFFENDER'S
19 FAILURE TO PARTICIPATE IN A RECOMMENDED TREATMENT PLAN AS
20 DETERMINED BY THE COURT-ORDERED ASSESSMENT MAY BE CONSIDERED BY
21 THE COURT TO BE A PROBATION OR PAROLE VIOLATION AND TREATED AS
22 SUCH UNDER APPROPRIATE STATE OR LOCAL COURT RULES.

23 (D) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED
24 IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
25 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

26 "DRUG-RELATED OFFENSE." EXCEPT FOR THE OFFENSES LISTED UNDER
27 SUBSECTION (B), A CRIMINAL OFFENSE WHICH THE COURT DETERMINES
28 WAS MOTIVATED BY THE OFFENDER'S CONSUMPTION OF OR ADDICTION TO
29 ALCOHOL OR A CONTROLLED SUBSTANCE, COUNTERFEIT, DESIGNER DRUG,
30 DRUG, IMMEDIATE PRECURSOR OR MARIHUANA, AS THOSE TERMS ARE

1 DEFINED IN THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS
2 THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

3 "ELIGIBLE PROVIDER." AN ORGANIZATION OR ENTITY CAPABLE OF:

4 (1) ASSESSING AN OFFENDER TO DETERMINE IF THE OFFENDER
5 IS A CANDIDATE TO WHOM MEDICATION THAT PREVENTS A RELAPSE TO
6 DRUG AND ALCOHOL DEPENDENCE SHOULD BE ADMINISTERED;

7 (2) PROVIDING AN INDIVIDUALIZED TREATMENT PLAN; AND

8 (3) ADMINISTERING AN FDA-APPROVED NONNARCOTIC MEDICATION
9 INDICATED FOR USE IN TREATING A SUBSTANCE USE DISORDER.

10 "NONNARCOTIC MEDICATION ASSISTED SUBSTANCE USE DISORDER
11 TREATMENT." A SUBSTANCE USE DISORDER TREATMENT THAT INCLUDES
12 THE USE OF AN FDA-APPROVED NONNARCOTIC MEDICATION INDICATED FOR
13 USE IN TREATING A SUBSTANCE USE DISORDER AS WELL AS COUNSELING
14 AND OTHER SUBSTANCE USE DISORDER TREATMENT MEASURES AS DEEMED
15 CLINICALLY APPROPRIATE BY AN ELIGIBLE PROVIDER.

16 SECTION 3. SECTION 9912 OF TITLE 42 IS AMENDED BY ADDING A
17 SUBSECTION TO READ:

18 § 9912. SUPERVISORY RELATIONSHIP TO OFFENDERS.

19 * * *

20 (E.2) RECOMMENDATION OF OFFENDERS FOR NONNARCOTIC MEDICATION
21 ASSISTED SUBSTANCE USE DISORDER TREATMENT.--

22 (1) AN OFFICER MAY RECOMMEND THAT AN OFFENDER UNDER
23 THEIR SUPERVISION BE ASSESSED BY AN ELIGIBLE PROVIDER TO
24 DETERMINE WHETHER THE USE OF THE PROGRAM MAY BE CLINICALLY
25 APPROPRIATE FOR THE OFFENDER AS DESCRIBED IN SECTION 918
26 (RELATING TO COURT ASSESSMENTS FOR SUBSTANCE USE DISORDER
27 TREATMENT).

28 (2) AS USED IN THIS SUBSECTION, THE FOLLOWING WORDS AND
29 PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
30 PARAGRAPH:

1 "ELIGIBLE PROVIDER." AN ORGANIZATION OR ENTITY CAPABLE
2 OF:

3 (I) ASSESSING AN OFFENDER TO DETERMINE IF THE
4 OFFENDER IS A CANDIDATE TO WHOM MEDICATION THAT PREVENTS
5 A RELAPSE TO DRUG AND ALCOHOL DEPENDENCE SHOULD BE
6 ADMINISTERED;

7 (II) PROVIDING AN INDIVIDUALIZED TREATMENT PLAN; AND

8 (III) ADMINISTERING AN FDA-APPROVED NONNARCOTIC
9 MEDICATION INDICATED FOR USE IN TREATING A SUBSTANCE USE
10 DISORDER.

11 "PROGRAM." THE NONNARCOTIC MEDICATION SUBSTANCE USE
12 DISORDER TREATMENT PROGRAM ESTABLISHED UNDER 35 PA.C.S. CH.
13 52B (RELATING TO NONNARCOTIC MEDICATION SUBSTANCE USE
14 DISORDER TREATMENT PROGRAM).

15 * * *

16 SECTION 4. SECTION 6153 OF TITLE 61 IS AMENDED BY ADDING A
17 SUBSECTION TO READ:

18 § 6153. SUPERVISORY RELATIONSHIP TO OFFENDERS.

19 * * *

20 (E.1) RECOMMENDATION OF OFFENDERS FOR NONNARCOTIC MEDICATION
21 ASSISTED SUBSTANCE USE DISORDER TREATMENT.--

22 (1) AN AGENT MAY RECOMMEND THAT AN OFFENDER UNDER THEIR
23 SUPERVISION BE ASSESSED BY AN ELIGIBLE PROVIDER TO DETERMINE
24 WHETHER THE USE OF THE PROGRAM MAY BE CLINICALLY APPROPRIATE
25 FOR THE OFFENDER AS DESCRIBED IN 42 PA.C.S. § 918 (RELATING
26 TO COURT ASSESSMENTS FOR SUBSTANCE USE DISORDER TREATMENT).

27 (2) AS USED IN THIS SUBSECTION, THE FOLLOWING WORDS AND
28 PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
29 PARAGRAPH:

30 "ELIGIBLE PROVIDER." AN ORGANIZATION OR ENTITY CAPABLE

1 OF:

2 (I) ASSESSING AN OFFENDER TO DETERMINE IF THE
3 OFFENDER IS A CANDIDATE TO WHOM MEDICATION THAT PREVENTS
4 A RELAPSE TO DRUG AND ALCOHOL DEPENDENCE SHOULD BE
5 ADMINISTERED;

6 (II) PROVIDING AN INDIVIDUALIZED TREATMENT PLAN; AND

7 (III) ADMINISTERING AN FDA-APPROVED NONNARCOTIC
8 MEDICATION INDICATED FOR USE IN TREATING A SUBSTANCE USE
9 DISORDER.

10 "PROGRAM." THE NONNARCOTIC MEDICATION SUBSTANCE USE
11 DISORDER TREATMENT PROGRAM ESTABLISHED UNDER 35 PA.C.S. CH.
12 52B (RELATING TO NONNARCOTIC MEDICATION SUBSTANCE USE
13 DISORDER TREATMENT PROGRAM).

14 * * *

15 SECTION 5. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.