

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

AS AMENDED ON SECOND CONSIDERATION, MAY 21, 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 Use Disorder Treatment
5 Program; in organization and jurisdiction of courts of common
6 pleas, providing for court assessments for substance use
7 disorder treatment; in other criminal provisions, further
8 providing for supervisory relationship to offenders; and, in
9 Pennsylvania Board of Probation and Parole, further providing
10 for supervisory relationship 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:

CHAPTER 52B

NONNARCOTIC MEDICATION

SUBSTANCE USE DISORDER 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 licensed by
12 the Commonwealth capable of:

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

16 (2) providing an individualized treatment plan; and

17 (3) administering an FDA-approved nonnarcotic medication
18 indicated for use in treating a substance use disorder.

19 "Nonnarcotic medication assisted substance use disorder
20 treatment." A substance use disorder treatment that includes
21 the use of an FDA-approved nonnarcotic medication indicated for
22 use in treating a substance use disorder, as well as counseling
23 and other substance use disorder treatment measures as deemed
24 clinically appropriate by an eligible provider.

25 "Program." The Nonnarcotic Medication Substance Use Disorder
26 Treatment Program established under this chapter.

27 "Single county authority." An agency designated by the
28 Department of Health under the act of April 14, 1972 (P.L.221,
29 No.63), known as the Pennsylvania Drug and Alcohol Abuse Control
30 Act, to plan and coordinate drug and alcohol prevention,

1 intervention and treatment services for a geographic area, which
2 may consist of one or more counties.

3 § 52B02. Program established.

4 The Nonnarcotic Medication Substance Use Disorder Treatment
5 Program is established within the department to increase
6 opportunities for single county authorities to provide
7 comprehensive substance use disorder treatment to offenders as
8 may be clinically appropriate through the awarding of grants. To
9 the extent that grant money is available, a single county
10 authority may contract with an eligible provider to make
11 available nonnarcotic medication assisted substance use disorder
12 treatment to any offender upon whom a court imposes a sentence
13 of confinement, intermediate punishment, an alternative
14 sentence, probation, Accelerated Rehabilitative Disposition or a
15 fine.

16 § 52B03. Single county authority requirements.

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

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

21 (2) Enter into a contract with one or more eligible
22 providers as required under section 52B04 (relating to use of
23 grant funding).

24 (3) Meet any other requirement established by the
25 department.

26 § 52B04. Use of grant funding.

27 (a) General rule.--Except as provided for in subsection (b),
28 a single county authority awarded a grant under the program
29 shall contract with an eligible provider that shall:

30 (1) Assess each offender to determine if the offender is

1 a candidate to be administered medication that prevents
2 relapse to substance use dependence.

3 (2) Create an individualized program for each offender
4 identified under paragraph (1).

5 (3) Provide access to and administer nonnarcotic
6 medication assisted substance use disorder treatment when
7 clinically appropriate.

8 (4) If determined to not be a candidate for nonnarcotic
9 medication assisted substance use disorder treatment, provide
10 recommendations to the single county authority as to what
11 type, if any, of medication assisted treatment may be
12 necessary or helpful to the offender and may make a referral
13 to another medication assisted treatment facility that can
14 provide the appropriate treatment.

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

18 (6) Establish a plan and timetable to collect and
19 disseminate the ~~identified~~ DE-IDENTIFIED information to the <--
20 department relating to ~~recidivism, deterrence, relapses and~~ <--
21 overall effectiveness of the program.

22 (b) Exception.--If a single county authority is approved by
23 the department as meeting all of the requirements under
24 subsection (a), the single county authority shall be exempt from
25 the requirement to contract with an eligible provider.

26 § 52B05. Powers and duties of department.

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

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

30 (2) Establish criteria for eligible single county

1 authorities applying for grant funding under the program.

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

5 (4) Promulgate rules and regulations as necessary to
6 implement this chapter.

7 (5) ~~In coordination with the Department of Corrections,~~ <--
8 ~~issue~~ ISSUE a report to the General Assembly relating to <--
9 ~~recidivism, deterrence,~~ relapses and overall effectiveness of <--
10 the program no later than one year from the effective date of
11 this section and no later than December 15 of each calendar
12 year thereafter.

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

16 (c) Statewide substance use disorder treatment assessment
17 coordinator.--To the extent that money is available, the
18 department may appoint a Statewide substance use disorder
19 treatment assessment coordinator. The coordinator may:

20 (1) Encourage and assist in the establishment of
21 substance use disorder treatment assessments in each judicial
22 district.

23 (2) Identify sources of funding for substance use
24 disorder treatment assessments, including the availability of
25 grants.

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

28 (4) Develop model guidelines for the administration of
29 substance use disorder treatment assessments.

30 (5) Establish procedures for monitoring substance use

1 disorder treatment assessments and for evaluating the
2 effectiveness of substance use disorder treatment
3 assessments.

4 (d) Advisory committee.--The department may establish, from
5 available money, an interdisciplinary and interbranch advisory
6 committee to advise and assist the Statewide substance use
7 disorder treatment assessment coordinator in monitoring and
8 administrating substance use disorder treatment assessments
9 Statewide.

10 Section 2. Title 42 is amended by adding a section to read:
11 § 918. Court assessments for substance use disorder treatment.

12 (a) Establishment.--~~Except as provided in subsection (b),~~ <--
13 ~~the~~ THE court of common pleas of a judicial district, a problem- <--
14 solving court and the Municipal Court of Philadelphia may order
15 an offender charged with a drug-related offense upon whom a
16 court imposes a sentence of confinement, intermediate
17 punishment, an alternative sentence, probation, Accelerated
18 Rehabilitative Disposition or a fine to be assessed by an
19 eligible provider to determine whether the use of a nonnarcotic
20 medication assisted substance use disorder treatment program may
21 be clinically appropriate for the offender. The court may adopt
22 local rules for substance use disorder treatment assessments.

23 The local rules may not be inconsistent with this section or any
24 rules established by the General Assembly or the Supreme Court.

25 ~~(b) Noneligibility. The following offenders are not~~ <--
26 ~~eligible for the program under subsection (a). An offender who:~~

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

28 ~~(2) Has been subject to a sentence which included an~~
29 ~~enhancement for the use of a deadly weapon as defined under~~
30 ~~law or the sentencing guidelines promulgated by the~~

Pennsylvania Commission on Sentencing.

(3) Has been found guilty or was convicted of an offense involving a deadly weapon, an offense under 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles) 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.

(4) Has been found guilty or previously convicted of or adjudicated delinquent for committing or attempting or conspiring to commit a personal injury crime as defined under section 103 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) Any offense for which registration is required

~~under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders).~~

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

~~(6) Received a criminal sentence under 42 Pa.C.S. § 9712.1 (relating to sentences for certain drug offenses committed with firearms) or has been found guilty, previously convicted or adjudicated delinquent for violating 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.~~

~~(7) Is awaiting trial or sentencing for additional criminal charges, if a conviction or sentence on the additional charges would cause the offender to become ineligible under this subsection.~~

~~(e) (B) Failure to participate.--If treatment is determined clinically appropriate by an eligible provider, an offender's failure to participate in a recommended treatment plan as determined by the court-ordered assessment may be considered by the court to be a probation or parole violation and treated as such under appropriate State or local court rules.~~ <--

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

~~"Drug-related offense." Except for the offenses listed under subsection (b), a A criminal offense which the court determines was motivated by the offender's consumption of or addiction to alcohol or a controlled substance, counterfeit, designer drug,~~ <--

1 drug, immediate precursor or marihuana, as those terms are
2 defined in the act of April 14, 1972 (P.L.233, No.64), known as
3 The Controlled Substance, Drug, Device and Cosmetic Act.

4 "Eligible provider." An organization or entity LICENSED BY <--
5 THE COMMONWEALTH capable of:

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

9 (2) providing an individualized treatment plan; and

10 (3) administering an FDA-approved nonnarcotic medication
11 indicated for use in treating a substance use disorder.

12 "Nonnarcotic medication assisted substance use disorder
13 treatment." A substance use disorder treatment that includes
14 the use of an FDA-approved nonnarcotic medication indicated for
15 use in treating a substance use disorder as well as counseling
16 and other substance use disorder treatment measures as deemed
17 clinically appropriate by an eligible provider.

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

20 § 9912. Supervisory relationship to offenders.

21 * * *

22 (e.2) Recommendation of offenders for nonnarcotic medication
23 assisted substance use disorder treatment.--

24 (1) An officer may recommend that an offender under
25 their supervision be assessed by an eligible provider to
26 determine whether the use of the program may be clinically
27 appropriate for the offender as described in section 918
28 (relating to court assessments for substance use disorder
29 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 LICENSED <--
4 BY THE COMMONWEALTH capable of:

5 (i) assessing an offender to determine if the
6 offender 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 an FDA-approved nonnarcotic
11 medication indicated for use in treating a substance use
12 disorder.

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

17 * * *

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

20 § 6153. Supervisory relationship to offenders.

21 * * *

22 (e.1) Recommendation of offenders for nonnarcotic medication
23 assisted substance use disorder treatment.--

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

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

1 paragraph:

2 "Eligible provider." An organization or entity LICENSED <--
3 BY THE COMMONWEALTH capable of:

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

8 (ii) providing an individualized treatment plan; and

9 (iii) administering an FDA-approved nonnarcotic
10 medication indicated for use in treating a substance use
11 disorder.

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

16 * * *

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