
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 449 Session of
2021

INTRODUCED BY LANGERHOLC, BARTOLOTTA, J. WARD, STEFANO, K. WARD,
YAW AND MENSCH, MARCH 18, 2021

REFERRED TO JUDICIARY, MARCH 18, 2021

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:

15 CHAPTER 52C

16 NONNARCOTIC MEDICATION

17 SUBSTANCE USE DISORDER TREATMENT PROGRAM

18 Sec.

19 52C01. Definitions.

20 52C02. Program established.

21 52C03. Single county authority requirements.

22 52C04. Use of grant funding.

1 52C05. Powers and duties of department.

2 § 52C01. 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 or the Philadelphia Municipal Court.

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 a Federal Drug Administration-approved
17 nonnarcotic medication indicated for use in treating a
18 substance use disorder.

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

26 "Program." The Nonnarcotic Medication Substance Use Disorder
27 Treatment Program established under section 58C02 (relating to
28 program established).

29 "Single county authority." An agency designated by the
30 Department of Health under the act of April 14, 1972 (P.L.221,

1 No.63), known as the Pennsylvania Drug and Alcohol Abuse Control
2 Act, to plan and coordinate drug and alcohol prevention,
3 intervention and treatment services for a geographic area which
4 may consist of one or more counties.

5 § 52C02. Program established.

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

17 § 52C03. Single county authority requirements.

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

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

22 (2) Enter into a contract with one or more eligible
23 providers as required under section 52C04 (relating to use of
24 grant funding).

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

27 § 52C04. Use of grant funding.

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

1 (1) Assess each offender to determine if the offender is
2 a candidate to be administered medication that prevents
3 relapse to substance use dependence.

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

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

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

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

19 (6) Establish a plan and timetable to collect and
20 disseminate the de-identified personal information to the
21 department relating to relapses and overall effectiveness of
22 the program.

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

27 § 52C05. Powers and duties of department.

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

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

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

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

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

8 (5) Issue a report to the General Assembly relating to
9 relapses and overall effectiveness of the program no later
10 than one year from the effective date of this section and no
11 later than December 15 of each calendar 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.--The court of common pleas of a judicial
12 district, a problem-solving court and the Philadelphia Municipal
13 Court may order an offender charged with a drug-related offense
14 upon whom a court imposes a sentence of confinement,
15 intermediate punishment, an alternative sentence, probation,
16 Accelerated Rehabilitative Disposition or a fine to be assessed
17 by an eligible provider to determine whether the use of a
18 nonnarcotic medication-assisted substance use disorder treatment
19 program may be clinically appropriate for the offender. The
20 court may adopt local rules for substance use disorder treatment
21 assessments. The local rules may not be inconsistent with this
22 section or any rules established by the General Assembly or the
23 Supreme Court.

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

30 (c) Definitions.--The following words and phrases when used

1 in this section shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

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

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 a Federal Drug Administration-approved
17 nonnarcotic medication indicated for use in treating a
18 substance use disorder.

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

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

28 § 9912. Supervisory relationship to offenders.

29 * * *

30 (e.2) Recommendation of offenders for nonnarcotic

1 medication-assisted substance use disorder treatment.--

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

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

11 "Eligible provider." An organization or entity licensed
12 by the Commonwealth capable of:

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

17 (ii) providing an individualized treatment plan; and

18 (iii) administering a Federal Drug Administration-
19 approved nonnarcotic medication indicated for use in
20 treating a substance use disorder.

21 "Program." The Nonnarcotic Medication Substance Use
22 Disorder Treatment Program established under 35 Pa.C.S. Ch.
23 52C (relating to Nonnarcotic Medication Substance Use
24 Disorder Treatment Program).

25 * * *

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

28 § 6153. Supervisory relationship to offenders.

29 * * *

30 (e.1) Recommendation of offenders for nonnarcotic

1 medication-assisted substance use disorder treatment.--

2 (1) An agent may recommend that an offender under their
3 supervision be assessed by an eligible provider to determine
4 whether the use of the program may be clinically appropriate
5 for the offender as described in 42 Pa.C.S. § 918 (relating
6 to court assessments for substance use disorder 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 licensed
11 by the Commonwealth capable of:

12 (i) assessing an offender to determine if the
13 offender 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 a Federal Drug Administration-
18 approved nonnarcotic medication indicated for use in
19 treating a substance use disorder.

20 "Program." The Nonnarcotic Medication Substance Use Disorder
21 Treatment Program established under 35 Pa.C.S. Ch. 52C (relating
22 to Nonnarcotic Medication Substance Use Disorder Treatment
23 Program).

24 * * *

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