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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 608 Session of  
2013

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INTRODUCED BY BISHOP, O'BRIEN, D. COSTA, THOMAS, V. BROWN AND  
KORTZ, FEBRUARY 8, 2013

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REFERRED TO COMMITTEE ON HUMAN SERVICES, FEBRUARY 8, 2013

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AN ACT

1 Amending the act of April 14, 1972 (P.L.221, No.63), entitled,  
2 as amended, "An act establishing the Pennsylvania Advisory  
3 Council on Drug and Alcohol Abuse; imposing duties on the  
4 Department of Health to develop and coordinate the  
5 implementation of a comprehensive health, education and  
6 rehabilitation program for the prevention and treatment of  
7 drug and alcohol abuse and drug and alcohol dependence;  
8 providing for emergency medical treatment; providing for  
9 treatment and rehabilitation alternatives to the criminal  
10 process for drug and alcohol dependence; and making repeals,"  
11 providing for involuntary commitment of drug-dependent  
12 persons.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 2(b) of the act of April 14, 1972  
16 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol  
17 Abuse Control Act, is amended by adding a definition to read:

18 Section 2. Definitions:

19 \* \* \*

20 (b) As used in this act:

21 \* \* \*

22 "Immediate family" means a parent, spouse, brother, sister,  
23 son or daughter.

1 \* \* \*

2 Section 2. The act is amended by adding a section to read:

3 Section 12.2. Commitment of Drug Dependent Persons.--(a) An  
4 immediate family member of a drug dependent person may petition  
5 the court of common pleas of the judicial district where the  
6 drug dependent person is domiciled for commitment of the drug  
7 dependent person to involuntary drug and alcohol treatment  
8 services, including inpatient services, if the drug dependent  
9 person is incapable of accepting or unwilling to accept  
10 voluntary treatment. The petition must set forth sufficient  
11 facts and good reason for the commitment.

12 (b) (1) Upon petition pursuant to subsection (a), the court  
13 shall order the person who is alleged to have a dependency on  
14 drugs or alcohol to undergo a drug and alcohol assessment  
15 performed by a psychiatrist, a licensed psychologist with  
16 specific training in drug and alcohol assessment and treatment  
17 or a certified addiction counselor.

18 (2) The assessment shall include a recommended level of care  
19 and length of treatment. An assessment completed by a certified  
20 addiction counselor shall be based on the Department of Health  
21 approved drug and alcohol level of care criteria and shall be  
22 reviewed by a case management supervisor in a single county  
23 authority.

24 (3) The court shall hear the testimony of the person  
25 performing the assessment at the hearing on the petition for  
26 involuntary commitment.

27 (c) Based on the assessment under subsection (b), the court  
28 may order the person committed to involuntary drug and alcohol  
29 treatment, including inpatient services, for up to ninety days  
30 if all of the following apply:

1 (1) The court finds by clear and convincing evidence that:  
2 (i) the person is a drug dependent person; and  
3 (ii) the person is incapable of accepting or unwilling to  
4 accept voluntary treatment services.

5 (2) The court finds that the person will benefit from  
6 involuntary treatment services.

7 (3) If the court decision is inconsistent with the level of  
8 care and length of treatment recommended by the assessment, the  
9 court shall include in its order a statement of facts and  
10 reasons for its disposition.

11 (d) (1) A respondent ordered to undergo treatment due to a  
12 determination pursuant to subsection (c) shall remain under the  
13 treatment designated by the court for a period of ninety days  
14 unless sooner discharged.

15 (2) Prior to the end of the ninety-day period, the court  
16 shall conduct a review hearing in accordance with subsection (c)  
17 for the purpose of determining whether further treatment is  
18 necessary. If the court determines that further treatment is  
19 necessary, the court may order the respondent recommitted to  
20 services for an additional period of treatment not to exceed  
21 ninety days unless sooner discharged.

22 (3) The court may continue the respondent in treatment for  
23 successive ninety-day periods pursuant to determinations that  
24 the person will benefit from services for an additional ninety  
25 days. The court may also order appropriate follow-up treatment.

26 (4) If the court finds, after hearing, that the respondent  
27 willfully failed to comply with an order, the court may declare  
28 the person in civil contempt of court and in its discretion make  
29 an appropriate order, including commitment of the respondent to  
30 prison for a period not to exceed six months.

1 (e) A hearing on a petition for court-ordered involuntary  
2 drug and alcohol treatment services shall be conducted according  
3 to the following:

4 (1) The respondent has the right to counsel and to the  
5 assistance of an expert in mental health.

6 (2) The respondent shall not be called as a witness without  
7 his consent.

8 (3) The respondent has the right to confront and cross-  
9 examine all witnesses and to present evidence.

10 (4) The hearing shall be public unless it is requested to be  
11 private by the respondent.

12 (5) A stenographic or other sufficient record shall be made,  
13 which shall be impounded by the court and may be obtained or  
14 examined only upon the request of the respondent or by order of  
15 the court for good cause.

16 (6) The hearing shall be conducted by a judge.

17 (7) A decision shall be rendered within forty-eight hours  
18 after the close of evidence. If no decision is rendered within  
19 that time period, the petition shall be deemed denied.

20 Section 3. This act shall take effect in 60 days.