

AN ACT

1 Establishing the Governor's Council On Drug and Alcohol Abuse;  
2 imposing duties on the council to develop and coordinate the  
3 implementation of a comprehensive health, education and  
4 rehabilitation program for the prevention and treatment of  
5 drug and alcohol abuse and drug and alcohol dependence;  
6 providing for emergency medical treatment; providing for  
7 treatment and rehabilitation alternatives to the criminal  
8 process for drug and alcohol dependence; and making repeals.  
9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Short Title.--This act shall be known and may be  
12 cited as the "Pennsylvania Drug and Alcohol Abuse Control Act."

13 Section 2. Definitions:

14 (a) The definitions contained and used in the Controlled  
15 Substance, Drug, Device and Cosmetic Act shall also apply for  
16 the purposes of this act.

17 (b) As used in this act:

18 "Controlled substance" means a drug, substance, or immediate  
19 precursor in Schedules I through V of the Controlled Substance,  
20 Drug, Device and Cosmetic Act.

21 "Council" means the Governor's Council On Drug and Alcohol  
22 Abuse established by this act.

23 "Court" means all courts of the Commonwealth of Pennsylvania,  
24 including magistrates and justices of the peace.

25 "Director" means the Executive Director of the Governor's  
26 Council On Drug and Alcohol Abuse.

27 "Drug" means (i) substances recognized in the official United  
28 States Pharmacopeia, or official National Formulary, or any  
29 supplement to either of them; and (ii) substances intended for  
30 use in the diagnosis, cure, mitigation, treatment or prevention  
31 of disease in man or other animals; and (iii) substances (other

1 than food) intended to affect the structure or any function of  
2 the body of man or other animals; and (iv) substances intended  
3 for use as a component of any article specified in clause (i),  
4 (ii) or (iii), but not including devices or their components,  
5 parts or accessories.

6 "Drug abuser" means any person who uses any controlled  
7 substance under circumstances that constitute a violation of the  
8 law.

9 "Drug dependent person" means a person who is using a drug,  
10 controlled substance or alcohol, and who is in a state of  
11 psychic or physical dependence, or both, arising from  
12 administration of that drug, controlled substance or alcohol on  
13 a continuing basis. Such dependence is characterized by  
14 behavioral and other responses which include a strong compulsion  
15 to take the drug, controlled substance or alcohol on a  
16 continuous basis in order to experience its psychic effects, or  
17 to avoid the discomfort of its absence. This definition shall  
18 include those persons commonly known as "drug addicts."

19 "Emergency medical services" includes all appropriate short  
20 term services for the acute effects of abuse and dependence  
21 which: (i) are available twenty-four hours a day; (ii) are  
22 community based and located so as to be quickly and easily  
23 accessible to patients; (iii) are affiliated with and constitute  
24 an integral (but not necessarily physical) part of the general  
25 medical services of a general hospital; and (iv) provide drug  
26 and alcohol withdrawal and other appropriate medical care and  
27 treatment, medical examination, diagnosis, and classification  
28 with respect to possible dependence, and referral for other  
29 treatment and rehabilitation.

30 "Government attorney" means an attorney authorized to

1 represent the Commonwealth or any political subdivision in any  
2 judicial proceeding within the scope of this act.

3 "Inpatient services" includes all treatment and  
4 rehabilitation services for drug and alcohol abuse and  
5 dependence provided for a resident patient while he spends full  
6 time in a treatment institution including but not limited to a  
7 hospital, rehabilitative center, residential facility, hostel or  
8 foster home.

9 "Outpatient services" means all treatment and rehabilitation  
10 services, including but not limited to medical, psychological,  
11 vocational and social rehabilitational services, for drug and  
12 alcohol abuse and dependence provided while the patient is not a  
13 resident of a treatment institution.

14 "Prevention and treatment" means all appropriate forms of  
15 educational programs and services (including but not limited to  
16 radio, television, films, books, pamphlets, lectures, adult  
17 education and school courses); planning, coordinating,  
18 statistical, research, training, evaluation, reporting,  
19 classification, and other administrative, scientific or  
20 technical programs or services; and screening, diagnosis,  
21 treatment (emergency medical services, inpatient services,  
22 intermediate care and outpatient services), vocational  
23 rehabilitation, job training and referral, and other  
24 rehabilitation programs or services.

25 "State plan" means the master State plan for the control,  
26 prevention, treatment, rehabilitation, research, education and  
27 training aspects of drug and alcohol abuse and dependence  
28 problems.

29 "Welfare assistance" means "assistance" as defined in section  
30 402 of the Public Welfare Code and "State Blind Pension" as

1 defined by section 502 of the Public Welfare Code.

2 Section 3. Council Established.--(a) There is hereby  
3 established a Governor's Council On Drug and Alcohol Abuse which  
4 shall develop, adopt and coordinate the implementation of a  
5 comprehensive health, education and rehabilitation program for  
6 the prevention and treatment of drug and alcohol abuse and  
7 dependence.

8 (b) The council shall be composed of the Governor, who shall  
9 serve as chairman of the council, and six other members at least  
10 four of whom shall be public members who shall be appointed by  
11 the Governor and who shall have substantial training or  
12 experience in the fields of drug or alcohol education,  
13 rehabilitation, treatment or enforcement. Officers and employes  
14 of the Commonwealth may be appointed as members of the council.  
15 Each member of the council, who is not otherwise an officer or  
16 employe of the Commonwealth, when actually engaged in official  
17 meetings or otherwise in the performance of his official duties  
18 as directed by the chairman, shall receive reimbursement for  
19 expenses incurred and per diem compensation at a rate to be set  
20 by the Executive Board.

21 (c) A majority of the members shall constitute a quorum for  
22 the purpose of conducting the business of the council, and  
23 exercising all of its powers. A vote of the majority of the  
24 members present shall be sufficient for all actions of the  
25 council.

26 (d) The council shall have the power to prescribe, amend and  
27 repeal bylaws, rules and regulations governing the manner in  
28 which the business of the body is conducted and the manner in  
29 which the powers granted to it are exercised.

30 (e) The council shall delegate supervision of the

1 administration of council activities to an Executive Director  
2 and such other employes as the chairman shall appoint. All  
3 employes shall possess adequate qualifications and competence.  
4 Some employes may have been drug and alcoholic abusers or drug  
5 dependent persons. Prior criminal convictions shall not be a bar  
6 to such employment. Responsibilities of the council may be  
7 delegated to the Executive Director or other designated staff  
8 members. Further, the Executive Director may, with the approval  
9 of the council, employ personnel or consultants necessary in  
10 coordinating the formulation, implementation and evaluation of  
11 the State plan and in carrying out the council's  
12 responsibilities under this act.

13 Section 4. Council's Powers and Responsibilities.--(a) The  
14 council shall develop and adopt a State plan for the control,  
15 prevention, treatment, rehabilitation, research, education, and  
16 training aspects of drug and alcohol abuse and dependence  
17 problems. The State plan shall include, but not be limited to,  
18 provision for:

19 (1) Coordination of the efforts of all State agencies in the  
20 control, prevention, treatment, rehabilitation, research,  
21 education, and training aspects of drug and alcohol abuse and  
22 dependence problems. It shall allocate functional responsibility  
23 for these aspects of the drug and alcohol abuse and dependence  
24 problems among the various State agencies so as to avoid  
25 duplications and inconsistencies in the efforts of the agencies.

26 (2) Coordination of all health and rehabilitation efforts to  
27 deal with the problem of drug and alcohol abuse and dependence,  
28 including, but not limited to, those relating to vocational  
29 rehabilitation, manpower development and training, senior  
30 citizens, law enforcement assistance, parole and probation

1 systems, jails and prisons, health research facilities, mental  
2 retardation facilities and community mental health centers,  
3 juvenile delinquency, health professions, educational  
4 assistance, hospital and medical facilities, social security,  
5 community health services, education professions development,  
6 higher education, Commonwealth employes health benefits,  
7 economic opportunity, comprehensive health planning, elementary  
8 and secondary education, highway safety and the civil service  
9 laws.

10 (3) Encouragement of the formation of local agencies and  
11 local coordinating councils, and promotion of cooperation, and  
12 coordination among such groups, and encouragement of  
13 communication of ideas and recommendations from such groups to  
14 the council.

15 (4) Development of model drug and alcohol abuse and  
16 dependence control plans for local government, utilizing the  
17 concepts incorporated in the State plan. The model plans shall  
18 be reviewed on a periodic basis but not less than once a year,  
19 and revised to keep them current. They shall specify how all  
20 types of community resources and existing Federal and  
21 Commonwealth legislation may be utilized.

22 (5) Assistance and consultation to local governments, public  
23 and private agencies, institutions, and organizations, and  
24 individuals with respect to the prevention and treatment of drug  
25 and alcohol abuse and dependence, including coordination of  
26 programs among them.

27 (6) Cooperation with organized medicine to disseminate  
28 medical guidelines for the use of drugs and controlled  
29 substances in medical practice.

30 (7) Coordination of research, scientific investigations,

1 experiments, and studies relating to the cause, epidemiology,  
2 sociological aspects, toxicology, pharmacology, chemistry,  
3 effects on health, dangers to public health, prevention,  
4 diagnosis and treatment of drug and alcohol abuse and  
5 dependence.

6 (8) Investigation of methods for the more precise detection  
7 and determination of alcohol and controlled substances in urine  
8 and blood samples, and by other means, and publication on a  
9 current basis of uniform methodology for such detections and  
10 determinations.

11 Any information obtained through scientific investigation or  
12 research conducted pursuant to this act shall be used in ways so  
13 that no name or identifying characteristics of any person shall  
14 be divulged without the approval of the council and the consent  
15 of the person concerned. Persons engaged in research pursuant to  
16 this section shall protect the privacy of individuals who are  
17 the subject of such research by withholding from all persons not  
18 connected with the conduct of such research the names or other  
19 identifying characteristics of such individuals. Persons engaged  
20 in such research shall protect the privacy of such individuals  
21 and may not be compelled in any Federal, State, civil, criminal,  
22 administrative, legislative, or other proceeding to identify  
23 such individuals.

24 (9) Establishment of training programs for professional and  
25 nonprofessional personnel with respect to drug and alcohol abuse  
26 and dependence, including the encouragement of such programs by  
27 local governments.

28 (10) Development of a model curriculum, including the  
29 provision of relevant data and other information, for  
30 utilization by elementary and secondary schools for instructing

1 children, and for parent-teachers' associations, adult education  
2 centers, private citizen groups, or other State and local  
3 sources, for instruction of parents and other adults, about drug  
4 and alcohol abuse and dependence.

5 (11) Preparation of a broad variety of educational material  
6 for use in all media, to reach all segments of the population,  
7 that can be utilized by public and private agencies,  
8 institutions, and organizations in educational programs with  
9 respect to drug and alcohol abuse and dependence.

10 (12) Establishment of educational courses, including the  
11 provision of relevant data and other information, on the causes  
12 and effects of, and treatment for, drug and alcohol abuse and  
13 dependence, for law enforcement officials (including prosecuting  
14 attorneys, court personnel, the judiciary, probation and parole  
15 officers, correctional officers and other law enforcement  
16 personnel), welfare, vocational rehabilitation, and other State  
17 and local officials who come in contact with drug abuse and  
18 dependence problems.

19 (13) Recruitment, training, organization and employment of  
20 professional and other persons, including former drug and  
21 alcohol abusers and dependent persons, to organize and  
22 participate in programs of public education.

23 (14) Treatment and rehabilitation services for male and  
24 female juveniles and adults who are charged with, convicted of,  
25 or serving a criminal sentence for any criminal offense under  
26 the law of this Commonwealth. Provision of similar services  
27 shall be made for juveniles adjudged to be delinquent, dependent  
28 or neglected. These services shall include but are not limited  
29 to: (i) emergency medical services; (ii) inpatient services; and  
30 (iii) intermediate care, rehabilitative and outpatient services.

1 The State plan shall give priority to developing community  
2 based drug or alcohol abuse treatment services in a cooperative  
3 manner among State and local governmental agencies and  
4 departments and public and private agencies, institutions and  
5 organizations. Consideration shall be given to supportive  
6 medical care, services, or residential facilities for drug or  
7 alcohol dependent persons for whom treatment has repeatedly  
8 failed and for whom recovery is unlikely.

9 The council shall develop as part of the State plan and  
10 require the establishment of a system of emergency medical  
11 services for persons voluntarily seeking treatment, for persons  
12 admitted and committed pursuant to the provisions of section 5  
13 of this act, and for persons charged with a crime under  
14 Pennsylvania law. Upon the establishment of such emergency  
15 medical services, the council, by regulation, shall require that  
16 appropriate emergency medical services be made available to all  
17 drug and alcohol abusers who are arrested for a crime under  
18 Pennsylvania law.

19 The State plan shall further provide standards for the  
20 approval by the relevant State agency for all private and public  
21 treatment and rehabilitative facilities, which may include but  
22 are not limited to State hospitals and institutions, public and  
23 private general hospitals, community mental health centers or  
24 their contracting agencies, and public and private drug or  
25 alcohol dependence and drug and alcohol abuse and dependence  
26 treatment and rehabilitation centers.

27 (15) Grants and contracts from the appropriate State  
28 department or agency for the prevention and treatment of drug  
29 and alcohol dependence. The grants and contracts may include  
30 assistance to local governments and public and private agencies,

1 institutions, and organizations for prevention, treatment,  
2 rehabilitation, research, education and training aspects of the  
3 drug and alcohol abuse and dependence problems with the  
4 Commonwealth. Any grant made or contract entered into by a  
5 department or agency shall be pursuant to the functions  
6 allocated to that department or agency by the State plan.

7 (16) Preparation of general regulations for, and operation  
8 of, programs supported with assistance under this act.

9 (17) Establishment of priorities for deciding allocation of  
10 the funds under this act.

11 (18) Review the administration and operation of programs  
12 under this act, including the effectiveness of such programs in  
13 meeting the purposes for which they are established and  
14 operated, and make annual reports of its findings.

15 (19) Evaluate the programs and projects carried out under  
16 this act and disseminate the results of such evaluations.

17 (20) Establish such advisory committees as the council may  
18 deem necessary to assist the council in fulfilling its  
19 responsibilities under this act.

20 (b) In developing the State plan initially, and prior to its  
21 amendment annually, the council shall hold a public hearing at  
22 least thirty days prior to the adoption of the initial State  
23 plan and subsequent amendments and shall afford thereby all  
24 interested persons an opportunity to present their views thereon  
25 either orally or in writing. The council, through its Executive  
26 Director and staff, shall consult and collaborate with  
27 appropriate Federal and State and local departments, boards,  
28 agencies and governmental units, and with appropriate public and  
29 private agencies, institutions, groups and organizations.

30 Otherwise the promulgation of the State plan shall conform to

1 the procedure contained in the Commonwealth Documents Law.

2 (c) The council in accordance with the State plan shall  
3 allocate the responsibility for all services, programs and other  
4 efforts provided for therein among the appropriate departments,  
5 agencies and other State personnel. The council, through its  
6 Executive Director and other employes, shall have the power and  
7 its duty shall be to implement compliance with the provisions of  
8 the State plan and to coordinate all such efforts.

9 (d) The council shall submit a written report of the State  
10 plan to the General Assembly as soon as practicable, but not  
11 later than one year after the effective date of this act.

12 (e) The council shall gather and publish statistics  
13 pertaining to drug and alcohol abuse and dependence and  
14 promulgate regulations, with the approval of the chairman,  
15 specifying uniform statistics to be obtained, records to be  
16 maintained and reports to be submitted, by public and private  
17 departments, agencies, organizations, practitioners, and other  
18 persons with respect to drug and alcohol abuse and dependence,  
19 and related problems. Such statistics and reports shall not  
20 reveal the identity of any patient or drug or alcohol dependent  
21 person or other confidential information.

22 (f) The council shall establish an information center, which  
23 will attempt to gather and contain all available published and  
24 unpublished data and information on the problems of drug and  
25 alcohol abuse and dependence. All Commonwealth departments and  
26 agencies shall send to the council any data and information  
27 pertinent to the cause, prevention, diagnosis and treatment of  
28 drug and alcohol abuse and dependence, and the toxicology,  
29 pharmacology, effects on the health of drug and alcohol abusers  
30 and danger to the public health of alcohol, drugs and controlled

1 substances, and the council shall make such data and information  
2 widely available.

3 (g) To facilitate the effectuation of the purposes of this  
4 act, the council, through its Executive Director, shall require  
5 all appropriate local and State departments, agencies,  
6 institutions and others engaged in implementing the State plan  
7 to submit as often as necessary, but no less often than  
8 annually, reports detailing the activities and effects of the  
9 efforts of the aforementioned and recommending appropriate  
10 amendments to the State plan. The Executive Director may direct  
11 at his discretion a performance audit of any activity engaged in  
12 pursuant to the State plan.

13 (h) The council shall submit an annual report to the General  
14 Assembly which shall specify the actions taken and services  
15 provided and funds expended under each provision of this act and  
16 an evaluation of their effectiveness, and which shall contain  
17 the current State plan. The council shall submit such additional  
18 reports as may be requested by the General Assembly and such  
19 recommendations as will further the prevention, treatment, and  
20 control of drug and alcohol abuse and dependence.

21 (i) The council shall make provision for facilities in each  
22 city or region or catchment area which shall provide information  
23 about the total Commonwealth drug and alcohol abuse and drug and  
24 alcohol dependency programs and services.

25 (j) The council may, for the authentication of its records,  
26 process and proceedings, adopt, keep and use a common seal of  
27 which seal judicial notice shall be taken in all courts of this  
28 Commonwealth and any process, writ, notice or other document,  
29 which the council may be authorized by law to issue, shall be  
30 deemed sufficient if signed by the chairman or secretary of the

1 council and authenticated by such seal. All acts, proceedings,  
2 orders, papers, findings, minutes and records of the council and  
3 all reports and documents filed with the council, may be proved  
4 in any court of this Commonwealth by a copy thereof certified to  
5 by the chairman or secretary of the council with the seal of the  
6 council attached.

7 Section 5. Admissions and Commitments.--Admissions and  
8 commitments to treatment facilities may be made according to the  
9 procedural admission and commitment provisions of the act of  
10 October 20, 1966 (P.L.96), known as the "Mental Health and  
11 Mental Retardation Act of 1966."

12 Section 6. Drug or Alcohol Abuse Services in Correctional  
13 Institutions, Juvenile Detention Facilities and on Probation and  
14 Parole.--(a) The services established by this act shall be used  
15 by the Department of Justice and the Department of Public  
16 Welfare for drug and alcohol abusers or drug and alcohol  
17 dependent offenders, including juveniles, placed on work  
18 release, probation, parole, or other conditional release. The  
19 council shall coordinate the development of and encourage State  
20 and appropriate local agencies and departments including the  
21 Bureau of Correction and Board of Probation and Parole, pursuant  
22 to the State plan, to establish community based drug and alcohol  
23 abuse treatment services and of drug and alcohol abuse treatment  
24 services in State and county correctional institutions.

25 Medical detoxification and treatment shall be provided for  
26 persons physically dependent upon alcohol or controlled  
27 substances at correctional institutions and juvenile detention  
28 facilities or in available appropriate medical facilities.

29 (b) The conditional release of any drug or alcohol abuser or  
30 drug or alcohol dependent person convicted of any Commonwealth

1 offense may be conditioned on the person's agreement to periodic  
2 urinalysis or other reasonable means of detecting controlled  
3 substances or alcohol within the body.

4 (c) The Bureau of Correction and Board of Probation and  
5 Parole and appropriate local agencies may transfer an offender  
6 placed on conditional release from one treatment service to  
7 another depending upon his response to treatment. The decision  
8 whether to retain or to restrict or to revoke probation or  
9 parole or other conditional release after failure to conform to  
10 a schedule for rehabilitation shall be made on the basis of what  
11 is most consistent with both the rehabilitation of the  
12 individual and the safety of the community. All reasonable  
13 methods of treatment shall be used to prevent relapses and to  
14 promote rehabilitation. The council shall provide periodic  
15 reports and recommendations to the Bureau of Correction and  
16 Board of Probation and Parole and appropriate local agencies on  
17 persons being treated pursuant to this section.

18 Section 7. Retention of Civil Rights and Liberties.--A  
19 person receiving care or treatment under the provisions of this  
20 act shall retain all of his civil rights and liberties except as  
21 provided by law.

22 Section 8. Confidentiality of Records.--(a) A complete  
23 medical, social, occupational, and family history shall be  
24 obtained as part of the diagnosis, classification and treatment  
25 of a patient pursuant to this act. Copies of all pertinent  
26 records from other agencies, practitioners, institutions, and  
27 medical facilities shall be obtained in order to develop a  
28 complete and permanent confidential personal history for  
29 purposes of the patient's treatment.

30 (b) All patient records (including all records relating to

1 any commitment proceeding) prepared or obtained pursuant to this  
2 act, and all information contained therein, shall remain  
3 confidential, and may be disclosed only with the patient's  
4 consent and only (i) to medical personnel exclusively for  
5 purposes of diagnosis and treatment of the patient or (ii) to  
6 government or other officials exclusively for the purpose of  
7 obtaining benefits due the patient as a result of his drug or  
8 alcohol abuse or drug or alcohol dependence except that in  
9 emergency medical situations where the patient's life is in  
10 immediate jeopardy, patient records may be released without the  
11 patient's consent to proper medical authorities solely for the  
12 purpose of providing medical treatment to the patient.

13 Disclosure may be made for purposes unrelated to such treatment  
14 or benefits only upon an order of a court of common pleas after  
15 application showing good cause therefor. In determining whether  
16 there is good cause for disclosure, the court shall weigh the  
17 need for the information sought to be disclosed against the  
18 possible harm of disclosure to the person to whom such  
19 information pertains, the physician-patient relationship, and  
20 to the treatment services, and may condition disclosure of the  
21 information upon any appropriate safeguards. No such records or  
22 information may be used to initiate or substantiate criminal  
23 charges against a patient under any circumstances.

24 (c) All patient records and all information contained  
25 therein relating to drug or alcohol abuse or drug or alcohol  
26 dependence prepared or obtained by a private practitioner,  
27 hospital, clinic, drug rehabilitation or drug treatment center  
28 shall remain confidential and may be disclosed only with the  
29 patient's consent and only (i) to medical personnel exclusively  
30 for purposes of diagnosis and treatment of the patient or (ii)

1 to government or other officials exclusively for the purpose of  
2 obtaining benefits due the patient as a result of his drug or  
3 alcohol abuse or drug or alcohol dependence except that in  
4 emergency medical situations where the patient's life is in  
5 immediate jeopardy, patient records may be released without the  
6 patient's consent to proper medical authorities solely for the  
7 purpose of providing medical treatment to the patient.

8 Section 9. Welfare.--(a) Drug and alcohol abuse and  
9 dependence shall, for the purpose of all State welfare programs  
10 be regarded as a major health and economic problem.

11 (b) State agencies charged with administering such welfare  
12 programs shall take action to reduce the incidence of financial  
13 indigency and family disintegration caused by drug and alcohol  
14 abuse and dependence, and treatment and rehabilitation services  
15 shall be provided for those persons enrolled in welfare programs  
16 whose financial eligibility for such assistance results, in part  
17 or in whole, from drug and alcohol dependence.

18 (c) Persons otherwise eligible for such welfare assistance  
19 shall not be ineligible for such assistance because of drug and  
20 alcohol abuse and dependence unless they refuse to accept  
21 available treatment and rehabilitation services. Any person  
22 whose financial eligibility for such assistance results in whole  
23 or in part, from drug and alcohol abuse or dependence shall be  
24 provided appropriate treatment and rehabilitation services. Upon  
25 receipt of substantial evidence of such alcohol or drug  
26 dependency or abuse, the Department of Public Welfare shall  
27 refer said welfare recipient to the mental health-mental  
28 retardation program of the recipient's catchment area or to any  
29 other approved treatment program, which shall provide an  
30 appropriate examination. Treatment and rehabilitation services

1 will be deemed to be necessary and will be considered to be  
2 available upon a certification by the administrator of the  
3 community mental health-mental retardation program for the  
4 catchment area in which the recipient resides that: (i) the  
5 recipient's financial eligibility for such assistance results in  
6 whole or in part from drug or alcohol abuse or dependence, (ii)  
7 the services will more likely than not be appropriate for the  
8 recipient, and (iii) the services can accommodate the recipient.  
9 After such certification, participation by the recipient in the  
10 available program shall be a requirement for continuing  
11 eligibility for such assistance, in the absence of good cause  
12 for nonparticipation.

13 (d) Any recipient of welfare assistance whose inability to  
14 work or to participate in a work training program is the result  
15 of drug and alcohol abuse or dependence shall be excused from  
16 such participation only on condition that he accept appropriate  
17 treatment and rehabilitation services made available to him and  
18 continue to participate until discharged by the director in  
19 charge of his program. Withdrawal from such program prior to  
20 proper discharge shall constitute reason to discontinue welfare  
21 assistance.

22 Section 10. General.--Drug and alcohol abuse or dependence  
23 shall be regarded as a health problem, sickness, physical and  
24 mental illness, disease, disability, or similar term, for  
25 purposes of all legislation relating to health, welfare, and  
26 rehabilitation programs, services, funds and other benefits.

27 Section 11. Admission to Private and Public Hospitals.--Drug  
28 and alcohol abusers and drug and alcohol dependent persons shall  
29 be admitted to and treated in appropriate facilities of private  
30 and public hospitals on the basis of medical need and shall not

1 be discriminated against because of their drug or alcohol abuse  
2 or dependence.

3 Section 12. Consent of Minor.--Notwithstanding any other  
4 provisions of law, a minor who suffers from the use of a  
5 controlled or harmful substance may give consent to furnishing  
6 of medical care or counseling related to diagnosis or treatment.  
7 The consent of the parents or legal guardian of the minor shall  
8 not be necessary to authorize medical care or counseling related  
9 to such diagnosis or treatment. The consent of the minor shall  
10 be valid and binding as if the minor had achieved his majority.  
11 Such consent shall not be voidable nor subject to later  
12 disaffirmance because of minority. Any physician or any agency  
13 or organization operating a drug abuse program, who provides  
14 counseling to a minor who uses any controlled or harmful  
15 substance may, but shall not be obligated to inform the parents  
16 or legal guardian of any such minor as to the treatment given or  
17 needed.

18 Section 13. Financial Obligations.--Except for minors, all  
19 persons receiving treatment under this act shall be subject to  
20 the provisions of Article V of the act of October 20, 1966  
21 (P.L.96), known as the "Mental Health and Mental Retardation Act  
22 of 1966," in so far as it relates to liabilities and payments  
23 for services rendered by the Commonwealth.

24 Section 14. Savings Provision.--The provisions of this act  
25 shall not affect any act done, liability incurred, or right  
26 accrued or vested, or affect any suit or prosecution pending to  
27 enforce any right or penalty or punish any offense under the  
28 authority of any act of Assembly, or part thereof, repealed by  
29 this act.

30 Section 15. Repeals.--(a) The following acts and parts of

1 act are repealed to the extent indicated:

2 (1) Clause (4) of subsection (a) of section 616, act of  
3 April 29, 1959 (P.L.58), known as "The Vehicle Code,"  
4 absolutely.

5 (2) Except sections 1 and 4, the act of August 20, 1953  
6 (P.L.1212), entitled "An act providing for the study of the  
7 problems of alcoholism; the treatment, commitment,  
8 rehabilitation and protection of persons addicted to the  
9 excessive use of alcoholic beverages; conferring powers and  
10 imposing duties upon the courts and the Department of Health;  
11 and making an appropriation," absolutely.

12 (3) The act of January 14, 1952 (P.L.1868), entitled "An act  
13 providing for treatment and cure in designated State  
14 institutions of persons habitually addicted to the use of  
15 opiates, and for their admission to and care therein and the  
16 payment of the cost thereof; and making an appropriation,"  
17 absolutely.

18 (b) All other acts and parts of acts, general, local and  
19 special, are repealed in so far as they are inconsistent  
20 herewith.