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**THE GENERAL ASSEMBLY OF PENNSYLVANIA**

SENATE BILL

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| No. | 10 | Session of  2024 |

INTRODUCED BY

REFERRED TO HEALTH AND HUMAN SERVICES

AN ACT

Providing for involuntary examination and treatment of substance use disorders.

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

Section 1. INVOLUNTARY EXAMINATION AND TREATMENT OF

SUBSTANCE USE DISORDERS

Section 101-A. Definitions.

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

"Drug." A substance that produces a physiological effect when ingested or introduced into the body. The term includes an illicit or legal substance.

"Substance use disorder." A treatable mental health condition that affects a person's brain and behavior, leading to the person's inability to control the person's use of legal or illegal drugs, alcohol or medications.

Section 102-A. Applicability to persons with substance use disorders.

(a) Construction.--A person with a substance use disorder who has experienced a drug overdose event may be construed as a person who is mentally ill under this act.

(b) Immunity.--A person with a substance use disorder who has experienced a drug overdose event may not be charged and shall be immune from prosecution and for a violation of probation or parole if law enforcement only became aware of the person's commission because the person received involuntary treatment under this act.

(c) The following shall apply:

(1) This subsection may not interfere with or prevent the investigation, arrest, charging or prosecution of a person for the delivery or distribution of a controlled substance, or drug-induced homicide.

(2) An enforcement officer or prosecuting attorney who, acting in good faith, charges a person who is thereafter determined to be entitled to immunity under this subsection shall not be subject to civil liability for the filing of the charges.

Section 103-A.  Persons who may be subject to involuntary emergency examination and treatment.

If a person experiences a drug overdose event, the person shall be in need of immediate treatment for the substance use disorder if the person has been given a life-sustaining drug by an individual, EMS provider or physician for an intentional or unintentional drug overdose or the person has been transported to a hospital for an intentional or unintentional drug overdose.

Section 104-A.  Involuntary emergency examination and treatment authorized by physician or substance use disorder treatment provider.

(a)  Application for examination.--Emergency examination may be undertaken at a treatment facility upon any of the following:

(1) The certification of a physician or substance use disorder treatment provider stating the need for the examination.

(2) A warrant issued by the county administrator authorizing the examination.

(3) Without a warrant, an application by a physician, substance use disorder treatment provider or other authorized person who has personally observed conduct showing the need for the examination.

(b)  Notification of rights at emergency examination.--Upon arrival at the facility, the person shall be informed of the reasons for emergency examination and of the right to communicate immediately with others. The person shall be given reasonable use of the telephone. The person shall be requested to furnish the names of parties whom the person may want notified of the persons custody and kept informed of the status. The county administrator or the director of the facility shall have the following duties:

(1) Give notice to the parties of the whereabouts and status of the person, how and when the person may be contacted and visited and how they may obtain information concerning the person while in inpatient treatment.

(2) Take reasonable steps to ensure that while the person is detained, the health and safety needs of any of the person's dependents are met and personal property and the premises the person occupies are secure.

(c)  Duration of emergency examination and treatment.--A person who is in treatment under this section shall be discharged whenever it is determined that the person no longer is in need of treatment and in any event within 120 hours

Section 2. This act shall take effect in 60 days.