

AN ACT

1 Authorizing police departments to establish and administer an
2 ANGEL Program that assists eligible individuals in
3 identifying and receiving treatment for opioid use disorder;
4 and imposing powers and duties on the Attorney General.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the ANGEL Act.

9 Section 2. Findings and declarations.

10 The General Assembly finds and declares as follows:

11 (1) Opioid use disorder should be treated as a health
12 issue, not a crime.

13 (2) Combating opioid use disorder requires a
14 multifaceted approach that utilizes intervention, prevention
15 and rehabilitation efforts within the communities of our
16 Commonwealth.

17 (3) Allowing law enforcement officials to assist those
18 with opioid use disorder in locating treatment will provide

1 an additional tool in fighting opioid use disorder.

2 Section 3. Definitions.

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

6 "ANGEL Program" or "program." An ANGEL Program established
7 and operated by a qualified police department in accordance with
8 this act.

9 "Controlled substance." As defined in section 2 of the act
10 of April 14, 1972 (P.L.233, No.64), known as The Controlled
11 Substance, Drug, Device and Cosmetic Act.

12 "Designer drug." As defined in section 2 of The Controlled
13 Substance, Drug, Device and Cosmetic Act.

14 "Drug paraphernalia." As defined in section 2 of The
15 Controlled Substance, Drug, Device and Cosmetic Act.

16 "Individualized treatment plan." A treatment plan developed
17 for a specific participant.

18 "Opioid use disorder." The use of prescription or
19 nonprescription opioids resulting in a physical dependency which
20 requires treatment or intervention.

21 "Participant." An individual who is approved to participate
22 in a program for the purpose of receiving treatment for opioid
23 use disorder.

24 "Qualified police department." A police department in this
25 Commonwealth that operates a program in accordance with this
26 act.

27 "Qualified volunteer." An individual who is approved by a
28 qualified police department to assist participants in a program.

29 Section 4. ANGEL Program.

30 (a) Authorization.--A police department may establish and

1 operate a program in accordance with this act.

2 (b) Guidelines to be developed.--

3 (1) The Attorney General shall, within 120 days of the
4 effective date of this section and in consultation with the
5 Pennsylvania State Police and a Statewide association
6 representing chiefs of police, develop guidelines for a
7 program, to be known as an ANGEL Program, that assists
8 individuals who suffer from opioid use disorder and who meet
9 the eligibility criteria of this act to identify and receive
10 appropriate treatment.

11 (2) Eligible individuals utilizing the ANGEL Program
12 offered by a qualified police department may not be charged
13 for a criminal offense related to the possession of
14 controlled substances, designer drugs or drug paraphernalia
15 if the individual successfully completes an individualized
16 treatment plan.

17 (3) In the development of the guidelines, the Attorney
18 General shall consider eligibility of individuals with opioid
19 use disorder seeking the assistance of a qualified police
20 department at a police station as well as in the field.

21 (4) Guidelines established by the Attorney General shall
22 be consistent with this act.

23 (c) Application.--Prior to operating a program, a police
24 department must apply to the Attorney General for approval to be
25 designated as a qualified police department. The application
26 shall be in such form and contain such information as required
27 by the Attorney General.

28 (d) Review of application.--

29 (1) The Attorney General shall review an application
30 submitted under subsection (c) and, if the application

1 complies with the guidelines developed under subsection (b),
2 approve the applicant as a qualified police department.
3 Otherwise, the application shall be denied and the reason for
4 the denial shall be submitted in writing to the applicant.

5 (2) The Attorney General shall conclude a review of an
6 application and notify the police department of the approval
7 or denial of the application within 90 days of receipt.

8 (3) The Attorney General shall forward a copy of the
9 approval to the district attorney of the county in which the
10 qualified police department is located.

11 Section 5. Program operation.

12 (a) Process.--At a minimum, a program shall operate as
13 follows:

14 (1) When a potential participant arrives at a qualified
15 police department, a police officer shall be assigned to the
16 potential participant.

17 (2) The police officer shall determine the eligibility
18 of the potential participant and confirm that the potential
19 participant has completed the required program application
20 and participant agreement developed by the qualified police
21 department and approved by the Attorney General.

22 (3) If the police officer determines that the individual
23 is eligible to participate in the program, the police officer
24 may utilize and contact a qualified volunteer for the purpose
25 of learning the circumstance of the participant, educating
26 the participant on the rehabilitative process, providing
27 moral support for the participant and assisting in the
28 identification of available treatment facilities.

29 (4) The qualified volunteer or police officer shall
30 contact a treatment facility that may assist the qualified

1 police department in determining an individualized treatment
2 plan for the participant and may provide opioid use disorder
3 treatment.

4 (5) If the qualified volunteer or police officer
5 determines that placement in a treatment facility is not
6 available, the qualified volunteer or police officer may not
7 permit the participant to leave the qualified police
8 department without locating a safe place to temporarily
9 reside and shall determine an alternative plan to seek other
10 opioid use disorder treatment.

11 (b) Duty to contact emergency dispatch.--

12 (1) If at any time a participant or potential
13 participant shows signs or symptoms of withdrawal or requests
14 emergency medical attention, the police department or
15 qualified volunteer shall contact emergency dispatch.

16 (2) Nothing in this subsection shall be construed to
17 prohibit an individual who may obtain a supply of naloxone
18 from administering a supply of naloxone to an individual
19 undergoing, or who is reasonably believed to be undergoing,
20 an opioid-related drug overdose as provided in the act of
21 April 14, 1972 (P.L.233, No.64), known as The Controlled
22 Substance, Drug, Device and Cosmetic Act.

23 (c) Transportation.--

24 (1) A qualified police department may request the
25 participant or the family of the participant to pay or
26 contribute to transportation costs.

27 (2) A qualified police department may utilize emergency
28 transportation services or other transportation services that
29 have volunteered for the purpose of transporting a
30 participant to a treatment facility if the transportation has

1 been approved by the qualified police department.

2 (3) A police officer or qualified volunteer shall remain
3 with a participant during transportation to a treatment
4 facility.

5 Section 6. Participant eligibility.

6 (a) Requirements.--A potential participant must meet the
7 following requirements in order to participate in the program:

8 (1) Be at least 18 years of age or have the consent of a
9 parent or legal guardian.

10 (2) Complete the required program application and
11 participant agreement.

12 (b) Disqualifications.--A potential participant shall be
13 deemed ineligible when:

14 (1) The potential participant has an outstanding arrest
15 warrant.

16 (2) The potential participant has three or more drug-
17 related arrests on the potential participant's criminal
18 record and at least one of those arrests resulted in a
19 conviction under any of the following:

20 (i) 18 Pa.C.S. § 6317 (relating to drug-free school
21 zones).

22 (ii) 18 Pa.C.S. § 7508 (relating to drug trafficking
23 sentencing and penalties).

24 (3) The police officer has reasonable belief that the
25 qualified volunteer could be seriously harmed by the
26 potential participant.

27 (c) Repeat participant.--No participant may be refused
28 participation in a program due to previous participation in the
29 program.

30 Section 7. Participant agreement.

1 (a) Requirement.--In order to participate in a program, an
2 eligible participant must complete a participant agreement which
3 expresses in writing to the qualified police department the
4 understanding that:

5 (1) The participant is willing to accept and complete
6 opioid use disorder treatment in a treatment facility.

7 (2) A qualified volunteer may be present to assist the
8 police department in the operation of the program.

9 (3) A different qualified volunteer may be assigned to
10 the participant at any time if the participant expresses that
11 the participant is not comfortable with the assigned
12 qualified volunteer.

13 (4) A qualified volunteer does not have to be assigned
14 if the participant expresses discomfort.

15 (5) The qualified police department may contact the
16 participant in the future in order to learn about the
17 experience of the participant in the program.

18 (6) A hospital or participating treatment facility that
19 provides treatment to the participant as part of the program
20 may update the qualified police department on the treatment
21 status of the participant.

22 (7) The exchange of contact information with a qualified
23 volunteer is a mutual agreement between both parties.

24 (8) Any communication with a qualified volunteer outside
25 of the program is not considered part of the program.

26 (b) Reports of participating hospitals and treatment
27 facilities.--Information on a participant's treatment status and
28 experience in a program, provided by a participating hospital or
29 treatment facility to a qualified police department, shall be
30 strictly confidential and used solely for statistical purposes

1 which determine the success of the program.

2 Section 8. Qualified volunteer eligibility.

3 (a) Application.--A police department may require a
4 potential qualified volunteer to complete an application and
5 background screening.

6 (b) Impairments.--

7 (1) An individual participating as a qualified volunteer
8 may not have a mental or physical condition that would cause
9 an impairment to the individual's capability to serve in the
10 program.

11 (2) Individuals in recovery and familiar with opioid use
12 disorder shall not be disqualified from serving as a
13 qualified volunteer in the program.

14 Section 9. Qualified volunteer agreement.

15 A qualified volunteer must complete a volunteer agreement,
16 developed by the qualified police department, which at a minimum
17 expresses the understanding that:

18 (1) Any information, written, verbal or otherwise,
19 obtained during the time in which the qualified volunteer
20 participates in the program shall remain confidential,
21 including all information pertaining to:

22 (i) Participants.

23 (ii) Families of participants.

24 (iii) Members or staff of the police department.

25 (iv) Employees of participating hospitals.

26 (v) Employees of participating treatment facilities.

27 (vi) Any other organization or person designated by
28 the qualified police department.

29 (2) Failure to maintain confidentiality as required by
30 this section may, at the discretion of the qualified police

1 department, be grounds for immediate dismissal from the
2 program.

3 (3) An exchange of contact information with a
4 participant may only occur with the mutual agreement of the
5 participant and the qualified volunteer.

6 (4) Any contact between a qualified volunteer and a
7 participant outside of the program shall not be considered
8 part of the program.

9 (5) All risks and responsibilities for any and all
10 property damage and bodily injury that may be sustained while
11 participating in the program is assumed solely by the
12 qualified volunteer.

13 Section 10. Existing programs.

14 A police department that establishes, prior to the effective
15 date of this section, a program that operates consistent with an
16 ANGEL Program shall not be required to submit an application and
17 obtain approval by the Attorney General as provided in section
18 4.

19 Section 11. Effective date.

20 This act shall take effect immediately.