

Act of March 10,
1949, P. L. 30,
amended by
adding, after
section 1372
thereof, a new
section 1372.1.

Section 1. The act, approved the tenth day of *March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," is hereby amended by adding, after section 1372 thereof, a new section to read as follows:

Section 1372.1. Speech and Hearing Rehabilitation Centers.—The Department of Public Instruction is hereby authorized to provide, maintain, administer, supervise and operate speech and hearing rehabilitation centers for the proper training of children physically handicapped by speech and hearing defects. Pupil eligibility for such centers shall be determined according to standards and regulations promulgated by the State Council of Education.

Appropriation.

Section 2. The sum of one hundred fifty thousand dollars (\$150,000), or as much thereof as may be necessary, is hereby appropriated to the Department of Public Instruction for the purpose of paying salaries, wages, postage, printing and other necessary expenses incurred in the operation of speech and hearing rehabilitation centers for the two fiscal years beginning June first, one thousand nine hundred fifty-one.

APPROVED—The 14th day of January, A. D. 1952.

JOHN S. FINE

No. 507

AN ACT

Providing for treatment and cure in designated State institutions of persons habitually addicted to the use of opiates, and for their admission to and care therein and the payment of the cost thereof; and making an appropriation.

Drug addicts.

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

Section 1. Definitions.—As used in this act, the following words and phrases shall, unless the context clearly indicates otherwise, have the meanings ascribed to them in this section.

(1) "Addict" or "drug addict," a person who is or is thought to be so habitually addicted to the use of opiates as to be unable or unwilling to stop the use of such substances without help. The terms shall not include any person who has been convicted on a criminal charge and whose period of sentence has not expired,

* "May" in original.

nor any person acquitted of a crime on the grounds of insanity, nor any person charged with crime but not tried therefor or not convicted thereof.

(2) "Care," shall include reception, detention, discharge, custody, treatment, maintenance, support, segregation, discipline, improvement, employment, medical and surgical treatment and nursing, food and clothing.

(3) "Court," the court of common pleas or other court of record having jurisdiction, or law judge thereof, of the county in which the addict or person thought to be an addict is or resides.

(4) "Department," the Department of Welfare or such other department to which its powers and duties may be transferred.

(5) "Institution" or "State institution," any State mental institution or hospital or any State medical and surgical hospital maintained wholly by the Commonwealth, or the board of trustees of which is a departmental administrative board within the department.

(6) "Physician," a physician who has been (1) a resident of Pennsylvania for at least one year, (2) licensed to practice medicine or osteopathy in Pennsylvania, and (3) in the actual practice of medicine or osteopathy for at least three years, or has had at least one year's experience in an institution.

(7) "Responsible person," any person who assumes or who is liable for the support of an addict, or who has custody of an addict, or who is the legal guardian or committee of an addict.

(8) "Superintendent," the person in charge of the administration of an institution, or person acting as such at his appointment or under his direction.

Section 2. Care of Drug Addicts.—State institutions shall provide care for addicts in accordance with the provisions of this act.

Section 3. Admissions or Commitments.—(a) Any drug addict may be admitted to a State institution for care upon compliance with any of the following methods of admission or commitment, to wit:

(1) On voluntary application by the addict, if an adult and if competent to make the application.

(2) If the addict is a minor, on application to a superintendent by at least two persons, who shall be the addict's parent or other responsible person, accompanied by a physician's certificate.

(3) By order of court for commitment for care or for observation, diagnosis and treatment of the addict, after petition by at least two persons, who shall be the addict's relative or other responsible person, which petition shall be accompanied by the certificate of two physicians, and

after a hearing before such court, at which the addict or person thought to be an addict shall be present.

(b) Every admission or commitment shall be subject to the approval of the board of trustees of the particular institution.

Section 4. Form and Content of Application or Petition.—(a) Every application or petition shall be in the form prescribed by the department. It shall state the name, sex, age and residence of the person sought to be admitted or committed, the opinion of the applicant or petitioner that the person is an addict and is a fit subject for care, or needs observation, diagnosis and treatment, together with the facts on which such opinion is based, and such other facts as the department may require. If any of the relevant facts are unknown, the application or petition shall so state.

(b) Every application or petition shall be signed by the applicant or petitioners in the presence of at least one disinterested witness.

(c) Every application, other than a voluntary application, and every petition, shall be sworn to or affirmed before a person authorized to administer an oath.

Section 5. Physician's Certificates: Penalty for False Statements.—(a) Every physician's certificate required by this act for the admission or commitment of an addict shall state:

- (1) His residence;
- (2) That he has resided in this State for at least one year;
- (3) That he has been licensed to practice medicine or osteopathy in this State;
- (4) That he has been in the actual practice of medicine or osteopathy for at least three years, or has had at least one year's experience as a physician in an institution;
- (5) That he is not related by blood or marriage to the addict and applicant;
- (6) That he is not connected in any way as medical attendant or otherwise with the institution to which application or petition has been made for the admission or commitment of the addict;
- (7) That he has examined the addict with care and diligence within a week of making the certificate;
- (8) That, in his opinion, the person sought to be admitted or committed is or is thought to be an addict, or is in need of and will be benefited by care and the admission or commitment applied or petitioned for;
- (9) The information relative to the addict given him by others, and the facts as to the physical and mental condition and the behavior of the addict which he has observed and on which he bases his opinion; and,

(10) Such other information as the particular request for admission or commitment or as the department may require.

(b) No such certificate shall authorize the admission or commitment of an addict unless such addict is submitted or committed within two weeks of its date.

(c) Any physician who falsely certifies to the drug addiction of any person, or whose false certificate as to the drug addiction of any person is proved to be the result of negligence or deficient professional skill, or who signs such a certificate for a pecuniary reward or promise thereof or other consideration of value or operating to his advantage other than the professional fee usually paid for such service, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not to exceed five hundred dollars, or to imprisonment not to exceed one year, or both.

Section 6. Bond.—No addict shall be admitted to any State institution on his voluntary application until a bond in the amount of five hundred dollars, payable to the Commonwealth, conditioned on the payment of the costs of his care and maintenance at the full rate established by the Department of Welfare, has been furnished to the superintendent of the institution to which he has applied for admission.

Section 7. Limits of Detention.—(a) No addict admitted on a voluntary application or without a court order shall be detained longer than ten days after he or his applicant for admission has petitioned the superintendent in writing for his discharge.

(b) Every addict committed for observation, diagnosis and treatment shall be so committed for a definite period not to exceed two (2) years, by order of court, and shall be discharged at the end of such period.

(c) Every addict committed other than for observation, diagnosis and treatment shall remain in an institution until the superintendent thereof certifies to the committing court that care is no longer beneficial or necessary to him; the committing court shall then order his discharge under such supervision and restriction as it may impose.

Section 8. Costs.—Liability for all costs of care of any addict, except as otherwise ordered by a committing court, in an institution, is hereby imposed in the following order against:

(1) The addicts real and personal property.

(2) The persons liable for the addict's support, or, in the case of a temporary admission, if there be no such persons, the persons who apply for his admission.

(3) The county or institution district in which he resides.

(4) The Commonwealth.

Section 9. Habeas Corpus.—(a) Any addict or person acting on his behalf may petition any court for a writ of habeas corpus on the grounds that the addict is unjustly deprived of his liberty. The petition shall be in writing and shall be sworn to or affirmed.

(b) On the petition, the court shall issue a writ of habeas corpus, requiring the addict to be brought before the court for a public hearing where the question of his addiction may be determined. The burden of proof shall rest upon the persons responsible for his admission or commitment.

Appropriation.

Section 10. The sum of forty-five thousand dollars (\$45,000), or as much thereof as may be necessary, is hereby specifically appropriated to the Department of Welfare for the two fiscal years beginning the first day of June, one thousand nine hundred and fifty-one, for the purpose of carrying out the provisions of this act.

Section 11. General Repeal.—All acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 14th day of January, A. D. 1952.

JOHN S. FINE

No. 508

AN ACT

Authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Warren State Hospital, to acquire a certain tract of land, with the buildings thereon adjacent thereto, for the use of said hospital; and making an appropriation therefor.

Warren State Hospital.

Department of Property and Supplies authorized to purchase certain land in Glade Township, Warren County, for use of said hospital.

Tract purchased to be added to lands of hospital. Depository for deed.

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

Section 1. The Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Warren State Hospital, is hereby authorized to purchase, in the name of the Commonwealth, a certain tract of land, with the buildings thereon, known as the Carl Scott Farm, of approximately one hundred thirty acres, situated in Glade Township, Warren County, Pennsylvania, and being contiguous to the present property of said hospital, so as to make use of such land and buildings for the purpose of farming and other maintenance operations of said hospital.

Section 2. Said tract of land and buildings when purchased shall be added to the lands and property of the Warren State Hospital. The deed of conveyance shall be deposited with the Secretary of Internal Affairs.