Treatment of Drug Users (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to provide a scheme under which drug users and their families can obtain an integrated health and social care plan for their treatment and rehabilitation; to fund additional treatment services for drug misuse from the proceeds of drug-related crime; and for connected purposes.

1 Duty of the Scottish Ministers to promote the treatment of drug users

After section 1A of the National Health Service (Scotland) Act 1978 (c.29) there is inserted—

“1B Duty of the Scottish Ministers to promote the treatment of drug users

(1) It is the duty of the Scottish Ministers to promote the integration of health and social care services to secure the prevention of drug misuse and the treatment of drug users.

(2) In discharging that duty the Scottish Ministers shall, by regulations, make such further provision as they think fit in connection with—

(a) the introduction of a scheme to assess the needs of drug users to determine an appropriate care plan to treat their addiction;

(b) the delivery of such health, social care and employability services as may be necessary to treat and rehabilitate drug users; and

(c) the delivery of social care, child care and child protection services for the families of drug users.

(3) The regulations shall, in particular, make provision about—

(a) the right of a drug user to be assessed for a care plan within seven days of requesting one;

(b) the timeframe in which a care plan shall be implemented for a drug user who is susceptible to treatment;

(c) the appointment and functions of persons designated to carry out a care plan assessment;

(d) the types, forms and packages of health and social care services to be deployed to treat drug users, which shall include detoxification, residential and community based rehabilitation services, substitute prescribing and such other forms of treatment as the Scottish Ministers think appropriate;
(e) the form of employability support to be deployed to enable drug users to gain employment or voluntary work experience;

(f) the types, forms and packages of social and child care services for the families of drug users; and

(g) a complaints procedure for drug users and their families who are dissatisfied with services provided to them under this section.

(4) The regulations may also modify any enactment (including this Act) or instrument for the purposes of making such further provision as is mentioned in subsection (2) above.

(5) The regulations may also make provision for a code of practice giving guidance to any person providing health, social care, child care or employability services to drug users or their families.

(6) The Scottish Ministers shall, before giving effect to a code of practice drawn up under subsection (5) above—

(a) consult such persons as they think fit; and

(b) lay a draft of the code before the Scottish Parliament,

and a code of practice drawn up under subsection (5) above shall be given effect by being confirmed by order made and brought into force on a day appointed by the Scottish Ministers.

(7) Any person providing health, social care, child care or employability services to drug users or their families shall have regard (so far as applicable to the services which they provide) to the provisions of any code of practice published under subsection (5) above for the time being in force.

(8) The Scottish Ministers may, from time to time, revise the whole or part of any code of practice published under subsection (5) above; and if a code is so revised, subsection (6) shall apply to any revised code of practice.

(9) In this section—

“care plan” means a package of integrated health and social care services offered to an individual and their family to prevent and treat that individual’s drug misuse, and includes the range of services as prescribed under subsection (3)(d) to (f);

“child” means a person under the age of sixteen years;

“drug” means a controlled drug as defined by section 2 of the Misuse of Drugs Act 1971 (c.38);

“drug user” means a person who is dependent on, or has a propensity to misuse, drugs;

“family” means someone who occupies the only or main residence of a drug user as their only or main residence and is the drug user’s spouse, cohabitant, relative by whole or half blood, or is a child brought up or treated by the drug user as their child.”.

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2 **Proceeds of drug crime to fund treatment of drug users**

After section 153 of the Proceeds of Crime Act 2002 (c.29) there is inserted—
“153A Proceeds of drug crime to fund treatment of drug users

Where the accused has been convicted of an offence concerning the possession, supply or trafficking of controlled drugs, proceeds recovered under this Part shall be applied to fund care plans for drug users in accordance with the Scottish Ministers’ duty under section 1B of the National Health Service (Scotland) Act 1978 (c.29).”

3 Short title

This Act may be cited as the Treatment of Drug Users (Scotland) Act 2006.
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Introduced by: Rosemary Byrne
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Bill type: Member's Bill


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