

HOUSE CONCURRENT RESOLUTION NO. 26
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE IVAN

Introduced: 2/9/96

Referred: Health, Education and Social Services, Finance

A RESOLUTION

1 Relating to creation of the Public Inebriate Task Force.

2 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 WHEREAS, with passage of the Federal Uniform Alcoholism and Intoxication
4 Treatment Act of 1971, the State of Alaska adopted the following policy: "that alcoholics and
5 intoxicated persons should not be criminally prosecuted for their consumption of alcoholic
6 beverages and that they should be afforded a continuum of treatment so they may lead normal
7 lives as productive members of society"; and

8 WHEREAS Title 47 of the Alaska Statutes requires that inebriates be taken to the
9 closest medical facility for screening before placing the inebriates in a public treatment facility
10 or if none is available, in a city- or state-owned holding cell for a maximum of 12 hours or
11 until their blood alcohol level is less than .10 and the costs of these medical screenings or the
12 payment for the medical screenings have never been defined by AS 47; and

13 WHEREAS local medical facilities are directed to provide medical screening and
14 medical treatment to intoxicated persons brought to them by public safety officials or
15 emergency service personnel and can expect no remuneration for these services; and

16 WHEREAS community and state detention facilities, which are already overcrowded,
17 must provide protective custody to persons who are taken into custody by community service

1 patrols or public safety officials; and

2 **WHEREAS** this federal and state mandate has placed a significant burden on
3 communities, especially those rural communities that do not have a continuum of treatment
4 services available to effectively address this problem; and

5 **WHEREAS** this policy has created a public safety issue that results in an inordinate
6 burden on local public safety officials to protect these individuals; and

7 **WHEREAS**, if this public safety issue is ignored, municipalities face significant legal
8 liability issues;

9 **BE IT RESOLVED** that the Alaska State legislature establishes the Public Inebriate
10 Task Force in order to develop and recommend to the legislature a plan for treatment and
11 services for intoxicated persons and persons incapacitated by alcohol; and be it

12 **FURTHER RESOLVED** that the task force shall

13 (1) evaluate federal law and state statutory and regulatory language relating to
14 the protective custody provisions of AS 47;

15 (2) identify methods that may be implemented to minimize use of the
16 protective custody provisions of AS 47;

17 (3) identify methods that may be implemented to maximize opportunity for
18 treatment;

19 (4) determine costs to communities, public health facilities, and detention
20 facilities;

21 (5) determine other costs related to the protective custody provisions of AS 47;

22 (6) evaluate and determine methods to utilize community solutions;

23 (7) evaluate policy that will organize and allow state departments to work
24 collaboratively to solve this problem; and be it

25 **FURTHER RESOLVED** that the task force shall consist of 17 voting members as
26 follows:

27 (1) two members of the House of Representatives appointed by the Speaker
28 of the House; one member shall be a member of the majority and one a member of the
29 minority;

30 (2) two members of the Senate appointed by the President of the Senate; one
31 member shall be a member of the majority and one a member of the minority; and

1 (3) 13 members appointed jointly by the Speaker of the House and the
2 President of the Senate as follows:

3 (A) one member of the Advisory Council on Alcohol and Drug Abuse;

4 (B) one member of the division of alcoholism and drug abuse,
5 Department of Health and Social Services;

6 (C) two members selected by the Alaska Municipal League;

7 (D) one member of the Department of Public Safety;

8 (E) one member of the Alaska Mental Health Trust Authority;

9 (F) one member of the Alaska Federation of Natives;

10 (G) one member of the Department of Corrections;

11 (H) one member of the Alaska Association Chiefs of Police;

12 (I) one member who is a village public safety officer, selected by the
13 Department of Public Safety;

14 (J) two health providers, one representing practicing physicians and one
15 representing community hospital administrators; and

16 (K) one member from the Alaska Native Health Board; and be it

17 **FURTHER RESOLVED** that the task force shall select a chair and vice-chair from
18 the members of the task force, shall meet as frequently as the task force determines necessary
19 to perform its work, and may meet and vote by teleconference; and be it

20 **FURTHER RESOLVED** that the conduct of the task force meetings shall be in
21 sessions open to the public where all interested parties may provide information; and be it

22 **FURTHER RESOLVED** that the task force may hire staff to carry out its duties; and
23 be it

24 **FURTHER RESOLVED** that the task force shall report its findings and
25 recommendations to the Governor and the Legislature by March 1, 1997; and be it

26 **FURTHER RESOLVED** that the task force is terminated on March 1, 1997.