

CS FOR HOUSE CONCURRENT RESOLUTION NO. 26(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/12/96

Referred: Rules

Sponsor(s): REPRESENTATIVE IVAN

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 that can introduce them
7 to, and help them learn new life skills and social skills that would be useful to them in
8 attaining and maintaining normal lives as productive members of society"; and

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

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

17 WHEREAS community and state detention facilities, which are already overcrowded,

1 must provide protective custody to persons who are taken into custody by community service
2 patrols or public safety officials; and

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

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

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

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

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

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

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

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

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

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

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

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

26 **FURTHER RESOLVED** that the task force shall consist of 12 voting members as
27 follows:

28 (1) one member of the House of Representatives appointed by the Speaker of
29 the House;

30 (2) one member of the Senate appointed by the President of the Senate; and

31 (3) 10 members appointed jointly by the Speaker of the House and the

1 President of the Senate as follows:

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

3 (B) one member from the Department of Health and Social Services;

4 (C) two members nominated by the Alaska Municipal League;

5 (D) one member from the Department of Public Safety;

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

7 (F) one member from the Department of Corrections;

8 (G) one health provider representing community hospital administrators;

9 (H) one substance abuse treatment provider; and

10 (I) one member from the Alaska Native Health Board; and be it

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

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

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

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

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