

HOUSE BILL NO. 378

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE DYSON

Introduced: 2/4/98

Referred: Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to involuntary commitment of alcoholics or drug abusers who
2 are pregnant."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 47.37.190(a) is amended to read:

5 (a) A spouse or guardian, a relative, the certifying physician, or the
6 administrator in charge of an approved public treatment facility may petition the court
7 for a 30-day involuntary commitment order. The petition must allege that the person
8 is an alcoholic or drug abuser who (1) has threatened, attempted to inflict, or inflicted
9 physical harm on another and that unless committed is likely to inflict physical harm
10 on another; [OR] (2) is incapacitated by alcohol or drugs; or (3) is pregnant and
11 unless committed is likely to inflict physical harm on the fetus through continued
12 use of alcohol or drugs. A refusal to undergo treatment does not constitute evidence
13 of lack of judgment as to the need for treatment. The petition must be accompanied
14 by a certificate of a licensed physician who has examined the person within two days

1 before submission of the petition [,] unless the person whose commitment is sought
2 has refused to submit to a medical examination, in which case the fact of refusal must
3 be alleged in the petition. The certificate must set out the physician's findings in
4 support of the allegations of the petition.

5 * **Sec. 2.** AS 47.37.200(e) is amended to read:

6 (e) A person committed to the custody of an approved public facility or an
7 approved private facility shall be discharged at any time before the end of the period
8 for which the person has been committed if any [EITHER] of the following conditions
9 is met:

10 (1) further treatment is not likely to bring about significant
11 improvement in the person's condition; [OR]

12 (2) treatment is no longer adequate or appropriate; or

13 (3) the person is no longer pregnant and was committed under the
14 grounds set out in AS 47.37.190(a)(3).

15 * **Sec. 3.** AS 47.37.205(a) is amended to read:

16 (a) At any time during a person's 30-day commitment, the director of an
17 approved public facility or approved private facility may file with the court a petition
18 for a 180-day commitment of that person. The petition must include all material
19 required under AS 47.37.190(a) except that references to "30 days" shall be read as
20 "180 days" and must allege that the person continues to be an alcoholic or drug abuser
21 who continues to be (1) [IS] incapacitated by alcohol or drugs, [OR WHO
22 CONTINUES TO BE] (2) at risk of serious physical harm or illness, or (3) pregnant
23 and at risk of physically harming the fetus through continued use of alcohol or
24 drugs if not recommitted.