

Introduced: 1/25/66
Referred: Health, Wel-
fare and Education

1 IN THE HOUSE

BY JOSEPHSON, JACKSON,
RAY AND KERTTULA.

2 HOUSE BILL NO. 318

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating an advisory board on
7 alcoholism; establishing the duties and
8 powers of the department concerning the
9 treatment and rehabilitation of alcoholics;
10 and providing for an effective date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 * Section 1. AS 44.29 is amended by adding new sections to
13 read:

14 ARTICLE 2. ADVISORY BOARD ON ALCOHOLISM

15 Sec. 44.29.030. ADVISORY BOARD ON ALCOHOLISM. There is
16 established in the Department of Health and Welfare an
17 advisory board on alcoholism.

18 Sec. 44.29.040. COMPOSITION AND TERM OF OFFICE. The
19 advisory board on alcoholism consists of five members ap-
20 pointed by the governor.

21 Sec. 44.29.050. QUALIFICATIONS OF BOARD MEMBERS. (a)
22 Two members shall be persons who are licensed to practice
23 medicine in the state, one of whom shall be certified in
24 psychiatry by the American Board of Psychiatry and Neurology
25 or is eligible for that certification.

26 (b) One member shall be a practicing attorney who has
27 been admitted to the practice of law by the Supreme Court
28 of the State of Alaska.

29 (c) Two members shall be persons who have evidenced

1 an interest in the problems of alcoholism and who have
2 knowledge of the social problems encountered in the re-
3 habilitation of alcoholics.

4 Sec. 44.29.060. TERM OF OFFICE. (a) The members of
5 the board initially appointed under sec. 50(a) of this
6 chapter serve a term of four years.

7 (b) The members initially appointed under sec. 50(b)
8 of this chapter serve a term of three years.

9 (c) The members initially appointed under Sec. 50(c)
10 of this chapter serve a term of one and two years
11 respectively.

12 (d) Subsequent terms for all board members are for
13 four years.

14 (e) A vacancy occurring in the membership of the board
15 shall be filled by appointment of the governor for the un-
16 expired portion of the vacated term.

17 (f) Board members serve at the pleasure of the governor.

18 Sec. 44.29.070. COMPENSATION, PER DIEM, OR EXPENSES.
19 Members of the advisory board on alcoholism are not en-
20 titled to a salary, per diem, reimbursement for travel or
21 other expenses.

22 Sec. 44.29.080. DUTIES. The board shall act in an
23 advisory capacity to the commissioner of the Department of
24 Health and Welfare in the following matters:

25 (1) special problems affecting mental health
26 which alcoholism may present;

27 (2) educational and research activities conducted
28 by the department in respect to the problems presented by
29 alcoholism;

1 (3) social problems which affect rehabilitation
2 of alcoholics;

3 (4) legal processes which affect the treatment
4 and rehabilitation of alcoholics; and

5 (5) any program of public relations concerning
6 the problem of alcoholism conducted by any department of
7 the state government or by any organized group whose purpose
8 is the rehabilitation of alcoholics.

9 * Sec. 2. AS 47.30 is amended by adding new sections to read:

10 ARTICLE 4. ALCOHOLICS

11 Sec. 47.30.470. POWERS AND DUTIES OF DEPARTMENT. The
12 department shall:

13 (1) ascertain and keep current a list of all
14 institutions in the state which have available facilities
15 for the care and treatment of alcoholics;

16 (2) encourage the development and advancement of
17 standards of treatment of alcoholics in institutions;

18 (3) promote and encourage educational activities
19 to make the public aware of the effects of intemperate use
20 of alcoholic beverages, and promote and encourage the edu-
21 cation of the general public about scientific facts
22 regarding alcoholism;

23 (4) utilize whatever facilities and services are
24 available or can be made available through community
25 organization for carrying out the purposes of this section;

26 (5) engage in research and educational activities
27 that will aid in the understanding of alcoholism and in the
28 treatment of alcoholics.

29 Sec. 47.30.480. APPLICATION FOR TREATMENT BY ALCOHOLIC.

1 A resident of the state who desires treatment for alcoholism
2 may

3 (1) file a written application with the super-
4 intendent of any state institution designated and approved
5 by the department as having adequate facilities for the
6 treatment of alcoholics

7 (2) file a written application for commitment, on
8 a form prescribed by the department, in the superior court
9 in the judicial district in which he resides, provided that
10 the application is supported by an affidavit from a licensed
11 physician stating that, in the opinion of the physician,
12 the applicant is an alcoholic and that the applicant is
13 mentally competent to make the application.

14 Sec. 47.30.490. JURISDICTION OF COURT. The superior
15 court shall hear and determine applications for commitment.
16 The court shall determine whether or not a person making an
17 application under the provisions of Sec. 480(2) is an
18 alcoholic. The court may order and direct treatment of the
19 applicant, and order the applicant committed for treatment
20 to a state institution that has been designated and approved
21 by the department.

22 Sec. 47.30.500. JUDICIAL NOTICE. The superior courts
23 of this state may take judicial notice of the fact that an
24 alcoholic is suffering from an illness and is in need of
25 proper medical, advisory or rehabilitative treatment.

26 Sec. 47.30.510. SUPERINTENDENT MAY REFER APPLICANT TO
27 COURT. When application is made under Sec. 480(1) of this
28 chapter, the superintendent may accept the applicant for
29 treatment as a voluntary patient, or he may refer the

1 applicant to the superior court of that judicial district
2 for a determination and commitment under Sec. 480(2) of this
3 chapter.

4 Sec. 47.30.520. LEAVING INSTITUTION AFTER COURT
5 COMMITMENT UNLAWFUL. A person committed to an institution
6 under sec. 480(2) of this chapter absents himself from the
7 premises of the institution without the permission of the
8 superintendent or other appropriate authority of the insti-
9 tution is guilty of a misdemeanor and upon conviction is
10 punishable by a fine of not more than \$300 or by imprison-
11 ment for not more than 90 days, or both.

12 Sec. 47.30.530. PAYMENT OF CARE AND COSTS. (a) The
13 person committed, or his legal representative acting in a
14 representative capacity, spouse, parents, or adult children,
15 in that order, shall pay or contribute to the payment of the
16 charges for the care or treatment of the person committed
17 under sec. 480(2) of this chapter in the manner and pro-
18 portion which the department finds is not detrimental to the
19 person's rehabilitation and which is within ^{his} their ability
20 to pay. The charges may not exceed the actual cost of the
21 care or treatment as determined by the department. The
22 order of the department relating to the payment of charges
23 by persons other than the person committed, or his legal
24 representative, shall be prospective in effect and shall
25 relate only to charges to be incurred after the order, except
26 that if the responsible person intentionally conceals his
27 ability to pay, he shall be ordered to pay, to the extent of
28 his ability, the charges accruing during the period of con-
29 cealment. The department may make necessary investigations

1 to determine the ability to pay, and may require sworn
2 statements of income by the responsible persons.

3 (b) The department may charge, or accept from a person
4 money or property, for the care or treatment of a person
5 committed under sec. 480(2) of this chapter even if the
6 payment is not required by an order of the department, but
7 the total payments received may not exceed the actual cost
8 of care or treatment.

9 (c) The amount of liability for care and treatment not
10 paid for by the person committed or by someone in his behalf
11 constitutes a lien in favor of this state against all
12 property of the person. The unpaid amount of liability is
13 a debt to the state and is a first, prior and preferred claim
14 against the estate of the person after death, after expenses
15 of administration and all just claims for medical care of
16 last illness and burial expenses have been paid. The claim
17 based upon information submitted by the department shall be
18 prepared and filed by the attorney general.

19 (d) All money paid by the person committed or on his
20 behalf, shall be deposited in the state treasury to the
21 credit of the department.

22 (e) In the event the person committed is found to be
23 an indigent and has no one who is responsible for his care
24 and support, the costs which are attendant on any court
25 proceedings instituted under sec. 480(2) of this chapter
26 shall be paid from funds appropriated to the department.

27 Sec. 47.30.540. ACCEPTANCE OF FUNDS. The department
28 may accept on behalf of the state and deposit, apart from
29 other public funds, grants from the federal government or

1 gifts or contributions from other sources to assist in
2 carrying out the purposes of this section.

3 Sec. 47.30.550. DEFINITIONS. In secs. 470 - 560 of
4 this chapter

5 (1) "department" means the Department of Health
6 and Welfare;

7 (2) "alcoholism" means the abnormal condition
8 which the effect of alcohol produces in a person who is an
9 alcoholic; and

10 (3) "alcoholic" means a person who chronically and
11 habitually uses alcoholic beverages to the extent that he
12 loses the power of self-control with respect to the use of
13 alcoholic beverages; or any person who chronically and
14 habitually uses alcoholic beverages to the extent that he
15 becomes a menace to the public morals, health, safety or
16 welfare.

17 * Sec. 3. This Act takes effect July 1, 1966.
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