

Introduced: 3/29/73
Referred: Judiciary

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE BILL NO. 398

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Uniform Alcoholism and Intoxi-
7 cation Treatment Act."

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

9 * Section 1. AS 47.37.130(c) is repealed and re-enacted to read:

10 (c) Nothing in this chapter may be considered to obligate the
11 office or the department to provide treatment to alcoholics or intoxi-
12 cated persons. The funding obligation of the state shall be limited
13 to grants to and contracts with public and private agencies.

14 * Sec. 2. AS 47.37.130 is amended by adding a new subsection to read:

15 (h) The office shall adopt regulations and set standards for all
16 treatment facilities in the state.

17 * Sec. 3. AS 47.37.170(b) is amended to read:

18 (b) A person who appears to be incapacitated by alcohol shall
19 be taken into protective custody by a peace officer or a member of the
20 emergency service patrol and immediately brought to an approved public
21 treatment facility for emergency treatment. If no approved public
22 treatment facility is readily available he shall be taken to an emer-
23 gency medical service customarily used for incapacitated persons.
24 If no emergency medical service is readily available or if an available
25 approved public treatment facility or emergency medical service is
26 unable or unwilling to accept the person he may be taken to a detention
27 facility and may be detained at the detention facility until he is
28 no longer incapacitated by alcohol, but that detention may not exceed
29 48 hours. The peace officer or a member of the emergency service

1 patrol, in detaining the person and in taking him to an approved public
2 treatment facility, emergency medical service or detention facility,
3 is taking him into protective custody and he shall make every reasonable
4 effort to protect his health and safety. In taking the person into
5 protective custody, the detaining officer may take reasonable steps to
6 protect himself. Protective custody does not constitute an arrest
7 under this section and no entry or other record shall be made to indi-
8 cate that the person has been arrested or charged with a crime.
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