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1 IN THE SENATE

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SENATE BILL NO. 414

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - SECOND SESSION

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A BILL

6 For an Act entitled: "An Act relating to commitment to treatment programs

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for pregnant women who are alcoholics."

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

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

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(a) After a hearing initiated by petition of a spouse or guardian, a relative, the certifying physician, or the administrator in charge of an approved public treatment facility, a person may be committed to the custody of a private or public facility by the superior court. The petition shall allege that the person is an alcoholic who habitually lacks self-control in using alcoholic beverages and that the person (1) is pregnant and, unless committed, is likely to harm the fetus by continued use of alcohol; (2) has threatened, attempted to inflict, or inflicted physical harm on another and that unless committed is likely to inflict physical harm on another; or (3) [(2)] is incapacitated by alcohol. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within two days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set out the physician's findings in support of the allegations of the petition.

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

1 (c) A person committed under AS 47.37.190 - 47.37.200 shall
2 remain in the custody of a private or public facility for treatment
3 for a period of up to 30 days. At the end of the 30- day period, the
4 person shall be discharged automatically unless the office, before the
5 expiration of the period, obtains a court order for recommitment upon
6 the grounds set out in AS 47.37.190(a) for a further period of up to
7 90 days. If a person has been committed because the person is an
8 alcoholic likely to inflict physical harm on another or is an alco-
9 holic pregnant woman whose continued alcohol use is likely to harm her
10 fetus, the office shall apply for recommitment if after examination it
11 is determined that the likelihood of physical harm on another or
12 continued harm to the fetus still exists.

13 * Sec. 3. AS 47.37.200(d) is amended to read:

14 (d) A person recommitted under (c) of this section who has not
15 been discharged by the private or public facility before the end of
16 the 90-day period shall be discharged at the expiration of that period
17 unless the office, before expiration of the period, obtains a court
18 order on the grounds set out in AS 47.37.190(a) for recommitment for a
19 further period not to exceed 90 days. If a person has been committed
20 because the person is an alcoholic likely to inflict physical harm on
21 another or is an alcoholic pregnant woman whose continued alcohol use
22 is likely to harm her fetus, the office shall apply for recommitment
23 if after examination it is determined that the likelihood of physical
24 harm on another or continued harm to the fetus still exists. No more
25 than two recommitment orders may be permitted under (c) and (d) of
26 this section unless the person is pregnant. If the person is pregnant
27 and has been recommitted for two 90-day periods under (c) and (d) of
28 this section, the department shall seek a court order for commitment
29 to continue until the woman is no longer pregnant if after examination

1 it is determined that the likelihood still exists that, without fur-
2 ther commitment, the woman will continue using alcohol in a way that
3 is likely to inflict harm on the fetus.

4 * Sec. 4. AS 47.37.200(g) is amended to read:

5 (g) A person committed to the custody of the office for treat-
6 ment shall be discharged at any time before the end of the period for
7 which the person has been committed if one or more [EITHER] of the
8 following conditions is met:

9 (1) when a pregnant woman committed on the grounds of
10 likelihood of infliction of harm to the fetus is no longer considered
11 an alcoholic or is no longer pregnant;

12 (2) when an alcoholic committed on the grounds of likeli-
13 hood of infliction of physical harm on another is no longer considered
14 an alcoholic or the likelihood of the person inflicting physical harm
15 no longer exists; or

16 (3) [(2)] when, in the case of an alcoholic committed on
17 the grounds of the likelihood of infliction of physical harm on an-
18 other, either

19 (A) further treatment will not be likely to bring
20 about significant improvement in the person's condition, or

21 (B) treatment is no longer adequate or appropriate.

22 * Sec. 5. AS 47.37.220(a) is amended to read:

23 (a) Patients in any approved treatment facility under this
24 chapter shall be granted reasonable opportunities for adequate consul-
25 tation with counsel [,] and for continuing contact with family and
26 friends, including the use of telephone facilities, consistent with an
27 effective treatment program. A pregnant patient shall be granted
28 reasonable opportunities for adequate consultation with a physician or
29 other health care practitioner of the patient's choice; this consul-

- 1 tation may occur either inside or outside the treatment facility, at
- 2 the patient's discretion.