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STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. SB 19

Revision Date: \_\_\_\_\_ Department Affected: Department of Law  
 Title: "An Act relating to treatment BRU: Legal Services  
related to the use of alcohol & other Component: Operations  
drugs."  
 Sponsor: Senator Uehling  
 Requestor: Senator Uehling COMPONENT SERIAL NO. 

		9	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: -0-

ANALYSIS: (Attach a separate page if necessary.)  
  
Please see the attached analysis.

Prepared By: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Date: 01/24/91  
 Approved by Commissioner: Charles E. Cole, Attorney General  
 Agency: Department of Law Date: 01/24/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 19

This bill amends AS 47.37, the state's Uniform Alcoholism and Intoxication Treatment Act, to extend the provisions of the Act to drug addicts. The bill also amends state policy concerning the treatment afforded to alcoholics, drug addicts, and intoxicated persons to be within available funds. Numerous other changes are included in the bill, which among other things would extend the emergency detention period from 48 to 72 hours, extend the long-term commitment period from 30 to 60 days, permit treatment personnel at an approved treatment facility to use reasonable physical restraint to retain an incapacitated or gravely disabled person for up to 72 hours from the time of admission, and provide for early release for a person to a less restrictive treatment program before expiration of the period of commitment.

As its stretched resources permit, the Department of Law represents the Department of Health and Social Services in court actions involving involuntary commitments, except for persons taken into protective custody due to incapacitation. Consequently, Law's involvement is somewhat limited. The expansion of the Act, to include drug addicts, would normally cause a substantial fiscal impact for the Department of Law. However, because of the lack of available treatment facilities, a fiscal impact is not expected. Without such facilities, commitment cannot take place.

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. SB 19

Revision Date: \_\_\_\_\_

Department Affected: Administration

Title: An Act relating to alcohol and other drugs treatment

BRU: Office of Public Advocacy

Sponsor: Uehling

Component: \_\_\_\_\_

Requestor: \_\_\_\_\_

COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

The fiscal impact of this bill upon the Office of Public Advocacy (OPA) is totally dependent on the willingness of government entities to employ the statute in order to involuntarily commit alcoholics and drug addicts. Unless a concerted effort is made by some agency to use the statute the impact upon OPA will be minimal, as the Alaska Public Defender Agency will provide the required representation to all but those with whom it has a conflict of interest.

Prepared by: *B. McGee* Braht McGee, Director  
Division: Office of Public Advocacy

Phone: 274-1684  
Date: \_\_\_\_\_

Approved by Commissioner: *Millett Keller* Millett Keller  
Agency: Administration

Date: 1/28/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CONTINUATION OF FISCAL NOTE ANALYSIS

For SB 19

According to recent press reports, the prosecutor's office of the Municipality of Anchorage is determined to find a means to remove chronic alcoholics from downtown streets. No details of its plan, if any, have been publicly reported. However, this statute could provide a vehicle for the involuntary treatment of some of these street alcoholics.

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. SB 19

Revision Date: \_\_\_\_\_ Department Affected: Department of Administration  
 Title: "An Act relating to alcohol and other drugs treatment..." BRU: Public Defender Agency  
 Component: \_\_\_\_\_

Sponsor: Uehling  
 Requestor: \_\_\_\_\_

COMPONENT SERIAL NO. 

4	2		
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Please see attached.

*(Handwritten initials/signature)*

Prepared By: John Salemi, Public Defender Phone: 279-7541

Division: Public Defender Agency Date: \_\_\_\_\_

Approved by Commissioner: Millett Keller *(Signature)*

Agency: Department of Administration Date: 1/28/91

Distribution (by preparer). Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 19

To date the statute which this proposed legislation targets enjoys little use in terms of providing a vehicle for placing citizens in protective custody. Therefore little litigation has been generated. If police agencies or other governmental authorities begin employing these provisions to "clean up the streets" or otherwise utilize the protective custody concept, considerable attorney time might come into play. It is estimated that a lawyer would invest 2 to 3 hours on each protective custody case brought under Title 47 (preparation, witness interviews, hearings).

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. SB 19

FEB 26 1991

Revision Date: \_\_\_\_\_ Department Affected: Health & Social Services  
 Title: "An Act Relating to Treatment  
Related to the Use of Alcohol and Other  
Drugs." BRU: Alcoholism & Drug Abuse  
 Sponsor: Uehling Component: Alcoholism & Drug Abuse Grants  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

3	0	4
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

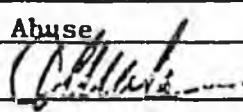
POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

See Attached

Prepared By: Suzanne W. Perry Phone: 586-6201  
 Division: Alcoholism & Drug Abuse Date: 2/25/91  
 Approved by Commissioner:   
 Agency: Department of Health & Social Services Date: 2/25/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to treatment to the use of alcohol and other drugs"  
 Sponsor: Uehling  
 Requestor: \_\_\_\_\_

Agency Affected: Health and Social Services  
 BRU: Alcohol and Drug Services  
 Components: Alcohol Grants

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

- OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING:** (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

**ANALYSIS :** (Attach a separate page if necessary)

Senate Bill 336 will not have any FY90 fiscal input.

*M.F. by Leg. Council*

Prepared by: Matthew C. Felix Phone: 586-6201  
 Division: Office of Alcoholism and Drug Abuse Date: 2/13/90

Approved by Commissioner: Myra M. Munson Date: 2/20/90  
 Agency: Health and Social Services

**Distribution (by preparer):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

R E C E I V E D

FEB 22 1990

page 1 of 1

OFFICE OF ALCOHOLISM &  
DRUG ABUSE

# Senator Rick Uehling

Downtown, Elmendorf, Northeast Anchorage



Senate Finance Committee  
International Trade & Tourism Committee  
State Affairs Committee

## BILL SUMMARY

SB 19

### "AN ACT RELATING TO TREATMENT RELATED TO THE USE OF ALCOHOL AND OTHER DRUGS..."

The main changes achieved by SB 19 are to provide for emergency and involuntary commitment procedures for drug addicts similar to those that currently exist for alcoholics, and to clarify that treatment in public facilities is subject to the availability of funds for treatment. Certain time limits relating to commitment proceedings are also changes and new sections relating to evidence used in the proceedings are added.

I introduced a similar bill last year which had a zero fiscal impact.

# Senator Rick Uehling

Downtown, Elmendorf, Northeast Anchorage



Senate Finance Committee  
International Trade & Tourism Committee  
State Affairs Committee

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- III. List of Affected Statutes
- IV. Fiscal Notes
- V. Position Papers

# DIVISION OF LEGAL SERVICES


## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811  
(907) 465-3867 or 465-2450  
FAX (907) 465-2029

Deliveries to: 240 Main Street  
Court Plaza, Room 500  
Mail Stop 3101

### MEMORANDUM

January 21, 1991

SUBJECT: Sectional Summary (SB 19)  
TO: Senator Rick Uehling  
FROM: Terri Lauterbach   
Legislative Counsel

Following is the sectional analysis you requested for SB 19:

The main changes achieved by the bill are to provide for emergency and involuntary commitment procedures for drug addicts similar to those that currently exist for alcoholics and to clarify that treatment in public facilities is subject to the availability of funds for treatment. Certain time limits relating to commitment proceedings are also changed and new sections relating to evidence used in the proceedings are added.

Sec. 1. Changes the policy declaration for the chapter.

Secs. 2 - 3. Add drug addicts to the voluntary treatment statute.

Secs. 4 - 9. Modify the protective custody statute (AS 47.37.170) by changing the criteria for protective custody, changing certain time limit requirements for action, authorizing reasonable physical restraint to retain certain persons for up to 72 hours, and emphasizing that decisions must be based on availability of appropriate treatment.

Secs. 10 - 12. Modify the emergency commitment statute (AS 47.37.180) by adding drug addiction, emphasizing availability of treatment, increasing the time period applicable to medical examinations before commitment, and increasing from 48 to 72 hours the time a person can be held before court review.

Secs. 13 - 19. Modify the involuntary commitment statutes (AS 47.37.190 - 47.37.200) by adding placement of drug addicts, adding provisions related to persons who

Senator Rick Uehling  
January 21, 1991  
Page 2

repeatedly require detox or treatment, changing certain time limit requirements, and allowing telephonic testimony.

Sec. 20. Adds a new section relating to early release of persons from commitment.

Secs. 21 - 22. Add new language that will make it easier for medical records to be used as evidence in commitment proceedings.

Sec. 23. Prohibits DHSS from refusing service to persons who cannot pay, but allows DHSS to limit acceptance of patients in order to stay within budgetary constraints.

Sec. 24. Clarifies that treatment services are not an entitlement.

Sec. 25. Technical amendments.

Sec. 26. Changes the definition of "alcoholic."

Sec. 27. Changes the definition of "incapacitated by alcohol" by adding references to drugs and by including self-harm as a criteria for determining incapacitation.

Sec. 28. Changes the definition of "intoxicated person" by adding a reference to drugs.

Sec. 29. Changes the definition of "treatment."

Sec. 30. Adds new definitions of "drug addict" and "gravely disabled by alcohol or other drugs."

Sec. 31. Repeals a recommitment provision.

TL:pl  
91-011.plm

# Senator Rick Uehling

Downtown, Elmendorf, Northeast Anchorage



Senate Finance Committee  
International Trade & Tourism Committee  
State Affairs Committee

## Senate Bill 19

"An Act relating to treatment related to the use of alcohol and other drugs...."

### List of Statutes Affected by SB 19:

AS 47.37.  
47.37.010  
47.37.160 (a)  
. (c)  
47.37.170 (b)  
. (d)  
. (e)  
. (f)  
. (h)  
. (J)  
47.37.180 (a)  
. (b)  
. (c)  
47.37.190 (a)  
. (b)  
47.37.200 (a)  
. (b)  
. (c)  
. (e)  
. (g)  
47.37.210  
47.37.240  
47.37.250 (a)  
47.37.270 (l)  
. (10)  
. (13)  
. (14)

POSITION PAPER  
SENATE BILL NO. 19

"An Act relating to treatment related to the use of alcohol and other drugs."

BACKGROUND & ANALYSIS

Senate Bill 19 would amend AS 47.37, Uniform Alcoholism Intoxication and Treatment Act, in several ways. First, it would extend the provisions of the Uniform Act to include drug addicts for purposes of emergency and involuntary commitment. Further, it defines the population of individuals who can be taken into protective custody by including: (1) those who are gravely disabled by alcohol or other drugs or (2) who are threatening another person or (3) who are suicidal. SB 19 also increases the time a person may be detained in protective custody from 48 to 72 hours and it permits treatment personnel to use reasonable physical restraint to retain an incapacitated, or gravely disabled person.

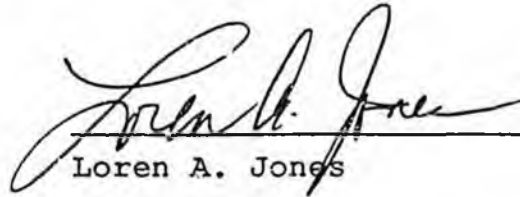
Most significantly, SB 19 alters the procedures used for longer-term-involuntary commitment to state approved treatment facilities. It specifically adds an individual's previous detoxification treatment history as a criteria for commitment. Additionally, SB 19 would allow an individual to be committed to a treatment facility in an emergency basis without a medical examination if the individual to be committed refuses the examination. If the individual is examined by a physician, the examination may occur within 5 (five) days of the commitment. Current law requires this examination to occur within 2 (two) days of commitment.

SB 19 also would increase the term of custody from 30 to 60 days while adding provisions for early release and for transferring clients to a less restrictive setting if the client can be appropriately served by this type of service.

POSITION

SB 19 recognizes the need to bring seriously impaired drug and alcohol abusers into treatment. The changes proposed would increase the number of involuntary commitments sought, and the Department supports the intent of these changes in the current commitment law.

Currently there are waiting lists for appropriate treatment in many areas of the state, and SB 19 provides that involuntary commitments are subject to space available. The effectiveness of this legislation will be mitigated by the lack of available treatment resources within the state.



Loren A. Jones

Director

2/25/91

Date



Theodore A. Mala, MD, MPH

Commissioner

2/25/91

Date

## ANALYSIS of SB 19

This bill amends AS 47.37, the Uniform Alcoholism and Intoxication Treatment Act, to extend the provisions of the Uniform Act to drug addicts. Numerous other changes are included in the bill including defining that state policy is to provide treatment to alcoholics, drug addicts, and intoxicated to be within available state funds.

As its stretched grant-in-aid resources permit, the Department of Health and Social Services, Division of Alcoholism and Drug Abuse, provides for alcoholism and drug abuse treatment. There are significant waiting lists in many treatment programs. The expansion of the act, to include drug addicts, would normally cause a substantial fiscal impact for the treatment system. However, because of the lack of available treatment facilities, a fiscal impact is not expected because SB 19 does not guarantee access to services. Without such facilities, commitment cannot take place.

MAR 1 1990

POSITION PAPER

Senate Bill No. 336

"An Act relating to treatment related to the use of alcohol and other drugs; amending Rules 501-512 and 803, Alaska Rules of Evidence."

ANALYSIS

Senate Bill 336 would amend AS 47.37, Uniform Alcoholism, Intoxication and Treatment Act, in a number of ways. First, it will extend the provisions of the Uniform Act to include drug addicts for purposes of emergency and involuntary commitment. Also, it further defines the population of individuals who can be taken into protective custody by including those who are gravely disabled by alcohol or other drug or who are threatening another person or are suicidal. SB 336 increases the time a person may be detained in protective custody from 48 to 72 hours and it permits treatment personnel to use reasonable physical restraint to retain an incapacitated, or gravely disabled, person.

SB 336 alters procedures used for longer-term-involuntary commitment to state approved treatment facilities. Most significantly, it add, as criteria for commitment, an individual's previous detoxification treatment history. Also, SB 336 allows an individual to be committed to a treatment facility in an emergency basis without a medical examination if the individual to be committed refuses the examination. If the individual is examined by a physician, the examination may occur within five days of the commitment. Current law requires this examination occur within two days of commitment.

SB 336 also increases the term of custody from 30 to 60 days while adding provisions for early release and for transferring patients to a less restrictive setting if the patient can be appropriately served by this type of service.

POSITION

SB 336 follows a trend which has been established in other states to recognize the need to bring seriously impaired drug and alcohol abusers into treatment. The changes proposed in SB 336 will likely increase the number of involuntary commitments sought, and the Department supports these needed changes in the current commitment law. However, SB 336 also provides that involuntary commitments are subject to the availability of appropriate treatment services. In many parts of the State, treatment programs have waiting lists of individuals seeking treatment. Although the Department supports the intent of SB 336, we also recognize that the effectiveness of the legislation will be mitigated by lack of available treatment resources within the State.

Recommended by:

Matthew C. Felix

Matthew C. Felix, Coordinator  
Office of Alcohol & Drug Abuse

Date:

2/20/90

Approved by:

Myra W. Munson

Myra W. Munson, Commissioner  
Department of Health and  
Social Services

Date:

2/22/90

TANANA CHIEFS CONFERENCE, INC.  
122 First Avenue  
Main Office  
Fairbanks, Alaska 99701  
To Confirm Receipt: (907) 452-8251

PERSON SENDING:

Name: Lucy A. Carlo  
Department: Health  
Date: 5-14-91

SENT TO: Fax #: 465-3810

Name: Melissa Jones  
Subregion(s): \_\_\_\_\_  
Or  
Agency: Sen. Sturgulowski  
# Of Pages: 7  
(including cover page)

Need Reply

No Reply Needed

COMMENTS: Thanks for the Dept of H&SS report  
on SB 19. As I said yesterday, we  
have not changed our position on  
SB 19 and have attached two  
letters which state our concerns  
about this bill.

Please let me know if that  
bill seems to be moving out of  
Senator Sturgulowski's Committee.  
Thanks.

TELEFAX #'s

CAIHC	451-1002
FAIRBANKS Main Office	451-8936
FAIRBANKS Subregion	451-0163
FORT YUKON Subregion	662-2621
HOLY CROSS Subregion	476-7136*
TOK Subregion	883-1114
McGRATH Subregion	524-3800
GALENA Subregion	656-1628



**TANANA CHIEFS CONFERENCE, INC.**

122 FIRST AVENUE  
FAIRBANKS, ALASKA 99701-4897  
PHONE (907) 452-8251 FAX (907) 451-8936

April 11, 1991

Senator Arliss Sturgulewski  
Chairperson - Health, Education &  
Social Service Committee  
P.O. Box V  
Juneau AK 99811

RE: Senate Bill 19 - Involuntary Commitment of Alcoholics

Dear Chairperson Sturgulewski:

The Tanana Chiefs Conference, Inc. would like to thank you for this opportunity to comment on SB 19 as well as to thank you for your past support and sensitivity to these types of issues that affect primarily Alaskan Natives.

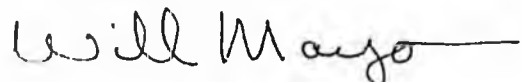
Senate Bill 19 is not only a very controversial bill in our region, but the points of view statewide vary greatly. In other words, the bill is widely misunderstood, the problems the bill purports to correct are not being addressed properly, and in some cases, the problems are made worse by the proposed changes.

The State of Alaska has to make a strong commitment or policy statement to protect those citizens with substance abuse problems. A strong commitment includes the right to treatment, explicit and constitutional procedures for involuntary commitment (similar to the mental health statutes for involuntary commitment) including a listing of the patient's rights.

Finally, protection custody sections should be clearly separated from voluntary and involuntary treatment sections. Individual constitutional right should not be sacrificed for the sake of creating "new evidence" for involuntary treatment.

This bill should not be a bill of rights for police officers or treatment personnel. Rather, public policy should show a strong commitment to the health of its people. This bill will have the greatest impact on Alaskan Natives. The Tanana Chiefs Conference, Inc. urges you and your Committee to delay passing of this bill out of your Committee until on-site hearings are held throughout the State. We thank you very much for your consideration to this request.

Very sincerely,

A handwritten signature in cursive script that reads "Will Mayo". The signature is written in dark ink and has a long horizontal flourish extending to the right.

Will Mayo, President

Attachment: TCC BR 91-06 - Support of Statewide hearings on  
SB 19

cc: HESS Committee

TANANA CHIEFS CONFERENCE, INC.  
EXECUTIVE BOARD OF DIRECTORS

Resolution 91-06

SENATE BILL 19

- WHEREAS, alcoholism is the leading cause of death among Alaska Natives; and
- WHEREAS, there are many problems which threaten our survival as a Native people but none have such a devastating impact on our communities and families as does the problem of alcohol and drug abuse; and
- WHEREAS, the Tanana Chiefs Conference, Inc. Board of Directors supports making it as easy as possible for persons in need of substance abuse treatment to gain access to treatment services; and
- WHEREAS, there is current legislation, Senate Bill 19, which attempts to deal with the problems through involuntary inpatient treatment of alcoholics; and
- WHEREAS, the solution lies in prevention through empowerment of individuals, the healing of Native people and education; and
- WHEREAS, the proposed legislation has a significant impact primarily on Alaskan Natives; and
- WHEREAS, there is a wide spectrum of views and positions on this bill;

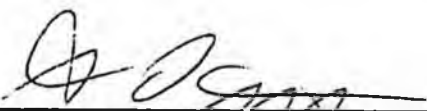
NOW THEREFORE BE IT RESOLVED that the Tanana Chiefs Conference, Inc. Board of Directors vigorously support statewide on-site hearings on Senate Bill 19 - Involuntary Commitment of Alcoholics; and

BE IT FURTHER RESOLVED that the Tanana Chiefs Conference, Inc. Board of Directors urge the Senate Chairperson of the Health & Social Service Committee to not pass this Senate Bill out of her Committee until those who are most directly affected by this bill can be heard.

TCC Executive Board Resolution 91-06 (continued)  
Page Two

CERTIFICATION

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc. Executive Board of Directors on March 29, 1991 at Tok, Alaska and a quorum was duly established.



---

Mitch Demientieff  
Secretary/Treasurer  
Tanana Chiefs Conference, Inc.



## TANANA CHIEFS CONFERENCE, INC.

122 FIRST AVENUE  
FAIRBANKS, ALASKA 99701-4897  
PHONE (907) 452-8251 FAX (907) 451 8936

March 22, 1991

Senator Rick Uehling  
Chair, HESS Committee  
P.O. Box V  
Juneau, Alaska 99811

RE: SB-19, An Act relating to treatment related to the use of alcohol and other drugs

Dear Senator Uehling,

Thank you for this opportunity to comment on SB-19, An Act relating to treatment related to the use of alcohol and other drugs. The Tanana Chiefs Conference has held extensive discussions regarding this bill. From these discussions, one clear truth has emerged: There is no consensus in our region regarding fundamental aspects of this bill. Deep divisions exist at every level. In contacts with other regional nonprofit corporations, we have found that these divisions are equally deep statewide.

We believe that the impact of this bill will be felt most heavily by Alaskan Native people. In light of this and of the deep divisions in opinion statewide, we urge that additional hearings be held at times and in places which will maximize the participation of Alaskan Natives.

We recognize that AS 47.37 is deeply flawed, and that SB-19 addresses some of its major deficiencies, particularly its failure to cover substance abuse disorders other than those involving alcohol. However, as currently drafted, SB-19 not only fails to correct some of AS 47.37's worst problems, it actually represents a change for the worse in some areas.

There are extreme disparities in Alaska law between provisions and protections afforded persons who suffer from substance abuse disorders as compared to those suffering from other mental disorders. We urge that AS 47.30 be compared with AS 47.37 as a way of highlighting these differences.

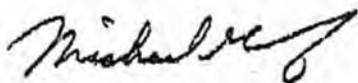
Certainly, the most glaring disparity lies in the area of access to services and right to treatment. As a state, Alaska has made a commitment to protect mentally ill persons (and the public) by guaranteeing (in AS 47.30) that when mentally ill persons are a danger to themselves or others, a designated evaluation and/or treatment facility must accept them. However, we specifically exclude persons who suffer from substance abuse disorders from this guarantee as well as from all other AS 47.30 provisions. Instead of offering similar protections, AS 47.37 explicitly states that persons suffering from substance abuse disorders have no right to treatment under Alaska statutes.

If the state chooses to provide for the involuntary treatment of persons suffering from drug and alcohol abuse disorders, the persons to be treated should be guaranteed the same rights and protections as are those who are involuntarily treated for mental illnesses. Foremost among these protections is guaranteed access to treatment.

Finally, we urge that protective custody issues and provisions be separated from voluntary and involuntary treatment issues. The goals, policy issues, and implementation activities relevant to protective custody differ in fundamental ways from those relevant to involuntary treatment. The intermingling of these two policy issues has contributed to the deep divisions in opinion which now exist regarding SB-19.

Thank you again for this opportunity to comment. Should you have any questions or require additional information, please call me at 452-8251 or contact me at the above address.

Sincerely,



Michael Graf, Ph.D.  
Community Health Director

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## TANANA CHIEFS CONFERENCE, INC.

122 FIRST AVENUE  
FAIRBANKS, ALASKA 99701-4897  
PHONE (907) 452-8251 FAX (907) 451-8936

March 22, 1991

Senator Arliss Sturgulewski  
Chair, HESS Committee  
P.O. Box V  
Juneau, Alaska 99811

RE: **SB-19, An Act relating to treatment related to the use of alcohol and other drugs**

Dear Senator Sturgulewski,

Thank you for this opportunity to comment on **SB-19, An Act relating to treatment related to the use of alcohol and other drugs**. The Tanana Chiefs Conference has held extensive discussions regarding this bill. From these discussions, one clear truth has emerged: There is no consensus in our region regarding fundamental aspects of this bill. Deep divisions exist at every level. In contacts with other regional nonprofit corporations, we have found that these divisions are equally deep statewide.

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There are extreme disparities in Alaska law between provisions and protections afforded persons who suffer from substance abuse disorders as compared to those suffering from other mental disorders. We urge that AS 47.30 be compared with AS 47.37 as a way of highlighting these differences.

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Thank you again for this opportunity to comment. Should you have any questions or require additional information, please call me at 452-8251 or contact me at the above address.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Graf".

Michael Graf, Ph.D.  
Community Health Director

*Tanana Chiefs Conference, inc.*

122 First Avenue  
Fairbanks, Alaska 99701-4897  
(907) 452-8251  
Fax (907) 451-8936

February 26, 1991

Senator Arliss Sturgulewski  
Chairperson, HESS Committee  
P.O. Box V  
Juneau AK 99811

RE: SENATE BILL 19

Dear Chairperson Sturgulewski:

The Tanana Chiefs Conference opposes Senate Bill 19.

The Tanana Chiefs has serious reservations about the bill concerning the possible effect on limiting a person's civil liberties; a philosophical change in the State policy from treating alcoholism as a disease to treating alcoholism as a criminal offense; and the introduction of new terms such as "gravely disabled", terms that may adversely affect our clients, and changes made to existing definitions that have not yet been legally proven and tested.

A full response through our own sectional analysis will be sent to you within the next week. We ask that you delay passage of SB 19 out of your Committee until we can complete an adequate review.

In addition, we agreed that the problem needs to be addressed. However, this bill reflects a narrow view of how we perceive the problem should be addressed. We would willing to participate in discussing a new bill addressing the public inebriate problem or making major, major changes to SB 19.

Thank you for your consideration to this matter.

Sincerely,

*Paul Sherry*

Paul Sherry, Director  
Health Services

# Southcentral Foundation

May 3, 1991

TELEFAXED

The Honorable Arliss Sturgulewski  
Alaska State Senate  
Juneau, Alaska

Dear Senator Sturgulewski:

There is a great need for modifications to be made in the "Uniform Detox Act," to enable intoxicated individuals and those who are incapacitated as a result of alcohol or other drug use to be retained in a treatment setting for a longer period of time than the law now allows. The CS for Senate Bill 19, "An Act relating to treatment related to the use of alcohol and drugs," will make such a change, increasing the "protective custody" period from 48 to 72 hours. Other changes further enhance the Act's capacity to bring alcoholics and drug addicts into treatment settings, holding them there for longer periods of time, and increasing the probability that the "revolving doors" of sleep-off centers will be slowed, while actual treatment will take place with greater frequency.

In the past some organizations have voiced their opposition to making similar changes in this law, claiming that it was, at heart, discriminatory. Southcentral Foundation is the Native Regional Health Corporation for Anchorage and the Cook Inlet Region, and it is our strong conviction that the individuals who will be most impacted by these amendments are not exclusively Native or White or Black. Rather, they represent an unfortunate, troubled, multi-racial group of persons with severe addictions, all of whom share a common need for long-term treatment. These amendments will help the judicial and health systems respond to that need more effectively. We support this bill and these amendments to the Act.

My staff and I ask that you vote for passage of CS for Senate Bill No. 19 out of your committee with a "do pass," and that you support the bill when it reaches the floor of the Senate.

Sincerely yours,

SOUTHCENTRAL FOUNDATION, INC.



Rinna E. Mercurieff  
Executive Director

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: WENDY SOLLENBERGER  
TITLE:  
ADDRESS: 1811 TALKEETNA STREET  
CITY: ANCHORAGE ZIP: 99500  
PHONE: 272-9313  
BILL NO: SB 88  
SUBJECT: TREATMENT OF MINORS FOR SUBSTANCE ABUSE  
MESSAGE: SB 19: PLEASE SUPPORT THESE BILLS. /JSM

PONID: 03163756  
DATE: 91/04/17  
TIME: 16:37:56  
LIONAME: ANCHORAGE LIO

COPIES: SENATORS

HALFORD  
RODEY  
ADAMS  
FRANK  
COLLINS  
FISCHER  
COTTEN  
HOFFMAN  
MENARD