

**HB**

**274**

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE TOOHEY

TO: HB 274

1 Page 1, lines 1 - 2:

2 Delete ", including provisions for certain penalties"

3 Page 7, line 3:

4 Delete "and"

5 Page 7, line 6. after "provided":

6 Insert "; and

7 (5) advice to the person being detained that the person has the right  
8 to elect whether a proceeding providing court review is open or closed to the public"

9 Page 8, after line 15:

10 Insert a new subsection to read:

11 "(d) A person who is the subject of a court proceeding initiated under  
12 AS 18.15.136 or 18.15.137 may elect to have the hearing open or closed to the  
13 public."

14 Page 9, lines 15 - 16:

15 Delete all material.

Revision Date: \_\_\_\_\_  
Title: Tuberculosis Control Program  
Sponsor: Governor's Bill  
Requestor: Governor's Office

Dept. Affected: Health and Social Services  
BRU: State Health Services  
Component: Epidemiology  
COMPONENT SERIAL NO. 296  
See also (SN#): \_\_\_\_\_

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
CHANGES IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

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

This bill will have no fiscal impact on the Division of Public Health.

Prepared by: Peter M. Nakamura, MD, MPH *(Signature)* Phone: (907) 465-3090  
 Division: Public Health Date: 03/16/95

Approved by Commissioner: Karen Perdue, Commissioner *(Signature)* Date: 3/16/95  
 Agency: Department of Health & Social Services

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FISCAL NOTE

No. 23  
 Bill Version: HB 274  
 (1) Publish Date: 3/28/95

STATE OF ALASKA  
 1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to the state's tuberculosis control program..."  
 Sponsor: Rules Committee  
 Requestor: Governor

Department Affected: Administration  
 BRU: Public Defender Agency  
 Component: Public Defender Agency  
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 95) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The Public Defender (PD) has no information regarding the extent to which tuberculosis is a problem in this state, or the frequency with which this bill would be used in a way which would trigger PD representation. Assuming that involuntary detention for tuberculosis diagnosis/treatment will be infrequent, the PD anticipates no fiscal impact.

Prepared by: John B. Salemi, Director  
 Division: Public Defender Agency

Phone: (907) 264-4412  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
 Agency: Department of Administration

Date: 3/16/95

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FISCAL NOTE

No. 2  
 Bill Version: HB 274  
 (H) Publish Date: 3/22/95

STATE OF ALASKA  
 1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to the state's general tuberculosis control program ...."  
 Sponsor: Rules  
 Requestor: \_\_\_\_\_

Department Affected: Administration  
 BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy  
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Office of Public Advocacy.

Prepared by: Brant McGee, Director  
 Division: Office of Public Advocacy

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

Approved by Commissioner: Mark Boyer  
 Agency: Department of Administration

Date: 3/16/95

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# FISCAL NOTE

No. 1  
 Bill Version: HB 274  
 (H) Publish Date: 3/22/95

STATE OF ALASKA  
 1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: ...relating to the state's tuberculosis control BRU: Legal Services  
program including provisions for certain penalties... Component: Operations  
 Sponsor: Rules by Request of the Governor  
 Requester: Governor's Office/OMB COMPONENT SERIAL NO. 0093

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

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

This bill would update the state's general tuberculosis control program and the involuntary detention laws for those persons who have infectious tuberculosis but are unable or unwilling to seek treatment or take safeguards to protect the public against infections. The bill seeks to correct deficiencies in the existing law in respect to recognizing due process requirements of the United States and Alaska constitutions. The bill will allow the court to address the merits of the decision of confinement in these cases rather than focus its review on arguments regarding alleged constitutional deficiencies in the process to support a detention decision. This is corrective legislation that does not have an effect on the existing caseload, and there will not be a fiscal impact.

Prepared by: Richard I. Pegues, Director  
 Division: Administrative Services Division  
 Approved by Commissioner: Bruce M. Botelho, Attorney General  
 Agency: Department of Law

Phone: 465-3672  
 Date: 3/15/95  
 Date: 3/15/95

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STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

March 21, 1995

The Honorable Gail Phillips  
Speaker of the House  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Speaker Phillips:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to update the state's tuberculosis control program to ensure that our statutes expressly recognize constitutional requirements when the state must order a person involuntarily detained or confined for essential medical testing or treatment or to protect the public health. The bill also makes miscellaneous amendments to recognize new developments in the field and to improve the reporting requirements for a case involving a person with tuberculosis.

Tuberculosis is still a serious public health problem in Alaska. Tuberculosis is a disease that can be spread through fairly routine contact such as coughing in a confined, crowded area. In 1994, tuberculosis was diagnosed in several outbreaks in rural villages in Alaska. Tuberculosis can be successfully treated, but the treatment requires a patient to take medication for six months to 24 months. Since some patients face lifestyle problems that make it difficult for that patient to voluntarily successfully complete the entire course of treatment or to isolate themselves from the public to protect the public health, it is sometimes necessary for orders to be issued and enforced to ensure that the patient is following the treatment plan or is isolated from the public. If treatment is prematurely abandoned, a patient's tuberculosis can become more resistant to treatment and place the public at risk of catching an even more difficult form of this disease in the future.

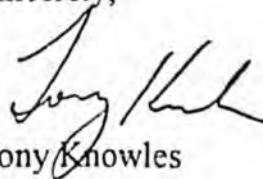
The state's tuberculosis control program and involuntary detention laws should be revised to explicitly recognize constitutional safeguards required in order to quickly respond to tuberculosis incidents and to detain or confine a person if that person is unable or unwilling to undergo treatment and is a threat to the public health. While the Department

The Honorable Gail Phillips  
March 21, 1995  
Page 2

of Health and Social Services anticipates that the involuntary detention and commitment provisions in the bill will be used only rarely because most people will voluntarily take treatment and use safeguards when advised by a medical professional, the bill is necessary to allow a system to be in place to respond quickly in a crisis situation.

I urge your support of this bill in response to an important public health issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tony Knowles".

Tony Knowles  
Governor

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 22, 1995

FURTHER REFERRALS

Judiciary

Date of Committee Action: 3/28/95

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: HB 274

HOUSE BILL NO. 274 TUBERCULOSIS CONTROL

"An Act relating to the state's tuberculosis control program, including provisions for certain penalties; and providing for an effective date."

recommends it be replaced  the same title  
 with the following committee substitute \_\_\_\_\_  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) H+SS, Law  
(2) Admin

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>				<input checked="" type="checkbox"/>
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>Caren Holmson</i>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
<i>Tom Bruce</i>			<input checked="" type="checkbox"/>	

CHAIR'S SIGNATURE *[Signature]*