

**SB**

**138**

SFIN

FILE



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

March 21, 1995

The Honorable Druc Pearce  
President of the Senate  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear President Pearce

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 Druc Pearce

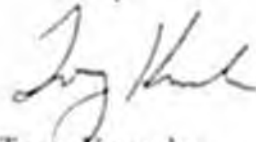
March 21, 1995

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 "Tom Knowles".

Tom Knowles  
Governor

# FISCAL NOTE

No. 1  
 Bill Version: SB 138  
 (S) 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>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>

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 ANTIA						
Other						
<b>TOTAL</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>

Estimate of any current year (FY95) cost: \$ 00

### POSITIONS

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

### ANALYSIS

(Attach a separate file 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 L. Bergin, Director Phone: 485-3672  
 Division: Administrative Services Division Date: 3/15/95  
 Approved by Commissioner: Richard L. Bergin Date: 3/15/95  
 Agency: Department of Law

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FISCAL NOTE

No. 2

Bill Version: SB 138

(S) 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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ( )	0	0	0	0	0	0

FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/AMTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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: Brian McGee, Director  
Division: Office of Public Advocacy

Phone: 274-1664  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
Agency: Department of Administration

Date: 3/14/95

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# FISCAL NOTE

No. 3

Bill Version: SB138

(S) Publish Date: 3/22/95

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>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</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>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</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 E. Salem, Director  
Division Public Defender Agency

Phone (907) 264-4612  
Date \_\_\_\_\_

Approved by Commissioner: Maxine Bury  
Agency Department of Administration

Date 3/16/95

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STATE OF ALASKA  
1995 LEGISLATIVE SESSION

No. 4  
Bill Version: SB 138  
(S) Publish Date: 3/22/95

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 ISM/TIA						
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  
Division: Public Health

Phone: (907) 261-1090  
Date: 03 16 95

Approved by Commissioner: Karen Ferlinz, Commissioner  
Agency: Department of Health & Social Services

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

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SENATE COMMITTEE REPORT  
First Committee of Referral

DATE: 3/22/95

FURTHER: Finance

Date of 5-Day Notice: 4-5-95  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4-19-95

*Final*

HESS Committee considered SB 138

State's tuberculosis control program, including provisions for certain penalties, etd.

*CFR*

and recommends:

- be replaced with CS SB 138 HES
- adopt previous CS
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill: same title
- new title
- House Bill: same title
- technical title
- new: SCR

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	SR	DSP	AM
<i>Mike Miller</i>	<input checked="" type="checkbox"/>				
<i>John L. Egan</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Lylee Green</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

~~NEW~~ PREVIOUS FISCAL NOTE(S):\*

Department	Date	Zero	Fiscal
<i>HSS</i>	<i>3/14/95</i>	<input checked="" type="checkbox"/>	
<i>DOA - PDA</i>	<i>3/16/95</i>	<input checked="" type="checkbox"/>	
<i>DOA - OPA</i>	<i>3/16/95</i>	<input checked="" type="checkbox"/>	
<i>DOL</i>	<i>3/15/95</i>	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

