

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 86 / 2

63 SCOMM 6 : SENATE SPECIAL COMM. ON ALCOHOLISM 1977-78

SB 543 "An Act relating to alcoholism grants-in-aid." (S HESS then Fin 3/17/78)

Section 1 provides that grants-in-aid may be awarded by the Department of Health and Social Services only on the basis of community need and only after the consideration of proposed grants by the Advisory Board on Alcoholism.

Section 2 provides that the grants shall only be for that portion of a program which the department determines the community is incapable of bearing.

Section 3 requires (1) grantees to submit an approved plan for the expenditure of the grant monies, to provide for receipt of advice and comment from local advisory boards, and to establish goals in terms of percentage reduction of alcoholics; (2) the department to monitor the implementation of the plans of the grantees; (3) as a prerequisite to award of a grant, that municipal officials must actively enforce the law relating to manufacture and sale of alcohol beverages; and (4) the department to develop management training programs for grantees and uniform accounting systems to be utilized by the grantees.

Section 4 removes the issuance of licenses to facilities receiving grants-in-aid from the department's regulation making power under the grant program.

Section 5 amends the definition of "approved public treatment facility" to include those treatment agencies operating through a grant awarded under AS 47.30.475 (grants-in-aid).

SB 544 "An Act relating to standards for alcohol treatment facilities." (S HESS then Fin 3/17/78)

Section 1 is a statement of legislative intent that standards that are more responsive to existing needs and conditions be developed for alcohol treatment facilities in rural communities.

Section 2 requires that the office of alcoholism establish separate standards for communities with populations of 5,000 or more and communities with populations of less than 5,000.

SB 545 "An Act relating to health insurance." (S HESS then Fin 3/17/78)

This bill requires that all policies for health insurance issued or delivered in the state must define alcoholism as an illness and provide benefits for treatment in the same amounts as provided for any other illness.

SB 546 "An Act establishing a tax credit for contributions to alcoholism programs." (S HESS then Fin 3/17/78)

This bill provides for a tax credit of not more than \$50 per year for contributions made to a state or municipally approved alcoholism program.

SB 547 "An Act making a special appropriation to the Department of Revenue to increase the number of enforcement personnel employed by the Alcohol Beverage Control Board; and providing for an effective date." (S HESS then Fin 3/17/78)

This bill appropriates \$200,000 to the Alcoholic Beverage Control Board to pay for the employment of additional enforcement personnel.

SB 548 "An Act relating to waiter and waitress permits." (S L&M 3/17/78)

Section 1 requires an employee of a holder of a beverage dispensary license and who serves alcoholic beverages to hold a permit. The applicant is required to undergo eight hours of instruction in state law and policy relating to alcohol before a permit can be issued.

Section 2 adds the holding of a valid permit issued under Section 1 to the qualifications for being a waiter or waitress in an establishment operating under a beverage dispensary license.

SB 549 "An Act relating to the serving of intoxicating liquor." (S HESS 3/17/78)

This bill would prohibit the serving of more than one drink at one time to a patron of licensed premises.

SB 550 "An Act relating to administration and enforcement of alcoholic beverage control statutes and regulations." (S HESS then Jud 3/17/78)

Section 1 requires the Alcoholic Beverage Control Board to hold public hearings on all new licenses, renewals, reissuances, and transfers upon the filing of a protest. It also designates agents and assistants employed by the board for enforcement purposes as "peace officers."

Section 2 provides procedures for the protest of the transfer, renewal, or issuance of a new license for establishments within a city or unified municipality.

Section 3 provides procedures for the protest of the transfer, renewal, issuance, or reissuance of a new license for establishments outside a city or unified municipality. It gives residents standing to protest such establishments if they live within five miles of its location. The board may, in its discretion, hold a hearing on the protest, unless at least 35 per cent of the residents of the area participate in the protest. In that case, a special election must be held on the issuance, reissuance, renewal, or transfer of the license.

(continued on next page)

SB 550
(Cont.)

Section 4 permits 20 per cent of the residents outside a city, unified municipality, or established village, but within five miles of the licensed premises within a city or unified municipality, to require the board to refuse issuance, reissuance, renewal, or transfer of a license unless the board finds no legal grounds for refusal, or that there will be no substantial harm to the health, safety or welfare of the residents.

Section 5 provides for automatic renewal of licenses unless a protest has been filed or the licensee convicted of an offense under AS 04.15.100.

Section 6 provides that upon conviction the Board shall suspend the license for first (from 10 to 45 consecutive days) and second (from 30 to 90 consecutive days) violations and shall revoke the license and declare the bond forfeit for the third violation.

SB 551 "An Act relating to the rehabilitation of persons who commit criminal offenses as a result of alcohol problems." (S Jud 3/17/78)

Section 1 provides that upon conviction of an offense that was the result of or caused by the offender's alcohol problem, he must be sentenced to an alcohol education or rehabilitation program in addition to any other punishment imposed by the court. It also allows the court to be provided with information obtained during prior alcohol treatment.

Section 2 provides an exception to the rule of confidentiality applying to information obtained during a person's participation in an alcohol treatment program. This is in order to provide the information to the sentencing court under Section 1.

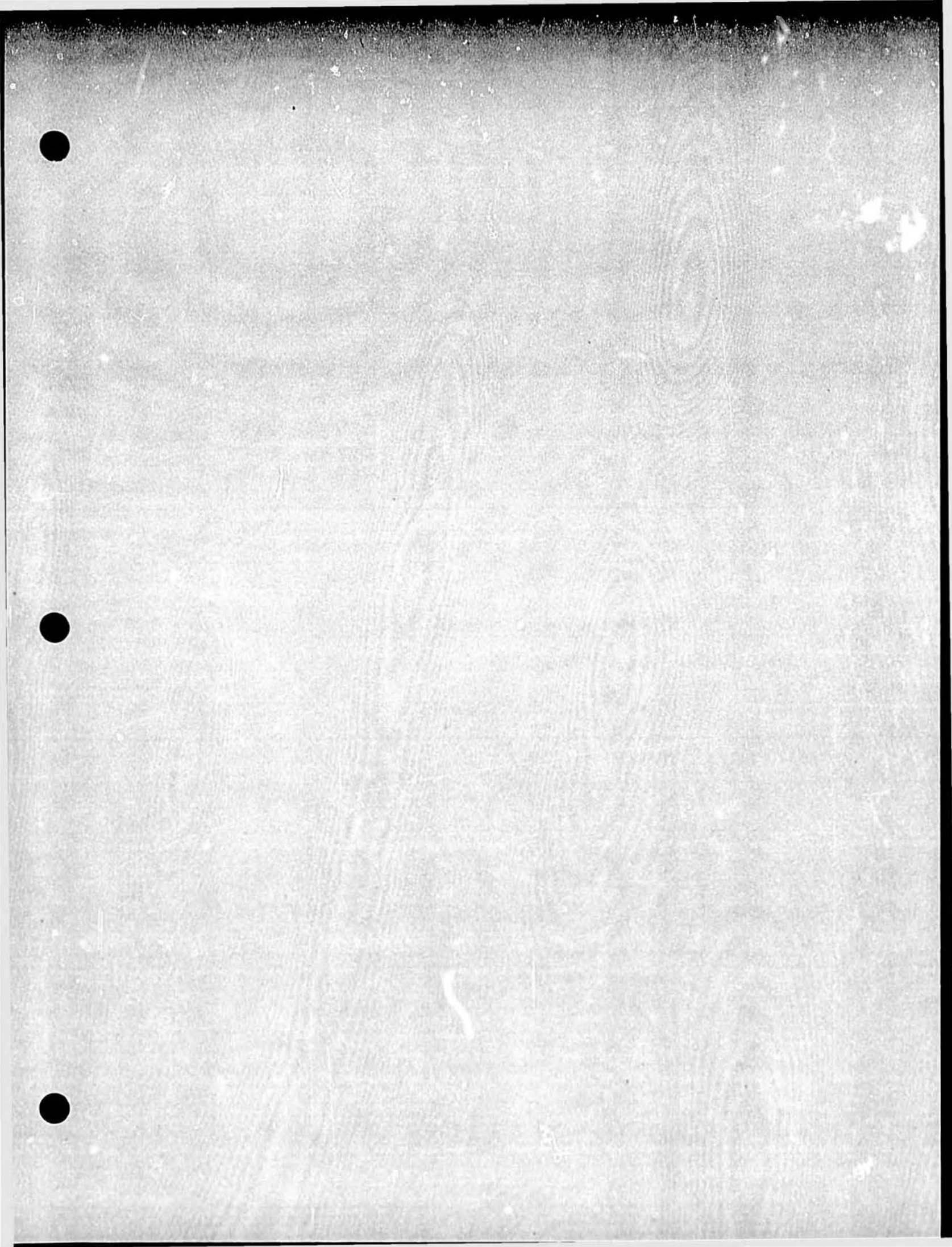
SB 552 "An Act relating to alcohol." (S SA then Fin 3/17/78)

Section 1 is a legislative finding that the crime of driving while under the influence of intoxicating liquor or drugs arises as a result of misinformation about alcohol and drugs or their chronic abuse, and that participation in an information and rehabilitation program is effective in preventing occurrences of that offense.

Section 2 requires mandatory participation in an alcohol education or rehabilitation program upon the conviction for the offense of driving while under the influence of intoxicating liquor or drugs.

Section 3 requires that information compiled during a person's participation in a program as required under Section 2 be provided to the sentencing court in any subsequent conviction.

Section 4 provides an exception to the confidentiality requirement applying to information gained during the participation of a person in an alcohol treatment program. This is required to implement Section 3.



Introduced: 1/25/77
Referred: State Affairs, Community
& Regional Affairs and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 76

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing a method of adjusting certain tax
7 rates."

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

9 * Section 1. AS 43.40 is amended by adding a new section to read:

10 Sec. 43.40.015. ADJUSTMENT OF TAX RATES. (a) The commissioner
11 of revenue shall adjust the tax rates provided for in sec. 10 of this
12 chapter in accordance with changes in the Consumer Price Index for
13 Anchorage, Alaska, published by the Bureau of Labor Statistics,
14 United States Department of Labor. The Consumer Price Index for Octo-
15 ber 1976 is considered the initial Consumer Price Index.

16 (b) In making the adjustments under (a) of this section, the
17 commissioner shall comply with the following procedure:

18 (1) after November 30 and before December 31 of each year
19 the commissioner shall calculate the change in the October Consumer
20 Price Index for the current year from the October Consumer Price Index
21 for the previous year;

22 (2) the commissioner shall then

23 (A) compute the percentage increase or decrease for
24 that period; and

25 (B) adjust the tax rates set out in sec. 10 of this
26 chapter by the same percentage increase or decrease, rounded to
27 the nearest half cent;

28 (3) no later than the 10th day of each regular session of
29 the legislature, the commissioner shall submit the adjusted tax rates

1 to the legislature; if not disapproved by the legislature by a resolu-
2 tion concurred in by a majority of the members of each house within 45
3 days after submission, or by the end of the session, whichever occurs
4 first, the new rates become law; and

5 (4) the commissioner shall promptly post the adjusted tax
6 rates and notify the taxpayers of them.

7 (c) The adjusted tax rates become effective on July 1 of the
8 year in which they become law.

9 (d) If adjusted tax rates submitted to the legislature under (b)
10 of this section are disapproved by the legislature, the commissioner
11 may, within 15 days after the disapproval, submit a revised set of
12 adjusted tax rates. These rates become law if not disapproved within
13 30 days or by the end of the session, whichever occurs first, and
14 become effective July 1. The commissioner shall promptly post these
15 rates and notify the taxpayers of them.

16 * Sec. 2. AS 43.50 is amended by adding a new section to read:

17 Sec. 43.50.095. ADJUSTMENT OF TAX RATES. (a) The commissioner
18 of revenue shall adjust the tax rates provided for in secs. 90 and 190
19 of this chapter in accordance with changes in the Consumer Price Index
20 for Anchorage, Alaska, published by the Bureau of Labor Statistics,
21 United States Department of Labor. The Consumer Price Index for
22 October 1976 is considered the initial Consumer Price Index.

23 (b) In making the adjustments under (a) of this section, the
24 commissioner shall comply with the following procedure:

25 (1) after November 30 and before December 31 of each year
26 the commissioner shall calculate the change in the October Consumer
27 Price Index for the current year from the October Consumer Price Index
28 for the previous year;

29 (2) the commissioner shall then

1 (A) compute the percentage increase or decrease for
2 that period; and

3 (B) adjust the tax rates set out in secs. 90 and 190 of
4 this chapter by the same percentage increase or decrease, rounded
5 to the nearest quarter mill;

6 (3) no later than the 10th day of each regular session of
7 the legislature, the commissioner shall submit the adjusted tax rates
8 to the legislature; if not disapproved by the legislature by a resolu-
9 tion concurred in by a majority of the members of each house within 45
10 days after submission, or by the end of the session, whichever occurs
11 first, the new rates become law; and

12 (4) the commissioner shall promptly post the adjusted tax
13 rates and notify the taxpayers of them.

14 (c) The adjusted tax rates become effective on July 1 of the
15 year in which they become law.

16 (d) If adjusted tax rates submitted to the legislature under (b)
17 of this section are disapproved by the legislature, the commissioner
18 may, within 15 days after the disapproval, submit a revised set of
19 adjusted tax rates. These rates become law if not disapproved within
20 30 days or by the end of the session, whichever occurs first, and
21 become effective July 1. The commissioner shall promptly post these
22 rates and notify the taxpayers of them.

23 * Sec. 3. AS 43.60 is amended by adding a new section to read:

24 Sec. 43.60.015. ADJUSTMENT OF TAX RATES. (a) The commissioner
25 of revenue shall adjust the tax rates provided for in sec. 10 of this
26 chapter in accordance with changes in the Consumer Price Index for
27 Anchorage, Alaska, published by the Bureau of Labor Statistics, United
28 States Department of Labor. The Consumer Price Index for the month of
29 October 1976 is considered the initial Consumer Price Index.

1 (b) In making the adjustments under (a) of this section, the
2 commissioner shall comply with the following procedure:

3 (1) after November 30 and before December 31 of each year
4 the commissioner shall calculate the change in the October Consumer
5 Price Index for the current year from the October Consumer Price Index
6 for the previous year;

7 (2) the commissioner shall then

8 (A) compute the percentage increase or decrease for
9 that period; and

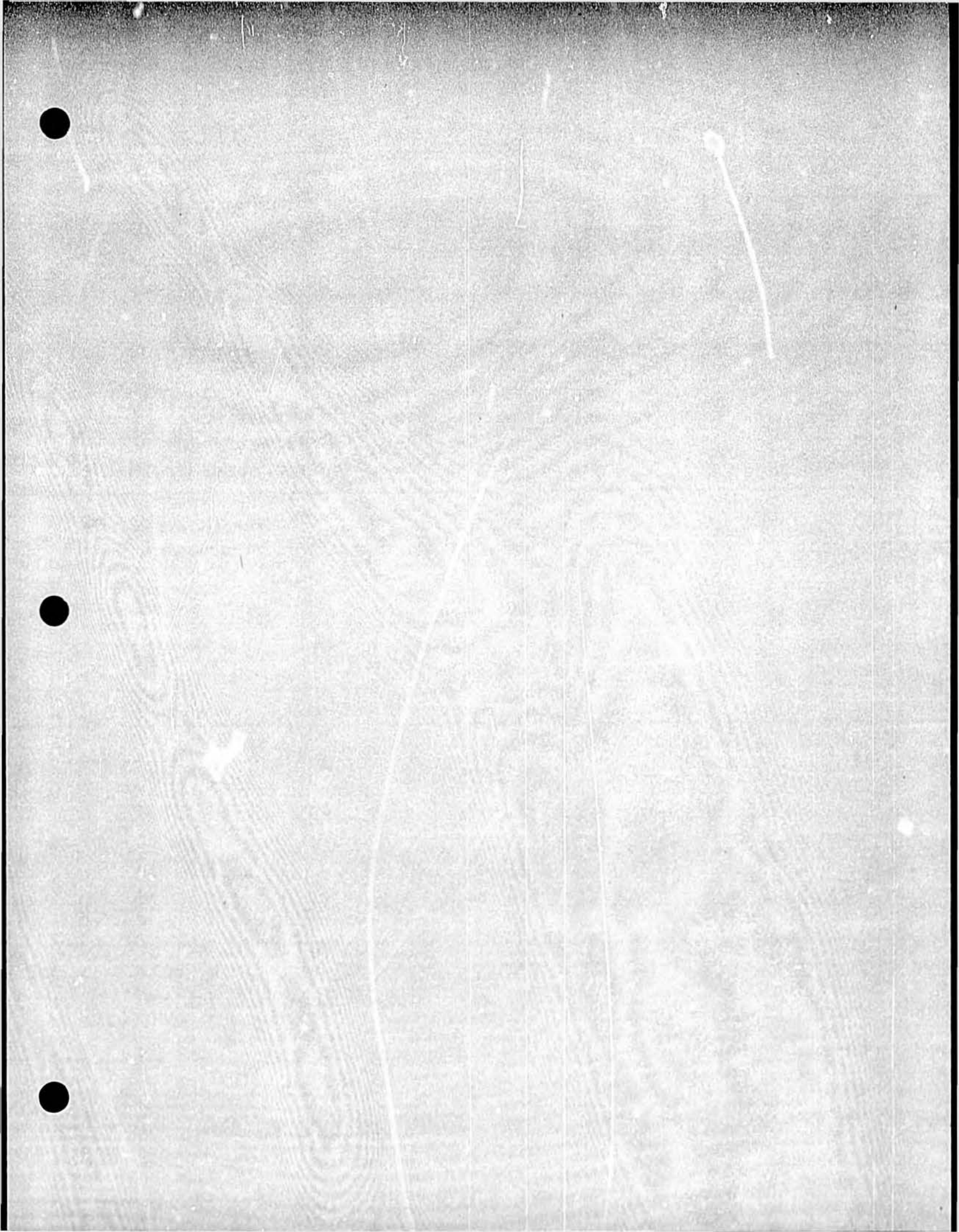
10 (B) adjust the tax rates set out in sec. 10 of this
11 chapter by the same percentage increase or decrease, rounded to
12 the nearest one-tenth of a dollar;

13 (3) no later than the 10th day of each regular session of
14 the legislature, the commissioner shall submit the adjusted tax rates
15 to the legislature; if not disapproved by the legislature by a resolu-
16 tion concurred in by a majority of the members of each house within 45
17 days after submission, or by the end of the session, whichever occurs
18 first, the new rates become law; and

19 (4) the commissioner shall promptly post the adjusted tax
20 rates and notify the taxpayers of them.

21 (c) The adjusted tax rates become effective on July 1 of the
22 year in which they become law.

23 (d) If adjusted tax rates submitted to the legislature under (b)
24 of this section are disapproved by the legislature, the commissioner
25 may, within 15 days after the disapproval, submit a revised set of
26 adjusted tax rates. These rates become law if not disapproved within
27 30 days or by the end of the session, whichever occurs first, and
28 become effective July 1. The commissioner shall promptly post these
29 rates and notify the taxpayers of them.



Original sponsor: Rules Committee by request
of the Governor

Offered: 5/9/77
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 167
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the excise tax on and license fees
7 for sale of intoxicating liquors; and providing for an
8 effective date."

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

10 * Section 1. AS 43.60.010(a) is amended to read:

11 (a) Every brewer, distiller, bottler, jobber, retailer, whole-
12 saler, or manufacturer who sells intoxicating liquors in the state or
13 who consigns shipments of intoxicating liquors into the state, whether
14 or not the liquors are brewed, distilled, bottled, or manufactured in
15 the state, shall pay on all malt beverages (alcoholic content of one per
16 cent or more by volume), wines, and hard or distilled liquors, the
17 following taxes: (1) malt beverages at the rate of 25 cents a gallon or
18 fraction of a gallon; (2) wine or other liquor of less than 14 [21] per
19 cent alcohol by volume [OR LESS,] at the rate of \$1 [60 CENTS] a gallon
20 or fraction of a gallon; [AND] (3) other liquors having a content of
21 more than 21 per cent alcohol by volume at the rate of \$5 [\$4.00] a
22 gallon; and (4) wine or other liquor of at least 14 per cent alcohol by
23 volume but not more than 21 per cent alcohol by volume at the rate of
24 \$1.35 a gallon or fraction of a gallon.

25 * Sec. 2. AS 04.10.110 is amended to read:

26 Sec. 04.10.110. WHOLESALE LICENSE. (a) The holder of a general
27 wholesale license may sell intoxicating liquors in the original package,
28 and wine in bulk, in quantities of not less than five wine gallons to
29 holders of licenses. The holder of a general wholesale license may

1 not sell to a consumer. Liquor requiring internal revenue strip stamps
2 shall have the stamps intact on the package. A general wholesale
3 license shall be required for each distributing point. The general
4 wholesale license fee schedule is based upon the total amount of busi-
5 ness transacted during any year and is \$500 as a minimum license fee, to
6 accompany the application, and in payment of the fee for the first
7 \$50,000 of business transacted, and, in addition thereto, on the busi-
8 ness transacted during any year,

9	above \$50,000 and not	
10	over \$75,000	a fee of \$250
11	above \$75,000 and not	
	over \$100,000	a fee of \$500
13	above \$100,000 and not	
14	over \$125,000	a fee of \$750
15	above \$125,000 and not	
16	over \$150,000	a fee of \$1000
17	above \$150,000 and not	
18	over \$175,000	a fee of \$1250
19	above \$175,000 and not	
20	over \$200,000	a fee of \$1500
21	above \$200,000 and not	
22	over \$250,000	a fee of \$2000
23	above \$250,000 and not	
24	over \$300,000	a fee of \$2500
25	above \$300,000 and not	
26	over \$350,000	a fee of \$3000
27	above \$350,000 and not	
28	over \$400,000	a fee of \$3500
29	above \$400,000 and not	

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over \$500,000 a fee of \$4500
above \$500,000 one per cent of the business
transacted

[A FEE OF \$5000]

(b) The holder of a wholesale malt beverage and wine license may sell malt beverages and wine in the original packages and malt beverages and wine in bulk in quantities of not less than five wine gallons to holders of licenses. The holder of a wholesale malt beverage and wine license may not sell to a consumer. The malt beverages and wine license fee schedule is based on the total amount of business transacted in any year and is \$100 as a minimum license fee, to accompany the application, and in payment of the fee for the first \$10,000 of business transacted, and, in addition, on the business transacted during any year,

above \$10,000 and not
over \$25,000 a fee of \$150
above \$25,000 and not
over \$50,000 a fee of \$500
above \$50,000 and not
over \$75,000 a fee of \$750
above \$75,000 and not
over \$100,000 a fee of \$1000
above \$100,000 and not
over \$150,000 a fee of \$1500
above \$150,000 and not
over \$200,000 a fee of \$2000
above \$200,000 and not
over \$300,000 a fee of \$3000
above \$300,000 and not
over \$400,000 a fee of \$4000

1 above \$400,000

one per cent of the business
transacted

3 [A FEE OF \$5000]

4 * Sec. 3. AS 04.10.040(a) is amended to read:

5 (a) The holder of a beverage dispensary license may sell for cash
6 or serve on the premises beer, wine and hard liquors for consumption on
7 the premises only. The beverage dispensary license fee is \$750 [\$500]
8 in all unincorporated communities and incorporated cities having a
9 population not exceeding 1,500 persons and \$1,500 [\$1,000] in all unin-
10 corporated communities and incorporated cities having a population in
11 excess of 1,500 persons. The population shall be determined at the time
12 of filing the application. Each applicant for a beverage dispensary
13 license shall file with the application a cash bond or a surety bond
14 executed by a surety company approved by the board. The condition of
15 the bond or undertaking shall be that the applicant or applicants are
16 the sole owners of the business to be licensed, and that no other person
17 is financially interested directly or indirectly, and that the applicant
18 or applicants will conduct the business in accordance with the appli-
19 cable laws pertaining to intoxicating liquor in the state. The bond
20 shall be in the penal sum of \$2,500. Upon revocation of the license,
21 the bond may be forfeited and the amount deposited into the general fund
22 of the state.

23 * Sec. 4. AS 04.10.050 is amended to read:

24 Sec. 04.10.050. RESTAURANT LICENSE. The holder of a restaurant
25 license may sell beer and wine in a restaurant with meals furnished in
26 good faith to patrons. The restaurant license fee is \$500 [\$300].

27 * Sec. 5. AS 04.10.060 is amended to read:

28 Sec. 04.10.060. ROADHOUSE LICENSE. The holder of a roadhouse
29 license whose licensed premises are located not less than 18 miles

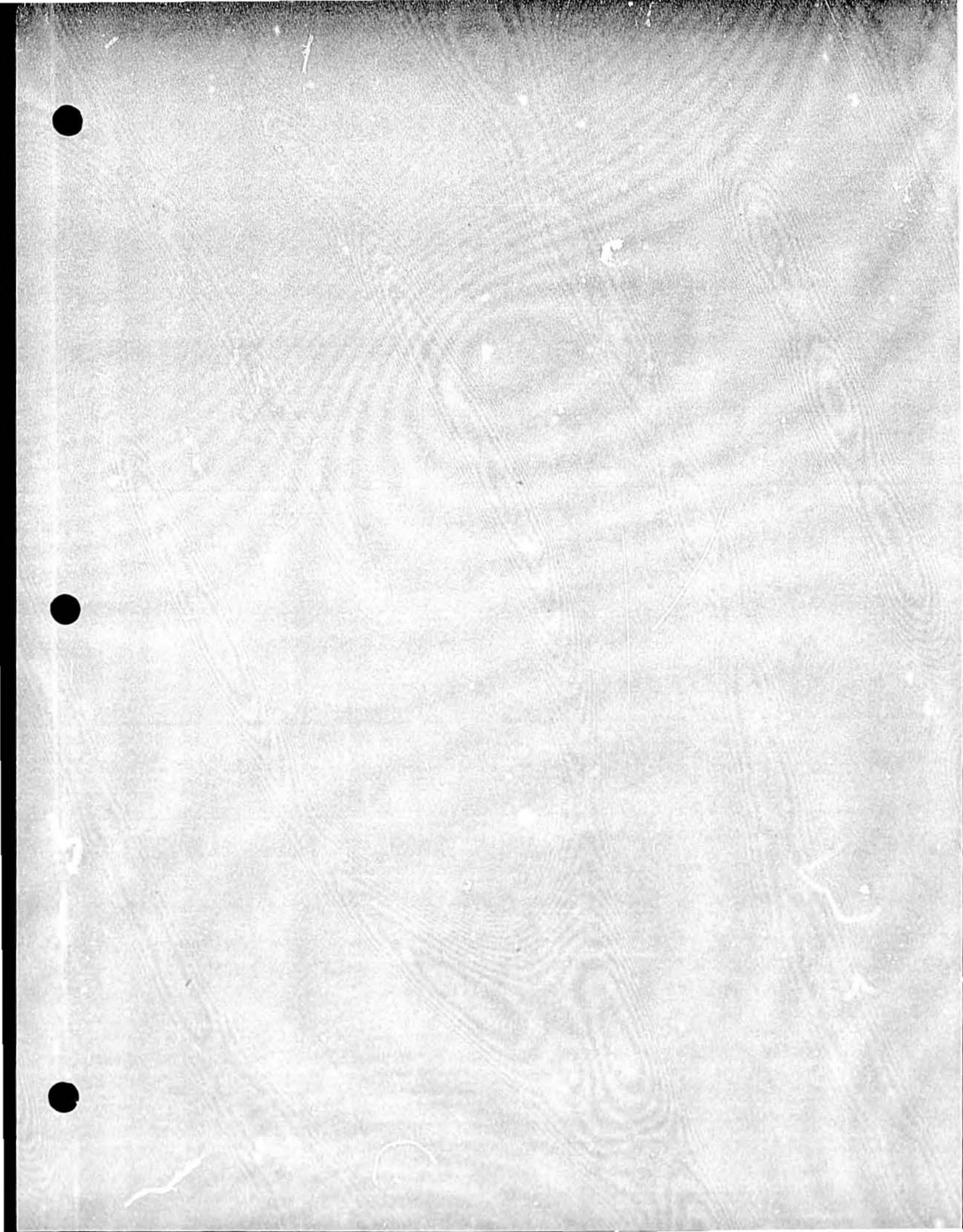
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from the corporate limits of a city and who serves food to the traveling public, may sell beer and wine for consumption on the premises only. The roadhouse license fee is \$250 [\$150].

* Sec. 6. AS 04.10.100 is amended to read:

Sec. 04.10.100. RETAIL LICENSE. The holder of a retail license may sell for cash in his establishment intoxicating liquors in the original packages and wine in bulk. All liquor requiring internal revenue strip stamps shall have the stamps intact upon the packages. The consumption of intoxicating liquor on premises licensed under this provision is prohibited. Sales under a retail license are limited to less than 20 wine gallons to any one person in any one sale. The retail license fee is \$1,000 [\$600], but the retail license fee for a retail liquor store having gross sales from the sale of intoxicating liquors not exceeding \$20,000 in any calendar year is \$300.

* Sec. 7. This Act takes effect July 1, 1977.



Original sponsor: Rules Committee by
request of the Governor

Offered: 5/5/77
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 168

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Department
7 of Health and Social Services and to the Department of
8 Education for alcohol-related programs; and providing
9 for an effective date."

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

11 * Section 1. The sum of \$804,500 is appropriated from the general fund to
12 the Department of Health and Social Services for the fiscal year ending
13 June 30, 1978, to be allocated as follows:

14	Medical alcohol detoxification services	\$100,000
15	Operation of 30-day residential intensive	
16	treatment facility for alcohol affected	
17	persons	600,000
18	Training of personnel for service in alcohol	
19	treatment and counseling programs at various	
20	locations	104,500

21 * Sec. 2. The sum of \$416,000 is appropriated from the general fund to
22 the Department of Education for the fiscal year ending June 30, 1978, to be
23 allocated as follows:

24	Alaska Public Broadcasting Commission	
25	public information and education	
26	regarding alcohol abuse	\$350,000
27	School curriculum development and	
28	implementation relating to alcohol	
29	abuse	66,000

NO NOT PASS IN 77/78

Introduced: 3/11/77
Referred: Health, Education &
Social Services and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 242

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to treatment of alcoholism and drug
7 abuse; and providing for an effective date."

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

9 * Section 1. AS 47.37 is amended to read:

10 CHAPTER 37. [UNIFORM] ALCOHOLISM AND DRUG ABUSE
11 [INTOXICATION TREATMENT ACT].

12 ARTICLE 1. TREATMENT.

13 * Sec. 2. AS 47.37.010 is amended to read:

14 Sec. 47.37.010. DECLARATION OF POLICY. It is the policy of the
15 state that alcoholics, [AND] intoxicated persons, drug addicts and
16 drug abusers should not be criminally prosecuted for their consumption
17 of alcoholic beverages or drugs but [AND THAT THEY] should be afforded
18 a continuum of treatment so they may lead normal lives as productive
19 members of society.

20 * Sec. 3. AS 47.37.020 is amended to read:

21 Sec. 47.37.020. OFFICE OF ALCOHOLISM AND DRUG ABUSE. An office
22 of alcoholism and drug abuse is established in the department. The
23 office shall be headed by a coordinator appointed by the commissioner.
24 The coordinator shall be a qualified professional who has training and
25 experience in the organization and administration of treatment services
26 for persons with alcoholism-drug [MEDICAL-SOCIAL] problems. The
27 coordinator is in the classified service.

28 * Sec. 4. AS 47.37.030 is amended to read:

29 Sec. 47.37.030. POWERS OF OFFICE. The office may

1 (1) plan, establish, and maintain prevention, training,
2 treatment and rehabilitation programs as appropriate;

3 (2) make contracts necessary or incidental to the per-
4 formance of its duties and the execution of its powers, including
5 contracts with public and private agencies, organizations, and indi-
6 viduals, to pay them for services rendered or furnished to alcoholics,
7 [OR] intoxicated persons, or other drug addicted or drug abusing
8 persons;

9 (3) solicit and accept for use a gift of money or property
10 or a grant of money, services, or property from the federal government,
11 the state, or a political subdivision of it or a private source, and
12 do all things necessary to cooperate with the federal government or
13 any of its agencies in making an application for a grant;

14 (4) review and comment on, and administer or supervise the
15 administration of the provisions relating to alcoholics, [AND] intoxi-
16 cated persons, drug addicts, and drug abusers, of any state plan
17 submitted for federal funding under federal health, welfare, [OR]
18 treatment, traffic safety, and criminal justice legislation;

19 (5) coordinate its activities and cooperate with alcoholism
20 and drug abuse programs in this and other states, and make contracts
21 and other joint or cooperative arrangements with state, local, or
22 private agencies for the treatment of alcoholics, [AND] intoxicated
23 persons, drug addicts, or drug abusers and for the common advancement
24 of alcoholism and drug abuse programs in this and other states;

25 (6) keep records and engage in research and the gathering
26 of relevant statistics; have access to records used by other agencies
27 of the state government except as prohibited by law;

28 (7) do other acts necessary to implement the authority
29 expressly granted to it;

1 (8) acquire, hold, or dispose of real property or any
2 interest in it, and construct, lease, or otherwise provide treatment
3 facilities for alcoholics, [AND] intoxicated persons, drug addicts and
4 drug abusers; however, the office shall encourage local initiative,
5 involvement and financial participation under grants-in-aid whenever
6 possible in preference to the construction or operation of facilities
7 directly by the office.

8 * Sec. 5. AS 47.37.040 is amended to read:

9 Sec. 47.37.040. DUTIES OF OFFICE. The office shall

10 (1) develop, encourage, and foster statewide, regional, and
11 local plans and programs for the prevention of alcoholism and drug
12 abuse and treatment of alcoholics, [AND] intoxicated persons, drug
13 addicts, and drug abusers in cooperation with public and private
14 agencies, organizations, and individuals, and provide technical assist-
15 ance and consultation services for these purposes;

16 (2) coordinate the efforts and enlist the assistance of all
17 public and private agencies, organizations, and individuals interested
18 in prevention of alcoholism and drug abuse and treatment of alcoholics,
19 [AND] intoxicated persons, drug addicts, and drug abusers;

20 (3) cooperate with the division of corrections in establish-
21 ing and conducting programs to provide treatment for alcoholics,
22 [AND] intoxicated persons, drug addicts, and drug abusers in or on
23 parole from penal institutions;

24 (4) cooperate with the Department of Education, school
25 boards, schools, police departments, courts, and other public and
26 private agencies, organizations and individuals in establishing
27 programs for the prevention of alcoholism and drug abuse and treatment
28 of alcoholics, [AND] intoxicated persons, drug addicts, and drug
29 abusers, and preparing curriculum materials for use at all levels of

1 school education;

2 (5) prepare, publish, evaluate, and disseminate educational
3 material dealing with the nature and effects of alcohol and other
4 drugs;

5 (6) develop and implement, as an integral part of treatment
6 programs, an educational program for use in the treatment of alcoholics,
7 [AND] intoxicated persons, drug addicts, and drug abusers which includes
8 the dissemination of information concerning the nature and effects of
9 alcohol and other drugs;

10 (7) organize and implement a coordinated manpower training
11 and education program [FOSTER TRAINING PROGRAMS] for all persons
12 engaged in occupations which provide treatment or other related services
13 to [OF] alcoholics, [AND] intoxicated persons, drug addicts, and drug
14 abusers;

15 (8) sponsor and encourage research into the causes and
16 nature of alcoholism, alcohol abuse, drug addiction and drug abuse,
17 [AND] treatment of alcoholics, [AND] intoxicated persons, drug addicts,
18 and drug abusers, and serve as a source [CLEARINGHOUSE] for information
19 relating to alcoholism and drug abuse;

20 (9) specify uniform methods for keeping statistical informa-
21 tion by public and private agencies, organizations, and individuals,
22 and collect and make available relevant statistical information,
23 including number of persons treated, frequency of admission and readmis-
24 sion, and frequency and duration of treatment;

25 (10) advise the commissioner, the regional health systems
26 agencies, the state health coordinating council, and the governor in
27 the preparation of an annual [A] comprehensive plan for the prevention,
28 treatment, and control of alcohol and drug abuse [TREATMENT OF ALCOHOL-
29 ICS AND INTOXICATED PERSONS];

1 (11) review all state health, welfare, criminal justice,
2 traffic safety and treatment plans to be submitted for federal funding,
3 and advise the commissioner on provisions to be included relating to
4 alcohol and drug abuse [ALCOHOLISM AND INTOXICATED PERSONS];

5 (12) encourage [ASSIST IN] the development and maintenance
6 of 'troubled employees' [, AND COOPERATE WITH, ALCOHOL EDUCATION AND
7 TREATMENT] programs in Alaska [FOR EMPLOYEES OF STATE AND LOCAL GOVERN-
8 MENTS AND BUSINESSES AND INDUSTRIES IN THE STATE];

9 (13) utilize the support and assistance of interested
10 persons in the community, particularly recovered alcohol or drug
11 abusers [ALCOHOLICS], to encourage alcohol or drug abusing persons
12 [ALCOHOLICS] to voluntarily undergo treatment;

13 (14) cooperate with the Department of Public Safety and the
14 Department of Highways in establishing and conducting programs designed
15 to deal with the problem of persons operating motor vehicles while
16 intoxicated or under the influence of drugs;

17 (15) monitor the admissions of [ENCOURAGE] hospitals and
18 other appropriate health facilities in compliance with federal law
19 which requires that the office ensure that they [TO] admit without
20 discrimination alcoholics and intoxicated persons and [TO] provide
21 them with adequate and appropriate treatment;

22 (16) encourage all health and disability insurance programs
23 to include alcoholism and certain other forms of drug abuse and addic-
24 tion as [A] covered illnesses [ILLNESS];

25 (17) submit to the legislature an annual report covering
26 the activities of the office.

27 * Sec. 6. AS 47.37.050 is amended to read:

28 Sec. 47.37.050. INTERDEPARTMENTAL COORDINATING COMMITTEE. (a)
29 An interdepartmental coordinating committee is created, composed of

1 the coordinator, [AND] the commissioners of health and social services,
2 revenue, education, [HIGHWAYS, LABOR AND] public safety, community and
3 regional affairs, the directors of traffic safety and the Criminal
4 Justice Planning Agency and representatives from the Department of
5 Law, the Division of Planning and Policy Development, the Division of
6 Budget and Management, and the Alaska Court System. The committee
7 shall meet at least quarterly [TWICE ANNUALLY] at the call of the
8 commissioner of health and social services who is its chairman. The
9 committee shall supervise the development and implementation of an
10 annual interdepartmental state plan for the prevention, treatment and
11 control of alcohol and drug abuse [PROVIDE FOR THE COORDINATION AND
12 EXCHANGE OF INFORMATION ON ALL PROGRAMS RELATING TO ALCOHOLISM], and
13 act as a permanent liaison among state departments engaged in activities
14 affecting alcoholics, [AND] intoxicated persons, drug addicts, and
15 drug abusers. The annual interdepartmental plan for the prevention,
16 treatment, and control of alcohol and drug abuse shall reflect con-
17 sideration of related plans and plan requirements of other agencies
18 with similar goals. [THE COMMITTEE SHALL ASSIST THE COMMISSIONER OF
19 HEALTH AND SOCIAL SERVICES AND THE COORDINATOR IN FORMULATING A COMPRE-
20 HENSIVE PLAN FOR PREVENTION OF ALCOHOLISM AND FOR TREATMENT OF ALCOHOL-
21 ICS AND INTOXICATED PERSONS.]

(b) In exercising its coordinating functions, the committee shall assure that the appropriate state agencies

(1) provide all necessary medical, social, treatment, and educational services for alcoholics, [AND] intoxicated persons, drug addicts, and drug abusers and for the prevention and control of both alcohol and drug abuse [OF ALCOHOLISM], without unnecessary duplication of services;

(2) cooperate in the planning and implementation of integrated

1 systems of enforcement, adjudication, treatment, and rehabilitation
2 appropriate to the humane and professional provision of services to [USE
3 OF FACILITIES AND IN THE TREATMENT OF] alcoholics, [AND] intoxicated
4 persons, drug addicts, and drug abusers;

5 (3) adopt approaches for the prevention, [OF ALCOHOLISM AND
6 THE] treatment, and control of alcohol [ALCOHOLICS] and drug abuse
7 [INTOXICATED PERSONS] consistent with the policy of this chapter.

8 * Sec. 7. AS 47.37.060 is amended to read:

9 Sec. 47.37.060. ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE.
10 There is established in the Department of Health and Social Services
11 an advisory board on alcoholism and drug abuse. This advisory board
12 shall function as a committee of the state health coordinating council,
13 and three representatives of it shall serve as an advisory subcommittee
14 of the interdepartmental coordinating committee.

15 * Sec. 8. AS 47.37.070 is amended to read:

16 Sec. 47.37.070. COMPOSITION. The advisory board on alcoholism
17 and drug abuse consists of nine members appointed by the governor.

18 * Sec. 9. AS 47.37.080 is amended to read:

19 Sec. 47.37.080. QUALIFICATIONS OF BOARD MEMBERS. Of the nine
20 members

21 (1) two shall be persons who are licensed to practice
22 medicine in the state [, ONE OF WHOM SHALL BE CERTIFIED IN PSYCHIATRY
23 BY THE AMERICAN BOARD OF PSYCHIATRY AND NEUROLOGY OR ELIGIBLE FOR THAT
24 CERTIFICATION, EXCEPT THAT IF A PSYCHIATRIST IS NOT AVAILABLE A CLINICAL
25 PSYCHOLOGIST MAY BE APPOINTED];

26 (2) one shall be a practicing attorney who has been ad-
27 mitted to the practice of law by the state supreme court;

28 (3) four [TWO] shall be persons who have evidenced an
29 interest in the problems of alcoholism or drug abuse and who have

1 knowledge of the social problems encountered in the rehabilitation of
2 alcoholics or drug abusers;

3 (4) two [ONE] shall be persons chosen from the following
4 professions:

5 (A) education;

6 (B) nursing;

7 (C) pharmacy;

8 (D) social work [A PUBLIC HEALTH NURSE];

9 (5) three shall also represent the board of directors of
10 each of the three regional health systems agencies created under P.L.
11 93-641 [ONE SHALL BE A REPRESENTATIVE OF THE LIQUOR INDUSTRY];

12 [(6) ONE SHALL BE FROM THE PUBLIC AT LARGE;]

13 [(7) ONE SHALL BE A SOCIAL WORKER].

14 * Sec. 10. AS 47.37.090 is amended to read:

15 Sec. 47.37.090. TERM OF OFFICE. (a) The members of the board
16 initially appointed under sec. 80(1)[(a)] of this chapter serve terms
17 of three [FOUR] years.

18 (b) The member initially appointed under sec. 80(2)[(b)] of this
19 chapter serves a term of three years.

20 (c) Two members [THE MEMBER] initially appointed under sec.
21 80(3)[(c)] of this chapter serve terms [SERVES A TERM] of one year and
22 the other two serve terms of two years [TWO YEARS].

23 (d) The members initially appointed under sec. 80(4)[(d) - (h)]
24 of this chapter serve terms of two [FOUR] years. Subsequent terms for
25 all board members are three [FOUR] years.

26 (e) A vacancy occurring in the membership of the board shall be
27 filled by an appointment by [OF] the governor for the unexpired portion
28 of the vacated term.

29 (f) Board members serve at the pleasure of the governor.

1 * Sec. 11. AS 47.37.100 is amended to read:

2 Sec. 47.37.100. COMPENSATION, PER DIEM, OR EXPENSES. Members of
3 the advisory board on alcoholism and drug abuse are not entitled to a
4 salary, but are entitled to per diem, reimbursement for travel and
5 other expenses authorized by law for other boards.

6 * Sec. 12. AS 47.37.110 is amended to read:

7 Sec. 47.37.110. DUTIES. The board shall act in an advisory
8 capacity to the commissioner and the interdepartmental coordinating
9 committee in the following matters:

10 (1) special problems affecting mental health which alcoho-
11 lism and drug abuse may present;

12 (2) educational and research activities conducted by the
13 office in respect to the problems presented by alcoholism and drug
14 abuse;

15 (3) social problems which affect rehabilitation of al-
16 coholics and drug abusers;

17 (4) legal processes which affect the treatment and rehabili-
18 tation of alcoholics and drug abusers;

19 (5) a program of public relations concerning the problem of
20 alcoholism and drug abuse conducted by a department of the state
21 government or by any organized group [AN ORGANIZED GROUP WHOSE PURPOSE
22 IS THE REHABILITATION OF ALCOHOLICS].

23 * Sec. 13. AS 47.37.120 is amended to read:

24 Sec. 47.37.120. ALCOHOLISM AND DRUG ABUSE PROGRAM COORDINATOR.
25 The alcoholism and drug abuse program coordinator shall carry out the
26 development and implementation of a comprehensive program dealing with
27 the prevention, treatment, and control of, research on and education
28 concerning alcohol and drug [ALCOHOLIC] problems as they affect the
29 state.

1 * Sec. 14. AS 47.37.130 is amended to read:

2 Sec. 47.37.130. COMPREHENSIVE PROGRAM FOR TREATMENT; REGIONAL
3 PROGRAMS [FACILITIES]. (a) The office shall establish a comprehensive
4 and coordinated program for the treatment of alcoholics, [AND] intoxi-
5 cated persons, drug addicts, and drug abusers. The [SUBJECT TO THE
6 APPROVAL OF THE COMMISSIONER, THE] coordinator shall [MAY] divide the
7 state into [APPROPRIATE] regions that conform to the health service
8 areas established by the secretary of the Department of Health, Educa-
9 tion and Welfare under P.L. 93-641 to plan and implement [TO CONDUCT]
10 the program and establish standards for the development of the program
11 on the regional level. In establishing the programs [REGIONS], con-
12 sideration shall be given to the city, [AND] borough, and Native
13 corporation boundaries [LINES] and population concentrations and,
14 when feasible, programs shall be established with maximum local com-
15 munity and Native corporation involvement.

16 (b) The program of the office shall include

17 (1) emergency treatment provided by a facility affiliated
18 with or part of the medical service of a general hospital;

19 (2) inpatient treatment;

20 (3) intermediate treatment; and

21 (4) outpatient and follow-up treatment.

22 (c) The office shall provide adequate and appropriate treatment
23 for alcoholics, [AND] intoxicated persons, drug addicts, and drug
24 abusers admitted under secs. 160 - 190 of this chapter within the
25 limits of available state and federal funds.

26 (d) The office shall maintain, supervise and control all facili-
27 ties operated by it subject to the regulations of the department. The
28 administrator of each facility operated by the department shall make
29 an annual report of its activities to the coordinator in the form and

1 manner the coordinator specifies.

2 (e) The [IF POSSIBLE, THE] office shall coordinate the activi-
3 ties of the program with all appropriate public and private resources.

4 (f) The office shall issue an annual license to a public or
5 private treatment facility which meets the appropriate standards
6 established under sec. 140(a) of this chapter. No treatment facility
7 may be operated in the state without a license, and no facility may
8 receive state funds under a contract or a grant-in-aid unless it is
9 licensed as a public treatment facility. [THE COORDINATOR SHALL
10 PREPARE, PUBLISH, AND DISTRIBUTE ANNUALLY A LIST OF ALL APPROVED
11 PUBLIC AND PRIVATE TREATMENT FACILITIES.]

12 (g) The office may contract for the use of any facility as an
13 approved public treatment facility if the coordinator, subject to the
14 regulations of the department, considers this an effective and economi-
15 cal course to follow.

16 * Sec. 15. AS 47.37.140 is amended to read:

17 Sec. 47.37.140. PUBLIC AND PRIVATE TREATMENT FACILITIES. (a)
18 The office shall establish standards in regulations adopted by the
19 department for facilities before their licensure [APPROVAL] as public
20 or private treatment facilities, and fix the fees to be charged for
21 the required inspections of those facilities. The standards for
22 private facilities may [SHALL] concern only the health conditions to
23 be met and standards of treatment to be afforded patients, but
24 standards for public facilities may include additional criteria to
25 assure responsible processing of state contract and grant-in-aid
26 funds.

27 (b) The office shall inspect, on a regular basis, licensed
28 [APPROVED] public and private treatment facilities at reasonable times
29 and in a reasonable manner.

1 (c) The office shall prepare, maintain, publish and distribute
2 annually a list of licensed [APPROVED] public and private treatment
3 facilities.

4 (d) Each licensed [APPROVED] public or [AND] private treatment
5 facility shall file with the office on request, data, statistics,
6 schedules, and information which the office reasonably requires under
7 (a) of this section. If a licensed [AN APPROVED] public or private
8 treatment facility, [THAT] without good cause, fails to furnish any
9 data, statistics, schedules, or information as requested, or files
10 fraudulent returns of them, its license shall be suspended or revoked
11 [REMOVED FROM THE LIST OF APPROVED TREATMENT FACILITIES].

12 (e) The coordinator, after holding a hearing under the provisions
13 of the Administrative Procedure Act (AS 44.62), may suspend, revoke,
14 limit, restrict, or refuse to grant a license [AN APPROVAL] for a
15 treatment facility, for failure to meet the [ITS] standards established
16 by the department.

17 (f) Upon petition of the office and after a hearing held upon
18 reasonable notice to the facility, the district court may issue a
19 warrant to an officer or employee of the office authorizing him to
20 enter and inspect at reasonable times, and examine the books and
21 accounts of any licensed [AN APPROVED] public or private alcoholism,
22 drug addiction, or drug abuse treatment facility refusing to consent
23 to inspection or examination by the office or which the office has
24 reasonable cause to believe is operating in violation of this chapter.

25 * Sec. 16. AS 47.37.150 is amended to read:

26 Sec. 47.37.150. ACCEPTANCE FOR TREATMENT. The department [CO-
27 ORDINATOR] shall adopt [PROMULGATE] regulations for the admission of
28 persons into the treatment program, considering available treatment
29 resources and facilities, for the purpose of early and effective

1 treatment of alcoholics, [AND] intoxicated persons, drug addicts, and
2 drug abusers. In establishing the regulations, the department [CO-
3 ORDINATOR] shall be guided by the following standards:

4 (1) if possible a patient shall be treated on a voluntary
5 rather than an involuntary basis;

6 (2) a patient shall be initially assigned or transferred to
7 outpatient or intermediate treatment, unless he is found to require
8 inpatient treatment;

9 (3) a person shall not be denied treatment solely because
10 he has withdrawn from treatment against medical advice on a prior
11 occasion or because he has relapsed after earlier treatment;

12 (4) an individualized treatment plan shall be prepared and
13 maintained on a current basis for each patient;

14 (5) provision shall be made for a continuum of coordinated
15 treatment services, so that a person who leaves a facility or a form
16 of treatment will utilize other appropriate treatment and facilities.

17 * Sec. 17. AS 47.37.160 is amended to read:

18 Sec. 47.37.160. VOLUNTARY TREATMENT OF ALCOHOLICS AND DRUG
19 ADDICTS. (a) An alcoholic, drug addict, or drug abuser may volun-
20 tarily apply for treatment directly to a licensed [AN APPROVED] public
21 or private treatment facility.

22 (b) Subject to regulations adopted [PROMULGATED] by the department
23 [COORDINATOR], the administrator in charge of a licensed [AN APPROVED]
24 public or private treatment facility may determine who shall be admit-
25 ted for treatment. If a person is refused admission to a licensed [AN
26 APPROVED] public or private treatment facility, the administrator
27 shall [, IF POSSIBLE,] refer the person to another licensed [APPROVED]
28 public or private treatment facility.

29 (c) When a patient receiving inpatient care leaves a licensed

1 [AN APPROVED] public or private treatment facility, he shall be encour-
2 aged to consent to appropriate outpatient or intermediate treatment.
3 If it appears to the administrator in charge of the treatment facility
4 that the patient is an alcoholic or drug addict who requires help, the
5 facility administrator [OFFICE] shall arrange for assistance in obtain-
6 ing supportive services and residential facilities.

7 (d) Except for diagnosis and referral, alcoholism treatment
8 programs shall be separate and distinct from treatment programs for
9 drug addicts. There may be integrated inpatient programs for the
10 treatment of alcoholics and cross-addicted persons, and there may be
11 integrated prevention programs for all forms of substance abuse. No
12 person addicted to an opium derivative may be treated except at a
13 licensed drug addiction treatment center. All federal and state laws
14 and regulations relating to requirements for methadone maintenance for
15 persons addicted to an opium derivative shall be strictly adhered to
16 by all drug addiction treatment facilities operated or funded by the
17 office.

18 * Sec. 18. AS 47.37.170(a) is amended to read:

19 (a) An intoxicated person may come voluntarily to a licensed [AN
20 APPROVED] public or private alcoholism treatment facility for emergency
21 treatment. A person who appears to be intoxicated in a public place
22 and to be in need of help or a person who appears to be intoxicated in
23 or upon a licensed premise where intoxicating liquors are sold or
24 consumed who refuses to leave upon being requested to leave by the
25 owner, an employee or a peace officer may be taken into protective
26 custody and assisted by a peace officer or a member of the emergency
27 service patrol to his home, a licensed [AN APPROVED] public treatment
28 facility, a licensed [AN APPROVED] private treatment facility, or
29 another appropriate health facility. If all of the preceding facilities

1 including the person's home, are determined to be unavailable, a
2 person taken into protective custody and assisted under this subsection
3 may be taken to a state or municipal detention facility in the area.

4 * Sec. 19. AS 47.37.170(b) is amended to read:

5 (b) A person who appears to be incapacitated by alcohol in a
6 public place shall be taken into protective custody by a peace officer
7 or a member of the emergency service patrol and immediately brought to
8 a licensed [AN APPROVED] public treatment facility, a licensed [AN
9 APPROVED] private treatment facility, or another appropriate health
10 facility or service for emergency medical treatment. If no treatment
11 facility or emergency medical service is available, a person who
12 appears to be incapacitated by alcohol in a public place shall be
13 taken to a state or municipal detention facility in the area, if that
14 appears necessary for the protection of the person's health or safety.

15 * Sec. 20. AS 47.37.170(c) is amended to read:

16 (c) A person who voluntarily appears or is brought to a licensed
17 [AN APPROVED] public or private treatment facility shall be examined
18 by a licensed physician within 24 hours [AS SOON AS POSSIBLE]. After
19 the examination, he may be admitted as a patient or referred to another
20 health facility. The licensed [APPROVED] public or private treatment
21 facility which refers him shall arrange for his transportation.

22 * Sec. 21. AS 47.37.170(d) is amended to read:

23 (d) No person who, after medical examination, is found to be
24 incapacitated by alcohol at the time of his admission or to have
25 become incapacitated at any time after his admission, may be detained
26 at a facility after he is no longer incapacitated by alcohol. No
27 person may be detained at a facility if he remains incapacitated by
28 alcohol for more than 72 [48] hours after admission as a patient,
29 unless he is committed under secs. [SEC.] 180 or 190 of this chapter.

1 A person may consent to remain in the facility as long as the physician
2 or administrator in charge considers it appropriate.

3 * Sec. 22. AS 47.37.170(e) is amended to read:

4 (e) A person who is not admitted to a licensed [AN APPROVED]
5 public or private treatment facility, is not referred to another
6 health facility, and has no funds, may be taken to his home, if any.
7 If he has no home, the licensed [APPROVED] public or private treatment
8 facility shall assist him in obtaining shelter.

9 * Sec. 23. AS 47.37.170(f) is amended to read:

10 (f) If a patient is admitted to a licensed [AN APPROVED] public
11 or private treatment facility, his family or next of kin shall be
12 promptly notified. If an adult patient who is not incapacitated
13 requests that there be no notification of next of kin, his request
14 shall be granted.

15 * Sec. 24. AS 47.37.170(g) is amended to read:

16 (g) Peace officers or members of the emergency service patrol
17 who comply with this section are acting in the course of their official
18 duty and are not criminally or civilly liable for that compliance
19 [IT].

20 * Sec. 25. AS 47.37.170(h) is amended to read:

21 (h) If the physician or administrator in charge of a licensed
22 [THE APPROVED] public or private treatment facility determines it is
23 for the patient's benefit, he shall initiate either an emergency
24 commitment procedure under sec. 180 of this chapter or an involuntary
25 commitment proceeding under sec. 190 of this chapter, whichever is
26 appropriate in his professional judgment [AN ATTEMPT SHALL BE MADE TO
27 ENCOURAGE THE PATIENT TO SUBMIT TO FURTHER DIAGNOSIS AND APPROPRIATE
28 VOLUNTARY TREATMENT].

29 * Sec. 26. AS 47.37.180 is amended to read:

1 Sec. 47.37.180. EMERGENCY DETENTION AND COMMITMENT. (a) An
2 intoxicated person who [(1)] has threatened, attempted to inflict, or
3 inflicted physical harm on another may be charged under an appropriate
4 criminal statute, taken into custody, and transported to a state or
5 municipal detention facility. A person who [OR IS LIKELY TO INFLICT
6 PHYSICAL HARM ON ANOTHER UNLESS COMMITTED, OR (2)] is incapacitated by
7 alcohol, may be committed to a licensed [AN APPROVED] public or private
8 alcoholism treatment facility for emergency treatment. A refusal to
9 undergo treatment does not constitute evidence of lack of judgment as
10 to the need for treatment.

11 (b) The certifying physician, spouse, guardian, or relative of
12 the person to be committed, or any other responsible person, may make
13 a written application for commitment under this section, directed to
14 the administrator of the licensed [APPROVED] public or private alcoho-
15 lism treatment facility. The application shall state facts to support
16 the need for emergency treatment and be accompanied by a physician's
17 certificate supporting the need for emergency treatment and stating
18 that the physician has examined the person sought to be committed
19 within two days before the certificate's date.

20 (c) Upon approval of the application by the administrator in
21 charge of the facility, the person may be brought to the facility by a
22 peace officer, a health officer, a member of the emergency service
23 patrol, the applicant for commitment, the patient's spouse, the
24 patient's guardian, or any other interested person. The person shall
25 be retained at the facility to which he was admitted, or transferred
26 to another appropriate public or private treatment facility, until
27 discharged under (e) of this section. [HOWEVER, NO PERSON MAY BE DE-
28 TAINED UNDER THIS SECTION FOR MORE THAN 48 HOURS UNLESS A DISTRICT OR
29 SUPERIOR COURT JUDGE HAS REVIEWED AND APPROVED THE COMMITMENT APPLICA-

1 TION.)

2 (d) The administrator in charge of a licensed [AN APPROVED]
3 public or private treatment facility may refuse an application if in
4 his opinion the application and certificate fail to sustain the
5 grounds for commitment.

6 (e) When on the advice of his medical staff the administrator
7 determines that the grounds for commitment no longer exist, he shall
8 discharge a person committed under this section. No person committed
9 under this section may be detained in a treatment facility for more
10 than five days. If a petition for involuntary commitment under sec.
11 190 of this chapter has been filed within the five days and the admini-
12 strator in charge of a licensed [AN APPROVED] public or private treat-
13 ment facility finds that grounds for emergency commitment still exist,
14 he may detain the person until the petition has been heard and deter-
15 mined, but no longer than 10 days after filing the petition.

16 (f) A copy of the written application for commitment and of the
17 physician's certificate, and a written explanation of the person's
18 [PERSONS'] right to legal counsel, shall be given to the person within
19 24 hours after commitment by the administrator, who shall provide a
20 reasonable opportunity for the person to consult with legal counsel.

21 * Sec. 27. AS 47.37.190(a) is amended to read:

22 (a) After a hearing initiated by petition of his spouse or
23 guardian, a relative, the certifying physician, or the administrator
24 in charge of a licensed [AN APPROVED] public or private treatment
25 facility, a person may be committed to the custody of an appropriate
26 licensed private or public alcoholism treatment agency [THE OFFICE] by
27 the superior court. The petition shall allege that the person is an
28 alcoholic who habitually lacks self-control in using alcoholic beverages
29 or [AND THAT HE (1) HAS THREATENED, ATTEMPTED TO INFLICT, OR INFLICTED

1 PHYSICAL HARM ON ANOTHER AND] that unless committed is likely to
2 inflict physical harm on himself or another, [;] or [(2)] is incapac-
3 tated by alcohol. A refusal to undergo treatment does not constitute
4 evidence of lack of judgment as to need for treatment. The petition
5 shall be accompanied by a certificate of a licensed physician who has
6 examined the person within two days before submission of the petition,
7 unless the person whose commitment is sought has refused to submit to
8 a medical examination, in which case the fact of refusal shall be
9 alleged in the petition. The certificate shall set out the physician's
10 findings in support of the allegations of the petition.

11 * Sec. 28. AS 47.37.190(b) is amended to read:

12 (b) After the petition is filed, the court shall fix a date for
13 a hearing no later than 10 days after the date the petition was
14 filed. A copy of the petition and of the notice of the hearing,
15 including the date fixed by the court, shall be served on (1) the
16 petitioner; (2) the person whose commitment is sought; (3) the next of
17 kin of the person whose commitment is sought; (4) the administrator in
18 charge of the licensed [APPROVED] public or private treatment facility
19 in which the committed person has been committed for emergency care,
20 and any other person the court considers appropriate. A copy of the
21 petition and certificate shall be delivered to each person notified.

22 * Sec. 29. AS 47.37.200(a) is amended to read:

23 (a) At the hearing required under sec. 190(b) of this chapter,
24 the court or the jury, if requested under sec. 190(c) of this chapter,
25 shall hear all relevant testimony, including, if possible, the testi-
26 mony of at least one licensed physician who has examined the person
27 whose commitment is sought. The person whose commitment is sought
28 shall be present unless the court believes that his presence is likely
29 to be injurious to him, in which case the court shall appoint a guardian

1 ad litem to represent him throughout the proceeding. The court may
2 examine the person in open court, or if advisable, examine him out of
3 court. If the person has refused to be examined by a licensed physi-
4 cian, he shall be given an opportunity to request examination by a
5 court-appointed licensed physician. If he fails to request a medical
6 examination and there is sufficient evidence to believe that the
7 allegations of the petition are true, or if the court believes that
8 more medical evidence is necessary, the court may issue a temporary
9 order committing him to a licensed public or private treatment facility
10 in which he is being held under sec. 170 of this chapter [THE OFFICE]
11 for a period of not more than five days for purposes of a diagnostic
12 examination.

13 * Sec. 30. AS 47.37.200(b) is amended to read:

14 (b) If after hearing all relevant evidence, including the results
15 of any diagnostic examination by the licensed public or private treat-
16 ment facility [OFFICE], the court or the jury finds that grounds for
17 involuntary commitment have been clearly established, the court shall
18 issue an order of commitment to the licensed facility [OFFICE]. No
19 court may order the commitment of a person except to a licensed public
20 or private treatment facility which [UNLESS IT DETERMINES THAT THE
21 OFFICE] is able to provide adequate and appropriate treatment for him.

22 * Sec. 31. AS 47.37.200(c) is amended to read:

23 (c) A person committed under secs. 190 - 200 of this chapter
24 shall remain in the custody of the licensed facility [OFFICE] for
25 treatment for a period of up to 30 days. At the end of the 30-day
26 period, he shall be discharged automatically unless the facility
27 administrator or physician [OFFICE], before the expiration of the
28 period, obtains a court order for his recommitment upon the grounds
29 set out in sec. 190(a) of this chapter for a further period of up to

1 90 days. If a person has been committed because he is an alcoholic
2 likely to inflict physical harm on himself or another, the facility
3 administrator or physician [OFFICE] shall apply for recommitment if
4 after examination it is determined that the likelihood still exists.

5 * Sec. 32. AS 47.37.200(d) is amended to read:

6 (d) A person recommitted under (c) of this section who has not
7 been discharged by the facility [OFFICE] before the end of the 90-day
8 period shall be discharged at the expiration of that period unless the
9 facility administrator or physician [OFFICE], before expiration of the
10 period, obtains a court order on the grounds set out in sec. 190(a) of
11 this chapter for recommitment for a further period not to exceed 90
12 days. If a person has been committed because he is an alcoholic
13 likely to inflict physical harm on himself or another, the facility
14 administrator or physician [OFFICE] shall apply for recommitment if
15 after examination it is determined that the likelihood still exists.
16 No more than two recommitment orders may be permitted under (c) and
17 (d) of this section.

18 * Sec. 33. AS 47.37.200(f) is amended to read:

19 (f) The licensed public or private treatment facility [OFFICE]
20 shall provide adequate and appropriate treatment for a person in its
21 custody. The licensed facility [OFFICE] may transfer a person in its
22 custody [FROM ONE APPROVED PUBLIC TREATMENT FACILITY] to another
23 licensed facility if the transfer is medically advisable.

24 * Sec. 34. AS 47.37.200(g) is repealed and re-enacted to read:

25 (g) A person committed to the custody of a licensed public or
26 private treatment facility for treatment shall, if he is an alcoholic
27 committed on the grounds that he is likely to inflict physical harm on
28 himself or another, be discharged at any time before the end of the
29 period for which he has been committed if either of the following

1 conditions is met:

2 (1) he no longer demonstrates the likelihood that he will
3 inflict physical harm on himself or another; or

4 (2) treatment is no longer adequate or appropriate.

5 * Sec. 35. AS 47.37.210 is amended to read:

6 Sec. 47.37.210. RECORDS OF ALCOHOLICS, [AND] INTOXICATED PERSONS,
7 DRUG ADDICTS, AND DRUG ABUSERS. (a) The registration and other
8 records of treatment facilities shall remain confidential and are
9 privileged to the patient.

10 (b) Notwithstanding (a) of this section, the coordinator may
11 make available information from patient's records for purposes of
12 research into the causes and treatment of alcoholism, drug addiction
13 or drug abuse. No information may disclose a patient's name.

14 * Sec. 36. AS 47.37.220 is amended to read:

15 Sec. 47.37.220. VISITATION AND COMMUNICATION OF PATIENTS. (a)
16 Patients in any licensed [APPROVED] treatment facility under this
17 chapter shall be granted reasonable opportunities for adequate consul-
18 tation with counsel, and for continuing contact with family and
19 friends including the use of telephone facilities, consistent with an
20 effective treatment program.

21 (b) No mail or other communication to or from a patient in a
22 licensed [ANY APPROVED] treatment facility may be intercepted, read,
23 or censored.

24 * Sec. 37. AS 47.37.240(a) is amended to read:

25 (a) A patient in a licensed [AN APPROVED] treatment facility, or
26 the person obligated to provide for the cost of treatment of a person
27 committed under this chapter, is liable to the office or the licensed
28 treatment facility which provided the treatment, whichever is appro-
29 priate, for the cost of maintenance and treatment of the patient in

1 accordance with rates established by the coordinator.

2 * Sec. 38. AS 47.37.270(2) is amended to read:

3 (2) "licensed [APPROVED] private treatment facility" means
4 a private agency which does not receive grants-in-aid from the office,
5 but meets the limited [MEETING THE] standards prescribed in sec.
6 140(a) of this chapter for private facilities and licensed under sec.
7 130(f) of this chapter [AND APPROVED UNDER SEC. 140(c) OF THIS CHAPTER];

8 * Sec. 39. AS 47.37.270(3) is amended to read:

9 (3) "licensed [APPROVED] public treatment facility" means
10 a treatment agency operating under the supervision [DIRECTION AND
11 CONTROL] of the office and [OR] providing treatment under this chapter
12 through a grant from or contract with the office, [UNDER SEC. 130(g)
13 OF THIS CHAPTER AND] meeting all of the standards prescribed in sec.
14 140(a) of this chapter, and licensed [APPROVED] under sec. 130(f).
15 [140(c)] of this chapter;

16 * Sec. 40. AS 47.37.270(5) is amended to read:

17 (5) "coordinator" means the coordinator of the office of
18 alcoholism and drug abuse;

19 * Sec. 41. AS 47.37.270(11) is amended to read:

20 (11) "office" means the office of alcoholism and drug abuse
21 within the Department of Health and Social Services;

22 * Sec. 42. AS 47.37.270(12) is amended to read:

23 (12) "treatment" means the broad range of emergency, out-
24 patient, intermediate, and inpatient services and care which may be
25 extended to alcoholics, [AND] intoxicated persons, drug addicts, and
26 drug abusers, including diagnostic evaluation, medical, psychiatric,
27 psychological, and social service care, vocational rehabilitation and
28 career counseling; [.]

29 * Sec. 43. AS 47.37.270 is amended by adding new paragraphs to read:

1 (13) "drug addict" means a person addicted to opium deriva-
2 tives;

3 (14) "drug abuser" means a person who is addicted to or
4 misuses barbiturates, amphetamines, tranquillizers, and similar drugs
5 which are not opium derivatives, to the detriment of his health and
6 social well-being;

7 (15) "cross-addicted person" means a person who is alcoholic
8 and simultaneously addicted to barbiturates, amphetamines, tranquil-
9 lizers, and similar drugs which are not opium derivatives;

10 (16) "troubled employees" means workers whose performance
11 has been affected by the use of alcohol or other drugs.

12 * Sec. 44. AS 47.37 is amended by adding new sections to read:

13 ARTICLE 2. GRANTS-IN-AID.

14 Sec. 47.37.300. POWERS AND DUTIES OF DEPARTMENT. The department
15 shall:

16 (1) administer a community grant-in-aid program for alcoho-
17 lism and drug abuse;

18 (2) submit an annual report concerning the grant-in-aid
19 program within 10 days after the convening of the legislature in each
20 regular session.

21 Sec. 47.37.310. GRANT-IN-AID PROGRAM. (a) A profit-making
22 corporation, a non-profit corporation, a city or borough government,
23 or other political subdivision of the state, or combination of these,
24 is eligible for grant-in-aid funds under this section. Applications
25 shall be sent to the department.

26 (b) The department shall award grants under this section with
27 the advice of the advisory board on alcoholism and drug abuse, in the
28 interest of providing or developing a comprehensive program of preven-
29 tion, treatment, and rehabilitation for alcoholics, intoxicated persons,

1 drug addicts, and drug abusers. Separate budgets shall be appropriated
2 for alcoholism and drug addiction treatment and rehabilitation programs.
3 Grants will be awarded on a competitive basis. In considering applica-
4 tions for grants the department shall, if all other factors are equal,
5 give preference to applicants in political subdivisions which devote
6 local government revenues generated by the sale of intoxicating liquor
7 to the treatment of alcoholism. The department shall consider the
8 amount of money that is available for all applications and whether an
9 application would contribute to the wise development of a comprehensive
10 program.

11 (c) Grants shall be awarded in a ratio of 75 per cent state
12 money to 25 per cent community money except that in communities desig-
13 nated as poverty areas the ratio is 90 per cent state money to 10 per
14 cent community money, for the purposes of providing staff and limited
15 improvement or renovation of facilities for detoxification or inter-
16 mediate care. The office may require up to a 50 per cent community
17 match for the purchase or new construction of facilities. No grant
18 for improving, renovating, purchasing or constructing may exceed
19 \$50,000 except when there is a lack of applicants for available money
20 and then only with the approval of the advisory board on alcoholism
21 and drug abuse. The department is not required to award all money
22 available under this program, or the full percentages specified in
23 this subsection, when another source of money is available, or could
24 reasonably be made available to the applicant.

25 (d) Money used by the applicant to qualify for state money may
26 be from any other source than the state. The cost of developing an
27 application is not reimbursable from the grant. All community match
28 contributions to grants shall be in the form of cash.

29 (e) No program is eligible for funding under this section

1 unless it conforms to the standards adopted by the office under the
2 provisions of sec. 140(a) of this chapter, or in the case of a new
3 program, the office determines that the program will be able to conform
4 to those standards within a period of time to be specified in the
5 initial grant agreement.

6 (f) In order for programs to be eligible for funding under this
7 section they must be able to demonstrate successful collection of
8 patient fees for services at a rate and proportion to be established
9 by the office.

10 Sec. 47.37.320. GRANT-IN-AID PROGRAM REGULATIONS. The department
11 shall adopt regulations necessary to implement sec. 310 of this chapter.
12 The regulations shall provide for the method of application, the time
13 for consideration of the applications, the processing of applications,
14 the type of record keeping, the requirements for reporting the progress
15 and statistics regarding the program, the notification of the applicant
16 as to the action taken on the application, and the issuance of licenses
17 for facilities receiving grants-in-aid under sec. 310 of this chapter.
18 The department shall also establish the necessary forms of application
19 and may adopt other regulations considered necessary to meet the
20 requirements of health and safety and the orderly administration of
21 the grant-in-aid program.

22 Sec. 47.37.330. JUDICIAL NOTICE. The superior courts of this
23 state may take judicial notice of the fact that an alcoholic or drug
24 addict is suffering from an illness and is in need of proper medical,
25 advisory, or rehabilitative treatment.

26 Sec. 47.37.340. DEFINITIONS. In secs. 300 - 350 of this chapter,
27 "poverty area" means an area in which 15 per cent or more of the
28 population, based on the 1970 census data, is under 125 per cent of
29 the Community Services Administration poverty guidelines.

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* Sec. 45. AS 44.29.100 - 44.29.150 and AS 47.30.470 - 47.30.500 are repealed.

* Sec. 46. This Act takes effect July 1, 1977.

VETOED BY THE GOVERNOR

Introduced: 4/22/77
Referred: Health Education and
Social Services and Finance

1 IN THE SENATE

BY FERGUSON

2 SENATE BILL NO. 333

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Alaska
7 Public Broadcasting Commission for alcohol and drug
8 abuse programs; and providing for an effective date."

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

10 * Section 1. The sum of \$1,500,000 is appropriated from the general fund
11 to the Alaska Public Broadcasting Commission for alcohol and drug abuse pro-
12 grams, to be allocated as follows:

13	(1) Petersburg	\$ 30,000
14	(2) Kotzebue	100,000
15	(3) Barrow	100,000
16	(4) Dillingham	100,000
17	(5) Bethel	100,000
18	(6) Anchorage FM	15,000
19	(7) KTOO, Juneau	15,000
20	(8) Wrangell	30,000
21	(9) KAKM	60,000
22	(10) Kodiak	30,000
23	(11) Selawick mini TV	15,000
24	(12) 15 mini TV's	200,000
25	(13) Galena Radio Station	300,000
26	(14) Unalakleet Radio Station	300,000
27	(15) "Alaskan Review"	40,000
28	(16) Alaska Public Broadcasting Commission.	65,000

29 * Sec. 2. This Act takes effect July 1, 1977.

PASSED 7/78 (F178 SUPPL.)

Introduced: 2/9/78
Referred: Health, Education &
Social Services and Finance

1 IN THE SENATE

BY CROFT

2 SENATE BILL NO. 479

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Health and Social Services for the National
8 Council on Alcoholism, Alaska Region; and providing for
9 an effective date."

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

11 * Section 1. The sum of \$50,000 is appropriated from the general fund to
12 the Department of Health and Social Services to be paid as a lump sum grant
13 to the National Council on Alcoholism-Alaska Region, Inc. for the purpose of
14 alcoholism prevention and education.

15 * Sec. 2. The unexpended and unobligated portion of this appropriation
16 lapses into the general fund June 30, 1979.

17 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
18 070(c).

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Introduced: 3/17/78
Referred: Health, Education &
Social Services and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE
BY REQUEST

2 SENATE BILL NO. 540

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the office of
7 alcoholism in the Department of Health and Social
8 Services for the prevention and treatment of alcohol
9 abuse and alcoholism; and providing for an effective
10 date."

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

12 * Section 1. The sum of \$8,200,000 is appropriated from the general fund
13 to the office of alcoholism in the Department of Health and Social Services
14 for the planning, coordination, regulation, monitoring, and evaluation of
15 statewide alcoholism efforts and for providing training and technical assis-
16 tance to local programs engaged in the prevention, treatment, and control of
17 alcohol abuse and alcoholism in the state.

18 * Sec. 2. This Act takes effect July 1, 1978.

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Introduced: 3/17/78
Referred: Health, Education
& Social Services and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE
BY REQUEST

2 SENATE BILL NO. 541 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcohol and drug abuse education
7 in public schools."

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

9 * Section 1. AS 14.30.360(a) is amended to read:

10 (a) Each district in the state public school system shall be en-
11 couraged to initiate and conduct a program in health education for
12 kindergarten through grade 12. The program should include instruction
13 in physical health including alcohol and drug abuse education, dental
14 health, family health, environmental health, and appropriate use of
15 health services.

16 * Sec. 2. It is the intent of the legislature that public school systems
17 implement a program of alcohol and drug abuse education in coordination with
18 other health education programs.

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Original sponsor: Rules Committee
by request

Offered: 5/31/78

PASSED 77/76

IN THE SENATE

BY THE RULES COMMITTEE

CS FOR SENATE BILL NO. 542 am H
IN THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act adding to the powers and duties of the office
of alcoholism."

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

* Section 1. AS 47.37.030(2) is amended to read:

(2) make contracts and award grants necessary or incidental
to the performance of its duties and the execution of its powers, in-
cluding contracts with and grants to public and private agencies, orga-
nizations, and individuals, to pay them for services rendered or fur-
nished to alcoholics or intoxicated persons; to the maximum extent
possible, contracts and grants shall be for a period of two years;

* Sec. 2. AS 47.37.040(7) is amended to read:

(7) organize and foster training programs for all persons
engaged in treatment of alcoholics and intoxicated persons and establish
standards for training paraprofessional alcoholism workers;

* Sec. 3. AS 47.30.470(4) is amended to read:

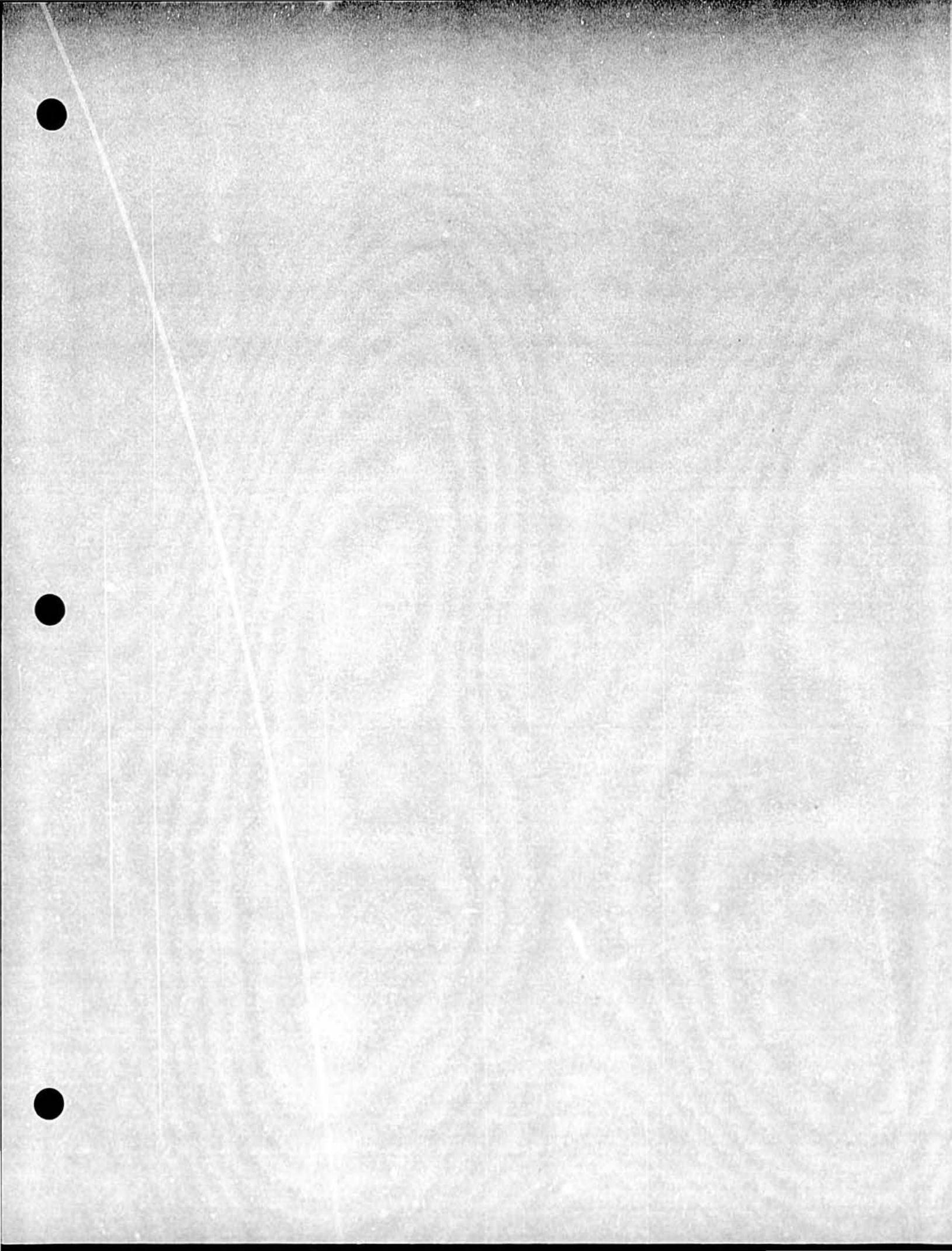
(4) identify, and utilize whatever facilities and services
are available or can be made available through community organization
for carrying out the purposes of this section, including identification
and utilization for detoxification of under utilized hospital beds;

* Sec. 4. AS 47.37.040 is amended by adding new paragraphs to read:

(18) develop and implement a training program on alcoholism
for employees of state and municipal governments, and private institu-
tions;

(19) develop curriculum materials on drug and alcohol abuse

1 for use in grades kindergarten through 12, as well as a course of in-
2 struction for teachers to be charged with presenting the curriculum.
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Original sponsor: Rules Committee
by request

Offered: 4/25/78
Referred: Finance

PASSED 7/1/78

IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

CS FOR SENATE BILL NO. 543 am H

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to alcoholism grants-in-aid."

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

* Section 1. AS 47.30.475(b) is amended to read:

(b) Money available under this section shall be awarded by the department to applicants on the basis of community need, but only if the award is consistent with the annual implementation plan developed under sec. 1513(b)(2) of P.L. 93-641 by the health systems agency for the health system area in which the applicant is located and the state health plan developed by the Statewide Health Coordinating Council under sec. 1524(c)(2)(A) of P.L. 93-641, and only after consideration of comment and advice of the Advisory Board on Alcoholism [THE DEPARTMENT SHALL AWARD GRANTS UNDER THIS SECTION WITH THE ADVICE OF THE ADVISORY BOARD ON ALCOHOLISM, IN THE INTEREST OF PROVIDING OR DEVELOPING A COMPREHENSIVE PROGRAM OF ALCOHOLIC REHABILITATION AND PREVENTION. GRANTS WILL BE AWARDED ON A COMPETITIVE BASIS]. In awarding grants, the [THE] department shall further consider the amount of money that is available for all applications and whether an application would contribute to the wise development of a comprehensive program of alcoholic rehabilitation and prevention.

* Sec. 2. AS 47.30.475 is amended by adding new subsections to read:

(c) No grant may be awarded under this section unless the application includes a plan which provides for

(1) the expenditure of grant money for education and other preventative measures, or the treatment of alcoholics;

1 (2) the reception of advice and comment from a local advisory
2 board, or, if a local advisory board cannot be formed because the area
3 is sparsely populated, from the governing bodies of private nonprofit
4 health organizations, regarding the design, implementation, and evalua-
5 tion of the plan and action to be taken;

6 (3) goals, expressed in quantifiable terms that express the
7 intended impact of the assistance provided under the plan upon the
8 number of individuals needing or utilizing such assistance;

9 (4) coordination with the goals and objectives of the health
10 systems plan developed by the health systems agencies under sec. 1513-
11 (b)(2) of P.L. 93-641.

12 (f) The department shall monitor the implementation of the plan
13 required under (e) of this section, and shall terminate payment of grant
14 money if the plan is not implemented or approval of the program as a
15 public or private treatment program under AS 47.37.140 is not granted
16 within one year of the award of the grant, or is suspended, revoked,
17 limited or restricted. Modification of the plan required by (e) of this
18 section must be approved by the department before implementation of the
19 modification.

20 (g) The department shall provide management training for persons
21 administering a program receiving grant money under this section.

22 (h) If the department determines, after the award of a grant under
23 (c) of this section, that the community is capable of bearing a greater
24 portion of the cost of a program than originally determined, the depart-
25 ment may

26 (1) reduce the award by that portion of the cost of a program
27 which the department subsequently determined the community could bear;
28 or

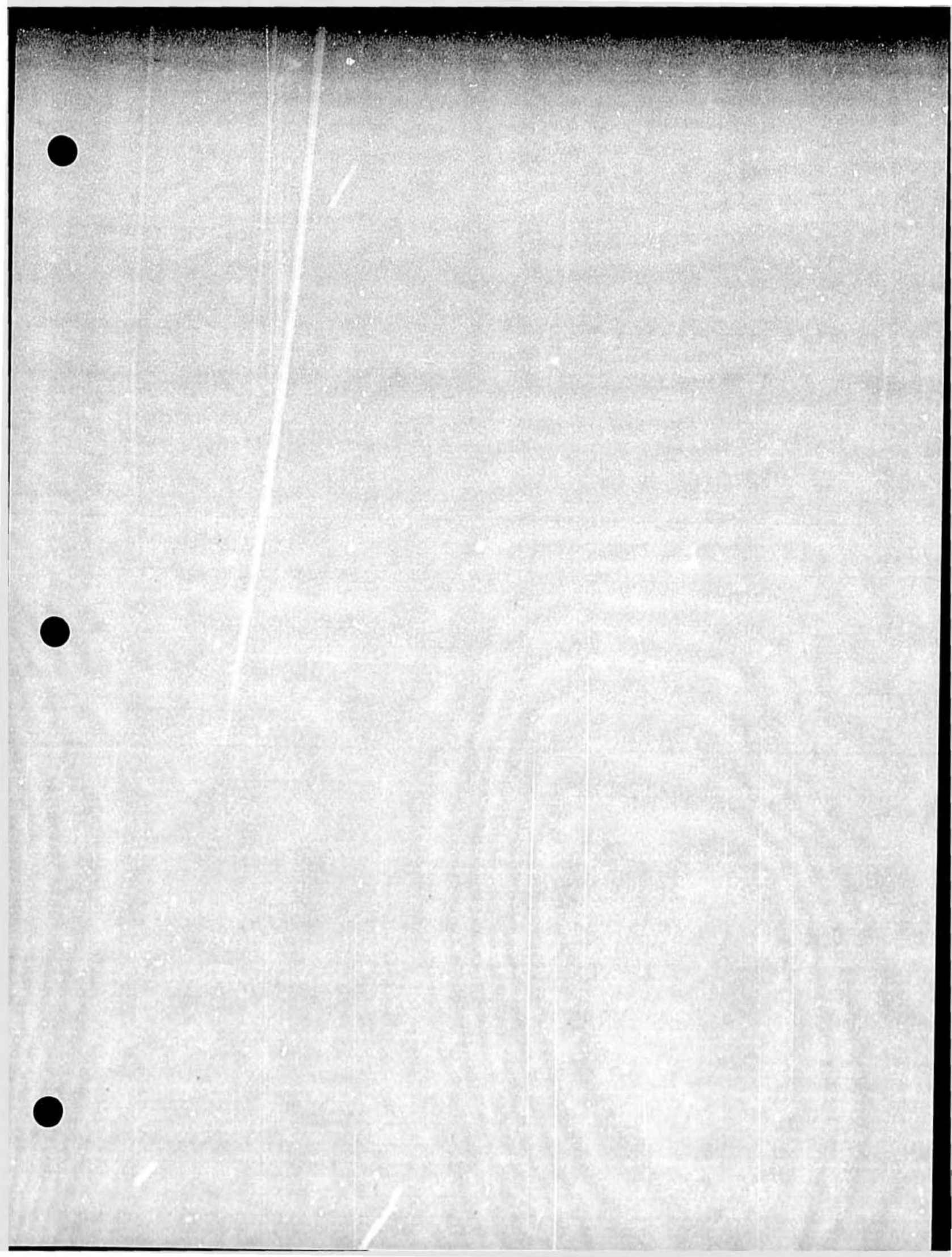
29 (2) terminate payment of the grant entirely.

1 * Sec. 3. AS 47.30.477 is amended to read:

2 Sec. 47.30.477. GRANT-IN-AID PROGRAM REGULATIONS. The department
3 shall adopt regulations implementing sec. 475 of this chapter. The
4 regulations shall provide for the method of application, the time for
5 consideration of applications, the processing of applications, the type
6 of record keeping, the requirements for reporting the progress and
7 statistics regarding the program, and the notification of the applicant
8 as to the action taken on the application [, AND THE ISSUANCE OF LI-
9 CENSES FOR FACILITIES RECEIVING GRANTS-IN-AID UNDER SEC. 475 OF THIS
10 CHAPTER]. The department shall also establish the necessary forms of
11 application and may adopt other regulations considered necessary to meet
12 the requirements of health and safety and the orderly administration of
13 the grant-in-aid program. Such regulations shall include reporting
14 requirements which will permit an evaluation of the success of the
15 program.

16 * Sec. 4. AS 47.37.270(3) is amended to read:

17 (3) "approved public treatment facility" means a treatment
18 agency operating under the direction and control of the office or pro-
19 viding treatment under this chapter through a contract with the office
20 under sec. 130(g) of this chapter or through a grant awarded under AS
21 47.30.475, and meeting the standards prescribed in sec. 140(a) of this
22 chapter and approved under sec. 140(c) of this chapter;



Original sponsor: Rules Committee
by request

Offered: 4/19/78
Referred: Finance

PASSED 7/78

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 544 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to standards for alcohol treatment
7 facilities."

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

9 * Section 1. Recognizing the standards for rural alcohol treatment
10 facilities currently employed by the Department of Health and Social Services
11 are not entirely appropriate, it is the intent of the legislature that
12 standards more responsive to rural needs and conditions be adopted.

13 * Sec. 2. AS 47.37.140(a) is repealed and re-enacted to read:

14 (a) The office shall establish standards for facilities; these
15 standards may vary in their requirements and stringency according to
16 the population, price level, remoteness, access to transportation,
17 and availability of ancillary services of the area to be served; and
18 shall fix the fees to be charged for the required inspections of those
19 facilities. Every facility shall meet the applicable standards before
20 it is approved as a public or private treatment facility. The standards
21 shall be enacted in a manner that will provide protection of the health,
22 safety and well-being of clients of the affected programs and protection
23 for the affected programs from exposure to malpractice and liability
24 actions.
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Introduced: 3/17/78
Referred: Health, Education &
Social Services and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE
BY REQUEST

2 SENATE BILL NO. 545

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to health insurance."

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

8 * Section 1. AS 21.89 is amended by adding a new section to read:

9 Sec. 21.89.050. ALCOHOLISM UNDER HEALTH INSURANCE. All policies,
10 contracts or prepaid plans for individual or group health insurance
11 issued or delivered in the state on or after the effective date of this
12 Act shall provide that alcoholism is an illness and that benefits for
13 treatment of alcoholism may not be less than for any other illness,
14 except that this coverage may be waived in writing by the policyholder
15 of an individual health insurance policy on or before the effective date
16 of the policy.

Introduced: 3/17/78
Referred: Health, Education &
Social Services and Finance

BY THE RULES COMMITTEE
BY REQUEST

1 IN THE SENATE

2 SENATE BILL NO. 546

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a tax credit for contributions to
7 alcoholism programs; and providing for an effective
8 date."

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

10 * Section 1. AS 43.20.031 is amended by adding a new subsection to read:

11 (1) An individual is entitled to a tax credit not to exceed \$50

12 for the amount of contributions made during the tax year to a state or
13 municipally approved alcoholism program.

14 * Sec. 2. This Act takes effect January 1, 1979 and applies to tax years
15 beginning on or after January 1, 1978.

REDUCED TO \$50,000 BY THE GOVERNOR...

Introduced: 3/17/78
Referred: Health, Education & Social Services and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST

2 SENATE BILL NO. 547 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

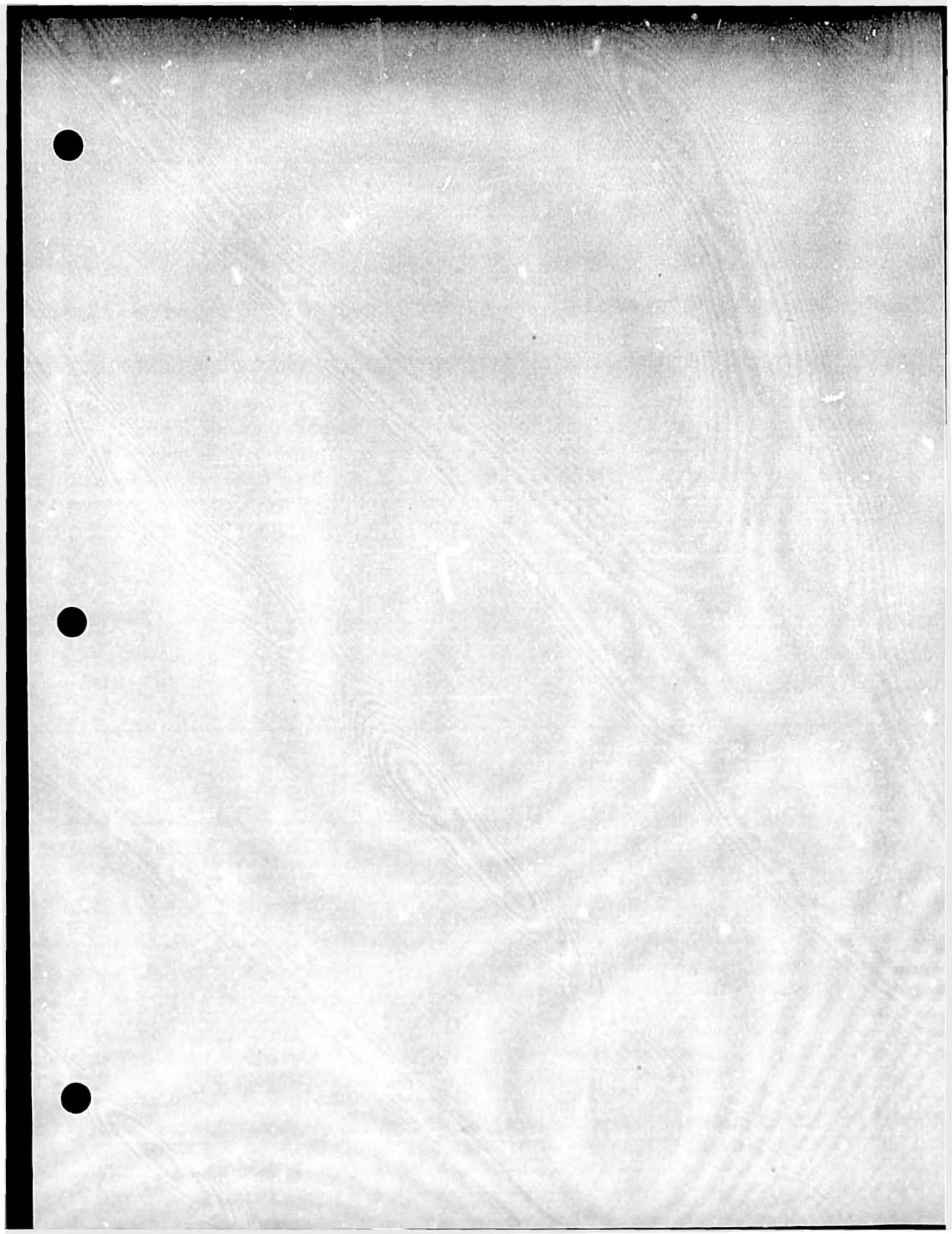
6 For an Act entitled: "An Act making a special appropriation to the Department
7 of Revenue to increase the number of enforcement
8 personnel employed by the Alcoholic Beverage Control
9 Board; and providing for an effective date."

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

11 * Section 1. The sum of \$200,000 is appropriated from the general fund to
12 the Department of Revenue, Alcoholic Beverage Control Board, to pay expenses
13 of employment of additional field enforcement personnel.

14 * Sec. 2. The unexpended and unobligated portion of this appropriation
15 lapses into the general fund June 30, 1979.

16 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).



Original sponsor: Rules Committee
by request

Offered: 5/15/78
Referred: Rules

1 IN THE SENATE

BY THE LABOR AND MANAGEMENT
COMMITTEE

2 CS FOR SENATE BILL NO. 548 am(failed S)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to waiter and waitress permits."

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

8 * Section 1. AS 04.15 is amended by adding new sections to read:

9 Sec. 04.15.115. PERMIT REQUIRED. No person may serve, sell or
10 barter, offer for sale or barter, possess for sale or barter, traffic
11 in, exchange for goods, take orders for, give, furnish or deliver, nor
12 permit the giving, selling, bartering or drinking of intoxicating liquor
13 on licensed premises excluding premises licensed as a bottling works,
14 brewery, wholesaler, distillery or winery unless authorized by a permit
15 issued under sec. 120 of this chapter.

16 Sec. 04.15.120. ISSUANCE OF PERMITS. A permit shall be granted to
17 a person after successful completion of instruction on state law,
18 regulations, and policy regarding alcohol, developed by and conducted by
19 the board, and compliance with such other requirements as the board may
20 prescribe by regulation. The board shall provide for temporary permits.

21 * Sec. 2. AS 04.05.040(10) is amended to read:

22 (10) providing for the issuance, renewal, reissuance, revoca-
23 tion and suspension of licenses and permits including permits required
24 under sec. 115 of this chapter;

25 * Sec. 3. AS 04.10.040(b) is amended to read:

26 (b) A person who holds a permit issued under AS 04.15.120 and is
27 (CITIZEN OF THE UNITED STATES,) over the age of 19 years and of good
28 moral character, may be regularly employed as a waiter or waitress in an
29 establishment operating under a beverage dispensary license. The duties

1 of waiters and waitresses employed in such an establishment [THEREIN]
2 shall be confined to taking orders and serving beverages, alcoholic or
3 otherwise, and food. Waiters and waitresses employed under this section
4 may not solicit or encourage the purchase of beverages, alcoholic or
5 otherwise, by the patron of the premises, whether the beverage is for
6 the patron or for another. No waiter or waitress may accept any
7 beverage, alcoholic or otherwise, purchased for him or her by a patron
8 of the establishment.

9 * Sec. 4. AS 04.15.100(b) is amended to read:

10 (b) Upon conviction of a licensee or a holder of a permit for a
11 violation under (a) of this section, or for violation of a municipal
12 ordinance adopted by a municipality in conformity with sec. 70 of this
13 chapter, the judge having jurisdiction shall send a notification of
14 conviction together with a certified copy of the record of conviction to
15 the board. The board may, upon the direction of a majority of its
16 members, thereupon suspend the license or permit as hereinafter provided
17 for the first and second violations and upon a third violation may
18 revoke the license or permit and declare any [THE] bond required under
19 this chapter forfeited. For the purpose of this section, the terms
20 "second violation" and "third violation" include only those violations
21 which occur within five years of the first violation, but are not
22 limited to repeated violations of the same statutory provision or muni-
23 cipal ordinance.

24 (1) First violation. The license of the premises involved
25 may be suspended for not less than 10 nor more than 45 days;

26 (2) Second violation. The license of the premises involved
27 may be suspended for a period of not less than 30 days nor more than 90
28 days.

Introduced: 3/17/78
Referred: Health, Education &
Social Services

1 IN THE SENATE

BY THE RULES COMMITTEE
BY REQUEST

2 SENATE BILL NO. 549

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the serving of intoxicating liquor."

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

8 * Section 1. AS 04.15 is amended by adding a new section to read:

9 Sec. 04.15.105. PROHIBITED SERVICE. (a) No person, firm, company,
10 or corporation holding a license permitting the sale of intoxicating
11 liquor for consumption on licensed premises, or an employee of the firm,
12 company, or corporation, may serve patrons more than one drink simultan-
13 eously nor serve intoxicating liquor to a patron already in the pos-
14 session of intoxicating liquor served on the premises, regardless of
15 whether payment for the intoxicating liquor is made by the patron or by
16 another.

17 (b) For the purposes of this section, "drink" means a single
18 serving containing an intoxicating liquor for consumption on licensed
19 premises, served in a single container.
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Introduced: 3/17/78
Referred: Commerce and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST

2 SENATE BILL NO. 550

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A. BILL

6 For an Act entitled: "An Act relating to administration and enforcement of
7 alcoholic beverage control statutes and regulations."

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

9 * Section 1. AS 04.05.030(c) and (d) are amended to read:

10 (c) The board shall [MAY] hold public hearings on applications for
11 new licenses and on applications for license renewals, reissuances or
12 transfers when any applications are protested in the manner provided in
13 AS 04.10.270 - 04.10.300, and require an applicant to answer any per-
14 tinent questions.

15 (d) The board may appoint agents, assistants, clerks and steno-
16 graphic employees as it considers necessary in giving effect to this
17 title. Agents and assistants employed by the board to enforce the pro-
18 visions of this title are "peace officers" within the meaning of the
19 term as defined in AS 01.10.060.

20 * Sec. 2. AS 04.10.270 is repealed and re-enacted to read:

21 Sec. 04.10.270. PROTEST IN CITIES AND UNIFIED MUNICIPALITIES. (a)
22 An application for a transfer, renewal, or new license coming from with-
23 in a city or a unified municipality shall be transmitted directly to the
24 board and need not bear a recommendation of the governing body of the
25 municipality. Upon receipt of an application under this section, the
26 director shall immediately transmit written notice of receipt of the
27 transfer, renewal, or new license application to the governing body of
28 the city or unified municipality.

29 (b) The governing body of the city or unified municipality shall

1 have 30 days from receipt of the director's written notice to protest
2 approval of the transfer, renewal or issuance of a new license. Not
3 less than 10 nor more than 20 days before expiration of the period
4 allowed for protest, the governing body shall provide opportunity at a
5 regular or special meeting for the receipt of public comments with re-
6 spect to a license application.

7 (c) The license application shall be protested by the governing
8 body of the municipality

9 (1) for licensed premises within a city, if not less than 10
10 per cent of the residents of the city petition the council to object to
11 the license application; or

12 (2) for licensed premises within a unified municipality, if
13 not less than 10 per cent of the residents of a service area of the
14 unified municipality within which the premises for which application is
15 submitted is located or, if the unified municipality has no service
16 areas, if not less than 10 per cent of the residents of the unified
17 municipality petition the assembly to object to the license application.

18 (d) The license application may be protested by the governing body
19 of the municipality for any other valid reason.

20 (e) Upon receipt of a protest under (c) or (d) of this section,
21 the board may not take final action on the application until it has pro-
22 vided for a hearing on the protest in accordance with the requirements
23 of the Administrative Procedure Act (AS 44.62).

24 * Sec. 3. AS 04.10.300(a) and (b) are amended to read:

25 Sec. 04.10.300. PROTEST IN AREAS OUTSIDE CITIES AND UNIFIED
26 MUNICIPALITIES. (a) An adult resident in an area outside a city or
27 unified municipality who desires to protest the issuance, reissuance,
28 renewal or transfer of a license for an establishment that is outside
29 the city or the unified [A] municipality and within five [TWO] miles of

1 his permanent place of abode or within the established village in which
2 his permanent place of abode is located shall serve upon the applicant
3 and the director [BOARD] a written statement of the reasons for his pro-
4 test. Upon the receipt of the protest, the director, after consulting
5 with members of the board, may give notice and schedule [HOLD] a board
6 hearing in the area in which the protestant resides, at which all per-
7 sons interested may be heard.

8 (b) If the protest is made in writing to the board by at least 35
9 per cent of the adult residents having a permanent place of abode within
10 the established village where the licensed premises is situated or is to
11 be situated and within five [TWO] miles of the established village, a
12 special election conducted by the Department of Community and Regional
13 Affairs held within the protest area [VILLAGE] is mandatory. If at the
14 election the majority of the adult residents having a permanent place of
15 abode within the established village and within five [TWO] miles of the
16 established village object to issuance, reissuance, renewal or transfer,
17 the board may not issue, reissue, renew or transfer any licenses in, or
18 within five [TWO] miles of, the established village.

19 * Sec. 4. AS 04.15.300(c) is repealed and re-enacted to read:

20 (c) If the licensed premises is situated or is to be situated
21 outside a city or unified municipality or established village and at the
22 hearing more than 20 per cent of the adult residents having a permanent
23 place of abode within five miles of the premises but outside the city or
24 unified municipality or established village object to issuance, re-
25 issuance, renewal or transfer, the board shall refuse to issue, reissue,
26 renew or transfer the license unless, in the opinion of the board, no
27 grounds for refusal exist by law and no substantial harm will occur to
28 the health, safety or general welfare of the residents. A decision of
29 the board under this subsection shall be accompanied by a statement of

1 the findings of the board and the reasons supporting the decision of the
2 majority of the board.

3 * Sec. 5. AS 04.10.350(a) is repealed and re-enacted to read:

4 (a) A license issued under this chapter is renewable automatically
5 if the fee is paid in accordance with secs. 40 - 149 of this chapter.
6 However, a license may not be automatically renewed if

7 (1) protest to renewal has been made in accordance with secs.
8 270 - 300 of this chapter; or

9 (2) the licensee has been convicted under AS 04.15.100.

10 * Sec. 6. AS 04.15.100(b) is amended to read:

11 (b) Upon conviction of a licensee for a violation under (a) of
12 this section, or for violation of a municipal ordinance adopted by a
13 municipality in conformity with sec. 70 of this chapter, the judge
14 having jurisdiction shall send a notification of conviction together
15 with a certified copy of the record of conviction to the board. The
16 board shall [MAY, UPON THE DIRECTION OF A MAJORITY OF ITS MEMBERS,
17 THEREUPON] suspend the license as [HEREINAFTER] provided in this sub-
18 section for the first and second violations and upon a third violation
19 shall [MAY] revoke the license and declare the bond forfeited. For the
20 purpose of this section, the terms "second violation" and "third vio-
21 lation" include only those violations which occur within five years of
22 the first violation, but are not limited to repeated violations of the
23 same statutory provision or municipal ordinance.

24 (1) First violation. The license of the premises involved
25 shall [MAY] be suspended for not less than 10 consecutive days nor more
26 than 45 consecutive days;

27 (2) Second violation. The license of the premises involved
28 shall [MAY] be suspended for a period of not less than 30 consecutive
29 days nor more than 90 consecutive days.

DIED IN COMMITTEE

Introduced: 3/17/78
Referred: Health, Education
& Social Services and
Judiciary

1 IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST

2 SENATE BILL NO. 551

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the rehabilitation of persons who
7 commit criminal offenses as a result of alcohol pro-
8 blems; and providing for an effective date."

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

10 * Section 1. AS 12.55 is amended by adding a new section to read:

11 Sec. 12.55.072. ALCOHOL-RELATED OFFENSES. (a) When a court finds
12 that the commission of an offense was the result of or caused by alcohol
13 problems suffered by the person committing the offense, upon conviction
14 for that offense and in addition to any other punishment adjudged by the
15 court, the person convicted shall be sentenced to undertake for a term
16 specified by the court that program of alcohol education or rehabilita-
17 tion which the court, after consideration of any information compiled
18 under (b) of this section, finds appropriate.

19 (b) Except as prohibited by federal law or regulation, every pro-
20 vider of treatment programs to which persons are ordered under (a) of
21 this section shall supply the Alaska court system with the information
22 regarding the condition and treatment of those persons as the supreme
23 court may require by rule. Information compiled under this subsection
24 is confidential and may only be used by a court in sentencing a person
25 convicted under (a) of this section, or by an officer of the court in
26 preparing a presentence report for the use of the court in sentencing a
27 person convicted under (a) of this section.

28 (c) The imposition or execution of a sentence to a term of alcohol
29 education or rehabilitation required to be imposed under this section

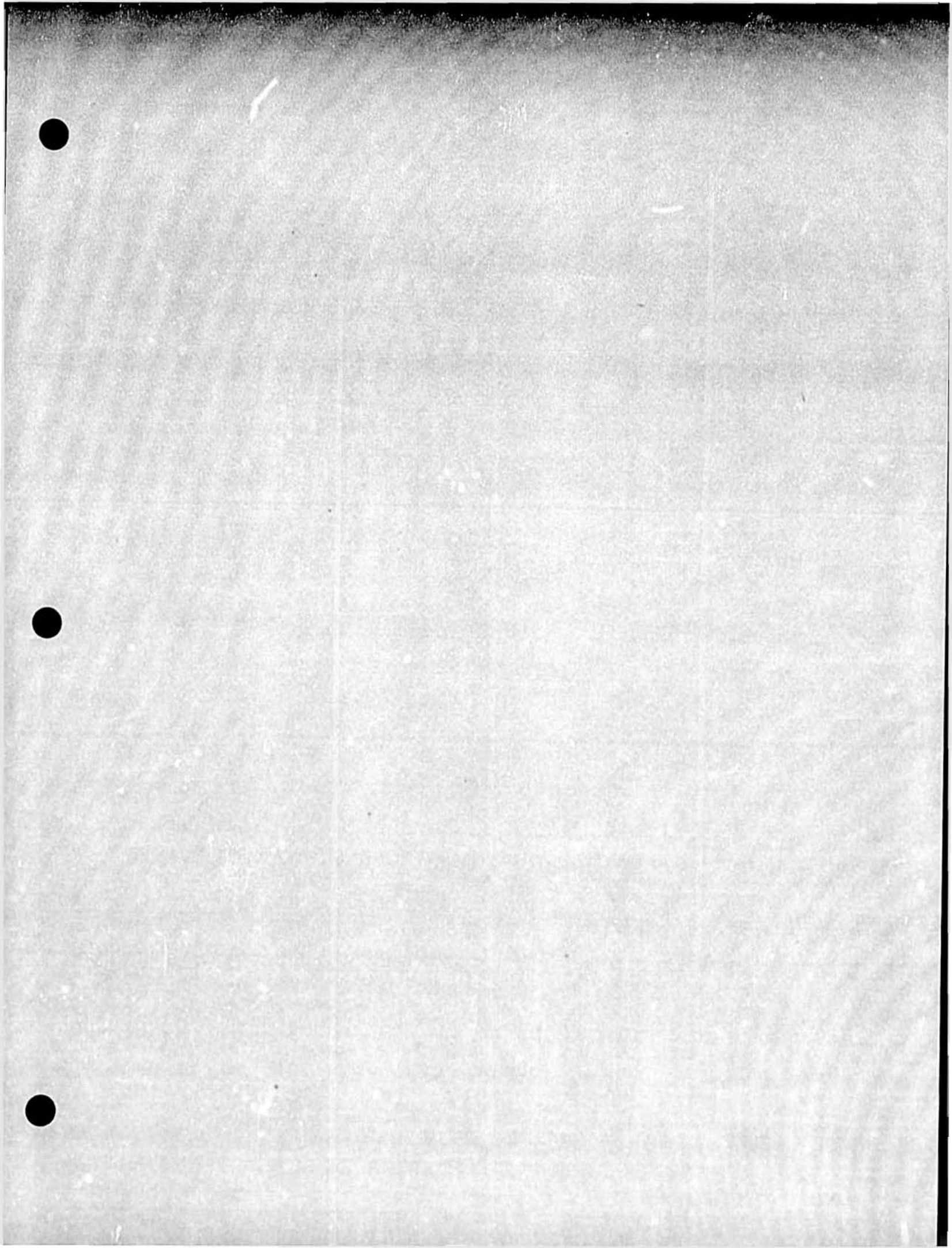
1 may not be suspended and probation or parole may not be granted until
2 the term of rehabilitation or education has been completed. AS 12.55.-
3 080 and 12.55.085 are inapplicable to the extent that they are incon-
4 sistent with this subsection.

5 * Sec. 2. AS 47.37.210(a) is amended to read:

6 (a) Except as required by AS 12.55.072(b), the [THE] registration
7 and other records of treatment facilities shall remain confidential and
8 are privileged to the patient.

9 * Sec. 3. This Act is inapplicable to criminal proceedings initiated
10 before January 1, 1979.

11 * Sec. 4. This Act takes effect January 1, 1979.
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Sec 89 2 and SB 545

Introduced: 3/17/78
Referred: Judiciary

1 IN THE SENATE

BY THE RULES COMMITTEE
BY REQUEST

2 SENATE BILL NO. 552

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcohol."

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

8 * Section 1. The legislature finds that violations of AS 28.35.030 arise
9 from misinformation about drugs or alcohol or the chronic abuse of drugs and
10 alcohol, and further finds that participation in alcohol and drug information
11 and rehabilitation programs is efficacious in preventing a recurrence of vio-
12 lations of AS 28.35.030.

13 * Sec. 2. AS 28.35.030 is amended to read:

14 Sec. 28.35.030. DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING
15 LIQUOR OR DRUGS. (a) A person who, while under the influence of in-
16 toxicating liquor, depressant, hallucinogenic or stimulant drugs or
17 narcotic drugs as defined in AS 17.10.230(13) and AS 17.12.150(3)
18 operates or drives an automobile, motorcycle or other motor vehicle in
19 the state, upon conviction, is punishable by a fine of not more than
20 \$1,000, or by imprisonment for not more than one year, or by both. Upon
21 a second conviction within five years after a first conviction under
22 this section, the court shall impose a minimum sentence of imprisonment
23 of not less than three days. Upon a subsequent conviction within five
24 years after a second conviction under this section, the court shall
25 impose a minimum sentence of imprisonment of not less than 10 days. The
26 execution of sentence may not be suspended nor may probation or parole
27 be granted until the minimum imprisonment provided in this section has
28 been served, nor may imposition of sentence be suspended, except upon
29 the condition that the defendant be imprisoned for no less than the