

STATE OF ALASKA
THE LEGISLATURE

1996

Source

CSHCR 26(FIN) am

Legislative
Resolve No.

73



Relating to creation of the Public Inebriate Task Force.

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

WHEREAS, with passage of the Federal Uniform Alcoholism and Intoxication Treatment Act of 1971, the State of Alaska adopted the following policy: "that alcoholics and intoxicated persons should not be criminally prosecuted for their consumption of alcoholic beverages and that they should be afforded a continuum of treatment that can introduce them to, and help them learn new life skills and social skills that would be useful to them in attaining and maintaining normal lives as productive members of society"; and

WHEREAS Title 47 of the Alaska Statutes requires that inebriates be taken to the closest medical facility for screening before placing the inebriates in a public treatment facility or if none is available, in a city- or state-owned holding cell for a maximum of 12 hours or until their blood alcohol level is less than .10 and the costs of these medical screenings or the payment for the medical screenings have never been defined by AS 47; and

WHEREAS local medical facilities are directed to provide medical screening and medical treatment to intoxicated persons brought to them by public safety officials or emergency service personnel and can expect no remuneration for these services; and

WHEREAS community and state detention facilities, which are already overcrowded,

must provide protective custody to persons who are taken into custody by community service patrols or public safety officials; and

WHEREAS this federal and state mandate has placed a significant burden on communities, especially those rural communities that do not have a continuum of treatment services available to effectively address this problem; and

WHEREAS this policy has created a public safety issue that results in an inordinate burden on local public safety officials to protect these individuals; and

WHEREAS, if this public safety issue is ignored, municipalities face significant legal liability issues;

BE IT RESOLVED that the Alaska State legislature establishes the Public Inebriate Task Force in order to develop and recommend to the legislature a plan for treatment and services for intoxicated persons and persons incapacitated by alcohol; and be it

FURTHER RESOLVED that the task force shall

(1) evaluate federal law and state statutory and regulatory language relating to the protective custody provisions of AS 47;

(2) identify methods that may be implemented to minimize use of the protective custody provisions of AS 47;

(3) identify methods that may be implemented to maximize opportunity for treatment;

(4) determine costs to communities, public health facilities, and detention facilities;

(5) determine other costs related to the protective custody provisions of AS 47;

(6) evaluate and determine methods to utilize community solutions;

(7) evaluate policy that will organize and allow state departments to work collaboratively to solve this problem; and be it

FURTHER RESOLVED that the task force shall consist of 13 voting members as follows:

(1) one member of the House of Representatives appointed by the Speaker of the House;

(2) one member of the Senate appointed by the President of the Senate;

(3) seven members appointed jointly by the Speaker of the House and the President

of the Senate as follows:

- (A) one member of the Advisory Council on Alcohol and Drug Abuse;
 - (B) two members nominated by the Alaska Municipal League;
 - (C) one member of the Alaska Mental Health Trust;
 - (D) one health care provider representing community hospital administrators;
 - (E) one substance abuse treatment provider;
 - (F) one member of the Alaska Native Health Board; and
- (4) four members appointed by the Governor as follows:
- (A) one member of the Department of Health and Social Services;
 - (B) one member of the Department of Public Safety;
 - (C) one member of the Department of Corrections;
 - (D) one member of the Department of Law; and be it

FURTHER RESOLVED that the task force shall select a chair and vice-chair from the members of the task force, shall meet as frequently as the task force determines necessary to perform its work, and may meet and vote by teleconference; and be it

FURTHER RESOLVED that the conduct of the task force meetings shall be in sessions open to the public where all interested parties may provide information; and be it

FURTHER RESOLVED that the task force shall report its findings and recommendations to the Governor and the Legislature by March 1, 1997; and be it

FURTHER RESOLVED that the task force is terminated on March 1, 1997.