

FINAL BILL REPORT

ESB 5051

C 13 L 01 Synopsis as Enacted

Brief Description: Changing provisions relating to persons incapacitated by a chemical dependency.

Sponsors: Senators Long, Hargrove, Winsley, Haugen, Stevens, Patterson, McAuliffe, Fairley and Carlson.

Senate Committee on Human Services & Corrections

House Committee on Children & Family Services

Background: Current chemical dependency involuntary treatment law permits any county's designated chemical dependency specialist (DCDS) to detain a person who is gravely disabled or who presents a likelihood of serious harm for a 72-hour evaluation. However, it only allows the DCDS to file a petition for commitment to involuntary treatment on the basis that the person is incapacitated. This differs from the mental health Involuntary Treatment Act, in which a person can be committed if he or she is gravely disabled or if he or she presents a likelihood of serious harm. Under this statute, an incapacitated person is one who has his or her judgment so impaired that the person is incapable of making a rational decision about his or her need for treatment and presents a likelihood of serious harm. A person must meet both portions of the definition and the definition does not address grave disability. This has resulted in a situation where very few persons who need it receive involuntary treatment.

Summary: A DCDS may file an involuntary treatment petition either because a person is gravely disabled due to alcohol or drug abuse or because the person presents a likelihood of serious harm. The definition of incapacitated includes both gravely disabled persons and persons who present a likelihood of serious harm but only one standard must be met. The definition of likelihood of serious harm is the same as the definition in the mental health involuntary treatment statutes.

The county alcoholism and other drug addiction program coordinator may designate the county designated mental health professional to perform detention and commitment duties.

Votes on Final Passage:

Senate	48 0
House	92 0

Effective: July 22, 2001