

# HOUSE BILL REPORT

## ESB 5051

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### As Passed House:

April 4, 2001

**Title:** An act relating to chemical dependency.

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

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

### Brief History:

#### Committee Activity:

Children & Family Services: 3/22/01, 3/28/01 [DP].

#### Floor Activity:

Passed House: 4/4/01, 92-0.

### Brief Summary of Engrossed Bill

- A chemical dependency specialist may seek an involuntary treatment petition if the person meets one test for incapacitation, rather than two.
- Incapacitated— is defined as: the person presents a likelihood of serious harm to self or others; OR the person is gravely disabled.
- The definition of likelihood of serious harm— is updated to reflect to the current usage in the mental health involuntary treatment statutes.

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## HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** Do pass. Signed by 10 members: Representatives Boldt, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Morell, Republican Vice Chair; Ballasiotes, Campbell, Darneille, Dickerson, Miloscia and Pflug.

**Staff:** Deborah Frazier (786-7152).

### Background:

A chemical dependency specialist may file an involuntary treatment petition for a person:

(1) who is chemically dependent and is incapacitated by alcohol or drug addiction;

OR

(2) who has twice before, in the preceding 12 months, been voluntarily admitted for detoxification or chemical dependency treatment, and is in need of a more sustained treatment program;

OR

(3) who is chemically dependent and has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed.

Incapacitated– as applied in (1) above, is defined by two tests: the person is incapable of making a rational decision regarding the need for treatment; and presents a likelihood of serious harm to self or others.

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**Summary of Bill:**

The bill changes the definition of incapacitated– to allow a chemical dependency specialist to seek an involuntary treatment petition if the person meets one test for incapacitation, rather than two.

Incapacitated– is defined as: the person presents a likelihood of serious harm to self or others; OR the person is gravely disabled.

The bill updates the definition of likelihood of serious harm– to the current usage in the mental health involuntary treatment statutes, and clarifies that counties may, but are not required to, appoint a County-Designated Mental Health Professional to perform detention and commitment duties.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The cost to serve the top 20 users of acute alcohol in detox units, jails, and Harborview’s emergency room and inpatient hospitalization was over \$1 million in one year. If we had treated these folks’ chronic use of alcohol, we could have avoided some of these costs. This bill will allow us to intervene earlier with this group of individuals, target our limited resources, and save money in the long term. We’ll free up psychiatric beds, and people won’t die on the street from exposure or physical abuse.

**Testimony Against:** There aren't enough treatment beds for the people who are committed, now. This bill will put more pressure on an underfunded system.

**Testified:** (In support) Senator Long, prime sponsor; Roberta Byrd Wright; Ed Dwyer O'Conner and Joseph Barrett, M.D., Harborview Medical Center; Patrick Vanzo, King County Department of Community and Human Services; Donald Lachman, Lachman & Associates; Jim Kelly, Seattle Police Department; Brenda Peters, Downtown Seattle Association; and Ken Stark, Department of Social and Health Services.

(Opposed) Heather Lechner, Washington Association of Criminal Defense Lawyers and Washington Defender Association.