

# HOUSE BILL REPORT

## ESHB 1158

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*As Passed House  
March 19, 1991*

**Title:** An act relating to minors incapacitated by alcohol and other drugs.

**Brief Description:** Providing for minors incapacitated by alcohol and other drugs.

**Sponsor(s):** By House Committee on Human Services (originally sponsored by Representatives Brekke, Winsley, Leonard, Rayburn, Inslee, Rasmussen, O'Brien, Fuhrman, Hargrove, Riley, R. Johnson, Franklin, Scott, Haugen, Edmondson, Phillips, Bowman, G. Fisher, Sprenkle and Orr).

**Brief History:**

Reported by House Committee on:  
Human Services, March 4, 1991, DPS;  
Appropriations, March 10, 1991, DPS(HS);  
Passed House, March 19, 1991, 98-0.

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**HOUSE COMMITTEE ON  
HUMAN SERVICES**

**Majority Report:** *That Substitute House Bill No. 1158 be substituted therefor, and the substitute bill do pass.*  
Signed by 10 members: Representatives Leonard, Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

**Staff:** John Welsh (786-7133).

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**HOUSE COMMITTEE ON  
APPROPRIATIONS**

**Majority Report:** *The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass.* Signed by 28 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appewick; Belcher; Bowman; Braddock; Brekke; Dorn; Ebersole; Ferguson; Fuhrman; Hine; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; Wang; and Wineberry.

**Staff:** Maureen Morris (786-7152).

**Background:** A minor 14 years of age and older may voluntarily apply for and receive treatment for alcoholism or drug addiction directly from a treatment program approved by the Department of Social and Health Services.

A minor who is incapacitated or gravely disabled by alcohol or other drugs, and who threatens or inflicts physical harm in a public place may be taken into protective custody for up to 72 hours for detoxification.

A minor incapacitated as a result of alcoholism may be involuntarily committed through the judicial process for treatment for up to 60 days, and for a further period of 90 days.

However, involuntary commitment for treatment of a minor incapacitated by drugs is not authorized by law.

The sale of cigarettes to a minor is unlawful and punishable as a misdemeanor.

**Summary of Bill:** There is a legislative finding that the use of alcohol and illicit drugs is a primarycrippler of youth, with incredible costs to families and society. While young lives are particularly at risk, there are three times as many deaths resulting from chronic diseases related to alcohol and drug abuse in later life.

There is a legislative declaration that an emphasis on the treatment of youth will pay the largest dividend in terms of preventable cost savings, and that providing augmented involuntary alcoholism treatment services to youths, as well as authorizing involuntary treatment for youths addicted by drugs, is in the public interest.

There is a further finding that many children who abuse alcohol or other drugs and are at risk of future chemical dependency, mental illness, conduct disorders or of becoming juvenile offenders.

Minors incapacitated by alcoholism and/or other drug addiction, may be involuntarily committed for treatment under the processes provided by law. Parental consent for involuntary alcohol and drug treatment is not required.

Minors admitted to a facility for treatment may be referred to a chemical dependency treatment facility if determined necessary by the mental health specialist and physician.

The Board of Health is authorized to adopt rules to control the sale of tobacco products to minors.

**Fiscal Note:** Available. New fiscal note requested on March 11, 1991.

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

**Testimony For:** (Human Services): There is no process now for the involuntary treatment of youths who are addicted by drugs. The involuntary commitment of minors for treatment of drug addiction is not authorized by law. The alcohol involuntary treatment act should be expanded to include treatment of drug addicted minors. Drug abuse among youth has the most serious consequences for our society; focusing on youth presents the best hope for dealing with them. Some 16 percent of our young population have serious chemical abuse problems. All Washington citizens pay the social and financial costs of the state's drug problem, including higher costs for insurance, health care, law enforcement, prisons, as well as low-birth weight babies, school drop out, suicide, divorce, domestic violence and child abuse.

(Appropriations): None.

**Testimony Against:** (Human Services): The state cannot afford at this time to extend state involuntary alcohol treatment programs to drugs.

(Appropriations): None.

**Witnesses:** (Human Services): Jerry Wasson, Department of Health and Social Services (con); Peter Youngers, Jay West and David Richart, New Beginnings of the North West (pro); and Stephanie Carter, Washington State Association of Prosecuting Attorneys (pro).

(Appropriations): None.