
SUBSTITUTE SENATE BILL 6257

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Health & Human Services (originally sponsored by Senators Talmadge, Fraser and Winsley; by request of Department of Social and Health Services)

Read first time 01/28/94.

1 AN ACT Relating to involuntary treatment; amending RCW 70.96A.020
2 and 70.96A.070; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.96A.020 and 1991 c 364 s 8 are each amended to read
5 as follows:

6 For the purposes of this chapter the following words and phrases
7 shall have the following meanings unless the context clearly requires
8 otherwise:

9 (1) "Alcoholic" means a person who suffers from the disease of
10 alcoholism.

11 (2) "Alcoholism" means a disease, characterized by a dependency on
12 alcoholic beverages, loss of control over the amount and circumstances
13 of use, symptoms of tolerance, physiological or psychological
14 withdrawal, or both, if use is reduced or discontinued, and impairment
15 of health or disruption of social or economic functioning.

16 (3) "Approved treatment program" means a discrete program of
17 chemical dependency treatment provided by a treatment program certified
18 by the department of social and health services as meeting standards
19 adopted under this chapter.

1 (4) "Chemical dependency" means alcoholism or drug addiction, or
2 dependence on alcohol and one or more other psychoactive chemicals, as
3 the context requires.

4 (5) "Chemical dependency program" means expenditures and activities
5 of the department designed and conducted to prevent or treat alcoholism
6 and other drug addiction, including reasonable administration and
7 overhead.

8 (6) "Department" means the department of social and health
9 services.

10 (7) "Designated chemical dependency specialist" means a person
11 designated by the county alcoholism and other drug addiction program
12 coordinator designated under RCW 70.96A.310 to perform the commitment
13 duties described in RCW 70.96A.140 and qualified to do so by meeting
14 standards adopted by the department.

15 (8) "Director" means the person administering the chemical
16 dependency program within the department.

17 (9) "Drug addict" means a person who suffers from the disease of
18 drug addiction.

19 (10) "Drug addiction" means a disease characterized by a dependency
20 on psychoactive chemicals, loss of control over the amount and
21 circumstances of use, symptoms of tolerance, physiological or
22 psychological withdrawal, or both, if use is reduced or discontinued,
23 and impairment of health or disruption of social or economic
24 functioning.

25 (11) "Emergency service patrol" means a patrol established under
26 RCW 70.96A.170.

27 (12) "Gravely disabled by alcohol or other drugs" means that a
28 person, as a result of the use of alcohol or other drugs: (a) Is in
29 danger of serious physical harm resulting from a failure to provide for
30 his or her essential human needs of health or safety; or (b) manifests
31 severe deterioration in routine functioning evidenced by a repeated and
32 escalating loss of cognition or volitional control over his or her
33 actions and is not receiving care as essential for his or her health or
34 safety.

35 (13) "Incapacitated by alcohol or other psychoactive chemicals"
36 means that a person, as a result of the use of alcohol or other
37 psychoactive chemicals, has his or her judgment so impaired that he or
38 she is incapable of realizing and making a rational decision with
39 respect to his or her need for treatment and (~~constitutes a danger~~)

1 presents a likelihood of serious harm to himself or herself, to any
2 other person, or to property.

3 (14) "Incompetent person" means a person who has been adjudged -
4 incompetent by the superior court.

5 (15) "Intoxicated person" means a person whose mental or physical
6 functioning is substantially impaired as a result of the use of alcohol
7 or other psychoactive chemicals.

8 (16) "Licensed physician" means a person licensed to practice
9 medicine or osteopathy in the state of Washington.

10 (17) "Likelihood of serious harm" means either: (a) A substantial
11 risk that physical harm will be inflicted by an individual upon his or
12 her own person, as evidenced by threats or attempts to commit suicide
13 or inflict physical harm on one's self; (b) a substantial risk that
14 physical harm will be inflicted by an individual upon another, as
15 evidenced by behavior that has caused the harm or that places another
16 person or persons in reasonable fear of sustaining the harm; or (c) a
17 substantial risk that physical harm will be inflicted by an individual
18 upon the property of others, as evidenced by behavior that has caused
19 substantial loss or damage to the property of others.

20 (18) "Minor" means a person less than eighteen years of age.

21 (~~(18)~~) (19) "Peace officer" means a law enforcement official of
22 a public agency or governmental unit, and includes persons specifically
23 given peace officer powers by any state law, local ordinance, or
24 judicial order of appointment.

25 (~~(19)~~) (20) "Person" means an individual, including a minor.

26 (~~(20)~~) (21) "Secretary" means the secretary of the department of
27 social and health services.

28 (~~(21)~~) (22) "Treatment" means the broad range of emergency,
29 detoxification, residential, and outpatient services and care,
30 including diagnostic evaluation, chemical dependency education and
31 counseling, medical, psychiatric, psychological, and social service
32 care, vocational rehabilitation and career counseling, which may be
33 extended to alcoholics and other drug addicts and their families,
34 persons incapacitated by alcohol or other psychoactive chemicals, and
35 intoxicated persons.

36 (~~(22)~~) (23) "Treatment program" means an organization,
37 institution, or corporation, public or private, engaged in the care,
38 treatment, or rehabilitation of alcoholics or other drug addicts.

1 **Sec. 2.** RCW 70.96A.070 and 1989 c 270 s 9 are each amended to read
2 as follows:

3 Pursuant to the provisions of RCW 43.20A.360, there shall be a
4 citizens advisory council composed of not less than seven nor more than
5 fifteen members, (~~(at least two of whom shall be recovered alcoholics~~
6 ~~or other recovered drug addicts and two of whom shall be members of~~
7 ~~recognized organizations involved with problems of alcoholism and other~~
8 ~~drug addiction)) of which more than fifty-one percent shall be past
9 recipients of voluntary or involuntary treatment for alcoholism or
10 other drug addiction and now in recovery from chemical dependency. The
11 remaining members shall be broadly representative of the community,
12 shall include representation from business and industry, organized
13 labor, the judiciary, and minority groups, chosen for their
14 demonstrated concern with alcoholism and other drug addiction problems.
15 Members shall be appointed by the secretary. In addition to advising
16 the department in carrying out the purposes of this chapter, the
17 council shall develop and propose to the secretary for his or her
18 consideration the rules for the implementation of the chemical
19 dependency program of the department. Rules and policies governing
20 treatment programs shall be developed in collaboration between the
21 council, department staff, and administrators of voluntary and
22 involuntary treatment programs. The secretary shall thereafter adopt
23 such rules that, in his or her judgment properly implement the chemical
24 dependency program of the department consistent with the welfare of
25 those to be served, the legislative intent, and the public good.~~

26 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and shall take
29 effect immediately.

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