

SENATE BILL REPORT

HB 2511

AS PASSED COMMITTEE ON HEALTH & HUMAN SERVICES, FEBRUARY 17, 1994

**Brief Description:** Petitioning for involuntary treatment.

**SPONSORS:** Representatives Leonard, Cooke, Thibaudeau, King and Ogden; by request of Department of Social and Health Services

**HOUSE COMMITTEE ON HUMAN SERVICES**

**SENATE COMMITTEE ON HEALTH & HUMAN SERVICES**

**Majority Report:** Do pass as amended.

Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, Fraser, Hargrove, McDonald, Moyer, Niemi, Prentice and Winsley.

**Staff:** Richard Rodger (786-7461)

**Hearing Dates:** February 16, 1994; February 17, 1994

**BACKGROUND:**

The involuntary treatment statute for persons disabled by alcohol or drugs provides that a person is incapacitated when, among other factors, they "constitute a danger" to himself or herself, to other persons, or to property.

The involuntary treatment statute for persons with a mental disorder provides a different standard for involuntary detention. Under this statute a person may be detained when, among other factors, they "present a likelihood of serious harm" to himself or herself, to other persons, or to property. "Likelihood of serious harm" is further defined in the statute.

The Washington State Court of Appeals recently ruled in Recovery Northwest v. Thorslund that the involuntary treatment statute for alcohol rehabilitation is unconstitutional because of the vague "constitutes a danger" standard.

**SUMMARY:**

The definitions used in the involuntary treatment statute for persons disabled by alcohol or drugs are modified to include the "likelihood of serious harm" standard as used in the mental disorder statute.

**SUMMARY OF PROPOSED COMMITTEE AMENDMENT:**

The membership qualifications for DSHS' citizen advisory committee for chemical dependency treatment programs are revised. At least two-thirds of the members shall be past

recipients of voluntary or involuntary treatment for alcoholism or other drug addiction, who have been in recovery from chemical dependency for at least two years, and who are not employed in the industry. Rules and policies regarding the treatment programs shall be developed in collaboration with the citizen advisory council, DSHS staff, local government, and treatment program administrators.

An emergency clause is added.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**TESTIMONY FOR:**

This bill is in response to a recent court case that declared the involuntary treatment statute unconstitutional.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Ken Stark, Director, DSHS Division of Alcohol and Substance Abuse (pro); Linda Grant, Assn. of Alcoholism Programs, (pro); Jean Wessman, WA State Assn. of Counties (pro)