

SENATE BILL REPORT

SB 6257

AS REPORTED BY COMMITTEE ON HEALTH & HUMAN SERVICES,
JANUARY 26, 1994

Brief Description: Petitioning for involuntary treatment.

SPONSORS: Senators Talmadge, Fraser and Winsley; by request of Department of Social and Health Services

SENATE COMMITTEE ON HEALTH & HUMAN SERVICES

Majority Report: That Substitute Senate Bill No. 6257 be substituted therefor, and the substitute bill do pass.

Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Franklin, Fraser, McAuliffe, McDonald, Moyer, Prentice, Quigley, L. Smith and Winsley.

Staff: Richard Rodger (786-7461)

Hearing Dates: January 25, 1994; January 26, 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.

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. "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.

EFFECT OF PROPOSED SUBSTITUTE:

The membership qualifications for DSHS' citizen advisory committee for chemical dependency treatment programs are revised. More than 51 percent of the members are past recipients of voluntary or involuntary treatment for alcoholism or other drug addiction and are now in recovery

from chemical dependency. Rules and policies regarding the treatment programs shall be developed in collaboration with the citizen advisory council.

An emergency clause is added.

Appropriation: none

Revenue: none

Fiscal Note: available

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); Dr. Wesley Gradin, WAFP/AAFP (pro)