

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2511

53rd Legislature
1994 Regular Session

Passed by the House March 6, 1994
Yeas 89 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate March 2, 1994
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2511** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2511

AS AMENDED BY THE SENATE

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

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

Read first time 01/17/94. Referred to Committee on Human Services.

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)). It is the intent of the legislature that the
9 citizens advisory council broadly represent citizens who have been
10 recipients of voluntary or involuntary treatment for alcoholism or
11 other drug addiction and who have been in recovery from chemical
12 dependency for a minimum of two years. To meet this intent, at least
13 two-thirds of the council's members shall be former recipients of these
14 services and not employed in an occupation relating to alcoholism or
15 drug addiction. The remaining members shall be broadly representative
16 of the community, shall include representation from business and
17 industry, organized labor, the judiciary, and minority groups, chosen
18 for their demonstrated concern with alcoholism and other drug addiction
19 problems. Members shall be appointed by the secretary. In addition to
20 advising the department in carrying out the purposes of this chapter,
21 the council shall develop and propose to the secretary for his or her
22 consideration the rules for the implementation of the chemical
23 dependency program of the department. Rules and policies governing
24 treatment programs shall be developed in collaboration among the
25 council, department staff, local government, and administrators of
26 voluntary and involuntary treatment programs. The secretary shall
27 thereafter adopt such rules that, in his or her judgment properly
28 implement the chemical dependency program of the department consistent
29 with the welfare of those to be served, the legislative intent, and the
30 public good.~~

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

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