

***Children & Family Services
Committee***

ESB 5051

Brief Description: *Changing provisions relating to persons incapacitated by a chemical dependency.*

Sponsors: *By Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove, Winsley, Haugen, Stevens, Patterson, McAuliffe, Fairley and Carlson).*

Brief Summary of Engrossed Bill

- *A chemical dependency specialist may seek an involuntary treatment petition if the person meets one test for incapacitation, rather than two.*
- *Incapacitated– is defined as: the person presents a likelihood of serious harm to self or others; OR the person is gravely disabled.*
- *The definition of likelihood of serious harm– is updated to reflect to the current usage in the mental health involuntary treatment statutes.*

Hearing Date:

Staff: *Deborah Frazier (786-7152).*

Background:

A chemical dependency specialist may file an involuntary treatment petition for a person:

(1) who is chemically dependent and is incapacitated by alcohol or drug addiction;

OR

(2) who has twice before, in the preceding 12 months, been voluntarily admitted for detoxification or chemical dependency treatment, and is in need of a more sustained treatment program;

OR

(3) who is chemically dependent and has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed.

Incapacitated– as applied in (1) above, is defined by two tests: the person is incapable of making a rational decision regarding the need for treatment; and presents a likelihood of serious harm to self or others.

Summary of Bill:

The bill changes the definition of incapacitated– to allow a chemical dependency specialist to seek an involuntary treatment petition if the person meets one test for incapacitation, rather than two.

Incapacitated– is defined as: the person presents a likelihood of serious harm to self or others; OR the person is gravely disabled.

The bill updates the definition of likelihood of serious harm– to the current usage in the mental health involuntary treatment statutes, and clarifies that counties may, but are not required to, appoint a County-Designated Mental Health Professional to perform detention and commitment duties.

Appropriation: None.

Fiscal Note: Available.

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