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**SUBSTITUTE HOUSE BILL 1252**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** House Committee on Children & Family Services (originally sponsored by Representatives Boldt, Mulliken, Schindler and Lambert)

Read first time . Referred to Committee on .

1 AN ACT Relating to faith-based chemical dependency treatment  
2 programs; amending RCW 70.96A.020; and adding new sections to chapter  
3 70.96A RCW.

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

5 **Sec. 1.** RCW 70.96A.020 and 1998 c 296 s 22 are each amended to  
6 read as follows:

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

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

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

17 (3) "Approved treatment program" means a discrete program of  
18 chemical dependency treatment provided by a treatment program certified

1 by the department of social and health services as meeting standards  
2 adopted under this chapter.

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

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

10 (6) "Department" means the department of social and health  
11 services.

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

17 (8) "Director" means the person administering the chemical  
18 dependency program within the department.

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

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

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

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

37 (13) "Incapacitated by alcohol or other psychoactive chemicals"  
38 means that a person, as a result of the use of alcohol or other  
39 psychoactive chemicals, has his or her judgment so impaired that he or

1 she is incapable of realizing and making a rational decision with  
2 respect to his or her need for treatment and presents a likelihood of  
3 serious harm to himself or herself, to any other person, or to  
4 property.

5 (14) "Incompetent person" means a person who has been adjudged  
6 incompetent by the superior court.

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

10 (16) "Licensed physician" means a person licensed to practice  
11 medicine or osteopathic medicine and surgery in the state of  
12 Washington.

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

23 (18) "Medical necessity" for inpatient care of a minor means a  
24 requested certified inpatient service that is reasonably calculated to:  
25 (a) Diagnose, arrest, or alleviate a chemical dependency; or (b)  
26 prevent the worsening of chemical dependency conditions that endanger  
27 life or cause suffering and pain, or result in illness or infirmity or  
28 threaten to cause or aggravate a handicap, or cause physical deformity  
29 or malfunction, and there is no adequate less restrictive alternative  
30 available.

31 (19) "Minor" means a person less than eighteen years of age.

32 (20) "Parent" means the parent or parents who have the legal right  
33 to custody of the child. Parent includes custodian or guardian.

34 (21) "Peace officer" means a law enforcement official of a public  
35 agency or governmental unit, and includes persons specifically given  
36 peace officer powers by any state law, local ordinance, or judicial  
37 order of appointment.

38 (22) "Person" means an individual, including a minor.

1 (23) "Professional person in charge" or "professional person" means  
2 a physician or chemical dependency counselor as defined in rule by the  
3 department, who is empowered by a certified treatment program with  
4 authority to make assessment, admission, continuing care, and discharge  
5 decisions on behalf of the certified program.

6 (24) "Religious organization" means a church, synagogue, mosque, or  
7 other religious institution:

8 (a) The purpose of which is the propagation of religious beliefs;  
9 and

10 (b) That is exempt from federal income tax under section 501 of the  
11 internal revenue code of 1986 (26 U.S.C. Sec. 501(a)) by being listed  
12 as an exempt organization under section 501(c) of that code (26 U.S.C.  
13 Sec. 501(a)).

14 (25) "Secretary" means the secretary of the department of social  
15 and health services.

16 (~~(25)~~) (26) "Treatment" means the broad range of emergency,  
17 detoxification, residential, and outpatient services and care,  
18 including diagnostic evaluation, chemical dependency education and  
19 counseling, medical, psychiatric, psychological, and social service  
20 care, vocational rehabilitation and career counseling, which may be  
21 extended to alcoholics and other drug addicts and their families,  
22 persons incapacitated by alcohol or other psychoactive chemicals, and  
23 intoxicated persons.

24 (~~(26)~~) (27) "Treatment program" means an organization,  
25 institution, or corporation, public or private, engaged in the care,  
26 treatment, or rehabilitation of alcoholics or other drug addicts.

27 NEW SECTION. Sec. 2. A new section is added to chapter 70.96A RCW  
28 to read as follows:

29 A faith-based chemical dependency treatment program shall  
30 conspicuously include in any advertisement or literature that promotes  
31 or describes the program or the program's chemical dependency treatment  
32 services the following statement:

33 "The treatment and recovery services at (name of program) are  
34 exclusively religious in nature."

35 NEW SECTION. Sec. 3. A new section is added to chapter 70.96A RCW  
36 to read as follows:

1 (1) A program described in section 2 of this act may not admit a  
2 person unless the person signs the following statement on admission:

3 "DECLARATION:

4 I understand that:

5 (1) The treatment and recovery services at (name of program) are  
6 exclusively religious in nature; and

7 (2) (Name of program) offers only nonmedical treatment and recovery  
8 methods, such as prayer, moral guidance, spiritual counseling, and  
9 scriptural study.

10 signed . . . . . date . . . . ."

11 (2) The program shall:

12 (a) Keep the original signed statement on file; and

13 (b) Provide a copy of the signed statement to the person admitted.

14 NEW SECTION. Sec. 4. A new section is added to chapter 70.96A RCW  
15 to read as follows:

16 A state agency may not deny to an individual a state or federal  
17 social service benefit on the basis that the individual is  
18 participating in a faith-based residential chemical dependency  
19 treatment program licensed under this chapter.

20 NEW SECTION. Sec. 5. A new section is added to chapter 70.96A RCW  
21 to read as follows:

22 Sections 2 through 4 of this act are not intended to aid religion.  
23 These sections are intended to aid chemically dependent persons by  
24 supporting programs that serve the valid public purpose of combating  
25 chemical dependency, regardless of whether the programs are religious,  
26 spiritual, or ecclesiastical in nature.

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