CHAPTER NO. _____

HOUSE BILL NO. 844

INTRODUCED BY MEYER

IN THE HOUSE

Introduced and referred to February 16, 1979 Committee on Taxation. March 26, 1979 Intent statement attached. Committee recommend bill do pass as amended. Report adopted. March 27, 1979 Printed and placed on members' desks. Second reading, do pass as amended. Correctly engrossed. Third reading, passed. Transmitted to second house. IN THE SENATE Introduced and referred March 27, 1979 to Committee on Finance and Claims. Committee recommend bill April 17, 1979 and Statement of Intent be concurred in as amended. Report adopted. Second reading, concurred in April 18, 1979 as amended. On motion rules suspended. Bill placed on Calendar for third reading this day. Third reading, concurred in as amended.

IN THE HOUSE

April 20, 1979

Returned from second house. Concurred in as amended.

Second reading, amendments adopted.

Third reading, amendments adopted. Sent to enrolling.

Reported correctly enrolled.

46th Legislature

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HOLLE BILL NO. 844 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE 4 LAWS DELATING TO ALCOHOLISH TREATMENT PROGRAMS AND THE 5 DISTRIBUTION OF REVENUES FROM THE LIQUOR LICENSE TAX ŕ. PROCEEDS; AMENDING SECTIONS 16-1-404+ 16-1-408+ 53-24-103+ 7 53-24-104, 53-24-108, 53-24-203, 53-24-204, 53-24-207, AND 2 53-24-303. MCA." ç 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 53-24-103, MCA, is amended to read: 12 #53-24-103. Definitions. For purposes of this chapter: 13 the following definitions apply: 14 (1) "Alcoholic" means a person who habitually lacks 15 self-control as to the use of alcoholic beverages or uses 10 ulcoholic beverages to the extent that his health is 17 18 substantially impaired or endangered or his social or 19 economic function is substantially disrupted. (2) "Approved private treatment facility" means a 20 private nonprofit agency, receiving public funds [whose sols 21 function is the treatment, rebabilitation, and prevention of 22 alcoholism and drug dependence) meeting the standards 23 24 prescribed in 53-24-208(1) and approved under 53-24-208. 25 (3) "Approved public treatment facility" means a

1 treatment agency operating under the direction and control 2 of the department or-providing-treatment-under-this--chapter э. through-o-controct-with-the-department as a state agency and approved under 53-24-208.

5 (4) "Department" means the department of institutions 6 provided for in 2-15-2301.

7 (5) "Family member" is the spouse, mother, father, 8 child, or member of the household of an alcoholic whose life 9 has been affected by the actions of the alcoholic and may 10 require treatment.

11 (6) "Incapacitated by alcohol" means that a person, as 12 a result of the use of alcohol, is unconscious or has his 13 judgment otherwise so impaired that he is incapable of 14 realizing and making a rational decision with respect to his 15 need for treatment.

16 (7) "Incompetent person" means a person who has been 17 adjudged incompetent by the district court.

18 (8) "Intoxicated person" means a person whose mental 19 or physical functioning is substantially impaired as a 20 result of the use of alcohol.

(9) "Prevention" has meaning on four levels; these 21 22 are:

23 (a) education to provide information to the school 24 children and general public relating to alcohol dependence and alcoholism, treatment, and rehabilitative services and 25 HB 244

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contact with an alcoholic: 2 3 (b) early detection and recovery from the illness before lasting emotional or physical damage, or both, have 4 5 occurred: 6 (c) if lasting emotional or physical damage, or both. 7 have occurred, to arrest the illness before full disability 8 has been reached: 9 (d) the provision of facility requirements to meet 10 division program standards and improve public accessibility 11 for services. 12 (10) "Treatment" means the broad range of emergency. 13 outpatient, intermediate, and inpatient services and care, including diagnostic evaluation, medical, psychiatric, 14 15 psychological, and social service care, vocational rehabilitation, and career counseling, which may be extended 16 17 to alcoholics. intoxicated persons. and family members." 18 Section 2. Section 53-24-104, MCA, is amended to read: 19 *53-24-104. Deposit of funds from federal or private sources with state treasurer. Funds available to the 20 department from federal or private sources for use in 21 Z2 alcohol and drug dependence prevention, treatment, and 23 control programs shall be deposited with the state treasurer.

to reduce the consequences of life experiences acquired by

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24 to the account of the department in the federal and private 25 revenue fund. Funds received by the department under this

1 section shall be allocated to the counties on the same basis 2 as liquor and beer tax revenue when not in conflict with 3 federal or private laws or federal regulations." Section 3. Section 53-24-108. MCA. is amended to read: 4 5 "53-24-108. Utilization of funds generated by taxation on alcoholic beverages. (1) Revenue generated by 16-1-404. 6 7 16-1-406, and 16-1-408 for to state approved programs whose 8 sole function is the treatment, rehabilitation, and prevention of alcoholism may be distributed in either of the 9 10 following manners: 11 (a) as payment of fees for alcoholism services 12 provided by state-approved alcoholism programs, certified 13 atconolism--counsetersy--ticensed--physiciansy--and-licensed 14 hospitals; and 15 (b) as grants to persons operating state-approved 16 alcoholism programs. 17 (2) No person operating a state-approved alcoholism 18 program may be required to provide matching funds as a condition of receiving a grant under subsection (1) of this 19 section. 20 21 (3) In addition to funding received under this 22 section, a person operating a state-approved alcoholism 23 program may accept gifts, bequests, or the donation of

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prevention of alcoholism.

services or money for the treatment, rehabilitation, or

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1 (4) No person receiving funding under this section to 2 support operation of a state-approved alcoholism program may 3 refuse alcoholism treatment, rehabilitation, or prevention 4 services to a person solely because of that person's 5 inability to pay for those services.

6 (5) A grant made under this section is subject to the 7 following conditions:

8 (a) The grant application must contain an estimate of e all program incomes including income from earned fees, 10 gifts, bequests, donations, and grants from other than state sources during the period for which grant support is sought. 11 12 (b) Whenever, during the period of grant support, program income exceeds the amount estimated in the grant 13 application, the amount of the excess shall be reported to 14 15 the grantor.

(c) The excess shall be used by the grantee under the 16 terms of the grant in accordance with one or a combination 17 18 of the following options:

19 (i) use for any purpose that furthers the objectives of the legislation under which the grant was made; or 20 (ii) deduction-from-total-project--costs--to--determine 21 the--net--costs-on-which-the-grantor=s-share-of-the-costs-is 22 23 baseds to allow program, growth, through the expansion of 24 services or for capital expenditures necessary to improve 25 facilities where services are provided.

12 fitlal plan, propote, and assist in the support of 13 alcoholism and drug dependence prevention, treatment, and 14 control programs;

15 121--conducty---sponsory---support----researchy investigationsy--and--studiesy--including-evoluationy-of-all 16 17 phases-of-alcoholiss-and-drug-dependencet

18 f3f(b) assist approved programs in the development of 19 educational and training programs relative to alcoholism and drug dependence and carry on programs to assist the public 20 21 and technical and professional groups in becoming fully 22 informed about alcoholism and drug dependence;

23 (4)(c) promote, develop, and assist, financially and 24 otherwise, alcoholism public and private alcohol and drug 25 dependence programs administered by other-state-agencies+ H8844

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1	localgovernmentagenciesyand -privatenonprofit
2	organizations-and-agencies <u>the department</u> ;
3	<pre>f51_d1 encourage and promote effective use of</pre>
4	facilities, resources, and funds in the planning and conduct
5	of programs and activities for preventiony treatmenty and
6	control <u>, and prevention</u> of sicoholism <u>alcohol</u> and drug
7	dependence and, in this respect, cooperate with and utilize
8	to the maximum possible extent the resources and services of
9	federal, state, and local agencies;
10	{6}developyencourageyon df osterstatewidey
11	regionaly-and-local-plans-and-programs-for-the -prevention-af
12	alcoholissandtreatmentofalcoholicsandintoxicated
13	p ersonsincooperationwithpublic- ond-private-ogencies y
14	organizationsyandindividual sandprovidetechnic al
15	as sistance-and-consuitation-services-for-thes e-purposest
16	12) The department shall:
17	(a) encourage planning for the greatest utilization of
18	fundsbydiscouraging_duplication_of_services+_encouraging
19	afficiency of services through existing programs. and
20	ancouraging_rural_counties_to_form_multicounty_districts_or
21	contract with urban programs for services;
22	(7)[b] coordinate the efforts and enlist the
23	assistance of all public and private agencies,
24	organizations, and individuals interested in treatment_and

1 intoxicated-persons; 2 3 establishing---and--conducting--programs-to-provide-treatment 4 for-alcoholics-and-intoxicated-persons-in-or-on-parale--from 5 penal-institutions; 6 f9f(c) cooperate with the state board of education, 7 the superintendent of public instruction, schools, police 8 departments, courts, and other public and private agencies, 0 organizations, and individuals in establishing awareness 10 programs for-the-prevention-of-alcoholism-and-treatment-of 11 atcohotics-and-intexicated-persons-and-preparing--curriculum 12 materials-thereon-for-use-at-all-levels-of-education; 13 tio)(d) preparev--publishy--evaluatey--and disseminate educational material dealing with the nature and effects of 14 15 alcohol: filt(e) develop and implement, as an integral part of

14 (11)(0) develop and implement, as an integral part of
17 treatment programs, an educational program for use in the
18 treatment of alcoholics and intoxicated persons, whi n
19 program shall include the dissemination of information
20 concerning the nature and effects of alcohol;

t+2)(f) organize and foster training programs for all
 persons engaged in treatment of alcoholics and intoxicated
 persons;

24 (g)______distribute_funds_to_approved_programs_according_to
 25 the allocation_for______distribution_as_provided_for__in_16-1-404;

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prevention of alcoholism and--treatment-of-alcoholics-and

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1 (13)-sponsor and encourage-research into-the-causes-and 2 nature--of--alcoholism--and--treatment--of--alcoholics---and 3 intoxicated---persons--and--serve--as--a--clearinghouse--for 4 information-relating-to-alcoholismt

5 (14)(h) specify uniform methods for keeping 6 statistical information by public and private agencies, 7 organizations, and individuals and collect and make 9 available relevant statistical information, including number 9 of persons treated, frequency of admission and readmission, 10 and frequency and duration of treatment;

11 (15)(1) advise the governor in the preparation of a 12 comprehensive plan for treatment of alcoholics and 13 intoxicated persons for inclusion in the state's 14 comprehensive health plan;

15 (16)(j) review all state health, welfare, and 16 treatment plans to be submitted for federal funding under 17 federal legislation and advise the governor on provisions to 18 be included relating to alcoholism and intoxicated persons; 19 (k) provide ongoing training of approved program

20 personnel:

21 (17)--assist-in-the-development-ofy-and-cooperate-withy 22 alcohol--education--and--treatment-programs-for-employees-of 23 state-ond-local-governmentsy-businessesy-and--industries--in 24 the-state;

25 <u>fl8}fll</u> utilize the support and assistance of

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interested persons in the community, particularly recovered
 alcoholics, to encourage alcoholics to voluntarily undergo
 treatment;

4 (17)(m) cooperate with the department of justice in 5 establishing and conducting programs designed to deal with 6 the problem of persons operating motor vehicles while 7 intoxicated;

3 t201(n) encourage general hospitals and other 9 facilities appropriate health to admit without 10 discrimination alcoholics and intoxicated persons and to provide them with adequate and appropriate treatment; 11

12 (21)(0) encourage all health and disability insurance
 13 programs to include alcoholism as a covered illness; and

14 <u>f227(p)</u> submit to the governor an annual report 15 covering the activities of the department.

16 Section 5. Section 53-24-204, MCA, is amended to read:

17 **#53-24-204**. Powers of department. <u>(1)</u> To carry out

18 this chapter, the department may:

19 (1)(a) accept gifts, grants, and donations of money
 20 and property from public and private sources;

- #1 +2>(b) enter into contracts;
- 22 (3)(c) acquire and dispose of property:
- 23 +++--plany-establishy-and-maintain--treatment--programs
- 24 as-necessary-or-destrablet
- 25 {5}--coordinate---its--activities--and--cooperste--with

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ł	olcoholism-programsinthis andotherstatesandmake
2	controctsondother-joint-or-cooperative-arrangements-with
3	states-facafe-or-private-agencies-in-this-andotherstates
4	forthe-treatment-of-aicoholics-and-intoxicated-persons-and
5	for-the-common-advancement-of-atcoholism-programs;
6	f6)do-other-acts-and-things-necessaryorconvenient
7	to-execute-the-authority-expressiy-granted-to-its-and
8	{7}providetreatment focilit tes- -foroicohoii csv
9	intoxicated-persons,and-family-members.
10	(2) To carry out this chapter, the department shall:
11	(a) approve treatment programs as provided for in
12	53-24-208:
13	(b) prepare an annual state plan for the delivery of
14	<u>treatment_services:</u>
15	(c) provide for and conduct statewide service system
16	evaluations;
17	[d] distribute state and federal funds to the counties
18	for approved treatment programs in accordance with the
19	provisions of 16-1-604:
20	(e) plan in conjunction with approved programs and
21	provide for training of program personnel delivering
22	services to alcoholics:
23	(f)establishcriteria_to_be_used_for_the_development
24	of new programs: and
25	(g) certify and establish standards for the

3	certification of alcoholism and drug dependence counselorse"
2	Section 6. Section 53-24-207, MCA, is amended to read:
3	<pre>#53-24-207. Comprehensive program for treatment. (1)</pre>
4	The department shall establish a comprehensive and
5	coordinated program for the treatment of alcoholics,
6	intoxicated persons, and family members.
۲	(2) The program shall include:
8	(a) emergency treatment provided by a facility
9	affiliated with or part of the medical service of a general
10	hospital;
11	<pre>(b) inpatient treatment;</pre>
12	(c) intermediate treatment; end
13	(d) outpatient and follow-up treatment <u>s; and</u>
14	(e) follow-up services for the purpose of determining
15	whether_additional_treatment_is_needed.
16	(3) Treatment services for family members of
17	alcobolics are secondary to the devalopment of
18	detoxification services and services for the treatment and
19	rebabilitation_of_alcobolics.
20	<pre>(3)(4) The department shall provide for adequate and</pre>
21	appropriate treatment for alcoholics and intoxicated persons
22	admitted under 53-24-301 through 53-24-304. Freetment-may
23	not-be-provided-st-scorrections}institutionexceptfor
24	innotesu
25	<pre>testing the testing testi</pre>

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shall be coordinated with and utilized in the program if
 possible.

3 (5)(6) The department shall prepare, publish, and
 4 distribute annually a list of all approved public and
 5 prives treatment facilities."

Section 7. Section 53-24-303, MCA, is amended to read: 5 "53-24-303. Treatment and services for intoxicated 7 persons and persons incapacitated by alcohol. (1) An 8 intoxicated person may come voluntarily to an approved 9 10 public treatment facility for emergency treatment. A person who appears to be intoxicated in a public place and to be in 11 need of help, if he consents to the proffered help, may be 12 assisted to his home, an approved public treatment facility, 13 an approved private treatment facility, or other health 14 facility by the police. 15

(2) A person who appears to be incapacitated by 16 17 alcohol shall be taken into protective custody by the police and forthwith brought to an approved public treatment 18 12 facility for emergency treatment. If no approved public 20 treatment facility is readily available, he shall be taken an emergency medical service customarily used for 21 to incapacitated persons. The police, in detaining the person 22 and in taking him to an approved public treatment facility, 23 are taking him into protective custody and shall make every 26 reasonable effort to protect his health and safety. In 25

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taking the person into protective custody, the detaining
 officer may take reasonable steps to protect himself. No
 entry or other record may be made to indicate that the
 person taken into custody under this section has been
 arrested or charged with a crime.

6 (3) A person who comes voluntarily or is brought to an 7 approved public treatment facility shall may be examined by 8 a licensed physician as-soon as-possible. He may then be 9 admitted as a patient or referred to another health 10 facility. The referring approved public treatment facility 11 shall arrange for his transportation.

12 (4) A person who by medical examination is found to be 13 incapacitated by alcohol at the time of his admission or to have become incapacitated at any time after his admission 14 15 may not be detained at the facility once he is no longer 16 incapacitated by alcohol or, if he remains incapacitated by 17 alcohol, for more than 48 hours after admission as a patient unless he is committed under 53-24-304. A person may consent 13 19 to remain in the facility as long as the physician in charge 20 balieves appropriate.

21 (5) A person who is not admitted to an approved public 22 treatment facility and is not referred to another health 23 facility may be taken to his home. If he has no home, the 24 approved public treatment facility shall assist him in 25 obtaining shelter. $\square E S + H$

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(6) If a patient is admitted to an approved public
 treatment facility: his family or next of kin shall be
 notified as promptly as possible. If an adult patient who is
 not incapacitated requests that there be no notification;
 his request shall be respected."

6 Section 8. Section 16-1-404, MCA, is amended to read: 7 "16-1-404. License tax on liquor -- amount -distribution of proceeds. (1) The department is hereby 8 9 authorized and directed to charge, receive, and collect at the time of sale and delivery of any liquor under any 10 11 provisions of the laws of the state of Montana a license tax of 10% of the retail selling price on all liquor sold and 12 13 delivered. Said tax shall be charged and collected on all 14 liquor brought into the state and taxed by the department. 15 The retail selling price shall be computed by adding to the cost of said liquor the state markup as designated by the 16 17 department. Said 10% license tax shall be figured in the 18 same manner as the state excise tax and shall be in addition to said state excise tax. The department shall retain in a 19 20 separate account the amount of such 10% license tax so 21 received. Two-thirds-of-these-revenues-shotl-be-distributed 22 to-the-counties-according-to-the-amount-of-liquor--purchased in--aach--countys--One-third--of--these--revenues--shall--be 23 Z4 retained-by-the-states Ihirty percent of these revenues 25 shall be allocated to the counties to be distributed to the

1	incorporated cities and townse as provided in subsection
Z	(2). The remaining revenues shall be deposited in the
3	<u>carmarked revenue fund to the credit of the department of</u>
4	institutions for the treatments rehabilitations and
5	prevention of alcoholisms Provided, however, in the case of
6	purchases of liquor by a retail liquor licensee for use in
1	his business, the department shall make such regulations as
6	are necessary to apportion that proportion of license tax so
9	generated to the county where the licensed establishment is
10	located, for use as provided in 16-1-405. The department
11	shall pay quarterly to each county treasurer the proportion
12	of the license tax due each county <u>to be allocated to the</u>
13	incorporated cities and towns of the county and to the
14	department of institutions for the treatment:
15	rebabilitations and prevention of alcoholism.
16	(2) Thecountytressurer-of-each-county-shall-retain
17	50%-of-soid-license-tox-andshallywithin30doysoft c
18	receiptthereofy-apportion-the-rem aining-58%-thereof-to-the
19	treasurers-of-the-incorporated-cities-and-townswithinhis
20	county-seid-opportionment-to-be-based-in-each-instance-upon
21	theproportionwhichthegrosssaleofliquor-in-such
22	incorporated-city-or-town-bears-to-the-gross-sele-ofliquor
23	in-all- -of-the-incorporated-cities -and-towns-in-his-county-
24	The license tax proceeds allocated to the county shall be
25	<u>distributed by the county treasurer to the incorporated</u>

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 $[\underline{a} + \underline{a} + \underline{b} +$

1	cities and towns, within 30 days of receipt from the
2	department. The distribution of funds to the cities and
3	towns shall be based on the proportion that the gross sale
4	of liquer in each city or town is to the gross sale of
÷.	lique a all of the cities and towns of the county.
6	(3) df-the-50%-of-the-tax-retained-by-the-countyythe
7	countytreasurershall-deposit-six-sevenths-of-this-amount
e.	inufundwithinthetountyforthetrestmenty
9	rehabilitationyand-prevention-of-alcoholism-ms-approved-by
10	the-state-of-MontonawTheremainingone-seventhofthe
11	fundsshallberetained-in-the-county-treasury-for-use-by
12	that-county= <u>The license tax proceeds that are allocated to</u>
13	the department of institutions for the treatments
14	rehabilitation: and prevention of alcoholism shall be
15	credited quarterly to the department of institutions. Ieo
16	percent of the proceeds allocated to the department of
17	institutions_shall_be_used_for_the_administration_of_the
13	alconol and drug abuse division of the department. The
19	remaining proceeds shall be distributed to the counties in
20	the_following_manner:
21	[a]Eighty-five_percent_shall_beallocatedaccording
22	to the proportion of each county's population to the state's
23	population_according_to_the_most_recent_United_States
24	CURSUSE
25	(b) Fifteen percent shall be allocated according to

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1 the proportion of the county's land area to the state's land 2 dida 3 ttp--The---one-third-of--the--ticense--tax--on--tiduor 4 retained-by-tha-state-shall-be--deposited--with--the--state 5 treasurer--to--the--credit-of-the-department-of-institutions 6 each--guarter--for--the---treatmenty---rehabilitationy---end 7 prevention-of-alcoholism-as-approved-by-the-states* -8 Section 9. Section 16-1-408, MCA, is amended to read: #16-1-408. Additional tax. [1] An additional tax of \$1 9 10 per barrel is levied and imposed as provided by 16-1-406. 11 and such additional tax is also to be lavied and imposed at 12 the same rate upon beer manufactured within the state. The 13 additional tax of \$1 is to be deposited, notwithstanding 14 16-1-305 and 16-1-410 or any other provision, with the state 15 treasurer to the credit of the department of institutions 16 each quarter for the treatment, rehabilitation, and prevention of alcoholism as approved by the state. 17 121 The proceeds of the additional tax shall be 18 19 allocated to the counties on the same basis as the license 20 tax proceeds provided for in [subsection [3] of section 8]." 21 NEW SECTION. Section 10. Contract for services 22 required. Revenue generated from 16-1-404 and 16-1-408 and 23 any other revenue that is allocated to the counties for the purpose of treatment, rehabilitation, and prevention of 24 25 alcoholism shall be contracted for services by the counties -18- HB 844

1 to state-approved alcoholism programs. The contracts will be 2 developed jointly by the counties and the department of 3 institutions. The department of institutions shall monitor 4 and give final approval to contracts based on compliance 5 with department standards. administrative rules. and state 6 law.

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HB 844

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	STATE OF MONTAN	
	FISCAL NOT	REQUEST NO. 420-79
		Form BD-15
or House Bill 844 pt	ursuant to Chapter 53, Laws of N	$19 \dots \overline{79}$, there is hereby submitted a Fiscal Note Montana, 1965 - Thirty-Ninth Legislative Assembly. the Office of Budget and Program Planning, to member
DESCRIPTION: This proposed bill revises the law revenues from the liquor license		eatment programs and the distribution of
ASSUMPTIONS:		
biennium is the basis for co 2. The Alcohol Program at Gal 3. The Department of Justice 1	mparison. len will be funded from th DWI lab will be funded fro cohol Program will be fund	utable to alcoholic beverages for the 80-81 e State General Fund. om the State General Fund. led with funds routed to the various
FISCAL IMPACT:		
Revenue Impact: Liquor License Tax under current law under proposed law	FY80 \$3.769M 3.769M	FY81 \$3.946M 3.946M
Estimated Impact	<u>\$</u> 0	<u>\$ 0</u>
Beer Tax under current law under proposed law Estimated Impact	\$3.405M <u>3.405M</u> \$ 0	\$3.557M <u>3.557M</u> \$ 0
Total Revenue		<u></u>
under current law under proposed law	\$7.174M	\$7.503M 7.503M
Estimated Impact	<u>\$ 0</u>	<u>\$0</u>
Fund Information: (distribut General Fund		
under current law under proposed law	\$1.277M <u>1.277M</u>	\$1.334M <u>1.334M</u> 0 0 Rail of Jun
	<u>\$_0</u>	<u>BUDGET DIRECTOR</u>
		Office of Budget and Program Plannin Date: <u>フノフノフタ</u>

STATE OF MONTANA

REQUEST NO. 420-79 (cont'd)

FISCAL NOTE

Form BD-15

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In compliance with a written request received, 19, there is hereby submitted a Fiscal Note	
for pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.	
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members	
of the Legislature upon request.	

State Alcoholism Program		
under current law	\$2.107M	\$2.204M
under proposed law	0.264M	_0.276M
Estimated Decrease	(<u>\$1.843M</u>)	(<u>\$1.928M</u>)
Counties' Alcoholism Program		
under current law	\$1.077M	\$1.127M
under proposed law	3.225M	<u>3.375M</u>
Estimated Increase	<u>\$2.148M</u>	<u>\$2.248M</u>
Counties' Law Enforcement Program	S	
under current law	\$0.180M	\$0.189M
under proposed law	0	0
Estimated Decrease	(<u>\$0.180M</u>)	(<u>\$0.189M</u>)
Cities & Towns Law Enforcement Pro	ograms	
under current law	\$2.533M	\$2.649M
under proposed law	2.408M	2.518M
Estimated Decrease	(<u>\$0.125M</u>)	(<u>\$0.131M</u>)

EFFECT ON LOCAL GOVERNMENTS:

County programs for the treatment, rehabilitation and prevention of alcoholism would receive in excess of \$2 million more income annually under the proposed law than under continuation of the present manner of distribution.

The local government law enforcement share of alcoholic beverage receipts would be reduced by about \$300,000 annually.

EXPENDITURE IMPACT:

The reduction in revenues dedicated to state alcoholism programs will necessitate the State General Fund to fund the following.

0	FY80	FY81	-
Galen Hospital Alcohol Program	\$1,141,838	\$1,244,199	
Dept. of Justice - DWI lab	85,998	73,932 BUDGET DIRECTOR	,
	<u>\$1,227,836</u>	\$2,318,131 Office of Budget and Program Planning	
		Date:	1
			- %

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4	A statement of intent is required for this bill because
5	it delegates authority to the Department of Institutions.

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Section 12 requires each county to submit a countywide
plan to the department for the treatment, rehabilitation,
and prevention of alcoholism and gives the department the
authority to approve or disapprove of each plan.

STATEMENT OF INTENT RE: HB 844

10 It is intended that the rules adopted by the department 11 with regard to the plans will:

12 (1) provide the procedure for the submission of the
13 plan including the general format and the type of
14 information needed by the department to evaluate the plan;
15 and

16 {2} outline the criteria that the department will use
17 in approving or disapproving a plan.

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HOUSE BILL NO. 844

INTRODUCED BY MEYER

53-24-208, AND 53-24-303, MCA.*

the following definitions apply:

WELEARE: OR SAEEIY.

Approved by Committee on Texation private <u>nonprofit</u> OR LOCAL <u>GOVERNMENI</u> agency<u>, receiving</u> 1 2 public___funds___iwhose__sole__function__is__the__treatments 3 rehabilitation, and prevention of alcoholism and drug A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE 4 dependence) meeting the standards prescribed in 53-24-208(1) TAUS RELATING TO ALCOHOLISM TREATMENT PROGRAMS AND THE 5 and approved under 53-24-208. DISTRIBUTION OF REVENUES FROM THE LIQUOR LICENSE TAX 6 (3) "Approved public treatment facility" means a PROCEEDS; AMENDING SECTIONS 16-1-404, 16-1-408, 53-24-103, 7 treatment agency operating under the direction and control 53-24-104. 53-24-108. 53-24-203. 53-24-204. 53-24-207. 8 of the department or-providing-treatment-under-this-chapter through-s-contract-with-the-department as a state agency and 9 10 approved under 53-24-208. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 (4) "Department" means the department of institutions Section 1. Section 53-24-103, MCA, is amended to read: 12 provided for in 2-15-2301. #53-24-103. Definitions. For purposes of this chapter. 13 (5) "Family member" is the spouse, mother, father, child, or member of the household of an alcoholic whose life 14 (1) "Alcoholic" means a person who habitually-"lacks 15 has been affected by the actions of the alcoholic and may 16 require treatment. atcoholic--beverages--to--the--extent--that--his--health--is (6) "Incapacitated by alcohol" means that a person, as 17 substantially--impaired--or--endangered--or--his--social--or a result of the use of alcohol, is unconscious or has his 18 economic-function-is-substantially-disruptedy HAS_A__CHRUNIC judgment otherwise so impaired that he is incapable of 19 ILLNESS OR DISORDER OF BEHAVIOR CHARACTERIZED BY BEPEATED realizing and making a rational decision with respect to his 20 DRINKING OF ALCOHOLIC BEVERAGES TO THE EXTENT THAT IT need for treatment. 21 ENDANGERS THE HEALTH, INTERPERSONAL BELATIONSHIPS, DB (7) "Incompetent person" means a person who has been 22 ECONOMIC EUNCTION OF THE INDIVIDUAL OB PUBLIC HEALTHE 23 adjudged incompetent by the district court. (3) "Intoxicated person" means a person whose mental 24 (2) "Approved private treatment facility" means a 25 or physical functioning is substantially impaired as a

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1 result of the use of alcohol.

2 (9) "Prevention" has meaning on four levels; these 3 are:

4 (a) education to provide information to the school 5 children and general public relating to alcohol dependence 6 and alcoholism, treatment, and rehabilitative services and 7 to reduce the consequences of life experiences acquired by 8 contact with an alcoholic;

9 (b) early detection and recovery from the illness
10 before fasting emotional or physical damage, or both, have
11 occurred; ,

12 (c) if lasting emotional or physical damage, or both,
13 have occurred, to arrest the illness before full disability
14 has been reached;

15 (d) the provision of facility requirements to meet
16 division program standards and improve public accessibility
17 for services.

18 (10) "Treatment" means the broad range of emergency.
19 outpatient, intermediate, and inpatient services and care,
20 including diagnostic evaluation, medical, psychiatric,
21 psychological, and social service care, vocational
22 rehabilitation, and career counseling, which may be extended
23 to alcoholics, intoxicated persons, and family members."

Section 2. Section 53-24-104, MCA, is amended to read:
*53-24-104. Deposit of funds from federal or private

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with state treasurer. Funds available to the . sources 2 department from federal or private sources for use in 3 alcohol and drug dependence prevention, treatment, and control programs shall be deposited with the state treasurer 4 to the account of the department in the federal and private 5 6 revenue fund. Funds received by the department under this section_shall_be_allocated_to_the_counties_on_the_same_basis 7 8 as liquor and beer tax revenue when not in conflict with Q federal or private laws or federal regulations." Section 3. Section 53-24-108, MCA, is amended to read: 10 *53-24-108. Utilization of funds generated by taxation 11 on alcoholic beverages. (1) Revenue generated by 16-1-404. 12 13 16-1-406, and 16-1-408 for to state approved programs__wbose sole_function_is the treatment, rehabilitation, and 14 15 prevention of alcoholism may be distributed in either of the 16 following manners: 17 (a) as payment of fees for alcoholism services provided by state-approved alcoholism programsy certified 18 ateoholism-counselorsy--licensed--physiciansy--and--licensed 19 hospitels; and 20 (b) as grants to persons operating state-approved 21 22 alcoholism programs.

(2) No person operating a state-approved alcoholism
program may be required to provide matching funds as a
condition of receiving a grant under subsection (1) of this

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1 section.

2 (3) In addition to funding received under this 3 section, a person operating a state-approved alcoholism 4 program may accept gifts, bequests, or the donation of 5 services or money for the treatment, rehabilitation, or 6 prevention of alcoholism.

7 (4) No person receiving funding under this section to
8 support operation of a state-approved alcoholism program may
9 refuse alcoholism treatment, rehabilitation, or prevention
10 services to a person solely because of that person's
11 inability to pay for those services.

12 (5) A grant made under this section is subject to the13 following conditions:

(a) The grant application must contain an estimate of 14 all program income, including income from earned fees. 15 gifts, bequests, donations, and grants from other than state 16 17 sources during the period for which grant support is sought. (b) Whenever, during the period of grant support, 18 program income exceeds the amount estimated in the grant 19 application, the amount of the excess shall be reported to 20 the grantor. 21

(c) The excess shall be used by the grantee under the
terms of the grant in accordance with one or a combination
of the following options:

25 (i) use for any purpose that furthers the objectives

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of the legislation under which the grant was made; or 1 7 (ii) deduction--from--totel--project-costs-to-determine 3 the-net-costs-on-which-the-arantor-s-share-of-the--costs--is 4 besedw to allow program growth through the expansion of 5 services or for capital expenditures accessary to improve 6 facilities_where_services_are_provided. 7 (6) Revenue generated by 16-1-404, 16-1-406, and 8 16-1-408 for the treatment, rehabilitation, and prevention 9 of alcoholism which has not been encumbered for those purposes by the counties of Montana or the department shall 10 11 be returned to the state's general earmarked revenue fund 12 for the treatments rehabilitations and prevention of alcoholism within 30 days after the close of each fiscal 13 vear." 14 Section 4. Section 53-24-203, MCA, is amended to read: 15 #53-24-203. Buties Powers and duties of department. 16 17 (1) The department shall may: 18 fit(a) plan, promote, and assist in the support of 19 alcoholism and drug dependence prevention, treatment, and control programs; 20 21 tzt--conducty----sponsory----and----support---researchy investigations--cnc.buties--including--evolutions--cf--cf+ 22 23 phases-of-alcoholism-and-drug-dependencet 24 (3)(b) assist approved programs in the development of 25 educational and training programs relative to alcoholism and

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drug dependence and carry on programs to assist the public
 and technical and professional groups in becoming fully
 informed about alcoholism and drug dependence;

4 <u>f4f(c)</u> promote, develop, and assist, financially and
5 otherwise, alcoholism <u>public_and private alcohol</u> and drug
6 dependence programs administered by other--state--egenciesy
7 local----government----agenciesy---and---private---nonprofit

8 orgunizations-and-agencies the_department;

9 <u>f5f(d)</u> encourage and promote effective use of 10 facilities, resources, and funds in the planning and conduct 11 of programs, and activities for preventiony treatment, and 12 control<u>s</u> and <u>prevention</u> of alcoholism alcohol and drug 13 dependence and, in this respect, cooperate with and utilize 14 to the maximum possible extent the resources and services of 15 federal, state, and local agenciesta

 16
 (6)--developv--encouragev--and--foster---statewidev

 17
 regionalv-and-local-plans-and-programs-for-the-prevention-of

 18
 alcoholism--and--treatmant--of--alcoholics--and--intoxicated

 19
 persons-in-cooperation-with--public--and--private--agenciesv

 20
 organizationsv---and---individuals---and--provide--technical

 21
 assistance-and-consultation-services-for-these-purposest

 22
 (2).__The_department_shall:

23 [a]_encourage_planning_for_the_greatest_utilization_of
 24 funds_by_discouraging_duplication_of_services__encouraging
 25 efficiency__of_services_tbrough_existing_programss__and

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1	encouraging_rural_counties_to_form_multicounty_districts_or		
2	<u>contract_with_urban_programs_for_services:</u>		
3	<pre>t7f(b) coordinate the efforts and enlist the</pre>		
4	assistance of all public and private agencies,		
5	organizations, and individuals interested in treatment and		
6	prevention of alcoholism andtreatmentofalcoholicsand		
7	intoxicated-persons;		
8	{8jcooperatewiththeboardofpardonsin		
9	establishing-and-conducting-programstoprovidetreatment		
10	foraicoholics-and-intoxicated-persons-in-or-on-parole-from		
11	penel-institutions;		
12	ICI_COOPERATE_WITH_THE_BOARD_DE_PARDONS_IN		
13	ESTABLISHING AND CONDUCTING PROGRAMS TO PROVIDE TREATMENT		
14	FOR ALCOHOLICS AND INIOXICATED PERSONS IN OR ON PAROLE _EROM		
15	PENAL_INSTITUTIONS:		
16	<pre>{9+fct1Dl cooperate with the state board of education*</pre>		
17	the superintendent of public instruction, schools, police		
18	departments, courts, and other public and private agencies,		
19	organizations, and individuals in establishing awareness		
20	programs for-the-prevention-of-alcoholism-andtreatmentof		
21	alconolicsand-intoxicated-persons-and-preparing-curriculum		
22	materials-thereon-for-use-st-sll-levels-of-education;		
.23	(10)<u>1111E)</u> preparev-publishv-evaluatev-an d disseminate		
24	educational material dealing with the nature and effects of		
25	ałcohol;		

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treatment;

<u>fliftel(E)</u> develop and implement, as an integral part
 of treatment programs, an educational program for use in the
 treatment of alcoholics and intoxicated persons, which
 program shall include the dissemination of information
 concerning the nature and effects of alcohol;

6 (12)(f)(G) organize and foster training programs for
 7 all persons engaged in treatment of alcoholics and
 8 intoxicated persons;

9 fot(H)__distribute_funds_to_approved_programs_according
10 to the_allocation_for__distribution_as_provided_for__in
11 16=1-404:

12 (13)-sponsor-and-encourage-research-into-the-couses-and 13 nature--of--alcoholism--and--treatment--of--alcoholics---and 14 intoxicated---persons--and--serve--as--a--clearinghouse--for 15 information-relating-to-alcoholism;

16 <u><u>ti4jthilil</u></u> specify uniform methods for keeping 17 statistical information by public and private agencies, 18 organizations, and individuals and collect and make 19 available relevant statistical information, including number 20 of persons treated, frequency of admission and readmission, 21 and frequency and duration of treatment;

22 <u>fl5ftit(J)</u> advise the governor in the preparation of a 23 comprehensive plan for treatment of alcoholics and 24 intoxicated persons for inclusion in the state's 25 comprehensive health plan;

2 treatment plans to be submitted for federal funding under 3 federal legislation and advise the governor on provisions to be included relating to alcoholism and intoxicated persons; 4 5 tkt(L) provide ongoing training of approved program 6 personnel: 7 tift--assist-in-the-development-ofy-and-cooperate-withy 8 sicohoi-education-and-treatment-programs--for--employees--of 9 state--and--focaf-governmentsy-businessesy-and-industries-in the-statet 10 11 fighthing utilize the support and assistance of 12 interested persons in the community, particularly recovered

fl6j<u>tit(K)</u> review all state health. welfare. and

15 <u>ti9;tm:(N)</u> cooperate with the department of justice in 16 establishing and conducting programs designed to deal with 17 the problem of persons operating motor vehicles while 18 intoxicated;

alcoholics, to encourage alcoholics to voluntarily undergo

19 <u>(20)ini(0)</u> encourage general hospitals and other 20 appropriate health facilities, to admit without 21 discrimination alcoholics and intoxicated persons and to 22 provide them with adequate and appropriate treatment;

23 <u>t2tytot(P)</u> encourage all health and disability
 24 insurance programs to include alcoholism as a covered
 25 illness; and

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1	<pre>f22}tpt101 submit to the governor an annual report</pre>
2	covering the activities of the department.
3	Section 5. Section 53-24-204. MCA, is amended to read:
4	*53-24-204. Powers of department. <u>[1]</u> To carry out
5	this chapter, the department may:
6	<pre>fthtal accept gifts, grants, and donations of money</pre>
7	and property from public and private sources;
8	<pre>t2)(b) enter into contracts;</pre>
9	<pre>{3}(c) acquire and dispose of property**</pre>
10	{4}planyesteblishyand-maintain-treatment-programs
11	as-necessary-or-destroblet '
12	{5}coordinateitsactivitiasandcooperstewith
13	aiconolismprogramsinthisandotherstatesand-make
14	contracts-and-other-joint-or-cooperativearrangementswith
15	stateslocalsor-private-agencies-in-this-and-other-states
16	for-the-treatmont-of-alcoholics-and-intoxicated-personsand
17	for-the-common-advancement-of-alcoholism-programst
18	<pre>t6jdootherocts-and-things-necessory-or-convenient</pre>
19	to-execute-the-authority-expressiy-granted-to-iti-and
20	{7}providetreatmentfaqiiitiesfaraicohaicsv
21	intoxicated-personsy-and-family-membersy
22	<pre>121_Iocarry_out_this_chapter:_the_department_shall:</pre>
23	<u>lal_approve_treatment_programs_as_provided_for_in</u>
24	53-24-208i
25	<u>(b)_prepare_an_aonual_state_plan_for_tbe_delivery_of</u>

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1	treatment_services:
2	(c)_provide_for_and_conduct_statewide_service_system
3	evaluationsi
4	<u>[d]_distribute_state_and_federal_funds_to_tbe_counties</u>
5	for approved treatment programs in accordance with the
6	provisions_of_16=1=404:
7	<u>[e]_plan_in_conjunction_with_approved_programs_and</u>
8	providefortrainingof_program_personneldelivering
9	services_to_alcobolics:
10	<u>(f)_establish_criteria_to_be_used_for_thedevelopment</u>
11	of_bew_programs:_and
12	[g]_certifyandestablisbstandardsfortbe
13	cartification of alcoholism and drug dependence counselors."
14	Section 6. Section 53-24-207, MCA, is amended to read:
15	#53-24-207. Comprehensive program for treatment. (1)
16	The department shall establish a comprehensive and
17	coordinated program for the treatment of alcoholics,
18	intoxicated persons, and family members.
19	(2) The program shall include:
20	(a) emergency treatment provided by a facility
21	affiliated with or part of the medical service of a general
22	hospital;
23	(b) inpatient treatment;
24	(c) intermediate treatment; and
25	(d) outpatient and-follow-up treatments <u>; and</u>

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1 (e) follow-up services for the purpose of determining 2 whether_additional_treatment_is_needed_ [3] Ireatment services for family members of 3 alcoholics are secondary to the development of 4 detoxification_services_and_services_for_the__treatment__and 5 rehabilitation of alcoholics. 6 f3f(4) The department shall provide for adequate and 7 appropriate treatment for alcoholics and intoxicated persons 8 admitted under 53-24-301 through 53-24-304. Freetment--may 9 10 not--be--provided--at--a-correctional-institution-except-for 11 inmotest

12 <u>(4)(5)</u> All appropriate public and private resources
13 shall be coordinated with and utilized in the program if
14 possible.

15 (5)(6) The department shall prepare, publish, and 16 distribute annually a list of all approved public and 17 private treatment facilities."

18 Section 7. Section 53-24-303, MCA, is amended to read: *53-24-303. Treatment and services for intoxicated 19 persons and persons incapacitated by alcohol. (1) An 20 intoxicated person may come voluntarily to an approved 21 22 public treatment facility for emergency treatment. A person who appears to be intoxicated in a public place and to be in Z3 24 need of help, if he consents to the proffered help, may be 25 assisted to his home, an approved public treatment facility,

an approved private treatment facility. or other health
 facility by the police.

3 (2) A person who appears to be incapacitated by alcohol shall be taken into protective custody by the police 4 5 and forthwith brought to an approved public treatment 6 facility for emergency treatment. If no approved public treatment facility is readily available, he shall be taken 7 A to an emergency medical service customarily used for incapacitated persons. The police, in detaining the person 9 10 and in taking him to an approved public treatment facility. 11 are taking him into protective custody and shall make every 12 reasonable effort to protect his health and safety. In 13 taking the person into protective custody, the detaining 14 officer may take reasonable steps to protect himself. No 15 entry or other record may be made to indicate that the person taken into custody under this section has been 16 arrested or charged with a crime. 17

18 (3) A person who comes voluntarily or is brought to an approved public treatment facility shall may be examined by a licensed physician os-soon-as-possible. He may then be admitted as a patient or referred to another health facility. The referring approved public treatment facility shall arrange for his transportation.

24 ' (4) A person who by medical examination is found to be
25 incapacitated by alcohol at the time of his admission or to

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1 have become incapacitated at any time after his admission 2 may not be detained at the facility once he is no longer 3 incapacitated by alcohol or, if he remains incapacitated by 4 alcohol, for more than 48 hours after admission as a patient 5 unless he is committed under 53-24-304. A person may consent 6 to remain in the facility as long as the physician in charge 9 believes appropriate.

8 (5) A person who is not admitted to an approved public 9 treatment facility and is not referred to another health 10 facility may be taken to his home. If he has no home, the 11 approved public treatment facility shall assist him in 12 obtaining shelter.

13 (6) If a patient is admitted to an approved public
14 treatment facility, his family or next of kin shall be
15 notified as promptly as possible. If an adult patient who is
16 not incapacitated requests that there be no notification,
17 his request shall be respected."

18 Section 8. Section 16-1-404, NCA, is amended to read: 19 #16-1-404. License tax on liquor -- amount --20 distribution of proceeds. (1) The department is hereby 21 authorized and directed to charge, receive, and collect at 22 the time of sale and delivery of any liquor under any 23 provisions of the laws of the state of Montana a license tax 24 of 10% of the rotail selling price on all liquor sold and 25 delivered. Said tax shall be charged and collected on all

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1 liquor brought into the state and taxed by the department. 2 The retail selling price shall be computed by adding to the 3 cost of said liquor the state markup as designated by the department. Said 10% license tax shall be figured in the . 5 same manner as the state excise tax and shall be in addition to said state excise tax. The department shall retain in a 6 7 separate account the amount of such 10% license tax so 8 received. Two-thirds-of-these-revenues-shall-be--distributed 9 to--the-counties-according-to-the-amount-of-liguor-purchased 10 in--each--countys--Bne-third--of--thase--revenues--shall--be 11 retained---by--the--states Thirty EXCEPT_AS_PROVIDED_IN 12 SUBSECTION (4), THIRTY percent of these revenues shall be 13 allocated___to___the__counties__to__be__distributed__to__the 14 incorporated cities and towns, as provided in subsection 15 (2). The remaining revenues shall be deposited in the 16 sarmarked revenue fund to the credit of the department of 17 institutions for the treatments rehabilitations and prevention of alcoholism. Provided, however, in the case of 18 19 purchases of liquor by a retail liquor licensee for use in 20 his business, the department shall make such regulations as 21 are necessary to apportion that proportion of license tax so 22 generated to the county where the licensed establishment is 23 located, for use as provided in 16-1-405. The department 24 shall pay quarterly to each county treasurer the proportion 25 of the license tax due each county to be allocated to the

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1	incorporated_cities_and_towns_of_the_county_and_to_the
2	departmentofinstitutionsforthetreatments
3	repabilitation: and prevention of alcobolism. IHE COUNTY MAY
4	RETAIN_UP_IQ_5%_DE_THIS_MONEY.
5	(2) Thecountytreasurer-of-each-county-shall-retain
6	50%-of-soid-license-tex-endshellywithin30deysefter
7	receiptthereofy-apportion-the-remaining-50%-thereof-to-the
8	treasurers-of-the-incorporated-eities-and-townswithinhis
9	countyy-said-apportionment-to-be-based-in-each-instance-upon
10	theproportionwhichthegrosssaleofliquor-in-such
11	incorporated-city-or-town-bears-to-the-gross-sale-ofliquor
12	inallof-the-incorporated-cities-and-towns-in-his-countyw
13	<u>The license tax proceeds allocated to the county shall be</u>
14	<u>distributed_by_the_county_treasurer_to_the_incorporated</u>
15	<u>cities_and_towns_within_30_days_of_receipt_from_the</u>
16	department. The distribution of funds to the cities and
17	towns_shall_be_based_on_the_proportion_that_thegrosssale
18	of liguor in each city or town is to the gross sale of
19	liquor_in_all_of_the_cities_and_towns_of_the_county.
20	(3) Of-the-50%-of-the-tax-retained-by-the-countythe
21	countytreasurershall-deposit-six-sevenths-of-this-amount
22	inafundwithinthecountyforthetreatmenty
23	rehabilitationand-prevention-of-alcoholism-as-approved-by
24	the-state-of-MontanawTheremainingone-seventhofthe
25	fundsshailberetained-in-the-county-treasury-for-use-by
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1	thet-county. Ibe license tax proceeds that are allocated to
z	thedepartmentofinstitutionsforthetreatment.
3	rehabilitation. and prevention of alcoholise shall be
4	credited_quarterly_to_the_department_of_institutions. Ten
5	percent_of_thtproceedsallocatedtothedepartmentof
6	institutionsshellbez_usedfor_the_administration-of_the
7	alcobol:and_drug_abuse_divisionofthedepartmentThe
8	remaining-proceeds INE_LICENSE_TAX_PROCEEDS_ALLOCATED_TO_THE
9	DEPARIMENTMAY_NOT_BE_USED_FOR_THE_COSTS_OF_ADMINISTRATION.
10	ADMINISTRATIVE_COSTS_OF_THE_ALCOHOL_AND_ORUG_ABUSE_DIVISION
11	OFIHEDEPARTHENI_MUST_BE_PAID_EROM_APPROPRIATIONS_MADE_BY
12	IHE_LEGISLATURE_EDBTHATPURPOSETHE_MONEY_SDallDe
13	distributed_to_the_countles_in_the_following_manner:
14	(a)Eighty=fivepercentshall_be_allocated_according
15	to the proportion of each county's population to the state's
16	population_according_to_the_most_recent_United_States
17	<u>çeo</u> sus.
18	<pre>iblEifteen_percentshall_be_allocated_according_to</pre>
19	the propertion of the county's land area to the state's land
20	grega
21	- {\}Thecne-thirdofthelicensetaxonliqu or
22	retainedbythestateshailbe-deposited-with-the-state
23	treasurer-to-the-credit-of-thedepartmentofinstitutions
Z4 '	eachquarterforthetreatmentyrehabilitationyand
25	prevention-of-alcoholism-as-approved-by-the-state.

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1 141 EOR THE 1979-1981 BIENNIUM. \$100.000 DE THE 2 LICENSE TAX IS ALLOCATED EACH YEAR TO THE DEPARTMENT TO BE 3 DISTRIBUTED AS PROVIDED FUR IN [SECTION 11]+ THE ALLOCATION IO_IHE_DEPARIMENT_UNDEB_IHIS_SECTION_MUST_BE_MADE_BEFORE_IHE 4 5 LICENSE TAX REVENUES ARE DISTRIBUTED TO THE COUNTIES AND THE 6 STATE AS PROVIDED IN SUBSECTION (1)." 7 Section 9. Section 16-1-408. MCA, is amended to read: 8 #16-1-408. Additional tax. [1] An additional tax of \$1 per barrel is levied and imposed as provided by 16-1-406+ 9 10 and such additional tax is also to be levied and imposed at 11 the same rate upon beer manufactured within the state. The 12 additional tax of \$1 is to be deposited, notwithstanding 13 16-1-306 and 16-1-410 or any other provision. with the state 14 treasurer to the credit of the department of institutions 15 each quarter for the treatment, rehabilitation, and 16 prevention of alcoholism as approved by the state. 17 12] The proceeds of the additional tax shall be 18 allocated_to_the_counties_on_the_same_basis_as_the_license 19 tax proceeds provided for in fsubsection (3) of section 6]." 20 NEW_SECTION. Section 10. Contract for services 21 required. Revenue generated from 16-1-404 and 16-1-408 and 22 any other revenue that is allocated to the counties for the 23 purpose of treatment, rehabilitation, and prevention of 24 alcoholism shall be contracted for services by the counties 25 to state-approved alcoholism programs. The contracts will be

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developed jointly by the counties_ ond-the-department-of
 institutions-The-department-of-institutions--shall--monitor
 and--give--final--approval--to-contracts-based-on-compliance
 with-department-standardsv-administrative-rulesv--and--state
 laws

6 <u>SECTION_11___SECTION_53-24-208+__HCA+__IS__AMENDED__IO</u> 7 <u>BEAD</u>:

8 ==53-24-208. Facility standards. (1) The department 9 shall establish standards for approved treatment facilities 10 that must be met for a treatment facility to be approved as 11 a public or private treatment facility and fix the fees to 12 be charged for the required inspections. The standards may 13 concern only the health standards to be met and standards of 14 treatment to be afforded patients.

15 <u>(2)__Eacllities__applying_for_approval_must_demonstrate</u> a local_need_currently_exists_for_proposed_services_and_that the__proposed_services__do__not__duplicate__existing_local services.

19 (2)(3) The department shall periodically inspect
20 approved public and private treatment facilities at
21 reasonable times and in a reasonable manner.

22 (3)(4) The department shall maintain a list of
 23 approved public and private treatment facilities.

24 (4)(5) Each approved public and private treatment
 25 facility shall, on request, file with the department data,

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statistics, schedules, and information the department
 reasonably requires. An approved public or private treatment
 facility that without good cause fails to furnish any data,
 statistics, schedules, or information as requested or files
 fraudulent returns thereof shall be removed from the list of
 approved treatment facilities.

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7 <u>(5)(6)</u> The department, after holding a hearing in 8 accordance with the Montana Administrative Procedure Act, 9 may suspend, revoke, limit, or restrict an approval or 10 refuse to grant an approval for failure to meet its 11 standards.

12 total and grant other relief required to enforce its provisions.

(7)(8) Upon petition of the department and after a 16 17 hearing held upon reasonable notice to the facility, a 18 district court may issue a warrant to the department authorizing it to enter and inspect at reasonable times and 19 20 examine the books and accounts of any approved public or 21 private treatment facility refusing to consent to inspection 22 or examination by the department or which the department has reasonable cause to believe is operating in violation of 23 24 this chapter.*

25 SECTION 12. THERE IS A NEW MCA SECTION THAT BEADS:

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Temporary aid to certain county programs. (1) The
 department shall distribute the money allocated to it under
 16-1-404(4) to county programs that show an income decrease
 from 1978-1979 levels as a result of the percentage formula
 in [section 8].

6 (2) A county seeking assistance under this section
7 must submit a request, approved by the board of county
8 commissioners, to the department of institutions.

9 (3) The department shall establish criteria for
10 apportioning the money among the counties; however, no more
11 than \$10,000 may be distributed to any one county. Payments
12 of aid must be made guarterly to the county.

13 (4) A program located in a county with a population of
14 20,000 or more may not receive aid under this section.

SECTION 13. THERE IS A NEW MCA SECTION THAT READS:

15

16 County plan to be submitted to department. (1) By 17 January 1, 1980, each county must submit to the department a 18 comprehensive countywide plan for the treatment. 19 rehabilitation, and prevention of alcoholism.

(2) The plan must have been approved by the board of
county commissioners and must contain information regarding
existing nonprofit and local government programs within the
county. The plan must also contain information regarding the
current and future needs of the county for the treatment,
rehabilitation, and prevention of alcoholism.

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(3) The department shall approve or disapprove the
 countywide plan. If the department disapproves a plan, the
 county may submit another plan to the department.

4 (4) (a) After December 31, 1979, no money may be
5 distributed to a county by the department for the treatment.
6 rehabilitation, and prevention of alcoholism if the county
7 has not submitted a plan as required by subsection (1).

8 (b) After June 30, 1980, no money may be distributed
9 to a county by the department for the treatment,
10 rehabilitation, and prevention of alcoholism if a county
11 plan has not been approved by the department.

12 (5) The department may adopt rules regarding the

13 submission, approval, and disapproval of plans.

-End-

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STATEMENT OF INTENT RE: HB 844

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A statement of intent is required for this bill because 4 it delegates authority to the Department of Institutions. 5 Section 12 13 requires each county to submit 6 a plan to the department for the treatment, 7 countywide rehabilitation, and prevention of alcoholism and 25 aives the department the authority to approve or disapprove of each 9 10 plan.

11 It is intended that the rules adopted by the department 12 with repard to the plans will:

13 (1) provide the procedure for the submission of the 14 plan including the general format and the type of 15 information needed by the department to evaluate the plan; 16 and

17 (2) outline the criteria that the department will use
18 in approving or disapproving a plan.

19 IN EXERCISING ITS DISCRETION IN THE DISTRIBUTION OF 20 FUNDS UNDER 53-24-206. THE DEPARTMENT SHALL DISTRIBUTE THE 21 FUNDS TO PROMOTE THE PURPOSES OF TITLE 53. CHAPTER 24. AND 22 TO INSURE THE VIABILITY AND CONTINUED OPERATION OF APPROVED 23 PROGRAMS THAT CAN DEMONSTRATE THE NEED FOR FUNDING IN EXCESS 24 OF EUNDS THAT WOULD BE AVAILABLE UNDER THE ALLOCATION 25 FORMULA OF 53-24-206(3)(A).

1	STATEMENT OF INTENT RE: HB 844
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4	A statement of intent is required for this bill because
5	it delegates authority to the Department of Institutions.
6	Section 12 13 requires each county to submit a
7	countywide plan to the department for the treatment.
8	rehabilitation, and prevention of alcoholism and gives the
9	department the authority to approve or disapprove of each
10	plan•
11	It is intended that the rules adopted by the department
12	with regard to the plans will:
13	(1) provide the procedure for the submission of the
14	plan including the general format and the type of
15	information needed by the department to evaluate the plan;
16	and

17 (2) outline the criteria that the department will use18 in approving or disapproving a plan.

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46th Legislature

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HB 0844/03

HOUSE BILL NO. 844 INTRODUCED BY MEYER A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LANS RELATING TO ALCOHOLISM TREATMENT PROGRAMS AND THE DISTRIBUTION OF REVENUES FROM THE LIQUOR LICENSE TAX PROCEEDS; AMENDING SECTIONS 16-1-404+ 16-1-408+ 53-24-103+ 53-24-104, 53-24-108, 53-24-203, 53-24-204, 53-24-207, 53-24-208+ AND 53-24-303+ MCA+* 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 1 Section 1. Section 53-24-103. MCA, is amended to read: 13 #53-24-103. Definitions. For purposes of this chapter. 1 1 the following definitions apply: (1) "Alcoholic" means a person who hebitually--tocks 1 self-control--as--to--the-use-of-alcoholic-beverages-or-uses 1 stepholic--beverages--to--the--extent--that--his--hesith--is 1 substantially--impaired--or--endangered--or--his--sociel--or 14 economic-function-is-substantiolly-disruptedy HAS_A__CUBONIC 1 ILLNESS OR DISORDER DE BEHAVIOR CHARACIERIZED BY REPEATED 21 DRINKING DE ALCOHOLIC BEVERAGES TO THE EXTENT THAT IT 21 ENDANGERS THE HEALTH: INTERPERSONAL BELATIONSHIPS: OB 22 ECONOMIC EUNCTION DE THE INDIVIDUAL DE PUBLIC HEALTHE 23 adjudged incompetent by the district court. 24 (8) "Intoxicated person" means a person whose mental WELEARE . OB SAEEIY. (2) "Approved private treatment facility" means a 25

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1	<pre>private nonprofit OR_LOCAL_GOVERNMENT agencyreceiving</pre>
Z	publicfundsfwhosesolefunctionisthetreatment+
3	rehabilitation:_and_prevention_of_alcobolise_anddrug
4	<u>dependence1</u> meeting the standards prescribed in 53-24-208(1)
5	and approved under 53-24-208.
6	(3) "Approved public treatment facility" means a
7	treatment agency operating under the direction and control
8	of the department or-providing-treatment-under-this-chapter
9	through-e-contract-with-the-department <u>as_a_state_agency</u> and
10	approved under 53-24-208.
1	(4) "Department" means the department of institutions
12	provided for in 2-15-2301.
13	(5) "Family member" is the spouse, mother, father.
4	child, or member of the household of an alcoholic whose life
15	has been affected by the actions of the alcoholic and may
16	require treatment.
17	(6) "Incapacitated by alcohol" means that a person [*] as
18	a result of the use of alcoholy is unconscious or has his
19	judgment otherwise so impaired that he is incapable of
20	realizing and making a rational decision with respect to his
21	need for treatment.
22	(7) "Incompetent person" means a person who has been

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or physical functioning is substantially impaired as a

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THIRD READING

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1 result of the use of alcohol. 1 (9) "Prevention" has meaning on four levels; these 2 2 are: 3 3 (a) education to provide information to the school 5 children and general public relating to alcohol dependence 5 and alcoholism, treatment, and rehabilitative services and 6 ٨ 7 to reduce the consequences of life experiences acquired by 7 contact with an alcoholic: a * (b) early detection and recovery from the illness 9 9 10 before lasting emotional or physical damage, or both, have 10 occurred; 11 11 (c) if lasting emotional or physical damage, or both, 12 12 13 have occurred, to arrest the illness before full disability 13 14 has been reached: 14 (d) the provision of facility requirements to meet 15 15 division program standards and improve public accessibility 16 16 17 for services. 17 (10) "Treatment" means the broad range of emergency. 18 18 19 outpatient, intermediate, and inpatient services and care, 19 including diagnostic evaluation, medical, psychiatric, 20 20 21 psychological, and social service care, vocational 21 rehabilitation, and career counseling, which may be extended 22 22 23 to alcoholics, intoxicated persons, and family members." 23 24 Section 2. Section 53-24-104, MCA, is amended to read: 24

25 #53-24-104. Deposit of funds from federal or private

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sources with state treasurer. Funds available to the department from federal or private sources for use in alcohol and drug dependence prevention, treatment, and control programs shall be deposited with the state treasurer to the account of the department in the federal and private revenue fund. Eunds--received-by-the-department-under-this section_shell_be_sllocated_to_the_counties_on_the_same_basis datiouor-ond-beer-tex-revenue-when-not-id==conflict=:with federal-or-private-laws-or-federal-regulationss" Section 3. Section 53-24-108, MCA, is amended to read: *53-24-108. Utilization of funds generated by taxation on alcoholic beverages. (1) Revenue generated by 16-1-404. 16-1-406, and 16-1-408 for to state approved programs__wbose sole_function_is the treatment, rehabilitation, and prevention of alcoholism may be distributed in either of the following manners: (a) as payment of fees for alcoholism services provided by state-approved alcoholism programsy certified atcoholism-counselorsy--ticensed--physiciansy--and--ticensed hospitals; and (b) as grants to persons operating state-approved alcoholism programs.

(2) No person operating a state-approved alcoholism
 program may be required to provide matching funds as a
 condition of receiving a grant under subsection (1) of this

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1 section.

(3) In addition to funding received under this
section, a person operating a state-approved alcoholism
program may accept gifts, bequests, or the donation of
services or money for the treatment, rehabilitation, or
prevention of alcoholism.

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7 (4) No person receiving funding under this section to 8 support operation of a state-approved alcoholism program may 9 refuse alcoholism treatment, rehabilitation, or prevention 10 services to a person solely because of that person*s 11 inability to pay for those services.

12 (5) A grant made under this section is subject to the13 following conditions:

14 (a) The grant application must contain an estimate of 15 all program income, including income from earned fees, 16 gifts, bequests, donations, and grants from other than state sources during the period for which grant support is sought. 17 18 (b) Whenever, during the period of grant support, 19 program income exceeds the amount estimated in the grant application. the amount of the excess shall be reported to 20 21 the grantor.

(c) The excess shall be used by the grantee under the
terms of the grant in accordance with one or a combination
of the following options:

25 (i) use for any purpose that furthers the objectives

1 of the legislation under which the grant was made; or

2 (ii) deduction--from--total--project-costs-to-determine the-met-costs-on-which-the-grantor*s-share-of-the--costs--is 2 4 basedy to allow program growth through the expansion of 5 services or for capital expenditures necessary to improve 6 facilities_where_services_are_provided. 7 (6) Revenue generated by 16-1-404, 16-1-406, and 16-1-408 for the treatment, rehabilitation, and prevention 8 9 of alcoholism which has not been encumbered for those 10 purposes by the counties of Montana or the department shall 11 be returned to the state's general garmarked_revenue fund 12 for the treatments rehabilitations and prevention of 13 alcoholism within 30 days after the close of each fiscal vear." 14 15 Section 4. Section 53-24-203, MCA, is amended to read: 16 #53-24-203. Buties Powers and duties of department. 17 (1) The department shall may:

18 <u>titlal</u> plan, promote, and assist in the support of 19 alcoholism and drug dependence prevention, treatment, and 20 control programs;

21 t2j--conducty----sponsory----and----support---researchy

22 investigationsy-and-studiesy-including--evaluationy--of--all

23 phases-of-stcoholism-and-drug-dependence;

f3f(b) assist <u>approved programs in</u> the development of
 educational and training programs relative to alcoholism and

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drug dependence and carry on programs to assist the public
 and technical and professional groups in becoming fully
 informed about alcoholism and drug dependence;

4 <u>f4f(c1</u> promote, develop, and assist, financially and 5 otherwise, elecholism <u>public_and_private_alcobol</u> and drug 6 dependence programs administered by other--state--agenciesv 7 local----government----agenciesv---and---private---nonprofit 8 organizations-end-agencies <u>the_department</u>;

9 (5)(d) encourage and promote effective use of 10 facilities, resources, and funds in the planning and conduct 11 of programs and activities for prevention, treatment, and 12 control, and prevention of alcoholism alcohol and drug 13 dependence and, in this respect, cooperate with and utilize 14 to the maximum possible extent the resources and services of 15 federal, state, and local agenciests

16 to3--developy---encouragey---and---foster----statewidey 17 regionaly-and-local-plans-and-programs-for-the-prevention-of aicohoi+se--and--treateent--of--aicohoitcs--and--intoxicated 18 persons-in-cooperation-with--public--and--private--agencies+ 19 20 organizationsy---and---individuals---and--provide--technical 21 assistance-and-consultation-services-for-these-purposes; 22 (2)__Ibe_department_shall: 23 (a) encourage planning for the greatest utilization of 24 funds_by_discouraging_duplication_of__servicess__encouraging

25 efficiency_of_services_through_existing_programss_and

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1	encouraging_rural_counties_to_form_multicounty_districts_or
2	<u>contract with urban programs for services:</u>
3	{}}[b] coordinate the efforts and enlist the
4	assistance of all public and private agencies,
5	organizations, and individuals interested in <u>treatment</u> and
6	prevention of alcoholism andtreatmentofalcoholicsand
7	intoxicated-persons;
8	{8}cooperstewiththeboardofpardonsi n
9	estobiishing-and-conducting-programstoprovidetreatment
10	foralcoholics-and-intoxicated-persons-in-or-on-parole-from
11	penal-institutions;
12	(C)COOPERATEHITHTHEBOARDDEPARDONSIN
13	ESTABLISHING_AND_CONDUCTING_PROGRAMS_ID_PROVIDE_IREAIMENT
14	EOB_ALCOHOLICS_AND_INIOXICATED_PERSONS_IN_DB_ON_PAROLEEBOM
15	PENAL_INSIITUTIONS:
16	<pre>{9}isi(D) cooperate with the state board of education,</pre>
17	the superintendent of public instruction, schools, police
18	departments, courts, and other public and private agencies,
19	organizations, and individuals in establishing <u>awareness</u>
20	programs for-the-prevention-of-alcoholism-andtreatmentof
21	alcoholicsand-intoxicated-persons-and-preparing-curriculum
22	materials-thereon-for-use-at-all-levels-of-education;
23	<pre>tt0;td;(E) preparev-publishy-evaluatev-and disseminate</pre>
24	educational material dealing with the nature and effects of
25	alcohol;

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1 (tit)fctlEl develop and implement, as an integral part 2 of treatment programs, an educational program for use in the 3 treatment of alcoholics and intoxicated persons, which 4 program shall include the dissemination of information 5 concerning the nature and effects of alcohol;

6 {#2+ff1(G) organize and foster training programs for 7 all persons engaged in treatment of alcoholics and 8 intoxicated persons;

9 tst(H)__distribute_funds_to_approved_programs_according
 10 to_tbe__allocation__for__distribution__as__provided__for__ic
 11 16=1=404i

12 (13)-sponsor-and-encourage-research-into-the-causes-and 13 nature-of--alcoholism--and--treatment--of--alcoholics---and 14 intoxicated---persons--and--serve--as--a--clearinghouse--for 15 information-relating-to-alcoholismt

16 <u>tititill</u> specify uniform methods for keeping 17 statistical information by public and private agencies. 18 organizations, and individuals and collect and make 19 available relevant statistical information, including number 20 of persons treated, frequency of admission and readmission; 21 arcd frequency and duration of treatment;

22 <u>tt57tit(d)</u> advise the governor in the preparation of a 23 comprehensive plan for treatment of alcoholics and 24 intoxicated persons for inclusion in the state's 25 comprehensive health plan;

treatment plans to be submitted for federal funding under 2 federal legislation and advise the governor on provisions to 3 be included relating to alcoholism and intoxicated persons; 4 5 fki(L) provide ongoing training of approved program 6 personnel: 7 +173--assist-in-the-development-ofy-and-cooperate-withy а atcohol-education-and-treatment-programs--for--employees--of state--and--local-governmentsy-businessesy-and-industries-in 9 10 the-statet ftf)ft)(H) utilize the support and assistance of 11 12 interested persons in the community, particularly recovered 13 alcoholics, to encourage alcoholics to voluntarily undergo treatment: 14

fl6ffif(K) review all state health, welfare, and

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15 (19)(m) cooperate with the department of justice in establishing and conducting programs designed to deal with 17 the problem of persons operating motor vehicles while 18 intoxicated;

19 <u>f20fini(0)</u> encourage general hospitals and other 20 appropriate health facilities to admit without 21 discrimination alcoholics and intoxicated persons and to 22 provide them with adequate and appropriate treatment;

23 <u>t2lisiIP1</u> encourage all health and disability
24 insurance programs to include alcoholism as a covered
25 illness; and

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1	<u>{22};[p:[0]</u> submit to the governor an annual report	1	treates:
Z	covering the activities of the department.	2	[5]
3	Section 5. Section 53-24-204. MCA, is amended to read:	3	evaluati
4	#53-24-204. Powers of department. <u>[1]</u> To carry out	4	(م)
5	this chapter, the department may:	5	foc_app
6	<pre>fit(a) accept gifts, grants, and donations of money</pre>	6	provisio
7	and property from public and private sources;	1	191
8	<u>t2)[b]</u> enter into contracts;	8	provide_
9	<pre>t3t(c) acquire and dispose of propertyta</pre>	9	services
10	{4}planyestablishyand-maintain-treatment-programs	10	ſĹ
11	as-necessary-or-destrables	11	of_new_p
12	t5}coardinateitsactivitiesandcooperatewith	12	191
13	aicohoiismprogramsinthisandotherstatesand-make	13	certific
14	contracts-and-other-joint-or-cooperativearrangementswith	14	Sec
15	stateyfocalyor-private-agencies-in-this-and-other-states	15	*53
16	for-the-treatment-of-alcoholics-and-intoxicated-personsand	16	The de
17	for-the-common-advancement-of-alcoholism-programs;	17	coordina
18	f6]dootheracts-and-things-necessory-or-convenient	18	intoxica
19	to-execute-the-authority-expressiy-granted-to-iti-and	19	(2)
20	t7;providetreatmentfacilitiesforalcoholics+	20	(a)
21	intoxicated-personsv-and-family-membersv	21	affiliat
22	<u>[2] [o_carry_out_this_chapter:_the_department_shall:</u>	22	hospital
23	<u>[a]_approve_treatment_programs_as_provided_for_in</u>	23	(b)
24	53-24-20Bi	24	(c)
25	<u>[b]_prepare_an_annual_state_plan_for_tbe_delivery_of</u>	25	(0)
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1	treatmost_services;
2	<pre>(c)provide_for_and_conduct_statewideservicesystem</pre>
3	evaluations:
4	(d)distribute_state_and_federal_funds_to_the_counties
5	forapproved_treatment_programs_in_accordance_with_the
6	provisions_of_16=1=4041
7	<u>[cl_plan_in_conjunction_with_approved_programs_and</u>
8	providefortraining_of_program_personnel_delivering
9	services_to_alcobolics:
10	(f)_establish_criteria_to_be_used_for_thedevelopment
11	of_new_programsi_and
12	igl_certifyandestablishstandardsforthe
13	certification_of_alcoholism_and_drug_dependence_counselors."
14	Section 6. Section 53-24-207, MCA, is amended to read:
15	<pre>#53-24-207. Comprehensive program for treatment. (1)</pre>
16	The department shall establish a comprehensive and
17	coordinated program for the treatment of alcoholics.
18	intoxicated persons, and family members.
19	(2) The program shall include:
20	(a) emergency treatment provided by a facility
21	affiliated with or part of the medical service of a general
22	hospital;
23	(b) inpatient treatment;
24	(c) intermediate treatment; and
25	(d) outpatient and-follow-up treatments; and

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(e) follow-up services for the purpose of determining 1 whether_additional_treatment_is_needed. 2 [3] Ireatment services for family members of 3 alcobolics____are____secondary___to___the___development___of 4 detoxification services and services for the treatment and 5 rehabilitation_of_alcoholics. - 6 +3+(4) The department shall provide for adequate and 7 appropriate treatment for alcoholics and intoxicated persons A admitted under 53-24-301 through 53-24-304. Freetment--may 0 not--be--provided--ab--a-correctional-institution-except-for 10 11 inmates

12 (4)(5) All appropriate public and private resources 13 shall be coordinated with and utilized in the program if possible. 14

(5)(6) The department shall prepare, publish, and 15 distribute annually a list of all approved public and 16 17 private treatment facilities."

18 Section 7. Section 53-24-303; MCA, is amended to read: 19 #53-24-303. Treatment and services for intoxicated persons and persons incapacitated by alcohol. (1) An 20 intoxicated person may come voluntarily to an approved 21 public treatment facility for emergency treatment. A person 22 23 who appears to be intoxicated in a public place and to be in need of help, if he consents to the proffered help, may be 24 25 assisted to his home, an approved public treatment facility,

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an approved private treatment facility, or other health 1 2 facility by the police.

(2) A person who appears to be incapacitated by 3 ٠ alcohol shall be taken into protective custody by the police and forthwith brought to an approved public treatment 5 . facility for emergency treatment. If no approved public treatment facility is readily available, he shall be taken 7 8 to an emergency medical service customarily used for Q incapacitated persons. The police, in detaining the person 10 and in taking him to an approved public treatment facility, 11 are taking him into protective custody and shall make every reasonable effort to protect his health and safety. In 12 taking the person into protective custody, the detaining 13 14 officer may take reasonable steps to protect himself. No entry or other record may be made to indicate that the 15 16 person taken into custody under this section has been arrested or charged with a crime. 17

18 (3) A person who comes voluntarily or is brought to an 19 approved public treatment facility shall may be examined by 20 a licensed physician as-soon-as-possible. He may then be 21 admitted as a patient or referred to another health 22 facility. The referring approved public treatment facility 23 shall arrange for his transportation.

24 (4) A person who by medical examination is found to be 25 incapacitated by alcohol at the time of his admission or to

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have become incapacitated at any time after his admission may not be detained at the facility once he is no longer incapacitated by alcohol or, if he remains incapacitated by alcohol, for more than 48 hours after admission as a patient unless he is committed under 53-24-304. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

8 (5) A person who is not admitted to an approved public
9 treatment facility and is not referred to another health
10 facility may be taken to his home. If he has no home, the
11 approved public treatment facility shall assist him in
12 obtaining shelter.

13 (6) If a patient is admitted to an approved public
14 treatment facility. his family or next of kin shall be
15 notified as promptly as possible. If an adult patient who is
16 not incapacitated requests that there be no notification.
17 his request shall be respected."

18 Section 8. Section 16-1-404, MCA+ is amended to read: 19 "16-1-404. License tax on liquor -- amount --20 distribution of proceeds. (1) The department is hereby 21 authorized and directed to charge, receive, and collect at 22 the time of sale and delivery of any liquor under any 23 provisions of the laws of the state of Montana a license tax of 10% of the retail selling price on all liquor sold and 24 25 delivered. Said tax shall be charged and collected on all

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1 liquor brought into the state and taxed by the department. The retail selling price shall be computed by adding to the 2 cost of said liquor the state markup as designated by the ٦ department. Said 10% license tax shall be figured in the 4 5 same manner as the state excise tax and shall be in addition to said state excise tax. The department shall retain in a 6 7 separate account the amount of such 10% license tax so received. Fro-thirds-of-these-revenues-shall-be--distributed 8 to--the-counties-occording-to-the-amount-of-liguor-purchased 9 in--coch--county--Bne-third--of--these--revenues--shall--be 10 retained---by--the--states <u>Thirty EXCEPI_AS_PROVIDED_IN</u> 11 SUBSECTION (4), THIRTY percent of these revenues shall be 12 13 allocated to the counties to be distributed to the 14 incorporated cities and towns, as provided in subsection (2). The remaining revenues shall be deposited in the 15 16 earmarked revenue fund to the credit of the department of 17 institutions for the treatments rehabilitations and 18 prevention of alcoholism. Provided, however, in the case of 19 purchases of liquor by a retail liquor licensee for use in 20 his business, the department shall make such regulations as 21 are necessary to apportion that proportion of license tax so 22 generated to the county where the licensed establishment is 23 located, for use as provided in 16-1-405. The department 24 shall pay quarterly to each county treasurer the proportion 25 of the license tax due each county to be allocated to the

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1	incorporated cities and towns of the county. and to the
Z	<u>deportment====of====institutions====for===tbs====treoimentx</u>
3	<u>rebobilitationz_ond_prevention_of_alcoholiam+ IHE_EGUNIY_BAY</u>
4	REIAIN-UP-IB-5%-BE-IHIS-MONEY#
5	(2) Thecountytreasurer-of-each-county-shall-retain
6	50%-of-said-license-tax-andshallywithin30daysafter
7	receiptthereofy-apportion-the-remaining-50%-thereof-to-the
8	treasurers-of-the-incorporated-cities-and-townswithinhis
9	county-said-apportionment-to-be-based-in-each-instance-upon
10	theproportionwhichthegrosssaleofliquor-in-such
11	incorporated-city-or-town-bears-to-the-gross-sale-ofliquor
12	inallof-the-incorporated-cities-and-towns-in-his-county*
13	<u>The license tax proceeds allocated to the county shall be</u>
14	<u>distributed_by_the_county_treasurer_to_the_incorporated</u>
15	<u>cities and towns within 30 days of receipt from the</u>
16	department. The distribution of funds to the cities and
17	towns_shall_be_based_on_the_proportion_that_thegrosssale
18	<u>of liquor in each city or town is to the gross sale of</u>
19	<u>liquor_in_all_of_the_cities_and_towns_of_the_countys</u>
20	(3) Of-the-50%-of-the-tax-retained-by-the-countythe
21	countytreasurershall-deposit-six-sevenths-of-this-amount
22	inafundwithinthecountyforthetreatmenty
23	rehabilitationyand-prevention-of-alcoholism-as-approved-by
24	the-state-of-MontanagTheremainingone-seventhofthe
25	fundssha llberetained-in-the-county-treasury-for-use-by

1	thet-county. <u>The license tax proceeds that are allocated to</u>
2	the department of institutions for the treatments
3	rebabilitationand_prevention_of_alcobolise_sballbe
4	credited_guarterly_to_the_department_of_institutions. Fen
5	percent-of-theproceeds_allocated_to-sthedepartmentof
6	institutionsabellbewaedfor_tbt_odsinistration_of_tbt
7	aisobol:sod:drug:sbuge:division:=of==the==deportmenty====The
8	remoiningsprosesds INE-LIGENSE-TAX-PROGEEDS-ALLOGATED-TO-INE
9	DEPARIMENTNAY_NDI_DE_USED_EQ0_INE_EDSIS_QE_ADNINISIBAILQN#
10	ADMINISIRATIVE_EDSIS=DE_IME_ALEONDL_AND_DBW6_ADWSEDIVISION
11	<u>BE==#WE==BEPARTMENT=MUST=BE=PATD=ERON=APPROPRIATIONS=MADE=BY</u>
12	INE-LEGISLATURE-FOR-INAT-PURPOSE-ERON-INE-EARMABLEDBEVENUE
13	EUNDETHETHENDNEY INE LEGISLATURE MAY APPROPRIATE A PORTION OF
14	THELICENSETAXPROCEEDS_TO_SUPPORT_ALCOHOL_PROGRAMSTHE
15	REMAINDER shallbedistributedtothecountiesiothe
16	following_manner:
17	<u>falEighty=fivepercentshall_be_allocated_according</u>
18	to the proportion of each county's population to the state's
19	population_according_to_the_most_recent_United_States
20	660202*
21	<pre>[b]Eifteenpercentshallbe_allocated_according_to</pre>
22	the_proportion_of_the_county's_land_area_to_the_state's_land
23	areas
24	{+}Theone-third-oftheticensetoxontiquor
25	retainedbythestateshailbe-deposited-with-the-state

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1	treasurer-to-the-credit-of-thedepartmentofinstitutions	
2	eachquarterforthetreatmentvrehabilitationvand	
3	prevention-of-alcoholism-as-approved-by-the-statev	
4	<u>141EORIHE1979-1981RIENNIUN\$100.000DEIHE</u>	
5	LICENSE_IAX_IS_ALLOCATED_EACH_YEAB_ID_IHE_DEPABLMENT_ID_BE	
6	DISTRIBUTED_AS_PROVIDED_EOR_IN_[SECTION 11 12]IHE	
7	ALLOCATIONIOIHE_DEPARTMENI_UNDER_IHIS SEEFIEN SUBSECTION	
8	must be made before the license tax revenues are distributed	
9	to the counties and the state as provided in subsection (1).	
10	151_A_COUNTY_HAY_RETAIN_UP_IO_5%_OF_IHE_HONEY	
11	ALLDCATED_IO-II_UNDER_SUBSECTION_(3).	
12	Section 9. Section 16-1-408, MCA, is amended to read:	
13	<pre>#16-1-408. Additional tax. (1) An additional tax of \$1</pre>	
14	per barrel is levied and imposed as provided by 16-1-406,	
15	and such additional tax is also to be levied and imposed at	
16	the same rate upon beer manufactured within the state. The	
17	additional tax of \$1 is to be deposited, notwithstanding	
18	16-1-306 and 16-1-410 or any other provision, with the state	
19	treasurer to the credit of the department of institutions	
20	each quarter for the treatment, rehabilitation, and	
21	prevention of alcoholism as approved by the state.	
22	<u>121_The_proceeds_of_the_additional_tax_shall_be</u>	
23	allocatedtethe_counties_on_the_same_basis_as_the_license	
24	tax_proceeds_provided_for_in_[subsection_[3]_of_section_8]."	
25	NEW_SECTION. Section 10. Contract for services	
	10 UR 844	

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1 required. Revenue generated from 16-1-404 and 16-1-408 and 2 any other revenue that is allocated to the counties for the 3 purpose of treatment, rehabilitation, and prevention of alcoholism shall be contracted for services by the counties 4 to state-approved alcoholism programs. The contracts will be 5 developed jointly by the counties_ and-the-department-of 6 institutions-The-department-of-institutions--shall--monitor 7 and--give--final--approval--to-contracts-based-on-compliance R with-department-standardsy-administrative-rulesy--and--state 9 10 tows SECTION 11. SECTION 53-24-208. MCA. IS AMENDED IO 11 12 BEAD: 13 *53-24-208. Facility standards. (1) The department

14 shall establish standards for approved treatment facilities 15 that must be met for a treatment facility to be approved as 16 a public or private treatment facility and fix the fees to 17 be charged for the required inspections. The standards may 18 concern only the health standards to be met and standards of 19 treatment to be afforded patients.

20 <u>(2)_Facilities_applying_for_approval_must_demonstrate</u>
 21 <u>a_local_need_currently_exists_for_proposed_services_and_that</u>
 22 <u>the_proposed_services_do_not_duplicate_existing_local</u>
 23 <u>services_</u>
 24 <u>t2t(31</u> The department_shall_periodically_inspect
 25 approved_public_and_private_treatment_facilities_at

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1	reasonable times and in a reasonable manner.	1	private treatment facility refusing to consent to inspection
2	(3)<u>(4)</u> The department shall maintain a list of	2	or examination by the department or which the department has
3	approved public and private treatment facilities.	3	reasonable cause to believe is operating in violation of
4	(4)[5] Each approved public and private treatment	4	this chapter."
5	facility shall, on request, file with the department data,	5	SECTION 12. THERE IS A NEW MCA SECTION THAT READS:
6	statistics, schedules, and information the department	6	Temporary aid to certain county programs. {1} The
7	reasonably requires. An approved public or private treatment	7	department shall distribute the money allocated to it under
8	facility that without good cause fails to furnish any data,	8	16-1-404(4) to county programs that show an income decrease
9	statistics, schedules, or information as requested or files	9	from 1978-1979 levels as a result of the percentage formula
10	fraudulent returns thereof shall be removed from the list of	10	in [section #].
11	approved treatment facilities.	11	(2) A county seeking assistance under this section
12	{5}<u>[6]</u> The department, after holding a hearing in	12	must submit a request, approved by the board of county
13	accordance with the Montana Administrative Procedure Act,	13	commissioners, to the department of institutions.
14	may suspend, revoke, limit, or restrict an approval or	14	(3) The department shall establish criteria for
15	refuse to grant an approval for failure to meet its	15	apportioning the money among the counties; however, no more
16	standards.	16	than \$10,000 may be distributed to any one county. Payments
17	<pre>t6t11 A district court may restrain any violation of</pre>	17	of aid must be made quarterly to the county.
18	this section, review any denial, restriction, or revocation	18	(4) A program located in a county with a population of
19	of approval, and grant other relief required to enforce its	19	20,000 or more may not receive aid under this section.
20	provisions.	20	SECTION 13. INERE IS A NEW MCA. SECTION THAT READS:
. 21	{7}[8] Upon petition of the department and after a	21	County plan to be submitted to department. (1) By
22	hearing held upon reasonable notice to the facility, a	22	January 1, 1980, each county must submit to the department a
23	district court may issue a warrant to the department	23	comprehensive countywide plan for the treatment.
24	authorizing it to enter and inspect at reasonable times and	24	rehabilitation, and prevention of alcoholism.
25	examine the books and accounts of any approved public or	25	(2) The plan must have been approved by the board of
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county commissioners and must contain information regarding
 existing nonprofit and local government programs within the
 county. The plan must also contain information regarding the
 current and future needs of the county for the treatment,
 rehabilitation, and prevention of alcoholism.

6 (3) The department shall approve or disapprove the
7 countywide plan. If the department disapproves a plan, the
8 county may submit another plan to the department.

9 (4) (a) After December 31. 1979. no money may be
10 distributed to a county by the department for the treatment.
11 rehabilitation. and prevention of 'alcoholism if the county
12 has not submitted a plan as required by subsection (1).

13 (b) After June 30, 1980, no money may be distributed
14 to a county by the department for the treatment,
15 rehabilitation, and prevention of alcoholism if a county
16 plan has not been approved by the department,

17 (5) The department may adopt rules regarding the
 18 submission, approval, and disapproval of plans.

-End-

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STATEMENT OF INTENT RE: HB 844 1 2 а. A statement of intent is required for this bill because 4 it delegates authority to the Department of Institutions. 5 Section 12 13 requires each county to submit a 6 countywide plan to the department for the treatment, 7 rehabilitation, and prevention of alcoholism and gives the 8 9 department the authority to approve or disapprove of each 16 plan. It is intended that the rules adopted by the department 11 with regard to the plans will: 12 (1) provide the procedure for the submission of the 13 14 plan including the general format and the type of information needed by the department to evaluate the plan; 15 16 and (2) outline the criteria that the department will use 17 18 in approving or disapproving a plan. IN EXERCISING ITS DISCRETION IN THE DISTRIBUTION OF 19 FUNDS UNDER 53-24-206. THE DEPARTMENT SHALL DISTRIBUTE THE 20 21 FUNDS TO PROMOTE THE PURPOSES OF TITLE 53. CHAPTER 24. AND TO INSURE THE VIABILITY AND CONTINUED OPERATION OF APPROVED **Z**2 23 PROGRAMS THAT CAN DEMONSTRATE THE NEED FOR FUNDING IN EXCESS OF FUNDS THAT WOULD BE AVAILABLE UNDER THE ALLOCATION 24 25 FORMULA OF 53-24-206(3)(A).

- IN EXERCISING ITS DISCRETION IN THE DISTRIBUTION OF
- 2 FUNDS UNDER 53-24-206. THE DEPARTMENT SHALL DISTRIBUTE THE
- 3 FUNDS TO PROMOTE THE PURPOSES OF TITLE 53. CHAPTER 24. AND
- 4 ID. INSURE THE VIABILITY AND CONTINUED OPERATION OF APPROVED
- 5 PROGRAMS_THAT_CAN_DEMONSTRATE_THE_NEED_FOR_FUNDING_IN_EXCESS
- 6 DE FUNDS THAT WOULD BE AVILABLE UNDER THE ALLOCATION FORMULA
- 7 DF 53-24-206(3)(A).

1

1	HOUSE BILL NO. 844	1
2	INTRODUCED BY MEYER	2
3		3
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE	4
5	LAWS RELATING TO ALCOHOLISM TREATMENT PROGRAMS AND THE	5
6	DISTRIBUTION OF REVENUES FROM THE LIQUOR LICENSE TAX	6
7.	PROCEEDS; AMENDING SECTIONS 16-1-404, 16-1-408, 53-24-103,	7
8	53-24-104+ 53-24-108+ 53-24-203+ 53-24-204+ <u>AND_53-24-206</u>	8
9	53-24-207¥ <u>Through 53-24-208</u> , AND53-24-303¥ MCA <u>;AND</u>	9
10	REPEALING_SECTION_53-24-203.MCA.*	10
11		11
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	12
13	Section 1. Section 53-24-193, MCA, is amended to read:	13
14	#53-24-103. Definitions. For purposes of this chapter.	14
15	the following definitions apply:	15
16	(1) "Alcoholic" means a person who h abitually-lacks	16
17	self-control-as-to-the-use-of-alcohollebeveragesoruses	17
18	ałcohołicbeveragestotheextentthathishealthis	18
19	substantiallyimpairedorendangeredorhissocialor	19
20	economicfunction-is-substantially-disrupted. <u>HAS_A_CHRONIC</u>	20
21	ILLNESS_OR_DISORDER_DE_BEHAVIORCHARACIERIZEDBYREPEATED	21
22	DRINKING_DF_ALCOHOLIC_BEVERAGES_ID_IHE_EXTENI_IHAI_II	22
23	ENDANGERSTHEHEALTH+INTERPERSONALRELATIONSHIPS+OR	23
24	ECONONICEUNCTIONOFINEINDIVIOUALORPUBLICHEALIH.	24
25	HELEABE . OB_SAFETY.	25

1	(2) "Approved private <u>PRIVATE</u> treatment facility"
2	means a private <u>PRIVATE nonprofit BRtBEAt68VERNMENT</u>
3	agency <u>, receiving public funds (whose sole function is the</u>
4	treatmentsrehabilitations_and_prevention_of_alcoholism_and
5	<u>drugdependence)</u> meeting the standards prescribed in
6	53-24-208(1) and approved under 53-24-208.
7	(3) "Approved public treatment facility" means:
8	(A) a treatment agency operating under the direction
9	and control of the department or-providingtreatmentunder
10	thischapterthroughacontract-with-the-department <u>as_a</u>
11	state agency and approved under 53-24-208 v: OR
12	(B)A_IREATHENT_AGENCY_OPERATING_UNDERIHEDIRECTION
13	AND CONTROL DE A LOCAL GOVERNMENT AND APPROVED UNDER
14	53-24-208.
15	(4) "Department" means the department of institutions
16	provided for in 2-15-2301.
17	(5) "Family member" is the spouse, mother, father,
18	child, or member of the household of an alcoholic whose life
19	has been affected by the actions of the alcoholic and may
20	require treatment.
21	(6) "Incapacitated by alcohol" means that a person, as
22	a result of the use of alcohol, is unconscious or has his
23	judgment otherwise so impaired that he is incapable of
24	realizing and making a rational decision with respect to his
25	need for treatment.

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(7) "Incompetent person" means a person who has been
 adjudged incompetent by the district court.
 (8) "Intoxicated person" means a person whose mental

4 or physical functioning is substantially impaired as a 5 result of the use of alcohol.

6 (9) "Prevention" has meaning on four levels; these7 are:

8 (a) education to provide information to the school
9 children and general public relating to alcohol dependence
10 and alcoholism, treatment, and rehabilitative services and
11 to reduce the consequences of life experiences acquired by
12 contact with an alcoholic;

(b) early detection and recovery from the illness
before lasting emotional or physical damage, or both, have
occurred;

16 (c) if lasting emotional or physical damage, or both.
17 have occurred, to arrest the illness before full disability
18 has been reached;

19 (d) the provision of facility requirements to meet
20 division program standards and improve public accessibility
21 for services.

(10) "Treatment" means the broad range of emergency;
outpatient, intermediate, and inpatient services and care;
including diagnostic evaluation, medical, psychiatric;
psychological, and social service care, vocational

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1 rehabilitation, and career counseling, which may be extended 2 to alcoholics, intoxicated persons, and family members." Section-2y--Section-53-24-184y-MEAy-is-amended-to-readt 3 4 #53-24-104x--Beposit-of-funds-from-federal--or--private sources--with--state--treasurers---funds--available--to--the 5 department-from--federal--or--private--sources--for--use--in 6 7 alcohol--end--drug--dependence--preventiony--treatmenty--and control-programs-shall-be-deposited-with-the-state-treasurer 8 9 to-the-occount-of-the-department-in-the-federol-and--private 10 revenue--funds _ funds--received-by-the-department-under-this 11 section-shall-be-allocated-to-the-counties_on-the-same-basis 12 es-liguor-and-beer-tax-revenue-when-root-_in--conflict__with 13 federal-or-private-laws-or-federal-regulations." Section 2. Section 53-24-108. NCA. is amended to read: 14 *53-24-108. Utilization of funds generated by taxation 15 on alcoholic beverages. (1) Revenue generated by 16-1-404, 16 17 16-1-406, and 16-1-408 for to state approved programs_ whose sole function is the treatment, rehabilitation, and 18 prevention of alcoholism may be distributed in either of the 19 20 following manners: (a) as payment of fees for alcoholism services 21 provided by state-approved alcoholism programsy-certified 22 atconotism-counsetorsy--ticensed--physiciansy--and--ticensed 23 hospitels____CERTIFIED___ALCOHOLISH__COUNSELOBS___LICENSED 24

PHYSICIANS, AND LICENSED HOSPITALS; and

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25

(b) as grants to persons operating state-approved
 alcoholism programs.

3 (2) No person operating a state-approved alcoholism
4 program may be required to provide matching funds as a
5 condition of receiving a grant under subsection (1) of this
6 section.

7 (3) In addition to funding received under this 8 section, a person operating a state-approved alcoholism 9 program may accept gifts, bequests, or the donation of 10 services or money for the treatment, rehabilitation, or 11 prevention of alcoholism.

12 (4) No person receiving funding under this section to 13 support operation of a state-approved alcoholism program may 14 refuse alcoholism treatment, rehabilitation, or prevention 15 services to a person solely because of that person's 16 inability to pay for those services.

17 (5) A grant made under this section is subject to the13 following conditions:

(a) The grant application must contain an estimate of
all program income, including income from earned fees,
gifts, bequests, donations, and grants from other than state
sources during the period for which grant support is sought.
(b) whenever, during the period of grant support,
program income exceeds the amount estimated in the grant
application, the amount of the excess shall be reported to

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1 the grantor.

2	(c) The excess shall be used by the grantee under the
3	terms of the grant in accordance with one or a combination
4	of the following options:
5	(i) use for any purpose that furthers the objectives
6	of the legislation under which the grant was made; or
۲	(ii) deduction-from-totol-projectcoststodetermine
8	thenotcosts-on-which-the-grantoris-share-of-the-costs-is
9	bosedw to allow program growth through the expansion of
10	services or for capital expenditures necessary to improve
11	facilities where services are provided.
12	(6) Revenue generated by 16-1-404, 16-1-406, and
13	16-1-408 for the treatment, rehabilitation, and prevention
14	of alcoholism which has not been encumbered for those
15	purposes by the counties of Montana or the department shall
16	be returned to the state's general garmarked revenue fund
17	for the treatments rebabilitations and prevention of
18	alcoholism within 30 days after the close of each fiscal
19	year."
20	Section43+Section-53-24-283y-NEky-is-amended-to-readt
21	=53-24-203+Buties <u>Powersziendziduties</u> of-deportment+
22	<u>ttt</u> The-department-shall <u>max</u> +
23	ti <u>tt</u> pienv-promotev-end-assistinthesupportof
24	atcoholismanddrugdependence-preventiony-treatmenty-and
25	control-programs;

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1	{2}conductyspensoryand s upporttesecrchy
2	investigationsandstudiesincluding-evaluation-of-all
3	phases-of-aiconolism-and-drug-dependence;
4	(3)<u>(6)</u>assist <u>approved_programs-in</u> the-developmentof
5	educations}-and-training-programs-relative-to-alcoholism-and
6	drugdependenceand-carry-on-programs-to-assist-the-public
7	ond-technical-andprofessionalgroupsinbecomingfully
8	informed-about-alcoholism-and-drug-dependence;
9	t+<u>jtc</u>promoteydevelopyand-assi sty-finencially-and
10	otherwisey-elcoholism public_and-privatealcohol enddrug
11	dependenceprogramsadministeredby-other-state-agenciesy
12	locolgovernmentagenciasyandprivatenonprofit
13	organizations-and-agencies <u>the-department</u> ?
14	(5)<u>id</u>encourageandpromoteeffectiveuseof
15	facilitiesv-resourcesv-and-funds-in-the-planning-and-conduct
16	of-programs-and-activities-forpreventionytreatmentyand
17	control <u>y</u>
18	dependence-andy-in-this-respecty-cooperate-with-andutilize
19	to-the-maximum-possible-extent-the-resources-end-services-of
20	faderaly-statey-and-local-agentics;x
21	t6}developyencoura gey o ndfo sterstatewi dey
22	regionaly-and-local-plans-and-programs-for-the-prevention-of
23	alcoholismandtreatment ofalcoholicsandint oxicat ed
24	personsincooperationwithpublic-and-private-agenciesy
25	organizationsyandindividualsandprovidetechnical
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1	assistanco-and-consultation-services-for-these-purposes;
2	<u>ill==fectment=shellt</u>
3	tot
4	fundar_bx=cdiacouraging_duplication_of_aerviceax=encouraging
5	afficiencyofaccvicesthroughexistingprogramsyand
6	cocouragingrural_countica_to_form_multicounty_districts_or
7	contract_with_urben_programs_for_services1
8	{7}<u>{b}</u>coor dinatetheeffortsandenlistthe
9	assistancaafailpublicandprivateagencies,
10	organizationsy-and-individuals-interested-in <u>treatmentand</u>
11	preventionofaicoholismandtreatment-of-oicoholics-and
12	intexicated-personst
13	(8)cooperatewiththeboordofpardonsin
14	estoblishingandconductingprograms-to-provide-treatment
15	for-atcoholics-and-intoxicated-persons-in-or-on-parolefrom
16	penoi-institutionst
17	<u>fete00perate</u>
18	ESTABLISHING-IND-GONDUGTING-PROGRAMSTQPROVIDETREATHENT
19	EBRALEBNOLIES_AND_INIDXICATED_PERSONS_IN_BR_BN_PARBLE_EROM
20	<u> PENAL-INSTITUTIONS :</u>
21	{9}<u>{c;</u>{B} -cooperate-with-the-state-board-of-educationy
22	the-superintendent-of-publicinstructionyschoolsypolice
23	deportmentsycourtsy-and-other-public-and-private-agenciesy
24	organizationsy-andindividualsinestablishing awarenass
25	programsforthe-prevention-of-aicohoiism-and-treatment-of
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1	stconotics-and-intoxicated-persons-and-preparingcurriculum
2	materials-thereon-for-use-at-all-levels-of-education;
3	<u> </u>
4	educationalmaterial-dealing-with-the-nature-and-effects-of
5	stconoty
6	<u>tiit<u>teit</u>Eidevelop-ond-implementy-ao-an-integralpart</u>
7	of-treatment-programsy-an-educational-program-for-use-in-the
Ŗ	treatmentofa lcoholicsandintoxicatedpersonsywhic h
9	programshallincludethedisseminationofinformation
10	concerning-the-nature-and-effects-of-alcohol;
11	(12)<u>tf</u>)t6j organizeandfoster-training-programs-for
12	allpersonsengagedintreatmentofalcoholicsand
13	intoxicated-persons;
14	<u>igiill}distribute-funda-to-approved-programa-according</u>
15	<u>to-the</u> <u>allocation-for-distribution-sa-provided-for-in</u>
16	16-1-404 PR0VISIONS-0F-53-24-2061
17	ti3t-sponsor-and-encourage-research-into-the-causes-and
18	natureofalcoholismandtreatmentofalcoholicsend
19	intoxicatedpersonsandserveasaclearinghousefor
20	information-relating-to-plcoholism;
21	{14}<u>{</u>h<u></u>;<u></u>specifyuniformmethodsforkeeping
22	statisticalinformationbypublicandprivate-agenciesy
23	orgonizations,andindividualsandcollectandmake
24	available-relevant-statistical-informationy-including-number
25	ofpersons-treatedy-frequency-of-admission-and-readmissiony

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L	and-frequency-and-duration-of-t reatmenti
2	{15} <u>titt#</u> edvise-the-governor-in-the-preparation-of-e
3	comprehensiveplanfortreatmentofalcoholicsand
4	intoxicatedpersonsforinelusioninthestate ¹ s
5	comprehensive-health-plan;
6	t167 <u>tjjjfKj</u> roviewailstatehealth ywalfareyand
7	treatmentplanstobe-submitted-for-federal-funding-under
8	faderal-legislation-and-advise-the-governor-on-provisions-to
9	be-included-relating-to-alcoholism-and-intoxicatedpersonst
10	<u>ikittimprovide=pogging=training=of-approved=program</u>
u î	tionerage in the second s
12	{17}ossist-in-the-development-ofy-and-cooperate-withy
13	atcohot-education-and-treatment-programsforemptoyeesof
14	stateandlocal-governmentsy-businessesy-and-industries-in
15	the-state;
16	{l0}<u>ill(M1</u>utilizethesupportandassistance of
17	interestedpersons-in-the-communityy-porticularly-recovered
18	atcohoticsy-to-encourage-atcohotics-tovotuntarityundergo
19	trestmentt
20	f19j <u>1mlfHl</u> cooperate-with-the-department-of-justice-in
21	establishingandconducting-programs-designed-to-deal-with
22	theproblemofpersonsoperatingmotorvehicleswhile
23	intoxicated;
24	{20}{n}{0}
25	oppropriatehealthfacilitiestoadmitwithout

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1	discriminationaicoholicsandintoxicatedpersons-and-to
2	provide-them-with-adequate-and-appropriate-treatment;
3	{21}<u>fa}ff</u>}encouragea}}healthonddisability
4	insurancaprogramstoincludaalcoholismasacovered
5	+ }}nesst-and
6	{22} <u>ipit@:</u> submit-to-thegovernorononnuolreport
٦	covering-the-activities-of-the-deportment*
8	Section 4. Section 53-24-204, MCA, is amended to read:
9	#53-24-204。 Powers of department。 <u>[1]</u> To carry out
10	this chapter; the department may:
11	<pre>title: titl</pre>
12	and property from public and private sources;
13	<pre>(2)(b) enter into contracts;</pre>
14	<pre>f3t(c) acquire and dispose of propertyta</pre>
15	(4)planyestablishyand-maintain-treatment-programs
16	as-nacessary-or-destrablet
17	15]coordinataitsactivitiesandcooperatewith
18	alcoholismprogramsinthisandotherstatesand-make
19	contracts-and-other-joint-or-cooperativearrangementswith
20	statesfocalsor-private-ageneias-in-this-and-other-states
21	for-the-treatment-of-alcoholics-and-intoxicated-personsand
22	for-the-common-advoncoment-of-alcoholism-programs;
23	f6}dootheracts-and-thing s-necessary-or-conventent
24	to-execute-the-suthority-expressiy-granted-to-itt-and
25	t];providatreatmentfacilittesforaicoholicsv

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1	intoxicated-personsy-and-family-membersy
2	(2) For-corry-sut-this-chopterrathe IHE department
3	shall:
4	(a) approve treatment programs as provided for in
5	<u>53-24-208:</u>
6	<pre>(b)_prepare_an_annual_state_plan_for_the_delivery_of</pre>
7	treatment_services:
8	<pre>(c) provide for and conduct statewide service system</pre>
9	<u>evaluations:</u>
10	<pre>[d]distribute_state_and_federal_funds_to_the_counties</pre>
11	for approved treatment programs in accordance with the
12	provisions_of 15-1-484 53-24-296:
13	(e) plan in conjunction with approved programs and
14	provide for training of program personnel delivering
15	services to alcoholics:
16	<pre>(f)establish_criteria_to_be_used_for_thedevelopment</pre>
17	of orw programs: and
18	[g] certify and establish standards for the
19	certification of alcoholism and drug dependence counselors:
20	<u>(H) ENCOURAGE PLANNING FOR THE GREATEST UTILIZATION OF</u>
21	EUNDS BY DISCOURAGING DUPLICATION OF SERVICES. ENCOURAGING
22	EFFICIENCY OF SERVICES THROUGH EXISTING PROGRAMS* AND
23	ENCOURAGING RURAL COUNTIES TO FORM MULTICOUNTY DISTRICIS OR
24	CONTRACT WITH URBAN PROGRAMS FOR SERVICES: AND
25	(I) COOPERAIE HIM THE BOARD OF PARBONS IN

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ESTABLISHING AND CONDUCTING PROGRAMS TO PROVIDE TREATMENT 1 FOR ALCOHOLICS AND INTOXICATED PERSONS IN OR ON PAROLE FROM 2 PENAL_INSTITUTIONS." 3 SECTION 5. SECT 11 53-24-206. HCA. IS AMENDED TO READ: 4 #53-24-205# Receipt Administration of financial 5 assistance authorized. [1] The department may apply for and 6 receive grants, allotments, or allocations of funds or other 7 assistance for purposes pertaining to the problems of 8 alcohol and drug dependence or related social problems under 9 laws and rules of the United States, any other state, or any 10 11 private organization.

12 <u>(2)</u> The department may cooperate with any other 13 government agency or private organization in programs on 14 alcohol and drug dependence <u>OR</u> related social problems. In 15 carrying out cooperative programs, the department may make 16 grants of financial assistance to government agencies and 17 private organizations under terms and conditions agreed 18 upon.

19 (3) (a) In administering proceeds derived from the 20 liquor license tax or the beer license tax. the department 21 shall distribute 80% of the available money to the counties 22 for use by approved programs in the following manner: 23 (i) Eighty-five percent shall be allocated according 24 to the proportion of each county's population to the state's 25 population according to the most recent United States

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1	CEDSUSA
2	(ii) Eifteen percent_sball_beallocatedaccordingto
3	the propertion of the county's land area to the state's land
4	area.
5	[b] The remainder of the money shall be distributed to
6	approved programs on a discretionary basis by the department
7	to those programs that can demonstrate that:
8	(i) the program is achieving the goals and objectives
9	mutually agreed upon by the program and the department; and
10	(ii) the receipt of additional money would be
11	justified.
12	(C)HONEY_DISTRIBUTED_UNDER_SUBSECTION_131_MAY_ONLY_BE
13	USED_EOR_PURPOSES_PERTAINING_TD_THE_PROBLEMSDEALCOHOLISM
14	OR_BELATED_SOCIAL_PROBLEMS.
15	Section 6. Section 53-24-207; MCA; is amended to read:
16	*53-24-207。 Comprehensive program for treatment。(1)
17	The department shall establish a comprehensive and
18	coordinated program for the treatment of alcoholics.
19	intoxicated persons, and family members.
20	(2) The program shall include:
21	(a) emergency treatment provided by a facility
22	affiliated with or part of the medical service of a general
23	hospital;
24	(b) inpatient treatment;
25	(c) intermediate treatment; and

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1	(d) outpatient and-fallow-up treatment <u>w; and</u>
2	(e) follow-up services for the purpose of determining
3	wbether_additional_treatment_is_needed.
4	<u>t3:Irentmont:</u>
5	alcoholiczarezeconderythedevelopentaf
6	detexification=_aervices=spd=services=for=the=treetmot=and
7	<u>rehobilitation-of-alcoholicax</u>
8	†3<u>††††13)</u> The department shall provide for adequate
9	and appropriate treatment for alcoholics and intoxicated
10	persons admitted under \$3-24-301 through 53-24-304.
11	Treatmentmay-not-be-provided-st-a -correctionsl-institution
12	except-for-inaotes.
13	<pre>t4)t5)(4) All appropriate public and private resources</pre>
14	shall be coordinated with and utilized in the program if
15	possible.
16	<pre>t5titition the department shall prepare; publish; and</pre>
17	distribute annually a list of all approved public and
18	private treatment facilities."
19	Section-7+Section-53-24-303y-MEAy-is-amended-to-read+
20	#53-24-303#Freateentendservicesforintoxicated
21	personsandpersonsincapacitatedbyaicohoi+{±}An
22	intoxicotedpersonmaycomevoluntarilytoan-approved
23	public-treatment-focility-for-emergency-treotments-Aperson
24	who-appears-to-bo-intoxicated-in-a-public-place-and-to-be-in
25	neadofhelpy-if-he-consents-to-the-proffered-helpy-may-be

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1 assisted-to-his-boney-en-opproved-public-treatment-facilityy 2 an-approved-private--treatment--facility--or--other--health 3 facility-by-the-policew t2;--A--person-methor-appears--to--be--incapacitated--by

5 alcohol-shall-be-taken-into-protective-custody-by-the-police 6 and--forthwith--brought--to--an--approved--public--treatment 7 facility--for--emergency--treatmenty--If--no-approved-public 8 treatment-facility-is-readily-availabley-he-shall--be--taken 9 to---en--emergency--medical--service--customarily--used--for 10 incapacitated-personas-The-policey-in-detaining--the--person 11 end--in-teking-him-to-sn-approved-public-treatment-facilityy 12 are-taking-his-into-protective-custody-and-shall-make--every 13 reasonable--effort--to--protect--his--health--and-safetys-In 14 taking-the-person-into--protective--custodyy--the--detaining 15 officer--may--take--reesonable--steps-to-protect-himselfr-No 16 entry-or-other-record-may--be--made--to--indicate--that--the 17 person--taken--into--custody--under--this--section--has-been arrested-or-charged-with-a-srimer 18 19 t3;--A-person-who-comes-voluntarily-or-is-brought-to-an 20 spproved-public-trestment-facility-shall may be examined- by a--licensed--physician--as--soon-as-possibley-He-may-then-be 21 admitted--as--a--patient--or--referred--to--another---health 22 facilityy--The--referring-approved-public-trestment-facility 23 shall-errange-for-his-transportation* 24 t4;--A-person-who-by-medical-examination-is-found-to-be 25

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l	incopacitated-by-alcohol-atthe-time-of-histodaission-or-to
2	havebecomeincepacitatedat-any-time-after-his-admission
3	may-not-be-detained-at-the-facility-onceheisnolonger
4	incopacitatedbv-alcohol-ory-if-he-remains-incopacitated-by
5	aiconois-for-sore-thes-48-hours-after-admission-as-e-patient
6	unless-he-is-commttted-under-53-24-304w-A-person-may-consent
7	to-remain-in-the-facility-as-long-as-the-physician-in-charge
8	believes-appropriate.
9	(5) A -person-who-is-not-admitted-to-an-approved-public
10	treatment-facility-and-is-natreferredtoanotherhealth
11	facilitymaybetaken-to-his-homew-If-he-has-no-homew-the
12	approved-publictreatmentfacilityshallassisthimin
13	obtaining-sheiter.
14	(6)Ifapatientisadmitted-to-an-approved-public
15	treatment-faciiityy-h is-fami iy- or -nextofkinshoii-be
16	notified-os-promptly-as-possibles-if-an-adult-potient-who-is
17	notincapacitatedrequeststhat-there-be-no-notification,
18	his-request-shall-be-respected."

19 Section 7. Section 16-1-404, MCA, is amended to read:
20 "16-1-404. License tax on liquor -- amount -21 distribution of proceeds. (1) The department is hereby
22 authorized and directed to charge, receive, and collect at
23 the time of sale and delivery of any liquor under any
24 provisions of the laws of the state of Montana a license tax
25 of 10% of the retail selling price on all liquor sold and

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1 delivered. Said tax shall be charged and collected on all 2 liquor brought into the state and taxed by the department. 2 The retail selling price shall be computed by adding to the cost of said liquor the state markup as designated by the 4 5 department. Said 10% license tax shall be figured in the same manner as the state excise tax and shall be in addition 6 7 to said state excise tax. The department shall retain in a я separate account the amount of such 10% license tax so 9 received. Two-thirds-of-these-revenues-shail-be-distributed 10 to-the-counties-according-to-the-amount-of-liquor--purchased 11 in--eech--county---Bne-third--of--these--revenues--shall--be 12 retained--by--the--state. Ihirty EXCEPT--AS--PROVIDED---IN 13 14 shall be allocated to the counties ACCORDING TO THE AMOUNT 15 OF LIQUOR PURCHASED IN EACH COUNTY to be distributed to the 16 incorporated cities and towns, as provided in subsection 17 (2). EOUR. AND ONE-HALF PERCENT OF THESE REVENUES SHALL BE ALLOCATED TO THE COUNTIES ACCORDING TO THE AMOUNT OF LIQUOR 18 PURCHASED IN EACH COUNTY, AND THIS MONEY MAY BE USED FOR 19 20 COUNTY PURPOSES. The remaining revenues shall be deposited 21 in the earmarked revenue fund to the credit of the 22 department of institutions for the treatment. 23 rehabilitation, and prevention of alcoholism. Provided, 24 however, in the case of purchases of liquor by a retail

25 liquor licensee for use in his business, the department

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1	shall make such regulations as are necessary to apportion
2	that proportion of license tax so generated to the county
3	where the licensed establishment is located, for use as
4	provided in 16-1-405. The department shall pay quarterly to
5	each county treasurer the proportion of the license tax due
6	each county to be allocated to the incorporated cities and
7	towns of the county, and to the department of institutions
8	forthetreatmeaterebeatitetionsendpreventionof
9	alcohollas- Inc-county-may-retain-w2-ID-51-06-IHIS-MONETz
10	(2) The-county-treasurer -of-each-countysha ll retain
11	5 84ofsaidlicensetaxand-shally-within-30-days -after
12	receipt-thereofy-opportion-the-remaining-50%-thereof-tothe
13	treasurersofthe-incorporated-cities-and-towns-within-his
14	county s-said-apportionment-ta-ba -based-in-each-instance-upon
15	the-proportion-which-the-gross-sale-of-liquor-in-such
16	incorporatedcity-or-town-bears-to-the-gross-sale-of-liquor
17	in-all-of-the-incorporated-citics-and-towns-inhiscountyw
18	The license tax proceeds allocated to the county UNDER
19	SUBSECTION (1) FOR USE BY CITIES AND TORNS shall be
20	distributed by the county treasurer to the incorporated
21	cities and towns within 30 days of receipt from the
22	department. The distribution of funds to the cities and
23	towns shall be based on the proportion that the gross sale
24	of liquor in each city or town is to the gross sale of
25	liquer in all of the cities and towns of the county.

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1	(3) df-the-90%-of-thu-tax-retained-by-the-countrythe
2	countytressurershall-deposit-six-sevenths-of-this-omount
3	inofundwithinthecountyforthetreatmentv
4	rehab litetionyand-prevention-of-alcoholi sm-as-approved-by
5	the-state-of-MontonaTheremainingone-seventhofthe
6	fundsshallberetained-in-the-county-treasury-for-use-by
7	thet-county. Ibe license tax proceeds that are allocated to
8	the department of iostitutions for the treatment.
9	rehabilitation: and prevention of alcoholism shall be
10	credited quarterly to the department of institutions. Fen
11	percent_of_theproceedssllocetedtothedepartmentof
12	institutionsshallbe_usedfor_the_odministration_of_the
13	alcobol_and_drug_abwae_divisionofthedepartmentxThe
14	remoining-proceeds INE-License-Tax-Proceeds-Allocated-In-INE
15	<u>BEPARTMENTMAY_NGT_BE_USED_EBR_THE_EBSTS_BE_ABMINISTRATION</u>
16	ABMINISTRATIVE-ERSTS-DE-THE-ALEGNOL-AND-BRUG-ABUSEDIVISION
17	<u>QF==THE==QEPARTNENT=HUST=BE=PAID=FROM=APPROPRIATIONS=MADE=DY</u>
18	<u>ŦĦĔĊĿĔĠŦŎĿġŦ₩ŖĔĊĔŨŖĊŦŀġŦĊ₽₩Ŗ₽ŎŎĔĊĔŖŎŇĊŦĦĔĊĔġŖŇġŖĸĔŖĊĿŖĔŸĔŇŬĔ</u>
19	ENNOT THE MANEY THE LEGISLATURE MAY APPROPRIATE A PORTION OF
20	THE LICENSE TAX PROCEEDS TO SUPPORT ALCOHOL PROGRAMS THE
21	REMAINDER shall be distributed torrtherscountiemrificathe
22	following_assocre AS_PROVIDED_IN_53-24-206-
23	tatfighty_five_percentabeli_be_allocated_according
24	to the propertion of each county a population to the state's

pepulation__according__to__the__meath_recent__Waited==States

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1	<u>C603031</u>
2	therefifteen a centratellareallocated according to
3	the-proportion
4	10210
5	t4}Theone-thirdofthelicensetaxonliquor
6	retainedbythestateshallbe-deposited-with-the-state
7	treesurer-to-the-credit-of-thedepartmentofinstitutions
8	eachquarterforthetreatmentyrehabilitationyand
9	prevention-of-alcoholism-as-approved-by-the-states
10	<u> </u>
11	<u>LIGENSEIAXIS-ALLOGATEB-CACH_YEAR_T0_THE_BEPARTHENT_T0_BE</u>
12	<u>BISTRIBUTEDASPROVIDEDFORINESEETION 11 123vTHE</u>
13	<u>ALLOGATIONTOTHE_DEPARTMENT_UNDER_THIS_SECTION_SUBSECTION</u>
14	must-be-made-before-the-license-tax-revenues-are-distributed
15	to-the-counties-and-the-state-as-provided-in-subsection-(1)+
16	±5 <u>}AEBUNTYHAYRETAINUPIB5</u> }UEIHEHBNEY
17	<u>ALLOGATED_IG_II_UNDER_SUBSECTION_t3t=</u>
18	Section-9#Section16-1-408y-MCky-is-amended-to-read+
19	■16-1-408eAdditional-taxe <u>#11</u> An-additional-tax-of-si
20	per-barrel-is-levied-and-imposed-asprovidedbylo-l-486v
21	andsuch-additional-tax-is-also-to-be-levied-and-imposed-at
22	the-same-rate-upon-beer-manufactured-within-thestatesThe
23	additionaltaxof\$1is-to-be-depositedy-notwithstanding
24	16-1-306-and-16-1-410-or-any-other-provisiony-with-the-state
25	treasurer-to-the-credit-of-thedepartmentofinstitutions

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1	eachquarterforthctreatmentyrehebilitationyand
2	prevention-of-alcoholism-as-approved-by-the-statew
3	<u>fft==fbe==proceeda==of==tbe==additionat==tax==shall==be</u>
4	allocated_tpthe_counties_on_the_same_basis_ps_the_license
5	tex-proceeds-provided-for-in-faublection-f31-of-section-03x=
6	<u>NEW_SEETION</u>
7	required=Revenue-generated-from-16-1-404-and-16-1-408-and
8	any-othes-revenue-that-is-allocated-to-the-countles-forthe
9	purposeoftreatmentyrehabilitationyandprevention-of
10	olcoholism-shall-be-contracted-for-services-by-thecounties
11	to-state-approved-alcoholism-programsw-The-contracts-will-be
12	developedjointlybythecounties_ and-the-department-of
13	institutions=-The-deportment-of-institutionsshollmonitor
14	endgivefinalapprovalto-contracts-based-on-compliance
15	with-department-standardsy-odministrative-rulesyandstate
16	taxe
17	SECTION 8. SECTION 53-24-208. MCA. IS AMENDED TO READ:
18	#53-24-208. Facility standards. (1) The department
19	shall establish standards for approved treatment facilities
20	that must be met for a treatment facility to be approved as
21	a public or private treatment facility and fix the fees to
22	be charged for the required inspections. The standards may
23	concern only the health standards to be met and standards of
24	treatment to be afforded patients.
25	121 Eacilities applying for approval must demonstrate

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a local need currently exists for proposed services and that
 the proposed services do not duplicate existing local
 services.

4 (2)(3) The department shall periodically inspect
5 approved public and private treatment facilities at
6 reasonable times and in a reasonable manner.

7 (3)(4) The department shall maintain a list of 8 approved public and private treatment facilities.

9 (4)(5) Each approved public and private treatment 10 facility shall, on request, file with the department data. 11 statistics, schedules, and information the department 12 reasonably requires. An approved public or private treatment 13 facility that without good cause fails to furnish any data. 14 statistics, schedules, or information as requested or files 15 fraudulent returns thereof shall be removed from the list of 16 approved treatment facilities.

17 <u>(57)(6)</u> The department, after holding a hearing in 18 accordance with the Montana Administrative Procedure Act, 19 may suspend, revoke, limit, or restrict an approval or 20 refuse to grant an approval for failure to meet its 21 standards.

this section, review any denial, restriction, or revocation
of approval, and grant other relief required to enforce its
provisions.

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1 ###JIB1 Upon petition of the department and after a 2 hearing held upon reasonable notice to the facility, a ъ district court may issue a warrant to the department . authorizing it to enter and inspect at reasonable times and 5 examine the books and accounts of any approved public or private treatment facility refusing to consent to inspection - 6 7 or examination by the department or which the department has 8 reasonable cause to believe is operating in violation of 9 this chapter.# 10 Section-12v--There-is-s-new-MGA-section-that-reads: 11 Tempererv--ofd--to--certein--county--programsy--+t--The 12 deportment-sholl-distribute-the-soney-ollocated-to-it--under 16-1-484f4j--ta-county-programs-that-show-an-income-decrease 13 14 from-1978-1979-levels-os-result-of-the-percentage--formula 15 In-faction-84 16 121--A--county--seeking--assistance--under-this-section 17 must-submit-a-requesty--approved--by--the--board--of--county 18 commissionersy-to-the-department-of-institutionsy 19 +3+--The---depertment---shell--establish--criteria--for 20 apportioning-the-money-among-the-countiest-howevery-no--more than--stoweoo-mov-be-dfstributed-to-any-onc-county-Poyments 21

- 22 of-sid-must-be-made-quarterly-to-the-county-
- 23 t41--A-program-located-in-a-county-with-a-population-of
- 24 28y888-or-more-may-not-receive-aid-under-this-sections
- 25 SECTION 9. THERE IS A NEW MCA SECTION THAT READS:

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County plan to be submitted to department. (1) By
 January 1, 1980, each county must submit to the department a
 comprehensive countywide plan for the treatment,
 rehabilitation, and prevention of alcoholism.

5 (2) The plan must have been approved by the board of 6 county commissioners and must contain information regarding 7 existing nonprofit and local government programs within the 8 county. The plan must also contain information regarding the 9 current and future needs of the county for the treatment, 10 rehabilitation, and prevention of alcoholism.

11 (3) The department shall approve or disapprove the 12 countywide plan. If the department disapproves a plan, the 13 county may submit another plan to the department. IN 14 <u>DISTRIBUTING_FUNDS_TO_APPROVED_PROGRAMS_IN_A_COUNTY_THE</u> 15 <u>DEPARTMENT_SHALL_GIVE_CONSIDERATION_TO_THE_COUNTY_PLAN.</u>

16 (4) (a) After December 31, 1979, no money may be
17 distributed to a county by the department for the treatment,
18 rehabilitation, and prevention of alcoholism if the county
19 has not submitted a plan as required by subsection (1).

(b) After June 30, 1980, no money may be distributed
to a county by the department for the treatment,
rehabilitation, and prevention of alcoholism if a county
plan has not been approved by the department.

(5) The department may adopt rules regarding thesubmission, approval, and disapproval of plans.

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1 SECTION 10. REPEALER. SECTION 53-24-203. MCA. IS

2 REPEALED.

-End-

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HOUSE BILL NO. 844 1 INTRODUCED BY MEYER z 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE 4 LAWS RELATING TO ALCOHOLISH TREATHENT PROGRAMS AND THE 5 DISTRIBUTION OF REVENUES FROM THE LIQUOR LICENSE TAX 6 PROCEEDS; AMENDING SECTIONS 16-1-404, 16-1-408, 53-24-103, 7 53-24-104+ 53-24-108+ 53-24-203+ 53-24-204+ AND 53-24-206 8 53-24-2874 THROUGH 53-24-208. AND--53-24-3034 MCA: AND 9 REPEALING SECTION 53-24-203. HCA.* 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 53-24-103; MCA, is amended to read: 13 #53-24-103. Definitions. For purposes of this chapter. 14 the following definitions apply: 15 (1) "Alcoholic" means a person who hobitually-locks 16 self-control-as-to-the-use-of-alcoholic--beverages--or--uses 17 alcoholic--beverages--to--the--extent--that--his--health--is 18 substant+ally--impaired-or--endangered-or--his--social--or 19 economic--function-is-substantially-disruptedy HAS_A_CHRONIC 20 ILLNESS OR DISORDER OF BEHAVIOR CHARACTERIZED BY REPEATED 21 DRINKING OF ALCOHOLIC BEVERAGES ID THE EXTENT THAT IT 22 ENDANGERS THE HEALTH. INTERPERSONAL RELATIONSHIPS. OR 23 ECONOMIC EUNCTION OF THE INDIVIDUAL OR PUBLIC HEALTH: 24 WELFARE. OR SAFETY. 25

1	(2) "Approved private <u>PRIVATE</u> treatment facility"
2	means a private <u>PRIVATE nonprofit</u> <u>BRLOEALGOVERNMENT</u>
3	agency <u>s_receiving_public_funds_(whose</u> sole_function_is_the
4	treatment: rebabilitation: and prevention of alcoholism and
5	<u>drug_dependence)</u> meeting the standards prescribed in
6	53-24-208(1) and approved under 53-24-208.
7	(3) "Approved public treatment facility" means;
8	(A) a treatment agency operating under the direction
9	and control of the department o r providing "treatment" under
10	thischapterthroughacontract-with-the-deportment <u>as a</u>
11	<u>state_agency</u> and app roved under 53-24-208<u>+: OR</u>
12	18) A TREATMENT AGENCY DPERATING UNDER THE DIRECTION
13	AND CONTROL OF A LOCAL GOVERNMENT AND APPROVED UNDER
14	53-24-208a
15	{4} "Department" means the department of institutions
16	provided for in 2-15-2301.
17	(5) "Family nember" is the spouse, mother, father,
18	child, or member of the household of an alcoholic whose life
19	has been affected by the actions of the alcoholic and may
20	require treatment.
21	<pre>(6) "Incapacitated by alcohol" means that a person, as</pre>
22	a result of the use of alcohol, is unconscious or has his
23	judgment otherwise so impaired that he is incapable of
24	realizing and making a rational decision with respect to his
25	need for treatment.
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Corrected pages To insert in Original Ref. Copy.

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(7) "Incompetent person" means a person who has been
 adjudged incompetent by the district court.

3 (8) "Intoxicated person" means a person whose mental
4 or physical functioning is substantially impaired as a
5 result of the use of alcohol.

6 (9) "Prevention" has meaning on four levels; these7 are:

8 (a) education to provide information to the school 9 children and general public relating to alcohol dependence 10 and alcoholism, treatment, and rehabilitative services and 11 to reduce the consequences of life experiences acquired by 12 contact with an alcoholic;

(b) early detection and recovery from the illness
before lasting emotional or physical damage, or both, have
occurred;

16 (c) if lasting emotional or physical damage, or both,
17 have occurred, to arrest the Hiness before full disability
18 has been reached;

19 (d) the provision of facility requirements to meet
20 division program standards and improve public accessibility
21 for services.

22 (10) "Treatment" means the broad range of emergency.
23 outpatient. intermediate, and inpatient services and care.
24 including diagnostic evaluation, medical, psychiatric.
25 psychological, and social service care, vocational

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rehabilitation, and career counseling, which may be extended 1 2 to alcoholics. Intoxicated persons. and family members." ъ Section-Pa--Section-53-24-lA4-HEA--is-amended-to-reads #53-24-284e--Beposit-of-funds-from-federal-or--private 4 sources--with--state--treasurery---Funds--svailable--to--the 5 department-from--federal--or--private--sources--for--use--in 6 7 control-programs-shall-be-deposited-with-the-state-treasurer 8 to-the-account-of-the-department-in-the-federal-and--private 9 revenue-funde Funds-received-by-the-department-under-this 10 section-shell-bc-ollocated-to-the-counties-on-the-some-basis 11 as liquor and been tex revenue when not in conflict with 12 federal-er-private-lows-or-federal-regulationas" 13 Section 2. Section 53-24-108, MCA, is amended to read: 14 #53-24-108. Utilization of funds generated by taxation 15 16 on a)coholic beverages. (1) Revenue generated by 16-1-404. 16-1-406. and 14-1-408 for to state approved programs_whose 17 sele function is the treatment, rehabilitation, and 18 prevention of alcoholism may be distributed in either of the 19 20 following manners: (a) as payment of fees for alcoholism services 21 provided by state-approved alcoholism programsy-certified 22 atcohattap-counsatorsy--ticensed--physiciansy--and--tteensed 23 hospitals, CERTIFIED ALCONOLISM COUNSELDRS, LICENSED 24

25 PHYSICIANS, AND LICENSED HOSPITALS: and

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1	ESTABLISHING AND CONDUCTING PROGRAMS TO PROVIDE TREATMENT
2	FOR ALCOHOLICS AND INTOXICATED PERSONS IN OR DN PAROLE FROM
3	PENAL INSTITUTIONS."
4	SECTION 4. SECTION 53-24-206. MCA. IS AMENDED TO READ:
5	#53-24-206. Receipt <u>Administration</u> of financial
6	assistance authorized. (1) The department may apply for and
7	receive grants, allotments, or allocations of funds or other
8	assistance for purposes pertaining to the problems of
9	alcohol and drug dependence or related social problems under
10	laws and rules of the United States, any other state, or any
11	private organization.
12	(2) The department may cooperate with any other.
13	government agency or private organization in programs on
14	alcohol and drug dependence <u>or</u> related social problems. In
15	carrying out cooperative programs, the department may make
16	grants of financial assistance to government agencies and
17	private organizations under terms and conditions agreed
13	upon•
19	<u>[3] [a] In administering proceeds derived from the</u>
20	liquor license tax or the beer license taxe the department
21	shall
22	<u>legislature. Honey that is appropriated for distribution to</u>
23	approved programs on a discretionary basis shall be
24	<u>distributed to those programs that can demonstrate that:</u>
25	(i) the program is achieving the goals and objectives

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1 mutually _acreed upon by the program and the departments and 2 (ii) the receipt of additional funds would be з justified. 4 (b) The remainder of the proceeds shall be distributed 5 to the counties for use by approved programs in the following manner: 7 (i) Eighty-five percent shall be allocated according to the proportion of each county's population to the state's 8 population according to the most recent United States 9 10 census. 11 (iii) Fifteen percent shall be allocated according to the proportion of the county's land area to the state's land 12 13 area. 14 (c) Money distributed under subsection (3) may only be 15 used for purposes pertaining to the problems of alcoholism or related social problems. 16 Section 5. Section 53-24-207. MCA. is amended to read: 17 18 *53-24-207. Comprehensive program for treatment. (1) 19 The department shall establish a comprehensive and 20 coordinated program for the treatment of alcoholics. 21 intoxicated persons, and family members. (2) The program shall include: 22 23 (a) emergency treatment provided by a facility 24 affiliated with or part of the medical service of a general 25 hospital;

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1	(b) inpatient treatment;
2	(c) intersediate treatment; end
3	(d) outpatient and follow-up treatments; and
4	(e)_follow-upservices for the purpose of determining
5	whether additional treatment is needed.
6	<u> 131 Irealacot terricesforfoollymemberspf</u>
7	sicoholicaare
8	detoxification-services-ond-services-for-thetreatmentond
9	rehebilitetien-sf-micobolicse
10	(3)151[3] The department shall provide for adequate
11	and appropriate treatment for alcoholics and intoxicated
12	persons admitted under 53-24-301 through 53-24-304.
13	Treatment-may-not-be-provided-at-a-correctionalinstitution
14	except-for-inmotes.
15	(4)(5)(4) All appropriate public and private resources
16	shall be coordinated with and utilized in the program if
17	possible.
18	(5)(6)(5) The department shall prepare, publish, and
19	distribute annually a list of all approved public and
20	private treatment facilities."
21	5ection-ToSection-53-24-303y-HExy-to-amended-to-reado
22	# 53-24-303u Frantmentandservice sfor intoxicated
23	personsandpersonsincapecitatedbyeicohois(l)An
24	intoxicated personmaycomevoluntarilytoenapproved
25	publictreatmont-facility-for-emergency-treatments-A-person
	-15- HB 844

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1	who-appears-to-be-intoxicated-in-a-public-place-and-to-be-in
2	need-of-helpy-if-he-consents-to-the-proffered-helpymaybe
3	ass isted-to-his-homey-an-approved-public-treatment-facilityv
4	anapprovedprivatetreatmentfacilityyor-other-health
5	facility-by-the-polices
6	(2)Apersonwho appearst e beincapecitated by
7	olcohol-shall-be-taken-into-protective-custody-by-the-police
8	andforthwithbroughttoanapprovedpublictreatment
9	facility-for-avergencytreatmentyIfnoapprovedpublic
10	treatmentfacilityis-readily-availabley-he-shall-be-taken
11	toanemergencymedicalservicecustomarilyusedfor
12	incepacitated personsur-The-policey-in-detaining-the-person
13	ond-in-taking-him-to-ah-approved-public-treatmentfacilityy
14	aretaking-him into-protective-custody-and-shail-make-every
15	reasonable-offort-toprotecthishealthandsafetysin
16	toking-the-person-into-protective-custodys-the-detaining
17	officer-may-take-reasonable-stepsteprotecthimselfeNo
18	entryorotherrecordmaybemade-to-indicate-thet-the
19	person-tokenintocustodyundorthissectionhasbeen
20	orrested or charged with a crimbe
21	t3;x-person-who-eswas-voluntarily-or-is-brought-to-cn
22	opprovedpublic-treatment-fatility-shall may be examined by
23	a-itcensed-physicion-as-soon-as-possiblesnemaythenbe
24	edsittedBsBpatiantorreferredtoanotherhesith
25	facility-The-referring-approved-publictreatmentfacility

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SENATE STANDING COMMITTEE REPORT (Finance and Claims)

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• That House Bill No. 844, third reading bill, be anonded as follows: 1. Title, line 7. Strike: "16-1-408," ٠ * 2. Title, line 8. Following: line 7 Strike: "53-24-104," Following: "53-24-204," . Strike: "53-24-207," Insert: "AND 53-24-206 THROUGH" . 3. Title, line 9. Strike: ", AND 53-24-303" * * ٠ 4. Page 1, line 25. Following: "private" ٠ Insert: "private" 5. Page 2, line 1. · • Following: "private" ٠ Insert: "private" Following: "nonprofit" 2 p. Strike: "OR LOCAL GOVERNMENT" 6. Page 2, line 2. ¥ Strike: "sole" × 🕨 . 7. Page 2, line 6. Following: "means" . Insert: ": (a)" 8. Page 2, line 10. 11 Following: "53-24-208" Insert: "; or ٠ (b) a treatment agency operating under the direction and control ٠ of a local government and approved under 53-24-208" 9. Page 3, line 24 through line 9, page 4. · • Strike: section 2 in its entirety ٠ Renumber: subsequent subsections ۲ 10. Page 4, line 14. Strike: "sole" ·•• > 11. Page 4, line 20.
Following: "hospitals"
Insert: ", certified alcoholism counselors, licensed physicians, and licensed hospitals" 12. Page 7, line 25 through line 2, page 8. · • Following: "programs" Strike: remainder of line 7 through "services" on line 2, page 8 in their entirety

Page 2 April 17, 1979 House Bill No. 844 13. Page 9, lines 10 and 11. Following: "the" "allocation for distribution as provided for in 16-1-404" Strike: Insert: "provisions of 53-24-206" 14. Page 11, line 22. Following: "(2)" "To carry out this chapter, the" Strike: "The" Insert: 15. Page 12, line 6. Following: "provisions of" Strike: "16-1-404" "53-24-206" Insert: 16. Page 12. Following: line 13 Insert: "Section 5. Section 53-24-206, MCA, is amended to read: "53-24-206. Receipt Administration of financial assistance authorized. (1) The department may apply for and receive grants, allotments, or allocations of funds or other assistance for purposes pertaining to the problems of alcohol and drug dependence or related social problems under laws and rules of the United States, any other state, or any private organization. (2) The department may cooperate with any other government agency or private organization in programs on alcohol and drug dependence or related social problems. In carrying out cooperative programs, the department may make grants of financial assistance to government agencies and private organizations under terms and conditions agreed upon. In administering proceeds derived from the liquor (3) (a) license tax or the beer license tax, the department shall distribute those funds appropriated by the legislature. Money that is appropriated for distribution to approved programs on a discretionary basis shall be distributed to those programs that can demonstrate that: (i) the program is achieving the goals and objectives mutually agreed upon by the program and the department; and (ii) the receipt of additional funds would be justified. The remainder of the proceeds shall be distributed to тьт the counties for use by approved programs in the following manner: (i) Eighty-five percent shall be allocated according to the proportion of each county's population to the state's population according to the most recent United States census. (ii) Fifteen percent shall be allocated according to the proportion of the county's land area to the state's land area. (c) Money distributed under subsection (3) may only be used for purposes pertaining to the problems of alcoholism or related social problems. Renumber: subsequent section 17. Page 13, lines 1 and 2. Strike: "for the purpose of determining whether additional treatment is needed"

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Page 3
   House Bill No. 844
-, April 17, 1979
    18. Page 13, lines 3 through 6.
    Strike: subsection (3) in its entirety
    Renumber: subsequent subsections
    19. Page 13, line 18 through line 17, page 15.
    Strike: section 7 in its entirety
 ٠
    Renumber: subsequent sections
    20. Page 16, lines 11 and 12.
    Following: "Thirty"
    Strike: "EXCEPT AS PROVIDED IN SUBSECTION (4), THIRTY"
    Insert: "Thirty"
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    21. Page 16, line 13.
    Following: "counties"
    Insert: "according to the amount of liquor purchased in each
- 1
       county"
    22. Page 15, line 15.
    Following: "(2)."
    Insert: "Four and one-half percent of these revenues shall be
       allocated to the counties according to the amount of liquor
purchased in each county, and this money may be used for county
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       purposes."
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    23. Page 17, line 13.
    Following: "county"
    Insert: "under subsection (1) for use by cities and towns"
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    24. Page 18, lines 15 through 23.
    Following:
                "distributed"
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    Strike: remainder of line 15 through line 23 in their entirety
    Insert: "as provided in 53-24-206."
    25. Page 19, lines 4 through 11.
    Strike: subsection (4) and (5) in their entirety
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    26. Page 19, line 12 through line 10, page 20.
    Strike: sections 9 and 10 in their entirety
    Renumber: subsequent sections
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× *
    27. Page 22, lines 5 through 19.
    Strike: section 12 in its entirety
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    Renumber: subsequent section
    28. Page 23, line 8.
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    Following: "department."
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    Insert: "In distributing funds to approved programs in a county,
       the department shall give consideration to the county plan."
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SENATE COMMITTEE OF THE WHOLE

• That House Bill No. 844, third reading bill, be amended as follows: . 1. Title, line 8. Strike: "53-24-203," . 2. Title, line 9. Following: "MCA" Insert: "; AND REPEALING SECTION 53-24-203, MCA" 3. Page 6, line 15 through page 11, line 2. ٠ Strike: all material therein Renumber: subsequent sections ٠ 4. Page 12, line 13. Following: line 13 Insert: "(h) encourage planning for the greatest utilization of funds . . by discouraging duplication of services, encouraging efficiency of services through existing programs, and encouraging rural counties to form multicounty districts or contract with urban programs for service and (i) cooperate with the board of pardons in establishing and conducting programs to provide treatment for alcoholics and intoxicated persons in or on parole from penal institutions." ٠ 5. Page 12, line 11. Strike: "and" . . 6. Page 12, line 13.
Following: "counselors"
Strike: "." Insert: ";" ~ **y** 7. Page 23, line 18. Following: line 18 . Insert: "Section 10. THERE IS A NEW MCA SECTION THAT READS: Section 10. Repealer. Section 53-24-203, MCA, is repealed." . . ٠

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