HOUSE BILL NO. 588

INTRODUCED BY GOULD, CAMPBELL

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

| January 31, 1985 | Introduced and referred to Committee on Judiciary. |
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| February 13, 1985 | Committee recommend bill do pass. Report adopted. |
| | Bill printed and placed on members' desks. |
| February 16, 1985 | Second reading, do pass. |
| | Considered correctly engrossed. |
| February 18, 1985 | Third reading, passed. |
| | Transmitted to Senate. |
| IN S | THE SENATE |
| February 19, 1985 | Introduced and referred to Committee on Public Health, Welfare and Safety. |
| March 11, 1985 | Committee recommend bill be concurred in. Report adopted. |
| March 13, 1985 | Second reading, concurred in. |
| March 15, 1985 | Third reading, concurred in. Ayes, 48; Noes, 0. |
| | Returned to House. |

IN THE HOUSE

March 16, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 588

2 INTRODUCED BY COMPACE

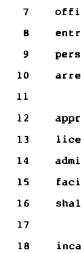
BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE REQUIREMENT THAT NEXT OF KIN MUST BE NOTIFIED WHEN A PATIENT IS ADMITTED TO AN ALCOHOLIC TREATMENT FACILITY; AMENDING SECTION 53-24-303, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-24-303, MCA, is amended to read:
"53-24-303. Treatment and services for intoxicated
persons and persons incapacitated by alcohol. (1) An
intoxicated person may come voluntarily to an approved
public treatment facility for emergency treatment. A person
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
assisted to his home, an approved public treatment facility,
an approved private treatment facility, or other health
facility by the police.

(2) A person who appears to be incapacitated by alcohol shall be taken into protective custody by the police and forthwith brought to an approved public treatment facility for emergency treatment. If no approved public treatment facility is readily available, he shall be taken



to an emergency medical service customarily used for incapacitated persons. The police, in detaining the person and in taking him to an approved public treatment facility, are taking him into protective custody and shall make every reasonable effort to protect his health and safety. In 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.

- (3) A person who comes voluntarily or is brought to an approved public treatment facility shall be examined by a licensed physician as 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.
- (4) A person who by medical examination is found to be incapacitated by alcohol at the time of his admission or to 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.

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- (6) If a patient is admitted to an approved public treatment facility, his family or next of kin shall may be notified as-promptly-as-possible.-If-an-adult if the patient who-is-not-incapacitated-requests-that-there-be-no consents to such notification;—his-request-shall-be-respected."
- NEW SECTION. Section 2. Extension of authority. Any existing authority of the department of institutions to make rules on the subject of the provisions of this act is extended to the provisions of this act.

APPROVED BY COMMITTEE ON JUDICIARY

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