

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.
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 THE SENATE

February 19, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 11, 1985	Committee recommend bill be concurrent 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.

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

6 (6) If a patient is admitted to an approved public
7 treatment facility, his family or next of kin shall may be
8 notified ~~as promptly as possible; if an adult~~ if the patient
9 ~~who is not incapacitated requests that there be no~~ consents
10 to such notification, ~~his request shall be respected."~~

11 NEW SECTION. Section 2. Extension of authority. Any
12 existing authority of the department of institutions to make
13 rules on the subject of the provisions of this act is
14 extended to the provisions of this act.

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 4

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

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 53-24-303, MCA, is amended to read:

12 "53-24-303. Treatment and services for intoxicated
 13 persons and persons incapacitated by alcohol. (1) An
 14 intoxicated person may come voluntarily to an approved
 15 public treatment facility for emergency treatment. A person
 16 who appears to be intoxicated in a public place and to be in
 17 need of help, if he consents to the proffered help, may be
 18 assisted to his home, an approved public treatment facility,
 19 an approved private treatment facility, or other health
 20 facility by the police.

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

1 to an emergency medical service customarily used for
 2 incapacitated persons. The police, in detaining the person
 3 and in taking him to an approved public treatment facility,
 4 are taking him into protective custody and shall make every
 5 reasonable effort to protect his health and safety. In
 6 taking the person into protective custody, the detaining
 7 officer may take reasonable steps to protect himself. No
 8 entry or other record may be made to indicate that the
 9 person taken into custody under this section has been
 10 arrested or charged with a crime.

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

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

REFERENCE BILL

HB 588



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