

provisions set forth in this act shall be operative and in effect only until and including December 31, 1973, at which time this act, in its entirety, shall expire without any further action by the legislature).

Passed the Senate February 11, 1972.

Passed the House February 21, 1972.

Approved by the Governor February 24, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 122

[Engrossed Substitute Senate Bill No. 29]

UNIFORM ALCOHOLISM AND INTOXICATION TREATMENT ACT

AN ACT Relating to public health; enacting the Uniform Alcoholism and Intoxication Treatment Act; amending section 1, page 85, Laws of 1875 as last amended by section 1, chapter 112, Laws of 1965 ex. sess. and RCW 9.87.010; amending section 3, chapter 111, Laws of 1967 ex. sess. as amended by section 7, chapter 304, Laws of 1971 ex. sess. and RCW 71.24.030; repealing section 1, chapter 85, Laws of 1959 and RCW 70.96.010; repealing section 2, chapter 85, Laws of 1959 and RCW 70.96.020; repealing section 3, chapter 85, Laws of 1959 and RCW 70.96.030; repealing section 4, chapter 85, Laws of 1959 and RCW 70.96.040; repealing section 5, chapter 85, Laws of 1959 and RCW 70.96.050; repealing section 6, chapter 85, Laws of 1959 and RCW 70.96.060; repealing section 7, chapter 85, Laws of 1959 and RCW 70.96.070; repealing section 8, chapter 85, Laws of 1959 and RCW 70.96.080; repealing section 9, chapter 85, Laws of 1959 and RCW 70.96.090; repealing section 10, chapter 85, Laws of 1959 and RCW 70.96.100; repealing section 11, chapter 85, Laws of 1959 and RCW 70.96.110; repealing section 12, chapter 85, Laws of 1959 and RCW 70.96.120; repealing section 13, chapter 85, Laws of 1959 and RCW 70.96.130; repealing section 14, chapter 85, Laws of 1959 and RCW 70.96.140; repealing section 16, chapter 85, Laws of 1959 and RCW 70.96.900; repealing section 71.08.010, chapter 25, Laws of 1959 and RCW 71.08.010; repealing section 71.08.020, chapter 25, Laws of 1959 and RCW 71.08.020; repealing section 71.08.030, chapter 25, Laws of 1959 and RCW 71.08.030; repealing section 71.08.040, chapter 25, Laws of 1959 and RCW 71.08.040; repealing section 71.08.050, chapter 25, Laws of 1959 and RCW 71.08.050; repealing section 71.08.060, chapter 25, Laws of 1959 and RCW 71.08.060;

repealing section 71.08.070, chapter 25, Laws of 1959 and RCW 71.08.070; repealing section 71.08.080, chapter 25, Laws of 1959 and RCW 71.08.080; repealing section 71.08.090, chapter 25, Laws of 1959 and RCW 71.08.090; repealing section 1, chapter 23, Laws of 1909 ex. sess. RCW 9.68.040; adding a new chapter to Title 70 RCW; and prescribing an effective date.

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

NEW SECTION. Section 1. DECLARATION OF POLICY. It is the policy of this state that alcoholics and intoxicated persons may not be subjected to criminal prosecution solely because of their consumption of alcoholic beverages but rather should be afforded a continuum of treatment in order that they may lead normal lives as productive members of society.

NEW SECTION. Sec. 2. DEFINITIONS. For the purposes of this act the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Alcoholic" means a person who habitually lacks self-control as to the use of alcoholic beverages, or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted;

(2) "Approved treatment facility" means a treatment agency operating under the direction and control of the department of social and health services or providing treatment under this act through a contract with the department under section 8(6) of this act and meeting the standards prescribed in section 9(1) and approved under section 9(3) of this act;

(3) "Secretary" means the secretary of the department of social and health services;

(4) "Department" means the department of social and health services;

(5) "Director" means the director of the division of alcoholism;

(6) "Emergency service patrol" means a patrol established under section 17 of this act;

(7) "Incapacitated by alcohol" means that a person, as a result of the use of alcohol, has his judgment so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment and constitutes a danger to himself, to any other person, or to property;

(8) "Incompetent person" means a person who has been adjudged incompetent by the superior court;

(9) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol;

(10) "Treatment" means the broad range of emergency, outpatient, intermediate, and inpatient and emergency services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics, persons incapacitated by alcohol, and intoxicated persons.

NEW SECTION. Sec. 3. ALCOHOLISM PROGRAM. A discrete program of alcoholism is established within the department of social and health services, to be administered by a qualified person who has training and experience in handling alcoholism problems or the organization or administration of treatment services for persons suffering from alcoholism problems.

NEW SECTION. Sec. 4. PROGRAM AUTHORITY. The department, in the operation of the alcoholism program may:

(1) Plan, establish, and maintain treatment programs as necessary or desirable;

(2) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including contracts with public and private agencies, organizations, and individuals to pay them for services rendered or furnished to alcoholics, persons incapacitated by alcohol, or intoxicated persons;

(3) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(4) Administer or supervise the administration of the provisions relating to alcoholics and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation;

(5) Coordinate its activities and cooperate with alcoholism programs in this and other states, and make contracts and other joint or cooperative arrangements with state, local, or private agencies in this and other states for the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons and for the common advancement of alcoholism programs;

(6) Keep records and engage in research and the gathering of relevant statistics;

(7) Do other acts and things necessary or convenient to execute the authority expressly granted to it; and

(8) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide treatment facilities for alcoholics, persons incapacitated by alcohol, and intoxicated persons.

NEW SECTION. Sec. 5. DUTIES OF DEPARTMENT. The department shall:

(1) Develop, encourage, and foster state-wide, regional, and local plans and programs for the prevention of alcoholism and treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons in cooperation with public and private agencies, organizations, and individuals and provide technical assistance and consultation services for these purposes;

(2) Coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in prevention of alcoholism and treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons;

(3) Cooperate with public and private agencies in establishing and conducting programs to provide treatment for alcoholics, persons incapacitated by alcohol, and intoxicated persons who are clients of the correctional system.

(4) Cooperate with the superintendent of public instruction, state board of education, schools, police departments, courts, and other public and private agencies, organizations and individuals in establishing programs for the prevention of alcoholism and treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons, and preparing curriculum materials thereon for use at all levels of school education;

(5) Prepare, publish, evaluate, and disseminate educational material dealing with the nature and effects of alcohol;

(6) Develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons, which program shall include the dissemination of information concerning the nature and effects of alcohol;

(7) Organize and foster training programs for persons engaged in treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons;

(8) Sponsor and encourage research into the causes and nature of alcoholism and treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons, and serve as a clearing house for information relating to alcoholism;

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

(10) Advise the governor in the preparation of a comprehensive plan for treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons for inclusion in the state's comprehensive

health plan;

(11) Review all state health, welfare, and treatment plans to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to alcoholism, persons incapacitated by alcohol, and intoxicated persons;

(12) Assist in the development of, and cooperate with, alcohol education and treatment programs for employees of state and local governments and businesses and industries in the state;

(13) Utilize the support and assistance of interested persons in the community to encourage alcoholics voluntarily to undergo treatment;

(14) Cooperate with public and private agencies in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while intoxicated;

(15) Encourage general hospitals and other appropriate health facilities to admit without discrimination alcoholics, persons incapacitated by alcohol, and intoxicated persons and to provide them with adequate and appropriate treatment; and

(16) Encourage all health and disability insurance programs to include alcoholism as a covered illness.

NEW SECTION. Sec. 6. INTERDEPARTMENTAL COORDINATING COMMITTEE. (1) An interdepartmental coordinating committee is established, composed of the superintendent of public instruction or his designee, the director of the department of motor vehicles or his designee, the executive secretary of the Washington state law enforcement training commission or his designee, and one or more designees (not to exceed three) of the secretary of the department of social and health services. The committee shall meet at least twice annually at the call of the secretary, or his designee, who shall be its chairman. The committee shall provide for the coordination of, and exchange of information on, all programs relating to alcoholism, and shall act as a permanent liaison among the departments engaged in activities affecting alcoholics, persons incapacitated by alcohol, and intoxicated persons. The committee shall assist the secretary and director in formulating a comprehensive plan for prevention of alcoholism and for treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons.

(2) In exercising its coordinating functions, the committee shall assure that:

(a) The appropriate state agencies provide or assure all necessary medical, social, treatment, and educational services for alcoholics, persons incapacitated by alcohol, and intoxicated persons and for the prevention of alcoholism, without unnecessary duplication of services;

(b) The several state agencies cooperate in the use of facilities and in the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons; and

(c) All state agencies adopt approaches to the prevention of alcoholism and the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons consistent with the policy of this act.

NEW SECTION. Sec. 7. CITIZENS ADVISORY COUNCIL. Pursuant to the provisions of RCW 43.20A.360, there shall be a citizens advisory council, concerned with alcoholism problems, to advise the department, whose members shall be appointed by the secretary.

NEW SECTION. Sec. 8. COMPREHENSIVE PROGRAM FOR TREATMENT; REGIONAL FACILITIES. (1) The department shall establish by all appropriate means, including contracting for services, a comprehensive and coordinated program for the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons.

(2) The program shall include, but not necessarily be limited to:

(a) Emergency treatment provided by a facility affiliated with or part of the medical service of a general hospital or licensed medical institution:

(b) Inpatient treatment;

(c) Intermediate treatment; and

(d) Outpatient and follow-up treatment.

(3) The department shall provide for adequate and appropriate treatment for alcoholics, persons incapacitated by alcohol, and intoxicated persons admitted under sections 11 through 14 of this act. Treatment may not be provided at a jail or prison except for inmates.

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

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

(6) The department may contract for the use of any facility as an approved public treatment facility if the secretary, subject to the policies of the department, considers this to be an effective and economical course to follow.

NEW SECTION. Sec. 9. STANDARDS FOR PUBLIC AND PRIVATE TREATMENT FACILITIES; ENFORCEMENT PROCEDURES; PENALTIES. (1) The department shall establish standards for approved treatment facilities that must be met for a treatment facility to be approved as a public or private treatment facility, and fix the fees to be charged by the department for the required inspections. The

standards may concern the health standards to be met and standards of services and treatment to be afforded patients.

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

(3) The department shall maintain a list of approved public and private treatment facilities at reasonable times and in a reasonable manner.

(4) Each approved public and private treatment facility shall file with the department on request, data, 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, may be removed from the list of approved treatment facilities, and its approval revoked or suspended.

(5) The division, after holding a hearing, may suspend, revoke, limit, or restrict an approval, or without hearing, refuse to grant an approval, for failure to meet the provisions of this act, or the standards established thereunder.

(6) The superior court may restrain any violation of this section, review any denial, restriction, or revocation of approval, and grant other relief required to enforce its provisions.

(7) Upon petition of the department and after a hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him to enter and inspect at reasonable times, and examine the books and accounts of, any approved public or private treatment facility refusing to consent to inspection or examination by the department or which the department has reasonable cause to believe is operating in violation of this act.

NEW SECTION. Sec. 10. ACCEPTANCE FOR TREATMENT; RULES. The secretary shall adopt and may amend and repeal rules for acceptance of persons into the treatment program, considering available treatment resources and facilities, for the purpose of early and effective treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons. In establishing the rules, the secretary shall be guided by the following standards:

(1) If possible a patient shall be treated on a voluntary rather than an involuntary basis.

(2) A patient shall be initially assigned or transferred to outpatient or intermediate treatment, unless he is found to require inpatient treatment.

(3) A person shall not be denied treatment solely because he has withdrawn from treatment against medical advice on a prior occasion or because he has relapsed after earlier treatment.

(4) An individualized treatment plan shall be prepared and maintained on a current basis for each patient.

(5) Provision shall be made for a continuum of coordinated treatment services, so that a person who leaves a facility or a form of treatment will have available and utilize other appropriate treatment.

NEW SECTION. Sec. 11. VOLUNTARY TREATMENT OF ALCOHOLICS.

(1) An alcoholic may apply for voluntary treatment directly to an approved treatment facility. If the proposed patient is a minor or an incompetent person, he, a parent, a legal guardian, or other legal representative may make the application.

(2) Subject to rules adopted by the secretary, the administrator in charge of an approved treatment facility may determine who shall be admitted for treatment. If a person is refused admission to an approved treatment facility, the administrator, subject to rules adopted by the secretary, shall refer the person to another approved treatment facility for treatment if possible and appropriate.

(3) If a patient receiving inpatient care leaves an approved treatment facility, he shall be encouraged to consent to appropriate outpatient or intermediate treatment. If it appears to the administrator in charge of the treatment facility that the patient is an alcoholic who requires help, the department may arrange for assistance in obtaining supportive services and residential facilities.

(4) If a patient leaves an approved public treatment facility, with or against the advice of the administrator in charge of the facility, the department may make reasonable provisions for his transportation to another facility or to his home. If he has no home he should be assisted in obtaining shelter. If he is less than fourteen years of age or an incompetent person the request for discharge from an inpatient facility shall be made by a parent, legal guardian, or other legal representative or by the minor or incompetent if he was the original applicant.

NEW SECTION. Sec. 12. TREATMENT AND SERVICES FOR INTOXICATED PERSONS AND PERSONS INCAPACITATED BY ALCOHOL. (1) An intoxicated person may come voluntarily to an approved 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 treatment facility or other health facility.

(2) Except for a person who may be apprehended for possible violation of laws relating to driving or being in physical control of a vehicle while intoxicated and except for a person who may wish to avail himself of the provisions of RCW 46.20.308, a person who



appears to be incapacitated by alcohol shall be taken into protective custody by the police or the emergency service patrol and forthwith brought to an approved treatment facility for emergency treatment. If no approved treatment facility is readily available he shall be taken to an emergency medical service customarily used for incapacitated persons. The police or the emergency service patrol, in detaining the person and in taking him to an approved treatment facility, is 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 or member of an emergency patrol may take reasonable steps including reasonable force if necessary to protect himself. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(3) A person who comes voluntarily or is brought to an approved treatment facility shall be examined by a qualified person under the supervision of a licensed physician as soon as possible. He may then be admitted as a patient or referred to another health facility. The referring approved 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 (a) once he is no longer incapacitated by alcohol, and (b) if he remains incapacitated by alcohol for more than forty-eight hours after admission as a patient, unless he is committed under section 13 of this act. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

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

(6) If a patient is admitted to an approved 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.

(7) The police or members of the emergency service, who in good faith act in compliance with this act are performing in the course of their official duty and are not criminally or civilly liable therefor.

(8) If the person in charge of the approved treatment facility determines it is for the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary

treatment.

NEW SECTION. Sec. 13. EMERGENCY COMMITMENT. (1) An intoxicated person who (a) has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed, or (b) is incapacitated by alcohol, may be committed to an approved treatment facility for emergency treatment. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment.

(2) The certifying physician, spouse, guardian, or relative of the person to be committed, or any other responsible person, may make a written application for commitment under this section, directed to the administrator of the approved treatment facility. The application shall state facts to support the need for emergency treatment and be accompanied by a physician's certificate stating that he has examined the person sought to be committed within two days before the certificate's date and facts supporting the need for emergency treatment. A physician employed by the admitting facility or the department is not eligible to be the certifying physician.

(3) Upon approval of the application by the administrator in charge of the facility, the person shall be brought to the facility by a peace officer, health officer, emergency service patrol, the applicant for commitment, the patient's spouse, the patient's guardian, or any other interested person. The person shall be retained at the facility to which he was admitted, or transferred to another appropriate public or private treatment facility, until discharged under subsection (5) of this section.

(4) The administrator in charge of an approved treatment facility shall refuse an application if in his opinion the application and certificate fail to sustain the grounds for commitment.

(5) When on the advice of the medical staff the administrator determines that the grounds for commitment no longer exist, he shall discharge a person committed under this section. No person committed under this section may be detained in any treatment facility for more than five days. If a petition for involuntary commitment under section 14 of this act has been filed within the five days and the administrator in charge of an approved treatment facility finds that grounds for emergency commitment still exist, he may detain the person until the petition has been heard and determined, but no longer than ten days after filing the petition.

(6) A copy of the written application for commitment and of the physician's certificate, and a written explanation of the person's right to counsel, shall be given to the person within twenty-four hours after commitment by the administrator, who shall provide a reasonable opportunity for the person to consult counsel.

NEW SECTION. Sec. 14. INVOLUNTARY COMMITMENT OF ALCOHOLICS.

(1) A person may be committed for treatment in an approved treatment facility by the superior court or district court upon the petition of his spouse or guardian, a relative, the certifying physician, or the administrator in charge of any approved treatment facility. The petition shall allege that the person is an alcoholic who habitually lacks self-control as to the use of alcoholic beverages and that he is incapacitated by alcohol. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within two days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the physician's findings in support of the allegations of the petition. A physician employed by the admitting facility or the department is not eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than five and no more than ten days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served on the petitioner, the person whose commitment is sought, his next of kin other than the petitioner, a parent or his legal guardian if he is a minor, the administrator in charge of the approved treatment facility to which he has been committed for emergency care, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony of at least one licensed physician who has examined the person whose commitment is sought. The person shall be present unless the court believes that his presence is likely to be injurious to him; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he shall be given an opportunity to be examined by a court appointed licensed physician. If he refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him to the department for a period of not more than

five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear and convincing proof, it shall make an order of commitment to an approved treatment facility. It shall not order commitment of a person unless it determines that an approved treatment facility is able to provide adequate and appropriate treatment for him and the treatment is likely to be beneficial.

(5) A person committed under this section shall remain in the facility for treatment for a period of thirty days unless sooner discharged. At the end of the thirty day period, he shall be discharged automatically unless the facility, before expiration of the period, obtains a court order for his recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged. If a person has been committed because he is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) A person recommitted under subsection (5) of this section who has not been discharged by the facility before the end of the ninety day period shall be discharged at the expiration of that period unless the facility, before expiration of the period, obtains a court order on the grounds set forth in subsection (1) of this section for recommitment for a further period not to exceed ninety days. If a person has been committed because he is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists. Only two recommitment orders under subsections (5) and (6) of this section are permitted.

(7) Upon the filing of a petition for recommitment under subsections (5) or (6) of this section, the court shall fix a date for hearing no less than five and no more than ten days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served on the petitioner, the person whose commitment is sought, his next of kin other than the petitioner, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his parents or his legal guardian if he is a minor, and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

(8) The facility shall provide for adequate and appropriate

treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment facility to another if transfer is medically advisable.

(9) A person committed to the custody of a facility for treatment shall be discharged at any time before the end of the period for which he has been committed and he shall be discharged by order of the court if either of the following conditions are met:

(a) In case of an alcoholic committed on the grounds of likelihood of infliction of physical harm upon another, that he is no longer an alcoholic or the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of an alcoholic committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(10) The court shall inform the person whose commitment or recommitment is sought of his right to contest the application, be represented by counsel at every stage of any proceedings relating to his commitment and recommitment, and have counsel appointed by the court or provided by the court, if he wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him regardless of his wishes. The person shall, if he is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his right to be examined by a licensed physician of his choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

(11) A person committed under this act may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(12) The venue for proceedings under this section is the place in which person to be committed resides or is present.

NEW SECTION. Sec. 15. RECORDS OF ALCOHOLICS AND INTOXICATED PERSONS. (1) The registration and other records of treatment facilities shall remain confidential and are privileged to the patient.

(2) Notwithstanding subsection (1) of this section, the secretary may receive information from patients' records for purposes of research into the causes and treatment of alcoholism, and the evaluation of alcoholism and treatment programs. Information under this subsection shall not be published in a way that discloses

patients' names or otherwise discloses their identities.

NEW SECTION. Sec. 16. VISITATION AND COMMUNICATION WITH PATIENTS. (1) Subject to reasonable rules regarding hours of visitation which the secretary may adopt, patients in any approved treatment facility shall be granted opportunities for adequate consultation with counsel, and for continuing contact with family and friends consistent with an effective treatment program.

(2) Neither mail nor other communication to or from a patient in any approved treatment facility may be intercepted, read, or censored. The secretary may adopt reasonable rules regarding the use of telephone by patients in approved treatment facilities.

NEW SECTION. Sec. 17. EMERGENCY SERVICE PATROL; ESTABLISHMENT; RULES. (1) The state and counties, cities and other municipalities may establish or contract for emergency service patrols which are to be under the administration of the appropriate jurisdiction. A patrol consists of persons trained to give assistance in the streets and in other public places to persons who are intoxicated. Members of an emergency service patrol shall be capable of providing first aid in emergency situations and may transport intoxicated persons to their homes and to and from treatment facilities.

(2) The secretary shall adopt rules pursuant to chapter 34.04 RCW for the establishment, training, and conduct of emergency service patrols.

NEW SECTION. Sec. 18. PAYMENT FOR TREATMENT; FINANCIAL ABILITY OF PATIENTS. (1) If treatment is provided by an approved treatment facility or emergency treatment is provided by a facility under section 8(2)(a) of this 1972 amendatory act, and the patient has not paid or is unable to pay the charge therefor, the facility is entitled to any payment (a) received by the patient or to which he may be entitled because of the services rendered, and (b) from any public or private source available to the facility because of the treatment provided to the patient.

(2) A patient in a facility, or the estate of the patient, or a person obligated to provide for the cost of treatment and having sufficient financial ability, is liable to the facility for cost of maintenance and treatment of the patient therein in accordance with rates established.

(3) The secretary shall adopt rules governing financial ability that take into consideration the income, savings and other personal and real property of the person required to pay, and any support being furnished by him to any person he is required by law to support.

NEW SECTION. Sec. 19. CRIMINAL LAWS LIMITATIONS. (1) No county, municipality, or other political subdivision may adopt or

enforce a local law, ordinance, resolution, or rule having the force of law that includes drinking, being a common drunkard, or being found in an intoxicated condition as one of the elements of the offense giving rise to a criminal or civil penalty or sanction.

(2) No county, municipality, or other political subdivision may interpret or apply any law of general application to circumvent the provision of subsection (1) of this section.

(3) Nothing in this act affects any law, ordinance, resolution, or rule against drunken driving, driving under the influence of alcohol, or other similar offense involving the operation of a vehicle, aircraft, boat, machinery, or other equipment, or regarding the sale, purchase, dispensing, possessing, or use of alcoholic beverages at stated times and places or by a particular class of persons; nor shall evidence of intoxication affect, other than as a defense, the application of any law, ordinance, resolution, or rule to conduct otherwise establishing the elements of an offense.

NEW SECTION. Sec. 20. SEVERABILITY. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

NEW SECTION. Sec. 21. SHORT TITLE. This act may be cited as the "Uniform Alcoholism and Intoxication Treatment Act".

NEW SECTION. Sec. 22. APPLICATION AND CONSTRUCTION. This act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those states which enact it.

NEW SECTION. Sec. 23. Upon the taking effect of this act, the responsible head of each agency transferred in whole or in part to the department of social and health services by this act, shall deliver to the department of social and health services all books, documents, records, papers, files, or other writings, all cabinets, furniture, office equipment, motor vehicles, and other tangible property and all funds in its custody or under its control, used or held in the exercise of the powers and the performance of the duties and functions so transferred, along with all pending business before such agency: PROVIDED, That, if the books, documents, records, papers, files and other writings pertaining to a function transferred by this act to the department from agencies not abolished by this chapter are considered by the head of the agency from which such transfer is made to be essential to the performance of duties retained by such agency, the agency head may deliver to the division of alcoholism certified copies of such books, documents, records,

papers, files and other writings.

NEW SECTION. Sec. 24. Appropriations for the exercise of powers, duties and functions transferred to the department of social and health services from agencies that are not abolished by this chapter shall be transferred to and made available to the department in accordance with the provisions of section 25 of this act.

NEW SECTION. Sec. 25. The transfer of equipment, funds and appropriations from agencies that are not abolished by this act to the department of social and health services, as provided in the office of program planning and fiscal management, shall be accomplished in accordance with apportionments among the several agencies by the director of the office of program planning and fiscal management, who shall have due consideration to the total of the appropriations to the several agencies, the size and nature of the functions to be transferred and the feasibility of segregating such equipment to the various functions. The director of the office of program planning and fiscal management shall certify such apportionments to the agencies affected and to the state auditor, the state treasurer and department of general administration, each of whom shall make the appropriate transfers and adjustments in their funds and appropriation accounts and equipment records in accordance with such certification.

NEW SECTION. Sec. 26. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 85, Laws of 1959 and RCW 70.96.010;
- (2) Section 2, chapter 85, Laws of 1959 and RCW 70.96.020;
- (3) Section 3, chapter 85, Laws of 1959 and RCW 70.96.030;
- (4) Section 4, chapter 85, Laws of 1959 and RCW 70.96.040;
- (5) Section 5, chapter 85, Laws of 1959 and RCW 70.96.050;
- (6) Section 6, chapter 85, Laws of 1959 and RCW 70.96.060;
- (7) Section 7, chapter 85, Laws of 1959 and RCW 70.96.070;
- (8) Section 8, chapter 85, Laws of 1959 and RCW 70.96.080;
- (9) Section 9, chapter 85, Laws of 1959 and RCW 70.96.090;
- (10) Section 10, chapter 85, Laws of 1959 and RCW 70.96.100;
- (11) Section 11, chapter 85, Laws of 1959 and RCW 70.96.110;
- (12) Section 12, chapter 85, Laws of 1959 and RCW 70.96.120;
- (13) Section 13, chapter 85, Laws of 1959 and RCW 70.96.130;
- (14) Section 14, chapter 85, Laws of 1959 and RCW 70.96.140;
- (15) Section 16, chapter 85, Laws of 1959 and RCW 70.96.900;
- (16) Section 71.08.010, chapter 25, Laws of 1959 and RCW 71.08.010;
- (17) Section 71.08.020, chapter 25, Laws of 1959 and RCW 71.08.020;
- (18) Section 71.08.030, chapter 25, Laws of 1959 and RCW 71.08.030;



(19) Section 71.08.04C, chapter 25, Laws of 1959 and RCW 71.08.04C;

(20) Section 71.08.05C, chapter 25, Laws of 1959 and RCW 71.08.05C;

(21) Section 71.08.06C, chapter 25, Laws of 1959 and RCW 71.08.06C;

(22) Section 71.08.07C, chapter 25, Laws of 1959 and RCW 71.08.07C;

(23) Section 71.08.08C, chapter 25, Laws of 1959 and RCW 71.08.08C;

(24) Section 71.08.09C, chapter 25, Laws of 1959 and RCW 71.08.09C; and

(25) Section 1, chapter 23, Laws of 1909 ex. sess. and RCW 9.68.04C.

NEW SECTION. Sec. 27. Section or subsection headings as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 28. Sections 1 through 27 of this act shall constitute a new chapter in Title 70 RCW.

Sec. 29. Section 1, page 85, Laws of 1875 as last amended by section 1, chapter 112, Laws of 1965 ex. sess. and RCW 9.87.010 are each amended to read as follows:

Every --

(1) Person who asks or receives any compensation, gratuity or reward for practicing fortune telling, palmistry or clairvoyance; or,

(2) Person who keeps a place where lost or stolen property is concealed; or,

(3) Person practicing or soliciting prostitution or keeping a house of prostitution; or,

(4) ~~((Common drunkards found in any place where intoxicating liquors are sold or kept for sale; or in an intoxicated condition; or,~~

~~(5))~~ Common gambler found in any place where gambling is conducted or where gambling paraphernalia or devices are kept; or,

~~((6))~~ (5) Healthy person who solicits alms; or,

~~((7))~~ (6) Lewd, disorderly or dissolute person; or,

~~((8))~~ (7) Person who lodges in any barn, shed, shop, outhouse, vessel, car, saloon or other place not kept for lodging purposes, without the permission of the owner or person entitled to the possession thereof; or,

~~((9))~~ (8) Person who lives or works in a house of prostitution or solicits for any prostitute or house of prostitution; or,

~~((10))~~ (9) Person who solicits business for an attorney around any court, jail, morgue or hospital, or elsewhere; or,

~~((11))~~ (10) Habitual user of opium, morphine,

alkaloid-cocaine or alpha or beta eucaine, or any derivation, mixture or preparation of any of them; or,

~~((12)~~ Person who by his own confession thereto or prior conviction thereof is known to have been guilty of larceny; burglary; robbery or any crime of which fraud or an intent to defraud is an element; who shall be found in any drinking saloon or cellar; or any public dance hall or music hall where intoxicating liquors are sold or be found intoxicated; or who, except upon lawful business; shall go about any dark street or alley or any residence section of any city or town in the nighttime; or loiter about any steamboat landing; passenger depot; banking institution or crowded street; shop or thoroughfare; or any public meeting or gathering; or place where people gather in crowds; or;

~~(13))~~ (11) Person, except a person enrolled as a student in or parents or guardians of such students or person employed by such school or institution, who without a lawful purpose therefor wilfully loiters about the building or buildings of any public or private school or institution of higher learning or the public premises adjacent thereto --

Is a vagrant, and shall be punished by imprisonment in the county jail for not more than six months, or by a fine of not more than five hundred dollars.

Sec. 30. Section 3, chapter 111, Laws of 1967 ex. sess. as amended by section 7, chapter 304, Laws of 1971 ex. sess. and RCW 71.24.030 are each amended to read as follows:

The secretary is authorized, pursuant to the provisions of this chapter and the rules and regulations promulgated to effectuate its purposes, to make grants to assist counties or combinations of counties in the establishment and operation of community mental health programs to provide one or more of the following services:

- (1) Outpatient diagnostic and treatment services.
- (2) Inpatient psychiatric services.
- (3) Rehabilitation services for patients with psychiatric illnesses.
- (4) Informational services to the general public and educational services furnished by qualified mental health personnel to schools, courts, health agencies, welfare agencies, probation departments and other appropriate public or private agencies or groups.
- (5) Consultant services to public or private agencies for the promotion and coordination of services that preserve mental health and for the early recognition and management of conditions that might develop into psychiatric illnesses.

(6) Inpatient or outpatient care, treatment or rehabilitation services of alcoholics, persons incapacitated by alcohol and

intoxicated persons and persons using ((narcotic drugs or dangerous drugs)) controlled substances in violation of chapter 69.50 RCW.

(7) Such services as are set forth in subsection (4) which pertain to the education and information about and prevention of problems of drug and alcohol abuse.

Such inservice training as may be necessary in providing any of the foregoing services shall be proper items of expenditure in connection therewith.

NEW SECTION. Sec. 31. This act shall be effective January 1, 1974.

Passed the Senate February 15, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 24, 1972.

Filed in Office of Secretary of State February 28, 1972.

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CHAPTER 123

[Substitute House Bill No. 14]

OUTDOOR MUSIC FESTIVALS

AN ACT Relating to outdoor music festivals; amending section 23, chapter 302, Laws of 1971 ex. sess. and RCW 70.108.040; amending section 24, chapter 302, Laws of 1971 ex. sess. and RCW 70.108.050; amending section 26, chapter 302, Laws of 1971 ex. sess. and RCW 70.108.070; adding new sections to chapter 70.108 RCW; defining crimes; prescribing penalties; and declaring an emergency.

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

Section 1. Section 23, chapter 302, Laws of 1971 ex. sess. and RCW 70.108.040 are each amended to read as follows:

Application for an outdoor music festival permit shall be in writing and filed with the clerk of the issuing authority wherein the festival is to be held. Said application shall be filed not less than ~~((sixty))~~ ninety days prior to the first scheduled day of the festival and shall be accompanied with a permit fee in the amount of two thousand five hundred dollars. Said application shall include:

- (1) The name of the person or other legal entity on behalf of whom said application is made: PROVIDED, That a natural person applying for such permit shall be eighteen years of age or older;
- (2) A financial statement of the applicant;
- (3) The nature of the business organization of the applicant;
- (4) Names and addresses of all individuals or other entities having a ten percent or more proprietary interest in the festival;
- (5) The principal place of business of applicant;