

2011 -- S 0875

=====
LC02365
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO HEALTH AND SAFETY - ALCOHOLISM

Introduced By: Senators Perry, Crowley, Jabour, Metts, and Miller

Date Introduced: April 14, 2011

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-1.10-10 of the General Laws in Chapter 23-1.10 entitled
2 "Alcoholism" is hereby amended to read as follows:

3 **23-1.10-10. Treatment and services for intoxicated persons and persons**
4 **incapacitated by alcohol.** -- (a) An intoxicated person may come voluntarily to an approved
5 public treatment facility for emergency treatment. A person who appears to be intoxicated in a
6 public place and to be in need of help, if he or she consents to the proffered help, may be assisted
7 to his or her home, an approved public treatment facility, an approved private treatment facility,
8 or other health facility by the police.

9 (b) A person who appears to be incapacitated by alcohol shall be taken into protective
10 custody by the police and immediately brought to an approved public treatment facility for
11 **emergency** treatment. If no approved public treatment facility is readily available, he or she shall
12 be taken to an emergency medical service customarily used for incapacitated persons. The police,
13 in detaining the person and in taking him or her to an approved public treatment facility, are
14 taking him or her into protective custody and shall make every reasonable effort to protect his or
15 her health and safety. In taking the person into protective custody, the detaining officer may take
16 reasonable steps to protect himself or herself. If it is impracticable to take a person to an approved
17 facility, the police may take him or her into protective custody in the police station in suitable
18 quarters, for a reasonable time. A taking into protective custody under this section is not an arrest.
19 No entry or other record shall be made to indicate that the person has been arrested or charged

1 with a crime.

2 (c) A person who comes voluntarily or is brought to an approved public treatment
3 facility shall be examined by a licensed ~~physieian~~ clinician as soon as possible. He or she may
4 then be admitted as a patient or referred to another health facility, or be released to his or her own
5 custody. The referring approved public treatment facility shall arrange for his or her
6 transportation as provided for in section 23-1.10-9(d).

7 (d) A person who by medical examination is found to be incapacitated by alcohol at the
8 time of his or her admission or to have become incapacitated at any time after his or her
9 admission, may not be detained at the facility: (1) once he or she is no longer incapacitated by
10 alcohol, or (2) if he or she remains incapacitated by alcohol for more than five (5) days after
11 admission as a patient, unless he or she is committed under section 23-1.10-11. A person may
12 consent to remain in the facility for as long as the physician in charge believes appropriate.

13 (e) A person who is not admitted to an approved public treatment facility, who is not
14 referred to another health facility, and who has no funds may be taken to his or her home, if any.
15 If he or she has no home, the approved public treatment facility shall refer or advise him or her to
16 make contact with the appropriate state or federal agency for assistance in obtaining shelter.

17 (f) If a patient is admitted to an approved public treatment facility, his or her family or
18 next-of-kin shall be notified as promptly as possible if requested by the patient. If an adult patient
19 who is not incapacitated requests that there be no notification, his or her request shall be
20 respected.

21 (g) The police, who act in compliance with this section, are acting in the course of their
22 official duty and are not criminally or civilly liable for acting in the course of their official duty.

23 (h) If the physician in charge of the approved public treatment facility determines it is for
24 the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate
25 voluntary treatment.

26 SECTION 2. This act shall take effect upon passage.

=====
LC02365
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY - ALCOHOLISM

- 1 This act would require that a person who comes voluntarily or is brought to an approved
- 2 public alcohol treatment center be examined by a clinician. Prior to this act the examination had
- 3 to be by a physician.
- 4 This act would take effect upon passage.

=====
LC02365
=====