

12 2. Upon application a class "A" permittee qualified under subsection
13 one (1) of this section shall receive a rebate of fifty percent of the
14 barrel tax paid by the permittee pursuant to this chapter for each
15 barrel manufactured in this state. The rebate shall not apply to any
16 penalty paid.

17 3. The rebate provided in subsection two (2) of this section shall be
18 payable after the tenth day of January of the year in which applica-
19 tion is received and the amount paid shall consist of the rebate due for
20 manufacture during the preceding calendar year.

1 SEC. 2. The rebate provided by this Act shall apply only to barrel
2 tax paid for beer manufactured after June 30, 1974.

1 SEC. 3. There is appropriated from the general fund of the state
2 not otherwise appropriated, a sum sufficient to pay the barrel tax
3 rebate provided by this Act.

Approved May 27, 1974

CHAPTER 1131

ALCOHOLISM DIVISION

S. F. 1354

AN ACT relating to the establishment of a division on alcoholism and the Iowa commis-
sion on alcoholism, providing for a comprehensive program for the treatment, edu-
cation, and rehabilitation of alcoholics in Iowa and making an appropriation.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. NEW SECTION. **Declaration of policy.** It is the pol-
2 icy of this state that alcoholics and intoxicated persons be directed
3 into and afforded the opportunity to receive treatment which will
4 help them lead normal lives as productive members of society, and
5 that criminal prosecution for the consumption of alcoholic beverages
6 be kept at a minimum and that treatment for the protection of intoxi-
7 cated and other persons be emphasized and increased.

1 SEC. 2. NEW SECTION. **Definitions.** For purposes of this Act,
2 unless the context clearly indicates otherwise:

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

7 2. "Facility" means a hospital, institution, detoxification center, or
8 installation providing care, maintenance, and treatment for alcoholics
9 and approved by the director under section thirteen (13) of this Act.

10 3. "Commissioner" means the commissioner of public health.

11 4. "Department" means the state department of health.

12 5. "Division" means the division on alcoholism established in sec-
13 tion three (3) of this Act.

14 6. "Director" means the director of the Iowa division on alcohol-
15 ism.

16 7. "Commission" means the Iowa commission on alcoholism within
17 the division.

18 8. "Alcoholism service unit" means a unit established under section
19 twenty-two (22) of this Act.

20 9. "Incapacitated by alcohol" means that a person, as a result of
21 the use of alcohol, is unconscious or has his judgment otherwise so
22 impaired that he is incapable of realizing and making a rational deci-
23 sion with respect to his need for treatment.

24 10. "Incompetent person" means a person who has been adjudged
25 incompetent by a court of law.

26 11. "Intoxicated person" means a person whose mental or physical
27 functioning is substantially impaired as a result of the use of alcohol.

28 12. "Treatment" means the broad range of emergency, outpatient,
29 intermediate, and inpatient services and care, including diagnostic
30 evaluation, medical, nursing, psychiatric, psychological, and social
31 service care, vocational rehabilitation and career counseling, which
32 may be extended to alcoholics and intoxicated persons.

1 SEC. 3. NEW SECTION. **Establishment.** There is established
2 within the state department of health a division on alcoholism which
3 shall develop, implement, and administer a comprehensive alcoholism
4 program pursuant to sections one (1) through thirty-three (33) of
5 this Act. There is established within the division a commission on
6 alcoholism to establish policies governing the performance of the
7 division in the discharge of duties imposed on it by this Act. The
8 commission shall consist of nine members appointed by the governor.
9 Appointments shall be made on the basis of interest in and knowledge
10 of alcoholism. All members shall be electors of the state of Iowa and
11 no more than five members shall belong to the same political party.
12 No member shall be a director of a local or regional alcoholism center.

1 SEC. 4. NEW SECTION. **Terms of office.** Commission members
2 shall be appointed to terms of four years, except that initial appoint-
3 ments to the membership of the commission shall be staggered so
4 that four members shall be appointed to terms of two years and five
5 members shall be appointed to terms of four years. Terms of office
6 shall commence on the first day of July of the year of appointment.
7 Vacancies occurring during a term of office shall be filled for the
8 balance of the unexpired term in the manner of original appointment.
9 No member shall be appointed to serve more than two consecutive
10 four-year terms.

1 SEC. 5. NEW SECTION. **Meetings.** The commission shall organ-
2 ize annually and shall select from its membership a chairman and a
3 vice chairman. The commission shall meet at least six times a year.
4 Other meetings shall be called by the chairman or upon written re-
5 quest of a majority of the members of the commission. The chairman
6 shall preside at all meetings or in his absence the vice chairman shall
7 preside. Five members of the commission shall constitute a quorum
8 but the concurrence of a majority of the commission shall be re-
9 quired to determine any matter relating to its duties.

1 SEC. 6. NEW SECTION. **Compensation.** Each member of the
2 Iowa commission on alcoholism shall receive forty dollars per day
3 for each day spent in performance of the duties of the commission.

4 Each member shall also receive his actual necessary expenses in-
5 curred in the performance of his duties.

1 SEC. 7. NEW SECTION. **Duties of the commission.** The com-
2 mission shall:

3 1. Act as the sole agency to allocate state, federal, and private
4 funds which are appropriated or granted to, or solicited by the divi-
5 sion.

6 2. Approve the comprehensive alcoholism program developed by
7 the division pursuant to sections one (1) through thirty-three (33)
8 of this Act.

9 3. Establish policies governing the performance of the division in
10 the discharge of any duties imposed on it by law.

11 4. Establish policies governing the performance of the director in
12 the discharge of his duties.

13 5. Advise or make recommendations to the governor and the gen-
14 eral assembly relative to alcoholism treatment programs in this state.

15 6. Promulgate rules necessary to carry out the provisions of this
16 Act, subject to review in accordance with the provisions of chapter
17 seventeen A (17A) of the Code.

18 7. Investigate the work of the division, and for this purpose it shall
19 have access at any time to all books, papers, documents, and records
20 of the division.

21 8. Submit to the governor an annual report covering the activities
22 of the division.

1 SEC. 8. NEW SECTION. **Director.** A director shall be appointed
2 by the commission with the approval of the commissioner. Notwith-
3 standing the provisions of section nineteen A point three (19A.3) of
4 the Code, the director of the division shall be subject to the state
5 merit system. The director shall be a qualified person who has train-
6 ing or experience in handling alcohol problems and the ability to
7 organize and otherwise supervise delivery systems providing treat-
8 ment services to persons suffering from alcoholism problems. The
9 director shall represent the department at meetings of the commis-
10 sion and shall serve as secretary to the commission.

1 SEC. 9. NEW SECTION. **Powers of director.** The director may:

2 1. Plan, establish, and maintain treatment programs as necessary
3 or desirable with the approval of the commission.

4 2. Make contracts necessary or incidental to the performance of
5 his duties and the execution of his powers, including contracts with
6 public and private agencies, organizations, and individuals to pay
7 them for services rendered or furnished to alcoholics or intoxicated
8 persons.

9 3. Solicit and accept for use any gift of money or property made
10 by will or otherwise, and any grant of money, services, or property
11 from the federal government, the state, or any political subdivision
12 thereof or any private source, and do all things necessary to co-
13 operate with the federal government or any of its agencies and the
14 commission in making an application for any grant.

15 4. Coordinate the activities of the division and cooperate with al-
16 choolism programs in this and other states, and make contracts and
17 other joint or cooperative arrangements with state, local, or private

18 agencies in this and other states for the treatment of alcoholics and
 19 intoxicated persons and for the common advancement of alcoholism
 20 programs.

21 5. Keep records and engage in research and the gathering of rele-
 22 vant statistics.

23 6. Employ staff necessary to carry out the duties assigned to him.

24 7. Do other acts and things necessary or convenient to execute the
 25 authority expressly granted to him.

1 SEC. 10. NEW SECTION. **Duties of director.** The director shall:

2 1. Prepare and submit a state plan subject to approval by the com-
 3 mission and in accordance with the provisions of title forty-two
 4 (XLII), United States Code, section four thousand five hundred
 5 seventy-three (4573). The state plan shall designate the division as
 6 the sole agency for supervising the administration of the plan and
 7 may provide for the appointment of a citizens advisory council on
 8 alcoholism.

9 2. Develop, encourage, and foster statewide, regional, and local
 10 plans and programs for the prevention of alcoholism and the treat-
 11 ment of alcoholics and intoxicated persons in cooperation with public
 12 and private agencies, organizations, and individuals, and provide
 13 technical assistance and consultation services for these purposes.

14 3. Coordinate the efforts and enlist the assistance of all public and
 15 private agencies, organizations, and individuals interested in the pre-
 16 vention of alcoholism and the treatment of alcoholics and intoxicated
 17 persons.

18 4. Cooperate with the department of social services in establishing
 19 and conducting programs to provide treatment for alcoholics and
 20 intoxicated persons.

21 5. Cooperate with the department of public instruction, boards of
 22 education, schools, police departments, courts, and other public and
 23 private agencies, organizations and individuals in establishing pro-
 24 grams for the prevention of alcoholism and the treatment of alco-
 25 holics and intoxicated persons, and in preparing curriculum materials
 26 thereon for use at all levels of school education.

27 6. Prepare, publish, evaluate, and disseminate educational material
 28 dealing with the nature and effects of alcohol.

29 7. Develop and implement, as an integral part of treatment pro-
 30 grams, an educational program for use in the treatment of alcoholics
 31 and intoxicated persons, which program shall include the dissemina-
 32 tion of information concerning the nature and effects of alcohol.

33 8. Organize and foster training programs for all persons engaged
 34 in treatment of alcoholics and intoxicated persons.

35 9. Sponsor and encourage research into the causes and nature of
 36 alcoholism and treatment of alcoholics and intoxicated persons, and
 37 serve as a clearing house for information relating to alcoholism.

38 10. Specify uniform methods for keeping statistical information by
 39 public and private agencies, organizations, and individuals, and col-
 40 lect and make available relevant statistical information, including
 41 number of persons treated, frequency of admission and readmission,
 42 and frequency and duration of treatment.

43 11. Advise the commission and the governor in the preparation of
 44 a comprehensive plan for treatment of alcoholics and intoxicated
 45 persons for inclusion in the state's comprehensive health plan.

46 12. Assist in the development of, and cooperate with, alcohol edu-
47 cation and treatment programs for employees of state and local
48 governments and businesses and industries in the state.

49 13. Utilize the support and assistance of interested persons in the
50 community, particularly recovered alcoholics, to encourage alcoholics
51 to voluntarily undergo treatment.

52 14. Cooperate with the commissioner of public safety in establish-
53 ing and conducting programs designed to deal with the problem of
54 persons operating motor vehicles while intoxicated.

55 15. Encourage general hospitals and other appropriate health facil-
56 ities to admit without discrimination alcoholics and intoxicated per-
57 sons and to provide them with adequate and appropriate treatment.

58 16. Encourage all health and disability insurance programs to in-
59 clude alcoholism as a covered illness.

60 17. Review all state health, welfare, and treatment plans to be sub-
61 mitted for federal funding under federal legislation, and advise the
62 governor on provisions to be included relating to alcoholism and
63 intoxicated persons.

1 **SEC. 11. NEW SECTION. Citizens advisory council on alcoholism.**

2 If the state plan submitted pursuant to section ten (10), subsection
3 one (1) of this Act provides for a citizens advisory council on alco-
4 holism, the council shall be composed of fifteen members appointed by
5 the governor. Members shall serve for overlapping terms of three
6 years each; one third of the members first appointed shall be ap-
7 pointed for one, two, and three-year terms respectively. Members
8 shall have professional, research, or personal interest in alcoholism
9 problems. Upon appointment, the council shall meet at least once
10 every three months and report on its activities and make recommen-
11 dations to the commission at least once a year.

12 The council shall advise the commission on broad policies, goals,
13 and operation of the alcoholism program and on other matters the
14 commission refers to it, and shall encourage public understanding
15 and support of the alcoholism program.

16 Members of the council shall serve without compensation but shall
17 receive reimbursement for travel and other necessary expenses actu-
18 ally incurred in the performance of their duties.

1 **SEC. 12. NEW SECTION. Comprehensive program for treatment**
2 **—regional facilities.**

3 1. The commission shall establish a comprehensive and coordinated
4 program for the treatment of alcoholics and intoxicated persons.
5 Subject to the approval of the commissioner, the director shall divide
6 the state into appropriate regions for the conduct of the program and
7 establish standards for the development of the program on the
8 regional level. In establishing the regions, consideration shall be
9 given to city, town, and county lines, population concentrations and
10 existing alcoholism treatment services. In determining the regions,
11 the director shall not be required to follow the regional map as pre-
12 pared by the office for planning and programming.

13 2. The program of the commission shall include:

14 a. Emergency treatment provided by a facility affiliated with or
15 part of the medical service of a general hospital.

16 b. Inpatient treatment.

- 17 c. Intermediate treatment.
 18 d. Outpatient and follow-up treatment.
 19 e. Prevention.
- 20 3. The director shall provide for adequate and appropriate treat-
 21 ment for alcoholics and intoxicated persons admitted under sections
 22 sixteen (16) through nineteen (19) of this Act. Treatment shall not
 23 be provided at a correctional institution except for inmates.
- 24 4. The director shall maintain, supervise, and control all facilities
 25 operated by him pursuant to this Act. The administrator of each
 26 facility shall make an annual report of the activities of the facility
 27 to the director in the form and manner the director specifies.
- 28 5. All appropriate public and private resources shall be coordinated
 29 with and utilized in the program if possible.
- 30 6. The director shall prepare, publish, and distribute annually a
 31 list of all facilities.
- 32 7. The director may contract for the use of a facility if the direc-
 33 tor, subject to the policies of the commission and pursuant to section
 34 one hundred twenty-three B point four (123B.4) of the Code, con-
 35 siders this to be an effective and economical course to follow.

1 **SEC. 13. NEW SECTION. Approval of facilities — enforcement**
 2 **procedures—penalties.**

- 3 1. The commission shall establish standards for treatment pro-
 4 grams and facilities. The standards may concern only the health
 5 standards to be met and minimum standards of treatment to be
 6 afforded patients. A person shall not operate a public or private
 7 alcoholism treatment facility or program until it is approved by the
 8 commission, except as provided in section fourteen (14) of this Act.
- 9 2. The director periodically shall inspect facilities and shall fix the
 10 fees to be charged for the inspection.
- 11 3. The director shall maintain a list of approved facilities.
- 12 4. Each facility shall file with the director on request, data, sta-
 13 tistics, schedules, and information the commission reasonably re-
 14 quires. A facility that without good cause fails to furnish any data,
 15 statistics, schedules, or information as requested, or files fraudulent
 16 returns thereof, shall be removed from the list of approved facilities.
- 17 5. The director may grant or, after holding a hearing, may sus-
 18 pend, revoke, limit, or restrict an approval, or refuse to grant an
 19 approval, for failure to meet the standards of the commission.
- 20 6. A district court judge may restrain any violation of this section,
 21 review any denial, restriction, or revocation of approval, and grant
 22 other relief required to enforce its provisions.
- 23 7. Upon petition of the director and after a hearing held upon rea-
 24 sonable notice to the facility, the district court may issue an order to
 25 an officer or employee of the division authorizing him to enter and
 26 inspect at reasonable times, and examine the books and accounts of,
 27 a facility refusing to consent to inspection or examination by the
 28 director or which the director has reasonable cause to believe is
 29 operating in violation of this Act.

1 **SEC. 14. NEW SECTION. Exceptions.** Approval of the director
 2 is not required for the operation of the following:

- 3 1. A hospital or alcoholic treatment facility under the control of
 4 the veterans administration or other federal agency.

5 2. The private practice of medicine and surgery or osteopathic
6 medicine and surgery. However, no program shall be exempted from
7 approval by the director by virtue of its utilization of the services
8 of a medical practitioner or a practitioner of osteopathic medicine
9 or surgery.

10 3. A private institution conducted by and for persons who adhere
11 to a religious faith or belief for the purpose of providing nonmedical
12 services to alcoholics, and who rely primarily on prayer or other
13 spiritual means for healing in the practice of their religion.

14 4. An agency, institution or program which, in the judgment of the
15 director, provides services which are only informational or educa-
16 tional in nature.

1 SEC. 15. NEW SECTION. **Acceptance for treatment—rules.** The
2 commission shall adopt and may amend and repeal rules for accep-
3 tance of persons into the treatment program, subject to the provisions
4 of chapter seventeen A (17A) of the Code, considering available
5 treatment resources and facilities, for the purpose of early and effec-
6 tive treatment of alcoholics and intoxicated persons. In establishing
7 the rules the commission shall be guided by the following standards:

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

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

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

16 4. An individualized treatment plan shall be prepared and main-
17 tained on a current basis for each patient.

18 5. Provision shall be made for a continuum of coordinated treat-
19 ment services, so that a person who leaves a facility or a form of
20 treatment will have available and may utilize other appropriate
21 treatment.

1 SEC. 16. NEW SECTION. **Voluntary treatment of alcoholics.**

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

6 2. Subject to rules adopted by the commission, the administrator in
7 charge of a facility may determine who shall be admitted for treat-
8 ment. If a person is refused admission, the administrator, subject to
9 rules adopted by the commission, shall refer the person to another
10 facility for treatment if possible and appropriate.

11 3. If a patient receiving inpatient care leaves a facility, he shall be
12 encouraged to consent to appropriate outpatient or intermediate
13 treatment. If it appears to the administrator in charge of the facility
14 that the patient is an alcoholic who requires help, the director may
15 arrange for assistance in obtaining supportive services and resi-
16 dential facilities.

17 4. If a patient leaves a facility, with or against the advice of the
18 administrator in charge of the facility, the director may make rea-
19 sonable provisions for his transportation to another facility or to his

20 home. If he has no home he shall be assisted in obtaining shelter.
21 If he is a minor or an incompetent person the request for discharge
22 from an inpatient facility shall be made by a parent, legal guardian,
23 or other legal representative or by the minor or incompetent if he
24 was the original applicant.

1 **SEC. 17. NEW SECTION. Treatment and services for intoxicated**
2 **persons and persons incapacitated by alcohol.**

3 1. An intoxicated person may come voluntarily to a facility for
4 emergency treatment. A person who appears to be intoxicated or
5 incapacitated by alcohol in a public place and in need of help may be
6 taken to a facility by a peace officer or the alcoholism service unit. If
7 the person refuses the proffered help, he may be arrested and charged
8 with intoxication.

9 2. If no facility is readily available the person may be taken to an
10 emergency medical service customarily used for incapacitated per-
11 sons. The peace officer or the alcoholism service unit, in detaining
12 the person and in taking him to a facility, is taking him into protec-
13 tive custody and shall make every reasonable effort to protect his
14 health and safety. In taking the person into protective custody, the
15 detaining officer may take reasonable steps to protect himself. A
16 taking into protective custody under this section is not an arrest and
17 no entry or other record shall be made to indicate that the person who
18 is taken into protective custody has been arrested or charged with a
19 crime.

20 3. A person who comes voluntarily or is brought to a facility shall
21 be examined by a licensed physician as soon as possible, but not later
22 than twelve hours after the person comes voluntarily or is brought
23 to the facility. He may then be admitted as a patient or referred to
24 another health facility. The referring facility shall arrange for his
25 transportation.

26 4. A person who by medical examination is found to be intoxicated
27 or incapacitated by alcohol at the time of his admission or is found to
28 have become incapacitated at any time after his admission, shall be
29 required to remain at the facility until he is no longer intoxicated or
30 incapacitated by alcohol, but no longer than three days from the time
31 of his admission as a patient unless he is committed under section
32 eighteen (18) of this Act. A person may consent to remain in the
33 facility as long as the physician in charge believes appropriate.

34 5. If a patient is admitted to a facility, his family or next of kin
35 shall be notified as promptly as possible. If an adult patient who is
36 not incapacitated requests that there be no notification, his request
37 shall be respected.

38 6. A peace officer or member of the alcoholism service unit who
39 acts in compliance with this section is acting in the course of his
40 official duty and is not criminally or civilly liable therefor, unless such
41 acts constitute willful malice or abuse.

42 7. If the physician in charge of the facility determines it is for the
43 patient's benefit, the patient shall be encouraged to agree to further
44 diagnosis and appropriate voluntary treatment.

1 **SEC. 18. NEW SECTION. Emergency commitment.**

2 1. An intoxicated person who has threatened, attempted, or in-
3 flicted physical harm on himself or another and is likely to inflict

4 physical harm on himself or another unless committed, or who is
5 incapacitated by alcohol, may be committed to a facility for emer-
6 gency treatment. A refusal to undergo treatment does not constitute
7 evidence of lack of judgment as to the need for treatment.

8 2. The certifying physician, spouse, guardian, or relative of the
9 person to be committed, or any other responsible person, may make
10 a written application for commitment under this section, directed to
11 the administrator of the facility. The application shall state facts to
12 support the grounds for commitment established in subsection one
13 (1) of this section.

14 3. Upon approval of the application by the administrator in charge
15 of the facility, the person shall be brought to the facility by a peace
16 officer, health officer, alcoholism service unit, the applicant for com-
17 mitment, the patient's spouse, the patient's guardian, or any other
18 interested person. The person shall be retained at the facility to
19 which he was admitted, or transferred to another facility, until dis-
20 charged under subsection five (5) of this section.

21 4. The administrator in charge of a facility shall refuse an appli-
22 cation if in his opinion the application and certificate fail to sustain
23 the grounds for commitment.

24 5. When on the advice of the medical staff the administrator deter-
25 mines that the grounds for commitment no longer exist, he shall
26 discharge a person committed under this section. No person com-
27 mitted under this section may be detained in any treatment facility for
28 more than five days. If a petition for involuntary commitment under
29 section nineteen (19) of this Act has been filed within the five days
30 and the administrator in charge of a facility finds that grounds for
31 emergency commitment still exist, he may detain the person until the
32 petition has been heard and determined, but no longer than ten days
33 after filing the petition.

34 6. A copy of the written application for commitment and a written
35 explanation of the person's right to counsel, shall be given to the
36 person within twenty-four hours after commitment by the admin-
37 istrator, who shall provide a reasonable opportunity for the person
38 to consult counsel.

1 **SEC. 19. NEW SECTION. Involuntary commitment of alcoholics.**

2 1. A person may be committed to the custody of the division by the
3 district court upon the petition of his spouse or guardian, a relative,
4 the certifying physician, or the administrator in charge of a facility.
5 The petition shall allege that the person is an alcoholic who habit-
6 ually lacks self-control as to the use of alcoholic beverages, and (a)
7 that he has threatened, attempted, or inflicted physical harm on
8 another and that he is likely to inflict physical harm on himself or
9 another unless committed; or (b) that he is incapacitated by alcohol.
10 A refusal to undergo treatment does not constitute evidence of lack
11 of judgment as to the need for treatment. The petition shall be
12 accompanied by a certificate of a licensed physician who has examined
13 the person within two days before submission of the petition, unless
14 the person whose commitment is sought has refused to submit to a
15 medical examination or was unavailable for examination, in which
16 case the fact of refusal or unavailability shall be alleged in the peti-
17 tion. The certificate shall set forth the physician's findings in support
18 of the allegations of the petition. A physician employed by the

19 admitting facility or the division is not eligible to be the certifying
20 physician.

21 2. Upon the filing of the petition, the court shall fix a date for a
22 hearing no later than ten days after the date the petition was filed.
23 A copy of the petition and the notice of hearing shall be served in the
24 manner of an original notice on the person whose commitment is
25 sought and upon a parent or legal guardian if the person is a minor.
26 A copy of the petition and the notice of hearing shall be mailed or
27 delivered in the manner provided for motions in civil cases to the
28 petitioner, the next of kin of the person other than the petitioner,
29 the administrator of the facility to which the person has been com-
30 mitted for emergency care, and any other person the court believes
31 should receive copies. A petition shall have attached a copy of the
32 certificate specified in this section.

33 3. At the hearing the court shall hear all relevant testimony, in-
34 cluding, if possible, the testimony of at least one licensed physician
35 who has examined the person whose commitment is sought. The
36 person shall be present unless the court believes that his presence is
37 likely to be injurious to him; in this event the court shall appoint a
38 guardian ad litem to represent him throughout the proceeding. The
39 court shall examine the person in open court, or if advisable, shall
40 examine the person out of court. If the person has refused to be
41 examined by a licensed physician, he shall be given an opportunity
42 to be examined by a court-appointed licensed physician. If he refuses
43 and there is sufficient evidence to believe that the allegations of the
44 petition are true, or if the court believes that more medical evidence
45 is necessary, the court may make a temporary order committing him
46 to the division for a period of not more than five days for purposes
47 of a diagnostic examination.

48 4. If after hearing all relevant evidence, including the results of
49 any diagnostic examination, the court finds that the allegations of the
50 petition have been established by clear and convincing proof, it shall
51 make an order of commitment to the division. It may not order com-
52 mitment of a person unless it determines that the division is able to
53 provide adequate and appropriate treatment for him and the treat-
54 ment is likely to be beneficial.

55 5. A person committed under this section shall remain in the cus-
56 tody of the division for treatment for a period of thirty days unless
57 sooner discharged. At the end of the thirty-day period, he shall be
58 discharged automatically unless the director before expiration of the
59 period petitions the court for an order for his recommitment upon the
60 grounds set forth in subsection one (1) of this section for a further
61 period not to exceed ninety days.

62 6. A person recommitment under subsection five (5) of this section
63 who has not been discharged by the division before the end of the
64 ninety-day period shall be discharged at the expiration of that period
65 unless the director, before expiration of the period, obtains a court
66 order on the grounds set forth in subsection one (1) of this section
67 for recommitment for a further period not to exceed ninety days.

68 7. Upon the filing of a petition for recommitment under subsec-
69 tions five (5) or six (6) of this section, the court shall fix a date for
70 hearing no later than ten days after the date the petition was filed.
71 A copy of the petition and the notice of hearing shall be served in the

72 manner of an original notice on the person whose commitment is
73 sought, and upon a parent or legal guardian if the person is a minor.
74 A copy of the petition and the notice of hearing shall be mailed or
75 delivered in the manner provided for motions in civil cases to the
76 petitioner, the next of kin of the person other than the petitioner, the
77 administrator of the facility to which the person has been committed
78 for emergency care, and any other person the court believes should
79 receive copies. A petition shall have attached a copy of the certifi-
80 cate specified in this section. At the hearing the court shall proceed
81 as provided in subsection three (3) of this section.

82 8. The director shall provide for adequate and appropriate treat-
83 ment of a person committed to the custody of the division. The direc-
84 tor may transfer any person committed to the custody of the division
85 from one facility to another if transfer is medically advisable, and if
86 notice is provided to the court of commitment, the counselor advocate,
87 and the spouse or next of kin of the person.

88 9. A person committed to the custody of the commission for treat-
89 ment shall be discharged at any time before the end of the period for
90 which he has been committed if either of the following conditions is
91 met:

92 a. In case of an alcoholic committed under paragraph a of subsec-
93 tion one (1) of this section, that he is no longer an alcoholic or the
94 likelihood no longer exists.

95 b. In case of an alcoholic committed under paragraph b of subsec-
96 tion one (1) of this section, that the incapacity no longer exists, that
97 further treatment will not be likely to bring about significant im-
98 provement in the person's condition, or that treatment is no longer
99 adequate or appropriate.

100 10. The court shall inform the person whose commitment or re-
101 commitment is sought of his right to contest the application, to be
102 represented by counsel at every stage of any proceedings relating to
103 his commitment and recommitment, and to have counsel appointed
104 by the court or provided by the court, if he wants the assistance of
105 counsel and is unable to obtain counsel. If the court believes that the
106 person needs the assistance of counsel, the court shall require, by
107 appointment if necessary, counsel for him regardless of his wishes.
108 The person whose commitment or recommitment is sought shall be
109 informed of his right to be examined by a licensed physician of his
110 choice. If the person is unable to obtain a licensed physician and
111 requests examination by a physician, the court shall employ a licensed
112 physician.

113 11. If the administrator of a private treatment facility consents to
114 the request of a competent patient or his parent, sibling, adult child,
115 or guardian to accept the patient for treatment, the administrator of
116 the public treatment facility may transfer him to the private treat-
117 ment facility.

118 12. A person committed under this Act may at any time seek to be
119 discharged from commitment by writ of habeas corpus.

120 13. The venue for proceedings under this section is the place in
121 which a person to be committed resides or is present.

1 SEC. 20. NEW SECTION. Records of alcoholics and intoxicated
2 persons.

3 1. The registration and other records of facilities shall remain con-
4 fidential and are privileged to the patient.

5 2. Notwithstanding subsection one (1) of this section, the director
6 may make available information from patients' records for purposes
7 of research into the causes and treatment of alcoholism. Information
8 under this subsection shall not be published in a way that discloses
9 patients' names or other identifying information.

1 **SEC. 21. NEW SECTION. Rights and privileges of patients.**

2 1. Subject to reasonable rules regarding hours of visitation which
3 the commission may adopt, a patient in a facility shall be granted an
4 opportunity for adequate consultation with counsel, and for continu-
5 ing contact with family and friends consistent with an effective treat-
6 ment program.

7 2. Neither mail nor other communication to or from a patient in a
8 facility may be intercepted, read, or censored, except that the com-
9 mission may adopt reasonable rules regarding the use of telephones
10 by patients in facilities and the delivery of controlled substances and
11 other intoxicants.

12 3. The patient shall be provided an opportunity to receive prompt
13 evaluation, emergency services and care as indicated by sound medical
14 practice, and treatment which, in the judgment of the chief medical
15 officer of a facility, is most likely to result in the individual's recovery
16 or in the mitigation of his condition to an extent sufficient to permit
17 his discharge from the facility.

1 **SEC. 22. NEW SECTION. Alcoholism service unit—establishment**
2 **—rules.**

3 1. The division, regional alcoholism centers, counties, and cities
4 may establish alcoholism service units. A unit consists of persons
5 trained to give assistance in the streets and in other public places to
6 persons who are intoxicated. Members of an alcoholism service unit
7 shall be capable of providing first aid in emergency situations and
8 shall transport intoxicated persons to their homes and to and from
9 facilities.

10 2. The commission shall adopt rules for the establishment, train-
11 ing, and conduct of alcoholism service units.

1 **SEC. 23. NEW SECTION. Criminal laws limitations.**

2 1. No county or city may adopt or enforce a local law, ordinance,
3 resolution, or rule having the force of law in contravention of the
4 provisions of this Act.

5 2. No county or city may interpret or apply any law of general
6 application to circumvent the provision of subsection one (1) of this
7 section.

8 3. Nothing in this Act affects any law, ordinance, resolution, or
9 rule against drunken driving, driving under the influence of alcohol,
10 or other similar offense involving the operation of a vehicle, aircraft,
11 boat, machinery, or other equipment, or regarding the sale, purchase,
12 dispensing, possessing, or use of alcoholic* beverages or beer at stated
13 times and places or by a particular class of persons.

*According to enrolled Act

1 **SEC. 24. NEW SECTION. Public information—adoption of rules—**
2 **availability of rules and orders.**

3 1. In addition to other rule-making requirements imposed by law,
4 the commission shall:

5 a. Adopt as a rule a description of the organization of the division,
6 stating the general course and method of the operations of the divi-
7 sion and methods whereby the public may obtain information or make
8 submissions or requests.

9 b. Adopt rules of practice setting forth the nature and require-
10 ments of all formal and informal procedures available, including a
11 description of all forms and instructions used by the director or his
12 office.

13 c. Make available for public inspection all rules and all other writ-
14 ten statements of policy or interpretations formulated, adopted, or
15 used by the director in the discharge of his functions.

16 d. Make available for public inspection all final orders, decisions,
17 and opinions.

18 2. No rule, order, or decision of the commission is effective against
19 any person or party, nor may it be invoked by the director for any
20 purpose, until it has been made available for public inspection as
21 herein required. This provision is not applicable in favor of any
22 person or party who has knowledge thereof.

1 **SEC. 25. NEW SECTION. Petition for adoption of rules.** An in-
2 terested person may petition the director requesting the adoption,
3 amendment, or repeal of a rule. The commission shall prescribe by
4 rule the form for petitions and the procedure for their submission,
5 consideration, and disposition. Within thirty days after submission
6 of a petition, the director either shall deny the petition in writing,
7 stating his reasons for the denials, or shall initiate rule-making pro-
8 ceedings in accordance with chapter seventeen A (17A) of the Code.

1 **SEC. 26. NEW SECTION. Contested cases — notice — hearing —**
2 **records.**

3 1. In a contested case, all parties shall be afforded an opportunity
4 for hearing after reasonable notice.

5 2. The notice shall include:

6 a. A statement of the time, place, and nature of the hearing.

7 b. A statement of the legal authority and jurisdiction under which
8 the hearing is to be held.

9 c. A reference to the particular provisions of the statutes and rules
10 involved.

11 d. A short and plain statement of the matters asserted. If the
12 director or other party is unable to state the matters in detail at the
13 time the notice is served, the initial notice may be limited to a state-
14 ment of the issues involved. Thereafter upon application a more
15 definite and detailed statement shall be furnished.

16 3. Opportunity shall be afforded all parties to respond and present
17 evidence and argument on all issues involved.

18 4. Unless precluded by law, informal disposition may be made of
19 any contested case by stipulation, agreed settlement, consent order,
20 or default.

21 5. The record in a contested case shall include:

22 a. All pleadings, motions, intermediate rulings.

- 23 b. Evidence received or considered.
24 c. A statement of matters officially noticed.
25 d. Questions and offers of proof, objections, and rulings thereon.
26 e. Proposed findings and exceptions.
27 f. Any decision, opinion, or report by the officer presiding at the
28 hearing.
29 g. All staff memoranda or data submitted to the hearing officer or
30 the division in connection with its consideration of the case.
31 6. Oral proceedings or any part thereof shall be transcribed on
32 request of any party, but at his expense.
33 7. Findings of fact shall be based exclusively on the evidence and
34 on matters officially noticed.

1 SEC. 27. NEW SECTION. **Rules of evidence—official notice. In**
2 **contested cases:**

- 3 1. Irrelevant, immaterial, or unduly repetitious evidence shall be
4 excluded. The rules of evidence as applied in civil cases in the dis-
5 trict courts of this state shall be followed. When necessary to ascer-
6 tain facts not reasonably susceptible of proof under those rules, evi-
7 dence not admissible thereunder may be admitted, except where
8 precluded by statute, if it is of a type commonly relied upon by rea-
9 sonably prudent men in the conduct of their affairs. The director
10 shall give effect to the rules of privilege recognized by law. Objec-
11 tions to evidentiary offers may be made and shall be noted in the
12 record. Subject to these requirements, when a hearing will be ex-
13 pedited and the interests of the parties will not be prejudiced sub-
14 stantially, any part of the evidence may be received in written form.
15 2. Documentary evidence may be received in the form of copies or
16 excerpts, if the original is not readily available. Upon request, parties
17 shall be given an opportunity to compare the copy with the original.
18 3. A party may conduct cross-examinations required for a full and
19 true disclosure of the facts.
20 4. Notice may be taken of judicially cognizable facts. In addition,
21 notice may be taken of generally recognized technical or scientific
22 facts within the director's specialized knowledge. Parties shall be
23 notified either before or during the hearing, or by reference in pre-
24 liminary reports or otherwise, of the material notices, including any
25 staff memoranda or data, and they shall be afforded an opportunity
26 to contest the material so noticed. The director's experience, tech-
27 nical competence, and specialized knowledge may be utilized in the
28 evaluation of the evidence.

- 1 SEC. 28. NEW SECTION. **Decisions and orders.** A final decision
2 or order adverse to a party in a contested case shall be in writing or
3 stated in the record. A final decision shall include findings of fact
4 and conclusions of law, separately stated. Findings of fact, if set
5 forth in statutory language, shall be accompanied by a concise and
6 explicit statement of the underlying facts supporting the findings.
7 If, in accordance with rules of the commission, a party submitted
8 proposed findings of fact, the decision shall include a ruling upon
9 each proposed finding. Parties shall be notified either personally or
10 by mail of any decision or order. Upon request a copy of the decision
11 or order shall be delivered or mailed forthwith to each party and to
12 his attorney of record.

1 **SEC. 29. NEW SECTION. Judicial review of contested cases.**

2 1. A person who has exhausted all administrative remedies avail-
3 able before the director and who is aggrieved by a final decision in a
4 contested case is entitled to judicial review. This section does not limit
5 utilization of or the scope of judicial review available under other
6 means of review, redress, relief, or trial de novo provided by law.
7 A preliminary, procedural, or intermediate action or ruling of the
8 director is immediately reviewable if review of the final decision of
9 the director would not provide an adequate remedy.

10 2. Proceedings for review are instituted by filing a petition in the
11 district court within thirty days after the final decision of the direc-
12 tor or, if a rehearing is requested within thirty days after the deci-
13 sion thereon. Copies of the petition shall be served upon the director
14 and all parties of record.

15 3. The filing of the petition does not itself stay enforcement of the
16 decision of the director. The director may grant, or the reviewing
17 court may order, a stay upon appropriate terms.

18 4. Within thirty days after the service of the petition, or within
19 further time allowed by the court, the director shall transmit to the
20 reviewing court the original or a certified copy of the entire record
21 of the proceeding under review. By stipulation of all parties to the
22 review proceedings, the record may be shortened. A party unreason-
23 ably refusing to stipulate to limit the record may be taxed by the
24 court for the additional costs. The court may require or permit sub-
25 sequent corrections or additions to the record.

26 5. If, before the date set for hearing, application is made to the
27 court for leave to present additional evidence, and it is shown to the
28 satisfaction of the court that the additional evidence is material and
29 that there were good reasons for failure to present it in the proceeding
30 before the director, the court may order that the additional evidence
31 be taken before the director upon conditions determined by court.
32 The director may modify his findings and decision by reason of the
33 additional evidence and shall file that evidence and any modifications,
34 new findings, or decisions with the reviewing court.

35 6. The review shall be conducted by the district court without a
36 jury and shall be confined to the record. In cases of alleged irregu-
37 larities in procedure before the director, not shown in the record,
38 proof thereon may be taken in the court. The court, upon request,
39 shall hear oral argument and receive written briefs.

40 7. The court shall not substitute its judgment for that of the direc-
41 tor as to the weight of the evidence on questions of fact. The court
42 may affirm the decision of the director or remand the case for further
43 proceedings. The court may reverse or modify the decision if sub-
44 stantial rights of the appellant have been prejudiced because the
45 administrative findings, inferences, conclusions, or decisions are:

46 a. In violation of constitutional or statutory provisions.

47 b. In excess of the statutory authority of the director.

48 c. Made upon unlawful procedure.

49 d. Affected by other error of law.

50 e. Clearly erroneous in view of the reliable, probative, and sub-
51 stantial evidence on the whole record.

52 f. Arbitrary or capricious or characterized by abuse of discretion
53 or clearly unwarranted exercise of discretion.

1 SEC. 30. NEW SECTION. **Judicial review.** Commencing July 1,
2 1975 judicial review of the orders or actions of the director may be
3 sought in accordance with the provisions of the Iowa Administrative
4 Procedures Act.

1 SEC. 31. NEW SECTION. **Appeals.** An aggrieved party may ob-
2 tain a review of any final judgment of the court by appeal to the
3 supreme court. The appeal shall be taken as in other civil cases.

1 SEC. 32. NEW SECTION. **Funding at mental health institutes.**
2 Chapter two hundred thirty (230) of the Code shall govern the deter-
3 mination of the costs and payment for treatment provided to alco-
4 holics in a mental health institute under the department of social ser-
5 vices, except that the charges shall not constitute a lien on any real
6 estate owned by persons legally liable for support of the alcoholic and
7 and the daily per diem shall be billed at twenty-five percent. Begin-
8 ning July 1, 1976, the superintendent of a state hospital shall total
9 only those expenditures which can be attributed to the cost of pro-
10 viding inpatient treatment to alcoholics and intoxicated persons for
11 purposes of determining the daily per diem. The provisions of section
12 one hundred twenty-three B point eight (123B.8) of the Code shall
13 govern the determination of who is legally liable for the cost of care,
14 maintenance, and treatment of an alcoholic and of the amount for
15 which the person is liable.

1 SEC. 33. The commission shall, not later than February 1, 1975,
2 report to the general assembly on its experience with funding alco-
3 holism programs under this Act and make recommendations regard-
4 ing changes in the funding of alcoholism programs. This section shall
5 not become a permanent part of the Code and shall be printed in the
6 session laws only.

1 SEC. 34. NEW SECTION. **Short title.** Sections one (1) through
2 thirty-three (33) of this Act and chapter one hundred twenty-three B
3 (123B) of the Code may be cited as the Alcoholism and Intoxication
4 Treatment Act.

1 SEC. 35. Section one hundred twenty-three point thirty-six
2 (123.36), unnumbered paragraph two (2), Code 1973, as amended by
3 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one
4 hundred sixty-three (163), section two (2) is amended to read as
5 follows:

6 The department shall credit all fees to the beer and liquor control
7 fund and shall remit to the appropriate local authority, a sum equal
8 to sixty-five percent of the fees collected for each class "A", class
9 "B", or class "C" license covering premises located within their
10 respective jurisdictions. However, that amount remitted to the ap-
11 propriate local authority out of the fee collected for the privilege
12 authorized under section one (1) of this Act shall be deposited in the
13 county mental health and institutions fund to be used only for the
14 care and treatment of persons admitted or committed to the alcoholic
15 treatment center at Oakdale or any facilities as provided in chapter
16 one hundred twenty-three B (123B) of the Code *and pursuant to the*
17 *provisions of sections one (1) through thirty-three (33) of this Act.*

1 SEC. 36. Section one hundred twenty-three point one hundred
2 forty-three (123.143),* subsection one (1), Code 1973, as amended by
3 Acts of the Sixty-fifth General Assembly, 1973 Session, chapter one
4 hundred sixty-three (163), section six (6) is amended to read as
5 follows:

6 1. All retail beer permit fees collected by any local authority at the
7 time application for the permit is made, and remitted with the permit
8 application to the department, shall be refunded by the department to
9 the local authority at the time the permit is issued. Those amounts
10 refunded to the appropriate local authority out of the fee collected
11 for the privilege authorized under section four (4) of this Act shall
12 be deposited in the county mental health and institutions fund to be
13 used only for the care and treatment of persons admitted or com-
14 mitted to the alcoholic treatment center at Oakdale or any facilities
15 as provided in chapter one hundred twenty-three B (123B) of the
16 Code and pursuant to the provisions of sections one (1) through
17 thirty-three (33) of this Act.

1 SEC. 37. Section one hundred twenty-three B point four (123B.4),
2 Code 1973, is amended to read as follows:

3 **123B.4 Contract for care—rules adopted.** The ~~commission director~~ *director* may enter into written agreements with any qualified a
4 facility as defined in section two (2) of this Act to pay for ~~one-half~~
5 *seventy-five percent* of the cost of the care, maintenance, and treat-
6 ment of an alcoholic confined as a voluntary patient within that
7 county. The ~~commission~~ shall formulate, adopt, and promulgate pur-
8 suant to chapter 17A, such rules and regulations pertaining to the
9 minimum qualifications necessary to qualify as such, which shall
10 include at least a minimum period of six months in which it shall
11 be demonstrated that a facility can successfully treat alcoholism.
12 Such contracts shall be for a period of no more than one year. The
13 commission shall review and evaluate at least once each year all
14 such agreements and determine whether or not they shall be con-
15 tinued.
16

17 The contract may be in such form and contain provisions as agreed
18 upon by the parties. Such contract shall provide that the facility
19 shall admit and treat alcoholics whose legal settlement is in counties
20 other than the contracting county. If one payment for care, mainte-
21 nance, and treatment is not made by the patient or those legally liable
22 therefor within thirty days after discharge the payment shall be
23 made by the ~~commission~~ *division* directly to the facility. Payments
24 shall be made each month and shall be based upon the facility's aver-
25 age daily per patient charge. *Provisions of this section shall not per-
26 tain to patients treated at the mental health institutes.*

27 *If the appropriation to the commission is insufficient to meet the
28 requirements of this section, the commission shall request a transfer
29 of funds and section eight point thirty-nine (8.39) of the Code shall
30 apply.*

1 SEC. 38. Section one hundred twenty-three B point five (123B.5),
2 Code 1973, is amended to read as follows:

3 **123B.5 Counties to share half of cost.** *Counties Except as pro-
4 vided in section thirty-two (32) of this Act, counties shall pay for the
5 remaining ~~one-half~~ twenty-five percent of the cost of the care, mainte-*

*Also amended by 65 GA, ch 165, §1

6 nance, and treatment of an alcoholic from ~~its state~~ *the county mental*
 7 *health and institutions fund* as provided in section 444.12. *However,*
 8 *a county shall not expend from the county general fund or the county*
 9 *mental health and institutions fund, for programs implemented pur-*
 10 *suant to sections one (1) through thirty-three (33) of this Act, an*
 11 *amount in excess of the total amount spent from these funds by the*
 12 *county on alcoholism programs for the calendar year ending Decem-*
 13 *ber 31, 1973 without the approval of the board of supervisors. The*
 14 *commission shall establish guidelines for use by the counties in esti-*
 15 *imating the amount of expense which the county will incur each year.*
 16 *The facility shall certify to the county of the alcoholic's legal settle-*
 17 *ment once each month ~~one-half~~ twenty-five percent of the unpaid cost*
 18 *of the care, maintenance, and treatment of an alcoholic who has been*
 19 *confined as a voluntary patient. Such county shall pay the cost so*
 20 *certified to the facility from its ~~state~~ county mental health and insti-*
 21 *tutions fund. However, the approval of the board of supervisors shall*
 22 *be required before payment is made by a county for costs incurred*
 23 *which exceed a total of five hundred dollars for one year for treat-*
 24 *ment provided to any one alcoholic or intoxicated person, except that*
 25 *such approval is not required for the cost of treatment provided to an*
 26 *alcoholic or intoxicated person who is committed pursuant to sections*
 27 *eighteen (18) and nineteen (19) of this Act. A facility may, upon*
 28 *approval of the board of supervisors, submit to a county a billing for*
 29 *the aggregate amount of all care, maintenance, and treatment of*
 30 *alcoholics for each month. The board of supervisors may demand an*
 31 *itemization of such billings at any time or may audit the same.*

1 SEC. 39. Section one hundred twenty-three B point seven
 2 (123B.7), Code 1973, is amended to read as follows:

3 **123B.7 Disputed settlement.** In the event any county to which
 4 certification of the cost of care, maintenance, and treatment of an
 5 alcoholic is made, disputes that such alcoholic has his legal settlement
 6 in that county, it shall immediately notify the facility that such dis-
 7 pute exists. The ~~commission~~ *director* shall immediately investigate
 8 the facts and determine in which county the patient has legal settle-
 9 ment. The ~~commission~~ *director* shall certify ~~its~~ *his* determination to
 10 the county wherein it is found the patient has legal settlement and
 11 to the facility. The county of legal settlement shall reimburse the
 12 facility as provided in this chapter. If the ~~commission~~ *director* finds
 13 that the legal settlement of an alcoholic at the time of admission was
 14 in another state or country or was unknown, then the ~~commission~~
 15 *division* shall pay for that portion of his care, maintenance, and treat-
 16 ment that his county of legal settlement would have been liable to pay.
 17 *For purposes of this section, a "facility" does not include a mental*
 18 *health institute under the control of the department of social services.*

1 SEC. 40. Section one hundred twenty-three B point eight
 2 (123B.8), Code 1973, is amended to read as follows:

3 **123B.8 Legal liability for care.** The alcoholic, ~~his or her spouse,~~
 4 and any person, firm, corporation or insurance company bound by
 5 contract to provide support, hospitalization, or medical services for
 6 the alcoholic shall be legally liable *to the county of the alcoholic's*
 7 *legal settlement for twenty-five percent of the total amount and to*
 8 *the division for seventy-five percent of the total amount of the cost*

9 of providing care, maintenance, and treatment for the alcoholic while
 10 a voluntary or committed patient in a facility when the commission
 11 has contracted with such facility to provide treatment even though
 12 one-half of the cost was paid by the commission. Such liability shall
 13 be to the county of the alcoholic's legal settlement after such coun-
 14 ty has made its payment for one-half of such treatment services,
 15 except when the state pays the total cost of care in which case liability
 16 of one hundred percent shall be to the state. Nothing in this section
 17 shall prohibit any individual from paying any portion of the cost of
 18 treatment.

1 SEC. 41. Section one hundred twenty-three B point eleven
 2 (123B.11), Code 1973, is amended to read as follows:

3 **123B.11 County auditor to keep accounts.** The auditor of each
 4 county shall keep an accurate account of the total cost of the care,
 5 maintenance, and treatment of any alcoholic and keep an index of the
 6 names of the alcoholics admitted from such county. The indexing and
 7 the record of the account of such alcoholic in the office of the county
 8 auditor shall constitute notice of such lien. The name of the spouse of
 9 such alcoholic shall also be indexed in the same manner as the names
 10 of alcoholics are indexed.

1 SEC. 42. Section one hundred twenty-three B point twelve
 2 (123B.12), Code 1973, is amended to read as follows:

3 **123B.12 Collection of claims by board of supervisors.** The board
 4 of supervisors shall collect the total amount of all such claims and
 5 direct the county attorney to proceed with the collection of such
 6 claims as a part of the duties of his office. The county shall be en-
 7 titled to keep the total amount of all such claims collected. The
 8 county attorney, with the consent of the board of supervisors, may
 9 execute an agreement providing for the acceptance of a lesser amount
 10 owed by an alcoholic, his spouse, or estate to the county. The execu-
 11 tion of such agreement may provide that the same is in satisfaction
 12 of all moneys owed the county. In such case any lien against the
 13 property of the alcoholic, his spouse, or estate shall be released.

1 SEC. 43. Section two hundred twenty-four point one (224.1), Code
 2 1973, as amended by Acts of the Sixty-fifth General Assembly, 1973
 3 Session, chapter one hundred eighty (180), section one (1) is amended
 4 to read as follows:

5 **224.1 Commitment.** Persons addicted to the excessive use of
 6 intoxicating liquors, or any controlled substance contained in sched-
 7 ules I, II, III, or IV of chapter two hundred four (204) of the Code
 8 may be committed by the commissioners of hospitalization of each
 9 county to such institutions as the commissioner of the state depart-
 10 ment of social services may designate, or to such private facilities as
 11 the commission on alcoholism, or a state department designated as
 12 the single state agency to prepare and administer a state plan to
 13 combat drug abuse pursuant to United States Public Law ninety-two
 14 dash two hundred fifty-five (92-255), Iowa drug abuse authority may
 15 designate; or to any hospital accredited to give psychiatric care,
 16 provided that, commitments to private facilities shall only be made
 17 upon approval of the board of supervisors or upon agreement by the
 18 patient or responsible relatives to pay the full costs of treatment and

19 upon having made the necessary arrangements for admission and
20 support.

1 SEC. 44. Section two hundred twenty-four point two (224.2),
2 Code 1973, is amended to read as follows:

3 **224.2 Statutes applicable.** All statutes governing the commit-
4 ment, custody, treatment, and maintenance of the mentally ill shall,
5 so far as applicable, govern the commitment, custody, treatment, and
6 maintenance of those addicted to the excessive use of ~~such~~ drugs as
7 *defined in section two hundred twenty-four point one (224.1) of the*
8 *Code and intoxicating liquors.*

1 SEC. 45. Section two hundred twenty-four point four (224.4),
2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
3 1973 Session, chapter one hundred eighty (180), section two (2) is
4 amended to read as follows:

5 **224.4 Places of commitment.** The commissioner of the state
6 department of social services shall designate the state institutions to
7 which commitments may be made under this chapter, and to that end
8 may divide the state into districts, and shall promptly notify each
9 clerk of the district court of such designation and all changes therein.
10 ~~The commission on alcoholism shall designate the private facilities to~~
11 ~~which persons suffering from alcoholism may be committed under~~
12 ~~section two hundred twenty-four point one (224.1) of the Code. The~~
13 ~~state department designated as the single state agency to prepare and~~
14 ~~administer a state plan to combat drug abuse pursuant to United~~
15 ~~States Public Law ninety-two dash two hundred fifty-five (92-255)~~
16 ~~Iowa drug abuse authority shall designate the private facilities to~~
17 which persons suffering from the effects of controlled substances
18 enumerated in section two hundred twenty-four point one (224.1) of
19 the Code shall be committed.

1 SEC. 46. Section two hundred twenty-four point five (224.5),
2 Code 1973, is amended to read as follows:

3 **224.5 Mental illness of narcotic addicts.** Should a person, com-
4 mitted because of his excessive use of narcotic drugs *as defined in*
5 *section two hundred twenty-four point one (224.1) of the Code or*
6 ~~intoxicating liquors~~, become mentally ill, the commissioner of the
7 state department of social services, on complaint of the superin-
8 tendent having the custody of such person, and on due hearing, may
9 order such person committed to a hospital for the mentally ill. Such
10 order shall have the same force and effect as though entered by the
11 commissioners of hospitalization of the county of the patient's resi-
12 dence, and such person may appeal from such order in the same
13 manner in which appeals are allowed from the orders of the com-
14 missioners of hospitalization.

1 SEC. 47. Section three hundred twenty-one B point seventeen
2 (321B.17), Code 1973, is amended to read as follows:

3 **321B.17 Referred on conviction.** After any conviction for oper-
4 ating a motor vehicle while under the influence of an alcoholic bev-
5 erage under section 321.281, the court may refer the defendant for
6 treatment at a facility as defined in ~~chapter 123B~~ *sections one (1)*
7 *through thirty-three (33), inclusive, of this Act.* The court may
8 prescribe the length of time for treatment or it may be left to the

9 discretion of the facility to which the defendant was referred. A
 10 person referred under this section shall be considered a state patient,
 11 *and charges and costs for treatment shall be paid for in the manner*
 12 *provided for payment for treatment of alcoholics who have no legal*
 13 *residence in this state.*

1 SEC. 48. Section four hundred forty-four point twelve (444.12),
 2 subsection one (1), paragraph e, Code 1973, is amended to read as
 3 follows:

4 e. Care and treatment of persons ~~admitted or committed to~~ at the
 5 alcoholic treatment center at Oakdale or any facilities as provided in
 6 *sections one (1) through thirty-two (32) of this Act and chapter*
 7 *123B, provided, however, that any such admission to a facility shall*
 8 *be reported to the county board of supervisors within five days by the*
 9 *center or facility offering such treatment.*

1 SEC. 49. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred eleven (111), section one (1), subsection two
 3 (2), is amended to read as follows:

4 2. For purposes of carrying out the provisions of ~~section one hun-~~
 5 ~~dred twenty-three A point eight (123A.8)~~ *sections one (1) through*
 6 *thirty-three (33) of this Act and chapter one hundred twenty-three B*
 7 *(123B) of the Code relating to the treatment of alcoholism, subject to*
 8 *the approval of the governor:\$ 500,000 \$500,000 1,200,000*

1 SEC. 50. In addition to funds appropriated pursuant to the Acts
 2 of the Sixty-fifth General Assembly, 1973 Session, chapter one hun-
 3 dred eleven (111), there is appropriated from the general fund of the
 4 state for the fiscal year beginning July 1, 1974 and ending June 30,
 5 1975, to the Iowa commission on alcoholism, the sum of fifty thousand
 6 (50,000) dollars, or so much thereof as may be necessary, to carry
 7 out research into the causes of alcoholism and experimentation in and
 8 evaluation of methods of treating and rehabilitating alcoholics, in-
 9 cluding, but not limited to, programs conducted in halfway houses,
 10 alcoholism service centers and hospitals. Funds appropriated by this
 11 section which are unencumbered or unobligated as of June 30, 1975
 12 shall revert to the general fund of the state on September 30, 1975.

1 SEC. 51. Sections one hundred twenty-three B point one (123B.1),
 2 one hundred twenty-three B point two (123B.2), one hundred twenty-
 3 three B point three (123B.3), one hundred twenty-three B point ten
 4 (123B.10), one hundred twenty-three B point fourteen (123B.14),
 5 one hundred twenty-three B point fifteen (123B.15), one hundred
 6 twenty-three B point seventeen (123B.17), two hundred twenty-six
 7 point thirty-five (226.35), two hundred twenty-six point thirty-six
 8 (226.36), two hundred twenty-six point thirty-seven (226.37), two
 9 hundred twenty-six point thirty-eight (226.38), two hundred twenty-
 10 six point thirty-nine (226.39), and chapter one hundred twenty-three
 11 A (123A), Code 1973, are repealed.

1 SEC. 52. Sections twenty-four (24) through twenty-nine (29) of
 2 this Act are repealed effective July 1, 1975.

Approved May 29, 1974