

Senate File 1354
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SENATE FILE 1354

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By COMMITTEE ON STATE
GOVERNMENT

Passed Senate, Date 4-22-74 (1488) Passed House, Date _____
Vote: Ayes 38 Nays 6 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the establishment of a division on alcoholism
2 and the Iowa commission on alcoholism, providing for a compre-
3 hensive program for the treatment, education, and rehabilita-
4 tion of alcoholics in Iowa and making an appropriation.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

9 Sec. 2. NEW SECTION. DEFINITIONS. For purposes of this
10 Act, unless the context clearly indicates otherwise:

11 1. "Alcoholic" means a person who habitually lacks self-
12 control as to the use of alcoholic beverages, or uses alcoholic
13 beverages to the extent that his health is substantially
14 impaired or endangered or that his social or economic function
15 is substantially disrupted.

16 2. "Facility" means a hospital, institution, detoxifica-
17 tion center, or installation providing care, maintenance,
18 and treatment for alcoholics and approved by the director
19 under section thirteen (13) of this Act.

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

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

22 5. "Division" means the division on alcoholism established
23 in section three (3) of this Act.

24 6. "Director" means the director of the Iowa division
25 on alcoholism.

26 7. "Commission" means the Iowa commission on alcoholism
27 within the division.

28 8. "Emergency service patrol" means a patrol established
29 under section twenty-two (22) of this Act.

30 9. "Incapacitated by alcohol" means that a person, as
31 a result of the use of alcohol, is unconscious or has his
32 judgment otherwise so impaired that he is incapable of real-
33 izing and making a rational decision with respect to his need
34 for treatment.

35 10. "Incompetent person" means a person who has been

1 adjudged incompetent by a court of law.

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

5 12. "Treatment" means the broad range of emergency, out-
6 patient, intermediate, and inpatient services and care, in-
7 cluding diagnostic evaluation, medical, psychiatric, psycho-
8 logical, and social service care, vocational rehabilitation
9 and career counseling, which may be extended to alcoholics
10 and intoxicated persons.

11 Sec. 3. NEW SECTION. ESTABLISHMENT. There is estab-
12 lished within the state department of health a division on
13 alcoholism which shall develop, implement, and administer
14 a comprehensive alcoholism program pursuant to sections one
15 (1) through thirty-two (32) of this Act. There is estab-
16 lished within the division a commission on alcoholism to
17 establish policies governing the performance of the division
18 in the discharge of duties imposed on it by this Act. The
19 commission shall consist of nine members appointed by the
20 governor. Appointments shall be made on the basis of interest
21 in and knowledge of alcoholism. All members shall be electors
22 of the state of Iowa and no more than five members shall
23 belong to the same political party. No member shall be a
24 director of a local or regional alcoholism center.

25 Sec. 4. NEW SECTION. TERMS OF OFFICE. Commission mem-
26 bers shall be appointed to terms of four years, except that
27 initial appointments to the membership of the commission shall
28 be staggered so that four members shall be appointed to terms
29 of two years and five members shall be appointed to terms
30 of four years. Terms of office shall commence on the first
31 day of July of the year of appointment. Vacancies occurring
32 during a term of office shall be filled for the balance of
33 the unexpired term in the manner of original appointment.
34 No member shall be appointed to serve more than two consecutive
35 four-year terms.

1 Sec. 5. NEW SECTION. MEETINGS. The commission shall
2 organize annually and shall select from its membership a
3 chairman and a vice chairman. The commission shall meet at
4 least four times a year. Other meetings shall be called by
5 the chairman or upon written request of a majority of the
6 members of the commission. The chairman shall preside at
7 all meetings or in his absence the vice chairman shall preside.
8 Five members of the commission shall constitute a quorum but
9 the concurrence of a majority of the commission shall be
10 required to determine any matter relating to its duties.

11 Sec. 6. NEW SECTION. COMPENSATION. Each member of the
12 Iowa commission on alcoholism shall receive forty dollars
13 per day for each day spent in performance of the duties of
14 the commission. Each member shall also receive his actual
15 necessary expenses incurred in the performance of his duties.

16 Sec. 7. NEW SECTION. DUTIES OF THE COMMISSION. The
17 commission shall:

18 1. Act as the sole agency to allocate state, federal,
19 and private funds which are appropriated or granted to, or
20 solicited by the division.

21 2. Approve the comprehensive alcoholism program developed
22 by the division pursuant to sections one (1) through thirty-
23 two (32) of this Act.

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

26 4. Establish policies for the guidance of the director
27 in the discharge of his duties.

28 5. Advise or make recommendations to the governor and
29 the general assembly relative to alcoholism treatment programs
30 in this state.

31 6. Promulgate rules necessary to carry out the provisions
32 of this Act, subject to review in accordance with the provi-
33 sions of chapter seventeen A (17A) of the Code.

34 7. Investigate the work of the division, and for this
35 purpose it shall have access at any time to all books, papers,

1 documents, and records of the division.

2 8. Submit to the governor an annual report covering the
3 activities of the division.

4 Sec. 8. NEW SECTION. DIRECTOR. A director shall be
5 appointed by the commissioner with the approval of the
6 commission. Notwithstanding the provisions of section nineteen
7 A point three (19A.3) of the Code, the director of the
8 division shall be subject to the state merit system. The
9 director shall be a qualified person who has training or
10 experience in handling alcohol problems and the ability to
11 organize and otherwise supervise delivery systems providing
12 treatment services to persons suffering from alcoholism
13 problems. The director shall represent the department at
14 meetings of the commission and shall serve as secretary to
15 the commission.

16 Sec. 9. NEW SECTION. POWERS OF DIRECTOR. The director
17 may:

18 1. Plan, establish, and maintain treatment programs as
19 necessary or desirable.

20 2. Make contracts necessary or incidental to the perfor-
21 mance of his duties and the execution of his powers, includ-
22 ing contracts with public and private agencies, organizations,
23 and individuals to pay them for services rendered or furnished
24 to alcoholics or intoxicated persons.

25 3. Solicit and accept for use any gift of money or prop-
26 erty made by will or otherwise, and any grant of money, ser-
27 vices, or property from the federal government, the state,
28 or any political subdivision thereof or any private source,
29 and do all things necessary to cooperate with the federal
30 government or any of its agencies and the commission in making
31 an application for any grant.

32 4. Coordinate the activities of the division and cooperate
33 with alcoholism programs in this and other states, and make
34 contracts and other joint or cooperative arrangements with
35 state, local, or private agencies in this and other states

1 for the treatment of alcoholics and intoxicated persons and
2 for the common advancement of alcoholism programs.

3 5. Keep records and engage in research and the gathering
4 of relevant statistics.

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

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

9 Sec. 10. NEW SECTION. DUTIES OF DIRECTOR. The director
10 shall:

11 1. Prepare and submit a state plan subject to approval
12 by the commission and in accordance with the provisions of
13 title forty-two (XLII), United States Code, section four
14 thousand five hundred seventy-three (4573). The state plan
15 shall designate the division as the sole agency for supervising
16 the administration of the plan and may provide for the
17 appointment of a citizens advisory council on alcoholism.

18 2. Develop, encourage, and foster statewide, regional,
19 and local plans and programs for the prevention of alcoholism
20 and the treatment of alcoholics and intoxicated persons in
21 cooperation with public and private agencies, organizations,
22 and individuals, and provide technical assistance and con-
23 sultation services for these purposes.

24 3. Coordinate the efforts and enlist the assistance of
25 all public and private agencies, organizations, and individ-
26 uals interested in the prevention of alcoholism and the
27 treatment of alcoholics and intoxicated persons.

28 4. Cooperate with the department of social services in
29 establishing and conducting programs to provide treatment
30 for alcoholics and intoxicated persons.

31 5. Cooperate with the department of public instruction,
32 boards of education, schools, police departments, courts,
33 and other public and private agencies, organizations and
34 individuals in establishing programs for the prevention of
35 alcoholism and the treatment of alcoholics and intoxicated

- 1 persons, and in preparing curriculum materials thereon for
2 use at all levels of school education.
- 3 6. Prepare, publish, evaluate, and disseminate educational
4 material dealing with the nature and effects of alcohol.
- 5 7. Develop and implement, as an integral part of treat-
6 ment programs, an educational program for use in the treatment
7 of alcoholics and intoxicated persons, which program shall
8 include the dissemination of information concerning the nature
9 and effects of alcohol.
- 10 8. Organize and foster training programs for all persons
11 engaged in treatment of alcoholics and intoxicated persons.
- 12 9. Sponsor and encourage research into the causes and
13 nature of alcoholism and treatment of alcoholics and intoxi-
14 cated persons, and serve as a clearing house for information
15 relating to alcoholism.
- 16 10. Specify uniform methods for keeping statistical in-
17 formation by public and private agencies, organizations, and
18 individuals, and collect and make available relevant statis-
19 tical information, including number of persons treated, fre-
20 quency of admission and readmission, and frequency and dura-
21 tion of treatment.
- 22 11. Advise the commission and the governor in the
23 preparation of a comprehensive plan for treatment of alcoholics
24 and intoxicated persons for inclusion in the state's
25 comprehensive health plan.
- 26 12. Assist in the development of, and cooperate with,
27 alcohol education and treatment programs for employees of
28 state and local governments and businesses and industries
29 in the state.
- 30 13. Utilize the support and assistance of interested per-
31 sons in the community, particularly recovered alcoholics,
32 to encourage alcoholics to voluntarily undergo treatment.
- 33 14. Cooperate with the commissioner of public safety in
34 establishing and conducting programs designed to deal with
35 the problem of persons operating motor vehicles while in-

1 toxicated.

2 15. Encourage general hospitals and other appropriate
3 health facilities to admit without discrimination alcoholics
4 and intoxicated persons and to provide them with adequate
5 and appropriate treatment.

6 16. Encourage all health and disability insurance pro-
7 grams to include alcoholism as a covered illness.

8 17. Review all state health, welfare, and treatment plans
9 to be submitted for federal funding under federal legislation,
10 and advise the governor on provisions to be included relating
11 to alcoholism and intoxicated persons.

12 Sec. 11. NEW SECTION. CITIZENS ADVISORY COUNCIL ON
13 ALCOHOLISM. If the state plan submitted pursuant to section
14 ten (10), subsection one (1) of this Act provides for a
15 citizens advisory council on alcoholism, the council shall
16 be composed of fifteen members appointed by the governor.
17 Members shall serve for overlapping terms of three years each;
18 one third of the members first appointed shall be appointed
19 for one, two, and three-year terms respectively. Members
20 shall have professional, research, or personal interest in
21 alcoholism problems. Upon appointment, the council shall
22 meet at least once every three months and report on its
23 activities and make recommendations to the commission at least
24 once a year.

25 The council shall advise the commission on broad policies,
26 goals, and operation of the alcoholism program and on other
27 matters the commission refers to it, and shall encourage pub-
28 lic understanding and support of the alcoholism program.

29 Members of the council shall serve without compensation
30 but shall receive reimbursement for travel and other necessary
31 expenses actually incurred in the performance of their duties.

32 Sec. 12. NEW SECTION. COMPREHENSIVE PROGRAM FOR TREATMENT-
33 -REGIONAL FACILITIES.

34 1. The commission shall establish a comprehensive and
35 coordinated program for the treatment of alcoholics and in-

1 toxicated persons. Subject to the approval of the commis-
2 sioner, the director shall divide the state into appropriate
3 regions for the conduct of the program and establish stan-
4 dards for the development of the program on the regional
5 level. In establishing the regions, consideration shall be
6 given to city, town, and county lines, population con-
7 centrations and existing alcoholism treatment services.

8 2. The program of the commission shall include:

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

11 b. Inpatient treatment.

12 c. Intermediate treatment.

13 d. Outpatient and follow-up treatment.

14 3. The director shall provide for adequate and appro-
15 priate treatment for alcoholics and intoxicated persons ad-
16 mitted under sections sixteen (16) through nineteen (19) of
17 this Act. Treatment shall not be provided at a correctional
18 institution except for inmates.

19 4. The director shall maintain, supervise, and control
20 all facilities operated by him pursuant to this Act. The
21 administrator of each facility shall make an annual report
22 of the activities of the facility to the director in the form
23 and manner the director specifies.

24 5. All appropriate public and private resources shall
25 be coordinated with and utilized in the program if possible.

26 6. The director shall prepare, publish, and distribute
27 annually a list of all facilities.

28 7. The director may contract for the use of a facility
29 if the director, subject to the policies of the commission
30 and pursuant to section one hundred twenty-three B point four
31 (123B.4) of the Code, considers this to be an effective and
32 economical course to follow.

33 Sec. 13. NEW SECTION. APPROVAL OF FACILITIES--ENFORCEMENT
34 PROCEDURES--PENALTIES.

35 1. The commission shall establish standards for treatment

1 programs and facilities. The standards may concern only the
2 health standards to be met and standards of treatment to be
3 afforded patients. A person shall not operate a public or
4 private alcoholism treatment facility or program until it
5 is approved by the director, except as provided in section
6 fourteen (14) of this Act.

7 2. The director periodically shall inspect facilities
8 and shall fix the fees to be charged for the inspection.

9 3. The director shall maintain a list of approved
10 facilities.

11 4. Each facility shall file with the director on request,
12 data, statistics, schedules, and information the commission
13 reasonably requires. A facility that without good cause fails
14 to furnish any data, statistics, schedules, or information
15 as requested, or files fraudulent returns thereof, shall be
16 removed from the list of approved facilities.

17 5. The director may grant or, after holding a hearing,
18 may suspend, revoke, limit, or restrict an approval, or refuse
19 to grant an approval, for failure to meet the standards of
20 the commission.

21 6. A district court judge may restrain any violation of
22 this section, review any denial, restriction, or revocation
23 of approval, and grant other relief required to enforce its
24 provisions.

25 7. Upon petition of the director and after a hearing held
26 upon reasonable notice to the facility, a district court judge
27 may issue a warrant to an officer or employee of the division
28 authorizing him to enter and inspect at reasonable times,
29 and examine the books and accounts of, a facility refusing
30 to consent to inspection or examination by the director or
31 which the director has reasonable cause to believe is operating
32 in violation of this Act.

33 Sec. 14. NEW SECTION. EXCEPTIONS. Approval of the
34 director is not required for the operation of the following:

35 1. A hospital or alcoholic treatment facility under the

1 control of the veterans administration or other federal agency.

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

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

12 4. An agency, institution or program which, in the judgment
13 of the director, provides services which are only informa-
14 tional or educational in nature.

15 Sec. 15. NEW SECTION. ACCEPTANCE FOR TREATMENT--RULES.

16 The commission shall adopt and may amend and repeal rules
17 for acceptance of persons into the treatment program, subject
18 to the provisions of chapter seventeen A (17A) of the Code,
19 considering available treatment resources and facilities,
20 for the purpose of early and effective treatment of alcoholics
21 and intoxicated persons. In establishing the rules the
22 commission shall be guided by the following standards:

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

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

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

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

34 5. Provision shall be made for a continuum of coordinated
35 treatment services, so that a person who leaves a facility

1 or a form of treatment will have available and may utilize
2 other appropriate treatment.

3 Sec. 16. NEW SECTION. VOLUNTARY TREATMENT OF ALCOHOLICS.

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

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

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

20 4. If a patient leaves a facility, with or against the
21 advice of the administrator in charge of the facility, the
22 director shall make reasonable provisions for his
23 transportation to another facility or to his home. If he
24 has no home he shall be assisted in obtaining shelter. If
25 he is a minor or an incompetent person the request for
26 discharge from an inpatient facility shall be made by a parent,
27 legal guardian, or other legal representative or by the minor
28 or incompetent if he was the original applicant.

29 Sec. 17. NEW SECTION. TREATMENT AND SERVICES FOR
30 INTOXICATED PERSONS AND PERSONS INCAPACITATED BY ALCOHOL.

31 1. An intoxicated person may come voluntarily to a facility
32 for emergency treatment. A person who appears to be
33 intoxicated or incapacitated by alcohol in a public place
34 and in need of help shall be taken to a facility by the police
35 or the emergency service patrol. If the person refuses the

1 proffered help, he shall be arrested and charged with intoxi-
2 cation.

3 2. If no facility is readily available the person shall
4 be taken to an emergency medical service customarily used
5 for incapacitated persons. The peace officer or the emergency
6 service patrol, in detaining the person and in taking him
7 to a facility, is taking him into protective custody and shall
8 make every reasonable effort to protect his health and safety.
9 In taking the person into protective custody, the detaining
10 officer may take reasonable steps to protect himself. A
11 taking into protective custody under this section is not an
12 arrest. No entry or other record shall be made to indicate
13 that the person has been arrested or charged with a crime.

14 3. A person who comes voluntarily or is brought to a
15 facility shall be examined by a licensed physician as soon
16 as possible. He may then be admitted as a patient or referred
17 to another health facility. The referring facility shall
18 arrange for his transportation.

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

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

33 6. The police or members of the emergency service patrol
34 who act in compliance with this section are acting in the
35 course of their official duty and are not criminally or civilly

1 liable therefor.

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

6 Sec. 18. NEW SECTION. EMERGENCY COMMITMENT.

7 1. An intoxicated person who has threatened, attempted,
8 or inflicted physical harm on himself or another and is likely
9 to inflict physical harm on himself or another unless
10 committed, or who is incapacitated by alcohol, may be committed
11 to a facility for emergency treatment. A refusal to undergo
12 treatment does not constitute evidence of lack of judgment
13 as to the need for treatment.

14 2. The certifying physician, spouse, guardian, or rela-
15 tive of the person to be committed, or any other responsible
16 person, may make a written application for commitment under
17 this section, directed to the administrator of the facility.
18 The application shall state facts to support the grounds for
19 commitment established in subsection one (1) of this section.

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

28 4. The administrator in charge of a facility shall refuse
29 an application if in his opinion the application and
30 certificate fail to sustain the grounds for commitment.

31 5. When on the advice of the medical staff the admin-
32 istrator determines that the grounds for commitment no longer
33 exist, he shall discharge a person committed under this sec-
34 tion. No person committed under this section may be detained
35 in any treatment facility for more than five days. If a peti-

1 tion for involuntary commitment under section eighteen (18)
2 of this Act has been filed within the five days and the ad-
3 ministrator in charge of a facility finds that grounds for
4 emergency commitment still exist, he may detain the person
5 until the petition has been heard and determined, but no
6 longer than ten days after filing the petition.

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

12 Sec. 19. NEW SECTION. INVOLUNTARY COMMITMENT OF
13 ALCOHOLICS.

14 1. A person may be committed to the custody of the division
15 by a district court judge upon the petition of his spouse
16 or guardian, a relative, the certifying physician, or the
17 administrator in charge of a facility. The petition shall
18 allege that the person is an alcoholic who habitually lacks
19 self-control as to the use of alcoholic beverages, and (a)
20 that he has threatened, attempted, or inflicted physical harm
21 on another and that he is likely to inflict physical harm
22 on himself or another unless committed; or (b) that he is
23 incapacitated by alcohol. A refusal to undergo treatment
24 does not constitute evidence of lack of judgment as to the
25 need for treatment. The petition shall be accompanied by
26 a certificate of a licensed physician who has examined the
27 person within two days before submission of the petition,
28 unless the person whose commitment is sought has refused to
29 submit to a medical examination or was unavailable for examina-
30 tion, in which case the fact of refusal or unavailability
31 shall be alleged in the petition. The certificate shall set
32 forth the physician's findings in support of the allegations
33 of the petition. A physician employed by the admitting
34 facility or the division is not eligible to be the certifying
35 physician.

1 2. Upon the filing of the petition, the court shall fix
2 a date for a hearing no later than ten days after the date
3 the petition was filed. A copy of the petition and the notice
4 of hearing shall be served in the manner of an original notice
5 on the person whose commitment is sought and upon a parent
6 or legal guardian if the person is a minor. A copy of the
7 petition and the notice of hearing shall be mailed or delivered
8 in the manner provided for motions in civil cases to the
9 petitioner, the next of kin of the person other than the
10 petitioner, the administrator of the facility to which the
11 person has been committed for emergency care, and any other
12 person the court believes should receive copies. A petition
13 shall have attached a copy of the certificate specified in
14 this section.

15 3. At the hearing the court shall hear all relevant tes-
16 timony, including, if possible, the testimony of at least
17 one licensed physician who has examined the person whose
18 commitment is sought. The person shall be present unless
19 the court believes that his presence is likely to be injurious
20 to him; in this event the court shall appoint a guardian ad
21 litem to represent him throughout the proceeding. The court
22 shall examine the person in open court, or if advisable, shall
23 examine the person out of court. If the person has refused
24 to be examined by a licensed physician, he shall be given
25 an opportunity to be examined by a court-appointed licensed
26 physician. If he refuses and there is sufficient evidence
27 to believe that the allegations of the petition are true,
28 or if the court believes that more medical evidence is
29 necessary, the court may make a temporary order committing
30 him to the division for a period of not more than five days
31 for purposes of a diagnostic examination.

32 4. If after hearing all relevant evidence, including the
33 results of any diagnostic examination, the court finds that
34 the allegations of the petition have been established by clear
35 and convincing proof, it shall make an order of commitment

1 to the division. It may not order commitment of a person
2 unless it determines that the division is able to provide
3 adequate and appropriate treatment for him and the treatment
4 is likely to be beneficial.

5 5. A person committed under this section shall remain
6 in the custody of the division for treatment for a period
7 of thirty days unless sooner discharged. At the end of the
8 thirty-day period, he shall be discharged automatically unless
9 the director before expiration of the period petitions the
10 court for an order for his recommitment upon the grounds set
11 forth in subsection one (1) of this section for a further
12 period not to exceed ninety days.

13 6. A person recommitted under subsection five (5) of this
14 section who has not been discharged by the division before
15 the end of the ninety-day period shall be discharged at the
16 expiration of that period unless the director, before ex-
17 piration of the period, obtains a court order on the grounds
18 set forth in subsection one (1) of this section for recom-
19 mitment for a further period not to exceed ninety days.

20 7. Upon the filing of a petition for recommitment under
21 subsections five (5) or six (6) of this section, the court
22 shall fix a date for hearing no later than ten days after
23 the date the petition was filed. A copy of the petition and
24 the notice of hearing shall be served in the manner of an
25 original notice on the person whose commitment is sought,
26 and upon a parent or legal guardian if the person is a minor.
27 A copy of the petition and the notice of hearing shall be
28 mailed or delivered in the manner provided for motions in
29 civil cases to the petitioner, the next of kin of the person
30 other than the petitioner, the administrator of the facility
31 to which the person has been committed for emergency care,
32 and any other person the court believes should receive copies.
33 A petition shall have attached a copy of the certificate
34 specified in this section. At the hearing the court shall
35 proceed as provided in subsection three (3) of this section.

1 8. The director shall provide for adequate and appro-
2 priate treatment of a person committed to the custody of the
3 division. The director may transfer any person committed
4 to the custody of the division from one facility to another
5 if transfer is medically advisable, and if notice is provided
6 to the court of commitment, the counselor advocate, and the
7 spouse or next of kin of the person.

8 9. A person committed to the custody of the commission
9 for treatment shall be discharged at any time before the end
10 of the period for which he has been committed if either of
11 the following conditions is met:

12 a. In case of an alcoholic committed under paragraph a
13 of subsection one (1) of this section, that he is no longer
14 an alcoholic or the likelihood no longer exists.

15 b. In case of an alcoholic committed under paragraph b
16 of subsection one (1) of this section, that the incapacity
17 no longer exists, that further treatment will not be likely
18 to bring about significant improvement in the person's condi-
19 tion, or that treatment is no longer adequate or appropriate.

20 10. The court shall inform the person whose commitment
21 or recommitment is sought of his right to contest the applica-
22 tion, to be represented by counsel at every stage of any pro-
23 ceedings relating to his commitment and recommitment, and
24 to have counsel appointed by the court or provided by the
25 court, if he wants the assistance of counsel and is unable
26 to obtain counsel. If the court believes that the person
27 needs the assistance of counsel, the court shall require,
28 by appointment if necessary, counsel for him regardless of
29 his wishes. The person whose commitment or recommitment is
30 sought shall be informed of his right to be examined by a
31 licensed physician of his choice. If the person is unable
32 to obtain a licensed physician and requests examination by
33 a physician, the court shall employ a licensed physician.

34 11. If the administrator of a private treatment facility
35 consents to the request of a competent patient or his parent,

1 sibling, adult child, or guardian to accept the patient for
2 treatment, the administrator of the public treatment facility
3 may transfer him to the private treatment facility.

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

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

8 Sec. 20. NEW SECTION. RECORDS OF ALCOHOLICS AND
9 INTOXICATED PERSONS.

10 1. The registration and other records of facilities shall
11 remain confidential and are privileged to the patient.

12 2. Notwithstanding subsection one (1) of this section,
13 the director may make available information from patients'
14 records for purposes of research into the causes and treat-
15 ment of alcoholism. Information under this subsection shall
16 not be published in a way that discloses patients' names or
17 other identifying information.

18 Sec. 21. NEW SECTION. RIGHTS AND PRIVILEGES OF PATIENTS.

19 1. Subject to reasonable rules regarding hours of visita-
20 tion which the commission may adopt, patients in a facility
21 shall be granted opportunities for adequate consultation with
22 counsel, and for continuing contact with family and friends
23 consistent with an effective treatment program.

24 2. Neither mail nor other communication to or from a
25 patient in a facility may be intercepted, read, or censored.
26 The commission may adopt reasonable rules regarding the use
27 of telephones by patients in facilities.

28 3. The patient shall be provided an opportunity to receive
29 prompt evaluation, emergency services and care as indicated
30 by sound medical practice, and treatment which, in the judg-
31 ment of the chief medical officer of a facility, is most
32 likely to result in the individual's recovery or in the miti-
33 gation of his condition to an extent sufficient to permit
34 his discharge from the facility.

35 Sec. 22. NEW SECTION. EMERGENCY SERVICE PATROL--ESTAB-

1 LISHMENT--RULES.

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

10 2. The commission shall adopt rules for the establishment,
11 training, and conduct of emergency service patrols.

12 Sec. 23. NEW SECTION. CRIMINAL LAWS LIMITATIONS.

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

16 2. No county or city may interpret or apply any law of
17 general application to circumvent the provision of subsec-
18 tion one (1) of this section.

19 3. Nothing in this Act affects any law, ordinance, resolu-
20 tion, or rule against drunken driving, driving under the in-
21 fluence of alcohol, or other similar offense involving the
22 operation of a vehicle, aircraft, boat, machinery, or other
23 equipment, or regarding the sale, purchase, dispensing,
24 possessing, or use of alcoholic beverages or beer at stated
25 times and places or by a particular class of persons.

26 Sec. 24. NEW SECTION. PUBLIC INFORMATION--ADOPTION OF
27 RULES--AVAILABILITY OF RULES AND ORDERS.

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

30 a. Adopt as a rule a description of the organization of
31 the division, stating the general course and method of the
32 operations of the division and methods whereby the public
33 may obtain information or make submissions or requests.

34 b. Adopt rules of practice setting forth the nature and
35 requirements of all formal and informal procedures available,

1 including a description of all forms and instructions used
2 by the director or his office.

3 c. Make available for public inspection all rules and
4 all other written statements of policy or interpretations
5 formulated, adopted, or used by the director in the discharge
6 of his functions.

7 d. Make available for public inspection all final orders,
8 decisions, and opinions.

9 2. No rule, order, or decision of the commission is effec-
10 tive against any person or party, nor may it be invoked by
11 the director for any purpose, until it has been made avail-
12 able for public inspection as herein required. This provi-
13 sion is not applicable in favor of any person or party who
14 has knowledge thereof.

15 Sec. 25. NEW SECTION. PETITION FOR ADOPTION OF RULES.

16 An interested person may petition the director requesting
17 the adoption, amendment, or repeal of a rule. The commission
18 shall prescribe by rule the form for petitions and the
19 procedure for their submission, consideration, and disposition.
20 Within thirty days after submission of a petition, the director
21 either shall deny the petition in writing, stating his reasons
22 for the denials, or shall initiate rule-making proceedings
23 in accordance with chapter seventeen A (17A) of the Code.

24 Sec. 26. NEW SECTION. CONTESTED CASES--NOTICE--HEARING--
25 -RECORDS.

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

28 2. The notice shall include:

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

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

33 c. A reference to the particular provisions of the statutes
34 and rules involved.

35 d. A short and plain statement of the matters asserted.

1 If the director or other party is unable to state the matters
2 in detail at the time the notice is served, the initial notice
3 may be limited to a statement of the issues involved. There-
4 after upon application a more definite and detailed statement
5 shall be furnished.

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

8 4. Unless precluded by law, informal disposition may be
9 made of any contested case by stipulation, agreed settlement,
10 consent order, or default.

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

12 a. All pleadings, motions, intermediate rulings.

13 b. Evidence received or considered.

14 c. A statement of matters officially noticed.

15 d. Questions and offers of proof, objections, and rulings
16 thereon.

17 e. Proposed findings and exceptions.

18 f. Any decision, opinion, or report by the officer presid-
19 ing at the hearing.

20 g. All staff memoranda or data submitted to the hearing
21 officer or the division in connection with its consideration
22 of the case.

23 6. Oral proceedings or any part thereof shall be tran-
24 scribed on request of any party, but at his expense.

25 7. Findings of fact shall be based exclusively on the
26 evidence and on matters officially noticed.

27 Sec. 27. NEW SECTION. RULES OF EVIDENCE--OFFICIAL NOTICE.

28 In contested cases:

29 1. Irrelevant, immaterial, or unduly repetitious evidence
30 shall be excluded. The rules of evidence as applied in civil
31 cases in the district courts of this state shall be followed.
32 When necessary to ascertain facts not reasonably susceptible
33 of proof under those rules, evidence not admissible thereunder
34 may be admitted, except where precluded by statute, if it
35 is of a type commonly relied upon by reasonably prudent men

1 in the conduct of their affairs. The director shall give
2 effect to the rules of privilege recognized by law. Objections
3 to evidentiary offers may be made and shall be noted in the
4 record. Subject to these requirements, when a hearing will
5 be expedited and the interests of the parties will not be
6 prejudiced substantially, any part of the evidence may be
7 received in written form.

8 2. Documentary evidence may be received in the form of
9 copies or excerpts, if the original is not readily available.
10 Upon request, parties shall be given an opportunity to compare
11 the copy with the original.

12 3. A party may conduct cross-examinations required for
13 a full and true disclosure of the facts.

14 4. Notice may be taken of judicially cognizable facts.
15 In addition, notice may be taken of generally recognized
16 technical or scientific facts within the director's specialized
17 knowledge. Parties shall be notified either before or during
18 the hearing, or by reference in preliminary reports or other-
19 wise, of the material notices, including any staff memoranda
20 or data, and they shall be afforded an opportunity to contest
21 the material so noticed. The director's experience, technical
22 competence, and specialized knowledge may be utilized in the
23 evaluation of the evidence.

24 Sec. 28. NEW SECTION. DECISIONS AND ORDERS. A final
25 decision or order adverse to a party in a contested case shall
26 be in writing or stated in the record. A final decision shall
27 include findings of fact and conclusions of law, separately
28 stated. Findings of fact, if set forth in statutory language,
29 shall be accompanied by a concise and explicit statement of
30 the underlying facts supporting the findings. If, in
31 accordance with rules of the commission, a party submitted
32 proposed findings of fact, the decision shall include a ruling
33 upon each proposed finding. Parties shall be notified either
34 personally or by mail of any decision or order. Upon request
35 a copy of the decision or order shall be delivered or mailed

1 forthwith to each party and to his attorney of record.

2 Sec. 29. NEW SECTION. JUDICIAL REVIEW OF CONTESTED CASES.

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

12 2. Proceedings for review are instituted by filing a peti-
13 tion in the district court within thirty days after the final
14 decision of the director or, if a rehearing is requested
15 within thirty days after the decision thereon. Copies of
16 the petition shall be served upon the director and all parties
17 of record.

18 3. The filing of the petition does not itself stay en-
19 forcement of the decision of the director. The director may
20 grant, or the reviewing court may order, a stay upon appro-
21 priate terms.

22 4. Within thirty days after the service of the petition,
23 or within further time allowed by the court, the director
24 shall transmit to the reviewing court the original or a
25 certified copy of the entire record of the proceeding under
26 review. By stipulation of all parties to the review
27 proceedings, the record may be shortened. A party unreasonably
28 refusing to stipulate to limit the record may be taxed by
29 the court for the additional costs. The court may require
30 or permit subsequent corrections or additions to the record.

31 5. If, before the date set for hearing, application is
32 made to the court for leave to present additional evidence,
33 and it is shown to the satisfaction of the court that the
34 additional evidence is material and that there were good
35 reasons for failure to present it in the proceeding before

1 the director, the court may order that the additional evidence
2 be taken before the director upon conditions determined by
3 court. The director may modify his findings and decision
4 by reason of the additional evidence and shall file that
5 evidence and any modifications, new findings, or decisions
6 with the reviewing court.

7 6. The review shall be conducted by a district court judge
8 without a jury and shall be confined to the record. In cases
9 of alleged irregularities in procedure before the director,
10 not shown in the record, proof thereon may be taken in the
11 court. The court, upon request, shall hear oral argument
12 and receive written briefs.

13 7. The court shall not substitute its judgment for that
14 of the director as to the weight of the evidence on questions
15 of fact. The court may affirm the decision of the director
16 or remand the case for further proceedings. The court may
17 reverse or modify the decision if substantial rights of the
18 appellant have been prejudiced because the administrative
19 findings, inferences, conclusions, or decisions are:

20 a. In violation of constitutional or statutory provisions.

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

22 c. Made upon unlawful procedure.

23 d. Affected by other error of law.

24 e. Clearly erroneous in view of the reliable, probative,
25 and substantial evidence on the whole record.

26 f. Arbitrary or capricious or characterized by abuse of
27 discretion or clearly unwarranted exercise of discretion.

28 Sec. 30. NEW SECTION. APPEALS. An aggrieved party may
29 obtain a review of any final judgment of the court by appeal
30 to the supreme court. The appeal shall be taken as in other
31 civil cases.

32 Sec. 31. NEW SECTION. FUNDING AT MENTAL HEALTH INSTI-
33 TUTES. Chapter two hundred thirty (230) of the Code shall
34 govern the determination of the costs and payment for treat-
35 ment provided to alcoholics in a mental health institute under

1 the department of social services, except that the charges
2 shall not constitute a lien on any real estate owned by per-
3 sons legally liable for support of the alcoholic.

4 Sec. 32. NEW SECTION. SHORT TITLE. Sections one (1)
5 through thirty-two (32) of this Act and chapter one hundred
6 twenty-three B (123B) of the Code may be cited as the
7 Alcoholism and Intoxication Treatment Act.

8 Sec. 33. Section one hundred twenty-three point thirty-
9 six (123.36), unnumbered paragraph two (2), Code 1973, as
10 amended by Acts of the Sixty-fifth General Assembly, 1973
11 Session, chapter one hundred sixty-three (163), section two
12 (2) is amended to read as follows:

13 The department shall credit all fees to the beer and liquor
14 control fund and shall remit to the appropriate local
15 authority, a sum equal to sixty-five percent of the fees
16 collected for each class "A", class "B", or class "C" license
17 covering premises located within their respective
18 jurisdictions. However, that amount remitted to the
19 appropriate local authority out of the fee collected for the
20 privilege authorized under section one (1) of this Act shall
21 be deposited in the county mental health and institutions
22 fund to be used only for the care and treatment of persons
23 admitted or committed to the alcoholic treatment center at
24 Oakdale or any facilities as provided in chapter one hundred
25 twenty-three B (123B) of the Code and pursuant to the
26 provisions of sections one (1) through thirty-two (32) of
27 this Act.

28 Sec. 34. Section one hundred twenty-three point one hun-
29 dred forty-three (123.143), subsection one (1), Code 1973,
30 as amended by Acts of the Sixty-fifth General Assembly, 1973
31 Session, chapter one hundred sixty-three (163), section six
32 (6) is amended to read as follows:

33 1. All retail beer permit fees collected by any local
34 authority at the time application for the permit is made,
35 and remitted with the permit application to the department,

1 shall be refunded by the department to the local authority
2 at the time the permit is issued. Those amounts refunded
3 to the appropriate local authority out of the fee collected
4 for the privilege authorized under section four (4) of this
5 Act shall be deposited in the county mental health and
6 institutions fund to be used only for the care and treatment
7 of persons admitted or committed to the alcoholic treatment
8 center at Oakdale or any facilities as provided in chapter
9 one hundred twenty-three B (123B) of the Code and pursuant
10 to the provisions of sections one (1) through thirty-two (32)
11 of this Act.

12 Sec. 35. Section one hundred twenty-three B point four
13 (123B.4), Code 1973, is amended to read as follows:

14 123B.4 CONTRACT FOR CARE--RULES ADOPTED. The ~~commiss-~~
15 ~~sion~~ director may enter into written agreements with any
16 qualified a facility as defined in section two (2) of this
17 Act to pay for one-half of the cost of the care, maintenance,
18 and treatment of an alcoholic ~~confined-as-a-voluntary-patient~~
19 ~~within-that-county.--The-commission-shall-formulate,-adopt,-~~
20 ~~and-promulgate-pursuant-to-chapter-47A,-such-rules-and~~
21 ~~regulations-pertaining-to-the-minimum-qualifications-necessary~~
22 ~~to-qualify-as-such,-which-shall-include-at-least-a-minimum~~
23 ~~period-of-six-months-in-which-it-shall-be-demonstrated-that~~
24 ~~a-facility-can-successfully-treat-alcoholism.~~ Such contracts
25 shall be for a period of no more than one year. The
26 commission shall review and evaluate at least once each year
27 all such agreements and determine whether or not they shall
28 be continued.

29 The contract may be in such form and contain provisions
30 as agreed upon by the parties. Such contract shall provide
31 that the facility shall admit and treat alcoholics whose legal
32 settlement is in counties other than the contracting county.
33 If one payment for care, maintenance, and treatment is not
34 made by the patient or those legally liable therefor within
35 thirty days after discharge the payment shall be made by the

1 ~~commission~~ division directly to the facility. Payments shall
2 be made each month and shall be based upon the facility's
3 average daily per patient charge.

4 Sec. 36. Section one hundred twenty-three B point five
5 (123B.5), Code 1973, is amended to read as follows:

6 123B.5 COUNTIES TO SHARE HALF OF COST. ~~Counties~~ Except
7 as provided in section thirty-one (31) of this Act, counties
8 shall pay for the remaining one-half of the cost of the care,
9 maintenance, and treatment of an alcoholic from ~~its-state~~
10 the county mental health and institutions fund as provided
11 in section 444.12. The facility shall certify to the county
12 of the alcoholic's legal settlement once each month one-half
13 of the unpaid cost of the care, maintenance, and treatment
14 of an alcoholic ~~who-has-been-confined-as-a-voluntary-patient~~.
15 Such county shall pay the cost so certified to the facility
16 from its ~~state~~ county mental health and institutions fund.
17 A facility may, upon approval of the board of supervisors,
18 submit to a county a billing for the aggregate amount of all
19 care, maintenance, and treatment of alcoholics for each month.
20 The board of supervisors may demand an itemization of such
21 billings at any time or may audit the same.

22 Sec. 37. Section one hundred twenty-three B point seven
23 (123B.7), Code 1973, is amended to read as follows:

24 123B.7 DISPUTED SETTLEMENT. In the event any county to
25 which certification of the cost of care, maintenance, and
26 treatment of an alcoholic is made, disputes that such alcoholic
27 has his legal settlement in that county, it shall immediately
28 notify the facility that such dispute exists. The ~~commission~~
29 director shall immediately investigate the facts and determine
30 in which county the patient has legal settlement. The
31 ~~commission~~ director shall certify ~~its~~ his determination to
32 the county wherein it is found the patient has legal settlement
33 and to the facility. The county of legal settlement shall
34 reimburse the facility as provided in this chapter. If the
35 ~~commission~~ director finds that the legal settlement of an

1 alcoholic at the time of admission was in another state of
2 country or was unknown, then the ~~commission~~ division shall
3 pay for that portion of his care, maintenance, and treatment
4 that his county of legal settlement would have been liable
5 to pay. For purposes of this section, a "facility" does not
6 include a mental health institute under the control of the
7 department of social services.

8 Sec. 38. Section one hundred twenty-three B point eight
9 (123B.8), Code 1973, is amended to read as follows:

10 123B.8 LEGAL LIABILITY FOR CARE. The alcoholic, his or
11 her spouse, and any person, firm, corporation or insurance
12 company bound by contract to provide support, hospitaliza-
13 tion, or medical services for the alcoholic shall be legally
14 liable for the total amount of the cost of providing care,
15 maintenance, and treatment for the alcoholic while a volun-
16 tary patient in a facility when the ~~commission~~ director has
17 contracted with such facility to provide treatment even though
18 one-half of the cost was paid by the ~~commission~~ division.
19 Such liability shall be to the county of the alcoholic's legal
20 settlement after such county has made its payment for one-
21 half of such treatment services.

22 Sec. 39. Section one hundred twenty-three B point eleven
23 (123B.11), Code 1973, is amended to read as follows:

24 123B.11 COUNTY AUDITOR TO KEEP ACCOUNTS. The auditor
25 of each county shall keep an accurate account of the total
26 cost of the care, maintenance, and treatment of any alcoholic
27 and keep an index of the names of the alcoholics admitted
28 from such county. ~~The indexing and the record of the account~~
29 ~~of such alcoholic in the office of the county auditor shall~~
30 ~~constitute notice of such lien.~~ The name of the spouse of
31 such alcoholic shall also be indexed in the same manner as
32 the names of alcoholics are indexed.

33 Sec. 40. Section one hundred twenty-three B point twelve
34 (123B.12), Code 1973, is amended to read as follows:

35 123B.12 COLLECTION OF CLAIMS BY BOARD OF SUPERVISORS.

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

13 Sec. 41. Section two hundred twenty-four point one (224.1),
14 Code 1973, as amended by Acts of the Sixty-fifth General
15 Assembly, 1973 Session, chapter one hundred eighty (180),
16 section one (1) is amended to read as follows:

17 224.1 COMMITMENT. Persons addicted to the excessive use
18 of ~~intoxicating liquors, or~~ any controlled substance contained
19 in schedules I, II, III, or IV of chapter two hundred four
20 (204) of the Code may be committed by the commissioners of
21 hospitalization of each county to such institutions as the
22 commissioner of the state department of social services may
23 designate, or to such private facilities as the ~~commission~~
24 ~~on alcoholism, or a state department designated as the single~~
25 ~~state agency to prepare and administer a state plan to combat~~
26 ~~drug abuse pursuant to United States Public Law ninety-two~~
27 ~~dash-two-hundred-fifty-five-(92-255),~~ Iowa drug abuse authority
28 may designate; or to any hospital accredited to give
29 psychiatric care, provided that, commitments to private
30 facilities shall only be made upon approval of the board of
31 supervisors or upon agreement by the patient or responsible
32 relatives to pay the full costs of treatment and upon having
33 made the necessary arrangements for admission and support.

34 Sec. 42. Section two hundred twenty-four point two (224.2),
35 Code 1973, is amended to read as follows:

1 224.2 STATUTES APPLICABLE. All statutes governing the
2 commitment, custody, treatment, and maintenance of the mentally
3 ill shall, so far as applicable, govern the commitment, cus-
4 tody, treatment, and maintenance of those addicted to the
5 excessive use of ~~such~~ drugs as defined in section two hundred
6 twenty-four point one (224.1) of the Code and-intoxicating
7 liquers.

8 Sec. 43. Section two hundred twenty-four point four
9 (224.4), Code 1973, as amended by Acts of the Sixty-fifth
10 General Assembly, 1973 Session, chapter one hundred eighty
11 (180), section two (2) is amended to read as follows:

12 224.4 PLACES OF COMMITMENT. The commissioner of the state
13 department of social services shall designate the state insti-
14 tutions to which commitments may be made under this chapter,
15 and to that end may divide the state into districts, and shall
16 promptly notify each clerk of the district court of such
17 designation and all changes therein. ~~The-commissioner-on~~
18 ~~alcoholism-shall-designate-the-private-facilities-to-which~~
19 ~~persons-suffering-from-alcoholism-may-be-committed-under~~
20 ~~section-two-hundred-twenty-four-point-one-(224.1)-of-the-Code.~~
21 ~~The state-department-designated-as-the-single-state-agency~~
22 ~~to-prepare-and-administer-a-state-plan-to-combat-drug-abuse~~
23 ~~pursuant-to-United-States-Public-Law-ninety-two-dash-two~~
24 ~~hundred-fifty-five-(92-255)~~ Iowa drug abuse authority shall
25 designate the private facilities to which persons suffering
26 from the effects of controlled substances enumerated in section
27 two hundred twenty-four point one (224.1) of the Code shall
28 be committed.

29 Sec. 44. Section two hundred twenty-four point five
30 (224.5), Code 1973, is amended to read as follows:

31 224.5 MENTAL ILLNESS OF NARCOTIC ADDICTS. Should a per-
32 son, committed because of his excessive use of ~~narcotic~~ drugs
33 as defined in section two hundred twenty-four point one (224.1)
34 of the Code or-intoxicating-liquers, become mentally ill,
35 the commissioner of the state department of social services,

1 on complaint of the superintendent having the custody of such
2 person, and on due hearing, may order such person committed
3 to a hospital for the mentally ill. Such order shall have
4 the same force and effect as though entered by the commis-
5 sioners of hospitalization of the county of the patient's
6 residence, and such person may appeal from such order in the
7 same manner in which appeals are allowed from the orders of
8 the commissioners of hospitalization.

9 Sec. 45. Section three hundred twenty-one B point seven-
10 teen (321B.17), Code 1973, is amended to read as follows:

11 321B.17 REFERRED ON CONVICTION. After any conviction
12 for operating a motor vehicle while under the influence of
13 an alcoholic beverage under section 321.281, the court may
14 refer the defendant for treatment at a facility as defined
15 in ~~chapter-123B~~ sections one (1) through thirty-two (32),
16 inclusive, of this Act. The court may prescribe the length
17 of time for treatment or it may be left to the discretion
18 of the facility to which the defendant was referred. A person
19 referred under this section shall be considered a state
20 patient, and charges and costs for treatment shall be paid
21 for in the manner provided for payment for treatment of
22 alcoholics who have no legal residence in this state.

23 Sec. 46. Section four hundred forty-four point twelve
24 (444.12), subsection one (1), paragraph e, Code 1973, is
25 amended to read as follows:

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

33 Sec. 47. Acts of the Sixty-fifth General Assembly, 1973
34 Session, chapter one hundred eleven (111), section one (1),
35 subsection two (2), is amended to read as follows:

1 2. For purposes of carrying out the provisions of ~~sec-~~
2 ~~tion-one-hundred-twenty-three-A-point-eight-(123A.8)~~ sec-
3 tions one (1) through thirty-two (32) of this Act and chap-
4 ter one hundred twenty-three B (123B) of the Code relating
5 to the treatment of alcoholism, subject to the approval of
6 the governor: \$ 500,000 \$500,000 1,000,000

7 Sec. 48. Sections one hundred twenty-three B point one
8 (123B.1), one hundred twenty-three B point two (123B.2), one
9 hundred twenty-three B point three (123B.3), one hundred
10 twenty-three B point ten (123B.10), one hundred twenty-three
11 B point fourteen (123B.14), one hundred twenty-three B point
12 fifteen (123B.15), one hundred twenty-three B point seventeen
13 (123B.17), two hundred twenty-six point thirty-five (226.35),
14 two hundred twenty-six point thirty-six (226.36), two hundred
15 twenty-six point thirty-seven (226.37), two hundred twenty-
16 six point thirty-eight (226.38), two hundred twenty-six point
17 thirty-nine (226.39), and chapter one hundred twenty-three
18 A (123A), Code 1973, are repealed.

19 EXPLANATION

20 This bill is based on the uniform alcoholism and intoxica-
21 tion treatment Act; however, the bill, unlike the uniform
22 act, provides for the arrest of intoxicated persons and persons
23 incapacitated by alcohol who refuse to be taken to an approved
24 treatment facility. A commission on alcoholism is established
25 within a division on alcoholism which will undertake functions
26 currently performed by both the Iowa State Commission on
27 Alcoholism and the Office for Planning and Programming. All
28 alcoholism treatment facilities are required to be approved
29 by the director of the division, except those listed in section
30 14 of the bill.

31 The comprehensive state alcoholism program established
32 in the bill will be paid for jointly by the commission and
33 the counties from funds allocated by the commission and from
34 the county mental health and institutions fund. The bill
35 abolishes the former Iowa State Commission on Alcoholism and

1 provides an appropriation for Fiscal Year 1974-1975 to the
2 newly-created commission.

3
4

S-2680

1 Amend Senate File 1354 as follows:

2 1. Page 33, line 6, by striking the figure
3 "1,000,000" and inserting in lieu thereof the figure
4 "950,000".

5 2. Page 33, after line 6, by inserting the follow-
6 ing section:

7 Sec. _____. NEW SECTION. In addition to funds ap-
8 propriated pursuant to the Acts of the Sixty-fifth
9 General Assembly, 1973 Session, chapter one hundred
10 eleven (111), there is appropriated from the general
11 fund of the state for the fiscal year beginning
12 July 1, 1974 and ending June 30, 1975, to the Iowa
13 commission on alcoholism, the sum of fifty thousand
14 (50,000) dollars, or so much thereof as may be nec-
15 essary, to carry out research into the causes of
16 alcoholism and experimentation in and evaluation of
17 methods of treating and rehabilitating alcoholics,
18 including, but not limited to, programs conducted
19 in halfway houses, alcoholism service centers and
20 hospitals. Funds appropriated by this section
21 which are unencumbered or unobligated as of June
22 30, 1975 shall revert to the general fund of the
23 state on September 30, 1975.

24 3. By renumbering the remaining sections in
25 accordance with this amendment.

S-2680 Filed - *adopted 4/9 motion to*
April 8, 1974 *reconsider filed 4-18(1429)* By PLYMAT and HILL

S-2692

1 Amend Senate File 1354 as follows:

2 Page 13, line 1, by striking the word "shall"
3 and inserting in lieu thereof the word "may".

S-2692 Filed - *Adopted 4/9* By MURRAY
April 8, 1974

S-2695

1 Amend Senate File 1354 as follows:

2 1. Page 28, by striking lines 4 through 21.
3 2. Page 32, by striking lines 23 through 32.
4 3. By renumbering sections as necessary.

S-2695 Filed - *Withdrawn 4/9* By WINKELMAN
April 8, 1974

SENATE FILE 1354

S-2698

- 1 Amend Senate File 1354 as follows:
- 2 1. Page 10, line 26, by striking the words "a
- 3 district court judge" and inserting in lieu thereof
- 4 the words "the district court".
- 5 2. Page 10, line 27, by striking the words "a
- 6 warrant" and inserting in lieu thereof the words "an
- 7 order".
- 8 3. Page 12, line 34, by striking the words "the
- 9 police" and inserting in lieu thereof the words "a
- 10 peace officer".
- 11 4. Page 13, by striking lines 33, 34, and 35
- 12 and inserting in lieu thereof the words and figure
- 13 "6. A peace officer or member of the emergency ser-
- 14 vice patrol who acts in compliance with this section
- 15 is acting in the course of his official duty and is
- 16 not criminally or civilly".
- 17 5. Page 15, line 1, by striking the word and
- 18 figure "eighteen (18)" and inserting in lieu thereof
- 19 the word and figure "nineteen (19)".
- 20 6. Page 15, line 15, by striking the words "a
- 21 district court judge" and inserting in lieu thereof
- 22 the words "the district court".
- 23 7. Page 19, line 20, by striking the word
- 24 "patients" and inserting in lieu thereof the words
- 25 "a patient".

Page 2

- 1 8. Page 19, line 21, by striking the word
- 2 "opportunities" and inserting in lieu thereof the
- 3 words "an opportunity".
- 4 9. Page 19, line 25, by inserting after the
- 5 word "censored" the words ", except that the commis-
- 6 sion may adopt reasonable rules regarding the use
- 7 of telephones by patients in facilities and the
- 8 delivery of controlled substances and other
- 9 intoxicants."
- 10 10. Page 19, by striking lines 26 and 27.
- 11 11. Page 25, line 7, by striking the words "a
- 12 district court judge" and inserting in lieu thereof
- 13 the words "the district court".
- 14 12. Page 33, line 6, by striking the second
- 15 figure "500,000" and inserting in lieu thereof the
- 16 figure "500,000".

S-2698 Filed and adopted By MURRAY
April 9, 1974 *Motion to reconsider filed 4-11 (1329)*
Reconsidered, amended by 2740, and adopted 4/22 (1472)

S-2693

1 Amend Senate File 1354 as follows:
2 1. Page 10, line 2, by inserting after the word
3 "and" the word "minimum".
4 2. Page 27, line 15, by striking the word "may"
5 and inserting in lieu thereof "may shall".
6 3. Page 33, by inserting after line 6 the following
7 new section:
8 Sec. _____. If additional funds are necessary
9 for the division to meet its statutory obligations
10 under this Act, a transfer of funds shall be
11 effected from the general fund of the state of
12 Iowa to the division on alcoholism.

S-2693 Filed - *1 and 2 adopted 4/9 (1249)* By COLEMAN
April 8, 1974 *3. List (1251)*

S-2696

1 Amend Senate File 1354 as follows:
2 1. Page 19, by striking line 35.
3 2. Page 20, by striking lines 1 through 11,
4 inclusive.
5 3. By renumbering the sections to conform with
6 this amendment.

S-2696 Filed - *Lost 4/9 (1250)* By CURTIS and BERGMAN
April 8, 1974

S-2697

1 Amend Senate File 1354 as follows:
2 1. Page 4, line 26, by striking the words
3 "for the guidance" and inserting in lieu thereof
4 the words "governing the performance".
5 2. Page 5, line 5, by striking the word
6 "commissioner" and inserting in lieu thereof the
7 word "commission".
8 3. Page 5, line 6, by striking the words
9 "commission" and inserting in lieu thereof the
10 word "commissioner".
11 4. Page 5, line 19, by adding after the word
12 "desirable" the words "with the approval of the
13 commission".
14 5. Page 9, by adding after line 13 the
15 following:
16 "e. Prevention."

S-2697 Filed - *Adopted 4/9 (1248)* By DODERER and RILEY
April 8, 1974

S-2699

1 Amend Senate File 1354 as follows:
2 1. Page 26, line 3, by inserting after the word
3 "alcoholic" the words "and the daily per diem shall
4 be billed at fifty percent. For the purpose of de-
5 termining the daily per diem the superintendent of
6 a state hospital shall total only those expenditures
7 which can be attributed to the cost of providing in-
8 patient treatment to alcoholics and intoxicated per-
9 sons".

S-2699 Filed and adopted *as amended* By MURRAY *Reconsidered amended by*
April 9, 1974 *by 27/9* *2782 and adopted 4/22*
motion to reconsider filed 4/18 (1429)

S-2710

1 Amend Senate File 1354 as follows:
2 1. Page 19, after line 7, by inserting the fol-
3 lowing new subsection:
4 14. The court may order the suspension of the
5 operator's license of a person committed under this
6 section. The suspension shall be in effect until
7 the person is discharged from the custody of the
8 division and until proof of discharge has been
9 filed with the department of public safety.

S-2710 Filed and ruled By RAMSEY
out of order
April 9, 1974

S-2709

Division S-2709A

1 Amend Senate File 1354 as follows:
2 1. Page 27, line 18, by inserting after the word
3 "alcoholic" the following: "who is voluntarily
4 admitted or committed".

Division S-2709B

5 2. Page 28, line 3, by inserting after the period
6 the following: "Provisions of this section shall
7 not pertain to patients treated at the mental
8 health institute."
9 3. Page 29, line 14, by inserting after the word
10 "for" the following: "one-half".
11 4. Page 29, line 16, by inserting before the word
12 "patient" the following: "or committed".
13 5. Page 29, by striking all after the word
14 "facility" in line 16 and all of lines 17 and 18
15 and inserting in lieu thereof the following:
16 "~~when the commission has contracted with such~~
17 ~~facility to provide treatment even though one-half~~
18 ~~of the cost was paid by the commission.~~"

S-2709 Filed By DODERER
Division S-2709A withdrawn
Division S-2709B adopted *Motion to reconsider filed 4-18 (1429)*
April 9, 1974 *Reconsideration denied by 2829, and corrected 4/22*

S-2708

1 Amend the Plymat, et al., amendment, S-2701, to
2 Senate File 1354 as follows:
3 1. By striking lines 5, 6, and 7 and inserting
4 in lieu thereof the words "Code shall govern the
5 determination of who is legally liable for the cost
6 of care, maintenance, and treatment of an alcoholic
7 and of the amount for which the person is liable."

S-2708 Filed and adopted By PLYMAT
April 9, 1974

S-2706

1 Amend Senate File 1354, page 14, line 1 by inserting
2 after the word "therefor" the words ", unless such
3 acts constitute willful malice or abuse".

S-2706 Filed and adopted By GLUBA
April 9, 1974

S-2719

1 Amend the Murray amendment S-2699, to Senate File
2 1354, by striking lines 4 through 9 and inserting in
3 lieu thereof the following:
4 "be billed at fifty percent. Beginning July 1, 1976,
5 the superintendent of a state hospital shall total
6 only those expenditures which can be attributed to
7 the cost of providing inpatient treatment to alcoho-
8 lics and intoxicated persons for purposes of deter-
9 mining the daily per diem".

S-2719 Filed and adopted By DODERER,
April 9, 1974 *Motion to reconsider filed 4/18 (1429) Reconsidered and
withdrew 4/22*

S-2717

Division S-2717A

1 Amend Senate File 1354 as follows:
2 1. Page 12, line 34, by striking the word "shall"
3 and inserting in lieu thereof the word "may".
4 2. Page 13, line 3, by striking the word "shall"
5 and inserting in lieu thereof the word "may".

Division S-2717B

6 3. Page 13, line 12, by striking the word
7 "arrest. No" and inserting in lieu thereof the
8 words "arrest and no".
9 4. Page 13, line 13, by inserting after the
10 word "person" the words "who is taken into protec-
11 tive custody".

S-2717 Filed By RAMSEY, BURROUGHS,
Division S-2717A adopted POTTER and KENNEDY
Division S-2717B adopted
April 9, 1974

S-2716

1 Amend the Coleman amendment S-2693 to Senate File
2 1354, by inserting after the word "alcoholism" in
3 line 12 the following: "up to an amount equal to
4 ten percent of the net profits derived by the state
5 of Iowa from the sale of alcoholic beverages".

S-2716 Filed and adopted By GLUBA, PALMER and COLEMAN
April 9, 1974

S-2711

Division S-2711A

1 Amend Senate File 1354 as follows:
2 1. Page 12, line 18, by striking the word
3 "shall" and inserting in lieu thereof the word
4 "may".

Division S-2711B

5 2. Page 12, by striking all of lines
6 20 through 25 and inserting in lieu thereof the
7 following: "4. If the patient is a minor or an
8 incompetent person the request for".

S-2711 Filed By RAMSEY, BURROUGHS and
Division S-2711A adopted MILLER of Marshall
Division S--2711B amended, and
adopted
April 9, 1974

S-2705

Division S-2705A

1 Amend Senate File 1354 as follows:
2 1. Page 4, line 4 by striking the word "four" and
3 inserting in lieu thereof the word "six".

Division S-2705B

4 2. Page 10, line 5 by striking the word "director"
5 and inserting in lieu thereof the word "commission".

Division S-2705A (cont'd.)

6 3. Page 13, line 16 by inserting after the word
7 "possible" the words ", but not later than twelve
8 hours after the person comes voluntarily or is brought
9 to the facility".

S-2705 Filed

By GLUBA and PLYMAT

Division S-2705A adopted

Division S-2705B adopted

April 9, 1974

S-2704

1 Amend Senate File 1354, page 9, line 7 by adding the
2 following sentence after the period: "In determining
3 the regions, the director shall not be required to
4 follow the regional map as prepared by the office
5 for planning and programming."

S-2704 Filed and adopted

By SCHABEN

April 9, 1974

S-2701

1 Amend Senate File 1354 as follows:

2 1. Page 26, line 3, by inserting after the
3 period the sentence "The provisions of section one
4 hundred twenty-three B point eight (123B.8) of the
5 Code shall govern the determination of legal
6 liability for the cost of care, maintenance, and
7 treatment of an alcoholic."

8 2. Page 29, line 10, by striking the words ",
9 his or" and inserting in lieu thereof the words "
10 ~~his-or~~".

11 3. Page 29, line 11, by striking the words "her
12 spouse," and inserting in lieu thereof the words
13 "~~her-spouse,~~".

14 4. Page 29, by striking all after the period in
15 line 30 and lines 31 and 32 and inserting in lieu
16 thereof the sentence: "~~The-name-of-the-spouse-of~~
17 ~~such-alcoholic-shall-also-be-indexed-in-the-same~~
18 ~~manner-as-the-names-of-alcoholics-are-indexed:~~"

S-2701 Filed and adopted
April 9, 1974 *as amended by 2709*

By PLYMAT, DODERER and
GLUBA

S-2720

1 Amend the Doderer amendment S-2709, to Senate File
2 1354, line 8 by striking the word "institute" and
3 inserting in lieu thereof the word "institutes".

S-2720 Filed and adopted
April 9, 1974

By DODERER

S-2721

- 1 Amend the Ramsey, et al., amendment S-2711, to Senate
- 2 File 1354, as follows:
- 3 1. By striking lines 5 through 8 and inserting in
- 4 lieu thereof the following:
- 5 "2. Page 12, line 22 by striking the word
- 6 "shall" and inserting in lieu thereof the word "may".

S-2721 Filed and adopted
April 9, 1974

By GLUBA

S-2722

- 1 Amend the Curtis-Bergman amendment S-2696, to Senate
- 2 File 1354, as follows:
- 3 1. By adding the following before line 2:
- 4 _____ . Page 2, by striking lines 28 and 29.
- 5 _____ . Page 12, line 35 by striking the words
- 6 "or the emergency service patrol".
- 7 _____ . Page 13, lines 5 and 6 by striking the
- 8 words "or the emergency service patrol".
- 9 _____ . Page 14, lines 22 and 23 by striking the
- 10 words "emergency service patrol,".
- 11 2. By renumbering the amendment to conform with
- 12 this amendment.

S-2722 Filed and adopted
April 9, 1974

By CURTIS and BERGMAN

S-2723

- 1 Amend Senate File 1354 as follows:
- 2 1. Page 28, by striking lines 4 through 21.
- 3 2. Page 32, by striking lines 27 through 29 and
- 4 inserting in lieu thereof the following: "to at
- 5 the alcoholic treatment center at Oakdale ~~or any~~
- 6 ~~facilities-as-provided-in-chapter-123B~~, provided,
- 7 however,".
- 8 3. Page 33, line 9, by inserting after the figure
- 9 "(123B.3)," the following: "one hundred twenty-
- 10 three B point five (123B.5),".
- 11 4. By renumbering sections and correcting internal
- 12 references as necessary.

S-2723 Filed and adopted
April 9, 1974

By WINKELMAN and JUNKINS

Motion to reconsider 4/10 (1296) Reconsidered and withdrawn 4/22

S-2740

- 1 Amend the Murray amendment S-2698, to page 10 of Senate
- 2 File 354, page 1, lines 13 and 14 by striking the
- 3 words "emergency service patrol" and inserting in
- 4 lieu thereof the words "alcoholism service unit".

S-2740 Filed- *adopted 4/22*
April 11, 1974

By DODERER and GALLAGHER

S-2702

- 1 Amend Senate File 1354, page 12, line 35 by
- 2 striking the word "refuses" and inserting in
- 3 lieu thereof the word "resists".

S-2702 Filed and withdrawn
April 9, 1974

By HILL

S-2741

- 1 Amend Senate File 1354 as follows:
2 1. Page 2, line 28 by striking the words "'Emergency
3 service patrol' means a patrol" and inserting in lieu
4 thereof the words "'Alcoholism service unit' means a
5 unit".
6 2. Page 12, line 35 by striking the words "emergency
7 service patrol" and inserting in lieu thereof the
8 words "alcoholism service unit".
9 3. Page 13, lines 5 and 6 by striking the words
10 "emergency service patrol" and inserting in lieu
11 thereof the words "alcoholism service unit".
12 4. Page 14, lines 22 and 23 by striking the words
13 "emergency service patrol" and inserting in lieu
14 thereof the words "alcoholism service unit".
15 5. Page 19, line 35 by striking the words "EMERGENCY
16 SERVICE PATROL" and inserting in lieu thereof the
17 words "ALCOHOLISM SERVICE UNIT".
18 6. Page 20, line 3 by striking the words "emergency
19 service patrols. A patrol" and inserting in lieu
20 thereof the words "alcoholism service units. A unit".
21 7. Page 20, line 6 by striking the words "emergency
22 service patrol" and inserting in lieu thereof the
23 words "alcoholism service unit".
24 8. Page 20, line 11 by striking the words "emergency
25 service patrol" and inserting in lieu thereof the

Page 2

- 1 words "alcoholism service units".

S-2741 Filed - *adopted 4/22 (1471)*
April 11, 1974

By DODERER and GALLAGHER

S-2750

- 1 Amend the Plymat, et al., amendment S-2680 to
2 page 33 of Senate File 1354 as follows:
3 Line 4, by striking the figure "950,000" and
4 inserting in lieu thereof the figure "1,200,000".

S-2750 Filed - *adopted 4/22 (1479)*
April 11, 1974

By PLYMAT, MURRAY and
CURTIS

S-2751

- 1 Amend the Murray amendment S-2699, to page 26
2 of Senate File 1354, line 4, by striking lines 4'
3 through 9 and inserting in lieu thereof the follow-
4 ing:
5 "be billed at forty percent. Beginning July 1,
6 1976, the superintendent of a state hospital shall
7 total only those expenditures which can be attri-
8 buted to the cost of providing inpatient treatment
9 to alcoholics and intoxicated persons for purposes
10 of determining the daily per diem".

S-2751 Filed - *w.d. 4/22*
April 11, 1974

By DODERER and MURRAY

S-2752

1 Amend the Doderer amendment, S-2709B, to page
2 27 of Senate File 1354, line 10, by striking the
3 word "one-half" and inserting in lieu thereof the
4 words "forty percent of".

S-2752 Filed *Withdrawn 4/22*
April 11, 1974

By MURRAY, PLYMAT and
CURTIS

S-2753

1 Amend Senate File 1354, page 3, line 7, by
2 inserting the word "nursing," after the word
3 "medical,".

S-2753 Filed *Adopted 4/22*
April 11, 1974

By MURRAY

S-2775

1 Amend Senate File 1354, page 28, line 16, by insert-
2 ing after the period the sentence "However, the approval
3 of the board of supervisors shall be required before
4 payment is made by a county for costs incurred which
5 exceed a total of five hundred dollars for one year for
6 treatment provided to any one alcoholic or intoxicated
7 person, except that such approval is not required for
8 the cost of treatment provided to an alcoholic or in-
9 toxicated person who is committed pursuant to sections
10 eighteen (18) and nineteen (19) of this Act."

S-2775 Filed *Adopted 4/22*
April 16, 1974

By PLYMAT, MURRAY, VAN GILST,
CURTIS and PRIEBE

S-2782

1 Amend the Murray amendment S-2699, to page 26
2 of Senate File 1354, by striking lines 4
3 through 9 and inserting in lieu thereof the follow-
4 ing:
5 "be billed at twenty-five percent. Beginning
6 July 1, 1976, the superintendent of a state hospital
7 shall total only those expenditures which can be
8 attributed to the cost of providing inpatient treat-
9 ment to alcoholics and intoxicated persons for pur-
10 poses of determining the daily per diem".

S-2782 Filed *Adopted 4/22*
April 16, 1974

By DODERER, CURTIS, PLYMAT,
MURRAY and JUNKINS

S-2783

1 Amend the Doderer amendment, S-2709B, to page
2 27 of Senate File 1354, line 10, by striking the
3 word "one-half" and inserting in lieu thereof the
4 words "twenty-five percent of".

S-2783 Filed *Adopted 4/22*
April 16, 1974

By MURRAY, CURTIS, PLYMAT,
JUNKINS and DODERER

S-2743

1 Amend Senate File 1354 as follows:

2 1. Page 26, after line 3, by inserting the fol-
3 lowing new section:

4 Sec. _____. The commission shall, not later than
5 February 1, 1975, report to the general assembly on
6 its experience with funding alcoholism programs
7 under this Act and make recommendations regarding
8 changes in the funding of alcoholism programs.
9 This section shall not become a permanent part of
10 the Code and shall be printed in the session laws
11 only.

12 2. Page 27, line 17, by striking the word "one-
13 half" and inserting in lieu thereof the words "one-
14 half sixty percent".

15 3. Page 28, after line 3, by inserting the fol-
16 lowing new unnumbered paragraph:

17 If the appropriation to the commission is in-
18 sufficient to meet the requirements of this section,
19 the commission shall request a transfer of funds
20 and section eight point thirty-nine (8.39) of the
21 Code shall apply.

22 4. Page 28, line 8, by striking the word "one-
23 half" and inserting in lieu thereof the words "one-
24 half forty percent".

25 5. Page 28, line 11, by inserting after the period

Page 2

1 the sentences "However, a county shall not expend from
2 the county general fund or the county mental health and
3 institutions fund, for programs implemented pursuant
4 to sections one (1) through thirty-two (32) of this
5 Act, an amount in excess of the total amount spent
6 from these funds by the county on alcoholism programs
7 for the calendar year ending December 31, 1973 without
8 the approval of the board of supervisors. The commis-
9 sion shall establish guidelines for use by the
10 counties in estimating the amount of expense which
11 the county will incur each year."

12 6. Page 28, line 12, by striking the word "one-
13 half" and inserting in lieu thereof the words "one-
14 half forty percent".

S-2743 Filed - *Adopted as amended* By MURRAY, CURTIS, DODERER,
April 11, 1974 *by 2784 4/22* PLYMAT and VAN GILST

S-2784

1 Amend the Murray amendment, S-2743, to page 26 of
2 Senate File 1354 as follows:

3 1. Page 1, line 14, by striking the word "sixty"
4 and inserting in lieu thereof the words "seventy-
5 five".

6 2. Page 1, line 24, by striking the word "forty"
7 and inserting in lieu thereof the words "twenty-
8 five".

9 3. Page 2, line 14, by striking the word "forty"
10 and inserting in lieu thereof the words "twenty-
11 five".

S-2784 Filed - *Adopted 4/22*
April 16, 1974

By MURRAY, CURTIS, PLYMAT,
VAN GILST, JUNKINS and
DODERER

S-2811

1 Amend Senate File 1354 as follows:

2 1. Page 25, after line 27, by inserting the fol-
3 lowing new section:

4 Sec. ____ . NEW SECTION. JUDICIAL REVIEW. Com-
5 mencing July 1, 1975 judicial review of the orders
6 or actions of the director may be sought in accordance
7 with the provisions of the Iowa Administrative Pro-
8 cedures Act.

9 2. Page 33, after line 18, by inserting the fol-
10 lowing section:

11 Sec. ____ . Sections twenty-four (24) through
12 twenty-nine (29) of this Act are repealed effective
13 July 1, 1975.

14 3. By renumbering sections in accordance with
15 this amendment.

S-2811 Filed *adopted 4/22*
April 18, 1974

By MURRAY

S-2829

1 Amend the Doderer amendment S-2709B to Senate
2 File 1354 as follows:

3 1. After line 10, by inserting the following
4 amendment:

5 ____ . Page 29, line 14, by inserting after the word
6 "liable" the words "to the county of the alcoholic's
7 legal settlement" and after the word "amount" the
8 words "and to the division for seventy-five percent
9 of the total amount".

10 2. By striking lines 13 through 18 and inserting
11 in lieu thereof the following amendment:

12 5. Page 29, by striking all after the word
13 "facility" in line 16 and lines 17 through 21 and
14 inserting in lieu thereof the following: "when the
15 commission has contracted with such facility to pro-
16 vide treatment even though one-half of the cost
17 was paid by the commission. Such liability shall be
18 to the county of the alcoholic's legal settlement
19 after such county has made its payment for one-half
20 of such treatment services, except when the state
21 pays the total cost of care in which case liability
22 of one hundred percent shall be to the state. Noth-
23 ing in this section shall prohibit any individual
24 from paying any portion of the cost of treatment."

S-2829 Filed and adopted
April 22, 1974

By RAMSEY

S-2823

1 Amend the Plymat-Hill amendment S-2680 to Senate

2 File 1354, line 7, by striking "NEW SECTION.".

S-2823 Filed and adopted
April 22, 1974

By PLYMAT

S-2705

Division S-2705A

- 1 Amend Senate File 1354 as follows:
2 1. Page 4, line 4 by striking the word "four" and
3 inserting in lieu thereof the word "six".

Division S-2705B

- 4 2. Page 10, line 5 by striking the word "director"
5 and inserting in lieu thereof the word "commission".

Division S-2705A (cont'd.)

- 6 3. Page 13, line 16 by inserting after the word
7 "possible" the words ", but not later than twelve
8 hours after the person comes voluntarily or is brought
9 to the facility".

S-2705 Filed

By GLUBA and PLYMAT

Division S-2705A adopted

Division S-2705B adopted

April 9, 1974

S-2704

- 1 Amend Senate File 1354, page 9, line 7 by adding the
2 following sentence after the period: "In determining
3 the regions, the director shall not be required to
4 follow the regional map as prepared by the office
5 for planning and programming."

S-2704 Filed and adopted

By SCHABEN

April 9, 1974

S-2701

- 1 Amend Senate File 1354 as follows:

- 2 1. Page 26, line 3, by inserting after the
3 period the sentence "The provisions of section one
4 hundred twenty-three B point eight (123B.8) of the
5 Code shall govern the determination of legal
6 liability for the cost of care, maintenance, and
7 treatment of an alcoholic."

- 8 2. Page 29, line 10, by striking the words ",
9 his or" and inserting in lieu thereof the words "
10 his-or".

- 11 3. Page 29, line 11, by striking the words "her
12 spouse," and inserting in lieu thereof the words
13 "her-spouse".

- 14 4. Page 29, by striking all after the period in
15 line 30 and lines 31 and 32 and inserting in lieu
16 thereof the sentence: "~~The name of the spouse of
17 such alcoholic shall also be indexed in the same
18 manner as the names of alcoholics are indexed.~~"

S-2701 Filed and adopted
April 9, 1974 *as amended by 2703*

By PLYMAT, DODERER and
GLUBA

S-2720

- 1 Amend the Doderer amendment S-2709, to Senate File
2 1354, line 8 by striking the word "institute" and
3 inserting in lieu thereof the word "institutes".

S-2720 Filed and adopted
April 9, 1974

By DODERER

S—2822

1 Amend the Plymat-Hill amendment S-2680, to page 33 of
2 Senate File 1354, as follows:

3 1. Line 6, by striking the words "section" and in-
4 serting in lieu thereof the word "sections".

5 2. By adding the following after line 6:

6 Sec. _____. In addition to funds appropriated
7 pursuant to this Act and the Acts of the Sixty-fifth
8 General Assembly, 1973 Session, chapter one hundred
9 eleven (111), there is appropriated from the military
10 service tax credit fund from funds credited to the
11 military service tax credit fund pursuant to section
12 one hundred twenty-three point fifty-three (123.53) of
13 the Code, for the fiscal year beginning July 1, 1974
14 and ending June 30, 1975, to the Iowa commission on
15 alcoholism, the sum of two hundred fifty thousand
16 (250,000) dollars, or so much thereof as may be nece-
17 ssary, for the purpose of carrying out the provisions
18 of sections one (1) through thirty-two (32) of this
19 Act and chapter one hundred twenty-three B (123B) of
20 the Code relating to the treatment of alcoholism.

S—2822 Filed and withdrawn
April 22, 1974

By DODERER

April 24, 1974
The Appropriations 4/24, Pass 4/26

SENATE FILE 1354

By COMMITTEE ON STATE GOVERNMENT

SENATE AMENDMENTS
SHOWN IN BOLD FACE

(AS PASSED BY THE SENATE)

Passed Senate, Date..... Passed House, Date *5-1-74 (3283)*

Vote: Ayes..... Nays..... Vote: Ayes *88*..... Nays *5*.....

Approved..... *5-29-74*
Motion to reconsider lost 5/1

A BILL FOR

- 1 An Act relating to the establishment of a division on alcoholism
- 2 and the Iowa commission on alcoholism, providing for a compre-
- 3 hensive program for the treatment, education, and rehabilita-
- 4 tion of alcoholics in Iowa and making an appropriation.
- 5 *Be It Enacted by the General Assembly of the State of Iowa:*

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

9 Sec. 2. *NEW SECTION.* DEFINITIONS. For purposes of this
10 Act, unless the context clearly indicates otherwise:

11 1. "Alcoholic" means a person who habitually lacks self-
12 control as to the use of alcoholic beverages, or uses alcoholic
13 beverages to the extent that his health is substantially
14 impaired or endangered or that his social or economic function
15 is substantially disrupted.

16 2. "Facility" means a hospital, institution, detoxifica-
17 tion center, or installation providing care, maintenance,
18 and treatment for alcoholics and approved by the director
19 under section thirteen (13) of this Act.

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

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

22 5. "Division" means the division on alcoholism established
23 in section three (3) of this Act.

24 6. "Director" means the director of the Iowa division
25 on alcoholism.

26 7. "Commission" means the Iowa commission on alcoholism
27 within the division.

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

30 9. "Incapacitated by alcohol" means that a person, as
31 a result of the use of alcohol, is unconscious or has his
32 judgment otherwise so impaired that he is incapable of real-
33 izing and making a rational decision with respect to his need
34 for treatment.

35 10. "Incompetent person" means a person who has been

1 adjudged incompetent by a court of law.

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

5 12. "Treatment" means the broad range of emergency, out-
6 patient, intermediate, and inpatient services and care, in-
7 cluding diagnostic evaluation, medical, nursing, psychiatric, psycho-
8 logical, and social service care, vocational rehabilitation
9 and career counseling, which may be extended to alcoholics
10 and intoxicated persons.

11 Sec. 3. *NEW SECTION.* ESTABLISHMENT. There is estab-
12 lished within the state department of health a division on
13 alcoholism which shall develop, implement, and administer
14 a comprehensive alcoholism program pursuant to sections one
15 (1) through **thirty-three (33)** of this Act. There is estab-
16 lished within the division a commission on alcoholism to
17 establish policies governing the performance of the division
18 in the discharge of duties imposed on it by this Act. The
19 commission shall consist of nine members appointed by the
20 governor. Appointments shall be made on the basis of interest
21 in and knowledge of alcoholism. All members shall be electors
22 of the state of Iowa and no more than five members shall
23 belong to the same political party. No member shall be a
24 director of a local or regional alcoholism center.

25 Sec. 4. *NEW SECTION.* TERMS OF OFFICE. Commission mem-
26 bers shall be appointed to terms of four years, except that
27 initial appointments to the membership of the commission shall
28 be staggered so that four members shall be appointed to terms
29 of two years and five members shall be appointed to terms
30 of four years. Terms of office shall commence on the first
31 day of July of the year of appointment. Vacancies occurring
32 during a term of office shall be filled for the balance of
33 the unexpired term in the manner of original appointment.
34 No member shall be appointed to serve more than two consecutive
35 four-year terms.

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

11 Sec. 6. *NEW SECTION.* COMPENSATION. Each member of the
12 Iowa commission on alcoholism shall receive forty dollars
13 per day for each day spent in performance of the duties of
14 the commission. Each member shall also receive his actual
15 necessary expenses incurred in the performance of his duties.

16 Sec. 7. *NEW SECTION.* DUTIES OF THE COMMISSION. The
17 commission shall:

- 18 1. Act as the sole agency to allocate state, federal,
19 and private funds which are appropriated or granted to, or
20 solicited by the division.
- 21 2. Approve the comprehensive alcoholism program developed
22 by the division pursuant to sections one (1) through thirty-
23 three (33) of this Act.
- 24 3. Establish policies governing the performance of the
25 division in the discharge of any duties imposed on it by law.
- 26 4. Establish policies governing the performance of the director
27 in the discharge of his duties.
- 28 5. Advise or make recommendations to the governor and
29 the general assembly relative to alcoholism treatment programs
30 in this state.
- 31 6. Promulgate rules necessary to carry out the provisions
32 of this Act, subject to review in accordance with the provi-
33 sions of chapter seventeen A (17A) of the Code.
- 34 7. Investigate the work of the division, and for this
35 purpose it shall have access at any time to all books, papers,

1 documents, and records of the division.

2 8. Submit to the governor an annual report covering the
3 activities of the division.

4 Sec. 8. *NEW SECTION. DIRECTOR.* A director shall be
5 appointed by the **commission** with the approval of the
6 **commissioner**. Notwithstanding the provisions of section nineteen
7 A point three (19A.3) of the Code, the director of the
8 division shall be subject to the state merit system. The
9 director shall be a qualified person who has training or
10 experience in handling alcohol problems and the ability to
11 organize and otherwise supervise delivery systems providing
12 treatment services to persons suffering from alcoholism
13 problems. The director shall represent the department at
14 meetings of the commission and shall serve as secretary to
15 the commission.

16 Sec. 9. *NEW SECTION. POWERS OF DIRECTOR.* The director
17 may:

18 1. Plan, establish, and maintain treatment programs as
19 necessary or desirable with the **approval of the commission**.

20 2. Make contracts necessary or incidental to the perfor-
21 mance of his ~~duties~~ and the execution of his powers, includ-
22 ing contracts with public and ~~private~~ agencies, organizations,
23 and individuals to pay them for services rendered ~~or~~ furnished
24 to alcoholics or intoxicated persons.

25 3. Solicit and accept for use any gift of money or prop-
26 erty made by will or otherwise, and any grant of money, ser-
27 vices, or property from the federal government, the state,
28 or any political subdivision thereof or any private source,
29 and do all things necessary to cooperate with the federal
30 government or any of its agencies and the commission in making
31 an application for any grant.

32 4. Coordinate the activities of the division and cooperate
33 with alcoholism programs in this and other states, and make
34 contracts and other joint or cooperative arrangements with
35 state, local, or private agencies in this and other states

1 for the treatment of alcoholics and intoxicated persons and
2 for the common advancement of alcoholism programs.

3 5. Keep records and engage in research and the gathering
4 of relevant statistics.

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

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

9 Sec. 10. *NEW SECTION.* DUTIES OF DIRECTOR. The director
10 shall:

11 1. Prepare and submit a state plan subject to approval
12 by the commission and in accordance with the provisions of
13 title forty-two (XLII), United States Code, section four
14 thousand five hundred seventy-three (4573). The state plan
15 shall designate the division as the sole agency for supervising
16 the administration of the plan and may provide for the
17 appointment of a citizens advisory council on alcoholism.

18 2. Develop, encourage, and foster statewide, regional,
19 and local plans and programs for the prevention of alcoholism
20 and the treatment of alcoholics and intoxicated persons in
21 cooperation with public and private agencies, organizations,
22 and individuals, and provide technical assistance and con-
23 sultation services for these purposes.

24 3. Coordinate the efforts and enlist the assistance of
25 all public and private agencies, organizations, and individ-
26 uals interested in the prevention of alcoholism and the
27 treatment of alcoholics and intoxicated persons.

28 4. Cooperate with the department of social services in
29 establishing and conducting programs to provide treatment
30 for alcoholics and intoxicated persons.

31 5. Cooperate with the department of public instruction,
32 boards of education, schools, police departments, courts,
33 and other public and private agencies, organizations and
34 individuals in establishing programs for the prevention of
35 alcoholism and the treatment of alcoholics and intoxicated

- 1 persons, and in preparing curriculum materials thereon for
- 2 use at all levels of school education.
- 3 6. Prepare, publish, evaluate, and disseminate educational
- 4 material dealing with the nature and effects of alcohol.
- 5 7. Develop and implement, as an integral part of treat-
- 6 ment programs, an educational program for use in the treatment
- 7 of alcoholics and intoxicated persons, which program shall
- 8 include the dissemination of information concerning the nature
- 9 and effects of alcohol.
- 10 8. Organize and foster training programs for all persons
- 11 engaged in treatment of alcoholics and intoxicated persons.
- 12 9. Sponsor and encourage research into the causes and
- 13 nature of alcoholism and treatment of alcoholics and intoxi-
- 14 cated persons, and serve as a clearing house for information
- 15 relating to alcoholism.
- 16 10. Specify uniform methods for keeping statistical in-
- 17 formation by public and private agencies, organizations, and
- 18 individuals, and collect and make available relevant statis-
- 19 tical information, including number of persons treated, fre-
- 20 quency of admission and readmission, and frequency and dura-
- 21 tion of treatment.
- 22 11. Advise the commission and the governor in the
- 23 preparation of a comprehensive plan for treatment of alcoholics
- 24 and intoxicated persons for inclusion in the state's
- 25 comprehensive health plan.
- 26 12. Assist in the development of, and cooperate with,
- 27 alcohol education and treatment programs for employees of
- 28 state and local governments and businesses and industries
- 29 in the state.
- 30 13. Utilize the support and assistance of interested per-
- 31 sons in the community, particularly recovered alcoholics,
- 32 to encourage alcoholics to voluntarily undergo treatment.
- 33 14. Cooperate with the commissioner of public safety in
- 34 establishing and conducting programs designed to deal with
- 35 the problem of persons operating motor vehicles while in-

1 toxicated.

2 15. Encourage general hospitals and other appropriate
3 health facilities to admit without discrimination alcoholics
4 and intoxicated persons and to provide them with adequate
5 and appropriate treatment.

6 16. Encourage all health and disability insurance pro-
7 grams to include alcoholism as a covered illness.

8 17. Review all state health, welfare, and treatment plans
9 to be submitted for federal funding under federal legislation,
10 and advise the governor on provisions to be included relating
11 to alcoholism and intoxicated persons.

12 Sec. 11. *NEW SECTION.* CITIZENS ADVISORY COUNCIL ON
13 ALCOHOLISM. If the state plan submitted pursuant to section
14 ten (10), subsection one (1) of this Act provides for a
15 citizens advisory council on alcoholism, the council shall
16 be composed of fifteen members appointed by the governor.
17 Members shall serve for overlapping terms of three years each;
18 one third of the members first appointed shall be appointed
19 for one, two, and three-year terms respectively. Members
20 shall have professional, research, or personal interest in
21 alcoholism problems. Upon appointment, the council shall
22 meet at least once every three months and report on its
23 activities and make recommendations to the commission at least
24 once a year.

25 The council shall advise the commission on broad policies,
26 goals, and operation of the alcoholism program and on other
27 matters the commission refers to it, and shall encourage pub-
28 lic understanding and support of the alcoholism program.

29 Members of the council shall serve without compensation
30 but shall receive reimbursement for travel and other necessary
31 expenses actually incurred in the performance of their duties.

32 Sec. 12. *NEW SECTION.* COMPREHENSIVE PROGRAM FOR
33 REGIONAL FACILITIES. TREATMENT—

34 1. The commission shall establish a comprehensive and
35 coordinated program for the treatment of alcoholics and in-

1 intoxicated persons. Subject to the approval of the commis-
2 sioner, the director shall divide the state into appropriate
3 regions for the conduct of the program and establish stan-
4 dards for the development of the program on the regional
5 level. In establishing the regions, consideration shall be
6 given to city, town, and county lines, population con-
7 centrations and existing alcoholism treatment services.

8 **In determining the regions, the director shall not be re-**
9 **quired to follow the regional map as prepared by the office**
10 **for planning and programming.**

11 2. The program of the commission shall include:

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

14 b. Inpatient treatment.

15 c. Intermediate treatment.

16 d. Outpatient and follow-up treatment.

17 e. Prevention.

18 3. The director shall provide for adequate and appro-
19 priate treatment for alcoholics and intoxicated persons ad-
20 mitted under sections sixteen (16) through nineteen (19) of
21 this Act. Treatment shall not be provided at a correctional
22 institution except for inmates.

23 4. The director shall maintain, supervise, and control
24 all facilities operated by him pursuant to this Act. The
25 administrator of each facility shall make an annual report
26 of the activities of the facility to the director in the form
27 and manner the director specifies.

28 5. All appropriate public and private resources shall
29 be coordinated with and utilized in the program if possible.

30 6. The director shall prepare, publish, and distribute
31 annually a list of all facilities.

32 7. The director may contract for the use of a facility
33 if the director, subject to the policies of the commission
34 and pursuant to section one hundred twenty-three B point four
35 (123B.4) of the Code, considers this to be an effective and

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36 economical course to follow.

37 Sec. 13. *NEW SECTION.* APPROVAL OF FACILITIES—EN-
FORCEMENT

38 PROCEDURES—PENALTIES.

39 1. The commission shall establish standards for treatment

1 programs and facilities. The standards may concern only the
2 health standards to be met and **minimum** standards of treatment to be
3 afforded patients. A person shall not operate a public or
4 private alcoholism treatment facility or program until it
5 is approved by the **commission**, except as provided in section
6 fourteen (14) of this Act.

7 2. The director periodically shall inspect facilities
8 and shall fix the fees to be charged for the inspection.

9 3. The director shall maintain a list of approved
10 facilities.

11 4. Each facility shall file with the director on request,
12 data, statistics, schedules, and information the commission
13 reasonably requires. A facility that without good cause fails
14 to furnish any data, statistics, schedules, or information
15 as requested, or files fraudulent returns thereof, shall be
16 removed from the list of approved facilities.

17 5. The director may grant or, after holding a hearing,
18 may suspend, revoke, limit, or restrict an approval, or refuse
19 to grant an approval, for failure to meet the standards of
20 the commission.

21 6. A district court judge may restrain any violation of
22 this section, review any denial, restriction, or revocation
23 of approval, and grant other relief required to enforce its
24 provisions.

25 7. Upon petition of the director and after hearing held
26 upon reasonable notice to the facility, **the district court**
27 may issue an **order** to an officer or employee of the division
28 authorizing him to enter and inspect at reasonable times,
29 and examine the books and accounts of, a facility refusing
30 to consent to inspection or examination by the director or
31 which the director has reasonable cause to believe is operating
32 in violation of this Act.

33 Sec. 14. *NEW SECTION. EXCEPTIONS.* Approval of the
34 director is not required for the operation of the following:

35 1. A hospital or alcoholic treatment facility under the

1 control of the veterans administration or other federal agency.

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

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

12 4. An agency, institution or program which, in the judgment
13 of the director, provides services which are only informa-
14 tional or educational in nature.

15 Sec. 15. *NEW SECTION.* ACCEPTANCE FOR TREATMENT—
16 RULES.

16 The commission shall adopt and may amend and repeal rules
17 for acceptance of persons into the treatment program, subject
18 to the provisions of chapter seventeen A (17A) of the Code,
19 considering available treatment resources and facilities,
20 for the purpose of early and effective treatment of alcoholics
21 and intoxicated persons. In establishing the rules the
22 commission shall be guided by the following standards:

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

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

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

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

34 5. Provision shall be made for a continuum of coordinated
35 treatment services, so that a person who leaves a facility

1 or a form of treatment will have available and may utilize
2 other appropriate treatment.

3 Sec. 16. *NEW SECTION.* VOLUNTARY TREATMENT OF
ALCOHOLICS.

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

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

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

20 4. If a patient leaves a facility, with or against the
21 advice of the administrator in charge of the facility, the
22 director may make reasonable provisions for his
23 transportation to another facility or to his home. If he
24 has no home he shall be assisted in obtaining shelter. If
25 he is a minor or an incompetent person the request for
26 discharge from an inpatient facility shall be made by a parent,
27 legal guardian, or other legal representative or by the minor
28 or incompetent if he was the original applicant.

29 Sec. 17. *NEW SECTION.* TREATMENT AND SERVICES FOR
30 INTOXICATED PERSONS AND PERSONS INCAPACITATED BY
ALCOHOL.

31 1. An intoxicated person may come voluntarily to a facility
32 for emergency treatment. A person who appears to be
33 intoxicated or incapacitated by alcohol in a public place
34 and in need of help may be taken to a facility by a peace officer
35 or the alcoholism service unit. If the person refuses the

1 proffered help, he may be arrested and charged with intoxi-
2 cation.

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

15 3. A person who comes voluntarily or is brought to a
16 facility shall be examined by a licensed physician as soon
17 as possible, but not later than twelve hours after the person
18 comes voluntarily or is brought to the facility.

19 He may then be admitted as a patient or referred
20 to another health facility. The referring facility shall
21 arrange for his transportation.

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

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

36 6. A peace officer or member of the alcoholism service
37 unit who acts in compliance with this section is acting in the
38 course of his official duty and is not criminally or civilly

1 liable therefore, unless such acts constitute willful malice or abuse. 03

2 7. If the physician in charge of the facility determines 03

3 it is for the patient's benefit, the patient shall be 3

4 encouraged to agree to further diagnosis and appropriate

5 voluntary treatment.

6 Sec. 18. *NEW SECTION. EMERGENCY COMMITMENT.*

7 1. An intoxicated person who has threatened, attempted,

8 or inflicted physical harm on himself or another and is likely

9 to inflict physical harm on himself or another unless

10 committed, or who is incapacitated by alcohol, may be committed

11 to a facility for emergency treatment. A refusal to undergo

12 treatment does not constitute evidence of lack of judgment

13 as to the need for treatment.

14 2. The certifying physician, spouse, guardian, or rela-

15 tive of the person to be committed, or any other responsible

16 person, may make a written application for commitment under

17 this section, directed to the administrator of the facility.

18 The application shall state facts to support the grounds for

19 commitment established in subsection one (1) of this section.

20 3. Upon approval of the application by the administrator

21 in charge of the facility, the person shall be brought to

22 the facility by a peace officer, health officer, **alcoholism**

23 **service unit**, the applicant for commitment, the patient's

24 spouse, the patient's guardian, or any other interested person.

25 The person shall be retained at the facility to which he was

26 admitted, or transferred to another facility, until discharged

27 under subsection five (5) of this section.

28 4. The administrator in charge of a facility shall refuse

29 an application if in his opinion the application and

30 certificate fail to sustain the grounds for commitment.

31 5. When on the advice of the medical staff the admin-

32 istrator determines that the grounds for commitment no longer

33 exist, he shall discharge a person committed under this sec-

34 tion. No person committed under this section may be detained

35 in any treatment facility for more than five days. If a peti-

1 tion for involuntary commitment under section nineteen (19)
2 of this Act has been filed within the five days and the ad-
3 ministrator in charge of a facility finds that grounds for
4 emergency commitment still exist, he may detain the person
5 until the petition has been heard and determined, but no
6 longer than ten days after filing the petition.

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

12 Sec. 19. *NEW SECTION.* INVOLUNTARY COMMITMENT OF
13 ALCOHOLICS.

14 1. A person may be committed to the custody of the division
15 by the district court upon the petition of his spouse
16 or guardian, a relative, the certifying physician, or the
17 administrator in charge of a facility. The petition shall
18 allege that the person is an alcoholic who habitually lacks
19 self-control as to the use of alcoholic beverages, and (a)
20 that he has threatened, attempted, or inflicted physical harm
21 on another and that he is likely to inflict physical harm
22 on himself or another unless committed; or (b) that he is
23 incapacitated by alcohol. A refusal to undergo treatment
24 does not constitute evidence of lack of judgment as to the
25 need for treatment. The petition shall be accompanied by
26 a certificate of a licensed physician who has examined the
27 person within two days before submission of the petition,
28 unless the person whose commitment is sought has refused to
29 submit to a medical examination or was unavailable for examina-
30 tion, in which case the fact of refusal or unavailability
31 shall be alleged in the petition. The certificate shall set
32 forth the physician's findings in support of the allegations
33 of the petition. A physician employed by the admitting
34 facility or the division is not eligible to be the certifying
35 physician.

1 2. Upon the filing of the petition, the court shall fix
2 a date for a hearing no later than ten days after the date
3 the petition was filed. A copy of the petition and the notice
4 of hearing shall be served in the manner of an original notice
5 on the person whose commitment is sought and upon a parent
6 or legal guardian if the person is a minor. A copy of the
7 petition and the notice of hearing shall be mailed or delivered
8 in the manner provided for motion in civil cases to the
9 petitioner, the next of kin of the person other than the
10 petitioner, the administrator of the facility to which the
11 person has been committed for emergency care, and any other
12 person the court believes should receive copies. A petition
13 shall have attached a copy of the certificate specified in
14 this section.

15 3. At the hearing the court shall hear all relevant tes-
16 timony, including, if possible, the testimony of at least
17 one licensed physician who has examined the person whose
18 commitment is sought. The person shall be present unless
19 the court believes that his presence is likely to be injurious
20 to him; in this event the court shall appoint a guardian ad
21 litem to represent him throughout the proceeding. The court
22 shall examine the person in open court, or if advisable, shall
23 examine the person out of court. If the person has refused
24 to be examined by a licensed physician, he shall be given
25 an opportunity to be examined by a court-appointed licensed
26 physician. If he refuses and there is sufficient evidence
27 to believe that the allegations of the petition are true,
28 or if the court believes that more medical evidence is
29 necessary, the court may make a temporary order committing
30 him to the division for a period of not more than five days
31 for purposes of a diagnostic examination.

32 4. If after hearing all relevant evidence, including the
33 results of any diagnostic examination, the court finds that
34 the allegations of the petition have been established by clear
35 and convincing proof, it shall make an order of commitment

1 to the division. It may not order commitment of a person
2 unless it determines that the division is able to provide
3 adequate and appropriate treatment for him and the treatment
4 is likely to be beneficial.

5 5. A person committed under this section shall remain
6 in the custody of the division for treatment for a period
7 of thirty days unless sooner discharged. At the end of the
8 thirty-day period, he shall be discharged automatically unless
9 the director before expiration of the period petitions the
10 court for an order for his recommitment upon the grounds set
11 forth in subsection one (1) of this section for a further
12 period not to exceed ninety days.

13 6. A person recommitted under subsection five (5) of this
14 section who has not been discharged by the division before
15 the end of the ninety-day period shall be discharged at the
16 expiration of that period unless the director, before ex-
17 piration of the period, obtains a court order on the grounds
18 set forth in subsection one (1) of this section for recom-
19 mitment for a further period not to exceed ninety days.

20 7. Upon the filing of a petition for recommitment under
21 subsections five (5) or six (6) of this section, the court
22 shall fix a date for hearing no later than ten days after
23 the date the petition was filed. A copy of the petition and
24 the notice of hearing shall be served in the manner of an
25 original notice on the person whose commitment is sought,
26 and upon a parent or legal guardian if the person is a minor.
27 A copy of the petition and the notice of hearing shall be
28 mailed or delivered in the manner provided for motions in
29 civil cases to the petitioner, the next of kin of the person
30 other than the petitioner, the administrator of the facility
31 to which the person has been committed for emergency care,
32 and any other person the court believes should receive copies.
33 A petition shall have attached a copy of the certificate
34 specified in this section. At the hearing the court shall
35 proceed as provided in subsection three (3) of this section.

1 8. The director shall provide for adequate and appro-
2 priate treatment of a person committed to the custody of the
3 division. The director may transfer any person committed
4 to the custody of the division from one facility to another
5 if transfer is medically advisable, and if notice is provided
6 to the court of commitment, the counselor advocate, and the
7 spouse or next of kin of the person.

8 9. A person committed to the custody of the commission
9 for treatment shall be discharged at any time before the end
10 of the period for which he has been committed if either of
11 the following conditions is met:

12 a. In case of an alcoholic committed under paragraph a
13 of subsection one (1) of this section, that he is no longer
14 an alcoholic or the likelihood no longer exists.

15 b. In case of an alcoholic committed under paragraph b
16 of subsection one (1) of this section, that the incapacity
17 no longer exists, that further treatment will not be likely
18 to bring about significant improvement in the person's condi-
19 tion, or that treatment is no longer adequate or appropriate.

20 10. The court shall inform the person whose commitment
21 or recommitment is sought of his right to contest the applica-
22 tion, to be represented by counsel at every stage of any pro-
23 ceedings relating to his commitment and recommitment, and
24 to have counsel appointed by the court or provided by the
25 court, if he wants the assistance of counsel and is unable
26 to obtain counsel. If the court believes that the person
27 needs the assistance of counsel, the court shall require,
28 by appointment if necessary, counsel for him regardless of
29 his wishes. The person whose commitment or recommitment is
30 sought shall be informed of his right to be examined by a
31 licensed physician of his choice. If the person is unable
32 to obtain a licensed physician and requests examination by
33 a physician, the court shall employ a licensed physician.

34 11. If the administrator of a private treatment facility
35 consents to the request of a competent patient or his parent,

1 sibling, adult child, or guardian to accept the patient for
2 treatment, the administrator of the public treatment facility
3 may transfer him to the private treatment facility.

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

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

8 Sec. 20. *NEW SECTION.* RECORDS OF ALCOHOLICS AND
9 INTOXICATED PERSONS.

10 1. The registration and other records of facilities shall
11 remain confidential and are privileged to the patient.

12 2. Notwithstanding subsection one (1) of this section,
13 the director may make available information from patients'
14 records for purposes of research into the causes and treat-
15 ment of alcoholism. Information under this subsection shall
16 not be published in a way that discloses patients' names or
17 other identifying information.

18 Sec. 21. *NEW SECTION.* RIGHTS AND PRIVILEGES OF
PATIENTS.

19 1. Subject to reasonable rules regarding hours of visita-
20 tion which the commission may adopt, a patient in a facility
21 shall be granted an opportunity for adequate consultation with
22 counsel, and for continuing contact with family and friends
23 consistent with an effective treatment program.

24 2. Neither mail nor other communication to or from a
25 patient in a facility may be intercepted, read, or censored,
26 except that the commission may adopt reasonable rules regard-
27 ing the use of telephones by patients in facilities and the
28 delivery of controlled substances and other intoxicants.

29 3. The patient shall be provided an opportunity to receive
30 prompt evaluation, emergency services and care as indicated
31 by sound medical practice, and treatment which, in the judg-
32 ment of the chief medical officer of a facility, is most
33 likely to result in the individual's recovery or in the miti-
34 gation of his condition to an extent sufficient to permit
35 his discharge from the facility.

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36 Sec. 22. *NEW SECTION.* ALCOHOLISM SERVICE UNIT—
ESTAB-

1 LISHMENT—RULES.

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

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

12 Sec. 23. *NEW SECTION.* CRIMINAL LAWS LIMITATIONS.

13 1. No county or city may adopt or enforce a local law,
14 ordinance, resolution, or rule having the force of law in
15 contravention to the provisions of this Act.

16 2. No county or city may interpret or apply any law of
17 general application to circumvent the provision of subsec-
18 tion one (1) of this section.

19 3. Nothing in this Act affects any law, ordinance, resolu-
20 tion, or rule against drunken driving, driving under the in-
21 fluence of alcohol, or other similar offense involving the
22 operation of a vehicle, aircraft, boat, machinery, or other
23 equipment, or regarding the sale, purchase, dispensing,
24 possessing, or use of alcoholic beverages or beer at stated
25 times and places or by a particular class of persons.

26 Sec. 24. *NEW SECTION.* PUBLIC INFORMATION—ADOP-
TION OF

27 RULES—AVAILABILITY OF RULES AND ORDERS.

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

30 a. Adopt as a rule a description of the organization of
31 the division, stating the general course and method of the
32 operations of the division and methods whereby the public
33 may obtain information or make submissions or requests.

34 b. Adopt rules of practice setting forth the nature and
35 requirements of all formal and informal procedures available,

1 including a description of all forms and instructions used
2 by the director or his office.

3 c. Make available for public inspection all rules and
4 all other written statements of policy or interpretations
5 formulated, adopted, or used by the director in the discharge
6 of his functions.

7 d. Make available for public inspection all final orders,
8 decisions, and opinions.

9 2. No rule, order, or decision of the commission is effec-
10 tive against any person or party, nor may it be invoked by
11 the director for any purpose, until it has been made avail-
12 able for public inspection as herein required. This provi-
13 sion is not applicable in favor of any person or party who
14 has knowledge thereof.

15 Sec. 25. *NEW SECTION.* PETITION FOR ADOPTION OF
16 RULES.

16 An interested person may petition the director requesting
17 the adoption, amendment, or repeal of a rule. The commission
18 shall prescribe by rule the form for petitions and the
19 procedure for their submission, consideration, and disposition.
20 Within thirty days after submission of a petition, the director
21 either shall deny the petition in writing, stating his reasons
22 for the denials, or shall initiate rule-making proceedings
23 in accordance with chapter seventeen A (17A) of the Code.

24 Sec. 26. *NEW SECTION.* CONTESTED CASES—NOTICE—
25 HEARING—

25 RECORDS.

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

28 2. The notice shall include:

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

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

33 c. A reference to the particular provisions of the statutes
34 and rules involved.

35 d. A short and plain statement of the matters asserted.

1 If the director or other party is unable to state the matters
2 in detail at the time the notice is served, the initial notice
3 may be limited to a statement of the issues involved. There-
4 after upon application a more definite and detailed statement
5 shall be furnished.

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

8 4. Unless precluded by law, informal disposition may be
9 made of any contested case by stipulation, agreed settlement,
10 consent order, or default.

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

12 a. All pleadings, motions, intermediate rulings.

13 b. Evidence received or considered.

14 c. A statement of matters officially noticed.

15 d. Questions and offers of proof, objections, and rulings
16 thereon.

17 e. Proposed findings and exceptions.

18 f. Any decision, opinion, or report by the officer presid-
19 ing at the hearing.

20 g. All staff memoranda or data submitted to the hearing
21 officer or the division in connection with its consideration
22 of the case.

23 6. Oral proceedings or any part thereof shall be tran-
24 scribed on request of any party, but at his expense.

25 7. Findings of fact shall be based exclusively on the
26 evidence and on matters officially noticed.

27 Sec. 27. *NEW SECTION.* RULES OF EVIDENCE—OFFICIAL
NOTICE.

28 In contested cases:

29 1. Irrelevant, immaterial, or unduly repetitious evidence
30 shall be excluded. The rules of evidence as applied in civil
31 cases in the district courts of this state shall be followed.

32 When necessary to ascertain facts not reasonably susceptible
33 of proof under these rules, evidence not admissible thereunder
34 may be admitted, except where precluded by statute, if it
35 is of a type commonly relied upon by reasonably prudent men

1 in the conduct of their affairs. The director shall give
2 effect to the rules of privilege recognized by law. Objections
3 to evidentiary offers may be made and shall be noted in the
4 record. Subject to these requirements, when a hearing will
5 be expedited and the interests of the parties will not be
6 prejudiced substantially, any part of the evidence may be
7 received in written form.

8 2. Documentary evidence may be received in the form of
9 copies or excerpts, if the original is not readily available.
10 Upon request, parties shall be given an opportunity to compare
11 the copy with the original.

12 3. A party may conduct cross-examinations required for
13 a full and true disclosure of the facts.

14 4. Notice may be taken of judicially cognizable facts.
15 In addition, notice may be taken of generally recognized
16 technical or scientific facts within the director's specialized
17 knowledge. Parties shall be notified either before or during
18 the hearing, or by reference in preliminary reports or other-
19 wise, of the material notices, including any staff memoranda
20 or data, and they shall be afforded an opportunity to contest
21 the material so noticed. The director's experience, technical
22 competence, and specialized knowledge may be utilized in the
23 evaluation of the evidence.

24 Sec. 28. *NEW SECTION.* DECISIONS AND ORDERS. A final
25 decision or order adverse to a party in a contested case shall
26 be in writing or stated in the record. A final decision shall
27 include findings of fact and conclusions of law, separately
28 stated. Findings of fact, if set forth in statutory language,
29 shall be accompanied by a concise and explicit statement of
30 the underlying facts supporting the findings. If, in
31 accordance with rules of the commission, a party submitted
32 proposed findings of fact, the decision shall include a ruling
33 upon each proposed finding. Parties shall be notified either
34 personally or by mail of any decision or order. Upon request
35 a copy of the decision or order shall be delivered or mailed

1 forthwith to each party and to his attorney of record.

2 Sec. 29. *NEW SECTION.* JUDICIAL REVIEW OF CON-
TESTED CASES.

3 1. A person who has exhausted all administrative remedies
4 available before the director and who is aggrieved by a final
5 decision in a contested case is entitled to judicial review.

6 This section does not limit utilization of or the scope of
7 judicial review available under other means of review, re-
8 dress, relief, or trial de novo provided by law. A pre-
9 liminary, procedural, or intermediate action or ruling of
10 the director is immediately reviewable if review of the final
11 decision of the director would not provide an adequate remedy.

12 2. Proceedings for review are instituted by filing a peti-
13 tion in the district court within thirty days after the final
14 decision of the director or, if a rehearing is requested
15 within thirty days after the decision thereon. Copies of
16 the petition shall be served upon the director and all parties
17 of record.

18 3. The filing of the petition does not itself stay en-
19 forcement of the decision of the director. The director may
20 grant, or the reviewing court may order, a stay upon appro-
21 priate terms.

22 4. Within thirty days after the service of the petition,
23 or within further time allowed by the court, the director
24 shall transmit to the reviewing court the original or a
25 certified copy of the entire record of the proceeding under
26 review. By stipulation of all parties to the review
27 proceedings, the record may be shortened. A party unreasonably
28 refusing to stipulate to limit the record may be taxed by
29 the court for the additional costs. The court may require
30 or permit subsequent corrections or additions to the record.

31 5. If, before the date set for hearing, application is
32 made to the court for leave to present additional evidence,
33 and it is shown to the satisfaction of the court that the
34 additional evidence is material and that there were good
35 reasons for failure to present it in the proceeding before

1 the director, the court may order that the additional evidence
2 be taken before the director upon conditions determined by
3 court. The director may modify his findings and decision
4 by reason of the additional evidence and shall file that
5 evidence and any modifications, new findings, or decision
6 with the reviewing court.

7 6. The review shall be conducted by the district court
8 without a jury and shall be confined to the record. In cases
9 of alleged irregularities in procedure before the director,
10 not shown in the record, proof thereon may be taken in the
11 court. The court, upon request, shall hear oral argument
12 and receive written briefs.

13 7. The court shall not substitute its judgment for that
14 of the director as to the weight of the evidence on questions
15 of fact. The court may affirm the decision of the director
16 or remand the case for further proceedings. The court may
17 reverse or modify the decision if substantial rights of the
18 appellant have been prejudiced because the administrative
19 findings, inferences, conclusions, or decisions are:

- 20 a. In violation of constitutional or statutory provisions.
- 21 b. In excess of the statutory authority of the director.
- 22 c. Made upon unlawful procedure.
- 23 d. Affected by other error of law.
- 24 e. Clearly erroneous in view of the reliable, probative,
25 and substantial evidence on the whole record.
- 26 f. Arbitrary or capricious or characterized by abuse of
27 discretion or clearly unwarranted exercise of discretion.

28 **Sec. 30. NEW SECTION. JUDICIAL REVIEW. Commencing**
29 **July 1, 1975 judicial review of the orders or actions of**
30 **the director may be sought in accordance with the provisions**
31 **of the Iowa Administrative Procedures Act.**

32 **Sec. 31. NEW SECTION. APPEALS. An aggrieved party may**
33 **obtain a review of any final judgment of the court by appeal**
34 **to the supreme court. The appeal shall be taken as in other**
35 **civil cases.**

1 the department of social services, except that the charges
2 shall not constitute a lien on any real estate owned by per-
3 sons legally liable for support of the alcoholic and the daily
4 per diem shall be billed at twenty-five percent. Beginning
5 July 1, 1976, the superintendent of a state hospital shall total
6 only those expenditures which can be attributed to the cost of
7 providing inpatient treatment to alcoholics and intoxicated
8 persons for purposes of determining the daily per diem. The
9 provisions of section one hundred twenty-three B point eight
10 (123B.8) of the Code shall govern the determination of who is
11 legally liable for the cost of care, maintenance, and treatment
12 of an alcoholic and of the amount for which the person is liable.

13 Sec. 33. The commission shall, not later than February 1,
14 1975, report to the general assembly on its experience with fund-
15 ing alcoholism programs under this Act and make recommendations
16 regarding changes in the funding of alcoholism programs. This
17 section shall not become a permanent part of the Code and shall
18 be printed in the session laws only.

19 Sec. 34. *NEW SECTION.* SHORT TITLE. Sections one (1)
20 through thirty-three (33) of this Act and chapter one hundred
21 twenty-three B (123B) of the Code may be cited as the
22 Alcoholism and Intoxication Treatment Act.

23 Sec. 35. Section one hundred twenty-three point thirty-
24 six (123.36), unnumbered paragraph two (2), Code 1973, as
25 amended by Acts of the Sixty-fifth General Assembly, 1973
26 Session, chapter one hundred sixty-three (163), section two
27 (2) is amended to read as follows:

28 The department shall credit all fees to the beer and liquor
29 control fund and shall remit to the appropriate local
30 authority, a sum equal to sixty-five percent of the fees
31 collected for each class "A", class "B", or class "C" license
32 covering premises located within their respective
33 jurisdictions. However, that amount remitted to the
34 appropriate local authority out of the fee collected for the
35 privilege authorized under section one (1) of this Act shall

36 be deposited in the county mental health and institutions
37 fund to be used only for the care and treatment of persons
38 admitted or committed to the alcoholic treatment center at
39 Oakdale or any facilities as provided in chapter one hundred
40 twenty-three B (123B) of the Code *and pursuant to the*
41 *provisions of section one (1) through thirty-three (33) of*
42 *this Act.*

43 Sec. 36. Section one hundred twenty-three point one hun-
44 dred forty-three (123.143), subsection one (1), Code 1973,
45 as amended by Acts of the Sixty-fifth General Assembly, 1973
46 Session, chapter one hundred sixty-three (163), section six
47 (6) is amended to read as follows:

48 1. All retail beer permit fees collected by any local
49 authority at the time application for the permit is made,
50 and remitted with the permit application to the department,

1 shall be refunded by the department to the local authority
2 at the time the permit is issued. Those amounts refunded
3 to the appropriate local authority out of the fee collected
4 for the privilege authorized under section four (4) of this
5 Act shall be deposited in the county mental health and
6 institutions fund to be used only for the care and treatment
7 of persons admitted or committed to the alcoholic treatment
8 center at Oakdale or any facilities as provided in chapter
9 one hundred twenty-three B (123B) of the Code *and pursuant*
10 *to the provisions of sections one (1) through **thirty-three (33)***
11 *of this Act.*

12 Sec. 37. Section one hundred twenty-three B point four
13 (123B.4), Code 1973, is amended to read as follows:

14 123B.4 CONTRACT FOR CARE—RULES ADOPTED. The [com-
15 sion] *director [may] shall* enter into written agreements with [any
16 qualified] a facility *as defined in section two (2) of this*
17 *Act to pay [one-half] seventy-five percent* of the cost of the care, main-
18 and treatment of an alcoholic [confined as a voluntary patient
19 within that county. The commission shall formulate, adopt,
20 and promulgate pursuant to chapter 17A, such rules and
21 regulations pertaining to the minimum qualifications necessary
22 to qualify as such, which shall include at least a minimum
23 period of six months in which it shall be demonstrated that
24 a facility can successfully treat alcoholism]. Such contracts
25 shall be for a period of no more than one year. The
26 commission shall review and evaluate at least once each year
27 all such agreements and determine whether or not they shall
28 be continued.

29 The contract may be in such form and contain provisions
30 as agreed upon by the parties. Such contract shall provide
31 that the facility shall admit and treat alcoholics whose legal
32 settlement is in counties other than the contracting county.
33 If one payment for care, maintenance, and treatment is not
34 made by the patient or those legally liable therefor within
35 thirty days after discharge the payment shall be made by the

1 [commission] *division* directly to the facility. Payments shall
2 be made each month and shall be based upon the facility's
3 average daily per patient charge. *Provisions of this section*
4 *shall not pertain to patients treated at the mental health*
5 *institutes.*

6 *If the appropriation to the commission is insufficient*
7 *to meet the requirements of this section, the commission shall*
8 *request a transfer of funds and section eight point thirty-nine*
9 *(8.39) of the Code shall apply.*

10 Sec. 38. Section one hundred twenty-three B point five
11 (123B.5), Code 1973, is amended to read as follows:

12 123B.5. COUNTIES TO SHARE HALF OF COST. [Counties]
13 *as provided in section thirty-two (32) of this Act, counties*
14 *shall pay for the remaining [one-half] twenty-five percent* *Except*
15 *the care, maintenance, and treatment of an alcoholic from [its state]*
16 *the county mental health and insititutions funds as provided*
17 *in section 444.12. However, a county shall not expend from*
18 *the county general fund or the county mental health and*
19 *institutions fund, for programs implemented pursuant to*
20 *sections one (1) through thirty-three (33) of this Act, an*
21 *amount in excess of the total amount spent from these funds*
22 *by the county on alcoholism programs for the calendar year*
23 *ending December 31, 1973 without the approval of the board*
24 *of supervisors. The commission shall establish guidelines*
25 *for use by the counties in estimating the amount of expense*
26 *which the county will incur each year. The facility shall*
27 *certify to the county*
28 *of the alcoholics legal settlement once each month [one-half] twenty-*
29 *percent* *five* *of the unpaid cost of the care, maintenance, and treatment*
30 *of an alcoholic [who has been confined as a voluntary patient].*
31 *Such county shall pay the cost so certified to the facility*
32 *from its [state] county mental health and institutions fund.*
33 *However, the approval of the board of supervisors shall be*
34 *required before payment is made by a county for costs incurred*
35 *which exceed a total of five hundred dollars for one year for*

36 *treatment provided to any one alcoholic or intoxicated person,*
37 *except that such approval is not required for the cost of*
38 *treatment provided to an alcoholic or intoxicated person who*
39 *is committed pursuant to sections eighteen (18) and nineteen (19)*
40 *of this Act.*

41 A facility may, upon approval of the board of supervisors,
42 submit to a county a billing for the aggregate amount of all
43 care, maintenance, and treatment of alcoholics for each month.
44 The board of supervisors may demand an itemization of such
45 billings at any time or may audit the same.

46 Sec. 39. Section one hundred twenty-three B point seven
47 (123B.7), Code 1973, is amended to read as follows:

48 123B.7 DISPUTED SETTLEMENT. In the event any county to
49 which certification of the cost of care, maintenance, and
50 treatment of an alcoholic is made, disputes that such alcoholic
51 has his legal settlement in that county, it shall immediately
52 notify the facility that such dispute exists. The [commission]
53 *director* shall immediately investigate the facts and determine
54 in which county the patient has legal settlement. The
55 [commission] *director* shall certify [its] *his* determination to
56 the county wherein it is found the patient has legal settlement
57 and to the facility. The county of legal settlement shall
58 reimburse the facility as provided in this chapter. If the
59 [commission] *director* finds that the legal settlement of an

1 alcoholic at the time of admission was in another state of
2 country or was unknown, then the [commission] *division* shall
3 pay for that portion of his care, maintenance, and treatment
4 that his county of legal settlement would have been liable
5 to pay. *For purposes of this section, a "facility" does not*
6 *include a mental health institute under the control of the*
7 *department of social services.*

8 Sec. 40. Section one hundred twenty-three B point eight
9 (123B.8), Code 1973, is amended to read as follows:

10 123B.8 LEGAL LIABILITY FOR CARE. The alcoholic[, **his or**
11 **her spouse,**] and any person, firm, corporation or insurance
12 company bound by contract to provide support, hospitaliza-
13 tion, or medical services for the alcoholic shall be legally
14 liable *to the county of the alcoholic's legal settlement* for
15 *twenty-five percent of the total amount and to the division for*
16 *seventy-five percent of the total amount* of the cost of providing care,
17 maintenance, and treatment for the alcoholic while a volun-
18 tary *or committed* patient in a facility [**when the commission has**
19 **contracted with such facility to provide treatment even though**
20 **one-half of the cost was paid by the commission. Such liability**
21 **shall be to the county of the alcoholic's legal settlement after**
22 **such county has made its payment for one-half of such treatment**
23 **services], except when the state pays the total cost of care in**
24 *which case liability of one hundred percent shall be to the*
25 *state. Nothing in this section shall prohibit any individual*
26 *from paying any portion of the cost of treatment.*

27 Sec. 41. Section one hundred twenty-three B point eleven
28 (123B.11), Code 1973, is amended to read as follows:

29 123B.11 COUNTY AUDITOR TO KEEP ACCOUNTS. The auditor
30 of each county shall keep an accurate account of the total
31 cost of the care, maintenance, and treatment of any alcoholic
32 and keep an index of the names of the alcoholics admitted
33 from such county. [The indexing and the record of the account
34 of such alcoholic in the office of the county auditor shall
35 constitute notice of such lien. **The name of the spouse of**

36 such alcoholic shall also be indexed in the same manner as
37 the names of alcoholics are indexed.]

38 Sec. 42. Section one hundred twenty-three B point twelve
39 (123B.12), Code 1973, is amended to read as follows:

40 123B.12 COLLECTION OF CLAIMS BY BOARD OF SUPER-
VISORS.

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

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

17 224.1 COMMITMENT. Persons addicted to the excessive use
18 of [intoxicating liquor, or] any controlled substance contained
19 in schedules I, II, III, or IV of chapter two hundred four
20 (204) of the Code may be committed by the commissioners of
21 hospitalization of each county to such institutions as the
22 commissioner of the state department of social services may
23 designate, or to such private facilities as the [commission
24 on alcoholism, or a state department designated as the single
25 state agency to prepare and administer a state plan to combat
26 drug abuse pursuant to United States Public Law ninety-two
27 dash two hundred fifty-five (92-255),] *Iowa drug abuse authority*
28 may designate; or to any hospital accredited to give
29 psychiatric care, provided that, commitments to private
30 facilities shall only be made upon approval of the board of
31 supervisors or upon agreement by the patient or responsible
32 relatives to pay the full costs of treatment and upon having
33 made the necessary arrangements for admission and support.

34 Sec. 44. Section two hundred twenty-four point two (224.2),
35 Code 1973, is amended to read as follows:

1 224.2 STATUTES APPLICABLE. All statutes governing the
2 commitment, custody, treatment, and maintenance of the mentally
3 ill shall, so far as applicable, govern the commitment, cus-
4 tody, treatment, and maintenance of those addicted to the
5 excessive use of [such] drugs *as defined in section two hundred*
6 *twenty-four point one (224.1) of the Code [and intoxicating*
7 *liquors]*.

8 Sec. 45. Section two hundred twenty-four point four
9 (224.4), Code 1973, as amended by Acts of the Sixty-fifth
10 General Assembly, 1973 Session, chapter one hundred eighty
11 (180), section two (2) is amended to read as follows:

12 224.4 PLACES OF COMMITMENT. The commissioner of the
13 department of social services shall designate the state insti-
14 tutions to which commitments may be made under this chapter,
15 and to that end may divide the state into districts, and shall
16 promptly notify each clerk of the district court of such
17 designation and all changes therein. [The commision on
18 alcoholism shall designate the private facilities to which
19 persons suffering from alcoholism may be committed under
20 section two hundred twenty-four point one (224.1) of the Code.]
21 The [state department designated as the single state agency
22 to prepare and administer a state plan to combat drug abuse
23 pursuant to United States Public Law ninety-two dash two
24 hundred fifty-five (92-255)] *Iowa drug abuse authority* shall
25 designate the private facilities to which persons suffering
26 from the effects of controlled substances enumerated in section
27 two hundred twenty-four point one (224.1) of the Code shall
28 be committed.

29 Sec. 46. Section two hundred twenty-four point five
30 (224.5), Code 1973, is amended to read as follows:

31 224.5 MENTAL ILLNESS OF NARCOTIC ADDICTS. **Should**
32 son, committed because of his excessive use of [narcotic] drugs
33 *as defined in section two hundred twenty-four point one (224.1)*
34 *of the Code [or intoxicating liquors,] become mentally ill,*
35 the commissioner of the state department of social services,

1 on complaint of the superintendent having the custody of such
2 person, and on due hearing, may order such person committed
3 to a hospital for the mentally ill. Such order shall have
4 the same force and effect as though entered by the commis-
5 sioners of hospitalization of the county of the patient's
6 residence, and such person may appeal from such order in the
7 same manner in which appeals are allowed from the orders of
8 the commissioners of hospitalization.

9 Sec. 47. Section three hundred twenty-one B point seven-
10 teen (321B.17), Code 1973, is amended to read as follows:

11 321B.17 REFERRED ON CONVICTION. After any conviction
12 for operating a motor vehicle while under the influence of
13 an alcoholic beverage under section 321.281, the court may
14 refer the defendant for treatment at a facility as defined
15 in [chapter 123B] *sections one (1) through thirty-three (33),*
16 *inclusive, of this Act.* The court may prescribe the length
17 of time for treatment or it may be left to the discretion
18 of the facility to which the defendant was referred. A person
19 referred under this section shall be considered a state
20 patient, *and charges and costs for treatment shall be paid*
21 *for in the manner provided for payment for treatment of*
22 *alcoholics who have no legal residence in this state.*

23 Sec. 48. Section four hundred forty-four point twelve
24 (444.12), subsection one (1), paragraph e, Code 1973, is
25 amended to read as follows:

26 e. Care and treatment of persons [admitted or committed
27 to] at the alcoholic treatment center at Oakdale or any
28 facilities as provided in *sections one (1) through thirty-*
29 *two (32) of this Act and chapter 123B, provided, however,*
30 *that any [such] admission to a facility shall be reported to the*
31 *county board of supervisors within five days by the center*
32 *or facility offering such treatment.*

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

1 2. For purposes of carrying out the provisions of [sec-
 2 tion one hundred twenty-three A point eight (123A.8)] *sec-*
 3 *tions one (1) through thirty-three (33) of this Act* and chap-
 4 ter one hundred twenty-three B (123B) of the Code relating
 5 to the treatment of alcoholism, subject to the approval of
 6 the governor:\$500,000 \$[500,000] **1,200,000**

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

21 **Sec. 51. Sections one hundred twenty-three B point one**
 22 **(123B.1), one hundred twenty-three B point two (123B.2), one**
 23 **hundred twenty-three B point three (123B.3), one hundred**
 24 **twenty-three B point ten (123B.10), one hundred twenty-three**
 25 **B point fourteen (123B.14), one hundred twenty-three B point**
 26 **fifteen (123B.15), one hundred twenty-three B point seventeen**
 27 **(123B.17), two hundred twenty-six point thirty-five (226.35),**
 28 **two hundred twenty-six point thirty-six (226.36), two hundred**
 29 **twenty-six point thirty-seven (226.37), two hundred twenty-**
 30 **six point thirty-eight (226.38), two hundred twenty-six point**
 31 **thirty-nine (226.39), and chapter one hundred twenty-three**
 32 **A (123A), Code 1973, are repealed.**

33 **Sec. 52. Sections twenty-four (24) through twenty-nine (29)**
 34 **of this Act are repealed effective July 1, 1975.**

36 This bill is based on the uniform alcoholism and intoxica-
37 tion treatment Act; however, the bill, unlike the uniform
38 act, provides for the arrest of intoxicated persons and persons
39 incapacitated by alcohol who refuse to be taken to an approved
40 treatment facility. A commission on alcoholism is established
41 within a division on alcoholism which will undertake functions
42 currently performed by both the Iowa State Commission on
43 Alcoholism and the Office for Planning and Programming. All
44 alcoholism treatment facilities are required to be approved
45 by the commission , except those listed in section
46 14 of the bill.

47 The comprehensive state alcoholism program established
48 in the bill will be paid for jointly by the commission and
49 the counties from funds allocated by the commission and from
50 the county mental health and institutions fund. The bill
51 abolishes the former Iowa State Commission on Alcoholism and
52 provides an appropriation for Fiscal Year 1974-75 to the
53 newly-created commission.

H-3041

1 Amend Senate File 1354, page 20, by inserting
2 after the partial word "ties" in line 9 the follow-
3 ing:
4 Persons serving on alcoholism service units shall
5 serve without compensation unless specifically author-
6 ized by the commission on alcoholism.

H-3041 Filed- *Withdrawn 5/1*
April 29, 1974

By HANSEN of O'Brien

H-3081

1 Amend Senate File 1354 as passed by the Senate
2 and reprinted as follows:
3 Page 14, line 21, by inserting after the word
4 "facility," the words "and a magistrate of the District
5 Court,"

H-3081 Filed and lost
May 1, 1974

By NIELSEN of Polk

H-3083

1 Amend Senate File 1354 as passed by the Senate
2 and reprinted as follows:
3 1. Page 14, line 35, by striking the words
4 "five days" and inserting in lieu thereof the words
5 "twenty-four hours".
6 2. Page 15, line 2, by striking the words
7 "five days" and inserting the words "twenty-four
8 hours"

H-3083 Filed and lost
May 1, 1974

By JESSE of Polk