

2018 -- H 7725 SUBSTITUTE A

LC004964/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO HEALTH AND SAFETY -- EMERGENCY COMMITMENT FOR DRUG  
INTOXICATION

Introduced By: Representatives Casey, Morin, Canario, Hull, and Jacquard

Date Introduced: February 28, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-10.1 of the General Laws entitled "Emergency Commitment for  
2 Drug Intoxication" is hereby amended by adding thereto the following sections:

3 **23-10.1-7. Substance abuse disorder.**

4 As used in §§ 23-10.1-7 through 23-10.1-8, the term "substance abuse disorder" means  
5 the chronic or habitual consumption or ingestion of drugs and intoxicating substance by a person  
6 to the extent that:

7 (1) Substantially injures the person's health or substantially interferes with the person's  
8 social or economic functioning; or

9 (2) The person has lost the power of self-control over the use of such drugs and  
10 intoxicating substance.

11 **23-10.1-8. Seventy-two (72) hour hold for substance abuse disorder.**

12 (a) A physician who concentrates in diagnosing and/or treating persons with substance  
13 abuse disorders and who while treating a person (hereinafter, the "respondent ") for substance  
14 abuse, has reason to believe that the respondent is suffering from a substance abuse disorder and  
15 presents a danger or threat of danger to himself, family, or others, if not treated for substance  
16 abuse disorder, may issue a seventy-two (72) hour hold on the respondent for in-patient treatment  
17 at a facility designed to provide in-patient treatment to persons with substance abuse disorders.  
18 An order issued under this section shall be in writing and shall include the factual basis for the

1 finding that the respondent requires a seventy-two (72) hour hold pursuant to this section. To  
2 issue an order for a seventy-two hour (72) hold, the physician must find that a respondent:

3 (1) Suffers from a substance abuse disorder;

4 (2) Presents an imminent danger or threat of danger to themselves, family, or others as a  
5 result of substance abuse, or there exists a substantial likelihood of such a threat in the near  
6 future; and

7 (3) Can reasonably benefit from treatment.

8 (b) A family member of the respondent, or a first responder to the respondent, including a  
9 member of the police, fire, or rescue unit (hereinafter a "first responder") who assisted in bringing  
10 the respondent to the physician or the facility where the physician is treating the respondent, may  
11 request the physician to issue such a hold, but no hold may be implemented without an express  
12 written order from a physician as set forth in subsection (a) of this section.

13 **23-10.1-9. Hearing to extend seventy-two (72) hour hold.**

14 (a) The physician issuing the order, a family member of the respondent, or a first  
15 responder who is familiar with the respondent may petition the district court for the district  
16 wherein the seventy-two (72) hour hold is being enforced for an extension of the hold of the  
17 respondent. The petition shall state the petitioner's belief, including the factual basis therefor, that  
18 the respondent is suffering from an alcohol and/or other drug abuse disorder and presents a  
19 danger or threat of danger to themselves, family, or others if the respondent does not continue to be  
20 treated for the substance abuse disorder. These matters shall be given priority status on the district  
21 court's calendar and shall be heard no later than seventy-two (72) hours after the commencement  
22 of the hold on the respondent.

23 (b) A respondent subject to a seventy-two (72) hour hold pursuant to § 23-10.1-8 shall be  
24 informed both verbally and in writing if a petition has been filed to extend the hold. The  
25 respondent shall be entitled to legal counsel.

26 (c) The burden of proof on whether to extend a seventy-two (72) hour hold shall be on  
27 the petitioning party. The standard of determining whether or not to impose the hold shall be clear  
28 and convincing evidence. No extension shall be granted without medical testimony from a  
29 treating physician as to the elements set forth in § 23-10.1-8(a).

30 (d) The court may order the hold and treatment of the respondent to continue for a period  
31 of up to thirty (30) days, and may, upon a motion and after hearing thereon, extend the time of  
32 commitment for a period of up to another thirty (30) days. No involuntary commitment for  
33 substance abuse disorder shall be extended more than two (2) times.

34 (e) The provisions of § 23-10.1-5 shall not apply to a seventy-two (72) hour hold issued

1 [pursuant to §§ 23-10.1-7 through 23-10.1-10.](#)

2 [\(f\) If, at any time after the petition is filed, the court finds that there is no probable cause](#)  
3 [to continue treatment or if the petitioner withdraws the petition, then the proceedings against the](#)  
4 [respondent shall be dismissed.](#)

5 **23-10.1-10. Seventy-two (72) hour holds to be in addition to other remedies.**

6 [The authorization of and proceedings for a seventy-two \(72\) hour hold pursuant to §§ 23-](#)  
7 [10.1-8 through 23-10.1-10 shall not preclude the concurrent or subsequent filing of other actions](#)  
8 [for involuntary commitment of substance abusers, including, but not limited to, actions brought](#)  
9 [pursuant to §§ 23-10.1-4.1 and 40.1-5-7.](#)

10 **23-10.1-11. Rules and regulations.**

11 [The department of health shall promulgate rules and regulations to implement the](#)  
12 [provisions of §§ 23-10.1-7 through 23-10.1-10.](#)

13 SECTION 2. This act shall take effect on January 1, 2019.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would authorize a seventy-two (72) hour hold to be ordered by a physician in  
2 certain instances of substance abuse disorders. The hold could be continued beyond the seventy-  
3 two (72) hour period if ordered by a district court judge.

4           This act would take effect on January 1, 2019.

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