

REFERENCE TITLE: involuntary treatment; substance abuse

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1578

Introduced by
Senator Wadsack

AN ACT

AMENDING TITLE 36, CHAPTER 18, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2.1; RELATING TO SUBSTANCE ABUSE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 18, Arizona Revised Statutes, is
3 amended by adding article 2.1, to read:

4 ARTICLE 2.1. INVOLUNTARY TREATMENT
5 FOR SUBSTANCE USE DISORDER

6 36-2041. Definition of substance use disorder; criteria

7 A. IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES,
8 "SUBSTANCE USE DISORDER" MEANS A CLUSTER OF COGNITIVE, BEHAVIORAL AND
9 PHYSIOLOGICAL SYMPTOMS INDICATING THAT THE INDIVIDUAL CONTINUES USING THE
10 SUBSTANCE DESPITE SIGNIFICANT SUBSTANCE-RELATED PROBLEMS.

11 B. THE CRITERIA FOR SUBSTANCE USE DISORDER ARE IN THE MOST CURRENT
12 EDITION OF THE AMERICAN PSYCHIATRIC ASSOCIATION'S DIAGNOSTIC AND
13 STATISTICAL MANUAL OF MENTAL DISORDERS.

14 36-2042. Criteria for involuntary treatment; rights of
15 patient

16 A. A PERSON WHO SUFFERS FROM A SUBSTANCE USE DISORDER MAY NOT BE
17 ORDERED TO UNDERGO TREATMENT UNLESS THAT PERSON MEETS ALL OF THE
18 FOLLOWING:

19 1. HAS BEEN DIAGNOSED BY A QUALIFIED HEALTH PROFESSIONAL AS
20 SUFFERING FROM A SUBSTANCE USE DISORDER.

21 2. PRESENTS AN IMMINENT THREAT OF DANGER TO SELF, FAMILY OR OTHERS
22 AS A RESULT OF THE SUBSTANCE USE DISORDER OR THERE IS A SUBSTANTIAL
23 LIKELIHOOD OF A THREAT IN THE NEAR FUTURE.

24 3. CAN REASONABLY BENEFIT FROM TREATMENT.

25 B. INVOLUNTARY TREATMENT ORDERED FOR A PERSON SUFFERING FROM A
26 SUBSTANCE USE DISORDER SHALL FOLLOW THE PROCEDURES PRESCRIBED IN THIS
27 ARTICLE. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, ALL RIGHTS
28 GUARANTEED TO INVOLUNTARILY HOSPITALIZED MENTALLY ILL PERSONS PURSUANT TO
29 CHAPTER 5 OF THIS TITLE ARE GUARANTEED TO A PERSON ORDERED TO UNDERGO
30 TREATMENT FOR A SUBSTANCE USE DISORDER PURSUANT TO THIS ARTICLE.

31 36-2043. Petition for involuntary treatment; contents;
32 guarantee for costs of treatment

33 A. PROCEEDINGS FOR SIXTY DAYS OR THREE HUNDRED SIXTY DAYS OF
34 TREATMENT FOR AN INDIVIDUAL SUFFERING FROM SUBSTANCE USE DISORDER SHALL BE
35 INITIATED ON THE FILING OF A VERIFIED PETITION IN SUPERIOR COURT. THE
36 PETITION AND ALL SUBSEQUENT COURT DOCUMENTS SHALL BE ENTITLED: "IN THE
37 INTEREST OF (NAME OF RESPONDENT)".

38 B. THE PETITION MAY BE FILED BY A SPOUSE, RELATIVE, FRIEND OR
39 GUARDIAN OF THE INDIVIDUAL WITH A SUBSTANCE USE DISORDER FOR WHOM THE
40 PETITION IS FILED.

41 C. THE PETITION SHALL SET FORTH:

42 1. THE PETITIONER'S RELATIONSHIP TO THE RESPONDENT.

43 2. THE RESPONDENT'S NAME, RESIDENCE ADDRESS AND CURRENT LOCATION,
44 IF KNOWN.

1 3. THE NAME AND RESIDENCE ADDRESS OF THE RESPONDENT'S PARENTS, IF
2 LIVING AND IF KNOWN, OR THE RESPONDENT'S LEGAL GUARDIAN, IF ANY AND IF
3 KNOWN.

4 4. THE NAME AND RESIDENCE ADDRESS OF THE RESPONDENT'S SPOUSE, IF
5 ANY AND IF KNOWN.

6 5. THE NAME AND RESIDENCE ADDRESS OF THE PERSON HAVING CUSTODY OF
7 THE RESPONDENT, IF ANY, OR IF NO SUCH PERSON IS KNOWN, THE NAME AND
8 RESIDENCE ADDRESS OF A NEAR RELATIVE OR THAT THE PERSON IS UNKNOWN.

9 6. THE PETITIONER'S BELIEF, INCLUDING THE FACTUAL BASIS FOR THE
10 BELIEF, THAT THE RESPONDENT IS SUFFERING FROM A SUBSTANCE USE DISORDER AND
11 PRESENTS A DANGER OR THREAT OF DANGER TO SELF, FAMILY OR OTHERS IF NOT
12 TREATED FOR THE SUBSTANCE USE DISORDER.

13 D. ANY PETITION FILED PURSUANT TO THIS SECTION SHALL BE ACCOMPANIED
14 BY A GUARANTEE, SIGNED BY THE PETITIONER OR OTHER PERSON AUTHORIZED UNDER
15 SUBSECTION B OF THIS SECTION, OBLIGATING THAT PERSON TO PAY ALL COSTS FOR
16 TREATMENT OF THE RESPONDENT FOR SUBSTANCE USE DISORDER THAT IS ORDERED BY
17 THE COURT.

18 36-2044. Duties of the court; hearing; evaluations;
19 involuntary treatment; dismissal

20 A. ON RECEIPT OF A PETITION FILED PURSUANT TO SECTION 36-2043, THE
21 COURT SHALL EXAMINE THE PETITIONER UNDER OATH AS TO THE CONTENTS OF THE
22 PETITION. IF, AFTER REVIEWING THE ALLEGATIONS CONTAINED IN THE PETITION
23 AND EXAMINING THE PETITIONER UNDER OATH, IT APPEARS TO THE COURT THAT
24 THERE IS PROBABLE CAUSE TO BELIEVE THE RESPONDENT SHOULD BE ORDERED TO
25 UNDERGO TREATMENT, THE COURT SHALL:

26 1. SET A DATE FOR A HEARING WITHIN FOURTEEN DAYS TO DETERMINE
27 WHETHER THE RESPONDENT SHOULD BE ORDERED TO UNDERGO TREATMENT FOR A
28 SUBSTANCE USE DISORDER.

29 2. NOTIFY THE RESPONDENT, THE LEGAL GUARDIAN, IF ANY AND IF KNOWN,
30 AND THE SPOUSE, PARENTS OR NEAREST RELATIVE OR FRIEND OF THE RESPONDENT
31 CONCERNING THE ALLEGATIONS AND CONTENTS OF THE PETITION, THE DATE AND
32 PURPOSE OF THE HEARING AND THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE
33 ATTORNEY APPOINTED TO REPRESENT THE RESPONDENT.

34 3. CAUSE THE RESPONDENT TO BE EVALUATED NOT LATER THAN TWENTY-FOUR
35 HOURS BEFORE THE HEARING DATE BY TWO QUALIFIED HEALTH PROFESSIONALS, AT
36 LEAST ONE OF WHOM IS A PHYSICIAN. THE QUALIFIED HEALTH PROFESSIONALS:

37 (a) SHALL CERTIFY THEIR FINDINGS TO THE COURT WITHIN TWENTY-FOUR
38 HOURS AFTER THE EVALUATIONS.

39 (b) MAY BE SUBJECT TO SUBPOENA FOR CROSS-EXAMINATION AT THE
40 HEARING, EITHER IN PERSON, BY TELEPHONE OR BY VIDEOCONFERENCE.

41 (c) MAY CONDUCT THE EVALUATION REQUIRED BY THIS PARAGRAPH VIA
42 TELEHEALTH AS DEFINED IN SECTION 36-3601.

43 B. IF, ON COMPLETION OF THE HEARING, THE COURT FINDS BY PROOF
44 BEYOND A REASONABLE DOUBT THAT THE RESPONDENT SHOULD BE ORDERED TO UNDERGO
45 TREATMENT, THE COURT SHALL ORDER SUCH TREATMENT FOR A PERIOD OF NOT MORE

1 THAN SIXTY CONSECUTIVE DAYS AFTER THE DATE OF THE COURT ORDER OR A PERIOD
2 OF NOT MORE THAN THREE HUNDRED SIXTY CONSECUTIVE DAYS AFTER THE DATE OF
3 THE COURT ORDER, WHICHEVER WAS THE PERIOD OF TIME THAT WAS REQUESTED IN
4 THE PETITION OR OTHERWISE AGREED TO AT THE HEARING. FAILURE OF A
5 RESPONDENT TO UNDERGO TREATMENT ORDERED PURSUANT TO THIS SUBSECTION MAY
6 PLACE THE RESPONDENT IN CONTEMPT OF COURT.

7 C. IF, AT ANY TIME AFTER THE PETITION IS FILED, THE COURT FINDS
8 THAT THERE IS NO PROBABLE CAUSE TO CONTINUE TREATMENT OR IF THE PETITIONER
9 WITHDRAWS THE PETITION, THE PROCEEDINGS AGAINST THE RESPONDENT SHALL BE
10 DISMISSED.

11 36-2045. Emergency involuntary treatment

12 A. FOLLOWING AN EVALUATION BY A QUALIFIED HEALTH PROFESSIONAL AND A
13 CERTIFICATION BY THAT HEALTH PROFESSIONAL THAT THE PERSON MEETS THE
14 CRITERIA SPECIFIED IN SECTION 36-2042, THE COURT MAY ORDER THE PERSON TO
15 BE ADMITTED TO A HOSPITAL OR BEHAVIORAL HEALTH FACILITY FOR A PERIOD OF
16 NOT MORE THAN SEVENTY-TWO HOURS IF THE COURT FINDS, BY CLEAR AND
17 CONVINCING EVIDENCE, THAT THE RESPONDENT PRESENTS AN IMMINENT THREAT OF
18 DANGER TO SELF, FAMILY OR OTHERS AS A RESULT OF A SUBSTANCE USE DISORDER.

19 B. ANY PERSON WHO HAS BEEN ADMITTED TO A HOSPITAL OR BEHAVIORAL
20 HEALTH FACILITY PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE RELEASED
21 FROM THE HOSPITAL OR BEHAVIORAL HEALTH FACILITY WITHIN SEVENTY-TWO HOURS
22 AFTER ADMITTANCE.

23 C. A RESPONDENT WHO IS ORDERED TO BE ADMITTED TO A HOSPITAL OR A
24 BEHAVIORAL HEALTH FACILITY UNDER THIS SECTION MAY NOT BE HELD IN JAIL
25 PENDING TRANSPORTATION TO THE HOSPITAL OR BEHAVIORAL HEALTH FACILITY OR
26 THE EVALUATION UNLESS THE COURT HAS PREVIOUSLY FOUND THE RESPONDENT TO BE
27 IN CONTEMPT OF COURT FOR EITHER FAILURE TO UNDERGO TREATMENT OR FAILURE TO
28 APPEAR AT THE EVALUATION ORDERED PURSUANT TO SECTION 36-2044.

29 36-2046. Failure to attend evaluation; summons;
30 transportation to hospital or behavioral health
31 facility

32 WHEN THE COURT IS AUTHORIZED TO ISSUE AN ORDER THAT THE RESPONDENT
33 BE TRANSPORTED TO A HOSPITAL, THE COURT MAY, OR IF THE RESPONDENT FAILS TO
34 ATTEND AN EVALUATION SCHEDULED BEFORE THE HEARING AS PROVIDED IN SECTION
35 36-2044, THE COURT SHALL, ISSUE A SUMMONS COMMANDING THE RESPONDENT TO
36 APPEAR AT A TIME AND PLACE SPECIFIED IN THE SUMMONS. IF A RESPONDENT WHO
37 HAS BEEN SUMMONED FAILS TO APPEAR AT THE HOSPITAL OR BEHAVIORAL HEALTH
38 FACILITY OR THE EVALUATION, THE COURT MAY ORDER THE SHERIFF OR ANOTHER
39 PEACE OFFICER TO TRANSPORT THE RESPONDENT TO A HOSPITAL OR BEHAVIORAL
40 HEALTH FACILITY DESIGNATED BY THE ADMINISTRATION FOR TREATMENT. THE
41 SHERIFF OR OTHER PEACE OFFICER, ON AGREEMENT OF A PERSON AUTHORIZED BY THE
42 SHERIFF OR PEACE OFFICER, MAY AUTHORIZE THE ADMINISTRATION, A CONTRACTOR
43 OF THE ADMINISTRATION OR AN AMBULANCE SERVICE DESIGNATED BY THE
44 ADMINISTRATION TO TRANSPORT THE RESPONDENT TO THE HOSPITAL OR BEHAVIORAL
45 HEALTH FACILITY. THE TRANSPORTATION COSTS OF THE SHERIFF, OTHER PEACE

1 OFFICER, AMBULANCE SERVICE OR CONTRACTOR OF THE ADMINISTRATION SHALL BE
2 INCLUDED IN THE COSTS OF TREATMENT FOR A SUBSTANCE USE DISORDER TO BE PAID
3 BY THE PETITIONER OR OTHER PERSON PURSUANT TO SECTION 36-2043,
4 SUBSECTION D.

5 Sec. 2. Short title

6 This act may be cited as the "Matthew Casey Wethington Act for
7 Substance Abuse Intervention".