

REFERENCE TITLE: involuntary treatment; process; substance abuse

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

SB 1607

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

37 B. THE PETITION MAY BE FILED BY ANY PERSON WHO HAS OBSERVED THE
38 BEHAVIORS OF THE INDIVIDUAL WITH A SUBSTANCE USE DISORDER FOR WHOM THE
39 PETITION IS FILED, INCLUDING A SOCIAL WORKER OR PEACE OFFICER.

40 C. THE PETITION SHALL SET FORTH:

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

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

44 3. THE NAME AND RESIDENCE ADDRESS OF THE RESPONDENT'S LEGAL
45 GUARDIAN, IF ANY AND IF KNOWN.

1 4. THE NAME AND RESIDENCE ADDRESS OF THE PERSON HAVING CUSTODY OF
2 THE RESPONDENT, IF ANY, OR IF NO SUCH PERSON IS KNOWN, THE NAME AND
3 RESIDENCE ADDRESS OF A NEAR RELATIVE OR THAT THE PERSON IS UNKNOWN.

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

8 36-2044. Duties of the court; hearing; evaluations;
9 involuntary treatment; dismissal

10 A. ON RECEIPT OF A PETITION FILED PURSUANT TO SECTION 36-2043, THE
11 COURT SHALL EXAMINE THE PETITIONER UNDER OATH AS TO THE CONTENTS OF THE
12 PETITION. IF, AFTER REVIEWING THE ALLEGATIONS CONTAINED IN THE PETITION
13 AND EXAMINING THE PETITIONER UNDER OATH, IT APPEARS TO THE COURT THAT
14 THERE IS PROBABLE CAUSE TO BELIEVE THE RESPONDENT SHOULD BE ORDERED TO
15 UNDERGO TREATMENT, THE COURT SHALL:

16 1. SET A DATE FOR A HEARING WITHIN FOURTEEN DAYS TO DETERMINE
17 WHETHER THE RESPONDENT SHOULD BE ORDERED TO UNDERGO TREATMENT FOR A
18 SUBSTANCE USE DISORDER.

19 2. NOTIFY THE RESPONDENT, THE LEGAL GUARDIAN, IF ANY AND IF KNOWN,
20 AND THE NEAREST RELATIVE OR FRIEND OF THE RESPONDENT CONCERNING THE
21 ALLEGATIONS AND CONTENTS OF THE PETITION, THE DATE AND PURPOSE OF THE
22 HEARING AND THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE ATTORNEY
23 APPOINTED TO REPRESENT THE RESPONDENT.

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

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

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

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

33 B. IF, ON COMPLETION OF THE HEARING, THE COURT FINDS BY PROOF
34 BEYOND A REASONABLE DOUBT THAT THE RESPONDENT SHOULD BE ORDERED TO UNDERGO
35 TREATMENT, THE COURT SHALL ORDER SUCH TREATMENT FOR A PERIOD OF NOT MORE
36 THAN SIXTY CONSECUTIVE DAYS AFTER THE DATE OF THE COURT ORDER OR A PERIOD
37 OF NOT MORE THAN THREE HUNDRED SIXTY CONSECUTIVE DAYS AFTER THE DATE OF
38 THE COURT ORDER, WHICHEVER WAS THE PERIOD OF TIME THAT WAS REQUESTED IN
39 THE PETITION OR OTHERWISE AGREED TO AT THE HEARING. FAILURE OF A
40 RESPONDENT TO UNDERGO TREATMENT ORDERED PURSUANT TO THIS SUBSECTION MAY
41 PLACE THE RESPONDENT IN CONTEMPT OF COURT.

42 C. IF, AT ANY TIME AFTER THE PETITION IS FILED, THE COURT FINDS
43 THAT THERE IS NO PROBABLE CAUSE TO CONTINUE TREATMENT OR IF THE PETITIONER
44 WITHDRAWS THE PETITION, THE PROCEEDINGS AGAINST THE RESPONDENT SHALL BE
45 DISMISSED.

