

cost of printing the county and district canary ballots, and all necessary expenses incurred by auditors in connection with elections, and the expenses of special county elections, shall be paid by the respective counties. ~~That~~ The compensation prescribed in section 203.42, clauses (d) and (e), the cost of printing the municipal light green ballots, of providing ballot boxes and polling places, and equipping the same, and all necessary expenses of the clerks of municipalities on account of elections, except special county elections, shall be paid by the respective towns, villages, or cities where the elections are held. All disbursements hereunder shall be presented, audited, and paid as in the case of other public expenses.

Approved May 23, 1973.

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## CHAPTER 572—S.F.No.1455

[Coded in Part]

An act relating to health; regulating alcohol and other drug abuse; establishing a state authority providing for treatment of persons dependent on alcohol or other drugs; amending Minnesota Statutes 1971, Sections 245.694, Subdivision 1; 197.603; 197.64, Subdivision 3; 198.01; 253A.03; 253A.04, Subdivisions 2 and 3; 253A.07, Subdivision 2; repealing Minnesota Statutes 1971, Sections 126.04; 144.81; 144.82; 144.831; 144.832; 144.833; 144.834; 145.696; 145.697; 145.699; 245.692; 245.693; 245.694; and 245.695.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[254A.01] PUBLIC HEALTH; ALCOHOL AND OTHER DRUG ABUSE; PUBLIC POLICY.** It is hereby declared to be the public policy of this state that the interests of society are best served by providing persons who are dependent upon alcohol or other drugs with a comprehensive range of rehabilitative and social services. Further, it is declared that treatment under these services shall be voluntary when possible; treatment shall not be denied on the basis of prior treatment; treatment shall be based on an individual treatment plan for each person undergoing treatment; treatment shall include a continuum of services available for a person leaving a program of treatment; treatment shall include all family members at the earliest possible phase of the treatment process.

Sec. 2. **[254A.02] DEFINITIONS.** Subdivision 1. For the purposes of this act, unless the context clearly indicates otherwise, the terms defined in this section have the meanings given them.

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Subd. 2. "Approved treatment program" means care and treatment services provided by any individual, organization or association to drug dependent persons, which meets the standards established by the commissioner of public welfare.

Subd. 3. "Comprehensive program" means the range of services which are to be made available for the purpose of prevention, care and treatment of alcohol and drug abuse.

Subd. 4. "Drug abuse or abuse of drugs" is the use of any psychoactive or mood altering chemical substance, without compelling medical reason, in such a manner as to induce mental, emotional or physical impairment and cause socially dysfunctional or socially disordering behavior and which results in psychological or physiological dependency as a function of continued use.

Subd. 5. "Drug dependent person" means any inebriate person or any person incapable of managing himself or his affairs or unable to function physically or mentally in an effective manner because of the abuse of a drug, including alcohol.

Subd. 6. "Facility" means any treatment facility administered under an approved treatment program established under this act.

Subd. 7. "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol, or other drugs.

Subd. 8. "Other drugs" means any psychoactive chemical other than alcohol.

Subd. 9. "Program director" means the director of any approved treatment program responsible under this act for the examination, treatment or making of recommendations with respect to care and treatment of any person subject to the provisions of this act.

Subd. 10. "State authority" is a division established within the department of public welfare for the purpose of relating the authority of state government in the area of alcohol and drug abuse to the alcohol and drug abuse activities within the state.

**Sec. 3. [254A.03] STATE AUTHORITY ON ALCOHOL AND DRUG ABUSE.** There is hereby created an alcohol and other drug abuse section in the department of public welfare. This section shall be headed by a director who shall be in the unclassified service. The section shall:

(a) conduct and foster basic research relating to the cause, prevention and methods of diagnosis, treatment and rehabilitation of alcoholic and other drug dependent persons;

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(b) coordinate all activities and programs of all the various state departments as they relate to alcohol and other drug dependency and abuse problems;

(c) develop and demonstrate new methods and techniques for the prevention, treatment and rehabilitation of alcohol and other drug abuse and dependency problems;

(d) gather and disseminate facts and information about alcoholism and other drug dependency and abuse to public and private agencies and the courts so requesting such information for guidance to and assistance in prevention, treatment and rehabilitation;

(e) inform and educate the general public on alcohol and other drug dependency and abuse problems;

(f) serve as the state authority concerning alcohol and other drug dependency and abuse;

(g) establish a state plan which shall set forth goals and priorities within a comprehensive alcohol and other drug dependency and abuse program for Minnesota. All governmental units operating alcohol and other drug abuse or dependency programs or administering state or federal funds for such programs shall annually set their program goals and priorities and allocate funds in accordance with the comprehensive state plan;

(h) make contracts with and grants to public and private agencies and organizations, both profit and nonprofit, and individuals for the provision of comprehensive program services;

(i) solicit and accept any gift of money or property for purposes of this act, and any grant of money, services, or property from the federal government, the state, any political subdivision thereof, or any private source.

Sec. 4. [254A.04] CITIZENS ADVISORY COUNCIL. There is hereby created an alcohol and other drug abuse advisory council to advise the department of public welfare concerning the problems of alcohol and other drug dependency and abuse, composed of 11 members appointed by the governor for a term of two years as of January 1, 1974; Six members shall be appointed for a two year term and five members shall be appointed for a one year term; thereafter all appointments shall be for two year terms. At least five members shall be individuals whose interests or training are in the field of alcohol dependency and abuse; and at least five members whose interests or training are in the field of dependency and abuse of drugs other than alcohol.

Sec. 5. [254A.05] DUTIES OF ADVISORY COUNCIL. Subdivision 1. (a) The council shall assist in the formulation of policies

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and guidelines for the implementation of the commissioner's responsibilities in the area of alcohol and drug abuse.

(b) The council shall advise the commissioner and director on policies, goals, and the operation of the comprehensive state plan for alcohol and drug abuse program services in the state and other matters as directed by the commissioner and director, and shall encourage public understanding and support of the alcohol and drug abuse programs.

(c) The council shall make recommendations to the commissioner regarding grants to community mental health boards under section 7 of this act.

Subd. 2. Members shall receive no compensation but shall be reimbursed for their necessary travel and other expenses as provided for state employees.

Sec. 6. [254A.06] TRANSFER OF PERSONNEL. All individuals employed by the commission on alcohol problems and the drug abuse section of the state planning agency are transferred to the department of public welfare.

Sec. 7. [254A.07] COMPREHENSIVE PROGRAMS; COORDINATION OF LOCAL PROGRAMS. Subdivision 1. The commissioner of public welfare shall designate the community mental health boards to (a) coordinate all alcohol and other drug abuse services conducted by local agencies, and to (b) review all proposed agreements, contracts, plans, and programs in relation to alcohol and other drug abuse prepared by any such local agencies for funding from any local, state or federal governmental sources.

Subd. 2. The department of public welfare may make grants to community mental health boards for comprehensive programs for prevention, care, and treatment of alcohol and other drug abuse as developed and defined by the state authority. Grants may be made for the cost of these comprehensive programs and services whether provided directly by community mental health boards or by other public and private agencies and organizations, both profit and nonprofit, and individuals, pursuant to contract. Nothing herein shall prevent the state authority from entering into contracts with and making grants to other state agencies for the purpose of providing specific services and programs.

Subd. 3. The expense of administration, operation and maintenance of comprehensive programs shall be financed by equal shares of state and local matching funds except as provided by this act and Minnesota Statutes 1971, Section 245.65, Subdivision 1, Clause (g).

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Sec. 8. [254A.08] DETOXIFICATION CENTERS. Subdivision 1. Every community mental health board shall provide a detoxification program for drug dependent persons within its area; the board may utilize existing treatment programs and other agencies to meet this responsibility.

Subd. 2. For the purpose of this section, a detoxification program means a social rehabilitation program established for the purpose of facilitating access into care and treatment by detoxifying and evaluating the person and providing entrance into a comprehensive program. Such a program shall have available the services of a licensed physician for medical emergencies and routine medical surveillance.

Subd. 3. The expense of administration, operation and maintenance of detoxification programs throughout the state shall be financed as follows: Services provided and clients served qualifying for federal reimbursement shall be financed totally out of state and federal matching funds; services provided and clients served not qualifying for federal reimbursement shall be financed one half from state revenues and one half from local revenues appropriated from the county funds. All clients shall purchase services in accordance with the regulations promulgated by the department of public welfare.

Sec. 9. Minnesota Statutes 1971, Section 197.603, is amended to read:

197.603 **DUTIES.** It shall be the duty of the veterans service officer to aid all residents of the governmental subdivision by which he is employed in securing benefits provided by law on account of the service of any person in the Army, Navy, or Marine Corps armed forces of the United States, from which he has a discharge other than dishonorable. The veterans service officer shall aid all veterans who are residents of the governmental subdivision by which he is employed, regardless of the nature of discharge, in securing counseling or treatment concerning alcohol and drug dependency and abuse.

Sec. 10. Minnesota Statutes 1971, Section 197.64, Subdivision 3, is amended to read:

Subd. 3. In the event the county board of any such county appoints a veterans service officer, such veterans referral center and all officers and employees thereof and all other persons serving in or acting for or on behalf of such veterans referral center who shall aid, or undertake to aid, any resident of such county in securing benefits provided by law on account of the service of any person in the Army, Navy or Marine Corps armed forces of the United States from which he has a discharge other than dishonora-

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ble or any person associated with the veterans referral center acting to aid veterans regardless of the nature of discharge in securing counseling or treatment concerning alcohol or other drug dependency or abuse shall be subject to the direction and control of the veterans service officer.

Sec. 11. Minnesota Statutes 1971, Section 198.01, is amended to read:

**198.01 VETERANS HOMES; ELIGIBILITY OF VETERANS.**

The Minnesota veterans home shall be maintained at Minneapolis, and shall provide a home for veterans of all wars, and their wives, widows, mothers and fathers, who meet eligibility and admission requirements, and who comply with the rules and regulations of the home. Persons who served in the armed forces of the United States during a period of war, and who were discharged or released therefrom under conditions other than dishonorable, and who did not receive a bad conduct discharge, shall be eligible for admission to the Minnesota veterans home. Persons who received bad conduct or dishonorable discharges from the armed forces of the United States as a result of drug dependency or abuse shall be eligible for admission to the Minnesota veterans home. "Period of war," as it refers to eligibility, is defined as follows:

- (1) Active service in any campaign against the Indians in Minnesota in 1862 whether as soldiers of the United States or not.
- (2) Civil War, or war between the states.
- (3) Mexican War.
- (4) Spanish-American War, April 21, 1898 through July 4, 1902.
  - (a) Includes Philippine Insurrection and Boxer rebellion.
  - (b) Includes service in Moro Province, April 21, 1898 through July 15, 1903.
- (5) World War I, April 6, 1917 through April 1, 1920.
  - (a) Includes service in Russia, April 16, 1917 through April 1, 1920.
  - (b) Service through July 2, 1921 if active duty performed during basic war period.
- (6) World War II, December 7, 1941 through December 31, 1946.
  - (a) Through July 25, 1947 if continuous duty began on or before December 31, 1946.

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(7) Korean Conflict, June 27, 1950 through January 31, 1955.

(8) Vietnam era, August 5, 1964 to a date as shall hereafter be determined by presidential proclamation or concurrent resolution of the Congress.

Sec. 12. Minnesota Statutes 1971, Section 253A.03, is amended to read:

**253A.03 INFORMAL HOSPITALIZATION BY CONSENT; VOLUNTARY HOSPITALIZATION FOR DRUG DEPENDENT PERSONS.** Subdivision 1. Any person ~~18 years of age or over, and any person under 18 years of age if his parent, guardian, or custodian consents thereto,~~ may, if he so requests and the head of the hospital consents, be admitted to a hospital as an informal patient for observation, evaluation, diagnosis, care, and treatment, without making formal written application. Such person shall not be admitted to the hospital if he objects thereto and shall be free to leave the hospital within 12 hours of his request unless held under another provision of sections 253A.01 to 253A.21.

Subd. 2. Any person ~~18 years of age or over, and any person under 18 years of age if his parent, guardian, or custodian consents thereto,~~ desiring to receive care and treatment at a public hospital as an inebriate a drug dependent person may be admitted to such hospital upon his application, in such manner and upon such conditions as the commissioner of public welfare may determine. If such person requests to leave the hospital, such request shall be submitted in writing to the head of the hospital. If such person in writing demands his release, the head of the hospital may detain such person for three days, exclusive of Sundays and legal holidays, after the date of such demand for release. If the head of the hospital deems such release not to be for the best interest of such person, his family, or the public, he shall petition for the commitment of such person as provided in section 253A.04, subdivision 3.

Sec. 13. Minnesota Statutes 1971, Section 253A.04, Subdivision 2, is amended to read:

Subd. 2. A peace or health officer may take a person into custody and transport him to a licensed physician or hospital if such officer has reason to believe that such person is mentally ill and in imminent danger of injuring himself or others if not immediately restrained. Application for admission of such person to a hospital shall be made by the peace or health officer and the application shall contain a statement given by the peace or health officer stating the circumstances under which such person was taken into custody and the reasons therefor. Such person may be admitted to a hospital for emergency care and treatment pursuant to this subdivision with the consent of the head of the hospital if a written

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statement is made by the medical officer on duty at the hospital that after preliminary examination the person has symptoms of a mental illness and appears to be in imminent danger of harming himself or others.

A peace or health officer or a person working under such officer's supervision, may take a person who is intoxicated in public into custody and transport him to a licensed hospital, mental health center facility or other facility a person on the staff of a state licensed or approved program equipped to treat alcoholism if the person is intoxicated in public drug dependent persons. Provided, if such person is not endangering himself or any other person or property the peace or health officer may transport the person to his home.

Application for admission of an intoxicated person to a hospital, mental health center or other facility state licensed or approved program equipped to treat alcoholism drug dependent persons shall be made by the peace or health officer, or a person working under such officer's supervision taking such person into custody and the application shall contain a statement given by the peace or health officer stating the circumstances under which such person was taken into custody and the reasons therefor. Such person may be admitted to a program or facility specified in this provision for emergency care and treatment with the consent of the institution program director or head of the facility.

Sec. 14. Minnesota Statutes 1971, Section 253A.04, Subdivision 3, is amended to read:

Subd. 3. Any person hospitalized pursuant to this section ~~shall be discharged~~ may be held up to 72 hours after admission, exclusive of Saturdays, Sundays, and legal holidays, unless a petition for the commitment of such person has been filed in the probate court of the county of residence or of the county wherein such hospital is located. If the head of the hospital deems such discharge not to be for the best interest of the person, his family, or the public and no other petition has been filed, he shall prior to the expiration of 72 hours after admission, exclusive of Saturdays, Sundays, and legal holidays, file a petition for the commitment of such person. Upon the filing of a petition, the court may order the detention of the person until determination of the matter. Upon motion of such hospitalized person the venue of the petition shall be changed to the probate court of the county of the person's residence, if he be a resident of the state of Minnesota.

Sec. 15. Minnesota Statutes 1971, Section 253A.07, Subdivision 2, is amended to read:

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Subd. 2. After the filing of the petition the probate court shall appoint two examiners, at least one of whom shall be a licensed physician. If the proposed patient is alleged to be mentally deficient one of the two examiners shall be skilled in the ascertainment of mental deficiency. If the proposed patient is alleged to be drug dependent and if at least one examiner qualified in the field of alcohol and drug abuse cannot be obtained, the court shall appoint a single examiner plus one additional person qualified in the field of alcohol and drug abuse. The final report submitted to the court shall contain all pertinent information and comments preferred by such qualified person. The court shall issue such orders as may be necessary to provide for the examination of the proposed patient which will be conducted prior to the hearing. The examination shall be held at a hospital, a public health facility, the home of the proposed patient, or such other suitable place as the court shall determine is not likely to have a harmful effect on the health of the proposed patient. No persons shall be present during the examination unless authorized by the examiner. The court may require the examiners to file with the court, prior to the hearing two copies of their report as to the condition of the proposed patient and his need for hospitalization, which report, if filed, shall be available to counsel.

Sec. 16. [254A.09] CONFIDENTIALITY OF RECORDS. The department of public welfare shall assure confidentiality to individuals who are the subject of research by the state authority or treatment by an approved treatment program. The commissioner shall withhold from all persons not connected with the conduct of such research or treatment the names or other identifying characteristics of such individual unless the individual gives written permission that information relative to his treatment and recovery may be discussed with a prospective employer by either an approved treatment program staff member or a qualified employment counselor. Persons so authorized to protect the privacy of such individuals may not be compelled in any federal, state or local, civil, criminal, administrative or other proceeding to identify or disclose other confidential information about such individuals.

Sec. 17. [254A.10] RULES AND REGULATIONS. The commissioner of public welfare, pursuant to the administrative procedures act, shall promulgate rules to implement this act.

Sec. 18. REPEALER. Minnesota Statutes 1971, Sections 126.04; 144.81; 144.82; 144.831; 144.832; 144.833; 144.834; 145.696; 145.697; 145.699; 245.692; 245.693; 245.694; and 245.695 are repealed.

Sec. 19. EFFECTIVE DATE. This act takes effect on January 1, 1974.

Approved May 23, 1973.

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