

Bill No. 5482

Page 1 of 18

Referred to Committee on Judiciary

LCO No. 408

Introduced by REP. BILLINGTON - 7TH DIST.

Rep. Morgan 8th Dist.

General Assembly,

January Session, A.D., 1971

AN ACT CONCERNING REVISION OF THE LAWS RELATING TO INCAPACITATION AND TREATMENT OF INTOXICATED PERSONS AND ALCOHOLICS.

CONNECTICUT STATE LIBRARY LEGISLATIVE REFERENCE SECTION

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. The following words and phrases, as used in this act, shall have the following meanings, unless the context otherwise requires:

(a) "Alcoholic" means any person who periodically or continuously uses alcoholic beverages to the extent that such use injures his health or substantially interferes with his social or economic functioning, and to the extent that he has lost the power of self control with respect to the use of such beverages.

(b) "Commissioner" means the commissioner of mental health.

(c) "Diagnostic Facility" means any medical facility as defined in this section at which a licensed physician is in attendance.

(d) "Division" means the alcohol and drug dependence division of the department of mental health.

(e) "Incapacitated" means a condition caused by use of alcohol in which the person is unconscious, or unable to speak coherently, or unable to control body movements in a coordinated and effective manner.

(f) "Intoxicated" means a condition in which a person has alcohol in his blood stream in sufficient quantity to produce incapacitation. A blood alcohol level of 0.10 per cent shall create a presumption that the person is intoxicated.

(g) "Medical facility" means any facility under the supervision of a licensed physician including the office of a physician designated by the commissioner for diagnosis or treatment of intoxicated persons. The office of the personal physician of an intoxicated person to whom such a person is taken by a police officer upon the request of such person shall be deemed a medical facility for purposes of this act although the physician may not be so designated by the commissioner.

(h) "Medical officer" means the licensed physician in attendance at a medical facility.

(i) "Police officer" includes such persons as may be lawfully designated by state or municipal authority to take into custody and transport intoxicated persons pursuant to the provisions of this act.

Sec. 2. (a) The commissioner shall establish a comprehensive program for treatment and rehabilitation of alcoholics and intoxicated persons. He shall establish and maintain facilities providing such services to intoxicated persons or alcoholics as he deems appropriate including but not limited to detoxification centers, inpatient treatment facilities, outpatient clinics and residences and shall train personnel to staff such facilities. He may also contract with any private or public agency, organization, facility or individual to provide such services, which may include medical treatment, psychiatric treatment, rehabilitation, employment and social assistance.

(b) The commissioner shall disseminate information and conduct educational programs on the problems attendant to the use of alcohol. The state board of education and the commission for higher education in consultation with the commissioner shall develop educational programs for elementary and secondary schools and for the training of teachers and guidance personnel.

(c) The commissioner shall cooperate with the commissioner of correction in establishing treatment and rehabilitation programs for alcoholics sentenced to correctional institutions.

(d) All state and municipal agencies providing services to 71
intoxicated persons, alcoholics or their families may consult 72
with and shall cooperate with the commissioner or the division. 73
To facilitate such cooperation and consultation, the commissioner 74
or his representative shall be chairman of a coordinating 75
committee which shall meet at least quarterly. The committee 77
shall consist of a representative of the commissioners of
correction, health, state police and welfare, the commissions on 78
adult probation and for higher education, the state board of 79
education and the chief judge of the circuit court. The 81
commissioner may also appoint to the committee other individuals
and representatives of other state, municipal and private 82
agencies.

(e) The commissioner may designate any private or public 83
facility or physician as a medical facility for the purpose of 84
this act, including a facility operated by the commissioner of 85
correction.

(f) The commissioner may contract with any private or public 86
agency, organization, facility or individual to implement the 87
powers set forth herein.

(g) The commissioner may assign state personnel to work with 88
public or private agencies, organizations, facilities or 89
individuals to ensure the operation of the programs set forth 90
herein.

Sec. 3. (a) Any police officer finding a person who appears 91
to be both intoxicated and incapacitated shall take him to a 92
diagnostic facility. Upon timely request of the person, the 93
police officer in his discretion may take such person to his 94
physician.

(b) The medical officer shall determine whether a person 95
requires treatment based upon a medical examination of such 96
person and upon his finding as a result of such examination that 97
such person is intoxicated and in addition that he is 98
incapacitated, or that he faces immediate danger to his health, 99
or that there is probable cause to believe that the person is an 100

alcoholic. The medical officer may take a blood sample, 101
administer a breath test, take a urine sample or conduct any 102
other test to determine the amount of alcohol in the bloodstream 103
of the person.

(c) If the medical officer determines that the person 104
requires inpatient treatment, the medical officer may transfer, 105
refer to or detain such person at an appropriate medical facility 106
until he is no longer intoxicated, no longer incapacitated or no 107
longer faces immediate danger to his health. Any person admitted 109
as a patient shall be released within eighteen hours or be 110
presented to the session of the circuit court next following his 111
admission as provided in section 4 of this act unless he waives 112
presentment and consents to further medical evaluation or
treatment.

(d) If the identity and location of the next of kin or 113
guardian of a person so admitted is ascertainable, the medical 114
facility shall notify his next of kin or guardian of the person's 115
admission, unless requested not to do so by the person. 116

(e) Waiver of presentment and consent to voluntary treatment 117
shall be in writing signed by the patient and witnessed by two 118
persons who shall attest that capable of understanding any such 119
explanation and waiving such rights. Any such waiver and consent 121
is effective until revoked, either orally or in writing, by the 122
patient. Upon such revocation, the patient must be released or 123
presented as in subsection (c) hereof. The patient shall be 125
given a copy of the waiver and consent which shall contain an 126
explanation of the waiver and consent, his right to revoke it and 127
his rights upon such revocation.

(f) A police officer may take a person charged with a 128
violation or offense, except a felony involving physical injury 129
to another or attempt to inflict physical injury on another, who 130
appears to be intoxicated to a diagnostic facility either 131
directly or after booking at the police station. Booking of the 132
accused may be effected by the police officer in the absence of 133
the accused person. A copy of the citation indicating the charge 134

against the accused shall be left with the person or with the 135
 medical officer to be given to such accused person. A medical 137
 facility admitting an accused person shall make reasonable
 provisions for his detention. When deemed appropriate a police 139
 officer may be stationed in the medical facility. Any accused 141
 person admitted to a medical facility pursuant to this section
 shall be presented to the session or the circuit court next 142
 following his admission, unless he waives immediate presentment 143
 and consents to treatment as provided in subsection (e) of this 144
 section. Upon revocation of the waiver and consent, or when the 145
 medical officer determines that an accused person is no longer 146
 intoxicated, incapacitated or in immediate medical danger, 147
 whichever occurs earlier, he shall be released to the appropriate 148
 police authority.

Sec. 4. (a) Prior to a presentment required by subsection 149
 (c) of section 3 of this act a medical officer of the medical 150
 facility concerned shall file a verified petition for temporary 151
 commitment of the patient to the commissioner. Such petition 153
 shall allege that the person, to be denominated as respondent,
 was found intoxicated at a stated place and time; that his 154
 condition then warranted admission to the medical facility as a 155
 patient in that he was intoxicated and in addition that he was 156
 incapacitated faced immediate danger to his health as a result of 157
 said intoxication, or that there was probable cause at the time 158
 of his admission to believe that such person was an alcoholic; 159
 that his present condition warrants further detention, since he 160
 remains intoxicated, or that his health is in danger as a result of
 his prior or present intoxication, or that there is probable 161
 cause to believe that he is an alcoholic. The petition shall 163
 recite sufficient observations or matters of the history of the 164
 respondent to support the foregoing allegations and shall request
 that the respondent be committed by the court to the custody of 165
 the commissioner for a period not exceeding seven days from the 166
 date of his admission to the medical facility for further 167
 diagnosis and treatment.

(b) Petitions pursuant to this section shall be directed to 168
the circuit court for the circuit in which the medical facility 169
is located.

(c) The respondent shall receive a copy of the petition at 170
least two hours prior to presentment in court. No person 172
awaiting presentment pursuant to this section shall be kept in a
lockup, or in the same detention room as persons subject to 173
criminal charges, and no such person shall be presented as a part 174
of the court's conduct of criminal matters. 175

(d) If a petition is granted, the court shall commit the 176
respondent to the custody of the commissioner for a period not to 177
exceed seven days from the date of his admission to the medical 178
facility for further diagnosis and treatment. 179

Sec. 5. (a) Petitions for commitment pursuant to this act 180
or for review of such commitment shall not require the payment of 181
an entry fee to the court, and neither petitioner nor respondent 182
shall be liable for costs.

(b) At the hearing the court shall inquire into the facts of 184
the petition. The respondent may be heard in opposition thereto, 185
and may cross examine witnesses and present testimony in his 186
behalf. The customary rules of evidence shall be observed. If 188
the respondent cannot afford counsel in any proceedings
instituted pursuant to this act, the court shall appoint counsel 189
to represent him, or it may contract with any existing legal 190
services program to provide such counsel.

(c) The court shall enter an order either granting or 191
denying the petition. A petition shall be granted only if the 192
court finds beyond a reasonable doubt that the allegations of the 193
petition are true and that there are treatment facilities 194
available.

Sec. 6. (a) If a medical officer has reason to believe that 195
a person is an alcoholic and requires medical treatment and if 196
such person does not consent to such treatment, the medical 197
officer may submit a verified petition to the circuit court for 198
commitment of the person to the commissioner for treatment. Such 200

petition shall allege that the respondent is an alcoholic and 200
 requires treatment and shall set forth sufficient clinical 201
 observations or matters or respondent's medical history to 202
 support the foregoing allegations. The petition shall include a 203
 recommendation as to treatment and the facilities available for 204
 such treatment.

(b) Any person who has reason to believe that his relative 205
 is an alcoholic may file a verified petition in the circuit court 206
 requesting that such relative be committed for treatment. Such 208
 petition shall set forth the facts and information upon which the
 petitioner bases his conclusions, the names and addresses of all 209
 physicians and of any witnesses believed to have knowledge of the 210
 material facts.

(c) Petitions for commitment pursuant to this section shall 211
 be directed to the circuit court for the circuit in which the 212
 respondent resides or in which he is found if he has no 213
 established residence. Upon receipt of a petition for 214
 commitment, the clerk of the circuit court shall cause a copy 215
 thereof to be personally served upon the respondent with a notice 216
 of the date set for hearing to be given to respondent, his
 counsel if any, and his next of kin or guardian if ascertainable, 217
 not less than three days prior thereto. The court may order 219
 examination of the respondent by one or more physicians. In any 220
 contested proceeding in which respondent has requested or
 obtained counsel, the attorney general of the state may represent 221
 a medical officer or the court may appoint counsel to represent 222
 the petitioner.

(d) The provisions of section 5 of this act shall be 223
 applicable to any petition under this section. 224

(e) If the petition is granted, the court may commit the 225
 respondent to the custody of the commissioner for a period not to 226
 exceed ninety days. In lieu of commitment to the commissioner, 227
 a respondent may request that he be committed to private or 228
 public hospital certified by the commissioner as having 229
 facilities for the treatment of alcoholics. The court may commit 230

him to the physician in charge of the hospital or appropriate department upon his agreement to pay the cost thereof and upon showing of his ability to pay for the services of the hospital.

(f) Within any period of commitment pursuant to subsections (a) or (b) of this section, the medical officer may petition for an additional ninety day period of commitment as hereinbefore provided.

(g) Upon motion of a person accused of an offense or violation, except a felony involving physical injury to another or attempt to inflict physical injury on another, and upon a showing that the person is an alcoholic and a finding that there are treatment facilities available, the court may enter an order committing such accused person to the custody of the commission on adult probation for treatment by the commissioner and suspending prosecution for the offense for a period not to exceed the maximum sentence for the offense or violation or three months, whichever is less. If the accused person has substantially complied with the requirements of the commission on adult probation and the commissioner, the court may dismiss the charges against him; otherwise the accused person may be brought to trial for the offense or violation. If the person thereafter is convicted of the offense or violation and sentenced to a correctional institution, he shall be credited with the amount of time spent in an inpatient facility and he shall also be credited for such time against any fine at the rate of three dollars per day of time spent in an inpatient facility.

Sec. 7. (a) The commissioner in his discretion may assign any person committed to his custody to any medical or residential facility for the care of alcoholics operated by him or by any private or public agency, for such treatment program as he deems appropriate.

(b) A respondent committed to the commissioner may be released by the medical officer of an inpatient facility to which he has been admitted to the medical officer of an outpatient clinic or to the director of a residential facility subject to

compliance by the respondent with conditions of medical 262
 treatment. If the respondent fails to comply with the program of 263
 treatment during the remaining period of commitment, such release 264
 may be rescinded.

(c) During any period of commitment authorized pursuant to 265
 this act, the respondent may be released if the medical officer 266
 determines that he is no longer in need of medical treatment or 267
 that he is not an alcoholic or that he is not a fit subject for 268
 the treatment available. If the commitment is pursuant to 269
 section 6 (f) of this act, the medical officer shall notify the 270
 court and the prosecutor not less than forty-eight hours prior to 271
 any such release.

(d) The medical officer may, under such restrictions or 272
 agreements as he deems advisable, permit a patient temporarily to 273
 leave such facility, in the charge of his guardian, relatives or 274
 friends, or by himself.

(e) Any commitment may be terminated by the circuit court 275
 having initial jurisdiction upon petition of the respondent 276
 alleging under oath that the grounds for commitment no longer 277
 exist. Such petition shall be set for hearing within seven days 278
 of its receipt by the clerk of the court and notice of the 279
 hearing shall be given to both respondent and the commissioner. 280
 The court may appoint one or more physicians to examine the 281
 respondent. If, after hearing, the court determines that grounds 282
 for continued commitment do not exist, it shall order the release 283
 of the respondent. In any proceeding pursuant to this 284
 subsection, the provisions of subsection (a) of section 5 of this 285
 act shall be applicable, and the attorney general may represent 286
 the commissioner.

Sec. 8. (a) No statements taken from a person by personnel 287
 of any medical facility in the course of his diagnosis or 288
 treatment may be used as evidence against him in any criminal 289
 proceeding; nor may a patient be viewed by police or witnesses or 290
 placed in a line-ups, without his written consent or without the 291
 presence of his counsel. A patient may be arrested while 292

hospitalized, but he shall not be removed from a medical facility 293
while he is incapacitated or his health is in immediate danger 294
except that he may be transferred to another medical facility 295
with more suitable security arrangements.

(b) In cases where no criminal charge is lodged against an 296
intoxicated person taken to a medical facility pursuant to this 297
act, no entry shall be made on such person's arrest record or any 298
other criminal record. However, nothing herein shall preclude a 299
police officer from recording the fact that he has rendered 300
assistance and transported an intoxicated person to a medical 301
facility, the name of that person, the time and place of pickup, 302
the facility and whether such person was left at the facility or 303
taken elsewhere by the officer. Such records and information 304
shall be confidential and shall not be available except to 305
corroborate the testimony of the police officer or person in any 306
proceeding in which evidence of the actions of either is 307
relevant, or without identification of the individual involved, 308
for statistical purposes within the police department.

(c) Neither mail nor other communications to or from a 309
patient may be read or censored; however, reasonable rules 310
regarding visitation hours and the use of telephone and telegraph 311
facilities may be adopted.

Sec. 9. (a) A medical facility shall keep records of all 312
persons admitted pursuant to this act. All records relating to 314
an intoxicated person or alcoholic shall remain confidential and 315
may be disclosed without his consent only to medical or 316
rehabilitation personnel working directly with him pursuant to 317
this act. With his consent in writing, such records may be 318
disclosed to his attorney, to his personal physician, to court 319
personnel for presentence reports, or to other medical personnel 319
for purposes of diagnosis, treatment or court testimony.

(b) Medical facilities shall report to the chief of the 320
division on a quarterly basis the name and age of all persons 321
admitted to such facilities, and the dates of their admission or 322
release. All such reports shall be held confidential by the 323

division and may not be released to any person, agency or 324
organization whatsoever except as otherwise provided herein or 325
except in the form of statistics which do not include 326
identification of the individual in any manner whatsoever.

(c) Except as specifically provided herein, the commissioner 327
or division may not require any medical facility to furnish 328
information or data except for statistical purposes only and such 329
required information or data shall not include identification of 330
the individual patient in any manner whatsoever. 331

(d) Nothing herein shall be construed to preclude a medical 332
facility from advising the next of kin of a patient of his 333
admission and condition except when requested not to do so by the 334
patient, or to preclude such a facility from indicating to a 335
police officer showing reasonable cause for seeking such 336
information, that a person is a patient, the time and date of his 337
admission and the facility where hospitalized.

Sec. 10. (a) No medical officer or staff member of medical 338
facility who submits any report or files any petition required or 339
authorized by this act shall be held to have violated any 340
otherwise confidential relationship. 341

(b) Any person who willfully and knowingly causes or 342
attempts to cause any person not an alcoholic to be committed to 343
the commissioner of mental health pursuant to section 6 of this 344
act, or any person who knowingly makes a false statement of fact 345
or belief in any petition or report required by this act, or any 346
person who willfully and knowingly reports falsely to any court, 347
judge, prosecutor or law-enforcement officer that any person is 348
an alcoholic, may be imprisoned for not more than one year or 349
fined not more than one thousand dollars, or both.

Sec. 11. (a) Any person found intoxicated in a public place 350
shall be fined not more than twenty dollars or imprisoned not 351
more than thirty days.

(b) Notwithstanding the provisions of subsection (a) of this 352
section, it shall be an affirmative defense that a person is an 353

alcoholic as defined in section 1 of this act, and such a person shall not be criminally responsible under this section.

(c) The court in its discretion may commit to the custody and control of the commissioner of mental health upon his certification that appropriate treatment facilities are available, or to a civil facility for the care of alcoholics which indicates its willingness to accept such commitment for not less than thirty days nor more than three months, or until discharged within that period by the commissioner of mental health or the facility:

(i) any person who requests such commitment, if the court finds that there is a reasonable ground to believe such a person is an alcoholic. If such request is granted before conviction, the criminal proceeding shall be terminated.

(ii) Any person found not guilty by reason of being an alcoholic.

(iii) any person found guilty who has been convicted previously under this section at least twice in the last preceding six months or four times in the last preceding year in lieu of sentence to a penal institution or a fine or both.

(d) The defendant shall be advised of his rights under subsections (b) and (c) of this section by the court before being put to pleas.

(e) Notwithstanding the provisions of subsection (a) of this section, in lieu of arrest, a police officer in his discretion may escort an intoxicated person to a civil facility for the care of alcoholics.

Sec. 12. Section 30-86 of the general statutes is repealed and the following is substituted in lieu thereof: Any permittee who, by himself, his servant or agent sells or delivers alcoholic liquor to any minor, or to any intoxicated person [or to any habitual drunkard, knowing him to be such habitual drunkard] OR TO ANY ALCOHOLIC AS DEFINED IN SECTION 1 OF THIS ACT, or to any person after having received notice from the selectmen, as provided in section 30-83 or 30-84, not to sell or give such

liquor to such person, or any person, except the parent or guardian of a minor, who delivers or gives any such [liquors] LIQUOR to such minor, except on the order of a practicing physician, shall be subject to the penalties of section 30-113.

Sec. 13. Section 18-65 of the 1969 supplement to the general statutes is repealed and the following is substituted in lieu thereof: Women over sixteen years of age belonging to any of the following classes who have been committed by any court of criminal jurisdiction to the commissioner of correction shall be confined in the Connecticut Correctional Institution, Niantic: First, persons convicted of, or who plead guilty to, the commission of felonies; second, person convicted of, or who plead guilty to, the commission of misdemeanors, including prostitution, [intoxication,] illicit traffic or possession of controlled drugs, as defined in section [19-443,] 1 OF THIS ACT, and disorderly conduct; third, unmarried girls between the ages of sixteen and twenty-one years who are in manifest danger of falling into habits of vice or who are leading vicious lives, and who are convicted thereof in accordance with the provisions of section 17-379; fourth, women sentence to community correctional centers. Only such offenders may be committed to said institution as in the opinion of the trial court will be benefited physically, mentally or morally by such commitment; and, immediately upon commitment, a carefully physical and mental examination, by a competent physician, shall be made of each person committed. The court imposing a sentence on offenders of any class shall not fix the term of such commitment. Commitment to said institution shall be made within one week after sentence is imposed. The trial court shall cause a record of the case to be sent with the commitment papers on blanks furnished by the institution. The duration of such confinement shall not exceed three years, except when the maximum term specified by law for the crime for which the offender was sentenced exceeds that period, in which event such maximum term shall be the limit of detention under the provisions of this chapter, and in such

cases, the trial court shall specify the maximum term for which 415
the offender may be held under such commitment. The time of such 417
served sentence shall be computed by the number of days the
inmate remains confined within the institution or is on 418
unviolated parole or authorized furlough. Any person so 420
committed and released on parole shall be subject to section 54- 421
128 on violation of parole.

Sec. 14. Subsection (f) of section 17-155 of the general 422
statutes is repealed and the following is substituted in lieu 423
thereof: The commissioner of finance and control, in 424
consultation with the commissioner of mental health, shall 425
establish policies and procedures for determining ability to pay 426
and enforcing collection of the determined amounts, for treatment
and services furnished each patient by the division of alcoholism 427
OR PROVIDED BY ANY OTHER MEDICAL FACILITY PURSUANT TO THIS ACT. 428
Each patient and the husband or wife of each patient shall be 429
liable in accordance with the determination of his ability to pay 430
made under such established policies. 431

Sec. 15. Section 17-176 of the general statutes is repealed 432
and the following is substituted in lieu thereof: In this 433
chapter the words and expressions following having the several 434
meanings assigned to them, unless there is something in the 435
subject or context repugnant to such construction: "ALCOHOLIC" IS 436
AS DEFINED IN SECTION 1 OF THIS ACT; "Drug-dependent person" is 437
as defined in section 19-443; "hospital for mental illness" means 438
any public or private hospital, retreat, institution, house or 439
place in which any mentally ill or drug-dependent person is
received or detained as a patient for compensation, but shall not 440
include any alms house or any correctional institution of this 441
state; "mentally ill person" includes each person afflicted by 442
mental disease to such extent that he requires care and treatment 443
for his own welfare or the welfare of others or of the community, 444
and specifically excludes a person whose sole psychiatric
disorder is drug dependence OR A PERSON WHO IS AN ALCOHOLIC: 445
"patient" means any person detained and taken care of as a 446

mentally ill person; "keeper of a hospital for mental illness" 447
 means any person, body of persons or corporation which has the 448
 immediate superintendence, management and control of a hospital 449
 for mental illness and the patients therein; "support" includes 450
 all necessary food, clothing and medicine and all general 451
 expenses of maintaining state institutions for the mentally ill 452
 or drug dependent OR ALCOHOLIC: "indigent person" means any 453
 person having an estate insufficient, in the judgment of the 454
 court of probate, to provide for his support in a private 455
 institution or hospital for mental illness during the probable 456
 period of his detention there and for the support of those 457
 necessarily dependent upon him during such period, any person 458
 having no estate for whose support there are persons legally 459
 liable, are willing to contribute to his support. 460

Sec. 16. Section 17-183 of the general statutes is repealed 461
 and the following is substituted in lieu thereof: Any person who 462
 has suddenly become in need of care and treatment in a hospital 463
 for mental illness for a psychiatric disorder other than drug 464
 dependence OR ALCOHOLISM or for drug dependence when his 465
 condition is acute and creates pronounced danger to himself or to 466
 the community may be confined in such a hospital, either public 467
 or private, under an emergency certificate as hereinafter 468
 provided, for not more than thirty days without order of any 469
 court, [provided] if a written complaint for commitment of [such] 470
 A MENTALLY ILL person has been filed in a probate court prior to 471
 the expiration of such thirty days, such confinement shall be 472
 continued under the emergency certificate for an additional 473
 thirty days, without further order, not more than sixty days in 474
 all, until the completion of the probate court proceedings, and 475
 provided the superintendent of such hospital shall immediately 476
 discharge any patient found not to be mentally ill or acutely 477
 drug dependent, or any person recovered from mental illness or
 acute drug dependence. At the time of delivery of such person to
 such hospital, there shall be left, with the person in charge
 thereof, a certificate, signed by a physician licensed to

practice medicine or surgery in Connecticut and dated not more 478
 than three days prior to its delivery to the person in charge of
 the hospital. Such certificate shall state the date of personal 480
 examination of the person to be confined, which shall be not more 481
 than three days prior to the date of signature of the 482
 certificate, shall state the findings of the physician relative 483
 to the physical and mental condition of the person and the
 history of the case, if known, and shall state that it is the 484
 opinion of the physician that the person examined by him is in 485
 need of immediate care in a hospital for mental illness. Prior 487
 to hospitalization under the provisions of this section any
 person shall have the right to be examined by a physician of his 488
 own choosing, and if such physician concludes from his 489
 examination that such person is not mentally ill or acutely drug 490
 dependent, such person shall not be admitted to or detained in a 491
 hospital for mental illness under the provisions of this section.
 If a mentally ill person has been admitted to any state hospital 492
 for mental illness, the person in charge thereof shall cause 493
 proceedings to be instituted for the commitment of such person in 494
 the court of probate having jurisdiction in the town where such 495
 hospital is located. Any irregularity in the temporary 496
 confinement of such person shall be deemed cured by the 497
 adjudication of the court of probate ordering his commitment, and 498
 no such commitment shall be deemed invalid by reason of such 499
 irregularity. Except for voluntary admissions, if any person has 500
 been admitted to a private hospital for mental illness, the 501
 person in charge thereof shall, immediately upon delivery of such 502
 mentally ill person to such hospital, notify the commissioner of 503
 mental health, in writing. Said commissioner shall also be 504
 notified of the discharge of such patient before or at the 505
 termination of thirty days or of the pending or completed
 commitment of such person to such hospital by a court of probate.
 Except as provided above or when otherwise provided by statute, 506
 no person shall be committed or admitted to or detained in a 507
 hospital for mental illness without an order of a court of 508

probate provided any person in need of care and treatment in a mental hospital may be received and detained therein for not more than thirty days as provided in this section.

Sec. 17. Section 17-190 of the general statutes is repealed and the following is substituted in lieu thereof: All persons detained as mentally ill or as drug dependent OR AS AN ALCOHOLIC shall at all times be furnished with materials for communicating under seal with any suitable person outside the hospital for mental illness, and such communications shall be stamped and mailed daily. If the patient desires it, all rational communication shall be written at his dictation and mailed to any relative or person named by the patient.

Sec. 18. Section 30-89 of the 1969 supplement to the general statutes is repealed and the following is substituted in lieu thereof: Any person to whom the sale of alcoholic liquor is by law forbidden, EXCEPT AN ALCOHOLIC AS DEFINED IN SECTION 1 OF THIS ACT, who purchases or attempts to purchase such liquor or who makes any false statement for the purpose of procuring such liquor, and any minor who enters a tavern, shall be fined not more than one hundred dollars.

Sec. 19. Section 53a-184 of the 1969 supplement to the general statutes, subsection (b) of section 17-155c and section 17-155g, 17-155h and 17-155i of the general statutes are repealed.

Sec. 20. This act shall take effect from its passage except that sections 3 and 4 shall take effect on October 1, 1973.

Sec. 21. The sum of _____ dollars is appropriated for the year ending June 30, 1972, for the purposes of this act.

STATEMENT OF PURPOSE: To revise the laws relating to intoxication 535
and treatment of intoxicated persons so that (a) Alcoholism and 536
intoxication shall be treated primarily as social and medical 537
problems rather than as criminal matters; and (b) the 538
commissioner of mental health is given broad authority to create
the facilities, programs and services necessary or reasonable for 539
implementation of this act, and to call upon other agencies of 540
government, all private agencies and resources, and the community 541
at large for assistance and cooperation.

[Proposed deletions are enclosed in brackets and propos^ed 543
additions are all capitalized, or underlined where appropriate.] 545