



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

January 2017 Special Session Assembly Bill 5	Assembly Amendment 1
<i>Memo published: April 24, 2017</i>	<i>Contact: Jessica Karls-Ruplinger, Deputy Director</i>

CURRENT LAW

Under current law, the Department of Health Services (DHS) must establish a comprehensive and coordinated program for the treatment of alcoholics and intoxicated persons. An alcoholic may apply for voluntary treatment directly to an approved public treatment facility, and an intoxicated person may come voluntarily to an approved public treatment facility for emergency treatment.

Current law also contains emergency commitment for intoxicated persons and involuntary commitment for alcoholics. Under emergency commitment, an intoxicated person who has threatened, attempted, or inflicted physical harm on himself or herself or on another and is likely to inflict such physical harm unless committed, or a person who is incapacitated by alcohol, may be committed to the county department and brought to an approved public treatment facility for emergency treatment, upon the petition of an individual. Under involuntary commitment, a person may be committed to the custody of the county department by the circuit court upon the petition of three adults that alleges that the condition of the person is such that he or she habitually lacks self-control as to the use of alcohol beverages and uses such beverages to the extent that health is substantially impaired or endangered and social or economic functioning is substantially disrupted.

JANUARY 2017 SPECIAL SESSION ASSEMBLY BILL 5

January 2017 Special Session Assembly Bill 5 extends the program for alcoholics and intoxicated persons, including the emergency and involuntary commitment provisions, to persons who have drug dependence, who are incapacitated by the use of drugs, and who habitually lack self-control as to the use of drugs.

The bill defines “drug dependence” as a disease that is characterized by the dependency of a person on one or more drugs to the extent that the person’s health is substantially impaired or his or her social or economic functioning is substantially disrupted.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 changes the definition of “drug dependence.” Under the amendment, “drug dependence” means a disease that is characterized by a person’s use of one or more drugs that is beyond the person’s ability to control to the extent that the person’s physical health is substantially impaired or his or her social or economic functioning is substantially disrupted.

In addition, the amendment requires that notice of the preliminary hearing in an involuntary commitment be given to corporation counsel in the county in which the petition is filed.

BILL HISTORY

Assembly Amendment 1 was offered by Representative Nygren on April 3, 2017. On April 20, 2017, the Assembly Committee on Judiciary recommended adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 9; Noes, 0.

JKR:ksm