

LEGISLATIVE FACT SHEET

N.J.R.S. 26:2B-7 to 31

on est. a Division of Alcoholism
"Alcoholism Treatment & Rehabilitation Act"
(Amendment)

LAWS OF 1975

CHAPTER 305 Feb. 9, 1976

SENATE BILL

ASSEMBLY BILL 613 (and over)

INTRODUCED pre-filed

BY Bornheimer & Hurley

SPONSOR'S STATEMENT

YES NO

ASSEMBLY COMMITTEE STATEMENT

YES NO

SENATE COMMITTEE STATEMENT

YES NO

FISCAL NOTE + Revised FISCAL NOTE

YES NO

AMENDED DURING PASSAGE

YES NO

HEARING P.H. held April 23, 1974

~~See~~

See

974.90 N.J. Legis. Assembly. Committee on Institutions,
R424 Health & Welfare.
1974a Public hearing on Assembly, No. 613.

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CHAPTER 305 LAWS OF N. J. 1975

APPROVED 2-9-74

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ASSEMBLY, No. 613

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1974 SESSION

By Assemblymen BORNHEIMER and HURLEY

AN ACT establishing a Division of Alcoholism in the State Department of Health, providing for a director and assistant to the director thereof, creating an advisory council on alcoholism, providing for the licensing of alcoholic treatment facilities, prescribing procedures to be followed concerning the arrest of an intoxicated person, authorizing the establishment of a service force, prohibiting and repealing county and municipal ordinances and resolutions prescribing penalties for public intoxication, and repealing P. L. 1948, c. 453 (C. 26:2B-1 et seq.).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 *1. *It is the policy of the State of New Jersey that alcoholics and*
2 *intoxicated persons may not be subjected to criminal prosecution*
3 *because of their consumption of alcoholic beverages, but rather*
4 *should be afforded a continuum of treatment in order that they may*
5 *lead normal lives as productive ****[leaders]**** ****members**** of*
6 *society.**

1 ***[1.]*** *2.* The following words as used in this act shall, unless
2 the context requires otherwise, have the following meanings:

3 "Administrator" means the person in charge of the operation
4 of a facility, or his designee.

5 "Admitted" means accepted for treatment at a facility.

6 "Alcoholic" means any person who chronically, habitually or
7 periodically consumes alcoholic beverages to the extent that:
8 a. such use substantially injures his health or substantially inter-
9 feres with his social or economic functioning in the community **on*
10 *a continuing basis**, or b. he has lost the power of self-control with
11 respect to the use of such beverages.

11A ******"Authorized persons" means persons who serve as volunteer

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

11B *first aid or ambulance squad members, para-professional medical*
 11C *personnel and rehabilitated alcoholics.**

12 "Commissioner" means the Commissioner of Health.

13 "Department" means the State Department of Health.

14 "Director" means the Director of the Division of Alcoholism.

14A "Division" means the Division of Alcoholism.

15 "Facility" means any public, private place, or portion thereof
 16 providing services especially designed for the treatment of intoxi-
 17 cated persons or alcoholics; including, but not limited to intoxica-
 18 tion treatment centers, inpatient treatment facilities, outpatient
 19 facilities, and residential aftercare facilities.

20 "Incapacitated" means the condition of a person who is: a.
 21 ***[unconscious]*** *as a result of the use of alcohol, unconscious or*
 22 *has his judgment so impaired that he is incapable of realizing and*
 22A *making a rational decision with respect to his need for treatment**,
 22B b. in need of substantial medical attention, or c. likely to suffer sub-
 22C stantial physical harm.

23 "Independent physician" means a physician other than one hold-
 24 ing an office or appointment in any department, board or agency
 25 of the State of New Jersey or in any public facility.

26 "Intoxicated person" means a person whose mental or physical
 27 functioning is substantially impaired as a result of the use of
 28 alcoholic beverages.

29 "Patient" means any person admitted to a facility.

30 "Private facility" means a facility other than one operated by
 31 the Federal Government, the State of New Jersey or any political
 32 subdivision thereof.

33 "Public facility" means a facility operated by the State of New
 34 Jersey or any political subdivision thereof.

35 "Treatment" means services and programs for the care or
 36 rehabilitation of intoxicated persons and alcoholics, including, but
 37 not limited to, medical, psychiatric, psychological, vocational,
 38 educational, recreational, and social services and programs.

1 ***[2.]*** *3.* There is hereby established in the Department of
 2 Health a Division of Alcoholism under the direction of a division
 3 director. The director shall be an individual with training and
 4 experience in such areas as public administration or public health
 5 or rehabilitation and training in the social sciences or a qualified
 6 professional with training or experience in the treatment of be-
 7 havioral disorders or medical-social problems, or in the organiza-
 8 tion or administration of treatment services for persons suffering
 9 from behavioral disorders or medical-social problems.

10 There shall be an assistant to the director, who shall have experi-
11 ence in the field of alcoholism.

12 The director and his assistant shall be appointed by the com-
13 missioner, with the consent of the public health council.

14 The commissioner shall appoint and may remove such officers and
15 employees of the division as he may deem necessary. There shall
16 be ~~*[a coordinator for each region established in accordance with~~
17 ~~section 5, and]~~* an administrator of each facility operated by the
18 department pursuant to this act. Each such administrator shall
19 be a person qualified by training and experience to operate a facility
20 for the treatment of ~~*[rehabilitation of]~~* alcoholics or intoxicated
21 persons. The commissioner may establish such other positions in
22 the division and employ such consultants as he may deem appro-
23 priate. Except as otherwise provided by law, all offices and posi-
24 tions in the division shall be subject to the provisions of Title 11,
25 Civil Service; provided, however, that the provisions of said title
26 shall not apply to the director, physicians and psychiatrists who
27 have full medical-psychiatric, as opposed to administrative ~~*[.]~~*
28 responsibility ~~*[, or nurses]~~*; and provided, further, and notwith-
29 standing the preceding proviso or any other provision of law, that
30 all offices and positions, which as a condition of receiving Federal
31 grants for programs and activities to which Federal standards
32 for a merit system of personnel administration relate and make
33 necessary the application of provisions of the Civil Service law,
34 shall be subject to the provisions of Title 11, Civil Service, if such
35 Federal standards are uniform in all states.

1 ~~*[3.]~~* ~~*4.*~~ There shall be in the division an advisory council on
2 alcoholism, consisting of the Commissioners of Health, Institutions
3 and Agencies, Labor and Industry, Education, Community Affairs,
4 the Attorney General, the Director of the Division of Motor
5 Vehicles, and eight citizens in the field of alcoholism appointed by
6 the Governor, at least two of whom shall be rehabilitated alcoholics
6A **and one of whom shall be from the State Health Planning Council*.*
7 Of the citizen members first appointed, two shall be appointed for
8 a term of 1 year, three shall be appointed for a term of 2 years, and
9 three shall be appointed for a term of 3 years. Thereafter the
10 Governor shall appoint members to succeed those appointed mem-
11 bers whose terms expire to serve for terms of 3 years. Each ap-
12 pointed member shall serve until his successor is appointed and has
13 qualified. No member shall be appointed to serve more than two
14 consecutive 3-year terms. The members of the council shall serve
15 without compensation but shall be reimbursed for their expenses

16 actually and necessarily incurred in the discharge of their duties.
17 The members shall annually designate the chairman of the council
18 from among themselves. The director shall serve as executive
19 secretary of the council and shall attend all meetings of the council.
20 The council shall make an annual report to the Governor and file a
21 copy thereof with the Secretary of State.

22 The council shall assist the commissioner in coordinating the
23 efforts of all public agencies and private organizations *~~and in-~~
24 ~~dividuals]~~* within the State concerned with the prevention of
25 alcoholism, the treatment of intoxicated persons, and the treatment
26 ~~**[and rehabilitation]**~~ of alcoholics; in providing for the most
27 efficient and effective utilization of resources and facilities; and in
28 developing a comprehensive plan and program for the treatment of
29 intoxicated persons and the treatment ~~**[and rehabilitation]**~~ of
29A alcoholics.

30 The council shall also: a. Advise the commissioner on policy and
31 priorities of need in the State for comprehensive treatment ~~**[and~~
32 ~~rehabilitation]**~~ of alcoholics;

33 b. Advise the commissioner on the planning, construction, opera-
34 tion, licensing and approval of facilities.

35 c. Review the annual plans and the proposed annual budget of
36 the division and the programs and services provided by public and
37 private facilities and make recommendations to the commissioner
38 in regard thereto.

39 d. Provide such other advice and assistance to the commissioner
40 and the division relative to their duties under this act as the com-
41 missioner may request.

1 ~~*[4.]~~ *5.* The department shall prepare and submit to the
2 Governor, and from time to time shall amend, a comprehensive
3 *State* plan for the treatment of intoxicated persons and ~~*[the~~
4 ~~treatment and rehabilitation of alcoholics]~~ *alcoholics, including*
5 *juveniles and young adults*. The department, in developing such
6 plan, shall consult and cooperate with the advisory council, officials
7 of appropriate departments or agencies of the Federal Government
8 and the State and its political subdivisions, and private organiza-
9 tions and individuals with a view toward providing for coordinated
10 and integrated services on the community level. The plan may pro-
11 vide for services in Federal, public and private facilities. The plan
12 shall include a detailed projection of immediate and long-term need
13 for facilities and personnel and a detailed estimate of the cost
14 thereof, as well as an estimate of the extent to which funds, prop-
15 erty, or services may be available from the State or any of its

16 political subdivisions, the Federal Government or any private
17 source **and is to be coordinated with the State Comprehensive*
18 *Health Planning Agency**.

1 ***[5.]*** **6.** The department shall take cognizance of all matters
2 affecting alcoholism in the State and shall establish and conduct a
3 program for the treatment of intoxicated persons and alcoholics.

4 ****[The commissioner shall divide the State into appropriate regions***
5 *for the conduct of the program on the regional level. In establishing*
6 *such regions, consideration shall be given to city, town, and county*
7 *lines; and population concentrations. The regional divisions shall*
8 *be reviewed annually and such changes as may be necessary shall*
9 *be made in accordance with the foregoing requirements.]**

10 The program ****[of the regional division shall include provision***
11 *for]** **may encourage regionalization of services and, if not other-*
12 *wise available, provide for** ****[at least]**** the following facilities,
12A which need not be separately located:

13 a. Intoxication treatment centers, which centers shall render
14 emergency medical care, including detoxification, ****[and emergency***
15 *social services,]** shall be open 24 hours every day, and shall be
16 located conveniently near population centers. Services shall be
17 provided for the immediate physical and social needs, including the
18 needs for medication and shelter, of intoxicated persons, and shall
19 also provide for initial examination, diagnosis and referral. To the
20 extent possible, such treatment centers shall be affiliated with ****[***
21 *and constitute an integral part of the medical service of]** a general
22 or other hospital.

23 b. Inpatient facilities, for treatment *****[and rehabilitation]***** of
24 alcoholics, which shall, to the extent possible, be affiliated with ****[***
25 *and constitute an integral part of,]** the medical service of a gen-
26 eral hospital, mental hospital, community mental health center, or
27 other hospital.

28 c. Outpatient facilities.

29 d. Residential aftercare facilities, such as halfway houses.

30 The department shall maintain, supervise and control all facilities
31 operated by it pursuant to this act and all such facilities shall be
32 staffed with an adequate number of qualified and trained personnel.
33 The administrator of each such facility shall make an annual report
34 of its activities to the director in such manner and form as the
35 director may deem appropriate. All appropriate resources, partic-
36 ularly community mental health centers, shall whenever possible be
37 utilized in and coordinated with the program.

38 ****[Facilities operated]**** **Services delivered** by the department

39 pursuant to this act may be ***[located]*** **administered** on the
 40 premises of institutions operated in whole or in part by the depart-
 41 ment of institutions and agencies*****[; provided, however, that such
 42 facilities shall in no manner be subject to the maintenance, super-
 43 vision and control of the department of institutions and agencies].*****
 44 Such ***[facilities]*** **services** shall ***[function as]*** **be admin-*
 45 *istered as such services are administered in** the other facilities of
 46 the department and shall in all respects be therapeutic in nature
 47 rather than penal or correctional.

47A The department shall prepare and publish annually a list of all
 47B ***[facilities]*** **services** operating in accordance with this act and
 48 shall make the list available upon request to members of the public.
 49 The department shall notify ***[each police department]*** **all law*
 50 *enforcement agencies and judges** in the State of the location and
 51 capacity of intoxication treatment centers and other ***[facilities]***
 52 **services** operating in accordance with this act situated in or near
 53 ***[the jurisdiction of the police department]*** **their jurisdictions**.

1 ***[6.]*** **7.** The department is hereby authorized, empowered
 2 and directed under this act to:

3 a. Plan, construct, cause to be established, and maintain such
 4 facilities as may be necessary or desirable for the conduct of its
 5 program;

6 b. Acquire, hold, and dispose of ***[personal]*** **real** property;

7 c. Acquire by purchase or otherwise, on such terms and con-
 8 ditions and in such manner as it may deem proper, or by the
 9 exercise of the power of eminent domain in accordance with the
 10 provisions of Title 20 of the Revised Statutes, and lease, hold and
 11 dispose of, real property or any interest therein, for the purposes
 12 of this act;

13 d. Make and enter into all contracts and agreements necessary
 14 or incidental to the performance of its duties and the execution of
 15 its powers under this act; including, but not limited to, contracts
 16 with government departments and public and private agencies and
 17 facilities to pay them for services actually rendered or furnished
 18 to alcoholics or intoxicated persons, at rates to be established pur-
 19 suant to law.

20 e. Solicit and accept for use in relation to the purposes of this act
 21 any gift of money or property made by will or otherwise, and any
 22 grant or loan of money services or property from the Federal
 23 Government, the State or any political subdivision thereof, or any
 24 private source, and do all things necessary to cooperate with the
 25 Federal Government or any of its agencies in connection with the

26 application for any such grant or loan; provided, however, that
27 any money received under this subsection shall be deposited with
28 the State Treasurer to be kept in a separate fund in the treasury
29 for expenditure by the department in accordance with the conditions
30 of the gift, loan or grant without specific appropriation.

31 f. Develop, encourage and foster Statewide, regional and local
32 plans and programs for the prevention*, *detection**, and treatment
33 of alcoholism ***[and the rehabilitation of alcoholics]*** in coopera-
34 tion with interested public agencies and private organizations and
35 individuals and provide technical assistance and consultation
36 services for these purposes;

37 g. Coordinate the efforts and enlist the assistance of all public
38 agencies and private organizations and individuals interested in
39 the prevention*, *detection**, and treatment of alcoholism ***[and the**
40 **rehabilitation of alcoholics]***;

41 h. Cooperate with the Department of Institutions and Agencies
42 in establishing and conducting a program for the prevention and
43 treatment of alcoholism ****[and the rehabilitation of alcoholics]****
44 in penal institutions.

45 i. Cooperate with ***[the department of education, schools, police**
46 **departments, courts and other]*** **police academies, nursing and*
47 *medical schools**, public agencies and private organizations and
48 individuals in establishing programs for the prevention and treat-
49 ment of intoxication and alcoholism ****[and the rehabilitation of**
49A **alcoholics]**** among juveniles and young adults;

50 j. Prepare, publish and disseminate educational materials dealing
51 with the prevention, nature and effects of alcoholism and the bene-
52 fits of ***[rehabilitation]*** **treatment**;

53 k. Serve as a clearing house for information relating to alcohol-
54 ism, keep records and engage in research and the gathering of
55 statistics relevant to the purpose of this act;

56 l. Encourage alcoholism prevention ***[and rehabilitation]*** *,
57 *detection, and treatment** programs in ***[business]*** **government**
58 and industry ***[and develop, in cooperation with other public**
59 **agencies, appropriate programs for the prevention and treatment**
60 **of alcoholism and the rehabilitation of alcoholics among govern-**
60A **ment employees]***.

61 m. Organize and foster training programs for professional and
62 ***[nonprofessional]*** **para-professional** workers in the treatment
63 of intoxicated persons and ***[the treatment and rehabilitation of]***
63A **alcoholics**;

64 n. Approve and license public and private facilities in accordance
65 with section ***[7]*** *8*;

66 o. Promulgate rules and regulations for the exercise of its powers
67 and the performance of its duties under this act;

68 p. Do all other acts and things necessary or convenient to carry
69 out the powers expressly granted in this act.

1 ***[7.]*** *8.* The department shall issue for a term of 2 years, and
2 may renew for like terms, a license, subject to revocation by it for
3 cause, to any person, partnership, corporation, society, association
4 or other agency or entity of any kind, other than a licensed general
5 hospital, a department, agency, or institution of the Federal Gov-
6 ernment, the State or any political subdivision thereof, deemed
7 by it to be responsible and suitable to establish and maintain a
8 facility and to meet applicable licensure standards and require-
9 ments. In the case of a department, agency or institution of the
10 State or any political subdivision thereof, the department shall
11 grant approval to establish and maintain a facility for a term of
12 2 years, and may renew such approval for like terms, subject to
13 revocation by it for cause.

14 The department shall in the cases of public facilities, private
15 facilities which contract on a fee-for-service basis with the State,
16 and private facilities which accept for treatment persons assisted
17 pursuant to section ***[9]*** *10*, promulgate rules and regulations
18 establishing licensure and approval standards and requirements
19 including, but not limited to:

- 20 a. the need for a facility in the community;
- 21 b. the financial and other qualifications of the applicant;
- 22 c. the proper operation of facilities;
- 23 d. the health ***and safety*** standards to be met by a facility;
- 24 e. the quality and nature of the treatment to be afforded patients
25 at a facility;
- 26 f. licensing fees, and procedures for making and approving
27 license and approval applications.

28 In the case of private facilities that neither contract on a fee-for-
29 service basis with the State nor accept for treatment persons
30 assisted by police officers pursuant to section ***[9]*** *10*, the de-
31 partment shall promulgate rules and regulations establishing
32 licensure standards and requirements but such standards and re-
33 quirements shall concern only:

- 34 a. the health **and safety** standards to be met by a facility;
- 35 b. misrepresentations as to the treatment to be afforded patients
36 at a facility;
- 37 c. licensing fees, and
- 38 d. procedures for making and approving license applications.

39 All facilities shall be individually licensed or approved. Different
40 kinds of licenses or approvals may be granted for different kinds
41 of facilities.

42 Each facility shall file with the department from time to time,
43 on request, such data, statistics, schedules or information as the
44 department may reasonably require for the purposes of this section,
45 and any licensee or other person operating a private facility who
46 fails to furnish any such data, statistics, schedules or information
47 as requested, or who files fraudulent returns thereof, shall be
48 punished by a fine of not more than \$500.00.

49 The department, after holding a hearing, may refuse to grant,
50 suspend, revoke, limit or restrict the applicability of or refuse to
51 renew any license or approval for any failure to meet the require-
52 ments of its rules and regulations or standards concerning such
53 facilities. However, in the case of private facilities which neither
54 contract on a fee-for-service basis with the State nor accept for
55 treatment persons assisted by police officers pursuant to section
56 ****[9]** **10****, the department, after holding a hearing may refuse
57 to grant, suspend, revoke, limit or restrict the applicability of or
58 refuse to renew any license for the following reasons only:

59 a. for failure to meet the requirements of its rules and regula-
60 tions concerning the health **and safety** standards of such facilities
60A or

61 b. if there is a reasonable basis for the department to conclude
62 that there is a discrepancy between representations by a facility
63 as to the treatment services to be afforded patients and the treat-
64 ment services actually rendered or to be rendered.

65 The department may temporarily suspend a license or approval
66 in an emergency without holding a prior hearing; provided, how-
67 ever, that upon request of an aggrieved party, a hearing shall be
68 held as soon after the license or approval is suspended as possible.
69 Any party aggrieved by a final decision of the department pursuant
70 to this section may petition for judicial review thereof.

71 No person, partnership, corporation, society, association, or
72 other agency or entity of any kind, other than a licensed general
73 hospital, a department, agency or institution of the Federal Govern-
74 ment, the State or any political subdivision thereof, shall operate a
75 facility without a license and no department, agency or institution
76 of the State or any political subdivision thereof shall operate a
77 facility without approval from the department pursuant to this
78 section. The Superior Court shall have jurisdiction in equity upon
79 petition of the department to restrain any violation of the provi-
80 sions of this section and to take such other action as equity and

81 justice may require to enforce its provisions. Whoever knowingly
82 establishes or maintains a private facility without a license granted
83 pursuant to this section shall, for a first offense, be punished by a
84 fine of not more than \$500.00 and for each subsequent offense by a
85 fine of not more than \$1,000.00 or imprisonment for not more than
86 2 years, or both.

87 Each facility shall be subject to visitation and inspection by the
88 department and the department shall inspect each facility prior to
89 granting or renewing a license or approval. The department may
90 examine the books and accounts of any facility if it deems such
91 examination necessary for the purposes of this section. The depart-
92 ment is hereby authorized to make a complaint to a judge of any
93 court of record, who may thereupon issue a warrant to any officers
94 or employees of the department authorizing them to enter and in-
95 spect at reasonable times, and to examine the books and accounts
96 of, any private facility refusing to consent to such inspection or
97 examination by the department which the department has reason
98 to believe is operating in violation of the provisions of this act.
99 Refusal by the operator or owner to allow such entry and inspection
100 pursuant to such a warrant shall for a first offense be punishable
101 by a fine of not more than \$100.00 and for each subsequent offense
102 by a fine of not more than \$1,000.00 or imprisonment for not more
103 than 2 years, or both.

104 The director may require public facilities, private facilities which
105 contract on a fee-for-service basis with the State, and private
106 facilities which accept for treatment persons assisted pursuant to
107 section ****[9]**** ****10**** to admit as an inpatient or outpatient any
108 person to be afforded treatment pursuant to this act. The depart-
109 ment shall promulgate rules and regulations governing the extent
110 to which the department may require other private facilities to
111 admit as an inpatient or outpatient any person to be afforded treat-
112 ment pursuant to this act; provided, however, that no licensed
113 general hospital shall refuse treatment for intoxication or
114 alcoholism.

1 ****[8.]**** ***9.*** Any person who is intoxicated and who voluntarily
2 applies for treatment or is brought to a facility by a police officer
3 **or other authorized person** in accordance with section ****[9]**** ****10****
4 may be afforded treatment at an intoxication treatment center or
5 other facility. Any person who is an alcoholic and who voluntarily
6 applies for treatment may be afforded treatment at an intoxication
6A center or other facility.

7 ****[Prior to]**** **As soon as possible after** the admission of any
8 person, the administrator of the facility shall cause such person to

9 be examined by a physician **or by a medically competent individual*
10 *designated by the department and under the supervision of a*
11 *physician**. If, upon examination, a determination is made that the
12 person is intoxicated or is an alcoholic, and adequate and appro-
13 priate treatment is available, he shall be admitted. If any person
14 is not admitted for the reason that adequate and appropriate treat-
15 ment is not available at the facility, the administrator of the facility,
16 acting whenever possible with the assistance of the director, shall
17 refer the person to a facility at which adequate and appropriate
18 treatment is available. In the event that a person is not admitted
19 to a facility, and has no funds, the administrator shall arrange for
19A the person to be assisted to his residence, or, if he has no residence,
19B to a place where shelter will be provided him.

20 Any person admitted to a facility may receive treatment at the
21 facility for as long as he wishes to remain at the facility or until
22 the administrator determines that treatment will no longer benefit
23 him; provided, however, that any person who at the time of admis-
24 sion is intoxicated and is incapacitated, shall remain at the facility
25 until he is no longer incapacitated, but in no event shall he be
26 required to remain for a period greater than 48 hours.

27 When a person is admitted to a facility, his family shall be
28 notified as soon thereafter as possible. If a patient who is not
29 incapacitated requests that notification not be given, his request
30 shall be respected **except if a person is a juvenile in which case his*
30A *family or legal guardian shall be notified**.

31 The manner in which any person is transported either from one
32 facility to another or from a facility to his residence and the
33 financing thereof shall be determined by the director in accordance
34 with rules and regulations promulgated by the department.

35 Upon discharge from or upon leaving a facility, the patient shall
36 be encouraged to consent to appropriate outpatient or residential
37 aftercare treatment.

1 ***[9.]* *10.*** Any person who is intoxicated in a public place may
2 be assisted to his residence or to an intoxication treatment center
3 or other facility by a police officer **or other authorized person**. To
4 determine whether or not such person is intoxicated, the police
5 officer may request the person to submit to any reasonable test, in-
6 cluding, but not limited to, tests of his coordination, coherency of
6A speech, and breath.

7 Any person who is intoxicated in a public place and who a police
8 officer has reason to believe is incapacitated shall be assisted by
9 the police officer to an intoxication treatment center or other facility.

10 A police officer acting in accordance with the provisions of this

11 section may use such force, other than that which is likely to inflict
12 physical injury, as is reasonably necessary to carry out his
13 authorized responsibilities. If the police officer reasonably believes
14 that his safety or the safety of other persons present so requires,
15 he may search such person and his immediate surroundings, but
16 only to the extent necessary to discover and seize any dangerous
17 weapon which may on that occasion be used against the officer or
18 other person present.

19 ***[Police officers]*** **All persons** acting under the provisions of
20 this section shall be considered as acting in the conduct of their
21 official duties and shall not be held criminally or civilly liable for
21A such acts.

22 Any person assisted by a police officer to a facility pursuant to
23 the provisions of this section shall receive treatment in accordance
24 with section **[8]** **9**. In any event, if such person is determined
25 upon examination to be intoxicated, the examining physician **or*
26 *other medically competent individual** shall so certify and a
27 duplicate copy of the certification shall be made available to the
27A police officer.

28 A person assisted to a facility pursuant to the provisions of this
29 section, shall not be considered to have been arrested and no entry
30 or other record shall be made to indicate that he has been arrested.

1 **[10.]** **11.** Any person who is arrested for a violation of a
2 municipal ordinance, or for a disorderly persons offense, ***and***
3 who is not also arrested for a misdemeanor, and who the arresting
4 police officer has reasonable cause to believe is intoxicated, may be
5 taken by a police officer directly to an intoxication treatment center
6 or other appropriate facility. To determine whether or not such
7 person is intoxicated, the police officer may request the person to
8 submit to any reasonable test, including, but not limited to, tests of
9 his coordination, coherency of speech, and breath.

10 The administrator of any intoxication treatment center, or of
11 any other facility, shall cause any such person to be examined by
12 a physician **or by a medically competent individual designated by*
13 *the department and under the supervision of a physician**. If the
14 physician **or any other medically competent individual designated*
15 *by the department** determines upon examination that such person
16 is intoxicated, and the administrator determines that adequate and
17 appropriate treatment is available, the person shall be admitted.
18 Any such person may be detained at the center or other facility
19 until he is no longer intoxicated, but in any event, not longer than
20 48 hours from the date of admission. At such time as the person is
21 to be discharged from the facility, he shall be informed by the
22 administrator that if he is an alcoholic who would benefit by treat-

23 ment he may, in the discretion of the court, be afforded treatment
24 in lieu of prosecution, and that if he so chooses he may be examined
25 at the facility for the purpose of determining whether he is an
26 alcoholic who would benefit by treatment. If the person requests an
27 examination, he shall be examined by a physician at the facility
28 during a period of time not to exceed 48 hours. The police shall
29 maintain such security conditions as may be necessary. Prior to
29A releasing the person from the center or other facility, the admin-
29B istrator shall notify the police who shall transport him therefrom
29C for proceedings in the ****[criminal]**** case.

30 When a person who is arrested for a violation of a municipal
31 ordinance, or disorderly persons offense, and who is not also
32 arrested for a misdemeanor, is brought before the court on such
33 ****[criminal]**** charge, the court shall inform him that he is entitled
34 to request a medical examination to determine whether or not he is
35 an alcoholic if he ***[either]*** has been admitted to a facility pur-
36 suant to the provisions of the preceding paragraph and has not
37 received a medical examination ****by a physician**** ***[or states that**
38 he is an alcoholic]*. The court shall further inform the defendant
39 of the consequences which follow a determination by a physician
40 that he is an alcoholic who would benefit by treatment. Any request
41 for an examination shall be in writing. If the person makes such
42 request, the ****[criminal]**** proceedings shall be stayed for the
43 period during which the request is under consideration by the court.
44 If the defendant requests an examination, the court shall appoint a
45 physician to conduct the examination at an appropriate location
45A designated by it.

46 In no event shall a request for an examination, any statement
47 made by the defendant during the course of an examination or any
48 finding of a physician pursuant to the provisions of this section
49 be admissible against the defendant in any ****[criminal]****
49A proceeding.

50 A physician who conducts an examination pursuant to the provi-
51 sions of this section, shall determine whether or not the defendant
52 is an alcoholic who would benefit by treatment. The physician
53 shall report his findings to the court together with the facts upon
54 which the findings are based and the reasons therefor as soon as
55 possible but in any event not longer than 3 days after the completion
56 of the examination.

57 If the physician reports that the defendant is an alcoholic who
58 would benefit by treatment, the court shall inform the defendant
59 that he may request commitment to the division and advise him of
60 the consequences of the commitment.

61 If the defendant requests commitment, and if the court finds that
62 the defendant is an alcoholic who would benefit by treatment, the
63 court may stay the criminal proceeding and commit the defendant
64 to the division as an inpatient or as an outpatient, whichever the
65 court deems appropriate, for a specified period. The term of
66 inpatient treatment shall not exceed 30 days, the term of outpatient
67 treatment shall not exceed 60 days, and the total combined period
68 of commitment, including both inpatient and outpatient treatment,
69 if both are ordered, shall not exceed 90 days. The court shall
70 inform the defendant that if he is committed the ****[criminal]****
71 proceeding will be stayed for the term of the commitment.

72 In determining whether or not to grant the request for commit-
73 ment, the court shall consider the report of the physician, the nature
74 of the offense with which the defendant is charged, the past criminal
75 record, if any, of the defendant, and any other relevant evidence.

76 If the court decides that the defendant's request for commitment
77 should be granted, the court shall commit the defendant to the
78 division if the division reports that adequate and appropriate treat-
79 ment is available at a facility; provided, however, that if the court
80 determines that commitment should be granted and the defendant
81 is charged with a first ****[criminal]**** offense, the ****[criminal]****
82 proceedings shall be stayed until adequate and appropriate treat-
83 ment is available at a facility. In cases where the defendant is not
84 charged with a first ****[criminal]**** offense and the division reports
85 that adequate and appropriate treatment is not available, the court
86 may, in its discretion, order that the stay of the ****[criminal]****
87 proceeding remain outstanding until such time as adequate and
88 appropriate treatment is available.

89 As a condition to the issuance of any commitment order by the
90 court pursuant to the provisions of this section, the defendant shall
91 consent in writing to the terms of the commitment.

92 If the physician reports that the defendant is not an alcoholic who
93 would benefit by treatment, the defendant shall be entitled to
94 request a hearing to determine whether he is an alcoholic who would
95 benefit by treatment. Thereupon the court may, of its own motion,
96 or shall upon the request of the defendant or his counsel, appoint
97 an independent physician to examine the defendant and to testify
98 at the hearing. If the court determines that the defendant is an
99 alcoholic who would benefit by treatment, the procedures and
100 standards applicable to a defendant who is determined by the court,
101 following the report of the first examining physician to be an alco-
102 holic who would benefit by treatment, shall apply to the defendant.

103 If the court does not order that the defendant shall be afforded

104 treatment in lieu of prosecution pursuant to the provisions of this
105 section, the stay of the ****[criminal]**** proceedings shall be vacated.

106 At any time during the term of commitment, the administrator
107 may transfer any inpatient to an outpatient program if he finds
108 that the patient is a proper subject for outpatient treatment;
109 provided, however, that the administrator may retransfer the
110 patient to an inpatient program if he finds that the person is not
111 suitable for outpatient treatment.

112 Any patient committed to the division pursuant to this section
113 shall be discharged from the facility to which the division has
114 caused him to be admitted if at any time the administrator deter-
115 mines that treatment will no longer benefit him; provided, however,
116 that such patient shall in any event be discharged at the termination
117 of the period of commitment specified in the court order.

118 At the end of the commitment period, when the patient is dis-
119 charged, or when the patient terminates treatment at the facility,
120 whichever first occurs, the director shall report to the court on
121 whether or not the defendant successfully completed the treat-
122 ment program, together with a statement of the reasons for his
123 conclusion. In reaching his determination of whether or not the
124 defendant successfully completed the treatment program, the
125 director shall consider, but shall not be limited to, whether the
126 defendant cooperated with the administrator and complied with the
127 terms and conditions imposed on him during his commitment. If
128 the report states that the defendant successfully completed the
129 treatment program, the court shall dismiss the charges pending
130 against the defendant. If the report does not so state, or if the
131 defendant ****[does]**** *has* not ****[complete]**** *completed*
131A the term of ****[treatment]**** *commitment* ordered by the
132 court, then, based on the report and any other relevant evidence,
133 the court may take such action as it deems appropriate, including
134 the dismissal of the charges or the revocation of the stay of the
135 ****[criminal]**** proceedings. In the event that the court convicts a
136 defendant who has been committed in lieu of prosecution pursuant
137 to the provisions of this section and sentences him to a term of
138 incarceration, the court shall reduce the term of incarceration by
139 the period during which the defendant was afforded treatment in
140 lieu of prosecution pursuant to this section.

141 The State, municipal and local police shall, in cooperation with
142 the department, provide ****[adequate]**** *temporary* security at
143 facilities to which persons are taken pursuant to this section, where
144 it is necessary that such security be provided for the person
145 arrested.

1 ***[11.]*** *12.* Each person who receives treatment at a facility
 2 shall be subject to the supervisory powers of the administrator
 3 exercised in accordance with rules and regulations of the depart-
 4 ment.

1 ***[12.]*** *13.* All rights afforded any person under this act shall
 2 apply to juveniles *as may be consistent with present statutory law*
 3 *applying to minors*.*

1 ***[13.]*** *14.* a. The administrator of each facility shall keep a
 2 record of the treatment afforded each patient, which shall be con-
 3 fidential and shall be made available only upon proper judicial
 4 order, whether in connection with pending judicial proceedings or
 4A otherwise.

5 b. Any patient shall have the right to have a physician retained
 6 by him examine him, consult privately with his attorney, receive
 7 visitors, and send and receive communications by mail, telephone
 8 and telegraph. Such communications shall not be censored or read
 9 without the consent of such patient. The foregoing shall not limit
 10 the right of the administrator, subject to reasonable rules and regu-
 11 lations of the department, to prescribe reasonable rules governing
 12 visiting hours and the use of telephone and telegraph facilities.

13 c. No patient may be detained at any facility pursuant to the pro-
 14 visions of this act, without his consent except in accordance with
 15 the provision of section ***[8]*** *9.*

16 d. Insofar as is practicable a written, comprehensive, individual-
 17 ized treatment plan shall be kept by the administrator for each
 18 patient.

19 e. Each patient shall be entitled to receive adequate and appro-
 20 priate treatment.

21 No patient shall be denied the right to vote while he is afforded
 22 treatment at a facility.

1 ***[14.]*** *15.* No person who has received treatment at a facility
 2 in accordance with the provisions of this act or person who is an
 3 alcoholic shall be denied any right or privilege under the Constitu-
 4 tion of the United States or of the State for the reason that he has
 5 received treatment at a facility or that he is an alcoholic.

1 ***[15.]*** *16.* The State, the several counties and municipalities
 2 may establish services forces to ***[perform the functions of]***
 3 *assist* the police in accordance with the provisions of section 9 of
 4 this act. Such service forces may be a part of police department,
 5 ***[the department,]*** or may be a separate unit. Members of the
 6 force shall be trained to carry out ***[the]*** *certain* responsibilities
 7 of the police, as these are set out in section ***[9]*** *10*, particularly

8 with respect to the administration of first aid to intoxicated persons
9 in need of medical assistance.

1 ***[16.]*** *17.* The division shall establish and maintain, in
2 cooperation with the office of the Attorney General, the State,
3 municipal and local police, the courts, the department of correction,
4 the department of public welfare, and other public and private
5 agencies, a program for the education of police officers, prosecuting
6 attorneys, court personnel, judges of the county and superior
7 courts, probation and parole officers, correctional personnel, other
8 law enforcement personnel, and State welfare and vocational
9 rehabilitation personnel, with respect to the causes, effects, and
10 treatment of intoxication and alcoholism.

11 The division shall serve in a consulting capacity to such public
12 and private agencies and shall foster and coordinate a full range
13 of services which will be available for diagnosis, counseling and
14 treatment for alcoholism.

1 ***[17.]*** *18.* The division shall, in cooperation with the State,
2 municipal and local police, and the Division of Motor Vehicles, con-
3 duct tests for alcohol in the bodies of automobile drivers and
4 pedestrians who die as a result of and within 4 hours of a traffic
5 accident, and in automobile drivers who survive traffic accidents
6 fatal to others. The division shall promulgate a written manual to
7 govern the conducting of tests made pursuant to this section, which
8 shall specify the qualifications of personnel to conduct such tests,
9 the methods and related details of specimen selection, collection,
10 preservation and analysis, and the methods of tabulation and re-
11 porting of this test data.

12 If a test conducted pursuant to this section discloses alcohol,
13 the division shall insofar as is practicable make a determination
14 whether or not alcoholism was a probable factor in the drinking
15 of the tested individual.

16 Test data collected and determinations made pursuant to this
17 section shall be tabulated, compiled, and published by the division
18 at least semiannually.

19 The division in cooperation with the office of the Attorney
20 General and other interested State departments and agencies shall
21 undertake a detailed and comprehensive review of State and local
22 laws and regulations governing driving under the influence of
23 alcohol. This review shall include, but need not be limited to, con-
24 sideration of the relation of these laws and regulations to the legis-
25 lative policies and purposes of this act, and what programs and
26 punishments are appropriate for individuals convicted of drunk
27 driving.

28 Within 1 year from the date of enactment of this act, the division
29 shall transmit to the Legislature a report on this review. This
30 report shall include specific recommendations for any changes in
31 the present laws and regulations the division deems appropriate.

1 ***[18.]*** *19.* The division, in cooperation with the office of the
2 Attorney General and other interested State departments and
3 agencies, shall undertake a broad review of State and local, criminal
4 and civil, laws and regulations governing the manufacture, sale and
5 consumption of alcoholic beverages. This review shall include, but
6 need not be limited to, consideration of the relation of these laws
7 and regulations both to the legislative policies and purposes of this
8 act and to the public policy objective of permitting the temperate
9 use of alcoholic beverages and preventing the abuse of such beverages.
10 Within 2 years from the date of enactment of this act the
11 division shall transmit to the Legislature a report on this review,
12 which shall include specific recommendations for any changes in the
13 present laws and regulations that the division deems appropriate.

1 ***[19.]*** *20.* No county, municipality, or other political sub-
2 division of the State shall adopt any law, ordinance, bylaw, resolu-
3 tion or regulation having the force of law a. rendering public in-
4 toxication or being found in any place in an intoxicated condition
5 an offense, a violation or the subject of criminal or civil penalties
6 or sanctions of any kind; b. inconsistent with the provisions and
7 policies of this act.

8 Nothing herein contained shall affect any laws, ordinances,
9 bylaws, resolutions or regulations against driving after drinking
10 alcohol, driving under the influence of alcohol, or other similar
11 offenses that involve the operation of motor vehicles, machinery or
12 other hazardous equipment.

1 ***[20.]*** *21.* The Department of Health shall be the single State
2 agency designated by the State as the agency primarily responsible
3 for the treatment of intoxicated persons and alcoholics. **All*
4 *activities, projects or programs for alcoholism treatment and re-*
5 *habilitation, funded or carried out by any department or political*
6 *subdivision of the State shall be in compliance with the compre-*
7 *hensive State plan required by section 5 of this act.**

1 ***[21.]*** *22.* All books, papers, records, documents, and equip-
2 ment in the custody of or maintained for the use of the Department
3 of Health pursuant to sections 1 through 5, inclusive, of P. L. 1948,
4 c. 453 are hereby transferred to the custody and control of the
5 division created by this act.

6 All moneys heretofore appropriated for the Department of

7 Health for activities authorized by said sections 1 through 5, in-
8 clusive, of P. L. 1948, c. 453 and remaining unexpended on the
9 effective date of this act are hereby transferred to, and shall re-
10 main immediately available for expenditure by, the division created
11 by this act.

12 All duly existing contracts, leases, and obligations of the Depart-
13 ment of Health entered into pursuant to said sections 1 through 5,
14 inclusive, of P. L. 1948, c. 453 shall remain in effect and shall be
15 performed by the division created by this act. This act shall not
16 affect any renewal provisions or option to renew contained in any
17 such lease in existence on the effective date of this act. Without
18 limiting the generality of the foregoing, all approvals of plans, proj-
19 ects, and Federal and State financial aid applications heretofore
20 granted shall remain in full force and effect; provided, however,
21 that nothing in this section shall prevent said division from with-
22 drawing such approval if such action is otherwise in accordance
23 with law.

24 All gifts and special grants made to the Department of Health
25 under sections 1 through 5 of P. L. 1948, c. 453 and remaining un-
26 expended on the effective date of this act shall be available for ex-
27 penditure by the division created by this act in accordance with the
28 conditions of the gift or grant without specific appropriation.

29 All hospital and clinic facilities established pursuant to section
30 3 of P. L. 1948, c. 453 shall remain subject to the control and super-
31 vision of the department.

32 All officers and employees of the Department of Health engaged
33 in activities authorized by sections 1 through 5, inclusive, of P. L.
34 1948, c. 453 who immediately prior to the effective date of this act
35 hold permanent appointment in positions classified under Title 11
36 of the Revised Statutes, or have tenure in their positions by reason
37 of law are hereby transferred to the Division of Alcoholism created
38 by this act, every such transfer to be without impairment of civil
39 service status, seniority, retirement, and other rights of the em-
40 ployee, without interruption of service, and without reduction in
41 compensation and salary grade, notwithstanding any change in his
42 title or duties made as a result of such transfer; subject, however,
43 to the provisions of Title 11, and the rules and regulations estab-
44 lished thereunder. All such officers and employees who immediately
45 prior to the effective date do not hold permanent appointment in
46 such positions, or do not hold such tenure, are hereby transferred
47 to the Division of Alcoholism created by this act without impair-
48 ment of seniority, retirement and other rights, without interruption

49 of service, and without reduction in compensation and salary grade.
 50 Nothing in this section shall be construed to confer upon an officer
 51 or employee any rights not held prior to the transfer or to prohibit
 52 any subsequent reduction in compensation or salary grade not pro-
 53 hibited prior to the transfer.

1 ***[22.]*** *23.* Notwithstanding any other provision of law, no
 2 county, municipality, or other jurisdiction within the State shall
 3 adopt an ordinance, resolution, or other legislation creating an
 4 offense of public intoxication or any equivalent offense, and any
 5 existing ordinance, resolution, or other legislation creating such an
 6 offense is hereby repealed.

1 ***[23.]*** *24.* Sections 1 through 5 of P. L. 1948, c. 453
 2 (C. 26:2B-1 through C. 26:2B-5) are repealed.

1 *25. *If any provision of this act or the application thereof to any*
 2 *person or circumstance is held invalid, such invalidity shall not*
 3 *affect any other provision or application of the act which can be*
 4 *given effect without such invalid provision or application, and to*
 5 *this end the provisions of this act are declared to be severable.**

1 ***[24.]*** *26.* This act shall be known and may be cited as the
 2 "Alcoholism Treatment and Rehabilitation Act."

1 ***[25.]*** *27.* This act****[***, *except for sections 20, 23 and 24,***]****
 2 shall take effect ****[immediately]**** **90 days from the date of
 3 enactment** *, *except sections 20, 23 and 24 shall take effect 1 year*
 4 *from the effective date of this act.**

FISCAL NOTE TO
ASSEMBLY, No. 613

STATE OF NEW JERSEY

DATED: NOVEMBER 13, 1974

Assembly Bill No. 613 is designated the "Alcoholism Treatment and Rehabilitation Act." It establishes a Division of Alcoholism and prescribes procedures to be followed involving the arrest of an intoxicated person.

The Department of Health estimates that enactment of this legislation would require a State expenditure of \$1,562,782.00 in fiscal 1974-75, \$2,634,778.00 in fiscal 1975-76 and \$3,135,433.00 in fiscal 1976-77.

However, the Division of Budget and Accounting points out that the Department of Health's cost estimates are based only upon portions of paragraphs 2 and 5 and that significant additional costs would be incurred if paragraphs 2, 3, 5 through 8, 10 and 15 are fully implemented. The Division of Budget and Accounting basically agrees with the Department of Health's estimates as to the costs of establishing intoxication treatment centers in the counties but states that the Department of Health has failed to assign a cost estimate to the other facilities which the bill indicates should be provided. These facilities are inpatient, outpatient and residential aftercare, such as half-way houses. The sufficiency of existing facilities to handle the projected patient load would determine the potential cost to the State of providing additional facilities. This could result in a high cost to the State.

Under the circumstances, the Division of Budget and Accounting states that it can be safely said that the passage and full implementation of this bill will saddle the State with a responsibility which will cost the State and local governments many times what the Department of Health estimates as the cost of operating the program by fiscal 1976-77.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 613

STATE OF NEW JERSEY

ADOPTED NOVEMBER 25, 1974

Amend page 1, section 1, line 1, after "1.", insert "It is the policy of the State of New Jersey that alcoholics and intoxicated persons may not be subjected to criminal prosecution because of their consumption of alcoholic beverages, but rather should be afforded a continuum of treatment in order that they may lead normal lives as productive leaders of society."

Amend pages 1-18, sections 1-23, line 1, renumber sections 1 through 23 as 2 through 24.

Amend page 1, section 1, line 9, after "community", insert "on a continuing basis".

Amend page 1, section 1, line 11, after "beverages.", insert new definition as follows: "'Authorized persons'" means persons who serve as volunteer first aid or ambulance squad members, para-professional medical personnel and rehabilitated alcoholics."

Amend page 2, section 1, line 21, omit "unconscious", and insert "as a result of the use of alcohol, unconscious or has his judgment so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment".

Amend page 2, section 2, lines 16-17, after "be", omit "a coordinator for each region established in accordance with section 5, and".

Amend page 2, section 2, line 20, after "treatment of", omit "rehabilitation of".

Amend page 3, section 2, line 27, after "administrative", omit ",".

Amend page 3, section 2, line 28, after "responsibility", omit ", or nurses".

Amend page 3, section 3, line 6, after "alcoholics", insert "and one of whom shall be from the State Health Planning Council".

Amend page 3, section 3, lines 23-24, after "organizations", omit "and individuals".

Amend page 4, section 4, line 2, after "comprehensive", insert "State".

Amend page 4, section 4, lines 3-4, after "persons and", omit "the treatment and rehabilitation of alcoholics", and insert "alcoholics, including juveniles and young adults".

Amend page 4, section 4, line 15, after "source", insert "and is to be coordinated with the State Comprehensive Health Planning Agency".

~~Amend page 4, section 5, line 3, after "alcoholics.", omit "The com-".~~

Amend page 4, section 5, lines 4-9, omit entirely.

Amend page 4, section 5, line 10, after "program", omit "of the regional division shall include provision for", and insert "may encourage regionalization of services and, if not otherwise available, provide for".

Amend page 4, section 5, line 11, omit "at least".

Amend page 4, section 5, line 14, after "detoxification", omit "and emergency social services,".

Amend page 5, section 5, lines 20-21, after "affiliated with", omit ", and constitute an integral part of the medical services of".

Amend page 5, section 5, lines 24-25, after "with", omit ", and constitute an integral part of,".

Amend page 5, section 5, line 38, omit "Facilities operated", and insert "Services delivered".

Amend page 5, section 5, line 39, after "be", omit "located", and insert "administered".

Amend page 5, section 5, lines 40-43, after "agencies", omit "; provided, however, that such facilities shall in no manner be subject to the maintenance, supervision and control of the department of institutions and agencies".

Amend page 5, section 5, line 43, after "Such", omit facilities", and insert "services"; after "shall", omit "function as", and insert "be administered as such services are administered in".

Amend page 5, section 5, line 47, omit "facilities", and insert "services".

Amend page 5, section 5, line 49, after "notify", omit "each police department", and insert "all law enforcement agencies and judges".

Amend page 5, section 5, line 50, after "other", omit "facilities", and insert "services".

Amend page 5, section 5, lines 51-52, after "near", omit "the jurisdiction of the police department", and insert "their jurisdictions".

Amend page 5, section 6, line 6, after "of", omit "personal", and insert "real".

Amend page 6, section 6, line 32, after "prevention", insert ", detection,".

Amend page 6, section 6, line 33, omit "and the rehabilitation of alcoholics".

Amend page 6, section 6, lines 39-40, after "prevention", insert "detection,"; after "alcoholism", omit "and the rehabilitation of alcoholics".

Amend page 6, section 6, lines 45-46, after "with", omit "the department of education, schools, police departments, courts and other", and insert "police academies, nursing and medical schools,".

Amend page 6, section 6, line 52, omit "rehabilitation", and insert "treatment".

Amend page 7, section 6, line 56, after "prevention", omit "and rehabilitation", and insert "detection, and treatment".

Amend page 7, section 6, line 57, after "in", omit "business", and insert "government".

Amend page 7, section 6, lines 57-60, after "industry", omit "and develop, in cooperation with other public agencies, appropriate programs for the prevention and treatment of alcoholism and the rehabilitation of alcoholics among government employees".

Amend page 7, section 6, line 62, omit "nonprofessional", and insert "para-professional".

Amend page 7, section 6, line 63, after "and", omit "the treatment and rehabilitation of".

Amend page 7, section 6, line 65, omit "7", insert "8".

Amend page 7, section 7, line 17, omit "9", insert "10".

Amend page 8, section 7, line 30, omit "9", insert "10".

Amend page 8, section 7, line 34, after "health", insert "and safety".

Amend page 8, section 7, line 60, after "health", insert "and safety".

Amend page 10, section 8, line 2, after "officer", insert "or other authorized person".

Amend page 10, section 8, line 3, omit "9", insert "10".

Amend page 10, section 8, line 7, omit "Prior to", and insert "As soon as possible after".

Amend page 10, section 8, line 8, after "physician", insert "or by a medically competent individual designated by the department and under the supervision of a physician".

Amend page 10, section 8, line 30, after "respected", insert "except if a person is a juvenile in which case his family or legal guardian shall be notified".

Amend page 10, section 9, line 3, after "officer", insert "or other authorized person".

Amend page 11, section 9, line 19, omit "Police officers", and insert "All persons".

Amend page 11, section 9, line 24, omit "8", insert "9".

Amend page 11, section 9, line 25, after "physician", insert "or other medically competent individual".

Amend page 11, section 10, line 12, after "a physician", insert "or by a medically competent individual designated by the department and under the supervision of a physician"; after "the physician", insert "or any other medically competent individual designated by the department".

Amend page 12, section 10, line 35, after "he", omit "either".

Amend page 12, section 10, line 37, after "examination", omit "or states that he is an alcoholic".

Amend page 14, section 10, line 142, after "provide", omit "adequate", and insert "temporary".

Amend page 15, section 12, line 2, after "juveniles", insert ", as may be consistent with present statutory law applying to minors".

Amend page 15, section 13, line 15, omit "8.", insert "9.".

Amend page 15, section 15, line 2, after "to", omit "perform the functions of", and insert "assist".

Amend page 15, section 15, line 4, after "police department," omit "the department,".

Amend page 15, section 15, line 6, after "out", omit "the", and insert "certain".

Amend page 15, section 15, line 7, omit "9.", insert "10.".

Amend page 17, section 20, line 3, after "alcoholics.", insert "All activities, projects or programs for alcoholism treatment and rehabilitation, funded or carried out by any department or political subdivision of the State shall be in compliance with the comprehensive State plan required by section 5 of this act.".

Amend page 18, section 23, line 2, after "repealed.", insert the following new section:

"25. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of the act which can be given effect without such invalid provision or application, and to this end the provisions of this act are declared to be severable."

Amend page 18, section 24-25, line 1, renumber sections 24 and 25 as 26 and 27.

Amend page 18, section 25, line 1, after "act", insert ", except for sections 20, 23 and 24,".

Amend page 18, section 25, line 1, after "immediately", insert ", except sections 20, 23 and 24 shall take effect 1 year from the effective date of this act".

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 613

[OFFICIAL COPY REPRINT]

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 8, 1975

This bill would establish a Division of Alcoholism in the Department of Health and would create procedures for handling persons who are intoxicated in a public place or who are arrested for violation of a municipal ordinance or disorderly persons offense and are believed to be intoxicated.

The bill also establishes a procedure for diverting those who are arrested into a treatment program, if they so request and the court finds, based on a physician's report, that the person is an alcoholic and would benefit from treatment. A person so committed would then have any period of treatment counted as part of any period of incarceration imposed if the person is subsequently convicted for the offense. If the person successfully completes the treatment program, the charges are to be dismissed.

The committee amendments change the effective date for certain sections of the bill so that they will be effective 90 days from the date of enactment rather than immediately and make technical corrections in the language of the bill.

SENATE COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 613

[OFFICIAL COPY REPRINT]

[CORRECTED COPY]

STATE OF NEW JERSEY

ADOPTED MAY 8, 1975

Amend page 1, section 1, line 5, omit "leaders", insert "members".

Amend page 4, section 4, line 26, omit "and rehabilitation".

Amend page 4, section 4, line 29, omit "and rehabilitation".

Amend page 4, section 4, lines 31-32, omit "and rehabilitation".

Amend page 5, section 6, line 23, omit "and rehabilitation".

Amend page 7, section 7, line 43, omit "and the rehabilitation of alcoholics".

Amend page 7, section 7, lines 49-49a, omit "and the rehabilitation of alcoholics".

Amend page 8, section 8, line 23, after "health", insert "and safety".

Amend page 9, section 8, line 55, omit "9", insert "10".

Amend page 10, section 8, line 107, omit "9", insert "10".

Amend page 12, section 11, line 2, after "offense," insert "and".

Amend page 13, section 11, line 29c, omit "criminal".

Amend page 13, section 11, line 33, omit "criminal".

Amend page 13, section 11, line 37, after "examination", insert "by a physician".

Amend page 13, section 11, line 41, omit "criminal".

Amend page 13, section 11, line 49, omit "criminal".

Amend page 14, section 11, line 63, omit "criminal".

Amend page 14, section 11, line 70, omit "criminal".

Amend page 14, section 11, line 81, after "first", omit "criminal"; after "the", omit "criminal".

Amend page 14, section 11, line 84, omit "criminal".

Amend page 14, section 11, line 86, omit "criminal".

Amend page 15, section 11, line 105, omit "criminal".

Amend page 15, section 11, line 131, omit "does", insert "has"; omit "complete", insert "completed"; omit "treatment", insert "commitment".

Amend page 15, section 11, line 135, omit "criminal".

Amend page 20, section 27, line 1, omit ", except for sections 20, 23, and 24,".

Amend page 20, section 27, line 2, omit "immediately", insert "90 days from the date of enactment".

REVISED FISCAL NOTE TO
ASSEMBLY, No. 613
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: JUNE 5, 1975

The Official Copy Reprint of Assembly Bill No. 613 would establish a Division of Alcoholism in the Department of Health and would create procedures for handling persons who are intoxicated in a public place or who are arrested for violation of a municipal ordinance or disorderly persons offense and are believed to be intoxicated.

The Department of Health now estimates that enactment of this legislation would require a State expenditure of \$44,557.00 in fiscal 1975-76 and \$50,000.00 in fiscal 1976-77. These expenditures will provide for an initial planning and development staff. If the section of the legislation which states that intoxication treatment centers, inpatient facilities, outpatient facilities, and residential aftercare facilities "may" be provided, were implemented, obviously significant additional expenditures would be required. As this section of the legislation is permissive, however, it is not possible to make a meaningful estimate as to what amounts may be expended in those areas. In future years it is not even possible to say by whom such major expenditures would be assumed as it could be by counties, local governments, the Federal Government, or private agencies, depending upon who takes the initiative to provide such facilities.

With regard to the provisions of the bill that direct the department to plan, construct, etc., whatever facilities that "may be necessary," the department has stated that sufficient facilities currently exist so that no additional facilities are necessary at this time.

The fiscal note is based on an estimate of costs rather than actual cost information.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

FROM THE OFFICE OF THE GOVERNOR

FEBRUARY 9, 1976

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne today signed into law A-613, sponsored by Assemblyman James W. Bornheimer, D-Middlesex, which creates a Division of Alcoholism and an advisory council on alcoholism in the State Department of Health and repeals all laws which make alcoholism a criminal offense.

In signing the bill at a public ceremony in his office, Byrne issued the following statement:

"A-613 (2nd OCR) will create a Division of Alcoholism within the Department of Health. It will also create an advisory committee on alcoholism to make recommendations to the commissioner on policy, priorities of need and the construction and licensing of treatment facilities. In addition, the bill will mandate the development and periodic revision of a comprehensive plan for the treatment of intoxicated persons and alcoholics, both adult and juvenile.

"The legislation further directs the department to establish and conduct a program for the treatment of intoxicated persons and alcoholics and outlines the procedures to be followed therein. A list of all available services must be published annually by the department and all law enforcement agencies and judges must be notified of the location and capacity of treatment centers. Educational courses in the causes, effects and treatment of alcoholism for policemen, correctional officers, judges, and parole officers are to be established by the newly created division. All laws and regulations governing driving under the influence and the sale and consumption of alcoholic beverages must be reviewed by the Division, in conjunction with the Office of the Attorney General and other interested State departments and agencies.

"Finally, and perhaps most importantly, this legislation takes alcoholism out of the realm of criminal behavior. It will repeal all statutes, ordinances, and regulations which make alcoholism a criminal or civil offense. In so doing, this bill makes absolutely clear that alcoholism is a disease to be treated, not a social wrong to be punished. It brings New Jersey to the 20th century regarding the care and treatment of intoxicated persons and alcoholics.

"Because A-613 does all these things, I put my signature upon it. But while I am so doing, I am constrained to sound a warning. A-613 charts an ambitious course for New Jersey. Although not mandated in the bill, it is clearly intended that the State will establish a statewide network of in- and outpatient facilities, treatment centers and residential after-care facilities, either directly through construction or lease, or indirectly through contract. Although there are detoxification beds presently available in the hospitals of this state, the bill's purpose cannot be fully realized until a broad network of care facilities is established. New Jersey cannot afford to embark on such an ambitious program at the present time. We simply do not have the money to do so.

"It is true that enactment of this legislation will make some federal funding available to us. And I have recommended that funding for the alcoholism program be continued in Fiscal Year 1976-1977. But these funds will only allow us to begin the task which A-613 sets before us. I cannot -- and I will not -- approve the spending programs necessary to accomplish the full purpose of A-613 until I am provided with the revenues to do so. I sign this bill because it will take us the first step. I can only hope that the Legislature will provide me with the revenue necessary to go further."

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