

REFERENCE TITLE: Treatment Of Intoxicated Persons

State of Arizona
Senate
Thirtieth Legislature
Second Regular Session

S. B. 1107

Introduced by Paul Alexander
Stephen Cannon

AN ACT

RELATING TO PUBLIC HEALTH; PROVIDING FOR EVALUATION AND TREATMENT OF PERSONS
IMPAIRED BY ALCOHOLISM; ABOLISHING PUBLIC DRUNKENNESS AS A CRIME; AMEND-
ING TITLE 36, CHAPTER 18, ARIZONA REVISED STATUTES, BY ADDING ARTICLE
2; REPEALING SECTION 13-379 AND TITLE 36, CHAPTER 6, ARTICLE 12,
ARIZONA REVISED STATUTES, AND MAKING AN APPROPRIATION.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 18, Arizona Revised Statutes, is
3 amended by adding article 2, sections 36-2021 through 36-2031, to
4 read:

5 ARTICLE 2. EVALUATION AND TREATMENT OF
6 PERSONS IMPAIRED BY ALCOHOLISM

7 36-2021. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "ALCOHOLIC" MEANS A PERSON WHO HABITUALLY LACKS SELF-CONTROL
10 WITH RESPECT TO THE USE OF ALCOHOLIC BEVERAGES OR WHO USES ALCOHOLIC
11 BEVERAGES TO THE EXTENT THAT HIS HEALTH IS SUBSTANTIALLY IMPAIRED OR
12 ENDANGERED OR HIS SOCIAL OR ECONOMIC FUNCTIONS ARE SUBSTANTIALLY DIS-
13 RUPTED.

14 2. "APPROVED PRIVATE TREATMENT FACILITY" MEANS A PRIVATE AGENCY
15 MEETING THE STANDARDS ESTABLISHED BY THE DEPARTMENT AND APPROVED PUR-
16 SUANT TO SECTIONS 36-2023 AND 36-2029.

1 3. "APPROVED PUBLIC TREATMENT FACILITY" MEANS A TREATMENT AGENCY
2 OPERATING UNDER THE DIRECTIONS AND CONTROL OF A COUNTY PROVIDING TREAT-
3 MENT THROUGH A CONTRACT WITH A COUNTY MEETING THE STANDARDS ESTABLISHED
4 BY THE DEPARTMENT AND APPROVED PURSUANT TO SECTIONS 36-2023 AND 36-2029.

5 4. "ASSISTANT COMMISSIONER" MEANS THE ASSISTANT COMMISSIONER
6 FOR ADDICTIVE BEHAVIOR SERVICES.

7 5. "COURT" MEANS A COURT OF RECORD, A JUSTICE OF THE PEACE
8 COURT, A POLICE COURT OR A CITY COURT AUTHORIZED BY CHARTER.

9 6. "DEPARTMENT" MEANS THE STATE DEPARTMENT OF HEALTH.

10 7. "EVALUATION" MEANS MULTIDISCIPLINARY PROFESSIONAL ANALYSIS
11 OF A PERSON'S MEDICAL, PSYCHOLOGICAL, SOCIAL, FINANCIAL AND LEGAL
12 CONDITIONS. PERSONS PROVIDING EVALUATION SERVICES SHALL BE PROPERLY
13 QUALIFIED PROFESSIONALS AND MAY BE FULL-TIME EMPLOYEES OF AN APPROVED
14 TREATMENT FACILITY PROVIDING EVALUATION SERVICES OR MAY BE PART-TIME
15 EMPLOYEES OR MAY BE EMPLOYED ON A CONTRACTUAL BASIS.

16 8. "INCAPACITATED BY ALCOHOL" MEANS THAT A PERSON AS A RESULT
17 OF THE USE OF ALCOHOL IS UNCONSCIOUS OR HAS HIS JUDGMENT OTHERWISE SO
18 IMPAIRED THAT HE IS INCAPABLE OF REALIZING AND MAKING A RATIONAL DECISION
19 WITH RESPECT TO HIS NEED FOR EVALUATION AND TREATMENT.

20 9. "INTOXICATED PERSON" MEANS A PERSON WHOSE MENTAL OR PHYSICAL
21 FUNCTIONING IS SUBSTANTIALLY IMPAIRED AS A RESULT OF THE USE OF ALCOHOL.

22 10. "TREATMENT" MEANS THE BROAD RANGE OF EMERGENCY, OUTPATIENT,
23 INTERMEDIATE AND INPATIENT SERVICES AND CARE, INCLUDING DIAGNOSTIC
24 EVALUATION, MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL AND SOCIAL SERVICE
25 CARE, VOCATIONAL REHABILITATION AND CAREER COUNSELING, WHICH MAY BE
26 EXTENDED TO ALCOHOLICS AND INTOXICATED PERSONS.

27 36-2022. Establishment of facilities

28 A. THE DEPARTMENT SHALL DEVELOP, ENCOURAGE AND FOSTER STATEWIDE,
29 COUNTY AND LOCAL PLANS AND PROGRAMS FOR THE PREVENTION OF ALCOHOLISM
30 AND TREATMENT OF ALCOHOLICS AND INTOXICATED PERSONS IN COOPERATION
31 WITH PUBLIC AND PRIVATE AGENCIES, ORGANIZATIONS AND INDIVIDUALS AND
32 PROVIDE TECHNICAL ASSISTANCE AND CONSULTATION SERVICES FOR THESE
33 PURPOSES.

1 B. COUNTIES MAY ESTABLISH A PUBLIC TREATMENT FACILITY OR
2 FACILITIES FOR THE EVALUATION AND TREATMENT OF ALCOHOLICS AND INTOXI-
3 CATED PERSONS BY RESOLUTION OF THE BOARD OF SUPERVISORS.

4 C. COUNTIES MAY CONTRACT WITH OTHER COUNTIES FOR THE SERVICES
5 OF A PUBLIC TREATMENT FACILITY OR MAY CONTRACT WITH A PRIVATE TREAT-
6 MENT FACILITY.

7 36-2023. Rules and regulations of the department

8 A. THE DEPARTMENT SHALL MAKE AND ENFORCE RULES AND REGULATIONS
9 WHICH ESTABLISH STANDARDS FOR APPROVED PUBLIC AND PRIVATE TREATMENT
10 FACILITIES WHICH MUST BE MET FOR A TREATMENT FACILITY TO BE APPROVED
11 AS A PUBLIC OR PRIVATE TREATMENT FACILITY. THE DEPARTMENT PERIODI-
12 CALLY SHALL INSPECT APPROVED PUBLIC AND PRIVATE TREATMENT FACILITIES
13 AT REASONABLE TIMES AND IN A REASONABLE MANNER. EACH APPROVED PUBLIC
14 AND PRIVATE TREATMENT FACILITY SHALL FILE WITH THE DEPARTMENT ON
15 REQUEST DATA, STATISTICS, SCHEDULES OR INFORMATION THE DEPARTMENT
16 REASONABLY REQUIRES. AN APPROVED PUBLIC OR PRIVATE TREATMENT FACILITY
17 THAT WITHOUT GOOD CAUSE FAILS TO FURNISH ANY DATA, STATISTICS, SCHEDULES
18 OR INFORMATION AS REQUESTED OR THAT FILES FRAUDULENT RETURNS THEREOF
19 SHALL BE REMOVED FROM THE LIST OF APPROVED TREATMENT FACILITIES.

20 B. THE DEPARTMENT IN COMPLIANCE WITH SUBSECTION A SHALL ADOPT
21 AND MAY AMEND AND REPEAL RULES FOR THE ACCEPTANCE OF PERSONS INTO A
22 TREATMENT PROGRAM, IN LIGHT OF THE AVAILABLE TREATMENT RESOURCES AND
23 FACILITIES, WITH A VIEW TO THE EARLY AND EFFECTIVE PROVISION OF
24 EVALUATION AND TREATMENT FOR ALCOHOLICS AND INTOXICATED PERSONS. IN
25 ESTABLISHING THE RULES, THE DEPARTMENT SHALL BE GUIDED BY THE FOLLOW-
26 ING STANDARDS:

27 1. A PERSON SHALL RECEIVE AN INITIAL EVALUATION.

28 2. A PATIENT SHALL BE INITIALLY ASSIGNED OR TRANSFERRED TO
29 OUTPATIENT TREATMENT OR INTERMEDIATE TREATMENT, UNLESS HE IS FOUND
30 TO REQUIRE INPATIENT TREATMENT.

31 3. A PERSON SHALL NOT BE DENIED TREATMENT SOLELY BECAUSE HE HAS
32 WITHDRAWN FROM TREATMENT AGAINST MEDICAL ADVICE ON A PRIOR OCCASION OR
33 BECAUSE HE HAS RELAPSED AFTER EARLIER TREATMENT.

1 4. AN INDIVIDUALIZED TREATMENT PLAN SHALL BE PREPARED AND MAIN-
2 TAINED ON A CURRENT BASIS FOR EACH PATIENT.

3 5. PROVISION SHALL BE MADE FOR A CONTINUUM OF COORDINATED
4 TREATMENT SERVICES, SO THAT A PERSON WHO LEAVES THE FACILITY OR ANOTHER
5 FORM OF TREATMENT WILL HAVE AVAILABLE AND UTILIZE OTHER APPROPRIATE
6 TREATMENT.

7 C. THE DEPARTMENT SHALL:

8 1. ENLIST THE ASSISTANCE OF ALL PUBLIC AND PRIVATE AGENCIES,
9 ORGANIZATIONS AND INDIVIDUALS ENGAGED IN THE PREVENTION OF ALCOHOLISM
10 AND TREATMENT OF ALCOHOLICS AND INTOXICATED PERSONS AT APPROVED PUBLIC
11 AND PRIVATE FACILITIES.

12 2. COOPERATE WITH THE DEPARTMENT OF CORRECTIONS IN ESTABLISHING
13 AND CONDUCTING PROGRAMS TO PROVIDE TREATMENT FOR ALCOHOLICS IN PENAL
14 INSTITUTIONS AND ALCOHOLICS ON PAROLE FROM PENAL INSTITUTIONS AT
15 APPROVED PUBLIC AND PRIVATE FACILITIES.

16 3. COOPERATE WITH THE DEPARTMENT OF EDUCATION, SCHOOLS, POLICE
17 DEPARTMENT, COURTS AND OTHER PUBLIC AND PRIVATE AGENCIES, ORGANIZATIONS
18 AND INDIVIDUALS IN ESTABLISHING PROGRAMS FOR THE PREVENTION OF ALCOHOLISM
19 AND TREATMENT OF ALCOHOLICS AND INTOXICATED PERSONS AND IN PREPARING
20 CURRICULUM MATERIALS THEREON FOR USE AT ALL LEVELS OF SCHOOL EDUCATION.

21 4. SPECIFY UNIFORM METHOD FOR KEEPING STATISTICAL INFORMATION
22 BY APPROVED PUBLIC AND PRIVATE TREATMENT FACILITIES AND COLLECT AND
23 MAKE AVAILABLE RELEVANT STATISTICAL INFORMATION INCLUDING NUMBER OF
24 PERSONS TREATED, FREQUENCY OF ADMISSION, AND READMISSION AND FREQUENCY
25 AND DURATION OF TREATMENT.

26 5. COOPERATE WITH THE HIGHWAY COMMISSION IN ESTABLISHING AND
27 CONDUCTING PROGRAMS DESIGNED TO DEAL WITH THE PROBLEM OF PERSONS
28 OPERATING MOTOR VEHICLES WHILE INTOXICATED.

29 36-2024. Treatment of alcoholics

30 A. AN ALCOHOLIC MAY APPLY FOR EVALUATION AND TREATMENT DIRECTLY
31 TO ANY APPROVED PUBLIC OR PRIVATE TREATMENT FACILITY. IF THE APPLICANT
32 IS A MINOR OR INCOMPETENT PERSON, EITHER HE OR A PARENT, LEGAL GUARDIAN
33 OR OTHER LEGAL REPRESENTATIVE SHALL MAKE THE APPLICATION FOR EVALUATION
34 AND TREATMENT.

1 B. SUBJECT TO RULES ADOPTED BY THE DEPARTMENT, THE ADMINISTRATOR
2 IN CHARGE OF ANY APPROVED PUBLIC OR PRIVATE TREATMENT FACILITY MAY
3 DETERMINE WHO SHALL BE ADMITTED FOR EVALUATION AND TREATMENT. IF A
4 PERSON IS REFUSED ADMISSION TO AN APPROVED PRIVATE TREATMENT FACILITY
5 BECAUSE OF FINANCIAL REASONS, THE ADMINISTRATOR IN CHARGE, SUBJECT TO
6 RULES ESTABLISHED BY THE DEPARTMENT, SHALL REFER THE PERSON TO AN
7 APPROVED PUBLIC TREATMENT FACILITY FOR TREATMENT, IF POSSIBLE AND
8 APPROPRIATE.

9 C. IF A PATIENT RECEIVING INPATIENT CARE LEAVES AN APPROVED
10 TREATMENT FACILITY, HE SHALL BE ENCOURAGED TO CONSENT TO APPROPRIATE
11 OUTPATIENT TREATMENT OR INTERMEDIATE TREATMENT.

12 36-2025. Treatment and services for intoxicated persons
13 and persons incapacitated by alcohol

14 A. AN INTOXICATED PERSON MAY COME VOLUNTARILY TO AN APPROVED
15 TREATMENT FACILITY FOR EMERGENCY TREATMENT.

16 B. A PERSON WHO VOLUNTARILY COMES OR IS BROUGHT TO AN APPROVED
17 TREATMENT FACILITY SHALL BE EXAMINED BY A LICENSED PHYSICIAN AS SOON
18 AS POSSIBLE AND MAY BE ADMITTED AS A PATIENT OR REFERRED TO ANOTHER
19 APPROVED TREATMENT FACILITY OR PROGRAMS.

20 C. A PERSON WHO IS NOT ADMITTED TO AN APPROVED TREATMENT
21 FACILITY AND IS NOT REFERRED TO ANOTHER APPROVED TREATMENT FACILITY
22 OR PROGRAM AND WHO HAS NO FUNDS MAY BE TAKEN TO HIS HOME IF HE HAS
23 ONE. IF HE HAS NO HOME, THE APPROVED TREATMENT FACILITY SHALL ASSIST
24 HIM IN OBTAINING SHELTER.

25 D. IF THE PATIENT IS ADMITTED TO AN APPROVED TREATMENT FACILITY
26 FOR TREATMENT, HIS FAMILY OR NEXT OF KIN SHALL BE NOTIFIED AS PROMPTLY
27 AS POSSIBLE. IF AN ADULT PATIENT WHO IS NOT INCAPACITATED BY ALCOHOL
28 REQUESTS THAT THERE BE NO NOTIFICATION, HIS REQUEST SHALL BE RESPECTED.

29 E. IF THE PHYSICIAN IN CHARGE OF THE APPROVED TREATMENT FACILITY
30 DETERMINES THAT IT IS FOR THE PATIENT'S BENEFIT, A PATIENT IN AN APPROVED
31 TREATMENT FACILITY SHALL BE ENCOURAGED TO AGREE TO FURTHER EVALUATION
32 AND TO APPROPRIATE VOLUNTARY TREATMENT.

33 36-2026. Emergency admission

1 A. A PUBLICLY INTOXICATED PERSON:
2 1. WHO HAS THREATENED, ATTEMPTED TO INFLICT PHYSICAL HARM, OR
3 INFLICTED PHYSICAL HARM UPON HIMSELF OR ANOTHER, AND WHO IS LIKELY
4 TO INFLICT PHYSICAL HARM ON HIMSELF OR ANOTHER UNLESS ADMITTED, OR
5 2. WHO IS INCAPACITATED BY ALCOHOL,
6 MAY BE BROUGHT TO AN APPROVED TREATMENT FACILITY FOR EMERGENCY TREAT-
7 MENT BY A PEACE OFFICER OR ANY OTHER PERSON.

8 B. THE ADMINISTRATOR IN CHARGE OF AN APPROVED TREATMENT
9 FACILITY SHALL DISCHARGE ANY PERSON ADMITTED PURSUANT TO THIS SECTION
10 NOT MORE THAN TWENTY-FOUR HOURS AFTER THE PERSON REQUESTS TO BE DIS-
11 CHARGED OR AFTER THE ADMINISTRATOR ON ADVICE OF THE MEDICAL STAFF
12 DETERMINES THAT THE GROUNDS FOR ADMISSION NO LONGER EXIST.

13 36-2027. Evaluation and treatment of persons charged
14 with a crime

15 A. A COURT MAY ORDER AN EVALUATION AND TREATMENT AT AN APPROVED
16 TREATMENT FACILITY OF A PERSON WHO IS BROUGHT BEFORE THE COURT AND
17 CHARGED WITH A CRIME IF:

18 1. IT APPEARS THAT SUCH PERSON IS AN ALCOHOLIC.
19 2. SUCH PERSON, AFTER BEING ADVISED OF HIS PRIVILEGE TO UNDERGO
20 EVALUATION AND TREATMENT, CHOOSES THE EVALUATION AND TREATMENT PROCE-
21 DURES.

22 THE COURT SHALL IN NO EVENT ORDER THE PERSON TO UNDERGO TREATMENT AND
23 EVALUATION FOR IN EXCESS OF THIRTY DAYS.

24 B. THE COURT SHALL FULLY APPRISE THE PERSON CHARGED WITH THE
25 CRIME OF THE OPTIONS AVAILABLE AND THE CONSEQUENCES WHICH MAY OCCUR.

26 C. THE PERSON CHARGED WITH THE CRIME HAS THE RIGHT TO LEGAL
27 COUNSEL AT PROCEEDINGS HELD PURSUANT TO THIS SECTION.

28 D. IF THE COURT ISSUES AN ORDER FOR EVALUATION AND TREATMENT
29 AS PROVIDED IN THIS SECTION, PROCEEDINGS ON THE CRIMINAL CHARGE OR
30 CHARGES THEN PENDING IN THE COURT FROM WHICH THE ORDER FOR EVALUATION
31 AND TREATMENT ISSUED SHALL BE DISMISSED OR SUSPENDED UNTIL SUCH TIME
32 AS THE EVALUATION AND TREATMENT OF THE DEFENDANT AND THE SUBSEQUENT
33 DETENTION OF THE DEFENDANT, IF ANY, ARE COMPLETED. UPON COMPLETION

1 OF THE EVALUATION AND TREATMENT, AND DETENTION, IF ANY, THE DEFENDANT
2 SHALL BE RETURNED TO THE COURT WHERE THE ORDER FOR EVALUATION AND
3 TREATMENT WAS MADE AND PROCEEDINGS ON THE CRIMINAL CHARGE OR CHARGES
4 SHALL BE RESUMED OR DISMISSED. NO CHARGE OR CHARGES SHALL BE DIS-
5 MISSED BASED ON DEFENDANT'S FAILURE TO RECEIVE A SPEEDY TRIAL.

6 E. THE COST OF EVALUATION AND TREATMENT OF AN INDIGENT PATIENT
7 TREATED PURSUANT TO COURT ORDER SHALL BE A CHARGE TO THE COUNTY, CITY,
8 TOWN OR CHARTER CITY WHOSE COURT ISSUED THE ORDER FOR EVALUATION.

9 36-2028. Payment for treatment; financial ability
10 of patient or guardian

11 A. A PATIENT BEING TREATED BY AN APPROVED TREATMENT FACILITY
12 OR THE ESTATE OF THE PATIENT, OR A PERSON OBLIGATED TO PROVIDE THE COST
13 OF THE EVALUATION AND TREATMENT AND HAVING SUFFICIENT FINANCIAL ABILITY
14 IS LIABLE TO THE APPROVED TREATMENT FACILITY FOR THE COST OF EVALUATION
15 AND TREATMENT OF THE PATIENT IN ACCORDANCE WITH THE RATES ESTABLISHED
16 BY THE DEPARTMENT.

17 B. THE DEPARTMENT SHALL ADOPT RULES GOVERNING FINANCIAL ABILITY
18 THAT TAKE INTO CONSIDERATION THE INCOME, SAVINGS AND OTHER PERSONAL
19 AND REAL PROPERTY OF THE PERSON REQUIRED TO PAY AS WELL AS ANY SUPPORT
20 BEING FURNISHED BY HIM TO ANY PERSON WHOM HE MAY BE REQUIRED BY LAW
21 TO SUPPORT.

22 C. EACH APPROVED TREATMENT FACILITY SHALL FURNISH THE DEPARTMENT
23 WITH SUCH INFORMATION AS IT REQUIRES TO ENABLE IT TO ESTABLISH AND
24 MAINTAIN A COST REPORTING SYSTEM OF THE COST OF THE EVALUATION AND
25 TREATMENT. EACH APPROVED TREATMENT FACILITY SHALL INSURE THAT RECORDS
26 ARE MAINTAINED CONTAINING SUCH INFORMATION AND IN SUCH FORM AS THE
27 DEPARTMENT SHALL REQUIRE FOR THE PURPOSES OF THIS SECTION.

28 D. THE DEPARTMENT SHALL PREPARE AND ADOPT A UNIFORM PATIENT FEE
29 SCHEDULE TO BE USED BY APPROVED TREATMENT FACILITIES FOR SERVICES
30 RENDERED TO EACH PATIENT AFFLICTED WITH ALCOHOLISM. IN PREPARING
31 SUCH UNIFORM PATIENT FEE SCHEDULE, THE DEPARTMENT SHALL TAKE INTO
32 ACCOUNT THE EXISTING CHARGES FOR AVAILABLE SERVICES. IF THE DEPART-
33 MENT DETERMINES THAT IT IS NOT PRACTICABLE TO DEVISE A SINGLE UNIFORM

1 PATIENT FEE SCHEDULE APPLICABLE TO BOTH APPROVED PRIVATE TREATMENT
2 FACILITIES AND APPROVED PUBLIC TREATMENT FACILITIES, IT MAY ADOPT A
3 SEPARATE FEE SCHEDULE FOR APPROVED PRIVATE TREATMENT FACILITIES WHICH
4 DIFFERS FROM THE UNIFORM PATIENT FEE SCHEDULE APPLICABLE TO APPROVED
5 PUBLIC TREATMENT FACILITIES. THE DEPARTMENT IS NOT PROHIBITED FROM
6 INCLUDING THE AMOUNT OF EXPENDITURES FOR CAPITAL OUTLAY IN ITS DETER-
7 MINATION OF THE FEE SCHEDULE.

8 36-2079. Funding of facilities; contracts; alcoholic
9 facilities fund; limitations

10 A. THE DEPARTMENT MAY USE STATE AND FEDERAL MONIES APPROPRIATED
11 OR OTHERWISE AVAILABLE FOR THE EVALUATION AND TREATMENT OF ALCOHOLICS,
12 TO ASSIST IN THE ESTABLISHMENT AND MAINTENANCE OF APPROVED PUBLIC OR
13 PRIVATE TREATMENT FACILITIES. SUCH FUNDS MAY BE EXPENDED FOR PROFES-
14 SIONAL FEES FOR SERVICES AT AN APPROVED TREATMENT FACILITY OR IN
15 CONTRACT FOR ADVANCEMENT OR REIMBURSEMENT OF SERVICES PROVIDED AT
16 AN APPROVED TREATMENT FACILITY OR ANY OTHER APPROPRIATE MANNER AND
17 MAY BE USED FOR ANY PURPOSE NECESSARY TO PROVIDE EVALUATION AND
18 TREATMENT AT APPROVED TREATMENT FACILITIES. THESE FUNDS MAY NOT BE
19 USED FOR DEPARTMENT SALARIES OR ANY OTHER PURPOSE WITHIN THE DEPART-
20 MENT BUT MAY BE USED FOR CONSULTATION TO THE DEPARTMENT IN THE
21 INTEREST OF APPROVED TREATMENT FACILITIES.

22 B. A PUBLIC OR PRIVATE TREATMENT FACILITY PROVIDING OR INTEND-
23 ING TO PROVIDE EVALUATION AND TREATMENT AND DESIRING TO CONTRACT WITH
24 THE DEPARTMENT FOR THE FURNISHING OF SUCH SERVICES SHALL SUBMIT A
25 PROGRAM, PLAN AND BUDGET TO THE DEPARTMENT ON THE FORMS AND IN THE
26 MANNER REQUIRED BY THE DEPARTMENT. IF SUCH FACILITY IS APPROVED,
27 THE DEPARTMENT MAY CONTRACT WITH THE FACILITY FOR SERVICES AS REQUIRED
28 AND UPON SUCH TERMS AND CONDITIONS AS THE DEPARTMENT SHALL REQUIRE.

29 C. EACH APPROVED TREATMENT FACILITY SHALL PROVIDE THE DEPARTMENT
30 WITH A RECORD OF ALL FEDERAL, STATE, COUNTY, CITY AND PRIVATE FUNDS
31 RECEIVED FOR THE PREVIOUS YEAR AND AN ESTIMATE OF FUNDS TO BE RECEIVED
32 BY THE FACILITY FOR THE FOLLOWING YEAR.

33 D. AN APPROVED PRIVATE OR PUBLIC TREATMENT FACILITY PROVIDING

1 EVALUATION AND TREATMENT MAY RECEIVE STATE FUNDING UPON COMPLYING WITH
2 THE RULES AND REGULATIONS ESTABLISHED BY THE DEPARTMENT. ANY SUCH
3 FACILITY IS NOT ELIGIBLE FOR STATE FUNDING UNTIL APPROVED BY THE
4 ASSISTANT COMMISSIONER.

5 E. THERE IS ESTABLISHED AN ALCOHOLIC FACILITIES FUND. THE
6 ALCOHOLIC FACILITIES FUND SHALL CONSIST OF THE APPROPRIATIONS AND
7 OTHER MONIES FOR THE USE OF THE DEPARTMENT AS PROVIDED FOR IN THIS
8 ARTICLE. THE STATE TREASURER SHALL RECEIVE AND DISBURSE THE MONIES
9 IN THE FUND UPON CLAIMS SIGNED BY THE ASSISTANT COMMISSIONER OR OTHER
10 PERSONS IN THE DEPARTMENT DESIGNATED BY THE ASSISTANT COMMISSIONER.
11 THE STATE TREASURER SHALL MAINTAIN IN SEPARATE ACCOUNTS MONIES FOR
12 THE DEPARTMENT WHICH ARE RECEIVED BY GIFT, GRANT, BEQUEST OR DEVISE
13 AND SUCH MONIES SHALL BE DISTRIBUTED FOR THE PURPOSES OF AND IN CON-
14 FORMITY WITH THE TERMS OF THE GRANT, GIFT, BEQUEST OR DEVISE. ANY
15 UNEXPENDED BALANCE OF SUCH MONEY SHALL NOT REVERT TO THE GENERAL FUND
16 AT THE END OF THE FISCAL YEAR. MONIES RECEIVED FROM THE FEDERAL
17 GOVERNMENT OR AN AGENCY THEREOF SHALL BE KEPT IN A SEPARATE ACCOUNT
18 IN THE ALCOHOLIC FACILITIES FUND. ANY UNEXPENDED AND UNENCUMBERED
19 BALANCE OF FEDERAL FUNDS REMAINING IN THE ALCOHOLIC FACILITIES FUND
20 AT THE END OF THE FISCAL YEAR SHALL NOT REVERT TO THE GENERAL FUND.

21 F. THE PROVISIONS OF THIS ARTICLE SHALL NOT BE CONSTRUED TO
22 PLACE UPON THE DEPARTMENT OR THE STATE ANY LIABILITY FOR THE WELL-
23 BEING AND CARE OF ALCOHOLICS OR PERSONS INCAPACITATED BY ALCOHOL IN
24 A PUBLIC OR PRIVATE TREATMENT FACILITY OR THE RESPONSIBILITY FOR
25 FUNDING SUCH PROGRAMS BEYOND THE LIMITS OF LEGISLATIVE APPROPRIATION
26 THEREFORE.

27 36-2030. Criminal laws limitations

28 A. NO COUNTY, MUNICIPALITY OR OTHER POLITICAL SUBDIVISION MAY
29 ADOPT OR ENFORCE ANY LOCAL LAW, ORDINANCE, RESOLUTION OR RULE HAVING
30 THE FORCE OF LAW THAT INCLUDES DRINKING, BEING A COMMON DRUNKARD OR
31 BEING FOUND IN AN INTOXICATED CONDITION AS ONE OF THE ELEMENTS OF THE
32 OFFENSE GIVING RISE TO CRIMINAL OR CIVIL PENALTY OR SANCTIONS.

33 B. NO COUNTY, MUNICIPALITY OR OTHER POLITICAL SUBDIVISION MAY

1 INTERPRET OR APPLY ANY LAW OF GENERAL APPLICATION TO CIRCUMVENT THE
2 PROVISION OF SUBSECTION A.

3 C. NOTHING IN THIS ACT SHALL AFFECT ANY LAWS, ORDINANCES,
4 RESOLUTIONS OR RULES AGAINST DRUNKEN DRIVING, DRIVING UNDER THE
5 INFLUENCE OF ALCOHOL OR OTHER SIMILAR OFFENSES INVOLVING THE OPERA-
6 TION OF VEHICLES, AIRCRAFT, BOATS, MACHINERY OR OTHER EQUIPMENT, OR
7 REGARDING THE SALE, PURCHASE, DISPENSING, POSSESSING OR USING OF
8 ALCOHOLIC BEVERAGES AT STATED TIMES AND PLACES OR BY PARTICULAR
9 CLASSES OF PERSONS.

10 36-2031. Immunity from criminal or civil liability

11 A PEACE OFFICER, ADMINISTRATOR IN CHARGE OF AN APPROVED TREAT-
12 MENT FACILITY, OR ANY PERSON WHO IN GOOD FAITH ACTS IN COMPLIANCE
13 WITH THIS ARTICLE SHALL NOT BE CRIMINALLY OR CIVILLY LIABLE.

14 Sec. 2. Repeal

15 Section 13-379 and title 36, chapter 6, article 12, Arizona
16 Revised Statutes, are repealed.

17 Sec. 3. Appropriation

18 The sum of _____ dollars is appropriated to
19 the state department of health for the purposes provided in this act.