



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1745

Introduced 2/9/2017, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

20 ILCS 301/1-10
20 ILCS 301/25-15
20 ILCS 301/55-10

Amends the Alcoholism and Other Drug Abuse and Dependency Act. Redefines "detoxification" as the process of allowing an individual to safely withdraw or sober from a drug or alcohol in a controlled environment, including a treatment or law enforcement facility (rather than the process of allowing an individual to safely withdraw from a drug in a controlled environment). Provides that a person who appears to be an intoxicated person and who may be a danger to himself, herself, or others shall be taken into protective custody by police for detoxification at the police station. Provides that the police, in detaining the intoxicated person, shall take him or her into protective custody only, which does not constitute an arrest; and that no entry or other record shall be made to indicate that the person has been arrested or charged with a crime. Provides that a police officer may request that a person provide a sample of his or her breath for a preliminary breath screening test using an approved portable device. Provides that the results of the preliminary breath screening test may be used by the police officer only for assisting with the determination of whether the person is an intoxicated person and shall not be used as evidence in a court proceeding. Defines "protective custody". Exempts a police officer from civil or criminal liability for acting in good faith and without negligence in connection with certain actions, including the detention or discharge or the taking into protective custody of an individual under the Act.

LRB100 09236 KTG 19392 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Alcoholism and Other Drug Abuse and
5 Dependency Act is amended by changing Sections 1-10, 25-15, and
6 55-10 as follows:

7 (20 ILCS 301/1-10)

8 Sec. 1-10. Definitions. As used in this Act, unless the
9 context clearly indicates otherwise, the following words and
10 terms have the following meanings:

11 "Act" means the Alcoholism and Other Drug Abuse and
12 Dependency Act.

13 "Addict" means a person who exhibits the disease known as
14 "addiction".

15 "Addiction" means a disease process characterized by the
16 continued use of a specific psycho-active substance despite
17 physical, psychological or social harm. The term also describes
18 the advanced stages of chemical dependency.

19 "Administrator" means a person responsible for
20 administration of a program.

21 "Alcoholic" means a person who exhibits the disease known
22 as "alcoholism".

23 "Alcoholism" means a chronic and progressive disease or

1 illness characterized by preoccupation with and loss of control
2 over the consumption of alcohol, and the use of alcohol despite
3 adverse consequences. Typically, combinations of the following
4 tendencies are also present: periodic or chronic intoxication;
5 physical disability; impaired emotional, occupational or
6 social adjustment; tendency toward relapse; a detrimental
7 effect on the individual, his family and society; psychological
8 dependence; and physical dependence. Alcoholism is also known
9 as addiction to alcohol. Alcoholism is described and further
10 categorized in clinical detail in the DSM and the ICD.

11 "Array of services" means assistance to individuals,
12 families and communities in response to alcohol or other drug
13 abuse or dependency. The array of services includes, but is not
14 limited to: prevention assistance for communities and schools;
15 case finding, assessment and intervention to help individuals
16 stop abusing alcohol or other drugs; a uniform screening,
17 assessment, and evaluation process including criteria for
18 substance use disorders and mental disorders or co-occurring
19 substance use and mental health disorders; case management;
20 detoxification to aid individuals in physically withdrawing
21 from alcohol or other drugs; short-term and long-term treatment
22 and support services to help individuals and family members
23 begin the process of recovery; prescription and dispensing of
24 the drug methadone or other medications as an adjunct to
25 treatment; relapse prevention services; education and
26 counseling for children or other co-dependents of alcoholics or

1 other drug abusers or addicts. For purposes of this Section, a
2 uniform screening, assessment, and evaluation process refers
3 to a process that includes an appropriate evaluation and, as
4 warranted, a referral. "Uniform" does not mean the use of a
5 singular instrument, tool, or process that all must utilize.

6 "Case management" means those services which will assist
7 individuals in gaining access to needed social, educational,
8 medical, treatment and other services.

9 "Children of alcoholics or drug addicts or abusers of
10 alcohol and other drugs" means the minor or adult children of
11 individuals who have abused or been dependent upon alcohol or
12 other drugs. These children may or may not become dependent
13 upon alcohol or other drugs themselves; however, they are
14 physically, psychologically, and behaviorally at high risk of
15 developing the illness. Children of alcoholics and other drug
16 abusers experience emotional and other problems, and benefit
17 from prevention and treatment services provided by funded and
18 non-funded agencies licensed by the Department.

19 "Co-dependents" means individuals who are involved in the
20 lives of and are affected by people who are dependent upon
21 alcohol and other drugs. Co-dependents compulsively engage in
22 behaviors that cause them to suffer adverse physical,
23 emotional, familial, social, behavioral, vocational, and legal
24 consequences as they attempt to cope with the alcohol or drug
25 dependent person. People who become co-dependents include
26 spouses, parents, siblings, and friends of alcohol or drug

1 dependent people. Co-dependents benefit from prevention and
2 treatment services provided by agencies licensed by the
3 Department.

4 "Controlled substance" means any substance or immediate
5 precursor which is enumerated in the schedules of Article II of
6 the Illinois Controlled Substances Act or the Cannabis Control
7 Act.

8 "Crime of violence" means any of the following crimes:
9 murder, voluntary manslaughter, criminal sexual assault,
10 aggravated criminal sexual assault, predatory criminal sexual
11 assault of a child, armed robbery, robbery, arson, kidnapping,
12 aggravated battery, aggravated arson, or any other felony which
13 involves the use or threat of physical force or violence
14 against another individual.

15 "Department" means the Illinois Department of Human
16 Services as successor to the former Department of Alcoholism
17 and Substance Abuse.

18 "Designated program" means a program designated by the
19 Department to provide services described in subsection (c) or
20 (d) of Section 15-10 of this Act. A designated program's
21 primary function is screening, assessing, referring and
22 tracking clients identified by the criminal justice system, and
23 the program agrees to apply statewide the standards, uniform
24 criteria and procedures established by the Department pursuant
25 to such designation.

26 "Detoxification" means the process of allowing an

1 individual to safely withdraw or sober from a drug or alcohol
2 in a controlled environment, including a treatment or law
3 enforcement facility.

4 "DSM" means the most current edition of the Diagnostic and
5 Statistical Manual of Mental Disorders.

6 "D.U.I." means driving under the influence of alcohol or
7 other substances which may cause impairment of driving ability.

8 "Facility" means the building or premises which are used
9 for the provision of licensable program services, including
10 support services, as set forth by rule.

11 "ICD" means the most current edition of the International
12 Classification of Diseases.

13 "Incapacitated" means that a person is unconscious or
14 otherwise exhibits, by overt behavior or by extreme physical
15 debilitation, an inability to care for his own needs or to
16 recognize the obvious danger of his situation or to make
17 rational decisions with respect to his need for treatment.

18 "Intermediary person" means a person with expertise
19 relative to addiction, alcoholism, and the abuse of alcohol or
20 other drugs who may be called on to assist the police in
21 carrying out enforcement or other activities with respect to
22 persons who abuse or are dependent on alcohol or other drugs.

23 "Intervention" means readily accessible activities which
24 assist individuals and their partners or family members in
25 coping with the immediate problems of alcohol and other drug
26 abuse or dependency, and in reducing their alcohol and other

1 drug use. Intervention can facilitate emotional and social
2 stability, and involves referring people for further treatment
3 as needed.

4 "Intoxicated person" means a person whose mental or
5 physical functioning is substantially impaired as a result of
6 the current effects of alcohol or other drugs within the body.

7 "Local advisory council" means an alcohol and substance
8 abuse body established in a county, township or community area,
9 which represents public and private entities having an interest
10 in the prevention and treatment of alcoholism or other drug
11 abuse.

12 "Off-site services" means licensable program services or
13 activities which are conducted at a location separate from the
14 primary service location of the provider, and which services
15 are operated by a program or entity licensed under this Act.

16 "Person" means any individual, firm, group, association,
17 partnership, corporation, trust, government or governmental
18 subdivision or agency.

19 "Prevention" means an interactive process of individuals,
20 families, schools, religious organizations, communities and
21 regional, state and national organizations to reduce
22 alcoholism, prevent the use of illegal drugs and the abuse of
23 legal drugs by persons of all ages, prevent the use of alcohol
24 by minors, build the capacities of individuals and systems, and
25 promote healthy environments, lifestyles and behaviors.

26 "Program" means a licensable or fundable activity or

1 service, or a coordinated range of such activities or services,
2 as the Department may establish by rule.

3 "Recovery" means the long-term, often life-long, process
4 in which an addicted person changes the way in which he makes
5 decisions and establishes personal and life priorities. The
6 evolution of this decision-making and priority-setting process
7 is generally manifested by an obvious improvement in the
8 individual's life and lifestyle and by his overcoming the abuse
9 of or dependence on alcohol or other drugs. Recovery is also
10 generally manifested by prolonged periods of abstinence from
11 addictive chemicals which are not medically supervised.
12 Recovery is the goal of treatment.

13 "Rehabilitation" means a process whereby those clinical
14 services necessary and appropriate for improving an
15 individual's life and lifestyle and for overcoming his or her
16 abuse of or dependency upon alcohol or other drugs, or both,
17 are delivered in an appropriate setting and manner as defined
18 in rules established by the Department.

19 "Relapse" means a process which is manifested by a
20 progressive pattern of behavior that reactivates the symptoms
21 of a disease or creates debilitating conditions in an
22 individual who has experienced remission from addiction or
23 alcoholism.

24 "Secretary" means the Secretary of Human Services or his or
25 her designee.

26 "Substance abuse" or "abuse" means a pattern of use of

1 alcohol or other drugs with the potential of leading to
2 immediate functional problems or to alcoholism or other drug
3 dependency, or to the use of alcohol and/or other drugs solely
4 for purposes of intoxication. The term also means the use of
5 illegal drugs by persons of any age, and the use of alcohol by
6 persons under the age of 21.

7 "Treatment" means the broad range of emergency,
8 outpatient, intermediate and residential services and care
9 (including assessment, diagnosis, medical, psychiatric,
10 psychological and social services, care and counseling, and
11 aftercare) which may be extended to individuals who abuse or
12 are dependent on alcohol or other drugs or families of those
13 persons.

14 (Source: P.A. 97-1061, eff. 8-24-12.)

15 (20 ILCS 301/25-15)

16 Sec. 25-15. Emergency treatment and protective custody.

17 (a) An intoxicated person may come voluntarily to a
18 treatment facility for emergency treatment. A person who
19 appears to be intoxicated in a public place and who may be a
20 danger to himself or others may be assisted to his home, a
21 treatment facility or other health facility either directly by
22 the police or through an intermediary person.

23 (b) A person who appears to be unconscious or in immediate
24 need of emergency medical services while in a public place and
25 who shows symptoms of impairment brought on by alcoholism or

1 other drug abuse or dependency may be taken into protective
2 custody by the police and forthwith brought to an emergency
3 medical service. A person who is otherwise incapacitated while
4 in a public place and who shows symptoms of alcoholism or other
5 drug abuse or dependency may be taken into custody and
6 forthwith brought to a facility available for detoxification.
7 The police in detaining the person shall take him into
8 protective custody only, which shall not constitute an arrest.
9 No entry or other record shall be made to indicate that the
10 person has been arrested or charged with a crime. The detaining
11 officer may take reasonable steps to protect himself from harm.

12 (c) A person who appears to be an intoxicated person, as
13 defined under Section 1-10 of this Act, and who may be a danger
14 to himself, herself, or others shall be taken into protective
15 custody by police for the purpose of detoxification at the
16 police station. The police, in detaining the intoxicated
17 person, shall take him or her into protective custody only,
18 which shall not constitute an arrest. No entry or other record
19 shall be made to indicate that the person has been arrested or
20 charged with a crime. The detaining officer may take reasonable
21 steps to protect himself or herself from harm.

22 A police officer may request that a person provide a sample
23 of his or her breath for a preliminary breath screening test
24 using a portable device approved by the Illinois State Police.
25 The results of this preliminary breath screening test may be
26 used by the police officer only for the purpose of assisting

1 with the determination of whether the person is an intoxicated
2 person and shall not be used as evidence in a court proceeding.
3 The police officer shall advise the person that the results of
4 the test cannot be used as evidence in a court proceeding and
5 that he or she has the right to refuse the test. As used in this
6 Section, "protective custody" means medical services or
7 detoxification.

8 (Source: P.A. 88-80.)

9 (20 ILCS 301/55-10)

10 Sec. 55-10. Immunity from civil or criminal liability. No
11 intermediary person or police officer acting in good faith and
12 without negligence in connection with the preparation of
13 petitions, applications, certificates or other documents for
14 apprehension, transportation, examination, treatment,
15 detention or discharge or the taking into protective custody of
16 an individual under the provisions of this Act shall incur any
17 civil or criminal liability by reason of these acts.

18 (Source: P.A. 88-80.)