

LAWS OF ARIZONA

CHAPTER 162

Senate Bill 1107

AN ACT

RELATING TO PUBLIC HEALTH; PROVIDING FOR EVALUATION AND TREATMENT OF PERSONS IMPAIRED BY ALCOHOLISM; ABOLISHING PUBLIC DRUNKENNESS AS A CRIME; DEFINING VAGRANCY; AMENDING SECTIONS 13-379 AND 13-991, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 18, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; REPEALING TITLE 36, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, AND MAKING AN APPROPRIATION.

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

Section 1. Section 13-379, Arizona Revised Statutes, is amended to read:

13-379. ~~Public drunkenness; drug~~ **Drug incapacitation; toxic vapors; poisons; penalty**

Any person in a public place under the influence of ~~alcohol~~, toxic vapors, poisons, narcotics or other drug not therapeutically administered, where it reasonably appears that he may endanger himself or other persons or property, is guilty of a misdemeanor.

Sec. 2. Section 13-991, Arizona Revised Statutes, is amended to read:

13-991. **Definition; punishment**

The following are vagrants and shall be punished by imprisonment in the county jail for not to exceed ninety days:

- ~~1. A person, except an Indian, without visible means of living who has the physical ability to work and who does not for the space of ten days seek employment, nor labor when employment is offered him.~~
- ~~2.~~ 1. A healthy beggar who solicits alms as a business.
- ~~3.~~ 2. A person who roams about from place to place without any lawful business.

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- ~~4. 3. An idle or dissolute A person, or associate of known thieves, who wanders about the streets at late or unusual hours of the night without any visible or lawful business, or who lodges in a barn, shed, shop, outhouse, lumber yard or places other than those kept for lodging purposes, without permission of the owner or person entitled to possession thereof.~~
- ~~5. A lewd and dissolute person who lives in and about houses of ill fame.~~
- ~~6. A common drunkard.~~

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

ARTICLE 2. EVALUATION AND TREATMENT OF
PERSONS IMPAIRED BY ALCOHOLISM

36-2021. **Definitions**

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "ALCOHOLIC" MEANS A PERSON WHO HABITUALLY LACKS SELF-CONTROL WITH RESPECT TO THE USE OF ALCOHOLIC BEVERAGES OR WHO USES ALCOHOLIC BEVERAGES TO THE EXTENT THAT HIS HEALTH IS SUBSTANTIALLY IMPAIRED OR ENDANGERED OR HIS SOCIAL OR ECONOMIC FUNCTIONS ARE SUBSTANTIALLY DISRUPTED.
2. "APPROVED PRIVATE TREATMENT FACILITY" MEANS A PRIVATE AGENCY MEETING THE STANDARDS ESTABLISHED BY THE DEPARTMENT AND APPROVED PURSUANT TO SECTIONS 36-2023 AND 36-2029.
3. "APPROVED PUBLIC TREATMENT FACILITY" MEANS A TREATMENT AGENCY OPERATING UNDER THE DIRECTIONS AND CONTROL OF A COUNTY PROVIDING TREATMENT THROUGH A CONTRACT WITH A COUNTY MEETING THE STANDARDS ESTABLISHED BY THE DEPARTMENT AND APPROVED PURSUANT TO SECTIONS 36-2023 AND 36-2029.
4. "ASSISTANT COMMISSIONER" MEANS THE ASSISTANT COMMISSIONER FOR ADDICTIVE BEHAVIOR SERVICES.

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

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

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

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

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

10. "LOCAL ALCOHOLISM RECEPTION CENTER" MEANS AN INITIAL RECEPTION AGENCY FOR A PERSON WHO IS INTOXICATED OR WHO IS INCAPACITATED BY ALCOHOL TO RECEIVE INITIAL EVALUATION AND PROCESSING FOR ASSIGNMENT FOR FURTHER EVALUATION OR INTO A TREATMENT PROGRAM.

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

36-2022. **Establishment of facilities**

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

B. COUNTIES MAY ESTABLISH A PUBLIC TREATMENT FACILITY OR FACILITIES FOR THE EVALUATION AND TREATMENT OF ALCOHOLICS AND INTOXICATED PERSONS BY RESOLUTION OF THE BOARD OF SUPERVISORS.

C. COUNTIES MAY CONTRACT WITH OTHER COUNTIES FOR THE SERVICES OF A PUBLIC TREATMENT FACILITY OR MAY CONTRACT WITH A PRIVATE TREATMENT FACILITY.

36-2023. Rules and regulations of the department

A. THE DEPARTMENT SHALL MAKE AND ENFORCE RULES AND REGULATIONS WHICH ESTABLISH STANDARDS FOR APPROVED PUBLIC AND PRIVATE TREATMENT FACILITIES WHICH MUST BE MET FOR A TREATMENT FACILITY TO BE APPROVED. THE DEPARTMENT PERIODICALLY SHALL INSPECT APPROVED FACILITIES AT REASONABLE TIMES AND IN A REASONABLE MANNER. EACH APPROVED PUBLIC AND PRIVATE TREATMENT FACILITY SHALL FILE WITH THE DEPARTMENT ON REQUEST DATA, STATISTICS, SCHEDULES OR INFORMATION THE DEPARTMENT REASONABLY REQUIRES. AN APPROVED FACILITY THAT WITHOUT GOOD CAUSE FAILS TO FURNISH ANY DATA, STATISTICS, SCHEDULES OR INFORMATION AS REQUESTED OR THAT FILES FRAUDULENT RETURNS THEREOF SHALL BE REMOVED FROM THE LIST OF APPROVED TREATMENT FACILITIES.

B. THE DEPARTMENT IN COMPLIANCE WITH SUBSECTION A SHALL ADOPT AND MAY AMEND OR REPEAL RULES FOR THE ACCEPTANCE OF PERSONS INTO A TREATMENT PROGRAM, IN LIGHT OF THE AVAILABLE TREATMENT RESOURCES AND FACILITIES, WITH A VIEW TO THE EARLY AND EFFECTIVE PROVISION OF EVALUATION AND TREATMENT FOR ALCOHOLICS AND INTOXICATED PERSONS. IN ESTABLISHING THE RULES, THE DEPARTMENT SHALL BE GUIDED BY THE FOLLOWING STANDARDS:

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1. AN INTOXICATED PERSON OR PERSON INCAPACITATED BY ALCOHOL, WHO VOLUNTARILY SEEKS TREATMENT OR WHO IS TRANSPORTED TO AN APPROVED FACILITY BY A PEACE OFFICER OR OTHER PERSON SHALL BE INITIALLY BROUGHT TO AND EVALUATED AT A LOCAL ALCOHOLISM RECEPTION CENTER.

2. A PERSON SHALL RECEIVE AN INITIAL EVALUATION.

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

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

5. AN INDIVIDUALIZED TREATMENT PLAN SHALL BE PREPARED AND MAINTAINED ON A CURRENT BASIS FOR EACH PATIENT.

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

C. THE DEPARTMENT SHALL:

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

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

3. COOPERATE WITH THE DEPARTMENT OF EDUCATION, SCHOOLS, POLICE DEPARTMENT, COURTS AND OTHER PUBLIC

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AND PRIVATE AGENCIES, ORGANIZATIONS AND INDIVIDUALS IN ESTABLISHING PROGRAMS FOR THE PREVENTION OF ALCOHOLISM AND TREATMENT OF ALCOHOLICS AND INTOXICATED PERSONS AND IN PREPARING CURRICULUM MATERIALS THEREON FOR USE AT ALL LEVELS OF SCHOOL EDUCATION.

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

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

36-2024. **Treatment of alcoholics**

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

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

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

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

A. AN INTOXICATED PERSON MAY COME VOLUNTARILY TO AN APPROVED LOCAL ALCOHOLISM RECEPTION CENTER FOR EMERGENCY ALCOHOLISM TREATMENT.

B. A PERSON WHO VOLUNTARILY COMES OR IS BROUGHT TO A LOCAL ALCOHOLISM RECEPTION CENTER AND IS IN NEED OF IMMEDIATE MEDICAL TREATMENT SHALL BE REFERRED TO AN APPROVED TREATMENT FACILITY AND SHALL BE EXAMINED BY A LICENSED PHYSICIAN AS SOON AS POSSIBLE AND MAY BE ADMITTED AS A PATIENT OR REFERRED TO ANOTHER APPROVED TREATMENT FACILITY OR PROGRAM.

C. A PERSON WHO IS NOT ADMITTED TO AN APPROVED LOCAL ALCOHOLISM RECEPTION CENTER AND WHO IS NOT REFERRED TO AN APPROVED TREATMENT FACILITY OR PROGRAM AND WHO HAS NO FUNDS MAY BE TAKEN TO HIS HOME BY PERSONNEL AT THE LOCAL ALCOHOLISM RECEPTION CENTER. IF HE HAS NO HOME, THE APPROVED LOCAL ALCOHOLISM RECEPTION CENTER PERSONNEL SHALL ASSIST HIM IN OBTAINING SHELTER.

D. IF THE PATIENT IS ADMITTED TO AN APPROVED LOCAL ALCOHOLISM RECEPTION CENTER FOR INITIAL EVALUATION AND PROCESSING, HIS FAMILY OR NEXT OF KIN SHALL BE NOTIFIED AS PROMPTLY AS POSSIBLE. IF AN ADULT PATIENT WHO IS NOT INCAPACITATED BY ALCOHOL REQUESTS THAT THERE BE NO NOTIFICATION, HIS REQUEST SHALL BE RESPECTED.

E. IF THE ADMINISTRATOR IN CHARGE OF THE APPROVED LOCAL ALCOHOLISM RECEPTION CENTER DETERMINES THAT IT IS FOR THE PATIENT'S BENEFIT, THE PATIENT SHALL BE ENCOURAGED TO AGREE TO ASSIGNMENT FOR FURTHER EVALUATION OR TO AGREE TO ASSIGNMENT INTO A TREATMENT PROGRAM.

36-2026. Emergency admission

A. A PUBLICLY INTOXICATED PERSON:

1. WHO HAS THREATENED, ATTEMPTED TO INFLICT PHYSICAL HARM, OR INFLICTED PHYSICAL HARM UPON HIMSELF OR

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ANOTHER, AND WHO IS LIKELY TO INFLICT PHYSICAL HARM ON HIMSELF OR ANOTHER UNLESS ADMITTED, OR

2. WHO IS INCAPACITATED BY ALCOHOL, MAY BE BROUGHT BY A PEACE OFFICER OR ANY OTHER PERSON TO AN APPROVED LOCAL ALCOHOLISM RECEPTION CENTER FOR EMERGENCY EVALUATION AND TREATMENT.

B. A PEACE OFFICER WHO HAS REASONABLE CAUSE TO BELIEVE THAT A PERSON IS INTOXICATED IN A PUBLIC PLACE AND SUCH PERSON IS OR MAY BE A DETRIMENT TO HIMSELF OR OTHERS MAY TRANSPORT SUCH PERSON TO A LOCAL ALCOHOLISM RECEPTION CENTER. NO UNNECESSARY OR UNREASONABLE FORCE SHALL BE USED IN TRANSPORTING SUCH PERSON AND THE PERSON SHALL NOT BE SUBJECTED TO ANY GREATER RESTRAINT THAN IS NECESSARY TO TRANSPORT SUCH PERSON TO THE LOCAL ALCOHOLISM RECEPTION CENTER.

C. AN INTOXICATED PERSON RECEIVED OR ACCEPTED BY A LOCAL ALCOHOLISM RECEPTION CENTER SHALL NOT BE SUBJECT TO UNNECESSARY OR UNREASONABLE FORCE. THE LOCAL ALCOHOLISM RECEPTION CENTER SHALL USE SUCH METHODS AND EXERCISE SUCH RESTRAINT OF THE INTOXICATED PERSON AS IS REASONABLY NECESSARY FOR THE SAFETY OF SUCH PERSON AND OTHERS AND CONSISTENT WITH THE PROVISIONS OF SUBSECTION D OF THIS SECTION.

D. THE ADMINISTRATOR IN CHARGE OF AN APPROVED LOCAL ALCOHOLISM RECEPTION CENTER SHALL DISCHARGE ANY PERSON ADMITTED PURSUANT TO THIS SECTION NOT MORE THAN TWENTY-FOUR HOURS AFTER THE PERSON REQUESTS TO BE DISCHARGED OR AFTER THE ADMINISTRATOR ON ADVICE OF THE MEDICAL STAFF DETERMINES THAT THE GROUNDS FOR ADMISSION NO LONGER EXIST.

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

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

1. IT APPEARS THAT SUCH PERSON IS AN ALCOHOLIC, AND
2. SUCH PERSON, AFTER BEING ADVISED OF HIS PRIVILEGE TO UNDERGO EVALUATION AND TREATMENT, CHOOSES THE

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EVALUATION AND TREATMENT PROCEDURES.

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

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

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

D. IF THE COURT ISSUES AN ORDER FOR EVALUATION AND TREATMENT AS PROVIDED IN THIS SECTION, PROCEEDINGS ON THE CRIMINAL CHARGE OR CHARGES THEN PENDING IN THE COURT FROM WHICH THE ORDER FOR EVALUATION AND TREATMENT ISSUED SHALL BE SUSPENDED UNTIL SUCH TIME AS THE EVALUATION AND TREATMENT OF THE DEFENDANT AND THE SUBSEQUENT DETENTION OF THE DEFENDANT, IF ANY, ARE COMPLETED. UPON COMPLETION OF THE EVALUATION AND TREATMENT, AND DETENTION, IF ANY, THE DEFENDANT SHALL BE RETURNED TO THE COURT WHERE THE ORDER FOR EVALUATION AND TREATMENT WAS MADE AND PROCEEDINGS ON THE CRIMINAL CHARGE OR CHARGES SHALL BE RESUMED OR DISMISSED. NO CHARGE OR CHARGES SHALL BE DISMISSED BASED ON DEFENDANT'S FAILURE TO RECEIVE A SPEEDY TRIAL.

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

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

A. A PATIENT BEING TREATED BY AN APPROVED TREATMENT FACILITY OR THE ESTATE OF THE PATIENT, OR A PERSON OBLIGATED TO PROVIDE THE COST OF THE EVALUATION AND TREATMENT AND HAVING SUFFICIENT FINANCIAL ABILITY IS LIABLE TO THE APPROVED TREATMENT FACILITY FOR THE COST OF EVALUATION AND TREATMENT OF THE PATIENT IN

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ACCORDANCE WITH THE RATES ESTABLISHED BY THE DEPARTMENT.

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

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

D. THE DEPARTMENT SHALL PREPARE AND ADOPT PATIENT FEE SCHEDULES TO BE USED BY APPROVED TREATMENT FACILITIES FOR SERVICES RENDERED TO EACH PATIENT AFFLICTED WITH ALCOHOLISM. IN PREPARING SUCH PATIENT FEE SCHEDULES, THE DEPARTMENT SHALL TAKE INTO ACCOUNT THE EXISTING CHARGES FOR AVAILABLE SERVICES. THE DEPARTMENT IS NOT PROHIBITED FROM INCLUDING THE AMOUNT OF EXPENDITURES FOR CAPITAL OUTLAY IN ITS DETERMINATION OF THE FEE SCHEDULES.

36-2029. Funding of facilities; contracts; alcoholic facilities fund; limitations

A. THE DEPARTMENT MAY USE STATE AND FEDERAL MONIES APPROPRIATED OR OTHERWISE AVAILABLE FOR THE EVALUATION AND TREATMENT OF ALCOHOLICS, TO ASSIST IN THE ESTABLISHMENT AND MAINTENANCE OF APPROVED PUBLIC OR PRIVATE TREATMENT FACILITIES. SUCH FUNDS MAY BE EXPENDED FOR PROFESSIONAL FEES FOR SERVICES AT AN APPROVED TREATMENT FACILITY OR IN CONTRACT FOR ADVANCEMENT OR REIMBURSEMENT OF SERVICES PROVIDED AT AN APPROVED TREATMENT FACILITY OR ANY OTHER APPROPRIATE MANNER AND MAY BE USED FOR ANY PURPOSE NECESSARY TO PROVIDE EVALUATION AND TREATMENT AT APPROVED TREATMENT FACILITIES. THESE FUNDS MAY NOT BE

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USED FOR DEPARTMENT SALARIES OR ANY OTHER PURPOSE WITHIN THE DEPARTMENT BUT MAY BE USED FOR CONSULTATION TO THE DEPARTMENT IN THE INTEREST OF APPROVED TREATMENT FACILITIES.

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

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

D. AN APPROVED PRIVATE OR PUBLIC TREATMENT FACILITY PROVIDING EVALUATION AND TREATMENT MAY RECEIVE STATE FUNDING UPON COMPLYING WITH THE RULES AND REGULATIONS ESTABLISHED BY THE DEPARTMENT. ANY SUCH FACILITY IS NOT ELIGIBLE FOR STATE FUNDING UNTIL APPROVED BY THE ASSISTANT COMMISSIONER.

E. THERE IS ESTABLISHED AN ALCOHOLIC FACILITIES FUND. THE ALCOHOLIC FACILITIES FUND SHALL CONSIST OF THE APPROPRIATIONS AND OTHER MONIES FOR THE USE OF THE DEPARTMENT AS PROVIDED BY LAW. THE STATE TREASURER SHALL RECEIVE AND DISBURSE THE MONIES IN THE FUND UPON CLAIMS SIGNED BY THE ASSISTANT COMMISSIONER OR OTHER PERSONS IN THE DEPARTMENT DESIGNATED BY THE ASSISTANT COMMISSIONER. THE STATE TREASURER SHALL MAINTAIN IN SEPARATE ACCOUNTS MONIES FOR THE DEPARTMENT WHICH ARE RECEIVED BY GIFT, GRANT, BEQUEST OR DEVISE AND SUCH MONIES SHALL BE DISTRIBUTED FOR THE PURPOSES OF AND IN CONFORMITY WITH THE TERMS OF THE GRANT, GIFT, BEQUEST OR DEVISE. ANY UNEXPENDED BALANCE OF SUCH MONEY SHALL NOT REVERT TO THE GENERAL FUND AT THE END OF THE FISCAL YEAR. MONIES RECEIVED FROM THE

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FEDERAL GOVERNMENT OR AN AGENCY THEREOF SHALL BE KEPT IN A SEPARATE ACCOUNT IN THE ALCOHOLIC FACILITIES FUND. ANY UNEXPENDED AND UNENCUMBERED BALANCE OF FEDERAL FUNDS REMAINING IN THE ALCOHOLIC FACILITIES FUND AT THE END OF THE FISCAL YEAR SHALL NOT REVERT TO THE GENERAL FUND.

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

36-2030. Immunity from criminal or civil liability

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

36-2031. Criminal laws limitations

A. NO COUNTY, MUNICIPALITY OR OTHER POLITICAL SUBDIVISION MAY ADOPT OR ENFORCE ANY LOCAL LAW, ORDINANCE, RESOLUTION OR RULE HAVING THE FORCE OF LAW THAT INCLUDES BEING A COMMON DRUNKARD OR BEING FOUND IN AN INTOXICATED CONDITION AS ONE OF THE ELEMENTS OF THE OFFENSE GIVING RISE TO CRIMINAL OR CIVIL PENALTY OR SANCTIONS, BUT NOTHING IN THIS ACT SHALL AFFECT ANY LAWS, ORDINANCES, RESOLUTIONS OR RULES AGAINST DRUNKEN DRIVING, DRIVING UNDER THE INFLUENCE OF ALCOHOL OR OTHER SIMILAR OFFENSES INVOLVING THE OPERATION OF VEHICLES, AIRCRAFT, BOATS, MACHINERY OR OTHER EQUIPMENT, OR REGARDING THE SALE, PURCHASE, DISPENSING, POSSESSING OR USING OF ALCOHOLIC BEVERAGES AT STATED TIMES AND PLACES OR BY PARTICULAR CLASSES OF PERSONS.

B. NO COUNTY, MUNICIPALITY OR OTHER POLITICAL SUBDIVISION MAY INTERPRET OR APPLY ANY LAW OF GENERAL APPLICATION TO CIRCUMVENT THE PROVISION OF SUBSECTION A.

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Sec. 4. Repeal

Title 36, chapter 6, article 12, Arizona Revised Statutes, is repealed:

Sec. 5. Appropriation; purposes

The sum of six hundred thousand dollars is appropriated to the state department of health for the purposes provided in this act. Of such sum, the sum of one hundred thousand dollars is appropriated for use by the state department of health on behalf of counties and incorporated cities and towns to provide matching funds for programs and projects for law enforcement, pursuant to this act, as required by sections 301, 303 and 306 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Omnibus Crime Control Act of 1970.

Sec. 6. Effective date

The provisions of sections 1, 2, and section 36-2031, Arizona Revised Statutes, are effective on January 1, 1974.

Approved by the Governor - May 22, 1972

Filed in the Office of the Secretary of State - May 22, 1972