

February 15, 1951.
Passed on File.

Senate File 341

By **OLTMAN, BEKMAN, PARKER, WATSON** of
Pottawattamie, BERG, BYERS, HART,
NESMITH, RIDOUT, McCARVILLE.

Passed Senate, Date
Vote: Ayes..... Nays.....
Passed House, Date
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act to provide for the rehabilitation of alcoholics who voluntarily enter or are committed thereto as provided herein to state hospitals for treatment.

Whereas, the number of alcoholics in the United States has increased more than three hundred thousand (300,000) in the last few years; and

Whereas, the State of Iowa is engaged in an attempt to control the consumption of alcoholic liquors by the distribution and sale thereof; and

Whereas, recent discoveries by science have tended to show that alcoholism is a disease—and will respond to medical and psychiatric treatment; and

Whereas, no proper and effective method for admission and treatment of alcoholics has been set up in the state of Iowa; now, therefore,

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. Any resident of the state may apply for
- 2 voluntary admission for the treatment of alcoholism to Cherokee
- 3 State Hospital, Independence State Hospital, Clarinda State
- 4 Hospital, or Mt. Pleasant State Hospital, the state hospital
- 5 serving the district in which he resides. This application
- 6 shall be made on forms provided by the board of control and
- 7 under such regulations as the board may prescribe. If the

5 superintendent shall be satisfied, after examination of the
9 applicant by the staff, that he is in need of hospital
10 treatment and will be benefited thereby, the superintendent
11 may receive and care for the applicant in the state hospital
12 for such period of time as he shall deem necessary for the
13 treatment, improvement or recovery of said patient.

1 Sec. 2. The board of control is directed to segregate
2 and set aside such accommodations as may be necessary which
3 shall be used exclusively for the treatment of patients
4 received under this chapter.

1 Sec. 3. The discharge of patients from the state hospitals
2 who voluntarily entered the hospital shall be only by order
3 of the superintendent, but he shall be guided in his decisions
4 by the physicians attending such patient.

1 Sec. 4. Neither the superintendent nor any other
2 official or employee of the state hospital shall be liable
3 for the detention of any person voluntarily admitted in such
4 state hospital under the provisions herein until thirty
5 (30) days after the patient has made demand in writing for
6 his release from detention, and then only if it be established
7 that such detention was unreasonable and arbitrary. Nothing
8 in this Act, however, shall in any way restrict the right of
9 any patient to secure, or attempt to secure, his freedom by
10 habeas corpus proceeding as now provided by law.

1 Sec. 5. Upon receipt of such a demand for discharge the
2 superintendent may immediately request a writ of commitment

3 from the district court in which the hospital is located.
4 Such request shall be accompanied by a statement of attending
5 physician that further treatment is necessary in the best
6 interests of the patient and the public. The court shall
7 set said request for immediate hearing before the court and
8 prescribe the notice to be given therefor. If it appears
9 that the patient is not represented by counsel, the court
10 shall appoint one to appear and defend said patient and who
11 shall receive such compensation as the court shall fix,
12 which shall be taxed as costs. The board of control shall
13 pay the costs of such proceedings. Such hearing shall be
14 private and all records made thereof shall be confidential.
15 If upon such hearing which shall be in presence of the patient
16 the court shall find the patient to be an alcoholic and in
17 further need of treatment, he shall issue a writ of
18 commitment to the state hospital for a period not to exceed
19 ninety (90) days.

1 Sec. 6. This act shall be construed as severable. A
2 decision invalidating any portion hereof shall not affect
3 other provisions which can be given effect without such
4 invalid part.