



INVOLUNTARY COMMITMENT FOR INDIVIDUALS WITH A SUBSTANCE USE DISORDER OR ALCOHOLISM

Research current through August 2016.

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PURPOSE AND STRUCTURE OF DOCUMENT

Substance use disorders and/or alcoholism can wreak havoc on an individual's life and the lives of their family and friends. They can cause repeated absences and poor work performance resulting in loss of employment, neglect of familial responsibilities, problems with interpersonal relationships, loss of family and friends, and repeated contact with the criminal justice system. Individuals with substance use disorders and/or alcoholism are often unable or unwilling to voluntarily submit to treatment. As a result, many states have enacted involuntary commitment statutes to provide for the detention and treatment of individuals with substance use disorders and/or alcoholism.

This document will first provide a summary of the most common involuntary commitment provisions across the nation followed by a series of charts with detailed information on each state's laws. Please note that the focus of this memorandum is on civil commitment rather than on commitment of individuals with criminal charges who are ordered to undergo treatment as part of their sentence or in lieu of serving time in jail. Additionally, statutes regarding protective custody of individuals who are impaired or incapacitated by alcohol or drugs are not included in this memorandum. Further, this memorandum does not discuss involuntary outpatient treatment.

SUMMARY OF INVOLUNTARY COMMITMENT LAWS

The first proposal for a “sober-house hospital” to treat alcoholics was made by Benjamin Rush (Founding Father and Surgeon General in the Continental Army) in 1812.¹ This was followed by calls by others for the creation of asylums to treat inebriates in 1830 and the founding of the first “embryo asylum” at Boston’s Washingtonian Hall in 1845.² There was much discussion of involuntary commitment of alcoholics, with various opponents arguing that treatment was ineffective, that the certification process was suspect, and that morality should not be legislated.³ In the face of this opposition, fourteen (14) states nevertheless enacted involuntary commitment laws for inebriates during the last half of the 19th century.⁴ Following prohibition, consumption of alcohol was barred and use of narcotics was criminalized, making commitment of persons with alcoholism or addiction superfluous as these individuals were often incarcerated.⁵ Commitment laws for individuals with substance use disorders made a resurgence in the 1960s following “a series of U.S. Supreme Court decisions that decriminalized alcoholism and addiction.”^{6,7}

Currently, thirty-seven (37) states and the District of Columbia have statutes in place allowing for the involuntary commitment of individuals suffering from substance use disorder, alcoholism, or both (see the national map on page 7). In five (5) states (Indiana, Maine, Nebraska, Tennessee, and Virginia), substance abuse and alcoholism are specifically included in the statutory definition of mental illness or mental disorder, making involuntary commitment of a person with a substance use disorder and/or alcoholism the same as the civil commitment of an individual with a psychiatric condition. The majority of states, however, specifically exclude substance use disorders and alcoholism from their legal definition of mental illness or mental disorder, which is likely due to criminal court considerations with legislators not wanting criminal defendants who committed a crime while under the influence to be able to plead an insanity defense. In total, twenty-three (23) states exclude substance use disorders and alcoholism from the statutory definition of mental illness or mental disorder. Seven (7) of those states (Alabama, Arizona, Idaho, Illinois, Nevada, New Hampshire, and Wyoming) do not have separate involuntary commitment provisions for individuals with substance use disorders and/or alcoholism, while the remaining sixteen (16) states do have separate commitment procedures for substance use disorders and/or alcoholism.

¹Hall, Kathleen Thompson, MD and Paul S. Appelbaum, MD. “The Origins of Commitment for Substance Abuse in the United States.” The Journal of the American Academy of Psychiatry and the Law 30 (2002): 30:33-45.

²*Id.*

³*Id.*

⁴*Id.*

⁵*Id.*

⁶*Id.*

⁷See, “Constitutional Considerations for Involuntary Commitment,” National Alliance for Model State Drug Laws, www.namsdl.org, for more information on the legal history of involuntary commitment statutes.

A further twenty-three (23) states make no reference to substance use disorders or alcoholism in their mental illness or mental disorder definitions. Of those, five (5) states (Maryland, New Jersey, New Mexico, Oregon, and Utah) have no separate involuntary commitment provisions for substance use disorders and/or alcoholism. New York includes alcoholism, substance dependence, or chemical dependence in its definition of “mental disability.”⁸ However, substance use disorders and alcoholism are not mentioned in its definition of mental illness, nor is there a separate provision for involuntary commitment of individuals with mental disabilities, substance abuse, or alcoholism. Substance abuse and alcoholism may be covered by the state mental illness statutes in those five states, but such an interpretation is unclear from the context of the statutes.

Seventeen (17) states do not reference substance use disorders or alcoholism in their statutory definitions of mental illness or mental disorder, but have separate involuntary commitment provisions for individuals with substance use disorders and/or alcoholism.

Of the thirty-seven (37) states with involuntary commitment laws for individuals with substance use disorders and/or alcoholism, Montana and Rhode Island only provide for involuntary commitment of individuals suffering from alcoholism, while Vermont only includes provisions for persons with drug addiction.

There are many commonalities among the states with regard to their involuntary commitment provisions. In every state, individuals sought to be committed have the right to an attorney or, if they cannot afford an attorney, to have the court or other committing agency appoint an attorney to represent them at every stage of the proceedings. Every state also grants individuals the right to petition for a writ of habeas corpus at any point after they have been committed. The purpose of a writ of habeas corpus is to have the court determine whether the person’s detention is lawful and, if not, to order the release of the individual.

Other common rights afforded to individuals during commitment proceedings include the right to have a copy of the petition and notice of the hearing date, to present and cross-examine witnesses, to be examined by a medical or health care professional of his or her choice (usually at their own cost, unless the individual is indigent), and the right to appeal an adverse ruling. The individual also has the right to be present during the hearing or trial, although a court may determine that the individual’s presence in the courtroom would be detrimental to his or her health, in which case the court will keep the individual from attending and appoint a guardian *ad litem* to represent the individual’s interests in the proceeding. A guardian *ad litem* is different than an attorney in that a guardian’s duty is to protect the best interests of the individual, which may not always be what the individual wants, whereas the attorney’s duty is to act according to his or her client’s wishes. Additionally, in most states, individuals have the right to maintain communication with family and friends, their attorney, and clergy as well as the right to send and receive mail that hasn’t been intercepted, read, or censored.

⁸N.Y. Mental Hygiene Law § 1.03 (2016).

In general, individuals that may petition to have a person suffering from a substance use disorder and/or alcoholism committed include the person's spouse, guardian, relative, or health care professionals, including a physician, physician assistant, advanced practice registered nurse, or psychologist. In some states, any responsible adult with knowledge of the circumstances may petition to have the individual committed for treatment. In other states, commitment proceedings may only be commenced by the administrator or director of a treatment facility or hospital where the individual has been receiving treatment on an emergency basis.

The maximum period of commitment for individuals with substance use disorders and/or alcoholism runs the gamut from 24 hours to five days for emergency commitment proceedings to up to one year for involuntary commitment proceedings. In most cases, the maximum amount of time an individual can be detained is set out in statute; however, as mentioned above, the individual can petition for release via a writ of habeas corpus at any time. Additionally, the director or administrator of the facility where the individual is being held can release him or her at any time if the director or administrator believes that the individual is no longer in need of inpatient treatment. In some states, the director or administrator must receive court approval prior to discharging the individual, while in other states, the director or administrator must only notify the court that the patient has been discharged. As part of the discharge process, the director, administrator, court, or other committing agency may require that the patient continue treatment on an outpatient basis and, if the individual fails to cooperate with outpatient treatment, he or she may be remanded to the custody of the treatment facility.

States require that the involuntary commitment of individuals for inpatient treatment of a substance use disorder and/or alcoholism be the least restrictive alternative to treat the individual. If an individual can be adequately treated on an outpatient basis, the court or other committing agency is generally required to either dismiss the proceedings or will order the individual to submit to outpatient treatment. If the individual fails or refuses to cooperate with outpatient treatment, the court then has the option of detaining the individual for intensive inpatient treatment at a public or private facility.

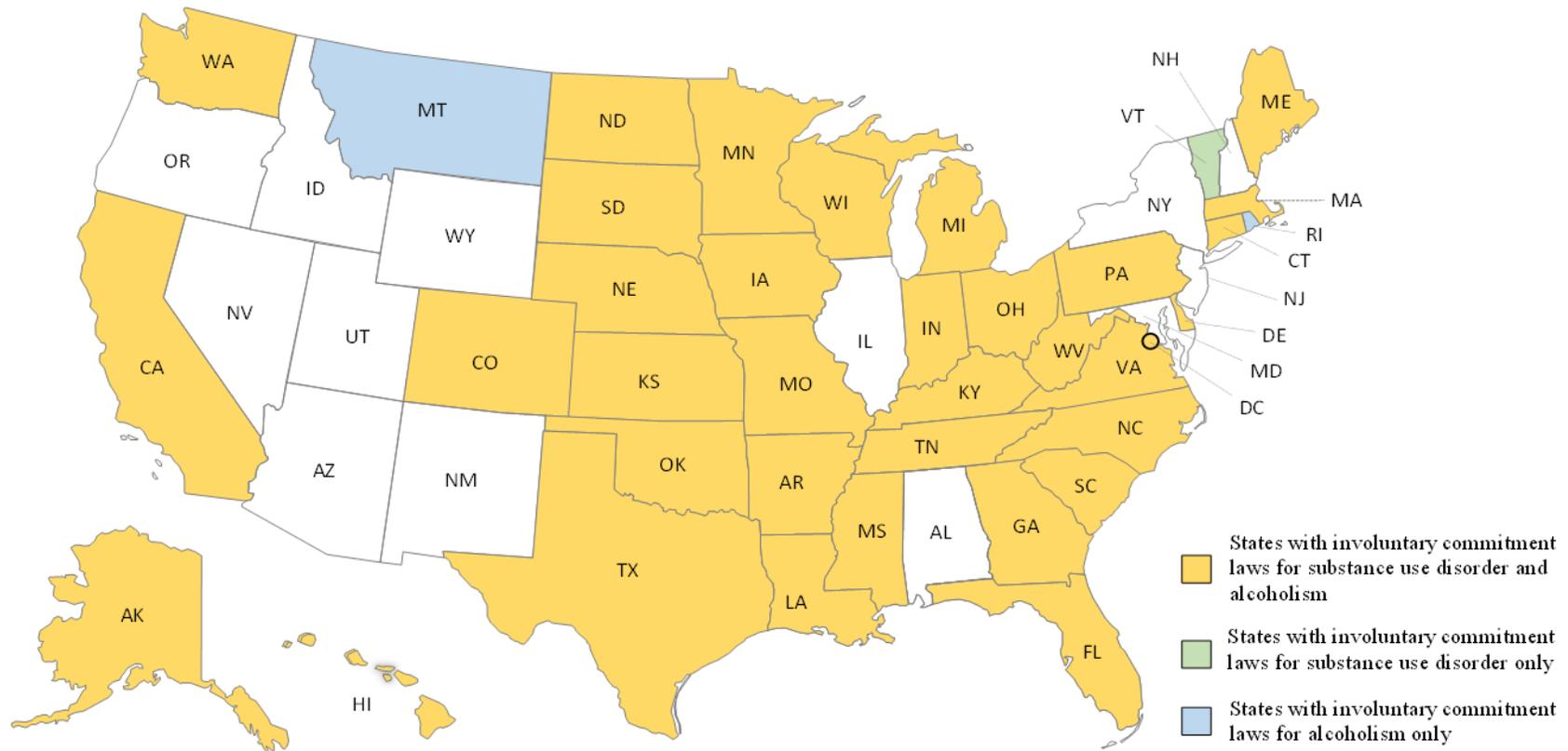
If, at the end of the original commitment period, the director or administrator of the facility where the individual is being detained believes that he or she is in need of further treatment, most states allow the director or administrator, or other interested party, to bring recommitment proceedings to extend the period of time during which the individual can be detained. The maximum detention period for recommitment is generally longer than the original commitment maximum.

Every state with involuntary commitment provisions for individuals with a substance use disorder and/or alcoholism requires that the court or other committing agency find that the individual meets the specific requirements for detention by clear and convincing evidence. In other words, the petitioner has the burden of showing that the allegations of the petition – that is, that the individual is a person in need of treatment – are substantially more probable than not. This is not as high a burden as in criminal cases, where the standard is beyond a reasonable doubt.

In most states, the petitioner must allege circumstances beyond just that the individual sought to be committed has a substance use disorder or is an alcoholic. Typically, there must also be evidence that the individual has threatened, attempted, or inflicted physical harm on himself or herself or another, or proof that if the individual is not detained, he or she will inflict physical harm on himself, herself, or another, and/or that the individual is incapacitated by drugs or alcohol such that he or she cannot provide for his or her basic needs, including food, shelter, and clothing, and there is no suitable adult willing to provide for such needs. A suitable adult may be a family member or friend.

Two other provisions that will be set out in more detail in the charts below are: 1) civil and/or criminal liability or immunity for petitioners and others involved in the civil commitment proceedings; and 2) payment for treatment of the individual sought to be committed.

States with Involuntary Commitment Laws



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EMERGENCY COMMITMENT PROVISIONS

| State | Emergency Commitment for Substance Use Disorders Y/N | Emergency Commitment Requirements | Who May Petition and to Whom | Maximum Period of Detention |
|------------|--|--|---|--|
| Alabama | N | | | |
| Alaska | Y | <p>Intoxicated person who has 1) threatened, attempted to inflict, or inflicted physical harm on another or is likely to inflict physical harm on another unless committed; or 2) is incapacitated by alcohol or drugs</p> <p>“Incapacitated by alcohol or drugs” means that a person, as a result of alcohol or drugs, is unconscious or whose judgment is so impaired that he or she is unable to take care of the person’s basic safety or personal needs, including food, clothing, shelter, or medical care</p> | <p>Certifying physician, physician assistant, advanced practice registered nurse, spouse, guardian, relative, or any other responsible person</p> <p>Approved treatment facility</p> | 48 hours unless a judge has reviewed and approved the commitment application; no more than 5 days total, unless petition for involuntary commitment has been filed, but no longer than 10 days after filing the petition |
| Arizona | N | | | |
| Arkansas | N | | | |
| California | Y – court-ordered evaluation | <p>Individual is gravely disabled as the result of impairment by chronic alcoholism or use of controlled substances, or is a danger to him or herself due to the use of controlled substances</p> <p>Prior to filing a petition, the person or agency designated by the county shall</p> | Any person may apply to the person or agency designated by the county for an evaluation of an individual’s condition and the petition shall be filed by the person or agency designated by the county | If individual fails or refuses to appear for an evaluation, the individual may be detained up to 72 hours. If the individual is determined to be a person in need of treatment, he or she can |

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| State | Emergency Commitment for Substance Use Disorders Y/N | Emergency Commitment Requirements | Who May Petition and to Whom | Maximum Period of Detention |
|----------|--|--|---|--|
| | | <p>provide prepetition screening to determine if there is probable cause to believe the allegations and make a reasonable effort to personally interview the individual. Screening shall also determine whether the individual will agree to voluntarily receive crisis intervention services or an evaluation in his or her own home or in an approved facility. If probable cause exists, and the individual will not voluntarily submit to an evaluation, the petition shall be filed and the report of the screening shall accompany the petition.</p> <p>“Gravely disabled” means that the individual is unable to provide for his or her basic personal needs for food, clothing, or shelter</p> | Superior court | be detained up to 72 hours for treatment and evaluation. |
| Colorado | Y – alcohol | <p>Individual is intoxicated or incapacitated by alcohol and clearly dangerous to the health and safety of him or herself or others</p> <p>“Incapacitated by alcohol” means that a person, as the result of the use of alcohol, is unconscious, or is unable to take care of his or her basic personal needs or safety, or lacks sufficient understanding or capacity to make or</p> | <p>Law enforcement officer, emergency service patrolman, physician, spouse, guardian, relative, or other responsible person</p> <p>Application made to administrator of approved treatment facility</p> | 5 days unless a petition for involuntary commitment has been filed, but not longer than 10 days after the filing of the petition |

| State | Emergency Commitment for Substance Use Disorders Y/N | Emergency Commitment Requirements | Who May Petition and to Whom | Maximum Period of Detention |
|-------------|--|--|--|---|
| | | communicate rational decisions about him or herself | | |
| Colorado | Y– drugs | <p>The individual is under the influence of or incapacitated by drugs and clearly dangerous to the health and safety of him or herself or others</p> <p>“Incapacitated by drugs” means that a person, as a result of the use of drugs, is unconscious or is incapable of taking care of his or her basic personal needs or safety, or lacks sufficient understanding or capacity or make or communicate rational decisions concerning him or herself</p> | <p>Law enforcement officer, physician, spouse, guardian, relative, or any other responsible person</p> <p>Application made to administrator of approved treatment facility</p> | 5 days unless a petition for involuntary commitment has been filed, but not longer than 10 days after the filing of the petition unless a valid medical reason exists for detaining the individual longer |
| Connecticut | Y | Person who is intoxicated at the time of application and who is: 1) dangerous to him or herself or dangerous to others unless committed; 2) needs medical treatment for detoxification for potentially life-threatening symptoms of withdrawal; or 3) is incapacitated by alcohol. Requirement of intoxication may be waived if physician determines that the individual is in immediate need of medical treatment for detoxification for potentially life-threatening symptoms of withdrawal. | <p>Physician, spouse, guardian, relative, or other responsible person</p> <p>Application made to administrator of approved treatment facility</p> | 5 days unless a petition for involuntary commitment has been filed, but no longer than 7 days after filing the application |

| State | Emergency Commitment for Substance Use Disorders Y/N | Emergency Commitment Requirements | Who May Petition and to Whom | Maximum Period of Detention |
|----------|--|---|---|-----------------------------|
| | | Application shall be accompanied by a certificate of a physician stating that he or she has examined the individual within 2 days prior to the certificate's date | | |
| Delaware | Y | <p>Person in need of treatment</p> <p>Written request must be accompanied by a certificate from a physician who has reviewed the request and examined the patient and has concluded that the individual is in need of treatment and is either unwilling or incapable of consenting to treatment</p> <p>“Person in need of treatment” means an individual who engages in substance abuse to the extent that such use causes the person to pose an imminent risk of injury to self or others without treatment or otherwise substantially interferes with the individual’s ability to provide self-care as evidenced by significant impairment of functioning in hydration, nutrition, self-protection or self-control. Substance abuse is the chronic, habitual, regular, or recurrent use of alcohol, inhalants, or controlled substances</p> | <p>Anyone with knowledge that a person may be in need of treatment</p> <p>Administrator of treatment facility</p> | 2 days |

| State | Emergency Commitment for Substance Use Disorders Y/N | Emergency Commitment Requirements | Who May Petition and to Whom | Maximum Period of Detention |
|----------------------|--|---|--|---|
| District of Columbia | N | | | |
| Florida | Y | <p>Individual is substance abuse impaired and is in need of substance abuse services or without care or treatment is likely to suffer from neglect or refuse to care for him or herself, that such neglect or refusal poses a real and present threat of substantial harm to his or her well-being, and that it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services, or there is a substantial likelihood that the person has inflicted, threatened, or attempted to inflict or, unless admitted, is likely to inflict physical harm on him or herself or another</p> <p>The application for emergency admission must include a certificate from a medical professional which must include a statement that the individual was examined and assessed within the five days preceding the application date</p> | <p>Physician, advanced practice registered nurse, clinical social worker, marriage and family therapist, mental health counselor, physician assistant, master's level certified addictions professional, spouse, guardian, relative, any other responsible adult with personal knowledge</p> <p>Treatment facility</p> | <p>Within 72 hours after admission to a hospital or licensed facility or within 5 days after admission to a non-residential component of a facility, individual must be assessed by a physician to determine the need for further services and must either be released or detained if a petition for involuntary assessment or treatment has been filed</p> |
| Georgia | Y | <p>Individual appears to be an alcoholic, a drug dependent individual, or a drug abuser requiring involuntary treatment</p> | <p>Physician, clinical social worker, licensed professional counselor,</p> | <p>48 hours unless physician executes a certificate stating the</p> |

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|--------|--|---|---|--|
| | | <p>Certificate by a physician, clinical social worker, licensed professional counselor, or clinical nurse specialist, or order of court. The certificate expires 7 days after executed. The court may only make such an order on the certificate of a physician or on the affidavit of at least two persons who attest that, within the preceding 48 hours, they have seen the person to be taken into custody and such person is an alcoholic, a drug dependent individual, or a drug abuser requiring involuntary treatment</p> | <p>clinical nurse specialist, court, any person, community mental health center</p> <p>Community mental health center or court</p> | <p>individual is in need of involuntary treatment. Individual shall be transported to an evaluating facility within 24 hours of execution of such certificate.</p> |
| Hawaii | Y | <p>Individual is suffering from substance abuse, is imminently dangerous to self or others and in need of care or treatment, or both</p> <p>Judge may issue an <i>ex parte</i> oral order to take the individual into custody and deliver the individual to a designated mental health program or the nearest facility designated for community treatment for emergency examination and treatment, or both. The individual shall be examined by a physician or registered nurse without unnecessary delay. An <i>ex parte</i> order is one that is entered by a judge without the presence of all of the parties.</p> | <p>Law enforcement officer, physician, advanced practice registered nurse, psychologist, attorney, clergy member, health or social service professional, or any state or county employee in the course of employment</p> <p>Court</p> | <p>48 hours unless a proceeding for court-ordered evaluation or hospitalization, or both, is initiated. Upon initiation of such proceedings, the facility is authorized to detain the individual until further order of the court.</p> |

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|----------|--|---|--|---|
| Idaho | N | | | |
| Illinois | N | | | |
| Indiana | Y | <p>Individual is mentally ill and either dangerous or gravely disabled and in need of immediate restraint</p> <p>The application must contain a statement by at least one physician that, based on an examination or information given to the physician, the individual may be mentally ill and either dangerous or gravely disabled</p> <p>“Gravely disabled” means that the individual, as a result of mental illness, is unable to provide for that individual’s food, clothing, shelter, or other essential human needs, or has a substantial impairment or an obvious deterioration of that individual’s judgment, reasoning, or behavior that results in the inability to function independently</p> <p>“Mental illness” specifically includes alcoholism and addiction to narcotics or dangerous drugs</p> | <p>Any person</p> <p>Treatment facility. The application must be endorsed by judicial officer authorized to issue a warrant.</p> | 72 hours |
| Iowa | Y | Person with a substance-related disorder due to intoxication or substance-induced incapacitation who | Police officer or other person, attending physician | 48 hours unless application for involuntary |

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|----------|--|--|--|---|
| | | has threatened, attempted, or inflicted physical self-harm or harm on another and is likely to inflict physical self-harm or harm on another unless immediately detained, or who is incapacitated by a substance | Treatment facility or magistrate | commitment is filed prior to the expiration of that time |
| Kansas | Y | <p>Person is or may be an individual with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment and is likely to cause harm to self or others if not immediately detained</p> <p>Application for emergency admission must include a statement that the applicant will be filing a petition for involuntary commitment by close of business the first day thereafter that the court is open. Application from an individual must include a statement from a physician, psychologist, or state certified alcohol and drug abuse counselor finding that the individual is likely to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment.</p> | <p>Law enforcement officer, any person</p> <p>Treatment facility</p> | Not later than the close of business the first day the district court is open for the transaction of business after the admission date of the person unless the court orders that the individual remain in custody per an ex parte emergency custody order or temporary custody order. If the individual is committed pursuant to an ex parte emergency custody order as requested in a petition for involuntary commitment, the order expires at 5:00 p.m. on the second day the district court is open for business after the date of issuance. |
| Kentucky | Y | Individual suffers from alcohol and other drug abuse, presents an imminent | Qualified health professional | 72 hours |

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|-----------|--|---|--|---|
| | | <p>threat of danger to self, family, or others as a result of alcohol and other drug abuse, or there exists a substantial likelihood of such a threat in the near future and such person can reasonably benefit from treatment</p> <p>Individual must be examined by the qualified health professional who must file a certification with the court that the individual meets the requirements for emergency commitment</p> | Court | |
| Louisiana | Y | <p>Individual is suffering from substance abuse and is determined to be in need of immediate care and treatment in a treatment facility because the physician, psychiatric mental health nurse practitioner, or psychologist determines the person to be dangerous to him or herself or others or to be gravely disabled</p> <p>Initial certificate may only be filed after an actual examination of the individual, which must occur no more than 72 hours prior to signing the certificate</p> <p>If the initial filing is made by a credible person of legal age who is financially unable to afford a private physician or who cannot immediately</p> | <p>Physician, psychiatric mental health nurse practitioner, psychologist, credible person of legal age</p> <p>Director of treatment facility</p> | 15 days unless a second emergency certificate is executed, in which case the individual may be detained an additional 15 days |

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| | | obtain an examination by a physician, the parish coroner may render, or the court may cause to be rendered by a physician, an actual examination of the individual and, if the physician determines that the standard is met, he or she shall execute an emergency certificate | | |
| Maine | Y | <p>Individual is mentally ill and, because of the person’s mental illness, poses a likelihood of serious harm</p> <p>Application must be accompanied by a dated certificate, signed by a medical practitioner, stating that the practitioner examined the individual on the date of signing the certificate, that the practitioner is of the opinion that the individual is mentally ill and poses a likelihood of serious harm, and that adequate community resources are unavailable for care and treatment of the individual</p> <p>“Likelihood of serious harm” means: 1) a substantial risk of physical harm to the person as manifested by recent threats of, or attempts at, suicide or serious self-inflicted harm; 2) a substantial risk of physical harm to other persons as manifested by recent violent behavior or by conduct placing</p> | <p>Health officer, law enforcement officer, or other person</p> <p>Court</p> | <p>24 hours pending endorsement by a court if the person seeking involuntary admission undertakes to secure judicial endorsement immediately upon execution of the certificate by the examiner</p> <p>48 hours if: 1) an evaluation concludes that the individual poses a likelihood of serious harm due to mental illness; 2) the hospital has been unable to locate an available inpatient bed at a psychiatric hospital or other appropriate alternative; and 3) the hospital has notified the</p> |

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| | | <p>others in reasonable fear of serious physical harm; or 3) a reasonable certainty that the individual will suffer severe physical or mental harm as manifested by recent behavior demonstrating an inability to avoid risk or to protect the person adequately from impairment or injury</p> <p>“Mentally ill person” includes persons suffering the effects of drugs, narcotics, hallucinogens or intoxicants, including alcohol</p> | | <p>department of certain information</p> <p>May be held for one additional period of 48 hours if certain conditions are met</p> |
| Maryland | N | | | |
| Massachusetts | N | | | |
| Michigan | N | | | |
| Minnesota | Y | <p>Examiner has examined the individual not more than 15 days prior to admission, and the examiner is of the opinion that the individual is chemically dependent and is in danger of causing injury to him or herself or others if not immediately detained and an order of the court cannot be obtained in time to prevent the anticipated injury</p> <p>Police officer has observed the individual and believes the individual is chemically dependent and is in</p> | <p>Examiner or other person, police officer</p> <p>Head of treatment facility</p> | <p>72 hours unless a petition for commitment is filed, in which case the court may issue a judicial hold order</p> |

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| | | <p>danger of causing self-harm or harm to any person or property or is intoxicated in public</p> <p>Written statement must be submitted to the head of a treatment facility by the examiner. If another person brings the individual to the facility, the examiner must make a good faith effort to obtain a statement of information from that person which must be taken into consideration in deciding whether to place the individual on an emergency hold. Court may not order the release of a person during the 72 hours of emergency hold unless the court has received a written petition for release and conducts a hearing, which may be via telephone or similar method</p> | | |
| Mississippi | Y | <p>Individual is an alcoholic or drug addict who has lost the power of self-control with regard to alcoholic beverages or habit-forming drugs and, unless immediately committed, he or she is likely to inflict physical harm upon him or herself or others</p> <p>Application shall be accompanied by the certificate of two physicians who have examined the individual within two days of the certificate date.</p> | <p>Certifying physician, spouse, guardian, relative, any other person responsible for the health, safety, or welfare of all or part of the citizens within the court's jurisdiction</p> <p>Chancery court</p> | 5 days |

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| State | Emergency Commitment for Substance Use Disorders Y/N | Emergency Commitment Requirements | Who May Petition and to Whom | Maximum Period of Detention |
|----------------|--|---|---|---|
| | | Application shall also include a petition for involuntary commitment. | | |
| Missouri | Y | Imminent likelihood of serious harm to him or herself or others as a result of alcohol or drug abuse, or both | Mental health coordinator, mental health professional, peace officer, registered nurse, physician, or qualified counselor, or any adult person Probate division of circuit court | 96 hours, but may be detained and treated for an additional 2 days if the head of the facility or a mental health coordinator has filed a petition for additional detention |
| Montana | N | | | |
| Nebraska | N | | | |
| Nevada | N | | | |
| New Hampshire | N | | | |
| New Jersey | N | | | |
| New Mexico | N | | | |
| New York | N | | | |
| North Carolina | Y | Individual is a substance abuser who is violent and requires restraint If an individual is violent and requires restraint, and when delay in taking him to a physician or eligible psychologist for examination would likely endanger life or property, a law enforcement officer may take the individual into | Law enforcement officer Clerk of superior court or magistrate | |

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|--------------|--|---|--|---|
| | | custody and take him immediately before a magistrate or clerk who may order the individual taken to a 24-hour facility | | |
| North Dakota | Y | <p>Individual is chemically dependent and there exists a serious risk of harm to that individual, others, or property of an immediate nature that considerations of safety do not allow preliminary intervention by a magistrate</p> <p>Individual may be admitted to a facility and screening for observation, diagnosis, care, or treatment must be performed. The regional human service center shall treat the individual or refer the individual to the appropriate facility where, upon admittance, the individual shall immediately be examined. The superintendent or director shall file a petition for involuntary treatment and, upon receipt of the petition, the magistrate shall set the matter for a preliminary hearing, which shall be held within 4 days of detention</p> | Peace officer, physician, psychiatrist, physician assistant, psychologist, advanced practice registered nurse, or mental health professional | 24 hours if individual does not meet emergency commitment standards |
| Ohio | N | | | |
| Oklahoma | Y | A person taken into protective custody as alcohol or drug-dependent to a degree that immediate emergency | Physician, parent, brother, sister, adult child, or guardian | 5 days unless prehearing detention is ordered by a court after |

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|-------|--|--|------------------------------|--|
| | | <p>action is needed is subject to emergency detention</p> <p>If the individual is medically stable, he or she shall be assessed and, if after assessment, if it is determined that emergency detention is warranted, the individual shall be transported to an appropriate facility. If the individual is medically unstable, he or she shall be transported to a hospital where the treating physician may authorize detention of the individual until medically stable. Upon reaching medical stability, if the physician determines that the individual still requires treatment, the physician shall authorize further detention of the individual.</p> <p>A relative or guardian of the individual may apply to the administrator of a facility to have an initial assessment conducted on the individual to determine if emergency detention is warranted. If warranted, the individual shall undergo a mental health evaluation by two licensed mental health professionals. If it appears that the individual will require treatment beyond the emergency detention period, the mental health professional</p> | | <p>filing of petition for involuntary commitment</p> |

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|--------------|--|--|--|--|
| | | or executive director shall immediately filed a petition for involuntary treatment. | | |
| Oregon | N | | | |
| Pennsylvania | Y | Person is severely mentally disabled and in need of immediate treatment. An individual is severely mentally disabled when, as a result of mental illness, his capacity to exercise self-control, judgment, and discretion in the conduct of his affairs and social relations or to care for his own personal needs is so lessened that he poses a clear and present danger of harm to others or himself. Clear and present danger of harm to others means that within the past 30 days, the person has inflicted or attempted to inflict bodily harm on another and that there is a reasonable probability that such conduct will be repeated. Clear and present danger of harm to self means that within the past 30 days the person has acted in such manner as to evidence that he would be unable, without care and supervision and the continued help of others, to satisfy his basic human needs and that there is a reasonable probability that death or serious bodily harm would ensue within 30 days unless adequate | Physician or other authorized person County administrator | 120 hours unless a certification for extended involuntary treatment is filed |

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|----------------|--|--|--|---|
| | | treatment were afforded or that the person has attempted suicide or that there is a reasonable probability of suicide. | | |
| Rhode Island | Y – alcohol only | <p>Intoxicated person who has: 1) threatened, attempted, or inflicted physical harm on him or herself or another unless committed; or 2) is incapacitated by alcohol</p> <p>Application shall be accompanied by physician’s certificate stating that he or she has examined the individual to be committed within 2 days before the certificate’s date and the facts support emergency commitment</p> | <p>Certifying physician, spouse, guardian, or relative</p> <p>Administrator of approved treatment facility</p> | 10 days unless petition for involuntary commitment is filed, in which case the individual may not be held longer than 10 days after filing the petition |
| South Carolina | Y | <p>Individual is chemically dependent and in need of emergency care and treatment and the individual poses a substantial risk of physical harm to himself or others if not immediately provided with emergency care and treatment</p> <p>Application must be accompanied by a written certificate of a physician stating that he or she has examined the individual within 48 hours prior to the individual’s admission. If the individual refuses to submit to an examination, the petitioner shall</p> | Any adult Court | |

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| | | execute an affidavit stating that the usual procedure for examination cannot be followed and why. | | |
| South Dakota | Y | Intoxicated person who has threatened, attempted, or inflicted physical harm on him or herself or another or is likely to inflict physical harm on another unless committed, is incapacitated by the effects of alcohol or drugs, or is pregnant and abusing alcohol or drugs | Law enforcement officer, physician, spouse, guardian, or relative Administrator of approved treatment facility | Until administrator determines the grounds for commitment no longer exist, but no longer than 5 days unless a petition for involuntary commitment has been filed, but no longer than 10 days after filing the petition |
| Tennessee | Y | Individual has a mental illness and poses an immediate substantial likelihood of serious harm as a result of that mental illness A physician, psychologist, or designated professional must complete a certificate of need after examining the individual to determine if the individual is subject to admission. Upon admission of the individual, the chief officer shall notify the general sessions court and provide information from the certificates of need and such other information as the court may desire to bearing on the condition of the individual and may order the | Chief officer General sessions court | 5 days unless court is not available, in which case the facility may only hold the individual for 24 hours pending a court order May hold individual for 15 days following a probable cause hearing unless a complaint is filed within that time period |

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| | | <p>individual admitted for emergency diagnosis, evaluation, and treatment pending a probable cause hearing</p> <p>Immediate substantial likelihood of serious harm means a person has threatened or attempted suicide or to inflict serious bodily harm upon him or herself, has threatened or attempted homicide or other violent behavior, has placed others in reasonable fear of violent behavior and serious physical harm, or the person is unable to avoid severe impairment or injury from specific risks and there is a substantial likelihood that the harm will occur unless the person is placed in involuntary treatment. Individual must also need care, training, or treatment because of the mental illness and all available less drastic alternatives are unsuitable to meet the needs of the patient.</p> <p>“Mental illness” includes alcohol or drug dependence</p> | | |
| Texas | Y | Individual is chemically dependent and, due to that chemical dependence, there is a substantial risk of harm to the individual or to others | Law enforcement officer or any adult Judge or magistrate | 24 hours unless application for court-ordered treatment is filed and a written order for further detention is obtained |

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|---------|--|---|-------------------------------|--|
| Utah | N | | | |
| Vermont | Y – drugs only | <p>The individual is a drug addict and a person in need of treatment</p> <p>Application must be accompanied by the certificate of a physician. Individual shall be held for admission to hospital for emergency examination to determine if he or she is a person in need of treatment. Where time does not permit examination by a physician without serious and unreasonable delay, a law enforcement officer of mental health professional may take the individual into temporary custody and apply to the court without delay for a warrant.</p> <p>“Drug addict” means a person who shows signs of mental illness because of his or her use of drugs, hallucinogens, stimulants, or sedatives or who has an uncontrollable desire for their use or consumption</p> <p>“Person in need of treatment” means a person who has a mental illness and, as a result of that mental illness, his or her capacity to exercise self-control, judgment, or discretion in the conduct of his or her affairs and social relations</p> | Interested party Court | 24 hours unless a second certification is issued, in which case the individual may be held for an additional 72 hours unless an application for involuntary treatment is filed |

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|----------|--|---|---|---|
| | | is so lessened that he or she poses a danger of harm to him or herself or others. | | |
| Virginia | Y | <p>Individual has a mental illness and there exists a substantial likelihood that, as a result of the mental illness, the person will, in the near future, cause serious physical harm to him or herself or others as evidenced by recent behavior causing, attempting, or threatening harm or suffer serious harm due to lack of capacity to protect him or herself from harm or provide for his or her basic needs, and the individual is in need of hospitalization or treatment</p> <p>Individual must have been examined by a person skilled in the assessment and treatment of mental illness prior to issuance of a temporary detention order unless the individual has been examined within 72 hours before issuance of the order or there is significant physical, psychological, or medical risk to the individual or others associated with conducting such an evaluation</p> <p>Mental illness includes substance abuse</p> | <p>Any responsible person, treating physician</p> <p>Magistrate</p> | <p>8 hours on an emergency custody order</p> <p>Duration of temporary detention order shall be sufficient for completion of examination, preparation of preadmission screening report, and initiation of mental health treatment to stabilize the person's condition to avoid involuntary commitment where possible, but shall not exceed 72 hours prior to a hearing</p> |

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|---------------|--|--|--|---|
| Washington | Y | Individual with chemical dependency presents a likelihood of serious harm or is gravely disabled | Designated crisis responder Court | 72 hours unless petition for involuntary treatment is filed |
| West Virginia | Y | Individual to be examined is addicted “Addicted” is defined as a maladaptive pattern of substance use leading to clinically significant impairment or distress as manifested by one or more of the following occurring within 30 days prior to filing the petition: 1) recurrent substance use resulting in a failure to fulfill major role obligations at work, school, or home including, but not limited to, repeat absences, suspensions or expulsions from school, or neglect of children or household; 2) recurrent use in situations in which it is physically hazardous; 3) recurrent substance-related legal problems; or 4) continued use despite knowledge or having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the substance. “Substance” means alcohol, controlled substances, or anything consumed for its psychoactive effect. | Any adult person Circuit court, mental hygiene commissioner, magistrate | 5 days unless physician certifies within that time period that the individual is addicted and likely to injure him or herself or others if allowed to be at liberty 15 days unless the chief medical officer institutes final commitment proceedings |
| Wisconsin | Y - alcohol | Intoxicated person who has threatened, attempted, or inflicted physical harm | Physician, spouse, guardian, or relative, or | 48 hours unless petition for involuntary |

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|-----------|--|--|---|---|
| | | <p>on him or herself or another and is likely to inflict such physical harm unless committed, or a person who is incapacitated by alcohol</p> <p>Petition shall be supported by one or more affidavits</p> | <p>any other responsible person</p> <p>Court</p> | <p>commitment has been filed</p> |
| Wisconsin | Y – drug dependence | <p>Individual is drug dependent and there is: 1) a substantial probability of physical harm to him or herself as manifested by evidence of recent threats or attempts at suicide or serious bodily harm; 2) a substantial probability of serious harm to other persons; 3) a substantial probability of physical impairment or injury to him or herself or other individuals due to impaired judgment, and the individual is reasonably believed to be unable or unwilling to cooperate with voluntary treatment</p> <p>Physician, psychologist, or mental health professional must complete a crisis assessment on the individual and agree with the need for detention</p> | <p>Law enforcement officer, treatment director of facility</p> <p>Court</p> | <p>72 hours unless a petition for involuntary commitment is filed</p> |
| Wyoming | N | | | |

INVOLUNTARY COMMITMENT PROVISIONS

| State | Involuntary Commitment for Substance Use Disorders Y/N | Involuntary Commitment Requirements | Who May Petition and to Whom | Maximum Period of Detention |
|----------|--|---|---|--|
| Alabama | N | | | |
| Alaska | Y | <p>Individual is an alcoholic or drug abuser who: 1) has threatened, attempted to inflict, or inflicted physical harm on another and unless committed is likely to inflict physical harm on another; or 2) is incapacitated by alcohol or drugs</p> <p>Must include a certificate from a licensed physician, physician assistant, or advanced practice registered nurse who has examined the individual within two days before submission of the petition, unless the individual has refused to submit to a medical examination</p> | <p>Spouse, guardian, relative, certifying physician, physician assistant, advanced practice registered nurse, or administrator in charge of an approved treatment facility</p> <p>Court</p> | <p>30 days</p> <p>Court may enter an order of temporary commitment for not more than 5 days for the purposes of a diagnostic evaluation prior to final ruling</p> <p>Individual must be automatically discharged after the expiration of 30 days unless the director of the approved facility filed a petition for recommitment prior to the expiration of that period</p> |
| Arizona | N | | | |
| Arkansas | Y | If voluntary patient requests to leave facility and administrator believes that release would place the individual in imminent danger of death or serious bodily harm or the patient meets any | <p>Administrator of facility or any interested person</p> <p>Court</p> | 21 days |

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|------------|--|--|---|--|
| | | <p>of the other criteria for involuntary commitment</p> <p>Individual is homicidal, suicidal, or gravely disabled</p> <p>“Gravely disabled” means a person who, if allowed to remain at liberty, is substantially likely, by reason of addiction to alcohol or other drugs, to physically harm himself or herself or others a result of inability to make a rational decision to receive medication or treatment</p> | | |
| California | Y | <p>Determination that an individual is, as a result of chronic alcoholism or use of controlled substances, a danger to himself or others, or is gravely disabled</p> <p>The individual has a need for, but is not willing or able, to accept voluntary treatment</p> <p>The individual cannot survive safely without involuntary detention with the help of responsible family, friends, or others who are willing and able to provide for the individual’s basic personal need for food, clothing, or shelter (such persons must indicate their willingness in writing)</p> | <p>Staff of the agency or facility providing evaluation services</p> <p>Certification review hearing shall be conducted by either a court-appointed commissioner or referee or a certification review hearing officer</p> | <p>Not more than 14 days unless the patient agrees to further treatment on a voluntary basis, is certified for an additional 14 days of treatment, is certified for an additional 30 days of treatment, is the subject of a conservatorship petition, or is the subject of a petition for post-certification treatment of a dangerous person</p> |

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|----------|--|---|---|--|
| | | To be certified for intensive treatment, notice of certification must be signed by a professional person, or his or her designee, who shall be a physician or licensed psychologist, in charge of the agency or facility providing evaluations services and signed by a physician or psychologist who participated in the evaluation | | The total period of detention, including intervening periods of voluntary treatment, shall not exceed the total maximum period during which the person could have been detained if the person had been detained continuously on an involuntary basis |
| Colorado | Y – alcohol | <p>Person is an alcoholic and has threatened or attempted to inflict or inflicted physical harm on him or herself or on another and, unless committed, the person is likely to inflict physical harm on him or herself or on another or that the person is incapacitated by alcohol</p> <p>The petition shall be accompanied by the certificate of a physician who has examined the individual within two days before filing of the petition, unless the individual refused to submit to examination</p> <p>Petition shall not be accepted unless there is documentation of the individual’s refusal to be committed to</p> | <p>Spouse, guardian, relative, physician, advanced practice nurse, administrator in charge of approved treatment facility, or any other responsible person</p> <p>Court</p> | 30 days |

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|-------------|--|---|---|---|
| | | accessible and affordable voluntary treatment | | |
| Colorado | Y – drugs | <p>Person is a drug abuser and has threatened or attempted to inflict or inflicted physical harm on him or herself or another or that the person is likely to inflict physical harm on him or herself or another unless committed or that the person is incapacitated by drugs</p> <p>Petition shall be accompanied by a certificate of a physician who has examined the person, unless the individual refused to submit to examination or an examination cannot be made of the individual due to his or her condition</p> <p>Petition shall not be accepted unless there is documentation of the individual refusing to be admitted to accessible and affordable voluntary treatment</p> | <p>Spouse, guardian, relative, physician, advanced practice nurse, administrator in charge of approved treatment facility, or any other responsible person</p> <p>Court</p> | 30 days |
| Connecticut | Y | <p>Person is drug or alcohol dependent who is dangerous to him or herself or others when he or she is an intoxicated person or who is gravely disabled</p> <p>At or before the hearing, a certificate from a physician who has examined</p> | Any person, including the spouse, relative, conservator, physician, or administrator of treatment facility may make application | Not less than 30 days nor more than 180 days, unless the administrator of the facility, prior to the expiration of the time period, obtains a court order for |

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|----------------------|--|---|--|---|
| | | the person within two days of filing the application must be filed with the court | Court | recommitment |
| Delaware | Y | <p>Individual admitted to treatment facility for involuntary treatment</p> <p>Individual in need of continued treatment and should be continued as a patient at the facility until no longer in need of treatment</p> <p>Petition must be made within two days of admission</p> <p>Petition must be supported by an affidavit and physician supporting certificates</p> | <p>Administrator of treatment facility</p> <p>Court</p> | <p>30 days</p> <p>If further treatment is needed following that period, the court shall hold hearings to determine the necessity of further treatment at intervals not to exceed 6 months</p> |
| District of Columbia | Y - alcoholic | Person is a chronic alcoholic and, as a result, is in immediate danger of substantial physical harm | <p>Corporation Counsel on behalf of the Mayor</p> <p>Court</p> | No more than 30 days on the first or second commitment of the individual within any 24-month period |
| District of Columbia | Y – drug user | Person is a drug user, defined as someone who uses any habit-forming narcotic drugs so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of habit-forming drugs as to have lost the power of self-control with reference to his or her addiction | <p>U.S. Attorney</p> <p>Court</p> | If the patient petitions for discharge after confinement for a period of one year, the court shall inquire into the failure or refusal of the head of the hospital to release him and, if |

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|---------|--|--|---|---|
| | | <p>If Mayor has probable cause to believe that an individual is a drug user, he shall order a law enforcement officer to bring that person before him for a preliminary examination and, if there is sufficient evidence of drug addiction, the individual shall be placed in an institution designated by him for examination by physicians</p> <p>When the Mayor orders a person committed, he shall appoint two physicians, one of whom is a psychiatrist, to examine the patient and, within five days of the appointment, file a written report of the examination with the U.S. Attorney who shall then determine if a petition for involuntary commitment shall be filed or person discharged from facility</p> | | <p>the court finds that the patient is no longer in need of treatment or has received maximum benefits, shall order the patient released</p> <p>For two years after release, the individual shall report to the Mayor at such times and places as required for physical examination to determine if the individual has again become a drug user and, if so, he shall be recommitted</p> |
| Florida | Y | Person is substance abuse impaired and is in need of substance abuse services or without care or treatment is likely to suffer from neglect or refuse to care for him or herself, that such neglect or refusal poses a real and present threat of substantial harm to his or her well-being, and that it is not apparent that such harm may be avoided through the help of willing family members or friends or the | Spouse, guardian, relative, service provider, or any adult with personal knowledge of the individual's substance abuse impairment and his or her prior court of assessment and treatment Court | 90 days |

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| State | Involuntary Commitment for Substance Use Disorders Y/N | Involuntary Commitment Requirements | Who May Petition and to Whom | Maximum Period of Detention |
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| | | <p>provision of other services or there is substantial likelihood that the person has inflicted, threatened or attempted to inflict or, unless admitted, is likely to inflict physical harm on him or herself or another</p> <p>Individual has been subject to emergency admission within the previous ten days</p> <p>Individual has been assessed by a qualified professional within five days</p> <p>Individual has been subject to involuntary assessment within the previous 12 days</p> | | |
| Georgia | Y | Individual must have been admitted for evaluation and the chief medical officer of evaluating facility must recommend further detention, which such recommendation must be supported by the opinions of two physicians or a physician and a psychologist who have personally examined the individual within the preceding five days and who agree that the patient is an alcoholic, a drug dependent person, or a drug abuser requiring involuntary treatment but who does not meet the requirements for outpatient treatment. Such | <p>Chief medical officer of evaluating facility where the patient has been examined</p> <p>Court</p> | 6 months |

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| | | recommendation and opinions shall be entered on a certificate and filed along with the petition and such petition shall be filed within five days of the individual being admitted for evaluation. | | |
| Hawaii | Y | <p>Individual is suffering from substance abuse, is imminently dangerous to self or others, and that the person is in need of care or treatment, or both, and there is no suitable alternative which would be less restrictive than hospitalization</p> <p>Petition may be accompanied by certificate of a physician, advanced practice registered nurse, or psychologist who has examined the patient within two days prior to filing the petition, unless the individual refused to submit to medical or psychological examination. If the individual has been examined, evaluated, or treated in a psychiatric facility within five days before filing petition, petition may be accompanied by administrator's certificate in lieu of physician's certificate.</p> | Any person | 90 days |
| Idaho | N | | | |
| Illinois | N | | | |

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|---------|--|---|---|--|
| Indiana | Y – temporary commitment | <p>Individual is mentally ill and either dangerous or gravely disabled and in need of custody, care, or treatment in an appropriate facility</p> <p>Petition filed by any person must be accompanied by a statement by a physician that the physician has examined the individual in the past 30 days and the individual is mentally ill and either dangerous or gravely disabled and is in need of custody, care, or treatment</p> <p>“Mental illness” includes alcoholism and addiction to narcotics or dangerous drugs</p> | Superintendent of facility where individual is receiving emergency treatment, order of a court having jurisdiction following emergency detention, or any person | 90 days |
| Indiana | Y – regular commitment | <p>Individual is mentally ill and either dangerous or gravely disabled and whose commitment is reasonably expected to require custody, care, or treatment in a facility for more than 90 days</p> <p>Petition must include a physician’s statement that the physician has examined the individual within the past 30 days and the physician believes the individual meets the requirements for commitment</p> | <p>Unless individual has previously been committed by a temporary commitment order, a health officer, police officer, friend, relative, spouse, guardian, superintendent of facility where individual is present, prosecuting attorney</p> <p>Court</p> | Detention continues until 1) the individual is discharged from facility or released from therapy program or 2) the court enters an order terminating the commitment or releasing the individual from the therapy program |

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| | | <p>The record of proceedings must include a report from a state institution, if that is where the individual is committed, stating that the facility has evaluated the individual and commitment is appropriate</p> <p>“Mental illness” includes alcoholism and addiction to narcotics or dangerous drugs</p> | | |
| Iowa | Y | <p>Individual is a person who presents a danger to self or others and lacks judgmental capacity due to a substance-related disorder</p> <p>Application must be accompanied by one or more of the following: 1) a written statement from a physician in support of the application; 2) one or more supporting affidavits corroborating the application; or 3) corroborative evidence obtained by the clerk and reduced to writing but only when circumstances make it infeasible to obtain, or when the clerk considers it appropriate to supplement, the information in 1 or 2</p> | <p>Any interested person</p> <p>Clerk of the court</p> | <p>30 days unless an order of recommitment has been obtained prior to expiration of commitment period</p> |
| Kansas | Y | <p>Individual with an alcohol or substance abuse problem subject to involuntary commitment and care and treatment</p> | <p>Head of treatment facility, law enforcement officer, any individual</p> | <p>3 months</p> |

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| | | <p>Petition must be accompanied by certificate from a physician, psychologist, or state certified alcohol and substance abuse counselor stating that he or she has personally examined the individual and any available records and has found the person to likely be a person with an alcohol or substance abuse problem subject to involuntary commitment and care and treatment</p> <p>Petition must also be accompanied by statement of consent to the admission of the proposed patient to the treatment facility signed by the head of the facility</p> | | |
| Kentucky | Y | Individual suffers from alcohol or other drug abuse, presents an imminent danger of self, family, or others as a result of alcohol and other drug abuse, or there exists a substantial likelihood of such a threat in the near future and can reasonably benefit from the treatment | Spouse, relative, friend, or guardian | 60 or 360 days |
| Louisiana | Y | Individual is suffering from substance abuse which contributes or causes that person to be a danger to him or herself or others or to be gravely disabled | <p>Director of treatment facility or any interested person</p> <p>Court</p> | 180 days, except for individuals suffering from alcoholism, and commitments shall be reviewed by the court every 90 days |

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| | | | | 45 days for individuals committed for alcoholism unless the court finds that continued involuntary treatment is necessary |
| Maine | Y | <p>Individual is under emergency commitment and in need of further hospitalization</p> <p>Application for commitment must include a copy of the emergency application, the accompanying medical practitioner's certificate, and the certificate of a physician or psychologist</p> | <p>Chief administrative officer of hospital or commissioner</p> <p>Court</p> | 4 months |
| Maryland | N | | | |
| Massachusetts | Y | Individual with alcohol or substance use disorder and there is a likelihood of serious harm | <p>Peace officer, physician, spouse, blood relative, guardian, or court official</p> <p>Court</p> | 90 days |
| Michigan | Y | Individual has a substance use disorder, presents an imminent danger or imminent threat of danger to self, family, or others as a result of substance use disorder, or there is a substantial likelihood of the treat of danger in the future, and the individual | <p>Spouse, family member, guardian, health professional</p> <p>Court</p> | Individual may be held for up to 72 hours prior to a hearing if the individual presents an imminent danger or imminent threat of danger to self, family, |

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| | | <p>can reasonably benefit from treatment</p> <p>Petition must include a certified statement from a health professional who has examined the individual within two days of filing the petition or a statement that the individual refused to undergo an examination</p> | | <p>or others unless the hearing won't be held during that 72 hours, in which case the court can order the individual held for treatment until the hearing</p> |
| Minnesota | Y | <p>Individual is chemically dependent and is in danger of causing injury to self or others</p> <p>Petition shall be accompanied by the written statement of an examiner stating that the individual has been examined within 15 days of filing the petition and the individual is suffering a designated disability</p> | <p>Interested person or head of treatment facility</p> <p>Initial application to designated agency for conduct of preliminary investigation</p> <p>Court</p> | <p>72 hours under judicial hold, unless a preliminary hearing is held</p> <p>6 months for initial commitment period</p> |
| Mississippi | Y | <p>Individual is an alcoholic or drug addict and because of such alcoholism or drug addiction is incapable of or unfit to look after and conduct his or her affairs, or is dangerous to him or herself or others, or has lost the power of self-control because of periodic, constant, or frequent use of alcoholic beverages or habit-forming drugs, and is in need of care and treatment</p> | <p>Certifying physician, spouse, guardian, relative, any friend or relative thereof, county health officer</p> <p>Court</p> | <p>Not less than 30 nor more than 90 days</p> |
| Missouri | Y | <p>Likelihood of serious harm to self or others as a result of alcohol or drug abuse, or both, and the individual is in</p> | <p>Any adult person, head of facility, mental health coordinator</p> | <p>30 days</p> |

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|----------|--|---|---|---|
| | | need of continued detention, treatment, and rehabilitation | Court | |
| Montana | Y – alcohol only | <p>Individual is an alcoholic who habitually lacks self-control as to the use of alcoholic beverages and the individual has threatened, attempted, or inflicted physical harm on another and that unless the individual is committed is likely to inflict physical harm on another or is incapacitated by alcohol</p> <p>Petition must be accompanied by a certificate from a physician who has examined the individual within two days of submitting the petition unless the individual refuses such examination</p> | <p>Spouse, guardian, relative, certifying physician, chief of approved treatment facility</p> <p>Court</p> | 40 days unless the department obtains a court order for further detention |
| Nebraska | Y | <p>Individual is mentally ill and dangerous and presents a substantial risk of serious harm to another person or persons within the near future or a substantial risk of serious harm to him or herself within the near future or evidence of inability to provide for his or her basic human needs, including food, clothing, shelter, essential medical care, or personal safety</p> <p>“Mentally ill and dangerous person” means a person who is mentally ill or substance dependent</p> | <p>County attorney; any person who believes an individual is mentally ill and dangerous may communicate such belief to the county attorney who, if he or she agrees, shall file a petition</p> <p>Court; hearings shall be conducted by the mental health board</p> | |

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|----------------|--|--|--|---|
| Nevada | N | | | |
| New Hampshire | N | | | |
| New Jersey | N | | | |
| New Mexico | N | | | |
| New York | N | | | |
| North Carolina | Y | Substance abuser who is dangerous to himself or others | Any individual Clerk of court or magistrate | 180 days; if placement in an inpatient facility is to exceed 45 days, the physician or area authority shall notify the clerk by the 30 th day and request a supplemental hearing |
| North Dakota | Y | Individual who is chemically dependent and there is a reasonable expectation that if the individual is not treated for the chemical dependency there exists a serious risk of harm to that individual, others, or property Applicant shall present information to the state's attorney or any attorney retained to represent the applicant Petition must be accompanied by: 1) a written statement supporting the petition from a psychiatrist, physician, physician assistant, psychologist, advanced practice registered nurse, or addiction counselor who has | Any individual 18 years of age or older Court | 90 days unless petition for continued treatment is filed |

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| | | personally examined the individual within 45 days of the date of the petition; or 2) one or more supporting affidavits otherwise corroborating the petition | | |
| Ohio | Y | <p>Person suffers from alcohol and other drug abuse, presents an imminent danger or imminent threat of danger to self, family, or others as a result of alcohol and other drug abuse, or there exists a substantial likelihood of such threat in the near future, and the person can reasonably benefit from treatment</p> <p>Petition must be accompanied by the certificate of a physician who has examined the individual within two days prior to filing the petition, unless the individual refuses to submit to an examination, which refusal shall be stated in the petition</p> | <p>Spouse, relative, guardian</p> <p>Court</p> | |
| Oklahoma | Y | As a result of drug or alcohol dependency, the individual poses a substantial risk of immediate physical harm to self, to another person or persons, has placed another person or persons in a reasonable fear of violent behavior, is in a condition of severe deterioration such that, without immediate intervention, there exists a substantial risk that severe impairment | Treatment advocate, father, mother, husband, wife, grandparent, brother, sister, guardian, adult child, licensed mental health professional, person in charge of a correctional institution, peace officer, district attorney | |

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| | | <p>or injury will result to the person, or poses a substantial risk of immediate serious injury to self or death as manifested by evidence that the individual is unable to provide for and is not providing for his or her basic physical needs</p> <p>Petition shall be accompanied by a mental health evaluation if the individual is being held in emergency detention</p> | | |
| Oregon | N | | | |
| Pennsylvania | Y – extended emergency commitment | <p>Individual is in need of continued emergency treatment</p> <p>Application shall include the name of the examining physician and the substance of his or her opinion regarding the mental condition of the individual</p> | Facility Court | 20 days unless court orders involuntary commitment |
| Pennsylvania | Y – regular involuntary commitment | Individual is severely mentally disabled and in need of treatment, and there is a clear and present danger of serious bodily harm to others, or there is an inability to care for him or herself, or danger to self | County administrator, director of facility, any responsible party Court | 90 days |
| Rhode Island | Y – alcohol only | Individual is an alcoholic who habitually lacks self-control as to the use of alcoholics beverages and that he or | Spouse, guardian, relative, certifying physician, or administrator in | 30 days unless an order for recommitment is entered prior to the |

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| | | <p>or she: 1) has threatened, attempted, or inflicted physical harm on him or herself or another and that unless committed is likely to inflict physical harm on him or herself or another, or 2) will continue to suffer abnormal mental, emotional, or physical distress, will continue to deteriorate in ability to function independently if not treated, and is unable to make a rational and informed choice as to whether or not to submit to treatment and, as a result, poses a danger to him or herself</p> <p>Petition shall be accompanied by a certificate of a physician who has examined the individual within three days prior to the filing of the petition, unless the individual has refused to submit to an examination</p> | <p>administrator in charge of approved facility</p> <p>Court</p> | <p>expiration of the original commitment period</p> |
| South Carolina | Y | <p>Individual is chemically dependent and in need of involuntary commitment, defined as an individual suffering from chemical dependency as demonstrated by recent overt acts or recent expressed acts of violence, episodes of recent serious physical problems related to habitual and excessive use of drugs or alcohol, or both, or incapacitation by drugs or alcohol, or both</p> | <p>Adult person or head of treatment facility</p> <p>Court</p> | <p>90 days</p> |

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| | | Petition must be accompanied by certificate of physician stating that he or she has examined the individual within 48 hours before filing the petition, unless the individual has refused such examination, in which case that fact shall be so stated in the petition | | |
| South Dakota | Y | <p>Alcoholic or drug abuser who habitually lacks self-control as to the use of alcoholic beverages or other drugs and has threatened, attempted, or inflicted physical harm on him or herself or another and that unless committed is likely to inflict harm on him or herself or another, is incapacitated by the use of alcohol or drugs, or is pregnant and abusing alcohol or drugs</p> <p>Petition shall be accompanied by a certificate of a physician or licensed addiction counselor who has examined the individual within two days before filing the petition unless the individual has refused to submit to an examination or assessment, which fact shall be alleged in the petition</p> | <p>Spouse, guardian, relative, physician, administrator of approved treatment facility, any other responsible person</p> <p>Court</p> | 90 days unless order for recommitment has been granted |
| Tennessee | Y | Individual has a mental illness and poses an immediate substantial likelihood of serious harm as a result | Parent, legal guardian, legal custodian, conservator, spouse, or | |

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| | | <p>of the mental illness and the individual needs care, training, or treatment because of the mental illness and all available less drastic alternatives to placement in a hospital or treatment resource are unsuitable to meet the needs of the individual</p> <p>Complaint shall be accompanied by a sworn statement of the plaintiff that the individual has refused to be examined or by certificates of need showing that the individual has been examined by the certifying professionals within three days of the date of the complaint, that the individual is subject to involuntary care and treatment, and the factual conclusions</p> <p>“Mental illness” includes alcohol dependence and drug dependence</p> | <p>responsible relative, physician, psychologist, health or public welfare officer, an officer authorized to make arrests in the state, or the chief officer of the facility that the individual is in</p> <p>Court</p> | |
| Texas | Y | Individual is chemically dependent who is likely to cause serious harm to the individual or others or who will continue to suffer abnormal mental, emotional, or physical distress, will continue to deteriorate in ability to function independently if not treated, and is unable to make a rational and informed choice as to whether to submit to treatment | County or district attorney or other adult | 90 days |

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|----------|--|--|--|--|
| | | <p>Except for applications made by county or district attorney, applications must include certificate of medical examination for chemical dependency</p> <p>Hearing may not be held unless there is on file with the court two certificates of medical examination for chemical dependency completed by different physicians who have examined the individual not earlier than the 30th day before the date the final hearing is held</p> | | |
| Utah | N | | | |
| Vermont | Y – drugs only | <p>Person in need of treatment or person in need of further treatment</p> <p>Application shall be accompanied by a certificate of a physician who has examined the individual within the past five days or a written statement from the applicant that the individual has refused to submit to an examination</p> | <p>Interested party</p> <p>Court</p> | 90 days from date of hearing |
| Virginia | Y | <p>Individual has a mental illness and there exists a substantial likelihood that, as a result of the mental illness, the person will, in the near future, cause serious physical harm to him or herself or others as evidenced by recent behavior causing, attempting, or threatening harm or suffer serious</p> | <p>Any responsible person, treating physician</p> <p>Court</p> | 30 days unless involuntarily admitted by another order of the court which shall be for a period not to exceed 180 days from the date of the subsequent court order |

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| | | harm due to lack of capacity to protect him or herself from harm or provide for his or her basic needs, and the individual is in need of hospitalization or treatment | | |
| Washington | Y | <p>Individual presents a likelihood of serious harm or is gravely disabled as a result of alcohol or drug addiction, or the management, sobering services, or chemical dependency treatment and is in need of a more sustained treatment program, or the individual is chemically dependent and has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed</p> <p>Petition must be signed by two physicians, one physician and a mental health professional, one physician assistant and a mental health professional, or one psychiatric advanced registered nurse practitioner and a mental health professional who must have examined the individual</p> | <p>Chemical dependency specialist; when a designated chemical dependency specialist receives information regarding an individual, the specialist may, after investigation and evaluation of the specific facts alleged, file a petition for commitment</p> <p>Court</p> | 14 days unless a petition for recommitment is filed prior to the expiration of that period |
| West Virginia | Y | <p>Individual is likely to cause harm to self or others due to addiction</p> <p>Petition shall be accompanied by certificate of a physician or</p> | <p>Any adult person</p> <p>Court or mental hygiene commissioner or magistrate</p> | 6 months |

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|-----------|--|--|--|---|
| | | psychologist unless the individual has refused to be examined | | |
| Wisconsin | Y - alcohol | <p>The condition of the individual is such that he or she habitually lacks self-control as to the use of alcoholic beverages and uses such alcoholic beverages to the extent that health is substantially impaired or endangered and social or economic functioning is substantially disrupted</p> <p>Petition shall be accompanied by affidavit of person with personal knowledge</p> | Petition of three adults, one of whom has personal knowledge of the conduct and condition of the individual sought to be committed | 90 days unless the county department, prior to the expiration of the period, obtains a court order for recommitment for a further period not to exceed 6 months |
| Wisconsin | Y – drug dependence | <p>Individual is drug dependent and dangerous because he or she does any of the following: 1) evidences a substantial probability of physical harm to him or herself; 2) evidences a substantial probability of physical harm to others; 3) evidences such impaired judgment that there is a substantial probability of physical impairment or injury to him or herself or other individuals</p> <p>If the individual has been the subject of inpatient treatment for drug dependency immediately prior to commencement of the proceedings or subject to outpatient treatment as a</p> | Court | 6 months |

© 2016 Research is current as of August 2016. In order to ensure that the information contained herein is as current as possible, research is conducted using both nationwide legal database software and individual state legislative websites. Please contact Heather Gray at (703) 836-6100, ext. 114 or hgray@namsdl.org with any additional updates or information that may be relevant to this document. This document is intended for educational purposes only and does not constitute legal advice or opinion. Headquarters Office: THE NATIONAL ALLIANCE FOR MODEL STATE DRUG LAWS, 100 ½ E. Main Street, Manchester, Iowa 52057.

| State | Involuntary Commitment for Substance Use Disorders Y/N | Involuntary Commitment Requirements | Who May Petition and to Whom | Maximum Period of Detention |
|---------|--|---|------------------------------|-----------------------------|
| | | result of a court order immediately prior to the commencement of the proceedings, the pattern of recent overt acts or recent behavior may be satisfied by a showing that there is a substantial likelihood that the individual would be a proper subject for commitment if treatment were withdrawn | | |
| Wyoming | N | | | |

RECOMMITMENT AND MISCELLANEOUS INVOLUNTARY COMMITMENT PROVISIONS

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|---------|---|--|-----------------------------------|--|---|
| Alabama | N | | | | |
| Alaska | Y | Director of approved public or private facility may petition for recommitment to the court if the individual continues to be an alcoholic or drug abuser who is incapacitated by alcohol or drugs or who continues to be at risk of serious physical harm or illness | 180 days | Officer or administrator of approved treatment facility, public official, peace officer or other person responsible for detaining or transporting individual are not subject to civil or criminal liability for detaining or failing to detain an individual or for releasing individual if the persons have performed their duties in good faith and without gross negligence Person who knowingly initiates an involuntary commitment proceeding without good cause is guilty of a class C felony | Patient or person obligated to provide for the cost of treatment for the patient is liable to the facility for the cost of maintenance and treatment of the patient |
| Arizona | N | | | | |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|------------|--|--|-------------------------------|--|---|
| Arkansas | Y | Receiving facility or program treatment staff may petition the court for recommitment if the individual remains suicidal, homicidal, or gravely disabled | 45 days | Persons involved in the performance of duties related to the commitment of an individual are immune from civil liability for the performance of those duties Any person who willfully makes a false statement on any petition for involuntary commitment, involuntary commitment with request for continued detention, or who willfully makes false statements for the purpose of inducing another to bring such a petition, knowing the statements are false, or with reckless disregard for their truthfulness shall be guilty of a class A misdemeanor | Any person legally obligated to support a person in treatment shall be liable for treatment costs |
| California | Y | Notice of certification must be signed by the person in | 30 days unless patient agrees | Person who seeks petition for evaluation | N/A |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|-------|---|---|---|--|------------------------------------|
| | | charge of the facility providing intensive treatment or by either a physician or licensed psychologist who participated in the evaluation. Notice must be filed with the superior court. The notice must state that the individual remains gravely disabled as a result of chronic alcoholism or use of controlled substances and remains unwilling or unable to accept voluntary treatment | to further treatment on a voluntary basis, the patient is the subject of a conservatorship petition, or is the subject of a petition for post-certification treatment of a dangerous person | <p>knowing that the individual is not gravely disabled is guilty of a misdemeanor and may be held liable for civil damages</p> <p>Any person who is knowingly and willfully responsible for detaining a person in violation of these provisions is liable to the individual for civil damages</p> <p>Persons responsible for the commitment or treatment of an individual in an intensive treatment facility shall not be civilly or criminally liable for releasing an individual prior to the end of 14 days nor for any actions taken by an individual released at the end of 14 days</p> | |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|----------|---|---|--|--|---|
| Colorado | Y - alcohol | Treatment facility unit may petition the court if the person is an alcoholic and has threatened or attempted to inflict or inflicted physical harm on him or herself or on another and, unless committed, the person is likely to inflict physical harm on him or herself or on another person or that the person is incapacitated by alcohol | 90 days May be recommitted for a further 90 days if, prior to the expiration of the original 90 -day period, the unit obtains a court order for further treatment | N/A | Patient, estate of patient, or person obligated to provide for the cost of treatment, and having sufficient financial ability, is liable to the approved treatment facility for the cost of treatment, and facility may obtain a judgment for the cost of such services |
| Colorado | Y – drugs | Treatment facility unit may petition court if person is a drug abuser and has threatened or attempted to inflict or inflicted physical harm on him or herself or on another and, unless committed, the person is likely to inflict physical harm on him or herself or an another or the person is incapacitated by drugs | 90 days May be recommitted for a further 90 days if, prior to the expiration of the original 90 -day period, the unit obtains a court order for further treatment | | |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|-------------|--|---|---|--|---|
| Connecticut | Y | Administrator of treatment facility may petition court if person is drug or alcohol dependent and needs further inpatient treatment and is likely to benefit from such treatment and, if the individual is in an outpatient facility, that the individual is not successfully participating in outpatient treatment | Not less than 30 nor more than 180 days | <p>Medical officer, staff member of treatment facility, or hospital shall be deemed to be acting in the course and scope of his or her employment and shall not be civilly or criminally liable therefor</p> <p>Any person who knowingly and willfully causes or attempts to cause an individual not an alcohol or drug dependent person to be committed or any person knowingly making a false statement of fact or belief in any petition, certificate, or report, or any person who knowingly and willfully reports falsely to any court, judge, prosecutor, or law enforcement officer that a person is a drug or alcohol dependent person may be imprisoned not more than one year or fined more than \$1,000 or both</p> | All expenses in connection with an application shall be paid by the applicant unless the applicant is indigent, in which case the expenses shall be paid by the state |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|----------|---|---------------------------|-----------------------------|---|------------------------------------|
| Delaware | N | | | <p>Peace officers, emergency medical technicians, firefighters, ambulance attendants, physicians, employees of the division, administrator or staff of a treatment facility shall not be subject to any civil claim or civil legal proceeding of any nature, for damages of any nature or from harm resulting from any act or proceeding, decision or determination undertaken, performed, or recommended unless such harm was intentionally or recklessly caused by the misconduct of the foregoing individuals</p> <p>Any person that willingly causes or conspires with or assists another to cause the unwarranted involuntary confinement of any individual in a</p> | N/A |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|----------------------|--|--|--|--|---|
| | | | | substance abuse treatment facility shall be punished by a fine not exceeding \$500 or imprisonment for not more than one year, or both | |
| District of Columbia | Y - alcoholic | | No more than 90 days for a third or subsequent commitment in any 24-month period | N/A | Individual, his estate, individual's father, mother, or adult children shall be liable, each according to his ability, for the cost of such treatment |
| District of Columbia | Y – drug user | If individual is determined to have become a drug user again, he may be recommitted on order of the Mayor | | N/A | If the patient elects to designate a hospital to which he wishes to be confined, the cost of such hospitalization shall be borne by the patient |
| Florida | Y | Service provider may petition court if he or she believes the individual continues to meet the criteria for involuntary services | 90 days Additional petitions for renewal of services may be filed | N/A | N/A |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|----------|--|--|--|--|--|
| Georgia | Y | The chief medical officer of facility may file a notice with the hearing examiner if the individual requires treatment beyond the period currently authorized | 1 year | Physician, psychologist, peace officer, attorney, or health official, or any hospital official, agent, or other person employed by a private hospital or at a facility operated by the state who acts in good faith shall be immune from civil and criminal liability for actions in connection with the admission or discharge of a patient from a facility | N/A |
| Hawaii | Y | Facility may petition the court if the individual is continuing to suffer from substance abuse, is imminently dangerous to self or others, and the person is in need of care or treatment, or both | 90 days for initial re-commitment 180 days for second re-commitment | N/A | N/A |
| Idaho | N | | | | |
| Illinois | N | | | | |
| Indiana | Y | Superintendent of facility or attending physician may petition court if individual | 90 days | A person who, without malice, bad faith, or negligence acts | Expense of transport for individual detained on an |

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| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|-------|---|---|--|---|---|
| | | remains mentally ill and either dangerous or gravely disabled | | according to these provisions is immune from civil or criminal liability | <p>emergency basis shall be paid by the county in which the individual is present</p> <p>If the comfort and care of an individual is not otherwise provided for by the individual's estate, the individual's relatives or friends, or through financial assistance from the department of child services or the division of family resources, the court may order assistance furnished and paid for out of the general fund of the county</p> |
| Iowa | Y | Administrator of facility may petition court | 90 days unless order is obtained recommitting individual for a further 90 days | No peace officer, attending physician, or facility detaining a person shall be liable in a criminal or civil action for false arrest or false imprisonment if the | Department is not required to pay the cost of any medication or procedure provided to the individual which is not necessary or |

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| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|--------|--|--|---|--|---|
| | | | | peace officer, attending physician, or facility has reasonable grounds to believe the individual was a person with a substance-related disorder who was likely to harm him/herself or another if not detained | appropriate to the specific objectives of detoxification and treatment of substance abuse |
| Kansas | Y | Head of treatment facility may petition for recommitment | 3 months on an initial order for continued treatment No more than 6 months in any subsequent order for continued treatment | Treatment facility or personnel thereof who in good faith renders treatment to any person admitted on an emergency commitment application shall not be liable in a civil or criminal action based upon a claim that the treatment was rendered without legal consent Any person acting in good faith and without negligence shall be free from all liability, civil or criminal, which might arise out of acting pursuant to these provisions | Costs shall be taxed to the estate of the individual, to those bound by law to support such individual, or to the county of residence of the individual |

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| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|-----------|--|---|---|---|--|
| | | | | Any person who for a corrupt consideration or advantage, or through malice, shall make or join in making or advise the making of any false petition, report, or order provided for in these provisions shall be guilty of a class A misdemeanor | |
| Kentucky | N | | | N/A | Petition for involuntary commitment shall include a signed guarantee from the petitioner obligating that person to pay for all costs of treatment ordered by the court |
| Louisiana | Y – alcohol | Director of treatment facility may petition court if the individual is in need of further treatment | 60 days No more than two such 60-day re-commitments may be ordered | Public and private general hospitals and their personnel who provide commitment services in good faith shall not be liable for damages suffered by the patient, unless the damage was caused by | Coroner’s fees shall be paid by the governing authority of the parish in which the individual is domiciled Payment for emergency |

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| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|-------|--|---------------------------|-----------------------------|---|---|
| | | | | <p>willful or wanton negligence or gross misconduct. The limitation of liability only applies to personnel who, within the preceding 12-month period, have received appropriate training in non-violent crisis intervention. “Personnel” does not include physician, psychiatric mental health nurse practitioner, medical psychologist, or psychologist for purposes of non-violent crisis intervention training.</p> <p>Any person who willfully advises or participates in the making of a false application or certificate shall be imprisoned, with or without hard labor, for not more than two years or fined no more than \$10,000, or both</p> | <p>commitment health services provided to a patient shall not be denied by Medicaid, an entity contracted with the state for the provision of Medicaid services, or any hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract or other agreement with a health maintenance organization or preferred provider organization, health and accident insurance policy, or any other insurance contract of any type, on the basis of medical necessity if all of the following conditions are met: 1) claims for payment</p> |

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| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|-------|--|--|--|---|--|
| | | | | | <p>shall be limited to behavioral health expenditures; 2) admitting physician and evaluating psychiatrist or medical psychologist shall offer the individual the opportunity for voluntary admission; 3) individual shall be evaluated within 24 hours of being committed and, thereafter, all claims shall be determined by medical necessity.</p> <p>If the individual is indigent, payment for additional medical opinion may be paid by the Mental Health Advocacy Service</p> |
| Maine | Y | If the chief administrative officer recommends that involuntary commitment is further warranted, he or she | 1 year at the second and all subsequent hearings | A person who willfully causes the unwarranted hospitalization or willfully causes the | Department of Health and Human Services is responsible for any reasonable |

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| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|---------------|--|--|-----------------------------|--|---|
| | | shall notify the commissioner who shall petition the court | | denial of rights to a patient is guilty of a class C crime | transportation expenses related to emergency commitment |
| Maryland | N | | | | |
| Massachusetts | N | | | N/A | N/A |
| Michigan | N | | | A person who furnishes false information for the purpose of obtaining an order of involuntary treatment or causes or otherwise secures, or conspires with or assists another to cause or secure, without a reason to believe the individual has a substance use disorder, an order of involuntary treatment, is guilty of a misdemeanor punishable by imprisonment for not more than one year or a fine of not more than \$5,000, or both Peace officer, a member of emergency services, or | Petition must include a guarantee by the petitioner that he or she has agreed to pay for the treatment of the individual unless waived by the court for good cause Cost of treatment or transportation, or both, shall be paid by the individual or by any public or private source available to the individual, or the estate of the individual |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|-----------|---|--|---|--|---|
| | | | | staff member of an approved service program or an emergency medical service who acts in compliance with these provisions is acting in the course of his or her official duty and is not criminally or civilly liable as a result unless such individual engages in behavior involving gross negligence or willful or wanton misconduct | |
| Minnesota | Y | If the individual continues to be chemically dependent, involuntary commitment is necessary for the safety of the patient or others, and there is no alternative to involuntary commitment | 12 months May not be continued unless a new petition is filed, and a commitment period may not be more than 12 months under the new petition | N/A | If individual is committed to a state facility, the individual may be billed for cost of care Patients or other persons are responsible for payment of the necessary charges for individuals committed to a private facility |

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| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|-------------|---|---------------------------|-----------------------------|--|--|
| Mississippi | N | | | N/A | <p>Cost of emergency treatment shall be charged to the individual or the individual's estate</p> <p>Costs incident to initial commitment proceedings shall be paid out of county funds if the individual is indigent or by the individual or individual's estate if not</p> <p>Individual's county of residence shall be responsible for costs of treatment</p> <p>Treatment facility shall be responsible for costs incident to second commitment proceedings if individual is indigent or the individual or individual's estate if not</p> |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|----------|--|---|---|--|------------------------------------|
| Missouri | Y | Head of facility or mental health coordinator may petition the court if the individual, as the result of alcohol or drug abuse or both continues to present a likelihood of serious harm to him or herself or others and further detention and treatment is necessary | 90 days | No person involved in the detention, transport, or treatment of an individual shall be civilly liable for investigating, detaining, transporting, conditionally releasing or discharging a person so long as such duties were performed in good faith and without gross negligence No person making or filing an application for the detention of an individual shall be civilly or criminally liable if the application was made and filed in good faith | N/A |
| Montana | Y | The department may petition the court if the circumstances requiring commitment still exist | 90 days for each two subsequent recommitments | N/A | N/A |
| Nebraska | N | | | Any person who files or causes to be filed a certificate or petition, | N/A |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|----------------|--|--|---|---|------------------------------------|
| | | | | knowing the allegations are false, or deprives an individual of any enumerated right, shall be guilty of a Class II misdemeanor in addition to any civil liability he or she may face for such action | |
| Nevada | N | | | N/A | N/A |
| New Hampshire | N | | | N/A | N/A |
| New Jersey | N | | | N/A | NA |
| New Mexico | N | | | N/A | N/A |
| New York | N | | | N/A | N/A |
| North Carolina | Y | Physician or area authority may petition the clerk | 90 days after which rehearing shall be held | N/A | N/A |
| North Dakota | Y | Director or superintendent may petition if the individual requires continued treatment | 1 year unless a new petition for continued treatment is filed | A person acting in good faith who makes a petition for involuntary treatment is not subject to civil or criminal liability A professional who in good faith exercises | |

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| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|----------|---|---------------------------|-----------------------------|---|--|
| | | | | <p>professional judgment in fulfilling an obligation or discretionary responsibility under these provisions is not subject to civil or criminal liability unless it can be shown it was done in a negligent manner</p> <p>A person who makes a petition for involuntary treatment without having good cause to believe that the individual is a person who is both mentally ill and chemically dependent and is likely to cause serious harm to self or others is guilty of a class A misdemeanor</p> | |
| Ohio | N | | | N/A | Petitioner or person authorized to file petition |
| Oklahoma | N | | | N/A | N/A |
| Oregon | N | | | N/A | N/A |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|--------------|--|--|-----------------------------|--|---|
| Pennsylvania | Y | County administrator or director of facility may petition court if the individual has a further need for continued involuntary treatment as shown by conduct during the individual's most recent period of court-ordered treatment | 180 days | <p>A person commits a misdemeanor of the second degree if, with intent to mislead a public servant, he or she makes any false statement which he does not believe to be true, submits or invites reliance on any writing which he knows to be forged, altered, or otherwise lacking in authenticity, or submits or invites reliance on any object which he knows to be false</p> <p>A person commits a misdemeanor of the third degree if he or she makes a written false statement which he does not believe to be true, on or pursuant to a form bearing notice that such false statements made therein are punishable</p> | <p>State may recover expenditures made on behalf of individual for the cost of care from that individual or spouse</p> <p>No state funds shall be expended on behalf of the individual until the individual has exhausted his eligibility for the receipt of benefits under all other existing or future private, public, local, state, or federal programs</p> |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|-------|---|---------------------------|-----------------------------|--|------------------------------------|
| | | | | <p>In addition to any other punishment, a person convicted under this provision shall be sentenced to pay a fine of at least \$1,000</p> <p>Unless there is evidence of willful misconduct or gross negligence, any authorized person who participates in a decision that an individual be examined or treated under these provisions, or that such individual be discharged, placed under partial hospitalization, outpatient care or leave of absence, or that restraint upon a person be otherwise reduced, or a county administrator or other authorized person who denies an application for voluntary treatment or for involuntary emergency examination and treatment, shall not be</p> | |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|--------------|--|---|-------------------------------|---|--|
| | | | | <p>civily or criminally liable for such decision or for any of its consequences</p> <p>Judge or mental health review officer shall not be civilly or criminally liable for any actions or decisions made pursuant to these provisions</p> | |
| Rhode Island | Y | The department may petition the court if the individual continues to meet the requirements for commitment and requires further treatment. If the individual was originally committed on the grounds that he or she was likely to inflict physical harm on him or herself or another, the department shall apply for recommitment if, after examination, it is determined that the likelihood still exists | 90 days on each re-commitment | N/A | <p>Public treatment facility is entitled to payment from individual receiving treatment or from any public or private source available to the department</p> <p>Individual, estate of the individual, or person obligated to provide for the cost of treatment shall be liable to the division for the cost of maintenance and treatment of the individual</p> |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|----------------|---|---|--|--|--|
| South Carolina | Y | Head of treatment facility or director of treatment program may petition if the individual has violated the conditions of his or her release from involuntary commitment, including a failure to adhere to an outpatient treatment program | 60 days | Peace officer acting in accordance with the provisions of this chapter is immune from civil liability | N/A |
| South Dakota | Y | Alcoholic or drug abuser who habitually lacks self-control as to the use of alcoholic beverages or other drugs and has threatened, attempted, or inflicted physical harm on him or herself or another and that unless committed, is likely to inflict harm on him or herself or another, is incapacitated by the use of alcohol or drugs, or is pregnant and abusing alcohol or drugs | 90 days unless order for second re-commitment has been granted Only two re-commitment orders may be granted | Persons operating accredited treatment facilities who act in compliance with their duties shall not be civilly or criminally liable therefor | Costs of treatment by an approved treatment facility shall be assessed against the individual, legally responsible relatives, conservator, or the individual's county of residence if the individual is indigent Costs of treatment by an accredited treatment facility shall be assessed against the individual, legally responsible relatives, or conservator |

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| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|-----------|---|---------------------------|-----------------------------|---|--|
| | | | | | Payment for treatment under emergency commitment may be assessed to the individual, legally responsible relative or guardian, or county of residence if the individual is indigent, or billed to the division through contract with an approved treatment facility |
| Tennessee | N | | | Hospital, treatment resource, or health care provider shall be immune from any civil liability and shall have an affirmative defense to any criminal liability arising from either a determination relative to admission of a person to a facility or treatment resource or from the transportation of an individual to and from the hospital or treatment resource | N/A |

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| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|-------|---|---------------------------|-----------------------------|---|------------------------------------|
| | | | | <p>It is a class C misdemeanor for any person knowingly to furnish false information for the purpose of securing the hospitalization or admission of any person to a facility for persons with mental illness</p> <p>It is a class E felony for any person who without probable cause to believe an individual has mental illness causes or conspires with or assists a third person to cause the hospitalization or admission of the individual under these provisions; causes or conspires with or assists another to cause the denial of any right to an individual; executes a petition, application, or certificate under these provisions, or</p> | |

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| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|-------|---|---|-----------------------------|--|---|
| | | | | <p>otherwise secures or attempts to secure the apprehension, detention, hospitalization, admission, or restraint of the individual; knowingly makes a false certificate or application</p> <p>All persons acting in good faith, reasonably and without negligence with respect to these provisions shall be free from all liability, civil or criminal</p> | |
| Texas | Y | If the individual continues to be chemically dependent and that, because of the chemical dependency, the individual is likely to cause serious physical harm to himself or others | 90 days | A person who participates in the examination, certification, apprehension, custody, transportation, detention, commitment, treatment, or discharge of an individual or in the performance of any act required or authorized by these provisions and who acts in good faith and | County or state is entitled to reimbursement from the individual, the applicant, or a person or estate liable for the individual's support in a treatment facility for any costs paid related to the commitment or detention of a patient |

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| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|-------|---|---------------------------|-----------------------------|--|------------------------------------|
| | | | | <p>without malice or negligence is not civilly or criminally liable for those actions</p> <p>A person who intentionally causes, conspires with another to cause, or assists another to cause the unwarranted commitment of an individual to a treatment facility or who knowingly violates these provisions is subject on conviction to a fine of not less than \$50 and not more than \$25,000 for each violation and each day of a continuing violation, confinement in jail for not more than two days for each violation and each day of a continuing violation, or both</p> <p>A person other than an individual who commits an offense listed above is</p> | |

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| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|----------|--|---|-----------------------------|---|---|
| | | | | subject to on conviction to a fine of not less than \$500 or more than \$100,000 for each violation and each day of a continuing violation | |
| Utah | N | | | N/A | N/A |
| Vermont | Y | The commissioner may petition the court if the individual is in need of further treatment | 1 year | Person who willfully causes, or conspires with or assists another to cause, the hospitalization of an individual knowing that the individual is not mentally ill or in need of hospitalization or treatment, or the denial of any rights to an individual, or the elopement of an individual from a hospital shall be fined not more than \$500 or imprisoned not more than one year, or both | It is the duty of the individual, his or her legal representative, or spouse, in that order, to pay or contribute to the payment of the charge for the care and treatment of the individual |
| Virginia | N | | | N/A | Fees and expenses and costs paid by the Commonwealth shall be recoverable by the |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|------------|---|--|-----------------------------|---|---|
| | | | | | <p>Commonwealth from the individual or his/her estate</p> <p>Costs incurred as a result of hearings and by the treating facility shall be recoverable by the Commonwealth from the individual or his/her estate, though costs shall first be submitted to any insurer</p> |
| Washington | Y | Designated chemical dependency specialist may petition the court if the individual presents a likelihood of serious harm or is gravely disabled as a result of alcohol or drug addiction, or the individual has twice before in the preceding twelve months been admitted for withdrawal management, sobering services, or chemical dependency | 90 days | A person or public or private entity employing a person is not civilly or criminally liable for performing duties related to an initial detention if the duties were performed in good faith and without gross negligence | Individual, individual's estate, or person obligated to provide for the cost of treatment are liable to the program for the cost of maintenance and treatment of the individual |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment ⁹ |
|---------------|---|---|-----------------------------|--|--|
| | | treatment and is in need of a more sustained treatment program, or the individual is chemically dependent and has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed | | | |
| West Virginia | N | | | Absent a finding of professional negligence, an examiner shall not be civilly liable for rendering an opinion regarding the need for treatment | N/A |
| Wisconsin | Y – alcohol | County department may petition the court if the condition of the individual is such that he or she habitually lacks self-control as to the use of alcoholic beverages, and uses such alcoholic beverages to the extent that health is substantially impaired or endangered and social or economic | 6 months | Any individual who acts in accordance with law, including making a determination that an individual is or is not in need of treatment, is not liable for any action taken in good faith in emergency detention proceedings | The individual, individual's estate, spouse shall be liable for cost of care and maintenance |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.

| State | Recommitment for Substance Use Disorders Y/N | Recommitment Requirements | Maximum Period of Detention | Civil and Criminal Liability or Immunity | Payment for Treatment⁹ |
|--------------|---|--|------------------------------------|---|--|
| | | functioning is substantially disrupted | | | |
| Wisconsin | Y – drugs | The department may petition the court if the individual is in need of continuing treatment | | | |
| Wyoming | N | | | N/A | N/A |

⁹ These provisions apply where commercial or private insurance or Medicaid/Medicare is not available.