



House of Representatives

General Assembly

File No. 239

February Session, 2024

Substitute House Bill No. 5397

House of Representatives, April 3, 2024

The Committee on Public Safety and Security reported through REP. BOYD of the 50th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING EMERGENCY INTERVENTION BY A POLICE OFFICER WHEN A PERSON IS INCAPACITATED BY DRUGS OR DUE TO A MEDICAL EMERGENCY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-683 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2024*):

3 (a) Any police officer finding a person who appears to be intoxicated
4 in a public place and in need of help may, with such person's consent,
5 assist such person to [his] such person's home, a treatment facility, or a
6 hospital or other facility able to accept such person.

7 (b) (1) Any police officer finding a person who appears to be
8 incapacitated by alcohol, by drugs or due to a medical emergency shall
9 take [him] such person into protective custody and have [him brought]
10 such person transported forthwith to a treatment facility which
11 provides medical triage in accordance with regulations adopted
12 pursuant to section 19a-495 or to a hospital, provided, if such person

13 appears to be incapacitated by drugs or due to a medical emergency,
14 such officer is requested to take such person into protective custody and
15 provide such transportation by emergency medical services personnel
16 after such personnel (A) have evaluated such person, to the extent
17 possible, and (B) have received direction from the appropriate medical
18 control officer for emergency medical services personnel to have such
19 person transported to a hospital. Nothing in this section shall preclude
20 any police officer from taking any reasonable action in good faith to
21 protect the wellbeing of any such person prior to the arrival of
22 emergency medical services personnel.

23 (2) The police, in detaining [the] a person and in having [him] such
24 person brought forthwith to such a treatment facility or a hospital
25 pursuant to subdivision (1) of this subsection, shall be taking [him] such
26 person into protective custody and shall make every reasonable effort
27 to protect [his] such person's health and safety. In taking the person into
28 protective custody, the detaining officer may take reasonable steps to
29 protect himself or herself. A taking into protective custody under this
30 section is not an arrest. No entry or other record shall be made to
31 indicate that the person has been arrested or charged with a crime. [For
32 purposes of this section "medical triage" means a service which provides
33 immediate assessment of symptoms of substance abuse, the immediate
34 care and treatment of these symptoms as necessary, a determination of
35 need for treatment, and assistance in attaining appropriate continued
36 treatment.]

37 (c) A person who is brought to a treatment facility which provides
38 medical triage in accordance with regulations adopted pursuant to
39 section 19a-495 or to a hospital shall be examined by a medical officer or
40 [his] such medical officer's designee as soon as possible. The medical
41 officer shall determine whether the person requires inpatient treatment
42 based upon the medical examination of the person and upon a finding
43 that the person is incapacitated by alcohol, by drugs or due to a medical
44 emergency.

45 (d) If the medical officer determines that the person requires inpatient

46 treatment, the person shall be (1) admitted to, referred to or detained at
47 a treatment facility that provides medical treatment for detoxification or
48 a hospital, or (2) committed to a treatment facility operated by the
49 Department of Mental Health and Addiction Services for emergency
50 treatment pursuant to the provisions of section 17a-684. A person
51 treated under subdivision (1) of this subsection shall be admitted as a
52 voluntary patient, or, if necessary, detained for necessary treatment. If
53 such person is referred to another treatment facility or another hospital,
54 the referring facility or hospital shall arrange for [his] such person's
55 transportation.

56 (e) Any person admitted or detained as a patient under subdivision
57 (1) of subsection (d) of this section shall be released once [he] such
58 person is no longer incapacitated [by alcohol] or within forty-eight
59 hours, whichever is shorter, unless [he] such person consents to further
60 medical evaluation or treatment.

61 (f) If a patient is admitted to a treatment facility or hospital, [his] such
62 person's family or next of kin shall, unless prohibited by federal law, be
63 notified as promptly as possible. If a patient who is not incapacitated
64 [by alcohol] requests that there be no notification, [his] such request
65 shall be respected.

66 (g) A person who is not admitted to a treatment facility or a hospital,
67 is not referred to another treatment facility or hospital and has no funds
68 may be taken to [his] such person's home, if any. If [he] such person has
69 no home, the facility shall assist [him] such person in obtaining shelter.

70 (h) For purposes of this section, emergency medical services
71 personnel has the same meaning as in section 20-206jj, and "medical
72 triage" means a service that provides immediate assessment of
73 symptoms of substance abuse, immediate care and treatment of medical
74 emergencies and such symptoms as necessary, a determination of need
75 for treatment and assistance in attaining appropriate continued
76 treatment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	17a-683

Statement of Legislative Commissioners:

In Subsec. (b)(1), "on request of" was changed to "by" and subparagraph designators were inserted, for clarity.

PS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill expands a police officer's duty to take certain incapacitated persons into protective custody, resulting in no fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5397*****AN ACT CONCERNING EMERGENCY INTERVENTION BY A POLICE OFFICER WHEN A PERSON IS INCAPACITATED BY DRUGS OR DUE TO A MEDICAL EMERGENCY.*****SUMMARY**

This bill expands a police officer's duty to take certain incapacitated people into protective custody. As under current law for those incapacitated by alcohol, the bill requires police officers, when finding someone who appears to be incapacitated by drugs or due to a medical emergency, to take the person into protective custody and transport them to a (1) treatment facility that provides medical triage or (2) hospital. However, unlike with individuals incapacitated by alcohol, officers may only take these other individuals if they are requested to do so by emergency medical services personnel.

The bill similarly expands current requirements on treatment facilities, hospitals, and their medical officers. Like current requirements regarding people brought to them who appear to be incapacitated by alcohol, the bill requires them to also care for those who may be incapacitated by drugs or due to a medical emergency. This includes determining whether the person requires inpatient treatment.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2024

PROTECTIVE CUSTODY INVOLVING DRUGS OR MEDICAL EMERGENCY

Under the bill, individuals incapacitated by drugs or due to a medical emergency may only be taken into protective custody by police if emergency medical services personnel request it after having (1)

evaluated the individual, to the extent possible, and (2) received direction from their appropriate medical control officer to have the individual transported to a hospital (or, presumably, a treatment facility). The bill states that nothing in it limits any police officer from taking any reasonable action in good faith to protect the wellbeing of these individuals before emergency medical services personnel arrive.

POLICE ACTIONS

Under existing law for someone incapacitated by alcohol and the bill for someone incapacitated by drugs or due to a medical emergency, taking someone into protective custody is not an arrest and no record may be made to indicate that a person was arrested or charged with a crime. Police must make every reasonable effort to protect the health and safety of someone they take into this custody and may take reasonable steps to protect themselves.

MEDICAL ACTIONS

Similarly, under existing law and the bill, a medical officer must examine a person the police bring to his or her treatment facility or hospital as soon as possible and determine whether the person requires inpatient treatment. If a medical officer determines that the person requires inpatient treatment, the person must be (1) admitted to, referred to, or detained at a treatment facility that provides medical treatment for detoxification or a hospital or (2) committed to a treatment facility operated by the Department of Mental Health and Addiction Services for emergency treatment. If the person is referred to another treatment facility or hospital, the referring facility or hospital must arrange for the person's transportation.

Anyone who is not committed for emergency treatment must be released once he or she is no longer incapacitated or within 48 hours, whichever is shorter, unless he or she consents to more evaluation or treatment. If someone is admitted, his or her family or next of kin must be notified as promptly as possible unless (1) prohibited by federal law or (2) the person is not incapacitated and requests that there be no notification.

Existing law and the bill allow a person to be taken to his or her home, if any, if he or she is not admitted or referred to a treatment facility or hospital and has no money. But if the person does not have a home, the facility must help him or her get shelter.

APPLICATION

By law, and under the bill, “drugs” are those containing any quantity of a substance designated:

1. as subject to the federal Controlled Substances Act;
2. as a depressant or stimulant drug under federal food and drug laws; or
3. by the consumer protection commissioner in regulations as having a stimulant, depressant, or hallucinogenic effect upon the higher functions of the central nervous system and tending to promote abuse or psychological or physiological dependence, or both.

These drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type, and other stimulant and depressant drugs. They specifically do not include alcohol, nicotine, and caffeine (CGS §§ 17a-680(6) & 21a-240(8)).

Under current law, “medical triage” is a service that provides (1) immediate assessment of substance abuse symptoms, (2) immediate care and treatment of those symptoms as necessary, (3) a determination of the need for treatment, and (4) help with getting appropriate continued treatment. The bill expands this definition to include the immediate care and treatment of medical emergencies.

Under the bill, “emergency medical services personnel” is a certified emergency medical responder, emergency medical technician, advanced emergency medical technician, emergency medical services instructor, or a licensed paramedic (CGS § 20-206jj(5)).

Under existing law, “incapacitated by alcohol” is a condition in

which a person's judgment is so impaired because of alcohol that he or she is incapable of realizing and making a rational decision about his or her need for treatment (CGS § 17a-680(11)).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/19/2024)