

WORKING DRAFT

Proposed Substitute Bill No. 5397

February Session, 2024

LCO No. 3268

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 Section 17a-683 of the general statutes is repealed and the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 on request of emergency medical services
16 personnel after such personnel have evaluated such person, to the extent
17 possible, and 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

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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
33 provides immediate assessment of symptoms of substance abuse, the
34 immediate care and treatment of these symptoms as necessary, a
35 determination of need for treatment, and assistance in attaining
36 appropriate continued 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

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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:		
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Section 1	<i>October 1, 2024</i>	17a-683
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