

REFERENCE TITLE: **alcoholism and substance abuse control**

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

## **SB 1082**

Introduced by  
Senators Allen, Jackson: Representative Crandell

AN ACT

AMENDING SECTION 4-224, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 36, CHAPTER 18, ARTICLE 2 TO "EVALUATION AND TREATMENT OF PERSONS INCAPACITATED BY ALCOHOL OR SUBSTANCE ABUSE"; AMENDING SECTIONS 36-2021, 36-2023, 36-2025, 36-2026, AND 36-2029, ARIZONA REVISED STATUTES; RELATING TO THE EVALUATION AND TREATMENT OF PERSONS INCAPACITATED BY ALCOHOL OR SUBSTANCE ABUSE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 4-224, Arizona Revised Statutes, is amended to  
3 read:

4 4-224. Local ordinances; prohibitions; exceptions

5 A. EXCEPT AS PROVIDED PURSUANT TO SUBSECTIONS B THROUGH E OF THIS  
6 SECTION, a city, town or county shall not adopt ordinances or regulations in  
7 conflict with ~~the provisions of~~ this title or any rules adopted pursuant to  
8 this title, including, ~~but not limited to,~~ ordinances or regulations  
9 pertaining to hours and days of liquor sales and ordinances or regulations  
10 that conflict with the definition of restaurant in section 4-205.02. A city,  
11 town or county shall not limit any right granted by the license, by this  
12 title or by any rules adopted pursuant to this title. A city, town or county  
13 may enforce lawful zoning requirements. Zoning shall not be a basis for  
14 protesting or denying a license under this title.

15 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A CITY, TOWN OR  
16 COUNTY BY ORDINANCE MAY PROHIBIT OR REGULATE THE HOURS OF SALES OF THE  
17 FOLLOWING:

18 1. ORIGINAL CONTAINERS OF BEER, WINE AND SPIRITUOUS LIQUOR THROUGH A  
19 WALK-UP OR DRIVE-THROUGH WINDOW ON LICENSED PREMISES FOR CONSUMPTION OFF THE  
20 PREMISES.

21 2. ORIGINAL CONTAINERS OF BEER THAT ARE FORTY OUNCES OR LARGER IN SIZE  
22 AT LICENSED PREMISES FOR CONSUMPTION OFF THE PREMISES.

23 C. AN ORDINANCE ADOPTED BY A COUNTY PURSUANT TO SUBSECTION B OF THIS  
24 SECTION MAY BE EFFECTIVE IN THE ENTIRE UNINCORPORATED AREA OR IN ONLY ONE OR  
25 MORE DEFINED ZONES OF THE UNINCORPORATED AREA. AN ORDINANCE THAT IS  
26 EFFECTIVE IN ONE OR MORE ZONES SHALL CONTAIN A LEGAL DESCRIPTION AND A MAP  
27 DEPICTING THE BOUNDARIES OF EACH SUCH ZONE.

28 D. AN ORDINANCE ADOPTED BY A CITY, TOWN OR COUNTY PURSUANT TO  
29 SUBSECTION B OF THIS SECTION MAY PRESCRIBE PUNISHMENT BY FINE OR  
30 IMPRISONMENT, OR BOTH, NOT TO EXCEED THE MAXIMUM LIMITATIONS FOR A CLASS 2  
31 MISDEMEANOR. A CITY, TOWN OR COUNTY MAY ESTABLISH CIVIL PENALTIES NOT TO  
32 EXCEED THE MAXIMUM FINE FOR A CLASS 2 MISDEMEANOR FOR A VIOLATION OF AN  
33 ORDINANCE ADOPTED PURSUANT TO SUBSECTION B OF THIS SECTION AND MAY APPOINT  
34 HEARING OFFICERS TO HEAR AND DETERMINE VIOLATIONS. AN ALLEGED VIOLATOR IS  
35 NOT SUBJECT TO BOTH CRIMINAL AND CIVIL PROSECUTION ARISING OUT OF THE SAME  
36 SET OF FACTS. AN ORDINANCE ADOPTED PURSUANT TO SUBSECTION B OF THIS SECTION  
37 MAY NOT PROVIDE FOR THE REVOCATION OR SUSPENSION OF ANY LICENSE ISSUED BY THE  
38 DEPARTMENT AS A CONSEQUENCE OF A VIOLATION.

39 E. BEFORE A CITY, TOWN OR COUNTY ADOPTS AN ORDINANCE PURSUANT TO  
40 SUBSECTION B OF THIS SECTION, THE GOVERNING BODY OF THE CITY, TOWN OR COUNTY  
41 SHALL EITHER:

42 1. HOLD A PUBLIC HEARING REGARDING THE ORDINANCE. THE CITY, TOWN OR  
43 COUNTY MUST PROVIDE AT LEAST FIFTEEN DAYS' NOTICE OF THE HEARING BY  
44 PUBLISHING THE TIME AND LOCATION OF THE HEARING IN A NEWSPAPER OF GENERAL  
45 CIRCULATION IN THE AREA IN WHICH THE ORDINANCE WILL BE EFFECTIVE IF ADOPTED

1 AND BY POSTING A NOTICE OF THE HEARING IN AT LEAST THREE PUBLIC PLACES IN THE  
2 AREA IN WHICH THE ORDINANCE WILL BE EFFECTIVE IF ADOPTED. IF A COUNTY  
3 ORDINANCE WILL BE EFFECTIVE IN TWO OR MORE ZONES, THE CITY OR TOWN MUST POST  
4 NOTICE OF THE HEARING AT LEAST FIFTEEN DAYS BEFORE THE HEARING IN AT LEAST  
5 THREE PUBLIC PLACES WITHIN EACH ZONE. THE CITY, TOWN OR COUNTY SHALL MAIL  
6 NOTICE OF THE HEARING TO THE DIRECTOR BY REGISTERED MAIL AT LEAST FIFTEEN  
7 DAYS BEFORE THE HEARING. AN AFFIRMATIVE VOTE OF THREE-FOURTHS OF ALL MEMBERS  
8 OF THE GOVERNING BODY IS REQUIRED FOR ADOPTION OF THE ORDINANCE. THE  
9 ORDINANCE MAY NOT BE ADOPTED AS AN EMERGENCY MEASURE AND MAY NOT BE EFFECTIVE  
10 UNTIL THIRTY DAYS AFTER ADOPTION. AFTER THE ORDINANCE IS ADOPTED, THE CITY,  
11 TOWN OR COUNTY SHALL PUBLISH THE ORDINANCE AT LEAST ONCE IN A NEWSPAPER OF  
12 GENERAL CIRCULATION IN THE AREA IN WHICH THE ORDINANCE IS EFFECTIVE. THE  
13 CITY OR TOWN MAY SUBSEQUENTLY AMEND OR REPEAL THE ORDINANCE IN THE MANNER  
14 SPECIFIED IN THIS PARAGRAPH.

15 2. SUBMIT THE ORDINANCE TO THE QUALIFIED ELECTORS OF THE CITY, TOWN OR  
16 COUNTY AT A GENERAL OR SPECIAL ELECTION. IF A COUNTY ORDINANCE WILL BE  
17 EFFECTIVE IN ONE OR MORE ZONES, THE COUNTY SHALL SUBMIT THE ORDINANCE ONLY TO  
18 THE QUALIFIED ELECTORS OF THE ZONE OR ZONES. THE BALLOT FOR THE ELECTION  
19 SHALL CONTAIN THE FULL TEXT OF THE ORDINANCE AND AN IMPARTIAL SUMMARY NOT TO  
20 EXCEED TWO HUNDRED FIFTY WORDS PREPARED BY THE ATTORNEY FOR THE CITY, TOWN OR  
21 COUNTY. THE CITY, TOWN OR COUNTY SHALL ADMINISTER THE ELECTION AS OTHERWISE  
22 PROVIDED BY LAW. IF A MAJORITY OF THE QUALIFIED ELECTORS VOTING ON THE  
23 QUESTION APPROVE THE ORDINANCE, THE ORDINANCE SHALL BE DEEMED ADOPTED. IF A  
24 COUNTY ORDINANCE IS SUBMITTED TO THE QUALIFIED ELECTORS OF TWO OR MORE ZONES,  
25 THE ADOPTION OF THE ORDINANCE SHALL BE DETERMINED ON A ZONE-BY-ZONE BASIS.  
26 AN ORDINANCE APPROVED BY THE QUALIFIED ELECTORS PURSUANT TO THIS PARAGRAPH  
27 MAY BE AMENDED OR REPEALED IN THE SAME MANNER OR IN THE MANNER SPECIFIED IN  
28 PARAGRAPH 1 OF THIS SUBSECTION.

29 Sec. 2. Heading change

30 The article heading of title 36, chapter 18, article 2, Arizona Revised  
31 Statutes, is changed from "EVALUATION AND TREATMENT OF PERSONS IMPAIRED BY  
32 ALCOHOLISM" to "EVALUATION AND TREATMENT OF PERSONS INCAPACITATED BY ALCOHOL  
33 OR SUBSTANCE ABUSE".

34 Sec. 3. Section 36-2021, Arizona Revised Statutes, is amended to read:  
35 36-2021. Definitions

36 In this chapter, unless the context otherwise requires:

37 1. "Alcoholic" means a person who habitually lacks self-control with  
38 respect to the use of alcoholic beverages or who uses alcoholic beverages to  
39 the extent that ~~his~~ THE PERSON'S health is substantially impaired or  
40 endangered or ~~his~~ THE PERSON'S social or economic functions are substantially  
41 disrupted.

42 2. "Approved private treatment facility" means a private agency  
43 meeting the standards established by the division and approved pursuant to  
44 sections 36-2023 and 36-2029.

1           3. "Approved public treatment facility" means a treatment agency  
2 operating under the directions and control of a county, providing treatment  
3 through a contract with a county, meeting the standards established by the  
4 division and approved pursuant to sections 36-2023 and 36-2029.

5           4. "Chronic alcoholic" means an alcoholic who is incapacitated by  
6 alcohol and who during the preceding twelve months has been admitted to a  
7 local alcoholism reception center on ten or more occasions or has been  
8 admitted for three or more episodes of inpatient or residential alcoholism  
9 treatment.

10          5. "Court" means a court of record, a justice of the peace court, a  
11 police court or a city court authorized by charter.

12          6. "Department" means the department of health services.

13          7. "Deputy director" means the deputy director of the division of  
14 behavioral health in the department of health services.

15          8. "Director" means the director of the department of health services.

16          9. "Division" means the division of behavioral health in the  
17 department of health services.

18          10. "Evaluation" means A multidisciplinary professional analysis of a  
19 person's medical, psychological, social, financial and legal conditions.  
20 Persons providing evaluation services shall be properly qualified  
21 professionals and may be full-time employees of an approved treatment  
22 facility providing evaluation services or may be part-time employees or may  
23 be employed on a contractual basis.

24          11. "Incapacitated by alcohol OR SUBSTANCE ABUSE" means that a person  
25 as a result of the use of alcohol OR A SUBSTANCE LISTED IN SECTION 13-3401,  
26 PARAGRAPH 5, 6 OR 20 is unconscious or has ~~his~~ THE PERSON'S judgment  
27 otherwise so impaired that ~~he~~ THE PERSON is incapable of realizing and making  
28 a rational decision with respect to ~~his~~ THE PERSON'S need for evaluation and  
29 treatment, is unable to take care of ~~his~~ basic personal needs or safety such  
30 as food, clothing, shelter or medical care or lacks sufficient understanding  
31 or capacity to make or communicate rational decisions ~~concerning himself~~.

32          12. "Intoxicated person" means a person whose mental or physical  
33 functioning is substantially impaired as a result of the immediate effects of  
34 alcohol OR A SUBSTANCE LISTED IN SECTION 13-3401, PARAGRAPH 5, 6 OR 20 in ~~his~~  
35 THE PERSON'S system.

36          13. "Local alcoholism reception center" or "center" means an initial  
37 reception agency for a person who is intoxicated or who is incapacitated by  
38 alcohol OR SUBSTANCE ABUSE to receive initial evaluation and processing for  
39 assignment for further evaluation or into a treatment program.

40          14. "Treatment" means the broad range of emergency, outpatient,  
41 intermediate and inpatient services and care, including diagnostic  
42 evaluation, medical, psychiatric, psychological and social service care,  
43 vocational rehabilitation and career counseling, which may be extended to  
44 alcoholics and intoxicated persons.

1           Sec. 4. Section 36-2023, Arizona Revised Statutes, is amended to read:  
2           36-2023. Rules

3           A. The department shall adopt and enforce rules to establish standards  
4 for approved public and private treatment facilities that must be met for a  
5 treatment facility to be approved. The department periodically shall inspect  
6 approved facilities at reasonable times and in a reasonable manner. Each  
7 approved public and private treatment facility shall file with the department  
8 on request information the department requires pursuant to rule. The  
9 department shall remove from the list of approved treatment facilities ~~an~~  
10 ~~approved~~ A facility that without good cause fails to furnish information as  
11 requested or that files fraudulent information.

12           B. The department in compliance with subsection A OF THIS SECTION  
13 shall adopt and may amend or repeal rules for the acceptance of persons into  
14 a treatment program, in light of the available treatment resources and  
15 facilities, with a view to the early and effective provision of evaluation  
16 and treatment for alcoholics and intoxicated persons. In establishing the  
17 rules, the department shall be guided by the following standards:

18           1. An intoxicated person or A person incapacitated by alcohol OR  
19 SUBSTANCE ABUSE, who voluntarily seeks treatment or who is transported to an  
20 approved facility by a peace officer or other person, shall be initially  
21 brought to and evaluated at a local alcoholism reception center.

22           2. A person shall receive an initial evaluation.

23           3. A patient shall be initially assigned or transferred to outpatient  
24 treatment or intermediate treatment, unless the person is found to require  
25 inpatient treatment.

26           4. A person shall not be denied treatment solely because the person  
27 has withdrawn from treatment against medical advice on a prior occasion or  
28 because the person has relapsed after earlier treatment.

29           5. An individualized treatment plan shall be prepared and maintained  
30 on a current basis for each patient.

31           6. Provision shall be made for a continuum of coordinated treatment  
32 services, so that a person who leaves the facility or another form of  
33 treatment will have available and use other appropriate treatment.

34           C. The department shall:

35           1. Enlist the assistance of all public and private agencies,  
36 organizations and individuals engaged in the prevention of alcoholism AND  
37 SUBSTANCE ABUSE and treatment of alcoholics and intoxicated persons at  
38 approved public and private facilities.

39           2. Cooperate with the state department of corrections in establishing  
40 and conducting programs to provide treatment for alcoholics AND SUBSTANCE  
41 ABUSERS in penal institutions and ~~alcoholics~~ on parole or community  
42 supervision from penal institutions at approved public and private  
43 facilities.

44           3. Cooperate with the department of education, schools, police  
45 departments, courts and other public and private agencies, organizations and

1 individuals in establishing programs for the prevention of alcoholism and  
2 **SUBSTANCE ABUSE AND THE** treatment of alcoholics, **SUBSTANCE ABUSERS** and  
3 intoxicated persons and in preparing curriculum materials for use at all  
4 levels of school education.

5 4. Specify a uniform method for keeping statistical information by  
6 approved public and private treatment facilities and collect and make  
7 available relevant statistical information including the number of persons  
8 treated, frequency of admission, and readmission and frequency and duration  
9 of treatment.

10 5. Cooperate with the department of transportation in establishing and  
11 conducting programs designed to deal with the problem of persons operating  
12 motor vehicles while intoxicated.

13 6. Prepare an annual report on drug abuse treatment programs in this  
14 state that receive funds from the department to be submitted by January 1 of  
15 each year to the governor, the president of the senate and the speaker of the  
16 house of representatives and to be made available to the general public  
17 through the Arizona drug and gang prevention resource center. The report  
18 shall include:

19 (a) The name and location of each program.

20 (b) The amount and sources of funding for each program.

21 (c) The number of clients who received services during the preceding  
22 fiscal year.

23 (d) A description of the demographic characteristics of the client  
24 population served by each program including age groups, gender and ethnicity.

25 (e) A description of client problems addressed by the programs  
26 including the types of substances abused.

27 (f) A summary of the numbers and types of services available and  
28 provided during the preceding fiscal year.

29 (g) An evaluation of the results achieved by the programs.

30 Sec. 5. Section 36-2025, Arizona Revised Statutes, is amended to read:

31 **36-2025. Treatment and services for intoxicated persons and**  
32 **persons incapacitated by alcohol or substance abuse**

33 A. An intoxicated person may come voluntarily to an approved local  
34 alcoholism reception center for emergency ~~alcoholism~~ treatment.

35 B. A person who voluntarily comes or is brought to a local alcoholism  
36 reception center and is in need of immediate medical treatment shall be  
37 referred to an approved treatment facility and shall be examined by a  
38 licensed physician as soon as possible and may be admitted as a patient or  
39 referred to another approved treatment facility or program.

40 C. A person who is not admitted to an approved local alcoholism  
41 reception center and who is not referred to an approved treatment facility or  
42 program and who has no funds may be taken to ~~his~~ **THE PERSON'S** home by  
43 personnel at the local alcoholism reception center. If ~~he~~ **THE PERSON** has no  
44 home, the approved local alcoholism reception center personnel shall assist  
45 ~~him~~ **THE PERSON** in obtaining shelter.

1 D. If the patient is admitted to an approved local alcoholism  
2 reception center for initial evaluation and processing, ~~his~~ THE RECEPTION  
3 CENTER SHALL NOTIFY THE PATIENT'S family or next of kin ~~shall be notified as~~  
4 ~~promptly as possible~~. If an adult patient who is not incapacitated by  
5 alcohol OR SUBSTANCE ABUSE requests that there be no notification, ~~his~~ THE  
6 PATIENT'S request shall be respected.

7 E. If the administrator in charge of the approved local alcoholism  
8 reception center determines that it is for the patient's benefit, the patient  
9 shall be encouraged to agree to assignment for further evaluation or to agree  
10 to assignment into a treatment program.

11 Sec. 6. Section 36-2026, Arizona Revised Statutes, is amended to read:  
12 36-2026. Emergency admission

13 A. A publicly intoxicated person may be brought by a peace officer or  
14 any other person to an approved local alcoholism reception center for  
15 emergency evaluation and treatment if the intoxicated person:

16 1. Has threatened, attempted or inflicted physical harm on self or  
17 others, and is likely to inflict physical harm on self or others unless  
18 admitted.

19 2. Is incapacitated by alcohol OR SUBSTANCE ABUSE.

20 B. A peace officer who has reasonable cause to believe that a person  
21 is intoxicated in a public place OR A PLACE THAT IS OPEN TO THE PUBLIC and  
22 ~~such~~ THAT person is or may be a danger to self or others may transport ~~such~~  
23 THE person to a local alcoholism reception center. Unnecessary or  
24 unreasonable force shall not be used in transporting the person, and the  
25 person shall not be subjected to any greater restraint than is necessary to  
26 transport the person to the local alcoholism reception center.

27 C. A peace officer, ~~who~~ who has reasonable cause to believe that a person  
28 is intoxicated in a public place or a place open to the public and THAT the  
29 person is or may be a danger to self or others ~~and there~~ MAY TRANSPORT THE  
30 PERSON TO THE NEAREST AVAILABLE APPROVED TREATMENT FACILITY IF THERE is no  
31 ~~responsible person immediately available to assist the intoxicated person,~~  
32 LOCAL ALCOHOLISM RECEPTION CENTER IMMEDIATELY AVAILABLE. THE PEACE OFFICER  
33 may transport the person to a detention facility if both of the following  
34 circumstances exist:

35 1. A local alcoholism reception center or other approved facility is  
36 not available within ten miles or the peace officer has determined that the  
37 local alcoholism reception center or other approved facility is filled to  
38 capacity and has no further capacity at the present time to provide  
39 evaluation and treatment services to additional persons.

40 2. The peace officer has been informed by the governing body of the  
41 city or town or the board of supervisors of the county in which the peace  
42 officer is employed that the deputy director of the division of behavioral  
43 health has determined that ~~such~~ THE city, town or county has made a  
44 reasonable effort to provide adequate local alcoholism reception services for  
45 persons incapacitated by alcohol OR SUBSTANCE ABUSE and, based on that

1 determination, has issued a renewable three-month temporary waiver to allow  
2 the transportation of certain intoxicated persons in the city, town or county  
3 to detention facilities pursuant to this section. The determination may be  
4 made by the deputy director on application by the governing body of the city  
5 or town or the board of supervisors of a county.

6 D. A PEACE OFFICER WHO TRANSPORTS A PERSON TO A LOCAL ALCOHOLISM  
7 RECEPTION CENTER PURSUANT TO SUBSECTION B OF THIS SECTION OR TO AN APPROVED  
8 TREATMENT FACILITY OR DETENTION FACILITY PURSUANT TO SUBSECTION C OF THIS  
9 SECTION MAY DISCLOSE TO THE STAFF OF THE CENTER OR THE FACILITY, ORALLY OR IN  
10 WRITING, CRIMINAL HISTORY INFORMATION OF THE PERSON TRANSPORTED, BUT ONLY TO  
11 THE EXTENT THAT INFORMATION CONCERNS PRIOR ARRESTS THAT REASONABLY APPEAR TO  
12 BE RELATED TO THE USE OF ALCOHOL OR A SUBSTANCE LISTED IN SECTION 13-3401,  
13 PARAGRAPH 5, 6 OR 20. THE STAFF OF THE CENTER OR FACILITY MAY USE THIS  
14 INFORMATION ONLY TO EVALUATE THE TRANSPORTED PERSON AND TO DETERMINE AN  
15 APPROPRIATE COURSE OF TREATMENT AND MAY NOT USE THIS INFORMATION FOR ANY  
16 OTHER PURPOSE OR DISCLOSE THIS INFORMATION TO ANY PERSON WHO IS NOT DIRECTLY  
17 INVOLVED IN THE EVALUATION AND TREATMENT OF THE TRANSPORTED PERSON.

18 ~~D.~~ E. An intoxicated person received or accepted by a local  
19 alcoholism reception center or detention facility shall not be subject to  
20 unnecessary or unreasonable force. The local alcoholism reception center or  
21 detention facility shall use such methods and exercise such restraint of the  
22 intoxicated person as is reasonably necessary for the safety of such person  
23 and others and consistent with ~~the provisions of~~ this section.

24 ~~E.~~ F. The administrator in charge of an approved local alcoholism  
25 reception center shall discharge any person admitted pursuant to this section  
26 not more than ~~twenty-four~~ SEVENTY-TWO hours, excluding weekends and holidays,  
27 after the person requests to be discharged or after the administrator on  
28 advice of the medical staff determines that the grounds for admission no  
29 longer exist.

30 ~~F.~~ G. Any person transported to a detention facility pursuant to this  
31 section may be held in protective custody until the person is no longer  
32 intoxicated, until released to a responsible person or for a period not  
33 exceeding twelve hours, whichever occurs first.

34 ~~G.~~ H. Any person released from protective custody pursuant to this  
35 section may BE TRANSPORTED at that person's request ~~be transported~~ to a local  
36 alcoholism reception center or approved facility for evaluation and treatment  
37 provided such facilities are available.

38 ~~H.~~ I. A person held in protective custody pursuant to this section is  
39 not considered to have been arrested or to have been charged with any crime  
40 and may not be fingerprinted or photographed for any reason.

41 Sec. 7. Section 36-2029, Arizona Revised Statutes, is amended to read:  
42 36-2029. Funding of facilities; contracts; limitations

43 A. The division may use municipal, county, state and federal monies  
44 appropriated or otherwise available for the evaluation and treatment of  
45 alcoholics AND INTOXICATED PERSONS to assist in the establishment and



1 maintenance of approved public or private treatment facilities. ~~Such~~ THE  
2 monies may be expended for professional fees for services at an approved  
3 treatment facility or in contract for advancement or reimbursement of  
4 services provided at an approved treatment facility or any other appropriate  
5 manner and may be used for any purpose necessary to provide evaluation and  
6 treatment at approved treatment facilities. These monies may not be used for  
7 division salaries or any other purpose within the division but may be used  
8 for consultation to the division in the interest of approved treatment  
9 facilities.

10 B. A public or private treatment facility providing or intending to  
11 provide evaluation and treatment and desiring to contract with the division  
12 for the furnishing of ~~such~~ THESE services shall submit a program, plan and  
13 budget to the division on the forms and in the manner required by the  
14 division. If ~~such~~ A facility is approved, the division may contract with the  
15 facility for services as required and ~~upon such~~ ON terms ~~and conditions as~~  
16 the division ~~shall require~~ PRESCRIBES.

17 C. Each approved treatment facility shall provide the division with a  
18 record of all federal, state, county, city and private monies received for  
19 the previous year and an estimate of monies to be received by the facility  
20 for the following year.

21 D. An approved private or public treatment facility providing  
22 evaluation and treatment may receive state funding ~~upon complying~~ IF IT  
23 COMPLIES with the rules ~~and regulations established~~ PRESCRIBED by the  
24 division. ~~Any such~~ A TREATMENT facility is not eligible for state funding  
25 until approved by the deputy director.

26 E. ~~The provisions of~~ This article ~~shall~~ DOES not ~~be construed to place~~  
27 ~~upon~~ SUBJECT the division or ~~the~~ THIS state ~~any~~ TO CIVIL liability for the  
28 well-being and care of alcoholics or persons incapacitated by alcohol OR  
29 SUBSTANCE ABUSE in a public or private treatment facility or ~~the~~  
30 ~~responsibility for~~ REQUIRE THE DIVISION OR THIS STATE TO SECURE funding ~~such~~  
31 FOR ANY TREATMENT programs beyond the limits of legislative appropriation  
32 ~~therefor~~.