

VOLUME NO. 33

Opinion No. 2

**STATE HOSPITAL, voluntary commitment of alcoholics — FORMS, application for voluntary commitment — Chapter 102, Laws of 1969 — Section 80-2404, Revised Codes of Montana, 1947.**

- HELD:**
- 1. Chapter 102, Laws of 1969, which provides a procedure for voluntary admission to the state hospital at Warm Springs applies to persons afflicted with the illness of alcoholism because of language contained in Section 80-2404, R.C.M. 1947, as amended.**
  - 2. Forms prescribed by the state hospital will be furnished by the hospital to the county attorney after July 1, 1969.**

April 23, 1969

Mr. Thomas F. Dowling  
Deputy County Attorney  
Lewis and Clark County  
Court House  
Helena, Montana 59601

Dear Mr. Dowling:

You have requested my opinion concerning an interpretation of Chapter 102, Laws of 1969. This chapter provides a procedure for

voluntary admission to the Warm Springs state hospital. In particular you have asked the following questions:

1. Does the term "mental illness" as defined in Chapter 102, Laws of 1969, include persons suffering from alcoholism who wish to be voluntarily committed to the Warm Springs state hospital without approval by a district judge?
2. Where and when will voluntary commitment forms be available?
1. Section 1 (1) Chapter 102, Laws of 1969, read as follows:

"As used in this act unless the context indicates otherwise:  
(1) 'Mental illness' means a psychiatric or other disease which substantially impairs mental health."

It is not necessary to determine whether alcoholism would be included in the definition of "Mental illness" under this section because of language contained in Section 80-2404, R.C.M. 1947, as amended.

Section 80-2404 concerns persons afflicted with alcoholism, and it states in part:

**"Alcoholism services center.** (1) There is an alcoholism services center at the Warm Springs state hospital. The admittance and discharge procedures for alcoholics are the same as for mentally ill persons."

Although Chapter 102 does not specifically define alcoholism, Section 80-2404 clearly would allow persons suffering from alcoholism to come within the provisions of the new law.

2. Chapter 102 has no effective date and, therefore, it does not take effect until July 1, 1969. Commitment forms will not be available until that date. The superintendent of the state hospital has informed my office that these forms will be available from his office in accordance with Chapter 102, Section 2 (2) which states:

"(2) An application for voluntary admission to the hospital shall:

(a) Be on forms prescribed by the hospital and furnished by the hospital to the county attorney;

(b) Be signed before two witnesses by the prospective patient, or in the case of a minor, by his parent or guardian;

(c) Be certified by a licensed physician who has personally examined the prospective patient and believes he is mentally ill or has symptoms of mental illness or is in need of psychiatric evaluation and treatment; and

(d) Contain a statement by the prospective patient, or his parent or guardian that, unless earlier released on convalescent status or discharged, the prospective patient will remain in the hospital for diagnosis and treatment for at least sixty (60) days.”

Therefore, it is my opinion that persons afflicted with alcoholism can be voluntarily admitted to the Warm Springs state hospital without approval by a district judge in accordance with Chapter 102, Laws of 1969. Voluntary commitment forms as described in Chapter 102, Section 2 (2) will be available from the office of superintendent at the Warm Springs state hospital after July 1, 1969.

Very truly yours,

ROBERT L. WOODAHL  
Attorney General

RLW:MTG:jb