

## **CHAPTER 54-38 ALCOHOLISM AND DRUG ABUSE**

**54-38-01. Definitions.** In this chapter, unless the context or subject matter otherwise requires:

1. "Alcoholic" means any person who chronically and habitually uses alcoholic beverages to the extent that the person has lost the power of self-control with respect to the use of such beverages, or while chronically or habitually under the influence of alcoholic beverages, endangers public morals, health, safety, or welfare.
2. "Alcoholism" means the pathological condition attendant upon the excessive and habitual use of alcoholic beverages.
3. "Department" means the department of human services.
4. "Drug abuse" means the use of drugs solely for their stimulant, depressant, or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent prescribed in the course of medical treatment or in a program of research operated under the direction of a physician or pharmacologist.
5. "Drug dependent persons" means any person who has developed a state of psychic or physical dependence, or both, upon a drug following administration of that drug upon a repeated periodic or continuous basis.
6. "Patients" means persons who are under the supervision or care of the department.

**54-38-02. Alcoholism and drug abuse division.** Repealed by S.L. 1987, ch. 570, § 45.

**54-38-03. Meetings - When held - Compensation and expenses of members.**  
Repealed by S.L. 1971, ch. 508, § 7.

**54-38-04. Executive director - Appointment - Duties - Salary and expenses.**  
Repealed by S.L. 1971, ch. 508, § 7.

**54-38-05. Duties of department.** The department shall:

1. Study alcoholism and drug abuse and related problems, including methods and facilities available for the care, custody, detention, treatment, employment, and rehabilitation of resident alcoholics and drug dependent persons.
2. Promote meetings and programs for the discussion of alcoholism and drug abuse or any of their aspects, disseminate information on the subject of alcoholism and drug abuse for the guidance and assistance of individuals, courts, and public or private agencies for the prevention of alcoholism and drug abuse, and inform and educate the general public on problems of alcoholism and drug abuse, their prevention and treatment, to the end that alcoholism and drug abuse may be prevented and that persons suffering from alcoholism or drug dependency may be disposed to seek available treatment.
3. Conduct, promote, and finance, in full or in part, studies, investigations, and research, independently or in cooperation with universities, colleges, scientific organizations, and public or private agencies.
4. Accept for examination, diagnosis, guidance, and treatment, insofar as funds permit, any resident of the state coming to the department of that person's own volition for advice and guidance. For purposes of this subsection, "any resident" includes veterans and nonveterans who have a traumatic brain injury.

5. Establish, from time to time, policies governing the evaluation, acceptance, care, and treatment of alcoholics and drug dependent persons.
6. Develop, through consultation with the director of the department of transportation, a policy governing programs for persons who, subsequent to being convicted for traffic offenses, are referred to educational courses on alcohol, drugs, and driving.

**54-38-06. Department may contract for services of other agencies - Training of personnel.** The department may contract for such educational, research, casework, institutional and medical facilities, personnel and services of public or private agencies as may be necessary to carry out the provisions of this chapter. It may accept for training under its direction such medical, technical, and clinical personnel as may be desirable.

**54-38-07. Facilities for treatment of alcoholism - Contracts.** The department may establish new facilities for the treatment of alcoholics and drug dependent persons in areas of the state where a need exists and no private facilities are available to contract for chemical abuse or dependency treatment services. The department may contract for the treatment of alcohol and drug dependent persons by eligible vendors who meet the standards of operations established by the department. When the department chooses to contract, the department shall select eligible vendors who can provide economical and appropriate treatment for alcohol and drug dependent persons. The department shall contract for these services on the basis of the same unit costs incurred by the department in delivering like services. Each contract entered into pursuant to this section must provide that the private vendor-contractor will accept and treat each chemically dependent or chemical-abusing client referred to the vendor pursuant to the contract. As used in this section, "standards of operations" includes a determination by the department that the vendor is financially responsible and will continue to provide services throughout the contract period.

**54-38-08. Voluntary admission for treatment - Rules and regulations - Records confidential.** Repealed by S.L. 1971, ch. 508, § 7.

**54-38-09. Reimbursement for treatment - Rates - Disposition of revenue and aid - Expenditures - Appropriation.** The department, insofar as may be possible, shall seek to be reimbursed by the patient or persons liable for the support of the patient for any or all items of expense incurred by the department in connection with the care, custody, treatment, and rehabilitation and may make such financial arrangements concerning necessary expenses as it deems best. No patient may be charged at a rate greater than actual cost of the care, treatment, or rehabilitation furnished the patient. The department may accept funds, property, or services from any source, and all revenue received from gifts and grants-in-aid must be deposited in the state treasury and may be spent only pursuant to an appropriation first made by the legislative assembly.