

New data identifies variation in US laws governing procedures for involuntary commitment for substance use disorder

October 16 2018

Substance use disorder is grounds for involuntary commitment in more than 37 US states and the District of Columbia, according to a dataset released on LawAtlas.org that explores US laws governing procedures for involuntary civil commitment for substance use disorders.

The [dataset](#), published to [LawAtlas.org](#) by a team of researchers from Health in Justice Action Lab at the Northeastern University School of Law, identifies the variation in US laws that govern the procedures used to place an individual into involuntary [commitment](#) for substance use, as of March 1, 2018.

"There are a large and surging number of jurisdictions that have provisions to deprive people of liberty for substance use, as a response to the opioid crisis," said Leo Beletsky, JD, the principal investigator for the project and director of the Health in Justice Action Lab. "The arbitrary legal standards and procedures on these systems leave the door open to abuse, and do not provide patients with evidence-based treatment as a rule, placing patients at higher risk of overdose when they relapse."

The dataset catalogs the statutory standards authorizing commitment, parties authorized to petition for a commitment, provisions surrounding clinical assessments, parameters of judicial review, time periods for commitment authorization, allowable treatment, and procedures for

recommitment.

An analysis of the dataset also finds:

- All states require the individual to present as either a danger to themselves or others, while others also include "intoxication" (AK, CO, CT, GA, IN, IA, MT, SD, WV, WI), "lost power of self-control over substance use" (CO, CT, DC, FL, GA, LA, MA, MN, MS, MT, ND, OK, RI, SC, VT, VA, WA, WV, WI), or simply "reasonably benefiting from involuntary treatment" (IN, KY, ME, MI, MS, OH, SC, WV, WI) as qualifying conditions for commitment.
- Across the 38 jurisdictions, the median duration of the initial commitment to be 90 days, with 30 states authorizing a procedure for further commitment upon judicial or clinical review.
- Sixteen states authorize some form of forced/unconsented treatment, ranging from the administration of medication against patients' will, to methods of restraint and seclusion.

This dataset builds upon another dataset by the Temple University Center for Public Health Law Research's Policy Surveillance Program that identifies state involuntary outpatient commitment laws generally. This dataset is the first to track the application of these laws for substance use, and will be used in a larger effort by the Health in Justice Action Lab to evaluate the impact of these laws on individuals and the public's [health](#). The research was funded by the Open Society Foundations.

Staff from the [Center for Public Health Law Research's Policy Surveillance Program](#) provided technical assistance to the research team to support this dataset's publication.

More information: "Laws Authorizing Involuntary Commitment for Substance Use." LawAtlas.org. Temple University Center for Public Health Law Research Policy Surveillance Program. October 2018. [lawatlas.org/datasets/civil-co ... -for-substance-users](https://lawatlas.org/datasets/civil-co...-for-substance-users)

Provided by Temple University Center for Public Health Law Research

Citation: New data identifies variation in US laws governing procedures for involuntary commitment for substance use disorder (2018, October 16) retrieved 25 April 2024 from <https://medicalxpress.com/news/2018-10-variation-laws-procedures-involuntary-commitment.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.