

**OPINION
61-63**

January 25, 1961 (OPINION)

COUNTIES

RE: Mental Health Board - Involuntary Hospitalization of Alcoholic

This office acknowledges receipt of your letter of January 23, 1961, in which you state that at the present time there exists a disagreement between Ramsey County and Grand Forks County as to whether or not a county health board may order the involuntary hospitalization of an alcoholic or drug addict. You ask for the opinion of this office upon this question.

Chapter 25-03 of the North Dakota Century Code provides for two ways of admission to the state hospital at Jamestown. The first method is dealt with in section 25-03-01 which is voluntary admission. Under the provisions of section 25-03-02 alcoholics and drug addicts are to be admitted to the state hospital by voluntary admission under such rules, regulations, and limitations as may be promulgated by the superintendent, and the patients so admitted are to be considered voluntary patients within the meaning of chapter 25-03. So, it is entirely clear that alcoholics and drug addicts are entitled to voluntary admission to the state hospital. Nevertheless, we do not believe that alcoholics and drug addicts are restricted completely to voluntary admission.

Section 25-03-11 of the North Dakota Century Code deals with the involuntary hospitalization of an individual who is mentally ill. I call your attention to subsection 1 of section 25-01-01 which defines the meaning of a "mentally ill individual" and this definition is as follows:

In this title unless the context or subject matter otherwise requires

1. Mentally ill individual' means an individual having a psychiatric or other disease which substantially impairs his mental health;"

It is our understanding that "alcoholism" is now recognized in medical circles as a disease and could be classified under the heading "other disease" as quoted above. It could well be that alcoholism would impair the mental health of an individual to a degree where he would become mentally ill, and the same could be said of drug addiction. Whether or not a stage of mental illness had been reached by the excessive use of alcohol or drugs on the part of the proposed patient would be a question for the examining physician and the county health board to determine. It seems to us that it would not be unusual for such a condition to be produced by the excessive use of alcohol or drugs, and the individual could reach the stage where he would be incapable of taking any steps for voluntary admission to the state hospital.

Therefore, it is the opinion of this office that a county mental

health board may proceed under the provisions of section 25-03-11 for the involuntary hospitalization of an individual whose mental health has been substantially impaired by the disease of alcoholism or drug addiction, and if upon the completion of the hearing and consideration of the record, the mental health board finds that the patient is in need of custody, care, or treatment in a mental hospital, and because of his illness lacks the insight or incapacity to make reasonable decisions with respect to his hospitalization, it shall order his hospitalization.

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Attorney General