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On Florida Law, Language, and Alcohol Use Disorder

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ON FLORIDA LAW, LANGUAGE, AND ALCOHOL USE
DISORDER

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I. INTRODUCTION

In its broadest sense, this Article builds on the Author’s prior scholarship by analyzing the language used in Florida Statutes to refer to alcohol-related activities, alcohol-related states, and alcohol-related health conditions—also known as alcohol-related language—to determine whether this language may be contributing to the stigmatization of individuals with

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alcohol use disorder (“AUD”).¹ As background, the American Psychiatric Association (“APA”) defines AUD as a “problematic pattern of alcohol use leading to clinically significant impairment or distress”² In her prior scholarship, the Author recognizes that AUD is a major public health concern in the United States due to its association with premature morbidity, mortality, and disability, as well as its association with negative social events including

1. See *infra* Part II; Stacy A. Tovino, *Distilling the Language of the Law*, 111 KY. L.J. (forthcoming 2022) (manuscript at 54–55) (on file with author). An example of a Florida Statute that refers to an alcohol-related activity (driving while intoxicated) would be Florida Statutes Section 322.2616(1)(a), which makes it unlawful for an individual under the age of twenty-one who has a blood-alcohol level of 0.02 or higher to drive or to be in actual physical control of a motor vehicle in Florida. FLA. STAT. § 322.2616(1)(a) (2021). An example of a Florida provision that refers to an alcohol-related state (the state of intoxication or the state of being “drunk”) would be the Florida Standard Jury Instructions for Criminal Cases, which references the state of “[i]ntoxication” and explains that “[i]ntoxication is synonymous with ‘drunk.’” FLA. STD. JURY INSTR. (CRIM.) 29.1. Finally, an example of a Florida statute that refers to an individual with an alcohol-related health condition (alcohol use disorder) would be Administrative Order Number 6.305-/711, in reference to Civil Drug Court, which refers to “alcohol and drug abusers.” *In re* Civil Drug Court, Fla. Admin. Order No. 6.305-/711 (July 6, 2011), <https://www.15thcircuit.com/sites/default/files/administrative-orders/6.305.pdf>.

2. Tovino, *supra* note 1, at 1 (quoting AM. PSYCHIATRIC ASS’N, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS 490 (5th ed. 2013) [hereinafter DSM-5]). The Diagnostic & Statistical Manual provides the definition of AUD and lists eleven diagnostic criteria, two of which must be met within a twelve-month period for a diagnosis of AUD. *Id.* at 490. The eleven diagnostic criteria for AUD include:

1. Alcohol is often taken in larger amounts or over a longer period than was intended.
2. There is a persistent desire or unsuccessful efforts to cut down or control alcohol use.
3. A great deal of time is spent in activities necessary to obtain alcohol, use alcohol, or recover from its effects.
4. Craving, or a strong desire or urge to use alcohol.
5. Recurrent alcohol use resulting in a failure to fulfill major role obligations at work, school, or home.
6. Continued alcohol use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of alcohol.
7. Important social, occupational, or recreational activities are given up or reduced because of alcohol use.
8. Recurrent alcohol use in situations in which it is physically hazardous.
9. Alcohol use is continued despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by alcohol.
10. Tolerance, as defined by either of the following: a. A need for markedly increased amounts of alcohol to achieve intoxication or desired effect. b. A markedly diminished effect with continued use of the same amount of alcohol.
11. Withdrawal, as manifested by either of the following: a. The characteristic withdrawal syndrome for alcohol b. Alcohol (or a closely related substance, such as a benzodiazepine) is taken to relieve or avoid withdrawal symptoms.

Id. at 490–91. The presence of at least two of these eleven criteria indicates an individual has AUD. *Id.* at 490. An individual’s AUD shall be classified as mild if two to three criteria are met, moderate if four to five criteria are met, or severe if six or more criteria are met. *Id.* at 491.

partner violence, child abuse and neglect, lost productivity, traffic accidents, and other injuries.³ In her prior scholarship, the Author also reports that AUD remains severely undertreated in the United States despite the availability of effective pharmacological and psychosocial interventions.⁴ The Author further explains that the stigma associated with AUD has been found to be an important reason why individuals with AUD do not seek treatment.⁵

In order to better understand the structural, including law and policy-based, sources of stigma associated with AUD, the Author's prior scholarship carefully: (1) reviews research studies investigating the relationship between

3. Tovino, *supra* note 1, at 1–2 (citing AM. PSYCHIATRIC ASS'N, PRACTICE GUIDELINE FOR THE PHARMACOLOGICAL TREATMENT OF PATIENTS WITH ALCOHOL USE DISORDER 3–4 (2018) (ebook) (stating that AUD is a major public health problem)); Seung Ha Park & Dong Joon Kim, *Global and Regional Impacts of Alcohol Use on Public Health: Emphasis on Alcohol Policies*, 26 CLINICAL & MOLECULAR HEPATOLOGY 652, 652, 654 (2020) (explaining the health consequences of alcohol use disorder); Jürgen Rehm et al., *Alcohol-Related Morbidity and Mortality*, 27 ALCOHOL RSCH. & HEALTH 39, 39 (2002); *Alcohol Use and Your Health*, U.S. CTRS. FOR DISEASE CONTROL & PREVENTION, <http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm> (last visited Apr. 05, 2022) (referencing illustrative social impacts, including injuries and violence); DONNA M. BUSH & RACHEL N. LIPARI, SUBSTANCE USE AND SUBSTANCE USE DISORDER BY INDUSTRY, 1 (2015), http://www.ncbi.nlm.nih.gov/books/NBK343542/pdf/Bookshelf_NBK343542.pdf (referencing additional social impacts, including lost productivity, absenteeism, and accidents); Gerhard Gmel & Jürgen Rehm, *Harmful Alcohol Use*, 27 ALCOHOL RSCH. & HEALTH 52, 52 (2003) (referencing “decreased worker productivity, increased unintentional injuries, aggression and violence against others, and child and spouse abuse.”).

4. See Tovino, *supra* note 1, at 2, 2 n.7 (“Despite its high prevalence and numerous negative consequences, AUD remains undertreated” and “recommending pharmacological treatments, including naltrexone, acamprosate, and disulfiram” (citing AM. PSYCHIATRIC ASS'N, *supra* note 2, at 4–6)); *Understanding Alcohol Use Disorders and Their Treatment*, AM. PSYCH. ASS'N, <http://www.apa.org/topics/substance-use-abuse-addiction/alcohol-disorders> (last visited Mar. 18, 2022) (recommending psychosocial interventions, including cognitive behavioral therapy and motivational enhancement therapy); *Alcohol Facts and Statistics*, NAT'L INST. ON ALCOHOL ABUSE & ALCOHOLISM, <http://www.niaaa.nih.gov/publications/brochures-and-fact-sheets/alcohol-facts-and-statistics> (last visited Apr. 2, 2022) (stating that only 7.2% of individuals ages twelve and older with past-year AUD received any treatment and that less than 4% of individuals with AUD were prescribed a government-approved medication to treat their condition).

5. See Tovino, *supra* note 1, at 3–4; Janet Zwick et al., *Stigma: How It Affects the Substance Use Disorder Patient*, SUBSTANCE ABUSE TREATMENT, PREVENTION, & POL'Y 1, July 2020, at 1, 1 (defining stigma as “a mark of disgrace connected to a situation or quality of a person.”); Katherine M. Keyes et al., *Stigma and Treatment for Alcohol Disorders in the United States*, 172 AM. J. EPIDEMIOLOGY, 1364, 1370 (2010) (discussing the stigma associated with AUD and explaining that such stigma is associated with a decreased likelihood of service use); Georg Schomerus et al., *The Stigma of Alcohol Dependence with Other Mental Disorders: A Review of Population Studies*, 46 ALCOHOL & ALCOHOLISM, 105, 110 (2011) (concluding that AUD “is a particularly severely stigmatized mental disorder”).

language and stigma in the context of AUD and other substance use disorders (“SUDs”); (2) finds that slang, outdated, and non-person-first terms can invite negative judgments about individuals with AUD; (3) collects and catalogues illustrative state statutes containing slang, outdated, and non-person-first, alcohol-related language, including “abuser,” “addict,” “alcoholic,” “drunk,” “drunkard,” “intemperate,” “inebriate,” and “wastrel”; and (4) reports several original research findings relating to such language.⁶ These research findings relate to the prevalence of alcohol-related language in particular subject matter areas, including health and social services law as well as occupational licensure law; the variety of positive and negative legal consequences assigned to particular alcohol-related activities, states, and conditions; and the multiple means by which statutory language permeates public discourse, both tempering and perpetuating stigma against individuals with AUD.⁷

The Author’s prior scholarship also highlights the alcohol-related language recommendations of researchers, professional medical societies, and government agencies.⁸ These professional language recommendations suggest the use of neutral, person-first phrases when a third party has no knowledge of how a particular individual self-identifies in the context of the individual’s alcohol use.⁹ In the context of individuals with AUD, the goal of person-first language is to communicate that AUD is just one aspect of a person’s life, not the only or defining aspect.¹⁰ An example of person-first language would be “individual with AUD,” “individual with alcohol use disorder,” or even “individual with addiction,” but not “abuser,” “addict,” “alcoholic,” “alcohol abuser,” “alcohol user,” “drunk,” “drunkard,” “inebriate,” “intemperate,” or “wastrel.”¹¹ These professional language recommendations also suggest the word “use” rather than “abuse” preceding or following the word “alcohol” due to the malintent, cruelty, and violence associated with the word “abuse.”¹² Finally, the words “habit,” “habitual,” and “habitually”—as in “habitual drunkard” or “habitually intoxicated”—are not recommended because these words inaccurately imply that individuals

6. See Tovino, *supra* note 1 at 7–8, 13.

7. See *id.* at 7, 13.

8. See *id.* at 12–13.

9. See *id.* at 11 (citing Nora D. Volkow et al., *Choosing Appropriate Language to Reduce the Stigma Around Mental Illness and Substance Use Disorders*, 46 NEUROPSYCHOPHARMACOLOGY 2230, 2231 (2021)).

10. See Tovino, *supra* note 1, at 11; Volkow et al., *supra* note 9, at 2231.

11. See Tovino, *supra* note 1, at 11; Volkow et al., *supra* note 9, at 2231.

12. See Tovino, *supra* note 1, at 11–12; Volkow et al., *supra* note 9, at 2231.

with AUD choose to use alcohol and/or can choose to stop using alcohol.¹³ These words also may undermine the seriousness of an individual's AUD.¹⁴

As explained in the Author's prior scholarship, one source of professional language recommendations is the National Institute on Drug Abuse ("NIDA"), which specifically recommends the use of the phrase "person with alcohol use disorder" rather than "addict," "alcoholic," "drunk," or "user."¹⁵ A second source of professional language recommendations is the Office of National Drug Control Policy, which requests administrative agencies use language comporting with the most recent edition of the APA's *Diagnostic and Statistical Manual of Mental Disorders* ("DSM"), which uses the phrase "alcohol use disorder" but not "abuse," "addict," "alcoholic," "alcoholism," "dependence," or "habit."¹⁶ A third source is Canada's Centre on Substance Use and Addiction, which supports the phrase "individual with alcohol use disorder" but opposes the words "abuse" and "addict."¹⁷ A fourth source is the American Society of Addiction Medicine ("ASAM"), which promotes person-first language rather than "addict" or "alcoholic."¹⁸ ASAM specifically asks writers to use precise medical language rather than slang and other non-medical language such as "drunk," "smashed," or "bombed."¹⁹ A final illustrative, but not exhaustive, source is the American Psychological Association ("APA"), which opposes language that "diminishes 'the integrity

13. See, e.g., *Words Matter — Terms to Use and Avoid When Talking About Addiction*, NAT'L INST. ON DRUG ABUSE, <http://www.drugabuse.gov/nidamed-medical-health-professionals/health-professions-education/words-matter-terms-to-use-avoid-when-talking-about-addiction> (last updated Nov. 29, 2021) (explaining the reasons why the word "habit" should not be used in the context of individuals with AUD and offering preferred terminology; further explaining that the word "habit" undermines the seriousness of AUD).

14. See *id.*

15. See *id.*; Tovino, *supra* note 1, at 11.

16. See Tovino, *supra* note 1, at 12 (citing Memorandum from Michael P. Botticelli, Dir., Off. of Nat'l Drug Control Pol'y to Heads of Exec. Dep'ts & Agencies (Jan. 9, 2017)).

17. See *id.* (citing CANADIAN CTR. ON SUBSTANCE USE & ADDICTION, *OVERCOMING STIGMA THROUGH LANGUAGE: A PRIMER* 7–8 (2019) <http://www.ccsa.ca/sites/default/files/2019-09/CCSA-Language-and-Stigma-in-Substance-Use-Addiction-Guide-2019-en.pdf>).

18. See *id.* (citing *Instructions and Guidelines*, J. ADDICTION MED., <http://journals.lww.com/journaladdictionmedicine/Pages/Instructions-and-Guidelines.aspx#languageandterminologyguidance> (last visited Apr. 3, 2022)). "[T]he use of humanizing, non-stigmatizing, medically-defined, precise, and professional consensus-driven terminology is important." *Id.*

19. *Id.*

of persons as whole human beings' such as . . . [an] 'alcoholic person.'"²⁰ The APA also opposes language with "'superfluous or negative overtones' such as 'stroke victim' and, by extension, 'alcohol sufferer.'"²¹

This Article builds on the author's prior scholarship by identifying and analyzing alcohol-related language used in Florida law and by proposing ways in which Florida statutory language may be improved.²² This Article proceeds as follows: Part II of this Article identifies illustrative Florida statutes that contain alcohol-related words and phrases that do not conform to the professional language recommendations described above.²³ Part III of this Article makes several key findings relating to Florida's statutory language and proposes ways in which Florida lawmakers can improve these statutes.²⁴ These proposals include using medically current and respectful statutory language in legislation introduced on a going-forward basis, as well as amending outdated and stigmatizing language set forth in already-enacted legislation.²⁵ Part III of this Article also contains a sample bill that may be introduced to the Florida Legislature to implement these proposals.²⁶ The conclusion highlights the importance of encouraging individuals with AUD to seek, enter, and remain in treatment, including by diminishing structural sources of stigma associated with AUD.²⁷

II. FLORIDA LAW

A. *Criminal Law*

A number of Florida statutes contain slang, outdated, and/or non-person-first alcohol-related language.²⁸ Some of these statutes are sourced within Florida's criminal laws.²⁹ For example, Florida has an entire chapter

20. See Tovino, *supra* note 1 at 12–13 (citing *Guidelines for Nonhandicapping Language in APA Journals*, AM. PSYCH. ASS'N: APA STYLE, <http://apastyle.apa.org/6th-edition-resources/nonhandicapping-language> (last visited Apr. 3, 2022)).

21. *Id.* at 13.

22. See *infra* Part II.

23. See *id.*

24. See *infra* Part III.

25. See *id.*

26. See *id.*

27. See *infra* Part IV.

28. See discussion *infra* Part II. This Article focuses on the words and phrases that are used in Florida statutes. *Id.* The words and phrases used in Florida case law, Florida regulations, and other primary and secondary legal authorities are beyond the scope of this Article. See *id.*; see also FLA. STAT. §§ 856, 893, 938.23, 985 (2021).

29. See FLA. STAT. §§ 856, 893, 938.23, 985 (2021).

of criminal offenses organized under the partial title “[d]runkenness.”³⁰ Interestingly, the text of the disorderly intoxication statute codified within the chapter uses the word “intoxicated” (not “drunkenness”), although the Middle English (i.e., outdated) “[d]runkenness” language does appear on a print-out of the statute.³¹ The “[d]runkenness” chapter is not the only Florida statutory title or provision to use a version of the word “drunk.”³² Florida also has a standard criminal jury instruction for the crime of “disorderly intoxication.”³³ The jury instruction specifically explains, by way of definition, that “[i]ntoxication is synonymous with ‘drunk.’”³⁴

In addition to statutes relating to disorderly intoxication, Florida also has criminal laws that reference alcohol-related funds and grants.³⁵ These laws repeatedly use the word “abuse.”³⁶ For example, one Florida statute authorizes each of its sixty-seven counties to establish a “County Alcohol and Other Drug Abuse Trust Fund” responsible for disbursing assistance grants to “alcohol and other drug abuse treatment or education programs.”³⁷ The statutory language

30. FLA. STAT. § 856.

31. FLA. STAT. § 856.011(1). “No person in the state shall be intoxicated and endanger the safety of another person or property, and no person in the state shall be intoxicated or drink any alcoholic beverage in a public place or in or upon any public conveyance and cause a public disturbance.” *Id.* Although Florida outlaws public intoxication, it is worth noting that other states forbid the criminalization of public intoxication. *See, e.g.*, ALASKA STAT. § 47.37.010 (2021). It is the policy of Alaska, for example, that individuals should be treated instead of criminally prosecuted for their public consumption of alcoholic beverages. *Id.* Colorado has the same policy; that is, individuals may not be subject to criminal prosecution because of their public consumption of alcohol and that they should be treated instead. COLO. REV. STAT. § 44-3-503(1)(e) (2021). The District of Columbia, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, Rhode Island, Tennessee, and Vermont similarly prohibit the prosecution of individuals with AUD for the public consumption of alcohol and/or the adoption or enforcement of laws that include “being a common drunkard” as an element of an offense. *See* D.C. CODE § 24-601 (2021) (directing all public officials in the District to alleviate chronic “alcoholism,” to handle public intoxication as a “public health problem rather than as a criminal offense,” and to recognize that “a chronic alcoholic is a sick person who needs, is entitled to, and shall be provided appropriate medical, psychiatric, institutional, advisory, and rehabilitative treatment services of the highest caliber for his illness.”); IDAHO CODE § 39-301 (2021); KAN. STAT. ANN. § 65-4059 (2021); MINN. STAT. § 340A.902 (2021); MONT. CODE ANN. § 53-24-106(1) (2021); NEB. REV. STAT. § 53-1,119(1) (2021); NEV. REV. STAT. ANN. § 458.260(1) (2021); N.M. STAT. ANN. § 43-2-4(A) (2021); 23 R.I. GEN. LAWS § 23-1.10-16(a) (2021); TENN. CODE ANN. § 33-10-203(b) (2021); VT. STAT. ANN. tit. 18, § 4801 (2021).

32. FLA. STD. JURY INSTR. (CRIM.), 29.1.

33. *Id.*

34. *Id.*

35. *See e.g.*, FLA. STAT. §§ 893.165, 938.23.

36. *Id.*

37. FLA. STAT. § 893.165.

authorizing the establishment of these funds repeatedly uses the phrase "alcohol abuse."³⁸ Another Florida statute encourages applications for community juvenile justice partnership grants that would support community-based programs, including "drug and alcohol abuse" prevention programs.³⁹ Again, the statutory language encouraging these applications uses the phrase "alcohol abuse."⁴⁰

Florida also has criminal laws that allow certain individuals charged with or convicted of certain crimes to request treatment instead of prosecution.⁴¹ These laws tend to use the phrases "alcohol abuse" and "alcohol abusers."⁴² Florida's Fifteenth Judicial Circuit recognizes, for example, the "urgent need to provide treatment modalities for drug and alcohol abuse outside of the criminal justice system, *i.e.*, without the taint of arrest and conviction."⁴³ To this end, the Fifteenth Judicial Circuit has established a community drug court for the purpose of committing "alcohol and drug abusers to treatment programs."⁴⁴

Finally, Florida uses "abuse" language in its pretrial detainee release provisions.⁴⁵ For example, one Florida provision expands the pretrial release program of Florida's Eighteenth Judicial Circuit.⁴⁶ This statute releases certain pretrial detainees who have been charged with certain offenses as long as the detainees do not present a danger to the community because of "drug abuse, alcohol abuse" or other mental illness.⁴⁷

B. *Education and Family Law*

38. See FLA. STAT. §§ 893.165, 938.23.

39. FLA. STAT. § 985.676(2)(a)(5).

40. See *id.*

41. See FLA. STAT. § 397.334 (2021).

42. *Id.*

43. Fla. Admin. Order No. 6.305-7/11, *supra* note 1 (emphasis added).

44. *Id.* The language used by Florida in these treatment court provisions is similar to the language used by nearby states in their treatment court statutes, including Alabama, Louisiana, and Mississippi. ALA. CODE § 12-23-2 (2021) (referencing the extent of the problem of "alcohol and drug abuse" among Alabama residents and the association of "alcohol abuse" and criminal activity); LA. STAT. ANN. § 13:5303(1), (3)–(4) (2021) (referring to "alcohol and drug abuse programs," "alcohol and drug abusers," and "alcoholic or drug addicts"); MISS. CODE ANN. § 9-23-5(c) (2021) (referring to "substance abuse" professionals).

45. *In re Criminal — Pretrial Release Program — Expansion of the Release Authority of the Pretrial Release Program*, Fla. Admin. Order No. 09-07-B Amended (Feb. 18, 2009), http://www.brevardclerk.us/_cache/files/b/8/b846b2ed-0a5f-48be-9ba9-a78ae781d1b4/2B22C3B561E83A021CEBA1B4A3D0332A.09-07-b-amd-click-here-.pdf.

46. *Id.*

47. *Id.*

Like Florida's criminal laws, a handful of education laws also incorporate the language of "abuse."⁴⁸ For example, one Florida statute makes available to school districts funds for use in preventing "destructive lifestyle conditions, such as alcohol and drug abuse" and for referring students for "drug and alcohol abuse" treatment.⁴⁹ A second Florida statute creates within the state's Department of Education a recovery network program designed to assist educators who are impaired as a result of "alcohol abuse" and "drug abuse."⁵⁰

One Florida family law also incorporates the language of "abuse."⁵¹ This law, sourced within Florida's child protection statutes, expresses a desire "[t]o prevent and remediate the consequences of . . . substance abuse disorders on families . . . [by] reduc[ing] the occurrences of . . . substance abuse disorders, including alcohol abuse or related disorders"⁵²

C. *Health and Social Services Law*

Florida has a number of health and social services laws that contain alcohol-related language.⁵³ Relevant statutes may be broken down into those that identify and define key health care and social services terms as well as those that establish programs through which health care and social services may be delivered.⁵⁴ The word "abuse" is routinely used in Florida statutes that identify and define key health care and social services terms and in statutes that establish programs through which relevant services may be accessed.⁵⁵ For example, Florida defines "clinical assessment" in its statutory "Substance Abuse Services" chapter as the collection of information regarding, among other things, an individual's "abuse of alcohol or drugs."⁵⁶ By further example, the Florida statute establishing the state's Department of Health and

48. See e.g., FLA. STAT. §§ 381.0057 (2021), 1012.798(1) (2021).

49. See FLA. STAT. § 381.0057(3)(b).

50. FLA. STAT. § 1012.798(1).

51. See FLA. STAT. § 39.001(6)(b)(2) (2021).

52. *Id.*

53. See e.g., FLA. STAT. §§ 397.311(7), 20.43(7)(b), 154.011(4).

54. See FLA. STAT. §§ 397.311(7), 20.43(7)(b), 154.011(4).

55. See e.g., FLA. STAT. § 397.311(7).

56. *Id.* Here, Florida is similar to Alabama, Delaware, and Georgia. ALA. CODE § 22-21-260(8) (2021) (defining "health services" to include "alcohol [and] drug abuse" services); DEL. CODE ANN. tit. 16, §§ 22, 2203(16) (2021) (titling a relevant act "The Substance Abuse Treatment Act", using the phrase "substance abuse," and defining such as the "chronic, habitual, regular, or recurrent use of alcohol . . ."); GA. CODE ANN. § 37-7 (2021) (devoting an entire statutory chapter to the "Hospitalization and Treatment of Alcoholics, Drug Dependent Individuals, and Drug Abusers" and defining such terms).

authorizing the Department to use federal and state funds to plan and conduct health education campaigns refers to preventing "alcohol abuse or other substance abuse."⁵⁷ Likewise, another Florida statute requires all sixty-seven Florida counties to offer primary care services to Medicaid recipients and other qualified individuals with low income through a primary care program.⁵⁸ This statute specifically prohibits such programs from denying access to prenatal care to certain pregnant women, including women with "alcohol abuse" issues⁵⁹

Similarly, another Florida statute requires boards of county commissioners to establish county public safety coordinating councils that include one physician member "who practices in the area of alcohol and substance abuse" and an additional mental health professional member "who practices in the area of alcohol and substance abuse"⁶⁰ Along the same lines, another Florida statute creates, within the Florida Department of Children and Families ("DCF"), a "Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program," one purpose of which is to improve the provision of DCF services to adults and juveniles who have "substance abuse disorders."⁶¹ This statute also establishes the "Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Review Committee that must include "one representative of the Florida Alcohol and Drug Abuse Association."⁶² Yet another statute that recognizes the "historical inequity in the funding of substance abuse and [other] mental health services" requires certain funding for alcohol, drug abuse, and other mental health services.⁶³ Still, another statute that contains Florida's "Community Substance Abuse and Mental Health Services Act" references "drug abuse and alcoholism programs."⁶⁴ A final illustrative statute creates an impaired health care practitioner program that provides services to health care practitioners who are impaired due to, among other conditions, "abuse of alcohol."⁶⁵

D. *Insurance Law*

57. FLA. STAT. § 20.43(7)(b).

58. *See id.* § 154.011(4).

59. *Id.*

60. *Id.* § 951.26(1)(b)(1)(f)-(g).

61. *Id.* § 394.656(1).

62. FLA. STAT. § 394.656(2)(j).

63. *Id.* § 394.908.

64. *Id.* §§ 394.75(4)(m), 394.65.

65. *Id.* § 456.076(1)(d)-(e).

Florida insurance law also contains some alcohol-related language that incorporates the language of “abuse.”⁶⁶ For example, Florida requires its Medicaid managed care plans to establish “a medically approved alcohol or substance abuse recovery program” and to identify enrollees with “alcohol or substance abuse.”⁶⁷ Although most insurance statutes that contain alcohol-related language are designed to help individuals with AUD and other substance use disorders obtain coverage of relevant treatments and services, some statutes cancel or limit coverage in circumstances involving an alcohol-related activity, alcohol-related state, or alcohol-related health condition.⁶⁸ In Florida, these statutes use the words “drunk” and “habitual.”⁶⁹ For example, one Florida statute permits health insurance policies to include a statement exempting the insurer from liability for losses resulting when the insured is “drunk.”⁷⁰ A second Florida statute exempts from Florida workers’ compensation law disabilities and diseases due to “habitual use of alcohol.”⁷¹

E. *Liquor Control Law*

A few Florida liquor control laws contain alcohol-related language, including the phrase “habitual drunkard.”⁷² For example, Florida has a “[h]abitual drunkards” statute that prohibits any person from selling, giving away, disposing of, exchanging, or bartering any alcoholic beverage to an

66. *Id.* § 409.973(3).

67. FLA. STAT. § 409.973(3). In this regard, Florida is similar to Arizona, Delaware, Georgia, Illinois, Vermont, and West Virginia. ARIZ. REV. STAT. ANN. § 20-1406(C) (2021) (requiring group disability insurers to cover “drug abuse or alcoholism” services without regard to whether the services are rendered in a psychiatric or general hospital); DEL. CODE ANN. tit. 18, §§ 3578(a)(3), 3578(b) (2021) (requiring certain large group health plans to cover “drug and alcohol dependencies” defined to include “substance abuse disorder or the chronic, habitual, regular, or recurrent use of alcohol . . .”); GA. CODE ANN. § 33-24-28.3 (2021) (requiring accident and sickness insurers that cover “alcoholism or drug addiction” to cover care provided in facilities that specialize in the treatment of “alcoholics or drug addicts”); 215 ILL. COMP. STAT. 5/367d.1 (2021) (requiring certain group health plans that cover “alcoholism or other drug abuse or dependency” to cover certain substance use disorder treatment providers); VT. STAT. ANN. tit. 8, § 4089b(f)(2)(A) (2021) (requiring health insurers to cover “alcohol and substance abuse” treatments if they are provided by certain individuals, including “substance abuse counselors,” in certain facilities); W. VA. CODE § 5-16-8(9) (2021) (requiring insurance provided to public employees to include incentives designed to discourage “alcohol and chemical abuse”).

68. FLA. STAT. §§ 409.973(3), 627.629 (2021).

69. *Id.* §§ 440.02(1), 627.629.

70. *Id.* § 627.629.

71. *Id.* § 440.02(1).

72. *Id.* § 562.50.

individual who is “habitually addicted” to alcoholic beverages if the person has been given written notice by certain enumerated family members that the individual is a “habitual drunkard.”⁷³ Florida’s Sixth Judicial Circuit (covering Pasco and Pinellas Counties) has also adopted a local rule that authorizes the posting of liquor control signs that contain similar “habitual drunkard” language.⁷⁴ According to the local rule, these signs may say: “[s]ales to habitual drunkards or intoxicated persons prohibited.”⁷⁵

F. *Military and Veterans Law*

A few Florida military and veterans laws contain alcohol-related language, including “drunkenness” and “habitually inebriated.”⁷⁶ For example, one Florida statute gives the commanding officer of troops on active duty the power to incarcerate and detain any person guilty of “drunkenness” within one mile of a camp, garrison, or station.⁷⁷ A second Florida statute prohibits veterans’ homes from receiving or retaining an individual who is “habitually inebriated.”⁷⁸

G. *Occupational Licensure Law*

A number of Florida occupational licensure laws contain alcohol-related language.⁷⁹ Most of these laws use the word “drunkenness.”⁸⁰ For

73. FLA. STAT. § 562.50. In this regard, Florida is similar to California, which also makes it unlawful for any person to sell, furnish, or give an alcoholic beverage to any “habitual or common drunkard.” CAL. BUS. & PROF. CODE § 25602(a) (2021).

74. See *in re* Local Ordinance Violations and Fish and Wildlife Conservation Commission Violations Uniform Fine Schedule, Fla. Admin. Order No. 2018-068 PI-CTY (Dec. 12, 2018), <http://www.jud6.org/legalcommunity/LegalPractice/AOSAndRules/aos/aos2018/2018-068.pdf>.

75. See *id.*

76. FLA. STAT. §§ 250.33, 296.06(2)(c).

77. *Id.* § 250.33. Here, Florida is similar to Alaska (which provides that certain “drunk” members of the militia may be punished) and Alabama (giving the commanding officer of a troop in active service the power to incarcerate and detain persons “guilty of drunkenness”). See ALASKA STAT. § 26.05.860(b) (2020); ALA. CODE § 31-2-126 (2021).

78. FLA. STAT. §§ 296.06, 296.07. Here, Florida is similar to Iowa (which prohibits veterans’ homes from receiving or retaining persons who are “acute inebriate[s]”) and South Dakota (which prohibits veterans’ homes from receiving an “inebriate”). IOWA CODE ANN. § 35D.2(2) (2021); S.D. CODIFIED LAWS § 33A-4-34 (2021).

79. FLA. STAT. § 296.06(2)(c).

80. See *id.* §§ 401.411(1)(k), 467.203(1)(g), 468.1295(1)(aa), 490.009(1)(p) (2021).

example, one Florida statute prohibits an individual from practicing as an emergency medical technician or paramedic without reasonable skill and without regard for the safety of the public by reason of “drunkenness.”⁸¹ A second statute allows midwives to be disciplined or denied licenses due to “drunkenness.”⁸² A third statute allows speech-language pathologists and audiologists to be disciplined or denied licenses due to “drunkenness.”⁸³ Additional statutes allow psychologists and other mental health professionals to be disciplined or denied licenses due to “drunkenness.”⁸⁴ The same is true for Florida nursing home administrators, veterinarians, and school district staff.⁸⁵ Florida also may deny an application for registration or the certification of a real estate appraiser who has become temporarily incapacitated from acting as an appraiser due to “drunkenness.”⁸⁶ Although the word “drunkenness” is most frequently used in Florida occupational licensure law, the word “abuse” is occasionally used.⁸⁷ For example, Florida may deny a license to a private investigator or private security officer if the investigator or officer has a history of “alcohol abuse.”⁸⁸

Additional Florida occupational licensure laws define the scopes of practice of the different mental health professionals, typically using the phrase “alcoholism and substance abuse.”⁸⁹ Florida’s clinical social worker licensing law, for example, defines the practice of clinical social work as including treatment of “alcoholism and substance abuse.”⁹⁰

H. *Public Officer and Civil Servant Law*

Several Florida laws applicable to public officers and civil servants contain alcohol-related language.⁹¹ Without exception, these statutes use the word “drunkenness.”⁹² The Florida Constitution, for example, permits the Governor to suspend from office certain state, militia, and county officers for

81. *Id.* § 401.411(1)(k).

82. *Id.* § 467.203(1)(g).

83. *Id.* § 468.1295(1)(aa).

84. FLA. STAT. §§ 490.009(1)(p), 491.009(1)(p).

85. *Id.* §§ 468.1755(1)(l), 474.214(h), 1012.33(4)(c).

86. *Id.* § 475.624(7).

87. *See id.* § 493.6108(3).

88. *Id.*

89. *See* FLA. STAT. § 491.003(7).

90. *Id.*

91. *See* FLA. CONST. art. IV, § 7(a); FLA. STAT. §§ 100.361(2)(d)(4), 112.501(2)(a), 112.51(1), 455.209(1), 456.008(1).

92. *See* FLA. CONST. art. IV, § 7(a); FLA. STAT. §§ 100.361(2)(d)(4), 112.501(2)(a), 112.51(1), 455.209(1), 456.008(1).

“drunkenness.”⁹³ A separate Florida statute provides that “drunkenness” is a ground for elected and appointed municipal officials, as well as municipal board members, to be removed from office.⁹⁴ The Florida Governor also has permission to suspend certain health professional board members, as well as certain Business and Professional Regulation Board members, for “drunkenness.”⁹⁵ The Florida Governor also may suspend members of the Nominating Commission for the Florida Courts of Appeal, members of the Nominating Commission for the Florida Supreme Court, members of the Florida Commission on Offender Review, members of the Florida Board of Professional Surveyors and Mappers, and members of the Florida Barbers’ Board for “drunkenness.”⁹⁶

I. *Tort Law*

A few Florida tort laws contain alcohol-related language.⁹⁷ These laws rely on the phrase “habitually addicted” as well as the word “abuse.”⁹⁸ For example, Florida allows the imposition of liability on persons who willfully and unlawfully serve a person “habitually addicted” to alcohol.⁹⁹ Florida also provides civil immunity to Florida Lawyers Assistance and certain other lawyer assistance programs that provide assistance to attorneys who may be impaired due to “abuse of alcohol or other drugs.”¹⁰⁰

93. FLA. CONST. art. IV, § 7(a).

94. FLA. STAT. §§ 100.361(2)(d)(4), 112.501(2)(a), 112.51(1). In this regard, Florida is similar to Idaho and Texas. IDAHO CODE § 50-1604(4)(e) (providing that civil servants may be removed or discharged from office for a variety of reasons, including “[d]runkenness”); TEX. CONST. art. 5, § 24 (using “drunkenness” as a reason for county judges, county attorneys, court clerks, justices of the peace, constables, and other county officers to be removed from office).

95. FLA. STAT. §§ 455.209(1), 456.008(1).

96. See *id.* §§ 455.209(1), 456.008(1), 472.007(7)(a), 476.054(6), 947.03(3); FLA. R. JUD. ADMIN. §§ X, IX (2021).

97. See FLA. STAT. §§ 397.484, 768.125.

98. *Id.* §§ 397.484, 768.125.

99. *Id.* § 768.125. In this regard, Florida is similar to Colorado, Pennsylvania, and Rhode Island. See COLO. REV. STAT. § 13-21-103 (2021) (providing that any individual whose person or property is injured by a “habitually intoxicated” person has a cause of action against any third party who sold or gave alcohol to the “habitually intoxicated” person); 42 PA. CONS. STAT. § 8522(b)(7) (2021) (waiving sovereign immunity and allows for the imposition of liability on the state for damages that result when a state liquor store employee sells liquor to a person “known to be an habitual drunkard” or of “known intemperate habit”); 3 R.I. GEN. LAWS § 3-11-2 (2021) (allowing a cause of action against a liquor licensee who fails to follow a family member or employer’s request not to sell a person liquor when such failure results in damages).

100. FLA. STAT. § 397.484.

J. *Vehicle and Transportation Law*

Florida has a handful of vehicle and transportation statutes that identify negative legal consequences that flow from certain alcohol-related activities, alcohol-related states, and alcohol-related health conditions.¹⁰¹ These statutes tend to incorporate the word “abuse” and the phrase “habitual drunkard.”¹⁰² Additional Florida vehicle and transportation laws use alcohol-related language to specify the education or treatment that must occur before license issuance or license reinstatement can occur.¹⁰³ These laws typically incorporate the words “abuse” and “alcohol[ism].”¹⁰⁴ Still, other Florida vehicle and transportation laws refer to drunk driving.¹⁰⁵ For example, one Florida statute references a “drunk driver” visitation program.¹⁰⁶ Under this program, a court may order an individual who is on probation and under supervision to visit either a trauma center or a hospital (to observe victims of motor vehicle accidents involving alcohol), a licensed substance use disorder provider (to observe individuals in terminal stages of substance use disorder), or the county coroner’s office (to observe victims of vehicle accidents involving alcohol).¹⁰⁷ A second Florida statute requires applications for motor vehicle registrations and registration renewals to include language permitting voluntary contributions to the “Florida Mothers Against Drunk Driving, Inc.”¹⁰⁸

K. *Miscellaneous Laws*

A handful of additional, miscellaneous Florida laws contain alcohol-related language, especially the words “abuse” and “alcoholism.”¹⁰⁹ Florida guardianship law, for example, allows a guardian to be removed for “substance abuse.”¹¹⁰ Florida tax law, by further example, allows a county to impose additional taxes on beverages sold at establishments licensed to sell liquor.¹¹¹

101. See *id.* §§ 322.095(1), 322.2616(1)(a), 397.484, 768.125.

102. See *id.* §§ 322.095(1), 397.484, 768.125.

103. *Id.* §§ 322.095(1), 322.2616(2)(c).

104. See *id.* §§ 322.095(1), 322.2616(2)(c).

105. See FLA. STAT. § 322.0602.

106. *Id.* § 322.0602(2)(a).

107. *Id.* § 322.0602(4)(a).

108. *Id.* § 320.02(16)(b).

109. See *id.*; FLA. STAT. §§ 744.474(4); 90.503(a)(1)–(4).

110. FLA. STAT. § 744.474(4).

111. *Id.* § 212.0306(1)(b).

The proceeds from these taxes then may be used for "alcohol and drug abuse" services.¹¹² Florida evidence law contains a psychotherapist-patient privilege that defines "psychotherapist" as someone who is engaged in, among other activities, the diagnosis or treatment of "alcoholism and other drug addiction."¹¹³ Florida welfare law, by final illustrative example, exempts any participant who requires residential treatment for "alcoholism, drug addiction, [or] alcohol abuse" from work activities while participating in treatment.¹¹⁴

III. FINDINGS AND PROPOSALS

This Article has collected illustrative Florida statutes that contain alcohol-related language.* A number of key findings may be drawn from these statutes.* First, these statutes are not drawn exclusively from health law, as this Author—a health law scholar—initially anticipated.¹¹⁵ Instead, these statutes were found within a wide variety of Florida subject matter codes, including those relating to criminal law, education law, family law, health and social services law, insurance law, liquor control law, military and veterans' law, occupational licensure law, public officer and civil servant law, tort law, and vehicle and transportation law, as well as other miscellaneous areas of the law.¹¹⁶

Second, these statutes rely heavily on certain words.¹¹⁷ Florida's most common alcohol-related word, regardless of subject matter code, appears to be "abuse" (as in "alcohol abuse," "abuse of alcohol," or "substance abuse").¹¹⁸ As explained in the introduction to this Article, however, the word "abuse" can suggest malintent, cruelty, and violence even though many individuals with AUD are neither cruel nor violent and would like to stop drinking.¹¹⁹ The word "abuse" also has been found to have a high association with negative judgments about individuals with AUD and other substance use disorders as well as punishment.¹²⁰ Finally, the word "abuser" has been found to "increase stigma, which can affect quality of care and act as a barrier to

112. *Id.* § 212.0306(3)(b).

113. *Id.* § 90.503(a)(1)–(4).

114. *Id.* § 414.0655(1).

115. See discussion *supra* Sections II.A–K.

116. See discussion *supra* Sections II.A–K.

117. See discussion *supra* Sections II.A–K.

118. See FLA. STAT. §§ 414.0655(1); 90.503(a)(1)–(4).

119. See discussion *supra* Part I.

120. See *Words Matter — Terms to Use and Avoid When Talking About Addiction*, *supra* note 13.

treatment-seeking individuals suffering from addiction.”¹²¹ It is illogical and inappropriate to use a word associated with negative judgment, stigma, and punishment in treatment court statutes, health and social services statutes, and other statutes designed to help people.¹²² Instead of using the word “abuse” (as in *alcohol abuse*) or “abuser” (as in *alcohol abuser*), this Article recommends that the Florida Legislature use “individual with alcohol use disorder” or similar neutral, person-first language.¹²³

Florida’s second most common alcohol-related word appears to be “drunkenness.”¹²⁴ As demonstrated above in Parts II.F–G of this Article, Florida occupational licensure law as well as Florida public officer and civil servant law rely heavily on the word “drunkenness.”¹²⁵ In these contexts, “drunkenness” triggers loss of occupational or professional licensure as well as removal by the Governor from public office.¹²⁶ As discussed in Section II.A, however, the slang word “drunk” has its roots in a Middle English word, “fordrunken,” which appeared in Chaucer’s tales.¹²⁷ Now outdated, lacking a medical or other technical definition, and neither used nor approved by the APA nor any other professional medical association to refer to the alcohol-related health condition of an individual, “drunkenness” is simply inappropriate in professional language, including Florida’s statutes.¹²⁸

In addition to “abuse” and “drunkenness,” other alcohol-related words and phrases that are occasionally used in particular Florida statutes include, in alphabetical order, “alcoholism,” “drunk,” “drunk driver,” “habitual,”

121. *Addictionary*, RECOVERY RSCH. INST., <http://www.recoveryanswers.org/addiction-ary/> (last visited Mar. 18, 2022) (explaining why the word “abuser” should not be used in the context of addiction).

122. *See Words Matter — Terms to Use and Avoid When Talking About Addiction*, *supra* note 13.

123. *See id.*; *Addictionary*, *supra* note 121 (“Consequently, instead of describing someone as a ‘drug abuser,’ it may be less stigmatizing and more medically accurate to describe them as ‘a person with . . . addiction or substance use disorder.’”).

124. *See* FLA. STAT. §§ 112.51(1), 112.501(1)(a), 401.411(1)(k), 456.008(1), 467.203(1)(g), 468.1295(1)(aa), 490.009(1)(p).

125. *See* discussion *supra* Sections II.F–G; FLA. STAT. §§ 401.411(1)(k); 467.203(1)(g); 468.1295(1)(aa); 490.009(1)(p).

126. *See* FLA. STAT. §§ 112.51(1); 112.501(2)(a); 401.411(1)(k); 467.203(1)(g); 468.1295(1)(aa); 490.009(1)(p).

127. *See* discussion *supra* Part II.A; Ola Khazan, *A History of ‘Drunk’ Words*, ATLANTIC (Jan. 8, 2015), <http://www.theatlantic.com/health/archive/2015/01/a-history-of-drunk-words/384325/>.

128. *See Understanding Alcohol Use Disorders and Their Treatment*, *supra* note 4; FLA. STAT. § 112.51(1) (referencing the use of the word “drunkenness” within the statute).

“habitual drunkard,” “habitually addicted,” and “habitually inebriated.”¹²⁹ The phrases “drunk driver” and “habitual drunkard” are not person-first and can be improved.¹³⁰ For example, the Florida Legislature could use “an [individual who] driv[es] while intoxicated” coupled with a technical (i.e., numerical, blood-alcohol-content-based) definition of “intoxicated” instead of “drunk driver.”¹³¹

By further example, the Florida Legislature could use an “individual with alcohol use disorder” instead of “habitual drunkard.”¹³² Moreover, the word “alcoholism” is not used by the APA in its current (i.e., fifth) edition of the Diagnostic and Statistical Manual of Mental Disorders (“DSM-5”).¹³³ The phrase “alcohol use disorder”—used by the APA in the DSM-5—could be substituted by the Florida Legislature for the word “alcoholism.”¹³⁴ Finally, the words “habit[],” “habitual[],” and “habitually” are inappropriate when used in the addiction context.¹³⁵ As explained in the Introduction to this Article, these words inaccurately imply that an individual with AUD is choosing to use alcohol and/or can choose to stop using alcohol.¹³⁶ The word “habit” can also undermine the seriousness of an individual’s AUD.¹³⁷

Interestingly, no Florida statute uses the phrase “alcohol use disorder,” which is the name the APA currently gives to the health condition that is colloquially known as “alcoholism.”¹³⁸ In this respect, Florida is different than other jurisdictions, which have incorporated the phrase “alcohol use disorder” into their statutes.¹³⁹ For example, the Nevada Legislature states in one of its statutes that: “the handling of persons with an alcohol use disorder within the

129. See FLA. STAT. §§ 768.125, 562.50; 401.411(1)(k), 322.0602, 296.07, 327.35(6)(i).

130. See *id.* §§ 562.50; 322.0602; *Words Matter — Terms to Use and Avoid When Talking About Addiction*, *supra* note 13.

131. See FLA. STAT. § 322.0602; TEX. PENAL CODE ANN. § 49.04 (West 2021).

132. See *id.* § 562.50; *Words Matter — Terms to Use and Avoid When Talking About Addiction*, *supra* note 13.

133. See DSM-5, *supra* note 2, at 490.

134. See *id.* at 490; *APA Dictionary of Psychology*, AM. PSYCH. ASS’N, <http://dictionary.apa.org/alcohol-use-disorder> (last visited Apr. 3, 2022); FLA. STAT. § 414.0655(1).

135. See FLA. STAT. § 296.07; *Words Matter — Terms to Use and Avoid When Talking About Addiction*, *supra* note 13.

136. See discussion *supra* Part I; *Words Matter — Terms to Use and Avoid When Talking About Addiction*, *supra* note 13.

137. *Words Matter — Terms to Use and Avoid When Talking About Addiction*, *supra* note 13.

138. DSM-5, *supra* note 2, at 490; *but see* COLO. REV. STAT. § 27-81-102 (2022).

139. See NEV. REV. STAT. § 458.250 (2021); FLA. STAT. § 414.0655(1).

criminal justice system is ineffective, whereas treating an alcohol use disorder as a health problem allows its prevention and treatment”¹⁴⁰

The third key finding of this Article is that a number of positive and negative legal consequences are triggered by Florida’s alcohol-related language.¹⁴¹ Examples of positive legal consequences include receipt of educational and other grant funding, access to educator addiction recovery programming, treatment rather than prosecution, access to women’s primary care services, access to impaired healthcare practitioner programming, and civil immunity.¹⁴²

Examples of negative legal consequences include prosecution for crimes such as public intoxication and driving or boating under the influence, detention or incarceration, refusal of admissions to a veterans’ home, professional discipline or loss of occupational licensure, suspension or removal from public office, the imposition of liability, loss of a driver’s license, and loss of ability to serve as a guardian.¹⁴³ It is simply inappropriate to use slang, outdated, and/or non-person-first, alcohol-related language in the context of a Florida statute offering a positive legal outcome.¹⁴⁴ For example, an applicant for health and other social services (or an applicant for any other positive legal outcome) would be put in the awkward position of having to identify with a slang, outdated, or other non-preferred terms to access such services (or to gain such outcome).¹⁴⁵ When services are made available to certain individuals via statute, it would seem appropriate to encourage, not discourage (through stigmatizing or other inappropriate language), individuals to apply for and accept such services.¹⁴⁶ In the context of negative outcome statutes, it still seems to the Author to be inappropriate to use slang, outdated, and non-person-first statutes in professional language, including state laws, especially when referring to an individual’s mental health condition.¹⁴⁷

This Article’s fourth finding is that there are multiple means by which Florida’s statutory language permeates public discourse, creating

140. NEV. REV. STAT. § 458.250.

141. See discussion *supra* Part II.

142. See discussion *supra* Section II.A–C, I.

143. See discussion *supra* Sections I.A.F–K.

144. See discussion *supra* Sections II.A–J; *Words Matter — Terms to Use and Avoid When Talking About Addiction*, *supra* note 13.

145. See discussion *supra* Section II.C.

146. See e.g., FLA. STAT. §§ 893.165(1); 938.23(1); 985.676(2)(a)(5); 320.02(16)(b).

147. See discussion *supra* Sections II.A–J; Tovino, *supra* note 1, at 6, 11; *Words Matter — Terms to Use and Avoid When Talking About Addiction*, *supra* note 13.

opportunities to perpetuate stigma against individuals with AUD.¹⁴⁸ Many of the statutes referenced in Part II create or establish departments, health, and social services programs, boards, funds, grants, and signs among other programs and materials.¹⁴⁹ These programs and materials can be accessed or seen by a wide variety of government officials, health care, and other professionals, and lay individuals, creating a direct line between alcohol-related statutory language and a variety of legal rights, benefits, privileges, obligations, duties, and penalties applicable to individuals with AUD.¹⁵⁰ The Florida statutes referenced in Part II are not simply outdated laws that have no bearing on present-day society.¹⁵¹ These statutes play a direct, active, and important role in assembling and regulating public life.¹⁵² That said, two proposals may help improve Florida statutes that contain alcohol-related language.¹⁵³

This Article first proposes that Florida lawmakers use medically current and respectful language in new legislation introduced to the Florida Legislature from this point forward.¹⁵⁴ For example, a lawmaker who wishes to make available additional health care and social services can make such services available to “individuals with alcohol use disorder” rather than “alcohol abusers,” “habitual drunkards,” “habitual[] inebriate[s],” or “habitual addicts.”¹⁵⁵ By further example, a lawmaker who wishes to penalize individuals who engage in certain alcohol-related activities can use technical language (e.g., “driving while intoxicated” coupled with a technical definition of “intoxicated” that is expressed either in grams per milliliter or a percentage of blood-alcohol content) rather than slang language (e.g., “drunk driv[ing]” or “habitual drunkard”).¹⁵⁶ To help implement this proposal, this Article suggests that a Florida lawmaker introduce legislation requiring both

148. See discussion *supra* Part I.

149. See discussion *supra* Sections II.A–J; FLA. STAT. §§ 893.165(1), 938.23(1), 985.676(2)(a)(5), 320.02(16)(b).

150. See discussion *supra* Part II.; FLA. STAT. § 397.305(1)–(3).

151. See discussion *supra* Part II.

152. See FLA. STAT. § 397.305(5).

153. See discussion *supra* Parts I, II.

154. See discussion *supra* Parts I, II.

155. See discussion *supra* Sections II.A, E; FLA. STAT. §§ 951.26(1)(b)(1)(f)–(g); 562.50; 296.07; *Words Matter — Terms to Use and Avoid When Talking About Addiction*, *supra* note 13; Fla. Admin. Order No. 2018-068 PI-CTY, *supra* note 74.

156. See discussion *supra* Part I; Fla. Admin. Order No. 2018-068 PI-CTY, *supra* note 74; FLA. STAT. §§ 322.2616(2)(b)(5)(c), 322.0602(2)(a); 562.50; TEX. PENAL CODE ANN. § 49.04.

lawmakers and legislative counsel to use medically current and respectful statutory language when drafting and filing bills on a going-forward basis.¹⁵⁷

A draft of such legislation might provide:

Florida Senate - 2022

SB ____

By Senator _____

1 A bill to be entitled
2 An Act Relating to Language and Alcohol
3 Be It Enacted by the Legislature of the State of Florida:
4 Section 1. Section _____, Florida Statutes, is created to
5 read:
6 Section _____, Florida Statutes, Alcohol-Related Language
7 Section 2. Florida lawmakers and legislative counsel shall, to the extent
8 practicable, ensure that persons with alcohol use disorder are
9 referred to in the Florida Statutes Annotated using language that
10 is commonly viewed as respectful and sentence structure that
11 refers to the person before referring to the person’s alcohol use,
12 alcohol-related activities, alcohol-related states, or alcohol-related
13 health condition.
14 Section 3. Words and terms that are preferred for use in the Florida
15 Statutes Annotated include, without limitation, persons with alcohol use
16 disorder, persons with substance use disorder, persons with addiction,
17 persons with mental health conditions, and other phrases that are
18 structured in a similar manner.
19 Section 4. Words and terms that are not preferred for use in the Florida
20 Statutes Annotated include, without limitation, “abuse,” “abuser,”
21 “addict,” “alcoholic,” “alcoholism,” “drunk,” “drunkard,” “habit,”
22 “habitual,” “habitually,” “inebriate,” “intemperate,” “wasted,” and
23 “wastrel,” as well as other outdated, slang, and non-person-first words
24 and terms.
25 Section 5. This Act shall take effect January 1, 2023.

Second, this Article proposes that the Florida Legislature amend all slang, outdated, and non-person-first alcohol-related language used in already-enacted statutes.* To implement this proposal, lawmakers can locate the footnotes of this Article to see the specific Florida statutory provisions that

157. See discussion *supra* Part III.

contain slang, outdated, and non-person-first language and introduce legislation that would substitute preferred words and phrases.*

IV. CONCLUSION

This Article builds on the Author's prior scholarship by analyzing the language used in Florida statutes to refer to alcohol-related activities, alcohol-related states, and alcohol-related health conditions.* This Article finds that Florida's most common alcohol-related word, regardless of subject matter code, appears to be "abuse" (as in "alcohol abuse," "abuse of alcohol," or "substance abuse").¹⁵⁸ Florida's second most common alcohol-related word appears to be "drunkenness."¹⁵⁹ In addition to "abuse" and "drunkenness," other alcohol-related words and phrases that are occasionally used in particular Florida statutes include, in alphabetical order, "abuser," "alcoholism," "drunk," "drunk driver," "habitual," "habitual drunkard," "habitually addicted," and "habitually inebriated."¹⁶⁰ These words and phrases are outdated at best, and stigmatizing at worst.* This Article proposes that the Florida Legislature use current, person-first terminology in new legislation introduced from this point forward.* This Article also proposes that the Florida Legislature amend outdated, slang, and non-person first terminology located within existing Florida law.¹⁶¹ If implemented by the Florida legislature, these proposals may help to diminish structural or law-based stigma in the context of individuals with AUD.*

158. See *supra* Part III; e.g., FLA. STAT. § 414.0655(1).

159. See *supra* Parts II.H-I; e.g., FLA. STAT. § 856.

160. See *supra* Part II; Tovino, *supra* note 1, at 7,14.

161. See *supra* Part III.