

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4486**

A bill to amend 1974 PA 258, entitled  
"Mental health code,"  
by amending the title and sections 100b, 100c, 100d, 260, 276, 277,  
278, 279, 281, 282, 283, 286, and 464a (MCL 330.1100b, 330.1100c,  
330.1100d, 330.1260, 330.1276, 330.1277, 330.1278, 330.1279,  
330.1281, 330.1282, 330.1283, 330.1286, and 330.1464a), the title  
as amended by 1995 PA 290, sections 100b, 100c, and 100d as amended  
and sections 260, 276, 277, 278, 279, 281, 282, 283, and 286 as  
added by 2012 PA 500, and section 464a as added by 1994 PA 339, and  
by adding sections 281a, 281b, and 281c.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1**

TITLE

**2**

An act to codify, revise, consolidate, and classify the laws

1 relating to mental health; to prescribe the powers and duties of  
2 certain state and local agencies and officials and certain private  
3 agencies and individuals; to regulate certain agencies and  
4 facilities providing mental health **OR SUBSTANCE USE DISORDER**  
5 services; to provide for certain charges and fees; to establish  
6 civil admission procedures for individuals with mental illness,  
7 **SUBSTANCE USE DISORDER**, or developmental disability; to establish  
8 guardianship procedures for individuals with developmental  
9 disability; to establish procedures regarding individuals with  
10 mental illness, **SUBSTANCE USE DISORDER**, or developmental disability  
11 who are in the criminal justice system; to provide for penalties  
12 and remedies; and to repeal acts and parts of acts.

13       Sec. 100b. (1) "Facility" means a residential facility for the  
14 care or treatment of individuals with serious mental illness,  
15 serious emotional disturbance, or developmental disability that is  
16 either a state facility or a licensed facility.

17       (2) "Family" as used in sections 156 to 161 means an eligible  
18 minor and his or her parent or legal guardian.

19       (3) "Family member" means a parent, stepparent, spouse,  
20 sibling, child, or grandparent of a primary consumer, or an  
21 individual upon whom a primary consumer is dependent for at least  
22 50% of his or her financial support.

23       (4) "Federal funds" means funds received from the federal  
24 government under a categorical grant or similar program and does  
25 not include federal funds received under a revenue sharing  
26 arrangement.

27       (5) "Functional impairment" means both of the following:

1 (a) With regard to serious emotional disturbance, substantial  
2 interference with or limitation of a minor's achievement or  
3 maintenance of 1 or more developmentally appropriate social,  
4 behavioral, cognitive, communicative, or adaptive skills.

5 (b) With regard to serious mental illness, substantial  
6 interference or limitation of role functioning in 1 or more major  
7 life activities including basic living skills such as eating,  
8 bathing, and dressing; instrumental living skills such as  
9 maintaining a household, managing money, getting around the  
10 community, and taking prescribed medication; and functioning in  
11 social, vocational, and educational contexts.

12 (6) "Guardian" means a person appointed by the court to  
13 exercise specific powers over an individual who is a minor, legally  
14 incapacitated, or developmentally disabled.

15 (7) "Hospital" or "psychiatric hospital" means an inpatient  
16 program operated by the department for the treatment of individuals  
17 with serious mental illness or serious emotional disturbance or a  
18 psychiatric hospital or psychiatric unit licensed under section  
19 137.

20 (8) "Hospital director" means the chief administrative officer  
21 of a hospital or his or her designee.

22 (9) "Hospitalization" or "hospitalize" means to provide  
23 treatment for an individual as an inpatient in a hospital.

24 (10) "Incapacitated" means that an individual, as a result of  
25 the use of alcohol **OR OTHER DRUGS**, is unconscious or has his or her  
26 mental or physical functioning so impaired that he or she either  
27 poses an immediate and substantial danger to his or her own health

1 and safety or is endangering the health and safety of the public.

2 (11) "Individual plan of services" or "plan of services" means  
3 a written individual plan of services developed with a recipient as  
4 required by section 712.

5 (12) "INTELLECTUAL DISABILITY" MEANS A CONDITION MANIFESTING  
6 BEFORE THE AGE OF 18 YEARS THAT IS CHARACTERIZED BY SIGNIFICANTLY  
7 SUBAVERAGE INTELLECTUAL FUNCTIONING AND RELATED LIMITATIONS IN 2 OR  
8 MORE ADAPTIVE SKILLS AND THAT IS DIAGNOSED BASED ON THE FOLLOWING  
9 ASSUMPTIONS:

10 (A) VALID ASSESSMENT CONSIDERS CULTURAL AND LINGUISTIC  
11 DIVERSITY, AS WELL AS DIFFERENCES IN COMMUNICATION AND BEHAVIORAL  
12 FACTORS.

13 (B) THE EXISTENCE OF LIMITATION IN ADAPTIVE SKILLS OCCURS  
14 WITHIN THE CONTEXT OF COMMUNITY ENVIRONMENTS TYPICAL OF THE  
15 INDIVIDUAL'S AGE PEERS AND IS INDEXED TO THE INDIVIDUAL'S  
16 PARTICULAR NEEDS FOR SUPPORT.

17 (C) SPECIFIC ADAPTIVE SKILL LIMITATIONS OFTEN COEXIST WITH  
18 STRENGTHS IN OTHER ADAPTIVE SKILLS OR OTHER PERSONAL CAPABILITIES.

19 (D) WITH APPROPRIATE SUPPORTS OVER A SUSTAINED PERIOD, THE  
20 LIFE FUNCTIONING OF THE INDIVIDUAL WITH AN INTELLECTUAL DISABILITY  
21 WILL GENERALLY IMPROVE.

22 (13) ~~(12)~~ "Licensed facility" means a facility licensed by the  
23 department under section 137 or an adult foster care facility.

24 (14) ~~(13)~~ "Licensed psychologist" means a doctoral level  
25 psychologist licensed under section 18223(1) of the public health  
26 code, 1978 PA 368, MCL 333.18223.

27 (15) ~~(14)~~ "Medical director" means a psychiatrist appointed

1 under section 231 to advise the executive director of a community  
2 mental health services program.

3 **(16)** ~~(15)~~ "Mental health professional" means an individual who  
4 is trained and experienced in the area of mental illness or  
5 developmental disabilities and who is 1 of the following:

6 (a) A physician.

7 (b) A psychologist. ~~licensed to practice in this state under~~  
8 ~~article 15 of the public health code, 1978 PA 368, MCL 333.16101 to~~  
9 ~~333.18838.~~

10 (c) A registered professional nurse licensed **OR OTHERWISE**  
11 **AUTHORIZED to ENGAGE IN THE** practice ~~in this state~~ **OF NURSING** under  
12 ~~article 15~~ **PART 172** of the public health code, 1978 PA 368, MCL  
13 ~~333.16101 to 333.18838.~~ **333.17201 TO 333.17242.**

14 (d) A licensed master's social worker licensed **OR OTHERWISE**  
15 **AUTHORIZED TO ENGAGE IN THE PRACTICE OF SOCIAL WORK AT THE MASTER'S**  
16 **LEVEL** under ~~article 15~~ **PART 185** of the public health code, 1978 PA  
17 368, MCL ~~333.16101 to 333.18838.~~ **333.18501 TO 333.18518.**

18 (e) A licensed professional counselor licensed **OR OTHERWISE**  
19 **AUTHORIZED to ENGAGE IN THE** practice ~~in this state~~ **OF COUNSELING**  
20 under ~~article 15~~ **PART 181** of the public health code, 1978 PA 368,  
21 MCL ~~333.16101 to 333.18838.~~ **333.18101 TO 333.18117.**

22 (f) A marriage and family therapist licensed **OR OTHERWISE**  
23 **AUTHORIZED TO ENGAGE IN THE PRACTICE OF MARRIAGE AND FAMILY THERAPY**  
24 under ~~article 15~~ **PART 169** of the public health code, 1978 PA 368,  
25 MCL ~~333.16101 to 333.18838.~~ **333.16901 TO 333.16915.**

26 ~~—— (16) "Mental retardation" means a condition manifesting before~~  
27 ~~the age of 18 years that is characterized by significantly~~

~~subaverage intellectual functioning and related limitations in 2 or  
more adaptive skills and that is diagnosed based on the following  
assumptions:~~

~~—— (a) Valid assessment considers cultural and linguistic  
diversity, as well as differences in communication and behavioral  
factors.~~

~~—— (b) The existence of limitation in adaptive skills occurs  
within the context of community environments typical of the  
individual's age peers and is indexed to the individual's  
particular needs for support.~~

~~—— (c) Specific adaptive skill limitations often coexist with  
strengths in other adaptive skills or other personal capabilities.~~

~~—— (d) With appropriate supports over a sustained period, the  
life functioning of the individual with mental retardation will  
generally improve.~~

(17) "Minor" means an individual under the age of 18 years.

(18) "Multicultural services" means specialized mental health  
services for multicultural populations such as African-Americans,  
Hispanics, Native Americans, Asian and Pacific Islanders, and  
Arab/Chaldean-Americans.

(19) "Neglect" means an act or failure to act committed by an  
employee or volunteer of the department, a community mental health  
services program, or a licensed hospital; a service provider under  
contract with the department, a community mental health services  
program, or a licensed hospital; or an employee or volunteer of a  
service provider under contract with the department, a community  
mental health services program, or a licensed hospital, that denies

1 a recipient the standard of care or treatment to which he or she is  
2 entitled under this act.

3 Sec. 100c. (1) "Peace officer" means an officer of the  
4 department of state police or of a law enforcement agency of a  
5 county, township, city, or village who is responsible for the  
6 prevention and detection of crime and enforcement of the criminal  
7 laws of this state. For the purposes of sections 408 and 427, peace  
8 officer also includes an officer of the United States secret  
9 service with the officer's consent and a police officer of the  
10 veterans' administration medical center reservation.

11 (2) "Peer review" means a process, including the review  
12 process required under section 143a, in which mental health  
13 professionals of a state facility, licensed hospital, or community  
14 mental health services program evaluate the clinical competence of  
15 staff and the quality and appropriateness of care provided to  
16 recipients. ~~These~~ **PEER REVIEW** evaluations are confidential in  
17 accordance with section 748(9) and are based on criteria  
18 established by the facility or community mental health services  
19 program itself, the accepted standards of the mental health  
20 professions, and the department.

21 (3) "Person requiring treatment" means an individual who meets  
22 the criteria described in section 401.

23 (4) "Physician" means an individual licensed ~~by the state~~ **OR**  
24 **OTHERWISE AUTHORIZED** to engage in the practice of medicine **UNDER**  
25 **PART 170 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.17001 TO**  
26 **333.17084, or TO ENGAGE IN THE PRACTICE OF** osteopathic medicine and  
27 surgery under ~~article 15~~ **PART 175** of the public health code, 1978

1 PA 368, MCL ~~333.16101 to 333.18838~~ **333.17501 TO 333.17556**.

2 (5) "Primary consumer" means an individual who has received or  
3 is receiving services from the department or a community mental  
4 health services program or services from the private sector  
5 equivalent to those offered by the department or a community mental  
6 health services program.

7 (6) "Priority" means preference for and dedication of a major  
8 proportion of resources to specified populations or services.  
9 Priority does not mean serving or funding the specified populations  
10 or services to the exclusion of other populations or services.

11 (7) "Protective custody" means the temporary custody of an  
12 individual by a peace officer with or without the individual's  
13 consent for the purpose of protecting that individual's health and  
14 safety, or the health and safety of the public, and for the purpose  
15 of transporting the individual under section **276**, 408, or 427 if  
16 the individual appears, in the judgment of the peace officer, to be  
17 a person requiring treatment or is a person requiring treatment.  
18 Protective custody is civil in nature and is not ~~to be construed as~~  
19 an arrest.

20 (8) "Psychiatric partial hospitalization program" means a  
21 nonresidential treatment program that provides psychiatric,  
22 psychological, social, occupational, nursing, music therapy, and  
23 therapeutic recreational services under the supervision of a  
24 physician to adults diagnosed as having serious mental illness or  
25 minors diagnosed as having serious emotional disturbance who do not  
26 require 24-hour continuous mental health care, and that is  
27 affiliated with a psychiatric hospital or psychiatric unit to which



clients may be transferred if they need inpatient psychiatric care.

(9) "Psychiatric unit" means a unit of a general hospital that provides inpatient services for individuals with serious mental illness or serious emotional disturbance. As used in this subsection, "general hospital" means a hospital as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

(10) "Psychiatrist" means 1 or more of the following:

(a) A physician who has completed a residency program in psychiatry approved by the accreditation council for graduate medical education or the American osteopathic association, or who has completed 12 months of psychiatric rotation and is enrolled in an approved residency program as described in this

~~subsection.~~ **SUBDIVISION.**

(b) A psychiatrist employed by or under contract with the department or a community mental health services program on March 28, 1996.

(c) A physician who devotes a substantial portion of his or her time to the practice of psychiatry and is approved by the director.

(11) "Psychologist" means an individual **WHO IS** licensed **OR OTHERWISE AUTHORIZED** to engage in the practice of psychology under ~~article 15~~ **PART 182** of the public health code, 1978 PA 368, MCL ~~333.16101 to 333.18838,~~ **333.18201 TO 333.18237, AND** who devotes a substantial portion of his or her time to the diagnosis and treatment of individuals with serious mental illness, serious emotional disturbance, **SUBSTANCE USE DISORDER**, or developmental

1 disability.

2 (12) "Recipient" means an individual who receives mental  
3 health services from the department, a community mental health  
4 services program, or a facility or from a provider that is under  
5 contract with the department or a community mental health services  
6 program. For the purposes of this act, recipient does not include  
7 an individual receiving substance use disorder services under  
8 chapter 2A unless that individual is also receiving mental health  
9 services under this act in conjunction with substance use disorder  
10 services.

11 (13) "Recipient rights advisory committee" means a committee  
12 of a community mental health services program board appointed under  
13 section 757 or a recipient rights advisory committee appointed by a  
14 licensed hospital under section 758.

15 (14) "Recovery" means a highly individualized process of  
16 healing and transformation ~~where~~ **BY WHICH** the individual gains  
17 control over his or her life. Related services include recovery  
18 management, recovery support services, recovery houses or  
19 transitional living programs, and relapse prevention. Recovery  
20 involves the development of a new meaning, purpose, and growing  
21 beyond the impact of addiction or a diagnosis. Recovery may include  
22 the pursuit of spiritual, emotional, mental, or physical well-  
23 being.

24 (15) "Regional entity" means an entity established under  
25 section 204b to provide specialty services and supports.

26 (16) "Rehabilitation" means the act of restoring an individual  
27 to a state of mental and physical health or useful activity through

1 vocational or educational training, therapy, and counseling.

2 (17) "Resident" means an individual who receives services in a  
3 facility.

4 (18) "Responsible mental health agency" means the hospital,  
5 center, or community mental health services program that has  
6 primary responsibility for the recipient's care or for the delivery  
7 of services or supports to that recipient.

8 (19) "Rule" means a rule promulgated under the administrative  
9 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

10 Sec. 100d. (1) "Service" means a mental health service **OR A**  
11 **SUBSTANCE USE DISORDER SERVICE.**

12 (2) "Serious emotional disturbance" means a diagnosable  
13 mental, behavioral, or emotional disorder affecting a minor that  
14 exists or has existed during the past year for a period of time  
15 sufficient to meet diagnostic criteria specified in the most recent  
16 diagnostic and statistical manual of mental disorders published by  
17 the American psychiatric association and approved by the department  
18 and that has resulted in functional impairment that substantially  
19 interferes with or limits the minor's role or functioning in  
20 family, school, or community activities. The following disorders  
21 are included only if they occur in conjunction with another  
22 diagnosable serious emotional disturbance:

23 (a) A substance use disorder.

24 (b) A developmental disorder.

25 (c) "V" codes in the diagnostic and statistical manual of  
26 mental disorders.

27 (3) "Serious mental illness" means a diagnosable mental,

1 behavioral, or emotional disorder affecting an adult that exists or  
2 has existed within the past year for a period of time sufficient to  
3 meet diagnostic criteria specified in the most recent diagnostic  
4 and statistical manual of mental disorders published by the  
5 American psychiatric association and approved by the department and  
6 that has resulted in functional impairment that substantially  
7 interferes with or limits 1 or more major life activities. Serious  
8 mental illness includes dementia with delusions, dementia with  
9 depressed mood, and dementia with behavioral disturbance but does  
10 not include any other dementia unless the dementia occurs in  
11 conjunction with another diagnosable serious mental illness. The  
12 following disorders also are included only if they occur in  
13 conjunction with another diagnosable serious mental illness:

14 (a) A substance use disorder.

15 (b) A developmental disorder.

16 (c) A "V" code in the diagnostic and statistical manual of  
17 mental disorders.

18 (4) "Special compensation" means payment to an adult foster  
19 care facility to ensure the provision of a specialized program in  
20 addition to the basic payment for adult foster care. Special  
21 compensation does not include payment received directly from the  
22 medicaid program for personal care services for a resident, or  
23 payment received under the supplemental security income program.

24 (5) "Specialized program" means a program of services,  
25 supports, or treatment that are provided in an adult foster care  
26 facility to meet the unique programmatic needs of individuals with  
27 serious mental illness or developmental disability as set forth in

1 the resident's individual plan of services and for which the adult  
2 foster care facility receives special compensation.

3 (6) "Specialized residential service" means a combination of  
4 residential care and mental health services that are expressly  
5 designed to provide rehabilitation and therapy to a recipient, that  
6 are provided in the residence of the recipient, and that are part  
7 of a comprehensive individual plan of services.

8 (7) "State administered funds" means revenues appropriated by  
9 the ~~state~~ legislature exclusively for the purposes provided for in  
10 regard to substance use disorder services and prevention.

11 (8) "State facility" means a center or a hospital operated by  
12 the department.

13 (9) "State recipient rights advisory committee" means a  
14 committee appointed by the director under section 756 to advise the  
15 director and the director of the department's office of recipient  
16 rights.

17 (10) "Substance abuse" means the taking of alcohol or other  
18 drugs at dosages that place an individual's social, economic,  
19 psychological, and physical welfare in potential hazard or to the  
20 extent that an individual loses the power of self-control as a  
21 result of the use of alcohol or drugs, or while habitually under  
22 the influence of alcohol or drugs, endangers public health, morals,  
23 safety, or welfare, or a combination thereof.

24 (11) "Substance use disorder" means chronic disorder in which  
25 repeated use of alcohol, drugs, or both, results in significant and  
26 adverse consequences. Substance ~~abuse is considered a substance use~~  
27 disorder **INCLUDES SUBSTANCE ABUSE.**

1           (12) "Substance use disorder prevention services" means  
2 services that are intended to reduce the consequences of substance  
3 use disorders in communities by preventing or delaying the onset of  
4 substance abuse and that are intended to reduce the progression of  
5 substance use disorders in individuals. Substance use disorder  
6 prevention is an ordered set of steps that promotes individual,  
7 family, and community health, prevents mental and behavioral  
8 disorders, supports resilience and recovery, and reinforces  
9 treatment principles to prevent relapse.

10           (13) "Substance use disorder treatment and rehabilitation  
11 services" means the providing of identifiable recovery-oriented  
12 services including:

13           (a) Early intervention and crisis intervention counseling  
14 services for individuals who are current or former individuals with  
15 substance use disorder.

16           (b) Referral services for individuals with substance use  
17 disorder, their families, and the general public.

18           (c) Planned treatment services, including chemotherapy,  
19 counseling, or rehabilitation for individuals physiologically or  
20 psychologically dependent upon or abusing alcohol or drugs.

21           (14) "Supplemental security income" means the program  
22 authorized under title XVI of the social security act, 42 USC 1381  
23 to 1383f.

24           (15) "Transfer facility" means a facility selected by the  
25 department-designated community mental health entity, which  
26 facility is physically located in a jail or lockup and is staffed  
27 by at least 1 designated representative when in use according to

1 chapter 2A.

2 (16) "Transition services" means a coordinated set of  
3 activities for a special education student designed within an  
4 outcome-oriented process that promotes movement from school to  
5 postschool activities, including postsecondary education,  
6 vocational training, integrated employment including supported  
7 employment, continuing and adult education, adult services,  
8 independent living, or community participation.

9 (17) "Treatment" means care, diagnostic, and therapeutic  
10 services, including the administration of drugs, and any other  
11 service for the treatment of an individual's serious mental  
12 illness, ~~or~~ serious emotional disturbance, **OR SUBSTANCE USE**  
13 **DISORDER.**

14 (18) "Treatment position" means a unit of measure of the  
15 client capacity of a psychiatric partial hospitalization program.  
16 Each treatment position represents a minimum of 6 hours per day and  
17 5 days per calendar week.

18 (19) "Urgent situation" means a situation in which an  
19 individual is determined to be at risk of experiencing an emergency  
20 situation in the near future if he or she does not receive care,  
21 treatment, or support services.

22 (20) "Wraparound services" means an individually designed set  
23 of services provided to minors with serious emotional disturbance  
24 or serious mental illness and their families that includes  
25 treatment services and personal support services or any other  
26 supports necessary to foster education preparedness, employability,  
27 and preservation of the child in the family home. Wraparound

1 services are to be developed through an interagency collaborative  
2 approach and a minor's parent or guardian and a minor age 14 or  
3 older are to participate in planning the services.

4 Sec. 260. (1) As used in this chapter:

5 (A) **"CHILD" MEANS AN INDIVIDUAL LESS THAN 14 YEARS OF AGE.**

6 (B) ~~(a)~~-"Court" means the probate court for the county in  
7 which ~~a minor~~, **AN INDIVIDUAL**, for whom a request for substance use  
8 disorder treatment and rehabilitation services has been made **OR A**  
9 **PETITION FOR INVOLUNTARY TREATMENT HAS BEEN FILED**, either resides  
10 or is found.

11 (C) **"HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL LICENSED OR**  
12 **OTHERWISE AUTHORIZED TO ENGAGE IN A HEALTH PROFESSION UNDER ARTICLE**  
13 **15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO**  
14 **333.18838, AND WHOSE SCOPE OF PRACTICE INCLUDES THE DIAGNOSIS AND**  
15 **TREATMENT OF INDIVIDUALS WITH A SUBSTANCE USE DISORDER.**

16 (D) **"HOSPITAL" MEANS A HOSPITAL LICENSED UNDER PART 215 OF THE**  
17 **PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.21501 TO 333.21571.**

18 (E) ~~(b)~~-"Minor" means an individual 14 or more years of age  
19 and less than 18 years of age.

20 (F) ~~(c)~~-"Person in loco parentis" means an individual who is  
21 not the parent or guardian of a child or minor but who has legal  
22 custody of the child or minor and is providing support and care for  
23 the child or minor.

24 (G) **"PETITIONER" MEANS A PERSON THAT INSTITUTES A PROCEEDING**  
25 **UNDER SECTION 281A.**

26 (H) ~~(d)~~-"Physiological dependency" means addiction to alcohol  
27 or drugs that alters the body's physical or psychological status,



1 or both.

2 (I) ~~(e)~~ "Program" means a hospital, clinic, organization, or  
 3 health professional licensed under part 62 of the public health  
 4 code, 1978 PA 368, MCL 333.6230 to 333.6251, to provide ~~treatment~~  
 5 ~~services or screening and assessment~~ **SUBSTANCE USE DISORDER**  
 6 services.

7 (J) "RESPONDENT" MEANS AN INDIVIDUAL ALLEGED IN A PETITION  
 8 FILED UNDER SECTION 281A TO BE AN INDIVIDUAL WHO HAS A SUBSTANCE  
 9 USE DISORDER AND WHO MAY BE ORDERED UNDER SECTION 281B OR 281C TO  
 10 UNDERGO INVOLUNTARY TREATMENT.

11 (2) The department shall begin implementation of the changes  
 12 ~~in~~ **MADE TO** this chapter **BY 2012 PA 500** not later than October 1,  
 13 2013 and shall have the changes completed by not later than October  
 14 1, 2014.

15 Sec. 276. (1) An individual who appears to be incapacitated in  
 16 a public place shall be taken into protective custody by a ~~law~~  
 17 ~~enforcement~~ **PEACE** officer and taken to an approved service program  
 18 ~~or~~ to an emergency medical service, or to a transfer facility  
 19 according to subsection (4) for subsequent transportation to an  
 20 approved service program or emergency medical service. ~~When~~ **EXCEPT**  
 21 **AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF** requested by a ~~law~~  
 22 ~~enforcement~~ **PEACE** officer, an emergency service unit or staff shall  
 23 provide transportation for the individual to an approved service  
 24 program or an emergency medical service. This subsection does not  
 25 apply to **THE TRANSPORTATION OF** an individual ~~who~~ **BY AN EMERGENCY**  
 26 **SERVICE UNIT OR STAFF IF** the ~~law enforcement~~ **PEACE** officer  
 27 reasonably believes **THAT THE INDIVIDUAL** will attempt escape or will

1 be unreasonably difficult for staff to control.

2 (2) A ~~law enforcement~~ **PEACE** officer may take an individual  
3 into protective custody with that kind and degree of force that  
4 ~~would be~~ **IS** lawful ~~were~~ **FOR** the officer ~~effecting an~~ **TO** arrest **THAT**  
5 **INDIVIDUAL** for a misdemeanor without a warrant. In taking the  
6 individual, a ~~law enforcement~~ **PEACE** officer may take reasonable  
7 steps to protect himself or herself. The protective steps may  
8 include a ~~"pat down"~~ **PAT-DOWN** search of the individual in his or  
9 her immediate surroundings, but only to the extent necessary to  
10 discover and seize any dangerous weapon that may on that occasion  
11 be used against the officer or other individuals present. ~~These~~ **THE**  
12 **PEACE OFFICER SHALL TAKE THESE** protective steps ~~shall be taken by~~  
13 ~~the law enforcement officer~~ before an emergency service unit or  
14 staff provides transportation of an individual to an approved  
15 service program or emergency medical service.

16 (3) The taking of an individual to an approved service  
17 program, emergency medical service, or transfer facility under  
18 subsection (1) is not an arrest, but is a taking into protective  
19 custody with or without consent of the individual. The ~~law~~  
20 ~~enforcement~~ **PEACE** officer shall inform the individual that he or  
21 she is being held in protective custody and is not under arrest. An  
22 entry or other record shall not be made to indicate that the  
23 individual was arrested or charged with either a crime or being  
24 incapacitated. An entry shall be made indicating the date, time,  
25 and place of the taking, but the entry shall not be treated for any  
26 purpose as an arrest or criminal record.

27 (4) An individual taken into protective custody under

1 subsection (1) may be taken to a transfer facility for not more  
2 than 8 hours, if ~~there is neither an approved service program nor~~  
3 **OR** an emergency medical service **IS NOT LOCATED** in that county and  
4 if, due to distance or other circumstances, a ~~law enforcement-PEACE~~  
5 officer is unable to complete transport of the individual to an  
6 approved service program or emergency medical service. The ~~law~~  
7 ~~enforcement-PEACE~~ officer or agency shall immediately notify and  
8 request the nearest approved service program or emergency medical  
9 service to provide an emergency service unit or staff as soon as  
10 possible to transport the individual to that approved service  
11 program or emergency medical service. If ~~neither an emergency~~  
12 ~~service unit nor~~**OR** staff is **NOT** available for transportation, a  
13 ~~law enforcement-PEACE~~ officer may transport the individual to an  
14 approved service program or emergency medical service. If an  
15 emergency service unit or staff is to provide transportation, the  
16 designated representative of the transfer facility shall assume  
17 custody of the individual and shall take all reasonable steps to  
18 ensure the individual's health and safety until custody is  
19 transferred to the emergency service unit or staff of an approved  
20 service program or emergency medical service.

21 (5) An individual arrested by a ~~law enforcement-PEACE~~ officer  
22 for the commission of a misdemeanor punishable by imprisonment for  
23 not more than 3 months, or by a fine of not more than \$500.00, or  
24 both, may be taken to an approved service program or an emergency  
25 medical service for emergency treatment if the individual appears  
26 to be incapacitated at the time of ~~apprehension-ARREST~~. This  
27 treatment is not in lieu of criminal prosecution of the individual

1 for the offense with which the individual is charged ~~, nor shall~~  
2 **AND it DOES NOT** preclude the administration of any tests as  
3 provided for by law.

4 Sec. 277. (1) An individual who is taken to an approved  
5 service program or emergency medical service under section 276(1)  
6 shall continue to be in protective custody and shall be examined by  
7 a ~~physician or his or her designated representative~~ **HEALTH**  
8 **PROFESSIONAL** as soon as possible, but not longer than 8 hours. The  
9 ~~physician or designated representative~~ **HEALTH PROFESSIONAL** may  
10 conduct a chemical test to determine the amount of alcohol **OR OTHER**  
11 **DRUGS** in the bloodstream of the individual. The ~~physician or~~  
12 ~~designated representative~~ **HEALTH PROFESSIONAL** shall inform the  
13 individual of his or her right to that test and shall conduct a  
14 test at the request of the individual.

15 (2) An individual who, by medical examination, is found to be  
16 incapacitated shall then receive treatment from an approved service  
17 program or emergency medical service. An individual shall not be  
18 denied treatment solely because the individual has withdrawn from  
19 treatment against medical advice on a prior occasion or because the  
20 individual has relapsed after earlier treatment. An approved  
21 service program or the emergency medical service may arrange for  
22 necessary transportation.

23 (3) Approved service programs are not expected to provide  
24 treatment other than that for which they are licensed, nor ~~shall~~ **IS**  
25 an emergency medical service ~~be~~ required to provide treatment other  
26 than that routinely provided for other patients treated.

27 Sec. 278. (1) An individual who is taken to an approved

1 service program or emergency medical service under section 276(1)  
 2 ~~shall continue~~**CONTINUES** to be in protective custody. ~~The~~**EXCEPT AS**  
 3 **OTHERWISE PROVIDED IN SECTION 281A, 281B, OR 281C, THE** individual  
 4 shall not be detained once the individual is medically examined and  
 5 found not to be incapacitated. An individual found by medical  
 6 examination to be incapacitated shall be detained, **EXCEPT AS**  
 7 **OTHERWISE PROVIDED IN SECTION 281A, 281B, OR 281C,** until the  
 8 individual is no longer incapacitated or for not more than 72 hours  
 9 after the individual is taken to the approved service program or  
 10 emergency medical service. An individual may consent to remain in  
 11 the program for as long as the ~~physician~~**HEALTH PROFESSIONAL** in  
 12 charge believes appropriate.

13 (2) An individual who is taken to an approved service program  
 14 or emergency medical service under section 276(5) shall be  
 15 discharged to a ~~law enforcement~~**PEACE** officer after the individual  
 16 is no longer incapacitated. An individual who remains incapacitated  
 17 at the expiration of 72 hours after the individual has been taken  
 18 to the approved service program or emergency medical service shall  
 19 be discharged to a ~~law enforcement~~**PEACE** officer unless ~~both~~**1** of  
 20 the following ~~occur~~**CIRCUMSTANCES APPLIES:**

21 (a) The individual agrees to remain in the program longer than  
 22 72 hours -

23 ~~— (b) The physician~~**AND THE HEALTH PROFESSIONAL** in charge of the  
 24 program believes it appropriate that the individual remain in the  
 25 program longer than 72 hours.

26 **(B) AN ORDER FOR INVOLUNTARY TREATMENT OF THE INDIVIDUAL HAS**  
 27 **BEEN ISSUED UNDER SECTION 281B OR 281C.**

1           Sec. 279. (1) ~~An~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION 281A,**  
2 **281B, OR 281C, AN** individual who is brought to an approved service  
3 program or emergency medical service under section 276(1) and is  
4 found by medical examination not to be incapacitated shall be  
5 immediately released and transportation may be arranged by the  
6 approved service program or emergency medical service.

7           (2) ~~An~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION 281A, 281B, OR**  
8 **281C, AN** individual who is brought to an approved service program  
9 or emergency medical service under section 276(5) and is found by  
10 medical examination not to be incapacitated shall be released to a  
11 ~~law enforcement~~ **PEACE** officer representing the agency that made the  
12 arrest.

13           Sec. 281. (1) An individual may voluntarily seek admission at  
14 an approved service program or emergency medical service.

15           (2) The individual shall be examined by a ~~physician or his or~~  
16 ~~her designated representative. The physician at~~ **HEALTH**  
17 **PROFESSIONAL. AT** the request of the individual, **THE HEALTH**  
18 **PROFESSIONAL** may order a chemical test to determine the amount of  
19 alcohol **OR OTHER DRUGS** in the bloodstream of the individual.

20           (3) An individual who, by medical examination, is found to be  
21 incapacitated shall then be admitted or referred for treatment.  
22 Transportation may be provided to an individual admitted or  
23 referred for treatment through the approved service program or the  
24 emergency medical service.

25           (4) The voluntarily admitted individual may leave at any time  
26 or may consent to remain as long as the ~~physician~~ **HEALTH**  
27 **PROFESSIONAL** believes appropriate.

1           (5) If a voluntarily admitted individual is admitted to an  
2 approved service program or emergency medical service, the family,  
3 next of kin, or someone whom the individual designates, shall be  
4 notified as promptly as possible. If an adult requests that there  
5 be no notification, the request shall be respected.

6           **SEC. 281A. (1) A COURT MAY ORDER INVOLUNTARY TREATMENT FOR AN**  
7 **INDIVIDUAL WHO IS AN ADULT AS PROVIDED IN THIS SECTION AND SECTIONS**  
8 **281B AND 281C. THIS SECTION AND SECTIONS 281B AND 281C DO NOT APPLY**  
9 **AND SECTIONS 264 TO 268 APPLY FOR AN INDIVIDUAL WHO IS A MINOR. A**  
10 **COURT SHALL NOT ORDER INVOLUNTARY TREATMENT FOR AN INDIVIDUAL**  
11 **UNLESS ALL OF THE FOLLOWING APPLY TO THAT INDIVIDUAL:**

12           (A) THE INDIVIDUAL HAS A SUBSTANCE USE DISORDER AS VERIFIED BY  
13 A HEALTH PROFESSIONAL UNDER SECTION 281B.

14           (B) THE INDIVIDUAL PRESENTS AN IMMINENT DANGER OR IMMINENT  
15 THREAT OF DANGER TO SELF, FAMILY, OR OTHERS AS A RESULT OF THE  
16 SUBSTANCE USE DISORDER, OR A SUBSTANTIAL LIKELIHOOD OF THE THREAT  
17 OF DANGER IN THE NEAR FUTURE EXISTS.

18           (C) THE INDIVIDUAL CAN REASONABLY BENEFIT FROM TREATMENT.

19           (2) AN INDIVIDUAL DESCRIBED IN THIS SUBSECTION MAY INITIATE  
20 PROCEEDINGS FOR THE INVOLUNTARY TREATMENT OF AN INDIVIDUAL BY  
21 FILING A VERIFIED PETITION IN THE COURT AND PAYING A FILING FEE IN  
22 THE SAME AMOUNT, IF ANY, THAT IS CHARGED FOR A FILING UNDER SECTION  
23 434. A PETITION AND ALL SUBSEQUENT DOCUMENTS FILED IN THE COURT  
24 UNDER THIS SUBSECTION MUST BE ENTITLED: "IN THE INTEREST OF (NAME  
25 OF RESPONDENT)". ANY OF THE FOLLOWING INDIVIDUALS MAY FILE A  
26 PETITION UNDER THIS SUBSECTION:

27           (A) THE SPOUSE OF THE RESPONDENT.

1 (B) A FAMILY MEMBER OF THE RESPONDENT.

2 (C) THE GUARDIAN OF THE RESPONDENT.

3 (D) A HEALTH PROFESSIONAL.

4 (3) A PETITIONER SHALL INCLUDE ALL OF THE FOLLOWING IN A  
5 PETITION FILED UNDER THIS SECTION:

6 (A) THE PETITIONER'S NAME AND RESIDENCE ADDRESS OR, IF THE  
7 PETITIONER IS A HEALTH PROFESSIONAL, HIS OR HER BUSINESS ADDRESS.

8 (B) THE PETITIONER'S SOURCE OF AUTHORITY UNDER SUBSECTION (2)  
9 TO FILE THE PETITION, INCLUDING THE PETITIONER'S RELATIONSHIP TO  
10 THE RESPONDENT.

11 (C) THE RESPONDENT'S NAME, RESIDENCE ADDRESS, AND CURRENT  
12 LOCATION, IF KNOWN.

13 (D) THE NAME AND RESIDENCE ADDRESS OF THE RESPONDENT'S  
14 PARENTS, IF LIVING AND IF KNOWN.

15 (E) THE NAME AND RESIDENCE ADDRESS OF THE RESPONDENT'S  
16 GUARDIAN, IF ANY AND IF KNOWN.

17 (F) THE NAME AND RESIDENCE ADDRESS OF THE RESPONDENT'S SPOUSE,  
18 IF ANY AND IF KNOWN.

19 (G) THE NAME AND RESIDENCE ADDRESS OF THE RESPONDENT'S ADULT  
20 CHILDREN, IF ANY AND IF KNOWN.

21 (H) THE NAME AND RESIDENCE ADDRESS OF THE INDIVIDUAL WHO HAS  
22 CUSTODY OF THE RESPONDENT, IF ANY AND IF KNOWN. IF NO INDIVIDUAL IS  
23 KNOWN UNDER THIS SUBDIVISION, THE NAME AND RESIDENCE ADDRESS OF ANY  
24 OTHER CLOSE RELATIVE OR FRIEND OF THE RESPONDENT, IF KNOWN.

25 (I) A DESCRIPTION OF THE FACTS THAT LEAD THE PETITIONER TO  
26 BELIEVE THAT THE RESPONDENT HAS A SUBSTANCE USE DISORDER AND  
27 PRESENTS AN IMMINENT DANGER OR IMMINENT THREAT OF DANGER TO SELF,



1 FAMILY, OR OTHERS AS A RESULT OF THE SUBSTANCE USE DISORDER, OR  
2 THAT A SUBSTANTIAL LIKELIHOOD OF THE THREAT OF DANGER IN THE NEAR  
3 FUTURE EXISTS IF THE RESPONDENT DOES NOT RECEIVE TREATMENT.

4 (J) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (K), A  
5 CERTIFIED STATEMENT OF A HEALTH PROFESSIONAL WHO HAS EXAMINED THE  
6 RESPONDENT WITHIN 2 DAYS BEFORE THE DAY THE PETITION IS FILED UNDER  
7 THIS SECTION. A CERTIFIED STATEMENT UNDER THIS SUBDIVISION MUST  
8 INCLUDE ALL OF THE FOLLOWING:

9 (i) THE HEALTH PROFESSIONAL'S FINDINGS IN SUPPORT OF THE NEED  
10 FOR INVOLUNTARY TREATMENT.

11 (ii) THE HEALTH PROFESSIONAL'S STATEMENT REGARDING WHETHER THE  
12 RESPONDENT PRESENTS AN IMMINENT DANGER OR IMMINENT THREAT OF DANGER  
13 TO SELF, FAMILY, OR OTHERS AS A RESULT OF THE SUBSTANCE USE  
14 DISORDER, OR A SUBSTANTIAL LIKELIHOOD OF THE THREAT OF DANGER IN  
15 THE NEAR FUTURE EXISTS IF THE RESPONDENT DOES NOT RECEIVE  
16 TREATMENT.

17 (iii) THE HEALTH PROFESSIONAL'S STATEMENT REGARDING WHETHER THE  
18 RESPONDENT CAN REASONABLY BENEFIT FROM TREATMENT.

19 (iv) THE HEALTH PROFESSIONAL'S INDICATION OF THE TYPE AND  
20 LENGTH OF TREATMENT REQUIRED.

21 (v) IF TREATMENT IS INDICATED UNDER SUBPARAGRAPH (iv), THE  
22 TREATMENT FACILITIES KNOWN TO THE HEALTH PROFESSIONAL THAT ARE ABLE  
23 AND WILLING TO PROVIDE THE RECOMMENDED TREATMENT. THE HEALTH  
24 PROFESSIONAL SHALL INCLUDE A DISCLOSURE OF ANY OWNERSHIP INTEREST  
25 IN OR OTHER RELATIONSHIP OR AFFILIATION WITH A FACILITY IDENTIFIED  
26 UNDER THIS SUBPARAGRAPH, IF ANY.

27 (K) IN LIEU OF A CERTIFIED STATEMENT OF A HEALTH PROFESSIONAL

1 UNDER SUBDIVISION (J), A STATEMENT THAT THE RESPONDENT REFUSED TO  
2 UNDERGO AN EXAMINATION BY A HEALTH PROFESSIONAL CONCERNING THE  
3 RESPONDENT'S POSSIBLE NEED FOR TREATMENT.

4 (4) A PETITIONER SHALL SUBMIT WITH A PETITION FILED UNDER THIS  
5 SECTION THE NAME AND ADDRESS OF THE PERSON OR PUBLIC OR PRIVATE  
6 FACILITY WITH WHICH THE PETITIONER HAS ARRANGED FOR THE TREATMENT  
7 OF THE RESPONDENT. THE PETITIONER SHALL INCLUDE A VERIFICATION FROM  
8 THE PERSON OR PUBLIC OR PRIVATE FACILITY THAT IT HAS AGREED TO  
9 PROVIDE THE TREATMENT AND THE ESTIMATED COST OF THE TREATMENT.  
10 UNLESS WAIVED BY THE COURT FOR GOOD CAUSE, THE PETITIONER SHALL  
11 SUBMIT WITH THE PETITION A GUARANTEE, SIGNED BY THE PETITIONER OR  
12 ANOTHER INDIVIDUAL AUTHORIZED TO SUBMIT A PETITION FOR THE  
13 RESPONDENT UNDER THIS SECTION, OBLIGATING THE GUARANTOR TO PAY THE  
14 COSTS OF THE EXAMINATIONS UNDER SECTION 281B(2)(E), THE COSTS OF  
15 THE RESPONDENT THAT ARE ASSOCIATED WITH A HEARING CONDUCTED UNDER  
16 SECTION 281B AND THAT ARE DETERMINED APPROPRIATE BY THE COURT, AND  
17 THE COSTS OF ANY TREATMENT ORDERED BY THE COURT.

18 (5) AN INDIVIDUAL WHO DOES ANY OF THE FOLLOWING IS GUILTY OF A  
19 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR  
20 A FINE OF NOT MORE THAN \$5,000.00, OR BOTH:

21 (A) FURNISHES FALSE INFORMATION FOR THE PURPOSE OF OBTAINING  
22 AN ORDER OF INVOLUNTARY TREATMENT.

23 (B) CAUSES OR OTHERWISE SECURES, OR CONSPIRES WITH OR ASSISTS  
24 ANOTHER TO CAUSE OR SECURE, WITHOUT A REASON TO BELIEVE THE  
25 RESPONDENT HAS A SUBSTANCE USE DISORDER, AN ORDER OF INVOLUNTARY  
26 TREATMENT.

27 (C) CAUSES, OR CONSPIRES WITH OR ASSISTS ANOTHER TO CAUSE, THE

1 DENIAL TO ANY INDIVIDUAL A RIGHT ACCORDED THAT INDIVIDUAL UNDER  
2 THIS CHAPTER.

3 SEC. 281B. (1) UPON RECEIPT OF A PETITION FILED UNDER SECTION  
4 281A AND THE PAYMENT OF THE FILING FEE, IF ANY, THE COURT SHALL  
5 EXAMINE THE PETITIONER UNDER OATH AS TO THE CONTENTS OF THE  
6 PETITION.

7 (2) IF, AFTER REVIEWING THE CONTENTS OF THE PETITION AND  
8 EXAMINING THE PETITIONER UNDER OATH, IT APPEARS TO THE COURT THAT  
9 THERE IS PROBABLE CAUSE TO BELIEVE THE RESPONDENT MAY REASONABLY  
10 BENEFIT FROM TREATMENT, THE COURT SHALL DO ALL OF THE FOLLOWING:

11 (A) SCHEDULE A HEARING TO BE HELD WITHIN 7 DAYS TO DETERMINE  
12 IF THERE IS CLEAR AND CONVINCING EVIDENCE THAT THE RESPONDENT MAY  
13 REASONABLY BENEFIT FROM TREATMENT.

14 (B) NOTIFY THE RESPONDENT AND ALL OTHER INDIVIDUALS NAMED IN  
15 THE PETITION UNDER SECTION 281A(3) (D) TO (H) CONCERNING THE  
16 ALLEGATIONS AND CONTENTS OF THE PETITION AND OF THE DATE AND THE  
17 PURPOSE OF THE HEARING.

18 (C) NOTIFY THE RESPONDENT THAT THE RESPONDENT MAY RETAIN  
19 COUNSEL AND, IF THE RESPONDENT IS UNABLE TO RETAIN COUNSEL, THAT  
20 THE RESPONDENT MAY BE REPRESENTED BY COURT-APPOINTED COUNSEL AT  
21 PUBLIC EXPENSE IF THE RESPONDENT IS INDIGENT. UPON THE APPOINTMENT  
22 OF COURT-APPOINTED COUNSEL FOR AN INDIGENT RESPONDENT, THE COURT  
23 SHALL NOTIFY THE RESPONDENT OF THE NAME, ADDRESS, AND TELEPHONE  
24 NUMBER OF THE COURT-APPOINTED COUNSEL.

25 (D) NOTIFY THE RESPONDENT THAT THE COURT WILL CAUSE THE  
26 RESPONDENT TO BE EXAMINED NOT LATER THAN 24 HOURS BEFORE THE  
27 HEARING DATE BY A PHYSICIAN FOR THE PURPOSE OF A PHYSICAL

1 EXAMINATION AND BY AN INDEPENDENT HEALTH PROFESSIONAL FOR THE  
2 PURPOSE OF A SUBSTANCE USE DISORDER ASSESSMENT AND DIAGNOSIS. IN  
3 ADDITION, THE COURT SHALL NOTIFY THE RESPONDENT THAT THE RESPONDENT  
4 MAY HAVE AN INDEPENDENT EXPERT EVALUATION OF HIS OR HER PHYSICAL  
5 AND MENTAL CONDITION CONDUCTED AT THE RESPONDENT'S OWN EXPENSE.

6 (E) CAUSE THE RESPONDENT TO BE EXAMINED NOT LATER THAN 24  
7 HOURS BEFORE THE HEARING DATE BY A PHYSICIAN FOR THE PURPOSE OF A  
8 PHYSICAL EXAMINATION AND BY AN INDEPENDENT HEALTH PROFESSIONAL FOR  
9 THE PURPOSE OF A SUBSTANCE USE DISORDER ASSESSMENT AND DIAGNOSIS.

10 (F) CONDUCT THE HEARING.

11 (3) THE PHYSICIAN WHO EXAMINED THE RESPONDENT FOR THE PURPOSE  
12 OF A PHYSICAL EXAMINATION, THE HEALTH PROFESSIONAL WHO EXAMINED THE  
13 RESPONDENT FOR THE PURPOSE OF THE SUBSTANCE USE DISORDER ASSESSMENT  
14 AND DIAGNOSIS, AND, IF APPLICABLE, THE INDIVIDUAL WHO CONDUCTED THE  
15 INDEPENDENT EXPERT EVALUATION OF THE RESPONDENT'S PHYSICAL AND  
16 MENTAL CONDITION AT THE RESPONDENT'S EXPENSE SHALL CERTIFY HIS OR  
17 HER FINDINGS TO THE COURT WITHIN 24 HOURS AFTER THE EXAMINATION.  
18 THE FINDINGS MUST INCLUDE A RECOMMENDATION FOR TREATMENT IF THE  
19 PHYSICIAN, HEALTH PROFESSIONAL, OR INDIVIDUAL DETERMINES THAT  
20 TREATMENT IS NECESSARY.

21 (4) IF, UPON COMPLETION OF THE HEARING HELD UNDER THIS  
22 SECTION, THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE  
23 REQUIREMENTS OF SECTION 281A(1) ARE MET, THE COURT MAY ORDER THE  
24 INVOLUNTARY TREATMENT OF THE RESPONDENT AFTER CONSIDERING THE  
25 RECOMMENDATIONS FOR TREATMENT THAT WERE SUBMITTED TO THE COURT  
26 UNDER SUBSECTION (3). IF ORDERED, THE COURT SHALL ORDER THE  
27 INVOLUNTARY TREATMENT TO BE PROVIDED BY AN APPROVED SERVICE PROGRAM

1 OR BY A HEALTH PROFESSIONAL QUALIFIED BY EDUCATION AND TRAINING TO  
2 PROVIDE THE TREATMENT.

3 (5) A RESPONDENT WHO FAILS TO UNDERGO AND COMPLETE THE  
4 TREATMENT ORDERED UNDER SUBSECTION (4) IS IN CONTEMPT OF COURT. AN  
5 APPROVED SERVICE PROGRAM TO WHICH OR HEALTH PROFESSIONAL TO WHOM A  
6 RESPONDENT IS ORDERED FOR TREATMENT UNDER SUBSECTION (4) SHALL  
7 NOTIFY THE COURT OF A RESPONDENT'S FAILURE TO UNDERGO OR COMPLETE  
8 TREATMENT ORDERED UNDER SUBSECTION (4).

9 (6) IF AT ANY TIME AFTER A PETITION IS FILED UNDER SECTION  
10 281A THE COURT FINDS THAT THERE IS NOT PROBABLE CAUSE TO ORDER OR  
11 CONTINUE TREATMENT OR THE PETITIONER WITHDRAWS THE PETITION, THE  
12 COURT SHALL DISMISS THE PROCEEDINGS AGAINST THE RESPONDENT.

13 (7) AS USED IN THIS SECTION, "SUBSTANCE USE DISORDER  
14 ASSESSMENT AND DIAGNOSIS" INCLUDES AN EVALUATION OF ALL OF THE  
15 FOLLOWING:

16 (A) WHETHER THE INDIVIDUAL HAS A SUBSTANCE USE DISORDER.

17 (B) WHETHER THE INDIVIDUAL PRESENTS AN IMMINENT DANGER OR  
18 IMMINENT THREAT OF DANGER TO SELF, FAMILY, OR OTHERS AS A RESULT OF  
19 THE SUBSTANCE USE DISORDER, OR WHETHER A SUBSTANTIAL LIKELIHOOD OF  
20 THE THREAT OF DANGER IN THE NEAR FUTURE EXISTS.

21 (C) WHETHER THE INDIVIDUAL CAN REASONABLY BENEFIT FROM  
22 TREATMENT.

23 SEC. 281C. (1) FOLLOWING AN EXAMINATION BY A HEALTH  
24 PROFESSIONAL UNDER SECTION 281B AND A CERTIFICATION BY THAT HEALTH  
25 PROFESSIONAL THAT THE REQUIREMENTS OF SECTION 281A(1) ARE MET, A  
26 COURT MAY ORDER THE RESPONDENT HELD FOR TREATMENT FOR A PERIOD NOT  
27 TO EXCEED 72 HOURS IF THE COURT FINDS BY CLEAR AND CONVINCING

1 EVIDENCE THAT THE PERSON PRESENTS AN IMMINENT DANGER OR IMMINENT  
2 THREAT OF DANGER TO SELF, FAMILY, OR OTHERS AS A RESULT OF A  
3 SUBSTANCE USE DISORDER. HOWEVER, IF THE HEARING TO BE HELD UNDER  
4 SECTION 281B WILL NOT BE HELD WITHIN THAT 72-HOUR PERIOD, THE COURT  
5 MAY ORDER THE RESPONDENT HELD FOR TREATMENT UNTIL THE HEARING. IN  
6 MAKING ITS ORDER, THE COURT SHALL INFORM THE RESPONDENT THAT THE  
7 RESPONDENT MAY IMMEDIATELY MAKE A REASONABLE NUMBER OF TELEPHONE  
8 CALLS OR USE OTHER REASONABLE MEANS TO CONTACT AN ATTORNEY, A  
9 PHYSICIAN, OR A HEALTH PROFESSIONAL; TO CONTACT ANY OTHER PERSON TO  
10 SECURE REPRESENTATION BY COUNSEL; OR TO OBTAIN MEDICAL OR  
11 PSYCHOLOGICAL ASSISTANCE AND THAT THE RESPONDENT WILL BE PROVIDED  
12 ASSISTANCE IN MAKING CALLS IF THE ASSISTANCE IS NEEDED AND  
13 REQUESTED.

14 (2) A PROGRAM IN WHICH A RESPONDENT IS BEING HELD PURSUANT TO  
15 SUBSECTION (1) SHALL RELEASE THE RESPONDENT FROM THE PROGRAM  
16 IMMEDIATELY UPON THE EXPIRATION OF THE TIME PERIOD ESTABLISHED BY  
17 THE COURT FOR THE TREATMENT UNDER SUBSECTION (1). IF DETERMINED  
18 APPROPRIATE BY THE COURT WITH THE ASSISTANCE OF HEALTH  
19 PROFESSIONALS, A RESPONDENT MAY BE TRANSFERRED FROM A MORE-  
20 RESTRICTIVE PROGRAM SETTING TO A LESS-RESTRICTIVE PROGRAM SETTING  
21 FOR THE TREATMENT ORDERED UNDER THIS SECTION.

22 (3) A RESPONDENT ORDERED HELD UNDER THIS SECTION SHALL NOT BE  
23 HELD IN JAIL PENDING TRANSPORTATION TO THE PROGRAM OR EVALUATION  
24 UNLESS THE COURT PREVIOUSLY HAS FOUND THE RESPONDENT TO BE IN  
25 CONTEMPT OF COURT FOR EITHER FAILURE TO UNDERGO TREATMENT OR  
26 FAILURE TO APPEAR AT THE EXAMINATION ORDERED UNDER SECTION 281B.

27 (4) IF A COURT IS AUTHORIZED TO ISSUE AN ORDER THAT THE

1 RESPONDENT BE TRANSPORTED TO A PROGRAM, THE COURT MAY ISSUE A  
2 SUMMONS. IF THE RESPONDENT FAILS TO ATTEND AN EXAMINATION SCHEDULED  
3 BEFORE THE HEARING UNDER SECTION 281B, THE COURT SHALL ISSUE A  
4 SUMMONS. THE COURT SHALL DIRECT A SUMMONS ISSUED TO THE RESPONDENT  
5 AND SHALL COMMAND THE RESPONDENT TO APPEAR AT A TIME AND PLACE  
6 SPECIFIED IN THE SUMMONS. IF THE RESPONDENT WHO HAS BEEN SUMMONED  
7 FAILS TO APPEAR AT THE PROGRAM OR THE EXAMINATION, THE COURT MAY  
8 ORDER A PEACE OFFICER TO TRANSPORT THE RESPONDENT TO A PROGRAM ON  
9 THE LIST PROVIDED UNDER SUBSECTION (5) FOR TREATMENT. THE PEACE  
10 OFFICER SHALL TRANSPORT THE RESPONDENT TO THE PROGRAM. THE  
11 TRANSPORTATION COSTS OF THE PEACE OFFICER SHALL BE INCLUDED IN THE  
12 COSTS OF TREATMENT FOR SUBSTANCE USE DISORDER TO BE PAID AS  
13 PROVIDED IN SECTION 281A(4) .

14 (5) A DEPARTMENT-DESIGNATED COMMUNITY MENTAL HEALTH ENTITY ON  
15 AT LEAST AN ANNUAL BASIS SHALL SUBMIT EACH OF THE FOLLOWING LISTS  
16 TO THE CLERK OF THE COURT IN EACH COUNTY SERVED BY THE DEPARTMENT-  
17 DESIGNATED COMMUNITY MENTAL HEALTH ENTITY:

18 (A) A LIST OF ALL PROGRAMS IN THE COUNTIES SERVED BY THE  
19 DEPARTMENT-DESIGNATED COMMUNITY MENTAL HEALTH ENTITY THAT ARE ABLE  
20 AND WILLING TO TAKE RESPONDENTS ORDERED HELD FOR TREATMENT UNDER  
21 SUBSECTION (1) .

22 (B) A LIST OF PROGRAMS AND HEALTH PROFESSIONALS IN THE  
23 COUNTIES SERVED BY THE DEPARTMENT-DESIGNATED COMMUNITY MENTAL  
24 HEALTH ENTITY THAT ARE ABLE AND WILLING TO PROVIDE TREATMENT FOR A  
25 SUBSTANCE USE DISORDER THAT IS ORDERED UNDER SECTION 281B.

26 Sec. 282. (1) A ~~law enforcement~~ PEACE officer, a member of the  
27 emergency service unit, or staff member of an approved service

1 program or an emergency medical service who acts in compliance with  
 2 sections 276 to 286 is acting in the course of his or her official  
 3 duty and is not criminally or civilly liable as a result.

4 (2) Subsection (1) does not apply to a law enforcement  
 5 officer, member of the emergency service unit, or staff member of  
 6 an approved service program or an emergency medical service who,  
 7 while acting in compliance with sections 276 to 286, engages in  
 8 behavior involving gross negligence or willful ~~and~~ **OR** wanton  
 9 misconduct.

10 (3) Approved service programs, staff of approved service  
 11 programs, emergency medical services, staff of emergency medical  
 12 services, ~~law enforcement~~ **PEACE** officers, and emergency service  
 13 units are not criminally or civilly liable for the subsequent  
 14 actions of the apparently incapacitated individual who leaves the  
 15 approved service program or emergency medical service.

16 Sec. 283. An individual taken ~~—TO~~ or seeking voluntary  
 17 admission under section 281 ~~—to~~ an emergency medical service or a  
 18 transfer facility **OR A RESPONDENT UNDER AN ORDER THAT IS ISSUED**  
 19 **UNDER SECTION 281B OR 281C** shall have his or her possessions  
 20 inventoried and held in a secure place. These possessions shall be  
 21 returned to the individual when the individual is released.  
 22 Contraband discovered in the inventory shall not be returned to the  
 23 individual.

24 Sec. 286. (1) ~~After January 15, 1978, a~~ **A** city, county,  
 25 township, or village ~~may~~ **SHALL** not adopt or enforce a local law,  
 26 ordinance, resolution, rule, or portion thereof ~~having~~ **OF A LOCAL**  
 27 **LAW, ORDINANCE, RESOLUTION, OR RULE THAT HAS** the force of law **AND**



1 that imposes a civil or criminal penalty for public intoxication ~~7~~  
2 ~~being a common drunkard,~~ or being incapacitated, except as provided  
3 in subsection (3) or (4).

4 (2) A local unit of government ~~may~~ **SHALL** not interpret or  
5 apply any law of general application to circumvent subsection (1).

6 (3) This section and sections 276 to 285 do not affect a law,  
7 ordinance, resolution, or rule against drunken driving, driving  
8 under the influence of alcohol **OR OTHER DRUGS**, or other similar  
9 offense involving the operation of a vehicle, snowmobile, aircraft,  
10 vessel, machinery, or other equipment, or motorized conveyance, or  
11 regarding the sale, purchase, dispensing, possession,  
12 transportation, consumption, or use of alcoholic beverages **OR OTHER**  
13 **DRUGS** at stated times and places, or by a particular class of  
14 individuals.

15 (4) This section and sections 276 to 285 do not prohibit a  
16 local unit of government from adopting an ordinance consistent with  
17 section 167 of the Michigan penal code, 1931 PA 328, MCL 750.167.

18 Sec. 464a. (1) Upon entry of a court order directing that an  
19 individual be involuntarily hospitalized **UNDER THIS CHAPTER** or that  
20 an individual involuntarily undergo a program of alternative  
21 treatment or a program of combined hospitalization and alternative  
22 treatment **UNDER THIS CHAPTER**, the court shall immediately order the  
23 department of state police to enter the court order into the law  
24 enforcement information network. The department of state police  
25 shall remove the court order from the law enforcement information  
26 network only upon receipt of a subsequent court order for that  
27 removal.

1           (2) The department of state police shall immediately enter an  
2 order **DESCRIBED IN SUBSECTION (1)** into the law enforcement  
3 information network or shall immediately remove an order from the  
4 law enforcement information network as ordered by the court under  
5 this section.

6           **(3) THIS SECTION DOES NOT APPLY TO AN ORDER OF INVOLUNTARY**  
7 **TREATMENT FOR SUBSTANCE USE DISORDER UNDER CHAPTER 2A.**