

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, section 100b as amended by 2014 PA 72,
sections 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.

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

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

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

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

16 (7) "Hospital" or "psychiatric hospital" means an inpatient
17 program operated by the department for the treatment of individuals
18 with serious mental illness or serious emotional disturbance or a
19 psychiatric hospital or psychiatric unit licensed under section
20 137.

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

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

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

1 poses an immediate and substantial danger to his or her own health
2 and safety or is endangering the health and safety of the public.

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

6 (12) "Intellectual disability" means a condition manifesting
7 before the age of 18 years that is characterized by significantly
8 subaverage intellectual functioning and related limitations in 2 or
9 more adaptive skills and that is diagnosed based on the following
10 assumptions:

11 (a) Valid assessment considers cultural and linguistic
12 diversity, as well as differences in communication and behavioral
13 factors.

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

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

20 (d) With appropriate supports over a sustained period, the
21 life functioning of the individual with an intellectual disability
22 will generally improve.

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

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

1 (15) "Medical director" means a psychiatrist appointed under
2 section 231 to advise the executive director of a community mental
3 health services program.

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

7 (a) A physician.

8 (b) A psychologist.

9 (c) A registered professional nurse licensed or otherwise
10 authorized to engage in the practice of nursing under part 172 of
11 the public health code, 1978 PA 368, MCL 333.17201 to 333.17242.

12 (d) A licensed master's social worker licensed or otherwise
13 authorized to engage in the practice of social work at the master's
14 level under part 185 of the public health code, 1978 PA 368, MCL
15 333.18501 to 333.18518.

16 (e) A licensed professional counselor licensed or otherwise
17 authorized to engage in the practice of counseling under part 181
18 of the public health code, 1978 PA 368, MCL 333.18101 to 333.18117.

19 (f) A marriage and family therapist licensed or otherwise
20 authorized to engage in the practice of marriage and family therapy
21 under part 169 of the public health code, 1978 PA 368, MCL
22 333.16901 to 333.16915.

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

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

1 (19) "Neglect" means an act or failure to act committed by an
2 employee or volunteer of the department, a community mental health
3 services program, or a licensed hospital; a service provider under
4 contract with the department, a community mental health services
5 program, or a licensed hospital; or an employee or volunteer of a
6 service provider under contract with the department, a community
7 mental health services program, or a licensed hospital, that denies
8 a recipient the standard of care or treatment to which he or she is
9 entitled under this act.

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

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

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

3 (4) "Physician" means an individual licensed ~~by the state OR~~
4 **OTHERWISE AUTHORIZED** to engage in the practice of medicine **UNDER**
5 **PART 170 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.17001 TO**
6 **333.17084, or TO ENGAGE IN THE PRACTICE OF** osteopathic medicine and
7 surgery under ~~article 15 PART 175~~ of the public health code, 1978
8 PA 368, MCL ~~333.16101 to 333.18838~~ **333.17501 TO 333.17556.**

9 (5) "Primary consumer" means an individual who has received or
10 is receiving services from the department or a community mental
11 health services program or services from the private sector
12 equivalent to those offered by the department or a community mental
13 health services program.

14 (6) "Priority" means preference for and dedication of a major
15 proportion of resources to specified populations or services.
16 Priority does not mean serving or funding the specified populations
17 or services to the exclusion of other populations or services.

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

27 (8) "Psychiatric partial hospitalization program" means a

1 nonresidential treatment program that provides psychiatric,
2 psychological, social, occupational, nursing, music therapy, and
3 therapeutic recreational services under the supervision of a
4 physician to adults diagnosed as having serious mental illness or
5 minors diagnosed as having serious emotional disturbance who do not
6 require 24-hour continuous mental health care, and that is
7 affiliated with a psychiatric hospital or psychiatric unit to which
8 clients may be transferred if they need inpatient psychiatric care.

9 (9) "Psychiatric unit" means a unit of a general hospital that
10 provides inpatient services for individuals with serious mental
11 illness or serious emotional disturbance. As used in this
12 subsection, "general hospital" means a hospital as defined in
13 section 20106 of the public health code, 1978 PA 368, MCL
14 333.20106.

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

16 (a) A physician who has completed a residency program in
17 psychiatry approved by the accreditation council for graduate
18 medical education or the American osteopathic association, or who
19 has completed 12 months of psychiatric rotation and is enrolled in
20 an approved residency program as described in this
21 ~~subsection.~~ **SUBDIVISION.**

22 (b) A psychiatrist employed by or under contract with the
23 department or a community mental health services program on March
24 28, 1996.

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

1 (11) "Psychologist" means an individual **WHO IS** licensed **OR**
2 **OTHERWISE AUTHORIZED** to engage in the practice of psychology under
3 ~~article 15~~**PART 182** of the public health code, 1978 PA 368, MCL
4 ~~333.16101 to 333.18838,~~ **333.18201 TO 333.18237,** **AND** who devotes a
5 substantial portion of his or her time to the diagnosis and
6 treatment of individuals with serious mental illness, serious
7 emotional disturbance, **SUBSTANCE USE DISORDER,** or developmental
8 disability.

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

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

22 (14) "Recovery" means a highly individualized process of
23 healing and transformation ~~where~~**BY WHICH** the individual gains
24 control over his or her life. Related services include recovery
25 management, recovery support services, recovery houses or
26 transitional living programs, and relapse prevention. Recovery
27 involves the development of a new meaning, purpose, and growing

1 beyond the impact of addiction or a diagnosis. Recovery may include
2 the pursuit of spiritual, emotional, mental, or physical well-
3 being.

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

6 (16) "Rehabilitation" means the act of restoring an individual
7 to a state of mental and physical health or useful activity through
8 vocational or educational training, therapy, and counseling.

9 (17) "Resident" means an individual who receives services in a
10 facility.

11 (18) "Responsible mental health agency" means the hospital,
12 center, or community mental health services program that has
13 primary responsibility for the recipient's care or for the delivery
14 of services or supports to that recipient.

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

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

19 (2) "Serious emotional disturbance" means a diagnosable
20 mental, behavioral, or emotional disorder affecting a minor that
21 exists or has existed during the past year for a period of time
22 sufficient to meet diagnostic criteria specified in the most recent
23 diagnostic and statistical manual of mental disorders published by
24 the American psychiatric association and approved by the department
25 and that has resulted in functional impairment that substantially
26 interferes with or limits the minor's role or functioning in
27 family, school, or community activities. The following disorders

1 are included only if they occur in conjunction with another
2 diagnosable serious emotional disturbance:

3 (a) A substance use disorder.

4 (b) A developmental disorder.

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

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

21 (a) A substance use disorder.

22 (b) A developmental disorder.

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

25 (4) "Special compensation" means payment to an adult foster
26 care facility to ensure the provision of a specialized program in
27 addition to the basic payment for adult foster care. Special

1 compensation does not include payment received directly from the
2 medicaid program for personal care services for a resident, or
3 payment received under the supplemental security income program.

4 (5) "Specialized program" means a program of services,
5 supports, or treatment that are provided in an adult foster care
6 facility to meet the unique programmatic needs of individuals with
7 serious mental illness or developmental disability as set forth in
8 the resident's individual plan of services and for which the adult
9 foster care facility receives special compensation.

10 (6) "Specialized residential service" means a combination of
11 residential care and mental health services that are expressly
12 designed to provide rehabilitation and therapy to a recipient, that
13 are provided in the residence of the recipient, and that are part
14 of a comprehensive individual plan of services.

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

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

20 (9) "State recipient rights advisory committee" means a
21 committee appointed by the director under section 756 to advise the
22 director and the director of the department's office of recipient
23 rights.

24 (10) "Substance abuse" means the taking of alcohol or other
25 drugs at dosages that place an individual's social, economic,
26 psychological, and physical welfare in potential hazard or to the
27 extent that an individual loses the power of self-control as a

1 result of the use of alcohol or drugs, or while habitually under
2 the influence of alcohol or drugs, endangers public health, morals,
3 safety, or welfare, or a combination thereof.

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

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

17 (13) "Substance use disorder treatment and rehabilitation
18 services" means the providing of identifiable recovery-oriented
19 services including:

20 (a) Early intervention and crisis intervention counseling
21 services for individuals who are current or former individuals with
22 substance use disorder.

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

25 (c) Planned treatment services, including chemotherapy,
26 counseling, or rehabilitation for individuals physiologically or
27 psychologically dependent upon or abusing alcohol or drugs.

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

4 (15) "Transfer facility" means a facility selected by the
5 department-designated community mental health entity, which
6 facility is physically located in a jail or lockup and is staffed
7 by at least 1 designated representative when in use according to
8 chapter 2A.

9 (16) "Transition services" means a coordinated set of
10 activities for a special education student designed within an
11 outcome-oriented process that promotes movement from school to
12 postschool activities, including postsecondary education,
13 vocational training, integrated employment including supported
14 employment, continuing and adult education, adult services,
15 independent living, or community participation.

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

21 (18) "Treatment position" means a unit of measure of the
22 client capacity of a psychiatric partial hospitalization program.
23 Each treatment position represents a minimum of 6 hours per day and
24 5 days per calendar week.

25 (19) "Urgent situation" means a situation in which an
26 individual is determined to be at risk of experiencing an emergency
27 situation in the near future if he or she does not receive care,

1 treatment, or support services.

2 (20) "Wraparound services" means an individually designed set
 3 of services provided to minors with serious emotional disturbance
 4 or serious mental illness and their families that includes
 5 treatment services and personal support services or any other
 6 supports necessary to foster education preparedness, employability,
 7 and preservation of the child in the family home. Wraparound
 8 services are to be developed through an interagency collaborative
 9 approach and a minor's parent or guardian and a minor age 14 or
 10 older are to participate in planning the services.

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

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

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

18 (C) **"HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL LICENSED OR**
 19 **OTHERWISE AUTHORIZED TO ENGAGE IN A HEALTH PROFESSION UNDER ARTICLE**
 20 **15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO**
 21 **333.18838, AND WHOSE SCOPE OF PRACTICE INCLUDES THE DIAGNOSIS AND**
 22 **TREATMENT OF INDIVIDUALS WITH A SUBSTANCE USE DISORDER.**

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

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

27 (F) ~~(c)~~ "Person in loco parentis" means an individual who is

1 not the parent or guardian of a child or minor but who has legal
 2 custody of the child or minor and is providing support and care for
 3 the child or minor.

4 (G) "PETITIONER" MEANS A PERSON THAT INSTITUTES A PROCEEDING
 5 UNDER SECTION 281A.

6 (H) ~~(d)~~—"Physiological dependency" means addiction to alcohol
 7 or drugs that alters the body's physical or psychological status,
 8 or both.

9 (I) ~~(e)~~—"Program" means a hospital, clinic, organization, or
 10 health professional licensed under part 62 of the public health
 11 code, 1978 PA 368, MCL 333.6230 to 333.6251, to provide ~~treatment~~
 12 ~~services or screening and assessment~~ **SUBSTANCE USE DISORDER**
 13 services.

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

18 (2) The department shall begin implementation of the changes
 19 ~~in~~ **MADE TO** this chapter **BY 2012 PA 500** not later than October 1,
 20 2013 and shall have the changes completed by not later than October
 21 1, 2014.

22 Sec. 276. (1) An individual who appears to be incapacitated in
 23 a public place shall be taken into protective custody by a ~~law~~
 24 ~~enforcement~~ **PEACE** officer and taken to an approved service program
 25 ~~—~~ or to an emergency medical service, or to a transfer facility
 26 according to subsection (4) for subsequent transportation to an
 27 approved service program or emergency medical service. ~~When~~ **EXCEPT**

1 AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF requested by a law
2 enforcement-~~PEACE~~ officer, an emergency service unit or staff shall
3 provide transportation for the individual to an approved service
4 program or an emergency medical service. This subsection does not
5 apply to ~~THE TRANSPORTATION OF~~ an individual ~~who~~-**BY AN EMERGENCY**
6 **SERVICE UNIT OR STAFF IF** the law enforcement-~~PEACE~~ officer
7 reasonably believes **THAT THE INDIVIDUAL** will attempt escape or will
8 be unreasonably difficult for staff to control.

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

23 (3) The taking of an individual to an approved service
24 program, emergency medical service, or transfer facility under
25 subsection (1) is not an arrest, but is a taking into protective
26 custody with or without consent of the individual. The law
27 enforcement-~~PEACE~~ officer shall inform the individual that he or

1 she is being held in protective custody and is not under arrest. An
2 entry or other record shall not be made to indicate that the
3 individual was arrested or charged with either a crime or being
4 incapacitated. An entry shall be made indicating the date, time,
5 and place of the taking, but the entry shall not be treated for any
6 purpose as an arrest or criminal record.

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

1 (5) An individual arrested by a ~~law enforcement~~ **PEACE** officer
2 for the commission of a misdemeanor punishable by imprisonment for
3 not more than 3 months, or by a fine of not more than \$500.00, or
4 both, may be taken to an approved service program or an emergency
5 medical service for emergency treatment if the individual appears
6 to be incapacitated at the time of ~~apprehension~~. **ARREST**. This
7 treatment is not in lieu of criminal prosecution of the individual
8 for the offense with which the individual is charged, ~~nor shall~~
9 **AND** it **DOES NOT** preclude the administration of any tests as
10 provided for by law.

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

22 (2) An individual who, by medical examination, is found to be
23 incapacitated shall then receive treatment from an approved service
24 program or emergency medical service. An individual shall not be
25 denied treatment solely because the individual has withdrawn from
26 treatment against medical advice on a prior occasion or because the
27 individual has relapsed after earlier treatment. An approved

1 service program or the emergency medical service may arrange for
2 necessary transportation.

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

7 Sec. 278. (1) An individual who is taken to an approved
8 service program or emergency medical service under section 276(1)
9 ~~shall continue~~ **CONTINUES** to be in protective custody. ~~The~~ **EXCEPT AS**
10 **OTHERWISE PROVIDED IN SECTION 281A, 281B, OR 281C, THE** individual
11 shall not be detained once the individual is medically examined and
12 found not to be incapacitated. An individual found by medical
13 examination to be incapacitated shall be detained, **EXCEPT AS**
14 **OTHERWISE PROVIDED IN SECTION 281A, 281B, OR 281C,** until the
15 individual is no longer incapacitated or for not more than 72 hours
16 after the individual is taken to the approved service program or
17 emergency medical service. An individual may consent to remain in
18 the program for as long as the ~~physician~~ **HEALTH PROFESSIONAL** in
19 charge believes appropriate.

20 (2) An individual who is taken to an approved service program
21 or emergency medical service under section 276(5) shall be
22 discharged to a ~~law enforcement~~ **PEACE** officer after the individual
23 is no longer incapacitated. An individual who remains incapacitated
24 at the expiration of 72 hours after the individual has been taken
25 to the approved service program or emergency medical service shall
26 be discharged to a ~~law enforcement~~ **PEACE** officer unless ~~both~~ **1** of
27 the following ~~occur~~ **CIRCUMSTANCES APPLIES:**

1 (a) The individual agrees to remain in the program longer than
2 72 hours -

3 ~~—— (b) The physician AND THE HEALTH PROFESSIONAL~~ in charge of the
4 program believes it appropriate that the individual remain in the
5 program longer than 72 hours.

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

8 Sec. 279. (1) ~~An~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION 281A,
9 281B, OR 281C, AN individual who is brought to an approved service
10 program or emergency medical service under section 276(1) and is
11 found by medical examination not to be incapacitated shall be
12 immediately released and transportation may be arranged by the
13 approved service program or emergency medical service.

14 (2) ~~An~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION 281A, 281B, OR
15 281C, AN individual who is brought to an approved service program
16 or emergency medical service under section 276(5) and is found by
17 medical examination not to be incapacitated shall be released to a
18 ~~law enforcement~~ PEACE officer representing the agency that made the
19 arrest.

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

22 (2) The individual shall be examined by a ~~physician or his or~~
23 ~~her designated representative. The physician at~~ HEALTH
24 PROFESSIONAL. AT the request of the individual, THE HEALTH
25 PROFESSIONAL may order a chemical test to determine the amount of
26 alcohol OR OTHER DRUGS in the bloodstream of the individual.

27 (3) An individual who, by medical examination, is found to be

1 incapacitated shall then be admitted or referred for treatment.
2 Transportation may be provided to an individual admitted or
3 referred for treatment through the approved service program or the
4 emergency medical service.

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

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

13 **SEC. 281A. (1) A COURT MAY ORDER INVOLUNTARY TREATMENT FOR AN**
14 **INDIVIDUAL WHO IS AN ADULT AS PROVIDED IN THIS SECTION AND SECTIONS**
15 **281B AND 281C. THIS SECTION AND SECTIONS 281B AND 281C DO NOT APPLY**
16 **AND SECTIONS 264 TO 268 APPLY FOR AN INDIVIDUAL WHO IS A MINOR. A**
17 **COURT SHALL NOT ORDER INVOLUNTARY TREATMENT FOR AN INDIVIDUAL**
18 **UNLESS ALL OF THE FOLLOWING APPLY TO THAT INDIVIDUAL:**

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

21 (B) THE INDIVIDUAL PRESENTS AN IMMINENT DANGER OR IMMINENT
22 THREAT OF DANGER TO SELF, FAMILY, OR OTHERS AS A RESULT OF THE
23 SUBSTANCE USE DISORDER, OR A SUBSTANTIAL LIKELIHOOD OF THE THREAT
24 OF DANGER IN THE NEAR FUTURE EXISTS.

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

26 (2) AN INDIVIDUAL DESCRIBED IN THIS SUBSECTION MAY INITIATE
27 PROCEEDINGS FOR THE INVOLUNTARY TREATMENT OF AN INDIVIDUAL BY

1 FILING A VERIFIED PETITION IN THE COURT AND PAYING A FILING FEE IN
2 THE SAME AMOUNT, IF ANY, THAT IS CHARGED FOR A FILING UNDER SECTION
3 434. A PETITION AND ALL SUBSEQUENT DOCUMENTS FILED IN THE COURT
4 UNDER THIS SUBSECTION MUST BE ENTITLED: "IN THE INTEREST OF (NAME
5 OF RESPONDENT)". ANY OF THE FOLLOWING INDIVIDUALS MAY FILE A
6 PETITION UNDER THIS SUBSECTION:

7 (A) THE SPOUSE OF THE RESPONDENT.

8 (B) A FAMILY MEMBER OF THE RESPONDENT.

9 (C) THE GUARDIAN OF THE RESPONDENT.

10 (D) A HEALTH PROFESSIONAL.

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

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

15 (B) THE PETITIONER'S SOURCE OF AUTHORITY UNDER SUBSECTION (2)
16 TO FILE THE PETITION, INCLUDING THE PETITIONER'S RELATIONSHIP TO
17 THE RESPONDENT.

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

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

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

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

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

1 (H) THE NAME AND RESIDENCE ADDRESS OF THE INDIVIDUAL WHO HAS
2 CUSTODY OF THE RESPONDENT, IF ANY AND IF KNOWN. IF NO INDIVIDUAL IS
3 KNOWN UNDER THIS SUBDIVISION, THE NAME AND RESIDENCE ADDRESS OF ANY
4 OTHER CLOSE RELATIVE OR FRIEND OF THE RESPONDENT, IF KNOWN.

5 (I) A DESCRIPTION OF THE FACTS THAT LEAD THE PETITIONER TO
6 BELIEVE THAT THE RESPONDENT HAS A SUBSTANCE USE DISORDER AND
7 PRESENTS AN IMMINENT DANGER OR IMMINENT THREAT OF DANGER TO SELF,
8 FAMILY, OR OTHERS AS A RESULT OF THE SUBSTANCE USE DISORDER, OR
9 THAT A SUBSTANTIAL LIKELIHOOD OF THE THREAT OF DANGER IN THE NEAR
10 FUTURE EXISTS IF THE RESPONDENT DOES NOT RECEIVE TREATMENT.

11 (J) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (K), A
12 CERTIFIED STATEMENT OF A HEALTH PROFESSIONAL WHO HAS EXAMINED THE
13 RESPONDENT WITHIN 2 DAYS BEFORE THE DAY THE PETITION IS FILED UNDER
14 THIS SECTION. A CERTIFIED STATEMENT UNDER THIS SUBDIVISION MUST
15 INCLUDE ALL OF THE FOLLOWING:

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

18 (ii) THE HEALTH PROFESSIONAL'S STATEMENT REGARDING WHETHER THE
19 RESPONDENT PRESENTS AN IMMINENT DANGER OR IMMINENT THREAT OF DANGER
20 TO SELF, FAMILY, OR OTHERS AS A RESULT OF THE SUBSTANCE USE
21 DISORDER, OR A SUBSTANTIAL LIKELIHOOD OF THE THREAT OF DANGER IN
22 THE NEAR FUTURE EXISTS IF THE RESPONDENT DOES NOT RECEIVE
23 TREATMENT.

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

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

1 (v) IF TREATMENT IS INDICATED UNDER SUBPARAGRAPH (iv), THE
2 TREATMENT FACILITIES KNOWN TO THE HEALTH PROFESSIONAL THAT ARE ABLE
3 AND WILLING TO PROVIDE THE RECOMMENDED TREATMENT. THE HEALTH
4 PROFESSIONAL SHALL INCLUDE A DISCLOSURE OF ANY OWNERSHIP INTEREST
5 IN OR OTHER RELATIONSHIP OR AFFILIATION WITH A FACILITY IDENTIFIED
6 UNDER THIS SUBPARAGRAPH, IF ANY.

7 (K) IN LIEU OF A CERTIFIED STATEMENT OF A HEALTH PROFESSIONAL
8 UNDER SUBDIVISION (J), A STATEMENT THAT THE RESPONDENT REFUSED TO
9 UNDERGO AN EXAMINATION BY A HEALTH PROFESSIONAL CONCERNING THE
10 RESPONDENT'S POSSIBLE NEED FOR TREATMENT.

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

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

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

3 (B) CAUSES OR OTHERWISE SECURES, OR CONSPIRES WITH OR ASSISTS
4 ANOTHER TO CAUSE OR SECURE, WITHOUT A REASON TO BELIEVE THE
5 RESPONDENT HAS A SUBSTANCE USE DISORDER, AN ORDER OF INVOLUNTARY
6 TREATMENT.

7 (C) CAUSES, OR CONSPIRES WITH OR ASSISTS ANOTHER TO CAUSE, THE
8 DENIAL TO ANY INDIVIDUAL A RIGHT ACCORDED THAT INDIVIDUAL UNDER
9 THIS CHAPTER.

10 SEC. 281B. (1) UPON RECEIPT OF A PETITION FILED UNDER SECTION
11 281A AND THE PAYMENT OF THE FILING FEE, IF ANY, THE COURT SHALL
12 EXAMINE THE PETITIONER UNDER OATH AS TO THE CONTENTS OF THE
13 PETITION.

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

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

21 (B) NOTIFY THE RESPONDENT AND ALL OTHER INDIVIDUALS NAMED IN
22 THE PETITION UNDER SECTION 281A(3)(D) TO (H) CONCERNING THE
23 ALLEGATIONS AND CONTENTS OF THE PETITION AND OF THE DATE AND THE
24 PURPOSE OF THE HEARING.

25 (C) NOTIFY THE RESPONDENT THAT THE RESPONDENT MAY RETAIN
26 COUNSEL AND, IF THE RESPONDENT IS UNABLE TO RETAIN COUNSEL, THAT
27 THE RESPONDENT MAY BE REPRESENTED BY COURT-APPOINTED COUNSEL AT

1 PUBLIC EXPENSE IF THE RESPONDENT IS INDIGENT. UPON THE APPOINTMENT
2 OF COURT-APPOINTED COUNSEL FOR AN INDIGENT RESPONDENT, THE COURT
3 SHALL NOTIFY THE RESPONDENT OF THE NAME, ADDRESS, AND TELEPHONE
4 NUMBER OF THE COURT-APPOINTED COUNSEL.

5 (D) NOTIFY THE RESPONDENT THAT THE COURT WILL CAUSE THE
6 RESPONDENT TO BE EXAMINED NOT LATER THAN 24 HOURS BEFORE THE
7 HEARING DATE BY A PHYSICIAN FOR THE PURPOSE OF A PHYSICAL
8 EXAMINATION AND BY AN INDEPENDENT HEALTH PROFESSIONAL FOR THE
9 PURPOSE OF A SUBSTANCE USE DISORDER ASSESSMENT AND DIAGNOSIS. IN
10 ADDITION, THE COURT SHALL NOTIFY THE RESPONDENT THAT THE RESPONDENT
11 MAY HAVE AN INDEPENDENT EXPERT EVALUATION OF HIS OR HER PHYSICAL
12 AND MENTAL CONDITION CONDUCTED AT THE RESPONDENT'S OWN EXPENSE.

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

17 (F) CONDUCT THE HEARING.

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

1 (4) IF, UPON COMPLETION OF THE HEARING HELD UNDER THIS
2 SECTION, THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE
3 REQUIREMENTS OF SECTION 281A(1) ARE MET, THE COURT MAY ORDER THE
4 INVOLUNTARY TREATMENT OF THE RESPONDENT AFTER CONSIDERING THE
5 RECOMMENDATIONS FOR TREATMENT THAT WERE SUBMITTED TO THE COURT
6 UNDER SUBSECTION (3). IF ORDERED, THE COURT SHALL ORDER THE
7 INVOLUNTARY TREATMENT TO BE PROVIDED BY AN APPROVED SERVICE PROGRAM
8 OR BY A HEALTH PROFESSIONAL QUALIFIED BY EDUCATION AND TRAINING TO
9 PROVIDE THE TREATMENT.

10 (5) A RESPONDENT WHO FAILS TO UNDERGO AND COMPLETE THE
11 TREATMENT ORDERED UNDER SUBSECTION (4) IS IN CONTEMPT OF COURT. AN
12 APPROVED SERVICE PROGRAM TO WHICH OR HEALTH PROFESSIONAL TO WHOM A
13 RESPONDENT IS ORDERED FOR TREATMENT UNDER SUBSECTION (4) SHALL
14 NOTIFY THE COURT OF A RESPONDENT'S FAILURE TO UNDERGO OR COMPLETE
15 TREATMENT ORDERED UNDER SUBSECTION (4).

16 (6) IF AT ANY TIME AFTER A PETITION IS FILED UNDER SECTION
17 281A THE COURT FINDS THAT THERE IS NOT PROBABLE CAUSE TO ORDER OR
18 CONTINUE TREATMENT OR THE PETITIONER WITHDRAWS THE PETITION, THE
19 COURT SHALL DISMISS THE PROCEEDINGS AGAINST THE RESPONDENT.

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

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

24 (B) WHETHER THE INDIVIDUAL PRESENTS AN IMMINENT DANGER OR
25 IMMINENT THREAT OF DANGER TO SELF, FAMILY, OR OTHERS AS A RESULT OF
26 THE SUBSTANCE USE DISORDER, OR WHETHER A SUBSTANTIAL LIKELIHOOD OF
27 THE THREAT OF DANGER IN THE NEAR FUTURE EXISTS.

1 (C) WHETHER THE INDIVIDUAL CAN REASONABLY BENEFIT FROM
2 TREATMENT.

3 SEC. 281C. (1) FOLLOWING AN EXAMINATION BY A HEALTH
4 PROFESSIONAL UNDER SECTION 281B AND A CERTIFICATION BY THAT HEALTH
5 PROFESSIONAL THAT THE REQUIREMENTS OF SECTION 281A(1) ARE MET, A
6 COURT MAY ORDER THE RESPONDENT HELD FOR TREATMENT FOR A PERIOD NOT
7 TO EXCEED 72 HOURS IF THE COURT FINDS BY CLEAR AND CONVINCING
8 EVIDENCE THAT THE PERSON PRESENTS AN IMMINENT DANGER OR IMMINENT
9 THREAT OF DANGER TO SELF, FAMILY, OR OTHERS AS A RESULT OF A
10 SUBSTANCE USE DISORDER. HOWEVER, IF THE HEARING TO BE HELD UNDER
11 SECTION 281B WILL NOT BE HELD WITHIN THAT 72-HOUR PERIOD, THE COURT
12 MAY ORDER THE RESPONDENT HELD FOR TREATMENT UNTIL THE HEARING. IN
13 MAKING ITS ORDER, THE COURT SHALL INFORM THE RESPONDENT THAT THE
14 RESPONDENT MAY IMMEDIATELY MAKE A REASONABLE NUMBER OF TELEPHONE
15 CALLS OR USE OTHER REASONABLE MEANS TO CONTACT AN ATTORNEY, A
16 PHYSICIAN, OR A HEALTH PROFESSIONAL; TO CONTACT ANY OTHER PERSON TO
17 SECURE REPRESENTATION BY COUNSEL; OR TO OBTAIN MEDICAL OR
18 PSYCHOLOGICAL ASSISTANCE AND THAT THE RESPONDENT WILL BE PROVIDED
19 ASSISTANCE IN MAKING CALLS IF THE ASSISTANCE IS NEEDED AND
20 REQUESTED.

21 (2) A PROGRAM IN WHICH A RESPONDENT IS BEING HELD PURSUANT TO
22 SUBSECTION (1) SHALL RELEASE THE RESPONDENT FROM THE PROGRAM
23 IMMEDIATELY UPON THE EXPIRATION OF THE TIME PERIOD ESTABLISHED BY
24 THE COURT FOR THE TREATMENT UNDER SUBSECTION (1). IF DETERMINED
25 APPROPRIATE BY THE COURT WITH THE ASSISTANCE OF HEALTH
26 PROFESSIONALS, A RESPONDENT MAY BE TRANSFERRED FROM A MORE-
27 RESTRICTIVE PROGRAM SETTING TO A LESS-RESTRICTIVE PROGRAM SETTING

1 FOR THE TREATMENT ORDERED UNDER THIS SECTION.

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

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

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

25 (A) A LIST OF ALL PROGRAMS IN THE COUNTIES SERVED BY THE
26 DEPARTMENT-DESIGNATED COMMUNITY MENTAL HEALTH ENTITY THAT ARE ABLE
27 AND WILLING TO TAKE RESPONDENTS ORDERED HELD FOR TREATMENT UNDER

1 SUBSECTION (1).

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

6 Sec. 282. (1) A ~~law enforcement~~ **PEACE** officer, a member of the
7 emergency service unit, or staff member of an approved service
8 program or an emergency medical service who acts in compliance with
9 sections 276 to 286 is acting in the course of his or her official
10 duty and is not criminally or civilly liable as a result.

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

17 (3) Approved service programs, staff of approved service
18 programs, emergency medical services, staff of emergency medical
19 services, ~~law enforcement~~ **PEACE** officers, and emergency service
20 units are not criminally or civilly liable for the subsequent
21 actions of the apparently incapacitated individual who leaves the
22 approved service program or emergency medical service.

23 Sec. 283. An individual taken ~~—~~ **TO** or seeking voluntary
24 admission under section 281 ~~—~~ to an emergency medical service or a
25 transfer facility **OR A RESPONDENT UNDER AN ORDER THAT IS ISSUED**
26 **UNDER SECTION 281B OR 281C** shall have his or her possessions
27 inventoried and held in a secure place. These possessions shall be

1 returned to the individual when the individual is released.
2 Contraband discovered in the inventory shall not be returned to the
3 individual.

4 Sec. 286. (1) ~~After January 15, 1978, a~~ **A** city, county,
5 township, or village ~~may~~ **SHALL** not adopt or enforce a local law,
6 ordinance, resolution, rule, or portion thereof ~~having~~ **OF A LOCAL**
7 **LAW, ORDINANCE, RESOLUTION, OR RULE THAT HAS** the force of law **AND**
8 that imposes a civil or criminal penalty for public intoxication ~~7~~
9 ~~being a common drunkard,~~ or being incapacitated, except as provided
10 in subsection (3) or (4).

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

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

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

25 Sec. 464a. (1) Upon entry of a court order directing that an
26 individual be involuntarily hospitalized **UNDER THIS CHAPTER** or that
27 an individual involuntarily undergo a program of alternative

1 treatment or a program of combined hospitalization and alternative
2 treatment **UNDER THIS CHAPTER**, the court shall immediately order the
3 department of state police to enter the court order into the law
4 enforcement information network. The department of state police
5 shall remove the court order from the law enforcement information
6 network only upon receipt of a subsequent court order for that
7 removal.

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

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