

By: Coleman

H.B. No. 4354

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administration of medication to certain persons in
3 the custody of a sheriff.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article [46B.0825](#), Code of Criminal Procedure, is
6 amended by adding Subsection (a-1) and amending Subsection (b) to
7 read as follows:

8 (a-1) If a defendant described by Subsection (a) is being
9 treated with a psychotropic medication at the time the defendant is
10 discharged from the facility and transferred into the sheriff's
11 custody, the sheriff or sheriff's deputy shall ensure that
12 administration of the medication continues unless directed
13 otherwise by the physician for the jail. The jail physician must
14 appropriately document the need for any discontinuation or other
15 change in the use or amount of medication after consulting with the
16 physician who treated the defendant at the facility to ensure that
17 the change does not adversely affect the defendant's mental health
18 or ability to continue with court proceedings.

19 (b) To the extent funds are appropriated for that purpose, a
20 sheriff is entitled to reimbursement from the state for providing
21 the medication required by this article [~~Subsection (a)~~].

22 SECTION 2. Section [511.009](#)(d), Government Code, is amended
23 to read as follows:

24 (d) The commission shall adopt reasonable rules and

1 procedures establishing minimum standards regarding the continuity
2 of prescription medications for the care and treatment of
3 prisoners. The rules and procedures shall require that:

4 (1) a qualified medical professional shall review as
5 soon as possible any prescription medication a prisoner is taking
6 when the prisoner is taken into custody; and

7 (2) a prisoner with a mental illness be provided with
8 each prescription medication that a qualified medical professional
9 or mental health professional determines is necessary for the care,
10 treatment, or stabilization of the prisoner.

11 SECTION 3. Article [46B.0825\(c\)](#), Code of Criminal Procedure,
12 is repealed.

13 SECTION 4. Not later than December 1, 2021, the Commission
14 on Jail Standards shall adopt the rules and procedures required by
15 Section [511.009\(d\)](#), Government Code, as amended by this Act.

16 SECTION 5. This Act takes effect September 1, 2021.