

By: Coleman

H.B. No. 4354

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Article [46B.0825](#), Code of Criminal Procedure, is amended by adding Subsections (a-1) and (a-2) and amending Subsection (b) to read as follows:

(a-1) If a defendant described by Subsection (a) is being treated with a psychotropic medication at the time the defendant is discharged from the facility and transferred into the sheriff's custody, the sheriff or sheriff's deputy shall ensure that administration of the medication continues unless directed otherwise by the physician for the jail, subject to Subsection (a-2). The jail physician must appropriately document the need for any discontinuation or other change in the use or amount of medication after consulting with the physician who treated the defendant at the facility to ensure that the change does not adversely affect the defendant's mental health or ability to continue with court proceedings.

(a-2) The physician for a jail may not discontinue or otherwise change a psychotropic medication that is being used in the treatment of a defendant described by Subsection (a) at the time of the defendant's discharge from the facility unless the jail physician determines there is a compelling medical reason to make

1 the change for the health and safety of the defendant. If the jail  
2 physician discontinues or otherwise changes the use or amount of  
3 medication and the defendant is subsequently found incompetent to  
4 stand trial, recommitted to a facility, and then discharged again  
5 into the custody of the sheriff following that recommittal, the  
6 jail physician may not discontinue or change the defendant's  
7 prescribed psychotropic medication after the discharge from the  
8 facility without the consent of the physician who treated the  
9 defendant at the facility.

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

13 SECTION 2. Section 511.009(d), Government Code, is amended  
14 to read as follows:

15 (d) The commission shall adopt reasonable rules and  
16 procedures establishing minimum standards regarding the continuity  
17 of prescription medications for the care and treatment of  
18 prisoners. The rules and procedures shall require that:

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

22 (2) a prisoner with a mental illness be provided with  
23 each prescription medication that a qualified medical professional  
24 or mental health professional determines is necessary for the care,  
25 treatment, or stabilization of the prisoner.

26 SECTION 3. Article 46B.0825(c), Code of Criminal Procedure,  
27 is repealed.

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

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