

AN ACT

relating to voluntary and involuntary mental health services.

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

SECTION 1. The heading to Chapter 572, Health and Safety Code, is amended to read as follows:

CHAPTER 572. VOLUNTARY ~~[INPATIENT]~~ MENTAL HEALTH SERVICES

SECTION 2. Section 572.001, Health and Safety Code, is amended by amending Subsections (a), (c), and (d) and adding Subsections (a-1) and (c-1) to read as follows:

(a) A person 16 years of age or older ~~[or a person younger than 16 years of age who is or has been married]~~ may request admission to an inpatient mental health facility or for outpatient mental health services by filing a request with the administrator of the facility where ~~[to which]~~ admission or outpatient treatment is requested. The parent, managing conservator, or guardian of a person younger than 18 years of age ~~[who is not and has not been married]~~ may request the admission of the person to an inpatient mental health facility or for outpatient mental health services by filing a request with the administrator of the facility where ~~[to which]~~ admission or outpatient treatment is requested.

(a-1) Except as provided by Subsection (c), an inpatient mental health facility may admit or provide services to a person 16 years of age or older and younger than 18 years of age if the person's parent, managing conservator, or guardian consents to the

1 admission or services, even if the person does not consent to the
2 admission or services.

3 (c) A person or agency appointed as the guardian or a
4 managing conservator of a person younger than 18 years of age and
5 acting as an employee or agent of the state or a political
6 subdivision of the state may request admission of the person
7 younger than 18 years of age only with the person's consent. If the
8 person does not consent, the person may be admitted for inpatient
9 services only pursuant to an application for court-ordered mental
10 health services or emergency detention or an order for protective
11 custody.

12 (c-1) A person younger than 18 years of age may not be
13 involuntarily committed unless provided by this chapter, other
14 state law, or department rule.

15 (d) The administrator of an inpatient or outpatient mental
16 health facility may admit a minor who is 16 years of age or older [~~or~~
17 ~~a person younger than 16 years of age who is or has been married~~] to
18 an inpatient or outpatient mental health facility as a voluntary
19 patient without the consent of the parent, managing conservator, or
20 guardian.

21 SECTION 3. Section 572.002, Health and Safety Code, is
22 amended to read as follows:

23 Sec. 572.002. ADMISSION. The facility administrator or the
24 administrator's authorized, qualified designee may admit a person
25 for whom a proper request for voluntary inpatient or outpatient
26 services is filed if the administrator or the designee determines:

27 (1) from a preliminary examination that the person has

1 symptoms of mental illness and will benefit from the inpatient or
2 outpatient services;

3 (2) that the person has been informed of the person's
4 rights as a voluntary patient; and

5 (3) that the admission was voluntarily agreed to:

6 (A) by the person, if the person is[+
7 [~~(i)~~] 16 years of age or older; or
8 [~~(ii)~~ younger than 16 years of age and is or
9 has been married; or]

10 (B) by the person's parent, managing
11 conservator, or guardian, if the person is younger than 18 years of
12 age [~~and is not and has not been married~~].

13 SECTION 4. Chapter 572, Health and Safety Code, is amended
14 by adding Section 572.0051 to read as follows:

15 Sec. 572.0051. TRANSPORTATION OF PATIENT TO ANOTHER STATE.
16 A person may not transport a patient to a mental health facility in
17 another state for inpatient mental health services under this
18 chapter unless transportation to that facility is authorized by a
19 court order.

20 SECTION 5. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 718 passed the Senate on April 11, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 22, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 718 passed the House, with amendment, on May 17, 2013, by the following vote: Yeas 132, Nays 2, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor