

BILL ANALYSIS

Senate Research Center
84R7406 LEH-F

S.B. 1129
By: Zaffirini
Health & Human Services
3/18/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Persons under emergency detention and experiencing a mental health crisis have been subjected to restraining practices that increase a person's risk of positional asphyxiation. Such positions include a person being placed face down, hog-tied, or in hobble restraints that could restrict the ability to breathe and result in death. These tactics raise safety concerns for persons experiencing a mental health crisis during transport to a medical facility.

S.B. 1129 requires a person under an emergency detention for mental health reasons to be restrained in such a way that the person would be able to sit upright without undue difficulty. Ambulances transporting persons under emergency detention in these cases would be exempt from this requirement.

As proposed, S.B. 1129 amends current law relating to the transportation of a person with a mental illness.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 574.045, Health and Safety Code, by adding Subsection (l), as follows:

(l) Authorizes a patient restrained under Subsection (g) (prohibiting the patient from being physically restrained unless necessary to protect the health and safety of the patient or of a person traveling with the patient) to be restrained only during the apprehension, detention, or transportation of the patient. Requires that the method of restraint permit the patient to sit in an upright position without undue difficulty unless the patient is being transported by ambulance.

SECTION 2. Effective date: upon passage or September 1, 2015.