

By: Murr

H.B. No. 4208

A BILL TO BE ENTITLED

AN ACT

relating to the effect and disregard of declarations for mental health treatment.

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

SECTION 1. Sections 137.008(a) and (b), Civil Practice and Remedies Code, are amended to read as follows:

(a) A physician or other health care provider may subject the principal to mental health treatment in a manner contrary to the principal's wishes as expressed in a declaration for mental health treatment only after a judicial determination that the principal was mentally incompetent at the time the principal executed the declaration for mental health treatment[-

~~(1) if the principal is under an order for temporary or extended mental health services under Section 574.034 or 574.035, Health and Safety Code, and treatment is authorized in compliance with Section 574.106, Health and Safety Code, or~~

~~(2) in case of an emergency when the principal's instructions have not been effective in reducing the severity of the behavior that has caused the emergency].~~

(b) A declaration for mental health treatment does not limit any authority to arrest or prosecute a person for violation of a law [~~provided by Chapter 573 or 574, Health and Safety Code.~~

~~(1) to take a person into custody, or~~

~~(2) to admit or retain a person in a mental health~~

1 ~~treatment facility]~~.

2           SECTION 2. Section [137.008\(c\)](#), Civil Practice and Remedies  
3 Code, is repealed.

4           SECTION 3. This Act takes effect September 1, 2021.