

By: Guillen

H.B. No. 171

A BILL TO BE ENTITLED

AN ACT

relating to the certificate of medical examination for chemical dependency and the duration of court-ordered treatment for a person with a chemical dependency.

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

SECTION 1. This Act may be cited as the Anell Borrego Act.

SECTION 2. Section 462.001, Health and Safety Code, is amended by adding Subdivision (4) to read as follows:

(4) "Commission" means the Health and Human Services Commission.

SECTION 3. Section 462.064(c), Health and Safety Code, is amended to read as follows:

(c) A certificate must be dated and signed by the examining physician. The certificate must include:

- (1) the name and address of the examining physician;
- (2) the name and address of the proposed patient;
- (3) the date and place of the examination;
- (4) the period, if any, during which the proposed patient has been under the care of the examining physician;
- (5) an accurate description of the treatment, if any, given by or administered under the direction of the examining physician; and

(6) the examining physician's opinion stating ~~[opinions whether]~~ the proposed patient is a person with a chemical

1 dependency and, as a result of that chemical dependency:

2 (A) is likely to cause serious harm to the
3 person;

4 (B) is likely to cause serious harm to others; or

5 (C) will continue to suffer abnormal mental,
6 emotional, or physical distress and to deteriorate in ability to
7 function independently if not treated and is unable to make a
8 rational and informed choice as to whether or not to submit to
9 treatment.

10 SECTION 4. Section 462.069(a), Health and Safety Code, is
11 amended to read as follows:

12 (a) Except as provided by Section 462.080(b), the [The]
13 court shall commit the proposed patient to a treatment facility
14 approved by the commission [~~department~~] to accept court commitments
15 for at least 60 days but not more than 90 days if:

16 (1) the proposed patient admits the allegations of the
17 application; or

18 (2) at the hearing on the merits, the court or jury
19 finds that the material allegations in the application have been
20 proved by clear and convincing evidence.

21 SECTION 5. Section 462.075(f), Health and Safety Code, is
22 amended to read as follows:

23 (f) Except as provided by Section 462.080(b), the [The]
24 court shall commit the proposed patient to a treatment facility
25 approved by the commission [~~department~~] to accept commitments for
26 at least 60 days but not more than 90 days if:

27 (1) the proposed patient admits the allegations of the

1 application; or

2 (2) at the hearing on the merits, the court or jury
3 finds that the material allegations in the application have been
4 proved by clear and convincing evidence.

5 SECTION 6. Section 462.080(b), Health and Safety Code, is
6 amended to read as follows:

7 (b) The administrator may discharge a patient before the
8 court order expires if the administrator or physician treating the
9 patient determines that the patient no longer meets the criteria
10 for court-ordered treatment.

11 SECTION 7. Sections 462.081(a) and (d), Health and Safety
12 Code, are amended to read as follows:

13 (a) Except as provided by Section 462.080(b), the [The]
14 judge of a court with jurisdiction of misdemeanor cases may remand
15 the defendant to a treatment facility approved by the commission
16 [department] to accept court commitments for care and treatment for
17 at least 60 days but not more than 90 days, instead of incarceration
18 or fine, if:

19 (1) the court or a jury has found the defendant guilty
20 of an offense classified as a Class A or B misdemeanor;

21 (2) the court finds that the offense resulted from or
22 was related to the defendant's chemical dependency;

23 (3) a treatment facility approved by the commission
24 [department] is available to treat the defendant; and

25 (4) the treatment facility agrees in writing to admit
26 the defendant under this section.

27 (d) Except as provided by Section 462.080(b), a [A] juvenile

1 court may remand a child to a treatment facility for care and
2 treatment for at least 60 days but not more than 90 days after the
3 date on which the child is remanded if:

4 (1) the court finds that the child has engaged in
5 delinquent conduct or conduct indicating a need for supervision and
6 that the conduct resulted from or was related to the child's
7 chemical dependency;

8 (2) a treatment facility approved by the commission
9 [~~department~~] to accept court commitments is available to treat the
10 child; and

11 (3) the facility agrees in writing to receive the
12 child under this section.

13 SECTION 8. The changes in law made by this Act apply only to
14 an application for court-ordered treatment for chemical dependency
15 that is filed on or after the effective date of this Act. An
16 application that is filed before the effective date of this Act is
17 governed by the law as it existed immediately before that date, and
18 that law is continued in effect for that purpose.

19 SECTION 9. This Act takes effect September 1, 2025.