

**House Bill 171**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
SECTION 1. This Act may be cited as the Anell Borrego Act.	SECTION 1. Same as House version.	
SECTION 2. Section 462.001, Health and Safety Code, is amended by adding Subdivision (4) to read as follows: <u>(4) "Commission" means the Health and Human Services Commission.</u>	SECTION 2. Same as House version.	
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 <u>opinion stating</u> [ <del>opinions whether</del> ] the proposed patient is a person with a chemical dependency and, <u>as a result of that chemical dependency</u> : (A) is likely to cause serious harm to the person; (B) is likely to cause serious harm to others; or (C) will continue to suffer abnormal mental, emotional, or physical distress and to deteriorate in ability to function independently if not treated and is unable to make a rational and informed choice as to whether or not to submit to treatment.	SECTION 3. Same as House version.	

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

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

- (1) the proposed patient admits the allegations of the application; or
- (2) at the hearing on the merits, the court or jury finds that the material allegations in the application have been proved by clear and convincing evidence.

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

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

- (1) the proposed patient admits the allegations of the application; or
- (2) at the hearing on the merits, the court or jury finds that the material allegations in the application have been proved by clear and convincing evidence.

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

SENATE VERSION (CS)

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

(a) Except as provided by Section 462.080(b), the [The] court shall commit the proposed patient to a treatment facility approved by the commission [department] to accept court commitments for at least 30 days but not more than 90 days if:

- (1) the proposed patient admits the allegations of the application; or
- (2) at the hearing on the merits, the court or jury finds that the material allegations in the application have been proved by clear and convincing evidence.

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

(f) Except as provided by Section 462.080(b), the [The] court shall commit the proposed patient to a treatment facility approved by the commission [department] to accept commitments for at least 30 days but not more than 90 days if:

- (1) the proposed patient admits the allegations of the application; or
- (2) at the hearing on the merits, the court or jury finds that the material allegations in the application have been proved by clear and convincing evidence.

SECTION 6. Same as House version.

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

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

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

- (1) the court or a jury has found the defendant guilty of an offense classified as a Class A or B misdemeanor;
- (2) the court finds that the offense resulted from or was related to the defendant's chemical dependency;
- (3) a treatment facility approved by the commission [department] is available to treat the defendant; and
- (4) the treatment facility agrees in writing to admit the defendant under this section.

(d) Except as provided by Section 462.080(b), a [A] juvenile court may remand a child to a treatment facility for care and treatment for at least 60 days but not more than 90 days after the date on which the child is remanded if:

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

SENATE VERSION (CS)

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

(a) Except as provided by Section 462.080(b), the [The] judge of a court with jurisdiction of misdemeanor cases may remand the defendant to a treatment facility approved by the commission [department] to accept court commitments for care and treatment for at least 30 days but not more than 90 days, instead of incarceration or fine, if:

- (1) the court or a jury has found the defendant guilty of an offense classified as a Class A or B misdemeanor;
- (2) the court finds that the offense resulted from or was related to the defendant's chemical dependency;
- (3) a treatment facility approved by the commission [department] is available to treat the defendant; and
- (4) the treatment facility agrees in writing to admit the defendant under this section.

(d) Except as provided by Section 462.080(b), a [A] juvenile court may remand a child to a treatment facility for care and treatment for at least 30 days but not more than 90 days after the date on which the child is remanded if:

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

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<p>(2) a treatment facility approved by the <u>commission</u> [<del>department</del>] to accept court commitments is available to treat the child; and</p> <p>(3) the facility agrees in writing to receive the child under this section.</p>	<p>(2) a treatment facility approved by the <u>commission</u> [<del>department</del>] to accept court commitments is available to treat the child; and</p> <p>(3) the facility agrees in writing to receive the child under this section.</p>	
<p>SECTION 8. The changes in law made by this Act apply only to an application for court-ordered treatment for chemical dependency that is filed on or after the effective date of this Act. An application that is filed before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.</p>	<p>SECTION 8. Same as House version.</p>	
<p>SECTION 9. This Act takes effect September 1, 2025.</p>	<p>SECTION 9. Same as House version.</p>	