

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-FIRST SESSION**

**S.F. No. 3603**

(SENATE AUTHORS: RELPH)

DATE	D-PG	OFFICIAL STATUS
02/24/2020	4898	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to corrections; allowing qualified medical professionals to involuntarily

1.3 administer psychotropic medications to jail and prison inmates when the inmate

1.4 poses a likelihood of serious harm to self or others; proposing coding for new law

1.5 in Minnesota Statutes, chapter 243.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. **[243.95] EMERGENCY ADMINISTRATION OF MEDICATION TO**

1.8 **INMATES.**

1.9 Subdivision 1. **Inmate's right to refuse treatment.** (a) An inmate in a jail or state

1.10 correctional facility has the right to refuse psychotropic medication unless, as a result of

1.11 mental health symptoms, the inmate poses a likelihood of serious harm to self or others.

1.12 (b) A qualified medical professional may not administer psychotropic medication to an

1.13 inmate without the inmate's consent unless, as a result of mental health symptoms, the inmate

1.14 poses a likelihood of serious harm to self or others.

1.15 Subd. 2. **Qualified medical professional.** Only a qualified medical professional may

1.16 administer psychotropic medication to an inmate. A qualified medical professional means

1.17 a physician licensed under chapter 147, a physician assistant licensed and practicing under

1.18 chapter 147A, or a nurse licensed and registered to practice under chapter 148.

1.19 Subd. 3. **Emergency administration of medication to inmates.** A qualified medical

1.20 professional may administer psychotropic medication to an inmate without the inmate's

1.21 consent only if:

1.22 (1) in a qualified medical professional's opinion, as a result of mental health symptoms,

1.23 the inmate poses a likelihood of serious harm to self or others;

2.1 (2) in a qualified medical professional's opinion, administering psychotropic medication  
2.2 to the inmate will treat the inmate's mental health symptoms and thereby reduce the likelihood  
2.3 of harm to self or others; and

2.4 (3) a physician or qualified nurse has prescribed psychotropic medications to the inmate.

2.5 **Subd. 4. Record keeping and reporting requirement.** (a) Each correctional facility  
2.6 and county jail shall keep a record of the date, name of inmate, copy of the prescribing order  
2.7 for the medication, name of the qualified medical professional administering the medication,  
2.8 the administered medications, and a description of the inmate's behavior and symptoms that  
2.9 demonstrates how the inmate poses a likelihood of serious harm to self or others.

2.10 (b) Every six months, each correctional facility and jail shall submit a report to the  
2.11 commissioner of corrections with a complete log of all emergency administrations of  
2.12 psychotropic medications to inmates.