

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 2412

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DATE	D-PG	OFFICIAL STATUS
03/08/2016	4916	Introduction and first reading Referred to Higher Education and Workforce Development
03/14/2016	4981a	Comm report: To pass as amended and re-refer to Judiciary
03/21/2016	5138a	Comm report: To pass as amended
	5147	Second reading

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A bill for an act

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relating to civil commitment; prohibiting participation in clinical drug trials by

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persons subject to emergency admission or apprehend and hold orders; amending

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Minnesota Statutes 2014, sections 253B.05, subdivision 1; 253B.07, subdivision

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2b.

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

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Section 1. Minnesota Statutes 2014, section 253B.05, subdivision 1, is amended to read:

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Subdivision 1. **Emergency hold.** (a) Any person may be admitted or held for

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emergency care and treatment in a treatment facility, except to a facility operated by the

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Minnesota sex offender program, with the consent of the head of the treatment facility

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upon a written statement by an examiner that:

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(1) the examiner has examined the person not more than 15 days prior to admission;

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(2) the examiner is of the opinion, for stated reasons, that the person is mentally ill,

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developmentally disabled, or chemically dependent, and is in danger of causing injury to

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self or others if not immediately detained; and

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(3) an order of the court cannot be obtained in time to prevent the anticipated injury.

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(b) If the proposed patient has been brought to the treatment facility by another

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person, the examiner shall make a good faith effort to obtain a statement of information

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that is available from that person, which must be taken into consideration in deciding

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whether to place the proposed patient on an emergency hold. The statement of information

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must include, to the extent available, direct observations of the proposed patient's

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behaviors, reliable knowledge of recent and past behavior, and information regarding

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psychiatric history, past treatment, and current mental health providers. The examiner

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shall also inquire into the existence of health care directives under chapter 145, and

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advance psychiatric directives under section 253B.03, subdivision 6d.

(c) The examiner's statement shall be: (1) sufficient authority for a peace or health officer to transport a patient to a treatment facility, (2) stated in behavioral terms and not in conclusory language, and (3) of sufficient specificity to provide an adequate record for review. If danger to specific individuals is a basis for the emergency hold, the statement must identify those individuals, to the extent practicable. A copy of the examiner's statement shall be personally served on the person immediately upon admission and a copy shall be maintained by the treatment facility.

(d) A patient must not be allowed or required to consent to nor participate in a clinical drug trial during an emergency admission or hold under this subdivision or subdivision 2. A consent given during a period of an emergency admission or hold is void and unenforceable. This paragraph does not prohibit a patient from continuing participation in a clinical drug trial if the patient was participating in the drug trial at the time of the emergency admission or hold.

Sec. 2. Minnesota Statutes 2014, section 253B.07, subdivision 2b, is amended to read:

Subd. 2b. **Apprehend and hold orders.** (a) The court may order the treatment facility to hold the person in a treatment facility or direct a health officer, peace officer, or other person to take the proposed patient into custody and transport the proposed patient to a treatment facility for observation, evaluation, diagnosis, care, treatment, and, if necessary, confinement, when:

(1) there has been a particularized showing by the petitioner that serious physical harm to the proposed patient or others is likely unless the proposed patient is immediately apprehended;

(2) the proposed patient has not voluntarily appeared for the examination or the commitment hearing pursuant to the summons; or

(3) a person is held pursuant to section 253B.05 and a request for a petition for commitment has been filed.

(b) The order of the court may be executed on any day and at any time by the use of all necessary means including the imposition of necessary restraint upon the proposed patient. Where possible, a peace officer taking the proposed patient into custody pursuant to this subdivision shall not be in uniform and shall not use a motor vehicle visibly marked as a police vehicle. Except as provided in section 253D.10, subdivision 2, in the case of an individual on a judicial hold due to a petition for civil commitment under chapter 253D, assignment of custody during the hold is to the commissioner of human services. The commissioner is responsible for determining the appropriate placement within a secure treatment facility under the authority of the commissioner.

3.1 (c) A proposed patient must not be allowed or required to consent to nor participate
3.2 in a clinical drug trial while an order is in effect under this subdivision. A consent given
3.3 while an order is in effect is void and unenforceable. This paragraph does not prohibit a
3.4 patient from continuing participation in a clinical drug trial if the patient was participating
3.5 in the drug trial at the time the order was issued under this subdivision.