

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH SESSION**

**S.F. No. 2733**

(SENATE AUTHORS: EATON)

DATE	D-PG	OFFICIAL STATUS
03/17/2014	6283	Introduction and first reading Referred to Health, Human Services and Housing
03/20/2014	6397a	Comm report: To pass as amended and re-refer to Judiciary
03/26/2014	6848a 6864	Comm report: To pass as amended Second reading

1.1 A bill for an act  
 1.2 relating to human services; modifying provisions governing the administration of  
 1.3 neuroleptic medication to persons subject to civil commitment; establishing a pilot  
 1.4 program; amending Minnesota Statutes 2012, section 253B.092, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2012, section 253B.092, subdivision 2, is amended to  
 1.7 read:

1.8 Subd. 2. **Administration without judicial review.** Neuroleptic medications may be  
 1.9 administered without judicial review in the following circumstances:

1.10 (1) the patient has the capacity to make an informed decision under subdivision 4;

1.11 (2) the patient does not have the present capacity to consent to the administration  
 1.12 of neuroleptic medication, but prepared a health care directive under chapter 145C or a  
 1.13 declaration under section 253B.03, subdivision 6d, requesting treatment or authorizing an  
 1.14 agent or proxy to request treatment, and the agent or proxy has requested the treatment;

1.15 (3) the patient has been prescribed neuroleptic medication prior to admission to a  
 1.16 treatment facility but lacks the capacity to consent to the administration of that neuroleptic  
 1.17 medication; continued administration of the medication is in the patient's best interest;  
 1.18 and the patient does not refuse administration of the medication. In this situation, the  
 1.19 previously prescribed neuroleptic medication may be continued for up to 14 days while  
 1.20 the treating physician:

1.21 (i) is obtaining a substitute decision-maker appointed by the court under subdivision  
 1.22 6; or

1.23 (ii) is requesting an amendment to a current court order authorizing administration  
 1.24 of neuroleptic medication;

2.1           (4) a substitute decision-maker appointed by the court consents to the administration  
2.2 of the neuroleptic medication and the patient does not refuse administration of the  
2.3 medication; or

2.4           ~~(4)~~ (5) the substitute decision-maker does not consent or the patient is refusing  
2.5 medication, and the patient is in an emergency situation.

2.6           Sec. 2. **PILOT PROGRAM; NOTICE AND INFORMATION TO**  
2.7 **COMMISSIONER OF HUMAN SERVICES REGARDING PATIENTS**  
2.8 **COMMITTED TO COMMISSIONER.**

2.9           The commissioner of human services may create a pilot program that is designed to  
2.10 respond to issues raised in the February 2013 Office of the Legislative Auditor report on  
2.11 state-operated services. The pilot program may include no more than three counties to  
2.12 test the efficacy of providing notice and information to the commissioner when a petition  
2.13 is filed to commit a patient exclusively to the commissioner. The commissioner shall  
2.14 provide a status update to the chairs and ranking minority members of the legislative  
2.15 committees with jurisdiction over civil commitment and human services issues, no later  
2.16 than January 15, 2015.