

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 683

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending section 401 (MCL 330.1401), as amended by 1995 PA
290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 401. (1) As used in this chapter, "person requiring
2 treatment" means (a), (b), ~~or~~ (c), **or (d)**:

3 (a) An individual who has mental illness, and who as a result
4 of that mental illness can reasonably be expected within the near
5 future to intentionally or unintentionally seriously physically
6 injure himself, ~~or~~ herself, or another individual, and who has
7 engaged in an act or acts or made significant threats that are
8 substantially supportive of the expectation.

9 (b) An individual who has mental illness, and who as a result
10 of that mental illness is unable to attend to those of his or her

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1 basic physical needs such as food, clothing, or shelter that must
 2 be attended to in order for the individual to avoid serious harm
 3 in the near future, and who has demonstrated that inability by
 4 failing to attend to those basic physical needs.

5 (c) An individual who has mental illness, whose judgment is
 6 so impaired that he or she is unable to understand his or her
 7 need for treatment and whose continued behavior as the result of
 8 this mental illness can reasonably be expected, on the basis of
 9 competent clinical opinion, to result in significant physical
 10 harm to himself, ~~or~~ herself, or others. This individual shall
 11 receive involuntary mental health treatment initially only under
 12 the provisions of sections 434 through 438. ~~of this act.~~

13 (d) An individual who has mental illness, [whose understanding of
 the need for treatment is impaired to the point that he or she is
 unlikely to participate in treatment voluntarily,] who is currently
 14 noncompliant with treatment that has been recommended by a mental
 15 health professional, [and that has been determined to be necessary to
 prevent a relapse or harmful deterioration of his or her condition] and
 whose noncompliance with treatment has
 16 been a factor in the individual's placement in a psychiatric
 17 hospital, prison, or jail at least 2 times within the last 48
 18 months or whose noncompliance with treatment has been a factor in
 19 the individual's committing 1 or more acts, attempts, or threats
 20 of serious violent behavior within the last 48 months[.

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25] An individual under this subdivision is [only] eligible to
 26 receive assisted outpatient treatment under section 433 or 469a.

27 (2) An individual whose mental processes have been weakened

1 or impaired by a dementia, an individual with a primary diagnosis
2 of epilepsy, or an individual with alcoholism or other drug
3 dependence is not a person requiring treatment under this chapter
4 unless the individual also meets the criteria specified in
5 subsection (1). An individual described in this subsection may
6 be hospitalized under the informal or formal voluntary
7 hospitalization provisions of this chapter if he or she is
8 considered clinically suitable for hospitalization by the
9 hospital director.

10 Enacting section 1. This amendatory act does not take
11 effect unless all of the following bills of the 92nd Legislature
12 are enacted into law:

- 13 (a) Senate Bill No. 684.
- 14 (b) Senate Bill No. 685.
- 15 (c) Senate Bill No. 686.
- 16 (d) Senate Bill No. 1464.