

SENATE BILL No. 683

September 16, 2003, Introduced by Senators GEORGE, BERNERO, CROPSEY, BRATER, McMANUS, GOSCHKA, BIRKHOLZ, SCHAUER and THOMAS and referred to the Committee on Health Policy.

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, who is noncompliant
14 with treatment that has been recommended by a mental health
15 professional, and whose noncompliance with treatment has been a
16 factor in the individual's placement in a psychiatric hospital,
17 prison, or jail at least 2 times within the last 36 months or
18 whose noncompliance with treatment has been a factor in the
19 individual's committing 1 or more acts, attempts, or threats of
20 serious violent behavior toward himself or herself or others
21 within the last 48 months. An individual under this subdivision
22 is eligible to receive assisted outpatient treatment under
23 section 433 or 469a.

24 (2) An individual whose mental processes have been weakened
25 or impaired by a dementia, an individual with a primary diagnosis
26 of epilepsy, or an individual with alcoholism or other drug
27 dependence is not a person requiring treatment under this chapter

1 unless the individual also meets the criteria specified in
2 subsection (1). An individual described in this subsection may
3 be hospitalized under the informal or formal voluntary
4 hospitalization provisions of this chapter if he or she is
5 considered clinically suitable for hospitalization by the
6 hospital director.

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

10 (a) Senate Bill No. 684.

11

12 (b) Senate Bill No. 685.

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14 (c) Senate Bill No. 686.

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