

Senate Bill 847

Sponsored by Senator BATES

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Corrects definitions applicable to mental health services.

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A BILL FOR AN ACT

Relating to mental health services; amending ORS 430.306, 430.347 and 430.399.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 430.306 is amended to read:

430.306. As used in ORS **430.290**, 430.315 to 430.335, **430.342**, 430.397, [*and*] 430.399[,] **and 430.420**, unless the context requires otherwise:

(1) "Alcoholic" means any person who has lost the ability to control the use of alcoholic beverages, or who uses alcoholic beverages to the extent that the health of the person or that of others is substantially impaired or endangered or the social or economic function of the person is substantially disrupted. An alcoholic may be physically dependent, a condition in which the body requires a continuing supply of alcohol to avoid characteristic withdrawal symptoms, or psychologically dependent, a condition characterized by an overwhelming mental desire for continued use of alcoholic beverages.

(2) "Applicant" means a city, county or any combination thereof.

[(3) "*Department*" means the *Department of Human Services*.]

[(4) "*Detoxification center*" means a publicly or privately operated profit or nonprofit facility approved by the department that provides emergency care or treatment for alcoholics or drug-dependent persons.]

[(5)] (3) "Director of the treatment facility" means the person in charge of treatment and rehabilitation programs at a treatment facility.

[(6)] (4) "Drug-dependent person" means one who has lost the ability to control the personal use of controlled substances or other substances with abuse potential, or who uses such substances or controlled substances to the extent that the health of the person or that of others is substantially impaired or endangered or the social or economic function of the person is substantially disrupted. A drug-dependent person may be physically dependent, a condition in which the body requires a continuing supply of a drug or controlled substance to avoid characteristic withdrawal symptoms, or psychologically dependent, a condition characterized by an overwhelming mental desire for continued use of a drug or controlled substance.

[(7) "*Halfway house*" means a publicly or privately operated profit or nonprofit, residential facility approved by the department that provides rehabilitative care and treatment for alcoholics or drug-dependent persons.]

[(8)] (5) "Local alcoholism planning committee" means a committee appointed or designated by

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 the county governing body under ORS 430.342.

2 [(9)] (6) “[*Other*] Treatment facility” includes outpatient facilities, inpatient facilities and such
3 other facilities as the department determines suitable, any of which may provide diagnosis and
4 evaluation, medical care, detoxification, social services or rehabilitation for alcoholics or drug-
5 dependent persons and which operate in the form of a general hospital, a state hospital, a foster
6 home, a hostel, a clinic or other suitable form approved by the department.

7 **SECTION 2.** ORS 430.347 is amended to read:

8 430.347. As used in ORS 430.345 to 430.380 and 430.630:

9 (1) “Applicant” means a county or combination of counties.

10 (2) **“Detoxification center” means a publicly or privately operated profit or nonprofit fa-**
11 **ility approved by the Department of Human Services that provides emergency care or**
12 **treatment for alcoholics or drug-dependent persons, as those terms are defined in ORS**
13 **430.306.**

14 (3) **“Halfway house” means a publicly or privately operated profit or nonprofit, residential**
15 **facility approved by the department that provides rehabilitative care and treatment for al-**
16 **coholics or drug-dependent persons, as those terms are defined in ORS 430.306.**

17 [(2)] (4) “Minorities” means persons who are:

18 (a) Black Americans or persons having origins in any of the black racial groups of Africa.

19 (b) Hispanic Americans or persons of Mexican, Puerto Rican, Cuban, Central or South American
20 or other Spanish culture or origin, regardless of race.

21 (c) Native Americans or persons who are American Indian, Eskimo, Aleut or Native Hawaiian.

22 (d) Asian-Pacific Americans or persons whose origins are from Japan, China, Taiwan, Korea,
23 Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the United States Trust Territories of the
24 Pacific or the Northern Marianas.

25 (e) Asian-Indian Americans or persons whose origins are from India, Pakistan or Bangladesh.

26 [(3)] (5) “Minority program” is a treatment and rehabilitation program that provides services
27 primarily to minorities and that is intended to present treatment and rehabilitation opportunities
28 designed to meet the particular needs of minorities, whether by its geographic location, methods of
29 treatment or other factors.

30 **SECTION 3.** ORS 430.399 is amended to read:

31 430.399. (1) Any person who is intoxicated or under the influence of controlled substances in a
32 public place may be taken or sent home or to a treatment facility by the police. However, if the
33 person is incapacitated, the health of the person appears to be in immediate danger, or the police
34 have reasonable cause to believe the person is dangerous to self or to any other person, the person
35 shall be taken by the police to an appropriate treatment facility. A person shall be deemed inca-
36 pacitated when in the opinion of the police officer or director of the treatment facility the person
37 is unable to make a rational decision as to acceptance of assistance.

38 (2) The director of the treatment facility shall determine whether a person shall be admitted as
39 a patient, or referred to another treatment facility or denied referral or admission. If the person is
40 incapacitated or the health of the person appears to be in immediate danger, or if the director has
41 reasonable cause to believe the person is dangerous to self or to any other person, the person must
42 be admitted. The person shall be discharged within 48 hours unless the person has applied for vol-
43 untary admission to the treatment facility.

44 (3) In the absence of any appropriate treatment facility, an intoxicated person or a person under
45 the influence of controlled substances who would otherwise be taken by the police to a treatment

1 facility may be taken to the city or county jail where the person may be held until no longer
2 intoxicated, under the influence of controlled substances or incapacitated.

3 (4) An intoxicated person or person under the influence of controlled substances, when taken
4 into custody by the police for a criminal offense, shall immediately be taken to the nearest appro-
5 priate treatment facility when the condition of the person requires emergency medical treatment.

6 (5) The records of a patient at a treatment facility shall not be revealed to any person other
7 than the director and staff of the treatment facility without the consent of the patient. A patient's
8 request that no disclosure be made of admission to a treatment facility shall be honored unless the
9 patient is incapacitated or disclosure of admission is required by ORS 430.397.

10 (6) As used in this section, "treatment facility" has the meaning given [*other treatment*
11 *facility*] **that term** in ORS 430.306.

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