

**Enrolled**  
**House Bill 2107**

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber for Oregon Health Authority)

CHAPTER .....

AN ACT

Relating to declarations for mental health; amending ORS 127.720.

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

**SECTION 1.** ORS 127.720 is amended to read:

127.720. (1) The physician or provider may subject the principal to mental health treatment in a manner contrary to the principal's wishes as expressed in a declaration for mental health treatment only:

(a) If the principal is committed to the Oregon Health Authority pursuant to ORS 426.005 to 426.390 and treatment is authorized in compliance with ORS 426.385 (3) and administrative rule; or].

**(b) If treatment is authorized in compliance with administrative rule and:**

**(A) The principal is committed to a state hospital or secure intensive community inpatient facility:**

**(i) As a result of being found guilty except for insanity under ORS 161.295 or responsible except for insanity under ORS 419C.411;**

**(ii) Under ORS 161.365; or**

**(iii) Under ORS 161.370; or**

**(B) The principal is transferred to a state hospital or other facility under ORS 179.473 or 419C.530.**

*[(b)]* (c) In cases of emergency endangering life or health.

(2) A declaration does not limit any authority provided in ORS 426.005 to 426.390 either to take a person into custody, or to admit, retain or treat a person in a health care facility.

**Passed by House April 5, 2011**

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

**Passed by Senate May 24, 2011**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2011

**Approved:**

.....M,....., 2011

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2011

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Kate Brown, Secretary of State