

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)

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**.

Allows physician or provider to disregard declaration for mental health treatment if principal is committed to state hospital or facility in certain circumstances.

A BILL FOR AN ACT

1
2 Relating to declarations for mental health; amending ORS 127.720.

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

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

5 127.720. (1) The physician or provider may subject the principal to mental health treatment in
6 a manner contrary to the principal's wishes as expressed in a declaration for mental health treat-
7 ment only:

8 (a) If the principal is committed to the Oregon Health Authority pursuant to ORS 426.005 to
9 426.390 and treatment is authorized in compliance with ORS 426.385 (3) and administrative rule;
10 *or*].

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

12 **(A) The principal is committed to a state hospital or secure intensive community inpa-**
13 **tient facility:**

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

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

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

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

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

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

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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.