

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1181

By: Bush

4
5
6 AS INTRODUCED

7 An Act relating to mental health; amending 43A O.S.
8 2011, Section 5-204, which relates to treatment and
9 medication; modifying location requirement for
10 treatment of inmates in the custody of the Department
of Corrections; and providing an effective date.

11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 43A O.S. 2011, Section 5-204, is
13 amended to read as follows:

14 Section 5-204. A. Appropriate treatment and medication,
15 including psychotropic medication, may be administered to a
16 consenting individual:

17 1. During the detention periods authorized by the Mental Health
18 Law;

19 2. During the time set forth in the Mental Health Law for the
20 precommitment screening examination; or

21 3. While in the custody of the Department of Corrections.

22 B. Treatment and medication may be administered to a
23 nonconsenting individual upon the written order of the physician
24 who:

1 1. Has personally examined the consumer;

2 2. Finds the medication or treatment is necessary to protect
3 the consumer, the facility or others from serious bodily harm; and

4 3. Notes in the medication record of the consumer, with an
5 explanation of the facts leading up to the decision to administer
6 treatment and medication including psychotropic medication.

7 C. Any physician who orders medication in good faith and any
8 employee of the facility who administers medication in good faith
9 pursuant to the written order of a physician, under the provision of
10 this section, shall be immune from civil suits for damages that
11 occur from the administration of medication.

12 D. Seclusion or restraint may be administered to a
13 nonconsenting individual upon the written order of a physician who:

14 1. Personally examined the consumer; and

15 2. Finds that seclusion or restraint is necessary to protect
16 the consumer, the facility, or other persons. The physician shall
17 note in the chart of the consumer an explanation of the decision to
18 administer seclusion or restraint, including administration of
19 psychotropic medication. This shall not prohibit emergency
20 seclusion or restraint, including mechanical restraint, pending
21 notification of a physician.

22 E. If the consumer is under the influence of psychotropic
23 medication during any court hearing held pursuant to Section ~~5-401~~
24 5-415 of this title, the court, and the jury, if any, shall be

1 advised by the district attorney at the beginning of the hearing
2 that:

3 1. The consumer is under the influence of psychotropic
4 medication;

5 2. The purpose of the medication; and

6 3. The effect which such medication may have on the actions,
7 demeanor and participation of the consumer at the hearing.

8 F. If an inmate in the custody of the Department of Corrections
9 has been properly assigned and committed to ~~the Special Care Unit at~~
10 ~~the State Penitentiary~~ a unit described in Section 400 of Title 57
11 of the Oklahoma Statutes, the provisions of this section shall
12 apply.

13 SECTION 2. This act shall become effective November 1, 2019.

14

15 57-1-5115 SH 01/06/19

16

17

18

19

20

21

22

23

24