

BILL ANALYSIS

Senate Research Center
2001S0730/1

C.S.S.B. 22
By: Shapiro
Health & Human Services
3/6/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, Texas law allows minors over the age of 16 who are placed in alcohol and drug rehabilitation centers by a parent or guardian to check themselves out of treatment without parental notice or consent. C.S.S.B. 22 prohibits minors under the age of 18 from refusing drug or alcohol treatment when a parent or guardian is responsible for placing the minor in treatment, and requires the consultation and consent of a parent or guardian prior to the release of a minor under the age of 16 from a treatment center. C.S.B. 22 also provides for a safeguard in the inpatient treatment of the chemical dependency of minors

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Authorizes this Act to be known as “JoJo’s Law.”

SECTION 2. Amends Section 462.009(a), Health and Safety Code, to prohibit a patient who is younger than 18, rather than 16, and is admitted to a drug or alcohol treatment center under Section 462.022(a) (3) (A), from refusing treatment.

SECTION 3. Amends Section 462.022, Health and Safety Code, by defining “minor” for this section. Makes conforming changes.

SECTION 4. Amends Section 462.023(b), Health and Safety Code, to provide that a facility is not required to release the patient if before the end of the 96-hour period, the patient is a minor under the age of 16 admitted with the consent of a parent, guardian, or conservator and that person, after consulting with facility personnel, objects in writing to the release of the patient, rather than minor.

SECTION 5. Amends Chapter 462B, Health and Safety Code, by adding Section 462.0235, as follows:

Sec. 462.0235. DISCHARGE OR RELEASE OF A MINOR 16 OR 17 YEARS OF AGE.

(a) Requires a facility to release a minor 16 or 17 years of age within a reasonable time, not to exceed 96 hours, after the minor requests in writing to be released or, if the minor is admitted under Section 462.022, the minor’s parent requests the release in writing, except as provided by certain subsections within this section.

(b) Provides that a facility is not required to release the patient under certain circumstances.

(c) Requires the certificate of medical examination placed in a patient’s medical record under Subsection (b) to include certain information.

(d) Requires the facility to release the patient within a 96-hour period unless an application for court-ordered treatment or emergency detention is filed and the patient is detained in accordance with this chapter if, on or after the 30th day after the date of admission to the facility, a patient requests to be released.

(e) Authorizes the facility administrator in cases of extreme weather or disaster, to request the judge of a court that has jurisdiction over proceedings brought under Subchapter D to extend the period during which the person may be detained. Authorizes the judge or a magistrate appointed by the judge to by written order made each day, extend the period during which the person may be detained until 4 p.m. on the first succeeding business day. Requires the written order to declare that an emergency exists because of the weather or the occurrence of a disaster.

SECTION 6. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. No change.

SECTION 2. No change.

SECTION 3. No change.

SECTION 4. Deletes proposed SECTION 4 and replaces it with text regarding the discharge or release of a patient.

SECTION 5. Adds a new SECTION 5 that explicitly addresses discharge or release of a minor age 16 or 17.

SECTION 6. Renumbers proposed SECTION 5 as SECTION 6.