

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2864

By: Wallace of the House

and

Bullard of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to mental health; creating the Mental
11 Health Transport Revolving Fund; establishing fund
12 characteristics; authorizing expenditure of funds;
13 providing procedures for expenditures; amending 43A
14 O.S. 2021, Section 1-110, which relates to law
15 enforcement responsibility for transporting persons
16 for mental health services; limiting transportation
17 to certain area under certain condition; requiring
18 transportation responsibility of specified entities;
19 defining term; providing for codification; and
20 providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1-110.1 of Title 43A, unless
24 there is created a duplication in numbering, reads as follows:

 There is hereby created in the State Treasury a revolving fund
for the Department of Mental Health and Substance Abuse Services to
be designated the "Mental Health Transport Revolving Fund". The
fund shall be a continuing fund, not subject to fiscal year

1 limitations, and shall consist of all monies received by the
2 Department from appropriations or other monies directed to the fund.
3 All monies accruing to the credit of the fund are hereby
4 appropriated and may be budgeted and expended by the Department to
5 carry out the provisions provided for in Section 1-110 of Title 43A
6 of the Oklahoma Statutes. Expenditures from the fund shall be made
7 upon warrants issued by the State Treasurer against claims filed as
8 prescribed by law with the Director of the Office of Management and
9 Enterprise Services for approval and payment.

10 SECTION 2. AMENDATORY 43A O.S. 2021, Section 1-110, is
11 amended to read as follows:

12 Section 1-110. A. Sheriffs and peace officers may utilize
13 telemedicine, when such capability is available and is in the
14 possession of the local law enforcement agency, to have a person
15 whom the officer reasonably believes is a person requiring
16 treatment, as defined in Section 1-103 of this title, assessed by a
17 licensed mental health professional employed by or under contract
18 with a facility operated by, certified by or contracted with the
19 Department of Mental Health and Substance Abuse Services. To serve
20 the mental health needs of persons of their jurisdiction, peace
21 officers shall be responsible for transporting individuals in need
22 of initial assessment, emergency detention or protective custody
23 from the initial point of contact to the nearest facility, as
24 defined in Section 1-103 of this title, within a ~~thirty (30) mile~~

1 thirty-mile radius of the peace officer's operational headquarters.
2 If there is not a facility within a ~~thirty (30) mile~~ thirty-mile
3 radius of the peace officer's operational headquarters,
4 transportation to ~~a~~ the nearest facility shall be completed by
5 either the Department of Mental Health and Substance Abuse Services
6 or an entity contracted by the Department for alternative
7 transportation. For purposes of this section, "initial contact" is
8 defined as contact with an individual in need of assessment,
9 emergency detention or protective custody made by a law enforcement
10 officer. ~~Initial contact in this section does not include an~~
11 ~~individual self-presenting at a facility as defined in Section 1-103~~
12 ~~of this title.~~

13 B. A municipal law enforcement agency shall be responsible for
14 transportation as provided in this ~~act~~ section for any individual
15 found within such municipality's jurisdiction. The county sheriff
16 shall be responsible for transportation as provided in this ~~act~~
17 section for any individual found outside of a municipality's
18 jurisdiction, but within the county.

19 C. Once an individual has been presented to the facility, as
20 provided in subsection A of this section, by a transporting law
21 enforcement officer, the ~~transporting law enforcement agency~~
22 Department of Mental Health and Substance Abuse Services or an
23 entity contracted by the Department shall be responsible for any
24 subsequent transportation of such individual pending completion of

1 the initial assessment, emergency detention, protective custody or
2 inpatient services ~~within a thirty (30) mile radius of the peace~~
3 ~~officer's operational headquarters. All transportation over thirty~~
4 ~~(30) miles must be completed by either the Department of Mental~~
5 ~~Health and Substance Abuse Services or an entity contracted by the~~
6 ~~Department for alternative transportation.~~

7 D. Sheriffs and peace officers shall be entitled to
8 reimbursement from the Department of Mental Health and Substance
9 Abuse Services for transportation services associated with minors or
10 adults requiring initial assessment, emergency detention, protective
11 custody and inpatient services.

12 E. Any transportation provided by a sheriff or deputy sheriff
13 or a peace officer on behalf of any county, city, town or
14 municipality of this state, to or from any facility for the purpose
15 of initial assessment, admission, interfacility transfer, medical
16 treatment or court appearance shall be reimbursed in accordance with
17 the provisions of the State Travel Reimbursement Act.

18 F. Nothing in this section shall prohibit a law enforcement
19 agency or the Department of Mental Health and Substance Abuse
20 Services from entering into a lawful agreement with any other law
21 enforcement agency to fulfill the requirements established by this
22 section or from contracting with a third party to provide the
23 services established by this section provided the third party meets
24 minimum standards as determined by the Department.

1 G. A law enforcement agency shall not be liable for the actions
2 of a peace officer commissioned by the agency when such officer is
3 providing services as a third party pursuant to subsection F of this
4 section outside his or her primary employment as a peace officer.

5 SECTION 3. This act shall become effective November 1, 2023.

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7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
8 02/20/2023 - DO PASS, As Amended and Coauthored.

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