

House Bill 41

By: Representatives Lim of the 98<sup>th</sup>, Gunter of the 8<sup>th</sup>, Oliver of the 82<sup>nd</sup>, Newton of the 127<sup>th</sup>,  
Au of the 50<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 37 of the Official Code of Georgia Annotated, relating to mental health, so  
2 as to revise procedures regarding emergency involuntary treatment for mental health and  
3 alcohol and drug dependency; to require that certain documents become part of the patient's  
4 clinical record; to provide for redactions; to provide for related matters; to repeal conflicting  
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by  
9 revising subsections (b) and (c) of Code Section 37-3-41, relating to emergency admission  
10 based on physician's certification or court order, report by apprehending officer, entry of  
11 treatment order into patient's clinical record, and authority of other personnel to act under  
12 statute, as follows:

13 "(b) The appropriate court of the county in which a person may be found may issue an  
14 order commanding any peace officer to take such person into custody and deliver him or  
15 her forthwith for examination, either to the nearest available emergency receiving facility  
16 serving the county in which the patient is found, where such person shall be received for

17 examination, or to a physician who has agreed to examine such patient and who will  
18 provide, where appropriate, a certificate pursuant to subsection (a) of this Code section to  
19 permit delivery of such patient to an emergency receiving facility pursuant to subsection  
20 (a) of this Code section. Such order may only be issued if based either upon an unexpired  
21 physician's certificate, as provided in subsection (a) of this Code section, or upon the  
22 affidavits of at least two persons who attest that, within the preceding 48 hours, they have  
23 seen the person to be taken into custody and that, based upon observations contained in  
24 their affidavit, they have reason to believe such person is a mentally ill person requiring  
25 involuntary treatment. Such physician's certificate or affidavits shall be affixed to the court  
26 order; provided, however, that information personally identifying the affiants shall be  
27 redacted and concealed. The court order shall expire seven days after it is executed.  
28 (c) Any peace officer taking into custody and delivering for examination a person, as  
29 authorized by subsection (a) or (b) of this Code section, shall execute a written report  
30 detailing the circumstances under which such person was taken into custody. The report  
31 and ~~either the physician's certificate or court order authorizing such taking into custody,~~  
32 including such information which is required to be affixed pursuant to subsection (b) of this  
33 Code section, shall be made a part of the patient's clinical record."

34

## SECTION 2.

35 Said title is further amended by revising subsections (b) and (c) of Code Section 37-7-41,  
36 relating to emergency involuntary treatment, who may certify need, delivery for examination,  
37 and report of delivery required, as follows:

38 "(b) The appropriate court of the county in which a person may be found may issue an  
39 order commanding any peace officer to take such person into custody and deliver him  
40 forthwith for examination, either to the nearest available emergency receiving facility  
41 serving the county in which the patient is found, where such person shall be received for  
42 examination, or to a physician who has agreed to examine such patient and who will

43 provide, where appropriate, a certificate pursuant to subsection (a) of this Code section to  
44 permit delivery of such patient to an emergency receiving facility pursuant to subsection  
45 (a) of this Code section. Such order may only be issued if based either upon an unexpired  
46 physician's certificate, as provided in subsection (a) of this Code section, or upon the  
47 affidavits of at least two persons who attest that, within the preceding 48 hours, they have  
48 seen the person to be taken into custody and that, based upon observations contained in  
49 their affidavit, they have reason to believe such person is an alcoholic, a drug dependent  
50 individual, or a drug abuser requiring involuntary treatment. Such physician's certificate  
51 or affidavits shall be affixed to the court order; provided, however, that information  
52 personally identifying the affiants shall be redacted and concealed. The court order shall  
53 expire seven days after it is executed.

54 (c) Any peace officer taking into custody and delivering for examination a person, as  
55 authorized by subsection (a) or (b) of this Code section, shall execute a written report  
56 detailing the circumstances under which such person was taken into custody. The report  
57 and ~~either the physician's certificate or court order authorizing such custody,~~ including such  
58 information which is required to be affixed pursuant to subsection (b) of this Code section,  
59 shall be made a part of the patient's record."

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### SECTION 3.

61 All laws and parts of laws in conflict with this Act are repealed.