

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 4082 By: Wallace of the House
3
and
4
Bullard of the Senate
5
6

7 An Act relating to mental health; amending 43A O.S.
2021, Section 1-110, which relates to law enforcement
8 responsibility for transporting persons for mental
health services; limiting transportation to certain
9 area under certain condition; eliminating exclusion
from certain definition; clarifying when certain
10 duties are considered completed; and providing an
effective date.
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13 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert
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15 "An Act relating to mental health; creating the
Mental Health Transport Revolving Fund; providing for
16 funding; providing for expenditure of fund; amending
43A O.S. 2021, Section 1-110, as last amended by
17 Section 1, Chapter 39, O.S.L. 2021, which relates to
law enforcement responsibility for transporting
18 persons for mental health services; limiting
transportation to certain area under certain
19 condition; requiring transportation responsibility of
specified entities for certain patients; clarifying
20 when certain duties are considered complete;
providing for codification; and providing an
21 effective date.
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24 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

4 There is hereby created in the State Treasury a revolving fund
5 for the Department of Mental Health and Substance Abuse Services to
6 be designated the "Mental Health Transport Revolving Fund". The
7 fund shall be a continuing fund, not subject to fiscal year
8 limitations, and shall consist of all monies received by the
9 Department from appropriations or other monies directed to the fund.
10 All monies accruing to the credit of the fund are hereby
11 appropriated and may be budgeted and expended by the Department to
12 carry out the provisions provided for in Section 1-110 of Title 43A
13 of the Oklahoma Statutes. Expenditures from the fund shall be made
14 upon warrants issued by the State Treasurer against claims filed as
15 prescribed by law with the Director of the Office of Management and
16 Enterprise Services for approval and payment.

17 SECTION 2. AMENDATORY 43A O.S. 2021, Section 1-110, as
18 last amended by Section 1, Chapter 39, O.S.L. 2021, is amended to
19 read as follows:

20 Section 1-110. A. Sheriffs and peace officers may utilize
21 telemedicine, when such capability is available and is in the
22 possession of the local law enforcement agency, to have a person
23 whom the officer reasonably believes is a person requiring
24 treatment, as defined in Section 1-103 of this title, assessed by a

1 licensed mental health professional employed by or under contract
2 with a facility operated by, certified by or contracted with the
3 Department of Mental Health and Substance Abuse Services. To serve
4 the mental health needs of persons of their jurisdiction, peace
5 officers shall be responsible for transporting individuals in need
6 of initial assessment, emergency detention or protective custody
7 from the initial point of contact to the nearest facility, as
8 defined in Section 1-103 of this title, within a ~~thirty (30) mile~~
9 thirty-mile radius of the peace officer's operational headquarters.
10 If transportation is needed within the thirty-mile radius, the law
11 enforcement agency that made the initial contact within its
12 jurisdiction shall be responsible for transporting the individual
13 inside the thirty-mile radius. If there is not a facility within a
14 ~~thirty (30) mile~~ thirty-mile radius of the peace officer's
15 operational headquarters, transportation to a facility shall be
16 completed by either the Department of Mental Health and Substance
17 Abuse Services or an entity contracted by the Department for
18 alternative transportation. For purposes of this section, "initial
19 contact" is defined as contact with an individual in need of
20 assessment, emergency detention or protective custody made by a law
21 enforcement officer. Initial contact in this section does not
22 include an individual self-presenting at a facility as defined in
23 Section 1-103 of this title. For patients who self-present and
24 consent to voluntary transport to a facility for inpatient

1 treatment, arranging transportation of these patients shall be the
2 responsibility of the facility receiving the patient or the patient
3 may arrange other alternative transportation. For patients that
4 self-present and are determined to be a person requiring treatment
5 as defined by Section 1-103 of this title, arranging transportation
6 of these patients shall be the responsibility of the facility
7 receiving the patient. The transportation requirements provided for
8 in this subsection shall be considered complete once a connection
9 has been made with staff of the health care facility and it is
10 apparent the patient is not presenting a clear or immediate threat
11 to the safety of the staff of the receiving facility. Once custody
12 of the individual is transferred to the appropriate health care
13 facility staff, transporting law enforcement shall not be required
14 to remain onsite with the individual pending initial assessment.

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

21 C. Once an individual has been presented to the facility, as
22 provided in subsection A of this section, by a transporting law
23 enforcement officer, the transporting law enforcement agency shall
24 be responsible for any subsequent transportation of such individual

1 pending completion of the initial assessment, emergency detention,
2 protective custody or inpatient services within a ~~thirty (30) mile~~
3 thirty-mile radius of the peace officer's operational headquarters.

4 All transportation over thirty (30) miles must 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.

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

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

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

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

7 SECTION 3. This act shall become effective November 1, 2022."
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9 Passed the Senate the 27th day of April, 2022.
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11 _____
12 Presiding Officer of the Senate

13 Passed the House of Representatives the ____ day of _____,
14 2022.
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17 Presiding Officer of the House
18 of Representatives
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2 BILL NO. 4082

By: Wallace of the House

3 and

4 Bullard of the Senate

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8 2021, Section 1-110, which relates to law enforcement
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10 health services; limiting transportation to certain
11 area under certain condition; eliminating exclusion
12 from certain definition; clarifying when certain
13 duties are considered completed; and providing an
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16 SECTION 4. AMENDATORY 43A O.S. 2021, Section 1-110, is
17 amended to read as follows:

18 Section 1-110. A. Sheriffs and peace officers may utilize
19 telemedicine, when such capability is available and is in the
20 possession of the local law enforcement agency, to have a person
21 whom the officer reasonably believes is a person requiring
22 treatment, as defined in Section 1-103 of this title, assessed by a
23 licensed mental health professional employed by or under contract
24 with a facility operated by, certified by, or contracted with the
Department of Mental Health and Substance Abuse Services. To serve

1 the mental health needs of persons of their jurisdiction, peace
2 officers shall be responsible for transporting individuals in need
3 of initial assessment, emergency detention or protective custody
4 from the initial point of contact to the nearest in-state facility,
5 as defined in Section 1-103 of this title, within a thirty-mile
6 radius of the peace officer's operational headquarters. If
7 transportation is needed within the thirty-mile radius, the law
8 enforcement agency that made the initial contact within its
9 jurisdiction shall be responsible for transporting the individual
10 inside the thirty-mile radius. If there is not a facility within a
11 thirty-mile radius of the peace officer's operational headquarters,
12 transportation to a facility shall be completed by either the
13 Department of Mental Health and Substance Abuse Services or an
14 entity contracted by the Department for alternative transportation.
15 For purposes of this section, "initial contact" is defined as
16 contact with an individual in need of assessment, emergency
17 detention or protective custody made by a law enforcement officer.
18 ~~Initial contact in this section does not include an individual self-~~
19 ~~presenting at a facility as defined in Section 1-103 of this title.~~
20 The transportation requirements provided for in this subsection
21 shall be considered completed once a connection has been made with
22 staff of the health care facility and it is apparent the patient is
23 not a harm to themselves or others.

1 B. A municipal law enforcement agency shall be responsible for
2 transportation as provided in this act for any individual found
3 within such municipality's jurisdiction. The county sheriff shall
4 be responsible for transportation as provided in this act for any
5 individual found outside of a municipality's jurisdiction, but
6 within the county.

7 C. Once an individual has been presented to the facility, as
8 provided in subsection A of this section, by a transporting law
9 enforcement officer, the transporting law enforcement agency shall
10 be responsible for any subsequent transportation of such individual
11 pending completion of the initial assessment, emergency detention,
12 protective custody or inpatient services within a thirty-mile radius
13 of the peace officer's operational headquarters. All transportation
14 over thirty (30) miles must be completed by either the Department of
15 Mental Health and Substance Abuse Services or an entity contracted
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18 reimbursement from the Department of Mental Health and Substance
19 Abuse Services for transportation services associated with minors or
20 adults requiring initial assessment, emergency detention, protective
21 custody and inpatient services.

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23 or a peace officer on behalf of any county, city, town or
24 municipality of this state, to or from any facility for the purpose

1 of initial assessment, admission, interfacility transfer, medical
2 treatment or court appearance shall be reimbursed in accordance with
3 the provisions of the State Travel Reimbursement Act.

4 F. Nothing in this section shall prohibit a law enforcement
5 agency or the Department of Mental Health and Substance Abuse
6 Services from entering into a lawful agreement with any other law
7 enforcement agency to fulfill the requirements established by this
8 section or from contracting with a third party to provide the
9 services established by this section provided the third party meets
10 minimum standards as determined by the Department.

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

15 SECTION 5. This act shall become effective November 1, 2022.
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1 Passed the House of Representatives the 15th day of March, 2022.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2022.

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8 Presiding Officer of the Senate