

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB4082 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Kevin Wallace

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 4082

By: Wallace

7  
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to mental health; amending 43A O.S.  
10 2021, Section 1-110, which relates to law enforcement  
11 responsibility for transporting persons for mental  
12 health services; limiting transportation to certain  
13 area under certain condition; eliminating exclusion  
14 from certain definition; clarifying when certain  
15 duties are considered completed; and providing an  
16 effective date.

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

18 SECTION 1. AMENDATORY 43A O.S. 2021, Section 1-110, is  
19 amended to 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  
licensed mental health professional employed by or under contract  
with a facility operated by, certified by, or contracted with the

1 Department of Mental Health and Substance Abuse Services. To serve  
2 the mental health needs of persons of their jurisdiction, peace  
3 officers shall be responsible for transporting individuals in need  
4 of initial assessment, emergency detention or protective custody  
5 from the initial point of contact to the nearest in-state facility,  
6 as defined in Section 1-103 of this title, within a thirty-mile  
7 radius of the peace officer's operational headquarters. If  
8 transportation is needed within the thirty-mile radius, the law  
9 enforcement agency that made the initial contact within its  
10 jurisdiction shall be responsible for transporting the individual  
11 inside the thirty-mile radius. If there is not a facility within a  
12 thirty-mile radius of the peace officer's operational headquarters,  
13 transportation to a facility shall be completed by either the  
14 Department of Mental Health and Substance Abuse Services or an  
15 entity contracted by the Department for alternative transportation.  
16 For purposes of this section, "initial contact" is defined as  
17 contact with an individual in need of assessment, emergency  
18 detention or protective custody made by a law enforcement officer.  
19 ~~Initial contact in this section does not include an individual self-~~  
20 ~~presenting at a facility as defined in Section 1-103 of this title.~~  
21 The transportation requirements provided for in this subsection  
22 shall be considered completed once a connection has been made with  
23 staff of the health care facility and it is apparent the patient is  
24 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  
16 by the Department for alternative transportation.

17       D. Sheriffs and peace officers shall be entitled to  
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.

22       E. Any transportation provided by a sheriff or deputy sheriff  
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 2. This act shall become effective November 1, 2022.  
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