

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

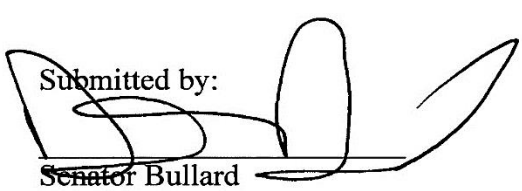
No. 1

☐ COMMITTEE AMENDMENT


(Date)

I move to amend House Bill No. 4082, by substituting the attached floor substitute (Request # 3837) for the title, enacting clause and entire body of the measure.

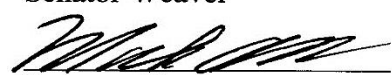
Submitted by:


Senator Bullard

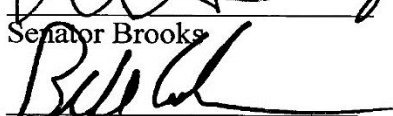
I hereby grant permission for the floor substitute to be adopted.


Senator Paxton, Chair (required)

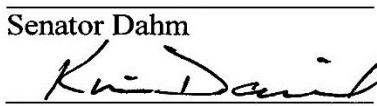

Senator Weaver

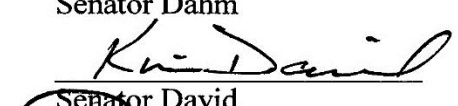

Senator Allen


Senator Bergstrom

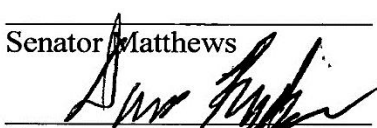

Senator Brooks


Senator Coleman

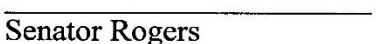

Senator Dahm

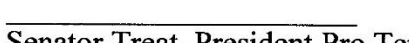

Senator David

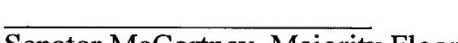

Senator Jech


Senator Matthews


Senator Rader


Senator Rogers


Senator Treat, President Pro Tempore


Senator McCartney, Majority Floor Leader

Note: Public Safety committee majority requires seven (7) members' signatures.

Bullard-JES-FS-HB4082
4/18/2022 10:37 AM

(Floor Amendments Only)

Date and Time Filed: 4-18-22 2:32 pm fd

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

HOUSE BILL NO. 4082

By: Wallace of the House

5 and

6 Bullard of the Senate

7
8
9 FLOOR SUBSTITUTE

10 An Act relating to mental health; creating the Mental
11 Health Transport Revolving Fund; providing for
12 funding; providing for expenditure of fund; amending
13 43A O.S. 2021, Section 1-110, as last amended by
14 Section 1, Chapter 39, O.S.L. 2021, which relates to
15 law enforcement responsibility for transporting
16 persons for mental health services; limiting
17 transportation to certain area under certain
18 condition; requiring transportation responsibility of
19 specified entities for certain patients; clarifying
20 when certain duties are considered complete;
21 providing for codification; and providing an
22 effective date.

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

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-110.1 of Title 43A, unless
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

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

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

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

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

1 of these patients shall be the responsibility of the facility
2 receiving the patient. The transportation requirements provided for
3 in this subsection shall be considered complete once a connection
4 has been made with staff of the health care facility and it is
5 apparent the patient is not presenting a clear or immediate threat
6 to the safety of the staff of the receiving facility. Once custody
7 of the individual is transferred to the appropriate health care
8 facility staff, transporting law enforcement shall not be required
9 to remain onsite with the individual pending initial assessment.

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

16 C. Once an individual has been presented to the facility, as
17 provided in subsection A of this section, by a transporting law
18 enforcement officer, the transporting law enforcement agency shall
19 be responsible for any subsequent transportation of such individual
20 pending completion of the initial assessment, emergency detention,
21 protective custody or inpatient services within a ~~thirty~~ (30) mile
22 thirty-mile radius of the peace officer's operational headquarters.
23 All transportation over thirty (30) miles must be completed by
24 either the Department of Mental Health and Substance Abuse Services

1 or an entity contracted by the Department for alternative
2 transportation.

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

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

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

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

SECTION 3. This act shall become effective November 1, 2022.

58-2-3837 JES 4/18/2022 3:04:50 PM