

# Enrolled Senate Bill 72

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CHAPTER .....

## AN ACT

Relating to mental health; amending ORS 127.720 and 179.701.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 127.720 is amended to read:

127.720. (1) The physician or provider may subject the principal to mental health treatment in a manner contrary to the principal's wishes as expressed in a declaration for mental health treatment only:

(a) If the principal is committed **pursuant to ORS 426.005 to 426.390 or 426.701** to the Oregon Health Authority [*pursuant to ORS 426.005 to 426.390*] and treatment is authorized in compliance with ORS 426.385 (3) and administrative rule.

(b) If treatment is authorized in compliance with administrative rule and:

(A) The principal is committed to a state hospital or secure intensive community inpatient facility:

(i) As a result of being found guilty except for insanity under ORS 161.295 or responsible except for insanity under ORS 419C.411;

(ii) Under ORS 161.365; or

(iii) Under ORS 161.370; or

(B) The principal is transferred to a state hospital or other facility under ORS 179.473 or 419C.530.

(c) In cases of emergency endangering life or health.

(2) A declaration does not limit any authority provided in ORS 426.005 to 426.390 either to take a person into custody, or to admit, retain or treat a person in a health care facility.

**SECTION 2.** ORS 179.701 is amended to read:

179.701. (1)(a) The cost-of-care rates for a person who is or was in a state institution described in ORS 179.321 shall be determined by the Department of Corrections or the Oregon Health Authority, as appropriate. The rates established shall be reasonably related to current costs of the institutions as described in ORS 179.321.

(b) Current costs **for a person who is or was in a Department of Corrections institution** shall exclude costs of outpatient services as defined in ORS 430.010 and any other costs not directly related to the care for a person at a state institution.

(c) **Current costs for a person who is or was in the Oregon State Hospital shall include costs of outpatient services as defined in ORS 430.010 and exclude any other costs not directly related to the care for a person at a state institution.**

(2) The cost-of-care rates for a person who was a resident of the Eastern Oregon Training Center shall be determined by the Department of Human Services. The rates established shall be reasonably related to the costs to operate, control, manage and supervise the state training center at the time of the person's residency. The department must exclude costs of outpatient services as defined in ORS 430.010 and any other costs not directly related to the care of the person at the state training center.

**Passed by Senate April 19, 2021**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House May 11, 2021**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2021

**Approved:**

.....M.,....., 2021

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2021

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Shemia Fagan, Secretary of State