

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

February 21, 2019

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB19-1044 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 4, lines 10 and 11, strike "OR PERSON
2 ENTITLED TO A PORTION OF THE ADULT'S ESTATE," and substitute "PERSON
3 WHO AT THE TIME OF THE ADULT'S SIGNATURE HAS A CLAIM AGAINST ANY
4 PORTION OF THE ADULT'S ESTATE AT THE TIME OF THE ADULT'S DEATH, OR
5 PERSON WHO KNOWS OR BELIEVES THAT HE OR SHE HAS AN ENTITLEMENT
6 TO ANY PORTION OF THE ADULT'S ESTATE AT THE TIME OF THE ADULT'S
7 DEATH EITHER AS A BENEFICIARY OF A WILL THAT EXISTS AT THE TIME OF
8 THE ADULT'S SIGNATURE OR AS AN HEIR AT LAW,".

9 Page 5, after line 23 insert:

10 "(10) "SOUND MIND" MEANS THE ABILITY TO PROVIDE INFORMED
11 CONSENT TO OR REFUSAL OF BEHAVIORAL HEALTH TREATMENT OR THE
12 ABILITY TO MAKE AN INFORMED BEHAVIORAL HEALTH CARE BENEFIT
13 DECISION."

14 Page 7, after line 17 insert:

15 "(4) A BEHAVIORAL HEALTH ORDERS FORM MAY BE ADMISSIBLE IN
16 A HEARING PURSUANT TO SECTION 27-65-111 FOR THE PURPOSE OF
17 ESTABLISHING THE ADULT'S BEHAVIORAL HEALTH TREATMENT,
18 MEDICATION, AND ALTERNATIVE TREATMENT HISTORY, DECISIONS, AND
19 PREFERENCES TO BE MADE ON BEHALF OF THE ADULT DURING AN
20 INVOLUNTARY EMERGENCY PROCEDURE OR COMMITMENT AUTHORIZED
21 PURSUANT TO STATE LAW.

22 (5) NOTHING IN THIS PART 2 MEANS THAT AN ADULT WHO HAS

1 EXECUTED A BEHAVIORAL HEALTH ORDERS FORM HAS WAIVED THE RIGHT
2 TO A HEARING BEFORE THE COURT OR JURY PURSUANT TO SECTION
3 27-65-111.

4 (6) NOTHING IN THIS PART 2 MEANS THAT AN ADULT WHO HAS
5 EXECUTED A BEHAVIORAL HEALTH ORDERS FORM HAS CONSENTED TO A
6 PETITION FOR INVOLUNTARY ADMINISTRATION OF MEDICATION AUTHORITY
7 PURSUANT TO SECTION 27-65-111 (5).".

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