

Amendment No. 1 to SB0579

Crowe  
Signature of Sponsor

AMEND Senate Bill No. 579

House Bill No. 643\*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 33, Chapter 2, Part 5, is amended by adding the following new section:

(a) As used in this section:

(1) "Emergency mental health transport" means a transport of a person to or from a second or subsequent mental health evaluation by a mental health professional for purposes of emergency mental health evaluation or treatment pursuant to chapter 6 of this title; and

(2) "Mental health transport" means the transport of a person to or from a hospital, mental health facility, or other facility for purposes of non-emergency mental health evaluation or treatment.

(b)

(1) No later than July 1, 2020, the department shall:

(A) Identify the five (5) counties with the greatest number of emergency mental health transports and mental health transports by law enforcement during the most recent twelve-month period for which data is available; and

(B) Enter into an agreement with one (1) or more transport agents to provide emergency mental health transports and mental health transports in the five (5) counties identified pursuant to subdivision (b)(1)(A) for persons who are not under arrest or in the custody of law enforcement.

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(2) On and after July 1, 2020, but before July 1, 2021, law enforcement in the five (5) counties identified by the department pursuant to subdivision (b)(1)(A) is not required to provide an emergency mental health transport or mental health transport for a person who is not under arrest or in the custody of law enforcement.

(c) On and after July 1, 2021, law enforcement is not required to provide an emergency mental health transport or mental health transport for a person who is not under arrest or in the custody of law enforcement.

(d) Nothing in this section prohibits a law enforcement agency from voluntarily performing an emergency mental health transport or mental health transport at the discretion of the chief law enforcement officer of that agency.

SECTION 2. Tennessee Code Annotated, Section 33-2-501, is amended by deleting the language "law enforcement, and public and private service providers" and substituting instead the language "and public and private service providers, excluding law enforcement".

SECTION 3. Tennessee Code Annotated, Section 33-6-406, is amended by deleting the section and substituting instead the following:

(a)

(1) If the person certified for admission under § 33-6-404 is not already at the facility, hospital, or treatment resource at which the person is proposed to be admitted, then the physician, psychologist, or designated professional who completed the certificate of need under § 33-6-404 shall give the transportation agent designated under part 9 of this chapter the original of the certificate and

turn the person over to the custody of the transportation agent. The transportation agent shall transport the person to a hospital or treatment resource that has available suitable accommodations for the person for proceedings under § 33-6-407.

(2) If admission is sought to a state-owned or state-operated hospital or treatment resource, then the physician, psychologist, or designated professional who completed the certificate of need under § 33-6-404 shall also provide to the transportation agent a written statement verifying that the state-owned or state-operated hospital or treatment resource has been contacted and has available suitable accommodations, and the transportation agent is not required to take custody of the person for transportation unless both the original of the certificate and the written statement are provided. The transportation agent shall provide both a certificate of need and the written statement to the receiving state-owned or state-operated hospital or treatment resource for proceedings under § 33-6-407.

(b)

(1) Before transportation begins, the transportation agent shall notify the hospital or treatment resource at which the person is proposed to be admitted of the person's location and the estimated time of arrival at the hospital or treatment resource.

(2) The transportation agent shall notify the hospital or treatment resource of the estimated time of arrival. If the transportation agent provides notice and arrives at the hospital or treatment resource prior to the estimated time of arrival, then the transportation agent shall remain at the hospital or treatment resource long enough for the person to be evaluated for admission under § 33-6-407, but not longer than one (1) hour and forty-five (45) minutes. After one (1) hour and forty-five (45) minutes, the person is the responsibility of

the evaluating hospital or treatment resource, and the transportation agent may leave.

(3) In counties having a population of six hundred thousand (600,000) or more according to the 1970 federal census of population or any subsequent federal census, subdivisions (b)(1) and (2) do not apply, and the transportation agent is relieved of further transportation duties after the person has been delivered to the hospital or treatment resource, and transportation duties must be assumed by appropriate personnel of the hospital or treatment resource.

SECTION 4. Tennessee Code Annotated, Section 33-6-407, is amended by deleting the language "sheriff or" wherever it appears.

SECTION 5. Tennessee Code Annotated, Section 33-6-505, is amended by deleting the language "sheriff or other".

SECTION 6. Tennessee Code Annotated, Section 33-6-615, is amended by deleting subdivisions (2) and (3) and substituting instead the following:

(2) the qualified mental health professional shall contact a transportation agent,

AND

(3) the transportation agent shall immediately transport the person to the hospital from which the person was discharged, AND

SECTION 7. Tennessee Code Annotated, Section 33-6-901, is amended by deleting the section.

SECTION 8. Tennessee Code Annotated, Section 33-7-104, is amended by deleting the language "sheriff or other".

SECTION 9. Section 1 of this act shall take effect upon becoming a law, the public welfare requiring it. Sections 2-8 of this act shall take effect July 1, 2021, the public welfare requiring it.