

HOUSE BILL NO. HB0102

Hospitalization of mentally ill persons.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 AN ACT relating to emergency detention and involuntary
2 hospitalization proceedings; providing that proceedings
3 involving minor children be brought under the Child
4 Protection Act, as specified; and providing for an
5 effective date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 25-10-109(f) and 25-10-110 by
10 creating a new subsection (o) are amended to read:

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12 **25-10-109. Emergency detention.**

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14 (f) When a person is detained under emergency
15 circumstances, treatment may be given during the emergency
16 detention period if the person voluntarily and knowingly

1 consents. The parent or guardian of a minor or incompetent
2 person may consent to treatment. If the parent or guardian
3 of a minor patient does not consent to treatment, this
4 section shall not apply and any further proceedings
5 regarding the minor shall be pursuant to the Child
6 Protection Act. Treatment may be given without the consent
7 of the detained person or his parent or guardian when
8 treatment is limited to diagnosis or evaluation or when
9 treatment is necessary to prevent immediate and serious
10 physical harm to the person or others. Prior to treatment,
11 the person shall be fully advised of the scope of
12 treatment, and a report of the treatment shall be filed
13 with the court if involuntary hospitalization proceedings
14 are commenced. An examiner or a physician who provides
15 treatment in good faith pursuant to this subsection shall
16 be immune from civil liability for the treatment except
17 there shall be no immunity from liability for negligent
18 acts or deliberate misconduct.

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20 **25-10-110. Involuntary hospitalization proceedings.**

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22 (o) This section shall apply only to proposed
23 patients who are adults. A proceeding involving a proposed

1 patient who is a minor shall be pursuant to the Child
2 Protection Act.

3

4 **Section 2.** This act is effective July 1, 2013.

5

6 (END)