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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-SIXTH  
SESSION

**HOUSE FILE No. 388**

January 29, 2009

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The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

1.1 A bill for an act  
1.2 relating to mental illness; prohibiting participation in clinical drug trials;  
1.3 amending Minnesota Statutes 2008, section 253B.095, subdivision 1.

1.4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

1.5 Section 1. Minnesota Statutes 2008, section 253B.095, subdivision 1, is amended to  
1.6 read:

1.7 Subdivision 1. **Court release.** (a) After the hearing and before a commitment order  
1.8 has been issued, the court may release a proposed patient to the custody of an individual or  
1.9 agency upon conditions that guarantee the care and treatment of the patient.

1.10 (b) A person against whom a criminal proceeding is pending may not be released.

1.11 (c) A continuance for dismissal, with or without findings, may be granted for up to  
1.12 90 days.

1.13 (d) When the court stays an order for commitment for more than 14 days beyond the  
1.14 date of the initially scheduled hearing, the court shall issue an order that must include:

1.15 (1) a written plan for services to which the proposed patient has agreed;

1.16 (2) a finding that the proposed treatment is available and accessible to the patient  
1.17 and that public or private financial resources are available to pay for the proposed  
1.18 treatment; ~~and~~

1.19 (3) conditions the patient must meet to avoid revocation of the stayed commitment  
1.20 order and imposition of the commitment order;

1.21 (4) a condition that the patient is prohibited from giving consent to participate in  
1.22 a clinical drug trial while the court order is in effect; and

1.23 (5) services that must be provided to the patient to ensure that the patient receives the  
1.24 active psychiatric treatment the patient would receive if the commitment not been stayed.

- 2.1 (e) A person receiving treatment under this section has all rights under this chapter.