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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **388**

January 29, 2009

Authored by Bigham, Greiling and Liebling

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

March 16, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Civil Justice

March 26, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

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; and

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

1.23 (e) If a stay of commitment is continued as provided in subdivision 3, the court may
1.24 allow the patient to give consent to participate in a specific psychiatric clinical drug trial if

- 2.1 the treating psychiatrist submits an affidavit that the patient may benefit from participating
2.2 in the trial because treatment options offered have been ineffective. The treating
2.3 psychiatrist must not be the psychiatrist conducting the psychiatric clinical drug trial.
2.4 ~~(e)~~ (f) A person receiving treatment under this section has all rights under this
2.5 chapter.