

SUBJECT: Chemical dependency treatment for minors aged 16-18

COMMITTEE: Public Health — favorable, with amendment

VOTE: 7 ayes — Gray, Capelo, Delisi, Glaze, Longoria, Maxey, Uresti
0 nays
2 absent — Coleman, Wohlgemuth

SENATE VOTE: On final passage, March 13 — 30-0

WITNESSES: None

BACKGROUND: Health and Safety Code, sec. 462.009 entitles a patient to refuse treatment unless the patient is under 16 years old, incompetent, or may cause imminent physical harm. Sec. 462.022 allows a minor to be admitted to treatment for chemical dependency with the permission of a parent or guardian if the child is under age 16. Minors over age 16 do not need parental consent for admission or release. A treatment facility must release a patient within 96 hours of the patient's request unless the patient withdraws the request, an application for court-ordered treatment or emergency detention is filed, or the patient is a minor who was admitted with the consent of a parent who objects to the release.

DIGEST: SB 22, as amended, would raise the age of consent for chemical dependency treatment from 16 to 18. It would require parental consent for admission and release from a chemical dependency treatment program for minors. Minors over age 16 still could admit themselves to treatment without parental consent. If a minor over age 16 who was admitted to treatment at request of a parent wished to be released, the treatment facility would have to consult with the parent. If the parent objected, the facility would have to continue to treat the patient as a voluntary patient.

If a weather emergency or other natural disaster occurred, the treatment facility could ask a court to extend the treatment period. The court could delay release each day until 4 p.m. the following business day.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

**SUPPORTERS
SAY:**

SB 22 would ensure that teenagers get the treatment they need for chemical dependency. Under current law, 16-year-old minors can check themselves out of treatment whether or not they checked themselves in. If parents have to go through the heartbreak of putting their child in treatment, they should be assured that their child will get the needed treatment.

Parents are legally responsible for their children until they reach age 18. Current law does not allow parents to ensure chemical dependency treatment for their children, even though the parents are responsible for their actions.

SB 22 would not reduce oversight even though it would remove the court's role in the process. In 1993, the Legislature implemented regulation of treatment for minors that was designed to ensure children were appropriately treated and included stringent admission procedures and treatment guidelines. The oversight that was built into this legislation is sufficient to ensure that children are appropriately treated without the additional oversight of a court.

**OPPONENTS
SAY:**

Parents already can go to a court and request involuntary treatment that would keep the child in treatment for a specific length of time. The court's involvement provides oversight that ensures that the child receives appropriate treatment. SB 22 would thwart that process, resulting in less oversight of the child's treatment.

NOTES:

The committee amendment would remove provisions in the Senate-passed version relating to discharge or release of a minor aged 16 or 17 and replace them with the release procedures relating to parental objections.