

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 806, Page 45, Section 630.005, Line 141,  
2 by inserting immediately after all of said section and line the following:

3  
4 "630.130. 1. Every patient, whether voluntary or involuntary, in a public or private mental  
5 health facility shall have the right to refuse electroconvulsive therapy.

6 2. Before electroconvulsive therapy may be administered voluntarily to a patient, the patient  
7 shall be informed, both orally and in writing, of the risks of the therapy and shall give his express  
8 written voluntary consent to receiving the therapy.

9 3. Involuntary electroconvulsive therapy may be administered under a court order after a  
10 full evidentiary hearing where the patient refusing such treatment is represented by counsel who  
11 shall advocate his or her position. The therapy may be administered on an involuntary basis only if  
12 it is shown, by clear and convincing evidence, that the therapy is necessary under the following  
13 criteria:

14 (1) There is a strong likelihood that the therapy will significantly improve or cure the  
15 patient's mental disorder for a substantial period of time without causing him any serious functional  
16 harm; and

17 (2) There is no less drastic alternative form of therapy which could lead to substantial  
18 improvement in the patient's condition.

19  
20 At the conclusion of such hearing, if the petitioner has sustained his burden of proof, the court may  
21 order up to a specified number of involuntary electroconvulsive therapy treatments to be performed  
22 over a specified period of time.

23 4. Parents of minor patients or legal guardians of incompetent patients shall be required to  
24 obtain court orders authorizing electroconvulsive therapy under the procedures specified in  
25 subsection 3 of this section.

26 5. Persons who are diagnosed solely as intellectually disabled shall not be subject to  
27 electroconvulsive therapy.

28 6. If the judge finds that the respondent is unable to pay attorney's fees for the services  
29 rendered in the proceedings the judge shall allow a reasonable attorney's fee for the services, which  
30 fee shall be assessed as costs and paid together with all the costs in the proceeding by the state, in  
31 accordance with rules and regulations promulgated by the state court administrator, from funds  
32 appropriated to the office of administration for such purposes provided that no attorney's fees shall  
33 be allowed for services rendered by any attorney who is a salaried employee of a public agency or a  
34 private agency which receives public funds.

35 7. Electroconvulsive therapy shall not be administered to any individual under sixteen years  
36 of age. Any individual or mental health facility that violates the provisions of this subsection shall

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 be subject to a fine not to exceed one hundred thousand dollars, a term of imprisonment of two  
2 years, or both. Any individual or mental health facility that violates the provisions of this  
3 subsection shall be liable for compensation to any individual upon whom electroconvulsive therapy  
4 was administered."; and  
5

6 Further amend said bill by amending the title, enacting clause, and intersectional references  
7 accordingly.