

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: H1/30/25 H2/6/25 H2/20/25

2 95th General Assembly

## A Bill

3 Regular Session, 2025

HOUSE BILL 1169

4

5 By: Representative L. Johnson

6 By: Senator B. Davis

7

8

### For An Act To Be Entitled

9 AN ACT TO CLARIFY THE ADMISSION CRITERIA FOR AN  
10 INVOLUNTARY COMMITMENT TO INCLUDE A PERSON WHO IS IN  
11 A MENTAL CONDITION AS A RESULT OF A MEDICAL  
12 CONDITION; AND FOR OTHER PURPOSES.

13

14

15

### Subtitle

16

17

18

19

20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22

23 *SECTION 1. Arkansas Code § 20-47-202, concerning definitions relating*  
24 *to commitment and treatment for persons with mental illness, is amended to*  
25 *add an additional subdivision to read as follows:*

26

27

28

29

30

31

32

33

34

35

36

(22) "Behavioral health impairment" means a substantial impairment of emotional processes, the ability to exercise conscious control of one's actions, or the ability to perceive reality or to reason, when the impairment is manifested by instances of extremely abnormal behavior or extremely faulty perceptions that interfere with one (1) or more activities of daily living.

*SECTION 2. Arkansas Code § 20-47-207(c)(1), concerning the admission criteria into a healthcare facility for an involuntary commitment, is amended to read as follows:*

(c) Involuntary Admission Criteria.



1 (1) A person shall be eligible for involuntary admission if he  
2 or she is in ~~such~~ a mental condition as a result of ~~mental~~:

3 (A) A mental illness, disease, or disorder that he or she  
4 poses a clear and present danger to himself or herself or others; or

5 (B) A medical condition that causes a behavioral health  
6 impairment, including without limitation dementia, encephalitis,  
7 or delirium, that he or she poses a clear and present danger to  
8 himself or herself or others.

9  
10 SECTION 3. Arkansas Code § 20-47-207(c)(2)(D)(ii), concerning the  
11 definition of "a clear and present danger to himself or herself" relating to  
12 the admission criteria into a healthcare facility for an involuntary  
13 commitment, is amended to read as follows:

14 (ii) The person needs ~~mental~~ health treatment on a  
15 continuing basis to prevent a relapse or harmful deterioration of his or her  
16 ~~condition~~ mental condition as a result of subdivision (c)(1)(A) or (c)(1)(B)  
17 of this section; and

18  
19 SECTION 4. Arkansas Code § 20-47-210(c), concerning immediate  
20 confinement by a healthcare facility for seventy-two (72) hours, is amended  
21 to read as follows:

22 (c) If the person is transported to a hospital or to a receiving  
23 facility or program or to the office of a licensed physician of the State of  
24 Arkansas or of the United States Government, either salaried or self-  
25 employed, for purposes of initial evaluation and treatment, then the hospital  
26 or receiving facility or program or physician may detain the person for  
27 initial evaluation and treatment provided:

28 (1) The person is immediately advised of his or her rights as  
29 provided in § 20-47-211 and informed that he or she maintains all fundamental  
30 rights under § 20-47-220;

31 (2) The person is determined by the treatment staff of the  
32 hospital or receiving facility or program or by the physician to be of danger  
33 to himself or herself or others as defined in § 20-47-207 or has a medical  
34 condition that causes a behavioral health impairment, including without  
35 limitation mental disability, dementia, or other permanent or temporary  
36 behavioral health impairment, that he or she poses a clear and present danger

1 under to himself or herself or others as defined under § 20-47-207(c)(2);

2 (3) The person is provided a telephone number for the hospital  
3 or receiving facility or program's department of patient relations, risk  
4 management, or other similar department;

5 (4) The person is seen and evaluated by a physician or advanced  
6 practice registered nurse every twenty-four (24) hours to confirm whether the  
7 immediate confinement remains warranted;

8 (5) The limitations on treatment for a person under this section  
9 shall be same as the limitations on treatment under § 20-47-218;

10 (6) The authority of the sheriff of the county or law  
11 enforcement of the city of the first class where the hospital or receiving  
12 facility or program is located or the security officer of the hospital or  
13 receiving facility or program shall be the same as the authority under § 20-  
14 47-219(a); and

15 ~~(3)(7)~~ A hearing pursuant to § 20-47-209(a)(1) is held within  
16 the specified time period.

17  
18 /s/L. Johnson  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36