

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

State of Arkansas      *As Engrossed: H1/30/25 H2/6/25 H2/20/25*  
95th General Assembly      **A Bill**  
Regular Session, 2025

HOUSE BILL 1169

By: Representative L. Johnson

By: Senator B. Davis

### **For An Act To Be Entitled**

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

### **Subtitle**

TO CLARIFY THE ADMISSION CRITERIA FOR AN INVOLUNTARY COMMITMENT TO INCLUDE A PERSON WHO IS IN A MENTAL CONDITION AS A RESULT OF A MEDICAL CONDITION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

/s/L. Johnson