**A** **BILL**

TO AMEND SECTION 44-17-440 OF THE 1976 CODE, RELATING TO THE CUSTODY AND TRANSPORT OF A PERSON WHO IS BELIEVED TO HAVE A MENTAL ILLNESS AND IS REQUIRING IMMEDIATE CARE, TO PROVIDE THAT A STATE OR LOCAL LAW ENFORCEMENT OFFICER RESPONSIBLE FOR TRANSPORTING THE PATIENT MUST BE A PART OF A THERAPEUTIC TRANSPORT UNIT AND HAVE UNDERGONE MENTAL HEALTH AND CRISIS INTERVENTION TRAINING, AND TO PROVIDE THAT A PHYSICIAN RESPONSIBLE FOR THE PATIENT’S CARE MUST NOTIFY A FRIEND OR RELATIVE THAT THE FRIEND OR RELATIVE MAY TRANSPORT THE PATIENT TO THE MENTAL HEALTH FACILITY AND THAT THE FRIEND OR RELATIVE FREELY CHOOSES TO ASSUME THAT RESPONSIBILITY AND LIABILITY FOR THE TRANSPORT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44-17-440 of the 1976 Code is amended to read:

“Section 44-17-440. (A) The certificate required by Section 44‑17‑410, emergency admission, must authorize and require a state or local law enforcement officer~~, preferably in civilian clothes and preferably with crisis intervention training,~~ to take into custody and transport the person to the hospital designated by the certification. No person may be taken into custody after the expiration of three days from the date of certification. In the event of a natural disaster or the existence of life-threatening conditions during the time that a person may be taken into custody, the certificate expires three days after conditions are determined to be safe for transport. ~~A friend or relative may transport the individual to the mental health facility designated in the application or engage the services of an emergency medical technician as defined by Section 44‑61‑310, if the friend or relative has read and signed a statement on the certificate which clearly states that it is the responsibility of a state or local law enforcement officer to provide timely transportation for the patient and that the friend or relative freely chooses to assume that responsibility and liability. A friend or relative who chooses to transport the patient is not entitled to reimbursement from the State for the cost of the transportation.~~ An officer or an emergency medical technician acting in accordance with this article is immune from civil liability. Upon entering a written agreement between the local law enforcement agency, the governing body of the local government, the emergency medical service providers, and the directors of the community mental health centers, an alternative transportation program utilizing peer supporters and case managers may be arranged for nonviolent persons requiring mental health treatment. The agreement clearly must define the responsibilities of each party and the requirements for program participation.

(B) A state or local law enforcement officer responsible for transporting the patient should be a part of a therapeutic transport unit and must have undergone crisis intervention training. Officers in a therapeutic transport unit should dress in civilian clothes and use an unmarked sedan to the extent possible when transporting a patient.

(C) A physician responsible for the patient’s care must notify a friend or relative that the friend or relative may transport the patient to the mental health facility designated in the application or engage the services of an emergency medical technician as defined by Section 44‑61‑310. The friend or relative must read and sign a statement on the certificate stating that it is the responsibility of a state or local law enforcement officer to provide timely transportation for the patient and that the friend or relative freely chooses to assume that responsibility and liability. A friend or relative who chooses to transport the patient is not entitled to reimbursement from the State for the cost of the transportation. ~~(B)~~(D) An individual who has been certified for an involuntary emergency admission but not yet admitted to a facility and needs to be transported from a mental health center or an emergency department of a hospital to another facility for admission may be transported by an emergency medical technician.”

SECTION 2. This act takes effect upon approval by the Governor.

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