

# HOUSE BILL NO. 4752

July 29, 2025, Introduced by Reps. Schriver, Maddock, Fox, Cavitt, Markkanen and Carra and referred to Committee on Government Operations.

A bill to amend 1974 PA 258, entitled  
"Mental health code,"  
by amending section 100a (MCL 330.1100a), as amended by 2023 PA  
118; and to repeal acts and parts of acts.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 100a. (1) "Abilities" means the qualities, skills, and  
2 competencies of an individual that reflect the individual's talents  
3 and acquired proficiencies.

4       (2) "Abuse" means nonaccidental physical or emotional harm to  
5 a recipient, or sexual contact with or sexual penetration of a

recipient as those terms are defined in section 520a of the Michigan penal code, 1931 PA 328, MCL 750.520a, that is committed by an employee or volunteer of the department, a community mental health services program, or a licensed hospital or by an employee or volunteer of a service provider under contract with the department, community mental health services program, or licensed hospital.

(3) "Adaptive skills" means skills in 1 or more of the following areas:

- (a) Communication.
- (b) Self-care.
- (c) Home living.
- (d) Social skills.
- (e) Community use.
- (f) Self-direction.
- (g) Health and safety.
- (h) Functional academics.
- (i) Leisure.
- (j) Work.

(4) "Adult foster care facility" means an adult foster care facility licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

(5) "Alcohol and drug abuse counseling" means the act of counseling, modification of substance use disorder related behavior, and prevention techniques for individuals with substance use disorder, ~~their~~ **the individuals'** significant others, and individuals who could potentially develop a substance use disorder.

(6) "Applicant" means an individual or ~~his or her~~ **the individual's** legal representative who makes a request for mental

1 health services.

2 (7) "Approved service program" means a substance use disorder  
3 services program licensed under part 62 of the public health code,  
4 1978 PA 368, MCL 333.6230 to 333.6251, to provide substance use  
5 disorder treatment and rehabilitation services by the department-  
6 designated community mental health entity and approved by the  
7 federal government to deliver a service or combination of services  
8 for the treatment of incapacitated individuals.

9 (8) "Assisted outpatient treatment" or "AOT" means the  
10 categories of outpatient services ordered by the court under  
11 section 468 or 469a. Assisted outpatient treatment may include a  
12 case management plan and case management services to provide care  
13 coordination under the supervision of a psychiatrist and developed  
14 in accordance with person-centered planning under section 712.  
15 Assisted outpatient treatment may also include 1 or more of the  
16 following categories of services: medication; periodic blood tests  
17 or urinalysis to determine compliance with prescribed medications;  
18 individual or group therapy; day or partial day programming  
19 activities; vocational, educational, or self-help training or  
20 activities; assertive community treatment team services; alcohol or  
21 substance use disorder treatment and counseling and periodic tests  
22 for the presence of alcohol or illegal drugs for an individual with  
23 a history of alcohol abuse or substance use disorder; supervision  
24 of living arrangements; and any other services within a local or  
25 unified services plan developed under this act that are prescribed  
26 to treat the individual's mental illness and to assist the  
27 individual in living and functioning in the community or to attempt  
28 to prevent a relapse or deterioration that may reasonably be  
29 predicted to result in suicide, the need for hospitalization, or

1 serious violent behavior. The medical review and direction included  
2 in an assisted outpatient treatment plan shall be provided under  
3 the supervision of a psychiatrist.

4 (9) "Board" means the governing body of a community mental  
5 health services program.

6 (10) "Board of commissioners" means a county board of  
7 commissioners.

8 (11) "Center" means a facility operated by the department to  
9 admit individuals with developmental disabilities and provide  
10 habilitation and treatment services.

11 (12) "Certification" means formal approval of a program by the  
12 department in accordance with standards developed or approved by  
13 the department.

14 (13) "Child abuse" and "child neglect" mean those terms as  
15 defined in section 2 of the child protection law, 1975 PA 238, MCL  
16 722.622.

17 (14) "Child and adolescent psychiatrist" means 1 or more of  
18 the following:

19 (a) A physician who has completed a residency program in child  
20 and adolescent psychiatry approved by the Accreditation Council for  
21 Graduate Medical Education or the American Osteopathic Association,  
22 or who has completed 12 months of child and adolescent psychiatric  
23 rotation and is enrolled in an approved residency program as  
24 described in this subsection.

25 (b) A psychiatrist employed by or under contract as a child  
26 and adolescent psychiatrist with the department or a community  
27 mental health services program on March 28, 1996, who has education  
28 and clinical experience in the evaluation and treatment of children  
29 or adolescents with serious emotional disturbance.

1 (c) A psychiatrist who has education and clinical experience  
2 in the evaluation and treatment of children or adolescents with  
3 serious emotional disturbance who is approved by the director.

4 (15) "Children's diagnostic and treatment service" means a  
5 program operated by or under contract with a community mental  
6 health services program, that provides examination, evaluation, and  
7 referrals for minors, including emergency referrals, that provides  
8 or facilitates treatment for minors, and that has been certified by  
9 the department.

10 (16) "Community mental health authority" means a separate  
11 legal public governmental entity created under section 205 to  
12 operate as a community mental health services program.

13 (17) "Community mental health organization" means a community  
14 mental health services program that is organized under the urban  
15 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to  
16 124.512.

17 (18) "Community mental health services program" means a  
18 program operated under chapter 2 as a county community mental  
19 health agency, a community mental health authority, or a community  
20 mental health organization.

21 (19) "Consent" means a written agreement executed by a  
22 recipient, a minor recipient's parent, a recipient's legal  
23 representative with authority to execute a consent, or a full or  
24 limited guardian authorized under the estates and protected  
25 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, with the  
26 authority to consent, or a verbal agreement of a recipient that is  
27 witnessed and documented by an individual other than the individual  
28 providing treatment.

29 ~~(20) "Conversion therapy" means any practice or treatment by a~~

~~mental health professional that seeks to change an individual's sexual orientation or gender identity, including, but not limited to, efforts to change behavior or gender expression or to reduce or eliminate sexual or romantic attractions or feelings toward an individual of the same gender. Conversion therapy does not include counseling that provides assistance to an individual undergoing a gender transition, counseling that provides acceptance, support, or understanding of an individual or facilitates an individual's coping, social support, or identity exploration and development, including sexual orientation-neutral intervention to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling does not seek to change an individual's sexual orientation or gender identity. As used in this subsection:~~

~~(a) "Gender identity" means "gender identity or expression" as that term is defined in section 103 of the Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2103.~~

~~(b) "Sexual orientation" means that term as defined in section 103 of the Elliot-Larsen civil rights act, 1976 PA 453, MCL 37.2103.~~

**(20)** ~~(21)~~ "County community mental health agency" means an official county or multicounty agency created under section 210 that operates as a community mental health services program and that has not elected to become a community mental health authority or a community mental health organization.

**(21)** ~~(22)~~ "Crisis stabilization unit" means a prescreening unit established under section 409 or a facility certified under chapter 9A that provides unscheduled clinical services designed to prevent or ameliorate a behavioral health crisis or reduce acute symptoms on an immediate, intensive, and time-limited basis in

1 response to a crisis situation.

2       **(22)** ~~(23)~~—"Department" means the department of health and  
3 human services.

4       **(23)** ~~(24)~~—"Department-designated community mental health  
5 entity" means the community mental health authority, community  
6 mental health organization, community mental health services  
7 program, county community mental health agency, or community mental  
8 health regional entity designated by the department to represent a  
9 region of community mental health authorities, community mental  
10 health organizations, community mental health services programs, or  
11 county community mental health agencies.

12       **(24)** ~~(25)~~—"Dependent living setting" means all of the  
13 following:

14       (a) An adult foster care facility.

15       (b) A nursing home licensed under part 217 of the public  
16 health code, 1978 PA 368, MCL 333.21701 to 333.21799e.

17       (c) A home for the aged licensed under part 213 of the public  
18 health code, 1978 PA 368, MCL 333.21301 to 333.21335.

19       **(25)** ~~(26)~~—"Designated representative" means any of the  
20 following:

21       (a) A registered nurse or licensed practical nurse licensed or  
22 otherwise authorized under part 172 of the public health code, 1978  
23 PA 368, MCL 333.17201 to 333.17242.

24       (b) A paramedic licensed or otherwise authorized under part  
25 209 of the public health code, 1978 PA 368, MCL 333.20901 to  
26 333.20979.

27       (c) A physician's assistant licensed or otherwise authorized  
28 under part 170 or 175 of the public health code, 1978 PA 368, MCL  
29 333.17001 to 333.17097 and 333.17501 to 333.17556.

(d) An individual qualified by education, training, and experience who performs acts, tasks, or functions under the supervision of a physician.

**(26)** ~~(27)~~—"Developmental disability" means either of the following:

(a) If applied to an individual older than 5 years of age, a severe, chronic condition that meets all of the following requirements:

(i) Is attributable to a mental or physical impairment or a combination of mental and physical impairments.

(ii) Is manifested before the individual is 22 years old.

(iii) Is likely to continue indefinitely.

(iv) Results in substantial functional limitations in 3 or more of the following areas of major life activity:

(A) Self-care.

(B) Receptive and expressive language.

(C) Learning.

(D) Mobility.

(E) Self-direction.

(F) Capacity for independent living.

(G) Economic self-sufficiency.

(v) Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.

(b) If applied to a minor from birth to 5 years of age, a substantial developmental delay or a specific congenital or acquired condition with a high probability of resulting in developmental disability as defined in subdivision (a) if services



1 are not provided.

2 (27) ~~(28)~~ "Director" means the director of the department or  
3 ~~his or her~~ **the director's** designee.

4 (28) ~~(29)~~ "Discharge" means an absolute, unconditional release  
5 of an individual from a facility by action of the facility or a  
6 court.

7 (29) ~~(30)~~ "Eligible minor" means an individual less than 18  
8 years of age who is recommended in the written report of a  
9 multidisciplinary team under rules promulgated by the department of  
10 education to be classified as 1 of the following:

11 (a) Severely mentally impaired.

12 (b) Severely multiply impaired.

13 (c) Autistic impaired and receiving special education services  
14 in a program designed for the autistic impaired under R 340.1758 of  
15 the Michigan Administrative Code or in a program designed for the  
16 severely mentally impaired or severely multiply impaired.

17 (30) ~~(31)~~ "Emergency situation" means a situation in which an  
18 individual is experiencing a serious mental illness or a  
19 developmental disability, or a minor is experiencing a serious  
20 emotional disturbance, and 1 of the following applies:

21 (a) The individual can reasonably be expected within the near  
22 future to physically injure ~~himself, herself,~~ **the individual's self**  
23 or another individual, either intentionally or unintentionally.

24 (b) The individual is unable to provide ~~himself or herself~~ **the**  
25 **individual's self** food, clothing, or shelter or to attend to basic  
26 physical activities such as eating, toileting, bathing, grooming,  
27 dressing, or ambulating, and this inability may lead in the near  
28 future to harm to the individual or to another individual.

29 (c) The individual has mental illness that has impaired ~~his or~~

1 ~~her~~**the individual's** judgment so that the individual is unable to  
2 understand ~~his or her~~**the individual's own** need for treatment and  
3 presents a risk of harm.

4       **(31)** ~~(32)~~—"Executive director" means an individual appointed  
5 under section 226 to direct a community mental health services  
6 program or ~~his or her~~**the individual's** designee.

7       Enacting section 1. Section 901a of the mental health code,  
8 1974 PA 258, MCL 330.1901a, is repealed.