

**MENTAL HEALTH CODE (EXCERPT)**  
**Act 258 of 1974**

**330.1278 Detention of incapacitated individual; discharge to peace officer.**

Sec. 278. (1) An individual who is taken to an approved service program or emergency medical service under section 276(1) continues to be in protective custody. Except as otherwise provided in section 281a, 281b, or 281c, the individual shall not be detained once the individual is medically examined and found not to be incapacitated. An individual found by medical examination to be incapacitated shall be detained, except as otherwise provided in section 281a, 281b, or 281c, until the individual is no longer incapacitated or for not more than 72 hours after the individual is taken to the approved service program or emergency medical service. An individual may consent to remain in the program for as long as the health professional in charge believes appropriate.

(2) An individual who is taken to an approved service program or emergency medical service under section 276(5) shall be discharged to a peace officer after the individual is no longer incapacitated. An individual who remains incapacitated at the expiration of 72 hours after the individual has been taken to the approved service program or emergency medical service shall be discharged to a peace officer unless 1 of the following circumstances applies:

(a) The individual agrees to remain in the program longer than 72 hours and the health professional in charge of the program believes it appropriate that the individual remain in the program longer than 72 hours.

(b) An order for involuntary treatment of the individual has been issued under section 281b or 281c.

**History:** Add. 2012, Act 500, Imd. Eff. Dec. 28, 2012;—Am. 2014, Act 200, Imd. Eff. June 24, 2014.