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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1730

Session of  
1985

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INTRODUCED BY MAYERNIK, MICHLOVIC, DUFFY, COWELL, ITKIN,  
PETRONE, VAN HORNE, OLASZ, DAWIDA, TRELLO, MARKOSEK, IRVIS,  
PISTELLA, SEVENTY AND GAMBLE, OCTOBER 7, 1985

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REFERRED TO COMMITTEE ON HEALTH AND WELFARE, OCTOBER 7, 1985

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AN ACT

1 Amending the act of July 9, 1976 (P.L.817, No.143), entitled "An  
2 act relating to mental health procedures; providing for the  
3 treatment and rights of mentally disabled persons, for  
4 voluntary and involuntary examination and treatment and for  
5 determinations affecting those charged with crime or under  
6 sentence," further providing for the statement of policy with  
7 respect to senile persons.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Section 102 of the act of July 9, 1976 (P.L.817,  
11 No.143), known as the Mental Health Procedures Act, amended  
12 November 26, 1978 (P.L.1362, No.324), is amended to read:

13 Section 102. Statement of Policy.--It is the policy of the  
14 Commonwealth of Pennsylvania to seek to assure the availability  
15 of adequate treatment to persons who are mentally ill, and it is  
16 the purpose of this act to establish procedures whereby this  
17 policy can be effected. The provisions of this act shall be  
18 interpreted in conformity with the principles of due process to  
19 make voluntary and involuntary treatment available where the  
20 need is great and its absence could result in serious harm to

1 the mentally ill person or to others. Treatment on a voluntary  
2 basis shall be preferred to involuntary treatment; and in every  
3 case, the least restrictions consistent with adequate treatment  
4 shall be employed. Persons who are mentally retarded, [senile,]  
5 alcoholic, or drug dependent shall receive mental health  
6 treatment only if they are also diagnosed as mentally ill, but  
7 these conditions of themselves shall not be deemed to constitute  
8 mental illness: Provided, however, That nothing in this act  
9 shall prohibit underutilized State facilities for the mentally  
10 ill to be made available for the treatment of alcohol abuse or  
11 drug addiction pursuant to the act of April 14, 1972 (P.L.221,  
12 No.63), known as the "Pennsylvania Drug and Alcohol Abuse  
13 Control Act." Chronically disabled persons 70 years of age or  
14 older who have been continuously hospitalized in a State  
15 operated facility for at least ten years shall not be subject to  
16 the procedures of this act. Such a person's inability to give a  
17 rational, informed consent shall not prohibit the department  
18 from continuing to provide all necessary treatment to such a  
19 person. However, if such a person protests treatment or  
20 residence at a State operated facility he shall be subject to  
21 the provisions of Article III.

22 Section 2. This act shall take effect in 60 days.