

1 AN ACT relating to involuntary treatment for substance use disorder.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 222.433 is amended to read as follows:

- 4 (1) Upon receipt of the petition, the court shall examine the petitioner under oath as to  
5 the contents of the petition.
- 6 (2) If, after reviewing the allegations contained in the petition and examining the  
7 petitioner under oath, it appears to the court that there is probable cause to believe  
8 the respondent should be ordered to undergo treatment, then the court shall:
- 9 (a) Set a date for a hearing within fourteen (14) days to determine if the  
10 respondent should be ordered to undergo treatment for a substance use  
11 disorder;
- 12 (b) Notify the respondent, the legal guardian, if any and if known, and the spouse,  
13 parents, or nearest relative or friend of the respondent concerning the  
14 allegations and contents of the petition and the date and purpose of the  
15 hearing; and the name, address, and telephone number of the attorney  
16 appointed to represent the respondent; and
- 17 (c) Cause the respondent to be examined no later than twenty-four (24) hours  
18 before the hearing date by two (2) qualified health professionals, at least one  
19 (1) of whom is a physician ***or an advanced practice registered nurse***. The  
20 qualified health professionals:
- 21 1. Shall certify their findings to the court within twenty-four (24) hours of  
22 the examinations; and
- 23 2. May be subject to subpoena for cross-examination at the hearing, either  
24 in person, by telephone, or by videoconference.
- 25 (3) If, upon completion of the hearing, the court finds by proof beyond a reasonable  
26 doubt that the respondent should be ordered to undergo treatment, then the court  
27 shall order such treatment for a period not to exceed sixty (60) consecutive days

1 from the date of the court order or a period not to exceed three hundred sixty (360)  
2 consecutive days from the date of the court order, whatever was the period of time  
3 that was requested in the petition or otherwise agreed to at the hearing. Failure of a  
4 respondent to undergo treatment ordered pursuant to this subsection may place the  
5 respondent in contempt of court.

6 (4) If, at any time after the petition is filed, the court finds that there is no probable  
7 cause to continue treatment or if the petitioner withdraws the petition, then the  
8 proceedings against the respondent shall be dismissed.