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1		AN ACT relating to substance abuse intervention and declaring an emergency.
2	Be it	t 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 [there is
10		probable cause to believe] the respondent should be ordered to undergo
11		treatment for a substance use 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. The qualified health professionals:
20		<u>1.</u> Shall certify their findings to the court within twenty-four (24) hours of
21		the examinations <u>: and</u>
22		2. May be subject to subpoena for cross-examination at the hearing,
23		either in person, by telephone, or by videoconference.
24	(3)	If, upon completion of the hearing, the court finds by proof beyond a reasonable
25		<u>doubt that</u> the respondent should be ordered to undergo treatment, then the court
26		shall order such treatment for a period not to exceed sixty (60) consecutive days
27		from the date of the court order or a period not to exceed three hundred sixty (360)

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consecutive days from the date of the court order, whatever was the period of time
 that was requested in the petition or otherwise agreed to at the hearing. Failure of a
 respondent to undergo treatment ordered pursuant to this subsection may place the
 respondent in contempt of court.
 If, at any time after the petition is filed, the court finds that there is no probable
 cause to continue treatment or if the petitioner withdraws the petition, then the

7 proceedings against the respondent shall be dismissed.

Section 2. Whereas it is critical to ensure the uniform application of the
standard of proof and access and to cross-examination, an emergency is declared to exist,
and this Act takes effect upon its passage and approval by the Governor or upon its
otherwise becoming a law.