

HB 1028 - AS AMENDED BY THE HOUSE

21Mar2024... 0963h

2024 SESSION

24-2304

05/02

HOUSE BILL

1028

AN ACT relative to the definition of mental illness for purposes of the New Hampshire mental health services system.

SPONSORS: Rep. Bernardy, Rock. 36

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill revises the definition of mental illness for purposes of the mental health services system to clarify that it does not include impairment solely caused by epilepsy, intellectual disability, substance misuse, or addiction and provides that an individual shall not be deemed ineligible for mental health services due to a co-occurrence of mental illness and intellectual disability.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the definition of mental illness for purposes of the New Hampshire mental health services system.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Hampshire Mental Health Services System; Definition of Mental Illness. Amend RSA
2 135-C:2, X to read as follows:

3 X. "Mental illness" means a substantial impairment of emotional processes, or of the ability
4 to exercise conscious control of one's actions, or of the ability to perceive reality or to reason, when
5 the impairment is manifested by instances of extremely abnormal behavior or extremely faulty
6 perceptions. It does not include impairment [~~primarily~~] **solely** caused by: (a) epilepsy; (b)
7 intellectual disability; (c) continuous or noncontinuous periods of intoxication caused by substances
8 such as alcohol or drugs; or (d) dependence upon or addiction to any substance such as alcohol or
9 drugs.

10 2 New Hampshire Mental Health Services System; Co-occurrence of Mental Illness and
11 Intellectual Disability. Amend RSA 135-C:3 to read as follows:

12 135-C:3 State Services System Established. The department shall establish, maintain,
13 implement, and coordinate a system of mental health services under this chapter and a system of
14 developmental services under RSA 171-A. Both systems shall be supervised by the commissioner.
15 At the discretion of the commissioner, the department may directly operate and administer any
16 program or facility which provides, or which may be established to provide, services to mentally ill or
17 developmentally impaired persons or may enter into a contract with any individual, partnership,
18 association, public or private, for profit or nonprofit, agency or corporation for the operation and
19 administration of any such program or facility. ***An individual shall not be determined***
20 ***ineligible for services under this chapter on the basis of co-occurrence of mental illness***
21 ***and an intellectual or developmental disability.***

22 3 Effective Date. This act shall take effect 60 days after its passage.