

By: Senator(s) Bryan, Dearing

To: Public Health and Welfare

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 3004

1 AN ACT TO AMEND SECTION 41-31-1, MISSISSIPPI CODE OF 1972, TO  
2 ENACT A DEFINITION OF DUAL DIAGNOSIS; TO AMEND SECTION 41-31-19,  
3 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT DUAL-DIAGNOSED PATIENTS  
4 MAY RECEIVE MENTAL HEALTH TREATMENT CONTEMPORANEOUSLY WITH  
5 SUBSTANCE ABUSE TREATMENT; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 41-31-1, Mississippi Code of 1972, is  
8 amended as follows:

9 41-31-1. As used in this chapter, the following words and  
10 phrases shall have the meaning hereinafter ascribed to them,  
11 unless the context requires a different meaning, to wit:

12 (a) \* \* \* "Alcoholic" means any person who chronically  
13 and habitually uses alcoholic beverages to the extent that he has  
14 lost the power of self-control with respect to the use of such  
15 beverages, or any person who, while chronically under the  
16 influence of alcoholic beverages, endangers public morals, health,  
17 safety or welfare.

18 (b) "Alcoholic beverage" means \* \* \* alcoholic spirits,  
19 liquors, wines, beer, and every liquid or fluid, patented or not,  
20 containing alcoholic spirits, wine or beer, which is capable of  
21 being consumed by human beings and produces or results in  
22 intoxication in any form or degree.

23 (c) "Alcoholism" means any condition of abnormal  
24 behavior or illness resulting directly or indirectly from the  
25 chronic and habitual use of alcoholic beverages.

26 (d) \* \* \* "Drug addict" means any person who  
27 chronically and habitually uses any form of habit-forming drugs,  
28 such as opiates and the derivatives thereof, barbiturates, and



29 every tablet, powder, substance, liquid or fluid, patented or not,  
30 containing habit-forming drugs if same is capable of being used by  
31 human beings and produces drug addiction in any form or degree.

32 (e) "Drug addiction" means \* \* \* any condition of  
33 abnormal behavior or illness resulting directly or indirectly from  
34 the chronic and habitual use of habit-forming drugs.

35 (f) "Dual diagnosis" means a patient who is diagnosed  
36 with both a mental illness and drug addiction or alcoholism or  
37 both.

38 (g) "Hospital" or "institution" means either the  
39 Mississippi State Hospital, at Whitfield, Mississippi, or the East  
40 Mississippi State Hospital, at Meridian, Mississippi, and shall  
41 include the grounds thereof and the facilities used for the  
42 treatment of alcoholics and the drug addicts.

43 (h) "Medical director" means the physician in charge of  
44 said Mississippi State Hospital or East Mississippi State  
45 Hospital, as the case may be.

46 **SECTION 2.** Section 41-31-19, Mississippi Code of 1972, is  
47 amended as follows:

48 41-31-19. (1) The medical director of the hospital may  
49 bring commitment proceedings under the provisions of the proper  
50 statute in the county wherein the person involved is restrained  
51 for commitment to a proper institution \* \* \* if the person is  
52 found to be suffering from a mental or nervous condition or  
53 affliction such that the person is unable to benefit from any  
54 treatment for alcoholism or drug addiction.

55 (2) A person committed under this chapter or Title 41,  
56 Chapter 30, Mississippi Code of 1972, or Title 41, Chapter 32,  
57 Mississippi Code of 1972, who has a dual diagnosis shall receive  
58 psychiatric or other appropriate mental health treatment for his  
59 or her mental illness while under commitment for alcoholism or  
60 drug addiction.



61       (3) A person committed under Title 41, Chapter 21,  
62 Mississippi Code of 1972, who has a dual diagnosis and can benefit  
63 from treatment for his or her alcoholism or drug addiction, shall  
64 receive such appropriate treatment.

65       (4) Treatment of a person with a dual diagnosis shall not be  
66 constrained by Section 41-17-13 and the appropriate setting and  
67 treatment plan shall be determined by and supervised by the  
68 medical director of the hospital or his or her proper assistant.

69       (5) When applicable, the written notice required by Section  
70 41-21-81 shall state that the person is being treated for a dual  
71 diagnosis and specify the findings that support the need for dual  
72 diagnosis treatment.

73       (6) When obtaining an outpatient commitment for a person  
74 with a dual diagnosis following an inpatient course of treatment  
75 pursuant to Sections 41-21-61 through 41-21-107, the medical  
76 director shall specify a treatment regimen that addresses the dual  
77 diagnosis and is individualized for the specific needs of the  
78 person.

79       **SECTION 3.** This act shall take effect and be in force from  
80 and after July 1, 2010.

