

118TH CONGRESS
1ST SESSION

H. R. 6451

To amend the Public Health Service Act to authorize grants to States, Indian Tribes, Tribal organizations, and political subdivisions thereof to hire, employ, train, and dispatch mental health professionals to respond in lieu of law enforcement officers in emergencies involving one or more persons with a mental illness or an intellectual or developmental disability, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2023

Ms. PORTER (for herself, Ms. PRESSLEY, Mr. CÁRDENAS, Ms. SCANLON, Mr. FITZPATRICK, Mr. DOGGETT, Mr. POCAN, Mr. CASTEN, Mr. BOYLE of Pennsylvania, Mr. ROBERT GARCIA of California, Ms. PINGREE, Mrs. NAPOLITANO, Mr. TAKANO, Mr. PASCRELL, Ms. ROSS, Mrs. WATSON COLEMAN, Ms. TITUS, Mr. EVANS, Ms. MENG, Mr. GARCÍA of Illinois, Mrs. RAMIREZ, Mr. COHEN, Mr. TRONE, Ms. MOORE of Wisconsin, Ms. JACKSON LEE, Ms. NORTON, Ms. JACOBS, Mr. JACKSON of Illinois, Mr. CARTER of Louisiana, Ms. CARAVEO, Ms. JAYAPAL, Mr. CONNOLLY, Ms. SCHAKOWSKY, Ms. SALINAS, Mr. FOSTER, Ms. OMAR, Ms. BONAMICI, Ms. WASSERMAN SCHULTZ, Mr. TORRES of New York, Mr. GRIJALVA, Mr. MFUME, Ms. KELLY of Illinois, Ms. CHU, Ms. MCCOLLUM, Mr. JOHNSON of Georgia, Ms. WILD, Mr. PHILLIPS, Ms. STANSBURY, Ms. LEE of California, Ms. WILLIAMS of Georgia, Mr. CARSON, and Mr. LEVIN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Public Health Service Act to authorize grants to States, Indian Tribes, Tribal organizations, and political subdivisions thereof to hire, employ, train, and dis-

patch mental health professionals to respond in lieu of law enforcement officers in emergencies involving one or more persons with a mental illness or an intellectual or developmental disability, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mental Health Justice
 5 Act of 2023”.

6 **SEC. 2. GRANTS FOR MENTAL HEALTH PROFESSIONALS TO**
 7 **ACT AS FIRST RESPONDERS.**

8 Subpart 3 of part B of title V of the Public Health
 9 Service Act (42 U.S.C. 290bb–31 et seq.) is amended by
 10 adding at the end the following:

11 **“SEC. 5200. GRANTS FOR MENTAL HEALTH PROFES-**
 12 **SIONALS TO ACT AS FIRST RESPONDERS.**

13 “(a) IN GENERAL.—The Secretary, acting through
 14 the Assistant Secretary, and in consultation with the As-
 15 sistant Attorney General for the Civil Rights Division of
 16 the Department of Justice, shall award grants to States,
 17 Indian Tribes, Tribal organizations, and political subdivi-
 18 sions thereof to establish or expand programs—

19 “(1) to hire, employ, train, and dispatch mental
 20 health professionals to respond in lieu of law en-
 21 forcement officers in emergencies in which—

1 “(A) an individual calling 911, 988, or an-
2 other emergency hotline states that a person—

3 “(i) is in a mental health crisis;

4 “(ii) may have a mental illness, a sub-
5 stance use disorder, a co-occurring mental
6 illness and substance use disorder, or an
7 intellectual or developmental disability; or

8 “(iii) otherwise appears to need the
9 immediate support of mental health profes-
10 sionals;

11 “(B) a law enforcement officer or other
12 first responder identifies a person as having (or
13 possibly having) a mental illness or an intellec-
14 tual or developmental disability (or otherwise
15 appears to need the support of mental health
16 professionals); or

17 “(C) a law enforcement officer or other
18 first responder identifies a person as being (or
19 possibly being) under the influence of a legal or
20 illegal substance;

21 “(2) to include in the training for mental health
22 professionals pursuant to paragraph (1) training
23 in—

24 “(A) the principles of deescalation; and

1 “(B) developmentally appropriate tech-
2 niques;

3 “(3) to ensure that such mental health profes-
4 sionals link persons described in subparagraph (A),
5 (B), or (C) of paragraph (1) with voluntary commu-
6 nity-based services where appropriate;

7 “(4) to train the staff of dispatch centers re-
8 garding the proper handling of a report of an emer-
9 gency described in paragraph (1), including training
10 in the principles and techniques referred to in sub-
11 paragraphs (A) and (B) of paragraph (2); and

12 “(5) to coordinate with first responder agencies.

13 “(b) ADDITIONAL AWARDS.—The Secretary shall
14 make an additional award of funds under this section each
15 fiscal year to grantees that—

16 “(1) are in compliance with all conditions of
17 their awards under this section, including the condi-
18 tions specified in subsections (a) and (d); and

19 “(2) demonstrate that their programs under
20 this section resulted in—

21 “(A) a notable reduction in the incarceration
22 and death of persons with mental illness
23 or an intellectual or developmental disability; or

24 “(B) a notable reduction in the use of
25 force by police and a notable increase in refer-

1 rals of persons with a mental illness or intellec-
2 tual disability to community-based, voluntary
3 support services (other than institutionalization
4 or carceral support services).

5 “(c) PRIORITY.—In awarding grants under this sec-
6 tion, the Secretary shall give priority to States, Indian
7 Tribes, Tribal organizations, and political subdivisions
8 thereof that—

9 “(1) have high rates of arrests and incarcer-
10 ation of persons with a mental illness, a substance
11 use disorder, a co-occurring mental health and sub-
12 stance use disorder, or an intellectual or develop-
13 mental disability;

14 “(2) commit to increasing resources for mental
15 health and community-based support services or so-
16 lutions for such persons; or

17 “(3) include peer support specialists in their
18 current first responder model.

19 “(d) REPORTING.—

20 “(1) BY GRANTEES.—A recipient of a grant
21 under this section shall submit to the Secretary—

22 “(A) a quarterly report on—

23 “(i) the number and percentage of
24 emergencies where mental health profes-
25 sionals were dispatched in lieu of law en-

1 enforcement officers pursuant to assistance
2 under this section;

3 “(ii) such other matters as the Sec-
4 retary may require for determining wheth-
5 er the recipient should receive an addi-
6 tional award under subsection (b); and

7 “(iii) any increase or decrease, com-
8 pared to any previous quarter, in incarcer-
9 ation or institutionalization as a result of
10 dispatching mental health professionals
11 pursuant to assistance under this section,
12 disaggregated to include data specific to
13 persons with intellectual and developmental
14 disabilities and mental illnesses where
15 available and permitted to be disclosed
16 under applicable privacy law, so as—

17 “(I) to provide a critical baseline
18 analysis; and

19 “(II) to ensure that mental
20 health practitioners are not simply
21 funneling individuals into other insti-
22 tutionalized settings; and

23 “(B) a final report on the use of such
24 grant.

1 “(2) BY SECRETARY.—Not later than 1 year
2 after awarding the first grant under this section,
3 and annually thereafter, the Secretary shall submit
4 to the Congress a report on the grant program
5 under this section.

6 “(3) DISAGGREGATION OF DATA.—The report-
7 ing pursuant to paragraphs (1) and (2) shall, to the
8 extent determined by the Secretary to be applicable,
9 be disaggregated by age, sex, gender, race, and eth-
10 nicity.

11 “(e) REVOCATION OF GRANT.—If the Secretary
12 finds, based on reporting under subsection (d) or other
13 information, that activities funded through a grant under
14 this section are leading to a significant increase in incar-
15 ceration or institutionalization—

16 “(1) the Secretary shall revoke the grant; and

17 “(2) the grantee shall repay to the Federal
18 Government any amounts that the grantee—

19 “(A) received through the grant; and

20 “(B) has not obligated or expended.

21 “(f) TECHNICAL ASSISTANCE.—The Secretary, act-
22 ing through the Assistant Secretary, and in consultation
23 with the Assistant Attorney General for the Civil Rights
24 Division of the Department of Justice, shall provide tech-
25 nical assistance to grantees under this section (or other

1 Federal law), and to other States, Indian Tribes, Tribal
2 organizations, and political subdivisions thereof, to hire,
3 employ, train, and dispatch mental health professionals to
4 respond in lieu of law enforcement officers, as described
5 in subsection (a).

6 “(g) DEFINITIONS.—In this section:

7 “(1) The term ‘first responder’ means an indi-
8 vidual who, in the course of such individual’s profes-
9 sional duties, is dispatched to respond to fire, med-
10 ical, public safety, or mental health emergencies.

11 “(2) The terms ‘Indian Tribe’ and ‘Tribal orga-
12 nization’ have the meanings given to the terms ‘In-
13 dian tribe’ and ‘tribal organization’, respectively, in
14 section 4 of the Indian Health Care Improvement
15 Act.

16 “(3) The term ‘peer support specialist’ means
17 an individual who—

18 “(A) has lived experience of a mental
19 health condition, a substance use disorder, or a
20 co-occurring mental health and substance use
21 disorder; and

22 “(B) specializes in supporting individuals
23 with mental health conditions, substance use
24 disorders, or co-occurring mental health and
25 substance use disorders.

1 “(h) FUNDING.—To carry out this section, there is
2 authorized to be appropriated \$250,000,000 for the period
3 of the five fiscal years following the date of enactment of
4 this section.”.

5 **SEC. 3. STUDY.**

6 (a) IN GENERAL.—The Secretary of Health and
7 Human Services and the Assistant Attorney General for
8 the Civil Rights Division of the Department of Justice
9 shall conduct a study on the effectiveness of programs and
10 activities under section 5200 of the Public Health Service
11 Act, as added by section 2.

12 (b) QUALITATIVE AND LONGITUDINAL EXAMINA-
13 TION.—The study under subsection (a) shall include a
14 qualitative and longitudinal study of—

15 (1) the number of persons diverted from ar-
16 rests; and

17 (2) short- and long-term outcomes for those
18 persons, including reduced incarceration or institu-
19 tionalization, reduced incidences of use of force, and
20 reduced utilization of resources.

21 (c) COMPLETION; REPORT.—Not later than 3 years
22 after the date of enactment of this Act, the Secretary of
23 Health and Human Services and the Assistant Attorney
24 General for the Civil Rights Division of the Department
25 of Justice shall—

- 1 (1) complete the study under subsection (a);
- 2 (2) submit a report to the Congress on the re-
- 3 sults of such study; and
- 4 (3) publish such report.

5 **SEC. 4. BEST PRACTICES.**

6 (a) IN GENERAL.—The Secretary of Health and
7 Human Services, acting in consultation with the Assistant
8 Attorney General for Civil Rights, shall develop and pub-
9 lish best practices relating to the deployment of mental
10 health professionals acting as first responders.

11 (b) CONTENTS.—The best practices under subsection
12 (a) shall—

13 (1) be informed by lessons learned from the
14 grant program under section 5200 of the Public
15 Health Service Act, as added by section 2; and

16 (2) include best practices for the proper han-
17 dling and dispatch of a report of an emergency de-
18 scribed in each of subparagraphs (A), (B), and (C)
19 of section 5200(a)(1) of the Public Health Service
20 Act, as added by section 2, including best practices
21 for training in—

22 (A) the principles and techniques in proc-
23 essing calls for persons who—

24 (i) are experiencing a mental health
25 crisis;

1 (ii) may have a mental illness, a sub-
2 stance use disorder, a co-occurring mental
3 health and substance use disorder, or an
4 intellectual or developmental disability; or

5 (iii) otherwise appear to need the im-
6 mediate support of mental health profes-
7 sionals;

8 (B) the principles of deescalation; and

9 (C) developmentally appropriate tech-
10 niques.

11 (c) **TIMELINE; UPDATES.**—The Secretary of Health
12 and Human Services shall—

13 (1) not later than 1 year after the date of en-
14 actment of this Act, develop and publish initial best
15 practices under this section; and

16 (2) not less than every 5 years thereafter, de-
17 velop and publish updated best practices under this
18 section.

19 (d) **DEFINITION.**—In this section, the term “first re-
20 sponder” has the meaning given to such term in section
21 5200 of the Public Health Service Act, as added by sec-
22 tion 2.

23 **SEC. 5. RULES OF CONSTRUCTION.**

24 (a) **HIRING OF LAW ENFORCEMENT OFFICERS.**—
25 Nothing in this Act (or the amendments made by this Act)

1 shall be construed to remove, supplant, alter, or limit the
2 authority of States, public agencies, or municipalities from
3 hiring or recruiting career law enforcement officers (as de-
4 fined in section 1709 of the Omnibus Crime Control and
5 Safe Streets Act of 1968 (34 U.S.C. 10389)) to engage
6 in or supervise the prevention, detection, or investigation
7 of violations of criminal laws when appropriate.

8 (b) CIRCUMSTANCES OF IMMINENT OR IMMEDIATE
9 DANGER.—Nothing in this Act (or the amendments made
10 by this Act) shall be construed to impede, supplant, alter,
11 or limit the use of career law enforcement officers during
12 emergencies—

13 (1) which such career law enforcement officers
14 may be best suited to handle; and

15 (2) in which a person poses a direct threat to
16 the health and safety of others that cannot be elimi-
17 nated by a modification of policies, practices or pro-
18 cedures, or by the provision of auxiliary aids or serv-
19 ices.

20 (c) NONDISCRIMINATION.—Nothing in this Act (or
21 the amendments made by this Act) shall be construed to
22 limit or alter the protections and requirements of applica-
23 ble Federal and State civil rights laws and regulations.

24 (d) DEFINITIONS.—In this section, the term “direct
25 threat” has the meaning given to such term in sections

1 35.139 and 35.104 of title 28, Code of Federal Regula-
2 tions (as in effect on the date of enactment of this Act).

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