

**§51. Exemption to written informed consent requirement for mental health services and substance use disorder treatment during public health emergency**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. “Licensed facility” means a facility licensed under Title 5, section 20005, subsection 6, paragraph B or Title 34-B, section 1203-A. [PL 2021, c. 637, §1 (NEW).]

B. “Public health emergency” means a federal public health emergency declared pursuant to 42 United States Code, Section 247d or a state public health emergency declared pursuant to section 802 or Title 37-B, chapter 13, subchapter 2. [PL 2021, c. 637, §1 (NEW).]  
[PL 2021, c. 637, §1 (NEW).]

**2. Informed consent.** The department may not require a licensed facility to obtain written informed consent from a person receiving mental health services or substance use disorder treatment from the licensed facility during a public health emergency. A licensed facility shall obtain consent from a person receiving mental health services or substance use disorder treatment during a public health emergency; such consent may be obtained through verbal, electronic or written means.  
[PL 2021, c. 637, §1 (NEW).]

**3. Rulemaking. The department shall adopt rules to implement this section.** Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.  
[PL 2021, c. 637, §1 (NEW).]

**SECTION HISTORY**

PL 2021, c. 637, §1 (NEW).

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