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(Original Signature of Member)

117TH CONGRESS  
2D SESSION

# **H. R. 7254**

To authorize the Secretary of Health and Human Services to award grants to States and political subdivisions of States 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.

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## IN THE HOUSE OF REPRESENTATIVES

Ms. PORTER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# **A BILL**

To authorize the Secretary of Health and Human Services to award grants to States and political subdivisions of States 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.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mental Health Justice  
3 and Parity Act of 2022”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Needless institutionalization (including in  
7 psychiatric hospitals) of people with disabilities is  
8 generally a violation of the Americans with Disabil-  
9 ities Act of 1990 (42 U.S.C. 12101 et seq.), and the  
10 failure to provide sufficient community-based serv-  
11 ices (such as supported housing, assertive commu-  
12 nity treatment, mobile crisis, peer support, and sup-  
13 ported employment) has resulted in needless institu-  
14 tionalization as well as incarceration of persons with  
15 mental illness or an intellectual or developmental  
16 disability.

17 (2) In the landmark 1999 Supreme Court case  
18 *Olmstead v. L.C.*, the Supreme Court ruled that the  
19 “unjustified institutional isolation of persons with  
20 disabilities is a form of discrimination” prohibited by  
21 the Americans with Disabilities Act of 1990 (42  
22 U.S.C. 12101 et seq.).

23 (3) Regulations promulgated by the Attorney  
24 General in 1991 affirm that title II of the Ameri-  
25 cans with Disabilities Act of 1990 (42 U.S.C. 12131  
26 et seq.) requires public entities to “administer serv-

1       ices, programs, and activities in the most integrated  
2       setting appropriate to the needs of qualified individ-  
3       uals with disabilities” (28 C.F.R. 35.130(d)). The  
4       regulation defines “the most integrated setting” as  
5       one that “enables individuals with disabilities to  
6       interact with nondisabled persons to the fullest ex-  
7       tent possible” (28 C.F.R. pt. 35, App. B).

8               (4) Yet today, persons with a mental illness or  
9       an intellectual or developmental disability are more  
10      likely to be incarcerated and to be subject to exces-  
11      sive use of force by law enforcement officers. For ex-  
12      ample—

13               (A) one out of every four of the deaths  
14      caused by law enforcement officers is a person  
15      with mental illness; and

16               (B) persons with a mental illness or an in-  
17      tellectual or developmental disability are often  
18      charged with minor, nonviolent offenses, and  
19      for many of these persons, arrest and incarcer-  
20      ation could have been avoided if they had access  
21      to intensive community-based services and sta-  
22      ble housing.

23               (5) Many of the police encounters that lead to  
24      the incarceration (and in too many cases, death) of  
25      people with mental illness or an intellectual or devel-

1       opmental disability could be avoided by having in  
2       place systems that ensure that calls to 9–1–1 or to  
3       law enforcement result in dispatch of mental health  
4       professionals, peer support workers, or others rather  
5       than law enforcement officers.

6               (6) Many people who are incarcerated would be  
7       better served in community services. If there were  
8       sufficient community services, and persons with  
9       mental illness or an intellectual or developmental  
10      disability were connected to those services rather  
11      than being arrested, thousands of people with men-  
12      tal illness or an intellectual or developmental dis-  
13      ability would avoid needless admissions to hospitals  
14      or jails. Further, jails and hospitals would experi-  
15      ence less crowding.

16 **SEC. 3. GRANTS FOR MENTAL HEALTH PROFESSIONALS TO**  
17 **ACT AS FIRST RESPONDERS.**

18       (a) IN GENERAL.—The Secretary of Health and  
19      Human Services (in this section referred to as the “Sec-  
20      retary”), acting through the Assistant Secretary for Men-  
21      tal Health and Substance Use and in consultation with  
22      the Assistant Attorney General for the Civil Rights Divi-  
23      sion of the Department of Justice (in this section referred  
24      to as the “Assistant Attorney General”), shall award  
25      grants to States and political subdivisions of States—

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

4           (A) an individual calling 9–1–1, 9–8–8, or  
5 another emergency hotline states that a per-  
6 son—

7           (i) is in a mental health crisis; or

8           (ii) may have a mental illness or an  
9 intellectual or developmental disability;

10          (B) a law enforcement officer or other first  
11 responder identifies a person as having (or pos-  
12 sibly having) a mental illness or an intellectual  
13 or developmental disability; or

14          (C) a law enforcement officer or other first  
15 responder determines the situation warrants a  
16 mental health professional because they identify  
17 a person as being (or possibly being) under the  
18 influence of a legal or illegal substance;

19          (2) to include in the training for mental health  
20 professionals pursuant to paragraph (1) training  
21 in—

22           (A) the principles of deescalation and  
23 antiracism; and

24           (B) age-appropriate techniques;

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

5           (4) to train the staff of dispatch centers regard-  
6           ing the proper handling of a report of an emergency  
7           described in paragraph (1), including training in the  
8           principles of deescalation and antiracism referred to  
9           in paragraph (2)(A).

10          (b) DELEGATION.—The Secretary shall delegate re-  
11          sponsibility for carrying out the Secretary’s responsibil-  
12          ities under this section and section 4 to the Director of  
13          the Center for Mental Health Services of the Substance  
14          Abuse and Mental Health Services Administration.

15          (c) ADDITIONAL AWARDS.—The Secretary shall  
16          make an additional award of funds under this section each  
17          fiscal year to grantees that demonstrate that their pro-  
18          grams under this section resulted in—

19                (1) a notable reduction in the incarceration and  
20                death of persons with mental illness or an intellec-  
21                tual or developmental disability; or

22                (2) a notable reduction in the use of force by  
23                police and a notable increase in referrals of persons  
24                with a mental illness or intellectual or developmental  
25                disability to community-based, voluntary support

1 services (other than institutionalization or carceral  
2 support services).

3 (d) PRIORITY.—In awarding grants under this sec-  
4 tion, the Secretary shall give priority to States and polit-  
5 ical subdivisions of States that—

6 (1) have high rates of arrests and incarceration  
7 of persons with a mental illness or an intellectual or  
8 developmental disability;

9 (2) commit to increasing resources for mental  
10 health and community-based support services or so-  
11 lutions for such persons; or

12 (3) include in their current first responder  
13 model mental health professionals, such as—

14 (A) social workers; or

15 (B) peer-support specialists.

16 (e) REPORTING.—

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

19 (A) a quarterly report on—

20 (i) the number of mental health pro-  
21 fessionals and peer-support specialists  
22 hired;

23 (ii) the percentage of emergencies  
24 where mental health professionals were dis-

1           patched in lieu of law enforcement officers  
2           pursuant to assistance under this section;

3           (iii) 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 (c); and

7           (iv) 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 mental illnesses or intellectual  
14          and developmental disabilities, where avail-  
15          able, so as—

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

18                 (II) to ensure that mental health  
19                 practitioners are not simply funneling  
20                 individuals into other institutionalized  
21                 settings; and

22                 (B) a final report on the use of such grant.

23           (2) BY SECRETARY.—Not later than 1 year  
24           after awarding the first grant under this section,  
25           and annually thereafter, the Secretary shall submit



1 to the Congress a report on the grant program  
2 under this section.

3 (3) DISAGGREGATION OF DATA.—The reporting  
4 pursuant to paragraphs (1) and (2) shall, to the ex-  
5 tent determined by the Secretary to be applicable, be  
6 disaggregated by age, gender, race, and ethnicity.

7 (f) REVOCATION OF GRANT.—If the Secretary finds,  
8 based on reporting under subsection (e) or other informa-  
9 tion, that activities funded through a grant under this sec-  
10 tion are leading to a significant increase in incarceration  
11 or institutionalization—

12 (1) the Secretary shall revoke the grant; and

13 (2) the grantee shall repay to the Federal Gov-  
14 ernment any amounts that the grantee—

15 (A) received through the grant; and

16 (B) has not obligated or expended.

17 (g) FUNDING.—To carry out this section, there are  
18 authorized to be appropriated such sums as may be nec-  
19 essary for fiscal year 2023 and each subsequent fiscal  
20 year.

21 **SEC. 4. TECHNICAL ASSISTANCE FOR POLITICAL SUBDIVI-**  
22 **SIONS OF A STATE.**

23 The Secretary of Health and Human Services, acting  
24 through the Assistant Secretary for Mental Health and  
25 Substance Use and in consultation with the Assistant At-

1 torney General for the Civil Rights Division of the Depart-  
2 ment of Justice, shall provide technical assistance to  
3 grantees under section 3 (or other Federal law), other po-  
4 litical subdivisions of States, and States to hire, employ,  
5 train, and dispatch mental health professionals to respond  
6 in lieu of law enforcement officers, as described in section  
7 3.

8 **SEC. 5. STUDY.**

9 (a) IN GENERAL.—The Secretary of Health and  
10 Human Services and the Assistant Attorney General for  
11 the Civil Rights Division of the Department of Justice  
12 shall conduct a study of the effectiveness of programs and  
13 activities under sections 3 and 4.

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

17 (1) the number of persons diverted from ar-  
18 rests;

19 (2) short- and long-term outcomes for those  
20 persons, including reduced recidivism, reduced  
21 incidences of use of force, and reduced utilization of  
22 resources; and

23 (3) the number of full-time equivalent mental  
24 health professionals hired to carry out activities  
25 funded through a grant under section 3.

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

6 (1) complete the study under subsection (a);

7 (2) submit a report to Congress on the results  
8 of such study; and

9 (3) publish such report.

10 **SEC. 6. ELIMINATING THE OPT-OUT FOR NONFEDERAL**  
11 **GOVERNMENTAL HEALTH PLANS.**

12 Section 2722(a)(2) of the Public Health Service Act  
13 (42 U.S.C. 300gg–21(a)(2)) is amended by adding at the  
14 end the following new subparagraph:

15 “(F) SUNSET OF ELECTION OPTION.—

16 “(i) IN GENERAL.—Notwithstanding  
17 the preceding provisions of this para-  
18 graph—

19 “(I) no election described in sub-  
20 paragraph (A) with respect to the pro-  
21 visions of section 2726 may be made  
22 on or after the date of enactment of  
23 this subparagraph; and

24 “(II) except as provided in clause  
25 (ii), no such election with respect to

1 the provisions of section 2726 expir-  
2 ing on or after the date that is 180  
3 days after the date of such enactment  
4 may be renewed.

5 “(ii) EXCEPTION FOR CERTAIN COL-  
6 LECTIVELY BARGAINED PLANS.—Notwith-  
7 standing clause (i)(II), a plan described in  
8 subparagraph (B)(ii) that is subject to  
9 multiple agreements described in such sub-  
10 paragraph of varying lengths and that has  
11 an election in effect under subparagraph  
12 (A) as of the date of enactment of this  
13 subparagraph that expires on or after the  
14 date that is 180 days after the date of  
15 such enactment may extend such election  
16 until the date on which the term of the last  
17 such agreement expires.”.