

**Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement**

PUBLISHED: 1/27/2026 11:30 AM

ORIGINAL

Bill Number: HB309

Patron: Hope

Bill Title: Temporary detention in hospital for testing, observation, or treatment.

Bill Summary: Provides that while seeking the issuance of an order for temporary detention in a hospital for testing, observation, or treatment, or an extension of such order, the person who would be subject to such order and is currently subject to an order issued pursuant to current law shall remain in the custody of the facility where he is located, and any security personnel shall ensure that such person does not leave the facility while such person is unable to provide informed consent. The bill states that the person shall be permitted to leave the facility if such order is not issued. The bill also provides that any licensed health professional or licensed hospital, including a hospital licensed by the Department of Health pursuant to relevant law, shall have no liability arising out a claim to the extent the claim is based on a lack of consent to the detention of a person when such professional or hospital is seeking the court's or magistrate's authorization such detention.

Budget Amendment Necessary: No

Items Impacted: None

Fiscal Summary: No fiscal impact.

Fiscal Analysis: This legislation clarifies that while an individual is in an emergency room pursuant to a petition of temporary order for medical reasons, the treating facility is responsible for maintaining custody of the individual. There is no expected fiscal impact to the state.