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First Session, Forty-third Parliament  
3 Charles III, 2025  
Legislative Assembly of British Columbia

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**BILL M 205**

**MENTAL HEALTH  
AMENDMENT ACT, 2025**

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Elenore Sturko

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## **Explanatory Notes**

**CLAUSE 1:**     ***[Mental Health Act, section 22]***

- adds a requirement for a physician or nurse practitioner to take reasonable steps to consult with a near relative of the individual or with an individual who provided information leading to an apprehension of the individual and consider any information, including a history of mental disorder, received as a result of the consultation prior to completing a medical certificate under this section;
- adds a requirement for an additional statement in the medical certificate;
- makes consequential amendments in light of the new requirements.

**CLAUSE 2:**     ***[Mental Health Act, section 28]*** is consequential to amendments made by this Bill to the Act.

**CLAUSE 3:**     ***[Mental Health Act, section 34.2]***

- adds a requirement for the director to provide notice to a near relative prior to discharging the patient from a designated facility;
- adds a requirement for the director to provide notice when a patient has withdrawn consent for information sharing with a near relative.

## BILL M 205 – 2025

### MENTAL HEALTH AMENDMENT ACT, 2025

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

- 1 Section 22 of the Mental Health Act, R.S.B.C. 1996, c. 288, is amended**
  - (a) in subsection (1) by striking out “subsections (3) and (4)” and substituting “subsections (3), (3.1) and (4)”**,
  - (b) in subsection (2) by striking out “subsections (3) and (5)” and substituting “subsections (3), (3.1) and (5)”**,
  - (c) in subsection (3) by striking out “and” at the end of paragraph (b), by striking out “patient.” at the end of paragraph (c) and substituting “patient, and” and by adding the following paragraph:**
    - (d) a statement, separate from that under paragraphs (a) and (c), by the physician or nurse practitioner that he or she complied with the requirements of subsection (3.1). ,
  - (d) by adding the following subsection:**
    - (3.1) A physician or nurse practitioner who examines a person who may be admitted under this section must
      - (a) take reasonable steps to consult with
        - (i) a near relative of the person to be admitted, or the patient to be admitted, under subsection (1), or
        - (ii) an individual who provided information leading to an apprehension under section 28 (1), and
      - (b) consider any information, including a history of mental disorder, received as a result of the consultation required under paragraph (a). , and
  - (e) in subsection (6) by striking out “subsections (3) and (4)” and substituting “subsections (3), (3.1) and (4)”**.
- 2 Section 28 (2) is amended by striking out “section 22 (3) and (4)” and substituting “section 22 (3), (3.1) and (4)”**.
- 3 Section 34.2 (2) is repealed and the following substituted:**
  - (2) The director must give notice in the prescribed manner to a near relative of a patient
    - (a) prior to discharging the patient from the designated facility, or
    - (b) immediately after receipt of a request under section 25 (1) from someone who is not a near relative of the patient.

CLAUSE 3:     *[Mental Health Act, section 34.2 – continued]*

- (2.1) If a patient withdraws consent for information sharing with a near relative, the director must, in the prescribed manner,
- (a) give notice of the withdrawal to the near relative, and
  - (b) document that notice of the withdrawal has been provided to the near relative.

**Commencement**

- 4 This Act comes into force on the date of Royal Assent.