



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Hon. George W. Cox
State Health Officer
Austin, Texas

Dear Sir:

Opinion No. O-7295

Re: Whether the Texas State Department of Health is the single State agency for the purpose of cooperating with the United States Public Health Service under the National Mental Health Act making grants to States for mental health purposes.

Your letter of September 17, 1946, has received our full consideration in regard to the above question propounded therein for our opinion.

According to your letter, the question is prompted by a request of the United States Public Health Service desiring this department to advise it as to the single state agency of the State charged with the responsibility of administering the mental health program. We quote from your letter as follows:

"Because of a number of states having State Departments of Mental Health separate from State Departments of Health, some confusion has arisen in the office of the United States Public Health Service as to what agency they are supposed to deal with in each state in carrying out their function under this act. Texas having a single department for public health purposes should make no confusion. However, the United States Public Health Service has directed a letter to us in which they state:

"Since some confusion has arisen in the determination of the single state agency, it is felt that it will be necessary to secure, in the case of each state, a statement from the Attorney General or the Governor designating the single state agency for mental health purposes. It is, therefore, requested that you advise this office of the statement of the Attorney General or the Governor in this respect."

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We are of necessity referred to the Act of Congress setting up the mental health program, which Act appears as Public Law No. 487, 79th Congress, Chapter 438, Second Session, approved July 3, 1946. This law was passed as an amendment to the Public Health Service Act to provide for research relating to psychiatric disorders and to aid in the development of more effective methods of prevention, diagnosis and treatment of such disorders, and for other purposes.

Section 2 of the Public Law states the purpose of the Act and in Section 3 the following definitions are set forth:

"(l) The term 'psychiatric disorders' includes diseases of the nervous system which affect mental health; and

"(m) The term 'State mental health authority' means the State health authority, except that in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for administering the mental health program of the State, it means such other State agency."

We have carefully searched the statutes of this State and find no single State agency charged with administering any Federal mental health program.

Article 4418f, Revised Civil Statutes of Texas, 1925, provides that it shall be lawful for the State Department of Health to accept donations and contributions to be expended in the interest of the public health as well as in the enforcement of public health laws. To be construed with this statute is Senate Bill 313, Acts 1946, 49th Legislature, Ch. 378, Sec. 2, Subdivision (9) under General Provisions which authorizes the State Health Officer to make application for and accept any gifts, grants or allotments or funds from the United States government health projects and programs, etc., to be used on State cooperative and other Federal projects and programs in Texas.

In view of the foregoing, you are advised that the State Department of Health must be considered the "State Mental health authority" within the provisions of and as that term is defined in sub-

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division (m), Section 2, Public Law No. 487, 79th Congress, 2nd Session, approved July 3, 1946.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *W. J. R. King*
W. J. R. King
Assistant

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APPROVED OCT 18 1946
Harris Toler

FIRST ASSISTANT
ATTORNEY GENERAL

APPROVED
OPINION
COMMITTEE
BY *Bur*
CHAIRMAN