

Trattamento sanitario obbligatorio e somministrazione coattiva di farmaci, con particolare riferimento ai LAI

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Compulsory Health Treatment and Forced Administration of Drugs, with Particular Reference to LAI

Abstract: When Law no. 833/1978 (Basaglia law) was passed, the psychiatric patient became no longer an “object” of medical treatment, but the “subject” of rights like all other users of the National Health Service. The Basaglia Law, establishing the voluntary nature of all health treatments, implemented the constitutional principles set out in 1948. As an exception to this general rule, in certain circumstances, both the Constitution and the law allow for compulsory health treatments in and, in limited cases, even out of hospitals (i.e., community treatments). Coercively administering depot drugs or LAI (Long Acting Injectables), i.e. slow-release drugs, is a practice often adopted by territorial psychiatric services. In these cases, the psychiatric patient is subjected to compulsory short-term out-of-hospital health treatments. The current article questions the juridical-constitutional legitimacy of this practice: since the administration of depot drugs is a treatment characterized by a strong invasiveness, it is believed that the intake of these drugs requires the patient’s full consent and cannot be compulsorily imposed.

Keywords: Compulsory health treatment, Forced administration of drugs, Long acting injectables.

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