

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0740.01 Jane Ritter x4342

HOUSE BILL 16-1385

HOUSE SPONSORSHIP

Singer,

SENATE SPONSORSHIP

Newell,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE DEFINITION OF CHILD ABUSE OR NEGLECT IN THE
102 "COLORADO CHILDREN'S CODE" AS IT RELATES TO THE USE OF
103 OR EXPOSURE TO SUBSTANCES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

The bill updates and modernizes the language in the definition of "abuse" or "child abuse or neglect" in the "Colorado Children's Code" to reflect the ways a child's welfare can be threatened or harmed by adults through the use of or exposure to substances.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-103, **amend** (1)

3 (a) (VI) and (1) (a) (VII) as follows:

4 **19-1-103. Definitions.** As used in this title or in the specified
5 portion of this title, unless the context otherwise requires:

6 (1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of
7 article 3 of this title, means an act or omission in one of the following
8 categories that threatens the health or welfare of a child:

9 (VI) Any case in which ~~in the presence of a child, or on the~~
10 ~~premises where a child is found, or where a child resides, a controlled~~
11 ~~substance, as defined in section 18-18-102 (5), C.R.S., is manufactured~~
12 ~~or attempted to be manufactured;~~ SUBSTANCE USE OR SUBSTANCE
13 EXPOSURE DEMONSTRABLY THREATENS OR RESULTS IN HARM TO THE
14 CHILD'S HEALTH OR WELFARE AS SUGGESTED BY ANY OF THE FOLLOWING:

15 (A) A STATEMENT OR BEHAVIOR SUGGESTING IMPAIRMENT OF A
16 PARENT, STEPPARENT, GUARDIAN, LEGAL CUSTODIAN, RELATIVE, SPOUSAL
17 EQUIVALENT AS DEFINED IN SUBSECTION (101) OF THIS SECTION, OR ANY
18 OTHER PERSON WHO RESIDES IN THE CHILD'S HOME OR WHO IS REGULARLY
19 IN THE CHILD'S HOME FOR THE PURPOSE OF EXERCISING AUTHORITY OVER
20 OR CARE FOR THE CHILD; OR

21 (B) EXPOSURE TO OR INGESTION OF ANY LEGAL OR ILLEGAL
22 SUBSTANCE THAT IS PURPOSEFULLY OR NEGLIGENTLY ACCESSIBLE TO THE
23 CHILD; OR

24 (C) THE MANUFACTURE, DISTRIBUTION, PRODUCTION, POSSESSION,
25 CULTIVATION, OR USE OF A LEGAL OR ILLEGAL SUBSTANCE CREATES AN
26 ENVIRONMENT THAT IS PURPOSEFULLY OR NEGLIGENTLY INJURIOUS TO THE

1 CHILD.

2 (VII) Any case in which a child tests positive at birth for either a
3 ~~schedule I controlled substance, as defined in section 18-18-203, C.R.S.,~~
4 ~~or a schedule II controlled substance, as defined in section 18-18-204,~~
5 ~~C.R.S.,~~ A SIGNIFICANT EXPOSURE TO ALCOHOL OR FOR A CONTROLLED
6 SUBSTANCE, AS DEFINED IN SECTION 18-18-102, C.R.S., unless the child
7 tests positive ~~for a schedule II controlled substance~~ as a result of the
8 mother's lawful intake of such substance as prescribed OR RECOMMENDED
9 AND MONITORED BY A HEALTH CARE PROVIDER WHO IS AWARE OF THE
10 PREGNANCY AND WHO IS LICENSED TO PRESCRIBE OR RECOMMEND A
11 CONTROLLED SUBSTANCE.

12 **SECTION 2. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.