

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 16-1125.01 Jane Ritter x4342

**SENATE BILL 16-169**

**SENATE SPONSORSHIP**

**Martinez Humenik and Cooke,**

**HOUSE SPONSORSHIP**

**Kraft-Tharp and Landgraf,**

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**Senate Committees**  
Judiciary

**House Committees**  
Judiciary

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**A BILL FOR AN ACT**

101 **CONCERNING CHANGES RELATED TO THE SEVENTY-TWO-HOUR**  
102 **EMERGENCY MENTAL HEALTH PROCEDURE.**

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**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/billsummaries>.)*

The bill clarifies the difference between a "designated facility", an "emergency medical services facility", and a "law enforcement facility", as those terms are used in connection with the 72-hour emergency mental health procedure. In current law, a person who is being detained under a 72-hour emergency mental health procedure must be taken to a facility that was previously designated or approved by the executive director of

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.*

HOUSE  
3rd Reading Unamended  
May 10, 2016

HOUSE  
Amended 2nd Reading  
May 9, 2016

SENATE  
3rd Reading Unamended  
April 19, 2016

SENATE  
Amended 2nd Reading  
April 18, 2016

the department of human services (designated facility). The bill expands this to allow individuals to be admitted to a law enforcement facility if space is not available in a designated facility or an emergency medical services facility, provided certain conditions are met, including that the person cannot be held for longer than 24 hours in the law enforcement facility without a court order granting a one-time extension, not to exceed 72 additional hours.

Current law allows for the facility in which the person is receiving treatment and evaluation to hold the person for a period not to exceed 72 hours from the time of his or her admission to the facility providing treatment and evaluation, excluding Saturdays, Sundays, and holidays, if treatment and evaluation is not available on those days. The bill also excludes from the 72-hour calculation any time required for non-psychiatric medical screening or treatment. It requires that a person who is taken into custody through the emergency procedure must receive an evaluation as soon as possible and receive appropriate treatment for his or her condition for the full period that he or she is in emergency custody.

If, at any time during the 72-hour custody, a mental health or medical professional determines the person can be properly cared for without being detained any longer, the person must be discharged as soon as possible.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Colorado currently lacks adequate resources to appropriately  
5 care for some individuals who are experiencing a mental health crisis or  
6 psychiatric emergency;

7 (b) Although Colorado statute specifies that individuals placed on  
8 an emergency hold may be taken to a facility designated by the executive  
9 director of the department of human services to provide seventy-two-hour  
10 mental health treatment and evaluation or to a jail or other law  
11 enforcement facility, the designated facilities are often unavailable and  
12 law enforcement facilities are not designed for, nor do they have adequate  
13 resources to provide, comprehensive mental health care to individuals in

1 crisis;

2 (c) Because law enforcement facilities lack the resources to  
3 provide comprehensive mental health evaluation and treatment to  
4 individuals in crisis, they should only be used as a last resort when other,  
5 more appropriate facilities are unavailable when an individual is placed  
6 on an emergency mental health hold;

7 (d) Often, patients who are experiencing a psychiatric emergency  
8 are taken to the nearest emergency department, regardless of whether or  
9 not it is part of a facility that is designated to provide seventy-two-hour  
10 treatment and evaluation;

11 (e) Federal law requires all hospitals to screen and stabilize every  
12 patient who comes to an emergency department, including those  
13 experiencing a psychiatric emergency; and

14 (f) Colorado hospitals are committed to providing appropriate care  
15 for patients with mental illnesses, but many of our hospitals are not  
16 equipped or lack other resources to offer the type of specialty mental  
17 health care required for designated facilities.

18 (2) The general assembly therefore finds that:

19 (a) It is necessary to provide more clarity and flexibility in state  
20 law so communities throughout the state can determine the appropriate  
21 response for their individual community in caring for persons who are  
22 experiencing a mental health crisis or psychiatric emergency; and

23 (b) In the absence of additional state resources, law enforcement  
24 and health care providers should work collaboratively to provide the best  
25 and most compassionate care possible for individuals experiencing a  
26 mental health crisis or psychiatric emergency.

27 **SECTION 2.** In Colorado Revised Statutes, 26-1-107, **add** (11)

1 as follows:

2 **26-1-107. State board of human services - rules.** (11) NOTHING  
3 IN THIS SECTION SHALL BE CONSTRUED TO GRANT RULE-MAKING  
4 AUTHORITY OVER ANY DUTY OR RESPONSIBILITY DELEGATED TO A LAW  
5 ENFORCEMENT AGENCY, LAW ENFORCEMENT FACILITY, OR EMERGENCY  
6 MEDICAL SERVICES FACILITY PURSUANT TO ARTICLE 65 OF TITLE 27, C.R.S.

7 **SECTION 3.** In Colorado Revised Statutes, 27-65-102, **add** (5.3),  
8 (5.7), and (11.5) as follows:

9 **27-65-102. Definitions.** As used in this article, unless the context  
10 otherwise requires:

11 (5.3) "DESIGNATED FACILITY" MEANS A FACILITY DESIGNATED OR  
12 APPROVED BY THE EXECUTIVE DIRECTOR FOR SEVENTY-TWO-HOUR  
13 TREATMENT AND EVALUATION OF PERSONS WHO MEET THE CRITERIA  
14 PROVIDED IN SECTION 27-65-105.

15 (5.7) "EMERGENCY MEDICAL SERVICES FACILITY" MEANS A  
16 FACILITY LICENSED PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 25,  
17 C.R.S., OR CERTIFIED PURSUANT TO SECTION 25-1.5-103, C.R.S., THAT  
18 PROVIDES EMERGENCY MEDICAL SERVICES. AN EMERGENCY MEDICAL  
19 SERVICES FACILITY IS NOT REQUIRED TO BE, BUT MAY ELECT TO BECOME,  
20 A DESIGNATED FACILITY AS DEFINED IN SUBSECTION (5.3) OF THIS SECTION.

21 (11.5) "LAW ENFORCEMENT FACILITY" MEANS A SECURE JAIL,  
22 LOCKUP, OR OTHER PLACE USED FOR THE CONFINEMENT OF PERSONS  
23 CHARGED WITH OR CONVICTED OF CRIMES.

24 **SECTION 4.** In Colorado Revised Statutes, 27-65-105, **amend**  
25 (1) (a) (I), (1) (a) (II) introductory portion, (1) (b), (2), (3), (4), and (5);  
26 **and add** (4.5) and (6) as follows:

27 **27-65-105. Emergency procedure.** (1) Emergency procedure

1 may be invoked under either one of the following two conditions:

2 (a) (I) When ~~any~~ A person appears to have a mental illness and, as  
3 a result of such mental illness, appears to be an imminent danger to others  
4 or to himself or herself or appears to be gravely disabled, then a person  
5 specified in subparagraph (II) of this paragraph (a), each of whom is  
6 referred to in this section as the "intervening professional", upon probable  
7 cause and with such assistance as may be required, may take the person  
8 into custody, or cause the person to be taken into custody, and ~~placed in~~  
9 ~~a facility designated or approved by the executive director for a~~  
10 ~~seventy-two-hour treatment and evaluation~~ TAKE THE PERSON TO == A  
11 DESIGNATED FACILITY. IF SUCH A FACILITY IS UNAVAILABLE, THE PERSON  
12 MAY BE TAKEN TO AN EMERGENCY MEDICAL SERVICES FACILITY OR A LAW  
13 ENFORCEMENT FACILITY PURSUANT TO THE PROVISIONS OF SUBSECTION (2)  
14 OF THIS SECTION.

15 (II) The following persons ~~may effect a seventy-two-hour hold as~~  
16 ARE INTERVENING PROFESSIONALS WHO MAY INVOKE THE EMERGENCY  
17 PROCEDURE provided FOR in subparagraph (I) of this paragraph (a):

18 (b) Upon an affidavit sworn to or affirmed before a judge that  
19 relates sufficient facts to establish that a person appears to have a mental  
20 illness and, as a result of the mental illness, appears to be an imminent  
21 danger to others or to himself or herself or appears to be gravely disabled,  
22 the court may order the person described in the affidavit to be taken into  
23 custody and ~~placed in a facility designated or approved by the executive~~  
24 ~~director for a~~ TAKEN TO A DESIGNATED FACILITY FOR seventy-two-hour  
25 treatment and evaluation. ~~Whenever in this article a facility is to be~~  
26 ~~designated or approved by~~ IF SUCH A FACILITY IS UNAVAILABLE, THE  
27 PERSON MAY BE TAKEN TO AN EMERGENCY MEDICAL SERVICES FACILITY

1 OR A LAW ENFORCEMENT FACILITY PURSUANT TO THE PROVISIONS OF  
2 SUBSECTION (2) OF THIS SECTION. IF the executive director ~~hospitals, if~~  
3 ~~available, shall be approved or designated~~ IS TO DESIGNATE OR APPROVE  
4 A FACILITY PURSUANT TO THIS ARTICLE, HE OR SHE SHALL APPROVE A  
5 HOSPITAL OR HOSPITALS, IF AVAILABLE, in each county before other  
6 facilities are approved or designated. ~~Whenever in this article a facility is~~  
7 ~~to be designated or approved by~~ IF the executive director ~~as~~ IS TO  
8 DESIGNATE OR APPROVE a facility for a stated purpose and the facility to  
9 be designated or approved is a private facility, the consent of the private  
10 facility to the enforcement of standards set by the executive director ~~shall~~  
11 ~~be~~ IS a prerequisite to the designation or approval.

12 (2) (a) (I) When a person is taken into custody pursuant to  
13 subsection (1) of this section, ~~such person shall not be detained in a jail,~~  
14 ~~lockup, or other place used for the confinement of persons charged with~~  
15 ~~or convicted of penal offenses; except that such place may be used if no~~  
16 ~~other suitable place of confinement for treatment and evaluation is readily~~  
17 ~~available. In such situation the person shall be detained separately from~~  
18 ~~those persons charged with or convicted of penal offenses and shall be~~  
19 ~~held for a period not to exceed~~ HE OR SHE MAY BE DETAINED IN A LAW  
20 ENFORCEMENT FACILITY ONLY UNDER THE FOLLOWING CIRCUMSTANCES,  
21 AND ONLY IF THE PERSON IS DETAINED SEPARATELY FROM ANY PERSONS  
22 CHARGED WITH OR CONVICTED OF PENAL OFFENSES:

23 (A) IF A DESIGNATED FACILITY IS NOT AVAILABLE FOR TREATMENT  
24 AND EVALUATION;

25 (B) IF AN EMERGENCY MEDICAL SERVICES FACILITY IS NOT  
26 READILY AVAILABLE; AND

27 (C) IF THE PERSON HAS DEMONSTRATED RECENT BEHAVIORAL

1     ~~AGGRESSION OR VIOLENCE THAT CANNOT BE DE-ESCALATED WITHIN THE~~  
2     ~~CAPABILITY AND CAPACITY OF AN AVAILABLE EMERGENCY MEDICAL~~  
3     ~~SERVICES FACILITY WITHOUT THE ASSISTANCE OF LAW ENFORCEMENT.~~

4             (II) THE PERSON TAKEN INTO CUSTODY MUST NOT BE HELD IN A  
5     LAW ENFORCEMENT FACILITY FOR A PERIOD THAT EXCEEDS twenty-four  
6     hours, excluding Saturdays, Sundays, and holidays, after which time he  
7     or she shall be transferred to ~~a facility designated or approved by the~~  
8     ~~executive director for a seventy-two-hour treatment and evaluation~~ A  
9     DESIGNATED FACILITY FOR TREATMENT AND EVALUATION. IN THE EVENT  
10    THAT A DESIGNATED FACILITY SUITABLE FOR TREATMENT AND  
11    EVALUATION IS NOT AVAILABLE AT THE END OF THE TWENTY-FOUR-HOUR  
12    PERIOD PROVIDED FOR IN THIS SUBPARAGRAPH (II), A SHERIFF OR HIS OR  
13    HER DESIGNEE MAY PETITION THE COURT, THROUGH AN AFFIDAVIT SWORN  
14    TO OR AFFIRMED BEFORE A JUDGE, FOR A ONE-TIME ORDER GRANTING AN  
15    EXTENSION, NOT TO EXCEED TWENTY-FOUR HOURS, OF THE HOLDING  
16    PERIOD IN THE LAW ENFORCEMENT FACILITY. ALL PROVISIONS OF  
17    SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (2) RELATING  
18    TO CONDITIONS OF CONFINEMENT CONTINUE TO APPLY DURING ANY  
19    COURT-ORDERED EXTENSION GRANTED PURSUANT TO THIS SUBPARAGRAPH  
20    (II).

21             (III) If the person being detained is a juvenile, as defined in  
22    section 19-1-103 (68), C.R.S., ~~the juvenile shall~~ HE OR SHE MUST be  
23    placed in a setting that is nonsecure and physically segregated by sight  
24    and sound from ~~the~~ ANY adult offenders.

25             (IV) When a person is taken into custody and confined IN A LAW  
26    ENFORCEMENT FACILITY pursuant to this subsection (2), ~~such person shall~~  
27    ~~be examined at least every twelve hours by a~~ certified SWORN peace

1 officer, nurse, ~~or~~ physician, or ~~by an~~ appropriate staff professional of the  
2 nearest designated ~~or approved~~ mental health treatment facility SHALL  
3 EXAMINE THE PERSON AT LEAST EVERY TWELVE HOURS to determine if ~~the~~  
4 ~~person~~ HE OR SHE is receiving appropriate care consistent with his or her  
5 mental condition.

6 (b) A sheriff or police chief who violates the provisions of  
7 SUBPARAGRAPH (III) OF paragraph (a) of this subsection (2), related to  
8 detaining juveniles, may be subject to a civil fine of no more than one  
9 thousand dollars. The decision to fine shall be based on prior violations  
10 of the provisions of SUBPARAGRAPH (III) OF paragraph (a) of this  
11 subsection (2) by the sheriff or police chief and the willingness of the  
12 sheriff or police chief to address the violations in order to comply with  
13 SUBPARAGRAPH (III) OF paragraph (a) of this subsection (2).

14 (3) ~~Such~~ WHEN A PERSON IS TAKEN INTO EMERGENCY CUSTODY BY  
15 AN INTERVENING PROFESSIONAL PURSUANT TO SUBSECTION (1) OF THIS  
16 SECTION AND \_\_\_\_\_ PRESENTS TO AN EMERGENCY MEDICAL SERVICES  
17 FACILITY OR IS ADMITTED TO A DESIGNATED FACILITY, THE facility shall  
18 require an application in writing, stating the circumstances under which  
19 the person's condition was called to the attention of the intervening  
20 professional and further stating sufficient facts, obtained from the  
21 personal observations of the intervening professional or obtained from  
22 others whom he or she reasonably believes to be reliable, to establish that  
23 the person has a mental illness and, as a result of the mental illness, is an  
24 imminent danger to others or to himself or herself or is gravely disabled.  
25 The application ~~shall~~ MUST indicate when the person was taken into  
26 EMERGENCY custody and who brought the person's condition to the  
27 attention of the intervening professional. A copy of the application shall



1 be furnished to the person being evaluated, and the application shall be  
2 retained in accordance with the provisions of section 27-65-121 (4).

3 (4) ~~If the seventy-two-hour treatment and evaluation facility~~  
4 ~~admits the person, it may detain him or her for evaluation and treatment~~  
5 ~~for a period not to exceed seventy-two hours, excluding~~ A DESIGNATED  
6 FACILITY THAT ADMITS A PERSON PURSUANT TO THIS SECTION MAY RETAIN  
7 SUCH PERSON FOR A PERIOD NOT TO EXCEED SEVENTY-TWO HOURS FROM  
8 THE TIME THE PERSON IS ADMITTED TO THE DESIGNATED FACILITY. THE  
9 SEVENTY-TWO-HOUR PERIOD EXCLUDES Saturdays, Sundays, and holidays  
10 if evaluation and treatment services are not available on those days, AND  
11 ANY TIME REQUIRED FOR NON-PSYCHIATRIC MEDICAL STABILIZATION. A  
12 PERSON WHO IS PROVIDED SERVICES UNDER THE PROVISIONS OF THIS  
13 ARTICLE MUST RECEIVE AN EVALUATION AS SOON AS POSSIBLE AND SUCH  
14 TREATMENT AS HIS OR HER CONDITION REQUIRES, AND IS WITHIN THE  
15 CAPABILITY OF THE FACILITY, FOR THE FULL PERIOD OF TIME THAT HE OR  
16 SHE IS ADMITTED. For the purposes of this subsection (4), EMERGENCY  
17 MENTAL HEALTH SERVICES AND evaluation and treatment services are not  
18 deemed to be available merely because a professional person is on call  
19 during weekends or holidays. If, in the opinion of the professional person  
20 in charge of the evaluation, the person can be properly cared for without  
21 being detained, he or she shall be provided services on a voluntary basis.

22 (4.5) (a) ON OR BEFORE DECEMBER 31, 2016, AND EACH JULY 1  
23 THEREAFTER, EACH EMERGENCY MEDICAL SERVICES FACILITY OR LAW  
24 ENFORCEMENT FACILITY WHICH HAS TAKEN CUSTODY OF A PERSON OR  
25 TREATED A PERSON PURSUANT TO THIS SECTION SHALL PROVIDE AN  
26 ANNUAL REPORT TO THE DEPARTMENT THAT INCLUDES ONLY AGGREGATE  
27 AND NONIDENTIFYING INFORMATION CONCERNING PERSONS WHO WERE

1 TAKEN INTO CUSTODY OR TREATED AT AN EMERGENCY MEDICAL SERVICES  
2 FACILITY OR LAW ENFORCEMENT FACILITY PURSUANT TO THIS SECTION.

3 LAW ENFORCEMENT FACILITIES MAY CONTACT CRISIS CENTERS FOR  
4 ASSISTANCE IN FULFILLING THE REQUIREMENTS OF THIS SUBSECTION (4.5).

5 THE REPORT MUST CONTAIN THE FOLLOWING:

6 (I) THE NAMES AND COUNTIES OF THE FACILITIES;

7 (II) THE TOTAL NUMBER OF PERSONS TAKEN INTO CUSTODY OR  
8 TREATED PURSUANT TO THIS SECTION, INCLUDING A SUMMARY OF  
9 DEMOGRAPHIC INFORMATION;

10 (III) A SUMMARY REGARDING THE DIFFERENT REASONS FOR  
11 WHICH PERSONS WERE TAKEN INTO CUSTODY OR TREATED PURSUANT TO  
12 THIS SECTION; AND

13 (IV) A SUMMARY OF THE DISPOSITION OF PERSONS WHETHER  
14 RELEASED FROM CUSTODY OR TRANSFERRED TO A DESIGNATED FACILITY.

15 (b) (I) ANY INFORMATION AGGREGATED AND PROVIDED TO THE  
16 DEPARTMENT PURSUANT TO THIS SUBSECTION (4.5) IS PRIVILEGED AND  
17 CONFIDENTIAL. SUCH INFORMATION MUST NOT BE MADE AVAILABLE TO  
18 THE PUBLIC EXCEPT IN AN AGGREGATE FORMAT THAT CANNOT BE USED TO  
19 IDENTIFY AN INDIVIDUAL FACILITY. THE INFORMATION IS NOT SUBJECT TO  
20 CIVIL SUBPOENA AND IS NOT DISCOVERABLE OR ADMISSIBLE IN ANY CIVIL,  
21 CRIMINAL, OR ADMINISTRATIVE PROCEEDING AGAINST AN EMERGENCY  
22 MEDICAL SERVICES FACILITY, LAW ENFORCEMENT FACILITY, HEALTH CARE  
23 PROFESSIONAL, OR LAW ENFORCEMENT OFFICER. THE INFORMATION MUST  
24 BE USED ONLY TO ASSESS STATEWIDE BEHAVIORAL HEALTH SERVICES  
25 NEEDS AND TO PLAN FOR SUFFICIENT LEVELS OF STATEWIDE BEHAVIORAL  
26 HEALTH SERVICES. IN THE COLLECTION OF DATA TO ACCOMPLISH THE  
27 REQUIREMENTS OF THIS SUBSECTION (4.5), THE DEPARTMENT SHALL

1 PROTECT THE CONFIDENTIALITY OF PATIENT RECORDS, IN ACCORDANCE  
2 WITH STATE AND FEDERAL LAWS, AND SHALL NOT DISCLOSE ANY PUBLIC  
3 IDENTIFYING OR PROPRIETARY INFORMATION OF ANY HOSPITAL, HOSPITAL  
4 ADMINISTRATOR, HEALTH CARE PROFESSIONAL, OR EMPLOYEE OF A  
5 HEALTH CARE FACILITY.

6 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) DOES NOT APPLY  
7 TO INFORMATION THAT IS OTHERWISE AVAILABLE FROM A SOURCE  
8 OUTSIDE OF THE DATA COLLECTION ACTIVITIES REQUIRED PURSUANT TO  
9 PARAGRAPH (a) OF THIS SUBSECTION (4.5).

10 (5) ~~Each person admitted to a seventy-two-hour treatment and~~  
11 ~~evaluation facility under the provisions of this article shall receive an~~  
12 ~~evaluation as soon as possible after he or she is admitted and shall receive~~  
13 ~~such treatment and care as his or her condition requires for the full period~~  
14 ~~that he or she is held. The person shall be released before seventy-two~~  
15 ~~hours have elapsed if, in the opinion of the professional person in charge~~  
16 ~~of the evaluation, the person no longer requires evaluation or treatment~~

17 AN EMERGENCY MEDICAL SERVICES FACILITY THAT ASSUMES EMERGENCY  
18 CUSTODY OF AN INDIVIDUAL PURSUANT TO THIS SECTION SHALL PROVIDE  
19 AN ASSESSMENT AS SOON AS POSSIBLE AND ANY TREATMENT THAT THE  
20 INDIVIDUAL'S CONDITION REQUIRES THAT IS WITHIN THE FACILITY'S  
21 CAPABILITIES FOR THE FULL PERIOD OF THE TIME THAT THE INDIVIDUAL IS  
22 IN CUSTODY AT THE FACILITY, CONSISTENT WITH ALL OTHER APPLICABLE  
23 LAWS. THE EMERGENCY MEDICAL SERVICES FACILITY MAY RETAIN THE  
24 INDIVIDUAL IN EMERGENCY CUSTODY FOR UP TO THIRTY-SIX HOURS TO  
25 DETERMINE WHETHER THE INDIVIDUAL REQUIRES TRANSFER TO A  
26 DESIGNATED FACILITY FOR SEVENTY-TWO-HOUR TREATMENT AND  
27 EVALUATION. SUCH THIRTY-SIX-HOUR PERIOD EXCLUDES ANY TIME

1 REQUIRED FOR NON-PSYCHIATRIC MEDICAL STABILIZATION AND  
2 COMPLETING THE TRANSFER TO THE ACCEPTING DESIGNATED FACILITY.

3 (6) IF, AT ANY TIME DURING EMERGENCY CUSTODY OF AN  
4 INDIVIDUAL IN EITHER AN EMERGENCY MEDICAL SERVICES FACILITY,  
5 DESIGNATED FACILITY, OR LAW ENFORCEMENT FACILITY, INCLUDING ANY  
6 EXTENSION PROVIDED FOR PURSUANT TO SUBSECTION (2) OF THIS SECTION,  
7 IN THE OPINION OF A PROFESSIONAL PERSON, AS THAT TERM IS DEFINED IN  
8 SECTION 27-65-102 (17), OR AN ADVANCED PRACTICE NURSE LICENSED  
9 PURSUANT TO ARTICLE 38 OF TITLE 12, C.R.S., AND INCLUDED IN THE  
10 ADVANCED PRACTICE REGISTRY PURSUANT TO SECTION 12-38-111.5,  
11 C.R.S., WITH A POPULATION FOCUS IN PSYCHIATRY OR MENTAL HEALTH,  
12 ACTING WITHIN HIS OR HER SCOPE OF PRACTICE, THE PERSON NO  
13 LONGER MEETS THE STANDARDS FOR EMERGENCY CUSTODY OR DETENTION  
14 AND HIS OR HER CARE CAN BE PROVIDED IN ANOTHER SETTING, THE  
15 PERSON MUST BE APPROPRIATELY DISCHARGED OR REFERRED FOR  
16 FURTHER CARE AND TREATMENT ON A VOLUNTARY BASIS. Persons who  
17 have ~~been detained for~~ RECEIVED seventy-two-hour evaluation and  
18 treatment AT A DESIGNATED FACILITY shall be released, referred for  
19 further care and treatment on a voluntary basis, or certified for treatment  
20 pursuant to section 27-65-107.

21 **SECTION 5.** In Colorado Revised Statutes, 27-60-103, add (6.5)  
22 as follows:

23 **27-60-103. Behavioral health crisis response system - services**  
24 **- request for proposals - criteria - reporting - rules - definitions.**

25 (6.5) ON OR BEFORE SEPTEMBER 1, 2016, THE UNIT IN THE STATE  
26 DEPARTMENT THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND  
27 SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND

1 SUBSTANCE ABUSE, SHALL CONVENE A SERIES OF STAKEHOLDER SESSIONS  
2 TO ADDRESS EMERGENCY MENTAL HEALTH TREATMENT NEEDS  
3 THROUGHOUT COLORADO. THE STAKEHOLDER GROUP SHALL ASSIST THE  
4 STATE DEPARTMENT IN DEVELOPING A COMPREHENSIVE NEEDS ANALYSIS,  
5 RECOMMENDATIONS, AND A BUDGET REQUEST FOR EMERGENCY MENTAL  
6 HEALTH SERVICES IN COLORADO. THE STAKEHOLDER GROUP MUST  
7 INCLUDE APPROPRIATE MENTAL HEALTH ADVOCACY GROUPS, NONPROFIT  
8 ORGANIZATIONS, PROVIDERS, AND ANY INTERESTED AND RELATED  
9 PARTIES. THE STAKEHOLDER SESSIONS MUST BE CONDUCTED WITHIN  
10 EXISTING DEPARTMENTAL RESOURCES. ON OR BEFORE JANUARY 31, 2017,  
11 THE STATE DEPARTMENT SHALL PRESENT TO THE JOINT JUDICIARY  
12 COMMITTEE AND THE JOINT HEALTH AND HUMAN SERVICES COMMITTEE A  
13 NEEDS ANALYSIS, RECOMMENDATIONS, AND A BUDGET REQUEST FOR  
14 EMERGENCY MENTAL HEALTH TREATMENT NEEDS THROUGHOUT  
15 COLORADO AS PART OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE,  
16 RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" HEARING  
17 REQUIRED BY SECTION 2-7-203, C.R.S.

18           **SECTION 6. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.