

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0965.01 Jane Ritter x4342

SENATE BILL 17-242

SENATE SPONSORSHIP

Martinez Humenik,

HOUSE SPONSORSHIP

(None),

Senate Committees

Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING MODERNIZING TERMINOLOGY IN THE COLORADO

102 REVISED STATUTES RELATED TO BEHAVIORAL HEALTH.

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://leg.colorado.gov>.)

The bill updates and modernizes terminology in the Colorado Revised Statutes related to behavioral health, mental health, alcohol abuse, and substance abuse. Based on specific contexts, the new terminology refers to behavioral health disorders, mental health disorders, alcohol use disorders, or substance use disorders.

Outdated references to the "unit in the department of human

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.

services that administers behavioral health programs and services, including those related to mental health and substance abuse" have been corrected to use the actual current name of that office, which is "the office of behavioral health in the department of human services".

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43-804, **amend**
3 (1)(d)(I) as follows:

4 **12-43-804. Requirements for licensure and certification -**
5 **rules.** (1) The board shall issue a license as an addiction counselor to an
6 applicant who files an application in the form and manner required by the
7 board, submits the fee required by the board pursuant to section
8 12-43-204, and submits evidence satisfactory to the board that he or she:

9 (d) Demonstrates professional competence by:

10 (I) Passing a national examination demonstrating special
11 knowledge and skills in behavioral health disorders counseling as
12 determined by the ~~division~~ OFFICE of behavioral health in the department
13 of human services and approved by the board; and

14 **SECTION 2.** In Colorado Revised Statutes, 12-43-805, **amend**
15 (1)(b) introductory portion as follows:

16 **12-43-805. Continuing professional competency - rules.**
17 (1) (b) The board, in consultation with the ~~division~~ OFFICE of behavioral
18 health in the department of human services and other stakeholders, shall
19 adopt rules establishing a continuing professional competency program
20 that includes, at a minimum, the following elements:

21 **SECTION 3.** In Colorado Revised Statutes, 13-5-142, **amend** (1)
22 introductory portion, (1)(b), and (3)(b)(II) as follows:

23 **13-5-142. National instant criminal background check system**

1 - **reporting.** (1) On and after March 20, 2013, the state court
2 administrator shall send electronically the following information to the
3 Colorado bureau of investigation created pursuant to section 24-33.5-401,
4 ~~C.R.S.~~, referred to ~~within~~ IN this section as the "bureau":

5 (b) The name of each person who has been committed by order of
6 the court to the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the
7 department of human services ~~that administers behavioral health~~
8 ~~programs and services, including those related to mental health and~~
9 ~~substance abuse~~, pursuant to section 27-81-112 or 27-82-108; ~~C.R.S.~~; and

10 (3) The state court administrator shall take all necessary steps to
11 cancel a record made by the state court administrator in the national
12 instant criminal background check system if:

13 (b) No less than three years before the date of the written request:

14 (II) The period of commitment of the most recent order of
15 commitment or recommitment expired, or a court entered an order
16 terminating the person's incapacity or discharging the person from
17 commitment in the nature of habeas corpus, if the record in the national
18 instant criminal background check system is based on an order of
19 commitment to the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in
20 the department of human services; ~~that administers behavioral health~~
21 ~~programs and services, including those related to mental health and~~
22 ~~substance abuse~~; except that the state court administrator shall not cancel
23 any record pertaining to a person with respect to whom two
24 recommitment orders have been entered ~~under~~ PURSUANT TO section
25 27-81-112 (7) and (8), ~~C.R.S.~~; or who was discharged from treatment
26 ~~under section 27-81-112 (11), C.R.S.~~, PURSUANT TO SECTION 27-81-112
27 (11) on the grounds that further treatment ~~will not be~~ IS NOT likely to

1 bring about significant improvement in the person's condition; or

2 **SECTION 4.** In Colorado Revised Statutes, 13-5-142.5, **amend**
3 (2)(a)(II) as follows:

4 **13-5-142.5. National instant criminal background check**
5 **system - judicial process for awarding relief from federal**
6 **prohibitions - legislative declaration.** (2) **Eligibility.** A person may
7 petition for relief pursuant to this section if:

8 (a) (II) He or she has been committed by order of the court to the
9 custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of
10 human services ~~that administers behavioral health programs and services,~~
11 ~~including those related to mental health and substance abuse,~~ pursuant to
12 section 27-81-112 or 27-82-108; ~~C.R.S.;~~ or

13 **SECTION 5.** In Colorado Revised Statutes, 13-9-123, **amend** (1)
14 introductory portion, (1)(b), and (3)(b)(II) as follows:

15 **13-9-123. National instant criminal background check system**
16 **- reporting.** (1) On and after March 20, 2013, the state court
17 administrator shall send electronically the following information to the
18 Colorado bureau of investigation created pursuant to section 24-33.5-401,
19 ~~C.R.S.~~, referred to ~~within~~ IN this section as the "bureau":

20 (b) The name of each person who has been committed by order of
21 the court to the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the
22 department of human services ~~that administers behavioral health~~
23 ~~programs and services, including those related to mental health and~~
24 ~~substance abuse,~~ pursuant to section 27-81-112 or 27-82-108; ~~C.R.S.;~~ and

25 (3) The state court administrator shall take all necessary steps to
26 cancel a record made by the state court administrator in the national
27 instant criminal background check system if:

1 (b) No less than three years before the date of the written request:
2 (II) The period of commitment of the most recent order of
3 commitment or recommitment expired, or the court entered an order
4 terminating the person's incapacity or discharging the person from
5 commitment in the nature of habeas corpus, if the record in the national
6 instant criminal background check system is based on an order of
7 commitment to the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in
8 the department of human services; ~~that administers behavioral health~~
9 ~~programs and services, including those related to mental health and~~
10 ~~substance abuse~~; except that the state court administrator shall not cancel
11 any record pertaining to a person with respect to whom two
12 recommitment orders have been entered ~~under~~ PURSUANT TO section
13 27-81-112 (7) and (8), ~~C.R.S.~~; or who was discharged from treatment
14 ~~under~~ PURSUANT TO section 27-81-112 (11), ~~C.R.S.~~; on the grounds that
15 further treatment ~~will not be~~ IS NOT likely to bring about significant
16 improvement in the person's condition; or

17 **SECTION 6.** In Colorado Revised Statutes, 13-9-124, **amend**
18 (2)(a)(II) as follows:

19 **13-9-124. National instant criminal background check system**
20 **- judicial process for awarding relief from federal prohibitions -**
21 **legislative declaration. (2) Eligibility.** A person may petition for relief
22 pursuant to this section if:

23 (a) (II) He or she has been committed by order of the court to the
24 custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of
25 human services ~~that administers behavioral health programs and services,~~
26 ~~including those related to mental health and substance abuse~~; pursuant to
27 section 27-81-112 or 27-82-108; ~~C.R.S.~~; or

1 **SECTION 7.** In Colorado Revised Statutes, 16-13-311, **amend**
2 (3)(a) introductory portion and (3)(a)(VII)(B) as follows:

3 **16-13-311. Disposition of seized personal property.** (3) (a) If
4 the prosecution prevails in the forfeiture action, the court shall order the
5 property forfeited. Such order shall perfect the state's right and interest in
6 and title to such property and shall relate back to the date when title to the
7 property vested in the state pursuant to section 16-13-316. Except as
8 otherwise provided in ~~paragraph (c) of this subsection (3)~~ SUBSECTION
9 (3)(c) OF THIS SECTION, the court shall also order such property to be sold
10 at a public sale by the law enforcement agency in possession of the
11 property in the manner provided for sales on execution, or in another
12 commercially reasonable manner. Property forfeited ~~under~~ PURSUANT TO
13 this section or proceeds therefrom shall be distributed or applied in the
14 following order:

15 (VII) The balance shall be delivered, upon order of the court, as
16 follows:

17 (B) The remaining amount to the managed service organization
18 contracting with the ~~unit within~~ OFFICE OF BEHAVIORAL HEALTH IN the
19 department of human services ~~that administers behavioral health~~
20 ~~programs and services, including those related to mental health and~~
21 ~~substance abuse,~~ serving the judicial district where the forfeiture
22 proceeding was prosecuted to fund detoxification and substance ~~abuse~~
23 USE DISORDER treatment. ~~Moneys~~ MONEY appropriated to the managed
24 service organization ~~shall~~ MUST be in addition to, and ~~shall~~ not be used to
25 supplant, other funding appropriated to ~~such unit~~ THE OFFICE OF
26 BEHAVIORAL HEALTH.

27 **SECTION 8.** In Colorado Revised Statutes, 16-13-701, **amend**

1 (4) as follows:

2 **16-13-701. Reporting of forfeited property.** (4) The ~~unit~~ OFFICE
3 OF BEHAVIORAL HEALTH in the department of human services ~~that~~
4 ~~administers behavioral health programs and services, including those~~
5 ~~related to mental health and substance abuse,~~ shall prepare an annual
6 accounting report of ~~moneys~~ MONEY received by the managed service
7 organization pursuant to section 16-13-311 (3)(a)(VII)(B), including
8 revenues, expenditures, beginning and ending balances, and services
9 provided. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of
10 human services ~~that administers behavioral health programs and services,~~
11 ~~including those related to mental health and substance abuse,~~ shall
12 provide this information in its annual report pursuant to section
13 27-80-110. ~~C.R.S.~~

14 **SECTION 9.** In Colorado Revised Statutes, 17-2-201, **amend**
15 (5.7) introductory portion, (5.7)(a), and (5.7)(d) as follows:

16 **17-2-201. State board of parole - definitions.** (5.7) If, as a
17 condition of parole, an offender is required to undergo counseling or
18 treatment, unless the parole board determines that treatment at another
19 facility or with another person is warranted, ~~such~~ THE treatment or
20 counseling ~~shall~~ MUST be at a facility or with a person:

21 (a) Approved by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the
22 department of human services, ~~that administers behavioral health~~
23 ~~programs and services, including those related to mental health and~~
24 ~~substance abuse,~~ established in article 80 of title 27, ~~C.R.S.~~, if the
25 treatment is for alcohol or drug abuse;

26 (d) Licensed or certified by the division of adult parole in the
27 department of corrections, the department of regulatory agencies, the ~~unit~~

1 OFFICE OF BEHAVIORAL HEALTH in the department of human services, ~~that~~
2 ~~administers behavioral health programs and services, including those~~
3 ~~related to mental health and substance abuse~~, the state board of nursing,
4 or the Colorado medical board, whichever is appropriate for the required
5 treatment or counseling.

6 **SECTION 10.** In Colorado Revised Statutes, 17-27.1-101,
7 **amend** (5) introductory portion, (5)(a)(I), and (5)(a)(IV) as follows:

8 **17-27.1-101. Nongovernmental facilities for offenders -**
9 **registration - notifications - penalties.** (5) ~~Not~~ A private treatment
10 program in Colorado shall NOT admit or accept a supervised or
11 unsupervised person into the program unless ~~that~~ THE program:

12 (a) Is registered with the compact administrator, and, if the person
13 is a supervised person, the private treatment program is:

14 (I) Approved by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the
15 department of human services, ~~that administers behavioral health~~
16 ~~programs and services, including those related to mental health and~~
17 ~~substance abuse~~, established in article 80 of title 27, ~~C.R.S.~~, if the
18 program provides alcohol or drug abuse treatment;

19 (IV) Licensed or certified by the division of adult parole in the
20 department of corrections, the department of regulatory agencies, the ~~unit~~
21 OFFICE OF BEHAVIORAL HEALTH in the department of human services, ~~that~~
22 ~~administers behavioral health programs and services, including those~~
23 ~~related to mental health and substance abuse~~, the state board of nursing,
24 or the Colorado medical board if the program provides treatment that
25 requires ~~such~~ certification or licensure;

26 **SECTION 11.** In Colorado Revised Statutes, 18-1.3-204, **amend**
27 (2)(c) introductory portion, (2)(c)(I), and (2)(c)(IV) as follows:

1 **18-1.3-204. Conditions of probation - interstate compact**
2 **probation transfer cash fund - creation.** (2) (c) If the court orders
3 counseling or treatment as a condition of probation, unless the court
4 makes a specific finding that treatment in another facility or with another
5 person is warranted, the court shall order that ~~such~~ THE treatment or
6 counseling be at a facility or with a person:

7 (I) Approved by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the
8 department of human services, ~~that administers behavioral health~~
9 ~~programs and services, including those related to mental health and~~
10 ~~substance abuse~~, established in article 80 of title 27, C.R.S., if the
11 treatment is for alcohol or drug abuse;

12 (IV) Licensed or certified by the division of adult parole in the
13 department of corrections, the department of regulatory agencies, the ~~unit~~
14 OFFICE OF BEHAVIORAL HEALTH in the department of human services, ~~that~~
15 ~~administers behavioral health programs and services, including those~~
16 ~~related to mental health and substance abuse~~, the state board of nursing,
17 or the Colorado medical board, whichever is appropriate for the required
18 treatment or counseling.

19 **SECTION 12.** In Colorado Revised Statutes, **amend** 18-1.3-211
20 as follows:

21 **18-1.3-211. Sentencing of felons - parole of felons - treatment**
22 **and testing based upon assessment required.** (1) Each person
23 sentenced by the court for a felony committed on or after July 1, 1992,
24 ~~shall be~~ IS required, as a part of any sentence to probation, community
25 corrections, or incarceration with the department of corrections, to
26 undergo periodic testing and treatment for substance abuse that is
27 appropriate to ~~such~~ THE felon based upon the recommendations of the

1 assessment made pursuant to section 18-1.3-209, or based upon any
2 subsequent recommendations by the department of corrections, the
3 judicial department, or the division of criminal justice of the department
4 of public safety, whichever is appropriate. Any ~~such~~ testing or treatment
5 ~~shall~~ MUST be at a facility or with a person approved by the ~~unit~~ OFFICE
6 OF BEHAVIORAL HEALTH in the department of human services, ~~that~~
7 ~~administers behavioral health programs and services, including those~~
8 ~~related to mental health and substance abuse,~~ established in article 80 of
9 title 27, ~~C.R.S.~~, and at ~~such~~ THE felon's own expense, unless ~~such~~ felon
10 HE OR SHE is indigent.

11 (2) Each person placed on parole by the state board of parole on
12 or after July 1, 1992, ~~shall be~~ IS required, as a condition of ~~such~~ parole,
13 to undergo periodic testing and treatment for substance abuse that is
14 appropriate to ~~such~~ THE parolee based upon the recommendations of the
15 assessment made pursuant to section 18-1.3-209 or any assessment or
16 subsequent reassessment made regarding ~~such~~ THE parolee during his or
17 her incarceration or any period of parole. Any ~~such~~ testing or treatment
18 ~~shall~~ MUST be at a facility or with a person approved by the ~~unit~~ OFFICE
19 OF BEHAVIORAL HEALTH in the department of human services, ~~that~~
20 ~~administers behavioral health programs and services, including those~~
21 ~~related to mental health and substance abuse,~~ established in article 80 of
22 title 27, ~~C.R.S.~~, and at ~~such~~ THE parolee's own expense, unless ~~such~~
23 ~~parolee~~ HE OR SHE is indigent.

24 **SECTION 13.** In Colorado Revised Statutes, 18-13-122, **amend**
25 (4)(a), (4)(b)(I), (4)(b)(II), (4)(c)(I), and (18) as follows:

26 **18-13-122. Illegal possession or consumption of ethyl alcohol**
27 **or marijuana by an underage person - illegal possession of marijuana**

1 **paraphernalia by an underage person - definitions - adolescent**
2 **substance abuse prevention and treatment fund - legislative**
3 **declaration.** (4) (a) Upon conviction of a first offense of subsection (3)

4 of this section, the court shall sentence the underage person to a fine of
5 not more than one hundred dollars, or the court shall order that the
6 underage person complete a substance abuse education program approved
7 by the ~~division~~ OFFICE of behavioral health in the department of human
8 services, or both.

9 (b) Upon conviction of a second offense of subsection (3) of this
10 section, the court shall sentence the underage person to a fine of not more
11 than one hundred dollars, and the court shall order the underage person
12 to:

13 (I) Complete a substance abuse education program approved by
14 the ~~division~~ OFFICE of behavioral health in the department of human
15 services;

16 (II) If determined necessary and appropriate, submit to a substance
17 abuse assessment approved by the ~~division~~ OFFICE of behavioral health in
18 the department of human services and complete any treatment
19 recommended by the assessment; and

20 (c) Upon conviction of a third or subsequent offense of subsection
21 (3) of this section, the court shall sentence the defendant to a fine of up
22 to two hundred fifty dollars, and the court shall order the underage person
23 to:

24 (I) Submit to a substance abuse assessment approved by the
25 ~~division~~ OFFICE of behavioral health in the department of human services
26 and complete any treatment recommended by the assessment; and

27 (18) **Cash fund.** The surcharge collected pursuant to ~~paragraph~~

1 ~~(e) of subsection (4)~~ SUBSECTION (4)(e) of this section must be
2 transmitted to the state treasurer, who shall credit the same to the
3 adolescent substance abuse prevention and treatment fund, which fund is
4 created and referred to in this section as the "fund". ~~The moneys~~ MONEY
5 in the fund ~~are~~ IS subject to annual appropriation by the general assembly
6 to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human
7 services, ~~that administers behavioral health programs and services,~~
8 ~~including those related to mental health and substance abuse,~~ established
9 in article 80 of title 27, ~~C.R.S.~~, for adolescent substance abuse prevention
10 and treatment programs. ~~The unit in the department of human services~~
11 ~~that administers behavioral health programs and services, including those~~
12 ~~related to mental health and substance abuse,~~ OFFICE OF BEHAVIORAL
13 HEALTH is authorized to seek and accept gifts, grants, or donations from
14 private or public sources for the purposes of this section. All private and
15 public ~~funds~~ MONEY received through gifts, grants, or donations must be
16 transmitted to the state treasurer, who shall credit the same to the fund.
17 Any unexpended ~~moneys~~ MONEY in the fund may be invested by the state
18 treasurer as provided by law. All interest and income derived from the
19 investment and deposit of ~~moneys~~ MONEY in the fund must be credited to
20 the fund. Any unexpended and unencumbered ~~moneys~~ MONEY remaining
21 in the fund at the end of a fiscal year ~~remain~~ REMAINS in the fund and
22 ~~shall~~ MUST not be credited or transferred to the general fund or another
23 fund.

24 **SECTION 14.** In Colorado Revised Statutes, 24-1-120, **amend**
25 (6) introductory portion and (6)(d) as follows:

26 **24-1-120. Department of human services - creation.** (6) The
27 department ~~shall consist~~ CONSISTS of the following divisions, ~~and~~ units,

1 AND OFFICES:

2 (d) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of
3 human services ~~that administers behavioral health programs and services,~~
4 ~~including those related to mental health and substance abuse,~~ created
5 pursuant to article 80 of title 27, ~~C.R.S.~~ The ~~unit in the department of~~
6 ~~human services that administers behavioral health programs and services,~~
7 ~~including those related to mental health and substance abuse,~~ OFFICE OF
8 BEHAVIORAL HEALTH and its powers, duties, and functions, including the
9 powers, duties, and functions relating to the alcohol and drug driving
10 safety program specified in section 42-4-1301.3, ~~C.R.S.~~, are transferred
11 by a **type 2** transfer to the department of human services.

12 **SECTION 15.** In Colorado Revised Statutes, 25-20.5-406,
13 **amend** (2)(b)(III) as follows:

14 **25-20.5-406. State review team - creation - membership -**
15 **vacancies.** (2) (b) The executive director of the department of human
16 services shall appoint six voting members, as follows:

17 (III) One member who represents the ~~unit~~ OFFICE OF BEHAVIORAL
18 HEALTH in the department of human services; ~~that administers behavioral~~
19 ~~health programs and services, including those related to mental health and~~
20 ~~substance abuse;~~

21 **SECTION 16.** In Colorado Revised Statutes, 41-2-102, **amend**
22 (8) as follows:

23 **41-2-102. Operating an aircraft under the influence -**
24 **operating an aircraft with excessive alcohol content - tests - penalties**
25 **- useful public service program.** (8) The ~~unit~~ OFFICE OF BEHAVIORAL
26 HEALTH in the department of human services ~~that administers behavioral~~
27 ~~health programs and services, including those related to mental health and~~

1 ~~substance abuse~~, shall provide presentence alcohol and drug evaluations
2 on all persons convicted of a violation of subsection (1) or (2) of this
3 section, in the same manner as described in section 42-4-1301.3. ~~C.R.S.~~

4 **SECTION 17.** In Colorado Revised Statutes, 42-2-122, **amend**
5 (1) introductory portion and (1)(i) as follows:

6 **42-2-122. Department may cancel license - limited license for**
7 **physical or mental limitations.** (1) The department has the authority to
8 cancel, deny, or deny the reissuance of any driver's or minor driver's
9 license upon determining that the licensee was not entitled to the issuance
10 thereof for any of the following reasons:

11 (i) Failure of the person to complete a level II alcohol and drug
12 education and treatment program certified by the ~~unit~~ OFFICE OF
13 BEHAVIORAL HEALTH in the department of human services ~~that~~
14 ~~administers behavioral health programs and services, including those~~
15 ~~related to mental health and substance abuse~~, pursuant to section
16 42-4-1301.3, as required by section 42-2-126 (4)(d)(II)(A) or 42-2-132
17 (2)(a)(II). The failure ~~shall~~ MUST be documented pursuant to section
18 42-2-144.

19 **SECTION 18.** In Colorado Revised Statutes, 42-2-125, **amend**
20 (1) introductory portion and (1)(i) as follows:

21 **42-2-125. Mandatory revocation of license and permit.** (1) The
22 department shall immediately revoke the license or permit of any driver
23 or minor driver upon receiving a record showing that ~~such~~ THE driver has:

24 (i) Been convicted of DUI, DUI per se, or DWAI and has two
25 previous convictions of any of ~~such~~ THOSE offenses. THE DEPARTMENT
26 SHALL REVOKE the license of any driver ~~shall be revoked~~ for an indefinite
27 period and ~~shall only be reissued~~ ONLY REISSUE IT upon proof to the

1 department that ~~said~~ THE driver has completed a level II alcohol and drug
2 education and treatment program certified by the ~~unit~~ OFFICE OF
3 BEHAVIORAL HEALTH in the department of human services that
4 ~~administers behavioral health programs and services, including those~~
5 ~~related to mental health and substance abuse~~, pursuant to section
6 42-4-1301.3 and that ~~said~~ THE driver has demonstrated knowledge of the
7 laws and driving ability through the regular motor vehicle testing process.
8 ~~In no event shall such~~ THE DEPARTMENT SHALL NOT REISSUE THE license
9 ~~be reissued~~ in less than two years.

10 **SECTION 19.** In Colorado Revised Statutes, 42-2-126, **amend**
11 (4)(d)(II) as follows:

12 **42-2-126. Revocation of license based on administrative**
13 **determination. (4) Multiple restraints and conditions on driving**
14 **privileges. (d) (II) (A)** If a person was ~~determined to be~~ driving with
15 excess BAC and the person had a BAC that was 0.15 or more or if the
16 person's driving record otherwise indicates a designation as a persistent
17 drunk driver as defined in section 42-1-102 (68.5), the department shall
18 require the person to complete a level II alcohol and drug education and
19 treatment program certified by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH
20 in the department of human services that ~~administers behavioral health~~
21 ~~programs and services, including those related to mental health and~~
22 ~~substance abuse~~, pursuant to section 42-4-1301.3 as a condition to
23 restoring driving privileges to the person and, upon the restoration of
24 driving privileges, shall require the person to hold a restricted license
25 requiring the use of an ignition interlock device pursuant to section
26 42-2-132.5 (1)(a)(II).

27 (B) If a person seeking reinstatement is required to complete, but

1 has not yet completed, a level II alcohol and drug education and treatment
2 program, the person shall file with the department proof of current
3 enrollment in a level II alcohol and drug education and treatment program
4 certified by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of
5 human services ~~that administers behavioral health programs and services,~~
6 ~~including those related to mental health and substance abuse,~~ pursuant to
7 section 42-4-1301.3, on a form approved by the department.

8 **SECTION 20.** In Colorado Revised Statutes, 42-2-127, **amend**
9 (14)(a)(I) introductory portion and (14)(a)(I)(A) as follows:

10 **42-2-127. Authority to suspend license - deny license - type of**
11 **conviction - points.** (14) (a) (I) If there is no other statutory reason for
12 denial of a probationary license, any individual who has had a license
13 suspended by the department because of, at least in part, a conviction of
14 an offense specified in ~~paragraph (b) of subsection (5)~~ SUBSECTION (5)(b)
15 of this section may be entitled to a probationary license pursuant to
16 subsection (12) of this section for the purpose of driving for reasons of
17 employment, education, health, or alcohol and drug education or
18 treatment, but:

19 (A) If ordered by the court that convicted the individual, the
20 individual shall ~~be enrolled~~ ENROLL in a program of driving education or
21 alcohol and drug education and treatment certified by the ~~unit~~ OFFICE OF
22 BEHAVIORAL HEALTH in the department of human services; ~~that~~
23 ~~administers behavioral health programs and services, including those~~
24 ~~related to mental health and substance abuse;~~ and

25 **SECTION 21.** In Colorado Revised Statutes, 42-2-132, **amend**
26 (2)(a)(II) and (2)(a)(III) as follows:

27 **42-2-132. Period of suspension or revocation.**

1 (2) (a) (II) (A) Following the period of revocation set forth in this
2 subsection (2), the department shall not issue a new license unless and
3 until it is satisfied that the person has demonstrated knowledge of the
4 laws and driving ability through the appropriate motor vehicle testing
5 process, and that the person whose license was revoked pursuant to
6 section 42-2-125 for a second or subsequent alcohol- or drug-related
7 driving offense has completed not less than a level II alcohol and drug
8 education and treatment program certified by the ~~unit~~ OFFICE OF
9 BEHAVIORAL HEALTH in the department of human services ~~that~~
10 ~~administers behavioral health programs and services, including those~~
11 ~~related to mental health and substance abuse~~, pursuant to section
12 42-4-1301.3.

13 (B) If the person was ~~determined to be~~ in violation of section
14 42-2-126 (3)(a) and the person had a BAC that was 0.15 or more at the
15 time of driving or within two hours after driving, or if the person's driving
16 record otherwise indicates a designation as a persistent drunk driver as
17 defined in section 42-1-102 (68.5), the department shall require the
18 person to complete a level II alcohol and drug education and treatment
19 program certified by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the
20 department of human services ~~that administers behavioral health~~
21 ~~programs and services, including those related to mental health and~~
22 ~~substance abuse~~, pursuant to section 42-4-1301.3, and, upon the
23 restoration of driving privileges, shall require the person to hold a
24 restricted license requiring the use of an ignition interlock device
25 pursuant to section 42-2-132.5 (1)(a)(II).

26 (C) If a person seeking reinstatement has not completed THE
27 required level II alcohol and drug education and treatment PROGRAM, the

1 person shall file with the department proof of current enrollment in a
2 level II alcohol and drug education and treatment program certified by the
3 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human services
4 ~~that administers behavioral health programs and services, including those~~
5 ~~related to mental health and substance abuse~~, pursuant to section
6 42-4-1301.3, on a form approved by the department.

7 (III) In the case of a minor driver whose license has been revoked
8 as a result of one conviction for DUI, DUI per se, DWAI, or UDD, the
9 minor driver, unless otherwise required after an evaluation made pursuant
10 to section 42-4-1301.3, must complete a level I alcohol and drug
11 education program certified by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH
12 in the department of human services. ~~that administers behavioral health~~
13 ~~programs and services, including those related to mental health and~~
14 ~~substance abuse.~~

15 **SECTION 22.** In Colorado Revised Statutes, 42-2-144, **amend**
16 (1) as follows:

17 **42-2-144. Reporting by certified level II alcohol and drug**
18 **education and treatment program providers - notice of**
19 **administrative remedies against a driver's license - rules.** (1) The
20 department shall require all providers of level II alcohol and drug
21 education and treatment programs certified by the ~~unit~~ OFFICE OF
22 BEHAVIORAL HEALTH in the department of human services ~~that~~
23 ~~administers behavioral health programs and services, including those~~
24 ~~related to mental health and substance abuse~~, pursuant to section
25 42-4-1301.3 to provide quarterly reports to the department about each
26 person who is enrolled and who has filed proof of such enrollment with
27 the department as required by section 42-2-126 (4)(d)(II).

1 **SECTION 23.** In Colorado Revised Statutes, 42-4-1301.3,
2 **amend** (3)(c)(IV), (4)(a), and (4)(b) as follows:

3 **42-4-1301.3. Alcohol and drug driving safety program -**
4 **definition.** (3) (c) (IV) For the purpose of this section, "alcohol and drug
5 driving safety education or treatment" means either level I or level II
6 education or treatment programs ~~that are~~ approved by the ~~unit~~ OFFICE OF
7 BEHAVIORAL HEALTH in the department of human services. ~~that~~
8 ~~administers behavioral health programs and services, including those~~
9 ~~related to mental health and substance abuse.~~ Level I programs are ~~to be~~
10 short-term, didactic education programs. Level II programs are ~~to be~~
11 therapeutically oriented education, long-term outpatient, and
12 comprehensive residential programs. ~~Any~~ THE COURT SHALL INSTRUCT A
13 defendant sentenced to level I or level II programs ~~shall be instructed by~~
14 ~~the court~~ to meet all financial obligations of ~~such~~ THE programs. If ~~such~~
15 THE financial obligations are not met, the PROGRAM SHALL NOTIFY THE
16 sentencing court ~~shall be notified~~ for the purpose of collection or review
17 and further action on the defendant's sentence. Nothing in this section
18 ~~shall prohibit~~ PROHIBITS treatment agencies from applying to the state for
19 ~~funds~~ MONEY to recover the costs of level II treatment for defendants
20 determined ~~to be~~ indigent by the court.

21 (4) (a) There is ~~hereby~~ created an alcohol and drug driving safety
22 program fund in the office of the state treasurer, ~~to the credit of which~~
23 ~~shall be deposited all moneys as directed by this paragraph (a)~~ REFERRED
24 TO IN THIS SUBSECTION (4) AS THE "FUND". THE FUND CONSISTS OF MONEY
25 DEPOSITED IN IT AS DIRECTED BY THIS SUBSECTION (4)(a). The assessment
26 in effect on July 1, 1998, ~~shall remain~~ REMAINS in effect unless the
27 judicial department and the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the

1 department of human services ~~that administers behavioral health~~
2 ~~programs and services, including those related to mental health and~~
3 ~~substance abuse~~, have provided to the general assembly WITH a statement
4 of the cost of the program, including costs of administration for the past
5 and current fiscal year to include a proposed change in the assessment.
6 The general assembly shall then consider the proposed new assessment
7 and approve the amount to be assessed against each person during the
8 following fiscal year in order to ensure that the alcohol and drug driving
9 safety program established in this section ~~shall be~~ IS financially
10 self-supporting. Any adjustment in the amount to be assessed ~~shall be so~~
11 MUST BE noted in the appropriation to the judicial department and the ~~unit~~
12 OFFICE OF BEHAVIORAL HEALTH in the department of human services ~~that~~
13 ~~administers behavioral health programs and services, including those~~
14 ~~related to mental health and substance abuse~~, as a footnote or line item
15 related to this program in the general appropriation bill. The state auditor
16 shall periodically audit the costs of the programs to determine that they
17 are reasonable and that the rate charged is accurate based on these costs.
18 Any other fines, fees, or costs levied against ~~such~~ A person ~~shall not be~~
19 ARE NOT part of the program fund. THE COURT SHALL TRANSMIT TO THE
20 STATE TREASURER the amount assessed for the alcohol and drug
21 evaluation ~~shall be transmitted by the court to the state treasurer~~ to be
22 credited to the ~~alcohol and drug driving safety program~~ fund. Fees
23 charged ~~under~~ PURSUANT TO sections 27-81-106 (1) and 27-82-103 (1)
24 ~~C.R.S.~~, to approved alcohol and drug treatment facilities that provide
25 level I and level II programs as provided in ~~paragraph (c) of subsection~~
26 ~~(3)~~ SUBSECTION (3)(c) of this section ~~shall~~ MUST be transmitted to the
27 state treasurer, who shall credit the fees to the ~~alcohol and drug driving~~

1 ~~safety program~~ fund. Upon appropriation by the general assembly, ~~these~~
2 ~~funds shall~~ THE MONEY MUST be expended by the judicial department and
3 the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human
4 services ~~that administers behavioral health programs and services,~~
5 ~~including those related to mental health and substance abuse,~~ for the
6 administration of the alcohol and drug driving safety program. In
7 administering the alcohol and drug driving safety program, the judicial
8 department is authorized to contract with any agency for ~~such~~ ANY
9 services ~~as~~ the judicial department deems necessary. ~~Moneys~~ MONEY
10 deposited in the ~~alcohol and drug driving safety program~~ fund ~~shall~~
11 ~~remain in said~~ REMAINS IN THE fund to be used for the purposes set forth
12 in this section and ~~shall~~ MUST not revert or transfer to the general fund
13 except by further act of the general assembly.

14 (b) The judicial department shall ensure that qualified personnel
15 are placed in the judicial districts. The judicial department and the ~~unit~~
16 OFFICE OF BEHAVIORAL HEALTH in the department of human services ~~that~~
17 ~~administers behavioral health programs and services, including those~~
18 ~~related to mental health and substance abuse,~~ shall jointly develop and
19 maintain criteria for evaluation techniques, treatment referral, data
20 reporting, and program evaluation.

21 **SECTION 24.** In Colorado Revised Statutes, 43-4-402, **amend**
22 (2)(a) as follows:

23 **43-4-402. Source of revenues - allocation of money.** (2) (a) The
24 general assembly shall make an annual appropriation out of the ~~moneys~~
25 MONEY in the fund to the department of public health and environment in
26 an amount sufficient to pay for the costs of evidential breath alcohol
27 testing, including any education needs associated with ~~such~~ testing, and

1 implied consent specialists, ~~which~~ THE COSTS OF WHICH WERE PREVIOUSLY
2 paid out of the highway users tax fund. The general assembly shall also
3 make an annual appropriation out of the ~~moneys~~ MONEY in the fund to the
4 Colorado bureau of investigation to pay for the costs of toxicology
5 laboratory services, including any education needs associated with ~~such~~
6 THE SERVICES. Of the ~~moneys~~ MONEY remaining in the fund, eighty percent
7 shall be deposited in a special drunken driving account ~~within~~ IN THE FUND,
8 which account is ~~hereby~~ created, and shall be available immediately,
9 without further appropriation, for allocation by the transportation
10 commission to the office of transportation safety. ~~which~~ THE OFFICE OF
11 TRANSPORTATION SAFETY shall allocate ~~such moneys~~ THE MONEY in
12 accordance with the provisions of section 43-4-404 (1) and (2). The
13 remaining twenty percent shall be appropriated by the general assembly
14 to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human
15 services, ~~that administers behavioral health programs and services,~~
16 ~~including those related to mental health and substance abuse,~~ which shall
17 use ~~such moneys~~ THE MONEY for the purposes stated in section 43-4-404
18 (3). The office of transportation safety and the ~~unit~~ OFFICE OF
19 BEHAVIORAL HEALTH in the department of human services ~~that~~
20 ~~administers behavioral health programs and services, including those~~
21 ~~related to mental health and substance abuse,~~ may use ~~such~~ amounts from
22 the ~~moneys~~ MONEY allocated or appropriated to them by this subsection
23 (2) as ~~may be~~ necessary for the purpose of paying the costs incurred by
24 the office ~~and unit~~ OF TRANSPORTATION SAFETY AND THE OFFICE OF
25 BEHAVIORAL HEALTH in administering the programs established pursuant
26 to this part 4; except that neither the office of transportation safety nor
27 ~~said unit~~ THE OFFICE OF BEHAVIORAL HEALTH may use for ~~such purpose~~

1 THE PURPOSES OF THIS PART 4 an amount ~~which exceeds~~ EXCEEDING eight
2 percent of the ~~moneys~~ MONEY allocated or appropriated.

3 **SECTION 25.** In Colorado Revised Statutes, 43-4-404, **amend**
4 (3) as follows:

5 **43-4-404. Formula for allocation of money.** (3) The ~~moneys~~
6 MONEY in the fund appropriated to the ~~unit~~ OFFICE OF BEHAVIORAL
7 HEALTH in the department of human services ~~that administers behavioral~~
8 ~~health programs and services, including those related to mental health and~~
9 ~~substance abuse~~, pursuant to section 43-4-402 (2) ~~shall~~ MUST be used to
10 establish a statewide program for the prevention of driving after drinking,
11 ~~which includes~~ INCLUDING educating the public in the problems of driving
12 after drinking; training ~~of~~ teachers, health professionals, and law
13 enforcement in the dangers of driving after drinking; preparing and
14 disseminating educational materials dealing with the effects of alcohol
15 and other drugs on driving behavior; and preparing and disseminating
16 education curriculum materials ~~thereon~~ for use at all SCHOOL levels. ~~of~~
17 ~~school~~. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of
18 human services ~~that administers behavioral health programs and services,~~
19 ~~including those related to mental health and substance abuse~~, is
20 authorized to contract with a qualified private corporation to provide all
21 or part of these services and ~~shall promulgate~~ TO ESTABLISH standards for
22 ~~said~~ THE program.

23 **SECTION 26.** In Colorado Revised Statutes, 1-1-104, **amend**
24 (18.5) as follows:

25 **1-1-104. Definitions.** As used in this code, unless the context
26 otherwise requires:

27 (18.5) "Group residential facility" means a nursing home, a

1 nursing care facility licensed pursuant to part 1 of article 3 of title 25,
2 ~~C.R.S.~~, a home for persons with intellectual and developmental
3 disabilities as defined in section 25.5-10-202, ~~C.R.S.~~, an assisted living
4 residence licensed pursuant to section 25-27-105, ~~C.R.S.~~, or a residential
5 treatment facility for ~~mental illness~~ PERSONS WITH BEHAVIORAL OR
6 MENTAL HEALTH DISORDERS.

7 **SECTION 27.** In Colorado Revised Statutes, 1-2-103, **amend** (5)
8 as follows:

9 **1-2-103. Military service - students - inmates - persons with**
10 **behavioral, mental health, and substance use disorders.** (5) A person
11 confined in a state institution for persons with BEHAVIORAL OR mental
12 ~~illness~~ HEALTH DISORDERS shall not lose the right to vote because of the
13 confinement.

14 **SECTION 28.** In Colorado Revised Statutes, 2-2-802, **amend** (1)
15 introductory portion, (1)(b), and (1)(c) as follows:

16 **2-2-802. People first language in state laws.** (1) On or after
17 August 11, 2010, all new or amended statutes that refer to persons with
18 disabilities ~~shall~~ MUST:

19 (b) Replace disrespectful language by referring to persons with
20 disabilities as persons first. Examples of people first language include,
21 but are not limited to, the following: Persons with disabilities, persons
22 with developmental AND INTELLECTUAL disabilities, persons with
23 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS, and persons with
24 autism.

25 (c) Replace disrespectful, insensitive, or outdated terms such as
26 "mental retardation" with people first language such as "people with
27 DEVELOPMENTAL AND intellectual disabilities".

1 **SECTION 29.** In Colorado Revised Statutes, **amend** 2-5-119 as
2 follows:

3 **2-5-119. Tax levy on civil actions.** A tax of one dollar is imposed
4 upon each action filed in the office of each clerk of a court of record of
5 the state of Colorado, except criminal actions, cases filed for reviews of
6 findings and orders of the industrial claim appeals office, petitions
7 relating to the distribution of estates under sections 15-12-1203 and
8 15-12-1204, ~~C.R.S.~~, petitions relating to a person with a BEHAVIORAL OR
9 mental ~~illness~~ HEALTH DISORDER filed under articles 10.5, 65, and 92 of
10 title 27, ~~C.R.S.~~, cases filed by the state of Colorado, cases filed by the
11 United States of America or any of its agencies in any matter under
12 articles 10 to 20 of title 15, ~~C.R.S.~~, and cases where a party is allowed to
13 sue as a poor person. THE PARTY FILING THE ACTION SHALL PAY the tax
14 ~~shall be paid to the clerk by the party filing the action~~ at the time of such
15 filing. Each clerk shall keep the taxes so received in a separate fund and
16 remit them to the state treasurer on the first day of each month for the
17 purpose of reimbursing the general fund for appropriations made for the
18 use of the committee on legal services for statutory revision purposes.

19 **SECTION 30.** In Colorado Revised Statutes, 7-61-125, **amend**
20 (2)(e) as follows:

21 **7-61-125. When certificate shall be cancelled or amended.**

22 (2) A certificate shall be amended when:

23 (e) A general partner retires, dies, or ~~becomes insane~~ IS UNABLE
24 TO FUNCTION AS A GENERAL PARTNER AS A RESULT OF A BEHAVIORAL OR
25 MENTAL HEALTH DISORDER and the business is continued under section
26 7-61-121;

27 **SECTION 31.** In Colorado Revised Statutes, 8-15.5-103, **amend**

1 (2)(c)(IV) as follows:

2 **8-15.5-103. Multipurpose service centers for displaced**
3 **homemakers.** (2) Each service center shall include the following
4 services:

5 (c) Health education and counseling services in cooperation with
6 existing health programs with respect to:

7 (IV) ~~Alcohol and drug addiction~~ SUBSTANCE USE DISORDERS; and

8 **SECTION 32.** In Colorado Revised Statutes, 10-16-102, **amend**
9 the introductory portion, (22)(b)(VI), and (33) as follows:

10 **10-16-102. Definitions.** As used in this ~~article~~ ARTICLE 16, unless
11 the context otherwise requires:

12 (22) (b) "Essential health benefits" includes:

13 (VI) BEHAVIORAL, mental health, and substance ~~abuse~~ USE
14 disorder services, including behavioral health treatment;

15 (33) "Health care services" means any services included in or
16 incidental to the furnishing of medical, BEHAVIORAL, mental HEALTH, OR
17 SUBSTANCE USE DISORDER; dental, or optometric care; hospitalization; or
18 nursing home care to an individual, as well as the furnishing to any
19 person of any other services for the purpose of preventing, alleviating,
20 curing, or healing human physical ~~or mental~~ illness or injury, OR
21 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER. "Health
22 care services" includes the rendering of the services through the use of
23 telehealth, as defined in section 10-16-123 (4)(e).

24 **SECTION 33.** In Colorado Revised Statutes, 10-16-104, **amend**
25 (5.5)(a)(I), (5.5)(a)(IV), and (18)(b)(I) as follows:

26 **10-16-104. Mandatory coverage provisions - definitions -**
27 **rules.** (5.5) **Behavioral, mental health, and substance use disorders**

1 - **rules.** (a) (I) Every health benefit plan subject to part 2, 3, or 4 of this
2 ~~article~~ ARTICLE 16, except those described in section 10-16-102 (32)(b),
3 must provide coverage for the treatment of BOTH biologically based
4 ~~mental illness and mental~~ HEALTH DISORDERS AND BEHAVIORAL, MENTAL
5 HEALTH, OR SUBSTANCE USE disorders that is no less extensive than the
6 coverage provided for a physical illness.

7 (IV) As used in this subsection (5.5):

8 (A) ~~"Biologically based mental illness" means schizophrenia,~~
9 ~~schizoaffective disorder, bipolar affective disorder, major depressive~~
10 ~~disorder, specific obsessive-compulsive disorder, and panic disorder~~

11 "BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER" MEANS
12 POST-TRAUMATIC STRESS DISORDER, SUBSTANCE USE DISORDERS,
13 DYSTHYMIA, CYCLOTHYMIA, SOCIAL PHOBIA, AGORAPHOBIA WITH PANIC
14 DISORDER, ANOREXIA NERVOSA, BULIMIA NERVOSA, GENERAL ANXIETY
15 DISORDER, AND AUTISM SPECTRUM DISORDERS, AS DEFINED IN SUBSECTION
16 (1.4)(a)(III) OF THIS SECTION.

17 (B) ~~"Mental disorder" means post-traumatic stress disorder, drug~~
18 ~~and alcohol disorders, dysthymia, cyclothymia, social phobia,~~
19 ~~agoraphobia with panic disorder, anorexia nervosa, bulimia nervosa,~~
20 ~~general anxiety disorder, and autism spectrum disorders, as defined in~~

21 ~~subparagraph (III) of paragraph (a) of subsection (1.4) of this section~~
22 "BIOLOGICALLY BASED MENTAL HEALTH DISORDER" MEANS
23 SCHIZOPHRENIA, SCHIZOAFFECTIVE DISORDER, BIPOLAR AFFECTIVE
24 DISORDER, MAJOR DEPRESSIVE DISORDER, SPECIFIC
25 OBSESSIVE-COMPULSIVE DISORDER, AND PANIC DISORDER.

26 (18) **Preventive health care services.** (b) The coverage required
27 by this subsection (18) must include preventive health care services for

1 the following, in accordance with the A or B recommendations of the task
2 force for the particular preventive health care service:

3 (I) Alcohol ~~misuse~~ USE DISORDER screening and behavioral
4 counseling interventions for adults by primary care providers;

5 **SECTION 34.** In Colorado Revised Statutes, **amend** 10-16-104.7
6 as follows:

7 **10-16-104.7. Substance use disorders - court-ordered**
8 **treatment coverage.** (1) ~~Any~~ AN individual or group health benefit plan
9 delivered or issued for delivery within this state by an entity subject to the
10 provisions of part 2, 3, or 4 of this ~~article~~ ARTICLE 16 that provides
11 coverage for TREATMENT OF A substance ~~abuse treatment shall~~ USE
12 DISORDER MUST provide coverage for ~~substance abuse~~ SUCH treatment
13 regardless of whether the treatment is voluntary or court-ordered as a
14 result of contact with the criminal justice or legal system. The health
15 benefit plan ~~shall only be~~ IS ONLY required to provide coverage for
16 benefits that are medically necessary and otherwise covered under the
17 plan. Such coverage ~~shall be~~ IS subject to copayment, deductible, and
18 policy maximums and limitations. Health benefit plans issued by an entity
19 subject to the provisions of part 4 of this ~~article~~ ARTICLE 16 may provide
20 that the benefits required pursuant to this section ~~shall be~~ ARE covered
21 benefits only if the services are deemed medically necessary and are
22 rendered by a provider who is designated by and affiliated with the health
23 maintenance organization.

24 (2) Nothing in this section ~~shall mandate or be construed to~~
25 ~~mandate~~ MANDATES OR IS MEANT TO CONSTRUE that any health benefit
26 plan must provide coverage for TREATMENT OF A substance ~~abuse~~
27 ~~treatment~~ USE DISORDER.

1 **SECTION 35.** In Colorado Revised Statutes, **amend** 10-16-104.8
2 as follows:

3 **10-16-104.8. Behavioral, mental health, or substance use**
4 **disorder services coverage - court-ordered.** (1) An individual or group
5 health benefit plan delivered or issued for delivery within this state by an
6 entity subject to the provisions of part 2, 3, or 4 of this ~~article~~ ARTICLE 16
7 that provides coverage for BEHAVIORAL, mental health, OR SUBSTANCE
8 USE DISORDER services ~~shall~~ MUST provide coverage for BEHAVIORAL,
9 mental health, OR SUBSTANCE USE DISORDER services regardless of
10 whether the services are voluntary or court-ordered as a result of contact
11 with the criminal justice or juvenile justice system. The health benefit
12 plan ~~shall be~~ IS required to provide coverage only for benefits that are
13 medically necessary and otherwise covered under the plan. Such coverage
14 ~~shall be~~ IS subject to applicable in- or out-of-network copayment,
15 deductible, and policy maximums and limitations. The court order for
16 BEHAVIORAL, mental health, OR SUBSTANCE USE DISORDER services ~~shall~~
17 MUST not mandate the type of BEHAVIORAL, mental health, OR SUBSTANCE
18 USE DISORDER services or the length and frequency of treatment that is to
19 be covered by the health benefit plan. The health benefit plan ~~shall only~~
20 ~~be~~ IS ONLY responsible for those benefits that are covered by the health
21 benefit plan and not those that are court-ordered that exceed the scope of
22 benefits as provided by the health plan. Determination of medically
23 necessary BEHAVIORAL, mental health, OR SUBSTANCE USE DISORDER
24 services ~~shall~~ MUST be made by the health benefit plan based on the
25 submitted clinical treatment plan from a provider who is designated by
26 and affiliated with the health benefit plan. Health benefit plans issued by
27 an entity subject to the provisions of part 4 of this ~~article~~ ARTICLE 16 may

1 provide that the benefits required pursuant to this section ~~shall be~~ ARE
2 covered benefits only if the services are deemed medically necessary and
3 are rendered by a provider who is designated by and affiliated with the
4 health maintenance organization.

5 (2) Nothing in this section ~~shall mandate or be construed to~~
6 ~~mandate~~ MANDATES OR IS MEANT TO CONSTRUE that a health benefit plan
7 provide coverage for BEHAVIORAL, mental health, OR SUBSTANCE USE
8 DISORDER services.

9 (3) For purposes of this section, "BEHAVIORAL, mental health, OR
10 SUBSTANCE USE DISORDER services" includes treatment for biologically
11 based mental ~~illness~~ HEALTH DISORDERS and BEHAVIORAL, mental
12 HEALTH, OR SUBSTANCE USE disorders as described in section 10-16-104
13 (5.5).

14 (4) For purposes of this section, "BEHAVIORAL, mental health, OR
15 SUBSTANCE USE DISORDER services" does not include services that are
16 outside the scope of the contract. Such BEHAVIORAL, mental health, OR
17 SUBSTANCE USE DISORDER services that are outside the scope of the
18 contract may include: Services that are custodial or residential in nature,
19 probation assessments, testing for ability, aptitude, or intelligence, or
20 performing evaluations, such as placement evaluations, custody
21 evaluations, reunification assessments, or community risk assessments for
22 any purpose other than TREATMENT OF BEHAVIORAL, mental health,
23 ~~treatment~~ OR SUBSTANCE USE DISORDERS.

24 **SECTION 36.** In Colorado Revised Statutes, 10-16-219, **amend**
25 (1) as follows:

26 **10-16-219. Benefits for care of behavioral or mental health**
27 **disorders in tax-supported institutions.** (1) On and after July 1, 1977,

1 ~~no~~ AN individual ~~policy~~ or group policy of sickness, health, or accident
2 insurance or small group sickness and accident insurance delivered or
3 issued for delivery to any person in this state ~~which~~ THAT provides
4 coverage for BEHAVIORAL OR mental ~~illness, mental retardation, or both,~~
5 ~~shall~~ HEALTH DISORDERS MUST NOT exclude or be construed to diminish
6 benefits for the payment of the direct costs, related directly to the
7 treatment of such BEHAVIORAL OR mental ~~illness, mental retardation, or~~
8 ~~both~~ HEALTH DISORDERS, provided by a state institution, including
9 community clinics and centers for BEHAVIORAL OR mental health ~~and~~
10 ~~mental retardation~~ DISORDER services, if ~~such~~ THE charges for treatment
11 of such BEHAVIORAL OR mental ~~illness, mental retardation, or both,~~
12 HEALTH DISORDERS are customarily charged to nonindigent patients by
13 ~~such~~ THE state institution.

14 **SECTION 37.** In Colorado Revised Statutes, 12-2-123, **amend**
15 (1) introductory portion and (1)(p) as follows:

16 **12-2-123. Grounds for disciplinary action - administrative**
17 **penalties.** (1) After notice and hearing as provided in section 12-2-125,
18 the board may deny the issuance of, refuse to renew, revoke, or suspend
19 any certificate of a certified public accountant issued under this ~~article~~
20 ARTICLE 2 or any prior law of this state or may fine, issue a letter of
21 admonition to, or place on probation the holder of any certificate and
22 impose other conditions or limitations for any of the following causes:

23 (p) ~~Habitual intemperance with respect to or~~ AN ALCOHOL USE
24 DISORDER, AS DEFINED IN SECTION 27-81-102, OR A SUBSTANCE USE
25 DISORDER, AS DEFINED IN SECTION 27-82-102, OR AN excessive use of a
26 habit-forming drug, controlled substance, as defined in section 18-18-102
27 (5), ~~C.R.S.~~, or alcoholic beverage that renders the certified public

1 accountant unfit to practice public accounting;

2 **SECTION 38.** In Colorado Revised Statutes, 12-8-103, **amend**
3 the introductory portion and (9) as follows:

4 **12-8-103. Definitions.** As used in this ~~article~~ ARTICLE 8, unless
5 the context otherwise requires:

6 (9) "Cosmetology" means any one act or practice, or any
7 combination of acts or practices, not for the treatment of disease, ~~or~~
8 physical ~~or mental~~ illness, OR A BEHAVIORAL, MENTAL HEALTH, OR
9 SUBSTANCE USE DISORDER, when done for payment either directly or
10 indirectly or when done without payment for the public generally, usually
11 performed by and included in or known as the profession of beauty
12 culturists, beauty operators, beauticians, estheticians, cosmetologists, or
13 hairdressers or of any other person, partnership, corporation, or other
14 legal entity holding itself out as practicing cosmetology by whatever
15 designation and within the meaning of this ~~article~~ ARTICLE 8. In
16 particular, "cosmetology" includes, but is not limited to, any one or a
17 combination of the following acts or practices: Arranging, dressing,
18 curling, waving, cleansing, cutting, singeing, bleaching, coloring, or
19 similar work upon the hair of a person by any means and, with hands or
20 a mechanical or electrical apparatus or appliance or by the use of
21 cosmetic or chemical preparations; manicuring or pedicuring the nails of
22 a person; giving facials, applying makeup, giving skin care, or applying
23 eyelashes involving physical contact with a person; beautifying the face,
24 neck, arms, bust, or torso of the human body by use of cosmetic
25 preparations, antiseptics, tonics, lotions, or creams; massaging, cleaning,
26 or stimulating the face, neck, arms, bust, or torso of the human body with
27 the use of antiseptics, tonics, lotions, or creams; removing superfluous

1 hair from the body of a person by the use of depilatories or waxing or by
2 the use of tweezers; and the trimming of the beard.

3 **SECTION 39.** In Colorado Revised Statutes, 12-10-107.1,
4 **amend** (1)(d) as follows:

5 **12-10-107.1. Grounds for discipline.** (1) The director may deny,
6 suspend, revoke, place on probation, or issue a letter of admonition
7 against a license or an application for a license if the applicant or
8 licensee:

9 (d) ~~Is addicted to or dependent upon~~ HAS AN ALCOHOL USE
10 DISORDER, AS DEFINED IN SECTION 27-81-102, OR A SUBSTANCE USE
11 DISORDER, AS DEFINED IN SECTION 27-82-102, OR IS A HABITUAL USER OF
12 alcohol or any controlled substance, as defined in section 18-18-102 (5),
13 C.R.S., ~~or is a habitual user of said controlled substance,~~ if the use,
14 addiction, or dependency is a danger to other participants or officials;

15 **SECTION 40.** In Colorado Revised Statutes, 12-29.5-105,
16 **amend** (3)(d) as follows:

17 **12-29.5-105. Unlawful acts - exceptions - definition.** (3) (d) In
18 order to perform auricular acudetox pursuant to this subsection (3), a
19 mental health care professional must successfully complete a training
20 program in auricular acudetox for the treatment of ~~alcoholism, substance~~
21 ~~abuse, or chemical dependency~~ SUBSTANCE USE DISORDERS that meets or
22 exceeds standards of training established by the national acupuncture
23 detoxification association or another organization approved by the
24 director.

25 **SECTION 41.** In Colorado Revised Statutes, 12-29.5-106,
26 **amend** (1) introductory portion and (1)(l) as follows:

27 **12-29.5-106. Grounds for disciplinary action.** (1) The director

1 may deny licensure to or take disciplinary action against an acupuncturist
2 pursuant to section 24-4-105 ~~C.R.S.~~, if the director finds that the
3 acupuncturist has committed any of the following acts:

4 (1) Failed to notify the director of a physical ~~or mental~~ illness; ~~or~~
5 A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR
6 SUBSTANCE USE DISORDER that impacts the licensee's ability to practice
7 acupuncture with reasonable skill and safety to patients; failed to act
8 within the limitations created by a physical ~~or mental~~ illness; ~~or~~ A
9 PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE
10 USE DISORDER that renders the licensee unable to perform acupuncture
11 with reasonable skill and safety to the patient; or failed to comply with the
12 limitations agreed to under a confidential agreement;

13 **SECTION 42.** In Colorado Revised Statutes, 12-29.5-108.5,
14 **amend** (1) and (2)(a) as follows:

15 **12-29.5-108.5. Examinations - notice - confidential**
16 **agreements.** (1) If an acupuncturist suffers from a physical ~~or mental~~
17 illness; ~~or~~ A PHYSICAL condition; ~~rendering~~ OR A BEHAVIORAL, MENTAL
18 HEALTH, OR SUBSTANCE USE DISORDER THAT RENDERS the licensee unable
19 to practice acupuncture or practice as an acupuncturist with reasonable
20 skill and patient safety, the acupuncturist shall notify the director of the
21 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL,
22 MENTAL HEALTH, OR SUBSTANCE USE DISORDER in a manner and within
23 a period of time determined by the director. The director may require the
24 licensee to submit to an examination or to evaluate the extent of the
25 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL,
26 MENTAL HEALTH, OR SUBSTANCE USE DISORDER and its impact on the
27 licensee's ability to practice with reasonable skill and safety to patients.

1 (2) (a) Upon determining that an acupuncturist with a physical ~~or~~
2 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
3 HEALTH, OR SUBSTANCE USE DISORDER is able to render limited
4 acupuncture treatment with reasonable skill and patient safety, the
5 director may enter into a confidential agreement with the acupuncturist
6 in which the acupuncturist agrees to limit his or her practice based on the
7 restrictions imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition;
8 OR THE BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER, as
9 determined by the director.

10 **SECTION 43.** In Colorado Revised Statutes, 12-29.7-110,
11 **amend** (2)(c), (2)(d)(I), and (2)(d)(II) as follows:

12 **12-29.7-110. Grounds for discipline - disciplinary proceedings.**

13 (2) The director may revoke, deny, suspend, or refuse to renew a
14 registration or issue a cease-and-desist order in accordance with this
15 section upon reasonable grounds that the registrant:

16 (c) HAS AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION
17 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION
18 27-82-102, OR is an excessive or habitual user or abuser of alcohol or
19 habit-forming drugs or is a habitual user of a controlled substance, as
20 defined in section 18-18-102 (5), ~~C.R.S.~~, or other drugs having similar
21 effects; except that the director has the discretion not to discipline the
22 registrant if he or she is participating in good faith in ~~a~~ AN ALCOHOL OR
23 SUBSTANCE USE DISORDER TREATMENT program approved by the director;
24 ~~to end the use or abuse;~~

25 (d) (I) Has failed to notify the director, as required by section
26 12-29.7-113, of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR
27 A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that

1 affects the registrant's ability to provide athletic training services with
2 reasonable skill and safety or that may endanger the health or safety of
3 individuals receiving athletic training services;

4 (II) Has failed to act within the limitations created by a physical
5 ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
6 HEALTH, OR SUBSTANCE USE DISORDER that renders the registrant unable
7 to perform athletic training with reasonable skill and safety or that may
8 endanger the health or safety of persons under his or her care; or

9 **SECTION 44.** In Colorado Revised Statutes, 12-29.7-113,
10 **amend** (1) and (2)(a) as follows:

11 **12-29.7-113. Confidential agreement to limit practice -**
12 **violation grounds for discipline.** (1) If a registered athletic trainer
13 suffers from a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A
14 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that renders
15 ~~the registrant~~ HIM OR HER unable to practice athletic training with
16 reasonable skill and safety to patients, ~~the registrant~~ HE OR SHE shall
17 notify the director of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR
18 THE BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER in a
19 manner and within a period of time determined by the director. The
20 director may require the registrant to submit to an examination to evaluate
21 the extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE
22 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER and its
23 impact on the registrant's ability to practice with reasonable skill and
24 safety to patients.

25 (2) (a) Upon determining that a registrant with a physical ~~or~~
26 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
27 HEALTH, OR SUBSTANCE USE DISORDER is able to render limited athletic

1 training services with reasonable skill and safety to patients, the director
2 may enter into a confidential agreement with the registrant in which the
3 registrant agrees to limit his or her practice based on the restrictions
4 imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE
5 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER, as
6 determined by the director.

7 **SECTION 45.** In Colorado Revised Statutes, 12-29.9-108,
8 **amend** (2)(q), (2)(r)(I), and (2)(r)(II) as follows:

9 **12-29.9-108. Disciplinary actions - grounds for discipline.**

10 (2) The following acts constitute grounds for discipline:

11 (q) AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION
12 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION
13 27-82-102, OR excessively or habitually using or abusing alcohol or
14 habit-forming drugs or habitually using a controlled substance, as defined
15 in section 18-18-102, ~~C.R.S.~~, or other drugs OR SUBSTANCES having
16 similar effects; except that the director has the discretion not to discipline
17 the licensee if he or she is participating in good faith in a AN ALCOHOL OR
18 SUBSTANCE USE DISORDER TREATMENT program approved by the director;
19 ~~to end the use or abuse;~~

20 (r) (I) Failing to notify the director, as required by section
21 12-29.9-113, of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR
22 A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that
23 impacts the licensee's ability to perform audiology with reasonable skill
24 and safety to patients;

25 (II) Failing to act within the limitations created by a physical ~~or~~
26 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
27 HEALTH, OR SUBSTANCE USE DISORDER that renders the licensee unable to

1 perform audiology with reasonable skill and safety to the patient; or

2 **SECTION 46.** In Colorado Revised Statutes, 12-29.9-113,
3 **amend** (1) and (2)(a) as follows:

4 **12-29.9-113. Confidential agreements to limit practice -**
5 **violation grounds for discipline.** (1) If an audiologist suffers from a
6 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL,
7 MENTAL HEALTH, OR SUBSTANCE USE DISORDER that renders the licensee
8 unable to practice audiology with reasonable skill and safety to patients,
9 the audiologist shall notify the director of the PHYSICAL illness; ~~or~~ THE
10 PHYSICAL condition; OR THE BEHAVIORAL, MENTAL HEALTH, OR
11 SUBSTANCE USE DISORDER in a manner and within a period of time
12 determined by the director. The director may require the licensee to
13 submit to an examination to evaluate the extent of the PHYSICAL illness;
14 ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL, MENTAL HEALTH, OR
15 SUBSTANCE USE DISORDER and its impact on the licensee's ability to
16 practice audiology with reasonable skill and safety to patients.

17 (2) (a) Upon determining that an audiologist with a physical ~~or~~
18 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
19 HEALTH, OR SUBSTANCE USE DISORDER is able to render limited audiology
20 services with reasonable skill and safety to patients, the director may enter
21 into a confidential agreement with the audiologist in which the
22 audiologist agrees to limit his or her practice based on the restrictions
23 imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE
24 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER, as
25 determined by the director.

26 **SECTION 47.** In Colorado Revised Statutes, 12-33-117, **amend**
27 (1)(d) and (1)(e) as follows:

1 **12-33-117. Discipline of licensees - letters of admonition,**
2 **suspension, revocation, denial, and probation - grounds.** (1) Upon any
3 of the following grounds, the board may issue a letter of admonition to a
4 licensee or may revoke, suspend, deny, refuse to renew, or impose
5 conditions on such licensee's license:

6 (d) ~~Habitual intemperance~~ A SUBSTANCE USE DISORDER, AS
7 DEFINED IN SECTION 27-82-102, or excessive use BY THE LICENSEE of a
8 controlled substance, as defined in section 18-18-102 (5) ~~C.R.S.~~, or a
9 habit-forming drug;

10 (e) ~~Habitual intemperance~~ AN ALCOHOL USE DISORDER, AS
11 DEFINED IN SECTION 27-81-102, or excessive use of alcohol BY THE
12 LICENSEE;

13 **SECTION 48.** In Colorado Revised Statutes, 12-35-129, **amend**
14 (1)(j)(I) and (1)(j)(II) as follows:

15 **12-35-129. Grounds for disciplinary action.** (1) The board may
16 take disciplinary action against an applicant or licensee in accordance
17 with section 12-35-129.1 for any of the following causes:

18 (j) (I) Failing to notify the board of a physical ~~or mental~~ illness;
19 ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR
20 SUBSTANCE USE DISORDER that renders the licensee unable, or limits the
21 licensee's ability, to perform dental or dental hygiene services with
22 reasonable skill and with safety to the patient;

23 (II) Failing to act within the limitations created by a physical ~~or~~
24 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
25 HEALTH, OR SUBSTANCE USE DISORDER that renders the licensee unable to
26 practice dental or dental hygiene services with reasonable skill and safety
27 or that may endanger the health or safety of persons under his or her care;

1 or

2 **SECTION 49.** In Colorado Revised Statutes, 12-35-129.6,
3 **amend** (1) and (2)(a) as follows:

4 **12-35-129.6. Confidential agreement to limit practice -**
5 **violation - grounds for discipline.** (1) If a licensed dentist or dental
6 hygienist has a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A
7 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that renders
8 him or her unable to practice dentistry or dental hygiene with reasonable
9 skill and safety to clients, the dentist or dental hygienist shall notify the
10 board of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE
11 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER in a manner
12 and within a period determined by the board. The board may require the
13 dentist or dental hygienist to submit to an examination to evaluate the
14 extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE
15 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER and its
16 impact on the dentist's or dental hygienist's ability to practice dentistry or
17 dental hygiene with reasonable skill and safety to patients.

18 (2) (a) Upon determining that a dentist or dental hygienist with a
19 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL,
20 MENTAL HEALTH, OR SUBSTANCE USE DISORDER is able to render limited
21 services with reasonable skill and safety to patients, the board may enter
22 into a confidential agreement with the dentist or dental hygienist in which
23 the dentist or dental hygienist agrees to limit his or her practice based on
24 the restrictions imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL
25 condition; OR THE BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE
26 DISORDER, as determined by the board.

27 **SECTION 50.** In Colorado Revised Statutes, 12-35.5-111,

1 **amend** (1)(f), (1)(g)(I), and (1)(g)(II) as follows:

2 **12-35.5-111. Grounds for discipline - definitions.** (1) The
3 director is authorized to take disciplinary action pursuant to section
4 12-35.5-112 against any person who has:

5 (f) AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION
6 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION
7 27-82-102, OR a dependence on or addiction to alcohol or any
8 habit-forming drug or abuses or engages in the habitual or excessive use
9 of any such habit-forming drug or any controlled substance as defined in
10 section 18-18-102, ~~C.R.S.~~, but the director may take into account the
11 licensee's participation in a ~~rehabilitation~~ SUBSTANCE USE DISORDER
12 TREATMENT program when considering disciplinary action;

13 (g) (I) Failed to notify the director of a physical ~~or mental~~
14 condition; ~~or~~ A PHYSICAL illness; OR A BEHAVIORAL, MENTAL HEALTH, OR
15 SUBSTANCE USE DISORDER that affects the licensee's ability to treat clients
16 with reasonable skill and safety or that may endanger the health or safety
17 of clients receiving massage services from the licensee;

18 (II) Failed to act within the limitations created by a physical ~~or~~
19 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
20 HEALTH, OR SUBSTANCE USE DISORDER that renders the licensee unable to
21 practice massage therapy with reasonable skill and safety or that may
22 endanger the health or safety of persons under his or her care; or

23 **SECTION 51.** In Colorado Revised Statutes, 12-35.5-116.5,
24 **amend** (1) and (2)(a) as follows:

25 **12-35.5-116.5. Confidential agreement to limit practice -**
26 **violation - grounds for discipline.** (1) If a massage therapist has a
27 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL,

1 MENTAL HEALTH, OR SUBSTANCE USE DISORDER that renders him or her
2 unable to practice massage therapy with reasonable skill and safety to
3 clients, the massage therapist shall notify the director of the PHYSICAL
4 illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL, MENTAL
5 HEALTH, OR SUBSTANCE USE DISORDER in a manner and within a period
6 determined by the director. The director may require the massage
7 therapist to submit to an examination to evaluate the extent of the
8 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL,
9 MENTAL HEALTH, OR SUBSTANCE USE DISORDER and its impact on the
10 massage therapist's ability to practice massage therapy with reasonable
11 skill and safety to clients.

12 (2) (a) Upon determining that a massage therapist with a physical
13 ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
14 HEALTH, OR SUBSTANCE USE DISORDER is able to render limited services
15 with reasonable skill and safety to clients, the director may enter into a
16 confidential agreement with the massage therapist in which the massage
17 therapist agrees to limit his or her practice based on the restrictions
18 imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE
19 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER, as
20 determined by the director.

21 **SECTION 52.** In Colorado Revised Statutes, 12-36-106, **amend**
22 (1) introductory portion, (1)(a), (1)(b), (1)(c), and (1)(d) as follows:

23 **12-36-106. Practice of medicine defined - exemptions from**
24 **licensing requirements - unauthorized practice by physician**
25 **assistants and anesthesiologist assistants - penalties - rules - repeal.**

26 (1) For the purpose of this ~~article~~ ARTICLE 36, "practice of medicine"
27 means:

1 (a) Holding out one's self to the public within this state as being
2 able to diagnose, treat, prescribe for, palliate, or prevent any human
3 disease; ailment; pain; injury; deformity; ~~or physical or mental~~ condition;
4 OR BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER, whether
5 by the use of drugs, surgery, manipulation, electricity, telemedicine, the
6 interpretation of tests, including primary diagnosis of pathology
7 specimens, images, or photographs, or any physical, mechanical, or other
8 means whatsoever;

9 (b) Suggesting, recommending, prescribing, or administering any
10 form of treatment, operation, or healing for the intended palliation, relief,
11 or cure of ~~any~~ A PERSON'S physical ~~or mental~~ disease; ailment; injury;
12 condition; or ~~defect of any person~~ BEHAVIORAL, MENTAL HEALTH, OR
13 SUBSTANCE USE DISORDER;

14 (c) The maintenance of an office or other place for the purpose of
15 examining or treating persons afflicted with disease; injury; or ~~defect of~~
16 ~~body or mind~~ A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE
17 DISORDER;

18 (d) Using the title M.D., D.O., physician, surgeon, or any word or
19 abbreviation to indicate or induce others to believe that one is licensed to
20 practice medicine in this state and engaged in the diagnosis or treatment
21 of persons afflicted with disease; injury; or ~~defect of body or mind~~ A
22 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER, except as
23 otherwise expressly permitted by the laws of this state enacted relating to
24 the practice of any limited field of the healing arts;

25 **SECTION 53.** In Colorado Revised Statutes, 12-36-117, **amend**
26 (1) introductory portion and (1)(o) as follows:

27 **12-36-117. Unprofessional conduct.** (1) "Unprofessional

1 conduct" as used in this ~~article~~ ARTICLE 36 means:

2 (o) Failing to notify the board, as required by section 12-36-118.5
3 (1), of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A
4 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that impacts
5 the licensee's ability to perform a medical service with reasonable skill
6 and with safety to patients, failing to act within the limitations created by
7 a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL,
8 MENTAL HEALTH, OR SUBSTANCE USE DISORDER that renders the licensee
9 unable to perform a medical service with reasonable skill and with safety
10 to the patient, or failing to comply with the limitations agreed to under a
11 confidential agreement entered pursuant to section 12-36-118.5;

12 **SECTION 54.** In Colorado Revised Statutes, 12-36-118, **amend**
13 (3)(a) as follows:

14 **12-36-118. Disciplinary action by board - immunity - rules.**

15 (3) (a) In the discharge of its duties, the board may enlist the assistance
16 of other licensees. Licensees have the duty to report to the board any
17 licensee known, or upon information and belief, to have violated any of
18 the provisions of section 12-36-117 (1); ~~except that no~~ A licensee who is
19 treating another licensee for a BEHAVIORAL, mental ~~disability or habitual~~
20 ~~intemperance or excessive use of any habit-forming drug~~ HEALTH, OR
21 SUBSTANCE USE DISORDER OR THE EXCESSIVE USE OF ANY HABIT-FORMING
22 DRUG, shall NOT have a duty to report his or her patient unless, in the
23 opinion of the treating licensee, the impaired licensee presents a danger
24 to himself, herself, or others.

25 **SECTION 55.** In Colorado Revised Statutes, 12-36-118.5,
26 **amend** (1) and (2)(a) as follows:

27 **12-36-118.5. Confidential agreements to limit practice -**

1 **violation grounds for discipline.** (1) If a physician, physician assistant,
2 or anesthesiologist assistant suffers from a physical ~~or mental~~ illness; ~~or~~
3 A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR
4 SUBSTANCE USE DISORDER that renders the licensee unable to practice
5 medicine, practice as a physician assistant, or practice as an
6 anesthesiologist assistant with reasonable skill and with safety to patients,
7 the physician, physician assistant, or anesthesiologist assistant shall notify
8 the board of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE
9 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER in a manner
10 and within a period determined by the board. The board may require the
11 licensee to submit to an examination or refer the licensee to a peer health
12 assistance program pursuant to section 12-36-123.5 to evaluate the extent
13 of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL,
14 MENTAL HEALTH, OR SUBSTANCE USE DISORDER and its impact on the
15 licensee's ability to practice with reasonable skill and with safety to
16 patients.

17 (2) (a) Upon determining that a physician, physician assistant, or
18 anesthesiologist assistant with a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL
19 condition; OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE
20 DISORDER is able to render limited medical services with reasonable skill
21 and with safety to patients, the board may enter into a confidential
22 agreement with the physician, physician assistant, or anesthesiologist
23 assistant in which the physician, physician assistant, or anesthesiologist
24 assistant agrees to limit his or her practice based on the restrictions
25 imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE
26 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER, as
27 determined by the board.

1 **SECTION 56.** In Colorado Revised Statutes, 12-37-107, **amend**
2 (3)(n)(I) and (3)(n)(II) as follows:

3 **12-37-107. Disciplinary action authorized - grounds for**
4 **discipline - injunctions - rules.** (3) The director may deny, revoke, or
5 suspend a registration or issue a letter of admonition or place a registrant
6 on probation for any of the following acts or omissions:

7 (n) (I) Failing to notify the director, as required by section
8 12-37-108.5 (1), of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition;
9 OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that
10 renders the registrant unable, or limits the registrant's ability, to practice
11 direct-entry midwifery with reasonable skill and safety to the client;

12 (II) Failing to act within the limitations created by a physical ~~or~~
13 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
14 HEALTH, OR SUBSTANCE USE DISORDER that renders the registrant unable
15 to practice direct-entry midwifery with reasonable skill and safety or that
16 may endanger the health or safety of persons under his or her care; or

17 **SECTION 57.** In Colorado Revised Statutes, 12-37-108.5,
18 **amend** (1) and (2)(a) as follows:

19 **12-37-108.5. Confidential agreement to limit practice -**
20 **violation - grounds for discipline.** (1) If a registered direct-entry
21 midwife has a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A
22 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that renders
23 him or her unable to practice direct-entry midwifery with reasonable skill
24 and safety to clients, the registrant shall notify the director of the
25 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL,
26 MENTAL HEALTH, OR SUBSTANCE USE DISORDER in a manner and within
27 a period determined by the director. The director may require the

1 registrant to submit to an examination to evaluate the extent of the
2 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL,
3 MENTAL HEALTH, OR SUBSTANCE USE DISORDER and its impact on the
4 registrant's ability to practice direct-entry midwifery with reasonable skill
5 and safety to clients.

6 (2) (a) Upon determining that a registrant with a physical ~~or~~
7 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
8 HEALTH, OR SUBSTANCE USE DISORDER is able to render limited services
9 with reasonable skill and safety to clients, the director may enter into a
10 confidential agreement with the registrant in which the registrant agrees
11 to limit his or her practice based on the restrictions imposed by the
12 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL,
13 MENTAL HEALTH, OR SUBSTANCE USE DISORDER, as determined by the
14 director.

15 **SECTION 58.** In Colorado Revised Statutes, 12-37.3-112,
16 **amend** (1)(p)(I) and (1)(p)(II) as follows:

17 **12-37.3-112. Grounds for discipline - disciplinary actions**
18 **authorized - procedures - definitions.** (1) The director may deny,
19 revoke, or suspend the registration of, issue a letter of admonition to, or
20 place on probation a naturopathic doctor for any of the following acts or
21 omissions:

22 (p) (I) Failing to notify the director of a physical ~~or mental~~ illness;
23 ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR
24 SUBSTANCE USE DISORDER that affects the naturopathic doctor's ability to
25 treat patients with reasonable skill and safety or that may endanger the
26 health or safety of persons under his or her care;

27 (II) Failing to act within the limitations created by a physical ~~or~~

1 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
2 HEALTH, OR SUBSTANCE USE DISORDER that renders the naturopathic
3 doctor unable to practice naturopathic medicine with reasonable skill and
4 safety or that may endanger the health or safety of persons under his or
5 her care; or

6 **SECTION 59.** In Colorado Revised Statutes, 12-37.3-116,
7 **amend** (1) and (2)(a) as follows:

8 **12-37.3-116. Confidential agreement to limit practice -**
9 **violation - grounds for discipline.** (1) If a naturopathic doctor has a
10 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL,
11 MENTAL HEALTH, OR SUBSTANCE USE DISORDER that renders him or her
12 unable to practice naturopathic medicine with reasonable skill and safety
13 to patients, the naturopathic doctor shall notify the director of the
14 PHYSICAL illness; ~~or~~ A PHYSICAL condition; OR THE BEHAVIORAL, MENTAL
15 HEALTH, OR SUBSTANCE USE DISORDER in a manner and within a period
16 determined by the director. The director may require the naturopathic
17 doctor to submit to an examination to evaluate the extent of the PHYSICAL
18 illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL, MENTAL
19 HEALTH, OR SUBSTANCE USE DISORDER and its impact on the naturopathic
20 doctor's ability to practice naturopathic medicine with reasonable skill and
21 safety to patients.

22 (2) (a) Upon determining that a naturopathic doctor with a
23 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL,
24 MENTAL HEALTH, OR SUBSTANCE USE DISORDER is able to render limited
25 services with reasonable skill and safety to patients, the director may enter
26 into a confidential agreement with the naturopathic doctor in which the
27 naturopathic doctor agrees to limit his or her practice based on the

1 restrictions imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition;
2 OR THE BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER, as
3 determined by the director.

4 **SECTION 60.** In Colorado Revised Statutes, 12-38-131, **amend**
5 (2)(b), (3)(a)(I), and (3)(a)(II) as follows:

6 **12-38-131. Nursing peer health assistance or nurse alternative**
7 **to discipline program - fund - rules.** (2) (b) ~~Moneys~~ MONEY in the
8 fund shall be used to support a nursing peer health assistance program or
9 nurse alternative to discipline program in providing assistance to
10 licensees needing help in dealing with physical, emotional, psychiatric,
11 OR psychological ~~drug abuse, or alcohol abuse~~ problems OR BEHAVIORAL,
12 MENTAL HEALTH, OR SUBSTANCE USE DISORDERS that may be detrimental
13 to their ability to practice nursing.

14 (3) (a) The board shall select one or more recognized peer health
15 assistance organizations or nurse alternative to discipline programs as
16 designated providers. For purposes of selecting designated providers, the
17 board shall use a competitive bidding process that encourages
18 participation from interested vendors. To be eligible for designation by
19 the board pursuant to this section, a peer health assistance organization or
20 nurse alternative to discipline program shall:

21 (I) Offer assistance and education to licensees concerning the
22 recognition, identification, and prevention of physical, emotional,
23 psychiatric, OR psychological ~~drug abuse, or alcohol abuse~~ problems OR
24 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS and
25 provide for intervention when necessary or under circumstances that may
26 be established in rules promulgated by the board;

27 (II) Evaluate the extent of physical, emotional, psychiatric, OR

1 psychological ~~drug abuse, or alcohol abuse~~ problems OR BEHAVIORAL,
2 MENTAL HEALTH, OR SUBSTANCE USE DISORDERS and refer the licensee for
3 appropriate treatment;

4 **SECTION 61.** In Colorado Revised Statutes, 12-38.1-111,
5 **amend** (1) introductory portion and (1)(i) as follows:

6 **12-38.1-111. Grounds for discipline.** (1) The board may
7 suspend, revoke, or deny any person's certification to practice as a nurse
8 aide or authority to practice as a medication aide, or may issue to the
9 person a letter of admonition, upon proof that ~~such~~ THE person:

10 (i) Has ~~habitual intemperance~~ AN ALCOHOL USE DISORDER, AS
11 DEFINED IN SECTION 27-81-102, OR A SUBSTANCE USE DISORDER, AS
12 DEFINED IN SECTION 27-82-102, or excessively uses any habit-forming
13 drug or any controlled substance, as defined in section 18-18-102 (5),
14 ~~C.R.S.~~, or other drugs having similar effects, or is diverting controlled
15 substances, as defined in section 18-18-102 (5), ~~C.R.S.~~, or other drugs
16 having similar effects from the person's place of employment;

17 **SECTION 62.** In Colorado Revised Statutes, 12-38.1-113,
18 **amend** (1), (2)(a), and (4) as follows:

19 **12-38.1-113. Mental and physical competency of nurse aides.**

20 (1) If ~~any~~ A certified nurse aide is determined ~~to be mentally ill~~ by a court
21 of competent jurisdiction TO HAVE A MENTAL HEALTH DISORDER, the
22 board shall automatically suspend his OR HER certification, and ~~such~~ THE
23 suspension ~~shall~~ MUST continue until the certified nurse aide is
24 determined by ~~such~~ THE court to be restored to competency; duly
25 discharged as restored to competency; or otherwise determined to be
26 competent in any other manner provided by law.

27 (2) (a) If the board has reasonable cause to believe that ~~the~~

1 ~~physical or mental condition~~ of a certified nurse aide AIDE'S PHYSICAL OR
2 MENTAL HEALTH has resulted in the nurse aide being unable to practice
3 with reasonable skill or that the practice of the nurse aide is a threat to the
4 safety of ~~the nurse aide's~~ HIS OR HER patients, the board may require the
5 nurse aide to submit to a mental or physical examination by a physician
6 or other licensed health care provider designated by the board.

7 (4) A certified nurse aide who has been requested to submit to a
8 physical or mental examination may provide the board with information
9 concerning ~~such nurse aide's~~ HIS OR HER physical or mental ~~condition~~
10 HEALTH from a physician of the nurse aide's own choice. The board may
11 consider such information in conjunction with, but not in lieu of,
12 testimony and information provided by the physician designated by the
13 board to examine the nurse aide.

14 **SECTION 63.** In Colorado Revised Statutes, 12-39-111, **amend**
15 (1) introductory portion, (1)(g), and (1)(h) as follows:

16 **12-39-111. Grounds for discipline.** (1) The board has the power
17 to revoke, suspend, withhold, or refuse to renew any license, to place on
18 probation a licensee or temporary license holder, or to issue a letter of
19 admonition to a licensee in accordance with the procedures set forth in
20 subsection (3) of this section, upon proof that ~~such~~ THE person:

21 (g) ~~Is addicted to or dependent on alcohol or habit-forming drugs~~
22 HAS AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION 27-81-102, OR
23 A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION 27-82-102, abuses
24 or engages in the habitual or excessive use of any such habit-forming
25 drug or any controlled substance as defined in section 18-18-102 (5),
26 ~~C.R.S.~~, or participates in the unlawful use of controlled substances as
27 specified in section 18-18-404; ~~C.R.S.~~; except that the board has the

1 discretion not to discipline the licensee if such person is participating, in
2 good faith, in a SUBSTANCE USE DISORDER TREATMENT program approved
3 by the board; ~~designed to end such addiction or dependency;~~

4 (h) Has a physical ~~or mental~~ disability OR AN INTELLECTUAL AND
5 DEVELOPMENTAL DISABILITY that renders the licensee unable to practice
6 nursing home administration with reasonable skill and safety to the
7 residents and that may endanger the health or safety of persons under the
8 licensee's care;

9 **SECTION 64.** In Colorado Revised Statutes, 12-39-114, **amend**
10 (6) as follows:

11 **12-39-114. Disciplinary proceedings - administrative law**
12 **judge - judicial review.** (6) Complaints, investigations, hearings,
13 meetings, or any other proceedings of the board conducted pursuant to the
14 provisions of this ~~article~~ ARTICLE 39 and relating to disciplinary
15 proceedings ~~shall be~~ ARE exempt from the provision of any law requiring
16 that proceedings of the board be conducted publicly or that the minutes
17 or records of the board with respect to action of the board taken pursuant
18 to the provisions of this ~~article~~ ARTICLE 39 be open to public inspection;
19 except that this exemption ~~shall apply~~ APPLIES only when the board, or an
20 administrative law judge acting on behalf of the board, specifically
21 determines that it is in the best interest of a complainant or other recipient
22 of services to keep such proceedings or documents relating thereto closed
23 to the public, or if the licensee is violating section 12-39-111 (1)(g),
24 participating in good faith in a SUBSTANCE USE DISORDER TREATMENT
25 program approved by the board or designed by the board to end any
26 addiction or dependency specified in said section, and the licensee has not
27 violated any provisions of the board order regarding participation in such

1 a treatment program. If the board determines that it is in the best interest
2 of a complainant or other recipient of services to keep such proceedings
3 or documents relating thereto closed to the public, then the final action of
4 the board shall be open to the public without disclosing the name of the
5 client or other recipient. Final board actions and orders appropriate for
6 judicial review may be judicially reviewed in the court of appeals in
7 accordance with section 24-4-106 (11). ~~C.R.S.~~

8 **SECTION 65.** In Colorado Revised Statutes, 12-40-108, **amend**
9 (1)(d) as follows:

10 **12-40-108. Application for license - licensure by endorsement.**

11 (1) A person who desires to practice optometry in the state may file with
12 the board an application for a license, giving the information required in
13 a form and manner approved by the board. The applicant shall
14 demonstrate that he or she possesses the following qualifications:

15 (d) The applicant ~~is not addicted to or dependent on and~~ DOES NOT
16 HAVE AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION 27-81-102, OR
17 A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION 27-82-102, OR has
18 not habitually or excessively used or abused, ~~intoxicating liquors~~
19 ALCOHOL, habit-forming drugs, or controlled substances as defined in
20 section 18-18-102 (5). ~~C.R.S.~~

21 **SECTION 66.** In Colorado Revised Statutes, 12-40-118, **amend**
22 (1) introductory portion and (1)(m) as follows:

23 **12-40-118. Unprofessional conduct defined.** (1) The term
24 "unprofessional conduct", as used in this ~~article~~ ARTICLE 40, means:

25 (m) Failing to:

26 (I) Notify the board, in a manner and within a period determined
27 by the board, of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR

1 A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that
2 renders an optometrist unable to treat with reasonable skill and safety or
3 that may endanger the health and safety of persons under ~~the care of an~~
4 ~~optometrist~~ HIS OR HER CARE;

5 (II) Act within the limitations created by a physical ~~or mental~~
6 illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR
7 SUBSTANCE USE DISORDER that renders an optometrist unable to treat with
8 reasonable skill and safety or that may endanger the health and safety of
9 persons under ~~the care of an optometrist~~ HIS OR HER CARE; or

10 (III) Practice within the limitations created by the physical ~~or~~
11 ~~mental~~ illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL, MENTAL
12 HEALTH, OR SUBSTANCE USE DISORDER as specified in a confidential
13 agreement between the optometrist and the board entered into pursuant
14 to section 12-40-118.5 (5).

15 **SECTION 67.** In Colorado Revised Statutes, 12-40-118.5,
16 **amend** (5)(a) introductory portion, (5)(c), and (5)(e) as follows:

17 **12-40-118.5. Mental and physical examination of licensees.**

18 (5) (a) The board may enter into an agreement with an optometrist whose
19 practice is or may be affected by a physical ~~or mental~~ illness, ~~or~~ A
20 PHYSICAL condition, OR A BEHAVIORAL OR MENTAL HEALTH DISORDER
21 that renders the optometrist unable to treat with reasonable skill and
22 safety or that may endanger the health and safety of persons under the
23 care of any optometrist if:

24 (c) The board may require the licensee to submit to an
25 examination pursuant to this section to evaluate the extent of the
26 PHYSICAL illness, ~~or~~ THE PHYSICAL condition, OR THE BEHAVIORAL OR
27 MENTAL HEALTH DISORDER and its impact on the licensee's ability to

1 practice with reasonable skill and with safety to patients.

2 (e) For purposes of this subsection (5), "physical ~~or mental~~ illness,
3 ~~or~~ PHYSICAL condition, OR BEHAVIORAL OR MENTAL HEALTH DISORDER"
4 does not include the habitual or excessive use or abuse of alcohol, a
5 habit-forming drug, or any controlled substance as defined in section
6 18-18-102 (5). ~~C.R.S.~~

7 **SECTION 68.** In Colorado Revised Statutes, 12-40.5-110,
8 **amend** (2)(d)(I) and (2)(d)(II) as follows:

9 **12-40.5-110. Grounds for discipline - disciplinary proceedings**
10 **- judicial review.** (2) The director may revoke, suspend, deny, or refuse
11 to renew a license; place a licensee on probation; issue a letter of
12 admonition to a licensee; or issue a cease-and-desist order to a licensee
13 in accordance with this section upon proof that the licensee:

14 (d) (I) Has failed to notify the director, as required by section
15 12-40.5-114.5, of a physical ~~or mental~~ condition; ~~or~~ A PHYSICAL illness;
16 OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that
17 impacts the licensee's ability to provide occupational therapy services
18 with reasonable skill and safety or that may endanger the health or safety
19 of individuals receiving services;

20 (II) Has failed to act within the limitations created by a physical
21 ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
22 HEALTH, OR SUBSTANCE USE DISORDER that renders the person unable to
23 practice occupational therapy with reasonable skill and safety or that may
24 endanger the health or safety of persons under his or her care; or

25 **SECTION 69.** In Colorado Revised Statutes, 12-40.5-114.5,
26 **amend** (1) and (2)(a) as follows:

27 **12-40.5-114.5. Confidential agreement to limit practice -**

1 **violation - grounds for discipline.** (1) If an occupational therapist or
2 occupational therapy assistant has a physical ~~or mental~~ illness; ~~or~~ A
3 PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE
4 USE DISORDER that renders the person unable to practice occupational
5 therapy with reasonable skill and safety to clients, the occupational
6 therapist or occupational therapy assistant shall notify the director of the
7 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL,
8 MENTAL HEALTH, OR SUBSTANCE USE DISORDER in a manner and within
9 a period determined by the director. The director may require the
10 occupational therapist or occupational therapy assistant to submit to an
11 examination to evaluate the extent of the PHYSICAL illness; ~~or~~ THE
12 PHYSICAL condition; OR THE BEHAVIORAL, MENTAL HEALTH, OR
13 SUBSTANCE USE DISORDER and its impact on the occupational therapist's
14 or occupational therapy assistant's ability to practice occupational therapy
15 with reasonable skill and safety to clients.

16 (2) (a) Upon determining that an occupational therapist or
17 occupational therapy assistant with a physical ~~or mental~~ illness; ~~or~~ A
18 PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE
19 USE DISORDER is able to render limited services with reasonable skill and
20 safety to clients, the director may enter into a confidential agreement with
21 the occupational therapist or occupational therapy assistant in which the
22 occupational therapist or occupational therapy assistant agrees to limit his
23 or her practice based on the restrictions imposed by the PHYSICAL illness;
24 ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL, MENTAL HEALTH, OR
25 SUBSTANCE USE DISORDER, as determined by the director.

26 **SECTION 70.** In Colorado Revised Statutes, 12-41-115, **amend**
27 (1)(m)(I) and (1)(m)(II) as follows:

1 **12-41-115. Grounds for disciplinary action.** (1) The board may
2 take disciplinary action in accordance with section 12-41-116 against a
3 person who has:

4 (m) (I) Failed to notify the board, as required by section
5 12-41-118.5, of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR
6 A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that
7 impacts the licensee's ability to perform physical therapy with reasonable
8 skill and safety to patients;

9 (II) Failed to act within the limitations created by a physical ~~or~~
10 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
11 HEALTH, OR SUBSTANCE USE DISORDER that renders the licensee unable to
12 perform physical therapy with reasonable skill and safety to the patient;
13 or

14 **SECTION 71.** In Colorado Revised Statutes, 12-41-118.5,
15 **amend** (1) and (2)(a) as follows:

16 **12-41-118.5. Examinations - notice - confidential agreements.**

17 (1) If a physical therapist suffers from a physical ~~or mental~~ illness; ~~or~~ A
18 PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE
19 USE DISORDER rendering the licensee unable to practice physical therapy
20 or practice as a physical therapist with reasonable skill and patient safety,
21 the physical therapist shall notify the board of the PHYSICAL illness; ~~or~~
22 THE PHYSICAL condition; OR THE BEHAVIORAL, MENTAL HEALTH, OR
23 SUBSTANCE USE DISORDER in a manner and within a period of time
24 determined by the board. The board may require the licensee to submit to
25 an examination or to evaluate the extent of the PHYSICAL illness; ~~or~~ THE
26 PHYSICAL condition; OR THE BEHAVIORAL, MENTAL HEALTH, OR
27 SUBSTANCE USE DISORDER and its impact on the licensee's ability to

1 practice with reasonable skill and safety to patients.

2 (2) (a) Upon determining that a physical therapist with a physical
3 ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
4 HEALTH, OR SUBSTANCE USE DISORDER is able to render limited physical
5 therapy with reasonable skill and patient safety, the board may enter into
6 a confidential agreement with the physical therapist in which the physical
7 therapist agrees to limit his or her practice based on the restrictions
8 imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE
9 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER, as
10 determined by the board.

11 **SECTION 72.** In Colorado Revised Statutes, 12-41-210, **amend**
12 (1)(i)(I) and (1)(i)(II) as follows:

13 **12-41-210. Grounds for disciplinary action.** (1) The board may
14 take disciplinary action in accordance with section 12-41-211 against a
15 person who has:

16 (i) (I) Failed to notify the board, as required by section 12-41-214,
17 of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A
18 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that impacts
19 the certified physical therapist assistant's ability to perform physical
20 therapy with reasonable skill and safety to patients;

21 (II) Failed to act within the limitations created by a physical ~~or~~
22 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
23 HEALTH, OR SUBSTANCE USE DISORDER that renders the certified physical
24 therapist assistant unable to perform physical therapy with reasonable
25 skill and safety to the patient; or

26 **SECTION 73.** In Colorado Revised Statutes, 12-41-214, **amend**
27 (1) and (2)(a) as follows:

1 **12-41-214. Examinations - notice - confidential agreements.**

2 (1) If a certified physical therapist assistant suffers from a physical ~~or~~
3 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
4 HEALTH, OR SUBSTANCE USE DISORDER rendering the certified physical
5 therapist assistant unable to practice with reasonable skill and patient
6 safety, the certified physical therapist assistant shall notify the board of
7 the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL,
8 MENTAL HEALTH, OR SUBSTANCE USE DISORDER in a manner and within
9 a period of time determined by the board. The board may require the
10 certified physical therapist assistant to submit to an examination, or the
11 board may evaluate the extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL
12 condition; OR THE BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE
13 DISORDER and its impact on the certified physical therapist assistant's
14 ability to practice with reasonable skill and safety to patients.

15 (2) (a) Upon determining that a certified physical therapist
16 assistant with a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR
17 A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER is able to
18 render limited physical therapy with reasonable skill and patient safety,
19 the board may enter into a confidential agreement with the certified
20 physical therapist assistant in which the certified physical therapist
21 assistant agrees to limit his or her practice based on the restrictions
22 imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE
23 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER, as
24 determined by the board.

25 **SECTION 74.** In Colorado Revised Statutes, 12-41.5-109,
26 **amend** (2)(h), (2)(i)(I), and (2)(i)(II) as follows:

27 **12-41.5-109. Grounds for action - disciplinary proceedings.**

1 (2) The director has the power to revoke, suspend, deny, or refuse to
2 renew a license, place on probation a licensee, or issue a letter of
3 admonition to a licensee in accordance with subsections (3), (4), (5), and
4 (6) of this section upon proof that the person:

5 (h) HAS AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION
6 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION
7 27-82-102, OR is an excessive or habitual user or abuser of alcohol or
8 habit-forming drugs or is a habitual user of a controlled substance, as
9 defined in section 18-18-102 (5), ~~C.R.S.~~, or other drugs having similar
10 effects; except that the director has the discretion not to discipline the
11 license holder if he or she is participating in good faith in a AN ALCOHOL
12 OR SUBSTANCE USE DISORDER TREATMENT program approved by the
13 director; ~~designed to end such use or abuse;~~

14 (i) (I) Has failed to notify the director, as required by section
15 12-41.5-109.7, of a physical ~~or mental~~ condition; ~~or~~ A PHYSICAL illness;
16 OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that
17 affects the licensee's ability to practice respiratory therapy with
18 reasonable skill and safety or that may endanger the health or safety of
19 persons under his or her care;

20 (II) Has failed to act within the limitations created by a physical
21 ~~or mental~~ condition; ~~or~~ A PHYSICAL illness; OR A BEHAVIORAL, MENTAL
22 HEALTH, OR SUBSTANCE USE DISORDER that renders the person unable to
23 practice respiratory therapy with reasonable skill and safety or that might
24 endanger the health or safety of persons under his or her care; or

25 **SECTION 75.** In Colorado Revised Statutes, 12-41.5-109.7,
26 **amend** (1) and (2)(a) as follows:

27 **12-41.5-109.7. Confidential agreement to limit practice -**

1 **violation - grounds for discipline.** (1) If a respiratory therapist has a
2 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL,
3 MENTAL HEALTH, OR SUBSTANCE USE DISORDER that renders the person
4 unable to practice respiratory therapy with reasonable skill and safety to
5 clients, the respiratory therapist shall notify the director of the PHYSICAL
6 illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL, MENTAL
7 HEALTH, OR SUBSTANCE USE DISORDER in a manner and within a period
8 determined by the director. The director may require the respiratory
9 therapist to submit to an examination to evaluate the extent of the
10 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL,
11 MENTAL HEALTH, OR SUBSTANCE USE DISORDER and its effect on the
12 respiratory therapist's ability to practice respiratory therapy with
13 reasonable skill and safety to clients.

14 (2) (a) Upon determining that a respiratory therapist with a
15 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL,
16 MENTAL HEALTH, OR SUBSTANCE USE DISORDER is able to render limited
17 services with reasonable skill and safety to clients, the director may enter
18 into a confidential agreement with the respiratory therapist in which the
19 respiratory therapist agrees to limit his or her practice based on the
20 restrictions imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition;
21 OR THE BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER, as
22 determined by the director.

23 **SECTION 76.** In Colorado Revised Statutes, 12-42-102, **amend**
24 the introductory portion and (4) as follows:

25 **12-42-102. Definitions.** As used in this ~~article~~ ARTICLE 42, unless
26 the context otherwise requires:

27 (4) The practice as a "psychiatric technician" means the

1 performance for compensation of selected acts requiring interpersonal
2 and technical skills and includes the administering of selected treatments
3 and selected medications prescribed by a licensed physician or dentist, in
4 the care of and in the observation and recognition of symptoms and
5 reactions of a patient with a BEHAVIORAL OR mental ~~illness~~ or HEALTH
6 DISORDER OR AN INTELLECTUAL AND developmental disability under the
7 direction of a licensed physician and the supervision of a registered
8 professional nurse. The selected acts in the care of a patient with a
9 BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDER OR AN INTELLECTUAL
10 AND developmental disability ~~shall~~ MUST not require the substantial
11 specialized skill, judgment, and knowledge required in professional
12 nursing.

13 **SECTION 77.** In Colorado Revised Statutes, 12-42-111, **amend**
14 (1)(a), (1)(b) introductory portion, (1)(b)(III), (1)(b)(IV), and (3) as
15 follows:

16 **12-42-111. Accredited psychiatric technician educational**
17 **program.** (1) (a) Any institution within the state of Colorado desiring to
18 conduct an accredited preservice psychiatric technician educational
19 program may apply to the board and submit evidence that it is prepared
20 to carry out a psychiatric technician curriculum that contains theoretical
21 content and clinical practice to prepare the psychiatric technician student
22 to care for clients with INTELLECTUAL AND developmental disabilities or
23 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS in institutional and
24 community settings.

25 (b) Content in a psychiatric technician educational program ~~shall~~
26 MUST include but ~~shall not be~~ IS NOT limited to:

27 (III) ~~Mental retardation~~ INTELLECTUAL AND DEVELOPMENTAL

1 DISABILITIES theory and rehabilitation nursing principles and skills if the
2 technician is to be licensed to care for clients with INTELLECTUAL AND
3 developmental disabilities; and

4 (IV) Psychopathology and psychiatric nursing principles and skills
5 if the technician is to be licensed to care for clients with BEHAVIORAL OR
6 mental ~~illness~~ HEALTH DISORDERS.

7 (3) If the requirements of this ~~article~~ ARTICLE 42 for an accredited
8 psychiatric technician educational program are met, the institution ~~shall~~
9 MUST be accredited as a psychiatric technician educational program for
10 psychiatric technicians for work with patients with mental ~~illness~~ or
11 HEALTH DISORDERS OR INTELLECTUAL AND developmental disabilities, for
12 so long as such institution meets the requirements of this ~~article~~ ARTICLE
13 42.

14 **SECTION 78.** In Colorado Revised Statutes, 12-42-113, **amend**
15 (1) introductory portion, (1)(i), and (1)(j) as follows:

16 **12-42-113. Grounds for discipline.** (1) "Grounds for discipline",
17 as used in this ~~article~~ ARTICLE 42, means any action by any person who:

18 (i) ~~Is addicted to or dependent on alcohol or habit-forming drugs~~
19 HAS AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION 27-81-102, OR
20 A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION 27-82-102, is a
21 habitual user of controlled substances, as defined in section 18-18-102 (5)
22 ~~C.R.S.~~, or other drugs having similar effects, or is diverting controlled
23 substances, as defined in section 18-18-102 (5), ~~C.R.S.~~, or other drugs
24 having similar effects from the licensee's place of employment; except
25 that the board has the discretion not to discipline the licensee if such
26 licensee is participating in good faith in a AN ALCOHOL OR SUBSTANCE
27 USE DISORDER TREATMENT program approved by the board; ~~designed to~~

1 ~~end such addiction or dependency;~~

2 (j) Has a physical ~~or mental~~ disability ~~which~~ OR AN INTELLECTUAL
3 AND DEVELOPMENTAL DISABILITY THAT renders him OR HER unable to
4 practice as a psychiatric technician with reasonable skill and safety to the
5 patients and which may endanger the health or safety of persons under his
6 OR HER care;

7 **SECTION 79.** In Colorado Revised Statutes, 12-42-116, **amend**
8 (1) as follows:

9 **12-42-116. Exclusions.** (1) This ~~article shall not be construed to~~
10 ARTICLE 42 DOES NOT affect or apply to the gratuitous care of a person
11 with a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER by friends or
12 members of the family or to any person taking care of a person with a
13 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER for hire who does not
14 represent himself or herself or hold himself or herself out to the public as
15 a trained or licensed psychiatric technician; but ~~no one~~ A PERSON for hire
16 shall NOT hold himself or herself out as or perform the full duties of a
17 psychiatric technician who is not a psychiatric technician licensed under
18 the provisions of this ~~article~~ ARTICLE 42.

19 **SECTION 80.** In Colorado Revised Statutes, 12-42.5-123,
20 **amend** (1)(e), (1)(r)(I), and (1)(r)(II) as follows:

21 **12-42.5-123. Unprofessional conduct - grounds for discipline.**
22 (1) The board may suspend, revoke, refuse to renew, or otherwise
23 discipline any license or registration issued by it, after a hearing held in
24 accordance with the provisions of this section, upon proof that the
25 licensee or registrant:

26 (e) ~~Is addicted to, dependent on~~ HAS AN ALCOHOL USE DISORDER,
27 AS DEFINED IN SECTION 27-81-102, OR A SUBSTANCE USE DISORDER, AS

1 DEFINED IN SECTION 27-82-102, or engages in the habitual or excessive
2 use or abuse of ~~intoxicating liquors~~ ALCOHOL, a habit-forming drug, or a
3 controlled substance, as defined in section 18-18-102 (5); ~~C.R.S.~~;

4 (r) (I) Has failed to notify the board of a physical ~~or mental~~
5 illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR
6 SUBSTANCE USE DISORDER that affects the person's ability to treat clients
7 with reasonable skill and safety or that may endanger the health or safety
8 of persons under his or her care;

9 (II) Has failed to act within the limitations created by a physical
10 ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
11 HEALTH, OR SUBSTANCE USE DISORDER that renders the person unable to
12 practice pharmacy with reasonable skill and safety or that may endanger
13 the health or safety of persons under his or her care; or

14 **SECTION 81.** In Colorado Revised Statutes, 12-42.5-134,
15 **amend** (1) and (2)(a) as follows:

16 **12-42.5-134. Confidential agreement to limit practice -**
17 **violation - grounds for discipline.** (1) If a pharmacist or intern has a
18 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL,
19 MENTAL HEALTH, OR SUBSTANCE USE DISORDER that renders the person
20 unable to practice pharmacy with reasonable skill and safety to clients, the
21 pharmacist or intern shall notify the board of the PHYSICAL illness; ~~or~~ THE
22 PHYSICAL condition; OR THE BEHAVIORAL, MENTAL HEALTH, OR
23 SUBSTANCE USE DISORDER in a manner and within a period determined by
24 the board. The board may require the pharmacist or intern to submit to an
25 examination or refer the pharmacist or intern to the pharmacy peer health
26 assistance diversion program established in part 2 of this ~~article~~ ARTICLE
27 42.5 to evaluate the extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL

1 condition; OR THE BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE
2 DISORDER and its impact on the pharmacist's or intern's ability to practice
3 pharmacy with reasonable skill and safety to clients.

4 (2) (a) Upon determining that a pharmacist or intern with a
5 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL,
6 MENTAL HEALTH, OR SUBSTANCE USE DISORDER is able to render limited
7 services with reasonable skill and safety to clients, the board may enter
8 into a confidential agreement with the pharmacist or intern in which the
9 pharmacist or intern agrees to limit his or her practice based on the
10 restrictions imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition;
11 OR THE BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER, as
12 determined by the board.

13 **SECTION 82.** In Colorado Revised Statutes, 12-42.5-203,
14 **amend** (2)(a) as follows:

15 **12-42.5-203. Pharmacy peer health assistance fund.** (2) (a) As
16 a condition of licensure and licensure renewal in this state, every
17 applicant shall pay to the administering entity that has been selected by
18 the board pursuant to ~~paragraphs (c) and (d) of this subsection (2)~~
19 SUBSECTIONS (2)(c) AND (2)(d) OF THIS SECTION an amount set by the
20 board not to exceed fifty-six dollars biennially. ~~which amount shall be~~
21 THE AMOUNT MUST BE used to support designated providers that have
22 been selected by the board to provide assistance to pharmacists and
23 interns needing help in dealing with physical, emotional, psychiatric, OR
24 psychological ~~drug abuse, or alcohol abuse~~ problems OR BEHAVIORAL,
25 MENTAL HEALTH, OR SUBSTANCE USE DISORDERS that may be detrimental
26 to their ability to practice.

27 **SECTION 83.** In Colorado Revised Statutes, 12-42.5-204,

1 **amend** (2)(a) as follows:

2 **12-42.5-204. Eligibility - participants.** (2) In order to be eligible
3 for participation, a licensee shall:

4 (a) Acknowledge the existence or the potential existence of a
5 psychiatric, psychological, or emotional problem; ~~or excessive alcohol or~~
6 ~~drug use; or addiction~~ OR AN ALCOHOL USE DISORDER, AS DEFINED IN
7 SECTION 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN
8 SECTION 27-82-102;

9 **SECTION 84.** In Colorado Revised Statutes, 12-42.5-401,
10 **amend** (1)(a) and (1)(b) as follows:

11 **12-42.5-401. Legislative declaration.** (1) The general assembly
12 finds, determines, and declares that:

13 (a) Prescription drug ~~abuse~~ MISUSE occurs in this country to an
14 extent that exceeds or rivals the abuse of illicit drugs;

15 (b) Prescription drug ~~abuse~~ MISUSE occurs at times due to the
16 deception of the authorized practitioners where patients seek controlled
17 substances for treatment and the practitioner is unaware of the patient's
18 other medical providers and treatments;

19 **SECTION 85.** In Colorado Revised Statutes, 12-42.5-404,
20 **amend** (3)(c.5) as follows:

21 **12-42.5-404. Program operation - access - rules.** (3) The
22 program is available for query only to the following persons or groups of
23 persons:

24 (c.5) The medical director, or his or her designee, at a facility that
25 treats ~~addiction~~ SUBSTANCE USE DISORDERS with controlled substances,
26 if an individual in treatment at the facility gives permission to the facility
27 to access his or her program records;

1 **SECTION 86.** In Colorado Revised Statutes, 12-42.5-408.5,
2 **amend** (1) introductory portion and (1)(b) as follows:

3 **12-42.5-408.5. Examination and analysis of prescription drug**
4 **monitoring program - recommendations to executive director.**

5 (1) The executive director of the department of regulatory agencies shall
6 create a prescription drug monitoring program task force or consult with
7 and request assistance from the Colorado team assembled by the
8 governor's office to develop a strategic plan to reduce prescription drug
9 ~~abuse~~ MISUSE, or its successor group, in order to:

10 (b) Make recommendations to the executive director on ways to
11 make the program a more effective tool for practitioners and pharmacists
12 in order to reduce prescription drug ~~abuse~~ MISUSE in this state.

13 **SECTION 87.** In Colorado Revised Statutes, 12-43-201, **amend**
14 the introductory portion and (9)(a) as follows:

15 **12-43-201. Definitions.** As used in this ~~article~~ ARTICLE 43, unless
16 the context otherwise requires:

17 (9) (a) "Psychotherapy" means the treatment, diagnosis, testing,
18 assessment, or counseling in a professional relationship to assist
19 individuals or groups to alleviate BEHAVIORAL AND mental HEALTH
20 disorders, understand unconscious or conscious motivation, resolve
21 emotional, relationship, or attitudinal conflicts, or modify behaviors that
22 interfere with effective emotional, social, or intellectual functioning.
23 Psychotherapy follows a planned procedure of intervention that takes
24 place on a regular basis, over a period of time, or in the cases of testing,
25 assessment, and brief psychotherapy, psychotherapy can be a single
26 intervention.

27 **SECTION 88.** In Colorado Revised Statutes, 12-43-203, **amend**

1 (2)(a)(II)(B) as follows:

2 **12-43-203. Boards - meetings - duties - powers - removal of**
3 **members - immunity.** (2) (a) (II) All meetings are open to the public,
4 except when:

5 (B) The licensee, registrant, or certificate holder is participating
6 in good faith in a program approved by the board designed to end an
7 ~~addiction or dependency~~ A SUBSTANCE USE DISORDER and the licensee,
8 registrant, or certificate holder has not violated the board's order
9 regarding the person's participation in the treatment program.

10 **SECTION 89.** In Colorado Revised Statutes, 12-43-221.5,
11 **amend** (1) and (2)(a) as follows:

12 **12-43-221.5. Confidential agreement to limit practice -**
13 **violation grounds for discipline.** (1) If a licensee, registrant, or
14 certificate holder has a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL
15 condition; OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE
16 DISORDER that renders the person unable to practice his or her mental
17 health profession with reasonable skill and with safety to clients, the
18 licensee, registrant, or certificate holder shall notify the board that
19 regulates his or her profession of the PHYSICAL illness; ~~or~~ THE PHYSICAL
20 condition; OR THE BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE
21 DISORDER in a manner and within a period determined by his or her
22 oversight board. The applicable board may require the licensee, registrant,
23 or certificate holder to submit to an examination or refer the licensee,
24 registrant, or certificate holder to a peer health assistance program, if such
25 program exists, to evaluate the extent of the PHYSICAL illness; ~~or~~ THE
26 PHYSICAL condition; OR THE BEHAVIORAL, MENTAL HEALTH, OR
27 SUBSTANCE USE DISORDER and its impact on the licensee's, registrant's, or

1 certificate holder's ability to practice with reasonable skill and with safety
2 to clients.

3 (2) (a) Upon determining that a licensee, registrant, or certificate
4 holder with a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A
5 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER is able to
6 render limited services with reasonable skill and with safety to clients, the
7 applicable board may enter into a confidential agreement with the
8 licensee, registrant, or certificate holder in which the licensee, registrant,
9 or certificate holder agrees to limit his or her practice based on the
10 restrictions imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition;
11 OR THE BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER, as
12 determined by the applicable board.

13 **SECTION 90.** In Colorado Revised Statutes, 12-43-222, **amend**
14 (1) introductory portion, (1)(f)(I), and (1)(f)(II) as follows:

15 **12-43-222. Prohibited activities - related provisions.** (1) A
16 person licensed, registered, or certified under this ~~article~~ ARTICLE 43
17 violates this ~~article if the person~~ ARTICLE 43 IF HE OR SHE:

18 (f) (I) Fails to notify the board that regulates his or her profession
19 of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A
20 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that affects
21 the person's ability to treat clients with reasonable skill and safety or that
22 may endanger the health or safety of persons under his or her care;

23 (II) Fails to act within the limitations created by a physical ~~or~~
24 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
25 HEALTH, OR SUBSTANCE USE DISORDER that renders the person unable to
26 treat clients with reasonable skill and safety or that may endanger the
27 health or safety of persons under his or her care; or

1 **SECTION 91.** In Colorado Revised Statutes, 12-43-224, **amend**
2 (2)(c)(II) introductory portion and (2)(c)(II)(B) as follows:

3 **12-43-224. Disciplinary proceedings - judicial review - mental**
4 **and physical examinations - multiple licenses.** (2) (c) (II) The board
5 that licenses, registers, or certifies a licensee, registrant, or certificate
6 holder pursuant to this ~~article~~ ARTICLE 43 may summarily suspend the
7 person's license, registration, or certification, subject to the limitation of
8 section 24-4-104, ~~C.R.S.~~, under the following circumstances:

9 (B) The licensee, registrant, or certificate holder has been
10 adjudicated by a court of competent jurisdiction as being a person who is
11 gravely disabled, ~~mentally retarded~~ HAS AN INTELLECTUAL AND
12 DEVELOPMENTAL DISABILITY, IS mentally incompetent, or IS insane, or as
13 a person with a mental ~~illness~~ HEALTH DISORDER by a court of competent
14 jurisdiction; or

15 **SECTION 92.** In Colorado Revised Statutes, 12-43-228.5,
16 **amend** (4) as follows:

17 **12-43-228.5. Auricular acudetox by mental health**
18 **professionals - training - definition.** (4) In order to perform auricular
19 acudetox pursuant to subsection (1) of this section, a mental health care
20 professional must successfully complete a training program in auricular
21 acudetox for the treatment of ~~alcoholism, substance abuse, or chemical~~
22 ~~dependency~~ SUBSTANCE USE DISORDERS that meets or exceeds standards
23 of training established by the national acupuncture detoxification
24 association or another organization approved by the director.

25 **SECTION 93.** In Colorado Revised Statutes, 12-43-303, **amend**
26 (2)(c) as follows:

27 **12-43-303. Practice of psychology defined.** (2) The practice of

1 psychology includes:

2 (c) Diagnosis, treatment, and management of BEHAVIORAL,
3 mental, ~~and~~ OR emotional HEALTH ~~disorder~~ DISORDERS or ~~disability~~
4 DISABILITIES; substance use disorders; AND disorders of habit or conduct,
5 as well as of the psychological aspects of physical illness, accident,
6 injury, or disability;

7 **SECTION 94.** In Colorado Revised Statutes, 12-43-403, **amend**
8 (1) as follows:

9 **12-43-403. Social work practice defined.** (1) For the purposes
10 of this part 4, "social work practice" means the professional application
11 of social work theory and methods by a person who has completed a
12 master's degree in social work or a doctoral degree in social work or a
13 bachelor's degree in social work from an accredited social work program,
14 for the purpose of prevention, assessment, diagnosis, and intervention
15 with individual, family, group, organizational, and societal problems,
16 including ~~alcohol and substance abuse~~ SUBSTANCE USE DISORDERS and
17 domestic violence, based on the promotion of biopsychosocial
18 developmental processes, person-in environment transactions, and
19 empowerment of the client system. Social work theory and methods are
20 based on known accepted principles that are taught in professional
21 schools of social work in colleges or universities accredited by the
22 council on social work education.

23 **SECTION 95.** In Colorado Revised Statutes, 12-43-503, **amend**
24 (1) as follows:

25 **12-43-503. Marriage and family therapy practice defined.**
26 (1) For the purposes of this part 5, "marriage and family therapy practice"
27 means the rendering of professional marriage and family therapy services

1 to individuals, couples, and families, singly or in groups, whether such
2 services are offered directly to the general public or through
3 organizations, either public or private, for a monetary fee. Marriage and
4 family therapy utilizes established principles that recognize the
5 interrelated nature of individual problems and dysfunctions to assess,
6 understand, diagnose, and treat emotional ~~and mental~~ problems; ~~alcohol~~
7 ~~and substance abuse~~ BEHAVIORAL, MENTAL HEALTH, AND SUBSTANCE USE
8 DISORDERS; and domestic violence, and modify intrapersonal and
9 interpersonal dysfunctions.

10 **SECTION 96.** In Colorado Revised Statutes, 12-43-801, **amend**
11 (4) and (9) as follows:

12 **12-43-801. Definitions.** As used in this part 8, unless the context
13 otherwise requires:

14 (4) "Behavioral health disorders" ~~means both~~ INCLUDES
15 BEHAVIORAL, mental HEALTH, and substance use disorders.

16 (9) "Co-occurring disorders" means the existence of one or more
17 substance use disorders, addictive behavioral disorders, or BEHAVIORAL
18 OR mental HEALTH disorders presenting concurrently. At the individual
19 level, co-occurring disorders exist when at least one disorder can be
20 established independent of the other, and the disorders are not simply a
21 cluster of symptoms resulting from a single disorder.

22 **SECTION 97.** In Colorado Revised Statutes, 12-43.2-105,
23 **amend** (2)(c) and (2)(d) as follows:

24 **12-43.2-105. Grounds for discipline - disciplinary proceedings**
25 **- judicial review.** (2) The director may revoke, suspend, deny, or refuse
26 to renew a registration or issue a cease-and-desist order to a registrant in
27 accordance with this section upon proof that the registrant:

1 (c) HAS AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION
2 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION
3 27-82-102, is an excessive or habitual user or abuser of alcohol or
4 habit-forming drugs, or is a habitual user of a controlled substance, as
5 defined in section 18-18-102, ~~C.R.S.~~, or other drugs having similar
6 effects;

7 (d) Has a physical ~~or mental~~ condition or disability; A
8 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER; OR AN
9 INTELLECTUAL AND DEVELOPMENTAL DISABILITY that renders the
10 registrant unable to perform his or her tasks with reasonable skill and
11 safety or that may endanger the health or safety of individuals receiving
12 services;

13 **SECTION 98.** In Colorado Revised Statutes, 12-43.7-110,
14 **amend** (2)(c), (2)(d)(I), and (2)(d)(II) as follows:

15 **12-43.7-110. Grounds for discipline.** (2) The director may
16 revoke, suspend, or deny a certification, place a certificate holder on
17 probation, issue a letter of admonition or a confidential letter of concern,
18 impose a fine against a certificate holder, or issue a cease-and-desist order
19 to a certificate holder in accordance with section 12-43.7-111 upon proof
20 that the certificate holder:

21 (c) HAS AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION
22 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION
23 27-82-102, excessively or habitually uses or abuses alcohol or
24 habit-forming drugs, or habitually uses a controlled substance, as defined
25 in section 18-18-102, ~~C.R.S.~~, or other drugs having similar effects; except
26 that the director has the discretion not to discipline the certificate holder
27 if he or she is participating in good faith in a AN ALCOHOL OR SUBSTANCE

1 USE DISORDER TREATMENT program approved by the director; ~~designed~~
2 ~~to end the use or abuse;~~

3 (d) (I) Failed to notify the director, as required by section
4 12-43.7-115, of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR
5 A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that
6 impacts the speech-language pathologist's ability to perform
7 speech-language pathology with reasonable skill and safety to patients;

8 (II) Failed to act within the limitations created by a physical ~~or~~
9 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL
10 HEALTH, OR SUBSTANCE USE DISORDER that renders the certificate holder
11 unable to perform speech-language pathology with reasonable skill and
12 safety to the patient; or

13 **SECTION 99.** In Colorado Revised Statutes, 12-43.7-115,
14 **amend** (1) and (2)(a) as follows:

15 **12-43.7-115. Confidential agreement to limit practice -**
16 **violation grounds for discipline.** (1) If a speech-language pathologist
17 suffers from a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A
18 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that renders
19 ~~the person~~ HIM OR HER unable to practice speech-language pathology or
20 practice as a speech-language pathologist with reasonable skill and
21 patient safety, the speech-language pathologist shall notify the director of
22 the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL,
23 MENTAL HEALTH, OR SUBSTANCE USE DISORDER in a manner and within
24 a period of time determined by the director. The director may require the
25 speech-language pathologist to submit to an examination to evaluate the
26 extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE
27 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER and its

1 impact on the speech-language pathologist's ability to practice with
2 reasonable skill and safety to patients.

3 (2) (a) Upon determining that a speech-language pathologist with
4 a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL,
5 MENTAL HEALTH, OR SUBSTANCE USE DISORDER is able to render limited
6 speech-language pathology services with reasonable skill and patient
7 safety, the director may enter into a confidential agreement with the
8 speech-language pathologist in which the speech-language pathologist
9 agrees to limit his or her practice based on the restrictions imposed by the
10 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL,
11 MENTAL HEALTH, OR SUBSTANCE USE DISORDER, as determined by the
12 director.

13 **SECTION 100.** In Colorado Revised Statutes, 12-58-110, **amend**
14 (1) introductory portion and (1)(l) as follows:

15 **12-58-110. Disciplinary action by board - licenses or**
16 **registrations denied, suspended, or revoked - cease-and-desist orders.**

17 (1) The board may deny, suspend, revoke, or refuse to renew any license
18 or registration issued or applied for under the provisions of this ~~article~~
19 ARTICLE 58 or place a licensee or a registrant on probation for any of the
20 following reasons:

21 (l) ~~Habitual intemperance with respect to~~ AN ALCOHOL USE
22 DISORDER, AS DEFINED IN SECTION 27-81-102, OR A SUBSTANCE USE
23 DISORDER, AS DEFINED IN SECTION 27-82-102, or excessive use of any
24 habit-forming drug, any controlled substance, as defined in section
25 18-18-102 (5), ~~C.R.S.~~, or any alcoholic beverage;

26 **SECTION 101.** In Colorado Revised Statutes, 12-64-125, **amend**
27 (1)(a)(I) as follows:

1 **12-64-125. Mental health and substance use disorder**
2 **evaluations of licensees.** (1) (a) (I) If, upon receipt of a signed complaint
3 by a complainant, the board has reasonable cause to believe that a
4 licensed veterinarian is unable to practice veterinary medicine with
5 reasonable skill and safety to patients or clients due to a BEHAVIORAL,
6 ~~mental illness or condition or excessive use of alcohol, a habit-forming~~
7 ~~drug, or a controlled substance~~ HEALTH, OR SUBSTANCE USE DISORDER,
8 the board may require in writing that the licensed veterinarian submit to
9 an examination to evaluate:

10 (A) The existence and extent of the BEHAVIORAL, mental ~~illness~~
11 ~~or condition or the extent of any use of alcohol, habit-forming drugs, or~~
12 ~~controlled substances~~ HEALTH, OR SUBSTANCE USE DISORDER; and

13 (B) Any impact the BEHAVIORAL, mental ~~illness or condition or~~
14 ~~use of alcohol, habit-forming drugs, or controlled substances~~ HEALTH, OR
15 SUBSTANCE USE DISORDER has on the licensed veterinarian's ability to
16 practice veterinary medicine with reasonable skill and safety to patients
17 and clients.

18 **SECTION 102.** In Colorado Revised Statutes, 13-3-113, **amend**
19 (2)(d), (5)(b) introductory portion, and (5)(b)(V)(D) as follows:

20 **13-3-113. "Family-friendly Courts Act". (2) Legislative**
21 **declaration.** (d) The general assembly therefore determines and declares
22 that the creation of family-friendly court programs is beneficial to and in
23 the best interests of the citizens of Colorado. The general assembly
24 further finds that the goal of such programs shall primarily be providing
25 quality child care in or near courthouses to the children of individuals and
26 families who attend court-related proceedings, but that such programs
27 may also provide additional court-related family services at the facility

1 and shall serve as a clearinghouse of information and resource referrals
2 for program patrons concerning the wide variety of available services in
3 the community, including services that provide help to at-risk youth;
4 educational services; health services; BEHAVIORAL, mental health,
5 ~~services, substance abuse~~ AND SUBSTANCE USE DISORDER services; legal
6 services; and domestic abuse information.

7 (5) **Grant applications - duties of judicial districts.** (b) The
8 state court administrator, in determining which judicial districts may
9 receive grant ~~moneys~~ MONEY pursuant to this section, shall consider the
10 extent that a judicial district is responsible for:

11 (V) Soliciting information from community-based organizations,
12 faith communities, governmental entities, schools, community mental
13 health centers, local nonprofit or not-for-profit agencies, local law
14 enforcement agencies, businesses, and other community service providers
15 about the following services and resources for the purpose of providing
16 such information to patrons of the family-friendly court services:

17 (D) Substance ~~abuse~~ USE DISORDER programs that are available in
18 the community;

19 **SECTION 103.** In Colorado Revised Statutes, 13-5-145, **amend**
20 (2)(j) as follows:

21 **13-5-145. Truancy detention reduction policy - legislative**
22 **declaration.** (2) The chief judge in each judicial district, or his or her
23 designee, shall convene a meeting of community stakeholders to create
24 a policy for addressing truancy cases that seeks alternatives to the use of
25 detention as a sanction for truancy. Community stakeholders may include,
26 but need not be limited to:

27 (j) Substance ~~abuse~~ USE DISORDER treatment providers;

1 **SECTION 104.** In Colorado Revised Statutes, 13-9-103, **amend**
2 (1) introductory portion and (1)(f) as follows:

3 **13-9-103. Jurisdiction.** (1) The probate court of the city and
4 county of Denver has original and exclusive jurisdiction in ~~said~~ THE city
5 and county of DENVER OF:

6 (f) The administration of guardianships of minors and of ~~mentally~~
7 ~~competent~~ persons DECLARED INCOMPETENT and of conservatorships of
8 persons with mental ~~illness or mentally deficient~~ persons HEALTH
9 DISORDERS and of absentees;

10 **SECTION 105.** In Colorado Revised Statutes, 13-10-105, **amend**
11 (2) introductory portion and (2)(d) as follows:

12 **13-10-105. Municipal judge - appointment - removal.** (2) A
13 municipal judge may be removed during his OR HER term of office only
14 for cause. A judge may be removed for cause if:

15 (d) He ~~is habitually intemperate~~ OR SHE HAS A SUBSTANCE USE
16 DISORDER THAT IS NOT IN REMISSION; or

17 **SECTION 106.** In Colorado Revised Statutes, 13-20-401, **amend**
18 (2) as follows:

19 **13-20-401. Definitions.** As used in this part 4, unless the context
20 otherwise requires:

21 (2) "Patient" means the person upon whom a proposed
22 electroconvulsive treatment is to be performed; except that nothing in this
23 part 4 ~~shall be construed to supersede~~ SUPERSEDES the provisions of
24 article 65 of title 27 ~~C.R.S.~~, or any rule ~~or regulation~~ adopted by the
25 department of human services pursuant to section 27-65-116 (2) ~~C.R.S.~~;
26 with regard to the care and treatment of any person unable to exercise
27 written informed consent or of a person with a mental ~~illness~~ HEALTH

1 DISORDER.

2 **SECTION 107.** In Colorado Revised Statutes, **amend** 13-22-102
3 as follows:

4 **13-22-102. Minors - consent for medical care and treatment**
5 **for use of drugs or a substance use disorder.** Notwithstanding any other
6 provision of law, any physician licensed to practice in this state, upon
7 consultation by a minor as a patient, with the consent of such minor
8 patient, may examine, prescribe for, and treat ~~such~~ THE minor patient for
9 ~~addiction to or use of drugs OR A SUBSTANCE USE DISORDER~~ without the
10 consent of or notification to the parent, parents, or legal guardian of ~~such~~
11 THE minor patient, or to any other person having custody or
12 decision-making responsibility with respect to the medical care of ~~such~~
13 THE minor patient. In any such case the physician or any person acting
14 pursuant to the minor's direction ~~shall incur~~ INCURS no civil or criminal
15 liability by reason of having made such examination or prescription or
16 having rendered such treatment, but this immunity ~~shall~~ DOES not apply
17 to any negligent acts or omissions by the physician or any person acting
18 pursuant to the physician's direction.

19 **SECTION 108.** In Colorado Revised Statutes, 13-80-103.7,
20 **amend** (3.5)(a) as follows:

21 **13-80-103.7. General limitation of actions - sexual assault or**
22 **sexual offense against a child - six years.** (3.5) (a) For the purpose of
23 this section, "person under disability" means any person who is a minor
24 under eighteen years of age, ~~a mental incompetent~~ A PERSON WHO HAS
25 BEEN DECLARED MENTALLY INCOMPETENT, or a person under other legal
26 disability and who does not have a legal guardian. "Person under
27 disability" also includes a victim of a sexual assault when the victim is in

1 a special relationship with the perpetrator of the assault or is a victim of
2 a sexual offense against a child or is a victim who is residing in an
3 institutional facility, such as a nursing home, regional center, or
4 residential facility for the treatment and care of persons with A
5 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER or for the care of
6 persons with INTELLECTUAL AND developmental disabilities and where the
7 victim is psychologically or emotionally unable to acknowledge the
8 assault or offense and the harm resulting therefrom. For the purpose of
9 this subsection (3.5), "special relationship" means a relationship between
10 the victim and the perpetrator of the sexual assault which is a
11 confidential, trust-based relationship, such as attorney-client,
12 doctor-patient, psychotherapist-patient, minister-parishioner,
13 teacher-student, or familial relationship. It is the intent of the general
14 assembly to leave in place the six-year limitation for adults subjected to
15 a sexual assault except in the situations described in this ~~paragraph (a)~~
16 SUBSECTION (3.5)(a) in which the victim is in a special relationship with
17 the perpetrator of the assault. In the circumstances in which a victim is in
18 a special relationship with the perpetrator of the assault or is a victim of
19 a sexual offense against a child or a victim who is residing in an
20 institutional facility, such as a nursing home, regional center, or
21 residential facility for the treatment and care of persons with A
22 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER or for the care of
23 persons with INTELLECTUAL AND developmental disabilities and where the
24 victim is psychologically or emotionally unable to acknowledge the
25 assault or offense and the RESULTING harm, ~~resulting therefrom~~, the
26 six-year limitation ~~shall be~~ IS tolled until the disability is removed. For the
27 purpose of this section, where the plaintiff is a victim of a series of sexual

1 assaults or sexual offenses against a child, the plaintiff need not establish
2 which act of a series of acts caused the plaintiff's injury, and the statute
3 of limitations set forth in this section ~~shall commence~~ COMMENCES with
4 the last in the series of acts, subject to the provisions of this section
5 regarding disability. However, as elements of the cause of action, a
6 person under disability who is psychologically or emotionally unable to
7 acknowledge the assault or offense and the RESULTING harm ~~resulting~~
8 ~~therefrom shall have~~ HAS the burden of proving that the assault or offense
9 occurred and that ~~such person~~ HE OR SHE was actually psychologically or
10 emotionally unable to acknowledge the assault or offense and the
11 RESULTING harm. ~~resulting therefrom.~~

12 **SECTION 109.** In Colorado Revised Statutes, 13-90-107, **amend**
13 (1)(m)(IV) introductory portion and (1)(m)(IV)(D) as follows:

14 **13-90-107. Who may not testify without consent - definitions.**

15 (1) There are particular relations in which it is the policy of the law to
16 encourage confidence and to preserve it inviolate; therefore, a person
17 shall not be examined as a witness in the following cases:

18 (m) (IV) This ~~paragraph (m) shall~~ SUBSECTION (1)(m) DOES not
19 apply in cases in which:

20 (D) There is reasonable cause to believe that the person receiving
21 peer support has a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER and,
22 due to the BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, is an
23 imminent threat to himself or herself or others or is gravely disabled as
24 defined in section 27-65-102; ~~C.R.S.~~; or

25 **SECTION 110.** In Colorado Revised Statutes, **amend** 14-7-104
26 as follows:

27 **14-7-104. Application of article.** This ~~article shall~~ ARTICLE 7

1 DOES not apply to liability for the support of children admitted,
2 CERTIFIED, committed, or transferred to any public institution of this state
3 supervised by the department of human services for the care, support,
4 maintenance, education, or treatment of persons with ~~mental illness or~~
5 ~~who are mentally deficient~~ BEHAVIORAL OR MENTAL HEALTH DISORDERS
6 OR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

7 **SECTION 111.** In Colorado Revised Statutes, 14-10-115, **amend**
8 (10)(h)(II) as follows:

9 **14-10-115. Child support guidelines - purpose - definitions -**
10 **determination of income - schedule of basic child support obligations**
11 **- adjustments to basic child support - additional guidelines - child**
12 **support commission.** (10) **Adjustments for health care expenditures**
13 **for children.** (h) (II) Extraordinary medical expenses are uninsured
14 expenses, including copayments and deductible amounts, in excess of two
15 hundred fifty dollars per child per calendar year. Extraordinary medical
16 expenses ~~shall~~ include, but need not be limited to, such reasonable costs
17 as are reasonably necessary for orthodontia, dental treatment, asthma
18 treatments, physical therapy, vision care, and any uninsured chronic
19 health problem. At the discretion of the court, professional counseling or
20 psychiatric therapy for diagnosed BEHAVIORAL OR mental HEALTH
21 disorders may also be considered as an extraordinary medical expense.

22 **SECTION 112.** In Colorado Revised Statutes, 14-15-107, **amend**
23 (5)(n) as follows:

24 **14-15-107. Rights, benefits, protections, duties, obligations,**
25 **responsibilities, and other incidents of parties to a civil union.**
26 (5) Rights, benefits, protections, duties, obligations, responsibilities, and
27 other incidents under law as are granted to or imposed upon spouses, that

1 apply in like manner to parties to a civil union under this section, include
2 but are not limited to:

3 (n) Laws or rules regarding the right to visit a partner who is in a
4 correctional facility, as defined in section 17-1-102 (1.7), ~~C.R.S.~~, a local
5 jail, as defined in section 17-1-102 (7), ~~C.R.S.~~, or a private contract
6 prison, as defined in section 17-1-102 (7.3), ~~C.R.S.~~, or who is receiving
7 treatment in a public hospital or a licensed private hospital, clinic,
8 community mental health center or clinic, or acute treatment unit or
9 institution that provides treatment for a person with a BEHAVIORAL OR
10 mental ~~illness~~ HEALTH DISORDER;

11 **SECTION 113.** In Colorado Revised Statutes, 15-1.5-101,
12 **amend** the introductory portion and (8) as follows:

13 **15-1.5-101. Definitions.** As used in this ~~article~~ ARTICLE 1.5:

14 (8) "Incapacitated" means lacking the ability to manage property
15 and business affairs effectively by reason of A BEHAVIORAL OR mental
16 ~~illness, mental deficiency~~ HEALTH DISORDER, physical illness or disability,
17 ~~chronic use of drugs, chronic intoxication~~ A SUBSTANCE USE DISORDER,
18 confinement, detention by a foreign power, disappearance, minority, or
19 other disabling cause.

20 **SECTION 114.** In Colorado Revised Statutes, 15-14-118, **amend**
21 (2) introductory portion and (2)(c) as follows:

22 **15-14-118. Small estate - person under disability - no personal**
23 **representative.** (2) Such petition ~~shall~~ MUST state so far as known to
24 petitioner:

25 (c) The date upon which and the court by which the person under
26 disability was adjudged as having a ~~mental illness, being mentally~~
27 ~~deficient or being disabled~~, A BEHAVIORAL OR MENTAL HEALTH DISORDER

1 OR HAVING A DISABILITY;

2 **SECTION 115.** In Colorado Revised Statutes, 15-14-316, **amend**
3 (4) as follows:

4 **15-14-316. Rights and immunities of guardian - limitations.**

5 (4) A guardian may not initiate ~~the commitment~~ CERTIFICATION of a ward
6 to a mental health care institution or facility except in accordance with the
7 state's procedure for involuntary ~~civil commitment~~ TREATMENT AND
8 EVALUATION OF A BEHAVIORAL OR MENTAL HEALTH DISORDER PURSUANT
9 TO ARTICLE 65 OF TITLE 27. To obtain hospital or institutional care and
10 treatment for ~~mental illness of a ward~~ A WARD'S BEHAVIORAL OR MENTAL
11 HEALTH DISORDER, a guardian shall proceed as provided under article 65
12 of title 27. ~~C.R.S.~~ To obtain services and supports from an approved
13 service agency as defined in section 25.5-10-202 ~~C.R.S.~~, for a ward with
14 intellectual and developmental disabilities, a guardian shall proceed ~~under~~
15 AS PROVIDED PURSUANT TO article 10 of title 25.5. ~~C.R.S.~~ To obtain care
16 and treatment for ~~alcoholism or substance abuse~~ A WARD'S SUBSTANCE
17 USE DISORDER, a guardian shall proceed ~~under article 80~~
18 PURSUANT TO ARTICLES 81 AND 82 of title 27. ~~C.R.S.~~ ~~No~~ A guardian shall
19 NOT have the authority to consent to any such care or treatment against
20 the WARD'S will. ~~of the ward.~~

21 **SECTION 116.** In Colorado Revised Statutes, 16-4-105, **amend**
22 (6)(b) and (8)(d) as follows:

23 **16-4-105. Conditions of release on bond.** (6) (b) A person
24 seeking relief from any of the conditions imposed pursuant to ~~paragraph~~
25 ~~(a) of this subsection (6)~~ SUBSECTION (6)(a) OF THIS SECTION shall file a
26 motion with the court, and the court shall conduct a hearing upon the
27 motion. The court shall consider whether the condition from which the

1 person is seeking relief is in the interest of justice and whether public
2 safety would be endangered if the condition were not enforced. When
3 determining whether to grant relief pursuant to this ~~paragraph (b)~~
4 SUBSECTION (6)(b), the court shall consider whether the person has
5 voluntarily enrolled and is participating in an appropriate substance ~~abuse~~
6 USE DISORDER treatment program.

7 (8) In addition to the conditions specified in this section, the court
8 may impose any additional conditions on the conduct of the person
9 released that will assist in obtaining the appearance of the person in court
10 and the safety of any person or persons and the community. These
11 conditions may include, but are not limited to, supervision by a qualified
12 person or organization or supervision by a pretrial services program
13 established pursuant to section 16-4-106. While under the supervision of
14 a qualified organization or pretrial services program, the conditions of
15 release imposed by the court may include, but are not limited to:

16 (d) TREATMENT OF THE PERSON'S BEHAVIORAL, mental health, or
17 substance ~~abuse treatment for the person~~ USE DISORDER, IF APPLICABLE,
18 including residential treatment if the defendant consents to the treatment;

19 **SECTION 117.** In Colorado Revised Statutes, **amend** 16-8-121
20 as follows:

21 **16-8-121. Escape - return to institution.** (1) If any defendant,
22 confined in an institution for the care and treatment of persons with
23 BEHAVIORAL OR mental ~~illness or~~ HEALTH DISORDERS OR INTELLECTUAL
24 AND developmental disabilities under the supervision of the executive
25 director of the department of human services, escapes from such
26 institution, it is the duty of the chief officer ~~thereof~~ to apply forthwith to
27 the district court for the county in which the hospital or institution is

1 located for a warrant of arrest directed to the sheriff of the county,
2 commanding him or her forthwith to take all necessary legal action to
3 effect the arrest of ~~such~~ THE defendant and to return him or her promptly
4 to the institution. ~~and~~ The fact of an escape becomes a part of the official
5 record of a defendant and ~~shall~~ MUST be certified to the committing court
6 as part of the record in any proceeding to determine whether the
7 defendant is eligible for release from commitment or eligible for
8 conditional release.

9 (2) If any defendant committed to the custody of the executive
10 director of the department of human services and placed in an institution
11 under his OR HER supervision has escaped from an ~~asylum or other~~
12 ~~institution for insane persons or users of drugs or narcotics of~~
13 INSTITUTION FOR THE CARE AND TREATMENT OF PERSONS WITH
14 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS IN another
15 state, the chief officer ~~thereof~~ is authorized to return ~~such~~ THE defendant
16 to the institution from which he OR SHE escaped. The chief officer is
17 further authorized to effect the return at the expense of the state of
18 Colorado and under such terms and conditions as the chief officer deems
19 suitable.

20 **SECTION 118.** In Colorado Revised Statutes, 16-11-102, **amend**
21 (1)(c) as follows:

22 **16-11-102. Presentence or probation investigation.**

23 (1)(c)(I) The state court administrator may implement a BEHAVIORAL OR
24 mental ~~illness~~ HEALTH DISORDER screening program to screen defendants
25 for which the court has ordered an investigation pursuant to this section.
26 If the state court administrator chooses to implement a BEHAVIORAL OR
27 mental ~~illness~~ HEALTH DISORDER screening program, the state court

1 administrator shall use the standardized BEHAVIORAL OR mental illness
2 HEALTH DISORDER screening instrument developed pursuant to section
3 16-11.9-102 and conduct the screening in accordance with the procedures
4 established pursuant to said section. The findings and results of any
5 standardized BEHAVIORAL OR mental illness HEALTH DISORDER screening
6 conducted pursuant to this ~~paragraph (c)~~ shall SUBSECTION (1)(c) MUST
7 be included in the written report to the court prepared and submitted
8 pursuant to this subsection (1).

9 (II) Prior to implementation of a BEHAVIORAL OR mental illness
10 HEALTH DISORDER screening program pursuant to this ~~paragraph (c)~~
11 SUBSECTION (1)(c), if implementation of the program would require an
12 increase in appropriations, the state court administrator shall submit to the
13 joint budget committee a request for funding in the amount necessary to
14 implement the BEHAVIORAL OR mental illness HEALTH DISORDER
15 screening program. If implementation of the program would require an
16 increase in appropriations, implementation of the BEHAVIORAL OR mental
17 illness HEALTH DISORDER screening program shall be IS conditional upon
18 approval of the funding request.

19 **SECTION 119.** In Colorado Revised Statutes, 16-11-209, **amend**
20 (2)(d) and (3)(e) as follows:

21 **16-11-209. Duties of probation officers.** (2) Any probationer, on
22 probation as a result of a conviction, who is under the supervision of a
23 probation officer pursuant to this part 2 and who is initially tested for the
24 illegal or unauthorized use of a controlled substance and the result of such
25 test is positive shall be subject to any or all of the following actions:

26 (d) Referral to a substance ~~abuse~~ USE DISORDER treatment
27 program.

1 (3) If any probationer described in subsection (2) of this section
2 is subjected to a second or subsequent test for the illegal or unauthorized
3 use of a controlled substance and the result of such test is positive, the
4 probation officer shall take one or more of the following actions:

5 (e) Refer the probationer to a substance ~~abuse~~ USE DISORDER
6 treatment program.

7 **SECTION 120.** In Colorado Revised Statutes, 16-11.3-101,
8 **amend** (1)(g) and (2) as follows:

9 **16-11.3-101. Legislative declaration.** (1) The general assembly
10 finds and declares that:

11 (g) Many factors may contribute to an offender's criminal
12 behavior, including but not limited to substance abuse AND SUBSTANCE
13 USE DISORDERS, BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS,
14 poverty, child abuse, domestic violence, and educational deficiencies.
15 ~~Often times,~~ Factors contributing to criminal conduct and re-victimization
16 are FREQUENTLY not addressed adequately within the justice system.

17 (2) Therefore, the general assembly declares that a commission
18 comprised of experts in criminal justice, corrections, mental AND
19 BEHAVIORAL health, drug abuse, victims' rights, higher education,
20 juvenile justice, local government, and other pertinent disciplines shall be
21 formed to engage in an evidence-based analysis of the criminal justice
22 system in Colorado and annually report to the governor, the speaker of the
23 house of representatives, the president of the senate, and the chief justice
24 of the Colorado supreme court.

25 **SECTION 121.** In Colorado Revised Statutes, 16-11.3-102,
26 **amend** (2)(a) introductory portion and (2)(a)(XI)(H) as follows:

27 **16-11.3-102. Colorado commission on criminal and juvenile**

1 **justice - creation - membership - operation.** (2) (a) The commission
2 ~~shall consist~~ CONSISTS of twenty-six voting members, as follows:

3 (XI) Twelve members appointed by the governor as follows:

4 (H) One member who ~~shall be~~ IS a representative of a community
5 corrections provider, a community corrections board member, or a
6 BEHAVIORAL, mental health, or substance ~~abuse~~ USE DISORDER treatment
7 provider; and

8 **SECTION 122.** In Colorado Revised Statutes, 16-11.7-103,
9 **amend** (4)(b)(I) and (4)(j)(I) as follows:

10 **16-11.7-103. Sex offender management board - creation -**
11 **duties - repeal.** (4) **Duties of the board.** The board shall carry out the
12 following duties:

13 (b) **Guidelines and standards for treatment of adult offenders.**

14 (I) The board shall develop, implement, and revise, as appropriate,
15 guidelines and standards to treat adult sex offenders, including adult sex
16 offenders with INTELLECTUAL AND developmental disabilities,
17 incorporating in the guidelines and standards the concepts of the
18 risk-need-responsivity or another evidence-based correctional model,
19 which guidelines and standards can be used in the treatment of offenders
20 who are placed on probation, incarcerated with the department of
21 corrections, placed on parole, or placed in community corrections.
22 Programs implemented pursuant to the guidelines and standards
23 developed pursuant to this ~~paragraph (b) shall~~ SUBSECTION (4)(b) MUST
24 be as flexible as possible so that the programs may be accessed by each
25 adult sex offender to prevent the offender from harming victims and
26 potential victims. Programs ~~shall~~ MUST include a continuing monitoring
27 process and a continuum of treatment options available to an adult sex

1 offender as he or she proceeds through the criminal justice system.
2 Treatment options ~~shall~~ MUST be determined by a current risk assessment
3 and evaluation and may include, but need not be limited to, group
4 counseling, individual counseling, family counseling, outpatient
5 treatment, inpatient treatment, shared living arrangements, or treatment
6 in a therapeutic community. Programs implemented pursuant to the
7 guidelines and standards developed pursuant to this ~~paragraph (b)~~ shall
8 SUBSECTION (4)(b) MUST, to the extent possible, be accessible to all adult
9 sex offenders in the criminal justice system, including those offenders
10 with BEHAVIORAL, mental ~~illness~~ HEALTH, and co-occurring disorders.
11 The procedures for evaluation, identification, treatment, and monitoring
12 developed pursuant to this subsection (4) ~~shall~~ MUST be implemented only
13 to the extent that ~~moneys are~~ MONEY IS available in the sex offender
14 surcharge fund created in section 18-21-103 (3). ~~C.R.S.~~

15 (j) (I) **Guidelines and standards for treatment of juvenile**
16 **offenders.** The board shall develop, implement, and revise, as
17 appropriate, guidelines and standards to treat juveniles who have
18 committed sexual offenses, including juveniles with INTELLECTUAL AND
19 developmental disabilities, incorporating in the guidelines and standards
20 the concepts of the risk-need-responsivity or another evidence-based
21 correctional model, which guidelines and standards may be used for
22 juvenile offenders who are placed on probation, committed to the
23 department of human services, placed on parole, or placed in out-of-home
24 placement. Programs implemented pursuant to the guidelines and
25 standards developed pursuant to this ~~paragraph (j)~~ shall SUBSECTION (4)(j)
26 MUST be as flexible as possible so that the programs may be accessed by
27 each juvenile offender to prevent him or her from harming victims and

1 potential victims. Programs ~~shall~~ MUST provide a continuing monitoring
2 process and a continuum of treatment options available to a juvenile
3 offender as he or she proceeds through the juvenile justice system.
4 Treatment options may include, but need not be limited to, group
5 counseling, individual counseling, family counseling, outpatient
6 treatment, inpatient treatment, shared living arrangements, and treatment
7 in a therapeutic community. Programs implemented pursuant to the
8 guidelines and standards developed pursuant to this ~~paragraph (j)~~ shall
9 SUBSECTION (4)(j) MUST be, to the extent possible, accessible to all
10 juveniles who have committed sexual offenses and who are in the
11 juvenile justice system, including juveniles with BEHAVIORAL, mental
12 ~~illness~~ HEALTH, or co-occurring disorders.

13 **SECTION 123.** In Colorado Revised Statutes, **amend**
14 16-11.9-101 as follows:

15 **16-11.9-101. Legislative declaration.** The general assembly
16 ~~hereby~~ finds and declares that, based upon the findings and
17 recommendations of the 1999 interim committee to study the treatment
18 of persons with mental illness in the Colorado criminal justice system,
19 detecting BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS in persons
20 in the criminal justice system is a difficult process with no current
21 statewide standards or requirements. The lack of a standardized screening
22 process to detect persons with BEHAVIORAL OR mental ~~illness~~ HEALTH
23 DISORDERS in the criminal justice system is a significant impediment to
24 consistent identification, diagnosis, treatment, and rehabilitation of all
25 ~~mentally ill~~ offenders WITH BEHAVIORAL OR MENTAL HEALTH DISORDERS,
26 ultimately resulting in an increased rate of recidivism. Therefore, the
27 general assembly ~~hereby~~ resolves to create a standardized screening

1 process to be utilized at each stage of the criminal justice system to
2 identify persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS.

3 **SECTION 124.** In Colorado Revised Statutes, 16-11.9-102,
4 **amend** (1) introductory portion, (1)(b), (1)(d), (1)(e), (1)(f), (2)
5 introductory portion, (2)(b), (2)(d), (2)(e), and (2)(f) as follows:

6 **16-11.9-102. Screening for behavioral or mental health**
7 **disorders - standardized process - development.** (1) The director of the
8 division of criminal justice within the department of public safety ~~shall~~
9 ~~be~~ IS responsible for ensuring that the head of the department of
10 psychiatry at the university of Colorado health sciences center, the
11 judicial department, the department of corrections, the state board of
12 parole, the division of criminal justice within the department of public
13 safety, and the ~~unit within~~ OFFICE OF BEHAVIORAL HEALTH IN the
14 department of human services ~~that administers behavioral health~~
15 ~~programs and services, including those related to mental health and~~
16 ~~substance abuse~~ meet and cooperate to develop a standardized screening
17 procedure for the assessment of BEHAVIORAL OR mental ~~illness~~ HEALTH
18 DISORDERS in persons who are involved in the adult criminal justice
19 system. The standardized screening procedure ~~shall~~ MUST include, but is
20 not limited to:

21 (b) Development of criteria for potential use of such standardized
22 instruments, including consideration of methods of addressing
23 confidential communications by those persons who will be screened for
24 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS;

25 (d) Identification of those persons who will be screened for
26 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS;

27 (e) The stages within the adult criminal justice system at which a

1 person shall be screened for A BEHAVIORAL OR mental ~~illness~~ HEALTH
2 DISORDER, including consideration of methods of addressing confidential
3 communications by a person screened for A BEHAVIORAL OR mental
4 ~~illness~~ HEALTH DISORDER;

5 (f) Consideration of a standard definition of A BEHAVIORAL OR
6 mental ~~illness~~ HEALTH DISORDER, including A serious BEHAVIORAL OR
7 mental ~~illness~~ HEALTH DISORDER; and

8 (2) In conjunction with the development of a standardized
9 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening procedure for
10 the adult criminal justice system as specified in subsection (1) of this
11 section, the judicial department, the division of youth corrections within
12 the department of human services, the unit responsible for child welfare
13 services within the department of human services, the ~~unit within~~ OFFICE
14 OF BEHAVIORAL HEALTH IN the department of human services, ~~that~~
15 ~~administers behavioral health programs and services, including those~~
16 ~~related to mental health and substance abuse,~~ the division of criminal
17 justice within the department of public safety, and the department of
18 corrections shall cooperate to develop a standardized screening procedure
19 for the assessment of BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS
20 in juveniles who are involved in the juvenile justice system. The
21 standardized screening procedure ~~shall~~ MUST include, but is not limited
22 to:

23 (b) Development of criteria for potential use of such standardized
24 instruments, including consideration of methods of addressing
25 confidential communications by those persons who will be screened for
26 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS;

27 (d) Identification of those persons who will be screened for

1 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS;

2 (e) The stages within the juvenile justice system at which a person
3 shall be screened for A BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER,
4 including consideration of methods of addressing confidential
5 communications by a person screened for A BEHAVIORAL OR mental
6 ~~illness~~ HEALTH DISORDER;

7 (f) Consideration of a standard definition of A BEHAVIORAL OR
8 mental ~~illness~~ HEALTH DISORDER, including A serious BEHAVIORAL OR
9 mental ~~illness~~ HEALTH DISORDER; and

10 **SECTION 125.** In Colorado Revised Statutes, 16-20-102, **amend**
11 the introductory portion and (3) as follows:

12 **16-20-102. Definitions.** As used in this ~~article~~ ARTICLE 20, unless
13 the context otherwise requires:

14 (3) "Person of unsound mind" includes the terms "insane person",
15 "mentally ill person", "person with a mental illness", "PERSON WITH A
16 BEHAVIORAL OR MENTAL HEALTH DISORDER", AND "mentally incompetent
17 person". ~~and "lunatic".~~

18 **SECTION 126.** In Colorado Revised Statutes, 17-1-102, **amend**
19 the introductory portion, (7.5)(a)(I), and (7.5)(a)(II) as follows:

20 **17-1-102. Definitions.** As used in this ~~title~~ TITLE 17, unless the
21 context otherwise requires:

22 (7.5) (a) "Special needs offender" means a person in the custody
23 of the department:

24 (I) Who is sixty years of age or older and has been diagnosed by
25 a licensed health care provider who is employed by or under contract with
26 the department as suffering from a chronic infirmity, illness, condition,
27 disease, or BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER and the

1 department or the state board of parole determines that the person is
2 incapacitated to the extent that he or she is not likely to pose a risk to
3 public safety; or

4 (II) Who, as determined by a licensed health care provider who is
5 employed by or under contract with the department, suffers from a
6 chronic, permanent, terminal, or irreversible physical ~~or mental~~ illness,
7 condition, disease, or A BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER
8 that requires costly care or treatment and who is determined by the
9 department or the state board of parole to be incapacitated to the extent
10 that he or she is not likely to pose a risk to public safety.

11 **SECTION 127.** In Colorado Revised Statutes, 17-1-113.8,
12 **amend** (1) and (2)(b)(I) as follows:

13 **17-1-113.8. Persons with serious behavioral or mental health**
14 **disorders - long-term isolated confinement - work group.** (1) The
15 department shall not place a person with A BEHAVIORAL OR serious mental
16 ~~illness~~ HEALTH DISORDER in long-term isolated confinement except when
17 exigent circumstances are present.

18 (2) (b) (I) The work group shall advise the department on policies
19 and procedures related to the proper treatment and care of offenders with
20 serious BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS in long-term
21 isolated confinement, with a focus on persons with serious BEHAVIORAL
22 OR mental ~~illness~~ HEALTH DISORDERS in long-term isolated confinement.

23 **SECTION 128.** In Colorado Revised Statutes, 17-2-102, **amend**
24 (8.5)(a)(IV), (8.5)(b) introductory portion, and (8.5)(b)(V) as follows:

25 **17-2-102. Division of adult parole - general powers, duties, and**
26 **functions - definitions.** (8.5) (a) Any parolee, on parole as a result of a
27 conviction of any felony, who is under the supervision of the division of

1 adult parole pursuant to this part 1 and who is initially tested for the
2 illegal or unauthorized use of a controlled substance and the result of such
3 test is positive shall be subject to any or all of the following actions:

4 (IV) Referral to a substance ~~abuse~~ USE DISORDER treatment
5 program.

6 (b) If any parolee described in ~~paragraph (a) of this subsection~~
7 ~~(8.5)~~ SUBSECTION (8.5)(a) OF THIS SECTION is subjected to a second or
8 subsequent test for the illegal or unauthorized use of a controlled
9 substance and the result of the test is positive, the community parole
10 officer shall take one or more of the following actions:

11 (V) Refer the parolee to a substance ~~abuse~~ USE DISORDER
12 treatment program.

13 **SECTION 129.** In Colorado Revised Statutes, **amend** 17-2-209
14 as follows:

15 **17-2-209. Civil proceedings - inmate subject to parole.** When
16 an inmate has met all of the requirements to be eligible for parole, but the
17 board has reason to believe that the ~~offender~~ INMATE may have a
18 BEHAVIORAL OR mental ~~illness pursuant to article 65 of title 27, C.R.S.~~
19 HEALTH DISORDER AS DEFINED IN SECTION 27-65-102, the board shall
20 initiate civil proceedings pursuant to article 23 of this ~~title~~ TITLE 17 and
21 articles 10.5, ~~11, 14,~~ 65, 67, 92, 93, and 94 of title 27. ~~C.R.S.~~

22 **SECTION 130.** In Colorado Revised Statutes, 17-23-101, **amend**
23 (1)(a) as follows:

24 **17-23-101. Transfer of an inmate who has a behavioral or**
25 **mental health disorder or an intellectual and developmental**
26 **disability.** (1) (a) The executive director, in coordination with the
27 executive director of the department of human services, may only transfer

1 an inmate who has a BEHAVIORAL OR mental ~~illness or~~ HEALTH DISORDER
2 OR AN INTELLECTUAL AND developmental disability and who cannot be
3 safely confined in a correctional facility to an appropriate facility
4 operated by the department of human services for observation and
5 stabilization if the department of corrections follows the policy
6 established pursuant to ~~paragraph (b) of this subsection (1)~~ SUBSECTION
7 (1)(b) OF THIS SECTION. The costs associated with care provided in the
8 facility operated by the department of human services are charged to the
9 department of human services.

10 **SECTION 131.** In Colorado Revised Statutes, 17-27-104, **amend**
11 (12) as follows:

12 **17-27-104. Community corrections programs operated by**
13 **units of local government, state agencies, or nongovernmental**
14 **agencies.** (12) The administrators of a community corrections program
15 established pursuant to this section may implement a BEHAVIORAL OR
16 mental ~~illness~~ HEALTH DISORDER screening program to screen the persons
17 accepted and placed in the community corrections program. If the
18 administrators choose to implement a BEHAVIORAL OR mental ~~illness~~
19 HEALTH DISORDER screening program, the administrators shall use the
20 standardized screening instrument developed pursuant to section
21 16-11.9-102 ~~C.R.S.~~, and conduct the screening in accordance with
22 procedures established pursuant to said section.

23 **SECTION 132.** In Colorado Revised Statutes, 17-27.9-102,
24 **amend** (1) as follows:

25 **17-27.9-102. Specialized restitution and community service**
26 **programs - contract with treatment providers - division of criminal**
27 **justice.** (1) The director of the division of criminal justice of the

1 department of public safety may, pursuant to section 17-27-108, contract
2 with one or more public or private providers or community corrections
3 boards, as defined in section 17-27-102 (2), who operate restitution and
4 community service facilities, to provide specialized restitution and
5 community service programs that meet the requirements of this section.
6 As used in this ~~article~~ ARTICLE 27.9, such providers ~~shall be~~ ARE referred
7 to as "providers". ~~The provision of any substance abuse treatment shall~~
8 ~~be by an entity approved by the unit in the department of human services~~
9 ~~that administers behavioral health programs and services, including those~~
10 ~~related to mental health and substance abuse, pursuant to article 80 of title~~
11 ~~27, C.R.S.~~ THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF
12 HUMAN SERVICES SHALL APPROVE ANY ENTITY THAT PROVIDES
13 TREATMENT FOR SUBSTANCE USE DISORDERS PURSUANT TO ARTICLE 80 OF
14 TITLE 27.

15 **SECTION 133.** In Colorado Revised Statutes, 17-34-101, **amend**
16 (1)(a) introductory portion, (1)(a)(I) introductory portion, and (1)(a)(I)(C)
17 as follows:

18 **17-34-101. Juveniles who are convicted as adults in district**
19 **court - eligibility for specialized program placement - petitions.**
20 (1) (a) Notwithstanding any other provision of law, an offender serving
21 a sentence in the department for a felony offense as a result of the filing
22 of criminal charges by an information or indictment pursuant to section
23 19-2-517, ~~C.R.S.~~, or the transfer of proceedings to the district court
24 pursuant to section 19-2-518, ~~C.R.S.~~, or pursuant to either of these
25 sections as they existed prior to their repeal and reenactment, with
26 amendments, by House Bill 96-1005, and who remains in the custody of
27 the department for that felony offense may petition for placement in the

1 specialized program described in section 17-34-102, referred to within
2 this section as the "specialized program", as follows:

3 (I) If the felony of which the person was convicted was not
4 murder in the first degree, as described in section 18-3-102, ~~C.R.S.~~, then
5 the offender may petition for placement in the specialized program after
6 serving twenty years of his or her sentence if he or she:

7 (C) Is not in a treatment program within the department for a
8 serious BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER;

9 **SECTION 134.** In Colorado Revised Statutes, 17-40-101, **amend**
10 the introductory portion and (2) as follows:

11 **17-40-101. Definitions.** As used in this ~~article~~ ARTICLE 40, unless
12 the context otherwise requires:

13 (2) "Diagnostic services" means diagnostic examination and
14 evaluation programs, including medical and dental evaluations,
15 psychological testing, and academic and vocational assessment.
16 "Diagnostic services" also includes identification of special needs, such
17 as protective custody, services for persons who have BEHAVIORAL OR
18 mental ~~illness~~—~~or~~ HEALTH DISORDERS OR INTELLECTUAL AND
19 developmental disabilities, and special arrangements for those deemed
20 potentially disruptive to institutional safety and operation.

21 **SECTION 135.** In Colorado Revised Statutes, 17-40-106, **amend**
22 (4) as follows:

23 **17-40-106. Responsibilities of the superintendent.** (4) (a) The
24 superintendent may implement a BEHAVIORAL OR mental ~~illness~~ HEALTH
25 DISORDER screening program to screen offenders entering the diagnostic
26 center. If the superintendent chooses to implement a BEHAVIORAL OR
27 mental ~~illness~~ HEALTH DISORDER screening program, the superintendent

1 shall use the standardized screening instrument developed pursuant to
2 section 16-11.9-102 ~~C.R.S.~~, and conduct the screening in accordance with
3 procedures established pursuant to said section.

4 (b) Prior to implementation of a BEHAVIORAL OR mental ~~illness~~
5 HEALTH DISORDER screening program pursuant to this subsection (4), if
6 implementation of the program would require an increase in
7 appropriations, the superintendent shall submit to the joint budget
8 committee a request for funding in the amount necessary to implement the
9 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program. If
10 implementation of the BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER
11 screening program would require an increase in appropriations,
12 implementation of the program ~~shall be~~ IS conditional upon approval of
13 the funding request.

14 **SECTION 136.** In Colorado Revised Statutes, 18-1-505, **amend**
15 (3)(b) as follows:

16 **18-1-505. Consent.** (3) Unless otherwise provided by this code
17 or by the law defining the offense, assent does not constitute consent if:

18 (b) It is given by a person who, by reason of immaturity,
19 BEHAVIORAL OR mental ~~disease or mental defect~~ HEALTH DISORDER, or
20 intoxication, is manifestly unable and is known or reasonably should be
21 known by the defendant to be unable to make a reasonable judgment as
22 to the nature or harmfulness of the conduct charged to constitute the
23 offense; or

24 **SECTION 137.** In Colorado Revised Statutes, **amend** 18-1.3-210
25 as follows:

26 **18-1.3-210. Counseling or treatment for alcohol or drug abuse**
27 **or substance use disorder.** (1) In any case in which treatment or

1 counseling for alcohol or drug abuse OR A SUBSTANCE USE DISORDER is
2 authorized in connection with a deferred prosecution, deferred judgment
3 and sentence, or probation, the court may require the defendant to obtain
4 counseling or treatment for the condition. If the court orders the
5 counseling or treatment, the court shall order that the counseling or
6 treatment ~~be~~ IS obtained from a treatment facility or person approved by
7 the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human
8 services, ~~that administers behavioral health programs and services,~~
9 ~~including those related to mental health and substance abuse,~~ established
10 in article 80 of title 27, ~~C.R.S.~~, unless the court makes a finding that
11 counseling or treatment in another facility or with another person is
12 warranted. If the defendant voluntarily submits himself or herself for ~~such~~
13 treatment or counseling, the district attorney and the court may consider
14 his or her willingness to correct his or her condition as a basis for
15 granting deferred prosecution or deferred judgment and sentence.

16 (2) Notwithstanding the provisions of subsection (1) of this
17 section, in any case in which treatment or counseling for alcohol or drug
18 abuse OR A SUBSTANCE USE DISORDER is authorized and ordered by the
19 court in connection with a deferred prosecution, deferred judgment and
20 sentence, or probation for an offense involving unlawful sexual behavior,
21 as defined in section 16-22-102 (9), ~~C.R.S.~~, the court shall order that the
22 counseling or treatment ~~be~~ IS obtained from a treatment facility or person
23 approved by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department
24 of human services, ~~that administers behavioral health programs and~~
25 ~~services, including those related to mental health and substance abuse,~~
26 established in article 80 of title 27. ~~C.R.S.~~

27 **SECTION 138.** In Colorado Revised Statutes, 18-1.3-407,

1 **amend** (5)(b)(I) introductory portion, (5)(b)(I)(B), (5)(b)(III), (5)(b)(IV),
2 and (5)(c) as follows:

3 **18-1.3-407. Sentences - youthful offenders - legislative**
4 **declaration - powers and duties of district court - authorization for**
5 **youthful offender system - powers and duties of department of**
6 **corrections - definitions.** (5) (b) (I) An offender who is thought to have

7 a BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDER OR AN
8 INTELLECTUAL AND developmental disability by a mental health clinician,
9 as defined by regulation of the department of corrections, may be
10 transferred to another facility for a period not to exceed sixty days for
11 diagnostic validation of said ~~illness~~ DISORDER or disability. At the
12 conclusion of the sixty-day period, the psychiatrists or other appropriate
13 professionals conducting the diagnosis shall forward to the executive
14 director of the department of corrections their findings, which at a
15 minimum ~~shall~~ MUST include a statement of whether the offender has the
16 ability to withstand the rigors of the youthful offender system. If the
17 diagnosis determines that the offender is incapable of completing his or
18 her sentence to the youthful offender system due to a BEHAVIORAL OR
19 mental ~~illness~~ or HEALTH DISORDER OR AN INTELLECTUAL AND
20 developmental disability, the executive director shall forward such
21 determination to the sentencing court. Based on the determination, the
22 sentencing court shall review the offender's sentence to the youthful
23 offender system and may:

24 (B) Reconsider and reduce the offender's sentence to the
25 department of corrections in consideration of the offender's BEHAVIORAL
26 OR mental ~~illness~~ or HEALTH DISORDER OR INTELLECTUAL AND
27 developmental disability.

1 (III) In no event shall the sentencing court, after reviewing the
2 offender's sentence to the youthful offender system pursuant to this
3 ~~paragraph (b)~~ SUBSECTION (5)(b), increase the offender's sentence to the
4 department of corrections due to the offender's diagnosis of A
5 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER or determination of AN
6 INTELLECTUAL AND developmental disability.

7 (IV) Any offender who is diagnosed as having A BEHAVIORAL OR
8 mental ~~illness~~ HEALTH DISORDER or determined to have a AN
9 INTELLECTUAL AND developmental disability and is therefore incapable
10 of completing his or her sentence to the youthful offender system may be
11 housed in any department of corrections facility deemed appropriate by
12 the executive director or transferred in accordance with procedures set
13 forth in section 17-23-101 ~~C.R.S.~~, pending action by the sentencing court
14 with regard to the offender's sentence.

15 (c) The department of corrections shall implement a procedure for
16 returning offenders who cannot successfully complete the sentence to the
17 youthful offender system, or who fail to comply with the terms or
18 conditions of the youthful offender system, to the district court. An
19 offender returned to the district court pursuant to ~~paragraph (a) of this~~
20 ~~subsection (5)~~ SUBSECTION (5)(a) OF THIS SECTION or because he or she
21 cannot successfully complete the sentence to the youthful offender system
22 for reasons other than A BEHAVIORAL OR mental ~~illness~~ or a HEALTH
23 DISORDER OR AN INTELLECTUAL AND developmental disability, or because
24 he or she fails to comply with the terms or conditions of the youthful
25 offender system, shall receive imposition of the original sentence to the
26 department of corrections. After the executive director of the department
27 upholds the department's decision, the offender may be held in any

1 correctional facility deemed appropriate by the executive director; except
2 that an offender who cannot successfully complete the sentence to the
3 youthful offender system for reasons other than A BEHAVIORAL OR mental
4 ~~illness or a~~ HEALTH DISORDER OR AN INTELLECTUAL AND developmental
5 disability, or because he or she fails to comply with the terms or
6 conditions of the youthful offender system, shall be transferred, within
7 thirty-five days after the executive director upholds the department's
8 decision, to a county jail for holding prior to resentencing. The
9 department shall notify the district attorney of record, and the district
10 attorney of record shall be responsible for seeking the revocation or
11 review of the offender's sentence and the imposition of the original
12 sentence or modification of the original sentence pursuant to
13 ~~sub-subparagraph (B) of subparagraph (I) of paragraph (b) of this~~
14 ~~subsection (5)~~ SUBSECTION (5)(b)(I)(B) OF THIS SECTION. The district
15 court shall review the offender's sentence within one hundred twenty-six
16 days after notification to the district attorney of record by the department
17 of corrections that the offender is not able to complete the sentence to the
18 youthful offender system or fails to comply with the terms or conditions
19 of the youthful offender system.

20 **SECTION 139.** In Colorado Revised Statutes, 18-3-405.5,
21 **amend** (4)(c) as follows:

22 **18-3-405.5. Sexual assault on a client by a psychotherapist -**
23 **definitions.** (4) As used in this section, unless the context otherwise
24 requires:

25 (c) "Psychotherapy" means the treatment, diagnosis, or counseling
26 in a professional relationship to assist individuals or groups to alleviate
27 BEHAVIORAL OR mental HEALTH disorders, understand unconscious or

1 conscious motivation, resolve emotional, relationship, or attitudinal
2 conflicts, or modify behaviors ~~which~~ THAT interfere with effective
3 emotional, social, or intellectual functioning.

4 **SECTION 140.** In Colorado Revised Statutes, 18-6.5-102,
5 **amend** the introductory portion and (11)(e) as follows:

6 **18-6.5-102. Definitions.** As used in this ~~article~~ ARTICLE 6.5,
7 unless the context otherwise requires:

8 (11) "Person with a disability" means any person who:

9 (e) Is a person with a BEHAVIORAL OR mental ~~illness~~ HEALTH
10 DISORDER as the term is defined in section ~~27-65-102 (14)~~, C.R.S.
11 27-65-102 (11.5);

12 **SECTION 141.** In Colorado Revised Statutes, **amend** 18-8-201.1
13 as follows:

14 **18-8-201.1. Aiding escape from an institution for the care and**
15 **treatment of persons with behavioral or mental health disorders.** Any
16 person who knowingly aids the escape of a person who is an inmate of an
17 institution for the care and treatment of persons with BEHAVIORAL OR
18 mental ~~illness~~ HEALTH DISORDERS and who knows the person aided is
19 confined in such institution pursuant to a commitment ~~under~~ PURSUANT
20 TO article 8 of title 16 ~~C.R.S.~~, commits the offense of aiding escape from
21 an institution for the care and treatment of persons with BEHAVIORAL OR
22 mental ~~illness~~ HEALTH DISORDERS, which is a class 5 felony.

23 **SECTION 142.** In Colorado Revised Statutes, 18-18-401, **amend**
24 (1) introductory portion and (1)(c) as follows:

25 **18-18-401. Legislative declaration.** (1) The general assembly
26 ~~hereby~~ finds, determines, and declares that:

27 (c) Successful, community-based substance abuse treatment and

1 education programs AND SUBSTANCE USE DISORDER TREATMENT
2 PROGRAMS, in conjunction with ~~mental health~~ treatment FOR BEHAVIORAL
3 OR MENTAL HEALTH DISORDERS as necessary, provide effective tools in
4 the effort to reduce drug usage and enhance public safety by reducing the
5 likelihood that drug users will have further contact with the criminal
6 justice system. Therapeutic intervention and ongoing individualized
7 treatment plans prepared through the use of meaningful and proven
8 assessment tools and evaluations offer an effective alternative to
9 incarceration in appropriate circumstances and should be utilized
10 accordingly.

11 **SECTION 143.** In Colorado Revised Statutes, 18-18-503, **amend**
12 (1)(c) as follows:

13 **18-18-503. Cooperative arrangements and confidentiality.**

14 (1) The board and the department shall cooperate with federal and other
15 state agencies in discharging the board's and the department's
16 responsibilities concerning controlled substances and in controlling the
17 abuse of controlled substances. To this end, the department may:

18 (c) Cooperate with the drug enforcement administration by
19 establishing a centralized unit to accept, catalog, file, and collect
20 statistics, including records of ~~drug dependent~~ persons WITH SUBSTANCE
21 USE DISORDERS and other controlled substance law offenders within this
22 state, and make the information available for federal, state, and local law
23 enforcement purposes, but may not furnish the name or identity of a
24 patient or research subject whose identity could not be obtained ~~under~~
25 PURSUANT TO subsection (3) of this section; and

26 **SECTION 144.** In Colorado Revised Statutes, 18-18.5-101,
27 **amend** (3)(a)(IV) as follows:

1 **18-18.5-101. Legislative declaration.** (3) The general assembly,
2 therefore, determines and declares that it is necessary to change the state
3 methamphetamine task force into a substance abuse trend and response
4 task force to:

5 (a) Examine drug trends and the most effective models and
6 practices for:

7 (IV) The treatment of children and adults affected by ~~drug~~
8 ~~addiction~~ SUBSTANCE USE DISORDERS;

9 **SECTION 145.** In Colorado Revised Statutes, 18-19-103, **amend**
10 (5)(b)(IV) as follows:

11 **18-19-103. Source of revenues - allocation of money.**

12 (5) (b) The board consists of:

13 (IV) The executive director of the department of human services
14 or his or her designee. If the executive director appoints a designee, the
15 executive director is encouraged to select someone with expertise in
16 ~~addiction~~ SUBSTANCE USE DISORDER counseling and substance abuse
17 issues;

18 **SECTION 146.** In Colorado Revised Statutes, 19-1-103, **amend**
19 the introductory portion and (101.7) as follows:

20 **19-1-103. Definitions.** As used in this ~~title~~ TITLE 19 or in the
21 specified portion of this ~~title~~ TITLE 19, unless the context otherwise
22 requires:

23 (101.7) "Standardized BEHAVIORAL OR mental ~~illness~~ HEALTH
24 DISORDER screening" means the BEHAVIORAL OR mental ~~illness~~ HEALTH
25 DISORDER screening conducted using the juvenile standardized screening
26 instruments and the procedures adopted pursuant to section 16-11.9-102.

27 ~~C.R.S.~~

1 **SECTION 147.** In Colorado Revised Statutes, 19-1-104, **amend**
2 (1)(i) as follows:

3 **19-1-104. Jurisdiction.** (1) Except as otherwise provided by law,
4 the juvenile court shall have exclusive original jurisdiction in
5 proceedings:

6 (i) For the treatment or commitment pursuant to article 23 of title
7 17 and ~~articles 10 to 15~~ ARTICLE 10.5 of title 27 ~~C.R.S.~~, of a child who
8 has a BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDER OR AN
9 INTELLECTUAL AND developmental disability and who comes within the
10 court's jurisdiction under other provisions of this section;

11 **SECTION 148.** In Colorado Revised Statutes, 19-1-111, **amend**
12 (2)(c) as follows:

13 **19-1-111. Appointment of guardian ad litem.** (2) The court
14 may appoint a guardian ad litem in the following cases:

15 (c) For a parent, guardian, legal custodian, custodian, person to
16 whom parental responsibilities have been allocated, stepparent, or spousal
17 equivalent in dependency or neglect proceedings who has been
18 determined to have a BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDER
19 OR AN INTELLECTUAL AND developmental disability by a court of
20 competent jurisdiction; except that, if a conservator has been appointed,
21 the conservator shall serve as the guardian ad litem. If the conservator
22 does not serve as guardian ad litem, the conservator shall be informed that
23 a guardian ad litem has been appointed.

24 **SECTION 149.** In Colorado Revised Statutes, 19-1-303, **amend**
25 (2.5)(b) as follows:

26 **19-1-303. General provisions - delinquency and dependency**
27 **and neglect cases - exchange of information - civil penalty.**

1 (2.5) (b) For purposes of sharing information pursuant to this subsection
2 (2.5) only, "mental health or medical records and information" shall DOES
3 not include the standardized BEHAVIORAL OR mental illness HEALTH
4 DISORDER screening. An assessment center that conducts a standardized
5 BEHAVIORAL OR mental illness HEALTH DISORDER screening on a child
6 who has been taken into temporary custody by law enforcement or has
7 been referred to the assessment center for children for case management
8 purposes may share the results of such screening, without the necessity of
9 a signed release, with the agencies, other than schools and school
10 districts, participating in the assessment center for children. To receive
11 the results of the standardized BEHAVIORAL OR mental illness HEALTH
12 DISORDER screening, a participating agency shall MUST have a need to
13 know for purposes of investigations and case management in the
14 administration of its respective programs. Any participating agency
15 receiving such information shall use it only for the performance of its
16 legal duties and responsibilities and shall maintain the confidentiality of
17 the information received, except as may be required pursuant to rule 16
18 of the Colorado rules of criminal procedure.

19 **SECTION 150.** In Colorado Revised Statutes, 19-2-303, **amend**
20 (8) as follows:

21 **19-2-303. Juvenile diversion program - authorized.** (8) (a) The
22 director may implement a BEHAVIORAL OR mental illness HEALTH
23 DISORDER screening program to screen juveniles who participate in the
24 juvenile diversion program. If the director chooses to implement a
25 BEHAVIORAL OR mental illness HEALTH DISORDER screening program, the
26 director shall use the standardized BEHAVIORAL OR mental illness HEALTH
27 DISORDER screening developed pursuant to section 16-11.9-102 ~~C.R.S.~~,

1 and conduct the screening in accordance with procedures established
2 pursuant to said section.

3 (b) Prior to implementation of a BEHAVIORAL OR mental illness
4 HEALTH DISORDER screening program pursuant to this subsection (8), if
5 implementation of the program would require an increase in
6 appropriations, the director shall submit to the joint budget committee a
7 request for funding in the amount necessary to implement the
8 BEHAVIORAL OR mental illness HEALTH DISORDER screening program. If
9 implementation of the BEHAVIORAL OR mental illness HEALTH DISORDER
10 screening program would require an increase in appropriations,
11 implementation of the program shall be IS conditional upon approval of
12 the funding request.

13 **SECTION 151.** In Colorado Revised Statutes, **amend** 19-2-417
14 as follows:

15 **19-2-417. Juvenile detention facilities - behavioral or mental**
16 **health disorder screening.** (1) The executive director of the department
17 of human services may implement a BEHAVIORAL OR mental illness
18 HEALTH DISORDER screening program to screen juveniles held in juvenile
19 detention facilities following adjudication. If the executive director
20 chooses to implement a BEHAVIORAL OR mental illness HEALTH DISORDER
21 screening program, the executive director shall use the standardized
22 BEHAVIORAL OR mental illness HEALTH DISORDER screening developed
23 pursuant to section 16-11.9-102 ~~C.R.S.~~, and conduct the screening in
24 accordance with procedures established pursuant to said section.

25 (2) Prior to implementation of a BEHAVIORAL OR mental illness
26 HEALTH DISORDER screening program pursuant to this section, if
27 implementation of the program would require an increase in

1 appropriations, the executive director shall submit to the joint budget
2 committee a request for funding in the amount necessary to implement the
3 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program. If
4 implementation of the BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER
5 screening program would require an increase in appropriations,
6 implementation of the program ~~shall be~~ IS conditional upon approval of
7 the funding request.

8 **SECTION 152.** In Colorado Revised Statutes, 19-2-508, **amend**
9 (3)(b) as follows:

10 **19-2-508. Detention and shelter - hearing - time limits -**
11 **findings - review - confinement with adult offenders - restrictions.**

12 (3) (b) (I) If it appears that any juvenile being held in detention or shelter
13 may ~~be developmentally disabled~~ HAVE AN INTELLECTUAL AND
14 DEVELOPMENTAL DISABILITY, as provided in article 10.5 of title 27,
15 ~~C.R.S.~~, the court or detention personnel shall refer the juvenile to the
16 nearest community-centered board for an eligibility determination. If it
17 appears that any juvenile being held in a detention or shelter facility
18 pursuant to the provisions of this ~~article~~ ARTICLE 2 may have a
19 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, as provided in sections
20 27-65-105 and 27-65-106, ~~C.R.S.~~, the intake personnel or other
21 appropriate personnel shall contact a mental health professional to do a
22 mental health hospital placement prescreening on the juvenile. The court
23 shall be notified of the contact and may take appropriate action. If a
24 mental health hospital placement prescreening is requested, it shall be
25 conducted in an appropriate place accessible to the juvenile and the
26 mental health professional. A request for a mental health hospital
27 placement prescreening ~~shall~~ MUST not extend the time within which a

1 detention hearing ~~shall~~ MUST be held pursuant to this section. If a
2 detention hearing has been set but has not yet occurred, the mental health
3 hospital placement prescreening shall be conducted prior to the hearing;
4 except that the prescreening ~~shall~~ MUST not extend the time within which
5 a detention hearing ~~shall~~ MUST be held.

6 (II) If a juvenile has been ordered detained pending an
7 adjudication, disposition, or other court hearing and the juvenile
8 subsequently appears to have a BEHAVIORAL OR mental ~~illness~~ HEALTH
9 DISORDER, as provided in section 27-65-105 or 27-65-106, ~~C.R.S.~~, the
10 intake personnel or other appropriate personnel shall contact the court
11 with a recommendation for a mental health hospital placement
12 prescreening. A mental health hospital placement prescreening shall be
13 conducted at any appropriate place accessible to the juvenile and the
14 mental health professional within twenty-four hours of the request,
15 excluding Saturdays, Sundays, and legal holidays.

16 (III) When the mental health professional finds, as a result of the
17 prescreening, that the juvenile may have a BEHAVIORAL OR mental ~~illness~~
18 HEALTH DISORDER, the mental health professional shall recommend to the
19 court that the juvenile be evaluated pursuant to section 27-65-105 or
20 27-65-106. ~~C.R.S.~~

21 (IV) Nothing in this ~~paragraph (b)~~ shall be construed to preclude
22 SUBSECTION (3)(b) PRECLUDES the use of emergency procedures pursuant
23 to section 27-65-105 (1). ~~C.R.S.~~

24 **SECTION 153.** In Colorado Revised Statutes, 19-2-905, **amend**
25 (3) as follows:

26 **19-2-905. Presentence investigation.** (3) (a) The state court
27 administrator may implement a BEHAVIORAL OR mental ~~illness~~ HEALTH

1 DISORDER screening program to be used by the juvenile court. If the state
2 court administrator chooses to implement a BEHAVIORAL OR mental illness
3 HEALTH DISORDER screening program, the juvenile court shall use the
4 standardized BEHAVIORAL OR mental illness HEALTH DISORDER screening
5 developed pursuant to section 16-11.9-102 ~~C.R.S.~~, and conduct the
6 screening in accordance with the procedures established pursuant to said
7 section. The findings and results of any standardized BEHAVIORAL OR
8 mental illness HEALTH DISORDER screening conducted pursuant to this
9 subsection (3) shall MUST be included in the written report to the court
10 prepared and submitted pursuant to this section.

11 (b) Prior to implementation of a BEHAVIORAL OR mental illness
12 HEALTH DISORDER screening program pursuant to this subsection (3), if
13 implementation of the program would require an increase in
14 appropriations, the state court administrator shall submit to the joint
15 budget committee a request for funding in the amount necessary to
16 implement the BEHAVIORAL OR mental illness HEALTH DISORDER
17 screening program. If implementation of the BEHAVIORAL OR mental
18 illness HEALTH DISORDER screening program would require an increase
19 in appropriations, implementation of the program shall be IS conditional
20 upon approval of the funding request.

21 **SECTION 154.** In Colorado Revised Statutes, 19-2-906, **amend**
22 (2) as follows:

23 **19-2-906. Sentencing hearing.** (2) If the court has reason to
24 believe that the juvenile may have a AN INTELLECTUAL AND
25 developmental disability, the court shall refer the juvenile to the
26 community-centered board in the designated service area where the action
27 is pending for an eligibility determination pursuant to article 10.5 of title

1 27. ~~C.R.S.~~ If the court has reason to believe that the juvenile may have a
2 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, the court shall order a
3 mental health hospital placement prescreening to be conducted in any
4 appropriate place.

5 **SECTION 155.** In Colorado Revised Statutes, 19-2-907, **amend**
6 (7) as follows:

7 **19-2-907. Sentencing schedule - options.** (7) The juvenile court
8 in each judicial district may implement a BEHAVIORAL OR mental ~~illness~~
9 HEALTH DISORDER screening program to screen juveniles sentenced
10 pursuant to this part 9. If the juvenile court chooses to implement a
11 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program, the
12 juvenile court shall use the standardized BEHAVIORAL OR mental ~~illness~~
13 HEALTH DISORDER screening developed pursuant to section 16-11.9-102
14 ~~C.R.S.~~, and conduct the screening in accordance with procedures
15 established pursuant to said section.

16 **SECTION 156.** In Colorado Revised Statutes, 19-2-916, **amend**
17 (1) as follows:

18 **19-2-916. Sentencing - placement based on special needs of the**
19 **juvenile.** (1) Except as otherwise provided in section 19-2-601 for an
20 aggravated juvenile offender, the court may order that the juvenile be
21 examined or treated by a physician, surgeon, psychiatrist, or psychologist
22 or that he or she receive other special care and may place the juvenile in
23 a hospital or other suitable facility for such purposes; except that no
24 juvenile may be placed in a mental health facility operated by the
25 department of human services until the juvenile has received a mental
26 health hospital placement prescreening resulting in a recommendation
27 that the juvenile be placed in a facility for an evaluation pursuant to

1 section 27-65-105 or 27-65-106, ~~C.R.S.~~, or a hearing has been held by the
2 court after notice to all parties, including the department of human
3 services. ~~No~~ AN order for a seventy-two-hour treatment and evaluation
4 shall NOT be entered unless a hearing is held and evidence indicates that
5 the prescreening report is inadequate, incomplete, or incorrect and that
6 competent professional evidence is presented by a mental health
7 professional that indicates that ~~mental illness is present in the juvenile~~
8 HAS A BEHAVIORAL OR MENTAL HEALTH DISORDER. The court shall make,
9 prior to the hearing, such orders regarding temporary custody of the
10 juvenile as are deemed appropriate.

11 **SECTION 157.** In Colorado Revised Statutes, 19-2-922, **amend**
12 (3) as follows:

13 **19-2-922. Juveniles committed to department of human**
14 **services - evaluation and placement.** (3) (a) When the department of
15 human services determines that a juvenile requires placement in a state
16 facility for children with INTELLECTUAL AND developmental disabilities,
17 as defined in article 10.5 of title 27, ~~C.R.S.~~, it shall initiate proceedings
18 ~~under~~ PURSUANT TO article 10.5 of title 27 ~~C.R.S.~~, and notify the court.
19 ~~thereof.~~

20 (b) (I) When the department of human services determines that a
21 juvenile may require treatment for A BEHAVIORAL OR mental ~~illness~~
22 HEALTH DISORDER, it shall conduct or have a mental health professional
23 conduct a mental health hospital placement prescreening on the juvenile.

24 (II) If the mental health hospital placement prescreening report
25 recommends that the juvenile be evaluated, the juvenile may be
26 transferred to a mental health facility operated by the department of
27 human services for such evaluation.

1 (III) If the evaluation report states that the juvenile has a
2 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, as provided in sections
3 27-65-105 and 27-65-106, ~~C.R.S.~~, the department of human services shall
4 initiate proceedings ~~under~~ PURSUANT TO article 65 of title 27 ~~C.R.S.~~, and
5 notify the court. ~~thereof~~.

6 **SECTION 158.** In Colorado Revised Statutes, 19-2-923, **amend**
7 (3)(a) and (3)(d) as follows:

8 **19-2-923. Juveniles committed to department of human**
9 **services - transfers.** (3) (a) Any juvenile committed to the department
10 of human services may be transferred temporarily to any state treatment
11 facility for persons with BEHAVIORAL OR mental ~~illness~~ or HEALTH
12 DISORDERS OR INTELLECTUAL AND developmental disabilities for purposes
13 of diagnosis, evaluation, and emergency treatment; except that ~~no~~ A
14 juvenile may NOT be transferred to a mental health facility until the
15 juvenile has received a mental health hospital placement prescreening
16 resulting in a recommendation that the juvenile be placed in a facility for
17 evaluation pursuant to section 27-65-105 or 27-65-106. ~~C.R.S.~~ ~~No~~ A
18 juvenile committed to the department as an aggravated juvenile offender
19 or violent juvenile offender shall NOT be transferred until the treatment
20 facility has a secure setting in which to house the juvenile. The period of
21 temporary transfer pursuant to this ~~paragraph (a)~~ shall SUBSECTION (3)(a)
22 MUST not exceed sixty days.

23 (d) When a juvenile is in continued transferred placement and the
24 treatment facility and the sending facility agree that the need for
25 placement of the juvenile is likely to continue beyond the original period
26 of commitment to the department of human services, the treatment facility
27 shall initiate proceedings with the court having jurisdiction over the

1 juvenile ~~under~~ PURSUANT TO article 65 of title 27 ~~C.R.S.~~, if the juvenile
2 has a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER or ~~under~~
3 PURSUANT TO article 10.5 of title 27 ~~C.R.S.~~, if the juvenile has
4 INTELLECTUAL AND developmental disabilities.

5 **SECTION 159.** In Colorado Revised Statutes, 19-3-401, **amend**
6 (3)(c) introductory portion, (3)(c)(II), and (3)(c)(III) as follows:

7 **19-3-401. Taking children into custody.** (3) (c) The court orders
8 required by ~~paragraphs (a) and (b) of this subsection (3) shall~~
9 SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION ARE not ~~be~~ required in
10 the following circumstances:

11 (II) When the newborn child's only identifiable birth parent has
12 been determined by a physician, registered nurse, or qualified mental
13 health professional to meet the criteria specified in section 27-65-105
14 ~~C.R.S.~~, for custody, treatment, and evaluation of A BEHAVIORAL OR
15 mental ~~illness~~ HEALTH DISORDER or grave disability;

16 (III) When both of the newborn child's birth parents have been
17 determined by a physician, registered nurse, or qualified mental health
18 professional to meet the criteria specified in section 27-65-105 ~~C.R.S.~~, for
19 custody, treatment, and evaluation of A BEHAVIORAL OR mental ~~illness~~
20 HEALTH DISORDER or grave disability; or

21 **SECTION 160.** In Colorado Revised Statutes, 19-3-403, **amend**
22 (4) as follows:

23 **19-3-403. Temporary custody - hearing - time limits -**
24 **restriction - rules.** (4) (a) If it appears that any child being held in a
25 shelter facility may ~~be developmentally disabled~~ HAVE AN INTELLECTUAL
26 AND DEVELOPMENTAL DISABILITY, as provided in article 10.5 of title 27,
27 ~~C.R.S.~~, the court shall refer the child to the nearest community-centered

1 board for an eligibility determination. If it appears that any child being
2 held in a shelter facility pursuant to the provisions of this ~~article~~ ARTICLE
3 3 may have a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, as
4 provided in sections 27-65-105 and 27-65-106, ~~C.R.S.~~, the intake
5 personnel or other appropriate personnel shall contact a mental health
6 professional to do a BEHAVIORAL OR mental health DISORDER prescreening
7 on the child. The court shall be notified of the contact and may take
8 appropriate action. If a BEHAVIORAL OR mental health DISORDER
9 prescreening is requested, it shall be conducted in an appropriate place
10 accessible to the child and the mental health professional. A request for
11 a BEHAVIORAL OR mental health DISORDER prescreening ~~shall~~ MUST not
12 extend the time within which a hearing ~~shall~~ IS TO be held pursuant to this
13 section. If a hearing has been set but has not yet occurred, the
14 BEHAVIORAL OR mental health DISORDER prescreening shall be conducted
15 prior to the hearing; except that the prescreening ~~shall~~ MUST not extend
16 the time within which a hearing ~~shall~~ IS TO be held pursuant to this
17 section.

18 (b) If a child has been ordered detained pending an adjudication,
19 disposition, or other court hearing and the child subsequently appears to
20 have a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, as provided in
21 section 27-65-105 or 27-65-106, ~~C.R.S.~~, the intake personnel or other
22 appropriate personnel shall contact the court with a recommendation for
23 a BEHAVIORAL OR mental health DISORDER prescreening. A BEHAVIORAL
24 OR mental health DISORDER prescreening shall be conducted at any
25 appropriate place accessible to the child and the mental health
26 professional within twenty-four hours of the request, excluding Saturdays,
27 Sundays, and legal holidays.

1 (c) ~~When~~ IF the mental health professional finds, as a result of the
2 prescreening, that the child may have a BEHAVIORAL OR mental illness
3 HEALTHDISORDER, the mental health professional shall recommend to the
4 court that the child be evaluated pursuant to section 27-65-105 or
5 27-65-106, ~~C.R.S.~~, and the court shall proceed as provided in section
6 19-3-506.

7 (d) Nothing in this subsection (4) ~~shall be construed to preclude~~
8 PRECLUDES the use of emergency procedures pursuant to section
9 27-65-105. ~~C.R.S.~~

10 **SECTION 161.** In Colorado Revised Statutes, 19-3-505, **amend**
11 (4)(d) as follows:

12 **19-3-505. Adjudicatory hearing - findings - adjudication.**

13 (4) (d) If it appears from the evidence that the child may have a
14 BEHAVIORAL OR mental illness ~~or~~ HEALTHDISORDER OR AN INTELLECTUAL
15 AND developmental disability as these terms are defined in ~~articles 10 and~~
16 ARTICLE 10.5 of title 27, ~~C.R.S.~~, ~~paragraphs (a) to (c) of this subsection~~
17 ~~(4) shall~~ SUBSECTIONS (4)(a) TO (4)(c) OF THIS SECTION DO not apply, and
18 the court shall proceed ~~under~~ PURSUANT TO section 19-3-506.

19 **SECTION 162.** In Colorado Revised Statutes, 19-3-506, **amend**
20 (1), (2)(a), (3)(a), and (4) as follows:

21 **19-3-506. Child with a behavioral or mental health disorder**
22 **or an intellectual and developmental disability - procedure.** (1) (a) If

23 it appears from the evidence presented at an adjudicatory hearing or
24 otherwise that a child may have ~~developmental disabilities~~ AN
25 INTELLECTUAL AND DEVELOPMENTAL DISABILITY, as defined in article
26 10.5 of title 27, ~~C.R.S.~~, the court shall refer the child to the
27 community-centered board in the designated service area where the action

1 is pending for an eligibility determination pursuant to article 10.5 of title
2 27. ~~C.R.S.~~

3 (b) If it appears from the evidence presented at an adjudicatory
4 hearing or otherwise that a child may have a BEHAVIORAL OR mental
5 ~~illness~~ HEALTH DISORDER, as defined in sections 27-65-105 and
6 27-65-106, ~~C.R.S.~~, and the child has not had a BEHAVIORAL OR mental
7 health DISORDER prescreening pursuant to section 19-3-403 (4), the court
8 shall order a prescreening to determine whether the child requires further
9 evaluation. ~~Such~~ THE prescreening shall be conducted as expeditiously as
10 possible, and a prescreening report ~~shall~~ MUST be provided to the court
11 within twenty-four hours of the prescreening, excluding Saturdays,
12 Sundays, and legal holidays.

13 (c) ~~When~~ IF the mental health professional finds, based upon a
14 prescreening done pursuant to THIS SECTION OR section 19-3-403 (4), ~~or~~
15 ~~under this section~~, that the child may have a BEHAVIORAL OR mental
16 ~~illness~~ HEALTH DISORDER, as defined in ~~sections 27-65-105 and~~
17 ~~27-65-106, C.R.S.~~ SECTION 27-65-102, the court shall review the
18 prescreening report within twenty-four hours, excluding Saturdays,
19 Sundays, and legal holidays, and order the child placed for an evaluation
20 at a facility designated by the executive director of the department of
21 human services for a seventy-two-hour treatment and evaluation pursuant
22 to section 27-65-105 or 27-65-106. ~~C.R.S.~~ On and after January 1, 1986,
23 if the child to be placed is in a detention facility, the designated facility
24 shall admit the child within twenty-four hours after the court orders an
25 evaluation, excluding Saturdays, Sundays, and legal holidays.

26 (d) Any evaluation conducted pursuant to this subsection (1) ~~shall~~
27 MUST be completed within seventy-two hours, excluding Saturdays,

1 Sundays, and legal holidays. ~~Neither A county jail nor~~ OR a detention
2 facility, as described in article 2 of this ~~title, shall be~~ TITLE 19, IS NOT
3 considered a suitable facility for evaluation, although a BEHAVIORAL OR
4 mental health DISORDER prescreening may be conducted in any
5 appropriate setting.

6 (e) If the mental health professional finds, based upon the
7 prescreening, that the child does not have a BEHAVIORAL OR mental
8 ~~illness~~ HEALTH DISORDER, the court shall review the prescreening report
9 within twenty-four hours, excluding Saturdays, Sundays, and legal
10 holidays, and copies of the report shall be furnished to all parties and their
11 attorneys. Any interested party may request a hearing on the issue of the
12 child's BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, and the court
13 may order additional prescreenings as deemed appropriate. THE COURT
14 SHALL NOT ENTER an order for a seventy-two-hour treatment and
15 evaluation ~~shall not be entered~~ unless a hearing is held and evidence
16 indicates that the prescreening report is inadequate, incomplete, or
17 incorrect and that competent professional evidence is presented from a
18 mental health professional ~~which~~ THAT indicates that A BEHAVIORAL OR
19 mental ~~illness~~ HEALTH DISORDER is present in the child. The court shall
20 make, prior to the hearing, such orders regarding temporary custody of
21 the child as are deemed appropriate.

22 (2) (a) When an evaluation is ordered by the court pursuant to
23 subsection (1) of this section, the order ~~shall~~ MUST specify the person or
24 agency to whom the child shall be released when the evaluation indicates
25 that the child does not have a BEHAVIORAL OR mental ~~illness~~ HEALTH
26 DISORDER.

27 (3) (a) When the evaluation conducted pursuant to subsection (1)

1 of this section states that the child has a BEHAVIORAL OR mental illness
2 HEALTH DISORDER, as defined in ~~sections 27-65-105 and 27-65-106,~~
3 ~~C.R.S.~~ SECTION 27-65-102, the court shall treat the evaluation report as
4 a certification under section 27-65-107 ~~C.R.S.~~, and shall proceed pursuant
5 to article 65 of title 27, ~~C.R.S.~~, assuming all of the powers granted to a
6 court in such proceedings.

7 (4) (a) When the report of the evaluation or eligibility
8 determination conducted pursuant to subsection (1) of this section states
9 that the child does not have a BEHAVIORAL OR mental illness ~~or~~ HEALTH
10 DISORDER OR AN INTELLECTUAL AND developmental disability, the child
11 shall be released to the person or agency specified pursuant to subsection
12 (2) of this section within twenty-four hours after the evaluation has been
13 completed, excluding Saturdays, Sundays, and legal holidays. The child
14 ~~shall~~ MUST not be detained unless a new detention hearing is held within
15 twenty-four hours, excluding Saturdays, Sundays, and legal holidays, and
16 the court finds at that hearing that secure detention is necessary.

17 (b) When the evaluation report or eligibility determination states
18 that the child does not have a BEHAVIORAL OR mental illness ~~or~~ HEALTH
19 DISORDER OR AN INTELLECTUAL AND developmental disability, the court
20 shall set a time for resuming the hearing on the petition or any other
21 pending matters.

22 **SECTION 163.** In Colorado Revised Statutes, 19-3-507, **amend**
23 (2) as follows:

24 **19-3-507. Dispositional hearing.** (2) If the court has reason to
25 believe that the child may have AN INTELLECTUAL AND developmental
26 ~~disabilities~~ DISABILITY, the court shall refer the child to the
27 community-centered board in the designated service area where the action

1 is pending for an eligibility determination pursuant to article 10.5 of title
2 27. ~~C.R.S.~~ If the court has reason to believe that the child may have a
3 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, the court shall order a
4 BEHAVIORAL OR mental health DISORDER prescreening to be conducted in
5 any appropriate place.

6 **SECTION 164.** In Colorado Revised Statutes, 19-3-508, **amend**
7 (1) introductory portion and (1)(d)(I) as follows:

8 **19-3-508. Neglected or dependent child - disposition -**
9 **concurrent planning.** (1) When a child has been adjudicated to be
10 neglected or dependent, the court may enter a decree of disposition the
11 same day, but in any event it shall do so within forty-five days unless the
12 court finds that the best interests of the child will be served by granting
13 a delay. In a county designated pursuant to section 19-1-123, if the child
14 is under six years of age at the time a petition is filed in accordance with
15 section 19-3-501 (2), the court shall enter a decree of disposition within
16 thirty days after the adjudication and shall not grant a delay unless good
17 cause is shown and unless the court finds that the best interests of the
18 child will be served by granting the delay. It is the intent of the general
19 assembly that the dispositional hearing be held on the same day as the
20 adjudicatory hearing, whenever possible. If a delay is granted, the court
21 shall set forth the reasons why a delay is necessary and the minimum
22 amount of time needed to resolve the reasons for the delay and shall
23 schedule the hearing at the earliest possible time following the delay.
24 When the proposed disposition is termination of the parent-child legal
25 relationship, the hearing on termination ~~shall~~ MUST not be held on the
26 same date as the adjudication, and the time limits set forth above for
27 dispositional hearings ~~shall~~ DO not apply. When the proposed disposition

1 is termination of the parent-child legal relationship, the court may
2 continue the dispositional hearing to the earliest available date for a
3 hearing in accordance with the provisions of ~~paragraph (a) of subsection~~
4 ~~(3)~~ SUBSECTION (3)(a) of this section and part 6 of this ~~article~~ ARTICLE 3.
5 When the decree does not terminate the parent-child legal relationship,
6 the court shall approve an appropriate treatment plan that ~~shall~~ MUST
7 include but not be limited to one or more of the following provisions of
8 ~~paragraphs (a) to (d) of this subsection~~ (1) SUBSECTIONS (1)(a) TO (1)(d)
9 OF THIS SECTION:

10 (d) (I) The court may order that the child be examined or treated
11 by a physician, surgeon, psychiatrist, or psychologist or that he or she
12 receive other special care and may place the child in a hospital or other
13 suitable facility for such purposes; except that ~~no~~ child may NOT be
14 placed in a mental health facility operated by the department of human
15 services until the child has received a BEHAVIORAL OR mental health
16 DISORDER prescreening resulting in a recommendation that the child be
17 placed in a facility for evaluation pursuant to section 27-65-105 or
18 27-65-106, ~~C.R.S.~~, or a hearing has been held by the court after notice to
19 all parties, including the department of human services. ~~No~~ AN order for
20 a seventy-two-hour treatment and evaluation ~~shall~~ MUST NOT be entered
21 unless a hearing is held and evidence indicates that the prescreening
22 report is inadequate, incomplete, or incorrect and that competent
23 professional evidence is presented by a mental health professional ~~which~~
24 THAT indicates that A BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER
25 is present in the child. The court shall make, prior to the hearing, such
26 orders regarding temporary custody of the child as are deemed
27 appropriate.

1 **SECTION 165.** In Colorado Revised Statutes, 19-3-604, **amend**
2 (1)(b)(I) as follows:

3 **19-3-604. Criteria for termination.** (1) The court may order a
4 termination of the parent-child legal relationship upon the finding by clear
5 and convincing evidence of any one of the following:

6 (b) That the child is adjudicated dependent or neglected and the
7 court finds that no appropriate treatment plan can be devised to address
8 the unfitness of the parent or parents. In making such a determination, the
9 court shall find one of the following as the basis for unfitness:

10 (I) AN emotional illness, A BEHAVIORAL OR ~~mental illness~~ HEALTH
11 DISORDER, or ~~mental deficiency~~ AN INTELLECTUAL AND DEVELOPMENTAL
12 DISABILITY of the parent of such duration or nature as to render the parent
13 unlikely within a reasonable time to care for the ongoing physical, mental,
14 and emotional needs and conditions of the child;

15 **SECTION 166.** In Colorado Revised Statutes, 19-5-105, **amend**
16 (3.1)(a)(I) as follows:

17 **19-5-105. Proceeding to terminate parent-child legal**
18 **relationship.** (3.1) The court may order the termination of the other birth
19 parent's parental rights upon a finding that termination is in the best
20 interests of the child and that there is clear and convincing evidence of
21 one or more of the following:

22 (a) That the parent is unfit. In considering the fitness of the child's
23 parent, the court shall consider, but shall not be limited to, the following:

24 (I) AN emotional illness, A BEHAVIORAL OR ~~mental illness~~ HEALTH
25 DISORDER, or ~~mental deficiency~~ AN INTELLECTUAL AND DEVELOPMENT
26 DISABILITY of the parent of such duration or nature as to render the parent
27 unlikely, within a reasonable period of time, to care for the ongoing

1 physical, mental, and emotional needs of the child;

2 **SECTION 167.** In Colorado Revised Statutes, 22-1-102.5,
3 **amend** (2)(a) introductory portion and (2)(a)(II)(A) as follows:

4 **22-1-102.5. Definition of homeless child.** (2) (a) As used in this
5 ~~article~~ ARTICLE 1, unless the context otherwise requires, "homeless child"
6 means:

7 (II) A school-aged child who has a primary nighttime residence
8 that is:

9 (A) A supervised, publicly or privately operated shelter designed
10 to provide temporary living accommodations, including welfare hotels,
11 congregate shelters, and transitional housing for persons with
12 BEHAVIORAL OR ~~mental illness~~ HEALTH DISORDERS;

13 **SECTION 168.** In Colorado Revised Statutes, 22-7-604.5,
14 **amend** (1.5)(d) and (1.5)(m) as follows:

15 **22-7-604.5. Alternative education campuses - criteria -**
16 **application - rule-making - definition.** (1.5) As used in this section,
17 unless the context otherwise requires, a "high-risk student" means a
18 student enrolled in a public school who:

19 (d) Has a documented history of personal drug or alcohol use or
20 has a parent or guardian with a documented ~~dependence on drugs or~~
21 ~~alcohol~~ SUBSTANCE USE DISORDER;

22 (m) Has a documented history of a mental ~~or behavioral~~ health
23 ~~issue~~ DISORDER OR BEHAVIORAL ISSUE or has experienced significant
24 trauma; or

25 **SECTION 169.** In Colorado Revised Statutes, 22-32-109.2,
26 **amend** (1) as follows:

27 **22-32-109.2. Board of education - specific duties - adoption of**

1 **policy.** (1) In carrying out the duties specified in section 22-32-109
2 (1)(t), on and after July 1, 1990, each board of education ~~shall be~~ IS
3 required to formally adopt a policy concerning the delivery of all
4 educational programs and courses of instruction or study ~~which~~ THAT
5 expose pupils to any psychiatric or psychological methods or procedures
6 involving the diagnosis, assessment, or treatment of any ~~emotional,~~
7 behavioral or mental HEALTH disorder. ~~or disability.~~

8 **SECTION 170.** In Colorado Revised Statutes, 22-33-204, **amend**
9 (1) introductory portion and (1)(c) as follows:

10 **22-33-204. Services for at-risk students - agreements with**
11 **state agencies and community organizations.** (1) Each school district,
12 regardless of the number of students expelled by the district, may enter
13 into agreements with appropriate local governmental agencies and, to the
14 extent necessary, with the managing state agencies, including ~~but not~~
15 ~~limited to~~ the department of human services and the department of public
16 health and environment, with community-based nonprofit and faith-based
17 organizations, with nonpublic, nonparochial schools, with the department
18 of military and veterans affairs, and with public and private institutions
19 of higher education to work with the student's parent or guardian to
20 provide services to any student, OR THE STUDENT'S FAMILY, who is
21 identified as being at risk of suspension or expulsion or who has been
22 suspended or expelled. ~~and to the student's family.~~ Any services provided
23 pursuant to an agreement with a nonpublic, nonparochial school ~~shall be~~
24 ARE subject to approval by the state board of education pursuant to
25 section 22-2-107. ~~C.R.S.~~ Services provided through such agreements may
26 include, but are not limited to:

27 (c) ~~Drug or alcohol-addiction~~ SUBSTANCE USE DISORDER treatment

1 programs;

2 **SECTION 171.** In Colorado Revised Statutes, **amend** 23-22-106
3 as follows:

4 **23-22-106. Director and assistant.** The board of regents shall
5 appoint a director who ~~shall hold~~ HOLDS office during its pleasure, ~~and~~
6 who is a physician and graduate of an incorporated medical college, who
7 has had at least ten years' experience in the actual practice of his OR HER
8 profession, and who has had at least five years' actual experience as a
9 neuropathologist. The director shall reside at the hospital, ~~and shall~~ give
10 his OR HER entire time and attention to the discharge of his OR HER official
11 duties, and ~~shall~~ receive ~~such~~ compensation as ~~shall be~~ fixed by the board
12 of regents. The board of regents may further provide for an assistant
13 director who is a physician and graduate of an incorporated medical
14 college, ~~and~~ has had at least five years' experience in the actual practice
15 of his OR HER profession, and one year's specialization in ~~nervous and~~
16 ~~mental diseases, and~~ BEHAVIORAL OR MENTAL HEALTH DISORDERS. It shall
17 provide for ~~such~~ other employees and medical assistants as may be
18 necessary and ~~shall~~ prescribe their duties and fix their respective
19 compensations. THE DIRECTOR SHALL SELECT AND APPOINT all such
20 assistants and employees, ~~shall be selected and appointed by the director,~~
21 subject to the approval of the board of regents. ~~and they~~ THE ASSISTANTS
22 AND EMPLOYEES ~~shall~~ hold their positions subject to ~~such~~ THE rules ~~and~~
23 ~~regulations as~~ OF the board of regents. ~~may prescribe.~~

24 **SECTION 172.** In Colorado Revised Statutes, 23-22-107, **amend**
25 (1) as follows:

26 **23-22-107. Objects of hospital - eligible patients.** (1) The
27 hospital ~~shall be~~ IS primarily and principally conducted, not for chronic

1 illness, but for the care and treatment of legal residents of Colorado who
2 are afflicted with a ~~mental disease or disorder or abnormal mental~~
3 ~~condition which~~ BEHAVIORAL OR MENTAL HEALTH DISORDER THAT can
4 probably be remedied by observation, treatment, and hospital care. ~~Said~~
5 THE hospital ~~shall~~ MUST also be utilized for such instruction and for such
6 scientific research as, in the opinion of the board of regents, will promote
7 the welfare of the patients committed OR CERTIFIED to its care and assist
8 in the application of science to the prevention and cure of BEHAVIORAL
9 OR mental ~~diseases~~ HEALTH DISORDERS.

10 **SECTION 173.** In Colorado Revised Statutes, 23-23-103, **amend**
11 (1)(b) as follows:

12 **23-23-103. Evaluations made - when.** (1) A child may be
13 referred to the medical center for diagnostic evaluation and study under
14 the following conditions:

15 (b) Any ~~such~~ judge, for the purpose of determining whether or not
16 a child under sixteen years of age has a ~~mental illness or~~ BEHAVIORAL OR
17 MENTAL HEALTH DISORDER OR AN INTELLECTUAL AND developmental
18 disability, may cause ~~any such~~ THE child to be sent to the center for
19 diagnostic evaluation.

20 **SECTION 174.** In Colorado Revised Statutes, 24-1.9-102,
21 **amend** (2)(b) as follows:

22 **24-1.9-102. Memorandum of understanding - local-level**
23 **interagency oversight groups - individualized services and support**
24 **teams - coordination of services for children and families -**
25 **requirements - waiver.** (2) (b) **Identification of services and funding**
26 **sources.** The memorandum of understanding ~~shall~~ MUST specify the legal
27 responsibilities and funding sources of each party to the memorandum of

1 understanding as those responsibilities and funding sources relate to
2 children and families who would benefit from integrated multi-agency
3 services, including the identification of the specific services that may be
4 provided. Specific services that may be provided may include, but are not
5 limited to: Prevention, intervention, and treatment services; family
6 preservation services; family stabilization services; out-of-home
7 placement services; services for children at imminent risk of out-of-home
8 placement; probation services; services for children with BEHAVIORAL OR
9 mental ~~illness~~ HEALTH DISORDERS; public assistance services; medical
10 assistance services; child welfare services; and any additional services
11 which the parties deem necessary to identify.

12 **SECTION 175.** In Colorado Revised Statutes, 24-34-104, **amend**
13 (17)(a) introductory portion, (17)(a)(XI), (26)(a) introductory portion, and
14 (26)(a)(IV) as follows:

15 **24-34-104. General assembly review of regulatory agencies**
16 **and functions for repeal, continuation, or reestablishment - legislative**
17 **declaration - repeal.** (17) (a) The following agencies, functions, or both,
18 ~~will~~ ARE SCHEDULED FOR repeal on September 1, 2019:

19 (XI) The record-keeping and licensing functions of the department
20 of human services relating to ~~addiction~~ SUBSTANCE USE DISORDER
21 TREATMENT programs under which controlled substances are
22 compounded, administered, or dispensed in accordance with part 2 of
23 article 80 of title 27; ~~C.R.S.~~;

24 (26) (a) The following agencies, functions, or both, ~~will~~ ARE
25 SCHEDULED FOR repeal on September 1, 2025:

26 (IV) The rural alcohol and substance abuse prevention and
27 treatment program created pursuant to section 27-80-117 ~~C.R.S.~~, within

1 ~~the unit~~ IN THE OFFICE OF BEHAVIORAL HEALTH in the department of
2 human services; ~~that administers behavioral health programs and services,~~
3 ~~including those related to mental health and substance abuse;~~

4 **SECTION 176.** In Colorado Revised Statutes, 24-34-501, **amend**
5 (1.3)(b)(II) as follows:

6 **24-34-501. Definitions.** As used in this part 5, unless the context
7 otherwise requires:

8 (1.3) (b) (II) The term "mental impairment" as used in
9 ~~subparagraph (I) of this paragraph (b)~~ SUBSECTION (1.3)(b)(I) OF THIS
10 SECTION means any BEHAVIORAL, mental, or psychological disorder, such
11 as an intellectual ~~or~~ AND developmental disability, organic brain
12 syndrome, BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, or specific
13 learning disability.

14 **SECTION 177.** In Colorado Revised Statutes, 24-50-603, **amend**
15 (11) as follows:

16 **24-50-603. Definitions.** As used in this part 6, unless the context
17 otherwise requires:

18 (11) "Medical benefits" includes, but is not limited to, hospital
19 room and board; other hospital services; certain out-patient benefits;
20 maternity benefits; surgical benefits, including obstetrical care;
21 in-hospital medical care; diagnostic X rays; laboratory benefits; physician
22 services; prescription drugs; BEHAVIORAL, mental health, and substance
23 ~~abuse~~ USE DISORDER services; comparable medical benefits for employees
24 who rely solely on spiritual means for healing; and such other similar
25 benefits as the director deems reasonable and appropriate for eligible
26 employees and dependents.

27 **SECTION 178.** In Colorado Revised Statutes, 25-1-124.5,

1 **amend** (2)(b) as follows:

2 **25-1-124.5. Nursing care facilities - employees - criminal**
3 **history check.** (2) As used in this section, "nursing care facility"
4 includes, but is not limited to:

5 (b) An intermediate nursing facility for ~~the mentally retarded~~
6 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES as
7 defined in section 25.5-4-103 (9); ~~C.R.S.~~;

8 **SECTION 179.** In Colorado Revised Statutes, 25-1-520, **amend**
9 (1) introductory portion, (2) introductory portion, and (2)(b) as follows:

10 **25-1-520. Clean syringe exchange programs - approval -**
11 **reporting requirements.** (1) A county public health agency or district
12 public health agency may request approval from its county board of health
13 or district board of health, referred to in this section as the "board", for a
14 clean syringe exchange program operated by the agency or by a nonprofit
15 organization with which the agency contracts to operate the clean syringe
16 exchange program. Prior to approving or disapproving any such optional
17 program, the board shall consult with the agency and interested
18 stakeholders concerning the establishment of the clean syringe exchange
19 program. Interested stakeholders ~~shall~~ MUST include, but need not be
20 limited to, local law enforcement agencies, district attorneys, substance
21 ~~abuse~~ USE DISORDER treatment providers, persons ~~in recovery~~ WITH A
22 SUBSTANCE USE DISORDER IN REMISSION, nonprofit organizations,
23 hepatitis C and HIV advocacy organizations, and members of the
24 community. The board and interested stakeholders shall consider, at a
25 minimum, the following issues:

26 (2) Each proposed clean syringe exchange program ~~shall~~ MUST,
27 at a minimum, have the ability to:

1 (b) Provide thorough referrals to facilitate entry into ~~drug abuse~~
2 SUBSTANCE USE DISORDER treatment PROGRAMS, including opioid
3 substitution therapy;

4 **SECTION 180.** In Colorado Revised Statutes, 25-1-1202, **amend**
5 (1)(vv) as follows:

6 **25-1-1202. Index of statutory sections regarding medical**
7 **record confidentiality and health information.** (1) Statutory provisions
8 concerning policies, procedures, and references to the release, sharing,
9 and use of medical records and health information include the following:

10 (vv) Sections 27-82-106 and 27-82-109, ~~C.R.S.~~, concerning the
11 treatment of ~~drug abusers~~ PERSONS WITH SUBSTANCE USE DISORDERS;

12 **SECTION 181.** In Colorado Revised Statutes, 25-1.5-103,
13 **amend** (2)(b) as follows:

14 **25-1.5-103. Health facilities - powers and duties of department**
15 **- limitations on rules promulgated by department - definitions.**

16 (2) For purposes of this section, unless the context otherwise requires:

17 (b) "Community mental health center" means either a physical
18 plant or a group of services under unified administration and including at
19 least the following: Inpatient services; outpatient services; day
20 hospitalization; emergency services; and consultation and educational
21 services, which services are provided principally for persons with
22 BEHAVIORAL OR mental illness HEALTH DISORDERS residing in a particular
23 community in or near which the facility is situated.

24 **SECTION 182.** In Colorado Revised Statutes, 25-1.5-106,
25 **amend** (10) as follows:

26 **25-1.5-106. Medical marijuana program - powers and duties**
27 **of state health agency - rules - medical review board - medical**

1 **marijuana program cash fund - subaccount - created - repeal.**

2 **(10) Renewal of patient identification card upon criminal conviction.**

3 Any patient who is convicted of a criminal offense under article 18 of title
4 18, ~~C.R.S.~~, sentenced or ordered by a court to ~~drug or substance abuse~~
5 treatment FOR A SUBSTANCE USE DISORDER, or sentenced to the division
6 of youth corrections, ~~shall be~~ IS subject to immediate renewal of his or her
7 patient registry identification card, and the patient shall apply for the
8 renewal based upon a recommendation from a physician with whom the
9 patient has a bona fide physician-patient relationship.

10 **SECTION 183.** In Colorado Revised Statutes, 25-1.5-112,
11 **amend** (4)(f) as follows:

12 **25-1.5-112. Colorado suicide prevention plan - established -**
13 **goals - responsibilities - funding.** (4) The following systems and
14 organizations are encouraged to contribute to and implement the
15 Colorado plan on or before July 1, 2019:

16 (f) Substance ~~abuse~~ USE DISORDER treatment systems;

17 **SECTION 184.** In Colorado Revised Statutes, 25-1.5-301,
18 **amend** (2)(g) as follows:

19 **25-1.5-301. Definitions.** As used in this part 3, unless the context
20 otherwise requires:

21 (2) "Facility" means:

22 (g) Facilities that provide treatment for persons with BEHAVIORAL
23 OR mental ~~illness~~ HEALTH DISORDERS as defined in section 27-65-102, ~~(7)~~,
24 ~~C.R.S.~~, except for those facilities ~~which~~ THAT are publicly or privately
25 licensed hospitals;

26 **SECTION 185.** In Colorado Revised Statutes, **amend** 25-3-100.5
27 as follows:

1 **25-3-100.5. Definitions.** As used in this ~~article~~ ARTICLE 3, unless
2 the context otherwise requires:

3 (1) "Acute treatment unit" means a facility or a distinct part of a
4 facility for short-term psychiatric care, which may include ~~substance~~
5 ~~abuse~~ treatment FOR SUBSTANCE USE DISORDERS, that provides a total,
6 twenty-four-hour, therapeutically planned and professionally staffed
7 environment for persons who do not require inpatient hospitalization but
8 need more intense and individual services than are available on an
9 outpatient basis, such as crisis management and stabilization services.

10 **SECTION 186.** In Colorado Revised Statutes, 25-3.5-802,
11 **amend** (2) as follows:

12 **25-3.5-802. Legislative declaration.** (2) The general assembly
13 ~~hereby~~ finds that persons with BEHAVIORAL OR mental ~~illness~~ HEALTH
14 DISORDERS are more likely to abuse tobacco products than any other
15 segment of society. The general assembly further finds that the unusually
16 heavy pattern of tobacco abuse engaged in by persons with BEHAVIORAL
17 OR mental ~~illness~~ HEALTH DISORDERS requires special treatment strategies
18 that are not provided by other alcohol, drug, or tobacco abuse programs
19 OR SUBSTANCE USE DISORDER TREATMENT PROGRAMS. It is therefore the
20 general assembly's intent that the programs funded pursuant to this part
21 8 include comprehensive programs to prevent and treat tobacco addiction
22 among persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS.

23 **SECTION 187.** In Colorado Revised Statutes, 25-3.5-804,
24 **amend** (3)(a) as follows:

25 **25-3.5-804. Tobacco education, prevention, and cessation**
26 **programs - review committee - grants.** (3) (a) The division shall
27 review the applications received pursuant to this part 8 and make

1 recommendations to the state board regarding those entities that may
2 receive grants and the amounts of said grants. On and after October 1,
3 2005, the review committee shall review the applications received
4 pursuant to this part 8 and submit to the state board and the director of the
5 department recommended grant recipients, grant amounts, and the
6 duration of each grant. Within thirty days after receiving the review
7 committee's recommendations, the director shall submit his or her
8 recommendations to the state board. The review committee's
9 recommendations regarding grantees of the Tony Grampsas youth
10 services program, section 26-6.8-102, ~~C.R.S.~~, pursuant to section
11 25-3.5-805 (5) shall be submitted to the state board and the Tony
12 Grampsas youth services board. Within thirty days after receiving the
13 review committee's recommendations, the Tony Grampsas youth services
14 board shall submit its recommendations to the state board. The state board
15 ~~shall have~~ HAS the final authority to approve the grants under this part 8.
16 If the state board disapproves a recommendation for a grant recipient, the
17 review committee may submit a replacement recommendation within
18 thirty days. In reviewing grant applications for programs to provide
19 tobacco education, prevention, and cessation programs for persons with
20 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS, the division or the
21 review committee shall consult with the programs for public psychiatry
22 at the university of Colorado health sciences center, the national alliance
23 for the mentally ill, the mental health association of Colorado, and the
24 department of human services.

25 **SECTION 188.** In Colorado Revised Statutes, 25-3.5-805,
26 **amend** (1)(h) as follows:

27 **25-3.5-805. Tobacco education, prevention, and cessation**

1 **programs - requirements.** (1) An entity that applies for a grant pursuant
2 to the provisions of this part 8 shall in the application demonstrate that the
3 tobacco education, prevention, or cessation program provides at least one
4 of the following:

5 (h) Tobacco addiction prevention and treatment strategies that are
6 designed specifically for persons with BEHAVIORAL OR mental ~~illness~~
7 HEALTH DISORDERS; or

8 **SECTION 189.** In Colorado Revised Statutes, 25-4-408, **amend**
9 (5) as follows:

10 **25-4-408. Infection control - duties.** (5) Every person who is
11 confined, detained, or imprisoned in a state, county, or city hospital; an
12 institution for persons with a BEHAVIORAL OR mental ~~illness~~ HEALTH
13 DISORDERS; a home for dependent children; a correctional facility; or any
14 other private or charitable institution where a person may be confined,
15 detained, or imprisoned by order of a court of this state must be examined
16 for and, if diagnosed with a sexually transmitted infection, referred for
17 treatment of such sexually transmitted infection, in accordance with
18 current standards of care, by the health authorities having jurisdiction
19 over the given institution. The managing authorities of any such
20 institution shall make available to the health authorities whatever portion
21 of their respective institution as may be necessary for a clinic or hospital
22 for treatment of a person's sexually transmitted infection with current and
23 evidence-based standards of care in a professional manner.

24 **SECTION 190.** In Colorado Revised Statutes, 25-4-1902, **amend**
25 (1) and (4) as follows:

26 **25-4-1902. Definitions.** As used in this part 19, unless the context
27 otherwise requires:

1 (1) "Birth defect" means any physical or mental ~~abnormality~~
2 DISABILITY, DISORDER, or condition, including any susceptibility to any
3 illness, DISORDER, or condition other than normal childhood illnesses,
4 DISORDERS, or conditions.

5 (4) "Gulf war syndrome" means the wide range of physical and
6 mental conditions, DISORDERS, problems, and illnesses, including birth
7 defects, experienced by veterans and family members that are connected
8 with a veteran's service in the armed forces of the United States during
9 the gulf war.

10 **SECTION 191.** In Colorado Revised Statutes, 25-4-2003, **amend**
11 (3) as follows:

12 **25-4-2003. Definitions.** As used in this part 20, unless the
13 context otherwise requires:

14 (3) "Health care professional" means any person licensed in this
15 state or any other state to practice medicine, chiropractic, nursing,
16 physical therapy, podiatry, dentistry, pharmacy, optometry, or other
17 healing arts. The term includes any professional corporation or other
18 professional entity comprised of such health care providers as permitted
19 by the laws of this state, as well as certified ~~substance-abuse~~ ADDICTION
20 counselors.

21 **SECTION 192.** In Colorado Revised Statutes, 25-15-328, **amend**
22 (1)(a) as follows:

23 **25-15-328. Household medication take-back program -**
24 **creation - liability - definitions - cash fund - rules.** (1) (a) The general
25 assembly finds and declares that prescription drug ~~abuse~~ MISUSE is a
26 rampant problem in Colorado, in part due to the accidental and intentional
27 abuse of leftover household medications. The general assembly further

1 declares that citizen access to a disposal location to return unused
2 household medications will reduce the availability of household
3 medications for unintended or abusive purposes and will further protect
4 the environment through proper disposal.

5 **SECTION 193.** In Colorado Revised Statutes, 25-20.5-408,
6 **amend** (1)(c) as follows:

7 **25-20.5-408. Access to records. (1) Review team access to**
8 **records. (c) ~~Mental health and substance abuse~~ Treatment records FOR**
9 **BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS** may be
10 accessed only with the written consent of appropriate parties in
11 accordance with applicable federal and state law.

12 **SECTION 194.** In Colorado Revised Statutes, 25.5-2-101,
13 **amend** (2) as follows:

14 **25.5-2-101. Old age pension health and medical care fund -**
15 **supplemental old age pension health and medical care fund - cash**
16 **system of accounting - legislative declaration - rules. (2) Any moneys**
17 **MONEY** remaining in the state old age pension fund after full payment of
18 basic minimum awards to qualified old age pension recipients and after
19 establishment and maintenance of the old age pension stabilization fund
20 in the amount of five million dollars shall be transferred to a fund to be
21 known as the old age pension health and medical care fund, which is
22 hereby created. The state board shall establish and promulgate rules for
23 administration of a program to provide health and medical care to persons
24 who qualify to receive old age pensions and who are not patients in an
25 institution for tuberculosis or **BEHAVIORAL OR mental diseases** **HEALTH**
26 **DISORDERS.** The costs of such program, not to exceed ten million dollars
27 in any fiscal year, ~~shall be~~ **ARE** defrayed from ~~such~~ **THE** health and

1 medical care fund, but all ~~moneys~~ MONEY available, accrued or accruing,
2 received or receivable, in said health and medical care fund in excess of
3 ten million dollars in any fiscal year ~~shall be~~ IS transferred to the general
4 fund of the state to be used pursuant to law. ~~Moneys~~ MONEY in the old
5 age pension health and medical care fund ~~shall be~~ IS subject to annual
6 appropriation by the general assembly.

7 **SECTION 195.** In Colorado Revised Statutes, 25.5-4-103,
8 **amend** the introductory portion and (3) as follows:

9 **25.5-4-103. Definitions.** As used in this ~~article~~ ARTICLE 4 and
10 articles 5 and 6 of this ~~title~~ TITLE 25.5, unless the context otherwise
11 requires:

12 (3) "Case management services" means services provided by
13 community-centered boards, as defined by section 25.5-10-202, and
14 community mental health centers and community mental health clinics,
15 as defined by section 27-66-101, ~~C.R.S.~~, to assist persons with intellectual
16 and developmental disabilities, as defined by section 25.5-10-202, and
17 persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS, as
18 defined by section 27-65-102 ~~(14), C.R.S.~~ (11.5), by case management
19 agencies, as defined in section 25.5-6-303 (5), providing CASE
20 MANAGEMENT services, as defined in sections 25.5-6-104 (2)(b) and
21 25.5-6-303 (6), to persons WITH A DISABILITY, PERSONS who are elderly
22 OR blind, ~~and disabled~~ and long-term care clients, in gaining access to
23 needed medical, social, educational, and other services.

24 **SECTION 196.** In Colorado Revised Statutes, 25.5-5-202,
25 **amend** (1) introductory portion, (1)(r), and (1)(s) as follows:

26 **25.5-5-202. Basic services for the categorically needy - optional**
27 **services - repeal.** (1) Subject to the provisions of subsection (2) of this

1 section, the following are services for which federal financial
2 participation is available and ~~which~~ THAT Colorado has selected to
3 provide as optional services under the medical assistance program:

4 (r) For any pregnant woman who is enrolled or eligible for
5 services pursuant to section 25.5-5-101 (1)(c), ~~alcohol and drug and~~
6 ~~addiction~~ ALCOHOL AND SUBSTANCE USE DISORDER counseling and
7 treatment, including outpatient and residential care but not including
8 room and board while receiving residential care;

9 (s) (I) Outpatient substance ~~abuse~~ USE DISORDER treatment.

10 (II) On or before March 31, 2011, pursuant to section 25.5-5-313
11 (2), if the legislative audit committee adopts a resolution finding that
12 providing outpatient substance ~~abuse~~ USE DISORDER treatment has
13 resulted in an overall increase in costs to the medical assistance program,
14 this ~~paragraph (s)~~ SUBSECTION (1)(s) is repealed, effective July 1, 2011.

15 **SECTION 197.** In Colorado Revised Statutes, 25.5-5-207,
16 **amend** (1)(a) introductory portion and (1)(a)(II) as follows:

17 **25.5-5-207. Adult dental benefit - adult dental fund - creation**
18 **- legislative declaration.** (1) (a) The general assembly ~~hereby~~ finds that:

19 (II) Research has shown that untreated oral health conditions
20 negatively affect a person's overall health and that gum disease has been
21 linked to diabetes, heart disease, strokes, kidney disease, Alzheimer's
22 disease, and even BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS;

23 **SECTION 198.** In Colorado Revised Statutes, 25.5-5-301,
24 **amend** (4) as follows:

25 **25.5-5-301. Clinic services.** (4) "Clinic services" also means
26 preventive, diagnostic, therapeutic, rehabilitative, or palliative items or
27 services ~~that are~~ furnished to a pregnant woman who is enrolled or

1 eligible for services pursuant to section 25.5-5-101 (1)(c) or 25.5-5-201
2 (1)(m.5) in a facility that is not a part of a hospital but is organized and
3 operated as a freestanding ~~alcohol or drug~~ SUBSTANCE USE DISORDER
4 treatment program approved and licensed by the ~~unit~~ OFFICE OF
5 BEHAVIORAL HEALTH in the department of human services ~~that~~
6 ~~administers behavioral health programs and services, including those~~
7 ~~related to mental health and substance abuse~~, pursuant to section
8 27-80-108 (1)(c). ~~C.R.S.~~

9 **SECTION 199.** In Colorado Revised Statutes, 25.5-5-307,
10 **amend** (2) as follows:

11 **25.5-5-307. Child mental health treatment and family support**
12 **program.** (2) In order to make mental health treatment available, it is the
13 intent of the general assembly that each medicaid-eligible child who is
14 diagnosed as a person with a BEHAVIORAL OR mental ~~illness~~ HEALTH
15 DISORDER, as that term is defined in section 27-65-102 ~~(14)~~, C.R.S., shall
16 (11.5), MUST receive mental health treatment, which may include in-home
17 family mental health treatment, other family preservation services,
18 residential treatment, or any post-residential follow-up services, that ~~shall~~
19 MUST be paid for through federal medicaid funding.

20 **SECTION 200.** In Colorado Revised Statutes, 25.5-5-314,
21 **amend** (1) as follows:

22 **25.5-5-314. Substance use disorder treatment for Native**
23 **Americans - federal approval.** (1) The state department shall request
24 federal approval, conditioned on the receipt of gifts, grants, or donations
25 sufficient to provide for the state's administrative costs of preparing and
26 submitting the request, to include any substance ~~abuse~~ USE DISORDER
27 treatment benefits available to Native Americans in which there is one

1 hundred percent federal financial participation.

2 **SECTION 201.** In Colorado Revised Statutes, 25.5-5-315,
3 **amend** (1) as follows:

4 **25.5-5-315. Acceptance of gifts, grants, and donations - Native**
5 **American substance abuse treatment cash fund.** (1) The executive
6 director may accept and expend ~~moneys~~ MONEY from gifts, grants, and
7 donations for purposes of providing for the administrative costs of
8 preparing and submitting the request for federal approval to provide
9 substance ~~abuse~~ USE DISORDER treatment services to Native Americans as
10 provided for in section 25.5-5-314. All such gifts, grants, and donations
11 shall be transmitted to the state treasurer who shall credit the same to the
12 Native American substance abuse treatment cash fund, which fund is
13 ~~hereby~~ created AND REFERRED TO IN THIS SECTION AS THE "FUND". The
14 ~~moneys~~ MONEY in the ~~Native American substance abuse treatment cash~~
15 ~~fund shall be~~ IS subject to annual appropriation by the general assembly.
16 All investment earnings derived from the deposit and investment of
17 ~~moneys~~ MONEY in the ~~Native American substance abuse treatment cash~~
18 ~~fund shall remain~~ REMAINS in the fund and shall not be transferred or
19 revert to the general fund of the state at the end of any fiscal year.

20 **SECTION 202.** In Colorado Revised Statutes, 25.5-5-501,
21 **amend** (1)(a) as follows:

22 **25.5-5-501. Providers - drug reimbursement.** (1) (a) As to
23 drugs for which payment is made, the state board's rules for ~~the~~ payment
24 ~~therefor shall~~ MUST include the requirement that the generic equivalent of
25 a brand-name drug be prescribed if the generic equivalent is a therapeutic
26 equivalent to the brand-name drug, except when reimbursement to the
27 state for a brand-name drug makes the brand-name drug less expensive

1 than the cost of the generic equivalent. The state department shall grant
2 an exception to this requirement if the patient has been stabilized on a
3 medication and the treating physician, or a pharmacist with the
4 concurrence of the treating physician, is of the opinion that a transition to
5 the generic equivalent of the brand-name drug would be unacceptably
6 disruptive. The requirements of this subsection (1) shall DO not apply to
7 medications for the treatment of BEHAVIORAL OR mental illness HEALTH
8 DISORDERS, cancer, epilepsy, or human immunodeficiency virus and
9 acquired immune deficiency syndrome.

10 **SECTION 203.** In Colorado Revised Statutes, 25.5-6-106,
11 **amend** (2)(a) as follows:

12 **25.5-6-106. Single entry point system - authorization - phases**
13 **for implementation - services provided. (2) Single entry point**
14 **agencies - service programs - functions.** (a) A single entry point agency
15 shall MUST be an agency in a local community through which any person
16 eighteen years of age or older who is in need of long-term care can access
17 needed long-term care services. A single entry point agency may be a
18 private, nonprofit organization; a county agency, including a county
19 department of HUMAN OR social services; a county nursing service; an
20 area agency on aging; or a multicounty agency. Persons in need of
21 specialized assistance such as services for PERSONS WITH INTELLECTUAL
22 AND developmental disabilities or BEHAVIORAL OR mental illness HEALTH
23 DISORDERS may be referred by a single entry point agency to programs
24 under the department of human services.

25 **SECTION 204.** In Colorado Revised Statutes, 25.5-6-201,
26 **amend** (13) as follows:

27 **25.5-6-201. Special definitions relating to nursing facility**

1 **reimbursement.** As used in this part 2, unless the context otherwise
2 requires:

3 (13) "Class I facility" means a private for-profit or not-for-profit
4 nursing facility provider or a facility provider operated by the state of
5 Colorado, a county, a city and county, or special district that provides
6 general skilled nursing facility care to residents who require
7 twenty-four-hour nursing care and services due to their ages, infirmity, or
8 health care conditions, including residents who are behaviorally
9 challenged by virtue of A severe BEHAVIORAL OR mental ~~illness or~~
10 ~~dementia~~ HEALTH DISORDER.

11 **SECTION 205.** In Colorado Revised Statutes, 25.5-6-412,
12 **amend** (3) introductory portion and (3)(e) as follows:

13 **25.5-6-412. Cross-system response for behavioral health crises**
14 **pilot program - legislative declaration - creation - criteria -**
15 **recommendations - fund - repeal.** (3) There is created in the state
16 department a cross-system response for behavioral health crises pilot
17 program, referred to in this section as the "pilot program". The pilot
18 program will have locations at multiple sites that represent different
19 geographic regions of the state. The goal of the pilot program is to
20 provide crisis intervention, stabilization, and follow-up services to
21 individuals who have both an intellectual ~~or~~ AND developmental disability
22 and a BEHAVIORAL OR mental health ~~or behavioral~~ disorder and who also
23 require services not available through an existing home- or
24 community-based services waiver or covered under the Colorado
25 behavioral health care system. To achieve this goal, the pilot program
26 must complement and expand on the Colorado behavioral health crisis
27 response system, provided through the department of human services

1 pursuant to section 27-60-103, ~~C.R.S.~~, to:

2 (e) Provide data about the cost in Colorado of providing such
3 services throughout the state to complement the cost-analysis study
4 described in subsection (6) of this section related to the cost to eliminate
5 service gaps for individuals who have an intellectual ~~or~~ AND
6 developmental disability and who also have a ~~psychiatric or behavioral~~ OR
7 MENTAL HEALTH disorder; and

8 **SECTION 206.** In Colorado Revised Statutes, 25.5-6-603,
9 **amend** (1)(a) as follows:

10 **25.5-6-603. Definitions.** As used in this part 6, unless the context
11 otherwise requires:

12 (1) "Eligible person" means a person:

13 (a) Who has a primary diagnosis of A major BEHAVIORAL OR
14 mental ~~illness~~ HEALTHDISORDER, as such term is defined in the diagnostic
15 and statistical manual of mental disorders used by the mental health
16 profession, and includes schizophrenic, paranoid, major affective, and
17 schizoaffective disorders, and atypical psychosis, but does not include
18 dementia, including Alzheimer's disease or related disorders;

19 **SECTION 207.** In Colorado Revised Statutes, 25.5-6-704,
20 **amend** (2) introductory portion and (2)(e) as follows:

21 **25.5-6-704. Implementation of home- and community-based**
22 **services program for persons with brain injury authorized - federal**
23 **waiver - duties of the department.** (2) Services for eligible persons may
24 be established in department rules to the extent authorized or required by
25 federal waiver, but ~~shall~~ MUST include at least the following:

26 (e) Counseling and training including ~~substance abuse~~ treatment
27 FOR SUBSTANCE USE DISORDERS and family counseling;

1 **SECTION 208.** In Colorado Revised Statutes, 26-1-105.5,
2 **amend** (1)(a) as follows:

3 **26-1-105.5. Transfer of functions - employees - property -**
4 **records.** (1) (a) The department shall, on and after July 1, 1994, execute,
5 administer, perform, and enforce the rights, powers, duties, functions, and
6 obligations vested prior to July 1, 1994, in the department of social
7 services, the department of institutions, and the department of health
8 concerning the administration of ~~alcohol and drug abuse~~ SUBSTANCE USE
9 DISORDER TREATMENT programs.

10 **SECTION 209.** In Colorado Revised Statutes, 26-1-107, **amend**
11 (6)(g) as follows:

12 **26-1-107. State board of human services - rules.** (6) The state
13 board shall:

14 (g) Adopt rules concerning ~~mental health programs, alcohol and~~
15 ~~drug abuse programs, and developmental disabilities~~ programs RELATED
16 TO BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS AND
17 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. To the extent that
18 rules are promulgated by the state board of human services for programs
19 or providers that receive either medicaid only or both medicaid and
20 non-medicaid funding, the rules ~~shall~~ MUST be developed in cooperation
21 with the department of health care policy and financing and ~~shall~~ MUST
22 not conflict with state statutes or federal statutes or regulations.

23 **SECTION 210.** In Colorado Revised Statutes, 26-1-111, **amend**
24 (5) as follows:

25 **26-1-111. Activities of the state department under the**
26 **supervision of the executive director - cash fund - report - rules -**
27 **statewide adoption resource registry.** (5) The state department, through

1 the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the state department, that
2 ~~administers behavioral health programs and services, including those~~
3 ~~related to mental health and substance abuse,~~ shall administer alcohol and
4 ~~drug abuse~~ SUBSTANCE USE DISORDER TREATMENT programs set forth in
5 articles 80, 81, and 82 of title 27. ~~C.R.S.~~

6 **SECTION 211.** In Colorado Revised Statutes, 26-1-132, **amend**
7 (1)(b) as follows:

8 **26-1-132. Department of human services - rate setting -**
9 **residential treatment service providers - monitoring and auditing -**
10 **report.** (1) In conjunction with the group of representatives convened by
11 the state department pursuant to section 26-5-104 (6)(e) to review the
12 rate-setting process for child welfare services, the state department shall
13 develop a rate-setting process consistent with medicaid requirements for
14 providers of residential treatment services in Colorado. The department
15 of health care policy and financing shall approve the rate-setting process
16 for rates funded by medicaid. The rate-setting process developed pursuant
17 to this section may include:

18 (b) A request for proposal to contract for specialized service needs
19 of a child, including but not limited to: ~~Substance-abuse~~ SUBSTANCE USE
20 DISORDER treatment services, sex offender services, and services for the
21 INTELLECTUALLY AND developmentally disabled; and

22 **SECTION 212.** In Colorado Revised Statutes, 26-1-201, **amend**
23 (1)(a), (1)(b), (1)(c), and (1)(x) as follows:

24 **26-1-201. Programs administered - services provided -**
25 **department of human services.** (1) This section specifies the programs
26 to be administered and the services to be provided by the department of
27 human services. These programs and services include the following:

1 (a) ~~Alcohol and drug abuse~~ Programs RELATED TO SUBSTANCE
2 ABUSE AND SUBSTANCE USE DISORDERS, as specified in article 80 of title
3 27; ~~C.R.S.~~;

4 (b) ~~Alcoholism and intoxication treatment~~ Programs RELATED TO
5 ALCOHOL ABUSE AND ALCOHOL USE DISORDERS, as specified in article 81
6 of title 27; ~~C.R.S.~~;

7 (c) ~~Drug abuse prevention, education, and treatment~~ Programs
8 RELATED TO PREVENTION, EDUCATION, AND TREATMENT FOR SUBSTANCE
9 ABUSE AND SUBSTANCE USE DISORDERS, as specified in article 82 of title
10 27; ~~C.R.S.~~;

11 (x) Programs for the care and treatment of persons with
12 BEHAVIORAL OR ~~mental illness~~ HEALTH DISORDERS, as specified in article
13 65 of title 27; ~~C.R.S.~~;

14 **SECTION 213.** In Colorado Revised Statutes, 26-2-103, **amend**
15 the introductory portion and (11)(a) as follows:

16 **26-2-103. Definitions.** As used in this ~~article~~ ARTICLE 2 and
17 article 1 of this ~~title~~ TITLE 26, unless the context otherwise requires:

18 (11) (a) "Social services" means services and payments for
19 services available, directly or indirectly, through the staff of the state
20 department of human services and county departments of HUMAN OR
21 social services or through state designated agencies, where applicable, for
22 the benefit of eligible persons, which services are provided pursuant to
23 rules adopted by the state board. "Social services" may include but need
24 not be limited to day care, homemaker services, foster care, and other
25 services to individuals or families for the purpose of attaining or retaining
26 capabilities for maximum self-care, self-support, and personal
27 independence and services to families or members of families for the

1 purpose of preserving, rehabilitating, reuniting, or strengthening the
2 family. At such time as Title XX of the social security act becomes
3 effective with respect to federal reimbursements, "social services" may
4 include but need not be limited to child care services; protective services
5 for children and adults; services for children and adults in foster care;
6 services related to the management and maintenance of the home; day
7 care services for adults; transportation services; training and related
8 services; employment services; information, referral, and counseling
9 services; the preparation and delivery of meals; health support services;
10 and appropriate combinations of services designed to meet the special
11 needs of children, the aged, ~~the mentally retarded~~ PERSONS WITH
12 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, the blind, ~~the~~
13 ~~emotionally disturbed~~ PERSONS WITH BEHAVIORAL OR MENTAL HEALTH
14 DISORDERS, persons with physical disabilities, and ~~alcoholics and drug~~
15 ~~addicts~~ PERSONS WITH SUBSTANCE USE DISORDERS.

16 **SECTION 214.** In Colorado Revised Statutes, 26-2-106, **amend**
17 (6)(a) as follows:

18 **26-2-106. Applications for public assistance.** (6) (a) ~~NO~~ AN
19 application for aid to the needy disabled ~~shall~~ MUST NOT be approved
20 until the applicant's medical condition has been certified by a physician
21 licensed to practice medicine in this state, a physician assistant licensed
22 in this state, or an advanced practice nurse licensed in this state. In
23 addition to a physician, an applicant may be examined by a physician
24 assistant licensed in this state, by an advanced practice nurse, or by a
25 registered nurse licensed in this state who is functioning within the scope
26 of the nurse's license and training. The supervising physician, or the
27 physician, physician assistant, or nurse who conducted the examination

1 shall certify in writing upon forms prescribed by the state department as
2 to the diagnosis, prognosis, and other relevant medical or mental factors
3 relating to the APPLICANT'S disability. ~~of the applicant. No~~ AN applicant
4 WHO IS disabled as a result of a primary diagnosis of ~~alcoholism or a~~
5 ~~controlled substance addiction shall~~ AN ALCOHOL USE DISORDER OR A
6 SUBSTANCE USE DISORDER RELATED TO CONTROLLED SUBSTANCES MUST
7 NOT be approved for aid to the needy disabled except as provided in
8 section 26-2-111 (4)(e).

9 **SECTION 215.** In Colorado Revised Statutes, 26-2-108, **amend**
10 (1)(d)(II) as follows:

11 **26-2-108. Granting of assistance payments and social services.**

12 (1) (d) (II) Assistance in the form of aid to the needy disabled for persons
13 who are disabled as a result of a primary diagnosis of ~~alcoholism or a~~
14 ~~controlled substance addiction shall~~ AN ALCOHOL USE DISORDER OR A
15 SUBSTANCE USE DISORDER RELATED TO CONTROLLED SUBSTANCES MUST
16 be paid on the person's behalf to the SUBSTANCE USE DISORDER treatment
17 program in which the person is participating as required pursuant to
18 section 26-2-111 (4)(e)(I) or to the person directly upon the person
19 providing the documentation required pursuant to section 26-2-111
20 (4)(e)(II).

21 **SECTION 216.** In Colorado Revised Statutes, 26-2-111, **amend**
22 (4)(e) introductory portion and (4)(e)(I) as follows:

23 **26-2-111. Eligibility for public assistance - rules - repeal.**

24 (4) **Aid to the needy disabled.** Public assistance in the form of aid to the
25 needy disabled shall be granted to any person who meets the requirements
26 of subsection (1) of this section and all of the following requirements:

27 (e) If the applicant is disabled as a result of a primary diagnosis

1 of ~~alcoholism or a controlled substance addiction~~ A SUBSTANCE USE
2 DISORDER, he or she, as conditions of eligibility, shall be required to:

3 (I) Participate in treatment services approved by the ~~unit~~ OFFICE
4 OF BEHAVIORAL HEALTH in the state department; ~~that administers~~
5 ~~behavioral health programs and services, including those related to mental~~
6 ~~health and substance abuse~~; and

7 **SECTION 217.** In Colorado Revised Statutes, 26-2-706, **amend**
8 (1.5)(e) as follows:

9 **26-2-706. Target populations.** (1.5) To participate in the
10 Colorado works program an applicant or person shall:

11 (e) Not be an inmate of any institution as a patient admitted for
12 tuberculosis or A BEHAVIORAL OR mental ~~disease~~ HEALTH DISORDER,
13 unless the person is a child under the age of twenty-one years receiving
14 psychiatric care under medicaid;

15 **SECTION 218.** In Colorado Revised Statutes, 26-2-706.6,
16 **amend** (7) introductory portion and (7)(a) as follows:

17 **26-2-706.6. Payments and services under Colorado works -**
18 **rules. (7) Substance abuse control program.** A county may elect to
19 implement a Colorado works controlled substance abuse control program.
20 Under such a program, if the use of a controlled substance prevents the
21 participant from successfully participating in his or her work activity, the
22 county department may require the participant to participate in a
23 controlled substance abuse control program based in whole or in part
24 upon a representation by the participant that he or she is using controlled
25 substances or upon a finding by the county department pursuant to an
26 assessment by a certified ~~drug~~ SUBSTANCE USE DISORDER treatment
27 provider that the participant is or is likely to be using controlled

1 substances. If a county chooses to require the participant to participate in
2 a controlled substance abuse control program, the county department
3 shall:

4 (a) Require the participant to be assessed by a certified ~~drug~~
5 SUBSTANCE USE DISORDER treatment provider and to follow a
6 rehabilitation plan as a condition of continued receipt of assistance under
7 the works program. The rehabilitation plan ~~shall~~ MUST be based upon the
8 assessment and developed by a certified ~~drug~~ SUBSTANCE USE DISORDER
9 treatment provider, and may include, but need not be limited to,
10 participation in a ~~controlled substance abuse~~ SUBSTANCE USE DISORDER
11 treatment program. This ~~paragraph (a) shall~~ SUBSECTION (7)(a) DOES not
12 create an entitlement to rehabilitation services or to payment for
13 rehabilitation services.

14 **SECTION 219.** In Colorado Revised Statutes, 26-5.7-108,
15 **amend** (3)(a) as follows:

16 **26-5.7-108. Voluntary alternative residence - lack of parental**
17 **agreement.** (3) A supervised independent living arrangement can only
18 be established pursuant to subsection (2) of this section if:

19 (a) The youth has not been deemed to ~~be dependent on controlled~~
20 ~~substances or alcohol~~ HAVE A SUBSTANCE USE DISORDER and is in need of
21 treatment;

22 **SECTION 220.** In Colorado Revised Statutes, 26-12-203, **amend**
23 (3)(a) as follows:

24 **26-12-203. The Colorado veterans community living center at**
25 **Homelake - jurisdiction - definitions.** (3) For purposes of this section,
26 "domiciliary care" means the provision of shelter, food, and necessary
27 medical care on an ambulatory self-care basis:

1 (a) To assist any individual who is eligible for occupancy in the
2 veterans center pursuant to sections 26-12-104 and 26-12-106 and who
3 is suffering from an incapacitating disability, disease, or ~~defect~~ DISORDER
4 that prevents ~~such veteran~~ HIM OR HER from earning a living, but that does
5 not require hospitalization or nursing care services to attain physical,
6 mental, and social well-being; and

7 **SECTION 221.** In Colorado Revised Statutes, 26-20-103, **amend**
8 (3) as follows:

9 **26-20-103. Basis for use of restraint or seclusion.** (3) In
10 addition to the circumstances described in subsection (1) of this section,
11 a facility, as defined in section 27-65-102 (7), ~~C.R.S.~~, that is designated
12 by the executive director of the state department to provide treatment
13 pursuant to section 27-65-105, 27-65-106, 27-65-107, or 27-65-109
14 ~~C.R.S.~~, to an individual with A BEHAVIORAL OR mental ~~illness~~ HEALTH
15 DISORDER, as defined in ~~section 27-65-102 (14), C.R.S.~~ SECTION
16 27-65-102 (11.5), may use seclusion to restrain an individual with a
17 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER when the seclusion is
18 necessary to eliminate a continuous and serious disruption of the
19 treatment environment.

20 **SECTION 222.** In Colorado Revised Statutes, 26-20-105, **amend**
21 (1.5)(a) and (1.5)(b) as follows:

22 **26-20-105. Staff training concerning the use of restraint and**
23 **seclusion - adults and youth.** (1.5) The division of youth corrections
24 shall ensure that all staff involved in utilizing restraint and seclusion are
25 trained in:

26 (a) The health and behavioral effects of restraint and seclusion on
27 youth, including those with BEHAVIORAL OR mental ~~illness~~ or HEALTH

1 DISORDERS OR INTELLECTUAL AND developmental disabilities;
2 (b) Effective de-escalation techniques for youth in crisis,
3 including those with BEHAVIORAL OR mental ~~illness~~ or HEALTH
4 DISORDERS OR INTELLECTUAL AND developmental disabilities;

5 **SECTION 223.** In Colorado Revised Statutes, **add** 27-60-100.3
6 as follows:

7 **27-60-100.3. Definitions.** AS USED IN THIS ARTICLE 60, UNLESS
8 THE CONTEXT OTHERWISE REQUIRES:

9 (1) "BEHAVIORAL HEALTH" IS INCLUSIVE OF BEHAVIORAL, MENTAL
10 HEALTH, AND SUBSTANCE USE DISORDERS.

11 (2) "CRISIS INTERVENTION SERVICES" MEANS THE ARRAY OF
12 BEHAVIORAL HEALTH CRISIS SERVICES THAT ARE FUNDED BY PUBLIC OR
13 PRIVATE SOURCES AND EXIST TO SERVE INDIVIDUALS WHO ARE
14 EXPERIENCING A BEHAVIORAL HEALTH CRISIS.

15 (3) "CRISIS RESPONSE SYSTEM" MEANS THE BEHAVIORAL HEALTH
16 CRISIS RESPONSE SYSTEM DEVELOPED AND IMPLEMENTED PURSUANT TO
17 THIS ARTICLE 60.

18 (4) "CRISIS RESPONSE SYSTEM CONTRACTOR" MEANS AN ENTITY
19 THAT HAS BEEN AWARDED A CONTRACT TO PROVIDE ONE OR MORE CRISIS
20 INTERVENTION SERVICES PURSUANT TO SECTION 27-60-103.

21 (5) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN SERVICES
22 CREATED AND AUTHORIZED PURSUANT TO SECTION 26-1-107.

23 (6) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
24 HUMAN SERVICES CREATED PURSUANT TO SECTION 26-1-105.

25 **SECTION 224.** In Colorado Revised Statutes, 27-60-101, **amend**
26 (1) as follows:

27 **27-60-101. Behavioral health crisis response system -**

1 **legislative declaration.** (1) (a) The general assembly hereby finds and
2 declares that:

3 (I) There are people in Colorado communities who are
4 experiencing ~~mental health or substance abuse~~ BEHAVIORAL HEALTH
5 crises and need professional BEHAVIORAL HEALTH crisis care or urgent
6 psychiatric care from skilled mental health clinicians and medical
7 professionals who excel at providing compassionate BEHAVIORAL HEALTH
8 crisis intervention and stabilization;

9 (II) ~~Mental health or substance abuse~~ A BEHAVIORAL HEALTH
10 crisis can happen any hour of the day and any day of the week;

11 (III) Persons in A BEHAVIORAL HEALTH crisis frequently come in
12 contact with community first responders who are often unable to provide
13 necessary ~~mental health~~ BEHAVIORAL HEALTH interventions or who must
14 transport these persons in A BEHAVIORAL HEALTH crisis to emergency
15 rooms for services, or, in cases where a crime is alleged, to jail;

16 (IV) Colorado ranks fiftieth in the nation in the number of
17 inpatient psychiatric beds;

18 (V) Fewer than one-half of the persons who are in A BEHAVIORAL
19 HEALTH crisis and are taken to an emergency room are admitted for
20 inpatient hospitalization, meaning that thousands of people each year
21 return to community streets with little, if any, ~~mental health or substance~~
22 ~~abuse~~ crisis intervention or treatment FOR BEHAVIORAL HEALTH
23 DISORDERS; and

24 (VI) Significant time and resources are required of community
25 first responders in addressing persons in ~~mental health or substance abuse~~
26 A BEHAVIORAL HEALTH crisis and, in many cases, this community
27 response is neither timely nor safe for the person in crisis nor

1 cost-efficient for the state.

2 (b) The general assembly therefore finds that A COORDINATED
3 BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM:

4 (I) ~~A coordinated crisis response system provides~~ SERVES AS A
5 COMPREHENSIVE AND PREFERRED RESPONSE TO BEHAVIORAL HEALTH
6 EMERGENCIES THROUGHOUT COLORADO BY PROVIDING for early
7 intervention and effective treatment of ~~persons in mental health or~~
8 ~~substance abuse~~ INDIVIDUALS WHO ARE EXPERIENCING A BEHAVIORAL
9 HEALTH crisis;

10 (II) ~~A coordinated crisis response system should involve~~
11 PROVIDES AN APPROPRIATE FIRST LINE OF RESPONSE TO INDIVIDUALS IN
12 NEED OF AN EMERGENCY SEVENTY-TWO-HOUR MENTAL HEALTH HOLD AND
13 UTILIZES first responders and ~~include~~ information technology systems to
14 integrate available BEHAVIORAL HEALTH crisis responses;

15 (III) ~~A coordinated crisis response system~~ Should be available in
16 all COLORADO communities; ~~statewide~~; and

17 (IV) ~~A coordinated crisis response system may include~~ INCLUDES
18 community-based, BEHAVIORAL HEALTH crisis centers where ~~persons in~~
19 ~~mental health or substance abuse~~ INDIVIDUALS WHO ARE EXPERIENCING
20 A BEHAVIORAL HEALTH crisis may be stabilized and receive short-term
21 treatment.

22 **SECTION 225.** In Colorado Revised Statutes, 27-60-103, **repeal**
23 (7) as follows:

24 **27-60-103. Behavioral health crisis response system - services**
25 **- request for proposals - criteria - reporting - rules.** (7) ~~As used in this~~
26 ~~section, unless the context otherwise requires:~~

27 (a) ~~"Crisis intervention services" means an array of integrated~~

1 services that are available twenty-four hours a day, seven days a week, to
2 respond to and assist individuals who are in a behavioral health
3 emergency.

4 (b) "State board" means the state board of human services created
5 and authorized pursuant to section 26-1-107, C.R.S.

6 (c) "State department" means the state department of human
7 services created pursuant to section 26-1-105, C.R.S.

8 **SECTION 226.** In Colorado Revised Statutes, 27-61-101, **amend**
9 (1) introductory portion, (1)(a), (1)(b), (1)(i), and (2) as follows:

10 **27-61-101. Legislative declaration.** (1) The general assembly
11 hereby finds, determines, and declares that:

12 (a) There is an urgent need to address the economic, social, and
13 personal costs to the state of Colorado and its citizens of untreated
14 BEHAVIORAL HEALTH DISORDERS, INCLUDING mental health and substance
15 use disorders;

16 (b) Behavioral health disorders ~~including mental health and~~
17 ~~substance use disorders~~, are treatable conditions not unlike other chronic
18 health issues that require a combination of behavioral change and
19 medication or other treatment. When individuals receive appropriate
20 prevention, early intervention, treatment, and recovery services, they can
21 live full, productive lives.

22 (i) To reduce the economic and social costs of untreated
23 behavioral health disorders, Colorado needs a systemic transformation of
24 the behavioral health system ~~through which transformation the state~~
25 ~~strives to achieve critical goals to address mental health and substance use~~
26 BEHAVIORAL HEALTH disorders; and

27 (2) The general assembly further finds and declares that, to

1 improve the quality of life for the citizens of Colorado, strengthen the
2 economy, and continue the responsible management of the state's
3 resources, the leadership of the three branches of Colorado's state
4 government and the stakeholders most affected by ~~mental health and~~
5 ~~substance use~~ BEHAVIORAL HEALTH disorders must collaborate to build
6 on the progress of past efforts and to sustain a focus on the improvement
7 of behavioral health services.

8 **SECTION 227.** In Colorado Revised Statutes, **add** 27-61-101.5
9 as follows:

10 **27-61-101.5. Definitions.** AS USED IN THIS ARTICLE 61, UNLESS
11 THE CONTEXT OTHERWISE REQUIRES:

12 (1) "BEHAVIORAL HEALTH" IS INCLUSIVE OF BEHAVIORAL, MENTAL
13 HEALTH, AND SUBSTANCE USE DISORDERS.

14 (2) "COUNCIL" MEANS THE BEHAVIORAL HEALTH
15 TRANSFORMATION COUNCIL CREATED IN SECTION 27-61-102.

16 **SECTION 228.** In Colorado Revised Statutes, 27-61-102, **amend**
17 (2)(a), (3) introductory portion, and (3)(a)(X) as follows:

18 **27-61-102. Behavioral health transformation council - creation**
19 **- duties - sunset review - repeal.** (2) (a) On or before August 1, 2010,
20 the governor shall create a behavioral health transformation council
21 ~~referred to in this section as the "council"~~, to advise his or her cabinet on
22 transforming the behavioral health system in Colorado. On or before
23 August 1, 2010, the governor shall designate an executive branch
24 department to serve as the lead department to facilitate the council's work.
25 In consultation with the governor, the lead agency shall determine the
26 appropriate membership, tenure, and operating protocols of the council.

27 (3) The council ~~shall have~~ HAS the following duties and functions:

1 (a) To develop a strategic prioritization, planning, and
2 implementation process to advise the governor's cabinet on transforming
3 Colorado's behavioral health system. The council shall work toward the
4 following goals associated with a comprehensive, efficient, effective, and
5 integrated behavioral health system:

6 (X) Developing a comprehensive behavioral health service system
7 that includes services to persons with ~~mental illness, addictions~~
8 BEHAVIORAL HEALTH DISORDERS, disabilities, and co-occurring issues;

9 **SECTION 229.** In Colorado Revised Statutes, 27-65-101, **amend**
10 (1) as follows:

11 **27-65-101. Legislative declaration.** (1) The general assembly
12 ~~hereby~~ declares that, subject to available appropriations, the purposes of
13 this ~~article~~ ARTICLE 65 are:

14 (a) To secure for each person ~~who may have a mental illness~~ WITH
15 A BEHAVIORAL OR MENTAL HEALTH DISORDER such care and treatment ~~as~~
16 ~~will be~~ suited to ~~the needs of the person~~ HIS OR HER NEEDS and to insure
17 that ~~such~~ THE care and treatment are skillfully and humanely administered
18 with full respect for the person's dignity and personal integrity;

19 (b) To deprive a person of his or her liberty for purposes of CARE
20 OR treatment ~~or care~~ only when less restrictive alternatives are
21 unavailable and only when his or her safety or the safety of others is
22 endangered;

23 (c) To provide the fullest possible measure of privacy, dignity, and
24 other rights to persons undergoing care and treatment for A BEHAVIORAL
25 OR mental ~~illness~~ HEALTH DISORDER;

26 (d) To encourage the use of voluntary, rather than coercive,
27 measures to provide CARE AND treatment ~~and care~~ for BEHAVIORAL OR

1 mental ~~illness~~ HEALTH DISORDERS and to provide ~~such~~ THE CARE AND
2 treatment ~~and care~~ in the least restrictive setting;

3 (e) To provide appropriate information to family members
4 concerning the location and fact of admission of a person with a
5 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER to inpatient or
6 residential care and treatment;

7 (f) To encourage the appropriate participation of family members
8 in the care and treatment of a person with a BEHAVIORAL OR mental
9 ~~illness~~ HEALTH DISORDER and, when appropriate, to provide information
10 to family members in order to facilitate ~~such~~ THAT participation; and

11 (g) To facilitate the recovery and resiliency of each person who
12 receives care and treatment ~~under~~ PURSUANT TO this ~~article~~ ARTICLE 65.

13 **SECTION 230.** In Colorado Revised Statutes, 27-65-102, **amend**
14 the introductory portion, (1), (7), (8), (10), (15), and (19); **repeal** (14);
15 and **add** (11.3) and (11.5) as follows:

16 **27-65-102. Definitions.** As used in this ~~article~~ ARTICLE 65, unless
17 the context otherwise requires:

18 (1) "Acute treatment unit" means a facility or a distinct part of a
19 facility for short-term psychiatric care, which may include ~~substance~~
20 ~~abuse~~ treatment FOR SUBSTANCE USE DISORDERS, that provides a total,
21 twenty-four-hour, therapeutically planned and professionally staffed
22 environment for persons who do not require inpatient hospitalization but
23 need more intense and individual services than are available on an
24 outpatient basis, such as crisis management and stabilization services.

25 (7) "Facility" means a public hospital or a licensed private
26 hospital, clinic, community mental health center or clinic, acute treatment
27 unit, institution, ~~sanitarium~~, or residential child care facility that provides

1 treatment for ~~a person with a mental illness~~ PERSONS WITH BEHAVIORAL
2 OR MENTAL HEALTH DISORDERS.

3 (8) "Family member" means a spouse, parent, adult child, or adult
4 sibling of a person with a BEHAVIORAL OR ~~mental illness~~ HEALTH
5 DISORDER.

6 (10) "Hospitalization" means twenty-four-hour out-of-home
7 placement for ~~mental health~~ treatment in a facility FOR A PERSON WITH A
8 BEHAVIORAL OR MENTAL HEALTH DISORDER.

9 (11.3) "INTERVENING PROFESSIONAL" MEANS A PERSON DESCRIBED
10 IN SECTION 27-65-105 (1)(a)(II) WHO MAY EFFECT A SEVENTY-TWO-HOUR
11 HOLD PURSUANT TO THE PROVISIONS OUTLINED IN SECTION 27-65-105.

12 (11.5) "MENTAL HEALTH DISORDER" OR "BEHAVIORAL HEALTH
13 DISORDER" INCLUDES ONE OR MORE SUBSTANTIAL DISORDERS OF THE
14 COGNITIVE, VOLITIONAL, OR EMOTIONAL PROCESSES THAT GROSSLY
15 IMPAIRS JUDGMENT OR CAPACITY TO RECOGNIZE REALITY OR TO CONTROL
16 BEHAVIOR. AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY IS
17 INSUFFICIENT TO EITHER JUSTIFY OR EXCLUDE A FINDING OF A MENTAL
18 HEALTH DISORDER PURSUANT TO THE PROVISIONS OF THIS ARTICLE 65.

19 (14) ~~"Person with a mental illness" means a person with one or
20 more substantial disorders of the cognitive, volitional, or emotional
21 processes that grossly impairs judgment or capacity to recognize reality
22 or to control behavior. Developmental disability is insufficient to either
23 justify or exclude a finding of mental illness within the provisions of this
24 article.~~

25 (15) "Petitioner" means any person who files any petition in any
26 proceeding in the interest of any person who allegedly has a BEHAVIORAL
27 OR ~~mental illness~~ HEALTH DISORDER or is allegedly gravely disabled.

1 (19) "Respondent" means either a person alleged in a petition filed
2 pursuant to this ~~article~~ ARTICLE 65 to have a BEHAVIORAL OR mental
3 ~~illness~~ HEALTH DISORDER or be gravely disabled or a person certified
4 pursuant to the provisions of this ~~article~~ ARTICLE 65.

5 **SECTION 231.** In Colorado Revised Statutes, 27-65-103, **amend**
6 (1), (3)(a), (7)(d), and (10) as follows:

7 **27-65-103. Voluntary applications for behavioral or mental**
8 **health services - treatment of minors.** (1) Nothing in this ~~article shall~~
9 ~~be construed~~ ARTICLE 65 in any way as ~~limiting~~ LIMITS the right of any
10 person to make voluntary application at any time to any public or private
11 agency or professional person for BEHAVIORAL OR mental health services,
12 either by direct application in person or by referral from any other public
13 or private agency or professional person. Subject to section 15-14-316
14 (4), ~~C.R.S.~~, a ward, as defined in section 15-14-102 (15), ~~C.R.S.~~, may be
15 admitted to hospital or institutional care and treatment for ~~mental illness~~
16 A BEHAVIORAL OR MENTAL HEALTH DISORDER by consent of the guardian
17 for so long as the ward agrees to such care and treatment. Within ten days
18 ~~of~~ AFTER any such admission, ~~of the ward for such hospital or~~
19 ~~institutional care and treatment~~, the guardian shall notify in writing the
20 court that appointed the guardian of the admission.

21 (3) A minor who is fifteen years of age or older or a parent or
22 legal guardian of a minor on the minor's behalf may make voluntary
23 application for hospitalization. Application for hospitalization on behalf
24 of a minor who is under fifteen years of age and who is a ward of the
25 department of human services shall not be made unless a guardian ad
26 litem has been appointed for the minor or a petition for the same has been
27 filed with the court by the agency having custody of the minor; except

1 that such an application for hospitalization may be made under emergency
2 circumstances requiring immediate hospitalization, in which case the
3 agency shall file a petition for appointment of a guardian ad litem within
4 seventy-two hours after application for admission is made, and the court
5 shall appoint a guardian ad litem forthwith. Procedures for hospitalization
6 of such minor may proceed pursuant to this section once a petition for
7 appointment of a guardian ad litem has been filed, if necessary. Whenever
8 such application for hospitalization is made, an independent professional
9 person shall interview the minor and conduct a careful investigation into
10 the minor's background, using all available sources, including, but not
11 limited to, the parents or legal guardian and the school and any other
12 social agencies. Prior to admitting a minor for hospitalization, the
13 independent professional person shall make the following findings:

14 (a) That the minor has a BEHAVIORAL OR mental ~~illness~~ HEALTH
15 DISORDER and is in need of hospitalization;

16 (7) (d) The minor or his or her attorney or guardian ad litem may,
17 at any time after the minor has continued to affirm his or her objection to
18 hospitalization pursuant to ~~paragraph (b) of this subsection (7)~~
19 SUBSECTION (7)(b) OF THIS SECTION, file a written request that the
20 recommendation for continued hospitalization be reviewed by the court
21 or that the treatment be on an outpatient basis. If review is requested, the
22 court shall hear the matter within ten days after the request, and the court
23 shall give notice to the minor; his or her attorney, if any; his or her parents
24 or legal guardian; his or her guardian ad litem, if any; the independent
25 professional person; and the minor's treating team of the time and place
26 ~~thereof~~ OF THE HEARING. The hearing ~~shall~~ MUST be held in accordance
27 with section 27-65-111; except that the court or jury shall determine that

1 the minor is in need of care and treatment if the court or jury makes the
2 following findings: That the minor has a BEHAVIORAL OR mental illness
3 HEALTH DISORDER and is in need of hospitalization, that a less restrictive
4 treatment alternative is inappropriate or unavailable, and that
5 hospitalization is likely to be beneficial. At the conclusion of the hearing,
6 the court may enter an order confirming the recommendation for
7 continued hospitalization, discharge the minor, or enter any other
8 appropriate order.

9 (10) The medical and legal status of all voluntary patients
10 receiving treatment for BEHAVIORAL OR mental illness HEALTH DISORDERS
11 in inpatient or custodial facilities shall MUST be reviewed at least once
12 every six months.

13 **SECTION 232.** In Colorado Revised Statutes, 27-65-105, **amend**
14 (1)(a)(I), (1)(a)(II) introductory portion, (1)(b), and (3) as follows:

15 **27-65-105. Emergency procedure.** (1) Emergency procedure
16 may be invoked under either one of the following two conditions:

17 (a) (I) When any person appears to have a BEHAVIORAL OR mental
18 illness HEALTH DISORDER and, as a result of such BEHAVIORAL OR mental
19 illness HEALTH DISORDER, appears to be an imminent danger to others or
20 to himself or herself or appears to be gravely disabled, then ~~a person~~
21 ~~specified in subparagraph (II) of this paragraph (a), each of whom is~~
22 ~~referred to in this section as the "intervening professional",~~ AN
23 INTERVENING PROFESSIONAL, AS SPECIFIED IN SUBSECTION (1)(a)(II) OF
24 THIS SECTION, upon probable cause and with such assistance as may be
25 required, may take the person into custody, or cause the person to be
26 taken into custody, and placed in a facility designated or approved by the
27 executive director for a seventy-two-hour treatment and evaluation.

1 (II) The following persons may ACT AS INTERVENING
2 PROFESSIONALS TO effect a seventy-two-hour hold as provided in
3 ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION (1)(a)(I) OF THIS
4 SECTION:

5 (b) Upon an affidavit sworn to or affirmed before a judge that
6 relates sufficient facts to establish that a person appears to have a
7 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER and, as a result of the
8 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, appears to be an
9 imminent danger to others or to himself or herself or appears to be
10 gravely disabled, the court may order the person described in the affidavit
11 to be taken into custody and placed in a facility designated or approved
12 by the executive director for a seventy-two-hour treatment and evaluation.
13 Whenever in this ~~article~~ ARTICLE 65 a facility is to be designated or
14 approved by the executive director, hospitals, if available, ~~shall~~ MUST be
15 approved or designated in each county before other facilities are approved
16 or designated. Whenever in this ~~article~~ ARTICLE 65 a facility is to be
17 designated or approved by the executive director as a facility for a stated
18 purpose and the facility to be designated or approved is a private facility,
19 the consent of the private facility to the enforcement of standards set by
20 the executive director ~~shall be~~ IS a prerequisite to the designation or
21 approval.

22 (3) ~~Such~~ A facility shall require an application in writing, stating
23 the circumstances under which the person's condition was called to the
24 attention of the intervening professional and further stating sufficient
25 facts, obtained from the personal observations of the intervening
26 professional or obtained from others whom he or she reasonably believes
27 to be reliable, to establish that the person has a BEHAVIORAL OR mental

1 ~~illness~~ HEALTH DISORDER and, as a result of the BEHAVIORAL OR mental
2 ~~illness~~ HEALTH DISORDER, is an imminent danger to others or to himself
3 or herself or is gravely disabled. The application ~~shall~~ MUST indicate
4 when the person was taken into custody and who brought the person's
5 condition to the attention of the intervening professional. A copy of the
6 application ~~shall~~ MUST be furnished to the person being evaluated, and the
7 application ~~shall~~ MUST be retained in accordance with the provisions of
8 section 27-65-121 (4).

9 **SECTION 233.** In Colorado Revised Statutes, 27-65-106, **amend**
10 (1), (2), (3) introductory portion, (3)(c), (5), and (6) as follows:

11 **27-65-106. Court-ordered evaluation for persons with**
12 **behavioral or mental health disorders.** (1) Any person alleged to have
13 a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER and, as a result of the
14 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, to be a danger to others
15 or to himself or herself or to be gravely disabled may be given an
16 evaluation of his or her condition under a court order pursuant to this
17 section.

18 (2) Any individual may petition the court in the county in which
19 the respondent resides or is physically present alleging that there is a
20 person who appears to have a BEHAVIORAL OR mental ~~illness~~ HEALTH
21 DISORDER and, as a result of the BEHAVIORAL OR mental ~~illness~~ HEALTH
22 DISORDER, appears to be a danger to others or to himself or herself or
23 appears to be gravely disabled and requesting ~~that~~ an evaluation of the
24 person's condition. ~~be made.~~

25 (3) The petition for a court-ordered evaluation ~~shall~~ MUST contain
26 the following:

27 (c) Allegations of fact indicating that the respondent may have a

1 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER and, as a result of the
2 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, be a danger to others
3 or to himself or herself or be gravely disabled and showing reasonable
4 grounds to warrant an evaluation;

5 (5) Following screening, the facility or professional person
6 designated by the court shall file his or her report with the court. The
7 report ~~shall~~ MUST include a recommendation as to whether there is
8 probable cause to believe that the respondent has a BEHAVIORAL OR
9 mental ~~illness~~ HEALTH DISORDER and, as a result of the BEHAVIORAL OR
10 mental ~~illness~~ HEALTH DISORDER, is a danger to others or to himself or
11 herself or is gravely disabled and whether the respondent will voluntarily
12 receive evaluation or treatment. The screening report submitted to the
13 court ~~shall be~~ IS confidential in accordance with section 27-65-121 and
14 ~~shall~~ MUST be furnished to the respondent or his or her attorney or
15 personal representative.

16 (6) Whenever it appears, by petition and screening pursuant to this
17 section, to the satisfaction of the court that probable cause exists to
18 believe that the respondent has a BEHAVIORAL OR mental ~~illness~~ HEALTH
19 DISORDER and, as a result of the BEHAVIORAL OR mental ~~illness~~ HEALTH
20 DISORDER, is a danger to others or to himself or herself or is gravely
21 disabled and that efforts have been made to secure the cooperation of the
22 respondent, who has refused or failed to accept evaluation voluntarily, the
23 court shall issue an order for evaluation authorizing a certified peace
24 officer to take the respondent into custody and place him or her in a
25 facility designated by the executive director for seventy-two-hour
26 treatment and evaluation. At the time of taking the respondent into
27 custody, a copy of the petition and the order for evaluation ~~shall~~ MUST be

1 given to the respondent, and promptly thereafter to any one person
2 designated by ~~such~~ THE respondent and to the person in charge of the
3 seventy-two-hour treatment and evaluation facility named in the order or
4 his or her designee.

5 **SECTION 234.** In Colorado Revised Statutes, 27-65-107, **amend**
6 (1) introductory portion, (1)(a), and (2) as follows:

7 **27-65-107. Certification for short-term treatment - procedure.**

8 (1) If a person detained for seventy-two hours ~~under~~ PURSUANT TO the
9 provisions of section 27-65-105 or a respondent under court order for
10 evaluation pursuant to section 27-65-106 has received an evaluation, he
11 or she may be certified for not more than three months of short-term
12 treatment under the following conditions:

13 (a) The professional staff of the agency or facility providing
14 seventy-two-hour treatment and evaluation has analyzed the person's
15 condition and has found the person has a BEHAVIORAL OR mental ~~illness~~
16 HEALTH DISORDER and, as a result of the BEHAVIORAL OR mental ~~illness~~
17 HEALTH DISORDER, is a danger to others or to himself or herself or is
18 gravely disabled.

19 (2) The notice of certification must be signed by a professional
20 person on the staff of the evaluation facility who participated in the
21 evaluation and ~~shall~~ MUST state facts sufficient to establish reasonable
22 grounds to believe that the person has a BEHAVIORAL OR mental ~~illness~~
23 HEALTH DISORDER and, as a result of the BEHAVIORAL OR mental ~~illness~~
24 HEALTH DISORDER, is a danger to others or to himself or herself or is
25 gravely disabled. The certification ~~shall~~ MUST be filed with the court
26 within forty-eight hours, excluding Saturdays, Sundays, and court
27 holidays, of the date of certification. The certification ~~shall~~ MUST be filed

1 with the court in the county in which the respondent resided or was
2 physically present immediately prior to ~~his or her~~ being taken into
3 custody.

4 **SECTION 235.** In Colorado Revised Statutes, 27-65-109, **amend**
5 (1) introductory portion, (1)(a), (4), and (5) as follows:

6 **27-65-109. Long-term care and treatment of persons with**
7 **behavioral or mental health disorders - procedure.** (1) Whenever a
8 respondent has received short-term treatment for five consecutive months
9 ~~under~~ PURSUANT TO the provisions of sections 27-65-107 and 27-65-108,
10 the professional person in charge of the evaluation and treatment may file
11 a petition with the court for long-term care and treatment of the
12 respondent under the following conditions:

13 (a) The professional staff of the agency or facility providing
14 short-term treatment has analyzed the respondent's condition and has
15 found that the respondent has a BEHAVIORAL OR mental ~~illness~~ HEALTH
16 DISORDER and, as a result of the BEHAVIORAL OR mental ~~illness~~ HEALTH
17 DISORDER, is a danger to others or to himself or herself or is gravely
18 disabled.

19 (4) The court or jury shall determine whether the conditions of
20 subsection (1) of this section are met and whether the respondent has a
21 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER and, as a result of the
22 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, is a danger to others
23 or to himself or herself or is gravely disabled. The court shall thereupon
24 issue an order of long-term care and treatment for a term not to exceed six
25 months, or it shall discharge the respondent for whom long-term care and
26 treatment was sought, or it shall enter any other appropriate order, subject
27 to available appropriations. An order for long-term care and treatment

1 ~~shall~~ MUST grant custody of the respondent to the department for
2 placement with an agency or facility designated by the executive director
3 to provide long-term care and treatment. When a petition contains a
4 request that a specific legal disability be imposed or that a specific legal
5 right be deprived, the court may order the disability imposed or the right
6 deprived if ~~it~~ THE COURT or a jury has determined that the respondent has
7 a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER or is gravely disabled
8 and that, by reason thereof, the person is unable to competently exercise
9 said right or perform the function as to which the disability is sought to
10 be imposed. Any interested person may ask leave of the court to intervene
11 as a copetitioner for the purpose of seeking the imposition of a legal
12 disability or the deprivation of a legal right.

13 (5) An original order of long-term care and treatment or any
14 extension of such order ~~shall expire upon~~ EXPIRES ON the date specified,
15 ~~therein~~, unless further extended as provided in this subsection (5). If an
16 extension is being sought, the professional person in charge of the
17 evaluation and treatment shall certify to the court at least thirty days prior
18 to the expiration date of the order in force that an extension of the order
19 is necessary for the care and treatment of the respondent subject to the
20 order in force, and a copy of the certification ~~shall~~ MUST be delivered to
21 the respondent and simultaneously mailed to his or her attorney of record.
22 At least twenty days before the expiration of the order, the court shall
23 give written notice to the respondent and his or her attorney of record that
24 a hearing upon the extension may be had before the court or a jury upon
25 written request to the court within ten days after receipt of the notice. If
26 ~~no~~ A hearing is NOT requested by the respondent within such time, the
27 court may proceed ex parte. If a hearing is timely requested, it ~~shall~~ MUST

1 be held before the expiration date of the order in force. If the court or jury
2 finds that the conditions of subsection (1) of this section continue to be
3 met and that the respondent has a BEHAVIORAL OR mental ~~illness~~ HEALTH
4 DISORDER and, as a result of the BEHAVIORAL OR mental ~~illness~~ HEALTH
5 DISORDER, is a danger to others or to himself or herself or is gravely
6 disabled, the court shall issue an extension of the order. Any extension
7 ~~shall be for a period of not more than~~ MUST NOT EXCEED six months, but
8 there may be as many extensions as the court orders pursuant to this
9 section.

10 **SECTION 236.** In Colorado Revised Statutes, 27-65-111, **amend**
11 (1) as follows:

12 **27-65-111. Hearing procedures - jurisdiction.** (1) Hearings
13 before the court ~~under~~ PURSUANT TO section 27-65-107, 27-65-108, or
14 27-65-109 ~~shall be~~ ARE conducted in the same manner as other civil
15 proceedings before the court. The burden of proof ~~shall be upon~~ IS ON the
16 person or facility seeking to detain the respondent. The court or jury shall
17 determine that the respondent is in need of care and treatment only if the
18 court or jury finds by clear and convincing evidence that the person has
19 a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER and, as a result of the
20 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, is a danger to others
21 or to himself or herself or is gravely disabled.

22 **SECTION 237.** In Colorado Revised Statutes, 27-65-121, **amend**
23 (1) introductory portion, (1)(g), and (1)(h) as follows:

24 **27-65-121. Records.** (1) Except as provided in subsection (2) of
25 this section, all information obtained and records prepared in the course
26 of providing any services ~~under~~ PURSUANT TO this ~~article~~ ARTICLE 65 to
27 individuals ~~under~~ PURSUANT TO any provision of this ~~article shall be~~

1 ARTICLE 65 ARE confidential and privileged matter. The information and
2 records may be disclosed only:

3 (g) To adult family members upon admission of a person with a
4 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER for inpatient or
5 residential care and treatment. The only information THAT MAY BE
6 released pursuant to this ~~paragraph (g) shall be~~ SUBSECTION (1)(g) IS the
7 location and fact of admission of the person with a BEHAVIORAL OR
8 mental ~~illness~~ HEALTH DISORDER who is receiving care and treatment. The
9 disclosure of location is governed by the procedures in section 27-65-122
10 and is subject to review ~~under~~ PURSUANT TO section 27-65-122.

11 (h) To adult family members actively participating in the care and
12 treatment of a person with a BEHAVIORAL OR mental ~~illness~~ HEALTH
13 DISORDER regardless of the length of the participation. The information
14 released pursuant to this ~~paragraph (h) shall be~~ SUBSECTION (1)(h) IS
15 limited to one or more of the following: The diagnosis, the prognosis, the
16 need for hospitalization and anticipated length of stay, the discharge plan,
17 the medication administered and side effects of the medication, and the
18 short-term and long-term treatment goals. The disclosure is governed by
19 the procedures in section 27-65-122 (2) and is subject to review ~~under~~
20 PURSUANT TO section 27-65-122.

21 **SECTION 238.** In Colorado Revised Statutes, 27-65-122, **amend**
22 (1), (2), (3), (4), (6), and (7) as follows:

23 **27-65-122. Request for release of information - procedures -**
24 **review of a decision concerning release of information.** (1) When a
25 family member requests the location and fact of admission of a person
26 with a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER pursuant to
27 section 27-65-121 (1)(g), the treating professional person or his or her

1 designee, who shall MUST be a professional person, shall decide whether
2 to release or withhold such information. The location shall MUST be
3 released unless the treating professional person or his or her designee
4 determines, after an interview with the person with a BEHAVIORAL OR
5 mental illness HEALTH DISORDER, that release of the information to a
6 particular family member would not be in the best interests of the person
7 with a BEHAVIORAL OR mental illness HEALTH DISORDER. Any decision to
8 withhold information requested pursuant to section 27-65-121 (1)(g) is
9 subject to administrative review pursuant to this section upon request of
10 a family member or the person with a BEHAVIORAL OR mental illness
11 HEALTH DISORDER. The treating facility shall make a record of the
12 information given to a family member pursuant to this subsection (1). For
13 the purposes of this subsection (1), an adult person having a similar
14 relationship to a person with a BEHAVIORAL OR mental illness HEALTH
15 DISORDER as a spouse, parent, child, or sibling of a person with a
16 BEHAVIORAL OR mental illness HEALTH DISORDER may also request the
17 location and fact of admission concerning a person with a BEHAVIORAL
18 OR mental illness HEALTH DISORDER.

19 (2) (a) When a family member requests information pursuant to
20 section 27-65-121 (1)(h) concerning a person with a BEHAVIORAL OR
21 mental illness HEALTH DISORDER, the treating professional person or his
22 or her designee shall determine whether the person with a BEHAVIORAL
23 OR mental illness HEALTH DISORDER is capable of making a rational
24 decision in weighing his or her confidentiality interests and the care and
25 treatment interests implicated by the release of information. The treating
26 professional person or his or her designee shall then determine whether
27 the person with a BEHAVIORAL OR mental illness HEALTH DISORDER

1 consents or objects to ~~such~~ THE release OF INFORMATION. Information
2 ~~shall~~ MUST be released or withheld in the following circumstances:

3 (I) If the treating professional person or his or her designee makes
4 a finding that the person with a BEHAVIORAL OR mental ~~illness~~ HEALTH
5 DISORDER is capable of making a rational decision concerning his or her
6 interests and the person with a BEHAVIORAL OR mental ~~illness~~ HEALTH
7 DISORDER consents to the release of information, the treating professional
8 person or his or her designee shall order the release of the information
9 unless he or she determines that the release would not be in the best
10 interests of the person with a BEHAVIORAL OR mental ~~illness~~ HEALTH
11 DISORDER.

12 (II) If the treating professional person or his or her designee
13 makes a finding that the person with a BEHAVIORAL OR mental ~~illness~~
14 HEALTHDISORDER is capable of making a rational decision concerning his
15 or her interests and the person with a BEHAVIORAL OR mental ~~illness~~
16 HEALTH DISORDER objects to the release of information, the treating
17 professional person or his or her designee shall not order the release of
18 the information.

19 (III) If the treating professional person or his or her designee
20 makes a finding that the person with a BEHAVIORAL OR mental ~~illness~~
21 HEALTHDISORDER is not capable of making a rational decision concerning
22 his or her interests, the treating professional person or his or her designee
23 may order the release of the information if he or she determines that the
24 release would be in the best interests of the person with a BEHAVIORAL OR
25 mental ~~illness~~ HEALTH DISORDER.

26 (IV) Any determination as to capacity ~~under~~ PURSUANT TO this
27 ~~paragraph (a) shall~~ SUBSECTION (2)(a) MUST be used only for the limited

1 purpose of this ~~paragraph~~ SUBSECTION (2)(a).

2 (b) A decision by a treating professional person or his or her
3 designee concerning the capability of a person with a BEHAVIORAL OR
4 mental ~~illness~~ ~~under subparagraph (H) of paragraph (a) of this subsection~~
5 ~~(2)~~ HEALTH DISORDER PURSUANT TO SUBSECTION (2)(a)(III) OF THIS
6 SECTION is subject to administrative review upon the request of the person
7 with a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER. A decision by
8 a treating professional person or his or her designee to order the release
9 or withholding of information ~~under subparagraph (H) of paragraph (a)~~
10 ~~of this subsection (2)~~ PURSUANT TO SUBSECTION (2)(a)(III) OF THIS
11 SECTION is subject to administrative review upon the request of either a
12 family member or the person with a BEHAVIORAL OR mental ~~illness~~
13 HEALTH DISORDER.

14 (c) The director of the treating facility shall make a record of any
15 information given to a family member pursuant to ~~paragraph (a) of this~~
16 ~~subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION and section 27-65-121
17 (1)(h).

18 (3) When administrative review is requested either ~~under~~
19 PURSUANT TO subsection (1) or ~~paragraph (b) of subsection (2)~~
20 SUBSECTION (2)(b) of this section, the director of the facility providing
21 care and treatment to the person with a BEHAVIORAL OR mental ~~illness~~
22 HEALTH DISORDER shall cause an objective and impartial review of the
23 decision to withhold or release information. THE DIRECTOR OF THE
24 FACILITY SHALL CONDUCT the review, ~~shall be conducted by the director~~
25 ~~of the facility~~, if he or she is a professional person. ~~or by a professional~~
26 ~~person whom he or she designates~~ If the director is not available or if the
27 director cannot provide an objective and impartial review, THE REVIEW

1 SHALL BE CONDUCTED BY A PROFESSIONAL PERSON DESIGNATED BY THE
2 DIRECTOR OF THE FACILITY. The review ~~shall~~ MUST include, but need not
3 be limited to, an interview with the person with a BEHAVIORAL OR mental
4 ~~illness~~ HEALTH DISORDER. The facility providing care and treatment shall
5 document the review of the decision.

6 (4) If a person with a BEHAVIORAL OR mental ~~illness~~ HEALTH
7 DISORDER objects to the release or withholding of information, the person
8 with a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER and his or her
9 attorney, if any, ~~shall~~ MUST be provided with information concerning the
10 procedures for administrative review of a decision to release or withhold
11 information. The person with a BEHAVIORAL OR mental ~~illness~~ HEALTH
12 DISORDER ~~shall~~ MUST be informed of any information proposed to be
13 withheld or released and to whom and ~~shall~~ be given a reasonable
14 opportunity to initiate the administrative review process before
15 information concerning his or her care and treatment is released.

16 (6) A person with a BEHAVIORAL OR mental ~~illness~~ HEALTH
17 DISORDER may file a written request for review by the court of a decision
18 made upon administrative review to release information to a family
19 member requested ~~under~~ PURSUANT TO section 27-65-121 (1)(h) and
20 proposed to be released pursuant to subsection (2) of this section. If
21 judicial review is requested, the court shall hear the matter within ten days
22 after the request, and the court shall give notice to the person with a
23 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER and his or her attorney,
24 the treating professional person, and the person who made the decision
25 upon administrative review of the time and place ~~thereof~~ OF THE HEARING.
26 The hearing ~~shall~~ MUST be conducted in the same manner as other civil
27 proceedings before the court.

1 (7) In order to allow a person with a BEHAVIORAL OR mental
2 ~~illness~~ HEALTH DISORDER an opportunity to seek judicial review, the
3 treating facility or the treating professional person or his or her designee
4 shall not release information requested pursuant to section 27-65-121
5 (1)(h) until five days after the determination upon administrative review
6 of the director or his or her designee is received by the person with a
7 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, and, once judicial
8 review is requested, THE TREATING FACILITY OR THE TREATING
9 PROFESSIONAL PERSON OR HIS OR HER DESIGNEE SHALL NOT RELEASE
10 information ~~shall not be released~~ except by court order. However, if the
11 person with a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER indicates
12 an intention not to appeal a determination upon administrative review that
13 is adverse to him or her concerning the release of information, the
14 information may be released less than five days after the determination
15 upon review is received by the person with a BEHAVIORAL OR mental
16 ~~illness~~ HEALTH DISORDER.

17 **SECTION 239.** In Colorado Revised Statutes, 27-65-127, **amend**
18 (1)(a) and (2)(a) as follows:

19 **27-65-127. Imposition of legal disability - deprivation of legal**
20 **right - restoration.** (1) (a) When an interested person wishes to obtain
21 a determination as to the imposition of a legal disability or the deprivation
22 of a legal right for a person who has a BEHAVIORAL OR mental ~~illness~~
23 HEALTH DISORDER and who is a danger to himself or herself or others, is
24 gravely disabled, or is insane, as defined in section 16-8-101, ~~C.R.S.~~, and
25 who is not then subject to proceedings ~~under~~ PURSUANT TO this ~~article~~
26 ARTICLE 65 or part 3 or part 4 of article 14 of title 15, ~~C.R.S.~~, the
27 interested person may petition the court for a specific finding as to the

1 legal disability or deprivation of a legal right. Actions commenced
2 pursuant to this subsection (1) may include but ~~shall~~ ARE not ~~be~~ limited
3 to actions to determine contractual rights and rights with regard to the
4 operation of motor vehicles.

5 (2) The court may impose a legal disability or may deprive a
6 person of a legal right only upon finding both of the following:

7 (a) That the respondent is a person with a BEHAVIORAL OR mental
8 ~~illness~~ HEALTH DISORDER and is a danger to himself or herself or others,
9 gravely disabled, or insane, as defined in section 16-8-101; ~~C.R.S.~~;

10 **SECTION 240.** In Colorado Revised Statutes, **amend** 27-65-130
11 as follows:

12 **27-65-130. Behavioral and mental health service standards for**
13 **health care facilities.** The advisory board created by section 27-65-131
14 ~~shall be~~ IS responsible for recommending standards and rules relevant to
15 the provisions of this ~~article~~ ARTICLE 65 for the programs of BEHAVIORAL
16 OR mental health services to those patients in any health care facility that
17 has either separate facilities for the care, treatment, and rehabilitation of
18 persons with BEHAVIORAL OR mental health ~~problems~~ DISORDERS or those
19 health care facilities that have as their only purpose the CARE AND
20 treatment ~~and care~~ of such persons.

21 **SECTION 241.** In Colorado Revised Statutes, **amend** 27-65-131
22 as follows:

23 **27-65-131. Advisory board - service standards and rules.** ~~There~~
24 ~~is hereby established~~ An advisory board to the department IS ESTABLISHED
25 for the purpose of assisting and advising the executive director in
26 accordance with section 27-65-130 in the development of service
27 standards and rules. The board ~~shall consist~~ CONSISTS of not less than

1 eleven nor more than fifteen members appointed by the governor. ~~and~~
2 ~~shall include~~ THE ADVISORY BOARD INCLUDES one representative each
3 from ~~the unit in the department that administers behavioral health~~
4 ~~programs and services, including those related to mental health and~~
5 ~~substance abuse~~ THE OFFICE OF BEHAVIORAL HEALTH, the department of
6 human services, the department of public health and environment, the
7 university of Colorado health sciences center, and a leading professional
8 association of psychiatrists in this state; at least one member representing
9 proprietary skilled health care facilities; one member representing
10 nonprofit health care facilities; one member representing the Colorado bar
11 association; one member representing consumers of SERVICES FOR
12 PERSONS WITH BEHAVIORAL OR mental health ~~services~~ DISORDERS; one
13 member representing families of persons with BEHAVIORAL OR mental
14 ~~illness~~ HEALTH DISORDERS; one member representing children's health
15 care facilities; and other persons from both the private and the public
16 sectors who are recognized or known to be interested and informed in the
17 area of the board's purpose and function. In making appointments to the
18 board, the governor is encouraged to include representation by at least
19 one member who is a person with a disability, as defined in section
20 24-45.5-102 (2), ~~C.R.S.~~, a family member of a person with a disability,
21 or a member of an advocacy group for persons with disabilities, provided
22 that the other requirements of this section are met.

23 **SECTION 242.** In Colorado Revised Statutes, 27-66-101, **amend**
24 the introductory portion, (1), (2) introductory portion, (3), and (6) as
25 follows:

26 **27-66-101. Definitions.** As used in this ~~article~~ ARTICLE 66, unless
27 the context otherwise requires:

1 (1) "Acute treatment unit" means a facility or a distinct part of a
2 facility for short-term psychiatric care, which may include substance
3 abuse treatment AND TREATMENT FOR SUBSTANCE USE DISORDERS, that
4 provides a total, twenty-four-hour, therapeutically planned and
5 professionally staffed environment for persons who do not require
6 inpatient hospitalization but need more intense and individual services
7 than are available on an outpatient basis, such as crisis management and
8 stabilization services.

9 (2) "Community mental health center" means either a physical
10 plant or a group of services under unified administration or affiliated with
11 one another, and including at least the following services provided for the
12 prevention and treatment of BEHAVIORAL OR mental illness HEALTH
13 DISORDERS in persons residing in a particular community in or near the
14 facility so situated:

15 (3) "Community mental health clinic" means a health institution
16 planned, organized, operated, and maintained to provide basic community
17 services for the prevention, diagnosis, and treatment of emotional, or
18 BEHAVIORAL, OR mental HEALTH disorders, such services being rendered
19 primarily on an outpatient and consultative basis.

20 ~~(6) "Unit" means the unit in the department that administers~~
21 ~~behavioral health programs and services, including those related to mental~~
22 ~~health and substance abuse~~ "OFFICE OF BEHAVIORAL HEALTH" MEANS THE
23 OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT.

24 **SECTION 243.** In Colorado Revised Statutes, 27-66-105, **amend**
25 (1) introductory portion, (1)(f), and (2)(e) as follows:

26 **27-66-105. Standards for approval.** (1) In approving or
27 rejecting community mental health clinics for the purchase of

1 BEHAVIORAL OR mental health services, the executive director shall:

2 (f) Consider the existence of facilities that provide an emphasis on
3 the care and treatment of persons recently released from ~~mental~~ hospitals
4 or ~~institutions~~ FACILITIES directed toward assisting ~~said~~ persons WITH
5 BEHAVIORAL OR MENTAL HEALTH DISORDERS in their adjustment to and
6 functioning within society as a whole.

7 (2) In approving or rejecting local general or psychiatric hospitals,
8 community mental health centers, acute treatment units, and other
9 agencies for the purchase of services not provided by local mental health
10 clinics, including, but not limited to, twenty-four-hour and partial
11 hospitalization, the executive director shall consider the following factors:

12 (e) The methods by which the agency coordinates its services with
13 those rendered by other agencies to ensure an uninterrupted continuum of
14 care to persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS;
15 and

16 **SECTION 244.** In Colorado Revised Statutes, 27-67-103, **amend**
17 the introductory portion, (2)(a), and (3) introductory portion as follows:

18 **27-67-103. Definitions.** As used in this ~~article~~ ARTICLE 67, unless
19 the context otherwise requires:

20 (2) "Child at risk of out-of-home placement" means a child who,
21 although not otherwise categorically eligible for medicaid, meets the
22 following criteria:

23 (a) Has been diagnosed as having a BEHAVIORAL OR mental ~~illness~~
24 HEALTH DISORDER, as defined in section ~~27-65-102(14)~~ 27-65-102 (11.5);

25 (3) "Community mental health center" means either a physical
26 plant or a group of services under unified administration or affiliated with
27 one another and includes at least the following services provided for the

1 prevention and treatment of BEHAVIORAL OR mental ~~illness~~ HEALTH
2 DISORDERS in persons residing in a particular community in or near the
3 facility or group so situated:

4 **SECTION 245.** In Colorado Revised Statutes, 27-69-101, **amend**
5 (1) introductory portion, (1)(a), (1)(e), and (2) as follows:

6 **27-69-101. Legislative declaration.** (1) The general assembly
7 ~~hereby~~ finds and declares that:

8 (a) Colorado families and youth have difficulties navigating the
9 mental AND BEHAVIORAL health, physical health, substance abuse,
10 INTELLECTUAL AND developmental disabilities, education, juvenile
11 justice, child welfare, and other state and local systems that are
12 compounded when the youth has a BEHAVIORAL, mental ~~illness~~ HEALTH,
13 or co-occurring disorder;

14 (e) A family advocate or a family systems navigator helps state
15 and local agencies and systems adopt more strengths-based-targeted
16 programs, policies, and services to better meet the needs of families and
17 their youth with BEHAVIORAL, mental ~~illness~~ HEALTH, or co-occurring
18 disorders and improve outcomes for all, including families, youth, and the
19 agencies they utilize;

20 (2) It is therefore in the state's best interest to develop rules and
21 standards and provide technical assistance and coordination for the family
22 advocacy mental health juvenile justice programs for system-of-care
23 family advocates and family systems navigators for BEHAVIORAL OR
24 mental health juvenile justice populations who navigate across
25 BEHAVIORAL OR mental health, physical health, substance abuse,
26 INTELLECTUAL AND developmental disabilities, juvenile justice,
27 education, child welfare, and other state and local systems to ensure

1 sustained and thoughtful family participation in the planning processes of
2 the care for their children and youth.

3 **SECTION 246.** In Colorado Revised Statutes, 27-69-102, **amend**
4 the introductory portion and (1); **repeal** (10); and **add** (6.5) as follows:

5 **27-69-102. Definitions.** As used in this ~~article~~ ARTICLE 69, unless
6 the context otherwise requires:

7 (1) "Co-occurring disorders" means disorders that commonly
8 coincide with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS and may
9 include, but are not limited to, substance ~~abuse~~, USE DISORDERS,
10 INTELLECTUAL AND developmental disabilities, fetal alcohol syndrome,
11 and traumatic brain injury.

12 (6.5) "OFFICE OF BEHAVIORAL HEALTH" MEANS THE OFFICE OF
13 BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES.

14 (10) ~~"Unit" means the unit in the department of human services~~
15 ~~that administers behavioral health programs and services, including those~~
16 ~~related to mental health and substance abuse.~~

17 **SECTION 247.** In Colorado Revised Statutes, **amend** 27-69-103
18 as follows:

19 **27-69-103. Programs established.** ~~There are hereby established~~
20 THE family advocacy BEHAVIORAL AND mental health juvenile justice
21 programs ARE ESTABLISHED for system-of-care family advocates and
22 family systems navigators for ~~mental health~~ INDIVIDUALS WITH
23 BEHAVIORAL OR MENTAL HEALTH DISORDERS IN THE juvenile justice
24 ~~populations that shall~~ POPULATION THAT MUST be implemented and
25 monitored by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, with input,
26 cooperation, and support from the division of criminal justice, created in
27 section 24-33.5-502, ~~C.R.S.~~, the task force created in section 18-1.9-104,

1 ~~C.R.S.~~, and family advocacy coalitions.

2 **SECTION 248.** In Colorado Revised Statutes, 27-69-104, **amend**
3 (1), (2), (3) introductory portion, (3)(a), (3)(b), (3)(d) introductory
4 portion, (3)(d)(III), and (3)(d)(IV) as follows:

5 **27-69-104. Program scope - rules.** (1) The ~~unit~~ OFFICE shall
6 promulgate rules and standards, after consultation with family advocacy
7 coalitions and other stakeholders, for family advocacy BEHAVIORAL AND
8 mental health juvenile justice programs for system-of-care family
9 advocates and family systems navigators for BEHAVIORAL OR mental
10 health juvenile justice populations. The programs ~~shall~~ MUST:

11 (a) Focus on youth with BEHAVIORAL, mental ~~illness~~ HEALTH, or
12 co-occurring disorders who are involved in or at risk of involvement with
13 the juvenile justice system and be based upon the families' and youths'
14 strengths; and

15 (b) Provide navigation, crisis response, integrated planning,
16 transition services, and diversion from the juvenile justice system for
17 youth with BEHAVIORAL, mental ~~illness~~ HEALTH, or co-occurring
18 disorders.

19 (2) The ~~unit~~ OFFICE shall provide technical assistance and
20 coordination of family advocacy BEHAVIORAL AND mental health juvenile
21 justice programs throughout the state that provide system-of-care family
22 advocates and family systems navigators for BEHAVIORAL OR mental
23 health juvenile justice populations with support to implement and sustain
24 programs that best meet the needs of youth, families, and communities.

25 (3) Key components of the family advocacy BEHAVIORAL AND
26 mental health juvenile justice programs for system-of-care family
27 advocates and family systems navigators for BEHAVIORAL OR mental

1 health juvenile justice populations ~~shall~~ include:

2 (a) Coordination with the key stakeholders involved in the local
3 community to ensure consistent and effective collaboration. This
4 collaboration may include, but need not be limited to, a family advocacy
5 organization, representatives of the juvenile court, the probation
6 department, the district attorney's office, the public defender's office, a
7 school district, the division of youth corrections within the department of
8 human services, a county department of social or human services, a local
9 community mental health center, and a regional behavioral health
10 organization, and may include representatives of a local law enforcement
11 agency, a county public health department, a substance ~~abuse~~ USE
12 DISORDER TREATMENT program, a community-centered board, a local
13 juvenile services planning committee, and other community partners;

14 (b) Services to youth with BEHAVIORAL, mental ~~illness~~ HEALTH,
15 or co-occurring disorders who are involved in or at risk of involvement
16 with the juvenile justice system and other state and local systems;

17 (d) Services provided by system-of-care family advocates or
18 family systems navigators for BEHAVIORAL OR mental health juvenile
19 justice populations ~~which services shall~~ MUST include:

20 (III) Education programs related to BEHAVIORAL, mental ~~illness~~
21 HEALTH, OR co-occurring disorders; youth and family involvement in the
22 system of care; the juvenile justice system; and other relevant systems;

23 (IV) Cooperative training programs for family advocates or family
24 systems navigators and for staff, where applicable, of BEHAVIORAL OR
25 mental health DISORDERS, physical health, substance abuse AND
26 SUBSTANCE USE DISORDERS, INTELLECTUAL AND developmental
27 disabilities, education, child welfare, juvenile justice, and other state and

1 local systems related to the role and partnership between the family
2 advocates or family systems navigators and the systems ~~that affect~~
3 AFFECTING youth and their family;

4 **SECTION 249.** In Colorado Revised Statutes, 27-69-105, **amend**
5 (3) introductory portion, (3)(a), and (3)(b) as follows:

6 **27-69-105. Evaluation and reporting.** (3) As determined by the
7 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, in consultation with family
8 advocacy programs, each integrated system-of-care family advocacy
9 program for ~~mental health~~ INDIVIDUALS WITH BEHAVIORAL OR MENTAL
10 HEALTH DISORDERS IN THE juvenile justice ~~populations~~ POPULATION shall
11 forward data to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, including:

12 (a) System utilization outcomes, including, but not limited to,
13 available data on services provided related to BEHAVIORAL OR mental
14 health, physical health, juvenile justice, INTELLECTUAL AND
15 developmental disabilities, substance abuse AND SUBSTANCE USE
16 DISORDERS, child welfare, traumatic brain injuries, school services, and
17 co-occurring disorders;

18 (b) Youth and family outcomes, related to, but not limited to,
19 BEHAVIORAL OR mental health, substance abuse AND SUBSTANCE USE
20 DISORDERS, INTELLECTUAL AND developmental disabilities, juvenile
21 justice, and traumatic brain injury issues;

22 **SECTION 250.** In Colorado Revised Statutes, 27-80-101, **amend**
23 the introductory portion and (2); **repeal** (6); and **add** (4.7) as follows:

24 **27-80-101. Definitions.** As used in this ~~article~~ ARTICLE 80, unless
25 the context otherwise requires:

26 (2) "Designated service area" means the geographical substate
27 planning area specified by the director of the ~~unit~~ OFFICE OF BEHAVIORAL

1 HEALTH to be served by a designated managed service organization, as
2 described in section 27-80-107.

3 (4.7) "OFFICE OF BEHAVIORAL HEALTH" MEANS THE OFFICE OF
4 BEHAVIORAL HEALTH IN THE DEPARTMENT.

5 (6) ~~"Unit" means the unit in the department that administers~~
6 ~~behavioral health programs and services, including those related to mental~~
7 ~~health and substance abuse.~~

8 **SECTION 251.** In Colorado Revised Statutes, 27-80-102, **amend**
9 (1) introductory portion and (2) as follows:

10 **27-80-102. Duties of the office of behavioral health.** (1) The
11 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall formulate a comprehensive
12 state plan for ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER
13 TREATMENT programs. THE OFFICE OF BEHAVIORAL HEALTH SHALL
14 SUBMIT the state plan ~~shall be submitted~~ to the governor and, upon his or
15 her approval, ~~shall be submitted~~ SUBMIT IT to the appropriate United
16 States agency for review and approval. The state plan ~~shall~~ MUST include,
17 but not be limited to:

18 (2) The department, acting by and through the ~~unit~~ OFFICE OF
19 BEHAVIORAL HEALTH, is designated as the sole state agency for the
20 supervision of the administration of the state plan.

21 **SECTION 252.** In Colorado Revised Statutes, 27-80-103, **amend**
22 (1), (3) introductory portion, (3)(e), (4), and (5) as follows:

23 **27-80-103. Grants for public programs.** (1) The ~~unit~~ OFFICE OF
24 BEHAVIORAL HEALTH may make grants, from ~~funds~~ MONEY appropriated
25 by the general assembly for purposes of this section or available from any
26 other governmental or private source, to approved public programs.

27 (3) In approving any public program, the ~~unit~~ OFFICE OF

1 BEHAVIORAL HEALTH shall take into consideration the following:

2 (e) ~~Such~~ ANY other information as the ~~unit~~ OFFICE OF BEHAVIORAL
3 HEALTH deems necessary.

4 (4) Applications for grants made ~~under~~ PURSUANT TO subsection
5 (1) of this section ~~shall be~~ ARE made to the ~~unit~~ OFFICE OF BEHAVIORAL
6 HEALTH, on forms furnished by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH,
7 and ~~shall~~ MUST contain ~~such information as the unit may require~~ ANY
8 INFORMATION THE OFFICE OF BEHAVIORAL HEALTH REQUIRES. Wherever
9 possible, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall give priority to
10 ~~those~~ public programs ~~which~~ THAT are community-based and include
11 services to children and juveniles as well as adults, that provide a
12 comprehensive range of services, and that evidence a high degree of
13 community support, either financial or in the furnishing of services and
14 facilities, or both.

15 (5) Whenever any department or agency of the state has ~~moneys~~
16 MONEY available from any source for public programs, ~~such~~ THE
17 department or agency is authorized to distribute the ~~moneys~~ MONEY in
18 accordance with the state plan and to make reasonable rules for the
19 administration of ~~such~~ THE public programs.

20 **SECTION 253.** In Colorado Revised Statutes, 27-80-104, **amend**
21 (1) introductory portion, (1)(c), and (2) as follows:

22 **27-80-104. Cancellation of grants.** (1) The ~~unit~~ OFFICE OF
23 BEHAVIORAL HEALTH may cancel ~~any~~ A grant for any public program for
24 any of the following reasons:

25 (c) The public program does not meet the standards or
26 requirements adopted by the department or does not conform to the
27 comprehensive state plan for ~~alcohol and drug abuse~~ SUBSTANCE USE

1 DISORDER TREATMENT programs.

2 (2) Before canceling a grant for the reasons set forth in ~~paragraph~~
3 ~~(c) of subsection (1)~~ SUBSECTION (1)(c) of this section, the ~~unit~~ OFFICE OF
4 BEHAVIORAL HEALTH shall notify the person or agency in charge of the
5 public program of the deficiency in the program, and ~~such~~ THE person or
6 agency ~~shall~~ MUST be given a reasonable amount of time ~~within~~ IN which
7 to correct the deficiency.

8 **SECTION 254.** In Colorado Revised Statutes, **amend** 27-80-106
9 as follows:

10 **27-80-106. Purchase of prevention and treatment services.**

11 (1) Using ~~funds~~ MONEY appropriated for purposes of this section or
12 available from any other governmental or private source, the ~~unit~~ OFFICE
13 OF BEHAVIORAL HEALTH may purchase services for prevention or for
14 treatment of alcohol and drug abuse OR SUBSTANCE USE DISORDERS or
15 both types of services on a contract basis from any tribal nation or any
16 public or private agency, organization, or institution approved by the ~~unit~~
17 OFFICE OF BEHAVIORAL HEALTH. The services purchased may be any of
18 those ~~which may be~~ provided through a public program, as set forth in
19 section 27-80-103 (2). In contracting for services, the ~~unit~~ OFFICE OF
20 BEHAVIORAL HEALTH shall attempt to obtain services that are in addition
21 to, and not a duplication of, existing available services or services that are
22 of a pilot or demonstration nature. ~~Any~~ AN agency operating a public
23 program may also purchase ~~such~~ services on a contract basis.

24 (2)(a) In addition to the services purchased pursuant to subsection
25 (1) of this section, using ~~funds~~ MONEY appropriated for purposes of this
26 section or available from any other governmental or private source, the
27 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may purchase services for the

1 treatment of alcohol and drug abuse OR SUBSTANCE USE DISORDERS on a
2 contract basis from a designated managed service organization for a
3 designated service area as set forth in section 27-80-107. A public or
4 private agency, organization, or institution approved by the ~~unit~~ OFFICE
5 OF BEHAVIORAL HEALTH through the process set forth in section
6 27-80-107 may be designated as a designated managed service
7 organization.

8 (b) Designated managed service organizations receiving ~~funds~~
9 MONEY pursuant to this subsection (2) shall comply with all relevant
10 provisions of ~~this article and the rules promulgated thereunder~~ AND RULES
11 PROMULGATED PURSUANT TO THIS ARTICLE 80.

12 **SECTION 255.** In Colorado Revised Statutes, 27-80-107, **amend**
13 (1), (2) introductory portion, (2)(b), (2)(d), (3), (4), (5), (6), and (7) as
14 follows:

15 **27-80-107. Designation of managed service organizations -**
16 **purchase of services - revocation of designation.** (1) The director of
17 the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall establish designated service
18 areas ~~for the provision of~~ TO PROVIDE SUBSTANCE USE DISORDER
19 treatment services ~~for alcohol and drug abuse~~ in a particular geographical
20 region of the state.

21 (2) ~~In order~~ To be selected as a designated managed service
22 organization to provide services in a particular designated service area,
23 a private corporation; for profit or not for profit; or a public agency,
24 organization, or institution shall apply to the ~~unit~~ OFFICE OF BEHAVIORAL
25 HEALTH for ~~such~~ A designation in the form and manner specified by the
26 executive director or the executive director's designee. ~~Such~~ THE
27 designation process ~~shall be~~ IS in lieu of a competitive bid process ~~under~~

1 PURSUANT TO the "Procurement Code", articles 101 to 112 of title 24.
2 ~~C.R.S.~~ The director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall make
3 the designation based on factors established by the executive director or
4 the executive director's designee. The factors for designation established
5 by the executive director or the executive director's designee shall include
6 ~~but shall not be limited to~~, the following:

7 (b) Whether the managed service organization has experience
8 working with publicly funded clients, including expertise in treating
9 priority populations designated by the ~~unit~~ OFFICE OF BEHAVIORAL
10 HEALTH;

11 (d) Whether the managed service organization has experience
12 using the cost-share principles used by the ~~unit~~ OFFICE OF BEHAVIORAL
13 HEALTH in its contracts with providers and is willing to cost-share;

14 (3) The designation of a managed service organization by the
15 director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, as described in
16 subsection (2) of this section, ~~shall be considered~~ IS an initial decision of
17 the department which may be reviewed by the executive director in
18 accordance with the provisions of section 24-4-105. ~~C.R.S.~~ Review by the
19 executive director in accordance with section 24-4-105 ~~C.R.S.~~, shall
20 ~~constitute~~ CONSTITUTES final agency action for purposes of judicial
21 review.

22 (4) The terms and conditions for providing SUBSTANCE USE
23 DISORDER treatment services shall MUST be specified in the contract
24 entered into between the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and the
25 designated managed service organization.

26 (5) The contract may include a provisional designation for ninety
27 days. At the conclusion of the ninety-day provisional period, the director

1 of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may choose to revoke the
2 contract or, subject to meeting the terms and conditions specified in the
3 contract, may choose to extend the contract for a stated time period.

4 (6) A managed service organization that is designated to serve a
5 designated service area may subcontract with a network of service
6 providers to provide treatment services for alcohol and drug abuse AND
7 SUBSTANCE USE DISORDERS within the particular designated service area.

8 (7) (a) The director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH
9 may revoke the designation of a designated managed service organization
10 upon a finding that the managed service organization is in violation of the
11 performance of the provisions of ~~this article or the rules promulgated~~
12 ~~thereunder. Such~~ OR RULES PROMULGATED PURSUANT TO THIS ARTICLE 80.
13 THE revocation ~~shall~~ MUST conform to the provisions and procedures
14 specified in article 4 of title 24, C.R.S., and ~~shall be made~~ OCCUR only
15 after notice and an opportunity for a hearing is provided as specified in
16 ~~that article~~ ARTICLE 4 OF TITLE 24. A hearing to revoke a designation as
17 a designated managed service organization ~~shall constitute~~ CONSTITUTES
18 final agency action for purposes of judicial review.

19 (b) Once a designation has been revoked pursuant to ~~paragraph (a)~~
20 ~~of this subsection (7)~~ SUBSECTION (7)(a) OF THIS SECTION, the director of
21 the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may designate one or more
22 service providers to provide the treatment services pending designation
23 of a new designated managed service organization or may enter into
24 contracts with subcontractors to provide the treatment services.

25 (c) From time to time, the director of the ~~unit~~ OFFICE OF
26 BEHAVIORAL HEALTH may solicit applications from applicants for
27 managed service organization designation to provide SUBSTANCE USE

1 DISORDER treatment services for a specified planning area or areas.

2 **SECTION 256.** In Colorado Revised Statutes, **amend** 27-80-108
3 as follows:

4 **27-80-108. Rules.** (1) The state board of human services, created
5 in section 26-1-107, ~~C.R.S.~~, has the power to promulgate rules governing
6 the provisions of this ~~article.~~ ~~Such~~ ARTICLE 80. THE rules may include, but
7 ~~shall not be~~ ARE NOT limited to:

8 (a) Requirements ~~to be met in~~ FOR the operation of a public
9 program, including record keeping and data compilation;

10 (b) Conditions that may be imposed on a public program ~~in order~~
11 for the program to maintain GRANT eligibility; ~~for a grant;~~

12 (c) Requirements for public and private agencies, organizations,
13 and institutions from which the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may
14 purchase services ~~under~~ PURSUANT TO section 27-80-106 (1);

15 (d) Requirements for managed service organizations that are
16 designated by the director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH to
17 provide services in a designated service area ~~under~~ PURSUANT TO section
18 27-80-106 (2);

19 (e) Standards that ~~must be met by~~ addiction counselors MUST
20 MEET to participate in public programs or to provide purchased services
21 and certification requirements necessary to be certified by the director of
22 the division of professions and occupations, pursuant to part 8 of article
23 43 of title 12; ~~C.R.S.~~;

24 (f) Any rules that are necessary to carry out the purposes of the
25 treatment program for high-risk pregnant women ~~that is created pursuant~~
26 ~~to~~ CREATED IN section 27-80-112.

27 **SECTION 257.** In Colorado Revised Statutes, **amend** 27-80-109

1 as follows:

2 **27-80-109. Coordination of state and federal funds and**
3 **programs.** (1) ~~All~~ Requests for state appropriations for ~~alcohol and drug~~
4 ~~abuse~~ SUBSTANCE USE DISORDER TREATMENT programs ~~shall~~ MUST be
5 submitted to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and the office of
6 state planning and budgeting on dates specified by the ~~unit~~ OFFICE OF
7 BEHAVIORAL HEALTH, consistent with requirements and procedures of the
8 office of state planning and budgeting. After studying each request, the
9 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall make a report ~~thereon~~, with its
10 comments and recommendations, including priorities for appropriations
11 and a statement as to whether the requested appropriation would be
12 consistent with the comprehensive state plan for ~~alcohol and drug abuse~~
13 SUBSTANCE USE DISORDER TREATMENT programs. ~~The reports of the unit~~
14 ~~shall be submitted~~ OFFICE OF BEHAVIORAL HEALTH SHALL SUBMIT ITS
15 REPORTS to the governor, the office of state planning and budgeting, and
16 the joint budget committee, together with all pertinent material on which
17 the REPORT'S recommendations ~~of the unit~~ are based.

18 (2) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall also review
19 applications for federal grants for ~~alcohol and drug abuse~~ SUBSTANCE USE
20 DISORDER TREATMENT programs submitted by any department or agency
21 of state government; ~~by any~~ political subdivision of the state; ~~by any~~
22 Indian tribal reservation; or ~~by any~~ other public or private agency,
23 organization, or institution. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall
24 transmit to the division of planning and to the appropriate United States
25 agency its comments and recommendations, together with a statement as
26 to whether the grant would be consistent with the comprehensive state
27 plan for ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER TREATMENT

1 programs.

2 **SECTION 258.** In Colorado Revised Statutes, **amend** 27-80-110
3 as follows:

4 **27-80-110. Reports.** The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH
5 shall submit a report, not later than November 1 of each year, to the
6 health and human services committees of the senate and house of
7 representatives, or any successor committees, on the costs and
8 effectiveness of ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER
9 programs in this state and on recommended legislation in the field of
10 alcohol and drug abuse AND SUBSTANCE USE DISORDERS.

11 **SECTION 259.** In Colorado Revised Statutes, **amend** 27-80-111
12 as follows:

13 **27-80-111. Counselor training - fund created.** (1) The
14 executive director shall establish by rule fees to be charged for addiction
15 counselor training. The amount assessed ~~shall~~ MUST be sufficient to cover
16 a portion of the costs of administering ~~such~~ THE training, and the ~~moneys~~
17 MONEY collected ~~therefor shall~~ MUST be deposited in the addiction
18 counselor training fund. Additional funding may be obtained from
19 general, cash, or federal funds otherwise appropriated to the ~~unit~~ OFFICE
20 OF BEHAVIORAL HEALTH.

21 (2) There is ~~hereby~~ created in the office of the state treasurer the
22 addiction counselor training ~~fund. Moneys~~ FUND, REFERRED TO IN THIS
23 SECTION AS THE "FUND". MONEY collected pursuant to subsection (1) of
24 this section shall be deposited in the fund. The ~~moneys~~ MONEY in the fund
25 ~~shall be~~ IS subject to annual appropriation by the general assembly to the
26 department for allocation to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH for
27 the administration of addiction counselor training requirements

1 established by rules of the state board of human services pursuant to
2 section 27-80-108 (1)(e). ~~Moneys~~ MONEY in the fund at the end of the
3 fiscal year ~~shall~~ MUST remain in the fund and ~~shall~~ not revert to the
4 general fund.

5 **SECTION 260.** In Colorado Revised Statutes, **amend** 27-80-113
6 as follows:

7 **27-80-113. Substance use and addiction counseling and**
8 **treatment - necessary components.** Any entity that qualifies to provide
9 services pursuant to section 25.5-5-202 (1)(r) ~~C.R.S.~~, in regard to the
10 treatment program for high-risk pregnant women, shall make available,
11 in addition to ~~alcohol and drug~~ SUBSTANCE USE and addiction counseling
12 and treatment: Risk assessment services; care coordination; nutrition
13 assessment; psychosocial counseling; intensive health education,
14 including ~~but not limited to~~ parenting education and education on risk
15 factors and appropriate health behaviors; home visits; transportation
16 services; and other services deemed necessary by the ~~unit~~ OFFICE OF
17 BEHAVIORAL HEALTH and the department of health care policy and
18 financing.

19 **SECTION 261.** In Colorado Revised Statutes, 27-80-116, **amend**
20 (1) introductory portion and (1)(b.5) as follows:

21 **27-80-116. Fetal alcohol spectrum disorders - legislative**
22 **declaration - health warning signs.** (1) The general assembly ~~hereby~~
23 finds and declares that:

24 (b.5) Compared to individuals diagnosed before age twelve,
25 individuals with undiagnosed FASD are two to four times more likely to
26 suffer from inappropriate sexual behavior; disrupted school experiences;
27 trouble with the law; ~~drug and~~ alcohol AND SUBSTANCE problems or

1 disorders; or confinement in a jail, ~~mental~~ A hospital OR TREATMENT
2 FACILITY FOR PERSONS WITH BEHAVIORAL OR MENTAL HEALTH DISORDERS,
3 or ~~drug and alcohol~~ A SUBSTANCE USE DISORDER treatment facility;

4 **SECTION 262.** In Colorado Revised Statutes, 27-80-117, **amend**
5 (2) and (3) as follows:

6 **27-80-117. Rural alcohol and substance abuse prevention and**
7 **treatment program - creation - administration - definitions - cash**
8 **fund - repeal.** (2) (a) (I) There is ~~hereby~~ created the rural alcohol and
9 substance abuse prevention and treatment program ~~within the unit~~ IN THE
10 OFFICE OF BEHAVIORAL HEALTH to provide:

11 (A) Prevention and treatment services to youth in rural areas.
12 ~~which~~ THE services may include ~~but need not be limited to~~ providing
13 alternative activities for youth through the rural youth alcohol and
14 substance abuse prevention and treatment project; and

15 (B) Treatment services ~~to persons addicted to alcohol or drugs~~
16 through the rural detoxification project FOR PERSONS WITH SUBSTANCE
17 USE DISORDERS.

18 (II) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall administer the
19 program pursuant to rules adopted by the state board of human services
20 as of January 1, 2010, or as amended by the state board. ~~thereafter.~~

21 (b) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall incorporate
22 provisions to implement the program into its regular contracting
23 mechanism for the purchase of prevention and treatment services
24 pursuant to section 27-80-106, including ~~but not limited to~~ detoxification
25 programs. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall develop a
26 method to equitably distribute and provide additional ~~moneys~~ MONEY
27 through contracts to provide for prevention services for and treatment of

1 persons in rural areas.

2 (c) Notwithstanding any provision of this section to the contrary,
3 the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall implement the program on
4 or after January 1, 2011, subject to the availability of sufficient ~~moneys~~
5 MONEY to operate an effective program, as determined by the ~~unit~~ OFFICE.

6 (3) (a) There is created in the state treasury the rural alcohol and
7 substance abuse cash fund, referred to in this section as the "fund", that
8 consists of the rural youth alcohol and substance abuse prevention and
9 treatment account, referred to in this section as the "youth account", and
10 the rural detoxification account, referred to in this section as the
11 "detoxification account". The fund is comprised of ~~moneys~~ MONEY
12 collected from surcharges assessed pursuant to sections 18-19-103.5,
13 42-4-1307 (10)(d)(I), and 42-4-1701 (4)(f). ~~C.R.S., which moneys shall~~
14 THE MONEY COLLECTED FROM THE SURCHARGES MUST be divided equally
15 between the youth account and the detoxification account. ~~and any~~
16 ~~moneys~~ THE FUND ALSO INCLUDES ANY MONEY credited to the fund
17 pursuant to ~~paragraph (b) of this subsection (3), which moneys shall~~
18 SUBSECTION (3)(b) OF THIS SECTION. MONEY IN THE FUND CREDITED
19 PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION MUST be divided
20 equally between the youth account and the detoxification account unless
21 the grantee or donor specifies to which account the grant, gift, or donation
22 is to be credited. The ~~moneys~~ MONEY in the fund ~~are~~ IS subject to annual
23 appropriation by the general assembly to the ~~unit~~ OFFICE OF BEHAVIORAL
24 HEALTH for the purpose of implementing the program. All interest derived
25 from the deposit and investment of ~~moneys~~ MONEY in the fund remains
26 in the fund. Any unexpended or unencumbered ~~moneys~~ MONEY remaining
27 in the fund at the end of a fiscal year ~~remain~~ REMAINS in the fund and

1 shall not be transferred or credited to the general fund or another fund;
2 except that any unexpended and unencumbered ~~moneys~~ MONEY remaining
3 in the fund as of August 30, 2025, ~~shall be~~ IS credited to the general fund.

4 (b) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH is authorized to
5 accept ~~any~~ grants, gifts, or donations from any private or public source on
6 behalf of the state for the purpose of the program. The ~~unit~~ OFFICE OF
7 BEHAVIORAL HEALTH shall transmit all private and public ~~moneys~~ MONEY
8 received through grants, gifts, or donations to the state treasurer, who
9 shall credit the same to the fund.

10 **SECTION 263.** In Colorado Revised Statutes, 27-80-203, **amend**
11 (9), (14), and (25); **repeal** (1) and (2); and **add** (23.3) and (23.5) as
12 follows:

13 **27-80-203. Definitions.** As used in this part 2, unless the context
14 otherwise requires:

15 (1) ~~"Addict" means a person who has a physical or psychological~~
16 ~~dependence on a controlled substance, which dependence develops~~
17 ~~following the use of the controlled substance on a periodic or continuing~~
18 ~~basis and is demonstrated by appropriate observation and tests by a~~
19 ~~person licensed to practice medicine pursuant to article 36 of title 12.~~
20 ~~C.R.S.~~

21 (2) ~~"Addiction program" means a program licensed under this part~~
22 ~~2 for the detoxification, withdrawal, or maintenance treatment of addicts.~~

23 (9) "Detoxification treatment" means a program for a short term
24 of not more than three weeks for the administering or dispensing, in
25 decreasing doses, of a controlled substance to ~~an addict~~ A PERSON WITH
26 A SUBSTANCE USE DISORDER while he or she is receiving appropriate
27 supportive medical treatment, with the immediate goal being to render the

1 ~~addict~~ PERSON no longer dependent on the intake of any amount of a
2 controlled substance.

3 (14) "Maintenance treatment" means a program of more than six
4 months' duration for the administering or dispensing of a controlled
5 substance, approved for such use by federal law or regulation, to ~~an addict~~
6 A PERSON WITH A SUBSTANCE USE DISORDER for the purpose of continuing
7 his or her dependence upon a controlled substance in the course of
8 conducting an authorized rehabilitation program for ~~addicts~~ PERSONS
9 WITH SUBSTANCE USE DISORDERS, with a long-term goal of decreasing the
10 ~~addict's~~ PERSON'S controlled substance dependency and leading to his or
11 her possible withdrawal.

12 (23.3) "SUBSTANCE USE DISORDER" MEANS A PHYSICAL OR
13 PSYCHOLOGICAL DEPENDENCE ON A CONTROLLED SUBSTANCE THAT
14 DEVELOPS FOLLOWING THE USE OF THE CONTROLLED SUBSTANCE ON A
15 PERIODIC OR CONTINUING BASIS AND IS DEMONSTRATED BY APPROPRIATE
16 OBSERVATION AND TESTS BY A PERSON LICENSED TO PRACTICE MEDICINE
17 PURSUANT TO ARTICLE 36 OF TITLE 12.

18 (23.5) "SUBSTANCE USE DISORDER TREATMENT PROGRAM" MEANS
19 A PROGRAM LICENSED PURSUANT TO THIS PART 2 FOR THE
20 DETOXIFICATION, WITHDRAWAL, OR MAINTENANCE TREATMENT OF A
21 PERSON WITH A SUBSTANCE USE DISORDER.

22 (25) "Withdrawal treatment" means a program for an intermediate
23 term, of more than three weeks but less than six months, for the
24 administering or dispensing, in decreasing doses, of a controlled
25 substance, approved for such use by federal law or regulation, to ~~an addict~~
26 A PERSON WITH A SUBSTANCE USE DISORDER while receiving rehabilitative
27 measures as indicated, with the immediate goal being to render the ~~addict~~

1 PERSON WITH THE SUBSTANCE USE DISORDER no longer dependent on the
2 intake of any amount of a controlled substance.

3 **SECTION 264.** In Colorado Revised Statutes, 27-80-204, **amend**
4 (1)(a) and (1)(b)(II) as follows:

5 **27-80-204. License required - controlled substances - repeal.**

6 (1) (a) In accordance with part 3 of article 18 of title 18, ~~C.R.S., an~~
7 ~~addiction~~ A SUBSTANCE USE DISORDER TREATMENT program that
8 compounds, administers, or dispenses a controlled substance shall
9 annually obtain a license issued by the department for each place of
10 business or professional practice located in this state.

11 (b) (II) Prior to the repeal, the department of regulatory agencies
12 shall review the licensing functions of the department as provided in
13 section 24-34-104. ~~C.R.S.~~ In conducting the review, the department of
14 regulatory agencies shall consider whether the licensing pursuant to this
15 subsection (1) should be combined with the licensing of any other ~~drug~~
16 ~~and alcohol addiction~~ SUBSTANCE USE DISORDER treatment programs by
17 the department.

18 **SECTION 265.** In Colorado Revised Statutes, 27-80-205, **amend**
19 (1) introductory portion and (3)(a.5) as follows:

20 **27-80-205. Issuance of license - fees.** (1) The department, as
21 provided in section 27-80-204 (1), shall issue the appropriate license to
22 each researcher and ~~addiction~~ SUBSTANCE USE DISORDER TREATMENT
23 program meeting all the requirements of this part 2 unless it determines
24 that the issuance of the license would be inconsistent with the public
25 interest. In determining the public interest, the department shall consider
26 the following factors:

27 (3) (a.5) The department may administratively set initial and

1 annual license fees for ~~addiction~~ SUBSTANCE USE DISORDER TREATMENT
2 programs to approximate the direct and indirect costs of the program.

3 **SECTION 266.** In Colorado Revised Statutes, 27-80-213, **amend**
4 (2) as follows:

5 **27-80-213. Rules.** (2) The department shall promulgate rules, in
6 accordance with article 4 of title 24, ~~C.R.S.~~, for research programs and for
7 the conduct of detoxification treatment, maintenance treatment, and
8 withdrawal treatment programs for ~~controlled substance addiction~~
9 SUBSTANCE USE DISORDERS RELATED TO CONTROLLED SUBSTANCES.

10 **SECTION 267.** In Colorado Revised Statutes, **amend** 27-81-101
11 as follows:

12 **27-81-101. Legislative declaration.** (1) It is the policy of this
13 state that ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and
14 intoxicated persons may not be subjected to criminal prosecution because
15 of their consumption of alcoholic beverages but rather should be afforded
16 a continuum of treatment ~~in order that~~ SO they may lead normal lives as
17 productive members of society. The general assembly ~~hereby~~ finds and
18 declares that ~~alcoholism~~ ALCOHOL USE DISORDERS and intoxication are
19 matters of statewide concern.

20 (2) With the passage of this ~~article~~ ARTICLE 81 at its first regular
21 session in 1973, the forty-ninth general assembly ~~has~~ recognized the
22 character and pervasiveness of alcohol abuse and ~~alcoholism~~ ALCOHOL
23 USE DISORDERS and that public intoxication and ~~alcoholism~~ ALCOHOL USE
24 DISORDERS are health problems that should be handled by public health
25 rather than criminal procedures. The general assembly further finds and
26 declares that no other health problem has been so seriously neglected and
27 that, while the costs of dealing with the problem are burdensome, the

1 social and economic costs and the waste of human resources caused by
2 alcohol abuse and ~~alcoholism~~ ALCOHOL USE DISORDERS are massive,
3 tragic, and no longer acceptable. The general assembly believes that the
4 best interests of this state demand an across-the-board AND locally
5 oriented attack on the PROBLEM OF massive alcohol abuse and ~~alcoholism~~
6 ~~problem~~ ALCOHOL USE DISORDERS and that this ~~article~~ ARTICLE 81 will
7 provide a base from which to launch the attack and reduce the tragic
8 human loss, but only if adequately funded. Therefore, in response to the
9 needs as determined by an ad hoc committee and to assist in the
10 implementation of this ~~article~~ ARTICLE 81 at both the local and state level,
11 the general assembly hereby appropriates ~~moneys~~ MONEY for: Receiving
12 and screening centers and their staffs; medical detoxification; intensive
13 treatment; halfway house care; outpatient rehabilitative therapy;
14 orientation, education, and in-service training; staff for the administration,
15 monitoring, and evaluation of the program; and operating costs for patient
16 transportation.

17 **SECTION 268.** In Colorado Revised Statutes, 27-81-102, **amend**
18 the introductory portion, (1), (3), (6), and (14); **repeal** (15); and **add**
19 (13.5) as follows:

20 **27-81-102. Definitions.** As used in this ~~article~~ ARTICLE 81, unless
21 the context otherwise requires:

22 (1) "~~Alcoholic~~" means a person who ~~habitually lacks self-control~~
23 ~~as to the use of alcoholic beverages or uses alcoholic beverages to the~~
24 ~~extent that his or her health is substantially impaired or endangered or his~~
25 ~~or her social or economic function is substantially disrupted.~~ Nothing in
26 this subsection (1) shall preclude the denomination of an alcoholic as
27 intoxicated by alcohol or incapacitated by alcohol "ALCOHOL USE

1 DISORDER" MEANS A CONDITION BY WHICH A PERSON HABITUALLY LACKS
2 SELF-CONTROL AS TO THE USE OF ALCOHOLIC BEVERAGES OR USES
3 ALCOHOLIC BEVERAGES TO THE EXTENT THAT HIS OR HER HEALTH IS
4 SUBSTANTIALLY IMPAIRED OR ENDANGERED OR HIS OR HER SOCIAL OR
5 ECONOMIC FUNCTION IS SUBSTANTIALLY DISRUPTED. NOTHING IN THIS
6 SUBSECTION (1) PRECLUDES THE DENOMINATION OF A PERSON WITH AN
7 ALCOHOL USE DISORDER AS INTOXICATED BY ALCOHOL OR INCAPACITATED
8 BY ALCOHOL.

9 (3) "Approved public treatment facility" means a treatment agency
10 operating under the direction and control of or approved by the ~~unit~~
11 OFFICE OF BEHAVIORAL HEALTH or providing treatment ~~under this article~~
12 PURSUANT TO THIS ARTICLE 81 through a contract with the ~~unit~~ ~~under~~
13 OFFICE OF BEHAVIORAL HEALTH PURSUANT TO section 27-81-105 (7) and
14 meeting the standards prescribed in section 27-81-106 (1) and approved
15 ~~under~~ PURSUANT TO section 27-81-106.

16 (6) "Director" means the director of the ~~unit~~ OFFICE OF
17 BEHAVIORAL HEALTH.

18 (13.5) "OFFICE OF BEHAVIORAL HEALTH" MEANS THE OFFICE OF
19 BEHAVIORAL HEALTH IN THE DEPARTMENT.

20 (14) "Treatment" means the broad range of emergency, outpatient,
21 intermediate, and inpatient services and care, including diagnostic
22 evaluation, medical, psychiatric, psychological, and social service care,
23 vocational rehabilitation, and career counseling that may be extended to
24 ~~alcoholics~~ A PERSON WITH AN ALCOHOL USE DISORDER and intoxicated
25 persons.

26 (15) "~~Unit~~" ~~means the unit in the department that administers~~
27 ~~behavioral health programs and services, including those related to mental~~

1 ~~health and substance abuse.~~

2 **SECTION 269.** In Colorado Revised Statutes, 27-81-103, **amend**
3 (1) introductory portion, (1)(a), (1)(b), (1)(d), (1)(e), and (1)(h) as
4 follows:

5 **27-81-103. Powers of the office of behavioral health.** (1) To
6 carry out the purposes of this ~~article, the unit~~ ARTICLE 81, THE OFFICE OF
7 BEHAVIORAL HEALTH may:

8 (a) Plan, establish, and maintain ALCOHOL USE DISORDER
9 treatment programs as necessary or desirable;

10 (b) Make contracts necessary or incidental to the performance of
11 its duties and the execution of its powers, including contracts with public
12 and private agencies, organizations, and individuals to pay them for
13 services rendered or furnished to ~~alcoholics~~ PERSONS WITH ALCOHOL USE
14 DISORDERS or intoxicated persons;

15 (d) Administer or supervise the administration of the provisions
16 relating to ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and
17 intoxicated persons of any state plan submitted for federal funding
18 pursuant to federal health, welfare, or treatment legislation;

19 (e) Coordinate its activities and cooperate with ~~alcoholism~~
20 ALCOHOL USE DISORDER TREATMENT programs in this state and other
21 states and make contracts and other joint or cooperative arrangements
22 with state, local, or private agencies in this state and other states for the
23 treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and
24 intoxicated persons and for the common advancement of ~~alcoholism~~
25 ALCOHOL USE DISORDER TREATMENT programs;

26 (h) Acquire, hold, or dispose of real property, or any interest
27 therein, and construct, lease, or otherwise provide ALCOHOL USE

1 DISORDER treatment facilities for ~~alcoholics~~ PERSONS WITH ALCOHOL USE
2 DISORDERS and intoxicated persons.

3 **SECTION 270.** In Colorado Revised Statutes, **amend** 27-81-104
4 as follows:

5 **27-81-104. Duties of the office of behavioral health - review.**

6 (1) In addition to duties prescribed by section 27-80-102, the ~~unit~~ OFFICE
7 OF BEHAVIORAL HEALTH shall:

8 (a) Develop, encourage, and foster statewide, regional, and local
9 plans and programs for the prevention of ~~alcoholism~~ ALCOHOL USE
10 DISORDERS and treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE
11 DISORDERS and intoxicated persons in cooperation with public and private
12 agencies, organizations, and individuals and provide technical assistance
13 and consultation services for these purposes;

14 (b) Coordinate the efforts and enlist the assistance of all public
15 and private agencies, organizations, and individuals interested in
16 prevention of ~~alcoholism~~ ALCOHOL USE DISORDERS and treatment of
17 ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated
18 persons;

19 (c) Utilize community mental health centers and clinics whenever
20 feasible;

21 (d) Cooperate with the department of corrections in establishing
22 and conducting programs for the prevention of ~~alcoholism~~ ALCOHOL USE
23 DISORDERS and treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE
24 DISORDERS and intoxicated persons in appropriate agencies and
25 institutions and for ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS
26 and intoxicated persons in or on parole from correctional institutions and
27 in carrying out duties specified ~~under paragraphs (i) and (k) of this~~

1 ~~subsection (1)~~ IN SUBSECTIONS (1)(i) AND (1)(k) OF THIS SECTION;

2 (e) Cooperate with the department of education, schools, police
3 departments, courts, and other public and private agencies, organizations,
4 and individuals in establishing programs for the prevention of ~~alcoholism~~
5 ALCOHOL USE DISORDERS and treatment of ~~alcoholics~~ PERSONS WITH
6 ALCOHOL USE DISORDERS and intoxicated persons and preparing
7 curriculum materials ~~thereon~~ for use at all levels of school education;

8 (f) Prepare, publish, evaluate, and disseminate educational
9 material dealing with the nature and effects of alcohol;

10 (g) Develop and implement, as an integral part of ALCOHOL USE
11 DISORDER treatment programs, an educational program for use in the
12 treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and
13 intoxicated persons. ~~which~~ THE program ~~shall~~ MUST include the
14 dissemination of information concerning the nature and effects of alcohol;

15 (h) Organize and foster training programs for all persons engaged
16 in treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and
17 intoxicated persons;

18 (i) Sponsor and encourage research into the causes and nature of
19 ~~alcoholism~~ ALCOHOL USE DISORDERS and treatment of ~~alcoholics~~ PERSONS
20 WITH ALCOHOL USE DISORDERS and intoxicated persons, and serve as a
21 clearinghouse for information relating to ~~alcoholism~~ ALCOHOL USE
22 DISORDERS;

23 (j) Specify uniform methods for keeping statistical information by
24 public and private agencies, organizations, and individuals and collect
25 and make available relevant statistical information, including number of
26 persons treated, frequency of admission and readmission, and frequency
27 and duration of treatment;

1 (k) Advise the governor in the preparation of a comprehensive
2 plan for treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS
3 and intoxicated persons for inclusion in the state's comprehensive health
4 plan;

5 (l) Review all state health, welfare, and treatment plans to be
6 submitted for federal funding under federal legislation and advise the
7 governor on provisions to be included relating to ~~alcoholism~~ ALCOHOL
8 USE DISORDERS, PERSONS WITH ALCOHOL USE DISORDERS, and intoxicated
9 persons;

10 (m) Assist in the development of, and cooperate with, alcohol
11 education and treatment programs for employees of state and local
12 governments and businesses and industries in this state;

13 (n) Utilize the support and assistance of interested persons in the
14 community, particularly ~~recovered alcoholics~~ PERSONS WITH ALCOHOL
15 USE DISORDERS THAT ARE IN REMISSION, to encourage ~~alcoholics~~ PERSONS
16 WITH ALCOHOL USE DISORDERS TO voluntarily ~~to~~ undergo treatment;

17 (o) Cooperate with the department of transportation in
18 establishing and conducting programs designed to deal with the problem
19 of persons operating motor vehicles while under the influence of, or
20 impaired by, alcohol;

21 (p) Encourage general hospitals and other appropriate health
22 facilities to admit without discrimination ~~alcoholics~~ PERSONS WITH
23 ALCOHOL USE DISORDERS and intoxicated persons and to provide them
24 with adequate and appropriate treatment;

25 (q) Encourage all health and disability insurance programs to
26 include ~~alcoholism~~ ALCOHOL USE DISORDERS as a covered illness; and

27 (r) Submit to the governor an annual report covering the activities

1 of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH.

2 **SECTION 271.** In Colorado Revised Statutes, **amend** 27-81-105
3 (1), (2) introductory portion, (3), (4), and (7) as follows:

4 **27-81-105. Comprehensive program for treatment - regional**
5 **facilities.** (1) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall establish a
6 comprehensive and coordinated program for the treatment of ~~alcoholics~~
7 PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons.

8 (2) Insofar as ~~funds~~ MONEY available to the ~~unit will permit~~
9 OFFICE OF BEHAVIORAL HEALTH PERMITS, the program established in
10 subsection (1) of this section ~~shall~~ MUST include all of the following:

11 (3) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall provide ~~for~~
12 adequate and appropriate treatment for ~~alcoholics~~ PERSONS WITH
13 ALCOHOL USE DISORDERS and intoxicated persons admitted ~~under~~
14 PURSUANT TO sections 27-81-109 to 27-81-112. Except as otherwise
15 provided in section 27-81-111, treatment may not be provided at a
16 correctional institution, except for inmates.

17 (4) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall maintain,
18 supervise, and control all facilities ~~operated by~~ it OPERATES subject to
19 policies of the department. The administrator of each facility shall make
20 an annual report of ~~its~~ THE FACILITY'S activities to the director in the form
21 and manner SPECIFIED BY the director. ~~specifies.~~

22 (7) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may contract for the
23 use of any facility as an approved public treatment facility if the director,
24 subject to the policies of the department, considers ~~this~~ IT to be an
25 effective and economical course to follow.

26 **SECTION 272.** In Colorado Revised Statutes, **amend** 27-81-106
27 as follows:

1 **27-81-106. Standards for public and private treatment**

2 **facilities - fees - enforcement procedures - penalties.** (1) In accordance
3 with the provisions of this ~~article, the unit~~ ARTICLE 81, THE OFFICE OF
4 BEHAVIORAL HEALTH shall establish standards for approved treatment
5 facilities that receive public funds. ~~The standards shall be met for a~~
6 ~~treatment facility to be approved as~~ A TREATMENT FACILITY SHALL MEET
7 THE ESTABLISHED STANDARDS TO BE APPROVED AS a public or private
8 treatment facility. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall fix the
9 fees to be charged for the required inspections. The fees ~~that are~~ charged
10 to approved treatment facilities that provide level I and level II programs,
11 as provided in section 42-4-1301.3 (3)(c), ~~€R.S., shall~~ MUST be
12 transmitted to the state treasurer, who shall credit the fees to the alcohol
13 and drug driving safety program fund created in section 42-4-1301.3
14 (4)(a). ~~€R.S.~~ The standards may concern only ~~the~~ health standards to be
15 met and standards of treatment to be afforded patients and ~~shall~~ MUST
16 reflect the success criteria established by the general assembly.

17 (2) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH SHALL periodically
18 ~~shall~~ inspect approved public and private treatment facilities at reasonable
19 times and in a reasonable manner.

20 (3) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall maintain a list
21 of approved public and private treatment facilities.

22 (4) Each approved public and private treatment facility shall file
23 with the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, on request, data, statistics,
24 schedules, and ANY OTHER information the ~~unit~~ OFFICE reasonably
25 requires. THE DIRECTOR SHALL REMOVE FROM THE LIST OF APPROVED
26 TREATMENT FACILITIES an approved public or private treatment facility
27 that fails, without good cause, to furnish any data, statistics, schedules, or

1 OTHER information, as requested, or files fraudulent returns. ~~thereof shall~~
2 ~~be removed from the list of approved treatment facilities.~~

3 (5) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, after hearing, may
4 suspend, revoke, limit, restrict, or refuse to grant an approval for failure
5 to meet its standards.

6 (6) The district court may restrain any violation of, review any
7 denial, restriction, or revocation of approval under, and grant other relief
8 required to enforce the provisions of this section.

9 (7) Upon petition of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and
10 after a hearing held upon reasonable notice to the facility, the district
11 court may issue a warrant to an officer or employee of the ~~unit~~ OFFICE OF
12 BEHAVIORAL HEALTH authorizing him or her to enter and inspect at
13 reasonable times, and examine the books and accounts of, any approved
14 public or private treatment facility ~~refusing~~ THAT REFUSES to consent to
15 inspection or examination by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH or
16 which the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH has reasonable cause to
17 believe is operating in violation of this ~~article~~ ARTICLE 81.

18 **SECTION 273.** In Colorado Revised Statutes, 27-81-107, **amend**
19 (1), (2) introductory portion, and (3) as follows:

20 **27-81-107. Compliance with local government zoning**
21 **regulations - notice to local governments - provisional approval.**

22 (1) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall require any residential
23 treatment facility seeking approval as a public or private treatment facility
24 pursuant to this ~~article~~ ARTICLE 81 to comply with any applicable zoning
25 regulations of the municipality, city and county, or county where the
26 facility is situated. Failure to comply with applicable zoning regulations
27 ~~shall constitute~~ CONSTITUTES grounds for the denial of approval of a

1 facility.

2 (2) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall assure that
3 timely written notice is provided to the municipality, city and county, or
4 county where a residential treatment facility is situated, including the
5 address of the facility and the population and number of persons to be
6 served by the facility, when any of the following occurs:

7 (3) In the event of a zoning or other delay or dispute between a
8 residential treatment facility and the municipality, city and county, or
9 county where the facility is situated, the ~~unit~~ OFFICE OF BEHAVIORAL
10 HEALTH may grant provisional approval of the facility for up to one
11 hundred twenty days pending resolution of the delay or dispute.

12 **SECTION 274.** In Colorado Revised Statutes, 27-81-108, **amend**
13 (1) introductory portion as follows:

14 **27-81-108. Acceptance for treatment - rules.** (1) The director
15 shall adopt and may amend and repeal rules for acceptance of persons
16 into the treatment program, considering available treatment resources and
17 facilities, for the purpose of early and effective treatment of ~~alcoholics~~
18 PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons. In
19 establishing the rules, the director shall be guided by the following
20 standards:

21 **SECTION 275.** In Colorado Revised Statutes, 27-81-109, **amend**
22 (1) and (3) as follows:

23 **27-81-109. Voluntary treatment of persons with alcohol use**
24 **disorders.** (1) ~~An alcoholic~~ A PERSON WITH AN ALCOHOL USE DISORDER,
25 including a minor, may apply for voluntary treatment directly to an
26 approved treatment facility.

27 (3) If a patient receiving inpatient care leaves an approved

1 treatment facility, he or she ~~shall~~ MUST be encouraged to consent to
2 appropriate outpatient or intermediate treatment. If it appears to the
3 administrator in charge of the treatment facility that the patient is ~~an~~
4 ~~alcoholic~~ A PERSON WITH AN ALCOHOL USE DISORDER and requires help,
5 the administrator may arrange for assistance in obtaining supportive
6 services and residential facilities.

7 **SECTION 276.** In Colorado Revised Statutes, 27-81-112, **amend**
8 (1), (3), (5), (6), (7), (8), (10), and (11) as follows:

9 **27-81-112. Involuntary commitment of a person with an**
10 **alcohol use disorder.** (1) THE COURT MAY COMMIT A PERSON ~~may be~~
11 ~~committed~~ to the custody of the ~~unit by the court~~ OFFICE OF BEHAVIORAL
12 HEALTH upon the petition of the person's spouse or guardian, a relative,
13 a physician, an advanced practice nurse, the administrator in charge of
14 ~~any~~ AN approved treatment facility, or any other responsible person. The
15 petition ~~shall~~ MUST allege that the person is ~~an alcoholic~~ A PERSON WITH
16 AN ALCOHOL USE DISORDER and that the person has threatened or
17 attempted to inflict or inflicted physical harm on himself or herself or on
18 another and that unless committed the person is likely to inflict physical
19 harm on himself or herself or on another or that the person is
20 incapacitated by alcohol. A refusal to undergo treatment does not
21 constitute evidence of lack of judgment as to the need for treatment. The
22 petition ~~shall~~ MUST be accompanied by a certificate of a licensed
23 physician who has examined the person within two days before
24 submission of the petition, unless the person whose commitment is sought
25 has refused to submit to a medical examination, in which case the fact of
26 refusal ~~shall~~ MUST be alleged in the petition. The certificate ~~shall~~ MUST
27 set forth the physician's findings in support of the PETITION'S allegations.

1 of the petition.

2 (3) Upon the filing of the petition, the court shall fix a date for a
3 hearing no later than ten days after the date the petition was filed. A copy
4 of the petition and of the notice of the hearing, including the date fixed
5 by the court, shall MUST be personally served on the petitioner, the person
6 whose commitment is sought, and one of his or her parents or his or her
7 legal guardian if he or she is a minor. A copy of the petition and notice of
8 hearing shall MUST be mailed to the unit OFFICE OF BEHAVIORAL HEALTH,
9 to counsel for the person whose commitment is sought, to the
10 administrator in charge of the approved treatment facility to which the
11 person may have been committed for emergency treatment, and to any
12 other person the court believes advisable.

13 (5) If after hearing all relevant evidence, including the results of
14 any diagnostic examination by the licensed hospital, the court finds that
15 grounds for involuntary commitment have been established by clear and
16 convincing proof, it shall make an order of commitment to the unit OFFICE
17 OF BEHAVIORAL HEALTH. The unit shall have OFFICE OF BEHAVIORAL
18 HEALTH HAS the right to delegate physical custody of the person to an
19 appropriate approved treatment facility. It THE COURT may not order
20 commitment of a person unless it determines that the unit OFFICE OF
21 BEHAVIORAL HEALTH is able to provide adequate and appropriate
22 treatment for him or her THE PERSON, and the treatment is likely to be
23 beneficial.

24 (6) Upon the COURT'S commitment of a person to the unit by the
25 court OFFICE OF BEHAVIORAL HEALTH, the court may issue an order to the
26 sheriff to transport the person committed to the facility designated by the
27 unit OFFICE OF BEHAVIORAL HEALTH.

1 (7) A person committed as provided FOR in this section ~~shall~~
2 ~~remain~~ REMAINS in the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH
3 for treatment for a period of thirty days unless DISCHARGED sooner.
4 ~~discharged~~. At the end of the thirty-day period, he or she shall be
5 discharged automatically unless the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH,
6 before expiration of the THIRTY-DAY period, obtains a court order for his
7 or her recommitment ~~upon~~ ON the grounds set forth in subsection (1) of
8 this section for a further period of ninety days unless DISCHARGED sooner.
9 ~~discharged~~. If a person has been committed because he or she is ~~an~~
10 ~~alcoholic~~ A PERSON WITH AN ALCOHOL USE DISORDER WHO IS likely to
11 inflict physical harm on another, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH
12 shall apply for recommitment if, after examination, it is determined that
13 the likelihood TO INFLICT PHYSICAL HARM ON ANOTHER still exists.

14 (8) A person WHO IS recommitted as provided FOR in subsection
15 (7) of this section AND who has not been discharged by the ~~unit~~ OFFICE OF
16 BEHAVIORAL HEALTH before the end of the ninety-day period ~~shall be~~ IS
17 discharged at the expiration of that NINETY-DAY period unless the ~~unit~~
18 OFFICE OF BEHAVIORAL HEALTH, before expiration of the NINETY-DAY
19 period, obtains a court order on the grounds set forth in subsection (1) of
20 this section for recommitment for a further period, not to exceed ninety
21 days. If a person has been committed because he or she is ~~an alcoholic~~ A
22 PERSON WITH AN ALCOHOL USE DISORDER WHO IS likely to inflict physical
23 harm on another, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall apply for
24 recommitment if, after examination, it is determined that the likelihood
25 TO INFLICT PHYSICAL HARM ON ANOTHER still exists. Only two
26 recommitment orders ~~under~~ PURSUANT TO subsection (7) of this section
27 and this subsection (8) are permitted.

1 (10) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall provide for
2 adequate and appropriate treatment of a person committed to its custody.
3 The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may transfer any person
4 committed to its custody from one approved treatment facility to another
5 if transfer is advisable.

6 (11) THE OFFICE OF BEHAVIORAL HEALTH SHALL DISCHARGE a
7 person committed to ~~the~~ ITS custody ~~of the unit~~ for treatment ~~shall be~~
8 ~~discharged~~ at any time before the end of the period for which he or she
9 has been committed if either of the following conditions is met:

10 (a) In the case of ~~an alcoholic~~ A PERSON WITH AN ALCOHOL USE
11 DISORDER committed on the grounds that he or she is likely to inflict
12 physical harm upon another, that he or she no longer has an ~~alcoholic~~
13 ~~condition~~ ALCOHOL USE DISORDER that requires treatment or the
14 likelihood TO INFLICT PHYSICAL HARM UPON ANOTHER no longer exists;
15 or

16 (b) In the case of ~~an alcoholic~~ A PERSON WITH AN ALCOHOL USE
17 DISORDER committed on the grounds of the need of treatment and
18 incapacity, that the incapacity no longer exists, further treatment will not
19 ~~be likely to bring about significant improvement in the person's condition,~~
20 or treatment is no longer appropriate.

21 **SECTION 277.** In Colorado Revised Statutes, 27-81-113, **amend**
22 (2) as follows:

23 **27-81-113. Records of persons with alcohol use disorders and**
24 **intoxicated persons.** (2) Notwithstanding subsection (1) of this section,
25 the director may make available information from patients' records for
26 purposes of research into the causes and treatment of ~~alcoholism~~
27 ALCOHOL USE DISORDERS. Information under this subsection (2) ~~shall~~

1 MUST not be published in a way that discloses patients' names or other
2 identifying information.

3 **SECTION 278.** In Colorado Revised Statutes, 27-81-115, **amend**
4 (1) as follows:

5 **27-81-115. Emergency service patrol - establishment - rules.**

6 (1) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and cities, counties, city and
7 counties, and regional service authorities may establish emergency
8 service patrols. A patrol consists of persons trained to give assistance in
9 the streets and in other public places to persons who are intoxicated or
10 incapacitated by alcohol. Members of an emergency service patrol ~~shall~~
11 MUST be capable of providing first aid in emergency situations and ~~shall~~
12 ~~be~~ ARE authorized to transport a person intoxicated or incapacitated by
13 alcohol to his or her home and to and from treatment facilities.

14 **SECTION 279.** In Colorado Revised Statutes, 27-81-117, **amend**
15 (1) as follows:

16 **27-81-117. Criminal laws - limitations.** (1) A county,
17 municipality, or other political subdivision may not adopt or enforce a
18 local law, ordinance, resolution, or rule having the force of law that
19 includes drinking, being a ~~common drunkard~~ PERSON WITH AN ALCOHOL
20 USE DISORDER, or being found in an intoxicated condition as one of the
21 elements of the offense giving rise to a criminal or civil penalty or
22 sanction.

23 **SECTION 280.** In Colorado Revised Statutes, **amend** 27-82-101
24 as follows:

25 **27-82-101. Legislative declaration.** (1) The general assembly
26 recognizes the character and pervasiveness of drug abuse and ~~drug~~
27 ~~dependency~~ SUBSTANCE USE DISORDERS and that drug abuse and

1 ~~dependency~~ SUBSTANCE USE DISORDERS are serious problems. The
2 general assembly further finds and declares that these problems have been
3 very seriously neglected and that the social and economic costs and the
4 waste of human resources caused by drug abuse and ~~dependency~~
5 SUBSTANCE USE DISORDERS are massive, tragic, and no longer acceptable.
6 The general assembly believes that the best interests of this state demand
7 an across-the-board, locally oriented attack on the massive PROBLEMS OF
8 drug abuse and ~~dependency problem, which~~ SUBSTANCE USE DISORDERS.
9 THE attack includes prevention, education, and treatment, and ~~that~~ this
10 ~~article~~ ARTICLE 82 will provide a base from which to launch the attack
11 and reduce the tragic human loss.

12 (2) It is the policy of this state that ~~drug dependent~~ persons WITH
13 SUBSTANCE USE DISORDERS and persons who are under the influence of
14 drugs should be afforded treatment ~~in order that~~ SO they may lead normal
15 lives as productive members of society. The general assembly ~~hereby~~
16 finds and declares that drug abuse and ~~drug dependency~~ SUBSTANCE USE
17 DISORDERS are matters of statewide concern.

18 **SECTION 281.** In Colorado Revised Statutes, 27-82-102, **amend**
19 the introductory portion, (3), (6), and (15); **repeal** (8) and (16); and **add**
20 (12.5) and (13.5) as follows:

21 **27-82-102. Definitions.** As used in this ~~article~~ ARTICLE 82, unless
22 the context otherwise requires:

23 (3) "Approved public treatment facility" means a treatment agency
24 operating under the direction and control of or approved by the ~~unit~~
25 OFFICE OF BEHAVIORAL HEALTH and meeting the standards prescribed in
26 section 27-82-103 (1) and approved ~~under~~ PURSUANT TO section
27 27-82-103.

1 (6) "Director" means the director of the ~~unit~~ OFFICE OF
2 BEHAVIORAL HEALTH.

3 (8) ~~"Drug abuser" means a person who habitually uses drugs or
4 who uses drugs to the extent that his or her health is substantially
5 impaired or endangered or his or her social or economic function is
6 substantially disrupted. Nothing in this subsection (8) shall preclude the
7 denomination of a drug abuser as a person under the influence of or
8 incapacitated by drugs.~~

9 (12.5) "OFFICE OF BEHAVIORAL HEALTH" MEANS THE OFFICE OF
10 BEHAVIORAL HEALTH IN THE DEPARTMENT.

11 (13.5) "SUBSTANCE USE DISORDER" MEANS A CONDITION BY WHICH
12 A PERSON HABITUALLY USES DRUGS OR USES DRUGS TO THE EXTENT THAT
13 HIS OR HER HEALTH IS SUBSTANTIALLY IMPAIRED OR ENDANGERED OR HIS
14 OR HER SOCIAL OR ECONOMIC FUNCTION IS SUBSTANTIALLY DISRUPTED.
15 NOTHING IN THIS SUBSECTION (13.5) PRECLUDES THE DENOMINATION OF
16 A PERSON WITH A SUBSTANCE USE DISORDER AS A PERSON UNDER THE
17 INFLUENCE OF OR INCAPACITATED BY DRUGS.

18 (15) "Treatment" means the broad range of emergency, outpatient,
19 intermediate, and inpatient services and care, including diagnostic
20 evaluation, medical, psychiatric, psychological, and social service care,
21 vocational rehabilitation, and career counseling, that may be extended to
22 ~~drug abusers~~ A PERSON WITH A SUBSTANCE USE DISORDER and ~~persons~~ A
23 PERSON under the influence of drugs.

24 (16) ~~"Unit" means the unit in the department that administers
25 behavioral health programs and services, including those related to mental
26 health and substance abuse.~~

27 **SECTION 282.** In Colorado Revised Statutes, **amend** 27-82-103

1 as follows:

2 **27-82-103. Standards for public and private treatment**
3 **facilities - fees - enforcement procedures - penalties.** (1) In accordance
4 with the provisions of this ~~article, the unit~~ ARTICLE 82, THE OFFICE OF
5 BEHAVIORAL HEALTH shall establish standards for approved treatment
6 facilities that receive public funds or that dispense controlled substances
7 or both. ~~The standards shall be met for~~ A treatment facility to be approved
8 SEEKING APPROVAL FROM THE OFFICE OF BEHAVIORAL HEALTH as a public
9 or private treatment facility SHALL MEET THE ESTABLISHED STANDARDS.
10 The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall fix the fees to be charged
11 for the required inspections. The fees ~~that are~~ charged to approved
12 treatment facilities that provide level I and level II programs as provided
13 in section 42-4-1301.3 (3)(c) ~~€:R:S.~~, shall MUST be transmitted to the
14 state treasurer, who shall credit the fees to the alcohol and drug driving
15 safety program fund created in section 42-4-1301.3 (4)(a). ~~€:R:S.~~ The
16 standards may concern only ~~the~~ health standards to be met and standards
17 of treatment to be afforded patients and ~~shall~~ MUST reflect the success
18 criteria established by the general assembly.

19 (2) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH SHALL periodically
20 ~~shall~~ inspect approved public and private treatment facilities at reasonable
21 times and in a reasonable manner.

22 (3) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall maintain a list
23 of approved public and private treatment facilities.

24 (4) Each approved public and private treatment facility shall file
25 with the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, on request, data, statistics,
26 schedules, and ANY OTHER information the ~~unit~~ OFFICE reasonably
27 requires. THE OFFICE OF BEHAVIORAL HEALTH SHALL REMOVE FROM THE

1 LIST OF APPROVED TREATMENT FACILITIES an approved public or private
2 treatment facility that fails without good cause to furnish any data,
3 statistics, schedules, or OTHER information, as requested, or files
4 fraudulent returns. ~~thereof shall be removed from the list of approved~~
5 ~~treatment facilities.~~

6 (5) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, after hearing, may
7 suspend, revoke, limit, restrict, or refuse to grant an approval for failure
8 to meet its standards.

9 (6) A person shall not operate a private or public treatment facility
10 in this state without approval from the ~~unit~~ OFFICE OF BEHAVIORAL
11 HEALTH; except that this ~~article shall~~ ARTICLE 82 DOES not apply to a
12 private treatment facility that accepts only private funds and does not
13 dispense controlled substances. The district court may restrain any
14 violation of, review any denial, restriction, or revocation of approval
15 under, and grant other relief required to enforce the provisions of this
16 section.

17 (7) Upon petition of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and
18 after a hearing held upon reasonable notice to the facility, the district
19 court may issue a warrant to an officer or employee of the ~~unit~~ OFFICE OF
20 BEHAVIORAL HEALTH authorizing him or her to enter and inspect at
21 reasonable times, and examine the books and accounts of, any approved
22 public or private treatment facility refusing to consent to inspection or
23 examination by the ~~unit or which the unit~~ OFFICE OF BEHAVIORAL HEALTH
24 OR WHICH THE OFFICE has reasonable cause to believe is operating in
25 violation of this ~~article~~ ARTICLE 82.

26 **SECTION 283.** In Colorado Revised Statutes, 27-82-104, **amend**
27 (1) introductory portion as follows:

1 **27-82-104. Acceptance for treatment - rules.** (1) The director
2 shall adopt and may amend and repeal rules for acceptance of persons
3 into the SUBSTANCE USE DISORDER treatment program, considering
4 available treatment resources and facilities, for the purpose of early and
5 effective treatment of ~~drug abusers~~ PERSONS WITH SUBSTANCE USE
6 DISORDERS and persons under the influence of drugs. In establishing the
7 rules, the FOLLOWING STANDARDS MUST GUIDE THE director: ~~shall be~~
8 ~~guided by the following standards:~~

9 **SECTION 284.** In Colorado Revised Statutes, 27-82-105, **amend**
10 (1) as follows:

11 **27-82-105. Voluntary treatment of persons with substance use**
12 **disorders.** (1) A ~~drug abuser~~ PERSON WITH A SUBSTANCE USE DISORDER,
13 including a minor, may apply for voluntary treatment directly to an
14 approved treatment facility.

15 **SECTION 285.** In Colorado Revised Statutes, 27-82-106, **amend**
16 (1) as follows:

17 **27-82-106. Voluntary treatment for persons under influence**
18 **of or incapacitated by drugs.** (1) A person under the influence of or
19 incapacitated by drugs, including a minor if provided by rules of the ~~unit~~
20 OFFICE OF BEHAVIORAL HEALTH, may voluntarily admit himself or herself
21 to an approved treatment facility for emergency treatment.

22 **SECTION 286.** In Colorado Revised Statutes, 27-82-108, **amend**
23 (1), (3), (5), (6), (7), (8), (10), and (11) as follows:

24 **27-82-108. Involuntary commitment of a person with a**
25 **substance use disorder.** (1) THE COURT MAY COMMIT a person ~~may be~~
26 ~~committed~~ to the custody of the ~~unit by the court~~ OFFICE OF BEHAVIORAL
27 HEALTH upon the petition of the person's spouse or guardian, a relative,

1 a physician, an advanced practice nurse, the administrator in charge of
2 any AN approved treatment facility, or any other responsible person. The
3 petition shall MUST allege that the person is a drug abuser HAS A
4 SUBSTANCE USE DISORDER and that the person has threatened or attempted
5 to inflict or inflicted physical harm on himself or herself or on another
6 and that unless committed the person is likely to inflict physical harm on
7 himself or herself or on another or that the person is incapacitated by
8 drugs. A refusal to undergo treatment does not constitute evidence of lack
9 of judgment as to the need for treatment. The petition shall MUST be
10 accompanied by a certificate of a licensed physician who has examined
11 the person within ten days before submission of the petition, unless the
12 person whose commitment is sought has refused to submit to a medical
13 examination or an examination cannot be made of such THE person due
14 to the person's condition. The certificate shall MUST set forth the
15 physician's findings in support of the PETITION'S allegations. of the
16 petition.

17 (3) Upon the filing of the petition, the court shall fix a date for a
18 hearing no later than ten days, excluding weekends and holidays, after the
19 date the petition was filed, unless valid medical reasons exist for delaying
20 the hearing. A copy of the petition and of the notice of the hearing,
21 including the date fixed by the court, shall MUST be personally served on
22 the person whose commitment is sought and one of his or her parents or
23 his or her legal guardian if he or she is a minor. A copy of the petition and
24 notice of hearing shall MUST be provided to the petitioner, to the unit
25 OFFICE OF BEHAVIORAL HEALTH, to counsel for the person whose
26 commitment is sought, if any, to the administrator in charge of the
27 approved treatment facility to which the person may have been committed

1 for emergency treatment, and to any other person the court believes
2 advisable.

3 (5) If after hearing all relevant evidence, including the results of
4 any diagnostic examination by the licensed hospital, the court finds that
5 grounds for involuntary commitment have been established by clear and
6 convincing proof, ~~it~~ THE COURT shall make an order of commitment to the
7 ~~unit. The unit shall have~~ OFFICE OF BEHAVIORAL HEALTH. THE OFFICE OF
8 BEHAVIORAL HEALTH HAS the right to delegate physical custody of the
9 person to an appropriate approved treatment facility. ~~It~~ THE COURT may
10 not order commitment of a person unless it determines that the ~~unit~~
11 OFFICE OF BEHAVIORAL HEALTH is able to provide adequate and
12 appropriate treatment for him or her and that the treatment is likely to be
13 beneficial.

14 (6) Upon the COURT'S commitment of a person to the ~~unit by the~~
15 ~~court~~ OFFICE OF BEHAVIORAL HEALTH, the court may issue an order to the
16 sheriff to transport the person committed to the facility designated by the
17 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH.

18 (7) A person committed as provided in this section ~~shall remain~~
19 REMAINS in the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH for
20 treatment for a period of thirty days unless DISCHARGED sooner.
21 ~~discharged.~~ At the end of the thirty-day period, ~~he or she shall be~~
22 ~~discharged automatically unless the unit~~ THE OFFICE OF BEHAVIORAL
23 HEALTH SHALL AUTOMATICALLY DISCHARGE THE PERSON COMMITTED
24 UNLESS THE OFFICE, before expiration of the period, files a petition for his
25 or her recommitment upon the grounds set forth in subsection (1) of this
26 section for a further period of ninety days and a hearing has been
27 scheduled in accordance with subsection (3) of this section. If a person

1 has been committed because he or she is a drug abuser HAS A SUBSTANCE
2 USE DISORDER AND IS likely to inflict physical harm on another, the unit
3 OFFICE OF BEHAVIORAL HEALTH shall apply for recommitment if, after
4 examination, it is determined that the likelihood TO INFLICT PHYSICAL
5 HARM ON ANOTHER still exists.

6 (8) If a person recommitted as provided in subsection (7) of this
7 section who has not been discharged by the unit OFFICE OF BEHAVIORAL
8 HEALTH before the end of the ninety-day period, THE OFFICE shall be
9 discharged DISCHARGE THE PERSON at the expiration of that THE
10 NINETY-DAY period unless the unit OFFICE OF BEHAVIORAL HEALTH,
11 before expiration of the NINETY-DAY period, files a petition on the
12 grounds set forth in subsection (1) of this section for recommitment for
13 a further period not to exceed ninety days and a hearing has been
14 scheduled in accordance with subsection (3) of this section. If a person
15 has been committed because he or she is a drug abuser HAS A SUBSTANCE
16 USE DISORDER AND IS likely to inflict physical harm on another, the unit
17 OFFICE OF BEHAVIORAL HEALTH shall apply for recommitment if, after
18 examination, it is determined that the likelihood TO INFLICT PHYSICAL
19 HARM ON ANOTHER still exists. Only two recommitment orders under
20 PURSUANT TO subsection (7) of this section and this subsection (8) are
21 permitted.

22 (10) The unit OFFICE OF BEHAVIORAL HEALTH shall provide for
23 adequate and appropriate treatment of a person committed to its custody.
24 The unit OFFICE OF BEHAVIORAL HEALTH may transfer any person
25 committed to its custody from one approved treatment facility to another,
26 if transfer is advisable.

27 (11) THE OFFICE OF BEHAVIORAL HEALTH SHALL DISCHARGE a

1 person committed to ~~the~~ ITS custody of ~~the unit~~ for treatment ~~shall be~~
2 ~~discharged~~ at any time before the end of the period for which he or she
3 has been committed if either of the following conditions is met:

4 (a) In the case of a ~~drug abuser~~ PERSON WITH A SUBSTANCE USE
5 DISORDER committed on the grounds that he or she is likely to inflict
6 physical harm upon another, that he or she no longer has a ~~drug abuse~~
7 ~~condition~~ SUBSTANCE USE DISORDER that requires treatment or the
8 likelihood TO INFLICT PHYSICAL HARM UPON ANOTHER no longer exists;
9 or

10 (b) In the case of a ~~drug abuser~~ PERSON WITH A SUBSTANCE USE
11 DISORDER committed on the grounds of the need of treatment and
12 incapacity, that the incapacity no longer exists, or in THE case of a ~~drug~~
13 ~~abuser~~ PERSON WITH A SUBSTANCE USE DISORDER committed on any
14 grounds ~~under~~ PURSUANT TO this section, that further treatment will not
15 be likely to bring about significant improvement in the person's condition,
16 or treatment is no longer appropriate, or further treatment is unlikely to
17 be beneficial.

18 **SECTION 287.** In Colorado Revised Statutes, 27-82-109, **amend**
19 (2) as follows:

20 **27-82-109. Records of persons with substance use disorders**
21 **and persons under influence of drugs.** (2) Notwithstanding subsection
22 (1) of this section, the director may make available information from
23 patients' records for purposes of research into the causes and treatment of
24 ~~drug abuse~~ SUBSTANCE USE DISORDERS. Information ~~under~~ PURSUANT TO
25 this subsection (2) ~~shall~~ MUST not be published in a way that discloses
26 patients' names or other identifying information.

27 **SECTION 288.** In Colorado Revised Statutes, 27-82-113, **amend**

1 (1) as follows:

2 **27-82-113. Limitations on services and programs provided -**
3 **available funds.** (1) The level of services provided and the scope of
4 programs administered by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH that
5 relate to ~~drug abuse~~ SUBSTANCE USE prevention, education, and treatment,
6 including the number of clients served in treatment programs, ~~shall be~~ IS
7 subject to the ~~moneys~~ MONEY available to the ~~unit~~ for such purposes
8 OFFICE OF BEHAVIORAL HEALTH.

9 **SECTION 289.** In Colorado Revised Statutes, 27-90-102, **amend**
10 (1) introductory portion, (1)(a), and (1)(j) as follows:

11 **27-90-102. Duties of executive director - governor acquire**
12 **water rights - rules.** (1) The duties of the executive director ~~shall be~~
13 ARE:

14 (a) To manage, supervise, and control the charitable, BEHAVIORAL
15 OR mental HEALTH, custodial, and special educational public institutions
16 operated and supported by the state; to manage and supervise the special
17 agencies, departments, boards, and commissions transferred to or
18 established within the department by law; to improve, develop, and carry
19 forward programs of therapy, counseling, and aftercare to the end that a
20 person dependent upon tax-supported programs may be afforded
21 opportunity and encouragement to overcome the disability causing his or
22 her partial or total dependence upon the state;

23 (j) To implement the procedures regarding children who are in
24 detention or who have or may have A BEHAVIORAL OR mental ~~illness or~~
25 HEALTH DISORDER OR AN INTELLECTUAL AND developmental ~~disabilities~~
26 DISABILITY specified in the provisions of the "Colorado Children's Code"
27 contained in articles 1, 2, and 3 of title 19; ~~C.R.S.;~~

1 **SECTION 290.** In Colorado Revised Statutes, **amend** 27-90-110
2 as follows:

3 **27-90-110. Rules for this article 90 and certain provisions in**
4 **title 19.** Pursuant to section 24-4-103, ~~C.R.S.~~, the department shall
5 promulgate such rules as are necessary to implement the provisions of this
6 ~~article~~ ARTICLE 90 and the procedures specified in sections 19-2-508,
7 19-2-906, 19-2-922, 19-2-923, 19-3-403, 19-3-506, 19-3-507, and
8 19-3-508 ~~C.R.S.~~, regarding children who are in detention or who have or
9 may have A BEHAVIORAL OR mental ~~illness or developmental disabilities~~
10 HEALTH DISORDER OR AN INTELLECTUAL AND DEVELOPMENTAL
11 DISABILITY.

12 **SECTION 291.** In Colorado Revised Statutes, 27-90-111, **amend**
13 (2)(e), (3)(a), and (3)(b) as follows:

14 **27-90-111. Employment of personnel - screening of applicants**
15 **- disqualifications from employment.** (2) For purposes of this section,
16 unless the context otherwise requires:

17 (e) "Vulnerable person" means any individual served by the
18 department who is susceptible to abuse or mistreatment because of the
19 individual's circumstances, including but not limited to the individual's
20 age, disability, frailty, BEHAVIORAL OR mental ~~illness~~ HEALTH,
21 INTELLECTUAL AND developmental disability, or ill health.

22 (3) The employment screening and disqualification requirements
23 in this section apply to the following facilities or programs operated by
24 the department:

25 (a) Any facility operated by the department for the care and
26 treatment of persons with A BEHAVIORAL OR mental ~~illness~~ HEALTH
27 DISORDER pursuant to article 65 of this ~~title~~ TITLE 27;

1 (b) Any facility operated by the department for the care and
2 treatment of ~~the developmentally disabled~~ PERSONS WITH INTELLECTUAL
3 AND DEVELOPMENTAL DISABILITIES pursuant to article 10.5 of this ~~title~~
4 TITLE 27;

5 **SECTION 292.** In Colorado Revised Statutes, 27-92-101, **amend**
6 (1) as follows:

7 **27-92-101. Liability.** (1) When a person is admitted, committed,
8 or transferred to a public institution of this state supervised by the
9 department of human services for the care, support, maintenance,
10 education, or treatment of persons with BEHAVIORAL OR mental ~~illness~~
11 HEALTH DISORDERS, the person, his or her spouse, and his or her parents
12 ~~shall be~~ ARE liable for the costs of his or her care, support, maintenance,
13 and treatment to the extent and in the manner provided in this ~~article~~
14 ARTICLE 92. No other relatives of the person ~~shall be~~ ARE liable to any
15 extent for such costs.

16 **SECTION 293.** In Colorado Revised Statutes, 27-93-101, **amend**
17 (1) as follows:

18 **27-93-101. Institute established.** (1) There is ~~hereby~~ established
19 the Colorado mental health institute at Pueblo for the treatment and ~~cure~~
20 CARE of persons who may have A BEHAVIORAL OR mental ~~illness~~ HEALTH
21 DISORDER from any cause and for other persons in state institutions on an
22 inpatient and outpatient basis and in state programs relating to the
23 treatment of ~~alcoholism and drugs~~ SUBSTANCE USE DISORDERS who may
24 require medical care and treatment within the capabilities of the staff and
25 facilities of the institute.

26 **SECTION 294.** In Colorado Revised Statutes, 28-5-220, **amend**
27 (1) and (3) as follows:

1 **28-5-220. Commitment to veterans administration.** (1) When,
2 in any proceeding under the laws of this state for the commitment OR
3 CERTIFICATION of a person alleged to ~~be of unsound mind~~ HAVE A
4 BEHAVIORAL OR MENTAL HEALTH DISORDER, or otherwise BE in need of
5 confinement in a hospital or other institution for his or her proper care, it
6 is determined after such adjudication of the status of such person as may
7 be required by law that commitment OR CERTIFICATION to a hospital for
8 ~~mental disease~~ TREATMENT OF BEHAVIORAL OR MENTAL HEALTH
9 DISORDERS or other institution is necessary for safekeeping or treatment
10 and it appears that ~~such~~ THE person is eligible for care or treatment by the
11 veterans administration, the court, upon receipt of a certificate from the
12 veterans administration showing that facilities are available and that ~~such~~
13 THE person is eligible for care or treatment therein, may commit ~~such~~ OR
14 CERTIFY THE person to ~~said~~ THE veterans administration. Upon
15 commitment ~~such~~ OR CERTIFICATION, THE person, when admitted to any
16 facility operated by such agency within or without this state, ~~shall be~~ IS
17 subject to the rules and regulations of the veterans administration. The
18 chief officer of any facility of the veterans administration to which the
19 person is ~~so~~ committed ~~shall~~ OR CERTIFIED, with respect to ~~such~~ THE
20 person ~~be~~ COMMITTED OR CERTIFIED, IS vested with the same powers as
21 superintendents of state hospitals for BEHAVIORAL OR mental ~~diseases~~
22 HEALTH DISORDERS within this state with respect to retention of custody,
23 transfer, parole, or discharge as restored to reason.

24 (3) Upon receipt of a certificate of the veterans administration that
25 facilities are available for the care or treatment of any person committed
26 OR CERTIFIED to any hospital for ~~the insane~~ PERSONS WITH BEHAVIORAL
27 OR MENTAL HEALTH DISORDERS or other institution for the care or

1 treatment of persons similarly afflicted and that ~~such~~ THE person is
2 eligible for care or treatment, the court having jurisdiction may cause ~~the~~
3 ~~transfer of such person~~ HIM OR HER TO BE TRANSFERRED to the veterans
4 administration for care or treatment. Any person transferred as provided
5 in this section is deemed to be committed OR CERTIFIED to the veterans
6 administration for all purposes as provided in subsection (1) of this
7 section as on original commitment OR CERTIFICATION.

8 **SECTION 295.** In Colorado Revised Statutes, 30-1-119, **amend**
9 (2)(a) and (2)(b) as follows:

10 **30-1-119. Separate fee funds kept - definition.** (2) The revenues
11 generated annually from the fee for committing and discharging prisoners
12 authorized pursuant to section 30-1-104 (1)(n) ~~shall~~ MUST be distributed
13 as follows:

14 (a) (I) The county shall expend an amount equal to twenty percent
15 of the revenues generated annually from the fee to administer a
16 community-based treatment program for the treatment of offenders with
17 ~~mental illness or addiction~~ A BEHAVIORAL, MENTAL HEALTH, OR
18 SUBSTANCE USE DISORDER committed or discharged by the county if the
19 county has established, or the board of county commissioners chooses to
20 establish, such a community-based treatment program.

21 (II) For purposes of this ~~paragraph (a)~~ SUBSECTION (2)(a),
22 "community-based treatment program" means a community-based
23 program that provides management and treatment services to persons with
24 ~~mental illness or addiction~~ BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE
25 USE DISORDERS in the criminal or juvenile justice system, designed, at a
26 minimum, to reduce recidivism and hospitalization of these persons.

27 (b) The county shall expend an amount equal to twenty percent of

1 the revenues generated annually from the fee for training of the sheriff
2 and deputy sheriffs and other local law enforcement officers. ~~which~~ THE
3 training may include a crisis intervention training component to meet the
4 needs of offenders with BEHAVIORAL OR mental ~~illness~~ HEALTH
5 DISORDERS; and

6 **SECTION 296.** In Colorado Revised Statutes, 30-28-115, **amend**
7 (2)(b.5) as follows:

8 **30-28-115. Public welfare to be promoted - legislative**
9 **declaration - construction.** (2) (b.5) The general assembly declares that
10 the establishment of state-licensed group homes for the exclusive use of
11 persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS, as that
12 term is defined in section 27-65-102, ~~C.R.S.~~, is a matter of statewide
13 concern and that a state-licensed group home for eight persons with
14 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS is a residential use of
15 property for zoning purposes, as defined in section 31-23-301 (4). ~~C.R.S.~~
16 A group home for persons with BEHAVIORAL OR mental ~~illness~~ HEALTH
17 DISORDERS established ~~under~~ PURSUANT TO this ~~paragraph (b.5)~~ shall
18 SUBSECTION (2)(b.5) MUST not be located within seven hundred fifty feet
19 of another such group home or of another group home as ~~defined~~
20 DESCRIBED in ~~paragraphs (a) and (b) of this subsection (2)~~ SUBSECTIONS
21 (2)(a) AND (2)(b) OF THIS SECTION, unless otherwise provided for by the
22 county. A person ~~shall~~ MUST not be placed in a group home without being
23 screened by either a professional person, as defined in section 27-65-102
24 (17), ~~C.R.S.~~, or any other such mental health professional designated by
25 the director of a facility, which facility is approved by the executive
26 director of the department of human services pursuant to section
27 27-90-102. ~~C.R.S.~~ Persons determined to be not guilty by reason of

1 insanity to a violent offense ~~shall~~ MUST not be placed in such group
2 homes, and any person who has been convicted of a felony involving a
3 violent offense ~~shall~~ IS not be eligible for placement in such group homes.
4 The provisions of this ~~paragraph (b.5)~~ ~~shall~~ SUBSECTION (2)(b.5) MUST be
5 implemented, where appropriate, by the rules of the department of public
6 health and environment concerning residential treatment facilities for
7 persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS. Nothing
8 in this ~~paragraph (b.5)~~ ~~shall be construed to exempt~~ SUBSECTION (2)(b.5)
9 EXEMPTS such group homes from compliance with any state, county, or
10 municipal health, safety, and fire codes.

11 **SECTION 297.** In Colorado Revised Statutes, 31-23-301, **amend**
12 (4) as follows:

13 **31-23-301. Grant of power.** (4) A statutory or home rule city or
14 town or city and county shall not enact an ordinance prohibiting the use
15 of a state-licensed group home for either persons with INTELLECTUAL AND
16 developmental disabilities or BEHAVIORAL OR mental ~~illness~~ HEALTH
17 DISORDERS that serves not more than eight persons with INTELLECTUAL
18 AND developmental disabilities or eight persons with BEHAVIORAL OR
19 mental ~~illness~~ HEALTH DISORDERS and appropriate staff as a residential
20 use of property for zoning purposes. As used in this subsection (4), the
21 phrase "residential use of property for zoning purposes" includes all
22 forms of residential zoning and specifically, although not exclusively,
23 single-family residential zoning.

24 **SECTION 298.** In Colorado Revised Statutes, 31-23-303, **amend**
25 (2)(b.5) as follows:

26 **31-23-303. Legislative declaration.** (2) (b.5) The general
27 assembly declares that the establishment of state-licensed group homes

1 for the exclusive use of persons with BEHAVIORAL OR mental illness
2 HEALTH DISORDERS, as that term is defined in section 27-65-102, ~~C.R.S.~~,
3 is a matter of statewide concern and that a state-licensed group home for
4 eight persons with BEHAVIORAL OR mental illness HEALTH DISORDERS is
5 a residential use of property for zoning purposes, as defined in section
6 31-23-301 (4). A group home for persons with BEHAVIORAL OR mental
7 illness HEALTH DISORDERS established ~~under~~ PURSUANT TO this paragraph
8 ~~(b.5) shall~~ SUBSECTION (2)(b.5) MUST not be located within seven
9 hundred fifty feet of another such group home, unless otherwise provided
10 for by the municipality. A person shall MUST not be placed in a group
11 home without being screened by either a professional person, as defined
12 in section 27-65-102 (17), ~~C.R.S.~~, or any other such mental health
13 professional designated by the director of a facility ~~which facility is~~
14 approved by the executive director of the department of human services
15 pursuant to section 27-90-102. ~~C.R.S.~~ Persons determined to be not guilty
16 by reason of insanity to a violent offense shall MUST not be placed in such
17 group homes, and any person who has been convicted of a felony
18 involving a violent offense shall IS not be eligible for placement in such
19 group homes. The provisions of this paragraph ~~(b.5) shall~~ SUBSECTION
20 (2)(b.5) MUST be implemented, where appropriate, by the rules of the
21 department of public health and environment concerning residential
22 treatment facilities for persons with BEHAVIORAL OR mental illness
23 HEALTH DISORDERS. Nothing in this paragraph ~~(b.5) shall be construed to~~
24 exempt SUBSECTION (2)(b.5) EXEMPTS such group homes from
25 compliance with any state, county, or municipal health, safety, and fire
26 codes.

27 **SECTION 299.** In Colorado Revised Statutes, 32-17-102, **amend**

1 (1) as follows:

2 **32-17-102. Legislative declaration.** (1) The general assembly
3 ~~hereby~~ finds, determines, and declares that, although the state of Colorado
4 has dedicated financial resources to the diagnosis and treatment of
5 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS for specific
6 populations in this state, many adults, children, and families who do not
7 qualify for or cannot obtain these state- and federally-funded services
8 have BEHAVIORAL OR mental health care needs that are not being
9 addressed, and lack of BEHAVIORAL OR mental health care services often
10 results in increased taxpayer costs for law enforcement, schools, health
11 facilities, hospitals, social services, corrections, and health insurance.

12 **SECTION 300.** In Colorado Revised Statutes, 33-4-104, **amend**
13 (1) as follows:

14 **33-4-104. Free licenses issued - members or veterans of armed**
15 **forces - when - rules.** (1) Any active or retired member of the United
16 States armed forces while stationed as a resident patient at any United
17 States armed forces hospital or convalescent station located within
18 Colorado, any resident patient at a veterans administration hospital and
19 resident patients of any state institution for the treatment of persons with
20 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS or other mental health
21 institution in Colorado while under supervision of a proper staff member,
22 ~~thereof~~, and any resident who is totally and permanently disabled as
23 determined by the social security administration or the division of labor
24 standards and statistics or pursuant to rule of the commission may obtain
25 a fishing license free of charge, valid for taking fish during the period of
26 residency only, under rules of the commission.

27 **SECTION 301.** In Colorado Revised Statutes, 39-22-4101,

1 **amend** (1) introductory portion and (1)(e) as follows:

2 **39-22-4101. Legislative declaration.** (1) The general assembly
3 ~~hereby~~ finds and declares that:

4 (e) Substance use, ~~disorders and~~ BEHAVIORAL, AND mental health
5 ~~conditions~~ DISORDERS are Colorado's most prevalent chronic illnesses;
6 and

7 **SECTION 302.** In Colorado Revised Statutes, 42-2-104, **amend**
8 (2) introductory portion and (2)(c) as follows:

9 **42-2-104. Licenses issued - denied.** (2) Except as otherwise
10 provided in this ~~article a person~~ ARTICLE 2, THE DEPARTMENT shall not ~~be~~
11 ~~licensed by the department~~ LICENSE A PERSON to operate any motor
12 vehicle in this state:

13 (c) Who has been adjudged or determined by a court of competent
14 jurisdiction to ~~be an habitual drunkard or addicted to the use of~~ HAVE AN
15 ALCOHOL USE DISORDER, AS DEFINED IN SECTION 27-81-102, OR A
16 SUBSTANCE USE DISORDER, AS DEFINED IN SECTION 27-82-102, WITH
17 RESPECT TO a controlled substance, as defined in section 18-18-102 (5);
18 ~~C.R.S.;~~

19 **SECTION 303.** In Colorado Revised Statutes, 42-2-116, **amend**
20 (5) as follows:

21 **42-2-116. Restricted license.** (5) The department is authorized
22 after examination to issue a restricted license to a person with a
23 BEHAVIORAL OR mental ~~illness or a~~ HEALTH DISORDER OR AN
24 INTELLECTUAL AND developmental disability, containing such restrictions
25 as may be imposed upon said person by a court pursuant to part 3 or part
26 4 of article 14 of title 15 ~~C.R.S.;~~ or section 27-65-109 (4) or 27-65-127.
27 ~~C.R.S.~~

1 **SECTION 304.** In Colorado Revised Statutes, 42-4-1702, **amend**
2 (2) introductory portion and (2)(c) as follows:

3 **42-4-1702. Alcohol- or drug-related traffic offenses - collateral**
4 **attack.** (2) In recognition of the difficulties attending the litigation of
5 stale claims and the potential for frustrating various statutory provisions
6 directed at repeat offenders, former offenders, and habitual offenders, the
7 only exceptions to the time limitations specified in ~~paragraph (a) of this~~
8 ~~subsection (1) shall be~~ SUBSECTION (1)(a) OF THIS SECTION ARE:

9 (c) Where the court hearing the collateral attack finds by a
10 preponderance of the evidence that the failure to seek relief within the
11 applicable time period was caused by an adjudication of incompetence or
12 by commitment OR CERTIFICATION of the violator to an institution for
13 treatment as a person with a BEHAVIORAL OR mental ~~illness~~ HEALTH
14 DISORDER; or

15 **SECTION 305.** In Colorado Revised Statutes, 42-4-1708, **amend**
16 (5)(b) introductory portion and (5)(b)(III) as follows:

17 **42-4-1708. Traffic infractions - proper court for hearing,**
18 **burden of proof - appeal - collateral attack.** (5) (b) In recognition of
19 the difficulties attending the litigation of stale claims and the potential for
20 frustrating various statutory provisions directed at repeat offenders,
21 former offenders, and habitual offenders, the only exceptions to the time
22 limitations specified in ~~paragraph (a) of this subsection (5) shall be~~
23 SUBSECTION (5)(a) OF THIS SECTION ARE:

24 (III) Where the court hearing the collateral attack finds by a
25 preponderance of the evidence that the failure to seek relief within the
26 applicable time period was caused by an adjudication of incompetence or
27 by commitment OR CERTIFICATION of the violator to an institution for

1 treatment as a person with a BEHAVIORAL OR mental ~~illness~~ HEALTH
2 DISORDER; or

3 **SECTION 306. Safety clause.** The general assembly hereby
4 finds, determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.