

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 17-242

BY SENATOR(S) Martinez Humenik, Aguilar, Fields, Gardner, Jahn, Jones, Kefalas, Merrifield, Priola, Scott, Tate, Todd, Williams A.; also REPRESENTATIVE(S) Ginal and Ransom, Bridges, Esgar, Gray, Kennedy, Mitsch Bush, Navarro, Singer, Valdez, Young, Duran.

CONCERNING MODERNIZING TERMINOLOGY IN THE COLORADO REVISED STATUTES RELATED TO BEHAVIORAL HEALTH.

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

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

(a) Behavioral health problems and disorders affect a wide range of Americans and include problems ranging from unhealthy stress or subclinical conditions to diagnosable and treatable disorders, such as serious mental health and substance use disorders. These illnesses and disorders are often chronic in nature, but individuals can, and do, recover from them with the help of a variety of interventions, including medical and psychosocial treatments, self-help, mutual aid, and recovery supports.

(b) The substance abuse and mental health services administration (SAMHSA) offers the national behavioral health quality framework as a

guiding document for the identification and implementation of key behavioral health quality measures for use in agency or system funding decisions, monitoring the behavioral health of the nation, and the delivery of behavioral health care;

(c) SAMHSA recognizes the importance of looking beyond national quality strategy endorsement for measures that capture the breadth of behavioral health activities addressed by SAMHSA and the federal department of health and human services, particularly those for which the evidence base is not mature or areas in which data collection is still evolving because the field of behavioral health quality measurement is relatively young in its development; and

(d) SAMHSA, health and human services partners, other federal colleagues, and many private sector behavioral health entities are committed to appropriately describing, measuring, and implementing quality behavioral health care.

(2) Therefore, the general assembly finds it is critical to use appropriate terminology regarding behavioral health, including mental health and substance use disorders, throughout the Colorado Revised Statutes.

**SECTION 2.** In Colorado Revised Statutes, 2-4-401, **amend** (1); and **add** (1.1) as follows:

**2-4-401. Definitions.** The following definitions apply to every statute, unless the context otherwise requires:

(1) ~~"Child" includes child by adoption~~ "BEHAVIORAL HEALTH" REFERS TO AN INDIVIDUAL'S MENTAL AND EMOTIONAL WELL-BEING AND ACTIONS THAT AFFECT AN INDIVIDUAL'S OVERALL WELLNESS. BEHAVIORAL HEALTH PROBLEMS AND DISORDERS INCLUDE SUBSTANCE USE DISORDERS, SERIOUS PSYCHOLOGICAL DISTRESS, SUICIDE, AND OTHER MENTAL HEALTH DISORDERS. PROBLEMS RANGING FROM UNHEALTHY STRESS OR SUBCLINICAL CONDITIONS TO DIAGNOSABLE AND TREATABLE DISEASES ARE INCLUDED IN THE TERM "BEHAVIORAL HEALTH". THE TERM "BEHAVIORAL HEALTH" IS ALSO USED TO DESCRIBE SERVICE SYSTEMS THAT ENCOMPASS PREVENTION AND PROMOTION OF EMOTIONAL HEALTH, PREVENTION AND TREATMENT SERVICES FOR MENTAL HEALTH AND SUBSTANCE USE

DISORDERS, AND RECOVERY SUPPORT.

(1.1) "CHILD" INCLUDES CHILD BY ADOPTION.

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

**12-43-804. Requirements for licensure and certification - rules.**

(1) The board shall issue a license as an addiction counselor to an applicant who files an application in the form and manner required by the board, submits the fee required by the board pursuant to section 12-43-204, and submits evidence satisfactory to the board that he or she:

(d) Demonstrates professional competence by:

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

**SECTION 4.** In Colorado Revised Statutes, 12-43-805, **amend** (1)(b) introductory portion as follows:

**12-43-805. Continuing professional competency - rules.**

(1) (b) The board, in consultation with the ~~division~~ OFFICE of behavioral health in the department of human services and other stakeholders, shall adopt rules establishing a continuing professional competency program that includes, at a minimum, the following elements:

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

**13-5-142. National instant criminal background check system - reporting.** (1) On and after March 20, 2013, the state court administrator shall send electronically the following information to the Colorado bureau of investigation created pursuant to section 24-33.5-401, ~~C.R.S.~~, referred to ~~within~~ IN this section as the "bureau":

(b) The name of each person who has been committed by order of the court to the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the

department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse, pursuant to section 27-81-112 or 27-82-108; C.R.S.; and

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

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

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

**SECTION 6.** In Colorado Revised Statutes, 13-5-142.5, **amend** (2)(a)(II) as follows:

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

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

**SECTION 7.** In Colorado Revised Statutes, 13-9-123, **amend** (1) introductory portion, (1)(b), and (3)(b)(II) as follows:

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

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

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

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

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

**SECTION 8.** In Colorado Revised Statutes, 13-9-124, **amend** (2)(a)(II) as follows:

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

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

**SECTION 9.** In Colorado Revised Statutes, 16-13-311, **amend** (3)(a) introductory portion and (3)(a)(VII)(B) as follows:

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

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

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

**SECTION 10.** In Colorado Revised Statutes, 16-13-701, **amend**

(4) as follows:

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

**SECTION 11.** In Colorado Revised Statutes, 17-2-201, **amend** (5.7) introductory portion, (5.7)(a), and (5.7)(d) as follows:

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

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

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

**SECTION 12.** In Colorado Revised Statutes, 17-27.1-101, **amend** (5) introductory portion, (5)(a)(I), and (5)(a)(IV) as follows:

**17-27.1-101. Nongovernmental facilities for offenders - registration - notifications - penalties.** (5) ~~No~~ A private treatment program in Colorado shall NOT admit or accept a supervised or unsupervised person into the program unless ~~that~~ THE program:

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

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

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

**SECTION 13.** In Colorado Revised Statutes, 18-1.3-204, **amend** (2)(c) introductory portion, (2)(c)(I), and (2)(c)(IV) as follows:

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

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

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



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

**SECTION 14.** In Colorado Revised Statutes, **amend** 18-1.3-211 as follows:

**18-1.3-211. Sentencing of felons - parole of felons - treatment and testing based upon assessment required.** (1) Each person sentenced by the court for a felony committed on or after July 1, 1992, ~~shall be~~ IS required, as a part of any sentence to probation, community corrections, or incarceration with the department of corrections, to undergo periodic testing and treatment for substance abuse that is appropriate to ~~such~~ THE felon based upon the recommendations of the assessment made pursuant to section 18-1.3-209, or based upon any subsequent recommendations by the department of corrections, the judicial department, or the division of criminal justice of the department of public safety, whichever is appropriate. Any ~~such~~ testing or treatment ~~shall~~ MUST be at a facility or with a person approved by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human services, ~~that administers behavioral health programs and services, including those related to mental health and substance abuse,~~ established in article 80 of title 27, ~~C.R.S.~~, and at ~~such~~ THE felon's own expense, unless ~~such felon~~ HE OR SHE is indigent.

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

**SECTION 15.** In Colorado Revised Statutes, 18-13-122, amend (4)(a), (4)(b)(I), (4)(b)(II), (4)(c)(I), and (18) as follows:

**18-13-122. Illegal possession or consumption of ethyl alcohol or marijuana by an underage person - illegal possession of marijuana paraphernalia by an underage person - definitions - adolescent substance abuse prevention and treatment fund - legislative declaration.** (4) (a) Upon conviction of a first offense of subsection (3) of this section, the court shall sentence the underage person to a fine of not more than one hundred dollars, or the court shall order that the underage person complete a substance abuse education program approved by the ~~division~~ OFFICE of behavioral health in the department of human services, or both.

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

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

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

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

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

(18) **Cash fund.** The surcharge collected pursuant to ~~paragraph (e) of subsection (4)~~ SUBSECTION (4)(e) of this section must be transmitted to the state treasurer, who shall credit the same to the adolescent substance abuse prevention and treatment fund, which ~~fund~~ is created and referred to in this section as the "fund". ~~The moneys~~ MONEY in the fund ~~are~~ IS subject to annual appropriation by the general assembly to the ~~unit~~ OFFICE OF

BEHAVIORAL HEALTH in the department of human services, ~~that administers behavioral health programs and services, including those related to mental health and substance abuse,~~ established in article 80 of title 27, ~~C.R.S.~~, for adolescent substance abuse prevention and treatment programs. ~~The unit in the department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse,~~ OFFICE OF BEHAVIORAL HEALTH is authorized to seek and accept gifts, grants, or donations from private or public sources for the purposes of this section. All private and public ~~funds~~ MONEY received through gifts, grants, or donations must be transmitted to the state treasurer, who shall credit the same to the fund. Any unexpended ~~moneys~~ MONEY in the fund may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of ~~moneys~~ MONEY in the fund must be credited to the fund. Any unexpended and unencumbered ~~moneys~~ MONEY remaining in the fund at the end of a fiscal year ~~remain~~ REMAINS in the fund and ~~shall~~ MUST not be credited or transferred to the general fund or another fund.

**SECTION 16.** In Colorado Revised Statutes, 24-1-120, **amend** (6) introductory portion and (6)(d) as follows:

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

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

**SECTION 17.** In Colorado Revised Statutes, 25-20.5-406, **amend** (2)(b)(III); and **repeal** (2)(b)(II) as follows:

**25-20.5-406. State review team - creation - membership -**

**vacancies.** (2) (b) The executive director of the department of human services shall appoint six voting members, as follows:

(II) ~~One member who represents the unit within the department of human services that is responsible for mental health services;~~

(III) ~~One member who represents the unit~~ TWO MEMBERS WHO REPRESENT THE OFFICE OF BEHAVIORAL HEALTH in the department of human services; ~~that administers behavioral health programs and services, including those related to mental health and substance abuse;~~

**SECTION 18.** In Colorado Revised Statutes, 41-2-102, **amend** (8) as follows:

**41-2-102. Operating an aircraft under the influence - operating an aircraft with excessive alcohol content - tests - penalties - useful public service program.** (8) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human services ~~that administers behavioral health programs and services, including those related to mental health and substance abuse;~~ shall provide presentence alcohol and drug evaluations on all persons convicted of a violation of subsection (1) or (2) of this section, in the same manner as described in section 42-4-1301.3. ~~C.R.S.~~

**SECTION 19.** In Colorado Revised Statutes, 42-2-122, **amend** (1) introductory portion and (1)(i) as follows:

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

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

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

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

(i) Been convicted of DUI, DUI per se, or DWAI and has two previous convictions of any of ~~such~~ THOSE offenses. THE DEPARTMENT SHALL REVOKE the license of any driver ~~shall be revoked~~ for an indefinite period and ~~shall only be reissued~~ ONLY REISSUE IT upon proof to the department that ~~said~~ THE driver has completed a level II alcohol and drug education and treatment program certified by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human services ~~that administers behavioral health programs and services, including those related to mental health and substance abuse,~~ pursuant to section 42-4-1301.3 and that ~~said~~ THE driver has demonstrated knowledge of the laws and driving ability through the regular motor vehicle testing process. ~~In no event shall such~~ THE DEPARTMENT SHALL NOT REISSUE THE license ~~be reissued~~ in less than two years.

**SECTION 21.** In Colorado Revised Statutes, 42-2-126, **amend** (4)(d)(II) as follows:

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

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

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

**SECTION 22.** In Colorado Revised Statutes, 42-2-127, **amend** (14)(a)(I) introductory portion and (14)(a)(I)(A) as follows:

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

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

**SECTION 23.** In Colorado Revised Statutes, 42-2-132, **amend** (2)(a)(II) and (2)(a)(III) as follows:

**42-2-132. Period of suspension or revocation.** (2) (a) (II) (A) Following the period of revocation set forth in this subsection (2), the department shall not issue a new license unless and until it is satisfied that the person has demonstrated knowledge of the laws and driving ability through the appropriate motor vehicle testing process, and that the person whose license was revoked pursuant to section 42-2-125 for a second or subsequent alcohol- or drug-related driving offense has completed not less than a level II alcohol and drug education and treatment program certified by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human services ~~that administers behavioral health programs~~

~~and services, including those related to mental health and substance abuse,~~  
pursuant to section 42-4-1301.3.

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

(C) If a person seeking reinstatement has not completed THE required level II alcohol and drug education and treatment PROGRAM, the person shall file with the department proof of current enrollment in a level II alcohol and drug education and treatment program certified by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human services ~~that administers behavioral health programs and services, including those related to mental health and substance abuse,~~ pursuant to section 42-4-1301.3, on a form approved by the department.

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

**SECTION 24.** In Colorado Revised Statutes, 42-2-144, **amend** (1) as follows:

**42-2-144. Reporting by certified level II alcohol and drug education and treatment program providers - notice of administrative remedies against a driver's license - rules.** (1) The department shall require all providers of level II alcohol and drug education and treatment

programs certified by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human services ~~that administers behavioral health programs and services, including those related to mental health and substance abuse,~~ pursuant to section 42-4-1301.3 to provide quarterly reports to the department about each person who is enrolled and who has filed proof of such enrollment with the department as required by section 42-2-126 (4)(d)(II).

**SECTION 25.** In Colorado Revised Statutes, 42-4-1301.3, **amend** (3)(c)(IV), (4)(a), and (4)(b) as follows:

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

(4) (a) There is ~~hereby~~ created an alcohol and drug driving safety program fund in the office of the state treasurer, ~~to the credit of which shall be deposited all moneys as directed by this paragraph (a)~~ REFERRED TO IN THIS SUBSECTION (4) AS THE "FUND". THE FUND CONSISTS OF MONEY DEPOSITED IN IT AS DIRECTED BY THIS SUBSECTION (4)(a). The assessment in effect on July 1, 1998, ~~shall remain~~ REMAINS in effect unless the judicial department and the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human services ~~that administers behavioral health programs and services, including those related to mental health and substance abuse,~~ have provided ~~to~~ the general assembly WITH a statement of the cost of the program, including costs of administration for the past and current fiscal



year to include a proposed change in the assessment. The general assembly shall then consider the proposed new assessment and approve the amount to be assessed against each person during the following fiscal year in order to ensure that the alcohol and drug driving safety program established in this section ~~shall be~~ IS financially self-supporting. Any adjustment in the amount to be assessed ~~shall be so~~ MUST BE noted in the appropriation to the judicial department and the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human services ~~that administers behavioral health programs and services, including those related to mental health and substance abuse,~~ as a footnote or line item related to this program in the general appropriation bill. The state auditor shall periodically audit the costs of the programs to determine that they are reasonable and that the rate charged is accurate based on these costs. Any other fines, fees, or costs levied against ~~such~~ A person ~~shall not be~~ ARE NOT part of the program fund. THE COURT SHALL TRANSMIT TO THE STATE TREASURER the amount assessed for the alcohol and drug evaluation ~~shall be transmitted by the court to the state treasurer~~ to be credited to the ~~alcohol and drug driving safety program~~ fund. Fees charged ~~under~~ PURSUANT TO sections 27-81-106 (1) and 27-82-103 (1) ~~C.R.S.~~, to approved alcohol and drug treatment facilities that provide level I and level II programs as provided in ~~paragraph (c) of subsection (3)~~ SUBSECTION (3)(c) of this section ~~shall~~ MUST be transmitted to the state treasurer, who shall credit the fees to the ~~alcohol and drug driving safety program~~ fund. Upon appropriation by the general assembly, ~~these funds shall~~ THE MONEY MUST be expended by the judicial department and the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human services ~~that administers behavioral health programs and services, including those related to mental health and substance abuse,~~ for the administration of the alcohol and drug driving safety program. In administering the alcohol and drug driving safety program, the judicial department is authorized to contract with any agency for ~~such~~ ANY services as the judicial department deems necessary. ~~Moneys~~ MONEY deposited in the ~~alcohol and drug driving safety program~~ fund ~~shall remain in said~~ REMAINS IN THE fund to be used for the purposes set forth in this section and ~~shall~~ MUST not revert or transfer to the general fund except by further act of the general assembly.

(b) The judicial department shall ensure that qualified personnel are placed in the judicial districts. The judicial department and the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human services ~~that administers behavioral health programs and services, including those~~

~~related to mental health and substance abuse~~, shall jointly develop and maintain criteria for evaluation techniques, treatment referral, data reporting, and program evaluation.

**SECTION 26.** In Colorado Revised Statutes, 43-4-402, **amend** (2)(a) as follows:

**43-4-402. Source of revenues - allocation of money.** (2) (a) The general assembly shall make an annual appropriation out of the ~~moneys~~ MONEY in the fund to the department of public health and environment in an amount sufficient to pay for the costs of evidential breath alcohol testing, including any education needs associated with ~~such~~ testing, and implied consent specialists, ~~which~~ THE costs OF WHICH were previously paid out of the highway users tax fund. The general assembly shall also make an annual appropriation out of the ~~moneys~~ MONEY in the fund to the Colorado bureau of investigation to pay for the costs of toxicology laboratory services, including any education needs associated with ~~such~~ THE services. Of the ~~moneys~~ MONEY remaining in the fund, eighty percent shall be deposited in a special drunken driving account ~~within~~ IN the fund, which account is ~~hereby~~ created, and shall be available immediately, without further appropriation, for allocation by the transportation commission to the office of transportation safety. ~~which~~ THE OFFICE OF TRANSPORTATION SAFETY shall allocate ~~such moneys~~ THE MONEY in accordance with the provisions of section 43-4-404 (1) and (2). The remaining twenty percent shall be appropriated by the general assembly to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human services, ~~that administers behavioral health programs and services, including those related to mental health and substance abuse~~, which shall use ~~such moneys~~ THE MONEY for the purposes stated in section 43-4-404 (3). The office of transportation safety and the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human services ~~that administers behavioral health programs and services, including those related to mental health and substance abuse~~, may use ~~such~~ amounts from the ~~moneys~~ MONEY allocated or appropriated to them by this subsection (2) as ~~may be~~ necessary for the purpose of paying the costs incurred by the office ~~and unit~~ OF TRANSPORTATION SAFETY AND THE OFFICE OF BEHAVIORAL HEALTH in administering the programs established pursuant to this part 4; except that neither the office of transportation safety nor ~~said unit~~ THE OFFICE OF BEHAVIORAL HEALTH may use for ~~such purpose~~ THE PURPOSES OF THIS PART 4 an amount ~~which exceeds~~ EXCEEDING eight percent of the ~~moneys~~

MONEY allocated or appropriated.

**SECTION 27.** In Colorado Revised Statutes, 43-4-404, **amend** (3) as follows:

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

**SECTION 28.** In Colorado Revised Statutes, 1-1-104, **amend** (18.5) as follows:

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

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

**SECTION 29.** In Colorado Revised Statutes, 1-2-103, **amend** (5) as follows:

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

**SECTION 30.** In Colorado Revised Statutes, 2-2-802, **amend** (1) introductory portion, (1)(b), and (1)(c) as follows:

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

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

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

**SECTION 31.** In Colorado Revised Statutes, **amend** 2-5-119 as follows:

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

fund for appropriations made for the use of the committee on legal services for statutory revision purposes.

**SECTION 32.** In Colorado Revised Statutes, 7-61-125, **amend** (2)(e) as follows:

**7-61-125. When certificate shall be cancelled or amended.** (2) A certificate shall be amended when:

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

**SECTION 33.** In Colorado Revised Statutes, 8-15.5-103, **amend** (2)(c)(IV) as follows:

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

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

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

**SECTION 34.** In Colorado Revised Statutes, 10-16-102, **amend** the introductory portion, (22)(b)(VI), and (33) as follows:

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

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

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

(33) "Health care services" means any services included in or incidental to the furnishing of medical, BEHAVIORAL, mental HEALTH, OR SUBSTANCE USE DISORDER; dental, or optometric care; hospitalization; or nursing home care to an individual, as well as the furnishing to any person of any other services for the purpose of preventing, alleviating, curing, or

healing human physical ~~or mental~~ illness or injury, OR BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER. "Health care services" includes the rendering of the services through the use of telehealth, as defined in section 10-16-123 (4)(e).

**SECTION 35.** In Colorado Revised Statutes, 10-16-104, **amend** (5.5)(a)(I), (5.5)(a)(IV), and (18)(b)(I) as follows:

**10-16-104. Mandatory coverage provisions - definitions - rules.**

**(5.5) Behavioral, mental health, and substance use disorders - rules.**

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

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

(A) ~~"Biologically based mental illness" means schizophrenia, schizoaffective disorder, bipolar affective disorder, major depressive disorder, specific obsessive-compulsive disorder, and panic disorder~~ "BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER" MEANS POST-TRAUMATIC STRESS DISORDER, SUBSTANCE USE DISORDERS, DYSTHYMIA, CYCLOTHYMIA, SOCIAL PHOBIA, AGORAPHOBIA WITH PANIC DISORDER, ANOREXIA NERVOSA, BULIMIA NERVOSA, GENERAL ANXIETY DISORDER, AND AUTISM SPECTRUM DISORDERS, AS DEFINED IN SUBSECTION (1.4)(a)(III) OF THIS SECTION.

(B) ~~"Mental disorder" means post-traumatic stress disorder, drug and alcohol disorders, dysthymia, cyclothymia, social phobia, agoraphobia with panic disorder, anorexia nervosa, bulimia nervosa, general anxiety disorder, and autism spectrum disorders, as defined in subparagraph (HH) of paragraph (a) of subsection (1.4) of this section~~ "BIOLOGICALLY BASED MENTAL HEALTH DISORDER" MEANS SCHIZOPHRENIA, SCHIZOAFFECTIVE DISORDER, BIPOLAR AFFECTIVE DISORDER, MAJOR DEPRESSIVE DISORDER, SPECIFIC OBSESSIVE-COMPULSIVE DISORDER, AND PANIC DISORDER.

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

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

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

**SECTION 36.** In Colorado Revised Statutes, **amend** 10-16-104.7 as follows:

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

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

**SECTION 37.** In Colorado Revised Statutes, **amend** 10-16-104.8 as follows:

**10-16-104.8. Behavioral, mental health, or substance use disorder services coverage - court-ordered.** (1) An individual or group health benefit plan delivered or issued for delivery within this state by an entity subject to the provisions of part 2, 3, or 4 of this ~~article~~ ARTICLE 16 that provides coverage for BEHAVIORAL, mental health, OR SUBSTANCE USE DISORDER services ~~shall~~ MUST provide coverage for BEHAVIORAL, mental

health, OR SUBSTANCE USE DISORDER services regardless of whether the services are voluntary or court-ordered as a result of contact with the criminal justice or juvenile justice system. The health benefit plan ~~shall be~~ IS required to provide coverage only for benefits that are medically necessary and otherwise covered under the plan. Such coverage ~~shall be~~ IS subject to applicable in- or out-of-network copayment, deductible, and policy maximums and limitations. The court order for BEHAVIORAL, mental health, OR SUBSTANCE USE DISORDER services ~~shall~~ MUST not mandate the type of BEHAVIORAL, mental health, OR SUBSTANCE USE DISORDER services or the length and frequency of treatment that is to be covered by the health benefit plan. The health benefit plan ~~shall only be~~ IS ONLY responsible for those benefits that are covered by the health benefit plan and not those that are court-ordered that exceed the scope of benefits as provided by the health plan. Determination of medically necessary BEHAVIORAL, mental health, OR SUBSTANCE USE DISORDER services ~~shall~~ MUST be made by the health benefit plan based on the submitted clinical treatment plan from a provider who is designated by and affiliated with the health benefit plan. Health benefit plans issued by an entity subject to the provisions of part 4 of this ~~article~~ ARTICLE 16 may provide that the benefits required pursuant to this section ~~shall be~~ ARE covered benefits only if the services are deemed medically necessary and are rendered by a provider who is designated by and affiliated with the health maintenance organization.

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

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

(4) For purposes of this section, "BEHAVIORAL, mental health, OR SUBSTANCE USE DISORDER services" does not include services that are outside the scope of the contract. Such BEHAVIORAL, mental health, OR SUBSTANCE USE DISORDER services that are outside the scope of the contract may include: Services that are custodial or residential in nature, probation assessments, testing for ability, aptitude, or intelligence, or performing evaluations, such as placement evaluations, custody



evaluations, reunification assessments, or community risk assessments for any purpose other than TREATMENT OF BEHAVIORAL, mental health, ~~treatment~~ OR SUBSTANCE USE DISORDERS.

**SECTION 38.** In Colorado Revised Statutes, 10-16-219, **amend** (1) as follows:

**10-16-219. Benefits for care in tax-supported institutions - behavioral health disorders - mental health disorders - intellectual and developmental disabilities.** (1) On and after July 1, 1977, ~~no~~ AN individual ~~policy~~ or group policy of sickness, health, or accident insurance or small group sickness and accident insurance delivered or issued for delivery to any person in this state ~~which~~ THAT provides coverage for BEHAVIORAL OR mental ~~illness, mental retardation, or both,~~ shall HEALTH DISORDERS OR INTELLECTUAL AND DEVELOPMENTAL DISABILITIES MUST NOT exclude or be construed to diminish benefits for the payment of the direct costs, related directly to the treatment of such BEHAVIORAL OR mental ~~illness, mental retardation, or both~~ HEALTH DISORDERS OR INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, provided by a state institution, including community clinics and centers ~~for~~ PROVIDING SERVICES FOR PERSONS WITH BEHAVIORAL OR mental health ~~and mental retardation services, if such~~ DISORDERS OR INTELLECTUAL AND DEVELOPMENTAL DISABILITIES IF THE charges for treatment of such BEHAVIORAL OR mental ~~illness, mental retardation, or both,~~ HEALTH DISORDERS OR INTELLECTUAL AND DEVELOPMENTAL DISABILITIES are customarily charged to nonindigent patients by ~~such~~ THE state institution.

**SECTION 39.** In Colorado Revised Statutes, 12-2-123, **amend** (1) introductory portion and (1)(p) as follows:

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

(p) ~~Habitual intemperance with respect to or~~ AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION 27-81-102, OR A SUBSTANCE USE

DISORDER, AS DEFINED IN SECTION 27-82-102, OR AN excessive use of a habit-forming drug, controlled substance, as defined in section 18-18-102 (5), ~~C.R.S.~~, or alcoholic beverage that renders the certified public accountant unfit to practice public accounting;

**SECTION 40.** In Colorado Revised Statutes, 12-8-103, **amend** the introductory portion and (9) as follows:

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

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

**SECTION 41.** In Colorado Revised Statutes, 12-10-107.1, **amend** (1)(d) as follows:

**12-10-107.1. Grounds for discipline.** (1) The director may deny,

suspend, revoke, place on probation, or issue a letter of admonition against a license or an application for a license if the applicant or licensee:

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

**SECTION 42.** In Colorado Revised Statutes, 12-29.5-105, **amend** (3)(d) as follows:

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

**SECTION 43.** In Colorado Revised Statutes, 12-29.5-106, **amend** (1) introductory portion and (1)(l) as follows:

**12-29.5-106. Grounds for disciplinary action.** (1) The director may deny licensure to or take disciplinary action against an acupuncturist pursuant to section 24-4-105 C.R.S., if the director finds that the acupuncturist has committed any of the following acts:

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

**SECTION 44.** In Colorado Revised Statutes, 12-29.5-108.5,

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

**12-29.5-108.5. Examinations - notice - confidential agreements.**

(1) If an acupuncturist suffers from a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; ~~rendering~~ OR A BEHAVIORAL OR MENTAL HEALTH DISORDER THAT RENDERS the licensee unable to practice acupuncture or practice as an acupuncturist with reasonable skill and patient safety, the acupuncturist shall notify the director of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER in a manner and within a period of time determined by the director. The director may require the licensee to submit to an examination or to evaluate the extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the licensee's ability to practice with reasonable skill and safety to patients.

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

**SECTION 45.** In Colorado Revised Statutes, 12-29.7-110, **amend** (2)(c), (2)(d)(I), and (2)(d)(II) as follows:

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

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

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

~~to end the use or abuse;~~

(d) (I) Has failed to notify the director, as required by section 12-29.7-113, of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that affects the registrant's ability to provide athletic training services with reasonable skill and safety or that may endanger the health or safety of individuals receiving athletic training services;

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

**SECTION 46.** In Colorado Revised Statutes, 12-29.7-113, **amend** (1) and (2)(a) as follows:

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

(2) (a) Upon determining that a registrant with a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER is able to render limited athletic training services with reasonable skill and safety to patients, the director may enter into a confidential agreement with the registrant in which the registrant agrees to limit his or her practice based on the restrictions imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER, as determined by the director.

**SECTION 47.** In Colorado Revised Statutes, 12-29.9-108, **amend** (2)(q), (2)(r)(I), and (2)(r)(II) as follows:

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

(2) The following acts constitute grounds for discipline:

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

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

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

**SECTION 48.** In Colorado Revised Statutes, 12-29.9-113, **amend** (1) and (2)(a) as follows:

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

audiology with reasonable skill and safety to patients.

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

**SECTION 49.** In Colorado Revised Statutes, 12-33-117, **amend** (1)(d) and (1)(e) as follows:

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

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

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

**SECTION 50.** In Colorado Revised Statutes, 12-35-129, **amend** (1)(j)(I) and (1)(j)(II) as follows:

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

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

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

**SECTION 51.** In Colorado Revised Statutes, 12-35-129.6, **amend** (1) and (2)(a) as follows:

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

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

**SECTION 52.** In Colorado Revised Statutes, 12-35.5-111, **amend** (1)(f), (1)(g)(I), and (1)(g)(II) as follows:

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



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

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

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

**SECTION 53.** In Colorado Revised Statutes, 12-35.5-116.5, **amend** (1) and (2)(a) as follows:

**12-35.5-116.5. Confidential agreement to limit practice - violation - grounds for discipline.** (1) If a massage therapist has a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER that renders him or her unable to practice massage therapy with reasonable skill and safety to clients, the massage therapist shall notify the director of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER in a manner and within a period determined by the director. The director may require the massage therapist to submit to an examination to evaluate the extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the massage therapist's ability to practice massage therapy with reasonable skill and safety to clients.

(2) (a) Upon determining that a massage therapist with a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER is able to render limited services with reasonable skill

and safety to clients, the director may enter into a confidential agreement with the massage therapist in which the massage therapist agrees to limit his or her practice based on the restrictions imposed by the PHYSICAL illness; ~~OR THE PHYSICAL condition;~~ OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER, as determined by the director.

**SECTION 54.** In Colorado Revised Statutes, 12-36-106, **amend** (1) introductory portion, (1)(a), (1)(b), (1)(c), and (1)(d) as follows:

**12-36-106. Practice of medicine defined - exemptions from licensing requirements - unauthorized practice by physician assistants and anesthesiologist assistants - penalties - rules - repeal.** (1) For the purpose of this ~~article~~ ARTICLE 36, "practice of medicine" means:

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

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

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

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

the practice of any limited field of the healing arts;

**SECTION 55.** In Colorado Revised Statutes, 12-36-117, **amend** (1) introductory portion and (1)(o) as follows:

**12-36-117. Unprofessional conduct.** (1) "Unprofessional conduct" as used in this ~~article~~ ARTICLE 36 means:

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

**SECTION 56.** In Colorado Revised Statutes, 12-36-118, **amend** (3)(a) as follows:

**12-36-118. Disciplinary action by board - immunity - rules.** (3) (a) In the discharge of its duties, the board may enlist the assistance of other licensees. Licensees have the duty to report to the board any licensee known, or upon information and belief, to have violated any of the provisions of section 12-36-117 (1); except that ~~no~~ A licensee who is treating another licensee for a BEHAVIORAL, mental ~~disability or habitual intemperance or excessive use of any habit-forming drug~~ HEALTH, OR SUBSTANCE USE DISORDER OR THE EXCESSIVE USE OF ANY HABIT-FORMING DRUG, shall NOT have a duty to report his or her patient unless, in the opinion of the treating licensee, the impaired licensee presents a danger to himself, herself, or others.

**SECTION 57.** In Colorado Revised Statutes, 12-36-118.5, **amend** (1) and (2)(a) as follows:

**12-36-118.5. Confidential agreements to limit practice - violation grounds for discipline.** (1) If a physician, physician assistant, or anesthesiologist assistant suffers from a physical ~~or mental~~ illness; ~~or~~ A

PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER that renders the licensee unable to practice medicine, practice as a physician assistant, or practice as an anesthesiologist assistant with reasonable skill and with safety to patients, the physician, physician assistant, or anesthesiologist assistant shall notify the board of the PHYSICAL illness; ~~OR THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER~~ in a manner and within a period determined by the board. The board may require the licensee to submit to an examination or refer the licensee to a peer health assistance program pursuant to section 12-36-123.5 to evaluate the extent of the PHYSICAL illness; ~~OR THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER~~ and its impact on the licensee's ability to practice with reasonable skill and with safety to patients.

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

**SECTION 58.** In Colorado Revised Statutes, 12-37-107, **amend** (3)(n)(I) and (3)(n)(II) as follows:

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

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

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

~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that renders the registrant unable to practice direct-entry midwifery with reasonable skill and safety or that may endanger the health or safety of persons under his or her care; or

**SECTION 59.** In Colorado Revised Statutes, 12-37-108.5, **amend** (1) and (2)(a) as follows:

**12-37-108.5. Confidential agreement to limit practice - violation - grounds for discipline.** (1) If a registered direct-entry midwife has a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER that renders him or her unable to practice direct-entry midwifery with reasonable skill and safety to clients, the registrant shall notify the director of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER in a manner and within a period determined by the director. The director may require the registrant to submit to an examination to evaluate the extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the registrant's ability to practice direct-entry midwifery with reasonable skill and safety to clients.

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

**SECTION 60.** In Colorado Revised Statutes, 12-37.3-112, **amend** (1)(p)(I) and (1)(p)(II) as follows:

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

(p) (I) Failing to notify the director of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR

SUBSTANCE USE DISORDER that affects the naturopathic doctor's ability to treat patients with reasonable skill and safety or that may endanger the health or safety of persons under his or her care;

(II) Failing to act within the limitations created by a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that renders the naturopathic doctor unable to practice naturopathic medicine with reasonable skill and safety or that may endanger the health or safety of persons under his or her care; or

**SECTION 61.** In Colorado Revised Statutes, 12-37.3-116, **amend** (1) and (2)(a) as follows:

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

(2) (a) Upon determining that a naturopathic doctor with a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER is able to render limited services with reasonable skill and safety to patients, the director may enter into a confidential agreement with the naturopathic doctor in which the naturopathic doctor agrees to limit his or her practice based on the restrictions imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER, as determined by the director.

**SECTION 62.** In Colorado Revised Statutes, 12-38-131, **amend** (2)(b), (3)(a)(I), and (3)(a)(II) as follows:

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

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

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

(II) Evaluate the extent of physical, emotional, psychiatric, OR psychological ~~drug abuse, or alcohol abuse~~ problems OR BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS and refer the licensee for appropriate treatment;

**SECTION 63.** In Colorado Revised Statutes, 12-38.1-111, **amend** (1) introductory portion and (1)(i) as follows:

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

(i) Has ~~habitual intemperance~~ AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION 27-82-102, or excessively uses any habit-forming drug

or any controlled substance, as defined in section 18-18-102 (5), ~~C.R.S.~~, or other drugs having similar effects, or is diverting controlled substances, as defined in section 18-18-102 (5), ~~C.R.S.~~, or other drugs having similar effects from the person's place of employment;

**SECTION 64.** In Colorado Revised Statutes, 12-38.1-113, **amend** (1), (2)(a), and (4) as follows:

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

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

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

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

**SECTION 65.** In Colorado Revised Statutes, 12-39-111, **amend** (1) introductory portion, (1)(g), and (1)(h) as follows:

**12-39-111. Grounds for discipline.** (1) The board has the power to revoke, suspend, withhold, or refuse to renew any license, to place on probation a licensee or temporary license holder, or to issue a letter of admonition to a licensee in accordance with the procedures set forth in



subsection (3) of this section, upon proof that ~~such~~ THE person:

(g) ~~Is addicted to or dependent on alcohol or habit-forming drugs~~ HAS AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION 27-82-102, abuses or engages in the habitual or excessive use of any such habit-forming drug or any controlled substance as defined in section 18-18-102 (5), ~~C.R.S.~~, or participates in the unlawful use of controlled substances as specified in section 18-18-404; ~~C.R.S.~~; except that the board has the discretion not to discipline the licensee if such person is participating, in good faith, in a SUBSTANCE USE DISORDER TREATMENT program approved by the board; ~~designed to end such addiction or dependency;~~

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

**SECTION 66.** In Colorado Revised Statutes, 12-39-114, **amend** (6) as follows:

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

of services to keep such proceedings or documents relating thereto closed to the public, then the final action of the board ~~shall be~~ IS open to the public without disclosing the name of the client or other recipient. Final board actions and orders appropriate for judicial review may be judicially reviewed in the court of appeals in accordance with section 24-4-106 (11). ~~C.R.S.~~

**SECTION 67.** In Colorado Revised Statutes, 12-40-108, **amend** (1)(d) as follows:

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

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

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

**SECTION 68.** In Colorado Revised Statutes, 12-40-118, **amend** (1) introductory portion and (1)(m) as follows:

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

(m) Failing to:

(I) Notify the board, in a manner and within a period determined by the board, of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that renders an optometrist unable to treat with reasonable skill and safety or that may endanger the health and safety of persons under ~~the care of an optometrist~~ HIS OR HER CARE;

(II) Act within the limitations created by a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR

SUBSTANCE USE DISORDER that renders an optometrist unable to treat with reasonable skill and safety or that may endanger the health and safety of persons under ~~the care of an optometrist~~ HIS OR HER CARE; OR

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

**SECTION 69.** In Colorado Revised Statutes, 12-40-118.5, **amend** (5)(a) introductory portion, (5)(c), and (5)(e) as follows:

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

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

(c) The board may require the licensee to submit to an examination pursuant to this section to evaluate the extent of the PHYSICAL illness, ~~or~~ THE PHYSICAL condition, OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the licensee's ability to practice with reasonable skill and with safety to patients.

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

**SECTION 70.** In Colorado Revised Statutes, 12-40.5-110, **amend** (2)(d)(I) and (2)(d)(II) as follows:

**12-40.5-110. Grounds for discipline - disciplinary proceedings - judicial review.** (2) The director may revoke, suspend, deny, or refuse to renew a license; place a licensee on probation; issue a letter of admonition to a licensee; or issue a cease-and-desist order to a licensee in

accordance with this section upon proof that the licensee:

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

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

**SECTION 71.** In Colorado Revised Statutes, 12-40.5-114.5, **amend** (1) and (2)(a) as follows:

**12-40.5-114.5. Confidential agreement to limit practice - violation - grounds for discipline.** (1) If an occupational therapist or occupational therapy assistant has a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER that renders the person unable to practice occupational therapy with reasonable skill and safety to clients, the occupational therapist or occupational therapy assistant shall notify the director of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER in a manner and within a period determined by the director. The director may require the occupational therapist or occupational therapy assistant to submit to an examination to evaluate the extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the occupational therapist's or occupational therapy assistant's ability to practice occupational therapy with reasonable skill and safety to clients.

(2) (a) Upon determining that an occupational therapist or occupational therapy assistant with a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER is able to render limited services with reasonable skill and safety to clients, the director may enter into a confidential agreement with the occupational therapist or occupational therapy assistant in which the occupational

therapist or occupational therapy assistant agrees to limit his or her practice based on the restrictions imposed by the PHYSICAL illness; ~~OR THE PHYSICAL~~ condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER, as determined by the director.

**SECTION 72.** In Colorado Revised Statutes, 12-41-115, **amend** (1)(m)(I) and (1)(m)(II) as follows:

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

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

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

**SECTION 73.** In Colorado Revised Statutes, 12-41-118.5, **amend** (1) and (2)(a) as follows:

**12-41-118.5. Examinations - notice - confidential agreements.** (1) If a physical therapist suffers from a physical ~~or mental~~ illness; ~~OR A PHYSICAL~~ condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER rendering the licensee unable to practice physical therapy or practice as a physical therapist with reasonable skill and patient safety, the physical therapist shall notify the board of the PHYSICAL illness; ~~OR THE PHYSICAL~~ condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER in a manner and within a period of time determined by the board. The board may require the licensee to submit to an examination or to evaluate the extent of the PHYSICAL illness; ~~OR THE PHYSICAL~~ condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the licensee's ability to practice with reasonable skill and safety to patients.

(2) (a) Upon determining that a physical therapist with a physical

~~or mental illness; or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER is able to render limited physical therapy with reasonable skill and patient safety, the board may enter into a confidential agreement with the physical therapist in which the physical therapist agrees to limit his or her practice based on the restrictions imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER, as determined by the board.

**SECTION 74.** In Colorado Revised Statutes, 12-41-210, **amend** (1)(i)(I) and (1)(i)(II) as follows:

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

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

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

**SECTION 75.** In Colorado Revised Statutes, 12-41-214, **amend** (1) and (2)(a) as follows:

**12-41-214. Examinations - notice - confidential agreements.** (1) If a certified physical therapist assistant suffers from a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER rendering the certified physical therapist assistant unable to practice with reasonable skill and patient safety, the certified physical therapist assistant shall notify the board of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER in a manner and within a period of time determined by the board. The board may require the certified physical therapist assistant to submit to an examination, or the board may evaluate the extent of the PHYSICAL illness;

~~OR~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the certified physical therapist assistant's ability to practice with reasonable skill and safety to patients.

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

**SECTION 76.** In Colorado Revised Statutes, 12-41.5-109, **amend** (2)(h), (2)(i)(I), and (2)(i)(II) as follows:

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

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

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

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

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

**SECTION 77.** In Colorado Revised Statutes, 12-41.5-109.7, **amend** (1) and (2)(a) as follows:

**12-41.5-109.7. Confidential agreement to limit practice - violation - grounds for discipline.** (1) If a respiratory therapist has a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER that renders the person unable to practice respiratory therapy with reasonable skill and safety to clients, the respiratory therapist shall notify the director of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER in a manner and within a period determined by the director. The director may require the respiratory therapist to submit to an examination to evaluate the extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER and its effect on the respiratory therapist's ability to practice respiratory therapy with reasonable skill and safety to clients.

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

**SECTION 78.** In Colorado Revised Statutes, 12-42-102, **amend** the introductory portion and (4) as follows:

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

(4) The practice as a "psychiatric technician" means the performance for compensation of selected acts requiring interpersonal and



technical skills and includes the administering of selected treatments and selected medications prescribed by a licensed physician or dentist, in the care of and in the observation and recognition of symptoms and reactions of a patient with a BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDER OR AN INTELLECTUAL AND developmental disability under the direction of a licensed physician and the supervision of a registered professional nurse. The selected acts in the care of a patient with a BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDER OR AN INTELLECTUAL AND developmental disability ~~shall~~ MUST not require the substantial specialized skill, judgment, and knowledge required in professional nursing.

**SECTION 79.** In Colorado Revised Statutes, 12-42-111, **amend** (1)(a), (1)(b) introductory portion, (1)(b)(III), (1)(b)(IV), and (3) as follows:

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

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

(III) ~~Mental retardation~~ INTELLECTUAL AND DEVELOPMENTAL DISABILITIES theory and rehabilitation nursing principles and skills if the technician is to be licensed to care for clients with INTELLECTUAL AND developmental disabilities; and

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

(3) If the requirements of this ~~article~~ ARTICLE 42 for an accredited psychiatric technician educational program are met, the institution ~~shall~~ MUST be accredited as a psychiatric technician educational program for

psychiatric technicians for work with patients with mental ~~illness~~ OR HEALTH DISORDERS OR INTELLECTUAL AND developmental disabilities, for so long as such institution meets the requirements of this ~~article~~ ARTICLE 42.

**SECTION 80.** In Colorado Revised Statutes, 12-42-113, **amend** (1) introductory portion, (1)(i), and (1)(j) as follows:

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

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

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

**SECTION 81.** In Colorado Revised Statutes, 12-42-116, **amend** (1) as follows:

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

technician who is not a psychiatric technician licensed under the provisions of this ~~article~~ ARTICLE 42.

**SECTION 82.** In Colorado Revised Statutes, 12-42.5-123, **amend** (1)(e), (1)(r)(I), and (1)(r)(II) as follows:

**12-42.5-123. Unprofessional conduct - grounds for discipline.**

(1) The board may suspend, revoke, refuse to renew, or otherwise discipline any license or registration issued by it, after a hearing held in accordance with the provisions of this section, upon proof that the licensee or registrant:

(e) ~~Is addicted to, dependent on~~ HAS AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION 27-82-102, or engages in the habitual or excessive use or abuse of ~~intoxicating liquors~~ ALCOHOL, a habit-forming drug, or a controlled substance, as defined in section 18-18-102 (5); ~~C.R.S.~~;

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

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

**SECTION 83.** In Colorado Revised Statutes, 12-42.5-134, **amend** (1) and (2)(a) as follows:

**12-42.5-134. Confidential agreement to limit practice - violation - grounds for discipline.** (1) If a pharmacist or intern has a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTHDISORDER that renders the person unable to practice pharmacy with reasonable skill and safety to clients, the pharmacist or intern shall notify the board of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER in a manner and within a

period determined by the board. The board may require the pharmacist or intern to submit to an examination or refer the pharmacist or intern to the pharmacy peer health assistance diversion program established in part 2 of this ~~article~~ ARTICLE 42.5 to evaluate the extent of the PHYSICAL illness; ~~OR THE PHYSICAL~~ condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the pharmacist's or intern's ability to practice pharmacy with reasonable skill and safety to clients.

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

**SECTION 84.** In Colorado Revised Statutes, 12-42.5-203, **amend** (2)(a) as follows:

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

**SECTION 85.** In Colorado Revised Statutes, 12-42.5-204, **amend** (2)(a) as follows:

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

(a) Acknowledge the existence or the potential existence of a psychiatric, psychological, or emotional problem; ~~or~~ excessive alcohol or

drug use; ~~or addiction~~ OR AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION 27-82-102;

**SECTION 86.** In Colorado Revised Statutes, 12-42.5-401, **amend** (1)(a) and (1)(b) as follows:

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

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

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

**SECTION 87.** In Colorado Revised Statutes, 12-42.5-404, **amend** (3)(c.5) as follows:

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

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

**SECTION 88.** In Colorado Revised Statutes, 12-42.5-408.5, **amend** (1) introductory portion and (1)(b) as follows:

**12-42.5-408.5. Examination and analysis of prescription drug monitoring program - recommendations to executive director.** (1) The executive director of the department of regulatory agencies shall create a prescription drug monitoring program task force or consult with and request assistance from the Colorado team assembled by the governor's office to develop a strategic plan to reduce prescription drug ~~abuse~~ MISUSE, or its successor group, in order to:

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

**SECTION 89.** In Colorado Revised Statutes, 12-43-201, **amend** the introductory portion and (9)(a) as follows:

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

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

**SECTION 90.** In Colorado Revised Statutes, 12-43-203, **amend** (2)(a)(II)(B) as follows:

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

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

**SECTION 91.** In Colorado Revised Statutes, 12-43-221.5, **amend** (1) and (2)(a) as follows:

**12-43-221.5. Confidential agreement to limit practice - violation grounds for discipline.** (1) If a licensee, registrant, or certificate holder has a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER that renders the person unable

to practice his or her mental health profession with reasonable skill and with safety to clients, the licensee, registrant, or certificate holder shall notify the board that regulates his or her profession of the PHYSICAL illness; ~~OR THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER~~ in a manner and within a period determined by his or her oversight board. The applicable board may require the licensee, registrant, or certificate holder to submit to an examination or refer the licensee, registrant, or certificate holder to a peer health assistance program, if such program exists, to evaluate the extent of the PHYSICAL illness; ~~OR THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER~~ and its impact on the licensee's, registrant's, or certificate holder's ability to practice with reasonable skill and with safety to clients.

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

**SECTION 92.** In Colorado Revised Statutes, 12-43-222, **amend** (1) introductory portion, (1)(f)(I), and (1)(f)(II) as follows:

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

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

(II) Fails to act within the limitations created by a physical ~~or mental~~ illness; ~~OR A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER~~ that renders the person unable to treat clients with reasonable skill and safety or that may endanger the health or safety

of persons under his or her care; or

**SECTION 93.** In Colorado Revised Statutes, 12-43-224, **amend as amended by House Bill 17-1046** (2)(c)(II)(B) as follows:

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

(B) The licensee, registrant, or certificate holder has been adjudicated by a court of competent jurisdiction as a person who is gravely disabled, A PERSON WHO IS mentally incompetent, or A PERSON WHO IS insane; ~~or as IS a person with WHO HAS a mental illness~~ HEALTH DISORDER; ~~or as IS a person with a developmental and WHO HAS AN intellectual AND DEVELOPMENTAL~~ disability; or

**SECTION 94.** In Colorado Revised Statutes, 12-43-228.5, **amend** (4) as follows:

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

**SECTION 95.** In Colorado Revised Statutes, 12-43-303, **amend** (2)(c) as follows:

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

(c) Diagnosis, treatment, and management of BEHAVIORAL, mental, ~~and OR emotional HEALTH disorder~~ DISORDERS or ~~disability~~ DISABILITIES; substance use disorders; AND disorders of habit or conduct, as well as of the



psychological aspects of physical illness, accident, injury, or disability;

**SECTION 96.** In Colorado Revised Statutes, 12-43-403, **amend** (1) as follows:

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

**SECTION 97.** In Colorado Revised Statutes, 12-43-503, **amend** (1) as follows:

**12-43-503. Marriage and family therapy practice defined.** (1) For the purposes of this part 5, "marriage and family therapy practice" means the rendering of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, whether such services are offered directly to the general public or through organizations, either public or private, for a monetary fee. Marriage and family therapy utilizes established principles that recognize the interrelated nature of individual problems and dysfunctions to assess, understand, diagnose, and treat emotional ~~and mental~~ problems; ~~alcohol and substance abuse~~ BEHAVIORAL, MENTAL HEALTH, AND SUBSTANCE USE DISORDERS; and domestic violence, and modify intrapersonal and interpersonal dysfunctions.

**SECTION 98.** In Colorado Revised Statutes, 12-43-801, **amend** (4) and (9) as follows:

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

otherwise requires:

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

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

**SECTION 99.** In Colorado Revised Statutes, 12-43.2-105, **amend** (2)(c) and (2)(d) as follows:

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

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

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

**SECTION 100.** In Colorado Revised Statutes, 12-43.7-110, **amend** (2)(c), (2)(d)(I), and (2)(d)(II) as follows:

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

certificate holder:

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

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

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

**SECTION 101.** In Colorado Revised Statutes, 12-43.7-115, **amend** (1) and (2)(a) as follows:

**12-43.7-115. Confidential agreement to limit practice - violation grounds for discipline.** (1) If a speech-language pathologist suffers from a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER that renders ~~the person~~ HIM OR HER unable to practice speech-language pathology or practice as a speech-language pathologist with reasonable skill and patient safety, the speech-language pathologist shall notify the director of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER in a manner and within a period of time determined by the director. The director may require the speech-language pathologist to submit to an examination to evaluate the extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the speech-language pathologist's ability to practice with

reasonable skill and safety to patients.

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

**SECTION 102.** In Colorado Revised Statutes, 12-58-110, **amend** (1) introductory portion and (1)(l) as follows:

**12-58-110. Disciplinary action by board - licenses or registrations denied, suspended, or revoked - cease-and-desist orders.** (1) The board may deny, suspend, revoke, or refuse to renew any license or registration issued or applied for under the provisions of this ~~article~~ ARTICLE 58 or place a licensee or a registrant on probation for any of the following reasons:

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

**SECTION 103.** In Colorado Revised Statutes, 12-64-125, **amend** (1)(a)(I) as follows:

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

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

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

**SECTION 104.** In Colorado Revised Statutes, 13-3-113, **amend** (2)(d), (5)(b) introductory portion, and (5)(b)(V)(D) as follows:

**13-3-113. "Family-friendly Courts Act". (2) Legislative declaration.** (d) The general assembly therefore determines and declares that the creation of family-friendly court programs is beneficial to and in the best interests of the citizens of Colorado. The general assembly further finds that the goal of such programs shall primarily be providing quality child care in or near courthouses to the children of individuals and families who attend court-related proceedings, but that such programs may also provide additional court-related family services at the facility and ~~shall~~ serve as a clearinghouse of information and resource referrals for program patrons concerning the wide variety of available services in the community, including services that provide help to at-risk youth; educational services; health services; BEHAVIORAL, mental health, ~~services, substance abuse~~ AND SUBSTANCE USE DISORDER services; legal services; and domestic abuse information.

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

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

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

**SECTION 105.** In Colorado Revised Statutes, 13-5-145, **amend** (2)(j) as follows:

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

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

**SECTION 106.** In Colorado Revised Statutes, 13-9-103, **amend as amended by House Bill 17-1046** (1)(f) as follows:

**13-9-103. Jurisdiction.** (1) The probate court of the city and county of Denver has original and exclusive jurisdiction in said city and county of:

(f) The administration of guardianships of minors and of persons declared mentally incompetent and of conservatorships of persons with a mental ~~illness~~ HEALTH DISORDERS or persons with an intellectual and developmental disability and of absentees;

**SECTION 107.** In Colorado Revised Statutes, 13-10-105, **amend** (2) introductory portion and (2)(d) as follows:

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

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

**SECTION 108.** In Colorado Revised Statutes, 13-20-401, **amend** (2) as follows:

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

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

**SECTION 109.** In Colorado Revised Statutes, **amend** 13-22-102 as follows:

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

**SECTION 110.** In Colorado Revised Statutes, 13-80-103.7, **amend as amended by House Bill 17-1046** (3.5)(a) as follows:

**13-80-103.7. General limitation of actions - sexual assault or sexual offense against a child - six years.** (3.5) (a) For the purpose of this section, "person under disability" means any person who is a minor under eighteen years of age, a person who has been declared mentally incompetent, or a person under other legal disability and who does not have a legal guardian. "Person under disability" also includes a victim of a sexual assault when the victim is in a special relationship with the

perpetrator of the assault or is a victim of a sexual offense against a child or is a victim who is residing in an institutional facility, such as a nursing home, regional center, or residential facility for the treatment and care of persons with a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER or for the care of persons with intellectual and developmental disabilities and where the victim is psychologically or emotionally unable to acknowledge the assault or offense and the resulting harm. For the purpose of this subsection (3.5), "special relationship" means a relationship between the victim and the perpetrator of the sexual assault which is a confidential, trust-based relationship, such as attorney-client, doctor-patient, psychotherapist-patient, minister-parishioner, teacher-student, or familial relationship. It is the intent of the general assembly to leave in place the six-year limitation for adults subjected to a sexual assault except in the situations described in this subsection (3.5)(a) in which the victim is in a special relationship with the perpetrator of the assault. In the circumstances in which a victim is in a special relationship with the perpetrator of the assault or is a victim of a sexual offense against a child or a victim who is residing in an institutional facility, such as a nursing home, regional center, or residential facility for the treatment and care of persons with a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER or for the care of persons with intellectual and developmental disabilities and where the victim is psychologically or emotionally unable to acknowledge the assault or offense and the resulting harm, the six-year limitation ~~shall be~~ IS tolled until the disability is removed. For the purpose of this section, where the plaintiff is a victim of a series of sexual assaults or sexual offenses against a child, the plaintiff need not establish which act of a series of acts caused the plaintiff's injury, and the statute of limitations set forth in this section commences with the last in the series of acts, subject to the provisions of this section regarding disability. However, as elements of the cause of action, a person under disability who is psychologically or emotionally unable to acknowledge the assault or offense and the resulting harm has the burden of proving that the assault or offense occurred and that ~~the person~~ HE OR SHE was actually psychologically or emotionally unable to acknowledge the assault or offense and the resulting harm.

**SECTION 111.** In Colorado Revised Statutes, 13-90-107, **amend** (1)(m)(IV) introductory portion and (1)(m)(IV)(D) as follows:

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

(1) There are particular relations in which it is the policy of the law to



encourage confidence and to preserve it inviolate; therefore, a person shall not be examined as a witness in the following cases:

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

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

**SECTION 112.** In Colorado Revised Statutes, **amend as amended by House Bill 17-1046** 14-7-104 as follows:

**14-7-104. Application of article.** This article 7 does not apply to liability for the support of children admitted, CERTIFIED, committed, or transferred to any public institution of this state supervised by the department of human services for the care, support, maintenance, education, or treatment of a person with a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER or a person with an intellectual and developmental disability.

**SECTION 113.** In Colorado Revised Statutes, 14-10-115, **amend** (10)(h)(II) as follows:

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

**SECTION 114.** In Colorado Revised Statutes, 14-15-107, **amend**

(5)(n) as follows:

**14-15-107. Rights, benefits, protections, duties, obligations, responsibilities, and other incidents of parties to a civil union.**

(5) Rights, benefits, protections, duties, obligations, responsibilities, and other incidents under law as are granted to or imposed upon spouses, that apply in like manner to parties to a civil union under this section, include but are not limited to:

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

**SECTION 115.** In Colorado Revised Statutes, 15-1.5-101, **amend as amended by House Bill 17-1046** (8) as follows:

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

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

**SECTION 116.** In Colorado Revised Statutes, 15-14-118, **amend as amended by House Bill 17-1046** (2)(c) as follows:

**15-14-118. Small estate - person under disability - no personal representative.** (2) The petition must state, so far as known to petitioner:

(c) The date upon which and the court by which the person under disability was adjudged as having a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, an intellectual and developmental disability, or other incapacitating disability;

**SECTION 117.** In Colorado Revised Statutes, 15-14-316, **amend** (4) as follows:

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

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

**SECTION 118.** In Colorado Revised Statutes, 16-4-105, **amend** (6)(b) and (8)(d) as follows:

**16-4-105. Conditions of release on bond.** (6) (b) A person seeking relief from any of the conditions imposed pursuant to ~~paragraph (a) of this subsection~~ ~~(6)~~ SUBSECTION (6)(a) OF THIS SECTION shall file a motion with the court, and the court shall conduct a hearing upon the motion. The court shall consider whether the condition from which the person is seeking relief is in the interest of justice and whether public safety would be endangered if the condition were not enforced. When determining whether to grant relief pursuant to this ~~paragraph (b)~~ SUBSECTION (6)(b), the court shall consider whether the person has voluntarily enrolled and is participating in an appropriate substance ~~abuse~~ USE DISORDER treatment program.

(8) In addition to the conditions specified in this section, the court may impose any additional conditions on the conduct of the person released that will assist in obtaining the appearance of the person in court and the safety of any person or persons and the community. These conditions may include, but are not limited to, supervision by a qualified person or

organization or supervision by a pretrial services program established pursuant to section 16-4-106. While under the supervision of a qualified organization or pretrial services program, the conditions of release imposed by the court may include, but are not limited to:

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

**SECTION 119.** In Colorado Revised Statutes, **amend** 16-8-121 as follows:

**16-8-121. Escape - return to institution.** (1) If any defendant, confined in an institution for the care and treatment of persons with BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDERS OR INTELLECTUAL AND developmental disabilities under the supervision of the executive director of the department of human services, escapes from such institution, it is the duty of the chief officer ~~thereof~~ to apply forthwith to the district court for the county in which the hospital or institution is located for a warrant of arrest directed to the sheriff of the county, commanding him or her forthwith to take all necessary legal action to effect the arrest of ~~such~~ THE defendant and to return him or her promptly to the institution. ~~and~~ The fact of an escape becomes a part of the official record of a defendant and ~~shall~~ MUST be certified to the committing court as part of the record in any proceeding to determine whether the defendant is eligible for release from commitment or eligible for conditional release.

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

**SECTION 120.** In Colorado Revised Statutes, 16-11-102, **amend** (1)(c) as follows:

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

(1) (c) (I) The state court administrator may implement a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program to screen defendants for which the court has ordered an investigation pursuant to this section. If the state court administrator chooses to implement a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program, the state court administrator shall use the standardized BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening instrument developed pursuant to section 16-11.9-102 and conduct the screening in accordance with the procedures established pursuant to said section. The findings and results of any standardized BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening conducted pursuant to this ~~paragraph (c)~~ shall SUBSECTION (1)(c) MUST be included in the written report to the court prepared and submitted pursuant to this subsection (1).

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

**SECTION 121.** In Colorado Revised Statutes, 16-11-209, **amend** (2)(d) and (3)(e) as follows:

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

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

(3) If any probationer described in subsection (2) of this section is subjected to a second or subsequent test for the illegal or unauthorized use of a controlled substance and the result of such test is positive, the

probation officer shall take one or more of the following actions:

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

**SECTION 122.** In Colorado Revised Statutes, 16-11.3-101, **amend** (1)(g) and (2) as follows:

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

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

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

**SECTION 123.** In Colorado Revised Statutes, 16-11.3-102, **amend** (2)(a) introductory portion and (2)(a)(XI)(H) as follows:

**16-11.3-102. Colorado commission on criminal and juvenile justice - creation - membership - operation.** (2) (a) The commission ~~shall consist~~ CONSISTS of twenty-six voting members, as follows:

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

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

**SECTION 124.** In Colorado Revised Statutes, 16-11.7-103, **amend** (4)(b)(I) and (4)(j)(I) as follows:

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

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

(I) The board shall develop, implement, and revise, as appropriate, guidelines and standards to treat adult sex offenders, including adult sex offenders with INTELLECTUAL AND developmental disabilities, incorporating in the guidelines and standards the concepts of the risk-need-responsivity or another evidence-based correctional model, which guidelines and standards can be used in the treatment of offenders who are placed on probation, incarcerated with the department of corrections, placed on parole, or placed in community corrections. Programs implemented pursuant to the guidelines and standards developed pursuant to this ~~paragraph (b) shall~~ SUBSECTION (4)(b) MUST be as flexible as possible so that the programs may be accessed by each adult sex offender to prevent the offender from harming victims and potential victims. Programs ~~shall~~ MUST include a continuing monitoring process and a continuum of treatment options available to an adult sex offender as he or she proceeds through the criminal justice system. Treatment options ~~shall~~ MUST be determined by a current risk assessment and evaluation and may include, but need not be limited to, group counseling, individual counseling, family counseling, outpatient treatment, inpatient treatment, shared living arrangements, or treatment in a therapeutic community. Programs implemented pursuant to the guidelines and standards developed pursuant to this ~~paragraph (b) shall~~ SUBSECTION (4)(b) MUST, to the extent possible, be accessible to all adult sex offenders in the criminal justice system, including those offenders with BEHAVIORAL, mental ~~illness~~ HEALTH, and co-occurring disorders. The procedures for evaluation, identification, treatment, and monitoring developed pursuant to this subsection (4) ~~shall~~ MUST be implemented only to the extent that ~~moneys~~ ~~are~~ MONEY IS available in the sex offender surcharge fund created in section 18-21-103 (3). ~~C.R.S.~~

(j) (I) **Guidelines and standards for treatment of juvenile offenders.** The board shall develop, implement, and revise, as appropriate, guidelines and standards to treat juveniles who have committed sexual

offenses, including juveniles with INTELLECTUAL AND developmental disabilities, incorporating in the guidelines and standards the concepts of the risk-need-responsivity or another evidence-based correctional model, which guidelines and standards may be used for juvenile offenders who are placed on probation, committed to the department of human services, placed on parole, or placed in out-of-home placement. Programs implemented pursuant to the guidelines and standards developed pursuant to this ~~paragraph (j) shall~~ SUBSECTION (4)(j) MUST be as flexible as possible so that the programs may be accessed by each juvenile offender to prevent him or her from harming victims and potential victims. Programs ~~shall~~ MUST provide a continuing monitoring process and a continuum of treatment options available to a juvenile offender as he or she proceeds through the juvenile justice system. Treatment options may include, but need not be limited to, group counseling, individual counseling, family counseling, outpatient treatment, inpatient treatment, shared living arrangements, and treatment in a therapeutic community. Programs implemented pursuant to the guidelines and standards developed pursuant to this ~~paragraph (j) shall~~ SUBSECTION (4)(j) MUST be, to the extent possible, accessible to all juveniles who have committed sexual offenses and who are in the juvenile justice system, including juveniles with BEHAVIORAL, mental ~~illness~~ HEALTH, or co-occurring disorders.

**SECTION 125.** In Colorado Revised Statutes, **amend** 16-11.9-101 as follows:

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



**SECTION 126.** In Colorado Revised Statutes, 16-11.9-102, **amend** (1) introductory portion, (1)(b), (1)(d), (1)(e), (1)(f), (2) introductory portion, (2)(b), (2)(d), (2)(e), and (2)(f) as follows:

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

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

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

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

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

(2) In conjunction with the development of a standardized BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening procedure for the adult criminal justice system as specified in subsection (1) of this

section, the judicial department, the division of youth corrections within the department of human services, the unit responsible for child welfare services within the department of human services, the ~~unit within~~ OFFICE OF BEHAVIORAL HEALTH IN the department of human services, ~~that administers behavioral health programs and services, including those related to mental health and substance abuse,~~ the division of criminal justice within the department of public safety, and the department of corrections shall cooperate to develop a standardized screening procedure for the assessment of BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS in juveniles who are involved in the juvenile justice system. The standardized screening procedure ~~shall~~ MUST include, but is not limited to:

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

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

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

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

**SECTION 127.** In Colorado Revised Statutes, 16-20-102, **amend** the introductory portion and (3) as follows:

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

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

**SECTION 128.** In Colorado Revised Statutes, 17-1-102, **amend** the introductory portion, (7.5)(a)(I), and (7.5)(a)(II) as follows:

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

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

(I) Who is sixty years of age or older and has been diagnosed by a licensed health care provider who is employed by or under contract with the department as suffering from a chronic infirmity, illness, condition, disease, or BEHAVIORAL OR ~~mental illness~~ HEALTH DISORDER and the department or the state board of parole determines that the person is incapacitated to the extent that he or she is not likely to pose a risk to public safety; or

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

**SECTION 129.** In Colorado Revised Statutes, 17-1-113.8, **amend** (1) and (2)(b)(I) as follows:

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

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

**SECTION 130.** In Colorado Revised Statutes, 17-2-102, **amend** (8.5)(a)(IV), (8.5)(b) introductory portion, and (8.5)(b)(V) as follows:

**17-2-102. Division of adult parole - general powers, duties, and functions - definitions.** (8.5) (a) Any parolee, on parole as a result of a conviction of any felony, who is under the supervision of the division of adult parole pursuant to this part 1 and who is initially tested for the illegal or unauthorized use of a controlled substance and the result of such test is positive shall be subject to any or all of the following actions:

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

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

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

**SECTION 131.** In Colorado Revised Statutes, **amend** 17-2-209 as follows:

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

**SECTION 132.** In Colorado Revised Statutes, 17-23-101, **amend** (1)(a) as follows:

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

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

**SECTION 133.** In Colorado Revised Statutes, 17-27-104, **amend** (12) as follows:

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

**SECTION 134.** In Colorado Revised Statutes, 17-27.9-102, **amend** (1) as follows:

**17-27.9-102. Specialized restitution and community service programs - contract with treatment providers - division of criminal justice.** (1) The director of the division of criminal justice of the department of public safety may, pursuant to section 17-27-108, contract with one or more public or private providers or community corrections boards, as defined in section 17-27-102 (2), who operate restitution and community service facilities, to provide specialized restitution and community service programs that meet the requirements of this section. As used in this ~~article~~ ARTICLE 27.9, such providers ~~shall be~~ ARE referred to as "providers". ~~The provision of any substance abuse treatment shall be by an entity approved by the unit in the department of human services that administers behavioral health programs and services, including those~~

~~related to mental health and substance abuse, pursuant to article 80 of title 27, C.R.S.~~ THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES SHALL APPROVE ANY ENTITY THAT PROVIDES TREATMENT FOR SUBSTANCE USE DISORDERS PURSUANT TO ARTICLE 80 OF TITLE 27.

**SECTION 135.** In Colorado Revised Statutes, 17-34-101, **amend** (1)(a) introductory portion, (1)(a)(I) introductory portion, and (1)(a)(I)(C) as follows:

**17-34-101. Juveniles who are convicted as adults in district court - eligibility for specialized program placement - petitions.**

(1) (a) Notwithstanding any other provision of law, an offender serving a sentence in the department for a felony offense as a result of the filing of criminal charges by an information or indictment pursuant to section 19-2-517, ~~C.R.S.~~, or the transfer of proceedings to the district court pursuant to section 19-2-518, ~~C.R.S.~~, or pursuant to either of these sections as they existed prior to their repeal and reenactment, with amendments, by House Bill 96-1005, and who remains in the custody of the department for that felony offense may petition for placement in the specialized program described in section 17-34-102, referred to within this section as the "specialized program", as follows:

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

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

**SECTION 136.** In Colorado Revised Statutes, 17-40-101, **amend** the introductory portion and (2) as follows:

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

(2) "Diagnostic services" means diagnostic examination and evaluation programs, including medical and dental evaluations, psychological testing, and academic and vocational assessment. "Diagnostic services" also includes identification of special needs, such as

protective custody, services for persons who have BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDERS OR INTELLECTUAL AND developmental disabilities, and special arrangements for those deemed potentially disruptive to institutional safety and operation.

**SECTION 137.** In Colorado Revised Statutes, 17-40-106, **amend** (4) as follows:

**17-40-106. Responsibilities of the superintendent.** (4) (a) The superintendent may implement a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program to screen offenders entering the diagnostic center. If the superintendent chooses to implement a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program, the superintendent shall use the standardized screening instrument developed pursuant to section 16-11.9-102 ~~C.R.S.~~, and conduct the screening in accordance with procedures established pursuant to said section.

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

**SECTION 138.** In Colorado Revised Statutes, 18-1-505, **amend** (3)(b) as follows:

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

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

**SECTION 139.** In Colorado Revised Statutes, **amend** 18-1.3-210 as follows:

**18-1.3-210. Counseling or treatment for alcohol or drug abuse or substance use disorder.** (1) In any case in which treatment or counseling for alcohol or drug abuse OR A SUBSTANCE USE DISORDER is authorized in connection with a deferred prosecution, deferred judgment and sentence, or probation, the court may require the defendant to obtain counseling or treatment for the condition. If the court orders the counseling or treatment, the court shall order that the counseling or treatment ~~be~~ IS obtained from a treatment facility or person approved by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human services, ~~that administers behavioral health programs and services, including those related to mental health and substance abuse,~~ established in article 80 of title 27, ~~C.R.S.~~, unless the court makes a finding that counseling or treatment in another facility or with another person is warranted. If the defendant voluntarily submits himself or herself for ~~such~~ treatment or counseling, the district attorney and the court may consider his or her willingness to correct his or her condition as a basis for granting deferred prosecution or deferred judgment and sentence.

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

**SECTION 140.** In Colorado Revised Statutes, 18-1.3-407, **amend** (5)(b)(I) introductory portion, (5)(b)(I)(B), (5)(b)(III), (5)(b)(IV), and (5)(c) as follows:

**18-1.3-407. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department of**



**corrections - definitions.** (5) (b) (I) An offender who is thought to have a BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDER OR AN INTELLECTUAL AND developmental disability by a mental health clinician, as defined by regulation of the department of corrections, may be transferred to another facility for a period not to exceed sixty days for diagnostic validation of said ~~illness~~ DISORDER or disability. At the conclusion of the sixty-day period, the psychiatrists or other appropriate professionals conducting the diagnosis shall forward to the executive director of the department of corrections their findings, which at a minimum ~~shall~~ MUST include a statement of whether the offender has the ability to withstand the rigors of the youthful offender system. If the diagnosis determines that the offender is incapable of completing his or her sentence to the youthful offender system due to a BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDER OR AN INTELLECTUAL AND developmental disability, the executive director shall forward such determination to the sentencing court. Based on the determination, the sentencing court shall review the offender's sentence to the youthful offender system and may:

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

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

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

(c) The department of corrections shall implement a procedure for

returning offenders who cannot successfully complete the sentence to the youthful offender system, or who fail to comply with the terms or conditions of the youthful offender system, to the district court. An offender returned to the district court pursuant to ~~paragraph (a) of this subsection (5)~~ SUBSECTION (5)(a) OF THIS SECTION or because he or she cannot successfully complete the sentence to the youthful offender system for reasons other than A BEHAVIORAL OR mental ~~illness or a~~ HEALTH DISORDER OR AN INTELLECTUAL AND developmental disability, or because he or she fails to comply with the terms or conditions of the youthful offender system, shall receive imposition of the original sentence to the department of corrections. After the executive director of the department upholds the department's decision, the offender may be held in any correctional facility deemed appropriate by the executive director; except that an offender who cannot successfully complete the sentence to the youthful offender system for reasons other than A BEHAVIORAL OR mental ~~illness or a~~ HEALTH DISORDER OR AN INTELLECTUAL AND developmental disability, or because he or she fails to comply with the terms or conditions of the youthful offender system, shall be transferred, within thirty-five days after the executive director upholds the department's decision, to a county jail for holding prior to resentencing. The department shall notify the district attorney of record, and the district attorney of record shall be responsible for seeking the revocation or review of the offender's sentence and the imposition of the original sentence or modification of the original sentence pursuant to ~~sub-subparagraph (B) of subparagraph (I) of paragraph (b) of this subsection (5)~~ SUBSECTION (5)(b)(I)(B) OF THIS SECTION. The district court shall review the offender's sentence within one hundred twenty-six days after notification to the district attorney of record by the department of corrections that the offender is not able to complete the sentence to the youthful offender system or fails to comply with the terms or conditions of the youthful offender system.

**SECTION 141.** In Colorado Revised Statutes, 18-3-405.5, **amend** (4)(c) as follows:

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

(c) "Psychotherapy" means the treatment, diagnosis, or counseling in a professional relationship to assist individuals or groups to alleviate

BEHAVIORAL OR mental HEALTH disorders, understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behaviors ~~which~~ THAT interfere with effective emotional, social, or intellectual functioning.

**SECTION 142.** In Colorado Revised Statutes, 18-6.5-102, **amend** the introductory portion and (11)(e) as follows:

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

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

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

**SECTION 143.** In Colorado Revised Statutes, **amend** 18-8-201.1 as follows:

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

**SECTION 144.** In Colorado Revised Statutes, 18-18-401, **amend** (1) introductory portion and (1)(c) as follows:

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

(c) Successful, community-based substance abuse treatment and education programs AND SUBSTANCE USE DISORDER TREATMENT PROGRAMS, in conjunction with ~~mental health~~ treatment FOR BEHAVIORAL OR MENTAL HEALTH DISORDERS as necessary, provide effective tools in the effort to reduce drug usage and enhance public safety by reducing the

likelihood that drug users will have further contact with the criminal justice system. Therapeutic intervention and ongoing individualized treatment plans prepared through the use of meaningful and proven assessment tools and evaluations offer an effective alternative to incarceration in appropriate circumstances and should be utilized accordingly.

**SECTION 145.** In Colorado Revised Statutes, 18-18-503, **amend** (1)(c) as follows:

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

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

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

**SECTION 146.** In Colorado Revised Statutes, 18-18.5-101, **amend** (3)(a)(IV) as follows:

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

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

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

**SECTION 147.** In Colorado Revised Statutes, 18-19-103, **amend** (5)(b)(IV) as follows:

**18-19-103. Source of revenues - allocation of money.** (5) (b) The board consists of:

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

**SECTION 148.** In Colorado Revised Statutes, 19-1-103, **amend** the introductory portion and (101.7) as follows:

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

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

**SECTION 149.** In Colorado Revised Statutes, 19-1-104, **amend** (1)(i) as follows:

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

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

**SECTION 150.** In Colorado Revised Statutes, 19-1-111, **amend** (2)(c) as follows:

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

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

**SECTION 151.** In Colorado Revised Statutes, 19-1-303, **amend** (2.5)(b) as follows:

**19-1-303. General provisions - delinquency and dependency and neglect cases - exchange of information - civil penalty.** (2.5) (b) For purposes of sharing information pursuant to this subsection (2.5) only, "mental health or medical records and information" ~~shall~~ DOES not include the standardized BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening. An assessment center that conducts a standardized BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening on a child who has been taken into temporary custody by law enforcement or has been referred to the assessment center for children for case management purposes may share the results of such screening, without the necessity of a signed release, with the agencies, other than schools and school districts, participating in the assessment center for children. To receive the results of the standardized BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening, a participating agency ~~shall~~ MUST have a need to know for purposes of investigations and case management in the administration of its respective programs. Any participating agency receiving such information shall use it only for the performance of its legal duties and responsibilities and shall maintain the confidentiality of the information received, except as may be required pursuant to rule 16 of the Colorado rules of criminal procedure.

**SECTION 152.** In Colorado Revised Statutes, 19-2-303, **amend** (8) as follows:

**19-2-303. Juvenile diversion program - authorized.** (8) (a) The director may implement a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program to screen juveniles who participate in the juvenile diversion program. If the director chooses to implement a BEHAVIORAL OR

mental ~~illness~~ HEALTH DISORDER screening program, the director shall use the standardized BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening developed pursuant to section 16-11.9-102 ~~C.R.S.~~, and conduct the screening in accordance with procedures established pursuant to said section.

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

**SECTION 153.** In Colorado Revised Statutes, **amend** 19-2-417 as follows:

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

(2) Prior to implementation of a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program pursuant to this section, if implementation of the program would require an increase in appropriations, the executive director shall submit to the joint budget committee a request for funding in the amount necessary to implement the BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program. If implementation of the BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program would require an increase in appropriations, implementation of the program ~~shall~~ ~~be~~ IS conditional upon approval of the funding request.

**SECTION 154.** In Colorado Revised Statutes, 19-2-508, **amend** (3)(b) as follows:

**19-2-508. Detention and shelter - hearing - time limits - findings - review - confinement with adult offenders - restrictions.** (3) (b) (I) If it appears that any juvenile being held in detention or shelter may ~~be developmentally disabled~~ HAVE AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY, as provided in article 10.5 of title 27, ~~C.R.S.~~, the court or detention personnel shall refer the juvenile to the nearest community-centered board for an eligibility determination. If it appears that any juvenile being held in a detention or shelter facility pursuant to the provisions of this ~~article~~ ARTICLE 2 may have a mental ~~illness~~ HEALTH DISORDER, as provided in sections 27-65-105 and 27-65-106, ~~C.R.S.~~, the intake personnel or other appropriate personnel shall contact a mental health professional to do a mental health hospital placement prescreening on the juvenile. The court shall be notified of the contact and may take appropriate action. If a mental health hospital placement prescreening is requested, it shall be conducted in an appropriate place accessible to the juvenile and the mental health professional. A request for a mental health hospital placement prescreening ~~shall~~ MUST not extend the time within which a detention hearing ~~shall~~ MUST be held pursuant to this section. If a detention hearing has been set but has not yet occurred, the mental health hospital placement prescreening shall be conducted prior to the hearing; except that the prescreening ~~shall~~ MUST not extend the time within which a detention hearing ~~shall~~ MUST be held.

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

(III) When the mental health professional finds, as a result of the prescreening, that the juvenile may have a mental ~~illness~~ HEALTH DISORDER, the mental health professional shall recommend to the court that the juvenile be evaluated pursuant to section 27-65-105 or 27-65-106.



~~C.R.S.~~

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

**SECTION 155.** In Colorado Revised Statutes, 19-2-905, **amend** (3) as follows:

**19-2-905. Presentence investigation.** (3) (a) The state court administrator may implement a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program to be used by the juvenile court. If the state court administrator chooses to implement a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program, the juvenile court shall use the standardized BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening developed pursuant to section 16-11.9-102 ~~C.R.S.~~, and conduct the screening in accordance with the procedures established pursuant to said section. The findings and results of any standardized BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening conducted pursuant to this subsection (3) ~~shall~~ MUST be included in the written report to the court prepared and submitted pursuant to this section.

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

**SECTION 156.** In Colorado Revised Statutes, 19-2-906, **amend** (2) as follows:

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

court has reason to believe that the juvenile may have a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, the court shall order a mental health hospital placement prescreening to be conducted in any appropriate place.

**SECTION 157.** In Colorado Revised Statutes, 19-2-907, **amend** (7) as follows:

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

**SECTION 158.** In Colorado Revised Statutes, 19-2-916, **amend** (1) as follows:

**19-2-916. Sentencing - placement based on special needs of the juvenile.** (1) Except as otherwise provided in section 19-2-601 for an aggravated juvenile offender, the court may order that the juvenile be examined or treated by a physician, surgeon, psychiatrist, or psychologist or that he or she receive other special care and may place the juvenile in a hospital or other suitable facility for such purposes; except that no juvenile may be placed in a mental health facility operated by the department of human services until the juvenile has received a mental health hospital placement prescreening resulting in a recommendation that the juvenile be placed in a facility for an evaluation pursuant to section 27-65-105 or 27-65-106, ~~C.R.S.~~, or a hearing has been held by the court after notice to all parties, including the department of human services. ~~No~~ AN order for a seventy-two-hour treatment and evaluation shall NOT be entered unless a hearing is held and evidence indicates that the prescreening report is inadequate, incomplete, or incorrect and that competent professional evidence is presented by a mental health professional that indicates that ~~mental illness is present in~~ the juvenile HAS A BEHAVIORAL OR MENTAL HEALTH DISORDER. The court shall make, prior to the hearing, such orders regarding temporary custody of the juvenile as are deemed appropriate.

**SECTION 159.** In Colorado Revised Statutes, 19-2-922, **amend** (3) as follows:

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

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

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

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

**SECTION 160.** In Colorado Revised Statutes, 19-2-923, **amend** (3)(a) and (3)(d) as follows:

**19-2-923. Juveniles committed to department of human services - transfers.** (3) (a) Any juvenile committed to the department of human services may be transferred temporarily to any state treatment facility for persons with BEHAVIORAL OR mental ~~illness~~ ~~or~~ HEALTH DISORDERS OR INTELLECTUAL AND developmental disabilities for purposes of diagnosis, evaluation, and emergency treatment; except that ~~no~~ A juvenile may NOT be transferred to a mental health facility until the juvenile has received a mental health hospital placement prescreening resulting in a recommendation that the juvenile be placed in a facility for evaluation pursuant to section 27-65-105 or 27-65-106. ~~C.R.S.~~ ~~No~~ A juvenile committed to the department as an aggravated juvenile offender or violent

juvenile offender shall NOT be transferred until the treatment facility has a secure setting in which to house the juvenile. The period of temporary transfer pursuant to this ~~paragraph (a) shall~~ SUBSECTION (3)(a) MUST not exceed sixty days.

(d) When a juvenile is in continued transferred placement and the treatment facility and the sending facility agree that the need for placement of the juvenile is likely to continue beyond the original period of commitment to the department of human services, the treatment facility shall initiate proceedings with the court having jurisdiction over the juvenile ~~under~~ PURSUANT TO article 65 of title 27 ~~C.R.S.~~, if the juvenile has a mental ~~illness~~ HEALTH DISORDER or ~~under~~ PURSUANT TO article 10.5 of title 27 ~~C.R.S.~~, if the juvenile has INTELLECTUAL AND developmental disabilities.

**SECTION 161.** In Colorado Revised Statutes, 19-3-401, **amend** (3)(c) introductory portion, (3)(c)(II), and (3)(c)(III) as follows:

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

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

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

**SECTION 162.** In Colorado Revised Statutes, 19-3-403, **amend** (4) as follows:

**19-3-403. Temporary custody - hearing - time limits - restriction - rules.** (4) (a) If it appears that any child being held in a shelter facility

may ~~be developmentally disabled~~ HAVE AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY, as provided in article 10.5 of title 27, ~~C.R.S.~~, the court shall refer the child to the nearest community-centered board for an eligibility determination. If it appears that any child being held in a shelter facility pursuant to the provisions of this ~~article~~ ARTICLE 3 may have a mental ~~illness~~ HEALTH DISORDER, as provided in sections 27-65-105 and 27-65-106, ~~C.R.S.~~, the intake personnel or other appropriate personnel shall contact a mental health professional to do a mental health DISORDER prescreening on the child. The court shall be notified of the contact and may take appropriate action. If a mental health DISORDER prescreening is requested, it shall be conducted in an appropriate place accessible to the child and the mental health professional. A request for a mental health DISORDER prescreening ~~shall~~ MUST not extend the time within which a hearing ~~shall~~ IS TO be held pursuant to this section. If a hearing has been set but has not yet occurred, the mental health DISORDER prescreening shall be conducted prior to the hearing; except that the prescreening ~~shall~~ MUST not extend the time within which a hearing ~~shall~~ IS TO be held pursuant to this section.

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

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

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

**SECTION 163.** In Colorado Revised Statutes, 19-3-505, **amend**

(4)(d) as follows:

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

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

**SECTION 164.** In Colorado Revised Statutes, 19-3-506, **amend** (1), (2)(a), (3)(a), and (4) as follows:

**19-3-506. Child with a mental health disorder or an intellectual and developmental disability - procedure.**

(1) (a) If it appears from the evidence presented at an adjudicatory hearing or otherwise that a child may have ~~developmental disabilities~~ AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY, as defined in article 10.5 of title 27, ~~C.R.S.~~, the court shall refer the child to the community-centered board in the designated service area where the action is pending for an eligibility determination pursuant to article 10.5 of title 27. ~~C.R.S.~~

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

(c) ~~When~~ IF the mental health professional finds, based upon a prescreening done pursuant to THIS SECTION OR section 19-3-403 (4), ~~or under this section~~, that the child may have a mental ~~illness~~ HEALTH DISORDER, as defined in ~~sections 27-65-105 and 27-65-106, C.R.S.~~ SECTION 27-65-102, the court shall review the prescreening report within twenty-four hours, excluding Saturdays, Sundays, and legal holidays, and order the child placed for an evaluation at a facility designated by the executive director of the department of human services for a

seventy-two-hour treatment and evaluation pursuant to section 27-65-105 or 27-65-106. ~~C.R.S.~~ On and after January 1, 1986, if the child to be placed is in a detention facility, the designated facility shall admit the child within twenty-four hours after the court orders an evaluation, excluding Saturdays, Sundays, and legal holidays.

(d) Any evaluation conducted pursuant to this subsection (1) ~~shall~~ MUST be completed within seventy-two hours, excluding Saturdays, Sundays, and legal holidays. ~~Neither~~ A county jail ~~nor~~ OR a detention facility, as described in article 2 of this ~~title, shall be~~ TITLE 19, IS NOT considered a suitable facility for evaluation, although a mental health DISORDER prescreening may be conducted in any appropriate setting.

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

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

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

proceedings.

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

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

**SECTION 165.** In Colorado Revised Statutes, 19-3-507, **amend** (2) as follows:

**19-3-507. Dispositional hearing.** (2) If the court has reason to believe that the child may have AN INTELLECTUAL AND developmental ~~disabilities~~ DISABILITY, the court shall refer the child to the community-centered board in the designated service area where the action is pending for an eligibility determination pursuant to article 10.5 of title 27. ~~C.R.S.~~ If the court has reason to believe that the child may have a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, the court shall order a BEHAVIORAL OR mental health DISORDER prescreening to be conducted in any appropriate place.

**SECTION 166.** In Colorado Revised Statutes, 19-3-508, **amend** (1) introductory portion and (1)(d)(I) as follows:

**19-3-508. Neglected or dependent child - disposition - concurrent planning.** (1) When a child has been adjudicated to be neglected or dependent, the court may enter a decree of disposition the same day, but in any event it shall do so within forty-five days unless the court finds that the best interests of the child will be served by granting a delay. In a county designated pursuant to section 19-1-123, if the child is



under six years of age at the time a petition is filed in accordance with section 19-3-501 (2), the court shall enter a decree of disposition within thirty days after the adjudication and shall not grant a delay unless good cause is shown and unless the court finds that the best interests of the child will be served by granting the delay. It is the intent of the general assembly that the dispositional hearing be held on the same day as the adjudicatory hearing, whenever possible. If a delay is granted, the court shall set forth the reasons why a delay is necessary and the minimum amount of time needed to resolve the reasons for the delay and shall schedule the hearing at the earliest possible time following the delay. When the proposed disposition is termination of the parent-child legal relationship, the hearing on termination ~~shall~~ MUST not be held on the same date as the adjudication, and the time limits set forth above for dispositional hearings ~~shall~~ DO not apply. When the proposed disposition is termination of the parent-child legal relationship, the court may continue the dispositional hearing to the earliest available date for a hearing in accordance with the provisions of ~~paragraph (a) of subsection (3)~~ SUBSECTION (3)(a) of this section and part 6 of this ~~article~~ ARTICLE 3. When the decree does not terminate the parent-child legal relationship, the court shall approve an appropriate treatment plan that ~~shall~~ MUST include but not be limited to one or more of the following provisions of ~~paragraphs (a) to (d) of this subsection (1)~~ SUBSECTIONS (1)(a) TO (1)(d) OF THIS SECTION:

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

**SECTION 167.** In Colorado Revised Statutes, 19-3-604, **amend as amended by House Bill 17-1046** (1)(b)(I) as follows:

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

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

(I) AN emotional illness, A BEHAVIORAL OR ~~mental illness~~ HEALTH DISORDER, or an intellectual and developmental disability of the parent of such duration or nature as to render the parent unlikely within a reasonable time to care for the ongoing physical, mental, and emotional needs and conditions of the child;

**SECTION 168.** In Colorado Revised Statutes, 19-5-105, **amend as amended by House Bill 17-1046** (3.1)(a)(I) as follows:

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

(a) That the parent is unfit. In considering the fitness of the child's parent, the court shall consider the following:

(I) AN emotional illness, A BEHAVIORAL OR ~~mental illness~~ HEALTH DISORDER, or an intellectual and developmental disability of the parent of such duration or nature as to render the parent unlikely, within a reasonable period of time, to care for the ongoing physical, mental, and emotional needs of the child;

**SECTION 169.** In Colorado Revised Statutes, 22-1-102.5, **amend** (2)(a) introductory portion and (2)(a)(II)(A) as follows:

**22-1-102.5. Definition of homeless child.** (2) (a) As used in this

~~article~~ ARTICLE 1, unless the context otherwise requires, "homeless child" means:

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

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

**SECTION 170.** In Colorado Revised Statutes, 22-7-604.5, **amend** (1.5)(d) and (1.5)(m) as follows:

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

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

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

**SECTION 171.** In Colorado Revised Statutes, 22-32-109.2, **amend** (1) as follows:

**22-32-109.2. Board of education - specific duties - adoption of policy.** (1) In carrying out the duties specified in section 22-32-109 (1)(t), on and after July 1, 1990, each board of education ~~shall be~~ IS required to formally adopt a policy concerning the delivery of all educational programs and courses of instruction or study ~~which~~ THAT expose pupils to any psychiatric or psychological methods or procedures involving the diagnosis, assessment, or treatment of any ~~emotional~~, behavioral or mental HEALTH disorder. ~~or disability.~~

**SECTION 172.** In Colorado Revised Statutes, 22-33-204, **amend** (1) introductory portion and (1)(c) as follows:

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

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

**SECTION 173.** In Colorado Revised Statutes, **amend** 23-22-106 as follows:

**23-22-106. Director and assistant.** The board of regents shall appoint a director who ~~shall hold~~ HOLDS office during its pleasure, ~~and~~ who is a physician and graduate of an incorporated medical college, who has had at least ten years' experience in the actual practice of his OR HER profession, and who has had at least five years' actual experience as a neuropathologist. The director shall reside at the hospital, ~~and shall~~ give his OR HER entire time and attention to the discharge of his OR HER official duties, and ~~shall~~ receive ~~such~~ compensation as ~~shall be~~ fixed by the board of regents. The board of regents may further provide for an assistant director who is a physician and graduate of an incorporated medical college, ~~and~~ has had at least five years' experience in the actual practice of his OR HER profession, and one year's specialization in ~~nervous and mental diseases, and~~ BEHAVIORAL OR MENTAL HEALTH DISORDERS. It shall provide for ~~such~~ other employees and medical assistants as may be necessary and ~~shall~~ prescribe their duties and fix their respective compensations. THE DIRECTOR SHALL SELECT AND APPOINT all such assistants and employees,

~~shall be selected and appointed by the director, subject to the approval of the board of regents. and they~~ THE ASSISTANTS AND EMPLOYEES ~~shall hold their positions subject to such~~ THE rules ~~and regulations as~~ OF the board of regents. ~~may prescribe.~~

**SECTION 174.** In Colorado Revised Statutes, 23-22-107, **amend** (1) as follows:

**23-22-107. Objects of hospital - eligible patients.** (1) The hospital ~~shall be~~ IS primarily and principally conducted, not for chronic illness, but for the care and treatment of legal residents of Colorado who are afflicted with a ~~mental disease or disorder or abnormal mental condition~~ ~~which~~ BEHAVIORAL OR MENTAL HEALTH DISORDER THAT can probably be remedied by observation, treatment, and hospital care. ~~Said~~ THE hospital ~~shall~~ MUST also be utilized for such instruction and for such scientific research as, in the opinion of the board of regents, will promote the welfare of the patients committed OR CERTIFIED to its care and assist in the application of science to the prevention and cure of BEHAVIORAL OR ~~mental diseases~~ HEALTH DISORDERS.

**SECTION 175.** In Colorado Revised Statutes, 23-23-103, **amend** (1)(b) as follows:

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

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

**SECTION 176.** In Colorado Revised Statutes, 24-1.9-102, **amend** (2)(b) as follows:

**24-1.9-102. Memorandum of understanding - local-level interagency oversight groups - individualized services and support teams - coordination of services for children and families - requirements - waiver.** (2) (b) **Identification of services and funding**

**sources.** The memorandum of understanding ~~shall~~ MUST specify the legal responsibilities and funding sources of each party to the memorandum of understanding as those responsibilities and funding sources relate to children and families who would benefit from integrated multi-agency services, including the identification of the specific services that may be provided. Specific services that may be provided may include, but are not limited to: Prevention, intervention, and treatment services; family preservation services; family stabilization services; out-of-home placement services; services for children at imminent risk of out-of-home placement; probation services; services for children with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS; public assistance services; medical assistance services; child welfare services; and any additional services ~~which~~ the parties deem necessary to identify.

**SECTION 177.** In Colorado Revised Statutes, 24-4-103, **add** (11)(m) as follows:

**24-4-103. Rule-making - procedure - definitions - repeal.**

(11) (m) (I) ALL RULES, RATES, ORDERS, AWARDS, AND DOCUMENTS OF STATE AGENCIES SUBJECT TO THE PROVISIONS OF PART 1 OF THIS ARTICLE 4 THAT WERE LAWFULLY ADOPTED PRIOR TO THE PASSAGE AND ENACTMENT OF SENATE BILL 17-242 CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED, REPEALED, OR NULLIFIED PURSUANT TO LAW; EXCEPT THAT ANY SUCH RULES, RATES, ORDERS, AWARDS, AND DOCUMENTS OF STATE AGENCIES AFFECTED BY THE PROVISIONS OF SENATE BILL 17-242 MUST BE UPDATED AS SOON AS PRACTICABLE.

(II) THIS SUBSECTION (11)(m) IS REPEALED, EFFECTIVE JULY 1, 2018.

**SECTION 178.** In Colorado Revised Statutes, 24-34-104, **amend** (17)(a) introductory portion, (17)(a)(XI), (26)(a) introductory portion, and (26)(a)(IV) as follows:

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

(XI) The record-keeping and licensing functions of the department

of human services relating to ~~addiction~~ SUBSTANCE USE DISORDER TREATMENT programs under which controlled substances are compounded, administered, or dispensed in accordance with part 2 of article 80 of title 27; ~~C.R.S.~~;

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

(IV) The rural alcohol and substance abuse prevention and treatment program created pursuant to section 27-80-117 ~~C.R.S.~~, ~~within the unit~~ IN THE OFFICE OF BEHAVIORAL HEALTH in the department of human services; ~~that administers behavioral health programs and services, including those related to mental health and substance abuse;~~

**SECTION 179.** In Colorado Revised Statutes, 24-34-501, **amend** (1.3)(b)(II) as follows:

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

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

**SECTION 180.** In Colorado Revised Statutes, 24-50-603, **amend** (11) as follows:

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

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

**SECTION 181.** In Colorado Revised Statutes, 25-1-124.5, **amend** (2)(b) as follows:

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

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

**SECTION 182.** In Colorado Revised Statutes, 25-1-520, **amend** (1) introductory portion, (2) introductory portion, and (2)(b) as follows:

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

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

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

**SECTION 183.** In Colorado Revised Statutes, 25-1-1202, **amend** (1)(vv) as follows:



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

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

**SECTION 184.** In Colorado Revised Statutes, 25-1.5-103, **amend** (2)(b) as follows:

**25-1.5-103. Health facilities - powers and duties of department - limitations on rules promulgated by department - definitions.** (2) For purposes of this section, unless the context otherwise requires:

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

**SECTION 185.** In Colorado Revised Statutes, 25-1.5-106, **amend** (10) as follows:

**25-1.5-106. Medical marijuana program - powers and duties of state health agency - rules - medical review board - medical marijuana program cash fund - subaccount - created - repeal.** (10) **Renewal of patient identification card upon criminal conviction.** Any patient who is convicted of a criminal offense under article 18 of title 18, ~~C.R.S.~~, sentenced or ordered by a court to ~~drug or substance abuse~~ treatment FOR A SUBSTANCE USE DISORDER, or sentenced to the division of youth corrections, ~~shall be~~ IS subject to immediate renewal of his or her patient registry identification card, and the patient shall apply for the renewal based upon a recommendation from a physician with whom the patient has a bona fide physician-patient relationship.

**SECTION 186.** In Colorado Revised Statutes, 25-1.5-112, **amend** (4)(f) as follows:

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

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

**SECTION 187.** In Colorado Revised Statutes, 25-1.5-301, **amend** (2)(g) as follows:

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

(2) "Facility" means:

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

**SECTION 188.** In Colorado Revised Statutes, **amend** 25-3-100.5 as follows:

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

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

**SECTION 189.** In Colorado Revised Statutes, 25-3.5-802, **amend** (2) as follows:

**25-3.5-802. Legislative declaration.** (2) The general assembly ~~hereby~~ finds that persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS are more likely to abuse tobacco products than any other segment of society. The general assembly further finds that the unusually

heavy pattern of tobacco abuse engaged in by persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS requires special treatment strategies that are not provided by other alcohol, drug, or tobacco abuse programs OR SUBSTANCE USE DISORDER TREATMENT PROGRAMS. It is therefore the general assembly's intent that the programs funded pursuant to this part 8 include comprehensive programs to prevent and treat tobacco addiction among persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS.

**SECTION 190.** In Colorado Revised Statutes, 25-3.5-804, **amend** (3)(a) as follows:

**25-3.5-804. Tobacco education, prevention, and cessation programs - review committee - grants.** (3) (a) The division shall review the applications received pursuant to this part 8 and make recommendations to the state board regarding those entities that may receive grants and the amounts of said grants. On and after October 1, 2005, the review committee shall review the applications received pursuant to this part 8 and submit to the state board and the director of the department recommended grant recipients, grant amounts, and the duration of each grant. Within thirty days after receiving the review committee's recommendations, the director shall submit his or her recommendations to the state board. The review committee's recommendations regarding grantees of the Tony Grampsas youth services program, section 26-6.8-102, ~~C.R.S.~~, pursuant to section 25-3.5-805 (5) shall be submitted to the state board and the Tony Grampsas youth services board. Within thirty days after receiving the review committee's recommendations, the Tony Grampsas youth services board shall submit its recommendations to the state board. The state board ~~shall have~~ HAS the final authority to approve the grants under this part 8. If the state board disapproves a recommendation for a grant recipient, the review committee may submit a replacement recommendation within thirty days. In reviewing grant applications for programs to provide tobacco education, prevention, and cessation programs for persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS, the division or the review committee shall consult with the programs for public psychiatry at the university of Colorado health sciences center, the national alliance for the mentally ill, the mental health association of Colorado, and the department of human services.

**SECTION 191.** In Colorado Revised Statutes, 25-3.5-805, **amend** (1)(h) as follows:

**25-3.5-805. Tobacco education, prevention, and cessation programs - requirements.** (1) An entity that applies for a grant pursuant to the provisions of this part 8 shall in the application demonstrate that the tobacco education, prevention, or cessation program provides at least one of the following:

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

**SECTION 192.** In Colorado Revised Statutes, 25-4-408, **amend** (5) as follows:

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

**SECTION 193.** In Colorado Revised Statutes, 25-4-1902, **amend** (1) and (4) as follows:

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

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

(4) "Gulf war syndrome" means the wide range of physical and

mental conditions, DISORDERS, problems, and illnesses, including birth defects, experienced by veterans and family members that are connected with a veteran's service in the armed forces of the United States during the gulf war.

**SECTION 194.** In Colorado Revised Statutes, 25-4-2003, **amend** (3) as follows:

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

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

**SECTION 195.** In Colorado Revised Statutes, 25-15-328, **amend** (1)(a) as follows:

**25-15-328. Household medication take-back program - creation - liability - definitions - cash fund - rules.** (1) (a) The general assembly finds and declares that prescription drug ~~abuse~~ MISUSE is a rampant problem in Colorado, in part due to the accidental and intentional abuse of leftover household medications. The general assembly further declares that citizen access to a disposal location to return unused household medications will reduce the availability of household medications for unintended or abusive purposes and will further protect the environment through proper disposal.

**SECTION 196.** In Colorado Revised Statutes, 25-20.5-408, **amend** (1)(c) as follows:

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

**SECTION 197.** In Colorado Revised Statutes, 25.5-2-101, **amend** (2) as follows:

**25.5-2-101. Old age pension health and medical care fund - supplemental old age pension health and medical care fund - cash system of accounting - legislative declaration - rules.** (2) Any ~~moneys~~ MONEY remaining in the state old age pension fund after full payment of basic minimum awards to qualified old age pension recipients and after establishment and maintenance of the old age pension stabilization fund in the amount of five million dollars shall be transferred to a fund to be known as the old age pension health and medical care fund, which is hereby created. The state board shall establish and promulgate rules for administration of a program to provide health and medical care to persons who qualify to receive old age pensions and who are not patients in an institution for tuberculosis or BEHAVIORAL OR mental ~~diseases~~ HEALTH DISORDERS. The costs of such program, not to exceed ten million dollars in any fiscal year, ~~shall be~~ ARE defrayed from ~~such~~ THE health and medical care fund, but all ~~moneys~~ MONEY available, accrued or accruing, received or receivable, in said health and medical care fund in excess of ten million dollars in any fiscal year ~~shall be~~ IS transferred to the general fund of the state to be used pursuant to law. ~~Moneys~~ MONEY in the old age pension health and medical care fund ~~shall be~~ IS subject to annual appropriation by the general assembly.

**SECTION 198.** In Colorado Revised Statutes, 25.5-4-103, **amend** the introductory portion and (3) as follows:

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

(3) "Case management services" means services provided by community-centered boards, as defined by section 25.5-10-202, and community mental health centers and community mental health clinics, as defined by section 27-66-101, ~~C.R.S.~~, to assist persons with intellectual and developmental disabilities, as defined by section 25.5-10-202, and persons with mental ~~illness~~ HEALTH DISORDERS, as defined by section 27-65-102 ~~(14)~~, ~~C.R.S.~~ (11.5), by case management agencies, as defined in section 25.5-6-303 (5), providing CASE MANAGEMENT services, as defined in sections 25.5-6-104 (2)(b) and 25.5-6-303 (6), to persons WITH A

DISABILITY, PERSONS who are elderly OR blind, ~~and disabled~~ and long-term care clients, in gaining access to needed medical, social, educational, and other services.

**SECTION 199.** In Colorado Revised Statutes, 25.5-5-202, **amend** (1) introductory portion, (1)(r), and (1)(s)(I) as follows:

**25.5-5-202. Basic services for the categorically needy - optional services - repeal.** (1) Subject to the provisions of subsection (2) of this section, the following are services for which federal financial participation is available and ~~which~~ THAT Colorado has selected to provide as optional services under the medical assistance program:

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

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

**SECTION 200.** In Colorado Revised Statutes, 25.5-5-207, **amend** (1)(a) introductory portion and (1)(a)(II) as follows:

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

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

**SECTION 201.** In Colorado Revised Statutes, 25.5-5-301, **amend** (4) as follows:

**25.5-5-301. Clinic services.** (4) "Clinic services" also means preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services ~~that are~~ furnished to a pregnant woman who is enrolled or eligible for services pursuant to section 25.5-5-101 (1)(c) or 25.5-5-201 (1)(m.5) in a facility that is not a part of a hospital but is organized and operated as

a freestanding ~~alcohol or drug~~ SUBSTANCE USE DISORDER treatment program approved and licensed by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human services ~~that administers behavioral health programs and services, including those related to mental health and substance abuse~~, pursuant to section 27-80-108 (1)(c). ~~C.R.S.~~

**SECTION 202.** In Colorado Revised Statutes, 25.5-5-307, **amend** (2) as follows:

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

**SECTION 203.** In Colorado Revised Statutes, 25.5-5-314, **amend** (1) as follows:

**25.5-5-314. Substance use disorder treatment for Native Americans - federal approval.** (1) The state department shall request federal approval, conditioned on the receipt of gifts, grants, or donations sufficient to provide for the state's administrative costs of preparing and submitting the request, to include any substance ~~abuse~~ USE DISORDER treatment benefits available to Native Americans in which there is one hundred percent federal financial participation.

**SECTION 204.** In Colorado Revised Statutes, 25.5-5-315, **amend** (1) as follows:

**25.5-5-315. Acceptance of gifts, grants, and donations - Native American substance abuse treatment cash fund.** (1) The executive director may accept and expend ~~moneys~~ MONEY from gifts, grants, and donations for purposes of providing for the administrative costs of preparing and submitting the request for federal approval to provide substance ~~abuse~~ USE DISORDER treatment services to Native Americans as provided for in section 25.5-5-314. All such gifts, grants, and donations



shall be transmitted to the state treasurer who shall credit the same to the Native American substance abuse treatment cash fund, which fund is hereby created AND REFERRED TO IN THIS SECTION AS THE "FUND". The moneys MONEY in the Native American substance abuse treatment cash fund shall be IS subject to annual appropriation by the general assembly. All investment earnings derived from the deposit and investment of moneys MONEY in the Native American substance abuse treatment cash fund shall remain REMAINS in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

**SECTION 205.** In Colorado Revised Statutes, 25.5-5-501, **amend** (1)(a) as follows:

**25.5-5-501. Providers - drug reimbursement.** (1) (a) As to drugs for which payment is made, the state board's rules for the payment therefor shall MUST include the requirement that the generic equivalent of a brand-name drug be prescribed if the generic equivalent is a therapeutic equivalent to the brand-name drug, except when reimbursement to the state for a brand-name drug makes the brand-name drug less expensive than the cost of the generic equivalent. The state department shall grant an exception to this requirement if the patient has been stabilized on a medication and the treating physician, or a pharmacist with the concurrence of the treating physician, is of the opinion that a transition to the generic equivalent of the brand-name drug would be unacceptably disruptive. The requirements of this subsection (1) shall DO not apply to medications for the treatment of BEHAVIORAL OR mental illness HEALTHDISORDERS, cancer, epilepsy, or human immunodeficiency virus and acquired immune deficiency syndrome.

**SECTION 206.** In Colorado Revised Statutes, 25.5-6-106, **amend** (2)(a) as follows:

**25.5-6-106. Single entry point system - authorization - phases for implementation - services provided.** (2) **Single entry point agencies - service programs - functions.** (a) A single entry point agency shall MUST be an agency in a local community through which any person eighteen years of age or older who is in need of long-term care can access needed long-term care services. A single entry point agency may be a private, nonprofit organization; a county agency, including a county department of HUMAN OR social services; a county nursing service; an area

agency on aging; or a multicounty agency. Persons in need of specialized assistance such as services for PERSONS WITH INTELLECTUAL AND developmental disabilities or BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS may be referred by a single entry point agency to programs under the department of human services.

**SECTION 207.** In Colorado Revised Statutes, 25.5-6-201, **amend** (13) as follows:

**25.5-6-201. Special definitions relating to nursing facility reimbursement.** As used in this part 2, unless the context otherwise requires:

(13) "Class I facility" means a private for-profit or not-for-profit nursing facility provider or a facility provider operated by the state of Colorado, a county, a city and county, or special district that provides general skilled nursing facility care to residents who require twenty-four-hour nursing care and services due to their ages, infirmity, or health care conditions, including residents who are behaviorally challenged by virtue of A severe BEHAVIORAL OR mental ~~illness or dementia~~ HEALTH DISORDER.

**SECTION 208.** In Colorado Revised Statutes, 25.5-6-412, **amend** (3) introductory portion and (3)(e) as follows:

**25.5-6-412. Cross-system response for behavioral health crises pilot program - legislative declaration - creation - criteria - recommendations - fund - repeal.** (3) There is created in the state department a cross-system response for behavioral health crises pilot program, referred to in this section as the "pilot program". The pilot program will have locations at multiple sites that represent different geographic regions of the state. The goal of the pilot program is to provide crisis intervention, stabilization, and follow-up services to individuals who have both an intellectual ~~or~~ AND developmental disability and a BEHAVIORAL OR mental health ~~or behavioral~~ disorder and who also require services not available through an existing home- or community-based services waiver or covered under the Colorado behavioral health care system. To achieve this goal, the pilot program must complement and expand on the Colorado behavioral health crisis response system, provided through the department of human services pursuant to section 27-60-103,

~~C.R.S.~~, to:

(e) Provide data about the cost in Colorado of providing such services throughout the state to complement the cost-analysis study described in subsection (6) of this section related to the cost to eliminate service gaps for individuals who have an intellectual ~~or~~ AND developmental disability and who also have a ~~psychiatric or~~ behavioral OR MENTAL HEALTH disorder; and

**SECTION 209.** In Colorado Revised Statutes, 25.5-6-603, **amend** (1)(a) as follows:

**25.5-6-603. Definitions.** As used in this part 6, unless the context otherwise requires:

(1) "Eligible person" means a person:

(a) Who has a primary diagnosis of A major mental ~~illness~~ HEALTH DISORDER, as such term is defined in the diagnostic and statistical manual of mental disorders used by the mental health profession, and includes schizophrenic, paranoid, major affective, and schizoaffective disorders, and atypical psychosis, but does not include dementia, including Alzheimer's disease or related disorders;

**SECTION 210.** In Colorado Revised Statutes, 25.5-6-704, **amend** (2) introductory portion and (2)(e) as follows:

**25.5-6-704. Implementation of home- and community-based services program for persons with brain injury authorized - federal waiver - duties of the department.** (2) Services for eligible persons may be established in department rules to the extent authorized or required by federal waiver, but ~~shall~~ MUST include at least the following:

(e) Counseling and training including ~~substance abuse~~ treatment FOR SUBSTANCE USE DISORDERS and family counseling;

**SECTION 211.** In Colorado Revised Statutes, 26-1-105.5, **amend** (1)(a) as follows:

**26-1-105.5. Transfer of functions - employees - property -**

**records.** (1) (a) The department shall, on and after July 1, 1994, execute, administer, perform, and enforce the rights, powers, duties, functions, and obligations vested prior to July 1, 1994, in the department of social services, the department of institutions, and the department of health concerning the administration of ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER TREATMENT programs.

**SECTION 212.** In Colorado Revised Statutes, 26-1-107, **amend** (6)(g) as follows:

**26-1-107. State board of human services - rules.** (6) The state board shall:

(g) Adopt rules concerning ~~mental health programs, alcohol and drug abuse programs, and developmental disabilities~~ programs RELATED TO BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS AND INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. To the extent that rules are promulgated by the state board of human services for programs or providers that receive either medicaid only or both medicaid and non-medicaid funding, the rules ~~shall~~ MUST be developed in cooperation with the department of health care policy and financing and ~~shall~~ MUST not conflict with state statutes or federal statutes or regulations.

**SECTION 213.** In Colorado Revised Statutes, 26-1-111, **amend** (5) as follows:

**26-1-111. Activities of the state department under the supervision of the executive director - cash fund - report - rules - statewide adoption resource registry.** (5) The state department, through the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the state department, ~~that administers behavioral health programs and services, including those related to mental health and substance abuse,~~ shall administer ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER TREATMENT programs set forth in articles 80, 81, and 82 of title 27. ~~C.R.S.~~

**SECTION 214.** In Colorado Revised Statutes, 26-1-132, **amend** (1)(b) as follows:

**26-1-132. Department of human services - rate setting - residential treatment service providers - monitoring and auditing -**

**report.** (1) In conjunction with the group of representatives convened by the state department pursuant to section 26-5-104 (6)(e) to review the rate-setting process for child welfare services, the state department shall develop a rate-setting process consistent with medicaid requirements for providers of residential treatment services in Colorado. The department of health care policy and financing shall approve the rate-setting process for rates funded by medicaid. The rate-setting process developed pursuant to this section may include:

(b) A request for proposal to contract for specialized service needs of a child, including but not limited to: ~~Substance-abuse~~ SUBSTANCE USE DISORDER treatment services, sex offender services, and services for the INTELLECTUALLY AND developmentally disabled; and

**SECTION 215.** In Colorado Revised Statutes, 26-1-201, **amend** (1)(a), (1)(b), (1)(c), and (1)(x) as follows:

**26-1-201. Programs administered - services provided - department of human services.** (1) This section specifies the programs to be administered and the services to be provided by the department of human services. These programs and services include the following:

(a) ~~Alcohol and drug abuse~~ Programs RELATED TO SUBSTANCE ABUSE AND SUBSTANCE USE DISORDERS, as specified in article 80 of title 27; ~~C.R.S.~~;

(b) ~~Alcoholism and intoxication treatment~~ Programs RELATED TO ALCOHOL ABUSE AND ALCOHOL USE DISORDERS, as specified in article 81 of title 27; ~~C.R.S.~~;

(c) ~~Drug abuse prevention, education, and treatment~~ Programs RELATED TO PREVENTION, EDUCATION, AND TREATMENT FOR SUBSTANCE ABUSE AND SUBSTANCE USE DISORDERS, as specified in article 82 of title 27; ~~C.R.S.~~;

(x) Programs for the care and treatment of persons with mental ~~illness~~ HEALTH DISORDERS, as specified in article 65 of title 27; ~~C.R.S.~~;

**SECTION 216.** In Colorado Revised Statutes, 26-2-103, **amend as amended by House Bill 17-1046** (11)(a) as follows:

**26-2-103. Definitions.** As used in this article 2 and article 1 of this title 26, unless the context otherwise requires:

(11) (a) "Social services" means services and payments for services available, directly or indirectly, through the staff of the state department of human services and county departments of human or social services or through state designated agencies, where applicable, for the benefit of eligible persons. The services are provided pursuant to rules adopted by the state board. "Social services" may include day care, homemaker services, foster care, and other services to individuals or families for the purpose of attaining or retaining capabilities for maximum self-care, self-support, and personal independence and services to families or members of families for the purpose of preserving, rehabilitating, reuniting, or strengthening the family. At such time as Title XX of the social security act becomes effective with respect to federal reimbursements, "social services" may include child care services, protective services for children and adults, services for children and adults in foster care, services related to the management and maintenance of the home, day care services for adults, transportation services, training and related services, employment services, information, referral, and counseling services, the preparation and delivery of meals, health support services, and appropriate combinations of services designed to meet the special needs of children, persons who are elderly, persons with intellectual and developmental disabilities, persons who are blind, persons with a BEHAVIORAL OR mental illness HEALTH DISORDERS, persons with a physical disability, and persons incapacitated by alcoholism or by drug addiction WITH SUBSTANCE USE DISORDERS.

**SECTION 217.** In Colorado Revised Statutes, 26-2-106, **amend** (6)(a) as follows:

**26-2-106. Applications for public assistance.** (6) (a) ~~No~~ AN application for aid to the needy disabled ~~shall~~ MUST NOT be approved until the applicant's medical condition has been certified by a physician licensed to practice medicine in this state, a physician assistant licensed in this state, or an advanced practice nurse licensed in this state. In addition to a physician, an applicant may be examined by a physician assistant licensed in this state, by an advanced practice nurse, or by a registered nurse licensed in this state who is functioning within the scope of the nurse's license and training. The supervising physician, or the physician, physician assistant, or nurse who conducted the examination shall certify in writing

upon forms prescribed by the state department as to the diagnosis, prognosis, and other relevant medical or mental factors relating to the APPLICANT'S disability. ~~of the applicant. No AN applicant WHO IS disabled as a result of a primary diagnosis of alcoholism or a controlled substance addiction shall~~ AN ALCOHOL USE DISORDER OR A SUBSTANCE USE DISORDER RELATED TO CONTROLLED SUBSTANCES MUST NOT be approved for aid to the needy disabled except as provided in section 26-2-111 (4)(e).

**SECTION 218.** In Colorado Revised Statutes, 26-2-108, **amend** (1)(d)(II) as follows:

**26-2-108. Granting of assistance payments and social services.**

(1) (d) (II) Assistance in the form of aid to the needy disabled for persons who are disabled as a result of a primary diagnosis of ~~alcoholism or a controlled substance addiction shall~~ AN ALCOHOL USE DISORDER OR A SUBSTANCE USE DISORDER RELATED TO CONTROLLED SUBSTANCES MUST be paid on the person's behalf to the SUBSTANCE USE DISORDER treatment program in which the person is participating as required pursuant to section 26-2-111 (4)(e)(I) or to the person directly upon the person providing the documentation required pursuant to section 26-2-111 (4)(e)(II).

**SECTION 219.** In Colorado Revised Statutes, 26-2-111, **amend** (4)(e) introductory portion and (4)(e)(I) as follows:

**26-2-111. Eligibility for public assistance - rules - repeal.**

(4) **Aid to the needy disabled.** Public assistance in the form of aid to the needy disabled shall be granted to any person who meets the requirements of subsection (1) of this section and all of the following requirements:

(e) If the applicant is disabled as a result of a primary diagnosis of ~~alcoholism or a controlled substance addiction~~ A SUBSTANCE USE DISORDER, he or she, as conditions of eligibility, shall be required to:

(I) Participate in treatment services approved by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the state department; ~~that administers behavioral health programs and services, including those related to mental health and substance abuse;~~ and

**SECTION 220.** In Colorado Revised Statutes, 26-2-706, **amend** (1.5)(e) as follows:

**26-2-706. Target populations.** (1.5) To participate in the Colorado works program an applicant or person shall:

(e) Not be an inmate of any institution as a patient admitted for tuberculosis or A BEHAVIORAL OR mental ~~disease~~ HEALTH DISORDER, unless the person is a child under the age of twenty-one years receiving psychiatric care under medicaid;

**SECTION 221.** In Colorado Revised Statutes, 26-2-706.6, **amend** (7) introductory portion and (7)(a) as follows:

**26-2-706.6. Payments and services under Colorado works - rules.** (7) **Substance abuse control program.** A county may elect to implement a Colorado works controlled substance abuse control program. Under such a program, if the use of a controlled substance prevents the participant from successfully participating in his or her work activity, the county department may require the participant to participate in a controlled substance abuse control program based in whole or in part upon a representation by the participant that he or she is using controlled substances or upon a finding by the county department pursuant to an assessment by a certified ~~drug~~ SUBSTANCE USE DISORDER treatment provider that the participant is or is likely to be using controlled substances. If a county chooses to require the participant to participate in a controlled substance abuse control program, the county department shall:

(a) Require the participant to be assessed by a certified ~~drug~~ SUBSTANCE USE DISORDER treatment provider and to follow a rehabilitation plan as a condition of continued receipt of assistance under the works program. The rehabilitation plan ~~shall~~ MUST be based upon the assessment and developed by a certified ~~drug~~ SUBSTANCE USE DISORDER treatment provider, and may include, but need not be limited to, participation in a ~~controlled substance abuse~~ SUBSTANCE USE DISORDER treatment program. This ~~paragraph (a) shall~~ SUBSECTION (7)(a) DOES not create an entitlement to rehabilitation services or to payment for rehabilitation services.

**SECTION 222.** In Colorado Revised Statutes, 26-5.7-108, **amend** (3)(a) as follows:

**26-5.7-108. Voluntary alternative residence - lack of parental agreement.** (3) A supervised independent living arrangement can only be



established pursuant to subsection (2) of this section if:

(a) The youth has not been deemed to ~~be dependent on controlled substances or alcohol~~ HAVE A SUBSTANCE USE DISORDER and is in need of treatment;

**SECTION 223.** In Colorado Revised Statutes, 26-12-203, **amend** (3)(a) as follows:

**26-12-203. The Colorado veterans community living center at Homelake - jurisdiction - definitions.** (3) For purposes of this section, "domiciliary care" means the provision of shelter, food, and necessary medical care on an ambulatory self-care basis:

(a) To assist any individual who is eligible for occupancy in the veterans center pursuant to sections 26-12-104 and 26-12-106 and who is suffering from an incapacitating disability, disease, or ~~defect~~ DISORDER that prevents ~~such veteran~~ HIM OR HER from earning a living, but that does not require hospitalization or nursing care services to attain physical, mental, and social well-being; and

**SECTION 224.** In Colorado Revised Statutes, 26-20-103, **amend** (3) as follows:

**26-20-103. Basis for use of restraint or seclusion.** (3) In addition to the circumstances described in subsection (1) of this section, a facility, as defined in section 27-65-102 (7), ~~C.R.S.~~, that is designated by the executive director of the state department to provide treatment pursuant to section 27-65-105, 27-65-106, 27-65-107, or 27-65-109 ~~C.R.S.~~, to an individual with A mental ~~illness~~ HEALTH DISORDER, as defined in ~~section 27-65-102 (14), C.R.S.~~ SECTION 27-65-102 (11.5), may use seclusion to restrain an individual with a mental ~~illness~~ HEALTH DISORDER when the seclusion is necessary to eliminate a continuous and serious disruption of the treatment environment.

**SECTION 225.** In Colorado Revised Statutes, 26-20-105, **amend** (1.5)(a) and (1.5)(b) as follows:

**26-20-105. Staff training concerning the use of restraint and seclusion - adults and youth.** (1.5) The division of youth corrections shall

ensure that all staff involved in utilizing restraint and seclusion are trained in:

(a) The health and behavioral effects of restraint and seclusion on youth, including those with BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDERS OR INTELLECTUAL AND developmental disabilities;

(b) Effective de-escalation techniques for youth in crisis, including those with BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDERS OR INTELLECTUAL AND developmental disabilities;

**SECTION 226.** In Colorado Revised Statutes, **add** 27-60-100.3 as follows:

**27-60-100.3. Definitions.** AS USED IN THIS ARTICLE 60, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BEHAVIORAL HEALTH" REFERS TO AN INDIVIDUAL'S MENTAL AND EMOTIONAL WELL-BEING AND ACTIONS THAT AFFECT AN INDIVIDUAL'S OVERALL WELLNESS. BEHAVIORAL HEALTH PROBLEMS AND DISORDERS INCLUDE SUBSTANCE USE DISORDERS, SERIOUS PSYCHOLOGICAL DISTRESS, SUICIDE, AND OTHER MENTAL HEALTH DISORDERS. PROBLEMS RANGING FROM UNHEALTHY STRESS OR SUBCLINICAL CONDITIONS TO DIAGNOSABLE AND TREATABLE DISEASES ARE INCLUDED IN THE TERM "BEHAVIORAL HEALTH". THE TERM "BEHAVIORAL HEALTH" IS ALSO USED TO DESCRIBE SERVICE SYSTEMS THAT ENCOMPASS PREVENTION AND PROMOTION OF EMOTIONAL HEALTH, PREVENTION AND TREATMENT SERVICES FOR MENTAL HEALTH AND SUBSTANCE USE DISORDERS, AND RECOVERY SUPPORT.

(2) "CRISIS INTERVENTION SERVICES" MEANS THE ARRAY OF BEHAVIORAL HEALTH CRISIS SERVICES THAT ARE FUNDED BY PUBLIC OR PRIVATE SOURCES AND EXIST TO SERVE INDIVIDUALS WHO ARE EXPERIENCING A BEHAVIORAL HEALTH CRISIS.

(3) "CRISIS RESPONSE SYSTEM" MEANS THE BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM DEVELOPED AND IMPLEMENTED PURSUANT TO THIS ARTICLE 60.

(4) "CRISIS RESPONSE SYSTEM CONTRACTOR" MEANS AN ENTITY THAT HAS BEEN AWARDED A CONTRACT TO PROVIDE ONE OR MORE CRISIS

INTERVENTION SERVICES PURSUANT TO SECTION 27-60-103.

(5) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN SERVICES CREATED AND AUTHORIZED PURSUANT TO SECTION 26-1-107.

(6) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES CREATED PURSUANT TO SECTION 26-1-105.

**SECTION 227.** In Colorado Revised Statutes, 27-60-101, **amend** (1) as follows:

**27-60-101. Behavioral health crisis response system - legislative declaration.** (1) (a) The general assembly ~~hereby~~ finds and declares that:

(I) There are people in Colorado communities who are experiencing ~~mental health or substance abuse~~ BEHAVIORAL HEALTH crises and need professional BEHAVIORAL HEALTH crisis care or urgent psychiatric care from skilled mental health clinicians and medical professionals who excel at providing compassionate BEHAVIORAL HEALTH crisis intervention and stabilization;

(II) ~~Mental health or substance abuse~~ A BEHAVIORAL HEALTH crisis can happen any hour of the day and any day of the week;

(III) Persons in A BEHAVIORAL HEALTH crisis frequently come in contact with community first responders who are often unable to provide necessary ~~mental health~~ BEHAVIORAL HEALTH interventions or who must transport these persons in A BEHAVIORAL HEALTH crisis to emergency rooms for services, or, in cases where a crime is alleged, to jail;

(IV) Colorado ranks fiftieth in the nation in the number of inpatient psychiatric beds;

(V) Fewer than one-half of the persons who are in A BEHAVIORAL HEALTH crisis and are taken to an emergency room are admitted for inpatient hospitalization, meaning that thousands of people each year return to community streets with little, if any, ~~mental health or substance abuse~~ crisis intervention or treatment FOR BEHAVIORAL HEALTH DISORDERS; and

(VI) Significant time and resources are required of community first

responders in addressing persons in ~~mental health or substance abuse~~ A BEHAVIORAL HEALTH crisis and, in many cases, this community response is neither timely nor safe for the person in crisis nor cost-efficient for the state.

(b) The general assembly therefore finds that A COORDINATED BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM:

(I) ~~A coordinated crisis response system provides~~ SERVES AS A COMPREHENSIVE AND PREFERRED RESPONSE TO BEHAVIORAL HEALTH EMERGENCIES THROUGHOUT COLORADO BY PROVIDING for early intervention and effective treatment of ~~persons in mental health or substance abuse~~ INDIVIDUALS WHO ARE EXPERIENCING A BEHAVIORAL HEALTH crisis;

(II) ~~A coordinated crisis response system should involve~~ PROVIDES AN APPROPRIATE FIRST LINE OF RESPONSE TO INDIVIDUALS IN NEED OF AN EMERGENCY SEVENTY-TWO-HOUR MENTAL HEALTH HOLD AND UTILIZES first responders and ~~include~~ information technology systems to integrate available BEHAVIORAL HEALTH crisis responses;

(III) ~~A coordinated crisis response system~~ Should be available in all COLORADO communities; ~~statewide~~; and

(IV) ~~A coordinated crisis response system may include~~ INCLUDES community-based, BEHAVIORAL HEALTH crisis centers where ~~persons in mental health or substance abuse~~ INDIVIDUALS WHO ARE EXPERIENCING A BEHAVIORAL HEALTH crisis may be stabilized and receive short-term treatment.

**SECTION 228.** In Colorado Revised Statutes, 27-60-103, **repeal** (7) as follows:

**27-60-103. Behavioral health crisis response system - services - request for proposals - criteria - reporting - rules.** (7) ~~As used in this section, unless the context otherwise requires:~~

(a) ~~"Crisis intervention services" means an array of integrated services that are available twenty-four hours a day, seven days a week, to respond to and assist individuals who are in a behavioral health emergency.~~

~~(b) "State board" means the state board of human services created and authorized pursuant to section 26-1-107, C.R.S.~~

~~(c) "State department" means the state department of human services created pursuant to section 26-1-105, C.R.S.~~

**SECTION 229.** In Colorado Revised Statutes, 27-61-101, **amend** (1) introductory portion, (1)(a), (1)(b), (1)(i), and (2) as follows:

**27-61-101. Legislative declaration.** (1) The general assembly ~~hereby~~ finds, determines, and declares that:

(a) There is an urgent need to address the economic, social, and personal costs to the state of Colorado and its citizens of untreated BEHAVIORAL HEALTH DISORDERS, INCLUDING mental health and substance use disorders;

(b) Behavioral health disorders ~~including mental health and substance use disorders~~, are treatable conditions not unlike other chronic health issues that require a combination of behavioral change and medication or other treatment. When individuals receive appropriate prevention, early intervention, treatment, and recovery services, they can live full, productive lives.

(i) To reduce the economic and social costs of untreated behavioral health disorders, Colorado needs a systemic transformation of the behavioral health system ~~through which transformation the state strives to achieve critical goals to address mental health and substance use~~ BEHAVIORAL HEALTH disorders; and

(2) The general assembly further finds and declares that, to improve the quality of life for the citizens of Colorado, strengthen the economy, and continue the responsible management of the state's resources, the leadership of the three branches of Colorado's state government and the stakeholders most affected by ~~mental health and substance use~~ BEHAVIORAL HEALTH disorders must collaborate to build on the progress of past efforts and to sustain a focus on the improvement of behavioral health services.

**SECTION 230.** In Colorado Revised Statutes, **add** 27-61-101.5 as follows:

**27-61-101.5. Definitions.** AS USED IN THIS ARTICLE 61, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BEHAVIORAL HEALTH" REFERS TO AN INDIVIDUAL'S MENTAL AND EMOTIONAL WELL-BEING AND ACTIONS THAT AFFECT AN INDIVIDUAL'S OVERALL WELLNESS. BEHAVIORAL HEALTH PROBLEMS AND DISORDERS INCLUDE SUBSTANCE USE DISORDERS, SERIOUS PSYCHOLOGICAL DISTRESS, SUICIDE, AND OTHER MENTAL HEALTH DISORDERS. PROBLEMS RANGING FROM UNHEALTHY STRESS OR SUBCLINICAL CONDITIONS TO DIAGNOSABLE AND TREATABLE DISEASES ARE INCLUDED IN THE TERM "BEHAVIORAL HEALTH". THE TERM "BEHAVIORAL HEALTH" IS ALSO USED TO DESCRIBE SERVICE SYSTEMS THAT ENCOMPASS PREVENTION AND PROMOTION OF EMOTIONAL HEALTH, PREVENTION AND TREATMENT SERVICES FOR MENTAL HEALTH AND SUBSTANCE USE DISORDERS, AND RECOVERY SUPPORT.

(2) "COUNCIL" MEANS THE BEHAVIORAL HEALTH TRANSFORMATION COUNCIL CREATED IN SECTION 27-61-102.

**SECTION 231.** In Colorado Revised Statutes, 27-61-102, **amend** (2)(a), (3) introductory portion, and (3)(a)(X) as follows:

**27-61-102. Behavioral health transformation council - creation - duties - sunset review - repeal.** (2) (a) On or before August 1, 2010, the governor shall create a behavioral health transformation council ~~referred to in this section as the "council"~~, to advise his or her cabinet on transforming the behavioral health system in Colorado. On or before August 1, 2010, the governor shall designate an executive branch department to serve as the lead department to facilitate the council's work. In consultation with the governor, the lead agency shall determine the appropriate membership, tenure, and operating protocols of the council.

(3) The council ~~shall have~~ HAS the following duties and functions:

(a) To develop a strategic prioritization, planning, and implementation process to advise the governor's cabinet on transforming Colorado's behavioral health system. The council shall work toward the following goals associated with a comprehensive, efficient, effective, and integrated behavioral health system:

(X) Developing a comprehensive behavioral health service system

that includes services to persons with ~~mental illness, addictions~~ BEHAVIORAL HEALTH DISORDERS, disabilities, and co-occurring issues;

**SECTION 232.** In Colorado Revised Statutes, 27-65-101, **amend** (1) as follows:

**27-65-101. Legislative declaration.** (1) The general assembly ~~hereby~~ declares that, subject to available appropriations, the purposes of this ~~article~~ ARTICLE 65 are:

(a) To secure for each person ~~who may have a mental illness~~ WITH A MENTAL HEALTH DISORDER such care and treatment ~~as will be suited to the needs of the person~~ HIS OR HER NEEDS and to insure that ~~such~~ THE care and treatment are skillfully and humanely administered with full respect for the person's dignity and personal integrity;

(b) To deprive a person of his or her liberty for purposes of CARE OR treatment ~~or care~~ only when less restrictive alternatives are unavailable and only when his or her safety or the safety of others is endangered;

(c) To provide the fullest possible measure of privacy, dignity, and other rights to persons undergoing care and treatment for A mental ~~illness~~ HEALTH DISORDER;

(d) To encourage the use of voluntary, rather than coercive, measures to provide CARE AND treatment ~~and care~~ for mental ~~illness~~ HEALTH DISORDERS and to provide ~~such~~ THE CARE AND treatment ~~and care~~ in the least restrictive setting;

(e) To provide appropriate information to family members concerning the location and fact of admission of a person with a mental ~~illness~~ HEALTH DISORDER to inpatient or residential care and treatment;

(f) To encourage the appropriate participation of family members in the care and treatment of a person with a mental ~~illness~~ HEALTH DISORDER and, when appropriate, to provide information to family members in order to facilitate ~~such~~ THAT participation; and

(g) To facilitate the recovery and resiliency of each person who receives care and treatment ~~under~~ PURSUANT TO this ~~article~~ ARTICLE 65.

**SECTION 233.** In Colorado Revised Statutes, 27-65-102, **amend** the introductory portion, (1), (7), (8), (10), (15), and (19); **repeal** (14); and **add** (11.3) and (11.5) as follows:

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

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

(7) "Facility" means a public hospital or a licensed private hospital, clinic, community mental health center or clinic, acute treatment unit, institution, ~~sanitarium~~, or residential child care facility that provides treatment for ~~a person with a mental illness~~ PERSONS WITH MENTAL HEALTH DISORDERS.

(8) "Family member" means a spouse, parent, adult child, or adult sibling of a person with a mental ~~illness~~ HEALTH DISORDER.

(10) "Hospitalization" means twenty-four-hour out-of-home placement for ~~mental health~~ treatment in a facility FOR A PERSON WITH A MENTAL HEALTH DISORDER.

(11.3) "INTERVENING PROFESSIONAL" MEANS A PERSON DESCRIBED IN SECTION 27-65-105 (1)(a)(II) WHO MAY EFFECT A SEVENTY-TWO-HOUR HOLD PURSUANT TO THE PROVISIONS OUTLINED IN SECTION 27-65-105.

(11.5) "MENTAL HEALTH DISORDER" INCLUDES ONE OR MORE SUBSTANTIAL DISORDERS OF THE COGNITIVE, VOLITIONAL, OR EMOTIONAL PROCESSES THAT GROSSLY IMPAIRS JUDGMENT OR CAPACITY TO RECOGNIZE REALITY OR TO CONTROL BEHAVIOR. AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY IS INSUFFICIENT TO EITHER JUSTIFY OR EXCLUDE A FINDING OF A MENTAL HEALTH DISORDER PURSUANT TO THE PROVISIONS OF THIS ARTICLE 65.



(14) ~~"Person with a mental illness" means a person with one or more substantial disorders of the cognitive, volitional, or emotional processes that grossly impairs judgment or capacity to recognize reality or to control behavior. Developmental disability is insufficient to either justify or exclude a finding of mental illness within the provisions of this article.~~

(15) "Petitioner" means any person who files any petition in any proceeding in the interest of any person who allegedly has a mental ~~illness~~ HEALTH DISORDER or is allegedly gravely disabled.

(19) "Respondent" means either a person alleged in a petition filed pursuant to this ~~article~~ ARTICLE 65 to have a mental ~~illness~~ HEALTH DISORDER or be gravely disabled or a person certified pursuant to the provisions of this ~~article~~ ARTICLE 65.

**SECTION 234.** In Colorado Revised Statutes, 27-65-103, **amend** (1), (3)(a), (7)(d), and (10) as follows:

**27-65-103. Voluntary applications for mental health services - treatment of minors.** (1) Nothing in this ~~article shall be construed~~ ARTICLE 65 in any way ~~as limiting~~ LIMITS the right of any person to make voluntary application at any time to any public or private agency or professional person for mental health services, either by direct application in person or by referral from any other public or private agency or professional person. Subject to section 15-14-316 (4), ~~C.R.S.~~, a ward, as defined in section 15-14-102 (15), ~~C.R.S.~~, may be admitted to hospital or institutional care and treatment for ~~mental illness~~ A MENTAL HEALTH DISORDER by consent of the guardian for so long as the ward agrees to such care and treatment. Within ten days ~~of~~ AFTER any such admission, ~~of the ward for such hospital or institutional care and treatment,~~ the guardian shall notify in writing the court that appointed the guardian of the admission.

(3) A minor who is fifteen years of age or older or a parent or legal guardian of a minor on the minor's behalf may make voluntary application for hospitalization. Application for hospitalization on behalf of a minor who is under fifteen years of age and who is a ward of the department of human services shall not be made unless a guardian ad litem has been appointed for the minor or a petition for the same has been filed with the court by the agency having custody of the minor; except that such an application for hospitalization may be made under emergency

circumstances requiring immediate hospitalization, in which case the agency shall file a petition for appointment of a guardian ad litem within seventy-two hours after application for admission is made, and the court shall appoint a guardian ad litem forthwith. Procedures for hospitalization of such minor may proceed pursuant to this section once a petition for appointment of a guardian ad litem has been filed, if necessary. Whenever such application for hospitalization is made, an independent professional person shall interview the minor and conduct a careful investigation into the minor's background, using all available sources, including, but not limited to, the parents or legal guardian and the school and any other social agencies. Prior to admitting a minor for hospitalization, the independent professional person shall make the following findings:

(a) That the minor has a mental ~~illness~~ HEALTH DISORDER and is in need of hospitalization;

(7) (d) The minor or his or her attorney or guardian ad litem may, at any time after the minor has continued to affirm his or her objection to hospitalization pursuant to ~~paragraph (b) of this subsection~~ (7) SUBSECTION (7)(b) OF THIS SECTION, file a written request that the recommendation for continued hospitalization be reviewed by the court or that the treatment be on an outpatient basis. If review is requested, the court shall hear the matter within ten days after the request, and the court shall give notice to the minor; his or her attorney, if any; his or her parents or legal guardian; his or her guardian ad litem, if any; the independent professional person; and the minor's treating team of the time and place ~~thereof~~ OF THE HEARING. The hearing ~~shall~~ MUST be held in accordance with section 27-65-111; except that the court or jury shall determine that the minor is in need of care and treatment if the court or jury makes the following findings: That the minor has a mental ~~illness~~ HEALTH DISORDER and is in need of hospitalization, that a less restrictive treatment alternative is inappropriate or unavailable, and that hospitalization is likely to be beneficial. At the conclusion of the hearing, the court may enter an order confirming the recommendation for continued hospitalization, discharge the minor, or enter any other appropriate order.

(10) The medical and legal status of all voluntary patients receiving treatment for mental ~~illness~~ HEALTH DISORDERS in inpatient or custodial facilities ~~shall~~ MUST be reviewed at least once every six months.

**SECTION 235.** In Colorado Revised Statutes, 27-65-105, **amend** (1)(a)(I), (1)(a)(II) introductory portion, (1)(b), and (3) as follows:

**27-65-105. Emergency procedure.** (1) Emergency procedure may be invoked under either one of the following two conditions:

(a) (I) When any person appears to have a mental ~~illness~~ HEALTH DISORDER and, as a result of such mental ~~illness~~ HEALTH DISORDER, appears to be an imminent danger to others or to himself or herself or appears to be gravely disabled, then ~~a person specified in subparagraph (II) of this paragraph (a), each of whom is referred to in this section as the "intervening professional"~~, AN INTERVENING PROFESSIONAL, AS SPECIFIED IN SUBSECTION (1)(a)(II) OF THIS SECTION, upon probable cause and with such assistance as may be required, may take the person into custody, or cause the person to be taken into custody, and placed in a facility designated or approved by the executive director for a seventy-two-hour treatment and evaluation.

(II) The following persons may ACT AS INTERVENING PROFESSIONALS TO effect a seventy-two-hour hold as provided in ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION (1)(a)(I) OF THIS SECTION:

(b) Upon an affidavit sworn to or affirmed before a judge that relates sufficient facts to establish that a person appears to have a mental ~~illness~~ HEALTH DISORDER and, as a result of the mental ~~illness~~ HEALTH DISORDER, appears to be an imminent danger to others or to himself or herself or appears to be gravely disabled, the court may order the person described in the affidavit to be taken into custody and placed in a facility designated or approved by the executive director for a seventy-two-hour treatment and evaluation. Whenever in this ~~article~~ ARTICLE 65 a facility is to be designated or approved by the executive director, hospitals, if available, ~~shall~~ MUST be approved or designated in each county before other facilities are approved or designated. Whenever in this ~~article~~ ARTICLE 65 a facility is to be designated or approved by the executive director as a facility for a stated purpose and the facility to be designated or approved is a private facility, the consent of the private facility to the enforcement of standards set by the executive director ~~shall be~~ IS a prerequisite to the designation or approval.

(3) ~~Such~~ A facility shall require an application in writing, stating the circumstances under which the person's condition was called to the attention of the intervening professional and further stating sufficient facts, obtained from the personal observations of the intervening professional or obtained from others whom he or she reasonably believes to be reliable, to establish that the person has a mental ~~illness~~ HEALTH DISORDER and, as a result of the mental ~~illness~~ HEALTH DISORDER, is an imminent danger to others or to himself or herself or is gravely disabled. The application ~~shall~~ MUST indicate when the person was taken into custody and who brought the person's condition to the attention of the intervening professional. A copy of the application ~~shall~~ MUST be furnished to the person being evaluated, and the application ~~shall~~ MUST be retained in accordance with the provisions of section 27-65-121 (4).

**SECTION 236.** In Colorado Revised Statutes, 27-65-106, **amend** (1), (2), (3) introductory portion, (3)(c), (5), and (6) as follows:

**27-65-106. Court-ordered evaluation for persons with mental health disorders.** (1) Any person alleged to have a mental ~~illness~~ HEALTH DISORDER and, as a result of the mental ~~illness~~ HEALTH DISORDER, to be a danger to others or to himself or herself or to be gravely disabled may be given an evaluation of his or her condition under a court order pursuant to this section.

(2) Any individual may petition the court in the county in which the respondent resides or is physically present alleging that there is a person who appears to have a mental ~~illness~~ HEALTH DISORDER and, as a result of the mental ~~illness~~ HEALTH DISORDER, appears to be a danger to others or to himself or herself or appears to be gravely disabled and requesting ~~that~~ an evaluation of the person's condition. ~~be made.~~

(3) The petition for a court-ordered evaluation ~~shall~~ MUST contain the following:

(c) Allegations of fact indicating that the respondent may have a mental ~~illness~~ HEALTH DISORDER and, as a result of the mental ~~illness~~ HEALTH DISORDER, be a danger to others or to himself or herself or be gravely disabled and showing reasonable grounds to warrant an evaluation;

(5) Following screening, the facility or professional person

designated by the court shall file his or her report with the court. The report ~~shall~~ MUST include a recommendation as to whether there is probable cause to believe that the respondent has a mental ~~illness~~ HEALTH DISORDER and, as a result of the mental ~~illness~~ HEALTH DISORDER, is a danger to others or to himself or herself or is gravely disabled and whether the respondent will voluntarily receive evaluation or treatment. The screening report submitted to the court ~~shall be~~ IS confidential in accordance with section 27-65-121 and ~~shall~~ MUST be furnished to the respondent or his or her attorney or personal representative.

(6) Whenever it appears, by petition and screening pursuant to this section, to the satisfaction of the court that probable cause exists to believe that the respondent has a mental ~~illness~~ HEALTH DISORDER and, as a result of the mental ~~illness~~ HEALTH DISORDER, is a danger to others or to himself or herself or is gravely disabled and that efforts have been made to secure the cooperation of the respondent, who has refused or failed to accept evaluation voluntarily, the court shall issue an order for evaluation authorizing a certified peace officer to take the respondent into custody and place him or her in a facility designated by the executive director for seventy-two-hour treatment and evaluation. At the time of taking the respondent into custody, a copy of the petition and the order for evaluation ~~shall~~ MUST be given to the respondent, and promptly thereafter to any one person designated by ~~such~~ THE respondent and to the person in charge of the seventy-two-hour treatment and evaluation facility named in the order or his or her designee.

**SECTION 237.** In Colorado Revised Statutes, 27-65-107, **amend** (1) introductory portion, (1)(a), and (2) as follows:

**27-65-107. Certification for short-term treatment - procedure.**

(1) If a person detained for seventy-two hours ~~under~~ PURSUANT TO the provisions of section 27-65-105 or a respondent under court order for evaluation pursuant to section 27-65-106 has received an evaluation, he or she may be certified for not more than three months of short-term treatment under the following conditions:

(a) The professional staff of the agency or facility providing seventy-two-hour treatment and evaluation has analyzed the person's condition and has found the person has a mental ~~illness~~ HEALTH DISORDER and, as a result of the mental ~~illness~~ HEALTH DISORDER, is a danger to

others or to himself or herself or is gravely disabled.

(2) The notice of certification must be signed by a professional person on the staff of the evaluation facility who participated in the evaluation and ~~shall~~ MUST state facts sufficient to establish reasonable grounds to believe that the person has a mental ~~illness~~ HEALTH DISORDER and, as a result of the mental ~~illness~~ HEALTH DISORDER, is a danger to others or to himself or herself or is gravely disabled. The certification ~~shall~~ MUST be filed with the court within forty-eight hours, excluding Saturdays, Sundays, and court holidays, of the date of certification. The certification ~~shall~~ MUST be filed with the court in the county in which the respondent resided or was physically present immediately prior to ~~his or her~~ being taken into custody.

**SECTION 238.** In Colorado Revised Statutes, 27-65-109, **amend** (1) introductory portion, (1)(a), (4), and (5) as follows:

**27-65-109. Long-term care and treatment of persons with mental health disorders - procedure.** (1) Whenever a respondent has received short-term treatment for five consecutive months ~~under~~ PURSUANT TO the provisions of sections 27-65-107 and 27-65-108, the professional person in charge of the evaluation and treatment may file a petition with the court for long-term care and treatment of the respondent under the following conditions:

(a) The professional staff of the agency or facility providing short-term treatment has analyzed the respondent's condition and has found that the respondent has a mental ~~illness~~ HEALTH DISORDER and, as a result of the mental ~~illness~~ HEALTH DISORDER, is a danger to others or to himself or herself or is gravely disabled.

(4) The court or jury shall determine whether the conditions of subsection (1) of this section are met and whether the respondent has a mental ~~illness~~ HEALTH DISORDER and, as a result of the mental ~~illness~~ HEALTH DISORDER, is a danger to others or to himself or herself or is gravely disabled. The court shall thereupon issue an order of long-term care and treatment for a term not to exceed six months, or it shall discharge the respondent for whom long-term care and treatment was sought, or it shall enter any other appropriate order, subject to available appropriations. An order for long-term care and treatment ~~shall~~ MUST grant custody of the

respondent to the department for placement with an agency or facility designated by the executive director to provide long-term care and treatment. When a petition contains a request that a specific legal disability be imposed or that a specific legal right be deprived, the court may order the disability imposed or the right deprived if ~~it~~ THE COURT or a jury has determined that the respondent has a mental ~~illness~~ HEALTH DISORDER or is gravely disabled and that, by reason thereof, the person is unable to competently exercise said right or perform the function as to which the disability is sought to be imposed. Any interested person may ask leave of the court to intervene as a copetitioner for the purpose of seeking the imposition of a legal disability or the deprivation of a legal right.

(5) An original order of long-term care and treatment or any extension of such order ~~shall expire upon~~ EXPIRES ON the date specified, ~~therein~~, unless further extended as provided in this subsection (5). If an extension is being sought, the professional person in charge of the evaluation and treatment shall certify to the court at least thirty days prior to the expiration date of the order in force that an extension of the order is necessary for the care and treatment of the respondent subject to the order in force, and a copy of the certification ~~shall~~ MUST be delivered to the respondent and simultaneously mailed to his or her attorney of record. At least twenty days before the expiration of the order, the court shall give written notice to the respondent and his or her attorney of record that a hearing upon the extension may be had before the court or a jury upon written request to the court within ten days after receipt of the notice. If ~~no~~ A hearing is NOT requested by the respondent within such time, the court may proceed ex parte. If a hearing is timely requested, it ~~shall~~ MUST be held before the expiration date of the order in force. If the court or jury finds that the conditions of subsection (1) of this section continue to be met and that the respondent has a mental ~~illness~~ HEALTH DISORDER and, as a result of the mental ~~illness~~ HEALTH DISORDER, is a danger to others or to himself or herself or is gravely disabled, the court shall issue an extension of the order. Any extension ~~shall be for a period of not more than~~ MUST NOT EXCEED six months, but there may be as many extensions as the court orders pursuant to this section.

**SECTION 239.** In Colorado Revised Statutes, 27-65-111, **amend** (1) as follows:

**27-65-111. Hearing procedures - jurisdiction.** (1) Hearings

before the court ~~under~~ PURSUANT TO section 27-65-107, 27-65-108, or 27-65-109 ~~shall be~~ ARE conducted in the same manner as other civil proceedings before the court. The burden of proof ~~shall be upon~~ IS ON the person or facility seeking to detain the respondent. The court or jury shall determine that the respondent is in need of care and treatment only if the court or jury finds by clear and convincing evidence that the person has a mental ~~illness~~ HEALTH DISORDER and, as a result of the mental ~~illness~~ HEALTH DISORDER, is a danger to others or to himself or herself or is gravely disabled.

**SECTION 240.** In Colorado Revised Statutes, 27-65-121, **amend** (1) introductory portion, (1)(g), and (1)(h) as follows:

**27-65-121. Records.** (1) Except as provided in subsection (2) of this section, all information obtained and records prepared in the course of providing any services ~~under~~ PURSUANT TO this ~~article~~ ARTICLE 65 to individuals ~~under~~ PURSUANT TO any provision of this ~~article shall be~~ ARTICLE 65 ARE confidential and privileged matter. The information and records may be disclosed only:

(g) To adult family members upon admission of a person with a mental ~~illness~~ HEALTH DISORDER for inpatient or residential care and treatment. The only information THAT MAY BE released pursuant to this ~~paragraph (g) shall be~~ SUBSECTION (1)(g) IS the location and fact of admission of the person with a mental ~~illness~~ HEALTH DISORDER who is receiving care and treatment. The disclosure of location is governed by the procedures in section 27-65-122 and is subject to review ~~under~~ PURSUANT TO section 27-65-122.

(h) To adult family members actively participating in the care and treatment of a person with a mental ~~illness~~ HEALTH DISORDER regardless of the length of the participation. The information released pursuant to this ~~paragraph (h) shall be~~ SUBSECTION (1)(h) IS limited to one or more of the following: The diagnosis, the prognosis, the need for hospitalization and anticipated length of stay, the discharge plan, the medication administered and side effects of the medication, and the short-term and long-term treatment goals. The disclosure is governed by the procedures in section 27-65-122 (2) and is subject to review ~~under~~ PURSUANT TO section 27-65-122.



**SECTION 241.** In Colorado Revised Statutes, 27-65-122, **amend** (1), (2), (3), (4), (6), and (7) as follows:

**27-65-122. Request for release of information - procedures - review of a decision concerning release of information.** (1) When a family member requests the location and fact of admission of a person with a mental ~~illness~~ HEALTH DISORDER pursuant to section 27-65-121 (1)(g), the treating professional person or his or her designee, who ~~shall~~ MUST be a professional person, shall decide whether to release or withhold such information. The location ~~shall~~ MUST be released unless the treating professional person or his or her designee determines, after an interview with the person with a mental ~~illness~~ HEALTH DISORDER, that release of the information to a particular family member would not be in the best interests of the person with a mental ~~illness~~ HEALTH DISORDER. Any decision to withhold information requested pursuant to section 27-65-121 (1)(g) is subject to administrative review pursuant to this section upon request of a family member or the person with a mental ~~illness~~ HEALTH DISORDER. The treating facility shall make a record of the information given to a family member pursuant to this subsection (1). For the purposes of this subsection (1), an adult person having a similar relationship to a person with a mental ~~illness~~ HEALTH DISORDER as a spouse, parent, child, or sibling of a person with a mental ~~illness~~ HEALTH DISORDER may also request the location and fact of admission concerning a person with a mental ~~illness~~ HEALTH DISORDER.

(2) (a) When a family member requests information pursuant to section 27-65-121 (1)(h) concerning a person with a mental ~~illness~~ HEALTH DISORDER, the treating professional person or his or her designee shall determine whether the person with a mental ~~illness~~ HEALTH DISORDER is capable of making a rational decision in weighing his or her confidentiality interests and the care and treatment interests implicated by the release of information. The treating professional person or his or her designee shall then determine whether the person with a mental ~~illness~~ HEALTH DISORDER consents or objects to ~~such~~ THE release OF INFORMATION. Information ~~shall~~ MUST be released or withheld in the following circumstances:

(I) If the treating professional person or his or her designee makes a finding that the person with a mental ~~illness~~ HEALTH DISORDER is capable of making a rational decision concerning his or her interests and the person with a mental ~~illness~~ HEALTH DISORDER consents to the release of

information, the treating professional person or his or her designee shall order the release of the information unless he or she determines that the release would not be in the best interests of the person with a mental illness HEALTH DISORDER.

(II) If the treating professional person or his or her designee makes a finding that the person with a mental illness HEALTH DISORDER is capable of making a rational decision concerning his or her interests and the person with a mental illness HEALTH DISORDER objects to the release of information, the treating professional person or his or her designee shall not order the release of the information.

(III) If the treating professional person or his or her designee makes a finding that the person with a mental illness HEALTH DISORDER is not capable of making a rational decision concerning his or her interests, the treating professional person or his or her designee may order the release of the information if he or she determines that the release would be in the best interests of the person with a mental illness HEALTH DISORDER.

(IV) Any determination as to capacity ~~under~~ PURSUANT TO this ~~paragraph (a) shall~~ SUBSECTION (2)(a) MUST be used only for the limited purpose of this ~~paragraph~~ SUBSECTION (2)(a).

(b) A decision by a treating professional person or his or her designee concerning the capability of a person with a mental illness ~~under subparagraph (III) of paragraph (a) of this subsection (2)~~ HEALTH DISORDER PURSUANT TO SUBSECTION (2)(a)(III) OF THIS SECTION is subject to administrative review upon the request of the person with a mental illness HEALTH DISORDER. A decision by a treating professional person or his or her designee to order the release or withholding of information ~~under subparagraph (III) of paragraph (a) of this subsection (2)~~ PURSUANT TO SUBSECTION (2)(a)(III) OF THIS SECTION is subject to administrative review upon the request of either a family member or the person with a mental illness HEALTH DISORDER.

(c) The director of the treating facility shall make a record of any information given to a family member pursuant to ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION and section 27-65-121 (1)(h).

(3) When administrative review is requested either ~~under~~ PURSUANT TO subsection (1) or ~~paragraph (b) of subsection (2)~~ SUBSECTION (2)(b) of this section, the director of the facility providing care and treatment to the person with a mental ~~illness~~ HEALTH DISORDER shall cause an objective and impartial review of the decision to withhold or release information. THE DIRECTOR OF THE FACILITY SHALL CONDUCT the review, ~~shall be conducted by the director of the facility~~, if he or she is a professional person. ~~or by a professional person whom he or she designates~~ If the director is not available or if the director cannot provide an objective and impartial review, THE REVIEW SHALL BE CONDUCTED BY A PROFESSIONAL PERSON DESIGNATED BY THE DIRECTOR OF THE FACILITY. The review ~~shall~~ MUST include, but need not be limited to, an interview with the person with a mental ~~illness~~ HEALTH DISORDER. The facility providing care and treatment shall document the review of the decision.

(4) If a person with a mental ~~illness~~ HEALTH DISORDER objects to the release or withholding of information, the person with a mental ~~illness~~ HEALTH DISORDER and his or her attorney, if any, ~~shall~~ MUST be provided with information concerning the procedures for administrative review of a decision to release or withhold information. The person with a mental ~~illness~~ HEALTH DISORDER ~~shall~~ MUST be informed of any information proposed to be withheld or released and to whom and ~~shall~~ be given a reasonable opportunity to initiate the administrative review process before information concerning his or her care and treatment is released.

(6) A person with a mental ~~illness~~ HEALTH DISORDER may file a written request for review by the court of a decision made upon administrative review to release information to a family member requested ~~under~~ PURSUANT TO section 27-65-121 (1)(h) and proposed to be released pursuant to subsection (2) of this section. If judicial review is requested, the court shall hear the matter within ten days after the request, and the court shall give notice to the person with a mental ~~illness~~ HEALTH DISORDER and his or her attorney, the treating professional person, and the person who made the decision upon administrative review of the time and place ~~thereof~~ OF THE HEARING. The hearing ~~shall~~ MUST be conducted in the same manner as other civil proceedings before the court.

(7) In order to allow a person with a mental ~~illness~~ HEALTH DISORDER an opportunity to seek judicial review, the treating facility or the treating professional person or his or her designee shall not release

information requested pursuant to section 27-65-121 (1)(h) until five days after the determination upon administrative review of the director or his or her designee is received by the person with a mental ~~illness~~ HEALTH DISORDER, and, once judicial review is requested, THE TREATING FACILITY OR THE TREATING PROFESSIONAL PERSON OR HIS OR HER DESIGNEE SHALL NOT RELEASE information ~~shall not be released~~ except by court order. However, if the person with a mental ~~illness~~ HEALTH DISORDER indicates an intention not to appeal a determination upon administrative review that is adverse to him or her concerning the release of information, the information may be released less than five days after the determination upon review is received by the person with a mental ~~illness~~ HEALTH DISORDER.

**SECTION 242.** In Colorado Revised Statutes, 27-65-127, **amend** (1)(a) and (2)(a) as follows:

**27-65-127. Imposition of legal disability - deprivation of legal right - restoration.** (1) (a) When an interested person wishes to obtain a determination as to the imposition of a legal disability or the deprivation of a legal right for a person who has a mental ~~illness~~ HEALTH DISORDER and who is a danger to himself or herself or others, is gravely disabled, or is insane, as defined in section 16-8-101, ~~C.R.S.~~, and who is not then subject to proceedings ~~under~~ PURSUANT TO this ~~article~~ ARTICLE 65 or part 3 or part 4 of article 14 of title 15, ~~C.R.S.~~, the interested person may petition the court for a specific finding as to the legal disability or deprivation of a legal right. Actions commenced pursuant to this subsection (1) may include but ~~shall~~ ARE not be limited to actions to determine contractual rights and rights with regard to the operation of motor vehicles.

(2) The court may impose a legal disability or may deprive a person of a legal right only upon finding both of the following:

(a) That the respondent is a person with a mental ~~illness~~ HEALTH DISORDER and is a danger to himself or herself or others, gravely disabled, or insane, as defined in section 16-8-101; ~~C.R.S.~~;

**SECTION 243.** In Colorado Revised Statutes, **amend** 27-65-130 as follows:

**27-65-130. Mental health service standards for health care**

**facilities.** The advisory board created by section 27-65-131 ~~shall be~~ IS responsible for recommending standards and rules relevant to the provisions of this ~~article~~ ARTICLE 65 for the programs of mental health services to those patients in any health care facility that has either separate facilities for the care, treatment, and rehabilitation of persons with mental health ~~problems~~ DISORDERS or those health care facilities that have as their only purpose the CARE AND treatment ~~and care~~ of such persons.

**SECTION 244.** In Colorado Revised Statutes, **amend** 27-65-131 as follows:

**27-65-131. Advisory board - service standards and rules.** ~~There is hereby established~~ An advisory board to the department IS ESTABLISHED for the purpose of assisting and advising the executive director in accordance with section 27-65-130 in the development of service standards and rules. The board ~~shall consist~~ CONSISTS of not less than eleven nor more than fifteen members appointed by the governor. ~~and shall include~~ THE ADVISORY BOARD INCLUDES one representative each from ~~the unit in the department that administers behavioral health programs and services, including those related to mental health and substance abuse~~ THE OFFICE OF BEHAVIORAL HEALTH, the department of human services, the department of public health and environment, the university of Colorado health sciences center, and a leading professional association of psychiatrists in this state; at least one member representing proprietary skilled health care facilities; one member representing nonprofit health care facilities; one member representing the Colorado bar association; one member representing consumers of SERVICES FOR PERSONS WITH mental health ~~services~~ DISORDERS; one member representing families of persons with mental ~~illness~~ HEALTH DISORDERS; one member representing children's health care facilities; and other persons from both the private and the public sectors who are recognized or known to be interested and informed in the area of the board's purpose and function. In making appointments to the board, the governor is encouraged to include representation by at least one member who is a person with a disability, as defined in section 24-45.5-102 (2), ~~C.R.S.~~; a family member of a person with a disability, or a member of an advocacy group for persons with disabilities, provided that the other requirements of this section are met.

**SECTION 245.** In Colorado Revised Statutes, 27-66-101, **amend** the introductory portion, (1), (2) introductory portion, (3), and (6) as

follows:

**27-66-101. Definitions.** As used in this ~~article~~ ARTICLE 66, unless the context otherwise requires:

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

(2) "Community mental health center" means either a physical plant or a group of services under unified administration or affiliated with one another, and including at least the following services provided for the prevention and treatment of BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS in persons residing in a particular community in or near the facility so situated:

(3) "Community mental health clinic" means a health institution planned, organized, operated, and maintained to provide basic community services for the prevention, diagnosis, and treatment of emotional, ~~or~~ BEHAVIORAL, OR mental HEALTH disorders, such services being rendered primarily on an outpatient and consultative basis.

(6) ~~"Unit" means the unit in the department that administers behavioral health programs and services, including those related to mental health and substance abuse~~ "OFFICE OF BEHAVIORAL HEALTH" MEANS THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT.

**SECTION 246.** In Colorado Revised Statutes, 27-66-105, **amend** (1) introductory portion, (1)(f), and (2)(e) as follows:

**27-66-105. Standards for approval.** (1) In approving or rejecting community mental health clinics for the purchase of BEHAVIORAL OR mental health services, the executive director shall:

(f) Consider the existence of facilities that provide an emphasis on the care and treatment of persons recently released from ~~mental~~ hospitals

or ~~institutions~~ FACILITIES directed toward assisting ~~said~~ persons WITH BEHAVIORAL OR MENTAL HEALTH DISORDERS in their adjustment to and functioning within society as a whole.

(2) In approving or rejecting local general or psychiatric hospitals, community mental health centers, acute treatment units, and other agencies for the purchase of services not provided by local mental health clinics, including, but not limited to, twenty-four-hour and partial hospitalization, the executive director shall consider the following factors:

(e) The methods by which the agency coordinates its services with those rendered by other agencies to ensure an uninterrupted continuum of care to persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS; and

**SECTION 247.** In Colorado Revised Statutes, 27-67-103, **amend** the introductory portion, (2)(a), and (3) introductory portion as follows:

**27-67-103. Definitions.** As used in this ~~article~~ ARTICLE 67, unless the context otherwise requires:

(2) "Child at risk of out-of-home placement" means a child who, although not otherwise categorically eligible for medicaid, meets the following criteria:

(a) Has been diagnosed as having a mental ~~illness~~ HEALTH DISORDER, as defined in section ~~27-65-102(14)~~ 27-65-102 (11.5);

(3) "Community mental health center" means either a physical plant or a group of services under unified administration or affiliated with one another and includes at least the following services provided for the prevention and treatment of BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS in persons residing in a particular community in or near the facility or group so situated:

**SECTION 248.** In Colorado Revised Statutes, 27-69-101, **amend** (1) introductory portion, (1)(a), (1)(e), and (2) as follows:

**27-69-101. Legislative declaration.** (1) The general assembly ~~hereby~~ finds and declares that:

(a) Colorado families and youth have difficulties navigating the mental AND BEHAVIORAL health, physical health, substance abuse, INTELLECTUAL AND developmental disabilities, education, juvenile justice, child welfare, and other state and local systems that are compounded when the youth has a BEHAVIORAL, mental ~~illness~~ HEALTH, or co-occurring disorder;

(e) A family advocate or a family systems navigator helps state and local agencies and systems adopt more strengths-based-targeted programs, policies, and services to better meet the needs of families and their youth with BEHAVIORAL, mental ~~illness~~ HEALTH, or co-occurring disorders and improve outcomes for all, including families, youth, and the agencies they utilize;

(2) It is therefore in the state's best interest to develop rules and standards and provide technical assistance and coordination for the family advocacy mental health juvenile justice programs for system-of-care family advocates and family systems navigators for BEHAVIORAL OR mental health juvenile justice populations who navigate across BEHAVIORAL OR mental health, physical health, substance abuse, INTELLECTUAL AND developmental disabilities, juvenile justice, education, child welfare, and other state and local systems to ensure sustained and thoughtful family participation in the planning processes of the care for their children and youth.

**SECTION 249.** In Colorado Revised Statutes, 27-69-102, **amend** the introductory portion and (1); **repeal** (10); and **add** (6.5) as follows:

**27-69-102. Definitions.** As used in this ~~article~~ ARTICLE 69, unless the context otherwise requires:

(1) "Co-occurring disorders" means disorders that commonly coincide with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS and may include, but are not limited to, substance ~~abuse~~; USE DISORDERS, INTELLECTUAL AND developmental disabilities, fetal alcohol syndrome, and traumatic brain injury.

(6.5) "OFFICE OF BEHAVIORAL HEALTH" MEANS THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES.

(10) ~~"Unit" means the unit in the department of human services that~~



~~administers behavioral health programs and services, including those related to mental health and substance abuse.~~

**SECTION 250.** In Colorado Revised Statutes, **amend** 27-69-103 as follows:

**27-69-103. Programs established.** ~~There are hereby established~~ THE family advocacy BEHAVIORAL AND mental health juvenile justice programs ARE ESTABLISHED for system-of-care family advocates and family systems navigators for ~~mental health~~ INDIVIDUALS WITH BEHAVIORAL OR MENTAL HEALTH DISORDERS IN THE juvenile justice ~~populations that shall~~ POPULATION THAT MUST be implemented and monitored by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, with input, cooperation, and support from the division of criminal justice, created in section 24-33.5-502, ~~C.R.S.~~, the task force created in section 18-1.9-104, ~~C.R.S.~~, and family advocacy coalitions.

**SECTION 251.** In Colorado Revised Statutes, 27-69-104, **amend** (1), (2), (3) introductory portion, (3)(a), (3)(b), (3)(d) introductory portion, (3)(d)(III), and (3)(d)(IV) as follows:

**27-69-104. Program scope - rules.** (1) The ~~unit~~ OFFICE shall promulgate rules and standards, after consultation with family advocacy coalitions and other stakeholders, for family advocacy BEHAVIORAL AND mental health juvenile justice programs for system-of-care family advocates and family systems navigators for BEHAVIORAL OR mental health juvenile justice populations. The programs ~~shall~~ MUST:

(a) Focus on youth with BEHAVIORAL, mental ~~illness~~ HEALTH, or co-occurring disorders who are involved in or at risk of involvement with the juvenile justice system and be based upon the families' and youths' strengths; and

(b) Provide navigation, crisis response, integrated planning, transition services, and diversion from the juvenile justice system for youth with BEHAVIORAL, mental ~~illness~~ HEALTH, or co-occurring disorders.

(2) The ~~unit~~ OFFICE shall provide technical assistance and coordination of family advocacy BEHAVIORAL AND mental health juvenile justice programs throughout the state that provide system-of-care family advocates and family systems navigators for BEHAVIORAL OR mental health

juvenile justice populations with support to implement and sustain programs that best meet the needs of youth, families, and communities.

(3) Key components of the family advocacy BEHAVIORAL AND mental health juvenile justice programs for system-of-care family advocates and family systems navigators for BEHAVIORAL OR mental health juvenile justice populations ~~shall~~ include:

(a) Coordination with the key stakeholders involved in the local community to ensure consistent and effective collaboration. This collaboration may include, but need not be limited to, a family advocacy organization, representatives of the juvenile court, the probation department, the district attorney's office, the public defender's office, a school district, the division of youth corrections within the department of human services, a county department of social or human services, a local community mental health center, and a regional behavioral health organization, and may include representatives of a local law enforcement agency, a county public health department, a substance ~~abuse~~ USE DISORDER TREATMENT program, a community-centered board, a local juvenile services planning committee, and other community partners;

(b) Services to youth with BEHAVIORAL, mental ~~illness~~ HEALTH, or co-occurring disorders who are involved in or at risk of involvement with the juvenile justice system and other state and local systems;

(d) Services provided by system-of-care family advocates or family systems navigators for BEHAVIORAL OR mental health juvenile justice populations ~~which services shall~~ MUST include:

(III) Education programs related to BEHAVIORAL, mental ~~illness~~ HEALTH, OR co-occurring disorders; youth and family involvement in the system of care; the juvenile justice system; and other relevant systems;

(IV) Cooperative training programs for family advocates or family systems navigators and for staff, where applicable, of BEHAVIORAL OR mental health DISORDERS, physical health, substance abuse AND SUBSTANCE USE DISORDERS, INTELLECTUAL AND developmental disabilities, education, child welfare, juvenile justice, and other state and local systems related to the role and partnership between the family advocates or family systems navigators and the systems ~~that affect~~ AFFECTING youth and their family;

**SECTION 252.** In Colorado Revised Statutes, 27-69-105, **amend** (3) introductory portion, (3)(a), and (3)(b) as follows:

**27-69-105. Evaluation and reporting.** (3) As determined by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, in consultation with family advocacy programs, each integrated system-of-care family advocacy program for ~~mental health~~ INDIVIDUALS WITH BEHAVIORAL OR MENTAL HEALTH DISORDERS IN THE juvenile justice ~~populations~~ POPULATION shall forward data to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, including:

(a) System utilization outcomes, including, but not limited to, available data on services provided related to BEHAVIORAL OR mental health, physical health, juvenile justice, INTELLECTUAL AND developmental disabilities, substance abuse AND SUBSTANCE USE DISORDERS, child welfare, traumatic brain injuries, school services, and co-occurring disorders;

(b) Youth and family outcomes, related to, but not limited to, BEHAVIORAL OR mental health, substance abuse AND SUBSTANCE USE DISORDERS, INTELLECTUAL AND developmental disabilities, juvenile justice, and traumatic brain injury issues;

**SECTION 253.** In Colorado Revised Statutes, 27-80-101, **amend** the introductory portion and (2); **repeal** (6); and **add** (4.7) as follows:

**27-80-101. Definitions.** As used in this ~~article~~ ARTICLE 80, unless the context otherwise requires:

(2) "Designated service area" means the geographical substate planning area specified by the director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH to be served by a designated managed service organization, as described in section 27-80-107.

(4.7) "OFFICE OF BEHAVIORAL HEALTH" MEANS THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT.

(6) ~~"Unit" means the unit in the department that administers behavioral health programs and services, including those related to mental health and substance abuse.~~

**SECTION 254.** In Colorado Revised Statutes, 27-80-102, **amend** (1) introductory portion and (2) as follows:

**27-80-102. Duties of the office of behavioral health.** (1) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall formulate a comprehensive state plan for ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER TREATMENT programs. THE OFFICE OF BEHAVIORAL HEALTH SHALL SUBMIT the state plan ~~shall be submitted~~ to the governor and, upon his or her approval, ~~shall be submitted~~ SUBMIT IT to the appropriate United States agency for review and approval. The state plan ~~shall~~ MUST include, but not be limited to:

(2) The department, acting by and through the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, is designated as the sole state agency for the supervision of the administration of the state plan.

**SECTION 255.** In Colorado Revised Statutes, 27-80-103, **amend** (1), (3) introductory portion, (3)(e), (4), and (5) as follows:

**27-80-103. Grants for public programs.** (1) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may make grants, from ~~funds~~ MONEY appropriated by the general assembly for purposes of this section or available from any other governmental or private source, to approved public programs.

(3) In approving any public program, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall take into consideration the following:

(e) ~~Such~~ ANY other information as the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH deems necessary.

(4) Applications for grants made ~~under~~ PURSUANT TO subsection (1) of this section ~~shall be~~ ARE made to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, on forms furnished by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, and ~~shall~~ MUST contain ~~such information as the unit may require~~ ANY INFORMATION THE OFFICE OF BEHAVIORAL HEALTH REQUIRES. Wherever possible, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall give priority to ~~those~~ public programs ~~which~~ THAT are community-based and include services to children and juveniles as well as adults, that provide a comprehensive range of services, and that evidence a high degree of community support, either financial or in the furnishing of services and facilities, or both.

(5) Whenever any department or agency of the state has ~~moneys~~ MONEY available from any source for public programs, ~~such~~ THE department or agency is authorized to distribute the ~~moneys~~ MONEY in accordance with the state plan and to make reasonable rules for the administration of ~~such~~ THE public programs.

**SECTION 256.** In Colorado Revised Statutes, 27-80-104, **amend** (1) introductory portion, (1)(c), and (2) as follows:

**27-80-104. Cancellation of grants.** (1) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may cancel ~~any~~ A grant for any public program for any of the following reasons:

(c) The public program does not meet the standards or requirements adopted by the department or does not conform to the comprehensive state plan for ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER TREATMENT programs.

(2) Before canceling a grant for the reasons set forth in ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(c) of this section, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall notify the person or agency in charge of the public program of the deficiency in the program, and ~~such~~ THE person or agency ~~shall~~ MUST be given a reasonable amount of time ~~within~~ IN which to correct the deficiency.

**SECTION 257.** In Colorado Revised Statutes, **amend** 27-80-106 as follows:

**27-80-106. Purchase of prevention and treatment services.** (1) Using ~~funds~~ MONEY appropriated for purposes of this section or available from any other governmental or private source, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may purchase services for prevention or for treatment of alcohol and drug abuse OR SUBSTANCE USE DISORDERS or both types of services on a contract basis from any tribal nation or any public or private agency, organization, or institution approved by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH. The services purchased may be any of those ~~which may be~~ provided through a public program, as set forth in section 27-80-103 (2). In contracting for services, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall attempt to obtain services that are in addition to, and not a duplication of, existing available services or services that are of a pilot or

demonstration nature. ~~Any~~ AN agency operating a public program may also purchase ~~such~~ services on a contract basis.

(2) (a) In addition to the services purchased pursuant to subsection (1) of this section, using ~~funds~~ MONEY appropriated for purposes of this section or available from any other governmental or private source, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may purchase services for the treatment of alcohol and drug abuse OR SUBSTANCE USE DISORDERS on a contract basis from a designated managed service organization for a designated service area as set forth in section 27-80-107. A public or private agency, organization, or institution approved by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH through the process set forth in section 27-80-107 may be designated as a designated managed service organization.

(b) Designated managed service organizations receiving ~~funds~~ MONEY pursuant to this subsection (2) shall comply with all relevant provisions of ~~this article and the rules promulgated thereunder~~ AND RULES PROMULGATED PURSUANT TO THIS ARTICLE 80.

**SECTION 258.** In Colorado Revised Statutes, 27-80-107, **amend** (1), (2) introductory portion, (2)(b), (2)(d), (3), (4), (5), (6), and (7) as follows:

**27-80-107. Designation of managed service organizations - purchase of services - revocation of designation.** (1) The director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall establish designated service areas ~~for the provision of~~ TO PROVIDE SUBSTANCE USE DISORDER treatment services ~~for alcohol and drug abuse~~ in a particular geographical region of the state.

(2) ~~In order~~ To be selected as a designated managed service organization to provide services in a particular designated service area, a private corporation; for profit or not for profit; or a public agency, organization, or institution shall apply to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH for ~~such~~ A designation in the form and manner specified by the executive director or the executive director's designee. ~~Such~~ THE designation process ~~shall be~~ IS in lieu of a competitive bid process ~~under~~ PURSUANT TO the "Procurement Code", articles 101 to 112 of title 24. ~~C.R.S.~~ The director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall make the designation based on factors established by the executive director or the

executive director's designee. The factors for designation established by the executive director or the executive director's designee ~~shall include but shall not be limited to~~, the following:

(b) Whether the managed service organization has experience working with publicly funded clients, including expertise in treating priority populations designated by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH;

(d) Whether the managed service organization has experience using the cost-share principles used by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in its contracts with providers and is willing to cost-share;

(3) The designation of a managed service organization by the director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, as described in subsection (2) of this section, ~~shall be considered~~ IS an initial decision of the department which may be reviewed by the executive director in accordance with the provisions of section 24-4-105. ~~C.R.S.~~ Review by the executive director in accordance with section 24-4-105 ~~C.R.S.~~, ~~shall constitute~~ CONSTITUTES final agency action for purposes of judicial review.

(4) The terms and conditions for providing SUBSTANCE USE DISORDER treatment services ~~shall~~ MUST be specified in the contract entered into between the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and the designated managed service organization.

(5) The contract may include a provisional designation for ninety days. At the conclusion of the ninety-day provisional period, the director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may choose to revoke the contract or, subject to meeting the terms and conditions specified in the contract, may choose to extend the contract for a stated time period.

(6) A managed service organization that is designated to serve a designated service area may subcontract with a network of service providers to provide treatment services for alcohol and drug abuse AND SUBSTANCE USE DISORDERS within the particular designated service area.

(7) (a) The director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may revoke the designation of a designated managed service organization upon a finding that the managed service organization is in violation of the performance of the provisions of ~~this article or the rules promulgated~~

~~thereunder. Such~~ OR RULES PROMULGATED PURSUANT TO THIS ARTICLE 80. THE revocation ~~shall~~ MUST conform to the provisions and procedures specified in article 4 of title 24, ~~C.R.S.~~, and ~~shall be made~~ OCCUR only after notice and an opportunity for a hearing is provided as specified in ~~that article~~ ARTICLE 4 OF TITLE 24. A hearing to revoke a designation as a designated managed service organization ~~shall constitute~~ CONSTITUTES final agency action for purposes of judicial review.

(b) Once a designation has been revoked pursuant to ~~paragraph (a) of this subsection (7)~~ SUBSECTION (7)(a) OF THIS SECTION, the director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may designate one or more service providers to provide the treatment services pending designation of a new designated managed service organization or may enter into contracts with subcontractors to provide the treatment services.

(c) From time to time, the director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may solicit applications from applicants for managed service organization designation to provide SUBSTANCE USE DISORDER treatment services for a specified planning area or areas.

**SECTION 259.** In Colorado Revised Statutes, **amend** 27-80-108 as follows:

**27-80-108. Rules.** (1) The state board of human services, created in section 26-1-107, ~~C.R.S.~~, has the power to promulgate rules governing the provisions of this ~~article. Such~~ ARTICLE 80. THE rules may include, but ~~shall not be~~ ARE NOT limited to:

(a) Requirements ~~to be met in~~ FOR the operation of a public program, including record keeping and data compilation;

(b) Conditions that may be imposed on a public program ~~in order~~ for the program to maintain GRANT eligibility; ~~for a grant~~;

(c) Requirements for public and private agencies, organizations, and institutions from which the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may purchase services ~~under~~ PURSUANT TO section 27-80-106 (1);

(d) Requirements for managed service organizations that are designated by the director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH to



provide services in a designated service area ~~under~~ PURSUANT TO section 27-80-106 (2);

(e) Standards that ~~must be met by~~ addiction counselors MUST MEET to participate in public programs or to provide purchased services and certification requirements necessary to be certified by the director of the division of professions and occupations, pursuant to part 8 of article 43 of title 12; ~~C.R.S.~~;

(f) Any rules that are necessary to carry out the purposes of the treatment program for high-risk pregnant women ~~that is created pursuant to~~ CREATED IN section 27-80-112.

**SECTION 260.** In Colorado Revised Statutes, **amend** 27-80-109 as follows:

**27-80-109. Coordination of state and federal funds and programs.** (1) ~~All~~ Requests for state appropriations for ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER TREATMENT programs ~~shall~~ MUST be submitted to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and the office of state planning and budgeting on dates specified by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, consistent with requirements and procedures of the office of state planning and budgeting. After studying each request, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall make a report ~~thereon~~, with its comments and recommendations, including priorities for appropriations and a statement as to whether the requested appropriation would be consistent with the comprehensive state plan for ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER TREATMENT programs. ~~The reports of the unit shall be submitted~~ OFFICE OF BEHAVIORAL HEALTH SHALL SUBMIT ITS REPORTS to the governor, the office of state planning and budgeting, and the joint budget committee, together with all pertinent material on which the REPORT'S recommendations ~~of the unit~~ are based.

(2) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall also review applications for federal grants for ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER TREATMENT programs submitted by any department or agency of state government; ~~by any~~ political subdivision of the state; ~~by any~~ Indian tribal reservation; or ~~by any~~ other public or private agency, organization, or institution. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall transmit to the division of planning and to the appropriate United States agency its

comments and recommendations, together with a statement as to whether the grant would be consistent with the comprehensive state plan for ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER TREATMENT programs.

**SECTION 261.** In Colorado Revised Statutes, **amend** 27-80-110 as follows:

**27-80-110. Reports.** The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall submit a report, not later than November 1 of each year, to the health and human services committees of the senate and house of representatives, or any successor committees, on the costs and effectiveness of ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER programs in this state and on recommended legislation in the field of alcohol and drug abuse AND SUBSTANCE USE DISORDERS.

**SECTION 262.** In Colorado Revised Statutes, **amend** 27-80-111 as follows:

**27-80-111. Counselor training - fund created.** (1) The executive director shall establish by rule fees to be charged for addiction counselor training. The amount assessed ~~shall~~ MUST be sufficient to cover a portion of the costs of administering ~~such~~ THE training, and the ~~moneys~~ MONEY collected ~~therefor shall~~ MUST be deposited in the addiction counselor training fund. Additional funding may be obtained from general, cash, or federal funds otherwise appropriated to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH.

(2) There is ~~hereby~~ created in the office of the state treasurer the addiction counselor training ~~fund~~. ~~Moneys~~ FUND, REFERRED TO IN THIS SECTION AS THE "FUND". MONEY collected pursuant to subsection (1) of this section shall be deposited in the fund. The ~~moneys~~ MONEY in the fund ~~shall~~ ~~be~~ IS subject to annual appropriation by the general assembly to the department for allocation to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH for the administration of addiction counselor training requirements established by rules of the state board of human services pursuant to section 27-80-108 (1)(e). ~~Moneys~~ MONEY in the fund at the end of the fiscal year ~~shall~~ MUST remain in the fund and ~~shall~~ not revert to the general fund.

**SECTION 263.** In Colorado Revised Statutes, **amend** 27-80-113 as follows:

**27-80-113. Substance use and addiction counseling and treatment - necessary components.** Any entity that qualifies to provide services pursuant to section 25.5-5-202 (1)(r) ~~C.R.S.~~, in regard to the treatment program for high-risk pregnant women, shall make available, in addition to ~~alcohol and drug~~ SUBSTANCE USE and addiction counseling and treatment: Risk assessment services; care coordination; nutrition assessment; psychosocial counseling; intensive health education, including ~~but not limited to~~ parenting education and education on risk factors and appropriate health behaviors; home visits; transportation services; and other services deemed necessary by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and the department of health care policy and financing.

**SECTION 264.** In Colorado Revised Statutes, 27-80-116, **amend** (1) introductory portion and (1)(b.5) as follows:

**27-80-116. Fetal alcohol spectrum disorders - legislative declaration - health warning signs.** (1) The general assembly hereby finds and declares that:

(b.5) Compared to individuals diagnosed before age twelve, individuals with undiagnosed FASD are two to four times more likely to suffer from inappropriate sexual behavior; disrupted school experiences; trouble with the law; ~~drug and alcohol~~ AND SUBSTANCE problems or disorders; or confinement in a jail, ~~mental~~ A hospital OR TREATMENT FACILITY FOR PERSONS WITH BEHAVIORAL OR MENTAL HEALTH DISORDERS, or ~~drug and alcohol~~ A SUBSTANCE USE DISORDER treatment facility;

**SECTION 265.** In Colorado Revised Statutes, 27-80-117, **amend** (2) and (3) as follows:

**27-80-117. Rural alcohol and substance abuse prevention and treatment program - creation - administration - definitions - cash fund - repeal.** (2) (a) (I) There is hereby created the rural alcohol and substance abuse prevention and treatment program ~~within the unit~~ IN THE OFFICE OF BEHAVIORAL HEALTH to provide:

(A) Prevention and treatment services to youth in rural areas. ~~which~~ THE services may include ~~but need not be limited to~~ providing alternative activities for youth through the rural youth alcohol and substance abuse prevention and treatment project; and

(B) Treatment services to ~~persons addicted to alcohol or drugs~~ through the rural detoxification project FOR PERSONS WITH SUBSTANCE USE DISORDERS.

(II) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall administer the program pursuant to rules adopted by the state board of human services as of January 1, 2010, or as amended by the state board. ~~thereafter.~~

(b) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall incorporate provisions to implement the program into its regular contracting mechanism for the purchase of prevention and treatment services pursuant to section 27-80-106, including ~~but not limited to~~ detoxification programs. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall develop a method to equitably distribute and provide additional ~~moneys~~ MONEY through contracts to provide for prevention services for and treatment of persons in rural areas.

(c) Notwithstanding any provision of this section to the contrary, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall implement the program on or after January 1, 2011, subject to the availability of sufficient ~~moneys~~ MONEY to operate an effective program, as determined by the ~~unit~~ OFFICE.

(3) (a) There is created in the state treasury the rural alcohol and substance abuse cash fund, referred to in this section as the "fund", that consists of the rural youth alcohol and substance abuse prevention and treatment account, referred to in this section as the "youth account", and the rural detoxification account, referred to in this section as the "detoxification account". The fund is comprised of ~~moneys~~ MONEY collected from surcharges assessed pursuant to sections 18-19-103.5, 42-4-1307 (10)(d)(I), and 42-4-1701 (4)(f). ~~C.R.S., which moneys shall~~ THE MONEY COLLECTED FROM THE SURCHARGES MUST be divided equally between the youth account and the detoxification account. ~~and any moneys~~ THE FUND ALSO INCLUDES ANY MONEY credited to the fund pursuant to ~~paragraph (b) of this subsection (3), which moneys shall~~ SUBSECTION (3)(b) OF THIS SECTION. MONEY IN THE FUND CREDITED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION MUST be divided equally between the youth account and the detoxification account unless the grantee or donor specifies to which account the grant, gift, or donation is to be credited. The ~~moneys~~ MONEY in the fund ~~are~~ IS subject to annual appropriation by the general assembly to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH for the purpose of implementing

the program. All interest derived from the deposit and investment of ~~moneys~~ MONEY in the fund remains in the fund. Any unexpended or unencumbered ~~moneys~~ MONEY remaining in the fund at the end of a fiscal year ~~remain~~ REMAINS in the fund and shall not be transferred or credited to the general fund or another fund; except that any unexpended and unencumbered ~~moneys~~ MONEY remaining in the fund as of August 30, 2025, ~~shall be~~ IS credited to the general fund.

(b) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH is authorized to accept ~~any~~ grants, gifts, or donations from any private or public source on behalf of the state for the purpose of the program. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall transmit all private and public ~~moneys~~ MONEY received through grants, gifts, or donations to the state treasurer, who shall credit the same to the fund.

**SECTION 266.** In Colorado Revised Statutes, 27-80-203, **amend** (9), (14), and (25); **repeal** (1) and (2); and **add** (23.3) and (23.5) as follows:

**27-80-203. Definitions.** As used in this part 2, unless the context otherwise requires:

(1) ~~"Addict" means a person who has a physical or psychological dependence on a controlled substance, which dependence develops following the use of the controlled substance on a periodic or continuing basis and is demonstrated by appropriate observation and tests by a person licensed to practice medicine pursuant to article 36 of title 12. C.R.S.~~

(2) ~~"Addiction program" means a program licensed under this part 2 for the detoxification, withdrawal, or maintenance treatment of addicts.~~

(9) "Detoxification treatment" means a program for a short term of not more than three weeks for the administering or dispensing, in decreasing doses, of a controlled substance to ~~an addict~~ A PERSON WITH A SUBSTANCE USE DISORDER while he or she is receiving appropriate supportive medical treatment, with the immediate goal being to render the ~~addict~~ PERSON no longer dependent on the intake of any amount of a controlled substance.

(14) "Maintenance treatment" means a program of more than six

months' duration for the administering or dispensing of a controlled substance, approved for such use by federal law or regulation, to ~~an addict~~ A PERSON WITH A SUBSTANCE USE DISORDER for the purpose of continuing his or her dependence upon a controlled substance in the course of conducting an authorized rehabilitation program for ~~addicts~~ PERSONS WITH SUBSTANCE USE DISORDERS, with a long-term goal of decreasing the ~~addict's~~ PERSON'S controlled substance dependency and leading to his or her possible withdrawal.

(23.3) "SUBSTANCE USE DISORDER" MEANS A PHYSICAL OR PSYCHOLOGICAL DEPENDENCE ON A CONTROLLED SUBSTANCE THAT DEVELOPS FOLLOWING THE USE OF THE CONTROLLED SUBSTANCE ON A PERIODIC OR CONTINUING BASIS AND IS DEMONSTRATED BY APPROPRIATE OBSERVATION AND TESTS BY A PERSON LICENSED TO PRACTICE MEDICINE PURSUANT TO ARTICLE 36 OF TITLE 12.

(23.5) "SUBSTANCE USE DISORDER TREATMENT PROGRAM" MEANS A PROGRAM LICENSED PURSUANT TO THIS PART 2 FOR THE DETOXIFICATION, WITHDRAWAL, OR MAINTENANCE TREATMENT OF A PERSON WITH A SUBSTANCE USE DISORDER.

(25) "Withdrawal treatment" means a program for an intermediate term, of more than three weeks but less than six months, for the administering or dispensing, in decreasing doses, of a controlled substance, approved for such use by federal law or regulation, to ~~an addict~~ A PERSON WITH A SUBSTANCE USE DISORDER while receiving rehabilitative measures as indicated, with the immediate goal being to render the ~~addict~~ PERSON WITH THE SUBSTANCE USE DISORDER no longer dependent on the intake of any amount of a controlled substance.

**SECTION 267.** In Colorado Revised Statutes, 27-80-204, **amend** (1)(a) and (1)(b)(II) as follows:

**27-80-204. License required - controlled substances - repeal.**  
(1) (a) In accordance with part 3 of article 18 of title 18, ~~C.R.S., an addiction~~ A SUBSTANCE USE DISORDER TREATMENT program that compounds, administers, or dispenses a controlled substance shall annually obtain a license issued by the department for each place of business or professional practice located in this state.

(b) (II) Prior to the repeal, the department of regulatory agencies shall review the licensing functions of the department as provided in section 24-34-104. ~~C.R.S.~~ In conducting the review, the department of regulatory agencies shall consider whether the licensing pursuant to this subsection (1) should be combined with the licensing of any other ~~drug and alcohol addiction~~ SUBSTANCE USE DISORDER treatment programs by the department.

**SECTION 268.** In Colorado Revised Statutes, 27-80-205, **amend** (1) introductory portion and (3)(a.5) as follows:

**27-80-205. Issuance of license - fees.** (1) The department, as provided in section 27-80-204 (1), shall issue the appropriate license to each researcher and ~~addiction~~ SUBSTANCE USE DISORDER TREATMENT program meeting all the requirements of this part 2 unless it determines that the issuance of the license would be inconsistent with the public interest. In determining the public interest, the department shall consider the following factors:

(3) (a.5) The department may administratively set initial and annual license fees for ~~addiction~~ SUBSTANCE USE DISORDER TREATMENT programs to approximate the direct and indirect costs of the program.

**SECTION 269.** In Colorado Revised Statutes, 27-80-213, **amend** (2) as follows:

**27-80-213. Rules.** (2) The department shall promulgate rules, in accordance with article 4 of title 24, ~~C.R.S.~~, for research programs and for the conduct of detoxification treatment, maintenance treatment, and withdrawal treatment programs for ~~controlled substance addiction~~ SUBSTANCE USE DISORDERS RELATED TO CONTROLLED SUBSTANCES.

**SECTION 270.** In Colorado Revised Statutes, **amend** 27-81-101 as follows:

**27-81-101. Legislative declaration.** (1) It is the policy of this state that ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons may not be subjected to criminal prosecution because of their consumption of alcoholic beverages but rather should be afforded a continuum of treatment ~~in order that~~ SO they may lead normal lives as

productive members of society. The general assembly hereby finds and declares that ~~alcoholism~~ ALCOHOL USE DISORDERS and intoxication are matters of statewide concern.

(2) With the passage of this ~~article~~ ARTICLE 81 at its first regular session in 1973, the forty-ninth general assembly ~~has~~ recognized the character and pervasiveness of alcohol abuse and ~~alcoholism~~ ALCOHOL USE DISORDERS and that public intoxication and ~~alcoholism~~ ALCOHOL USE DISORDERS are health problems that should be handled by public health rather than criminal procedures. The general assembly further finds and declares that no other health problem has been so seriously neglected and that, while the costs of dealing with the problem are burdensome, the social and economic costs and the waste of human resources caused by alcohol abuse and ~~alcoholism~~ ALCOHOL USE DISORDERS are massive, tragic, and no longer acceptable. The general assembly believes that the best interests of this state demand an across-the-board AND locally oriented attack on the PROBLEM OF massive alcohol abuse and ~~alcoholism-problem~~ ALCOHOL USE DISORDERS and that this ~~article~~ ARTICLE 81 will provide a base from which to launch the attack and reduce the tragic human loss, but only if adequately funded. Therefore, in response to the needs as determined by an ad hoc committee and to assist in the implementation of this ~~article~~ ARTICLE 81 at both the local and state level, the general assembly hereby appropriates ~~moneys~~ MONEY for: Receiving and screening centers and their staffs; medical detoxification; intensive treatment; halfway house care; outpatient rehabilitative therapy; orientation, education, and in-service training; staff for the administration, monitoring, and evaluation of the program; and operating costs for patient transportation.

**SECTION 271.** In Colorado Revised Statutes, 27-81-102, **amend** the introductory portion, (1), (3), (6), and (14); **repeal** (15); and **add** (13.5) as follows:

**27-81-102. Definitions.** As used in this ~~article~~ ARTICLE 81, unless the context otherwise requires:

(1) ~~"Alcoholic" means a person who habitually lacks self-control as to the use of alcoholic beverages or uses alcoholic beverages to the extent that his or her health is substantially impaired or endangered or his or her social or economic function is substantially disrupted. Nothing in this subsection (1) shall preclude the denomination of an alcoholic as~~



~~intoxicated by alcohol or incapacitated by alcohol~~ "ALCOHOL USE DISORDER" MEANS A CONDITION BY WHICH A PERSON HABITUALLY LACKS SELF-CONTROL AS TO THE USE OF ALCOHOLIC BEVERAGES OR USES ALCOHOLIC BEVERAGES TO THE EXTENT THAT HIS OR HER HEALTH IS SUBSTANTIALLY IMPAIRED OR ENDANGERED OR HIS OR HER SOCIAL OR ECONOMIC FUNCTION IS SUBSTANTIALLY DISRUPTED. NOTHING IN THIS SUBSECTION (1) PRECLUDES THE DENOMINATION OF A PERSON WITH AN ALCOHOL USE DISORDER AS INTOXICATED BY ALCOHOL OR INCAPACITATED BY ALCOHOL.

(3) "Approved public treatment facility" means a treatment agency operating under the direction and control of or approved by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH or providing treatment ~~under this article~~ PURSUANT TO THIS ARTICLE 81 through a contract with the ~~unit~~ ~~under~~ OFFICE OF BEHAVIORAL HEALTH PURSUANT TO SECTION 27-81-105 (7) and meeting the standards prescribed in section 27-81-106 (1) and approved ~~under~~ PURSUANT TO SECTION 27-81-106.

(6) "Director" means the director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH.

(13.5) "OFFICE OF BEHAVIORAL HEALTH" MEANS THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT.

(14) "Treatment" means the broad range of emergency, outpatient, intermediate, and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling that may be extended to ~~alcoholics~~ A PERSON WITH AN ALCOHOL USE DISORDER and intoxicated persons.

(15) ~~"Unit" means the unit in the department that administers behavioral health programs and services, including those related to mental health and substance abuse.~~

**SECTION 272.** In Colorado Revised Statutes, 27-81-103, **amend** (1) introductory portion, (1)(a), (1)(b), (1)(d), (1)(e), and (1)(h) as follows:

**27-81-103. Powers of the office of behavioral health.** (1) To carry out the purposes of this ~~article, the unit~~ ARTICLE 81, THE OFFICE OF

BEHAVIORAL HEALTH may:

(a) Plan, establish, and maintain ALCOHOL USE DISORDER treatment programs as necessary or desirable;

(b) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including contracts with public and private agencies, organizations, and individuals to pay them for services rendered or furnished to ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS or intoxicated persons;

(d) Administer or supervise the administration of the provisions relating to ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation;

(e) Coordinate its activities and cooperate with ~~alcoholism~~ ALCOHOL USE DISORDER TREATMENT programs in this state and other states and make contracts and other joint or cooperative arrangements with state, local, or private agencies in this state and other states for the treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons and for the common advancement of ~~alcoholism~~ ALCOHOL USE DISORDER TREATMENT programs;

(h) Acquire, hold, or dispose of real property, or any interest therein, and construct, lease, or otherwise provide ALCOHOL USE DISORDER treatment facilities for ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons.

**SECTION 273.** In Colorado Revised Statutes, **amend** 27-81-104 as follows:

**27-81-104. Duties of the office of behavioral health - review.**

(1) In addition to duties prescribed by section 27-80-102, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall:

(a) Develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of ~~alcoholism~~ ALCOHOL USE DISORDERS and treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons in cooperation with public and private

agencies, organizations, and individuals and provide technical assistance and consultation services for these purposes;

(b) Coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in prevention of ~~alcoholism~~ ALCOHOL USE DISORDERS and treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons;

(c) Utilize community mental health centers and clinics whenever feasible;

(d) Cooperate with the department of corrections in establishing and conducting programs for the prevention of ~~alcoholism~~ ALCOHOL USE DISORDERS and treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons in appropriate agencies and institutions and for ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons in or on parole from correctional institutions and in carrying out duties specified ~~under paragraphs (i) and (k) of this subsection (1)~~ IN SUBSECTIONS (1)(i) AND (1)(k) OF THIS SECTION;

(e) Cooperate with the department of education, schools, police departments, courts, and other public and private agencies, organizations, and individuals in establishing programs for the prevention of ~~alcoholism~~ ALCOHOL USE DISORDERS and treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons and preparing curriculum materials ~~thereon~~ for use at all levels of school education;

(f) Prepare, publish, evaluate, and disseminate educational material dealing with the nature and effects of alcohol;

(g) Develop and implement, as an integral part of ALCOHOL USE DISORDER treatment programs, an educational program for use in the treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons. ~~which~~ THE program ~~shall~~ MUST include the dissemination of information concerning the nature and effects of alcohol;

(h) Organize and foster training programs for all persons engaged in treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons;

(i) Sponsor and encourage research into the causes and nature of ~~alcoholism~~ ALCOHOL USE DISORDERS and treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons, and serve as a clearinghouse for information relating to ~~alcoholism~~ ALCOHOL USE DISORDERS;

(j) Specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment;

(k) Advise the governor in the preparation of a comprehensive plan for treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons for inclusion in the state's comprehensive health plan;

(l) Review all state health, welfare, and treatment plans to be submitted for federal funding under federal legislation and advise the governor on provisions to be included relating to ~~alcoholism~~ ALCOHOL USE DISORDERS, PERSONS WITH ALCOHOL USE DISORDERS, and intoxicated persons;

(m) Assist in the development of, and cooperate with, alcohol education and treatment programs for employees of state and local governments and businesses and industries in this state;

(n) Utilize the support and assistance of interested persons in the community, particularly ~~recovered alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS THAT ARE IN REMISSION, to encourage ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS TO voluntarily ~~to~~ undergo treatment;

(o) Cooperate with the department of transportation in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while under the influence of, or impaired by, alcohol;

(p) Encourage general hospitals and other appropriate health facilities to admit without discrimination ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons and to provide them with adequate and appropriate treatment;

(q) Encourage all health and disability insurance programs to include ~~alcoholism~~ ALCOHOL USE DISORDERS as a covered illness; and

(r) Submit to the governor an annual report covering the activities of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH.

**SECTION 274.** In Colorado Revised Statutes, **amend** 27-81-105 (1), (2) introductory portion, (3), (4), and (7) as follows:

**27-81-105. Comprehensive program for treatment - regional facilities.** (1) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall establish a comprehensive and coordinated program for the treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons.

(2) Insofar as ~~funds~~ MONEY available to the ~~unit will permit~~ OFFICE OF BEHAVIORAL HEALTH PERMITS, the program established in subsection (1) of this section ~~shall~~ MUST include all of the following:

(3) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall provide for adequate and appropriate treatment for ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons admitted ~~under~~ PURSUANT TO sections 27-81-109 to 27-81-112. Except as otherwise provided in section 27-81-111, treatment may not be provided at a correctional institution, except for inmates.

(4) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall maintain, supervise, and control all facilities ~~operated by~~ it OPERATES subject to policies of the department. The administrator of each facility shall make an annual report of ~~its~~ THE FACILITY'S activities to the director in the form and manner SPECIFIED BY the director. ~~specifies:~~

(7) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may contract for the use of any facility as an approved public treatment facility if the director, subject to the policies of the department, considers ~~this~~ IT to be an effective and economical course to follow.

**SECTION 275.** In Colorado Revised Statutes, **amend** 27-81-106 as follows:

**27-81-106. Standards for public and private treatment facilities**

**- fees - enforcement procedures - penalties.** (1) In accordance with the provisions of this ~~article, the unit~~ ARTICLE 81, THE OFFICE OF BEHAVIORAL HEALTH shall establish standards for approved treatment facilities that receive public funds. ~~The standards shall be met for a treatment facility to be approved as~~ A TREATMENT FACILITY SHALL MEET THE ESTABLISHED STANDARDS TO BE APPROVED AS a public or private treatment facility. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall fix the fees to be charged for the required inspections. The fees ~~that are~~ charged to approved treatment facilities that provide level I and level II programs, as provided in section 42-4-1301.3 (3)(c), ~~C.R.S., shall~~ MUST be transmitted to the state treasurer, who shall credit the fees to the alcohol and drug driving safety program fund created in section 42-4-1301.3 (4)(a). ~~C.R.S.~~ The standards may concern only ~~the~~ health standards to be met and standards of treatment to be afforded patients and ~~shall~~ MUST reflect the success criteria established by the general assembly.

(2) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH SHALL periodically ~~shall~~ inspect approved public and private treatment facilities at reasonable times and in a reasonable manner.

(3) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall maintain a list of approved public and private treatment facilities.

(4) Each approved public and private treatment facility shall file with the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, on request, data, statistics, schedules, and ANY OTHER information the ~~unit~~ OFFICE reasonably requires. THE DIRECTOR SHALL REMOVE FROM THE LIST OF APPROVED TREATMENT FACILITIES an approved public or private treatment facility that fails, without good cause, to furnish any data, statistics, schedules, or OTHER information, as requested, or files fraudulent returns. ~~thereof shall be removed from the list of approved treatment facilities.~~

(5) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, after hearing, may suspend, revoke, limit, restrict, or refuse to grant an approval for failure to meet its standards.

(6) The district court may restrain any violation of, review any denial, restriction, or revocation of approval under, and grant other relief required to enforce the provisions of this section.

(7) Upon petition of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and after a hearing held upon reasonable notice to the facility, the district court may issue a warrant to an officer or employee of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH authorizing him or her to enter and inspect at reasonable times, and examine the books and accounts of, any approved public or private treatment facility ~~refusing~~ THAT REFUSES to consent to inspection or examination by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH or which the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH has reasonable cause to believe is operating in violation of this ~~article~~ ARTICLE 81.

**SECTION 276.** In Colorado Revised Statutes, 27-81-107, **amend** (1), (2) introductory portion, and (3) as follows:

**27-81-107. Compliance with local government zoning regulations - notice to local governments - provisional approval.**

(1) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall require any residential treatment facility seeking approval as a public or private treatment facility pursuant to this ~~article~~ ARTICLE 81 to comply with any applicable zoning regulations of the municipality, city and county, or county where the facility is situated. Failure to comply with applicable zoning regulations ~~shall constitute~~ CONSTITUTES grounds for the denial of approval of a facility.

(2) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall assure that timely written notice is provided to the municipality, city and county, or county where a residential treatment facility is situated, including the address of the facility and the population and number of persons to be served by the facility, when any of the following occurs:

(3) In the event of a zoning or other delay or dispute between a residential treatment facility and the municipality, city and county, or county where the facility is situated, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may grant provisional approval of the facility for up to one hundred twenty days pending resolution of the delay or dispute.

**SECTION 277.** In Colorado Revised Statutes, 27-81-108, **amend** (1) introductory portion as follows:

**27-81-108. Acceptance for treatment - rules.** (1) The director shall adopt and may amend and repeal rules for acceptance of persons into the treatment program, considering available treatment resources and

facilities, for the purpose of early and effective treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons. In establishing the rules, the director shall be guided by the following standards:

**SECTION 278.** In Colorado Revised Statutes, 27-81-109, **amend** (1) and (3) as follows:

**27-81-109. Voluntary treatment of persons with alcohol use disorders.** (1) ~~An alcoholic~~ A PERSON WITH AN ALCOHOL USE DISORDER, including a minor, may apply for voluntary treatment directly to an approved treatment facility.

(3) If a patient receiving inpatient care leaves an approved treatment facility, he or she ~~shall~~ MUST be encouraged to consent to appropriate outpatient or intermediate treatment. If it appears to the administrator in charge of the treatment facility that the patient is ~~an alcoholic~~ A PERSON WITH AN ALCOHOL USE DISORDER and requires help, the administrator may arrange for assistance in obtaining supportive services and residential facilities.

**SECTION 279.** In Colorado Revised Statutes, 27-81-112, **amend** (1), (3), (5), (6), (7), (8), (10), and (11) as follows:

**27-81-112. Involuntary commitment of a person with an alcohol use disorder.** (1) THE COURT MAY COMMIT A PERSON ~~may be committed~~ to the custody of the ~~unit by the court~~ OFFICE OF BEHAVIORAL HEALTH upon the petition of the person's spouse or guardian, a relative, a physician, an advanced practice nurse, the administrator in charge of ~~any~~ AN approved treatment facility, or any other responsible person. The petition ~~shall~~ MUST allege that the person is ~~an alcoholic~~ A PERSON WITH AN ALCOHOL USE DISORDER and that the person has threatened or attempted to inflict or inflicted physical harm on himself or herself or on another and that unless committed the person is likely to inflict physical harm on himself or herself or on another or that the person is incapacitated by alcohol. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment. The petition ~~shall~~ MUST be accompanied by a certificate of a licensed physician who has examined the person within two days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in



which case the fact of refusal ~~shall~~ MUST be alleged in the petition. The certificate ~~shall~~ MUST set forth the physician's findings in support of the PETITION'S allegations. ~~of the petition.~~

(3) Upon ~~the~~ filing of the petition, the court shall fix a date for a hearing no later than ten days after the date the petition was filed. A copy of the petition and ~~of~~ the notice of the hearing, including the date fixed by the court, ~~shall~~ MUST be personally served on the petitioner, the person whose commitment is sought, and one of his or her parents or his or her legal guardian if he or she is a minor. A copy of the petition and notice of hearing ~~shall~~ MUST be mailed to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, to counsel for the person whose commitment is sought, to the administrator in charge of the approved treatment facility to which the person may have been committed for emergency treatment, and to any other person the court believes advisable.

(5) If after hearing all relevant evidence, including the results of any diagnostic examination by the licensed hospital, the court finds that grounds for involuntary commitment have been established by clear and convincing proof, it shall make an order of commitment to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH. The ~~unit shall have~~ OFFICE OF BEHAVIORAL HEALTH HAS the right to delegate physical custody of the person to an appropriate approved treatment facility. ~~It~~ THE COURT may not order commitment of a person unless it determines that the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH is able to provide adequate and appropriate treatment for ~~him or her~~ THE PERSON, and the treatment is likely to be beneficial.

(6) Upon the COURT'S commitment of a person to the ~~unit by the~~ court OFFICE OF BEHAVIORAL HEALTH, the court may issue an order to the sheriff to transport the person ~~committed~~ to the facility designated by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH.

(7) A person committed as provided FOR in this section ~~shall remain~~ REMAINS in the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH for treatment for a period of thirty days unless DISCHARGED sooner. ~~discharged.~~ At the end of the thirty-day period, he or she shall be discharged automatically unless the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, before expiration of the THIRTY-DAY period, obtains a court order for his or her recommitment ~~upon~~ ON the grounds set forth in subsection (1) of this section for a further period of ninety days unless DISCHARGED sooner.

~~discharged.~~ If a person has been committed because he or she is ~~an alcoholic~~ A PERSON WITH AN ALCOHOL USE DISORDER WHO IS likely to inflict physical harm on another, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall apply for recommitment if, after examination, it is determined that the likelihood TO INFLICT PHYSICAL HARM ON ANOTHER still exists.

(8) A person WHO IS recommitted as provided FOR in subsection (7) of this section AND who has not been discharged by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH before the end of the ninety-day period ~~shall be~~ IS discharged at the expiration of that NINETY-DAY period unless the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, before expiration of the NINETY-DAY period, obtains a court order on the grounds set forth in subsection (1) of this section for recommitment for a further period, not to exceed ninety days. If a person has been committed because he or she is ~~an alcoholic~~ A PERSON WITH AN ALCOHOL USE DISORDER WHO IS likely to inflict physical harm on another, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall apply for recommitment if, after examination, it is determined that the likelihood TO INFLICT PHYSICAL HARM ON ANOTHER still exists. Only two recommitment orders ~~under~~ PURSUANT TO subsection (7) of this section and this subsection (8) are permitted.

(10) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall provide ~~for~~ adequate and appropriate treatment of a person committed to its custody. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may transfer any person committed to its custody from one approved treatment facility to another if transfer is advisable.

(11) THE OFFICE OF BEHAVIORAL HEALTH SHALL DISCHARGE a person committed to ~~the~~ ITS custody ~~of the unit~~ for treatment ~~shall be discharged~~ at any time before the end of the period for which he or she has been committed if either of the following conditions is met:

(a) In the case of ~~an alcoholic~~ A PERSON WITH AN ALCOHOL USE DISORDER committed on the grounds that he or she is likely to inflict physical harm upon another, that he or she no longer has an ~~alcoholic condition~~ ALCOHOL USE DISORDER that requires treatment or the likelihood TO INFLICT PHYSICAL HARM UPON ANOTHER no longer exists; or

(b) In the case of ~~an alcoholic~~ A PERSON WITH AN ALCOHOL USE DISORDER committed on the grounds of the need of treatment and

incapacity, that the incapacity no longer exists, further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer appropriate.

**SECTION 280.** In Colorado Revised Statutes, 27-81-113, **amend** (2) as follows:

**27-81-113. Records of persons with alcohol use disorders and intoxicated persons.** (2) Notwithstanding subsection (1) of this section, the director may make available information from patients' records for purposes of research into the causes and treatment of ~~alcoholism~~ ALCOHOL USE DISORDERS. Information under this subsection (2) ~~shall~~ MUST not be published in a way that discloses patients' names or other identifying information.

**SECTION 281.** In Colorado Revised Statutes, 27-81-115, **amend** (1) as follows:

**27-81-115. Emergency service patrol - establishment - rules.** (1) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and cities, counties, city and counties, and regional service authorities may establish emergency service patrols. A patrol consists of persons trained to give assistance in the streets and in other public places to persons who are intoxicated or incapacitated by alcohol. Members of an emergency service patrol ~~shall~~ MUST be capable of providing first aid in emergency situations and ~~shall be~~ ARE authorized to transport a person intoxicated or incapacitated by alcohol to his or her home and to and from treatment facilities.

**SECTION 282.** In Colorado Revised Statutes, 27-81-117, **amend** (1) as follows:

**27-81-117. Criminal laws - limitations.** (1) A county, municipality, or other political subdivision may not adopt or enforce a local law, ordinance, resolution, or rule having the force of law that includes drinking, being a ~~common drunkard~~ PERSON WITH AN ALCOHOL USE DISORDER, or being found in an intoxicated condition as one of the elements of the offense giving rise to a criminal or civil penalty or sanction.

**SECTION 283.** In Colorado Revised Statutes, **amend** 27-82-101 as follows:

**27-82-101. Legislative declaration.** (1) The general assembly recognizes the character and pervasiveness of drug abuse and ~~drug dependency~~ SUBSTANCE USE DISORDERS and that drug abuse and ~~dependency~~ SUBSTANCE USE DISORDERS are serious problems. The general assembly further finds and declares that these problems have been very seriously neglected and that the social and economic costs and the waste of human resources caused by drug abuse and ~~dependency~~ SUBSTANCE USE DISORDERS are massive, tragic, and no longer acceptable. The general assembly believes that the best interests of this state demand an across-the-board, locally oriented attack on the massive PROBLEMS OF drug abuse and ~~dependency problem, which~~ SUBSTANCE USE DISORDERS. THE attack includes prevention, education, and treatment, and ~~that this article~~ ARTICLE 82 will provide a base from which to launch the attack and reduce the tragic human loss.

(2) It is the policy of this state that ~~drug dependent~~ persons WITH SUBSTANCE USE DISORDERS and persons who are under the influence of drugs should be afforded treatment ~~in order that~~ SO they may lead normal lives as productive members of society. The general assembly ~~hereby~~ finds and declares that drug abuse and ~~drug dependency~~ SUBSTANCE USE DISORDERS are matters of statewide concern.

**SECTION 284.** In Colorado Revised Statutes, 27-82-102, **amend** the introductory portion, (3), (6), and (15); **repeal** (8) and (16); and **add** (12.5) and (13.5) as follows:

**27-82-102. Definitions.** As used in this ~~article~~ ARTICLE 82, unless the context otherwise requires:

(3) "Approved public treatment facility" means a treatment agency operating under the direction and control of or approved by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and meeting the standards prescribed in section 27-82-103 (1) and approved ~~under~~ PURSUANT TO section 27-82-103.

(6) "Director" means the director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH.

(8) ~~"Drug abuser" means a person who habitually uses drugs or who uses drugs to the extent that his or her health is substantially impaired or endangered or his or her social or economic function is substantially~~

~~disrupted. Nothing in this subsection (8) shall preclude the denomination of a drug abuser as a person under the influence of or incapacitated by drugs.~~

(12.5) "OFFICE OF BEHAVIORAL HEALTH" MEANS THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT.

(13.5) "SUBSTANCE USE DISORDER" MEANS A CONDITION BY WHICH A PERSON HABITUALLY USES DRUGS OR USES DRUGS TO THE EXTENT THAT HIS OR HER HEALTH IS SUBSTANTIALLY IMPAIRED OR ENDANGERED OR HIS OR HER SOCIAL OR ECONOMIC FUNCTION IS SUBSTANTIALLY DISRUPTED. NOTHING IN THIS SUBSECTION (13.5) PRECLUDES THE DENOMINATION OF A PERSON WITH A SUBSTANCE USE DISORDER AS A PERSON UNDER THE INFLUENCE OF OR INCAPACITATED BY DRUGS.

(15) "Treatment" means the broad range of emergency, outpatient, intermediate, and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling, that may be extended to ~~drug abusers~~ A PERSON WITH A SUBSTANCE USE DISORDER and ~~persons~~ A PERSON under the influence of drugs.

(16) ~~"Unit" means the unit in the department that administers behavioral health programs and services, including those related to mental health and substance abuse.~~

**SECTION 285.** In Colorado Revised Statutes, **amend** 27-82-103 as follows:

**27-82-103. Standards for public and private treatment facilities - fees - enforcement procedures - penalties.** (1) In accordance with the provisions of this ~~article, the unit~~ ARTICLE 82, THE OFFICE OF BEHAVIORAL HEALTH shall establish standards for approved treatment facilities that receive public funds or that dispense controlled substances or both. ~~The standards shall be met for~~ A treatment facility ~~to be approved~~ SEEKING APPROVAL FROM THE OFFICE OF BEHAVIORAL HEALTH as a public or private treatment facility SHALL MEET THE ESTABLISHED STANDARDS. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall fix the fees to be charged for the required inspections. The fees ~~that are~~ charged to approved treatment facilities that provide level I and level II programs as provided in section

42-4-1301.3 (3)(c) ~~C.R.S.~~, shall MUST be transmitted to the state treasurer, who shall credit the fees to the alcohol and drug driving safety program fund created in section 42-4-1301.3 (4)(a). ~~C.R.S.~~ The standards may concern only the health standards to be met and standards of treatment to be afforded patients and shall MUST reflect the success criteria established by the general assembly.

(2) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH SHALL periodically shall inspect approved public and private treatment facilities at reasonable times and in a reasonable manner.

(3) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall maintain a list of approved public and private treatment facilities.

(4) Each approved public and private treatment facility shall file with the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, on request, data, statistics, schedules, and ANY OTHER information the ~~unit~~ OFFICE reasonably requires. THE OFFICE OF BEHAVIORAL HEALTH SHALL REMOVE FROM THE LIST OF APPROVED TREATMENT FACILITIES an approved public or private treatment facility that fails without good cause to furnish any data, statistics, schedules, or OTHER information, as requested, or files fraudulent returns. ~~thereof shall be removed from the list of approved treatment facilities.~~

(5) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, after hearing, may suspend, revoke, limit, restrict, or refuse to grant an approval for failure to meet its standards.

(6) A person shall not operate a private or public treatment facility in this state without approval from the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH; except that this ~~article shall~~ ARTICLE 82 DOES not apply to a private treatment facility that accepts only private funds and does not dispense controlled substances. The district court may restrain any violation of, review any denial, restriction, or revocation of approval under, and grant other relief required to enforce the provisions of this section.

(7) Upon petition of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and after a hearing held upon reasonable notice to the facility, the district court may issue a warrant to an officer or employee of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH authorizing him or her to enter and inspect at reasonable times, and examine the books and accounts of, any approved

public or private treatment facility refusing to consent to inspection or examination by the ~~unit or which the unit~~ OFFICE OF BEHAVIORAL HEALTH OR WHICH THE OFFICE has reasonable cause to believe is operating in violation of this ~~article~~ ARTICLE 82.

**SECTION 286.** In Colorado Revised Statutes, 27-82-104, **amend** (1) introductory portion as follows:

**27-82-104. Acceptance for treatment - rules.** (1) The director shall adopt and may amend and repeal rules for acceptance of persons into the SUBSTANCE USE DISORDER treatment program, considering available treatment resources and facilities, for the purpose of early and effective treatment of ~~drug abusers~~ PERSONS WITH SUBSTANCE USE DISORDERS and persons under the influence of drugs. In establishing the rules, the FOLLOWING STANDARDS MUST GUIDE THE director: ~~shall be guided by the following standards:~~

**SECTION 287.** In Colorado Revised Statutes, 27-82-105, **amend** (1) as follows:

**27-82-105. Voluntary treatment of persons with substance use disorders.** (1) A ~~drug abuser~~ PERSON WITH A SUBSTANCE USE DISORDER, including a minor, may apply for voluntary treatment directly to an approved treatment facility.

**SECTION 288.** In Colorado Revised Statutes, 27-82-106, **amend** (1) as follows:

**27-82-106. Voluntary treatment for persons under influence of or incapacitated by drugs.** (1) A person under the influence of or incapacitated by drugs, including a minor if provided by rules of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, may voluntarily admit himself or herself to an approved treatment facility for emergency treatment.

**SECTION 289.** In Colorado Revised Statutes, 27-82-108, **amend** (1), (3), (5), (6), (7), (8), (10), and (11) as follows:

**27-82-108. Involuntary commitment of a person with a substance use disorder.** (1) THE COURT MAY COMMIT a person ~~may be committed~~ to the custody of the ~~unit by the court~~ OFFICE OF BEHAVIORAL

HEALTH upon the petition of the person's spouse or guardian, a relative, a physician, an advanced practice nurse, the administrator in charge of ~~any~~ AN approved treatment facility, or any other responsible person. The petition ~~shall~~ MUST allege that the person ~~is a drug abuser~~ HAS A SUBSTANCE USE DISORDER and that the person has threatened or attempted to inflict or inflicted physical harm on himself or herself or on another and that unless committed the person is likely to inflict physical harm on himself or herself or on another or that the person is incapacitated by drugs. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment. The petition ~~shall~~ MUST be accompanied by a certificate of a licensed physician who has examined the person within ten days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination or an examination cannot be made of ~~such~~ THE person due to the person's condition. The certificate ~~shall~~ MUST set forth the physician's findings in support of the PETITION'S allegations. ~~of the petition.~~

(3) Upon ~~the~~ filing of the petition, the court shall fix a date for a hearing no later than ten days, excluding weekends and holidays, after the date the petition was filed, unless valid medical reasons exist for delaying the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, ~~shall~~ MUST be personally served on the person whose commitment is sought and one of his or her parents or his or her legal guardian if he or she is a minor. A copy of the petition and notice of hearing ~~shall~~ MUST be provided to the petitioner, to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, to counsel for the person whose commitment is sought, if any, to the administrator in charge of the approved treatment facility to which the person may have been committed for emergency treatment, and to any other person the court believes advisable.

(5) If after hearing all relevant evidence, including the results of any diagnostic examination by the licensed hospital, the court finds that grounds for involuntary commitment have been established by clear and convincing proof, ~~it~~ THE COURT shall make an order of commitment to the ~~unit.~~ ~~The unit shall have~~ OFFICE OF BEHAVIORAL HEALTH. THE OFFICE OF BEHAVIORAL HEALTH HAS the right to delegate physical custody of the person to an appropriate approved treatment facility. ~~It~~ THE COURT may not order commitment of a person unless it determines that the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH is able to provide adequate and appropriate treatment



for him or her and that the treatment is likely to be beneficial.

(6) Upon the COURT'S commitment of a person to the ~~unit by the court~~ OFFICE OF BEHAVIORAL HEALTH, the court may issue an order to the sheriff to transport the person committed to the facility designated by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH.

(7) A person committed as provided in this section ~~shall remain~~ REMAINS in the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH for treatment for a period of thirty days unless DISCHARGED sooner. ~~discharged.~~ At the end of the thirty-day period, ~~he or she shall be discharged automatically unless the unit~~ THE OFFICE OF BEHAVIORAL HEALTH SHALL AUTOMATICALLY DISCHARGE THE PERSON COMMITTED UNLESS THE OFFICE, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days and a hearing has been scheduled in accordance with subsection (3) of this section. If a person has been committed because he or she ~~is a drug abuser~~ HAS A SUBSTANCE USE DISORDER AND IS likely to inflict physical harm on another, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall apply for recommitment if, after examination, it is determined that the likelihood TO INFLICT PHYSICAL HARM ON ANOTHER still exists.

(8) If a person recommitted as provided in subsection (7) of this section ~~who~~ has not been discharged by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH before the end of the ninety-day period, THE OFFICE shall ~~be discharged~~ DISCHARGE THE PERSON at the expiration of ~~that~~ THE NINETY-DAY period unless the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, before expiration of the NINETY-DAY period, files a petition on the grounds set forth in subsection (1) of this section for recommitment for a further period not to exceed ninety days and a hearing has been scheduled in accordance with subsection (3) of this section. If a person has been committed because he or she ~~is a drug abuser~~ HAS A SUBSTANCE USE DISORDER AND IS likely to inflict physical harm on another, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall apply for recommitment if, after examination, it is determined that the likelihood TO INFLICT PHYSICAL HARM ON ANOTHER still exists. Only two recommitment orders ~~under~~ PURSUANT TO subsection (7) of this section and this subsection (8) are permitted.

(10) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall provide ~~for~~ adequate and appropriate treatment of a person committed to its custody.

The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may transfer any person committed to its custody from one approved treatment facility to another, if transfer is advisable.

(11) THE OFFICE OF BEHAVIORAL HEALTH SHALL DISCHARGE a person committed to ~~the~~ ITS custody ~~of the unit~~ for treatment ~~shall be discharged~~ at any time before the end of the period for which he or she has been committed if either of the following conditions is met:

(a) In the case of a ~~drug abuser~~ PERSON WITH A SUBSTANCE USE DISORDER committed on the grounds that he or she is likely to inflict physical harm upon another, that he or she no longer has a ~~drug abuse condition~~ SUBSTANCE USE DISORDER that requires treatment or the likelihood TO INFLICT PHYSICAL HARM UPON ANOTHER no longer exists; or

(b) In the case of a ~~drug abuser~~ PERSON WITH A SUBSTANCE USE DISORDER committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists, or in THE case of a ~~drug abuser~~ PERSON WITH A SUBSTANCE USE DISORDER committed on any grounds ~~under~~ PURSUANT TO this section, that further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer appropriate, or further treatment is unlikely to be beneficial.

**SECTION 290.** In Colorado Revised Statutes, 27-82-109, **amend** (2) as follows:

**27-82-109. Records of persons with substance use disorders and persons under influence of drugs.** (2) Notwithstanding subsection (1) of this section, the director may make available information from patients' records for purposes of research into the causes and treatment of ~~drug abuse~~ SUBSTANCE USE DISORDERS. Information ~~under~~ PURSUANT TO this subsection (2) ~~shall~~ MUST not be published in a way that discloses patients' names or other identifying information.

**SECTION 291.** In Colorado Revised Statutes, 27-82-113, **amend** (1) as follows:

**27-82-113. Limitations on services and programs provided - available funds.** (1) The level of services provided and the scope of

programs administered by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH that relate to ~~drug abuse~~ SUBSTANCE USE prevention, education, and treatment, including the number of clients served in treatment programs, ~~shall be~~ IS subject to the ~~moneys~~ MONEY available to the ~~unit for such purposes~~ OFFICE OF BEHAVIORAL HEALTH.

**SECTION 292.** In Colorado Revised Statutes, 27-90-102, **amend** (1) introductory portion, (1)(a), and (1)(j) as follows:

**27-90-102. Duties of executive director - governor acquire water rights - rules.** (1) The duties of the executive director ~~shall be~~ ARE:

(a) To manage, supervise, and control the charitable, BEHAVIORAL OR mental HEALTH, custodial, and special educational public institutions operated and supported by the state; to manage and supervise the special agencies, departments, boards, and commissions transferred to or established within the department by law; to improve, develop, and carry forward programs of therapy, counseling, and aftercare to the end that a person dependent upon tax-supported programs may be afforded opportunity and encouragement to overcome the disability causing his or her partial or total dependence upon the state;

(j) To implement the procedures regarding children who are in detention or who have or may have A BEHAVIORAL OR mental ~~illness or~~ HEALTH DISORDER OR AN INTELLECTUAL AND developmental ~~disabilities~~ DISABILITY specified in the provisions of the "Colorado Children's Code" contained in articles 1, 2, and 3 of title 19; ~~C.R.S.~~;

**SECTION 293.** In Colorado Revised Statutes, **amend** 27-90-110 as follows:

**27-90-110. Rules for this article 90 and certain provisions in title 19.** Pursuant to section 24-4-103, ~~C.R.S.~~, the department shall promulgate such rules as are necessary to implement the provisions of this ~~article~~ ARTICLE 90 and the procedures specified in sections 19-2-508, 19-2-906, 19-2-922, 19-2-923, 19-3-403, 19-3-506, 19-3-507, and 19-3-508 ~~C.R.S.~~, regarding children who are in detention or who have or may have A BEHAVIORAL OR mental ~~illness or developmental disabilities~~ HEALTH DISORDER OR AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY.

**SECTION 294.** In Colorado Revised Statutes, 27-90-111, **amend** (2)(e), (3)(a), and (3)(b) as follows:

**27-90-111. Employment of personnel - screening of applicants - disqualifications from employment.** (2) For purposes of this section, unless the context otherwise requires:

(e) "Vulnerable person" means any individual served by the department who is susceptible to abuse or mistreatment because of the individual's circumstances, including but not limited to the individual's age, disability, frailty, BEHAVIORAL OR mental ~~illness~~ HEALTH, INTELLECTUAL AND developmental disability, or ill health.

(3) The employment screening and disqualification requirements in this section apply to the following facilities or programs operated by the department:

(a) Any facility operated by the department for the care and treatment of persons with A mental ~~illness~~ HEALTH DISORDER pursuant to article 65 of this ~~title~~ TITLE 27;

(b) Any facility operated by the department for the care and treatment of ~~the developmentally disabled~~ PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES pursuant to article 10.5 of this ~~title~~ TITLE 27;

**SECTION 295.** In Colorado Revised Statutes, 27-92-101, **amend** (1) as follows:

**27-92-101. Liability.** (1) When a person is admitted, committed, or transferred to a public institution of this state supervised by the department of human services for the care, support, maintenance, education, or treatment of persons with mental ~~illness~~ HEALTH DISORDERS, the person, his or her spouse, and his or her parents ~~shall be~~ ARE liable for the costs of his or her care, support, maintenance, and treatment to the extent and in the manner provided in this ~~article~~ ARTICLE 92. No other relatives of the person ~~shall be~~ ARE liable to any extent for such costs.

**SECTION 296.** In Colorado Revised Statutes, 27-93-101, **amend** (1) as follows:

**27-93-101. Institute established.** (1) There is hereby established the Colorado mental health institute at Pueblo for the treatment and cure CARE of persons who may have A BEHAVIORAL OR mental illness HEALTH DISORDER from any cause and for other persons in state institutions on an inpatient and outpatient basis and in state programs relating to the treatment of ~~alcoholism and drugs~~ SUBSTANCE USE DISORDERS who may require medical care and treatment within the capabilities of the staff and facilities of the institute.

**SECTION 297.** In Colorado Revised Statutes, 28-5-220, **amend** (1) and (3) as follows:

**28-5-220. Commitment to veterans administration.** (1) When, in any proceeding under the laws of this state for the commitment OR CERTIFICATION of a person alleged to ~~be of unsound mind~~ HAVE A MENTAL HEALTH DISORDER, or otherwise BE in need of confinement in a hospital or other institution for his or her proper care, it is determined after such adjudication of the status of such person as may be required by law that commitment OR CERTIFICATION to a hospital for ~~mental disease~~ TREATMENT OF MENTAL HEALTH DISORDERS or other institution is necessary for safekeeping or treatment and it appears that ~~such~~ THE person is eligible for care or treatment by the veterans administration, the court, upon receipt of a certificate from the veterans administration showing that facilities are available and that ~~such~~ THE person is eligible for care or treatment therein, may commit ~~such~~ OR CERTIFY THE person to ~~said~~ THE veterans administration. Upon commitment ~~such~~ OR CERTIFICATION, THE person, when admitted to any facility operated by such agency within or without this state, ~~shall be~~ IS subject to the rules and regulations of the veterans administration. The chief officer of any facility of the veterans administration to which the person is ~~so~~ committed ~~shall~~ OR CERTIFIED, with respect to ~~such~~ THE person ~~be~~ COMMITTED OR CERTIFIED, IS vested with the same powers as superintendents of state hospitals for mental ~~diseases~~ HEALTH DISORDERS within this state with respect to retention of custody, transfer, parole, or discharge as restored to reason.

(3) Upon receipt of a certificate of the veterans administration that facilities are available for the care or treatment of any person committed OR CERTIFIED to any hospital for ~~the insane~~ PERSONS WITH MENTAL HEALTH DISORDERS or other institution for the care or treatment of persons similarly afflicted and that ~~such~~ THE person is eligible for care or treatment, the court

having jurisdiction may cause ~~the transfer of such person~~ HIM OR HER TO BE TRANSFERRED to the veterans administration for care or treatment. Any person transferred as provided in this section is deemed to be committed OR CERTIFIED to the veterans administration for all purposes as provided in subsection (1) of this section as on original commitment OR CERTIFICATION.

**SECTION 298.** In Colorado Revised Statutes, 30-1-119, **amend** (2) introductory portion, (2)(a), and (2)(b) as follows:

**30-1-119. Separate fee funds kept - definition.** (2) The revenues generated annually from the fee for committing and discharging prisoners authorized pursuant to section 30-1-104 (1)(n) ~~shall~~ MUST be distributed as follows:

(a) (I) The county shall expend an amount equal to twenty percent of the revenues generated annually from the fee to administer a community-based treatment program for the treatment of offenders with ~~mental illness or addiction~~ A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER committed or discharged by the county if the county has established, or the board of county commissioners chooses to establish, such a community-based treatment program.

(II) For purposes of this ~~paragraph (a)~~ SUBSECTION (2)(a), "community-based treatment program" means a community-based program that provides management and treatment services to persons with ~~mental illness or addiction~~ BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS in the criminal or juvenile justice system, designed, at a minimum, to reduce recidivism and hospitalization of these persons.

(b) The county shall expend an amount equal to twenty percent of the revenues generated annually from the fee for training of the sheriff and deputy sheriffs and other local law enforcement officers. ~~which~~ THE training may include a crisis intervention training component to meet the needs of offenders with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS; and

**SECTION 299.** In Colorado Revised Statutes, 30-28-115, **amend** (2)(b.5) as follows:

**30-28-115. Public welfare to be promoted - legislative**

**declaration - construction.** (2) (b.5) The general assembly declares that the establishment of state-licensed group homes for the exclusive use of persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS, as that term is defined in section 27-65-102, ~~C.R.S.~~, is a matter of statewide concern and that a state-licensed group home for eight persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS is a residential use of property for zoning purposes, as defined in section 31-23-301 (4). ~~C.R.S.~~ A group home for persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS established ~~under~~ PURSUANT TO this ~~paragraph (b.5) shall~~ SUBSECTION (2)(b.5) MUST not be located within seven hundred fifty feet of another such group home or of another group home as ~~defined~~ DESCRIBED in ~~paragraphs (a) and (b) of this subsection (2)~~ SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION, unless otherwise provided for by the county. A person ~~shall~~ MUST not be placed in a group home without being screened by either a professional person, as defined in section 27-65-102 (17), ~~C.R.S.~~, or any other such mental health professional designated by the director of a facility, which facility is approved by the executive director of the department of human services pursuant to section 27-90-102. ~~C.R.S.~~ Persons determined to be not guilty by reason of insanity to a violent offense ~~shall~~ MUST not be placed in such group homes, and any person who has been convicted of a felony involving a violent offense ~~shall~~ IS not be eligible for placement in such group homes. The provisions of this ~~paragraph (b.5) shall~~ SUBSECTION (2)(b.5) MUST be implemented, where appropriate, by the rules of the department of public health and environment concerning residential treatment facilities for persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS. Nothing in this ~~paragraph (b.5) shall be construed to exempt~~ SUBSECTION (2)(b.5) EXEMPTS such group homes from compliance with any state, county, or municipal health, safety, and fire codes.

**SECTION 300.** In Colorado Revised Statutes, 31-23-301, **amend** (4) as follows:

**31-23-301. Grant of power.** (4) A statutory or home rule city or town or city and county shall not enact an ordinance prohibiting the use of a state-licensed group home for either persons with INTELLECTUAL AND developmental disabilities or BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS that serves not more than eight persons with INTELLECTUAL AND developmental disabilities or eight persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS and appropriate staff as a residential use

of property for zoning purposes. As used in this subsection (4), the phrase "residential use of property for zoning purposes" includes all forms of residential zoning and specifically, although not exclusively, single-family residential zoning.

**SECTION 301.** In Colorado Revised Statutes, 31-23-303, **amend** (2)(b.5) as follows:

**31-23-303. Legislative declaration.** (2) (b.5) The general assembly declares that the establishment of state-licensed group homes for the exclusive use of persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS, as that term is defined in section 27-65-102, ~~C.R.S.~~, is a matter of statewide concern and that a state-licensed group home for eight persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS is a residential use of property for zoning purposes, as defined in section 31-23-301 (4). A group home for persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS established ~~under~~ PURSUANT TO this ~~paragraph (b.5) shall~~ SUBSECTION (2)(b.5) MUST not be located within seven hundred fifty feet of another such group home, unless otherwise provided for by the municipality. A person ~~shall~~ MUST not be placed in a group home without being screened by either a professional person, as defined in section 27-65-102 (17), ~~C.R.S.~~, or any other such mental health professional designated by the director of a facility ~~which facility~~ is approved by the executive director of the department of human services pursuant to section 27-90-102. ~~C.R.S.~~ Persons determined to be not guilty by reason of insanity to a violent offense ~~shall~~ MUST not be placed in such group homes, and any person who has been convicted of a felony involving a violent offense ~~shall~~ IS not be eligible for placement in such group homes. The provisions of this ~~paragraph (b.5) shall~~ SUBSECTION (2)(b.5) MUST be implemented, where appropriate, by the rules of the department of public health and environment concerning residential treatment facilities for persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS. Nothing in this ~~paragraph (b.5) shall be construed to exempt~~ SUBSECTION (2)(b.5) EXEMPTS such group homes from compliance with any state, county, or municipal health, safety, and fire codes.

**SECTION 302.** In Colorado Revised Statutes, 32-17-102, **amend** (1) as follows:

**32-17-102. Legislative declaration.** (1) The general assembly



hereby finds, determines, and declares that, although the state of Colorado has dedicated financial resources to the diagnosis and treatment of BEHAVIORAL OR mental illness HEALTH DISORDERS for specific populations in this state, many adults, children, and families who do not qualify for or cannot obtain these state- and federally-funded services have BEHAVIORAL OR mental health care needs that are not being addressed, and lack of BEHAVIORAL OR mental health care services often results in increased taxpayer costs for law enforcement, schools, health facilities, hospitals, social services, corrections, and health insurance.

**SECTION 303.** In Colorado Revised Statutes, 33-4-104, **amend** (1) as follows:

**33-4-104. Free licenses issued - members or veterans of armed forces - when - rules.** (1) Any active or retired member of the United States armed forces while stationed as a resident patient at any United States armed forces hospital or convalescent station located within Colorado, any resident patient at a veterans administration hospital and resident patients of any state institution for the treatment of persons with BEHAVIORAL OR mental illness HEALTH DISORDERS or other mental health institution in Colorado while under supervision of a proper staff member, ~~thereof~~, and any resident who is totally and permanently disabled as determined by the social security administration or the division of labor standards and statistics or pursuant to rule of the commission may obtain a fishing license free of charge, valid for taking fish during the period of residency only, under rules of the commission.

**SECTION 304.** In Colorado Revised Statutes, 39-22-4101, **amend** (1) introductory portion and (1)(e) as follows:

**39-22-4101. Legislative declaration.** (1) The general assembly hereby finds and declares that:

(e) Substance use, ~~disorders and~~ BEHAVIORAL, AND mental health ~~conditions~~ DISORDERS are Colorado's most prevalent chronic illnesses; and

**SECTION 305.** In Colorado Revised Statutes, 42-2-104, **amend** (2) introductory portion and (2)(c) as follows:

**42-2-104. Licenses issued - denied.** (2) Except as otherwise

provided in this ~~article a person~~ ARTICLE 2, THE DEPARTMENT shall not be licensed by the department LICENSE A PERSON to operate any motor vehicle in this state:

(c) Who has been adjudged or determined by a court of competent jurisdiction to ~~be an habitual drunkard or addicted to the use of~~ HAVE AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION 27-82-102, WITH RESPECT TO a controlled substance, as defined in section 18-18-102 (5); ~~C.R.S.;~~

**SECTION 306.** In Colorado Revised Statutes, 42-2-116, **amend** (5) as follows:

**42-2-116. Restricted license.** (5) The department is authorized after examination to issue a restricted license to a person with a BEHAVIORAL OR mental ~~illness or a~~ HEALTH DISORDER OR AN INTELLECTUAL AND developmental disability, containing such restrictions as may be imposed upon said person by a court pursuant to part 3 or part 4 of article 14 of title 15 ~~C.R.S.~~, or section 27-65-109 (4) or 27-65-127. ~~C.R.S.~~

**SECTION 307.** In Colorado Revised Statutes, 42-4-1702, **amend** (2) introductory portion and (2)(c) as follows:

**42-4-1702. Alcohol- or drug-related traffic offenses - collateral attack.** (2) In recognition of the difficulties attending the litigation of stale claims and the potential for frustrating various statutory provisions directed at repeat offenders, former offenders, and habitual offenders, the only exceptions to the time limitations specified in ~~paragraph (a) of this subsection (1) shall be~~ SUBSECTION (1)(a) OF THIS SECTION ARE:

(c) Where the court hearing the collateral attack finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment OR CERTIFICATION of the violator to an institution for treatment as a person with a mental ~~illness~~ HEALTH DISORDER; or

**SECTION 308.** In Colorado Revised Statutes, 42-4-1708, **amend** (5)(b) introductory portion and (5)(b)(III) as follows:

**42-4-1708. Traffic infractions - proper court for hearing, burden of proof - appeal - collateral attack.** (5) (b) In recognition of the difficulties attending the litigation of stale claims and the potential for frustrating various statutory provisions directed at repeat offenders, former offenders, and habitual offenders, the only exceptions to the time limitations specified in ~~paragraph (a) of this subsection (5) shall be~~ SUBSECTION (5)(a) OF THIS SECTION ARE:

(III) Where the court hearing the collateral attack finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment OR CERTIFICATION of the violator to an institution for treatment as a person with a mental ~~illness~~ HEALTH DISORDER; or

**SECTION 309. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Kevin J. Grantham  
PRESIDENT OF  
THE SENATE

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Crisanta Duran  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Effie Ameen  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO