

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**REVISED**

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

LLS NO. 17-0965.01 Jane Ritter x4342

**SENATE BILL 17-242**

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**SENATE SPONSORSHIP**

**Martinez Humenik,**

**HOUSE SPONSORSHIP**

**Ginal and Ransom,**

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**Senate Committees**  
Health & Human Services

**House Committees**  
Health, Insurance, & Environment

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**A BILL FOR AN ACT**

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

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**Bill Summary**

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

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

Outdated references to the "unit in the department of human

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

HOUSE  
Amended 2nd Reading  
May 5, 2017

SENATE  
3rd Reading Unamended  
March 29, 2017

SENATE  
Amended 2nd Reading  
March 28, 2017

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

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

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

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

11 (b) The substance abuse and mental health services administration  
12 (SAMHSA) offers the national behavioral health quality framework as a  
13 guiding document for the identification and implementation of key  
14 behavioral health quality measures for use in agency or system funding  
15 decisions, monitoring the behavioral health of the nation, and the delivery  
16 of behavioral health care;

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

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

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

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

11 **2-4-401. Definitions.** The following definitions apply to every  
12 statute, unless the context otherwise requires:

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

25 (1.1) "CHILD" INCLUDES CHILD BY ADOPTION.

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

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

- 6           (d) Demonstrates professional competence by:  
7           (I) Passing a national examination demonstrating special  
8 knowledge and skills in behavioral health disorders counseling as  
9 determined by the ~~division~~ OFFICE of behavioral health in the department  
10 of human services and approved by the board; and

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

13           **12-43-805. Continuing professional competency - rules.**  
14 (1) (b) The board, in consultation with the ~~division~~ OFFICE of behavioral  
15 health in the department of human services and other stakeholders, shall  
16 adopt rules establishing a continuing professional competency program  
17 that includes, at a minimum, the following elements:

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

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

- 25           (b) The name of each person who has been committed by order of  
26 the court to the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the  
27 department of human services ~~that administers behavioral health~~

1 ~~programs and services, including those related to mental health and~~  
2 ~~substance abuse, pursuant to section 27-81-112 or 27-82-108; C.R.S.; and~~

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

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

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

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

24 **13-5-142.5. National instant criminal background check**  
25 **system - judicial process for awarding relief from federal**  
26 **prohibitions - legislative declaration. (2) Eligibility.** A person may  
27 petition for relief pursuant to this section if:

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

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

8 **13-9-123. National instant criminal background check system**  
9 **- reporting.** (1) On and after March 20, 2013, the state court  
10 administrator shall send electronically the following information to the  
11 Colorado bureau of investigation created pursuant to section 24-33.5-401,  
12 ~~C.R.S.~~, referred to ~~within~~ IN this section as the "bureau":

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

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

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

22 (II) The period of commitment of the most recent order of  
23 commitment or recommitment expired, or the court entered an order  
24 terminating the person's incapacity or discharging the person from  
25 commitment in the nature of habeas corpus, if the record in the national  
26 instant criminal background check system is based on an order of  
27 commitment to the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in

1 the department of human services; ~~that administers behavioral health~~  
2 ~~programs and services, including those related to mental health and~~  
3 ~~substance abuse~~; except that the state court administrator shall not cancel  
4 any record pertaining to a person with respect to whom two  
5 recommitment orders have been entered ~~under~~ PURSUANT TO section  
6 27-81-112 (7) and (8), ~~C.R.S.~~; or who was discharged from treatment  
7 ~~under~~ PURSUANT TO section 27-81-112 (11), ~~C.R.S.~~; on the grounds that  
8 further treatment ~~will not be~~ IS NOT likely to bring about significant  
9 improvement in the person's condition; or

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

12 **13-9-124. National instant criminal background check system**  
13 **- judicial process for awarding relief from federal prohibitions -**  
14 **legislative declaration. (2) Eligibility.** A person may petition for relief  
15 pursuant to this section if:

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

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

23 **16-13-311. Disposition of seized personal property.** (3) (a) If  
24 the prosecution prevails in the forfeiture action, the court shall order the  
25 property forfeited. Such order shall perfect the state's right and interest in  
26 and title to such property and shall relate back to the date when title to the  
27 property vested in the state pursuant to section 16-13-316. Except as

1 otherwise provided in ~~paragraph (c) of this subsection (3)~~ SUBSECTION  
2 (3)(c) OF THIS SECTION, the court shall also order such property to be sold  
3 at a public sale by the law enforcement agency in possession of the  
4 property in the manner provided for sales on execution, or in another  
5 commercially reasonable manner. Property forfeited ~~under~~ PURSUANT TO  
6 this section or proceeds therefrom shall be distributed or applied in the  
7 following order:

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

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

20 **SECTION 10.** In Colorado Revised Statutes, 16-13-701, **amend**  
21 (4) as follows:

22 **16-13-701. Reporting of forfeited property.** (4) The ~~unit~~ OFFICE  
23 OF BEHAVIORAL HEALTH in the department of human services ~~that~~  
24 ~~administers behavioral health programs and services, including those~~  
25 ~~related to mental health and substance abuse~~, shall prepare an annual  
26 accounting report of ~~moneys~~ MONEY received by the managed service  
27 organization pursuant to section 16-13-311 (3)(a)(VII)(B), including

1 revenues, expenditures, beginning and ending balances, and services  
2 provided. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of  
3 human services ~~that administers behavioral health programs and services,~~  
4 ~~including those related to mental health and substance abuse,~~ shall  
5 provide this information in its annual report pursuant to section  
6 27-80-110. ~~C.R.S.~~

7 **SECTION 11.** In Colorado Revised Statutes, 17-2-201, **amend**  
8 (5.7) introductory portion, (5.7)(a), and (5.7)(d) as follows:

9 **17-2-201. State board of parole - definitions.** (5.7) If, as a  
10 condition of parole, an offender is required to undergo counseling or  
11 treatment, unless the parole board determines that treatment at another  
12 facility or with another person is warranted, ~~such~~ THE treatment or  
13 counseling ~~shall~~ MUST be at a facility or with a person:

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

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

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

1           **17-27.1-101. Nongovernmental facilities for offenders -**  
2 **registration - notifications - penalties.** (5) ~~No~~ A private treatment  
3 program in Colorado shall NOT admit or accept a supervised or  
4 unsupervised person into the program unless ~~that~~ THE program:

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

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

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

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

21           **18-1.3-204. Conditions of probation - interstate compact**  
22 **probation transfer cash fund - creation.** (2) (c) If the court orders  
23 counseling or treatment as a condition of probation, unless the court  
24 makes a specific finding that treatment in another facility or with another  
25 person is warranted, the court shall order that ~~such~~ THE treatment or  
26 counseling be at a facility or with a person:

27           (I) Approved by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the

1 department of human services, ~~that administers behavioral health~~  
2 ~~programs and services, including those related to mental health and~~  
3 ~~substance abuse~~, established in article 80 of title 27, C.R.S., if the  
4 treatment is for alcohol or drug abuse;

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

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

14 **18-1.3-211. Sentencing of felons - parole of felons - treatment**  
15 **and testing based upon assessment required.** (1) Each person  
16 sentenced by the court for a felony committed on or after July 1, 1992,  
17 ~~shall be~~ IS required, as a part of any sentence to probation, community  
18 corrections, or incarceration with the department of corrections, to  
19 undergo periodic testing and treatment for substance abuse that is  
20 appropriate to ~~such~~ THE felon based upon the recommendations of the  
21 assessment made pursuant to section 18-1.3-209, or based upon any  
22 subsequent recommendations by the department of corrections, the  
23 judicial department, or the division of criminal justice of the department  
24 of public safety, whichever is appropriate. Any ~~such~~ testing or treatment  
25 ~~shall~~ MUST be at a facility or with a person approved by the ~~unit~~ OFFICE  
26 OF BEHAVIORAL HEALTH in the department of human services, ~~that~~  
27 ~~administers behavioral health programs and services, including those~~

1 ~~related to mental health and substance abuse~~, established in article 80 of  
2 title 27, ~~C.R.S.~~, and at ~~such~~ THE felon's own expense, unless ~~such~~ felon  
3 HE OR SHE is indigent.

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

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

19 **18-13-122. Illegal possession or consumption of ethyl alcohol**  
20 **or marijuana by an underage person - illegal possession of marijuana**  
21 **paraphernalia by an underage person - definitions - adolescent**  
22 **substance abuse prevention and treatment fund - legislative**  
23 **declaration.** (4) (a) Upon conviction of a first offense of subsection (3)  
24 of this section, the court shall sentence the underage person to a fine of  
25 not more than one hundred dollars, or the court shall order that the  
26 underage person complete a substance abuse education program approved  
27 by the ~~division~~ OFFICE of behavioral health in the department of human

1 services, or both.

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

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

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

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

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

20 (18) **Cash fund.** The surcharge collected pursuant to ~~paragraph~~  
21 ~~(e) of subsection (4)~~ SUBSECTION (4)(e) of this section must be  
22 transmitted to the state treasurer, who shall credit the same to the  
23 adolescent substance abuse prevention and treatment fund, which ~~fund~~ is  
24 created and referred to in this section as the "fund". ~~The moneys~~ MONEY  
25 in the fund ~~are~~ IS subject to annual appropriation by the general assembly  
26 to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human  
27 services, ~~that administers behavioral health programs and services,~~

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

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

19 **24-1-120. Department of human services - creation.** (6) The  
20 department ~~shall consist~~ CONSISTS of the following divisions, ~~and~~ units,  
21 AND OFFICES:

22 (d) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of  
23 human services ~~that administers behavioral health programs and services,~~  
24 ~~including those related to mental health and substance abuse~~, created  
25 pursuant to article 80 of title 27, ~~C.R.S.~~ The ~~unit in the department of~~  
26 ~~human services that administers behavioral health programs and services,~~  
27 ~~including those related to mental health and substance abuse~~, OFFICE OF

1 BEHAVIORAL HEALTH and its powers, duties, and functions, including the  
2 powers, duties, and functions relating to the alcohol and drug driving  
3 safety program specified in section 42-4-1301.3, ~~C.R.S.~~, are transferred  
4 by a **type 2** transfer to the department of human services.

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

7 **25-20.5-406. State review team - creation - membership -**  
8 **vacancies.** (2) (b) The executive director of the department of human  
9 services shall appoint six voting members, as follows:

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

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

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

18 **41-2-102. Operating an aircraft under the influence -**  
19 **operating an aircraft with excessive alcohol content - tests - penalties**  
20 **- useful public service program.** (8) The ~~unit~~ OFFICE OF BEHAVIORAL  
21 HEALTH in the department of human services ~~that administers behavioral~~  
22 ~~health programs and services, including those related to mental health and~~  
23 ~~substance abuse,~~ shall provide presentence alcohol and drug evaluations  
24 on all persons convicted of a violation of subsection (1) or (2) of this  
25 section, in the same manner as described in section 42-4-1301.3. ~~C.R.S.~~

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

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

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

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

16           **42-2-125. Mandatory revocation of license and permit.** (1) The  
17 department shall immediately revoke the license or permit of any driver  
18 or minor driver upon receiving a record showing that ~~such~~ THE driver has:

19           (i) Been convicted of DUI, DUI per se, or DWAI and has two  
20 previous convictions of any of ~~such~~ THOSE offenses. THE DEPARTMENT  
21 SHALL REVOKE the license of any driver ~~shall be revoked~~ for an indefinite  
22 period and ~~shall only be reissued~~ ONLY REISSUE IT upon proof to the  
23 department that ~~said~~ THE driver has completed a level II alcohol and drug  
24 education and treatment program certified by the ~~unit~~ OFFICE OF  
25 BEHAVIORAL HEALTH in the department of human services ~~that~~  
26 ~~administers behavioral health programs and services, including those~~  
27 ~~related to mental health and substance abuse~~, pursuant to section

1 42-4-1301.3 and that ~~said~~ THE driver has demonstrated knowledge of the  
2 laws and driving ability through the regular motor vehicle testing process.  
3 ~~In no event shall such~~ THE DEPARTMENT SHALL NOT REISSUE THE license  
4 ~~be reissued~~ in less than two years.

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

7 **42-2-126. Revocation of license based on administrative**  
8 **determination. (4) Multiple restraints and conditions on driving**  
9 **privileges. (d) (II) (A)** If a person was ~~determined to be~~ driving with  
10 excess BAC and the person had a BAC that was 0.15 or more or if the  
11 person's driving record otherwise indicates a designation as a persistent  
12 drunk driver as defined in section 42-1-102 (68.5), the department shall  
13 require the person to complete a level II alcohol and drug education and  
14 treatment program certified by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH  
15 in the department of human services ~~that administers behavioral health~~  
16 ~~programs and services, including those related to mental health and~~  
17 ~~substance abuse,~~ pursuant to section 42-4-1301.3 as a condition to  
18 restoring driving privileges to the person and, upon the restoration of  
19 driving privileges, shall require the person to hold a restricted license  
20 requiring the use of an ignition interlock device pursuant to section  
21 42-2-132.5 (1)(a)(II).

22 (B) If a person seeking reinstatement is required to complete, but  
23 has not yet completed, a level II alcohol and drug education and treatment  
24 program, the person shall file with the department proof of current  
25 enrollment in a level II alcohol and drug education and treatment program  
26 certified by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of  
27 human services ~~that administers behavioral health programs and services,~~

1 including those related to mental health and substance abuse, pursuant to  
2 section 42-4-1301.3, on a form approved by the department.

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

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

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

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

22 **42-2-132. Period of suspension or revocation.**

23 (2) (a) (II) (A) Following the period of revocation set forth in this  
24 subsection (2), the department shall not issue a new license unless and  
25 until it is satisfied that the person has demonstrated knowledge of the  
26 laws and driving ability through the appropriate motor vehicle testing  
27 process, and that the person whose license was revoked pursuant to

1 section 42-2-125 for a second or subsequent alcohol- or drug-related  
2 driving offense has completed not less than a level II alcohol and drug  
3 education and treatment program certified by the ~~unit~~ OFFICE OF  
4 BEHAVIORAL HEALTH in the department of human services ~~that~~  
5 ~~administers behavioral health programs and services, including those~~  
6 ~~related to mental health and substance abuse~~, pursuant to section  
7 42-4-1301.3.

8 (B) If the person was ~~determined to be~~ in violation of section  
9 42-2-126 (3)(a) and the person had a BAC that was 0.15 or more at the  
10 time of driving or within two hours after driving, or if the person's driving  
11 record otherwise indicates a designation as a persistent drunk driver as  
12 defined in section 42-1-102 (68.5), the department shall require the  
13 person to complete a level II alcohol and drug education and treatment  
14 program certified by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the  
15 department of human services ~~that administers behavioral health~~  
16 ~~programs and services, including those related to mental health and~~  
17 ~~substance abuse~~, pursuant to section 42-4-1301.3, and, upon the  
18 restoration of driving privileges, shall require the person to hold a  
19 restricted license requiring the use of an ignition interlock device  
20 pursuant to section 42-2-132.5 (1)(a)(II).

21 (C) If a person seeking reinstatement has not completed THE  
22 required level II alcohol and drug education and treatment PROGRAM, the  
23 person shall file with the department proof of current enrollment in a  
24 level II alcohol and drug education and treatment program certified by the  
25 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human services  
26 ~~that administers behavioral health programs and services, including those~~  
27 ~~related to mental health and substance abuse~~, pursuant to section

1 42-4-1301.3, on a form approved by the department.

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

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

12 **42-2-144. Reporting by certified level II alcohol and drug**  
13 **education and treatment program providers - notice of**  
14 **administrative remedies against a driver's license - rules.** (1) The  
15 department shall require all providers of level II alcohol and drug  
16 education and treatment programs certified by the ~~unit~~ OFFICE OF  
17 BEHAVIORAL HEALTH in the department of human services ~~that~~  
18 ~~administers behavioral health programs and services, including those~~  
19 ~~related to mental health and substance abuse,~~ pursuant to section  
20 42-4-1301.3 to provide quarterly reports to the department about each  
21 person who is enrolled and who has filed proof of such enrollment with  
22 the department as required by section 42-2-126 (4)(d)(II).

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

25 **42-4-1301.3. Alcohol and drug driving safety program -**  
26 **definition.** (3) (c) (IV) For the purpose of this section, "alcohol and drug  
27 driving safety education or treatment" means either level I or level II

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

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

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

1 administration of the alcohol and drug driving safety program. In  
2 administering the alcohol and drug driving safety program, the judicial  
3 department is authorized to contract with any agency for ~~such~~ ANY  
4 services ~~as~~ the judicial department deems necessary. ~~Moneys~~ MONEY  
5 deposited in the ~~alcohol and drug driving safety program~~ fund ~~shall~~  
6 ~~remain in said~~ REMAINS IN THE fund to be used for the purposes set forth  
7 in this section and ~~shall~~ MUST not revert or transfer to the general fund  
8 except by further act of the general assembly.

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

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

18 **43-4-402. Source of revenues - allocation of money.** (2) (a) The  
19 general assembly shall make an annual appropriation out of the ~~moneys~~  
20 MONEY in the fund to the department of public health and environment in  
21 an amount sufficient to pay for the costs of evidential breath alcohol  
22 testing, including any education needs associated with ~~such~~ testing, and  
23 implied consent specialists, ~~which~~ THE COSTS OF WHICH were previously  
24 paid out of the highway users tax fund. The general assembly shall also  
25 make an annual appropriation out of the ~~moneys~~ MONEY in the fund to the  
26 Colorado bureau of investigation to pay for the costs of toxicology  
27 laboratory services, including any education needs associated with ~~such~~

1 THE services. Of the ~~moneys~~ MONEY remaining in the fund, eighty percent  
2 shall be deposited in a special drunken driving account ~~within~~ IN the fund,  
3 which account is ~~hereby~~ created, and ~~shall~~ be available immediately,  
4 without further appropriation, for allocation by the transportation  
5 commission to the office of transportation safety. ~~which~~ THE OFFICE OF  
6 TRANSPORTATION SAFETY shall allocate ~~such moneys~~ THE MONEY in  
7 accordance with the provisions of section 43-4-404 (1) and (2). The  
8 remaining twenty percent shall be appropriated by the general assembly  
9 to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human  
10 services, ~~that administers behavioral health programs and services,~~  
11 ~~including those related to mental health and substance abuse,~~ which shall  
12 use ~~such moneys~~ THE MONEY for the purposes stated in section 43-4-404  
13 (3). The office of transportation safety and the ~~unit~~ OFFICE OF  
14 BEHAVIORAL HEALTH in the department of human services ~~that~~  
15 ~~administers behavioral health programs and services, including those~~  
16 ~~related to mental health and substance abuse,~~ may use ~~such~~ amounts from  
17 the ~~moneys~~ MONEY allocated or appropriated to them by this subsection  
18 (2) as ~~may be~~ necessary for the purpose of paying the costs incurred by  
19 the office ~~and unit~~ OF TRANSPORTATION SAFETY AND THE OFFICE OF  
20 BEHAVIORAL HEALTH in administering the programs established pursuant  
21 to this part 4; except that neither the office of transportation safety nor  
22 ~~said unit~~ THE OFFICE OF BEHAVIORAL HEALTH may use for ~~such purpose~~  
23 THE PURPOSES OF THIS PART 4 an amount ~~which exceeds~~ EXCEEDING eight  
24 percent of the ~~moneys~~ MONEY allocated or appropriated.

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

27 **43-4-404. Formula for allocation of money.** (3) The ~~moneys~~

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

18 **SECTION 28.** In Colorado Revised Statutes, 1-1-104, **amend**  
19 (18.5) as follows:

20 **1-1-104. Definitions.** As used in this code, unless the context  
21 otherwise requires:

22 (18.5) "Group residential facility" means a nursing home, a  
23 nursing care facility licensed pursuant to part 1 of article 3 of title 25,  
24 ~~C.R.S.~~, a home for persons with intellectual and developmental  
25 disabilities as defined in section 25.5-10-202, ~~C.R.S.~~, an assisted living  
26 residence licensed pursuant to section 25-27-105, ~~C.R.S.~~, or a residential  
27 treatment facility for ~~mental illness~~ PERSONS WITH BEHAVIORAL OR

1 MENTAL HEALTH DISORDERS.

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

4 **1-2-103. Military service - students - inmates - persons with**  
5 **behavioral, mental health, and substance use disorders.** (5) A person  
6 confined in a state institution for persons with BEHAVIORAL OR mental  
7 ~~illness~~ HEALTH DISORDERS shall not lose the right to vote because of the  
8 confinement.

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

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

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

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

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

25 **2-5-119. Tax levy on civil actions.** A tax of one dollar is imposed  
26 upon each action filed in the office of each clerk of a court of record of  
27 the state of Colorado, except criminal actions, cases filed for reviews of

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

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

16 **7-61-125. When certificate shall be cancelled or amended.**

17 (2) A certificate shall be amended when:

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

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

23 **8-15.5-103. Multipurpose service centers for displaced**  
24 **homemakers.** (2) Each service center shall include the following  
25 services:

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

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

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

4 **10-16-102. Definitions.** As used in this ~~article~~ ARTICLE 16, unless  
5 the context otherwise requires:

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

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

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

18 **SECTION 35.** In Colorado Revised Statutes, 10-16-104, **amend**  
19 (5.5)(a)(I), (5.5)(a)(IV), and (18)(b)(I) as follows:

20 **10-16-104. Mandatory coverage provisions - definitions -**  
21 **rules. (5.5) Behavioral, mental health, and substance use disorders**  
22 **- rules.** (a) (I) Every health benefit plan subject to part 2, 3, or 4 of this  
23 ~~article~~ ARTICLE 16, except those described in section 10-16-102 (32)(b),  
24 must provide coverage for the treatment of BOTH biologically based  
25 mental ~~illness and mental~~ HEALTH DISORDERS AND BEHAVIORAL, MENTAL  
26 HEALTH, OR SUBSTANCE USE disorders that is no less extensive than the  
27 coverage provided for a physical illness.

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

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

5 "BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER" MEANS  
6 POST-TRAUMATIC STRESS DISORDER, SUBSTANCE USE DISORDERS,  
7 DYSTHYMIA, CYCLOTHYMIA, SOCIAL PHOBIA, AGORAPHOBIA WITH PANIC  
8 DISORDER, ANOREXIA NERVOSA, BULIMIA NERVOSA, GENERAL ANXIETY  
9 DISORDER, AND AUTISM SPECTRUM DISORDERS, AS DEFINED IN SUBSECTION  
10 (1.4)(a)(III) OF THIS SECTION.

11 (B) ~~"Mental disorder" means post-traumatic stress disorder, drug~~  
12 ~~and alcohol disorders, dysthymia, cyclothymia, social phobia,~~  
13 ~~agoraphobia with panic disorder, anorexia nervosa, bulimia nervosa,~~  
14 ~~general anxiety disorder, and autism spectrum disorders, as defined in~~  
15 ~~subparagraph (III) of paragraph (a) of subsection (1.4) of this section~~

16 "BIOLOGICALLY BASED MENTAL HEALTH DISORDER" MEANS  
17 SCHIZOPHRENIA, SCHIZOAFFECTIVE DISORDER, BIPOLAR AFFECTIVE  
18 DISORDER, MAJOR DEPRESSIVE DISORDER, SPECIFIC  
19 OBSESSIVE-COMPULSIVE DISORDER, AND PANIC DISORDER.

20 (18) **Preventive health care services.** (b) The coverage required  
21 by this subsection (18) must include preventive health care services for  
22 the following, in accordance with the A or B recommendations of the task  
23 force for the particular preventive health care service:

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

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

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

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

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

24           **10-16-104.8. Behavioral, mental health, or substance use**  
25 **disorder services coverage - court-ordered.** (1) An individual or group  
26 health benefit plan delivered or issued for delivery within this state by an  
27 entity subject to the provisions of part 2, 3, or 4 of this ~~article~~ ARTICLE 16

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

26 (2) Nothing in this section ~~shall mandate or be construed to~~  
27 ~~mandate~~ MANDATES OR IS MEANT TO CONSTRUE that a health benefit plan

1 provide coverage for BEHAVIORAL, mental health, OR SUBSTANCE USE  
2 DISORDER services.

3 (3) For purposes of this section, "BEHAVIORAL, mental health, OR  
4 SUBSTANCE USE DISORDER services" includes treatment for biologically  
5 based mental ~~illness~~ HEALTH DISORDERS and BEHAVIORAL, mental  
6 HEALTH, OR SUBSTANCE USE disorders as described in section 10-16-104  
7 (5.5).

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

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

20 **10-16-219. Benefits for care in tax-supported institutions -**  
21 **behavioral health disorders - mental health disorders - intellectual**  
22 **and developmental disabilities.** (1) On and after July 1, 1977, ~~no~~ AN  
23 individual ~~policy~~ or group policy of sickness, health, or accident  
24 insurance or small group sickness and accident insurance delivered or  
25 issued for delivery to any person in this state ~~which~~ THAT provides  
26 coverage for BEHAVIORAL OR mental ~~illness, mental retardation, or both,~~  
27 ~~shall~~ HEALTH DISORDERS OR INTELLECTUAL AND DEVELOPMENTAL

1 ~~DISABILITIES~~ MUST NOT exclude or be construed to diminish benefits for  
2 the payment of the direct costs, related directly to the treatment of such  
3 BEHAVIORAL OR mental ~~illness, mental retardation, or both~~ HEALTH  
4 ~~DISORDERS OR INTELLECTUAL AND DEVELOPMENTAL DISABILITIES,~~  
5 provided by a state institution, including community clinics and centers  
6 ~~for~~ PROVIDING SERVICES FOR PERSONS WITH BEHAVIORAL OR mental  
7 health and ~~mental retardation services, if such~~ ~~DISORDERS OR~~  
8 ~~INTELLECTUAL AND DEVELOPMENTAL DISABILITIES IF THE~~ charges for  
9 ~~treatment~~ of such BEHAVIORAL OR mental ~~illness, mental retardation, or~~  
10 ~~both,~~ HEALTH DISORDERS ~~OR INTELLECTUAL AND DEVELOPMENTAL~~  
11 ~~DISABILITIES~~ are customarily charged to nonindigent patients by ~~such~~ THE  
12 state institution.

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

15 **12-2-123. Grounds for disciplinary action - administrative**  
16 **penalties.** (1) After notice and hearing as provided in section 12-2-125,  
17 the board may deny the issuance of, refuse to renew, revoke, or suspend  
18 any certificate of a certified public accountant issued under this ~~article~~  
19 ARTICLE 2 or any prior law of this state or may fine, issue a letter of  
20 admonition to, or place on probation the holder of any certificate and  
21 impose other conditions or limitations for any of the following causes:

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

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

3           **12-8-103. Definitions.** As used in this ~~article~~ ARTICLE 8, unless  
4 the context otherwise requires:

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

1 the use of tweezers; and the trimming of the beard.

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

4 **12-10-107.1. Grounds for discipline.** (1) The director may deny,  
5 suspend, revoke, place on probation, or issue a letter of admonition  
6 against a license or an application for a license if the applicant or  
7 licensee:

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

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

16 **12-29.5-105. Unlawful acts - exceptions - definition.** (3) (d) In  
17 order to perform auricular acudetox pursuant to this subsection (3), a  
18 mental health care professional must successfully complete a training  
19 program in auricular acudetox for the treatment of ~~alcoholism, substance~~  
20 ~~abuse, or chemical dependency~~ SUBSTANCE USE DISORDERS that meets or  
21 exceeds standards of training established by the national acupuncture  
22 detoxification association or another organization approved by the  
23 director.

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

26 **12-29.5-106. Grounds for disciplinary action.** (1) The director  
27 may deny licensure to or take disciplinary action against an acupuncturist

1 pursuant to section 24-4-105 ~~C.R.S.~~, if the director finds that the  
2 acupuncturist has committed any of the following acts:

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

12 **SECTION 44.** In Colorado Revised Statutes, 12-29.5-108.5,  
13 **amend** (1) and (2)(a) as follows:

14 **12-29.5-108.5. Examinations - notice - confidential**  
15 **agreements.** (1) If an acupuncturist suffers from a physical ~~or mental~~  
16 illness; ~~or~~ A PHYSICAL condition; ~~rendering~~ OR A BEHAVIORAL OR MENTAL  
17 HEALTH DISORDER THAT RENDERS the licensee unable to practice  
18 acupuncture or practice as an acupuncturist with reasonable skill and  
19 patient safety, the acupuncturist shall notify the director of the PHYSICAL  
20 illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL  
21 HEALTH DISORDER in a manner and within a period of time determined by  
22 the director. The director may require the licensee to submit to an  
23 examination or to evaluate the extent of the PHYSICAL illness; ~~or~~ THE  
24 PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER  
25 and its impact on the licensee's ability to practice with reasonable skill  
26 and safety to patients.

27 (2) (a) Upon determining that an acupuncturist with a physical ~~or~~

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

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

10 **12-29.7-110. Grounds for discipline - disciplinary proceedings.**

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

14 (c) HAS AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION  
15 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION  
16 27-82-102, OR is an excessive or habitual user or abuser of alcohol or  
17 habit-forming drugs or is a habitual user of a controlled substance, as  
18 defined in section 18-18-102 (5), ~~C.R.S.~~, or other drugs having similar  
19 effects; except that the director has the discretion not to discipline the  
20 registrant if he or she is participating in good faith in ~~a~~ AN ALCOHOL OR  
21 SUBSTANCE USE DISORDER TREATMENT program approved by the director;  
22 ~~to end the use or abuse;~~

23 (d) (I) Has failed to notify the director, as required by section  
24 12-29.7-113, of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR  
25 A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that  
26 affects the registrant's ability to provide athletic training services with  
27 reasonable skill and safety or that may endanger the health or safety of

1 individuals receiving athletic training services;

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

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

9 **12-29.7-113. Confidential agreement to limit practice -**  
10 **violation grounds for discipline.** (1) If a registered athletic trainer  
11 suffers from a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A  
12 BEHAVIORAL OR MENTAL HEALTH DISORDER that renders ~~the registrant~~  
13 HIM OR HER unable to practice athletic training with reasonable skill and  
14 safety to patients, ~~the registrant~~ HE OR SHE shall notify the director of the  
15 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR  
16 MENTAL HEALTH DISORDER in a manner and within a period of time  
17 determined by the director. The director may require the registrant to  
18 submit to an examination to evaluate the extent of the PHYSICAL illness;  
19 ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH  
20 DISORDER and its impact on the registrant's ability to practice with  
21 reasonable skill and safety to patients.

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

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

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

5 **12-29.9-108. Disciplinary actions - grounds for discipline.**

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

7 (q) AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION  
8 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION  
9 27-82-102, OR excessively or habitually using or abusing alcohol or  
10 habit-forming drugs or habitually using a controlled substance, as defined  
11 in section 18-18-102, ~~C.R.S.~~, or other drugs OR SUBSTANCES having  
12 similar effects; except that the director has the discretion not to discipline  
13 the licensee if he or she is participating in good faith in a AN ALCOHOL OR  
14 SUBSTANCE USE DISORDER TREATMENT program approved by the director;  
15 ~~to end the use or abuse;~~

16 (r) (I) Failing to notify the director, as required by section  
17 12-29.9-113, of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR  
18 A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that  
19 impacts the licensee's ability to perform audiology with reasonable skill  
20 and safety to patients;

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

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

27 **12-29.9-113. Confidential agreements to limit practice -**

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

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

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

23 **12-33-117. Discipline of licensees - letters of admonition,**  
24 **suspension, revocation, denial, and probation - grounds.** (1) Upon any  
25 of the following grounds, the board may issue a letter of admonition to a  
26 licensee or may revoke, suspend, deny, refuse to renew, or impose  
27 conditions on such licensee's license:

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

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

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

10 **12-35-129. Grounds for disciplinary action.** (1) The board may  
11 take disciplinary action against an applicant or licensee in accordance  
12 with section 12-35-129.1 for any of the following causes:

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

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

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

26 **12-35-129.6. Confidential agreement to limit practice -**  
27 **violation - grounds for discipline.** (1) If a licensed dentist or dental

1     hygienist has a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A  
2     BEHAVIORAL OR MENTAL HEALTH DISORDER that renders him or her  
3     unable to practice dentistry or dental hygiene with reasonable skill and  
4     safety to clients, the dentist or dental hygienist shall notify the board of  
5     the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR  
6     MENTAL HEALTH DISORDER in a manner and within a period determined  
7     by the board. The board may require the dentist or dental hygienist to  
8     submit to an examination to evaluate the extent of the PHYSICAL illness;  
9     ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH  
10    DISORDER and its impact on the dentist's or dental hygienist's ability to  
11    practice dentistry or dental hygiene with reasonable skill and safety to  
12    patients.

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

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

24           **12-35.5-111. Grounds for discipline - definitions.** (1) The  
25    director is authorized to take disciplinary action pursuant to section  
26    12-35.5-112 against any person who has:

27           (f) AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION

1 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION  
2 27-82-102, OR a dependence on or addiction to alcohol or any  
3 habit-forming drug or abuses or engages in the habitual or excessive use  
4 of any such habit-forming drug or any controlled substance as defined in  
5 section 18-18-102, ~~C.R.S.~~, but the director may take into account the  
6 licensee's participation in a ~~rehabilitation~~ SUBSTANCE USE DISORDER  
7 TREATMENT program when considering disciplinary action;

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

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

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

20 **12-35.5-116.5. Confidential agreement to limit practice -**  
21 **violation - grounds for discipline.** (1) If a massage therapist has a  
22 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR  
23 MENTAL HEALTH \_\_\_ DISORDER that renders him or her unable to practice  
24 massage therapy with reasonable skill and safety to clients, the massage  
25 therapist shall notify the director of the PHYSICAL illness; ~~or~~ THE  
26 PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER  
27 in a manner and within a period determined by the director. The director

1 may require the massage therapist to submit to an examination to evaluate  
2 the extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE  
3 BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the massage  
4 therapist's ability to practice massage therapy with reasonable skill and  
5 safety to clients.

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

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

16 **12-36-106. Practice of medicine defined - exemptions from**  
17 **licensing requirements - unauthorized practice by physician**  
18 **assistants and anesthesiologist assistants - penalties - rules - repeal.**

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

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

1 means whatsoever;

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

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

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

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

20 **12-36-117. Unprofessional conduct.** (1) "Unprofessional  
21 conduct" as used in this ~~article~~ ARTICLE 36 means:

22 (o) Failing to notify the board, as required by section 12-36-118.5  
23 (1), of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A  
24 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that impacts  
25 the licensee's ability to perform a medical service with reasonable skill  
26 and with safety to patients, failing to act within the limitations created by  
27 a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL,

1 MENTAL HEALTH, OR SUBSTANCE USE DISORDER that renders the licensee  
2 unable to perform a medical service with reasonable skill and with safety  
3 to the patient, or failing to comply with the limitations agreed to under a  
4 confidential agreement entered pursuant to section 12-36-118.5;

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

7 **12-36-118. Disciplinary action by board - immunity - rules.**

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

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

20 **12-36-118.5. Confidential agreements to limit practice -**  
21 **violation grounds for discipline.** (1) If a physician, physician assistant,  
22 or anesthesiologist assistant suffers from a physical ~~or mental~~ illness; ~~or~~  
23 A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER  
24 that renders the licensee unable to practice medicine, practice as a  
25 physician assistant, or practice as an anesthesiologist assistant with  
26 reasonable skill and with safety to patients, the physician, physician  
27 assistant, or anesthesiologist assistant shall notify the board of the

1 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR  
2 MENTAL HEALTH DISORDER in a manner and within a period determined  
3 by the board. The board may require the licensee to submit to an  
4 examination or refer the licensee to a peer health assistance program  
5 pursuant to section 12-36-123.5 to evaluate the extent of the PHYSICAL  
6 illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL  
7 HEALTH DISORDER and its impact on the licensee's ability to practice with  
8 reasonable skill and with safety to patients.

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

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

21 **12-37-107. Disciplinary action authorized - grounds for**  
22 **discipline - injunctions - rules.** (3) The director may deny, revoke, or  
23 suspend a registration or issue a letter of admonition or place a registrant  
24 on probation for any of the following acts or omissions:

25 (n) (I) Failing to notify the director, as required by section  
26 12-37-108.5 (1), of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition;  
27 OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that

1 renders the registrant unable, or limits the registrant's ability, to practice  
2 direct-entry midwifery with reasonable skill and safety to the client;

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

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

10 **12-37-108.5. Confidential agreement to limit practice -**  
11 **violation - grounds for discipline.** (1) If a registered direct-entry  
12 midwife has a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A  
13 BEHAVIORAL OR MENTAL HEALTH DISORDER that renders him or her  
14 unable to practice direct-entry midwifery with reasonable skill and safety  
15 to clients, the registrant shall notify the director of the PHYSICAL illness;  
16 ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH  
17 DISORDER in a manner and within a period determined by the director.  
18 The director may require the registrant to submit to an examination to  
19 evaluate the extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition;  
20 OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the  
21 registrant's ability to practice direct-entry midwifery with reasonable skill  
22 and safety to clients.

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

1 practice based on the restrictions imposed by the PHYSICAL illness; ~~OR THE~~  
2 PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER,  
3 as determined by the director.

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

6 **12-37.3-112. Grounds for discipline - disciplinary actions**  
7 **authorized - procedures - definitions.** (1) The director may deny,  
8 revoke, or suspend the registration of, issue a letter of admonition to, or  
9 place on probation a naturopathic doctor for any of the following acts or  
10 omissions:

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

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

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

24 **12-37.3-116. Confidential agreement to limit practice -**  
25 **violation - grounds for discipline.** (1) If a naturopathic doctor has a  
26 physical ~~or mental~~ illness; ~~OR~~ A PHYSICAL condition; OR A BEHAVIORAL OR  
27 MENTAL HEALTH DISORDER that renders him or her unable to practice

1 naturopathic medicine with reasonable skill and safety to patients, the  
2 naturopathic doctor shall notify the director of the PHYSICAL illness; ~~or~~ A  
3 PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER  
4 in a manner and within a period determined by the director. The director  
5 may require the naturopathic doctor to submit to an examination to  
6 evaluate the extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition;  
7 OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the  
8 naturopathic doctor's ability to practice naturopathic medicine with  
9 reasonable skill and safety to patients.

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

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

21 **12-38-131. Nursing peer health assistance or nurse alternative**  
22 **to discipline program - fund - rules.** (2) (b) ~~Moneys~~ MONEY in the  
23 fund shall be used to support a nursing peer health assistance program or  
24 nurse alternative to discipline program in providing assistance to  
25 licensees needing help in dealing with physical, emotional, psychiatric,  
26 OR psychological ~~drug abuse, or alcohol abuse~~ problems OR BEHAVIORAL,  
27 MENTAL HEALTH, OR SUBSTANCE USE DISORDERS that may be detrimental

1 to their ability to practice nursing.

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

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

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

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

21 **12-38.1-111. Grounds for discipline.** (1) The board may  
22 suspend, revoke, or deny any person's certification to practice as a nurse  
23 aide or authority to practice as a medication aide, or may issue to the  
24 person a letter of admonition, upon proof that ~~such~~ THE person:

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

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

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

7 **12-38.1-113. Mental and physical competency of nurse aides.**

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

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

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

1 board to examine the nurse aide.

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

4 **12-39-111. Grounds for discipline.** (1) The board has the power  
5 to revoke, suspend, withhold, or refuse to renew any license, to place on  
6 probation a licensee or temporary license holder, or to issue a letter of  
7 admonition to a licensee in accordance with the procedures set forth in  
8 subsection (3) of this section, upon proof that ~~such~~ THE person:

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

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

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

26 **12-39-114. Disciplinary proceedings - administrative law**  
27 **judge - judicial review.** (6) Complaints, investigations, hearings,

1 meetings, or any other proceedings of the board conducted pursuant to the  
2 provisions of this ~~article~~ ARTICLE 39 and relating to disciplinary  
3 proceedings ~~shall be~~ ARE exempt from the provision of any law requiring  
4 that proceedings of the board be conducted publicly or that the minutes  
5 or records of the board with respect to action of the board taken pursuant  
6 to the provisions of this ~~article~~ ARTICLE 39 be open to public inspection;  
7 except that this exemption ~~shall apply~~ APPLIES only when the board, or an  
8 administrative law judge acting on behalf of the board, specifically  
9 determines that it is in the best interest of a complainant or other recipient  
10 of services to keep such proceedings or documents relating thereto closed  
11 to the public, or if the licensee is violating section 12-39-111 (1)(g),  
12 participating in good faith in a SUBSTANCE USE DISORDER TREATMENT  
13 program approved by the board or designed by the board to end any  
14 addiction or dependency specified in said section, and the licensee has not  
15 violated any provisions of the board order regarding participation in such  
16 a treatment program. If the board determines that it is in the best interest  
17 of a complainant or other recipient of services to keep such proceedings  
18 or documents relating thereto closed to the public, then the final action of  
19 the board ~~shall be~~ IS open to the public without disclosing the name of the  
20 client or other recipient. Final board actions and orders appropriate for  
21 judicial review may be judicially reviewed in the court of appeals in  
22 accordance with section 24-4-106 (11). ~~C.R.S.~~

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

25 **12-40-108. Application for license - licensure by endorsement.**

26 (1) A person who desires to practice optometry in the state may file with  
27 the board an application for a license, giving the information required in

1 a form and manner approved by the board. The applicant shall  
2 demonstrate that he or she possesses the following qualifications:

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

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

11 **12-40-118. Unprofessional conduct defined.** (1) The term  
12 "unprofessional conduct", as used in this ~~article~~ ARTICLE 40, means:

13 (m) Failing to:

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

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

25 (III) Practice within the limitations created by the physical ~~or~~  
26 ~~mental~~ illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL, MENTAL  
27 HEALTH, OR SUBSTANCE USE DISORDER as specified in a confidential

1 agreement between the optometrist and the board entered into pursuant  
2 to section 12-40-118.5 (5).

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

5 **12-40-118.5. Mental and physical examination of licensees.**

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

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

17 (e) For purposes of this subsection (5), "physical ~~or mental~~ illness,  
18 ~~or~~ PHYSICAL condition, OR BEHAVIORAL OR MENTAL HEALTH DISORDER"  
19 does not include the habitual or excessive use or abuse of alcohol, a  
20 habit-forming drug, or any controlled substance as defined in section  
21 18-18-102 (5). ~~C.R.S.~~

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

24 **12-40.5-110. Grounds for discipline - disciplinary proceedings**  
25 **- judicial review.** (2) The director may revoke, suspend, deny, or refuse  
26 to renew a license; place a licensee on probation; issue a letter of  
27 admonition to a licensee; or issue a cease-and-desist order to a licensee

1 in accordance with this section upon proof that the licensee:

2 (d) (I) Has failed to notify the director, as required by section  
3 12-40.5-114.5, of a physical ~~or mental~~ condition; ~~or~~ A PHYSICAL illness;  
4 OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that  
5 impacts the licensee's ability to provide occupational therapy services  
6 with reasonable skill and safety or that may endanger the health or safety  
7 of individuals receiving services;

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

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

15 **12-40.5-114.5. Confidential agreement to limit practice -**  
16 **violation - grounds for discipline.** (1) If an occupational therapist or  
17 occupational therapy assistant has a physical ~~or mental~~ illness; ~~or~~ A  
18 PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER  
19 that renders the person unable to practice occupational therapy with  
20 reasonable skill and safety to clients, the occupational therapist or  
21 occupational therapy assistant shall notify the director of the PHYSICAL  
22 illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL  
23 HEALTH DISORDER in a manner and within a period determined by the  
24 director. The director may require the occupational therapist or  
25 occupational therapy assistant to submit to an examination to evaluate the  
26 extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE  
27 BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the

1 occupational therapist's or occupational therapy assistant's ability to  
2 practice occupational therapy with reasonable skill and safety to clients.

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

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

15 **12-41-115. Grounds for disciplinary action.** (1) The board may  
16 take disciplinary action in accordance with section 12-41-116 against a  
17 person who has:

18 (m) (I) Failed to notify the board, as required by section  
19 12-41-118.5, of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR  
20 A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that  
21 impacts the licensee's ability to perform physical therapy with reasonable  
22 skill and safety to patients;

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

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

3           **12-41-118.5. Examinations - notice - confidential agreements.**

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

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

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

25           **12-41-210. Grounds for disciplinary action.** (1) The board may  
26 take disciplinary action in accordance with section 12-41-211 against a  
27 person who has:

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

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

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

13 **12-41-214. Examinations - notice - confidential agreements.**

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

27 (2) (a) Upon determining that a certified physical therapist

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

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

11 **12-41.5-109. Grounds for action - disciplinary proceedings.**

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

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

25 (i) (I) Has failed to notify the director, as required by section  
26 12-41.5-109.7, of a physical ~~or mental~~ condition; ~~or~~ A PHYSICAL illness;  
27 OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that

1 affects the licensee's ability to practice respiratory therapy with  
2 reasonable skill and safety or that may endanger the health or safety of  
3 persons under his or her care;

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

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

11 **12-41.5-109.7. Confidential agreement to limit practice -**  
12 **violation - grounds for discipline.** (1) If a respiratory therapist has a  
13 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR  
14 MENTAL HEALTH DISORDER that renders the person unable to practice  
15 respiratory therapy with reasonable skill and safety to clients, the  
16 respiratory therapist shall notify the director of the PHYSICAL illness; ~~or~~  
17 THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH  
18 DISORDER in a manner and within a period determined by the director.  
19 The director may require the respiratory therapist to submit to an  
20 examination to evaluate the extent of the PHYSICAL illness; ~~or~~ THE  
21 PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER  
22 and its effect on the respiratory therapist's ability to practice respiratory  
23 therapy with reasonable skill and safety to clients.

24 (2) (a) Upon determining that a respiratory therapist with a  
25 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR  
26 MENTAL HEALTH DISORDER is able to render limited services with  
27 reasonable skill and safety to clients, the director may enter into a

1 confidential agreement with the respiratory therapist in which the  
2 respiratory therapist agrees to limit his or her practice based on the  
3 restrictions imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition;  
4 OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER, as determined by the  
5 director.

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

8 **12-42-102. Definitions.** As used in this ~~article~~ ARTICLE 42, unless  
9 the context otherwise requires:

10 (4) The practice as a "psychiatric technician" means the  
11 performance for compensation of selected acts requiring interpersonal  
12 and technical skills and includes the administering of selected treatments  
13 and selected medications prescribed by a licensed physician or dentist, in  
14 the care of and in the observation and recognition of symptoms and  
15 reactions of a patient with a BEHAVIORAL OR mental ~~illness~~ or HEALTH  
16 DISORDER OR AN INTELLECTUAL AND developmental disability under the  
17 direction of a licensed physician and the supervision of a registered  
18 professional nurse. The selected acts in the care of a patient with a  
19 BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDER OR AN INTELLECTUAL  
20 AND developmental disability ~~shall~~ MUST not require the substantial  
21 specialized skill, judgment, and knowledge required in professional  
22 nursing.

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

26 **12-42-111. Accredited psychiatric technician educational**  
27 **program.** (1) (a) Any institution within the state of Colorado desiring to

1 conduct an accredited preservice psychiatric technician educational  
2 program may apply to the board and submit evidence that it is prepared  
3 to carry out a psychiatric technician curriculum that contains theoretical  
4 content and clinical practice to prepare the psychiatric technician student  
5 to care for clients with INTELLECTUAL AND developmental disabilities or  
6 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS in institutional and  
7 community settings.

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

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

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

17 (3) If the requirements of this ~~article~~ ARTICLE 42 for an accredited  
18 psychiatric technician educational program are met, the institution ~~shall~~  
19 MUST be accredited as a psychiatric technician educational program for  
20 psychiatric technicians for work with patients with mental ~~illness or~~  
21 HEALTH DISORDERS OR INTELLECTUAL AND developmental disabilities, for  
22 so long as such institution meets the requirements of this ~~article~~ ARTICLE  
23 42.

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

26 **12-42-113. Grounds for discipline.** (1) "Grounds for discipline",  
27 as used in this ~~article~~ ARTICLE 42, means any action by any person who:

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

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

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

19           **12-42-116. Exclusions.** (1) This ~~article shall not be construed to~~  
20 ARTICLE 42 DOES NOT affect or apply to the gratuitous care of a person  
21 with a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER by friends or  
22 members of the family or to any person taking care of a person with a  
23 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER for hire who does not  
24 represent himself or herself or hold himself or herself out to the public as  
25 a trained or licensed psychiatric technician; but ~~no one~~ A PERSON for hire  
26 shall NOT hold himself or herself out as or perform the full duties of a  
27 psychiatric technician who is not a psychiatric technician licensed under

1 the provisions of this ~~article~~ ARTICLE 42.

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

4 **12-42.5-123. Unprofessional conduct - grounds for discipline.**

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

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

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

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

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

26 **12-42.5-134. Confidential agreement to limit practice -**  
27 **violation - grounds for discipline.** (1) If a pharmacist or intern has a

1 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR  
2 MENTAL HEALTH DISORDER that renders the person unable to practice  
3 pharmacy with reasonable skill and safety to clients, the pharmacist or  
4 intern shall notify the board of the PHYSICAL illness; ~~or~~ THE PHYSICAL  
5 condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER in a  
6 manner and within a period determined by the board. The board may  
7 require the pharmacist or intern to submit to an examination or refer the  
8 pharmacist or intern to the pharmacy peer health assistance diversion  
9 program established in part 2 of this ~~article~~ ARTICLE 42.5 to evaluate the  
10 extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE  
11 BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the  
12 pharmacist's or intern's ability to practice pharmacy with reasonable skill  
13 and safety to clients.

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

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

25 **12-42.5-203. Pharmacy peer health assistance fund.** (2) (a) As  
26 a condition of licensure and licensure renewal in this state, every  
27 applicant shall pay to the administering entity that has been selected by

1 the board pursuant to ~~paragraphs (c) and (d) of this subsection (2)~~  
2 SUBSECTIONS (2)(c) AND (2)(d) OF THIS SECTION an amount set by the  
3 board not to exceed fifty-six dollars biennially. ~~which amount shall be~~  
4 THE AMOUNT MUST BE used to support designated providers that have  
5 been selected by the board to provide assistance to pharmacists and  
6 interns needing help in dealing with physical, emotional, psychiatric, OR  
7 psychological ~~drug abuse, or alcohol abuse~~ problems OR BEHAVIORAL,  
8 MENTAL HEALTH, OR SUBSTANCE USE DISORDERS that may be detrimental  
9 to their ability to practice.

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

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

14 (a) Acknowledge the existence or the potential existence of a  
15 psychiatric, psychological, or emotional problem; ~~or excessive alcohol or~~  
16 ~~drug use; or addiction~~ OR AN ALCOHOL USE DISORDER, AS DEFINED IN  
17 SECTION 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN  
18 SECTION 27-82-102;

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

21 **12-42.5-401. Legislative declaration.** (1) The general assembly  
22 finds, determines, and declares that:

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

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

1 other medical providers and treatments;

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

4 **12-42.5-404. Program operation - access - rules.** (3) The  
5 program is available for query only to the following persons or groups of  
6 persons:

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

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

13 **12-42.5-408.5. Examination and analysis of prescription drug**  
14 **monitoring program - recommendations to executive director.**

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

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

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

25 **12-43-201. Definitions.** As used in this ~~article~~ ARTICLE 43, unless  
26 the context otherwise requires:

27 (9) (a) "Psychotherapy" means the treatment, diagnosis, testing,

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

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

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

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

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

22 **12-43-221.5. Confidential agreement to limit practice -**  
23 **violation grounds for discipline.** (1) If a licensee, registrant, or  
24 certificate holder has a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL  
25 condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER that renders  
26 the person unable to practice his or her mental health profession with  
27 reasonable skill and with safety to clients, the licensee, registrant, or

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

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

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

24 **12-43-222. Prohibited activities - related provisions.** (1) A  
25 person licensed, registered, or certified under this ~~article~~ ARTICLE 43  
26 violates this ~~article if the person~~ ARTICLE 43 IF HE OR SHE:

27 (f) (I) Fails to notify the board that regulates his or her profession

1 of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A  
2 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that affects  
3 the person's ability to treat clients with reasonable skill and safety or that  
4 may endanger the health or safety of persons under his or her care;

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

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

12 **12-43-224. Disciplinary proceedings - judicial review - mental**  
13 **and physical examinations - multiple licenses.** (2) (c) (II) The board  
14 that licenses, registers, or certifies a licensee, registrant, or certificate  
15 holder pursuant to this article 43 may summarily suspend the person's  
16 license, registration, or certification, subject to the limitation of section  
17 24-4-104, under the following circumstances:

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

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

26 **12-43-228.5. Auricular acudetox by mental health**  
27 **professionals - training - definition.** (4) In order to perform auricular

1 acudetox pursuant to subsection (1) of this section, a mental health care  
2 professional must successfully complete a training program in auricular  
3 acudetox for the treatment of ~~alcoholism, substance abuse, or chemical~~  
4 ~~dependency~~ SUBSTANCE USE DISORDERS that meets or exceeds standards  
5 of training established by the national acupuncture detoxification  
6 association or another organization approved by the director.

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

9 **12-43-303. Practice of psychology defined.** (2) The practice of  
10 psychology includes:

11 (c) Diagnosis, treatment, and management of BEHAVIORAL,  
12 mental, ~~and~~ OR emotional HEALTH ~~disorder~~ DISORDERS or ~~disability~~  
13 DISABILITIES; substance use disorders; AND disorders of habit or conduct,  
14 as well as of the psychological aspects of physical illness, accident,  
15 injury, or disability;

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

18 **12-43-403. Social work practice defined.** (1) For the purposes  
19 of this part 4, "social work practice" means the professional application  
20 of social work theory and methods by a person who has completed a  
21 master's degree in social work or a doctoral degree in social work or a  
22 bachelor's degree in social work from an accredited social work program,  
23 for the purpose of prevention, assessment, diagnosis, and intervention  
24 with individual, family, group, organizational, and societal problems,  
25 including ~~alcohol and substance abuse~~ SUBSTANCE USE DISORDERS and  
26 domestic violence, based on the promotion of biopsychosocial  
27 developmental processes, person-in environment transactions, and

1 empowerment of the client system. Social work theory and methods are  
2 based on known accepted principles that are taught in professional  
3 schools of social work in colleges or universities accredited by the  
4 council on social work education.

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

7 **12-43-503. Marriage and family therapy practice defined.**

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

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

21 **12-43-801. Definitions.** As used in this part 8, unless the context  
22 otherwise requires:

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

25 (9) "Co-occurring disorders" means the existence of one or more  
26 substance use disorders, addictive behavioral disorders, or BEHAVIORAL  
27 OR mental HEALTH disorders presenting concurrently. At the individual

1 level, co-occurring disorders exist when at least one disorder can be  
2 established independent of the other, and the disorders are not simply a  
3 cluster of symptoms resulting from a single disorder.

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

6 **12-43.2-105. Grounds for discipline - disciplinary proceedings**  
7 **- judicial review.** (2) The director may revoke, suspend, deny, or refuse  
8 to renew a registration or issue a cease-and-desist order to a registrant in  
9 accordance with this section upon proof that the registrant:

10 (c) HAS AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION  
11 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION  
12 27-82-102, is an excessive or habitual user or abuser of alcohol or  
13 habit-forming drugs, or is a habitual user of a controlled substance, as  
14 defined in section 18-18-102, ~~C.R.S.~~, or other drugs having similar  
15 effects;

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

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

24 **12-43.7-110. Grounds for discipline.** (2) The director may  
25 revoke, suspend, or deny a certification, place a certificate holder on  
26 probation, issue a letter of admonition or a confidential letter of concern,  
27 impose a fine against a certificate holder, or issue a cease-and-desist order

1 to a certificate holder in accordance with section 12-43.7-111 upon proof  
2 that the certificate holder:

3 (c) HAS AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION  
4 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION  
5 27-82-102, excessively or habitually uses or abuses alcohol or  
6 habit-forming drugs, or habitually uses a controlled substance, as defined  
7 in section 18-18-102, ~~C.R.S.~~, or other drugs having similar effects; except  
8 that the director has the discretion not to discipline the certificate holder  
9 if he or she is participating in good faith in a AN ALCOHOL OR SUBSTANCE  
10 USE DISORDER TREATMENT program approved by the director; ~~designed~~  
11 ~~to end the use or abuse;~~

12 (d) (I) Failed to notify the director, as required by section  
13 12-43.7-115, of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR  
14 A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that  
15 impacts the speech-language pathologist's ability to perform  
16 speech-language pathology with reasonable skill and safety to patients;

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

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

24 **12-43.7-115. Confidential agreement to limit practice -**  
25 **violation grounds for discipline.** (1) If a speech-language pathologist  
26 suffers from a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A  
27 BEHAVIORAL OR MENTAL HEALTH DISORDER that renders ~~the person~~ HIM

1 OR HER unable to practice speech-language pathology or practice as a  
2 speech-language pathologist with reasonable skill and patient safety, the  
3 speech-language pathologist shall notify the director of the PHYSICAL  
4 illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL  
5 HEALTH DISORDER in a manner and within a period of time determined by  
6 the director. The director may require the speech-language pathologist to  
7 submit to an examination to evaluate the extent of the PHYSICAL illness;  
8 ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH  
9 DISORDER and its impact on the speech-language pathologist's ability to  
10 practice with reasonable skill and safety to patients.

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

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

22 **12-58-110. Disciplinary action by board - licenses or**  
23 **registrations denied, suspended, or revoked - cease-and-desist orders.**

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

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

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

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

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

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

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

27           **13-3-113. "Family-friendly Courts Act". (2) Legislative**

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

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

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

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

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

1           **13-5-145. Truancy detention reduction policy - legislative**  
2 **declaration.** (2) The chief judge in each judicial district, or his or her  
3 designee, shall convene a meeting of community stakeholders to create  
4 a policy for addressing truancy cases that seeks alternatives to the use of  
5 detention as a sanction for truancy. Community stakeholders may include,  
6 but need not be limited to:

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

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

10           **13-9-103. Jurisdiction.** (1) The probate court of the city and  
11 county of Denver has original and exclusive jurisdiction in said city and  
12 county of:

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

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

19           **13-10-105. Municipal judge - appointment - removal.** (2) A  
20 municipal judge may be removed during his OR HER term of office only  
21 for cause. A judge may be removed for cause if:

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

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

26           **13-20-401. Definitions.** As used in this part 4, unless the context  
27 otherwise requires:

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

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

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

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

1           **13-80-103.7. General limitation of actions - sexual assault or**  
2 **sexual offense against a child - six years.** (3.5) (a) For the purpose of  
3 this section, "person under disability" means any person who is a minor  
4 under eighteen years of age, a person who has been declared mentally  
5 incompetent, or a person under other legal disability and who does not  
6 have a legal guardian. "Person under disability" also includes a victim of  
7 a sexual assault when the victim is in a special relationship with the  
8 perpetrator of the assault or is a victim of a sexual offense against a child  
9 or is a victim who is residing in an institutional facility, such as a nursing  
10 home, regional center, or residential facility for the treatment and care of  
11 persons with a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER or for  
12 the care of persons with intellectual and developmental disabilities and  
13 where the victim is psychologically or emotionally unable to acknowledge  
14 the assault or offense and the resulting harm. For the purpose of this  
15 subsection (3.5), "special relationship" means a relationship between the  
16 victim and the perpetrator of the sexual assault which is a confidential,  
17 trust-based relationship, such as attorney-client, doctor-patient,  
18 psychotherapist-patient, minister-parishioner, teacher-student, or familial  
19 relationship. It is the intent of the general assembly to leave in place the  
20 six-year limitation for adults subjected to a sexual assault except in the  
21 situations described in this subsection (3.5)(a) in which the victim is in a  
22 special relationship with the perpetrator of the assault. In the  
23 circumstances in which a victim is in a special relationship with the  
24 perpetrator of the assault or is a victim of a sexual offense against a child  
25 or a victim who is residing in an institutional facility, such as a nursing  
26 home, regional center, or residential facility for the treatment and care of  
27 persons with a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER or for

1 the care of persons with intellectual and developmental disabilities and  
2 where the victim is psychologically or emotionally unable to acknowledge  
3 the assault or offense and the resulting harm, the six-year limitation shall  
4 be IS tolled until the disability is removed. For the purpose of this section,  
5 where the plaintiff is a victim of a series of sexual assaults or sexual  
6 offenses against a child, the plaintiff need not establish which act of a  
7 series of acts caused the plaintiff's injury, and the statute of limitations set  
8 forth in this section commences with the last in the series of acts, subject  
9 to the provisions of this section regarding disability. However, as  
10 elements of the cause of action, a person under disability who is  
11 psychologically or emotionally unable to acknowledge the assault or  
12 offense and the resulting harm has the burden of proving that the assault  
13 or offense occurred and that ~~the person~~ HE OR SHE was actually  
14 psychologically or emotionally unable to acknowledge the assault or  
15 offense and the resulting harm.

16

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

19 **13-90-107. Who may not testify without consent - definitions.**

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

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

25 (D) There is reasonable cause to believe that the person receiving  
26 peer support has a ~~mental illness~~ HEALTH DISORDER and, due to the  
27 ~~mental illness~~ HEALTH DISORDER, is an imminent threat to himself or

1 herself or others or is gravely disabled as defined in section 27-65-102;  
2 ~~C.R.S.~~; or

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

5 **14-7-104. Application of article.** This article 7 does not apply to  
6 liability for the support of children admitted, CERTIFIED, committed, or  
7 transferred to any public institution of this state supervised by the  
8 department of human services for the care, support, maintenance,  
9 education, or treatment of a person with a BEHAVIORAL OR mental illness  
10 HEALTH DISORDER or a person with an intellectual and developmental  
11 disability.

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

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

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

1 (5)(n) as follows:

2 **14-15-107. Rights, benefits, protections, duties, obligations,**  
3 **responsibilities, and other incidents of parties to a civil union.**

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

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

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

18 **15-1.5-101. Definitions.** As used in this article 1.5:

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

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

27 **15-14-118. Small estate - person under disability - no personal**

1 **representative.** (2) The petition must state, so far as known to petitioner:

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

6

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

9 **15-14-316. Rights and immunities of guardian - limitations.**

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

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

1           **16-4-105. Conditions of release on bond.** (6) (b) A person  
2 seeking relief from any of the conditions imposed pursuant to ~~paragraph~~  
3 ~~(a) of this subsection (6)~~ SUBSECTION (6)(a) OF THIS SECTION shall file a  
4 motion with the court, and the court shall conduct a hearing upon the  
5 motion. The court shall consider whether the condition from which the  
6 person is seeking relief is in the interest of justice and whether public  
7 safety would be endangered if the condition were not enforced. When  
8 determining whether to grant relief pursuant to this ~~paragraph (b)~~  
9 SUBSECTION (6)(b), the court shall consider whether the person has  
10 voluntarily enrolled and is participating in an appropriate substance ~~abuse~~  
11 USE DISORDER treatment program.

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

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

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

26           **16-8-121. Escape - return to institution.** (1) If any defendant,  
27 confined in an institution for the care and treatment of persons with

1 BEHAVIORAL OR ~~mental illness or~~ HEALTH DISORDERS OR INTELLECTUAL  
2 AND developmental disabilities under the supervision of the executive  
3 director of the department of human services, escapes from such  
4 institution, it is the duty of the chief officer ~~thereof~~ to apply forthwith to  
5 the district court for the county in which the hospital or institution is  
6 located for a warrant of arrest directed to the sheriff of the county,  
7 commanding him or her forthwith to take all necessary legal action to  
8 effect the arrest of ~~such~~ THE defendant and to return him or her promptly  
9 to the institution. ~~and~~ The fact of an escape becomes a part of the official  
10 record of a defendant and ~~shall~~ MUST be certified to the committing court  
11 as part of the record in any proceeding to determine whether the  
12 defendant is eligible for release from commitment or eligible for  
13 conditional release.

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

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

27 **16-11-102. Presentence or probation investigation.**

1 (1)(c)(I) The state court administrator may implement a BEHAVIORAL OR  
2 mental ~~illness~~ HEALTH DISORDER screening program to screen defendants  
3 for which the court has ordered an investigation pursuant to this section.  
4 If the state court administrator chooses to implement a BEHAVIORAL OR  
5 mental ~~illness~~ HEALTH DISORDER screening program, the state court  
6 administrator shall use the standardized BEHAVIORAL OR mental ~~illness~~  
7 HEALTH DISORDER screening instrument developed pursuant to section  
8 16-11.9-102 and conduct the screening in accordance with the procedures  
9 established pursuant to said section. The findings and results of any  
10 standardized BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening  
11 conducted pursuant to this ~~paragraph (c)~~ shall SUBSECTION (1)(c) MUST  
12 be included in the written report to the court prepared and submitted  
13 pursuant to this subsection (1).

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

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

26 **16-11-209. Duties of probation officers.** (2) Any probationer, on  
27 probation as a result of a conviction, who is under the supervision of a

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

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

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

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

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

14 **16-11.3-101. Legislative declaration.** (1) The general assembly  
15 finds and declares that:

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

22 (2) Therefore, the general assembly declares that a commission  
23 comprised of experts in criminal justice, corrections, mental AND  
24 BEHAVIORAL health, drug abuse, victims' rights, higher education,  
25 juvenile justice, local government, and other pertinent disciplines shall be  
26 formed to engage in an evidence-based analysis of the criminal justice  
27 system in Colorado and annually report to the governor, the speaker of the

1 house of representatives, the president of the senate, and the chief justice  
2 of the Colorado supreme court.

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

5 **16-11.3-102. Colorado commission on criminal and juvenile**  
6 **justice - creation - membership - operation.** (2) (a) The commission  
7 ~~shall consist~~ CONSISTS of twenty-six voting members, as follows:

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

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

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

15 **16-11.7-103. Sex offender management board - creation -**  
16 **duties - repeal.** (4) **Duties of the board.** The board shall carry out the  
17 following duties:

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

19 (I) The board shall develop, implement, and revise, as appropriate,  
20 guidelines and standards to treat adult sex offenders, including adult sex  
21 offenders with INTELLECTUAL AND developmental disabilities,  
22 incorporating in the guidelines and standards the concepts of the  
23 risk-need-responsivity or another evidence-based correctional model,  
24 which guidelines and standards can be used in the treatment of offenders  
25 who are placed on probation, incarcerated with the department of  
26 corrections, placed on parole, or placed in community corrections.  
27 Programs implemented pursuant to the guidelines and standards

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

20 (j) (I) **Guidelines and standards for treatment of juvenile**  
21 **offenders.** The board shall develop, implement, and revise, as  
22 appropriate, guidelines and standards to treat juveniles who have  
23 committed sexual offenses, including juveniles with INTELLECTUAL AND  
24 developmental disabilities, incorporating in the guidelines and standards  
25 the concepts of the risk-need-responsivity or another evidence-based  
26 correctional model, which guidelines and standards may be used for  
27 juvenile offenders who are placed on probation, committed to the

1 department of human services, placed on parole, or placed in out-of-home  
2 placement. Programs implemented pursuant to the guidelines and  
3 standards developed pursuant to this ~~paragraph (j)~~ shall SUBSECTION (4)(j)  
4 MUST be as flexible as possible so that the programs may be accessed by  
5 each juvenile offender to prevent him or her from harming victims and  
6 potential victims. Programs ~~shall~~ MUST provide a continuing monitoring  
7 process and a continuum of treatment options available to a juvenile  
8 offender as he or she proceeds through the juvenile justice system.  
9 Treatment options may include, but need not be limited to, group  
10 counseling, individual counseling, family counseling, outpatient  
11 treatment, inpatient treatment, shared living arrangements, and treatment  
12 in a therapeutic community. Programs implemented pursuant to the  
13 guidelines and standards developed pursuant to this ~~paragraph (j)~~ shall  
14 SUBSECTION (4)(j) MUST be, to the extent possible, accessible to all  
15 juveniles who have committed sexual offenses and who are in the  
16 juvenile justice system, including juveniles with BEHAVIORAL, mental  
17 ~~illness~~ HEALTH, or co-occurring disorders.

18 **SECTION 125.** In Colorado Revised Statutes, **amend**  
19 16-11.9-101 as follows:

20 **16-11.9-101. Legislative declaration.** The general assembly  
21 ~~hereby~~ finds and declares that, based upon the findings and  
22 recommendations of the 1999 interim committee to study the treatment  
23 of persons with mental illness in the Colorado criminal justice system,  
24 detecting BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS in persons  
25 in the criminal justice system is a difficult process with no current  
26 statewide standards or requirements. The lack of a standardized screening  
27 process to detect persons with BEHAVIORAL OR mental ~~illness~~ HEALTH

1 DISORDERS in the criminal justice system is a significant impediment to  
2 consistent identification, diagnosis, treatment, and rehabilitation of all  
3 ~~mentally ill~~ offenders WITH BEHAVIORAL OR MENTAL HEALTH DISORDERS,  
4 ultimately resulting in an increased rate of recidivism. Therefore, the  
5 general assembly ~~hereby~~ resolves to create a standardized screening  
6 process to be utilized at each stage of the criminal justice system to  
7 identify persons with BEHAVIORAL OR ~~mental illness~~ HEALTH DISORDERS.

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

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

26 (b) Development of criteria for potential use of such standardized  
27 instruments, including consideration of methods of addressing

1 confidential communications by those persons who will be screened for  
2 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS;

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

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

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

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

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

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

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

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

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

17 **16-20-102. Definitions.** As used in this ~~article~~ ARTICLE 20, unless  
18 the context otherwise requires:

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

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

25 **17-1-102. Definitions.** As used in this ~~title~~ TITLE 17, unless the  
26 context otherwise requires:

27 (7.5) (a) "Special needs offender" means a person in the custody

1 of the department:

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

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

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

18 **17-1-113.8. Persons with serious behavioral or mental health**  
19 **disorders - long-term isolated confinement - work group.** (1) The  
20 department shall not place a person with A BEHAVIORAL OR serious mental  
21 ~~illness~~ HEALTH DISORDER in long-term isolated confinement except when  
22 exigent circumstances are present.

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

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

3           **17-2-102. Division of adult parole - general powers, duties, and**  
4 **functions - definitions.** (8.5) (a) Any parolee, on parole as a result of a  
5 conviction of any felony, who is under the supervision of the division of  
6 adult parole pursuant to this part 1 and who is initially tested for the  
7 illegal or unauthorized use of a controlled substance and the result of such  
8 test is positive shall be subject to any or all of the following actions:

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

11           (b) If any parolee described in ~~paragraph (a) of this subsection~~  
12 ~~(8.5)~~ SUBSECTION (8.5)(a) OF THIS SECTION is subjected to a second or  
13 subsequent test for the illegal or unauthorized use of a controlled  
14 substance and the result of the test is positive, the community parole  
15 officer shall take one or more of the following actions:

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

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

20           **17-2-209. Civil proceedings - inmate subject to parole.** When  
21 an inmate has met all of the requirements to be eligible for parole, but the  
22 board has reason to believe that the ~~offender~~ INMATE may have a             
23 ~~mental illness pursuant to article 65 of title 27, C.R.S.~~ HEALTH DISORDER  
24 AS DEFINED IN SECTION 27-65-102, the board shall initiate civil  
25 proceedings pursuant to article 23 of this ~~title~~ TITLE 17 and articles 10.5,  
26 ~~11, 14,~~ 65, 67, 92, 93, and 94 of title 27. ~~C.R.S.~~

27           **SECTION 132.** In Colorado Revised Statutes, 17-23-101, **amend**

1 (1)(a) as follows:

2 **17-23-101. Transfer of an inmate who has a behavioral or**  
3 **mental health disorder or an intellectual and developmental**

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

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

17 **17-27-104. Community corrections programs operated by**  
18 **units of local government, state agencies, or nongovernmental**

19 **agencies.** (12) The administrators of a community corrections program  
20 established pursuant to this section may implement a BEHAVIORAL OR  
21 mental ~~illness~~ HEALTH DISORDER screening program to screen the persons  
22 accepted and placed in the community corrections program. If the  
23 administrators choose to implement a BEHAVIORAL OR mental ~~illness~~  
24 HEALTH DISORDER screening program, the administrators shall use the  
25 standardized screening instrument developed pursuant to section  
26 16-11.9-102 ~~C.R.S.~~, and conduct the screening in accordance with  
27 procedures established pursuant to said section.

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

3           **17-27.9-102. Specialized restitution and community service**  
4 **programs - contract with treatment providers - division of criminal**  
5 **justice.** (1) The director of the division of criminal justice of the  
6 department of public safety may, pursuant to section 17-27-108, contract  
7 with one or more public or private providers or community corrections  
8 boards, as defined in section 17-27-102 (2), who operate restitution and  
9 community service facilities, to provide specialized restitution and  
10 community service programs that meet the requirements of this section.  
11 As used in this ~~article~~ ARTICLE 27.9, such providers ~~shall be~~ ARE referred  
12 to as "providers". ~~The provision of any substance abuse treatment shall~~  
13 ~~be by an entity approved by the unit in the department of human services~~  
14 ~~that administers behavioral health programs and services, including those~~  
15 ~~related to mental health and substance abuse, pursuant to article 80 of title~~  
16 ~~27, C.R.S.~~ THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF  
17 HUMAN SERVICES SHALL APPROVE ANY ENTITY THAT PROVIDES  
18 TREATMENT FOR SUBSTANCE USE DISORDERS PURSUANT TO ARTICLE 80 OF  
19 TITLE 27.

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

23           **17-34-101. Juveniles who are convicted as adults in district**  
24 **court - eligibility for specialized program placement - petitions.**  
25 (1) (a) Notwithstanding any other provision of law, an offender serving  
26 a sentence in the department for a felony offense as a result of the filing  
27 of criminal charges by an information or indictment pursuant to section

1 19-2-517, ~~C.R.S.~~, or the transfer of proceedings to the district court  
2 pursuant to section 19-2-518, ~~C.R.S.~~, or pursuant to either of these  
3 sections as they existed prior to their repeal and reenactment, with  
4 amendments, by House Bill 96-1005, and who remains in the custody of  
5 the department for that felony offense may petition for placement in the  
6 specialized program described in section 17-34-102, referred to within  
7 this section as the "specialized program", as follows:

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

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

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

16 **17-40-101. Definitions.** As used in this ~~article~~ ARTICLE 40, unless  
17 the context otherwise requires:

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

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

1           **17-40-106. Responsibilities of the superintendent.** (4) (a) The  
2 superintendent may implement a BEHAVIORAL OR mental ~~illness~~ HEALTH  
3 DISORDER screening program to screen offenders entering the diagnostic  
4 center. If the superintendent chooses to implement a BEHAVIORAL OR  
5 mental ~~illness~~ HEALTH DISORDER screening program, the superintendent  
6 shall use the standardized screening instrument developed pursuant to  
7 section 16-11.9-102 ~~C.R.S.~~, and conduct the screening in accordance with  
8 procedures established pursuant to said section.

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

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

21           **18-1-505. Consent.** (3) Unless otherwise provided by this code  
22 or by the law defining the offense, assent does not constitute consent if:

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

1 offense; or

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

4 **18-1.3-210. Counseling or treatment for alcohol or drug abuse**  
5 **or substance use disorder.** (1) In any case in which treatment or  
6 counseling for alcohol or drug abuse OR A SUBSTANCE USE DISORDER is  
7 authorized in connection with a deferred prosecution, deferred judgment  
8 and sentence, or probation, the court may require the defendant to obtain  
9 counseling or treatment for the condition. If the court orders the  
10 counseling or treatment, the court shall order that the counseling or  
11 treatment ~~be~~ IS obtained from a treatment facility or person approved by  
12 the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human  
13 services, ~~that administers behavioral health programs and services,~~  
14 ~~including those related to mental health and substance abuse,~~ established  
15 in article 80 of title 27, ~~C.R.S.~~, unless the court makes a finding that  
16 counseling or treatment in another facility or with another person is  
17 warranted. If the defendant voluntarily submits himself or herself for ~~such~~  
18 treatment or counseling, the district attorney and the court may consider  
19 his or her willingness to correct his or her condition as a basis for  
20 granting deferred prosecution or deferred judgment and sentence.

21 (2) Notwithstanding the provisions of subsection (1) of this  
22 section, in any case in which treatment or counseling for alcohol or drug  
23 abuse OR A SUBSTANCE USE DISORDER is authorized and ordered by the  
24 court in connection with a deferred prosecution, deferred judgment and  
25 sentence, or probation for an offense involving unlawful sexual behavior,  
26 as defined in section 16-22-102 (9), ~~C.R.S.~~, the court shall order that the  
27 counseling or treatment ~~be~~ IS obtained from a treatment facility or person

1 approved by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department  
2 of human services, ~~that administers behavioral health programs and~~  
3 ~~services, including those related to mental health and substance abuse,~~  
4 established in article 80 of title 27. ~~C.R.S.~~

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

8 **18-1.3-407. Sentences - youthful offenders - legislative**  
9 **declaration - powers and duties of district court - authorization for**  
10 **youthful offender system - powers and duties of department of**  
11 **corrections - definitions.** (5) (b) (I) An offender who is thought to have  
12 a BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDER OR AN  
13 INTELLECTUAL AND developmental disability by a mental health clinician,  
14 as defined by regulation of the department of corrections, may be  
15 transferred to another facility for a period not to exceed sixty days for  
16 diagnostic validation of said ~~illness~~ DISORDER or disability. At the  
17 conclusion of the sixty-day period, the psychiatrists or other appropriate  
18 professionals conducting the diagnosis shall forward to the executive  
19 director of the department of corrections their findings, which at a  
20 minimum ~~shall~~ MUST include a statement of whether the offender has the  
21 ability to withstand the rigors of the youthful offender system. If the  
22 diagnosis determines that the offender is incapable of completing his or  
23 her sentence to the youthful offender system due to a BEHAVIORAL OR  
24 mental ~~illness~~ or HEALTH DISORDER OR AN INTELLECTUAL AND  
25 developmental disability, the executive director shall forward such  
26 determination to the sentencing court. Based on the determination, the  
27 sentencing court shall review the offender's sentence to the youthful

1 offender system and may:

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

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

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

20 (c) The department of corrections shall implement a procedure for  
21 returning offenders who cannot successfully complete the sentence to the  
22 youthful offender system, or who fail to comply with the terms or  
23 conditions of the youthful offender system, to the district court. An  
24 offender returned to the district court pursuant to ~~paragraph (a) of this~~  
25 ~~subsection (5)~~ SUBSECTION (5)(a) OF THIS SECTION or because he or she  
26 cannot successfully complete the sentence to the youthful offender system  
27 for reasons other than A BEHAVIORAL OR mental ~~illness~~ or a HEALTH

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

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

27 **18-3-405.5. Sexual assault on a client by a psychotherapist -**

1 **definitions.** (4) As used in this section, unless the context otherwise  
2 requires:

3 (c) "Psychotherapy" means the treatment, diagnosis, or counseling  
4 in a professional relationship to assist individuals or groups to alleviate  
5 BEHAVIORAL OR mental HEALTH disorders, understand unconscious or  
6 conscious motivation, resolve emotional, relationship, or attitudinal  
7 conflicts, or modify behaviors ~~which~~ THAT interfere with effective  
8 emotional, social, or intellectual functioning.

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

11 **18-6.5-102. Definitions.** As used in this ~~article~~ ARTICLE 6.5,  
12 unless the context otherwise requires:

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

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

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

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

27 **SECTION 144.** In Colorado Revised Statutes, 18-18-401, **amend**

1 (1) introductory portion and (1)(c) as follows:

2 **18-18-401. Legislative declaration.** (1) The general assembly  
3 ~~hereby~~ finds, determines, and declares that:

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

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

17 **18-18-503. Cooperative arrangements and confidentiality.**

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

22 (c) Cooperate with the drug enforcement administration by  
23 establishing a centralized unit to accept, catalog, file, and collect  
24 statistics, including records of ~~drug dependent~~ persons WITH SUBSTANCE  
25 USE DISORDERS and other controlled substance law offenders within this  
26 state, and make the information available for federal, state, and local law  
27 enforcement purposes, but may not furnish the name or identity of a

1 patient or research subject whose identity could not be obtained ~~under~~  
2 PURSUANT TO subsection (3) of this section; and

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

5 **18-18.5-101. Legislative declaration.** (3) The general assembly,  
6 therefore, determines and declares that it is necessary to change the state  
7 methamphetamine task force into a substance abuse trend and response  
8 task force to:

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

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

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

15 **18-19-103. Source of revenues - allocation of money.**

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

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

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

24 **19-1-103. Definitions.** As used in this ~~title~~ TITLE 19 or in the  
25 specified portion of this ~~title~~ TITLE 19, unless the context otherwise  
26 requires:

27 (101.7) "Standardized BEHAVIORAL OR mental ~~illness~~ HEALTH

1 DISORDER screening" means the BEHAVIORAL OR mental ~~illness~~ HEALTH  
2 DISORDER screening conducted using the juvenile standardized screening  
3 instruments and the procedures adopted pursuant to section 16-11.9-102.  
4 ~~C.R.S.~~

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

7 **19-1-104. Jurisdiction.** (1) Except as otherwise provided by law,  
8 the juvenile court shall have exclusive original jurisdiction in  
9 proceedings:

10 (i) For the treatment or commitment pursuant to article 23 of title  
11 17 and ~~articles 10 to 15~~ ARTICLE 10.5 of title 27 ~~C.R.S.~~, of a child who  
12 has a BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDER OR AN  
13 INTELLECTUAL AND developmental disability and who comes within the  
14 court's jurisdiction under other provisions of this section;

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

17 **19-1-111. Appointment of guardian ad litem.** (2) The court  
18 may appoint a guardian ad litem in the following cases:

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

1           **SECTION 151.** In Colorado Revised Statutes, 19-1-303, **amend**  
2 (2.5)(b) as follows:

3           **19-1-303. General provisions - delinquency and dependency**  
4 **and neglect cases - exchange of information - civil penalty.**

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

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

25           **19-2-303. Juvenile diversion program - authorized.** (8) (a) The  
26 director may implement a BEHAVIORAL OR mental ~~illness~~ HEALTH  
27 DISORDER screening program to screen juveniles who participate in the

1 juvenile diversion program. If the director chooses to implement a  
2 BEHAVIORAL OR mental illness HEALTH DISORDER screening program, the  
3 director shall use the standardized BEHAVIORAL OR mental illness HEALTH  
4 DISORDER screening developed pursuant to section 16-11.9-102 C.R.S.,  
5 and conduct the screening in accordance with procedures established  
6 pursuant to said section.

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

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

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

1 accordance with procedures established pursuant to said section.

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

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

14 19-2-508. Detention and shelter - hearing - time limits -  
15 findings - review - confinement with adult offenders - restrictions.

16 (3) (b) (I) If it appears that any juvenile being held in detention or shelter  
17 may be ~~developmentally disabled~~ HAVE AN INTELLECTUAL AND  
18 DEVELOPMENTAL DISABILITY, as provided in article 10.5 of title 27,  
19 C.R.S., the court or detention personnel shall refer the juvenile to the  
20 nearest community-centered board for an eligibility determination. If it  
21 appears that any juvenile being held in a detention or shelter facility  
22 pursuant to the provisions of this article ARTICLE 2 may have a mental  
23 illness HEALTH DISORDER, as provided in sections 27-65-105 and  
24 27-65-106, C.R.S., the intake personnel or other appropriate personnel  
25 shall contact a mental health professional to do a mental health hospital  
26 placement prescreening on the juvenile. The court shall be notified of the  
27 contact and may take appropriate action. If a mental health hospital

1 placement prescreening is requested, it shall be conducted in an  
2 appropriate place accessible to the juvenile and the mental health  
3 professional. A request for a mental health hospital placement  
4 prescreening ~~shall~~ MUST not extend the time within which a detention  
5 hearing ~~shall~~ MUST be held pursuant to this section. If a detention hearing  
6 has been set but has not yet occurred, the mental health hospital  
7 placement prescreening shall be conducted prior to the hearing; except  
8 that the prescreening ~~shall~~ MUST not extend the time within which a  
9 detention hearing ~~shall~~ MUST be held.

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

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

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

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

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

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

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

27           **19-2-906. Sentencing hearing.** (2) If the court has reason to

1 believe that the juvenile may have a AN INTELLECTUAL AND  
2 developmental disability, the court shall refer the juvenile to the  
3 community-centered board in the designated service area where the action  
4 is pending for an eligibility determination pursuant to article 10.5 of title  
5 27. ~~C.R.S.~~ If the court has reason to believe that the juvenile may have a  
6 BEHAVIORAL OR mental illness HEALTH DISORDER, the court shall order a  
7 mental health hospital placement prescreening to be conducted in any  
8 appropriate place.

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

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

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

22 **19-2-916. Sentencing - placement based on special needs of the**  
23 **juvenile.** (1) Except as otherwise provided in section 19-2-601 for an  
24 aggravated juvenile offender, the court may order that the juvenile be  
25 examined or treated by a physician, surgeon, psychiatrist, or psychologist  
26 or that he or she receive other special care and may place the juvenile in  
27 a hospital or other suitable facility for such purposes; except that no

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

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

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

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

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

5 (III) If the evaluation report states that the juvenile has a    
6 mental ~~illness~~ HEALTH DISORDER, as provided in sections 27-65-105 and  
7 27-65-106, ~~C.R.S.~~, the department of human services shall initiate  
8 proceedings ~~under~~ PURSUANT TO article 65 of title 27 ~~C.R.S.~~, and notify  
9 the court. ~~thereof.~~

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

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

27 (d) When a juvenile is in continued transferred placement and the

1 treatment facility and the sending facility agree that the need for  
2 placement of the juvenile is likely to continue beyond the original period  
3 of commitment to the department of human services, the treatment facility  
4 shall initiate proceedings with the court having jurisdiction over the  
5 juvenile ~~under~~ PURSUANT TO article 65 of title 27 ~~C.R.S.~~, if the juvenile  
6 has a   mental ~~illness~~ HEALTH DISORDER or ~~under~~ PURSUANT TO article  
7 10.5 of title 27 ~~C.R.S.~~, if the juvenile has INTELLECTUAL AND  
8 developmental disabilities.

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

11 **19-3-401. Taking children into custody.** (3) (c) The court orders  
12 required by ~~paragraphs (a) and (b) of this subsection (3) shall~~  
13 SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION ARE not ~~be~~ required in  
14 the following circumstances:

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

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

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

27 **19-3-403. Temporary custody - hearing - time limits -**

1 **restriction - rules.** (4) (a) If it appears that any child being held in a  
2 shelter facility may ~~be developmentally disabled~~ HAVE AN INTELLECTUAL  
3 AND DEVELOPMENTAL DISABILITY, as provided in article 10.5 of title 27,  
4 ~~C.R.S.~~, the court shall refer the child to the nearest community-centered  
5 board for an eligibility determination. If it appears that any child being  
6 held in a shelter facility pursuant to the provisions of this ~~article~~ ARTICLE  
7 3 may have a [REDACTED] mental ~~illness~~ HEALTH DISORDER, as provided in  
8 sections 27-65-105 and 27-65-106, ~~C.R.S.~~, the intake personnel or other  
9 appropriate personnel shall contact a mental health professional to do a  
10 [REDACTED] mental health DISORDER prescreening on the child. The court shall be  
11 notified of the contact and may take appropriate action. If a [REDACTED] mental  
12 health DISORDER prescreening is requested, it shall be conducted in an  
13 appropriate place accessible to the child and the mental health  
14 professional. A request for a [REDACTED] mental health DISORDER prescreening  
15 ~~shall~~ MUST not extend the time within which a hearing ~~shall~~ IS TO be held  
16 pursuant to this section. If a hearing has been set but has not yet occurred,  
17 the [REDACTED] mental health DISORDER prescreening shall be conducted prior to  
18 the hearing; except that the prescreening ~~shall~~ MUST not extend the time  
19 within which a hearing ~~shall~~ IS TO be held pursuant to this section.

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

1 request, excluding Saturdays, Sundays, and legal holidays.

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

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

10 **SECTION 163.** In Colorado Revised Statutes, 19-3-505, **amend**  
11 (4)(d) as follows:

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

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

19 **SECTION 164.** In Colorado Revised Statutes, 19-3-506, **amend**  
20 (1), (2)(a), (3)(a), and (4) as follows:

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

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

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

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

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

25 (d) Any evaluation conducted pursuant to this subsection (1) ~~shall~~  
26 MUST be completed within seventy-two hours, excluding Saturdays,  
27 Sundays, and legal holidays. ~~Neither~~ A county jail ~~nor~~ OR a detention

1 facility, as described in article 2 of this ~~title, shall be~~ TITLE 19, IS NOT  
2 considered a suitable facility for evaluation, although a [REDACTED] mental health  
3 DISORDER prescreening may be conducted in any appropriate setting.

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

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

24 (3) (a) When the evaluation conducted pursuant to subsection (1)  
25 of this section states that the child has a [REDACTED] mental ~~illness~~ HEALTH  
26 DISORDER, as defined in ~~sections 27-65-105 and 27-65-106, C.R.S.~~  
27 SECTION 27-65-102, the court shall treat the evaluation report as a

1 certification under section 27-65-107 ~~C.R.S.~~, and shall proceed pursuant  
2 to article 65 of title 27, ~~C.R.S.~~, assuming all of the powers granted to a  
3 court in such proceedings.

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

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

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

20 **19-3-507. Dispositional hearing.** (2) If the court has reason to  
21 believe that the child may have AN INTELLECTUAL AND developmental  
22 ~~disabilities~~ DISABILITY, the court shall refer the child to the  
23 community-centered board in the designated service area where the action  
24 is pending for an eligibility determination pursuant to article 10.5 of title  
25 27. ~~C.R.S.~~ If the court has reason to believe that the child may have a  
26 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, the court shall order a  
27 BEHAVIORAL OR mental health DISORDER prescreening to be conducted in

1 any appropriate place.

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

4 **19-3-508. Neglected or dependent child - disposition -**  
5 **concurrent planning.** (1) When a child has been adjudicated to be  
6 neglected or dependent, the court may enter a decree of disposition the  
7 same day, but in any event it shall do so within forty-five days unless the  
8 court finds that the best interests of the child will be served by granting  
9 a delay. In a county designated pursuant to section 19-1-123, if the child  
10 is under six years of age at the time a petition is filed in accordance with  
11 section 19-3-501 (2), the court shall enter a decree of disposition within  
12 thirty days after the adjudication and shall not grant a delay unless good  
13 cause is shown and unless the court finds that the best interests of the  
14 child will be served by granting the delay. It is the intent of the general  
15 assembly that the dispositional hearing be held on the same day as the  
16 adjudicatory hearing, whenever possible. If a delay is granted, the court  
17 shall set forth the reasons why a delay is necessary and the minimum  
18 amount of time needed to resolve the reasons for the delay and shall  
19 schedule the hearing at the earliest possible time following the delay.  
20 When the proposed disposition is termination of the parent-child legal  
21 relationship, the hearing on termination ~~shall~~ MUST not be held on the  
22 same date as the adjudication, and the time limits set forth above for  
23 dispositional hearings ~~shall~~ DO not apply. When the proposed disposition  
24 is termination of the parent-child legal relationship, the court may  
25 continue the dispositional hearing to the earliest available date for a  
26 hearing in accordance with the provisions of ~~paragraph (a) of subsection~~  
27 ~~(3)~~ SUBSECTION (3)(a) of this section and part 6 of this ~~article~~ ARTICLE 3.

1 When the decree does not terminate the parent-child legal relationship,  
2 the court shall approve an appropriate treatment plan that ~~shall~~ MUST  
3 include but not be limited to one or more of the following provisions of  
4 ~~paragraphs (a) to (d) of this subsection (1)~~ SUBSECTIONS (1)(a) TO (1)(d)  
5 OF THIS SECTION:

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

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

26 **19-3-604. Criteria for termination.** (1) The court may order a  
27 termination of the parent-child legal relationship upon the finding by clear

1 and convincing evidence of any one of the following:

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

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

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

13 **19-5-105. Proceeding to terminate parent-child legal**  
14 **relationship.** (3.1) The court may order the termination of the other birth  
15 parent's parental rights upon a finding that termination is in the best  
16 interests of the child and that there is clear and convincing evidence of  
17 one or more of the following:

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

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

25

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

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

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

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

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

12           **22-7-604.5. Alternative education campuses - criteria -**  
13 **application - rule-making - definition.** (1.5) As used in this section,  
14 unless the context otherwise requires, a "high-risk student" means a  
15 student enrolled in a public school who:

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

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

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

24           **22-32-109.2. Board of education - specific duties - adoption of**  
25 **policy.** (1) In carrying out the duties specified in section 22-32-109  
26 (1)(t), on and after July 1, 1990, each board of education ~~shall be~~ IS  
27 required to formally adopt a policy concerning the delivery of all

1 educational programs and courses of instruction or study ~~which~~ THAT  
2 expose pupils to any psychiatric or psychological methods or procedures  
3 involving the diagnosis, assessment, or treatment of any ~~emotional,~~  
4 behavioral or mental HEALTH disorder. ~~or disability.~~

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

7 **22-33-204. Services for at-risk students - agreements with**  
8 **state agencies and community organizations.** (1) Each school district,  
9 regardless of the number of students expelled by the district, may enter  
10 into agreements with appropriate local governmental agencies and, to the  
11 extent necessary, with the managing state agencies, including ~~but not~~  
12 ~~limited to~~ the department of human services and the department of public  
13 health and environment, with community-based nonprofit and faith-based  
14 organizations, with nonpublic, nonparochial schools, with the department  
15 of military and veterans affairs, and with public and private institutions  
16 of higher education to work with the student's parent or guardian to  
17 provide services to any student, OR THE STUDENT'S FAMILY, who is  
18 identified as being at risk of suspension or expulsion or who has been  
19 suspended or expelled. ~~and to the student's family.~~ Any services provided  
20 pursuant to an agreement with a nonpublic, nonparochial school ~~shall be~~  
21 ARE subject to approval by the state board of education pursuant to  
22 section 22-2-107. ~~C.R.S.~~ Services provided through such agreements may  
23 include, but are not limited to:

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

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

1           **23-22-106. Director and assistant.** The board of regents shall  
2           appoint a director who ~~shall hold~~ HOLDS office during its pleasure, ~~and~~  
3           who is a physician and graduate of an incorporated medical college, who  
4           has had at least ten years' experience in the actual practice of his OR HER  
5           profession, and who has had at least five years' actual experience as a  
6           neuropathologist. The director shall reside at the hospital, ~~and shall~~ give  
7           his OR HER entire time and attention to the discharge of his OR HER official  
8           duties, and ~~shall~~ receive ~~such~~ compensation as ~~shall be~~ fixed by the board  
9           of regents. The board of regents may further provide for an assistant  
10          director who is a physician and graduate of an incorporated medical  
11          college, ~~and~~ has had at least five years' experience in the actual practice  
12          of his OR HER profession, and one year's specialization in ~~nervous and~~  
13          ~~mental diseases, and~~ BEHAVIORAL OR MENTAL HEALTH DISORDERS. It shall  
14          provide for ~~such~~ other employees and medical assistants as may be  
15          necessary and ~~shall~~ prescribe their duties and fix their respective  
16          compensations. THE DIRECTOR SHALL SELECT AND APPOINT all such  
17          assistants and employees, ~~shall be selected and appointed by the director,~~  
18          subject to the approval of the board of regents. ~~and they~~ THE ASSISTANTS  
19          AND EMPLOYEES ~~shall~~ hold their positions subject to ~~such~~ THE rules ~~and~~  
20          ~~regulations as~~ OF the board of regents. ~~may prescribe.~~

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

23           **23-22-107. Objects of hospital - eligible patients.** (1) The  
24          hospital ~~shall be~~ IS primarily and principally conducted, not for chronic  
25          illness, but for the care and treatment of legal residents of Colorado who  
26          are afflicted with a ~~mental disease or disorder or abnormal mental~~  
27          ~~condition which~~ BEHAVIORAL OR MENTAL HEALTH DISORDER THAT can

1 probably be remedied by observation, treatment, and hospital care. ~~Said~~  
2 THE hospital ~~shall~~ MUST also be utilized for such instruction and for such  
3 scientific research as, in the opinion of the board of regents, will promote  
4 the welfare of the patients committed OR CERTIFIED to its care and assist  
5 in the application of science to the prevention and cure of BEHAVIORAL  
6 OR mental ~~diseases~~ HEALTH DISORDERS.

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

9 **23-23-103. Evaluations made - when.** (1) A child may be  
10 referred to the medical center for diagnostic evaluation and study under  
11 the following conditions:

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

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

19 **24-1.9-102. Memorandum of understanding - local-level**  
20 **interagency oversight groups - individualized services and support**  
21 **teams - coordination of services for children and families -**  
22 **requirements - waiver.** (2) (b) **Identification of services and funding**  
23 **sources.** The memorandum of understanding ~~shall~~ MUST specify the legal  
24 responsibilities and funding sources of each party to the memorandum of  
25 understanding as those responsibilities and funding sources relate to  
26 children and families who would benefit from integrated multi-agency  
27 services, including the identification of the specific services that may be

1 provided. Specific services that may be provided may include, but are not  
2 limited to: Prevention, intervention, and treatment services; family  
3 preservation services; family stabilization services; out-of-home  
4 placement services; services for children at imminent risk of out-of-home  
5 placement; probation services; services for children with BEHAVIORAL OR  
6 mental ~~illness~~ HEALTH DISORDERS; public assistance services; medical  
7 assistance services; child welfare services; and any additional services  
8 which the parties deem necessary to identify.

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

11 **24-4-103. Rule-making - procedure - definitions - repeal.**

12 (11) (m) (I) ALL RULES, RATES, ORDERS, AWARDS, AND DOCUMENTS OF  
13 STATE AGENCIES SUBJECT TO THE PROVISIONS OF PART 1 OF THIS ARTICLE  
14 4 THAT WERE LAWFULLY ADOPTED PRIOR TO THE PASSAGE AND  
15 ENACTMENT OF SENATE BILL 17-242 CONTINUE TO BE EFFECTIVE UNTIL  
16 REVISED, AMENDED, REPEALED, OR NULLIFIED PURSUANT TO LAW; EXCEPT  
17 THAT ANY SUCH RULES, RATES, ORDERS, AWARDS, AND DOCUMENTS OF  
18 STATE AGENCIES AFFECTED BY THE PROVISIONS OF SENATE BILL 17-242  
19 MUST BE UPDATED AS SOON AS PRACTICABLE.

20 (II) THIS SUBSECTION (11)(m) IS REPEALED, EFFECTIVE JULY 1,  
21 2018.

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

25 **24-34-104. General assembly review of regulatory agencies**  
26 **and functions for repeal, continuation, or reestablishment - legislative**  
27 **declaration - repeal.** (17) (a) The following agencies, functions, or both,

1 ~~will~~ ARE SCHEDULED FOR repeal on September 1, 2019:

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

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

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

14 **SECTION 179.** In Colorado Revised Statutes, 24-34-501, **amend**  
15 (1.3)(b)(II) as follows:

16 **24-34-501. Definitions.** As used in this part 5, unless the context  
17 otherwise requires:

18 (1.3) (b) (II) The term "mental impairment" as used in  
19 ~~subparagraph (I) of this paragraph (b)~~ SUBSECTION (1.3)(b)(I) OF THIS  
20 SECTION means any BEHAVIORAL, mental, or psychological disorder, such  
21 as an intellectual ~~or~~ AND developmental disability, organic brain  
22 syndrome, BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, or specific  
23 learning disability.

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

26 **24-50-603. Definitions.** As used in this part 6, unless the context  
27 otherwise requires:

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

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

12 **25-1-124.5. Nursing care facilities - employees - criminal**  
13 **history check.** (2) As used in this section, "nursing care facility"  
14 includes, but is not limited to:

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

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

20 **25-1-520. Clean syringe exchange programs - approval -**  
21 **reporting requirements.** (1) A county public health agency or district  
22 public health agency may request approval from its county board of health  
23 or district board of health, referred to in this section as the "board", for a  
24 clean syringe exchange program operated by the agency or by a nonprofit  
25 organization with which the agency contracts to operate the clean syringe  
26 exchange program. Prior to approving or disapproving any such optional  
27 program, the board shall consult with the agency and interested

1 stakeholders concerning the establishment of the clean syringe exchange  
2 program. Interested stakeholders ~~shall~~ MUST include, but need not be  
3 limited to, local law enforcement agencies, district attorneys, substance  
4 ~~abuse~~ USE DISORDER treatment providers, persons ~~in recovery~~ WITH A  
5 SUBSTANCE USE DISORDER IN REMISSION, nonprofit organizations,  
6 hepatitis C and HIV advocacy organizations, and members of the  
7 community. The board and interested stakeholders shall consider, at a  
8 minimum, the following issues:

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

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

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

16 **25-1-1202. Index of statutory sections regarding medical**  
17 **record confidentiality and health information.** (1) Statutory provisions  
18 concerning policies, procedures, and references to the release, sharing,  
19 and use of medical records and health information include the following:

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

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

24 **25-1.5-103. Health facilities - powers and duties of department**  
25 **- limitations on rules promulgated by department - definitions.**

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

27 (b) "Community mental health center" means either a physical

1 plant or a group of services under unified administration and including at  
2 least the following: Inpatient services; outpatient services; day  
3 hospitalization; emergency services; and consultation and educational  
4 services, which services are provided principally for persons with  
5 BEHAVIORAL OR mental illness HEALTH DISORDERS residing in a particular  
6 community in or near which the facility is situated.

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

9 **25-1.5-106. Medical marijuana program - powers and duties**  
10 **of state health agency - rules - medical review board - medical**  
11 **marijuana program cash fund - subaccount - created - repeal.**

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

13 Any patient who is convicted of a criminal offense under article 18 of title  
14 18, ~~C.R.S.~~, sentenced or ordered by a court to ~~drug or substance abuse~~  
15 treatment FOR A SUBSTANCE USE DISORDER, or sentenced to the division  
16 of youth corrections, ~~shall be~~ IS subject to immediate renewal of his or her  
17 patient registry identification card, and the patient shall apply for the  
18 renewal based upon a recommendation from a physician with whom the  
19 patient has a bona fide physician-patient relationship.

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

22 **25-1.5-112. Colorado suicide prevention plan - established -**  
23 **goals - responsibilities - funding.** (4) The following systems and  
24 organizations are encouraged to contribute to and implement the  
25 Colorado plan on or before July 1, 2019:

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

27 **SECTION 187.** In Colorado Revised Statutes, 25-1.5-301,

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

2 **25-1.5-301. Definitions.** As used in this part 3, unless the context  
3 otherwise requires:

4 (2) "Facility" means:

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

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

11 **25-3-100.5. Definitions.** As used in this ~~article~~ ARTICLE 3, unless  
12 the context otherwise requires:

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

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

22 **25-3.5-802. Legislative declaration.** (2) The general assembly  
23 ~~hereby~~ finds that persons with BEHAVIORAL OR mental ~~illness~~ HEALTH  
24 DISORDERS are more likely to abuse tobacco products than any other  
25 segment of society. The general assembly further finds that the unusually  
26 heavy pattern of tobacco abuse engaged in by persons with BEHAVIORAL  
27 OR mental ~~illness~~ HEALTH DISORDERS requires special treatment strategies

1 that are not provided by other alcohol, drug, or tobacco abuse programs  
2 OR SUBSTANCE USE DISORDER TREATMENT PROGRAMS. It is therefore the  
3 general assembly's intent that the programs funded pursuant to this part  
4 8 include comprehensive programs to prevent and treat tobacco addiction  
5 among persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS.

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

8 **25-3.5-804. Tobacco education, prevention, and cessation**  
9 **programs - review committee - grants.** (3) (a) The division shall  
10 review the applications received pursuant to this part 8 and make  
11 recommendations to the state board regarding those entities that may  
12 receive grants and the amounts of said grants. On and after October 1,  
13 2005, the review committee shall review the applications received  
14 pursuant to this part 8 and submit to the state board and the director of the  
15 department recommended grant recipients, grant amounts, and the  
16 duration of each grant. Within thirty days after receiving the review  
17 committee's recommendations, the director shall submit his or her  
18 recommendations to the state board. The review committee's  
19 recommendations regarding grantees of the Tony Grampsas youth  
20 services program, section 26-6.8-102, ~~C.R.S.~~, pursuant to section  
21 25-3.5-805 (5) shall be submitted to the state board and the Tony  
22 Grampsas youth services board. Within thirty days after receiving the  
23 review committee's recommendations, the Tony Grampsas youth services  
24 board shall submit its recommendations to the state board. The state board  
25 ~~shall have~~ HAS the final authority to approve the grants under this part 8.  
26 If the state board disapproves a recommendation for a grant recipient, the  
27 review committee may submit a replacement recommendation within

1 thirty days. In reviewing grant applications for programs to provide  
2 tobacco education, prevention, and cessation programs for persons with  
3 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS, the division or the  
4 review committee shall consult with the programs for public psychiatry  
5 at the university of Colorado health sciences center, the national alliance  
6 for the mentally ill, the mental health association of Colorado, and the  
7 department of human services.

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

10 **25-3.5-805. Tobacco education, prevention, and cessation**  
11 **programs - requirements.** (1) An entity that applies for a grant pursuant  
12 to the provisions of this part 8 shall in the application demonstrate that the  
13 tobacco education, prevention, or cessation program provides at least one  
14 of the following:

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

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

20 **25-4-408. Infection control - duties.** (5) Every person who is  
21 confined, detained, or imprisoned in a state, county, or city hospital; an  
22 institution for persons with a BEHAVIORAL OR mental ~~illness~~ HEALTH  
23 DISORDERS; a home for dependent children; a correctional facility; or any  
24 other private or charitable institution where a person may be confined,  
25 detained, or imprisoned by order of a court of this state must be examined  
26 for and, if diagnosed with a sexually transmitted infection, referred for  
27 treatment of such sexually transmitted infection, in accordance with

1 current standards of care, by the health authorities having jurisdiction  
2 over the given institution. The managing authorities of any such  
3 institution shall make available to the health authorities whatever portion  
4 of their respective institution as may be necessary for a clinic or hospital  
5 for treatment of a person's sexually transmitted infection with current and  
6 evidence-based standards of care in a professional manner.

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

9 **25-4-1902. Definitions.** As used in this part 19, unless the context  
10 otherwise requires:

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

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

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

22 **25-4-2003. Definitions.** As used in this part 20, unless the  
23 context otherwise requires:

24 (3) "Health care professional" means any person licensed in this  
25 state or any other state to practice medicine, chiropractic, nursing,  
26 physical therapy, podiatry, dentistry, pharmacy, optometry, or other  
27 healing arts. The term includes any professional corporation or other

1 professional entity comprised of such health care providers as permitted  
2 by the laws of this state, as well as certified ~~substance abuse~~ ADDICTION  
3 counselors.

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

6 **25-15-328. Household medication take-back program -**  
7 **creation - liability - definitions - cash fund - rules.** (1) (a) The general  
8 assembly finds and declares that prescription drug ~~abuse~~ MISUSE is a  
9 rampant problem in Colorado, in part due to the accidental and intentional  
10 abuse of leftover household medications. The general assembly further  
11 declares that citizen access to a disposal location to return unused  
12 household medications will reduce the availability of household  
13 medications for unintended or abusive purposes and will further protect  
14 the environment through proper disposal.

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

17 **25-20.5-408. Access to records.** (1) **Review team access to**  
18 **records.** (c) ~~Mental health and substance abuse~~ Treatment records FOR  
19 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS may be  
20 accessed only with the written consent of appropriate parties in  
21 accordance with applicable federal and state law.

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

24 **25.5-2-101. Old age pension health and medical care fund -**  
25 **supplemental old age pension health and medical care fund - cash**  
26 **system of accounting - legislative declaration - rules.** (2) Any moneys  
27 MONEY remaining in the state old age pension fund after full payment of

1 basic minimum awards to qualified old age pension recipients and after  
2 establishment and maintenance of the old age pension stabilization fund  
3 in the amount of five million dollars shall be transferred to a fund to be  
4 known as the old age pension health and medical care fund, which is  
5 hereby created. The state board shall establish and promulgate rules for  
6 administration of a program to provide health and medical care to persons  
7 who qualify to receive old age pensions and who are not patients in an  
8 institution for tuberculosis or BEHAVIORAL OR mental ~~diseases~~ HEALTH  
9 DISORDERS. The costs of such program, not to exceed ten million dollars  
10 in any fiscal year, ~~shall be~~ ARE defrayed from ~~such~~ THE health and  
11 medical care fund, but all ~~moneys~~ MONEY available, accrued or accruing,  
12 received or receivable, in said health and medical care fund in excess of  
13 ten million dollars in any fiscal year ~~shall be~~ IS transferred to the general  
14 fund of the state to be used pursuant to law. ~~Moneys~~ MONEY in the old  
15 age pension health and medical care fund ~~shall be~~ IS subject to annual  
16 appropriation by the general assembly.

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

19 **25.5-4-103. Definitions.** As used in this ~~article~~ ARTICLE 4 and  
20 articles 5 and 6 of this ~~title~~ TITLE 25.5, unless the context otherwise  
21 requires:

22 (3) "Case management services" means services provided by  
23 community-centered boards, as defined by section 25.5-10-202, and  
24 community mental health centers and community mental health clinics,  
25 as defined by section 27-66-101, ~~C.R.S.~~, to assist persons with intellectual  
26 and developmental disabilities, as defined by section 25.5-10-202, and  
27 persons with ~~mental illness~~ HEALTH DISORDERS, as defined by section

1 27-65-102 (14), C.R.S. (11.5), by case management agencies, as defined  
2 in section 25.5-6-303 (5), providing CASE MANAGEMENT services, as  
3 defined in sections 25.5-6-104 (2)(b) and 25.5-6-303 (6), to persons WITH  
4 A DISABILITY, PERSONS who are elderly OR blind, ~~and disabled~~ and  
5 long-term care clients, in gaining access to needed medical, social,  
6 educational, and other services.

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

9 **25.5-5-202. Basic services for the categorically needy - optional**  
10 **services - repeal.** (1) Subject to the provisions of subsection (2) of this  
11 section, the following are services for which federal financial  
12 participation is available and ~~which~~ THAT Colorado has selected to  
13 provide as optional services under the medical assistance program:

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

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

20

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

23 **25.5-5-207. Adult dental benefit - adult dental fund - creation**  
24 **- legislative declaration.** (1) (a) The general assembly ~~hereby~~ finds that:

25 (II) Research has shown that untreated oral health conditions  
26 negatively affect a person's overall health and that gum disease has been  
27 linked to diabetes, heart disease, strokes, kidney disease, Alzheimer's

1 disease, and even BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS;

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

4 **25.5-5-301. Clinic services.** (4) "Clinic services" also means  
5 preventive, diagnostic, therapeutic, rehabilitative, or palliative items or  
6 services ~~that are~~ furnished to a pregnant woman who is enrolled or  
7 eligible for services pursuant to section 25.5-5-101 (1)(c) or 25.5-5-201  
8 (1)(m.5) in a facility that is not a part of a hospital but is organized and  
9 operated as a freestanding ~~alcohol or drug~~ SUBSTANCE USE DISORDER  
10 treatment program approved and licensed by the ~~unit~~ OFFICE OF  
11 BEHAVIORAL HEALTH in the department of human services ~~that~~  
12 ~~administers behavioral health programs and services, including those~~  
13 ~~related to mental health and substance abuse,~~ pursuant to section  
14 27-80-108 (1)(c). ~~C.R.S.~~

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

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

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

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

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

10           **25.5-5-315. Acceptance of gifts, grants, and donations - Native**  
11 **American substance abuse treatment cash fund.** (1) The executive  
12 director may accept and expend ~~moneys~~ MONEY from gifts, grants, and  
13 donations for purposes of providing for the administrative costs of  
14 preparing and submitting the request for federal approval to provide  
15 substance ~~abuse~~ USE DISORDER treatment services to Native Americans as  
16 provided for in section 25.5-5-314. All such gifts, grants, and donations  
17 shall be transmitted to the state treasurer who shall credit the same to the  
18 Native American substance abuse treatment cash fund, which fund is  
19 ~~hereby~~ created AND REFERRED TO IN THIS SECTION AS THE "FUND". The  
20 ~~moneys~~ MONEY in the ~~Native American substance abuse treatment cash~~  
21 ~~fund shall be~~ IS subject to annual appropriation by the general assembly.  
22 All investment earnings derived from the deposit and investment of  
23 ~~moneys~~ MONEY in the ~~Native American substance abuse treatment cash~~  
24 ~~fund shall remain~~ REMAINS in the fund and shall not be transferred or  
25 revert to the general fund of the state at the end of any fiscal year.

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

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

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

18           **25.5-6-106. Single entry point system - authorization - phases**  
19 **for implementation - services provided.** (2) **Single entry point**  
20 **agencies - service programs - functions.** (a) A single entry point agency  
21 ~~shall~~ MUST be an agency in a local community through which any person  
22 eighteen years of age or older who is in need of long-term care can access  
23 needed long-term care services. A single entry point agency may be a  
24 private, nonprofit organization; a county agency, including a county  
25 department of HUMAN OR social services; a county nursing service; an  
26 area agency on aging; or a multicounty agency. Persons in need of  
27 specialized assistance such as services for PERSONS WITH INTELLECTUAL

1 AND developmental disabilities or BEHAVIORAL OR mental ~~illness~~ HEALTH  
2 DISORDERS may be referred by a single entry point agency to programs  
3 under the department of human services.

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

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

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

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

19 **25.5-6-412. Cross-system response for behavioral health crises**  
20 **pilot program - legislative declaration - creation - criteria -**  
21 **recommendations - fund - repeal.** (3) There is created in the state  
22 department a cross-system response for behavioral health crises pilot  
23 program, referred to in this section as the "pilot program". The pilot  
24 program will have locations at multiple sites that represent different  
25 geographic regions of the state. The goal of the pilot program is to  
26 provide crisis intervention, stabilization, and follow-up services to  
27 individuals who have both an intellectual ~~or~~ AND developmental disability

1 and a BEHAVIORAL OR mental health or behavioral disorder and who also  
2 require services not available through an existing home- or  
3 community-based services waiver or covered under the Colorado  
4 behavioral health care system. To achieve this goal, the pilot program  
5 must complement and expand on the Colorado behavioral health crisis  
6 response system, provided through the department of human services  
7 pursuant to section 27-60-103, C.R.S., to:

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

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

16 **25.5-6-603. Definitions.** As used in this part 6, unless the context  
17 otherwise requires:

18 (1) "Eligible person" means a person:  
19 (a) Who has a primary diagnosis of A major mental illness  
20 HEALTH DISORDER, as such term is defined in the diagnostic and statistical  
21 manual of mental disorders used by the mental health profession, and  
22 includes schizophrenic, paranoid, major affective, and schizoaffective  
23 disorders, and atypical psychosis, but does not include dementia,  
24 including Alzheimer's disease or related disorders;

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

27 **25.5-6-704. Implementation of home- and community-based**

1 **services program for persons with brain injury authorized - federal**  
2 **waiver - duties of the department.** (2) Services for eligible persons may  
3 be established in department rules to the extent authorized or required by  
4 federal waiver, but ~~shall~~ MUST include at least the following:

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

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

9 **26-1-105.5. Transfer of functions - employees - property -**  
10 **records.** (1) (a) The department shall, on and after July 1, 1994, execute,  
11 administer, perform, and enforce the rights, powers, duties, functions, and  
12 obligations vested prior to July 1, 1994, in the department of social  
13 services, the department of institutions, and the department of health  
14 concerning the administration of ~~alcohol and drug abuse~~ SUBSTANCE USE  
15 DISORDER TREATMENT programs.

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

18 **26-1-107. State board of human services - rules.** (6) The state  
19 board shall:

20 (g) Adopt rules concerning ~~mental health programs, alcohol and~~  
21 ~~drug abuse programs, and developmental disabilities~~ programs RELATED  
22 TO BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS AND  
23 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. To the extent that  
24 rules are promulgated by the state board of human services for programs  
25 or providers that receive either medicaid only or both medicaid and  
26 non-medicaid funding, the rules ~~shall~~ MUST be developed in cooperation  
27 with the department of health care policy and financing and ~~shall~~ MUST

1 not conflict with state statutes or federal statutes or regulations.

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

4 **26-1-111. Activities of the state department under the**  
5 **supervision of the executive director - cash fund - report - rules -**  
6 **statewide adoption resource registry.** (5) The state department, through  
7 the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the state department, ~~that~~  
8 ~~administers behavioral health programs and services, including those~~  
9 ~~related to mental health and substance abuse,~~ shall administer alcohol and  
10 ~~drug abuse~~ SUBSTANCE USE DISORDER TREATMENT programs set forth in  
11 articles 80, 81, and 82 of title 27. ~~C.R.S.~~

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

14 **26-1-132. Department of human services - rate setting -**  
15 **residential treatment service providers - monitoring and auditing -**  
16 **report.** (1) In conjunction with the group of representatives convened by  
17 the state department pursuant to section 26-5-104 (6)(e) to review the  
18 rate-setting process for child welfare services, the state department shall  
19 develop a rate-setting process consistent with medicaid requirements for  
20 providers of residential treatment services in Colorado. The department  
21 of health care policy and financing shall approve the rate-setting process  
22 for rates funded by medicaid. The rate-setting process developed pursuant  
23 to this section may include:

24 (b) A request for proposal to contract for specialized service needs  
25 of a child, including but not limited to: ~~Substance-abuse~~ SUBSTANCE USE  
26 DISORDER treatment services, sex offender services, and services for the  
27 INTELLECTUALLY AND developmentally disabled; and

1           **SECTION 215.** In Colorado Revised Statutes, 26-1-201, **amend**  
2 (1)(a), (1)(b), (1)(c), and (1)(x) as follows:

3           **26-1-201. Programs administered - services provided -**  
4 **department of human services.** (1) This section specifies the programs  
5 to be administered and the services to be provided by the department of  
6 human services. These programs and services include the following:

7           (a) ~~Alcohol and drug abuse~~ Programs RELATED TO SUBSTANCE  
8 ABUSE AND SUBSTANCE USE DISORDERS, as specified in article 80 of title  
9 27; ~~C.R.S.;~~

10           (b) ~~Alcoholism and intoxication treatment~~ Programs RELATED TO  
11 ALCOHOL ABUSE AND ALCOHOL USE DISORDERS, as specified in article 81  
12 of title 27; ~~C.R.S.;~~

13           (c) ~~Drug abuse prevention, education, and treatment~~ Programs  
14 RELATED TO PREVENTION, EDUCATION, AND TREATMENT FOR SUBSTANCE  
15 ABUSE AND SUBSTANCE USE DISORDERS, as specified in article 82 of title  
16 27; ~~C.R.S.;~~

17           (x) Programs for the care and treatment of persons with   mental  
18 ~~illness~~ HEALTH DISORDERS, as specified in article 65 of title 27; ~~C.R.S.;~~

19           **SECTION 216.** In Colorado Revised Statutes, 26-2-103, **amend**  
20 **as amended by House Bill 17-1046** (11)(a) as follows:

21           **26-2-103. Definitions.** As used in this article 2 and article 1 of  
22 this title 26, unless the context otherwise requires:

23           (11) (a) "Social services" means services and payments for  
24 services available, directly or indirectly, through the staff of the state  
25 department of human services and county departments of human or social  
26 services or through state designated agencies, where applicable, for the  
27 benefit of eligible persons. The services are provided pursuant to rules

1 adopted by the state board. "Social services" may include day care,  
2 homemaker services, foster care, and other services to individuals or  
3 families for the purpose of attaining or retaining capabilities for  
4 maximum self-care, self-support, and personal independence and services  
5 to families or members of families for the purpose of preserving,  
6 rehabilitating, reuniting, or strengthening the family. At such time as Title  
7 XX of the social security act becomes effective with respect to federal  
8 reimbursements, "social services" may include child care services,  
9 protective services for children and adults, services for children and  
10 adults in foster care, services related to the management and maintenance  
11 of the home, day care services for adults, transportation services, training  
12 and related services, employment services, information, referral, and  
13 counseling services, the preparation and delivery of meals, health support  
14 services, and appropriate combinations of services designed to meet the  
15 special needs of children, persons who are elderly, persons with  
16 intellectual and developmental disabilities, persons who are blind, persons  
17 with a BEHAVIORAL OR mental illness HEALTH DISORDERS, persons with  
18 a physical disability, and persons incapacitated by alcoholism or by drug  
19 addiction WITH SUBSTANCE USE DISORDERS.

20

21 **SECTION 217.** In Colorado Revised Statutes, 26-2-106, **amend**  
22 (6)(a) as follows:

23 **26-2-106. Applications for public assistance.** (6) (a) ~~NO~~ AN  
24 application for aid to the needy disabled ~~shall~~ MUST NOT be approved  
25 until the applicant's medical condition has been certified by a physician  
26 licensed to practice medicine in this state, a physician assistant licensed  
27 in this state, or an advanced practice nurse licensed in this state. In

1 addition to a physician, an applicant may be examined by a physician  
2 assistant licensed in this state, by an advanced practice nurse, or by a  
3 registered nurse licensed in this state who is functioning within the scope  
4 of the nurse's license and training. The supervising physician, or the  
5 physician, physician assistant, or nurse who conducted the examination  
6 shall certify in writing upon forms prescribed by the state department as  
7 to the diagnosis, prognosis, and other relevant medical or mental factors  
8 relating to the APPLICANT'S disability. ~~of the applicant. No AN applicant~~  
9 WHO IS disabled as a result of a primary diagnosis of ~~alcoholism or a~~  
10 ~~controlled substance addiction shall~~ AN ALCOHOL USE DISORDER OR A  
11 SUBSTANCE USE DISORDER RELATED TO CONTROLLED SUBSTANCES MUST  
12 NOT be approved for aid to the needy disabled except as provided in  
13 section 26-2-111 (4)(e).

14 **SECTION 218.** In Colorado Revised Statutes, 26-2-108, **amend**  
15 (1)(d)(II) as follows:

16 **26-2-108. Granting of assistance payments and social services.**

17 (1) (d) (II) Assistance in the form of aid to the needy disabled for persons  
18 who are disabled as a result of a primary diagnosis of ~~alcoholism or a~~  
19 ~~controlled substance addiction shall~~ AN ALCOHOL USE DISORDER OR A  
20 SUBSTANCE USE DISORDER RELATED TO CONTROLLED SUBSTANCES MUST  
21 be paid on the person's behalf to the SUBSTANCE USE DISORDER treatment  
22 program in which the person is participating as required pursuant to  
23 section 26-2-111 (4)(e)(I) or to the person directly upon the person  
24 providing the documentation required pursuant to section 26-2-111  
25 (4)(e)(II).

26 **SECTION 219.** In Colorado Revised Statutes, 26-2-111, **amend**  
27 (4)(e) introductory portion and (4)(e)(I) as follows:

1           **26-2-111. Eligibility for public assistance - rules - repeal.**

2           **(4) Aid to the needy disabled.** Public assistance in the form of aid to the  
3 needy disabled shall be granted to any person who meets the requirements  
4 of subsection (1) of this section and all of the following requirements:

5           (e) If the applicant is disabled as a result of a primary diagnosis  
6 of ~~alcoholism or a controlled substance addiction~~ A SUBSTANCE USE  
7 DISORDER, he or she, as conditions of eligibility, shall be required to:

8           (I) Participate in treatment services approved by the ~~unit~~ OFFICE  
9 OF BEHAVIORAL HEALTH in the state department; ~~that administers~~  
10 ~~behavioral health programs and services, including those related to mental~~  
11 ~~health and substance abuse;~~ and

12           **SECTION 220.** In Colorado Revised Statutes, 26-2-706, **amend**  
13 (1.5)(e) as follows:

14           **26-2-706. Target populations.** (1.5) To participate in the  
15 Colorado works program an applicant or person shall:

16           (e) Not be an inmate of any institution as a patient admitted for  
17 tuberculosis or A BEHAVIORAL OR mental ~~disease~~ HEALTH DISORDER,  
18 unless the person is a child under the age of twenty-one years receiving  
19 psychiatric care under medicaid;

20           **SECTION 221.** In Colorado Revised Statutes, 26-2-706.6,  
21 **amend** (7) introductory portion and (7)(a) as follows:

22           **26-2-706.6. Payments and services under Colorado works -**  
23 **rules. (7) Substance abuse control program.** A county may elect to  
24 implement a Colorado works controlled substance abuse control program.  
25 Under such a program, if the use of a controlled substance prevents the  
26 participant from successfully participating in his or her work activity, the  
27 county department may require the participant to participate in a

1 controlled substance abuse control program based in whole or in part  
2 upon a representation by the participant that he or she is using controlled  
3 substances or upon a finding by the county department pursuant to an  
4 assessment by a certified ~~drug~~ SUBSTANCE USE DISORDER treatment  
5 provider that the participant is or is likely to be using controlled  
6 substances. If a county chooses to require the participant to participate in  
7 a controlled substance abuse control program, the county department  
8 shall:

9 (a) Require the participant to be assessed by a certified ~~drug~~  
10 SUBSTANCE USE DISORDER treatment provider and to follow a  
11 rehabilitation plan as a condition of continued receipt of assistance under  
12 the works program. The rehabilitation plan ~~shall~~ MUST be based upon the  
13 assessment and developed by a certified ~~drug~~ SUBSTANCE USE DISORDER  
14 treatment provider, and may include, but need not be limited to,  
15 participation in a ~~controlled substance abuse~~ SUBSTANCE USE DISORDER  
16 treatment program. This ~~paragraph (a) shall~~ SUBSECTION (7)(a) DOES not  
17 create an entitlement to rehabilitation services or to payment for  
18 rehabilitation services.

19 **SECTION 222.** In Colorado Revised Statutes, 26-5.7-108,  
20 **amend** (3)(a) as follows:

21 **26-5.7-108. Voluntary alternative residence - lack of parental**  
22 **agreement.** (3) A supervised independent living arrangement can only  
23 be established pursuant to subsection (2) of this section if:

24 (a) The youth has not been deemed to ~~be dependent on controlled~~  
25 ~~substances or alcohol~~ HAVE A SUBSTANCE USE DISORDER and is in need of  
26 treatment;

27 **SECTION 223.** In Colorado Revised Statutes, 26-12-203, **amend**

1 (3)(a) as follows:

2 **26-12-203. The Colorado veterans community living center at**  
3 **Homelake - jurisdiction - definitions.** (3) For purposes of this section,  
4 "domiciliary care" means the provision of shelter, food, and necessary  
5 medical care on an ambulatory self-care basis:

6 (a) To assist any individual who is eligible for occupancy in the  
7 veterans center pursuant to sections 26-12-104 and 26-12-106 and who  
8 is suffering from an incapacitating disability, disease, or ~~defect~~ DISORDER  
9 that prevents ~~such veteran~~ HIM OR HER from earning a living, but that does  
10 not require hospitalization or nursing care services to attain physical,  
11 mental, and social well-being; and

12 **SECTION 224.** In Colorado Revised Statutes, 26-20-103, **amend**  
13 (3) as follows:

14 **26-20-103. Basis for use of restraint or seclusion.** (3) In  
15 addition to the circumstances described in subsection (1) of this section,  
16 a facility, as defined in section 27-65-102 (7), ~~C.R.S.~~, that is designated  
17 by the executive director of the state department to provide treatment  
18 pursuant to section 27-65-105, 27-65-106, 27-65-107, or 27-65-109  
19 ~~C.R.S.~~, to an individual with a   mental ~~illness~~ HEALTH DISORDER, as  
20 defined in ~~section 27-65-102 (14), C.R.S.~~ SECTION 27-65-102 (11.5), may  
21 use seclusion to restrain an individual with a   mental ~~illness~~ HEALTH  
22 DISORDER when the seclusion is necessary to eliminate a continuous and  
23 serious disruption of the treatment environment.

24 **SECTION 225.** In Colorado Revised Statutes, 26-20-105, **amend**  
25 (1.5)(a) and (1.5)(b) as follows:

26 **26-20-105. Staff training concerning the use of restraint and**  
27 **seclusion - adults and youth.** (1.5) The division of youth corrections

1 shall ensure that all staff involved in utilizing restraint and seclusion are  
2 trained in:

3 (a) The health and behavioral effects of restraint and seclusion on  
4 youth, including those with BEHAVIORAL OR mental ~~illness~~ or HEALTH  
5 DISORDERS OR INTELLECTUAL AND developmental disabilities;

6 (b) Effective de-escalation techniques for youth in crisis,  
7 including those with BEHAVIORAL OR mental ~~illness~~ or HEALTH  
8 DISORDERS OR INTELLECTUAL AND developmental disabilities;

9 **SECTION 226.** In Colorado Revised Statutes, **add** 27-60-100.3  
10 as follows:

11 **27-60-100.3. Definitions.** AS USED IN THIS ARTICLE 60, UNLESS  
12 THE CONTEXT OTHERWISE REQUIRES:

13 (1) "BEHAVIORAL HEALTH" REFERS TO AN INDIVIDUAL'S MENTAL  
14 ANDEMOITIONAL WELL-BEING AND ACTIONS THAT AFFECT AN INDIVIDUAL'S  
15 OVERALL WELLNESS. BEHAVIORAL HEALTH PROBLEMS AND DISORDERS  
16 INCLUDE SUBSTANCE USE DISORDERS, SERIOUS PSYCHOLOGICAL DISTRESS,  
17 SUICIDE, AND OTHER MENTAL HEALTH DISORDERS. PROBLEMS RANGING  
18 FROM UNHEALTHY STRESS OR SUBCLINICAL CONDITIONS TO DIAGNOSABLE  
19 AND TREATABLE DISEASES ARE INCLUDED IN THE TERM "BEHAVIORAL  
20 HEALTH". THE TERM "BEHAVIORAL HEALTH" IS ALSO USED TO DESCRIBE  
21 SERVICE SYSTEMS THAT ENCOMPASS PREVENTION AND PROMOTION OF  
22 EMOTIONAL HEALTH, PREVENTION AND TREATMENT SERVICES FOR MENTAL  
23 HEALTH AND SUBSTANCE USE DISORDERS, AND RECOVERY SUPPORT.

24 (2) "CRISIS INTERVENTION SERVICES" MEANS THE ARRAY OF  
25 BEHAVIORAL HEALTH CRISIS SERVICES THAT ARE FUNDED BY PUBLIC OR  
26 PRIVATE SOURCES AND EXIST TO SERVE INDIVIDUALS WHO ARE  
27 EXPERIENCING A BEHAVIORAL HEALTH CRISIS.

1 (3) "CRISIS RESPONSE SYSTEM" MEANS THE BEHAVIORAL HEALTH  
2 CRISIS RESPONSE SYSTEM DEVELOPED AND IMPLEMENTED PURSUANT TO  
3 THIS ARTICLE 60.

4 (4) "CRISIS RESPONSE SYSTEM CONTRACTOR" MEANS AN ENTITY  
5 THAT HAS BEEN AWARDED A CONTRACT TO PROVIDE ONE OR MORE CRISIS  
6 INTERVENTION SERVICES PURSUANT TO SECTION 27-60-103.

7 (5) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN SERVICES  
8 CREATED AND AUTHORIZED PURSUANT TO SECTION 26-1-107.

9 (6) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF  
10 HUMAN SERVICES CREATED PURSUANT TO SECTION 26-1-105.

11 **SECTION 227.** In Colorado Revised Statutes, 27-60-101, **amend**  
12 (1) as follows:

13 **27-60-101. Behavioral health crisis response system -**  
14 **legislative declaration.** (1) (a) The general assembly ~~hereby~~ finds and  
15 declares that:

16 (I) There are people in Colorado communities who are  
17 experiencing ~~mental health or substance abuse~~ BEHAVIORAL HEALTH  
18 crises and need professional BEHAVIORAL HEALTH crisis care or urgent  
19 psychiatric care from skilled mental health clinicians and medical  
20 professionals who excel at providing compassionate BEHAVIORAL HEALTH  
21 crisis intervention and stabilization;

22 (II) ~~Mental health or substance abuse~~ A BEHAVIORAL HEALTH  
23 crisis can happen any hour of the day and any day of the week;

24 (III) Persons in a BEHAVIORAL HEALTH crisis frequently come in  
25 contact with community first responders who are often unable to provide  
26 necessary ~~mental health~~ BEHAVIORAL HEALTH interventions or who must  
27 transport these persons in a BEHAVIORAL HEALTH crisis to emergency

1 rooms for services, or, in cases where a crime is alleged, to jail;

2 (IV) Colorado ranks fiftieth in the nation in the number of  
3 inpatient psychiatric beds;

4 (V) Fewer than one-half of the persons who are in A BEHAVIORAL  
5 HEALTH crisis and are taken to an emergency room are admitted for  
6 inpatient hospitalization, meaning that thousands of people each year  
7 return to community streets with little, if any, ~~mental health or substance~~  
8 ~~abuse~~ crisis intervention or treatment FOR BEHAVIORAL HEALTH  
9 DISORDERS; and

10 (VI) Significant time and resources are required of community  
11 first responders in addressing persons in ~~mental health or substance abuse~~  
12 A BEHAVIORAL HEALTH crisis and, in many cases, this community  
13 response is neither timely nor safe for the person in crisis nor  
14 cost-efficient for the state.

15 (b) The general assembly therefore finds that A COORDINATED  
16 BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM:

17 (I) ~~A coordinated crisis response system provides~~ SERVES AS A  
18 COMPREHENSIVE AND PREFERRED RESPONSE TO BEHAVIORAL HEALTH  
19 EMERGENCIES THROUGHOUT COLORADO BY PROVIDING for early  
20 intervention and effective treatment of ~~persons in mental health or~~  
21 ~~substance abuse~~ INDIVIDUALS WHO ARE EXPERIENCING A BEHAVIORAL  
22 HEALTH crisis;

23 (II) ~~A coordinated crisis response system should involve~~  
24 PROVIDES AN APPROPRIATE FIRST LINE OF RESPONSE TO INDIVIDUALS IN  
25 NEED OF AN EMERGENCY SEVENTY-TWO-HOUR MENTAL HEALTH HOLD AND  
26 UTILIZES first responders and ~~include~~ information technology systems to  
27 integrate available BEHAVIORAL HEALTH crisis responses;

1 (III) ~~A coordinated crisis response system~~ Should be available in  
2 all COLORADO communities; ~~statewide~~; and

3 (IV) ~~A coordinated crisis response system may include~~ INCLUDES  
4 community-based, BEHAVIORAL HEALTH crisis centers where ~~persons in~~  
5 ~~mental health or substance abuse~~ INDIVIDUALS WHO ARE EXPERIENCING  
6 A BEHAVIORAL HEALTH crisis may be stabilized and receive short-term  
7 treatment.

8 **SECTION 228.** In Colorado Revised Statutes, 27-60-103, **repeal**  
9 (7) as follows:

10 **27-60-103. Behavioral health crisis response system - services**  
11 **- request for proposals - criteria - reporting - rules.** (7) ~~As used in this~~  
12 ~~section, unless the context otherwise requires:~~

13 (a) ~~"Crisis intervention services" means an array of integrated~~  
14 ~~services that are available twenty-four hours a day, seven days a week, to~~  
15 ~~respond to and assist individuals who are in a behavioral health~~  
16 ~~emergency.~~

17 (b) ~~"State board" means the state board of human services created~~  
18 ~~and authorized pursuant to section 26-1-107, C.R.S.~~

19 (c) ~~"State department" means the state department of human~~  
20 ~~services created pursuant to section 26-1-105, C.R.S.~~

21 **SECTION 229.** In Colorado Revised Statutes, 27-61-101, **amend**  
22 (1) introductory portion, (1)(a), (1)(b), (1)(i), and (2) as follows:

23 **27-61-101. Legislative declaration.** (1) The general assembly  
24 ~~hereby~~ finds, determines, and declares that:

25 (a) There is an urgent need to address the economic, social, and  
26 personal costs to the state of Colorado and its citizens of untreated  
27 BEHAVIORAL HEALTH DISORDERS, INCLUDING mental health and substance

1 use disorders;

2 (b) Behavioral health disorders ~~including mental health and~~  
3 ~~substance use disorders~~, are treatable conditions not unlike other chronic  
4 health issues that require a combination of behavioral change and  
5 medication or other treatment. When individuals receive appropriate  
6 prevention, early intervention, treatment, and recovery services, they can  
7 live full, productive lives.

8 (i) To reduce the economic and social costs of untreated  
9 behavioral health disorders, Colorado needs a systemic transformation of  
10 the behavioral health system ~~through which transformation the state~~  
11 ~~strives to achieve critical goals to address mental health and substance use~~  
12 BEHAVIORAL HEALTH disorders; and

13 (2) The general assembly further finds and declares that, to  
14 improve the quality of life for the citizens of Colorado, strengthen the  
15 economy, and continue the responsible management of the state's  
16 resources, the leadership of the three branches of Colorado's state  
17 government and the stakeholders most affected by ~~mental health and~~  
18 ~~substance use~~ BEHAVIORAL HEALTH disorders must collaborate to build  
19 on the progress of past efforts and to sustain a focus on the improvement  
20 of behavioral health services.

21 **SECTION 230.** In Colorado Revised Statutes, **add** 27-61-101.5  
22 as follows:

23 **27-61-101.5. Definitions.** AS USED IN THIS ARTICLE 61, UNLESS  
24 THE CONTEXT OTHERWISE REQUIRES:

25 (1) "BEHAVIORAL HEALTH" REFERS TO AN INDIVIDUAL'S MENTAL  
26 ANDEMOTIONAL WELL-BEING AND ACTIONS THAT AFFECT AN INDIVIDUAL'S  
27 OVERALL WELLNESS. BEHAVIORAL HEALTH PROBLEMS AND DISORDERS

1 INCLUDE SUBSTANCE USE DISORDERS, SERIOUS PSYCHOLOGICAL DISTRESS,  
2 SUICIDE, AND OTHER MENTAL HEALTH DISORDERS. PROBLEMS RANGING  
3 FROM UNHEALTHY STRESS OR SUBCLINICAL CONDITIONS TO DIAGNOSABLE  
4 AND TREATABLE DISEASES ARE INCLUDED IN THE TERM "BEHAVIORAL  
5 HEALTH". THE TERM "BEHAVIORAL HEALTH" IS ALSO USED TO DESCRIBE  
6 SERVICE SYSTEMS THAT ENCOMPASS PREVENTION AND PROMOTION OF  
7 EMOTIONAL HEALTH, PREVENTION AND TREATMENT SERVICES FOR MENTAL  
8 HEALTH AND SUBSTANCE USE DISORDERS, AND RECOVERY SUPPORT.

9 (2) "COUNCIL" MEANS THE BEHAVIORAL HEALTH  
10 TRANSFORMATION COUNCIL CREATED IN SECTION 27-61-102.

11 **SECTION 231.** In Colorado Revised Statutes, 27-61-102, **amend**  
12 (2)(a), (3) introductory portion, and (3)(a)(X) as follows:

13 **27-61-102. Behavioral health transformation council - creation**  
14 **- duties - sunset review - repeal.** (2) (a) On or before August 1, 2010,  
15 the governor shall create a behavioral health transformation council  
16 referred to in this section as the "council", to advise his or her cabinet on  
17 transforming the behavioral health system in Colorado. On or before  
18 August 1, 2010, the governor shall designate an executive branch  
19 department to serve as the lead department to facilitate the council's work.  
20 In consultation with the governor, the lead agency shall determine the  
21 appropriate membership, tenure, and operating protocols of the council.

22 (3) The council ~~shall have~~ HAS the following duties and functions:

23 (a) To develop a strategic prioritization, planning, and  
24 implementation process to advise the governor's cabinet on transforming  
25 Colorado's behavioral health system. The council shall work toward the  
26 following goals associated with a comprehensive, efficient, effective, and  
27 integrated behavioral health system:

1 (X) Developing a comprehensive behavioral health service system  
2 that includes services to persons with ~~mental illness, addictions~~  
3 BEHAVIORAL HEALTH DISORDERS, disabilities, and co-occurring issues;

4 **SECTION 232.** In Colorado Revised Statutes, 27-65-101, **amend**  
5 (1) as follows:

6 **27-65-101. Legislative declaration.** (1) The general assembly  
7 ~~hereby~~ declares that, subject to available appropriations, the purposes of  
8 this ~~article~~ ARTICLE 65 are:

9 (a) To secure for each person ~~who may have a mental illness~~ WITH  
10 A ■ MENTAL HEALTH DISORDER such care and treatment ~~as will be suited~~  
11 ~~to the needs of the person~~ HIS OR HER NEEDS and to insure that ~~such~~ THE  
12 care and treatment are skillfully and humanely administered with full  
13 respect for the person's dignity and personal integrity;

14 (b) To deprive a person of his or her liberty for purposes of CARE  
15 OR treatment ~~or care~~ only when less restrictive alternatives are  
16 unavailable and only when his or her safety or the safety of others is  
17 endangered;

18 (c) To provide the fullest possible measure of privacy, dignity, and  
19 other rights to persons undergoing care and treatment for A ■ mental  
20 ~~illness~~ HEALTH DISORDER;

21 (d) To encourage the use of voluntary, rather than coercive,  
22 measures to provide CARE AND treatment ~~and care~~ for ■ mental ~~illness~~  
23 HEALTH DISORDERS and to provide ~~such~~ THE CARE AND treatment ~~and care~~  
24 in the least restrictive setting;

25 (e) To provide appropriate information to family members  
26 concerning the location and fact of admission of a person with a ■  
27 mental ~~illness~~ HEALTH DISORDER to inpatient or residential care and

1 treatment;

2 (f) To encourage the appropriate participation of family members  
3 in the care and treatment of a person with a   mental ~~illness~~ HEALTH  
4 DISORDER and, when appropriate, to provide information to family  
5 members in order to facilitate ~~such~~ THAT participation; and

6 (g) To facilitate the recovery and resiliency of each person who  
7 receives care and treatment ~~under~~ PURSUANT TO this ~~article~~ ARTICLE 65.

8 **SECTION 233.** In Colorado Revised Statutes, 27-65-102, **amend**  
9 the introductory portion, (1), (7), (8), (10), (15), and (19); **repeal** (14);  
10 and **add** (11.3) and (11.5) as follows:

11 **27-65-102. Definitions.** As used in this ~~article~~ ARTICLE 65, unless  
12 the context otherwise requires:

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

20 (7) "Facility" means a public hospital or a licensed private  
21 hospital, clinic, community mental health center or clinic, acute treatment  
22 unit, institution, ~~sanitarium,~~ or residential child care facility that provides  
23 treatment for a ~~person with a mental illness~~ PERSONS WITH   MENTAL  
24 HEALTH DISORDERS.

25 (8) "Family member" means a spouse, parent, adult child, or adult  
26 sibling of a person with a   mental ~~illness~~ HEALTH DISORDER.

27 (10) "Hospitalization" means twenty-four-hour out-of-home

1 placement for ~~mental health~~ treatment in a facility FOR A PERSON WITH A  
2 ■ MENTAL HEALTH DISORDER.

3 (11.3) "INTERVENING PROFESSIONAL" MEANS A PERSON DESCRIBED  
4 IN SECTION 27-65-105 (1)(a)(II) WHO MAY EFFECT A SEVENTY-TWO-HOUR  
5 HOLD PURSUANT TO THE PROVISIONS OUTLINED IN SECTION 27-65-105.

6 (11.5) "MENTAL HEALTH ■ DISORDER" INCLUDES ONE OR MORE  
7 SUBSTANTIAL DISORDERS OF THE COGNITIVE, VOLITIONAL, OR EMOTIONAL  
8 PROCESSES THAT GROSSLY IMPAIRS JUDGMENT OR CAPACITY TO  
9 RECOGNIZE REALITY OR TO CONTROL BEHAVIOR. AN INTELLECTUAL OR  
10 DEVELOPMENTAL DISABILITY IS INSUFFICIENT TO EITHER JUSTIFY OR  
11 EXCLUDE A FINDING OF A MENTAL HEALTH DISORDER PURSUANT TO THE  
12 PROVISIONS OF THIS ARTICLE 65.

13 (14) ~~"Person with a mental illness" means a person with one or~~  
14 ~~more substantial disorders of the cognitive, volitional, or emotional~~  
15 ~~processes that grossly impairs judgment or capacity to recognize reality~~  
16 ~~or to control behavior. Developmental disability is insufficient to either~~  
17 ~~justify or exclude a finding of mental illness within the provisions of this~~  
18 ~~article.~~

19 (15) "Petitioner" means any person who files any petition in any  
20 proceeding in the interest of any person who allegedly has a ■ mental  
21 ~~illness~~ HEALTH DISORDER or is allegedly gravely disabled.

22 (19) "Respondent" means either a person alleged in a petition filed  
23 pursuant to this ~~article~~ ARTICLE 65 to have a ■ mental ~~illness~~ HEALTH  
24 DISORDER or be gravely disabled or a person certified pursuant to the  
25 provisions of this ~~article~~ ARTICLE 65.

26 **SECTION 234.** In Colorado Revised Statutes, 27-65-103, **amend**  
27 (1), (3)(a), (7)(d), and (10) as follows:

1           **27-65-103. Voluntary applications for [redacted] mental health**

2 **services - treatment of minors.** (1) Nothing in this ~~article shall be~~

3 ~~construed~~ ARTICLE 65 in any way as ~~limiting~~ LIMITS the right of any

4 person to make voluntary application at any time to any public or private

5 agency or professional person for [redacted] mental health services, either by

6 direct application in person or by referral from any other public or private

7 agency or professional person. Subject to section 15-14-316 (4), ~~C.R.S.~~,

8 a ward, as defined in section 15-14-102 (15), ~~C.R.S.~~, may be admitted to

9 hospital or institutional care and treatment for ~~mental illness~~ A [redacted] MENTAL

10 HEALTH DISORDER by consent of the guardian for so long as the ward

11 agrees to such care and treatment. Within ten days ~~of~~ AFTER any such

12 admission, ~~of the ward for such hospital or institutional care and~~

13 ~~treatment~~, the guardian shall notify in writing the court that appointed the

14 guardian of the admission.

15           (3) A minor who is fifteen years of age or older or a parent or

16 legal guardian of a minor on the minor's behalf may make voluntary

17 application for hospitalization. Application for hospitalization on behalf

18 of a minor who is under fifteen years of age and who is a ward of the

19 department of human services shall not be made unless a guardian ad

20 litem has been appointed for the minor or a petition for the same has been

21 filed with the court by the agency having custody of the minor; except

22 that such an application for hospitalization may be made under emergency

23 circumstances requiring immediate hospitalization, in which case the

24 agency shall file a petition for appointment of a guardian ad litem within

25 seventy-two hours after application for admission is made, and the court

26 shall appoint a guardian ad litem forthwith. Procedures for hospitalization

27 of such minor may proceed pursuant to this section once a petition for

1 appointment of a guardian ad litem has been filed, if necessary. Whenever  
2 such application for hospitalization is made, an independent professional  
3 person shall interview the minor and conduct a careful investigation into  
4 the minor's background, using all available sources, including, but not  
5 limited to, the parents or legal guardian and the school and any other  
6 social agencies. Prior to admitting a minor for hospitalization, the  
7 independent professional person shall make the following findings:

8 (a) That the minor has a [redacted] mental ~~illness~~ HEALTH DISORDER and  
9 is in need of hospitalization;

10 (7) (d) The minor or his or her attorney or guardian ad litem may,  
11 at any time after the minor has continued to affirm his or her objection to  
12 hospitalization pursuant to ~~paragraph (b) of this subsection (7)~~  
13 SUBSECTION (7)(b) OF THIS SECTION, file a written request that the  
14 recommendation for continued hospitalization be reviewed by the court  
15 or that the treatment be on an outpatient basis. If review is requested, the  
16 court shall hear the matter within ten days after the request, and the court  
17 shall give notice to the minor; his or her attorney, if any; his or her parents  
18 or legal guardian; his or her guardian ad litem, if any; the independent  
19 professional person; and the minor's treating team of the time and place  
20 ~~thereof~~ OF THE HEARING. The hearing ~~shall~~ MUST be held in accordance  
21 with section 27-65-111; except that the court or jury shall determine that  
22 the minor is in need of care and treatment if the court or jury makes the  
23 following findings: That the minor has a [redacted] mental ~~illness~~ HEALTH  
24 DISORDER and is in need of hospitalization, that a less restrictive treatment  
25 alternative is inappropriate or unavailable, and that hospitalization is  
26 likely to be beneficial. At the conclusion of the hearing, the court may  
27 enter an order confirming the recommendation for continued

1 hospitalization, discharge the minor, or enter any other appropriate order.

2 (10) The medical and legal status of all voluntary patients  
3 receiving treatment for   mental illness HEALTH DISORDERS in inpatient  
4 or custodial facilities ~~shall~~ MUST be reviewed at least once every six  
5 months.

6 **SECTION 235.** In Colorado Revised Statutes, 27-65-105, **amend**  
7 (1)(a)(I), (1)(a)(II) introductory portion, (1)(b), and (3) as follows:

8 **27-65-105. Emergency procedure.** (1) Emergency procedure  
9 may be invoked under either one of the following two conditions:

10 (a) (I) When any person appears to have a   mental illness  
11 HEALTH DISORDER and, as a result of such   mental illness HEALTH  
12 DISORDER, appears to be an imminent danger to others or to himself or  
13 herself or appears to be gravely disabled, then ~~a person specified in~~  
14 ~~subparagraph (II) of this paragraph (a), each of whom is referred to in this~~  
15 ~~section as the "intervening professional", AN INTERVENING PROFESSIONAL,~~  
16 AS SPECIFIED IN SUBSECTION (1)(a)(II) OF THIS SECTION, upon probable  
17 cause and with such assistance as may be required, may take the person  
18 into custody, or cause the person to be taken into custody, and placed in  
19 a facility designated or approved by the executive director for a  
20 seventy-two-hour treatment and evaluation.

21 (II) The following persons may ACT AS INTERVENING  
22 PROFESSIONALS TO effect a seventy-two-hour hold as provided in  
23 ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION (1)(a)(I) OF THIS  
24 SECTION:

25 (b) Upon an affidavit sworn to or affirmed before a judge that  
26 relates sufficient facts to establish that a person appears to have a    
27 mental illness HEALTH DISORDER and, as a result of the   mental illness

1 HEALTH DISORDER, appears to be an imminent danger to others or to  
2 himself or herself or appears to be gravely disabled, the court may order  
3 the person described in the affidavit to be taken into custody and placed  
4 in a facility designated or approved by the executive director for a  
5 seventy-two-hour treatment and evaluation. Whenever in this ~~article~~  
6 ARTICLE 65 a facility is to be designated or approved by the executive  
7 director, hospitals, if available, ~~shall~~ MUST be approved or designated in  
8 each county before other facilities are approved or designated. Whenever  
9 in this ~~article~~ ARTICLE 65 a facility is to be designated or approved by the  
10 executive director as a facility for a stated purpose and the facility to be  
11 designated or approved is a private facility, the consent of the private  
12 facility to the enforcement of standards set by the executive director ~~shall~~  
13 ~~be~~ IS a prerequisite to the designation or approval.

14 (3) ~~Such~~ A facility shall require an application in writing, stating  
15 the circumstances under which the person's condition was called to the  
16 attention of the intervening professional and further stating sufficient  
17 facts, obtained from the personal observations of the intervening  
18 professional or obtained from others whom he or she reasonably believes  
19 to be reliable, to establish that the person has a  mental ~~illness~~ HEALTH  
20 DISORDER and, as a result of the  mental ~~illness~~ HEALTH DISORDER, is  
21 an imminent danger to others or to himself or herself or is gravely  
22 disabled. The application ~~shall~~ MUST indicate when the person was taken  
23 into custody and who brought the person's condition to the attention of the  
24 intervening professional. A copy of the application ~~shall~~ MUST be  
25 furnished to the person being evaluated, and the application ~~shall~~ MUST  
26 be retained in accordance with the provisions of section 27-65-121 (4).

27 **SECTION 236.** In Colorado Revised Statutes, 27-65-106, **amend**

1 (1), (2), (3) introductory portion, (3)(c), (5), and (6) as follows:

2 **27-65-106. Court-ordered evaluation for persons with** [REDACTED]  
3 **mental health disorders.** (1) Any person alleged to have a [REDACTED] mental  
4 ~~illness~~ HEALTH DISORDER and, as a result of the [REDACTED] mental ~~illness~~ HEALTH  
5 DISORDER, to be a danger to others or to himself or herself or to be  
6 gravely disabled may be given an evaluation of his or her condition under  
7 a court order pursuant to this section.

8 (2) Any individual may petition the court in the county in which  
9 the respondent resides or is physically present alleging that there is a  
10 person who appears to have a [REDACTED] mental ~~illness~~ HEALTH DISORDER and,  
11 as a result of the [REDACTED] mental ~~illness~~ HEALTH DISORDER, appears to be a  
12 danger to others or to himself or herself or appears to be gravely disabled  
13 and requesting ~~that~~ an evaluation of the person's condition. ~~be made.~~

14 (3) The petition for a court-ordered evaluation ~~shall~~ MUST contain  
15 the following:

16 (c) Allegations of fact indicating that the respondent may have a  
17 [REDACTED] mental ~~illness~~ HEALTH DISORDER and, as a result of the [REDACTED] mental  
18 ~~illness~~ HEALTH DISORDER, be a danger to others or to himself or herself  
19 or be gravely disabled and showing reasonable grounds to warrant an  
20 evaluation;

21 (5) Following screening, the facility or professional person  
22 designated by the court shall file his or her report with the court. The  
23 report ~~shall~~ MUST include a recommendation as to whether there is  
24 probable cause to believe that the respondent has a [REDACTED] mental ~~illness~~  
25 HEALTH DISORDER and, as a result of the [REDACTED] mental ~~illness~~ HEALTH  
26 DISORDER, is a danger to others or to himself or herself or is gravely  
27 disabled and whether the respondent will voluntarily receive evaluation

1 or treatment. The screening report submitted to the court ~~shall be~~ IS  
2 confidential in accordance with section 27-65-121 and ~~shall~~ MUST be  
3 furnished to the respondent or his or her attorney or personal  
4 representative.

5 (6) Whenever it appears, by petition and screening pursuant to this  
6 section, to the satisfaction of the court that probable cause exists to  
7 believe that the respondent has a [REDACTED] mental ~~illness~~ HEALTH DISORDER  
8 and, as a result of the [REDACTED] mental ~~illness~~ HEALTH DISORDER, is a danger to  
9 others or to himself or herself or is gravely disabled and that efforts have  
10 been made to secure the cooperation of the respondent, who has refused  
11 or failed to accept evaluation voluntarily, the court shall issue an order for  
12 evaluation authorizing a certified peace officer to take the respondent into  
13 custody and place him or her in a facility designated by the executive  
14 director for seventy-two-hour treatment and evaluation. At the time of  
15 taking the respondent into custody, a copy of the petition and the order for  
16 evaluation ~~shall~~ MUST be given to the respondent, and promptly thereafter  
17 to any one person designated by ~~such~~ THE respondent and to the person  
18 in charge of the seventy-two-hour treatment and evaluation facility named  
19 in the order or his or her designee.

20 **SECTION 237.** In Colorado Revised Statutes, 27-65-107, **amend**  
21 (1) introductory portion, (1)(a), and (2) as follows:

22 **27-65-107. Certification for short-term treatment - procedure.**

23 (1) If a person detained for seventy-two hours ~~under~~ PURSUANT TO the  
24 provisions of section 27-65-105 or a respondent under court order for  
25 evaluation pursuant to section 27-65-106 has received an evaluation, he  
26 or she may be certified for not more than three months of short-term  
27 treatment under the following conditions:

1 (a) The professional staff of the agency or facility providing  
2 seventy-two-hour treatment and evaluation has analyzed the person's  
3 condition and has found the person has a [REDACTED] mental ~~illness~~ HEALTH  
4 DISORDER and, as a result of the [REDACTED] mental ~~illness~~ HEALTH DISORDER, is  
5 a danger to others or to himself or herself or is gravely disabled.

6 (2) The notice of certification must be signed by a professional  
7 person on the staff of the evaluation facility who participated in the  
8 evaluation and ~~shall~~ MUST state facts sufficient to establish reasonable  
9 grounds to believe that the person has a [REDACTED] mental ~~illness~~ HEALTH  
10 DISORDER and, as a result of the [REDACTED] mental ~~illness~~ HEALTH DISORDER, is  
11 a danger to others or to himself or herself or is gravely disabled. The  
12 certification ~~shall~~ MUST be filed with the court within forty-eight hours,  
13 excluding Saturdays, Sundays, and court holidays, of the date of  
14 certification. The certification ~~shall~~ MUST be filed with the court in the  
15 county in which the respondent resided or was physically present  
16 immediately prior to his or her being taken into custody.

17 **SECTION 238.** In Colorado Revised Statutes, 27-65-109, **amend**  
18 (1) introductory portion, (1)(a), (4), and (5) as follows:

19 **27-65-109. Long-term care and treatment of persons with [REDACTED]**  
20 **mental health disorders - procedure.** (1) Whenever a respondent has  
21 received short-term treatment for five consecutive months ~~under~~  
22 PURSUANT TO the provisions of sections 27-65-107 and 27-65-108, the  
23 professional person in charge of the evaluation and treatment may file a  
24 petition with the court for long-term care and treatment of the respondent  
25 under the following conditions:

26 (a) The professional staff of the agency or facility providing  
27 short-term treatment has analyzed the respondent's condition and has

1 found that the respondent has a [redacted] mental ~~illness~~ HEALTH DISORDER and,  
2 as a result of the [redacted] mental ~~illness~~ HEALTH DISORDER, is a danger to  
3 others or to himself or herself or is gravely disabled.

4 (4) The court or jury shall determine whether the conditions of  
5 subsection (1) of this section are met and whether the respondent has a  
6 [redacted] mental ~~illness~~ HEALTH DISORDER and, as a result of the [redacted] mental  
7 ~~illness~~ HEALTH DISORDER, is a danger to others or to himself or herself or  
8 is gravely disabled. The court shall thereupon issue an order of long-term  
9 care and treatment for a term not to exceed six months, or it shall  
10 discharge the respondent for whom long-term care and treatment was  
11 sought, or it shall enter any other appropriate order, subject to available  
12 appropriations. An order for long-term care and treatment ~~shall~~ MUST  
13 grant custody of the respondent to the department for placement with an  
14 agency or facility designated by the executive director to provide  
15 long-term care and treatment. When a petition contains a request that a  
16 specific legal disability be imposed or that a specific legal right be  
17 deprived, the court may order the disability imposed or the right deprived  
18 if ~~it~~ THE COURT or a jury has determined that the respondent has a [redacted]  
19 mental ~~illness~~ HEALTH DISORDER or is gravely disabled and that, by reason  
20 thereof, the person is unable to competently exercise said right or perform  
21 the function as to which the disability is sought to be imposed. Any  
22 interested person may ask leave of the court to intervene as a copetitioner  
23 for the purpose of seeking the imposition of a legal disability or the  
24 deprivation of a legal right.

25 (5) An original order of long-term care and treatment or any  
26 extension of such order ~~shall expire upon~~ EXPIRES ON the date specified,  
27 ~~therein~~, unless further extended as provided in this subsection (5). If an

1 extension is being sought, the professional person in charge of the  
2 evaluation and treatment shall certify to the court at least thirty days prior  
3 to the expiration date of the order in force that an extension of the order  
4 is necessary for the care and treatment of the respondent subject to the  
5 order in force, and a copy of the certification shall MUST be delivered to  
6 the respondent and simultaneously mailed to his or her attorney of record.  
7 At least twenty days before the expiration of the order, the court shall  
8 give written notice to the respondent and his or her attorney of record that  
9 a hearing upon the extension may be had before the court or a jury upon  
10 written request to the court within ten days after receipt of the notice. If  
11 ~~no~~ A hearing is NOT requested by the respondent within such time, the  
12 court may proceed ex parte. If a hearing is timely requested, it shall MUST  
13 be held before the expiration date of the order in force. If the court or jury  
14 finds that the conditions of subsection (1) of this section continue to be  
15 met and that the respondent has a [REDACTED] mental illness HEALTH DISORDER  
16 and, as a result of the [REDACTED] mental illness HEALTH DISORDER, is a danger to  
17 others or to himself or herself or is gravely disabled, the court shall issue  
18 an extension of the order. Any extension shall be for a period of not more  
19 than MUST NOT EXCEED six months, but there may be as many extensions  
20 as the court orders pursuant to this section.

21 **SECTION 239.** In Colorado Revised Statutes, 27-65-111, **amend**  
22 (1) as follows:

23 **27-65-111. Hearing procedures - jurisdiction.** (1) Hearings  
24 before the court ~~under~~ PURSUANT TO section 27-65-107, 27-65-108, or  
25 27-65-109 ~~shall be~~ ARE conducted in the same manner as other civil  
26 proceedings before the court. The burden of proof ~~shall be upon~~ IS ON the  
27 person or facility seeking to detain the respondent. The court or jury shall

1 determine that the respondent is in need of care and treatment only if the  
2 court or jury finds by clear and convincing evidence that the person has  
3 a      mental ~~illness~~ HEALTH DISORDER and, as a result of the      mental  
4 ~~illness~~ HEALTH DISORDER, is a danger to others or to himself or herself or  
5 is gravely disabled.

6 **SECTION 240.** In Colorado Revised Statutes, 27-65-121, **amend**  
7 (1) introductory portion, (1)(g), and (1)(h) as follows:

8 **27-65-121. Records.** (1) Except as provided in subsection (2) of  
9 this section, all information obtained and records prepared in the course  
10 of providing any services ~~under~~ PURSUANT TO this ~~article~~ ARTICLE 65 to  
11 individuals ~~under~~ PURSUANT TO any provision of this ~~article~~ shall be  
12 ARTICLE 65 ARE confidential and privileged matter. The information and  
13 records may be disclosed only:

14 (g) To adult family members upon admission of a person with a  
15      mental ~~illness~~ HEALTH DISORDER for inpatient or residential care and  
16 treatment. The only information THAT MAY BE released pursuant to this  
17 ~~paragraph (g) shall be~~ SUBSECTION (1)(g) IS the location and fact of  
18 admission of the person with a      mental ~~illness~~ HEALTH DISORDER who  
19 is receiving care and treatment. The disclosure of location is governed by  
20 the procedures in section 27-65-122 and is subject to review ~~under~~  
21 PURSUANT TO section 27-65-122.

22 (h) To adult family members actively participating in the care and  
23 treatment of a person with a      mental ~~illness~~ HEALTH DISORDER  
24 regardless of the length of the participation. The information released  
25 pursuant to this ~~paragraph (h) shall be~~ SUBSECTION (1)(h) IS limited to one  
26 or more of the following: The diagnosis, the prognosis, the need for  
27 hospitalization and anticipated length of stay, the discharge plan, the

1 medication administered and side effects of the medication, and the  
2 short-term and long-term treatment goals. The disclosure is governed by  
3 the procedures in section 27-65-122 (2) and is subject to review ~~under~~  
4 PURSUANT TO section 27-65-122.

5 **SECTION 241.** In Colorado Revised Statutes, 27-65-122, **amend**  
6 (1), (2), (3), (4), (6), and (7) as follows:

7 **27-65-122. Request for release of information - procedures -**  
8 **review of a decision concerning release of information.** (1) When a  
9 family member requests the location and fact of admission of a person  
10 with a ~~mental illness~~ HEALTH DISORDER pursuant to section 27-65-121  
11 (1)(g), the treating professional person or his or her designee, who ~~shall~~  
12 MUST be a professional person, shall decide whether to release or  
13 withhold such information. The location ~~shall~~ MUST be released unless the  
14 treating professional person or his or her designee determines, after an  
15 interview with the person with a ~~mental illness~~ HEALTH DISORDER,  
16 that release of the information to a particular family member would not  
17 be in the best interests of the person with a ~~mental illness~~ HEALTH  
18 DISORDER. Any decision to withhold information requested pursuant to  
19 section 27-65-121 (1)(g) is subject to administrative review pursuant to  
20 this section upon request of a family member or the person with a ~~mental illness~~  
21 HEALTH DISORDER. The treating facility shall make a record  
22 of the information given to a family member pursuant to this subsection  
23 (1). For the purposes of this subsection (1), an adult person having a  
24 similar relationship to a person with a ~~mental illness~~ HEALTH  
25 DISORDER as a spouse, parent, child, or sibling of a person with a ~~mental illness~~  
26 HEALTH DISORDER may also request the location and fact  
27 of admission concerning a person with a ~~mental illness~~ HEALTH

1 DISORDER.

2 (2) (a) When a family member requests information pursuant to  
3 section 27-65-121 (1)(h) concerning a person with a [REDACTED] mental illness  
4 HEALTH DISORDER, the treating professional person or his or her designee  
5 shall determine whether the person with a [REDACTED] mental illness HEALTH  
6 DISORDER is capable of making a rational decision in weighing his or her  
7 confidentiality interests and the care and treatment interests implicated by  
8 the release of information. The treating professional person or his or her  
9 designee shall then determine whether the person with a [REDACTED] mental illness  
10 HEALTH DISORDER consents or objects to ~~such~~ THE release OF  
11 INFORMATION. Information ~~shall~~ MUST be released or withheld in the  
12 following circumstances:

13 (I) If the treating professional person or his or her designee makes  
14 a finding that the person with a [REDACTED] mental illness HEALTH DISORDER is  
15 capable of making a rational decision concerning his or her interests and  
16 the person with a [REDACTED] mental illness HEALTH DISORDER consents to the  
17 release of information, the treating professional person or his or her  
18 designee shall order the release of the information unless he or she  
19 determines that the release would not be in the best interests of the person  
20 with a [REDACTED] mental illness HEALTH DISORDER.

21 (II) If the treating professional person or his or her designee  
22 makes a finding that the person with a [REDACTED] mental illness HEALTH  
23 DISORDER is capable of making a rational decision concerning his or her  
24 interests and the person with a [REDACTED] mental illness HEALTH DISORDER  
25 objects to the release of information, the treating professional person or  
26 his or her designee shall not order the release of the information.

27 (III) If the treating professional person or his or her designee

1 makes a finding that the person with a [REDACTED] mental illness HEALTH  
2 DISORDER is not capable of making a rational decision concerning his or  
3 her interests, the treating professional person or his or her designee may  
4 order the release of the information if he or she determines that the  
5 release would be in the best interests of the person with a [REDACTED] mental  
6 illness HEALTH DISORDER.

7 (IV) Any determination as to capacity ~~under~~ PURSUANT TO this  
8 ~~paragraph (a) shall~~ SUBSECTION (2)(a) MUST be used only for the limited  
9 purpose of this ~~paragraph~~ SUBSECTION (2)(a).

10 (b) A decision by a treating professional person or his or her  
11 designee concerning the capability of a person with a [REDACTED] mental illness  
12 ~~under subparagraph (III) of paragraph (a) of this subsection (2)~~ HEALTH  
13 DISORDER PURSUANT TO SUBSECTION (2)(a)(III) OF THIS SECTION is  
14 subject to administrative review upon the request of the person with a [REDACTED]  
15 mental illness HEALTH DISORDER. A decision by a treating professional  
16 person or his or her designee to order the release or withholding of  
17 information ~~under subparagraph (III) of paragraph (a) of this subsection~~  
18 ~~(2)~~ PURSUANT TO SUBSECTION (2)(a)(III) OF THIS SECTION is subject to  
19 administrative review upon the request of either a family member or the  
20 person with a [REDACTED] mental illness HEALTH DISORDER.

21 (c) The director of the treating facility shall make a record of any  
22 information given to a family member pursuant to ~~paragraph (a) of this~~  
23 ~~subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION and section 27-65-121  
24 (1)(h).

25 (3) When administrative review is requested either ~~under~~  
26 PURSUANT TO subsection (1) or ~~paragraph (b) of subsection (2)~~  
27 SUBSECTION (2)(b) of this section, the director of the facility providing

1 care and treatment to the person with a [REDACTED] mental illness HEALTH  
2 DISORDER shall cause an objective and impartial review of the decision to  
3 withhold or release information. THE DIRECTOR OF THE FACILITY SHALL  
4 CONDUCT the review, ~~shall be conducted by the director of the facility, if~~  
5 ~~he or she is a professional person. or by a professional person whom he~~  
6 ~~or she designates~~ If the director is not available or if the director cannot  
7 provide an objective and impartial review, THE REVIEW SHALL BE  
8 CONDUCTED BY A PROFESSIONAL PERSON DESIGNATED BY THE DIRECTOR  
9 OF THE FACILITY. The review ~~shall~~ MUST include, but need not be limited  
10 to, an interview with the person with a [REDACTED] mental illness HEALTH  
11 DISORDER. The facility providing care and treatment shall document the  
12 review of the decision.

13 (4) If a person with a [REDACTED] mental illness HEALTH DISORDER objects  
14 to the release or withholding of information, the person with a [REDACTED] mental  
15 illness HEALTH DISORDER and his or her attorney, if any, ~~shall~~ MUST be  
16 provided with information concerning the procedures for administrative  
17 review of a decision to release or withhold information. The person with  
18 a [REDACTED] mental illness HEALTH DISORDER ~~shall~~ MUST be informed of any  
19 information proposed to be withheld or released and to whom and ~~shall~~  
20 be given a reasonable opportunity to initiate the administrative review  
21 process before information concerning his or her care and treatment is  
22 released.

23 (6) A person with a [REDACTED] mental illness HEALTH DISORDER may file  
24 a written request for review by the court of a decision made upon  
25 administrative review to release information to a family member  
26 requested ~~under~~ PURSUANT TO section 27-65-121 (1)(h) and proposed to  
27 be released pursuant to subsection (2) of this section. If judicial review is

1 requested, the court shall hear the matter within ten days after the request,  
2 and the court shall give notice to the person with a [REDACTED] mental illness  
3 HEALTH DISORDER and his or her attorney, the treating professional  
4 person, and the person who made the decision upon administrative review  
5 of the time and place thereof OF THE HEARING. The hearing shall MUST be  
6 conducted in the same manner as other civil proceedings before the court.

7 (7) In order to allow a person with a [REDACTED] mental illness HEALTH  
8 DISORDER an opportunity to seek judicial review, the treating facility or  
9 the treating professional person or his or her designee shall not release  
10 information requested pursuant to section 27-65-121 (1)(h) until five days  
11 after the determination upon administrative review of the director or his  
12 or her designee is received by the person with a [REDACTED] mental illness HEALTH  
13 DISORDER, and, once judicial review is requested, THE TREATING FACILITY  
14 OR THE TREATING PROFESSIONAL PERSON OR HIS OR HER DESIGNEE SHALL  
15 NOT RELEASE information ~~shall not be released~~ except by court order.  
16 However, if the person with a [REDACTED] mental illness HEALTH DISORDER  
17 indicates an intention not to appeal a determination upon administrative  
18 review that is adverse to him or her concerning the release of information,  
19 the information may be released less than five days after the  
20 determination upon review is received by the person with a [REDACTED] mental  
21 illness HEALTH DISORDER.

22 **SECTION 242.** In Colorado Revised Statutes, 27-65-127, **amend**  
23 (1)(a) and (2)(a) as follows:

24 **27-65-127. Imposition of legal disability - deprivation of legal**  
25 **right - restoration.** (1) (a) When an interested person wishes to obtain  
26 a determination as to the imposition of a legal disability or the deprivation  
27 of a legal right for a person who has a [REDACTED] mental illness HEALTH

1 DISORDER and who is a danger to himself or herself or others, is gravely  
2 disabled, or is insane, as defined in section 16-8-101, ~~C.R.S.~~, and who is  
3 not then subject to proceedings ~~under~~ PURSUANT TO this ~~article~~ ARTICLE  
4 65 or part 3 or part 4 of article 14 of title 15, ~~C.R.S.~~, the interested person  
5 may petition the court for a specific finding as to the legal disability or  
6 deprivation of a legal right. Actions commenced pursuant to this  
7 subsection (1) may include but ~~shall~~ ARE not ~~be~~ limited to actions to  
8 determine contractual rights and rights with regard to the operation of  
9 motor vehicles.

10 (2) The court may impose a legal disability or may deprive a  
11 person of a legal right only upon finding both of the following:

12 (a) That the respondent is a person with a   mental ~~illness~~  
13 HEALTH DISORDER and is a danger to himself or herself or others, gravely  
14 disabled, or insane, as defined in section 16-8-101; ~~C.R.S.~~;

15 **SECTION 243.** In Colorado Revised Statutes, **amend** 27-65-130  
16 as follows:

17 **27-65-130. Mental health service standards for health care**  
18 **facilities.** The advisory board created by section 27-65-131 ~~shall be~~ IS  
19 responsible for recommending standards and rules relevant to the  
20 provisions of this ~~article~~ ARTICLE 65 for the programs of   mental health  
21 services to those patients in any health care facility that has either  
22 separate facilities for the care, treatment, and rehabilitation of persons  
23 with   mental health ~~problems~~ DISORDERS or those health care facilities  
24 that have as their only purpose the CARE AND treatment ~~and care~~ of such  
25 persons.

26 **SECTION 244.** In Colorado Revised Statutes, **amend** 27-65-131  
27 as follows:

1           **27-65-131. Advisory board - service standards and rules.** ~~There~~  
2 ~~is hereby established~~ An advisory board to the department IS ESTABLISHED  
3 for the purpose of assisting and advising the executive director in  
4 accordance with section 27-65-130 in the development of service  
5 standards and rules. The board ~~shall consist~~ CONSISTS of not less than  
6 eleven nor more than fifteen members appointed by the governor. ~~and~~  
7 ~~shall include~~ THE ADVISORY BOARD INCLUDES one representative each  
8 from ~~the unit in the department that administers behavioral health~~  
9 ~~programs and services, including those related to mental health and~~  
10 ~~substance abuse~~ THE OFFICE OF BEHAVIORAL HEALTH, the department of  
11 human services, the department of public health and environment, the  
12 university of Colorado health sciences center, and a leading professional  
13 association of psychiatrists in this state; at least one member representing  
14 proprietary skilled health care facilities; one member representing  
15 nonprofit health care facilities; one member representing the Colorado bar  
16 association; one member representing consumers of SERVICES FOR  
17 PERSONS WITH [REDACTED] mental health ~~services~~ DISORDERS; one member  
18 representing families of persons with [REDACTED] mental ~~illness~~ HEALTH  
19 DISORDERS; one member representing children's health care facilities; and  
20 other persons from both the private and the public sectors who are  
21 recognized or known to be interested and informed in the area of the  
22 board's purpose and function. In making appointments to the board, the  
23 governor is encouraged to include representation by at least one member  
24 who is a person with a disability, as defined in section 24-45.5-102 (2),  
25 C.R.S., a family member of a person with a disability, or a member of an  
26 advocacy group for persons with disabilities, provided that the other  
27 requirements of this section are met.

1           **SECTION 245.** In Colorado Revised Statutes, 27-66-101, **amend**  
2 the introductory portion, (1), (2) introductory portion, (3), and (6) as  
3 follows:

4           **27-66-101. Definitions.** As used in this ~~article~~ ARTICLE 66, unless  
5 the context otherwise requires:

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

14           (2) "Community mental health center" means either a physical  
15 plant or a group of services under unified administration or affiliated with  
16 one another, and including at least the following services provided for the  
17 prevention and treatment of BEHAVIORAL OR mental ~~illness~~ HEALTH  
18 DISORDERS in persons residing in a particular community in or near the  
19 facility so situated:

20           (3) "Community mental health clinic" means a health institution  
21 planned, organized, operated, and maintained to provide basic community  
22 services for the prevention, diagnosis, and treatment of emotional, ~~or~~  
23 BEHAVIORAL, OR mental HEALTH disorders, such services being rendered  
24 primarily on an outpatient and consultative basis.

25           (6) ~~"Unit" means the unit in the department that administers~~  
26 ~~behavioral health programs and services, including those related to mental~~  
27 ~~health and substance abuse~~ "OFFICE OF BEHAVIORAL HEALTH" MEANS THE

1 OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT.

2 **SECTION 246.** In Colorado Revised Statutes, 27-66-105, **amend**  
3 (1) introductory portion, (1)(f), and (2)(e) as follows:

4 **27-66-105. Standards for approval.** (1) In approving or  
5 rejecting community mental health clinics for the purchase of  
6 BEHAVIORAL OR mental health services, the executive director shall:

7 (f) Consider the existence of facilities that provide an emphasis on  
8 the care and treatment of persons recently released from ~~mental~~ hospitals  
9 or ~~institutions~~ FACILITIES directed toward assisting ~~said~~ persons WITH  
10 BEHAVIORAL OR MENTAL HEALTH DISORDERS in their adjustment to and  
11 functioning within society as a whole.

12 (2) In approving or rejecting local general or psychiatric hospitals,  
13 community mental health centers, acute treatment units, and other  
14 agencies for the purchase of services not provided by local mental health  
15 clinics, including, but not limited to, twenty-four-hour and partial  
16 hospitalization, the executive director shall consider the following factors:

17 (e) The methods by which the agency coordinates its services with  
18 those rendered by other agencies to ensure an uninterrupted continuum of  
19 care to persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS;  
20 and

21 **SECTION 247.** In Colorado Revised Statutes, 27-67-103, **amend**  
22 the introductory portion, (2)(a), and (3) introductory portion as follows:

23 **27-67-103. Definitions.** As used in this ~~article~~ ARTICLE 67, unless  
24 the context otherwise requires:

25 (2) "Child at risk of out-of-home placement" means a child who,  
26 although not otherwise categorically eligible for medicaid, meets the  
27 following criteria:

1 (a) Has been diagnosed as having a   mental ~~illness~~ HEALTH  
2 DISORDER, as defined in section ~~27-65-102 (14)~~ 27-65-102 (11.5);

3 (3) "Community mental health center" means either a physical  
4 plant or a group of services under unified administration or affiliated with  
5 one another and includes at least the following services provided for the  
6 prevention and treatment of BEHAVIORAL OR mental ~~illness~~ HEALTH  
7 DISORDERS in persons residing in a particular community in or near the  
8 facility or group so situated:

9 **SECTION 248.** In Colorado Revised Statutes, 27-69-101, **amend**  
10 (1) introductory portion, (1)(a), (1)(e), and (2) as follows:

11 **27-69-101. Legislative declaration.** (1) The general assembly  
12 ~~hereby~~ finds and declares that:

13 (a) Colorado families and youth have difficulties navigating the  
14 mental AND BEHAVIORAL health, physical health, substance abuse,  
15 INTELLECTUAL AND developmental disabilities, education, juvenile  
16 justice, child welfare, and other state and local systems that are  
17 compounded when the youth has a BEHAVIORAL, mental ~~illness~~ HEALTH,  
18 or co-occurring disorder;

19 (e) A family advocate or a family systems navigator helps state  
20 and local agencies and systems adopt more strengths-based-targeted  
21 programs, policies, and services to better meet the needs of families and  
22 their youth with BEHAVIORAL, mental ~~illness~~ HEALTH, or co-occurring  
23 disorders and improve outcomes for all, including families, youth, and the  
24 agencies they utilize;

25 (2) It is therefore in the state's best interest to develop rules and  
26 standards and provide technical assistance and coordination for the family  
27 advocacy mental health juvenile justice programs for system-of-care

1 family advocates and family systems navigators for BEHAVIORAL OR  
2 mental health juvenile justice populations who navigate across  
3 BEHAVIORAL OR mental health, physical health, substance abuse,  
4 INTELLECTUAL AND developmental disabilities, juvenile justice,  
5 education, child welfare, and other state and local systems to ensure  
6 sustained and thoughtful family participation in the planning processes of  
7 the care for their children and youth.

8 **SECTION 249.** In Colorado Revised Statutes, 27-69-102, **amend**  
9 the introductory portion and (1); **repeal** (10); and **add** (6.5) as follows:

10 **27-69-102. Definitions.** As used in this ~~article~~ ARTICLE 69, unless  
11 the context otherwise requires:

12 (1) "Co-occurring disorders" means disorders that commonly  
13 coincide with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS and may  
14 include, but are not limited to, substance ~~abuse~~, USE DISORDERS,  
15 INTELLECTUAL AND developmental disabilities, fetal alcohol syndrome,  
16 and traumatic brain injury.

17 (6.5) "OFFICE OF BEHAVIORAL HEALTH" MEANS THE OFFICE OF  
18 BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES.

19 (10) ~~"Unit" means the unit in the department of human services~~  
20 ~~that administers behavioral health programs and services, including those~~  
21 ~~related to mental health and substance abuse.~~

22 **SECTION 250.** In Colorado Revised Statutes, **amend** 27-69-103  
23 as follows:

24 **27-69-103. Programs established.** ~~There are hereby established~~  
25 THE family advocacy BEHAVIORAL AND mental health juvenile justice  
26 programs ARE ESTABLISHED for system-of-care family advocates and  
27 family systems navigators for ~~mental health~~ INDIVIDUALS WITH

1 BEHAVIORAL OR MENTAL HEALTH DISORDERS IN THE juvenile justice  
2 ~~populations that shall~~ POPULATION THAT MUST be implemented and  
3 monitored by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, with input,  
4 cooperation, and support from the division of criminal justice, created in  
5 section 24-33.5-502, ~~C.R.S.~~, the task force created in section 18-1.9-104,  
6 ~~C.R.S.~~, and family advocacy coalitions.

7 **SECTION 251.** In Colorado Revised Statutes, 27-69-104, **amend**  
8 (1), (2), (3) introductory portion, (3)(a), (3)(b), (3)(d) introductory  
9 portion, (3)(d)(III), and (3)(d)(IV) as follows:

10 **27-69-104. Program scope - rules.** (1) The ~~unit~~ OFFICE shall  
11 promulgate rules and standards, after consultation with family advocacy  
12 coalitions and other stakeholders, for family advocacy BEHAVIORAL AND  
13 mental health juvenile justice programs for system-of-care family  
14 advocates and family systems navigators for BEHAVIORAL OR mental  
15 health juvenile justice populations. The programs ~~shall~~ MUST:

16 (a) Focus on youth with BEHAVIORAL, mental ~~illness~~ HEALTH, or  
17 co-occurring disorders who are involved in or at risk of involvement with  
18 the juvenile justice system and be based upon the families' and youths'  
19 strengths; and

20 (b) Provide navigation, crisis response, integrated planning,  
21 transition services, and diversion from the juvenile justice system for  
22 youth with BEHAVIORAL, mental ~~illness~~ HEALTH, or co-occurring  
23 disorders.

24 (2) The ~~unit~~ OFFICE shall provide technical assistance and  
25 coordination of family advocacy BEHAVIORAL AND mental health juvenile  
26 justice programs throughout the state that provide system-of-care family  
27 advocates and family systems navigators for BEHAVIORAL OR mental

1 health juvenile justice populations with support to implement and sustain  
2 programs that best meet the needs of youth, families, and communities.

3 (3) Key components of the family advocacy BEHAVIORAL AND  
4 mental health juvenile justice programs for system-of-care family  
5 advocates and family systems navigators for BEHAVIORAL OR mental  
6 health juvenile justice populations shall include:

7 (a) Coordination with the key stakeholders involved in the local  
8 community to ensure consistent and effective collaboration. This  
9 collaboration may include, but need not be limited to, a family advocacy  
10 organization, representatives of the juvenile court, the probation  
11 department, the district attorney's office, the public defender's office, a  
12 school district, the division of youth corrections within the department of  
13 human services, a county department of social or human services, a local  
14 community mental health center, and a regional behavioral health  
15 organization, and may include representatives of a local law enforcement  
16 agency, a county public health department, a substance abuse USE  
17 DISORDER TREATMENT program, a community-centered board, a local  
18 juvenile services planning committee, and other community partners;

19 (b) Services to youth with BEHAVIORAL, mental illness HEALTH,  
20 or co-occurring disorders who are involved in or at risk of involvement  
21 with the juvenile justice system and other state and local systems;

22 (d) Services provided by system-of-care family advocates or  
23 family systems navigators for BEHAVIORAL OR mental health juvenile  
24 justice populations which services shall MUST include:

25 (III) Education programs related to BEHAVIORAL, mental illness  
26 HEALTH, OR co-occurring disorders; youth and family involvement in the  
27 system of care; the juvenile justice system; and other relevant systems;

1 (IV) Cooperative training programs for family advocates or family  
2 systems navigators and for staff, where applicable, of BEHAVIORAL OR  
3 mental health DISORDERS, physical health, substance abuse AND  
4 SUBSTANCE USE DISORDERS, INTELLECTUAL AND developmental  
5 disabilities, education, child welfare, juvenile justice, and other state and  
6 local systems related to the role and partnership between the family  
7 advocates or family systems navigators and the systems ~~that affect~~  
8 AFFECTING youth and their family;

9 **SECTION 252.** In Colorado Revised Statutes, 27-69-105, **amend**  
10 (3) introductory portion, (3)(a), and (3)(b) as follows:

11 **27-69-105. Evaluation and reporting.** (3) As determined by the  
12 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, in consultation with family  
13 advocacy programs, each integrated system-of-care family advocacy  
14 program for ~~mental health~~ INDIVIDUALS WITH BEHAVIORAL OR MENTAL  
15 HEALTH DISORDERS IN THE juvenile justice ~~populations~~ POPULATION shall  
16 forward data to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, including:

17 (a) System utilization outcomes, including, but not limited to,  
18 available data on services provided related to BEHAVIORAL OR mental  
19 health, physical health, juvenile justice, INTELLECTUAL AND  
20 developmental disabilities, substance abuse AND SUBSTANCE USE  
21 DISORDERS, child welfare, traumatic brain injuries, school services, and  
22 co-occurring disorders;

23 (b) Youth and family outcomes, related to, but not limited to,  
24 BEHAVIORAL OR mental health, substance abuse AND SUBSTANCE USE  
25 DISORDERS, INTELLECTUAL AND developmental disabilities, juvenile  
26 justice, and traumatic brain injury issues;

27 **SECTION 253.** In Colorado Revised Statutes, 27-80-101, **amend**

1 the introductory portion and (2); **repeal** (6); and **add** (4.7) as follows:

2 **27-80-101. Definitions.** As used in this ~~article~~ ARTICLE 80, unless  
3 the context otherwise requires:

4 (2) "Designated service area" means the geographical substate  
5 planning area specified by the director of the ~~unit~~ OFFICE OF BEHAVIORAL  
6 HEALTH to be served by a designated managed service organization, as  
7 described in section 27-80-107.

8 (4.7) "OFFICE OF BEHAVIORAL HEALTH" MEANS THE OFFICE OF  
9 BEHAVIORAL HEALTH IN THE DEPARTMENT.

10 (6) ~~"Unit" means the unit in the department that administers~~  
11 ~~behavioral health programs and services, including those related to mental~~  
12 ~~health and substance abuse.~~

13 **SECTION 254.** In Colorado Revised Statutes, 27-80-102, **amend**  
14 (1) introductory portion and (2) as follows:

15 **27-80-102. Duties of the office of behavioral health.** (1) The  
16 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall formulate a comprehensive  
17 state plan for ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER  
18 TREATMENT programs. THE OFFICE OF BEHAVIORAL HEALTH SHALL  
19 SUBMIT the state plan ~~shall be submitted~~ to the governor and, upon his or  
20 her approval, ~~shall be submitted~~ SUBMIT IT to the appropriate United  
21 States agency for review and approval. The state plan ~~shall~~ MUST include,  
22 but not be limited to:

23 (2) The department, acting by and through the ~~unit~~ OFFICE OF  
24 BEHAVIORAL HEALTH, is designated as the sole state agency for the  
25 supervision of the administration of the state plan.

26 **SECTION 255.** In Colorado Revised Statutes, 27-80-103, **amend**  
27 (1), (3) introductory portion, (3)(e), (4), and (5) as follows:

1           **27-80-103. Grants for public programs.** (1) The ~~unit~~ OFFICE OF  
2 BEHAVIORAL HEALTH may make grants, from ~~funds~~ MONEY appropriated  
3 by the general assembly for purposes of this section or available from any  
4 other governmental or private source, to approved public programs.

5           (3) In approving any public program, the ~~unit~~ OFFICE OF  
6 BEHAVIORAL HEALTH shall take into consideration the following:

7           (e) ~~Such~~ ANY other information as the ~~unit~~ OFFICE OF BEHAVIORAL  
8 HEALTH deems necessary.

9           (4) Applications for grants made ~~under~~ PURSUANT TO subsection  
10 (1) of this section ~~shall be~~ ARE made to the ~~unit~~ OFFICE OF BEHAVIORAL  
11 HEALTH, on forms furnished by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH,  
12 and ~~shall~~ MUST contain ~~such information as the unit may require~~ ANY  
13 INFORMATION THE OFFICE OF BEHAVIORAL HEALTH REQUIRES. Wherever  
14 possible, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall give priority to  
15 ~~those~~ public programs ~~which~~ THAT are community-based and include  
16 services to children and juveniles as well as adults, that provide a  
17 comprehensive range of services, and that evidence a high degree of  
18 community support, either financial or in the furnishing of services and  
19 facilities, or both.

20           (5) Whenever any department or agency of the state has ~~moneys~~  
21 MONEY available from any source for public programs, ~~such~~ THE  
22 department or agency is authorized to distribute the ~~moneys~~ MONEY in  
23 accordance with the state plan and to make reasonable rules for the  
24 administration of ~~such~~ THE public programs.

25           **SECTION 256.** In Colorado Revised Statutes, 27-80-104, **amend**  
26 (1) introductory portion, (1)(c), and (2) as follows:

27           **27-80-104. Cancellation of grants.** (1) The ~~unit~~ OFFICE OF

1 BEHAVIORAL HEALTH may cancel ~~any~~ A grant for any public program for  
2 any of the following reasons:

3 (c) The public program does not meet the standards or  
4 requirements adopted by the department or does not conform to the  
5 comprehensive state plan for ~~alcohol and drug abuse~~ SUBSTANCE USE  
6 DISORDER TREATMENT programs.

7 (2) Before canceling a grant for the reasons set forth in ~~paragraph~~  
8 ~~(c) of subsection (1)~~ SUBSECTION (1)(c) of this section, the ~~unit~~ OFFICE OF  
9 BEHAVIORAL HEALTH shall notify the person or agency in charge of the  
10 public program of the deficiency in the program, and ~~such~~ THE person or  
11 agency ~~shall~~ MUST be given a reasonable amount of time ~~within~~ IN which  
12 to correct the deficiency.

13 **SECTION 257.** In Colorado Revised Statutes, **amend** 27-80-106  
14 as follows:

15 **27-80-106. Purchase of prevention and treatment services.**

16 (1) Using ~~funds~~ MONEY appropriated for purposes of this section or  
17 available from any other governmental or private source, the ~~unit~~ OFFICE  
18 OF BEHAVIORAL HEALTH may purchase services for prevention or for  
19 treatment of alcohol and drug abuse OR SUBSTANCE USE DISORDERS or  
20 both types of services on a contract basis from any tribal nation or any  
21 public or private agency, organization, or institution approved by the ~~unit~~  
22 OFFICE OF BEHAVIORAL HEALTH. The services purchased may be any of  
23 those ~~which may be~~ provided through a public program, as set forth in  
24 section 27-80-103 (2). In contracting for services, the ~~unit~~ OFFICE OF  
25 BEHAVIORAL HEALTH shall attempt to obtain services that are in addition  
26 to, and not a duplication of, existing available services or services that are  
27 of a pilot or demonstration nature. ~~Any~~ AN agency operating a public

1 program may also purchase ~~such~~ services on a contract basis.

2 (2)(a) In addition to the services purchased pursuant to subsection  
3 (1) of this section, using ~~funds~~ MONEY appropriated for purposes of this  
4 section or available from any other governmental or private source, the  
5 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may purchase services for the  
6 treatment of alcohol and drug abuse OR SUBSTANCE USE DISORDERS on a  
7 contract basis from a designated managed service organization for a  
8 designated service area as set forth in section 27-80-107. A public or  
9 private agency, organization, or institution approved by the ~~unit~~ OFFICE  
10 OF BEHAVIORAL HEALTH through the process set forth in section  
11 27-80-107 may be designated as a designated managed service  
12 organization.

13 (b) Designated managed service organizations receiving ~~funds~~  
14 MONEY pursuant to this subsection (2) shall comply with all relevant  
15 provisions of ~~this article and the rules promulgated thereunder~~ AND RULES  
16 PROMULGATED PURSUANT TO THIS ARTICLE 80.

17 **SECTION 258.** In Colorado Revised Statutes, 27-80-107, **amend**  
18 (1), (2) introductory portion, (2)(b), (2)(d), (3), (4), (5), (6), and (7) as  
19 follows:

20 **27-80-107. Designation of managed service organizations -**  
21 **purchase of services - revocation of designation.** (1) The director of  
22 the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall establish designated service  
23 areas ~~for the provision of~~ TO PROVIDE SUBSTANCE USE DISORDER  
24 treatment services ~~for alcohol and drug abuse~~ in a particular geographical  
25 region of the state.

26 (2) ~~In order~~ To be selected as a designated managed service  
27 organization to provide services in a particular designated service area,

1 a private corporation; for profit or not for profit; or a public agency,  
2 organization, or institution shall apply to the ~~unit~~ OFFICE OF BEHAVIORAL  
3 HEALTH for ~~such~~ A designation in the form and manner specified by the  
4 executive director or the executive director's designee. ~~Such~~ THE  
5 designation process ~~shall be~~ IS in lieu of a competitive bid process ~~under~~  
6 PURSUANT TO the "Procurement Code", articles 101 to 112 of title 24.  
7 ~~C.R.S.~~ The director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall make  
8 the designation based on factors established by the executive director or  
9 the executive director's designee. The factors for designation established  
10 by the executive director or the executive director's designee ~~shall include~~  
11 ~~but shall not be limited to~~, the following:

12 (b) Whether the managed service organization has experience  
13 working with publicly funded clients, including expertise in treating  
14 priority populations designated by the ~~unit~~ OFFICE OF BEHAVIORAL  
15 HEALTH;

16 (d) Whether the managed service organization has experience  
17 using the cost-share principles used by the ~~unit~~ OFFICE OF BEHAVIORAL  
18 HEALTH in its contracts with providers and is willing to cost-share;

19 (3) The designation of a managed service organization by the  
20 director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, as described in  
21 subsection (2) of this section, ~~shall be considered~~ IS an initial decision of  
22 the department which may be reviewed by the executive director in  
23 accordance with the provisions of section 24-4-105. ~~C.R.S.~~ Review by the  
24 executive director in accordance with section 24-4-105 ~~C.R.S.~~, ~~shall~~  
25 ~~constitute~~ CONSTITUTES final agency action for purposes of judicial  
26 review.

27 (4) The terms and conditions for providing SUBSTANCE USE

1 DISORDER treatment services ~~shall~~ MUST be specified in the contract  
2 entered into between the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and the  
3 designated managed service organization.

4 (5) The contract may include a provisional designation for ninety  
5 days. At the conclusion of the ninety-day provisional period, the director  
6 of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may choose to revoke the  
7 contract or, subject to meeting the terms and conditions specified in the  
8 contract, may choose to extend the contract for a stated time period.

9 (6) A managed service organization that is designated to serve a  
10 designated service area may subcontract with a network of service  
11 providers to provide treatment services for alcohol and drug abuse AND  
12 SUBSTANCE USE DISORDERS within the particular designated service area.

13 (7) (a) The director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH  
14 may revoke the designation of a designated managed service organization  
15 upon a finding that the managed service organization is in violation of the  
16 performance of the provisions of ~~this article or the rules promulgated~~  
17 ~~thereunder. Such~~ OR RULES PROMULGATED PURSUANT TO THIS ARTICLE 80.  
18 THE revocation ~~shall~~ MUST conform to the provisions and procedures  
19 specified in article 4 of title 24, C.R.S., and ~~shall be made~~ OCCUR only  
20 after notice and an opportunity for a hearing is provided as specified in  
21 ~~that article~~ ARTICLE 4 OF TITLE 24. A hearing to revoke a designation as  
22 a designated managed service organization ~~shall constitute~~ CONSTITUTES  
23 final agency action for purposes of judicial review.

24 (b) Once a designation has been revoked pursuant to ~~paragraph (a)~~  
25 ~~of this subsection (7)~~ SUBSECTION (7)(a) OF THIS SECTION, the director of  
26 the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may designate one or more  
27 service providers to provide the treatment services pending designation

1 of a new designated managed service organization or may enter into  
2 contracts with subcontractors to provide the treatment services.

3 (c) From time to time, the director of the ~~unit~~ OFFICE OF  
4 BEHAVIORAL HEALTH may solicit applications from applicants for  
5 managed service organization designation to provide SUBSTANCE USE  
6 DISORDER treatment services for a specified planning area or areas.

7 **SECTION 259.** In Colorado Revised Statutes, **amend** 27-80-108  
8 as follows:

9 **27-80-108. Rules.** (1) The state board of human services, created  
10 in section 26-1-107, ~~C.R.S.~~, has the power to promulgate rules governing  
11 the provisions of this ~~article.~~ ~~Such~~ ARTICLE 80. THE rules may include, but  
12 ~~shall not be~~ ARE NOT limited to:

13 (a) Requirements ~~to be met in~~ FOR the operation of a public  
14 program, including record keeping and data compilation;

15 (b) Conditions that may be imposed on a public program ~~in order~~  
16 for the program to maintain GRANT eligibility; ~~for a grant;~~

17 (c) Requirements for public and private agencies, organizations,  
18 and institutions from which the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may  
19 purchase services ~~under~~ PURSUANT TO section 27-80-106 (1);

20 (d) Requirements for managed service organizations that are  
21 designated by the director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH to  
22 provide services in a designated service area ~~under~~ PURSUANT TO section  
23 27-80-106 (2);

24 (e) Standards that ~~must be met by~~ addiction counselors MUST  
25 MEET to participate in public programs or to provide purchased services  
26 and certification requirements necessary to be certified by the director of  
27 the division of professions and occupations, pursuant to part 8 of article

1 43 of title 12; ~~C.R.S.~~;

2 (f) Any rules that are necessary to carry out the purposes of the  
3 treatment program for high-risk pregnant women ~~that is created pursuant~~  
4 ~~to~~ CREATED IN section 27-80-112.

5 **SECTION 260.** In Colorado Revised Statutes, **amend** 27-80-109  
6 as follows:

7 **27-80-109. Coordination of state and federal funds and**  
8 **programs.** (1) ~~All~~ Requests for state appropriations for alcohol and drug  
9 ~~abuse~~ SUBSTANCE USE DISORDER TREATMENT programs ~~shall~~ MUST be  
10 submitted to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and the office of  
11 state planning and budgeting on dates specified by the ~~unit~~ OFFICE OF  
12 BEHAVIORAL HEALTH, consistent with requirements and procedures of the  
13 office of state planning and budgeting. After studying each request, the  
14 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall make a report ~~thereon~~, with its  
15 comments and recommendations, including priorities for appropriations  
16 and a statement as to whether the requested appropriation would be  
17 consistent with the comprehensive state plan for alcohol and drug abuse  
18 SUBSTANCE USE DISORDER TREATMENT programs. ~~The reports of the unit~~  
19 ~~shall be submitted~~ OFFICE OF BEHAVIORAL HEALTH SHALL SUBMIT ITS  
20 REPORTS to the governor, the office of state planning and budgeting, and  
21 the joint budget committee, together with all pertinent material on which  
22 the REPORT'S recommendations ~~of the unit~~ are based.

23 (2) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall also review  
24 applications for federal grants for alcohol and drug abuse SUBSTANCE USE  
25 DISORDER TREATMENT programs submitted by any department or agency  
26 of state government; ~~by any~~ political subdivision of the state; ~~by any~~  
27 Indian tribal reservation; or ~~by any~~ other public or private agency,

1 organization, or institution. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall  
2 transmit to the division of planning and to the appropriate United States  
3 agency its comments and recommendations, together with a statement as  
4 to whether the grant would be consistent with the comprehensive state  
5 plan for ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER TREATMENT  
6 programs.

7 **SECTION 261.** In Colorado Revised Statutes, **amend** 27-80-110  
8 as follows:

9 **27-80-110. Reports.** The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH  
10 shall submit a report, not later than November 1 of each year, to the  
11 health and human services committees of the senate and house of  
12 representatives, or any successor committees, on the costs and  
13 effectiveness of ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER  
14 programs in this state and on recommended legislation in the field of  
15 alcohol and drug abuse AND SUBSTANCE USE DISORDERS.

16 **SECTION 262.** In Colorado Revised Statutes, **amend** 27-80-111  
17 as follows:

18 **27-80-111. Counselor training - fund created.** (1) The  
19 executive director shall establish by rule fees to be charged for addiction  
20 counselor training. The amount assessed ~~shall~~ MUST be sufficient to cover  
21 a portion of the costs of administering ~~such~~ THE training, and the ~~moneys~~  
22 MONEY collected ~~therefor shall~~ MUST be deposited in the addiction  
23 counselor training fund. Additional funding may be obtained from  
24 general, cash, or federal funds otherwise appropriated to the ~~unit~~ OFFICE  
25 OF BEHAVIORAL HEALTH.

26 (2) There is ~~hereby~~ created in the office of the state treasurer the  
27 addiction counselor training ~~fund. Moneys~~ FUND, REFERRED TO IN THIS

1 SECTION AS THE "FUND". MONEY collected pursuant to subsection (1) of  
2 this section shall be deposited in the fund. The ~~moneys~~ MONEY in the fund  
3 ~~shall be~~ IS subject to annual appropriation by the general assembly to the  
4 department for allocation to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH for  
5 the administration of addiction counselor training requirements  
6 established by rules of the state board of human services pursuant to  
7 section 27-80-108 (1)(e). ~~Moneys~~ MONEY in the fund at the end of the  
8 fiscal year ~~shall~~ MUST remain in the fund and ~~shall~~ not revert to the  
9 general fund.

10 **SECTION 263.** In Colorado Revised Statutes, **amend** 27-80-113  
11 as follows:

12 **27-80-113. Substance use and addiction counseling and**  
13 **treatment - necessary components.** Any entity that qualifies to provide  
14 services pursuant to section 25.5-5-202 (1)(r) ~~C.R.S.~~, in regard to the  
15 treatment program for high-risk pregnant women, shall make available,  
16 in addition to ~~alcohol and drug~~ SUBSTANCE USE and addiction counseling  
17 and treatment: Risk assessment services; care coordination; nutrition  
18 assessment; psychosocial counseling; intensive health education,  
19 including ~~but not limited to~~ parenting education and education on risk  
20 factors and appropriate health behaviors; home visits; transportation  
21 services; and other services deemed necessary by the ~~unit~~ OFFICE OF  
22 BEHAVIORAL HEALTH and the department of health care policy and  
23 financing.

24 **SECTION 264.** In Colorado Revised Statutes, 27-80-116, **amend**  
25 (1) introductory portion and (1)(b.5) as follows:

26 **27-80-116. Fetal alcohol spectrum disorders - legislative**  
27 **declaration - health warning signs.** (1) The general assembly hereby

1 finds and declares that:

2 (b.5) Compared to individuals diagnosed before age twelve,  
3 individuals with undiagnosed FASD are two to four times more likely to  
4 suffer from inappropriate sexual behavior; disrupted school experiences;  
5 trouble with the law; ~~drug and alcohol~~ AND SUBSTANCE problems or  
6 disorders; or confinement in a jail, ~~mental~~ A hospital OR TREATMENT  
7 FACILITY FOR PERSONS WITH BEHAVIORAL OR MENTAL HEALTH DISORDERS,  
8 or ~~drug and alcohol~~ A SUBSTANCE USE DISORDER treatment facility;

9 **SECTION 265.** In Colorado Revised Statutes, 27-80-117, **amend**  
10 (2) and (3) as follows:

11 **27-80-117. Rural alcohol and substance abuse prevention and**  
12 **treatment program - creation - administration - definitions - cash**  
13 **fund - repeal.** (2) (a) (I) There is ~~hereby~~ created the rural alcohol and  
14 substance abuse prevention and treatment program ~~within the unit~~ IN THE  
15 OFFICE OF BEHAVIORAL HEALTH to provide:

16 (A) Prevention and treatment services to youth in rural areas.  
17 ~~which~~ THE services may include ~~but need not be limited to~~ providing  
18 alternative activities for youth through the rural youth alcohol and  
19 substance abuse prevention and treatment project; and

20 (B) Treatment services ~~to persons addicted to alcohol or drugs~~  
21 through the rural detoxification project FOR PERSONS WITH SUBSTANCE  
22 USE DISORDERS.

23 (II) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall administer the  
24 program pursuant to rules adopted by the state board of human services  
25 as of January 1, 2010, or as amended by the state board. ~~thereafter.~~

26 (b) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall incorporate  
27 provisions to implement the program into its regular contracting

1 mechanism for the purchase of prevention and treatment services  
2 pursuant to section 27-80-106, including ~~but not limited to~~ detoxification  
3 programs. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall develop a  
4 method to equitably distribute and provide additional ~~moneys~~ MONEY  
5 through contracts to provide for prevention services for and treatment of  
6 persons in rural areas.

7 (c) Notwithstanding any provision of this section to the contrary,  
8 the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall implement the program on  
9 or after January 1, 2011, subject to the availability of sufficient ~~moneys~~  
10 MONEY to operate an effective program, as determined by the ~~unit~~ OFFICE.

11 (3) (a) There is created in the state treasury the rural alcohol and  
12 substance abuse cash fund, referred to in this section as the "fund", that  
13 consists of the rural youth alcohol and substance abuse prevention and  
14 treatment account, referred to in this section as the "youth account", and  
15 the rural detoxification account, referred to in this section as the  
16 "detoxification account". The fund is comprised of ~~moneys~~ MONEY  
17 collected from surcharges assessed pursuant to sections 18-19-103.5,  
18 42-4-1307 (10)(d)(I), and 42-4-1701 (4)(f). ~~C.R.S., which moneys shall~~  
19 THE MONEY COLLECTED FROM THE SURCHARGES MUST be divided equally  
20 between the youth account and the detoxification account. ~~and any~~  
21 ~~moneys~~ THE FUND ALSO INCLUDES ANY MONEY credited to the fund  
22 pursuant to ~~paragraph (b) of this subsection (3), which moneys shall~~  
23 SUBSECTION (3)(b) OF THIS SECTION. MONEY IN THE FUND CREDITED  
24 PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION MUST be divided  
25 equally between the youth account and the detoxification account unless  
26 the grantee or donor specifies to which account the grant, gift, or donation  
27 is to be credited. The ~~moneys~~ MONEY in the fund ~~are~~ IS subject to annual

1 appropriation by the general assembly to the ~~unit~~ OFFICE OF BEHAVIORAL  
2 HEALTH for the purpose of implementing the program. All interest derived  
3 from the deposit and investment of ~~moneys~~ MONEY in the fund remains  
4 in the fund. Any unexpended or unencumbered ~~moneys~~ MONEY remaining  
5 in the fund at the end of a fiscal year ~~remain~~ REMAINS in the fund and  
6 shall not be transferred or credited to the general fund or another fund;  
7 except that any unexpended and unencumbered ~~moneys~~ MONEY remaining  
8 in the fund as of August 30, 2025, ~~shall be~~ IS credited to the general fund.

9 (b) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH is authorized to  
10 accept ~~any~~ grants, gifts, or donations from any private or public source on  
11 behalf of the state for the purpose of the program. The ~~unit~~ OFFICE OF  
12 BEHAVIORAL HEALTH shall transmit all private and public ~~moneys~~ MONEY  
13 received through grants, gifts, or donations to the state treasurer, who  
14 shall credit the same to the fund.

15 **SECTION 266.** In Colorado Revised Statutes, 27-80-203, **amend**  
16 (9), (14), and (25); **repeal** (1) and (2); and **add** (23.3) and (23.5) as  
17 follows:

18 **27-80-203. Definitions.** As used in this part 2, unless the context  
19 otherwise requires:

20 (1) ~~"Addict" means a person who has a physical or psychological~~  
21 ~~dependence on a controlled substance, which dependence develops~~  
22 ~~following the use of the controlled substance on a periodic or continuing~~  
23 ~~basis and is demonstrated by appropriate observation and tests by a~~  
24 ~~person licensed to practice medicine pursuant to article 36 of title 12.~~  
25 ~~C.R.S.~~

26 (2) ~~"Addiction program" means a program licensed under this part~~  
27 ~~2 for the detoxification, withdrawal, or maintenance treatment of addicts.~~

1 (9) "Detoxification treatment" means a program for a short term  
2 of not more than three weeks for the administering or dispensing, in  
3 decreasing doses, of a controlled substance to ~~an addict~~ A PERSON WITH  
4 A SUBSTANCE USE DISORDER while he or she is receiving appropriate  
5 supportive medical treatment, with the immediate goal being to render the  
6 ~~addict~~ PERSON no longer dependent on the intake of any amount of a  
7 controlled substance.

8 (14) "Maintenance treatment" means a program of more than six  
9 months' duration for the administering or dispensing of a controlled  
10 substance, approved for such use by federal law or regulation, to ~~an addict~~  
11 A PERSON WITH A SUBSTANCE USE DISORDER for the purpose of continuing  
12 his or her dependence upon a controlled substance in the course of  
13 conducting an authorized rehabilitation program for ~~addicts~~ PERSONS  
14 WITH SUBSTANCE USE DISORDERS, with a long-term goal of decreasing the  
15 ~~addict's~~ PERSON'S controlled substance dependency and leading to his or  
16 her possible withdrawal.

17 (23.3) "SUBSTANCE USE DISORDER" MEANS A PHYSICAL OR  
18 PSYCHOLOGICAL DEPENDENCE ON A CONTROLLED SUBSTANCE THAT  
19 DEVELOPS FOLLOWING THE USE OF THE CONTROLLED SUBSTANCE ON A  
20 PERIODIC OR CONTINUING BASIS AND IS DEMONSTRATED BY APPROPRIATE  
21 OBSERVATION AND TESTS BY A PERSON LICENSED TO PRACTICE MEDICINE  
22 PURSUANT TO ARTICLE 36 OF TITLE 12.

23 (23.5) "SUBSTANCE USE DISORDER TREATMENT PROGRAM" MEANS  
24 A PROGRAM LICENSED PURSUANT TO THIS PART 2 FOR THE  
25 DETOXIFICATION, WITHDRAWAL, OR MAINTENANCE TREATMENT OF A  
26 PERSON WITH A SUBSTANCE USE DISORDER.

27 (25) "Withdrawal treatment" means a program for an intermediate

1 term, of more than three weeks but less than six months, for the  
2 administering or dispensing, in decreasing doses, of a controlled  
3 substance, approved for such use by federal law or regulation, to ~~an addict~~  
4 A PERSON WITH A SUBSTANCE USE DISORDER while receiving rehabilitative  
5 measures as indicated, with the immediate goal being to render the ~~addict~~  
6 PERSON WITH THE SUBSTANCE USE DISORDER no longer dependent on the  
7 intake of any amount of a controlled substance.

8 **SECTION 267.** In Colorado Revised Statutes, 27-80-204, **amend**  
9 (1)(a) and (1)(b)(II) as follows:

10 **27-80-204. License required - controlled substances - repeal.**

11 (1) (a) In accordance with part 3 of article 18 of title 18, ~~C.R.S., an~~  
12 ~~addiction~~ A SUBSTANCE USE DISORDER TREATMENT program that  
13 compounds, administers, or dispenses a controlled substance shall  
14 annually obtain a license issued by the department for each place of  
15 business or professional practice located in this state.

16 (b) (II) Prior to the repeal, the department of regulatory agencies  
17 shall review the licensing functions of the department as provided in  
18 section 24-34-104. ~~C.R.S.~~ In conducting the review, the department of  
19 regulatory agencies shall consider whether the licensing pursuant to this  
20 subsection (1) should be combined with the licensing of any other ~~drug~~  
21 ~~and alcohol addiction~~ SUBSTANCE USE DISORDER treatment programs by  
22 the department.

23 **SECTION 268.** In Colorado Revised Statutes, 27-80-205, **amend**  
24 (1) introductory portion and (3)(a.5) as follows:

25 **27-80-205. Issuance of license - fees.** (1) The department, as  
26 provided in section 27-80-204 (1), shall issue the appropriate license to  
27 each researcher and ~~addiction~~ SUBSTANCE USE DISORDER TREATMENT

1 program meeting all the requirements of this part 2 unless it determines  
2 that the issuance of the license would be inconsistent with the public  
3 interest. In determining the public interest, the department shall consider  
4 the following factors:

5 (3) (a.5) The department may administratively set initial and  
6 annual license fees for ~~addiction~~ SUBSTANCE USE DISORDER TREATMENT  
7 programs to approximate the direct and indirect costs of the program.

8 **SECTION 269.** In Colorado Revised Statutes, 27-80-213, **amend**  
9 (2) as follows:

10 **27-80-213. Rules.** (2) The department shall promulgate rules, in  
11 accordance with article 4 of title 24, ~~C.R.S.~~, for research programs and for  
12 the conduct of detoxification treatment, maintenance treatment, and  
13 withdrawal treatment programs for ~~controlled substance addiction~~  
14 SUBSTANCE USE DISORDERS RELATED TO CONTROLLED SUBSTANCES.

15 **SECTION 270.** In Colorado Revised Statutes, **amend** 27-81-101  
16 as follows:

17 **27-81-101. Legislative declaration.** (1) It is the policy of this  
18 state that ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and  
19 intoxicated persons may not be subjected to criminal prosecution because  
20 of their consumption of alcoholic beverages but rather should be afforded  
21 a continuum of treatment ~~in order that~~ SO they may lead normal lives as  
22 productive members of society. The general assembly ~~hereby~~ finds and  
23 declares that ~~alcoholism~~ ALCOHOL USE DISORDERS and intoxication are  
24 matters of statewide concern.

25 (2) With the passage of this ~~article~~ ARTICLE 81 at its first regular  
26 session in 1973, the forty-ninth general assembly ~~has~~ recognized the  
27 character and pervasiveness of alcohol abuse and ~~alcoholism~~ ALCOHOL

1 USE DISORDERS and that public intoxication and ~~alcoholism~~ ALCOHOL USE  
2 DISORDERS are health problems that should be handled by public health  
3 rather than criminal procedures. The general assembly further finds and  
4 declares that no other health problem has been so seriously neglected and  
5 that, while the costs of dealing with the problem are burdensome, the  
6 social and economic costs and the waste of human resources caused by  
7 alcohol abuse and ~~alcoholism~~ ALCOHOL USE DISORDERS are massive,  
8 tragic, and no longer acceptable. The general assembly believes that the  
9 best interests of this state demand an across-the-board AND locally  
10 oriented attack on the PROBLEM OF massive alcohol abuse and ~~alcoholism~~  
11 ~~problem~~ ALCOHOL USE DISORDERS and that this ~~article~~ ARTICLE 81 will  
12 provide a base from which to launch the attack and reduce the tragic  
13 human loss, but only if adequately funded. Therefore, in response to the  
14 needs as determined by an ad hoc committee and to assist in the  
15 implementation of this ~~article~~ ARTICLE 81 at both the local and state level,  
16 the general assembly hereby appropriates ~~moneys~~ MONEY for: Receiving  
17 and screening centers and their staffs; medical detoxification; intensive  
18 treatment; halfway house care; outpatient rehabilitative therapy;  
19 orientation, education, and in-service training; staff for the administration,  
20 monitoring, and evaluation of the program; and operating costs for patient  
21 transportation.

22 **SECTION 271.** In Colorado Revised Statutes, 27-81-102, **amend**  
23 the introductory portion, (1), (3), (6), and (14); **repeal** (15); and **add**  
24 (13.5) as follows:

25 **27-81-102. Definitions.** As used in this ~~article~~ ARTICLE 81, unless  
26 the context otherwise requires:

27 (1) "Alcoholic" means a person who ~~habitually lacks self-control~~

1 ~~as to the use of alcoholic beverages or uses alcoholic beverages to the~~  
2 ~~extent that his or her health is substantially impaired or endangered or his~~  
3 ~~or her social or economic function is substantially disrupted. Nothing in~~  
4 ~~this subsection (1) shall preclude the denomination of an alcoholic as~~  
5 ~~intoxicated by alcohol or incapacitated by alcohol~~ "ALCOHOL USE  
6 DISORDER" MEANS A CONDITION BY WHICH A PERSON HABITUALLY LACKS  
7 SELF-CONTROL AS TO THE USE OF ALCOHOLIC BEVERAGES OR USES  
8 ALCOHOLIC BEVERAGES TO THE EXTENT THAT HIS OR HER HEALTH IS  
9 SUBSTANTIALLY IMPAIRED OR ENDANGERED OR HIS OR HER SOCIAL OR  
10 ECONOMIC FUNCTION IS SUBSTANTIALLY DISRUPTED. NOTHING IN THIS  
11 SUBSECTION (1) PRECLUDES THE DENOMINATION OF A PERSON WITH AN  
12 ALCOHOL USE DISORDER AS INTOXICATED BY ALCOHOL OR INCAPACITATED  
13 BY ALCOHOL.

14 (3) "Approved public treatment facility" means a treatment agency  
15 operating under the direction and control of or approved by the ~~unit~~  
16 OFFICE OF BEHAVIORAL HEALTH or providing treatment ~~under this article~~  
17 PURSUANT TO THIS ARTICLE 81 through a contract with the ~~unit~~ ~~under~~  
18 OFFICE OF BEHAVIORAL HEALTH PURSUANT TO section 27-81-105 (7) and  
19 meeting the standards prescribed in section 27-81-106 (1) and approved  
20 ~~under~~ PURSUANT TO section 27-81-106.

21 (6) "Director" means the director of the ~~unit~~ OFFICE OF  
22 BEHAVIORAL HEALTH.

23 (13.5) "OFFICE OF BEHAVIORAL HEALTH" MEANS THE OFFICE OF  
24 BEHAVIORAL HEALTH IN THE DEPARTMENT.

25 (14) "Treatment" means the broad range of emergency, outpatient,  
26 intermediate, and inpatient services and care, including diagnostic  
27 evaluation, medical, psychiatric, psychological, and social service care,

1 vocational rehabilitation, and career counseling that may be extended to  
2 ~~alcoholics~~ A PERSON WITH AN ALCOHOL USE DISORDER and intoxicated  
3 persons.

4 (15) ~~"Unit" means the unit in the department that administers~~  
5 ~~behavioral health programs and services, including those related to mental~~  
6 ~~health and substance abuse.~~

7 **SECTION 272.** In Colorado Revised Statutes, 27-81-103, **amend**  
8 (1) introductory portion, (1)(a), (1)(b), (1)(d), (1)(e), and (1)(h) as  
9 follows:

10 **27-81-103. Powers of the office of behavioral health.** (1) To  
11 carry out the purposes of this ~~article, the unit~~ ARTICLE 81, THE OFFICE OF  
12 BEHAVIORAL HEALTH may:

13 (a) Plan, establish, and maintain ALCOHOL USE DISORDER  
14 treatment programs as necessary or desirable;

15 (b) Make contracts necessary or incidental to the performance of  
16 its duties and the execution of its powers, including contracts with public  
17 and private agencies, organizations, and individuals to pay them for  
18 services rendered or furnished to ~~alcoholics~~ PERSONS WITH ALCOHOL USE  
19 DISORDERS or intoxicated persons;

20 (d) Administer or supervise the administration of the provisions  
21 relating to ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and  
22 intoxicated persons of any state plan submitted for federal funding  
23 pursuant to federal health, welfare, or treatment legislation;

24 (e) Coordinate its activities and cooperate with ~~alcoholism~~  
25 ALCOHOL USE DISORDER TREATMENT programs in this state and other  
26 states and make contracts and other joint or cooperative arrangements  
27 with state, local, or private agencies in this state and other states for the

1 treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and  
2 intoxicated persons and for the common advancement of ~~alcoholism~~  
3 ALCOHOL USE DISORDER TREATMENT programs;

4 (h) Acquire, hold, or dispose of real property, or any interest  
5 therein, and construct, lease, or otherwise provide ALCOHOL USE  
6 DISORDER treatment facilities for ~~alcoholics~~ PERSONS WITH ALCOHOL USE  
7 DISORDERS and intoxicated persons.

8 **SECTION 273.** In Colorado Revised Statutes, **amend** 27-81-104  
9 as follows:

10 **27-81-104. Duties of the office of behavioral health - review.**

11 (1) In addition to duties prescribed by section 27-80-102, the ~~unit~~ OFFICE  
12 OF BEHAVIORAL HEALTH shall:

13 (a) Develop, encourage, and foster statewide, regional, and local  
14 plans and programs for the prevention of ~~alcoholism~~ ALCOHOL USE  
15 DISORDERS and treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE  
16 DISORDERS and intoxicated persons in cooperation with public and private  
17 agencies, organizations, and individuals and provide technical assistance  
18 and consultation services for these purposes;

19 (b) Coordinate the efforts and enlist the assistance of all public  
20 and private agencies, organizations, and individuals interested in  
21 prevention of ~~alcoholism~~ ALCOHOL USE DISORDERS and treatment of  
22 ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated  
23 persons;

24 (c) Utilize community mental health centers and clinics whenever  
25 feasible;

26 (d) Cooperate with the department of corrections in establishing  
27 and conducting programs for the prevention of ~~alcoholism~~ ALCOHOL USE

1 DISORDERS and treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE  
2 DISORDERS and intoxicated persons in appropriate agencies and  
3 institutions and for ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS  
4 and intoxicated persons in or on parole from correctional institutions and  
5 in carrying out duties specified ~~under paragraphs (i) and (k) of this~~  
6 ~~subsection (1)~~ IN SUBSECTIONS (1)(i) AND (1)(k) OF THIS SECTION;

7 (e) Cooperate with the department of education, schools, police  
8 departments, courts, and other public and private agencies, organizations,  
9 and individuals in establishing programs for the prevention of ~~alcoholism~~  
10 ALCOHOL USE DISORDERS and treatment of ~~alcoholics~~ PERSONS WITH  
11 ALCOHOL USE DISORDERS and intoxicated persons and preparing  
12 curriculum materials ~~thereon~~ for use at all levels of school education;

13 (f) Prepare, publish, evaluate, and disseminate educational  
14 material dealing with the nature and effects of alcohol;

15 (g) Develop and implement, as an integral part of ALCOHOL USE  
16 DISORDER treatment programs, an educational program for use in the  
17 treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and  
18 intoxicated persons. ~~which~~ THE program ~~shall~~ MUST include the  
19 dissemination of information concerning the nature and effects of alcohol;

20 (h) Organize and foster training programs for all persons engaged  
21 in treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and  
22 intoxicated persons;

23 (i) Sponsor and encourage research into the causes and nature of  
24 ~~alcoholism~~ ALCOHOL USE DISORDERS and treatment of ~~alcoholics~~ PERSONS  
25 WITH ALCOHOL USE DISORDERS and intoxicated persons, and serve as a  
26 clearinghouse for information relating to ~~alcoholism~~ ALCOHOL USE  
27 DISORDERS;

1 (j) Specify uniform methods for keeping statistical information by  
2 public and private agencies, organizations, and individuals and collect  
3 and make available relevant statistical information, including number of  
4 persons treated, frequency of admission and readmission, and frequency  
5 and duration of treatment;

6 (k) Advise the governor in the preparation of a comprehensive  
7 plan for treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS  
8 and intoxicated persons for inclusion in the state's comprehensive health  
9 plan;

10 (l) Review all state health, welfare, and treatment plans to be  
11 submitted for federal funding under federal legislation and advise the  
12 governor on provisions to be included relating to ~~alcoholism~~ ALCOHOL  
13 USE DISORDERS, PERSONS WITH ALCOHOL USE DISORDERS, and intoxicated  
14 persons;

15 (m) Assist in the development of, and cooperate with, alcohol  
16 education and treatment programs for employees of state and local  
17 governments and businesses and industries in this state;

18 (n) Utilize the support and assistance of interested persons in the  
19 community, particularly ~~recovered alcoholics~~ PERSONS WITH ALCOHOL  
20 USE DISORDERS THAT ARE IN REMISSION, to encourage ~~alcoholics~~ PERSONS  
21 WITH ALCOHOL USE DISORDERS TO voluntarily ~~to~~ undergo treatment;

22 (o) Cooperate with the department of transportation in  
23 establishing and conducting programs designed to deal with the problem  
24 of persons operating motor vehicles while under the influence of, or  
25 impaired by, alcohol;

26 (p) Encourage general hospitals and other appropriate health  
27 facilities to admit without discrimination ~~alcoholics~~ PERSONS WITH

1 ALCOHOL USE DISORDERS and intoxicated persons and to provide them  
2 with adequate and appropriate treatment;

3 (q) Encourage all health and disability insurance programs to  
4 include ~~alcoholism~~ ALCOHOL USE DISORDERS as a covered illness; and

5 (r) Submit to the governor an annual report covering the activities  
6 of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH.

7 **SECTION 274.** In Colorado Revised Statutes, **amend** 27-81-105  
8 (1), (2) introductory portion, (3), (4), and (7) as follows:

9 **27-81-105. Comprehensive program for treatment - regional**  
10 **facilities.** (1) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall establish a  
11 comprehensive and coordinated program for the treatment of ~~alcoholics~~  
12 PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons.

13 (2) Insofar as ~~funds~~ MONEY available to the ~~unit will permit~~  
14 OFFICE OF BEHAVIORAL HEALTH PERMITS, the program established in  
15 subsection (1) of this section ~~shall~~ MUST include all of the following:

16 (3) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall provide ~~for~~  
17 adequate and appropriate treatment for ~~alcoholics~~ PERSONS WITH  
18 ALCOHOL USE DISORDERS and intoxicated persons admitted ~~under~~  
19 PURSUANT TO sections 27-81-109 to 27-81-112. Except as otherwise  
20 provided in section 27-81-111, treatment may not be provided at a  
21 correctional institution, except for inmates.

22 (4) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall maintain,  
23 supervise, and control all facilities ~~operated by~~ it OPERATES subject to  
24 policies of the department. The administrator of each facility shall make  
25 an annual report of ~~its~~ THE FACILITY'S activities to the director in the form  
26 and manner SPECIFIED BY the director. ~~specifies.~~

27 (7) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may contract for the

1 use of any facility as an approved public treatment facility if the director,  
2 subject to the policies of the department, considers ~~this~~ IT to be an  
3 effective and economical course to follow.

4 **SECTION 275.** In Colorado Revised Statutes, **amend** 27-81-106  
5 as follows:

6 **27-81-106. Standards for public and private treatment**  
7 **facilities - fees - enforcement procedures - penalties.** (1) In accordance  
8 with the provisions of this ~~article, the unit~~ ARTICLE 81, THE OFFICE OF  
9 BEHAVIORAL HEALTH shall establish standards for approved treatment  
10 facilities that receive public funds. ~~The standards shall be met for a~~  
11 ~~treatment facility to be approved as~~ A TREATMENT FACILITY SHALL MEET  
12 THE ESTABLISHED STANDARDS TO BE APPROVED AS a public or private  
13 treatment facility. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall fix the  
14 fees to be charged for the required inspections. The fees ~~that are~~ charged  
15 to approved treatment facilities that provide level I and level II programs,  
16 as provided in section 42-4-1301.3 (3)(c), ~~C.R.S., shall~~ MUST be  
17 transmitted to the state treasurer, who shall credit the fees to the alcohol  
18 and drug driving safety program fund created in section 42-4-1301.3  
19 (4)(a). ~~C.R.S.~~ The standards may concern only ~~the~~ health standards to be  
20 met and standards of treatment to be afforded patients and ~~shall~~ MUST  
21 reflect the success criteria established by the general assembly.

22 (2) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH SHALL periodically  
23 ~~shall~~ inspect approved public and private treatment facilities at reasonable  
24 times and in a reasonable manner.

25 (3) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall maintain a list  
26 of approved public and private treatment facilities.

27 (4) Each approved public and private treatment facility shall file

1 with the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, on request, data, statistics,  
2 schedules, and ANY OTHER information the ~~unit~~ OFFICE reasonably  
3 requires. THE DIRECTOR SHALL REMOVE FROM THE LIST OF APPROVED  
4 TREATMENT FACILITIES an approved public or private treatment facility  
5 that fails, without good cause, to furnish any data, statistics, schedules, or  
6 OTHER information, as requested, or files fraudulent returns. ~~thereof shall~~  
7 ~~be removed from the list of approved treatment facilities.~~

8 (5) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, after hearing, may  
9 suspend, revoke, limit, restrict, or refuse to grant an approval for failure  
10 to meet its standards.

11 (6) The district court may restrain any violation of, review any  
12 denial, restriction, or revocation of approval under, and grant other relief  
13 required to enforce the provisions of this section.

14 (7) Upon petition of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and  
15 after a hearing held upon reasonable notice to the facility, the district  
16 court may issue a warrant to an officer or employee of the ~~unit~~ OFFICE OF  
17 BEHAVIORAL HEALTH authorizing him or her to enter and inspect at  
18 reasonable times, and examine the books and accounts of, any approved  
19 public or private treatment facility ~~refusing~~ THAT REFUSES to consent to  
20 inspection or examination by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH or  
21 which the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH has reasonable cause to  
22 believe is operating in violation of this ~~article~~ ARTICLE 81.

23 **SECTION 276.** In Colorado Revised Statutes, 27-81-107, **amend**  
24 (1), (2) introductory portion, and (3) as follows:

25 **27-81-107. Compliance with local government zoning**  
26 **regulations - notice to local governments - provisional approval.**

27 (1) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall require any residential

1 treatment facility seeking approval as a public or private treatment facility  
2 pursuant to this ~~article~~ ARTICLE 81 to comply with any applicable zoning  
3 regulations of the municipality, city and county, or county where the  
4 facility is situated. Failure to comply with applicable zoning regulations  
5 ~~shall constitute~~ CONSTITUTES grounds for the denial of approval of a  
6 facility.

7 (2) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall assure that  
8 timely written notice is provided to the municipality, city and county, or  
9 county where a residential treatment facility is situated, including the  
10 address of the facility and the population and number of persons to be  
11 served by the facility, when any of the following occurs:

12 (3) In the event of a zoning or other delay or dispute between a  
13 residential treatment facility and the municipality, city and county, or  
14 county where the facility is situated, the ~~unit~~ OFFICE OF BEHAVIORAL  
15 HEALTH may grant provisional approval of the facility for up to one  
16 hundred twenty days pending resolution of the delay or dispute.

17 **SECTION 277.** In Colorado Revised Statutes, 27-81-108, **amend**  
18 (1) introductory portion as follows:

19 **27-81-108. Acceptance for treatment - rules.** (1) The director  
20 shall adopt and may amend and repeal rules for acceptance of persons  
21 into the treatment program, considering available treatment resources and  
22 facilities, for the purpose of early and effective treatment of ~~alcoholics~~  
23 PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons. In  
24 establishing the rules, the director shall be guided by the following  
25 standards:

26 **SECTION 278.** In Colorado Revised Statutes, 27-81-109, **amend**  
27 (1) and (3) as follows:

1           **27-81-109. Voluntary treatment of persons with alcohol use**  
2 **disorders.** (1) ~~An alcoholic~~ A PERSON WITH AN ALCOHOL USE DISORDER,  
3 including a minor, may apply for voluntary treatment directly to an  
4 approved treatment facility.

5           (3) If a patient receiving inpatient care leaves an approved  
6 treatment facility, he or she ~~shall~~ MUST be encouraged to consent to  
7 appropriate outpatient or intermediate treatment. If it appears to the  
8 administrator in charge of the treatment facility that the patient is ~~an~~  
9 ~~alcoholic~~ A PERSON WITH AN ALCOHOL USE DISORDER and requires help,  
10 the administrator may arrange for assistance in obtaining supportive  
11 services and residential facilities.

12           **SECTION 279.** In Colorado Revised Statutes, 27-81-112, **amend**  
13 (1), (3), (5), (6), (7), (8), (10), and (11) as follows:

14           **27-81-112. Involuntary commitment of a person with an**  
15 **alcohol use disorder.** (1) THE COURT MAY COMMIT A PERSON ~~may be~~  
16 ~~committed~~ to the custody of the ~~unit by the court~~ OFFICE OF BEHAVIORAL  
17 HEALTH upon the petition of the person's spouse or guardian, a relative,  
18 a physician, an advanced practice nurse, the administrator in charge of  
19 ~~any~~ AN approved treatment facility, or any other responsible person. The  
20 petition ~~shall~~ MUST allege that the person is ~~an alcoholic~~ A PERSON WITH  
21 AN ALCOHOL USE DISORDER and that the person has threatened or  
22 attempted to inflict or inflicted physical harm on himself or herself or on  
23 another and that unless committed the person is likely to inflict physical  
24 harm on himself or herself or on another or that the person is  
25 incapacitated by alcohol. A refusal to undergo treatment does not  
26 constitute evidence of lack of judgment as to the need for treatment. The  
27 petition ~~shall~~ MUST be accompanied by a certificate of a licensed

1 physician who has examined the person within two days before  
2 submission of the petition, unless the person whose commitment is sought  
3 has refused to submit to a medical examination, in which case the fact of  
4 refusal ~~shall~~ MUST be alleged in the petition. The certificate ~~shall~~ MUST  
5 set forth the physician's findings in support of the PETITION'S allegations.  
6 ~~of the petition.~~

7 (3) Upon ~~the filing of~~ the petition, the court shall fix a date for a  
8 hearing no later than ten days after the date the petition was filed. A copy  
9 of the petition and ~~of~~ the notice of the hearing, including the date fixed  
10 by the court, ~~shall~~ MUST be personally served on the petitioner, the person  
11 whose commitment is sought, and one of his or her parents or his or her  
12 legal guardian if he or she is a minor. A copy of the petition and notice of  
13 hearing ~~shall~~ MUST be mailed to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH,  
14 to counsel for the person whose commitment is sought, to the  
15 administrator in charge of the approved treatment facility to which the  
16 person may have been committed for emergency treatment, and to any  
17 other person the court believes advisable.

18 (5) If after hearing all relevant evidence, including the results of  
19 any diagnostic examination by the licensed hospital, the court finds that  
20 grounds for involuntary commitment have been established by clear and  
21 convincing proof, it shall make an order of commitment to the ~~unit~~ OFFICE  
22 OF BEHAVIORAL HEALTH. The ~~unit shall have~~ OFFICE OF BEHAVIORAL  
23 HEALTH HAS the right to delegate physical custody of the person to an  
24 appropriate approved treatment facility. ~~It~~ THE COURT may not order  
25 commitment of a person unless it determines that the ~~unit~~ OFFICE OF  
26 BEHAVIORAL HEALTH is able to provide adequate and appropriate  
27 treatment for ~~him or her~~ THE PERSON, and the treatment is likely to be

1 beneficial.

2 (6) Upon the COURT'S commitment of a person to the ~~unit by the~~  
3 ~~court~~ OFFICE OF BEHAVIORAL HEALTH, the court may issue an order to the  
4 sheriff to transport the person ~~committed~~ to the facility designated by the  
5 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH.

6 (7) A person committed as provided FOR in this section ~~shall~~  
7 ~~remain~~ REMAINS in the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH  
8 for treatment for a period of thirty days unless DISCHARGED sooner.  
9 ~~discharged~~. At the end of the thirty-day period, he or she shall be  
10 discharged automatically unless the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH,  
11 before expiration of the THIRTY-DAY period, obtains a court order for his  
12 or her recommitment ~~upon~~ ON the grounds set forth in subsection (1) of  
13 this section for a further period of ninety days unless DISCHARGED sooner.  
14 ~~discharged~~. If a person has been committed because he or she is ~~an~~  
15 ~~alcoholic~~ A PERSON WITH AN ALCOHOL USE DISORDER WHO IS likely to  
16 inflict physical harm on another, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH  
17 shall apply for recommitment if, after examination, it is determined that  
18 the likelihood TO INFLICT PHYSICAL HARM ON ANOTHER still exists.

19 (8) A person WHO IS recommitted as provided FOR in subsection  
20 (7) of this section AND who has not been discharged by the ~~unit~~ OFFICE OF  
21 BEHAVIORAL HEALTH before the end of the ninety-day period ~~shall be~~ IS  
22 discharged at the expiration of that NINETY-DAY period unless the ~~unit~~  
23 OFFICE OF BEHAVIORAL HEALTH, before expiration of the NINETY-DAY  
24 period, obtains a court order on the grounds set forth in subsection (1) of  
25 this section for recommitment for a further period, not to exceed ninety  
26 days. If a person has been committed because he or she is ~~an alcoholic~~ A  
27 PERSON WITH AN ALCOHOL USE DISORDER WHO IS likely to inflict physical

1 harm on another, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall apply for  
2 recommitment if, after examination, it is determined that the likelihood  
3 TO INFLICT PHYSICAL HARM ON ANOTHER still exists. Only two  
4 recommitment orders ~~under~~ PURSUANT TO subsection (7) of this section  
5 and this subsection (8) are permitted.

6 (10) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall provide for  
7 adequate and appropriate treatment of a person committed to its custody.  
8 The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may transfer any person  
9 committed to its custody from one approved treatment facility to another  
10 if transfer is advisable.

11 (11) THE OFFICE OF BEHAVIORAL HEALTH SHALL DISCHARGE a  
12 person committed to ~~the~~ ITS custody ~~of the unit~~ for treatment ~~shall be~~  
13 ~~discharged~~ at any time before the end of the period for which he or she  
14 has been committed if either of the following conditions is met:

15 (a) In the case of ~~an alcoholic~~ A PERSON WITH AN ALCOHOL USE  
16 DISORDER committed on the grounds that he or she is likely to inflict  
17 physical harm upon another, that he or she no longer has an ~~alcoholic~~  
18 ~~condition~~ ALCOHOL USE DISORDER that requires treatment or the  
19 likelihood TO INFLICT PHYSICAL HARM UPON ANOTHER no longer exists;  
20 or

21 (b) In the case of ~~an alcoholic~~ A PERSON WITH AN ALCOHOL USE  
22 DISORDER committed on the grounds of the need of treatment and  
23 incapacity, that the incapacity no longer exists, further treatment will not  
24 ~~be likely to bring about significant improvement in the person's condition,~~  
25 or treatment is no longer appropriate.

26 **SECTION 280.** In Colorado Revised Statutes, 27-81-113, **amend**  
27 (2) as follows:

1           **27-81-113. Records of persons with alcohol use disorders and**  
2 **intoxicated persons.** (2) Notwithstanding subsection (1) of this section,  
3 the director may make available information from patients' records for  
4 purposes of research into the causes and treatment of ~~alcoholism~~  
5 ALCOHOL USE DISORDERS. Information under this subsection (2) ~~shall~~  
6 MUST not be published in a way that discloses patients' names or other  
7 identifying information.

8           **SECTION 281.** In Colorado Revised Statutes, 27-81-115, **amend**  
9 (1) as follows:

10           **27-81-115. Emergency service patrol - establishment - rules.**

11 (1) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and cities, counties, city and  
12 counties, and regional service authorities may establish emergency  
13 service patrols. A patrol consists of persons trained to give assistance in  
14 the streets and in other public places to persons who are intoxicated or  
15 incapacitated by alcohol. Members of an emergency service patrol ~~shall~~  
16 MUST be capable of providing first aid in emergency situations and ~~shall~~  
17 ~~be~~ ARE authorized to transport a person intoxicated or incapacitated by  
18 alcohol to his or her home and to and from treatment facilities.

19           **SECTION 282.** In Colorado Revised Statutes, 27-81-117, **amend**  
20 (1) as follows:

21           **27-81-117. Criminal laws - limitations.** (1) A county,  
22 municipality, or other political subdivision may not adopt or enforce a  
23 local law, ordinance, resolution, or rule having the force of law that  
24 includes drinking, being a ~~common drunkard~~ PERSON WITH AN ALCOHOL  
25 USE DISORDER, or being found in an intoxicated condition as one of the  
26 elements of the offense giving rise to a criminal or civil penalty or  
27 sanction.

1           **SECTION 283.** In Colorado Revised Statutes, **amend** 27-82-101  
2 as follows:

3           **27-82-101. Legislative declaration.** (1) The general assembly  
4 recognizes the character and pervasiveness of drug abuse and ~~drug~~  
5 ~~dependency~~ SUBSTANCE USE DISORDERS and that drug abuse and  
6 ~~dependency~~ SUBSTANCE USE DISORDERS are serious problems. The  
7 general assembly further finds and declares that these problems have been  
8 very seriously neglected and that the social and economic costs and the  
9 waste of human resources caused by drug abuse and ~~dependency~~  
10 SUBSTANCE USE DISORDERS are massive, tragic, and no longer acceptable.  
11 The general assembly believes that the best interests of this state demand  
12 an across-the-board, locally oriented attack on the massive PROBLEMS OF  
13 drug abuse and ~~dependency~~ problem, which SUBSTANCE USE DISORDERS.  
14 THE attack includes prevention, education, and treatment, and ~~that~~ this  
15 ~~article~~ ARTICLE 82 will provide a base from which to launch the attack  
16 and reduce the tragic human loss.

17           (2) It is the policy of this state that ~~drug-dependent~~ persons WITH  
18 SUBSTANCE USE DISORDERS and persons who are under the influence of  
19 drugs should be afforded treatment ~~in order that~~ SO they may lead normal  
20 lives as productive members of society. The general assembly ~~hereby~~  
21 finds and declares that drug abuse and ~~drug dependency~~ SUBSTANCE USE  
22 DISORDERS are matters of statewide concern.

23           **SECTION 284.** In Colorado Revised Statutes, 27-82-102, **amend**  
24 the introductory portion, (3), (6), and (15); **repeal** (8) and (16); and **add**  
25 (12.5) and (13.5) as follows:

26           **27-82-102. Definitions.** As used in this ~~article~~ ARTICLE 82, unless  
27 the context otherwise requires:

1 (3) "Approved public treatment facility" means a treatment agency  
2 operating under the direction and control of or approved by the ~~unit~~  
3 OFFICE OF BEHAVIORAL HEALTH and meeting the standards prescribed in  
4 section 27-82-103 (1) and approved ~~under~~ PURSUANT TO section  
5 27-82-103.

6 (6) "Director" means the director of the ~~unit~~ OFFICE OF  
7 BEHAVIORAL HEALTH.

8 (8) ~~"Drug abuser" means a person who habitually uses drugs or  
9 who uses drugs to the extent that his or her health is substantially  
10 impaired or endangered or his or her social or economic function is  
11 substantially disrupted. Nothing in this subsection (8) shall preclude the  
12 denomination of a drug abuser as a person under the influence of or  
13 incapacitated by drugs.~~

14 (12.5) "OFFICE OF BEHAVIORAL HEALTH" MEANS THE OFFICE OF  
15 BEHAVIORAL HEALTH IN THE DEPARTMENT.

16 (13.5) "SUBSTANCE USE DISORDER" MEANS A CONDITION BY WHICH  
17 A PERSON HABITUALLY USES DRUGS OR USES DRUGS TO THE EXTENT THAT  
18 HIS OR HER HEALTH IS SUBSTANTIALLY IMPAIRED OR ENDANGERED OR HIS  
19 OR HER SOCIAL OR ECONOMIC FUNCTION IS SUBSTANTIALLY DISRUPTED.  
20 NOTHING IN THIS SUBSECTION (13.5) PRECLUDES THE DENOMINATION OF  
21 A PERSON WITH A SUBSTANCE USE DISORDER AS A PERSON UNDER THE  
22 INFLUENCE OF OR INCAPACITATED BY DRUGS.

23 (15) "Treatment" means the broad range of emergency, outpatient,  
24 intermediate, and inpatient services and care, including diagnostic  
25 evaluation, medical, psychiatric, psychological, and social service care,  
26 vocational rehabilitation, and career counseling, that may be extended to  
27 ~~drug abusers~~ A PERSON WITH A SUBSTANCE USE DISORDER and ~~persons~~ A

1 PERSON under the influence of drugs.

2 (16) "~~Unit~~" ~~means the unit in the department that administers~~  
3 ~~behavioral health programs and services, including those related to mental~~  
4 ~~health and substance abuse.~~

5 **SECTION 285.** In Colorado Revised Statutes, **amend** 27-82-103  
6 as follows:

7 **27-82-103. Standards for public and private treatment**  
8 **facilities - fees - enforcement procedures - penalties.** (1) In accordance  
9 with the provisions of this ~~article, the unit~~ ARTICLE 82, THE OFFICE OF  
10 BEHAVIORAL HEALTH shall establish standards for approved treatment  
11 facilities that receive public funds or that dispense controlled substances  
12 or both. ~~The standards shall be met for~~ A treatment facility ~~to be approved~~  
13 SEEKING APPROVAL FROM THE OFFICE OF BEHAVIORAL HEALTH as a public  
14 or private treatment facility SHALL MEET THE ESTABLISHED STANDARDS.  
15 The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall fix the fees to be charged  
16 for the required inspections. The fees ~~that are~~ charged to approved  
17 treatment facilities that provide level I and level II programs as provided  
18 in section 42-4-1301.3 (3)(c) ~~C.R.S., shall~~ MUST be transmitted to the  
19 state treasurer, who shall credit the fees to the alcohol and drug driving  
20 safety program fund created in section 42-4-1301.3 (4)(a). ~~C.R.S.~~ The  
21 standards may concern only ~~the~~ health standards to be met and standards  
22 of treatment to be afforded patients and ~~shall~~ MUST reflect the success  
23 criteria established by the general assembly.

24 (2) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH SHALL periodically  
25 ~~shall~~ inspect approved public and private treatment facilities at reasonable  
26 times and in a reasonable manner.

27 (3) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall maintain a list

1 of approved public and private treatment facilities.

2 (4) Each approved public and private treatment facility shall file  
3 with the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, on request, data, statistics,  
4 schedules, and ANY OTHER information the ~~unit~~ OFFICE reasonably  
5 requires. THE OFFICE OF BEHAVIORAL HEALTH SHALL REMOVE FROM THE  
6 LIST OF APPROVED TREATMENT FACILITIES an approved public or private  
7 treatment facility that fails without good cause to furnish any data,  
8 statistics, schedules, or OTHER information, as requested, or files  
9 fraudulent returns. ~~thereof shall be removed from the list of approved~~  
10 ~~treatment facilities.~~

11 (5) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, after hearing, may  
12 suspend, revoke, limit, restrict, or refuse to grant an approval for failure  
13 to meet its standards.

14 (6) A person shall not operate a private or public treatment facility  
15 in this state without approval from the ~~unit~~ OFFICE OF BEHAVIORAL  
16 HEALTH; except that this ~~article shall~~ ARTICLE 82 DOES not apply to a  
17 private treatment facility that accepts only private funds and does not  
18 dispense controlled substances. The district court may restrain any  
19 violation of, review any denial, restriction, or revocation of approval  
20 under, and grant other relief required to enforce the provisions of this  
21 section.

22 (7) Upon petition of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and  
23 after a hearing held upon reasonable notice to the facility, the district  
24 court may issue a warrant to an officer or employee of the ~~unit~~ OFFICE OF  
25 BEHAVIORAL HEALTH authorizing him or her to enter and inspect at  
26 reasonable times, and examine the books and accounts of, any approved  
27 public or private treatment facility refusing to consent to inspection or

1 examination by the ~~unit or which the unit~~ OFFICE OF BEHAVIORAL HEALTH  
2 OR WHICH THE OFFICE has reasonable cause to believe is operating in  
3 violation of this ~~article~~ ARTICLE 82.

4 **SECTION 286.** In Colorado Revised Statutes, 27-82-104, **amend**  
5 (1) introductory portion as follows:

6 **27-82-104. Acceptance for treatment - rules.** (1) The director  
7 shall adopt and may amend and repeal rules for acceptance of persons  
8 into the SUBSTANCE USE DISORDER treatment program, considering  
9 available treatment resources and facilities, for the purpose of early and  
10 effective treatment of ~~drug-abusers~~ PERSONS WITH SUBSTANCE USE  
11 DISORDERS and persons under the influence of drugs. In establishing the  
12 rules, the FOLLOWING STANDARDS MUST GUIDE THE director: ~~shall be~~  
13 ~~guided by the following standards:~~

14 **SECTION 287.** In Colorado Revised Statutes, 27-82-105, **amend**  
15 (1) as follows:

16 **27-82-105. Voluntary treatment of persons with substance use**  
17 **disorders.** (1) A ~~drug-abuser~~ PERSON WITH A SUBSTANCE USE DISORDER,  
18 including a minor, may apply for voluntary treatment directly to an  
19 approved treatment facility.

20 **SECTION 288.** In Colorado Revised Statutes, 27-82-106, **amend**  
21 (1) as follows:

22 **27-82-106. Voluntary treatment for persons under influence**  
23 **of or incapacitated by drugs.** (1) A person under the influence of or  
24 incapacitated by drugs, including a minor if provided by rules of the ~~unit~~  
25 OFFICE OF BEHAVIORAL HEALTH, may voluntarily admit himself or herself  
26 to an approved treatment facility for emergency treatment.

27 **SECTION 289.** In Colorado Revised Statutes, 27-82-108, **amend**

1 (1), (3), (5), (6), (7), (8), (10), and (11) as follows:

2 **27-82-108. Involuntary commitment of a person with a**  
3 **substance use disorder.** (1) THE COURT MAY COMMIT a person ~~may be~~  
4 ~~committed~~ to the custody of the ~~unit by the court~~ OFFICE OF BEHAVIORAL  
5 HEALTH upon the petition of the person's spouse or guardian, a relative,  
6 a physician, an advanced practice nurse, the administrator in charge of  
7 ~~any~~ AN approved treatment facility, or any other responsible person. The  
8 petition ~~shall~~ MUST allege that the person ~~is a drug abuser~~ HAS A  
9 SUBSTANCE USE DISORDER and that the person has threatened or attempted  
10 to inflict or inflicted physical harm on himself or herself or on another  
11 and that unless committed the person is likely to inflict physical harm on  
12 himself or herself or on another or that the person is incapacitated by  
13 drugs. A refusal to undergo treatment does not constitute evidence of lack  
14 of judgment as to the need for treatment. The petition ~~shall~~ MUST be  
15 accompanied by a certificate of a licensed physician who has examined  
16 the person within ten days before submission of the petition, unless the  
17 person whose commitment is sought has refused to submit to a medical  
18 examination or an examination cannot be made of ~~such~~ THE person due  
19 to the person's condition. The certificate ~~shall~~ MUST set forth the  
20 physician's findings in support of the PETITION'S allegations. ~~of the~~  
21 ~~petition.~~

22 (3) Upon ~~the~~ filing of the petition, the court shall fix a date for a  
23 hearing no later than ten days, excluding weekends and holidays, after the  
24 date the petition was filed, unless valid medical reasons exist for delaying  
25 the hearing. A copy of the petition and of the notice of the hearing,  
26 including the date fixed by the court, ~~shall~~ MUST be personally served on  
27 the person whose commitment is sought and one of his or her parents or

1 his or her legal guardian if he or she is a minor. A copy of the petition and  
2 notice of hearing ~~shall~~ MUST be provided to the petitioner, to the ~~unit~~  
3 OFFICE OF BEHAVIORAL HEALTH, to counsel for the person whose  
4 commitment is sought, if any, to the administrator in charge of the  
5 approved treatment facility to which the person may have been committed  
6 for emergency treatment, and to any other person the court believes  
7 advisable.

8 (5) If after hearing all relevant evidence, including the results of  
9 any diagnostic examination by the licensed hospital, the court finds that  
10 grounds for involuntary commitment have been established by clear and  
11 convincing proof, ~~it~~ THE COURT shall make an order of commitment to the  
12 ~~unit. The unit shall have~~ OFFICE OF BEHAVIORAL HEALTH. THE OFFICE OF  
13 BEHAVIORAL HEALTH HAS the right to delegate physical custody of the  
14 person to an appropriate approved treatment facility. ~~It~~ THE COURT may  
15 not order commitment of a person unless it determines that the ~~unit~~  
16 OFFICE OF BEHAVIORAL HEALTH is able to provide adequate and  
17 appropriate treatment for him or her and that the treatment is likely to be  
18 beneficial.

19 (6) Upon the COURT'S commitment of a person to the ~~unit by the~~  
20 ~~court~~ OFFICE OF BEHAVIORAL HEALTH, the court may issue an order to the  
21 sheriff to transport the person committed to the facility designated by the  
22 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH.

23 (7) A person committed as provided in this section ~~shall remain~~  
24 REMAINS in the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH for  
25 treatment for a period of thirty days unless DISCHARGED sooner.  
26 ~~discharged.~~ At the end of the thirty-day period, ~~he or she shall be~~  
27 ~~discharged automatically unless the unit~~ THE OFFICE OF BEHAVIORAL

1 HEALTH SHALL AUTOMATICALLY DISCHARGE THE PERSON COMMITTED  
2 UNLESS THE OFFICE, before expiration of the period, files a petition for his  
3 or her recommitment upon the grounds set forth in subsection (1) of this  
4 section for a further period of ninety days and a hearing has been  
5 scheduled in accordance with subsection (3) of this section. If a person  
6 has been committed because he or she ~~is a drug abuser~~ HAS A SUBSTANCE  
7 USE DISORDER AND IS likely to inflict physical harm on another, the ~~unit~~  
8 OFFICE OF BEHAVIORAL HEALTH shall apply for recommitment if, after  
9 examination, it is determined that the likelihood TO INFLICT PHYSICAL  
10 HARM ON ANOTHER still exists.

11 (8) If a person recommitted as provided in subsection (7) of this  
12 section ~~who~~ has not been discharged by the ~~unit~~ OFFICE OF BEHAVIORAL  
13 HEALTH before the end of the ninety-day period, THE OFFICE shall ~~be~~  
14 ~~discharged~~ DISCHARGE THE PERSON at the expiration of ~~that~~ THE  
15 NINETY-DAY period unless the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH,  
16 before expiration of the NINETY-DAY period, files a petition on the  
17 grounds set forth in subsection (1) of this section for recommitment for  
18 a further period not to exceed ninety days and a hearing has been  
19 scheduled in accordance with subsection (3) of this section. If a person  
20 has been committed because he or she ~~is a drug abuser~~ HAS A SUBSTANCE  
21 USE DISORDER AND IS likely to inflict physical harm on another, the ~~unit~~  
22 OFFICE OF BEHAVIORAL HEALTH shall apply for recommitment if, after  
23 examination, it is determined that the likelihood TO INFLICT PHYSICAL  
24 HARM ON ANOTHER still exists. Only two recommitment orders ~~under~~  
25 PURSUANT TO subsection (7) of this section and this subsection (8) are  
26 permitted.

27 (10) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall provide for

1 adequate and appropriate treatment of a person committed to its custody.  
2 The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may transfer any person  
3 committed to its custody from one approved treatment facility to another,  
4 if transfer is advisable.

5 (11) THE OFFICE OF BEHAVIORAL HEALTH SHALL DISCHARGE a  
6 person committed to ~~the~~ ITS custody ~~of the unit~~ for treatment ~~shall be~~  
7 ~~discharged~~ at any time before the end of the period for which he or she  
8 has been committed if either of the following conditions is met:

9 (a) In the case of a ~~drug abuser~~ PERSON WITH A SUBSTANCE USE  
10 DISORDER committed on the grounds that he or she is likely to inflict  
11 physical harm upon another, that he or she no longer has a ~~drug abuse~~  
12 ~~condition~~ SUBSTANCE USE DISORDER that requires treatment or the  
13 likelihood TO INFLICT PHYSICAL HARM UPON ANOTHER no longer exists;  
14 or

15 (b) In the case of a ~~drug abuser~~ PERSON WITH A SUBSTANCE USE  
16 DISORDER committed on the grounds of the need of treatment and  
17 incapacity, that the incapacity no longer exists, or in THE case of a ~~drug~~  
18 ~~abuser~~ PERSON WITH A SUBSTANCE USE DISORDER committed on any  
19 grounds ~~under~~ PURSUANT TO this section, that further treatment will not  
20 be likely to bring about significant improvement in the person's condition,  
21 or treatment is no longer appropriate, or further treatment is unlikely to  
22 be beneficial.

23 **SECTION 290.** In Colorado Revised Statutes, 27-82-109, **amend**  
24 (2) as follows:

25 **27-82-109. Records of persons with substance use disorders**  
26 **and persons under influence of drugs.** (2) Notwithstanding subsection  
27 (1) of this section, the director may make available information from

1 patients' records for purposes of research into the causes and treatment of  
2 ~~drug abuse~~ SUBSTANCE USE DISORDERS. Information ~~under~~ PURSUANT TO  
3 this subsection (2) ~~shall~~ MUST not be published in a way that discloses  
4 patients' names or other identifying information.

5 **SECTION 291.** In Colorado Revised Statutes, 27-82-113, **amend**  
6 (1) as follows:

7 **27-82-113. Limitations on services and programs provided -**  
8 **available funds.** (1) The level of services provided and the scope of  
9 programs administered by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH that  
10 relate to ~~drug abuse~~ SUBSTANCE USE prevention, education, and treatment,  
11 including the number of clients served in treatment programs, ~~shall be~~ IS  
12 subject to the ~~moneys~~ MONEY available to the ~~unit~~ for such purposes  
13 OFFICE OF BEHAVIORAL HEALTH.

14 **SECTION 292.** In Colorado Revised Statutes, 27-90-102, **amend**  
15 (1) introductory portion, (1)(a), and (1)(j) as follows:

16 **27-90-102. Duties of executive director - governor acquire**  
17 **water rights - rules.** (1) The duties of the executive director ~~shall be~~  
18 ARE:

19 (a) To manage, supervise, and control the charitable, BEHAVIORAL  
20 OR mental HEALTH, custodial, and special educational public institutions  
21 operated and supported by the state; to manage and supervise the special  
22 agencies, departments, boards, and commissions transferred to or  
23 established within the department by law; to improve, develop, and carry  
24 forward programs of therapy, counseling, and aftercare to the end that a  
25 person dependent upon tax-supported programs may be afforded  
26 opportunity and encouragement to overcome the disability causing his or  
27 her partial or total dependence upon the state;

1 (j) To implement the procedures regarding children who are in  
2 detention or who have or may have A BEHAVIORAL OR mental ~~illness or~~  
3 HEALTH DISORDER OR AN INTELLECTUAL AND developmental ~~disabilities~~  
4 DISABILITY specified in the provisions of the "Colorado Children's Code"  
5 contained in articles 1, 2, and 3 of title 19; ~~C.R.S.~~;

6 **SECTION 293.** In Colorado Revised Statutes, **amend** 27-90-110  
7 as follows:

8 **27-90-110. Rules for this article 90 and certain provisions in**  
9 **title 19.** Pursuant to section 24-4-103, ~~C.R.S.~~, the department shall  
10 promulgate such rules as are necessary to implement the provisions of this  
11 ~~article~~ ARTICLE 90 and the procedures specified in sections 19-2-508,  
12 19-2-906, 19-2-922, 19-2-923, 19-3-403, 19-3-506, 19-3-507, and  
13 19-3-508 ~~C.R.S.~~, regarding children who are in detention or who have or  
14 may have A BEHAVIORAL OR mental ~~illness or developmental disabilities~~  
15 HEALTH DISORDER OR AN INTELLECTUAL AND DEVELOPMENTAL  
16 DISABILITY.

17 **SECTION 294.** In Colorado Revised Statutes, 27-90-111, **amend**  
18 (2)(e), (3)(a), and (3)(b) as follows:

19 **27-90-111. Employment of personnel - screening of applicants**  
20 **- disqualifications from employment.** (2) For purposes of this section,  
21 unless the context otherwise requires:

22 (e) "Vulnerable person" means any individual served by the  
23 department who is susceptible to abuse or mistreatment because of the  
24 individual's circumstances, including but not limited to the individual's  
25 age, disability, frailty, BEHAVIORAL OR mental ~~illness~~ HEALTH,  
26 INTELLECTUAL AND developmental disability, or ill health.

27 (3) The employment screening and disqualification requirements

1 in this section apply to the following facilities or programs operated by  
2 the department:

3 (a) Any facility operated by the department for the care and  
4 treatment of persons with A   mental ~~illness~~ HEALTH DISORDER pursuant  
5 to article 65 of this ~~title~~ TITLE 27;

6 (b) Any facility operated by the department for the care and  
7 treatment of ~~the developmentally disabled~~ PERSONS WITH INTELLECTUAL  
8 AND DEVELOPMENTAL DISABILITIES pursuant to article 10.5 of this ~~title~~  
9 TITLE 27;

10 **SECTION 295.** In Colorado Revised Statutes, 27-92-101, **amend**  
11 (1) as follows:

12 **27-92-101. Liability.** (1) When a person is admitted, committed,  
13 or transferred to a public institution of this state supervised by the  
14 department of human services for the care, support, maintenance,  
15 education, or treatment of persons with   mental ~~illness~~ HEALTH  
16 DISORDERS, the person, his or her spouse, and his or her parents ~~shall be~~  
17 ARE liable for the costs of his or her care, support, maintenance, and  
18 treatment to the extent and in the manner provided in this ~~article~~ ARTICLE  
19 92. No other relatives of the person ~~shall be~~ ARE liable to any extent for  
20 such costs.

21 **SECTION 296.** In Colorado Revised Statutes, 27-93-101, **amend**  
22 (1) as follows:

23 **27-93-101. Institute established.** (1) There is ~~hereby~~ established  
24 the Colorado mental health institute at Pueblo for the treatment and ~~cure~~  
25 CARE of persons who may have A BEHAVIORAL OR mental ~~illness~~ HEALTH  
26 DISORDER from any cause and for other persons in state institutions on an  
27 inpatient and outpatient basis and in state programs relating to the

1 treatment of ~~alcoholism and drugs~~ SUBSTANCE USE DISORDERS who may  
2 require medical care and treatment within the capabilities of the staff and  
3 facilities of the institute.

4 **SECTION 297.** In Colorado Revised Statutes, 28-5-220, **amend**  
5 (1) and (3) as follows:

6 **28-5-220. Commitment to veterans administration.** (1) When,  
7 in any proceeding under the laws of this state for the commitment OR  
8 CERTIFICATION of a person alleged to ~~be of unsound mind~~ HAVE A    
9 MENTAL HEALTH DISORDER, or otherwise BE in need of confinement in a  
10 hospital or other institution for his or her proper care, it is determined  
11 after such adjudication of the status of such person as may be required by  
12 law that commitment OR CERTIFICATION to a hospital for ~~mental disease~~  
13 TREATMENT OF   MENTAL HEALTH DISORDERS or other institution is  
14 necessary for safekeeping or treatment and it appears that ~~such~~ THE  
15 person is eligible for care or treatment by the veterans administration, the  
16 court, upon receipt of a certificate from the veterans administration  
17 showing that facilities are available and that ~~such~~ THE person is eligible  
18 for care or treatment therein, may commit ~~such~~ OR CERTIFY THE person to  
19 ~~said~~ THE veterans administration. Upon commitment ~~such~~ OR  
20 CERTIFICATION, THE person, when admitted to any facility operated by  
21 such agency within or without this state, ~~shall be~~ IS subject to the rules  
22 and regulations of the veterans administration. The chief officer of any  
23 facility of the veterans administration to which the person is ~~so~~ committed  
24 ~~shall~~ OR CERTIFIED, with respect to ~~such~~ THE person ~~be~~ COMMITTED OR  
25 CERTIFIED, IS vested with the same powers as superintendents of state  
26 hospitals for   mental ~~diseases~~ HEALTH DISORDERS within this state with  
27 respect to retention of custody, transfer, parole, or discharge as restored

1 to reason.

2 (3) Upon receipt of a certificate of the veterans administration that  
3 facilities are available for the care or treatment of any person committed  
4 OR CERTIFIED to any hospital for ~~the insane~~ PERSONS WITH   MENTAL  
5 HEALTH DISORDERS or other institution for the care or treatment of  
6 persons similarly afflicted and that ~~such~~ THE person is eligible for care or  
7 treatment, the court having jurisdiction may cause ~~the transfer of such~~  
8 ~~person~~ HIM OR HER TO BE TRANSFERRED to the veterans administration for  
9 care or treatment. Any person transferred as provided in this section is  
10 deemed to be committed OR CERTIFIED to the veterans administration for  
11 all purposes as provided in subsection (1) of this section as on original  
12 commitment OR CERTIFICATION.

13 **SECTION 298.** In Colorado Revised Statutes, 30-1-119, **amend**  
14 (2)(a) and (2)(b) as follows:

15 **30-1-119. Separate fee funds kept - definition.** (2) The revenues  
16 generated annually from the fee for committing and discharging prisoners  
17 authorized pursuant to section 30-1-104 (1)(n) ~~shall~~ MUST be distributed  
18 as follows:

19 (a) (I) The county shall expend an amount equal to twenty percent  
20 of the revenues generated annually from the fee to administer a  
21 community-based treatment program for the treatment of offenders with  
22 ~~mental illness or addiction~~ A BEHAVIORAL, MENTAL HEALTH, OR  
23 SUBSTANCE USE DISORDER committed or discharged by the county if the  
24 county has established, or the board of county commissioners chooses to  
25 establish, such a community-based treatment program.

26 (II) For purposes of this ~~paragraph (a)~~ SUBSECTION (2)(a),  
27 "community-based treatment program" means a community-based

1 program that provides management and treatment services to persons with  
2 ~~mental illness or addiction~~ BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE  
3 USE DISORDERS in the criminal or juvenile justice system, designed, at a  
4 minimum, to reduce recidivism and hospitalization of these persons.

5 (b) The county shall expend an amount equal to twenty percent of  
6 the revenues generated annually from the fee for training of the sheriff  
7 and deputy sheriffs and other local law enforcement officers. ~~which~~ THE  
8 training may include a crisis intervention training component to meet the  
9 needs of offenders with BEHAVIORAL OR mental ~~illness~~ HEALTH  
10 DISORDERS; and

11 **SECTION 299.** In Colorado Revised Statutes, 30-28-115, **amend**  
12 (2)(b.5) as follows:

13 **30-28-115. Public welfare to be promoted - legislative**  
14 **declaration - construction.** (2) (b.5) The general assembly declares that  
15 the establishment of state-licensed group homes for the exclusive use of  
16 persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS, as that  
17 term is defined in section 27-65-102, ~~C.R.S.~~, is a matter of statewide  
18 concern and that a state-licensed group home for eight persons with  
19 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS is a residential use of  
20 property for zoning purposes, as defined in section 31-23-301 (4). ~~C.R.S.~~  
21 A group home for persons with BEHAVIORAL OR mental ~~illness~~ HEALTH  
22 DISORDERS established ~~under~~ PURSUANT TO this ~~paragraph (b.5)~~ shall  
23 SUBSECTION (2)(b.5) MUST not be located within seven hundred fifty feet  
24 of another such group home or of another group home as ~~defined~~  
25 DESCRIBED in ~~paragraphs (a) and (b) of this subsection (2)~~ SUBSECTIONS  
26 (2)(a) AND (2)(b) OF THIS SECTION, unless otherwise provided for by the  
27 county. A person ~~shall~~ MUST not be placed in a group home without being

1 screened by either a professional person, as defined in section 27-65-102  
2 (17), ~~C.R.S.~~, or any other such mental health professional designated by  
3 the director of a facility, which facility is approved by the executive  
4 director of the department of human services pursuant to section  
5 27-90-102. ~~C.R.S.~~ Persons determined to be not guilty by reason of  
6 insanity to a violent offense ~~shall~~ MUST not be placed in such group  
7 homes, and any person who has been convicted of a felony involving a  
8 violent offense ~~shall~~ IS not be eligible for placement in such group homes.  
9 The provisions of this ~~paragraph (b.5)~~ ~~shall~~ SUBSECTION (2)(b.5) MUST be  
10 implemented, where appropriate, by the rules of the department of public  
11 health and environment concerning residential treatment facilities for  
12 persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS. Nothing  
13 in this ~~paragraph (b.5)~~ ~~shall be construed to exempt~~ SUBSECTION (2)(b.5)  
14 EXEMPTS such group homes from compliance with any state, county, or  
15 municipal health, safety, and fire codes.

16 **SECTION 300.** In Colorado Revised Statutes, 31-23-301, **amend**  
17 (4) as follows:

18 **31-23-301. Grant of power.** (4) A statutory or home rule city or  
19 town or city and county shall not enact an ordinance prohibiting the use  
20 of a state-licensed group home for either persons with INTELLECTUAL AND  
21 developmental disabilities or BEHAVIORAL OR mental ~~illness~~ HEALTH  
22 DISORDERS that serves not more than eight persons with INTELLECTUAL  
23 AND developmental disabilities or eight persons with BEHAVIORAL OR  
24 mental ~~illness~~ HEALTH DISORDERS and appropriate staff as a residential  
25 use of property for zoning purposes. As used in this subsection (4), the  
26 phrase "residential use of property for zoning purposes" includes all  
27 forms of residential zoning and specifically, although not exclusively,

1 single-family residential zoning.

2 **SECTION 301.** In Colorado Revised Statutes, 31-23-303, **amend**  
3 (2)(b.5) as follows:

4 **31-23-303. Legislative declaration.** (2) (b.5) The general  
5 assembly declares that the establishment of state-licensed group homes  
6 for the exclusive use of persons with BEHAVIORAL OR mental ~~illness~~  
7 HEALTH DISORDERS, as that term is defined in section 27-65-102, ~~C.R.S.~~,  
8 is a matter of statewide concern and that a state-licensed group home for  
9 eight persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS is  
10 a residential use of property for zoning purposes, as defined in section  
11 31-23-301 (4). A group home for persons with BEHAVIORAL OR mental  
12 ~~illness~~ HEALTH DISORDERS established ~~under~~ PURSUANT TO this paragraph  
13 ~~(b.5) shall~~ SUBSECTION (2)(b.5) MUST not be located within seven  
14 hundred fifty feet of another such group home, unless otherwise provided  
15 for by the municipality. A person ~~shall~~ MUST not be placed in a group  
16 home without being screened by either a professional person, as defined  
17 in section 27-65-102 (17), ~~C.R.S.~~, or any other such mental health  
18 professional designated by the director of a facility ~~which facility is~~  
19 approved by the executive director of the department of human services  
20 pursuant to section 27-90-102. ~~C.R.S.~~ Persons determined to be not guilty  
21 by reason of insanity to a violent offense ~~shall~~ MUST not be placed in such  
22 group homes, and any person who has been convicted of a felony  
23 involving a violent offense ~~shall~~ IS not be eligible for placement in such  
24 group homes. The provisions of this ~~paragraph (b.5) shall~~ SUBSECTION  
25 (2)(b.5) MUST be implemented, where appropriate, by the rules of the  
26 department of public health and environment concerning residential  
27 treatment facilities for persons with BEHAVIORAL OR mental ~~illness~~

1 HEALTH DISORDERS. Nothing in this paragraph (b.5) shall be construed to  
2 exempt SUBSECTION (2)(b.5) EXEMPTS such group homes from  
3 compliance with any state, county, or municipal health, safety, and fire  
4 codes.

5 **SECTION 302.** In Colorado Revised Statutes, 32-17-102, **amend**  
6 (1) as follows:

7 **32-17-102. Legislative declaration.** (1) The general assembly  
8 hereby finds, determines, and declares that, although the state of Colorado  
9 has dedicated financial resources to the diagnosis and treatment of  
10 BEHAVIORAL OR mental illness HEALTH DISORDERS for specific  
11 populations in this state, many adults, children, and families who do not  
12 qualify for or cannot obtain these state- and federally-funded services  
13 have BEHAVIORAL OR mental health care needs that are not being  
14 addressed, and lack of BEHAVIORAL OR mental health care services often  
15 results in increased taxpayer costs for law enforcement, schools, health  
16 facilities, hospitals, social services, corrections, and health insurance.

17 **SECTION 303.** In Colorado Revised Statutes, 33-4-104, **amend**  
18 (1) as follows:

19 **33-4-104. Free licenses issued - members or veterans of armed**  
20 **forces - when - rules.** (1) Any active or retired member of the United  
21 States armed forces while stationed as a resident patient at any United  
22 States armed forces hospital or convalescent station located within  
23 Colorado, any resident patient at a veterans administration hospital and  
24 resident patients of any state institution for the treatment of persons with  
25 BEHAVIORAL OR mental illness HEALTH DISORDERS or other mental health  
26 institution in Colorado while under supervision of a proper staff member,  
27 thereof, and any resident who is totally and permanently disabled as

1 determined by the social security administration or the division of labor  
2 standards and statistics or pursuant to rule of the commission may obtain  
3 a fishing license free of charge, valid for taking fish during the period of  
4 residency only, under rules of the commission.

5 **SECTION 304.** In Colorado Revised Statutes, 39-22-4101,  
6 **amend** (1) introductory portion and (1)(e) as follows:

7 **39-22-4101. Legislative declaration.** (1) The general assembly  
8 ~~hereby~~ finds and declares that:

9 (e) Substance use, ~~disorders and~~ BEHAVIORAL, AND mental health  
10 ~~conditions~~ DISORDERS are Colorado's most prevalent chronic illnesses;  
11 and

12 **SECTION 305.** In Colorado Revised Statutes, 42-2-104, **amend**  
13 (2) introductory portion and (2)(c) as follows:

14 **42-2-104. Licenses issued - denied.** (2) Except as otherwise  
15 provided in this ~~article a person~~ ARTICLE 2, THE DEPARTMENT shall not ~~be~~  
16 ~~licensed by the department~~ LICENSE A PERSON to operate any motor  
17 vehicle in this state:

18 (c) Who has been adjudged or determined by a court of competent  
19 jurisdiction to ~~be an habitual drunkard or addicted to the use of~~ HAVE AN  
20 ALCOHOL USE DISORDER, AS DEFINED IN SECTION 27-81-102, OR A  
21 SUBSTANCE USE DISORDER, AS DEFINED IN SECTION 27-82-102, WITH  
22 RESPECT TO a controlled substance, as defined in section 18-18-102 (5);  
23 ~~C.R.S.;~~

24 **SECTION 306.** In Colorado Revised Statutes, 42-2-116, **amend**  
25 (5) as follows:

26 **42-2-116. Restricted license.** (5) The department is authorized  
27 after examination to issue a restricted license to a person with a

1 BEHAVIORAL OR mental ~~illness or a~~ HEALTH DISORDER OR AN  
2 INTELLECTUAL AND developmental disability, containing such restrictions  
3 as may be imposed upon said person by a court pursuant to part 3 or part  
4 4 of article 14 of title 15 ~~C.R.S.~~; or section 27-65-109 (4) or 27-65-127.  
5 ~~C.R.S.~~

6 **SECTION 307.** In Colorado Revised Statutes, 42-4-1702, **amend**  
7 (2) introductory portion and (2)(c) as follows:

8 **42-4-1702. Alcohol- or drug-related traffic offenses - collateral**  
9 **attack.** (2) In recognition of the difficulties attending the litigation of  
10 stale claims and the potential for frustrating various statutory provisions  
11 directed at repeat offenders, former offenders, and habitual offenders, the  
12 only exceptions to the time limitations specified in ~~paragraph (a) of this~~  
13 ~~subsection (1) shall be~~ SUBSECTION (1)(a) OF THIS SECTION ARE:

14 (c) Where the court hearing the collateral attack finds by a  
15 preponderance of the evidence that the failure to seek relief within the  
16 applicable time period was caused by an adjudication of incompetence or  
17 by commitment OR CERTIFICATION of the violator to an institution for  
18 treatment as a person with a ~~mental illness~~ HEALTH DISORDER; or

19 **SECTION 308.** In Colorado Revised Statutes, 42-4-1708, **amend**  
20 (5)(b) introductory portion and (5)(b)(III) as follows:

21 **42-4-1708. Traffic infractions - proper court for hearing,**  
22 **burden of proof - appeal - collateral attack.** (5) (b) In recognition of  
23 the difficulties attending the litigation of stale claims and the potential for  
24 frustrating various statutory provisions directed at repeat offenders,  
25 former offenders, and habitual offenders, the only exceptions to the time  
26 limitations specified in ~~paragraph (a) of this subsection (5) shall be~~  
27 SUBSECTION (5)(a) OF THIS SECTION ARE:

1           (III) Where the court hearing the collateral attack finds by a  
2 preponderance of the evidence that the failure to seek relief within the  
3 applicable time period was caused by an adjudication of incompetence or  
4 by commitment OR CERTIFICATION of the violator to an institution for  
5 treatment as a person with a   mental ~~illness~~ HEALTH DISORDER; or

6           **SECTION 309. Safety clause.** The general assembly hereby  
7 finds, determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, and safety.