

**Second 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. 18-0553.01 Jane Ritter x4342

SENATE BILL 18-074

SENATE SPONSORSHIP

Todd, Court, Holbert, Martinez Humenik, Merrifield, Zenzinger

HOUSE SPONSORSHIP

Hansen,

Senate Committees

Health & Human Services
Appropriations

House Committees

Public Health Care & Human Services

A BILL FOR AN ACT

101 **CONCERNING ADDING INDIVIDUALS WITH PRADER-WILLI SYNDROME**
102 **TO THE LIST OF PERSONS WITH INTELLECTUAL AND**
103 **DEVELOPMENTAL DISABILITIES.**

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>.)

Current law does not guarantee that an individual who has the genetic condition known as Prader-Willi syndrome will receive crucial services and supports that are available for persons with intellectual and developmental disabilities. The bill adds Prader-Willi syndrome to the list of persons who have mandatory eligibility for services and supports and

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

HOUSE
2nd Reading Unamended
March 15, 2018

SENATE
3rd Reading Unamended
March 5, 2018

SENATE
Amended 2nd Reading
March 1, 2018

also to the definition of an "intellectual and developmental disability" for the purpose of receiving services and supports.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-6-402, **amend**
3 (1) introductory portion; and **add** (4) as follows:

4 **25.5-6-402. Legislative declaration - Prader-Willi syndrome.**

5 (1) The general assembly ~~hereby~~ finds and declares that it is the purpose
6 of this part 4 to provide services for persons with INTELLECTUAL AND
7 developmental disabilities ~~which~~ THAT would foster the following goals:

8 (4) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

9 (a) PRADER-WILLI SYNDROME IS A GENETIC CONDITION THAT
10 OCCURS IN APPROXIMATELY ONE IN FIFTEEN TO TWENTY-FIVE THOUSAND
11 PEOPLE WORLDWIDE, AND THERE ARE UP TO THREE HUNDRED
12 SEVENTY-FIVE INDIVIDUALS LIVING WITH THIS SYNDROME IN COLORADO;

13 (b) BECAUSE PRADER-WILLI SYNDROME IS A GENETIC DISORDER,
14 INDIVIDUALS EITHER HAVE IT OR THEY DO NOT. FURTHER, BECAUSE THERE
15 IS NOT CURRENTLY A CURE, INDIVIDUALS WHO HAVE PRADER-WILLI
16 SYNDROME WILL HAVE IT FOR LIFE.

17 (c) THIS DISORDER AFFECTS MEMBERS OF EVERY CULTURE,
18 RELIGION, ECONOMIC CLASS, RACE, AND SOCIAL ORDER;

19 (d) THE MOST CRITICAL HALLMARK OF PRADER-WILLI SYNDROME
20 IS OVEREATING. INDIVIDUALS WITH PRADER-WILLI CANNOT TELL WHEN
21 THEY ARE FULL AND WILL CONTINUE TO EAT WITHOUT STOP, LEADING TO
22 RUPTURED STOMACHS AND EVEN DEATH. OTHER SYMPTOMS INCLUDE
23 SIGNIFICANT DEVELOPMENTAL AND COGNITIVE DELAYS, SKIN PICKING,
24 SLEEP PROBLEMS, OBSESSIVE-COMPULSIVE BEHAVIORS, HYPOTHYROIDISM,
25 HYPOGONADISM, AND LOW MUSCLE TONE.

1 (e) THE STATE OF COLORADO DOES NOT CURRENTLY RECOGNIZE
2 PRADER-WILLI SYNDROME AS AN INTELLECTUAL AND DEVELOPMENTAL
3 DISABILITY.

4 ==
5 **SECTION 2.** In Colorado Revised Statutes, 25.5-6-403, **amend**
6 (1), (3.3)(a), and (3.3)(c)(II) as follows:

7 **25.5-6-403. Definitions.** As used in this part 4, unless the context
8 otherwise requires:

9 (1) "Developmentally disabled person" means a person with an
10 intellectual and developmental disability as defined in ~~section~~
11 ~~25.5-10-202~~ SUBSECTION (3.3)(a) OF THIS SECTION.

12 ==
13 (3.3) (a) "Intellectual and developmental disability" means a
14 disability that manifests before the person reaches twenty-two years of
15 age, that constitutes a substantial disability to the affected person, and that
16 is attributable to ~~mental-retardation~~ AN INTELLECTUAL AND
17 DEVELOPMENTAL DISABILITY or related conditions, ~~which include~~
18 INCLUDING PRADER-WILLI SYNDROME, cerebral palsy, epilepsy, autism,
19 or other neurological conditions when those conditions result in
20 impairment of general intellectual functioning or adaptive behavior
21 similar to that of a person with ~~mental-retardation~~ AN INTELLECTUAL AND
22 DEVELOPMENTAL DISABILITY. Unless otherwise specifically stated, the
23 federal definition of "developmental disability" found in 42 U.S.C. sec.
24 15001 et seq., ~~shall~~ DOES not apply.

25 (c) "Child with a developmental delay" means:
26 (II) A person less than five years of age who is at risk of having
27 a AN INTELLECTUAL AND developmental disability as defined by rule of

1 the state board.

2 ==

3 **SECTION 3.** In Colorado Revised Statutes, 25.5-10-202, **amend**
4 (26) as follows:

5 **25.5-10-202. Definitions.** As used in this article 10, unless the
6 context otherwise requires:

7 (26) (a) "Intellectual and developmental disability" means a
8 disability that manifests before the person reaches twenty-two years of
9 age, that constitutes a substantial disability to the affected person, and that
10 is attributable to ~~mental-retardation~~ AN INTELLECTUAL AND
11 DEVELOPMENTAL DISABILITY or related conditions, ~~which include~~
12 INCLUDING PRADER-WILLI SYNDROME, cerebral palsy, epilepsy, autism,
13 or other neurological conditions when those conditions result in
14 impairment of general intellectual functioning or adaptive behavior
15 similar to that of a person with ~~mental-retardation~~ AN INTELLECTUAL AND
16 DEVELOPMENTAL DISABILITY. Unless otherwise specifically stated, the
17 federal definition of "developmental disability" found in 42 U.S.C. sec.
18 15001 et seq., ~~shall~~ DOES not apply.

19 (b) "Person with an intellectual and developmental disability"
20 means a person determined by a community-centered board to have an
21 intellectual and developmental disability and ~~shall include~~ INCLUDES a
22 child with a developmental delay.

23 (c) "Child with a developmental delay" means:

24 (I) A person less than five years of age with delayed development
25 as defined by rule of the state board; or

26 (II) A person less than five years of age who is at risk of having
27 a AN INTELLECTUAL AND developmental disability as defined by rule of

1 the state board.

2 **SECTION 4. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part will not take effect
9 unless approved by the people at the general election to be held in
10 November 2018 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.