

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 18-0725.01 Jane Ritter x4342

SENATE BILL 18-091

SENATE SPONSORSHIP

Martinez Humenik, Moreno, Tate, Zenzinger

HOUSE SPONSORSHIP

Thurlow, Arndt, Hooton, McKean

Senate Committees
Health & Human Services

House Committees
Public Health Care & Human Services

HOUSE
3rd Reading Unamended
March 6, 2018

A BILL FOR AN ACT

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

HOUSE
2nd Reading Unamended
March 5, 2018

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/>.)

SENATE
3rd Reading Unamended
February 13, 2018

Statutory Revision Committee. The bill is a follow-up and clean-up to Senate Bill 17-242, which updated and modernized terminology in the Colorado Revised Statutes related to behavioral health, including mental health disorders, alcohol use disorders, and substance use disorders.

SENATE
Amended 2nd Reading
February 12, 2018

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.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the purpose of Senate Bill 18-091, enacted in 2018, is to
4 effect a nonsubstantive change in statute to modernize the outdated use
5 of the terms related to behavioral health, mental health, alcohol abuse,
6 and substance abuse. The general assembly further declares that these
7 terminology changes do not in any way alter the scope or applicability of
8 the statutory sections in which the terminology appears.

9 **SECTION 2.** In Colorado Revised Statutes, 8-73-108, **amend** (4)
10 introductory portion, (4)(b)(IV) introductory portion, (4)(b)(IV)(A),
11 (4)(b)(IV)(B), (4)(b)(V), (5)(e) introductory portion, and (5)(e)(XXIV) as
12 follows:

13 **8-73-108. Benefit awards - repeal.** (4) **Full award.** An
14 individual separated from a job ~~shall~~ **MUST** be given a full award of
15 benefits if THE DIVISION DETERMINES THAT any of the following reasons
16 and pertinent RELATED conditions ~~related thereto are determined by the~~
17 ~~division to have existed~~ **EXIST**. The determination of whether or not the
18 separation from employment ~~shall~~ **MUST** result in a full award of benefits
19 ~~shall be~~ **IS** the responsibility of the division. The following reasons ~~shall~~
20 **MUST** be considered, along with any other factors that may be pertinent
21 to such determination:

22 (b) (IV) The off-the-job or on-the-job use of not medically
23 prescribed intoxicating beverages or controlled substances, as defined in
24 section 18-18-102 (5), ~~C.R.S.~~, may be reason for a determination for a
25 full award pursuant to this ~~paragraph (b)~~ **SUBSECTION (4)(b)**, but only if:

26 (A) The worker has declared to the division that he or she is

1 ~~addicted to intoxicating beverages or controlled substances~~ HAS AN
2 ALCOHOL OR SUBSTANCE USE DISORDER;

3 (B) The worker has substantiated the ~~addiction~~ ALCOHOL OR
4 SUBSTANCE USE DISORDER by a competent written medical statement
5 issued by a physician licensed to practice medicine pursuant to article 36
6 of title 12, ~~C.R.S.~~; or by a licensed physician assistant authorized under
7 section 12-36-106 (5), ~~C.R.S.~~; or has substantiated the successful
8 completion of, or ongoing participation in, a treatment program as
9 described in ~~sub-paragraph (C) of this subparagraph (IV)~~ SUBSECTION
10 (4)(b)(IV)(C) OF THIS SECTION within four weeks after the claimant's
11 admission. ~~Such~~ THE substantiation ~~shall~~ MUST be in writing to the
12 division and signed by an authorized representative of the approved
13 treatment program.

14 (V) A potentially chargeable employer may notify the division
15 concerning the failure of the worker to participate in or complete an
16 approved program of corrective action to deal with the ~~addiction~~
17 ALCOHOL OR SUBSTANCE USE DISORDER within fifteen calendar days after
18 the date on which he OR SHE discovers ~~such a condition to exist~~ THE
19 EXISTENCE OF SUCH A DISORDER. The worker ~~shall~~ MUST be given an
20 opportunity to respond to the employer's allegations. The division, upon
21 review of additional information, may modify a prior decision pursuant
22 to ~~subparagraph (XXIV) of paragraph (e) of subsection (5)~~ SUBSECTION
23 (5)(e)(XXIV) of this section.

24 (5) **Disqualification.** (e) Subject to the maximum reduction
25 consistent with federal law, and insofar as consistent with interstate
26 agreements, if a separation from employment occurs for any of the
27 following reasons, the employer from whom such separation occurred

1 ~~shall~~ MUST not be charged for benefits which are attributable to such
2 employment and, because any payment of benefits which are attributable
3 to such employment out of the fund as defined in section 8-70-103 (13)
4 ~~shall be~~ IS deemed to have an adverse effect on ~~such~~ THE employer's
5 account in such fund, ~~no~~ A payment of such benefits ~~shall~~ MUST NOT be
6 made from such fund:

7 (XXIV) Failure to participate in or failure to complete an
8 approved program of corrective action to deal with an ~~addiction~~ ALCOHOL
9 OR SUBSTANCE USE DISORDER pursuant to ~~subparagraph (IV) of paragraph~~
10 ~~(b) of subsection (4)~~ SUBSECTION (4)(b)(IV) of this section. The
11 determination of whether or not an individual has failed to participate in
12 or complete an approved program of corrective action to deal with an
13 ~~addiction shall be~~ ALCOHOL OR SUBSTANCE USE DISORDER IS the
14 responsibility of the division. In making such a decision, the division may
15 consider extenuating circumstances for the individual's failure to
16 participate in or complete the approved program of corrective action
17 which would justify a decision not to disqualify the individual from
18 receiving benefits, but only if the individual presents a program of
19 corrective action in accordance with ~~sub-subparagraph (C) of~~
20 ~~subparagraph (IV) of paragraph (b) of subsection (4)~~ SUBSECTION
21 (4)(b)(IV)(C) of this section. The only extenuating circumstances which
22 may be considered by the division ~~shall be~~ ARE whether the individual
23 suffered an illness not related to the ~~addiction~~ ALCOHOL OR SUBSTANCE
24 USE DISORDER or received incapacitating injuries in an accident or
25 whether the death of an immediate family member of the individual
26 occurred which contributed to the failure of the individual to participate
27 in or complete the program of corrective action. The burden of proof that

1 an extenuating circumstance existed lies with the claimant.

2 **SECTION 3.** In Colorado Revised Statutes, 10-16-102, **amend**
3 (37)(b) as follows:

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

6 (37) "Health-status-related factor" means any of the following
7 factors:

8 (b) Medical condition, including both physical ILLNESSES and
9 mental ~~illnesses~~ HEALTH DISORDERS;

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

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

16 (d) Has an alcohol use disorder, as defined in section 27-81-102,
17 or a substance use disorder, as defined in section 27-82-102, or is an
18 excessive or a habitual user or abuser of alcohol or habit-forming drugs
19 or is a habitual user of a controlled substance, as defined in section
20 18-18-102 (5), if the use, ~~addiction~~ DISORDER, or dependency is a danger
21 to other licensees;

22 **SECTION 5.** In Colorado Revised Statutes, 12-42.5-201, **amend**
23 (1) as follows:

24 **12-42.5-201. Legislative declaration.** (1) The general assembly
25 ~~hereby~~ finds, determines, and declares that the creation of a pharmacy
26 peer health assistance diversion program for those persons subject to the
27 jurisdiction of the board will serve to safeguard the life, health, property,

1 and public welfare of the people of this state. A pharmacy peer health
2 assistance diversion program will help practitioners experiencing
3 impaired practice due to psychiatric, psychological, or emotional
4 problems; ~~or~~ excessive alcohol or drug use; or ~~addiction~~ ALCOHOL OR
5 SUBSTANCE USE DISORDERS. The general assembly further declares that
6 a pharmacy peer health assistance diversion program will protect the
7 privacy and welfare of those persons who provide services and at the
8 same time assist the board in carrying out its duties and responsibilities
9 to ensure that only qualified persons are allowed to engage in providing
10 those services that are under the jurisdiction of the board.

11 **SECTION 6.** In Colorado Revised Statutes, 12-42.5-202, **amend**
12 (1) and (3) as follows:

13 **12-42.5-202. Definitions.** As used in this part 2, unless the
14 context otherwise requires:

15 (1) "Impaired practice" means a licensee's inability to meet the
16 requirements of the laws of this state and the rules of the board governing
17 his or her practice when the licensee's cognitive, interpersonal, or
18 psychomotor skills are affected by psychiatric, psychological, or
19 emotional problems; ~~or~~ excessive alcohol or drug use; or ~~addiction~~
20 ALCOHOL OR SUBSTANCE USE DISORDERS.

21 (3) "Peer health assistance organization" means an organization
22 that provides a formal, structured program that meets the requirements
23 specified in this part 2 and is administered by appropriate professionals
24 for the purpose of assisting licensees experiencing impaired practice to
25 obtain evaluation, treatment, short-term counseling, monitoring of
26 progress, and ongoing support for the purpose of arresting and treating
27 the licensee's psychiatric, psychological, or emotional problems; ~~or~~

1 excessive alcohol or drug use; or ~~addiction~~ ALCOHOL OR SUBSTANCE USE
2 DISORDERS.

3 **SECTION 7.** In Colorado Revised Statutes, 12-43-803, **amend**
4 (2)(a) and (2)(b) as follows:

5 **12-43-803. Practice of addiction counseling defined - scope of**
6 **practice.** (2) The scope of practice of addiction counseling focuses on
7 the following four transdisciplinary foundations that underlie the work of
8 all addiction counselors:

9 (a) **Understanding addiction:** Includes knowledge of models and
10 theories of addiction, INCLUDING ALCOHOL AND SUBSTANCE USE
11 DISORDERS; recognition of social, political, economic, and cultural
12 contexts within which addiction exists; understanding the behavioral,
13 psychological, physical health, and social effects of using addictive
14 substances or engaging in addictive behaviors; and recognizing and
15 understanding co-occurring disorders.

16 (b) **Treatment knowledge:** Includes the philosophies, practices,
17 policies, and outcomes of the most generally accepted and scientifically
18 supported models, along with research and outcome data, of treatment,
19 recovery, relapse prevention, and continuing care for addictive disorders,
20 INCLUDING ALCOHOL AND SUBSTANCE USE DISORDERS. Treatment
21 knowledge includes the ability to work effectively with families,
22 significant others, social networks, and community systems in the
23 treatment process and understanding the value of a multidisciplinary
24 approach to ~~addiction~~ treatment OF ADDICTIVE DISORDERS, INCLUDING
25 ALCOHOL AND SUBSTANCE USE DISORDERS.

26 **SECTION 8.** In Colorado Revised Statutes, 13-5-142, **amend**
27 (1)(c) and (3)(b)(III) as follows:

1 **13-5-142. National instant criminal background check system**

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

6 (c) The name of each person with respect to whom the court has
7 entered an order for involuntary certification for short-term treatment of
8 ~~mental illness~~ A MENTAL HEALTH DISORDER pursuant to section
9 27-65-107, ~~C.R.S.~~, for extended certification for treatment of ~~mental~~
10 ~~illness~~ A MENTAL HEALTH DISORDER pursuant to section 27-65-108,
11 ~~C.R.S.~~, or for long-term care and treatment of ~~mental illness~~ A MENTAL
12 HEALTH DISORDER pursuant to section 27-65-109. ~~C.R.S.~~

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

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

17 (III) The record in the case was sealed pursuant to section
18 27-65-107 (7), ~~C.R.S.~~, or the court entered an order discharging the
19 person from commitment in the nature of habeas corpus pursuant to
20 section 27-65-113, ~~C.R.S.~~, if the record in the national instant criminal
21 background check system is based on a court order for involuntary
22 certification for short-term treatment of ~~mental illness~~ A MENTAL HEALTH
23 DISORDER.

24 **SECTION 9.** In Colorado Revised Statutes, 13-5-142.5, **amend**
25 (2)(a)(III) as follows:

26 **13-5-142.5. National instant criminal background check**
27 **system - judicial process for awarding relief from federal**

1 **prohibitions - legislative declaration. (2) Eligibility.** A person may
2 petition for relief pursuant to this section if:

3 (a) (III) The court has entered an order for the person's involuntary
4 certification for short-term treatment of ~~mental illness~~ A MENTAL HEALTH
5 DISORDER pursuant to section 27-65-107, ~~C.R.S.~~, for extended
6 certification for treatment of ~~mental illness~~ A MENTAL HEALTH DISORDER
7 pursuant to section 27-65-108, ~~C.R.S.~~, or for long-term care and treatment
8 of ~~mental illness~~ A MENTAL HEALTH DISORDER pursuant to section
9 27-65-109; ~~C.R.S.~~; and

10 **SECTION 10.** In Colorado Revised Statutes, 13-9-123, **amend**
11 (1)(c) and (3)(b)(III) as follows:

12 **13-9-123. National instant criminal background check system**
13 **- reporting.** (1) On and after March 20, 2013, the state court
14 administrator shall send electronically the following information to the
15 Colorado bureau of investigation created pursuant to section 24-33.5-401,
16 referred to in this section as the "bureau":

17 (c) The name of each person with respect to whom the court has
18 entered an order for involuntary certification for short-term treatment of
19 ~~mental illness~~ A MENTAL HEALTH DISORDER pursuant to section
20 27-65-107, ~~C.R.S.~~, for extended certification for treatment of ~~mental~~
21 ~~illness~~ A MENTAL HEALTH DISORDER pursuant to section 27-65-108,
22 ~~C.R.S.~~, or for long-term care and treatment of ~~mental illness~~ A MENTAL
23 HEALTH DISORDER pursuant to section 27-65-109. ~~C.R.S.~~

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

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

1 (III) The record in the case was sealed pursuant to section
2 27-65-107 (7), ~~C.R.S.~~, or the court entered an order discharging the
3 person from commitment in the nature of habeas corpus pursuant to
4 section 27-65-113, ~~C.R.S.~~, if the record in the national instant criminal
5 background check system is based on a court order for involuntary
6 certification for short-term treatment of ~~mental illness~~ A MENTAL HEALTH
7 DISORDER.

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

10 **13-9-124. National instant criminal background check system**
11 **- judicial process for awarding relief from federal prohibitions -**
12 **legislative declaration. (2) Eligibility.** A person may petition for relief
13 pursuant to this section if:

14 (a) (III) The court has entered an order for the person's involuntary
15 certification for short-term treatment of ~~mental illness~~ A MENTAL HEALTH
16 DISORDER pursuant to section 27-65-107, ~~C.R.S.~~, for extended
17 certification for treatment of ~~mental illness~~ A MENTAL HEALTH DISORDER
18 pursuant to section 27-65-108, ~~C.R.S.~~, or for long-term care and treatment
19 of ~~mental illness~~ A MENTAL HEALTH DISORDER pursuant to section
20 27-65-109; ~~C.R.S.~~; and

21 **SECTION 12.** In Colorado Revised Statutes, **amend** 13-21-103
22 as follows:

23 **13-21-103. Damages for selling liquor to an intoxicated person.**
24 Every husband, wife, child, parent, guardian, employer, or other person
25 who is injured in person, or property, or means of support by any
26 intoxicated person, or in consequence of the intoxication of any person,
27 has a right of action, in his OR HER name, against any person who, by

1 selling or giving away intoxicating liquors to any ~~habitual drunkard~~
2 HABITUALLY INTOXICATED PERSON OR PERSON WITH AN ALCOHOL USE
3 DISORDER, causes the intoxication, in whole or in part, of such ~~habitual~~
4 ~~drunkard~~ HABITUALLY INTOXICATED PERSON OR PERSON WITH AN
5 ALCOHOL USE DISORDER; and all damages recovered by a minor ~~under~~
6 PURSUANT TO this section ~~shall~~ MUST be paid either to the minor or to his
7 OR HER parent, guardian, or next friend, as the court directs. The unlawful
8 sale or giving away of intoxicating liquors works a forfeiture of all rights
9 of the lessee or tenant under any lease or contract of rent upon the
10 premises. ~~No Liability shall~~ MUST NOT accrue against any such person as
11 provided unless the husband, wife, child, parent, guardian, or employer
12 first, by written or printed notice, has notified such person, or his OR HER
13 agents or employees, not to sell or give away any intoxicating liquors to
14 any ~~habitual drunkard~~ HABITUALLY INTOXICATED PERSON OR PERSON
15 WITH AN ALCOHOL USE DISORDER.

16 **SECTION 13.** In Colorado Revised Statutes, 13-21-117, **amend**
17 (3) as follows:

18 **13-21-117. Civil liability - mental health providers - duty to**
19 **warn - definitions.** (3) The provisions of this section do not apply to the
20 negligent release of a patient from any mental health hospital or ward or
21 to the negligent failure to initiate involuntary seventy-two-hour treatment
22 and evaluation after a personal patient evaluation determining that the
23 person appears to have a mental ~~illness~~ HEALTH DISORDER and, as a result
24 of the mental ~~illness~~ HEALTH DISORDER, appears to be an imminent danger
25 to others.

26 **SECTION 14.** In Colorado Revised Statutes, 16-5-402, **amend**
27 (2) introductory portion and (2)(c) as follows:

1 **16-5-402. Limitation for collateral attack upon trial judgment.**

2 (2) In recognition of the difficulties attending the litigation of stale
3 claims and the potential for frustrating various statutory provisions
4 directed at repeat offenders, former offenders, and habitual offenders, the
5 only exceptions to the time limitations specified in subsection (1) of this
6 section ~~shall be~~ ARE:

7 (c) Where the court hearing the collateral attack finds by a
8 preponderance of the evidence that the failure to seek relief within the
9 applicable time period was caused by an adjudication of incompetence or
10 by commitment of the defendant or juvenile to an institution for treatment
11 as a person with a mental ~~illness~~ HEALTH DISORDER; or

12 **SECTION 15.** In Colorado Revised Statutes, 17-1-113.9, **amend**
13 (1) as follows:

14 **17-1-113.9. Use of administrative segregation for state inmates**
15 **- reporting.** (1) Notwithstanding section 24-1-136 (11)(a)(I), on or
16 before January 1, 2012, and each January 1 thereafter, the executive
17 director shall provide a written report to the judiciary committees of the
18 senate and house of representatives, or any successor committees,
19 concerning the status of administrative segregation; reclassification
20 efforts for offenders with mental ~~illnesses or~~ HEALTH DISORDERS OR
21 INTELLECTUAL AND developmental disabilities, including duration of stay,
22 reason for placement, and number and percentage discharged; and any
23 internal reform efforts since July 1, 2011.

24 **SECTION 16.** In Colorado Revised Statutes, 17-2-103, **amend**
25 (11)(c)(I) and (11)(c)(II)(A) as follows:

26 **17-2-103. Arrest of parolee - revocation proceedings.**
27 (11) (c) If the board determines that the parolee is in need of treatment

1 and is amenable to treatment, the board shall consider placing the parolee
2 in one of the following treatment options and, if appropriate, may modify
3 the conditions of parole to include:

4 (I) Participation in an outpatient program for the treatment of
5 substance abuse OR SUBSTANCE USE DISORDERS, mental ~~illness~~ HEALTH
6 DISORDERS, or OTHER co-occurring OR BEHAVIORAL HEALTH disorders; or

7 (II) (A) Placement in a residential treatment program for the
8 treatment of substance abuse, SUBSTANCE USE DISORDERS, mental ~~illness~~
9 HEALTH DISORDERS, or OTHER co-occurring OR BEHAVIORAL HEALTH
10 disorders, which program is under contract with the department of public
11 safety and may include, but need not be limited to, intensive residential
12 treatment, therapeutic community, and mental health programs.

13 **SECTION 17.** In Colorado Revised Statutes, 17-27.1-101,
14 **amend** (2)(d) as follows:

15 **17-27.1-101. Nongovernmental facilities for offenders -**
16 **registration - notifications - penalties - definitions.** (2) As used in this
17 section, unless the context otherwise requires:

18 (d) "Private treatment program" means any residential or
19 nonresidential program that provides services, treatment, rehabilitation,
20 education, or criminal history-related treatment for supervised or
21 unsupervised persons but does not include a private contract prison
22 facility, a prison facility operated by a political subdivision of the state,
23 a facility providing treatment for persons with mental ~~illness~~ HEALTH
24 DISORDERS or INTELLECTUAL AND developmental disabilities, or a
25 community corrections program established pursuant to article 27 of this
26 ~~title~~ TITLE 17.

27 **SECTION 18.** In Colorado Revised Statutes, 17-27.7-103,

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

2 **17-27.7-103. Regimented inmate training program - eligibility**

3 **of offenders.** (1) The executive director may assign an inmate to a

4 regimented inmate training program pursuant to section 17-40-102 (2).

5 The executive director shall assign to a regimented inmate training

6 program only those inmates who are nonviolent offenders thirty years of

7 age or younger who are not serving a sentence, and have not served a

8 previous sentence, in a correctional facility for an unlawful sexual

9 behavior offense described in section 16-22-102 (9), a crime of violence

10 described in section 18-1.3-406, an assault offense described in part 2 of

11 article 3 of title 18, or a child abuse offense described in part 4 of article

12 6 of title 18, or who are not presently serving a sentence for a nonviolent

13 offense that was reduced from an unlawful sexual behavior offense

14 described in section 16-22-102 (9), a crime of violence described in

15 section 18-1.3-406, an assault offense described in part 2 of article 3 of

16 title 18, or a child abuse offense described in part 4 of article 6 of title 18,

17 as a result of a plea agreement or who are not aliens subject to a removal

18 order. Any offender assigned to the program ~~shall~~ MUST be free of any

19 physical or mental disability that could jeopardize his or her ability to

20 complete the program. The department may eliminate any offender from

21 the program upon a determination by the department that a physical

22 disability or a mental ~~illness~~ HEALTH DISORDER will prevent full

23 participation in the program by the offender. The department is absolved

24 of liability for participation in the program.

25 **SECTION 19.** In Colorado Revised Statutes, 18-12-202, **amend**

26 (3)(a) and (3)(b)(I) as follows:

27 **18-12-202. Definitions.** As used in this part 2, unless the context

1 otherwise requires:

2 (3) "Chronically and habitually uses alcoholic beverages to the
3 extent that the applicant's normal faculties are impaired" means:

4 (a) The applicant has at any time been committed as ~~an alcoholic~~
5 A PERSON WITH AN ALCOHOL USE DISORDER pursuant to section 27-81-111
6 or 27-81-112; ~~C.R.S.~~; or

7 (b) Within the ten-year period immediately preceding the date on
8 which the permit application is submitted, the applicant:

9 (I) Has been committed as ~~an alcoholic~~ A PERSON WITH AN
10 ALCOHOL USE DISORDER pursuant to section 27-81-109 or 27-81-110;
11 ~~C.R.S.~~; or

12 **SECTION 20.** In Colorado Revised Statutes, 24-34-501, **amend**
13 (1.3)(b)(I) as follows:

14 **24-34-501. Definitions.** As used in this part 5, unless the context
15 otherwise requires:

16 (1.3) (b) (I) On and after July 1, 1990, as to this part 5, "disability"
17 also includes a person who has a mental impairment, but the term does
18 not include any person currently involved in the illegal use of ~~or addiction~~
19 ~~to~~ a controlled substance OR A SUBSTANCE USE DISORDER WITH RESPECT
20 TO A CONTROLLED SUBSTANCE.

21 **SECTION 21.** In Colorado Revised Statutes, 25-1-801, **amend**
22 (1)(d) as follows:

23 **25-1-801. Patient records in custody of health care facility -**
24 **definitions.** (1) (d) Nothing in this section requires a person responsible
25 for the diagnosis or treatment of sexually transmitted infections, ~~or~~
26 ~~addiction to~~ A SUBSTANCE USE DISORDER, or THE use of drugs in the case
27 of minors pursuant to sections 13-22-102 ~~C.R.S.~~, and 25-4-409 to release

1 patient records of such diagnosis or treatment to a parent, guardian, or
2 person other than the minor or his or her designated representative.

3 **SECTION 22.** In Colorado Revised Statutes, 25-1-802, **amend**
4 (2) as follows:

5 **25-1-802. Patient records in custody of individual health care**
6 **providers.** (2) Nothing in this section requires a person responsible for
7 the diagnosis or treatment of sexually transmitted infections, ~~or addiction~~
8 ~~to~~ SUBSTANCE USE DISORDERS, or THE use of drugs in the case of minors
9 pursuant to sections 13-22-102 ~~C.R.S.~~, and 25-4-409 to release patient
10 records of such diagnosis or treatment to a parent, guardian, or person
11 other than the minor or his or her designated representative.

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

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

1 services board. Within thirty days after receiving the review committee's
2 recommendations, the Tony Grampas youth services board shall submit
3 its recommendations to the state board. The state board has the final
4 authority to approve the grants under this part 8. If the state board
5 disapproves a recommendation for a grant recipient, the review
6 committee may submit a replacement recommendation within thirty days.
7 In reviewing grant applications for programs to provide tobacco
8 education, prevention, and cessation programs for persons with
9 behavioral or mental health disorders, the division or the review
10 committee shall consult with the programs for public psychiatry at the
11 university of Colorado health sciences center, the national alliance ~~for the~~
12 ~~mentally ill~~ ON MENTAL ILLNESS, the mental health association of
13 Colorado, and the department of human services.

14 **SECTION 24.** In Colorado Revised Statutes, 25-49-102, **amend**
15 (6)(a)(II) as follows:

16 **25-49-102. Definitions.** As used in this article 49, unless the
17 context otherwise requires:

18 (6) (a) "Health care services" or "services" means services
19 included in, or incidental to, furnishing to an individual:

20 (II) Other services for the purpose of preventing, alleviating,
21 curing, or healing a physical ~~or mental illness or~~ ILLNESS, AN injury, OR
22 A MENTAL HEALTH DISORDER.

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

25 **25.5-5-202. Basic services for the categorically needy - optional**
26 **services.** (1) Subject to the provisions of subsection (2) of this section,
27 the following are services for which federal financial participation is

1 available and that Colorado has selected to provide as optional services
2 under the medical assistance program:

3 (c) Home- and community-based services, as specified in article
4 6 of this ~~title~~ TITLE 25.5, which include:

5 (IV) Home- and community-based services for persons with major
6 mental ~~illnesses~~ HEALTH DISORDERS, as specified in part 6 of article 6 of
7 this ~~title~~ TITLE 25.5;

8 **SECTION 26.** In Colorado Revised Statutes, 25.5-5-203, **amend**
9 (1)(e) as follows:

10 **25.5-5-203. Optional programs with special state provisions.**

11 (1) Subject to the provisions of subsection (2) of this section, this section
12 specifies programs developed by Colorado to increase federal financial
13 participation through selecting optional services or optional eligible
14 groups. These programs include but are not limited to:

15 (e) The home- and community-based services program for persons
16 with major mental ~~illnesses~~ HEALTH DISORDERS, as specified in part 6 of
17 article 6 of this ~~title~~ TITLE 25.5;

18 **SECTION 27.** In Colorado Revised Statutes, **amend** 25.5-6-601
19 as follows:

20 **25.5-6-601. Short title.** ~~This part 6 shall be known and may be~~
21 ~~cited as~~ THE SHORT TITLE OF THIS PART 6 IS the "Home- and
22 Community-based Services for Persons with Major Mental ~~Illnesses~~
23 HEALTH DISORDERS Act".

24 **SECTION 28.** In Colorado Revised Statutes, 25.5-6-602, **amend**
25 (1) as follows:

26 **25.5-6-602. Legislative declaration - no entitlement created.**

27 (1) The general assembly ~~hereby~~ finds and declares that the purpose of

1 this part 6 is to provide, under federal authorization and subject to
2 available appropriations, home- and community-based services for
3 persons with major mental ~~illnesses~~ HEALTH DISORDERS.

4 **SECTION 29.** In Colorado Revised Statutes, **amend** 25.5-6-604
5 as follows:

6 **25.5-6-604. Cost of services.** Home- and community-based
7 services for persons with major mental ~~illnesses shall~~ HEALTH DISORDERS
8 MUST meet aggregate federal waiver budget neutrality requirements.

9 **SECTION 30.** In Colorado Revised Statutes, **amend** 25.5-6-605
10 as follows:

11 **25.5-6-605. Relationship to single entry point for long-term**
12 **care.** The home- and community-based services program for persons with
13 major mental ~~illnesses shall~~ HEALTH DISORDERS MUST not be considered
14 a publicly funded long-term care program for the purposes of sections
15 25.5-6-105 to 25.5-6-107, concerning the single entry point system,
16 unless and until the departments of health care policy and financing and
17 human services provide in the memorandum of understanding between
18 the departments for the inclusion of the program in the single entry point
19 system.

20 **SECTION 31.** In Colorado Revised Statutes, 25.5-6-606, **amend**
21 (1) as follows:

22 **25.5-6-606. Implementation of program for persons with**
23 **mental health disorders authorized - federal waiver - duties of the**
24 **department of health care policy and financing and the department**
25 **of human services.** (1) The state department is ~~hereby~~ authorized to seek
26 any necessary waiver from the federal government to develop and
27 implement a home- and community-based services program for persons

1 with major mental illnesses HEALTH DISORDERS. The program shall MUST
2 be designed to provide home- and community-based services to eligible
3 persons. Eligibility may be limited to persons who meet the level of
4 services provided in a nursing facility, and services for eligible persons
5 may be established in state board rules to the extent such eligibility
6 criteria and services are authorized or required by federal waiver. The
7 program shall MUST include services provided under the
8 consumer-directed care service model, part 11 of this article ARTICLE 6.

9 **SECTION 32.** In Colorado Revised Statutes, 25.5-6-1201,
10 **amend** (2) as follows:

11 **25.5-6-1201. Legislative declaration.** (2) The general assembly
12 further finds that allowing clients more self-direction in their care is a
13 more effective way to deliver home- and community-based services to
14 clients with major mental illnesses HEALTH DISORDERS and brain injuries,
15 as well as to clients receiving home- and community-based supportive
16 living services and children's extensive support services. Therefore, the
17 general assembly declares that it is appropriate for the state department
18 to develop a plan for expanding the availability of in-home support
19 services to include these clients.

20 **SECTION 33.** In Colorado Revised Statutes, 26-2-111, **amend**
21 (4) introductory portion and (4)(f) as follows:

22 **26-2-111. Eligibility for public assistance - rules - repeal.**

23 (4) **Aid to the needy disabled.** Public assistance in the form of aid to the
24 needy disabled shall MUST be granted to any person who meets the
25 requirements of subsection (1) of this section and all of the following
26 requirements:

27 (f) A person who is disabled as a result of a primary diagnosis of

1 ~~alcoholism or a controlled substance addiction shall~~ AN ALCOHOL OR
2 SUBSTANCE USE DISORDER IS not be eligible for aid to the needy disabled
3 based upon that primary diagnosis if the person has received aid to the
4 needy disabled based upon such diagnosis for any cumulative
5 twelve-month period in the person's lifetime.

6 **SECTION 34.** In Colorado Revised Statutes, 26-3.1-111, **amend**
7 (7)(g) as follows:

8 **26-3.1-111. Access to CAPS - employment checks -**
9 **confidentiality - fees - rules - legislative declaration - definitions.**

10 (7) The following employers shall request a CAPS check pursuant to this
11 section:

12 (g) A facility operated by the state department for the care and
13 treatment of persons with mental ~~illness~~ HEALTH DISORDERS pursuant to
14 article 65 of title 27;

15 **SECTION 35.** In Colorado Revised Statutes, 27-65-121, **amend**
16 (1)(i) as follows:

17 **27-65-121. Records.** (1) Except as provided in subsection (2) of
18 this section, all information obtained and records prepared in the course
19 of providing any services pursuant to this article 65 to individuals
20 pursuant to any provision of this article 65 are confidential and privileged
21 matter. The information and records may be disclosed only:

22 (i) In accordance with state and federal law to the agency
23 designated pursuant to the federal "Protection and Advocacy for ~~Mentally~~
24 ~~Individuals WITH MENTAL ILLNESS~~ Act", 42 U.S.C. sec. 10801, et seq.,
25 as the governor's protection and advocacy system for Colorado.

26 **SECTION 36.** In Colorado Revised Statutes, 42-4-1705, **amend**
27 (3) as follows:

1 **42-4-1705. Person arrested to be taken before the proper**
2 **court.** (3) Any other provision of law to the contrary notwithstanding, a
3 police officer may place a person who has been arrested and charged with
4 DUI, DUI per se, or UDD and who has been given a written notice or
5 summons to appear in court as provided in section 42-4-1707 in a
6 state-approved treatment facility for ~~alcoholism~~ ALCOHOL USE DISORDERS
7 even though entry or other record of such arrest and charge has been
8 made. ~~Such~~ Placement ~~shall be~~ IS governed by article 81 of title 27,
9 ~~C.R.S.~~, except where in conflict with this section.

10 **SECTION 37. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2018 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.