

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0373.01 Jane Ritter x4342

HOUSE BILL 18-1177

HOUSE SPONSORSHIP

Michaelson Jenet,

SENATE SPONSORSHIP

Fenberg and Coram,

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MULTIPLE APPROACHES TO HELP PREVENT YOUTH**
102 **SUICIDE.**

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 requires the office of suicide prevention (office) in the department of public health and environment (department) to work with appropriate entities to develop and implement a plan to provide access to training programs related to youth suicide prevention for people who regularly interact with youth but who are not in a profession that typically provides such training opportunities, such as camp counselors, recreation

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.

center employees, youth group leaders, clergy, and parents. The office is required to approve at least 3 nonprofit organizations statewide to participate in a coordinated program of youth suicide prevention training. Classes and programs offered by the approved nonprofit organizations must be free to the public, and the department shall reimburse the approved nonprofit organization for any direct or indirect costs associated with such classes and programs.

The bill further directs the department to coordinate efforts to create and implement a statewide awareness campaign about suicide and youth suicide prevention, as well as awareness of the suicide prevention hotline. The awareness campaign may include, but is not limited to, the use of written, electronic, radio, and television media.

The age of consent for a minor to seek and obtain outpatient psychotherapy services is lowered from 15 years of age or older to 12 years of age and older. The licensed mental health provider is immune from civil or criminal liability for providing outpatient psychotherapy services unless he or she acts negligently or outside the scope of his or her practice.

The bill clarifies that the age of consent for a minor seeking inpatient psychotherapy or other inpatient mental health services without the consent of a parent or legal guardian remains 15 years of age or older.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1.5-112, **add**
3 **(2)(d)** as follows:

4 **25-1.5-112. Colorado suicide and youth suicide prevention**
5 **plan - established - goals - responsibilities - reporting - funding.**

6 (2) The suicide prevention commission, together with the office of
7 suicide prevention, the office of behavioral health, the department, and
8 the department of health care policy and financing, is strongly encouraged
9 to collaborate with criminal justice and health care systems, mental and
10 behavioral health systems, primary care providers, physical and mental
11 health clinics in educational institutions, community mental health
12 centers, advocacy groups, emergency medical services professionals and
13 responders, public and private insurers, hospital chaplains, and

1 faith-based organizations, to develop and implement:

2 (d) (I) A PLAN TO PROVIDE ACCESS TO TRAINING PROGRAMS
3 RELATED TO SUICIDE PREVENTION FOR PEOPLE WHO REGULARLY INTERACT
4 WITH YOUTH BUT WHO ARE NOT IN A PROFESSION THAT TYPICALLY
5 PROVIDES SUCH TRAINING OPPORTUNITIES, SUCH AS CAMP COUNSELORS,
6 RECREATION CENTER EMPLOYEES, YOUTH GROUP LEADERS, CLERGY,
7 ATHLETIC COACHES, CAREGIVERS, AND PARENTS. THE OFFICE OF SUICIDE
8 PREVENTION SHALL CONDUCT AN AWARENESS CAMPAIGN TO PROMOTE THE
9 ADOPTION OF EVIDENCE-BASED AND CULTURALLY SENSITIVE TRAINING
10 THAT TARGETS THESE AUDIENCES AND THAT TEACHES INDIVIDUALS TO
11 RECOGNIZE COMMON MENTAL HEALTH CHALLENGES FOR YOUTH, REVIEWS
12 TYPICAL ADOLESCENT DEVELOPMENT, AND TEACHES AN ACTION PLAN TO
13 HELP YOUTH IN BOTH CRISIS AND NON-CRISIS SITUATIONS. THE OFFICE OF
14 SUICIDE PREVENTION SHALL CONTRACT WITH A COLORADO-BASED
15 NONPROFIT ORGANIZATION TO OFFER SUCH TRAINING THROUGH AN
16 EXISTING STATEWIDE COORDINATED MODEL.

17 (II) ON OR BEFORE OCTOBER 1, 2018, AND EVERY QUARTER
18 THEREAFTER, THE OFFICE OF SUICIDE PREVENTION SHALL POST ON ITS
19 WEBSITE A LIST OF SUICIDE PREVENTION TRAINING CLASSES OR PROGRAMS
20 OFFERED BY NONPROFIT ORGANIZATIONS THROUGHOUT THE STATE THAT
21 HAVE BEEN APPROVED BY THE DEPARTMENT.

22 (III) THE NONPROFIT ORGANIZATION WITH WHICH THE OFFICE OF
23 SUICIDE PREVENTION ENTERED INTO A CONTRACT PURSUANT TO
24 SUBSECTION (2)(d)(I) OF THIS SECTION SHALL PROVIDE EVIDENCE-BASED
25 AND CULTURALLY SENSITIVE TRAINING CLASSES OR PROGRAMS, IN BOTH
26 ENGLISH AND SPANISH, AT NO CHARGE TO THE PUBLIC, AND THE
27 DEPARTMENT SHALL PROVIDE COMPENSATION TO SUCH NONPROFIT

1 ORGANIZATION FOR THE DIRECT AND INDIRECT COSTS RELATED TO THE
2 TRAINING CLASSES OR PROGRAMS.

3 SECTION 2. In Colorado Revised Statutes, 25-1.5-101, amend
4 (1)(w) as follows:

5 25-1.5-101. Powers and duties of department - laboratory cash
6 fund - report. (1) The department has, in addition to all other powers
7 and duties imposed upon it by law, the powers and duties provided in this
8 section as follows:

9 (w) (I) To ~~act~~ OPERATE THE OFFICE OF SUICIDE PREVENTION,
10 WHICH IS HEREBY ESTABLISHED IN THE DIVISION OF PREVENTION SERVICES
11 IN THE DEPARTMENT, THAT SERVES as the coordinator for suicide
12 prevention programs throughout the state, including the Colorado suicide
13 prevention plan established in section 25-1.5-112.

14 (II) The department is authorized to accept gifts, grants, and
15 donations ~~to assist it in performing its duties as the coordinator~~ ON
16 BEHALF OF THE OFFICE OF SUICIDE PREVENTION AND for suicide prevention
17 programs. All such gifts, grants, and donations shall be transmitted to the
18 state treasurer who shall credit the same to the suicide prevention
19 coordination cash fund, which fund is ~~hereby created~~ AND REFERRED TO
20 IN THIS SUBSECTION (1)(w) AS THE "FUND". The fund also consists of any
21 money appropriated or transferred to the fund by the general assembly for
22 the purposes of implementing section 25-1.5-112. Any ~~moneys~~ MONEY
23 remaining in the ~~suicide prevention coordination cash fund~~ at the end of
24 any fiscal year ~~shall remain~~ REMAINS in the fund and ~~shall~~ MUST not be
25 transferred or credited to the general fund. The general assembly shall
26 make appropriations from the ~~suicide prevention coordination cash fund~~
27 for expenditures incurred by the department OR THE OFFICE OF SUICIDE

1 PREVENTION in the performance of its duties ~~under~~ PURSUANT TO this
2 ~~paragraph (w)~~ SUBSECTION (1)(w) and section 25-1.5-112.

3 (III) (A) Notwithstanding section 24-1-136 (11)(a)(I), as part of
4 ~~its~~ THE duties as ~~coordinator for suicide prevention programs~~ OF THE
5 OFFICE OF SUICIDE PREVENTION, on or before each November 1, the
6 ~~department~~ OFFICE OF SUICIDE PREVENTION shall submit to the chairs of
7 the senate health and human services committee, ~~and~~ the house of
8 representatives health, insurance, and environment committee, AND THE
9 HOUSE OF REPRESENTATIVES PUBLIC HEALTH CARE AND HUMAN SERVICES
10 COMMITTEE, or their successor committees, and to the members of the
11 joint budget committee, a report listing all suicide prevention programs
12 in the state and describing the effectiveness of the ~~department~~ OFFICE OF
13 SUICIDE PREVENTION IN acting as the coordinator for suicide prevention
14 programs. For the report submitted in 2013 and each year thereafter, the
15 ~~department~~ OFFICE OF SUICIDE PREVENTION shall include any findings and
16 recommendations it has to improve suicide prevention in the state.

17 (B) (Deleted by amendment, L. 2012.)

18 (IV) In its role as coordinator for suicide prevention programs, the
19 ~~department~~ OFFICE OF SUICIDE PREVENTION may collaborate with each
20 facility licensed or certified pursuant to section 25-1.5-103 in order to
21 coordinate suicide prevention services, including relevant training and
22 other services as part of the Colorado suicide prevention plan established
23 in section 25-1.5-112, INCLUDING THE PLAN TO INCREASE ACCESS TO
24 SUICIDE PREVENTION TRAINING PROGRAMS, AS SET FORTH IN SECTION
25 25-1.5-112 (2)(d). When a facility treats a person OR YOUTH who has
26 attempted suicide or exhibits a suicidal gesture, the facility may provide
27 oral and written information or educational materials to the person or, in

1 the case of a minor, to parents, relatives, or other responsible persons to
2 whom the minor will be released, prior to the person's release, regarding
3 warning signs of depression, risk factors of suicide, methods of
4 preventing suicide, available suicide prevention resources, and any other
5 information concerning suicide awareness and prevention. The
6 ~~department~~ OFFICE OF SUICIDE PREVENTION may work with facilities and
7 the Colorado suicide prevention plan to determine whether and where
8 gaps exist in suicide prevention programs and services, including gaps
9 that may be present in:

10 (A) The information and materials being used and distributed in
11 facilities throughout the state;

12 (B) Resources available to persons, INCLUDING YOUTH, who
13 attempt suicide or exhibit a suicidal gesture and, when the person is a
14 minor, to parents, relatives, and other responsible persons to whom a
15 minor is released; and

16 (C) The process for referring persons, INCLUDING YOUTH, who
17 attempt suicide or exhibit a suicidal gesture to suicide prevention services
18 and programs or other appropriate health care providers for treatment.

19 (V) IN ITS ROLE AS COORDINATOR FOR SUICIDE PREVENTION
20 PROGRAMS, THE OFFICE OF SUICIDE PREVENTION SHALL WORK WITH THE
21 COLORADO YOUTH ADVISORY COUNCIL, CREATED IN SECTION 2-2-1302,
22 AND THE YOUTH SUICIDE PREVENTION WORKGROUP OF THE SUICIDE
23 PREVENTION COMMISSION TO ADVISE THE OFFICE OF SUICIDE PREVENTION
24 IN THE CREATION AND DEVELOPMENT OF A YOUTH-FRIENDLY AND
25 CULTURALLY SENSITIVE WEBSITE THAT SERVES AS A CLEARINGHOUSE FOR
26 ACCESS TO PREEXISTING MENTAL HEALTH RESOURCES AVAILABLE
27 THROUGHOUT COLORADO. THE OFFICE OF SUICIDE PREVENTION SHALL

1 CREATE THE WEBSITE ON OR BEFORE JULY 1, 2019, AND SHALL BE
2 RESPONSIBLE FOR MAINTAINING CURRENT INFORMATION ON THE WEBSITE.
3 THE WEBSITE MUST BE ACCESSIBLE TO BOTH ENGLISH- AND
4 SPANISH-SPEAKING INDIVIDUALS.

5 **SECTION 3.** In Colorado Revised Statutes, 12-43-201, **amend**
6 (9)(a) as follows:

7 **12-43-201. Definitions.** As used in this article 43, unless the
8 context otherwise requires:

9 (9) (a) "Psychotherapy", OR "PSYCHOTHERAPY SERVICES", means
10 the treatment, diagnosis, testing, assessment, or counseling in a
11 professional relationship to assist individuals or groups to alleviate
12 behavioral and mental health disorders; understand unconscious or
13 conscious motivation; resolve emotional, relationship, or attitudinal
14 conflicts; or modify behaviors that interfere with effective emotional,
15 social, or intellectual functioning. Psychotherapy follows a planned
16 procedure of intervention that takes place on a regular basis, over a period
17 of time, or in the cases of testing, assessment, and brief psychotherapy,
18 psychotherapy can be a single intervention.

19 **SECTION 4.** In Colorado Revised Statutes, **add** 12-43-202.5 as
20 follows:

21 **12-43-202.5. Minors - consent for outpatient psychotherapy -**
22 **legislative declaration - immunity.** (1) (a) THE GENERAL ASSEMBLY
23 FINDS AND DECLARES THAT:

24 (I) THE CENTERS FOR DISEASE CONTROL FOUND SUICIDE TO BE THE
25 TENTH LEADING CAUSE OF DEATH FOR ALL AGES IN 2013 AND IS
26 CURRENTLY THE LEADING CAUSE OF DEATH FOR COLORADO YOUTH WHO
27 ARE TEN THROUGH FOURTEEN YEARS OF AGE;

1 (II) ACCORDING TO THE AMERICAN ASSOCIATION OF
2 SUICIDOLOGY, THE SUICIDE RATE FOR YOUTH WHO ARE TEN THROUGH
3 FOURTEEN YEARS OF AGE HAS INCREASED BY MORE THAN FIFTY PERCENT
4 OVER THE PAST THREE DECADES; AND

5 (III) YOUTH WHO ARE TEN THROUGH FOURTEEN YEARS OF AGE
6 OFTEN AVOID OBTAINING, OR ARE LEGALLY UNABLE TO OBTAIN WITHOUT
7 PARENTAL CONSENT, OUTPATIENT PSYCHOTHERAPY SERVICES THAT
8 WOULD HELP THEM PRIOR TO REACHING CRISIS LEVELS BECAUSE THEY ARE
9 EMBARRASSED OR CONCERNED ABOUT SPEAKING WITH THEIR PARENTS
10 ABOUT THEIR MENTAL HEALTH CONCERNS AND SITUATION.

11 (b) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT IT IS A
12 MATTER OF STATEWIDE CONCERN TO ALLOW YOUTH WHO ARE TWELVE
13 YEARS OF AGE AND OLDER TO HAVE LEGAL ACCESS TO OUTPATIENT
14 PSYCHOTHERAPY SERVICES THAT MIGHT OTHERWISE BE UNAVAILABLE
15 WITHOUT THE CONSENT OF OR NOTIFICATION TO THE YOUTH'S PARENT OR
16 LEGAL GUARDIAN. PROVIDING THESE YOUTH WITH ACCESS TO OUTPATIENT
17 PSYCHOTHERAPY SERVICES IS INTENDED TO REDUCE YOUTH SUICIDES AND
18 ALLOW MENTAL HEALTH PROVIDERS TO WORK WITH YOUTH TO TEACH
19 THEM FUNCTIONAL COPING SKILLS. MENTAL HEALTH PROVIDERS WOULD
20 FURTHER HAVE THE OPPORTUNITY TO HELP THESE YOUTH BUILD HEALTHY
21 CONNECTIONS WITH PARENTS OR LEGAL GUARDIANS BY INCREASING
22 COMMUNICATION AND STRENGTHENING THE BOND BETWEEN PARENT AND
23 CHILD, THUS BUILDING AN ONGOING, NONCLINICAL SUPPORT SYSTEM FOR
24 THE YOUTH TO USE TO MANAGE HIS OR HER MENTAL HEALTH CONCERNS.

25 (2) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
26 CONTRARY, A MENTAL HEALTH PROFESSIONAL WHO IS LICENSED
27 PURSUANT TO THIS ARTICLE 43 MAY, AT A MINOR'S REQUEST, PROVIDE

1 PSYCHOTHERAPY SERVICES, AS THAT TERM IS DEFINED IN SECTION
2 12-43-201 (9)(a), TO A MINOR WHO IS AT LEAST TWELVE YEARS OF AGE,
3 BUT LESS THAN FIFTEEN YEARS OF AGE WITH OR WITHOUT THE CONSENT
4 OF THE MINOR'S PARENT OR LEGAL GUARDIAN. THE MINOR'S CONSENT IS
5 NOT SUBJECT TO DISAFFIRMANCE BECAUSE OF MINORITY.

6 (b) A MENTAL HEALTH PROFESSIONAL WHO IS LICENSED PURSUANT
7 TO THIS ARTICLE 43 MAY NOT PROVIDE PSYCHOTHERAPY SERVICES TO A
8 MINOR WHO IS YOUNGER THAN TWELVE YEARS OF AGE WITHOUT THE
9 CONSENT OF THE MINOR'S PARENT OR LEGAL GUARDIAN. A MENTAL
10 HEALTH PROFESSIONAL WHO IS LICENSED PURSUANT TO THIS ARTICLE 43
11 MAY PROVIDE PSYCHOTHERAPY SERVICES TO A MINOR WHO IS FIFTEEN
12 YEARS OF AGE OR OLDER PURSUANT TO SECTION 27-65-103 (2).

13 (c) THE LICENSED MENTAL HEALTH PROFESSIONAL PROVIDING
14 PSYCHOTHERAPY SERVICES TO A MINOR PURSUANT TO THIS SUBSECTION
15 (2) IS NOT REQUIRED TO, BUT MAY, WITH THE CONSENT OF THE MINOR,
16 ADVISE THE MINOR'S PARENT OR LEGAL GUARDIAN OF THE
17 PSYCHOTHERAPY SERVICES PROVIDED PURSUANT TO SUBSECTION (2)(a) OF
18 THIS SECTION. A LICENSED MENTAL HEALTH PROFESSIONAL PROVIDING
19 SUCH PSYCHOTHERAPY SERVICES IS ENCOURAGED TO OBTAIN THE
20 CONSENT OF THE MINOR TO SPEAK TO THE MINOR'S PARENT OR LEGAL
21 GUARDIAN.

22 (3) IF A MINOR WHO IS RECEIVING PSYCHOTHERAPY SERVICES
23 PURSUANT TO THIS SECTION COMMUNICATES TO THE MENTAL HEALTH
24 PROFESSIONAL A CLEAR AND IMMINENT INTENT OR THREAT TO INFLICT
25 SERIOUS BODILY HARM ON HIMSELF OR HERSELF OR OTHERS, THE MENTAL
26 HEALTH PROFESSIONAL IS SUBJECT TO THE PROVISIONS OF SECTION
27 13-21-117 (2).

1 **SECTION 5.** In Colorado Revised Statutes, 27-60-103, **add** (8)
2 as follows:

3 **27-60-103. Behavioral health crisis response system - services**
4 **- request for proposals - criteria - reporting - rules.** (8) THE STATE
5 DEPARTMENT OF HUMAN SERVICES SHALL COORDINATE EFFORTS WITH THE
6 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO IMPLEMENT A
7 STATEWIDE AWARENESS CAMPAIGN ABOUT YOUTH SUICIDE PREVENTION,
8 AS WELL AS AWARENESS OF THE TWENTY-FOUR-HOUR TELEPHONE CRISIS
9 SERVICE CREATED PURSUANT TO THIS SECTION. THE STATE DEPARTMENT
10 OF HUMAN SERVICES SHALL EXPAND YOUTH-SPECIFIC INTERVENTIONS,
11 INCLUDING TEXT-BASED SERVICES, WITHIN THE TWENTY-FOUR-HOUR
12 TELEPHONE CRISIS SERVICE TO SPECIFICALLY ADDRESS YOUTH SUICIDE
13 PREVENTION.

14 **SECTION 6. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.