

CHAPTER 35

HUMAN SERVICES - BEHAVIORAL HEALTH

SENATE BILL 18-091

BY SENATOR(S) Martinez Humenik, Moreno, Tate, Zenzinger, Jahn, Kefalas, Smallwood;
also REPRESENTATIVE(S) Thurlow, Arndt, Hooton, McKean, Buckner, Hansen, Herod, Lontine, Michaelson Jenet, Rosenthal.

AN ACT

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

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

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the purpose of Senate Bill 18-091, enacted in 2018, is to effect a nonsubstantive change in statute to modernize the outdated use of the terms related to behavioral health, mental health, alcohol abuse, and substance abuse.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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(A) The worker has declared to the division that he or she ~~is addicted to intoxicating beverages or controlled substances~~ HAS AN ALCOHOL OR SUBSTANCE USE DISORDER;

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

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

(5) **Disqualification.** (e) Subject to the maximum reduction consistent with federal law, and insofar as consistent with interstate agreements, if a separation from employment occurs for any of the following reasons, the employer from whom such separation occurred ~~shall~~ MUST not be charged for benefits which are attributable to such employment and, because any payment of benefits which are attributable to such employment out of the fund as defined in section 8-70-103 (13) ~~shall be~~ IS deemed to have an adverse effect on ~~such~~ THE employer's account in such fund, ~~no~~ A payment of such benefits ~~shall~~ MUST NOT be made from such fund:

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

extenuating circumstance existed lies with the claimant.

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

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

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

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

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

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

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

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

12-42.5-201. Legislative declaration. (1) The general assembly ~~hereby~~ finds, determines, and declares that the creation of a pharmacy peer health assistance diversion program for those persons subject to the jurisdiction of the board will serve to safeguard the life, health, property, and public welfare of the people of this state. A pharmacy peer health assistance diversion program will help practitioners experiencing impaired practice due to psychiatric, psychological, or emotional problems; ~~or excessive alcohol or drug use; or addiction~~ ALCOHOL OR SUBSTANCE USE DISORDERS. The general assembly further declares that a pharmacy peer health assistance diversion program will protect the privacy and welfare of those persons who provide services and at the same time assist the board in carrying out its duties and responsibilities to ensure that only qualified persons are allowed to engage in providing those services that are under the jurisdiction of the board.

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

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

(1) "Impaired practice" means a licensee's inability to meet the requirements of the laws of this state and the rules of the board governing his or her practice when the licensee's cognitive, interpersonal, or psychomotor skills are affected by psychiatric, psychological, or emotional problems; ~~or excessive alcohol or drug use;~~

or ~~addiction~~ ALCOHOL OR SUBSTANCE USE DISORDERS.

(3) "Peer health assistance organization" means an organization that provides a formal, structured program that meets the requirements specified in this part 2 and is administered by appropriate professionals for the purpose of assisting licensees experiencing impaired practice to obtain evaluation, treatment, short-term counseling, monitoring of progress, and ongoing support for the purpose of arresting and treating the licensee's psychiatric, psychological, or emotional problems; ~~or excessive alcohol or drug use; or addiction~~ ALCOHOL OR SUBSTANCE USE DISORDERS.

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

12-43-803. Practice of addiction counseling defined - scope of practice.

(2) The scope of practice of addiction counseling focuses on the following four transdisciplinary foundations that underlie the work of all addiction counselors:

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

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

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

13-5-142. National instant criminal background check system - reporting.

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

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

(3) The state court administrator shall take all necessary steps to cancel a record

made by the state court administrator in the national instant criminal background check system if:

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

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

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

13-5-142.5. National instant criminal background check system - judicial process for awarding relief from federal prohibitions - legislative declaration.

(2) **Eligibility.** A person may petition for relief pursuant to this section if:

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

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

13-9-123. National instant criminal background check system - reporting.

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

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

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

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

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

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

13-9-124. National instant criminal background check system - judicial process for awarding relief from federal prohibitions - legislative declaration.

(2) **Eligibility.** A person may petition for relief pursuant to this section if:

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

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

13-21-103. Damages for selling liquor to an intoxicated person. Every husband, wife, child, parent, guardian, employer, or other person who is injured in person, or property, or means of support by any intoxicated person, or in consequence of the intoxication of any person, has a right of action, in his OR HER name, against any person who, by selling or giving away intoxicating liquors to any ~~habitual drunkard~~ HABITUALLY INTOXICATED PERSON OR PERSON WITH AN ALCOHOL USE DISORDER, causes the intoxication, in whole or in part, of such ~~habitual drunkard~~ HABITUALLY INTOXICATED PERSON OR PERSON WITH AN ALCOHOL USE DISORDER; and all damages recovered by a minor ~~under~~ PURSUANT TO this section ~~shall~~ MUST be paid either to the minor or to his OR HER parent, guardian, or next friend, as the court directs. The unlawful sale or giving away of intoxicating liquors works a forfeiture of all rights of the lessee or tenant under any lease or contract of rent upon the premises. ~~No Liability shall~~ MUST NOT accrue against any such person as provided unless the husband, wife, child, parent, guardian, or employer first, by written or printed notice, has notified such person, or his OR HER agents or employees, not to sell or give away any intoxicating liquors to any ~~habitual drunkard~~ HABITUALLY INTOXICATED PERSON OR PERSON WITH AN ALCOHOL USE DISORDER.

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

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

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

16-5-402. Limitation for collateral attack upon trial judgment. (2) In recognition of the difficulties attending the litigation of stale claims and the potential for frustrating various statutory provisions directed at repeat offenders, former offenders, and habitual offenders, the only exceptions to the time limitations

specified in subsection (1) of this section ~~shall be~~ ARE:

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

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

17-1-113.9. Use of administrative segregation for state inmates - reporting.

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

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

17-2-103. Arrest of parolee - revocation proceedings. (11) (c) If the board determines that the parolee is in need of treatment and is amenable to treatment, the board shall consider placing the parolee in one of the following treatment options and, if appropriate, may modify the conditions of parole to include:

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

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

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

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

(d) "Private treatment program" means any residential or nonresidential program that provides services, treatment, rehabilitation, education, or criminal history-related treatment for supervised or unsupervised persons but does not include a private contract prison facility, a prison facility operated by a political subdivision of the state, a facility providing treatment for persons with mental ~~illness~~

HEALTH DISORDERS OR INTELLECTUAL AND developmental disabilities, or a community corrections program established pursuant to article 27 of this ~~title~~ TITLE 17.

SECTION 18. In Colorado Revised Statutes, 17-27.7-103, **amend** (1) as follows:

17-27.7-103. Regimented inmate training program - eligibility of offenders.

(1) The executive director may assign an inmate to a regimented inmate training program pursuant to section 17-40-102 (2). The executive director shall assign to a regimented inmate training program only those inmates who are nonviolent offenders thirty years of age or younger who are not serving a sentence, and have not served a previous sentence, in a correctional facility for an unlawful sexual behavior offense described in section 16-22-102 (9), a crime of violence described in section 18-1.3-406, an assault offense described in part 2 of article 3 of title 18, or a child abuse offense described in part 4 of article 6 of title 18, or who are not presently serving a sentence for a nonviolent offense that was reduced from an unlawful sexual behavior offense described in section 16-22-102 (9), a crime of violence described in section 18-1.3-406, an assault offense described in part 2 of article 3 of title 18, or a child abuse offense described in part 4 of article 6 of title 18, as a result of a plea agreement or who are not aliens subject to a removal order. Any offender assigned to the program ~~shall~~ MUST be free of any physical or mental disability that could jeopardize his or her ability to complete the program. The department may eliminate any offender from the program upon a determination by the department that a physical disability or a mental ~~illness~~ HEALTH DISORDER will prevent full participation in the program by the offender. The department is absolved of liability for participation in the program.

SECTION 19. In Colorado Revised Statutes, 18-12-202, **amend** (3)(a) and (3)(b)(I) as follows:

18-12-202. Definitions. As used in this part 2, unless the context otherwise requires:

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

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

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

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

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

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

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

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

25-1-801. Patient records in custody of health care facility - definitions.

(1) (d) Nothing in this section requires a person responsible for the diagnosis or treatment of sexually transmitted infections, ~~or addiction to~~ A SUBSTANCE USE DISORDER, or THE use of drugs in the case of minors pursuant to sections 13-22-102 C.R.S.; and 25-4-409 to release patient records of such diagnosis or treatment to a parent, guardian, or person other than the minor or his or her designated representative.

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

25-1-802. Patient records in custody of individual health care providers.

(2) Nothing in this section requires a person responsible for the diagnosis or treatment of sexually transmitted infections, ~~or addiction to~~ SUBSTANCE USE DISORDERS, or THE use of drugs in the case of minors pursuant to sections 13-22-102 C.R.S.; and 25-4-409 to release patient records of such diagnosis or treatment to a parent, guardian, or person other than the minor or his or her designated representative.

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

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

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

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

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

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

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

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

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

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

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

25.5-5-203. Optional programs with special state provisions. (1) Subject to the provisions of subsection (2) of this section, this section specifies programs developed by Colorado to increase federal financial participation through selecting optional services or optional eligible groups. These programs include but are not limited to:

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

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

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

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

25.5-6-602. Legislative declaration - no entitlement created. (1) The general assembly ~~hereby~~ finds and declares that the purpose of this part 6 is to provide, under federal authorization and subject to available appropriations, home- and

community-based services for persons with major mental ~~illnesses~~ HEALTH DISORDERS.

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

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

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

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

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

25.5-6-606. Implementation of program for persons with mental health disorders authorized - federal waiver - duties of the department of health care policy and financing and the department of human services. (1) The state department is ~~hereby~~ authorized to seek any necessary waiver from the federal government to develop and implement a home- and community-based services program for persons with major mental ~~illnesses~~ HEALTH DISORDERS. The program ~~shall~~ MUST be designed to provide home- and community-based services to eligible persons. Eligibility may be limited to persons who meet the level of services provided in a nursing facility, and services for eligible persons may be established in state board rules to the extent such eligibility criteria and services are authorized or required by federal waiver. The program ~~shall~~ MUST include services provided under the consumer-directed care service model, part 11 of this ~~article~~ ARTICLE 6.

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

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

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

26-2-111. Eligibility for public assistance - rules - repeal. (4) **Aid to the needy disabled.** Public assistance in the form of aid to the needy disabled ~~shall~~

MUST be granted to any person who meets the requirements of subsection (1) of this section and all of the following requirements:

(f) A person who is disabled as a result of a primary diagnosis of ~~alcoholism or a controlled substance addiction shall~~ AN ALCOHOL OR SUBSTANCE USE DISORDER is not be eligible for aid to the needy disabled based upon that primary diagnosis if the person has received aid to the needy disabled based upon such diagnosis for any cumulative twelve-month period in the person's lifetime.

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

26-3.1-111. Access to CAPS - employment checks - confidentiality - fees - rules - legislative declaration - definitions. (7) The following employers shall request a CAPS check pursuant to this section:

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

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

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

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

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

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

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

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 15, 2018