

CHAPTER 98

HEALTH CARE POLICY AND FINANCING

SENATE BILL 18-074

BY SENATOR(S) Todd, Court, Holbert, Martinez Humenik, Merrifield, Zenzinger, Aguilar, Crowder, Donovan, Gardner, Guzman, Jahn, Jones, Kefalas, Kerr, Lambert, Lundberg, Marble, Moreno, Neville T., Tate, Williams A.;
also REPRESENTATIVE(S) Hansen, Bridges, Buckner, Coleman, Ginal, Hamner, Herod, Jackson, Kennedy, Melton, Michaelson Jenet, Roberts, Singer, Valdez, Winter, Young.

AN ACT

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

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

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

25.5-6-402. Legislative declaration - Prader-Willi syndrome. (1) The general assembly ~~hereby~~ finds and declares that it is the purpose of this part 4 to provide services for persons with INTELLECTUAL AND developmental disabilities ~~which~~ THAT would foster the following goals:

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

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

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

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

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.

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

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

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

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

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

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

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

(II) A person less than five years of age who is at risk of having ~~a~~ AN INTELLECTUAL AND developmental disability as defined by rule of the state board.

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

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

(26) (a) "Intellectual and developmental disability" means a disability that manifests before the person reaches twenty-two years of age, that constitutes a substantial disability to the affected person, and that is attributable to ~~mental retardation~~ AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY or related conditions, ~~which include~~ INCLUDING PRADER-WILLI SYNDROME, cerebral palsy, epilepsy, autism, or other neurological conditions when those conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a person with ~~mental retardation~~ AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY. Unless otherwise specifically stated, the federal definition of

"developmental disability" found in 42 U.S.C. sec. 15001 et seq., ~~shall~~ DOES not apply.

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

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

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

(II) A person less than five years of age who is at risk of having ~~a~~ AN INTELLECTUAL AND developmental disability as defined by rule of the state board.

SECTION 4. 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: April 2, 2018