

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 20-0250.01 Shelby Ross x4510

HOUSE BILL 20-1270

HOUSE SPONSORSHIP

Michaelson Jenet,

SENATE SPONSORSHIP

Fields,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONSENT OF ONE PARENT FOR A LICENSED**
102 **PROFESSIONAL PERSON TO TREAT A MINOR FOR A BEHAVIORAL**
103 **HEALTH DISORDER.**

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 authorizes a physician or a mental health professional (professional) to evaluate or treat a minor patient (minor) for a behavioral health disorder with the consent of only one parent or legal guardian of the minor if both parents have legal decision-making authority over the minor. The professional shall act in the best interest of the minor and

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

HOUSE
Amended 2nd Reading
February 21, 2020

provide services for a behavioral health disorder only in accordance with the professional's own advice or recommendation. The bill defines a minor as a person who is under 15 years of age.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 12-240-146 as
3 follows:

4 **12-240-146. Treatment of a minor's behavioral health disorder**
5 **- best interest of minor - consent of one parent - definition.** (1) IN ALL
6 CASES INVOLVING A MINOR PATIENT, A PHYSICIAN SHALL ACT IN THE BEST
7 INTEREST OF THE MINOR AND PROVIDE SERVICES FOR A BEHAVIORAL
8 HEALTH DISORDER ONLY IN ACCORDANCE WITH THE PHYSICIAN'S OWN
9 ADVICE OR RECOMMENDATION. IN ORDER TO EVALUATE OR TREAT A
10 MINOR PATIENT FOR A BEHAVIORAL HEALTH DISORDER, A PHYSICIAN
11 NEEDS TO OBTAIN THE CONSENT OF ONLY ONE PARENT OR LEGAL
12 GUARDIAN OF THE MINOR IF BOTH PARENTS HAVE LEGAL
13 DECISION-MAKING AUTHORITY OVER THE MINOR.

14 (2) THIS SECTION DOES NOT APPLY WHEN PARENTAL CONSENT IS
15 NOT REQUIRED TO TREAT A MINOR FOR A BEHAVIORAL HEALTH DISORDER
16 OR WHEN THERE IS AN EXISTING COURT ORDER PROVIDING THAT THE
17 PARENTS OR LEGAL GUARDIANS HAVE JOINT DECISION-MAKING AUTHORITY
18 CONCERNING THE MEDICAL OR BEHAVIORAL HEALTH DECISIONS FOR THE
19 MINOR.

20 (3) AS USED IN THIS SECTION, "MINOR" MEANS A PERSON WHO IS
21 UNDER FIFTEEN YEARS OF AGE.

22 **SECTION 2.** In Colorado Revised Statutes, **add** 12-245-203.7 as
23 follows:

24 **12-245-203.7. Treatment of a minor's behavioral health**

1 **disorder - best interest of minor - consent of one parent - definition.**

2 (1) IN ALL CASES INVOLVING A MINOR PATIENT, A MENTAL HEALTH
3 PROFESSIONAL LICENSED PURSUANT TO PART 3, 4, 5, 6, OR 8 OF THIS
4 ARTICLE 245 SHALL ACT IN THE BEST INTEREST OF THE MINOR AND
5 PROVIDE SERVICES FOR A BEHAVIORAL HEALTH DISORDER ONLY IN
6 ACCORDANCE WITH THE MENTAL HEALTH PROFESSIONAL'S OWN ADVICE OR
7 RECOMMENDATION. IN ORDER TO EVALUATE OR TREAT A MINOR PATIENT
8 FOR A BEHAVIORAL HEALTH DISORDER, A MENTAL HEALTH PROFESSIONAL
9 NEEDS TO OBTAIN THE CONSENT OF ONLY ONE PARENT OR LEGAL
10 GUARDIAN OF THE MINOR IF BOTH PARENTS HAVE LEGAL
11 DECISION-MAKING AUTHORITY OVER THE MINOR.

12 (2) THIS SECTION DOES NOT APPLY WHEN PARENTAL CONSENT IS
13 NOT REQUIRED TO TREAT A MINOR FOR A BEHAVIORAL HEALTH DISORDER
14 OR WHEN THERE IS AN EXISTING COURT ORDER PROVIDING THAT THE
15 PARENTS OR LEGAL GUARDIANS HAVE JOINT DECISION-MAKING AUTHORITY
16 CONCERNING THE MEDICAL OR BEHAVIORAL HEALTH DECISIONS FOR THE
17 MINOR.

18 (3) AS USED IN THIS SECTION, "MINOR" MEANS A PERSON WHO IS
19 UNDER FIFTEEN YEARS OF AGE.

20 **SECTION 3. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety.