

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 23-0055.01 Chelsea Princell x4335

HOUSE BILL 23-1003

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A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE "SIXTH THROUGH TWELFTH**
102 **GRADE MENTAL HEALTH SCREENING ACT", AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 creates the sixth through twelfth grade mental health assessment program (program) administered by the department of public health and environment (department).

The bill allows any public school that serves any of grades 6 through 12 to participate in the program and requires a public school that

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

HOUSE
3rd Reading Unamended
March 20, 2023

HOUSE
Amended 2nd Reading
March 17, 2023

wants to participate in the program to notify the department.

The bill requires participating schools to provide written notice to the parents of students within the first 2 weeks of the start of the school year in order to allow parents to opt their child out of participating in the mental health assessment.

The bill specifies that a student 12 years of age or older may consent to participate in the mental health assessment even if the student's parent opts out.

Mental health assessments must be conducted in participating schools by a qualified provider. The bill requires the department to select a qualified provider to administer the mental health assessment and establishes requirements that the qualified provider must meet.

The bill requires a qualified provider to notify the student's parent under certain circumstances, if the qualified provider finds that additional treatment is needed after reviewing the student's mental health assessment results.

The bill authorizes the department to promulgate rules as necessary to implement and administer the program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add part 9** to article
3 **50** of title **27** as follows:

4 **PART 9**

5 **SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH**
6 **SCREENING ACT**

7 **27-50-901.** **Short title.** THE SHORT TITLE OF THIS **PART 9** IS THE
8 "SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH **SCREENING ACT**".

9 **27-50-902.** **Definitions.** AS USED IN THIS **PART 9**, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

11 **(1)** "MENTAL HEALTH **SCREENING**" MEANS A BRIEF, STRUCTURED
12 QUESTIONNAIRE COMPLETED BY A PARTICIPATING STUDENT THAT IS **USED**
13 **FOR EARLY IDENTIFICATION OF A MENTAL HEALTH CONCERN, WHICH**
14 **CONCERN MAY BE EITHER VALIDATED OR REFUTED UPON REVIEW BY A**

1 SUBJECT MATTER EXPERT.

2 (2) "PARENT" MEANS A CHILD'S BIOLOGICAL PARENT, ADOPTIVE
3 PARENT, LEGAL GUARDIAN, OR CUSTODIAN.

4 (3) "PARTICIPATING SCHOOL" MEANS A PUBLIC SCHOOL THAT
5 MEETS THE REQUIREMENTS STATED IN SECTION 27-50-903 (2) AND
6 PARTICIPATES IN THE SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH
7 SCREENING PROGRAM CREATED IN THIS PART 9.

8 (4) "PROGRAM" MEANS THE SIXTH THROUGH TWELFTH GRADE
9 MENTAL HEALTH SCREENING PROGRAM CREATED IN THIS PART 20.

10 (5) "PUBLIC SCHOOL" MEANS A PUBLIC SCHOOL OF A SCHOOL
11 DISTRICT IN THIS STATE OR AN INSTITUTE CHARTER SCHOOL.

12 (6) "SCREENER" MEANS THE ENTITY SELECTED BY THE BHA
13 PURSUANT TO THIS PART 9 TO CONDUCT THE MENTAL HEALTH SCREENING.

14 27-50-903. Sixth through twelfth grade mental health
15 screening program - created - rules. (1) THERE IS CREATED IN THE
16 BHA THE SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH SCREENING
17 PROGRAM TO IDENTIFY POTENTIAL RISKS RELATED TO UNMET MENTAL OR
18 EMOTIONAL HEALTH NEEDS OF STUDENTS IN GRADES SIX THROUGH
19 TWELVE AND TO PROVIDE A STUDENT WHO HAS A MENTAL OR EMOTIONAL
20 HEALTH CONCERN WITH RESOURCES AND REFERRALS TO ADDRESS THE
21 STUDENT'S MENTAL OR EMOTIONAL HEALTH CONCERNS.

22 =====
23 (2) THE BHA SHALL CONSULT WITH THE COLORADO DEPARTMENT
24 OF PUBLIC HEALTH AND ENVIRONMENT, THE COLORADO DEPARTMENT OF
25 HUMAN SERVICES, AND THE COLORADO DEPARTMENT OF EDUCATION TO
26 MAKE RECOMMENDATIONS FOR THE PURPOSES OF IDENTIFYING PRIORITY
27 COUNTIES AND DISTRICTS FOR THE IMPLEMENTATION OF THE PROGRAM. A

1 PUBLIC SCHOOL RECOMMENDED FOR THE PROGRAM MUST BE PUBLIC
2 SCHOOL THAT SERVES ANY OF GRADES SIX THROUGH TWELVE.

3 (3) TO PARTICIPATE IN THE PROGRAM, A PUBLIC SCHOOL MUST
4 NOTIFY THE BHA, IN THE MANNER PRESCRIBED BY THE BHA, BEFORE
5 MAY 1 IN THE YEAR BEFORE THE SCHOOL YEAR THAT THE PUBLIC SCHOOL
6 WANTS TO BEGIN PARTICIPATION.

7 (4) A PARTICIPATING SCHOOL SHALL PROVIDE WRITTEN NOTICE TO
8 A STUDENT'S PARENT WITHIN THE FIRST TWO WEEKS OF THE SCHOOL YEAR
9 THAT A MENTAL HEALTH SCREENING WILL BE CONDUCTED AT THE SCHOOL.
10 THE WRITTEN NOTICE MUST INCLUDE:

11 (a) THE PURPOSE FOR THE SCREENING;

12 (b) THE SCREENER SELECTED TO CONDUCT THE MENTAL HEALTH
13 SCREENING;

14 (c) THE DATE AND TIME THE MENTAL HEALTH SCREENING IS
15 SCHEDULED;

16 (d) A STATEMENT THAT THE PARENT WILL BE NOTIFIED FOLLOWING
17 ANY MENTAL HEALTH SCREENING IF ADDITIONAL RESOURCES OR SERVICE
18 REFERRALS ARE NECESSARY TO ADDRESS THE STUDENT'S MENTAL HEALTH
19 CONCERN. THIS STATEMENT MUST ALSO STATE THAT THIS NOTIFICATION
20 WILL ONLY BE PROVIDED TO THE PARENTS OF A CHILD TWELVE YEARS OF
21 AGE OR OLDER IF THE CHILD CONSENTS TO THE NOTIFICATION, OR THE
22 SCREENER BELIEVES A STUDENT IS AT RISK OF ATTEMPTING SUICIDE,
23 PHYSICAL SELF-HARM, HARMING OTHERS, OR IS IN NEED OF IMMEDIATE
24 ATTENTION FROM A MENTAL HEALTH PROFESSIONAL.

25 (e) A STATEMENT NOTIFYING THE PARENT THAT THE PARENT HAS
26 THE RIGHT TO OPT THE PARENT'S CHILD OUT OF PARTICIPATION IN THE
27 MENTAL HEALTH SCREENING AND THAT PROVIDES INFORMATION ON HOW

1 TO OPT OUT AND THE TIME FRAME FOR OPTING OUT;

2 (f) A STATEMENT THAT A CHILD TWELVE YEARS OF AGE OR OLDER
3 MAY CONSENT TO THE MENTAL HEALTH SCREENING PURSUANT TO SECTION
4 12-245-203.5 DESPITE THE PARENT'S REQUEST TO OPT OUT; AND

5 (g) ANY OTHER INFORMATION DETERMINED NECESSARY BY THE
6 BHA OR PARTICIPATING SCHOOL.

7 (5) UNLESS A STUDENT CONSENTS TO THE MENTAL HEALTH
8 SCREENING PURSUANT TO SECTION 12-245-203.5, A PARENT OR GUARDIAN
9 HAS THE AUTHORITY TO OPT OUT OF THEIR CHILD'S PARTICIPATION IN THE
10 MENTAL HEALTH SCREENING IN THE MANNER PRESCRIBED BY THE
11 PARTICIPATING SCHOOL.

12 (6) A MENTAL HEALTH SCREENING MUST:

13 (a) BE CONDUCTED IN COMPLIANCE WITH THE REQUIREMENTS OF
14 SECTION 12-43-202.5, AS IT EXISTED FROM MAY 16, 2019, TO OCTOBER 1,
15 2019, AS ENACTED BY HOUSE BILL 19-1120, ENACTED IN 2019;

16 (b) BE CONDUCTED AT THE PARTICIPATING SCHOOL IN THE
17 MANNER PRESCRIBED BY THE BHA;

18 (c) BE CONDUCTED BY A SCREENER THAT MEETS THE
19 REQUIREMENTS OF SUBSECTION (8) OF THIS SECTION;

20 (d) UTILIZE AN EVIDENCE-BASED SCREENING TOOL TO CONDUCT
21 THE MENTAL HEALTH SCREENING;

22 (e) BE MADE AVAILABLE IN A STUDENT'S NATIVE LANGUAGE; AND

23 (f) BE REPRODUCIBLE IN A DIGITAL FORMAT AND IN ANY OTHER
24 FORMAT NECESSARY TO BE ACCESSIBLE TO ALL STUDENTS.

25 (6.5) EACH PARTICIPATING PUBLIC SCHOOL SHALL PUBLISH ON ITS
26 WEBSITE THE MENTAL HEALTH SCREENING ASSESSMENT FORM OR OTHER
27 DOCUMENT PROVIDED TO STUDENTS, THE PARENTAL CONSENT FORM,

1 POLICIES AND PROCEDURES RELATED TO PERFORMING THE MENTAL
2 HEALTH SCREENING, AND ANY OTHER MATERIALS RELATED TO THE
3 MENTAL HEALTH SCREENING PERFORMED PURSUANT TO THIS PART 9. THIS
4 SUBSECTION (6.5) DOES NOT REQUIRE THE PUBLICATION OF COMPLETED
5 MENTAL HEALTH SCREENINGS.

6 (7) PRIOR TO CONDUCTING A MENTAL HEALTH SCREENING, THE
7 SCREENER MUST INFORM THE STUDENT OF THE CIRCUMSTANCES IN WHICH
8 CONFIDENTIALITY WILL NOT BE MAINTAINED.

9 (8) THE BHA SHALL SELECT A SCREENER TO CONDUCT THE
10 MENTAL HEALTH SCREENINGS THROUGH A REQUEST FOR PROPOSALS
11 PROCESS ESTABLISHED BY THE BHA. AT A MINIMUM, THE SCREENER
12 SHALL:

13 (a) NOT PROVIDE DIRECT MENTAL HEALTH SERVICES;

14 (b) HAVE THE INFRASTRUCTURE AND ABILITY TO OPERATE
15 STATEWIDE;

16 (c) HAVE THE ABILITY TO COLLECT AND REPORT DATA FROM THE
17 MENTAL HEALTH SCREENING;

18 (d) HAVE EXPERIENCE DELIVERING AND MANAGING A STATEWIDE
19 MENTAL HEALTH SCREENING PROGRAM WITH RELIABLE AND CONSISTENT
20 PERFORMANCE;

21 (e) BE TRAUMA-INFORMED; AND

22 (f) COMPLY WITH ANY OTHER REQUIREMENTS THE BHA
23 DETERMINES NECESSARY.

24 (9) AFTER A MENTAL HEALTH SCREENING IS CONDUCTED, THE
25 SCREENER SHALL REVIEW ALL RESULTS AND DETERMINE WHICH STUDENTS
26 NEED ADDITIONAL MENTAL HEALTH SERVICES WITHIN TWENTY-FOUR
27 HOURS AFTER A STUDENT COMPLETES THE MENTAL HEALTH SCREENING.

1 (10) (a) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING
2 RESULTS, THE SCREENER BELIEVES A STUDENT IS AT RISK OF ATTEMPTING
3 SUICIDE, PHYSICAL SELF-HARM, HARMING OTHERS, OR IS IN NEED OF
4 IMMEDIATE ATTENTION FROM A MENTAL HEALTH PROFESSIONAL, THE
5 SCREENER SHALL IMMEDIATELY NOTIFY THE STUDENT'S PARENTS AND
6 SCHOOL. AFTER RECEIVING SUCH NOTIFICATION, THE SCHOOL SHALL
7 FOLLOW THE SCHOOL'S CRISIS RESPONSE POLICY AND MUST IMMEDIATELY
8 NOTIFY THE SCHOOL DISTRICT'S SECTION 504 COORDINATOR AND SPECIAL
9 EDUCATION DIRECTOR. THIS INFORMATION MUST NOT BE USED TO
10 PREVENT A STUDENT FROM CONTINUING TO ATTEND SCHOOL; EXCEPT THAT
11 A SCHOOL SHALL ADHERE TO SECTION 504 AND DISCIPLINARY
12 PROTECTIONS PURSUANT TO THE FEDERAL "INDIVIDUALS WITH
13 DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400, AS AMENDED. ==

14 (b) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING
15 RESULTS, THE SCREENER BELIEVES A STUDENT HAS A MENTAL HEALTH
16 CONCERN, INCLUDING, BUT NOT LIMITED TO, THOSE STATED IN SUBSECTION
17 (10)(a) OF THIS SECTION, AND IS IN NEED OF ADDITIONAL MENTAL HEALTH
18 SERVICES, THE SCREENER SHALL NOTIFY THE STUDENT'S PARENT WITHIN
19 FORTY-EIGHT HOURS AFTER THE STUDENT COMPLETES THE MENTAL
20 HEALTH SCREENING AND PROVIDE THE STUDENT'S PARENT WITH
21 INFORMATION ON BEHAVIORAL HEALTH RESOURCES AND SERVICES ==
22 AND INFORMATION ABOUT THE RIGHTS OF STUDENTS WITH DISABILITIES
23 PURSUANT TO SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF
24 1973", 29 U.S.C. SEC. 794, AS AMENDED; AND THE FEDERAL "INDIVIDUALS
25 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400, AS AMENDED,
26 IF:

27 (I) THE STUDENT IS UNDER TWELVE YEARS OF AGE; OR

1 (II) THE STUDENT IS TWELVE YEARS OF AGE OR OLDER AND
2 CONSENTS TO THE NOTIFICATION AND SUBSECTION (10)(a) OF THIS
3 SECTION DOES NOT APPLY.

4 (c) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING
5 RESULTS, THE SCREENER BELIEVES A STUDENT HAS A MENTAL HEALTH
6 CONCERN, INCLUDING, BUT NOT LIMITED TO, THOSE STATED IN SUBSECTION
7 (10)(a) OF THIS SECTION, AND IS IN NEED OF ADDITIONAL MENTAL HEALTH
8 SERVICES, THE SCREENER SHALL REFER THE STUDENT TO MENTAL
9 HEALTH SERVICES WITHIN FORTY-EIGHT HOURS AFTER THE STUDENT
10 COMPLETES THE MENTAL HEALTH SCREENING IF THE STUDENT IS TWELVE
11 YEARS OF AGE OR OLDER AND DOES NOT CONSENT TO THE NOTIFICATION
12 PURSUANT TO SUBSECTION (10)(b)(II) OF THIS SECTION.

13 (11) IF AT ANY TIME DURING THE MENTAL HEALTH SCREENING THE
14 SCREENER BELIEVES THAT A STUDENT IS A VICTIM OF CHILD ABUSE OR
15 NEGLECT OR THAT THE CHILD'S HOME SITUATION PRESENTS AN IMMEDIATE
16 SERIOUS THREAT OF HARM TO THE CHILD, THE SCREENER SHALL REPORT
17 THE KNOWN OR SUSPECTED CHILD ABUSE OR NEGLECT TO THE COUNTY
18 DEPARTMENT OF HUMAN OR SOCIAL SERVICES, A LOCAL LAW
19 ENFORCEMENT AGENCY, OR THROUGH THE CHILD ABUSE REPORTING
20 HOTLINE SYSTEM PURSUANT TO SECTION 26-5-111.

21 (12) INDIVIDUALLY IDENTIFIABLE INFORMATION COLLECTED FOR
22 OR BY THE SCREENER IS SUBJECT TO THE FEDERAL "HEALTH INSURANCE
23 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, AS
24 AMENDED. THE SCREENER IS THE CUSTODIAN OF ALL RECORDS
25 ASSOCIATED WITH MENTAL HEALTH SCREENINGS. THE SCREENER SHALL
26 NOT DISCLOSE RECORDS OR INFORMATION WITHOUT WRITTEN CONSENT
27 FROM THE STUDENT, IF THE STUDENT IS OVER EIGHTEEN YEARS OF AGE;

1 THE STUDENT, IF THE STUDENT IS TWELVE YEARS OF AGE OR OLDER BUT
2 UNDER EIGHTEEN YEARS OF AGE, CONSENTS ON THE STUDENT'S OWN
3 BEHALF TO PARTICIPATE IN THE SCREENING, AND DOES NOT CONSENT TO
4 PARENTAL NOTIFICATION; OR THE STUDENT'S PARENT. A PARENT OF A
5 STUDENT WHO CONSENTS FOR THE STUDENT TO PARTICIPATE IN THE
6 SCREENING ON THE STUDENT'S BEHALF CANNOT PROVIDE WRITTEN
7 CONSENT FOR THE DISCLOSURE OF THOSE RECORDS WITHOUT THE
8 STUDENT'S CONSENT. ALL PARTIES SUBJECT TO THE REQUIREMENTS OF
9 THIS SECTION SHALL COMPLY WITH ALL APPLICABLE REQUIREMENTS OF
10 THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C.
11 SEC. 12101, ET SEQ., AS AMENDED; SECTION 504 OF THE FEDERAL
12 "REHABILITATION ACT OF 1973, 29 U.S.C. SEC. 794, AS AMENDED; AND
13 TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", AS AMENDED.

14 (13) THE COMMISSIONER SHALL PROMULGATE RULES PURSUANT TO
15 ARTICLE 4 OF TITLE 24 AS NECESSARY TO IMPLEMENT AND ADMINISTER
16 THE MENTAL HEALTH SCREENING CREATED BY THIS SECTION.

17 (14) WITHIN SIX MONTHS AFTER CONDUCTING A MENTAL HEALTH
18 SCREENING AT A SCHOOL, THE SCREENER SHALL MAKE DE-IDENTIFIED
19 DATA CONCERNING THE RESULTS OF THE MENTAL HEALTH SCREENING
20 AVAILABLE TO THE SCHOOL IN ACCORDANCE WITH THE FEDERAL "HEALTH
21 INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L.
22 104-191, AS AMENDED.

23 (15) A STUDENT WHO IS HOME-SCHOOLED BUT WHO PARTICIPATES
24 IN EXTRACURRICULAR ACTIVITIES OR ATHLETIC PROGRAMS AT A
25 PARTICIPATING SCHOOL IS EXEMPT FROM THE MENTAL HEALTH SCREENING
26 PURSUANT TO THIS PART 9. NOTHING IN THIS SUBSECTION (15) EXEMPTS
27 A STUDENT WHO IS HOME-SCHOOLED FROM ANY OTHER RIGHTS PROVIDED

1 BY LAW.

2 (16) THE BHA SHALL WORK WITH THE DEPARTMENT OF HEALTH
3 CARE POLICY AND FINANCING TO IDENTIFY A PROCESS FOR
4 REIMBURSEMENT FOR SCREENINGS OR RELATED SERVICES PROVIDED TO
5 ANY STUDENT COVERED BY THE STATE MEDICAL ASSISTANCE PROGRAM,
6 TO THE GREATEST EXTENT ALLOWABLE PURSUANT TO STATE AND FEDERAL
7 REQUIREMENTS.

8 ■ ■
9 **SECTION 2.** In Colorado Revised Statutes, 12-245-217, **amend**
10 **(2)(g) and (2)(h); and add (2)(i) as follows:**

11 **12-245-217. Scope of article - exemptions. (2) This article 245**
12 **does not apply to:**

13 **(g) Students who are enrolled in a school program and are**
14 **practicing as part of a school practicum or clinical program; or**

15 **(h) A professional practicing auricular acudetox in accordance**
16 **with section 12-245-233; OR**

17 **(i) SCREENERS CONDUCTING SCREENINGS PURSUANT TO THE SIXTH**
18 **THROUGH TWELFTH GRADE MENTAL HEALTH SCREENING PROGRAM**
19 **CREATED IN SECTION 27-50-903.**

20 **SECTION 3. Appropriation.** For the 2023-24 state fiscal year,
21 \$475,278 is appropriated to the department of human services for use by
22 the behavioral health administration. This appropriation is from the
23 general fund and is based on an assumption that the behavioral health
24 administration will require an additional 2.0 FTE. To implement this act,
25 the behavioral health administration may use this appropriation for the
26 sixth through twelfth grade mental health screening program related to
27 community-based mental health services.

1 **SECTION 4. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety.