

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



SENATE BILL 23-174

BY SENATOR(S) Kolker and Gardner, Buckner, Cutter, Exum, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Marchman, Moreno, Mullica, Priola, Roberts, Rodriguez, Sullivan, Winter F., Zenzinger, Fenberg;

also REPRESENTATIVE(S) Lukens and Winter T., Amabile, Armagost, Bird, Boesenecker, Brown, Dickson, Duran, English, Hamrick, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Marshall, McCormick, McLachlan, Michaelson Jenet, Parenti, Ricks, Sharbini, Snyder, Story, Titone, Valdez, Velasco, Weissman, Willford, Woodrow, Young, McCluskie.

CONCERNING ACCESS TO BEHAVIORAL HEALTH SERVICES FOR MEDICAID RECIPIENTS UNDER TWENTY-ONE YEARS OF AGE.

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

**SECTION 1.** In Colorado Revised Statutes, **add** 25.5-1-133 as follows:

**25.5-1-133. Access to behavioral health services for individuals under twenty-one years of age - rules - report - repeal.** (1) ON OR BEFORE JULY 1, 2024, THE STATE DEPARTMENT SHALL PROVIDE RECIPIENTS UNDER TWENTY-ONE YEARS OF AGE WITH ACCESS TO LIMITED SERVICES

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

WITHOUT REQUIRING A DIAGNOSIS. THE LIMITED SERVICES MUST BE PROVIDED AS PART OF THE STATEWIDE MANAGED CARE SYSTEM PURSUANT TO PART 4 OF ARTICLE 5 OF THIS TITLE 25.5 AND THE SCHOOL HEALTH SERVICES DETAILED IN SECTION 25.5-5-318.

(2) THE LIMITED SERVICES MUST INCLUDE:

(a) FAMILY THERAPY;

(b) GROUP THERAPY;

(c) INDIVIDUAL THERAPY;

(d) SERVICES RELATED TO PREVENTION, PROMOTION, EDUCATION, OR OUTREACH;

(e) EVALUATION, INTAKE, CASE MANAGEMENT, AND TREATMENT PLANNING; AND

(f) ANY OTHER SERVICE DETERMINED NECESSARY BY THE STATE DEPARTMENT BASED ON FEEDBACK RECEIVED FROM STAKEHOLDERS.

(3) IN PROVIDING THE LIMITED SERVICES PURSUANT TO THIS SECTION, THE STATE DEPARTMENT MUST NOTIFY PATIENTS, PROVIDERS, HUMAN SERVICES DEPARTMENTS, COUNTIES, LAW ENFORCEMENT AGENCIES, SCHOOLS, AND ANY OTHER ENTITY THAT MAY BE IMPACTED THAT THE LIMITED SERVICES ARE AVAILABLE ON AND AFTER JULY 1, 2024.

(4) IN IMPLEMENTING THIS SECTION, THE STATE DEPARTMENT SHALL ENGAGE WITH INTERESTED AND IMPACTED STAKEHOLDERS TO SOLICIT FEEDBACK.

(5) (a) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR BEFORE NOVEMBER 1, 2025, AND ON OR BEFORE NOVEMBER 1 EACH YEAR THEREAFTER, THE STATE DEPARTMENT SHALL REPORT TO THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, REGARDING THE UTILIZATION OF THE SERVICES DESCRIBED IN SUBSECTION (2) OF THIS SECTION. THE CONTENTS OF THE REPORT MUST BE DETERMINED THROUGH THE STAKEHOLDER PROCESS

DESCRIBED IN SUBSECTION (4) OF THIS SECTION. AT A MINIMUM, THE REPORT MUST INCLUDE DATA ON THE UTILIZATION OF SERVICES, BY CODE, AND ANY DIFFERENCES IN UTILIZATION WITHIN THE SCHOOL HEALTH SERVICES PROGRAM AUTHORIZED BY SECTION 25.5-5-318.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2031.

**SECTION 2. 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; 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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Steve Fenberg  
PRESIDENT OF  
THE SENATE

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO