

CHAPTER 57

HEALTH AND ENVIRONMENT

HOUSE BILL 23-1031

BY REPRESENTATIVE(S) Story and Willford, Amabile, Boesenecker, English, Epps, Froelich, Garcia, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Mabrey, Michaelson Jenet, Titone, Valdez, Dickson, Ricks, McCluskie;
also SENATOR(S) Winter F., Buckner, Cutter, Fields, Gonzales, Hinrichsen, Jaquez Lewis, Marchman, Priola, Sullivan.

AN ACT

CONCERNING AN EXEMPTION FOR MENTAL HEALTH PROFESSIONALS FROM REQUIREMENTS TO REPORT INFORMATION ABOUT INDIVIDUALS WITH A SEXUALLY TRANSMITTED INFECTION TO PUBLIC HEALTH ENTITIES.

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

SECTION 1. In Colorado Revised Statutes, 25-4-402, **add** (7.5) as follows:

25-4-402. Definitions. As used in this part 4:

(7.5) "MENTAL HEALTH PROFESSIONAL" MEANS:

(a) A PSYCHOLOGIST, A SOCIAL WORKER, A MARRIAGE AND FAMILY THERAPIST, A LICENSED PROFESSIONAL COUNSELOR, AN UNLICENSED PSYCHOTHERAPIST, OR AN ADDICTION COUNSELOR LICENSED, REGISTERED, CERTIFIED, OR OTHERWISE REGULATED PURSUANT TO ARTICLE 245 OF TITLE 12; OR

(b) A PSYCHOLOGIST CANDIDATE, A CLINICAL SOCIAL WORKER CANDIDATE, A MARRIAGE AND FAMILY THERAPIST CANDIDATE, A LICENSED PROFESSIONAL COUNSELOR CANDIDATE, OR AN ADDICTION COUNSELOR CANDIDATE REGISTERED PURSUANT TO SECTION 12-245-304(3), 12-245-404(4), 12-245-504(4), 12-245-604(4), OR 12-245-804(3.7), RESPECTIVELY.

SECTION 2. In Colorado Revised Statutes, 25-4-405, **amend** (1) as follows:

25-4-405. Reporting requirements - immunity. (1) (a) In accordance with ~~the provisions of sections 12-240-139, 25-1-122, 25-4-404, and 25-4-406,~~ AND EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, for every individual known to

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the person or entity to have a diagnosis of a sexually transmitted infection or TO have a positive test for a sexually transmitted infection, the following persons and entities shall report any information required by rule of the state board to the state department or local public health agency, in a form and within a time period designated by rule of the state board:

~~(a)~~ (I) Every health-care provider in the state;

~~(b)~~ (II) Persons who test, diagnose, or treat sexually transmitted infections in a hospital, clinic, correctional institution, community-based organization, nonclinical setting, or other private or public institution; or

~~(c)~~ (III) A laboratory or a person performing a test for a case of a sexually transmitted infection.

(b) THE REPORTING REQUIREMENT SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION DOES NOT APPLY TO A MENTAL HEALTH PROFESSIONAL WHO IS NOT ENGAGED IN TESTING A PATIENT FOR, DIAGNOSING A PATIENT WITH, OR TREATING A PATIENT WITH A SEXUALLY TRANSMITTED INFECTION, REGARDLESS OF WHETHER THE MENTAL HEALTH PROFESSIONAL KNOWS THE PATIENT HAS A SEXUALLY TRANSMITTED INFECTION.

SECTION 3. 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.

Approved: April 10, 2023