

- 1 Amend reengrossed bill, page 2, strike lines 2 through 19.
- 2 Page 3, strike lines 1 through 13.
- 3 Renumber succeeding sections accordingly.
- 4 Page 4, after line 22, insert:
"25.5-1-1101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:
 - 7 (a) THE UNITED STATES SUPREME COURT DECISION IN *OLMSTEAD v. L.C.*, 527 U.S. 581 (1999), REFERRED TO IN THIS PART 11 AS "OLMSTEAD", ENSHRINED IN LAW THE DUTY UPON STATES TO ACTIVELY WORK TOWARD HELPING INDIVIDUALS WITH DISABILITIES TRANSITION OUT OF INSTITUTIONS AND INTO THE COMMUNITY AND TO HAVE COMMUNITY-BASED SERVICES AVAILABLE TO DECREASE THE RISK OF INSTITUTIONALIZATION;
 - 14 (b) *OLMSTEAD* PLACED ON STATES THE OBLIGATION TO ADMINISTER SERVICES, PROGRAMS, AND ACTIVITIES IN THE MOST INTEGRATED SETTING APPROPRIATE TO THE NEEDS OF QUALIFIED INDIVIDUALS WITH DISABILITIES;
 - 18 (c) SEGREGATING INDIVIDUALS WITH DISABILITIES IN INSTITUTIONS DENIES THOSE INDIVIDUALS THE FREEDOM TO MAKE DECISIONS, KEEPS THEM APART FROM FAMILY AND FRIENDS, AND DENIES THEM OPPORTUNITIES THAT EXIST IN THEIR COMMUNITIES. SEGREGATION ALSO DENIES COMMUNITIES THE CONTRIBUTIONS THAT INDIVIDUALS WITH DISABILITIES MAKE TO THEIR COMMUNITIES.
 - 24 (d) COMMUNITY-BASED SERVICES ARE CHEAPER IN THE LONG RUN THAN INSTITUTIONALIZATION SERVICES.

26 (2) THE GENERAL ASSEMBLY FURTHER DECLARES THAT CODIFYING IN STATE LAW THE RIGHTS THAT WERE LEGALLY RECOGNIZED AS FEDERAL LAW THROUGH *OLMSTEAD* IS CRUCIAL BECAUSE:

29 (a) THE FUNDAMENTAL RIGHTS FOR INDIVIDUALS WITH DISABILITIES TO LIVE IN THE LEAST RESTRICTIVE SETTING AND TO HAVE ACCESS TO SERVICES IN THE COMMUNITY IS CONSISTENT WITH COLORADO'S RECOGNITION OF THE HUMANITY AND DIGNITY OF ALL INDIVIDUALS;

34 (b) THE *OLMSTEAD* DECISION REQUIRED STATES TO DEVELOP AN *OLMSTEAD* PLAN. COLORADO'S PLAN, CALLED THE "COLORADO COMMUNITY LIVING PLAN", WAS DEVELOPED MORE THAN 10 YEARS AGO AS A COLLABORATION BETWEEN THE STATE DEPARTMENTS OF HEALTH CARE POLICY AND FINANCING, HUMAN SERVICES, AND LOCAL AFFAIRS. THE PLAN'S EFFECTIVENESS HAS NEVER BEEN EVALUATED OR UPDATED, AND

1 THE PLAN IS INSUFFICIENT; AND
2 (c) FEDERAL LAW UNDER *OLMSTEAD* CURRENTLY PROVIDES A
3 PRIVATE RIGHT OF ACTION TO ENFORCE THE LAW. THEREFORE, THE
4 GENERAL ASSEMBLY DOES NOT SEE A NEED TO CREATE A NEW RIGHT OF
5 ACTION. HOWEVER, IF THE *OLMSTEAD* PROTECTIONS ARE WEAKENED, WE
6 URGE A FUTURE GENERAL ASSEMBLY TO STRENGTHEN THESE RIGHTS BY
7 CREATING A PRIVATE RIGHT OF ACTION TO FURTHER ENFORCE THIS LAW
8 FOR INDIVIDUALS WITH DISABILITIES.".

9 Rerumber succeeding C.R.S. sections accordingly.

10 Page 6, line 6, strike "MEANS" and substitute "AND "LEAST RESTRICTIVE
11 SETTING" BOTH MEAN".

12 Page 6, line 11, strike "25.5-1-1104." and substitute "8-88-102.5.".

13 Page 7, strike lines 5 through 9.

14 Page 7, line 20, strike "APPROPRIATE;" and substitute "APPROPRIATE, AS
15 DETERMINED BY THE STATE'S TREATING PROFESSIONALS;".

16 Page 7, line 22, strike "SERVICES;" and substitute "SERVICES; AND".

17 Page 7, line 26, strike "DISABILITIES; AND" and substitute "DISABILITIES.".

18 Page 7, strike line 27.

19 Page 8, strike line 1.

20 Page 8, lines 5 and 6, strike "IF SO, THE ENTITY SHALL MAKE A PLAN TO
21 AMELIORATE THE RISK.".

22 Page 9, after line 13, insert:

23 **"25.5-1-1106. No private right of action - consistency with
24 federal *Olmstead* standard.** (1) NOTHING IN THIS PART 11 CREATES:

25 (a) A NEW RIGHT OF ACTION AGAINST THE STATE OF COLORADO OR
26 OTHER PUBLIC ENTITIES; OR

27 (b) A STANDARD DIFFERENT THAN THAT DELINEATED IN
28 *OLMSTEAD*, SUBSEQUENT CASES INTERPRETING *OLMSTEAD*, AND UNITED
29 STATES DEPARTMENT OF JUSTICE GUIDANCE INTERPRETING *OLMSTEAD*, AS
30 OF APRIL 20, 2025.".

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