

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

INTRODUCED

LLS NO. 17-0398.01 Jane Ritter x4342

HOUSE BILL 17-1320

HOUSE SPONSORSHIP

Michaelson Jenet and Landgraf,

SENATE SPONSORSHIP

Coram and Fenberg,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LOWERING THE AGE OF CONSENT FOR MINORS SEEKING**
102 **OUTPATIENT PSYCHOTHERAPY.**

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 lowers the age of consent from 15 years of age and older to 10 years of age and older for a minor to seek and obtain outpatient psychotherapy services from a licensed mental health professional. The bill allows a minor 10 years of age or older to receive such outpatient psychotherapy services without the consent of his or her parent or guardian. The licensed mental health professional is immune from civil

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

or criminal liability for providing outpatient psychotherapy services unless he or she acts negligently or outside the scope of his or her practice.

The bill clarifies that the age of consent for a minor seeking inpatient psychotherapy or other inpatient mental health services without the consent of a parent or legal guardian remains 15 years of age or older.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43-201, **amend**
3 the introductory portion and (9)(a) as follows:

4 **12-43-201. Definitions.** As used in this ~~article~~ ARTICLE 43, unless
5 the context otherwise requires:

6 (9) (a) "Psychotherapy", OR "PSYCHOTHERAPY SERVICES", means
7 the treatment, diagnosis, testing, assessment, or counseling in a
8 professional relationship to assist individuals or groups to alleviate mental
9 disorders, understand unconscious or conscious motivation, resolve
10 emotional, relationship, or attitudinal conflicts, or modify behaviors that
11 interfere with effective emotional, social, or intellectual functioning.
12 Psychotherapy follows a planned procedure of intervention that takes
13 place on a regular basis, over a period of time, or in the cases of testing,
14 assessment, and brief psychotherapy, psychotherapy can be a single
15 intervention.

16 **SECTION 2.** In Colorado Revised Statutes, **add** 12-43-202.5 as
17 follows:

18 **12-43-202.5. Minors - consent for outpatient psychotherapy -**
19 **legislative declaration - immunity.** (1) (a) THE GENERAL ASSEMBLY
20 FINDS AND DECLARES THAT:

21 (I) THE CENTERS FOR DISEASE CONTROL FOUND SUICIDE TO BE THE
22 TENTH-LEADING CAUSE OF DEATH FOR ALL AGES IN 2013 AND IS

1 CURRENTLY THE THIRD-LEADING CAUSE OF DEATH IN COLORADO YOUTH
2 WHO ARE TEN THROUGH FOURTEEN YEARS OF AGE;

3 (II) ACCORDING TO THE AMERICAN ASSOCIATION OF SUICIDOLOGY,
4 THE SUICIDE RATE FOR YOUTH WHO ARE TEN THROUGH FOURTEEN YEARS
5 OF AGE HAS INCREASED BY MORE THAN FIFTY PERCENT OVER THE PAST
6 THREE DECADES; AND

7 (III) YOUTH WHO ARE TEN THROUGH FOURTEEN YEARS OF AGE
8 OFTEN AVOID OBTAINING, OR ARE LEGALLY UNABLE TO OBTAIN WITHOUT
9 PARENTAL CONSENT, OUTPATIENT PSYCHOTHERAPY SERVICES THAT
10 WOULD HELP THEM PRIOR TO REACHING CRISIS LEVELS BECAUSE THEY ARE
11 EMBARRASSED OR CONCERNED ABOUT SPEAKING WITH THEIR PARENTS
12 ABOUT THEIR MENTAL HEALTH CONCERNS AND SITUATION.

13 (b) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT IT IS A
14 MATTER OF STATEWIDE CONCERN TO ALLOW YOUTH WHO ARE TEN
15 THROUGH FOURTEEN YEARS OF AGE TO HAVE LEGAL ACCESS TO
16 OUTPATIENT PSYCHOTHERAPY SERVICES WITHOUT THE CONSENT OF OR
17 NOTIFICATION TO THE YOUTH'S PARENT OR LEGAL GUARDIAN. PROVIDING
18 THESE YOUTH WITH ACCESS TO OUTPATIENT PSYCHOTHERAPY SERVICES IS
19 INTENDED TO REDUCE YOUTH SUICIDES AND ALLOW MENTAL HEALTH
20 PROVIDERS TO WORK WITH YOUTH TO TEACH THEM FUNCTIONAL COPING
21 SKILLS. MENTAL HEALTH PROVIDERS WOULD FURTHER HAVE THE
22 OPPORTUNITY TO HELP THESE YOUTH BUILD HEALTHY CONNECTIONS WITH
23 PARENTS OR LEGAL GUARDIANS BY INCREASING COMMUNICATION AND
24 STRENGTHENING THE BOND BETWEEN PARENT AND CHILD, THUS BUILDING
25 AN ONGOING, NONCLINICAL SUPPORT SYSTEM FOR THE YOUTH TO USE TO
26 MANAGE HIS OR HER MENTAL HEALTH CONCERNS.

27 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE

1 CONTRARY, A MINOR TEN YEARS OF AGE AND OLDER MAY REQUEST AND
2 CONSENT TO OUTPATIENT PSYCHOTHERAPY SERVICES, AS DEFINED IN
3 SECTION 12-43-201 (9), PROVIDED BY ANY MENTAL HEALTH PROFESSIONAL
4 LICENSED PURSUANT TO THIS ARTICLE 43. THE MINOR MAY OBTAIN SUCH
5 OUTPATIENT PSYCHOTHERAPY SERVICES WITHOUT THE CONSENT OF OR
6 NOTIFICATION TO HIS OR HER PARENT, PARENTS, OR LEGAL GUARDIAN, OR
7 TO ANY OTHER PERSON HAVING CUSTODY OR DECISION-MAKING
8 RESPONSIBILITY WITH RESPECT TO THE MINOR. IN ANY SUCH CASE, THE
9 MENTAL HEALTH PROFESSIONAL WHO IS LICENSED PURSUANT TO THIS
10 ARTICLE 43 AND IS PROVIDING THE MINOR WITH OUTPATIENT
11 PSYCHOTHERAPY SERVICES IS IMMUNE FROM CIVIL OR CRIMINAL LIABILITY,
12 UNLESS THE MENTAL HEALTH PROFESSIONAL ACTED NEGLIGENTLY OR
13 OUTSIDE THE SCOPE OF HIS OR HER PRACTICE. THE PROVISIONS OF THIS
14 SECTION DO NOT APPLY TO INPATIENT PSYCHOTHERAPY OR OTHER
15 INPATIENT MENTAL HEALTH SERVICES PROVIDED IN A HOSPITAL, FACILITY,
16 OR OTHER INPATIENT SETTING PURSUANT TO SECTION 27-65-103 (2).

17 **SECTION 3.** In Colorado Revised Statutes, 27-65-103, **amend**
18 (1) and (2) as follows:

19 **27-65-103. Voluntary application for inpatient mental health**
20 **services in hospitals, facilities, or other inpatient setting - consent by**
21 **minor - mandatory reviews.** (1) (a) ~~Nothing in this article shall be~~
22 ~~construed in any way as limiting~~ THIS ARTICLE 65 DOES NOT LIMIT the
23 right of any person to ~~make voluntary application~~ VOLUNTARILY APPLY
24 at any time to any public or private ~~agency or professional person~~
25 HOSPITAL, FACILITY, OR OTHER INPATIENT SETTING for INPATIENT mental
26 health services, either by direct application in person or by referral from
27 any other public or private agency or professional person.

1 (b) Subject to section 15-14-316 (4), ~~C.R.S.~~, a ward, as defined in
2 section 15-14-102 (15), ~~C.R.S.~~, may be admitted to A hospital, ~~or~~
3 ~~institutional~~ FACILITY, OR OTHER INPATIENT SETTING FOR INPATIENT care
4 and treatment ~~for~~ OF A mental illness by consent of the guardian for so
5 long as the ward agrees to such care and treatment. Within ten days of ~~any~~
6 ~~such~~ THE WARD'S admission of the ward for such hospital or institutional
7 FOR care and treatment OF A MENTAL ILLNESS, the guardian shall notify,
8 in writing, the court that appointed the guardian of the admission.

9 (2) FOR THE PURPOSES OF THIS ARTICLE 65 ONLY, AND
10 notwithstanding any other provision of law, a minor who is fifteen years
11 of age or older ~~whether with or without the consent of a parent or legal~~
12 ~~guardian~~, may consent, WITH OR WITHOUT THE CONSENT OF A PARENT OR
13 LEGAL GUARDIAN, to receive INPATIENT mental health services ~~to be~~
14 rendered by a HOSPITAL, facility, OR OTHER INPATIENT SETTING. ~~or by a~~
15 ~~professional person or mental health professional licensed pursuant to~~
16 ~~part 3, 4, 5, 6, or 8 of article 43 of title 12, C.R.S., in any practice setting.~~
17 Such consent ~~shall not be~~ IS NOT subject to disaffirmance because of
18 minority. The ~~professional person or licensed mental health professional~~
19 ~~rendering~~ HOSPITAL, FACILITY, OR OTHER INPATIENT FACILITY PROVIDING
20 INPATIENT mental health services to a minor may, with or without the
21 consent of the minor, advise the parent or legal guardian of the minor of
22 the services given or needed.

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