

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

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 17-0965.01 Jane Ritter x4342

**SENATE BILL 17-242**

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**SENATE SPONSORSHIP**

**Martinez Humenik,**

**HOUSE SPONSORSHIP**

**Ginal and Ransom,**

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**Senate Committees**  
Health & Human Services

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING MODERNIZING TERMINOLOGY IN THE COLORADO**  
102 **REVISED STATUTES RELATED TO BEHAVIORAL HEALTH.**

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**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 updates and modernizes terminology in the Colorado Revised Statutes related to behavioral health, mental health, alcohol abuse, and substance abuse. Based on specific contexts, the new terminology refers to behavioral health disorders, mental health disorders, alcohol use disorders, or substance use disorders.

Outdated references to the "unit in the department of human

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.*

SENATE  
3rd Reading Unamended  
March 29, 2017

SENATE  
Amended 2nd Reading  
March 28, 2017

services that administers behavioral health programs and services, including those related to mental health and substance abuse" have been corrected to use the actual current name of that office, which is "the office of behavioral health in the department of human services".

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43-804, **amend**  
3 (1)(d)(I) as follows:

4 **12-43-804. Requirements for licensure and certification -**  
5 **rules.** (1) The board shall issue a license as an addiction counselor to an  
6 applicant who files an application in the form and manner required by the  
7 board, submits the fee required by the board pursuant to section  
8 12-43-204, and submits evidence satisfactory to the board that he or she:

9 (d) Demonstrates professional competence by:

10 (I) Passing a national examination demonstrating special  
11 knowledge and skills in behavioral health disorders counseling as  
12 determined by the ~~division~~ OFFICE of behavioral health in the department  
13 of human services and approved by the board; and

14 **SECTION 2.** In Colorado Revised Statutes, 12-43-805, **amend**  
15 (1)(b) introductory portion as follows:

16 **12-43-805. Continuing professional competency - rules.**  
17 (1) (b) The board, in consultation with the ~~division~~ OFFICE of behavioral  
18 health in the department of human services and other stakeholders, shall  
19 adopt rules establishing a continuing professional competency program  
20 that includes, at a minimum, the following elements:

21 **SECTION 3.** In Colorado Revised Statutes, 13-5-142, **amend** (1)  
22 introductory portion, (1)(b), and (3)(b)(II) as follows:

23 **13-5-142. National instant criminal background check system**

1 - **reporting.** (1) On and after March 20, 2013, the state court  
2 administrator shall send electronically the following information to the  
3 Colorado bureau of investigation created pursuant to section 24-33.5-401,  
4 ~~C.R.S.~~, referred to ~~within~~ IN this section as the "bureau":

5 (b) The name of each person who has been committed by order of  
6 the court to the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the  
7 department of human services ~~that administers behavioral health~~  
8 ~~programs and services, including those related to mental health and~~  
9 ~~substance abuse~~, pursuant to section 27-81-112 or 27-82-108; ~~C.R.S.~~; and

10 (3) The state court administrator shall take all necessary steps to  
11 cancel a record made by the state court administrator in the national  
12 instant criminal background check system if:

13 (b) No less than three years before the date of the written request:

14 (II) The period of commitment of the most recent order of  
15 commitment or recommitment expired, or a court entered an order  
16 terminating the person's incapacity or discharging the person from  
17 commitment in the nature of habeas corpus, if the record in the national  
18 instant criminal background check system is based on an order of  
19 commitment to the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in  
20 the department of human services; ~~that administers behavioral health~~  
21 ~~programs and services, including those related to mental health and~~  
22 ~~substance abuse~~; except that the state court administrator shall not cancel  
23 any record pertaining to a person with respect to whom two  
24 recommitment orders have been entered ~~under~~ PURSUANT TO section  
25 27-81-112 (7) and (8), ~~C.R.S.~~; or who was discharged from treatment  
26 ~~under section 27-81-112 (11), C.R.S.~~, PURSUANT TO SECTION 27-81-112  
27 (11) on the grounds that further treatment ~~will not be~~ IS NOT likely to

1 bring about significant improvement in the person's condition; or

2 **SECTION 4.** In Colorado Revised Statutes, 13-5-142.5, **amend**  
3 (2)(a)(II) as follows:

4 **13-5-142.5. National instant criminal background check**  
5 **system - judicial process for awarding relief from federal**  
6 **prohibitions - legislative declaration.** (2) **Eligibility.** A person may  
7 petition for relief pursuant to this section if:

8 (a) (II) He or she has been committed by order of the court to the  
9 custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of  
10 human services ~~that administers behavioral health programs and services,~~  
11 ~~including those related to mental health and substance abuse,~~ pursuant to  
12 section 27-81-112 or 27-82-108; ~~C.R.S.;~~ or

13 **SECTION 5.** In Colorado Revised Statutes, 13-9-123, **amend** (1)  
14 introductory portion, (1)(b), and (3)(b)(II) as follows:

15 **13-9-123. National instant criminal background check system**  
16 **- reporting.** (1) On and after March 20, 2013, the state court  
17 administrator shall send electronically the following information to the  
18 Colorado bureau of investigation created pursuant to section 24-33.5-401,  
19 ~~C.R.S.,~~ referred to ~~within~~ IN this section as the "bureau":

20 (b) The name of each person who has been committed by order of  
21 the court to the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the  
22 department of human services ~~that administers behavioral health~~  
23 ~~programs and services, including those related to mental health and~~  
24 ~~substance abuse,~~ pursuant to section 27-81-112 or 27-82-108; ~~C.R.S.;~~ and

25 (3) The state court administrator shall take all necessary steps to  
26 cancel a record made by the state court administrator in the national  
27 instant criminal background check system if:

1 (b) No less than three years before the date of the written request:  
2 (II) The period of commitment of the most recent order of  
3 commitment or recommitment expired, or the court entered an order  
4 terminating the person's incapacity or discharging the person from  
5 commitment in the nature of habeas corpus, if the record in the national  
6 instant criminal background check system is based on an order of  
7 commitment to the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in  
8 the department of human services; ~~that administers behavioral health~~  
9 ~~programs and services, including those related to mental health and~~  
10 ~~substance abuse~~; except that the state court administrator shall not cancel  
11 any record pertaining to a person with respect to whom two  
12 recommitment orders have been entered ~~under~~ PURSUANT TO section  
13 27-81-112 (7) and (8), ~~C.R.S.~~; or who was discharged from treatment  
14 ~~under~~ PURSUANT TO section 27-81-112 (11), ~~C.R.S.~~; on the grounds that  
15 further treatment ~~will not be~~ IS NOT likely to bring about significant  
16 improvement in the person's condition; or

17 **SECTION 6.** In Colorado Revised Statutes, 13-9-124, **amend**  
18 (2)(a)(II) as follows:

19 **13-9-124. National instant criminal background check system**  
20 **- judicial process for awarding relief from federal prohibitions -**  
21 **legislative declaration. (2) Eligibility.** A person may petition for relief  
22 pursuant to this section if:

23 (a) (II) He or she has been committed by order of the court to the  
24 custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of  
25 human services ~~that administers behavioral health programs and services,~~  
26 ~~including those related to mental health and substance abuse~~; pursuant to  
27 section 27-81-112 or 27-82-108; ~~C.R.S.~~; or

1           **SECTION 7.** In Colorado Revised Statutes, 16-13-311, **amend**  
2 (3)(a) introductory portion and (3)(a)(VII)(B) as follows:

3           **16-13-311. Disposition of seized personal property.** (3) (a) If  
4 the prosecution prevails in the forfeiture action, the court shall order the  
5 property forfeited. Such order shall perfect the state's right and interest in  
6 and title to such property and shall relate back to the date when title to the  
7 property vested in the state pursuant to section 16-13-316. Except as  
8 otherwise provided in ~~paragraph (c) of this subsection (3)~~ SUBSECTION  
9 (3)(c) OF THIS SECTION, the court shall also order such property to be sold  
10 at a public sale by the law enforcement agency in possession of the  
11 property in the manner provided for sales on execution, or in another  
12 commercially reasonable manner. Property forfeited ~~under~~ PURSUANT TO  
13 this section or proceeds therefrom shall be distributed or applied in the  
14 following order:

15           (VII) The balance shall be delivered, upon order of the court, as  
16 follows:

17           (B) The remaining amount to the managed service organization  
18 contracting with the ~~unit within~~ OFFICE OF BEHAVIORAL HEALTH IN the  
19 department of human services ~~that administers behavioral health~~  
20 ~~programs and services, including those related to mental health and~~  
21 ~~substance abuse~~, serving the judicial district where the forfeiture  
22 proceeding was prosecuted to fund detoxification and substance ~~abuse~~  
23 USE DISORDER treatment. ~~Moneys~~ MONEY appropriated to the managed  
24 service organization ~~shall~~ MUST be in addition to, and ~~shall~~ not be used to  
25 supplant, other funding appropriated to ~~such unit~~ THE OFFICE OF  
26 BEHAVIORAL HEALTH.

27           **SECTION 8.** In Colorado Revised Statutes, 16-13-701, **amend**

1 (4) as follows:

2 **16-13-701. Reporting of forfeited property.** (4) The ~~unit~~ OFFICE  
3 OF BEHAVIORAL HEALTH in the department of human services ~~that~~  
4 ~~administers behavioral health programs and services, including those~~  
5 ~~related to mental health and substance abuse,~~ shall prepare an annual  
6 accounting report of ~~moneys~~ MONEY received by the managed service  
7 organization pursuant to section 16-13-311 (3)(a)(VII)(B), including  
8 revenues, expenditures, beginning and ending balances, and services  
9 provided. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of  
10 human services ~~that administers behavioral health programs and services,~~  
11 ~~including those related to mental health and substance abuse,~~ shall  
12 provide this information in its annual report pursuant to section  
13 27-80-110. ~~C.R.S.~~

14 **SECTION 9.** In Colorado Revised Statutes, 17-2-201, **amend**  
15 (5.7) introductory portion, (5.7)(a), and (5.7)(d) as follows:

16 **17-2-201. State board of parole - definitions.** (5.7) If, as a  
17 condition of parole, an offender is required to undergo counseling or  
18 treatment, unless the parole board determines that treatment at another  
19 facility or with another person is warranted, ~~such~~ THE treatment or  
20 counseling ~~shall~~ MUST be at a facility or with a person:

21 (a) Approved by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the  
22 department of human services, ~~that administers behavioral health~~  
23 ~~programs and services, including those related to mental health and~~  
24 ~~substance abuse,~~ established in article 80 of title 27, ~~C.R.S.~~, if the  
25 treatment is for alcohol or drug abuse;

26 (d) Licensed or certified by the division of adult parole in the  
27 department of corrections, the department of regulatory agencies, the ~~unit~~

1 OFFICE OF BEHAVIORAL HEALTH in the department of human services, ~~that~~  
2 ~~administers behavioral health programs and services, including those~~  
3 ~~related to mental health and substance abuse~~, the state board of nursing,  
4 or the Colorado medical board, whichever is appropriate for the required  
5 treatment or counseling.

6 **SECTION 10.** In Colorado Revised Statutes, 17-27.1-101,  
7 **amend** (5) introductory portion, (5)(a)(I), and (5)(a)(IV) as follows:

8 **17-27.1-101. Nongovernmental facilities for offenders -**  
9 **registration - notifications - penalties.** (5) ~~Not~~ A private treatment  
10 program in Colorado shall NOT admit or accept a supervised or  
11 unsupervised person into the program unless ~~that~~ THE program:

12 (a) Is registered with the compact administrator, and, if the person  
13 is a supervised person, the private treatment program is:

14 (I) Approved by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the  
15 department of human services, ~~that administers behavioral health~~  
16 ~~programs and services, including those related to mental health and~~  
17 ~~substance abuse~~, established in article 80 of title 27, ~~C.R.S.~~, if the  
18 program provides alcohol or drug abuse treatment;

19 (IV) Licensed or certified by the division of adult parole in the  
20 department of corrections, the department of regulatory agencies, the ~~unit~~  
21 OFFICE OF BEHAVIORAL HEALTH in the department of human services, ~~that~~  
22 ~~administers behavioral health programs and services, including those~~  
23 ~~related to mental health and substance abuse~~, the state board of nursing,  
24 or the Colorado medical board if the program provides treatment that  
25 requires ~~such~~ certification or licensure;

26 **SECTION 11.** In Colorado Revised Statutes, 18-1.3-204, **amend**  
27 (2)(c) introductory portion, (2)(c)(I), and (2)(c)(IV) as follows:



1           **18-1.3-204. Conditions of probation - interstate compact**  
2 **probation transfer cash fund - creation.** (2) (c) If the court orders  
3 counseling or treatment as a condition of probation, unless the court  
4 makes a specific finding that treatment in another facility or with another  
5 person is warranted, the court shall order that ~~such~~ THE treatment or  
6 counseling be at a facility or with a person:

7           (I) Approved by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the  
8 department of human services, ~~that administers behavioral health~~  
9 ~~programs and services, including those related to mental health and~~  
10 ~~substance abuse~~, established in article 80 of title 27, C.R.S., if the  
11 treatment is for alcohol or drug abuse;

12           (IV) Licensed or certified by the division of adult parole in the  
13 department of corrections, the department of regulatory agencies, the ~~unit~~  
14 OFFICE OF BEHAVIORAL HEALTH in the department of human services, ~~that~~  
15 ~~administers behavioral health programs and services, including those~~  
16 ~~related to mental health and substance abuse~~, the state board of nursing,  
17 or the Colorado medical board, whichever is appropriate for the required  
18 treatment or counseling.

19           **SECTION 12.** In Colorado Revised Statutes, **amend** 18-1.3-211  
20 as follows:

21           **18-1.3-211. Sentencing of felons - parole of felons - treatment**  
22 **and testing based upon assessment required.** (1) Each person  
23 sentenced by the court for a felony committed on or after July 1, 1992,  
24 ~~shall be~~ IS required, as a part of any sentence to probation, community  
25 corrections, or incarceration with the department of corrections, to  
26 undergo periodic testing and treatment for substance abuse that is  
27 appropriate to ~~such~~ THE felon based upon the recommendations of the

1 assessment made pursuant to section 18-1.3-209, or based upon any  
2 subsequent recommendations by the department of corrections, the  
3 judicial department, or the division of criminal justice of the department  
4 of public safety, whichever is appropriate. Any ~~such~~ testing or treatment  
5 ~~shall~~ MUST be at a facility or with a person approved by the ~~unit~~ OFFICE  
6 OF BEHAVIORAL HEALTH in the department of human services, ~~that~~  
7 ~~administers behavioral health programs and services, including those~~  
8 ~~related to mental health and substance abuse,~~ established in article 80 of  
9 title 27, ~~C.R.S.~~, and at ~~such~~ THE felon's own expense, unless ~~such~~ felon  
10 HE OR SHE is indigent.

11 (2) Each person placed on parole by the state board of parole on  
12 or after July 1, 1992, ~~shall be~~ IS required, as a condition of ~~such~~ parole,  
13 to undergo periodic testing and treatment for substance abuse that is  
14 appropriate to ~~such~~ THE parolee based upon the recommendations of the  
15 assessment made pursuant to section 18-1.3-209 or any assessment or  
16 subsequent reassessment made regarding ~~such~~ THE parolee during his or  
17 her incarceration or any period of parole. Any ~~such~~ testing or treatment  
18 ~~shall~~ MUST be at a facility or with a person approved by the ~~unit~~ OFFICE  
19 OF BEHAVIORAL HEALTH in the department of human services, ~~that~~  
20 ~~administers behavioral health programs and services, including those~~  
21 ~~related to mental health and substance abuse,~~ established in article 80 of  
22 title 27, ~~C.R.S.~~, and at ~~such~~ THE parolee's own expense, unless ~~such~~  
23 ~~parolee~~ HE OR SHE is indigent.

24 **SECTION 13.** In Colorado Revised Statutes, 18-13-122, **amend**  
25 (4)(a), (4)(b)(I), (4)(b)(II), (4)(c)(I), and (18) as follows:

26 **18-13-122. Illegal possession or consumption of ethyl alcohol**  
27 **or marijuana by an underage person - illegal possession of marijuana**

1 **paraphernalia by an underage person - definitions - adolescent**  
2 **substance abuse prevention and treatment fund - legislative**  
3 **declaration.** (4) (a) Upon conviction of a first offense of subsection (3)

4 of this section, the court shall sentence the underage person to a fine of  
5 not more than one hundred dollars, or the court shall order that the  
6 underage person complete a substance abuse education program approved  
7 by the ~~division~~ OFFICE of behavioral health in the department of human  
8 services, or both.

9 (b) Upon conviction of a second offense of subsection (3) of this  
10 section, the court shall sentence the underage person to a fine of not more  
11 than one hundred dollars, and the court shall order the underage person  
12 to:

13 (I) Complete a substance abuse education program approved by  
14 the ~~division~~ OFFICE of behavioral health in the department of human  
15 services;

16 (II) If determined necessary and appropriate, submit to a substance  
17 abuse assessment approved by the ~~division~~ OFFICE of behavioral health in  
18 the department of human services and complete any treatment  
19 recommended by the assessment; and

20 (c) Upon conviction of a third or subsequent offense of subsection  
21 (3) of this section, the court shall sentence the defendant to a fine of up  
22 to two hundred fifty dollars, and the court shall order the underage person  
23 to:

24 (I) Submit to a substance abuse assessment approved by the  
25 ~~division~~ OFFICE of behavioral health in the department of human services  
26 and complete any treatment recommended by the assessment; and

27 (18) **Cash fund.** The surcharge collected pursuant to ~~paragraph~~

1 ~~(e) of subsection (4)~~ SUBSECTION (4)(e) of this section must be  
2 transmitted to the state treasurer, who shall credit the same to the  
3 adolescent substance abuse prevention and treatment fund, which ~~fund~~ is  
4 created and referred to in this section as the "fund". ~~The moneys~~ MONEY  
5 in the fund ~~are~~ IS subject to annual appropriation by the general assembly  
6 to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human  
7 services, ~~that administers behavioral health programs and services,~~  
8 ~~including those related to mental health and substance abuse,~~ established  
9 in article 80 of title 27, ~~C.R.S.~~, for adolescent substance abuse prevention  
10 and treatment programs. ~~The unit in the department of human services~~  
11 ~~that administers behavioral health programs and services, including those~~  
12 ~~related to mental health and substance abuse,~~ OFFICE OF BEHAVIORAL  
13 HEALTH is authorized to seek and accept gifts, grants, or donations from  
14 private or public sources for the purposes of this section. All private and  
15 public ~~funds~~ MONEY received through gifts, grants, or donations must be  
16 transmitted to the state treasurer, who shall credit the same to the fund.  
17 Any unexpended ~~moneys~~ MONEY in the fund may be invested by the state  
18 treasurer as provided by law. All interest and income derived from the  
19 investment and deposit of ~~moneys~~ MONEY in the fund must be credited to  
20 the fund. Any unexpended and unencumbered ~~moneys~~ MONEY remaining  
21 in the fund at the end of a fiscal year ~~remain~~ REMAINS in the fund and  
22 ~~shall~~ MUST not be credited or transferred to the general fund or another  
23 fund.

24 **SECTION 14.** In Colorado Revised Statutes, 24-1-120, **amend**  
25 (6) introductory portion and (6)(d) as follows:

26 **24-1-120. Department of human services - creation.** (6) The  
27 department ~~shall consist~~ CONSISTS of the following divisions, ~~and~~ units,

1 AND OFFICES:

2 (d) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of  
3 human services ~~that administers behavioral health programs and services,~~  
4 ~~including those related to mental health and substance abuse,~~ created  
5 pursuant to article 80 of title 27, ~~C.R.S.~~ The ~~unit in the department of~~  
6 ~~human services that administers behavioral health programs and services,~~  
7 ~~including those related to mental health and substance abuse,~~ OFFICE OF  
8 BEHAVIORAL HEALTH and its powers, duties, and functions, including the  
9 powers, duties, and functions relating to the alcohol and drug driving  
10 safety program specified in section 42-4-1301.3, ~~C.R.S.~~, are transferred  
11 by a **type 2** transfer to the department of human services.

12 **SECTION 15.** In Colorado Revised Statutes, 25-20.5-406,  
13 **amend** (2)(b)(III) as follows:

14 **25-20.5-406. State review team - creation - membership -**  
15 **vacancies.** (2) (b) The executive director of the department of human  
16 services shall appoint six voting members, as follows:

17 (III) One member who represents the ~~unit~~ OFFICE OF BEHAVIORAL  
18 HEALTH in the department of human services; ~~that administers behavioral~~  
19 ~~health programs and services, including those related to mental health and~~  
20 ~~substance abuse;~~

21 **SECTION 16.** In Colorado Revised Statutes, 41-2-102, **amend**  
22 (8) as follows:

23 **41-2-102. Operating an aircraft under the influence -**  
24 **operating an aircraft with excessive alcohol content - tests - penalties**  
25 **- useful public service program.** (8) The ~~unit~~ OFFICE OF BEHAVIORAL  
26 HEALTH in the department of human services ~~that administers behavioral~~  
27 ~~health programs and services, including those related to mental health and~~

1 ~~substance abuse~~, shall provide presentence alcohol and drug evaluations  
2 on all persons convicted of a violation of subsection (1) or (2) of this  
3 section, in the same manner as described in section 42-4-1301.3. ~~C.R.S.~~

4 **SECTION 17.** In Colorado Revised Statutes, 42-2-122, **amend**  
5 (1) introductory portion and (1)(i) as follows:

6 **42-2-122. Department may cancel license - limited license for**  
7 **physical or mental limitations.** (1) The department has the authority to  
8 cancel, deny, or deny the reissuance of any driver's or minor driver's  
9 license upon determining that the licensee was not entitled to the issuance  
10 thereof for any of the following reasons:

11 (i) Failure of the person to complete a level II alcohol and drug  
12 education and treatment program certified by the ~~unit~~ OFFICE OF  
13 BEHAVIORAL HEALTH in the department of human services ~~that~~  
14 ~~administers behavioral health programs and services, including those~~  
15 ~~related to mental health and substance abuse~~, pursuant to section  
16 42-4-1301.3, as required by section 42-2-126 (4)(d)(II)(A) or 42-2-132  
17 (2)(a)(II). The failure ~~shall~~ MUST be documented pursuant to section  
18 42-2-144.

19 **SECTION 18.** In Colorado Revised Statutes, 42-2-125, **amend**  
20 (1) introductory portion and (1)(i) as follows:

21 **42-2-125. Mandatory revocation of license and permit.** (1) The  
22 department shall immediately revoke the license or permit of any driver  
23 or minor driver upon receiving a record showing that ~~such~~ THE driver has:

24 (i) Been convicted of DUI, DUI per se, or DWAI and has two  
25 previous convictions of any of ~~such~~ THOSE offenses. THE DEPARTMENT  
26 SHALL REVOKE the license of any driver ~~shall be revoked~~ for an indefinite  
27 period and ~~shall only be reissued~~ ONLY REISSUE IT upon proof to the

1 department that ~~said~~ THE driver has completed a level II alcohol and drug  
2 education and treatment program certified by the ~~unit~~ OFFICE OF  
3 BEHAVIORAL HEALTH in the department of human services that  
4 ~~administers behavioral health programs and services, including those~~  
5 ~~related to mental health and substance abuse~~, pursuant to section  
6 42-4-1301.3 and that ~~said~~ THE driver has demonstrated knowledge of the  
7 laws and driving ability through the regular motor vehicle testing process.  
8 ~~In no event shall such~~ THE DEPARTMENT SHALL NOT REISSUE THE license  
9 ~~be reissued~~ in less than two years.

10 **SECTION 19.** In Colorado Revised Statutes, 42-2-126, **amend**  
11 (4)(d)(II) as follows:

12 **42-2-126. Revocation of license based on administrative**  
13 **determination. (4) Multiple restraints and conditions on driving**  
14 **privileges. (d) (II) (A)** If a person was ~~determined to be~~ driving with  
15 excess BAC and the person had a BAC that was 0.15 or more or if the  
16 person's driving record otherwise indicates a designation as a persistent  
17 drunk driver as defined in section 42-1-102 (68.5), the department shall  
18 require the person to complete a level II alcohol and drug education and  
19 treatment program certified by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH  
20 in the department of human services that ~~administers behavioral health~~  
21 ~~programs and services, including those related to mental health and~~  
22 ~~substance abuse~~, pursuant to section 42-4-1301.3 as a condition to  
23 restoring driving privileges to the person and, upon the restoration of  
24 driving privileges, shall require the person to hold a restricted license  
25 requiring the use of an ignition interlock device pursuant to section  
26 42-2-132.5 (1)(a)(II).

27 (B) If a person seeking reinstatement is required to complete, but

1 has not yet completed, a level II alcohol and drug education and treatment  
2 program, the person shall file with the department proof of current  
3 enrollment in a level II alcohol and drug education and treatment program  
4 certified by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of  
5 human services ~~that administers behavioral health programs and services,~~  
6 ~~including those related to mental health and substance abuse,~~ pursuant to  
7 section 42-4-1301.3, on a form approved by the department.

8 **SECTION 20.** In Colorado Revised Statutes, 42-2-127, **amend**  
9 (14)(a)(I) introductory portion and (14)(a)(I)(A) as follows:

10 **42-2-127. Authority to suspend license - deny license - type of**  
11 **conviction - points.** (14) (a) (I) If there is no other statutory reason for  
12 denial of a probationary license, any individual who has had a license  
13 suspended by the department because of, at least in part, a conviction of  
14 an offense specified in ~~paragraph (b) of subsection (5)~~ SUBSECTION (5)(b)  
15 of this section may be entitled to a probationary license pursuant to  
16 subsection (12) of this section for the purpose of driving for reasons of  
17 employment, education, health, or alcohol and drug education or  
18 treatment, but:

19 (A) If ordered by the court that convicted the individual, the  
20 individual shall ~~be enrolled~~ ENROLL in a program of driving education or  
21 alcohol and drug education and treatment certified by the ~~unit~~ OFFICE OF  
22 BEHAVIORAL HEALTH in the department of human services; ~~that~~  
23 ~~administers behavioral health programs and services, including those~~  
24 ~~related to mental health and substance abuse;~~ and

25 **SECTION 21.** In Colorado Revised Statutes, 42-2-132, **amend**  
26 (2)(a)(II) and (2)(a)(III) as follows:

27 **42-2-132. Period of suspension or revocation.**



1 (2) (a) (II) (A) Following the period of revocation set forth in this  
2 subsection (2), the department shall not issue a new license unless and  
3 until it is satisfied that the person has demonstrated knowledge of the  
4 laws and driving ability through the appropriate motor vehicle testing  
5 process, and that the person whose license was revoked pursuant to  
6 section 42-2-125 for a second or subsequent alcohol- or drug-related  
7 driving offense has completed not less than a level II alcohol and drug  
8 education and treatment program certified by the ~~unit~~ OFFICE OF  
9 BEHAVIORAL HEALTH in the department of human services ~~that~~  
10 ~~administers behavioral health programs and services, including those~~  
11 ~~related to mental health and substance abuse~~, pursuant to section  
12 42-4-1301.3.

13 (B) If the person was ~~determined to be~~ in violation of section  
14 42-2-126 (3)(a) and the person had a BAC that was 0.15 or more at the  
15 time of driving or within two hours after driving, or if the person's driving  
16 record otherwise indicates a designation as a persistent drunk driver as  
17 defined in section 42-1-102 (68.5), the department shall require the  
18 person to complete a level II alcohol and drug education and treatment  
19 program certified by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the  
20 department of human services ~~that administers behavioral health~~  
21 ~~programs and services, including those related to mental health and~~  
22 ~~substance abuse~~, pursuant to section 42-4-1301.3, and, upon the  
23 restoration of driving privileges, shall require the person to hold a  
24 restricted license requiring the use of an ignition interlock device  
25 pursuant to section 42-2-132.5 (1)(a)(II).

26 (C) If a person seeking reinstatement has not completed THE  
27 required level II alcohol and drug education and treatment PROGRAM, the

1 person shall file with the department proof of current enrollment in a  
2 level II alcohol and drug education and treatment program certified by the  
3 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human services  
4 ~~that administers behavioral health programs and services, including those~~  
5 ~~related to mental health and substance abuse~~, pursuant to section  
6 42-4-1301.3, on a form approved by the department.

7 (III) In the case of a minor driver whose license has been revoked  
8 as a result of one conviction for DUI, DUI per se, DWAI, or UDD, the  
9 minor driver, unless otherwise required after an evaluation made pursuant  
10 to section 42-4-1301.3, must complete a level I alcohol and drug  
11 education program certified by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH  
12 in the department of human services. ~~that administers behavioral health~~  
13 ~~programs and services, including those related to mental health and~~  
14 ~~substance abuse.~~

15 **SECTION 22.** In Colorado Revised Statutes, 42-2-144, **amend**  
16 (1) as follows:

17 **42-2-144. Reporting by certified level II alcohol and drug**  
18 **education and treatment program providers - notice of**  
19 **administrative remedies against a driver's license - rules.** (1) The  
20 department shall require all providers of level II alcohol and drug  
21 education and treatment programs certified by the ~~unit~~ OFFICE OF  
22 BEHAVIORAL HEALTH in the department of human services ~~that~~  
23 ~~administers behavioral health programs and services, including those~~  
24 ~~related to mental health and substance abuse~~, pursuant to section  
25 42-4-1301.3 to provide quarterly reports to the department about each  
26 person who is enrolled and who has filed proof of such enrollment with  
27 the department as required by section 42-2-126 (4)(d)(II).

1           **SECTION 23.** In Colorado Revised Statutes, 42-4-1301.3,  
2 **amend** (3)(c)(IV), (4)(a), and (4)(b) as follows:

3           **42-4-1301.3. Alcohol and drug driving safety program -**  
4 **definition.** (3) (c) (IV) For the purpose of this section, "alcohol and drug  
5 driving safety education or treatment" means either level I or level II  
6 education or treatment programs ~~that are~~ approved by the ~~unit~~ OFFICE OF  
7 BEHAVIORAL HEALTH in the department of human services. ~~that~~  
8 ~~administers behavioral health programs and services, including those~~  
9 ~~related to mental health and substance abuse.~~ Level I programs are ~~to be~~  
10 short-term, didactic education programs. Level II programs are ~~to be~~  
11 therapeutically oriented education, long-term outpatient, and  
12 comprehensive residential programs. ~~Any~~ THE COURT SHALL INSTRUCT A  
13 defendant sentenced to level I or level II programs ~~shall be instructed by~~  
14 ~~the court~~ to meet all financial obligations of ~~such~~ THE programs. If ~~such~~  
15 THE financial obligations are not met, the PROGRAM SHALL NOTIFY THE  
16 sentencing court ~~shall be notified~~ for the purpose of collection or review  
17 and further action on the defendant's sentence. Nothing in this section  
18 ~~shall prohibit~~ PROHIBITS treatment agencies from applying to the state for  
19 ~~funds~~ MONEY to recover the costs of level II treatment for defendants  
20 determined ~~to be~~ indigent by the court.

21           (4) (a) There is ~~hereby~~ created an alcohol and drug driving safety  
22 program fund in the office of the state treasurer, ~~to the credit of which~~  
23 ~~shall be deposited all moneys as directed by this paragraph (a)~~ REFERRED  
24 TO IN THIS SUBSECTION (4) AS THE "FUND". THE FUND CONSISTS OF MONEY  
25 DEPOSITED IN IT AS DIRECTED BY THIS SUBSECTION (4)(a). The assessment  
26 in effect on July 1, 1998, ~~shall remain~~ REMAINS in effect unless the  
27 judicial department and the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the

1 department of human services ~~that administers behavioral health~~  
2 ~~programs and services, including those related to mental health and~~  
3 ~~substance abuse~~, have provided to the general assembly WITH a statement  
4 of the cost of the program, including costs of administration for the past  
5 and current fiscal year to include a proposed change in the assessment.  
6 The general assembly shall then consider the proposed new assessment  
7 and approve the amount to be assessed against each person during the  
8 following fiscal year in order to ensure that the alcohol and drug driving  
9 safety program established in this section ~~shall be~~ IS financially  
10 self-supporting. Any adjustment in the amount to be assessed ~~shall be so~~  
11 MUST BE noted in the appropriation to the judicial department and the ~~unit~~  
12 OFFICE OF BEHAVIORAL HEALTH in the department of human services ~~that~~  
13 ~~administers behavioral health programs and services, including those~~  
14 ~~related to mental health and substance abuse~~, as a footnote or line item  
15 related to this program in the general appropriation bill. The state auditor  
16 shall periodically audit the costs of the programs to determine that they  
17 are reasonable and that the rate charged is accurate based on these costs.  
18 Any other fines, fees, or costs levied against ~~such~~ A person ~~shall not be~~  
19 ARE NOT part of the program fund. THE COURT SHALL TRANSMIT TO THE  
20 STATE TREASURER the amount assessed for the alcohol and drug  
21 evaluation ~~shall be transmitted by the court to the state treasurer~~ to be  
22 credited to the ~~alcohol and drug driving safety program~~ fund. Fees  
23 charged ~~under~~ PURSUANT TO sections 27-81-106 (1) and 27-82-103 (1)  
24 ~~C.R.S.~~, to approved alcohol and drug treatment facilities that provide  
25 level I and level II programs as provided in ~~paragraph (c) of subsection~~  
26 ~~(3)~~ SUBSECTION (3)(c) of this section ~~shall~~ MUST be transmitted to the  
27 state treasurer, who shall credit the fees to the ~~alcohol and drug driving~~

1 ~~safety program~~ fund. Upon appropriation by the general assembly, ~~these~~  
2 ~~funds shall~~ THE MONEY MUST be expended by the judicial department and  
3 the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human  
4 services ~~that administers behavioral health programs and services,~~  
5 ~~including those related to mental health and substance abuse,~~ for the  
6 administration of the alcohol and drug driving safety program. In  
7 administering the alcohol and drug driving safety program, the judicial  
8 department is authorized to contract with any agency for ~~such~~ ANY  
9 services ~~as~~ the judicial department deems necessary. ~~Moneys~~ MONEY  
10 deposited in the ~~alcohol and drug driving safety program~~ fund ~~shall~~  
11 ~~remain in said~~ REMAINS IN THE fund to be used for the purposes set forth  
12 in this section and ~~shall~~ MUST not revert or transfer to the general fund  
13 except by further act of the general assembly.

14 (b) The judicial department shall ensure that qualified personnel  
15 are placed in the judicial districts. The judicial department and the ~~unit~~  
16 OFFICE OF BEHAVIORAL HEALTH in the department of human services ~~that~~  
17 ~~administers behavioral health programs and services, including those~~  
18 ~~related to mental health and substance abuse,~~ shall jointly develop and  
19 maintain criteria for evaluation techniques, treatment referral, data  
20 reporting, and program evaluation.

21 **SECTION 24.** In Colorado Revised Statutes, 43-4-402, **amend**  
22 (2)(a) as follows:

23 **43-4-402. Source of revenues - allocation of money.** (2) (a) The  
24 general assembly shall make an annual appropriation out of the ~~moneys~~  
25 MONEY in the fund to the department of public health and environment in  
26 an amount sufficient to pay for the costs of evidential breath alcohol  
27 testing, including any education needs associated with ~~such~~ testing, and

1 implied consent specialists, ~~which~~ THE COSTS OF WHICH WERE PREVIOUSLY  
2 paid out of the highway users tax fund. The general assembly shall also  
3 make an annual appropriation out of the ~~moneys~~ MONEY in the fund to the  
4 Colorado bureau of investigation to pay for the costs of toxicology  
5 laboratory services, including any education needs associated with ~~such~~  
6 THE SERVICES. Of the ~~moneys~~ MONEY remaining in the fund, eighty percent  
7 shall be deposited in a special drunken driving account ~~within~~ IN the fund,  
8 which account is ~~hereby~~ created, and shall be available immediately,  
9 without further appropriation, for allocation by the transportation  
10 commission to the office of transportation safety. ~~which~~ THE OFFICE OF  
11 TRANSPORTATION SAFETY shall allocate ~~such moneys~~ THE MONEY in  
12 accordance with the provisions of section 43-4-404 (1) and (2). The  
13 remaining twenty percent shall be appropriated by the general assembly  
14 to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human  
15 services, ~~that administers behavioral health programs and services,~~  
16 ~~including those related to mental health and substance abuse,~~ which shall  
17 use ~~such moneys~~ THE MONEY for the purposes stated in section 43-4-404  
18 (3). The office of transportation safety and the ~~unit~~ OFFICE OF  
19 BEHAVIORAL HEALTH in the department of human services ~~that~~  
20 ~~administers behavioral health programs and services, including those~~  
21 ~~related to mental health and substance abuse,~~ may use ~~such~~ amounts from  
22 the ~~moneys~~ MONEY allocated or appropriated to them by this subsection  
23 (2) as ~~may be~~ necessary for the purpose of paying the costs incurred by  
24 the office ~~and unit~~ OF TRANSPORTATION SAFETY AND THE OFFICE OF  
25 BEHAVIORAL HEALTH in administering the programs established pursuant  
26 to this part 4; except that neither the office of transportation safety nor  
27 ~~said unit~~ THE OFFICE OF BEHAVIORAL HEALTH may use for ~~such purpose~~

1 THE PURPOSES OF THIS PART 4 an amount ~~which exceeds~~ EXCEEDING eight  
2 percent of the ~~moneys~~ MONEY allocated or appropriated.

3 **SECTION 25.** In Colorado Revised Statutes, 43-4-404, **amend**  
4 (3) as follows:

5 **43-4-404. Formula for allocation of money.** (3) The ~~moneys~~  
6 MONEY in the fund appropriated to the ~~unit~~ OFFICE OF BEHAVIORAL  
7 HEALTH in the department of human services ~~that administers behavioral~~  
8 ~~health programs and services, including those related to mental health and~~  
9 ~~substance abuse~~, pursuant to section 43-4-402 (2) ~~shall~~ MUST be used to  
10 establish a statewide program for the prevention of driving after drinking,  
11 ~~which includes~~ INCLUDING educating the public in the problems of driving  
12 after drinking; training ~~of~~ teachers, health professionals, and law  
13 enforcement in the dangers of driving after drinking; preparing and  
14 disseminating educational materials dealing with the effects of alcohol  
15 and other drugs on driving behavior; and preparing and disseminating  
16 education curriculum materials ~~thereon~~ for use at all SCHOOL levels. ~~of~~  
17 ~~school~~. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of  
18 human services ~~that administers behavioral health programs and services,~~  
19 ~~including those related to mental health and substance abuse~~, is  
20 authorized to contract with a qualified private corporation to provide all  
21 or part of these services and ~~shall promulgate~~ TO ESTABLISH standards for  
22 ~~said~~ THE program.

23 **SECTION 26.** In Colorado Revised Statutes, 1-1-104, **amend**  
24 (18.5) as follows:

25 **1-1-104. Definitions.** As used in this code, unless the context  
26 otherwise requires:

27 (18.5) "Group residential facility" means a nursing home, a

1 nursing care facility licensed pursuant to part 1 of article 3 of title 25,  
2 ~~C.R.S.~~, a home for persons with intellectual and developmental  
3 disabilities as defined in section 25.5-10-202, ~~C.R.S.~~, an assisted living  
4 residence licensed pursuant to section 25-27-105, ~~C.R.S.~~, or a residential  
5 treatment facility for ~~mental illness~~ PERSONS WITH BEHAVIORAL OR  
6 MENTAL HEALTH DISORDERS.

7 **SECTION 27.** In Colorado Revised Statutes, 1-2-103, **amend** (5)  
8 as follows:

9 **1-2-103. Military service - students - inmates - persons with**  
10 **behavioral, mental health, and substance use disorders.** (5) A person  
11 confined in a state institution for persons with BEHAVIORAL OR mental  
12 ~~illness~~ HEALTH DISORDERS shall not lose the right to vote because of the  
13 confinement.

14 **SECTION 28.** In Colorado Revised Statutes, 2-2-802, **amend** (1)  
15 introductory portion, (1)(b), and (1)(c) as follows:

16 **2-2-802. People first language in state laws.** (1) On or after  
17 August 11, 2010, all new or amended statutes that refer to persons with  
18 disabilities ~~shall~~ MUST:

19 (b) Replace disrespectful language by referring to persons with  
20 disabilities as persons first. Examples of people first language include,  
21 but are not limited to, the following: Persons with disabilities, persons  
22 with developmental AND INTELLECTUAL disabilities, persons with  
23 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS, and persons with  
24 autism.

25 (c) Replace disrespectful, insensitive, or outdated terms such as  
26 "mental retardation" with people first language such as "people with  
27 DEVELOPMENTAL AND intellectual disabilities".



1           **SECTION 29.** In Colorado Revised Statutes, **amend** 2-5-119 as  
2 follows:

3           **2-5-119. Tax levy on civil actions.** A tax of one dollar is imposed  
4 upon each action filed in the office of each clerk of a court of record of  
5 the state of Colorado, except criminal actions, cases filed for reviews of  
6 findings and orders of the industrial claim appeals office, petitions  
7 relating to the distribution of estates under sections 15-12-1203 and  
8 15-12-1204, ~~C.R.S.~~, petitions relating to a person with a BEHAVIORAL OR  
9 mental ~~illness~~ HEALTH DISORDER filed under articles 10.5, 65, and 92 of  
10 title 27, ~~C.R.S.~~, cases filed by the state of Colorado, cases filed by the  
11 United States of America or any of its agencies in any matter under  
12 articles 10 to 20 of title 15, ~~C.R.S.~~, and cases where a party is allowed to  
13 sue as a poor person. THE PARTY FILING THE ACTION SHALL PAY the tax  
14 ~~shall be paid to the clerk by the party filing the action~~ at the time of such  
15 filing. Each clerk shall keep the taxes so received in a separate fund and  
16 remit them to the state treasurer on the first day of each month for the  
17 purpose of reimbursing the general fund for appropriations made for the  
18 use of the committee on legal services for statutory revision purposes.

19           **SECTION 30.** In Colorado Revised Statutes, 7-61-125, **amend**  
20 (2)(e) as follows:

21           **7-61-125. When certificate shall be cancelled or amended.**

22 (2) A certificate shall be amended when:

23           (e) A general partner retires, dies, or ~~becomes insane~~ IS UNABLE  
24 TO FUNCTION AS A GENERAL PARTNER AS A RESULT OF A BEHAVIORAL OR  
25 MENTAL HEALTH DISORDER and the business is continued under section  
26 7-61-121;

27           **SECTION 31.** In Colorado Revised Statutes, 8-15.5-103, **amend**

1 (2)(c)(IV) as follows:

2 **8-15.5-103. Multipurpose service centers for displaced**  
3 **homemakers.** (2) Each service center shall include the following  
4 services:

5 (c) Health education and counseling services in cooperation with  
6 existing health programs with respect to:

7 (IV) ~~Alcohol and drug addiction~~ SUBSTANCE USE DISORDERS; and

8 **SECTION 32.** In Colorado Revised Statutes, 10-16-102, **amend**  
9 the introductory portion, (22)(b)(VI), and (33) as follows:

10 **10-16-102. Definitions.** As used in this ~~article~~ ARTICLE 16, unless  
11 the context otherwise requires:

12 (22) (b) "Essential health benefits" includes:

13 (VI) BEHAVIORAL, mental health, and substance ~~abuse~~ USE  
14 disorder services, including behavioral health treatment;

15 (33) "Health care services" means any services included in or  
16 incidental to the furnishing of medical, BEHAVIORAL, mental HEALTH, OR  
17 SUBSTANCE USE DISORDER; dental, or optometric care; hospitalization; or  
18 nursing home care to an individual, as well as the furnishing to any  
19 person of any other services for the purpose of preventing, alleviating,  
20 curing, or healing human physical ~~or mental~~ illness or injury, OR  
21 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER. "Health  
22 care services" includes the rendering of the services through the use of  
23 telehealth, as defined in section 10-16-123 (4)(e).

24 **SECTION 33.** In Colorado Revised Statutes, 10-16-104, **amend**  
25 (5.5)(a)(I), (5.5)(a)(IV), and (18)(b)(I) as follows:

26 **10-16-104. Mandatory coverage provisions - definitions -**  
27 **rules.** (5.5) **Behavioral, mental health, and substance use disorders**

1 - **rules.** (a) (I) Every health benefit plan subject to part 2, 3, or 4 of this  
2 ~~article~~ ARTICLE 16, except those described in section 10-16-102 (32)(b),  
3 must provide coverage for the treatment of BOTH biologically based  
4 ~~mental illness and mental~~ HEALTH DISORDERS AND BEHAVIORAL, MENTAL  
5 HEALTH, OR SUBSTANCE USE disorders that is no less extensive than the  
6 coverage provided for a physical illness.

7 (IV) As used in this subsection (5.5):

8 (A) ~~"Biologically based mental illness" means schizophrenia,~~  
9 ~~schizoaffective disorder, bipolar affective disorder, major depressive~~  
10 ~~disorder, specific obsessive-compulsive disorder, and panic disorder~~

11 "BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER" MEANS  
12 POST-TRAUMATIC STRESS DISORDER, SUBSTANCE USE DISORDERS,  
13 DYSTHYMIA, CYCLOTHYMIA, SOCIAL PHOBIA, AGORAPHOBIA WITH PANIC  
14 DISORDER, ANOREXIA NERVOSA, BULIMIA NERVOSA, GENERAL ANXIETY  
15 DISORDER, AND AUTISM SPECTRUM DISORDERS, AS DEFINED IN SUBSECTION  
16 (1.4)(a)(III) OF THIS SECTION.

17 (B) ~~"Mental disorder" means post-traumatic stress disorder, drug~~  
18 ~~and alcohol disorders, dysthymia, cyclothymia, social phobia,~~  
19 ~~agoraphobia with panic disorder, anorexia nervosa, bulimia nervosa,~~  
20 ~~general anxiety disorder, and autism spectrum disorders, as defined in~~

21 ~~subparagraph (III) of paragraph (a) of subsection (1.4) of this section~~  
22 "BIOLOGICALLY BASED MENTAL HEALTH DISORDER" MEANS  
23 SCHIZOPHRENIA, SCHIZOAFFECTIVE DISORDER, BIPOLAR AFFECTIVE  
24 DISORDER, MAJOR DEPRESSIVE DISORDER, SPECIFIC  
25 OBSESSIVE-COMPULSIVE DISORDER, AND PANIC DISORDER.

26 (18) **Preventive health care services.** (b) The coverage required  
27 by this subsection (18) must include preventive health care services for

1 the following, in accordance with the A or B recommendations of the task  
2 force for the particular preventive health care service:

3 (I) Alcohol ~~misuse~~ USE DISORDER screening and behavioral  
4 counseling interventions for adults by primary care providers;

5 **SECTION 34.** In Colorado Revised Statutes, **amend** 10-16-104.7  
6 as follows:

7 **10-16-104.7. Substance use disorders - court-ordered**  
8 **treatment coverage.** (1) ~~Any~~ AN individual or group health benefit plan  
9 delivered or issued for delivery within this state by an entity subject to the  
10 provisions of part 2, 3, or 4 of this ~~article~~ ARTICLE 16 that provides  
11 coverage for TREATMENT OF A substance ~~abuse treatment shall~~ USE  
12 DISORDER MUST provide coverage for ~~substance abuse~~ SUCH treatment  
13 regardless of whether the treatment is voluntary or court-ordered as a  
14 result of contact with the criminal justice or legal system. The health  
15 benefit plan ~~shall only be~~ IS ONLY required to provide coverage for  
16 benefits that are medically necessary and otherwise covered under the  
17 plan. Such coverage ~~shall be~~ IS subject to copayment, deductible, and  
18 policy maximums and limitations. Health benefit plans issued by an entity  
19 subject to the provisions of part 4 of this ~~article~~ ARTICLE 16 may provide  
20 that the benefits required pursuant to this section ~~shall be~~ ARE covered  
21 benefits only if the services are deemed medically necessary and are  
22 rendered by a provider who is designated by and affiliated with the health  
23 maintenance organization.

24 (2) Nothing in this section ~~shall mandate or be construed to~~  
25 ~~mandate~~ MANDATES OR IS MEANT TO CONSTRUE that any health benefit  
26 plan must provide coverage for TREATMENT OF A substance ~~abuse~~  
27 ~~treatment~~ USE DISORDER.

1           **SECTION 35.** In Colorado Revised Statutes, **amend** 10-16-104.8  
2 as follows:

3           **10-16-104.8. Behavioral, mental health, or substance use**  
4 **disorder services coverage - court-ordered.** (1) An individual or group  
5 health benefit plan delivered or issued for delivery within this state by an  
6 entity subject to the provisions of part 2, 3, or 4 of this ~~article~~ ARTICLE 16  
7 that provides coverage for BEHAVIORAL, mental health, OR SUBSTANCE  
8 USE DISORDER services ~~shall~~ MUST provide coverage for BEHAVIORAL,  
9 mental health, OR SUBSTANCE USE DISORDER services regardless of  
10 whether the services are voluntary or court-ordered as a result of contact  
11 with the criminal justice or juvenile justice system. The health benefit  
12 plan ~~shall be~~ IS required to provide coverage only for benefits that are  
13 medically necessary and otherwise covered under the plan. Such coverage  
14 ~~shall be~~ IS subject to applicable in- or out-of-network copayment,  
15 deductible, and policy maximums and limitations. The court order for  
16 BEHAVIORAL, mental health, OR SUBSTANCE USE DISORDER services ~~shall~~  
17 MUST not mandate the type of BEHAVIORAL, mental health, OR SUBSTANCE  
18 USE DISORDER services or the length and frequency of treatment that is to  
19 be covered by the health benefit plan. The health benefit plan ~~shall only~~  
20 ~~be~~ IS ONLY responsible for those benefits that are covered by the health  
21 benefit plan and not those that are court-ordered that exceed the scope of  
22 benefits as provided by the health plan. Determination of medically  
23 necessary BEHAVIORAL, mental health, OR SUBSTANCE USE DISORDER  
24 services ~~shall~~ MUST be made by the health benefit plan based on the  
25 submitted clinical treatment plan from a provider who is designated by  
26 and affiliated with the health benefit plan. Health benefit plans issued by  
27 an entity subject to the provisions of part 4 of this ~~article~~ ARTICLE 16 may

1 provide that the benefits required pursuant to this section ~~shall be~~ ARE  
2 covered benefits only if the services are deemed medically necessary and  
3 are rendered by a provider who is designated by and affiliated with the  
4 health maintenance organization.

5 (2) Nothing in this section ~~shall mandate or be construed to~~  
6 ~~mandate~~ MANDATES OR IS MEANT TO CONSTRUE that a health benefit plan  
7 provide coverage for BEHAVIORAL, mental health, OR SUBSTANCE USE  
8 DISORDER services.

9 (3) For purposes of this section, "BEHAVIORAL, mental health, OR  
10 SUBSTANCE USE DISORDER services" includes treatment for biologically  
11 based mental ~~illness~~ HEALTH DISORDERS and BEHAVIORAL, mental  
12 HEALTH, OR SUBSTANCE USE disorders as described in section 10-16-104  
13 (5.5).

14 (4) For purposes of this section, "BEHAVIORAL, mental health, OR  
15 SUBSTANCE USE DISORDER services" does not include services that are  
16 outside the scope of the contract. Such BEHAVIORAL, mental health, OR  
17 SUBSTANCE USE DISORDER services that are outside the scope of the  
18 contract may include: Services that are custodial or residential in nature,  
19 probation assessments, testing for ability, aptitude, or intelligence, or  
20 performing evaluations, such as placement evaluations, custody  
21 evaluations, reunification assessments, or community risk assessments for  
22 any purpose other than TREATMENT OF BEHAVIORAL, mental health,  
23 ~~treatment~~ OR SUBSTANCE USE DISORDERS.

24 **SECTION 36.** In Colorado Revised Statutes, 10-16-219, **amend**  
25 (1) as follows:

26 **10-16-219. Benefits for care of behavioral or mental health**  
27 **disorders in tax-supported institutions.** (1) On and after July 1, 1977,

1 ~~no~~ AN individual ~~policy~~ or group policy of sickness, health, or accident  
2 insurance or small group sickness and accident insurance delivered or  
3 issued for delivery to any person in this state ~~which~~ THAT provides  
4 coverage for BEHAVIORAL OR mental ~~illness, mental retardation, or both,~~  
5 ~~shall~~ HEALTH DISORDERS MUST NOT exclude or be construed to diminish  
6 benefits for the payment of the direct costs, related directly to the  
7 treatment of such BEHAVIORAL OR mental ~~illness, mental retardation, or~~  
8 ~~both~~ HEALTH DISORDERS, provided by a state institution, including  
9 community clinics and centers for BEHAVIORAL OR mental health ~~and~~  
10 ~~mental retardation~~ DISORDER services, if ~~such~~ THE charges for treatment  
11 of such BEHAVIORAL OR mental ~~illness, mental retardation, or both,~~  
12 HEALTH DISORDERS are customarily charged to nonindigent patients by  
13 ~~such~~ THE state institution.

14 **SECTION 37.** In Colorado Revised Statutes, 12-2-123, **amend**  
15 (1) introductory portion and (1)(p) as follows:

16 **12-2-123. Grounds for disciplinary action - administrative**  
17 **penalties.** (1) After notice and hearing as provided in section 12-2-125,  
18 the board may deny the issuance of, refuse to renew, revoke, or suspend  
19 any certificate of a certified public accountant issued under this ~~article~~  
20 ARTICLE 2 or any prior law of this state or may fine, issue a letter of  
21 admonition to, or place on probation the holder of any certificate and  
22 impose other conditions or limitations for any of the following causes:

23 (p) ~~Habitual intemperance with respect to or~~ AN ALCOHOL USE  
24 DISORDER, AS DEFINED IN SECTION 27-81-102, OR A SUBSTANCE USE  
25 DISORDER, AS DEFINED IN SECTION 27-82-102, OR AN excessive use of a  
26 habit-forming drug, controlled substance, as defined in section 18-18-102  
27 (5), ~~C.R.S.~~, or alcoholic beverage that renders the certified public

1 accountant unfit to practice public accounting;

2 **SECTION 38.** In Colorado Revised Statutes, 12-8-103, **amend**  
3 the introductory portion and (9) as follows:

4 **12-8-103. Definitions.** As used in this ~~article~~ ARTICLE 8, unless  
5 the context otherwise requires:

6 (9) "Cosmetology" means any one act or practice, or any  
7 combination of acts or practices, not for the treatment of disease, ~~or~~  
8 physical ~~or mental~~ illness, OR A BEHAVIORAL, MENTAL HEALTH, OR  
9 SUBSTANCE USE DISORDER, when done for payment either directly or  
10 indirectly or when done without payment for the public generally, usually  
11 performed by and included in or known as the profession of beauty  
12 culturists, beauty operators, beauticians, estheticians, cosmetologists, or  
13 hairdressers or of any other person, partnership, corporation, or other  
14 legal entity holding itself out as practicing cosmetology by whatever  
15 designation and within the meaning of this ~~article~~ ARTICLE 8. In  
16 particular, "cosmetology" includes, but is not limited to, any one or a  
17 combination of the following acts or practices: Arranging, dressing,  
18 curling, waving, cleansing, cutting, singeing, bleaching, coloring, or  
19 similar work upon the hair of a person by any means and, with hands or  
20 a mechanical or electrical apparatus or appliance or by the use of  
21 cosmetic or chemical preparations; manicuring or pedicuring the nails of  
22 a person; giving facials, applying makeup, giving skin care, or applying  
23 eyelashes involving physical contact with a person; beautifying the face,  
24 neck, arms, bust, or torso of the human body by use of cosmetic  
25 preparations, antiseptics, tonics, lotions, or creams; massaging, cleaning,  
26 or stimulating the face, neck, arms, bust, or torso of the human body with  
27 the use of antiseptics, tonics, lotions, or creams; removing superfluous



1 hair from the body of a person by the use of depilatories or waxing or by  
2 the use of tweezers; and the trimming of the beard.

3 **SECTION 39.** In Colorado Revised Statutes, 12-10-107.1,  
4 **amend** (1)(d) as follows:

5 **12-10-107.1. Grounds for discipline.** (1) The director may deny,  
6 suspend, revoke, place on probation, or issue a letter of admonition  
7 against a license or an application for a license if the applicant or  
8 licensee:

9 (d) ~~Is addicted to or dependent upon~~ HAS AN ALCOHOL USE  
10 DISORDER, AS DEFINED IN SECTION 27-81-102, OR A SUBSTANCE USE  
11 DISORDER, AS DEFINED IN SECTION 27-82-102, OR IS A HABITUAL USER OF  
12 alcohol or any controlled substance, as defined in section 18-18-102 (5),  
13 ~~C.R.S., or is a habitual user of said controlled substance,~~ if the use,  
14 addiction, or dependency is a danger to other participants or officials;

15 **SECTION 40.** In Colorado Revised Statutes, 12-29.5-105,  
16 **amend** (3)(d) as follows:

17 **12-29.5-105. Unlawful acts - exceptions - definition.** (3) (d) In  
18 order to perform auricular acudetox pursuant to this subsection (3), a  
19 mental health care professional must successfully complete a training  
20 program in auricular acudetox for the treatment of ~~alcoholism, substance~~  
21 ~~abuse, or chemical dependency~~ SUBSTANCE USE DISORDERS that meets or  
22 exceeds standards of training established by the national acupuncture  
23 detoxification association or another organization approved by the  
24 director.

25 **SECTION 41.** In Colorado Revised Statutes, 12-29.5-106,  
26 **amend** (1) introductory portion and (1)(l) as follows:

27 **12-29.5-106. Grounds for disciplinary action.** (1) The director

1 may deny licensure to or take disciplinary action against an acupuncturist  
2 pursuant to section 24-4-105 ~~C.R.S.~~, if the director finds that the  
3 acupuncturist has committed any of the following acts:

4 (l) Failed to notify the director of a physical ~~or mental~~ illness; ~~or~~  
5 A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR  
6 SUBSTANCE USE DISORDER that impacts the licensee's ability to practice  
7 acupuncture with reasonable skill and safety to patients; failed to act  
8 within the limitations created by a physical ~~or mental~~ illness; ~~or~~ A  
9 PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE  
10 USE DISORDER that renders the licensee unable to perform acupuncture  
11 with reasonable skill and safety to the patient; or failed to comply with the  
12 limitations agreed to under a confidential agreement;

13 **SECTION 42.** In Colorado Revised Statutes, 12-29.5-108.5,  
14 **amend** (1) and (2)(a) as follows:

15 **12-29.5-108.5. Examinations - notice - confidential**  
16 **agreements.** (1) If an acupuncturist suffers from a physical ~~or mental~~  
17 illness; ~~or~~ A PHYSICAL condition; ~~rendering~~ OR A BEHAVIORAL OR MENTAL  
18 HEALTH DISORDER THAT RENDERS the licensee unable to practice  
19 acupuncture or practice as an acupuncturist with reasonable skill and  
20 patient safety, the acupuncturist shall notify the director of the PHYSICAL  
21 illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL  
22 HEALTH DISORDER in a manner and within a period of time determined by  
23 the director. The director may require the licensee to submit to an  
24 examination or to evaluate the extent of the PHYSICAL illness; ~~or~~ THE  
25 PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER  
26 and its impact on the licensee's ability to practice with reasonable skill  
27 and safety to patients.

1 (2) (a) Upon determining that an acupuncturist with a physical ~~or~~  
2 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL  
3 HEALTH DISORDER is able to render limited acupuncture treatment with  
4 reasonable skill and patient safety, the director may enter into a  
5 confidential agreement with the acupuncturist in which the acupuncturist  
6 agrees to limit his or her practice based on the restrictions imposed by the  
7 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR  
8 MENTAL HEALTH DISORDER, as determined by the director.

9 **SECTION 43.** In Colorado Revised Statutes, 12-29.7-110,  
10 **amend** (2)(c), (2)(d)(I), and (2)(d)(II) as follows:

11 **12-29.7-110. Grounds for discipline - disciplinary proceedings.**

12 (2) The director may revoke, deny, suspend, or refuse to renew a  
13 registration or issue a cease-and-desist order in accordance with this  
14 section upon reasonable grounds that the registrant:

15 (c) HAS AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION  
16 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION  
17 27-82-102, OR is an excessive or habitual user or abuser of alcohol or  
18 habit-forming drugs or is a habitual user of a controlled substance, as  
19 defined in section 18-18-102 (5), ~~C.R.S.~~, or other drugs having similar  
20 effects; except that the director has the discretion not to discipline the  
21 registrant if he or she is participating in good faith in a AN ALCOHOL OR  
22 SUBSTANCE USE DISORDER TREATMENT program approved by the director;  
23 ~~to end the use or abuse;~~

24 (d) (I) Has failed to notify the director, as required by section  
25 12-29.7-113, of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR  
26 A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that  
27 affects the registrant's ability to provide athletic training services with

1 reasonable skill and safety or that may endanger the health or safety of  
2 individuals receiving athletic training services;

3 (II) Has failed to act within the limitations created by a physical  
4 ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL  
5 HEALTH, OR SUBSTANCE USE DISORDER that renders the registrant unable  
6 to perform athletic training with reasonable skill and safety or that may  
7 endanger the health or safety of persons under his or her care; or

8 **SECTION 44.** In Colorado Revised Statutes, 12-29.7-113,  
9 **amend** (1) and (2)(a) as follows:

10 **12-29.7-113. Confidential agreement to limit practice -**  
11 **violation grounds for discipline.** (1) If a registered athletic trainer  
12 suffers from a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A  
13 BEHAVIORAL OR MENTAL HEALTH DISORDER that renders ~~the registrant~~  
14 HIM OR HER unable to practice athletic training with reasonable skill and  
15 safety to patients, ~~the registrant~~ HE OR SHE shall notify the director of the  
16 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR  
17 MENTAL HEALTH DISORDER in a manner and within a period of time  
18 determined by the director. The director may require the registrant to  
19 submit to an examination to evaluate the extent of the PHYSICAL illness;  
20 ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH  
21 DISORDER and its impact on the registrant's ability to practice with  
22 reasonable skill and safety to patients.

23 (2) (a) Upon determining that a registrant with a physical ~~or~~  
24 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL  
25 HEALTH DISORDER is able to render limited athletic training services with  
26 reasonable skill and safety to patients, the director may enter into a  
27 confidential agreement with the registrant in which the registrant agrees

1 to limit his or her practice based on the restrictions imposed by the  
2 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR  
3 MENTAL HEALTH DISORDER, as determined by the director.

4 **SECTION 45.** In Colorado Revised Statutes, 12-29.9-108,  
5 **amend** (2)(q), (2)(r)(I), and (2)(r)(II) as follows:

6 **12-29.9-108. Disciplinary actions - grounds for discipline.**

7 (2) The following acts constitute grounds for discipline:

8 (q) AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION  
9 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION  
10 27-82-102, OR excessively or habitually using or abusing alcohol or  
11 habit-forming drugs or habitually using a controlled substance, as defined  
12 in section 18-18-102, ~~C.R.S.~~, or other drugs OR SUBSTANCES having  
13 similar effects; except that the director has the discretion not to discipline  
14 the licensee if he or she is participating in good faith in a AN ALCOHOL OR  
15 SUBSTANCE USE DISORDER TREATMENT program approved by the director;  
16 ~~to end the use or abuse;~~

17 (r) (I) Failing to notify the director, as required by section  
18 12-29.9-113, of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR  
19 A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that  
20 impacts the licensee's ability to perform audiology with reasonable skill  
21 and safety to patients;

22 (II) Failing to act within the limitations created by a physical ~~or~~  
23 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL  
24 HEALTH, OR SUBSTANCE USE DISORDER that renders the licensee unable to  
25 perform audiology with reasonable skill and safety to the patient; or

26 **SECTION 46.** In Colorado Revised Statutes, 12-29.9-113,  
27 **amend** (1) and (2)(a) as follows:

1           **12-29.9-113. Confidential agreements to limit practice -**  
2 **violation grounds for discipline.** (1) If an audiologist suffers from a  
3 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR  
4 MENTAL HEALTH DISORDER that renders the licensee unable to practice  
5 audiology with reasonable skill and safety to patients, the audiologist  
6 shall notify the director of the PHYSICAL illness; ~~or~~ THE PHYSICAL  
7 condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER in a  
8 manner and within a period of time determined by the director. The  
9 director may require the licensee to submit to an examination to evaluate  
10 the extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE  
11 BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the  
12 licensee's ability to practice audiology with reasonable skill and safety to  
13 patients.

14           (2) (a) Upon determining that an audiologist with a physical ~~or~~  
15 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL  
16 HEALTH DISORDER is able to render limited audiology services with  
17 reasonable skill and safety to patients, the director may enter into a  
18 confidential agreement with the audiologist in which the audiologist  
19 agrees to limit his or her practice based on the restrictions imposed by the  
20 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR  
21 MENTAL HEALTH DISORDER, as determined by the director.

22           **SECTION 47.** In Colorado Revised Statutes, 12-33-117, **amend**  
23 (1)(d) and (1)(e) as follows:

24           **12-33-117. Discipline of licensees - letters of admonition,**  
25 **suspension, revocation, denial, and probation - grounds.** (1) Upon any  
26 of the following grounds, the board may issue a letter of admonition to a  
27 licensee or may revoke, suspend, deny, refuse to renew, or impose

1 conditions on such licensee's license:

2 (d) ~~Habitual intemperance~~ A SUBSTANCE USE DISORDER, AS  
3 DEFINED IN SECTION 27-82-102, or excessive use BY THE LICENSEE of a  
4 controlled substance, as defined in section 18-18-102 (5) ~~C.R.S.~~, or a  
5 habit-forming drug;

6 (e) ~~Habitual intemperance~~ AN ALCOHOL USE DISORDER, AS  
7 DEFINED IN SECTION 27-81-102, or excessive use of alcohol BY THE  
8 LICENSEE;

9 **SECTION 48.** In Colorado Revised Statutes, 12-35-129, **amend**  
10 (1)(j)(I) and (1)(j)(II) as follows:

11 **12-35-129. Grounds for disciplinary action.** (1) The board may  
12 take disciplinary action against an applicant or licensee in accordance  
13 with section 12-35-129.1 for any of the following causes:

14 (j) (I) Failing to notify the board of a physical ~~or mental~~ illness;  
15 ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR  
16 SUBSTANCE USE DISORDER that renders the licensee unable, or limits the  
17 licensee's ability, to perform dental or dental hygiene services with  
18 reasonable skill and with safety to the patient;

19 (II) Failing to act within the limitations created by a physical ~~or~~  
20 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL  
21 HEALTH, OR SUBSTANCE USE DISORDER that renders the licensee unable to  
22 practice dental or dental hygiene services with reasonable skill and safety  
23 or that may endanger the health or safety of persons under his or her care;  
24 or

25 **SECTION 49.** In Colorado Revised Statutes, 12-35-129.6,  
26 **amend** (1) and (2)(a) as follows:

27 **12-35-129.6. Confidential agreement to limit practice -**

1 **violation - grounds for discipline.** (1) If a licensed dentist or dental  
2 hygienist has a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A  
3 BEHAVIORAL OR MENTAL HEALTH DISORDER that renders him or her  
4 unable to practice dentistry or dental hygiene with reasonable skill and  
5 safety to clients, the dentist or dental hygienist shall notify the board of  
6 the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR  
7 MENTAL HEALTH DISORDER in a manner and within a period determined  
8 by the board. The board may require the dentist or dental hygienist to  
9 submit to an examination to evaluate the extent of the PHYSICAL illness;  
10 ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH  
11 DISORDER and its impact on the dentist's or dental hygienist's ability to  
12 practice dentistry or dental hygiene with reasonable skill and safety to  
13 patients.

14 (2) (a) Upon determining that a dentist or dental hygienist with a  
15 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR  
16 MENTAL HEALTH DISORDER is able to render limited services with  
17 reasonable skill and safety to patients, the board may enter into a  
18 confidential agreement with the dentist or dental hygienist in which the  
19 dentist or dental hygienist agrees to limit his or her practice based on the  
20 restrictions imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition;  
21 OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER, as determined by the  
22 board.

23 **SECTION 50.** In Colorado Revised Statutes, 12-35.5-111,  
24 **amend** (1)(f), (1)(g)(I), and (1)(g)(II) as follows:

25 **12-35.5-111. Grounds for discipline - definitions.** (1) The  
26 director is authorized to take disciplinary action pursuant to section  
27 12-35.5-112 against any person who has:



1 (f) AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION  
2 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION  
3 27-82-102, OR a dependence on or addiction to alcohol or any  
4 habit-forming drug or abuses or engages in the habitual or excessive use  
5 of any such habit-forming drug or any controlled substance as defined in  
6 section 18-18-102, ~~C.R.S.~~, but the director may take into account the  
7 licensee's participation in a ~~rehabilitation~~ SUBSTANCE USE DISORDER  
8 TREATMENT program when considering disciplinary action;

9 (g) (I) Failed to notify the director of a physical ~~or mental~~  
10 condition; ~~or~~ A PHYSICAL illness; OR A BEHAVIORAL, MENTAL HEALTH, OR  
11 SUBSTANCE USE DISORDER that affects the licensee's ability to treat clients  
12 with reasonable skill and safety or that may endanger the health or safety  
13 of clients receiving massage services from the licensee;

14 (II) Failed to act within the limitations created by a physical ~~or~~  
15 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL  
16 HEALTH, OR SUBSTANCE USE DISORDER that renders the licensee unable to  
17 practice massage therapy with reasonable skill and safety or that may  
18 endanger the health or safety of persons under his or her care; or

19 **SECTION 51.** In Colorado Revised Statutes, 12-35.5-116.5,  
20 **amend** (1) and (2)(a) as follows:

21 **12-35.5-116.5. Confidential agreement to limit practice -**  
22 **violation - grounds for discipline.** (1) If a massage therapist has a  
23 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR  
24 MENTAL HEALTH DISORDER that renders him or her unable to practice  
25 massage therapy with reasonable skill and safety to clients, the massage  
26 therapist shall notify the director of the PHYSICAL illness; ~~or~~ THE  
27 PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER

1 in a manner and within a period determined by the director. The director  
2 may require the massage therapist to submit to an examination to evaluate  
3 the extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE  
4 BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the massage  
5 therapist's ability to practice massage therapy with reasonable skill and  
6 safety to clients.

7 (2) (a) Upon determining that a massage therapist with a physical  
8 ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL  
9 HEALTH DISORDER is able to render limited services with reasonable skill  
10 and safety to clients, the director may enter into a confidential agreement  
11 with the massage therapist in which the massage therapist agrees to limit  
12 his or her practice based on the restrictions imposed by the PHYSICAL  
13 illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL  
14 HEALTH DISORDER, as determined by the director.

15 **SECTION 52.** In Colorado Revised Statutes, 12-36-106, **amend**  
16 (1) introductory portion, (1)(a), (1)(b), (1)(c), and (1)(d) as follows:

17 **12-36-106. Practice of medicine defined - exemptions from**  
18 **licensing requirements - unauthorized practice by physician**  
19 **assistants and anesthesiologist assistants - penalties - rules - repeal.**

20 (1) For the purpose of this ~~article~~ ARTICLE 36, "practice of medicine"  
21 means:

22 (a) Holding out one's self to the public within this state as being  
23 able to diagnose, treat, prescribe for, palliate, or prevent any human  
24 disease; ailment; pain; injury; deformity; ~~or~~ physical ~~or mental~~ condition;  
25 OR BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER, whether  
26 by the use of drugs, surgery, manipulation, electricity, telemedicine, the  
27 interpretation of tests, including primary diagnosis of pathology

1 specimens, images, or photographs, or any physical, mechanical, or other  
2 means whatsoever;

3 (b) Suggesting, recommending, prescribing, or administering any  
4 form of treatment, operation, or healing for the intended palliation, relief,  
5 or cure of ~~any~~ A PERSON'S physical ~~or mental~~ disease; ailment; injury;  
6 condition; or ~~defect of any person~~ BEHAVIORAL, MENTAL HEALTH, OR  
7 SUBSTANCE USE DISORDER;

8 (c) The maintenance of an office or other place for the purpose of  
9 examining or treating persons afflicted with disease; injury; or ~~defect of~~  
10 ~~body or mind~~ A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE  
11 DISORDER;

12 (d) Using the title M.D., D.O., physician, surgeon, or any word or  
13 abbreviation to indicate or induce others to believe that one is licensed to  
14 practice medicine in this state and engaged in the diagnosis or treatment  
15 of persons afflicted with disease; injury; or ~~defect of body or mind~~ A  
16 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER, except as  
17 otherwise expressly permitted by the laws of this state enacted relating to  
18 the practice of any limited field of the healing arts;

19 **SECTION 53.** In Colorado Revised Statutes, 12-36-117, **amend**  
20 (1) introductory portion and (1)(o) as follows:

21 **12-36-117. Unprofessional conduct.** (1) "Unprofessional  
22 conduct" as used in this ~~article~~ ARTICLE 36 means:

23 (o) Failing to notify the board, as required by section 12-36-118.5  
24 (1), of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A  
25 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that impacts  
26 the licensee's ability to perform a medical service with reasonable skill  
27 and with safety to patients, failing to act within the limitations created by

1 a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL,  
2 MENTAL HEALTH, OR SUBSTANCE USE DISORDER that renders the licensee  
3 unable to perform a medical service with reasonable skill and with safety  
4 to the patient, or failing to comply with the limitations agreed to under a  
5 confidential agreement entered pursuant to section 12-36-118.5;

6 **SECTION 54.** In Colorado Revised Statutes, 12-36-118, **amend**  
7 (3)(a) as follows:

8 **12-36-118. Disciplinary action by board - immunity - rules.**

9 (3) (a) In the discharge of its duties, the board may enlist the assistance  
10 of other licensees. Licensees have the duty to report to the board any  
11 licensee known, or upon information and belief, to have violated any of  
12 the provisions of section 12-36-117 (1); except that ~~no~~ A licensee who is  
13 treating another licensee for a BEHAVIORAL, mental ~~disability or habitual~~  
14 ~~intemperance or excessive use of any habit-forming drug~~ HEALTH, OR  
15 SUBSTANCE USE DISORDER OR THE EXCESSIVE USE OF ANY HABIT-FORMING  
16 DRUG, shall NOT have a duty to report his or her patient unless, in the  
17 opinion of the treating licensee, the impaired licensee presents a danger  
18 to himself, herself, or others.

19 **SECTION 55.** In Colorado Revised Statutes, 12-36-118.5,  
20 **amend** (1) and (2)(a) as follows:

21 **12-36-118.5. Confidential agreements to limit practice -**  
22 **violation grounds for discipline.** (1) If a physician, physician assistant,  
23 or anesthesiologist assistant suffers from a physical ~~or mental~~ illness; ~~or~~  
24 A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER  
25 that renders the licensee unable to practice medicine, practice as a  
26 physician assistant, or practice as an anesthesiologist assistant with  
27 reasonable skill and with safety to patients, the physician, physician

1 assistant, or anesthesiologist assistant shall notify the board of the  
2 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR  
3 MENTAL HEALTH DISORDER in a manner and within a period determined  
4 by the board. The board may require the licensee to submit to an  
5 examination or refer the licensee to a peer health assistance program  
6 pursuant to section 12-36-123.5 to evaluate the extent of the PHYSICAL  
7 illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL  
8 HEALTH DISORDER and its impact on the licensee's ability to practice with  
9 reasonable skill and with safety to patients.

10 (2) (a) Upon determining that a physician, physician assistant, or  
11 anesthesiologist assistant with a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL  
12 condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER is able to  
13 render limited medical services with reasonable skill and with safety to  
14 patients, the board may enter into a confidential agreement with the  
15 physician, physician assistant, or anesthesiologist assistant in which the  
16 physician, physician assistant, or anesthesiologist assistant agrees to limit  
17 his or her practice based on the restrictions imposed by the PHYSICAL  
18 illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL  
19 HEALTH DISORDER, as determined by the board.

20 **SECTION 56.** In Colorado Revised Statutes, 12-37-107, **amend**  
21 (3)(n)(I) and (3)(n)(II) as follows:

22 **12-37-107. Disciplinary action authorized - grounds for**  
23 **discipline - injunctions - rules.** (3) The director may deny, revoke, or  
24 suspend a registration or issue a letter of admonition or place a registrant  
25 on probation for any of the following acts or omissions:

26 (n) (I) Failing to notify the director, as required by section  
27 12-37-108.5 (1), of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition;

1 OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that  
2 renders the registrant unable, or limits the registrant's ability, to practice  
3 direct-entry midwifery with reasonable skill and safety to the client;

4 (II) Failing to act within the limitations created by a physical ~~or~~  
5 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL  
6 HEALTH, OR SUBSTANCE USE DISORDER that renders the registrant unable  
7 to practice direct-entry midwifery with reasonable skill and safety or that  
8 may endanger the health or safety of persons under his or her care; or

9 **SECTION 57.** In Colorado Revised Statutes, 12-37-108.5,  
10 **amend** (1) and (2)(a) as follows:

11 **12-37-108.5. Confidential agreement to limit practice -**  
12 **violation - grounds for discipline.** (1) If a registered direct-entry  
13 midwife has a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A  
14 BEHAVIORAL OR MENTAL HEALTH DISORDER that renders him or her  
15 unable to practice direct-entry midwifery with reasonable skill and safety  
16 to clients, the registrant shall notify the director of the PHYSICAL illness;  
17 ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH  
18 DISORDER in a manner and within a period determined by the director.  
19 The director may require the registrant to submit to an examination to  
20 evaluate the extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition;  
21 OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the  
22 registrant's ability to practice direct-entry midwifery with reasonable skill  
23 and safety to clients.

24 (2) (a) Upon determining that a registrant with a physical ~~or~~  
25 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL  
26 HEALTH DISORDER is able to render limited services with reasonable skill  
27 and safety to clients, the director may enter into a confidential agreement

1 with the registrant in which the registrant agrees to limit his or her  
2 practice based on the restrictions imposed by the PHYSICAL illness; ~~OR THE~~  
3 PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER,  
4 as determined by the director.

5 **SECTION 58.** In Colorado Revised Statutes, 12-37.3-112,  
6 **amend** (1)(p)(I) and (1)(p)(II) as follows:

7 **12-37.3-112. Grounds for discipline - disciplinary actions**  
8 **authorized - procedures - definitions.** (1) The director may deny,  
9 revoke, or suspend the registration of, issue a letter of admonition to, or  
10 place on probation a naturopathic doctor for any of the following acts or  
11 omissions:

12 (p) (I) Failing to notify the director of a physical ~~or mental~~ illness;  
13 ~~OR~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR  
14 SUBSTANCE USE DISORDER that affects the naturopathic doctor's ability to  
15 treat patients with reasonable skill and safety or that may endanger the  
16 health or safety of persons under his or her care;

17 (II) Failing to act within the limitations created by a physical ~~or~~  
18 ~~mental~~ illness; ~~OR~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL  
19 HEALTH, OR SUBSTANCE USE DISORDER that renders the naturopathic  
20 doctor unable to practice naturopathic medicine with reasonable skill and  
21 safety or that may endanger the health or safety of persons under his or  
22 her care; or

23 **SECTION 59.** In Colorado Revised Statutes, 12-37.3-116,  
24 **amend** (1) and (2)(a) as follows:

25 **12-37.3-116. Confidential agreement to limit practice -**  
26 **violation - grounds for discipline.** (1) If a naturopathic doctor has a  
27 physical ~~or mental~~ illness; ~~OR~~ A PHYSICAL condition; OR A BEHAVIORAL OR

1 MENTAL HEALTH DISORDER that renders him or her unable to practice  
2 naturopathic medicine with reasonable skill and safety to patients, the  
3 naturopathic doctor shall notify the director of the PHYSICAL illness; ~~or~~ A  
4 PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER  
5 in a manner and within a period determined by the director. The director  
6 may require the naturopathic doctor to submit to an examination to  
7 evaluate the extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition;  
8 OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the  
9 naturopathic doctor's ability to practice naturopathic medicine with  
10 reasonable skill and safety to patients.

11 (2) (a) Upon determining that a naturopathic doctor with a  
12 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR  
13 MENTAL HEALTH DISORDER is able to render limited services with  
14 reasonable skill and safety to patients, the director may enter into a  
15 confidential agreement with the naturopathic doctor in which the  
16 naturopathic doctor agrees to limit his or her practice based on the  
17 restrictions imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition;  
18 OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER, as determined by the  
19 director.

20 **SECTION 60.** In Colorado Revised Statutes, 12-38-131, **amend**  
21 (2)(b), (3)(a)(I), and (3)(a)(II) as follows:

22 **12-38-131. Nursing peer health assistance or nurse alternative**  
23 **to discipline program - fund - rules.** (2) (b) ~~Moneys~~ MONEY in the  
24 fund shall be used to support a nursing peer health assistance program or  
25 nurse alternative to discipline program in providing assistance to  
26 licensees needing help in dealing with physical, emotional, psychiatric,  
27 OR psychological ~~drug abuse, or alcohol abuse~~ problems OR BEHAVIORAL,



1 MENTAL HEALTH, OR SUBSTANCE USE DISORDERS that may be detrimental  
2 to their ability to practice nursing.

3 (3) (a) The board shall select one or more recognized peer health  
4 assistance organizations or nurse alternative to discipline programs as  
5 designated providers. For purposes of selecting designated providers, the  
6 board shall use a competitive bidding process that encourages  
7 participation from interested vendors. To be eligible for designation by  
8 the board pursuant to this section, a peer health assistance organization or  
9 nurse alternative to discipline program shall:

10 (I) Offer assistance and education to licensees concerning the  
11 recognition, identification, and prevention of physical, emotional,  
12 psychiatric, OR psychological ~~drug abuse, or alcohol abuse~~ problems OR  
13 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS and  
14 provide for intervention when necessary or under circumstances that may  
15 be established in rules promulgated by the board;

16 (II) Evaluate the extent of physical, emotional, psychiatric, OR  
17 psychological ~~drug abuse, or alcohol abuse~~ problems OR BEHAVIORAL,  
18 MENTAL HEALTH, OR SUBSTANCE USE DISORDERS and refer the licensee for  
19 appropriate treatment;

20 **SECTION 61.** In Colorado Revised Statutes, 12-38.1-111,  
21 **amend** (1) introductory portion and (1)(i) as follows:

22 **12-38.1-111. Grounds for discipline.** (1) The board may  
23 suspend, revoke, or deny any person's certification to practice as a nurse  
24 aide or authority to practice as a medication aide, or may issue to the  
25 person a letter of admonition, upon proof that ~~such~~ THE person:

26 (i) Has ~~habitual intemperance~~ AN ALCOHOL USE DISORDER, AS  
27 DEFINED IN SECTION 27-81-102, OR A SUBSTANCE USE DISORDER, AS

1 DEFINED IN SECTION 27-82-102, or excessively uses any habit-forming  
2 drug or any controlled substance, as defined in section 18-18-102 (5),  
3 ~~C.R.S.~~, or other drugs having similar effects, or is diverting controlled  
4 substances, as defined in section 18-18-102 (5), ~~C.R.S.~~, or other drugs  
5 having similar effects from the person's place of employment;

6 **SECTION 62.** In Colorado Revised Statutes, 12-38.1-113,  
7 **amend** (1), (2)(a), and (4) as follows:

8 **12-38.1-113. Mental and physical competency of nurse aides.**

9 (1) If ~~any~~ A certified nurse aide is determined ~~to be mentally ill~~ by a court  
10 of competent jurisdiction ~~TO HAVE A MENTAL HEALTH DISORDER~~, the  
11 board shall automatically suspend his OR HER certification, and ~~such~~ THE  
12 suspension ~~shall~~ MUST continue until the certified nurse aide is  
13 determined by ~~such~~ THE court to be restored to competency; duly  
14 discharged as restored to competency; or otherwise determined to be  
15 competent in any other manner provided by law.

16 (2) (a) If the board has reasonable cause to believe that ~~the~~  
17 ~~physical or mental condition of a certified nurse aide~~ AIDE'S PHYSICAL OR  
18 MENTAL HEALTH has resulted in the nurse aide being unable to practice  
19 with reasonable skill or that the practice of the nurse aide is a threat to the  
20 safety of ~~the nurse aide's~~ HIS OR HER patients, the board may require the  
21 nurse aide to submit to a mental or physical examination by a physician  
22 or other licensed health care provider designated by the board.

23 (4) A certified nurse aide who has been requested to submit to a  
24 physical or mental examination may provide the board with information  
25 concerning ~~such nurse aide's~~ HIS OR HER physical or mental ~~condition~~  
26 HEALTH from a physician of the nurse aide's own choice. The board may  
27 consider such information in conjunction with, but not in lieu of,

1 testimony and information provided by the physician designated by the  
2 board to examine the nurse aide.

3 **SECTION 63.** In Colorado Revised Statutes, 12-39-111, **amend**  
4 (1) introductory portion, (1)(g), and (1)(h) as follows:

5 **12-39-111. Grounds for discipline.** (1) The board has the power  
6 to revoke, suspend, withhold, or refuse to renew any license, to place on  
7 probation a licensee or temporary license holder, or to issue a letter of  
8 admonition to a licensee in accordance with the procedures set forth in  
9 subsection (3) of this section, upon proof that ~~such~~ THE person:

10 (g) ~~Is addicted to or dependent on alcohol or habit-forming drugs~~  
11 HAS AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION 27-81-102, OR  
12 A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION 27-82-102, abuses  
13 or engages in the habitual or excessive use of any such habit-forming  
14 drug or any controlled substance as defined in section 18-18-102 (5),  
15 ~~C.R.S.~~, or participates in the unlawful use of controlled substances as  
16 specified in section 18-18-404; ~~C.R.S.~~; except that the board has the  
17 discretion not to discipline the licensee if such person is participating, in  
18 good faith, in a SUBSTANCE USE DISORDER TREATMENT program approved  
19 by the board; ~~designed to end such addiction or dependency;~~

20 (h) Has a physical ~~or mental~~ disability OR AN INTELLECTUAL AND  
21 DEVELOPMENTAL DISABILITY that renders the licensee unable to practice  
22 nursing home administration with reasonable skill and safety to the  
23 residents and that may endanger the health or safety of persons under the  
24 licensee's care;

25 **SECTION 64.** In Colorado Revised Statutes, 12-39-114, **amend**  
26 (6) as follows:

27 **12-39-114. Disciplinary proceedings - administrative law**

1 **judge - judicial review.** (6) Complaints, investigations, hearings,  
2 meetings, or any other proceedings of the board conducted pursuant to the  
3 provisions of this ~~article~~ ARTICLE 39 and relating to disciplinary  
4 proceedings ~~shall be~~ ARE exempt from the provision of any law requiring  
5 that proceedings of the board be conducted publicly or that the minutes  
6 or records of the board with respect to action of the board taken pursuant  
7 to the provisions of this ~~article~~ ARTICLE 39 be open to public inspection;  
8 except that this exemption ~~shall apply~~ APPLIES only when the board, or an  
9 administrative law judge acting on behalf of the board, specifically  
10 determines that it is in the best interest of a complainant or other recipient  
11 of services to keep such proceedings or documents relating thereto closed  
12 to the public, or if the licensee is violating section 12-39-111 (1)(g),  
13 participating in good faith in a SUBSTANCE USE DISORDER TREATMENT  
14 program approved by the board or designed by the board to end any  
15 addiction or dependency specified in said section, and the licensee has not  
16 violated any provisions of the board order regarding participation in such  
17 a treatment program. If the board determines that it is in the best interest  
18 of a complainant or other recipient of services to keep such proceedings  
19 or documents relating thereto closed to the public, then the final action of  
20 the board ~~shall be~~ IS open to the public without disclosing the name of the  
21 client or other recipient. Final board actions and orders appropriate for  
22 judicial review may be judicially reviewed in the court of appeals in  
23 accordance with section 24-4-106 (11). ~~C.R.S.~~

24 **SECTION 65.** In Colorado Revised Statutes, 12-40-108, **amend**  
25 (1)(d) as follows:

26 **12-40-108. Application for license - licensure by endorsement.**

27 (1) A person who desires to practice optometry in the state may file with

1 the board an application for a license, giving the information required in  
2 a form and manner approved by the board. The applicant shall  
3 demonstrate that he or she possesses the following qualifications:

4 (d) The applicant ~~is not addicted to or dependent on and~~ DOES NOT  
5 HAVE AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION 27-81-102, OR  
6 A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION 27-82-102, OR has  
7 not habitually or excessively used or abused, ~~intoxicating liquors~~  
8 ALCOHOL, habit-forming drugs, or controlled substances as defined in  
9 section 18-18-102 (5). ~~C.R.S.~~

10 **SECTION 66.** In Colorado Revised Statutes, 12-40-118, **amend**  
11 (1) introductory portion and (1)(m) as follows:

12 **12-40-118. Unprofessional conduct defined.** (1) The term  
13 "unprofessional conduct", as used in this ~~article~~ ARTICLE 40, means:

14 (m) Failing to:

15 (I) Notify the board, in a manner and within a period determined  
16 by the board, of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR  
17 A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that  
18 renders an optometrist unable to treat with reasonable skill and safety or  
19 that may endanger the health and safety of persons under ~~the care of an~~  
20 ~~optometrist~~ HIS OR HER CARE;

21 (II) Act within the limitations created by a physical ~~or mental~~  
22 illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR  
23 SUBSTANCE USE DISORDER that renders an optometrist unable to treat with  
24 reasonable skill and safety or that may endanger the health and safety of  
25 persons under ~~the care of an optometrist~~ HIS OR HER CARE; or

26 (III) Practice within the limitations created by the physical ~~or~~  
27 ~~mental~~ illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL, MENTAL

1 HEALTH, OR SUBSTANCE USE DISORDER as specified in a confidential  
2 agreement between the optometrist and the board entered into pursuant  
3 to section 12-40-118.5 (5).

4 **SECTION 67.** In Colorado Revised Statutes, 12-40-118.5,  
5 **amend** (5)(a) introductory portion, (5)(c), and (5)(e) as follows:

6 **12-40-118.5. Mental and physical examination of licensees.**

7 (5) (a) The board may enter into an agreement with an optometrist whose  
8 practice is or may be affected by a physical ~~or mental~~ illness, ~~or~~ A  
9 PHYSICAL condition, OR A BEHAVIORAL OR MENTAL HEALTH DISORDER  
10 that renders the optometrist unable to treat with reasonable skill and  
11 safety or that may endanger the health and safety of persons under the  
12 care of any optometrist if:

13 (c) The board may require the licensee to submit to an  
14 examination pursuant to this section to evaluate the extent of the  
15 PHYSICAL illness, ~~or~~ THE PHYSICAL condition, OR THE BEHAVIORAL OR  
16 MENTAL HEALTH DISORDER and its impact on the licensee's ability to  
17 practice with reasonable skill and with safety to patients.

18 (e) For purposes of this subsection (5), "physical ~~or mental~~ illness,  
19 ~~or~~ PHYSICAL condition, OR BEHAVIORAL OR MENTAL HEALTH DISORDER"  
20 does not include the habitual or excessive use or abuse of alcohol, a  
21 habit-forming drug, or any controlled substance as defined in section  
22 18-18-102 (5). ~~C.R.S.~~

23 **SECTION 68.** In Colorado Revised Statutes, 12-40.5-110,  
24 **amend** (2)(d)(I) and (2)(d)(II) as follows:

25 **12-40.5-110. Grounds for discipline - disciplinary proceedings**  
26 **- judicial review.** (2) The director may revoke, suspend, deny, or refuse  
27 to renew a license; place a licensee on probation; issue a letter of

1 admonition to a licensee; or issue a cease-and-desist order to a licensee  
2 in accordance with this section upon proof that the licensee:

3 (d) (I) Has failed to notify the director, as required by section  
4 12-40.5-114.5, of a physical ~~or mental~~ condition; ~~or~~ A PHYSICAL illness;  
5 OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that  
6 impacts the licensee's ability to provide occupational therapy services  
7 with reasonable skill and safety or that may endanger the health or safety  
8 of individuals receiving services;

9 (II) Has failed to act within the limitations created by a physical  
10 ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL  
11 HEALTH, OR SUBSTANCE USE DISORDER that renders the person unable to  
12 practice occupational therapy with reasonable skill and safety or that may  
13 endanger the health or safety of persons under his or her care; or

14 **SECTION 69.** In Colorado Revised Statutes, 12-40.5-114.5,  
15 **amend** (1) and (2)(a) as follows:

16 **12-40.5-114.5. Confidential agreement to limit practice -**  
17 **violation - grounds for discipline.** (1) If an occupational therapist or  
18 occupational therapy assistant has a physical ~~or mental~~ illness; ~~or~~ A  
19 PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER  
20 that renders the person unable to practice occupational therapy with  
21 reasonable skill and safety to clients, the occupational therapist or  
22 occupational therapy assistant shall notify the director of the PHYSICAL  
23 illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL  
24 HEALTH DISORDER in a manner and within a period determined by the  
25 director. The director may require the occupational therapist or  
26 occupational therapy assistant to submit to an examination to evaluate the  
27 extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE

1 BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the  
2 occupational therapist's or occupational therapy assistant's ability to  
3 practice occupational therapy with reasonable skill and safety to clients.

4 (2) (a) Upon determining that an occupational therapist or  
5 occupational therapy assistant with a physical ~~or mental~~ illness; ~~or~~ A  
6 PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER is  
7 able to render limited services with reasonable skill and safety to clients,  
8 the director may enter into a confidential agreement with the occupational  
9 therapist or occupational therapy assistant in which the occupational  
10 therapist or occupational therapy assistant agrees to limit his or her  
11 practice based on the restrictions imposed by the PHYSICAL illness; ~~or~~ THE  
12 PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER,  
13 as determined by the director.

14 **SECTION 70.** In Colorado Revised Statutes, 12-41-115, **amend**  
15 (1)(m)(I) and (1)(m)(II) as follows:

16 **12-41-115. Grounds for disciplinary action.** (1) The board may  
17 take disciplinary action in accordance with section 12-41-116 against a  
18 person who has:

19 (m) (I) Failed to notify the board, as required by section  
20 12-41-118.5, of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR  
21 A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that  
22 impacts the licensee's ability to perform physical therapy with reasonable  
23 skill and safety to patients;

24 (II) Failed to act within the limitations created by a physical ~~or~~  
25 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL  
26 HEALTH, OR SUBSTANCE USE DISORDER that renders the licensee unable to  
27 perform physical therapy with reasonable skill and safety to the patient;



1 or

2 **SECTION 71.** In Colorado Revised Statutes, 12-41-118.5,  
3 **amend** (1) and (2)(a) as follows:

4 **12-41-118.5. Examinations - notice - confidential agreements.**

5 (1) If a physical therapist suffers from a physical ~~or mental~~ illness; ~~or~~ A  
6 PHYSICAL condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER  
7 rendering the licensee unable to practice physical therapy or practice as  
8 a physical therapist with reasonable skill and patient safety, the physical  
9 therapist shall notify the board of the PHYSICAL illness; ~~or~~ THE PHYSICAL  
10 condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER in a  
11 manner and within a period of time determined by the board. The board  
12 may require the licensee to submit to an examination or to evaluate the  
13 extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE  
14 BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the  
15 licensee's ability to practice with reasonable skill and safety to patients.

16 (2) (a) Upon determining that a physical therapist with a physical  
17 ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL  
18 HEALTH DISORDER is able to render limited physical therapy with  
19 reasonable skill and patient safety, the board may enter into a confidential  
20 agreement with the physical therapist in which the physical therapist  
21 agrees to limit his or her practice based on the restrictions imposed by the  
22 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR  
23 MENTAL HEALTH DISORDER, as determined by the board.

24 **SECTION 72.** In Colorado Revised Statutes, 12-41-210, **amend**  
25 (1)(i)(I) and (1)(i)(II) as follows:

26 **12-41-210. Grounds for disciplinary action.** (1) The board may  
27 take disciplinary action in accordance with section 12-41-211 against a

1 person who has:

2 (i) (I) Failed to notify the board, as required by section 12-41-214,  
3 of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A  
4 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that impacts  
5 the certified physical therapist assistant's ability to perform physical  
6 therapy with reasonable skill and safety to patients;

7 (II) Failed to act within the limitations created by a physical ~~or~~  
8 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL  
9 HEALTH, OR SUBSTANCE USE DISORDER that renders the certified physical  
10 therapist assistant unable to perform physical therapy with reasonable  
11 skill and safety to the patient; or

12 **SECTION 73.** In Colorado Revised Statutes, 12-41-214, **amend**  
13 (1) and (2)(a) as follows:

14 **12-41-214. Examinations - notice - confidential agreements.**

15 (1) If a certified physical therapist assistant suffers from a physical ~~or~~  
16 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR MENTAL  
17 HEALTH DISORDER rendering the certified physical therapist assistant  
18 unable to practice with reasonable skill and patient safety, the certified  
19 physical therapist assistant shall notify the board of the PHYSICAL illness;  
20 ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH  
21 DISORDER in a manner and within a period of time determined by the  
22 board. The board may require the certified physical therapist assistant to  
23 submit to an examination, or the board may evaluate the extent of the  
24 PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR  
25 MENTAL HEALTH DISORDER and its impact on the certified physical  
26 therapist assistant's ability to practice with reasonable skill and safety to  
27 patients.

1           (2) (a) Upon determining that a certified physical therapist  
2 assistant with a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR  
3 A BEHAVIORAL OR MENTAL HEALTH DISORDER is able to render limited  
4 physical therapy with reasonable skill and patient safety, the board may  
5 enter into a confidential agreement with the certified physical therapist  
6 assistant in which the certified physical therapist assistant agrees to limit  
7 his or her practice based on the restrictions imposed by the PHYSICAL  
8 illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL  
9 HEALTH DISORDER, as determined by the board.

10           **SECTION 74.** In Colorado Revised Statutes, 12-41.5-109,  
11 **amend** (2)(h), (2)(i)(I), and (2)(i)(II) as follows:

12           **12-41.5-109. Grounds for action - disciplinary proceedings.**

13           (2) The director has the power to revoke, suspend, deny, or refuse to  
14 renew a license, place on probation a licensee, or issue a letter of  
15 admonition to a licensee in accordance with subsections (3), (4), (5), and  
16 (6) of this section upon proof that the person:

17           (h) HAS AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION  
18 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION  
19 27-82-102, OR is an excessive or habitual user or abuser of alcohol or  
20 habit-forming drugs or is a habitual user of a controlled substance, as  
21 defined in section 18-18-102 (5), ~~C.R.S.~~, or other drugs having similar  
22 effects; except that the director has the discretion not to discipline the  
23 license holder if he or she is participating in good faith in ~~a~~ AN ALCOHOL  
24 OR SUBSTANCE USE DISORDER TREATMENT program approved by the  
25 director; ~~designed to end such use or abuse;~~

26           (i) (I) Has failed to notify the director, as required by section  
27 12-41.5-109.7, of a physical ~~or mental~~ condition; ~~or~~ A PHYSICAL illness;

1 OR A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that  
2 affects the licensee's ability to practice respiratory therapy with  
3 reasonable skill and safety or that may endanger the health or safety of  
4 persons under his or her care;

5 (II) Has failed to act within the limitations created by a physical  
6 ~~or mental~~ condition; ~~or~~ A PHYSICAL illness; OR A BEHAVIORAL, MENTAL  
7 HEALTH, OR SUBSTANCE USE DISORDER that renders the person unable to  
8 practice respiratory therapy with reasonable skill and safety or that might  
9 endanger the health or safety of persons under his or her care; or

10 **SECTION 75.** In Colorado Revised Statutes, 12-41.5-109.7,  
11 **amend** (1) and (2)(a) as follows:

12 **12-41.5-109.7. Confidential agreement to limit practice -**  
13 **violation - grounds for discipline.** (1) If a respiratory therapist has a  
14 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR  
15 MENTAL HEALTH DISORDER that renders the person unable to practice  
16 respiratory therapy with reasonable skill and safety to clients, the  
17 respiratory therapist shall notify the director of the PHYSICAL illness; ~~or~~  
18 THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH  
19 DISORDER in a manner and within a period determined by the director.  
20 The director may require the respiratory therapist to submit to an  
21 examination to evaluate the extent of the PHYSICAL illness; ~~or~~ THE  
22 PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER  
23 and its effect on the respiratory therapist's ability to practice respiratory  
24 therapy with reasonable skill and safety to clients.

25 (2) (a) Upon determining that a respiratory therapist with a  
26 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR  
27 MENTAL HEALTH DISORDER is able to render limited services with

1 reasonable skill and safety to clients, the director may enter into a  
2 confidential agreement with the respiratory therapist in which the  
3 respiratory therapist agrees to limit his or her practice based on the  
4 restrictions imposed by the PHYSICAL illness; ~~or THE PHYSICAL condition;~~  
5 ~~OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER~~, as determined by the  
6 director.

7 **SECTION 76.** In Colorado Revised Statutes, 12-42-102, **amend**  
8 the introductory portion and (4) as follows:

9 **12-42-102. Definitions.** As used in this ~~article~~ ARTICLE 42, unless  
10 the context otherwise requires:

11 (4) The practice as a "psychiatric technician" means the  
12 performance for compensation of selected acts requiring interpersonal  
13 and technical skills and includes the administering of selected treatments  
14 and selected medications prescribed by a licensed physician or dentist, in  
15 the care of and in the observation and recognition of symptoms and  
16 reactions of a patient with a BEHAVIORAL OR mental ~~illness~~ or HEALTH  
17 DISORDER OR AN INTELLECTUAL AND developmental disability under the  
18 direction of a licensed physician and the supervision of a registered  
19 professional nurse. The selected acts in the care of a patient with a  
20 BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDER OR AN INTELLECTUAL  
21 AND developmental disability ~~shall~~ MUST not require the substantial  
22 specialized skill, judgment, and knowledge required in professional  
23 nursing.

24 **SECTION 77.** In Colorado Revised Statutes, 12-42-111, **amend**  
25 (1)(a), (1)(b) introductory portion, (1)(b)(III), (1)(b)(IV), and (3) as  
26 follows:

27 **12-42-111. Accredited psychiatric technician educational**

1 **program.** (1) (a) Any institution within the state of Colorado desiring to  
2 conduct an accredited preservice psychiatric technician educational  
3 program may apply to the board and submit evidence that it is prepared  
4 to carry out a psychiatric technician curriculum that contains theoretical  
5 content and clinical practice to prepare the psychiatric technician student  
6 to care for clients with INTELLECTUAL AND developmental disabilities or  
7 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS in institutional and  
8 community settings.

9 (b) Content in a psychiatric technician educational program ~~shall~~  
10 MUST include but ~~shall not be~~ IS NOT limited to:

11 (III) ~~Mental retardation~~ INTELLECTUAL AND DEVELOPMENTAL  
12 DISABILITIES theory and rehabilitation nursing principles and skills if the  
13 technician is to be licensed to care for clients with INTELLECTUAL AND  
14 developmental disabilities; and

15 (IV) Psychopathology and psychiatric nursing principles and skills  
16 if the technician is to be licensed to care for clients with BEHAVIORAL OR  
17 mental ~~illness~~ HEALTH DISORDERS.

18 (3) If the requirements of this ~~article~~ ARTICLE 42 for an accredited  
19 psychiatric technician educational program are met, the institution ~~shall~~  
20 MUST be accredited as a psychiatric technician educational program for  
21 psychiatric technicians for work with patients with mental ~~illness~~ or  
22 HEALTH DISORDERS OR INTELLECTUAL AND developmental disabilities, for  
23 so long as such institution meets the requirements of this ~~article~~ ARTICLE  
24 42.

25 **SECTION 78.** In Colorado Revised Statutes, 12-42-113, **amend**  
26 (1) introductory portion, (1)(i), and (1)(j) as follows:

27 **12-42-113. Grounds for discipline.** (1) "Grounds for discipline",

1 as used in this ~~article~~ ARTICLE 42, means any action by any person who:

2 (i) ~~Is addicted to or dependent on alcohol or habit-forming drugs~~  
3 HAS AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION 27-81-102, OR  
4 A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION 27-82-102, is a  
5 habitual user of controlled substances, as defined in section 18-18-102 (5)  
6 ~~C.R.S.~~, or other drugs having similar effects, or is diverting controlled  
7 substances, as defined in section 18-18-102 (5), ~~C.R.S.~~, or other drugs  
8 having similar effects from the licensee's place of employment; except  
9 that the board has the discretion not to discipline the licensee if such  
10 licensee is participating in good faith in ~~a~~ AN ALCOHOL OR SUBSTANCE  
11 USE DISORDER TREATMENT program approved by the board; ~~designed to~~  
12 ~~end such addiction or dependency;~~

13 (j) Has a physical ~~or mental~~ disability ~~which~~ OR AN INTELLECTUAL  
14 AND DEVELOPMENTAL DISABILITY THAT renders him OR HER unable to  
15 practice as a psychiatric technician with reasonable skill and safety to the  
16 patients and which may endanger the health or safety of persons under his  
17 OR HER care;

18 **SECTION 79.** In Colorado Revised Statutes, 12-42-116, **amend**  
19 (1) as follows:

20 **12-42-116. Exclusions.** (1) This ~~article shall not be construed to~~  
21 ARTICLE 42 DOES NOT affect or apply to the gratuitous care of a person  
22 with a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER by friends or  
23 members of the family or to any person taking care of a person with a  
24 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER for hire who does not  
25 represent himself or herself or hold himself or herself out to the public as  
26 a trained or licensed psychiatric technician; but ~~no one~~ A PERSON for hire  
27 shall NOT hold himself or herself out as or perform the full duties of a

1 psychiatric technician who is not a psychiatric technician licensed under  
2 the provisions of this ~~article~~ ARTICLE 42.

3 **SECTION 80.** In Colorado Revised Statutes, 12-42.5-123,  
4 **amend** (1)(e), (1)(r)(I), and (1)(r)(II) as follows:

5 **12-42.5-123. Unprofessional conduct - grounds for discipline.**

6 (1) The board may suspend, revoke, refuse to renew, or otherwise  
7 discipline any license or registration issued by it, after a hearing held in  
8 accordance with the provisions of this section, upon proof that the  
9 licensee or registrant:

10 (e) ~~Is addicted to, dependent on~~ HAS AN ALCOHOL USE DISORDER,  
11 AS DEFINED IN SECTION 27-81-102, OR A SUBSTANCE USE DISORDER, AS  
12 DEFINED IN SECTION 27-82-102, or engages in the habitual or excessive  
13 use or abuse of ~~intoxicating liquors~~ ALCOHOL, a habit-forming drug, or a  
14 controlled substance, as defined in section 18-18-102 (5); ~~C.R.S.;~~

15 (r) (I) Has failed to notify the board of a physical ~~or mental~~  
16 illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL HEALTH, OR  
17 SUBSTANCE USE DISORDER that affects the person's ability to treat clients  
18 with reasonable skill and safety or that may endanger the health or safety  
19 of persons under his or her care;

20 (II) Has failed to act within the limitations created by a physical  
21 ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL  
22 HEALTH, OR SUBSTANCE USE DISORDER that renders the person unable to  
23 practice pharmacy with reasonable skill and safety or that may endanger  
24 the health or safety of persons under his or her care; or

25 **SECTION 81.** In Colorado Revised Statutes, 12-42.5-134,  
26 **amend** (1) and (2)(a) as follows:

27 **12-42.5-134. Confidential agreement to limit practice -**



1 **violation - grounds for discipline.** (1) If a pharmacist or intern has a  
2 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR  
3 MENTAL HEALTH DISORDER that renders the person unable to practice  
4 pharmacy with reasonable skill and safety to clients, the pharmacist or  
5 intern shall notify the board of the PHYSICAL illness; ~~or~~ THE PHYSICAL  
6 condition; OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER in a  
7 manner and within a period determined by the board. The board may  
8 require the pharmacist or intern to submit to an examination or refer the  
9 pharmacist or intern to the pharmacy peer health assistance diversion  
10 program established in part 2 of this ~~article~~ ARTICLE 42.5 to evaluate the  
11 extent of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE  
12 BEHAVIORAL OR MENTAL HEALTH DISORDER and its impact on the  
13 pharmacist's or intern's ability to practice pharmacy with reasonable skill  
14 and safety to clients.

15 (2) (a) Upon determining that a pharmacist or intern with a  
16 physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL OR  
17 MENTAL HEALTH DISORDER is able to render limited services with  
18 reasonable skill and safety to clients, the board may enter into a  
19 confidential agreement with the pharmacist or intern in which the  
20 pharmacist or intern agrees to limit his or her practice based on the  
21 restrictions imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition;  
22 OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER, as determined by the  
23 board.

24 **SECTION 82.** In Colorado Revised Statutes, 12-42.5-203,  
25 **amend** (2)(a) as follows:

26 **12-42.5-203. Pharmacy peer health assistance fund.** (2) (a) As  
27 a condition of licensure and licensure renewal in this state, every

1 applicant shall pay to the administering entity that has been selected by  
2 the board pursuant to ~~paragraphs (c) and (d) of this subsection (2)~~  
3 SUBSECTIONS (2)(c) AND (2)(d) OF THIS SECTION an amount set by the  
4 board not to exceed fifty-six dollars biennially. ~~which amount shall be~~  
5 THE AMOUNT MUST BE used to support designated providers that have  
6 been selected by the board to provide assistance to pharmacists and  
7 interns needing help in dealing with physical, emotional, psychiatric, OR  
8 psychological ~~drug abuse, or alcohol abuse~~ problems OR BEHAVIORAL,  
9 MENTAL HEALTH, OR SUBSTANCE USE DISORDERS that may be detrimental  
10 to their ability to practice.

11 **SECTION 83.** In Colorado Revised Statutes, 12-42.5-204,  
12 **amend** (2)(a) as follows:

13 **12-42.5-204. Eligibility - participants.** (2) In order to be eligible  
14 for participation, a licensee shall:

15 (a) Acknowledge the existence or the potential existence of a  
16 psychiatric, psychological, or emotional problem; ~~or excessive alcohol or~~  
17 ~~drug use; or addiction~~ OR AN ALCOHOL USE DISORDER, AS DEFINED IN  
18 SECTION 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN  
19 SECTION 27-82-102;

20 **SECTION 84.** In Colorado Revised Statutes, 12-42.5-401,  
21 **amend** (1)(a) and (1)(b) as follows:

22 **12-42.5-401. Legislative declaration.** (1) The general assembly  
23 finds, determines, and declares that:

24 (a) Prescription drug ~~abuse~~ MISUSE occurs in this country to an  
25 extent that exceeds or rivals the abuse of illicit drugs;

26 (b) Prescription drug ~~abuse~~ MISUSE occurs at times due to the  
27 deception of the authorized practitioners where patients seek controlled

1 substances for treatment and the practitioner is unaware of the patient's  
2 other medical providers and treatments;

3 **SECTION 85.** In Colorado Revised Statutes, 12-42.5-404,  
4 **amend** (3)(c.5) as follows:

5 **12-42.5-404. Program operation - access - rules.** (3) The  
6 program is available for query only to the following persons or groups of  
7 persons:

8 (c.5) The medical director, or his or her designee, at a facility that  
9 treats ~~addiction~~ SUBSTANCE USE DISORDERS with controlled substances,  
10 if an individual in treatment at the facility gives permission to the facility  
11 to access his or her program records;

12 **SECTION 86.** In Colorado Revised Statutes, 12-42.5-408.5,  
13 **amend** (1) introductory portion and (1)(b) as follows:

14 **12-42.5-408.5. Examination and analysis of prescription drug**  
15 **monitoring program - recommendations to executive director.**

16 (1) The executive director of the department of regulatory agencies shall  
17 create a prescription drug monitoring program task force or consult with  
18 and request assistance from the Colorado team assembled by the  
19 governor's office to develop a strategic plan to reduce prescription drug  
20 ~~abuse~~ MISUSE, or its successor group, in order to:

21 (b) Make recommendations to the executive director on ways to  
22 make the program a more effective tool for practitioners and pharmacists  
23 in order to reduce prescription drug ~~abuse~~ MISUSE in this state.

24 **SECTION 87.** In Colorado Revised Statutes, 12-43-201, **amend**  
25 the introductory portion and (9)(a) as follows:

26 **12-43-201. Definitions.** As used in this ~~article~~ ARTICLE 43, unless  
27 the context otherwise requires:

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

11 **SECTION 88.** In Colorado Revised Statutes, 12-43-203, **amend**  
12 (2)(a)(II)(B) as follows:

13 **12-43-203. Boards - meetings - duties - powers - removal of**  
14 **members - immunity.** (2) (a) (II) All meetings are open to the public,  
15 except when:

16 (B) The licensee, registrant, or certificate holder is participating  
17 in good faith in a program approved by the board designed to end an  
18 ~~addiction or dependency~~ A SUBSTANCE USE DISORDER and the licensee,  
19 registrant, or certificate holder has not violated the board's order  
20 regarding the person's participation in the treatment program.

21 **SECTION 89.** In Colorado Revised Statutes, 12-43-221.5,  
22 **amend** (1) and (2)(a) as follows:

23 **12-43-221.5. Confidential agreement to limit practice -**  
24 **violation grounds for discipline.** (1) If a licensee, registrant, or  
25 certificate holder has a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL  
26 condition; OR A BEHAVIORAL OR MENTAL HEALTH DISORDER that renders  
27 the person unable to practice his or her mental health profession with

1 reasonable skill and with safety to clients, the licensee, registrant, or  
2 certificate holder shall notify the board that regulates his or her profession  
3 of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL  
4 OR MENTAL HEALTH DISORDER in a manner and within a period  
5 determined by his or her oversight board. The applicable board may  
6 require the licensee, registrant, or certificate holder to submit to an  
7 examination or refer the licensee, registrant, or certificate holder to a peer  
8 health assistance program, if such program exists, to evaluate the extent  
9 of the PHYSICAL illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL  
10 OR MENTAL HEALTH DISORDER and its impact on the licensee's,  
11 registrant's, or certificate holder's ability to practice with reasonable skill  
12 and with safety to clients.

13 (2) (a) Upon determining that a licensee, registrant, or certificate  
14 holder with a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A  
15 BEHAVIORAL OR MENTAL HEALTH DISORDER is able to render limited  
16 services with reasonable skill and with safety to clients, the applicable  
17 board may enter into a confidential agreement with the licensee,  
18 registrant, or certificate holder in which the licensee, registrant, or  
19 certificate holder agrees to limit his or her practice based on the  
20 restrictions imposed by the PHYSICAL illness; ~~or~~ THE PHYSICAL condition;  
21 OR THE BEHAVIORAL OR MENTAL HEALTH DISORDER, as determined by the  
22 applicable board.

23 **SECTION 90.** In Colorado Revised Statutes, 12-43-222, **amend**  
24 (1) introductory portion, (1)(f)(I), and (1)(f)(II) as follows:

25 **12-43-222. Prohibited activities - related provisions.** (1) A  
26 person licensed, registered, or certified under this ~~article~~ ARTICLE 43  
27 violates this ~~article if the person~~ ARTICLE 43 IF HE OR SHE:

1 (f) (I) Fails to notify the board that regulates his or her profession  
2 of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A  
3 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that affects  
4 the person's ability to treat clients with reasonable skill and safety or that  
5 may endanger the health or safety of persons under his or her care;

6 (II) Fails to act within the limitations created by a physical ~~or~~  
7 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL  
8 HEALTH, OR SUBSTANCE USE DISORDER that renders the person unable to  
9 treat clients with reasonable skill and safety or that may endanger the  
10 health or safety of persons under his or her care; or

11 **SECTION 91.** In Colorado Revised Statutes, 12-43-224, **amend**  
12 (2)(c)(II) introductory portion and (2)(c)(II)(B) as follows:

13 **12-43-224. Disciplinary proceedings - judicial review - mental**  
14 **and physical examinations - multiple licenses.** (2) (c) (II) The board  
15 that licenses, registers, or certifies a licensee, registrant, or certificate  
16 holder pursuant to this ~~article~~ ARTICLE 43 may summarily suspend the  
17 person's license, registration, or certification, subject to the limitation of  
18 section 24-4-104, ~~C.R.S.~~, under the following circumstances:

19 (B) The licensee, registrant, or certificate holder has been  
20 adjudicated by a court of competent jurisdiction as being a person who is  
21 gravely disabled, ~~mentally retarded~~ HAS AN INTELLECTUAL AND  
22 DEVELOPMENTAL DISABILITY, IS mentally incompetent, or IS insane, or as  
23 a person with a mental ~~illness~~ HEALTH DISORDER by a court of competent  
24 jurisdiction; or

25 **SECTION 92.** In Colorado Revised Statutes, 12-43-228.5,  
26 **amend** (4) as follows:

27 **12-43-228.5. Auricular acudetox by mental health**

1 **professionals - training - definition.** (4) In order to perform auricular  
2 acudetox pursuant to subsection (1) of this section, a mental health care  
3 professional must successfully complete a training program in auricular  
4 acudetox for the treatment of ~~alcoholism, substance abuse, or chemical~~  
5 ~~dependency~~ SUBSTANCE USE DISORDERS that meets or exceeds standards  
6 of training established by the national acupuncture detoxification  
7 association or another organization approved by the director.

8 **SECTION 93.** In Colorado Revised Statutes, 12-43-303, **amend**  
9 (2)(c) as follows:

10 **12-43-303. Practice of psychology defined.** (2) The practice of  
11 psychology includes:

12 (c) Diagnosis, treatment, and management of BEHAVIORAL,  
13 mental, ~~and~~ OR emotional HEALTH ~~disorder~~ DISORDERS or ~~disability~~  
14 DISABILITIES; substance use disorders; AND disorders of habit or conduct,  
15 as well as of the psychological aspects of physical illness, accident,  
16 injury, or disability;

17 **SECTION 94.** In Colorado Revised Statutes, 12-43-403, **amend**  
18 (1) as follows:

19 **12-43-403. Social work practice defined.** (1) For the purposes  
20 of this part 4, "social work practice" means the professional application  
21 of social work theory and methods by a person who has completed a  
22 master's degree in social work or a doctoral degree in social work or a  
23 bachelor's degree in social work from an accredited social work program,  
24 for the purpose of prevention, assessment, diagnosis, and intervention  
25 with individual, family, group, organizational, and societal problems,  
26 including ~~alcohol and substance abuse~~ SUBSTANCE USE DISORDERS and  
27 domestic violence, based on the promotion of biopsychosocial

1 developmental processes, person-in environment transactions, and  
2 empowerment of the client system. Social work theory and methods are  
3 based on known accepted principles that are taught in professional  
4 schools of social work in colleges or universities accredited by the  
5 council on social work education.

6 **SECTION 95.** In Colorado Revised Statutes, 12-43-503, **amend**  
7 (1) as follows:

8 **12-43-503. Marriage and family therapy practice defined.**

9 (1) For the purposes of this part 5, "marriage and family therapy practice"  
10 means the rendering of professional marriage and family therapy services  
11 to individuals, couples, and families, singly or in groups, whether such  
12 services are offered directly to the general public or through  
13 organizations, either public or private, for a monetary fee. Marriage and  
14 family therapy utilizes established principles that recognize the  
15 interrelated nature of individual problems and dysfunctions to assess,  
16 understand, diagnose, and treat emotional ~~and mental~~ problems; ~~alcohol~~  
17 ~~and substance abuse~~ BEHAVIORAL, MENTAL HEALTH, AND SUBSTANCE USE  
18 DISORDERS; and domestic violence, and modify intrapersonal and  
19 interpersonal dysfunctions.

20 **SECTION 96.** In Colorado Revised Statutes, 12-43-801, **amend**  
21 (4) and (9) as follows:

22 **12-43-801. Definitions.** As used in this part 8, unless the context  
23 otherwise requires:

24 (4) "Behavioral health disorders" ~~means both~~ INCLUDES  
25 BEHAVIORAL, mental HEALTH, and substance use disorders.

26 (9) "Co-occurring disorders" means the existence of one or more  
27 substance use disorders, addictive behavioral disorders, or BEHAVIORAL



1 OR mental HEALTH disorders presenting concurrently. At the individual  
2 level, co-occurring disorders exist when at least one disorder can be  
3 established independent of the other, and the disorders are not simply a  
4 cluster of symptoms resulting from a single disorder.

5 **SECTION 97.** In Colorado Revised Statutes, 12-43.2-105,  
6 **amend** (2)(c) and (2)(d) as follows:

7 **12-43.2-105. Grounds for discipline - disciplinary proceedings**  
8 **- judicial review.** (2) The director may revoke, suspend, deny, or refuse  
9 to renew a registration or issue a cease-and-desist order to a registrant in  
10 accordance with this section upon proof that the registrant:

11 (c) HAS AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION  
12 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION  
13 27-82-102, is an excessive or habitual user or abuser of alcohol or  
14 habit-forming drugs, or is a habitual user of a controlled substance, as  
15 defined in section 18-18-102, ~~C.R.S.~~, or other drugs having similar  
16 effects;

17 (d) Has a physical ~~or mental~~ condition or disability; A  
18 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER; OR AN  
19 INTELLECTUAL AND DEVELOPMENTAL DISABILITY that renders the  
20 registrant unable to perform his or her tasks with reasonable skill and  
21 safety or that may endanger the health or safety of individuals receiving  
22 services;

23 **SECTION 98.** In Colorado Revised Statutes, 12-43.7-110,  
24 **amend** (2)(c), (2)(d)(I), and (2)(d)(II) as follows:

25 **12-43.7-110. Grounds for discipline.** (2) The director may  
26 revoke, suspend, or deny a certification, place a certificate holder on  
27 probation, issue a letter of admonition or a confidential letter of concern,

1 impose a fine against a certificate holder, or issue a cease-and-desist order  
2 to a certificate holder in accordance with section 12-43.7-111 upon proof  
3 that the certificate holder:

4 (c) HAS AN ALCOHOL USE DISORDER, AS DEFINED IN SECTION  
5 27-81-102, OR A SUBSTANCE USE DISORDER, AS DEFINED IN SECTION  
6 27-82-102, excessively or habitually uses or abuses alcohol or  
7 habit-forming drugs, or habitually uses a controlled substance, as defined  
8 in section 18-18-102, ~~C.R.S.~~, or other drugs having similar effects; except  
9 that the director has the discretion not to discipline the certificate holder  
10 if he or she is participating in good faith in a AN ALCOHOL OR SUBSTANCE  
11 USE DISORDER TREATMENT program approved by the director; ~~designed~~  
12 ~~to end the use or abuse;~~

13 (d) (I) Failed to notify the director, as required by section  
14 12-43.7-115, of a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR  
15 A BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER that  
16 impacts the speech-language pathologist's ability to perform  
17 speech-language pathology with reasonable skill and safety to patients;

18 (II) Failed to act within the limitations created by a physical ~~or~~  
19 ~~mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL, MENTAL  
20 HEALTH, OR SUBSTANCE USE DISORDER that renders the certificate holder  
21 unable to perform speech-language pathology with reasonable skill and  
22 safety to the patient; or

23 **SECTION 99.** In Colorado Revised Statutes, 12-43.7-115,  
24 **amend** (1) and (2)(a) as follows:

25 **12-43.7-115. Confidential agreement to limit practice -**  
26 **violation grounds for discipline.** (1) If a speech-language pathologist  
27 suffers from a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A

1 BEHAVIORAL OR MENTAL HEALTH DISORDER that renders ~~the person~~ HIM  
2 OR HER unable to practice speech-language pathology or practice as a  
3 speech-language pathologist with reasonable skill and patient safety, the  
4 speech-language pathologist shall notify the director of the PHYSICAL  
5 illness; ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL  
6 HEALTH DISORDER in a manner and within a period of time determined by  
7 the director. The director may require the speech-language pathologist to  
8 submit to an examination to evaluate the extent of the PHYSICAL illness;  
9 ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH  
10 DISORDER and its impact on the speech-language pathologist's ability to  
11 practice with reasonable skill and safety to patients.

12 (2) (a) Upon determining that a speech-language pathologist with  
13 a physical ~~or mental~~ illness; ~~or~~ A PHYSICAL condition; OR A BEHAVIORAL  
14 OR MENTAL HEALTH DISORDER is able to render limited speech-language  
15 pathology services with reasonable skill and patient safety, the director  
16 may enter into a confidential agreement with the speech-language  
17 pathologist in which the speech-language pathologist agrees to limit his  
18 or her practice based on the restrictions imposed by the PHYSICAL illness;  
19 ~~or~~ THE PHYSICAL condition; OR THE BEHAVIORAL OR MENTAL HEALTH  
20 DISORDER, as determined by the director.

21 **SECTION 100.** In Colorado Revised Statutes, 12-58-110, **amend**  
22 (1) introductory portion and (1)(l) as follows:

23 **12-58-110. Disciplinary action by board - licenses or**  
24 **registrations denied, suspended, or revoked - cease-and-desist orders.**

25 (1) The board may deny, suspend, revoke, or refuse to renew any license  
26 or registration issued or applied for under the provisions of this ~~article~~  
27 ARTICLE 58 or place a licensee or a registrant on probation for any of the

1 following reasons:

2 (l) ~~Habitual intemperance with respect to~~ AN ALCOHOL USE  
3 DISORDER, AS DEFINED IN SECTION 27-81-102, OR A SUBSTANCE USE  
4 DISORDER, AS DEFINED IN SECTION 27-82-102, or excessive use of any  
5 habit-forming drug, any controlled substance, as defined in section  
6 18-18-102 (5), ~~C.R.S.~~, or any alcoholic beverage;

7 **SECTION 101.** In Colorado Revised Statutes, 12-64-125, **amend**  
8 (1)(a)(I) as follows:

9 **12-64-125. Mental health and substance use disorder**  
10 **evaluations of licensees.** (1) (a) (I) If, upon receipt of a signed complaint  
11 by a complainant, the board has reasonable cause to believe that a  
12 licensed veterinarian is unable to practice veterinary medicine with  
13 reasonable skill and safety to patients or clients due to a BEHAVIORAL,  
14 ~~mental illness or condition or excessive use of alcohol, a habit-forming~~  
15 ~~drug, or a controlled substance~~ HEALTH, OR SUBSTANCE USE DISORDER,  
16 the board may require in writing that the licensed veterinarian submit to  
17 an examination to evaluate:

18 (A) The existence and extent of the BEHAVIORAL, ~~mental illness~~  
19 ~~or condition or the extent of any use of alcohol, habit-forming drugs, or~~  
20 ~~controlled substances~~ HEALTH, OR SUBSTANCE USE DISORDER; and

21 (B) Any impact the BEHAVIORAL, ~~mental illness or condition or~~  
22 ~~use of alcohol, habit-forming drugs, or controlled substances~~ HEALTH, OR  
23 SUBSTANCE USE DISORDER has on the licensed veterinarian's ability to  
24 practice veterinary medicine with reasonable skill and safety to patients  
25 and clients.

26 **SECTION 102.** In Colorado Revised Statutes, 13-3-113, **amend**  
27 (2)(d), (5)(b) introductory portion, and (5)(b)(V)(D) as follows:

1           **13-3-113. "Family-friendly Courts Act". (2) Legislative**  
2 **declaration.** (d) The general assembly therefore determines and declares  
3 that the creation of family-friendly court programs is beneficial to and in  
4 the best interests of the citizens of Colorado. The general assembly  
5 further finds that the goal of such programs shall primarily be providing  
6 quality child care in or near courthouses to the children of individuals and  
7 families who attend court-related proceedings, but that such programs  
8 may also provide additional court-related family services at the facility  
9 and shall serve as a clearinghouse of information and resource referrals  
10 for program patrons concerning the wide variety of available services in  
11 the community, including services that provide help to at-risk youth;  
12 educational services; health services; BEHAVIORAL, mental health,  
13 ~~services, substance abuse~~ AND SUBSTANCE USE DISORDER services; legal  
14 services; and domestic abuse information.

15           **(5) Grant applications - duties of judicial districts.** (b) The  
16 state court administrator, in determining which judicial districts may  
17 receive grant ~~moneys~~ MONEY pursuant to this section, shall consider the  
18 extent that a judicial district is responsible for:

19           (V) Soliciting information from community-based organizations,  
20 faith communities, governmental entities, schools, community mental  
21 health centers, local nonprofit or not-for-profit agencies, local law  
22 enforcement agencies, businesses, and other community service providers  
23 about the following services and resources for the purpose of providing  
24 such information to patrons of the family-friendly court services:

25           (D) Substance ~~abuse~~ USE DISORDER programs that are available in  
26 the community;

27           **SECTION 103.** In Colorado Revised Statutes, 13-5-145, **amend**

1 (2)(j) as follows:

2 **13-5-145. Truancy detention reduction policy - legislative**  
3 **declaration.** (2) The chief judge in each judicial district, or his or her  
4 designee, shall convene a meeting of community stakeholders to create  
5 a policy for addressing truancy cases that seeks alternatives to the use of  
6 detention as a sanction for truancy. Community stakeholders may include,  
7 but need not be limited to:

8 (j) Substance ~~abuse~~ USE DISORDER treatment providers;

9 **SECTION 104.** In Colorado Revised Statutes, 13-9-103, **amend**  
10 (1) introductory portion and (1)(f) as follows:

11 **13-9-103. Jurisdiction.** (1) The probate court of the city and  
12 county of Denver has original and exclusive jurisdiction in ~~said~~ THE city  
13 and county of DENVER OF:

14 (f) The administration of guardianships of minors and of ~~mentally~~  
15 ~~competent~~ persons DECLARED INCOMPETENT and of conservatorships of  
16 persons with mental ~~illness or mentally deficient~~ persons HEALTH  
17 DISORDERS and of absentees;

18 **SECTION 105.** In Colorado Revised Statutes, 13-10-105, **amend**  
19 (2) introductory portion and (2)(d) as follows:

20 **13-10-105. Municipal judge - appointment - removal.** (2) A  
21 municipal judge may be removed during his OR HER term of office only  
22 for cause. A judge may be removed for cause if:

23 (d) He is ~~habitually intemperate~~ OR SHE HAS A SUBSTANCE USE  
24 DISORDER THAT IS NOT IN REMISSION; or

25 **SECTION 106.** In Colorado Revised Statutes, 13-20-401, **amend**  
26 (2) as follows:

27 **13-20-401. Definitions.** As used in this part 4, unless the context

1 otherwise requires:

2 (2) "Patient" means the person upon whom a proposed  
3 electroconvulsive treatment is to be performed; except that nothing in this  
4 part 4 ~~shall be construed to supersede~~ SUPERSEDES the provisions of  
5 article 65 of title 27 ~~C.R.S.~~, or any rule ~~or regulation~~ adopted by the  
6 department of human services pursuant to section 27-65-116 (2) ~~C.R.S.~~;  
7 with regard to the care and treatment of any person unable to exercise  
8 written informed consent or of a person with a mental ~~illness~~ HEALTH  
9 DISORDER.

10 **SECTION 107.** In Colorado Revised Statutes, **amend** 13-22-102  
11 as follows:

12 **13-22-102. Minors - consent for medical care and treatment**  
13 **for use of drugs or a substance use disorder.** Notwithstanding any other  
14 provision of law, any physician licensed to practice in this state, upon  
15 consultation by a minor as a patient, with the consent of such minor  
16 patient, may examine, prescribe for, and treat ~~such~~ THE minor patient for  
17 ~~addiction to or use of drugs~~ OR A SUBSTANCE USE DISORDER without the  
18 consent of or notification to the parent, parents, or legal guardian of ~~such~~  
19 THE minor patient, or to any other person having custody or  
20 decision-making responsibility with respect to the medical care of ~~such~~  
21 THE minor patient. In any such case the physician or any person acting  
22 pursuant to the minor's direction ~~shall incur~~ INCURS no civil or criminal  
23 liability by reason of having made such examination or prescription or  
24 having rendered such treatment, but this immunity ~~shall~~ DOES not apply  
25 to any negligent acts or omissions by the physician or any person acting  
26 pursuant to the physician's direction.

27 **SECTION 108.** In Colorado Revised Statutes, 13-80-103.7,

1 **amend** (3.5)(a) as follows:

2 **13-80-103.7. General limitation of actions - sexual assault or**  
3 **sexual offense against a child - six years.** (3.5) (a) For the purpose of

4 this section, "person under disability" means any person who is a minor  
5 under eighteen years of age, ~~a mental incompetent~~ A PERSON WHO HAS  
6 BEEN DECLARED MENTALLY INCOMPETENT, or a person under other legal  
7 disability and who does not have a legal guardian. "Person under  
8 disability" also includes a victim of a sexual assault when the victim is in  
9 a special relationship with the perpetrator of the assault or is a victim of  
10 a sexual offense against a child or is a victim who is residing in an  
11 institutional facility, such as a nursing home, regional center, or  
12 residential facility for the treatment and care of persons with A  
13 BEHAVIORAL OR ~~mental illness~~ HEALTH DISORDER or for the care of  
14 persons with INTELLECTUAL AND developmental disabilities and where the  
15 victim is psychologically or emotionally unable to acknowledge the  
16 assault or offense and the harm resulting therefrom. For the purpose of  
17 this subsection (3.5), "special relationship" means a relationship between  
18 the victim and the perpetrator of the sexual assault which is a  
19 confidential, trust-based relationship, such as attorney-client,  
20 doctor-patient, psychotherapist-patient, minister-parishioner,  
21 teacher-student, or familial relationship. It is the intent of the general  
22 assembly to leave in place the six-year limitation for adults subjected to  
23 a sexual assault except in the situations described in this ~~paragraph (a)~~  
24 SUBSECTION (3.5)(a) in which the victim is in a special relationship with  
25 the perpetrator of the assault. In the circumstances in which a victim is in  
26 a special relationship with the perpetrator of the assault or is a victim of  
27 a sexual offense against a child or a victim who is residing in an



1 institutional facility, such as a nursing home, regional center, or  
2 residential facility for the treatment and care of persons with A  
3 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER or for the care of  
4 persons with INTELLECTUAL AND developmental disabilities and where the  
5 victim is psychologically or emotionally unable to acknowledge the  
6 assault or offense and the RESULTING harm, ~~resulting therefrom~~, the  
7 six-year limitation ~~shall be~~ IS tolled until the disability is removed. For the  
8 purpose of this section, where the plaintiff is a victim of a series of sexual  
9 assaults or sexual offenses against a child, the plaintiff need not establish  
10 which act of a series of acts caused the plaintiff's injury, and the statute  
11 of limitations set forth in this section ~~shall commence~~ COMMENCES with  
12 the last in the series of acts, subject to the provisions of this section  
13 regarding disability. However, as elements of the cause of action, a  
14 person under disability who is psychologically or emotionally unable to  
15 acknowledge the assault or offense and the RESULTING harm ~~resulting~~  
16 ~~therefrom shall have~~ HAS the burden of proving that the assault or offense  
17 occurred and that ~~such person~~ HE OR SHE was actually psychologically or  
18 emotionally unable to acknowledge the assault or offense and the  
19 RESULTING harm. ~~resulting therefrom~~.

20 **SECTION 109.** In Colorado Revised Statutes, 13-90-107, **amend**  
21 (1)(m)(IV) introductory portion and (1)(m)(IV)(D) as follows:

22 **13-90-107. Who may not testify without consent - definitions.**

23 (1) There are particular relations in which it is the policy of the law to  
24 encourage confidence and to preserve it inviolate; therefore, a person  
25 shall not be examined as a witness in the following cases:

26 (m) (IV) This ~~paragraph (m) shall~~ SUBSECTION (1)(m) DOES not  
27 apply in cases in which:

1 (D) There is reasonable cause to believe that the person receiving  
2 peer support has a BEHAVIORAL OR ~~mental illness~~ HEALTH DISORDER and,  
3 due to the BEHAVIORAL OR ~~mental illness~~ HEALTH DISORDER, is an  
4 imminent threat to himself or herself or others or is gravely disabled as  
5 defined in section 27-65-102; ~~C.R.S.~~; or

6 **SECTION 110.** In Colorado Revised Statutes, **amend** 14-7-104  
7 as follows:

8 **14-7-104. Application of article.** This ~~article shall~~ ARTICLE 7  
9 DOES not apply to liability for the support of children admitted,  
10 CERTIFIED, committed, or transferred to any public institution of this state  
11 supervised by the department of human services for the care, support,  
12 maintenance, education, or treatment of persons with ~~mental illness or~~  
13 ~~who are mentally deficient~~ BEHAVIORAL OR MENTAL HEALTH DISORDERS  
14 OR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

15 **SECTION 111.** In Colorado Revised Statutes, 14-10-115, **amend**  
16 (10)(h)(II) as follows:

17 **14-10-115. Child support guidelines - purpose - definitions -**  
18 **determination of income - schedule of basic child support obligations**  
19 **- adjustments to basic child support - additional guidelines - child**  
20 **support commission.** (10) **Adjustments for health care expenditures**  
21 **for children.** (h) (II) Extraordinary medical expenses are uninsured  
22 expenses, including copayments and deductible amounts, in excess of two  
23 hundred fifty dollars per child per calendar year. Extraordinary medical  
24 expenses ~~shall~~ include, but need not be limited to, such reasonable costs  
25 as are reasonably necessary for orthodontia, dental treatment, asthma  
26 treatments, physical therapy, vision care, and any uninsured chronic  
27 health problem. At the discretion of the court, professional counseling or

1 psychiatric therapy for diagnosed BEHAVIORAL OR mental HEALTH  
2 disorders may also be considered as an extraordinary medical expense.

3 **SECTION 112.** In Colorado Revised Statutes, 14-15-107, **amend**  
4 (5)(n) as follows:

5 **14-15-107. Rights, benefits, protections, duties, obligations,**  
6 **responsibilities, and other incidents of parties to a civil union.**

7 (5) Rights, benefits, protections, duties, obligations, responsibilities, and  
8 other incidents under law as are granted to or imposed upon spouses, that  
9 apply in like manner to parties to a civil union under this section, include  
10 but are not limited to:

11 (n) Laws or rules regarding the right to visit a partner who is in a  
12 correctional facility, as defined in section 17-1-102 (1.7), ~~C.R.S.~~, a local  
13 jail, as defined in section 17-1-102 (7), ~~C.R.S.~~, or a private contract  
14 prison, as defined in section 17-1-102 (7.3), ~~C.R.S.~~, or who is receiving  
15 treatment in a public hospital or a licensed private hospital, clinic,  
16 community mental health center or clinic, or acute treatment unit or  
17 institution that provides treatment for a person with a BEHAVIORAL OR  
18 mental ~~illness~~ HEALTH DISORDER;

19 **SECTION 113.** In Colorado Revised Statutes, 15-1.5-101,  
20 **amend** the introductory portion and (8) as follows:

21 **15-1.5-101. Definitions.** As used in this ~~article~~ ARTICLE 1.5:

22 (8) "Incapacitated" means lacking the ability to manage property  
23 and business affairs effectively by reason of A BEHAVIORAL OR mental  
24 ~~illness, mental deficiency~~ HEALTH DISORDER, physical illness or disability,  
25 ~~chronic use of drugs, chronic intoxication~~ A SUBSTANCE USE DISORDER,  
26 confinement, detention by a foreign power, disappearance, minority, or  
27 other disabling cause.

1           **SECTION 114.** In Colorado Revised Statutes, 15-14-118, **amend**  
2 (2) introductory portion and (2)(c) as follows:

3           **15-14-118. Small estate - person under disability - no personal**  
4 **representative.** (2) Such petition ~~shall~~ **MUST** state so far as known to  
5 petitioner:

6           (c) The date upon which and the court by which the person under  
7 disability was adjudged as having ~~a mental illness, being mentally~~  
8 ~~deficient or being disabled~~, A BEHAVIORAL OR MENTAL HEALTH DISORDER  
9 OR HAVING A DISABILITY;

10           **SECTION 115.** In Colorado Revised Statutes, 15-14-316, **amend**  
11 (4) as follows:

12           **15-14-316. Rights and immunities of guardian - limitations.**

13 (4) A guardian may not initiate ~~the commitment~~ CERTIFICATION of a ward  
14 to a mental health care institution or facility except in accordance with the  
15 state's procedure for involuntary ~~civil commitment~~ TREATMENT AND  
16 EVALUATION OF A BEHAVIORAL OR MENTAL HEALTH DISORDER PURSUANT  
17 TO ARTICLE 65 OF TITLE 27. To obtain hospital or institutional care and  
18 treatment for ~~mental illness of a ward~~ A WARD'S BEHAVIORAL OR MENTAL  
19 HEALTH DISORDER, a guardian shall proceed as provided under article 65  
20 of title 27. ~~C.R.S.~~ To obtain services and supports from an approved  
21 service agency as defined in section 25.5-10-202 ~~C.R.S.~~, for a ward with  
22 intellectual and developmental disabilities, a guardian shall proceed ~~under~~  
23 AS PROVIDED PURSUANT TO article 10 of title 25.5. ~~C.R.S.~~ To obtain care  
24 and treatment for ~~alcoholism or substance abuse~~ A WARD'S SUBSTANCE  
25 USE DISORDER, a guardian shall proceed ~~under article 80~~  
26 PURSUANT TO ARTICLES 81 AND 82 of title 27. ~~C.R.S.~~ ~~No~~ A guardian shall  
27 NOT have the authority to consent to any such care or treatment against

1 the WARD'S will. ~~of the ward.~~

2 **SECTION 116.** In Colorado Revised Statutes, 16-4-105, **amend**  
3 (6)(b) and (8)(d) as follows:

4 **16-4-105. Conditions of release on bond.** (6) (b) A person  
5 seeking relief from any of the conditions imposed pursuant to ~~paragraph~~  
6 ~~(a) of this subsection (6)~~ SUBSECTION (6)(a) OF THIS SECTION shall file a  
7 motion with the court, and the court shall conduct a hearing upon the  
8 motion. The court shall consider whether the condition from which the  
9 person is seeking relief is in the interest of justice and whether public  
10 safety would be endangered if the condition were not enforced. When  
11 determining whether to grant relief pursuant to this ~~paragraph (b)~~  
12 SUBSECTION (6)(b), the court shall consider whether the person has  
13 voluntarily enrolled and is participating in an appropriate substance ~~abuse~~  
14 USE DISORDER treatment program.

15 (8) In addition to the conditions specified in this section, the court  
16 may impose any additional conditions on the conduct of the person  
17 released that will assist in obtaining the appearance of the person in court  
18 and the safety of any person or persons and the community. These  
19 conditions may include, but are not limited to, supervision by a qualified  
20 person or organization or supervision by a pretrial services program  
21 established pursuant to section 16-4-106. While under the supervision of  
22 a qualified organization or pretrial services program, the conditions of  
23 release imposed by the court may include, but are not limited to:

24 (d) TREATMENT OF THE PERSON'S BEHAVIORAL, mental health, or  
25 substance ~~abuse treatment for the person~~ USE DISORDER, IF APPLICABLE,  
26 including residential treatment if the defendant consents to the treatment;

27 **SECTION 117.** In Colorado Revised Statutes, **amend** 16-8-121

1 as follows:

2 **16-8-121. Escape - return to institution.** (1) If any defendant,  
3 confined in an institution for the care and treatment of persons with  
4 BEHAVIORAL OR mental ~~illness or~~ HEALTH DISORDERS OR INTELLECTUAL  
5 AND developmental disabilities under the supervision of the executive  
6 director of the department of human services, escapes from such  
7 institution, it is the duty of the chief officer ~~thereof~~ to apply forthwith to  
8 the district court for the county in which the hospital or institution is  
9 located for a warrant of arrest directed to the sheriff of the county,  
10 commanding him or her forthwith to take all necessary legal action to  
11 effect the arrest of ~~such~~ THE defendant and to return him or her promptly  
12 to the institution. ~~and~~ The fact of an escape becomes a part of the official  
13 record of a defendant and ~~shall~~ MUST be certified to the committing court  
14 as part of the record in any proceeding to determine whether the  
15 defendant is eligible for release from commitment or eligible for  
16 conditional release.

17 (2) If any defendant committed to the custody of the executive  
18 director of the department of human services and placed in an institution  
19 under his OR HER supervision has escaped from an ~~asylum or other~~  
20 ~~institution for insane persons or users of drugs or narcotics of~~  
21 INSTITUTION FOR THE CARE AND TREATMENT OF PERSONS WITH  
22 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS IN another  
23 state, the chief officer ~~thereof~~ is authorized to return ~~such~~ THE defendant  
24 to the institution from which he OR SHE escaped. The chief officer is  
25 further authorized to effect the return at the expense of the state of  
26 Colorado and under such terms and conditions as the chief officer deems  
27 suitable.

1           **SECTION 118.** In Colorado Revised Statutes, 16-11-102, **amend**  
2 (1)(c) as follows:

3           **16-11-102. Presentence or probation investigation.**

4 (1)(c)(I) The state court administrator may implement a BEHAVIORAL OR  
5 mental ~~illness~~ HEALTH DISORDER screening program to screen defendants  
6 for which the court has ordered an investigation pursuant to this section.  
7 If the state court administrator chooses to implement a BEHAVIORAL OR  
8 mental ~~illness~~ HEALTH DISORDER screening program, the state court  
9 administrator shall use the standardized BEHAVIORAL OR mental ~~illness~~  
10 HEALTH DISORDER screening instrument developed pursuant to section  
11 16-11.9-102 and conduct the screening in accordance with the procedures  
12 established pursuant to said section. The findings and results of any  
13 standardized BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening  
14 conducted pursuant to this ~~paragraph (c)~~ shall SUBSECTION (1)(c) MUST  
15 be included in the written report to the court prepared and submitted  
16 pursuant to this subsection (1).

17 (II) Prior to implementation of a BEHAVIORAL OR mental ~~illness~~  
18 HEALTH DISORDER screening program pursuant to this ~~paragraph (c)~~  
19 SUBSECTION (1)(c), if implementation of the program would require an  
20 increase in appropriations, the state court administrator shall submit to the  
21 joint budget committee a request for funding in the amount necessary to  
22 implement the BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER  
23 screening program. If implementation of the program would require an  
24 increase in appropriations, implementation of the BEHAVIORAL OR mental  
25 ~~illness~~ HEALTH DISORDER screening program ~~shall be~~ IS conditional upon  
26 approval of the funding request.

27           **SECTION 119.** In Colorado Revised Statutes, 16-11-209, **amend**

1 (2)(d) and (3)(e) as follows:

2 **16-11-209. Duties of probation officers.** (2) Any probationer, on  
3 probation as a result of a conviction, who is under the supervision of a  
4 probation officer pursuant to this part 2 and who is initially tested for the  
5 illegal or unauthorized use of a controlled substance and the result of such  
6 test is positive shall be subject to any or all of the following actions:

7 (d) Referral to a substance ~~abuse~~ USE DISORDER treatment  
8 program.

9 (3) If any probationer described in subsection (2) of this section  
10 is subjected to a second or subsequent test for the illegal or unauthorized  
11 use of a controlled substance and the result of such test is positive, the  
12 probation officer shall take one or more of the following actions:

13 (e) Refer the probationer to a substance ~~abuse~~ USE DISORDER  
14 treatment program.

15 **SECTION 120.** In Colorado Revised Statutes, 16-11.3-101,  
16 **amend** (1)(g) and (2) as follows:

17 **16-11.3-101. Legislative declaration.** (1) The general assembly  
18 finds and declares that:

19 (g) Many factors may contribute to an offender's criminal  
20 behavior, including but not limited to substance abuse AND SUBSTANCE  
21 USE DISORDERS, BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS,  
22 poverty, child abuse, domestic violence, and educational deficiencies.  
23 ~~Often times,~~ Factors contributing to criminal conduct and re-victimization  
24 are FREQUENTLY not addressed adequately within the justice system.

25 (2) Therefore, the general assembly declares that a commission  
26 comprised of experts in criminal justice, corrections, mental AND  
27 BEHAVIORAL health, drug abuse, victims' rights, higher education,



1 juvenile justice, local government, and other pertinent disciplines shall be  
2 formed to engage in an evidence-based analysis of the criminal justice  
3 system in Colorado and annually report to the governor, the speaker of the  
4 house of representatives, the president of the senate, and the chief justice  
5 of the Colorado supreme court.

6 **SECTION 121.** In Colorado Revised Statutes, 16-11.3-102,  
7 **amend** (2)(a) introductory portion and (2)(a)(XI)(H) as follows:

8 **16-11.3-102. Colorado commission on criminal and juvenile**  
9 **justice - creation - membership - operation.** (2) (a) The commission  
10 ~~shall consist~~ CONSISTS of twenty-six voting members, as follows:

11 (XI) Twelve members appointed by the governor as follows:

12 (H) One member who ~~shall be~~ IS a representative of a community  
13 corrections provider, a community corrections board member, or a  
14 BEHAVIORAL, mental health, or substance ~~abuse~~ USE DISORDER treatment  
15 provider; and

16 **SECTION 122.** In Colorado Revised Statutes, 16-11.7-103,  
17 **amend** (4)(b)(I) and (4)(j)(I) as follows:

18 **16-11.7-103. Sex offender management board - creation -**  
19 **duties - repeal.** (4) **Duties of the board.** The board shall carry out the  
20 following duties:

21 (b) **Guidelines and standards for treatment of adult offenders.**

22 (I) The board shall develop, implement, and revise, as appropriate,  
23 guidelines and standards to treat adult sex offenders, including adult sex  
24 offenders with INTELLECTUAL AND developmental disabilities,  
25 incorporating in the guidelines and standards the concepts of the  
26 risk-need-responsivity or another evidence-based correctional model,  
27 which guidelines and standards can be used in the treatment of offenders

1 who are placed on probation, incarcerated with the department of  
2 corrections, placed on parole, or placed in community corrections.  
3 Programs implemented pursuant to the guidelines and standards  
4 developed pursuant to this ~~paragraph (b) shall~~ SUBSECTION (4)(b) MUST  
5 be as flexible as possible so that the programs may be accessed by each  
6 adult sex offender to prevent the offender from harming victims and  
7 potential victims. Programs ~~shall~~ MUST include a continuing monitoring  
8 process and a continuum of treatment options available to an adult sex  
9 offender as he or she proceeds through the criminal justice system.  
10 Treatment options ~~shall~~ MUST be determined by a current risk assessment  
11 and evaluation and may include, but need not be limited to, group  
12 counseling, individual counseling, family counseling, outpatient  
13 treatment, inpatient treatment, shared living arrangements, or treatment  
14 in a therapeutic community. Programs implemented pursuant to the  
15 guidelines and standards developed pursuant to this ~~paragraph (b) shall~~  
16 SUBSECTION (4)(b) MUST, to the extent possible, be accessible to all adult  
17 sex offenders in the criminal justice system, including those offenders  
18 with BEHAVIORAL, mental ~~illness~~ HEALTH, and co-occurring disorders.  
19 The procedures for evaluation, identification, treatment, and monitoring  
20 developed pursuant to this subsection (4) ~~shall~~ MUST be implemented only  
21 to the extent that ~~moneys are~~ MONEY IS available in the sex offender  
22 surcharge fund created in section 18-21-103 (3). ~~C.R.S.~~

23 (j) (I) **Guidelines and standards for treatment of juvenile**  
24 **offenders.** The board shall develop, implement, and revise, as  
25 appropriate, guidelines and standards to treat juveniles who have  
26 committed sexual offenses, including juveniles with INTELLECTUAL AND  
27 developmental disabilities, incorporating in the guidelines and standards

1 the concepts of the risk-need-responsivity or another evidence-based  
2 correctional model, which guidelines and standards may be used for  
3 juvenile offenders who are placed on probation, committed to the  
4 department of human services, placed on parole, or placed in out-of-home  
5 placement. Programs implemented pursuant to the guidelines and  
6 standards developed pursuant to this ~~paragraph (j)~~ shall SUBSECTION (4)(j)  
7 MUST be as flexible as possible so that the programs may be accessed by  
8 each juvenile offender to prevent him or her from harming victims and  
9 potential victims. Programs ~~shall~~ MUST provide a continuing monitoring  
10 process and a continuum of treatment options available to a juvenile  
11 offender as he or she proceeds through the juvenile justice system.  
12 Treatment options may include, but need not be limited to, group  
13 counseling, individual counseling, family counseling, outpatient  
14 treatment, inpatient treatment, shared living arrangements, and treatment  
15 in a therapeutic community. Programs implemented pursuant to the  
16 guidelines and standards developed pursuant to this ~~paragraph (j)~~ shall  
17 SUBSECTION (4)(j) MUST be, to the extent possible, accessible to all  
18 juveniles who have committed sexual offenses and who are in the  
19 juvenile justice system, including juveniles with BEHAVIORAL, mental  
20 ~~illness~~ HEALTH, or co-occurring disorders.

21 **SECTION 123.** In Colorado Revised Statutes, **amend**  
22 16-11.9-101 as follows:

23 **16-11.9-101. Legislative declaration.** The general assembly  
24 ~~hereby~~ finds and declares that, based upon the findings and  
25 recommendations of the 1999 interim committee to study the treatment  
26 of persons with mental illness in the Colorado criminal justice system,  
27 detecting BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS in persons

1 in the criminal justice system is a difficult process with no current  
2 statewide standards or requirements. The lack of a standardized screening  
3 process to detect persons with BEHAVIORAL OR mental ~~illness~~ HEALTH  
4 DISORDERS in the criminal justice system is a significant impediment to  
5 consistent identification, diagnosis, treatment, and rehabilitation of all  
6 ~~mentally ill~~ offenders WITH BEHAVIORAL OR MENTAL HEALTH DISORDERS,  
7 ultimately resulting in an increased rate of recidivism. Therefore, the  
8 general assembly ~~hereby~~ resolves to create a standardized screening  
9 process to be utilized at each stage of the criminal justice system to  
10 identify persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS.

11 **SECTION 124.** In Colorado Revised Statutes, 16-11.9-102,  
12 **amend** (1) introductory portion, (1)(b), (1)(d), (1)(e), (1)(f), (2)  
13 introductory portion, (2)(b), (2)(d), (2)(e), and (2)(f) as follows:

14 **16-11.9-102. Screening for behavioral or mental health**  
15 **disorders - standardized process - development.** (1) The director of the  
16 division of criminal justice within the department of public safety ~~shall~~  
17 ~~be~~ IS responsible for ensuring that the head of the department of  
18 psychiatry at the university of Colorado health sciences center, the  
19 judicial department, the department of corrections, the state board of  
20 parole, the division of criminal justice within the department of public  
21 safety, and the ~~unit within~~ OFFICE OF BEHAVIORAL HEALTH IN the  
22 department of human services ~~that administers behavioral health~~  
23 ~~programs and services, including those related to mental health and~~  
24 ~~substance abuse~~ meet and cooperate to develop a standardized screening  
25 procedure for the assessment of BEHAVIORAL OR mental ~~illness~~ HEALTH  
26 DISORDERS in persons who are involved in the adult criminal justice  
27 system. The standardized screening procedure ~~shall~~ MUST include, but is

1 not limited to:

2 (b) Development of criteria for potential use of such standardized  
3 instruments, including consideration of methods of addressing  
4 confidential communications by those persons who will be screened for  
5 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS;

6 (d) Identification of those persons who will be screened for  
7 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS;

8 (e) The stages within the adult criminal justice system at which a  
9 person shall be screened for A BEHAVIORAL OR mental ~~illness~~ HEALTH  
10 DISORDER, including consideration of methods of addressing confidential  
11 communications by a person screened for A BEHAVIORAL OR mental  
12 ~~illness~~ HEALTH DISORDER;

13 (f) Consideration of a standard definition of A BEHAVIORAL OR  
14 mental ~~illness~~ HEALTH DISORDER, including A serious BEHAVIORAL OR  
15 mental ~~illness~~ HEALTH DISORDER; and

16 (2) In conjunction with the development of a standardized  
17 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening procedure for  
18 the adult criminal justice system as specified in subsection (1) of this  
19 section, the judicial department, the division of youth corrections within  
20 the department of human services, the unit responsible for child welfare  
21 services within the department of human services, the ~~unit within~~ OFFICE  
22 OF BEHAVIORAL HEALTH IN the department of human services, ~~that~~  
23 ~~administers behavioral health programs and services, including those~~  
24 ~~related to mental health and substance abuse~~, the division of criminal  
25 justice within the department of public safety, and the department of  
26 corrections shall cooperate to develop a standardized screening procedure  
27 for the assessment of BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS

1 in juveniles who are involved in the juvenile justice system. The  
2 standardized screening procedure ~~shall~~ MUST include, but is not limited  
3 to:

4 (b) Development of criteria for potential use of such standardized  
5 instruments, including consideration of methods of addressing  
6 confidential communications by those persons who will be screened for  
7 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS;

8 (d) Identification of those persons who will be screened for  
9 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS;

10 (e) The stages within the juvenile justice system at which a person  
11 shall be screened for A BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER,  
12 including consideration of methods of addressing confidential  
13 communications by a person screened for A BEHAVIORAL OR mental  
14 ~~illness~~ HEALTH DISORDER;

15 (f) Consideration of a standard definition of A BEHAVIORAL OR  
16 mental ~~illness~~ HEALTH DISORDER, including A serious BEHAVIORAL OR  
17 mental ~~illness~~ HEALTH DISORDER; and

18 **SECTION 125.** In Colorado Revised Statutes, 16-20-102, **amend**  
19 the introductory portion and (3) as follows:

20 **16-20-102. Definitions.** As used in this ~~article~~ ARTICLE 20, unless  
21 the context otherwise requires:

22 (3) "Person of unsound mind" includes the terms "insane person",  
23 "mentally ill person", "person with a mental illness", "PERSON WITH A  
24 BEHAVIORAL OR MENTAL HEALTH DISORDER", AND "mentally incompetent  
25 person". ~~and "lunatic".~~

26 **SECTION 126.** In Colorado Revised Statutes, 17-1-102, **amend**  
27 the introductory portion, (7.5)(a)(I), and (7.5)(a)(II) as follows:

1           **17-1-102. Definitions.** As used in this ~~title~~ TITLE 17, unless the  
2 context otherwise requires:

3           (7.5) (a) "Special needs offender" means a person in the custody  
4 of the department:

5           (I) Who is sixty years of age or older and has been diagnosed by  
6 a licensed health care provider who is employed by or under contract with  
7 the department as suffering from a chronic infirmity, illness, condition,  
8 disease, or BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER and the  
9 department or the state board of parole determines that the person is  
10 incapacitated to the extent that he or she is not likely to pose a risk to  
11 public safety; or

12           (II) Who, as determined by a licensed health care provider who is  
13 employed by or under contract with the department, suffers from a  
14 chronic, permanent, terminal, or irreversible physical ~~or mental~~ illness,  
15 condition, disease, or A BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER  
16 that requires costly care or treatment and who is determined by the  
17 department or the state board of parole to be incapacitated to the extent  
18 that he or she is not likely to pose a risk to public safety.

19           **SECTION 127.** In Colorado Revised Statutes, 17-1-113.8,  
20 **amend** (1) and (2)(b)(I) as follows:

21           **17-1-113.8. Persons with serious behavioral or mental health**  
22 **disorders - long-term isolated confinement - work group.** (1) The  
23 department shall not place a person with A BEHAVIORAL OR serious mental  
24 ~~illness~~ HEALTH DISORDER in long-term isolated confinement except when  
25 exigent circumstances are present.

26           (2) (b) (I) The work group shall advise the department on policies  
27 and procedures related to the proper treatment and care of offenders with

1 serious BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS in long-term  
2 isolated confinement, with a focus on persons with serious BEHAVIORAL  
3 OR mental ~~illness~~ HEALTH DISORDERS in long-term isolated confinement.

4 **SECTION 128.** In Colorado Revised Statutes, 17-2-102, **amend**  
5 (8.5)(a)(IV), (8.5)(b) introductory portion, and (8.5)(b)(V) as follows:

6 **17-2-102. Division of adult parole - general powers, duties, and**  
7 **functions - definitions.** (8.5) (a) Any parolee, on parole as a result of a  
8 conviction of any felony, who is under the supervision of the division of  
9 adult parole pursuant to this part 1 and who is initially tested for the  
10 illegal or unauthorized use of a controlled substance and the result of such  
11 test is positive shall be subject to any or all of the following actions:

12 (IV) Referral to a substance ~~abuse~~ USE DISORDER treatment  
13 program.

14 (b) If any parolee described in ~~paragraph (a) of this subsection~~  
15 ~~(8.5)~~ SUBSECTION (8.5)(a) OF THIS SECTION is subjected to a second or  
16 subsequent test for the illegal or unauthorized use of a controlled  
17 substance and the result of the test is positive, the community parole  
18 officer shall take one or more of the following actions:

19 (V) Refer the parolee to a substance ~~abuse~~ USE DISORDER  
20 treatment program.

21 **SECTION 129.** In Colorado Revised Statutes, **amend** 17-2-209  
22 as follows:

23 **17-2-209. Civil proceedings - inmate subject to parole.** When  
24 an inmate has met all of the requirements to be eligible for parole, but the  
25 board has reason to believe that the ~~offender~~ INMATE may have a  
26 BEHAVIORAL OR mental ~~illness~~ pursuant to ~~article 65 of title 27, C.R.S.~~  
27 HEALTH DISORDER AS DEFINED IN SECTION 27-65-102, the board shall



1 initiate civil proceedings pursuant to article 23 of this ~~title~~ TITLE 17 and  
2 articles 10.5, ~~11, 14~~, 65, 67, 92, 93, and 94 of title 27. ~~C.R.S.~~

3 **SECTION 130.** In Colorado Revised Statutes, 17-23-101, **amend**  
4 (1)(a) as follows:

5 **17-23-101. Transfer of an inmate who has a behavioral or**  
6 **mental health disorder or an intellectual and developmental**  
7 **disability.** (1) (a) The executive director, in coordination with the  
8 executive director of the department of human services, may only transfer  
9 an inmate who has a BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDER  
10 OR AN INTELLECTUAL AND developmental disability and who cannot be  
11 safely confined in a correctional facility to an appropriate facility  
12 operated by the department of human services for observation and  
13 stabilization if the department of corrections follows the policy  
14 established pursuant to ~~paragraph (b) of this subsection (1)~~ SUBSECTION  
15 (1)(b) OF THIS SECTION. The costs associated with care provided in the  
16 facility operated by the department of human services are charged to the  
17 department of human services.

18 **SECTION 131.** In Colorado Revised Statutes, 17-27-104, **amend**  
19 (12) as follows:

20 **17-27-104. Community corrections programs operated by**  
21 **units of local government, state agencies, or nongovernmental**  
22 **agencies.** (12) The administrators of a community corrections program  
23 established pursuant to this section may implement a BEHAVIORAL OR  
24 mental ~~illness~~ HEALTH DISORDER screening program to screen the persons  
25 accepted and placed in the community corrections program. If the  
26 administrators choose to implement a BEHAVIORAL OR mental ~~illness~~  
27 HEALTH DISORDER screening program, the administrators shall use the

1 standardized screening instrument developed pursuant to section  
2 16-11.9-102 ~~C.R.S.~~, and conduct the screening in accordance with  
3 procedures established pursuant to said section.

4 **SECTION 132.** In Colorado Revised Statutes, 17-27.9-102,  
5 **amend** (1) as follows:

6 **17-27.9-102. Specialized restitution and community service**  
7 **programs - contract with treatment providers - division of criminal**  
8 **justice.** (1) The director of the division of criminal justice of the  
9 department of public safety may, pursuant to section 17-27-108, contract  
10 with one or more public or private providers or community corrections  
11 boards, as defined in section 17-27-102 (2), who operate restitution and  
12 community service facilities, to provide specialized restitution and  
13 community service programs that meet the requirements of this section.  
14 As used in this ~~article~~ ARTICLE 27.9, such providers ~~shall be~~ ARE referred  
15 to as "providers". ~~The provision of any substance abuse treatment shall~~  
16 ~~be by an entity approved by the unit in the department of human services~~  
17 ~~that administers behavioral health programs and services, including those~~  
18 ~~related to mental health and substance abuse, pursuant to article 80 of title~~  
19 ~~27, C.R.S.~~ THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF  
20 HUMAN SERVICES SHALL APPROVE ANY ENTITY THAT PROVIDES  
21 TREATMENT FOR SUBSTANCE USE DISORDERS PURSUANT TO ARTICLE 80 OF  
22 TITLE 27.

23 **SECTION 133.** In Colorado Revised Statutes, 17-34-101, **amend**  
24 (1)(a) introductory portion, (1)(a)(I) introductory portion, and (1)(a)(I)(C)  
25 as follows:

26 **17-34-101. Juveniles who are convicted as adults in district**  
27 **court - eligibility for specialized program placement - petitions.**

1 (1) (a) Notwithstanding any other provision of law, an offender serving  
2 a sentence in the department for a felony offense as a result of the filing  
3 of criminal charges by an information or indictment pursuant to section  
4 19-2-517, ~~C.R.S.~~, or the transfer of proceedings to the district court  
5 pursuant to section 19-2-518, ~~C.R.S.~~, or pursuant to either of these  
6 sections as they existed prior to their repeal and reenactment, with  
7 amendments, by House Bill 96-1005, and who remains in the custody of  
8 the department for that felony offense may petition for placement in the  
9 specialized program described in section 17-34-102, referred to within  
10 this section as the "specialized program", as follows:

11 (I) If the felony of which the person was convicted was not  
12 murder in the first degree, as described in section 18-3-102, ~~C.R.S.~~, then  
13 the offender may petition for placement in the specialized program after  
14 serving twenty years of his or her sentence if he or she:

15 (C) Is not in a treatment program within the department for a  
16 serious BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER;

17 **SECTION 134.** In Colorado Revised Statutes, 17-40-101, **amend**  
18 the introductory portion and (2) as follows:

19 **17-40-101. Definitions.** As used in this ~~article~~ ARTICLE 40, unless  
20 the context otherwise requires:

21 (2) "Diagnostic services" means diagnostic examination and  
22 evaluation programs, including medical and dental evaluations,  
23 psychological testing, and academic and vocational assessment.  
24 "Diagnostic services" also includes identification of special needs, such  
25 as protective custody, services for persons who have BEHAVIORAL OR  
26 mental ~~illness~~ ~~or~~ HEALTH DISORDERS OR INTELLECTUAL AND  
27 developmental disabilities, and special arrangements for those deemed

1 potentially disruptive to institutional safety and operation.

2 **SECTION 135.** In Colorado Revised Statutes, 17-40-106, **amend**  
3 (4) as follows:

4 **17-40-106. Responsibilities of the superintendent.** (4) (a) The  
5 superintendent may implement a BEHAVIORAL OR mental ~~illness~~ HEALTH  
6 DISORDER screening program to screen offenders entering the diagnostic  
7 center. If the superintendent chooses to implement a BEHAVIORAL OR  
8 mental ~~illness~~ HEALTH DISORDER screening program, the superintendent  
9 shall use the standardized screening instrument developed pursuant to  
10 section 16-11.9-102 ~~C.R.S.~~, and conduct the screening in accordance with  
11 procedures established pursuant to said section.

12 (b) Prior to implementation of a BEHAVIORAL OR mental ~~illness~~  
13 HEALTH DISORDER screening program pursuant to this subsection (4), if  
14 implementation of the program would require an increase in  
15 appropriations, the superintendent shall submit to the joint budget  
16 committee a request for funding in the amount necessary to implement the  
17 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program. If  
18 implementation of the BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER  
19 screening program would require an increase in appropriations,  
20 implementation of the program ~~shall be~~ IS conditional upon approval of  
21 the funding request.

22 **SECTION 136.** In Colorado Revised Statutes, 18-1-505, **amend**  
23 (3)(b) as follows:

24 **18-1-505. Consent.** (3) Unless otherwise provided by this code  
25 or by the law defining the offense, assent does not constitute consent if:

26 (b) It is given by a person who, by reason of immaturity,  
27 BEHAVIORAL OR mental ~~disease or mental defect~~ HEALTH DISORDER, or

1 intoxication, is manifestly unable and is known or reasonably should be  
2 known by the defendant to be unable to make a reasonable judgment as  
3 to the nature or harmfulness of the conduct charged to constitute the  
4 offense; or

5 **SECTION 137.** In Colorado Revised Statutes, **amend** 18-1.3-210  
6 as follows:

7 **18-1.3-210. Counseling or treatment for alcohol or drug abuse**  
8 **or substance use disorder.** (1) In any case in which treatment or  
9 counseling for alcohol or drug abuse OR A SUBSTANCE USE DISORDER is  
10 authorized in connection with a deferred prosecution, deferred judgment  
11 and sentence, or probation, the court may require the defendant to obtain  
12 counseling or treatment for the condition. If the court orders the  
13 counseling or treatment, the court shall order that the counseling or  
14 treatment ~~be~~ IS obtained from a treatment facility or person approved by  
15 the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department of human  
16 services, ~~that administers behavioral health programs and services,~~  
17 ~~including those related to mental health and substance abuse,~~ established  
18 in article 80 of title 27, ~~C.R.S.~~, unless the court makes a finding that  
19 counseling or treatment in another facility or with another person is  
20 warranted. If the defendant voluntarily submits himself or herself for ~~such~~  
21 treatment or counseling, the district attorney and the court may consider  
22 his or her willingness to correct his or her condition as a basis for  
23 granting deferred prosecution or deferred judgment and sentence.

24 (2) Notwithstanding the provisions of subsection (1) of this  
25 section, in any case in which treatment or counseling for alcohol or drug  
26 abuse OR A SUBSTANCE USE DISORDER is authorized and ordered by the  
27 court in connection with a deferred prosecution, deferred judgment and

1 sentence, or probation for an offense involving unlawful sexual behavior,  
2 as defined in section 16-22-102 (9), ~~C.R.S.~~, the court shall order that the  
3 counseling or treatment ~~be~~ IS obtained from a treatment facility or person  
4 approved by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the department  
5 of human services, ~~that administers behavioral health programs and~~  
6 ~~services, including those related to mental health and substance abuse,~~  
7 established in article 80 of title 27. ~~C.R.S.~~

8 **SECTION 138.** In Colorado Revised Statutes, 18-1.3-407,  
9 **amend** (5)(b)(I) introductory portion, (5)(b)(I)(B), (5)(b)(III), (5)(b)(IV),  
10 and (5)(c) as follows:

11 **18-1.3-407. Sentences - youthful offenders - legislative**  
12 **declaration - powers and duties of district court - authorization for**  
13 **youthful offender system - powers and duties of department of**  
14 **corrections - definitions.** (5) (b) (I) An offender who is thought to have  
15 a BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDER OR AN  
16 INTELLECTUAL AND developmental disability by a mental health clinician,  
17 as defined by regulation of the department of corrections, may be  
18 transferred to another facility for a period not to exceed sixty days for  
19 diagnostic validation of said ~~illness~~ DISORDER or disability. At the  
20 conclusion of the sixty-day period, the psychiatrists or other appropriate  
21 professionals conducting the diagnosis shall forward to the executive  
22 director of the department of corrections their findings, which at a  
23 minimum ~~shall~~ MUST include a statement of whether the offender has the  
24 ability to withstand the rigors of the youthful offender system. If the  
25 diagnosis determines that the offender is incapable of completing his or  
26 her sentence to the youthful offender system due to a BEHAVIORAL OR  
27 mental ~~illness~~ or HEALTH DISORDER OR AN INTELLECTUAL AND

1 developmental disability, the executive director shall forward such  
2 determination to the sentencing court. Based on the determination, the  
3 sentencing court shall review the offender's sentence to the youthful  
4 offender system and may:

5 (B) Reconsider and reduce the offender's sentence to the  
6 department of corrections in consideration of the offender's BEHAVIORAL  
7 OR mental ~~illness~~ or HEALTH DISORDER OR INTELLECTUAL AND  
8 developmental disability.

9 (III) In no event shall the sentencing court, after reviewing the  
10 offender's sentence to the youthful offender system pursuant to this  
11 ~~paragraph (b)~~ SUBSECTION (5)(b), increase the offender's sentence to the  
12 department of corrections due to the offender's diagnosis of A  
13 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER or determination of AN  
14 INTELLECTUAL AND developmental disability.

15 (IV) Any offender who is diagnosed as having A BEHAVIORAL OR  
16 mental ~~illness~~ HEALTH DISORDER or determined to have a AN  
17 INTELLECTUAL AND developmental disability and is therefore incapable  
18 of completing his or her sentence to the youthful offender system may be  
19 housed in any department of corrections facility deemed appropriate by  
20 the executive director or transferred in accordance with procedures set  
21 forth in section 17-23-101 ~~C.R.S.~~, pending action by the sentencing court  
22 with regard to the offender's sentence.

23 (c) The department of corrections shall implement a procedure for  
24 returning offenders who cannot successfully complete the sentence to the  
25 youthful offender system, or who fail to comply with the terms or  
26 conditions of the youthful offender system, to the district court. An  
27 offender returned to the district court pursuant to ~~paragraph (a)~~ of this

1 ~~subsection (5)~~ SUBSECTION (5)(a) OF THIS SECTION or because he or she  
2 cannot successfully complete the sentence to the youthful offender system  
3 for reasons other than A BEHAVIORAL OR mental ~~illness or a~~ HEALTH  
4 DISORDER OR AN INTELLECTUAL AND developmental disability, or because  
5 he or she fails to comply with the terms or conditions of the youthful  
6 offender system, shall receive imposition of the original sentence to the  
7 department of corrections. After the executive director of the department  
8 upholds the department's decision, the offender may be held in any  
9 correctional facility deemed appropriate by the executive director; except  
10 that an offender who cannot successfully complete the sentence to the  
11 youthful offender system for reasons other than A BEHAVIORAL OR mental  
12 ~~illness or a~~ HEALTH DISORDER OR AN INTELLECTUAL AND developmental  
13 disability, or because he or she fails to comply with the terms or  
14 conditions of the youthful offender system, shall be transferred, within  
15 thirty-five days after the executive director upholds the department's  
16 decision, to a county jail for holding prior to resentencing. The  
17 department shall notify the district attorney of record, and the district  
18 attorney of record shall be responsible for seeking the revocation or  
19 review of the offender's sentence and the imposition of the original  
20 sentence or modification of the original sentence pursuant to  
21 ~~sub-subparagraph (B) of subparagraph (I) of paragraph (b) of this~~  
22 ~~subsection (5)~~ SUBSECTION (5)(b)(I)(B) OF THIS SECTION. The district  
23 court shall review the offender's sentence within one hundred twenty-six  
24 days after notification to the district attorney of record by the department  
25 of corrections that the offender is not able to complete the sentence to the  
26 youthful offender system or fails to comply with the terms or conditions  
27 of the youthful offender system.



1           **SECTION 139.** In Colorado Revised Statutes, 18-3-405.5,  
2 **amend** (4)(c) as follows:

3           **18-3-405.5. Sexual assault on a client by a psychotherapist -**  
4 **definitions.** (4) As used in this section, unless the context otherwise  
5 requires:

6           (c) "Psychotherapy" means the treatment, diagnosis, or counseling  
7 in a professional relationship to assist individuals or groups to alleviate  
8 BEHAVIORAL OR mental HEALTH disorders, understand unconscious or  
9 conscious motivation, resolve emotional, relationship, or attitudinal  
10 conflicts, or modify behaviors ~~which~~ THAT interfere with effective  
11 emotional, social, or intellectual functioning.

12           **SECTION 140.** In Colorado Revised Statutes, 18-6.5-102,  
13 **amend** the introductory portion and (11)(e) as follows:

14           **18-6.5-102. Definitions.** As used in this ~~article~~ ARTICLE 6.5,  
15 unless the context otherwise requires:

16           (11) "Person with a disability" means any person who:

17           (e) Is a person with a BEHAVIORAL OR mental ~~illness~~ HEALTH  
18 DISORDER as the term is defined in section ~~27-65-102 (14)~~, C.R.S.  
19 27-65-102 (11.5);

20           **SECTION 141.** In Colorado Revised Statutes, **amend** 18-8-201.1  
21 as follows:

22           **18-8-201.1. Aiding escape from an institution for the care and**  
23 **treatment of persons with behavioral or mental health disorders.** Any  
24 person who knowingly aids the escape of a person who is an inmate of an  
25 institution for the care and treatment of persons with BEHAVIORAL OR  
26 mental ~~illness~~ HEALTH DISORDERS and who knows the person aided is  
27 confined in such institution pursuant to a commitment ~~under~~ PURSUANT

1 TO article 8 of title 16 ~~C.R.S.~~, commits the offense of aiding escape from  
2 an institution for the care and treatment of persons with BEHAVIORAL OR  
3 mental ~~illness~~ HEALTH DISORDERS, which is a class 5 felony.

4 **SECTION 142.** In Colorado Revised Statutes, 18-18-401, **amend**  
5 (1) introductory portion and (1)(c) as follows:

6 **18-18-401. Legislative declaration.** (1) The general assembly  
7 ~~hereby~~ finds, determines, and declares that:

8 (c) Successful, community-based substance abuse treatment and  
9 education programs AND SUBSTANCE USE DISORDER TREATMENT  
10 PROGRAMS, in conjunction with ~~mental health~~ treatment FOR BEHAVIORAL  
11 OR MENTAL HEALTH DISORDERS as necessary, provide effective tools in  
12 the effort to reduce drug usage and enhance public safety by reducing the  
13 likelihood that drug users will have further contact with the criminal  
14 justice system. Therapeutic intervention and ongoing individualized  
15 treatment plans prepared through the use of meaningful and proven  
16 assessment tools and evaluations offer an effective alternative to  
17 incarceration in appropriate circumstances and should be utilized  
18 accordingly.

19 **SECTION 143.** In Colorado Revised Statutes, 18-18-503, **amend**  
20 (1)(c) as follows:

21 **18-18-503. Cooperative arrangements and confidentiality.**

22 (1) The board and the department shall cooperate with federal and other  
23 state agencies in discharging the board's and the department's  
24 responsibilities concerning controlled substances and in controlling the  
25 abuse of controlled substances. To this end, the department may:

26 (c) Cooperate with the drug enforcement administration by  
27 establishing a centralized unit to accept, catalog, file, and collect

1 statistics, including records of ~~drug dependent~~ persons WITH SUBSTANCE  
2 USE DISORDERS and other controlled substance law offenders within this  
3 state, and make the information available for federal, state, and local law  
4 enforcement purposes, but may not furnish the name or identity of a  
5 patient or research subject whose identity could not be obtained ~~under~~  
6 PURSUANT TO subsection (3) of this section; and

7 **SECTION 144.** In Colorado Revised Statutes, 18-18.5-101,  
8 **amend** (3)(a)(IV) as follows:

9 **18-18.5-101. Legislative declaration.** (3) The general assembly,  
10 therefore, determines and declares that it is necessary to change the state  
11 methamphetamine task force into a substance abuse trend and response  
12 task force to:

13 (a) Examine drug trends and the most effective models and  
14 practices for:

15 (IV) The treatment of children and adults affected by ~~drug~~  
16 ~~addiction~~ SUBSTANCE USE DISORDERS;

17 **SECTION 145.** In Colorado Revised Statutes, 18-19-103, **amend**  
18 (5)(b)(IV) as follows:

19 **18-19-103. Source of revenues - allocation of money.**

20 (5) (b) The board consists of:

21 (IV) The executive director of the department of human services  
22 or his or her designee. If the executive director appoints a designee, the  
23 executive director is encouraged to select someone with expertise in  
24 ~~addiction~~ SUBSTANCE USE DISORDER counseling and substance abuse  
25 issues;

26 **SECTION 146.** In Colorado Revised Statutes, 19-1-103, **amend**  
27 the introductory portion and (101.7) as follows:

1           **19-1-103. Definitions.** As used in this ~~title~~ TITLE 19 or in the  
2 specified portion of this ~~title~~ TITLE 19, unless the context otherwise  
3 requires:

4           (101.7) "Standardized BEHAVIORAL OR mental ~~illness~~ HEALTH  
5 DISORDER screening" means the BEHAVIORAL OR mental ~~illness~~ HEALTH  
6 DISORDER screening conducted using the juvenile standardized screening  
7 instruments and the procedures adopted pursuant to section 16-11.9-102.  
8 ~~C.R.S.~~

9           **SECTION 147.** In Colorado Revised Statutes, 19-1-104, **amend**  
10 (1)(i) as follows:

11           **19-1-104. Jurisdiction.** (1) Except as otherwise provided by law,  
12 the juvenile court shall have exclusive original jurisdiction in  
13 proceedings:

14           (i) For the treatment or commitment pursuant to article 23 of title  
15 17 and ~~articles 10 to 15~~ ARTICLE 10.5 of title 27 ~~C.R.S.~~, of a child who  
16 has a BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDER OR AN  
17 INTELLECTUAL AND developmental disability and who comes within the  
18 court's jurisdiction under other provisions of this section;

19           **SECTION 148.** In Colorado Revised Statutes, 19-1-111, **amend**  
20 (2)(c) as follows:

21           **19-1-111. Appointment of guardian ad litem.** (2) The court  
22 may appoint a guardian ad litem in the following cases:

23           (c) For a parent, guardian, legal custodian, custodian, person to  
24 whom parental responsibilities have been allocated, stepparent, or spousal  
25 equivalent in dependency or neglect proceedings who has been  
26 determined to have a BEHAVIORAL OR mental ~~illness~~ or HEALTH DISORDER  
27 OR AN INTELLECTUAL AND developmental disability by a court of

1 competent jurisdiction; except that, if a conservator has been appointed,  
2 the conservator shall serve as the guardian ad litem. If the conservator  
3 does not serve as guardian ad litem, the conservator shall be informed that  
4 a guardian ad litem has been appointed.

5 **SECTION 149.** In Colorado Revised Statutes, 19-1-303, **amend**  
6 (2.5)(b) as follows:

7 **19-1-303. General provisions - delinquency and dependency**  
8 **and neglect cases - exchange of information - civil penalty.**

9 (2.5) (b) For purposes of sharing information pursuant to this subsection  
10 (2.5) only, "mental health or medical records and information" ~~shall~~ DOES  
11 not include the standardized BEHAVIORAL OR mental ~~illness~~ HEALTH  
12 DISORDER screening. An assessment center that conducts a standardized  
13 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening on a child  
14 who has been taken into temporary custody by law enforcement or has  
15 been referred to the assessment center for children for case management  
16 purposes may share the results of such screening, without the necessity of  
17 a signed release, with the agencies, other than schools and school  
18 districts, participating in the assessment center for children. To receive  
19 the results of the standardized BEHAVIORAL OR mental ~~illness~~ HEALTH  
20 DISORDER screening, a participating agency ~~shall~~ MUST have a need to  
21 know for purposes of investigations and case management in the  
22 administration of its respective programs. Any participating agency  
23 receiving such information shall use it only for the performance of its  
24 legal duties and responsibilities and shall maintain the confidentiality of  
25 the information received, except as may be required pursuant to rule 16  
26 of the Colorado rules of criminal procedure.

27 **SECTION 150.** In Colorado Revised Statutes, 19-2-303, **amend**

1 (8) as follows:

2 **19-2-303. Juvenile diversion program - authorized.** (8) (a) The  
3 director may implement a BEHAVIORAL OR mental ~~illness~~ HEALTH  
4 DISORDER screening program to screen juveniles who participate in the  
5 juvenile diversion program. If the director chooses to implement a  
6 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program, the  
7 director shall use the standardized BEHAVIORAL OR mental ~~illness~~ HEALTH  
8 DISORDER screening developed pursuant to section 16-11.9-102 ~~C.R.S.~~,  
9 and conduct the screening in accordance with procedures established  
10 pursuant to said section.

11 (b) Prior to implementation of a BEHAVIORAL OR mental ~~illness~~  
12 HEALTH DISORDER screening program pursuant to this subsection (8), if  
13 implementation of the program would require an increase in  
14 appropriations, the director shall submit to the joint budget committee a  
15 request for funding in the amount necessary to implement the  
16 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program. If  
17 implementation of the BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER  
18 screening program would require an increase in appropriations,  
19 implementation of the program ~~shall be~~ IS conditional upon approval of  
20 the funding request.

21 **SECTION 151.** In Colorado Revised Statutes, **amend** 19-2-417  
22 as follows:

23 **19-2-417. Juvenile detention facilities - behavioral or mental**  
24 **health disorder screening.** (1) The executive director of the department  
25 of human services may implement a BEHAVIORAL OR mental ~~illness~~  
26 HEALTH DISORDER screening program to screen juveniles held in juvenile  
27 detention facilities following adjudication. If the executive director

1 chooses to implement a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER  
2 screening program, the executive director shall use the standardized  
3 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening developed  
4 pursuant to section 16-11.9-102 ~~C.R.S.~~, and conduct the screening in  
5 accordance with procedures established pursuant to said section.

6 (2) Prior to implementation of a BEHAVIORAL OR mental ~~illness~~  
7 HEALTH DISORDER screening program pursuant to this section, if  
8 implementation of the program would require an increase in  
9 appropriations, the executive director shall submit to the joint budget  
10 committee a request for funding in the amount necessary to implement the  
11 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program. If  
12 implementation of the BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER  
13 screening program would require an increase in appropriations,  
14 implementation of the program ~~shall be~~ IS conditional upon approval of  
15 the funding request.

16 **SECTION 152.** In Colorado Revised Statutes, 19-2-508, **amend**  
17 (3)(b) as follows:

18 **19-2-508. Detention and shelter - hearing - time limits -**  
19 **findings - review - confinement with adult offenders - restrictions.**

20 (3) (b) (I) If it appears that any juvenile being held in detention or shelter  
21 may ~~be developmentally disabled~~ HAVE AN INTELLECTUAL AND  
22 DEVELOPMENTAL DISABILITY, as provided in article 10.5 of title 27,  
23 ~~C.R.S.~~, the court or detention personnel shall refer the juvenile to the  
24 nearest community-centered board for an eligibility determination. If it  
25 appears that any juvenile being held in a detention or shelter facility  
26 pursuant to the provisions of this ~~article~~ ARTICLE 2 may have a  
27 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, as provided in sections

1 27-65-105 and 27-65-106, ~~C.R.S.~~, the intake personnel or other  
2 appropriate personnel shall contact a mental health professional to do a  
3 mental health hospital placement prescreening on the juvenile. The court  
4 shall be notified of the contact and may take appropriate action. If a  
5 mental health hospital placement prescreening is requested, it shall be  
6 conducted in an appropriate place accessible to the juvenile and the  
7 mental health professional. A request for a mental health hospital  
8 placement prescreening ~~shall~~ MUST not extend the time within which a  
9 detention hearing ~~shall~~ MUST be held pursuant to this section. If a  
10 detention hearing has been set but has not yet occurred, the mental health  
11 hospital placement prescreening shall be conducted prior to the hearing;  
12 except that the prescreening ~~shall~~ MUST not extend the time within which  
13 a detention hearing ~~shall~~ MUST be held.

14 (II) If a juvenile has been ordered detained pending an  
15 adjudication, disposition, or other court hearing and the juvenile  
16 subsequently appears to have a BEHAVIORAL OR mental ~~illness~~ HEALTH  
17 DISORDER, as provided in section 27-65-105 or 27-65-106, ~~C.R.S.~~, the  
18 intake personnel or other appropriate personnel shall contact the court  
19 with a recommendation for a mental health hospital placement  
20 prescreening. A mental health hospital placement prescreening shall be  
21 conducted at any appropriate place accessible to the juvenile and the  
22 mental health professional within twenty-four hours of the request,  
23 excluding Saturdays, Sundays, and legal holidays.

24 (III) When the mental health professional finds, as a result of the  
25 prescreening, that the juvenile may have a BEHAVIORAL OR mental ~~illness~~  
26 HEALTH DISORDER, the mental health professional shall recommend to the  
27 court that the juvenile be evaluated pursuant to section 27-65-105 or



1 27-65-106. ~~C.R.S.~~

2 (IV) Nothing in this ~~paragraph (b)~~ shall be construed to preclude  
3 SUBSECTION (3)(b) PRECLUDES the use of emergency procedures pursuant  
4 to section 27-65-105 (1). ~~C.R.S.~~

5 **SECTION 153.** In Colorado Revised Statutes, 19-2-905, **amend**  
6 (3) as follows:

7 **19-2-905. Presentence investigation.** (3) (a) The state court  
8 administrator may implement a BEHAVIORAL OR mental ~~illness~~ HEALTH  
9 DISORDER screening program to be used by the juvenile court. If the state  
10 court administrator chooses to implement a BEHAVIORAL OR mental ~~illness~~  
11 HEALTH DISORDER screening program, the juvenile court shall use the  
12 standardized BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening  
13 developed pursuant to section 16-11.9-102 ~~C.R.S.~~, and conduct the  
14 screening in accordance with the procedures established pursuant to said  
15 section. The findings and results of any standardized BEHAVIORAL OR  
16 mental ~~illness~~ HEALTH DISORDER screening conducted pursuant to this  
17 subsection (3) ~~shall~~ MUST be included in the written report to the court  
18 prepared and submitted pursuant to this section.

19 (b) Prior to implementation of a BEHAVIORAL OR mental ~~illness~~  
20 HEALTH DISORDER screening program pursuant to this subsection (3), if  
21 implementation of the program would require an increase in  
22 appropriations, the state court administrator shall submit to the joint  
23 budget committee a request for funding in the amount necessary to  
24 implement the BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER  
25 screening program. If implementation of the BEHAVIORAL OR mental  
26 ~~illness~~ HEALTH DISORDER screening program would require an increase  
27 in appropriations, implementation of the program ~~shall be~~ IS conditional

1 upon approval of the funding request.

2 **SECTION 154.** In Colorado Revised Statutes, 19-2-906, **amend**  
3 (2) as follows:

4 **19-2-906. Sentencing hearing.** (2) If the court has reason to  
5 believe that the juvenile may have a AN INTELLECTUAL AND  
6 developmental disability, the court shall refer the juvenile to the  
7 community-centered board in the designated service area where the action  
8 is pending for an eligibility determination pursuant to article 10.5 of title  
9 27. ~~C.R.S.~~ If the court has reason to believe that the juvenile may have a  
10 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, the court shall order a  
11 mental health hospital placement prescreening to be conducted in any  
12 appropriate place.

13 **SECTION 155.** In Colorado Revised Statutes, 19-2-907, **amend**  
14 (7) as follows:

15 **19-2-907. Sentencing schedule - options.** (7) The juvenile court  
16 in each judicial district may implement a BEHAVIORAL OR mental ~~illness~~  
17 HEALTH DISORDER screening program to screen juveniles sentenced  
18 pursuant to this part 9. If the juvenile court chooses to implement a  
19 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER screening program, the  
20 juvenile court shall use the standardized BEHAVIORAL OR mental ~~illness~~  
21 HEALTH DISORDER screening developed pursuant to section 16-11.9-102  
22 ~~C.R.S.~~, and conduct the screening in accordance with procedures  
23 established pursuant to said section.

24 **SECTION 156.** In Colorado Revised Statutes, 19-2-916, **amend**  
25 (1) as follows:

26 **19-2-916. Sentencing - placement based on special needs of the**  
27 **juvenile.** (1) Except as otherwise provided in section 19-2-601 for an

1 aggravated juvenile offender, the court may order that the juvenile be  
2 examined or treated by a physician, surgeon, psychiatrist, or psychologist  
3 or that he or she receive other special care and may place the juvenile in  
4 a hospital or other suitable facility for such purposes; except that no  
5 juvenile may be placed in a mental health facility operated by the  
6 department of human services until the juvenile has received a mental  
7 health hospital placement prescreening resulting in a recommendation  
8 that the juvenile be placed in a facility for an evaluation pursuant to  
9 section 27-65-105 or 27-65-106, ~~C.R.S.~~, or a hearing has been held by the  
10 court after notice to all parties, including the department of human  
11 services. ~~No~~ AN order for a seventy-two-hour treatment and evaluation  
12 shall NOT be entered unless a hearing is held and evidence indicates that  
13 the prescreening report is inadequate, incomplete, or incorrect and that  
14 competent professional evidence is presented by a mental health  
15 professional that indicates that ~~mental illness is present in~~ the juvenile  
16 HAS A BEHAVIORAL OR MENTAL HEALTH DISORDER. The court shall make,  
17 prior to the hearing, such orders regarding temporary custody of the  
18 juvenile as are deemed appropriate.

19 **SECTION 157.** In Colorado Revised Statutes, 19-2-922, **amend**  
20 (3) as follows:

21 **19-2-922. Juveniles committed to department of human**  
22 **services - evaluation and placement.** (3) (a) When the department of  
23 human services determines that a juvenile requires placement in a state  
24 facility for children with INTELLECTUAL AND developmental disabilities,  
25 as defined in article 10.5 of title 27, ~~C.R.S.~~, it shall initiate proceedings  
26 ~~under~~ PURSUANT TO article 10.5 of title 27 ~~C.R.S.~~, and notify the court.  
27 ~~thereof.~~

1 (b) (I) When the department of human services determines that a  
2 juvenile may require treatment for A BEHAVIORAL OR mental illness  
3 HEALTH DISORDER, it shall conduct or have a mental health professional  
4 conduct a mental health hospital placement prescreening on the juvenile.

5 (II) If the mental health hospital placement prescreening report  
6 recommends that the juvenile be evaluated, the juvenile may be  
7 transferred to a mental health facility operated by the department of  
8 human services for such evaluation.

9 (III) If the evaluation report states that the juvenile has a  
10 BEHAVIORAL OR mental illness HEALTH DISORDER, as provided in sections  
11 27-65-105 and 27-65-106, ~~C.R.S.~~, the department of human services shall  
12 initiate proceedings ~~under~~ PURSUANT TO article 65 of title 27 ~~C.R.S.~~, and  
13 notify the court. ~~thereof.~~

14 **SECTION 158.** In Colorado Revised Statutes, 19-2-923, **amend**  
15 (3)(a) and (3)(d) as follows:

16 **19-2-923. Juveniles committed to department of human**  
17 **services - transfers.** (3) (a) Any juvenile committed to the department  
18 of human services may be transferred temporarily to any state treatment  
19 facility for persons with BEHAVIORAL OR mental illness ~~or~~ HEALTH  
20 DISORDERS OR INTELLECTUAL AND developmental disabilities for purposes  
21 of diagnosis, evaluation, and emergency treatment; except that ~~no~~ A  
22 juvenile may NOT be transferred to a mental health facility until the  
23 juvenile has received a mental health hospital placement prescreening  
24 resulting in a recommendation that the juvenile be placed in a facility for  
25 evaluation pursuant to section 27-65-105 or 27-65-106. ~~C.R.S.~~ ~~No~~ A  
26 juvenile committed to the department as an aggravated juvenile offender  
27 or violent juvenile offender shall NOT be transferred until the treatment

1 facility has a secure setting in which to house the juvenile. The period of  
2 temporary transfer pursuant to this ~~paragraph (a) shall~~ SUBSECTION (3)(a)  
3 MUST not exceed sixty days.

4 (d) When a juvenile is in continued transferred placement and the  
5 treatment facility and the sending facility agree that the need for  
6 placement of the juvenile is likely to continue beyond the original period  
7 of commitment to the department of human services, the treatment facility  
8 shall initiate proceedings with the court having jurisdiction over the  
9 juvenile ~~under~~ PURSUANT TO article 65 of title 27 ~~C.R.S.~~, if the juvenile  
10 has a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER or ~~under~~  
11 PURSUANT TO article 10.5 of title 27 ~~C.R.S.~~, if the juvenile has  
12 INTELLECTUAL AND developmental disabilities.

13 **SECTION 159.** In Colorado Revised Statutes, 19-3-401, **amend**  
14 (3)(c) introductory portion, (3)(c)(II), and (3)(c)(III) as follows:

15 **19-3-401. Taking children into custody.** (3) (c) The court orders  
16 required by ~~paragraphs (a) and (b) of this subsection (3) shall~~  
17 SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION ARE not ~~be~~ required in  
18 the following circumstances:

19 (II) When the newborn child's only identifiable birth parent has  
20 been determined by a physician, registered nurse, or qualified mental  
21 health professional to meet the criteria specified in section 27-65-105  
22 ~~C.R.S.~~, for custody, treatment, and evaluation of A BEHAVIORAL OR  
23 mental ~~illness~~ HEALTH DISORDER or grave disability;

24 (III) When both of the newborn child's birth parents have been  
25 determined by a physician, registered nurse, or qualified mental health  
26 professional to meet the criteria specified in section 27-65-105 ~~C.R.S.~~, for  
27 custody, treatment, and evaluation of A BEHAVIORAL OR mental ~~illness~~

1 HEALTH DISORDER or grave disability; or

2 **SECTION 160.** In Colorado Revised Statutes, 19-3-403, **amend**  
3 (4) as follows:

4 **19-3-403. Temporary custody - hearing - time limits -**  
5 **restriction - rules.** (4) (a) If it appears that any child being held in a  
6 shelter facility may ~~be developmentally disabled~~ HAVE AN INTELLECTUAL  
7 AND DEVELOPMENTAL DISABILITY, as provided in article 10.5 of title 27,  
8 ~~C.R.S.~~, the court shall refer the child to the nearest community-centered  
9 board for an eligibility determination. If it appears that any child being  
10 held in a shelter facility pursuant to the provisions of this ~~article~~ ARTICLE  
11 3 may have a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, as  
12 provided in sections 27-65-105 and 27-65-106, ~~C.R.S.~~, the intake  
13 personnel or other appropriate personnel shall contact a mental health  
14 professional to do a BEHAVIORAL OR mental health DISORDER prescreening  
15 on the child. The court shall be notified of the contact and may take  
16 appropriate action. If a BEHAVIORAL OR mental health DISORDER  
17 prescreening is requested, it shall be conducted in an appropriate place  
18 accessible to the child and the mental health professional. A request for  
19 a BEHAVIORAL OR mental health DISORDER prescreening ~~shall~~ MUST not  
20 extend the time within which a hearing ~~shall~~ IS TO be held pursuant to this  
21 section. If a hearing has been set but has not yet occurred, the  
22 BEHAVIORAL OR mental health DISORDER prescreening shall be conducted  
23 prior to the hearing; except that the prescreening ~~shall~~ MUST not extend  
24 the time within which a hearing ~~shall~~ IS TO be held pursuant to this  
25 section.

26 (b) If a child has been ordered detained pending an adjudication,  
27 disposition, or other court hearing and the child subsequently appears to

1 have a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, as provided in  
2 section 27-65-105 or 27-65-106, ~~C.R.S.~~, the intake personnel or other  
3 appropriate personnel shall contact the court with a recommendation for  
4 a BEHAVIORAL OR mental health DISORDER prescreening. A BEHAVIORAL  
5 OR mental health DISORDER prescreening shall be conducted at any  
6 appropriate place accessible to the child and the mental health  
7 professional within twenty-four hours of the request, excluding Saturdays,  
8 Sundays, and legal holidays.

9 (c) ~~When~~ IF the mental health professional finds, as a result of the  
10 prescreening, that the child may have a BEHAVIORAL OR mental ~~illness~~  
11 HEALTHDISORDER, the mental health professional shall recommend to the  
12 court that the child be evaluated pursuant to section 27-65-105 or  
13 27-65-106, ~~C.R.S.~~, and the court shall proceed as provided in section  
14 19-3-506.

15 (d) Nothing in this subsection (4) ~~shall be construed to preclude~~  
16 PRECLUDES the use of emergency procedures pursuant to section  
17 27-65-105. ~~C.R.S.~~

18 **SECTION 161.** In Colorado Revised Statutes, 19-3-505, **amend**  
19 (4)(d) as follows:

20 **19-3-505. Adjudicatory hearing - findings - adjudication.**

21 (4) (d) If it appears from the evidence that the child may have a  
22 BEHAVIORAL OR mental ~~illness~~ or HEALTHDISORDER OR ANINTELLECTUAL  
23 AND developmental disability as these terms are defined in ~~articles 10 and~~  
24 ARTICLE 10.5 of title 27, ~~C.R.S.~~, ~~paragraphs (a) to (c) of this subsection~~  
25 ~~(4) shall~~ SUBSECTIONS (4)(a) TO (4)(c) OF THIS SECTION DO not apply, and  
26 the court shall proceed ~~under~~ PURSUANT TO section 19-3-506.

27 **SECTION 162.** In Colorado Revised Statutes, 19-3-506, **amend**

1 (1), (2)(a), (3)(a), and (4) as follows:

2 **19-3-506. Child with a behavioral or mental health disorder**  
3 **or an intellectual and developmental disability - procedure.** (1) (a) If  
4 it appears from the evidence presented at an adjudicatory hearing or  
5 otherwise that a child may have ~~developmental disabilities~~ AN  
6 INTELLECTUAL AND DEVELOPMENTAL DISABILITY, as defined in article  
7 10.5 of title 27, ~~C.R.S.~~, the court shall refer the child to the  
8 community-centered board in the designated service area where the action  
9 is pending for an eligibility determination pursuant to article 10.5 of title  
10 27. ~~C.R.S.~~

11 (b) If it appears from the evidence presented at an adjudicatory  
12 hearing or otherwise that a child may have a BEHAVIORAL OR mental  
13 ~~illness~~ HEALTH DISORDER, as defined in sections 27-65-105 and  
14 27-65-106, ~~C.R.S.~~, and the child has not had a BEHAVIORAL OR mental  
15 health DISORDER prescreening pursuant to section 19-3-403 (4), the court  
16 shall order a prescreening to determine whether the child requires further  
17 evaluation. ~~Such~~ THE prescreening shall be conducted as expeditiously as  
18 possible, and a prescreening report ~~shall~~ MUST be provided to the court  
19 within twenty-four hours of the prescreening, excluding Saturdays,  
20 Sundays, and legal holidays.

21 (c) ~~When~~ IF the mental health professional finds, based upon a  
22 prescreening done pursuant to THIS SECTION OR section 19-3-403 (4), ~~or~~  
23 ~~under this section~~, that the child may have a BEHAVIORAL OR mental  
24 ~~illness~~ HEALTH DISORDER, as defined in ~~sections 27-65-105 and~~  
25 ~~27-65-106, C.R.S.~~ SECTION 27-65-102, the court shall review the  
26 prescreening report within twenty-four hours, excluding Saturdays,  
27 Sundays, and legal holidays, and order the child placed for an evaluation



1 at a facility designated by the executive director of the department of  
2 human services for a seventy-two-hour treatment and evaluation pursuant  
3 to section 27-65-105 or 27-65-106. ~~C.R.S.~~ On and after January 1, 1986,  
4 if the child to be placed is in a detention facility, the designated facility  
5 shall admit the child within twenty-four hours after the court orders an  
6 evaluation, excluding Saturdays, Sundays, and legal holidays.

7 (d) Any evaluation conducted pursuant to this subsection (1) ~~shall~~  
8 MUST be completed within seventy-two hours, excluding Saturdays,  
9 Sundays, and legal holidays. ~~Neither A county jail nor~~ OR a detention  
10 facility, as described in article 2 of this ~~title, shall be~~ TITLE 19, IS NOT  
11 considered a suitable facility for evaluation, although a BEHAVIORAL OR  
12 mental health DISORDER prescreening may be conducted in any  
13 appropriate setting.

14 (e) If the mental health professional finds, based upon the  
15 prescreening, that the child does not have a BEHAVIORAL OR mental  
16 ~~illness~~ HEALTH DISORDER, the court shall review the prescreening report  
17 within twenty-four hours, excluding Saturdays, Sundays, and legal  
18 holidays, and copies of the report shall be furnished to all parties and their  
19 attorneys. Any interested party may request a hearing on the issue of the  
20 child's BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, and the court  
21 may order additional prescreenings as deemed appropriate. THE COURT  
22 SHALL NOT ENTER an order for a seventy-two-hour treatment and  
23 evaluation ~~shall not be entered~~ unless a hearing is held and evidence  
24 indicates that the prescreening report is inadequate, incomplete, or  
25 incorrect and that competent professional evidence is presented from a  
26 mental health professional ~~which~~ THAT indicates that A BEHAVIORAL OR  
27 mental ~~illness~~ HEALTH DISORDER is present in the child. The court shall

1 make, prior to the hearing, such orders regarding temporary custody of  
2 the child as are deemed appropriate.

3 (2) (a) When an evaluation is ordered by the court pursuant to  
4 subsection (1) of this section, the order ~~shall~~ MUST specify the person or  
5 agency to whom the child shall be released when the evaluation indicates  
6 that the child does not have a BEHAVIORAL OR mental ~~illness~~ HEALTH  
7 DISORDER.

8 (3) (a) When the evaluation conducted pursuant to subsection (1)  
9 of this section states that the child has a BEHAVIORAL OR mental ~~illness~~  
10 HEALTH DISORDER, as defined in ~~sections 27-65-105 and 27-65-106,~~  
11 ~~€R.S.~~ SECTION 27-65-102, the court shall treat the evaluation report as  
12 a certification under section 27-65-107 ~~€R.S.~~, and shall proceed pursuant  
13 to article 65 of title 27, ~~€R.S.~~, assuming all of the powers granted to a  
14 court in such proceedings.

15 (4) (a) When the report of the evaluation or eligibility  
16 determination conducted pursuant to subsection (1) of this section states  
17 that the child does not have a BEHAVIORAL OR mental ~~illness~~ or HEALTH  
18 DISORDER OR AN INTELLECTUAL AND developmental disability, the child  
19 shall be released to the person or agency specified pursuant to subsection  
20 (2) of this section within twenty-four hours after the evaluation has been  
21 completed, excluding Saturdays, Sundays, and legal holidays. The child  
22 ~~shall~~ MUST not be detained unless a new detention hearing is held within  
23 twenty-four hours, excluding Saturdays, Sundays, and legal holidays, and  
24 the court finds at that hearing that secure detention is necessary.

25 (b) When the evaluation report or eligibility determination states  
26 that the child does not have a BEHAVIORAL OR mental ~~illness~~ or HEALTH  
27 DISORDER OR AN INTELLECTUAL AND developmental disability, the court

1 shall set a time for resuming the hearing on the petition or any other  
2 pending matters.

3 **SECTION 163.** In Colorado Revised Statutes, 19-3-507, **amend**  
4 (2) as follows:

5 **19-3-507. Dispositional hearing.** (2) If the court has reason to  
6 believe that the child may have AN INTELLECTUAL AND developmental  
7 ~~disabilities~~ DISABILITY, the court shall refer the child to the  
8 community-centered board in the designated service area where the action  
9 is pending for an eligibility determination pursuant to article 10.5 of title  
10 27. ~~C.R.S.~~ If the court has reason to believe that the child may have a  
11 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, the court shall order a  
12 BEHAVIORAL OR mental health DISORDER prescreening to be conducted in  
13 any appropriate place.

14 **SECTION 164.** In Colorado Revised Statutes, 19-3-508, **amend**  
15 (1) introductory portion and (1)(d)(I) as follows:

16 **19-3-508. Neglected or dependent child - disposition -**  
17 **concurrent planning.** (1) When a child has been adjudicated to be  
18 neglected or dependent, the court may enter a decree of disposition the  
19 same day, but in any event it shall do so within forty-five days unless the  
20 court finds that the best interests of the child will be served by granting  
21 a delay. In a county designated pursuant to section 19-1-123, if the child  
22 is under six years of age at the time a petition is filed in accordance with  
23 section 19-3-501 (2), the court shall enter a decree of disposition within  
24 thirty days after the adjudication and shall not grant a delay unless good  
25 cause is shown and unless the court finds that the best interests of the  
26 child will be served by granting the delay. It is the intent of the general  
27 assembly that the dispositional hearing be held on the same day as the

1 adjudicatory hearing, whenever possible. If a delay is granted, the court  
2 shall set forth the reasons why a delay is necessary and the minimum  
3 amount of time needed to resolve the reasons for the delay and shall  
4 schedule the hearing at the earliest possible time following the delay.  
5 When the proposed disposition is termination of the parent-child legal  
6 relationship, the hearing on termination ~~shall~~ MUST not be held on the  
7 same date as the adjudication, and the time limits set forth above for  
8 dispositional hearings ~~shall~~ DO not apply. When the proposed disposition  
9 is termination of the parent-child legal relationship, the court may  
10 continue the dispositional hearing to the earliest available date for a  
11 hearing in accordance with the provisions of ~~paragraph (a) of subsection~~  
12 ~~(3)~~ SUBSECTION (3)(a) of this section and part 6 of this ~~article~~ ARTICLE 3.  
13 When the decree does not terminate the parent-child legal relationship,  
14 the court shall approve an appropriate treatment plan that ~~shall~~ MUST  
15 include but not be limited to one or more of the following provisions of  
16 ~~paragraphs (a) to (d) of this subsection~~ (1) SUBSECTIONS (1)(a) TO (1)(d)  
17 OF THIS SECTION:

18 (d) (I) The court may order that the child be examined or treated  
19 by a physician, surgeon, psychiatrist, or psychologist or that he or she  
20 receive other special care and may place the child in a hospital or other  
21 suitable facility for such purposes; except that ~~no~~ child may NOT be  
22 placed in a mental health facility operated by the department of human  
23 services until the child has received a BEHAVIORAL OR mental health  
24 DISORDER prescreening resulting in a recommendation that the child be  
25 placed in a facility for evaluation pursuant to section 27-65-105 or  
26 27-65-106, ~~C.R.S.~~, or a hearing has been held by the court after notice to  
27 all parties, including the department of human services. ~~No~~ AN order for

1 a seventy-two-hour treatment and evaluation ~~shall~~ MUST NOT be entered  
2 unless a hearing is held and evidence indicates that the prescreening  
3 report is inadequate, incomplete, or incorrect and that competent  
4 professional evidence is presented by a mental health professional ~~which~~  
5 THAT indicates that A BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER  
6 is present in the child. The court shall make, prior to the hearing, such  
7 orders regarding temporary custody of the child as are deemed  
8 appropriate.

9 **SECTION 165.** In Colorado Revised Statutes, 19-3-604, **amend**  
10 (1)(b)(I) as follows:

11 **19-3-604. Criteria for termination.** (1) The court may order a  
12 termination of the parent-child legal relationship upon the finding by clear  
13 and convincing evidence of any one of the following:

14 (b) That the child is adjudicated dependent or neglected and the  
15 court finds that no appropriate treatment plan can be devised to address  
16 the unfitness of the parent or parents. In making such a determination, the  
17 court shall find one of the following as the basis for unfitness:

18 (I) AN emotional illness, A BEHAVIORAL OR mental ~~illness~~ HEALTH  
19 DISORDER, or ~~mental deficiency~~ AN INTELLECTUAL AND DEVELOPMENTAL  
20 DISABILITY of the parent of such duration or nature as to render the parent  
21 unlikely within a reasonable time to care for the ongoing physical, mental,  
22 and emotional needs and conditions of the child;

23 **SECTION 166.** In Colorado Revised Statutes, 19-5-105, **amend**  
24 (3.1)(a)(I) as follows:

25 **19-5-105. Proceeding to terminate parent-child legal**  
26 **relationship.** (3.1) The court may order the termination of the other birth  
27 parent's parental rights upon a finding that termination is in the best

1 interests of the child and that there is clear and convincing evidence of  
2 one or more of the following:

3 (a) That the parent is unfit. In considering the fitness of the child's  
4 parent, the court shall consider, but shall not be limited to, the following:

5 (I) AN emotional illness, A BEHAVIORAL OR mental ~~illness~~ HEALTH  
6 DISORDER, or ~~mental deficiency~~ AN INTELLECTUAL AND DEVELOPMENT  
7 DISABILITY of the parent of such duration or nature as to render the parent  
8 unlikely, within a reasonable period of time, to care for the ongoing  
9 physical, mental, and emotional needs of the child;

10 **SECTION 167.** In Colorado Revised Statutes, 22-1-102.5,  
11 **amend** (2)(a) introductory portion and (2)(a)(II)(A) as follows:

12 **22-1-102.5. Definition of homeless child.** (2) (a) As used in this  
13 ~~article~~ ARTICLE 1, unless the context otherwise requires, "homeless child"  
14 means:

15 (II) A school-aged child who has a primary nighttime residence  
16 that is:

17 (A) A supervised, publicly or privately operated shelter designed  
18 to provide temporary living accommodations, including welfare hotels,  
19 congregate shelters, and transitional housing for persons with  
20 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS;

21 **SECTION 168.** In Colorado Revised Statutes, 22-7-604.5,  
22 **amend** (1.5)(d) and (1.5)(m) as follows:

23 **22-7-604.5. Alternative education campuses - criteria -**  
24 **application - rule-making - definition.** (1.5) As used in this section,  
25 unless the context otherwise requires, a "high-risk student" means a  
26 student enrolled in a public school who:

27 (d) Has a documented history of personal drug or alcohol use or

1 has a parent or guardian with a documented ~~dependence on drugs or~~  
2 ~~alcohol~~ SUBSTANCE USE DISORDER;

3 (m) Has a documented history of a mental ~~or behavioral~~ health  
4 ~~issue~~ DISORDER OR BEHAVIORAL ISSUE or has experienced significant  
5 trauma; or

6 **SECTION 169.** In Colorado Revised Statutes, 22-32-109.2,  
7 **amend** (1) as follows:

8 **22-32-109.2. Board of education - specific duties - adoption of**  
9 **policy.** (1) In carrying out the duties specified in section 22-32-109  
10 (1)(t), on and after July 1, 1990, each board of education ~~shall be~~ IS  
11 required to formally adopt a policy concerning the delivery of all  
12 educational programs and courses of instruction or study ~~which~~ THAT  
13 expose pupils to any psychiatric or psychological methods or procedures  
14 involving the diagnosis, assessment, or treatment of any ~~emotional,~~  
15 behavioral or mental HEALTH disorder. ~~or disability.~~

16 **SECTION 170.** In Colorado Revised Statutes, 22-33-204, **amend**  
17 (1) introductory portion and (1)(c) as follows:

18 **22-33-204. Services for at-risk students - agreements with**  
19 **state agencies and community organizations.** (1) Each school district,  
20 regardless of the number of students expelled by the district, may enter  
21 into agreements with appropriate local governmental agencies and, to the  
22 extent necessary, with the managing state agencies, including ~~but not~~  
23 ~~limited to~~ the department of human services and the department of public  
24 health and environment, with community-based nonprofit and faith-based  
25 organizations, with nonpublic, nonparochial schools, with the department  
26 of military and veterans affairs, and with public and private institutions  
27 of higher education to work with the student's parent or guardian to

1 provide services to any student, OR THE STUDENT'S FAMILY, who is  
2 identified as being at risk of suspension or expulsion or who has been  
3 suspended or expelled. ~~and to the student's family.~~ Any services provided  
4 pursuant to an agreement with a nonpublic, nonparochial school ~~shall be~~  
5 ARE subject to approval by the state board of education pursuant to  
6 section 22-2-107. ~~C.R.S.~~ Services provided through such agreements may  
7 include, but are not limited to:

8 (c) ~~Drug or alcohol-addiction~~ SUBSTANCE USE DISORDER treatment  
9 programs;

10 **SECTION 171.** In Colorado Revised Statutes, **amend** 23-22-106  
11 as follows:

12 **23-22-106. Director and assistant.** The board of regents shall  
13 appoint a director who ~~shall hold~~ HOLDS office during its pleasure, ~~and~~  
14 who is a physician and graduate of an incorporated medical college, who  
15 has had at least ten years' experience in the actual practice of his OR HER  
16 profession, and who has had at least five years' actual experience as a  
17 neuropathologist. The director shall reside at the hospital, ~~and shall~~ give  
18 his OR HER entire time and attention to the discharge of his OR HER official  
19 duties, and ~~shall~~ receive ~~such~~ compensation as ~~shall be~~ fixed by the board  
20 of regents. The board of regents may further provide for an assistant  
21 director who is a physician and graduate of an incorporated medical  
22 college, ~~and~~ has had at least five years' experience in the actual practice  
23 of his OR HER profession, and one year's specialization in ~~nervous and~~  
24 ~~mental diseases,~~ and BEHAVIORAL OR MENTAL HEALTH DISORDERS. It shall  
25 provide for ~~such~~ other employees and medical assistants as may be  
26 necessary and ~~shall~~ prescribe their duties and fix their respective  
27 compensations. THE DIRECTOR SHALL SELECT AND APPOINT all such



1 assistants and employees, ~~shall be selected and appointed by the director,~~  
2 subject to the approval of the board of regents. ~~and they~~ THE ASSISTANTS  
3 AND EMPLOYEES ~~shall~~ hold their positions subject to ~~such~~ THE rules ~~and~~  
4 ~~regulations as~~ OF the board of regents. ~~may prescribe.~~

5 **SECTION 172.** In Colorado Revised Statutes, 23-22-107, **amend**  
6 (1) as follows:

7 **23-22-107. Objects of hospital - eligible patients.** (1) The  
8 hospital ~~shall be~~ IS primarily and principally conducted, not for chronic  
9 illness, but for the care and treatment of legal residents of Colorado who  
10 are afflicted with a ~~mental disease or disorder or abnormal mental~~  
11 ~~condition which~~ BEHAVIORAL OR MENTAL HEALTH DISORDER THAT can  
12 probably be remedied by observation, treatment, and hospital care. ~~Said~~  
13 THE hospital ~~shall~~ MUST also be utilized for such instruction and for such  
14 scientific research as, in the opinion of the board of regents, will promote  
15 the welfare of the patients committed OR CERTIFIED to its care and assist  
16 in the application of science to the prevention and cure of BEHAVIORAL  
17 OR mental ~~diseases~~ HEALTH DISORDERS.

18 **SECTION 173.** In Colorado Revised Statutes, 23-23-103, **amend**  
19 (1)(b) as follows:

20 **23-23-103. Evaluations made - when.** (1) A child may be  
21 referred to the medical center for diagnostic evaluation and study under  
22 the following conditions:

23 (b) Any ~~such~~ judge, for the purpose of determining whether or not  
24 a child under sixteen years of age has a ~~mental illness or~~ BEHAVIORAL OR  
25 MENTAL HEALTH DISORDER OR AN INTELLECTUAL AND developmental  
26 disability, may cause ~~any such~~ THE child to be sent to the center for  
27 diagnostic evaluation.

1           **SECTION 174.** In Colorado Revised Statutes, 24-1.9-102,  
2 **amend** (2)(b) as follows:

3           **24-1.9-102. Memorandum of understanding - local-level**  
4 **interagency oversight groups - individualized services and support**  
5 **teams - coordination of services for children and families -**  
6 **requirements - waiver. (2) (b) Identification of services and funding**  
7 **sources.** The memorandum of understanding ~~shall~~ **MUST** specify the legal  
8 responsibilities and funding sources of each party to the memorandum of  
9 understanding as those responsibilities and funding sources relate to  
10 children and families who would benefit from integrated multi-agency  
11 services, including the identification of the specific services that may be  
12 provided. Specific services that may be provided may include, but are not  
13 limited to: Prevention, intervention, and treatment services; family  
14 preservation services; family stabilization services; out-of-home  
15 placement services; services for children at imminent risk of out-of-home  
16 placement; probation services; services for children with BEHAVIORAL OR  
17 mental ~~illness~~ **HEALTH DISORDERS**; public assistance services; medical  
18 assistance services; child welfare services; and any additional services  
19 ~~which~~ the parties deem necessary to identify.

20           **SECTION 175.** In Colorado Revised Statutes, 24-34-104, **amend**  
21 (17)(a) introductory portion, (17)(a)(XI), (26)(a) introductory portion, and  
22 (26)(a)(IV) as follows:

23           **24-34-104. General assembly review of regulatory agencies**  
24 **and functions for repeal, continuation, or reestablishment - legislative**  
25 **declaration - repeal.** (17) (a) The following agencies, functions, or both,  
26 ~~will~~ **ARE SCHEDULED FOR** repeal on September 1, 2019:

27           (XI) The record-keeping and licensing functions of the department

1 of human services relating to ~~addiction~~ SUBSTANCE USE DISORDER  
2 TREATMENT programs under which controlled substances are  
3 compounded, administered, or dispensed in accordance with part 2 of  
4 article 80 of title 27; ~~C.R.S.~~;

5 (26) (a) The following agencies, functions, or both, ~~will~~ ARE  
6 SCHEDULED FOR repeal on September 1, 2025:

7 (IV) The rural alcohol and substance abuse prevention and  
8 treatment program created pursuant to section 27-80-117 ~~C.R.S.~~, ~~within~~  
9 ~~the unit~~ IN THE OFFICE OF BEHAVIORAL HEALTH in the department of  
10 human services; ~~that administers behavioral health programs and services,~~  
11 ~~including those related to mental health and substance abuse;~~

12 **SECTION 176.** In Colorado Revised Statutes, 24-34-501, **amend**  
13 (1.3)(b)(II) as follows:

14 **24-34-501. Definitions.** As used in this part 5, unless the context  
15 otherwise requires:

16 (1.3) (b) (II) The term "mental impairment" as used in  
17 ~~subparagraph (I) of this paragraph (b)~~ SUBSECTION (1.3)(b)(I) OF THIS  
18 SECTION means any BEHAVIORAL, mental, or psychological disorder, such  
19 as an intellectual ~~or~~ AND developmental disability, organic brain  
20 syndrome, BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, or specific  
21 learning disability.

22 **SECTION 177.** In Colorado Revised Statutes, 24-50-603, **amend**  
23 (11) as follows:

24 **24-50-603. Definitions.** As used in this part 6, unless the context  
25 otherwise requires:

26 (11) "Medical benefits" includes, but is not limited to, hospital  
27 room and board; other hospital services; certain out-patient benefits;

1 maternity benefits; surgical benefits, including obstetrical care;  
2 in-hospital medical care; diagnostic X rays; laboratory benefits; physician  
3 services; prescription drugs; BEHAVIORAL, mental health, and substance  
4 ~~abuse~~ USE DISORDER services; comparable medical benefits for employees  
5 who rely solely on spiritual means for healing; and such other similar  
6 benefits as the director deems reasonable and appropriate for eligible  
7 employees and dependents.

8 **SECTION 178.** In Colorado Revised Statutes, 25-1-124.5,  
9 **amend** (2)(b) as follows:

10 **25-1-124.5. Nursing care facilities - employees - criminal**  
11 **history check.** (2) As used in this section, "nursing care facility"  
12 includes, but is not limited to:

13 (b) An intermediate nursing facility for ~~the mentally retarded~~  
14 PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES as  
15 defined in section 25.5-4-103 (9); ~~C.R.S.~~;

16 **SECTION 179.** In Colorado Revised Statutes, 25-1-520, **amend**  
17 (1) introductory portion, (2) introductory portion, and (2)(b) as follows:

18 **25-1-520. Clean syringe exchange programs - approval -**  
19 **reporting requirements.** (1) A county public health agency or district  
20 public health agency may request approval from its county board of health  
21 or district board of health, referred to in this section as the "board", for a  
22 clean syringe exchange program operated by the agency or by a nonprofit  
23 organization with which the agency contracts to operate the clean syringe  
24 exchange program. Prior to approving or disapproving any such optional  
25 program, the board shall consult with the agency and interested  
26 stakeholders concerning the establishment of the clean syringe exchange  
27 program. Interested stakeholders ~~shall~~ MUST include, but need not be

1 limited to, local law enforcement agencies, district attorneys, substance  
2 ~~abuse~~ USE DISORDER treatment providers, persons ~~in recovery~~ WITH A  
3 SUBSTANCE USE DISORDER IN REMISSION, nonprofit organizations,  
4 hepatitis C and HIV advocacy organizations, and members of the  
5 community. The board and interested stakeholders shall consider, at a  
6 minimum, the following issues:

7 (2) Each proposed clean syringe exchange program ~~shall~~ MUST,  
8 at a minimum, have the ability to:

9 (b) Provide thorough referrals to facilitate entry into ~~drug abuse~~  
10 SUBSTANCE USE DISORDER treatment PROGRAMS, including opioid  
11 substitution therapy;

12 **SECTION 180.** In Colorado Revised Statutes, 25-1-1202, **amend**  
13 (1)(vv) as follows:

14 **25-1-1202. Index of statutory sections regarding medical**  
15 **record confidentiality and health information.** (1) Statutory provisions  
16 concerning policies, procedures, and references to the release, sharing,  
17 and use of medical records and health information include the following:

18 (vv) Sections 27-82-106 and 27-82-109, ~~C.R.S.~~, concerning the  
19 treatment of ~~drug abusers~~ PERSONS WITH SUBSTANCE USE DISORDERS;

20 **SECTION 181.** In Colorado Revised Statutes, 25-1.5-103,  
21 **amend** (2)(b) as follows:

22 **25-1.5-103. Health facilities - powers and duties of department**  
23 **- limitations on rules promulgated by department - definitions.**

24 (2) For purposes of this section, unless the context otherwise requires:

25 (b) "Community mental health center" means either a physical  
26 plant or a group of services under unified administration and including at  
27 least the following: Inpatient services; outpatient services; day

1 hospitalization; emergency services; and consultation and educational  
2 services, which services are provided principally for persons with  
3 BEHAVIORAL OR mental illness HEALTH DISORDERS residing in a particular  
4 community in or near which the facility is situated.

5 **SECTION 182.** In Colorado Revised Statutes, 25-1.5-106,  
6 **amend** (10) as follows:

7 **25-1.5-106. Medical marijuana program - powers and duties**  
8 **of state health agency - rules - medical review board - medical**  
9 **marijuana program cash fund - subaccount - created - repeal.**

10 **(10) Renewal of patient identification card upon criminal conviction.**

11 Any patient who is convicted of a criminal offense under article 18 of title  
12 18, ~~C.R.S.~~, sentenced or ordered by a court to ~~drug or substance abuse~~  
13 treatment FOR A SUBSTANCE USE DISORDER, or sentenced to the division  
14 of youth corrections, ~~shall be~~ IS subject to immediate renewal of his or her  
15 patient registry identification card, and the patient shall apply for the  
16 renewal based upon a recommendation from a physician with whom the  
17 patient has a bona fide physician-patient relationship.

18 **SECTION 183.** In Colorado Revised Statutes, 25-1.5-112,  
19 **amend** (4)(f) as follows:

20 **25-1.5-112. Colorado suicide prevention plan - established -**  
21 **goals - responsibilities - funding.** (4) The following systems and  
22 organizations are encouraged to contribute to and implement the  
23 Colorado plan on or before July 1, 2019:

24 (f) Substance ~~abuse~~ USE DISORDER treatment systems;

25 **SECTION 184.** In Colorado Revised Statutes, 25-1.5-301,  
26 **amend** (2)(g) as follows:

27 **25-1.5-301. Definitions.** As used in this part 3, unless the context

1 otherwise requires:

2 (2) "Facility" means:

3 (g) Facilities that provide treatment for persons with BEHAVIORAL  
4 OR mental ~~illness~~ HEALTH DISORDERS as defined in section 27-65-102, ~~(7)~~,  
5 ~~C.R.S.~~, except for those facilities ~~which~~ THAT are publicly or privately  
6 licensed hospitals;

7 **SECTION 185.** In Colorado Revised Statutes, **amend** 25-3-100.5  
8 as follows:

9 **25-3-100.5. Definitions.** As used in this ~~article~~ ARTICLE 3, unless  
10 the context otherwise requires:

11 (1) "Acute treatment unit" means a facility or a distinct part of a  
12 facility for short-term psychiatric care, which may include ~~substance~~  
13 ~~abuse~~ treatment FOR SUBSTANCE USE DISORDERS, that provides a total,  
14 twenty-four-hour, therapeutically planned and professionally staffed  
15 environment for persons who do not require inpatient hospitalization but  
16 need more intense and individual services than are available on an  
17 outpatient basis, such as crisis management and stabilization services.

18 **SECTION 186.** In Colorado Revised Statutes, 25-3.5-802,  
19 **amend** (2) as follows:

20 **25-3.5-802. Legislative declaration.** (2) The general assembly  
21 ~~hereby~~ finds that persons with BEHAVIORAL OR mental ~~illness~~ HEALTH  
22 DISORDERS are more likely to abuse tobacco products than any other  
23 segment of society. The general assembly further finds that the unusually  
24 heavy pattern of tobacco abuse engaged in by persons with BEHAVIORAL  
25 OR mental ~~illness~~ HEALTH DISORDERS requires special treatment strategies  
26 that are not provided by other alcohol, drug, or tobacco abuse programs  
27 OR SUBSTANCE USE DISORDER TREATMENT PROGRAMS. It is therefore the

1 general assembly's intent that the programs funded pursuant to this part  
2 8 include comprehensive programs to prevent and treat tobacco addiction  
3 among persons with BEHAVIORAL OR mental illness HEALTH DISORDERS.

4 **SECTION 187.** In Colorado Revised Statutes, 25-3.5-804,  
5 **amend** (3)(a) as follows:

6 **25-3.5-804. Tobacco education, prevention, and cessation**  
7 **programs - review committee - grants.** (3) (a) The division shall  
8 review the applications received pursuant to this part 8 and make  
9 recommendations to the state board regarding those entities that may  
10 receive grants and the amounts of said grants. On and after October 1,  
11 2005, the review committee shall review the applications received  
12 pursuant to this part 8 and submit to the state board and the director of the  
13 department recommended grant recipients, grant amounts, and the  
14 duration of each grant. Within thirty days after receiving the review  
15 committee's recommendations, the director shall submit his or her  
16 recommendations to the state board. The review committee's  
17 recommendations regarding grantees of the Tony Grampsas youth  
18 services program, section 26-6.8-102, ~~C.R.S.~~, pursuant to section  
19 25-3.5-805 (5) shall be submitted to the state board and the Tony  
20 Grampsas youth services board. Within thirty days after receiving the  
21 review committee's recommendations, the Tony Grampsas youth services  
22 board shall submit its recommendations to the state board. The state board  
23 ~~shall have~~ HAS the final authority to approve the grants under this part 8.  
24 If the state board disapproves a recommendation for a grant recipient, the  
25 review committee may submit a replacement recommendation within  
26 thirty days. In reviewing grant applications for programs to provide  
27 tobacco education, prevention, and cessation programs for persons with



1 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS, the division or the  
2 review committee shall consult with the programs for public psychiatry  
3 at the university of Colorado health sciences center, the national alliance  
4 for the mentally ill, the mental health association of Colorado, and the  
5 department of human services.

6 **SECTION 188.** In Colorado Revised Statutes, 25-3.5-805,  
7 **amend** (1)(h) as follows:

8 **25-3.5-805. Tobacco education, prevention, and cessation**  
9 **programs - requirements.** (1) An entity that applies for a grant pursuant  
10 to the provisions of this part 8 shall in the application demonstrate that the  
11 tobacco education, prevention, or cessation program provides at least one  
12 of the following:

13 (h) Tobacco addiction prevention and treatment strategies that are  
14 designed specifically for persons with BEHAVIORAL OR mental ~~illness~~  
15 HEALTH DISORDERS; or

16 **SECTION 189.** In Colorado Revised Statutes, 25-4-408, **amend**  
17 (5) as follows:

18 **25-4-408. Infection control - duties.** (5) Every person who is  
19 confined, detained, or imprisoned in a state, county, or city hospital; an  
20 institution for persons with a BEHAVIORAL OR mental ~~illness~~ HEALTH  
21 DISORDERS; a home for dependent children; a correctional facility; or any  
22 other private or charitable institution where a person may be confined,  
23 detained, or imprisoned by order of a court of this state must be examined  
24 for and, if diagnosed with a sexually transmitted infection, referred for  
25 treatment of such sexually transmitted infection, in accordance with  
26 current standards of care, by the health authorities having jurisdiction  
27 over the given institution. The managing authorities of any such

1 institution shall make available to the health authorities whatever portion  
2 of their respective institution as may be necessary for a clinic or hospital  
3 for treatment of a person's sexually transmitted infection with current and  
4 evidence-based standards of care in a professional manner.

5 **SECTION 190.** In Colorado Revised Statutes, 25-4-1902, **amend**  
6 (1) and (4) as follows:

7 **25-4-1902. Definitions.** As used in this part 19, unless the context  
8 otherwise requires:

9 (1) "Birth defect" means any physical or mental ~~abnormality~~  
10 DISABILITY, DISORDER, or condition, including any susceptibility to any  
11 illness, DISORDER, or condition other than normal childhood illnesses,  
12 DISORDERS, or conditions.

13 (4) "Gulf war syndrome" means the wide range of physical and  
14 mental conditions, DISORDERS, problems, and illnesses, including birth  
15 defects, experienced by veterans and family members that are connected  
16 with a veteran's service in the armed forces of the United States during  
17 the gulf war.

18 **SECTION 191.** In Colorado Revised Statutes, 25-4-2003, **amend**  
19 (3) as follows:

20 **25-4-2003. Definitions.** As used in this part 20, unless the  
21 context otherwise requires:

22 (3) "Health care professional" means any person licensed in this  
23 state or any other state to practice medicine, chiropractic, nursing,  
24 physical therapy, podiatry, dentistry, pharmacy, optometry, or other  
25 healing arts. The term includes any professional corporation or other  
26 professional entity comprised of such health care providers as permitted  
27 by the laws of this state, as well as certified ~~substance-abuse~~ ADDICTION

1 counselors.

2           **SECTION 192.** In Colorado Revised Statutes, 25-15-328, **amend**  
3 (1)(a) as follows:

4           **25-15-328. Household medication take-back program -**  
5 **creation - liability - definitions - cash fund - rules.** (1) (a) The general  
6 assembly finds and declares that prescription drug ~~abuse~~ MISUSE is a  
7 rampant problem in Colorado, in part due to the accidental and intentional  
8 abuse of leftover household medications. The general assembly further  
9 declares that citizen access to a disposal location to return unused  
10 household medications will reduce the availability of household  
11 medications for unintended or abusive purposes and will further protect  
12 the environment through proper disposal.

13           **SECTION 193.** In Colorado Revised Statutes, 25-20.5-408,  
14 **amend** (1)(c) as follows:

15           **25-20.5-408. Access to records.** (1) **Review team access to**  
16 **records.** (c) ~~Mental health and substance abuse~~ Treatment records FOR  
17 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS may be  
18 accessed only with the written consent of appropriate parties in  
19 accordance with applicable federal and state law.

20           **SECTION 194.** In Colorado Revised Statutes, 25.5-2-101,  
21 **amend** (2) as follows:

22           **25.5-2-101. Old age pension health and medical care fund -**  
23 **supplemental old age pension health and medical care fund - cash**  
24 **system of accounting - legislative declaration - rules.** (2) Any ~~moneys~~  
25 MONEY remaining in the state old age pension fund after full payment of  
26 basic minimum awards to qualified old age pension recipients and after  
27 establishment and maintenance of the old age pension stabilization fund

1 in the amount of five million dollars shall be transferred to a fund to be  
2 known as the old age pension health and medical care fund, which is  
3 hereby created. The state board shall establish and promulgate rules for  
4 administration of a program to provide health and medical care to persons  
5 who qualify to receive old age pensions and who are not patients in an  
6 institution for tuberculosis or BEHAVIORAL OR mental ~~diseases~~ HEALTH  
7 DISORDERS. The costs of such program, not to exceed ten million dollars  
8 in any fiscal year, ~~shall be~~ ARE defrayed from ~~such~~ THE health and  
9 medical care fund, but all ~~moneys~~ MONEY available, accrued or accruing,  
10 received or receivable, in said health and medical care fund in excess of  
11 ten million dollars in any fiscal year ~~shall be~~ IS transferred to the general  
12 fund of the state to be used pursuant to law. ~~Moneys~~ MONEY in the old  
13 age pension health and medical care fund ~~shall be~~ IS subject to annual  
14 appropriation by the general assembly.

15 **SECTION 195.** In Colorado Revised Statutes, 25.5-4-103,  
16 **amend** the introductory portion and (3) as follows:

17 **25.5-4-103. Definitions.** As used in this ~~article~~ ARTICLE 4 and  
18 articles 5 and 6 of this ~~title~~ TITLE 25.5, unless the context otherwise  
19 requires:

20 (3) "Case management services" means services provided by  
21 community-centered boards, as defined by section 25.5-10-202, and  
22 community mental health centers and community mental health clinics,  
23 as defined by section 27-66-101, ~~C.R.S.~~, to assist persons with intellectual  
24 and developmental disabilities, as defined by section 25.5-10-202, and  
25 persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS, as  
26 defined by section 27-65-102 ~~(14), C.R.S.~~ (11.5), by case management  
27 agencies, as defined in section 25.5-6-303 (5), providing CASE

1 MANAGEMENT services, as defined in sections 25.5-6-104 (2)(b) and  
2 25.5-6-303 (6), to persons WITH A DISABILITY, PERSONS who are elderly  
3 OR blind, ~~and disabled~~ and long-term care clients, in gaining access to  
4 needed medical, social, educational, and other services.

5 **SECTION 196.** In Colorado Revised Statutes, 25.5-5-202,  
6 **amend** (1) introductory portion, (1)(r), and (1)(s) as follows:

7 **25.5-5-202. Basic services for the categorically needy - optional**  
8 **services - repeal.** (1) Subject to the provisions of subsection (2) of this  
9 section, the following are services for which federal financial  
10 participation is available and ~~which~~ THAT Colorado has selected to  
11 provide as optional services under the medical assistance program:

12 (r) For any pregnant woman who is enrolled or eligible for  
13 services pursuant to section 25.5-5-101 (1)(c), ~~alcohol and drug and~~  
14 ~~addiction~~ ALCOHOL AND SUBSTANCE USE DISORDER counseling and  
15 treatment, including outpatient and residential care but not including  
16 room and board while receiving residential care;

17 (s) (I) Outpatient substance ~~abuse~~ USE DISORDER treatment.

18 (II) On or before March 31, 2011, pursuant to section 25.5-5-313  
19 (2), if the legislative audit committee adopts a resolution finding that  
20 providing outpatient substance ~~abuse~~ USE DISORDER treatment has  
21 resulted in an overall increase in costs to the medical assistance program,  
22 this ~~paragraph (s)~~ SUBSECTION (1)(s) is repealed, effective July 1, 2011.

23 **SECTION 197.** In Colorado Revised Statutes, 25.5-5-207,  
24 **amend** (1)(a) introductory portion and (1)(a)(II) as follows:

25 **25.5-5-207. Adult dental benefit - adult dental fund - creation**  
26 **- legislative declaration.** (1) (a) The general assembly ~~hereby~~ finds that:

27 (II) Research has shown that untreated oral health conditions

1 negatively affect a person's overall health and that gum disease has been  
2 linked to diabetes, heart disease, strokes, kidney disease, Alzheimer's  
3 disease, and even BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS;

4 **SECTION 198.** In Colorado Revised Statutes, 25.5-5-301,  
5 **amend** (4) as follows:

6 **25.5-5-301. Clinic services.** (4) "Clinic services" also means  
7 preventive, diagnostic, therapeutic, rehabilitative, or palliative items or  
8 services ~~that are~~ furnished to a pregnant woman who is enrolled or  
9 eligible for services pursuant to section 25.5-5-101 (1)(c) or 25.5-5-201  
10 (1)(m.5) in a facility that is not a part of a hospital but is organized and  
11 operated as a freestanding ~~alcohol or drug~~ SUBSTANCE USE DISORDER  
12 treatment program approved and licensed by the ~~unit~~ OFFICE OF  
13 BEHAVIORAL HEALTH in the department of human services ~~that~~  
14 ~~administers behavioral health programs and services, including those~~  
15 ~~related to mental health and substance abuse,~~ pursuant to section  
16 27-80-108 (1)(c). ~~C.R.S.~~

17 **SECTION 199.** In Colorado Revised Statutes, 25.5-5-307,  
18 **amend** (2) as follows:

19 **25.5-5-307. Child mental health treatment and family support**  
20 **program.** (2) In order to make mental health treatment available, it is the  
21 intent of the general assembly that each medicaid-eligible child who is  
22 diagnosed as a person with a BEHAVIORAL OR mental ~~illness~~ HEALTH  
23 DISORDER, as that term is defined in section 27-65-102 ~~(14), C.R.S., shall~~  
24 (11.5), MUST receive mental health treatment, which may include in-home  
25 family mental health treatment, other family preservation services,  
26 residential treatment, or any post-residential follow-up services, that ~~shall~~  
27 MUST be paid for through federal medicaid funding.

1           **SECTION 200.** In Colorado Revised Statutes, 25.5-5-314,  
2   **amend** (1) as follows:

3           **25.5-5-314. Substance use disorder treatment for Native**  
4   **Americans - federal approval.** (1) The state department shall request  
5   federal approval, conditioned on the receipt of gifts, grants, or donations  
6   sufficient to provide for the state's administrative costs of preparing and  
7   submitting the request, to include any substance ~~abuse~~ USE DISORDER  
8   treatment benefits available to Native Americans in which there is one  
9   hundred percent federal financial participation.

10          **SECTION 201.** In Colorado Revised Statutes, 25.5-5-315,  
11   **amend** (1) as follows:

12          **25.5-5-315. Acceptance of gifts, grants, and donations - Native**  
13   **American substance abuse treatment cash fund.** (1) The executive  
14   director may accept and expend ~~moneys~~ MONEY from gifts, grants, and  
15   donations for purposes of providing for the administrative costs of  
16   preparing and submitting the request for federal approval to provide  
17   substance ~~abuse~~ USE DISORDER treatment services to Native Americans as  
18   provided for in section 25.5-5-314. All such gifts, grants, and donations  
19   shall be transmitted to the state treasurer who shall credit the same to the  
20   Native American substance abuse treatment cash fund, which fund is  
21   ~~hereby~~ created AND REFERRED TO IN THIS SECTION AS THE "FUND". The  
22   ~~moneys~~ MONEY in the ~~Native American substance abuse treatment cash~~  
23   fund ~~shall be~~ IS subject to annual appropriation by the general assembly.  
24   All investment earnings derived from the deposit and investment of  
25   ~~moneys~~ MONEY in the ~~Native American substance abuse treatment cash~~  
26   fund ~~shall remain~~ REMAINS in the fund and shall not be transferred or  
27   revert to the general fund of the state at the end of any fiscal year.

1           **SECTION 202.** In Colorado Revised Statutes, 25.5-5-501,  
2 **amend** (1)(a) as follows:

3           **25.5-5-501. Providers - drug reimbursement.** (1) (a) As to  
4 drugs for which payment is made, the state board's rules for ~~the~~ payment  
5 ~~therefor shall~~ **MUST** include the requirement that the generic equivalent of  
6 a brand-name drug be prescribed if the generic equivalent is a therapeutic  
7 equivalent to the brand-name drug, except when reimbursement to the  
8 state for a brand-name drug makes the brand-name drug less expensive  
9 than the cost of the generic equivalent. The state department shall grant  
10 an exception to this requirement if the patient has been stabilized on a  
11 medication and the treating physician, or a pharmacist with the  
12 concurrence of the treating physician, is of the opinion that a transition to  
13 the generic equivalent of the brand-name drug would be unacceptably  
14 disruptive. The requirements of this subsection (1) ~~shall~~ **DO** not apply to  
15 medications for the treatment of BEHAVIORAL OR mental ~~illness~~ **HEALTH**  
16 **DISORDERS**, cancer, epilepsy, or human immunodeficiency virus and  
17 acquired immune deficiency syndrome.

18           **SECTION 203.** In Colorado Revised Statutes, 25.5-6-106,  
19 **amend** (2)(a) as follows:

20           **25.5-6-106. Single entry point system - authorization - phases**  
21 **for implementation - services provided.** (2) **Single entry point**  
22 **agencies - service programs - functions.** (a) A single entry point agency  
23 ~~shall~~ **MUST** be an agency in a local community through which any person  
24 eighteen years of age or older who is in need of long-term care can access  
25 needed long-term care services. A single entry point agency may be a  
26 private, nonprofit organization; a county agency, including a county  
27 department of **HUMAN OR** social services; a county nursing service; an



1 area agency on aging; or a multicounty agency. Persons in need of  
2 specialized assistance such as services for PERSONS WITH INTELLECTUAL  
3 AND developmental disabilities or BEHAVIORAL OR mental ~~illness~~ HEALTH  
4 DISORDERS may be referred by a single entry point agency to programs  
5 under the department of human services.

6 **SECTION 204.** In Colorado Revised Statutes, 25.5-6-201,  
7 **amend** (13) as follows:

8 **25.5-6-201. Special definitions relating to nursing facility**  
9 **reimbursement.** As used in this part 2, unless the context otherwise  
10 requires:

11 (13) "Class I facility" means a private for-profit or not-for-profit  
12 nursing facility provider or a facility provider operated by the state of  
13 Colorado, a county, a city and county, or special district that provides  
14 general skilled nursing facility care to residents who require  
15 twenty-four-hour nursing care and services due to their ages, infirmity, or  
16 health care conditions, including residents who are behaviorally  
17 challenged by virtue of A severe BEHAVIORAL OR mental ~~illness or~~  
18 ~~dementia~~ HEALTH DISORDER.

19 **SECTION 205.** In Colorado Revised Statutes, 25.5-6-412,  
20 **amend** (3) introductory portion and (3)(e) as follows:

21 **25.5-6-412. Cross-system response for behavioral health crises**  
22 **pilot program - legislative declaration - creation - criteria -**  
23 **recommendations - fund - repeal.** (3) There is created in the state  
24 department a cross-system response for behavioral health crises pilot  
25 program, referred to in this section as the "pilot program". The pilot  
26 program will have locations at multiple sites that represent different  
27 geographic regions of the state. The goal of the pilot program is to

1 provide crisis intervention, stabilization, and follow-up services to  
2 individuals who have both an intellectual ~~or~~ AND developmental disability  
3 and a BEHAVIORAL OR mental health ~~or behavioral~~ disorder and who also  
4 require services not available through an existing home- or  
5 community-based services waiver or covered under the Colorado  
6 behavioral health care system. To achieve this goal, the pilot program  
7 must complement and expand on the Colorado behavioral health crisis  
8 response system, provided through the department of human services  
9 pursuant to section 27-60-103, ~~C.R.S.~~, to:

10 (e) Provide data about the cost in Colorado of providing such  
11 services throughout the state to complement the cost-analysis study  
12 described in subsection (6) of this section related to the cost to eliminate  
13 service gaps for individuals who have an intellectual ~~or~~ AND  
14 developmental disability and who also have a ~~psychiatric or behavioral~~ OR  
15 MENTAL HEALTH disorder; and

16 **SECTION 206.** In Colorado Revised Statutes, 25.5-6-603,  
17 **amend** (1)(a) as follows:

18 **25.5-6-603. Definitions.** As used in this part 6, unless the context  
19 otherwise requires:

20 (1) "Eligible person" means a person:

21 (a) Who has a primary diagnosis of A major BEHAVIORAL OR  
22 mental ~~illness~~ HEALTH DISORDER, as such term is defined in the diagnostic  
23 and statistical manual of mental disorders used by the mental health  
24 profession, and includes schizophrenic, paranoid, major affective, and  
25 schizoaffective disorders, and atypical psychosis, but does not include  
26 dementia, including Alzheimer's disease or related disorders;

27 **SECTION 207.** In Colorado Revised Statutes, 25.5-6-704,

1 **amend** (2) introductory portion and (2)(e) as follows:

2 **25.5-6-704. Implementation of home- and community-based**  
3 **services program for persons with brain injury authorized - federal**  
4 **waiver - duties of the department.** (2) Services for eligible persons may  
5 be established in department rules to the extent authorized or required by  
6 federal waiver, but ~~shall~~ **MUST** include at least the following:

7 (e) Counseling and training including ~~substance abuse~~ treatment  
8 FOR SUBSTANCE USE DISORDERS and family counseling;

9 **SECTION 208.** In Colorado Revised Statutes, 26-1-105.5,  
10 **amend** (1)(a) as follows:

11 **26-1-105.5. Transfer of functions - employees - property -**  
12 **records.** (1) (a) The department shall, on and after July 1, 1994, execute,  
13 administer, perform, and enforce the rights, powers, duties, functions, and  
14 obligations vested prior to July 1, 1994, in the department of social  
15 services, the department of institutions, and the department of health  
16 concerning the administration of ~~alcohol and drug abuse~~ SUBSTANCE USE  
17 DISORDER TREATMENT programs.

18 **SECTION 209.** In Colorado Revised Statutes, 26-1-107, **amend**  
19 (6)(g) as follows:

20 **26-1-107. State board of human services - rules.** (6) The state  
21 board shall:

22 (g) Adopt rules concerning ~~mental health programs, alcohol and~~  
23 ~~drug abuse programs, and developmental disabilities~~ programs RELATED  
24 TO BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDERS AND  
25 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. To the extent that  
26 rules are promulgated by the state board of human services for programs  
27 or providers that receive either medicaid only or both medicaid and

1 non-medicaid funding, the rules ~~shall~~ MUST be developed in cooperation  
2 with the department of health care policy and financing and ~~shall~~ MUST  
3 not conflict with state statutes or federal statutes or regulations.

4 **SECTION 210.** In Colorado Revised Statutes, 26-1-111, **amend**  
5 (5) as follows:

6 **26-1-111. Activities of the state department under the**  
7 **supervision of the executive director - cash fund - report - rules -**  
8 **statewide adoption resource registry.** (5) The state department, through  
9 the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH in the state department, ~~that~~  
10 ~~administers behavioral health programs and services, including those~~  
11 ~~related to mental health and substance abuse,~~ shall administer alcohol and  
12 ~~drug abuse~~ SUBSTANCE USE DISORDER TREATMENT programs set forth in  
13 articles 80, 81, and 82 of title 27. ~~C.R.S.~~

14 **SECTION 211.** In Colorado Revised Statutes, 26-1-132, **amend**  
15 (1)(b) as follows:

16 **26-1-132. Department of human services - rate setting -**  
17 **residential treatment service providers - monitoring and auditing -**  
18 **report.** (1) In conjunction with the group of representatives convened by  
19 the state department pursuant to section 26-5-104 (6)(e) to review the  
20 rate-setting process for child welfare services, the state department shall  
21 develop a rate-setting process consistent with medicaid requirements for  
22 providers of residential treatment services in Colorado. The department  
23 of health care policy and financing shall approve the rate-setting process  
24 for rates funded by medicaid. The rate-setting process developed pursuant  
25 to this section may include:

26 (b) A request for proposal to contract for specialized service needs  
27 of a child, including but not limited to: ~~Substance-abuse~~ SUBSTANCE USE

1 DISORDER treatment services, sex offender services, and services for the  
2 INTELLECTUALLY AND developmentally disabled; and

3 **SECTION 212.** In Colorado Revised Statutes, 26-1-201, **amend**  
4 (1)(a), (1)(b), (1)(c), and (1)(x) as follows:

5 **26-1-201. Programs administered - services provided -**  
6 **department of human services.** (1) This section specifies the programs  
7 to be administered and the services to be provided by the department of  
8 human services. These programs and services include the following:

9 (a) ~~Alcohol and drug abuse~~ Programs RELATED TO SUBSTANCE  
10 ABUSE AND SUBSTANCE USE DISORDERS, as specified in article 80 of title  
11 27; ~~C.R.S.;~~

12 (b) ~~Alcoholism and intoxication treatment~~ Programs RELATED TO  
13 ALCOHOL ABUSE AND ALCOHOL USE DISORDERS, as specified in article 81  
14 of title 27; ~~C.R.S.;~~

15 (c) ~~Drug abuse prevention, education, and treatment~~ Programs  
16 RELATED TO PREVENTION, EDUCATION, AND TREATMENT FOR SUBSTANCE  
17 ABUSE AND SUBSTANCE USE DISORDERS, as specified in article 82 of title  
18 27; ~~C.R.S.;~~

19 (x) Programs for the care and treatment of persons with  
20 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS, as specified in article  
21 65 of title 27; ~~C.R.S.;~~

22 **SECTION 213.** In Colorado Revised Statutes, 26-2-103, **amend**  
23 the introductory portion and (11)(a) as follows:

24 **26-2-103. Definitions.** As used in this ~~article~~ ARTICLE 2 and  
25 article 1 of this ~~title~~ TITLE 26, unless the context otherwise requires:

26 (11) (a) "Social services" means services and payments for  
27 services available, directly or indirectly, through the staff of the state

1 department of human services and county departments of HUMAN OR  
2 social services or through state designated agencies, where applicable, for  
3 the benefit of eligible persons, which services are provided pursuant to  
4 rules adopted by the state board. "Social services" may include but need  
5 not be limited to day care, homemaker services, foster care, and other  
6 services to individuals or families for the purpose of attaining or retaining  
7 capabilities for maximum self-care, self-support, and personal  
8 independence and services to families or members of families for the  
9 purpose of preserving, rehabilitating, reuniting, or strengthening the  
10 family. At such time as Title XX of the social security act becomes  
11 effective with respect to federal reimbursements, "social services" may  
12 include but need not be limited to child care services; protective services  
13 for children and adults; services for children and adults in foster care;  
14 services related to the management and maintenance of the home; day  
15 care services for adults; transportation services; training and related  
16 services; employment services; information, referral, and counseling  
17 services; the preparation and delivery of meals; health support services;  
18 and appropriate combinations of services designed to meet the special  
19 needs of children, the aged, ~~the mentally retarded~~ PERSONS WITH  
20 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, the blind, ~~the~~  
21 ~~emotionally disturbed~~ PERSONS WITH BEHAVIORAL OR MENTAL HEALTH  
22 DISORDERS, persons with physical disabilities, and ~~alcoholics and drug~~  
23 ~~addicts~~ PERSONS WITH SUBSTANCE USE DISORDERS.

24 **SECTION 214.** In Colorado Revised Statutes, 26-2-106, **amend**  
25 (6)(a) as follows:

26 **26-2-106. Applications for public assistance.** (6) (a) ~~NO~~ AN  
27 application for aid to the needy disabled ~~shall~~ MUST NOT be approved

1 until the applicant's medical condition has been certified by a physician  
2 licensed to practice medicine in this state, a physician assistant licensed  
3 in this state, or an advanced practice nurse licensed in this state. In  
4 addition to a physician, an applicant may be examined by a physician  
5 assistant licensed in this state, by an advanced practice nurse, or by a  
6 registered nurse licensed in this state who is functioning within the scope  
7 of the nurse's license and training. The supervising physician, or the  
8 physician, physician assistant, or nurse who conducted the examination  
9 shall certify in writing upon forms prescribed by the state department as  
10 to the diagnosis, prognosis, and other relevant medical or mental factors  
11 relating to the APPLICANT'S disability. ~~of the applicant. No~~ AN applicant  
12 WHO IS disabled as a result of a primary diagnosis of ~~alcoholism or a~~  
13 ~~controlled substance addiction shall~~ AN ALCOHOL USE DISORDER OR A  
14 SUBSTANCE USE DISORDER RELATED TO CONTROLLED SUBSTANCES MUST  
15 NOT be approved for aid to the needy disabled except as provided in  
16 section 26-2-111 (4)(e).

17 **SECTION 215.** In Colorado Revised Statutes, 26-2-108, **amend**  
18 (1)(d)(II) as follows:

19 **26-2-108. Granting of assistance payments and social services.**

20 (1) (d) (II) Assistance in the form of aid to the needy disabled for persons  
21 who are disabled as a result of a primary diagnosis of ~~alcoholism or a~~  
22 ~~controlled substance addiction shall~~ AN ALCOHOL USE DISORDER OR A  
23 SUBSTANCE USE DISORDER RELATED TO CONTROLLED SUBSTANCES MUST  
24 be paid on the person's behalf to the SUBSTANCE USE DISORDER treatment  
25 program in which the person is participating as required pursuant to  
26 section 26-2-111 (4)(e)(I) or to the person directly upon the person  
27 providing the documentation required pursuant to section 26-2-111

1 (4)(e)(II).

2 **SECTION 216.** In Colorado Revised Statutes, 26-2-111, **amend**  
3 (4)(e) introductory portion and (4)(e)(I) as follows:

4 **26-2-111. Eligibility for public assistance - rules - repeal.**

5 (4) **Aid to the needy disabled.** Public assistance in the form of aid to the  
6 needy disabled shall be granted to any person who meets the requirements  
7 of subsection (1) of this section and all of the following requirements:

8 (e) If the applicant is disabled as a result of a primary diagnosis  
9 of ~~alcoholism or a controlled substance addiction~~ A SUBSTANCE USE  
10 DISORDER, he or she, as conditions of eligibility, shall be required to:

11 (I) Participate in treatment services approved by the ~~unit~~ OFFICE  
12 OF BEHAVIORAL HEALTH in the state department; ~~that administers~~  
13 ~~behavioral health programs and services, including those related to mental~~  
14 ~~health and substance abuse~~; and

15 **SECTION 217.** In Colorado Revised Statutes, 26-2-706, **amend**  
16 (1.5)(e) as follows:

17 **26-2-706. Target populations.** (1.5) To participate in the  
18 Colorado works program an applicant or person shall:

19 (e) Not be an inmate of any institution as a patient admitted for  
20 tuberculosis or A BEHAVIORAL OR mental ~~disease~~ HEALTH DISORDER,  
21 unless the person is a child under the age of twenty-one years receiving  
22 psychiatric care under medicaid;

23 **SECTION 218.** In Colorado Revised Statutes, 26-2-706.6,  
24 **amend** (7) introductory portion and (7)(a) as follows:

25 **26-2-706.6. Payments and services under Colorado works -**  
26 **rules. (7) Substance abuse control program.** A county may elect to  
27 implement a Colorado works controlled substance abuse control program.



1 Under such a program, if the use of a controlled substance prevents the  
2 participant from successfully participating in his or her work activity, the  
3 county department may require the participant to participate in a  
4 controlled substance abuse control program based in whole or in part  
5 upon a representation by the participant that he or she is using controlled  
6 substances or upon a finding by the county department pursuant to an  
7 assessment by a certified ~~drug~~ SUBSTANCE USE DISORDER treatment  
8 provider that the participant is or is likely to be using controlled  
9 substances. If a county chooses to require the participant to participate in  
10 a controlled substance abuse control program, the county department  
11 shall:

12 (a) Require the participant to be assessed by a certified ~~drug~~  
13 SUBSTANCE USE DISORDER treatment provider and to follow a  
14 rehabilitation plan as a condition of continued receipt of assistance under  
15 the works program. The rehabilitation plan ~~shall~~ MUST be based upon the  
16 assessment and developed by a certified ~~drug~~ SUBSTANCE USE DISORDER  
17 treatment provider, and may include, but need not be limited to,  
18 participation in a ~~controlled substance abuse~~ SUBSTANCE USE DISORDER  
19 treatment program. This ~~paragraph (a) shall~~ SUBSECTION (7)(a) DOES not  
20 create an entitlement to rehabilitation services or to payment for  
21 rehabilitation services.

22 **SECTION 219.** In Colorado Revised Statutes, 26-5.7-108,  
23 **amend** (3)(a) as follows:

24 **26-5.7-108. Voluntary alternative residence - lack of parental**  
25 **agreement.** (3) A supervised independent living arrangement can only  
26 be established pursuant to subsection (2) of this section if:

27 (a) The youth has not been deemed to ~~be dependent on controlled~~

1 ~~substances or alcohol~~ HAVE A SUBSTANCE USE DISORDER and is in need of  
2 treatment;

3 **SECTION 220.** In Colorado Revised Statutes, 26-12-203, **amend**  
4 (3)(a) as follows:

5 **26-12-203. The Colorado veterans community living center at**  
6 **Homelake - jurisdiction - definitions.** (3) For purposes of this section,  
7 "domiciliary care" means the provision of shelter, food, and necessary  
8 medical care on an ambulatory self-care basis:

9 (a) To assist any individual who is eligible for occupancy in the  
10 veterans center pursuant to sections 26-12-104 and 26-12-106 and who  
11 is suffering from an incapacitating disability, disease, or ~~defect~~ DISORDER  
12 that prevents ~~such veteran~~ HIM OR HER from earning a living, but that does  
13 not require hospitalization or nursing care services to attain physical,  
14 mental, and social well-being; and

15 **SECTION 221.** In Colorado Revised Statutes, 26-20-103, **amend**  
16 (3) as follows:

17 **26-20-103. Basis for use of restraint or seclusion.** (3) In  
18 addition to the circumstances described in subsection (1) of this section,  
19 a facility, as defined in section 27-65-102 (7), ~~C.R.S.~~, that is designated  
20 by the executive director of the state department to provide treatment  
21 pursuant to section 27-65-105, 27-65-106, 27-65-107, or 27-65-109  
22 ~~C.R.S.~~, to an individual with A BEHAVIORAL OR mental ~~illness~~ HEALTH  
23 DISORDER, as defined in ~~section 27-65-102 (14), C.R.S.~~, SECTION  
24 27-65-102 (11.5), may use seclusion to restrain an individual with a  
25 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER when the seclusion is  
26 necessary to eliminate a continuous and serious disruption of the  
27 treatment environment.

1           **SECTION 222.** In Colorado Revised Statutes, 26-20-105, **amend**  
2 (1.5)(a) and (1.5)(b) as follows:

3           **26-20-105. Staff training concerning the use of restraint and**  
4 **seclusion - adults and youth.** (1.5) The division of youth corrections  
5 shall ensure that all staff involved in utilizing restraint and seclusion are  
6 trained in:

7           (a) The health and behavioral effects of restraint and seclusion on  
8 youth, including those with BEHAVIORAL OR mental ~~illness~~ or HEALTH  
9 DISORDERS OR INTELLECTUAL AND developmental disabilities;

10           (b) Effective de-escalation techniques for youth in crisis,  
11 including those with BEHAVIORAL OR mental ~~illness~~ or HEALTH  
12 DISORDERS OR INTELLECTUAL AND developmental disabilities;

13           **SECTION 223.** In Colorado Revised Statutes, **add** 27-60-100.3  
14 as follows:

15           **27-60-100.3. Definitions.** AS USED IN THIS ARTICLE 60, UNLESS  
16 THE CONTEXT OTHERWISE REQUIRES:

17           (1) "BEHAVIORAL HEALTH" IS INCLUSIVE OF BEHAVIORAL, MENTAL  
18 HEALTH, AND SUBSTANCE USE DISORDERS.

19           (2) "CRISIS INTERVENTION SERVICES" MEANS THE ARRAY OF  
20 BEHAVIORAL HEALTH CRISIS SERVICES THAT ARE FUNDED BY PUBLIC OR  
21 PRIVATE SOURCES AND EXIST TO SERVE INDIVIDUALS WHO ARE  
22 EXPERIENCING A BEHAVIORAL HEALTH CRISIS.

23           (3) "CRISIS RESPONSE SYSTEM" MEANS THE BEHAVIORAL HEALTH  
24 CRISIS RESPONSE SYSTEM DEVELOPED AND IMPLEMENTED PURSUANT TO  
25 THIS ARTICLE 60.

26           (4) "CRISIS RESPONSE SYSTEM CONTRACTOR" MEANS AN ENTITY  
27 THAT HAS BEEN AWARDED A CONTRACT TO PROVIDE ONE OR MORE CRISIS

1 INTERVENTION SERVICES PURSUANT TO SECTION 27-60-103.

2 (5) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN SERVICES  
3 CREATED AND AUTHORIZED PURSUANT TO SECTION 26-1-107.

4 (6) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF  
5 HUMAN SERVICES CREATED PURSUANT TO SECTION 26-1-105.

6 **SECTION 224.** In Colorado Revised Statutes, 27-60-101, **amend**  
7 (1) as follows:

8 **27-60-101. Behavioral health crisis response system -**  
9 **legislative declaration.** (1) (a) The general assembly ~~hereby~~ finds and  
10 declares that:

11 (I) There are people in Colorado communities who are  
12 experiencing ~~mental health or substance abuse~~ BEHAVIORAL HEALTH  
13 crises and need professional BEHAVIORAL HEALTH crisis care or urgent  
14 psychiatric care from skilled mental health clinicians and medical  
15 professionals who excel at providing compassionate BEHAVIORAL HEALTH  
16 crisis intervention and stabilization;

17 (II) ~~Mental health or substance abuse~~ A BEHAVIORAL HEALTH  
18 crisis can happen any hour of the day and any day of the week;

19 (III) Persons in A BEHAVIORAL HEALTH crisis frequently come in  
20 contact with community first responders who are often unable to provide  
21 necessary ~~mental health~~ BEHAVIORAL HEALTH interventions or who must  
22 transport these persons in A BEHAVIORAL HEALTH crisis to emergency  
23 rooms for services, or, in cases where a crime is alleged, to jail;

24 (IV) Colorado ranks fiftieth in the nation in the number of  
25 inpatient psychiatric beds;

26 (V) Fewer than one-half of the persons who are in A BEHAVIORAL  
27 HEALTH crisis and are taken to an emergency room are admitted for

1 inpatient hospitalization, meaning that thousands of people each year  
2 return to community streets with little, if any, ~~mental health or substance~~  
3 ~~abuse~~ crisis intervention or treatment FOR BEHAVIORAL HEALTH  
4 DISORDERS; and

5 (VI) Significant time and resources are required of community  
6 first responders in addressing persons in ~~mental health or substance abuse~~  
7 A BEHAVIORAL HEALTH crisis and, in many cases, this community  
8 response is neither timely nor safe for the person in crisis nor  
9 cost-efficient for the state.

10 (b) The general assembly therefore finds that A COORDINATED  
11 BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM:

12 (I) ~~A coordinated crisis response system provides~~ SERVES AS A  
13 COMPREHENSIVE AND PREFERRED RESPONSE TO BEHAVIORAL HEALTH  
14 EMERGENCIES THROUGHOUT COLORADO BY PROVIDING for early  
15 intervention and effective treatment of ~~persons in mental health or~~  
16 ~~substance abuse~~ INDIVIDUALS WHO ARE EXPERIENCING A BEHAVIORAL  
17 HEALTH crisis;

18 (II) ~~A coordinated crisis response system should involve~~  
19 PROVIDES AN APPROPRIATE FIRST LINE OF RESPONSE TO INDIVIDUALS IN  
20 NEED OF AN EMERGENCY SEVENTY-TWO-HOUR MENTAL HEALTH HOLD AND  
21 UTILIZES first responders and ~~include~~ information technology systems to  
22 integrate available BEHAVIORAL HEALTH crisis responses;

23 (III) ~~A coordinated crisis response system~~ Should be available in  
24 all COLORADO communities; ~~statewide~~; and

25 (IV) ~~A coordinated crisis response system may include~~ INCLUDES  
26 community-based, BEHAVIORAL HEALTH crisis centers where ~~persons in~~  
27 ~~mental health or substance abuse~~ INDIVIDUALS WHO ARE EXPERIENCING

1 A BEHAVIORAL HEALTH crisis may be stabilized and receive short-term  
2 treatment.

3 **SECTION 225.** In Colorado Revised Statutes, 27-60-103, **repeal**  
4 (7) as follows:

5 **27-60-103. Behavioral health crisis response system - services**  
6 **- request for proposals - criteria - reporting - rules.** (7) ~~As used in this~~  
7 ~~section, unless the context otherwise requires:~~

8 (a) ~~"Crisis intervention services" means an array of integrated~~  
9 ~~services that are available twenty-four hours a day, seven days a week, to~~  
10 ~~respond to and assist individuals who are in a behavioral health~~  
11 ~~emergency.~~

12 (b) ~~"State board" means the state board of human services created~~  
13 ~~and authorized pursuant to section 26-1-107, C.R.S.~~

14 (c) ~~"State department" means the state department of human~~  
15 ~~services created pursuant to section 26-1-105, C.R.S.~~

16 **SECTION 226.** In Colorado Revised Statutes, 27-61-101, **amend**  
17 (1) introductory portion, (1)(a), (1)(b), (1)(i), and (2) as follows:

18 **27-61-101. Legislative declaration.** (1) The general assembly  
19 ~~hereby~~ finds, determines, and declares that:

20 (a) There is an urgent need to address the economic, social, and  
21 personal costs to the state of Colorado and its citizens of untreated  
22 BEHAVIORAL HEALTH DISORDERS, INCLUDING mental health and substance  
23 use disorders;

24 (b) Behavioral health disorders ~~including mental health and~~  
25 ~~substance use disorders~~, are treatable conditions not unlike other chronic  
26 health issues that require a combination of behavioral change and  
27 medication or other treatment. When individuals receive appropriate

1 prevention, early intervention, treatment, and recovery services, they can  
2 live full, productive lives.

3 (i) To reduce the economic and social costs of untreated  
4 behavioral health disorders, Colorado needs a systemic transformation of  
5 the behavioral health system ~~through which transformation the state~~  
6 ~~strives to achieve critical goals to address mental health and substance use~~  
7 BEHAVIORAL HEALTH disorders; and

8 (2) The general assembly further finds and declares that, to  
9 improve the quality of life for the citizens of Colorado, strengthen the  
10 economy, and continue the responsible management of the state's  
11 resources, the leadership of the three branches of Colorado's state  
12 government and the stakeholders most affected by ~~mental health and~~  
13 ~~substance use~~ BEHAVIORAL HEALTH disorders must collaborate to build  
14 on the progress of past efforts and to sustain a focus on the improvement  
15 of behavioral health services.

16 **SECTION 227.** In Colorado Revised Statutes, **add** 27-61-101.5  
17 as follows:

18 **27-61-101.5. Definitions.** AS USED IN THIS ARTICLE 61, UNLESS  
19 THE CONTEXT OTHERWISE REQUIRES:

20 (1) "BEHAVIORAL HEALTH" IS INCLUSIVE OF BEHAVIORAL, MENTAL  
21 HEALTH, AND SUBSTANCE USE DISORDERS.

22 (2) "COUNCIL" MEANS THE BEHAVIORAL HEALTH  
23 TRANSFORMATION COUNCIL CREATED IN SECTION 27-61-102.

24 **SECTION 228.** In Colorado Revised Statutes, 27-61-102, **amend**  
25 (2)(a), (3) introductory portion, and (3)(a)(X) as follows:

26 **27-61-102. Behavioral health transformation council - creation**  
27 **- duties - sunset review - repeal.** (2) (a) On or before August 1, 2010,

1 the governor shall create a behavioral health transformation council  
2 referred to in this section as the "council", to advise his or her cabinet on  
3 transforming the behavioral health system in Colorado. On or before  
4 August 1, 2010, the governor shall designate an executive branch  
5 department to serve as the lead department to facilitate the council's work.  
6 In consultation with the governor, the lead agency shall determine the  
7 appropriate membership, tenure, and operating protocols of the council.

8 (3) The council ~~shall have~~ HAS the following duties and functions:

9 (a) To develop a strategic prioritization, planning, and  
10 implementation process to advise the governor's cabinet on transforming  
11 Colorado's behavioral health system. The council shall work toward the  
12 following goals associated with a comprehensive, efficient, effective, and  
13 integrated behavioral health system:

14 (X) Developing a comprehensive behavioral health service system  
15 that includes services to persons with ~~mental illness, addictions~~  
16 BEHAVIORAL HEALTH DISORDERS, disabilities, and co-occurring issues;

17 **SECTION 229.** In Colorado Revised Statutes, 27-65-101, **amend**  
18 (1) as follows:

19 **27-65-101. Legislative declaration.** (1) The general assembly  
20 ~~hereby~~ declares that, subject to available appropriations, the purposes of  
21 this ~~article~~ ARTICLE 65 are:

22 (a) To secure for each person ~~who may have a mental illness~~ WITH  
23 A BEHAVIORAL OR MENTAL HEALTH DISORDER such care and treatment ~~as~~  
24 ~~will be~~ suited to ~~the needs of the person~~ HIS OR HER NEEDS and to insure  
25 that ~~such~~ THE care and treatment are skillfully and humanely administered  
26 with full respect for the person's dignity and personal integrity;

27 (b) To deprive a person of his or her liberty for purposes of CARE



1 OR treatment ~~or care~~ only when less restrictive alternatives are  
2 unavailable and only when his or her safety or the safety of others is  
3 endangered;

4 (c) To provide the fullest possible measure of privacy, dignity, and  
5 other rights to persons undergoing care and treatment for A BEHAVIORAL  
6 OR mental ~~illness~~ HEALTH DISORDER;

7 (d) To encourage the use of voluntary, rather than coercive,  
8 measures to provide CARE AND treatment ~~and care~~ for BEHAVIORAL OR  
9 mental ~~illness~~ HEALTH DISORDERS and to provide ~~such~~ THE CARE AND  
10 treatment ~~and care~~ in the least restrictive setting;

11 (e) To provide appropriate information to family members  
12 concerning the location and fact of admission of a person with a  
13 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER to inpatient or  
14 residential care and treatment;

15 (f) To encourage the appropriate participation of family members  
16 in the care and treatment of a person with a BEHAVIORAL OR mental  
17 ~~illness~~ HEALTH DISORDER and, when appropriate, to provide information  
18 to family members in order to facilitate ~~such~~ THAT participation; and

19 (g) To facilitate the recovery and resiliency of each person who  
20 receives care and treatment ~~under~~ PURSUANT TO this ~~article~~ ARTICLE 65.

21 **SECTION 230.** In Colorado Revised Statutes, 27-65-102, **amend**  
22 the introductory portion, (1), (7), (8), (10), (15), and (19); **repeal** (14);  
23 and **add** (11.3) and (11.5) as follows:

24 **27-65-102. Definitions.** As used in this ~~article~~ ARTICLE 65, unless  
25 the context otherwise requires:

26 (1) "Acute treatment unit" means a facility or a distinct part of a  
27 facility for short-term psychiatric care, which may include ~~substance~~

1 ~~abuse~~ treatment FOR SUBSTANCE USE DISORDERS, that provides a total,  
2 twenty-four-hour, therapeutically planned and professionally staffed  
3 environment for persons who do not require inpatient hospitalization but  
4 need more intense and individual services than are available on an  
5 outpatient basis, such as crisis management and stabilization services.

6 (7) "Facility" means a public hospital or a licensed private  
7 hospital, clinic, community mental health center or clinic, acute treatment  
8 unit, institution, ~~sanitarium,~~ or residential child care facility that provides  
9 treatment for ~~a person with a mental illness~~ PERSONS WITH BEHAVIORAL  
10 OR MENTAL HEALTH DISORDERS.

11 (8) "Family member" means a spouse, parent, adult child, or adult  
12 sibling of a person with a BEHAVIORAL OR ~~mental illness~~ HEALTH  
13 DISORDER.

14 (10) "Hospitalization" means twenty-four-hour out-of-home  
15 placement for ~~mental health~~ treatment in a facility FOR A PERSON WITH A  
16 BEHAVIORAL OR MENTAL HEALTH DISORDER.

17 (11.3) "INTERVENING PROFESSIONAL" MEANS A PERSON DESCRIBED  
18 IN SECTION 27-65-105 (1)(a)(II) WHO MAY EFFECT A SEVENTY-TWO-HOUR  
19 HOLD PURSUANT TO THE PROVISIONS OUTLINED IN SECTION 27-65-105.

20 (11.5) "MENTAL HEALTH DISORDER" OR "BEHAVIORAL HEALTH  
21 DISORDER" INCLUDES ONE OR MORE SUBSTANTIAL DISORDERS OF THE  
22 COGNITIVE, VOLITIONAL, OR EMOTIONAL PROCESSES THAT GROSSLY  
23 IMPAIRS JUDGMENT OR CAPACITY TO RECOGNIZE REALITY OR TO CONTROL  
24 BEHAVIOR. AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY IS  
25 INSUFFICIENT TO EITHER JUSTIFY OR EXCLUDE A FINDING OF A MENTAL  
26 HEALTH DISORDER PURSUANT TO THE PROVISIONS OF THIS ARTICLE 65.

27 (14) ~~"Person with a mental illness" means a person with one or~~

1 ~~more substantial disorders of the cognitive, volitional, or emotional~~  
2 ~~processes that grossly impairs judgment or capacity to recognize reality~~  
3 ~~or to control behavior. Developmental disability is insufficient to either~~  
4 ~~justify or exclude a finding of mental illness within the provisions of this~~  
5 ~~article.~~

6 (15) "Petitioner" means any person who files any petition in any  
7 proceeding in the interest of any person who allegedly has a BEHAVIORAL  
8 OR mental ~~illness~~ HEALTH DISORDER or is allegedly gravely disabled.

9 (19) "Respondent" means either a person alleged in a petition filed  
10 pursuant to this ~~article~~ ARTICLE 65 to have a BEHAVIORAL OR mental  
11 ~~illness~~ HEALTH DISORDER or be gravely disabled or a person certified  
12 pursuant to the provisions of this ~~article~~ ARTICLE 65.

13 **SECTION 231.** In Colorado Revised Statutes, 27-65-103, **amend**  
14 (1), (3)(a), (7)(d), and (10) as follows:

15 **27-65-103. Voluntary applications for behavioral or mental**  
16 **health services - treatment of minors.** (1) Nothing in this ~~article shall~~  
17 ~~be construed~~ ARTICLE 65 in any way as ~~limiting~~ LIMITS the right of any  
18 person to make voluntary application at any time to any public or private  
19 agency or professional person for BEHAVIORAL OR mental health services,  
20 either by direct application in person or by referral from any other public  
21 or private agency or professional person. Subject to section 15-14-316  
22 (4), ~~C.R.S.~~, a ward, as defined in section 15-14-102 (15), ~~C.R.S.~~, may be  
23 admitted to hospital or institutional care and treatment for ~~mental illness~~  
24 A BEHAVIORAL OR MENTAL HEALTH DISORDER by consent of the guardian  
25 for so long as the ward agrees to such care and treatment. Within ten days  
26 ~~of~~ AFTER any such admission, ~~of the ward for such hospital or~~  
27 ~~institutional care and treatment,~~ the guardian shall notify in writing the

1 court that appointed the guardian of the admission.

2 (3) A minor who is fifteen years of age or older or a parent or  
3 legal guardian of a minor on the minor's behalf may make voluntary  
4 application for hospitalization. Application for hospitalization on behalf  
5 of a minor who is under fifteen years of age and who is a ward of the  
6 department of human services shall not be made unless a guardian ad  
7 litem has been appointed for the minor or a petition for the same has been  
8 filed with the court by the agency having custody of the minor; except  
9 that such an application for hospitalization may be made under emergency  
10 circumstances requiring immediate hospitalization, in which case the  
11 agency shall file a petition for appointment of a guardian ad litem within  
12 seventy-two hours after application for admission is made, and the court  
13 shall appoint a guardian ad litem forthwith. Procedures for hospitalization  
14 of such minor may proceed pursuant to this section once a petition for  
15 appointment of a guardian ad litem has been filed, if necessary. Whenever  
16 such application for hospitalization is made, an independent professional  
17 person shall interview the minor and conduct a careful investigation into  
18 the minor's background, using all available sources, including, but not  
19 limited to, the parents or legal guardian and the school and any other  
20 social agencies. Prior to admitting a minor for hospitalization, the  
21 independent professional person shall make the following findings:

22 (a) That the minor has a BEHAVIORAL OR mental ~~illness~~ HEALTH  
23 DISORDER and is in need of hospitalization;

24 (7) (d) The minor or his or her attorney or guardian ad litem may,  
25 at any time after the minor has continued to affirm his or her objection to  
26 hospitalization pursuant to ~~paragraph (b) of this subsection (7)~~  
27 SUBSECTION (7)(b) OF THIS SECTION, file a written request that the

1 recommendation for continued hospitalization be reviewed by the court  
2 or that the treatment be on an outpatient basis. If review is requested, the  
3 court shall hear the matter within ten days after the request, and the court  
4 shall give notice to the minor; his or her attorney, if any; his or her parents  
5 or legal guardian; his or her guardian ad litem, if any; the independent  
6 professional person; and the minor's treating team of the time and place  
7 ~~thereof~~ OF THE HEARING. The hearing ~~shall~~ MUST be held in accordance  
8 with section 27-65-111; except that the court or jury shall determine that  
9 the minor is in need of care and treatment if the court or jury makes the  
10 following findings: That the minor has a BEHAVIORAL OR mental ~~illness~~  
11 HEALTH DISORDER and is in need of hospitalization, that a less restrictive  
12 treatment alternative is inappropriate or unavailable, and that  
13 hospitalization is likely to be beneficial. At the conclusion of the hearing,  
14 the court may enter an order confirming the recommendation for  
15 continued hospitalization, discharge the minor, or enter any other  
16 appropriate order.

17 (10) The medical and legal status of all voluntary patients  
18 receiving treatment for BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS  
19 in inpatient or custodial facilities ~~shall~~ MUST be reviewed at least once  
20 every six months.

21 **SECTION 232.** In Colorado Revised Statutes, 27-65-105, **amend**  
22 (1)(a)(I), (1)(a)(II) introductory portion, (1)(b), and (3) as follows:

23 **27-65-105. Emergency procedure.** (1) Emergency procedure  
24 may be invoked under either one of the following two conditions:

25 (a) (I) When any person appears to have a BEHAVIORAL OR mental  
26 ~~illness~~ HEALTH DISORDER and, as a result of such BEHAVIORAL OR mental  
27 ~~illness~~ HEALTH DISORDER, appears to be an imminent danger to others or

1 to himself or herself or appears to be gravely disabled, then ~~a person~~  
2 ~~specified in subparagraph (H) of this paragraph (a), each of whom is~~  
3 ~~referred to in this section as the "intervening professional", AN~~  
4 INTERVENING PROFESSIONAL, AS SPECIFIED IN SUBSECTION (1)(a)(II) OF  
5 THIS SECTION, upon probable cause and with such assistance as may be  
6 required, may take the person into custody, or cause the person to be  
7 taken into custody, and placed in a facility designated or approved by the  
8 executive director for a seventy-two-hour treatment and evaluation.

9 (II) The following persons may ACT AS INTERVENING  
10 PROFESSIONALS TO effect a seventy-two-hour hold as provided in  
11 ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION (1)(a)(I) OF THIS  
12 SECTION:

13 (b) Upon an affidavit sworn to or affirmed before a judge that  
14 relates sufficient facts to establish that a person appears to have a  
15 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER and, as a result of the  
16 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, appears to be an  
17 imminent danger to others or to himself or herself or appears to be  
18 gravely disabled, the court may order the person described in the affidavit  
19 to be taken into custody and placed in a facility designated or approved  
20 by the executive director for a seventy-two-hour treatment and evaluation.

21 Whenever in this ~~article~~ ARTICLE 65 a facility is to be designated or  
22 approved by the executive director, hospitals, if available, ~~shall~~ MUST be  
23 approved or designated in each county before other facilities are approved  
24 or designated. Whenever in this ~~article~~ ARTICLE 65 a facility is to be  
25 designated or approved by the executive director as a facility for a stated  
26 purpose and the facility to be designated or approved is a private facility,  
27 the consent of the private facility to the enforcement of standards set by

1 the executive director ~~shall be~~ IS a prerequisite to the designation or  
2 approval.

3 (3) ~~Such~~ A facility shall require an application in writing, stating  
4 the circumstances under which the person's condition was called to the  
5 attention of the intervening professional and further stating sufficient  
6 facts, obtained from the personal observations of the intervening  
7 professional or obtained from others whom he or she reasonably believes  
8 to be reliable, to establish that the person has a BEHAVIORAL OR mental  
9 ~~illness~~ HEALTH DISORDER and, as a result of the BEHAVIORAL OR mental  
10 ~~illness~~ HEALTH DISORDER, is an imminent danger to others or to himself  
11 or herself or is gravely disabled. The application ~~shall~~ MUST indicate  
12 when the person was taken into custody and who brought the person's  
13 condition to the attention of the intervening professional. A copy of the  
14 application ~~shall~~ MUST be furnished to the person being evaluated, and the  
15 application ~~shall~~ MUST be retained in accordance with the provisions of  
16 section 27-65-121 (4).

17 **SECTION 233.** In Colorado Revised Statutes, 27-65-106, **amend**  
18 (1), (2), (3) introductory portion, (3)(c), (5), and (6) as follows:

19 **27-65-106. Court-ordered evaluation for persons with**  
20 **behavioral or mental health disorders.** (1) Any person alleged to have  
21 a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER and, as a result of the  
22 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, to be a danger to others  
23 or to himself or herself or to be gravely disabled may be given an  
24 evaluation of his or her condition under a court order pursuant to this  
25 section.

26 (2) Any individual may petition the court in the county in which  
27 the respondent resides or is physically present alleging that there is a

1 person who appears to have a BEHAVIORAL OR mental ~~illness~~ HEALTH  
2 DISORDER and, as a result of the BEHAVIORAL OR mental ~~illness~~ HEALTH  
3 DISORDER, appears to be a danger to others or to himself or herself or  
4 appears to be gravely disabled and requesting ~~that~~ an evaluation of the  
5 person's condition. ~~be made.~~

6 (3) The petition for a court-ordered evaluation ~~shall~~ MUST contain  
7 the following:

8 (c) Allegations of fact indicating that the respondent may have a  
9 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER and, as a result of the  
10 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, be a danger to others  
11 or to himself or herself or be gravely disabled and showing reasonable  
12 grounds to warrant an evaluation;

13 (5) Following screening, the facility or professional person  
14 designated by the court shall file his or her report with the court. The  
15 report ~~shall~~ MUST include a recommendation as to whether there is  
16 probable cause to believe that the respondent has a BEHAVIORAL OR  
17 mental ~~illness~~ HEALTH DISORDER and, as a result of the BEHAVIORAL OR  
18 mental ~~illness~~ HEALTH DISORDER, is a danger to others or to himself or  
19 herself or is gravely disabled and whether the respondent will voluntarily  
20 receive evaluation or treatment. The screening report submitted to the  
21 court ~~shall be~~ IS confidential in accordance with section 27-65-121 and  
22 ~~shall~~ MUST be furnished to the respondent or his or her attorney or  
23 personal representative.

24 (6) Whenever it appears, by petition and screening pursuant to this  
25 section, to the satisfaction of the court that probable cause exists to  
26 believe that the respondent has a BEHAVIORAL OR mental ~~illness~~ HEALTH  
27 DISORDER and, as a result of the BEHAVIORAL OR mental ~~illness~~ HEALTH



1 DISORDER, is a danger to others or to himself or herself or is gravely  
2 disabled and that efforts have been made to secure the cooperation of the  
3 respondent, who has refused or failed to accept evaluation voluntarily, the  
4 court shall issue an order for evaluation authorizing a certified peace  
5 officer to take the respondent into custody and place him or her in a  
6 facility designated by the executive director for seventy-two-hour  
7 treatment and evaluation. At the time of taking the respondent into  
8 custody, a copy of the petition and the order for evaluation ~~shall~~ MUST be  
9 given to the respondent, and promptly thereafter to any one person  
10 designated by ~~such~~ THE respondent and to the person in charge of the  
11 seventy-two-hour treatment and evaluation facility named in the order or  
12 his or her designee.

13 **SECTION 234.** In Colorado Revised Statutes, 27-65-107, **amend**  
14 (1) introductory portion, (1)(a), and (2) as follows:

15 **27-65-107. Certification for short-term treatment - procedure.**

16 (1) If a person detained for seventy-two hours ~~under~~ PURSUANT TO the  
17 provisions of section 27-65-105 or a respondent under court order for  
18 evaluation pursuant to section 27-65-106 has received an evaluation, he  
19 or she may be certified for not more than three months of short-term  
20 treatment under the following conditions:

21 (a) The professional staff of the agency or facility providing  
22 seventy-two-hour treatment and evaluation has analyzed the person's  
23 condition and has found the person has a BEHAVIORAL OR mental ~~illness~~  
24 HEALTH DISORDER and, as a result of the BEHAVIORAL OR mental ~~illness~~  
25 HEALTH DISORDER, is a danger to others or to himself or herself or is  
26 gravely disabled.

27 (2) The notice of certification must be signed by a professional

1 person on the staff of the evaluation facility who participated in the  
2 evaluation and ~~shall~~ MUST state facts sufficient to establish reasonable  
3 grounds to believe that the person has a BEHAVIORAL OR mental ~~illness~~  
4 HEALTH DISORDER and, as a result of the BEHAVIORAL OR mental ~~illness~~  
5 HEALTH DISORDER, is a danger to others or to himself or herself or is  
6 gravely disabled. The certification ~~shall~~ MUST be filed with the court  
7 within forty-eight hours, excluding Saturdays, Sundays, and court  
8 holidays, of the date of certification. The certification ~~shall~~ MUST be filed  
9 with the court in the county in which the respondent resided or was  
10 physically present immediately prior to ~~his or her~~ being taken into  
11 custody.

12 **SECTION 235.** In Colorado Revised Statutes, 27-65-109, **amend**  
13 (1) introductory portion, (1)(a), (4), and (5) as follows:

14 **27-65-109. Long-term care and treatment of persons with**  
15 **behavioral or mental health disorders - procedure.** (1) Whenever a  
16 respondent has received short-term treatment for five consecutive months  
17 ~~under~~ PURSUANT TO the provisions of sections 27-65-107 and 27-65-108,  
18 the professional person in charge of the evaluation and treatment may file  
19 a petition with the court for long-term care and treatment of the  
20 respondent under the following conditions:

21 (a) The professional staff of the agency or facility providing  
22 short-term treatment has analyzed the respondent's condition and has  
23 found that the respondent has a BEHAVIORAL OR mental ~~illness~~ HEALTH  
24 DISORDER and, as a result of the BEHAVIORAL OR mental ~~illness~~ HEALTH  
25 DISORDER, is a danger to others or to himself or herself or is gravely  
26 disabled.

27 (4) The court or jury shall determine whether the conditions of

1 subsection (1) of this section are met and whether the respondent has a  
2 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER and, as a result of the  
3 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, is a danger to others  
4 or to himself or herself or is gravely disabled. The court shall thereupon  
5 issue an order of long-term care and treatment for a term not to exceed six  
6 months, or it shall discharge the respondent for whom long-term care and  
7 treatment was sought, or it shall enter any other appropriate order, subject  
8 to available appropriations. An order for long-term care and treatment  
9 ~~shall~~ MUST grant custody of the respondent to the department for  
10 placement with an agency or facility designated by the executive director  
11 to provide long-term care and treatment. When a petition contains a  
12 request that a specific legal disability be imposed or that a specific legal  
13 right be deprived, the court may order the disability imposed or the right  
14 deprived if ~~it~~ THE COURT or a jury has determined that the respondent has  
15 a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER or is gravely disabled  
16 and that, by reason thereof, the person is unable to competently exercise  
17 said right or perform the function as to which the disability is sought to  
18 be imposed. Any interested person may ask leave of the court to intervene  
19 as a copetitioner for the purpose of seeking the imposition of a legal  
20 disability or the deprivation of a legal right.

21 (5) An original order of long-term care and treatment or any  
22 extension of such order ~~shall expire upon~~ EXPIRES ON the date specified,  
23 ~~therein~~, unless further extended as provided in this subsection (5). If an  
24 extension is being sought, the professional person in charge of the  
25 evaluation and treatment shall certify to the court at least thirty days prior  
26 to the expiration date of the order in force that an extension of the order  
27 is necessary for the care and treatment of the respondent subject to the

1 order in force, and a copy of the certification ~~shall~~ MUST be delivered to  
2 the respondent and simultaneously mailed to his or her attorney of record.  
3 At least twenty days before the expiration of the order, the court shall  
4 give written notice to the respondent and his or her attorney of record that  
5 a hearing upon the extension may be had before the court or a jury upon  
6 written request to the court within ten days after receipt of the notice. If  
7 ~~no~~ A hearing is NOT requested by the respondent within such time, the  
8 court may proceed ex parte. If a hearing is timely requested, it ~~shall~~ MUST  
9 be held before the expiration date of the order in force. If the court or jury  
10 finds that the conditions of subsection (1) of this section continue to be  
11 met and that the respondent has a BEHAVIORAL OR mental ~~illness~~ HEALTH  
12 DISORDER and, as a result of the BEHAVIORAL OR mental ~~illness~~ HEALTH  
13 DISORDER, is a danger to others or to himself or herself or is gravely  
14 disabled, the court shall issue an extension of the order. Any extension  
15 ~~shall be for a period of not more than~~ MUST NOT EXCEED six months, but  
16 there may be as many extensions as the court orders pursuant to this  
17 section.

18 **SECTION 236.** In Colorado Revised Statutes, 27-65-111, **amend**  
19 (1) as follows:

20 **27-65-111. Hearing procedures - jurisdiction.** (1) Hearings  
21 before the court ~~under~~ PURSUANT TO section 27-65-107, 27-65-108, or  
22 27-65-109 ~~shall be~~ ARE conducted in the same manner as other civil  
23 proceedings before the court. The burden of proof ~~shall be upon~~ IS ON the  
24 person or facility seeking to detain the respondent. The court or jury shall  
25 determine that the respondent is in need of care and treatment only if the  
26 court or jury finds by clear and convincing evidence that the person has  
27 a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER and, as a result of the

1 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, is a danger to others  
2 or to himself or herself or is gravely disabled.

3 **SECTION 237.** In Colorado Revised Statutes, 27-65-121, **amend**  
4 (1) introductory portion, (1)(g), and (1)(h) as follows:

5 **27-65-121. Records.** (1) Except as provided in subsection (2) of  
6 this section, all information obtained and records prepared in the course  
7 of providing any services ~~under~~ PURSUANT TO this ~~article~~ ARTICLE 65 to  
8 individuals ~~under~~ PURSUANT TO any provision of this ~~article~~ ~~shall be~~  
9 ARTICLE 65 ARE confidential and privileged matter. The information and  
10 records may be disclosed only:

11 (g) To adult family members upon admission of a person with a  
12 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER for inpatient or  
13 residential care and treatment. The only information THAT MAY BE  
14 released pursuant to this ~~paragraph (g) shall be~~ SUBSECTION (1)(g) IS the  
15 location and fact of admission of the person with a BEHAVIORAL OR  
16 mental ~~illness~~ HEALTHDISORDER who is receiving care and treatment. The  
17 disclosure of location is governed by the procedures in section 27-65-122  
18 and is subject to review ~~under~~ PURSUANT TO section 27-65-122.

19 (h) To adult family members actively participating in the care and  
20 treatment of a person with a BEHAVIORAL OR mental ~~illness~~ HEALTH  
21 DISORDER regardless of the length of the participation. The information  
22 released pursuant to this ~~paragraph (h) shall be~~ SUBSECTION (1)(h) IS  
23 limited to one or more of the following: The diagnosis, the prognosis, the  
24 need for hospitalization and anticipated length of stay, the discharge plan,  
25 the medication administered and side effects of the medication, and the  
26 short-term and long-term treatment goals. The disclosure is governed by  
27 the procedures in section 27-65-122 (2) and is subject to review ~~under~~

1 PURSUANT TO section 27-65-122.

2 **SECTION 238.** In Colorado Revised Statutes, 27-65-122, **amend**  
3 (1), (2), (3), (4), (6), and (7) as follows:

4 **27-65-122. Request for release of information - procedures -**  
5 **review of a decision concerning release of information.** (1) When a  
6 family member requests the location and fact of admission of a person  
7 with a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER pursuant to  
8 section 27-65-121 (1)(g), the treating professional person or his or her  
9 designee, who ~~shall~~ MUST be a professional person, shall decide whether  
10 to release or withhold such information. The location ~~shall~~ MUST be  
11 released unless the treating professional person or his or her designee  
12 determines, after an interview with the person with a BEHAVIORAL OR  
13 mental ~~illness~~ HEALTH DISORDER, that release of the information to a  
14 particular family member would not be in the best interests of the person  
15 with a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER. Any decision to  
16 withhold information requested pursuant to section 27-65-121 (1)(g) is  
17 subject to administrative review pursuant to this section upon request of  
18 a family member or the person with a BEHAVIORAL OR mental ~~illness~~  
19 HEALTH DISORDER. The treating facility shall make a record of the  
20 information given to a family member pursuant to this subsection (1). For  
21 the purposes of this subsection (1), an adult person having a similar  
22 relationship to a person with a BEHAVIORAL OR mental ~~illness~~ HEALTH  
23 DISORDER as a spouse, parent, child, or sibling of a person with a  
24 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER may also request the  
25 location and fact of admission concerning a person with a BEHAVIORAL  
26 OR mental ~~illness~~ HEALTH DISORDER.

27 (2) (a) When a family member requests information pursuant to

1 section 27-65-121 (1)(h) concerning a person with a BEHAVIORAL OR  
2 mental ~~illness~~ HEALTH DISORDER, the treating professional person or his  
3 or her designee shall determine whether the person with a BEHAVIORAL  
4 OR mental ~~illness~~ HEALTH DISORDER is capable of making a rational  
5 decision in weighing his or her confidentiality interests and the care and  
6 treatment interests implicated by the release of information. The treating  
7 professional person or his or her designee shall then determine whether  
8 the person with a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER  
9 consents or objects to ~~such~~ THE release OF INFORMATION. Information  
10 ~~shall~~ MUST be released or withheld in the following circumstances:

11 (I) If the treating professional person or his or her designee makes  
12 a finding that the person with a BEHAVIORAL OR mental ~~illness~~ HEALTH  
13 DISORDER is capable of making a rational decision concerning his or her  
14 interests and the person with a BEHAVIORAL OR mental ~~illness~~ HEALTH  
15 DISORDER consents to the release of information, the treating professional  
16 person or his or her designee shall order the release of the information  
17 unless he or she determines that the release would not be in the best  
18 interests of the person with a BEHAVIORAL OR mental ~~illness~~ HEALTH  
19 DISORDER.

20 (II) If the treating professional person or his or her designee  
21 makes a finding that the person with a BEHAVIORAL OR mental ~~illness~~  
22 HEALTHDISORDER is capable of making a rational decision concerning his  
23 or her interests and the person with a BEHAVIORAL OR mental ~~illness~~  
24 HEALTH DISORDER objects to the release of information, the treating  
25 professional person or his or her designee shall not order the release of  
26 the information.

27 (III) If the treating professional person or his or her designee

1 makes a finding that the person with a BEHAVIORAL OR mental illness  
2 HEALTH DISORDER is not capable of making a rational decision concerning  
3 his or her interests, the treating professional person or his or her designee  
4 may order the release of the information if he or she determines that the  
5 release would be in the best interests of the person with a BEHAVIORAL OR  
6 mental illness HEALTH DISORDER.

7 (IV) Any determination as to capacity ~~under~~ PURSUANT TO this  
8 ~~paragraph (a) shall~~ SUBSECTION (2)(a) MUST be used only for the limited  
9 purpose of this ~~paragraph~~ SUBSECTION (2)(a).

10 (b) A decision by a treating professional person or his or her  
11 designee concerning the capability of a person with a BEHAVIORAL OR  
12 mental illness ~~under subparagraph (III) of paragraph (a) of this subsection~~  
13 ~~(2)~~ HEALTH DISORDER PURSUANT TO SUBSECTION (2)(a)(III) OF THIS  
14 SECTION is subject to administrative review upon the request of the person  
15 with a BEHAVIORAL OR mental illness HEALTH DISORDER. A decision by  
16 a treating professional person or his or her designee to order the release  
17 or withholding of information ~~under subparagraph (III) of paragraph (a)~~  
18 ~~of this subsection (2)~~ PURSUANT TO SUBSECTION (2)(a)(III) OF THIS  
19 SECTION is subject to administrative review upon the request of either a  
20 family member or the person with a BEHAVIORAL OR mental illness  
21 HEALTH DISORDER.

22 (c) The director of the treating facility shall make a record of any  
23 information given to a family member pursuant to ~~paragraph (a) of this~~  
24 ~~subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION and section 27-65-121  
25 (1)(h).

26 (3) When administrative review is requested either ~~under~~  
27 PURSUANT TO subsection (1) or ~~paragraph (b) of subsection (2)~~



1 SUBSECTION (2)(b) of this section, the director of the facility providing  
2 care and treatment to the person with a BEHAVIORAL OR mental illness  
3 HEALTH DISORDER shall cause an objective and impartial review of the  
4 decision to withhold or release information. THE DIRECTOR OF THE  
5 FACILITY SHALL CONDUCT the review, ~~shall be conducted by the director~~  
6 ~~of the facility~~, if he or she is a professional person. ~~or by a professional~~  
7 ~~person whom he or she designates~~ If the director is not available or if the  
8 director cannot provide an objective and impartial review, THE REVIEW  
9 SHALL BE CONDUCTED BY A PROFESSIONAL PERSON DESIGNATED BY THE  
10 DIRECTOR OF THE FACILITY. The review ~~shall~~ MUST include, but need not  
11 be limited to, an interview with the person with a BEHAVIORAL OR mental  
12 ~~illness~~ HEALTH DISORDER. The facility providing care and treatment shall  
13 document the review of the decision.

14 (4) If a person with a BEHAVIORAL OR mental illness HEALTH  
15 DISORDER objects to the release or withholding of information, the person  
16 with a BEHAVIORAL OR mental illness HEALTH DISORDER and his or her  
17 attorney, if any, ~~shall~~ MUST be provided with information concerning the  
18 procedures for administrative review of a decision to release or withhold  
19 information. The person with a BEHAVIORAL OR mental illness HEALTH  
20 DISORDER ~~shall~~ MUST be informed of any information proposed to be  
21 withheld or released and to whom and ~~shall~~ be given a reasonable  
22 opportunity to initiate the administrative review process before  
23 information concerning his or her care and treatment is released.

24 (6) A person with a BEHAVIORAL OR mental illness HEALTH  
25 DISORDER may file a written request for review by the court of a decision  
26 made upon administrative review to release information to a family  
27 member requested ~~under~~ PURSUANT TO section 27-65-121 (1)(h) and

1 proposed to be released pursuant to subsection (2) of this section. If  
2 judicial review is requested, the court shall hear the matter within ten days  
3 after the request, and the court shall give notice to the person with a  
4 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER and his or her attorney,  
5 the treating professional person, and the person who made the decision  
6 upon administrative review of the time and place ~~thereof~~ OF THE HEARING.  
7 The hearing ~~shall~~ MUST be conducted in the same manner as other civil  
8 proceedings before the court.

9 (7) In order to allow a person with a BEHAVIORAL OR mental  
10 ~~illness~~ HEALTH DISORDER an opportunity to seek judicial review, the  
11 treating facility or the treating professional person or his or her designee  
12 shall not release information requested pursuant to section 27-65-121  
13 (1)(h) until five days after the determination upon administrative review  
14 of the director or his or her designee is received by the person with a  
15 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER, and, once judicial  
16 review is requested, THE TREATING FACILITY OR THE TREATING  
17 PROFESSIONAL PERSON OR HIS OR HER DESIGNEE SHALL NOT RELEASE  
18 information ~~shall not be released~~ except by court order. However, if the  
19 person with a BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDER indicates  
20 an intention not to appeal a determination upon administrative review that  
21 is adverse to him or her concerning the release of information, the  
22 information may be released less than five days after the determination  
23 upon review is received by the person with a BEHAVIORAL OR mental  
24 ~~illness~~ HEALTH DISORDER.

25 **SECTION 239.** In Colorado Revised Statutes, 27-65-127, **amend**  
26 (1)(a) and (2)(a) as follows:

27 **27-65-127. Imposition of legal disability - deprivation of legal**

1 **right - restoration.** (1) (a) When an interested person wishes to obtain  
2 a determination as to the imposition of a legal disability or the deprivation  
3 of a legal right for a person who has a BEHAVIORAL OR mental ~~illness~~  
4 HEALTH DISORDER and who is a danger to himself or herself or others, is  
5 gravely disabled, or is insane, as defined in section 16-8-101, ~~C.R.S.~~, and  
6 who is not then subject to proceedings ~~under~~ PURSUANT TO this ~~article~~  
7 ARTICLE 65 or part 3 or part 4 of article 14 of title 15, ~~C.R.S.~~, the  
8 interested person may petition the court for a specific finding as to the  
9 legal disability or deprivation of a legal right. Actions commenced  
10 pursuant to this subsection (1) may include but ~~shall~~ ARE not ~~be~~ limited  
11 to actions to determine contractual rights and rights with regard to the  
12 operation of motor vehicles.

13 (2) The court may impose a legal disability or may deprive a  
14 person of a legal right only upon finding both of the following:

15 (a) That the respondent is a person with a BEHAVIORAL OR mental  
16 ~~illness~~ HEALTH DISORDER and is a danger to himself or herself or others,  
17 gravely disabled, or insane, as defined in section 16-8-101; ~~C.R.S.~~;

18 **SECTION 240.** In Colorado Revised Statutes, **amend** 27-65-130  
19 as follows:

20 **27-65-130. Behavioral and mental health service standards for**  
21 **health care facilities.** The advisory board created by section 27-65-131  
22 ~~shall be~~ IS responsible for recommending standards and rules relevant to  
23 the provisions of this ~~article~~ ARTICLE 65 for the programs of BEHAVIORAL  
24 OR mental health services to those patients in any health care facility that  
25 has either separate facilities for the care, treatment, and rehabilitation of  
26 persons with BEHAVIORAL OR mental health ~~problems~~ DISORDERS or those  
27 health care facilities that have as their only purpose the CARE AND

1 treatment ~~and care~~ of such persons.

2 **SECTION 241.** In Colorado Revised Statutes, **amend** 27-65-131  
3 as follows:

4 **27-65-131. Advisory board - service standards and rules.** ~~There~~  
5 ~~is hereby established~~ An advisory board to the department IS ESTABLISHED  
6 for the purpose of assisting and advising the executive director in  
7 accordance with section 27-65-130 in the development of service  
8 standards and rules. The board ~~shall consist~~ CONSISTS of not less than  
9 eleven nor more than fifteen members appointed by the governor. ~~and~~  
10 ~~shall include~~ THE ADVISORY BOARD INCLUDES one representative each  
11 from ~~the unit in the department that administers behavioral health~~  
12 ~~programs and services, including those related to mental health and~~  
13 ~~substance abuse~~ THE OFFICE OF BEHAVIORAL HEALTH, the department of  
14 human services, the department of public health and environment, the  
15 university of Colorado health sciences center, and a leading professional  
16 association of psychiatrists in this state; at least one member representing  
17 proprietary skilled health care facilities; one member representing  
18 nonprofit health care facilities; one member representing the Colorado bar  
19 association; one member representing consumers of SERVICES FOR  
20 PERSONS WITH BEHAVIORAL OR mental health ~~services~~ DISORDERS; one  
21 member representing families of persons with BEHAVIORAL OR mental  
22 ~~illness~~ HEALTH DISORDERS; one member representing children's health  
23 care facilities; and other persons from both the private and the public  
24 sectors who are recognized or known to be interested and informed in the  
25 area of the board's purpose and function. In making appointments to the  
26 board, the governor is encouraged to include representation by at least  
27 one member who is a person with a disability, as defined in section

1 24-45.5-102 (2), ~~C.R.S.~~, a family member of a person with a disability,  
2 or a member of an advocacy group for persons with disabilities, provided  
3 that the other requirements of this section are met.

4 **SECTION 242.** In Colorado Revised Statutes, 27-66-101, **amend**  
5 the introductory portion, (1), (2) introductory portion, (3), and (6) as  
6 follows:

7 **27-66-101. Definitions.** As used in this ~~article~~ ARTICLE 66, unless  
8 the context otherwise requires:

9 (1) "Acute treatment unit" means a facility or a distinct part of a  
10 facility for short-term psychiatric care, which may include substance  
11 abuse treatment AND TREATMENT FOR SUBSTANCE USE DISORDERS, that  
12 provides a total, twenty-four-hour, therapeutically planned and  
13 professionally staffed environment for persons who do not require  
14 inpatient hospitalization but need more intense and individual services  
15 than are available on an outpatient basis, such as crisis management and  
16 stabilization services.

17 (2) "Community mental health center" means either a physical  
18 plant or a group of services under unified administration or affiliated with  
19 one another, and including at least the following services provided for the  
20 prevention and treatment of BEHAVIORAL OR mental ~~illness~~ HEALTH  
21 DISORDERS in persons residing in a particular community in or near the  
22 facility so situated:

23 (3) "Community mental health clinic" means a health institution  
24 planned, organized, operated, and maintained to provide basic community  
25 services for the prevention, diagnosis, and treatment of emotional, ~~or~~  
26 BEHAVIORAL, OR mental HEALTH disorders, such services being rendered  
27 primarily on an outpatient and consultative basis.

1           (6) ~~"Unit" means the unit in the department that administers~~  
2 ~~behavioral health programs and services, including those related to mental~~  
3 ~~health and substance abuse~~ "OFFICE OF BEHAVIORAL HEALTH" MEANS THE  
4 OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT.

5           **SECTION 243.** In Colorado Revised Statutes, 27-66-105, **amend**  
6 (1) introductory portion, (1)(f), and (2)(e) as follows:

7           **27-66-105. Standards for approval.** (1) In approving or  
8 rejecting community mental health clinics for the purchase of  
9 BEHAVIORAL OR mental health services, the executive director shall:

10           (f) Consider the existence of facilities that provide an emphasis on  
11 the care and treatment of persons recently released from ~~mental~~ hospitals  
12 or ~~institutions~~ FACILITIES directed toward assisting ~~said~~ persons WITH  
13 BEHAVIORAL OR MENTAL HEALTH DISORDERS in their adjustment to and  
14 functioning within society as a whole.

15           (2) In approving or rejecting local general or psychiatric hospitals,  
16 community mental health centers, acute treatment units, and other  
17 agencies for the purchase of services not provided by local mental health  
18 clinics, including, but not limited to, twenty-four-hour and partial  
19 hospitalization, the executive director shall consider the following factors:

20           (e) The methods by which the agency coordinates its services with  
21 those rendered by other agencies to ensure an uninterrupted continuum of  
22 care to persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS;  
23 and

24           **SECTION 244.** In Colorado Revised Statutes, 27-67-103, **amend**  
25 the introductory portion, (2)(a), and (3) introductory portion as follows:

26           **27-67-103. Definitions.** As used in this ~~article~~ ARTICLE 67, unless  
27 the context otherwise requires:

1 (2) "Child at risk of out-of-home placement" means a child who,  
2 although not otherwise categorically eligible for medicaid, meets the  
3 following criteria:

4 (a) Has been diagnosed as having a BEHAVIORAL OR mental ~~illness~~  
5 HEALTH DISORDER, as defined in section ~~27-65-102(14)~~ 27-65-102(11.5);

6 (3) "Community mental health center" means either a physical  
7 plant or a group of services under unified administration or affiliated with  
8 one another and includes at least the following services provided for the  
9 prevention and treatment of BEHAVIORAL OR mental ~~illness~~ HEALTH  
10 DISORDERS in persons residing in a particular community in or near the  
11 facility or group so situated:

12 **SECTION 245.** In Colorado Revised Statutes, 27-69-101, **amend**  
13 (1) introductory portion, (1)(a), (1)(e), and (2) as follows:

14 **27-69-101. Legislative declaration.** (1) The general assembly  
15 ~~hereby~~ finds and declares that:

16 (a) Colorado families and youth have difficulties navigating the  
17 mental AND BEHAVIORAL health, physical health, substance abuse,  
18 INTELLECTUAL AND developmental disabilities, education, juvenile  
19 justice, child welfare, and other state and local systems that are  
20 compounded when the youth has a BEHAVIORAL, mental ~~illness~~ HEALTH,  
21 or co-occurring disorder;

22 (e) A family advocate or a family systems navigator helps state  
23 and local agencies and systems adopt more strengths-based-targeted  
24 programs, policies, and services to better meet the needs of families and  
25 their youth with BEHAVIORAL, mental ~~illness~~ HEALTH, or co-occurring  
26 disorders and improve outcomes for all, including families, youth, and the  
27 agencies they utilize;

1 (2) It is therefore in the state's best interest to develop rules and  
2 standards and provide technical assistance and coordination for the family  
3 advocacy mental health juvenile justice programs for system-of-care  
4 family advocates and family systems navigators for BEHAVIORAL OR  
5 mental health juvenile justice populations who navigate across  
6 BEHAVIORAL OR mental health, physical health, substance abuse,  
7 INTELLECTUAL AND developmental disabilities, juvenile justice,  
8 education, child welfare, and other state and local systems to ensure  
9 sustained and thoughtful family participation in the planning processes of  
10 the care for their children and youth.

11 **SECTION 246.** In Colorado Revised Statutes, 27-69-102, **amend**  
12 the introductory portion and (1); **repeal** (10); and **add** (6.5) as follows:

13 **27-69-102. Definitions.** As used in this ~~article~~ ARTICLE 69, unless  
14 the context otherwise requires:

15 (1) "Co-occurring disorders" means disorders that commonly  
16 coincide with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS and may  
17 include, but are not limited to, substance ~~abuse~~, USE DISORDERS,  
18 INTELLECTUAL AND developmental disabilities, fetal alcohol syndrome,  
19 and traumatic brain injury.

20 (6.5) "OFFICE OF BEHAVIORAL HEALTH" MEANS THE OFFICE OF  
21 BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES.

22 (10) ~~"Unit" means the unit in the department of human services~~  
23 ~~that administers behavioral health programs and services, including those~~  
24 ~~related to mental health and substance abuse.~~

25 **SECTION 247.** In Colorado Revised Statutes, **amend** 27-69-103  
26 as follows:

27 **27-69-103. Programs established.** ~~There are hereby established~~



1 THE family advocacy BEHAVIORAL AND mental health juvenile justice  
2 programs ARE ESTABLISHED for system-of-care family advocates and  
3 family systems navigators for ~~mental health~~ INDIVIDUALS WITH  
4 BEHAVIORAL OR MENTAL HEALTH DISORDERS IN THE juvenile justice  
5 ~~populations that shall~~ POPULATION THAT MUST be implemented and  
6 monitored by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, with input,  
7 cooperation, and support from the division of criminal justice, created in  
8 section 24-33.5-502, ~~C.R.S.~~, the task force created in section 18-1.9-104,  
9 ~~C.R.S.~~, and family advocacy coalitions.

10 **SECTION 248.** In Colorado Revised Statutes, 27-69-104, **amend**  
11 (1), (2), (3) introductory portion, (3)(a), (3)(b), (3)(d) introductory  
12 portion, (3)(d)(III), and (3)(d)(IV) as follows:

13 **27-69-104. Program scope - rules.** (1) The ~~unit~~ OFFICE shall  
14 promulgate rules and standards, after consultation with family advocacy  
15 coalitions and other stakeholders, for family advocacy BEHAVIORAL AND  
16 mental health juvenile justice programs for system-of-care family  
17 advocates and family systems navigators for BEHAVIORAL OR mental  
18 health juvenile justice populations. The programs ~~shall~~ MUST:

19 (a) Focus on youth with BEHAVIORAL, mental ~~illness~~ HEALTH, or  
20 co-occurring disorders who are involved in or at risk of involvement with  
21 the juvenile justice system and be based upon the families' and youths'  
22 strengths; and

23 (b) Provide navigation, crisis response, integrated planning,  
24 transition services, and diversion from the juvenile justice system for  
25 youth with BEHAVIORAL, mental ~~illness~~ HEALTH, or co-occurring  
26 disorders.

27 (2) The ~~unit~~ OFFICE shall provide technical assistance and

1 coordination of family advocacy BEHAVIORAL AND mental health juvenile  
2 justice programs throughout the state that provide system-of-care family  
3 advocates and family systems navigators for BEHAVIORAL OR mental  
4 health juvenile justice populations with support to implement and sustain  
5 programs that best meet the needs of youth, families, and communities.

6 (3) Key components of the family advocacy BEHAVIORAL AND  
7 mental health juvenile justice programs for system-of-care family  
8 advocates and family systems navigators for BEHAVIORAL OR mental  
9 health juvenile justice populations shall include:

10 (a) Coordination with the key stakeholders involved in the local  
11 community to ensure consistent and effective collaboration. This  
12 collaboration may include, but need not be limited to, a family advocacy  
13 organization, representatives of the juvenile court, the probation  
14 department, the district attorney's office, the public defender's office, a  
15 school district, the division of youth corrections within the department of  
16 human services, a county department of social or human services, a local  
17 community mental health center, and a regional behavioral health  
18 organization, and may include representatives of a local law enforcement  
19 agency, a county public health department, a substance abuse USE  
20 DISORDER TREATMENT program, a community-centered board, a local  
21 juvenile services planning committee, and other community partners;

22 (b) Services to youth with BEHAVIORAL, mental illness HEALTH,  
23 or co-occurring disorders who are involved in or at risk of involvement  
24 with the juvenile justice system and other state and local systems;

25 (d) Services provided by system-of-care family advocates or  
26 family systems navigators for BEHAVIORAL OR mental health juvenile  
27 justice populations which services shall MUST include:

1 (III) Education programs related to BEHAVIORAL, mental ~~illness~~  
2 HEALTH, OR co-occurring disorders; youth and family involvement in the  
3 system of care; the juvenile justice system; and other relevant systems;

4 (IV) Cooperative training programs for family advocates or family  
5 systems navigators and for staff, where applicable, of BEHAVIORAL OR  
6 mental health DISORDERS, physical health, substance abuse AND  
7 SUBSTANCE USE DISORDERS, INTELLECTUAL AND developmental  
8 disabilities, education, child welfare, juvenile justice, and other state and  
9 local systems related to the role and partnership between the family  
10 advocates or family systems navigators and the systems ~~that affect~~  
11 AFFECTING youth and their family;

12 **SECTION 249.** In Colorado Revised Statutes, 27-69-105, **amend**  
13 (3) introductory portion, (3)(a), and (3)(b) as follows:

14 **27-69-105. Evaluation and reporting.** (3) As determined by the  
15 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, in consultation with family  
16 advocacy programs, each integrated system-of-care family advocacy  
17 program for ~~mental health~~ INDIVIDUALS WITH BEHAVIORAL OR MENTAL  
18 HEALTH DISORDERS IN THE juvenile justice ~~populations~~ POPULATION shall  
19 forward data to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, including:

20 (a) System utilization outcomes, including, but not limited to,  
21 available data on services provided related to BEHAVIORAL OR mental  
22 health, physical health, juvenile justice, INTELLECTUAL AND  
23 developmental disabilities, substance abuse AND SUBSTANCE USE  
24 DISORDERS, child welfare, traumatic brain injuries, school services, and  
25 co-occurring disorders;

26 (b) Youth and family outcomes, related to, but not limited to,  
27 BEHAVIORAL OR mental health, substance abuse AND SUBSTANCE USE

1 DISORDERS, INTELLECTUAL AND developmental disabilities, juvenile  
2 justice, and traumatic brain injury issues;

3 **SECTION 250.** In Colorado Revised Statutes, 27-80-101, **amend**  
4 the introductory portion and (2); **repeal** (6); and **add** (4.7) as follows:

5 **27-80-101. Definitions.** As used in this ~~article~~ ARTICLE 80, unless  
6 the context otherwise requires:

7 (2) "Designated service area" means the geographical substate  
8 planning area specified by the director of the ~~unit~~ OFFICE OF BEHAVIORAL  
9 HEALTH to be served by a designated managed service organization, as  
10 described in section 27-80-107.

11 (4.7) "OFFICE OF BEHAVIORAL HEALTH" MEANS THE OFFICE OF  
12 BEHAVIORAL HEALTH IN THE DEPARTMENT.

13 (6) ~~"Unit" means the unit in the department that administers~~  
14 ~~behavioral health programs and services, including those related to mental~~  
15 ~~health and substance abuse.~~

16 **SECTION 251.** In Colorado Revised Statutes, 27-80-102, **amend**  
17 (1) introductory portion and (2) as follows:

18 **27-80-102. Duties of the office of behavioral health.** (1) The  
19 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall formulate a comprehensive  
20 state plan for ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER  
21 TREATMENT programs. THE OFFICE OF BEHAVIORAL HEALTH SHALL  
22 SUBMIT the state plan ~~shall be submitted~~ to the governor and, upon his or  
23 her approval, ~~shall be submitted~~ SUBMIT IT to the appropriate United  
24 States agency for review and approval. The state plan ~~shall~~ MUST include,  
25 but not be limited to:

26 (2) The department, acting by and through the ~~unit~~ OFFICE OF  
27 BEHAVIORAL HEALTH, is designated as the sole state agency for the

1 supervision of the administration of the state plan.

2 **SECTION 252.** In Colorado Revised Statutes, 27-80-103, **amend**  
3 (1), (3) introductory portion, (3)(e), (4), and (5) as follows:

4 **27-80-103. Grants for public programs.** (1) The ~~unit~~ OFFICE OF  
5 BEHAVIORAL HEALTH may make grants, from ~~funds~~ MONEY appropriated  
6 by the general assembly for purposes of this section or available from any  
7 other governmental or private source, to approved public programs.

8 (3) In approving any public program, the ~~unit~~ OFFICE OF  
9 BEHAVIORAL HEALTH shall take into consideration the following:

10 (e) ~~Such~~ ANY other information as the ~~unit~~ OFFICE OF BEHAVIORAL  
11 HEALTH deems necessary.

12 (4) Applications for grants made ~~under~~ PURSUANT TO subsection  
13 (1) of this section ~~shall be~~ ARE made to the ~~unit~~ OFFICE OF BEHAVIORAL  
14 HEALTH, on forms furnished by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH,  
15 and ~~shall~~ MUST contain ~~such information as the unit may require~~ ANY  
16 INFORMATION THE OFFICE OF BEHAVIORAL HEALTH REQUIRES. Wherever  
17 possible, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall give priority to  
18 ~~those~~ public programs ~~which~~ THAT are community-based and include  
19 services to children and juveniles as well as adults, that provide a  
20 comprehensive range of services, and that evidence a high degree of  
21 community support, either financial or in the furnishing of services and  
22 facilities, or both.

23 (5) Whenever any department or agency of the state has ~~moneys~~  
24 MONEY available from any source for public programs, ~~such~~ THE  
25 department or agency is authorized to distribute the ~~moneys~~ MONEY in  
26 accordance with the state plan and to make reasonable rules for the  
27 administration of ~~such~~ THE public programs.

1           **SECTION 253.** In Colorado Revised Statutes, 27-80-104, **amend**  
2 (1) introductory portion, (1)(c), and (2) as follows:

3           **27-80-104. Cancellation of grants.** (1) The ~~unit~~ OFFICE OF  
4 BEHAVIORAL HEALTH may cancel ~~any~~ A grant for any public program for  
5 any of the following reasons:

6           (c) The public program does not meet the standards or  
7 requirements adopted by the department or does not conform to the  
8 comprehensive state plan for ~~alcohol and drug abuse~~ SUBSTANCE USE  
9 DISORDER TREATMENT programs.

10           (2) Before canceling a grant for the reasons set forth in ~~paragraph~~  
11 ~~(c) of subsection (1)~~ SUBSECTION (1)(c) of this section, the ~~unit~~ OFFICE OF  
12 BEHAVIORAL HEALTH shall notify the person or agency in charge of the  
13 public program of the deficiency in the program, and ~~such~~ THE person or  
14 agency ~~shall~~ MUST be given a reasonable amount of time ~~within~~ IN which  
15 to correct the deficiency.

16           **SECTION 254.** In Colorado Revised Statutes, **amend** 27-80-106  
17 as follows:

18           **27-80-106. Purchase of prevention and treatment services.**

19 (1) Using ~~funds~~ MONEY appropriated for purposes of this section or  
20 available from any other governmental or private source, the ~~unit~~ OFFICE  
21 OF BEHAVIORAL HEALTH may purchase services for prevention or for  
22 treatment of alcohol and drug abuse OR SUBSTANCE USE DISORDERS or  
23 both types of services on a contract basis from any tribal nation or any  
24 public or private agency, organization, or institution approved by the ~~unit~~  
25 OFFICE OF BEHAVIORAL HEALTH. The services purchased may be any of  
26 those ~~which may be~~ provided through a public program, as set forth in  
27 section 27-80-103 (2). In contracting for services, the ~~unit~~ OFFICE OF

1 BEHAVIORAL HEALTH shall attempt to obtain services that are in addition  
2 to, and not a duplication of, existing available services or services that are  
3 of a pilot or demonstration nature. ~~Any~~ AN agency operating a public  
4 program may also purchase ~~such~~ services on a contract basis.

5 (2) (a) In addition to the services purchased pursuant to subsection  
6 (1) of this section, using ~~funds~~ MONEY appropriated for purposes of this  
7 section or available from any other governmental or private source, the  
8 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may purchase services for the  
9 treatment of alcohol and drug abuse OR SUBSTANCE USE DISORDERS on a  
10 contract basis from a designated managed service organization for a  
11 designated service area as set forth in section 27-80-107. A public or  
12 private agency, organization, or institution approved by the ~~unit~~ OFFICE  
13 OF BEHAVIORAL HEALTH through the process set forth in section  
14 27-80-107 may be designated as a designated managed service  
15 organization.

16 (b) Designated managed service organizations receiving ~~funds~~  
17 MONEY pursuant to this subsection (2) shall comply with all relevant  
18 provisions of ~~this article and the rules promulgated thereunder~~ AND RULES  
19 PROMULGATED PURSUANT TO THIS ARTICLE 80.

20 **SECTION 255.** In Colorado Revised Statutes, 27-80-107, **amend**  
21 (1), (2) introductory portion, (2)(b), (2)(d), (3), (4), (5), (6), and (7) as  
22 follows:

23 **27-80-107. Designation of managed service organizations -**  
24 **purchase of services - revocation of designation.** (1) The director of  
25 the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall establish designated service  
26 areas ~~for the provision of~~ TO PROVIDE SUBSTANCE USE DISORDER  
27 treatment services ~~for alcohol and drug abuse~~ in a particular geographical

1 region of the state.

2 (2) ~~In order~~ To be selected as a designated managed service  
3 organization to provide services in a particular designated service area,  
4 a private corporation; for profit or not for profit; or a public agency,  
5 organization, or institution shall apply to the ~~unit~~ OFFICE OF BEHAVIORAL  
6 HEALTH for ~~such~~ A designation in the form and manner specified by the  
7 executive director or the executive director's designee. ~~Such~~ THE  
8 designation process ~~shall be~~ IS in lieu of a competitive bid process ~~under~~  
9 PURSUANT TO the "Procurement Code", articles 101 to 112 of title 24.  
10 ~~C.R.S.~~ The director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall make  
11 the designation based on factors established by the executive director or  
12 the executive director's designee. The factors for designation established  
13 by the executive director or the executive director's designee ~~shall~~ include  
14 ~~but shall not be limited to~~, the following:

15 (b) Whether the managed service organization has experience  
16 working with publicly funded clients, including expertise in treating  
17 priority populations designated by the ~~unit~~ OFFICE OF BEHAVIORAL  
18 HEALTH;

19 (d) Whether the managed service organization has experience  
20 using the cost-share principles used by the ~~unit~~ OFFICE OF BEHAVIORAL  
21 HEALTH in its contracts with providers and is willing to cost-share;

22 (3) The designation of a managed service organization by the  
23 director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, as described in  
24 subsection (2) of this section, ~~shall be considered~~ IS an initial decision of  
25 the department which may be reviewed by the executive director in  
26 accordance with the provisions of section 24-4-105. ~~C.R.S.~~ Review by the  
27 executive director in accordance with section 24-4-105 ~~C.R.S.~~, ~~shall~~



1 ~~constitute~~ CONSTITUTES final agency action for purposes of judicial  
2 review.

3 (4) The terms and conditions for providing SUBSTANCE USE  
4 DISORDER treatment services ~~shall~~ MUST be specified in the contract  
5 entered into between the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and the  
6 designated managed service organization.

7 (5) The contract may include a provisional designation for ninety  
8 days. At the conclusion of the ninety-day provisional period, the director  
9 of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may choose to revoke the  
10 contract or, subject to meeting the terms and conditions specified in the  
11 contract, may choose to extend the contract for a stated time period.

12 (6) A managed service organization that is designated to serve a  
13 designated service area may subcontract with a network of service  
14 providers to provide treatment services for alcohol and drug abuse AND  
15 SUBSTANCE USE DISORDERS within the particular designated service area.

16 (7) (a) The director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH  
17 may revoke the designation of a designated managed service organization  
18 upon a finding that the managed service organization is in violation of the  
19 performance of the provisions of ~~this article or the rules promulgated~~  
20 ~~thereunder. Such~~ OR RULES PROMULGATED PURSUANT TO THIS ARTICLE 80.  
21 THE revocation ~~shall~~ MUST conform to the provisions and procedures  
22 specified in article 4 of title 24, C.R.S., and ~~shall be made~~ OCCUR only  
23 after notice and an opportunity for a hearing is provided as specified in  
24 ~~that article~~ ARTICLE 4 OF TITLE 24. A hearing to revoke a designation as  
25 a designated managed service organization ~~shall constitute~~ CONSTITUTES  
26 final agency action for purposes of judicial review.

27 (b) Once a designation has been revoked pursuant to ~~paragraph (a)~~

1 of this subsection (7) SUBSECTION (7)(a) OF THIS SECTION, the director of  
2 the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may designate one or more  
3 service providers to provide the treatment services pending designation  
4 of a new designated managed service organization or may enter into  
5 contracts with subcontractors to provide the treatment services.

6 (c) From time to time, the director of the ~~unit~~ OFFICE OF  
7 BEHAVIORAL HEALTH may solicit applications from applicants for  
8 managed service organization designation to provide SUBSTANCE USE  
9 DISORDER treatment services for a specified planning area or areas.

10 **SECTION 256.** In Colorado Revised Statutes, **amend** 27-80-108  
11 as follows:

12 **27-80-108. Rules.** (1) The state board of human services, created  
13 in section 26-1-107, ~~C.R.S.~~, has the power to promulgate rules governing  
14 the provisions of this ~~article.~~ ~~Such~~ ARTICLE 80. THE rules may include, but  
15 ~~shall not be~~ ARE NOT limited to:

16 (a) Requirements ~~to be met in~~ FOR the operation of a public  
17 program, including record keeping and data compilation;

18 (b) Conditions that may be imposed on a public program ~~in order~~  
19 for the program to maintain GRANT eligibility; ~~for a grant;~~

20 (c) Requirements for public and private agencies, organizations,  
21 and institutions from which the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may  
22 purchase services ~~under~~ PURSUANT TO section 27-80-106 (1);

23 (d) Requirements for managed service organizations that are  
24 designated by the director of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH to  
25 provide services in a designated service area ~~under~~ PURSUANT TO section  
26 27-80-106 (2);

27 (e) Standards that ~~must be met by~~ addiction counselors MUST

1 MEET to participate in public programs or to provide purchased services  
2 and certification requirements necessary to be certified by the director of  
3 the division of professions and occupations, pursuant to part 8 of article  
4 43 of title 12; ~~C.R.S.~~;

5 (f) Any rules that are necessary to carry out the purposes of the  
6 treatment program for high-risk pregnant women ~~that is created pursuant~~  
7 ~~to~~ CREATED IN section 27-80-112.

8 **SECTION 257.** In Colorado Revised Statutes, **amend** 27-80-109  
9 as follows:

10 **27-80-109. Coordination of state and federal funds and**  
11 **programs.** (1) ~~All~~ Requests for state appropriations for alcohol and drug  
12 ~~abuse~~ SUBSTANCE USE DISORDER TREATMENT programs ~~shall~~ MUST be  
13 submitted to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and the office of  
14 state planning and budgeting on dates specified by the ~~unit~~ OFFICE OF  
15 BEHAVIORAL HEALTH, consistent with requirements and procedures of the  
16 office of state planning and budgeting. After studying each request, the  
17 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall make a report ~~thereon~~, with its  
18 comments and recommendations, including priorities for appropriations  
19 and a statement as to whether the requested appropriation would be  
20 consistent with the comprehensive state plan for alcohol and drug abuse  
21 SUBSTANCE USE DISORDER TREATMENT programs. ~~The reports of the unit~~  
22 ~~shall be submitted~~ OFFICE OF BEHAVIORAL HEALTH SHALL SUBMIT ITS  
23 REPORTS to the governor, the office of state planning and budgeting, and  
24 the joint budget committee, together with all pertinent material on which  
25 the REPORT'S recommendations ~~of the unit~~ are based.

26 (2) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall also review  
27 applications for federal grants for alcohol and drug abuse SUBSTANCE USE

1 DISORDER TREATMENT programs submitted by any department or agency  
2 of state government; ~~by any~~ political subdivision of the state; ~~by any~~  
3 Indian tribal reservation; or ~~by any~~ other public or private agency,  
4 organization, or institution. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall  
5 transmit to the division of planning and to the appropriate United States  
6 agency its comments and recommendations, together with a statement as  
7 to whether the grant would be consistent with the comprehensive state  
8 plan for ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER TREATMENT  
9 programs.

10 **SECTION 258.** In Colorado Revised Statutes, **amend** 27-80-110  
11 as follows:

12 **27-80-110. Reports.** The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH  
13 shall submit a report, not later than November 1 of each year, to the  
14 health and human services committees of the senate and house of  
15 representatives, or any successor committees, on the costs and  
16 effectiveness of ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDER  
17 programs in this state and on recommended legislation in the field of  
18 alcohol and drug abuse AND SUBSTANCE USE DISORDERS.

19 **SECTION 259.** In Colorado Revised Statutes, **amend** 27-80-111  
20 as follows:

21 **27-80-111. Counselor training - fund created.** (1) The  
22 executive director shall establish by rule fees to be charged for addiction  
23 counselor training. The amount assessed ~~shall~~ MUST be sufficient to cover  
24 a portion of the costs of administering ~~such~~ THE training, and the ~~moneys~~  
25 MONEY collected ~~therefor shall~~ MUST be deposited in the addiction  
26 counselor training fund. Additional funding may be obtained from  
27 general, cash, or federal funds otherwise appropriated to the ~~unit~~ OFFICE

1 OF BEHAVIORAL HEALTH.

2 (2) There is hereby created in the office of the state treasurer the  
3 addiction counselor training fund. ~~Moneys~~ FUND, REFERRED TO IN THIS  
4 SECTION AS THE "FUND". MONEY collected pursuant to subsection (1) of  
5 this section shall be deposited in the fund. The ~~moneys~~ MONEY in the fund  
6 shall be IS subject to annual appropriation by the general assembly to the  
7 department for allocation to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH for  
8 the administration of addiction counselor training requirements  
9 established by rules of the state board of human services pursuant to  
10 section 27-80-108 (1)(e). ~~Moneys~~ MONEY in the fund at the end of the  
11 fiscal year shall MUST remain in the fund and shall not revert to the  
12 general fund.

13 **SECTION 260.** In Colorado Revised Statutes, **amend** 27-80-113  
14 as follows:

15 **27-80-113. Substance use and addiction counseling and**  
16 **treatment - necessary components.** Any entity that qualifies to provide  
17 services pursuant to section 25.5-5-202 (1)(r) ~~C.R.S.~~, in regard to the  
18 treatment program for high-risk pregnant women, shall make available,  
19 in addition to ~~alcohol and drug~~ SUBSTANCE USE and addiction counseling  
20 and treatment: Risk assessment services; care coordination; nutrition  
21 assessment; psychosocial counseling; intensive health education,  
22 including ~~but not limited to~~ parenting education and education on risk  
23 factors and appropriate health behaviors; home visits; transportation  
24 services; and other services deemed necessary by the ~~unit~~ OFFICE OF  
25 BEHAVIORAL HEALTH and the department of health care policy and  
26 financing.

27 **SECTION 261.** In Colorado Revised Statutes, 27-80-116, **amend**

1 (1) introductory portion and (1)(b.5) as follows:

2 **27-80-116. Fetal alcohol spectrum disorders - legislative**  
3 **declaration - health warning signs.** (1) The general assembly hereby  
4 finds and declares that:

5 (b.5) Compared to individuals diagnosed before age twelve,  
6 individuals with undiagnosed FASD are two to four times more likely to  
7 suffer from inappropriate sexual behavior; disrupted school experiences;  
8 trouble with the law; ~~drug and alcohol~~ AND SUBSTANCE problems or  
9 disorders; or confinement in a jail, ~~mental~~ A hospital OR TREATMENT  
10 FACILITY FOR PERSONS WITH BEHAVIORAL OR MENTAL HEALTH DISORDERS,  
11 or ~~drug and alcohol~~ A SUBSTANCE USE DISORDER treatment facility;

12 **SECTION 262.** In Colorado Revised Statutes, 27-80-117, **amend**  
13 (2) and (3) as follows:

14 **27-80-117. Rural alcohol and substance abuse prevention and**  
15 **treatment program - creation - administration - definitions - cash**  
16 **fund - repeal.** (2) (a) (I) There is hereby created the rural alcohol and  
17 substance abuse prevention and treatment program ~~within the unit~~ IN THE  
18 OFFICE OF BEHAVIORAL HEALTH to provide:

19 (A) Prevention and treatment services to youth in rural areas.  
20 ~~which~~ THE services may include ~~but need not be limited to~~ providing  
21 alternative activities for youth through the rural youth alcohol and  
22 substance abuse prevention and treatment project; and

23 (B) Treatment services ~~to persons addicted to alcohol or drugs~~  
24 through the rural detoxification project FOR PERSONS WITH SUBSTANCE  
25 USE DISORDERS.

26 (II) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall administer the  
27 program pursuant to rules adopted by the state board of human services

1 as of January 1, 2010, or as amended by the state board. ~~thereafter.~~

2 (b) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall incorporate  
3 provisions to implement the program into its regular contracting  
4 mechanism for the purchase of prevention and treatment services  
5 pursuant to section 27-80-106, including ~~but not limited to~~ detoxification  
6 programs. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall develop a  
7 method to equitably distribute and provide additional ~~moneys~~ MONEY  
8 through contracts to provide for prevention services for and treatment of  
9 persons in rural areas.

10 (c) Notwithstanding any provision of this section to the contrary,  
11 the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall implement the program on  
12 or after January 1, 2011, subject to the availability of sufficient ~~moneys~~  
13 MONEY to operate an effective program, as determined by the ~~unit~~ OFFICE.

14 (3) (a) There is created in the state treasury the rural alcohol and  
15 substance abuse cash fund, referred to in this section as the "fund", that  
16 consists of the rural youth alcohol and substance abuse prevention and  
17 treatment account, referred to in this section as the "youth account", and  
18 the rural detoxification account, referred to in this section as the  
19 "detoxification account". The fund is comprised of ~~moneys~~ MONEY  
20 collected from surcharges assessed pursuant to sections 18-19-103.5,  
21 42-4-1307 (10)(d)(I), and 42-4-1701 (4)(f). ~~C.R.S., which moneys shall~~  
22 THE MONEY COLLECTED FROM THE SURCHARGES MUST be divided equally  
23 between the youth account and the detoxification account. ~~and any~~  
24 ~~moneys~~ THE FUND ALSO INCLUDES ANY MONEY credited to the fund  
25 pursuant to ~~paragraph (b) of this subsection (3), which moneys shall~~  
26 SUBSECTION (3)(b) OF THIS SECTION. MONEY IN THE FUND CREDITED  
27 PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION MUST be divided

1 equally between the youth account and the detoxification account unless  
2 the grantee or donor specifies to which account the grant, gift, or donation  
3 is to be credited. The ~~moneys~~ MONEY in the fund ~~are~~ IS subject to annual  
4 appropriation by the general assembly to the ~~unit~~ OFFICE OF BEHAVIORAL  
5 HEALTH for the purpose of implementing the program. All interest derived  
6 from the deposit and investment of ~~moneys~~ MONEY in the fund remains  
7 in the fund. Any unexpended or unencumbered ~~moneys~~ MONEY remaining  
8 in the fund at the end of a fiscal year ~~remain~~ REMAINS in the fund and  
9 shall not be transferred or credited to the general fund or another fund;  
10 except that any unexpended and unencumbered ~~moneys~~ MONEY remaining  
11 in the fund as of August 30, 2025, ~~shall be~~ IS credited to the general fund.

12 (b) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH is authorized to  
13 accept ~~any~~ grants, gifts, or donations from any private or public source on  
14 behalf of the state for the purpose of the program. The ~~unit~~ OFFICE OF  
15 BEHAVIORAL HEALTH shall transmit all private and public ~~moneys~~ MONEY  
16 received through grants, gifts, or donations to the state treasurer, who  
17 shall credit the same to the fund.

18 **SECTION 263.** In Colorado Revised Statutes, 27-80-203, **amend**  
19 (9), (14), and (25); **repeal** (1) and (2); and **add** (23.3) and (23.5) as  
20 follows:

21 **27-80-203. Definitions.** As used in this part 2, unless the context  
22 otherwise requires:

23 (1) ~~"Addict" means a person who has a physical or psychological~~  
24 ~~dependence on a controlled substance, which dependence develops~~  
25 ~~following the use of the controlled substance on a periodic or continuing~~  
26 ~~basis and is demonstrated by appropriate observation and tests by a~~  
27 ~~person licensed to practice medicine pursuant to article 36 of title 12.~~



1 C.R.S.

2 (2) "Addiction program" means a program licensed under this part  
3 2 for the detoxification, withdrawal, or maintenance treatment of addicts.

4 (9) "Detoxification treatment" means a program for a short term  
5 of not more than three weeks for the administering or dispensing, in  
6 decreasing doses, of a controlled substance to ~~an addict~~ A PERSON WITH  
7 A SUBSTANCE USE DISORDER while he or she is receiving appropriate  
8 supportive medical treatment, with the immediate goal being to render the  
9 ~~addict~~ PERSON no longer dependent on the intake of any amount of a  
10 controlled substance.

11 (14) "Maintenance treatment" means a program of more than six  
12 months' duration for the administering or dispensing of a controlled  
13 substance, approved for such use by federal law or regulation, to ~~an addict~~  
14 A PERSON WITH A SUBSTANCE USE DISORDER for the purpose of continuing  
15 his or her dependence upon a controlled substance in the course of  
16 conducting an authorized rehabilitation program for ~~addicts~~ PERSONS  
17 WITH SUBSTANCE USE DISORDERS, with a long-term goal of decreasing the  
18 ~~addict's~~ PERSON'S controlled substance dependency and leading to his or  
19 her possible withdrawal.

20 (23.3) "SUBSTANCE USE DISORDER" MEANS A PHYSICAL OR  
21 PSYCHOLOGICAL DEPENDENCE ON A CONTROLLED SUBSTANCE THAT  
22 DEVELOPS FOLLOWING THE USE OF THE CONTROLLED SUBSTANCE ON A  
23 PERIODIC OR CONTINUING BASIS AND IS DEMONSTRATED BY APPROPRIATE  
24 OBSERVATION AND TESTS BY A PERSON LICENSED TO PRACTICE MEDICINE  
25 PURSUANT TO ARTICLE 36 OF TITLE 12.

26 (23.5) "SUBSTANCE USE DISORDER TREATMENT PROGRAM" MEANS  
27 A PROGRAM LICENSED PURSUANT TO THIS PART 2 FOR THE

1 DETOXIFICATION, WITHDRAWAL, OR MAINTENANCE TREATMENT OF A  
2 PERSON WITH A SUBSTANCE USE DISORDER.

3 (25) "Withdrawal treatment" means a program for an intermediate  
4 term, of more than three weeks but less than six months, for the  
5 administering or dispensing, in decreasing doses, of a controlled  
6 substance, approved for such use by federal law or regulation, to ~~an addict~~  
7 A PERSON WITH A SUBSTANCE USE DISORDER while receiving rehabilitative  
8 measures as indicated, with the immediate goal being to render the ~~addict~~  
9 PERSON WITH THE SUBSTANCE USE DISORDER no longer dependent on the  
10 intake of any amount of a controlled substance.

11 **SECTION 264.** In Colorado Revised Statutes, 27-80-204, **amend**  
12 (1)(a) and (1)(b)(II) as follows:

13 **27-80-204. License required - controlled substances - repeal.**

14 (1) (a) In accordance with part 3 of article 18 of title 18, ~~C.R.S., an~~  
15 ~~addiction~~ A SUBSTANCE USE DISORDER TREATMENT program that  
16 compounds, administers, or dispenses a controlled substance shall  
17 annually obtain a license issued by the department for each place of  
18 business or professional practice located in this state.

19 (b) (II) Prior to the repeal, the department of regulatory agencies  
20 shall review the licensing functions of the department as provided in  
21 section 24-34-104. ~~C.R.S.~~ In conducting the review, the department of  
22 regulatory agencies shall consider whether the licensing pursuant to this  
23 subsection (1) should be combined with the licensing of any other ~~drug~~  
24 ~~and alcohol addiction~~ SUBSTANCE USE DISORDER treatment programs by  
25 the department.

26 **SECTION 265.** In Colorado Revised Statutes, 27-80-205, **amend**  
27 (1) introductory portion and (3)(a.5) as follows:

1           **27-80-205. Issuance of license - fees.** (1) The department, as  
2 provided in section 27-80-204 (1), shall issue the appropriate license to  
3 each researcher and ~~addiction~~ SUBSTANCE USE DISORDER TREATMENT  
4 program meeting all the requirements of this part 2 unless it determines  
5 that the issuance of the license would be inconsistent with the public  
6 interest. In determining the public interest, the department shall consider  
7 the following factors:

8           (3) (a.5) The department may administratively set initial and  
9 annual license fees for ~~addiction~~ SUBSTANCE USE DISORDER TREATMENT  
10 programs to approximate the direct and indirect costs of the program.

11           **SECTION 266.** In Colorado Revised Statutes, 27-80-213, **amend**  
12 (2) as follows:

13           **27-80-213. Rules.** (2) The department shall promulgate rules, in  
14 accordance with article 4 of title 24, ~~C.R.S.~~, for research programs and for  
15 the conduct of detoxification treatment, maintenance treatment, and  
16 withdrawal treatment programs for ~~controlled substance addiction~~  
17 SUBSTANCE USE DISORDERS RELATED TO CONTROLLED SUBSTANCES.

18           **SECTION 267.** In Colorado Revised Statutes, **amend** 27-81-101  
19 as follows:

20           **27-81-101. Legislative declaration.** (1) It is the policy of this  
21 state that ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and  
22 intoxicated persons may not be subjected to criminal prosecution because  
23 of their consumption of alcoholic beverages but rather should be afforded  
24 a continuum of treatment ~~in order that~~ SO they may lead normal lives as  
25 productive members of society. The general assembly ~~hereby~~ finds and  
26 declares that ~~alcoholism~~ ALCOHOL USE DISORDERS and intoxication are  
27 matters of statewide concern.

1           (2) With the passage of this ~~article~~ ARTICLE 81 at its first regular  
2 session in 1973, the forty-ninth general assembly ~~has~~ recognized the  
3 character and pervasiveness of alcohol abuse and ~~alcoholism~~ ALCOHOL  
4 USE DISORDERS and that public intoxication and ~~alcoholism~~ ALCOHOL USE  
5 DISORDERS are health problems that should be handled by public health  
6 rather than criminal procedures. The general assembly further finds and  
7 declares that no other health problem has been so seriously neglected and  
8 that, while the costs of dealing with the problem are burdensome, the  
9 social and economic costs and the waste of human resources caused by  
10 alcohol abuse and ~~alcoholism~~ ALCOHOL USE DISORDERS are massive,  
11 tragic, and no longer acceptable. The general assembly believes that the  
12 best interests of this state demand an across-the-board AND locally  
13 oriented attack on the PROBLEM OF massive alcohol abuse and ~~alcoholism~~  
14 ~~problem~~ ALCOHOL USE DISORDERS and that this ~~article~~ ARTICLE 81 will  
15 provide a base from which to launch the attack and reduce the tragic  
16 human loss, but only if adequately funded. Therefore, in response to the  
17 needs as determined by an ad hoc committee and to assist in the  
18 implementation of this ~~article~~ ARTICLE 81 at both the local and state level,  
19 the general assembly hereby appropriates ~~moneys~~ MONEY for: Receiving  
20 and screening centers and their staffs; medical detoxification; intensive  
21 treatment; halfway house care; outpatient rehabilitative therapy;  
22 orientation, education, and in-service training; staff for the administration,  
23 monitoring, and evaluation of the program; and operating costs for patient  
24 transportation.

25           **SECTION 268.** In Colorado Revised Statutes, 27-81-102, **amend**  
26 the introductory portion, (1), (3), (6), and (14); **repeal** (15); and **add**  
27 (13.5) as follows:

1           **27-81-102. Definitions.** As used in this ~~article~~ ARTICLE 81, unless  
2 the context otherwise requires:

3           (1) ~~"Alcoholic" means a person who habitually lacks self-control~~  
4 ~~as to the use of alcoholic beverages or uses alcoholic beverages to the~~  
5 ~~extent that his or her health is substantially impaired or endangered or his~~  
6 ~~or her social or economic function is substantially disrupted. Nothing in~~  
7 ~~this subsection (1) shall preclude the denomination of an alcoholic as~~  
8 ~~intoxicated by alcohol or incapacitated by alcohol~~ "ALCOHOL USE  
9 DISORDER" MEANS A CONDITION BY WHICH A PERSON HABITUALLY LACKS  
10 SELF-CONTROL AS TO THE USE OF ALCOHOLIC BEVERAGES OR USES  
11 ALCOHOLIC BEVERAGES TO THE EXTENT THAT HIS OR HER HEALTH IS  
12 SUBSTANTIALLY IMPAIRED OR ENDANGERED OR HIS OR HER SOCIAL OR  
13 ECONOMIC FUNCTION IS SUBSTANTIALLY DISRUPTED. NOTHING IN THIS  
14 SUBSECTION (1) PRECLUDES THE DENOMINATION OF A PERSON WITH AN  
15 ALCOHOL USE DISORDER AS INTOXICATED BY ALCOHOL OR INCAPACITATED  
16 BY ALCOHOL.

17           (3) "Approved public treatment facility" means a treatment agency  
18 operating under the direction and control of or approved by the ~~unit~~  
19 OFFICE OF BEHAVIORAL HEALTH or providing treatment ~~under this article~~  
20 PURSUANT TO THIS ARTICLE 81 through a contract with the ~~unit~~ ~~under~~  
21 OFFICE OF BEHAVIORAL HEALTH PURSUANT TO section 27-81-105 (7) and  
22 meeting the standards prescribed in section 27-81-106 (1) and approved  
23 ~~under~~ PURSUANT TO section 27-81-106.

24           (6) "Director" means the director of the ~~unit~~ OFFICE OF  
25 BEHAVIORAL HEALTH.

26           (13.5) "OFFICE OF BEHAVIORAL HEALTH" MEANS THE OFFICE OF  
27 BEHAVIORAL HEALTH IN THE DEPARTMENT.

1 (14) "Treatment" means the broad range of emergency, outpatient,  
2 intermediate, and inpatient services and care, including diagnostic  
3 evaluation, medical, psychiatric, psychological, and social service care,  
4 vocational rehabilitation, and career counseling that may be extended to  
5 ~~alcoholics~~ A PERSON WITH AN ALCOHOL USE DISORDER and intoxicated  
6 persons.

7 (15) ~~"Unit" means the unit in the department that administers~~  
8 ~~behavioral health programs and services, including those related to mental~~  
9 ~~health and substance abuse.~~

10 **SECTION 269.** In Colorado Revised Statutes, 27-81-103, **amend**  
11 (1) introductory portion, (1)(a), (1)(b), (1)(d), (1)(e), and (1)(h) as  
12 follows:

13 **27-81-103. Powers of the office of behavioral health.** (1) To  
14 carry out the purposes of this ~~article, the unit~~ ARTICLE 81, THE OFFICE OF  
15 BEHAVIORAL HEALTH may:

16 (a) Plan, establish, and maintain ALCOHOL USE DISORDER  
17 treatment programs as necessary or desirable;

18 (b) Make contracts necessary or incidental to the performance of  
19 its duties and the execution of its powers, including contracts with public  
20 and private agencies, organizations, and individuals to pay them for  
21 services rendered or furnished to ~~alcoholics~~ PERSONS WITH ALCOHOL USE  
22 DISORDERS or intoxicated persons;

23 (d) Administer or supervise the administration of the provisions  
24 relating to ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and  
25 intoxicated persons of any state plan submitted for federal funding  
26 pursuant to federal health, welfare, or treatment legislation;

27 (e) Coordinate its activities and cooperate with ~~alcoholism~~

1 ALCOHOL USE DISORDER TREATMENT programs in this state and other  
2 states and make contracts and other joint or cooperative arrangements  
3 with state, local, or private agencies in this state and other states for the  
4 treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and  
5 intoxicated persons and for the common advancement of ~~alcoholism~~  
6 ALCOHOL USE DISORDER TREATMENT programs;

7 (h) Acquire, hold, or dispose of real property, or any interest  
8 therein, and construct, lease, or otherwise provide ALCOHOL USE  
9 DISORDER treatment facilities for ~~alcoholics~~ PERSONS WITH ALCOHOL USE  
10 DISORDERS and intoxicated persons.

11 **SECTION 270.** In Colorado Revised Statutes, **amend** 27-81-104  
12 as follows:

13 **27-81-104. Duties of the office of behavioral health - review.**

14 (1) In addition to duties prescribed by section 27-80-102, the ~~unit~~ OFFICE  
15 OF BEHAVIORAL HEALTH shall:

16 (a) Develop, encourage, and foster statewide, regional, and local  
17 plans and programs for the prevention of ~~alcoholism~~ ALCOHOL USE  
18 DISORDERS and treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE  
19 DISORDERS and intoxicated persons in cooperation with public and private  
20 agencies, organizations, and individuals and provide technical assistance  
21 and consultation services for these purposes;

22 (b) Coordinate the efforts and enlist the assistance of all public  
23 and private agencies, organizations, and individuals interested in  
24 prevention of ~~alcoholism~~ ALCOHOL USE DISORDERS and treatment of  
25 ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and intoxicated  
26 persons;

27 (c) Utilize community mental health centers and clinics whenever

1 feasible;

2 (d) Cooperate with the department of corrections in establishing  
3 and conducting programs for the prevention of ~~alcoholism~~ ALCOHOL USE  
4 DISORDERS and treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE  
5 DISORDERS and intoxicated persons in appropriate agencies and  
6 institutions and for ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS  
7 and intoxicated persons in or on parole from correctional institutions and  
8 in carrying out duties specified ~~under paragraphs (i) and (k) of this~~  
9 ~~subsection (1)~~ IN SUBSECTIONS (1)(i) AND (1)(k) OF THIS SECTION;

10 (e) Cooperate with the department of education, schools, police  
11 departments, courts, and other public and private agencies, organizations,  
12 and individuals in establishing programs for the prevention of ~~alcoholism~~  
13 ALCOHOL USE DISORDERS and treatment of ~~alcoholics~~ PERSONS WITH  
14 ALCOHOL USE DISORDERS and intoxicated persons and preparing  
15 curriculum materials ~~thereon~~ for use at all levels of school education;

16 (f) Prepare, publish, evaluate, and disseminate educational  
17 material dealing with the nature and effects of alcohol;

18 (g) Develop and implement, as an integral part of ALCOHOL USE  
19 DISORDER treatment programs, an educational program for use in the  
20 treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and  
21 intoxicated persons. ~~which~~ THE program ~~shall~~ MUST include the  
22 dissemination of information concerning the nature and effects of alcohol;

23 (h) Organize and foster training programs for all persons engaged  
24 in treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS and  
25 intoxicated persons;

26 (i) Sponsor and encourage research into the causes and nature of  
27 ~~alcoholism~~ ALCOHOL USE DISORDERS and treatment of ~~alcoholics~~ PERSONS



1 WITH ALCOHOL USE DISORDERS and intoxicated persons, and serve as a  
2 clearinghouse for information relating to ~~alcoholism~~ ALCOHOL USE  
3 DISORDERS;

4 (j) Specify uniform methods for keeping statistical information by  
5 public and private agencies, organizations, and individuals and collect  
6 and make available relevant statistical information, including number of  
7 persons treated, frequency of admission and readmission, and frequency  
8 and duration of treatment;

9 (k) Advise the governor in the preparation of a comprehensive  
10 plan for treatment of ~~alcoholics~~ PERSONS WITH ALCOHOL USE DISORDERS  
11 and intoxicated persons for inclusion in the state's comprehensive health  
12 plan;

13 (l) Review all state health, welfare, and treatment plans to be  
14 submitted for federal funding under federal legislation and advise the  
15 governor on provisions to be included relating to ~~alcoholism~~ ALCOHOL  
16 USE DISORDERS, PERSONS WITH ALCOHOL USE DISORDERS, and intoxicated  
17 persons;

18 (m) Assist in the development of, and cooperate with, alcohol  
19 education and treatment programs for employees of state and local  
20 governments and businesses and industries in this state;

21 (n) Utilize the support and assistance of interested persons in the  
22 community, particularly ~~recovered alcoholics~~ PERSONS WITH ALCOHOL  
23 USE DISORDERS THAT ARE IN REMISSION, to encourage ~~alcoholics~~ PERSONS  
24 WITH ALCOHOL USE DISORDERS TO voluntarily ~~to~~ undergo treatment;

25 (o) Cooperate with the department of transportation in  
26 establishing and conducting programs designed to deal with the problem  
27 of persons operating motor vehicles while under the influence of, or

1 impaired by, alcohol;

2 (p) Encourage general hospitals and other appropriate health  
3 facilities to admit without discrimination ~~alcoholics~~ PERSONS WITH  
4 ALCOHOL USE DISORDERS and intoxicated persons and to provide them  
5 with adequate and appropriate treatment;

6 (q) Encourage all health and disability insurance programs to  
7 include ~~alcoholism~~ ALCOHOL USE DISORDERS as a covered illness; and

8 (r) Submit to the governor an annual report covering the activities  
9 of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH.

10 **SECTION 271.** In Colorado Revised Statutes, **amend** 27-81-105  
11 (1), (2) introductory portion, (3), (4), and (7) as follows:

12 **27-81-105. Comprehensive program for treatment - regional**  
13 **facilities.** (1) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall establish a  
14 comprehensive and coordinated program for the treatment of ~~alcoholics~~  
15 PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons.

16 (2) Insofar as ~~funds~~ MONEY available to the ~~unit will permit~~  
17 OFFICE OF BEHAVIORAL HEALTH PERMITS, the program established in  
18 subsection (1) of this section ~~shall~~ MUST include all of the following:

19 (3) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall provide ~~for~~  
20 adequate and appropriate treatment for ~~alcoholics~~ PERSONS WITH  
21 ALCOHOL USE DISORDERS and intoxicated persons admitted ~~under~~  
22 PURSUANT TO sections 27-81-109 to 27-81-112. Except as otherwise  
23 provided in section 27-81-111, treatment may not be provided at a  
24 correctional institution, except for inmates.

25 (4) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall maintain,  
26 supervise, and control all facilities ~~operated by~~ it OPERATES subject to  
27 policies of the department. The administrator of each facility shall make

1 an annual report of ~~its~~ THE FACILITY'S activities to the director in the form  
2 and manner SPECIFIED BY the director. ~~specifies.~~

3 (7) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may contract for the  
4 use of any facility as an approved public treatment facility if the director,  
5 subject to the policies of the department, considers ~~this~~ IT to be an  
6 effective and economical course to follow.

7 **SECTION 272.** In Colorado Revised Statutes, **amend** 27-81-106  
8 as follows:

9 **27-81-106. Standards for public and private treatment**  
10 **facilities - fees - enforcement procedures - penalties.** (1) In accordance

11 with the provisions of this ~~article, the unit~~ ARTICLE 81, THE OFFICE OF  
12 BEHAVIORAL HEALTH shall establish standards for approved treatment  
13 facilities that receive public funds. ~~The standards shall be met for a~~  
14 ~~treatment facility to be approved as~~ A TREATMENT FACILITY SHALL MEET  
15 THE ESTABLISHED STANDARDS TO BE APPROVED AS a public or private  
16 treatment facility. The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall fix the  
17 fees to be charged for the required inspections. The fees ~~that are~~ charged  
18 to approved treatment facilities that provide level I and level II programs,  
19 as provided in section 42-4-1301.3 (3)(c), ~~C.R.S., shall~~ MUST be  
20 transmitted to the state treasurer, who shall credit the fees to the alcohol  
21 and drug driving safety program fund created in section 42-4-1301.3  
22 (4)(a). ~~C.R.S.~~ The standards may concern only ~~the~~ health standards to be  
23 met and standards of treatment to be afforded patients and ~~shall~~ MUST  
24 reflect the success criteria established by the general assembly.

25 (2) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH SHALL periodically  
26 ~~shall~~ inspect approved public and private treatment facilities at reasonable  
27 times and in a reasonable manner.

1           (3) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall maintain a list  
2 of approved public and private treatment facilities.

3           (4) Each approved public and private treatment facility shall file  
4 with the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, on request, data, statistics,  
5 schedules, and ANY OTHER information the ~~unit~~ OFFICE reasonably  
6 requires. THE DIRECTOR SHALL REMOVE FROM THE LIST OF APPROVED  
7 TREATMENT FACILITIES an approved public or private treatment facility  
8 that fails, without good cause, to furnish any data, statistics, schedules, or  
9 OTHER information, as requested, or files fraudulent returns. ~~thereof shall~~  
10 ~~be removed from the list of approved treatment facilities.~~

11           (5) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, after hearing, may  
12 suspend, revoke, limit, restrict, or refuse to grant an approval for failure  
13 to meet its standards.

14           (6) The district court may restrain any violation of, review any  
15 denial, restriction, or revocation of approval under, and grant other relief  
16 required to enforce the provisions of this section.

17           (7) Upon petition of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and  
18 after a hearing held upon reasonable notice to the facility, the district  
19 court may issue a warrant to an officer or employee of the ~~unit~~ OFFICE OF  
20 BEHAVIORAL HEALTH authorizing him or her to enter and inspect at  
21 reasonable times, and examine the books and accounts of, any approved  
22 public or private treatment facility ~~refusing~~ THAT REFUSES to consent to  
23 inspection or examination by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH or  
24 which the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH has reasonable cause to  
25 believe is operating in violation of this ~~article~~ ARTICLE 81.

26           **SECTION 273.** In Colorado Revised Statutes, 27-81-107, **amend**  
27 (1), (2) introductory portion, and (3) as follows:

1           **27-81-107. Compliance with local government zoning**  
2 **regulations - notice to local governments - provisional approval.**

3 (1) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall require any residential  
4 treatment facility seeking approval as a public or private treatment facility  
5 pursuant to this ~~article~~ ARTICLE 81 to comply with any applicable zoning  
6 regulations of the municipality, city and county, or county where the  
7 facility is situated. Failure to comply with applicable zoning regulations  
8 ~~shall constitute~~ CONSTITUTES grounds for the denial of approval of a  
9 facility.

10           (2) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall assure that  
11 timely written notice is provided to the municipality, city and county, or  
12 county where a residential treatment facility is situated, including the  
13 address of the facility and the population and number of persons to be  
14 served by the facility, when any of the following occurs:

15           (3) In the event of a zoning or other delay or dispute between a  
16 residential treatment facility and the municipality, city and county, or  
17 county where the facility is situated, the ~~unit~~ OFFICE OF BEHAVIORAL  
18 HEALTH may grant provisional approval of the facility for up to one  
19 hundred twenty days pending resolution of the delay or dispute.

20           **SECTION 274.** In Colorado Revised Statutes, 27-81-108, **amend**  
21 (1) introductory portion as follows:

22           **27-81-108. Acceptance for treatment - rules.** (1) The director  
23 shall adopt and may amend and repeal rules for acceptance of persons  
24 into the treatment program, considering available treatment resources and  
25 facilities, for the purpose of early and effective treatment of ~~alcoholics~~  
26 PERSONS WITH ALCOHOL USE DISORDERS and intoxicated persons. In  
27 establishing the rules, the director shall be guided by the following

1 standards:

2 **SECTION 275.** In Colorado Revised Statutes, 27-81-109, **amend**  
3 (1) and (3) as follows:

4 **27-81-109. Voluntary treatment of persons with alcohol use**  
5 **disorders.** (1) ~~An alcoholic~~ A PERSON WITH AN ALCOHOL USE DISORDER,  
6 including a minor, may apply for voluntary treatment directly to an  
7 approved treatment facility.

8 (3) If a patient receiving inpatient care leaves an approved  
9 treatment facility, he or she ~~shall~~ MUST be encouraged to consent to  
10 appropriate outpatient or intermediate treatment. If it appears to the  
11 administrator in charge of the treatment facility that the patient is ~~an~~  
12 ~~alcoholic~~ A PERSON WITH AN ALCOHOL USE DISORDER and requires help,  
13 the administrator may arrange for assistance in obtaining supportive  
14 services and residential facilities.

15 **SECTION 276.** In Colorado Revised Statutes, 27-81-112, **amend**  
16 (1), (3), (5), (6), (7), (8), (10), and (11) as follows:

17 **27-81-112. Involuntary commitment of a person with an**  
18 **alcohol use disorder.** (1) THE COURT MAY COMMIT A PERSON ~~may be~~  
19 ~~committed~~ to the custody of the ~~unit by the court~~ OFFICE OF BEHAVIORAL  
20 HEALTH upon the petition of the person's spouse or guardian, a relative,  
21 a physician, an advanced practice nurse, the administrator in charge of  
22 ~~any~~ AN approved treatment facility, or any other responsible person. The  
23 petition ~~shall~~ MUST allege that the person is ~~an alcoholic~~ A PERSON WITH  
24 AN ALCOHOL USE DISORDER and that the person has threatened or  
25 attempted to inflict or inflicted physical harm on himself or herself or on  
26 another and that unless committed the person is likely to inflict physical  
27 harm on himself or herself or on another or that the person is

1 incapacitated by alcohol. A refusal to undergo treatment does not  
2 constitute evidence of lack of judgment as to the need for treatment. The  
3 petition ~~shall~~ MUST be accompanied by a certificate of a licensed  
4 physician who has examined the person within two days before  
5 submission of the petition, unless the person whose commitment is sought  
6 has refused to submit to a medical examination, in which case the fact of  
7 refusal ~~shall~~ MUST be alleged in the petition. The certificate ~~shall~~ MUST  
8 set forth the physician's findings in support of the PETITION'S allegations.  
9 ~~of the petition.~~

10 (3) Upon ~~the filing of~~ the petition, the court shall fix a date for a  
11 hearing no later than ten days after the date the petition was filed. A copy  
12 of the petition and ~~of~~ the notice of the hearing, including the date fixed  
13 by the court, ~~shall~~ MUST be personally served on the petitioner, the person  
14 whose commitment is sought, and one of his or her parents or his or her  
15 legal guardian if he or she is a minor. A copy of the petition and notice of  
16 hearing ~~shall~~ MUST be mailed to the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH,  
17 to counsel for the person whose commitment is sought, to the  
18 administrator in charge of the approved treatment facility to which the  
19 person may have been committed for emergency treatment, and to any  
20 other person the court believes advisable.

21 (5) If after hearing all relevant evidence, including the results of  
22 any diagnostic examination by the licensed hospital, the court finds that  
23 grounds for involuntary commitment have been established by clear and  
24 convincing proof, it shall make an order of commitment to the ~~unit~~ OFFICE  
25 OF BEHAVIORAL HEALTH. The ~~unit shall have~~ OFFICE OF BEHAVIORAL  
26 HEALTH HAS the right to delegate physical custody of the person to an  
27 appropriate approved treatment facility. ~~It~~ THE COURT may not order

1 commitment of a person unless it determines that the ~~unit~~ OFFICE OF  
2 BEHAVIORAL HEALTH is able to provide adequate and appropriate  
3 treatment for ~~him or her~~ THE PERSON, and the treatment is likely to be  
4 beneficial.

5 (6) Upon the COURT'S commitment of a person to the ~~unit by the~~  
6 ~~court~~ OFFICE OF BEHAVIORAL HEALTH, the court may issue an order to the  
7 sheriff to transport the person ~~committed~~ to the facility designated by the  
8 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH.

9 (7) A person committed as provided FOR in this section ~~shall~~  
10 ~~remain~~ REMAINS in the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH  
11 for treatment for a period of thirty days unless DISCHARGED sooner.  
12 ~~discharged~~. At the end of the thirty-day period, he or she shall be  
13 discharged automatically unless the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH,  
14 before expiration of the THIRTY-DAY period, obtains a court order for his  
15 or her recommitment ~~upon~~ ON the grounds set forth in subsection (1) of  
16 this section for a further period of ninety days unless DISCHARGED sooner.  
17 ~~discharged~~. If a person has been committed because he or she is ~~an~~  
18 ~~alcoholic~~ A PERSON WITH AN ALCOHOL USE DISORDER WHO IS likely to  
19 inflict physical harm on another, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH  
20 shall apply for recommitment if, after examination, it is determined that  
21 the likelihood TO INFLICT PHYSICAL HARM ON ANOTHER still exists.

22 (8) A person WHO IS recommitted as provided FOR in subsection  
23 (7) of this section AND who has not been discharged by the ~~unit~~ OFFICE OF  
24 BEHAVIORAL HEALTH before the end of the ninety-day period ~~shall be~~ IS  
25 discharged at the expiration of that NINETY-DAY period unless the ~~unit~~  
26 OFFICE OF BEHAVIORAL HEALTH, before expiration of the NINETY-DAY  
27 period, obtains a court order on the grounds set forth in subsection (1) of



1 this section for recommitment for a further period, not to exceed ninety  
2 days. If a person has been committed because he or she is ~~an alcoholic~~ A  
3 PERSON WITH AN ALCOHOL USE DISORDER WHO IS likely to inflict physical  
4 harm on another, the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall apply for  
5 recommitment if, after examination, it is determined that the likelihood  
6 TO INFLICT PHYSICAL HARM ON ANOTHER still exists. Only two  
7 recommitment orders ~~under~~ PURSUANT TO subsection (7) of this section  
8 and this subsection (8) are permitted.

9 (10) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall provide for  
10 adequate and appropriate treatment of a person committed to its custody.  
11 The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may transfer any person  
12 committed to its custody from one approved treatment facility to another  
13 if transfer is advisable.

14 (11) THE OFFICE OF BEHAVIORAL HEALTH SHALL DISCHARGE a  
15 person committed to ~~the~~ ITS custody ~~of the unit~~ for treatment ~~shall be~~  
16 ~~discharged~~ at any time before the end of the period for which he or she  
17 has been committed if either of the following conditions is met:

18 (a) In the case of ~~an alcoholic~~ A PERSON WITH AN ALCOHOL USE  
19 DISORDER committed on the grounds that he or she is likely to inflict  
20 physical harm upon another, that he or she no longer has an ~~alcoholic~~  
21 ~~condition~~ ALCOHOL USE DISORDER that requires treatment or the  
22 likelihood TO INFLICT PHYSICAL HARM UPON ANOTHER no longer exists;  
23 or

24 (b) In the case of ~~an alcoholic~~ A PERSON WITH AN ALCOHOL USE  
25 DISORDER committed on the grounds of the need of treatment and  
26 incapacity, that the incapacity no longer exists, further treatment will not  
27 ~~be likely to bring about significant improvement in the person's condition,~~

1 or treatment is no longer appropriate.

2 **SECTION 277.** In Colorado Revised Statutes, 27-81-113, **amend**  
3 (2) as follows:

4 **27-81-113. Records of persons with alcohol use disorders and**  
5 **intoxicated persons.** (2) Notwithstanding subsection (1) of this section,  
6 the director may make available information from patients' records for  
7 purposes of research into the causes and treatment of ~~alcoholism~~  
8 ALCOHOL USE DISORDERS. Information under this subsection (2) ~~shall~~  
9 MUST not be published in a way that discloses patients' names or other  
10 identifying information.

11 **SECTION 278.** In Colorado Revised Statutes, 27-81-115, **amend**  
12 (1) as follows:

13 **27-81-115. Emergency service patrol - establishment - rules.**  
14 (1) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and cities, counties, city and  
15 counties, and regional service authorities may establish emergency  
16 service patrols. A patrol consists of persons trained to give assistance in  
17 the streets and in other public places to persons who are intoxicated or  
18 incapacitated by alcohol. Members of an emergency service patrol ~~shall~~  
19 MUST be capable of providing first aid in emergency situations and ~~shall~~  
20 ~~be~~ ARE authorized to transport a person intoxicated or incapacitated by  
21 alcohol to his or her home and to and from treatment facilities.

22 **SECTION 279.** In Colorado Revised Statutes, 27-81-117, **amend**  
23 (1) as follows:

24 **27-81-117. Criminal laws - limitations.** (1) A county,  
25 municipality, or other political subdivision may not adopt or enforce a  
26 local law, ordinance, resolution, or rule having the force of law that  
27 includes drinking, being a ~~common drunkard~~ PERSON WITH AN ALCOHOL

1 USE DISORDER, or being found in an intoxicated condition as one of the  
2 elements of the offense giving rise to a criminal or civil penalty or  
3 sanction.

4 **SECTION 280.** In Colorado Revised Statutes, **amend** 27-82-101  
5 as follows:

6 **27-82-101. Legislative declaration.** (1) The general assembly  
7 recognizes the character and pervasiveness of drug abuse and ~~drug~~  
8 ~~dependency~~ SUBSTANCE USE DISORDERS and that drug abuse and  
9 ~~dependency~~ SUBSTANCE USE DISORDERS are serious problems. The  
10 general assembly further finds and declares that these problems have been  
11 very seriously neglected and that the social and economic costs and the  
12 waste of human resources caused by drug abuse and ~~dependency~~  
13 SUBSTANCE USE DISORDERS are massive, tragic, and no longer acceptable.  
14 The general assembly believes that the best interests of this state demand  
15 an across-the-board, locally oriented attack on the massive PROBLEMS OF  
16 drug abuse and ~~dependency problem, which~~ SUBSTANCE USE DISORDERS.  
17 THE attack includes prevention, education, and treatment, and ~~that~~ this  
18 ~~article~~ ARTICLE 82 will provide a base from which to launch the attack  
19 and reduce the tragic human loss.

20 (2) It is the policy of this state that ~~drug-dependent~~ persons WITH  
21 SUBSTANCE USE DISORDERS and persons who are under the influence of  
22 drugs should be afforded treatment ~~in order that~~ SO they may lead normal  
23 lives as productive members of society. The general assembly ~~hereby~~  
24 finds and declares that drug abuse and ~~drug dependency~~ SUBSTANCE USE  
25 DISORDERS are matters of statewide concern.

26 **SECTION 281.** In Colorado Revised Statutes, 27-82-102, **amend**  
27 the introductory portion, (3), (6), and (15); **repeal** (8) and (16); and **add**

1 (12.5) and (13.5) as follows:

2 **27-82-102. Definitions.** As used in this ~~article~~ ARTICLE 82, unless  
3 the context otherwise requires:

4 (3) "Approved public treatment facility" means a treatment agency  
5 operating under the direction and control of or approved by the ~~unit~~  
6 OFFICE OF BEHAVIORAL HEALTH and meeting the standards prescribed in  
7 section 27-82-103 (1) and approved ~~under~~ PURSUANT TO section  
8 27-82-103.

9 (6) "Director" means the director of the ~~unit~~ OFFICE OF  
10 BEHAVIORAL HEALTH.

11 ~~(8) "Drug abuser" means a person who habitually uses drugs or  
12 who uses drugs to the extent that his or her health is substantially  
13 impaired or endangered or his or her social or economic function is  
14 substantially disrupted. Nothing in this subsection (8) shall preclude the  
15 denomination of a drug abuser as a person under the influence of or  
16 incapacitated by drugs.~~

17 (12.5) "OFFICE OF BEHAVIORAL HEALTH" MEANS THE OFFICE OF  
18 BEHAVIORAL HEALTH IN THE DEPARTMENT.

19 (13.5) "SUBSTANCE USE DISORDER" MEANS A CONDITION BY WHICH  
20 A PERSON HABITUALLY USES DRUGS OR USES DRUGS TO THE EXTENT THAT  
21 HIS OR HER HEALTH IS SUBSTANTIALLY IMPAIRED OR ENDANGERED OR HIS  
22 OR HER SOCIAL OR ECONOMIC FUNCTION IS SUBSTANTIALLY DISRUPTED.  
23 NOTHING IN THIS SUBSECTION (13.5) PRECLUDES THE DENOMINATION OF  
24 A PERSON WITH A SUBSTANCE USE DISORDER AS A PERSON UNDER THE  
25 INFLUENCE OF OR INCAPACITATED BY DRUGS.

26 (15) "Treatment" means the broad range of emergency, outpatient,  
27 intermediate, and inpatient services and care, including diagnostic

1 evaluation, medical, psychiatric, psychological, and social service care,  
2 vocational rehabilitation, and career counseling, that may be extended to  
3 ~~drug abusers~~ A PERSON WITH A SUBSTANCE USE DISORDER and ~~persons~~ A  
4 PERSON under the influence of drugs.

5 (16) ~~"Unit" means the unit in the department that administers~~  
6 ~~behavioral health programs and services, including those related to mental~~  
7 ~~health and substance abuse.~~

8 **SECTION 282.** In Colorado Revised Statutes, **amend** 27-82-103  
9 as follows:

10 **27-82-103. Standards for public and private treatment**  
11 **facilities - fees - enforcement procedures - penalties.** (1) In accordance  
12 with the provisions of this ~~article, the unit~~ ARTICLE 82, THE OFFICE OF  
13 BEHAVIORAL HEALTH shall establish standards for approved treatment  
14 facilities that receive public funds or that dispense controlled substances  
15 or both. ~~The standards shall be met for~~ A treatment facility ~~to be approved~~  
16 SEEKING APPROVAL FROM THE OFFICE OF BEHAVIORAL HEALTH as a public  
17 or private treatment facility SHALL MEET THE ESTABLISHED STANDARDS.  
18 The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall fix the fees to be charged  
19 for the required inspections. The fees ~~that are~~ charged to approved  
20 treatment facilities that provide level I and level II programs as provided  
21 in section 42-4-1301.3 (3)(c) ~~C.R.S., shall~~ MUST be transmitted to the  
22 state treasurer, who shall credit the fees to the alcohol and drug driving  
23 safety program fund created in section 42-4-1301.3 (4)(a). ~~C.R.S.~~ The  
24 standards may concern only ~~the~~ health standards to be met and standards  
25 of treatment to be afforded patients and ~~shall~~ MUST reflect the success  
26 criteria established by the general assembly.

27 (2) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH SHALL periodically

1 shall inspect approved public and private treatment facilities at reasonable  
2 times and in a reasonable manner.

3 (3) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall maintain a list  
4 of approved public and private treatment facilities.

5 (4) Each approved public and private treatment facility shall file  
6 with the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, on request, data, statistics,  
7 schedules, and ANY OTHER information the ~~unit~~ OFFICE reasonably  
8 requires. THE OFFICE OF BEHAVIORAL HEALTH SHALL REMOVE FROM THE  
9 LIST OF APPROVED TREATMENT FACILITIES an approved public or private  
10 treatment facility that fails without good cause to furnish any data,  
11 statistics, schedules, or OTHER information, as requested, or files  
12 fraudulent returns. ~~thereof shall be removed from the list of approved~~  
13 ~~treatment facilities.~~

14 (5) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH, after hearing, may  
15 suspend, revoke, limit, restrict, or refuse to grant an approval for failure  
16 to meet its standards.

17 (6) A person shall not operate a private or public treatment facility  
18 in this state without approval from the ~~unit~~ OFFICE OF BEHAVIORAL  
19 HEALTH; except that this ~~article shall~~ ARTICLE 82 DOES not apply to a  
20 private treatment facility that accepts only private funds and does not  
21 dispense controlled substances. The district court may restrain any  
22 violation of, review any denial, restriction, or revocation of approval  
23 under, and grant other relief required to enforce the provisions of this  
24 section.

25 (7) Upon petition of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH and  
26 after a hearing held upon reasonable notice to the facility, the district  
27 court may issue a warrant to an officer or employee of the ~~unit~~ OFFICE OF

1 BEHAVIORAL HEALTH authorizing him or her to enter and inspect at  
2 reasonable times, and examine the books and accounts of, any approved  
3 public or private treatment facility refusing to consent to inspection or  
4 examination by the ~~unit or which the unit~~ OFFICE OF BEHAVIORAL HEALTH  
5 OR WHICH THE OFFICE has reasonable cause to believe is operating in  
6 violation of this ~~article~~ ARTICLE 82.

7 **SECTION 283.** In Colorado Revised Statutes, 27-82-104, **amend**  
8 (1) introductory portion as follows:

9 **27-82-104. Acceptance for treatment - rules.** (1) The director  
10 shall adopt and may amend and repeal rules for acceptance of persons  
11 into the SUBSTANCE USE DISORDER treatment program, considering  
12 available treatment resources and facilities, for the purpose of early and  
13 effective treatment of ~~drug abusers~~ PERSONS WITH SUBSTANCE USE  
14 DISORDERS and persons under the influence of drugs. In establishing the  
15 rules, the FOLLOWING STANDARDS MUST GUIDE THE director: ~~shall be~~  
16 ~~guided by the following standards:~~

17 **SECTION 284.** In Colorado Revised Statutes, 27-82-105, **amend**  
18 (1) as follows:

19 **27-82-105. Voluntary treatment of persons with substance use**  
20 **disorders.** (1) A ~~drug abuser~~ PERSON WITH A SUBSTANCE USE DISORDER,  
21 including a minor, may apply for voluntary treatment directly to an  
22 approved treatment facility.

23 **SECTION 285.** In Colorado Revised Statutes, 27-82-106, **amend**  
24 (1) as follows:

25 **27-82-106. Voluntary treatment for persons under influence**  
26 **of or incapacitated by drugs.** (1) A person under the influence of or  
27 incapacitated by drugs, including a minor if provided by rules of the ~~unit~~

1 OFFICE OF BEHAVIORAL HEALTH, may voluntarily admit himself or herself  
2 to an approved treatment facility for emergency treatment.

3 **SECTION 286.** In Colorado Revised Statutes, 27-82-108, **amend**  
4 (1), (3), (5), (6), (7), (8), (10), and (11) as follows:

5 **27-82-108. Involuntary commitment of a person with a**  
6 **substance use disorder.** (1) THE COURT MAY COMMIT a person ~~may be~~  
7 ~~committed~~ to the custody of the ~~unit by the court~~ OFFICE OF BEHAVIORAL  
8 HEALTH upon the petition of the person's spouse or guardian, a relative,  
9 a physician, an advanced practice nurse, the administrator in charge of  
10 ~~any~~ AN approved treatment facility, or any other responsible person. The  
11 petition ~~shall~~ MUST allege that the person ~~is a drug abuser~~ HAS A  
12 SUBSTANCE USE DISORDER and that the person has threatened or attempted  
13 to inflict or inflicted physical harm on himself or herself or on another  
14 and that unless committed the person is likely to inflict physical harm on  
15 himself or herself or on another or that the person is incapacitated by  
16 drugs. A refusal to undergo treatment does not constitute evidence of lack  
17 of judgment as to the need for treatment. The petition ~~shall~~ MUST be  
18 accompanied by a certificate of a licensed physician who has examined  
19 the person within ten days before submission of the petition, unless the  
20 person whose commitment is sought has refused to submit to a medical  
21 examination or an examination cannot be made of ~~such~~ THE person due  
22 to the person's condition. The certificate ~~shall~~ MUST set forth the  
23 physician's findings in support of the PETITION'S allegations. ~~of the~~  
24 ~~petition.~~

25 (3) Upon ~~the~~ filing of the petition, the court shall fix a date for a  
26 hearing no later than ten days, excluding weekends and holidays, after the  
27 date the petition was filed, unless valid medical reasons exist for delaying



1 the hearing. A copy of the petition and of the notice of the hearing,  
2 including the date fixed by the court, ~~shall~~ MUST be personally served on  
3 the person whose commitment is sought and one of his or her parents or  
4 his or her legal guardian if he or she is a minor. A copy of the petition and  
5 notice of hearing ~~shall~~ MUST be provided to the petitioner, to the ~~unit~~  
6 OFFICE OF BEHAVIORAL HEALTH, to counsel for the person whose  
7 commitment is sought, if any, to the administrator in charge of the  
8 approved treatment facility to which the person may have been committed  
9 for emergency treatment, and to any other person the court believes  
10 advisable.

11 (5) If after hearing all relevant evidence, including the results of  
12 any diagnostic examination by the licensed hospital, the court finds that  
13 grounds for involuntary commitment have been established by clear and  
14 convincing proof, ~~it~~ THE COURT shall make an order of commitment to the  
15 ~~unit. The unit shall have~~ OFFICE OF BEHAVIORAL HEALTH. THE OFFICE OF  
16 BEHAVIORAL HEALTH HAS the right to delegate physical custody of the  
17 person to an appropriate approved treatment facility. ~~It~~ THE COURT may  
18 not order commitment of a person unless it determines that the ~~unit~~  
19 OFFICE OF BEHAVIORAL HEALTH is able to provide adequate and  
20 appropriate treatment for him or her and that the treatment is likely to be  
21 beneficial.

22 (6) Upon the COURT'S commitment of a person to the ~~unit by the~~  
23 ~~court~~ OFFICE OF BEHAVIORAL HEALTH, the court may issue an order to the  
24 sheriff to transport the person committed to the facility designated by the  
25 ~~unit~~ OFFICE OF BEHAVIORAL HEALTH.

26 (7) A person committed as provided in this section ~~shall remain~~  
27 REMAINS in the custody of the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH for

1 treatment for a period of thirty days unless DISCHARGED sooner.  
2 ~~discharged~~. At the end of the thirty-day period, ~~he or she shall be~~  
3 ~~discharged automatically unless the unit~~ THE OFFICE OF BEHAVIORAL  
4 HEALTH SHALL AUTOMATICALLY DISCHARGE THE PERSON COMMITTED  
5 UNLESS THE OFFICE, before expiration of the period, files a petition for his  
6 or her recommitment upon the grounds set forth in subsection (1) of this  
7 section for a further period of ninety days and a hearing has been  
8 scheduled in accordance with subsection (3) of this section. If a person  
9 has been committed because he or she ~~is a drug abuser~~ HAS A SUBSTANCE  
10 USE DISORDER AND IS likely to inflict physical harm on another, the ~~unit~~  
11 OFFICE OF BEHAVIORAL HEALTH shall apply for recommitment if, after  
12 examination, it is determined that the likelihood TO INFLICT PHYSICAL  
13 HARM ON ANOTHER still exists.

14 (8) IF a person recommitted as provided in subsection (7) of this  
15 section ~~who~~ has not been discharged by the ~~unit~~ OFFICE OF BEHAVIORAL  
16 HEALTH before the end of the ninety-day period, THE OFFICE shall ~~be~~  
17 ~~discharged~~ DISCHARGE THE PERSON at the expiration of ~~that~~ THE  
18 NINETY-DAY period unless the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH,  
19 before expiration of the NINETY-DAY period, files a petition on the  
20 grounds set forth in subsection (1) of this section for recommitment for  
21 a further period not to exceed ninety days and a hearing has been  
22 scheduled in accordance with subsection (3) of this section. If a person  
23 has been committed because he or she ~~is a drug abuser~~ HAS A SUBSTANCE  
24 USE DISORDER AND IS likely to inflict physical harm on another, the ~~unit~~  
25 OFFICE OF BEHAVIORAL HEALTH shall apply for recommitment if, after  
26 examination, it is determined that the likelihood TO INFLICT PHYSICAL  
27 HARM ON ANOTHER still exists. Only two recommitment orders ~~under~~

1 PURSUANT TO subsection (7) of this section and this subsection (8) are  
2 permitted.

3 (10) The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH shall provide for  
4 adequate and appropriate treatment of a person committed to its custody.  
5 The ~~unit~~ OFFICE OF BEHAVIORAL HEALTH may transfer any person  
6 committed to its custody from one approved treatment facility to another,  
7 if transfer is advisable.

8 (11) THE OFFICE OF BEHAVIORAL HEALTH SHALL DISCHARGE a  
9 person committed to ~~the~~ ITS custody of ~~the unit~~ for treatment ~~shall be~~  
10 ~~discharged~~ at any time before the end of the period for which he or she  
11 has been committed if either of the following conditions is met:

12 (a) In the case of a ~~drug abuser~~ PERSON WITH A SUBSTANCE USE  
13 DISORDER committed on the grounds that he or she is likely to inflict  
14 physical harm upon another, that he or she no longer has a ~~drug abuse~~  
15 ~~condition~~ SUBSTANCE USE DISORDER that requires treatment or the  
16 likelihood TO INFLICT PHYSICAL HARM UPON ANOTHER no longer exists;  
17 or

18 (b) In the case of a ~~drug abuser~~ PERSON WITH A SUBSTANCE USE  
19 DISORDER committed on the grounds of the need of treatment and  
20 incapacity, that the incapacity no longer exists, or in THE case of a ~~drug~~  
21 ~~abuser~~ PERSON WITH A SUBSTANCE USE DISORDER committed on any  
22 grounds ~~under~~ PURSUANT TO this section, that further treatment will not  
23 be likely to bring about significant improvement in the person's condition,  
24 or treatment is no longer appropriate, or further treatment is unlikely to  
25 be beneficial.

26 **SECTION 287.** In Colorado Revised Statutes, 27-82-109, **amend**  
27 (2) as follows:

1           **27-82-109. Records of persons with substance use disorders**  
2           **and persons under influence of drugs.** (2) Notwithstanding subsection  
3           (1) of this section, the director may make available information from  
4           patients' records for purposes of research into the causes and treatment of  
5           ~~drug abuse~~ SUBSTANCE USE DISORDERS. Information ~~under~~ PURSUANT TO  
6           this subsection (2) ~~shall~~ MUST not be published in a way that discloses  
7           patients' names or other identifying information.

8           **SECTION 288.** In Colorado Revised Statutes, 27-82-113, **amend**  
9           (1) as follows:

10           **27-82-113. Limitations on services and programs provided -**  
11           **available funds.** (1) The level of services provided and the scope of  
12           programs administered by the ~~unit~~ OFFICE OF BEHAVIORAL HEALTH that  
13           relate to ~~drug abuse~~ SUBSTANCE USE prevention, education, and treatment,  
14           including the number of clients served in treatment programs, ~~shall be~~ IS  
15           subject to the ~~moneys~~ MONEY available to the ~~unit~~ for such purposes  
16           OFFICE OF BEHAVIORAL HEALTH.

17           **SECTION 289.** In Colorado Revised Statutes, 27-90-102, **amend**  
18           (1) introductory portion, (1)(a), and (1)(j) as follows:

19           **27-90-102. Duties of executive director - governor acquire**  
20           **water rights - rules.** (1) The duties of the executive director ~~shall be~~  
21           ARE:

22           (a) To manage, supervise, and control the charitable, BEHAVIORAL  
23           OR mental HEALTH, custodial, and special educational public institutions  
24           operated and supported by the state; to manage and supervise the special  
25           agencies, departments, boards, and commissions transferred to or  
26           established within the department by law; to improve, develop, and carry  
27           forward programs of therapy, counseling, and aftercare to the end that a

1 person dependent upon tax-supported programs may be afforded  
2 opportunity and encouragement to overcome the disability causing his or  
3 her partial or total dependence upon the state;

4 (j) To implement the procedures regarding children who are in  
5 detention or who have or may have A BEHAVIORAL OR mental ~~illness or~~  
6 HEALTH DISORDER OR AN INTELLECTUAL AND developmental ~~disabilities~~  
7 DISABILITY specified in the provisions of the "Colorado Children's Code"  
8 contained in articles 1, 2, and 3 of title 19; ~~C.R.S.~~;

9 **SECTION 290.** In Colorado Revised Statutes, **amend** 27-90-110  
10 as follows:

11 **27-90-110. Rules for this article 90 and certain provisions in**  
12 **title 19.** Pursuant to section 24-4-103, ~~C.R.S.~~, the department shall  
13 promulgate such rules as are necessary to implement the provisions of this  
14 ~~article~~ ARTICLE 90 and the procedures specified in sections 19-2-508,  
15 19-2-906, 19-2-922, 19-2-923, 19-3-403, 19-3-506, 19-3-507, and  
16 19-3-508 ~~C.R.S.~~; regarding children who are in detention or who have or  
17 may have A BEHAVIORAL OR mental ~~illness or developmental disabilities~~  
18 HEALTH DISORDER OR AN INTELLECTUAL AND DEVELOPMENTAL  
19 DISABILITY.

20 **SECTION 291.** In Colorado Revised Statutes, 27-90-111, **amend**  
21 (2)(e), (3)(a), and (3)(b) as follows:

22 **27-90-111. Employment of personnel - screening of applicants**  
23 **- disqualifications from employment.** (2) For purposes of this section,  
24 unless the context otherwise requires:

25 (e) "Vulnerable person" means any individual served by the  
26 department who is susceptible to abuse or mistreatment because of the  
27 individual's circumstances, including but not limited to the individual's

1 age, disability, frailty, BEHAVIORAL OR mental ~~illness~~ HEALTH,  
2 INTELLECTUAL AND developmental disability, or ill health.

3 (3) The employment screening and disqualification requirements  
4 in this section apply to the following facilities or programs operated by  
5 the department:

6 (a) Any facility operated by the department for the care and  
7 treatment of persons with A BEHAVIORAL OR mental ~~illness~~ HEALTH  
8 DISORDER pursuant to article 65 of this ~~title~~ TITLE 27;

9 (b) Any facility operated by the department for the care and  
10 treatment of ~~the developmentally disabled~~ PERSONS WITH INTELLECTUAL  
11 AND DEVELOPMENTAL DISABILITIES pursuant to article 10.5 of this ~~title~~  
12 TITLE 27;

13 **SECTION 292.** In Colorado Revised Statutes, 27-92-101, **amend**  
14 (1) as follows:

15 **27-92-101. Liability.** (1) When a person is admitted, committed,  
16 or transferred to a public institution of this state supervised by the  
17 department of human services for the care, support, maintenance,  
18 education, or treatment of persons with BEHAVIORAL OR mental ~~illness~~  
19 HEALTH DISORDERS, the person, his or her spouse, and his or her parents  
20 ~~shall be~~ ARE liable for the costs of his or her care, support, maintenance,  
21 and treatment to the extent and in the manner provided in this ~~article~~  
22 ARTICLE 92. No other relatives of the person ~~shall be~~ ARE liable to any  
23 extent for such costs.

24 **SECTION 293.** In Colorado Revised Statutes, 27-93-101, **amend**  
25 (1) as follows:

26 **27-93-101. Institute established.** (1) There is ~~hereby~~ established  
27 the Colorado mental health institute at Pueblo for the treatment and ~~cure~~

1 CARE of persons who may have A BEHAVIORAL OR mental ~~illness~~ HEALTH  
2 DISORDER from any cause and for other persons in state institutions on an  
3 inpatient and outpatient basis and in state programs relating to the  
4 treatment of ~~alcoholism and drugs~~ SUBSTANCE USE DISORDERS who may  
5 require medical care and treatment within the capabilities of the staff and  
6 facilities of the institute.

7 **SECTION 294.** In Colorado Revised Statutes, 28-5-220, **amend**  
8 (1) and (3) as follows:

9 **28-5-220. Commitment to veterans administration.** (1) When,  
10 in any proceeding under the laws of this state for the commitment OR  
11 CERTIFICATION of a person alleged to ~~be of unsound mind~~ HAVE A  
12 BEHAVIORAL OR MENTAL HEALTH DISORDER, or otherwise BE in need of  
13 confinement in a hospital or other institution for his or her proper care, it  
14 is determined after such adjudication of the status of such person as may  
15 be required by law that commitment OR CERTIFICATION to a hospital for  
16 ~~mental disease~~ TREATMENT OF BEHAVIORAL OR MENTAL HEALTH  
17 DISORDERS or other institution is necessary for safekeeping or treatment  
18 and it appears that ~~such~~ THE person is eligible for care or treatment by the  
19 veterans administration, the court, upon receipt of a certificate from the  
20 veterans administration showing that facilities are available and that ~~such~~  
21 THE person is eligible for care or treatment therein, may commit ~~such~~ OR  
22 CERTIFY THE person to ~~said~~ THE veterans administration. Upon  
23 commitment ~~such~~ OR CERTIFICATION, THE person, when admitted to any  
24 facility operated by such agency within or without this state, ~~shall be~~ IS  
25 subject to the rules and regulations of the veterans administration. The  
26 chief officer of any facility of the veterans administration to which the  
27 person is ~~so~~ committed ~~shall~~ OR CERTIFIED, with respect to ~~such~~ THE

1 person ~~be~~ COMMITTED OR CERTIFIED, IS vested with the same powers as  
2 superintendents of state hospitals for BEHAVIORAL OR mental ~~diseases~~  
3 HEALTH DISORDERS within this state with respect to retention of custody,  
4 transfer, parole, or discharge as restored to reason.

5 (3) Upon receipt of a certificate of the veterans administration that  
6 facilities are available for the care or treatment of any person committed  
7 OR CERTIFIED to any hospital for ~~the insane~~ PERSONS WITH BEHAVIORAL  
8 OR MENTAL HEALTH DISORDERS or other institution for the care or  
9 treatment of persons similarly afflicted and that ~~such~~ THE person is  
10 eligible for care or treatment, the court having jurisdiction may cause ~~the~~  
11 ~~transfer of such person~~ HIM OR HER TO BE TRANSFERRED to the veterans  
12 administration for care or treatment. Any person transferred as provided  
13 in this section is deemed to be committed OR CERTIFIED to the veterans  
14 administration for all purposes as provided in subsection (1) of this  
15 section as on original commitment OR CERTIFICATION.

16 **SECTION 295.** In Colorado Revised Statutes, 30-1-119, **amend**  
17 (2)(a) and (2)(b) as follows:

18 **30-1-119. Separate fee funds kept - definition.** (2) The revenues  
19 generated annually from the fee for committing and discharging prisoners  
20 authorized pursuant to section 30-1-104 (1)(n) ~~shall~~ MUST be distributed  
21 as follows:

22 (a) (I) The county shall expend an amount equal to twenty percent  
23 of the revenues generated annually from the fee to administer a  
24 community-based treatment program for the treatment of offenders with  
25 ~~mental illness or addiction~~ A BEHAVIORAL, MENTAL HEALTH, OR  
26 SUBSTANCE USE DISORDER committed or discharged by the county if the  
27 county has established, or the board of county commissioners chooses to



1 establish, such a community-based treatment program.

2 (II) For purposes of this ~~paragraph (a)~~ SUBSECTION (2)(a),  
3 "community-based treatment program" means a community-based  
4 program that provides management and treatment services to persons with  
5 ~~mental illness or addiction~~ BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE  
6 USE DISORDERS in the criminal or juvenile justice system, designed, at a  
7 minimum, to reduce recidivism and hospitalization of these persons.

8 (b) The county shall expend an amount equal to twenty percent of  
9 the revenues generated annually from the fee for training of the sheriff  
10 and deputy sheriffs and other local law enforcement officers. ~~which~~ THE  
11 training may include a crisis intervention training component to meet the  
12 needs of offenders with BEHAVIORAL OR mental ~~illness~~ HEALTH  
13 DISORDERS; and

14 **SECTION 296.** In Colorado Revised Statutes, 30-28-115, **amend**  
15 (2)(b.5) as follows:

16 **30-28-115. Public welfare to be promoted - legislative**  
17 **declaration - construction.** (2) (b.5) The general assembly declares that  
18 the establishment of state-licensed group homes for the exclusive use of  
19 persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS, as that  
20 term is defined in section 27-65-102, ~~C.R.S.~~, is a matter of statewide  
21 concern and that a state-licensed group home for eight persons with  
22 BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS is a residential use of  
23 property for zoning purposes, as defined in section 31-23-301 (4). ~~C.R.S.~~  
24 A group home for persons with BEHAVIORAL OR mental ~~illness~~ HEALTH  
25 DISORDERS established ~~under~~ PURSUANT TO this ~~paragraph (b.5)~~ shall  
26 SUBSECTION (2)(b.5) MUST not be located within seven hundred fifty feet  
27 of another such group home or of another group home as ~~defined~~

1 DESCRIBED in paragraphs (a) and (b) of this subsection (2) SUBSECTIONS  
2 (2)(a) AND (2)(b) OF THIS SECTION, unless otherwise provided for by the  
3 county. A person shall MUST not be placed in a group home without being  
4 screened by either a professional person, as defined in section 27-65-102  
5 (17), ~~C.R.S.~~, or any other such mental health professional designated by  
6 the director of a facility, which facility is approved by the executive  
7 director of the department of human services pursuant to section  
8 27-90-102. ~~C.R.S.~~ Persons determined to be not guilty by reason of  
9 insanity to a violent offense shall MUST not be placed in such group  
10 homes, and any person who has been convicted of a felony involving a  
11 violent offense shall IS not be eligible for placement in such group homes.  
12 The provisions of this paragraph (b.5) shall SUBSECTION (2)(b.5) MUST be  
13 implemented, where appropriate, by the rules of the department of public  
14 health and environment concerning residential treatment facilities for  
15 persons with BEHAVIORAL OR mental illness HEALTH DISORDERS. Nothing  
16 in this paragraph (b.5) shall be construed to exempt SUBSECTION (2)(b.5)  
17 EXEMPTS such group homes from compliance with any state, county, or  
18 municipal health, safety, and fire codes.

19 **SECTION 297.** In Colorado Revised Statutes, 31-23-301, **amend**  
20 (4) as follows:

21 **31-23-301. Grant of power.** (4) A statutory or home rule city or  
22 town or city and county shall not enact an ordinance prohibiting the use  
23 of a state-licensed group home for either persons with INTELLECTUAL AND  
24 developmental disabilities or BEHAVIORAL OR mental illness HEALTH  
25 DISORDERS that serves not more than eight persons with INTELLECTUAL  
26 AND developmental disabilities or eight persons with BEHAVIORAL OR  
27 mental illness HEALTH DISORDERS and appropriate staff as a residential

1 use of property for zoning purposes. As used in this subsection (4), the  
2 phrase "residential use of property for zoning purposes" includes all  
3 forms of residential zoning and specifically, although not exclusively,  
4 single-family residential zoning.

5 **SECTION 298.** In Colorado Revised Statutes, 31-23-303, **amend**  
6 (2)(b.5) as follows:

7 **31-23-303. Legislative declaration.** (2) (b.5) The general  
8 assembly declares that the establishment of state-licensed group homes  
9 for the exclusive use of persons with BEHAVIORAL OR mental ~~illness~~  
10 HEALTH DISORDERS, as that term is defined in section 27-65-102, ~~C.R.S.~~,  
11 is a matter of statewide concern and that a state-licensed group home for  
12 eight persons with BEHAVIORAL OR mental ~~illness~~ HEALTH DISORDERS is  
13 a residential use of property for zoning purposes, as defined in section  
14 31-23-301 (4). A group home for persons with BEHAVIORAL OR mental  
15 ~~illness~~ HEALTH DISORDERS established ~~under~~ PURSUANT TO this ~~paragraph~~  
16 ~~(b.5) shall~~ SUBSECTION (2)(b.5) MUST not be located within seven  
17 hundred fifty feet of another such group home, unless otherwise provided  
18 for by the municipality. A person ~~shall~~ MUST not be placed in a group  
19 home without being screened by either a professional person, as defined  
20 in section 27-65-102 (17), ~~C.R.S.~~, or any other such mental health  
21 professional designated by the director of a facility ~~which facility is~~  
22 approved by the executive director of the department of human services  
23 pursuant to section 27-90-102. ~~C.R.S.~~ Persons determined to be not guilty  
24 by reason of insanity to a violent offense ~~shall~~ MUST not be placed in such  
25 group homes, and any person who has been convicted of a felony  
26 involving a violent offense ~~shall~~ IS not be eligible for placement in such  
27 group homes. The provisions of this ~~paragraph (b.5) shall~~ SUBSECTION

1 (2)(b.5) MUST be implemented, where appropriate, by the rules of the  
2 department of public health and environment concerning residential  
3 treatment facilities for persons with BEHAVIORAL OR mental illness  
4 HEALTH DISORDERS. Nothing in this paragraph (b.5) shall be construed to  
5 exempt SUBSECTION (2)(b.5) EXEMPTS such group homes from  
6 compliance with any state, county, or municipal health, safety, and fire  
7 codes.

8 **SECTION 299.** In Colorado Revised Statutes, 32-17-102, **amend**  
9 (1) as follows:

10 **32-17-102. Legislative declaration.** (1) The general assembly  
11 hereby finds, determines, and declares that, although the state of Colorado  
12 has dedicated financial resources to the diagnosis and treatment of  
13 BEHAVIORAL OR mental illness HEALTH DISORDERS for specific  
14 populations in this state, many adults, children, and families who do not  
15 qualify for or cannot obtain these state- and federally-funded services  
16 have BEHAVIORAL OR mental health care needs that are not being  
17 addressed, and lack of BEHAVIORAL OR mental health care services often  
18 results in increased taxpayer costs for law enforcement, schools, health  
19 facilities, hospitals, social services, corrections, and health insurance.

20 **SECTION 300.** In Colorado Revised Statutes, 33-4-104, **amend**  
21 (1) as follows:

22 **33-4-104. Free licenses issued - members or veterans of armed**  
23 **forces - when - rules.** (1) Any active or retired member of the United  
24 States armed forces while stationed as a resident patient at any United  
25 States armed forces hospital or convalescent station located within  
26 Colorado, any resident patient at a veterans administration hospital and  
27 resident patients of any state institution for the treatment of persons with

1 BEHAVIORAL OR ~~mental illness~~ HEALTH DISORDERS or other mental health  
2 institution in Colorado while under supervision of a proper staff member,  
3 ~~thereof~~, and any resident who is totally and permanently disabled as  
4 determined by the social security administration or the division of labor  
5 standards and statistics or pursuant to rule of the commission may obtain  
6 a fishing license free of charge, valid for taking fish during the period of  
7 residency only, under rules of the commission.

8 **SECTION 301.** In Colorado Revised Statutes, 39-22-4101,  
9 **amend** (1) introductory portion and (1)(e) as follows:

10 **39-22-4101. Legislative declaration.** (1) The general assembly  
11 ~~hereby~~ finds and declares that:

12 (e) Substance use, ~~disorders and~~ BEHAVIORAL, AND mental health  
13 ~~conditions~~ DISORDERS are Colorado's most prevalent chronic illnesses;  
14 and

15 **SECTION 302.** In Colorado Revised Statutes, 42-2-104, **amend**  
16 (2) introductory portion and (2)(c) as follows:

17 **42-2-104. Licenses issued - denied.** (2) Except as otherwise  
18 provided in this ~~article a person~~ ARTICLE 2, THE DEPARTMENT shall not ~~be~~  
19 ~~licensed by the department~~ LICENSE A PERSON to operate any motor  
20 vehicle in this state:

21 (c) Who has been adjudged or determined by a court of competent  
22 jurisdiction to ~~be an habitual drunkard or addicted to the use of~~ HAVE AN  
23 ALCOHOL USE DISORDER, AS DEFINED IN SECTION 27-81-102, OR A  
24 SUBSTANCE USE DISORDER, AS DEFINED IN SECTION 27-82-102, WITH  
25 RESPECT TO a controlled substance, as defined in section 18-18-102 (5);  
26 ~~C.R.S.~~;

27 **SECTION 303.** In Colorado Revised Statutes, 42-2-116, **amend**

1 (5) as follows:

2 **42-2-116. Restricted license.** (5) The department is authorized  
3 after examination to issue a restricted license to a person with a  
4 BEHAVIORAL OR mental ~~illness~~ or a HEALTH DISORDER OR AN  
5 INTELLECTUAL AND developmental disability, containing such restrictions  
6 as may be imposed upon said person by a court pursuant to part 3 or part  
7 4 of article 14 of title 15 ~~C.R.S.~~; or section 27-65-109 (4) or 27-65-127.  
8 ~~C.R.S.~~

9 **SECTION 304.** In Colorado Revised Statutes, 42-4-1702, **amend**  
10 (2) introductory portion and (2)(c) as follows:

11 **42-4-1702. Alcohol- or drug-related traffic offenses - collateral**  
12 **attack.** (2) In recognition of the difficulties attending the litigation of  
13 stale claims and the potential for frustrating various statutory provisions  
14 directed at repeat offenders, former offenders, and habitual offenders, the  
15 only exceptions to the time limitations specified in ~~paragraph (a) of this~~  
16 ~~subsection (1) shall be~~ SUBSECTION (1)(a) OF THIS SECTION ARE:

17 (c) Where the court hearing the collateral attack finds by a  
18 preponderance of the evidence that the failure to seek relief within the  
19 applicable time period was caused by an adjudication of incompetence or  
20 by commitment OR CERTIFICATION of the violator to an institution for  
21 treatment as a person with a BEHAVIORAL OR mental ~~illness~~ HEALTH  
22 DISORDER; or

23 **SECTION 305.** In Colorado Revised Statutes, 42-4-1708, **amend**  
24 (5)(b) introductory portion and (5)(b)(III) as follows:

25 **42-4-1708. Traffic infractions - proper court for hearing,**  
26 **burden of proof - appeal - collateral attack.** (5) (b) In recognition of  
27 the difficulties attending the litigation of stale claims and the potential for

1 frustrating various statutory provisions directed at repeat offenders,  
2 former offenders, and habitual offenders, the only exceptions to the time  
3 limitations specified in ~~paragraph (a) of this subsection (5) shall be~~  
4 SUBSECTION (5)(a) OF THIS SECTION ARE:

5 (III) Where the court hearing the collateral attack finds by a  
6 preponderance of the evidence that the failure to seek relief within the  
7 applicable time period was caused by an adjudication of incompetence or  
8 by commitment OR CERTIFICATION of the violator to an institution for  
9 treatment as a person with a BEHAVIORAL OR mental ~~illness~~ HEALTH  
10 DISORDER; or

11 **SECTION 306. Safety clause.** The general assembly hereby  
12 finds, determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, and safety.