After consideration on the merits, the Committee recommends the following:

HB17-1320  be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1  Amend printed bill, page 3, line 1, strike "THIRD-LEADING" and substitute "LEADING".

2  Page 3, lines 14 and 15, strike "TEN THROUGH FOURTEEN YEARS OF AGE" and substitute "TWELVE YEARS OF AGE AND OLDER".

3  Page 4, line 1, strike "TEN" and substitute "TWELVE".

4  Page 4, lines 5 and 6, strike "OR NOTIFICATION TO".

5  Page 4, line 8, after "MINOR." insert "EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION AND IN SECTION 13-21-117 (2), THE MENTAL HEALTH PROFESSIONAL WHO IS PROVIDING OUTPATIENT PSYCHOTHERAPY SERVICES TO A MINOR PURSUANT TO THIS SECTION IS NOT REQUIRED TO PROVIDE NOTIFICATION OF SUCH PROVISION OF PSYCHOTHERAPY SERVICES TO THE MINOR'S PARENT, PARENTS, LEGAL GUARDIAN, OR ANY OTHER PERSON HAVING CUSTODY OR DECISION-MAKING RESPONSIBILITY WITH RESPECT TO THE MINOR.".

6  Page 4, after line 16 insert:

"(3)  IF A MINOR WHO IS RECEIVING PSYCHOTHERAPY SERVICES PURSUANT TO THIS SECTION COMMUNICATES TO THE MENTAL HEALTH PROFESSIONAL A CLEAR AND IMMINENT INTENT OR THREAT TO INFLECT
SERIOUS BODILY HARM ON HIMSELF OR HERSELF OR OTHERS, THE MENTAL
HEALTH PROFESSIONAL IS SUBJECT TO THE PROVISIONS OF SECTION
13-21-117 (2) AND SHALL IMMEDIATELY NOTIFY THE MINOR PATIENT'S
PARENT, PARENTS, LEGAL GUARDIAN, OR ANY OTHER PERSON HAVING
CUSTODY OR DECISION-MAKING RESPONSIBILITY WITH RESPECT TO THE
MINOR, OF SUCH COMMUNICATION.

SECTION 3. In Colorado Revised Statutes, 13-21-117, amend
(2) as follows:

13-21-117. Civil liability - mental health providers - duty to
warn - definitions. (2) (a) A mental health provider is not liable for
damages in any civil action for failure to warn or protect a specific person
or persons, including those identifiable by their association with a specific
location or entity, against the violent behavior of a person receiving
treatment from the mental health provider, and any such mental health
provider must not be held civilly liable for failure to predict such violent
behavior except where:

(I) The patient has communicated to the mental health provider a
serious threat of imminent physical violence against a specific person or
persons, including those identifiable by their association with a specific
location or entity; OR

(II) THE PATIENT HAS COMMUNICATED TO THE MENTAL HEALTH
PROVIDER A CLEAR AND IMMINENT INTENT OR THREAT TO INFLICT SERIOUS
BODILY HARM ON HIMSELF OR HERSELF OR OTHERS.

(b) When there is a duty to warn and protect under the provisions
of paragraph (a) of this subsection (2) SUBSECTION (2)(a) OF THIS
SECTION, the mental health provider shall make reasonable and timely
efforts to notify EACH OF THE FOLLOWING PERSONS, AS APPLICABLE TO
THE SPECIFIC CIRCUMSTANCES OF THE SITUATION:

(I) The person or persons THREATENED; or

(II) The person or persons responsible for a specific location or
entity, that is specifically threatened, as well as to notify an appropriate
law enforcement agency; or TO AND

(III) IN THE CASE OF A MINOR RECEIVING PSYCHOTHERAPY
SERVICES PURSUANT TO SECTION 12-43-202.5, THE MINOR'S PARENT,
PARENTS, LEGAL GUARDIAN, OR ANY OTHER PERSON HAVING CUSTODY OR
DECISION-MAKING RESPONSIBILITY WITH RESPECT TO THE MINOR.

(b.3) WHEN THERE IS A DUTY TO WARN AND PROTECT UNDER THE
PROVISIONS OF SUBSECTION (2)(a) OF THIS SECTION, THE MENTAL HEALTH
PROVIDER MAY, IN ADDITION TO THE NOTIFICATION PROVISIONS OF
SUBSECTION (2)(b) OF THIS SECTION, take other appropriate action,
including but not limited to hospitalizing the patient.
(b.5) A mental health provider is not liable for damages in any civil action for warning a specific person or persons; A MINOR’S PARENT, PARENTS, LEGAL GUARDIAN, OR ANY OTHER PERSON HAVING CUSTODY OR DECISION-MAKING RESPONSIBILITY WITH RESPECT TO THE MINOR; or a person or persons responsible for a specific location or entity, against or predicting the violent behavior of a person receiving treatment from the mental health provider.

(c) A mental health provider must not be subject to professional discipline when there is a duty to warn and protect pursuant to this section.

Renumber succeeding sections accordingly.

Page 5, strike lines 23 through 25 and substitute:

"SECTION 5. In Colorado Revised Statutes, 27-65-121, amend (1) introductory portion; and add (1)(j) as follows:

27-65-121. Records. (1) Except as provided in subsection (2) of this section, all information obtained and records prepared in the course of providing any services under PURSUANT TO this article ARTICLE 65 to individuals under PURSUANT TO any provision of this article shall be confidential and privileged matter. The information and records may be disclosed only:

(j) PURSUANT TO THE PROVISIONS OF SECTION 13-21-117 (2).

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.".

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