

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0250.01 Shelby Ross x4510

HOUSE BILL 20-1270

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HOUSE SPONSORSHIP

Michaelson Jenet,

SENATE SPONSORSHIP

(None),

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House Committees

Public Health Care & Human Services

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE CONSENT OF ONE PARENT FOR A LICENSED  
102 PROFESSIONAL PERSON TO TREAT A MINOR FOR A BEHAVIORAL  
103 HEALTH DISORDER.

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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 authorizes a physician or a mental health professional (professional) to evaluate or treat a minor patient (minor) for a behavioral health disorder with the consent of only one parent or legal guardian of the minor if both parents have legal decision-making authority over the minor. The professional shall act in the best interest of the minor and

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

provide services for a behavioral health disorder only in accordance with the professional's own advice or recommendation. The bill defines a minor as a person who is under 15 years of age.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 12-240-146 as  
3 follows:

4           **12-240-146. Treatment of a minor's behavioral health disorder**  
5 **- best interest of minor - consent of one parent - definition.** (1) IN ALL  
6 CASES INVOLVING A MINOR PATIENT, A PHYSICIAN SHALL ACT IN THE BEST  
7 INTEREST OF THE MINOR AND PROVIDE SERVICES FOR A BEHAVIORAL  
8 HEALTH DISORDER ONLY IN ACCORDANCE WITH THE PHYSICIAN'S OWN  
9 ADVICE OR RECOMMENDATION. IN ORDER TO EVALUATE OR TREAT A  
10 MINOR PATIENT FOR A BEHAVIORAL HEALTH DISORDER, A PHYSICIAN  
11 NEEDS TO OBTAIN THE CONSENT OF ONLY ONE PARENT OR LEGAL  
12 GUARDIAN OF THE MINOR IF BOTH PARENTS HAVE LEGAL  
13 DECISION-MAKING AUTHORITY OVER THE MINOR.

14           (2) THIS SECTION DOES NOT APPLY WHEN PARENTAL CONSENT IS  
15 NOT REQUIRED TO TREAT A MINOR FOR A BEHAVIORAL HEALTH DISORDER.

16           (3) AS USED IN THIS SECTION, "MINOR" MEANS A PERSON WHO IS  
17 UNDER FIFTEEN YEARS OF AGE.

18           **SECTION 2.** In Colorado Revised Statutes, **add** 12-245-203.7 as  
19 follows:

20           **12-245-203.7. Treatment of a minor's behavioral health**  
21 **disorder - best interest of minor - consent of one parent - definition.**

22 (1) IN ALL CASES INVOLVING A MINOR PATIENT, A MENTAL HEALTH  
23 PROFESSIONAL LICENSED PURSUANT TO PART 3, 4, 5, 6, OR 8 OF THIS  
24 ARTICLE 245 SHALL ACT IN THE BEST INTEREST OF THE MINOR AND

1 PROVIDE SERVICES FOR A BEHAVIORAL HEALTH DISORDER ONLY IN  
2 ACCORDANCE WITH THE MENTAL HEALTH PROFESSIONAL'S OWN ADVICE OR  
3 RECOMMENDATION. IN ORDER TO EVALUATE OR TREAT A MINOR PATIENT  
4 FOR A BEHAVIORAL HEALTH DISORDER, A MENTAL HEALTH PROFESSIONAL  
5 NEEDS TO OBTAIN THE CONSENT OF ONLY ONE PARENT OR LEGAL  
6 GUARDIAN OF THE MINOR IF BOTH PARENTS HAVE LEGAL  
7 DECISION-MAKING AUTHORITY OVER THE MINOR.

8 (2) THIS SECTION DOES NOT APPLY WHEN PARENTAL CONSENT IS  
9 NOT REQUIRED TO TREAT A MINOR FOR A BEHAVIORAL HEALTH DISORDER.

10 (3) AS USED IN THIS SECTION, "MINOR" MEANS A PERSON WHO IS  
11 UNDER FIFTEEN YEARS OF AGE.

12 **SECTION 3. Safety clause.** The general assembly hereby finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, or safety.