

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

INTRODUCED

LLS NO. 25-0464.01 Shelby Ross x4510

HOUSE BILL 25-1070

HOUSE SPONSORSHIP

Bradfield,

SENATE SPONSORSHIP

Michaelson Jenet,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONDITIONS WHEN ELECTROCONVULSIVE**
102 **TREATMENT MAY BE PERFORMED ON A MINOR.**

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>.)

For a minor who is 15 years of age or younger, current law authorizes electroconvulsive treatment (ECT) to be performed if certain conditions are met, including that ECT is medically necessary to treat life-threatening malignant catatonia. The bill removes this condition.

The bill authorizes the minor to object to ECT verbally or in writing and sets forth the procedures for when a minor objects. A minor

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

has no legal authority to object to ECT if the ECT is medically necessary to treat life-threatening malignant catatonia.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-20-403, **amend**
3 (3); and **add** (3.5) as follows:

4 **13-20-403. Restrictions on electroconvulsive treatment - rights**
5 **of minors - definition.** (3) Electroconvulsive treatment may be
6 performed on a minor who is fifteen years of age or younger only if:

7 (a) Two individuals licensed to practice medicine in Colorado and
8 specializing in psychiatry approve the electroconvulsive treatment;

9 (b) Other less-invasive treatments have failed;

10 (c) ~~Electroconvulsive treatment is medically necessary to treat~~
11 ~~life-threatening malignant catatonia;~~

12 (d) Electroconvulsive treatment is performed by at least one
13 physician, or the physician's designee, who is trained and credentialed in
14 electroconvulsive treatment; and

15 (e) A parent or guardian of the minor consents to
16 electroconvulsive treatment.

17 (3.5) (a) NOTWITHSTANDING SUBSECTIONS (2) AND (3) OF THIS
18 SECTION TO THE CONTRARY, A MINOR MAY OBJECT TO
19 ELECTROCONVULSIVE TREATMENT VERBALLY OR IN WRITING. IF A MINOR
20 OBJECTS TO ELECTROCONVULSIVE TREATMENT, THE DIRECTOR OF THE
21 FACILITY WHERE THE TREATMENT IS SOUGHT, OR THE DIRECTOR'S
22 APPOINTED REPRESENTATIVE, SHALL ADVISE THE MINOR THAT THE MINOR
23 HAS THE RIGHT TO RETAIN AND CONSULT WITH AN ATTORNEY AT ANY
24 TIME. IF THE MINOR REQUESTS AN ATTORNEY, THE DIRECTOR OR THE
25 DIRECTOR'S APPOINTED REPRESENTATIVE SHALL FILE, WITHIN THREE DAYS

1 AFTER THE MINOR'S REQUEST, A PETITION WITH THE DISTRICT COURT IN
2 THE JURISDICTION WHERE THE FACILITY IS LOCATED REQUESTING AN
3 ATTORNEY FOR THE MINOR OR, IF THE MINOR IS UNDER FIFTEEN YEARS OF
4 AGE, A GUARDIAN AD LITEM. THE COURT SHALL NOTIFY THE MINOR; THE
5 MINOR'S ATTORNEY, IF ANY; AND THE MINOR'S PARENT, LEGAL GUARDIAN,
6 OR GUARDIAN AD LITEM, IF ANY, THAT THE COURT MAY HOLD A HEARING
7 UPON THE PHYSICIAN'S REQUEST FOR ELECTROCONVULSIVE TREATMENT.

8 (b) WHENEVER THE PETITION REQUESTING AN ATTORNEY IS FILED
9 WITH THE COURT, THE COURT SHALL ASCERTAIN WHETHER THE MINOR HAS
10 RETAINED COUNSEL, AND, IF THE MINOR HAS NOT, THE COURT SHALL,
11 WITHIN THREE DAYS AFTER THE PETITION IS FILED, APPOINT AN ATTORNEY
12 TO REPRESENT THE MINOR OR, IF THE MINOR IS UNDER FIFTEEN YEARS OF
13 AGE, A GUARDIAN AD LITEM. UPON RECEIPT OF A PETITION FILED BY THE
14 GUARDIAN AD LITEM, THE COURT SHALL APPOINT AN ATTORNEY TO
15 REPRESENT THE MINOR UNDER FIFTEEN YEARS OF AGE.

16 (c) THE MINOR OR THE MINOR'S ATTORNEY OR GUARDIAN AD
17 LITEM MAY, AT ANY TIME AFTER THE MINOR HAS CONTINUED TO AFFIRM
18 THE MINOR'S OBJECTION TO ELECTROCONVULSIVE TREATMENT PURSUANT
19 TO THIS SUBSECTION (3.5), FILE A PETITION SEEKING AN ORDER
20 PROHIBITING THE USE OF ELECTROCONVULSIVE TREATMENT ON THE
21 MINOR. IF A PETITION IS FILED, THE COURT SHALL HEAR THE MATTER
22 WITHIN TEN DAYS AFTER THE FILING, AND THE COURT SHALL GIVE NOTICE
23 OF THE TIME AND PLACE OF THE HEARING TO THE MINOR; THE MINOR'S
24 ATTORNEY, IF ANY; THE MINOR'S PARENTS OR LEGAL GUARDIAN; THE
25 MINOR'S GUARDIAN AD LITEM, IF ANY; AND THE MINOR'S CONSENTING
26 PHYSICIAN.

27 (d) AT THE CONCLUSION OF THE HEARING, THE COURT MAY ENTER

1 AN ORDER PERMITTING OR PROHIBITING ELECTROCONVULSIVE TREATMENT
2 OR ANY OTHER APPROPRIATE ORDER. THE COURT SHALL SPECIFY THE
3 DURATION OF THE ORDER AND THE NUMBER OF ELECTROCONVULSIVE
4 TREATMENTS THAT MAY BE PERFORMED ON THE MINOR. IF THE MINOR
5 CONTINUES TO AFFIRM THE MINOR'S OBJECTION TO ELECTROCONVULSIVE
6 TREATMENT AFTER THE DURATION OF THE ORDER, THE MINOR OR THE
7 MINOR'S ATTORNEY OR GUARDIAN AD LITEM MAY FILE A NEW PETITION
8 SEEKING AN ORDER PROHIBITING ELECTROCONVULSIVE TREATMENT AND
9 THE COURT SHALL HEAR THE MATTER PURSUANT TO SUBSECTION (3.5)(c)
10 OF THIS SECTION.

11 (e) THIS SUBSECTION (3.5) DOES NOT APPLY IF THE
12 ELECTROCONVULSIVE TREATMENT IS MEDICALLY NECESSARY TO TREAT
13 LIFE-THREATENING MALIGNANT CATATONIA.

14 (f) FOR PURPOSES OF THIS SUBSECTION (3.5), "OBJECTS TO
15 ELECTROCONVULSIVE TREATMENT" MEANS THAT A MINOR HAS
16 VERBALIZED OR WRITTEN, WITH THE NECESSARY ASSISTANCE OF HOSPITAL
17 STAFF, THE MINOR'S OBJECTIONS TO ELECTROCONVULSIVE TREATMENT
18 AND HAS BEEN GIVEN AN OPPORTUNITY TO AFFIRM OR DISAFFIRM THE
19 OBJECTIONS FORTY-EIGHT HOURS AFTER THE OBJECTIONS ARE FIRST
20 WRITTEN.

21 **SECTION 2. Safety clause.** The general assembly finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety or for appropriations for
24 the support and maintenance of the departments of the state and state
25 institutions.