

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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 **(2) and (3); and add (3.5) as follows:**

4 **13-20-403. Restrictions on electroconvulsive treatment - rights**
5 **of minors - definition.** (2) Electroconvulsive treatment may be
6 performed on a minor who is sixteen years of age or older but under
7 eighteen years of age only if two individuals licensed to practice medicine
8 in Colorado and specializing in psychiatry approve the treatment, and a
9 parent or guardian of the minor consents to the treatment, AND THE MINOR
10 IS NOTIFIED OF THE MINOR'S RIGHT TO OBJECT TO ELECTROCONVULSIVE
11 TREATMENT PURSUANT TO SUBSECTION (3.5) OF THIS SECTION.

12 (3) Electroconvulsive treatment may be performed on a minor
13 who is fifteen years of age or younger only if:

14 (a) Two individuals licensed to practice medicine in Colorado and
15 specializing in psychiatry approve the electroconvulsive treatment. ONE
16 OF THE INDIVIDUALS MUST ALSO SPECIALIZE IN CHILD AND ADOLESCENT
17 PSYCHIATRY.

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

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

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

24 (e) A ~~parent or~~ PARENT, LEGAL CUSTODIAN, OR LEGAL guardian of
25 the minor consents to electroconvulsive treatment; AND

1 (f) THE MINOR IS NOTIFIED OF THE MINOR'S RIGHT TO OBJECT TO
2 ELECTROCONVULSIVE TREATMENT PURSUANT TO SUBSECTION (3.5) OF
3 THIS SECTION.

4 (3.5) (a) A MINOR MAY OBJECT TO ELECTROCONVULSIVE
5 TREATMENT VERBALLY OR IN WRITING. IF A MINOR OBJECTS TO
6 ELECTROCONVULSIVE TREATMENT, THE DIRECTOR OF THE FACILITY WHERE
7 THE TREATMENT IS SOUGHT, OR THE DIRECTOR'S APPOINTED
8 REPRESENTATIVE, SHALL ADVISE THE MINOR THAT THE MINOR HAS THE
9 RIGHT TO RETAIN AND CONSULT WITH AN ATTORNEY AT ANY TIME. IF THE
10 MINOR REQUESTS AN ATTORNEY, THE DIRECTOR OR THE DIRECTOR'S
11 APPOINTED REPRESENTATIVE SHALL FILE, WITHIN THREE DAYS AFTER THE
12 MINOR'S REQUEST, A PETITION WITH THE DISTRICT COURT IN THE
13 JURISDICTION WHERE THE FACILITY IS LOCATED REQUESTING AN
14 ATTORNEY FOR THE MINOR. THE COURT SHALL NOTIFY THE MINOR; THE
15 MINOR'S ATTORNEY, IF ANY; AND THE MINOR'S PARENT, LEGAL GUARDIAN,
16 OR LEGAL CUSTODIAN THAT THE COURT MAY HOLD A HEARING UPON THE
17 PHYSICIAN'S REQUEST FOR ELECTROCONVULSIVE TREATMENT.

18 (b) WHENEVER THE PETITION REQUESTING AN ATTORNEY IS FILED
19 WITH THE COURT, THE COURT SHALL ASCERTAIN WHETHER THE MINOR HAS
20 RETAINED COUNSEL, AND, IF THE MINOR HAS NOT, THE COURT SHALL,
21 WITHIN THREE DAYS AFTER THE PETITION IS FILED, APPOINT AN ATTORNEY
22 TO REPRESENT THE MINOR.

23 (c) THE MINOR OR THE MINOR'S ATTORNEY MAY, AT ANY TIME
24 AFTER THE MINOR HAS CONTINUED TO AFFIRM THE MINOR'S OBJECTION TO
25 ELECTROCONVULSIVE TREATMENT PURSUANT TO THIS SUBSECTION (3.5),
26 FILE A PETITION SEEKING AN ORDER PROHIBITING THE USE OF
27 ELECTROCONVULSIVE TREATMENT ON THE MINOR. IF A PETITION IS FILED,

1 THE COURT SHALL HEAR THE MATTER WITHIN TEN DAYS AFTER THE FILING,
2 AND THE COURT SHALL GIVE NOTICE OF THE TIME AND PLACE OF THE
3 HEARING TO THE MINOR; THE MINOR'S ATTORNEY, IF ANY; THE MINOR'S
4 PARENTS, LEGAL CUSTODIAN, OR LEGAL GUARDIAN; AND THE MINOR'S
5 CONSENTING PHYSICIAN.

6 (d) AT THE CONCLUSION OF THE HEARING, THE COURT MAY ENTER
7 AN ORDER PERMITTING OR PROHIBITING ELECTROCONVULSIVE TREATMENT
8 OR ANY OTHER APPROPRIATE ORDER. THE COURT SHALL SPECIFY THE
9 DURATION OF THE ORDER AND THE NUMBER OF ELECTROCONVULSIVE
10 TREATMENTS THAT MAY BE PERFORMED ON THE MINOR. IF THE MINOR
11 CONTINUES TO AFFIRM THE MINOR'S OBJECTION TO ELECTROCONVULSIVE
12 TREATMENT AFTER THE DURATION OF THE ORDER, THE MINOR OR THE
13 MINOR'S ATTORNEY MAY FILE A NEW PETITION SEEKING AN ORDER
14 PROHIBITING ELECTROCONVULSIVE TREATMENT AND THE COURT SHALL
15 HEAR THE MATTER PURSUANT TO SUBSECTION (3.5)(c) OF THIS SECTION.

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

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

26 **SECTION 2. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

1 preservation of the public peace, health, or safety or for appropriations for
2 the support and maintenance of the departments of the state and state
3 institutions.