

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

INTRODUCED

LLS NO. 25-0049.01 Josh Schultz x5486

HOUSE BILL 25-1087

HOUSE SPONSORSHIP

Armagost,

SENATE SPONSORSHIP

(None),

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CONFIDENTIALITY REQUIREMENTS FOR INDIVIDUALS**
102 **PROVIDING MENTAL HEALTH SUPPORT.**

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 prohibits a peer support team member from disclosing, without the consent of the recipient of peer support (recipient), the confidential communications made by the recipient during a peer support interaction, with specified exceptions. With respect to an exception for which disclosure is permissible, a peer support team member who discloses or does not disclose a communication with a recipient is not

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.*

liable for damages in a civil action for disclosing or not disclosing the communication.

The bill expands an exception allowing specified mental health professionals to disclose confidential information when a recipient makes a threat against an individual or makes a threat that, if carried out, would result in harm to an individual.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-245-220, **amend**
3 (2) introductory portion and (2)(d)(I); **add** (1.5); and **add with amended**
4 **and relocated provisions** (7) as follows:

5 **12-245-220. Disclosure of confidential communications -**
6 **definitions.** (1.5) (a) A PEER SUPPORT TEAM MEMBER SHALL NOT
7 DISCLOSE, WITHOUT THE CONSENT OF THE RECIPIENT OF PEER SUPPORT,
8 THE CONFIDENTIAL COMMUNICATIONS THAT ARE MADE BY THE RECIPIENT
9 DURING A PEER SUPPORT INTERACTION. A RECIPIENT OF PEER SUPPORT
10 WHO PARTICIPATES IN GROUP PEER SUPPORT SERVICES SHALL NOT
11 DISCLOSE INFORMATION THAT WAS COMMUNICATED BY OTHER RECIPIENTS
12 OF GROUP PEER SUPPORT SERVICES DURING THE COURSE OF GROUP PEER
13 SUPPORT SERVICES WITHOUT THE CONSENT OF THE INDIVIDUAL TO WHOM
14 THE INFORMATION RELATES.

15 (b) SUBSECTION (1.5)(a) OF THIS SECTION APPLIES ONLY TO
16 COMMUNICATIONS MADE DURING INTERACTIONS IN WHICH A PEER
17 SUPPORT TEAM MEMBER IS:

18 (I) ACTING IN THE INDIVIDUAL'S OFFICIAL CAPACITY AS A PEER
19 SUPPORT TEAM MEMBER OF THE PEER SUPPORT ORGANIZATION; AND

20 (II) FUNCTIONING WITHIN THE WRITTEN PEER SUPPORT GUIDELINES
21 THAT ARE IN EFFECT FOR THE PEER SUPPORT ORGANIZATION.

22 (c) SUBSECTION (1.5)(a) OF THIS SECTION DOES NOT APPLY IN

1 CASES IN WHICH:

2 (I) A PEER SUPPORT TEAM MEMBER WAS A WITNESS OR A PARTY TO
3 AN INCIDENT THAT PROMPTED THE DELIVERY OF PEER SUPPORT SERVICES;

4 (II) A RECIPIENT OF PEER SUPPORT ADMITS TO COMMITTING A
5 CRIME OR PROVIDES INFORMATION PERTAINING TO THE INDIVIDUAL'S SELF
6 OR OTHERS THAT IS INDICATIVE OF CRIMINAL CONDUCT, INCLUDING A
7 COMMITTED CRIME, A PLAN OR INTENTION TO COMMIT A CRIME, OR A PLAN
8 OR INTENTION TO CONCEAL A CRIME;

9 (III) IN RELATION TO A RECIPIENT OF PEER SUPPORT, ONE OR MORE
10 OF THE CRITERIA DESCRIBED IN SECTION 13-90-107 (1)(m)(V) ARE MET;

11 (IV) A RECIPIENT OF PEER SUPPORT MAKES AN ARTICULABLE AND
12 SIGNIFICANT THREAT AGAINST, OR EXHIBITS BEHAVIORS THAT IN THE
13 REASONABLE JUDGMENT OF A PEER SUPPORT TEAM MEMBER CREATE AN
14 ARTICULABLE AND SIGNIFICANT THREAT AGAINST, THE HEALTH OR SAFETY
15 OF ANOTHER INDIVIDUAL, INCLUDING UNIDENTIFIED INDIVIDUALS
16 BELONGING TO AN IDENTIFIABLE GROUP, SCHOOL STUDENTS, TEACHERS,
17 ADMINISTRATORS, AND OTHER SCHOOL PERSONNEL; OR

18 (V) A RECIPIENT OF PEER SUPPORT MAKES AN ARTICULABLE AND
19 SIGNIFICANT THREAT INVOLVING, OR EXHIBITS BEHAVIORS THAT IN THE
20 REASONABLE JUDGMENT OF A PEER SUPPORT TEAM MEMBER CREATE AN
21 ARTICULABLE AND SIGNIFICANT THREAT INVOLVING, THE DAMAGE OR
22 DESTRUCTION OF PRIVATE OR PUBLIC PROPERTY, INCLUDING A SCHOOL,
23 BUILDING, STRUCTURE, OR NATURAL AREA.

24 (d) A PEER SUPPORT TEAM MEMBER WHO DISCLOSES INFORMATION
25 UNDER SUBSECTION (1.5)(c) OF THIS SECTION SHALL LIMIT THE
26 DISCLOSURE TO THE APPROPRIATE INDIVIDUAL, SCHOOL OR SCHOOL
27 DISTRICT PERSONNEL, AND LAW ENFORCEMENT AGENCIES.

1 (e) A PEER SUPPORT TEAM MEMBER WHO DISCLOSES OR DOES NOT
2 DISCLOSE A CONFIDENTIAL COMMUNICATION WITH A RECIPIENT OF PEER
3 SUPPORT IN ACCORDANCE WITH SUBSECTION (1.5)(c) OF THIS SECTION IS
4 NOT LIABLE FOR DAMAGES IN A CIVIL ACTION FOR DISCLOSING OR NOT
5 DISCLOSING THE COMMUNICATION.

6 (2) Subsection (1) of this section does not apply and a ~~person~~
7 LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER may disclose
8 confidential information when:

9 (d) (I) A client, regardless of age:

10 (A) Makes an articulable and significant threat against ~~a school or~~
11 ~~the occupants of a school~~ AN INDIVIDUAL OR MAKES AN ARTICULABLE AND
12 SIGNIFICANT THREAT THAT, IF CARRIED OUT, WOULD RESULT IN HARM TO
13 AN INDIVIDUAL; or

14 (B) Exhibits behaviors that, in the reasonable judgment of the
15 licensee, registrant, or certificate holder, create an articulable and
16 significant threat to the health or safety of ~~students, teachers,~~
17 ~~administrators, or other school personnel~~ AN INDIVIDUAL.

18 (7) [Formerly 12-245-220 (2)(d)(V)] As used in this subsection
19 ~~(2)(d)~~ SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

20 ~~(A)~~ (a) "Articulable and significant threat" means a threat to the
21 health or safety of ~~a person~~ AN INDIVIDUAL that, based on the totality of
22 the circumstances, can be explained or articulated and that constitutes a
23 threat of substantial bodily harm to ~~a person~~ AN INDIVIDUAL.

24 ~~(B)~~ (b) "FERPA" means the federal "Family Educational Rights
25 and Privacy Act of 1974", 20 U.S.C. sec. 1232g, as amended.

26 (c) "GROUP PEER SUPPORT SERVICES" HAS THE MEANING SET
27 FORTH IN SECTION 13-90-107 (1)(m)(III)(D).

1 ~~(C)~~ (d) "HIPAA" means the federal "Health Insurance Portability
2 and Accountability Act of 1996", as amended, Pub.L. 104-191.

3 (e) "PEER SUPPORT TEAM MEMBER" MEANS A DISTRICT ATTORNEY
4 OR PUBLIC DEFENDER PEER SUPPORT TEAM MEMBER, AS DEFINED IN
5 SECTION 13-90-107 (1)(m)(III)(B); AN EMERGENCY MEDICAL SERVICE
6 PROVIDER OR RESCUE UNIT PEER SUPPORT TEAM MEMBER, AS DEFINED IN
7 SECTION 13-90-107 (1)(m)(III)(C); OR A LAW ENFORCEMENT OR
8 FIREFIGHTER PEER SUPPORT TEAM MEMBER, AS DEFINED IN SECTION
9 13-90-107 (1)(m)(III)(E).

10 ~~(D)~~ (f) "School" means a public or private preschool; elementary,
11 middle, junior high, or high school; or institution of postsecondary
12 education described in title 23, including the Auraria higher education
13 center created in article 70 of title 23.

14 **SECTION 2. Repeal of relocated provisions in this act.** In
15 Colorado Revised Statutes, **repeal** 12-245-220 (2)(d)(V).

16 **SECTION 3. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly; except
19 that, if a referendum petition is filed pursuant to section 1 (3) of article V
20 of the state constitution against this act or an item, section, or part of this
21 act within such period, then the act, item, section, or part will not take
22 effect unless approved by the people at the general election to be held in
23 November 2026 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.