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MEMORANDUM (2)(E)¹

TO: Statutory Revision Committee

FROM: Jane Ritter, Office of Legislative Legal Services

DATE: August 11, 2017

SUBJECT: Duplicate definition sections for article 60 of title 27, C.R.S.

Summary

Staff became aware of this issue during the annual publications process for title 27, C.R.S., following the 2017 legislative session. Senate Bill 17-242 created a new section 27-60-100.3, which included general definitions for article 60 of title 27, C.R.S. Senate Bill 17-207 added a different section, 27-60-102.5, C.R.S., which included the same general definitions for article 60 of title 27, C.R.S.. The two sets of definitions are identical, with the exception of that for "behavioral health". The wording for the two definitions differs, yet the substance is the same.

The two sections should be combined into one section, 27-60-100.3, C.R.S., using the more refined definition of "behavioral health". Section 27-60-102.5, C.R.S., can then be repealed.

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

Analysis

Senate Bill 17-242 was a lengthy bill that updated terminology throughout the Colorado Revised Statutes to reflect the more appropriate language for "behavioral health", "mental health disorders", "alcohol use disorders", and "substance use disorders".

Senate Bill 17-207 was a bill providing a comprehensive update allowing for additional funding for services for persons who are experiencing a behavioral health crisis of some sort.

Article 60 of title 27, C.R.S., includes general provisions related to behavioral health. Prior to the passage of Senate Bill 17-242 and Senate Bill 17-207, article 60 did not include a general definitions section for the article. Both bills added such a section, using different section numbers. Both bills (and new statutory sections) define "behavioral health", "crisis intervention services", "crisis response system", "crisis response system contractor", "state board", and "state department"². Of all these definitions, only "behavioral health" differs.

Section 27-60-100.3 (1), C.R.S., (from Senate Bill 17-242) reads:

- 1) "Behavioral health" refers to an individual's mental and emotional well-being and actions that affect an individual's overall wellness. Behavioral health problems and disorders include substance use disorders, serious psychological distress, suicide, and other mental health disorders. Problems ranging from unhealthy stress or subclinical conditions to diagnosable and treatable diseases are included in the term "behavioral health". The term "behavioral health" is also used to describe service systems that encompass prevention and promotion of emotional health, prevention and treatment services for mental health and substance use disorders, and recovery support.

Section 27-60-102.5 (1), C.R.S., (from Senate Bill 17-207) reads:

- (1) "Behavioral health" is inclusive of both mental health and substance use disorders.

Although the wording differs significantly, substantively, the sections have the same meaning. The longer definition from section 27-60-100.3 (1), C.R.S., simply spells out

² See **Addendum A**.

more examples of mental health and substance use disorders. The second sentence of that definition, however, reads almost identically to that in 27-60-102.5 (1), C.R.S.³

Statutory Charge⁴

The proposed legislation would eliminate redundant rules of law and this fits within the Committee's charge.

Proposed Bill

The attached draft bill⁵ to correct the duplicative definition section in article 60 of title 27, C.R.S., repeals section 27-60-102.5, C.R.S. This would leave in place the more detailed definition of "behavioral health" set forth in section 27-60-100.3, C.R.S., from Senate Bill 17-242, as well as the other identical five definitions found in both sections. Section 27-60-100.3, C.R.S., would then be the sole definitions section for the entirety of article 60 of title 27, C.R.S.

³ § 27-60-100.3 (1) "...Behavioral health problems and disorders include substance use disorders, serious psychological distress, suicide, and other mental health disorders..."

⁴ The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions". § 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." § 2-3-902 (3), C.R.S.

⁵ See **Addendum B**.

Addendum A

27-60-102.5. Definitions. As used in this article 60, unless the context otherwise requires:

(1) "Behavioral health" is inclusive of both mental health and substance use disorders.

(2) "Crisis intervention services" means the array of behavioral health crisis services that are funded by public or private sources and exist to serve individuals who are experiencing a behavioral health crisis.

(3) "Crisis response system" means the behavioral health crisis response system developed and implemented pursuant to this article 60.

(4) "Crisis response system contractor" means an entity that has been awarded a contract to provide one or more crisis intervention services pursuant to section 27-60-103.

(5) "State board" means the state board of human services created and authorized pursuant to section 26-1-107.

(6) "State department" means the state department of human services created pursuant to section 26-1-105.

27-60-100.3. Definitions. As used in this article 60, unless the context otherwise requires:

(1) "Behavioral health" refers to an individual's mental and emotional well-being and actions that affect an individual's overall wellness. Behavioral health problems and disorders include substance use disorders, serious psychological distress, suicide, and other mental health disorders. Problems ranging from unhealthy stress or subclinical conditions to diagnosable and treatable diseases are included in the term "behavioral health". The term "behavioral health" is also used to describe service systems that encompass prevention and promotion of emotional health, prevention and treatment services for mental health and substance use disorders, and recovery support.

(2) "Crisis intervention services" means the array of behavioral health crisis services that are funded by public or private sources and exist to serve individuals who are experiencing a behavioral health crisis.

(3) "Crisis response system" means the behavioral health crisis response system developed and implemented pursuant to this article 60.

(4) "Crisis response system contractor" means an entity that has been awarded a contract to provide one or more crisis intervention services pursuant to section 27-60-103.

(5) "State board" means the state board of human services created and authorized pursuant to section 26-1-107.

(6) "State department" means the state department of human services created pursuant to section 26-1-105.

Addendum B
Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL (2)(E)

Temporary storage location: S:\LLS\2018A\Bills\Pre-Draft\18-SRC-duplicate 27.60 definitions.wpd

LLS NO. 18-####.## Jane Ritter x4342

COMMITTEE BILL

Statutory Revision Committee

A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF A DUPLICATE DEFINITION SECTION IN**
102 **ARTICLE 60 OF TITLE 27, COLORADO REVISED STATUTES.**

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/>.)

Statutory Revision Committee. The bill repeals section 27-60-102.5, Colorado Revised Statutes, which is a duplicate definitions section for general provisions related to behavioral health found in article 60 of title 27, Colorado Revised Statutes. Two separate, but substantively the same, definition sections were added by two separate bills in the 2017

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

legislative session. The bill leaves in place section 27-60-100.3, Colorado Revised Statutes, enacted by Senate Bill 17-242.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** 27-60-102.5.

3 **SECTION 2. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 , 2018, if adjournment sine die is on May , 2018); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2018 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.