

CHAPTER 163

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 99-1174

BY REPRESENTATIVES Morrison, Tool, Alexander, Bacon, Berry, Chavez, Clarke, Coleman, Decker, Fairbank, Hagedorn, Hefley, Kaufman, King, Lawrence, Lee, Mace, May, McElhany, McKay, Mitchell, Paschall, Pfiffner, Saliman, Swenson, T. Williams, Windels, Witwer, and Young;
also SENATORS Lamborn and Weddig.

AN ACT

CONCERNING PREVENTION PROGRAMS FUNDED THROUGH STATE AGENCIES.

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

SECTION 1. Article 1 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 4
PREVENTION PROGRAMS FUNDED THROUGH
STATE AGENCIES**

19-1-401. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) THE STATE OPERATES OR STATE AGENCIES PROVIDE FUNDING FOR A WIDE VARIETY OF PREVENTION PROGRAMS DESIGNED TO ASSIST YOUTH IN ACHIEVING AN EDUCATION, IN MAKING INFORMED CHOICES ABOUT THEIR HEALTH, IN AVOIDING THE JUVENILE AND CRIMINAL JUSTICE SYSTEMS, AND, GENERALLY, IN BECOMING HEALTHY, CONTRIBUTING MEMBERS OF SOCIETY;

(b) THESE PREVENTION PROGRAMS ARE OPERATED BY OR FUNDED THROUGH SEVERAL DEPARTMENTS WITHIN THE EXECUTIVE BRANCH, AND THIS HIGH DEGREE OF DECENTRALIZATION OFTEN MAKES COMMUNICATIONS BETWEEN AND AMONG THESE DEPARTMENTS AND PREVENTION PROGRAMS VERY DIFFICULT;

(c) THERE IS A GREAT DEAL OF OVERLAP AMONG PREVENTION PROGRAMS, SOMETIMES RESULTING IN THE POTENTIALLY INEFFECTIVE USE OF STATE RESOURCES

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AND, POTENTIALLY, IN THE INEFFICIENT PROVISION OF SERVICES TO YOUTH;

(d) THE DISPERSION OF PREVENTION PROGRAMS AMONG DEPARTMENTS MAKES IT DIFFICULT FOR BOTH STATE EMPLOYEES AND THE PUBLIC TO DETERMINE WHAT PREVENTION PROGRAMS ARE AVAILABLE AND WHAT SERVICES ARE PROVIDED THROUGH PREVENTION PROGRAMS THAT ARE OPERATED BY OR FUNDED THROUGH STATE AGENCIES;

(e) THE CONSTITUTIONAL LIMITATIONS PLACED ON PERSONS WHO SERVE IN PUBLIC OFFICE, INCLUDING MEMBERS OF THE GENERAL ASSEMBLY, MAKE IT INCREASINGLY IMPORTANT THAT INFORMATION CONCERNING THE EXISTENCE, FUNDING, AND OPERATION OF PREVENTION PROGRAMS FOR YOUTH BE READILY ACCESSIBLE.

(2) IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY IN ADOPTING THIS PART 4 TO ESTABLISH AND MAINTAIN IN A SINGLE LOCATION IN THE STATUTES A LISTING OF THE PREVENTION PROGRAMS OPERATED BY AND FUNDED THROUGH STATE AGENCIES TO ASSIST ELECTED OFFICIALS, STATE EMPLOYEES, AND THE PUBLIC IN UNDERSTANDING THE ARRAY OF AVAILABLE PREVENTION PROGRAMS AND POTENTIALLY TO REDUCE THE AMOUNT OF REPETITION AND OVERLAP AMONG PROGRAMS THAT ARE OPERATED BY OR FUNDED THROUGH STATE AGENCIES.

19-1-402. Prevention programs - listings by department. (1) THE FOLLOWING PREVENTION PROGRAMS ARE OPERATED BY OR FUNDED THROUGH THE DEPARTMENT OF EDUCATION:

(a) SPECIAL EDUCATION SERVICES, PROVIDED PURSUANT TO ARTICLE 20 OF TITLE 22, C.R.S.;

(b) SUPPLEMENTAL INSTRUCTION SERVICES IN READING, MATHEMATICS, AND LANGUAGE ARTS AND ENCOURAGEMENT OF PARENT INVOLVEMENT AND STAFF DEVELOPMENT PURSUANT TO THE "ELEMENTARY AND SECONDARY EDUCATION ACT", 20 U.S.C. SEC. 6301 ET SEQ.;

(c) THE SCHOOL LUNCH PROGRAM TO SUPPLEMENT PROVISION OF SCHOOL LUNCHES PURSUANT TO THE "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.;

(d) THE "COLORADO PRESCHOOL PROGRAM ACT", ARTICLE 28 OF TITLE 22, C.R.S.;

(e) SPECIAL EDUCATION SERVICES FOR PRESCHOOLERS, PROVIDED PURSUANT TO ARTICLE 20 OF TITLE 22, C.R.S., AND 20 U.S.C. SEC. 1419 ET SEQ.;

(f) "SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES", OPERATED PURSUANT TO 20 U.S.C. SEC. 7101 ET SEQ.;

(g) SPECIAL EDUCATION SERVICES FOR INFANTS AND TODDLERS, PROVIDED PURSUANT TO 20 U.S.C. SEC. 1431 ET SEQ.;

(h) SERVICES PROVIDED PURSUANT TO TITLE VI OF THE "IMPROVING AMERICA'S SCHOOLS ACT", PUBLIC LAW 103-382;

(i) SERVICES PROVIDED PURSUANT TO THE "ENGLISH LANGUAGE PROFICIENCY

ACT", ARTICLE 24 OF TITLE 22, C.R.S.;

(j) THE EVEN START FAMILY LITERACY PROGRAMS, PROVIDED PURSUANT TO 20 U.S.C. SEC. 6365 ET SEQ.;

(k) EDUCATIONAL SERVICES PROVIDED PURSUANT TO THE "COLORADO COMPREHENSIVE HEALTH EDUCATION ACT", ARTICLE 25 OF TITLE 22, C.R.S.;

(l) PROGRAMS PROVIDED THROUGH FUNDS RECEIVED BY THE DEPARTMENT OF EDUCATION FROM THE FEDERAL CHILD CARE AND DEVELOPMENT BLOCK GRANT PURSUANT TO 42 U.S.C. SEC. 9858 ET SEQ.;

(m) EDUCATION FOR HOMELESS CHILDREN AND YOUTH PROVIDED PURSUANT TO 42 U.S.C. SEC. 11431 ET SEQ.

(2) THE FOLLOWING PREVENTION PROGRAM IS OPERATED PURSUANT TO EXECUTIVE ORDER UNDER THE AUSPICES OF THE GOVERNOR'S OFFICE: THE GOVERNOR'S JOB TRAINING OFFICE, FUNDED EXCLUSIVELY BY FEDERAL FUNDS.

(3) THE FOLLOWING PREVENTION PROGRAMS ARE OPERATED BY OR FUNDED THROUGH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING:

(a) MEDICAL SERVICES FOR CHILDREN IN FAMILIES THAT WOULD BE ELIGIBLE FOR PUBLIC ASSISTANCE THROUGH THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM;

(b) MEDICAL SERVICES FOR CHILDREN IN FOSTER CARE;

(c) MEDICAL SERVICES PROVIDED THROUGH THE BABY AND KID CARE PROGRAM CREATED PURSUANT TO SECTION 26-4-508, C.R.S.;

(d) MEDICAL SERVICES PROVIDED TO PREGNANT WOMEN THROUGH THE BABY AND KID CARE PROGRAM CREATED PURSUANT TO SECTION 26-4-508, C.R.S.;

(e) DENTAL SCREENING SERVICES PROVIDED FOR CHILDREN;

(f) THE TREATMENT PROGRAM FOR HIGH-RISK PREGNANT WOMEN, PROVIDED PURSUANT TO SECTION 26-4-508.4, C.R.S.;

(g) PROVISION OF PRIVATE PSYCHIATRIC HOSPITAL CARE FOR PERSONS UNDER TWENTY-ONE YEARS OF AGE;

(h) PROVISION OF MEDICAL AND COMMUNITY-BASED SERVICES PURSUANT TO SECTION 26-4-509 OR 26-4-509.2, C.R.S., FOR CHILDREN UNDER TWENTY-ONE YEARS OF AGE WHO WOULD OTHERWISE BE INSTITUTIONALIZED DUE TO A DISABILITY;

(i) PROVISION OF VACCINES, PURSUANT TO SECTION 25-4-905, C.R.S.;

(j) PROVISION OF DRUG AND ALCOHOL COUNSELING SERVICES FOR PREGNANT WOMEN PURSUANT TO SECTION 26-4-508.2, C.R.S.

(4) THE FOLLOWING PREVENTION PROGRAMS ARE OPERATED BY OR FUNDED THROUGH THE DEPARTMENT OF HIGHER EDUCATION:

(a) "4-H", AUTHORIZED AS A COOPERATIVE EXTENSION SERVICE PROGRAM IN SECTION 23-34-105, C.R.S.;

(b) THE COLORADO CHILD HEALTH PROGRAM;

(c) PREVENTION PROGRAMS FUNDED BY THE COLORADO CHILDREN'S TRUST FUND PROGRAM PURSUANT TO ARTICLE 3.5 OF THIS TITLE;

(d) "DARE TO BE YOU", AUTHORIZED AS A COOPERATIVE EXTENSION SERVICE PROGRAM IN SECTION 23-34-105, C.R.S.;

(e) "STAND", AUTHORIZED AS A COOPERATIVE SERVICE PROGRAM IN SECTION 23-34-105, C.R.S.;

(f) "KIDS ON THE BLOCK", AUTHORIZED AS A COOPERATIVE SERVICE PROGRAM IN SECTION 23-34-105, C.R.S.

(5) THE FOLLOWING PREVENTION PROGRAMS ARE OPERATED BY OR FUNDED THROUGH THE DEPARTMENT OF HUMAN SERVICES:

(a) THE COLORADO CHILD CARE ASSISTANCE PROGRAM CREATED IN PART 8 OF ARTICLE 2 OF TITLE 26, C.R.S.;

(b) PROVISION OF COMMUNITY MENTAL HEALTH SERVICES PURSUANT TO PART 2 OF ARTICLE 1 OF TITLE 27, C.R.S.;

(c) COMMUNITY-BASED SERVICES FOR PREADJUDICATED AND ADJUDICATED YOUTH, FUNDED PURSUANT TO SECTION 19-2-310;

(d) THE FAMILY SUPPORT SERVICES PROGRAM CREATED IN PART 4 OF ARTICLE 10.5 OF TITLE 27, C.R.S.;

(e) ALCOHOL AND DRUG ABUSE PREVENTION PROGRAMS PROVIDED PURSUANT TO PART 3 OF ARTICLE 1 OF TITLE 25, C.R.S.;

(f) ALCOHOL AND DRUG ABUSE TREATMENT PROGRAMS PROVIDED PURSUANT TO PART 3 OF ARTICLE 1 OF TITLE 25, C.R.S.;

(g) EARLY INTERVENTION SERVICES FOR INFANTS AND TODDLERS AND THEIR FAMILIES PROVIDED PURSUANT TO SECTION 27-10.5-104, C.R.S.;

(h) THE FAMILY PRESERVATION PROGRAM CREATED IN ARTICLE 5.5 OF TITLE 26, C.R.S.;

(i) FAMILY DEVELOPMENT CENTERS CREATED PURSUANT TO ARTICLE 18 OF TITLE 26, C.R.S.;

(j) CHILDREN'S EXTENSIVE SUPPORT SERVICES PROVIDED THROUGH THE MEDICAID

STATE PLAN UNDER A WAIVER GRANTED BY THE FEDERAL GOVERNMENT;

(k) CHILDREN'S MEDICAL SERVICES PROVIDED THROUGH THE MEDICAID STATE PLAN UNDER A WAIVER GRANTED BY THE FEDERAL GOVERNMENT.

(6) THE FOLLOWING PREVENTION PROGRAMS ARE OPERATED BY OR FUNDED THROUGH THE JUDICIAL DEPARTMENT:

(a) JUVENILE PROBATION SERVICES PROVIDED PURSUANT TO SECTIONS 19-2-925 AND 19-2-926;

(b) THE JUVENILE INTENSIVE SUPERVISION PROGRAM CREATED IN SECTIONS 19-2-306 AND 19-2-307;

(c) THE REGIMENTED JUVENILE TRAINING PROGRAM CREATED IN SECTION 19-2-309.

(7) THE FOLLOWING PREVENTION PROGRAMS ARE OPERATED BY OR FUNDED THROUGH THE DEPARTMENT OF LOCAL AFFAIRS:

(a) COMMUNITY-BASED YOUTH CRIME PREVENTION AND INTERVENTION PROGRAMS THAT RECEIVE GRANTS PURSUANT TO PART 28 OF ARTICLE 32 OF TITLE 24, C.R.S.;

(b) COMMUNITY SERVICES PROGRAMS OPERATED PURSUANT TO 42 U.S.C. SEC. 9801 ET SEQ.;

(c) "SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES" PROGRAMS OPERATED PURSUANT TO 20 U.S.C. SEC. 7101 ET SEQ.

(8) THE FOLLOWING PREVENTION PROGRAMS ARE OPERATED BY OR FUNDED THROUGH THE DEPARTMENT OF MILITARY AFFAIRS:

(a) THE COLORADO YOUTH CONSERVATION CORPS ESTABLISHED IN THE DEPARTMENT OF MILITARY AFFAIRS BY THE GOVERNOR'S JOB TRAINING OFFICE;

(b) THE DRUG DEMAND REDUCTION PROGRAM, FUNDED AS A LOCAL DRUG AND VIOLENCE PREVENTION PROGRAM PURSUANT TO 20 U.S.C. SEC. 7116.

(9) THE FOLLOWING PREVENTION PROGRAMS ARE OPERATED BY OR FUNDED THROUGH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT:

(a) THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN PURSUANT TO 42 U.S.C. SEC. 1786;

(b) THE CHILD AND ADULT CARE FOOD PROGRAM PURSUANT TO 42 U.S.C. SEC. 1766;

(c) THE HEALTH CARE PROGRAM FOR CHILDREN WITH SPECIAL NEEDS;

(d) THE SEXUALLY TRANSMITTED DISEASE AND HIV PREVENTION PROGRAM, OPERATED PURSUANT TO PARTS 4 AND 14 OF ARTICLE 4 OF TITLE 25, C.R.S.;

(e) EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT PROGRAMS FOR MEDICAID CLIENTS;

(f) THE COLORADO MIGRANT HEALTH PROGRAM FUNDED PURSUANT TO 42 U.S.C. SEC. 254b;

(g) PROGRAMS TO PROVIDE VACCINES FOR CHILDREN FUNDED PURSUANT TO 42 U.S.C. SEC. 300aa-1;

(h) THE "AMERICAN STOP SMOKING INTERVENTION STUDY";

(i) THE WELL CHILD, CHILDREN, AND YOUTH PROGRAM;

(j) THE CHLAMYDIA CONTROL PROGRAM, OPERATED PURSUANT TO PART 4 OF ARTICLE 4 OF TITLE 25, C.R.S.;

(k) THE SCHOOL IMMUNIZATION PROGRAM OPERATED PURSUANT TO PART 9 OF ARTICLE 4 OF TITLE 25, C.R.S.;

(l) THE INFANT IMMUNIZATION PROGRAM.

(10) THE FOLLOWING PREVENTION PROGRAMS ARE OPERATED BY OR FUNDED THROUGH THE DEPARTMENT OF PUBLIC SAFETY:

(a) THE JUVENILE DIVERSION PROGRAM AUTHORIZED PURSUANT TO SECTION 19-2-303;

(b) JUVENILE JUSTICE PROGRAMS FUNDED THROUGH DISBURSEMENTS RECEIVED PURSUANT TO THE "JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT", PUBLIC LAW 102-586;

(c) THE "BUILD A GENERATION" PROGRAM;

(d) THE WRAP AROUND PROGRAM INITIATIVE.

(11) THE FOLLOWING PREVENTION PROGRAMS ARE OPERATED BY OR FUNDED THROUGH THE DEPARTMENT OF TRANSPORTATION:

(a) LAW ENFORCEMENT ASSISTANCE FUND PREVENTION PROGRAMS;

(b) SAFETY AWARENESS PROGRAMS OPERATED BY THE COLORADO STATE PATROL;

(c) DRUG AND ALCOHOL-FREE ACTIVITIES PROVIDED IN COOPERATION WITH ADAMS COUNTY SCHOOL DISTRICT NO. 12;

(d) EDUCATION AND PREVENTION PROGRAMS FOCUSING ON PREVENTION OF DRINKING AND DRIVING AND INCREASING SEAT BELT USE OPERATED IN CONJUNCTION WITH COLORADO STATE UNIVERSITY;

(e) THE "DODGE NEON DRUNK DRIVING SIMULATOR";

(f) EDUCATION AND PREVENTION PROGRAMS PROVIDED IN CONJUNCTION WITH THE DENVER MUSEUM OF NATURAL HISTORY;

(g) THE LOW-COST CAR SEAT LOANER PROGRAM AND SAFETY PROTECTION FOR CAR OCCUPANTS;

(h) EDUCATION PROGRAMS CONCERNING HELMET SAFETY PROVIDED THROUGH THE DENVER MUSEUM OF NATURAL HISTORY HALL OF LIFE;

(i) INSTRUCTION ON THE SAFE OPERATION OF A BICYCLE PROVIDED BY THE CITY OF BOULDER;

(j) THE SOUTHERN UTE COMMUNITY ACTION PROGRAM;

(k) THE SCHOOL ZONE SAFETY PROGRAM;

(l) THE COLORADO "SAFEKIDS" COALITION.

19-1-403. Triennial update of prevention program list. (1) ON OR BEFORE JANUARY 15, 2002, AND ON OR BEFORE JANUARY 15 EVERY THIRD YEAR THEREAFTER, THE LEGISLATIVE COUNCIL STAFF SHALL SUBMIT TO THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES A REPORT ON THE PROGRAMS LISTED IN SECTION 19-1-402, SPECIFYING THE FOLLOWING:

(a) THE PREVENTION PROGRAMS LISTED IN SECTION 19-1-402 THAT CONTINUE TO BE OPERATED BY OR FUNDED THROUGH A STATE AGENCY AND THE OPERATING OR FUNDING STATE AGENCY FOR EACH PROGRAM;

(b) ANY PREVENTION PROGRAMS LISTED IN SECTION 19-1-402 THAT ARE NO LONGER OPERATED BY OR FUNDED THROUGH A STATE AGENCY;

(c) ANY PREVENTION PROGRAMS OPERATED BY OR FUNDED THROUGH A STATE AGENCY THAT ARE NOT LISTED IN SECTION 19-1-402; AND

(d) ANY RECOMMENDATIONS FOR LEGISLATION NECESSARY TO CONFORM THE PROVISIONS OF SECTION 19-1-402 TO THE FINDINGS IN THE REPORT.

(2) IN PREPARING THE REPORT PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE LEGISLATIVE COUNCIL STAFF SHALL CONTACT EACH STATE AGENCY AND REQUEST A LIST OF THE PREVENTION PROGRAMS OPERATED BY OR FUNDED THROUGH THE AGENCY, THE SOURCE OF THE FUNDING FOR EACH PREVENTION PROGRAM, AND THE FEDERAL OR STATE STATUTORY AUTHORITY FOR EACH PREVENTION PROGRAM.

SECTION 2. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the provisions of this act.

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

Approved: May 3, 1999