

CHAPTER 129

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 01-1238

BY REPRESENTATIVE(S) Stafford, Clapp, Cloer, Johnson, Lee, Borodkin, Boyd, Fairbank, Mace, Marshall, Miller, Romanoff, Spradley, and Williams S. ;
also SENATOR(S) Hillman, Hagedorn, Hernandez, Linkhart, Pascoe, and Takis.

AN ACT

CONCERNING A PROHIBITION ON THE THERAPEUTIC TECHNIQUE KNOWN AS REBIRTHING, AND, IN CONNECTION THEREWITH, CREATING AN ADDITIONAL PROHIBITED ACTIVITY FOR MENTAL HEALTH PROFESSIONALS WHO USE THE REBIRTHING TECHNIQUE.

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

SECTION 1. Legislative declaration - short title. (1) The use of any therapy to reenact the birthing process in a manner that includes restraint and creates a situation in which a patient may suffer physical injury or death is inappropriate and detrimental to the safety and health of patients. Therefore, the general assembly finds, determines, and declares that any therapy techniques for the rebirthing process are not in the best interests of Coloradans and should not be used as a therapeutic treatment.

(2) The provisions of the act shall be known and cited as "Candace's law" in memory of Candace Newmaker who died as a result of rebirthing treatment.

SECTION 2. 12-43-222 (1) (t) (II) and (1) (t) (III), Colorado Revised Statutes, are amended, and the said 12-43-222 (1) (t) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

12-43-222. Prohibited activities - related provisions. (1) A person licensed, registered, or regulated under part 3, 4, 5, 6, or 7 of this article is in violation of this article if such person:

- (t) Has engaged in any of the following activities and practices:
- (II) The administration, without clinical justification, of treatment that is

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

demonstrably unnecessary; ~~or~~

(III) Ordering or performing, without clinical justification, any service, X ray, or treatment that is contrary to the generally accepted standards of such person's practice; OR

(IV) USING OR RECOMMENDING REBIRTHING OR ANY THERAPY TECHNIQUE THAT MAY BE CONSIDERED SIMILAR TO REBIRTHING AS A THERAPEUTIC TREATMENT. "REBIRTHING" MEANS THE REENACTMENT OF THE BIRTHING PROCESS THROUGH THERAPY TECHNIQUES THAT INVOLVE ANY RESTRAINT THAT CREATES A SITUATION IN WHICH A PATIENT MAY SUFFER PHYSICAL INJURY OR DEATH. FOR THE PURPOSES OF THIS SUBPARAGRAPH (IV), A PARENT OR LEGAL GUARDIAN MAY NOT CONSENT TO PHYSICAL, CHEMICAL, OR MECHANICAL RESTRAINT ON BEHALF OF A CHILD OR WARD.

SECTION 3. 12-43-226 (1) (a), Colorado Revised Statutes, is amended to read:

12-43-226. Unlawful acts. (1) It is unlawful for any person:

(a) To violate the provisions of section 12-43-214, 12-43-216, ~~or~~ 12-43-222 (1) (h), OR 12-43-222 (1) (t) (IV);

SECTION 4. Effective date - applicability. This act shall take effect upon signature of the governor and shall apply to complaints or investigations concerning the conduct of a mental health professional licensed, registered, or regulated under part 3, 4, 5, 6, or 7 of article 43 of title 12, Colorado Revised Statutes, on or after said date.

SECTION 5. 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: April 17, 2001