

CHAPTER 156

**HUMAN SERVICES - SOCIAL SERVICES**

**HOUSE BILL 09-1139**

BY REPRESENTATIVE(S) Solano, Frangas, Gerou, Green, Kefalas, Kerr J., Labuda, Merrifield, Pace, Primavera, Priola, Riesberg, Ryden, Schafer S., Summers, Todd, Vigil;  
also SENATOR(S) Tochtrop, Hudak.

**AN ACT**

**CONCERNING FETAL ALCOHOL SPECTRUM DISORDERS.**

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

**SECTION 1.** 25-1-201, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**25-1-201. Definitions.** As used in this part 2, unless the context otherwise requires:

(3.7) "FETAL ALCOHOL SPECTRUM DISORDER" OR "FASD" MEANS A CONTINUUM OF PERMANENT BIRTH DEFECTS CAUSED BY MATERNAL CONSUMPTION OF ALCOHOL DURING PREGNANCY. "FASD" INCLUDES, BUT IS NOT LIMITED TO, FETAL ALCOHOL SYNDROME.

(5) "VENDOR" MEANS ANY BAR, TAVERN, RESTAURANT, OR RETAIL ESTABLISHMENT LICENSED IN THE STATE OF COLORADO UNDER ARTICLES 46 AND 47 OF TITLE 12, C.R.S., TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON OR OFF THE VENDOR'S PREMISES.

**SECTION 2.** Part 2 of article 1 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**25-1-216. Fetal alcohol spectrum disorders - legislative declaration - health warning signs - commission - repeal.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) FETAL ALCOHOL EXPOSURE IS AMONG THE LEADING KNOWN CAUSES OF

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

MENTAL RETARDATION AND BIRTH DEFECTS IN THE CHILDREN OF THIS STATE;

(b) INDIVIDUALS WITH UNDIAGNOSED FETAL ALCOHOL EXPOSURE SUFFER SUBSTANTIALLY FROM SECONDARY ISSUES SUCH AS CHILD ABUSE AND NEGLECT, SEPARATION FROM FAMILIES, MULTIPLE FOSTER PLACEMENTS, DEPRESSION, AGGRESSION, SCHOOL FAILURE, JUVENILE DETENTION, AND JOB INSTABILITY;

(c) THESE SECONDARY DISABILITIES COME AT A HIGH COST TO INDIVIDUALS, THEIR FAMILIES, AND SOCIETY; AND

(d) A SURVEY PERFORMED IN 2006 BY THE COLORADO PREGNANCY RISK ASSESSMENT SYSTEM ESTIMATED THAT ELEVEN AND TWO-TENTHS PERCENT OF WOMEN IN COLORADO SAID THAT THEY DRANK ALCOHOL DURING THE LAST THREE MONTHS OF THEIR PREGNANCY.

(2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT FETAL ALCOHOL EXPOSURE AND ITS RELATED PROBLEMS CAN BE REDUCED SUBSTANTIALLY BY A GREATER AWARENESS OF THE CONSEQUENCES OF DRINKING ALCOHOL WHILE PREGNANT AND BY EARLY DIAGNOSIS AND RECEIPT OF APPROPRIATE AND EFFECTIVE INTERVENTION.

(3) EACH VENDOR LICENSED IN COLORADO TO SELL ALCOHOLIC BEVERAGES IS HEREBY ENCOURAGED TO POST A HEALTH WARNING SIGN PURSUANT TO PARAGRAPH (c) OF SUBSECTION (4) OF THIS SECTION, INFORMING PATRONS THAT THE CONSUMPTION OF ALCOHOL DURING PREGNANCY MAY CAUSE BIRTH DEFECTS, INCLUDING FETAL ALCOHOL SYNDROME.

(4) (a) THERE IS HEREBY CREATED THE FETAL ALCOHOL SPECTRUM DISORDERS COMMISSION, REFERRED TO IN THIS SECTION AS THE "COMMISSION". THE COMMISSION IS CREATED AS A TEMPORARY COMMISSION UNDER SECTION 22 OF ARTICLE IV OF THE STATE CONSTITUTION. THE COMMISSION SHALL BE COMPOSED OF NO MORE THAN TEN MEMBERS. ON OR BEFORE AUGUST 30, 2009, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, IN CONSULTATION WITH A NONPROFIT ORGANIZATION THAT WORKS WITH FASD ISSUES, SHALL APPOINT THE COMMISSION MEMBERS WITH THE GOAL OF SELECTING A BROAD REPRESENTATION OF INDIVIDUALS WORKING IN THE FIELD OF FASD. THE COMMISSION SHALL INCLUDE REPRESENTATION FROM THE FOLLOWING AREAS AND GROUPS IN ANY COMBINATION THE EXECUTIVE DIRECTOR DEEMS APPROPRIATE:

(I) PEDIATRICS;

(II) FAMILY PHYSICIANS;

(III) CHILD DEVELOPMENT PROGRAMS THAT WORK WITH SPECIAL NEEDS CHILDREN;

(IV) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

(V) THE JUVENILE JUSTICE SYSTEM;

(VI) PRESCHOOL, ELEMENTARY, SECONDARY, AND HIGHER EDUCATION;

(VII) PARENTS, FOSTER PARENTS, OR LEGAL GUARDIANS OF CHILDREN AFFECTED BY FASD;

(VIII) THE DEVELOPMENTALLY DISABLED COMMUNITY; AND

(IX) SPEECH, LANGUAGE, AND OCCUPATIONAL THERAPY.

(b) THE COMMISSION SHALL MEET AT LEAST ONCE ON OR BEFORE SEPTEMBER 30, 2009. AT ITS FIRST MEETING, THE COMMISSION SHALL ELECT BY A MAJORITY VOTE A CHAIRPERSON FROM AMONG THE COMMISSION MEMBERS WHO SHALL ACT AS THE PRESIDING OFFICER OF THE COMMISSION, DETERMINE A MEETING SCHEDULE, AND DEVELOP A LIST OF PRIORITIES. COMMISSION MEMBERS SHALL SERVE WITHOUT COMPENSATION OR REIMBURSEMENT OF EXPENSES.

(c) ON OR BEFORE OCTOBER 30, 2009, THE COMMISSION SHALL DEVELOP A HEALTH WARNING SIGN FOR USE BY VENDORS AND A PLAN FOR MAKING THE SIGN AVAILABLE ON-LINE TO VENDORS. AT A MINIMUM, THE HEALTH WARNING SIGN SHALL READ AS FOLLOWS:

HEALTH WARNING  
DRINKING ANY ALCOHOLIC BEVERAGE DURING  
PREGNANCY MAY CAUSE BIRTH DEFECTS.

(d) ON OR BEFORE DECEMBER 1, 2009, AND AS NEEDED THEREAFTER, THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE DIVISION OF THE DEPARTMENT THAT HAS AUTHORITY FOR SUBSTANCE ABUSE AND MENTAL HEALTH COMMUNITY PROGRAMS AND TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE COMMISSION'S RECOMMENDATIONS SHALL ADDRESS THE PREVENTION OF AND EDUCATION ABOUT FASD AND ANY OTHER FASD-RELATED ISSUES.

(e) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JUNE 30, 2012.

**SECTION 3. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 21, 2009