

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 25-0049.01 Josh Schultz x5486

HOUSE BILL 25-1087

HOUSE SPONSORSHIP

Armagost and Bird, Barron, Boesenecker, Bradley, Duran, Garcia Sander, Gonzalez R., Hamrick, Johnson, Keltie, Lieder, Lindsay, Lukens, Marshall, McCluskie, McCormick, Rydin, Smith, Stewart K., Titone, Weinberg, Winter T.

SENATE SPONSORSHIP

Pelton R. and Michaelson Jenet,

House Committees
Health & Human Services

Senate Committees
Health & Human Services

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.

SENATE
Amended 2nd Reading
April 3, 2025

HOUSE
3rd Reading Unamended
February 27, 2025

HOUSE
Amended 2nd Reading
February 26, 2025

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.

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

SECTION 1. In Colorado Revised Statutes, **add** 12-30-125 as follows:

12-30-125. Peer support team members - disclosure of confidential information - not regulated by division - definitions.

(1) (a) A PEER SUPPORT TEAM MEMBER SHALL NOT DISCLOSE, WITHOUT THE CONSENT OF THE RECIPIENT OF PEER SUPPORT SERVICES, THE CONFIDENTIAL COMMUNICATIONS THAT ARE MADE BY THE RECIPIENT DURING A PEER SUPPORT INTERACTION. A RECIPIENT OF PEER SUPPORT SERVICES WHO PARTICIPATES IN GROUP PEER SUPPORT SERVICES SHALL NOT DISCLOSE INFORMATION THAT WAS COMMUNICATED BY OTHER RECIPIENTS OF GROUP PEER SUPPORT SERVICES DURING THE COURSE OF GROUP PEER SUPPORT SERVICES WITHOUT THE CONSENT OF THE INDIVIDUAL TO WHOM THE INFORMATION RELATES.

(b) SUBSECTION (1)(a) OF THIS SECTION APPLIES ONLY TO COMMUNICATIONS MADE DURING INTERACTIONS IN WHICH A PEER SUPPORT TEAM MEMBER IS:

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

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

(c) SUBSECTION (1)(a) OF THIS SECTION DOES NOT APPLY IN CASES

1 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 SERVICES ADMITS TO
5 COMMITTING A CRIME OR PROVIDES INFORMATION PERTAINING TO THE
6 INDIVIDUAL'S SELF OR OTHERS THAT IS INDICATIVE OF CRIMINAL CONDUCT,
7 INCLUDING A COMMITTED CRIME, A PLAN OR INTENTION TO COMMIT A
8 CRIME, OR A PLAN OR INTENTION TO CONCEAL A CRIME;

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

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

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

27 (d) A PEER SUPPORT TEAM MEMBER WHO DISCLOSES INFORMATION

1 UNDER SUBSECTION (1)(c) OF THIS SECTION SHALL LIMIT THE DISCLOSURE
2 TO THE APPROPRIATE INDIVIDUAL, SCHOOL OR SCHOOL DISTRICT
3 PERSONNEL, AND LAW ENFORCEMENT AGENCIES.

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

9 (2) (a) AN INDIVIDUAL ENGAGING IN PEER SUPPORT SERVICES AS
10 A PEER SUPPORT TEAM MEMBER IS NOT SUBJECT TO LICENSURE,
11 CERTIFICATION, REGISTRATION, OR OTHER REGULATION BY THE DIVISION
12 OR THE DEPARTMENT FOR THE INDIVIDUAL'S ROLE AS A PEER SUPPORT
13 TEAM MEMBER; HOWEVER, THE INDIVIDUAL MAY BE SUBJECT TO
14 LICENSURE, CERTIFICATION, REGISTRATION, OR OTHER REGULATION FOR
15 ACTIVITIES REGULATED BY THE DIVISION OR THE DEPARTMENT.

16 (b) AN INDIVIDUAL ENGAGING IN PEER SUPPORT SERVICES AS A
17 PEER SUPPORT TEAM MEMBER IS NOT SUBJECT TO DISCIPLINE,
18 ENFORCEMENT, OR REVIEW PURSUANT TO PART 4 OF ARTICLE 20 OF THIS
19 TITLE 12 FOR THE INDIVIDUAL'S ROLE AS A PEER SUPPORT TEAM MEMBER;
20 HOWEVER, THE INDIVIDUAL MAY BE SUBJECT TO DISCIPLINE,
21 ENFORCEMENT, OR REVIEW FOR ACTIVITIES REGULATED BY THE DIVISION
22 OR THE DEPARTMENT.

23 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES:

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

27 (b) "PEER SUPPORT TEAM MEMBER" MEANS A DISTRICT ATTORNEY

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

7 (4) NOTHING IN THIS SECTION PROHIBITS ANY OTHER DISCLOSURES
8 REQUIRED BY LAW.

9 **SECTION 2.** In Colorado Revised Statutes, 12-245-220, **amend**
10 (2) introductory portion, (2)(d)(I), and (2)(d)(II) as follows:

11 **12-245-220. Disclosure of confidential communications -**
12 **definitions.** (2) Subsection (1) of this section does not apply and a **person**
13 **LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER** may disclose
14 confidential information when:

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

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

20 (B) Exhibits behaviors that, in the reasonable judgment of the
21 licensee, registrant, or certificate holder, create an articulable and
22 significant threat to the health or safety of ~~students, teachers,~~
23 ~~administrators, or other school personnel~~ AN INDIVIDUAL OR THEMSELF.

24 (II) A licensee, registrant, or certificate holder who discloses
25 information under this subsection (2)(d) shall limit the disclosure to
26 appropriate school or school district personnel, and law enforcement
27 agencies, AND THE INDIVIDUAL WHO IS THE SUBJECT OF THE THREAT.

1 School or school district personnel to whom the information is disclosed
2 shall maintain confidentiality of the disclosed information, regardless of
3 whether the information constitutes an education record subject to
4 FERPA, consistent with the requirements of FERPA and regulations and
5 applicable guidelines adopted under FERPA, but may disclose
6 information in accordance with section 1232g (b)(1) of FERPA and 34
7 CFR 99.36 if necessary to protect the health or safety of students or other
8 persons.

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