

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 18-0373.01 Jane Ritter x4342

HOUSE BILL 18-1177

HOUSE SPONSORSHIP

Michaelson Jenet,

SENATE SPONSORSHIP

Fenberg and Coram,

House Committees
Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MULTIPLE APPROACHES TO HELP PREVENT YOUTH**
102 **SUICIDE, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

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 requires the office of suicide prevention (office) in the department of public health and environment (department) to work with appropriate entities to develop and implement a plan to provide access to training programs related to youth suicide prevention for people who regularly interact with youth but who are not in a profession that typically

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

HOUSE
Amended 2nd Reading
April 19, 2018

provides such training opportunities, such as camp counselors, recreation center employees, youth group leaders, clergy, and parents. The office is required to approve at least 3 nonprofit organizations statewide to participate in a coordinated program of youth suicide prevention training. Classes and programs offered by the approved nonprofit organizations must be free to the public, and the department shall reimburse the approved nonprofit organization for any direct or indirect costs associated with such classes and programs.

The bill further directs the department to coordinate efforts to create and implement a statewide awareness campaign about suicide and youth suicide prevention, as well as awareness of the suicide prevention hotline. The awareness campaign may include, but is not limited to, the use of written, electronic, radio, and television media.

The age of consent for a minor to seek and obtain outpatient psychotherapy services is lowered from 15 years of age or older to 12 years of age and older. The licensed mental health provider is immune from civil or criminal liability for providing outpatient psychotherapy services unless he or she acts negligently or outside the scope of his or her practice.

The bill clarifies that the age of consent for a minor seeking inpatient psychotherapy or other inpatient mental health services without the consent of a parent or legal guardian remains 15 years of age or older.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1.5-112, **add**

3 (2)(d) as follows:

4 **25-1.5-112. Colorado suicide and youth suicide prevention**

5 **plan - established - goals - responsibilities - reporting - funding.**

6 (2) The suicide prevention commission, together with the office of
7 suicide prevention, the office of behavioral health, the department, and
8 the department of health care policy and financing, is strongly encouraged
9 to collaborate with criminal justice and health care systems, mental and
10 behavioral health systems, primary care providers, physical and mental
11 health clinics in educational institutions, community mental health
12 centers, advocacy groups, emergency medical services professionals and
13 responders, public and private insurers, hospital chaplains, and

1 faith-based organizations, to develop and implement:

2 (d) (I) A PLAN TO PROVIDE ACCESS TO TRAINING PROGRAMS
3 RELATED TO SUICIDE PREVENTION FOR PEOPLE WHO REGULARLY INTERACT
4 WITH YOUTH BUT WHO ARE NOT IN A PROFESSION THAT TYPICALLY
5 PROVIDES SUCH TRAINING OPPORTUNITIES, SUCH AS CAMP COUNSELORS,
6 RECREATION CENTER EMPLOYEES, YOUTH GROUP LEADERS, CLERGY,
7 ATHLETIC COACHES, CAREGIVERS, AND PARENTS. THE OFFICE OF SUICIDE
8 PREVENTION SHALL CONTRACT WITH A COLORADO-BASED NONPROFIT
9 ORGANIZATION TO OFFER SUCH TRAINING THROUGH AN EXISTING
10 STATEWIDE COORDINATED MODEL.

11 (II) THE NONPROFIT ORGANIZATION WITH WHICH THE OFFICE OF
12 SUICIDE PREVENTION ENTERED INTO A CONTRACT PURSUANT TO
13 SUBSECTION (2)(d)(I) OF THIS SECTION SHALL PROVIDE EVIDENCE-BASED
14 AND CULTURALLY SENSITIVE TRAINING CLASSES OR PROGRAMS, IN BOTH
15 ENGLISH AND SPANISH, AT NO CHARGE TO THE PUBLIC, AND THE
16 DEPARTMENT SHALL PROVIDE COMPENSATION TO SUCH NONPROFIT
17 ORGANIZATION FOR THE DIRECT AND INDIRECT COSTS RELATED TO THE
18 TRAINING CLASSES OR PROGRAMS. STARTING OCTOBER 1, 2018, AND AT
19 LEAST QUARTERLY THEREAFTER, THE DEPARTMENT SHALL POST ON ITS
20 WEBSITE A SCHEDULE OF TRAINING CLASSES OR PROGRAMS OFFERED BY
21 THE CONTRACTED NONPROFIT ORGANIZATION.

22 **SECTION 2.** In Colorado Revised Statutes, 25-1.5-101, amend
23 (1)(w) as follows:

24 **25-1.5-101. Powers and duties of department - laboratory cash
25 fund - report.** (1) The department has, in addition to all other powers
26 and duties imposed upon it by law, the powers and duties provided in this
27 section as follows:

1 (w) (I) To ~~act~~ OPERATE THE OFFICE OF SUICIDE PREVENTION,
2 WHICH IS HEREBY ESTABLISHED IN THE DIVISION OF PREVENTION SERVICES
3 IN THE DEPARTMENT, THAT SERVES as the coordinator for suicide
4 prevention programs throughout the state, including the Colorado suicide
5 prevention plan established in section 25-1.5-112.

(II) The department is authorized to accept gifts, grants, and donations to assist it in performing its duties as the coordinator ON BEHALF OF THE OFFICE OF SUICIDE PREVENTION AND for suicide prevention programs. All such gifts, grants, and donations shall be transmitted to the state treasurer who shall credit the same to the suicide prevention coordination cash fund, which fund is hereby created AND REFERRED TO IN THIS SUBSECTION (1)(w) AS THE "FUND". The fund also consists of any money appropriated or transferred to the fund by the general assembly for the purposes of implementing section 25-1.5-112. Any moneys MONEY remaining in the suicide prevention coordination cash fund at the end of any fiscal year shall remain REMAINS in the fund and shall MUST not be transferred or credited to the general fund. The general assembly shall make appropriations from the suicide prevention coordination cash fund for expenditures incurred by the department OR THE OFFICE OF SUICIDE PREVENTION in the performance of its duties under PURSUANT TO this paragraph (w) SUBSECTION (1)(w) and section 25-1.5-112.

22 (III) (A) Notwithstanding section 24-1-136 (11)(a)(I), as part of
23 its THE duties as coordinator for suicide prevention programs OF THE
24 OFFICE OF SUICIDE PREVENTION, on or before each November 1, the
25 department OFFICE OF SUICIDE PREVENTION shall submit to the chairs of
26 the senate health and human services committee, and the house of
27 representatives health, insurance, and environment committee, AND THE

1 HOUSE OF REPRESENTATIVES PUBLIC HEALTH CARE AND HUMAN SERVICES
2 COMMITTEE, or their successor committees, and to the members of the
3 joint budget committee, a report listing all suicide prevention programs
4 in the state and describing the effectiveness of the department OFFICE OF
5 SUICIDE PREVENTION IN acting as the coordinator for suicide prevention
6 programs. For the report submitted in 2013 and each year thereafter, the
7 department OFFICE OF SUICIDE PREVENTION shall include any findings and
8 recommendations it has to improve suicide prevention in the state.

9 (B) (Deleted by amendment, L. 2012.)

10 (IV) In its role as coordinator for suicide prevention programs, the
11 department OFFICE OF SUICIDE PREVENTION may collaborate with each
12 facility licensed or certified pursuant to section 25-1.5-103 in order to
13 coordinate suicide prevention services, including relevant training and
14 other services as part of the Colorado suicide prevention plan established
15 in section 25-1.5-112, INCLUDING THE PLAN TO INCREASE ACCESS TO
16 SUICIDE PREVENTION TRAINING PROGRAMS, AS SET FORTH IN SECTION
17 25-1.5-112 (2)(d). When a facility treats a person OR YOUTH who has
18 attempted suicide or exhibits a suicidal gesture, the facility may provide
19 oral and written information or educational materials to the person or, in
20 the case of a minor, to parents, relatives, or other responsible persons to
21 whom the minor will be released, prior to the person's release, regarding
22 warning signs of depression, risk factors of suicide, methods of
23 preventing suicide, available suicide prevention resources, and any other
24 information concerning suicide awareness and prevention. The
25 department OFFICE OF SUICIDE PREVENTION may work with facilities and
26 the Colorado suicide prevention plan to determine whether and where
27 gaps exist in suicide prevention programs and services, including gaps

that may be present in:

(A) The information and materials being used and distributed in facilities throughout the state;

(B) Resources available to persons, INCLUDING YOUTH, who attempt suicide or exhibit a suicidal gesture and, when the person is a minor, to parents, relatives, and other responsible persons to whom a minor is released; and

(C) The process for referring persons, INCLUDING YOUTH, who attempt suicide or exhibit a suicidal gesture to suicide prevention services and programs or other appropriate health care providers for treatment.

11 (V) FOR THE FISCAL YEAR COMMENCING JULY 1, 2018, THE
12 GENERAL ASSEMBLY SHALL APPROPRIATE TWENTY-FIVE THOUSAND
13 DOLLARS TO THE OFFICE OF SUICIDE PREVENTION FOR THE CREATION AND
14 DEVELOPMENT OF A WEBSITE TO SERVE AS A CLEARINGHOUSE FOR ACCESS
15 TO PREEXISTING MENTAL HEALTH RESOURCES AVAILABLE THROUGHOUT
16 COLORADO. THE OFFICE SHALL CONSULT WITH THE COLORADO YOUTH
17 ADVISORY COUNCIL, CREATED PURSUANT TO SECTION 2-2-1302, AND THE
18 YOUTH SUICIDE PREVENTION WORKGROUP OF THE SUICIDE PREVENTION
19 COMMISSION ON THE DEVELOPMENT OF THE WEBSITE AND, WHEN
20 APPROPRIATE, MAKE USE OF INFORMATION AND RESOURCES PREVIOUSLY
21 COMPILED BY THE COUNCIL AND WORKGROUP. THE WEBSITE MUST BE
22 YOUTH FRIENDLY, CULTURALLY SENSITIVE, AND AVAILABLE IN BOTH
23 ENGLISH AND SPANISH.

26 **12-43-201. Definitions.** As used in this article 43, unless the
27 context otherwise requires:

1 (9) (a) "Psychotherapy", OR "PSYCHOTHERAPY SERVICES", means
2 the treatment, diagnosis, testing, assessment, or counseling in a
3 professional relationship to assist individuals or groups to alleviate
4 behavioral and mental health disorders; understand unconscious or
5 conscious motivation; resolve emotional, relationship, or attitudinal
6 conflicts; or modify behaviors that interfere with effective emotional,
7 social, or intellectual functioning. Psychotherapy follows a planned
8 procedure of intervention that takes place on a regular basis, over a period
9 of time, or in the cases of testing, assessment, and brief psychotherapy,
10 psychotherapy can be a single intervention.

11 **SECTION 4.** In Colorado Revised Statutes, **add** 12-43-202.5 as
12 follows:

12-43-202.5. Minors - consent for outpatient psychotherapy -

14 **legislative declaration - immunity.** (1) (a) THE GENERAL ASSEMBLY
15 FINDS AND DECLARES THAT:

16 (I) THE CENTERS FOR DISEASE CONTROL FOUND SUICIDE TO BE THE
17 TENTH LEADING CAUSE OF DEATH FOR ALL AGES IN 2013 AND IS
18 CURRENTLY THE LEADING CAUSE OF DEATH FOR COLORADO YOUTH WHO
19 ARE TEN THROUGH FOURTEEN YEARS OF AGE:

20 (II) ACCORDING TO THE AMERICAN ASSOCIATION OF
21 SUICIDIOLOGY, THE SUICIDE RATE FOR YOUTH WHO ARE TEN THROUGH
22 FOURTEEN YEARS OF AGE HAS INCREASED BY MORE THAN FIFTY PERCENT
23 OVER THE PAST THREE DECADES: AND

24 (III) YOUTH WHO ARE TEN THROUGH FOURTEEN YEARS OF AGE
25 OFTEN AVOID OBTAINING, OR ARE LEGALLY UNABLE TO OBTAIN WITHOUT
26 PARENTAL CONSENT, OUTPATIENT PSYCHOTHERAPY SERVICES THAT
27 WOULD HELP THEM PRIOR TO REACHING CRISIS LEVELS BECAUSE THEY ARE

1 EMBARRASSED OR CONCERNED ABOUT SPEAKING WITH THEIR PARENTS
2 ABOUT THEIR MENTAL HEALTH CONCERNS AND SITUATION.

3 (b) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT IT IS A
4 MATTER OF STATEWIDE CONCERN TO ALLOW YOUTH WHO ARE TWELVE
5 YEARS OF AGE AND OLDER TO HAVE LEGAL ACCESS TO OUTPATIENT
6 PSYCHOTHERAPY SERVICES THAT MIGHT OTHERWISE BE UNAVAILABLE
7 WITHOUT THE CONSENT OF OR NOTIFICATION TO THE YOUTH'S PARENT OR
8 LEGAL GUARDIAN. PROVIDING THESE YOUTH WITH ACCESS TO OUTPATIENT
9 PSYCHOTHERAPY SERVICES IS INTENDED TO REDUCE YOUTH SUICIDES AND
10 ALLOW MENTAL HEALTH PROVIDERS TO WORK WITH YOUTH TO TEACH
11 THEM FUNCTIONAL COPING SKILLS. MENTAL HEALTH PROVIDERS WOULD
12 FURTHER HAVE THE OPPORTUNITY TO HELP THESE YOUTH BUILD HEALTHY
13 CONNECTIONS WITH PARENTS OR LEGAL GUARDIANS BY INCREASING
14 COMMUNICATION AND STRENGTHENING THE BOND BETWEEN PARENT AND
15 CHILD, THUS BUILDING AN ONGOING, NONCLINICAL SUPPORT SYSTEM FOR
16 THE YOUTH TO USE TO MANAGE HIS OR HER MENTAL HEALTH CONCERNs.

17 (2) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
18 CONTRARY, A MENTAL HEALTH PROFESSIONAL WHO IS LICENSED
19 PURSUANT TO THIS ARTICLE 43 MAY, AT A MINOR'S REQUEST, PROVIDE
20 PSYCHOTHERAPY SERVICES, AS THAT TERM IS DEFINED IN SECTION
21 12-43-201 (9)(a), TO A MINOR WHO IS AT LEAST TWELVE YEARS OF AGE,
22 BUT LESS THAN FIFTEEN YEARS OF AGE WITH OR WITHOUT THE CONSENT
23 OF THE MINOR'S PARENT OR LEGAL GUARDIAN. THE MINOR'S CONSENT IS
24 NOT SUBJECT TO DISAFFIRMANCE BECAUSE OF MINORITY.

25 (b) A MENTAL HEALTH PROFESSIONAL WHO IS LICENSED PURSUANT
26 TO THIS ARTICLE 43 MAY NOT PROVIDE PSYCHOTHERAPY SERVICES TO A
27 MINOR WHO IS YOUNGER THAN TWELVE YEARS OF AGE WITHOUT THE

1 CONSENT OF THE MINOR'S PARENT OR LEGAL GUARDIAN. A MENTAL
2 HEALTH PROFESSIONAL WHO IS LICENSED PURSUANT TO THIS ARTICLE 43
3 MAY PROVIDE PSYCHOTHERAPY SERVICES TO A MINOR WHO IS FIFTEEN
4 YEARS OF AGE OR OLDER PURSUANT TO SECTION 27-65-103 (2).

5 (c) THE LICENSED MENTAL HEALTH PROFESSIONAL PROVIDING
6 PSYCHOTHERAPY SERVICES TO A MINOR PURSUANT TO THIS SUBSECTION
7 (2) IS NOT REQUIRED TO, BUT MAY, WITH THE CONSENT OF THE MINOR,
8 ADVISE THE MINOR'S PARENT OR LEGAL GUARDIAN OF THE
9 PSYCHOTHERAPY SERVICES PROVIDED PURSUANT TO SUBSECTION (2)(a) OF
10 THIS SECTION. A LICENSED MENTAL HEALTH PROFESSIONAL PROVIDING
11 SUCH PSYCHOTHERAPY SERVICES IS ENCOURAGED TO OBTAIN THE
12 CONSENT OF THE MINOR TO SPEAK TO THE MINOR'S PARENT OR LEGAL
13 GUARDIAN.

14 (3) IF A MINOR WHO IS RECEIVING PSYCHOTHERAPY SERVICES
15 PURSUANT TO THIS SECTION COMMUNICATES TO THE MENTAL HEALTH
16 PROFESSIONAL A CLEAR AND IMMINENT INTENT OR THREAT TO INFILCT
17 SERIOUS BODILY HARM ON HIMSELF OR HERSELF OR OTHERS, THE MENTAL
18 HEALTH PROFESSIONAL IS SUBJECT TO THE PROVISIONS OF SECTION
19 13-21-117 (2).

20 **SECTION 5.** In Colorado Revised Statutes, 27-60-103, **add (8)**
21 as follows:

22 **27-60-103. Behavioral health crisis response system - services**
23 **- request for proposals - criteria - reporting - rules.** (8) THE STATE
24 DEPARTMENT OF HUMAN SERVICES SHALL COORDINATE EFFORTS WITH THE
25 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO IMPLEMENT A
26 STATEWIDE AWARENESS CAMPAIGN ABOUT YOUTH SUICIDE PREVENTION,
27 AS WELL AS AWARENESS OF THE TWENTY-FOUR-HOUR TELEPHONE CRISIS

1 SERVICE CREATED PURSUANT TO THIS SECTION. THE STATE DEPARTMENT
2 OF HUMAN SERVICES SHALL EXPAND YOUTH-SPECIFIC INTERVENTIONS,
3 INCLUDING TEXT-BASED SERVICES, WITHIN THE TWENTY-FOUR-HOUR
4 TELEPHONE CRISIS SERVICE TO SPECIFICALLY ADDRESS YOUTH SUICIDE
5 PREVENTION.

6 **SECTION 6. Appropriation.** (1) For the 2018-19 state fiscal
7 year, \$375,000 is appropriated to the department of human services for
8 use by the office of behavioral health. This appropriation is from the
9 general fund. To implement this act, the office may use this appropriation
10 for the behavioral health crisis response system telephone hotline.

11 (2) For the 2018-19 state fiscal year, \$97,838 is appropriated to
12 the department of public health and environment for use by the prevention
13 services division. This appropriation is from the general fund and is based
14 on an assumption that the division will require an additional 0.3 FTE. To
15 implement this act, the division may use this appropriation for suicide
16 prevention.

17 **SECTION 7. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.