

**Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0135.01 Jane Ritter x4342

**HOUSE BILL 14-1253**

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**HOUSE SPONSORSHIP**

**McCann,** Kraft-Tharp, Young

**SENATE SPONSORSHIP**

**Newell,**

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**House Committees**

Health, Insurance, & Environment

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING IMPLEMENTING THE RECOMMENDATIONS OF THE 2013**  
102 **CIVIL COMMITMENT STATUTE REVIEW TASK FORCE.**

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**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://www.leg.state.co.us/bills summaries>.)*

The bill consolidates administrative provisions related to substance misuse or substance use disorders evaluation and treatment through emergency holds and extended-care certifications into a single statutory article. Currently, provisions for 5-day emergency holds and short-term and long-term certification for alcohol treatment are found in one

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

statutory article, while similar provisions for 5-day emergency holds and short-term and long-term certification for drugs and other substances are found in another statutory article. The bill combines the 2 articles and creates a single process for emergency holds and short-term and long-term treatment for substance misuse and substance use disorders.

The bill adds revised definitions for "danger to self or others" and "gravely disabled" as approved by the 2013 civil commitment statute review task force.

The option for a jury trial for a certification for either a mental health or substance misuse hold is removed.

The term "imminent" is removed from "imminent danger" from the section concerning an emergency hold related to a mental illness.

Language is added to encourage treatment facilities to inquire about whether an individual has an advance directive for persons with a behavioral health illness at the time of admission and, if so, to refer to such advance directive and take it into account if medically appropriate.

The bill makes conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 27-65-102, **repeal**  
3 **and reenact, with amendments,** (4.5) as follows:

4 **27-65-102. Definitions.** As used in this article, unless the context  
5 otherwise requires:

6 (4.5) "DANGER TO SELF OR OTHERS" MEANS:

7 (a) WITH RESPECT TO AN INDIVIDUAL, THAT THE INDIVIDUAL POSES  
8 A SUBSTANTIAL RISK OF PHYSICAL HARM TO HIMSELF OR HERSELF AS  
9 MANIFESTED BY EVIDENCE OF RECENT THREATS OF OR ATTEMPTS AT  
10 SUICIDE OR SERIOUS BODILY HARM TO HIMSELF OR HERSELF; OR

11 (b) WITH RESPECT TO OTHER PERSONS, THAT THE INDIVIDUAL  
12 POSES A SUBSTANTIAL RISK OF PHYSICAL HARM TO ANOTHER PERSON OR  
13 PERSONS, AS MANIFESTED BY EVIDENCE OF RECENT HOMICIDAL OR OTHER  
14 VIOLENT BEHAVIOR DIRECTED TOWARD ANOTHER PERSON OR PERSONS BY  
15 THE INDIVIDUAL IN QUESTION, OR BY EVIDENCE THAT ANOTHER PERSON OR  
16 PERSONS ARE PLACED IN REASONABLE FEAR OF VIOLENT BEHAVIOR OR

1 SERIOUS PHYSICAL HARM, AS MANIFESTED BY A RECENT OVERT ACT,  
2 ATTEMPT, OR THREAT TO DO SERIOUS PHYSICAL HARM BY THE INDIVIDUAL  
3 IN QUESTION.

4 **SECTION 2.** In Colorado Revised Statutes, 27-65-102, **amend**  
5 **as it will become effective July 1, 2014,** (9) as follows:

6 **27-65-102. Definitions.** As used in this article, unless the context  
7 otherwise requires:

8 (9) (a) "Gravely disabled" means a condition in which a person,  
9 as a result of a mental ~~health disorder, is incapable of making informed~~  
10 ~~decisions about or providing for his or her essential needs without~~  
11 ~~significant supervision and assistance from other people. As a result of~~  
12 ~~being incapable of making these informed decisions, a person who is~~  
13 ~~gravely disabled is at risk of substantial bodily harm, dangerous~~  
14 ~~worsening of any concomitant serious physical illness, significant~~  
15 ~~psychiatric deterioration, or mismanagement of his or her essential needs~~  
16 ~~that could result in substantial bodily harm. A person of any age may be~~  
17 ~~"gravely disabled", but such term does not include a person whose~~  
18 ~~decision-making capabilities are limited solely by his or her~~  
19 ~~developmental disability.~~ ILLNESS:

20 (I) IS IN DANGER OF SERIOUS PHYSICAL HARM DUE TO HIS OR HER  
21 INABILITY OR FAILURE TO PROVIDE HIMSELF OR HERSELF WITH THE  
22 ESSENTIAL HUMAN NEEDS OF FOOD, CLOTHING, SHELTER, AND MEDICAL  
23 CARE; OR

24 (II) LACKS JUDGMENT IN THE MANAGEMENT OF HIS OR HER  
25 RESOURCES AND IN THE CONDUCT OF HIS OR HER SOCIAL RELATIONS TO  
26 THE EXTENT THAT HIS OR HER HEALTH OR SAFETY IS SIGNIFICANTLY  
27 ENDANGERED AND LACKS THE CAPACITY TO UNDERSTAND THAT THIS IS SO.

1 (b) A PERSON WHO, BECAUSE OF CARE PROVIDED BY A FAMILY  
2 MEMBER OR BY AN INDIVIDUAL WITH A SIMILAR RELATIONSHIP TO THE  
3 PERSON, IS NOT IN DANGER OF SERIOUS PHYSICAL HARM OR IS NOT  
4 SIGNIFICANTLY ENDANGERED IN ACCORDANCE WITH PARAGRAPH (a) OF  
5 THIS SUBSECTION (9) MAY BE DEEMED "GRAVELY DISABLED" IF THERE IS  
6 NOTICE GIVEN THAT THE SUPPORT GIVEN BY THE FAMILY MEMBER OR  
7 OTHER INDIVIDUAL WHO HAS A SIMILAR RELATIONSHIP TO THE PERSON IS  
8 TO BE TERMINATED AND THE INDIVIDUAL WITH A MENTAL ILLNESS:

9 (I) IS DIAGNOSED BY A PROFESSIONAL PERSON AS SUFFERING FROM:  
10 SCHIZOPHRENIA; A MAJOR AFFECTIVE DISORDER; A DELUSIONAL  
11 DISORDER; OR ANOTHER MENTAL DISORDER WITH PSYCHOTIC FEATURES;  
12 AND

13 (II) HAS BEEN CERTIFIED, PURSUANT TO THIS ARTICLE, FOR  
14 TREATMENT OF THE DISORDER OR HAS BEEN ADMITTED AS AN INPATIENT  
15 TO A TREATMENT FACILITY FOR TREATMENT OF THE DISORDER AT LEAST  
16 TWICE DURING THE LAST THIRTY-SIX MONTHS WITH A PERIOD OF AT LEAST  
17 THIRTY CALENDAR DAYS BETWEEN CERTIFICATIONS OR ADMISSIONS; AND

18 (III) IS EXHIBITING A DETERIORATING COURSE LEADING TOWARD  
19 DANGER TO SELF OR OTHERS OR TOWARD THE CONDITIONS DESCRIBED IN  
20 PARAGRAPH (a) OF THIS SUBSECTION (9) WITH SYMPTOMS AND BEHAVIOR  
21 THAT ARE SUBSTANTIALLY SIMILAR TO THOSE THAT PRECEDED AND WERE  
22 ASSOCIATED WITH HIS OR HER HOSPITAL ADMISSIONS OR CERTIFICATIONS  
23 FOR TREATMENT; AND

24 (IV) IS NOT RECEIVING TREATMENT THAT IS ESSENTIAL FOR HIS OR  
25 HER HEALTH OR SAFETY.

26 (c) A PERSON OF ANY AGE MAY BE "GRAVELY DISABLED", BUT  
27 SUCH TERM SHALL NOT INCLUDE A PERSON WHOSE DECISION-MAKING

1 CAPABILITIES ARE LIMITED SOLELY BY HIS OR HER DEVELOPMENTAL  
2 DISABILITY.

3 (d) FOR PURPOSES OF PARAGRAPH (b) OF THIS SUBSECTION (9), AN  
4 INDIVIDUAL WITH A RELATIONSHIP TO A PERSON THAT IS SIMILAR TO THAT  
5 OF A FAMILY MEMBER SHALL NOT INCLUDE AN EMPLOYEE OR AGENT OF A  
6 BOARDING HOME OR TREATMENT FACILITY.

7 **SECTION 3.** In Colorado Revised Statutes, 27-65-102, **repeal**  
8 **and reenact, with amendments,** (9) as follows:

9 **27-65-102. Definitions.** As used in this article, unless the context  
10 otherwise requires:

11 (9) (a) "GRAVELY DISABLED" MEANS A CONDITION IN WHICH A  
12 PERSON:

13 (I) LACKS JUDGMENT IN THE MANAGEMENT OF HIS OR HER  
14 RESOURCES OR IN THE CONDUCT OF HIS OR HER SOCIAL RELATIONS TO THE  
15 EXTENT THAT HIS OR HER HEALTH OR SAFETY IS SIGNIFICANTLY  
16 ENDANGERED; OR

17 (II) IS INCAPABLE OF MAKING INFORMED DECISIONS ABOUT, OR  
18 PROVIDING FOR, HIS OR HER ESSENTIAL NEEDS WITHOUT SIGNIFICANT  
19 SUPERVISION OR ASSISTANCE FROM OTHER PEOPLE, DOES NOT HAVE, OR  
20 HAS LOST, OR IS AT RISK OF LOSING, NECESSARY CARE AND SUPPORT  
21 WITHOUT WHICH THE PERSON CANNOT FUNCTION SAFELY, AND, AS A  
22 RESULT, IS AT RISK OF:

23 (A) SUBSTANTIAL BODILY HARM;

24 (B) DANGEROUS WORSENING OF ANY CONCOMITANT SERIOUS  
25 PHYSICAL ILLNESS;

26 (C) SIGNIFICANT DETERIORATION IN MENTAL FUNCTIONING;

27 (D) MISMANAGEMENT OF HIS OR HER ESSENTIAL NEEDS THAT

1 COULD RESULT IN SUBSTANTIAL BODILY HARM, INCLUDING BUT NOT  
2 LIMITED TO NOURISHMENT, SAFE SHELTER, MEDICAL NEEDS, AND  
3 CLOTHING; OR

4 (E) DESTRUCTION OF PROPERTY THAT COULD RESULT IN  
5 SUBSTANTIAL BODILY HARM.

6 (b) A PERSON OF ANY AGE MAY BE "GRAVELY DISABLED", BUT  
7 SUCH TERM SHALL NOT INCLUDE A PERSON WHOSE DECISION-MAKING  
8 CAPABILITIES ARE LIMITED SOLELY BY HIS OR HER DEVELOPMENTAL  
9 DISABILITY.

10 **SECTION 4.** In Colorado Revised Statutes, 27-65-103, **amend**  
11 (7) (b) and (7) (d) as follows:

12 **27-65-103. Voluntary applications for mental health services.**

13 (7) (b) If, twenty-four hours after being informed of the results of the  
14 review specified in paragraph (a) of this subsection (7), a minor continues  
15 to affirm the objection to hospitalization, THE DIRECTOR OF THE FACILITY,  
16 OR HIS OR HER DESIGNEE, SHALL ADVISE the minor ~~shall be advised by the~~  
17 ~~director of the facility or his or her duly appointed representative that the~~  
18 ~~minor~~ THAT HE OR SHE has the right to retain and consult with an attorney  
19 at any time and that the director, or his or her ~~duly appointed~~  
20 ~~representative~~ DESIGNEE, shall file, within three CALENDAR days after the  
21 request of the minor, a statement requesting an attorney for the minor or,  
22 if the minor is under fifteen years of age, a guardian ad litem. The minor,  
23 his or her attorney, if any, and his or her parent, legal guardian, or  
24 guardian ad litem, if any, shall also be given written notice that a hearing  
25 upon the recommendation for continued hospitalization may be had  
26 before the court ~~or a jury~~ upon written request directed to the court  
27 pursuant to paragraph (d) of this subsection (7).

1 (d) The minor or his or her attorney or guardian ad litem may, at  
2 any time after the minor has continued to affirm his or her objection to  
3 hospitalization pursuant to paragraph (b) of this subsection (7), file a  
4 written request that THE COURT REVIEW the recommendation for  
5 continued hospitalization ~~be reviewed by the court~~ or that the treatment  
6 be on an outpatient basis. If review is requested, the court shall hear the  
7 matter within ten CALENDAR days after the request, and the court shall  
8 give notice to the minor, his or her attorney, if any, his or her parents or  
9 legal guardian, his or her guardian ad litem, if any, the independent  
10 professional person, and the minor's treating team of the time and place  
11 thereof. The hearing shall be held in accordance with section 27-65-111;  
12 except that the court ~~or jury~~ shall determine that the minor is in need of  
13 care and treatment if the court ~~or jury~~ makes the following findings: That  
14 the minor has a mental illness and is in need of hospitalization; that a less  
15 restrictive treatment alternative is inappropriate or unavailable; and that  
16 hospitalization is likely to be beneficial. At the conclusion of the hearing,  
17 the court may enter an order confirming the recommendation for  
18 continued hospitalization, discharge the minor, or enter any other  
19 appropriate order.

20 **SECTION 5.** In Colorado Revised Statutes, **add** 27-65-104.5 as  
21 follows:

22 **27-65-104.5. Advance directives for persons with behavioral**  
23 **health illnesses.** AN APPROVED TREATMENT FACILITY SHOULD INQUIRE  
24 WHETHER AN INDIVIDUAL WHO IS BEING ADMITTED TO THE FACILITY  
25 PURSUANT TO SECTION 27-65-103, 27-65-105, 27-65-106, 27-65-107,  
26 27-65-108, OR 27-65-109 HAS AN ADVANCE DIRECTIVE FOR A PERSON  
27 WITH A BEHAVIORAL HEALTH ILLNESS. IF THE PERSON BEING ADMITTED

1 HAS AN ADVANCE DIRECTIVE FOR A PERSON WITH A BEHAVIORAL HEALTH  
2 ILLNESS, THE APPROVED TREATMENT FACILITY SHALL TAKE THE  
3 PROVISIONS OF SUCH ADVANCE DIRECTIVE INTO ACCOUNT IN ITS  
4 EVALUATION AND TREATMENT UNLESS THE PROVISIONS ARE NOT, IN THE  
5 PROVIDER'S INDEPENDENT MEDICAL JUDGMENT, MEDICALLY APPROPRIATE.

6

7 **SECTION 6.** In Colorado Revised Statutes, 27-65-105, **amend**  
8 (1) (a) (I), (1) (b), and (3) as follows:

9 **27-65-105. Emergency procedure.** (1) Emergency procedure  
10 may be invoked under either one of the following two conditions:

11 (a) (I) When any person appears to have a mental illness and, as  
12 a result of such mental illness, appears to be ~~an imminent~~ A danger to  
13 SELF OR others ~~or to himself or herself~~ or appears to be gravely disabled,  
14 then a person specified in subparagraph (II) of this paragraph (a), each of  
15 whom is referred to in this section as the "intervening professional", upon  
16 probable cause and with such assistance as may be required, may take the  
17 person into custody, or cause the person to be taken into custody, and  
18 placed in a facility designated or approved by the executive director for  
19 a seventy-two-hour treatment and evaluation.

20 (b) Upon an affidavit sworn to or affirmed before a judge that  
21 relates sufficient facts to establish that a person appears to have a mental  
22 illness and, as a result of the mental illness, appears to be ~~an imminent~~ A  
23 danger to SELF OR others ~~or to himself or herself~~ or appears to be gravely  
24 disabled, the court may order the person described in the affidavit to be  
25 taken into custody and placed in a facility designated or approved by the  
26 executive director for a seventy-two-hour treatment and evaluation.  
27 Whenever in this article a facility is to be designated or approved by the



1 executive director, hospitals, if available, shall be approved or designated  
2 in each county before other facilities are approved or designated.  
3 Whenever in this article a facility is to be designated or approved by the  
4 executive director as a facility for a stated purpose and the facility to be  
5 designated or approved is a private facility, the consent of the private  
6 facility to the enforcement of standards set by the executive director shall  
7 be a prerequisite to the designation or approval.

8 (3) Such facility shall require an application in writing, stating the  
9 circumstances under which the person's condition was called to the  
10 attention of the intervening professional and further stating sufficient  
11 facts, obtained from the personal observations of the intervening  
12 professional or obtained from others whom he or she reasonably believes  
13 to be reliable, to establish that the person has a mental illness and, as a  
14 result of the mental illness, is ~~an imminent~~ A danger to SELF OR others ~~or~~  
15 ~~to himself or herself~~ or is gravely disabled. The application shall indicate  
16 when the person was taken into custody and who brought the person's  
17 condition to the attention of the intervening professional. A copy of the  
18 application shall be furnished to the person being evaluated, and the  
19 application shall be retained in accordance with the provisions of section  
20 27-65-121 (4).

21 **SECTION 7.** In Colorado Revised Statutes, 27-65-107, **amend**  
22 (3) as follows:

23 **27-65-107. Certification for short-term treatment.** (3) Within  
24 twenty-four hours of certification, copies of the certification shall be  
25 personally delivered to the respondent, and a copy shall be kept by the  
26 evaluation facility as part of the person's record. The respondent shall also  
27 be asked to designate one other person whom he or she wishes informed

1 regarding certification. If he or she is incapable of making such a  
2 designation at the time the certification is delivered, he or she shall be  
3 asked to designate such person as soon as he or she is capable. In addition  
4 to the copy of the certification, the respondent shall be given a written  
5 notice that a hearing upon his or her certification for short-term treatment  
6 may be had before the court ~~or a jury~~ upon written request directed to the  
7 court pursuant to subsection (6) of this section.

8 **SECTION 8.** In Colorado Revised Statutes, 27-65-109, **amend**  
9 (4) and (5); and **repeal** (3) as follows:

10 **27-65-109. Long-term care and treatment of persons with**  
11 **mental illness.** (3) ~~Within ten days after receipt of the petition, the~~  
12 ~~respondent or his or her attorney may request a jury trial by filing a~~  
13 ~~written request therefor with the court.~~

14 (4) The court ~~or jury~~ shall determine whether the conditions of  
15 subsection (1) of this section are met and whether the respondent has a  
16 mental illness and, as a result of the mental illness, is a danger to SELF OR  
17 others ~~or to himself or herself~~ or is gravely disabled. The court shall  
18 thereupon issue an order of long-term care and treatment for a term not  
19 to exceed six months, or it shall discharge the respondent for whom  
20 long-term care and treatment was sought, or it shall enter any other  
21 appropriate order, subject to available appropriations. An order for  
22 long-term care and treatment ~~shall~~ MUST grant custody of the respondent  
23 to the department for placement with an ~~agency~~ or APPROVED TREATMENT  
24 facility. ~~designated by the executive director to provide long-term care~~  
25 ~~and treatment.~~ When a petition contains a request that a specific legal  
26 disability be imposed or that a specific legal right be deprived, the court  
27 may order the disability imposed or the right deprived if ~~it or a jury has~~

1 ~~determined~~ DETERMINES that the respondent has a mental illness or is  
2 gravely disabled and that, by reason thereof, the person is unable to  
3 competently exercise said right or perform the function as to which the  
4 disability is sought to be imposed. Any interested person may ask leave  
5 of the court to intervene as a copetitioner for the purpose of seeking the  
6 imposition of a legal disability or the deprivation of a legal right. ■

7 (5) An original order of long-term care and treatment or any  
8 extension of such order ~~shall expire~~ EXPIRES upon the date specified  
9 therein, unless further extended as provided in this subsection (5). If an  
10 extension is being sought, the professional person in charge of the  
11 evaluation and treatment shall certify to the court at least thirty CALENDAR  
12 days prior to the expiration date of the order in force that an extension of  
13 the order is necessary for the care and treatment of the respondent subject  
14 to the order in force, and a copy of the certification shall be delivered to  
15 the respondent and simultaneously mailed to his or her attorney of record.  
16 At least twenty CALENDAR days before the expiration of the order, the  
17 court shall give written notice to the respondent and his or her attorney of  
18 record that a hearing upon the extension may be had before the court ~~or~~  
19 ~~a jury~~ upon written request to the court within ten CALENDAR days after  
20 receipt of the notice. If ~~no~~ A hearing is NOT requested by the respondent  
21 within such time, the court may proceed ex parte. If a hearing is timely  
22 requested, it ~~shall~~ MUST be held before the expiration date of the order in  
23 force. If the court ~~or jury~~ finds that the conditions of subsection (1) of this  
24 section continue to be met and that the respondent has a mental illness  
25 and, as a result of the mental illness, is a danger to SELF OR others ~~or to~~  
26 ~~himself or herself~~ or is gravely disabled, the court shall issue an extension  
27 of the order. Any extension shall be for a period of not more than six

1 months, but there may be as many extensions as the court orders pursuant  
2 to this section.

3 **SECTION 9.** In Colorado Revised Statutes, 27-65-111, **amend**  
4 (1) as follows:

5 **27-65-111. Hearing procedures - jurisdiction.** (1) ~~Hearings~~ A  
6 HEARING before the court ~~under~~ PURSUANT TO section 27-65-107,  
7 27-65-108, or 27-65-109 ~~shall~~ MUST be conducted in the same manner as  
8 other civil proceedings before the court. The burden of proof ~~shall be~~ IS  
9 upon the person or facility seeking to detain the respondent. The court ~~or~~  
10 ~~jury~~ shall determine that the respondent is in need of care and treatment  
11 only if the court ~~or jury~~ finds by clear and convincing evidence that the  
12 person has a mental illness and, as a result of the mental illness, is a  
13 danger to others or to himself or herself or is gravely disabled.  
14 ADDITIONALLY, BASED ON THE TOTALITY OF THE EVIDENCE PRESENTED,  
15 THE COURT SHALL CONSIDER THE TESTIMONY REGARDING A RESPONDENT'S  
16 POTENTIAL FOR DANGER, TAKING INTO ACCOUNT SUCH FACTORS AS HOW  
17 RECENT THE INCIDENTS WERE, HOW SEVERE THE EVENTS WERE, AND ANY  
18 KNOWN CORRELATION BETWEEN THE OCCURRENCE OF EVENTS AND  
19 WHETHER THE INDIVIDUAL WAS PARTICIPATING IN TREATMENT AT THE  
20 TIME OF THE EVENTS.

21 **SECTION 10.** In Colorado Revised Statutes, 27-65-127, **amend**  
22 (4) introductory portion; and **repeal** (4) (c) as follows:

23 **27-65-127. Imposition of legal disability - deprivation of legal**  
24 **right - restoration.** (4) Whenever any proceedings are instituted or  
25 conducted pursuant to this section, the following procedures ~~shall~~ apply:

26 (c) ~~Upon demand made at least five days prior to the date of~~  
27 ~~hearing, the respondent shall have the right to a trial of all issues by a jury~~

1 of six.

2 **SECTION 11.** In Colorado Revised Statutes, **repeal and reenact,**  
3 **with amendments,** 27-80-101 as follows:

4 **27-80-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "APPROVED TREATMENT FACILITY" MEANS A TREATMENT  
7 FACILITY APPROVED BY OR OPERATING UNDER THE DIRECTION AND  
8 CONTROL OF THE UNIT OR PROVIDING TREATMENT PURSUANT TO THIS  
9 ARTICLE THROUGH A CONTRACT WITH THE UNIT AND MEETING THE  
10 STANDARDS PRESCRIBED IN AND APPROVED PURSUANT TO SECTION  
11 27-80-108.5.

12 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN SERVICES  
13 CREATED IN SECTION 26-1-105, C.R.S.

14 (3) "DESIGNATED SERVICE AREA" MEANS THE GEOGRAPHICAL  
15 SUBSTATE PLANNING AREA SPECIFIED BY THE DIRECTOR TO BE SERVED BY  
16 A DESIGNATED MANAGED SERVICE ORGANIZATION, AS DESCRIBED IN  
17 SECTION 27-80-107.

18 (4) "DIRECTOR" MEANS THE DIRECTOR OF THE UNIT IN THE  
19 DEPARTMENT THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND  
20 SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND  
21 SUBSTANCE MISUSE.

22 (5) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
23 THE DEPARTMENT OF HUMAN SERVICES.

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

1           (7) "PUBLIC PROGRAM" MEANS A PROGRAM CONCERNING THE  
2 PROBLEMS OF ALCOHOL OR DRUG MISUSE THAT IS SPONSORED BY A  
3 COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY, COUNTY  
4 DEPARTMENT OF SOCIAL SERVICES, COURT, PROBATION DEPARTMENT, LAW  
5 ENFORCEMENT AGENCY, SCHOOL, SCHOOL SYSTEM, BOARD OF  
6 COOPERATIVE SERVICES, INDIAN TRIBAL RESERVATION, OR STATE AGENCY.  
7 "PUBLIC PROGRAM" INCLUDES ANY ALCOHOL OR DRUG MISUSE  
8 TREATMENT PROGRAM REQUIRED AS A CONDITION OF PROBATION  
9 PURSUANT TO PART 2 OF ARTICLE 11 OF TITLE 16, C.R.S., ANY ALCOHOL  
10 OR DRUG MISUSE PROGRAM ADMINISTERED BY THE DIVISION OF ADULT  
11 PAROLE PURSUANT TO ARTICLE 2 OF TITLE 17, C.R.S., ANY COMMUNITY  
12 CORRECTIONAL FACILITY OR PROGRAM ADMINISTERED PURSUANT TO  
13 ARTICLE 27 OF TITLE 17, C.R.S., AND ANY ALCOHOL OR DRUG MISUSE  
14 TREATMENT PROGRAM ADMINISTERED BY THE DIVISION OF YOUTH  
15 CORRECTIONS PURSUANT TO TITLE 19, C.R.S.

16           (8) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN SERVICES  
17 CREATED IN SECTION 26-1-107, C.R.S.

18           (9) "SUBSTANCE" MEANS A CONTROLLED SUBSTANCE AS DEFINED  
19 IN SECTION 18-18-102 (5), C.R.S., TOXIC VAPORS, ALCOHOL, OR ANY  
20 OTHER CHEMICAL THAT CAUSES AN ALTERED MENTAL STATE.

21           (10) "SUBSTANCE USE DISORDER" MEANS A DISORDER IN WHICH  
22 THE MISUSE OF ONE OR MORE SUBSTANCES LEADS TO CLINICALLY  
23 SIGNIFICANT DISTRESS OR IMPAIRMENT IN SOCIAL OR OCCUPATIONAL  
24 FUNCTIONING.

25           (11) "UNIT" MEANS THE UNIT IN THE DEPARTMENT THAT  
26 ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING  
27 THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE MISUSE.

1           **SECTION 12.** In Colorado Revised Statutes, **amend** 27-80-102  
2 as follows:

3           **27-80-102. Duties of the unit.** (1) The unit shall formulate a  
4 comprehensive state plan for ~~alcohol and drug abuse~~ SUBSTANCE USE  
5 DISORDER programs. The state plan ~~shall~~ MUST be submitted to the  
6 governor and, upon his or her approval, ~~shall~~ MUST be submitted to the  
7 appropriate United States agency for review and approval. The state plan  
8 ~~shall~~ MUST include, but not be limited to:

9           (a) A survey of the need for the prevention and treatment of  
10 ~~alcohol and drug abuse~~ SUBSTANCE MISUSE AND SUBSTANCE USE  
11 DISORDERS, including a survey of the health facilities needed to provide  
12 services and a plan for the development and distribution of facilities and  
13 programs throughout the state;

14           (b) A plan for programs to educate the public in the problems of  
15 ~~alcohol and drug abuse~~ SUBSTANCE MISUSE AND SUBSTANCE USE  
16 DISORDERS;

17           (c) A survey of the need for trained teachers, health professionals,  
18 and others involved in the prevention and treatment of ~~alcohol and drug~~  
19 ~~abuse~~ SUBSTANCE MISUSE AND SUBSTANCE USE DISORDERS and the  
20 rehabilitation of ~~abusers~~ PERSONS WHO MISUSE SUBSTANCES OR HAVE A  
21 SUBSTANCE USE DISORDER, and a plan to provide the necessary training  
22 for such persons;

23           (d) Provisions for ~~the periodic~~ AN ANNUAL review and ~~updating~~  
24 UPDATE of the state plan. ~~which shall take place at least annually.~~

25           (2) The department, acting by and through the unit, is designated  
26 as the sole state agency for the supervision of the administration of the  
27 state plan.

1           (3) [**Similar to 27-81-104.**] IN ADDITION, THE UNIT SHALL:

2           (a) IN COOPERATION WITH PUBLIC AND PRIVATE AGENCIES,  
3 ORGANIZATIONS, AND INDIVIDUALS, DEVELOP, ENCOURAGE, AND FOSTER  
4 STATEWIDE, REGIONAL, AND LOCAL PLANS AND PROGRAMS FOR THE  
5 PREVENTION AND TREATMENT OF SUBSTANCE MISUSE AND SUBSTANCE USE  
6 DISORDERS AND PROVIDE TECHNICAL ASSISTANCE AND CONSULTATION  
7 SERVICES FOR THESE PURPOSES;

8           (b) COORDINATE THE EFFORTS AND ENLIST THE ASSISTANCE OF ALL  
9 PUBLIC AND PRIVATE AGENCIES, ORGANIZATIONS, AND INDIVIDUALS  
10 INTERESTED IN THE PREVENTION AND TREATMENT OF SUBSTANCE MISUSE  
11 AND SUBSTANCE USE DISORDERS;

12           (c) UTILIZE COMMUNITY MENTAL HEALTH CENTERS AND CLINICS  
13 WHENEVER FEASIBLE;

14           (d) COOPERATE WITH THE DEPARTMENT OF CORRECTIONS TO  
15 ESTABLISH AND CONDUCT PROGRAMS FOR THE PREVENTION AND  
16 TREATMENT OF SUBSTANCE MISUSE AND SUBSTANCE USE DISORDERS IN  
17 APPROPRIATE AGENCIES AND INSTITUTIONS AND FOR PERSONS WHO MISUSE  
18 SUBSTANCES OR WHO HAVE A SUBSTANCE USE DISORDER WHO ARE IN OR  
19 ARE ON PAROLE FROM CORRECTIONAL INSTITUTIONS. THE UNIT SHALL  
20 FURTHER COOPERATE WITH THE DEPARTMENT OF CORRECTIONS IN  
21 CARRYING OUT THE DUTIES SPECIFIED IN PARAGRAPHS (i) AND (k) OF THIS  
22 SUBSECTION (3).

23           (e) COOPERATE WITH THE DEPARTMENT OF EDUCATION, SCHOOLS,  
24 POLICE DEPARTMENTS, COURTS, AND OTHER PUBLIC AND PRIVATE  
25 AGENCIES, ORGANIZATIONS, AND INDIVIDUALS TO PREPARE CURRICULUM  
26 MATERIALS AND ESTABLISH PROGRAMS FOR THE PREVENTION AND  
27 TREATMENT OF SUBSTANCE MISUSE AND SUBSTANCE USE DISORDERS AT



1 ALL LEVELS OF SCHOOL;

2 (f) PREPARE, PUBLISH, EVALUATE, AND DISSEMINATE  
3 EDUCATIONAL MATERIALS DISCUSSING THE NATURE AND EFFECTS OF  
4 SUBSTANCE MISUSE AND SUBSTANCE USE DISORDERS;

5 (g) DEVELOP AND IMPLEMENT, AS AN INTEGRAL PART OF  
6 TREATMENT PROGRAMS, AN EDUCATIONAL PROGRAM FOR USE IN THE  
7 TREATMENT OF SUBSTANCE USE DISORDERS. THE EDUCATIONAL PROGRAM  
8 MUST INCLUDE THE DISSEMINATION OF INFORMATION CONCERNING THE  
9 NATURE AND EFFECTS OF SUBSTANCE MISUSE AND SUBSTANCE USE  
10 DISORDERS.

11 (h) ORGANIZE AND FOSTER TRAINING PROGRAMS FOR ALL PERSONS  
12 ENGAGED IN THE PREVENTION AND TREATMENT OF SUBSTANCE MISUSE  
13 AND SUBSTANCE USE DISORDERS;

14 (i) SPONSOR AND ENCOURAGE RESEARCH INTO THE CAUSES AND  
15 NATURE OF SUBSTANCE USE DISORDERS AND THE TREATMENT OF  
16 SUBSTANCE USE DISORDERS. THE UNIT SHALL ADDITIONALLY SERVE AS A  
17 CLEARINGHOUSE FOR INFORMATION RELATED TO SUBSTANCE USE  
18 DISORDERS.

19 (j) SPECIFY UNIFORM METHODS FOR KEEPING STATISTICAL  
20 INFORMATION BY PUBLIC AND PRIVATE AGENCIES, ORGANIZATIONS, AND  
21 INDIVIDUALS, AND COLLECT AND MAKE AVAILABLE RELEVANT  
22 STATISTICAL INFORMATION CONCERNING SUBSTANCE USE DISORDERS,  
23 INCLUDING THE NUMBER OF PERSONS TREATED, FREQUENCY OF ADMISSION  
24 AND READMISSION, AND FREQUENCY AND DURATION OF TREATMENT;

25 (k) REVIEW ALL STATE HEALTH, WELFARE, AND TREATMENT PLANS  
26 TO BE SUBMITTED FOR FEDERAL FUNDING UNDER FEDERAL LEGISLATION  
27 AND ADVISE THE GOVERNOR ON PROVISIONS TO BE INCLUDED RELATING TO

1 SUBSTANCE USE DISORDERS;

2 (l) ASSIST IN THE DEVELOPMENT OF, AND COOPERATE WITH,  
3 SUBSTANCE USE DISORDER EDUCATION AND TREATMENT PROGRAMS FOR  
4 STATE AND LOCAL GOVERNMENT EMPLOYEES AND BUSINESSES AND  
5 INDUSTRIES THROUGHOUT THE STATE;

6 (m) UTILIZE THE SUPPORT AND ASSISTANCE OF INTERESTED  
7 PERSONS IN THE COMMUNITY, PARTICULARLY PERSONS IN RECOVERY FROM  
8 SUBSTANCE USE DISORDERS, TO ENCOURAGE OTHER PERSONS WITH  
9 SUBSTANCE USE DISORDERS TO VOLUNTARILY SEEK AND OBTAIN  
10 TREATMENT;

11 (n) COOPERATE WITH THE DEPARTMENT OF TRANSPORTATION TO  
12 ESTABLISH AND CONDUCT PROGRAMS DESIGNED TO DEAL WITH THE  
13 PROBLEM OF PERSONS OPERATING MOTOR VEHICLES WHILE INTOXICATED,  
14 IMPAIRED BY, OR UNDER THE INFLUENCE OF SUBSTANCES;

15 (o) ENCOURAGE GENERAL HOSPITALS AND OTHER APPROPRIATE  
16 HEALTH FACILITIES TO ADMIT, WHEN CLINICALLY INDICATED, PERSONS  
17 WITH SUBSTANCE USE DISORDERS AND TO PROVIDE THEM WITH ADEQUATE  
18 AND APPROPRIATE TREATMENT;

19 (p) ENCOURAGE ALL HEALTH AND DISABILITY INSURANCE  
20 PROGRAMS TO INCLUDE SUBSTANCE USE DISORDERS AS A COVERED  
21 ILLNESS; AND

22 (q) SUBMIT AN ANNUAL REPORT TO THE GOVERNOR DETAILING THE  
23 ACTIVITIES OF THE UNIT.

24 **SECTION 13.** In Colorado Revised Statutes, **add with amended**  
25 **and relocated provisions** 27-80-102.3 as follows:

26 **27-80-102.3. [Formerly 27-81-103.] Powers of the unit.** (1) To  
27 carry out the purposes of this article, the unit may:

1 (a) Plan, establish, and maintain treatment programs as necessary  
2 or desirable;

3 (b) Make contracts necessary or incidental to the performance of  
4 its duties and the execution of its powers, including contracts with public  
5 and private agencies, organizations, and individuals to pay them for  
6 services rendered or furnished to ~~alcoholics or intoxicated~~ persons WITH  
7 A SUBSTANCE USE DISORDER;

8 (c) Solicit and accept for use any gift of money or property made  
9 by will or otherwise and any grant of money, services, or property from  
10 the federal government, the state, or any political subdivision thereof or  
11 any private source, and do all things necessary to cooperate with the  
12 federal government or any of its agencies in making an application for  
13 any grant;

14 (d) Administer or supervise the administration of the provisions  
15 relating to ~~alcoholics and intoxicated~~ persons WITH SUBSTANCE USE  
16 DISORDERS of any state plan submitted for federal funding pursuant to  
17 federal health, welfare, or treatment legislation;

18 (e) Coordinate its activities and cooperate with ~~alcoholism~~  
19 SUBSTANCE USE DISORDER programs in this state and other states and  
20 make contracts and other joint or cooperative arrangements with state,  
21 local, or private agencies in this state and other states for the treatment of  
22 ~~alcoholics and intoxicated~~ persons WITH SUBSTANCE USE DISORDERS and  
23 for the common advancement of ~~alcoholism~~ SUBSTANCE USE DISORDER  
24 programs;

25 (f) Keep records and engage in research and the gathering of  
26 relevant statistics;

27 (g) Do other acts and things necessary or convenient to execute

1 the authority expressly granted to it; and

2 (h) Acquire, hold, or dispose of real property, or any interest  
3 therein, and construct, lease, or otherwise provide treatment facilities for  
4 ~~alcoholics and intoxicated~~ persons WITH SUBSTANCE USE DISORDERS.

5 **SECTION 14.** In Colorado Revised Statutes, 27-80-103, **amend**  
6 (2) (c), (2) (d), (2) (e), and (2) (g) as follows:

7 **27-80-103. Grants for public programs.** (2) A public program  
8 may provide, but need not be limited to, any of the following:

9 (c) Education and counseling regarding ~~the use and abuse of~~  
10 ~~alcohol and drugs~~ SUBSTANCE MISUSE AND SUBSTANCE USE DISORDERS;

11 (d) Programs for prevention of ~~alcohol and drug abuse~~ SUBSTANCE  
12 MISUSE AND SUBSTANCE USE DISORDERS;

13 (e) Training of teachers, health professionals, and others in the  
14 field of ~~alcohol and drug abuse and addiction counseling~~ SUBSTANCE  
15 MISUSE AND SUBSTANCE USE DISORDERS;

16 (g) Services to pregnant women who ~~are alcohol and drug~~  
17 ~~dependent~~ ARE IMPACTED BY SUBSTANCE MISUSE OR SUBSTANCE USE  
18 DISORDERS through demonstration and evaluation projects.

19 **SECTION 15.** In Colorado Revised Statutes, 27-80-104, **amend**  
20 (1) (c) as follows:

21 **27-80-104. Cancellation of grants.** (1) The unit may cancel any  
22 grant for any public program for any of the following reasons:

23 (c) The public program does not meet the standards or  
24 requirements adopted by the department or does not conform to the  
25 comprehensive state plan for ~~alcohol and drug abuse~~ SUBSTANCE MISUSE  
26 OR SUBSTANCE USE DISORDER programs.

27 **SECTION 16.** In Colorado Revised Statutes, **amend** 27-80-106

1 as follows:

2 **27-80-106. Purchase of prevention and treatment services.**

3 (1) Using funds appropriated for purposes of this section or available  
4 from any other governmental or private source, the unit may purchase  
5 services for prevention or for treatment of ~~alcohol and drug abuse~~  
6 SUBSTANCE MISUSE OR SUBSTANCE USE DISORDERS or both types of  
7 services on a contract basis from any tribal nation or any public or private  
8 agency, organization, or institution approved by the unit. The services  
9 purchased may be any of those which may be provided through a public  
10 program, as set forth in section 27-80-103 (2). In contracting for services,  
11 the unit shall attempt to obtain services that are in addition to, and not a  
12 duplication of, existing available services or services that are of a pilot or  
13 demonstration nature. Any agency operating a public program may also  
14 purchase such services on a contract basis.

15 (2) (a) In addition to the services purchased pursuant to subsection  
16 (1) of this section, using funds appropriated for purposes of this section  
17 or available from any other governmental or private source, the unit may  
18 purchase services for the treatment of ~~alcohol and drug abuse~~ SUBSTANCE  
19 MISUSE OR SUBSTANCE USE DISORDERS on a contract basis from a  
20 designated managed service organization for a designated service area as  
21 set forth in section 27-80-107. A public or private agency, organization,  
22 or institution approved by the unit through the process set forth in section  
23 27-80-107 may be designated as a designated managed service  
24 organization.

25 (b) Designated managed service organizations receiving funds  
26 pursuant to this subsection (2) shall comply with all relevant provisions  
27 of this article and the rules promulgated thereunder.

1           **SECTION 17.** In Colorado Revised Statutes, 27-80-107, **amend**  
2 (1), (3), (5), (6), and (7) as follows:

3           **27-80-107. Designation of managed service organizations -**  
4 **purchase of services - revocation of designation.** (1) The director of  
5 ~~the unit~~ shall establish designated service areas for the provision of  
6 treatment services for ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDERS  
7 in a particular geographical region of the state.

8           (3) The designation of a managed service organization by the  
9 director of ~~the unit~~ as described in subsection (2) of this section ~~shall be~~  
10 IS considered an initial decision of the department which may be reviewed  
11 by the executive director in accordance with the provisions of section  
12 24-4-105, C.R.S. Review by the executive director in accordance with  
13 section 24-4-105, C.R.S., ~~shall constitute~~ CONSTITUTES final agency  
14 action for purposes of judicial review.

15           (5) The contract may include a provisional designation for ninety  
16 CALENDAR days. At the conclusion of the ninety-day provisional period,  
17 the director of ~~the unit~~ may choose to revoke the contract or, subject to  
18 meeting the terms and conditions specified in the contract, may choose to  
19 extend the contract for a stated time period.

20           (6) A managed service organization that is designated to serve a  
21 designated service area may subcontract with a network of service  
22 providers to provide treatment services for ~~alcohol and drug abuse~~  
23 SUBSTANCE USE DISORDERS within the particular designated service area.

24           (7) (a) The director of ~~the unit~~ may revoke the designation of a  
25 designated managed service organization upon a finding that the managed  
26 service organization is in violation of the performance of the provisions  
27 of this article or the rules promulgated thereunder ~~such~~ OR VIOLATIONS OF

1 ANY CONDITIONS OF THE CONTRACT. THE revocation ~~shall~~ MUST conform  
2 to the provisions and procedures specified in article 4 of title 24, C.R.S.,  
3 and ~~shall~~ CAN be made only after notice and an opportunity for a hearing  
4 is provided as specified in that article. A hearing to revoke a designation  
5 as a designated managed service organization ~~shall constitute~~  
6 CONSTITUTES final agency action for purposes of judicial review.

7 (b) Once a designation has been revoked pursuant to paragraph (a)  
8 of this subsection (7), the director ~~of the unit~~ may designate one or more  
9 service providers to provide the treatment services pending designation  
10 of a new designated managed service organization or may enter into  
11 contracts with subcontractors to provide the treatment services.

12 (c) From time to time, the director ~~of the unit~~ may solicit  
13 applications from applicants for managed service organization  
14 designation to provide treatment services for a specified planning area or  
15 areas.

16 **SECTION 18.** In Colorado Revised Statutes, 27-80-108, **amend**  
17 (1) introductory portion, (1) (d), and (1) (f); and **add** (2) and (3) as  
18 follows:

19 **27-80-108. Rules.** (1) The state board ~~of human services, created~~  
20 ~~in section 26-1-107, C.R.S.,~~ has the power to promulgate rules governing  
21 the provisions of this article. ~~Such~~ THE rules may include, but ~~shall~~ ARE  
22 not be limited to:

23 (d) Requirements for managed service organizations ~~that are~~  
24 designated by the director ~~of the unit~~ to provide services in a designated  
25 service area ~~under~~ PURSUANT TO section 27-80-106; ~~(2);~~

26 (f) Any rules that are necessary to carry out the purposes of the  
27 treatment program for high-risk pregnant women ~~that is~~ created pursuant

1 to ~~section 27-80-112~~ SECTION 27-80-118.

2 (2) **[Similar to 27-81-108 and 27-82-104.]** THE STATE BOARD  
3 SHALL ADDITIONALLY ADOPT, AMEND, AND REPEAL RULES FOR THE  
4 ACCEPTANCE OF PERSONS INTO A TREATMENT PROGRAM PURSUANT TO  
5 ARTICLE 81 OF THIS TITLE FOR THE PURPOSE OF EARLY AND EFFECTIVE  
6 TREATMENT OF SUBSTANCE USE DISORDERS. IN PROMULGATING THE  
7 RULES, THE STATE BOARD SHALL USE THE FOLLOWING STANDARDS:

8 (a) WHENEVER POSSIBLE, AN INDIVIDUAL MUST BE TREATED ON A  
9 VOLUNTARY RATHER THAN INVOLUNTARY BASIS;

10 (b) AN INDIVIDUAL MUST BE INITIALLY ASSIGNED OR TRANSFERRED  
11 TO AN APPROVED OUTPATIENT OR INTERMEDIATE TREATMENT FACILITY  
12 UNLESS A PROFESSIONAL PERSON FINDS THAT HE OR SHE REQUIRES  
13 INPATIENT OR RESIDENTIAL TREATMENT;

14 (c) AN INDIVIDUAL MUST NOT BE DENIED TREATMENT SOLELY  
15 BECAUSE HE OR SHE HAS WITHDRAWN FROM TREATMENT AGAINST  
16 MEDICAL ADVICE ON A PRIOR OCCASION OR BECAUSE HE OR SHE HAS  
17 RELAPSED AFTER PRIOR TREATMENT;

18 (d) AN INDIVIDUAL TREATMENT PLAN MUST BE PREPARED AND  
19 MAINTAINED ON A CURRENT BASIS FOR EACH INDIVIDUAL RECEIVING  
20 TREATMENT; AND

21 (e) THE APPROVED TREATMENT FACILITY SHALL MAKE PROVISIONS  
22 FOR A CONTINUUM OF COORDINATED TREATMENT SERVICES FOR  
23 INDIVIDUALS UPON THEIR RELEASE FROM TREATMENT SO THAT AN  
24 INDIVIDUAL WHO LEAVES A FACILITY OR A FORM OF TREATMENT IS AWARE  
25 OF AND HAS OTHER APPROPRIATE TREATMENT AVAILABLE.

26 (3) THE STATE BOARD SHALL ADOPT RULES ESTABLISHING A  
27 STANDARDIZED ABILITY-TO-PAY SCHEDULE, UNDER WHICH THOSE WITH



1 SUFFICIENT FINANCIAL ABILITY ARE REQUIRED TO PAY THE FULL COST OF  
2 SERVICES PROVIDED AND THOSE WHO ARE WITHOUT SUFFICIENT FINANCIAL  
3 ABILITY ARE PROVIDED APPROPRIATE TREATMENT AT REDUCED CHARGE.  
4 THE ABILITY-TO-PAY SCHEDULE MUST TAKE INTO CONSIDERATION THE  
5 INCOME, INCLUDING GOVERNMENT ASSISTANCE PROGRAMS, SAVINGS, AND  
6 OTHER PERSONAL AND REAL PROPERTY OF THE INDIVIDUAL REQUIRED TO  
7 PAY, AND ANY SUPPORT THE INDIVIDUAL IS REQUIRED BY LAW TO PAY TO  
8 ANOTHER INDIVIDUAL.

9 **SECTION 19.** In Colorado Revised Statutes, **add with amended**  
10 **and relocated provisions** 27-80-108.5 as follows:

11 **27-80-108.5. [Formerly 27-81-105.] Comprehensive program**  
12 **for treatment - approved treatment facilities.** (1) The unit shall  
13 establish a comprehensive and coordinated program for the treatment of  
14 ~~alcoholics and intoxicated~~ persons WITH SUBSTANCE USE DISORDERS.

15 (2) ~~Insofar as funds available to the unit will permit,~~ SUBJECT TO  
16 AVAILABLE APPROPRIATIONS, the program established in subsection (1)  
17 of this section ~~shall~~ MUST include all of the following:

- 18 (a) Emergency treatment;
- 19 (b) Inpatient treatment;
- 20 (c) Intermediate treatment; and
- 21 (d) Outpatient and follow-up treatment.

22 (3) The unit shall provide for adequate and appropriate treatment  
23 for ~~alcoholics and intoxicated~~ persons WITH SUBSTANCE USE DISORDERS  
24 admitted ~~under sections 27-81-109 to 27-81-112~~ FOR TREATMENT  
25 PURSUANT TO SECTIONS 27-81-110 TO 27-81-112.3. Except as otherwise  
26 provided in section 27-81-111, treatment may not be provided at a  
27 correctional institution except for inmates.

1           (4) The unit shall maintain, supervise, and control all APPROVED  
2 TREATMENT facilities ~~operated by it subject to policies of the department~~  
3 SUBJECT TO DEPARTMENT POLICIES. The administrator of each APPROVED  
4 TREATMENT facility shall make an annual report of its activities to the  
5 director ~~in the form and manner the director specifies~~ AS SPECIFIED BY  
6 THE DIRECTOR.

7           (5) All appropriate public and private resources ~~shall~~ MUST be  
8 coordinated with and utilized in the program if possible.

9           (6) The director shall prepare, publish, and distribute annually a  
10 list of all approved ~~public and private~~ treatment facilities.

11           (7) The unit may contract for the use of any facility as an  
12 approved ~~public~~ treatment facility if the director, subject to ~~the policies~~  
13 ~~of the~~ department POLICIES, considers this to be an effective and  
14 economical course to follow.

15           **SECTION 20.** In Colorado Revised Statutes, **add** 27-80-109.5 as  
16 follows:

17           **27-80-109.5. [Similar to 27-81-106 and 27-82-103.] Standards**  
18 **for approved treatment facilities - fees - enforcement procedures -**  
19 **penalties.** (1) IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE,  
20 THE UNIT SHALL ESTABLISH STANDARDS FOR APPROVED TREATMENT  
21 FACILITIES THAT RECEIVE PUBLIC FUNDS. THE STANDARDS MUST BE MET  
22 FOR A TREATMENT FACILITY TO BE APPROVED BY THE UNIT. THE UNIT  
23 SHALL FIX THE FEES FOR REQUIRED INSPECTIONS. THE FEES CHARGED TO  
24 APPROVED TREATMENT FACILITIES THAT PROVIDE LEVEL I AND LEVEL II  
25 PROGRAMS AS PROVIDED FOR IN SECTION 42-4-1301.3 (3) (c) (IV), C.R.S.,  
26 MUST BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT  
27 THE FEES TO THE ALCOHOL AND DRUG DRIVING SAFETY PROGRAM FUND

1       CREATED IN SECTION 42-4-1301.3 (4) (a), C.R.S. THE STANDARDS MAY  
2       CONCERN ONLY THE HEALTH STANDARDS TO BE MET AND STANDARDS OF  
3       TREATMENT TO BE AFFORDED PATIENTS AND MUST REFLECT THE SUCCESS  
4       CRITERIA ESTABLISHED BY THE GENERAL ASSEMBLY.

5           (2)    THE UNIT SHALL PERIODICALLY INSPECT APPROVED  
6       TREATMENT FACILITIES AT REASONABLE TIMES AND IN A REASONABLE  
7       MANNER.

8           (3)    THE UNIT SHALL MAINTAIN A LIST OF APPROVED TREATMENT  
9       FACILITIES.

10          (4)    EACH APPROVED TREATMENT FACILITY SHALL FILE WITH THE  
11       UNIT, ON REQUEST, DATA, STATISTICS, SCHEDULES, AND INFORMATION THE  
12       UNIT REASONABLY REQUIRES. AN APPROVED TREATMENT FACILITY THAT  
13       FAILS WITHOUT GOOD CAUSE TO FURNISH DATA, STATISTICS, SCHEDULES,  
14       OR INFORMATION, AS REQUESTED, OR FILES FRAUDULENT RETURNS  
15       THEREOF MUST BE REMOVED FROM THE LIST OF APPROVED TREATMENT  
16       FACILITIES.

17          (5)    THE UNIT, AFTER HEARING, MAY SUSPEND, REVOKE, LIMIT,  
18       RESTRICT, OR REFUSE TO GRANT AN APPROVAL FOR FAILURE TO MEET ITS  
19       STANDARDS.

20          (6)    THE DISTRICT COURT MAY RESTRAIN ANY VIOLATION OF,  
21       REVIEW ANY DENIAL, RESTRICTION, OR REVOCATION OF APPROVAL UNDER,  
22       AND GRANT OTHER RELIEF REQUIRED TO ENFORCE THE PROVISIONS OF THIS  
23       SECTION.

24          (7)    UPON PETITION OF THE UNIT AND AFTER A HEARING HELD UPON  
25       REASONABLE NOTICE TO THE FACILITY, THE DISTRICT COURT MAY ISSUE A  
26       WARRANT TO AN OFFICER OR EMPLOYEE OF THE UNIT AUTHORIZING HIM OR  
27       HER TO ENTER AND INSPECT AT REASONABLE TIMES, AND EXAMINE THE

1 BOOKS AND ACCOUNTS OF, ANY APPROVED TREATMENT FACILITY  
2 REFUSING TO CONSENT TO INSPECTION OR EXAMINATION BY THE UNIT OR  
3 WHICH THE UNIT HAS REASONABLE CAUSE TO BELIEVE IS OPERATING IN  
4 VIOLATION OF THIS ARTICLE.

5 **SECTION 21.** In Colorado Revised Statutes, **add** 27-80-110.5 as  
6 follows:

7 **27-80-110.5. [Similar to 27-81-107.] Compliance with local**  
8 **government zoning regulations - notice to local governments -**  
9 **provisional approval.** (1) THE UNIT SHALL REQUIRE ANY RESIDENTIAL  
10 TREATMENT FACILITY SEEKING TO BECOME AN APPROVED TREATMENT  
11 FACILITY PURSUANT TO THIS ARTICLE TO COMPLY WITH APPLICABLE  
12 ZONING REGULATIONS OF THE MUNICIPALITY, CITY AND COUNTY, OR  
13 COUNTY WHERE THE FACILITY IS SITUATED. FAILURE TO COMPLY WITH  
14 APPLICABLE ZONING REGULATIONS CONSTITUTES GROUNDS FOR THE  
15 DENIAL OF APPROVAL OF A FACILITY.

16 (2) THE UNIT SHALL PROVIDE TIMELY WRITTEN NOTICE TO THE  
17 MUNICIPALITY, CITY AND COUNTY, OR COUNTY WHERE A RESIDENTIAL  
18 TREATMENT FACILITY IS SITUATED, INCLUDING THE ADDRESS OF THE  
19 FACILITY AND THE POPULATION AND NUMBER OF PERSONS TO BE SERVED  
20 BY THE FACILITY, WHEN ANY OF THE FOLLOWING OCCURS:

21 (a) A RESIDENTIAL TREATMENT FACILITY APPLIES FOR APPROVAL  
22 PURSUANT TO SECTION 27-80-109.5;

23 (b) APPROVAL IS GRANTED TO A RESIDENTIAL TREATMENT  
24 FACILITY PURSUANT TO SECTION 27-80-109.5; OR

25 (c) A CHANGE IN THE APPROVAL STATUS OF A RESIDENTIAL  
26 TREATMENT FACILITY OCCURS.

27 (3) IN THE EVENT OF A ZONING OR OTHER DELAY OR DISPUTE

1 BETWEEN A RESIDENTIAL TREATMENT FACILITY AND THE MUNICIPALITY,  
2 CITY AND COUNTY, OR COUNTY WHERE THE FACILITY IS SITUATED, THE  
3 UNIT MAY GRANT PROVISIONAL APPROVAL OF THE FACILITY FOR UP TO ONE  
4 HUNDRED TWENTY CALENDAR DAYS PENDING RESOLUTION OF THE DELAY  
5 OR DISPUTE.

6 **SECTION 22.** In Colorado Revised Statutes, **add** 27-80-111.5 as  
7 follows:

8 **27-80-111.5. [Similar to 27-81-116 and 27-82-111.] Payment for**  
9 **treatment - financial ability of patients.** (1) IF TREATMENT IS PROVIDED  
10 TO AN INDIVIDUAL BY AN APPROVED TREATMENT FACILITY AND THE  
11 INDIVIDUAL, INCLUDING AN INDIVIDUAL CERTIFIED FOR TREATMENT  
12 PURSUANT TO SECTION 27-81-111, 27-81-111.3, 27-81-112, OR  
13 27-81-112.3, HAS NOT PAID THE CHARGES INCURRED, THE APPROVED  
14 TREATMENT FACILITY IS ENTITLED TO ANY PAYMENT RECEIVED BY THE  
15 INDIVIDUAL OR TO WHICH HE OR SHE MAY BE ENTITLED BECAUSE OF THE  
16 SERVICES RENDERED AND FROM ANY PUBLIC OR PRIVATE SOURCE  
17 AVAILABLE TO THE APPROVED TREATMENT FACILITY BECAUSE OF THE  
18 TREATMENT PROVIDED TO THE INDIVIDUAL. THE APPROVED TREATMENT  
19 FACILITY MAY SEEK AND OBTAIN A JUDGMENT IN AN APPROPRIATE COURT  
20 FOR ANY UNPAID FEES OR CHARGES.

21 (2) AN INDIVIDUAL IN AN APPROVED TREATMENT FACILITY, OR THE  
22 ESTATE OF THE INDIVIDUAL, OR AN INDIVIDUAL OBLIGATED TO PROVIDE  
23 FOR THE COST OF TREATMENT AND HAVING SUFFICIENT FINANCIAL ABILITY  
24 IS LIABLE TO THE APPROVED TREATMENT FACILITY FOR THE COST OF  
25 TREATMENT OF THE INDIVIDUAL THEREIN IN ACCORDANCE WITH  
26 ESTABLISHED RATES. THE APPROVED TREATMENT FACILITY MAY SEEK AND  
27 OBTAIN A JUDGMENT IN AN APPROPRIATE COURT FOR ANY UNPAID FEES OR

1 CHARGES.

2 (3) NOTHING IN THIS SECTION PROHIBITS AN APPROVED  
3 TREATMENT FACILITY FROM CHARGING A MINIMAL FEE FOR THERAPEUTIC  
4 SERVICES.

5 **SECTION 23.** In Colorado Revised Statutes, **add with amended**  
6 **and relocated provisions** 27-80-112.5 as follows:

7 **27-80-112.5. Criminal laws - limitations.** (1) [Similar to  
8 **27-81-117 (3).**] NOTHING IN THIS ARTICLE AFFECTS ANY LAW, ORDINANCE,  
9 RESOLUTION, OR RULE AGAINST DRIVING UNDER THE INFLUENCE OF  
10 SUBSTANCES OR OTHER SIMILAR OFFENSES INVOLVING THE OPERATION OF  
11 A VEHICLE, AN AIRCRAFT, A BOAT, MACHINERY, OR ANY OTHER  
12 EQUIPMENT.

13 (2) NOTHING IN THIS ARTICLE AFFECTS ANY LAW, ORDINANCE,  
14 RESOLUTION, OR RULE AGAINST THE SALE, PURCHASE, POSSESSION, OR USE  
15 OF SUBSTANCES, OR DISPENSING, POSSESSING, OR USING ALCOHOLIC  
16 BEVERAGES AT STATED TIMES AND PLACES OR BY A PARTICULAR CLASS OF  
17 PERSONS.

18 (3) [Formerly 27-82-112 (2).] The fact that a person is under the  
19 influence of ~~or incapacitated by drugs shall~~ SUBSTANCES DOES not prevent  
20 his or her arrest or prosecution for the commission of ~~any~~ A criminal act  
21 or conduct.

22 (4) [Formerly 27-82-112 (3).] Nothing in this article shall be  
23 construed as a limitation upon the right of a police officer to make an  
24 otherwise legal arrest, notwithstanding the fact that the arrested person  
25 may be under the influence of ~~or incapacitated by drugs~~ SUBSTANCES.

26 **SECTION 24.** In Colorado Revised Statutes, **add with amended**  
27 **and relocated provisions** 27-80-113.5 as follows:

1           **27-80-113.5. [Formerly 27-82-113.] Limitations on services and**  
2 **programs provided - available funds.** (1) The level of services  
3 provided and the scope of programs administered by the unit that relate  
4 to ~~drug abuse prevention, education, and treatment~~, EDUCATION ABOUT,  
5 AND THE PREVENTION AND TREATMENT OF SUBSTANCE USE DISORDERS,  
6 including the number of clients served in treatment programs, shall be  
7 subject to the moneys available to the unit for such purposes.

8           (2) The department is authorized to accept, on behalf of the state  
9 of Colorado, and expend any grants of federal funds for all or any  
10 purposes of this article.

11           **SECTION 25.** In Colorado Revised Statutes, **add with amended**  
12 **and relocated provisions** 27-80-114.5 as follows:

13           **27-80-114.5. [Formerly 27-80-109.] Coordination of state and**  
14 **federal funds and programs.** (1) All requests for state appropriations  
15 for ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDERS programs shall be  
16 submitted to the unit and the office of state planning and budgeting on  
17 dates specified by the unit consistent with requirements and procedures  
18 of the office of state planning and budgeting. After studying each request,  
19 the unit shall make a report thereon, with its comments and  
20 recommendations, including priorities for appropriations and a statement  
21 as to whether the requested appropriation would be consistent with the  
22 comprehensive state plan for ~~alcohol and drug abuse programs~~  
23 DEVELOPED PURSUANT TO SECTION 27-80-102 (1) FOR SUBSTANCE USE  
24 DISORDERS PROGRAMS. The reports of the unit shall be submitted to the  
25 governor, the office of state planning and budgeting, and the joint budget  
26 committee, together with all pertinent material on which the  
27 recommendations of the unit are based.

1           (2) The unit shall also review applications for federal grants for  
2 ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDERS programs submitted  
3 by any department or agency of state government, by any political  
4 subdivision of the state, by any Indian tribal reservation, or by any other  
5 public or private agency, organization, or institution. The unit shall  
6 transmit to the division of planning and to the appropriate United States  
7 agency its comments and recommendations, together with a statement as  
8 to whether the grant would be consistent with the comprehensive state  
9 plan ~~for alcohol and drug abuse~~ DEVELOPED PURSUANT TO SECTION  
10 27-80-102 (1) FOR SUBSTANCE USE DISORDERS programs.

11           **SECTION 26.** In Colorado Revised Statutes, **add with amended**  
12 **and relocated provisions** 27-80-115.5 as follows:

13           **27-80-115.5. [Formerly 27-80-110.] Reports.** The unit shall  
14 submit a report ~~not later than~~ ON OR BEFORE November 1 of each year to  
15 the health and human services ~~committees~~ COMMITTEE of the senate and  
16 THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE  
17 house of representatives, or any successor committees, on the costs and  
18 effectiveness of ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDERS  
19 programs in this state and on recommended legislation in the field of  
20 ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDERS.

21           **SECTION 27.** In Colorado Revised Statutes, **add with amended**  
22 **and relocated provisions** 27-80-116.5 as follows:

23           **27-80-116.5. [Formerly 27-80-111.] Addiction counselor**  
24 **training - fund created.** (1) The ~~executive director~~ STATE BOARD shall  
25 establish by rule fees to be charged for addiction counselor training. The  
26 amount assessed shall be sufficient to cover a portion of the costs of  
27 administering ~~such~~ THE training, and the moneys collected ~~therefor~~ shall



1 be deposited in the addiction counselor training fund CREATED IN  
2 SUBSECTION (2) OF THIS SECTION. Additional funding may be obtained  
3 from general, cash, or federal funds otherwise appropriated to the unit.

4 (2) There is hereby created in the office of the state treasurer the  
5 addiction counselor training fund, REFERRED TO IN THIS SECTION AS THE  
6 "FUND". Moneys collected pursuant to subsection (1) of this section shall  
7 be deposited in the fund. The moneys in the fund shall be subject to  
8 annual appropriation by the general assembly to the department for  
9 allocation to the unit for the administration of addiction counselor  
10 training requirements established by rules of the state board of human  
11 services pursuant to section 27-80-108. ~~(1)(e)~~. Moneys in the fund at the  
12 end of the fiscal year shall remain in the fund and shall not revert to the  
13 general fund.

14 **SECTION 28.** In Colorado Revised Statutes, **add with amended**  
15 **and relocated provisions** 27-80-118 as follows:

16 **27-80-118. [Formerly 27-80-112.] Treatment program for**  
17 **high-risk pregnant women - creation.** (1) The general assembly hereby  
18 finds and declares that:

19 (a) The health and well-being of the women of Colorado WHO  
20 MISUSE SUBSTANCES OR HAVE A SUBSTANCE USE DISORDER is at risk; that  
21 such women are at risk of poor birth outcomes or physical and other  
22 disabilities due to substance ~~abuse, which is the abuse of alcohol and~~  
23 ~~drugs~~, MISUSE OR SUBSTANCE USE DISORDERS during the prenatal period;  
24 ~~that~~

25 (b) Early identification of ~~such~~ high-risk pregnant women and  
26 ~~substance abuse~~ treatment FOR SUBSTANCE USE DISORDERS greatly reduce  
27 the occurrence of poor birth outcomes; and ~~that~~

1 (c) The citizens of Colorado will greatly benefit from a program  
2 to reduce poor birth outcomes and subsequent problems resulting from  
3 such poor birth outcomes in cases involving high-risk pregnant women  
4 through the cost savings envisioned by the prevention and early treatment  
5 of ~~such problems~~ SUBSTANCE MISUSE AND SUBSTANCE USE DISORDERS.

6 (2) In recognition of ~~such problems~~ THE PROBLEM, there is hereby  
7 created a treatment program for high-risk pregnant women WHO MISUSE  
8 SUBSTANCES OR WHO HAVE SUBSTANCE USE DISORDERS.

9 **SECTION 29.** In Colorado Revised Statutes, **add** 27-80-119 as  
10 follows:

11 **27-80-119. [Similar to 27-80-113.] Alcohol and drug addiction**  
12 **counseling and treatment - necessary components.** AN ENTITY THAT  
13 QUALIFIES TO PROVIDE SERVICES PURSUANT TO SECTION 25.5-5-202 (1) (r),  
14 C.R.S., IN REGARD TO THE TREATMENT PROGRAM FOR HIGH-RISK  
15 PREGNANT WOMEN, SHALL MAKE AVAILABLE THE FOLLOWING, IN  
16 ADDITION TO ALCOHOL, DRUG, AND ADDICTION COUNSELING AND  
17 TREATMENT: RISK ASSESSMENT SERVICES; CARE COORDINATION;  
18 NUTRITION ASSESSMENT; PSYCHOSOCIAL COUNSELING; INTENSIVE HEALTH  
19 EDUCATION, INCLUDING BUT NOT LIMITED TO PARENTING EDUCATION AND  
20 EDUCATION ON RISK FACTORS AND APPROPRIATE HEALTH BEHAVIORS;  
21 HOME VISITS; TRANSPORTATION SERVICES; AND OTHER SERVICES DEEMED  
22 NECESSARY BY THE UNIT AND THE DEPARTMENT OF HEALTH CARE POLICY  
23 AND FINANCING.

24 **SECTION 30.** In Colorado Revised Statutes, **add with relocated**  
25 **provisions** 27-80-120 as follows:

26 **27-80-120. [Formerly 27-80-114.] Treatment program for**  
27 **high-risk pregnant women - cooperation with private entities.** The

1 department of health care policy and financing shall cooperate with any  
2 private entities that desire to assist the department of health care policy  
3 and financing in the provision of services connected with the treatment  
4 program for high-risk pregnant women. Private entities may provide  
5 services that are not provided to persons pursuant to the treatment  
6 program for high-risk pregnant women, article 2 of title 26, C.R.S., and  
7 articles 4, 5, and 6 of title 25.5, C.R.S., which may include, but shall not  
8 be limited to, needs assessment services, preventive services,  
9 rehabilitative services, care coordination, nutrition assessment,  
10 psychosocial counseling, intensive health education, home visits,  
11 transportation, development of provider training, child care, and other  
12 necessary components of residential or outpatient treatment or care.

13 **SECTION 31.** In Colorado Revised Statutes, **add with amended**  
14 **and relocated provisions** 27-80-121 as follows:

15 **27-80-121. [Formerly 27-80-115.] Treatment program for**  
16 **high-risk pregnant women - data collection.** The department of health  
17 care policy and financing shall create a data collection mechanism  
18 regarding persons receiving services pursuant to the treatment program  
19 for high-risk pregnant women, ~~which shall include the collection of~~  
20 ~~INCLUDING data on~~ COLLECTION RELATED TO cost-effectiveness, success  
21 of the program, and other data the department of health care policy and  
22 financing deems appropriate.

23 **SECTION 32.** In Colorado Revised Statutes, **add with amended**  
24 **and relocated provisions** 27-80-122 as follows:

25 **27-80-122. [Formerly 27-80-116.] Fetal alcohol spectrum**  
26 **disorders - legislative declaration - health warning signs - commission**  
27 **- repeal.** (1) The general assembly hereby finds and declares that:

1 (a) Fetal alcohol exposure is the leading known cause of  
2 preventable intellectual and developmental disabilities and birth defects  
3 in the children of this state;

4 (b) Individuals with undiagnosed fetal alcohol spectrum disorders  
5 suffer substantially from secondary issues such as child abuse and  
6 neglect, separation from families, multiple foster placements, depression,  
7 aggression, school failure, juvenile detention, and job instability;

8 ~~(b.5)~~ (c) Compared to individuals diagnosed before age twelve,  
9 individuals with undiagnosed FASD are two to four times more likely to  
10 suffer from inappropriate sexual behavior, disrupted school experiences,  
11 trouble with the law, ~~drug and alcohol problems~~ SUBSTANCE MISUSE AND  
12 SUBSTANCE USE DISORDERS, or confinement in a jail, mental hospital, or  
13 ~~drug and alcohol~~ A SUBSTANCE USE DISORDER treatment facility;

14 ~~(e)~~ (d) These secondary disabilities come at a high cost to  
15 individuals, their families, and society;

16 ~~(d)~~ (e) A survey performed in 2006 by the Colorado pregnancy  
17 risk assessment system estimated that eleven and two-tenths percent of  
18 women in Colorado said that they drank alcohol during the last three  
19 months of their pregnancy; and

20 ~~(e)~~ (f) The commission should evaluate the current use and  
21 distribution of written and electronic informational materials designed to  
22 increase awareness of the consequences of drinking alcohol while  
23 pregnant and should investigate additional means by which such written  
24 and electronic materials might best be used.

25 (2) The general assembly therefore declares that fetal alcohol  
26 exposure and its related problems can be reduced substantially by a  
27 greater awareness of the consequences of drinking alcohol while pregnant

1 and by early diagnosis and receipt of appropriate and effective  
2 intervention.

3 (3) Each person licensed pursuant to section 12-47-401 (1) (h) to  
4 (1) (t), C.R.S., to sell malt, vinous, and spirituous liquors or licensed  
5 pursuant to section 12-46-104 (1) (c), C.R.S., to sell fermented malt  
6 beverages is hereby encouraged to post a health warning sign pursuant to  
7 paragraph (c) of subsection (4) of this section, informing patrons that the  
8 consumption of alcohol during pregnancy may cause birth defects,  
9 including fetal alcohol spectrum disorders.

10 (4) (a) There is hereby created the fetal alcohol spectrum disorders  
11 commission, referred to in this section as the "commission". The  
12 commission is created as a temporary commission under section 22 of  
13 article IV of the state constitution. The commission ~~shall be~~ IS composed  
14 of no more than twelve members. ~~On or before August 30, 2009, the~~  
15 ~~executive director, in consultation with a nonprofit organization that~~  
16 ~~works with FASD issues, shall appoint the commission members with the~~  
17 ~~goal of selecting~~ THE COMMISSION MUST INCLUDE a broad representation  
18 of individuals working in the field of FASD. ~~The commission shall~~  
19 ~~include representation from FASD, INCLUDING~~ the following areas and  
20 groups in any combination the executive director deems appropriate:

- 21 (I) Pediatrics;
- 22 (II) Family physicians;
- 23 (III) Child development programs that work with special needs  
24 children;
- 25 (IV) The department of public health and environment;
- 26 (V) The juvenile justice system;
- 27 (VI) Preschool, elementary, secondary, and higher education;

1 (VII) Parents, foster parents, or legal guardians of children or  
2 adults affected by FASD;

3 (VIII) The developmentally disabled community;

4 (IX) Speech, language, and occupational therapy;

5 (X) The department of education; and

6 (XI) A representative of a trade association that represents  
7 licensed beverage retailers in Colorado.

8 ~~(b) The commission shall meet at least once on or before~~  
9 ~~September 30, 2009. At its first meeting, the commission shall elect by a~~  
10 ~~majority vote a chairperson from among the commission members who~~  
11 ~~shall act as the presiding officer of the commission, determine a meeting~~  
12 ~~schedule, and develop a list of priorities. Commission members shall~~  
13 ~~serve without compensation or reimbursement of expenses.~~

14 (c) The commission shall develop a health warning sign and other  
15 informational materials for use by persons licensed pursuant to section  
16 12-47-401 (1) (h) to (1) (t), C.R.S., to sell malt, vinous, and spirituous  
17 liquors or licensed pursuant to section 12-46-104 (1) (c), C.R.S., to sell  
18 fermented malt beverages and a plan for making the sign and other  
19 informational materials available on-line to such licensed persons and  
20 other interested parties. At a minimum, the health warning sign shall read  
21 as follows:

22 HEALTH WARNING

23 DRINKING ANY ALCOHOLIC BEVERAGE DURING

24 PREGNANCY MAY CAUSE BIRTH DEFECTS.

25 ~~(d) On or before December 1, 2009, and as needed thereafter, The~~  
26 ~~commission shall make recommendations to the unit and to the health and~~  
27 ~~human services committees COMMITTEE of the senate and the PUBLIC~~

1 HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE house of  
2 representatives, or any successor committees. The commission's  
3 recommendations ~~shall~~ MUST address the prevention of and education  
4 about FASD and any other FASD-related issues. The commission shall  
5 evaluate the use of the health warning signs developed pursuant to  
6 paragraph (c) of this subsection (4), the response by licensed persons, as  
7 described in paragraph (c) of this subsection (4), to the signs, and the  
8 response by women and patrons to the signs. The commission shall make  
9 recommendations to the unit and to the health and human services  
10 ~~committees~~ COMMITTEE of the senate and the PUBLIC HEALTH CARE AND  
11 HUMAN SERVICES COMMITTEE OF THE house of representatives, or any  
12 successor committees, on the most effective use of the warning signs and  
13 shall also recommend the most effective use of other written and  
14 electronic informational materials in the future.

15 (e) This subsection (4) is repealed, effective June 30, 2015.

16 **SECTION 33.** In Colorado Revised Statutes, **add with amended**  
17 **and relocated provisions** 27-80-123 as follows:

18 **27-80-123.** [Formerly 27-80-117.] **Rural substance use disorder**  
19 **prevention and treatment program - creation - administration -**  
20 **definitions - cash fund - repeal.** (1) As used in this section, unless the  
21 context otherwise requires:

22 (a) "Program" means the rural ~~alcohol and substance abuse~~  
23 SUBSTANCE USE DISORDERS prevention and treatment program created  
24 pursuant to subsection (2) of this section that ~~shall consist~~ CONSISTS of the  
25 rural youth ~~alcohol and substance abuse~~ SUBSTANCE USE DISORDERS  
26 prevention and treatment project and the rural detoxification project.

27 (b) "Rural area" means a county with a population of less than

1 thirty thousand people, according to the most recently available  
2 population statistics of the United States bureau of the census.

3 (c) "Youth" means an individual who is at least eight years of age  
4 but who is less than eighteen years of age.

5 (2) (a) (I) There is hereby created WITHIN THE UNIT the rural  
6 ~~alcohol and substance abuse~~ SUBSTANCE USE DISORDERS prevention and  
7 treatment program ~~within the unit~~ to provide:

8 (A) Prevention and treatment services to youth in rural ~~areas,~~  
9 ~~which~~ AREAS. THE services may include, but need not be limited to,  
10 providing alternative activities for youth through the rural youth ~~alcohol~~  
11 ~~and substance abuse~~ SUBSTANCE USE DISORDERS prevention and treatment  
12 project; and

13 (B) Treatment services to persons ~~addicted to alcohol or drugs~~  
14 WHO MISUSE SUBSTANCES OR HAVE A SUBSTANCE USE DISORDER through  
15 the rural detoxification project.

16 (II) The unit shall administer the program pursuant to rules  
17 adopted by the state board of human services as of January 1, 2010, or as  
18 amended by the state board thereafter.

19 (b) The unit shall incorporate provisions to implement the  
20 program into its regular contracting mechanism for the purchase of  
21 prevention and treatment services pursuant to section 27-80-106,  
22 including but not limited to detoxification programs. The unit shall  
23 develop a method to equitably distribute and provide additional moneys  
24 through contracts to provide for prevention services for and treatment of  
25 persons WITH SUBSTANCE USE DISORDERS in rural areas.

26 (c) Notwithstanding any provision of this section to the contrary,  
27 the unit shall implement the program on or after January 1, 2011, subject



1 to the availability of sufficient moneys to operate an effective program,  
2 as determined by the unit.

3 (3) (a) There is hereby created in the state treasury the rural  
4 ~~alcohol and substance abuse~~ SUBSTANCE USE DISORDERS cash fund,  
5 referred to in this section as the "fund", that ~~shall consist~~ CONSISTS of the  
6 rural youth ~~alcohol and substance abuse~~ SUBSTANCE USE DISORDERS  
7 prevention and treatment account, referred to in this section as the "youth  
8 account", and the rural detoxification account, referred to in this section  
9 as the "detoxification account". The fund ~~shall be~~ IS comprised of moneys  
10 collected from surcharges assessed pursuant to sections 18-19-103.5,  
11 42-4-1307 (10) (d) (I), and 42-4-1701 (4) (f), C.R.S., which moneys THE  
12 TREASURER shall ~~be divided~~ DIVIDE equally between the youth account  
13 and the detoxification account, and any moneys credited to the fund  
14 pursuant to paragraph (b) of this subsection (3), which moneys THE  
15 TREASURER shall ~~be divided~~ DIVIDE equally between the youth account  
16 and the detoxification account unless the grantee or donor specifies to  
17 which account the grant, gift, or donation shall be credited. The moneys  
18 in the fund ~~shall be~~ ARE subject to annual appropriation by the general  
19 assembly to the unit for the purpose of implementing the program. All  
20 interest derived from the deposit and investment of moneys in the fund  
21 ~~shall~~ MUST remain in the fund. Any unexpended or unencumbered  
22 moneys remaining in the fund at the end of a fiscal year ~~shall remain~~  
23 REMAIN in the fund and shall not be transferred or credited to the general  
24 fund or another fund; except that any unexpended and unencumbered  
25 moneys remaining in the fund as of June 30, 2016, ~~shall~~ MUST be credited  
26 to the general fund.

27 (b) The unit is authorized to accept any grants, gifts, or donations

1 from any private or public source on behalf of the state for the purpose of  
2 the program. The unit shall transmit all private and public moneys  
3 received through grants, gifts, or donations to the state treasurer, who  
4 shall credit the same to the fund.

5 (4) (a) ALL UNEXPENDED AND UNENCUMBERED MONEYS  
6 REMAINING IN THE RURAL ALCOHOL AND SUBSTANCE ABUSE CASH FUND  
7 AS OF JULY 1, 2014, SHALL BE TRANSFERRED TO THE RURAL SUBSTANCE  
8 USE DISORDERS CASH FUND.

9 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2015.

10 ~~(4)~~ (5) (a) This section is repealed, effective July 1, 2016.

11 (b) Prior to such repeal, the program shall be reviewed as  
12 provided in section 24-34-104, C.R.S.

13 **SECTION 34.** In Colorado Revised Statutes, **repeal and reenact,**  
14 **with amendments,** 27-81-101 as follows:

15 **27-81-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
16 HEREBY DECLARES THAT THE PURPOSES OF THIS ARTICLE ARE TO:

17 (a) SECURE FOR EACH PERSON WHO IS INTOXICATED, SUBSTANCE  
18 DEPENDENT OR UNDER THE INFLUENCE OF SUBSTANCES THE SPECIFIC CARE  
19 AND TREATMENT SUITED TO THE INDIVIDUAL NEEDS OF THAT PERSON AND  
20 TO ENSURE THAT SUCH CARE AND TREATMENT ARE SKILLFULLY AND  
21 HUMANELY ADMINISTERED WITH FULL RESPECT FOR THE PERSON'S DIGNITY  
22 AND PERSONAL INTEGRITY;

23 (b) DEPRIVE A PERSON WHO IS INTOXICATED, SUBSTANCE  
24 DEPENDENT OR UNDER THE INFLUENCE OF SUBSTANCES OF HIS OR HER  
25 LIBERTY FOR THE PURPOSES OF CARE AND TREATMENT ONLY WHEN, AS A  
26 RESULT OF BEING INTOXICATED, SUBSTANCE DEPENDENT OR UNDER THE  
27 INFLUENCE OF SUBSTANCES , HE OR SHE IS A DANGER TO SELF OR OTHERS

1 OR IS GRAVELY DISABLED AND ONLY WHEN LESS RESTRICTIVE  
2 ALTERNATIVES ARE UNAVAILABLE;

3 (c) PROVIDE THE FULLEST POSSIBLE MEASURE OF PRIVACY,  
4 DIGNITY, AND OTHER RECOGNIZED RIGHTS TO PERSONS WHO ARE  
5 UNDERGOING CARE AND TREATMENT FOR SUBSTANCE USE DISORDERS;

6 (d) ENCOURAGE THE USE OF VOLUNTARY RATHER THAN COERCIVE  
7 MEASURES TO PROVIDE CARE AND TREATMENT FOR SUBSTANCE USE  
8 DISORDERS AND TO PROVIDE SUCH CARE AND TREATMENT IN THE LEAST  
9 RESTRICTIVE SETTING;

10 (e) ENCOURAGE THE APPROPRIATE PARTICIPATION OF FAMILY  
11 MEMBERS IN THE CARE AND TREATMENT OF A PERSON WITH A SUBSTANCE  
12 USE DISORDER AND, WHEN APPROPRIATE AND WITH THE PERSON'S  
13 CONSENT, TO PROVIDE APPROPRIATE INFORMATION TO FAMILY MEMBERS  
14 TO FACILITATE SUCH PARTICIPATION; AND

15 (f) FACILITATE THE RECOVERY AND RESILIENCY OF EACH PERSON  
16 WHO RECEIVES CARE AND TREATMENT PURSUANT TO THIS ARTICLE.

17 (2) THE GENERAL ASSEMBLY FURTHER DECLARES THAT IT IS THE  
18 POLICY OF COLORADO THAT A PERSON WHO IS INTOXICATED, SUBSTANCE  
19 DEPENDENT OR UNDER THE INFLUENCE OF SUBSTANCES SHOULD BE  
20 AFFORDED ADEQUATE CARE AND TREATMENT SO HE OR SHE MAY BE A  
21 PRODUCTIVE MEMBER OF SOCIETY.

22 (3) THEREFORE, THE GENERAL ASSEMBLY HEREBY FINDS AND  
23 DECLARES THAT SUBSTANCE MISUSE AND SUBSTANCE DEPENDENCY ARE  
24 MATTERS OF STATEWIDE CONCERN.

25 **SECTION 35.** In Colorado Revised Statutes, **repeal and reenact,**  
26 **with amendments,** 27-81-102 as follows:

27 **27-81-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

2 (1) "APPROVED TREATMENT FACILITY" MEANS A TREATMENT  
3 FACILITY APPROVED BY OR OPERATING UNDER THE DIRECTION AND  
4 CONTROL OF THE UNIT OR PROVIDING TREATMENT PURSUANT TO THIS  
5 ARTICLE THROUGH A CONTRACT WITH THE UNIT AND MEETING THE  
6 STANDARDS PRESCRIBED IN AND APPROVED BY THE UNIT PURSUANT TO  
7 SECTION 27-80-108.5.

8 (2) "COURT" MEANS THE DISTRICT COURT IN THE COUNTY IN  
9 WHICH THE PERSON NAMED IN A PETITION FILED PURSUANT TO THIS  
10 ARTICLE RESIDES OR IS PHYSICALLY PRESENT. IN THE CITY AND COUNTY OF  
11 DENVER, "COURT" MEANS THE PROBATE COURT.

12 (3) "DANGER TO SELF OR OTHERS" MEANS THAT:

13 (a) WITH RESPECT TO AN INDIVIDUAL, THAT THE INDIVIDUAL POSES  
14 A SUBSTANTIAL RISK OF PHYSICAL HARM TO HIMSELF OR HERSELF AS  
15 MANIFESTED BY EVIDENCE OF RECENT THREATS OF OR ATTEMPTS AT  
16 SUICIDE OR SERIOUS BODILY HARM TO HIMSELF OR HERSELF; OR

17 (b) WITH RESPECT TO OTHER PERSONS, THAT THE INDIVIDUAL  
18 POSES A SUBSTANTIAL RISK OF PHYSICAL HARM TO ANOTHER PERSON OR  
19 PERSONS, AS MANIFESTED BY EVIDENCE OF RECENT HOMICIDAL OR OTHER  
20 VIOLENT BEHAVIOR DIRECTED TOWARD ANOTHER PERSON OR PERSONS BY  
21 THE INDIVIDUAL IN QUESTION, OR BY EVIDENCE THAT ANOTHER PERSON OR  
22 PERSONS ARE PLACED IN REASONABLE FEAR OF VIOLENT BEHAVIOR OR  
23 SERIOUS PHYSICAL HARM, AS MANIFESTED BY A RECENT OVERT ACT,  
24 ATTEMPT, OR THREAT TO DO SERIOUS PHYSICAL HARM BY THE INDIVIDUAL  
25 IN QUESTION.

26 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN SERVICES  
27 CREATED IN SECTION 26-1-105, C.R.S.

1 (5) "DIRECTOR" MEANS THE DIRECTOR OF THE UNIT.

2 (6) "EMERGENCY SERVICE PATROL" MEANS A PATROL  
3 ESTABLISHED PURSUANT TO SECTION 27-81-115.

4 (7) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
5 THE DEPARTMENT.

6 (8) "FAMILY MEMBER" MEANS A SPOUSE, CIVIL UNION PARTNER,  
7 PARENT, ADULT CHILD, OR ADULT SIBLING OF A PERSON WITH A MENTAL  
8 ILLNESS.

9 (9) (a) "GRAVELY DISABLED" MEANS A CONDITION IN WHICH A  
10 PERSON:

11 (I) LACKS JUDGMENT IN THE MANAGEMENT OF HIS OR HER  
12 RESOURCES OR IN THE CONDUCT OF HIS OR HER SOCIAL RELATIONS TO THE  
13 EXTENT THAT HIS OR HER HEALTH OR SAFETY IS SIGNIFICANTLY  
14 ENDANGERED; OR

15 (II) IS INCAPABLE OF MAKING INFORMED DECISIONS ABOUT, OR  
16 PROVIDING FOR, HIS OR HER ESSENTIAL NEEDS WITHOUT SIGNIFICANT  
17 SUPERVISION OR ASSISTANCE FROM OTHER PEOPLE, DOES NOT HAVE, OR  
18 HAS LOST, OR IS AT RISK OF LOSING, NECESSARY CARE AND SUPPORT  
19 WITHOUT WHICH THE PERSON CANNOT FUNCTION SAFELY, AND, AS A  
20 RESULT, IS AT RISK OF:

21 (A) SUBSTANTIAL BODILY HARM;

22 (B) DANGEROUS WORSENING OF ANY CONCOMITANT SERIOUS  
23 PHYSICAL ILLNESS;

24 (C) SIGNIFICANT DETERIORATION IN MENTAL FUNCTIONING;

25 (D) MISMANAGEMENT OF HIS OR HER ESSENTIAL NEEDS THAT  
26 COULD RESULT IN SUBSTANTIAL BODILY HARM, INCLUDING BUT NOT  
27 LIMITED TO NOURISHMENT, SAFE SHELTER, MEDICAL NEEDS, AND

1 CLOTHING; OR

2 (E) DESTRUCTION OF PROPERTY THAT COULD RESULT IN  
3 SUBSTANTIAL BODILY HARM.

4 (b) A PERSON OF ANY AGE MAY BE "GRAVELY DISABLED", BUT  
5 SUCH TERM DOES NOT INCLUDE A PERSON WHOSE DECISION-MAKING  
6 CAPABILITIES ARE LIMITED SOLELY BY HIS OR HER DEVELOPMENTAL  
7 DISABILITY.

8 (10) "MINOR" MEANS A PERSON UNDER THE AGE OF EIGHTEEN  
9 YEARS.

10 (11) "PERSON WHO IS UNDER THE INFLUENCE OF SUBSTANCES"  
11 MEANS A PERSON WHOSE MENTAL OR PHYSICAL FUNCTIONING IS  
12 TEMPORARILY BUT SUBSTANTIALLY IMPAIRED AS A RESULT OF THE  
13 PRESENCE OF SUBSTANCES IN HIS OR HER BODY.

14 (12) "PERSON WHO MISUSES SUBSTANCES" MEANS A PERSON WHO  
15 CONSISTENTLY USES SUBSTANCES TO THE EXTENT THAT HIS OR HER  
16 HEALTH IS SUBSTANTIALLY IMPAIRED OR ENDANGERED OR HIS OR HER  
17 SOCIAL FUNCTIONING IN THE COMMUNITY IS SUBSTANTIALLY DISRUPTED,  
18 INCLUDING BUT NOT LIMITED TO WORK, SCHOOL, OR HOME.

19 (13) "PROFESSIONAL PERSON" MEANS A PERSON LICENSED TO  
20 PRACTICE MEDICINE IN THIS STATE, A PSYCHOLOGIST CERTIFIED TO  
21 PRACTICE IN THIS STATE, OR A PERSON LICENSED AND IN GOOD STANDING  
22 TO PRACTICE MEDICINE IN ANOTHER STATE OR A PSYCHOLOGIST CERTIFIED  
23 TO PRACTICE AND IN GOOD STANDING IN ANOTHER STATE WHO IS  
24 PROVIDING MEDICAL OR CLINICAL SERVICES AT A TREATMENT FACILITY IN  
25 THIS STATE THAT IS OPERATED BY THE ARMED FORCES OF THE UNITED  
26 STATES, THE UNITED STATES PUBLIC HEALTH SERVICE, OR THE UNITED  
27 STATES DEPARTMENT OF VETERANS AFFAIRS.

1 (14) "SUBSTANCE" MEANS A CONTROLLED SUBSTANCE AS DEFINED  
2 IN SECTION 18-18-102 (5), C.R.S., TOXIC VAPORS, ALCOHOL, OR ANY  
3 OTHER CHEMICAL THAT CAUSES AN ALTERED MENTAL STATE.

4 (15) "TREATMENT" MEANS THE BROAD RANGE OF EMERGENCY,  
5 OUTPATIENT, INTERMEDIATE, AND INPATIENT SERVICES AND CARE,  
6 INCLUDING DIAGNOSTIC EVALUATION, MEDICAL, PSYCHIATRIC,  
7 PSYCHOLOGICAL, AND SOCIAL SERVICE CARE, VOCATIONAL  
8 REHABILITATION, PEER ASSISTANCE SERVICES, AND CAREER COUNSELING,  
9 THAT MAY BE EXTENDED TO A PERSON WHO MISUSES SUBSTANCES OR IS  
10 UNDER THE INFLUENCE OF SUBSTANCES.

11 (16) "TOXIC VAPORS" MEANS A SUBSTANCE OR PRODUCT  
12 CONTAINING SUBSTANCES AS DEFINED IN SECTION 18-18-412 (3), C.R.S.

13 (17) "UNIT" MEANS THE UNIT IN THE DEPARTMENT THAT  
14 ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING  
15 THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE USE DISORDERS.

16 **SECTION 36.** In Colorado Revised Statutes, **add** 27-81-108.5 as  
17 follows:

18 **27-81-108.5. Advance directives for persons with behavioral**  
19 **health illnesses.** AN APPROVED TREATMENT FACILITY SHOULD INQUIRE  
20 WHETHER AN INDIVIDUAL WHO IS BEING ADMITTED TO THE FACILITY  
21 PURSUANT TO SECTION 27-81-110, 27-81-111, 27-81-111.3, 27-81-112,  
22 27-81-112.1, OR 27-81-112.3 HAS AN ADVANCE DIRECTIVE FOR A PERSON  
23 WITH A BEHAVIORAL HEALTH ILLNESS. IF THE PERSON BEING ADMITTED  
24 HAS AN ADVANCE DIRECTIVE FOR A PERSON WITH A BEHAVIORAL HEALTH  
25 ILLNESS, THE APPROVED TREATMENT FACILITY SHALL TAKE THE  
26 PROVISIONS OF SUCH ADVANCE DIRECTIVE INTO ACCOUNT IN ITS  
27 EVALUATION AND TREATMENT IF THE PROVISIONS ARE MEDICALLY

1 APPROPRIATE FOR CARE.

2 **SECTION 37.** In Colorado Revised Statutes, **amend** 27-81-110  
3 as follows:

4 **27-81-110. Voluntary treatment for persons under the**  
5 **influence of substances.** (1) ~~An intoxicated person or person intoxicated~~  
6 ~~or incapacitated by alcohol;~~ A PERSON WHO MISUSES SUBSTANCES OR A  
7 PERSON WHO IS UNDER THE INFLUENCE OF SUBSTANCES, including a minor,  
8 may ~~voluntarily admit himself or herself~~ APPLY FOR ADMISSION to an  
9 approved treatment facility for ~~emergency~~ treatment.

10 (2) A person who comes voluntarily to an approved treatment  
11 facility shall be evaluated or examined IMMEDIATELY by the facility  
12 administrator or by his or her authorized designee, WITHIN AVAILABLE  
13 RESOURCES. ~~immediately.~~ A person ~~found to be in need of~~ WHO THE  
14 FACILITY ADMINISTRATOR OF THE APPROVED TREATMENT FACILITY, OR HIS  
15 OR HER DESIGNEE, DETERMINES NEEDS treatment ~~shall~~ MUST then be  
16 admitted TO THAT FACILITY or referred to another appropriate TREATMENT  
17 facility. If ~~a~~ THE FACILITY ADMINISTRATOR OF THE APPROVED TREATMENT  
18 FACILITY, OR HIS OR HER DESIGNEE, DETERMINES THAT THE person ~~is~~  
19 ~~found not to be in~~ DOES NOT need of treatment, he or she ~~shall~~ MAY be  
20 released or referred to another appropriate TREATMENT facility.

21 (3) Except as provided in subsection (7) of this section, AN  
22 APPROVED TREATMENT FACILITY SHALL IMMEDIATELY RELEASE a  
23 voluntarily admitted person ~~shall be released from the approved treatment~~  
24 ~~facility immediately~~ upon his or her request.

25 (4) A person who is not admitted to an approved treatment  
26 facility, and who is not referred to another health facility, and who has no  
27 funds may be taken to his or her home, if any. If he or she has no home,



1 the approved treatment facility may assist him or her in obtaining shelter.

2 (5) ~~If a person is admitted to an approved treatment facility, his or~~  
3 ~~her family or next of kin shall be notified as promptly as possible. If an~~  
4 ~~adult person requests that there be no notification, his or her request shall~~  
5 ~~be respected.~~ IF AN APPROVED TREATMENT FACILITY ADMITS A PERSON  
6 WHO IS NOT A MINOR, THE APPROVED TREATMENT FACILITY SHALL NOTIFY  
7 THE PERSON'S FAMILY OR NEXT OF KIN ONLY IF THAT PERSON HAS SIGNED  
8 A RELEASE OF INFORMATION OR GIVEN WRITTEN CONSENT.

9 (6) If the administrator in charge of the approved treatment  
10 facility or his or her authorized designee determines that it is for the  
11 person's benefit, the ADMINISTRATOR OR HIS OR HER DESIGNEE SHALL  
12 ENCOURAGE THE person ~~shall be encouraged~~ to agree to ~~further~~ OBTAIN  
13 ADDITIONAL diagnosis and appropriate voluntary treatment. If it appears  
14 to the administrator in charge of the APPROVED treatment facility that the  
15 patient is ~~an alcoholic~~ A PERSON WHO MISUSES SUBSTANCES OR IS UNDER  
16 THE INFLUENCE OF SUBSTANCES and requires help, the administrator ~~may~~  
17 ~~arrange for assistance in~~ SHALL ASSIST THE PATIENT IN obtaining  
18 supportive services ~~and~~ OR CARE AT residential facilities.

19 (7) Nothing in this section ~~shall preclude~~ PRECLUDES the approved  
20 treatment facility administrator or his or her authorized designee from  
21 seeking AN emergency ~~commitment~~ HOLD of a person as provided FOR in  
22 section 27-81-111 OR 27-81-111.3 or involuntary ~~commitment~~  
23 SHORT-TERM CERTIFICATION of a person as provided FOR in section  
24 27-81-112, regardless of whether ~~such~~ THE person has been voluntarily  
25 admitted ~~under~~ PURSUANT TO this section. In such cases, the  
26 administrator's or designee's further conduct ~~shall be~~ IS governed by  
27 section 27-81-111 or 27-81-112, as applicable.

1           **SECTION 38.** In Colorado Revised Statutes, **amend** 27-81-111  
2 as follows:

3           **27-81-111. Emergency hold - petition for substance misuse**  
4 **evaluation.** (1) (a) When a person is ~~intoxicated or incapacitated by~~  
5 ~~alcohol and clearly dangerous to the health and safety of himself, herself,~~  
6 ~~or others, he or she~~ UNDER THE INFLUENCE OF SUBSTANCES AND, AS A  
7 RESULT OF BEING UNDER THE INFLUENCE OF SUBSTANCES, HE OR SHE IS A  
8 DANGER TO SELF OR OTHERS OR IS GRAVELY DISABLED, LAW  
9 ENFORCEMENT AUTHORITIES OR AN EMERGENCY SERVICE PATROL, ACTING  
10 WITH PROBABLE CAUSE, ~~shall be taken~~ TAKE THE PERSON into protective  
11 custody ~~by law enforcement authorities or an emergency service patrol,~~  
12 ~~acting with probable cause,~~ and ~~placed~~ PLACE HIM OR HER in an approved  
13 treatment facility. If ~~no such facilities are~~ AN APPROVED TREATMENT  
14 FACILITY IS NOT available, he or she may be detained in an emergency  
15 medical facility or jail, but only for so long as may be necessary to  
16 prevent injury to himself, herself, or others or to prevent a breach of the  
17 peace. If the person being detained IN JAIL is a ~~juvenile, as defined in~~  
18 ~~section 19-1-103 (68), C.R.S., the juvenile shall~~ MINOR, THE MINOR MUST  
19 be placed in a setting that is nonsecure and physically segregated by sight  
20 and sound from the adult ~~offenders~~ POPULATION. A law enforcement  
21 officer or emergency service patrol officer, in detaining the person, is  
22 taking him or her into protective custody. In so doing, the detaining  
23 officer may protect himself or herself by reasonable methods but shall  
24 make every reasonable effort to protect the detainee's health and safety.  
25 A taking into protective custody under this section is not an arrest, and ~~no~~  
26 AN entry or other record shall NOT be made to indicate that the person has  
27 been arrested or charged with a crime. Law enforcement or emergency

1 service personnel who act in compliance with this section are acting in the  
2 course of their official duties and are THEREFORE not criminally or civilly  
3 liable. ~~therefor.~~ Nothing in this subsection (1) ~~shall preclude an~~  
4 ~~intoxicated or incapacitated person~~ PRECLUDES A PERSON WHO MISUSES  
5 SUBSTANCES OR IS UNDER THE INFLUENCE OF SUBSTANCES AND who is not  
6 ~~dangerous to the health and safety of himself, herself,~~ A DANGER TO SELF  
7 or others OR IS NOT GRAVELY DISABLED from being assisted to his or her  
8 home or like location by the law enforcement officer or emergency  
9 service patrol officer.

10 (b) A sheriff or police chief who violates the provisions of  
11 paragraph (a) of this subsection (1) ~~related to detaining juveniles~~ may be  
12 subject to a civil fine of no more than one thousand dollars. The decision  
13 to fine ~~shall~~ MUST be based on prior violations of the provisions of  
14 paragraph (a) of this subsection (1) by the sheriff or police chief and the  
15 willingness of the sheriff or police chief to address the violations in order  
16 to comply with paragraph (a) of this subsection (1).

17 (2) A law enforcement officer ~~emergency service patrolman,~~  
18 ~~physician, spouse, guardian, or relative of the person to be committed,~~ or  
19 any other responsible person EIGHTEEN YEARS OF AGE OR OLDER WITH  
20 FIRSTHAND KNOWLEDGE OF THE SITUATION may ~~make a written~~  
21 ~~application~~ APPLY IN WRITING DIRECTLY TO THE ADMINISTRATOR OF THE  
22 APPROVED TREATMENT FACILITY for AN emergency ~~commitment under~~  
23 ~~this~~ HOLD PURSUANT TO THIS section. ~~directed to the administrator of the~~  
24 ~~approved treatment facility.~~ The application ~~shall~~ MUST state the  
25 circumstances requiring AN emergency ~~commitment~~ HOLD, including the  
26 applicant's personal observations and the specific statements of others, if  
27 any, upon which he or she relies in making the application. THE FACILITY

1 ADMINISTRATOR, OR HIS OR HER DESIGNEE, SHALL FURNISH a copy of the  
2 application ~~shall be furnished~~ to the person to be ~~committed~~ HELD.

3 (3) If the approved treatment facility administrator or his or her  
4 authorized designee approves the application, the person shall be  
5 ~~committed~~ HELD, evaluated, and treated for a period not to exceed five  
6 CALENDAR days, EXCLUDING SATURDAYS, SUNDAYS, AND HOLIDAYS IF  
7 TREATMENT AND EVALUATION SERVICES ARE NOT AVAILABLE ON THOSE  
8 DAYS. A PEACE OFFICER, THE EMERGENCY SERVICE PATROL, OR ANY  
9 INTERESTED PERSON SHALL BRING the person ~~shall be brought~~ to the  
10 APPROVED TREATMENT facility. ~~by a peace officer, the emergency service~~  
11 ~~patrol, or any interested person.~~ If necessary, the court may be contacted  
12 to issue an order to the police ~~the peace officer's department,~~ or the  
13 sheriff's department to transport the person to the APPROVED TREATMENT  
14 facility. AN APPROVED TREATMENT FACILITY IS NOT REQUIRED TO ADMIT  
15 A PERSON WHO DOES NOT MEET THE FACILITY'S WRITTEN ADMISSION  
16 CRITERIA RELATED TO ACUTE MEDICAL NEEDS AND SITUATIONS.

17 (3.5) AN APPROVED TREATMENT FACILITY THAT ADMITS A PERSON  
18 PURSUANT TO THE PROVISIONS OF THIS ARTICLE SHALL EVALUATE THE  
19 PERSON AS SOON AS POSSIBLE AFTER HE OR SHE IS ADMITTED.

20 (4) If the approved treatment facility administrator or his or her  
21 authorized designee determines that the application fails to sustain the  
22 grounds for AN emergency ~~commitment~~ HOLD as set forth in subsection  
23 (1) of this section, the ~~commitment shall be refused~~ ADMINISTRATOR OR  
24 HIS OR HER AUTHORIZED DESIGNEE SHALL REFUSE THE EMERGENCY HOLD  
25 and the person detained SHALL BE immediately released. ~~and~~ THE  
26 ADMINISTRATOR OR HIS OR HER AUTHORIZED DESIGNEE SHALL  
27 ENCOURAGE the person ~~shall be encouraged~~ to seek voluntary treatment

1 if appropriate.

2 (5) When the administrator OR HIS OR HER AUTHORIZED DESIGNEE  
3 determines that the grounds for ~~commitment~~ AN EMERGENCY HOLD no  
4 longer exist, he or she shall discharge the person ~~committed under~~ BEING  
5 HELD PURSUANT TO this section. AT THE TIME OF DISCHARGE, THE PERSON  
6 SHALL BE OFFERED THE OPPORTUNITY TO ENROLL IN VOLUNTARY  
7 TREATMENT. A person ~~committed under~~ WHO IS ON AN EMERGENCY HOLD  
8 PURSUANT TO this section may not be detained in any APPROVED treatment  
9 facility for more than five CALENDAR days, EXCLUDING SATURDAYS,  
10 SUNDAYS, AND HOLIDAYS IF TREATMENT AND EVALUATION SERVICES ARE  
11 NOT AVAILABLE ON THOSE DAYS; except that a person may be ~~detained~~  
12 HELD for longer than five CALENDAR days, EXCLUDING SATURDAYS,  
13 SUNDAYS, AND HOLIDAYS IF TREATMENT AND EVALUATION SERVICES ARE  
14 NOT AVAILABLE ON THOSE DAYS, at the approved treatment facility if, in  
15 that period of time, a ~~petition for involuntary commitment~~ NOTICE OF  
16 CERTIFICATION FOR SHORT-TERM TREATMENT has been filed pursuant to  
17 section 27-81-112. ~~A person may not be detained longer than ten days~~  
18 ~~after the date of filing of the petition for involuntary commitment.~~

19 (6) Whenever a person is ~~involuntarily detained~~ PLACED ON AN  
20 EMERGENCY HOLD pursuant to this section, ~~he or she shall immediately be~~  
21 ~~advised by the facility administrator or his or her authorized designee,~~  
22 THE FACILITY ADMINISTRATOR OR HIS OR HER AUTHORIZED DESIGNEE  
23 SHALL IMMEDIATELY ADVISE THE PERSON, both orally and in writing, of  
24 his or her right to challenge ~~such detention~~ THE EMERGENCY HOLD by  
25 application to the courts for a writ of habeas corpus, to be represented by  
26 counsel at every stage of any proceedings relating to ~~his or her~~  
27 ~~commitment and recommitment~~ THE EMERGENCY HOLD, and to have

1 counsel appointed by the court or provided by the court if he or she wants  
2 the assistance of counsel and is unable to obtain counsel.

3 **SECTION 39.** In Colorado Revised Statutes, **add** 27-81-111.3 as  
4 follows:

5 **27-81-111.3. Petition for court-ordered emergency hold.**

6 (1) AN INDIVIDUAL ALLEGED TO HAVE MISUSED SUBSTANCES OR TO BE  
7 UNDER THE INFLUENCE OF SUBSTANCES AND, AS A RESULT OF SUCH, IS A  
8 DANGER TO SELF OR OTHERS OR IS GRAVELY DISABLED MAY HAVE HIS OR  
9 HER CONDITION EVALUATED UNDER A COURT ORDER PURSUANT TO THIS  
10 SECTION.

11 (2) AN INDIVIDUAL WHO IS EIGHTEEN YEARS OF AGE OR OLDER  
12 MAY PETITION THE COURT IN THE COUNTY IN WHICH THE RESPONDENT  
13 RESIDES OR IS PHYSICALLY PRESENT ALLEGING THAT THERE IS A PERSON  
14 WHO APPEARS TO HAVE MISUSED SUBSTANCES OR TO BE UNDER THE  
15 INFLUENCE OF SUBSTANCES AND, AS A RESULT OF SUCH, APPEARS TO BE A  
16 DANGER TO SELF OR OTHERS OR TO BE GRAVELY DISABLED. THE PETITION  
17 MAY REQUEST AN EVALUATION OF THE RESPONDENT'S CONDITION.

18 (3) THE PETITION FOR A COURT-ORDERED EVALUATION MUST  
19 CONTAIN THE FOLLOWING:

20 (a) THE NAME AND ADDRESS OF THE PETITIONER AND HIS OR HER  
21 INTEREST IN THE CASE;

22 (b) THE NAME OF THE PERSON FOR WHOM EVALUATION IS SOUGHT,  
23 DESIGNATED AS THE RESPONDENT, AND, IF KNOWN TO THE PETITIONER,  
24 THE ADDRESS, AGE, SEX, MARITAL STATUS, AND OCCUPATION OF THE  
25 RESPONDENT;

26 (c) ALLEGATIONS OF FACT INDICATING THAT THE RESPONDENT  
27 MAY HAVE MISUSED SUBSTANCES OR IS UNDER THE INFLUENCE OF

1 SUBSTANCES AND, AS A RESULT OF SUCH, IS A DANGER TO SELF OR OTHERS  
2 OR IS GRAVELY DISABLED AND SHOWING REASONABLE GROUNDS TO  
3 WARRANT AN EVALUATION;

4 (d) THE NAME AND ADDRESS OF EVERY PERSON KNOWN OR  
5 BELIEVED BY THE PETITIONER TO BE LEGALLY RESPONSIBLE FOR THE CARE,  
6 SUPPORT, AND MAINTENANCE OF THE RESPONDENT, IF AVAILABLE; AND

7 (e) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE  
8 ATTORNEY, IF ANY, WHO HAS MOST RECENTLY REPRESENTED THE  
9 RESPONDENT. IF THE RESPONDENT DOES NOT HAVE AN ATTORNEY, THE  
10 PETITION MUST INCLUDE A STATEMENT AS TO WHETHER, TO THE BEST  
11 KNOWLEDGE OF THE PETITIONER, THE RESPONDENT MEETS THE CRITERIA  
12 ESTABLISHED BY THE LEGAL AID AGENCY OPERATING IN THE COUNTY OR  
13 CITY AND COUNTY FOR IT TO REPRESENT A CLIENT.

14 (4) UPON RECEIPT OF A PETITION SATISFYING THE REQUIREMENTS  
15 OF SUBSECTION (3) OF THIS SECTION, THE COURT SHALL DESIGNATE AN  
16 APPROVED TREATMENT FACILITY TO DETERMINE WHETHER THERE IS  
17 PROBABLE CAUSE TO BELIEVE THE ALLEGATIONS.

18 (5) FOLLOWING SCREENING, THE FACILITY ADMINISTRATOR, OR HIS  
19 OR HER DESIGNEE, OR A PROFESSIONAL PERSON DESIGNATED BY THE  
20 COURT SHALL FILE HIS OR HER REPORT WITH THE COURT. THE REPORT  
21 MUST INCLUDE A RECOMMENDATION AS TO WHETHER THERE IS PROBABLE  
22 CAUSE TO BELIEVE THAT THE RESPONDENT HAS MISUSED SUBSTANCES OR  
23 IS UNDER THE INFLUENCE OF SUBSTANCES AND, AS A RESULT OF SUCH, IS  
24 A DANGER TO SELF OR OTHERS OR IS GRAVELY DISABLED AND WHETHER  
25 THE RESPONDENT WILL VOLUNTARILY RECEIVE EVALUATION OR  
26 TREATMENT. THE SCREENING REPORT SUBMITTED TO THE COURT IS  
27 CONFIDENTIAL IN ACCORDANCE WITH SECTION 27-81-113, AND THE COURT

1 SHALL FURNISH A COPY TO THE RESPONDENT OR HIS OR HER ATTORNEY OR  
2 PERSONAL REPRESENTATIVE.

3 (6) WHENEVER IT APPEARS, BY PETITION AND SCREENING  
4 PURSUANT TO THIS SECTION, TO THE SATISFACTION OF THE COURT THAT  
5 PROBABLE CAUSE EXISTS TO BELIEVE THAT THE RESPONDENT HAS MISUSED  
6 SUBSTANCES OR IS UNDER THE INFLUENCE OF SUBSTANCES AND, AS A  
7 RESULT OF SUCH, IS A DANGER TO SELF OR OTHERS OR IS GRAVELY  
8 DISABLED AND THAT EFFORTS HAVE BEEN MADE TO SECURE THE  
9 COOPERATION OF THE RESPONDENT, WHO HAS REFUSED OR FAILED TO  
10 ACCEPT EVALUATION VOLUNTARILY, THE COURT SHALL ISSUE AN ORDER  
11 FOR EVALUATION THAT AUTHORIZES A CERTIFIED PEACE OFFICER TO TAKE  
12 THE RESPONDENT INTO CUSTODY AND PLACE HIM OR HER IN AN APPROVED  
13 TREATMENT FACILITY FOR AN EMERGENCY HOLD. THE COURT SHALL NOT  
14 REQUIRE AN APPROVED TREATMENT FACILITY TO ADMIT A PERSON WHO  
15 DOES NOT MEET THE FACILITY'S WRITTEN ADMISSION CRITERIA RELATED  
16 TO ACUTE MEDICAL NEEDS AND SITUATIONS. AT THE TIME THE  
17 RESPONDENT IS TAKEN INTO CUSTODY, THE COURT SHALL PROVIDE THE  
18 RESPONDENT OR HIS OR HER ATTORNEY WITH A COPY OF THE PETITION AND  
19 THE ORDER FOR EVALUATION, AND PROMPTLY THEREAFTER TO ANY ONE  
20 PERSON DESIGNATED BY THE RESPONDENT AND TO THE PERSON IN CHARGE  
21 OF THE APPROVED TREATMENT FACILITY NAMED IN THE ORDER, OR HIS OR  
22 HER DESIGNEE.

23 (7) THE APPROVED TREATMENT FACILITY SHALL EVALUATE THE  
24 RESPONDENT AS PROMPTLY AS POSSIBLE AND SHALL NOT DETAIN THE  
25 RESPONDENT LONGER THAN FIVE CALENDAR DAYS UNDER THE COURT  
26 ORDER, EXCLUDING SATURDAYS, SUNDAYS, AND HOLIDAYS IF TREATMENT  
27 AND EVALUATION SERVICES ARE NOT AVAILABLE ON THOSE DAYS. WITHIN



1 THAT TIME, THE RESPONDENT SHALL BE RELEASED, REFERRED FOR  
2 FURTHER CARE AND TREATMENT ON A VOLUNTARY BASIS, OR CERTIFIED  
3 FOR SHORT-TERM TREATMENT.

4 (8) AT THE TIME THE RESPONDENT IS TAKEN INTO CUSTODY FOR  
5 EVALUATION, OR WITHIN A REASONABLE TIME THEREAFTER, UNLESS A  
6 RESPONSIBLE RELATIVE IS IN POSSESSION OF THE RESPONDENT'S PERSONAL  
7 PROPERTY, THE CERTIFIED PEACE OFFICER TAKING THE RESPONDENT INTO  
8 CUSTODY SHALL TAKE REASONABLE PRECAUTIONS TO PRESERVE AND  
9 SAFEGUARD PERSONAL PROPERTY POSSESSED BY OR ON THE PREMISES  
10 OCCUPIED BY THE RESPONDENT.

11 (9) WHEN AN INDIVIDUAL IS INVOLUNTARILY ADMITTED TO AN  
12 APPROVED TREATMENT FACILITY FOR AN EMERGENCY HOLD PURSUANT TO  
13 THE PROVISIONS OF THIS SECTION, THE FACILITY DIRECTOR, OR HIS OR HER  
14 DESIGNEE, SHALL ADVISE THE INDIVIDUAL THAT HE OR SHE IS GOING TO BE  
15 EXAMINED WITH REGARD TO HIS OR HER SUBSTANCE MISUSE.

16 (10) WHENEVER AN INDIVIDUAL IS INVOLUNTARILY ADMITTED TO  
17 AN APPROVED TREATMENT FACILITY FOR AN EMERGENCY HOLD PURSUANT  
18 TO THE PROVISIONS OF THIS SECTION, THE FACILITY DIRECTOR, OR HIS OR  
19 HER DESIGNEE, SHALL ADVISE THE INDIVIDUAL OF HIS OR HER RIGHT TO  
20 RETAIN AND CONSULT WITH AN ATTORNEY AT ANY TIME AND THAT, IF HE  
21 OR SHE CANNOT AFFORD TO PAY AN ATTORNEY, UPON PROOF OF  
22 INDIGENCY, ONE WILL BE APPOINTED BY THE COURT WITHOUT COST.

23 **SECTION 40.** In Colorado Revised Statutes, **repeal and reenact,**  
24 **with amendments,** 27-81-112 as follows:

25 **27-81-112. [Similar to 27-82-108.] Certification for**  
26 **involuntary short-term treatment of persons who misuse substances**  
27 **or who are under the influence of substances. (1) IF A PERSON IS**

1 PLACED ON AN EMERGENCY HOLD PURSUANT TO SECTION 27-81-111 OR  
2 27-81-111.3, HE OR SHE MAY BE CERTIFIED FOR TREATMENT OF A  
3 SUBSTANCE USE DISORDER FOR A PERIOD NOT TO EXCEED THREE MONTHS  
4 UNDER THE FOLLOWING CONDITIONS:

5 (a) A PROFESSIONAL PERSON ON STAFF AT THE APPROVED  
6 TREATMENT FACILITY THAT IS PROVIDING CARE AND TREATMENT UNDER  
7 THE EMERGENCY HOLD HAS EVALUATED THE PERSON'S CONDITION AND  
8 DETERMINED THAT THE PERSON EITHER MISUSES SUBSTANCES OR IS UNDER  
9 THE INFLUENCE OF SUBSTANCES AND, AS A RESULT, IS A DANGER TO SELF  
10 OR OTHERS OR IS GRAVELY DISABLED; AND

11 (b) THE APPROVED TREATMENT FACILITY PROVIDING THE  
12 SHORT-TERM TREATMENT HAS BEEN DESIGNATED BY THE EXECUTIVE  
13 DIRECTOR TO PROVIDE SUCH TREATMENT PURSUANT TO SECTION  
14 27-80-109.5; AND

15 (c) (I) THE PERSON HAS BEEN ADVISED OF THE AVAILABILITY OF  
16 VOLUNTARY TREATMENT BUT HAS NOT ACCEPTED SUCH TREATMENT; OR

17 (II) THE PERSON HAS BEEN ADVISED OF THE AVAILABILITY OF  
18 VOLUNTARY TREATMENT AND HAS ACCEPTED VOLUNTARY TREATMENT  
19 BUT REASONABLE GROUNDS EXIST, AS EVIDENCED BY PAST BEHAVIORS, TO  
20 BELIEVE THAT HE OR SHE WILL NOT REMAIN IN VOLUNTARY TREATMENT.

21 (2) A PROFESSIONAL PERSON ON THE STAFF OF THE APPROVED  
22 TREATMENT FACILITY WHO PARTICIPATED IN THE PERSON'S EVALUATION  
23 SHALL SIGN THE NOTICE OF CERTIFICATION FOR SHORT-TERM TREATMENT  
24 AND SHALL STATE FACTS SUFFICIENT TO ESTABLISH REASONABLE  
25 GROUNDS TO BELIEVE THAT THE PERSON MISUSES SUBSTANCES OR IS  
26 UNDER THE INFLUENCE OF SUBSTANCES AND, AS A RESULT, IS A DANGER  
27 TO SELF OR OTHERS OR IS GRAVELY DISABLED. THE APPROVED TREATMENT

1 FACILITY SHALL FILE THE NOTICE OF CERTIFICATION FOR SHORT-TERM  
2 TREATMENT WITH THE COURT WITHIN FORTY-EIGHT HOURS AFTER THE  
3 DATE AND TIME OF CERTIFICATION, EXCLUDING SATURDAYS, SUNDAYS,  
4 AND COURT HOLIDAYS. THE NOTICE OF CERTIFICATION MUST BE FILED IN  
5 THE COUNTY IN WHICH THE RESPONDENT RESIDES OR WHERE THE  
6 RESPONDENT WAS PHYSICALLY PRESENT WHEN HE OR SHE WAS TAKEN  
7 INTO PROTECTIVE CUSTODY AND TRANSPORTED TO THE APPROVED  
8 TREATMENT FACILITY PURSUANT TO SECTION 27-81-111 OR 27-81-111.3.

9 (3) THE APPROVED TREATMENT FACILITY SHALL PERFORM THE  
10 FOLLOWING FUNCTIONS:

11 (a) PERSONALLY DELIVER TO THE RESPONDENT A COPY OF THE  
12 CERTIFICATION, INCLUDING THE PROFESSIONAL PERSON'S STATEMENT OF  
13 FACTS WITHIN TWENTY-FOUR HOURS OF THE CERTIFICATION;

14 (b) KEEP A COPY OF THE CERTIFICATION AS PART OF THE  
15 RESPONDENT'S RECORD;

16 (c) ASK THE RESPONDENT TO DESIGNATE AT LEAST ONE PERSON  
17 THAT HE OR SHE WISHES TO BE INFORMED REGARDING THE CERTIFICATION.  
18 IF THE RESPONDENT IS INCAPABLE OF MAKING SUCH A DESIGNATION AT  
19 THE TIME THAT THE HE OR SHE RECEIVES NOTICE OF CERTIFICATION, THE  
20 DESIGNATED APPROVED TREATMENT FACILITY SHALL ASK THE  
21 RESPONDENT TO DESIGNATE SUCH AN INDIVIDUAL AS SOON AS HE OR SHE  
22 IS CAPABLE OF DOING SO.

23 (d) PROVIDE THE RESPONDENT WITH WRITTEN NOTICE THAT, UPON  
24 WRITTEN REQUEST BY THE RESPONDENT OR HIS OR HER COUNSEL DIRECTED  
25 TO THE COURT WHERE THE NOTICE OF CERTIFICATION WAS FILED, A  
26 HEARING CONCERNING THE CERTIFICATION FOR SHORT-TERM TREATMENT  
27 MAY BE GRANTED.

1           (4) UPON CERTIFICATION OF THE RESPONDENT, THE APPROVED  
2 TREATMENT FACILITY FOR SHORT-TERM TREATMENT HAS CUSTODY OF THE  
3 RESPONDENT.

4           (5) WHENEVER A NOTICE OF CERTIFICATION FOR SHORT-TERM  
5 TREATMENT IS FILED WITH THE COURT, THE COURT, IF IT HAS NOT  
6 ALREADY DONE SO PURSUANT TO SECTION 27-81-111.3, SHALL NOTIFY THE  
7 RESPONDENT OF HIS OR HER RIGHT TO COUNSEL. THE COURT SHALL  
8 DETERMINE WHETHER THE RESPONDENT IS ABLE TO AFFORD AN ATTORNEY.  
9 IF THE RESPONDENT MEETS THE INDIGENCY GUIDELINES AND CANNOT  
10 AFFORD AN ATTORNEY, THE COURT SHALL APPOINT COUNSEL, EITHER  
11 FROM THE LEGAL SERVICES PROGRAM THAT OPERATES IN THE  
12 JURISDICTION OR PRIVATE COUNSEL. THE COURT SHALL PROVIDE THE  
13 ATTORNEY REPRESENTING THE RESPONDENT WITH A COPY OF THE  
14 CERTIFICATION IMMEDIATELY UPON APPOINTMENT. WAIVER OF COUNSEL  
15 MUST BE KNOWINGLY AND INTELLIGENTLY MADE IN WRITING AND FILED  
16 WITH THE COURT BY THE RESPONDENT. IN THE EVENT THAT A RESPONDENT  
17 WHO IS ABLE TO AFFORD AN ATTORNEY FAILS TO PAY THE APPOINTED  
18 COUNSEL, THE COURT-APPOINTED COUNSEL, UPON APPLICATION TO THE  
19 COURT AND AFTER APPROPRIATE NOTICE AND HEARING, MAY OBTAIN A  
20 JUDGMENT FOR REASONABLE ATTORNEY FEES AGAINST THE RESPONDENT  
21 OR PERSON MAKING THE REQUEST FOR SUCH COUNSEL OR BOTH THE  
22 RESPONDENT AND SUCH PERSON.

23           (6) THE RESPONDENT WHO IS SUBJECT TO CERTIFICATION FOR  
24 SHORT-TERM TREATMENT OR HIS OR HER ATTORNEY MAY AT ANY TIME  
25 FILE A WRITTEN REQUEST THAT THE COURT REVIEW THE CERTIFICATION  
26 FOR SHORT-TERM TREATMENT, THE TREATMENT, OR REQUEST THAT THE  
27 TREATMENT BE ON AN OUTPATIENT BASIS. IF A HEARING TO REVIEW IS

1 REQUESTED, THE COURT SHALL HEAR THE MATTER WITHIN TEN CALENDAR  
2 DAYS AFTER THE REQUEST IS MADE, AND THE COURT SHALL PROVIDE  
3 NOTICE OF THE TIME AND PLACE OF THE HEARING TO THE RESPONDENT  
4 AND HIS OR HER ATTORNEY, AS WELL AS THE CERTIFYING AND TREATING  
5 PROFESSIONAL PERSON. THE HEARING MUST BE HELD IN ACCORDANCE  
6 WITH SECTION 27-81-112.7. AT THE CONCLUSION OF THE HEARING, THE  
7 COURT MAY ENTER OR CONFIRM THE CERTIFICATION FOR SHORT-TERM  
8 TREATMENT, DISCHARGE THE RESPONDENT, OR ENTER ANY OTHER  
9 APPROPRIATE ORDER.

10 (7) RECORDS AND PAPERS IN PROCEEDINGS PURSUANT TO THIS  
11 SECTION MUST BE MAINTAINED SEPARATELY BY THE CLERKS OF THE  
12 SEVERAL COURTS. UPON TERMINATION OF A CERTIFICATION FOR  
13 SHORT-TERM OR EXTENDED SHORT-TERM TREATMENT FOR SUBSTANCE  
14 MISUSE, THE APPROVED TREATMENT FACILITY SHALL FILE THE NOTICE OF  
15 TERMINATION OF INVOLUNTARY TREATMENT WITH THE CLERK OF THE  
16 COURT WITHIN FIVE CALENDAR DAYS OF TERMINATION. THE CLERK SHALL  
17 IMMEDIATELY SEAL THE RECORD IN THE CASE AND OMIT THE NAME OF THE  
18 RESPONDENT FROM THE INDEX OF CASES IN THE COURT UNTIL AND UNLESS  
19 THE RESPONDENT BECOMES SUBJECT TO AN ORDER OF LONG-TERM CARE  
20 AND TREATMENT PURSUANT TO SECTION 27-81-112.3 OR UNTIL AND  
21 UNLESS THE COURT ORDERS THEM OPENED FOR GOOD CAUSE SHOWN. IN  
22 THE EVENT A PETITION FOR CERTIFICATION FOR LONG-TERM TREATMENT  
23 IS FILED PURSUANT TO SECTION 27-81-112.3, THE CERTIFICATION RECORD  
24 MAY BE OPENED AND BECOME A PART OF THE RECORD FOR THE  
25 LONG-TERM CARE AND TREATMENT CASE AND THE NAME OF THE  
26 RESPONDENT INDEXED.

27 (8) WHENEVER IT APPEARS TO THE COURT, BY REASON OF A

1 REPORT BY A PROFESSIONAL PERSON TREATING THE RESPONDENT OR ANY  
2 OTHER REPORT SATISFACTORY TO THE COURT, THAT A RESPONDENT  
3 PLACED ON AN EMERGENCY HOLD FOR EVALUATION AND TREATMENT OR  
4 CERTIFIED FOR SHORT-TERM TREATMENT SHOULD BE TRANSFERRED TO  
5 ANOTHER APPROVED TREATMENT FACILITY FOR TREATMENT AND THAT  
6 THE SAFETY OF THE RESPONDENT OR THE PUBLIC REQUIRES THAT THE  
7 RESPONDENT BE TRANSPORTED BY A SHERIFF, THE COURT MAY ISSUE AN  
8 ORDER DIRECTING THE SHERIFF OR HIS OR HER DESIGNEE TO DELIVER THE  
9 RESPONDENT TO THE SUCCESSOR APPROVED TREATMENT FACILITY.

10 **SECTION 41.** In Colorado Revised Statutes, **add** 27-81-112.1 as  
11 follows:

12 **27-81-112.1. Extension of short-term treatment of persons**  
13 **who misuse substances or who are under the influence of substances.**

14 IF THE FACILITY ADMINISTRATOR, OR HIS OR HER DESIGNEE, BELIEVES  
15 THAT A PERIOD LONGER THAN THREE MONTHS IS NECESSARY FOR  
16 TREATMENT OF THE RESPONDENT, HE OR SHE SHALL FILE WITH THE COURT  
17 A PETITION FOR AN EXTENDED CERTIFICATION. AN EXTENDED  
18 CERTIFICATION FOR SHORT-TERM TREATMENT MUST NOT BE FOR A PERIOD  
19 OF MORE THAN THREE CONSECUTIVE MONTHS. THE RESPONDENT IS  
20 ENTITLED TO A HEARING ON THE EXTENDED CERTIFICATION UNDER THE  
21 SAME CONDITIONS AS IN AN ORIGINAL CERTIFICATION. THE ATTORNEY  
22 INITIALLY REPRESENTING THE RESPONDENT SHALL CONTINUE TO  
23 REPRESENT THAT PERSON, UNLESS THE COURT APPOINTS ANOTHER  
24 ATTORNEY.

25 **SECTION 42.** In Colorado Revised Statutes, **add** 27-81-112.3 as  
26 follows:

27 **27-81-112.3. Certification for involuntary long-term and**

1 **extended long-term treatment of persons who misuse substances or**  
2 **who have a substance use disorder.** (1) WHENEVER A PERSON HAS  
3 RECEIVED SHORT-TERM AND EXTENDED SHORT-TERM TREATMENT FOR  
4 FIVE CONSECUTIVE MONTHS PURSUANT TO SECTION 27-81-112 OR  
5 27-81-112.1, THE PROFESSIONAL PERSON IN CHARGE OF THE PERSON'S  
6 EVALUATION AND TREATMENT MAY FILE A PETITION WITH THE COURT FOR  
7 CERTIFICATION FOR INVOLUNTARY LONG-TERM CARE AND TREATMENT IF  
8 THE FOLLOWING CONDITIONS ARE MET:

9 (a) A PROFESSIONAL PERSON ON STAFF AT THE APPROVED  
10 TREATMENT FACILITY PROVIDING SHORT-TERM AND EXTENDED  
11 SHORT-TERM TREATMENT HAS EVALUATED THE PERSON'S CONDITION AND  
12 HAS DETERMINED THAT THE PERSON MISUSES SUBSTANCES OR HAS A  
13 SUBSTANCE USE DISORDER AND, AS A RESULT, IS A DANGER TO SELF OR  
14 OTHERS OR IS GRAVELY DISABLED;

15 (b) A PROFESSIONAL PERSON ON STAFF AT THE APPROVED  
16 TREATMENT FACILITY PROVIDING SHORT-TERM AND EXTENDED  
17 SHORT-TERM TREATMENT HAS ADVISED THE PERSON OF THE AVAILABILITY  
18 OF VOLUNTARY TREATMENT BUT THE PERSON HAS NOT ACCEPTED SUCH  
19 TREATMENT; EXCEPT THAT, IF REASONABLE GROUNDS EXIST TO BELIEVE  
20 THAT THE PERSON WILL NOT REMAIN IN A VOLUNTARY TREATMENT  
21 PROGRAM, HIS OR HER ACCEPTANCE OF VOLUNTARY TREATMENT SHALL  
22 NOT PRECLUDE AN ORDER PURSUANT TO THIS SECTION; AND

23 (c) THE TREATMENT FACILITY THAT WILL PROVIDE THE  
24 LONG-TERM TREATMENT HAS BEEN DESIGNATED OR APPROVED BY THE  
25 EXECUTIVE DIRECTOR TO PROVIDE SUCH TREATMENT.

26 (2) A PETITION FOR CERTIFICATION FOR INVOLUNTARY LONG-TERM  
27 TREATMENT MUST INCLUDE A REQUEST FOR A HEARING BEFORE THE COURT

1 PRIOR TO THE EXPIRATION OF SIX MONTHS AFTER THE DATE OF THE  
2 ORIGINAL CERTIFICATION. THE APPROVED TREATMENT FACILITY SHALL  
3 PERSONALLY DELIVER A COPY OF THE PETITION TO THE PERSON FOR WHOM  
4 LONG-TERM TREATMENT IS BEING SOUGHT AND MAIL A COPY OF THE  
5 PETITION TO HIS OR HER ATTORNEY OF RECORD AT THE TIME OF THE  
6 FILING.

7 (3) WITHIN TEN CALENDAR DAYS AFTER THE RECEIPT OF THE  
8 PETITION, THE RESPONDENT OR HIS OR HER ATTORNEY MAY REQUEST A  
9 HEARING BY FILING A WRITTEN REQUEST WITH THE COURT.

10 (4) THE COURT SHALL DETERMINE WHETHER THE CONDITIONS OF  
11 SUBSECTION (1) OF THIS SECTION HAVE BEEN MET AND WHETHER THE  
12 RESPONDENT MISUSES SUBSTANCES OR HAS A SUBSTANCE USE DISORDER  
13 AND, AS A RESULT, IS A DANGER TO SELF OR OTHERS OR IS GRAVELY  
14 DISABLED. THE COURT SHALL ISSUE AN ORDER OF LONG-TERM TREATMENT  
15 FOR A TERM NOT TO EXCEED SIX MONTHS, OR IT SHALL DISCHARGE THE  
16 RESPONDENT FOR WHOM LONG-TERM TREATMENT WAS SOUGHT, OR IT MAY  
17 ENTER ANY OTHER APPROPRIATE ORDER.

18 (5) WHEN A PETITION CONTAINS A REQUEST THAT A SPECIFIC  
19 LEGAL DISABILITY BE IMPOSED OR THAT A SPECIFIC LEGAL RIGHT BE  
20 DEPRIVED, THE COURT MAY ORDER THE DISABILITY IMPOSED OR THE RIGHT  
21 DEPRIVED IF THE COURT DETERMINES THAT THE RESPONDENT MISUSES  
22 SUBSTANCES OR HAS A SUBSTANCE USE DISORDER AND, AS A RESULT, IS  
23 DANGER TO SELF OR OTHERS OR IS GRAVELY DISABLED AND THAT, BY  
24 REASON THEREOF, THE PERSON IS UNABLE TO COMPETENTLY EXERCISE  
25 SAID RIGHT OR PERFORM THE FUNCTION AS TO WHICH THE DISABILITY IS  
26 SOUGHT TO BE IMPOSED. ANY INTERESTED PERSON MAY SEEK TO  
27 INTERVENE AS A CO-PETITIONER FOR THE PURPOSE OF SEEKING THE



1 IMPOSITION OF A LEGAL DISABILITY OR THE DEPRIVATION OF A LEGAL  
2 RIGHT.

3 (6) AN ORIGINAL ORDER OF CERTIFICATION FOR INVOLUNTARY  
4 LONG-TERM TREATMENT OR ANY EXTENSION OF THE ORDER EXPIRES ON  
5 THE DATE SPECIFIED IN THE ORDER, UNLESS FURTHER EXTENDED AS  
6 PROVIDED IN THIS SUBSECTION (6). IF AN EXTENSION OF AN ORDER OF  
7 CERTIFICATION FOR INVOLUNTARY LONG-TERM TREATMENT IS SOUGHT,  
8 THE PROFESSIONAL PERSON IN CHARGE OF THE EVALUATION AND  
9 TREATMENT SHALL CERTIFY TO THE COURT AT LEAST THIRTY CALENDAR  
10 DAYS PRIOR TO THE ORDER'S EXPIRATION DATE THAT AN EXTENSION OF  
11 THE ORDER IS NECESSARY FOR THE CARE AND TREATMENT OF THE  
12 RESPONDENT SUBJECT TO THE ORDER. THE APPROVED TREATMENT  
13 FACILITY SHALL PERSONALLY DELIVER A COPY OF THE CERTIFICATION TO  
14 THE RESPONDENT AND SIMULTANEOUSLY MAIL A COPY TO HIS OR HER  
15 ATTORNEY. AT LEAST TWENTY CALENDAR DAYS BEFORE THE ORDER'S  
16 EXPIRATION DATE, THE COURT SHALL PROVIDE THE RESPONDENT AND HIS  
17 OR HER ATTORNEY WITH WRITTEN NOTICE THAT A HEARING UPON THE  
18 EXTENSION MAY BE HAD BEFORE THE COURT UPON WRITTEN REQUEST TO  
19 THE COURT WITHIN TEN CALENDAR DAYS AFTER RECEIPT OF THE NOTICE.  
20 IF A HEARING IS NOT REQUESTED BY THE RESPONDENT WITHIN TEN  
21 CALENDAR DAYS, THE COURT MAY PROCEED EX PARTE. IF A HEARING IS  
22 TIMELY REQUESTED, IT MUST BE HELD BEFORE THE EXPIRATION DATE OF  
23 THE EXISTING ORDER. IF THE COURT FINDS THAT THE RESPONDENT STILL  
24 MEETS THE CONDITIONS OF SUBSECTION (1) OF THIS SECTION, THE COURT  
25 SHALL ISSUE AN EXTENSION OF THE ORDER. THE EXTENSION MUST BE FOR  
26 A PERIOD NOT TO EXCEED SIX MONTHS, BUT THERE MAY BE AS MANY  
27 EXTENSIONS AS THE COURT ORDERS PURSUANT TO THIS SECTION.

1           **SECTION 43.** In Colorado Revised Statutes, **add** 27-81-112.5 as  
2 follows:

3           **27-81-112.5. Termination of certification for involuntary**  
4 **short-term and long-term treatment - leaving against court order.**

5           (1) AN ORIGINAL CERTIFICATION FOR INVOLUNTARY SHORT-TERM OR  
6 EXTENDED SHORT-TERM TREATMENT PURSUANT TO SECTION 27-81-112 OR  
7 27-81-112.1, OR CERTIFICATION FOR INVOLUNTARY LONG-TERM  
8 TREATMENT PURSUANT TO SECTION 27-81-112.3 OR ANY EXTENSION  
9 THEREOF, TERMINATES AS SOON AS, IN THE OPINION OF THE PROFESSIONAL  
10 PERSON IN CHARGE OF THE PERSON'S TREATMENT, THE PERSON HAS  
11 RECEIVED SUFFICIENT BENEFIT FROM TREATMENT FOR HIM OR HER TO  
12 LEAVE. WHENEVER A CERTIFICATION OR EXTENDED CERTIFICATION IS  
13 TERMINATED PURSUANT TO THIS SECTION, THE PROFESSIONAL PERSON IN  
14 CHARGE OF THE PERSON'S TREATMENT SHALL NOTIFY THE COURT IN  
15 WRITING WITHIN FIVE CALENDAR DAYS OF SUCH TERMINATION. THE  
16 PROFESSIONAL PERSON MAY ALSO PRESCRIBE DAY CARE, NIGHT CARE, OR  
17 ANY SIMILAR MODE OF TREATMENT PRIOR TO TERMINATION.

18           (2) PRIOR TO TERMINATION, A PERSON WHO LEAVES AGAINST  
19 COURT ORDER MAY BE RETURNED TO THE FACILITY BY ORDER OF THE  
20 COURT WITHOUT A HEARING OR BY THE SUPERINTENDENT OR DIRECTOR OF  
21 THE APPROVED TREATMENT FACILITY WITHOUT ORDER OF THE COURT.  
22 AFTER TERMINATION OF A COURT ORDER, AN INDIVIDUAL MAY BE  
23 RETURNED TO THE APPROVED TREATMENT FACILITY ONLY IN ACCORDANCE  
24 WITH THE PROVISIONS OF THIS ARTICLE.

25           (3) A PROFESSIONAL PERSON AS DESIGNATED BY THE DIRECTOR OF  
26 AN APPROVED TREATMENT FACILITY MAY SIGN THE NOTICE OF  
27 TERMINATION OF INVOLUNTARY LONG-TERM TREATMENT.

1           **SECTION 44.** In Colorado Revised Statutes, **add** 27-81-112.7 as  
2 follows:

3           **27-81-112.7. Hearing procedures - jurisdiction.** (1) HEARINGS  
4 BEFORE THE COURT PURSUANT TO SECTIONS 27-81-111.3, 27-81-112, OR  
5 27-81-112.3 MUST BE CONDUCTED IN THE SAME MANNER AS OTHER CIVIL  
6 PROCEEDINGS BEFORE THE COURT. THE BURDEN OF PROOF IS UPON THE  
7 PERSON OR FACILITY SEEKING TO DETAIN THE INDIVIDUAL. THE COURT  
8 SHALL DETERMINE THAT THE PERSON IS IN NEED OF INVOLUNTARY  
9 EMERGENCY, SHORT-TERM, EXTENDED SHORT-TERM, OR LONG-TERM CARE  
10 AND TREATMENT ONLY IF THE COURT FINDS BY CLEAR AND CONVINCING  
11 EVIDENCE THAT THE PERSON MISUSES SUBSTANCES, IS UNDER THE  
12 INFLUENCE OF SUBSTANCES, OR HAS A SUBSTANCE USE DISORDER AND, AS  
13 A RESULT, IS A DANGER TO SELF OR OTHERS OR IS GRAVELY DISABLED.

14           (2) THE COURT, AFTER CONSULTATION WITH THE PERSON'S  
15 ATTORNEY, MAY APPOINT A PROFESSIONAL PERSON TO EXAMINE THE  
16 PERSON FOR WHOM A CERTIFICATION FOR INVOLUNTARY SHORT-TERM OR  
17 LONG-TERM TREATMENT IS BEING SOUGHT AND TO TESTIFY AT THE  
18 HEARING BEFORE THE COURT AS TO THE RESULTS OF HIS OR HER  
19 EXAMINATION. THE COURT-ORDERED PROFESSIONAL PERSON SHALL ACT  
20 SOLELY IN AN ADVISORY CAPACITY, AND NO PRESUMPTION SHALL ATTACH  
21 TO HIS OR HER FINDINGS.

22           (3) AT THE CONCLUSION OF THE HEARING, THE COURT SHALL  
23 ADVISE A PERSON SUBJECT TO A CERTIFICATION FOR INVOLUNTARY  
24 SHORT-TERM, EXTENDED SHORT-TERM, LONG-TERM, OR EXTENDED  
25 LONG-TERM TREATMENT OF HIS OR HER RIGHT TO APPEAL THE  
26 CERTIFICATION.

27           (4) THE COURT IN WHICH THE CERTIFICATION IS FILED PURSUANT

1 TO SECTION 27-81-111.3, 27-81-112, OR 27-81-112.3 IS THE COURT OF  
2 ORIGINAL JURISDICTION AND OF CONTINUING JURISDICTION FOR ANY  
3 FURTHER PROCEEDINGS PURSUANT TO THIS ARTICLE. WHEN THE  
4 CONVENIENCE OF THE PARTIES AND JUSTICE WOULD BE PROMOTED BY A  
5 CHANGE IN COURT JURISDICTION, THE COURT MAY ORDER A TRANSFER OF  
6 THE PROCEEDINGS TO ANOTHER COUNTY. UNTIL FURTHER ORDER, IF ANY,  
7 OF THE TRANSFEREE COURT, THE TRANSFEREE COURT IS THE COURT OF  
8 CONTINUING JURISDICTION.

9 (5) THE DISTRICT ATTORNEY OF THE COUNTY WHERE THE  
10 PROCEEDING IS HELD OR A QUALIFIED ATTORNEY ACTING FOR THE  
11 DISTRICT ATTORNEY WHO HAS BEEN APPOINTED BY THE DISTRICT COURT  
12 FOR THAT PURPOSE SHALL CONDUCT ALL PROCEEDINGS PURSUANT TO THIS  
13 ARTICLE, INCLUDING PROCEEDINGS TO IMPOSE A LEGAL DISABILITY;  
14 EXCEPT THAT, IN ANY COUNTY OR IN ANY CITY AND COUNTY HAVING A  
15 POPULATION EXCEEDING FIFTY THOUSAND PERSONS, THE COUNTY  
16 ATTORNEY OR A QUALIFIED ATTORNEY ACTING FOR THE COUNTY WHO HAS  
17 BEEN APPOINTED BY THE DISTRICT COURT SHALL CONDUCT THE  
18 PROCEEDINGS. IN A CASE IN WHICH THERE HAS BEEN A CHANGE OF VENUE  
19 TO A COUNTY OTHER THAN THE COUNTY OF RESIDENCE OF THE  
20 RESPONDENT OR THE COUNTY IN WHICH THE CERTIFICATION PROCEEDING  
21 WAS COMMENCED, THE COUNTY FROM WHICH THE PROCEEDING WAS  
22 TRANSFERRED SHALL EITHER REIMBURSE THE COUNTY TO WHICH THE  
23 PROCEEDING WAS TRANSFERRED AND IN WHICH THE PROCEEDING WAS  
24 HELD FOR THE REASONABLE COSTS INCURRED IN CONDUCTING THE  
25 PROCEEDING OR CONDUCT THE PROCEEDING ITSELF USING ITS OWN  
26 PERSONNEL AND RESOURCES, INCLUDING ITS OWN DISTRICT OR COUNTY  
27 ATTORNEY.

1 (6) UPON REQUEST OF A GUARDIAN APPOINTED PURSUANT TO  
2 ARTICLE 14 OF TITLE 15, C.R.S., THE GUARDIAN MAY INTERVENE IN ANY  
3 PROCEEDING PURSUANT TO THIS ARTICLE CONCERNING HIS OR HER WARD  
4 AND, THROUGH COUNSEL, MAY PRESENT EVIDENCE AND REPRESENT TO THE  
5 COURT THE GUARDIAN'S VIEWS CONCERNING THE APPROPRIATE  
6 DISPOSITION OF THE CASE.

7 **SECTION 45.** In Colorado Revised Statutes, 27-81-115, **amend**  
8 (1) as follows:

9 **27-81-115. Emergency service patrol - establishment - rules.**

10 (1) The unit and cities, counties, city and counties, and regional service  
11 authorities may establish emergency service patrols IN ACCORDANCE WITH  
12 RULES PROMULGATED BY THE DEPARTMENT PURSUANT TO THIS SECTION.  
13 A patrol consists of persons trained to give assistance in the streets and  
14 in other public places to persons who ~~are intoxicated or incapacitated by~~  
15 ~~alcohol~~ MISUSE SUBSTANCES OR ARE UNDER THE INFLUENCE OF  
16 SUBSTANCES. Members of an emergency service patrol ~~shall~~ MUST be  
17 capable of providing first aid in emergency situations and ~~shall be~~ ARE  
18 authorized to transport a person ~~intoxicated or incapacitated by alcohol~~  
19 WHO MISUSES SUBSTANCES, IS UNDER THE INFLUENCE OF SUBSTANCES, OR  
20 HAS A SUBSTANCE USE DISORDER to his or her home and to and from  
21 APPROVED treatment facilities.

22 **SECTION 46. Repeal of provisions being relocated in this act.**

23 In Colorado Revised Statutes, **repeal** 27-80-109, 27-80-110, 27-80-111,  
24 27-80-112, 27-80-113, 27-80-114, 27-80-115, 27-80-116, 27-80-117,  
25 27-81-103, 27-81-104, 27-81-105, 27-81-106, 27-81-107, 27-81-108,  
26 27-81-116, 27-81-117, 27-82-103, 27-82-104, 27-82-108, 27-82-111,  
27 27-82-112, and 27-82-113.

1           **SECTION 47. Repeal of provisions not being relocated in this**  
2 **act.** In Colorado Revised Statutes, **repeal** 27-81-109, 27-82-101,  
3 27-82-102, 27-82-105, 27-82-106, 27-82-107, 27-82-109, and 27-82-110.

4           **SECTION 48.** In Colorado Revised Statutes, 8-73-108, **amend**  
5 (4) introductory portion and (4) (b) (IV) (C) as follows:

6           **8-73-108. Benefit awards - repeal. (4) Full award.** An  
7 individual separated from a job shall be given a full award of benefits if  
8 any of the following reasons and pertinent conditions related thereto are  
9 determined by the division to have existed. The determination of whether  
10 or not the separation from employment ~~shall~~ **MUST** result in a full award  
11 of benefits shall be the responsibility of the division. The following  
12 reasons ~~shall~~ **MUST** be considered, along with any other factors that may  
13 be pertinent to ~~such~~ **THE** determination:

14           (b) (IV) The off-the-job or on-the-job use of not medically  
15 prescribed intoxicating beverages or controlled substances, as defined in  
16 section 18-18-102 (5), C.R.S., may be reason for a determination for a  
17 full award pursuant to this paragraph (b), but only if:

18           (C) A worker who is not affiliated with an approved treatment  
19 program ~~must present~~ **PRESENTS** to the division within four weeks after  
20 the date of the medical statement referred to in sub-subparagraph (B) of  
21 this subparagraph (IV), substantiation of registration in a program of  
22 corrective action that will commence within four weeks after the date of  
23 the medical statement and that is provided by an approved ~~private~~  
24 treatment facility ~~or an approved public treatment facility~~ as defined in  
25 section 27-81-102, ~~(2) or (3)~~, C.R.S., or by ~~an alcoholics anonymous~~ **A**  
26 **SOBRIETY SUPPORTS** program. The substantiation ~~shall~~ **MUST** be in writing  
27 to the division and signed by an authorized representative of the approved

1 treatment program.

2 **SECTION 49.** In Colorado Revised Statutes, 13-5-142, **amend**  
3 (1) (b) and (3) (b) (II) as follows:

4 **13-5-142. National instant criminal background check system**  
5 **- reporting.** (1) On and after March 20, 2013, the state court  
6 administrator shall send electronically the following information to the  
7 Colorado bureau of investigation created pursuant to section 24-33.5-401,  
8 C.R.S., referred to within this section as the "bureau":

9 (b) The name of each person who has been ~~committed~~ CERTIFIED  
10 by order of the court ~~to the custody of the unit in the department of human~~  
11 ~~services that administers behavioral health programs and services,~~  
12 ~~including those related to mental health and substance abuse,~~ pursuant to  
13 ~~section 27-81-112 or 27-82-108,~~ SECTION 27-81-111.3, 27-81-112,  
14 27-81-112.1, OR 27-81-112.3, C.R.S.; and

15 (3) The state court administrator shall take all necessary steps to  
16 cancel a record made by the state court administrator in the national  
17 instant criminal background check system if:

18 (b) No less than three years before the date of the written request:

19 (II) The period of ~~commitment of~~ TREATMENT RESULTING FROM  
20 the most recent order of ~~commitment or recommitment~~ CERTIFICATION OR  
21 RECERTIFICATION OF INVOLUNTARY SHORT-TERM, EXTENDED  
22 SHORT-TERM, LONG-TERM, OR EXTENDED LONG-TERM TREATMENT  
23 expired, or a court entered an order terminating the person's incapacity or  
24 discharging the person from ~~commitment~~ TREATMENT in the nature of  
25 habeas corpus, if the record in the national instant criminal background  
26 check system is based on an order of ~~commitment to the custody of the~~  
27 ~~unit in the department of human services that administers behavioral~~

1 health programs and services, including those related to mental health and  
2 substance abuse CERTIFICATION; except that the state court administrator  
3 shall not cancel any record pertaining to a person with respect to whom  
4 two recommitment orders have been entered under section 27-81-112 (7)  
5 and (8) WHO HAS BEEN CERTIFIED TWO OR MORE TIMES BY COURT ORDER  
6 PURSUANT TO SECTION 27-81-112, 27-81-112.1, OR 27-81-112.3, C.R.S.,  
7 or who was discharged from treatment under section 27-81-112 (11)  
8 PURSUANT TO SECTION 27-81-112.5, C.R.S., on the grounds that further  
9 treatment will not be likely to bring about significant improvement in the  
10 person's condition; or

11 **SECTION 50.** In Colorado Revised Statutes, 13-5-142.5, **amend**  
12 (2) (a) (II) as follows:

13 **13-5-142.5. National instant criminal background check**  
14 **system - judicial process for awarding relief from federal**  
15 **prohibitions - legislative declaration. (2) Eligibility.** A person may  
16 petition for relief pursuant to this section if:

17 (a) (II) He or she has been ~~committed~~ CERTIFIED by order of the  
18 court to the custody of the unit in the department of human services that  
19 administers behavioral health programs and services, including those  
20 related to mental health and substance abuse, pursuant to section  
21 ~~27-81-112 or 27-82-108~~ SECTION 27-81-112, 27-81-112.1, OR  
22 27-81-112.3, C.R.S.; or

23 **SECTION 51.** In Colorado Revised Statutes, 13-9-123, **amend**  
24 (1) (b) and (3) (b) (II) as follows:

25 **13-9-123. National instant criminal background check system**  
26 **- reporting.** (1) On and after March 20, 2013, the state court  
27 administrator shall send electronically the following information to the



1 Colorado bureau of investigation created pursuant to section 24-33.5-401,  
2 C.R.S., referred to within this section as the "bureau":

3 (b) The name of each person who has been ~~committed~~ CERTIFIED  
4 by order of the court ~~to the custody of the unit in the department of human~~  
5 ~~services that administers behavioral health programs and services,~~  
6 ~~including those related to mental health and substance abuse,~~ pursuant to  
7 ~~section 27-81-112 or 27-82-108~~ SECTION 27-81-112, 27-81-112.1, OR  
8 27-81-112.3, C.R.S.; and

9 (3) The state court administrator shall take all necessary steps to  
10 cancel a record made by the state court administrator in the national  
11 instant criminal background check system if:

12 (b) No less than three years before the date of the written request:

13 (II) The period of ~~commitment~~ TREATMENT of the most recent  
14 order of ~~commitment or recommitment~~ CERTIFICATION OR  
15 RECERTIFICATION FOR INVOLUNTARY SHORT-TERM, EXTENDED  
16 SHORT-TERM, LONG-TERM, OR EXTENDED LONG-TERM TREATMENT  
17 expired, or the court entered an order terminating the person's incapacity  
18 or discharging the person from ~~commitment~~ TREATMENT in the nature of  
19 habeas corpus, if the record in the national instant criminal background  
20 check system is based on an order of ~~commitment to the custody of the~~  
21 ~~unit in the department of human services that administers behavioral~~  
22 ~~health programs and services, including those related to mental health and~~  
23 ~~substance abuse~~ CERTIFICATION; except that the state court administrator  
24 shall not cancel any record pertaining to a person ~~with respect to whom~~  
25 ~~two recommitment orders have been entered under section 27-81-112 (7)~~  
26 ~~and (8)~~ WHO HAS BEEN CERTIFIED TWO OR MORE TIMES BY COURT ORDER  
27 PURSUANT TO SECTION 27-81-112, 27-81-112.1, OR 27-81-112.3, C.R.S.,

1 or who was discharged from treatment ~~under section 27-81-112 (11)~~  
2 PURSUANT TO SECTION 27-81-112.5, C.R.S., on the grounds that further  
3 treatment will not be likely to bring about significant improvement in the  
4 person's condition; or

5 **SECTION 52.** In Colorado Revised Statutes, 13-9-124, **amend**  
6 (2) (a) (II) as follows:

7 **13-9-124. National instant criminal background check system**  
8 **- judicial process for awarding relief from federal prohibitions -**  
9 **legislative declaration. (2) Eligibility.** A person may petition for relief  
10 pursuant to this section if:

11 (a) (II) He or she has been ~~committed~~ CERTIFIED by order of the  
12 court ~~to the custody of the unit in the department of human services that~~  
13 ~~administers behavioral health programs and services, including those~~  
14 ~~related to mental health and substance abuse,~~ pursuant to section  
15 ~~27-81-112 or 27-82-108~~ SECTION 27-81-112, 27-81-112.1, OR  
16 27-81-112.3, C.R.S.; or

17 **SECTION 53.** In Colorado Revised Statutes, 13-90-107, **amend**  
18 (1) (m) (IV) (C) and (1) (m) (IV) (D) as follows:

19 **13-90-107. Who may not testify without consent - definitions.**  
20 (1) There are particular relations in which it is the policy of the law to  
21 encourage confidence and to preserve it inviolate; therefore, a person  
22 shall not be examined as a witness in the following cases:

23 (m) (IV) This paragraph (m) shall not apply in cases in which:

24 (C) ~~Due to alcohol or other substance intoxication or abuse, as~~  
25 ~~described in sections 27-81-111 and 27-82-107, C.R.S.,~~ THE PERSON  
26 EITHER MISUSES SUBSTANCES, IS UNDER THE INFLUENCE OF SUBSTANCES,  
27 OR HAS A SUBSTANCE USE DISORDER AND, AS A RESULT, the person

1 receiving peer support is a ~~clear and immediate danger to the person's self~~  
2 ~~or others~~ DANGER TO SELF OR OTHERS OR IS GRAVELY DISABLED, AS  
3 DEFINED IN SECTION 27-81-102, C.R.S.;

4 (D) There is reasonable cause to believe that the person receiving  
5 peer support has a mental illness and, due to the mental illness, is ~~an~~  
6 ~~imminent threat to himself or herself~~ A DANGER TO SELF or others or is  
7 gravely disabled as THOSE TERMS ARE defined in section 27-65-102,  
8 C.R.S.; or

9 **SECTION 54.** In Colorado Revised Statutes, 16-13-701, **amend**  
10 (4) as follows:

11 **16-13-701. Reporting of forfeited property.** (4) The unit in the  
12 department of human services that administers behavioral health  
13 programs and services, including those related to mental health and  
14 substance ~~abuse~~ MISUSE, shall prepare an annual accounting report of  
15 moneys received by the managed service organization pursuant to section  
16 16-13-311 (3) (a) (VII) (B), including revenues, expenditures, beginning  
17 and ending balances, and services provided. The unit in the department  
18 of human services that administers behavioral health programs and  
19 services, including those related to mental health and substance ~~abuse~~  
20 MISUSE, shall provide this information in its annual report pursuant to  
21 ~~section 27-80-110~~ SECTION 27-80-115.5, C.R.S.

22 **SECTION 55.** In Colorado Revised Statutes, 18-12-202, **amend**  
23 (3) (a) and (3) (b) (I) as follows:

24 **18-12-202. Definitions.** As used in this part 2, unless the context  
25 otherwise requires:

26 (3) "Chronically and habitually uses alcoholic beverages to the  
27 extent that the applicant's normal faculties are impaired" means:

1 (a) The applicant has at any time been ~~committed~~ CERTIFIED FOR  
2 INVOLUNTARY SHORT-TERM, EXTENDED SHORT-TERM, ~~LONG-TERM, OR~~  
3 ~~EXTENDED LONG-TERM TREATMENT as an alcoholic~~ pursuant to ~~section~~  
4 ~~27-81-111 or 27-81-112~~ SECTION 27-81-112, 27-81-112.1, OR  
5 27-81-112.3, C.R.S.; or

6 (b) Within the ten-year period immediately preceding the date on  
7 which the permit application is submitted, the applicant:

8 (I) Has been ~~committed as an alcoholic~~ VOLUNTARILY ADMITTED  
9 FOR TREATMENT AS A PERSON WHO MISUSES SUBSTANCES OR WHO IS  
10 UNDER THE INFLUENCE OF SUBSTANCES pursuant to ~~section 27-81-109 or~~  
11 ~~27-81-110, C.R.S.; or~~

12 **SECTION 56.** In Colorado Revised Statutes, 18-19-103.5,  
13 **amend** (2) (b) and (4) as follows:

14 **18-19-103.5. Rural substance use disorder - repeal.** (2) The  
15 clerk of the court shall disburse the surcharge required by subsection (1)  
16 of this section as follows:

17 (b) Ninety-five percent shall be disbursed to the state treasurer  
18 who shall credit the same to the rural ~~alcohol and substance abuse~~  
19 SUBSTANCE USE DISORDERS cash fund created in ~~section 27-80-117 (3)~~  
20 SECTION 27-80-123 (3), C.R.S.

21 (4) This section is repealed, effective July 1, 2016, unless the  
22 general assembly extends the repeal of the rural ~~alcohol and substance~~  
23 ~~abuse~~ SUBSTANCE USE DISORDERS prevention and treatment program  
24 created in ~~section 27-80-117~~ SECTION 27-80-123, C.R.S.

25 **SECTION 57.** In Colorado Revised Statutes, 24-34-104, **amend**  
26 (47) (c) as follows:

27 **24-34-104. General assembly review of regulatory agencies**

1 **and functions for termination, continuation, or reestablishment.**

2 (47) The following agencies, functions, or both, shall terminate on July  
3 1, 2016:

4 (c) The rural ~~alcohol and substance abuse~~ SUBSTANCE USE  
5 DISORDERS prevention and treatment program created pursuant to ~~section~~  
6 ~~27-80-117~~ SECTION 27-80-123, C.R.S., within the unit in the department  
7 of human services that administers behavioral health programs and  
8 services, including those related to mental health and substance abuse;

9 **SECTION 58.** In Colorado Revised Statutes, 25-1-1202, **amend**  
10 (1) (ss); and **repeal** (1) (vv) as follows:

11 **25-1-1202. Index of statutory sections regarding medical**  
12 **record confidentiality and health information.** (1) Statutory provisions  
13 concerning policies, procedures, and references to the release, sharing,  
14 and use of medical records and health information include the following:

15 (ss) Sections 27-81-110, 27-81-111, 27-81-111.3, 27-81-112,  
16 27-81-112.3, and 27-81-113, C.R.S., concerning the treatment of  
17 ~~intoxicated~~ persons WHO MISUSE SUBSTANCES, ARE UNDER THE INFLUENCE  
18 OF SUBSTANCES, OR HAVE A SUBSTANCE USE DISORDER;

19 (vv) ~~Sections 27-82-106 and 27-82-109, C.R.S., concerning the~~  
20 ~~treatment of drug abusers;~~

21 **SECTION 59.** In Colorado Revised Statutes, 25.5-5-203, **amend**  
22 (1) (l) as follows:

23 **25.5-5-203. Optional programs with special state provisions.**

24 (1) Subject to the provisions of subsection (2) of this section, this section  
25 specifies programs developed by Colorado to increase federal financial  
26 participation through selecting optional services or optional eligible  
27 groups. These programs include but are not limited to:

1 (l) The treatment program for high-risk pregnant women, as  
2 specified in ~~section 27-80-112~~ SECTION 27-80-118, C.R.S., and sections  
3 25.5-5-309, 25.5-5-310, and 25.5-5-311;

4 **SECTION 60.** In Colorado Revised Statutes, 42-4-1301.3,  
5 **amend** (4) (a) as follows:

6 **42-4-1301.3. Alcohol and drug driving safety program.**

7 (4) (a) There is hereby created an alcohol and drug driving safety  
8 program fund in the office of the state treasurer to the credit of which  
9 shall be deposited all moneys as directed by this paragraph (a). The  
10 assessment in effect on July 1, 1998, shall remain in effect unless the  
11 judicial department and the unit in the department of human services that  
12 administers behavioral health programs and services, including those  
13 related to mental health and substance ~~abuse~~ USE DISORDERS, have  
14 provided to the general assembly a statement of the cost of the program,  
15 including costs of administration for the past and current fiscal year to  
16 include a proposed change in the assessment. The general assembly shall  
17 then consider the proposed new assessment and approve the amount to be  
18 assessed against each person during the following fiscal year in order to  
19 ensure that the alcohol and drug driving safety program established in this  
20 section ~~shall be~~ IS financially self-supporting. Any adjustment in the  
21 amount to be assessed shall be so noted in the appropriation to the judicial  
22 department and the unit in the department of human services that  
23 administers behavioral health programs and services, including those  
24 related to mental health and substance ~~abuse~~ USE DISORDERS, as a  
25 footnote or line item related to this program in the general appropriation  
26 bill. The state auditor shall periodically audit the costs of the programs to  
27 determine that they are reasonable and that the rate charged is accurate

1 based on these costs. Any other fines, fees, or costs levied against such  
2 person shall not be part of the program fund. The amount assessed for the  
3 alcohol and drug evaluation shall be transmitted by the court to the state  
4 treasurer to be credited to the alcohol and drug driving safety program  
5 fund. Fees charged under ~~sections 27-81-106 (1) and 27-82-103 (1)~~  
6 SECTION 27-80-109.5, C.R.S., to approved ~~alcohol and drug~~ treatment  
7 facilities that provide level I and level II programs as provided in  
8 paragraph (c) of subsection (3) of this section shall be transmitted to the  
9 state treasurer, who shall credit the fees to the alcohol and drug driving  
10 safety program fund. Upon appropriation by the general assembly, these  
11 funds shall be expended by the judicial department and the unit in the  
12 department of human services that administers behavioral health  
13 programs and services, including those related to mental health and  
14 substance ~~abuse~~ USE DISORDERS, for the administration of the alcohol and  
15 drug driving safety program. In administering the alcohol and drug  
16 driving safety program, the judicial department is authorized to contract  
17 with any agency for such services as the judicial department deems  
18 necessary. Moneys deposited in the alcohol and drug driving safety  
19 program fund shall remain in said fund to be used for the purposes set  
20 forth in this section and shall not revert or transfer to the general fund  
21 except by further act of the general assembly.

22 **SECTION 61.** In Colorado Revised Statutes, 42-4-1307, **amend**  
23 (10) (d) as follows:

24 **42-4-1307. Penalties for traffic offenses involving alcohol and**  
25 **drugs - repeal.** (10) **Additional costs and surcharges.** In addition to the  
26 penalties prescribed in this section:

27 (d) (I) Persons convicted of DUI, DUI per se, and DWAI are

1 subject to a surcharge of at least one dollar but no more than ten dollars  
2 for programs to fund efforts to address ~~alcohol and substance abuse~~  
3 SUBSTANCE MISUSE AND SUBSTANCE USE DISORDER problems among  
4 persons in rural areas. The surcharge shall be mandatory, and the court  
5 shall not have discretion to suspend or waive the surcharge; except that  
6 the court may suspend or waive the surcharge if the court determines that  
7 a person is indigent. Any moneys collected for the surcharge shall be  
8 transmitted to the state treasurer, who shall credit the same to the rural  
9 ~~alcohol and substance abuse~~ SUBSTANCE USE DISORDERS cash fund  
10 created in ~~section 27-80-117~~ SECTION 27-80-123 (3), C.R.S.

11 (II) This paragraph (d) is repealed, effective July 1, 2016, unless  
12 the general assembly extends the repeal of the rural ~~alcohol and substance~~  
13 ~~abuse~~ SUBSTANCE USE DISORDERS prevention and treatment program  
14 created in ~~section 27-80-117~~ SECTION 27-80-123, C.R.S.

15 **SECTION 62.** In Colorado Revised Statutes, 42-4-1701, **amend**  
16 (4) (f) as follows:

17 **42-4-1701. Traffic offenses and infractions classified -**  
18 **penalties - penalty and surcharge schedule - repeal.** (4) (f) (I) In  
19 addition to the surcharge specified in sub-subparagraph (N) of  
20 subparagraph (I) of paragraph (a) of this subsection (4), an additional  
21 surcharge of five dollars shall be assessed for a violation of section  
22 42-4-1301 (2) (a.5). Moneys collected pursuant to this paragraph (f) shall  
23 be transmitted to the state treasurer who shall deposit such moneys in the  
24 rural ~~alcohol and substance abuse~~ SUBSTANCE USE DISORDERS cash fund  
25 created in ~~section 27-80-117~~ SECTION 27-80-123 (3), C.R.S., within  
26 fourteen days after the end of each quarter, to be used for the purposes set  
27 forth in ~~section 27-80-117~~ SECTION 27-80-123, C.R.S.



1           (II) If the additional surcharge is collected by a county court, the  
2 additional surcharge shall be six dollars of which one dollar shall be  
3 retained by the county and the remaining five dollars shall be transmitted  
4 to the state treasurer and credited to the rural ~~alcohol and substance abuse~~  
5 SUBSTANCE USE DISORDERS cash fund created in ~~section 27-80-117~~  
6 SECTION 27-80-123, C.R.S., within fourteen days after the end of each  
7 quarter, to be used for the purposes set forth in ~~section 27-80-117~~  
8 SECTION 27-80-123, C.R.S.

9           (III) This paragraph (f) is repealed, effective July 1, 2016, unless  
10 the general assembly extends the repeal of the rural ~~alcohol and substance~~  
11 ~~abuse~~ SUBSTANCE USE DISORDERS prevention and treatment program  
12 created in ~~section 27-80-117~~ SECTION 27-80-123, C.R.S.

13           **SECTION 63. Effective date.** This act takes effect January 1,  
14 2015; except that section 2 takes effect July 1, 2014.

15           **SECTION 64. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, and safety.