

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 24-0175.01 Shelby Ross x4510

SENATE BILL 24-117

SENATE SPONSORSHIP

Cutter and Winter F., Bridges, Buckner, Fields, Jaquez Lewis, Marchman, Michaelson
Jenet, Rodriguez

HOUSE SPONSORSHIP

deGruy Kennedy, Amabile, Bird, Boesenecker, Duran, Epps, Garcia, Hamrick, Hernandez,
Herod, Joseph, Mabrey, McCluskie, McCormick, Ortiz, Rutinel, Sirota, Story, Titone, Vigil,
Weissman, Woodrow, Young

Senate Committees

Health & Human Services
Appropriations

House Committees

Health & Human Services
Appropriations

HOUSE
3rd Reading Unamended
May 4, 2024

A BILL FOR AN ACT

101 **CONCERNING PROTECTIONS FOR INDIVIDUALS WITH AN EATING**
102 **DISORDER, AND, IN CONNECTION THEREWITH, REQUIRING AN**
103 **EATING DISORDER TREATMENT AND RECOVERY FACILITY TO**
104 **HOLD AN APPROPRIATE DESIGNATION AND REQUIRING THE**
105 **BEHAVIORAL HEALTH ADMINISTRATION TO REGULATE THE USE**
106 **OF INVOLUNTARY FEEDING TUBES.**

HOUSE
2nd Reading Unamended
May 3, 2024

SENATE
3rd Reading Unamended
April 24, 2024

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

SENATE
Amended 2nd Reading
April 23, 2024

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

No later than July 1, 2025, the bill requires the behavioral health administration (BHA) to require all eating disorder treatment and recovery facilities (treatment facility) to hold an appropriate designation based on the level of care the treatment facility provides. Licensed clinicians who are not facility-based and offer behavioral health therapy on an outpatient basis are not required to hold a designation.

The bill directs the state board of human services to promulgate rules for treatment facilities.

The bill requires the BHA to promulgate rules concerning involuntary feeding tubes for individuals with an eating disorder.

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

SECTION 1. In Colorado Revised Statutes, **add** article 65.5 to title 27 as follows:

ARTICLE 65.5

Eating Disorder Treatment and Recovery Facilities

27-65.5-101. Eating disorder treatment and recovery facilities - rules. (1) NO LATER THAN JANUARY 1, 2026, THE BEHAVIORAL HEALTH ADMINISTRATION, ESTABLISHED IN SECTION 27-50-102, SHALL REQUIRE ALL EATING DISORDER TREATMENT AND RECOVERY FACILITIES TO HOLD AN APPROPRIATE DESIGNATION BASED ON THE LEVEL OF CARE THE FACILITY PROVIDES, INCLUDING FACILITIES THAT OFFER INTENSIVE OUTPATIENT TREATMENT, PARTIAL HOSPITALIZATION, RESIDENTIAL PROGRAMS, AND INPATIENT PROGRAMS. LICENSED CLINICIANS WHO ARE NOT FACILITY-BASED AND OFFER BEHAVIORAL HEALTH THERAPY TO INDIVIDUALS WITH AN EATING DISORDER ON AN OUTPATIENT BASIS ARE NOT REQUIRED TO HOLD A DESIGNATION.

(2) THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES FOR EATING DISORDER TREATMENT AND RECOVERY FACILITIES THAT MUST:

(a) ALLOW A PATIENT TO REQUEST AND HAVE ACCESS TO ANY

1 MEDICAL EXAMINATION, INCLUDING A WEIGH-IN, WITHOUT OTHER
2 PATIENTS PRESENT IN THE SAME ROOM;

3 (b) PROHIBIT A TREATMENT FACILITY FROM REQUIRING THAT A
4 PATIENT REMOVE ALL CLOTHING DURING A WEIGH-IN WITHOUT PROVIDING
5 CLOTHING THAT SUFFICIENTLY PROVIDES PRIVACY AND COVERS THE
6 PATIENT'S BODY;

7 (c) PROHIBIT A TREATMENT FACILITY FROM REQUIRING THAT A
8 PATIENT PERFORM PHYSICAL EXERCISES DURING A WEIGH-IN, UNLESS THE
9 TREATMENT PROVIDER HAS SUFFICIENT CAUSE TO BELIEVE THAT THE
10 PATIENT WOULD BE AT RISK OF HARM, AT WHICH POINT THE TREATMENT
11 PROVIDER SHALL DOCUMENT THE NEED FOR FURTHER INVESTIGATION IN
12 THE PATIENT'S MEDICAL RECORD AND ASK THE PATIENT TO PERFORM ANY
13 PHYSICAL EXERCISE IN A LOCATION WITH SUFFICIENT PRIVACY AND IN A
14 WAY THAT PRESERVES THE PATIENT'S DIGNITY TO THE GREATEST EXTENT
15 POSSIBLE;

16 (d) REQUIRE A TREATMENT FACILITY TO PROVIDE GENDER
17 NONCONFORMING AND TRANSGENDER PATIENTS WITH THE SAME
18 RESTROOM POLICIES PROVIDED FOR CISGENDER PATIENTS;

19 (e) PROHIBIT A TREATMENT FACILITY FROM REQUIRING THAT
20 PATIENTS SHARE A SINGLE STALL WITH A STAFF MEMBER OR ANOTHER
21 PATIENT WHILE IN THE ACT OF USING THE RESTROOM;

22 (f) REQUIRE A TREATMENT FACILITY'S POLICIES TO RESPECT AND
23 ACCOMMODATE A PATIENT'S SEXUAL ORIENTATION, GENDER IDENTITY,
24 RELIGION, AND, UNLESS CLINICALLY CONTRAINDICATED, PERSONAL
25 DIETARY ETHICS;

26 (g) REQUIRE THE PRESENCE OF APPROPRIATE AND QUALIFIED STAFF
27 TO TREAT A PATIENT AT ALL TIMES, INCLUDING DURING WEIGH-INS,

1 RESTROOM TIME, VITAL SIGN CHECKS, AND BEHAVIORAL HEALTH
2 TREATMENT AND GROUP THERAPY. IF A STAFF MEMBER PERFORMS
3 MULTIPLE FUNCTIONS AT A TREATMENT FACILITY, THE RULES MUST
4 ENSURE PROVIDERS PRESERVE AND PRIORITIZE THE THERAPEUTIC
5 RELATIONSHIP BETWEEN THE STAFF MEMBER AND PATIENT.

6 (h) ADDRESS THE USE OF RESTRAINTS AND RESTRICTION OF A
7 PATIENT'S ALLOWED BODILY MOVEMENT. THE RULES MUST ENSURE THAT
8 RESTRICTION OF MOVEMENT IS NEVER USED AS A FORM OF PUNISHMENT
9 AND THAT PATIENTS ARE PERMITTED A MINIMUM AMOUNT OF PHYSICAL
10 ACTIVITY PER DAY AS CLINICALLY APPROPRIATE.

11 (i) ADDRESS THE USE OF BED-BASED OR ROOM-BASED CARE,
12 ENSURING THESE PRACTICES ARE USED AS A LAST RESORT AND THAT STAFF
13 MEANINGFULLY ENGAGE PATIENTS TO AVOID THESE RESTRICTIVE
14 MEASURES; EXCEPT THAT THIS SUBSECTION (2)(i) DOES NOT APPLY TO AN
15 EATING DISORDER PROGRAM IN A GENERAL HOSPITAL SETTING;

16 (j) REQUIRE A TREATMENT FACILITY TO IMPLEMENT A
17 TRAUMA-INFORMED TREATMENT FRAMEWORK; ==

18 (k) ESTABLISH THE MINIMUM RIGHTS EACH PATIENT IS ENTITLED
19 TO AT A TREATMENT FACILITY AND REQUIRING THAT PATIENT RIGHTS BE
20 PUBLICLY POSTED AND PROVIDED TO EACH PATIENT ELECTRONICALLY AND
21 IN WRITING. IN ADDITION, THE FORMAL GRIEVANCE PROCESS FOR A
22 PATIENT TO FILE A COMPLAINT AGAINST THE TREATMENT FACILITY
23 THROUGH THE BEHAVIORAL HEALTH ADMINISTRATION FOR AN ALLEGED
24 VIOLATION OF THE PATIENT'S RIGHTS MUST BE PUBLICLY POSTED AND
25 PROVIDED TO EACH PATIENT ELECTRONICALLY AND IN WRITING; AND

26 (l) PRIOR TO INVOLUNTARILY PLACING A FEEDING TUBE FOR A
27 MINOR PATIENT, REQUIRE THE EATING DISORDER TREATMENT AND

1 RECOVERY FACILITY TO OBTAIN INFORMED WRITTEN CONSENT FROM BOTH
2 THE PATIENT AND THE PATIENT'S PARENT OR LEGAL GUARDIAN IF THE
3 PATIENT IS FIFTEEN YEARS OF AGE OR OLDER OR FROM ONLY THE PATIENT'S
4 PARENT OR LEGAL GUARDIAN IF THE PATIENT IS FOURTEEN YEARS OF AGE
5 OR YOUNGER. IF A PATIENT IS FIFTEEN YEARS OF AGE OR OLDER AND DOES
6 NOT CONSENT TO OR OBJECTS TO THE CONTINUED USE OF AN
7 INVOLUNTARY FEEDING TUBE, THE PATIENT MAY SEEK REVIEW PURSUANT
8 TO SECTION 27-65-104 (6).

9 **SECTION 2.** In Colorado Revised Statutes, **amend** 27-65-128 as
10 follows:

11 **27-65-128. Administration - rules.** The BHA shall promulgate
12 any rules and develop and distribute any applications or forms necessary
13 to consistently enforce the provisions of this article 65, INCLUDING RULES
14 CONCERNING INVOLUNTARY FEEDING TUBES FOR INDIVIDUALS WITH AN
15 EATING DISORDER. The BHA shall proactively train providers, facilities,
16 counties, judges, magistrates, intervening professionals, and certified
17 peace officers on the procedures under this article 65, which training must
18 include an understanding of the criteria for invoking an emergency mental
19 health hold pursuant to section 27-65-106, the definition of "gravely
20 disabled" and how a person who is gravely disabled may present
21 physically and psychiatrically, and suggested templates and resources to
22 be used by facilities to meet the requirements of section 27-65-106
23 (8)(a)(III) and (8)(a)(VII).

24 **SECTION 3. Safety clause.** The general assembly finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.