

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 26-0574.01 Shelby Ross x4510

HOUSE BILL 26-1116

HOUSE SPONSORSHIP

Rydin and Gonzalez R.,

SENATE SPONSORSHIP

(None),

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROCESSES RELATED TO INDIVIDUALS WITH BEHAVIORAL**
102 **HEALTH DISORDERS.**

Bill Summary

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

The bill aligns the process for invoking an emergency commitment for an individual under the influence of or incapacitated by substances with the process for invoking an emergency mental health hold.

For a criminal defendant who has completed a competency evaluation, the bill authorizes the department of human services to include in its discharge plan and plan for community-based restoration

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.

services a component of mental health treatment and ongoing clinical support. The bill authorizes a court to include, in an order regarding the custody of the defendant and the defendant's bond status, a requirement for the defendant to participate in mental health treatment.

After an individual has been discharged from the facility where the individual was held for an emergency mental health hold, current law requires the facility to attempt to follow up with the individual at least 48 hours after discharge. The bill extends the time to attempt to follow up with the individual to 72 hours.

The behavioral health administration (BHA) shall only issue or renew a license for a behavioral health entity if the BHA receives a certificate of compliance for the applicant's building or structure from the division of fire prevention and control. The bill adds the following exceptions to this requirement:

- An applicant that provides only telehealth services is not required to receive a certificate of compliance; and
- An applicant that provides only outpatient services may receive a certificate of compliance from a fire department that employs a certified inspector rather than from the division of fire prevention and control.

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



2
3 **SECTION 1.** In Colorado Revised Statutes, 27-65-106, **amend**
4 (8)(d)(I) as follows:

5 **27-65-106. Emergency mental health hold - screening -**
6 **court-ordered evaluation - discharge instructions - respondent's**
7 **rights.**

8 (8) (d) (I) The facility shall, at a minimum, attempt to follow up
9 with the person, the person's parent or legal guardian, or the person's lay
10 person ~~at least forty-eight~~ WITHIN SEVENTY-TWO hours after discharge,
11 EXCLUDING WEEKENDS AND HOLIDAYS. The facility is encouraged to
12 utilize peer support professionals, as defined in section 27-60-108 (2)(b),
13 when performing follow-up care with individuals and in developing a
14 continuing care plan pursuant to subsection (8)(a)(I) of this section. The

1 facility may facilitate follow-up care through contracts with
2 community-based behavioral health providers or the 988 crisis hotline
3 operated pursuant to section 27-64-103. If the facility facilitates
4 follow-up care through a third-party contract, the facility shall obtain
5 authorization from the person to provide follow-up care.

6 **SECTION 2.** In Colorado Revised Statutes, 27-50-501, **amend**
7 (3) as follows:

8 **27-50-501. Behavioral health entities - license required -**
9 **criminal and civil penalties.**

10 (3) (a) Notwithstanding any provision of law to the contrary, the
11 BHA shall ~~not~~ ONLY issue or renew ~~any~~ A license described in this part
12 5 ~~unless~~ IF the BHA receives a certificate of compliance for the
13 applicant's building or structure from the division of fire prevention and
14 control in the department of public safety in accordance with part 12 of
15 article 33.5 of title 24; EXCEPT THAT:

16 (I) AN APPLICANT THAT PROVIDES ONLY TELEHEALTH SERVICES IS
17 NOT REQUIRED TO RECEIVE A CERTIFICATE OF COMPLIANCE; AND

18 (II) AN APPLICANT THAT PROVIDES ONLY OUTPATIENT SERVICES
19 MAY RECEIVE A CERTIFICATE OF COMPLIANCE FROM THE DIVISION OF FIRE
20 PREVENTION AND CONTROL BASED ON INSPECTIONS CONDUCTED BY A FIRE
21 DEPARTMENT, AS DEFINED IN SECTION 24-33.5-1202, THAT EMPLOYS AN
22 INSPECTOR CERTIFIED PURSUANT TO SECTION 24-33.5-1211 RATHER THAN
23 FROM THE DIVISION OF FIRE PREVENTION AND CONTROL.

24 (b) The BHA shall take action on an application for licensure
25 within thirty days after the date that the BHA receives from the applicant
26 all of the necessary information and documentation required for licensure.
27 ~~including a certificate of compliance from the division of fire prevention~~

1 ~~and control.~~

2 **SECTION 3. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part will not take effect
9 unless approved by the people at the general election to be held in
10 November 2026 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.