

CHAPTER 265

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 20-1302

BY REPRESENTATIVE(S) Lontine, Duran, Hooton, Jaquez Lewis, McLachlan, Woodrow, Herod, Young;
also SENATOR(S) Danielson, Bridges, Fenberg, Fields, Ginal, Hansen, Lee, Moreno, Pettersen, Rodriguez, Story, Todd, Winter.

AN ACT**CONCERNING CHANGES TO IMPROVE THE PROTECTION SERVICES FOR AT-RISK ADULTS.**

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

SECTION 1. In Colorado Revised Statutes, 26-3.1-101, **amend** (1)(c), (2)(a), (4) introductory portion, (4)(a), (4)(b), (6), (7)(c), (7)(d), and (9); **repeal** (7)(e) and (8); and **add** (5.5) as follows:

26-3.1-101. Definitions. As used in this article 3.1, unless the context otherwise requires:

(1) "Abuse" means any of the following acts or omissions committed against an at-risk adult:

(c) ~~Subjection to sexual conduct or contact classified as a crime under the "Colorado Criminal Code", title 18, C.R.S. UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9).~~

(2) "Caretaker" means a person who:

(a) Is responsible for the care of an at-risk adult as a result of a ~~family or~~ legal relationship; OR

(4) "Exploitation" means an act or omission ~~committed by a person~~ that:

(a) Uses deception, harassment, intimidation, or undue influence to permanently or temporarily deprive an at-risk adult of the use, benefit, or possession of any thing of value; OR

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b) Employs the services of a third party for the profit or advantage of the person or another person to the detriment of the at-risk adult; OR

(5.5) "HARMFUL ACT" MEANS AN ACT COMMITTED AGAINST AN AT-RISK ADULT BY A PERSON WITH A RELATIONSHIP TO THE AT-RISK ADULT WHEN SUCH ACT IS NOT DEFINED AS ABUSE, CARETAKER NEGLECT, OR EXPLOITATION BUT CAUSES HARM TO THE HEALTH, SAFETY, OR WELFARE OF AN AT-RISK ADULT.

(6) "Least restrictive intervention" means acquiring or providing services, including protective services, for the shortest duration and to the minimum extent necessary to remedy or prevent situations of actual mistreatment OR self-neglect. ~~OR exploitation.~~

(7) "Mistreatment" means:

(c) Exploitation; OR

~~(d) An act or omission that threatens the health, safety, or welfare of an at-risk adult; or~~ A HARMFUL ACT.

~~(e) An act or omission that exposes an at-risk adult to a situation or condition that poses an imminent risk of bodily injury to the at-risk adult.~~

~~(8) "Person" means one or more individuals, limited liability companies, partnerships, associations, corporations, legal representatives, trustees, receivers, or the state of Colorado, and all political subdivisions and agencies thereof.~~

(9) "Protective services" means services provided by the state or political subdivisions or agencies thereof in order to prevent the mistreatment OR self-neglect ~~OR exploitation~~ of an at-risk adult. Such services include, but are not limited to: ~~Receiving and investigating reports of mistreatment, self-neglect, or exploitation;~~ Providing casework ~~and counseling~~ services and arranging for, coordinating, delivering where appropriate, and monitoring services, including medical care for physical or mental health needs, protection from mistreatment AND SELF-NEGLECT, assistance with application for public benefits, referral to community service providers, and initiation of probate proceedings.

SECTION 2. In Colorado Revised Statutes, 26-3.1-102, **amend** (1)(a), (1)(c), (3), (7)(a), (7)(b) introductory portion, and (7)(b)(I); and **add** (7)(b)(IX) as follows:

26-3.1-102. Reporting requirements. (1) (a) A person specified in ~~paragraph (b) of this subsection~~ ~~(1)~~ SUBSECTION (1)(b) OF THIS SECTION who observes the mistreatment or self-neglect of an at-risk adult or who has reasonable cause to believe that an at-risk adult has been mistreated or is self-neglecting ~~and~~ OR is at imminent risk of mistreatment or self-neglect is urged to report such fact to a county department not more than twenty-four hours after making the observation or discovery.

(c) In addition to those persons urged by this subsection (1) to report known or suspected mistreatment or self-neglect of an at-risk adult and circumstances or

conditions that might reasonably result in mistreatment or self-neglect, any other person may report such known or suspected mistreatment or self-neglect and circumstances or conditions that might reasonably result in mistreatment or self-neglect of an at-risk adult to the local law enforcement agency or the county department. Upon receipt of such report, the receiving agency shall prepare a written report within ~~forty-eight~~ TWENTY-FOUR hours.

(3) A copy of the WRITTEN report prepared by the county department in accordance with subsections (1) and (2) of this section THAT INCLUDES AN ALLEGATION OF MISTREATMENT shall MUST be forwarded within twenty-four hours AFTER RECEIPT OF THE REPORT to a local law enforcement agency. A WRITTEN report prepared by a local law enforcement agency shall MUST be forwarded within ~~twenty-four hours~~ ONE BUSINESS DAY OF THE RECEIPT OF THE REPORT to the county department.

(7) (a) Except as provided in ~~paragraph (b) of this subsection (7)~~ SUBSECTION (7)(b) OF THIS SECTION, reports of the mistreatment or self-neglect of an at-risk adult, including the name and address of any at-risk adult, member of said adult's family, or informant, or any other identifying information contained in such reports AND SUBSEQUENT CASES RESULTING FROM THE REPORTS, is confidential and is not public information.

(b) Disclosure of a report of the mistreatment or self-neglect of an at-risk adult and information relating to an investigation of such a report AND SUBSEQUENT CASES RESULTING FROM THE REPORT is permitted only when authorized by a court for good cause. A court order is not required, and such disclosure is not prohibited when:

(I) A criminal INVESTIGATION INTO AN ALLEGATION OF MISTREATMENT IS BEING CONDUCTED, WHEN A REVIEW OF DEATH BY A CORONER IS BEING CONDUCTED WHEN THE DEATH IS SUSPECTED TO BE RELATED TO MISTREATMENT, OR WHEN A CRIMINAL complaint, information, or indictment ~~based on the report~~ is filed AND THE REPORT AND CASE INFORMATION IS RELEVANT TO THE INVESTIGATION, DEATH REVIEW, COMPLAINT, OR INDICTMENT;

(IX) THE DISCLOSURE IS MADE TO AN EMPLOYER REQUIRED TO REQUEST A CAPS CHECK PURSUANT TO SECTION 26-3.1-111 OR TO THE STATE DEPARTMENT AGENCY THAT OVERSEES THE EMPLOYER WHEN THE INFORMATION IS NECESSARY TO ENSURE THE SAFETY OF OTHER AT-RISK ADULTS UNDER THE CARE OF THE EMPLOYER. THE INFORMATION MUST BE THE MINIMUM INFORMATION NECESSARY TO ENSURE THE SAFETY OF OTHER AT-RISK ADULTS UNDER THE CARE OF THE EMPLOYER OR OVERSIGHT OF THE STATE DEPARTMENT AGENCY.

SECTION 3. In Colorado Revised Statutes, 26-3.1-103, **amend** (1); and **add** (1.3) as follows:

26-3.1-103. Evaluations - investigations - training - rules. (1) The agency receiving a report of mistreatment or self-neglect of an at-risk adult shall immediately make a thorough evaluation of the reported level of risk. The immediate concern of the evaluation is the protection of the at-risk adult. The evaluation, at a minimum, must include a determination of a response time frame

and whether THE REPORT MEETS THE CRITERIA FOR an investigation of the allegations ~~is required~~ PURSUANT TO STATE DEPARTMENT RULE. If a county department determines that an investigation is required, the county department is responsible for ensuring an investigation is conducted and arranging for the subsequent provision of protective services to be conducted by persons trained to conduct such investigations and provide protective services.

(1.3) (a) PURSUANT TO STATE DEPARTMENT RULE, EACH EMPLOYER AS DEFINED BY SECTION 26-3.1-111 (7) SHALL PROVIDE, UPON REQUEST OF THE COUNTY DEPARTMENT, ACCESS TO CONDUCT AN INVESTIGATION INTO AN ALLEGATION OF MISTREATMENT. ACCESS MUST INCLUDE THE ABILITY TO REQUEST INTERVIEWS WITH RELEVANT PERSONS AND TO OBTAIN DOCUMENTS AND OTHER EVIDENCE AND HAVE ACCESS TO:

(I) PATIENTS WHO ARE THE SUBJECT OF THE INVESTIGATION INTO MISTREATMENT OF AN AT-RISK ADULT AND PATIENTS WHO ARE RELEVANT TO AN INVESTIGATION INTO AN ALLEGATION OF MISTREATMENT OF AN AT-RISK ADULT;

(II) PERSONNEL, INCLUDING PAID EMPLOYEES, CONTRACTORS, VOLUNTEERS, AND INTERNS, WHO ARE RELEVANT TO THE INVESTIGATION;

(III) CLIENTS OR RESIDENTS WHO ARE THE SUBJECT OF THE INVESTIGATION INTO MISTREATMENT OF AN AT-RISK ADULT AND CLIENTS OR RESIDENTS WHO ARE RELEVANT TO AN INVESTIGATION INTO AN ALLEGATION OF MISTREATMENT OF AN AT-RISK ADULT; AND

(IV) INDIVIDUAL PATIENT, RESIDENT, CLIENT, OR CONSUMER RECORDS, INCLUDING DISCLOSURE OF HEALTH RECORDS OR INCIDENT AND INVESTIGATIVE REPORTS, CARE AND BEHAVIORAL PLANS, STAFF SCHEDULES AND TIME SHEETS, AND PHOTOS AND OTHER TECHNOLOGICAL EVIDENCE.

(b) THE COUNTY DEPARTMENT AND ITS EMPLOYEES SHALL COMPLY WITH APPLICABLE FEDERAL LAWS RELATED TO THE PRIVACY OF INFORMATION WHEN REQUESTING OR OBTAINING DOCUMENTS PURSUANT TO THIS SUBSECTION (1.3).

(c) COUNTY DEPARTMENT STAFF CONDUCTING AN INVESTIGATION PURSUANT TO THIS SECTION HAVE THE RIGHT TO ENTER THE PREMISES OF ANY EMPLOYER AS DEFINED BY SECTION 26-3.1-111 (7) AS NECESSARY TO COMPLETE A THOROUGH INVESTIGATION. COUNTY DEPARTMENT STAFF SHALL IDENTIFY THEMSELVES AND THE PURPOSE OF THE INVESTIGATION TO THE PERSON IN CHARGE OF THE ENTITY AT THE TIME OF ENTRY.

(d) ATTORNEYS AT LAW PROVIDING LEGAL ASSISTANCE TO INDIVIDUALS PURSUANT TO A CONTRACT WITH AN AREA AGENCY ON AGING, THE STAFF OF SUCH ATTORNEYS AT LAW, AND THE LONG-TERM CARE OMBUDSMAN ARE EXEMPT FROM THE REQUIREMENTS OF THIS SECTION.

SECTION 4. In Colorado Revised Statutes, 26-3.1-108, **amend** (2) introductory portion and (2)(c); and **repeal** (3) as follows:

26-3.1-108. Notice of report - appeals - rules. (2) In addition to rules

promulgated pursuant to subsection (1) of this section, the state department shall promulgate rules to establish a process at the state level by which a person who is substantiated in a case of mistreatment of an at-risk adult may appeal the finding to the state department. At a minimum, the rules promulgated pursuant to this subsection (2) ~~shall~~ MUST address the following:

(c) A requirement for and procedures to facilitate the expungement of and prevention of the release of any information contained in CAPS records for purposes of a CAPS check related to a person who is substantiated in a case of mistreatment of an at-risk adult that existed prior to ~~May 31, 2017~~ JULY 1, 2018; except that the state department and county departments may maintain such information in CAPS to assist in future risk and safety assessments.

~~(3) A county department is not required to provide notice to a person of a finding of a substantiated case of mistreatment of an at-risk adult until CAPS is capable of automatically generating the notice required pursuant to state department rules.~~

SECTION 5. In Colorado Revised Statutes, **amend** 26-3.1-109 as follows:

26-3.1-109. Limitation. Nothing in this ~~article shall be construed to mean~~ ARTICLE 3.1 MEANS that a person is mistreated ~~neglected, exploited, OR~~ SELF-NEGLECTING or in need of emergency or protective services for the sole reason that he or she is being furnished or relies upon treatment by spiritual means through prayer alone in accordance with the tenets and practices of that person's recognized church or religious denomination, nor ~~shall~~ DOES anything in this ~~article be construed to~~ ARTICLE 3.1 authorize, permit, or require any medical care or treatment in contravention of the stated or implied objection of such a person.

SECTION 6. In Colorado Revised Statutes, 26-3.1-111, **amend** (1), (6)(a)(I), (7)(h), (7)(i), and (10); and **add** (6)(a)(III), (6)(a)(IV), (6)(e.3), (6)(e.7), and (7)(j) as follows:

26-3.1-111. Access to CAPS - employment checks - confidentiality - fees - rules - legislative declaration - definitions. (1) The general assembly finds and declares that individuals receiving care and services from persons employed in programs or facilities described in subsection (7) of this section are vulnerable to mistreatment, including abuse, neglect, and exploitation. It is the intent of the general assembly to minimize the potential for employment of persons with a history of mistreatment of at-risk adults in positions that would allow those persons unsupervised access to these adults. As a result, the general assembly finds it necessary to strengthen protections for vulnerable adults by requiring certain employers to request a CAPS check by the state department to determine if a person who will provide direct care to an at-risk adult has been substantiated in a case of mistreatment of an at-risk adult. THE GENERAL ASSEMBLY ALSO FINDS THAT IT IS NECESSARY TO REQUIRE THAT CERTAIN EMPLOYERS COOPERATE WITH, AND PROVIDE ACCESS TO, COUNTY DEPARTMENTS DURING COUNTY INVESTIGATIONS OF MISTREATMENT OF AT-RISK ADULTS PURSUANT TO SECTION 26-3.1-103 (1.3).

(6) (a) (I) On and after January 1, 2019, prior to hiring or contracting with an employee who will provide direct care to an at-risk adult, an employer described in subsection (7) of this section shall request a CAPS check by the state department

pursuant to this section to determine if the person is substantiated in a case of mistreatment of an at-risk adult. Within ten days after the date of the employer's request, if the employee was substantiated in a case of mistreatment of an at-risk adult, unless the finding was expunged through a successful appeal to the state department, the state department shall provide the employer with information concerning the mistreatment through electronic means, or other means if requested by the employer, including the date of the ~~mistreatment was reported~~ SUBSTANTIATED FINDING, the type of mistreatment reported, and the county that investigated the report of mistreatment. IF AN EMPLOYER RECEIVES A CAPS CHECK ON A PERSON AND DOES NOT INITIATE THE HIRING PROCESS AT THE TIME OF RECEIVING THE CHECK BUT WANTS TO HIRE THE PERSON AT A SUBSEQUENT TIME THAT IS MORE THAN THIRTY DAYS FROM RECEIPT OF THE PRIOR CAPS CHECK RESULTS, THE EMPLOYER SHALL REQUEST A NEW CAPS CHECK PRIOR TO HIRING THE PERSON PURSUANT TO STATE DEPARTMENT RULES.

(III) IF THE EMPLOYER IS ALSO AN EMPLOYEE OR VOLUNTEER, THE EMPLOYER SHALL REQUEST THE CAPS CHECK ON HIMSELF OR HERSELF. IF THE EMPLOYEE OR VOLUNTEER IS DETERMINED DURING EITHER THE INITIAL CAPS CHECK OR SUBSEQUENTLY AS PROVIDED IN SUBSECTION (10) OF THIS SECTION TO HAVE A SUBSTANTIATED FINDING OF MISTREATMENT, BOTH THE EMPLOYER AND THE EMPLOYER'S PARENT COMPANY OR OVERSIGHT AGENCY SHALL RECEIVE THE CAPS CHECK RESULTS.

(IV) AN EMPLOYER DESCRIBED IN SUBSECTION (7) OF THIS SECTION OR A PERSON MAY REQUEST A CAPS CHECK BY THE STATE DEPARTMENT PURSUANT TO THIS SECTION ON A VOLUNTEER WHO WILL PROVIDE DIRECT CARE TO AN AT-RISK ADULT TO DETERMINE IF THE VOLUNTEER IS SUBSTANTIATED IN A CASE OF MISTREATMENT OF AN AT-RISK ADULT. THE VOLUNTEER SHALL PROVIDE TO THE EMPLOYER WRITTEN AUTHORIZATION AND ANY REQUIRED IDENTIFYING INFORMATION NECESSARY TO CONDUCT A CAPS CHECK PURSUANT TO THIS SECTION. WITHIN TEN DAYS AFTER THE DATE OF THE EMPLOYER'S REQUEST, IF THE VOLUNTEER WAS SUBSTANTIATED IN A CASE OF MISTREATMENT OF AN AT-RISK ADULT, UNLESS THE FINDING WAS EXPUNGED THROUGH A SUCCESSFUL APPEAL TO THE STATE DEPARTMENT, THE STATE DEPARTMENT SHALL PROVIDE THE EMPLOYER WITH INFORMATION CONCERNING THE MISTREATMENT THROUGH ELECTRONIC MEANS, OR OTHER MEANS IF REQUESTED BY THE EMPLOYER, INCLUDING THE DATE OF THE SUBSTANTIATED FINDING, THE TYPE OF MISTREATMENT REPORTED, AND THE COUNTY THAT INVESTIGATED THE REPORT OF MISTREATMENT. FOR PURPOSES OF THIS SUBSECTION (6)(a)(IV), "EMPLOYER" INCLUDES A PERSON OR ENTITY CONDUCTING VOLUNTEER SCREENING ON BEHALF OF THE EMPLOYER. THE PROVISIONS OF SUBSECTIONS (6)(d), (6)(e), (6)(e.3), AND (6)(e.7) OF THIS SECTION APPLY TO THIS SUBSECTION (6)(a)(IV).

(e.3) ANY PERSON WHO REQUESTS A CAPS CHECK FOR A PERSON WHO IS NOT AN EMPLOYEE OR VOLUNTEER OR NOT BEING CONSIDERED FOR EMPLOYMENT OR WHO IS NOT A CARE PROVIDER OR BEING CONSIDERED AS A CARE PROVIDER FOR A RECIPIENT OF CONSUMER DIRECTED ATTENDANT SUPPORT SERVICES PURSUANT TO ARTICLE 10 OF TITLE 25.5 COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED PURSUANT TO SECTION 18-1.3-501.

(e.7) AN EMPLOYEE WHO KNOWINGLY PROVIDES INACCURATE INFORMATION TO HIS OR HER EMPLOYER FOR A CAPS CHECK, OR AN EMPLOYER OR OTHER PERSON OR

ENTITY CONDUCTING AN EMPLOYEE SCREENING ON BEHALF OF THE EMPLOYER THAT KNOWINGLY PROVIDES INACCURATE INFORMATION IN THE REQUEST FOR A CAPS CHECK, COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED PURSUANT TO SECTION 18-1.3-501.

(7) The following employers shall request a CAPS check pursuant to this section:

(h) A facility operated by the state department for the care and treatment of persons with intellectual and developmental disabilities pursuant to article 10.5 of title 27; **and**

(i) Veterans community living centers operated pursuant to article 12 of this title 26; **AND**

(j) THE OFFICE OF PUBLIC GUARDIANSHIP PURSUANT TO SECTION 13-94-105 (6).

(10) The state department shall ~~review the feasibility and cost of including a feature in CAPS that would~~ provide notification to ~~an~~ THE employer if a substantiated finding of mistreatment by an employee is subsequently entered into CAPS. ~~If it is feasible to include a notification feature, subject to available money to implement any necessary system changes and completion of those system changes, the state department shall implement the notification feature as part of a CAPS check.~~

SECTION 7. In Colorado Revised Statutes, 13-14-101, **amend** the introductory portion and (1) introductory portion as follows:

13-14-101. Definitions. For purposes of this ~~article~~ ARTICLE 14, unless the context otherwise requires:

(1) "Abuse of the elderly or of an at-risk adult" means mistreatment of a person who is sixty years of age or older or who is an at-risk adult as defined in ~~section 26-3.1-101 (1), C.R.S.~~ SECTION 26-3.1-101 (1.5), including but not limited to repeated acts that:

SECTION 8. In Colorado Revised Statutes, 13-94-105, **add** (6) as follows:

13-94-105. Office of public guardianship - duties - report. (6) PRIOR TO EMPLOYMENT, THE OFFICE OF PUBLIC GUARDIANSHIP, PURSUANT TO SECTION 25-1.5-103 (1)(a)(I)(A), SHALL SUBMIT THE NAME OF A PERSON HIRED AS A GUARDIAN OR GUARDIAN'S DESIGNEE, AS WELL AS ANY OTHER REQUIRED IDENTIFYING INFORMATION, TO THE DEPARTMENT OF HUMAN SERVICES FOR A CHECK OF THE COLORADO ADULT PROTECTIVE SERVICES DATA SYSTEM PURSUANT TO SECTION 26-3.1-111 TO DETERMINE IF THE PERSON IS SUBSTANTIATED IN A CASE OF MISTREATMENT OF AN AT-RISK ADULT.

SECTION 9. In Colorado Revised Statutes, 25-3-102, **amend** (1)(c) as follows:

25-3-102. License - application - issuance - certificate of compliance required - rules - repeal. (1) (c) The department shall issue licenses to applicants furnishing satisfactory evidence of fitness to conduct and maintain a health facility described

in section 25-3-101 in accordance with this part 1 and the rules adopted by the department. The department shall not require, as satisfactory evidence of fitness, evidence as to whether an applicant has provided self declarations, affidavits, or other attestations as to its general compliance with statutory or regulatory licensing requirements. The department shall determine an applicant's fitness solely based on the specific fitness information or documentation submitted by the applicant upon the department's request or as otherwise acquired by the department through its own review or investigation of the applicant. The department may require the applicant to attest to the accuracy of the information provided as long as the attestation does not require the applicant's affirmation of its general compliance with statutory or regulatory licensing requirements. CAPS CHECK INFORMATION PURSUANT TO SECTION 26-3.1-111 (6)(a)(III) MAY BE CONSIDERED PART OF AN APPLICANT'S EVIDENCE OF FITNESS. THE BOARD MAY PROMULGATE RULES AS NECESSARY TO IMPLEMENT THIS SUBSECTION (1)(c).

SECTION 10. In Colorado Revised Statutes, 25.5-10-202, **amend** (1)(c), (15.5) introductory portion, (29.5)(c) and (29.5)(d); **add** (18.5); and **repeal** (29.5)(e) as follows:

25.5-10-202. Definitions. As used in this article 10, unless the context otherwise requires:

(1) "Abuse" means any of the following acts or omissions committed against a person with an intellectual and developmental disability:

~~(c) Subjection to sexual conduct or contact classified as a crime under the "Colorado Criminal Code", title 18, C.R.S. UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9).~~

(15.5) "Exploitation" means an act or omission ~~committed by a person who~~ THAT:

(18.5) "HARMFUL ACT" MEANS AN ACT COMMITTED AGAINST A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY BY A PERSON WITH A RELATIONSHIP TO THE PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY WHEN SUCH ACT IS NOT DEFINED AS ABUSE, CARETAKER NEGLECT, OR EXPLOITATION BUT CAUSES HARM TO THE HEALTH, SAFETY, OR WELFARE OF A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY.

(29.5) "Mistreated" or "mistreatment" means:

(c) Exploitation; OR

~~(d) An act or omission that threatens the health, safety, or welfare of a person with an intellectual and developmental disability; or~~ A HARMFUL ACT.

~~(e) An act or omission that exposes a person with an intellectual and developmental disability to a situation or condition that poses an imminent risk of bodily injury to the person with an intellectual and developmental disability.~~

SECTION 11. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final

adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: July 10, 2020