

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0071.01 Shelby Ross x4510

HOUSE BILL 19-1120

HOUSE SPONSORSHIP

Michaelson Jenet and Roberts,

SENATE SPONSORSHIP

Fenberg,

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MULTIPLE APPROACHES TO PREVENT YOUTH SUICIDE.**

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 allows a minor 12 years of age or older to seek and obtain psychotherapy services with or without the consent of the minor's parent or guardian. A registered psychotherapist or licensed social worker providing psychotherapy services to a minor may, with the consent of the minor, advise the minor's parent or legal guardian of the psychotherapy services provided.

The bill requires the department of education, in consultation with the office of suicide prevention (office), the youth advisory council, and

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

the suicide prevention commission, to create and maintain a mental health education literacy resource bank. The resource bank is available to the public free of charge.

The bill requires the state board of education to adopt standards related to mental health, including suicide prevention.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43-201, **amend**
3 (9)(a) as follows:

4 **12-43-201. Definitions.** As used in this article 43, unless the
5 context otherwise requires:

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

16 **SECTION 2.** In Colorado Revised Statutes, **add** 12-43-202.5 as
17 follows:

18 **12-43-202.5. Minors - consent for outpatient psychotherapy**
19 **services - immunity - legislative declaration.** (1) (a) THE GENERAL
20 ASSEMBLY FINDS THAT:

21 (I) THE FEDERAL CENTERS FOR DISEASE CONTROL AND
22 PREVENTION FOUND SUICIDE TO BE THE TENTH LEADING CAUSE OF DEATH
23 FOR ALL AGES IN 2016 AND IS CURRENTLY THE LEADING CAUSE OF DEATH

1 FOR COLORADO YOUTH WHO ARE TEN THROUGH FOURTEEN YEARS OF AGE;

2 (II) ACCORDING TO THE COLORADO HEALTH INSTITUTE,
3 COLORADO HAS THE TENTH HIGHEST SUICIDE RATE IN THE NATION, AND
4 RATES OF SUICIDE IN THE EASTERN PLAINS OF COLORADO DOUBLED FROM
5 2016 TO 2017;

6 (III) ACCORDING TO THE NATIONAL INSTITUTE OF MENTAL
7 HEALTH, APPROXIMATELY TWENTY ONE POINT FOUR PERCENT OF YOUTH
8 WHO ARE EIGHT THROUGH FIFTEEN YEARS OF AGE EXPERIENCE A SEVERE
9 MENTAL HEALTH DISORDER AT SOME POINT DURING THEIR LIVES;

10 (IV) ACCORDING TO THE AMERICAN ASSOCIATION OF
11 SUICIDOLOGY, THE SUICIDE RATE FOR YOUTH WHO ARE TEN THROUGH
12 FOURTEEN YEARS OF AGE HAS INCREASED BY MORE THAN FIFTY PERCENT
13 OVER THE PAST THREE DECADES; AND

14 (V) YOUTH WHO ARE TEN THROUGH FOURTEEN YEARS OF AGE
15 OFTEN AVOID OBTAINING, OR ARE LEGALLY UNABLE TO OBTAIN WITHOUT
16 PARENTAL CONSENT, OUTPATIENT PSYCHOTHERAPY SERVICES THAT
17 WOULD HELP THEM PRIOR TO REACHING CRISIS LEVELS BECAUSE THEY ARE
18 EMBARRASSED OR CONCERNED ABOUT SPEAKING WITH THEIR PARENTS
19 ABOUT THEIR MENTAL HEALTH CONCERNS AND SITUATIONS.

20 (b) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT IT IS A
21 MATTER OF STATEWIDE CONCERN TO ALLOW YOUTH WHO ARE TWELVE
22 YEARS OF AGE OR OLDER TO HAVE LEGAL ACCESS TO OUTPATIENT
23 PSYCHOTHERAPY SERVICES THAT MIGHT OTHERWISE BE UNAVAILABLE
24 WITHOUT THE CONSENT OF OR NOTIFICATION TO THE YOUTH'S PARENT OR
25 LEGAL GUARDIAN. PROVIDING THESE YOUTH WITH ACCESS TO OUTPATIENT
26 PSYCHOTHERAPY SERVICES IS INTENDED TO REDUCE YOUTH SUICIDES AND
27 ALLOW REGISTERED PSYCHOTHERAPISTS AND LICENSED SOCIAL WORKERS

1 TO WORK WITH YOUTH TO TEACH THEM FUNCTIONAL COPING SKILLS.
2 REGISTERED PSYCHOTHERAPISTS AND LICENSED SOCIAL WORKERS WOULD
3 HAVE FURTHER OPPORTUNITY TO HELP THESE YOUTH BUILD HEALTHY
4 CONNECTIONS WITH PARENTS OR LEGAL GUARDIANS BY INCREASING
5 COMMUNICATION AND STRENGTHENING THE BOND BETWEEN PARENT AND
6 CHILD, THUS BUILDING AN ONGOING, NONCLINICAL SUPPORT SYSTEM FOR
7 THE YOUTH TO USE TO MANAGE HIS OR HER MENTAL HEALTH CONCERNS.

8 (2) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
9 CONTRARY, A REGISTERED PSYCHOTHERAPIST OR LICENSED SOCIAL
10 WORKER MAY, AT A MINOR'S REQUEST, PROVIDE PSYCHOTHERAPY
11 SERVICES, AS DEFINED IN SECTION 12-43-201 (9)(a), TO A MINOR WHO IS
12 AT LEAST TWELVE YEARS OF AGE, BUT LESS THAN FIFTEEN YEARS OF AGE
13 WITH OR WITHOUT THE CONSENT OF THE MINOR'S PARENT OR LEGAL
14 GUARDIAN. AS USED IN THIS SECTION, PSYCHOTHERAPY SERVICES DO NOT
15 INCLUDE INPATIENT PSYCHOTHERAPY SERVICES. THE MINOR'S CONSENT IS
16 NOT SUBJECT TO DISAFFIRMANCE BECAUSE OF MINORITY.

17 (b) A REGISTERED PSYCHOTHERAPIST OR LICENSED SOCIAL
18 WORKER MAY NOT PROVIDE PSYCHOTHERAPY SERVICES TO A MINOR WHO
19 IS YOUNGER THAN TWELVE YEARS OF AGE WITHOUT THE CONSENT OF THE
20 MINOR'S PARENT OR LEGAL GUARDIAN. A REGISTERED PSYCHOTHERAPIST
21 OR LICENSED SOCIAL WORKER MAY PROVIDE PSYCHOTHERAPY SERVICES
22 TO A MINOR WHO IS FIFTEEN YEARS OF AGE OR OLDER PURSUANT TO
23 SECTION 27-65-103 (2).

24 (c) THE REGISTERED PSYCHOTHERAPIST OR LICENSED SOCIAL
25 WORKER PROVIDING PSYCHOTHERAPY SERVICES TO A MINOR PURSUANT TO
26 THIS SUBSECTION (2) IS NOT REQUIRED TO, BUT MAY, WITH THE CONSENT
27 OF THE MINOR, ADVISE THE MINOR'S PARENT OR LEGAL GUARDIAN OF THE

1 PSYCHOTHERAPY SERVICES PROVIDED PURSUANT TO SUBSECTION (2)(a) OF
2 THIS SECTION. A REGISTERED PSYCHOTHERAPIST OR LICENSED SOCIAL
3 WORKER PROVIDING PSYCHOTHERAPY SERVICES IS ENCOURAGED TO
4 OBTAIN THE CONSENT OF THE MINOR TO SPEAK TO THE MINOR'S PARENT OR
5 LEGAL GUARDIAN.

6 (3) IF A MINOR WHO IS RECEIVING PSYCHOTHERAPY SERVICES
7 PURSUANT TO THIS SECTION COMMUNICATES TO THE REGISTERED
8 PSYCHOTHERAPIST OR LICENSED SOCIAL WORKER A CLEAR AND IMMEDIATE
9 INTENT OR THREAT TO INFLICT SERIOUS BODILY HARM ON HIMSELF OR
10 HERSELF OR OTHERS, THE REGISTERED PSYCHOTHERAPIST OR LICENSED
11 SOCIAL WORKER IS SUBJECT TO THE PROVISIONS OF SECTION 13-21-117(2).

12 **SECTION 3.** In Colorado Revised Statutes, **add 22-2-127.9** as
13 follows:

14 **22-2-127.9. Mental health education literacy - resource bank**
15 **- technical assistance.** (1) THE DEPARTMENT, WITH ASSISTANCE FROM
16 THE OFFICE OF SUICIDE PREVENTION CREATED PURSUANT TO SECTION
17 25-1.5-101 (1)(w)(I), THE COLORADO YOUTH ADVISORY COUNCIL
18 CREATED PURSUANT TO SECTION 2-2-1302, AND THE SUICIDE PREVENTION
19 COMMISSION CREATED PURSUANT TO SECTION 25-1.5-111, SHALL CREATE
20 AND MAINTAIN A RESOURCE BANK OF EVIDENCE-BASED, RESEARCH-BASED,
21 AND PROMISING PROGRAM MATERIALS AND CURRICULA PERTAINING TO
22 MENTAL HEALTH, WHICH MATERIALS AND CURRICULA MAY BE USED IN
23 ELEMENTARY AND SECONDARY SCHOOLS IN THE STATE. THE RESOURCE
24 BANK AND CURRICULA MUST BE YOUTH FRIENDLY, CULTURALLY
25 SENSITIVE, AND AVAILABLE IN BOTH ENGLISH AND SPANISH. IN CREATING
26 THE RESOURCE BANK AND CURRICULA, THE DEPARTMENT MAY PROVIDE
27 INTERNET LINKS TO RESOURCES AND MATERIALS PERTAINING TO MENTAL

1 HEALTH AVAILABLE FROM OTHER ENTITIES THAT THE DEPARTMENT FINDS
2 RELIABLE. ADDITIONALLY, THE DEPARTMENT SHALL SOLICIT INPUT FROM
3 PERSONS, INCLUDING YOUTH, WITHIN AND OUTSIDE OF THE MENTAL
4 HEALTH PROFESSION, INCLUDING BOTH COMMUNITY AND SCHOOL MENTAL
5 HEALTH PROFESSIONALS. SUBJECT TO AVAILABLE APPROPRIATIONS, THE
6 DEPARTMENT SHALL SOLICIT REQUESTS FOR INFORMATION AND MAY
7 CONTRACT FOR:

8 (a) THE ORGANIZATION AND ENHANCEMENT OF THE RESOURCE
9 BANK, INCLUDING MATERIALS ON THE PREVENTION OF SUICIDE AND
10 EDUCATION ON MENTAL HEALTH;

11 (b) THE DEVELOPMENT OF MENTAL HEALTH CURRICULA FOR
12 SCHOOLS AND PROVIDING SUCH CURRICULA TO SCHOOLS; AND

13 (c) TRAINING FOR EDUCATORS AND SCHOOL STAFF CONCERNING
14 MENTAL HEALTH.

15 (2) ON AND AFTER JULY 1, 2020, THE DEPARTMENT SHALL MAKE
16 MATERIAL IN THE RESOURCE BANK AVAILABLE WITHOUT CHARGE TO
17 SCHOOL DISTRICTS, CHARTER SCHOOLS, INSTITUTE CHARTER SCHOOLS,
18 BOARDS OF COOPERATIVE SERVICES, PROFESSIONAL EDUCATORS, PARENTS
19 OR GUARDIANS OF YOUTH, STUDENTS, AND COMMUNITY PROVIDERS. AT
20 THE REQUEST OF A SCHOOL DISTRICT, CHARTER SCHOOL, INSTITUTE
21 CHARTER SCHOOL, OR BOARD OF COOPERATIVE SERVICES, THE
22 DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO THE SCHOOL
23 DISTRICT, CHARTER SCHOOL, INSTITUTE CHARTER SCHOOL, OR BOARD OF
24 COOPERATIVE SERVICES IN DESIGNING AGE-APPROPRIATE CURRICULA
25 PERTAINING TO MENTAL HEALTH.

26 (3) THE MATERIALS AND RESOURCES AVAILABLE TO STUDENTS
27 MUST BE DEVELOPED AND UPDATED WITH INPUT FROM YOUTH.

1 (4) SCHOOL DISTRICTS, CHARTER SCHOOLS, INSTITUTE CHARTER
2 SCHOOLS, AND BOARDS OF COOPERATIVE SERVICES ARE ENCOURAGED TO
3 REPORT TO THE DEPARTMENT ON THE EFFECTIVENESS OF THE RESOURCE
4 BANK AND CURRICULA AND TO RECOMMEND CHANGES TO IMPROVE THE
5 RESOURCE BANK OR CURRICULA. THE DEPARTMENT IS ENCOURAGED TO
6 UPDATE THE RESOURCE BANK AND CURRICULA BASED ON
7 RECOMMENDATIONS FROM SCHOOL DISTRICTS, CHARTER SCHOOLS,
8 INSTITUTE CHARTER SCHOOLS, BOARDS OF COOPERATIVE SERVICES,
9 PROFESSIONAL EDUCATORS, PARENTS OR GUARDIANS OF YOUTH,
10 STUDENTS, AND COMMUNITY PROVIDERS.

11 **SECTION 4.** In Colorado Revised Statutes, 22-7-1005, **add** (2.3)
12 as follows:

13 **22-7-1005. Preschool through elementary and secondary**
14 **education - aligned standards - adoption - revisions.** (2.3) ON OR
15 BEFORE JULY 1, 2020, THE STATE BOARD SHALL ADOPT STANDARDS THAT
16 IDENTIFY THE KNOWLEDGE AND SKILLS THAT AN ELEMENTARY THROUGH
17 SECONDARY EDUCATION STUDENT SHOULD ACQUIRE RELATED TO MENTAL
18 HEALTH, INCLUDING SUICIDE PREVENTION.

19 **SECTION 5. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.