

Final Text 2023-2024 #207

*Be it Enacted by the People of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add** 19-1-132 as follows:

**19-1-132. Parental rights – definitions – consent for health treatment.**

(1) **Declaration.** WE THE VOTERS OF THE STATE OF COLORADO, HEREBY FIND THAT PARENTS HAVE A RIGHT TO CONSENT FOR THE MEDICAL OR MENTAL HEALTH TREATMENT OF THEIR CHILD.

(2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) “CHILD” MEANS A PERSON LESS THAN 18 YEARS OF AGE WHO HAS NOT BEEN EMANCIPATED.

(b) “DIAGNOSIS” MEANS A JUDGEMENT MADE AFTER EXAMINATION CONCERNING THE IDENTIFICATION OF A PERSON’S PARTICULAR ILLNESS, INJURY, OR CONDITION.

(c) “INTERVENTION” MEANS THE ACTION OF BECOMING INTENTIONALLY INVOLVED IN A SITUATION CONCERNING AN ILLNESS, INJURY, OR CONDITION, IN ORDER TO IMPROVE IT OR PREVENT IT FROM GETTING WORSE

(d) “MEDICAL EMERGENCY” MEANS AN ILLNESS, INJURY, OR CONDITION SO SERIOUS THAT A REASONABLE PERSON WOULD SEEK IMMEDIATE CARE FOR THE CHILD TO PREVENT PERMANENT INJURY OR DEATH.

(e) “PARENT” MEANS A NATURAL PARENT, ADOPTIVE PARENT, OR LEGAL GUARDIAN WHO HAS LEGAL CUSTODY OF A CHILD.

(f) “TREATMENT” MEANS THE USE OF THERAPEUTIC AGENTS, MENTAL OR PHYSICAL THERAPY, COUNSELING, SURGERY, OR PROCEDURES TO IMPROVE AN ILLNESS, INJURY, OR CONDITION.

(3) **Parental consent for mental and medical health treatment.** A MENTAL OR MEDICAL HEALTH-CARE PROVIDER, PRACTITIONER, OR FACILITY SHALL NOT PROVIDE, SOLICIT, OR ARRANGE ANY OF THE FOLLOWING FOR A CHILD WITHOUT FIRST CONSULTING WITH AND OBTAINING DOCUMENTED CONSENT FROM AT LEAST ONE OF THE CHILD’S PARENTS, EXCEPT AS MAY OTHERWISE BE DIRECTED BY A VALID COURT ORDER:

(a) DIAGNOSIS; OR

(b) TREATMENT; OR

(c) INTERVENTION.

(4) **Exceptions to parental consent for medical and mental health treatment.** NO CONSENT SHALL BE REQUIRED IF:

(a) A MENTAL OR MEDICAL HEALTH-CARE PROVIDER, PRACTITIONER, OR FACILITY CERTIFIES IN GOOD FAITH THAT A MEDICAL EMERGENCY EXISTED AT THE TIME OF DIAGNOSIS, TREATMENT, OR INTERVENTION, AND THERE WAS INSUFFICIENT TIME TO OBTAIN CONSENT; OR

(b) AT THE TIME OF THEIR CHILD'S DIAGNOSIS, TREATMENT, OR INTERVENTION, THE CHILD'S PARENT(S)'S MEDICAL CONDITION WAS SUCH THAT CONSENT COULD NOT BE OBTAINED.

**SECTION 2. Effective date - applicability.** This measure shall be effective on and after the date it is declared by proclamation of the governor to have been adopted by the registered electors of the state and shall apply to instances occurring on or after the effective date.