

Final Text 2023-2024 #141

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) Definitions. AS USED IN THIS SECTION, UNLESS THE CONTENT OTHERWISE REQUIRES

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

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

(c) “MEDICAL EMERGENCY” MEANS A CONDITION THAT, ON THE BASIS OF A MENTAL OR MEDICAL HEALTH CARE PROVIDER’S GOOD-FAITH CLINICAL JUDGMENT, SO COMPLICATES THE MEDICAL CONDITION OF A CHILD AS TO NECESSITATE A MEDICAL PROCEDURE NECESSARY TO PREVENT THE CHILD’S DEATH OR FOR WHICH A DELAY WILL CREATE A SERIOUS RISK OF SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF A MAJOR BODILY FUNCTION.

(2) Parental consent for mental and medical health treatment. WITHOUT FIRST CONSULTING WITH AND OBTAINING WRITTEN OR DOCUMENTED CONSENT FROM THE CHILD’S PARENT, EXCEPT AS MAY OTHERWISE BE DIRECTED BY A VALID COURT ORDER, A MENTAL OR MEDICAL HEALTH-CARE PROVIDER, PRACTITIONER OR FACILITY SHALL NOT PROVIDE, SOLICIT, OR ARRANGE TREATMENT FOR A CHILD.

(3) Exceptions to parental consent for medical and mental health treatment. NO CONSENT SHALL BE REQUIRED PURSUANT TO PART 2 IF:

(a) A MENTAL OR MEDICAL HEALTH-CARE PROVIDER CERTIFIES IN THE CHILD’S MEDICAL RECORD THAT A MEDICAL EMERGENCY EXISTS AND THERE IS INSUFFICIENT TIME TO OBTAIN CONSENT;

(b) THE CHILD’S PARENT(S)’S MEDICAL CONDITION IS SUCH THAT CONSENT CANNOT 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.