

CHAPTER 332

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 25-1087

BY REPRESENTATIVE(S) Armagost and Bird, Barron, Boesenecker, Bradley, Duran, Garcia Sander, Gonzalez R., Hamrick, Johnson, Keltie, Lieder, Lindsay, Lukens, Marshall, McCormick, Rydin, Smith, Stewart K., Titone, Weinberg, Winter T., McCluskie, Brown, Caldwell, Phillips, Story;
also SENATOR(S) Pelton R. and Michaelson Jenet, Amabile, Ball, Catlin, Cutter, Gonzales J., Jodeh, Kipp, Liston, Marchman, Rodriguez, Wallace, Winter F., Coleman.

AN ACT

CONCERNING CONFIDENTIALITY REQUIREMENTS FOR INDIVIDUALS PROVIDING MENTAL HEALTH SUPPORT.

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

SECTION 1. In Colorado Revised Statutes, **add** 12-30-125 as follows:

12-30-125. Peer support team members - disclosure of confidential information - not regulated by division - definitions. (1) (a) A PEER SUPPORT TEAM MEMBER SHALL NOT DISCLOSE, WITHOUT THE CONSENT OF THE RECIPIENT OF PEER SUPPORT SERVICES, THE CONFIDENTIAL COMMUNICATIONS THAT ARE MADE BY THE RECIPIENT DURING A PEER SUPPORT INTERACTION. A RECIPIENT OF PEER SUPPORT SERVICES WHO PARTICIPATES IN GROUP PEER SUPPORT SERVICES SHALL NOT DISCLOSE INFORMATION THAT WAS COMMUNICATED BY OTHER RECIPIENTS OF GROUP PEER SUPPORT SERVICES DURING THE COURSE OF GROUP PEER SUPPORT SERVICES WITHOUT THE CONSENT OF THE INDIVIDUAL TO WHOM THE INFORMATION RELATES.

(b) SUBSECTION (1)(a) OF THIS SECTION APPLIES ONLY TO COMMUNICATIONS MADE DURING INTERACTIONS IN WHICH A PEER SUPPORT TEAM MEMBER IS:

(I) ACTING IN THE INDIVIDUAL'S OFFICIAL CAPACITY AS A PEER SUPPORT TEAM MEMBER OF THE PEER SUPPORT ORGANIZATION; AND

(II) FUNCTIONING WITHIN THE WRITTEN PEER SUPPORT GUIDELINES THAT ARE IN EFFECT FOR THE PEER SUPPORT ORGANIZATION.

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.

(c) SUBSECTION (1)(a) OF THIS SECTION DOES NOT APPLY IN CASES IN WHICH:

(I) A PEER SUPPORT TEAM MEMBER WAS A WITNESS OR A PARTY TO AN INCIDENT THAT PROMPTED THE DELIVERY OF PEER SUPPORT SERVICES;

(II) A RECIPIENT OF PEER SUPPORT SERVICES ADMITS TO COMMITTING A CRIME OR PROVIDES INFORMATION PERTAINING TO THE INDIVIDUAL'S SELF OR OTHERS THAT IS INDICATIVE OF CRIMINAL CONDUCT, INCLUDING A COMMITTED CRIME, A PLAN OR INTENTION TO COMMIT A CRIME, OR A PLAN OR INTENTION TO CONCEAL A CRIME;

(III) IN RELATION TO A RECIPIENT OF PEER SUPPORT SERVICES, ONE OR MORE OF THE CRITERIA DESCRIBED IN SECTION 13-90-107 (1)(m)(V) ARE MET;

(IV) A RECIPIENT OF PEER SUPPORT SERVICES MAKES AN ARTICULABLE AND SIGNIFICANT THREAT AGAINST, OR EXHIBITS BEHAVIORS THAT IN THE REASONABLE JUDGMENT OF A PEER SUPPORT TEAM MEMBER CREATE AN ARTICULABLE AND SIGNIFICANT THREAT AGAINST, THE HEALTH OR SAFETY OF ANOTHER INDIVIDUAL, INCLUDING UNIDENTIFIED INDIVIDUALS BELONGING TO AN IDENTIFIABLE GROUP, SUCH AS A GROUP OF SCHOOL STUDENTS, TEACHERS, ADMINISTRATORS, OR OTHER SCHOOL PERSONNEL; OR

(V) A RECIPIENT OF PEER SUPPORT SERVICES MAKES AN ARTICULABLE AND SIGNIFICANT THREAT INVOLVING, OR EXHIBITS BEHAVIORS THAT IN THE REASONABLE JUDGMENT OF A PEER SUPPORT TEAM MEMBER CREATE AN ARTICULABLE AND SIGNIFICANT THREAT INVOLVING, THE DAMAGE OR DESTRUCTION OF PRIVATE OR PUBLIC PROPERTY, INCLUDING A SCHOOL, BUILDING, STRUCTURE, OR NATURAL AREA.

(d) A PEER SUPPORT TEAM MEMBER WHO DISCLOSES INFORMATION UNDER SUBSECTION (1)(c) OF THIS SECTION SHALL LIMIT THE DISCLOSURE TO THE APPROPRIATE INDIVIDUAL, SCHOOL OR SCHOOL DISTRICT PERSONNEL, AND LAW ENFORCEMENT AGENCIES.

(e) A PEER SUPPORT TEAM MEMBER WHO DISCLOSES OR DOES NOT DISCLOSE A CONFIDENTIAL COMMUNICATION WITH A RECIPIENT OF PEER SUPPORT SERVICES IN ACCORDANCE WITH SUBSECTION (1)(c) OF THIS SECTION IS NOT LIABLE FOR DAMAGES IN A CIVIL ACTION FOR DISCLOSING OR NOT DISCLOSING THE COMMUNICATION.

(2)(a) AN INDIVIDUAL ENGAGING IN PEER SUPPORT SERVICES AS A PEER SUPPORT TEAM MEMBER IS NOT SUBJECT TO LICENSURE, CERTIFICATION, REGISTRATION, OR OTHER REGULATION BY THE DIVISION OR THE DEPARTMENT FOR THE INDIVIDUAL'S ROLE AS A PEER SUPPORT TEAM MEMBER; HOWEVER, THE INDIVIDUAL MAY BE SUBJECT TO LICENSURE, CERTIFICATION, REGISTRATION, OR OTHER REGULATION FOR ACTIVITIES REGULATED BY THE DIVISION OR THE DEPARTMENT.

(b) AN INDIVIDUAL ENGAGING IN PEER SUPPORT SERVICES AS A PEER SUPPORT TEAM MEMBER IS NOT SUBJECT TO DISCIPLINE, ENFORCEMENT, OR REVIEW PURSUANT TO PART 4 OF ARTICLE 20 OF THIS TITLE 12 FOR THE INDIVIDUAL'S ROLE AS A PEER SUPPORT TEAM MEMBER; HOWEVER, THE INDIVIDUAL MAY BE SUBJECT TO DISCIPLINE, ENFORCEMENT, OR REVIEW FOR ACTIVITIES REGULATED BY THE DIVISION OR THE DEPARTMENT.

(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "GROUP PEER SUPPORT SERVICES" HAS THE MEANING SET FORTH IN SECTION 13-90-107 (1)(m)(III)(D).

(b) "PEER SUPPORT TEAM MEMBER" MEANS A DISTRICT ATTORNEY OR PUBLIC DEFENDER PEER SUPPORT TEAM MEMBER, AS DEFINED IN SECTION 13-90-107 (1)(m)(III)(B); AN EMERGENCY MEDICAL SERVICE PROVIDER OR RESCUE UNIT PEER SUPPORT TEAM MEMBER, AS DEFINED IN SECTION 13-90-107 (1)(m)(III)(C); OR A LAW ENFORCEMENT OR FIREFIGHTER PEER SUPPORT TEAM MEMBER, AS DEFINED IN SECTION 13-90-107 (1)(m)(III)(E).

(4) NOTHING IN THIS SECTION PROHIBITS ANY OTHER DISCLOSURES REQUIRED BY LAW.

SECTION 2. In Colorado Revised Statutes, 12-245-220, **amend** (2) introductory portion, (2)(d)(I), and (2)(d)(II) as follows:

12-245-220. Disclosure of confidential communications - definitions.

(2) Subsection (1) of this section does not apply and a ~~person~~ LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER may disclose confidential information when:

(d) (I) A client, regardless of age:

(A) ~~Makes an articulable and significant threat against a school or the occupants of a school~~ AN INDIVIDUAL OR THEMSELF OR MAKES AN ARTICULABLE AND SIGNIFICANT THREAT THAT, IF CARRIED OUT, WOULD RESULT IN HARM TO AN INDIVIDUAL OR THEMSELF; OR

(B) Exhibits behaviors that, in the reasonable judgment of the licensee, registrant, or certificate holder, create an articulable and significant threat to the health or safety of ~~students, teachers, administrators, or other school personnel~~ AN INDIVIDUAL OR THEMSELF.

(II) A licensee, registrant, or certificate holder who discloses information under this subsection (2)(d) shall limit the disclosure to appropriate school or school district personnel, ~~and~~ law enforcement agencies, AND THE INDIVIDUAL WHO IS THE SUBJECT OF THE THREAT. School or school district personnel to whom the information is disclosed shall maintain confidentiality of the disclosed information, regardless of whether the information constitutes an education record subject to FERPA, consistent with the requirements of FERPA and regulations and applicable guidelines adopted under FERPA, but may disclose information in accordance with section 1232g (b)(1) of FERPA and 34 CFR 99.36 if necessary to protect the health or safety of students or other persons.

SECTION 3. 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; 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 31, 2025