

HB1104_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health, Insurance & Environment.HB13-1104 be amended as follows:

1 Amend printed bill, page 5, after line 11 insert:

2 "SECTION 3. In Colorado Revised Statutes, **repeal** 12-43-411
3 (4), 12-43-506 (4), 12-43-605 (4), and 12-43-805 (4).

4 SECTION 4. In Colorado Revised Statutes, 13-90-107, **amend**
5 (1) (g) as follows:

6 13-90-107. **Who may not testify without consent.** (1) (g) A
7 licensed psychologist, professional counselor, marriage and family
8 therapist, social worker, or addiction counselor, a registered
9 psychotherapist, or a certified addiction counselor, A PSYCHOLOGIST
10 CANDIDATE REGISTERED PURSUANT TO SECTION 12-43-304 (7), C.R.S., A
11 MARRIAGE AND FAMILY THERAPIST CANDIDATE REGISTERED PURSUANT TO
12 SECTION 12-43-504 (5), C.R.S., A LICENSED PROFESSIONAL COUNSELOR
13 CANDIDATE REGISTERED PURSUANT TO SECTION 12-43-603 (5), C.R.S., OR
14 A PERSON DESCRIBED IN SECTION 12-43-215, C.R.S., shall not be
15 examined without the consent of the licensee's, certificate holder's, or
16 registrant's, CANDIDATE'S, OR PERSON'S client as to any communication
17 made by the client to the licensee, certificate holder, or registrant,
18 CANDIDATE, OR PERSON or the licensee's, certificate holder's, or
19 registrant's, CANDIDATE'S, OR PERSON'S advice given in the course of
20 professional employment; nor shall any secretary, stenographer, or clerk
21 employed by a licensed psychologist, professional counselor, marriage
22 and family therapist, social worker, or addiction counselor, a registered
23 psychotherapist, or a certified addiction counselor, A PSYCHOLOGIST
24 CANDIDATE REGISTERED PURSUANT TO SECTION 12-43-304 (7), C.R.S., A
25 MARRIAGE AND FAMILY THERAPIST CANDIDATE REGISTERED PURSUANT TO
26 SECTION 12-43-504 (5), C.R.S., A LICENSED PROFESSIONAL COUNSELOR
27 CANDIDATE REGISTERED PURSUANT TO SECTION 12-43-603 (5), C.R.S., OR
28 A PERSON DESCRIBED IN SECTION 12-43-215, C.R.S., be examined without
29 the consent of the employer of the secretary, stenographer, or clerk
30 concerning any fact, the knowledge of which the employee has acquired
31 in such capacity; nor shall any person who has participated in any
32 psychotherapy, conducted under the supervision of a person authorized
33 by law to conduct such therapy, including group therapy sessions, be
34 examined concerning any knowledge gained during the course of such
35 therapy without the consent of the person to whom the testimony sought
36 relates.

37 SECTION 5. In Colorado Revised Statutes, 19-1-307, **amend** (2)



1 (e.5) (I) (M) and (2) (e.5) (I) (N); and **add** (2) (e.5) (I) (O) as follows:

2 **19-1-307. Dependency and neglect records and information -**
3 **access - fee - rules - records and reports fund - misuse of information**
4 **- penalty. (2) Records and reports - access to certain persons -**
5 **agencies.** Except as otherwise provided in section 19-1-303, only the
6 following persons or agencies shall be given access to child abuse or
7 neglect records and reports:

8 (e.5) (I) A mandatory reporter specified in this subparagraph (I)
9 who is and continues to be officially and professionally involved in the
10 ongoing care of the child who was the subject of the report, but only with
11 regard to information that the mandatory reporter has a need to know in
12 order to fulfill his or her professional and official role in maintaining the
13 child's safety. A county department shall request written affirmation from
14 a mandatory reporter stating that the reporter continues to be officially
15 and professionally involved in the ongoing care of the child who was the
16 subject of the report and describing the nature of the involvement, unless
17 the county department has actual knowledge that the mandatory reporter
18 continues to be officially and professionally involved in the ongoing care
19 of the child who was the subject of the report. This subparagraph (I)
20 applies to:

21 (M) Clergy members, as defined in section 19-3-304 (2) (aa) (III);
22 **and**

23 (N) Educators providing services through a federal special
24 supplemental nutrition program for women, infants, and children, as
25 provided for in 42 U.S.C. sec. 1786; **AND**

26 (O) A PERSON WHO IS REGISTERED AS A PSYCHOLOGIST CANDIDATE
27 PURSUANT TO SECTION 12-43-304 (7), C.R.S., MARRIAGE AND FAMILY
28 THERAPIST CANDIDATE PURSUANT TO SECTION 12-43-504 (5), C.R.S., OR
29 LICENSED PROFESSIONAL COUNSELOR CANDIDATE PURSUANT TO SECTION
30 12-43-603 (5), C.R.S., OR WHO IS DESCRIBED IN SECTION 12-43-215,
31 C.R.S.

32 **SECTION 6.** In Colorado Revised Statutes, 19-3-304, **add** (2) (ii)
33 as follows:

34 **19-3-304. Persons required to report child abuse or neglect.**

35 (2) Persons required to report such abuse or neglect or circumstances or
36 conditions include any:

37 (ii) PERSON WHO IS REGISTERED AS A PSYCHOLOGIST CANDIDATE
38 PURSUANT TO SECTION 12-43-304 (7), C.R.S., MARRIAGE AND FAMILY
39 THERAPIST CANDIDATE PURSUANT TO SECTION 12-43-504 (5), C.R.S., OR
40 LICENSED PROFESSIONAL COUNSELOR CANDIDATE PURSUANT TO SECTION
41 12-43-603 (5), C.R.S., OR WHO IS DESCRIBED IN SECTION 12-43-215,



1 C.R.S.

2 **SECTION 7.** In Colorado Revised Statutes, 30-10-606, **amend**
3 (6) (a) (II) as follows:

4 **30-10-606. Coroner - inquiry - grounds - postmortem - jury -**
5 **certificate of death.** (6) (a) Notwithstanding sections 12-43-218 and
6 13-90-107 (1) (d) or (1) (g), C.R.S., the coroner holding an inquest or
7 investigation pursuant to this section has the authority to request and
8 receive a copy of:

9 (II) Any information, record, or report related to treatment,
10 consultation, counseling, or therapy services from any licensed
11 psychologist, professional counselor, marriage and family therapist, social
12 worker, or addiction counselor, certified addiction counselor, or
13 registered psychotherapist, PSYCHOLOGIST CANDIDATE REGISTERED
14 PURSUANT TO SECTION 12-43-304 (7), C.R.S., MARRIAGE AND FAMILY
15 THERAPIST CANDIDATE REGISTERED PURSUANT TO SECTION 12-43-504 (5),
16 C.R.S., LICENSED PROFESSIONAL COUNSELOR CANDIDATE REGISTERED
17 PURSUANT TO SECTION 12-43-603 (5), C.R.S., OR PERSON DESCRIBED IN
18 SECTION 12-43-215, C.R.S., if the report, record, or information is
19 relevant to the inquest or investigation."

20 Renumber succeeding section accordingly.

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