

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0100.01 Debbie Haskins x2045

HOUSE BILL 15-1097

HOUSE SPONSORSHIP

McCann, Ginal, Lontine, Ryden

SENATE SPONSORSHIP

Newell,

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING FETAL ALCOHOL SPECTRUM DISORDERS, AND, IN**
102 **CONNECTION THEREWITH, RECREATING THE FETAL ALCOHOL**
103 **SPECTRUM DISORDERS COMMISSION AS A COMMISSION UNDER**
104 **THE DEPARTMENT OF HUMAN SERVICES, CONTINUING THE**
105 **COMMISSION, ■ AUTHORIZING THE PRELIMINARY SCREENING**
106 **OF JUVENILES IN THE JUVENILE JUSTICE SYSTEM AND CHILDREN**
107 **IN THE DEPENDENCY AND NEGLECT SYSTEM FOR POSSIBLE**
108 **EXPOSURE TO FETAL ALCOHOL, AND MAKING AN**
109 **APPROPRIATION.**

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

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

applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries.>)

The bill extends the automatic repeal date for the fetal alcohol spectrum disorders (FASD) commission until June 30, 2020. The FASD commission was originally created in the executive branch as a temporary commission. The bill dissolves the temporary commission and recreates the commission as a **type 2** agency in the department of human services (department) and allocates it to the unit that administers behavioral health programs and services. The executive director of the department may appoint members to the FASD commission who have previously served on the FASD commission.

The FASD commission is directed to expand the distribution and promotion of health warning signs and other materials about the harms caused to fetuses from pregnant women drinking alcohol.

As recommended by the FASD commission in its 2013 and 2014 annual reports, the bill amends the "Colorado Children's Code" to add to the presentence investigation of a juvenile in the juvenile justice system some preliminary screening about whether the mother of the juvenile drank during the pregnancy and whether the juvenile should be evaluated for fetal alcohol spectrum disorders.

As recommended by the FASD commission in its 2014 annual report, the bill amends the "Colorado Children's Code" to add to the screening and assessments of a child in the dependency and neglect system consideration of whether the child was prenatally exposed to alcohol.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 27-80-116(1)

3 (d) and (4) as follows:

4 **27-80-116. Fetal alcohol spectrum disorders - legislative**
5 **declaration - health warning signs - commission - repeal.** (1) The
6 general assembly hereby finds and declares that:

7 (d) A survey performed in ~~2006~~ 2011 by the COLORADO
8 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, USING the Colorado
9 pregnancy risk assessment system, estimated that ~~eleven and two-tenths~~
10 TEN AND ONE-TENTHS percent of women in Colorado said that they drank

1 alcohol during the last three months of their pregnancy; and

2 (4) (a) There is hereby created the fetal alcohol spectrum disorders
3 commission, referred to in this section as the "commission". The
4 commission ~~is~~ WAS INITIALLY created as a temporary commission under
5 section 22 of article IV of the state constitution. ON JULY 1, 2015, THE
6 TEMPORARY COMMISSION IS DISSOLVED, AND THE COMMISSION IS
7 CREATED AS A **TYPE 2** AGENCY AND SHALL EXERCISE ITS POWERS AND
8 PERFORM ITS DUTIES AND FUNCTIONS AS IF IT WERE TRANSFERRED BY A
9 **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES AND
10 ALLOCATED TO THE UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT
11 ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES. The
12 commission shall be composed of no more than twelve members. On or
13 before ~~August 30, 2009~~, JULY 30, 2015, the executive director, in
14 consultation with a nonprofit organization that works with FASD issues,
15 shall appoint the commission members with the goal of selecting a broad
16 representation of individuals working in the field of FASD. THE
17 EXECUTIVE DIRECTOR MAY APPOINT MEMBERS TO THE COMMISSION WHO
18 HAVE PREVIOUSLY SERVED ON THE TEMPORARY COMMISSION. The
19 commission shall include representation from the following areas and
20 groups in any combination the executive director deems appropriate:

- 21 (I) Pediatrics;
- 22 (II) Family physicians;
- 23 (III) Child development programs that work with special needs
24 children;
- 25 (IV) The department of public health and environment;
- 26 (V) The juvenile justice system;
- 27 (VI) Preschool, elementary, secondary, and higher education;

1 (VII) Parents, foster parents, or legal guardians of children or
2 adults affected by FASD;

3 (VIII) The developmentally disabled community;

4 (IX) Speech, language, and occupational therapy;

5 (X) The department of education; and

6 (XI) A representative of a trade association that represents
7 licensed beverage retailers in Colorado.

8 (b) The commission shall meet at least once ~~on or before~~
9 ~~September 30, 2009~~ A YEAR AND AS CALLED BY THE CHAIRPERSON. At its
10 first meeting HELD ON OR AFTER AUGUST 30, 2015, the commission shall
11 elect by a majority vote a chairperson from among the commission
12 members who shall act as the presiding officer of the commission,
13 determine a meeting schedule, and develop a list of priorities.
14 Commission members shall serve without compensation or
15 reimbursement of expenses.

16 (c) The commission shall ~~develop a~~ DISTRIBUTE AND PROMOTE
17 THE USE OF health warning ~~sign~~ SIGNS and other informational materials
18 IN COMMUNITY LOCATIONS AND for use by persons licensed pursuant to
19 section 12-47-401 (1) (h) to (1) (t), C.R.S., to sell malt, vinous, and
20 spirituous liquors or licensed pursuant to section 12-46-104 (1) (c),
21 C.R.S., to sell fermented malt beverages. ~~and a plan~~ THE COMMISSION
22 SHALL DEVELOP PLANS for making the ~~sign~~ SIGNS and other informational
23 materials available on-line to such licensed persons and other interested
24 parties. At a minimum, the health warning sign shall read as follows:

25 HEALTH WARNING
26 DRINKING ANY ALCOHOLIC BEVERAGE DURING
27 PREGNANCY MAY CAUSE BIRTH DEFECTS.

1 (d) On or before ~~December 1, 2009~~ NOVEMBER 1, 2015, and as
2 needed thereafter, the commission shall make recommendations to the
3 unit and to the health and human services committees of the senate and
4 the house of representatives, or any successor committees. The
5 commission's recommendations shall address the prevention of and
6 education about FASD and any other FASD-related issues. The
7 commission shall ~~evaluate~~ CONTINUALLY ASSESS the use of ~~the~~ health
8 warning signs ~~developed pursuant to paragraph (c) of this subsection (4);~~
9 ~~the response by licensed persons, as described in paragraph (c) of this~~
10 ~~subsection (4), to the signs,~~ AND OTHER MATERIALS and the response by
11 women and ~~patrons to the signs~~ THE PUBLIC TO MESSAGES ABOUT THE
12 HARM FROM DRINKING DURING PREGNANCY. The commission shall make
13 recommendations to the unit and to the health and human services
14 committees of the senate and the house of representatives, or any
15 successor committees, on the most effective use of the warning signs and
16 ~~shall also recommend the most effective use of other written and~~
17 ~~electronic informational materials. in the future.~~

18 (e) This subsection (4) is repealed, effective June 30, ~~2015~~ 2020.

19 **SECTION 2.** In Colorado Revised Statutes, 19-2-905, **amend** (1)

20 (a) (VII) as follows:

21 **19-2-905. Presentence investigation.** (1) (a) Prior to the
22 sentencing hearing, the juvenile probation department for the judicial
23 district in which the juvenile is adjudicated shall conduct a presentence
24 investigation unless waived by the court on its own determination or on
25 recommendation of the prosecution or the juvenile. The presentence
26 investigation shall take into consideration and build on the intake
27 assessment performed by the screening team. The presentence

1 investigation may address, but is not limited to, the following:

2 (VII) The juvenile's family, INCLUDING WHETHER THE MOTHER
3 DRANK ALCOHOLIC BEVERAGES DURING THE PREGNANCY AND WHETHER
4 THE JUVENILE SHOULD BE EVALUATED FOR FETAL ALCOHOL SPECTRUM
5 DISORDERS;

6 **SECTION 3.** In Colorado Revised Statutes, 19-3-208, **amend** (2)

7 (b) (I) as follows:

8 **19-3-208. Services - county required to provide - rules.**

9 (2) (b) The following services shall be available and provided, as
10 determined necessary and appropriate by individual case plans,
11 commencing on or after July 1, 1993:

12 (I) Screening, assessments, and individual case plans, INCLUDING
13 CONSIDERATION OF WHETHER THE CHILD WAS PRENATALLY EXPOSED TO
14 ALCOHOL;

15 **SECTION 4.** In Colorado Revised Statutes, 24-1-120, **amend** (6)

16 (d) as follows:

17 **24-1-120. Department of human services - creation - repeal.**

18 (6) The department shall consist of the following divisions and units:

19 (d) (I) The unit in the department of human services that
20 administers behavioral health programs and services, including those
21 related to mental health and substance abuse, created pursuant to article
22 80 of title 27, C.R.S. The unit in the department of human services that
23 administers behavioral health programs and services, including those
24 related to mental health and substance abuse, and its powers, duties, and
25 functions, including the powers, duties, and functions relating to the
26 alcohol and drug driving safety program specified in section 42-4-1301.3,
27 C.R.S., are transferred by a **type 2** transfer to the department of human

1 services.

2 (II) (A) THE FETAL ALCOHOL SPECTRUM DISORDERS COMMISSION,
3 CREATED IN SECTION 27-80-116, C.R.S., SHALL EXERCISE ITS POWERS AND
4 PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED
5 BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES AND
6 ALLOCATED TO THE UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT
7 ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES.

8 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JUNE 30,
9 2020.

10 **SECTION 5. Appropriation.** (1) For the 2015-16 state fiscal
11 year, \$16,013 is appropriated to the department of human services. This
12 appropriation is from the general fund and is based on an assumption that
13 the department will require an additional 0.2 FTE. To implement this act,
14 the department may use this appropriation as follows:

15 Behavioral health services, community behavioral health
16 administration

17 Personal services	\$9,413 (0.2 FTE)
18 Operating expenses	\$6,600

19 **SECTION 6. 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.