





MENTAL HEALTH COLORADO

2023 LEGISLATIVE REPORT & SCORECARD







2023 Legislative Session

Mental Health Colorado advocates for state policies that will promote the health and well-being of all Coloradans across the lifespan. During the 2023 legislative session, with the support of our statewide Brain Wave network of grassroots advocates, we achieved major wins for Coloradans and their families by improving access to and quality of mental health supports and services while fighting against policies that perpetuate disparities and aggravate the harms of drugs and alcohol.

In the midst of an ongoing health crisis, lawmakers passed numerous bills this session that will improve well-being across the state. Mental Health Colorado played a central role in eliminating the diagnosis requirement that previously prevented kids from accessing behavioral health services. Now, thousands of kids across the state will be able seek therapy and services related to case management, prevention, education and outreach covered by Medicaid. We also advocated for people with eating disorders through critical reforms that limit the use of the antiquated body mass index (BMI) as a metric to determine level of care and treatment, which will lead to better access to care and better health outcomes. We advocated for the rights of incarcerated individuals with serious mental illness by establishing guardrails and protections around the use of restraints and involuntary medication. We also broke down barriers to substance use care, and were successful in our fight against policies that exacerbate harm by criminalizing substance use and addiction.

While there remains much more work to be done to address Colorado's mental health crisis, we took important steps this year that remove systemic barriers to care and improve the quality of health services. We look forward to building upon these efforts for many years to come to ensure all Coloradans live in a state that successfully prioritizes human health and well-being.

Legislative Summary



37 times Mental Health Colorado staff testified



70 times Brain Wave advocates testified in committee



21 Coloradans advocated for mental health at Mental Health Colorado's inaugural Day at the Capitol



57 Coloradans attended the 5th annual Colorado Suicide Prevention Advocacy Day at the Capitol



84 emails sent to legislators advocating for mental health



62 print, radio or broadcast stories regarding our agenda bills



Brain Wave

The Brain Wave is Mental Health Colorado's statewide network of advocates. Nearly 2,000 Brain Wave members across the state help illustrate the barriers to care that Coloradans face by sharing lived experience with lawmakers, the media, and community partners. As a Brain Wave member, your voice shapes public policy and public opinion.

Join the Brain Wave at mentalhealthcolorado.org



Strong Start for All Children

We develop brains and behaviors at a rapid pace, not fully maturing until as late as our mid-20s. Preventative care and healthy learning environments are central to ensuring healthy minds and bright futures.

HB23-1003 School Mental Health Assessment

This bill creates a mental health screening program for students in sixth through twelfth grade. This program will help identify potential risks related to unmet mental or emotional health needs and connect students and their families with additional support and resources.

SB23-174 Access to Certain Behavioral Health Services PRIORITY BILL

This bipartisan bill expands youth access to behavioral health care by removing the prerequisite of a formal diagnosis to qualify for coverage under Medicaid for Coloradans aged 21 and under. By eliminating the diagnosis requirement, Colorado kids will gain access to an array of behavioral health services such as psychotherapy and services related to case management, prevention, education, and outreach.



"After a tumultuous few years, our kids need high-quality and accessible mental health care now more than ever, which I saw as a high school teacher. SB 174 is a critical step toward removing barriers for kids in the Medicaid system to get the help they need."

Rep. Meghan Lukens, SB23-174 bill sponsor,
 2023 Mental Health Colorado Legislator of the Year



Support for Families

Strong, healthy families - created networks of supportive partnerships - are vitally important to strong, healthy individuals. Education, childcare, stable housing, meaningful employment, and access to health care are all essential to family well being.

HB23-1118 Fair Workweek Employment Standards

This bill creates new labor standards and requirements for employers in the food and beverage and retail industries to address current unfair wage and scheduling practices. **This bill was postponed indefinitely in the House Committee on Business Affairs & Labor.**

HB23-1249 Reduce Justice-Involvement for Young Children

This bill makes significant investments in community-based services like therapy and family counseling aimed at diverting Coloradans aged 10-12 from the juvenile justice system. This bill also requires state agencies to report data on youth in the child welfare and juvenile justice systems, as well as juvenile justice diversion programs.



Access to Housing, Supports, and Services

Having a place to call home is an essential element of good mental health across the lifespan. Access to supports and services prolongs life and enhances health outcomes.

HB23-1013 Use of Restrictive Practices in Prisons PRIORITY BILL

This bill aligns the Colorado Department of Corrections (CDOC) restraint and seclusion standards with the National Commission on Correctional Health Care, which establishes guardrails on the use of clinical four-point restraints and involuntary medication. The legislation ensures the safety and fundamental rights of people in custody with serious mental health needs and clarifies protocols for CDOC staff to avoid harm.



"I was proud to sponsor HB 1013 to ensure that people with behavioral health needs are treated humanely while in the custody of our state. This important legislation places basic guardrails around the use of restraints and involuntary medications to reduce harm in Colorado correctional facilities." - Rep. Judy Amabile, HB23-1013 bill sponsor

HB23-1153 Pathways to Behavioral Health Care

This bill sets up a study focused on the intersection of Colorado's behavioral health service availability and judicial system to understand what our state needs to support people with serious mental illness before they end up in jail or on the streets. The study will examine access to housing services, barriers to care, bed capacity across levels of care, and the behavioral health workforce shortage with the goal of ensuring those with serious mental illness don't have to be arrested or hospitalized in order to get the treatment they need.

HB23-1200 Improved Outcomes Person Behavioral Health

In cases where a Medicaid member needs behavioral health services that are out-of-network, this bill helps ensure patients can receive the care they seek in a timely manner.

HB23-1236 Implementation Updates to Behavioral Health Administration

This bill builds on HB22-1278, which established the Behavioral Health Administration, by making changes and updates related to its implementation. The bill makes technical changes, cleans up language and definitions to align with current statute, and revises timelines to ensure effective implementation of the new administration.

HB23-1268 Private Treatment for Out-of-state Defendant | PF

PRIORITY BILL

This legislation removes unnecessary barriers to substance use treatment by clarifying legal requirements and streamlining the process for those with out-of-state convictions seeking care. This bill ensures people can receive treatment while simultaneously registering with state and local law enforcement agencies if appropriate. This helps people stay engaged with treatment, prevents people from falling through the cracks, and maintains public safety.



SB23-176 Protections for People with an Eating Disorder PRIORITY BILL

This legislation improves access to care for eating disorders – one of the deadliest mental health conditions – by removing the antiquated BMI as a factor for insurance carriers and Medicaid to determine access to and level of care. The bill initially included additional provisions to ensure compassionate, effective, and culturally competent care that were removed from the current version. This bill also prohibits sale of over-the-counter diet pills to people under 18. SB23-176 is a step in the right direction to address the eating disorder crisis, but more work still needs to be done to ensure those struggling with an eating disorder get the best care possible.



"This bill is a huge win for the many Coloradans who have experienced an eating disorder but have been unable to get quality treatment. Young women are particularly susceptible to the negative stereotypes around body image that have unintentionally been reinforced by some of the practices we're addressing with this bill. I'm incredibly proud to sponsor this life-saving bill to remove outdated barriers to care and make sure Coloradans who experience eating disorders get the compassion and care they need to heal."

Sen. Lisa Cutter, SB23-176 bill sponsor

THE DENVER POST

Colorado — a national hub for eating disorder treatment hopes to slow surging rate of stigmatized illness

As diagnoses soar in the wake of COVID, patients and advocates call for more prevention and regulation.



coloradopolitics A DEADLY AFFLICTION



Opinion: Eating disorders are still widely misunderstood, even within medicine



Eating disorder legislation focused on prevention, protections headed to committee



Bills aimed at addressing disordered eating spotlight a growing public health issue



Wellness in Aging

From childhood to the end of life, the quality and length of our lives depends on our mental health. Every phase of life brings its own challenges and opportunities for continuing mental growth, development, and well-being.

SB23-031 Improve Health-care Access for Older Coloradans

This bill creates the Colorado Multidisciplinary Health Care Provider Access Training Program which will develop and provide training opportunities in geriatric medicine in an effort to improve the health care of medically complex, costly, compromised, and vulnerable older Coloradans.

SB23-144 Prescription Drugs for Chronic Pain

This bill allows a health-care provider to prescribe, dispense, or administer certain controlled substances to patients with a diagnosed condition that causes chronic pain. This bill protects patients from discriminatory practices by health facilities and pharmacies and gives patients an active role in their treatment plans.

Reduced Potential Harm from Drugs and Alcohol

Drugs and alcohol have been a part of our landscape throughout history. From childhood onward, we thrive if we can reap their benefits while reducing their potential for great harm.

HB23-1202 Overdose Prevention Center Authorization

This bill specifies that a city may authorize the operation of an overdose prevention center within the city's jurisdiction for the purpose of saving the lives of persons at risk of preventable overdoses. This bill was postponed indefinitely in the Senate Committee on Health & Human Services in April.

Decriminalize Mental Health

Too often, law enforcement is our first and only response to people's need for mental health and substance use care. Disentangling mental health and criminal justice will improve health outcomes, save taxpayer dollars, and enhance community well being.

HB23-1167 Reporting of Emergency Overdose Events

Under current law, "Good Samaritans" are people who are immune from arrest and criminal prosecution so long as they report a drug or alcohol overdose event and cooperate with emergency responders and law enforcement. This bill strengthens Colorado's Good Samaritan Laws by extending immunity to include cases when a person does not report an overdose but aided or sought aid for the person suffering an overdose. The bill also includes protections under the new fentanyl possession charge and also covers people who are sharing substances.

HB23-1138 Procedures Related to Adult Competency

This bill creates pathways for people found incompetent to proceed from the criminal justice system to the civil involuntary system. It also adds due process, addresses the process to initiate certifications, and clarifies opportunities to communicate the outcome of a civil certification process to help facilitate the dismissal of charges.

5





Legislation We Opposed

This legislative session, Mental Health Colorado continued to defend against policies that entangle people who have unmet mental health needs and substance use conditions within the criminal and juvenile justice systems. This year we opposed Senate Bill 109 and House Bill 1164, which would have increased criminal penalties for drug-related offenses, perpetuating a failed approach to tackling the substance use and overdose crisis. We will continue to oppose policies that criminalize substance use and addiction, because our friends, family, and neighbors deserve #CareNotCuffs.

HB23-1135 Penalty For Indecent Exposure in View of Minors BILL PASSED

The bill increases criminal penalties for indecent exposure, making it a class 6 felony if committed in view of a minor. We opposed this bill because it disproportionately criminalizes those with serious mental illness and neurodevelopmental issues.

HB23-1164 Opioid Harm Reduction BILL DEFEATED

The bill eliminates a provision that reduces penalties for possession of certain amounts of fentanyl, carfentanil, benzimidazole opiate, or analogs if the possessor can prove they did not know it was present.

SB23-109 Criminal Penalty Controlled Substance Supplier BILL DEFEATED

This bill makes it a level 1 drug felony if a person sells, dispenses, distributes, or otherwise transfers any quantity of a controlled substance or any material, compound, mixture, or preparation that contains any amount of a controlled substance and the sale, dispensing, distribution, or transfer is the proximate cause of the death of another person who used or consumed the substance.









2023 House Votes

REPRESENTATIVE	HB23 -1003	HB23 -1013	HB23 -1167	HB23 -1202	HB23 -1268	SB23 -174	SB23 -176	SCORE
AMABILE, J. (D)	/	/	/	/	/	/	/	100
ARMAGOST, R. (R)	X	X	X	X	/	>	\	43
BACON, J. (D)	>	/	/	/	/	>	\	100
BIRD, S. (D)	>	\	X	X	/	>	>	71
BOCKENFELD, R. (R)	\times	\times	X	X	/	>	\times	29
BOESENECKER, A. (D)	>	>	>	>	\	>	>	100
BOTTOMS, S. (R)	X	X	X	\times	X	X	E	0
BRADFIELD, M. (R)	\times	X	X	\times	/	>	\times	29
BRADLEY, B. (R)	X	X	X	\times	/	X	>	33
BROWN, K. (D)	/	/	/	✓	/	\	/	100
CATLIN, M. (R)	\times	X	X	\times	/	>	>	43
DAUGHERTY, L. (D)	/	/	/	/	/	/	/	100
DEGRAAF, K. (R)	\times	/	X	\times	X	\times	\times	14
DEGRUY KENNEDY, C. (D)	/	/	/	/	/	/	/	100
DICKSON, R. (D)	/	/	/	/	/	/	/	100
DURAN, M. (D)	/	/	/	\times	/	/	/	86
ENGLISH, R. (D)	/	/	/	/	/	/	/	100
EPPS, E. (D)	/	/	/	/	/	/	/	100
EVANS, G. (R)	/	/	/	/	X	X	/	29
FRIZELL, L. (R)	/	/	/	/	\times	\times	/	29
FROELICH, M. (D)	/	/	/	/	/	/	/	100
GARCIA, L. (D)	/	/	/	/	/	/	/	100

2023 House Votes

REPRESENTATIVE	HB23 -1003	HB23 -1013	HB23 -1167	HB23 -1202	HB23 -1268	SB23 -174	SB23 -176	SCORE
GONZALES- GUTIERREZ, S. (D)	/	/	Е	/	/	/	/	100
HAMRICK, E. (D)	>	>	\	/	/	>	>	100
HARTSOOK, A. (R)	X	X	X	X	/	>	X	29
HEROD, L. (D)	>	>	/	/	/	>	/	100
HOLTORF, R. (R)	X	\times	X	X	/	>	\times	29
JODEH, I. (D)	/	/	/	/	/	/	/	100
JOSEPH, J. (D)	>	\	/	/	/	>	/	100
KIPP, C. (D)	>	>	/	/	/	>	/	100
LIEDER, S. (D)	>	/	/	/	/	>	/	100
LINDSAY, M. (D)	/	/	/	/	/	>	\	100
LINDSTEDT, W. (D)	>	>	>	>	/	>	>	100
LUCK, S. (R)	X	/	X	E	/	X	\times	33
LUKENS, M. (D)	>	/	/	X	/	>	/	86
LYNCH, M. (R)	X	X	X	X	/	/	X	29
MABREY, J. (D)	/	/	/	/	/	/	/	100
MARSHALL, B. (D)	/	/	Е	/	/	/	/	100
MARTINEZ, M. (D)	/	/	/	/	/	/	/	100
MAURO, T. (D)	/	Е	/	/	/	Е	/	100
MCCLUSKIE, J. (D)	/	/	/	/	/	/	/	100
MCCORMICK, K. (D)	/	/	/	/	/	/	/	100
MCLACHLAN, B. (D)	/	/	/	/	/	/	/	100
MICHAELSON JENET, D. (D)	/	Е	/	/	/	/	/	100

2023 House Votes

REPRESENTATIVE	HB23 -1003	HB23 -1013	HB23 -1167	HB23 -1202	HB23 -1268	SB23 -174	SB23 -176	SCORE
ORTIZ, D. (D)	/	/	/	/	/	Е	/	100
PARENTI, J. (D)	/	>	>	>	>	>	/	100
PUGLIESE, R. (R)	\times	\times	\times	\times	>	>	>	43
RICKS, N. (D)	/	>	>	>	>	>	>	100
SHARBINI, S. (D)	/	>	>	>	>	>	>	100
SIROTA, E. (D)	/	>	>	>	>	>	>	100
SNYDER, M. (D)	/	>	>	>	E	>	>	100
SOPER, M. (R)	\times	\times	>	\times	\	>	\times	43
STORY, T. (D)	/	/	/	/	/	\	/	100
TAGGART, R. (R)	\times	/	\times	\times	/	\	/	57
TITONE, B. (D)	/	/	/	/	/	\	/	100
VALDEZ, A. (D)	/	/	/	/	/	/	/	100
VELASCO, E. (D)	/	>	>	>	>	>	>	100
VIGIL, S. (D)	/	>	>	>	>	>	\	100
WEINBERG, R. (R)	\times	X	X	\times	X	X	\times	0
WEISSMAN, M. (D)	/	>	>	>	>	>	>	100
WILLFORD, J. (D)	/	>	>	>	>	>	>	100
WILSON, D. (R)	\times	\times	X	X	X	X	X	0
WINTER, T. (R)	X	X	X	X	/	/	X	29
WOODROW, S. (D)	/	/	/	/	/	/	/	100
YOUNG, M. (D)	/	/	X	/	/	/	/	86

2023 Senate Votes

SENATOR	HB23 -1003	HB23 -1013	HB23 -1167	HB23 -1268	SB23 -109*	SB23 -174	SB23 -176	SCORE
BAISLEY, M. (R)	X	X	X	✓	X	X	X	14
BRIDGES, J. (D)	/	/	/	\	X	/	/	86
BUCKNER, J. (D)	/	>	>	>	>	>	/	100
COLEMAN, J. (D)	/	>	>	>	>	>	>	100
CUTTER, L. (D)	/	>	>	>	>	>	>	100
DANIELSON, J. (D)	/	>	>	>	>	>	>	100
EXUM, T. (D)	/	>	>	>	>	>	>	100
FENBERG, S. (D)	/	>	>	>	>	>	>	100
FIELDS, R. (D)	>	>	>	>	X	>	>	86
GARDNER, B. (R)	X	X	X	>	X	X	X	43
GINAL, J. (D)	/	>	>	>	X	>	/	86
GONZALES, J. (D)	/	>	>	>	>	>	>	100
HANSEN, C. (D)	>	>	>	>	X	>	>	86
HINRICHSEN, N. (D)	/	>	>	>	>	>	>	100
JAQUEZ LEWIS, S. (D)	/	/	/	/	/	/	/	100
KIRKMEYER, B. (R)	X	X	X	/	X	/	X	29
KOLKER, C. (D)	/	/	/	/	/	/	/	100
LISTON, L. (R)	X	X	X	/	X	/	X	29

[✓] Voted Yes X Voted No E Excused Bold 100% Score

^{*}MHC opposed SB 109. Legislators are scored for voting against this bill. \times = Yes \checkmark = No.

2023 Senate Votes

SENATOR	HB23 -1003	HB23 -1013	HB23 -1167	HB23 -1268	SB23 -109*	SB23 -174	SB23 -176	SCORE
LUNDEEN, P. (R)	X	X	X	/	X	/	X	29
MARCHMAN, J. (D)	/	/	/	/	/	/	/	100
MORENO, D. (D)	/	/	/	/	/	/	/	100
MULLICA, K. (D)	/	/	>	>	X	\	/	86
PELTON, B. (R)	X	X	X	>	X	>	X	29
PELTON, R. (R)	X	X	X	>	X	>	X	29
PRIOLA, K. (D)	✓	/	>	>	>	>	/	100
RICH, J. (R)	X	X	X	>	X	>	X	29
ROBERTS, D. (D)	/	>	>	>	X	>	>	86
RODRIGUEZ, R. (D)	/	/	>	>	>	>	>	100
SIMPSON, C. (R)	X	/	>	>	X	/	X	57
SMALLWOOD, J. (R)	X	X	X	>	X	/	X	29
SULLIVAN, T. (D)	/	/	>	>	>	>	/	100
VAN WINKLE, K. (R)	X	✓	X	>	X	X	X	29
WILL, P. (R)	X	X	\times	/	\times	/	X	29
WINTER, F. (D)	/	/	/	/	/	/	/	100
ZENZINGER, R. (D)	/	/	/	/	\times	✓	/	86

[✓] Voted Yes X Voted No E Excused Bold 100% Score

^{*}MHC opposed SB 109. Legislators are scored for voting against this bill. \times = Yes \checkmark = No.



Join the Brain Wave

Volunteer

Connect on Social Media





/mentalhealthCO @mentalhealthcolorado 🕥 @CO MentalHealth



