

**First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 25-0814.01 Chelsea Princell x4335

**HOUSE BILL 25-1251**

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**HOUSE SPONSORSHIP**

**Bottoms,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Health & Human Services

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING REQUIRING PARENTAL CONSENT BEFORE A MINOR MAY**  
102      **OBTAIN MEDICAL SERVICES.**

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**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 applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill prohibits an individual, corporation, association, organization, state-supported institution, or individual employed by any of these entities from procuring, soliciting to perform, arranging for the performance of, or performing a surgical procedure, or providing other medical or mental health services to a minor without written or verbal consent from the minor's parent. Parental consent is not required if the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

minor is in the custody of a county department of human or social services or the division of youth services, in a medical emergency situation, or there is a valid court order directing the provision of the medical service.

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

**SECTION 1.** In Colorado Revised Statutes, **add** 19-1-132 as follows:

**19-1-132. Parental rights related to health care of a minor child - exceptions - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "MEDICAL EMERGENCY" MEANS AN ACUTE INJURY, ILLNESS, OR EXPOSURE THAT POSES AN IMMEDIATE RISK TO A PERSON'S LIFE OR LONG-TERM HEALTH, SUCH THAT THE ABSENCE OF IMMEDIATE MEDICAL ATTENTION COULD REASONABLY BE EXPECTED TO RESULT IN PLACING THE PERSON'S HEALTH IN SERIOUS JEOPARDY, INCLUDING A SERIOUS IMPAIRMENT TO BODILY FUNCTION OR A SERIOUS DYSFUNCTION OF ANY BODILY ORGAN OR PART.

(b) "MEDICAL OR MENTAL HEALTH SERVICE" MEANS THE TREATMENT OF A PHYSICAL ILLNESS, MENTAL HEALTH ILLNESS, OR BEHAVIORAL DISORDER THAT IS REQUIRED TO BE PERFORMED BY A LICENSED MEDICAL PROFESSIONAL.

(c) "MINOR CHILD" MEANS A PERSON SEVENTEEN YEARS OF AGE OR YOUNGER.

(d) "PARENT" MEANS THE NATURAL PARENT, ADOPTIVE PARENT, OR LEGAL GUARDIAN WHO HAS LEGAL CUSTODY OF A CHILD.

(2) AN INDIVIDUAL, CORPORATION, ASSOCIATION, ORGANIZATION, STATE-SUPPORTED INSTITUTION, OR INDIVIDUAL EMPLOYED BY ANY OF

1     THESE ENTITIES SHALL NOT PROVIDE, PROCURE, SOLICIT TO PERFORM, OR  
2     ARRANGE FOR THE PERFORMANCE OF, OR PERFORM, A SURGICAL  
3     PROCEDURE UPON, OR RENDER ANY OTHER MEDICAL OR MENTAL HEALTH  
4     SERVICE TO, A MINOR CHILD WITHOUT FIRST OBTAINING WRITTEN OR  
5     VERBAL CONSENT FROM THE MINOR'S PARENT.

6           (3) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION,  
7     PARENTAL CONSENT IS NOT REQUIRED IF:

8           (a) AN INDIVIDUAL, CORPORATION, ASSOCIATION, ORGANIZATION,  
9     STATE-SUPPORTED INSTITUTION, OR INDIVIDUAL EMPLOYED BY ANY OF  
10    THESE ENTITIES CERTIFIES IN GOOD FAITH THAT A MEDICAL EMERGENCY  
11    EXISTED AT THE TIME OF DIAGNOSIS, TREATMENT, OR MEDICAL  
12    INTERVENTION AND THERE WAS INSUFFICIENT TIME TO OBTAIN PARENTAL  
13    CONSENT OR THAT, AT THE TIME OF THE MINOR CHILD'S DIAGNOSIS,  
14    TREATMENT, OR INTERVENTION, THE MINOR'S PARENT'S MEDICAL  
15    CONDITION WAS SUCH THAT CONSENT COULD NOT BE OBTAINED;

16          (b) A MINOR IS IN THE CUSTODY OF A COUNTY DEPARTMENT OF  
17    HUMAN OR SOCIAL SERVICES OR THE DIVISION OF YOUTH SERVICES IN THE  
18    DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 19-2.5-1501; OR

19          (c) A VALID COURT ORDER DIRECTS MEDICAL TREATMENT,  
20    DIAGNOSIS, OR INTERVENTION.

21           **SECTION 2.** In Colorado Revised Statutes, 12-245-216, **amend**  
22    (2) as follows:

23           **12-245-216. Mandatory disclosure of information to clients.**

24    (2) ~~If the client is a minor who is consenting to mental health services~~  
25    ~~pursuant to section 27-65-104, disclosure must be made to the minor.~~ If  
26    the client is a minor whose parent or legal guardian is consenting to  
27    mental health services, disclosure must be made to the minor's parent or

1 legal guardian.

2 **SECTION 3.** In Colorado Revised Statutes, 13-22-103, **amend**  
3 (1) as follows:

4 **13-22-103. Minors - consent for medical, dental, and related**  
5 **care.** (1) Except as otherwise provided in sections 15-19-204 AND  
6 18-1.3-407 (4.5), and ~~25-4-409~~, a minor eighteen years of age or older, or  
7 a minor fifteen years of age or older who is living separate and apart from  
8 ~~his or her~~ THE MINOR'S parent, parents, or legal guardian, with or without  
9 the consent of ~~his or her~~ THE MINOR'S parent, parents, or legal guardian,  
10 and is managing ~~his or her~~ THE MINOR'S own financial affairs, regardless  
11 of the source of ~~his or her~~ income, or any minor who has contracted a  
12 lawful marriage may give consent to organ or tissue donation or the  
13 furnishing of hospital, medical, dental, emergency health, and surgical  
14 care to ~~himself or herself~~ THE MINOR'S SELF. Such consent is not subject  
15 to disaffirmance because of minority, and, when such consent is given,  
16 the minor has the same rights, powers, and obligations as if ~~he or she~~ THE  
17 MINOR'S had obtained majority. Consent to organ or tissue donation may  
18 be revoked pursuant to section 15-19-206.

19 **SECTION 4.** In Colorado Revised Statutes, 19-1-115, **amend**  
20 (8)(a) as follows:

21 **19-1-115. Legal custody - guardianship - placement out of the**  
22 **home - petition for review for need of placement - rules.**

23 (8) (a) Whenever it appears necessary that the placement of a child out  
24 of the home will be for longer than ninety days, the placement is  
25 voluntary and not court-ordered, and the placement involves the direct  
26 expenditure of funds appropriated by the general assembly to the  
27 department of human services, a petition for review of need for placement

1 ~~shall~~ MUST be filed by the department or agency with which the child ~~has~~  
2 ~~been~~ IS placed before the expiration of ninety days in the placement. A  
3 decree providing for voluntary placement of a child with an agency in  
4 which public money is expended must be renewable in circumstances  
5 when there is documentation that the child has an emotional, a physical,  
6 or an intellectual disability that necessitates care and treatment for a  
7 longer duration than ninety days as provided pursuant to this subsection  
8 (8)(a). The court shall not transfer or require relinquishment of legal  
9 custody of, or otherwise terminate the parental rights with respect to, a  
10 child who has an emotional, a physical, or an intellectual disability and  
11 who was voluntarily placed out of the home for the purposes of obtaining  
12 special treatment or care solely because the parent or legal guardian is  
13 unable to provide the treatment or care. ~~Whenever a child fifteen years of~~  
14 ~~age or older consents to placement in a mental health facility pursuant to~~  
15 ~~section 27-65-104, the review pursuant to section 27-65-104 (4) must be~~  
16 ~~conducted in lieu of and must fulfill the requirements for review under~~  
17 ~~this subsection (8)(a).~~

18 **SECTION 5.** In Colorado Revised Statutes, 22-32-109, **amend**  
19 (1)(ee) as follows:

20 **22-32-109. Board of education - specific duties - definitions.**

21 (1) In addition to any other duty required to be performed by law, each  
22 board of education has the following specific duties:

23 (ee) To adopt a policy to prohibit school personnel from  
24 recommending or requiring the use of a psychotropic drug for ~~any~~ A  
25 student. School personnel shall not test or require a test for a child's  
26 behavior without prior written permission from the ~~parents or guardians~~  
27 ~~or the child~~ PARENT OR LEGAL GUARDIAN OF THE CHILD and prior written

1 disclosure as to the disposition of the results or the testing. ~~therefrom.~~  
2 ~~Through such policy, school personnel should be encouraged~~ THE POLICY  
3 MUST ENCOURAGE SCHOOL PERSONNEL to discuss concerns about a child's  
4 behavior with the parent or legal guardian of ~~such~~ THE child, and ~~such~~  
5 THOSE discussions may include a suggestion by school personnel that the  
6 parent or legal guardian OF THE CHILD speak with an appropriate  
7 health-care professional.

8 **SECTION 6.** In Colorado Revised Statutes, 25-1-801, **repeal**  
9 (1)(d) as follows:

10 **25-1-801. Patient records in custody of health-care facility -**  
11 **definitions.** (1) (d) ~~Nothing in this section requires a person responsible~~  
12 ~~for the diagnosis or treatment of sexually transmitted infections, a~~  
13 ~~substance use disorder, or the use of drugs in the case of minors pursuant~~  
14 ~~to sections 13-22-102 and 25-4-409 to release patient records of such~~  
15 ~~diagnosis or treatment to a parent, guardian, or person other than the~~  
16 ~~minor or his or her designated representative.~~

17 **SECTION 7.** In Colorado Revised Statutes, 25-1-802, **repeal** (2)  
18 as follows:

19 **25-1-802. Patient records in custody of individual health-care**  
20 **providers.** (2) ~~Nothing in this section requires a person responsible for~~  
21 ~~the diagnosis or treatment of sexually transmitted infections, substance~~  
22 ~~use disorders, or the use of drugs in the case of minors pursuant to~~  
23 ~~sections 13-22-102 and 25-4-409 to release patient records of such~~  
24 ~~diagnosis or treatment to a parent, guardian, or person other than the~~  
25 ~~minor or his or her designated representative.~~

26 **SECTION 8.** In Colorado Revised Statutes, 25-1-1202, **amend**  
27 (1)(aaa) as follows:

1           **25-1-1202. Index of statutory sections regarding medical**  
2           **record confidentiality and health information.** (1) Statutory provisions

3           concerning policies, procedures, and references to the release, sharing,  
4           and use of medical records and health information include the following:

5           (aaa) ~~Sections 25-4-406 and 25-4-409~~ SECTION 25-4-406,  
6           concerning the reporting of sexually transmitted infections;

7           **SECTION 9.** In Colorado Revised Statutes, 27-60-104, **amend**  
8           (3.5) as follows:

9           **27-60-104. Behavioral health crisis response system - crisis**  
10          **service facilities - walk-in centers - mobile response units - report.**

11          (3.5) Mobile crisis programs and crisis walk-in centers shall provide  
12          crisis response screening services to ~~any~~ AN individual seeking such  
13          services, including youth of any age, WITH CONSENT FROM THE YOUTH'S  
14          PARENT OR LEGAL GUARDIAN, and an individual with a disability, as  
15          defined in the federal "Americans with Disabilities Act of 1990", 42  
16          U.S.C. sec. 12101 et seq., as amended, regardless of primary diagnosis,  
17          co-occurring conditions, or if the individual requires assistance with  
18          activities of daily living, as defined in section 12-270-104. All additional  
19          or corresponding behavioral health services beyond the crisis response  
20          screening must be provided in accordance with all applicable state laws,  
21          including, but not limited to, sections ~~12-245-203.5, 13-22-102,~~  
22          27-65-103 and 27-65-104.

23          **SECTION 10.** In Colorado Revised Statutes, 27-60-109, **add**  
24          (2)(d) as follows:

25          **27-60-109. Youth mental health services program - established**  
26          **- report - rules - definitions - repeal.** (2) (d) A PROVIDER SHALL NOT  
27          PROVIDE MENTAL HEALTH SERVICES PURSUANT TO THIS SECTION TO A

1 YOUTH WITHOUT PRIOR CONSENT FROM THE YOUTH'S PARENT OR LEGAL  
2 GUARDIAN.

3 **SECTION 11.** In Colorado Revised Statutes, 27-65-104, **amend**  
4 (1), (2) introductory portion, (4)(a), (4)(b), (4)(d), (4)(e), and (6); and  
5 **repeal** (3) as follows:

6 **27-65-104. Voluntary applications for mental health services**  
7 **- treatment of minors.** (1) Notwithstanding any other provision of law,  
8 a minor, ~~who is fifteen years of age or older, whether with or without the~~  
9 ~~consent of a parent or legal guardian, may consent to~~ UPON CONSENT OF  
10 THE MINOR'S PARENT OR LEGAL GUARDIAN, MAY receive mental health  
11 services ~~to be~~ rendered by a facility, a professional person, or mental  
12 health professional licensed pursuant to part 3, 4, 5, 6, or 8 of article 245  
13 of title 12 in any practice setting. ~~Such consent is not subject to~~  
14 ~~disaffirmance because of minority. The professional person or licensed~~  
15 ~~mental health professional rendering mental health services to a minor~~  
16 ~~may, with or without the consent of the minor, advise the minor's parent~~  
17 ~~or legal guardian of the services given or needed.~~

18 (2) ~~A minor who is fifteen years of age or older or a minor's~~  
19 parent or legal guardian, on the minor's behalf, may make a voluntary  
20 application for hospitalization OF THE MINOR. An application for  
21 hospitalization on behalf of a minor ~~who is under fifteen years of age and~~  
22 who is a ward of the department must not be made unless a guardian ad  
23 litem has been appointed for the minor or a petition for the same has been  
24 filed with the court by the agency having custody of the minor; except  
25 that ~~such~~ an application for hospitalization may be made under emergency  
26 circumstances requiring immediate hospitalization, in which case the  
27 agency shall file a petition for appointment of a guardian ad litem within

1     seventy-two hours after application for admission is made, and the court  
2     shall immediately appoint a guardian ad litem. Procedures for  
3     hospitalization of a minor may proceed pursuant to this section once a  
4     petition for appointment of a guardian ad litem has been filed, if  
5     necessary. Whenever an application for hospitalization is made, an  
6     independent professional person ~~shall~~ MUST interview the minor and  
7     conduct a careful investigation into the minor's background, using all  
8     available sources, including, but not limited to, the minor's parents or  
9     legal guardian, the minor's school, and any other social service agencies.  
10    Prior to admitting a minor for hospitalization, the independent  
11    professional person ~~shall~~ MUST make the following findings:

12           (3) ~~An interview and investigation by an independent professional~~  
13    ~~person is not required for a minor who is fifteen years of age or older and~~  
14    ~~who, upon the recommendation of the minor's treating professional~~  
15    ~~person, seeks voluntary hospitalization with the consent of the minor's~~  
16    ~~parent or legal guardian. In order to assure that the minor's consent to~~  
17    ~~such hospitalization is voluntary, the minor shall be advised, at or before~~  
18    ~~the time of admission, of the minor's right to refuse to sign the admission~~  
19    ~~consent form and the minor's right to revoke the minor's consent at a later~~  
20    ~~date. If a minor admitted pursuant to this subsection (3) subsequently~~  
21    ~~revokes the minor's consent after admission, a review of the minor's need~~  
22    ~~for hospitalization pursuant to subsection (4) of this section must be~~  
23    ~~initiated immediately.~~

24           (4) (a) The need for continuing hospitalization of all voluntary  
25    minor patients must be formally reviewed at least every two months.  
26    ~~Review pursuant to this subsection (4) must fulfill the requirement~~  
27    ~~specified in section 19-1-115 (8) when the minor is fifteen years of age~~

1 ~~or older and consenting to hospitalization.~~

2 (b) The review must be conducted by an independent professional  
3 person who is not a member of the minor's treating team; ~~or if the minor,~~  
4 the minor's physician and the minor's parent or legal guardian do not  
5 object to the need for continued hospitalization, the review required  
6 pursuant to this subsection (4) may be conducted internally by the hospital  
7 staff.

8 (d) Ten days prior to the review, the patient representative at the  
9 mental health facility shall notify the minor AND THE MINOR'S PARENT OR  
10 LEGAL GUARDIAN of the date of the review. ~~and shall assist the minor in~~  
11 ~~articulating to the independent professional person the minor's wishes~~  
12 ~~concerning continued hospitalization.~~

13 (e) Nothing in this section limits a minor's PARENT'S OR LEGAL  
14 GUARDIAN'S right to seek THE MINOR'S release from the facility pursuant  
15 to any other provision of law.

16 (6) (a) When a ~~minor~~ MINOR'S PARENT OR LEGAL GUARDIAN does  
17 not consent to or objects to continued hospitalization, the need for such  
18 continued hospitalization must, within ten days, be reviewed pursuant to  
19 subsection (4) of this section by an independent professional person who  
20 is not a member of the minor's treating team and who has not previously  
21 reviewed the minor pursuant to this subsection (6). The minor ~~shall~~ AND  
22 THE MINOR'S PARENT OR LEGAL GUARDIAN MUST be informed of the  
23 results of the review within three days after the review's completion. If  
24 the conclusion reached by the professional person is that the minor no  
25 longer meets the standards for hospitalization specified in subsection (2)  
26 of this section, the minor must be discharged.

27 (b) ~~If, twenty-four hours after being informed of the results of the~~

1 review specified in subsection (6)(a) of this section, a minor continues to  
2 affirm the objection to hospitalization, the director of the facility or the  
3 director's duly appointed representative shall advise the minor that the  
4 minor has the right to retain and consult with an attorney at any time and  
5 that the director or the director's duly appointed representative shall file,  
6 within three days after the request of the minor, a statement requesting an  
7 attorney for the minor or, if the minor is under fifteen years of age, a  
8 guardian ad litem. The minor, the minor's attorney, if any, and the minor's  
9 parent, legal guardian, or guardian ad litem, if any, shall be given written  
10 notice that a hearing upon the recommendation for continued  
11 hospitalization may be had before the court or a jury upon written request  
12 directed to the court pursuant to subsection (6)(d) of this section.

13 (c) Whenever the statement requesting an attorney is filed with the  
14 court, the court shall ascertain whether the minor has retained counsel,  
15 and, if the minor has not, the court shall, within three days, appoint an  
16 attorney to represent the minor, or if the minor is under fifteen years of  
17 age, a guardian ad litem. Upon receipt of a petition filed by the guardian  
18 ad litem, the court shall appoint an attorney to represent the minor under  
19 fifteen years of age.

20 (d) (f) The minor or the minor's attorney or guardian ad litem may,  
21 at any time after the minor has continued to affirm the minor's objection  
22 to hospitalization pursuant to subsection (6)(b) of this section, file a  
23 written request that the recommendation for continued hospitalization be  
24 reviewed by the court or that the treatment be on an outpatient basis. If  
25 review is requested, the court shall hear the matter within ten days after  
26 the request, and the court shall give notice of the time and place of the  
27 hearing to the minor, the minor's attorney, if any, the minor's parents or

1 legal guardian; the minor's guardian ad litem, if any; the independent  
2 professional person; and the minor's treating team. The hearing must be  
3 held in accordance with section 27-65-113; except that the court or jury  
4 shall determine that the minor is in need of care and treatment if the court  
5 or jury makes the following findings:

6 (A) That the minor has a mental health disorder and is in need of  
7 hospitalization;

8 (B) That a less restrictive treatment alternative is inappropriate or  
9 unavailable; and

10 (C) That hospitalization is likely to be beneficial.

11 (H) At the conclusion of the hearing, the court may enter an order  
12 confirming the recommendation for continued hospitalization, discharge  
13 the minor, or enter any other appropriate order.

14 (e) For purposes of this subsection (6), "objects to hospitalization"  
15 means that a minor, with the necessary assistance of hospital staff, has  
16 written the minor's objections to continued hospitalization and has been  
17 given an opportunity to affirm or disaffirm such objections forty-eight  
18 hours after the objections are first written.

19 (f) A minor may not again object to hospitalization pursuant to  
20 this subsection (6) until ninety days after conclusion of proceedings  
21 pursuant to this subsection (6).

22 (g) In addition to the rights specified in section 27-65-119 for  
23 persons receiving evaluation, care, or treatment, a written notice  
24 specifying the rights of minor children under this section must be given  
25 to each minor upon admission to hospitalization.

26 **SECTION 12.** In Colorado Revised Statutes, 27-65-119, **amend**  
27 (5) as follows:

1           **27-65-119. Rights of respondents certified for short-term**  
2 **treatment or long-term care and treatment.** (5) Any respondent  
3 receiving evaluation or treatment under any of the provisions of this  
4 article 65 is entitled to a written copy and verbal description in a language  
5 or modality accessible to the person of all the rights enumerated in this  
6 section. ~~and a minor child must receive written notice of the minor's~~  
7 ~~rights as provided in section 27-65-104 (6)(g).~~ A list of the rights must be  
8 prominently posted in all evaluation and treatment facilities in the  
9 predominant languages of the community and explained in a language or  
10 modality accessible to the respondent. The facility shall assist the  
11 respondent in exercising the rights enumerated in this section.

12           **SECTION 13.** In Colorado Revised Statutes, 27-65.5-101,  
13 **amend** (2) introductory portion and (2)(l) as follows:

14           **27-65.5-101. Eating disorder treatment and recovery facilities**  
15 **- rules.** (2) The state board of human services shall ~~promulgate~~ ADOPT  
16 rules for eating disorder treatment and recovery facilities that must:

17           (l) Prior to involuntarily placing a feeding tube for a minor  
18 patient, require the eating disorder treatment and recovery facility to  
19 obtain informed written consent from ~~both the patient and the patient's~~  
20 ~~parent or legal guardian. if the patient is fifteen years of age or older or~~  
21 ~~from only the patient's parent or legal guardian if the patient is fourteen~~  
22 ~~years of age or younger. If a patient is fifteen years of age or older and~~  
23 ~~does not consent to or objects to the continued use of an involuntary~~  
24 ~~feeding tube, the patient may seek review pursuant to section 27-65-104~~  
25 ~~(6).~~

26           **SECTION 14.** In Colorado Revised Statutes, 27-81-109, **amend**  
27 (1) and (3) as follows:

1           **27-81-109. Voluntary treatment of persons with substance use**  
2   **disorders.** (1) A person with a substance use disorder ~~including a minor~~  
3   OR THE PARENT OR LEGAL GUARDIAN OF A MINOR, ON BEHALF OF THE  
4   MINOR, may apply for voluntary treatment directly to an approved  
5   treatment facility.

6           (3) If a patient receiving residential care leaves an approved  
7   treatment facility, the person OR THE PARENT OR LEGAL GUARDIAN OF A  
8   MINOR, ON BEHALF OF THE MINOR, is encouraged to consent to outpatient  
9   treatment or supportive services, if appropriate.

10          **SECTION 15.** In Colorado Revised Statutes, 27-81-110, **amend**  
11   (1) and (3) as follows:

12          **27-81-110. Voluntary treatment for persons intoxicated by**  
13   **alcohol, under the influence of drugs, or incapacitated by substances.**

14   (1) A person intoxicated by alcohol, under the influence of drugs, or  
15   incapacitated by substances ~~including a minor if provided by rules of the~~  
16   BHA, may voluntarily admit the person's self to an approved treatment  
17   facility for an emergency evaluation to determine need for treatment; IF  
18   THE PERSON IS A MINOR, THE MINOR'S PARENT OR LEGAL GUARDIAN MUST  
19   CONSENT VERBALLY OR IN WRITING.

20          (3) Except as provided in subsection (7) of this section, a  
21   treatment facility shall immediately release a voluntarily admitted person  
22   upon the person's OR THE PERSON'S PARENT OR LEGAL GUARDIAN, IF THE  
23   PERSON IS A MINOR, request.

24          **SECTION 16.** In Colorado Revised Statutes, **repeal**  
25   12-245-203.5, 13-22-103, 13-22-103.5, 13-22-105, and 25-4-409.

26          **SECTION 17. Act subject to petition - effective date.** This act  
27   takes effect at 12:01 a.m. on the day following the expiration of the

1     ninety-day period after final adjournment of the general assembly; except  
2     that, if a referendum petition is filed pursuant to section 1 (3) of article V  
3     of the state constitution against this act or an item, section, or part of this  
4     act within such period, then the act, item, section, or part will not take  
5     effect unless approved by the people at the general election to be held in  
6     November 2026 and, in such case, will take effect on the date of the  
7     official declaration of the vote thereon by the governor.