



The Colorado Health Foundation™

Title: Colorado Minor Consent Law Quick Reference Chart

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Context for Use: This chart, developed in 2011, describes the medical services that minors in Colorado may obtain on their own consent. This chart illuminates the issues that must be taken into account when developing minor access policies. Remember that laws are different in every state and laws/regulations are subject to change. This document is intended only for use as a reference. It is not legal advice. Consult legal counsel for more information.

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Colorado Minor Consent Laws

This chart describes the medical services that minors in Colorado may obtain on their own consent.

TYPE OF SERVICE: Family Planning, Reproductive Health	LAW / DETAILS
<p style="text-align: center;">Contraception and Information about Contraception</p> <ul style="list-style-type: none"> See also “Family Planning Services Funded through Title X” below. 	<ul style="list-style-type: none"> With the minor’s consent, a physician may give birth control procedures, information and supplies to any minor of any age who requests and is in need of them. Colo. Rev. Stat. § 13-22-105. (See statute for complete list of minors who may obtain such care.) Colorado law also states that: <ul style="list-style-type: none"> “[a]ll medically acceptable contraceptive procedures, supplies, and information shall be readily and practically available to each person desirous of the same regardless of sex, sexual orientation, race, color, creed, religion, disability, age, income, number of children, marital status, citizenship, national origin, ancestry, or motive.” Colo. Rev. Stat. § 25-6-102(1). “No hospital, clinic, medical center, institution, or pharmacy shall subject any person to any standard or requirement as a prerequisite for any contraceptive procedures, supplies, or information, including sterilization, other than referral to a physician.” Colo. Rev. Stat. § 25-6-102(3). “Dissemination of medically acceptable contraceptive information by duly authorized persons at schools, in state, district, and county health and welfare departments or public health agencies, in medical facilities at institutions of higher education, and at other agencies and instrumentalities of this state is consistent with public policy.” Colo. Rev. Stat. § 25-6-102(8). This statute does not allow minors to consent to permanent sterilization on their own accord. Colo. Rev. Stat. § 25-6-102(6).
<p style="text-align: center;">Prenatal, Delivery, and Post-Delivery Medical Care</p>	<p>A pregnant minor of any age may authorize prenatal, delivery, and post-delivery medical care for herself related to the intended live birth of a child. Colo. Rev. Stat. § 13-22-103.5.</p>
<p style="text-align: center;">Abortion</p>	<p>A minor of any age may consent for her own abortion services. However, in many circumstances, the provider cannot perform the procedure until 48 hours <i>after</i> delivery of written notice to parents or other specified persons. See Colo. Rev. Stat. §§ 12-37.5-103 to 105. Notice is not required in all circumstances. There also is a judicial bypass option. The notification requirements, exceptions to notification and judicial bypass process are described in the tool entitled “<i>Confidentiality of Adolescent Medical Records under Colorado law</i>” also in this toolkit.</p>

<p>Diagnosis and Treatment for Sexually Transmitted Infections</p>	<p>Upon the minor’s consent, a physician may diagnose, prescribe for, and treat a minor of any age for a sexually transmitted infection. Colo. Rev. Stat. § 25-4-402(4).</p>
<p>HIV Testing and Treatment</p>	<p>Upon the minor’s consent, qualified medical practitioners and facilities may examine and treat a minor of any age for HIV infection. Colo. Rev. Stat. § 25-4-1405(6).</p>
<p>Family Planning Services Funded through Title X</p> <p>Including, among other services, contraception, STD testing, and breast and pelvic examinations.</p>	<p>Title X funded services must be made available to all minors, regardless of their age, based on the minor’s consent. See 42 C.F.R. § 59.5(a)(4).</p> <p>The Title X Family Planning program is part of the federal Public Health Service Act and funds family planning programs nationally. See www.cdphe.state.co.us/pp/womens/famplan.html for more information.</p>
<p>TYPE OF SERVICE: Services Following Sexual Assault</p>	<p>LAW / DETAILS</p>
<p>Services for Victims of a “Sexual Offense”</p> <p>Sexual offenses are defined in reference to Part 4 of Article 3 of Title 18 of the Colorado Revised Statutes, and they include, among others, the crimes of sexual assault, sexual assault on a child, and unlawful sexual contact.</p>	<ul style="list-style-type: none"> • When a minor “indicates that he or she was the victim of a sexual offense,” a physician may, with the minor’s consent, perform customary and necessary examinations to obtain evidence of the sexual offense and may prescribe for and treat the patient for any immediate condition caused by the sexual offense. Colo. Rev. Stat. § 13-22-106(1). • Health care facilities that provide emergency care to sexual assault survivors and are licensed pursuant to Title 25, Article 3, Part 1 of the revised statutes must inform survivors in a timely manner about the availability and use of emergency contraceptives. There are a few situations in which this is not required. Colo. Rev. Stat. § 25-3-110.
<p>TYPE OF SERVICE: Mental Health, Treatment for Drug or Alcohol Use or Addiction</p>	<p>LAW / DETAILS</p>
<p>Mental Health Treatment</p> <p>Special rules apply to inpatient and electroconvulsive treatment.</p>	<p>A minor who is fifteen years of age or older may consent to receive mental health services to be rendered by a facility or a professional person. Colo. Rev. Stat. § 27-65-103(2).</p>
<p>Treatment for Addiction to or Use of Drugs</p>	<ul style="list-style-type: none"> • With the minor’s consent, a physician “may examine, prescribe for, and treat such minor patient for addiction to or use of drugs without the consent of or notification to the parent, parents, or legal guardian of such minor patient, or to any other person having custody or decision-making responsibility with respect to the medical care of such minor patient.” Colo. Rev. Stat. § 13-22-102. • “Minors may voluntarily apply for admission to alcohol/other

<p>Treatment for Addiction to or Use of Drugs</p>	<p>drug abuse treatment, regardless of their age, with or without parental or legal guardian consent providing the treatment agency demonstrates adherence to its policy regarding admission of minors without parental or legal guardian consent. ...Minors' signatures shall suffice to authorize treatment, releases of information, fee payment (if minors have personal control of adequate financial resources), and other documents requiring client signatures. 6 Colo. Code Regs. § 1008-1 (15.225.2)¹ (emphasis added).</p>
<p>Treatment for Alcoholism and Intoxication</p>	<ul style="list-style-type: none"> • “An alcoholic, including a minor, may apply for voluntary treatment directly to an approved treatment facility.” Colo. Rev. Stat. § 27-81-109. • “An intoxicated person or person intoxicated or incapacitated by alcohol, including a minor, may voluntarily admit himself or herself to an approved treatment facility for emergency treatment.” Colo. Rev. Stat. § 27-81-110. • “Minors may voluntarily apply for admission to alcohol/other drug abuse treatment, regardless of their age, with or without parental or legal guardian consent providing the treatment agency demonstrates adherence to its policy regarding admission of minors without parental or legal guardian consent. ... Minors' signatures shall suffice to authorize treatment, releases of information, fee payment (if minors have personal control of adequate financial resources), and other documents requiring client signatures.” 6 Colo. Code Regs. § 1008-1 (15.225.2)²(emphasis added). <p><u>Definitions</u></p> <ul style="list-style-type: none"> • “‘Alcoholic’ means a person who habitually lacks self-control as to the use of alcoholic beverages or uses alcoholic beverages to the extent that his or her health is substantially impaired or endangered or his or her social or economic function is substantially disrupted. Nothing in this subsection (1) shall preclude the denomination of an alcoholic as intoxicated by alcohol or incapacitated by alcohol.” Colo. Rev. Stat. § 27-81-102(1). • “‘Incapacitated by alcohol’ means that a person, as a result of the use of alcohol, is unconscious, has his or her judgment otherwise so impaired that he or she is incapable of realizing and making a rational decision with respect to his or her need for treatment, is unable to take care of his or her basic personal needs or safety, or lacks sufficient understanding or capacity to make or communicate rational decisions about himself or herself.”

¹This regulation applies to programs licensed to treat minors by the Colo. Department of Human Services – Alcohol and Drug Abuse Division. (6 Colo. Code Regs. § 1008-1 (15.210)).

²This regulation applies to programs licensed by the Colo. Department of Human Services – Alcohol and Drug Abuse Division. (6 Colo. Code Regs. § 1008-1 (15.210)).

	<p>Colo. Rev. Stat. § 27-81-102(9).</p> <ul style="list-style-type: none"> • “‘Intoxicated person’ or ‘person intoxicated by alcohol’ means a person whose mental or physical functioning is temporarily but substantially impaired as a result of the presence of alcohol in his or her body. Colo. Rev. Stat. § 27-81-102(11). • “‘Approved private treatment facility’ means a private agency meeting the standards prescribed in section 27-81-106 (1) and approved under section 27-81-106....’Approved public treatment facility’ means a treatment agency operating under the direction and control of or approved by the unit or providing treatment under this article through a contract with the unit under section 27-81-105 (7) and meeting the standards prescribed in section 27-81-106 (1) and approved under section 27-81-106.” Colo. Rev. Stat. § 27-81-102(2&3).
TYPE OF SERVICE <i>General Care / Consent Based on Minor’s Status</i>	LAW / DETAILS
Minor, 15 Years or Older, Living Separate and Apart, and Managing Own Financial Affairs	A minor fifteen years of age or older who is living separate and apart from his or her parent, parents, or legal guardian, with or without the consent of his or her parent, parents, or legal guardian, and is managing his or her own financial affairs, regardless of the source of his or her income may give consent to organ or tissue donation or the furnishing of hospital, medical, dental, emergency health, and surgical care to himself or herself.”Colo. Rev. Stat. § 13-22-103(1).
Married Minor	Any minor who has contracted a lawful marriage may give consent to organ or tissue donation or the furnishing of hospital, medical, dental, emergency health, and surgical care to himself or herself. Colo. Rev. Stat. § 13-22-103(1).
Minors in Colorado’s Youthful Offender System	<ul style="list-style-type: none"> • A minor “who has been sentenced to the youthful offender system pursuant to this section” can consent to “hospital, medical, mental health, dental, emergency health, or emergency surgical care” without the consent of a parent or legal guardian. Colo. Rev. Stat. § 18-1.3-407(4.5). • This law applies only to the Youthful Offender System, which is separate from the main juvenile justice system. More information about the Colorado Youthful Offender System can be found on the Colorado Department of Corrections site, at http://www.doc.state.co.us/facility/yos-youthful-offender-system

COLORADO MINOR CONSENT LAWS – Quick Reference Chart¹	
SERVICES YOUTH CAN OBTAIN ON THEIR OWN	
Family Planning Services Funded by Title X² <ul style="list-style-type: none"> Includes (among others) contraception, STD testing, and breast and pelvic examinations. 	Minors of any age
Prenatal, Delivery, and Post- Delivery Care <ul style="list-style-type: none"> Medical care related to the intended live birth of a child. 	Pregnant minors of any age
Contraception <ul style="list-style-type: none"> Birth control procedures, supplies, and information. This does not include sterilization 	Minors of any age who request and need birth control
Abortion³	Minors of any age
Sexually Transmitted Infections <ul style="list-style-type: none"> Diagnosis and treatment 	Minors of any age
HIV <ul style="list-style-type: none"> Diagnosis and treatment 	Minors of any age
Treatment after Sexual Offense (Sexual Assault) <ul style="list-style-type: none"> Examinations, prescription and treatment of victim for any immediate condition caused by a sexual offense For this purpose, “sexual offenses” include (but are not limited to) sexual assault, sexual assault on a child and unlawful sexual contact as defined by Colorado law. 	Minors of any age
Mental Health Treatment <ul style="list-style-type: none"> Includes outpatient treatment Minors cannot consent to electroconvulsive treatment 	Minors 15 years of age or older
Alcohol / Drug Abuse Treatment <ul style="list-style-type: none"> Includes treatment for addiction to or use of drugs, emergency treatment for intoxication, and treatment for alcoholism. 	Minors of any age

¹ For more information and detail about these laws, see the companion tool entitled “*Colorado Minor Consent Laws.*” Remember that consent and confidentiality are different concepts. For more information on confidentiality laws, see the tool entitled “*Confidentiality of Adolescent Medical Records under Colorado Law.*”

² The Title X Family Planning Program is part of the federal Public Health Services Act. For more information on Title X family planning services and Title X funded providers in Colorado, go to www.cdphe.state.co.us/pp/womens/famplan.html.

³ A parent is not required to consent to a minor’s abortion. However, the minor’s parent(s) must be notified 48 hours before the abortion can be performed unless an exception applies or the minor obtains a court order through the judicial bypass process. See the tool entitled “*Confidentiality of Adolescent Medical Records under Colorado Law*” for more information.