

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB22-1326 be amended as follows:

1 Amend reengrossed bill, page 60, after line 5 insert:

2 "SECTION 39. In Colorado Revised Statutes, **add** 27-60-114 as  
3 follows:

4 **27-60-114. Colorado overdose prevention review committee -**  
5 **creation - duties - repeal.** (1) ON JULY 1, 2024, THE COLORADO  
6 OVERDOSE PREVENTION REVIEW COMMITTEE IS CREATED IN THE OFFICE,  
7 REFERRED TO IN THIS SECTION AS THE "COMMITTEE", FOR THE PURPOSE OF:

8 (a) REVIEWING SPECIFIC CASES OF NON-FATAL AND FATAL  
9 DRUG-RELATED OVERDOSES THAT OCCUR IN COLORADO;

10 (b) IDENTIFYING THE CAUSES OF OVERDOSES AND  
11 OVERDOSE-RELATED DEATH AND CONDUCTING A REVIEW OF OTHER  
12 FACTORS INCLUDING, BUT NOT LIMITED TO, HOUSING STATUS OR CRIMINAL  
13 JUSTICE INVOLVEMENT;

14 (c) DEVELOPING EVIDENCE-BASED RECOMMENDATIONS TO  
15 ADDRESS PREVENTABLE OVERDOSE-RELATED DEATH, INCLUDING  
16 LEGISLATION, POLICIES, AREAS FOR FURTHER SCIENTIFIC RESEARCH,  
17 RULES, TRAINING, AND BEST PRACTICES THAT WILL SUPPORT THE HEALTH  
18 AND SAFETY OF INDIVIDUALS WHO USE SUBSTANCES THAT MAY CAUSE  
19 OVERDOSE IN COLORADO AND PREVENT OVERDOSE-RELATED DEATHS; AND

20 (d) ANNUALLY MAKE POLICY-RELATED AND FUNDING-RELATED  
21 RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY  
22 ABOUT DRUG TRENDS, INCLUDING SYNTHETIC DRUGS THAT MAY IMPACT  
23 THE HEALTH AND WELL-BEING OF COLORADANS AND THAT PRESENT A  
24 HIGH RISK FOR CAUSING OVERDOSE-RELATED DEATHS.

25 (2) (a) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT  
26 SHALL APPOINT THE FOLLOWING MEMBERS TO SERVE ON THE COMMITTEE:

27 (I) TWO MEMBERS WHO HAVE EXPERIENCED AN OVERDOSE OR  
28 HAVE A SUBSTANCE USE DISORDER;

29 (II) TWO PHYSICIANS WITH EXPERTISE IN ADDICTION MEDICINE,  
30 ONE OF WHOM HAS EXPERTISE IN MEDICAL COMPLICATIONS OF SUBSTANCE  
31 USE;

32 (III) TWO PUBLIC HEALTH OR EPIDEMIOLOGY EXPERTS WITH  
33 EXPERTISE IN SUBSTANCE USE;

34 (IV) A REPRESENTATIVE OF THE DISTRICT ATTORNEYS APPOINTED  
35 BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS'  
36 COUNCIL;

37 (V) A REPRESENTATIVE OF COUNTY SHERIFFS, APPOINTED BY THE  
38 DIRECTOR OF A STATEWIDE ORGANIZATION REPRESENTING SHERIFFS;

39 (VI) A REPRESENTATIVE OF THE CHIEFS OF POLICE, APPOINTED BY  
40 THE PRESIDENT OF A STATEWIDE ORGANIZATION OF CHIEFS OF POLICE;

1 (VII) A PUBLIC DEFENDER;  
2 (VIII) A REPRESENTATIVE FROM A HARM REDUCTION  
3 ORGANIZATION; AND  
4 (IX) A SUBSTANCE USE TREATMENT OR RECOVERY PROVIDER.  
5 (b) EACH MEMBER'S TERM IS THREE YEARS; EXCEPT THAT THE  
6 TERM OF THE FIRST SIX MEMBERS APPOINTED IS TWO YEARS. MEMBERS  
7 MAY SERVE UP TO THREE TERMS. THE EXECUTIVE DIRECTOR SHALL FILL  
8 ANY VACANCIES ON THE COMMITTEE.  
9 (c) THE EXECUTIVE DIRECTOR SHALL MAKE AN EFFORT TO INCLUDE  
10 COMMITTEE MEMBERS WORKING IN AND REPRESENTING COMMUNITIES  
11 THAT ARE DIVERSE WITH REGARD TO RACE, ETHNICITY, IMMIGRATION  
12 STATUS, ENGLISH PROFICIENCY, INCOME, WEALTH, AND GEOGRAPHIC  
13 REGION OF THE STATE, INCLUDING BOTH URBAN AND RURAL AREAS.  
14 (3) THE COMMITTEE MAY FORM SPECIAL AD HOC PANELS TO  
15 FURTHER INVESTIGATE DRUG TRENDS, OVERDOSES AND  
16 OVERDOSE-RELATED DEATHS WHEN THE NEED ARISES.  
17 (4) THE COMMITTEE SHALL:  
18 (a) REVIEW A REPRESENTATIVE SUBSET OF NON-FATAL AND FATAL  
19 OVERDOSES IN COLORADO;  
20 (b) REVIEW MEDICAL RECORDS AND OTHER RELEVANT DATA  
21 RELATED TO EACH OVERDOSE DEATH, INCLUDING, BUT NOT LIMITED TO,  
22 WHETHER THE PERSON WAS RECENTLY ENGAGED IN TREATMENT OR  
23 PREVIOUSLY INCARCERATED;  
24 (c) TAKE STEPS TO IMPROVE THE QUALITY AND SCOPE OF DATA  
25 OBTAINED THROUGH INVESTIGATIONS AND REVIEW OF OVERDOSES AND  
26 OVERDOSE-RELATED DEATHS;  
27 (d) IDENTIFY TRENDS AND PATTERNS ACROSS RACIAL,  
28 GEOGRAPHIC, AND OTHER GROUPS RELATED TO OVERDOSES AND  
29 OVERDOSE-RELATED DEATHS;  
30 (e) DEVELOP EVIDENCE-BASED RECOMMENDATIONS FOR THE  
31 PREVENTION OF OVERDOSES AND OVERDOSE-RELATED DEATHS AND  
32 DELIVER THE RECOMMENDATIONS TO THE LEGISLATURE AND GOVERNOR;  
33 (f) PERFORM ANY OTHER FUNCTIONS AS RESOURCES ALLOW TO  
34 ENHANCE THE CAPABILITY OF THE STATE TO REDUCE AND PREVENT  
35 OVERDOSES AND OVERDOSE-RELATED DEATHS;  
36 (g) ADVISE THE OFFICE IN THE ADMINISTRATION'S WORK ON  
37 DECREASING OVERDOSES AND OVERDOSE-RELATED DEATHS;  
38 (h) INFORM THE LEGISLATURE AND GOVERNOR OF DRUG TRENDS  
39 NATIONALLY, INCLUDING IF A NEW DRUG TREND OCCURS AND WHAT THE  
40 STATE MAY DO TO MITIGATE ANY FORTHCOMING HARM THE DRUG MAY  
41 HAVE ON THE STATE; AND  
42 (i) FACILITATE THE DEVELOPMENT OF A COMPREHENSIVE  
43 STATEWIDE DATABASE FOR THE PURPOSE OF ADDRESSING THE OVERDOSE

1 CRISIS.

2 (5) THE OFFICE SHALL COMPILE REPORTS IN DISAGGREGATED AND  
3 DE-IDENTIFIED FORMS ON TRENDS OR OTHER FINDINGS AND  
4 RECOMMENDATIONS ON A BI-ANNUAL BASIS FOR DISTRIBUTION IN AN  
5 EFFORT TO FURTHER STUDY THE CAUSES AND PROBLEMS ASSOCIATED WITH  
6 OVERDOSES AND OVERDOSE-RELATED DEATHS THAT MAY BE DISTRIBUTED  
7 TO POLICY MAKERS, LAW ENFORCEMENT, HEALTH-CARE PROVIDERS AND  
8 FACILITIES, BEHAVIORAL HEALTH PROVIDERS, PUBLIC HEALTH  
9 PROFESSIONALS, AND OTHERS NECESSARY TO REDUCE OVERDOSES AND  
10 OVERDOSE-RELATED DEATHS.

11 (6) (a) (I) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE  
12 COMMITTEE MAY ACCESS MEDICAL RECORDS RELATED TO OVERDOSE  
13 DEATHS UPON REQUEST AT ANY TIME UP TO SEVEN YEARS AFTER THE LAST  
14 TREATMENT OF A PATIENT.

15 (II) A HEALTH-CARE PROVIDER OR A HEALTH-CARE FACILITY  
16 LICENSED OR CERTIFIED PURSUANT TO ARTICLE 3 OF THIS TITLE 25 SHALL  
17 PROVIDE MEDICAL RECORDS TO THE DEPARTMENT CONCERNING EACH  
18 OVERDOSE DEATH FOR ACCESS BY THE MEMBERS OF THE COMMITTEE.

19 (III) UPON REQUEST OF THE DEPARTMENT, A LAW ENFORCEMENT  
20 OFFICER SHALL PROVIDE A POLICE REPORT, AND A CORONER SHALL  
21 PROVIDE RECORDS OF THE CORONER AND MEDICAL EXAMINER  
22 INVESTIGATIONS, THAT INVOLVE A OVERDOSE DEATH TO THE COMMITTEE.

23 (IV) A HEALTH-CARE PROVIDER, PHARMACIST, HEALTH-CARE  
24 FACILITY, LAW ENFORCEMENT OFFICER, OR CORONER IS NOT CIVILLY OR  
25 CRIMINALLY LIABLE FOR THE RELEASE OF MEDICAL RECORDS WHEN  
26 MAKING A GOOD-FAITH EFFORT TO COMPLY WITH THIS SUBSECTION (6).

27 (b) (I) THE DISCUSSIONS IN COMMITTEE MEETINGS OR MEETINGS  
28 OF AN AD HOC PANEL FORMED PURSUANT TO SECTION 25-52-104 (3)  
29 CONCERNING DETAILS OF A OVERDOSE DEATH THAT COULD IDENTIFY AN  
30 INDIVIDUAL INVOLVED ARE CONFIDENTIAL AND ARE NOT SUBJECT TO  
31 SECTION 24-6-402.

32 (II) THE COMMITTEE MEETING NOTES, STATEMENTS, MEDICAL  
33 RECORDS, REPORTS, COMMUNICATIONS, AND MEMORANDA OBTAINED BY  
34 THE COMMITTEE THAT CONTAIN INFORMATION THAT COULD IDENTIFY AN  
35 INDIVIDUAL INVOLVED IN A OVERDOSE DEATH ARE CONFIDENTIAL AND ARE  
36 NOT SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF  
37 ARTICLE 72 OF TITLE 24.

38 (III) MEMBERS OF THE COMMITTEE ARE NOT SUBJECT TO  
39 SUBPOENA IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING  
40 REGARDING THE INFORMATION PRESENTED IN OR OPINIONS FORMED AS A  
41 RESULT OF A MEETING OR COMMUNICATION OF THE COMMITTEE; EXCEPT  
42 THAT THIS SUBSECTION (2)(c) DOES NOT PREVENT A MEMBER OF THE  
43 COMMITTEE FROM TESTIFYING REGARDING INFORMATION OR OPINIONS

1 OBTAINED INDEPENDENTLY OF THE COMMITTEE OR THAT ARE PUBLIC  
2 INFORMATION.

3 (IV) NOTES, STATEMENTS, MEDICAL RECORDS, REPORTS,  
4 COMMUNICATIONS, AND MEMORANDA THAT ARE CONFIDENTIAL PURSUANT  
5 TO SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION ARE NOT:

6 (A) SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO  
7 EVIDENCE IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING,  
8 UNLESS THE SUBPOENA IS DIRECTED TO A SOURCE THAT IS SEPARATE AND  
9 APART FROM THE COMMITTEE. NOTHING IN THIS SECTION LIMITS OR  
10 RESTRICTS THE RIGHT TO DISCOVER OR USE IN A CIVIL, CRIMINAL, OR  
11 ADMINISTRATIVE PROCEEDING NOTES, STATEMENTS, MEDICAL RECORDS,  
12 REPORTS, COMMUNICATIONS, OR MEMORANDA THAT ARE AVAILABLE FROM  
13 ANOTHER SOURCE SEPARATE AND APART FROM THE COMMITTEE AND THAT  
14 ARISE ENTIRELY INDEPENDENT OF THE COMMITTEE'S ACTIVITIES.

15 (B) ADMISSIBLE AS EVIDENCE IN ANY ACTION IN ANY COURT OR  
16 BEFORE ANY TRIBUNAL, BOARD, AGENCY, OR PERSON AND SHALL NOT BE  
17 EXHIBITED OR DISCLOSED IN ANY WAY BY ANY PERSON UNLESS THE  
18 INFORMATION WAS OBTAINED FROM ANOTHER SOURCE THAT IS SEPARATE  
19 AND APART FROM THE COMMITTEE, EXCEPT AS MAY BE NECESSARY TO  
20 FURTHER THE DUTIES OF THE COMMITTEE OR IN RESPONSE TO AN ALLEGED  
21 VIOLATION OF A CONFIDENTIALITY AGREEMENT PURSUANT TO SUBSECTION  
22 (6)(b)(V) OF THIS SECTION.

23 (V) EACH COMMITTEE MEMBER SHALL SIGN A CONFIDENTIALITY  
24 AGREEMENT THAT REQUIRES THE MEMBER'S ADHERENCE TO SUBSECTIONS  
25 (6)(b)(I) AND (6)(b)(II) OF THIS SECTION. A MEMBER WHO KNOWINGLY  
26 VIOLATES THE CONFIDENTIALITY AGREEMENT COMMITS A PETTY OFFENSE.

27 (7) THE COMMITTEE AND THE DEPARTMENT SHALL COMPLY WITH  
28 ALL APPLICABLE STATE AND FEDERAL LAWS AND RULES RELATING TO THE  
29 TRANSMISSION OF HEALTH INFORMATION.

30 (8) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2033.  
31 BEFORE THE REPEAL, THE FUNCTIONS OF THE COMMITTEE ARE SCHEDULED  
32 FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

33 **SECTION 4.0** In Colorado Revised Statutes, **add 27-50-802, as**  
34 **part 8 of article 50 of title 27 as added by House Bill 22-1278,** as  
35 follows:

36 **27-50-802. Colorado overdose prevention review committee -**  
37 **creation - duties - repeal.** (1) ON JULY 1, 2024, THE COLORADO  
38 OVERDOSE PREVENTION REVIEW COMMITTEE IS CREATED IN THE  
39 BEHAVIORAL HEALTH ADMINISTRATION, REFERRED TO IN THIS SECTION AS  
40 THE "COMMITTEE", FOR THE PURPOSE OF:

41 (a) REVIEWING SPECIFIC CASES OF NON-FATAL AND FATAL  
42 DRUG-RELATED OVERDOSES THAT OCCUR IN COLORADO;

43 (b) IDENTIFYING THE CAUSES OF OVERDOSES AND

1 OVERDOSE-RELATED DEATH AND CONDUCTING A REVIEW OF OTHER  
2 FACTORS INCLUDING, BUT NOT LIMITED TO, HOUSING STATUS OR CRIMINAL  
3 JUSTICE INVOLVEMENT;

4 (c) DEVELOPING EVIDENCE-BASED RECOMMENDATIONS TO  
5 ADDRESS PREVENTABLE OVERDOSE-RELATED DEATH, INCLUDING  
6 LEGISLATION, POLICIES, AREAS FOR FURTHER SCIENTIFIC RESEARCH,  
7 RULES, TRAINING, AND BEST PRACTICES THAT WILL SUPPORT THE HEALTH  
8 AND SAFETY OF INDIVIDUALS WHO USE SUBSTANCES THAT MAY CAUSE  
9 OVERDOSE IN COLORADO AND PREVENT OVERDOSE-RELATED DEATHS; AND

10 (d) ANNUALLY MAKE POLICY-RELATED AND FUNDING-RELATED  
11 RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY  
12 ABOUT DRUG TRENDS, INCLUDING SYNTHETIC DRUGS THAT MAY IMPACT  
13 THE HEALTH AND WELL-BEING OF COLORADANS AND THAT PRESENT A  
14 HIGH RISK FOR CAUSING OVERDOSE-RELATED DEATHS.

15 (2) (a) THE COMMISSIONER SHALL APPOINT THE FOLLOWING  
16 MEMBERS TO SERVE ON THE COMMITTEE:

17 (I) TWO MEMBERS WHO HAVE EXPERIENCED AN OVERDOSE OR  
18 HAVE A SUBSTANCE USE DISORDER;

19 (II) TWO PHYSICIANS WITH EXPERTISE IN ADDICTION MEDICINE,  
20 ONE OF WHOM HAS EXPERTISE IN MEDICAL COMPLICATIONS OF SUBSTANCE  
21 USE;

22 (III) TWO PUBLIC HEALTH OR EPIDEMIOLOGY EXPERTS WITH  
23 EXPERTISE IN SUBSTANCE USE;

24 (IV) A REPRESENTATIVE OF THE DISTRICT ATTORNEYS APPOINTED  
25 BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS'  
26 COUNCIL;

27 (V) A REPRESENTATIVE OF COUNTY SHERIFFS, APPOINTED BY THE  
28 DIRECTOR OF A STATEWIDE ORGANIZATION REPRESENTING SHERIFFS;

29 (VI) A REPRESENTATIVE OF THE CHIEFS OF POLICE, APPOINTED BY  
30 THE PRESIDENT OF A STATEWIDE ORGANIZATION OF CHIEFS OF POLICE;

31 (VII) A PUBLIC DEFENDER;

32 (VIII) A REPRESENTATIVE FROM A HARM REDUCTION  
33 ORGANIZATION; AND

34 (IX) A SUBSTANCE USE TREATMENT OR RECOVERY PROVIDER.

35 (b) EACH MEMBER'S TERM IS THREE YEARS; EXCEPT THAT THE  
36 TERM OF THE FIRST SIX MEMBERS APPOINTED IS TWO YEARS. MEMBERS  
37 MAY SERVE UP TO THREE TERMS. THE EXECUTIVE DIRECTOR SHALL FILL  
38 ANY VACANCIES ON THE COMMITTEE.

39 (c) THE COMMISSIONER SHALL MAKE AN EFFORT TO INCLUDE  
40 COMMITTEE MEMBERS WORKING IN AND REPRESENTING COMMUNITIES  
41 THAT ARE DIVERSE WITH REGARD TO RACE, ETHNICITY, IMMIGRATION  
42 STATUS, ENGLISH PROFICIENCY, INCOME, WEALTH, AND GEOGRAPHIC  
43 REGION OF THE STATE, INCLUDING BOTH URBAN AND RURAL AREAS.

1           (3) THE COMMITTEE MAY FORM SPECIAL AD HOC PANELS TO  
2 FURTHER INVESTIGATE DRUG TRENDS, OVERDOSES AND  
3 OVERDOSE-RELATED DEATHS WHEN THE NEED ARISES.

4           (4) THE COMMITTEE SHALL:

5           (a) REVIEW A REPRESENTATIVE SUBSET OF NON-FATAL AND FATAL  
6 OVERDOSES IN COLORADO;

7           (b) REVIEW MEDICAL RECORDS AND OTHER RELEVANT DATA  
8 RELATED TO EACH OVERDOSE DEATH, INCLUDING, BUT NOT LIMITED TO,  
9 WHETHER THE PERSON WAS RECENTLY ENGAGED IN TREATMENT OR  
10 PREVIOUSLY INCARCERATED;

11           (c) TAKE STEPS TO IMPROVE THE QUALITY AND SCOPE OF DATA  
12 OBTAINED THROUGH INVESTIGATIONS AND REVIEW OF OVERDOSES AND  
13 OVERDOSE-RELATED DEATHS;

14           (d) IDENTIFY TRENDS AND PATTERNS ACROSS RACIAL,  
15 GEOGRAPHIC, AND OTHER GROUPS RELATED TO OVERDOSES AND  
16 OVERDOSE-RELATED DEATHS;

17           (e) DEVELOP EVIDENCE-BASED RECOMMENDATIONS FOR THE  
18 PREVENTION OF OVERDOSES AND OVERDOSE-RELATED DEATHS AND  
19 DELIVER THE RECOMMENDATIONS TO THE LEGISLATURE AND GOVERNOR;

20           (f) PERFORM ANY OTHER FUNCTIONS AS RESOURCES ALLOW TO  
21 ENHANCE THE CAPABILITY OF THE STATE TO REDUCE AND PREVENT  
22 OVERDOSES AND OVERDOSE-RELATED DEATHS;

23           (g) ADVISE THE OFFICE IN THE ADMINISTRATION'S WORK ON  
24 DECREASING OVERDOSES AND OVERDOSE-RELATED DEATHS;

25           (h) INFORM THE LEGISLATURE AND GOVERNOR OF DRUG TRENDS  
26 NATIONALLY, INCLUDING IF A NEW DRUG TREND OCCURS, AND WHAT THE  
27 STATE MAY DO TO MITIGATE ANY FORTHCOMING HARM THE DRUG MAY  
28 HAVE ON THE STATE; AND

29           (i) FACILITATE THE DEVELOPMENT OF A COMPREHENSIVE  
30 STATEWIDE DATABASE FOR THE PURPOSES OF ADDRESSING THE OVERDOSE  
31 CRISIS.

32           (5) THE ADMINISTRATION SHALL COMPILE REPORTS IN  
33 DISAGGREGATED AND DE-IDENTIFIED FORMS ON TRENDS OR OTHER  
34 FINDINGS AND RECOMMENDATIONS ON A BI-ANNUAL BASIS FOR  
35 DISTRIBUTION IN AN EFFORT TO FURTHER STUDY THE CAUSES AND  
36 PROBLEMS ASSOCIATED WITH OVERDOSES AND OVERDOSE-RELATED  
37 DEATHS THAT MAY BE DISTRIBUTED TO POLICY MAKERS, LAW  
38 ENFORCEMENT, HEALTH-CARE PROVIDERS AND FACILITIES, BEHAVIORAL  
39 HEALTH PROVIDERS, PUBLIC HEALTH PROFESSIONALS, AND OTHERS  
40 NECESSARY TO REDUCE OVERDOSES AND OVERDOSE-RELATED DEATHS.

41           (6) (a) (I) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE  
42 COMMITTEE MAY ACCESS MEDICAL RECORDS RELATED TO OVERDOSE  
43 DEATHS UPON REQUEST AT ANY TIME UP TO SEVEN YEARS AFTER THE LAST

1 TREATMENT OF A PATIENT.

2 (II) A HEALTH-CARE PROVIDER OR A HEALTH-CARE FACILITY  
3 LICENSED OR CERTIFIED PURSUANT TO ARTICLE 3 OF THIS TITLE 25 SHALL  
4 PROVIDE MEDICAL RECORDS TO THE ADMINISTRATION CONCERNING EACH  
5 OVERDOSE MORTALITY FOR ACCESS BY THE MEMBERS OF THE COMMITTEE.

6 (III) UPON REQUEST OF THE ADMINISTRATION, A LAW  
7 ENFORCEMENT OFFICER SHALL PROVIDE A POLICE REPORT, AND A CORONER  
8 SHALL PROVIDE RECORDS OF THE CORONER AND MEDICAL EXAMINER  
9 INVESTIGATIONS, THAT INVOLVE A OVERDOSE DEATH TO THE COMMITTEE.

10 (IV) A HEALTH-CARE PROVIDER, PHARMACIST, HEALTH-CARE  
11 FACILITY, LAW ENFORCEMENT OFFICER, OR CORONER IS NOT CIVILLY OR  
12 CRIMINALLY LIABLE FOR THE RELEASE OF MEDICAL RECORDS WHEN  
13 MAKING A GOOD-FAITH EFFORT TO COMPLY WITH THIS SUBSECTION (6).

14 (b) (I) THE DISCUSSIONS IN COMMITTEE MEETINGS OR MEETINGS  
15 OF AN AD HOC PANEL FORMED PURSUANT TO SECTION 25-52-104 (3)  
16 CONCERNING DETAILS OF A OVERDOSE DEATH THAT COULD IDENTIFY AN  
17 INDIVIDUAL INVOLVED ARE CONFIDENTIAL AND ARE NOT SUBJECT TO  
18 SECTION 24-6-402.

19 (II) THE COMMITTEE MEETING NOTES, STATEMENTS, MEDICAL  
20 RECORDS, REPORTS, COMMUNICATIONS, AND MEMORANDA OBTAINED BY  
21 THE COMMITTEE THAT CONTAIN INFORMATION THAT COULD IDENTIFY AN  
22 INDIVIDUAL INVOLVED IN A OVERDOSE DEATH ARE CONFIDENTIAL AND ARE  
23 NOT SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF  
24 ARTICLE 72 OF TITLE 24.

25 (III) MEMBERS OF THE COMMITTEE ARE NOT SUBJECT TO  
26 SUBPOENA IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING  
27 REGARDING THE INFORMATION PRESENTED IN OR OPINIONS FORMED AS A  
28 RESULT OF A MEETING OR COMMUNICATION OF THE COMMITTEE; EXCEPT  
29 THAT THIS SUBSECTION (2)(C) DOES NOT PREVENT A MEMBER OF THE  
30 COMMITTEE FROM TESTIFYING REGARDING INFORMATION OR OPINIONS  
31 OBTAINED INDEPENDENTLY OF THE COMMITTEE OR THAT ARE PUBLIC  
32 INFORMATION.

33 (IV) NOTES, STATEMENTS, MEDICAL RECORDS, REPORTS,  
34 COMMUNICATIONS, AND MEMORANDA THAT ARE CONFIDENTIAL PURSUANT  
35 TO SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION ARE NOT:

36 (A) SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO  
37 EVIDENCE IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING,  
38 UNLESS THE SUBPOENA IS DIRECTED TO A SOURCE THAT IS SEPARATE AND  
39 APART FROM THE COMMITTEE. NOTHING IN THIS SECTION LIMITS OR  
40 RESTRICTS THE RIGHT TO DISCOVER OR USE IN A CIVIL, CRIMINAL, OR  
41 ADMINISTRATIVE PROCEEDING NOTES, STATEMENTS, MEDICAL RECORDS,  
42 REPORTS, COMMUNICATIONS, OR MEMORANDA THAT ARE AVAILABLE FROM  
43 ANOTHER SOURCE SEPARATE AND APART FROM THE COMMITTEE AND THAT

1     ARISE ENTIRELY INDEPENDENT OF THE COMMITTEE'S ACTIVITIES.

2           (B) ADMISSIBLE AS EVIDENCE IN ANY ACTION IN ANY COURT OR  
3     BEFORE ANY TRIBUNAL, BOARD, AGENCY, OR PERSON AND SHALL NOT BE  
4     EXHIBITED OR DISCLOSED IN ANY WAY BY ANY PERSON UNLESS THE  
5     INFORMATION WAS OBTAINED FROM ANOTHER SOURCE THAT IS SEPARATE  
6     AND APART FROM THE COMMITTEE, EXCEPT AS MAY BE NECESSARY TO  
7     FURTHER THE DUTIES OF THE COMMITTEE OR IN RESPONSE TO AN ALLEGED  
8     VIOLATION OF A CONFIDENTIALITY AGREEMENT PURSUANT TO SUBSECTION  
9     (6)(b)(V) OF THIS SECTION.

10          (V) EACH COMMITTEE MEMBER SHALL SIGN A CONFIDENTIALITY  
11     AGREEMENT THAT REQUIRES THE MEMBER'S ADHERENCE TO SUBSECTIONS  
12     (6)(b)(I) AND (6)(b)(II) OF THIS SECTION. A MEMBER WHO KNOWINGLY  
13     VIOLATES THE CONFIDENTIALITY AGREEMENT COMMITS A PETTY OFFENSE.

14          (7) THE COMMITTEE AND THE ADMINISTRATION SHALL COMPLY  
15     WITH ALL APPLICABLE STATE AND FEDERAL LAWS AND RULES RELATING TO  
16     THE TRANSMISSION OF HEALTH INFORMATION.

17          (8) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2033.  
18     BEFORE THE REPEAL, THE FUNCTIONS OF THE COMMITTEE ARE SCHEDULED  
19     FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

20           **SECTION 41.** In Colorado Revised Statutes, 2-3-1203, **add** (22)  
21     as follows:

22           **2-3-1203. Sunset review of advisory committees - legislative**  
23     **declaration - definition - repeal.** (22) (a) THE FOLLOWING STATUTORY  
24     AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL  
25     REPEAL ON SEPTEMBER 1, 2032:

26           (I) THE COLORADO OVERDOSE PREVENTION REVIEW COMMITTEE  
27     CREATED IN SECTION 27-60-114;

28           (b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
29     2033.

30           **SECTION 42.** In Colorado Revised Statutes, 2-3-1203, **add** (22)  
31     as follows:

32           **2-3-1203. Sunset review of advisory committees - legislative**  
33     **declaration - definition - repeal.** (22) (a) THE FOLLOWING STATUTORY  
34     AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL  
35     REPEAL ON SEPTEMBER 1, 2032:

36           (I) THE COLORADO OVERDOSE PREVENTION REVIEW COMMITTEE  
37     CREATED IN SECTION 27-50-802;

38           (b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
39     2033."

40     Renumber succeeding sections accordingly.

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