

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB22-1326 be amended as follows:

- 1 Amend reengrossed bill, page 43, line 7, strike "and **add** (7)".
- 2 Page 44, strike lines 1 through 7.
- 3 Page 44, line 9, strike "and **add** (7)".
- 4 Page 45, strike lines 3 through 9.
- 5 Page 60, after line 5 insert:
 - 6 **"SECTION 39.** In Colorado Revised Statutes, 17-26-104.9,
 - 7 **amend** (1), (2), and (3); and **add** (1.5) and (4) as follows:
 - 8 **17-26-104.9. Opioid treatment for a person in custody -**
 - 9 **definitions - repeal.** (1) (a) A facility, whether operated by a
 - 10 governmental entity or private contractor, may make available opioid
 - 11 agonists and opioid antagonists to a person in custody with an opioid use
 - 12 disorder. The facility is strongly encouraged to maintain the treatment of
 - 13 the person throughout the duration of the person's incarceration, as
 - 14 medically necessary.
 - 15 (b) THIS SUBSECTION (1) IS REPEALED EFFECTIVE JULY 1, 2023.
 - 16 (1.5) BY JULY 1, 2023, A FACILITY, WHETHER OPERATED BY A
 - 17 GOVERNMENTAL ENTITY OR PRIVATE CONTRACTOR, SHALL PROVIDE
 - 18 MEDICATION-ASSISTED TREATMENT, AND OTHER APPROPRIATE
 - 19 WITHDRAWAL MANAGEMENT CARE TO A PERSON WITH A SUBSTANCE USE
 - 20 DISORDER THROUGH THE DURATION OF THE PERSON'S INCARCERATION, AS
 - 21 MEDICALLY NECESSARY. AT A MINIMUM:
 - 22 (a) THE FACILITY SHALL OFFER OPIOID AGONIST TREATMENT TO A
 - 23 PERSON IN CUSTODY WITH AN OPIOID USE DISORDER AT INTAKE TO THE
 - 24 FACILITY OR AT THE REQUEST OF THE PERSON IN CUSTODY. THE FACILITY
 - 25 SHALL ONLY OFFER OPIOID ANTAGONIST TREATMENT FOR OPIOID USE
 - 26 DISORDER WHEN SPECIFICALLY REQUESTED BY THE PERSON OR WHEN
 - 27 MEDICALLY NECESSARY.
 - 28 (b) THE FACILITY SHALL PERFORM A NON-MEDICAL EVALUATION
 - 29 OF THE PERSON UPON ENTRY INTO CUSTODY AT THE FACILITY FOR
 - 30 SUBSTANCE USE DISORDER.
 - 31 (c) IF THE PERSON INDICATES THAT THE PERSON HAS A SUBSTANCE
 - 32 USE DISORDER, OR THE NON-MEDICAL EVALUATION PERFORMED PURSUANT
 - 33 TO SUBSECTION (1.5)(b) INDICATES THAT THE PERSON MAY HAVE A
 - 34 SUBSTANCE USE DISORDER, THE FACILITY SHALL REFER THE PERSON TO
 - 35 THE FACILITY'S MEDICAL PROVIDER FOR AN EVALUATION, AND
 - 36 SUBSEQUENT DIAGNOSIS, PRESCRIPTION, OR INDUCTION OF AN OPIOID

1 AGONIST, AS MEDICALLY APPROPRIATE.

2 (d) THE FACILITY SHALL MAKE AVAILABLE DAILY A QUALIFIED
3 MEDICATION ADMINISTRATION PERSONNEL.

4 (e) IF AN INDIVIDUAL IS ADMITTED TO THE JAIL AND HAS A
5 PRESCRIPTION FOR MEDICATION-ASSISTED TREATMENT, THE JAIL SHALL
6 CONTINUE THE MEDICATION WITHOUT DELAY.

7 (2) Qualified medication administration personnel may, in
8 accordance with a written physician's order, administer opioid agonists
9 and opioid antagonists pursuant to subsection (1) AND (1.5) of this
10 section.

11 (3) A facility may contract with community-based health
12 providers, LOCAL PROVIDERS, OR MOBILE UNIT PROVIDERS for the
13 implementation of this section.

14 (4) THE JAIL SHALL PROVIDE THE INDIVIDUAL WITH A REFERRAL TO
15 A SUBSTANCE USE PROVIDER WITH THE CAPABILITY TO CONTINUE THE
16 INDIVIDUAL'S MEDICATION-ASSISTED TREATMENT AND THE CARE
17 COORDINATION INFRASTRUCTURE DESCRIBED IN SECTION 27-60-204 UPON
18 RELEASE FROM CUSTODY.

19 **SECTION 40.** In Colorado Revised Statutes, **add 27-60-106.7** as
20 follows:

21 **27-60-106.7. Technical assistance to jails - appropriation -**
22 **repeal.** (1) THE OFFICE OF BEHAVIORAL HEALTH SHALL PROVIDE
23 TECHNICAL ASSISTANCE TO FACILITIES IN MEETING THEIR REQUIREMENTS
24 PURSUANT TO SECTION 17-26-104.9 (1.5). TECHNICAL ASSISTANCE
25 INCLUDES DEVELOPMENT AND IMPLEMENTATION OF
26 MEDICATION-ASSISTED TREATMENT, APPROVAL OF PRESCRIBERS BY THE
27 UNITED STATES DRUG ENFORCEMENT AGENCY, AND OTHER APPROPRIATE
28 WITHDRAWAL MANAGEMENT CARE, AND ASSISTANCE WITH IDENTIFYING
29 BULK PURCHASING OPPORTUNITIES FOR NECESSARY SERVICES.

30 (2) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
31 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE
32 BEHAVIORAL HEALTH AND MENTAL HEALTH CASH FUND, CREATED IN
33 SECTION 24-75-230, TO THE OFFICE OF BEHAVIORAL HEALTH FOR THE
34 PURPOSE OF PROVIDING TECHNICAL ASSISTANCE TO JAILS WITH MEETING
35 THEIR REQUIREMENTS PURSUANT TO SECTION 17-26-104.9.

36 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2024.

37 **SECTION 41.** In Colorado Revised Statutes, **add 27-50-802, as**
38 **part 8 of article 50 of title 27 as added by House Bill 22-1278,** as
39 follows:

40 **27-50-802. Technical assistance to jails - appropriation -**
41 **repeal.** (1) THE BEHAVIORAL HEALTH ADMINISTRATION SHALL PROVIDE
42 TECHNICAL ASSISTANCE TO FACILITIES IN MEETING THEIR REQUIREMENTS
43 PURSUANT TO SECTION 17-26-104.9 (1.5). TECHNICAL ASSISTANCE

1 INCLUDES DEVELOPMENT AND IMPLEMENTATION OF
2 MEDICATION-ASSISTED TREATMENT, APPROVAL OF PRESCRIBERS BY THE
3 UNITED STATES DRUG ENFORCEMENT AGENCY, AND OTHER APPROPRIATE
4 WITHDRAWAL MANAGEMENT CARE, AND ASSISTANCE WITH IDENTIFYING
5 BULK PURCHASING OPPORTUNITIES FOR NECESSARY SERVICES.
6 (2) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
7 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE
8 BEHAVIORAL HEALTH AND MENTAL HEALTH CASH FUND, CREATED IN
9 SECTION 24-75-230, TO THE BEHAVIORAL HEALTH ADMINISTRATION FOR
10 THE PURPOSE OF PROVIDING TECHNICAL ASSISTANCE TO JAILS WITH
11 MEETING THEIR REQUIREMENTS PURSUANT TO SECTION 17-26-104.9.
12 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2024."
13 Renumber succeeding sections accordingly.

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