

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0255.01 Kristen Forrestal x4217

HOUSE BILL 18-1003

HOUSE SPONSORSHIP

Pettersen, Kennedy, Singer

SENATE SPONSORSHIP

Priola and Jahn, Aguilar, Lambert, Tate

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

State, Veterans, & Military Affairs
Legislative Council
Appropriations

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PREVENT OPIOID MISUSE IN COLORADO,**
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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/>.)

Opioid and Other Substance Use Disorders Interim Study Committee. Section 1 of the bill establishes in statute the opioid and other substance use disorders study committee, consisting of 5 senators and 5 representatives from the general assembly, to:

! Study data and statistics on the scope of the substance use disorder problem in Colorado;

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

HOUSE
3rd Reading Unamended
April 20, 2018

HOUSE
Amended 2nd Reading
April 19, 2018

- ! Study current prevention, intervention, harm reduction, treatment, and recovery resources available to Coloradans, as well as public and private insurance coverage and other sources of support for treatment and recovery resources;
- ! Review the availability of medication-assisted treatment and the ability of pharmacists to prescribe those medications;
- ! Examine measures that other states and countries use to address substance use disorders;
- ! Identify the gaps in prevention, intervention, harm reduction, treatment, and recovery resources available to Coloradans and hurdles to accessing those resources; and
- ! Identify possible legislative options to address gaps and hurdles to accessing prevention, intervention, harm reduction, treatment, and recovery resources.

The committee is authorized to meet 6 times in a calendar year and may report up to 6 legislative measures to the legislative council, which bills are exempt from bill limitations and introduction deadlines. The committee is repealed on July 1, 2020.

Section 2 specifies school-based health care centers may apply for grants from the school-based health center grant program to expand behavioral health services to include treatment for opioid and other substance use disorders.

Section 3 directs the department of health care policy and financing, starting July 1, 2018, to award grants to organizations to operate a substance abuse screening, brief intervention, and referral program.

Section 4 directs the center for research into substance use disorder prevention, treatment, and recovery to develop and implement continuing medical education activities to help prescribers of pain medication to safely and effectively manage patients with chronic pain, and when appropriate, prescribe opioids. Sections 2 through 4 also direct the general assembly to appropriate money to implement those sections.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 22.3 to
 3 title 10 as follows:

4 **ARTICLE 22.3**

5 **Opioid and Other Substance Use Disorders Study Committee**

6 **10-22.3-101. Opioid and other substance use disorders study**

1 **committee - creation - members - purposes.** (1)(a) NOTWITHSTANDING
2 SECTION 2-3-303.3, THERE IS HEREBY CREATED THE OPIOID AND OTHER
3 SUBSTANCE USE DISORDERS STUDY COMMITTEE. THE COMMITTEE
4 CONSISTS OF TEN MEMBERS OF THE GENERAL ASSEMBLY APPOINTED ON OR
5 BEFORE JUNE 1, 2018, AS FOLLOWS:

6 (I) FIVE MEMBERS OF THE SENATE, WITH THREE MEMBERS
7 APPOINTED BY THE PRESIDENT OF THE SENATE AND TWO MEMBERS
8 APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

9 (II) FIVE MEMBERS OF THE HOUSE OF REPRESENTATIVES, WITH
10 THREE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
11 REPRESENTATIVES AND TWO MEMBERS APPOINTED BY THE MINORITY
12 LEADER OF THE HOUSE OF REPRESENTATIVES.

13 (b) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
14 APPOINT THE CHAIR OF THE COMMITTEE IN EVEN-NUMBERED YEARS AND
15 THE VICE-CHAIR IN ODD-NUMBERED YEARS, AND THE PRESIDENT OF THE
16 SENATE SHALL APPOINT THE CHAIR OF THE COMMITTEE IN ODD-NUMBERED
17 YEARS AND THE VICE-CHAIR IN EVEN-NUMBERED YEARS.

18 (2) THE COMMITTEE SHALL:

19 (a) STUDY DATA, DATA ANALYTICS, AND STATISTICS ON THE SCOPE
20 OF THE SUBSTANCE USE DISORDER PROBLEM IN COLORADO, INCLUDING
21 TRENDS IN RATES OF SUBSTANCE ABUSE, TREATMENT ADMISSIONS, AND
22 DEATHS FROM SUBSTANCE USE;

23 (b) STUDY THE CURRENT PREVENTION, INTERVENTION, HARM
24 REDUCTION, TREATMENT, AND RECOVERY RESOURCES, INCLUDING
25 SUBSTANCE ABUSE PREVENTION OUTREACH AND EDUCATION, AVAILABLE
26 TO COLORADANS, AS WELL AS PUBLIC AND PRIVATE INSURANCE COVERAGE
27 AND OTHER SOURCES OF SUPPORT FOR TREATMENT AND RECOVERY

1 RESOURCES;

2 (c) REVIEW THE AVAILABILITY OF MEDICATION-ASSISTED
3 TREATMENT AND WHETHER PHARMACISTS CAN PRESCRIBE THOSE
4 MEDICATIONS THROUGH THE DEVELOPMENT OF COLLABORATIVE
5 PHARMACY PRACTICE AGREEMENTS WITH PHYSICIANS;

6 (d) EXAMINE THE MEASURES THAT OTHER STATES AND COUNTRIES
7 USE TO ADDRESS SUBSTANCE USE DISORDERS, INCLUDING
8 EVIDENCE-BASED BEST PRACTICES AND THE USE OF EVIDENCE IN
9 DETERMINING STRATEGIES TO TREAT SUBSTANCE USE DISORDERS, AND
10 BEST PRACTICES ON THE USE OF PRESCRIPTION DRUG MONITORING
11 PROGRAMS;

12 (e) IDENTIFY THE GAPS IN PREVENTION, INTERVENTION, HARM
13 REDUCTION, TREATMENT, AND RECOVERY RESOURCES AVAILABLE TO
14 COLORADANS AND HURDLES TO ACCESSING THOSE RESOURCES; AND

15 (f) IDENTIFY POSSIBLE LEGISLATIVE OPTIONS TO ADDRESS GAPS
16 AND HURDLES TO ACCESSING PREVENTION, INTERVENTION, HARM
17 REDUCTION, TREATMENT, AND RECOVERY RESOURCES.

18 (3) (a) THE COMMITTEE MAY MEET UP TO SIX TIMES PER INTERIM.
19 THE COMMITTEE MAY RECOMMEND UP TO A TOTAL OF FIVE BILLS DURING
20 EACH INTERIM. LEGISLATION RECOMMENDED BY THE COMMITTEE MUST BE
21 TREATED AS LEGISLATION RECOMMENDED BY AN INTERIM COMMITTEE FOR
22 PURPOSES OF APPLICABLE DEADLINES, BILL INTRODUCTION LIMITS, AND
23 ANY OTHER REQUIREMENTS IMPOSED BY THE JOINT RULES OF THE GENERAL
24 ASSEMBLY.

25 (b) NO LATER THAN DECEMBER 1, 2018, AND NO LATER THAN
26 EACH DECEMBER 1 THEREAFTER, THE COMMITTEE SHALL MAKE A REPORT
27 TO THE LEGISLATIVE COUNCIL CREATED IN SECTION 2-3-301 THAT MAY

1 INCLUDE RECOMMENDATIONS FOR LEGISLATION.

2 (4) (a) MEMBERS OF THE COMMITTEE ARE ENTITLED TO RECEIVE
3 THE USUAL PER DIEM AND NECESSARY TRAVEL AND SUBSISTENCE
4 EXPENSES AS PROVIDED PURSUANT TO SECTION 2-2-307 FOR MEMBERS OF
5 THE GENERAL ASSEMBLY WHO ATTEND INTERIM COMMITTEE MEETINGS.

6 (b) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
7 AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL
8 PROVIDE STAFF ASSISTANCE TO THE COMMITTEE.

9 **10-22.3-102. Repeal of article.** THIS ARTICLE 22.3 IS REPEALED,
10 EFFECTIVE JULY 1, 2020.

11 **SECTION 2.** In Colorado Revised Statutes, **add 10-16-124.8** as
12 follows:

13 **10-16-124.8. Colorado consortium for prescription drug abuse**
14 **prevention - create process for recovery - report.** (1) THE GOVERNOR
15 SHALL DIRECT THE COLORADO CONSORTIUM FOR PRESCRIPTION DRUG
16 ABUSE PREVENTION WITHIN THE UNIVERSITY OF COLORADO TO:

17 (a) CREATE A PROCESS WITH THE SUBSTANCE ABUSE RECOVERY
18 COMMUNITY TO DEVELOP A STRATEGIC PLAN THAT ADDRESSES THE FULL
19 CONTINUUM OF RECOVERY SERVICES, INCLUDING DETOXIFICATION
20 SERVICES AND REINTEGRATION INTO THE COMMUNITY WITH PEER SUPPORT,
21 FOR INDIVIDUALS WHO EXPERIENCE SUBSTANCE USE DISORDER;

22 (b) DEVELOP A DEFINITION FOR RECOVERY RESIDENCES AND ISSUE
23 RECOMMENDATIONS REGARDING WHETHER RECOVERY RESIDENCES
24 SHOULD BE LICENSED; AND

25 (c) REPORT THE RECOMMENDATIONS PURSUANT TO THIS SECTION
26 TO THE GENERAL ASSEMBLY ON OR BEFORE JANUARY 1, 2020.

27 (2) MONEY IN THE GENERAL FUND MAY NOT BE USED FOR THE

1 IMPLEMENTATION OF THIS SECTION.

2 **SECTION 3.** In Colorado Revised Statutes, 25-20.5-503, **amend**
3 (2) as follows:

4 **25-20.5-503. School-based health center grant program -**
5 **creation - funding - grants - repeal.** (2) (a) Operators of school-based
6 health centers may apply for grants for the benefit of school-based health
7 centers. The grant program shall provide grants for school-based health
8 centers selected by the division. The division, in consultation with
9 school-based health centers, shall develop criteria under which the grants
10 are distributed and evaluated. In developing the criteria for grants, the
11 division shall give priority to centers that serve a disproportionate number
12 of uninsured children or a low-income population or both and may award
13 grants to establish new school-based health centers; to expand primary
14 health services, behavioral health services, INCLUDING EDUCATION,
15 INTERVENTION, AND PREVENTION SERVICES FOR OPIOID, ALCOHOL, AND
16 MARIJUANA, AND OTHER SUBSTANCE USE DISORDERS, or oral health
17 services offered by existing school-based health centers; to expand
18 enrollment in the children's basic health plan; or to provide support for
19 ongoing operations of school-based health centers. None of the grants
20 shall be awarded to provide abortion services in violation of section 50
21 of article V of the state constitution.

22 (b) (I) ON OR BEFORE JULY 1, 2018, THE GENERAL ASSEMBLY
23 SHALL APPROPRIATE SEVEN HUNDRED SEVENTY-FIVE THOUSAND DOLLARS
24 TO THE DEPARTMENT FROM THE MARIJUANA TAX CASH FUND CREATED IN
25 SECTION 39-28.8-501 FOR THE PURPOSES OF EXPANDING BEHAVIORAL
26 HEALTH THERAPY, INTERVENTION, AND PREVENTION SERVICES FOR OPIOID,
27 ALCOHOL, AND MARIJUANA, AND OTHER SUBSTANCE USE DISORDERS

1 PURSUANT TO THIS SUBSECTION (2). THE DEPARTMENT SHALL PRIORITIZE
2 FUNDING TO SCHOOL-BASED HEALTH CENTERS THAT SERVE COMMUNITIES
3 WITH HIGH RISK FACTORS FOR SUBSTANCE ABUSE COMBINED WITH LIMITED
4 ACCESS TO TREATMENT SERVICES ACCORDING TO STATE NEEDS
5 ASSESSMENTS, COLORADO HEALTH INDICATOR DATA, AND NATIONAL BEST
6 PRACTICE TRENDS.

7 (II) ANY UNENCUMBERED AND UNEXPENDED MONEY FROM AN
8 APPROPRIATION MADE PURSUANT TO THIS SUBSECTION (2)(b) REMAINS
9 AVAILABLE FOR EXPENDITURE BY THE DEPARTMENT IN THE NEXT TWO
10 FISCAL YEARS WITHOUT FURTHER APPROPRIATION.

11 **SECTION 4.** In Colorado Revised Statutes, **amend 25.5-5-208**
12 as follows:

13 **25.5-5-208. Additional services - training - grants - screening,**
14 **brief intervention, and referral - repeal.** (1) ~~On or before June 30,~~
15 ~~2016, the state department shall grant, through a competitive grant~~
16 ~~program, up to five hundred thousand dollars to one or more~~
17 ~~organizations to provide evidence-based training and outreach to health~~
18 ~~professionals statewide related to screening, brief intervention, and~~
19 ~~referral to treatment for individuals at risk of substance abuse for whom~~
20 ~~Colorado provides optional services in accordance with section~~
21 ~~25.5-5-202 (1)(u). For any fiscal year beginning on or after July 1, 2016,~~
22 ~~the state department shall award additional grants for this training and~~
23 ~~outreach, subject to available appropriations. Any moneys appropriated~~
24 ~~for grants pursuant to this section are not subject to federal financial~~
25 ~~participation.~~

26 (2) (a) ON OR AFTER JULY 1, 2018, THE STATE DEPARTMENT SHALL
27 GRANT, THROUGH A COMPETITIVE GRANT PROGRAM, ONE MILLION FIVE

1 HUNDRED THOUSAND DOLLARS TO ONE OR MORE ORGANIZATIONS TO
2 OPERATE A SUBSTANCE ABUSE SCREENING, BRIEF INTERVENTION, AND
3 REFERRAL TO TREATMENT PRACTICE. THE GRANT PROGRAM MUST
4 REQUIRE:

5 (I) TRAINING FOR HEALTH CARE PROFESSIONALS STATEWIDE
6 INCLUDING PROVIDERS WHO SERVE WOMEN OF CHILD-BEARING AGE THAT
7 IS EVIDENCE-BASED AND THAT MAY BE ATTENDED EITHER IN PERSON OR
8 ONLINE. THE TRAINING MUST INCLUDE TRAINING FOR REIMBURSEMENT
9 AND BILLING CODES IN THE "COLORADO MEDICAL ASSISTANCE ACT",
10 ARTICLES 4 TO 6 OF THIS TITLE 25.5.

11 (II) CONSULTATION AND TECHNICAL ASSISTANCE FOR HEALTH
12 CARE PROVIDERS, HEALTH CARE ORGANIZATIONS, AND STAKEHOLDERS;

13 (III) OUTREACH, COMMUNICATION, AND EDUCATION TO PROVIDERS
14 AND PATIENTS;

15 (IV) COORDINATION WITH PRIMARY CARE, MENTAL HEALTH CARE,
16 INTEGRATED HEALTH CARE, AND SUBSTANCE USE PREVENTION,
17 TREATMENT, AND RECOVERY EFFORTS; AND

18 (V) CAMPAIGNING TO INCREASE PUBLIC AWARENESS OF THE RISKS
19 RELATED TO ALCOHOL, MARIJUANA, TOBACCO, AND DRUG USE AND TO
20 REDUCE ANY STIGMA ASSOCIATED WITH TREATMENT.

21 (b) (I) THE STATE DEPARTMENT CONTRACTOR SHALL DEVELOP A
22 PATIENT EDUCATION TOOL FOR WOMEN OF CHILDBEARING AGE TO LEARN
23 ABOUT THE RISKS OF SUBSTANCE-EXPOSED PREGNANCIES, TO BE
24 DEPLOYED FOR PUBLIC USE IN THE STATE.

25 (II) (A) ON OR BEFORE JULY 1, 2018, THE GENERAL ASSEMBLY
26 SHALL APPROPRIATE ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS TO
27 THE STATE DEPARTMENT FROM THE MARIJUANA TAX CASH FUND CREATED

1 IN SECTION 39-28.8-501 FOR THE PURPOSES OF THIS SUBSECTION (2)(b).

2 (B) THIS SUBSECTION (2)(b)(II) IS REPEALED, EFFECTIVE
3 SEPTEMBER 1, 2019.

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5 **SECTION 5.** In Colorado Revised Statutes, 27-80-118, **add** (4)
6 as follows:

7 **27-80-118. Center for research into substance use disorder**
8 **prevention, treatment, and recovery support strategies - legislative**
9 **declaration - established - repeal.** (4) (a) THE CENTER SHALL DEVELOP
10 AND IMPLEMENT A SERIES OF CONTINUING EDUCATION ACTIVITIES
11 DESIGNED TO HELP A PRESCRIBER OF PAIN MEDICATION TO SAFELY AND
12 EFFECTIVELY MANAGE PATIENTS WITH PAIN AND, WHEN APPROPRIATE,
13 PRESCRIBE OPIOIDS OR MEDICATION ASSISTED TREATMENT. THE
14 EDUCATIONAL ACTIVITIES MUST APPLY TO PHYSICIANS, PHYSICIAN
15 ASSISTANTS, NURSES, AND DENTISTS.

16 (b) THE CENTER SHALL ALSO DEVELOP EDUCATION AND TRAINING
17 FOR LAW ENFORCEMENT OFFICERS AND FIRST RESPONDERS CONCERNING
18 THE USE OF OPIOID ANTAGONISTS FOR OPIOID OVERDOSE AND
19 COMMUNITY-BASED TRAINING FOR PERSONS AT RISK OF OPIOID OVERDOSE.

20 (c) (I) ON OR BEFORE JULY 1, 2018, THE GENERAL ASSEMBLY
21 SHALL APPROPRIATE SEVEN HUNDRED FIFTY THOUSAND DOLLARS TO THE
22 CENTER FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION
23 39-28.8-501 FOR THE PURPOSES OF THIS SUBSECTION (4).

24 (II) THIS SUBSECTION (4)(c) IS REPEALED, EFFECTIVE SEPTEMBER
25 1, 2019.

26 **SECTION 6. Appropriation.** (1) For the 2018-19 state fiscal
27 year, \$925,000 is appropriated to the department of health care policy and

1 financing. This appropriation is from the marijuana tax cash fund created
2 in section 39-28.8-501 (1), C.R.S. To implement this act, the department
3 may use this appropriation for the screening, brief intervention, and
4 referral to treatment training grant program.

5 (2) For the 2018-19 state fiscal year, \$750,000 is appropriated to
6 the department of higher education for use by the regents of the university
7 of Colorado. This appropriation is from the marijuana tax cash fund
8 created in section 39-28.8-501 (1), C.R.S. To implement this act, the
9 regents may use this appropriation for the center for research into
10 substance use disorder prevention, treatment, and recovery support
11 strategies.

12 == ==

13 (3) For the 2018-19 state fiscal year, \$39,249 is appropriated to
14 the legislative department. This appropriation is from the general fund. To
15 implement this act, the department may use this appropriation as follows:

16 (a) \$18,414 for use by the legislative council, which amount is
17 based on an assumption that the council will require an additional 0.3
18 FTE;

19 (b) \$7,725 for use by the committee on legal services, which
20 amount is based on an assumption that the committee will require an
21 additional 0.1 FTE; and

22 (c) \$13,110 for use by the general assembly for member
23 reimbursement and per diem.

24 (4) For the 2018-19 state fiscal year, \$775,000 is appropriated to
25 the department of public health and environment for use by the prevention
26 services division. This appropriation is from the marijuana tax cash fund
27 created in section 39-28.8-501 (1), C.R.S. To implement this act, the

1 division may use this appropriation for school-based health centers.

2 **SECTION 7. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.