

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0227.02 Yelana Love x2295

HOUSE BILL 19-1009

HOUSE SPONSORSHIP

Kennedy and Singer,

SENATE SPONSORSHIP

Priola, Pettersen

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING SUPPORTS FOR PERSONS RECOVERING FROM SUBSTANCE**
102 **USE DISORDERS, AND, IN CONNECTION THEREWITH, EXPANDING**
103 **A PROGRAM IN THE DEPARTMENT OF LOCAL AFFAIRS THAT**
104 **PROVIDES VOUCHERS FOR HOUSING ASSISTANCE TO CERTAIN**
105 **INDIVIDUALS, REQUIRING EACH RECOVERY RESIDENCE**
106 **OPERATING IN COLORADO TO BE LICENSED BY THE**
107 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND**
108 **CREATING THE OPIOID CRISIS RECOVERY FUND.**

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

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.

[http://leg.colorado.gov/.](http://leg.colorado.gov/))

Opioid and Other Substance Use Disorders Study Committee.

The bill:

- ! Expands the housing voucher program currently within the department of local affairs to include individuals with a substance use disorder and appropriates \$4.3 million each of the next 5 fiscal years to support the program (**section 1**);
- ! Requires each recovery residence operating in Colorado to be licensed by the department of public health and environment (**section 2**); and
- ! Creates the opioid crisis recovery fund for money the state receives as settlement or damage awards resulting from opioid-related litigation (**section 3**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-32-721, **amend**
3 (4)(b); and **add** (5) and (6) as follows:

4 **24-32-721. Colorado affordable housing construction grants**
5 **and loans - housing development grant fund - creation - housing**
6 **assistance for a person with a behavioral, mental health, or substance**
7 **use disorder - cash fund - definition.** (4) (b) In conjunction with its
8 other programs to provide assistance in obtaining housing and subject to
9 available appropriations, the division shall establish a program that
10 provides vouchers and other support services for housing assistance for
11 a person with a mental health disorder, SUBSTANCE USE DISORDER, or
12 co-occurring behavioral health disorder who is transitioning from the
13 department of corrections, the division of youth corrections in the
14 department of human services, A MENTAL HEALTH INSTITUTE, or a county
15 jail into the community, OR AN INDIVIDUAL WHO IS HOMELESS OR IN AN
16 UNSTABLE HOUSING ENVIRONMENT AND IS TRANSITIONING FROM A
17 RESIDENTIAL TREATMENT PROGRAM OR IS ENGAGED IN THE COMMUNITY

1 TRANSITION SPECIALIST PROGRAM CREATED PURSUANT TO SECTION
2 27-66.5-103.

3 (5) FOR THE 2019-20 FISCAL YEAR, AND EACH OF THE FOLLOWING
4 FOUR FISCAL YEARS, THE GENERAL ASSEMBLY SHALL APPROPRIATE FOUR
5 MILLION THREE HUNDRED THOUSAND DOLLARS TO THE DIVISION FOR THE
6 VOUCHER PROGRAM SPECIFIED IN SUBSECTION (4)(b) OF THIS SECTION.

7 (6) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
8 AFFAIRS SHALL REPORT TO THE SENATE COMMITTEE ON HEALTH AND
9 HUMAN SERVICES AND THE HOUSE OF REPRESENTATIVES COMMITTEES ON
10 HEALTH, INSURANCE, AND ENVIRONMENT AND PUBLIC HEALTH CARE AND
11 HUMAN SERVICES, OR ANY SUCCESSOR COMMITTEES, UNDER THE "STATE
12 MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT
13 (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2 ON:

- 14 (a) THE NUMBER OF PROJECTS FUNDED UNDER THIS SECTION;
- 15 (b) THE NUMBER OF UNITS IN EACH PROJECT FUNDED; AND
- 16 (c) THE NUMBER OF QUALIFIED INDIVIDUALS HOUSED AS A RESULT
17 OF THIS SECTION.

18 **SECTION 2.** In Colorado Revised Statutes, **add** 25-1.5-108.5 as
19 follows:

20 **25-1.5-108.5. Regulation of recovery residences - stakeholder**
21 **group - definition.** (1) AS USED IN THIS SECTION, "RECOVERY
22 RESIDENCE" MEANS ANY PREMISES, PLACE, OR BUILDING THAT PROVIDES
23 ALCOHOL-FREE OR DRUG-FREE HOUSING, PROMOTES INDEPENDENT LIVING
24 AND LIFE SKILL DEVELOPMENT, AND PROVIDES STRUCTURED ACTIVITIES
25 THAT ARE DIRECTED PRIMARILY TOWARD RECOVERY FROM SUBSTANCE
26 USE DISORDERS IN A SUPERVISED SETTING TO A GROUP OF UNRELATED
27 INDIVIDUALS WHO ARE RECOVERING FROM DRUG OR ALCOHOL ADDICTION

1 AND WHO ARE RECEIVING OUTPATIENT BEHAVIORAL HEALTH SERVICES FOR
2 SUBSTANCE ABUSE OR ADDICTION TREATMENT WHILE LIVING IN THE
3 RESIDENCE. "RECOVERY RESIDENCE" DOES NOT INCLUDE A PRIVATE
4 RESIDENCE IN WHICH A RELATED FAMILY MEMBER IS REQUIRED TO
5 RECEIVE OUTPATIENT BEHAVIORAL HEALTH SERVICES OR ADDICTION
6 TREATMENT AS A CONDITION OF CONTINUING TO RESIDE IN THE FAMILY
7 DWELLING.

8 (2) EFFECTIVE JANUARY 1, 2020, A PERSON SHALL NOT OPERATE
9 A RECOVERY RESIDENCE UNLESS LICENSED BY THE DEPARTMENT. THE
10 DEPARTMENT SHALL DEEM A RECOVERY RESIDENCE THAT IS ACCREDITED
11 BY THE COLORADO ASSOCIATION OF RECOVERY RESIDENCES, OR ITS
12 SUCCESSOR ORGANIZATION, AS SATISFYING THE REQUIREMENTS FOR
13 INITIAL LICENSURE OR RENEWAL OF AN EXISTING LICENSE.

14 (3) A RECOVERY RESIDENCE OWNER, EMPLOYEE, OR
15 ADMINISTRATOR, OR AN INDIVIDUAL RELATED TO A RECOVERY RESIDENCE
16 OWNER, EMPLOYEE, OR ADMINISTRATOR, MAY NOT DIRECTLY OR
17 INDIRECTLY:

18 (a) SOLICIT OR ACCEPT A COMMISSION, A FEE, OR ANYTHING OF
19 MONETARY OR MATERIAL VALUE:

20 (I) FOR ADMISSION OF A RESIDENT OR RESIDENT FEES FROM A
21 THIRD PARTY, EXCEPT FOR STATE OR FEDERAL CONTRACTS THAT
22 SPECIFICALLY REIMBURSE FOR RESIDENT FEES; OR

23 (II) FROM A TREATMENT FACILITY THAT IS LICENSED OR CERTIFIED
24 BY THE DEPARTMENT FOR THE TREATMENT OF SUBSTANCE USE DISORDERS
25 FOR RESIDENT FEES; OR

26 (b) ACCEPT OR RECEIVE A PAYMENT, TRADE, COMMISSION, OR FEE
27 FROM A TOXICOLOGY LABORATORY THAT PROVIDES CONFIRMATION

1 TESTING OR POINT-OF-CARE TESTING FOR RESIDENTS.

2 (4) THE DEPARTMENT MAY TAKE ACTION AGAINST A PERSON FOR
3 A VIOLATION OF THIS SECTION.

4 **SECTION 3.** In Colorado Revised Statutes, **add** 27-82-114 as
5 follows:

6 **27-82-114. Opioid crisis recovery fund - board of governors -**
7 **appointment - purpose.** (1) THE OPIOID CRISIS RECOVERY FUND,
8 REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE
9 STATE TREASURY. THE FUND CONSISTS OF MONEY THAT THE GENERAL
10 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND AND THE NET
11 SETTLEMENT OR DAMAGE AWARDS RECEIVED BY THE STATE AS THE
12 RESULT OF OPIOID-RELATED LITIGATION.

13 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
14 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
15 FUND TO THE FUND.

16 (3) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
17 BOARD OF GOVERNORS OF THE OPIOID CRISIS RECOVERY FUND, CREATED
18 IN SUBSECTION (4) OF THIS SECTION, FOR THE PURPOSE OF FUNDING
19 EFFORTS TO AID IN PREVENTION, PUBLIC AWARENESS, PROVIDER
20 EDUCATION, EARLY DETECTION AND INTERVENTION, HARM REDUCTION,
21 TREATMENT, AND RECOVERY RELATED TO THE OPIOID CRISIS.

22 (4) THERE IS HEREBY CREATED IN THE OFFICE OF BEHAVIORAL
23 HEALTH THE BOARD OF GOVERNORS OF THE OPIOID CRISIS RECOVERY
24 FUND, REFERRED TO IN THIS SECTION AS THE "BOARD".

25 (5) (a) THE BOARD CONSISTS OF MEMBERS APPOINTED AS
26 FOLLOWS:

27 (I) SEVEN MEMBERS APPOINTED BY THE GOVERNOR, INCLUDING:

1 (A) ONE MEMBER LICENSED TO PRACTICE MEDICINE PURSUANT TO
2 ARTICLE 36 OF TITLE 12;

3 (B) ONE MEMBER LICENSED TO PRACTICE PHARMACY PURSUANT
4 TO ARTICLE 42.5 OF TITLE 12;

5 (C) ONE MEMBER LICENSED TO PRACTICE AS A NURSE PURSUANT
6 TO ARTICLE 38 OF TITLE 12;

7 (D) ONE MEMBER LICENSED AS A DENTIST PURSUANT TO ARTICLE
8 35 OF TITLE 12;

9 (E) ONE MEMBER LICENSED AS A VETERINARIAN PURSUANT TO
10 ARTICLE 64 OF TITLE 12;

11 (F) ONE MEMBER LICENSED AS A PHYSICAL THERAPIST PURSUANT
12 TO ARTICLE 41 OF TITLE 12; AND

13 (G) ONE MEMBER REPRESENTING A LOCAL PUBLIC HEALTH
14 AGENCY;

15 (II) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
16 DEPARTMENT OF HUMAN SERVICES OR THE EXECUTIVE DIRECTOR'S
17 DESIGNEE;

18 (III) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF
19 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR THE
20 EXECUTIVE DIRECTOR'S DESIGNEE;

21 (IV) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF
22 THE DEPARTMENT OF REGULATORY AGENCIES OR THE EXECUTIVE
23 DIRECTOR'S DESIGNEE;

24 (V) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
25 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING OR THE EXECUTIVE
26 DIRECTOR'S DESIGNEE;

27 (VI) ONE MEMBER FROM THE STATE SUBSTANCE ABUSE TREND

1 AND RESPONSE TASK FORCE, CREATED IN SECTION 18-18.5-103, APPOINTED
2 BY THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE;

3 (VII) ONE MEMBER FROM THE CENTER FOR RESEARCH INTO
4 SUBSTANCE USE DISORDER PREVENTION, TREATMENT, AND RECOVERY
5 SUPPORT STRATEGIES, CREATED IN SECTION 27-80-118 (3), APPOINTED BY
6 THE DIRECTOR OF THE CENTER OR THE DIRECTOR'S DESIGNEE;

7 (VIII) ONE MEMBER FROM EACH SAFETY NET HOSPITAL THAT
8 PROVIDES ADDICTION SERVICES APPOINTED BY THE HOSPITAL;

9 (IX) ONE MEMBER FROM THE COLORADO DISTRICT ATTORNEYS'
10 COUNCIL APPOINTED BY ITS EXECUTIVE DIRECTOR OR THE EXECUTIVE
11 DIRECTOR'S DESIGNEE;

12 (X) TWO MEMBERS REPRESENTING LAW ENFORCEMENT AGENCIES,
13 ONE OF WHOM IS APPOINTED BY THE COLORADO ASSOCIATION OF CHIEFS
14 OF POLICE AND ONE OF WHOM IS APPOINTED BY THE COUNTY SHERIFFS OF
15 COLORADO;

16 (XI) ONE MEMBER FROM COLORADO COUNTIES, INC., APPOINTED
17 BY ITS EXECUTIVE DIRECTOR;

18 (XII) ONE MEMBER REPRESENTING THE COLORADO MUNICIPAL
19 LEAGUE, OR ANY SUCCESSOR ORGANIZATION, APPOINTED BY THE
20 PRESIDENT OF THE COLORADO MUNICIPAL LEAGUE OR THE PRESIDENT'S
21 DESIGNEE.

22 (b) THE APPOINTING AUTHORITIES SHALL MAKE THEIR INITIAL
23 APPOINTMENTS TO THE BOARD NO LATER THAN NINETY DAYS AFTER THE
24 STATE RECEIVES A SETTLEMENT OR DAMAGE AWARD.

25 (6) EACH MEMBER OF THE BOARD WHO IS APPOINTED PURSUANT TO
26 SUBSECTION (5) OF THIS SECTION SERVES AT THE PLEASURE OF THE
27 OFFICIAL WHO APPOINTED THE MEMBER. A VACANCY SHALL BE FILLED IN

1 THE SAME MANNER AS THE INITIAL APPOINTMENT.

2 (7) NOTWITHSTANDING SECTION 2-2-326, EACH MEMBER OF THE
3 BOARD SERVES WITHOUT COMPENSATION BUT IS ENTITLED TO RECEIVE
4 REIMBURSEMENT FROM MONEY IN THE FUND CREATED IN SUBSECTION (1)
5 OF THIS SECTION FOR ACTUAL AND NECESSARY EXPENSES THE MEMBER
6 INCURS IN THE PERFORMANCE OF HIS OR HER DUTIES AS A MEMBER OF THE
7 BOARD.

8 (8) (a) IF THE STATE RECEIVES MONEY FROM A SETTLEMENT OR
9 DAMAGE AWARD FROM OPIOID-RELATED LITIGATION, THE DIRECTOR SHALL
10 ORGANIZE AND CALL THE FIRST MEETING OF THE BOARD.

11 (b) THE BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS
12 TO SERVE FOR A TERM NOT TO EXCEED TWO YEARS.

13 (c) THE BOARD SHALL MEET AS NECESSARY TO COMPLETE ITS
14 DUTIES.

15 (9) THE BOARD SHALL:

16 (a) DETERMINE A FORMULA BASED ON POPULATION SIZE,
17 OVERDOSE DEATH RATE, AND TREATMENT NEED TO ENSURE THAT MONEY
18 FROM THE FUND IS AVAILABLE PROPORTIONALLY TO URBAN AREAS OF THE
19 STATE AND RURAL AND FRONTIER AREAS OF THE STATE AS DEFINED IN
20 SECTION 39-22-538;

21 (b) REVIEW THE APPLICATIONS RECEIVED PURSUANT TO THE RULES
22 ADOPTED IN ACCORDANCE WITH SUBSECTION (11) OF THIS SECTION; AND

23 (c) IN AWARDING MONEY, CONSIDER WHETHER THE REQUEST
24 MEETS THE STANDARD SPECIFIED IN SUBSECTION (3) OF THIS SECTION.

25 (10) UPON REQUEST BY THE BOARD, THE OFFICE OF BEHAVIORAL
26 HEALTH SHALL PROVIDE OFFICE SPACE, EQUIPMENT, AND STAFF SERVICES
27 AS MAY BE NECESSARY TO IMPLEMENT THIS SECTION.

1 (11) IF THE STATE RECEIVES MONEY FROM A SETTLEMENT OR
2 DAMAGE AWARD FROM OPIOID-RELATED LITIGATION, THE OFFICE OF
3 BEHAVIORAL HEALTH SHALL PROMULGATE RULES SPECIFYING THE
4 PROCEDURE FOR ENTITIES TO REQUEST MONEY FROM THE BOARD FROM
5 THE OPIOID CRISIS RECOVERY FUND.

6 (12) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR
7 BEFORE JULY 1 OF EACH CALENDAR YEAR FOLLOWING THE YEAR IN WHICH
8 THE BOARD DISPENSES MONEY FROM THE FUND, THE BOARD SHALL REPORT
9 TO THE HEALTH, INSURANCE, AND ENVIRONMENT COMMITTEE OF THE
10 HOUSE OF REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES
11 COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES. THE
12 REPORT MUST INCLUDE EACH ENTITY THAT RECEIVED MONEY FROM THE
13 FUND AND THE AMOUNT OF AND PURPOSE FOR THE MONEY.

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