

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 19-0227.02 Yelana Love x2295

HOUSE BILL 19-1009

HOUSE SPONSORSHIP

Kennedy and Singer,

SENATE SPONSORSHIP

Priola and 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, CREATING STANDARDS FOR RECOVERY**
106 **RESIDENCES FOR PURPOSES OF REFERRALS AND TITLE**
107 **PROTECTION, AND CREATING THE OPIOID CRISIS RECOVERY**
108 **FUNDS ADVISORY COMMITTEE.**

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 (3)(b) and (4)(b); and **add** (4)(e) and (4)(f) 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 - appropriation - report to general assembly**
8 **- definition.** (3) (b) Notwithstanding any other provision of this section,
9 the division, in its discretion, may transfer twenty percent of the balance
10 of ~~moneys~~ THE MONEY in the fund into the housing investment trust fund
11 established in section 24-32-717 (1)(a), which balance is calculated as of
12 July 1 of the state fiscal year in which the money is transferred. For any
13 given state fiscal year, no more than three percent of the ~~moneys~~ MONEY
14 appropriated ~~from~~ TO the fund may be expended for the administrative
15 costs of the division in administering the fund.

16 (4) (b) In conjunction with its other programs to provide
17 assistance in obtaining housing and subject to available appropriations,

1 the division OF HOUSING shall establish a program that provides vouchers
2 and other support services for housing assistance for:

3 (I) ~~a person~~ AN INDIVIDUAL with a mental health disorder,
4 SUBSTANCE USE DISORDER, or co-occurring behavioral health disorder
5 who is transitioning from the department of corrections, the division of
6 youth ~~corrections~~ SERVICES in the department of human services, A
7 MENTAL HEALTH INSTITUTE, A PSYCHIATRIC HOSPITAL, or a county jail
8 into the community; OR

9 (II) AN INDIVIDUAL WHO IS HOMELESS OR IN AN UNSTABLE
10 HOUSING ENVIRONMENT AND IS TRANSITIONING FROM A RESIDENTIAL
11 TREATMENT PROGRAM OR IS ENGAGED IN THE COMMUNITY TRANSITION
12 SPECIALIST PROGRAM CREATED PURSUANT TO SECTION 27-66.5-103.

13 (e) IN ADDITION TO ANY MONEY APPROPRIATED TO THE DIVISION
14 OF HOUSING PURSUANT TO SUBSECTION (4)(d) OF THIS SECTION, FOR THE
15 2019-20 FISCAL YEAR, AND FOR EACH OF THE FOLLOWING FOUR FISCAL
16 YEARS, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE AT
17 LEAST FOUR MILLION THREE HUNDRED THOUSAND DOLLARS FROM THE
18 GENERAL FUND TO THE DIVISION OF HOUSING FOR THE VOUCHER PROGRAM
19 SPECIFIED IN SUBSECTION (4)(b) OF THIS SECTION.

20 (f) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
21 AFFAIRS SHALL REPORT TO THE SENATE COMMITTEE ON HEALTH AND
22 HUMAN SERVICES AND THE HOUSE OF REPRESENTATIVES COMMITTEES ON
23 HEALTH AND INSURANCE AND PUBLIC HEALTH CARE AND HUMAN
24 SERVICES, OR ANY SUCCESSOR COMMITTEES, UNDER THE "STATE
25 MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT
26 (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, ON:

27 (I) THE NUMBER OF PROJECTS FUNDED UNDER THIS SECTION;

1 (II) THE NUMBER OF UNITS IN EACH PROJECT FUNDED UNDER THIS
2 SECTION;

3 (III) THE NUMBER OF QUALIFIED INDIVIDUALS HOUSED AS A
4 RESULT OF THIS SUBSECTION (4); AND

5 (IV) TO THE EXTENT PRACTICABLE, THE NUMBER OF INDIVIDUALS
6 WHO, AFTER RECEIVING A VOUCHER UNDER SUBSECTION (4)(b) OF THIS
7 SECTION, RETURNED TO THE FACILITIES FROM WHICH THE INDIVIDUALS
8 WERE TRANSITIONING.

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

11 **25-1.5-108.5. Regulation of recovery residences - definition.**

12 (1)(a) AS USED IN THIS SECTION, "RECOVERY RESIDENCE", "SOBER LIVING
13 FACILITY", OR "SOBER HOME" MEANS ANY PREMISES, PLACE, OR BUILDING
14 THAT PROVIDES HOUSING ACCOMMODATION FOR INDIVIDUALS WITH A
15 PRIMARY DIAGNOSIS OF A SUBSTANCE USE DISORDER THAT:

16 (I) IS FREE FROM ALCOHOL AND NONPRESCRIBED OR ILLICIT DRUGS;

17 (II) PROMOTES INDEPENDENT LIVING AND LIFE SKILL
18 DEVELOPMENT; AND

19 (III) PROVIDES STRUCTURED ACTIVITIES AND RECOVERY SUPPORT
20 SERVICES THAT ARE PRIMARILY INTENDED TO PROMOTE RECOVERY FROM
21 SUBSTANCE USE DISORDERS.

22 (b) "RECOVERY RESIDENCE" DOES NOT INCLUDE:

23 (I) A PRIVATE RESIDENCE IN WHICH AN INDIVIDUAL RELATED TO
24 THE OWNER OF THE RESIDENCE BY BLOOD, ADOPTION, OR MARRIAGE IS
25 REQUIRED TO ABSTAIN FROM SUBSTANCE USE OR RECEIVE BEHAVIORAL
26 HEALTH SERVICES FOR A SUBSTANCE USE DISORDER AS A CONDITION OF
27 RESIDING IN THE RESIDENCE;

1 (II) THE SUPPORTIVE RESIDENTIAL COMMUNITY FOR INDIVIDUALS
2 WHO ARE HOMELESS OPERATED UNDER SECTION 24-32-724 AT THE FORT
3 LYON PROPERTY FOR THE PURPOSE OF PROVIDING SUBSTANCE ABUSE
4 SUPPORTIVE SERVICES, MEDICAL CARE, JOB TRAINING, AND SKILL
5 DEVELOPMENT FOR THE RESIDENTS; OR

6 (III) A FACILITY APPROVED FOR RESIDENTIAL TREATMENT BY THE
7 OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES.

8 (2) A RECOVERY RESIDENCE MAY ADMIT INDIVIDUALS WHO ARE
9 RECEIVING MEDICATION-ASSISTED TREATMENT, INCLUDING AGONIST
10 TREATMENT, FOR SUBSTANCE USE DISORDERS.

11 (3) EFFECTIVE JANUARY 1, 2020, A PERSON SHALL NOT OPERATE
12 A FACILITY USING THE TERM "RECOVERY RESIDENCE", "SOBER LIVING
13 FACILITY", "SOBER HOME", OR A SUBSTANTIALLY SIMILAR TERM, AND A
14 LICENSED, REGISTERED, OR CERTIFIED HEALTH CARE PROVIDER OR A
15 LICENSED HEALTH FACILITY SHALL NOT REFER AN INDIVIDUAL IN NEED OF
16 RECOVERY SUPPORT SERVICES TO A FACILITY, UNLESS THE FACILITY:

17 (a) IS CERTIFIED BY THE COLORADO ASSOCIATION OF RECOVERY
18 RESIDENCES OR ITS SUCCESSOR ORGANIZATION;

19 (b) IS CHARTERED BY OXFORD HOUSE OR ITS SUCCESSOR
20 ORGANIZATION; OR

21 (c) HAS BEEN OPERATING AS A RECOVERY RESIDENCE IN
22 COLORADO FOR THIRTY OR MORE YEARS AS OF THE EFFECTIVE DATE OF
23 THIS SECTION.

24 (4) A PERSON OR A RECOVERY RESIDENCE OWNER, EMPLOYEE, OR
25 ADMINISTRATOR, OR AN INDIVIDUAL RELATED TO A RECOVERY RESIDENCE
26 OWNER, EMPLOYEE, OR ADMINISTRATOR, SHALL NOT DIRECTLY OR
27 INDIRECTLY:

1 (a) SOLICIT, ACCEPT, OR RECEIVE A COMMISSION, PAYMENT,
2 TRADE, FEE, OR ANYTHING OF MONETARY OR MATERIAL VALUE:

3 (I) FOR ADMISSION OF A RESIDENT, EXCEPT FOR STATE OR FEDERAL
4 CONTRACTS THAT SPECIFICALLY REIMBURSE FOR RESIDENT FEES;

5 (II) FROM A TREATMENT FACILITY THAT IS LICENSED OR CERTIFIED
6 BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE
7 TREATMENT OF SUBSTANCE USE DISORDERS; OR

8 (III) FROM A FACILITY APPROVED FOR RESIDENTIAL TREATMENT
9 BY THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN
10 SERVICES.

11 (b) SOLICIT, ACCEPT, OR RECEIVE A COMMISSION, PAYMENT,
12 TRADE, FEE, OR ANYTHING OF MONETARY OR MATERIAL VALUE FROM A
13 TOXICOLOGY LABORATORY THAT PROVIDES CONFIRMATION TESTING OR
14 POINT-OF-CARE TESTING FOR RESIDENTS.

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

17 **27-82-114. Opioid crisis recovery funds advisory committee -**
18 **creation - membership - purpose.** (1) THERE IS HEREBY CREATED THE
19 OPIOID CRISIS RECOVERY FUNDS ADVISORY COMMITTEE, REFERRED TO IN
20 THIS SECTION AS THE "COMMITTEE", WHICH IS CREATED TO ADVISE AND
21 COLLABORATE WITH THE DEPARTMENT OF LAW ON USES OF ANY
22 CUSTODIAL FUNDS RECEIVED BY THE STATE AS THE RESULT OF
23 OPIOID-ADDICTION-RELATED LITIGATION AND FOR WHICH THE USE OF THE
24 FUNDS IS NOT PREDETERMINED OR COMMITTED BY COURT ORDER OR
25 OTHER ACTION BY A STATE OR FEDERAL COURT OF LAW.

26 (2) (a) THE COMMITTEE CONSISTS OF MEMBERS APPOINTED AS
27 FOLLOWS:

- 1 (I) THIRTEEN MEMBERS APPOINTED BY THE GOVERNOR,
2 INCLUDING:
- 3 (A) ONE MEMBER LICENSED TO PRACTICE MEDICINE PURSUANT TO
4 ARTICLE 36 OF TITLE 12;
- 5 (B) ONE MEMBER LICENSED TO PRACTICE PHARMACY PURSUANT
6 TO ARTICLE 42.5 OF TITLE 12;
- 7 (C) ONE MEMBER LICENSED TO PRACTICE AS A NURSE PURSUANT
8 TO ARTICLE 38 OF TITLE 12;
- 9 (D) ONE MEMBER LICENSED AS A DENTIST PURSUANT TO ARTICLE
10 35 OF TITLE 12;
- 11 (E) ONE MEMBER LICENSED AS A VETERINARIAN PURSUANT TO
12 ARTICLE 64 OF TITLE 12;
- 13 (F) ONE MEMBER LICENSED AS A PHYSICAL THERAPIST PURSUANT
14 TO ARTICLE 41 OF TITLE 12;
- 15 (G) ONE MEMBER REPRESENTING A LOCAL PUBLIC HEALTH
16 AGENCY;
- 17 (H) ONE MEMBER WHO HAS BEEN AFFECTED BY THE OPIOID CRISIS;
- 18 (I) ONE FAMILY MEMBER OF A PERSON WHO HAS BEEN AFFECTED
19 BY THE OPIOID CRISIS;
- 20 (J) ONE MEMBER REPRESENTING AN ADVOCACY ORGANIZATION
21 FOR PEOPLE WITH SUBSTANCE USE DISORDERS;
- 22 (K) TWO MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY
23 STATEWIDE ORGANIZATIONS REPRESENTING COUNTIES, WITH ONE MEMBER
24 REPRESENTING THE WESTERN SLOPE AND ONE MEMBER REPRESENTING THE
25 EASTERN PART OF THE STATE; AND
- 26 (L) ONE MEMBER FROM AN ASSOCIATION THAT REPRESENTS
27 BEHAVIORAL HEALTH PROVIDERS;

1 (II) TWO MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF
2 THE DEPARTMENT OF HUMAN SERVICES, ONE OF WHOM MUST REPRESENT
3 AN ASSOCIATION OF SUBSTANCE USE PROVIDERS;

4 (III) TWO MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF
5 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, ONE OF WHOM
6 IS A PAIN MANAGEMENT PATIENT;

7 (IV) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF
8 THE DEPARTMENT OF REGULATORY AGENCIES;

9 (V) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
10 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING;

11 (VI) ONE MEMBER FROM THE STATE SUBSTANCE ABUSE TREND
12 AND RESPONSE TASK FORCE, CREATED IN SECTION 18-18.5-103, APPOINTED
13 BY THE ATTORNEY GENERAL;

14 (VII) ONE MEMBER FROM THE CENTER FOR RESEARCH INTO
15 SUBSTANCE USE DISORDER PREVENTION, TREATMENT, AND RECOVERY
16 SUPPORT STRATEGIES, CREATED IN SECTION 27-80-118 (3), APPOINTED BY
17 THE DIRECTOR OF THE CENTER;

18 (VIII) ONE MEMBER FROM EACH SAFETY NET HOSPITAL THAT
19 PROVIDES ADDICTION SERVICES, APPOINTED BY THE HOSPITAL;

20 (IX) ONE MEMBER FROM THE COLORADO DISTRICT ATTORNEYS'
21 COUNCIL, OR ANY SUCCESSOR ORGANIZATION, APPOINTED BY ITS
22 EXECUTIVE DIRECTOR;

23 (X) TWO MEMBERS REPRESENTING LAW ENFORCEMENT AGENCIES,
24 ONE OF WHOM IS APPOINTED BY THE COLORADO ASSOCIATION OF CHIEFS
25 OF POLICE, OR ANY SUCCESSOR ORGANIZATION, AND ONE OF WHOM IS
26 APPOINTED BY THE COUNTY SHERIFFS OF COLORADO, OR ANY SUCCESSOR
27 ORGANIZATION; AND

1 (XI) ONE MEMBER REPRESENTING THE COLORADO MUNICIPAL
2 LEAGUE, OR ANY SUCCESSOR ORGANIZATION, APPOINTED BY THE
3 PRESIDENT OF THE EXECUTIVE BOARD OF THE COLORADO MUNICIPAL
4 LEAGUE OR THE PRESIDENT'S DESIGNEE.

5 (b) THE ATTORNEY GENERAL SHALL NOTIFY THE APPOINTING
6 AUTHORITIES IF THE STATE RECEIVES A SETTLEMENT OR DAMAGE AWARD
7 FOR WHICH THE USE OF THE CUSTODIAL FUNDS IS NOT PREDETERMINED OR
8 COMMITTED BY COURT ORDER OR OTHER ACTION BY A STATE OR FEDERAL
9 COURT OF LAW. THE APPOINTING AUTHORITIES SHALL MAKE THEIR INITIAL
10 APPOINTMENTS TO THE COMMITTEE NO LATER THAN NINETY DAYS AFTER
11 RECEIVING THE NOTICE.

12 (3) EACH MEMBER OF THE COMMITTEE WHO IS APPOINTED
13 PURSUANT TO SUBSECTION (2) OF THIS SECTION SERVES AT THE PLEASURE
14 OF THE APPOINTING AUTHORITY THAT APPOINTED THE MEMBER. A
15 VACANCY SHALL BE FILLED IN THE SAME MANNER AS THE INITIAL
16 APPOINTMENT.

17 (4) IF THE STATE RECEIVES CUSTODIAL FUNDS FROM A
18 SETTLEMENT OR DAMAGE AWARD FROM OPIOID-ADDICTION-RELATED
19 LITIGATION AND THE USE OF THE FUNDS IS NOT PREDETERMINED OR
20 COMMITTED BY COURT ORDER OR OTHER ACTION BY A STATE OR FEDERAL
21 COURT OF LAW, THE ATTORNEY GENERAL SHALL CONVENE AND CALL A
22 MEETING OF THE COMMITTEE, AND ANY SUBSEQUENT MEETINGS AS
23 NECESSARY, TO SEEK INPUT AND RECOMMENDATIONS FROM THE
24 COMMITTEE ON THE PROPER EXPENDITURE OF THE FUNDS RECEIVED.

25 (5) (a) EACH MEMBER OF THE COMMITTEE SHALL MAINTAIN
26 CONFIDENTIALITY THROUGHOUT THE PROCESS OF DETERMINING THE
27 PROPER EXPENDITURE OF CUSTODIAL FUNDS. MEMBERS SHALL NOT

1 DISCLOSE THE CONTENTS OF ANY REQUESTS FOR FUNDING WITH ANYONE
2 OUTSIDE OF THE COMMITTEE.

3 (b) EACH COMMITTEE MEMBER SHALL AFFIRM THAT THE MEMBER
4 DOES NOT HAVE A PERSONAL OR FINANCIAL INTEREST REGARDING ANY
5 ORGANIZATION THAT MAY REQUEST FUNDING. MEMBERS SHALL DISCLOSE
6 ALL POTENTIAL CONFLICT OF INTEREST SITUATIONS TO THE ATTORNEY
7 GENERAL BEFORE REVIEWING FUNDING REQUESTS.

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