

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 19-0364.01 Conrad Imel x2313

SENATE BILL 19-219

SENATE SPONSORSHIP

Pettersen,

HOUSE SPONSORSHIP

Gonzales-Gutierrez,

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE "COLORADO LICENSING OF**
102 **CONTROLLED SUBSTANCES ACT", AND, IN CONNECTION**
103 **THEREWITH, IMPLEMENTING THE RECOMMENDATIONS**
104 **CONTAINED IN THE 2018 SUNSET REPORT BY THE DEPARTMENT**
105 **OF REGULATORY AGENCIES.**

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/>.)

Sunset Process - Senate Health and Human Services Committee. Sections 1 and 3 of the bill continue the "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.

SENATE
Amended 2nd Reading
April 12, 2019

Licensing of Controlled Substances Act" (act) until 2026. **Sections 2 to 8** repeal references to research as a regulated activity in the act. **Section 6** requires the department of human services (department) to develop and implement a formal, simple, accurate, and objective system to track and categorize complaints and disciplinary actions. **Section 9** directs the department to develop a secure online central registry for licensees to submit information to the department.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (17)(a)(XI); and **add** (27)(a)(VIII) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (17) (a) The following agencies, functions, or both,
7 are scheduled for repeal on September 1, 2019:

8 ~~(XI) The record-keeping and licensing functions of the department~~
9 ~~of human services relating to substance use disorder treatment programs~~
10 ~~under which controlled substances are compounded, administered, or~~
11 ~~dispensed in accordance with part 2 of article 80 of title 27;~~

12 (27) (a) The following agencies, functions, or both, are scheduled
13 for repeal on September 1, 2026:

14 (VIII) THE RECORD-KEEPING, LICENSING, AND CENTRAL REGISTRY
15 FUNCTIONS OF THE DEPARTMENT OF HUMAN SERVICES RELATING TO
16 SUBSTANCE USE DISORDER TREATMENT PROGRAMS UNDER WHICH
17 CONTROLLED SUBSTANCES ARE COMPOUNDED, ADMINISTERED, OR
18 DISPENSED IN ACCORDANCE WITH PART 2 OF ARTICLE 80 OF TITLE 27;

19 **SECTION 2.** In Colorado Revised Statutes, 27-80-203, **amend**
20 (3), (6)(a)(II), and (23.5); repeal (23); and add (16.5) as follows:

21 **27-80-203. Definitions.** As used in this part 2, unless the context
22 otherwise requires:

1 (3) "Administer" means to apply a controlled substance, whether
2 by injection, inhalation, ingestion, or any other means, directly to the
3 body of a patient. ~~or research subject.~~

4 (6) (a) "Compound" means to prepare, mix, assemble, package, or
5 label a drug or device:

6 (II) For the purpose of, or as an incident to, ~~research~~, teaching or
7 chemical analysis and not for sale or dispensing.

8 (16.5) "OPIOID TREATMENT PROGRAM" MEANS A TREATMENT
9 PROGRAM LICENSED PURSUANT TO THIS PART 2 AND CERTIFIED AS AN
10 OPIOID TREATMENT PROGRAM BY THE FEDERAL SUBSTANCE ABUSE AND
11 MENTAL HEALTH SERVICES ADMINISTRATION PURSUANT TO THE RULES OF
12 THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE
13 FEDERAL DRUG ENFORCEMENT ADMINISTRATION, TO PROVIDE
14 MEDICATION-ASSISTED TREATMENT FOR PEOPLE DIAGNOSED WITH AN
15 OPIOID-USE DISORDER.

16 (23) "~~Researcher~~" ~~means any person licensed by the department~~
17 ~~pursuant to this part 2 to experiment with, study, or test any controlled~~
18 ~~substance within this state and includes analytical laboratories.~~

19 (23.5) "Substance use disorder treatment program" means a
20 program licensed pursuant to this part 2 for the detoxification,
21 withdrawal, or maintenance treatment of a person with a substance use
22 disorder. "SUBSTANCE USE DISORDER TREATMENT PROGRAM" INCLUDES
23 AN OPIOID TREATMENT PROGRAM.

24 **SECTION 3.** In Colorado Revised Statutes, 27-80-204, **amend**
25 (1)(b)(I) and (2); and **repeal** (5) as follows:

26 **27-80-204. License required - controlled substances - repeal.**

27 (1) (b) (I) This subsection (1) is repealed, effective ~~September 1, 2019~~

1 SEPTEMBER 1, 2026.

2 (2) Persons licensed as required under this part 2, or otherwise
3 licensed as required by federal law, may possess, distribute, dispense, OR
4 administer ~~or conduct or do research with~~ controlled substances only to
5 the extent authorized by their licenses and in conformity with the
6 provisions of this part 2 and with article 18 of title 18. ~~C.R.S.~~

7 (5) ~~The department shall not issue a license under this part 2 to a~~
8 ~~researcher of marijuana or marijuana concentrate.~~

9 **SECTION 4.** In Colorado Revised Statutes, 27-80-205, **amend**
10 (1) introductory portion; and **repeal** (3)(a) as follows:

11 **27-80-205. Issuance of license - fees.** (1) The department, as
12 provided in section 27-80-204 (1), shall issue the appropriate license to
13 each ~~researcher and~~ substance use disorder treatment program meeting all
14 the requirements of this part 2 unless it determines that the issuance of the
15 license would be inconsistent with the public interest. In determining the
16 public interest, the department shall consider the following factors:

17 (3) (a) ~~The initial and annual license fees are as follows:~~

18 ~~(I) Repealed:~~

19 ~~(H) Researchers \$25.00~~

20 **SECTION 5.** In Colorado Revised Statutes, 27-80-207, **repeal** (2)
21 as follows:

22 **27-80-207. Qualifications for license.** (2) ~~Any person registered~~
23 ~~as a researcher by the federal government is presumed to possess the~~
24 ~~qualifications described in this section as long as his or her federal~~
25 ~~registration is valid.~~

26 **SECTION 6.** In Colorado Revised Statutes, 27-80-208, **amend**
27 (1) introductory portion and (1)(c); and **add** (5) as follows:

1 **27-80-208. Denial, revocation, or suspension of license - other**
2 **disciplinary actions - notice - repeal.** (1) The department may deny,
3 suspend, or revoke a license issued under this part 2 pursuant to article 4
4 of title 24, ~~C.R.S.~~, or take other disciplinary action as set forth in
5 subsection (2.5) of this section, at the department's discretion, upon a
6 finding that the licensee:

7 (c) Has had his or her federal registration to manufacture, ~~conduct~~
8 ~~research on~~, distribute, or dispense a controlled substance suspended or
9 revoked; or

10 (5) (a) ON OR BEFORE JULY 1, 2020, THE DEPARTMENT SHALL
11 DEVELOP AND IMPLEMENT A FORMAL, SIMPLE, ACCURATE, AND OBJECTIVE
12 SYSTEM TO TRACK AND CATEGORIZE COMPLAINTS MADE AGAINST A
13 LICENSEE AND DISCIPLINARY ACTION TAKEN PURSUANT TO THIS PART 2.

14 (b) (I) THE EXECUTIVE DIRECTOR SHALL NOTIFY IN WRITING THE
15 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE
16 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
17 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, OF THE DATE ON
18 WHICH THE DEPARTMENT HAS IMPLEMENTED THE SYSTEM DESCRIBED IN
19 SUBSECTION (5)(a) OF THIS SECTION.

20 (II) THIS SUBSECTION (5)(b) IS REPEALED, EFFECTIVE JULY 1, 2021.

21 **SECTION 7.** In Colorado Revised Statutes, 27-80-211, **amend**
22 (2)(b) as follows:

23 **27-80-211. Enforcement and cooperation.** (2) The department
24 shall cooperate with all agencies charged with the enforcement of the
25 laws of this state, all other states, and the United States relating to
26 controlled substances. To this end, the department shall:

27 (b) Cooperate with the bureau and with local, state, and other

1 federal agencies by maintaining a centralized unit to accept, catalogue,
2 file, and collect statistics, including records of dependent and other
3 controlled substance law offenders within the state, and make the
4 information available for federal, state, and local law enforcement or
5 regulatory purposes. The department shall not furnish the name or identity
6 of a patient ~~or research subject~~ whose identity could not be obtained
7 under section 27-80-212.

8 **SECTION 8.** In Colorado Revised Statutes, 27-80-213, **amend**
9 (2); and add (3) as follows:

10 **27-80-213. Rules - policies.** (2) The department shall promulgate
11 rules, in accordance with article 4 of title 24, ~~for research programs and~~
12 for the conduct of detoxification treatment, maintenance treatment, and
13 withdrawal treatment programs for substance use disorders related to
14 controlled substances.

15 (3) THE DEPARTMENT SHALL DEVELOP A POLICY THAT SEPARATES
16 THE ADMINISTRATION OF THIS PART 2 FROM THE ADMINISTRATION OF
17 ARTICLE 81 OF THIS TITLE 27. THE POLICY MUST ENSURE THAT THE
18 DEPARTMENT'S PERFORMANCE OF ITS DUTIES PURSUANT TO THIS PART 2
19 DOES NOT INTERFERE WITH THE PERFORMANCE OF ITS DUTIES AS REQUIRED
20 BY ARTICLE 81 OF THIS TITLE 27.

21 **SECTION 9.** In Colorado Revised Statutes, **add** 27-80-215 as
22 follows:

23 **27-80-215. Central registry - registration required - notice -**
24 **repeal.** (1) (a) ON OR BEFORE JULY 1, 2020, THE DEPARTMENT SHALL
25 DEVELOP OR PROCURE A SECURE ONLINE CENTRAL REGISTRY, REFERRED
26 TO IN THIS SECTION AS THE "REGISTRY", TO REGISTER PATIENTS TREATED
27 IN A SUBSTANCE USE DISORDER TREATMENT PROGRAM.

1 (b) THE DEPARTMENT SHALL OPERATE AND MAINTAIN THE
2 REGISTRY OR ENTER INTO AN AGREEMENT WITH A THIRD PARTY TO
3 OPERATE AND MAINTAIN THE REGISTRY ON ITS BEHALF.

4 (c) EACH OPIOID TREATMENT PROGRAM SHALL REGISTER AND
5 MAINTAIN AN ACCOUNT WITH THE REGISTRY.

6 (d) (I) THE EXECUTIVE DIRECTOR SHALL NOTIFY IN WRITING THE
7 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE
8 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
9 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, OF THE DATE ON
10 WHICH THE DEPARTMENT HAS IMPLEMENTED THE REGISTRY DESCRIBED IN
11 SUBSECTION (1)(a) OF THIS SECTION.

12 (II) THIS SUBSECTION (1)(d) IS REPEALED, EFFECTIVE JULY 1, 2021.

13 (2) (a) (I) IN ORDER TO PREVENT SIMULTANEOUS ENROLLMENT OF
14 A PATIENT IN MORE THAN ONE OPIOID TREATMENT PROGRAM, EACH OPIOID
15 TREATMENT PROGRAM SHALL FULLY PARTICIPATE IN THE REGISTRY,
16 INCLUDING SUBMITTING A QUERY TO THE REGISTRY FOR EACH PATIENT
17 AND ENTERING IN PATIENT INFORMATION AS REQUIRED BY THIS PART 2
18 AND DEPARTMENT RULE.

19 (II) FOR EACH PATIENT, THE ENTRY INTO THE REGISTRY MUST
20 INCLUDE THE PATIENT'S NAME, THE OPIOID TREATMENT PROGRAM
21 PROVIDING TREATMENT TO THE PATIENT, AND ANY INFORMATION THE
22 DEPARTMENT DEEMS NECESSARY TO FURTHER THE GOALS OF THIS PART 2.

23 (III) ANY PERSON SEEKING TREATMENT FROM A OPIOID
24 TREATMENT PROGRAM MUST PROVIDE THE PROGRAM WITH ANY
25 INFORMATION REQUIRED BY THIS SECTION AND AUTHORIZE THE PROGRAM
26 TO QUERY THE REGISTRY. A PROGRAM MAY NOT QUERY OR ENTER ANY
27 INFORMATION INTO THE REGISTRY WITHOUT AUTHORIZATION FROM THE

1 PATIENT.

2 (b) THE DEPARTMENT SHALL ESTABLISH THE METHOD FOR OPIOID
3 TREATMENT PROGRAMS TO ENTER INFORMATION INTO THE REGISTRY AND
4 QUERY THE REGISTRY FOR INFORMATION CONCERNING PROSPECTIVE
5 PATIENTS.

6 (3) (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026.

7 (b) PRIOR TO THE REPEAL, THE DEPARTMENT OF REGULATORY
8 AGENCIES SHALL REVIEW THE REGISTRATION FUNCTIONS OF THE
9 DEPARTMENT AS PROVIDED IN SECTION 24-34-104.

10 **SECTION 10. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2020 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.