

**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. 19-0438.02 Yelana Love x2295

SENATE BILL 19-227

SENATE SPONSORSHIP

Pettersen and Gonzales,

HOUSE SPONSORSHIP

Kennedy and Herod,

Senate Committees

Health & Human Services
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REDUCTION OF HARM CAUSED BY SUBSTANCE USE**
102 **DISORDERS, AND, IN CONNECTION THEREWITH, AUTHORIZING**
103 **SCHOOLS TO OBTAIN A SUPPLY OF OPIATE ANTAGONISTS;**
104 **SPECIFYING THAT A LICENSED OR CERTIFIED HOSPITAL MAY BE**
105 **USED AS A CLEAN SYRINGE EXCHANGE SITE; CREATING THE**
106 **OPIATE ANTAGONIST PURCHASE FUND; EXPANDING THE**
107 **HOUSEHOLD MEDICATION TAKE-BACK PROGRAM IN THE**
108 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;**
109 **REQUIRING A PERSON THAT MAKES AN AUTOMATED EXTERNAL**
110 **DEFIBRILLATOR AVAILABLE TO THE PUBLIC TO ALSO MAKE AN**
111 **OPIATE ANTAGONIST AVAILABLE; REQUIRING THE DEPARTMENT**
112 **OF HUMAN SERVICES TO CREATE A POLICY CONCERNING THE**
113 **IDENTIFICATION OF CERTAIN INDIVIDUALS WITH A SUBSTANCE**

*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.*

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>.)

The bill:

- ! Allows school districts and nonpublic schools to develop policies by which schools are authorized to obtain a supply of opiate antagonists and school employees are trained to administer opiate antagonists to individuals at risk of experiencing a drug overdose (**sections 1 through 7** of the bill);
- ! Specifies that a licensed or certified hospital may be used as a clean syringe exchange site (**section 8**);
- ! Creates the opiate antagonist bulk purchase fund to facilitate bulk purchasing of opiate antagonists at a discounted price (**section 9**);
- ! Expands the household medication take-back program in the department of public health and environment for the purpose of allowing the safe collection and disposal of needles, syringes, and other devices used to inject medication (**section 10**);
- ! Requires a person or entity that makes an automated external defibrillator available to the public to also make an opiate antagonist available to the public (**sections 2 through 7 and 11**);
- ! Requires the department of human services to make mobile response units available for the purpose of providing medication-assisted treatment in jails and department of corrections facilities and community-based opiate antagonist training (**section 12**);
- ! Prohibits the office of behavior health in the department of human services from penalizing a facility that initiates an individual into medication-assisted treatment who does not have documentation verifying identification. To continue treatment, the individual has 6 weeks to provide the required documentation (**section 13**); and
- ! Makes conforming amendments necessary to harmonize the bill with the title 12 recodification bill, House Bill 19-1172 (**sections 14 and 15**).

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-1-119.1 as
3 follows:

4 **22-1-119.1. Policy for employee and agent possession and**
5 **administration of opiate antagonists - definitions.** (1) A SCHOOL
6 DISTRICT BOARD OF EDUCATION OF A PUBLIC SCHOOL, THE STATE CHARTER
7 SCHOOL INSTITUTE FOR AN INSTITUTE CHARTER SCHOOL, OR THE
8 GOVERNING BOARD OF A NONPUBLIC SCHOOL MAY ADOPT AND IMPLEMENT
9 A POLICY WHEREBY:

10 (a) A SCHOOL UNDER ITS JURISDICTION MAY ACQUIRE AND
11 MAINTAIN A STOCK SUPPLY OF OPIATE ANTAGONISTS; AND

12 (b) AN EMPLOYEE OR AGENT OF THE SCHOOL MAY, AFTER
13 RECEIVING APPROPRIATE TRAINING, ADMINISTER AN OPIATE ANTAGONIST
14 ON SCHOOL GROUNDS TO ASSIST AN INDIVIDUAL WHO IS AT RISK OF
15 EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT. THE
16 TRAINING PROVIDED PURSUANT TO THIS SUBSECTION (1)(b) MUST INCLUDE
17 RISK FACTORS FOR OVERDOSE, RECOGNIZING AN OVERDOSE, CALLING
18 EMERGENCY MEDICAL SERVICES, RESCUE BREATHING, AND ADMINISTERING
19 AN OPIATE ANTAGONIST.

20 (2) AN EMPLOYEE OR AGENT OF A SCHOOL ACTING IN ACCORDANCE
21 WITH A POLICY ADOPTED PURSUANT TO THIS SECTION IS NOT SUBJECT TO
22 CIVIL LIABILITY OR CRIMINAL PROSECUTION, AS SPECIFIED IN SECTIONS
23 13-21-108.7 (3) AND 18-1-712 (2), RESPECTIVELY.

24 (3) AS USED IN THIS SECTION:

25 (a) "OPIATE ANTAGONIST" MEANS NALOXONE HYDROCHLORIDE OR
26 ANY SIMILARLY ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE

1 AND THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG
2 ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE.

3 (b) "OPIATE-RELATED DRUG OVERDOSE EVENT" MEANS AN ACUTE
4 CONDITION, INCLUDING A DECREASED LEVEL OF CONSCIOUSNESS OR
5 RESPIRATORY DEPRESSION, THAT:

6 (I) RESULTS FROM THE CONSUMPTION OR USE OF A CONTROLLED
7 SUBSTANCE OR ANOTHER SUBSTANCE WITH WHICH A CONTROLLED
8 SUBSTANCE WAS COMBINED;

9 (II) A LAYPERSON WOULD REASONABLY BELIEVE TO BE CAUSED BY
10 AN OPIATE-RELATED DRUG OVERDOSE EVENT; AND

11 (III) REQUIRES MEDICAL ASSISTANCE.

12 **SECTION 2.** In Colorado Revised Statutes, 12-36-117.7, **amend**
13 (1) introductory portion, (1)(c), (1)(d), and (3)(c); and **add** (1)(e), (1)(f),
14 and (6)(f.5) as follows:

15 **12-36-117.7. Prescribing opiate antagonists - definitions.** (1) A
16 physician or physician assistant licensed pursuant to this ~~article~~ ARTICLE
17 36 may prescribe or dispense, directly or in accordance with standing
18 orders and protocols, an opiate antagonist to:

19 (c) An employee or volunteer of a harm reduction organization;

20 ~~or~~

21 (d) A LAW ENFORCEMENT AGENCY OR first responder;

22 (e) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A
23 SCHOOL; OR

24 (f) A PERSON DESCRIBED IN SECTION 25-20.5-901.

25 (3) A licensed physician or physician assistant does not engage in
26 unprofessional conduct pursuant to section 12-36-117 if the physician or
27 physician assistant issues standing orders and protocols regarding opiate

1 antagonists or prescribes or dispenses an opiate antagonist in a good-faith
2 effort to assist:

3 ~~(c) A first responder or an employee or volunteer of a harm~~
4 ~~reduction organization~~ THE FOLLOWING PERSONS in responding to,
5 treating, or otherwise assisting an individual who is experiencing or is at
6 risk of experiencing an opiate-related drug overdose event or a friend,
7 family member, or other person in a position to assist an at-risk
8 individual:

9 (I) A LAW ENFORCEMENT AGENCY OR FIRST RESPONDER;

10 (II) AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION
11 ORGANIZATION;

12 (III) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A
13 SCHOOL; OR

14 (IV) A PERSON DESCRIBED IN SECTION 25-20.5-901.

15 (6) As used in this section:

16 (f.5) "SCHOOL" MEANS AN ELEMENTARY OR SECONDARY PUBLIC
17 OR NONPUBLIC SCHOOL WHOSE GOVERNING AUTHORITY HAS ADOPTED AND
18 IMPLEMENTED A POLICY PURSUANT TO SECTION 22-1-119.1.

19 **SECTION 3.** In Colorado Revised Statutes, 12-38-125.5, **amend**
20 (1)(c), (1)(d), and (3)(c); and **add** (1)(e), (1)(f), and (6)(f.5) as follows:

21 **12-38-125.5. Prescribing opiate antagonists - definitions.**

22 (1) An advanced practice nurse with prescriptive authority pursuant to
23 section 12-38-111.6 may prescribe or dispense, directly or in accordance
24 with standing orders and protocols, an opiate antagonist to:

25 (c) An employee or volunteer of a harm reduction organization;

26 **or**

27 (d) A LAW ENFORCEMENT AGENCY OR first responder;

1 (e) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A
2 SCHOOL; OR

3 (f) A PERSON DESCRIBED IN SECTION 25-20.5-901.

4 (3) An advanced practice nurse with prescriptive authority does
5 not engage in conduct that is grounds for discipline pursuant to section
6 12-38-117 if the advanced practice nurse issues standing orders and
7 protocols regarding opiate antagonists or prescribes or dispenses an opiate
8 antagonist in a good-faith effort to assist:

9 ~~(c) A first responder or an employee or volunteer of a harm~~
10 ~~reduction organization~~ THE FOLLOWING PERSONS in responding to,
11 treating, or otherwise assisting an individual who is experiencing or is at
12 risk of experiencing an opiate-related drug overdose event or a friend,
13 family member, or other person in a position to assist an at-risk
14 individual:

15 (I) A LAW ENFORCEMENT AGENCY OR FIRST RESPONDER;

16 (II) AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION
17 ORGANIZATION;

18 (III) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A
19 SCHOOL; OR

20 (IV) A PERSON DESCRIBED IN SECTION 25-20.5-901.

21 (6) As used in this section:

22 (f.5) "SCHOOL" MEANS AN ELEMENTARY OR SECONDARY PUBLIC
23 OR NONPUBLIC SCHOOL WHOSE GOVERNING AUTHORITY HAS ADOPTED AND
24 IMPLEMENTED A POLICY PURSUANT TO SECTION 22-1-119.1.

25 **SECTION 4.** In Colorado Revised Statutes, 12-42.5-105, **amend**
26 (2) as follows:

27 **12-42.5-105. Rules.** (2) On or before January 1, 2016 2020, the

1 board shall adopt or amend rules as necessary to permit the dispensing of
2 an opiate antagonist in accordance with section 12-42.5-120 (3).

3 **SECTION 5.** In Colorado Revised Statutes, 12-42.5-120, **amend**
4 (3)(a)(III), (3)(a)(IV), (3)(c)(I)(C), (3)(d)(I) introductory portion, and
5 (3)(d)(III); and **add** (3)(a)(V), (3)(a)(VI), and (3)(e)(VI.5) as follows:

6 **12-42.5-120. Prescription required - exception - dispensing**
7 **opiate antagonists - definitions.** (3) (a) A pharmacist may dispense,
8 pursuant to an order or standing orders and protocols, an opiate antagonist
9 to:

10 (III) An employee or volunteer of a harm reduction organization;

11 ~~or~~

12 (IV) A LAW ENFORCEMENT AGENCY OR first responder;

13 (V) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A
14 SCHOOL; OR

15 (VI) A PERSON DESCRIBED IN SECTION 25-20.5-901.

16 (c) (I) A pharmacist does not engage in unprofessional conduct
17 pursuant to section 12-42.5-123 if the pharmacist dispenses, pursuant to
18 an order or standing orders and protocols, an opiate antagonist in a
19 good-faith effort to assist:

20 (C) ~~A first responder or an employee or volunteer of a harm~~
21 ~~reduction organization~~ THE FOLLOWING PERSONS in responding to,
22 treating, or otherwise assisting an individual who is experiencing or is at
23 risk of experiencing an opiate-related drug overdose event or a friend,
24 family member, or other person in a position to assist an at-risk
25 individual: A LAW ENFORCEMENT AGENCY OR FIRST RESPONDER; AN
26 EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION ORGANIZATION; A
27 SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR A

1 PERSON DESCRIBED IN SECTION 25-20.5-901.

2 (d) (I) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an
3 employee or volunteer of a harm reduction organization; A SCHOOL
4 DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR A PERSON
5 DESCRIBED IN SECTION 25-20.5-901 may, pursuant to an order or standing
6 orders and protocols:

7 (III) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an
8 employee or volunteer of a harm reduction organization; A SCHOOL
9 DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR A PERSON
10 DESCRIBED IN SECTION 25-20.5-901 acting in accordance with this
11 ~~paragraph (d)~~ SUBSECTION (3)(d) is not subject to civil liability or
12 criminal prosecution, as specified in sections 13-21-108.7 (3) and
13 18-1-712 (2), ~~C.R.S.~~, respectively.

14 (e) As used in this section:

15 (VI.5) "SCHOOL" MEANS AN ELEMENTARY OR SECONDARY PUBLIC
16 OR NONPUBLIC SCHOOL WHOSE GOVERNING AUTHORITY HAS ADOPTED AND
17 IMPLEMENTED A POLICY PURSUANT TO SECTION 22-1-119.1.

18 **SECTION 6.** In Colorado Revised Statutes, 13-21-108.7, **amend**
19 (3) as follows:

20 **13-21-108.7. Persons rendering emergency assistance through**
21 **the administration of an opiate antagonist - limited immunity -**
22 **legislative declaration - definitions. (3) General immunity. (a) A**
23 person, other than a health care provider or a health care facility, who acts
24 in good faith to furnish or administer an opiate antagonist to an individual
25 the person believes to be suffering an opiate-related drug overdose event
26 or to an individual who is in a position to assist the individual at risk of
27 experiencing an opiate-related overdose event is not liable for any civil

1 damages for acts or omissions made as a result of the act OR FOR ANY ACT
2 OR OMISSION MADE IF THE OPIATE ANTAGONIST IS STOLEN.

3 (b) This subsection (3) also applies to:

4 (I) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an
5 employee or volunteer of a harm reduction organization; OR A SCHOOL
6 DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL acting in
7 accordance with section 12-42.5-120 (3)(d) ~~C.R.S.~~ AND, AS APPLICABLE,
8 SECTION 22-1-119.1; AND

9 (II) A PERSON WHO ACTS IN GOOD FAITH TO FURNISH OR
10 ADMINISTER AN OPIATE ANTAGONIST IN ACCORDANCE WITH SECTION
11 25-20.5-901.

12 **SECTION 7.** In Colorado Revised Statutes, 18-1-712, **amend** (2)
13 as follows:

14 **18-1-712. Immunity for a person who administers an opiate**
15 **antagonist during an opiate-related drug overdose event - definitions.**

16 (2) **General immunity.** (a) A person, other than a health care provider
17 or a health care facility, who acts in good faith to furnish or administer an
18 opiate antagonist to an individual the person believes to be suffering an
19 opiate-related drug overdose event or to an individual who is in a position
20 to assist the individual at risk of experiencing an opiate-related overdose
21 event is immune from criminal prosecution for the act OR FOR ANY ACT OR
22 OMISSION MADE IF THE OPIATE ANTAGONIST IS STOLEN.

23 (b) This subsection (2) also applies to:

24 (I) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an
25 employee or volunteer of a harm reduction organization; OR A SCHOOL
26 DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL acting in
27 accordance with section 12-42.5-120 (3)(d) ~~C.R.S.~~ AND, AS APPLICABLE,

1 SECTION 22-1-119.1; AND

2 (II) A PERSON WHO ACTS IN GOOD FAITH TO FURNISH OR
3 ADMINISTER AN OPIATE ANTAGONIST IN ACCORDANCE WITH SECTION
4 25-20.5-901.

5 **SECTION 8.** In Colorado Revised Statutes, 18-18-426, **amend**
6 **(1) introductory portion and (2); and repeal (1)(a) as follows:**

7 **18-18-426. Drug paraphernalia - definitions.** As used in
8 sections 18-18-425 to 18-18-430, unless the context otherwise requires:

9 (1) "Drug paraphernalia" means all equipment, products, and
10 materials of any kind ~~which~~ THAT are used, intended for use, or designed
11 for use in planting, propagating, cultivating, growing, harvesting,
12 manufacturing, compounding, converting, producing, processing,
13 preparing, testing, analyzing, packaging, repackaging, storing, containing,
14 concealing, injecting, ingesting, inhaling, or otherwise introducing into
15 the human body a controlled substance in violation of the laws of this
16 state. "Drug paraphernalia" includes, but is not limited to:

17 (a) Testing equipment used, intended for use, or designed for use
18 in identifying or in analyzing the strength, effectiveness, or purity of
19 controlled substances under circumstances in violation of the laws of this
20 state;

21 (2) "Drug paraphernalia" does not include:

22 (a) Any marijuana accessories as defined in section 16 (2)(g) of
23 article XVIII of the state constitution; OR

24 (b) TESTING EQUIPMENT USED, INTENDED FOR USE, OR DESIGNED
25 FOR USE IN IDENTIFYING OR IN ANALYZING THE STRENGTH,
26 EFFECTIVENESS, OR PURITY OF CONTROLLED SUBSTANCES.

27 **SECTION 9.** In Colorado Revised Statutes, 25-1-520, **add (2.5)**

1 as follows:

2 **25-1-520. Clean syringe exchange programs - approval -**
3 **reporting requirements.** (2.5) A PROGRAM DEVELOPED PURSUANT TO
4 THIS SECTION MAY BE OPERATED IN A HOSPITAL LICENSED OR CERTIFIED
5 BY THE STATE DEPARTMENT PURSUANT TO SECTION 25-1.5-103 (1)(a).

6 **SECTION 10.** In Colorado Revised Statutes, **add** 25-1.5-114 as
7 follows:

8 **25-1.5-114. Opiate antagonist bulk purchase fund - creation**
9 **- definition - rules - report.** (1) (a) THE OPIATE ANTAGONIST BULK
10 PURCHASE FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY
11 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF PAYMENTS
12 MADE TO THE DEPARTMENT BY PARTICIPATING ELIGIBLE ENTITIES FOR THE
13 PURCHASE OF OPIATE ANTAGONISTS; GIFTS, GRANTS, AND DONATIONS
14 CREDITED TO THE FUND PURSUANT TO SUBSECTION (1)(b) OF THIS
15 SECTION; AND ANY MONEY THAT THE GENERAL ASSEMBLY MAY
16 APPROPRIATE OR TRANSFER TO THE FUND.

17 (b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
18 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
19 PURPOSES OF THIS SECTION. THE DEPARTMENT SHALL TRANSMIT ALL
20 MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE
21 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

22 (c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
23 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
24 FUND TO THE FUND.

25 (2) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
26 DEPARTMENT FOR BULK PURCHASING OF OPIATE ANTAGONISTS. ELIGIBLE
27 ENTITIES MAY PURCHASE OPIATE ANTAGONISTS FROM THE DEPARTMENT.

1 THE DEPARTMENT MAY CONTRACT WITH A PRESCRIPTION DRUG OUTLET,
2 AS DEFINED IN SECTION 12-42.5-102 (35), FOR THE BULK PURCHASING AND
3 DISTRIBUTION OF OPIATE ANTAGONISTS. THE DEPARTMENT SHALL PROVIDE
4 TECHNICAL ASSISTANCE TO PARTICIPATING ELIGIBLE ENTITIES TO ENSURE
5 THAT ELIGIBLE ENTITIES COMPLETE ALL TRAINING AND REGISTRATION
6 REQUIREMENTS.

7 (3) THE DEPARTMENT SHALL PROMULGATE RULES SPECIFYING THE
8 AMOUNT AN ELIGIBLE ENTITY MUST PAY TO PURCHASE OPIATE
9 ANTAGONISTS FROM THE DEPARTMENT.

10 (4) (a) NO LATER THAN OCTOBER 1, 2020, AND EVERY OCTOBER
11 1 THEREAFTER, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE
12 EXECUTIVE DIRECTOR'S DESIGNEE SHALL REPORT TO THE HOUSE AND
13 SENATE APPROPRIATIONS COMMITTEES, OR THEIR SUCCESSOR
14 COMMITTEES, ON THE FUND'S ACTIVITY. THE REPORT MUST INCLUDE:

15 (I) REVENUE RECEIVED BY THE FUND;

16 (II) REVENUE AND EXPENDITURE PROJECTIONS FOR THE
17 FORTHCOMING FISCAL YEAR AND DETAILS OF ALL EXPENDITURES FROM
18 THE FUND;

19 (III) THE ELIGIBLE ENTITIES THAT PURCHASED OPIATE
20 ANTAGONISTS;

21 (IV) THE AMOUNT OF OPIATE ANTAGONISTS PURCHASED BY EACH
22 ELIGIBLE ENTITY; AND

23 (V) THE DISCOUNT PROCURED THROUGH BULK PURCHASING.

24 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT
25 REQUIRED IN THIS SUBSECTION (4) CONTINUES INDEFINITELY.

26 (5) AS USED IN THIS SECTION, "ELIGIBLE ENTITY" MEANS:

27 (a) A UNIT OF LOCAL GOVERNMENT, AS DEFINED IN SECTION

1 29-3.5-101 (4);

2 (b) A PERSON REQUIRED TO MAKE AN OPIATE ANTAGONIST
3 AVAILABLE PURSUANT TO SECTION 25-20.5-901; OR

4 (c) THE FOLLOWING ENTITIES, IF THE ENTITY HAS ADOPTED A
5 POLICY ALLOWING THE ACQUISITION, MAINTENANCE, AND
6 ADMINISTRATION OF OPIATE ANTAGONISTS PURSUANT TO SECTION
7 22-1-119.1:

8 (I) A SCHOOL DISTRICT BOARD OF EDUCATION OF A PUBLIC
9 SCHOOL;

10 (II) THE STATE CHARTER SCHOOL INSTITUTE FOR AN INSTITUTE
11 CHARTER SCHOOL; OR

12 (III) A GOVERNING BOARD OF A NONPUBLIC SCHOOL.

13 **SECTION 11.** In Colorado Revised Statutes, 25-15-328, **amend**
14 (3) and (5) as follows:

15 **25-15-328. Household medication take-back program -**
16 **collection and disposal of medication injection devices - creation -**
17 **liability - definitions - cash fund - rules.** (3) (a) Subject to available
18 funds, the executive director of the department shall establish a household
19 medication take-back program to collect and dispose of unused household
20 medications. The program must allow for individuals to dispose of
21 unused household medications at approved collection sites and for
22 carriers to transport unused household medications from approved
23 collection sites to disposal locations.

24 (b) STARTING IN THE 2020-21 FISCAL YEAR, THE EXECUTIVE
25 DIRECTOR OF THE DEPARTMENT SHALL USE THE MONEY APPROPRIATED TO
26 THE DEPARTMENT PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION TO
27 IMPLEMENT A PROCESS FOR THE SAFE COLLECTION AND DISPOSAL OF

1 NEEDLES, SYRINGES, AND OTHER DEVICES USED TO INJECT MEDICATION.
2 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL DETERMINE THE
3 PROCESSES AND LOCATIONS FOR THE SAFE COLLECTION AND DISPOSAL OF
4 MEDICATION INJECTION DEVICES.

5 (5) (a) The household medication take-back cash fund is created
6 in the state treasury for the direct and indirect costs associated with the
7 implementation of this section. The fund consists of ~~moneys~~ MONEY
8 appropriated or transferred to the fund by the general assembly and any
9 gifts, grants, and donations from any public or private entity. The
10 department shall transmit gifts, grants, and donations collected by the
11 department to the state treasurer, who shall credit the ~~moneys~~ MONEY to
12 the fund. The ~~moneys~~ MONEY in the fund ~~are~~ IS subject to annual
13 appropriation by the general assembly.

14 (b) FOR THE 2020-21 FISCAL YEAR AND EACH YEAR THEREAFTER,
15 THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM THE GENERAL
16 FUND TO THE DEPARTMENT FOR THE PURPOSE OF EXPANDING THE
17 HOUSEHOLD MEDICATION TAKE-BACK PROGRAM TO INCLUDE THE SAFE
18 COLLECTION AND DISPOSAL OF MEDICATION INJECTION DEVICES PURSUANT
19 TO SUBSECTION (3)(b) OF THIS SECTION.

20 **SECTION 12.** In Colorado Revised Statutes, **add** part 9 to article
21 20.5 of title 25 as follows:

22 PART 9

23 REQUIREMENT TO MAKE OPIATE

24 ANTAGONISTS AVAILABLE

25 **25-20.5-901. Requirement to make opiate antagonists**
26 **available - bulk purchasing - immunity.** (1) A PERSON THAT IS NOT A
27 PRIVATE ENTITY AND THAT MAKES A DEFIBRILATOR OR AED, AS DEFINED

1 IN SECTION 13-21-108.1, AVAILABLE TO AID THE GENERAL PUBLIC SHALL
2 ALSO MAKE AVAILABLE AN OPIATE ANTAGONIST TO AID AN INDIVIDUAL
3 BELIEVED TO BE SUFFERING AN OPIATE-RELATED DRUG OVERDOSE EVENT
4 OR TO AN INDIVIDUAL WHO IS IN A POSITION TO ASSIST THE INDIVIDUAL AT
5 RISK OF EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT.

6 (2) A PERSON REQUIRED TO MAKE AN OPIATE ANTAGONIST
7 AVAILABLE IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION IS
8 ELIGIBLE TO PURCHASE OPIATE ANTAGONISTS FROM THE DEPARTMENT IN
9 ACCORDANCE WITH SECTION 25-1.5-114.

10 (3) A PERSON WHO ACTS IN GOOD FAITH TO FURNISH OR
11 ADMINISTER AN OPIATE ANTAGONIST TO AN INDIVIDUAL THE PERSON
12 BELIEVES TO BE SUFFERING AN OPIATE-RELATED DRUG OVERDOSE EVENT
13 OR TO AN INDIVIDUAL WHO IS IN A POSITION TO ASSIST THE INDIVIDUAL AT
14 RISK OF EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT IS
15 NOT SUBJECT TO CIVIL LIABILITY OR CRIMINAL PROSECUTION, AS SPECIFIED
16 IN SECTIONS 13-21-108.7 (3) AND 18-1-712 (2), RESPECTIVELY.

17 (4) THIS SECTION DOES NOT APPLY TO AN ELEMENTARY OR
18 SECONDARY PUBLIC OR NONPUBLIC SCHOOL.

19 **SECTION 13. In Colorado Revised Statutes, add 27-80-215 as**
20 **follows:**

21 **27-80-215. Policy verifying identity. THE DEPARTMENT SHALL**
22 **ESTABLISH A POLICY ON HOW A SUBSTANCE USE DISORDER TREATMENT**
23 **PROGRAM MUST VERIFY THE IDENTITY OF INDIVIDUALS INITIATING INTO**
24 **DETOXIFICATION, WITHDRAWAL, OR MAINTENANCE TREATMENT FOR A**
25 **SUBSTANCE USE DISORDER. THE DEPARTMENT POLICY MUST INCLUDE**
26 **VERIFICATION REQUIREMENTS FOR INDIVIDUALS WITHOUT IDENTIFICATION**
27 **AND INDIVIDUALS EXPERIENCING HOMELESSNESS.**

1 **SECTION 14.** In Colorado Revised Statutes, 12-30-110, **amend**
2 **as relocated by House Bill 19-1172** (1)(a)(III), (1)(a)(IV), (1)(b)
3 introductory portion, (2)(b), (3) introductory portion, (3)(c), and (4)(b);
4 and **add** (1)(a)(V), (1)(a)(VI), and (7)(i.5) as follows:

5 **12-30-110. Prescribing or dispensing opiate antagonists -**
6 **authorized recipients - definitions.** (1) (a) A prescriber may prescribe
7 or dispense, directly or in accordance with standing orders and protocols,
8 and a pharmacist may dispense, pursuant to an order or standing orders
9 and protocols, an opiate antagonist to:

10 (III) An employee or volunteer of a harm reduction organization;

11 ~~or~~

12 (IV) A LAW ENFORCEMENT AGENCY OR first responder;

13 (V) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A
14 SCHOOL; OR

15 (VI) A PERSON DESCRIBED IN SECTION 25-20.5-901.

16 (b) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an
17 employee or volunteer of a harm reduction organization; A SCHOOL
18 DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR A PERSON
19 DESCRIBED IN SECTION 25-20.5-901 may, pursuant to an order or standing
20 orders and protocols:

21 (2) (b) A LAW ENFORCEMENT AGENCY, first responder, ~~or~~ harm
22 reduction organization, OR PERSON DESCRIBED IN SECTION 25-20.5-901 is
23 strongly encouraged to educate its employees and volunteers, as well as
24 persons receiving an opiate antagonist from the LAW ENFORCEMENT
25 AGENCY, first responder, ~~or~~ harm reduction organization, OR PERSON
26 DESCRIBED IN SECTION 25-20.5-901 on the use of an opiate antagonist for
27 overdose, including instruction concerning risk factors for overdose,

1 recognizing an overdose, calling emergency medical services, rescue
2 breathing, and administering an opiate antagonist.

3 (3) NEITHER a prescriber described in subsection (7)(h)(I) of this
4 section ~~or~~ NOR A pharmacist ~~does not engage~~ ENGAGES in unprofessional
5 conduct pursuant to section 12-240-121 or 12-280-126, respectively, and
6 a prescriber described in subsection (7)(h)(II) of this section does not
7 engage in conduct that is grounds for discipline pursuant to section
8 12-255-120, if the prescriber issues standing orders and protocols
9 regarding opiate antagonists or prescribes or dispenses, or the pharmacist
10 dispenses, pursuant to an order or standing orders and protocols, an opiate
11 antagonist in a good-faith effort to assist:

12 (c) ~~A first responder or an employee or volunteer of a harm~~
13 ~~reduction organization~~ THE FOLLOWING PERSONS in responding to,
14 treating, or otherwise assisting an individual who is experiencing or is at
15 risk of experiencing an opiate-related drug overdose event or a friend,
16 family member, or other person in a position to assist an at-risk
17 individual:

18 (I) A LAW ENFORCEMENT AGENCY OR FIRST RESPONDER;

19 (II) AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION
20 ORGANIZATION;

21 (III) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A
22 SCHOOL; OR

23 (IV) A PERSON DESCRIBED IN SECTION 25-20.5-901.

24 (4) (b) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an
25 employee or volunteer of a harm reduction organization; A SCHOOL
26 DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR A PERSON
27 DESCRIBED IN SECTION 25-20.5-901 acting in accordance with this section

1 is not subject to civil liability or criminal prosecution, as specified in
2 sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

3 (7) As used in this section:

4 (i.5) "SCHOOL" MEANS AN ELEMENTARY OR SECONDARY PUBLIC OR
5 NONPUBLIC SCHOOL WHOSE GOVERNING AUTHORITY HAS ADOPTED AND
6 IMPLEMENTED A POLICY PURSUANT TO SECTION 22-1-119.1.

7 **SECTION 15.** In Colorado Revised Statutes, 12-280-107, **amend**
8 **as relocated by House Bill 19-1172 (2)** as follows:

9 **12-280-107. Rules.** (2) On or before January 1, ~~2016~~ 2020, the
10 board shall adopt or amend rules as necessary to permit the dispensing of
11 an opiate antagonist in accordance with sections 12-30-110 and
12 12-280-123 (3).

13 **SECTION 16. Appropriation.** For the 2019-20 state fiscal year,
14 \$659,472 is appropriated to the department of public health and
15 environment. This appropriation consists of \$434,472 from the general
16 fund and \$225,000 from the opiate antagonist bulk purchase fund created
17 in section 25-1.5-114 (1)(a), C.R.S. To implement this act, the department
18 may use this appropriation as follows:

19 (a) \$621,070 which consists of \$396,070 from general fund and
20 \$225,000 from the opiate antagonist bulk purchase fund, for use by the
21 prevention services division for administration, which amount is based on
22 an assumption that the department will require an additional 1.8 FTE; and

23 (b) \$38,402 from general fund for the household take-back
24 medication program, which amount is based on an assumption that the
25 department will require an additional 0.4 FTE.

26 **SECTION 17. Effective date - applicability.** (1) This act takes
27 effect upon passage; except that sections 14 and 15 of this act take effect

1 only if House Bill 19-1172 becomes law, in which case sections 14 and
2 15 take effect October 1, 2019.

3 (2) This act applies to conduct occurring on or after the effective
4 date of this act.

5 **SECTION 18. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.