

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

PREAMENDED

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

LLS NO. 20-0297.01 Brita Darling x2241

SENATE BILL 20-007

SENATE SPONSORSHIP

Pettersen and Winter, Donovan, Priola, Bridges, Fenberg, Garcia, Lee, Moreno, Story, Todd

HOUSE SPONSORSHIP

Buentello and Wilson, Herod, Kennedy

Senate Committees

Health & Human Services
Appropriations

House Committees

Health & Insurance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING TREATMENT FOR SUBSTANCE USE DISORDERS, AND, IN**
102 **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 Study Committee.
Section 1 of the bill requires updated community assessments every 2 years of the sufficiency of substance use disorder services in the community to be compiled by an independent entity contracted by the department of human services (DHS). The assessment must include input and the opportunity for review and comment from community entities and

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
3rd Reading Unamended
June 6, 2020

SENATE
Amended 2nd Reading
June 5, 2020

individuals. Based on the community assessment, the managed service organization will prepare a draft community action plan and shall allow time for stakeholder review and comment on the plan.

Section 2 of the bill requires insurance carriers to provide coverage for the treatment of substance use disorders in accordance with the American society of addiction medicine (ASAM) criteria for placement, medical necessity, and utilization management determinations in accordance with the most recent edition of the ASAM criteria. The bill also authorizes the commissioner of insurance, in consultation with DHS and the department of health care policy and financing, to identify by rule alternate nationally recognized substance-use-disorder-specific treatment criteria if the ASAM criteria are no longer available, relevant, or reflect best practices.

Sections 3, 4, and 5 of the bill increases funding by \$1 million for provider loan forgiveness and scholarships from the Colorado health service corps fund in the department of public health and environment (CDPHE). The bill recognizes a goal of the loan forgiveness and scholarship programs of creating a diverse health care workforce that is able to address the needs of underserved populations and communities.

Section 6 of the bill authorizes a pharmacy that has entered into a collaborative pharmacy agreement with one or more physicians to receive an enhanced dispensing fee for the administration of all injectable medications for medication-assisted treatment that are approved by the federal food and drug administration, and not just injectable antagonist medication.

Section 7 of the bill requires DHS to commission a state child care and treatment study and final report to make findings and recommendations concerning gaps in family-centered substance use disorder treatment and to identify alternative payment structures for funding child care and children's services alongside substance use disorder treatment of a child's parent. DHS shall distribute the report to the general assembly and present the report in its annual presentation to committees of the general assembly.

Sections 8, 9, 10, 11, and 12 of the bill prohibit managed service organization contracted providers; withdrawal management services; and recovery residences from denying access to medical or substance use disorder treatment services, including recovery services, to persons who are participating in prescribed medication-assisted treatment for substance use disorders. In addition, the bill prohibits courts and parole, probation, and community corrections from prohibiting the use of prescribed medication-assisted treatment as a condition of participation or placement.

Section 13 of the bill requires managed care entities to provide coordination of care for the full continuum of substance use disorder and mental health treatment and recovery services, including support for

individuals transitioning between levels of care.

Section 14 of the bill appropriates \$250,000 to the office of behavioral health in DHS for allocation to the center for research into substance use disorder prevention, treatment, and recovery support strategies for the continued employment of grant writers to aid local communities in need of assistance to access federal and state money to address opioid and other substance use disorders in their communities.

Section 15 of the bill authorizes the commissioner of insurance, in consultation with CDPHE, to promulgate rules, or to seek a revision of the essential health benefits package, for prescription medications for medication-assisted treatment to be included on insurance carriers' formularies.

Section 16 of the bill requires insurance carriers to report to the commissioner of insurance on the number of in-network providers who are licensed to prescribe medication-assisted treatment for substance use disorders, including buprenorphine, and of that number, to indicate how many providers are actively prescribing medication-assisted treatment. The bill requires the commissioner of insurance to promulgate rules concerning the reporting.

Section 17 of the bill requires insurance carriers to provide coverage for naloxone hydrochloride, or other similarly acting drug, without prior authorization and without imposing any deductible, copayment, coinsurance, or other cost-sharing requirement.

Section 18 of the bill requires DHS to implement a program for training and community outreach relating to, at a minimum, the availability of and process for civil commitment of persons with an alcohol or substance use disorder. The training must be provided to first responders, law enforcement, emergency departments, primary care providers, and persons and families of persons with a substance use disorder, among others.

Sections 19 through 65 of the bill consolidate part 1 of article 82 of title 27, C.R.S., relating to emergency treatment and voluntary and involuntary commitment of persons for treatment of drugs into the existing part 1 of article 81 of title 27, C.R.S., relating to emergency treatment and voluntary and involuntary commitment of persons for treatment of alcohol use disorders, in order to create a single process that includes all substances.

The new scope of part 1 of article 81 of title 27, C.R.S., includes both alcohol use disorder and substance use disorder under the defined term "substance use disorder".

The amendments and additions to part 1 of article 81 of title 27, C.R.S., include:

- ! Defining "administrator" to include an administrator's designee;
- ! Adding a definition of "incapacitated by substances" to

- include a person who is incapacitated by alcohol or incapacitated by substances;
- ! Changing terminology throughout to refer to "substances" to include both alcohol and drugs;
- ! Adjusting the duration of the initial involuntary commitment from 30 days to up to 90 days;
- ! Allowing a person to enter into a stipulated order for committed treatment, expediting placement into treatment;
- ! Removing the mandatory hearing for the initial involuntary commitment but allowing a person to request a hearing if the person does not want to enter into a stipulated order for committed treatment;
- ! Incorporating in statute "patient's rights" relating to civil commitment;
- ! Using person-centered language throughout the statutory process; and
- ! Relocating the existing opioid crisis recovery funds advisory committee from article 82 in title 27, C.R.S., to article 81 in title 27, C.R.S.

In addition, the bill makes conforming amendments, including several in the professional licensing statutes in title 12, C.R.S., to remove references to both alcohol use disorder and substance use disorder as grounds for professional discipline, and replaces those terms with the single term "substance use disorder", which the bill now defines in article 81 of title 27, C.R.S., to include both drugs and alcohol.

The bill also makes conforming amendments to remove statutory references to provisions in part 2 of article 82 of title 27, C.R.S., which the bill repeals, and replaces those references with a new reference to the relevant provisions in article 81 of title 27, C.R.S.

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

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3 **SECTION 1.** In Colorado Revised Statutes, 10-16-104, **amend**
 4 (5.5)(a)(I) as follows:

5 **10-16-104. Mandatory coverage provisions - definitions -**
 6 **rules. (5.5) Behavioral, mental health, and substance use disorders**
 7 **- rules. (a) (I)** Every health benefit plan subject to part 2, 3, or 4 of this
 8 article 16, except those described in section 10-16-102 (32)(b), must

1 provide coverage:

2 (A) For the prevention of, screening for, and treatment of
3 behavioral, mental health, and substance use disorders that is no less
4 extensive than the coverage provided for any physical illness and that
5 complies with the requirements of the MHPAEA; AND

6 (B) AT A MINIMUM, FOR THE TREATMENT OF SUBSTANCE USE
7 DISORDERS IN ACCORDANCE WITH THE AMERICAN SOCIETY OF ADDICTION
8 MEDICINE CRITERIA FOR PLACEMENT, MEDICAL NECESSITY, AND
9 UTILIZATION MANAGEMENT DETERMINATIONS AS SET FORTH IN THE MOST
10 RECENT EDITION OF "THE ASAM CRITERIA FOR ADDICTIVE,
11 SUBSTANCE-RELATED, AND CO-OCCURRING CONDITIONS", OR IN
12 ACCORDANCE WITH ANOTHER NATIONALLY RECOGNIZED AND
13 EVIDENCE-BASED SUBSTANCE-USE-DISORDER-SPECIFIC CRITERIA. THE
14 COMMISSIONER MAY IDENTIFY BY RULE, IN CONSULTATION WITH THE
15 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE OFFICE
16 OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES,
17 ANOTHER NATIONALLY RECOGNIZED AND EVIDENCE-BASED
18 SUBSTANCE-USE-DISORDER-SPECIFIC CRITERIA FOR PLACEMENT, MEDICAL
19 NECESSITY, OR UTILIZATION MANAGEMENT, IF AMERICAN SOCIETY OF
20 ADDICTION MEDICINE CRITERIA ARE NO LONGER AVAILABLE, RELEVANT,
21 OR DO NOT FOLLOW BEST PRACTICES FOR SUBSTANCE USE DISORDER
22 TREATMENT.

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26 **SECTION 2.** In Colorado Revised Statutes, 27-80-107, **amend**

27 (4) as follows:

1 **27-80-107. Designation of managed service organizations -**
2 **purchase of services - revocation of designation.** (4) The terms and
3 conditions for providing substance use disorder treatment services must
4 be specified in the contract entered into between the office of behavioral
5 health and the designated managed service organization. CONTRACTS
6 ENTERED INTO BETWEEN THE OFFICE OF BEHAVIORAL HEALTH AND THE
7 DESIGNATED MANAGED SERVICE ORGANIZATION MUST INCLUDE TERMS
8 AND CONDITIONS PROHIBITING A DESIGNATED MANAGED SERVICE
9 ORGANIZATION CONTRACTED TREATMENT PROVIDER FROM DENYING OR
10 PROHIBITING ACCESS TO MEDICATION-ASSISTED TREATMENT, AS DEFINED
11 IN SECTION 23-21-803, FOR A SUBSTANCE USE DISORDER.

12 **SECTION 3.** In Colorado Revised Statutes, 27-80-108, **amend**
13 (1)(c) as follows:

14 **27-80-108. Rules.** (1) The state board of human services, created
15 in section 26-1-107, has the power to promulgate rules governing the
16 provisions of this article 80. The rules may include, but are not limited to:

17 (c) Requirements for public and private agencies, organizations,
18 and institutions from which the office of behavioral health may purchase
19 services pursuant to section 27-80-106 (1), WHICH REQUIREMENTS MUST
20 INCLUDE PROHIBITING THE PURCHASE OF SERVICES FROM ENTITIES THAT
21 DENY OR PROHIBIT ACCESS TO MEDICAL SERVICES OR SUBSTANCE USE
22 DISORDER TREATMENT AND SERVICES TO PERSONS WHO ARE
23 PARTICIPATING IN PRESCRIBED MEDICATION-ASSISTED TREATMENT, AS
24 DEFINED IN SECTION 23-21-803, FOR A SUBSTANCE USE DISORDER;

25 **SECTION 4.** In Colorado Revised Statutes, 25-1.5-108.5, **amend**
26 (2) as follows:

27 **25-1.5-108.5. Regulation of recovery residences - definition -**

1 **rules.** (2) A recovery residence may admit individuals who are receiving
2 medication-assisted treatment, including agonist treatment, for substance
3 use disorders; EXCEPT THAT A RECOVERY RESIDENCE RECEIVING STATE
4 MONEY OR PROVIDING SERVICES THAT ARE PAID FOR THROUGH STATE
5 PROGRAMS SHALL NOT DENY ADMISSION TO PERSONS WHO ARE
6 PARTICIPATING IN PRESCRIBED MEDICATION-ASSISTED TREATMENT, AS
7 DEFINED IN SECTION 23-21-803, FOR A SUBSTANCE USE DISORDER.

8 **SECTION 5.** In Colorado Revised Statutes, **add** 13-1-139 as
9 follows:

10 **13-1-139. Court limitations on medication-assisted treatment**
11 **- prohibited.** A COURT SHALL NOT CONDITION PARTICIPATION IN A DRUG
12 OR PROBLEM-SOLVING COURT OR OTHER JUDICIAL PROGRAM, OR ENTER
13 ORDERS RELATING TO PROBATION OR PAROLE OR PLACEMENT IN
14 COMMUNITY CORRECTIONS, BASED ON THE REQUIREMENT THAT A PERSON
15 CEASE PARTICIPATING IN PRESCRIBED MEDICATION-ASSISTED TREATMENT
16 FOR SUBSTANCE USE DISORDERS, AS DEFINED IN SECTION 23-21-803,
17 UNLESS THE PERSON OR THE PRESCRIBER DETERMINES THAT
18 MEDICATION-ASSISTED TREATMENT IS NO LONGER NECESSARY OR IS NO
19 LONGER AN EFFECTIVE TREATMENT FOR THE PERSON.

20 **SECTION 6.** In Colorado Revised Statutes, 17-27-104, **add** (13)
21 as follows:

22 **17-27-104. Community corrections programs operated by**
23 **units of local government, state agencies, or nongovernmental**
24 **agencies.** (13) THE ADMINISTRATOR OF ANY COMMUNITY CORRECTIONS
25 PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL NOT REJECT
26 ANY OFFENDER REFERRED FOR PLACEMENT BASED ON THE OFFENDER'S
27 PARTICIPATION IN MEDICATION-ASSISTED TREATMENT, AS DEFINED IN

1 SECTION 23-21-803, OR ESTABLISH ANY RULE OR CONDITION OR GUIDELINE
2 FOR THE CONDUCT OF AN OFFENDER THAT PROHIBITS OR SIGNIFICANTLY
3 IMPAIRS AN OFFENDER'S ABILITY TO PARTICIPATE IN PRESCRIBED
4 MEDICATION-ASSISTED TREATMENT.

5 **SECTION 7.** In Colorado Revised Statutes, 25.5-5-402, **add**
6 (3)(c.5) as follows:

7 **25.5-5-402. Statewide managed care system - definition - rules.**

8 (3) The statewide managed care system must include a statewide system
9 of community behavioral health care that must:

10 (c.5) PROVIDE COORDINATION OF CARE FOR THE FULL CONTINUUM
11 OF SUBSTANCE USE DISORDER AND MENTAL HEALTH TREATMENT AND
12 RECOVERY, INCLUDING SUPPORT FOR INDIVIDUALS TRANSITIONING
13 BETWEEN LEVELS OF CARE;

14 =====

15 **SECTION 8.** In Colorado Revised Statutes, 10-16-148, **add** (1.5)
16 as follows:

17 **10-16-148. Medication-assisted treatment - limitations on**
18 **carriers - rules - definition.** (1.5) THE COMMISSIONER, IN
19 CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND
20 ENVIRONMENT, MAY PROMULGATE RULES OR SEEK A REVISION TO THE
21 PRESCRIPTION DRUG BENEFITS REQUIRED UNDER THE ESSENTIAL HEALTH
22 BENEFITS PACKAGE CONCERNING PRESCRIPTION MEDICATIONS THAT MUST
23 BE INCLUDED ON A CARRIER'S FORMULARY FOR MEDICATION-ASSISTED
24 TREATMENT OF SUBSTANCE USE DISORDERS.

25 **SECTION 9.** In Colorado Revised Statutes, **add** 10-16-710 as
26 follows:

27 **10-16-710. Reporting to commissioner - medication-assisted**

1 **treatment - rules.** (1) A CARRIER SHALL REPORT TO THE COMMISSIONER:

2 (a) THE NUMBER OF IN-NETWORK PROVIDERS WHO ARE FEDERALLY
3 LICENSED TO PRESCRIBE MEDICATION-ASSISTED TREATMENT FOR
4 SUBSTANCE USE DISORDERS, INCLUDING BUPRENORPHINE; AND

5 (b) THE NUMBER OF PRESCRIPTIONS FILLED BY ENROLLEES FOR
6 MEDICATION-ASSISTED TREATMENT FOR SUBSTANCE USE DISORDERS; AND

7 (c) THE CARRIER'S EFFORTS TO ENSURE SUFFICIENT CAPACITY FOR
8 AND ACCESS TO MEDICATION-ASSISTED TREATMENT FOR SUBSTANCE USE
9 DISORDERS.

10 (2) THE COMMISSIONER SHALL PROMULGATE RULES CONCERNING
11 THE REPORTING REQUIREMENTS SPECIFIED IN SUBSECTION (1) OF THIS
12 SECTION, INCLUDING THE REPORTING PERIOD, THE FREQUENCY OF
13 REPORTING, AND ANY OTHER PROVISIONS NECESSARY TO COMPLY WITH
14 THE REPORTING REQUIREMENT.

15 **SECTION 10.** In Colorado Revised Statutes, 10-16-104, **amend**
16 (5.5)(a)(III)(A); and **add** (5.5)(a)(III)(C) as follows:

17 **10-16-104. Mandatory coverage provisions - rules -**
18 **definitions.** (5.5) **Behavioral, mental health, and substance use**
19 **disorders - rules.** (a) (III) (A) Except as provided in ~~subsection~~
20 ~~(5.5)(a)(III)(B)~~ SUBSECTIONS (5.5)(a)(III)(B) AND (5.5)(a)(III)(C) of this
21 section, any preauthorization or utilization review mechanism used in the
22 determination to provide the coverage required by this subsection (5.5)(a)
23 must be the same as, or no more restrictive than, that used in the
24 determination to provide coverage for a physical illness. The
25 commissioner shall adopt rules as necessary to implement and administer
26 this subsection (5.5).

27 (C) A HEALTH BENEFIT PLAN SUBJECT TO THIS SUBSECTION (5.5)

1 MUST PROVIDE COVERAGE FOR AT LEAST ONE OPIATE ANTAGONIST, AS
2 DEFINED IN SECTION 12-30-110 (7)(d).

3

4 **SECTION 11.** In Colorado Revised Statutes, **repeal and reenact,**
5 **with amendments,** 27-81-101 as follows:

6 **27-81-101. [Similar to 27-82-101] Legislative declaration.**

7 (1) THE GENERAL ASSEMBLY RECOGNIZES THE CHARACTER AND
8 PERVASIVENESS OF SUBSTANCE USE DISORDERS AND THAT SUBSTANCE USE
9 DISORDERS ARE SERIOUS PROBLEMS. THE GENERAL ASSEMBLY FURTHER
10 FINDS AND DECLARES THAT THESE PROBLEMS HAVE BEEN VERY SERIOUSLY
11 NEGLECTED AND THAT THE SOCIAL AND ECONOMIC COSTS AND THE WASTE
12 OF HUMAN RESOURCES CAUSED BY SUBSTANCE USE DISORDERS ARE
13 MASSIVE, TRAGIC, AND NO LONGER ACCEPTABLE. THE GENERAL ASSEMBLY
14 BELIEVES THAT THE BEST INTERESTS OF THIS STATE DEMAND AN
15 ACROSS-THE-BOARD, LOCALLY ORIENTED ATTACK ON THE MASSIVE
16 PROBLEMS OF DRUG ABUSE AND SUBSTANCE USE DISORDERS. THE ATTACK
17 INCLUDES PREVENTION, EDUCATION, AND TREATMENT, AND THIS ARTICLE
18 81 PROVIDES A BASE FROM WHICH TO LAUNCH THE ATTACK AND REDUCE
19 THE TRAGIC HUMAN LOSS.

20 (2) IT IS THE POLICY OF THIS STATE THAT PERSONS WITH
21 SUBSTANCE USE DISORDERS, PERSONS INTOXICATED BY ALCOHOL, AND
22 PERSONS UNDER THE INFLUENCE OF DRUGS SHOULD BE AFFORDED
23 TREATMENT SO THEY MAY LEAD NORMAL LIVES AS PRODUCTIVE MEMBERS
24 OF SOCIETY. THE GENERAL ASSEMBLY FINDS AND DECLARES THAT
25 SUBSTANCE USE DISORDERS ARE MATTERS OF STATEWIDE CONCERN.

26 **SECTION 12.** In Colorado Revised Statutes, 27-81-102, **amend**
27 **(14); amend as it exists until July 1, 2022, (1); amend as it will become**

1 effective July 1, 2022, (1); add (9.4); add with amended and relocated
2 provisions (6.5), (9.2), (13.6), and (13.9); add with amended and
3 relocated provisions as it exists until July 1, 2022, (1.2); and add with
4 amended and relocated provisions as they will become effective July
5 1, 2022, (1.2) and (13.8) as follows:

6 27-81-102. **Definitions.** As used in this article 81, unless the
7 context otherwise requires:

8 (1) ~~[Editor's note: This version of subsection (1) is effective until~~
9 ~~July 1, 2022.] "Alcohol use disorder" means a condition by which a~~
10 ~~person habitually lacks self-control as to the use of alcoholic beverages~~
11 ~~or uses alcoholic beverages to the extent that his or her health is~~
12 ~~substantially impaired or endangered or his or her social or economic~~
13 ~~function is substantially disrupted. Nothing in this subsection (1)~~
14 ~~precludes the denomination of a person with an alcohol use disorder as~~
15 ~~intoxicated by alcohol or incapacitated by alcohol "ADMINISTRATOR"~~
16 ~~MEANS THE ADMINISTRATOR OF AN APPROVED TREATMENT FACILITY OR~~
17 ~~AN INDIVIDUAL AUTHORIZED IN WRITING TO ACT AS THE ADMINISTRATOR'S~~
18 ~~DESIGNEE.~~

19 (1) ~~[Editor's note: This version of subsection (1) is effective July~~
20 ~~1, 2022.] "Alcohol use disorder" means a chronic relapsing brain disease~~
21 ~~characterized by recurrent use of alcohol causing clinically significant~~
22 ~~impairment, including health problems, disability, and failure to meet~~
23 ~~major responsibilities at work, school, and home "ADMINISTRATOR"~~
24 ~~MEANS THE ADMINISTRATOR OF AN APPROVED TREATMENT FACILITY OR~~
25 ~~AN INDIVIDUAL AUTHORIZED IN WRITING TO ACT AS THE ADMINISTRATOR'S~~
26 ~~DESIGNEE.~~

27 (1.2) [Formerly 27-81-102 (1) as it is effective until July 1,

1 **2022]** "Alcohol use disorder" means a condition by which a person
2 habitually lacks self-control as to the use of alcoholic beverages or uses
3 alcoholic beverages to the extent that ~~his or her~~ THE PERSON'S health is
4 substantially impaired or endangered or ~~his or her~~ THE PERSON'S social or
5 economic function is substantially disrupted. Nothing in this subsection
6 (†) SUBSECTION (1.2) precludes the denomination of a person with an
7 alcohol use disorder as intoxicated by alcohol or incapacitated by alcohol.

8 **(1.2) [Formerly 27-81-102 (1) as it will become effective July 1,**
9 **2022]** "Alcohol use disorder" means a chronic relapsing brain disease
10 characterized by recurrent use of alcohol causing clinically significant
11 impairment, including health problems, disability, and failure to meet
12 major responsibilities at work, school, and home.

13 **(6.5) [Formerly 27-82-102 (7)]** "Drug" means a controlled
14 substance, as defined in section 18-18-102 (5), ~~C.R.S.~~, and toxic vapors.

15 **(9.2) [Formerly 27-82-102 (10)]** "Incapacitated by drugs" means
16 that a person, as a result of the use of drugs, is unconscious or has ~~his or~~
17 ~~her~~ judgment otherwise so impaired that ~~he or she~~ THE PERSON is
18 incapable of realizing and making a rational decision with respect to ~~his~~
19 ~~or her~~ THE PERSON'S need for treatment, is unable to take care of ~~his or her~~
20 basic personal needs or safety, or lacks sufficient understanding or
21 capacity to make or communicate rational decisions concerning himself
22 or herself.

23 **(9.4) "INCAPACITATED BY SUBSTANCES" MEANS THAT A PERSON IS**
24 **INCAPACITATED BY ALCOHOL OR IS INCAPACITATED BY DRUGS.**

25 **(13.6) [Formerly 27-82-102 (13)]** "Person under the influence of
26 drugs" means any person whose mental or physical functioning is
27 temporarily but substantially impaired as a result of the presence of drugs

1 in ~~his or her~~ THE PERSON'S body.

2 (13.8) [Formerly 27-82-102 (13.5) as it will become effective
3 **July 1, 2022]** "Substance use disorder" means a chronic relapsing brain
4 disease, characterized by recurrent use of alcohol, drugs, or both, causing
5 clinically significant impairment, including health problems, disability,
6 and failure to meet major responsibilities at work, school, or home.

7 (13.9) [Formerly 27-82-102 (14)] "Toxic vapors" means a
8 substance or product containing such substances as defined in section
9 18-18-412 (3). ~~C.R.S.~~

10 (14) "Treatment" means the broad range of emergency, outpatient,
11 intermediate, and inpatient services and care, including diagnostic
12 evaluation, medical, psychiatric, psychological, and social service care,
13 vocational rehabilitation, and career counseling that may be extended to
14 a person with ~~an alcohol~~ A SUBSTANCE use disorder, A PERSON
15 INCAPACITATED BY SUBSTANCES, A PERSON UNDER THE INFLUENCE OF
16 DRUGS, and A PERSON intoxicated ~~persons~~ BY ALCOHOL.

17 **SECTION 13.** In Colorado Revised Statutes, 27-81-103, **amend**
18 (1)(a), (1)(b), (1)(d), (1)(e), and (1)(h) as follows:

19 **27-81-103. Powers of the office of behavioral health.** (1) To
20 carry out the purposes of this article 81, the office of behavioral health
21 may:

22 (a) Plan, establish, and maintain ~~alcohol~~ SUBSTANCE use disorder
23 treatment programs as necessary or desirable;

24 (b) Make contracts necessary or incidental to the performance of
25 its duties and the execution of its powers, including contracts with public
26 and private agencies, organizations, and individuals to pay them for
27 services rendered or furnished to persons with ~~alcohol~~ SUBSTANCE use

1 disorders, ~~or~~ PERSONS intoxicated ~~persons~~ BY ALCOHOL, OR PERSONS
2 UNDER THE INFLUENCE OF DRUGS;

3 (d) Administer or supervise the administration of the provisions
4 relating to persons with ~~alcohol~~ SUBSTANCE use disorders, ~~and intoxicated~~
5 persons INTOXICATED BY ALCOHOL, AND PERSONS UNDER THE INFLUENCE
6 OF DRUGS of any state plan submitted for federal funding pursuant to
7 federal health, welfare, or treatment legislation;

8 (e) Coordinate its activities and cooperate with ~~alcohol~~
9 SUBSTANCE use disorder treatment programs in this state and other states
10 and make contracts and other joint or cooperative arrangements with
11 state, local, or private agencies in this state and other states for the
12 treatment of persons with ~~alcohol~~ SUBSTANCE use disorders, ~~and~~
13 ~~intoxicated~~ persons INTOXICATED BY ALCOHOL, AND PERSONS UNDER THE
14 INFLUENCE OF DRUGS and for the common advancement of ~~alcohol~~
15 SUBSTANCE use disorder treatment programs;

16 (h) Acquire, hold, or dispose of real property, or any interest
17 therein, and construct, lease, or otherwise provide ~~alcohol~~ SUBSTANCE use
18 disorder treatment facilities for persons with ~~alcohol~~ SUBSTANCE use
19 disorders, PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons
20 UNDER THE INFLUENCE OF DRUGS.

21 **SECTION 14.** In Colorado Revised Statutes, **amend** 27-81-104
22 as follows:

23 **27-81-104. Duties of the office of behavioral health - review.**

24 (1) In addition to duties prescribed by section 27-80-102, the office of
25 behavioral health shall:

26 (a) Develop, encourage, and foster statewide, regional, and local
27 plans and programs for the prevention of ~~alcohol~~ SUBSTANCE use

1 disorders and treatment of persons with ~~alcohol~~ SUBSTANCE use disorders,
2 PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE
3 INFLUENCE OF DRUGS, in cooperation with public and private agencies,
4 organizations, and individuals and provide technical assistance and
5 consultation services for these purposes;

6 (b) Coordinate the efforts and enlist the assistance of all public
7 and private agencies, organizations, and individuals interested in
8 prevention of ~~alcohol~~ SUBSTANCE use disorders and treatment of persons
9 with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY
10 ALCOHOL, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS;

11 (c) ***[Editor's note: This version of subsection (1)(c) is effective***
12 ***until July 1, 2022.***] Utilize community mental health centers and clinics,
13 OR OTHER APPROVED TREATMENT FACILITIES, whenever feasible;

14 (c) ***[Editor's note: This version of subsection (1)(c) is effective***
15 ***July 1, 2022.***] Utilize behavioral health entities, community mental health
16 centers and clinics, OR OTHER APPROVED TREATMENT FACILITIES,
17 whenever feasible;

18 (d) Cooperate with the department of corrections in establishing
19 and conducting programs for the prevention of ~~alcohol~~ SUBSTANCE use
20 disorders and treatment of persons with ~~alcohol~~ SUBSTANCE use disorders,
21 PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE
22 INFLUENCE OF DRUGS in appropriate agencies and institutions and for
23 persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY
24 ALCOHOL, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS in or
25 on parole from correctional institutions and in carrying out duties
26 specified in subsections (1)(i) and (1)(k) of this section;

27 (e) Cooperate with the department of education, schools, police

1 departments, courts, and other public and private agencies, organizations,
2 and individuals in establishing programs for the prevention of ~~alcohol~~
3 SUBSTANCE use disorders and treatment of persons with ~~alcohol~~
4 SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and
5 ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS and preparing
6 curriculum materials for use at all levels of school education;

7 (f) Prepare, publish, evaluate, and disseminate educational
8 material dealing with the nature and effects of alcohol AND DRUGS;

9 (g) Develop and implement, as an integral part of ~~alcohol~~
10 SUBSTANCE use disorder treatment programs, an educational program for
11 use in the treatment of persons with ~~alcohol~~ SUBSTANCE use disorders,
12 PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE
13 INFLUENCE OF DRUGS. The program must include the dissemination of
14 information concerning the nature and effects of alcohol AND DRUGS;

15 (h) Organize and foster training programs for all persons engaged
16 in treatment of persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS
17 INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE
18 INFLUENCE OF DRUGS;

19 (i) Sponsor and encourage research into the causes and nature of
20 ~~alcohol~~ SUBSTANCE use disorders and treatment of persons with ~~alcohol~~
21 SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and
22 ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS, and serve as a
23 clearinghouse for information relating to ~~alcohol~~ SUBSTANCE use
24 disorders;

25 (j) Specify uniform methods for keeping statistical information by
26 public and private agencies, organizations, and individuals and collect
27 and make available relevant statistical information, including number of

1 persons treated, frequency of admission and readmission, and frequency
2 and duration of treatment;

3 (k) Advise the governor in the preparation of a comprehensive
4 plan for treatment of persons with ~~alcohol~~ SUBSTANCE use disorders,
5 PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE
6 INFLUENCE OF DRUGS for inclusion in the state's comprehensive health
7 plan;

8 (l) Review all state health, welfare, and treatment plans to be
9 submitted for federal funding under federal legislation and advise the
10 governor on provisions to be included relating to ~~alcohol~~ SUBSTANCE use
11 disorders, persons with ~~alcohol~~ SUBSTANCE use disorders, and ~~intoxicated~~
12 persons UNDER THE INFLUENCE OF DRUGS;

13 (m) Assist in the development of, and cooperate with, ~~alcohol~~
14 SUBSTANCE USE education and treatment programs for employees of state
15 and local governments and businesses and industries in this state;

16 (n) Utilize the support and assistance of interested persons in the
17 community, particularly persons with ~~alcohol~~ SUBSTANCE use disorders
18 that are in remission, to encourage persons with ~~alcohol~~ SUBSTANCE use
19 disorders to voluntarily undergo treatment;

20 (o) Cooperate with the department of transportation in
21 establishing and conducting programs designed to deal with the problem
22 of persons operating motor vehicles while under the influence of, or
23 impaired by, alcohol OR DRUGS;

24 (p) Encourage general hospitals and other appropriate health
25 facilities to admit without discrimination persons with ~~alcohol~~
26 SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and
27 ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS and to provide them

1 with adequate and appropriate treatment;

2 (q) Encourage all health and disability insurance programs to
3 include ~~alcohol~~ SUBSTANCE use disorders as a covered illness; and

4 (r) Submit to the governor an annual report covering the activities
5 of the office of behavioral health.

6 **SECTION 15.** In Colorado Revised Statutes, 27-81-105, **amend**
7 (1) and (3) as follows:

8 **27-81-105. Comprehensive program for treatment - regional**
9 **facilities.** (1) The office of behavioral health shall establish a
10 comprehensive and coordinated program for the treatment of persons with
11 ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL,
12 and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS.

13 (3) The office of behavioral health shall provide adequate and
14 appropriate treatment for persons with ~~alcohol~~ SUBSTANCE use disorders,
15 PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE
16 INFLUENCE OF DRUGS admitted pursuant to sections 27-81-109 to
17 27-81-112. Except as otherwise provided in section 27-81-111, treatment
18 ~~may~~ MUST not be provided at a correctional institution, except for
19 inmates.

20 **SECTION 16.** In Colorado Revised Statutes, 27-81-106, **repeal**
21 **and reenact, with amendments,** (6) as follows:

22 **27-81-106. Standards for public and private treatment**
23 **facilities - fees - enforcement procedures - penalties.** (6) [Similar to
24 **27-82-103 (6)]** A PERSON SHALL NOT OPERATE A PRIVATE OR PUBLIC
25 TREATMENT FACILITY IN THIS STATE WITHOUT APPROVAL FROM THE
26 OFFICE OF BEHAVIORAL HEALTH; EXCEPT THAT THIS ARTICLE 81 DOES NOT
27 APPLY TO A PRIVATE TREATMENT FACILITY THAT ACCEPTS ONLY PRIVATE

1 MONEY AND DOES NOT DISPENSE CONTROLLED SUBSTANCES. THE DISTRICT
2 COURT MAY RESTRAIN ANY VIOLATION OF, REVIEW ANY DENIAL,
3 RESTRICTION, OR REVOCATION OF APPROVAL UNDER, AND GRANT OTHER
4 RELIEF REQUIRED TO ENFORCE THE PROVISIONS OF THIS SECTION.

5 **SECTION 17.** In Colorado Revised Statutes, 27-81-108, **amend**
6 (1) introductory portion, (1)(b), and (1)(c) as follows:

7 **27-81-108. Acceptance for treatment - rules.** (1) The director
8 shall adopt and may amend and repeal rules for acceptance of persons
9 into the SUBSTANCE USE DISORDER treatment program, considering
10 available treatment resources and facilities, for the purpose of early and
11 effective treatment of persons with ~~alcohol~~ SUBSTANCE use disorders,
12 PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE
13 INFLUENCE OF DRUGS. In establishing the rules, THE FOLLOWING
14 STANDARDS GUIDE the director: ~~shall be guided by the following~~
15 ~~standards:~~

16 (b) ~~A patient shall be initially assigned or transferred to outpatient~~
17 ~~or intermediate treatment, unless he or she is found to require inpatient~~
18 ~~treatment~~ QUALIFIED STAFF SHALL ASSESS THE PROPER LEVEL OF CARE FOR
19 THE PERSON PURSUANT TO RULES ADOPTED BY THE DIRECTOR AND MAKE
20 A REFERRAL FOR PLACEMENT.

21 (c) A person ~~shall~~ MUST not be denied treatment solely because ~~he~~
22 ~~or she~~ THE PERSON has withdrawn from treatment against medical advice
23 on a prior occasion or because ~~he or she~~ THE PERSON has relapsed after
24 earlier treatment.

25 **SECTION 18.** In Colorado Revised Statutes, **repeal and reenact,**
26 **with amendments,** 27-81-109 as follows:

27 **27-81-109. [Similar to 27-82-105] Voluntary treatment of**

1 **persons with substance use disorders.** (1) A PERSON WITH A
2 SUBSTANCE USE DISORDER, INCLUDING A MINOR, MAY APPLY FOR
3 VOLUNTARY TREATMENT DIRECTLY TO AN APPROVED TREATMENT
4 FACILITY.

5 (2) SUBJECT TO RULES ADOPTED BY THE DIRECTOR, THE
6 ADMINISTRATOR IN CHARGE OF AN APPROVED TREATMENT FACILITY SHALL
7 DETERMINE WHO IS ADMITTED FOR TREATMENT. IF A PERSON IS REFUSED
8 ADMISSION TO AN APPROVED TREATMENT FACILITY, THE ADMINISTRATOR
9 MAY REFER THE PERSON TO ANOTHER APPROVED AND APPROPRIATE
10 TREATMENT FACILITY FOR TREATMENT IF IT IS DEEMED LIKELY TO BE
11 BENEFICIAL. A PERSON MUST NOT BE REFERRED FOR FURTHER TREATMENT
12 IF IT IS DETERMINED THAT FURTHER TREATMENT IS NOT LIKELY TO BRING
13 ABOUT SIGNIFICANT IMPROVEMENT IN THE PERSON'S CONDITION, OR
14 TREATMENT IS NO LONGER APPROPRIATE, OR FURTHER TREATMENT IS
15 UNLIKELY TO BE BENEFICIAL.

16 (3) IF A PATIENT RECEIVING RESIDENTIAL CARE LEAVES AN
17 APPROVED TREATMENT FACILITY, THE PERSON IS ENCOURAGED TO
18 CONSENT TO OUTPATIENT TREATMENT OR SUPPORTIVE SERVICES IF
19 APPROPRIATE.

20 **SECTION 19.** In Colorado Revised Statutes, **repeal and reenact,**
21 **with amendments,** 27-81-110 as follows:

22 **27-81-110. [Similar to 27-82-106] Voluntary treatment for**
23 **persons intoxicated by alcohol, under the influence of drugs, or**
24 **incapacitated by substances.** (1) A PERSON INTOXICATED BY ALCOHOL,
25 UNDER THE INFLUENCE OF DRUGS, OR INCAPACITATED BY SUBSTANCES,
26 INCLUDING A MINOR IF PROVIDED BY RULES OF THE OFFICE OF BEHAVIORAL
27 HEALTH, MAY VOLUNTARILY ADMIT HIMSELF OR HERSELF TO AN APPROVED

1 TREATMENT FACILITY FOR AN EMERGENCY EVALUATION TO DETERMINE
2 NEED FOR TREATMENT.

3 (2) THE ADMINISTRATOR SHALL IMMEDIATELY EVALUATE OR
4 EXAMINE A PERSON WHO VOLUNTARILY ENTERS AN APPROVED TREATMENT
5 FACILITY. IF THE PERSON IS FOUND TO BE IN NEED OF TREATMENT, THE
6 ADMINISTRATOR SHALL ADMIT THE PERSON OR REFER THE PERSON TO
7 ANOTHER APPROPRIATE FACILITY. IF A PERSON IS FOUND NOT TO BE IN
8 NEED OF TREATMENT, THE ADMINISTRATOR SHALL RELEASE THE PERSON
9 AND MAY REFER THE PERSON TO ANOTHER APPROPRIATE FACILITY.

10 (3) EXCEPT AS PROVIDED IN SUBSECTION (7) OF THIS SECTION, A
11 TREATMENT FACILITY SHALL IMMEDIATELY RELEASE A VOLUNTARILY
12 ADMITTED PERSON UPON THE PERSON'S REQUEST.

13 (4) A PERSON WHO IS NOT ADMITTED TO AN APPROVED TREATMENT
14 FACILITY OR REFERRED TO ANOTHER HEALTH FACILITY, AND WHO HAS NO
15 MONEY, MAY BE TAKEN TO THE PERSON'S HOME, IF ANY. IF THE PERSON
16 HAS NO HOME, THE APPROVED TREATMENT FACILITY MAY ASSIST THE
17 PERSON IN OBTAINING SHELTER.

18 (5) IF A PERSON IS ADMITTED TO AN APPROVED TREATMENT
19 FACILITY, THE PERSON'S FAMILY OR NEXT OF KIN MUST BE NOTIFIED AS
20 PROMPTLY AS POSSIBLE IN ACCORDANCE WITH FEDERAL CONFIDENTIALITY
21 REGULATIONS FOR SUBSTANCE USE DISORDER PATIENT RECORDS, WHICH
22 REGULATIONS ARE FOUND AT 42 CFR PART 2, AS AMENDED. IF AN ADULT
23 PERSON REQUESTS THAT THERE BE NO NOTIFICATION, THE ADULT PERSON'S
24 REQUEST MUST BE RESPECTED.

25 (6) IF THE ADMINISTRATOR DETERMINES THAT IT IS FOR THE
26 PERSON'S BENEFIT, THE PERSON MUST BE ENCOURAGED TO AGREE TO
27 FURTHER DIAGNOSIS AND APPROPRIATE VOLUNTARY TREATMENT.

1 (7) NOTHING IN THIS SECTION PRECLUDES THE ADMINISTRATOR
2 FROM SEEKING EMERGENCY COMMITMENT OF A PERSON AS PROVIDED IN
3 SECTION 27-81-111 OR INVOLUNTARY COMMITMENT OF A PERSON AS
4 PROVIDED IN SECTION 27-81-112, REGARDLESS OF WHETHER THE PERSON
5 HAS BEEN VOLUNTARILY ADMITTED UNDER THIS SECTION. IN SUCH CASE,
6 THE ADMINISTRATOR'S FURTHER CONDUCT IS GOVERNED BY SECTION
7 27-81-111 OR 27-81-112, AS APPLICABLE.

8 **SECTION 20.** In Colorado Revised Statutes, **amend** 27-81-111
9 as follows:

10 **27-81-111. Emergency commitment.** (1) (a) When a person is
11 ~~intoxicated~~ UNDER THE INFLUENCE OF or incapacitated by ~~alcohol~~
12 SUBSTANCES and clearly dangerous to the health and safety of himself,
13 herself, or others, ~~he or she shall be taken into protective custody by law~~
14 enforcement authorities or an emergency service patrol, acting with
15 probable cause, ~~and placed~~ SHALL TAKE THE PERSON INTO PROTECTIVE
16 CUSTODY in an approved treatment facility. If no such facilities are
17 available, ~~he or she~~ THE PERSON may be detained in an emergency
18 medical facility or jail, but only for so long as may be necessary to
19 prevent injury to himself, herself, or others or to prevent a breach of the
20 peace. If the person being detained is a juvenile, as defined in section
21 19-1-103 (68), ~~C.R.S.~~, the juvenile shall be placed in a setting that is
22 nonsecure and physically segregated by sight and sound from the adult
23 offenders. A law enforcement officer or emergency service patrol officer,
24 in detaining the person, is taking ~~him or her~~ THE PERSON into protective
25 custody. In so doing, the detaining officer may protect himself or herself
26 by reasonable methods but shall make every reasonable effort to protect
27 the detainee's health and safety. A taking into protective custody under

1 this section is not an arrest, and no entry or other record shall be made to
2 indicate that the person has been arrested or charged with a crime. Law
3 enforcement or emergency service personnel who act in compliance with
4 this section are acting in the course of their official duties and are not
5 criminally or civilly liable therefor. Nothing in this subsection (1) ~~shall~~
6 ~~preclude an intoxicated or incapacitated~~ PRECLUDES A person
7 INTOXICATED BY ALCOHOL, UNDER THE INFLUENCE OF DRUGS, OR
8 INCAPACITATED BY SUBSTANCES who is not dangerous to the health and
9 safety of himself, herself, or others from being assisted to ~~his or her~~ THE
10 PERSON'S home or like location by the law enforcement officer or
11 emergency service patrol officer.

12 (b) A sheriff or police chief who violates the provisions of
13 ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION
14 related to detaining juveniles may be subject to a civil fine of no more
15 than one thousand dollars. The decision to fine shall be based on prior
16 violations of the provisions of ~~paragraph (a) of this subsection (1)~~
17 SUBSECTION (1)(a) OF THIS SECTION by the sheriff or police chief and the
18 willingness of the sheriff or police chief to address the violations in order
19 to comply with ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF
20 THIS SECTION.

21 (2) A law enforcement officer, emergency service ~~patrolman~~
22 PATROL OFFICER, physician, spouse, guardian, or relative of the person to
23 be committed or any other responsible person may make a written
24 application for emergency commitment under this section, directed to the
25 administrator of the approved treatment facility. The application ~~shall~~
26 MUST state the circumstances requiring emergency commitment,
27 including the applicant's personal observations and the specific statements

1 of others, if any, upon which ~~he or she~~ THE APPLICANT relies in making
2 the application. A copy of the application ~~shall~~ MUST be furnished to the
3 person to be committed.

4 (3) If the ~~approved treatment facility administrator or his or her~~
5 ~~authorized designee~~ approves the application, the ~~person~~ ADMINISTRATOR
6 ~~shall be committed, evaluated, and treated~~ COMMIT, EVALUATE, AND
7 TREAT THE PERSON for a period not to exceed five days. ~~The person shall~~
8 ~~be brought to the facility by~~ A peace officer, the emergency service
9 patrol, or any interested person SHALL BRING THE PERSON TO THE
10 FACILITY. If necessary, the court may be contacted to issue an order to the
11 police, the peace officer's department, or the sheriff's department to
12 transport the person to the facility.

13 (4) If the ~~approved treatment facility administrator or his or her~~
14 ~~authorized designee~~ determines that the application fails to sustain the
15 grounds for emergency commitment as set forth in subsection (1) of this
16 section, the ~~commitment shall be refused and the person detained~~
17 ~~immediately released, and the person shall be encouraged~~
18 ADMINISTRATOR SHALL REFUSE THE COMMITMENT, IMMEDIATELY RELEASE
19 THE DETAINED PERSON, AND ENCOURAGE THE PERSON to seek voluntary
20 treatment if appropriate.

21 (5) When the administrator determines that the grounds for
22 commitment no longer exist, ~~he or she~~ THE ADMINISTRATOR shall
23 discharge the person committed under this section. A person committed
24 under this section ~~may~~ MUST not be detained in any treatment facility for
25 more than five days; except that a person may be detained for longer than
26 five days at the approved treatment facility if, in that period of time, a
27 petition for involuntary commitment has been filed pursuant to section

1 27-81-112. A person ~~may~~ MUST not be detained longer than ten days,
2 EXCLUDING WEEKENDS AND HOLIDAYS, after the date of filing of the
3 petition for involuntary commitment UNLESS A VALID MEDICAL REASON
4 EXISTS FOR DETAINING A PERSON LONGER.

5 (6) Whenever a person is involuntarily detained pursuant to this
6 section, ~~he or she~~ THE ADMINISTRATOR shall, ~~immediately be advised by~~
7 ~~the facility administrator or his or her authorized designee~~ WITHIN
8 TWENTY-FOUR HOURS AFTER DETAINMENT, ADVISE THE PERSON WHO IS
9 INVOLUNTARILY DETAINED, both orally and in writing, of ~~his or her~~ THE
10 PERSON'S right to challenge ~~such~~ THE detention by application to the
11 courts for a writ of habeas corpus, to be represented by counsel at every
12 stage of any proceedings relating to ~~his or her~~ commitment and
13 recommitment, and to have counsel appointed by the court or provided by
14 the court if ~~he or she~~ THE PERSON wants the assistance of counsel and is
15 unable to obtain counsel.

16 (7) ANY LAW ENFORCEMENT OFFICER, EMERGENCY SERVICE
17 PERSONNEL, PHYSICIAN, SPOUSE, GUARDIAN, OR RELATIVE OF ANY PERSON
18 TO BE COMMITTED; ANY TREATMENT FACILITY ADMINISTRATOR OR THE
19 ADMINISTRATOR'S DESIGNEE; OR ANY OTHER EMPLOYEE OR PERSON
20 ACTING ON BEHALF OF AN APPROVED TREATMENT FACILITY,
21 PARTICIPATING IN OR CARRYING OUT THE EMERGENCY COMMITMENT OR
22 TREATMENT AS DESCRIBED IN THIS SECTION, WHETHER ACTING
23 INDIVIDUALLY OR IN HIS OR HER OFFICIAL CAPACITY, IS NOT CRIMINALLY
24 OR CIVILLY LIABLE THEREFOR.

25 **SECTION 21.** In Colorado Revised Statutes, **amend** 27-81-112
26 as follows:

27 **27-81-112. Involuntary commitment of a person with a**

1 **substance use disorder.** (1) The court may commit a person to the
2 custody of the office of behavioral health upon the petition of the person's
3 spouse or guardian, a relative, a physician, an advanced practice nurse,
4 the administrator in charge of an approved treatment facility, or any other
5 responsible person. The petition must allege that the person ~~is a person~~
6 ~~with an alcohol~~ HAS A SUBSTANCE use disorder and that the person has
7 threatened or attempted to inflict or inflicted physical harm on himself or
8 herself or on another and that unless committed the person is likely to
9 inflict physical harm on himself or herself or on another or that the person
10 is incapacitated by ~~alcohol~~ SUBSTANCES. A refusal to undergo treatment
11 does not constitute evidence of lack of judgment as to the need for
12 treatment. The petition must be accompanied by a certificate of a licensed
13 physician who has examined the person within ~~two~~ TEN days before
14 submission of the petition, unless the person whose commitment is sought
15 has refused to submit to a medical examination, in which case the fact of
16 refusal must be alleged in the petition, OR AN EXAMINATION CANNOT BE
17 MADE OF THE PERSON DUE TO THE PERSON'S CONDITION. The certificate
18 must set forth the physician's findings in support of the petition's
19 allegations.

20 (2) A COURT SHALL NOT ACCEPT a petition submitted pursuant to
21 subsection (1) of this section ~~shall not be accepted~~ unless there is
22 documentation of the refusal by the person to be committed to accessible
23 and affordable voluntary treatment. The documentation may include, but
24 ~~shall not be~~ IS NOT limited to, notations in the person's medical or law
25 enforcement records or statements by a physician, advanced practice
26 nurse, or witness.

27 (3) (a) Upon filing the petition, THE PERSON WHOSE COMMITMENT

1 IS SOUGHT MUST BE NOTIFIED OF THE PERSON'S RIGHT TO:

2 (I) ENTER INTO A STIPULATED ORDER OF THE COURT FOR
3 COMMITTED TREATMENT IN ORDER TO EXPEDITE PLACEMENT IN AN
4 APPROVED TREATMENT FACILITY BY THE OFFICE OF BEHAVIORAL HEALTH;
5 OR

6 (II) TO CONTEST THE COMMITMENT PROCEEDING.

7 (b) IF A STIPULATED ORDER IS ENTERED, THE OFFICE OF
8 BEHAVIORAL HEALTH SHALL PLACE THE PERSON IN AN APPROVED
9 TREATMENT PROGRAM THAT REFLECTS THE LEVEL OF NEED OF THE
10 PERSON.

11 (c) IF THE PERSON WHOSE COMMITMENT IS SOUGHT EXERCISES THE
12 RIGHT TO CONTEST THE PETITION, the court shall fix a date for a hearing
13 no later than ten days, EXCLUDING WEEKENDS AND HOLIDAYS, after the
14 date the petition was filed. A copy of the petition and the notice of the
15 hearing, including the date fixed by the court, must be personally served
16 on the petitioner, the person whose commitment is sought, and one of ~~his~~
17 ~~or her~~ THE PERSON'S parents or ~~his or her~~ THE PERSON'S legal guardian if
18 ~~he or she~~ THE PERSON is a minor. A copy of the petition and notice of
19 hearing must be ~~mailed~~ PROVIDED to the office of behavioral health, to
20 counsel for the person whose commitment is sought, to the administrator
21 in charge of the approved treatment facility to which the person may have
22 been committed for emergency treatment, and to any other person the
23 court believes advisable.

24 (4) At the hearing, the court shall hear all relevant testimony,
25 including, if possible, the testimony of at least one licensed physician who
26 has examined the person whose commitment is sought. The person ~~shall~~
27 MUST be present unless the court believes that the person's presence is

1 likely to be injurious to the person; in this event, the court shall appoint
2 a guardian ad litem to represent the person throughout the proceeding. If
3 the person has refused to be examined by a licensed physician, ~~he or she~~
4 ~~shall~~ THE PERSON MUST be given an opportunity to be examined by a
5 court-appointed licensed physician. If the person refuses and there is
6 sufficient evidence to believe that the allegations of the petition are true
7 or if the court believes that more medical evidence is necessary, the court
8 may commit the person to a licensed hospital for a period of not more
9 than five days for a diagnostic examination. In such event, the court shall
10 schedule a further hearing for final determination of commitment, in no
11 event later than five days after the first hearing.

12 (5) If after hearing all relevant evidence, including the results of
13 any diagnostic examination by the licensed hospital, the court finds that
14 grounds for involuntary commitment have been established by clear and
15 convincing proof, ~~it~~ THE COURT shall make an order of commitment to the
16 office of behavioral health. The office of behavioral health has the right
17 to delegate physical custody of the person to an appropriate approved
18 treatment facility. The court may not order commitment of a person
19 unless it determines that the office of behavioral health is able to provide
20 adequate and appropriate treatment for the person, and the treatment is
21 likely to be beneficial.

22 (6) Upon the court's commitment of a person to the office of
23 behavioral health, the court may issue an order to the sheriff to transport
24 the person to the facility designated by the office of behavioral health.

25 (7) A person committed as provided for in this section remains in
26 the custody of the office of behavioral health for treatment for a period of
27 ~~thirty~~ UP TO NINETY days. ~~unless discharged sooner.~~ At the end of the

1 ~~thirty-day~~ NINETY-DAY period, ~~he or she shall be discharged automatically~~
2 THE TREATMENT FACILITY SHALL AUTOMATICALLY DISCHARGE THE
3 PERSON unless the office of behavioral health, before expiration of the
4 ~~thirty-day~~ NINETY-DAY period, obtains a court order for ~~his or her~~ THE
5 PERSON'S recommitment on the grounds set forth in subsection (1) of this
6 section for a further period of ninety days unless discharged sooner. If a
7 person has been committed because ~~he or she~~ THE PERSON is a person
8 with ~~an alcohol~~ A SUBSTANCE use disorder who is likely to inflict physical
9 harm on another, the office of behavioral health shall apply for
10 recommitment if, after examination, it is determined that the likelihood
11 to inflict physical harm on another still exists.

12 (8) A person who is recommitted as provided for in subsection (7)
13 of this section and who has not been discharged by the office of
14 behavioral health before the end of the ninety-day period is discharged at
15 the expiration of that ninety-day period unless the office of behavioral
16 health, before expiration of the ninety-day period, obtains a court order
17 on the grounds set forth in subsection (1) of this section for
18 recommitment for a further period, not to exceed ninety days. If a person
19 has been committed because ~~he or she~~ THE PERSON is a person with ~~an~~
20 ~~alcohol~~ A SUBSTANCE use disorder who is likely to inflict physical harm
21 on another, the office of behavioral health shall apply for recommitment
22 if, after examination, it is determined that the likelihood to inflict physical
23 harm on another still exists. Only two recommitment orders pursuant to
24 subsection (7) of this section and this subsection (8) are permitted.

25 (9) Upon the filing of a petition for recommitment under
26 subsections (7) and (8) of this section, the court shall fix a date for
27 hearing ~~no~~ NOT later than ten days, EXCLUDING WEEKENDS AND

1 HOLIDAYS, after the date the petition was filed UNLESS A VALID MEDICAL
2 REASON EXISTS FOR DELAYING THE HEARING. A copy of the petition and
3 of the notice of hearing shall be served and ~~mailed~~ PROVIDED as required
4 in subsection (3) of this section. At the hearing, the court shall proceed as
5 provided in subsection (4) of this section.

6 (10) The office of behavioral health shall provide adequate and
7 appropriate treatment of a person committed to its custody. The office of
8 behavioral health may transfer any person committed to its custody from
9 one approved treatment facility to another, if transfer is advisable.

10 (11) The office of behavioral health shall discharge a person
11 committed to its custody for treatment at any time before the end of the
12 period for which ~~he or she~~ THE PERSON has been committed if either of
13 the following conditions is met:

14 (a) In the case of a person with ~~an alcohol~~ A SUBSTANCE use
15 disorder committed on the grounds that ~~he or she~~ THE PERSON is likely to
16 inflict physical harm upon another, that ~~he or she~~ THE PERSON no longer
17 has ~~an alcohol~~ A SUBSTANCE use disorder that requires treatment or the
18 likelihood to inflict physical harm upon another no longer exists; or

19 (b) In the case of a person with ~~an alcohol~~ A SUBSTANCE use
20 disorder committed on the grounds of the need of treatment and
21 incapacity, that the incapacity no longer exists, OR IN THE CASE OF A
22 PERSON WITH A SUBSTANCE USE DISORDER COMMITTED ON ANY GROUNDS
23 PURSUANT TO THIS SECTION, THAT further treatment ~~will~~ IS not likely TO
24 bring about significant improvement in the person's condition, or
25 treatment is no longer appropriate, OR THAT FURTHER TREATMENT IS
26 UNLIKELY TO BE BENEFICIAL.

27 (12) The court shall inform the person whose commitment or

1 recommitment is sought of ~~his or her~~ THE PERSON'S right to contest the
2 application, to be represented by counsel at every stage of any
3 proceedings relating to the person's commitment and recommitment, and
4 to have counsel appointed by the court or provided by the court if ~~he or~~
5 ~~she~~ THE PERSON wants the assistance of counsel and is unable to obtain
6 counsel. If the court believes that the person needs the assistance of
7 counsel, the court shall require, by appointment if necessary, counsel for
8 the person regardless of ~~his or her~~ THE PERSON'S wishes. The person
9 whose commitment or recommitment is sought shall be informed of ~~his~~
10 ~~or her~~ THE PERSON'S right to be examined by a licensed physician of the
11 person's choice. If the person is unable to obtain a licensed physician and
12 requests examination by a physician, the court shall employ a licensed
13 physician.

14 (13) If a private treatment facility agrees with the request of a
15 competent patient or ~~his or her~~ THE PATIENT'S parent, sibling, adult child,
16 or guardian to accept the patient for treatment, the administrator of the
17 public treatment facility shall transfer ~~him or her~~ THE PATIENT to the
18 private treatment facility.

19 (14) A person committed under this ~~article~~ ARTICLE 81 may at any
20 time seek to be discharged from commitment by an order in the nature of
21 habeas corpus.

22 (15) The venue for proceedings under this section is the county in
23 which the person to be committed resides or is present.

24 (16) All proceedings conducted pursuant to this ~~article shall be~~
25 ARTICLE 81 ARE conducted by the district attorney of the county where the
26 proceeding is held or by an attorney acting for the district attorney
27 appointed by the court for that purpose; except that, in any county or in

1 any city and county having a population exceeding one hundred thousand
2 persons, the proceedings shall be conducted by the county attorney or by
3 an attorney acting for the county attorney appointed by the court.

4 **SECTION 22.** In Colorado Revised Statutes, **amend** 27-81-113
5 as follows:

6 **27-81-113. Records of persons with substance use disorders,**
7 **persons intoxicated by alcohol, and persons under the influence of**
8 **substances.** (1) The registration and other records of treatment facilities
9 ~~shall remain~~ ARE confidential AND FULLY PROTECTED AS OUTLINED IN
10 FEDERAL CONFIDENTIALITY REGULATIONS FOR SUBSTANCE USE DISORDER
11 RECORDS FOUND AT 42 CFR PART 2, AS AMENDED, and are privileged to
12 the patient.

13 (2) Notwithstanding subsection (1) of this section, the director
14 may make available information from patients' records for purposes of
15 research into the causes and treatment of ~~alcohol~~ SUBSTANCE use
16 disorders. Information ~~under~~ MADE AVAILABLE PURSUANT TO this
17 subsection (2) must not be published in a way that discloses patients'
18 names or other identifying information.

19 (3) Nothing in this section ~~shall be construed to prohibit or limit~~
20 PROHIBITS OR LIMITS the sharing of information by a state institution of
21 higher education police department to authorized university
22 administrators pursuant to section 23-5-141. ~~C.R.S.~~

23 **SECTION 23.** In Colorado Revised Statutes, **repeal and reenact,**
24 **with amendments,** 27-81-114 as follows:

25 **27-81-114. Rights of persons receiving evaluation, care, or**
26 **treatment.** (1) A FACILITY SHALL IMMEDIATELY ADVISE EACH PERSON
27 RECEIVING EVALUATION, CARE, OR TREATMENT UNDER ANY PROVISION OF

1 THIS ARTICLE 81, ORALLY AND IN WRITING, THAT THE PERSON HAS AND IS
2 AFFORDED THE FOLLOWING RIGHTS:

3 (a) TO BE EVALUATED TO DETERMINE THE PERSON'S BEHAVIORAL
4 HEALTH TREATMENT NEEDS RELATING TO THE USE OF SUBSTANCES,
5 INCLUDING ALCOHOL OR DRUGS;

6 (b) IF UNDER AN EMERGENCY COMMITMENT PURSUANT TO SECTION
7 27-81-111, TO REFUSE TO BE EXAMINED BY A LICENSED PHYSICIAN FOR
8 CERTIFICATION. A PERSON'S REFUSAL TO BE EXAMINED FOR CERTIFICATION
9 MAY BE ALLEGED IN A PETITION FOR INVOLUNTARY COMMITMENT. A
10 PERSON MAY REQUEST TO BE EXAMINED BY THE PERSON'S PHYSICIAN, OR
11 A COURT MAY ORDER A PERSON TO BE EVALUATED BY A LICENSED
12 PHYSICIAN FOR CERTIFICATION.

13 (c) TO RECEIVE TIMELY MEDICAL AND BEHAVIORAL HEALTH CARE
14 AND TREATMENT, AS SPECIFIED IN LAW, THAT IS DETERMINED BASED ON
15 THE PERSON'S NEEDS AND THAT IS DELIVERED IN THE LEAST RESTRICTIVE
16 TREATMENT SETTING POSSIBLE, AS SET FORTH IN DEPARTMENT RULES;

17 (d) TO BE TREATED FAIRLY AND TO RECEIVE THE SAME
18 CONSIDERATION AND ACCESS TO APPROPRIATE SERVICES AS OTHERS,
19 REGARDLESS OF RACE, COLOR, NATIONAL ORIGIN, AGE, GENDER IDENTITY,
20 SEXUAL ORIENTATION, POLITICAL AFFILIATION, RELIGIOUS BELIEFS,
21 FINANCIAL STATUS, OR DISABILITY;

22 (e) TO CONTEST A COMMITMENT PROCEEDING OR TO ENTER INTO
23 A STIPULATED ORDER OF THE COURT FOR COMMITTED TREATMENT;

24 (f) TO RETAIN AND CONSULT WITH AN ATTORNEY AT ANY TIME
25 AND TO HAVE AN ATTORNEY APPOINTED BY OR PROVIDED BY THE COURT
26 IN A TIMELY MANNER IN ANY PROCEEDINGS RELATING TO COMMITMENT OR
27 RECOMMITMENT, IF THE PERSON WANTS THE ASSISTANCE OF AN ATTORNEY

1 AND IS UNABLE TO OBTAIN AN ATTORNEY;

2 (g) TO AT ANY TIME SEEK TO BE DISCHARGED FROM COMMITMENT
3 BY AN ORDER IN THE NATURE OF HABEAS CORPUS;

4 (h) ONCE NO LONGER UNDER THE INFLUENCE OF DRUGS OR
5 INTOXICATED BY ALCOHOL, TO SIGN IN AND SEEK VOLUNTARY SUBSTANCE
6 USE DISORDER TREATMENT, UNLESS THE ADMINISTRATOR DETERMINES IN
7 WRITING THAT REASONABLE GROUNDS EXIST TO BELIEVE THAT THE
8 PERSON WILL NOT REMAIN IN VOLUNTARY TREATMENT OR THAT THE
9 PERSON IS CLEARLY DANGEROUS TO THE HEALTH AND SAFETY OF HIMSELF
10 OR HERSELF OR OTHERS;

11 (i) IF IN COMMITTED TREATMENT, TO RECEIVE
12 TWENTY-FOUR-HOUR NOTICE PRIOR TO BEING TRANSFERRED TO ANOTHER
13 FACILITY;

14 (j) TO HAVE REASONABLE OPPORTUNITIES FOR CONTINUING
15 VISITATION AND COMMUNICATION WITH THE PERSON'S FAMILY AND
16 FRIENDS, CONSISTENT WITH AN EFFECTIVE TREATMENT PROGRAM AND AS
17 DETERMINED IN DEPARTMENT RULES. EACH PERSON MAY MEET WITH THE
18 PERSON'S ATTORNEY, CLERGY PERSON, OR HEALTH CARE PROVIDER AT ANY
19 TIME.

20 (k) TO HAVE REASONABLE ACCESS TO MAIL AND WRITING
21 MATERIALS, INCLUDING POSTAGE, AS WELL AS THE ASSISTANCE OF
22 FACILITY STAFF IF THE PERSON IS UNABLE TO WRITE, PREPARE, OR MAIL
23 CORRESPONDENCE;

24 (l) SUBJECT TO DEPARTMENT RULES RELATING TO THE USE OF
25 TELEPHONES AND OTHER COMMUNICATION DEVICES, TO HAVE
26 REASONABLE ACCESS TO TELEPHONES OR OTHER COMMUNICATION
27 DEVICES, AND TO MAKE AND TO RECEIVE CALLS OR COMMUNICATIONS IN

1 PRIVACY. FACILITY STAFF SHALL NOT OPEN, DELAY, INTERCEPT, READ, OR
2 CENSOR MAIL OR OTHER COMMUNICATIONS OR USE MAIL OR OTHER
3 COMMUNICATIONS AS A METHOD TO ENFORCE COMPLIANCE WITH FACILITY
4 STAFF.

5 (m) TO WEAR HIS OR HER OWN CLOTHES, KEEP AND USE PERSONAL
6 POSSESSIONS, AND KEEP AND BE ALLOWED TO SPEND A REASONABLE SUM
7 OF THE PERSON'S OWN MONEY;

8 (n) TO HAVE ACCESS TO MEDICAL RECORDS;

9 (o) TO HAVE TREATMENT RECORDS REMAIN CONFIDENTIAL,
10 EXCEPT AS REQUIRED BY LAW;

11 (p) TO NOT BE FINGERPRINTED, UNLESS REQUIRED BY LAW;

12 (q) TO REFUSE TO BE PHOTOGRAPHED, EXCEPT FOR TREATMENT
13 FACILITY IDENTIFICATION PURPOSES;

14 (r) TO HAVE THE OPPORTUNITY TO REGISTER AND VOTE BY
15 ABSENTEE BALLOT WITH THE ASSISTANCE OF FACILITY STAFF;

16 (s) TO HAVE APPROPRIATE ACCESS TO ADEQUATE FOOD, WATER,
17 AND HYGIENE PRODUCTS;

18 (t) TO HAVE PHYSICAL PRIVACY IN SHOWERING, CHANGING, AND
19 USING THE RESTROOM; AND

20 (u) TO BE FREE OF RESTRAINTS AND SOLITARY CONFINEMENT.

21 (2) ONLY QUALIFIED STAFF PROVIDING EVALUATION, TREATMENT,
22 OR CARE FOR A PERSON MAY DENY OR RESTRICT THE PERSON'S RIGHTS
23 UNDER SUBSECTION (1) OF THIS SECTION IF THE PERSON'S HEALTH OR
24 SAFETY WOULD BE CLEARLY ENDANGERED IF THE RIGHTS WERE NOT
25 DENIED OR RESTRICTED. IF A PERSON'S RIGHTS ARE DENIED OR
26 RESTRICTED, THE REASON FOR THE DENIAL OR RESTRICTION MUST BE
27 EXPLAINED TO THE PERSON AND ENTERED INTO THE PERSON'S TREATMENT

1 RECORD. THE FACILITY SHALL PROVIDE THE PERSON AND THE PERSON'S
2 ATTORNEY THE INFORMATION PERTAINING TO A DENIAL OR RESTRICTION
3 OF RIGHTS CONTAINED IN THE PERSON'S TREATMENT RECORD. THE
4 PERSON'S RIGHTS MUST BE IMMEDIATELY RESTORED AS SOON AS THE
5 PERSON'S HEALTH AND SAFETY ARE NO LONGER CLEARLY ENDANGERED.

6 (3) A PERSON RECEIVING EVALUATION, CARE, OR TREATMENT
7 UNDER ANY PROVISION OF THIS ARTICLE 81 MAY SUBMIT A GRIEVANCE OR
8 COMPLAINT AGAINST THE FACILITY OR FACILITY STAFF PURSUANT TO A
9 GRIEVANCE OR COMPLAINT PROCESS, WHICH IS EXPLAINED TO THE PERSON
10 IN DETAIL AND INCLUDED WITH THE ORAL AND WRITTEN EXPLANATION OF
11 RIGHTS.

12 (4) AS PART OF THE IMMEDIATE ORAL AND WRITTEN ADVISEMENT
13 OF THE RIGHTS ENUMERATED IN THIS SECTION, A FACILITY SHALL ALSO
14 INCLUDE THE TELEPHONE NUMBER AND E-MAIL ADDRESS FOR THE OFFICE
15 OF THE OMBUDSMAN FOR BEHAVIORAL HEALTH ACCESS TO CARE, CREATED
16 IN SECTION 27-80-303. THE WRITTEN ADVISEMENTS MUST BE TRANSLATED
17 IF THE PERSON CANNOT READ OR UNDERSTAND ENGLISH. THE
18 ADMINISTRATOR SHALL CAUSE THE RIGHTS ENUMERATED IN THIS SECTION
19 TO BE POSTED IN A PROMINENT LOCATION WHERE CLIENTS IN THE FACILITY
20 RESIDE, WHICH POSTING MUST ALSO INCLUDE THE NUMBER AND E-MAIL
21 ADDRESS FOR THE OFFICE OF THE OMBUDSMAN FOR BEHAVIORAL HEALTH
22 ACCESS TO CARE, CREATED IN SECTION 27-80-303.

23 **SECTION 24.** In Colorado Revised Statutes, 27-81-115, **amend**
24 (1) as follows:

25 **27-81-115. Emergency service patrol - establishment - rules.**
26 (1) The office of behavioral health and cities, counties, city and counties,
27 and regional service authorities may establish emergency service patrols.

1 A patrol consists of persons trained to give assistance in the streets and
2 in other public places to persons who are intoxicated ~~or incapacitated~~ by
3 alcohol, UNDER THE INFLUENCE OF DRUGS, OR INCAPACITATED BY
4 SUBSTANCES. Members of an emergency service patrol must be capable
5 of providing first aid in emergency situations and are authorized to
6 transport a person intoxicated ~~or incapacitated~~ by alcohol, UNDER THE
7 INFLUENCE OF DRUGS, OR INCAPACITATED BY SUBSTANCES to his or her
8 home and to and from treatment facilities.

9 **SECTION 25.** In Colorado Revised Statutes, **amend** 27-81-117
10 as follows:

11 **27-81-117. Criminal laws - limitations.** (1) A county,
12 municipality, or other political subdivision may not adopt or enforce a
13 local law, ordinance, resolution, or rule having the force of law that
14 includes drinking, being a person with an alcohol use disorder, or being
15 found in an intoxicated condition as one of the elements of the offense
16 giving rise to a criminal or civil penalty or sanction.

17 (2) A county, municipality, or other political subdivision ~~may~~
18 SHALL not interpret or apply any law of general application to circumvent
19 the provisions of subsection (1) of this section.

20 (3) Nothing in this ~~article~~ ARTICLE 81 affects any law, ordinance,
21 resolution, or rule against drunken driving, driving under the influence of
22 alcohol OR DRUGS, or other similar offense involving the operation of a
23 vehicle, an aircraft, or a boat or machinery or other equipment or
24 regarding the sale, purchase, dispensing, possessing, or use of DRUGS OR
25 alcoholic beverages at stated times and places or by a particular class of
26 persons.

27 (4) The fact that a person is intoxicated ~~or incapacitated~~ by

1 alcohol, ~~shall~~ UNDER THE INFLUENCE OF DRUGS, OR INCAPACITATED BY
2 SUBSTANCES DOES not prevent ~~his or her~~ THE PERSON'S arrest or
3 prosecution for the commission of any criminal act or conduct not
4 enumerated in subsection (1) of this section.

5 (5) Nothing in this ~~article shall be construed as a limitation upon~~
6 ARTICLE 81 LIMITS the right of a police officer to make an otherwise legal
7 arrest, notwithstanding the fact that the arrested person may be
8 intoxicated BY ALCOHOL, UNDER THE INFLUENCE OF DRUGS, or
9 incapacitated by ~~alcohol~~ SUBSTANCES.

10 **SECTION 26.** In Colorado Revised Statutes, **add with amended**
11 **and relocated provisions** 27-81-118 as follows:

12 **27-81-118. [Formerly 27-82-114] Opioid crisis recovery funds**
13 **advisory committee - creation - membership - purpose.** (1) There is
14 ~~hereby~~ created the opioid crisis recovery funds advisory committee,
15 referred to in this section as the "committee", which is created to advise
16 and collaborate with the department of law on uses of any custodial funds
17 received by the state as the result of opioid-addiction-related litigation
18 and for which the use of the funds is not predetermined or committed by
19 court order or other action by a state or federal court of law.

20 (2) (a) The committee consists of members appointed as follows:

21 (I) Thirteen members appointed by the governor, including:

22 (A) One member licensed to practice medicine pursuant to article
23 240 of title 12;

24 (B) One member licensed to practice pharmacy pursuant to article
25 280 of title 12;

26 (C) One member licensed to practice as a nurse pursuant to article
27 255 of title 12;

1 (D) One member licensed as a dentist pursuant to article 220 of
2 title 12;

3 (E) One member licensed as a veterinarian pursuant to article 315
4 of title 12;

5 (F) One member licensed as a physical therapist pursuant to article
6 285 of title 12;

7 (G) One member representing a local public health agency;

8 (H) One member who has been affected by the opioid crisis;

9 (I) One family member of a person who has been affected by the
10 opioid crisis;

11 (J) One member representing an advocacy organization for people
12 with substance use disorders;

13 (K) Two members appointed from nominees submitted by
14 statewide organizations representing counties, with one member
15 representing the western slope and one member representing the eastern
16 part of the state; and

17 (L) One member from an association that represents behavioral
18 health providers;

19 (II) Two members appointed by the executive director of the
20 department of human services, one of whom must represent an
21 association of substance use providers;

22 (III) Two members appointed by the executive director of the
23 department of public health and environment, one of whom is a pain
24 management patient;

25 (IV) One member appointed by the executive director of the
26 department of regulatory agencies;

27 (V) One member appointed by the executive director of the

1 department of health care policy and financing;

2 (VI) One member from the state substance abuse trend and
3 response task force, created in section 18-18.5-103, appointed by the
4 attorney general;

5 (VII) One member from the center for research into substance use
6 disorder prevention, treatment, and recovery support strategies, created
7 in section 27-80-118 (3), appointed by the director of the center;

8 (VIII) One member from each safety net hospital that provides
9 addiction services, appointed by the hospital;

10 (IX) One member from the Colorado district attorneys' council, or
11 any successor organization, appointed by its executive director;

12 (X) Two members representing law enforcement agencies, one of
13 whom is appointed by the Colorado association of chiefs of police, or any
14 successor organization, and one of whom is appointed by the county
15 sheriffs of Colorado, or any successor organization; and

16 (XI) One member representing the Colorado municipal league, or
17 any successor organization, appointed by the president of the executive
18 board of the Colorado municipal league or the president's designee.

19 (b) The attorney general shall notify the appointing authorities if
20 the state receives a settlement or damage award for which the use of the
21 custodial funds is not predetermined or committed by court order or other
22 action by a state or federal court of law. The appointing authorities shall
23 make their initial appointments to the committee no later than ninety days
24 after receiving the notice.

25 (3) Each member of the committee who is appointed pursuant to
26 subsection (2) of this section serves at the pleasure of the appointing
27 authority that appointed the member. THE APPOINTING AUTHORITY SHALL

1 FILL a vacancy ~~shall be filled~~ in the same manner as the initial
2 appointment.

3 (4) If the state receives custodial funds from a settlement or
4 damage award from opioid-addiction-related litigation and the use of the
5 funds is not predetermined or committed by court order or other action by
6 a state or federal court of law, the attorney general shall convene and call
7 a meeting of the committee, and any subsequent meetings as necessary,
8 to seek input and recommendations from the committee on the proper
9 expenditure of the funds received.

10 (5) (a) Each member of the committee shall maintain
11 confidentiality throughout the process of determining the proper
12 expenditure of custodial funds. Members shall not disclose the contents
13 of any requests for funding with anyone outside of the committee.

14 (b) Each committee member shall affirm that the member does not
15 have a personal or financial interest regarding any organization that may
16 request funding. Members shall disclose all potential conflict of interest
17 situations to the attorney general before reviewing funding requests.

18 **SECTION 27. Repeal of relocated and nonrelocated**
19 **provisions in this act.** (1) In Colorado Revised Statutes, repeal part 1 of
20 article 82 of title 27.

21 (2) The repeal of part 1 includes sections 27-82-102 (13.3) and
22 (13.5) and 27-82-103.5 as they would become effective July 1, 2022.

23 (3) Section 27-82-102 (7), (10), (13), (13.5) as it would become
24 effective July 1, 2022, and (14) and section 27-82-114 are relocated.

25 **SECTION 28.** In Colorado Revised Statutes, 12-100-120, **amend**
26 (1)(1) as follows:

27 **12-100-120. Grounds for disciplinary action - administrative**

1 **penalties.** (1) After notice and hearing as provided in section
2 12-100-123, the board may take disciplinary or other action as authorized
3 in section 12-20-404 and impose other conditions or limitations on a
4 person for any of the following causes:

5 (l) ~~An alcohol~~ A SUBSTANCE use disorder, as defined in section
6 27-81-102, ~~or a substance use disorder, as defined in section 27-82-102,~~
7 or an excessive use of a habit-forming drug, controlled substance, as
8 defined in section 18-18-102 (5), or alcohol beverage that renders the
9 certified public accountant unfit to practice public accounting;

10 **SECTION 29.** In Colorado Revised Statutes, 12-110-111, **amend**
11 (1)(d) as follows:

12 **12-110-111. Grounds for discipline.** (1) The director may take
13 disciplinary or other action as authorized in section 12-20-404 against a
14 license or an application for a license if the applicant or licensee:

15 (d) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
16 section 27-81-102, ~~or a substance use disorder, as defined in section~~
17 ~~27-82-102,~~ or is an excessive or a habitual user or abuser of alcohol or
18 habit-forming drugs or is a habitual user of a controlled substance, as
19 defined in section 18-18-102 (5), if the use, disorder, or dependency is a
20 danger to other licensees;

21 **SECTION 30.** In Colorado Revised Statutes, 12-155-113, **amend**
22 (1)(l) as follows:

23 **12-155-113. Disciplinary action by board - procedures -**
24 **cease-and-desist orders.** (1) The board may take disciplinary or other
25 action as authorized by section 12-20-404 for any of the following
26 reasons:

27 (l) ~~An alcohol~~ A SUBSTANCE use disorder, as defined in section

1 27-81-102, ~~or a substance use disorder, as defined in section 27-82-102,~~
2 or excessive use of any habit-forming drug, any controlled substance, as
3 defined in section 18-18-102 (5), or any alcoholic beverage;

4 **SECTION 31.** In Colorado Revised Statutes, 12-205-111, **amend**
5 (2)(c) as follows:

6 **12-205-111. Grounds for discipline - disciplinary proceedings**
7 **- definitions.** (2) The director may take disciplinary or other action in
8 accordance with section 12-20-404 or issue a cease-and-desist order in
9 accordance with section 12-205-112 upon reasonable grounds that the
10 licensee:

11 (c) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
12 section 27-81-102, ~~or a substance use disorder, as defined in section~~
13 ~~27-82-102,~~ or is an excessive or habitual user or abuser of alcohol or
14 habit-forming drugs or is a habitual user of a controlled substance, as
15 defined in section 18-18-102 (5), or other drugs having similar effects;
16 except that the director has the discretion not to discipline the licensee if
17 the licensee is participating in good faith in an alcohol or substance use
18 disorder treatment program approved by the director;

19 **SECTION 32.** In Colorado Revised Statutes, 12-210-108, **amend**
20 (2)(q) as follows:

21 **12-210-108. Disciplinary actions - grounds for discipline.**

22 (2) The following acts constitute grounds for discipline:

23 (q) Having ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
24 section 27-81-102, ~~or a substance use disorder, as defined in section~~
25 ~~27-82-102,~~ or excessively or habitually using or abusing alcohol or
26 habit-forming drugs or habitually using a controlled substance, as defined
27 in section 18-18-102 (5), or other drugs or substances having similar

1 effects; except that the director has the discretion not to discipline the
2 licensee if he or she is participating in good faith in an alcohol or
3 substance use disorder treatment program approved by the director;

4

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5 **SECTION 33.** In Colorado Revised Statutes, 12-235-111, **amend**
6 (1)(f) as follows:

7 **12-235-111. Grounds for discipline - definitions.** (1) The
8 director is authorized to take disciplinary action pursuant to section
9 12-235-112 against any person who has:

10 (f) ~~An alcohol~~ A SUBSTANCE use disorder, as defined in section
11 27-81-102, ~~or a substance use disorder, as defined in section 27-82-102,~~
12 or a dependence on or addiction to alcohol or any habit-forming drug, or
13 who abuses or engages in the habitual or excessive use of any
14 habit-forming drug or any controlled substance as defined in section
15 18-18-102 (5), but the director may take into account the licensee's
16 participation in a substance use disorder treatment program when
17 considering disciplinary action;

18 **SECTION 34.** In Colorado Revised Statutes, 12-260-114, **amend**
19 (1)(g) as follows:

20 **12-260-114. Grounds for discipline.** (1) The board may suspend,
21 revoke, or deny any person's certification to practice as a nurse aide or
22 authority to practice as a medication aide in accordance with section
23 12-20-404 (1)(d) or may issue to the person a letter of admonition under
24 the circumstances specified in and in accordance with section 12-20-404
25 (4), upon proof that a person:

26 (g) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
27 section 27-81-102, ~~or a substance use disorder, as defined in section~~

1 ~~27-82-102~~, or excessively uses any habit-forming drug or any controlled
2 substance, as defined in section 18-18-102 (5), or other drugs having
3 similar effects, or is diverting controlled substances, as defined in section
4 18-18-102 (5), or other drugs having similar effects from the person's
5 place of employment;

6 **SECTION 35.** In Colorado Revised Statutes, 12-265-113, **amend**
7 (1)(g) as follows:

8 **12-265-113. Grounds for discipline.** (1) The board has the
9 power to take disciplinary or other action as specified in sections
10 12-20-404 and 12-265-107 (1)(d), upon proof that the person:

11 (g) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
12 section 27-81-102, ~~or a substance use disorder, as defined in section~~
13 ~~27-82-102~~, abuses or engages in the habitual or excessive use of any such
14 habit-forming drug or any controlled substance as defined in section
15 18-18-102 (5), or participates in the unlawful use of controlled substances
16 as specified in section 18-18-404; except that the board has the discretion
17 not to discipline the licensee if the person is participating, in good faith,
18 in a substance use disorder treatment program approved by the board;

19 **SECTION 36.** In Colorado Revised Statutes, 12-275-110, **amend**
20 (1)(d) as follows:

21 **12-275-110. Application for license - licensure by endorsement**
22 **- rules.** (1) A person who desires to practice optometry in the state may
23 file with the board an application for a license, giving the information
24 required in a form and manner approved by the board. The applicant shall
25 demonstrate that the applicant possesses the following qualifications:

26 (d) The applicant does not have ~~an alcohol~~ A SUBSTANCE use
27 disorder, as defined in section 27-81-102, ~~or a substance use disorder, as~~

1 ~~defined in section 27-82-102~~, or has not habitually or excessively used or
2 abused alcohol, habit-forming drugs, or controlled substances as defined
3 in section 18-18-102 (5).

4 **SECTION 37.** In Colorado Revised Statutes, 12-280-126, **amend**
5 (1)(e) as follows:

6 **12-280-126. Unprofessional conduct - grounds for discipline.**

7 (1) The board may take disciplinary or other action as authorized in
8 section 12-20-404, after a hearing held in accordance with the provisions
9 of sections 12-20-403 and 12-280-127, upon proof that the licensee,
10 certificant, or registrant:

11 (e) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
12 section 27-81-102, ~~or a substance use disorder, as defined in section~~
13 ~~27-82-102~~, or engages in the habitual or excessive use or abuse of
14 alcohol, a habit-forming drug, or a controlled substance, as defined in
15 section 18-18-102 (5);

16 **SECTION 38.** In Colorado Revised Statutes, 12-280-204, **amend**
17 (2)(a) as follows:

18 **12-280-204. Eligibility - participants.** (2) In order to be eligible
19 for participation, a licensee shall:

20 (a) Acknowledge the existence or the potential existence of a
21 psychiatric, psychological, or emotional problem; excessive alcohol or
22 drug use; or ~~an alcohol~~ A SUBSTANCE use disorder, as defined in section
23 27-81-102; ~~or a substance use disorder, as defined in section 27-82-102~~;

24 **SECTION 39.** In Colorado Revised Statutes, 12-300-109, **amend**
25 (2)(h) as follows:

26 **12-300-109. Grounds for action - disciplinary proceedings.**

27 (2) The director has the power to take disciplinary or other action as

1 authorized in section 12-20-404 against a licensee in accordance with
2 subsections (4), (5), (6), and (8) of this section upon proof that the person:

3 (h) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
4 section 27-81-102, ~~or a substance use disorder, as defined in section~~
5 ~~27-82-102~~, or is an excessive or habitual user or abuser of alcohol or
6 habit-forming drugs or is a habitual user of a controlled substance, as
7 defined in section 18-18-102 (5), or other drugs having similar effects;
8 except that the director has the discretion not to discipline the license
9 holder if he or she is participating in good faith in an alcohol or substance
10 use disorder treatment program approved by the director;

11 **SECTION 40**. In Colorado Revised Statutes, 12-305-112, **amend**
12 (2)(c) as follows:

13 **12-305-112. Grounds for discipline - definitions.** (2) The
14 director may take disciplinary or other action specified in section
15 12-20-404 or 12-305-113 or issue a cease-and-desist order to a certificate
16 holder in accordance with sections 12-20-405 and 12-305-113 (8) upon
17 proof that the certificate holder:

18 (c) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
19 section 27-81-102, ~~or a substance use disorder, as defined in section~~
20 ~~27-82-102~~, excessively or habitually uses or abuses alcohol or
21 habit-forming drugs, or habitually uses a controlled substance, as defined
22 in section 18-18-102 (5), or other drugs having similar effects; except that
23 the director has the discretion not to discipline the certificate holder if the
24 certificate holder is participating in good faith in an alcohol or substance
25 use disorder treatment program approved by the director;

26 **SECTION 41**. In Colorado Revised Statutes, 12-310-106, **amend**
27 (2)(c) as follows:

1 **12-310-106. Grounds for discipline - disciplinary proceedings**
2 **- judicial review.** (2) The director may take disciplinary or other action
3 as authorized in section 12-20-404 against, or issue a cease-and-desist
4 order in accordance with section 12-20-405 to, a registrant in accordance
5 with this section and section 12-20-403, upon proof that the registrant:

6 (c) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
7 section 27-81-102; ~~or a substance use disorder, as defined in section~~
8 ~~27-82-102~~; is an excessive or habitual user or abuser of alcohol or
9 habit-forming drugs; or is a habitual user of a controlled substance, as
10 defined in section 18-18-102 (5), or other drugs having similar effects;

11 **SECTION 42.** In Colorado Revised Statutes, 13-5-142, **amend**
12 (1)(b) as follows:

13 **13-5-142. National instant criminal background check system**
14 **- reporting.** (1) On and after March 20, 2013, the state court
15 administrator shall send electronically the following information to the
16 Colorado bureau of investigation created pursuant to section 24-33.5-401,
17 referred to in this section as the "bureau":

18 (b) The name of each person who has been committed by order of
19 the court to the custody of the office of behavioral health in the
20 department of human services pursuant to section 27-81-112; ~~or~~
21 ~~27-82-108~~; and

22 **SECTION 43.** In Colorado Revised Statutes, 13-5-142.5, **amend**
23 (2)(a)(II) as follows:

24 **13-5-142.5. National instant criminal background check**
25 **system - judicial process for awarding relief from federal**
26 **prohibitions - legislative declaration.** (2) **Eligibility.** A person may
27 petition for relief pursuant to this section if:

1 (a) (II) He or she has been committed by order of the court to the
2 custody of the office of behavioral health in the department of human
3 services pursuant to section 27-81-112; ~~or 27-82-108~~; or

4 **SECTION 44.** In Colorado Revised Statutes, 13-9-123, **amend**
5 (1)(b) as follows:

6 **13-9-123. National instant criminal background check system**
7 **- reporting.** (1) On and after March 20, 2013, the state court
8 administrator shall send electronically the following information to the
9 Colorado bureau of investigation created pursuant to section 24-33.5-401,
10 referred to in this section as the "bureau":

11 (b) The name of each person who has been committed by order of
12 the court to the custody of the office of behavioral health in the
13 department of human services pursuant to section 27-81-112; ~~or~~
14 ~~27-82-108~~; and

15 **SECTION 45.** In Colorado Revised Statutes, 13-9-124, **amend**
16 (2)(a)(II) as follows:

17 **13-9-124. National instant criminal background check system**
18 **- judicial process for awarding relief from federal prohibitions -**
19 **legislative declaration.** (2) **Eligibility.** A person may petition for relief
20 pursuant to this section if:

21 (a) (II) He or she has been committed by order of the court to the
22 custody of the office of behavioral health in the department of human
23 services pursuant to section 27-81-112; ~~or 27-82-108~~; or

24 **SECTION 46.** In Colorado Revised Statutes, 13-14.5-105,
25 **amend** (8)(b) as follows:

26 **13-14.5-105. Hearings on petition - grounds for order issuance.**
27 (8) (b) Before issuing an extreme risk protection order, the court shall

1 consider whether the respondent meets the standard for an emergency
2 commitment pursuant to section 27-81-111. ~~or 27-82-107~~. If the court
3 determines that the respondent meets the standard, then, in addition to
4 issuing an extreme risk protection order, the court shall order an
5 emergency commitment pursuant to section 27-81-111. ~~or 27-82-107~~.

6 **SECTION 47**. In Colorado Revised Statutes, 13-90-107, **amend**
7 (1)(m)(IV)(C) as follows:

8 **13-90-107. Who may not testify without consent - definitions.**

9 (1) There are particular relations in which it is the policy of the law to
10 encourage confidence and to preserve it inviolate; therefore, a person
11 shall not be examined as a witness in the following cases:

12 (m) (IV) This subsection (1)(m) does not apply in cases in which:

13 (C) Due to INTOXICATION BY alcohol, ~~or other substance~~
14 ~~intoxication or abuse~~ BEING UNDER THE INFLUENCE OF DRUGS, OR
15 INCAPACITATION BY SUBSTANCES as described in ~~sections 27-81-111 and~~
16 ~~27-82-107~~, C.R.S. SECTION 27-81-111, the person receiving peer support
17 is a clear and immediate danger to the person's self or others;

18 **SECTION 48**. In Colorado Revised Statutes, 25-1-1202, **amend**
19 (1)(vv) as follows:

20 **25-1-1202. Index of statutory sections regarding medical**
21 **record confidentiality and health information.** (1) Statutory provisions
22 concerning policies, procedures, and references to the release, sharing,
23 and use of medical records and health information include the following:

24 (vv) ~~Sections 27-82-106 and 27-82-109~~ SECTIONS 27-81-109 AND
25 27-81-113, concerning the treatment of persons with substance use
26 disorders;

27 **SECTION 49**. In Colorado Revised Statutes, 25-3.5-208, **amend**

1 (7)(a)(I) as follows:

2 **25-3.5-208. Emergency medical service providers' peer health**
3 **assistance program - fund - rules.** (7) (a) Any certificate holder who
4 does not have access to an employee assistance program may apply to the
5 department for participation in a qualified peer health assistance program.
6 In order to be eligible for participation, a certificate holder shall:

7 (I) Acknowledge the existence or the potential existence of a
8 physical, psychological, or emotional condition; excessive alcohol or drug
9 use; or ~~an alcohol~~ A SUBSTANCE use disorder, as defined in section
10 27-81-102; ~~(1); or a substance use disorder, as defined in section~~
11 ~~27-82-102 (13.5);~~

12 **SECTION 50.** In Colorado Revised Statutes, 25-27.6-104,
13 **amend as it will become effective July 1, 2022,** (1)(b) as follows:

14 **25-27.6-104. License required - criminal and civil penalties.**
15 (1) (b) On or after July 1, 2023, an entity seeking initial licensure as a
16 behavioral health entity shall apply for a behavioral health entity license
17 if the entity would previously have been licensed or subject to approval
18 by the office of behavioral health in the department of human services
19 pursuant to section 27-81-106 ~~or 27-82-103~~ as an approved treatment
20 program for alcohol use disorders or substance use disorders.

21 **SECTION 51.** In Colorado Revised Statutes, 26-6.9-101, **amend**
22 (1) as follows:

23 **26-6.9-101. Definitions.** As used in this article 6.9, unless the
24 context otherwise requires:

25 (1) "Facility" means an agency meeting the standards described
26 in section 27-81-106 (1) ~~or 27-82-103 (1)~~ and approved pursuant to
27 section 27-81-106. ~~or 27-82-103.~~

1 **SECTION 52.** In Colorado Revised Statutes, 27-60-104.5,
2 **amend** (3)(e)(I) as follows:

3 **27-60-104.5. Behavioral health capacity tracking system -**
4 **legislative declaration - definitions - rules.** (3) Pursuant to subsection
5 (8) of this section, the state department shall implement a behavioral
6 health capacity tracking system, which must include the following:

7 (e) Capacity reporting for the following facilities and treatment
8 providers statewide:

9 (I) Facilities that provide evaluation and treatment to individuals
10 held under an emergency commitment pursuant to section 27-81-111, ~~or~~
11 ~~section 27-82-107~~, an involuntary commitment pursuant to section
12 27-81-112, ~~or section 27-82-108~~, or a civil commitment pursuant to
13 section 27-65-105, including crisis stabilization units, acute treatment
14 units, community mental health centers, and hospitals, including state
15 mental health institutes;

16 **SECTION 53.** In Colorado Revised Statutes, 27-66.5-102,
17 **amend** (3)(a)(IV) and (3)(a)(V) as follows:

18 **27-66.5-102. Definitions.** As used in this article 66.5, unless the
19 context otherwise requires:

20 (3) "High-risk individual" means a person who:

21 (a) Is under:

22 (IV) An emergency commitment pursuant to section 27-81-111;
23 ~~or 27-82-107~~; or

24 (V) An involuntary commitment pursuant to section 27-81-112;
25 ~~or 27-82-108~~;

26 **SECTION 54.** In Colorado Revised Statutes, 27-82-202, **amend**
27 (4) as follows:

1 **27-82-202. Definitions.** As used in this part 2, unless the context
2 otherwise requires:

3 (4) "Treatment facility" means a health care facility that provides
4 substance use disorder or medication-assisted treatment and that is
5 approved by the office of behavioral health pursuant to ~~section 27-82-103~~
6 SECTION 27-81-106.

7 **SECTION 55.** In Colorado Revised Statutes, 42-2-104, **amend**
8 (2)(c) as follows:

9 **42-2-104. Licenses issued - denied.** (2) Except as otherwise
10 provided in this article 2, the department shall not license a person to
11 operate any motor vehicle in this state:

12 (c) Who has been adjudged or determined by a court of competent
13 jurisdiction to have ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
14 section 27-81-102, ~~or a substance use disorder, as defined in section~~
15 ~~27-82-102~~, with respect to a controlled substance, as defined in section
16 18-18-102 (5);

17 **SECTION 56.** In Colorado Revised Statutes, 42-4-1301.3,
18 **amend** (4)(a) as follows:

19 **42-4-1301.3. Alcohol and drug driving safety program -**
20 **definition.** (4) (a) There is created an alcohol and drug driving safety
21 program fund in the office of the state treasurer, referred to in this
22 subsection (4) as the "fund". The fund consists of money deposited in it
23 as directed by this subsection (4)(a). The assessment in effect on July 1,
24 1998, remains in effect unless the judicial department and the office of
25 behavioral health in the department of human services have provided the
26 general assembly with a statement of the cost of the program, including
27 costs of administration for the past and current fiscal year to include a

1 proposed change in the assessment. The general assembly shall then
2 consider the proposed new assessment and approve the amount to be
3 assessed against each person during the following fiscal year in order to
4 ensure that the alcohol and drug driving safety program established in this
5 section is financially self-supporting. Any adjustment in the amount to be
6 assessed must be noted in the appropriation to the judicial department and
7 the office of behavioral health in the department of human services as a
8 footnote or line item related to this program in the general appropriation
9 bill. The state auditor shall periodically audit the costs of the programs to
10 determine that they are reasonable and that the rate charged is accurate
11 based on these costs. Any other fines, fees, or costs levied against a
12 person are not part of the program fund. The court shall transmit to the
13 state treasurer the amount assessed for the alcohol and drug evaluation to
14 be credited to the fund. Fees charged pursuant to ~~sections 27-81-106 (1)~~
15 ~~and 27-82-103 (1)~~ SECTION 27-81-106 (1) to approved alcohol and drug
16 treatment facilities that provide level I and level II programs as provided
17 in subsection (3)(c) of this section must be transmitted to the state
18 treasurer, who shall credit the fees to the fund. Upon appropriation by the
19 general assembly, the money must be expended by the judicial department
20 and the office of behavioral health in the department of human services
21 for the administration of the alcohol and drug driving safety program. In
22 administering the alcohol and drug driving safety program, the judicial
23 department is authorized to contract with any agency for any services the
24 judicial department deems necessary. Money deposited in the fund
25 remains in the fund to be used for the purposes set forth in this section
26 and must not revert or transfer to the general fund except by further act
27 of the general assembly.

1 **SECTION 57. Appropriation.** For the 2020-21 state fiscal year,
2 \$22,372 is appropriated to the department of regulatory agencies for use
3 by the division of insurance. This appropriation is from the division of
4 insurance cash fund created in section 10-1-103 (3), C.R.S., and is based
5 on an assumption that the division will require an additional 0.3 FTE. To
6 implement this act, the division may use this appropriation for personal
7 services.

8 **SECTION 58. Applicability.** Section 1 of this act applies to
9 health benefits plans issued or renewed on or after January 1, 2022.

10 **SECTION 59. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety.