

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

REVISED

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

LLS NO. 20-0295.01 Yelana Love x2295

SENATE BILL 20-028

SENATE SPONSORSHIP

Pettersen and Priola, Crowder, Danielson, Donovan, Fenberg, Fields, Garcia, Ginal, Gonzales, Hansen, Lee, Moreno, Story, Tate, Todd, Winter, Zenzinger

HOUSE SPONSORSHIP

Buentello and Herod, Kennedy

Senate Committees

Health & Human Services
Appropriations

House Committees

Health & Insurance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ASSIST AN INDIVIDUAL'S RECOVERY FROM**
102 **A SUBSTANCE USE DISORDER, AND, IN CONNECTION THEREWITH,**
103 **MAKING AND REDUCING 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.

The bill:

! Annually appropriates \$250,000 to the department of labor and employment for the purpose of providing peer coaching and peer specialist training for individuals

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.

HOUSE
Amended 2nd Reading
June 12, 2020

SENATE
3rd Reading Unamended
June 8, 2020

SENATE
Amended 2nd Reading
June 6, 2020

- recovering from substance use disorders (**section 1** of the bill);
- ! Continues the opioid and other substance use disorders study committee (committee) for an additional 4 years, meeting every other year beginning in 2021 (**sections 2 and 3**);
 - ! Requires the state substance abuse trend and response task force to: Convene stakeholders for the purpose of reviewing progress on bills introduced by the committee and passed by the general assembly and generating policy recommendations related to opioid and other substance use disorders; and submit its annual report to the committee (**section 4**);
 - ! Modifies how the determination of child abuse, neglect, or dependency is determined in situations involving alcohol or substance exposure (**sections 5 to 7**);
 - ! Annually appropriates \$2 million to the office of behavioral health (office) in the department of human services for the purpose of expanding the individual placement and support program (**section 8**);
 - ! Requires the center for research into substance use disorder prevention, treatment, and recovery support strategies (center) to design and conduct a comprehensive review of Colorado's substance use disorder treatment and recovery services to inform a state plan for the delivery of services across the continuum of care for individuals at risk of relapse and appropriates \$500,000 to the center for the completion of the review (**section 9**);
 - ! Requires the center, through the statewide perinatal substance use data linkage project, to conduct ongoing research related to the incidence of perinatal substance exposure or related infant and family health and human service outcomes. The bill also annually appropriates \$75,000 to the center to conduct the research (**section 10**).
 - ! Requires the office to establish a program to assist individuals with substance use disorders by providing the individuals with temporary financial housing assistance and annually appropriates \$4 million to the office for purposes of the program (**section 11**); and
 - ! Creates the recovery support services grant program in the office to provide grants to recovery community organizations, and annually appropriates \$3.5 million to implement the program (**section 12**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-22.3-101, **amend**
3 (1)(a) introductory portion, (1)(b), (2)(f), and (3); and **add** (2)(h) and
4 (2)(i) as follows:

5 **10-22.3-101. Opioid and other substance use disorders study**
6 **committee - creation - members - purposes.** (1) (a) Notwithstanding
7 section 2-3-303.3, there is hereby created the opioid and other substance
8 use disorders study committee. The committee consists of ten members
9 of the general assembly, ~~appointed on or before June 1, 2018~~, as follows:

10 (b) The speaker of the house of representatives shall appoint the
11 chair of the committee in ~~even-numbered years~~ THE 2023 INTERIM and the
12 vice-chair in ~~odd-numbered years~~ THE 2021 INTERIM, and the president of
13 the senate shall appoint the chair of the committee in ~~odd-numbered years~~
14 THE 2021 INTERIM and the vice-chair in ~~even-numbered years~~ THE 2023
15 INTERIM.

16 (2) The committee shall:

17 (f) Identify possible legislative options to address gaps and
18 hurdles to accessing prevention, intervention, harm reduction, treatment,
19 and recovery resources; ~~and~~

20 (h) DURING THE 2021 INTERIM, STUDY THE RELATIONSHIP
21 BETWEEN MENTAL HEALTH CONDITIONS AND SUBSTANCE USE DISORDERS
22 AND EXAMINE TREATMENT MODALITIES THAT BEST SERVE INDIVIDUALS
23 WITH CO-OCCURRING MENTAL HEALTH CONDITIONS AND SUBSTANCE USE
24 DISORDERS, INCLUDING THE BENEFITS OF INTEGRATED SERVICES; AND

25 (i) DURING THE 2021 INTERIM, STUDY THE IMPACT OF COVID-19,
26 THE CORONAVIRUS DISEASE CAUSED BY THE SEVERE ACUTE RESPIRATORY
27 SYNDROME CORONAVIRUS 2, ALSO KNOWN AS SARS-CoV-2, ON THE

1 PROVISION OF PREVENTION, HARM REDUCTION, TREATMENT AND
2 RECOVERY SUPPORT SERVICES, AND RELATED BEHAVIORAL HEALTH
3 SERVICES, INCLUDING THE IMPACT RELATED TO THE OPIOID CRISIS AND
4 DRUG OVERDOSES, AND PREPARE LEGISLATIVE RECOMMENDATIONS FOR
5 THE GENERAL ASSEMBLY FOR ADDRESSING THE IMPACTS.

6 (3) (a) The committee may meet IN THE 2021 AND 2023 INTERIMS
7 up to six times per interim. The committee may recommend up to a total
8 of five bills during each interim. Legislation recommended by the
9 committee must be treated as legislation recommended by an interim
10 committee for purposes of applicable deadlines, bill introduction limits,
11 and any other requirements imposed by the joint rules of the general
12 assembly.

13 (b) ~~No later than~~ BY December 1, ~~2018~~ 2021, and ~~no later than~~
14 ~~each~~ December 1, ~~thereafter~~ 2023, the committee shall make a report AND
15 A FINAL REPORT, RESPECTIVELY, to the legislative council created in
16 section 2-3-301 that may include recommendations for legislation.

17 **SECTION 2.** In Colorado Revised Statutes, **amend** 10-22.3-102
18 as follows:

19 **10-22.3-102. Repeal of article.** This article 22.3 is repealed,
20 effective ~~July 1, 2020~~ SEPTEMBER 1, 2024.

21 =====

22 **SECTION 3.** In Colorado Revised Statutes, 18-18.5-103, **add**
23 (6)(c.5) as follows:

24 **18-18.5-103. State substance abuse trend and response task**
25 **force - creation - membership - duties - report.** (6) In addition, the task
26 force shall:

27 (c.5) CONVENE STAKEHOLDERS FOR THE PURPOSE OF:

1 (I) REVIEWING PROGRESS ON BILLS INTRODUCED BY THE OPIOID
2 AND OTHER SUBSTANCE USE DISORDERS STUDY COMMITTEE CREATED IN
3 SECTION 10-22.3-101 AND ENACTED BY THE GENERAL ASSEMBLY; AND

4 (II) GENERATING POLICY RECOMMENDATIONS RELATED TO OPIOID
5 AND OTHER SUBSTANCE USE DISORDERS, INCLUDING PREVENTION, HARM
6 REDUCTION, TREATMENT, CRIMINAL JUSTICE, AND RECOVERY;

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8 **SECTION 4.** In Colorado Revised Statutes, 19-1-103, **amend**
9 (1)(a)(VII) as follows:

10 **19-1-103. Definitions.** As used in this title 19 or in the specified
11 portion of this title 19, unless the context otherwise requires:

12 (1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of
13 article 3 of this title 19, means an act or omission in one of the following
14 categories that threatens the health or welfare of a child:

15 (VII) Any case in which a child ~~tests positive at birth for either a~~
16 ~~schedule I controlled substance, as defined in section 18-18-203, C.R.S.,~~
17 ~~or a schedule II controlled substance, as defined in section 18-18-204,~~
18 ~~C.R.S., unless the child tests positive for a schedule II controlled~~
19 ~~substance as a result of the mother's lawful intake of such substance as~~
20 ~~prescribed~~ IS BORN AFFECTED BY ALCOHOL OR SUBSTANCE EXPOSURE,
21 EXCEPT WHEN TAKEN AS PRESCRIBED OR RECOMMENDED AND MONITORED
22 BY A LICENSED HEALTH CARE PROVIDER, AND THE NEWBORN CHILD'S
23 HEALTH OR WELFARE IS THREATENED BY SUBSTANCE USE;

24 **SECTION 5.** In Colorado Revised Statutes, 19-3-102, **amend**
25 (1)(g) as follows:

26 **19-3-102. Neglected or dependent child.** (1) A child is
27 neglected or dependent if:

1 (g) ~~The child tests positive at birth for either a schedule I~~
2 ~~controlled substance, as defined in section 18-18-203, C.R.S., or a~~
3 ~~schedule II controlled substance, as defined in section 18-18-204, C.R.S.,~~
4 ~~unless the child tests positive for a schedule II controlled substance as a~~
5 ~~result of the mother's lawful intake of such substance as prescribed IS~~
6 BORN AFFECTED BY ALCOHOL OR SUBSTANCE EXPOSURE, EXCEPT WHEN
7 TAKEN AS PRESCRIBED OR RECOMMENDED AND MONITORED BY A LICENSED
8 HEALTH CARE PROVIDER, AND THE NEWBORN CHILD'S HEALTH OR WELFARE
9 IS THREATENED BY SUBSTANCE USE.

10 **SECTION 6.** In Colorado Revised Statutes, **add** 19-3-216 as
11 follows:

12 **19-3-216. Rules.** THE STATE BOARD OF HUMAN SERVICES SHALL
13 PROMULGATE RULES TO DETERMINE WHETHER THERE IS CHILD ABUSE OR
14 NEGLECT AS DEFINED IN SECTION 19-1-103 (1)(a)(VII) OR IF A CHILD IS
15 NEGLECTED OR DEPENDENT AS DESCRIBED IN SECTION 19-3-102 (1)(g).

16 **SECTION 7.** In Colorado Revised Statutes, 27-80-121, **add** (2.5)
17 as follows:

18 **27-80-121. Perinatal substance use data linkage project -**
19 **center for research into substance use disorder prevention,**
20 **treatment, and recovery support strategies - report - appropriation.**

21 (2.5) THE STATEWIDE PERINATAL SUBSTANCE USE DATA LINKAGE
22 PROJECT MAY CONDUCT ONGOING RESEARCH RELATED TO THE INCIDENCE
23 OF PERINATAL SUBSTANCE EXPOSURE OR RELATED INFANT AND FAMILY
24 HEALTH AND HUMAN SERVICE OUTCOMES BASED ON THE STANDARDS
25 SPECIFIED IN SECTIONS 19-1-103 (1)(a)(VII) AND 19-3-102 (1)(g) FOR
26 DETERMINING CHILD ABUSE OR NEGLECT OR WHETHER A CHILD IS
27 NEGLECTED OR DEPENDENT.

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SECTION 8. Appropriation - adjustments to 2020 long bill. To implement this act, the general fund appropriation made in the annual general appropriation act for the 2020-21 state fiscal year to the office of the governor for use by the office of information technology for applications administration is decreased by \$74,620.

SECTION 9. Appropriation. (1) For the 2020-21 state fiscal year, \$74,620 is appropriated to the department of human services. This appropriation is from the General Fund. To implement this act, the department may use this appropriation for the purchase of legal services.

(2) For the 2020-21 state fiscal year, \$74,620 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of human services under subsection (1) of this section and is based on an assumption that the department of law will require an additional 0.4 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of human services.

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