

**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. 20-0294.01 Shelby Ross x4510

**HOUSE BILL 20-1017**

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**HOUSE SPONSORSHIP**

**Herod and Kennedy,**

**SENATE SPONSORSHIP**

**Donovan and Priola, Pettersen**

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**House Committees**

Public Health Care & Human Services  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING TREATMENT OF INDIVIDUALS WITH SUBSTANCE USE**  
102             **DISORDERS WHO COME INTO CONTACT WITH THE CRIMINAL**  
103             **JUSTICE SYSTEM, AND, IN CONNECTION THEREWITH, MAKING AN**  
104             **APPROPRIATION.**

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**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 requires the department of corrections, local jails, multijurisdictional jails, municipal jails, and state department of human

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.

services facilities to make available at least one opioid agonist and one opioid antagonist to a person in custody with an opioid use disorder throughout the duration of the person's incarceration or commitment.

The bill allows a person to dispose of any controlled substances at a safe station and request assistance in gaining access to treatment for a substance use disorder. The bill defines a "safe station" as any municipal police station; county sheriff's office; or municipal, county, or fire protection district fire station.

The bill requires the department of corrections and jails to ensure that continuity of care is provided to inmates prior to release.

The bill requires the executive director of the department of corrections, in consultation with the offices of behavioral health and economic security in the department of human services, the department of health care policy and financing, the department of local affairs, and local service providers to develop resources for inmates post-release that provide information to help prepare inmates for release and reintegration into their communities.

If a person who is the subject of a petition to seal criminal records has entered into or successfully completed a licensed substance use disorder treatment program, the court is required to consider such factor favorably in determining whether to issue the order.

The bill allows the office of behavioral health in the department of human services to contract with cities and counties for the creation, maintenance, or expansion of criminal justice diversion programs. The bill requires the department of human services to include an update regarding the current status of funding and implementation of the criminal justice diversion programs in its annual SMART presentation.

The bill appropriates money to the office of behavioral health in the department of human services for criminal justice diversion programs.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 17-1-113.4 as  
3 follows:

4           **17-1-113.4. Opioid treatment for a person in custody -**  
5 **definitions.** (1) A CORRECTIONAL FACILITY OR PRIVATE CONTRACT  
6 PRISON SHALL MAKE AVAILABLE AT LEAST ONE OPIOID AGONIST TO A  
7 PERSON IN CUSTODY WITH AN OPIOID USE DISORDER. THE CORRECTIONAL  
8 FACILITY OR PRIVATE CONTRACT PRISON SHALL DIAGNOSE AND BEGIN

1 PROCURING THE OPIOID AGONIST AS SOON AS PRACTICABLE, BUT NO LATER  
2 THAN THREE DAYS AFTER THE PERSON IS TAKEN INTO CUSTODY. THE  
3 CORRECTIONAL FACILITY OR PRIVATE CONTRACT PRISON SHALL MAINTAIN  
4 THE TREATMENT OF THE PERSON THROUGHOUT THE DURATION OF THE  
5 PERSON'S INCARCERATION, AS MEDICALLY NECESSARY. THE PERSON MAY  
6 TRANSITION FROM AN OPIOID AGONIST TO AN OPIOID ANTAGONIST IF A  
7 MEDICAL PROFESSIONAL DETERMINES SUCH A TRANSITION IS MEDICALLY  
8 APPROPRIATE.

9 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
10 REQUIRES:

11 (a) "OPIOID AGONIST" MEANS A FULL OR PARTIAL AGONIST THAT  
12 IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE  
13 TREATMENT OF AN OPIOID USE DISORDER.

14 (b) "OPIOID ANTAGONIST" MEANS NALTREXONE OR ANY SIMILARLY  
15 ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE AND THAT IS  
16 APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE  
17 TREATMENT OF AN OPIOID USE DISORDER.

18 **SECTION 2.** In Colorado Revised Statutes, **add** 17-26-104.9 as  
19 follows:

20 **17-26-104.9. Opioid treatment for a person in custody -**  
21 **definitions.** (1) A FACILITY, WHETHER OPERATED BY A GOVERNMENTAL  
22 ENTITY OR A PRIVATE CONTRACTOR, SHALL MAKE AVAILABLE AT LEAST  
23 ONE OPIOID AGONIST TO A PERSON IN CUSTODY WITH AN OPIOID USE  
24 DISORDER. THE FACILITY SHALL DIAGNOSE AND BEGIN PROCURING THE  
25 OPIOID AGONIST AS SOON AS PRACTICABLE, BUT NO LATER THAN THREE  
26 DAYS AFTER THE PERSON IS TAKEN INTO CUSTODY. THE FACILITY SHALL  
27 MAINTAIN THE TREATMENT OF THE PERSON THROUGHOUT THE DURATION

1 OF THE PERSON'S INCARCERATION, AS MEDICALLY NECESSARY. THE  
2 PERSON MAY TRANSITION FROM AN OPIOID AGONIST TO AN OPIOID  
3 ANTAGONIST IF A MEDICAL PROFESSIONAL DETERMINES SUCH A  
4 TRANSITION IS MEDICALLY APPROPRIATE.

5 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
6 REQUIRES:

7 (a) "FACILITY" MEANS:

8 (I) A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7);

9 (II) A MULTI JURISDICTIONAL JAIL, AS DESCRIBED IN SECTION  
10 17-26.5-101; AND

11 (III) A MUNICIPAL JAIL, AS AUTHORIZED IN SECTION 31-15-401  
12 (1)(j).

13 (b) "OPIOID AGONIST" MEANS A FULL OR PARTIAL AGONIST THAT  
14 IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE  
15 TREATMENT OF AN OPIOID USE DISORDER.

16 (c) "OPIOID ANTAGONIST" MEANS NALTREXONE OR ANY SIMILARLY  
17 ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE AND THAT IS  
18 APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE  
19 TREATMENT OF AN OPIOID USE DISORDER.

20 **SECTION 3.** In Colorado Revised Statutes, **add** 26-1-136.7 as  
21 follows:

22 **26-1-136.7. Opioid treatment for a person in custody -**  
23 **definitions.** (1) A STATE DEPARTMENT FACILITY SHALL MAKE AVAILABLE  
24 AT LEAST ONE OPIOID AGONIST TO A PERSON COMMITTED TO OR PLACED  
25 WITH THE FACILITY WITH AN OPIOID USE DISORDER. THE FACILITY SHALL  
26 DIAGNOSE AND BEGIN PROCURING THE OPIOID AGONIST AS SOON AS  
27 PRACTICABLE, BUT NO LATER THAN THREE DAYS AFTER THE PERSON IS

1 COMMITTED TO OR PLACED WITH THE FACILITY. THE FACILITY SHALL  
2 MAINTAIN THE TREATMENT OF THE PERSON THROUGHOUT THE DURATION  
3 OF THE PERSON'S COMMITMENT OR PLACEMENT, AS MEDICALLY  
4 NECESSARY. THE PERSON MAY TRANSITION FROM AN OPIOID AGONIST TO  
5 AN OPIOID ANTAGONIST IF A MEDICAL PROFESSIONAL DETERMINES SUCH  
6 A TRANSITION IS MEDICALLY APPROPRIATE.

7 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
8 REQUIRES:

9 (a) "OPIOID AGONIST" MEANS A FULL OR PARTIAL AGONIST THAT  
10 IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE  
11 TREATMENT OF AN OPIOID USE DISORDER.

12 (b) "OPIOID ANTAGONIST" MEANS NALTREXONE OR ANY SIMILARLY  
13 ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE AND THAT IS  
14 APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE  
15 TREATMENT OF AN OPIOID USE DISORDER.

16 **SECTION 4.** In Colorado Revised Statutes, **add** 31-15-405 as  
17 follows:

18 **31-15-405. Opioid treatment for a person in custody.** A  
19 MUNICIPALITY THAT CHOOSES TO ESTABLISH AND OPERATE A JAIL, AS  
20 AUTHORIZED IN SECTION 31-15-401 (1)(j), SHALL COMPLY WITH THE  
21 PROVISIONS OF SECTION 17-26-104.9 CONCERNING OPIOID TREATMENT FOR  
22 A PERSON IN CUSTODY.

23 **SECTION 5.** In Colorado Revised Statutes, **add** 18-18-607 as  
24 follows:

25 **18-18-607. Safe stations - disposal of controlled substances -**  
26 **medical evaluation - definition.** (1) (a) UPON ARRIVAL TO A SAFE  
27 STATION, A PERSON MAY TURN IN ANY CONTROLLED SUBSTANCES AND

1 REQUEST ASSISTANCE IN GAINING ACCESS TO TREATMENT FOR A  
2 SUBSTANCE USE DISORDER. SAFE STATION PERSONNEL SHALL UTILIZE  
3 CURRENT PROCEDURES AND PROTOCOLS FOR THE DISPOSAL OF THE  
4 CONTROLLED SUBSTANCES.

5 (b) A PERSON WHO TURNS IN ONE OR MORE CONTROLLED  
6 SUBSTANCES PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION IS NOT  
7 SUBJECT TO ARREST OR PROSECUTION FOR POSSESSION OF SUCH  
8 CONTROLLED SUBSTANCES.

9 (2) REASONABLE EFFORTS SHOULD BE TAKEN BY SAFE STATION  
10 PERSONNEL TO DETERMINE IF THE PERSON IS IN NEED OF IMMEDIATE  
11 MEDICAL ATTENTION AND FACILITATE TRANSPORTATION TO AN  
12 APPROPRIATE MEDICAL FACILITY, IF NECESSARY. IF THE PERSON DOES NOT  
13 REQUIRE IMMEDIATE MEDICAL ATTENTION, THE SAFE STATION PERSONNEL  
14 SHALL PROVIDE THE PERSON WITH INFORMATION ABOUT THE BEHAVIORAL  
15 HEALTH CRISIS RESPONSE SYSTEM, CREATED IN SECTION 27-60-103, TO  
16 HELP IDENTIFY AVAILABLE TREATMENT OPTIONS AND, IF PRACTICABLE,  
17 PROVIDE TRANSPORTATION FOR THE PERSON TO THE MOST APPROPRIATE  
18 FACILITY FOR TREATMENT OF A SUBSTANCE USE DISORDER. THE  
19 INFORMATION ABOUT THE CRISIS HOTLINE MUST BE DEVELOPED BY THE  
20 OFFICE OF BEHAVIORAL HEALTH IN THE STATE DEPARTMENT AND BE  
21 PROVIDED TO SAFE STATIONS FOR DISTRIBUTION.

22 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
23 REQUIRES, A "SAFE STATION" MEANS ANY MUNICIPAL POLICE STATION;  
24 COUNTY SHERIFF'S OFFICE; OR MUNICIPAL, COUNTY, OR FIRE PROTECTION  
25 DISTRICT FIRE STATION.

26 **SECTION 6.** In Colorado Revised Statutes, add 17-26-140 as  
27 follows:

1           **17-26-140. Continuity of care for persons in custody.** (1) IF A  
2 PERSON IS RECEIVING MEDICATION-ASSISTED TREATMENT FOR A  
3 SUBSTANCE USE DISORDER WHILE THE PERSON IS INCARCERATED,  
4 CONTINUITY OF CARE MUST BE PROVIDED TO THE PERSON BASED ON THE  
5 FOLLOWING LEVELS OF TREATMENT:

6           **(a) Level one stabilization.** LEVEL ONE STABILIZATION REFERS TO  
7 A PERSON WHO IS IN CUSTODY FOR LESS THAN THIRTY DAYS, IS RECEIVING  
8 MEDICATION-ASSISTED TREATMENT, AND IS BEING MONITORED BY  
9 MEDICAL PERSONNEL AND ASSESSED FOR ADDITIONAL MEDICAL OR  
10 MENTAL HEALTH NEEDS WHILE IS CUSTODY. PERSONS IDENTIFIED AS LEVEL  
11 ONE SHALL RECEIVE INFORMATION CONTAINING TREATMENT OPTIONS  
12 AVAILABLE IN THE COMMUNITY UPON RELEASE.

13           **(b) Level two treatment.** LEVEL TWO TREATMENT REFERS TO A  
14 PERSON WHO IS IN CUSTODY FOR MORE THAN THIRTY DAYS, IS STABILIZED  
15 ON MEDICATION-ASSISTED TREATMENT, IS RECEIVING MEDICAL AND  
16 MENTAL HEALTH FOLLOW UP TREATMENT AS NEEDED, AND IS RECEIVING  
17 COUNSELING AND SUPPORT. PERSONS IDENTIFIED AS LEVEL TWO WILL BE  
18 FOLLOWED BY A CASE MANAGER TO IDENTIFY TREATMENT NEEDS WHILE  
19 IN CUSTODY. ONCE A RELEASE DATE IS ESTABLISHED, THE PERSON SHALL  
20 RECEIVE REENTRY SERVICES. IF THE PERSON IS BONDED OR RELEASED  
21 DURING LEVEL TWO TREATMENT, JAIL PERSONNEL WILL ATTEMPT TO  
22 IDENTIFY AND REINSTATE THE PERSON'S MEDICAID, IDENTIFY TREATMENT  
23 SERVICES, AND SCHEDULE APPOINTMENTS AS TIME PERMITS. AT A  
24 MINIMUM, PERSONS IDENTIFIED AS LEVEL TWO SHALL RECEIVE  
25 INFORMATION CONTAINING TREATMENT OPTIONS AVAILABLE IN THE  
26 COMMUNITY UPON RELEASE.

27           **(c) Level three reentry services.** LEVEL THREE REENTRY

1 SERVICES REFERS TO A PERSON WHO IS WITHIN SIXTY DAYS OF RELEASE  
2 AND WHO HAS COMPLETED LEVEL ONE STABILIZATION, LEVEL TWO  
3 TREATMENT, HAS BEEN MAINTAINED ON MEDICATION-ASSISTED  
4 TREATMENT, AND RECEIVED COUNSELING AND TREATMENT FOR A  
5 SUBSTANCE USE DISORDER WHILE IN CUSTODY. THE COUNTY JAIL SHALL  
6 CONDUCT THE FOLLOWING BEFORE RELEASING THE PERSON FROM THE  
7 COUNTY JAIL'S CUSTODY:

8 (I) ENSURE THAT THE PERSON'S MEDICAID IS REINSTATED, IF  
9 APPLICABLE;

10 (II) ENSURE THAT TREATMENT SERVICES ARE READILY AVAILABLE;

11 (III) SCHEDULE APPOINTMENTS WITH THE PERSON'S BEHAVIORAL  
12 HEALTH CARE PROVIDER OR LICENSED HEALTH CARE PROVIDER;

13 (IV) PROVIDE POST-RELEASE RESOURCES DEVELOPED PURSUANT  
14 TO SECTION 17-1-103 (1)(r); AND

15 (V) ADDRESS TRANSPORTATION NEEDS.

16 **SECTION 7.** In Colorado Revised Statutes, **add** 17-1-113.2 as  
17 follows:

18 **17-1-113.2. Continuity of care for persons released from**  
19 **correctional facility.** BEFORE A PERSON IS RELEASED FROM THE CUSTODY  
20 OF A CORRECTIONAL FACILITY, THE CORRECTIONAL FACILITY SHALL  
21 COMPLY WITH THE PROVISIONS OF SECTION 17-26-140 CONCERNING  
22 CONTINUITY OF CARE FOR PERSONS WITH A SUBSTANCE USE DISORDER.

23 **SECTION 8.** In Colorado Revised Statutes, 17-1-103, **amend** (1)  
24 introductory portion; and **add** (1)(r) as follows:

25 **17-1-103. Duties of the executive director.** (1) The duties of the  
26 executive director ~~shall be~~ ARE:

27 (r) IN CONSULTATION WITH THE OFFICES OF BEHAVIORAL HEALTH

1 AND ECONOMIC SECURITY IN THE DEPARTMENT OF HUMAN SERVICES, THE  
2 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE DEPARTMENT  
3 OF LOCAL AFFAIRS, AND LOCAL SERVICE PROVIDERS, TO DEVELOP  
4 RESOURCES FOR INMATES POST-RELEASE THAT PROVIDE INFORMATION TO  
5 HELP PREPARE INMATES FOR RELEASE AND SUCCESSFUL REINTEGRATION  
6 INTO THEIR COMMUNITIES. THE RESOURCES MUST REFLECT THE NEEDS OF  
7 DIVERSE AND UNDERSERVED POPULATIONS AND COMMUNITIES.

8 **SECTION 9.** In Colorado Revised Statutes, 24-72-703, **add**  
9 (10.5) as follows:

10 **24-72-703. Sealing of arrest and criminal records - general**  
11 **provisions - order applicability - discovery and advisements.** (10.5) IF  
12 THE PERSON IN INTEREST HAS ENTERED INTO OR SUCCESSFULLY  
13 COMPLETED A SUBSTANCE USE DISORDER TREATMENT PROGRAM LICENSED  
14 PURSUANT TO SECTION 27-80-205 IN THE CASE THAT IS THE SUBJECT OF  
15 THE PETITION TO SEAL, THE COURT SHALL CONSIDER SUCH FACTOR  
16 FAVORABLY IN DETERMINING WHETHER TO ISSUE AN ORDER TO SEAL  
17 RECORDS PURSUANT TO THIS SECTION.

18 **SECTION 10.** In Colorado Revised Statutes, **add** 27-60-106.5 as  
19 follows:

20 **27-60-106.5. Criminal justice diversion programs - rules -**  
21 **report.** (1) THE OFFICE OF BEHAVIORAL HEALTH IN THE STATE  
22 DEPARTMENT MAY CONTRACT WITH CITIES AND COUNTIES FOR THE  
23 CREATION, MAINTENANCE, OR EXPANSION OF CRIMINAL JUSTICE DIVERSION  
24 PROGRAMS. THE GOAL OF EACH PROGRAM CREATED PURSUANT TO THIS  
25 SECTION SHOULD BE TO CONNECT LAW ENFORCEMENT OFFICERS WITH  
26 BEHAVIORAL HEALTH PROVIDERS TO ASSIST INDIVIDUALS IN NEED OF  
27 BEHAVIORAL HEALTH INTERVENTION OR TO DIVERT INDIVIDUALS FROM

1 THE CRIMINAL JUSTICE SYSTEM.

2 (2) ON OR BEFORE NOVEMBER 1, 2021, AND ON OR BEFORE EACH  
3 NOVEMBER 1 THEREAFTER, THE STATE DEPARTMENT SHALL INCLUDE AN  
4 UPDATE REGARDING THE CURRENT STATUS OF FUNDING AND THE CRIMINAL  
5 JUSTICE DIVERSION PROGRAMS IMPLEMENTED PURSUANT TO THIS SECTION  
6 IN ITS REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND THE  
7 HOUSE OF REPRESENTATIVES, THE HEALTH AND HUMAN SERVICES  
8 COMMITTEE OF THE SENATE, THE PUBLIC HEALTH CARE AND HUMAN  
9 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY  
10 SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR  
11 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)  
12 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203.

13 (3) THE STATE BOARD OF HUMAN SERVICES, CREATED IN SECTION  
14 26-1-107, MAY PROMULGATE RULES TO IMPLEMENT THE PROVISIONS OF  
15 THIS SECTION.

16 **SECTION 11. Appropriation.** For the 2020-21 state fiscal year,  
17 \$1,150,000 is appropriated to the department of human services for use  
18 by the office of behavioral health. This appropriation is from the general  
19 fund. The office may use this appropriation for criminal justice diversion  
20 programs established pursuant to section 27-60-106.5, C.R.S.

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