

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0883.05 Jacob Baus x2173

HOUSE BILL 22-1326

HOUSE SPONSORSHIP

Garnett and Lynch, Herod, Sandridge

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Pettersen and Cooke, Priola

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO ADDRESS SYNTHETIC OPIATES, AND, IN
102 CONNECTION THEREWITH, CHANGING THE CRIMINAL PENALTIES
103 ASSOCIATED WITH SYNTHETIC OPIATES; USING A SUBSTANCE
104 ABUSE ASSESSMENT TO DIRECT APPROPRIATE TREATMENT AT
105 SENTENCING; PROVIDING OPIATE ANTAGONISTS IN THE
106 COMMUNITY; PROVIDING SYNTHETIC OPIATE DETECTION TESTS
107 IN THE COMMUNITY; CREATING IMMUNITY FOR FURNISHING
108 SYNTHETIC OPIATE DETECTION TESTS; PROVIDING TREATMENT
109 FOR PERSONS IN THE CRIMINAL JUSTICE SYSTEM; DEVELOPING
110 A FENTANYL PREVENTION AND EDUCATION CAMPAIGN;
111 PROVIDING FUNDING FOR SUBSTANCE ABUSE AND HARM
112 REDUCTION; EVALUATING THE SUBSTANCE ABUSE AND HARM
113 REDUCTION NEEDS ACROSS THE STATE; AND REQUIRING A

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill makes the unlawful possession of any material, compound, mixture, or preparation that weighs more than 4 grams and contains any amount of fentanyl, carfentanyl, or an analog thereof a level 4 drug felony.

The bill creates an exemption to the unlawful possession of a controlled substance offense for employees, agents, or volunteers of certain agencies who are in possession of the controlled substance, including fentanyl, carfentanyl, or an analog thereof, for the purpose of safe disposal of the controlled substance.

The bill makes the unlawful distribution, manufacturing, dispensing, or sale of a material, compound, mixture, or preparation containing fentanyl, carfentanyl, or an analog thereof:

- A level 1 drug felony if it weighs more than 50 grams;
- A level 2 drug felony if it weighs more than 4 grams, but not more than 50 grams; and
- A level 3 drug felony if it weighs not more than 4 grams.

The bill makes it a level 1 drug felony if the defendant unlawfully distributed, manufactured, dispensed, or sold a material, compound, mixture, or preparation containing fentanyl, carfentanyl, or an analog thereof, and a person died as a proximate cause of using or consuming it.

The bill makes a defendant a special offender, making them subject to a level 1 drug felony, if:

- The defendant introduced or imported into Colorado any material, compound, mixture, or preparation that weighs more than 4 grams and contains fentanyl or carfentanyl; or
- The defendant unlawfully distributed, manufactured, dispensed, or sold a material, compound, mixture, or preparation containing fentanyl or carfentanyl, and the defendant possessed pill or tablet manufacturing equipment with the intent to use the equipment in the manufacture of a controlled substance.

For certain offenses, the bill requires a court to order placement in a residential treatment facility for treatment of an addiction that includes

fentanyl, carfentanil, or an analog thereof as a condition of probation if recommended pursuant to a substance abuse assessment. Furthermore, for certain offenses, a court is required to order a fentanyl education class, which is developed by the office of behavioral health.

The bill expands the list of eligible entities that are eligible for standing orders to receive opiate antagonists.

The bill creates immunity from civil liability for certain persons who or entities that act in good faith to furnish a non-laboratory synthetic opiate detection test to another person.

The bill requires a jail, upon release, to provide opiate antagonists and prescribe medication for an opiate use disorder to certain persons.

The bill requires community corrections programs to assess individuals residing in the programs for substance use withdrawal symptoms and develop protocols for medical detoxification monitoring, medication-assisted treatment, and other appropriate withdrawal management care.

The bill permits the correctional treatment board to direct money in the correctional treatment cash fund for drug overdose prevention, opiate antagonists, and non-laboratory synthetic opiate detection tests.

The bill permits a school district board of education, the charter school institute, or governing board of a nonpublic school to adopt and implement a policy to permit a school to acquire and maintain non-laboratory synthetic opiate detection tests and furnish them on school grounds.

For the 2022-23 fiscal year, the bill requires the appropriation of \$20 million from the behavioral and mental health cash fund to the opiate antagonist bulk purchase fund.

For the 2022-23 fiscal year, the bill requires the appropriation of \$300,000 to the department of public health and environment for the purchase and distribution of non-laboratory synthetic opiate detection tests to eligible entities.

The bill requires the department of public health and environment to develop and implement a statewide fentanyl prevention and education campaign.

The bill expands the types of entities that are eligible for a harm reduction grant and the permissible uses of the grant funds. For the 2022-23 fiscal year, the bill requires the appropriation of \$6 million from the behavioral and mental health cash fund to the harm reduction grant program cash fund.

The bill requires a jail that receives funding through the jail-based behavioral health services program to develop protocols for medication-assisted treatment and withdrawal management care and develop and implement a policy that describes the provision of medication-assisted treatment to individuals upon release. For the 2022-23 fiscal year, the bill requires the appropriation of \$3 million from

the behavioral and mental health cash fund for these purposes.

The bill requires each managed service organization to evaluate current supply and necessary demand within its region for certain harm reduction and treatment services and report their findings to the general assembly.

The bill requires the legislative services agencies of the general assembly to perform a post-enactment review of certain criminal provisions 3 years following the act becoming law.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The illegal distribution of synthetic opiates, including fentanyl,
5 carfentanal, and analogs thereof, presents a serious health risk in
6 Colorado and across the country;

7 (b) The increase in the number of overdose deaths in Colorado
8 demands a comprehensive response by communities and elected officials,
9 designed to reduce the risks of harm to all people and recalibrate the
10 criminal justice system's response to illegal distribution of these
11 dangerous drugs;

12 (c) Colorado has not adequately funded behavioral health
13 interventions, treatment, overdose prevention, and other supportive
14 services that research demonstrates reduce the risk of harm and the
15 recovery of people suffering from a behavioral health disorder;

16 (d) Funding for supervised-injection sites is prohibited;

17 (e) The prosecution of drug dealers who manufacture, distribute,
18 dispense, or sell fentanyl, carfentanal, and analogs thereof, not the
19 prosecution of low-level drug possessors, is a priority for Colorado; and

20 (f) Colorado's good samaritan law, which encourages people to
21 seek medical assistance for people who are suffering from an overdose

1 crisis, is an important public policy that can assist in saving lives.

2 (2) Therefore, it is the intent of the general assembly to:

3 (a) Direct additional resources to communities and agencies to
4 allow more effective and healthy interventions and treatment for people
5 who use fentanyl, carfentanal, or analogs thereof, and develop an
6 effective public education campaign about the dangers of these drugs and
7 their presence in other drugs; and

8 (b) Enact a properly calibrated sentencing scheme, prescribing
9 specific penalties for the unlawful manufacturing, distribution,
10 dispensing, or selling of fentanyl, carfentanal, and analogs thereof,
11 including specifically designed penalties for people whose manufacturing,
12 distribution, dispensing, or selling leads to the death of another person.

13 (3) The general assembly finds that for the purpose of performing
14 a post-enactment review of the implementation of House Bill 22-____, it
15 is necessary to review the following statewide data for three years
16 subsequent to the passage of House Bill 22-____ in order to assess its
17 impact on sentencing and filing of counts based on the good samaritan
18 law pursuant to section 18-1-711, Colorado Revised Statutes, and the
19 criminal provisions designed to address the distribution of fentanyl,
20 carfentanal, and analogs thereof, resulting in death:

21 (a) From the judicial department, the number of cases filed that
22 include a violation of section 18-18-405 (2)(a)(I)(D), (2)(b)(I)(D), and
23 (2)(c)(V), Colorado Revised Statutes; the judicial district where each case
24 was filed; and the sentence imposed upon conviction for each case;

25 (b) From the judicial department, the number of cases filed that
26 include a violation of section 18-18-405 (2)(a)(III)(A), Colorado Revised
27 Statutes; the judicial district where the case was filed; information on

1 other charges filed in the same case; the sentence imposed upon
2 conviction for each case; and a summary of the facts and circumstances
3 of the case as evidenced by the arrest warrant; and

4 (c) From each district attorney, the information pursuant to section
5 18-1-711 (6), Colorado Revised Statutes.

6 **SECTION 2.** In Colorado Revised Statutes, 18-18-403.5, **amend**
7 (2)(a); and **add** (6) as follows:

8 **18-18-403.5. Unlawful possession of a controlled substance.**

9 (2) On or after March 1, 2020, a person who violates subsection (1) of
10 this section by possessing:

11 (a) Any material, compound, mixture, or preparation that contains
12 any quantity of flunitrazepam; ketamine; gamma hydroxybutyrate,
13 including its salts, isomers, and salts of isomers; cathinones; ANY
14 MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT WEIGHS MORE
15 THAN FOUR GRAMS AND CONTAINS ANY QUANTITY OF FENTANYL,
16 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
17 18-18-204 (2)(g); or ANY MATERIAL, COMPOUND, MIXTURE, OR
18 PREPARATION THAT CONTAINS more than four grams of a controlled
19 substance listed in schedule I or II of part 2 of this article 18 commits a
20 level 4 drug felony.

21 (6) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION TO THE
22 CONTRARY, A PEACE OFFICER SHALL NOT ARREST AND A DISTRICT
23 ATTORNEY SHALL NOT CHARGE OR PROSECUTE AN EMPLOYEE, AGENT, OR
24 VOLUNTEER OF AN ENTITY DESCRIBED IN SECTION 12-30-110 (1)(a) WHO,
25 IN THE PERFORMANCE OF THE PERSON'S DUTIES, IS IN POSSESSION OF A
26 CONTROLLED SUBSTANCE, INCLUDING FENTANYL, CARFENTANAL, OR AN
27 ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), FOR THE

1 PURPOSE OF SAFE DISPOSAL OF THE CONTROLLED SUBSTANCE, INCLUDING
2 FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN
3 SECTION 18-18-204 (2)(g), IN ACCORDANCE WITH APPLICABLE LAW. AS
4 USED IN THIS SUBSECTION (6), "SAFE DISPOSAL" MEANS THE PROCEDURE
5 AND PROCESS FOR DEPOSITING THE CONTROLLED SUBSTANCE, INCLUDING
6 FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN
7 SECTION 18-18-204 (2)(g), IN A SECURE CONTAINER FOR LAW
8 ENFORCEMENT TO SUBSEQUENTLY ACCESS AND DISPOSE OF.

9 **SECTION 3.** In Colorado Revised Statutes, 18-18-405, **amend**
10 (2)(b)(I)(B), (2)(b)(I)(C), (2)(c)(III), and (2)(c)(IV); and **add** (2)(a)(I)(D),
11 (2)(a)(III), (2)(b)(I)(D), and (2)(c)(V) as follows:

12 **18-18-405. Unlawful distribution, manufacturing, dispensing,**
13 **or sale.** (2) Except as otherwise provided for an offense concerning
14 marijuana and marijuana concentrate in section 18-18-406 and for special
15 offenders as provided in section 18-18-407, any person who violates any
16 of the provisions of subsection (1) of this section:

17 (a) Commits a level 1 drug felony and is subject to the mandatory
18 sentencing provisions in section 18-1.3-401.5 (7) if:

19 (I) The violation involves any material, compound, mixture, or
20 preparation that weighs:

21 (D) MORE THAN FIFTY GRAMS AND CONTAINS FENTANYL,
22 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
23 18-18-204 (2)(g); OR

24 (III) (A) EXCEPT AS PROVIDED IN SECTION 18-1-711 (3)(i), THE
25 DEFENDANT COMMITTED A VIOLATION OF SUBSECTION (2)(a)(I)(D),
26 (2)(b)(I)(D), OR (2)(c)(V) OF THIS SECTION, AND THE ACTIONS IN
27 VIOLATION OF SUBSECTION (2)(a)(I)(D), (2)(b)(I)(D), OR (2)(c)(V) OF THIS

1 SECTION ARE THE PROXIMATE CAUSE OF THE DEATH OF ANOTHER PERSON
2 WHO USED OR CONSUMED THE MATERIAL, COMPOUND, MIXTURE, OR
3 PREPARATION THAT CONTAINED FENTANYL, CARFENTANAL, OR AN
4 ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g).

5 (B) NOTWITHSTANDING SUBSECTION (2)(a)(III)(A) OF THIS
6 SECTION, A DEFENDANT WHO COMMITTED A VIOLATION OF SUBSECTION
7 (2)(c)(V) OF THIS SECTION, AND THE ACTIONS IN VIOLATION OF
8 SUBSECTION (2)(c)(V) OF THIS SECTION ARE THE PROXIMATE CAUSE OF
9 THE DEATH OF ANOTHER PERSON WHO USED OR CONSUMED THE MATERIAL,
10 COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINED FENTANYL,
11 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
12 18-18-204 (2)(g), IS NOT SUBJECT TO THE MANDATORY SENTENCING
13 REQUIREMENT AS DESCRIBED IN SECTION 18-1.3-401.5 (7).

14 (b) Commits a level 2 drug felony if:

15 (I) The violation involves any material, compound, mixture, or
16 preparation that weighs:

17 (B) More than seven grams, but not more than one hundred twelve
18 grams, and contains methamphetamine, heroin, ketamine, or cathinones;

19 or

20 (C) More than ten milligrams, but not more than fifty milligrams,
21 and contains flunitrazepam; OR

22 (D) MORE THAN FOUR GRAMS, BUT NOT MORE THAN FIFTY GRAMS,
23 AND CONTAINS FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS
24 DESCRIBED IN SECTION 18-18-204 (2)(g);

25 (c) Commits a level 3 drug felony if the violation involves any
26 material, compound, mixture, or preparation that weighs:

27 (III) Not more than ten milligrams and contains flunitrazepam; or

1 (IV) More than four grams and contains a schedule III or schedule
2 IV controlled substance; OR

3 (V) NOT MORE THAN FOUR GRAMS AND CONTAINS FENTANYL,
4 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
5 18-18-204 (2)(g).

6 **SECTION 4.** In Colorado Revised Statutes, 18-18-407, **amend**
7 (1)(c); and **add** (1)(h) as follows:

8 **18-18-407. Special offender - definitions.** (1) A person who
9 commits a felony offense pursuant to this part 4 under any one or more of
10 the following aggravating circumstances commits a level 1 drug felony
11 and is a special offender:

12 (c) The defendant committed the violation and in the course of
13 that violation, introduced or imported into the state of Colorado more than
14 fourteen grams of any schedule I or II controlled substance listed in part
15 2 of this ~~article~~ or ARTICLE 18; more than seven grams of
16 methamphetamine, heroin, ketamine, or cathinones; ~~or~~ ten milligrams of
17 flunitrazepam; OR ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION
18 THAT WEIGHS MORE THAN FOUR GRAMS AND CONTAINS FENTANYL,
19 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
20 18-18-204 (2)(g);

21 (h) THE DEFENDANT COMMITTED A VIOLATION OF SECTION
22 18-18-405 (2)(a)(I)(D), (2)(b)(I)(D), OR (2)(c)(V), AND THE DEFENDANT
23 POSSESSED PILL OR TABLET MANUFACTURING EQUIPMENT WITH THE
24 INTENT TO USE THE EQUIPMENT IN THE MANUFACTURE OF A CONTROLLED
25 SUBSTANCE.

26 **SECTION 5.** In Colorado Revised Statutes, 18-1-711, **amend**
27 (3)(g) and (3)(h); and **add** (3)(i) and (6) as follows:

1 **18-1-711. Immunity for persons who suffer or report an**
2 **emergency drug or alcohol overdose event - definitions - repeal.**

3 (3) The immunity described in subsection (1) of this section applies to
4 the following criminal offenses:

5 (g) Possession of drug paraphernalia, as described in section
6 18-18-428; ~~and~~

7 (h) Illegal possession or consumption of ethyl alcohol or
8 marijuana by an underage person or illegal possession of marijuana
9 paraphernalia by an underage person, as described in section 18-13-122;
10 AND

11 (i) A VIOLATION OF SECTION 18-18-405 (2)(a)(III)(A), IF THE
12 UNLAWFUL DISTRIBUTION, MANUFACTURING, DISPENSING, OR SALE OF THE
13 MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WEIGHS NOT MORE
14 THAN FOUR GRAMS AND CONTAINS ANY AMOUNT OF FENTANYL,
15 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
16 18-18-204 (2)(g).

17 (6) (a) STARTING ON JULY 1, 2022, AND FOR THREE YEARS
18 THEREAFTER, A LAW ENFORCEMENT AGENCY THAT RESPONDS TO AN
19 EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT SHALL REPORT TO THE
20 DISTRICT ATTORNEY'S OFFICE IN THE LAW ENFORCEMENT AGENCY'S
21 JURISDICTION WHETHER AN ARREST WAS MADE AS A RESULT OF THE
22 INVESTIGATION OF AN EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT
23 OR WHEN AN ARREST WAS NOT MADE PURSUANT TO THE PROVISIONS OF
24 THIS SECTION.

25 (b) STARTING ON JULY 1, 2022, AND FOR THREE YEARS
26 THEREAFTER, EACH DISTRICT ATTORNEY'S OFFICE THAT RECEIVES A
27 REPORT REGARDING AN ARREST FROM LAW ENFORCEMENT PURSUANT TO

1 SUBSECTION (6)(a) OF THIS SECTION SHALL PREPARE A REPORT INDICATING
2 EACH INSTANCE WHEN A PERSON WAS NOT PROSECUTED FOR AN OFFENSE
3 PURSUANT TO THIS SECTION IF THE EVENT INVOLVED FENTANYL,
4 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
5 18-18-204 (2)(g). IF THE DISTRICT ATTORNEY PROSECUTES A PERSON WHO
6 SOUGHT EMERGENCY ASSISTANCE FOR AN EMERGENCY DRUG OR ALCOHOL
7 OVERDOSE EVENT IF THE EVENT INVOLVED FENTANYL, CARFENTANAL, OR
8 AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), THE
9 DISTRICT ATTORNEY SHALL PREPARE A REPORT DETAILING THE FACTS AND
10 CIRCUMSTANCES FOR THE DECISION THAT THE IMMUNITY PROVISIONS OF
11 SUBSECTION (1) OF THIS SECTION DID NOT APPLY.

12 (c) EACH DISTRICT ATTORNEY SHALL PROVIDE THE REPORTS
13 COLLECTED PURSUANT TO THIS SUBSECTION (6) TO THE LEGISLATIVE
14 SERVICE AGENCIES OF THE COLORADO GENERAL ASSEMBLY FOR THE
15 PURPOSE OF A POST-ENACTMENT REVIEW.

16 (d) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2026.

17 **SECTION 6.** In Colorado Revised Statutes, 18-1.3-401.5, **amend**
18 (7); and **add** (2.5) as follows:

19 **18-1.3-401.5. Drug felonies classified - presumptive and**
20 **aggravated penalties. (2.5)** IT IS THE INTENT OF THE GENERAL ASSEMBLY
21 THAT SENTENCING FOR CRIMES THAT INVOLVE FENTANYL, CARFENTANAL,
22 OR ANY ANALOG THEREOF, AS DESCRIBED IN SECTION 18-18-204 (2)(G),
23 EVEN IN SMALL QUANTITIES, REFLECT THE HIGH RISK OF ADDICTION AND
24 DEATH ASSOCIATED WITH FENTANYL, CARFENTANAL, OR ANY ANALOG
25 THEREOF. THEREFORE, THE EDUCATION AND TREATMENT PROCEDURES
26 PROVIDED IN SECTION 18-1.3-410 MUST BE IMPLEMENTED TO ADDRESS
27 THIS SUBSTANTIAL HEALTH RISK.

1 (7) EXCEPT AS PROVIDED IN SECTION 18-18-405 (2)(a)(III)(B),
2 notwithstanding any provision of this section to the contrary, if the
3 defendant is convicted of a level 1 drug felony, the court shall sentence
4 the defendant to a term of incarceration in the department of corrections
5 of at least eight years but not more than thirty-two years. The presence of
6 one or more of the aggravating circumstances provided in ~~paragraph (a)~~
7 ~~of subsection (10)~~ SUBSECTION (10)(a) of this section or in section
8 18-18-407 (1) requires the court to sentence a defendant convicted of a
9 level 1 drug felony to a term of incarceration in the department of
10 corrections of at least twelve years but no more than thirty-two years. The
11 court may impose a fine in addition to imprisonment.

12 **SECTION 7.** In Colorado Revised Statutes, **add** 18-1.3-410 as
13 follows:

14 **18-1.3-410. Fentanyl education and treatment program.**

15 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE
16 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR
17 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL,
18 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
19 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE ABUSE
20 ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE ABUSE
21 ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE PERSON'S
22 HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF FENTANYL,
23 CARFENTANAL, OR AN ANALOG THEREOF; THE PERSON'S AMENABILITY TO
24 TREATMENT; AND THE LEVEL OF TREATMENT, IF ANY, NECESSARY TO
25 ADDRESS THE PERSON'S SUBSTANCE ABUSE DISORDER TO BE PROVIDED
26 DURING THE PERSON'S PROBATION OR DEFERRED JUDGMENT SUPERVISION.

27 (2) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN

1 SUBSECTION (1) OF THIS SECTION RECOMMENDS COMMUNITY-BASED
2 TREATMENT, THE PERSON SHALL COMPLETE THE ASSESSED LEVEL OF
3 TREATMENT CONSISTENT WITH THE PROVISIONS OF SECTION 18-1.3-209.

4 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
5 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF
6 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR
7 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
8 OR AN ANALOG THEREOF, THE COURT SHALL ORDER RESIDENTIAL
9 TREATMENT AS A CONDITION OF PROBATION. THE RESIDENTIAL
10 TREATMENT FACILITY MUST BE APPROVED BY THE OFFICE OF BEHAVIORAL
11 HEALTH IN THE DEPARTMENT OF HUMAN SERVICES AND DESIGNED FOR
12 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
13 OR AN ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL PROGRAM AS A
14 CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF TIME THAT THE
15 PLACEMENT IS CLINICALLY NECESSARY. A PERSON WHO WAS REPRESENTED
16 BY COURT-APPOINTED COUNSEL IS NOT REQUIRED TO PAY THE COST OF
17 PLACEMENT ORDERED AS A CONDITION OF PROBATION.

18 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO
19 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT
20 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE
21 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS
22 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,
23 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE
24 PERSON'S TREATMENT NEEDS.

25 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING
26 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT
27 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST

1 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
2 OFFICE OF BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127. THE
3 FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
4 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
5 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
6 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
7 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
8 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
9 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. A PERSON WHO
10 WAS REPRESENTED BY COURT-APPOINTED COUNSEL IS NOT REQUIRED TO
11 PAY ANY COSTS IN ORDER TO SATISFY THE EDUCATION REQUIREMENT.

12 **SECTION 8.** In Colorado Revised Statutes, **add** 18-1.3-410 as
13 follows:

14 **18-1.3-410. Fentanyl education and treatment program.**

15 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE
16 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR
17 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL,
18 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
19 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE ABUSE
20 ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE ABUSE
21 ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE PERSON'S
22 HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF FENTANYL,
23 CARFENTANAL, OR AN ANALOG THEREOF; THE PERSON'S AMENABILITY TO
24 TREATMENT; AND THE LEVEL OF TREATMENT, IF ANY, NECESSARY TO
25 ADDRESS THE PERSON'S SUBSTANCE ABUSE DISORDER TO BE PROVIDED
26 DURING THE PERSON'S PROBATION OR DEFERRED JUDGMENT SUPERVISION.

27 (2) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN

1 SUBSECTION (1) OF THIS SECTION RECOMMENDS COMMUNITY-BASED
2 TREATMENT, THE PERSON SHALL COMPLETE THE ASSESSED LEVEL OF
3 TREATMENT CONSISTENT WITH THE PROVISIONS OF SECTION 18-1.3-209.

4 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
5 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF
6 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR
7 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
8 OR AN ANALOG THEREOF, THE COURT SHALL ORDER RESIDENTIAL
9 TREATMENT AS A CONDITION OF PROBATION. THE RESIDENTIAL
10 TREATMENT FACILITY MUST BE APPROVED BY THE BEHAVIORAL HEALTH
11 ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES AND
12 DESIGNED FOR TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL,
13 CARFENTANAL, OR AN ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL
14 PROGRAM AS A CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF
15 TIME THAT THE PLACEMENT IS CLINICALLY NECESSARY. A PERSON WHO
16 WAS REPRESENTED BY COURT-APPOINTED COUNSEL IS NOT REQUIRED TO
17 PAY THE COST OF PLACEMENT ORDERED AS A CONDITION OF PROBATION.

18 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO
19 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT
20 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE
21 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS
22 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,
23 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE
24 PERSON'S TREATMENT NEEDS.

25 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING
26 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT
27 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST

1 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
2 BEHAVIORAL HEALTH ADMINISTRATION PURSUANT TO SECTION 27-80-127.
3 THE FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
4 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
5 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
6 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
7 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
8 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
9 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. A PERSON WHO
10 WAS REPRESENTED BY COURT-APPOINTED COUNSEL IS NOT REQUIRED TO
11 PAY ANY COSTS IN ORDER TO SATISFY THE EDUCATION REQUIREMENT.

12 **SECTION 9.** In Colorado Revised Statutes, 18-1.3-501, **amend**
13 (1)(d.5)(I) as follows:

14 **18-1.3-501. Misdemeanors classified - drug misdemeanors and**
15 **drug petty offenses classified - penalties - legislative intent -**
16 **definitions.** (1) (d.5) (I) (A) It is the intention of the general assembly to
17 classify most drug possession on and after March 1, 2020, as a
18 misdemeanor offense with different sentencing options and limited
19 incarceration penalties. The purpose of this sentencing scheme is to
20 provide offenders who are assessed to be in need of treatment or other
21 intervention with probation supervision in conjunction with effective
22 medical and behavioral intervention and treatment. For those drug
23 possessors who are not in need of treatment, sentencing by the courts
24 system should be limited. This sentencing scheme recognizes that drug
25 use and possession is primarily a health concern and should be treated as
26 such by Colorado courts.

27 (B) FURTHERMORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY

1 THAT SENTENCING FOR CRIMES THAT INVOLVE FENTANYL, CARFENTANAL,
2 OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g),
3 EVEN IN SMALL QUANTITIES, REFLECT THE HIGH RISK OF ADDICTION AND
4 DEATH ASSOCIATED WITH FENTANYL, CARFENTANAL, OR ANY ANALOG
5 THEREOF. THEREFORE, THE EDUCATION AND TREATMENT PROCEDURES
6 PROVIDED IN SECTION 18-1.3-509 MUST BE IMPLEMENTED TO ADDRESS
7 THIS SUBSTANTIAL HEALTH RISK.

8 **SECTION 10.** In Colorado Revised Statutes, **add** 18-1.3-509 as
9 follows:

10 **18-1.3-509. Fentanyl education and treatment program.**

11 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE
12 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR
13 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL,
14 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
15 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE ABUSE
16 ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE ABUSE
17 ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE PERSON'S
18 HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF FENTANYL,
19 CARFENTANAL, OR ANY ANALOG THEREOF; THE PERSON'S AMENABILITY TO
20 TREATMENT; AND THE LEVEL OF TREATMENT, IF ANY, NECESSARY TO
21 ADDRESS THE PERSON'S SUBSTANCE ABUSE DISORDER TO BE PROVIDED
22 DURING THE PERSON'S PROBATION OR DEFERRED JUDGMENT SUPERVISION.

23 (2) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
24 SUBSECTION (1) OF THIS SECTION RECOMMENDS COMMUNITY-BASED
25 TREATMENT, THE PERSON SHALL COMPLETE THE ASSESSED LEVEL OF
26 TREATMENT CONSISTENT WITH THE PROVISIONS OF SECTION 18-1.3-209.

27 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN

1 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF
2 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR
3 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
4 OR AN ANALOG THEREOF, THE COURT SHALL ORDER RESIDENTIAL
5 TREATMENT AS A CONDITION OF PROBATION. THE RESIDENTIAL
6 TREATMENT FACILITY MUST BE APPROVED BY THE OFFICE OF BEHAVIORAL
7 HEALTH IN THE DEPARTMENT OF HUMAN SERVICES AND DESIGNED FOR
8 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
9 OR AN ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL PROGRAM AS A
10 CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF TIME THAT THE
11 PLACEMENT IS CLINICALLY NECESSARY. A PERSON WHO WAS REPRESENTED
12 BY COURT-APPOINTED COUNSEL IS NOT REQUIRED TO PAY THE COST OF
13 PLACEMENT ORDERED AS A CONDITION OF PROBATION.

14 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO
15 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT
16 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE
17 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS
18 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,
19 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE
20 PERSON'S TREATMENT NEEDS.

21 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING
22 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT
23 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST
24 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
25 OFFICE OF BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127. THE
26 FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
27 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC

1 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
2 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
3 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
4 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
5 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. A PERSON WHO
6 WAS REPRESENTED BY COURT-APPOINTED COUNSEL IS NOT REQUIRED TO
7 PAY ANY COSTS IN ORDER TO SATISFY THE EDUCATION REQUIREMENT.

8 **SECTION 11.** In Colorado Revised Statutes, **add 18-1.3-509** as
9 follows:

10 **18-1.3-509. Fentanyl education and treatment program.**

11 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE
12 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR
13 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL,
14 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
15 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE ABUSE
16 ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE ABUSE
17 ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE PERSON'S
18 HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF FENTANYL,
19 CARFENTANAL, OR ANY ANALOG THEREOF; THE PERSON'S AMENABILITY TO
20 TREATMENT; AND THE LEVEL OF TREATMENT, IF ANY, NECESSARY TO
21 ADDRESS THE PERSON'S SUBSTANCE ABUSE DISORDER TO BE PROVIDED
22 DURING THE PERSON'S PROBATION OR DEFERRED JUDGMENT SUPERVISION.

23 (2) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
24 SUBSECTION (1) OF THIS SECTION RECOMMENDS COMMUNITY-BASED
25 TREATMENT, THE PERSON SHALL COMPLETE THE ASSESSED LEVEL OF
26 TREATMENT CONSISTENT WITH THE PROVISIONS OF SECTION 18-1.3-209.

27 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN

1 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF
2 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR
3 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
4 OR AN ANALOG THEREOF, THE COURT SHALL ORDER RESIDENTIAL
5 TREATMENT AS A CONDITION OF PROBATION. THE RESIDENTIAL
6 TREATMENT FACILITY MUST BE APPROVED BY THE BEHAVIORAL HEALTH
7 ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES AND
8 DESIGNED FOR TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL,
9 CARFENTANAL, OR AN ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL
10 PROGRAM AS A CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF
11 TIME THAT THE PLACEMENT IS CLINICALLY NECESSARY. A PERSON WHO
12 WAS REPRESENTED BY COURT-APPOINTED COUNSEL IS NOT REQUIRED TO
13 PAY THE COST OF PLACEMENT ORDERED AS A CONDITION OF PROBATION.

14 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO
15 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT
16 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE
17 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS
18 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,
19 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE
20 PERSON'S TREATMENT NEEDS.

21 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING
22 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT
23 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST
24 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
25 BEHAVIORAL HEALTH ADMINISTRATION PURSUANT TO SECTION 27-80-127.
26 THE FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
27 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC

1 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
2 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
3 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
4 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
5 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. A PERSON WHO
6 WAS REPRESENTED BY COURT-APPOINTED COUNSEL IS NOT REQUIRED TO
7 PAY ANY COSTS IN ORDER TO SATISFY THE EDUCATION REQUIREMENT.

8 **SECTION 12.** In Colorado Revised Statutes, 12-30-110, **amend**
9 (1)(a)(VI), (1)(b) introductory portion, (2)(b), (3)(c), (4)(b), and (7)(a);
10 and **add** (1)(a)(VIII), (1)(a)(IX), (1)(a)(X), (1)(a)(XI), (1)(a)(XII),
11 (1)(a)(XIII), (1)(a)(XIV), (1)(a)(XV), (1)(a)(XVI), (1)(a)(XVII),
12 (1)(a)(XVIII), (1)(a)(XIX), (1)(a)(XX), (1)(a)(XXI), (7)(a.3), (7)(a.5),
13 (7)(a.7), (7)(b.2), (7)(b.3), (7)(b.4), (7)(b.7), (7)(b.8), (7)(h.3), and
14 (7)(h.7) as follows:

15 **12-30-110. Prescribing or dispensing opiate antagonists -**
16 **authorized recipients - definitions.** (1) (a) A prescriber may prescribe
17 or dispense, directly or in accordance with standing orders and protocols,
18 an opiate antagonist to:

- 19 (VI) A person described in section 25-20.5-1001; ~~or~~
- 20 (VIII) AN INSTITUTION OF HIGHER EDUCATION, OR AN EMPLOYEE
21 OR AGENT OF THE INSTITUTION OF HIGHER EDUCATION;
- 22 (IX) A LIBRARY, OR AN EMPLOYEE OR AGENT OF THE LIBRARY;
- 23 (X) A COMMUNITY SERVICE ORGANIZATION, OR AN EMPLOYEE OR
24 AGENT OF THE COMMUNITY SERVICE ORGANIZATION;
- 25 (XI) A RELIGIOUS ORGANIZATION, OR AN EMPLOYEE OR AGENT OF
26 THE RELIGIOUS ORGANIZATION;
- 27 (XII) A LOCAL JAIL, OR AN EMPLOYEE OR AGENT OF THE LOCAL

1 JAIL;

2 (XIII) A MULTIJURISDICTIONAL JAIL, OR AN EMPLOYEE OR AGENT
3 OF THE MULTIJURISDICTIONAL JAIL;

4 (XIV) A MUNICIPAL JAIL, OR AN EMPLOYEE OR AGENT OF THE
5 MUNICIPAL JAIL;

6 (XV) A CORRECTIONAL FACILITY, OR AN EMPLOYEE OR AGENT OF
7 THE CORRECTIONAL FACILITY;

8 (XVI) A PRIVATE CONTRACT PRISON, OR AN EMPLOYEE OR AGENT
9 OF THE PRIVATE CONTRACT PRISON;

10 (XVII) A COMMUNITY CORRECTIONS PROGRAM, OR AN EMPLOYEE
11 OR AGENT OF THE COMMUNITY CORRECTIONS PROGRAM;

12 (XVIII) A PRETRIAL SERVICES PROGRAM, OR AN EMPLOYEE OR
13 AGENT OF THE PRETRIAL SERVICES PROGRAM;

14 (XIX) A PROBATION DEPARTMENT, OR AN EMPLOYEE OR AGENT OF
15 THE PROBATION DEPARTMENT;

16 (XX) A LOCAL PUBLIC HEALTH AGENCY, OR AN EMPLOYEE OR
17 AGENT OF THE LOCAL PUBLIC HEALTH AGENCY; OR

18 (XXI) A MENTAL HEALTH PROFESSIONAL.

19 ~~(b) A law enforcement agency or first responder; an employee or~~
20 ~~volunteer of a harm reduction organization; a school district, school, or~~
21 ~~employee or agent of a school; a person described in section~~
22 ~~25-20.5-1001; a mental health professional; or a unit of local government;~~

23 A PERSON OR ENTITY DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION
24 may, pursuant to an order or standing orders and protocols:

25 (2) ~~(b) A law enforcement agency, first responder, harm reduction~~
26 ~~organization, person described in section 25-20.5-1001, mental health~~
27 ~~professional, or unit of local government~~ AN ENTITY DESCRIBED IN

1 SUBSECTION (1)(a) OF THIS SECTION is strongly encouraged to educate
2 employees, AGENTS, and volunteers, as well as persons receiving an
3 opiate antagonist from ~~the law enforcement agency, first responder, harm~~
4 ~~reduction organization, person described in section 25-20.5-1001, mental~~
5 ~~health professional, or unit of local government~~, THE ENTITY DESCRIBED
6 IN SUBSECTION (1)(a) OF THIS SECTION on the use of an opiate antagonist
7 for overdose, including instruction concerning risk factors for overdose,
8 recognizing an overdose, calling emergency medical services, rescue
9 breathing, and administering an opiate antagonist.

10 (3) A prescriber described in subsection (7)(h) of this section does
11 not engage in unprofessional conduct or is not subject to discipline
12 pursuant to section 12-240-121, 12-255-120, or 12-280-126, as
13 applicable, if the prescriber issues standing orders and protocols
14 regarding opiate antagonists or prescribes or dispenses, pursuant to an
15 order or standing orders and protocols, an opiate antagonist in a
16 good-faith effort to assist:

17 (c) ~~The following persons~~ A PERSON OR ENTITY DESCRIBED IN
18 SUBSECTION (1)(a) OF THIS SECTION in responding to, treating, or
19 otherwise assisting an individual who is experiencing or is at risk of
20 experiencing an opiate-related drug overdose event or a friend, family
21 member, or other person in a position to assist an at-risk individual.

- 22 ~~(I) A law enforcement agency or first responder;~~
- 23 ~~(II) An employee or volunteer of a harm reduction organization;~~
- 24 ~~(III) A school district, school, or employee or agent of a school;~~
- 25 ~~(IV) A person described in section 25-20.5-1001;~~
- 26 ~~(V) A mental health professional; or~~
- 27 ~~(VI) A unit of local government.~~

1 (4) (b) ~~A law enforcement agency or first responder; an employee~~
2 ~~or volunteer of a harm reduction organization; a school district, school,~~
3 ~~or employee or agent of a school; a person described in section~~
4 ~~25-20.5-1001; or a unit of local government~~ A PERSON OR ENTITY
5 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION acting in accordance
6 with this section is not subject to civil liability or criminal prosecution, as
7 specified in sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

8 (7) As used in this section:

9 (a) ~~"First responder" means:~~ "COMMUNITY CORRECTIONS
10 PROGRAM" HAS THE SAME MEANING AS SET FORTH IN SECTION 17-27-102
11 (3).

12 ~~(I) A peace officer, as defined in section 16-2.5-101;~~

13 ~~(II) A firefighter, as defined in section 29-5-203 (10); or~~

14 ~~(III) A volunteer firefighter, as defined in section 31-30-1102 (9).~~

15 (a.3) "COMMUNITY SERVICE ORGANIZATION" MEANS A NONPROFIT
16 ORGANIZATION THAT IS IN GOOD STANDING AND REGISTERED WITH THE
17 FEDERAL INTERNAL REVENUE SERVICE AND THE COLORADO SECRETARY
18 OF STATE'S OFFICE THAT PROVIDES SERVICES TO INDIVIDUALS AT RISK OF
19 EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT, OR TO THE
20 INDIVIDUALS' FAMILY MEMBERS, FRIENDS, OR OTHER PERSONS IN A
21 POSITION TO ASSIST THE INDIVIDUAL.

22 (a.5) "CORRECTIONAL FACILITY" HAS THE SAME MEANING AS SET
23 FORTH IN SECTION 17-1-102 (1.7).

24 (a.7) "FIRST RESPONDER" MEANS:

25 (I) A PEACE OFFICER, AS DEFINED IN SECTION 16-2.5-101;

26 (II) A FIREFIGHTER, AS DEFINED IN SECTION 29-5-203 (10);

27 (III) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION

1 31-30-1102 (9); OR

2 (IV) AN EMERGENCY MEDICAL SERVICE PROVIDER, AS DEFINED IN
3 SECTION 25-3.5-103 (8).

4 (b.2) "INSTITUTION OF HIGHER EDUCATION" MEANS A PUBLIC OR
5 NONPUBLIC INSTITUTION THAT AWARDS ANY TYPE OF POSTSECONDARY
6 CERTIFICATE, DEGREE, OR OTHER CREDENTIAL, AND IS LOCATED IN
7 COLORADO.

8 (b.3) "LOCAL JAIL" HAS THE SAME MEANING AS SET FORTH IN
9 SECTION 17-1-102 (7).

10 (b.4) "LOCAL PUBLIC HEALTH AGENCY" MEANS AN AGENCY
11 ESTABLISHED PURSUANT TO SECTION 25-1-506.

12 (b.7) "MULTIJURISDICTIONAL JAIL" HAS THE SAME MEANING AS
13 DESCRIBED IN SECTION 17-26.5-101.

14 (b.8) "MUNICIPAL JAIL" HAS THE SAME MEANING AS DESCRIBED IN
15 SECTION 31-15-401 (1)(j).

16 (h.3) "PRETRIAL SERVICES PROGRAM" HAS THE SAME MEANING AS
17 DESCRIBED IN SECTION 16-4-106.

18 (h.7) "PRIVATE CONTRACT PRISON" HAS THE SAME MEANING AS
19 SET FORTH IN SECTION 17-1-102 (7.3).

20 **SECTION 13.** In Colorado Revised Statutes, 13-21-108.7,
21 **amend** (3)(a) and (3)(b)(I) as follows:

22 **13-21-108.7. Persons rendering emergency assistance through**
23 **the administration of an opiate antagonist - limited immunity -**
24 **legislative declaration - definitions. (3) General immunity. (a) A**
25 **person, other than a health-care provider or a health-care facility, who**
26 **acts in good faith to furnish or administer an opiate antagonist, including**
27 **an expired opiate antagonist, to an individual the person believes to be**

1 suffering an opiate-related drug overdose event or to an individual who
2 is in a position to assist the individual at risk of experiencing an
3 opiate-related overdose event is not liable for any civil damages for acts
4 or omissions made as a result of the act or for any act or omission made
5 if the opiate antagonist is stolen, DEFECTIVE, OR PRODUCES AN
6 UNINTENDED RESULT.

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

8 (I) ~~A law enforcement agency or first responder; an employee or~~
9 ~~volunteer of a harm reduction organization; a school district, school, or~~
10 ~~employee or agent of a school acting in accordance with section~~
11 ~~12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section~~
12 ~~22-1-119.1; a mental health professional, as defined in section 12-30-110~~
13 ~~(7)(b.5); or a unit of local government, as defined in section 29-3.5-101~~
14 ~~(4)~~ A PERSON OR ENTITY DESCRIBED IN SECTION 12-30-110 (1)(a); EXCEPT
15 THAT AN EMPLOYEE OR AGENT OF A SCHOOL MUST BE ACTING IN
16 ACCORDANCE WITH SECTION 12-30-110 (1)(b), (2)(b), AND (4)(b), AND, AS
17 APPLICABLE, SECTION 22-1-119.1; and

18 **SECTION 14.** In Colorado Revised Statutes, **add** 13-21-108.8 as
19 follows:

20 **13-21-108.8. Persons furnishing a non-laboratory synthetic**
21 **opiate detection test - limited immunity - definition.** (1) EXCEPT AS
22 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON WHO OR ENTITY
23 THAT ACTS IN GOOD FAITH TO FURNISH A NON-LABORATORY SYNTHETIC
24 OPIATE DETECTION TEST, INCLUDING AN EXPIRED NON-LABORATORY
25 SYNTHETIC OPIATE DETECTION TEST, TO ANOTHER PERSON IS NOT LIABLE
26 FOR ANY CIVIL DAMAGES FOR ACTS, OMISSIONS MADE AS A RESULT OF THE
27 ACT, OR FOR ANY ACT OR OMISSION MADE IF THE NON-LABORATORY

1 SYNTHETIC OPIATE DETECTION TEST IS STOLEN, DEFECTIVE, OR PRODUCES
2 AN INACCURATE RESULT.

3 (2) A MANUFACTURER, AS DEFINED IN SECTION 13-21-401 (1), OF
4 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS IS NOT IMMUNE
5 FROM LIABILITY AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

6 (3) FOR PURPOSES OF THIS SECTION, "NON-LABORATORY
7 SYNTHETIC OPIATE DETECTION TEST" MEANS A PRODUCT THAT IS
8 APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION INTENDED
9 OR DESIGNED TO DETECT THE PRESENCE OF A SYNTHETIC OPIATE.

10 **SECTION 15.** In Colorado Revised Statutes, 17-26-140, **amend**
11 (1) as follows:

12 **17-26-140. Continuity of care for persons released from jail.**

13 (1) If a person is treated for a substance use disorder throughout the
14 person's incarceration, the county jail shall, at a minimum, conduct the
15 following before releasing the person from the county jail's custody:

16 (a) Provide post-release resources developed pursuant to section
17 17-1-103 (1)(r) to the person; ~~and~~

18 (b) Provide a list of available substance use providers, to the
19 extent the office of behavioral health in the state department has such a
20 list available;

21 (c) IF THE PERSON RECEIVED MEDICATION-ASSISTED TREATMENT
22 WHILE IN JAIL, HAS A HISTORY OF SUBSTANCE USE, OR REQUESTS OPIATE
23 ANTAGONISTS UPON RELEASE, PROVIDE THE PERSON, UPON RELEASE FROM
24 THE JAIL, AT LEAST THREE DOSES OF AN OPIATE ANTAGONIST AND PROVIDE
25 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE
26 MEDICATION; AND

27 (d) IF THE PERSON RECEIVED MEDICATION-ASSISTED TREATMENT

1 WHILE IN JAIL, HAS A HISTORY OF SUBSTANCE USE, OR REQUESTS OPIATE
2 USE-DISORDER MEDICATION, PRESCRIBE TO THE PERSON, UPON RELEASE
3 FROM THE JAIL, MEDICATION FOR AN OPIATE USE DISORDER AND PROVIDE
4 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE
5 MEDICATION, AND PROVIDE THE PERSON WITH A REFERRAL TO AT LEAST
6 ONE MEDICATION-ASSISTED TREATMENT PROVIDER LOCATED IN THE AREA
7 WHERE THE PERSON WILL RESIDE AFTER RELEASE FROM THE JAIL.

8 **SECTION 16.** In Colorado Revised Statutes, 17-26-140, **amend**
9 (1) as follows:

10 **17-26-140. Continuity of care for persons released from jail.**

11 (1) If a person is treated for a substance use disorder throughout the
12 person's incarceration, the county jail shall, at a minimum, conduct the
13 following before releasing the person from the county jail's custody:

14 (a) Provide post-release resources developed pursuant to section
15 17-1-103 (1)(r) to the person; ~~and~~

16 (b) Provide a list of available substance use providers, to the
17 extent the ~~office of behavioral health~~ ADMINISTRATION in the ~~state~~
18 department OF HUMAN SERVICES has such a list available;

19 (c) IF THE PERSON RECEIVED MEDICATION-ASSISTED TREATMENT
20 WHILE IN JAIL, HAS A HISTORY OF SUBSTANCE USE, OR REQUESTS OPIATE
21 ANTAGONISTS UPON RELEASE, PROVIDE THE PERSON, UPON RELEASE FROM
22 THE JAIL, AT LEAST THREE DOSES OF AN OPIATE ANTAGONIST AND PROVIDE
23 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE
24 MEDICATION; AND

25 (d) IF THE PERSON RECEIVED MEDICATION-ASSISTED TREATMENT
26 WHILE IN JAIL, HAS A HISTORY OF SUBSTANCE USE, OR REQUESTS OPIATE
27 USE-DISORDER MEDICATION, PRESCRIBE TO THE PERSON, UPON RELEASE

1 FROM THE JAIL, MEDICATION FOR AN OPIATE USE DISORDER AND PROVIDE
2 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE
3 MEDICATION, AND PROVIDE THE PERSON WITH A REFERRAL TO AT LEAST
4 ONE MEDICATION-ASSISTED TREATMENT PROVIDER LOCATED IN THE AREA
5 WHERE THE PERSON WILL RESIDE AFTER RELEASE FROM THE JAIL.

6 **SECTION 17.** In Colorado Revised Statutes, 17-27-104, **amend**
7 (12) as follows:

8 **17-27-104. Community corrections programs operated by**
9 **units of local government, state agencies, or nongovernmental**
10 **agencies.** (12) (a) The administrators of a community corrections
11 program established pursuant to this section may implement a behavioral
12 or mental health disorder screening program to screen the persons
13 accepted and placed in the community corrections program. If the
14 administrators choose to implement a behavioral or mental health disorder
15 screening program, the administrators shall use the standardized
16 screening instrument developed pursuant to section 16-11.9-102 and
17 conduct the screening in accordance with procedures established pursuant
18 to said section.

19 (b) STARTING ON OR BEFORE JANUARY 1, 2023, A COMMUNITY
20 CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL
21 ASSESS INDIVIDUALS RESIDING IN THE COMMUNITY CORRECTIONS
22 PROGRAM FOR SUBSTANCE USE WITHDRAWAL SYMPTOMS AND SHALL
23 DEVELOP PROTOCOLS FOR MEDICAL DETOXIFICATION MONITORING
24 PROCEDURES, MEDICATION-ASSISTED TREATMENT, AND OTHER
25 APPROPRIATE WITHDRAWAL MANAGEMENT CARE.

26 **SECTION 18.** In Colorado Revised Statutes, 18-1-712, **amend**
27 (2)(b)(I) as follows:

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

3 (2) **General immunity.** (b) This subsection (2) also applies to:

4 (I) ~~A law enforcement agency or first responder; an employee or~~
5 ~~volunteer of a harm reduction organization; a school district, school, or~~
6 ~~employee or agent of a school acting in accordance with section~~
7 ~~12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section~~
8 ~~22-1-119.1; a mental health professional, as defined in section 12-30-110~~
9 ~~(7)(b.5); or a unit of local government, as defined in section 29-3.5-101~~
10 (4) A PERSON OR ENTITY DESCRIBED IN SECTION 12-30-110 (1)(a); EXCEPT
11 THAT AN EMPLOYEE OR AGENT OF A SCHOOL MUST BE ACTING IN
12 ACCORDANCE WITH SECTION 12-30-110 (1)(b), (2)(b), AND (4)(b), AND, AS
13 APPLICABLE, SECTION 22-1-119.1; and

14 **SECTION 19.** In Colorado Revised Statutes, 18-19-103, **amend**
15 (5)(c)(VI) and (5)(c)(VII); and **add** (5)(c)(VIII) as follows:

16 **18-19-103. Source of revenues - allocation of money.**

17 (5) (c) The board may direct that money in the correctional treatment
18 cash fund may be used for the following purposes:

19 (VI) Recovery support services, including offender reentry; ~~and~~

20 (VII) Administrative support to the correctional treatment board
21 including, but not limited to, facilitating and coordinating data collection,
22 conducting data analysis, developing contracts, preparing reports,
23 scheduling and staffing board and subcommittee meetings, and engaging
24 in budget planning and analysis; AND

25 (VIII) DRUG OVERDOSE PREVENTION, INCLUDING
26 MEDICATION-ASSISTED TREATMENT FOR OPIATE DEPENDENCE, OPIATE
27 ANTAGONISTS, AND NON-LABORATORY SYNTHETIC OPIATE DETECTION

1 TESTS.

2 **SECTION 20.** In Colorado Revised Statutes, **add** 22-1-119.2 as
3 follows:

4 **22-1-119.2. Policy for employee and agent furnishing**
5 **non-laboratory synthetic opiate detection tests - definition.** (1) A
6 SCHOOL DISTRICT BOARD OF EDUCATION OF A PUBLIC SCHOOL, THE STATE
7 CHARTER SCHOOL INSTITUTE FOR AN INSTITUTE CHARTER SCHOOL, OR THE
8 GOVERNING BOARD OF A NONPUBLIC SCHOOL MAY ADOPT AND IMPLEMENT
9 A POLICY WHEREBY A SCHOOL UNDER ITS JURISDICTION MAY ACQUIRE AND
10 MAINTAIN A SUPPLY OF NON-LABORATORY SYNTHETIC OPIATE DETECTION
11 TESTS, AND AN EMPLOYEE OR AGENT OF THE SCHOOL MAY FURNISH
12 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS ON SCHOOL
13 GROUNDS TO ANY INDIVIDUAL.

14 (2) AS USED IN THIS SECTION, "NON-LABORATORY SYNTHETIC
15 OPIATE DETECTION TEST" MEANS A PRODUCT APPROVED BY THE FEDERAL
16 FOOD AND DRUG ADMINISTRATION INTENDED OR DESIGNED TO DETECT THE
17 PRESENCE OF A SYNTHETIC OPIATE.

18 **SECTION 21.** In Colorado Revised Statutes, 25-1.5-115, **amend**
19 (5); and **add** (6) as follows:

20 **25-1.5-115. Opiate antagonist bulk purchase fund - creation**
21 **- rules - report - definition - repeal.** (5) As used in this section,
22 "eligible entity" means A PERSON OR ENTITY DESCRIBED IN SECTION
23 12-30-110 (1)(a); EXCEPT THAT AN EMPLOYEE OR AGENT OF A SCHOOL
24 MUST BE ACTING IN ACCORDANCE WITH SECTION 12-30-110 (1)(b), (2)(b),
25 AND (4)(b), AND, AS APPLICABLE, SECTION 22-1-119.1.

26 ~~(a) A unit of local government, as defined in section 29-3.5-101~~
27 ~~(4);~~

1 ~~(b) A person making an opiate antagonist available pursuant to~~
2 ~~section 25-20.5-1001;~~

3 ~~(c) The following entities, if the entity has adopted a policy~~
4 ~~allowing the acquisition, maintenance, and administration of opiate~~
5 ~~antagonists pursuant to section 22-1-119.1:~~

6 ~~(I) A school district board of education of a public school;~~

7 ~~(II) The state charter school institute for an institute charter~~
8 ~~school; or~~

9 ~~(III) A governing board of a nonpublic school.~~

10 ~~(d) A harm reduction organization, as defined in section~~
11 ~~12-30-110 (7)(b);~~

12 ~~(e) A law enforcement agency; or~~

13 ~~(f) A first responder, as defined in section 12-30-110 (7)(a).~~

14 (6) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
15 ASSEMBLY SHALL APPROPRIATE TWENTY MILLION DOLLARS FROM THE
16 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION
17 24-75-230, TO THE FUND.

18 (b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2024.

19 **SECTION 22.** In Colorado Revised Statutes, **add** 25-1.5-115.3
20 as follows:

21 **25-1.5-115.3. Non-laboratory synthetic opiate detection tests**
22 **- appropriation - definitions - repeal.** (1) FOR THE 2022-23 STATE
23 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE THREE
24 HUNDRED THOUSAND DOLLARS TO THE DEPARTMENT FOR THE PURPOSE OF
25 PURCHASING NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS.

26 (2) THE DEPARTMENT SHALL DISTRIBUTE THE NON-LABORATORY
27 SYNTHETIC OPIATE DETECTION TESTS TO ELIGIBLE ENTITIES. THE

1 DEPARTMENT MAY PRIORITIZE THE DISTRIBUTION OF NON-LABORATORY
2 SYNTHETIC OPIATE DETECTION TESTS TO ELIGIBLE ENTITIES BASED ON THE
3 NEED OF EACH ENTITY AND THE AVAILABILITY OF THE NON-LABORATORY
4 SYNTHETIC OPIATE DETECTION TESTS AS DETERMINED BY THE
5 DEPARTMENT.

6 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "ELIGIBLE ENTITY" MEANS A PERSON OR ENTITY DESCRIBED IN
9 SECTION 12-30-110 (1)(a); EXCEPT THAT AN EMPLOYEE OR AGENT OF A
10 SCHOOL MUST BE ACTING IN ACCORDANCE WITH SECTION 12-30-110
11 (1)(b), (2)(b), OR (4)(b), AND, AS APPLICABLE, SECTION 22-1-119.2.

12 (b) "NON-LABORATORY SYNTHETIC OPIATE DETECTION TEST"
13 MEANS A PRODUCT THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG
14 ADMINISTRATION INTENDED OR DESIGNED TO DETECT THE PRESENCE OF A
15 SYNTHETIC OPIATE.

16 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

17 **SECTION 23.** In Colorado Revised Statutes, **add** 25-1.5-115.5
18 as follows:

19 **25-1.5-115.5. Fentanyl prevention and education campaign -**
20 **website.** (1) SUBJECT TO AVAILABLE APPROPRIATIONS, BEGINNING IN THE
21 2022-23 STATE FISCAL YEAR, THE DEPARTMENT SHALL DEVELOP,
22 IMPLEMENT, AND MAINTAIN AN ONGOING STATEWIDE PREVENTION AND
23 EDUCATION CAMPAIGN TO ADDRESS THE FENTANYL EDUCATION NEEDS IN
24 THE STATE. IN THE PREVENTION AND EDUCATION CAMPAIGN, THE DIVISION
25 SHALL PROVIDE INFORMATION TO THE GENERAL PUBLIC ABOUT FENTANYL,
26 ITS DANGERS, PRECAUTIONARY MEASURES TO AVOID RISKS AND PREVENT
27 HARM CAUSED BY FENTANYL, RESOURCES FOR ADDICTION TREATMENT

1 AND SERVICES, AND LAWS REGARDING FENTANYL, INCLUDING CRIMINAL
2 PENALTIES AND IMMUNITY FOR REPORTING AN OVERDOSE EVENT
3 PURSUANT TO SECTION 18-1-711.

4 (2) IN FURTHERANCE OF THE GOALS OF THE FENTANYL PREVENTION
5 AND EDUCATION CAMPAIGN, THE DIVISION MAY USE TELEVISION
6 ADVERTISING, RADIO BROADCASTS, PRINT MEDIA, DIGITAL STRATEGIES, OR
7 ANY OTHER MEDIA DEEMED NECESSARY AND APPROPRIATE BY THE
8 DIVISION TO REACH THE TARGET AUDIENCES OF THE CAMPAIGN.

9 (3) IN FURTHERANCE OF THE GOALS OF THE FENTANYL PREVENTION
10 AND EDUCATION CAMPAIGN, THE DIVISION SHALL PROVIDE AT LEAST FIVE
11 REGIONAL TRAINING SESSIONS DURING THE 2022-23 FISCAL YEAR FOR
12 COMMUNITY PARTNERS TO IMPLEMENT YOUTH HEALTH DEVELOPMENT
13 STRATEGIES.

14 (4) IN FURTHERANCE OF THE GOALS OF THE FENTANYL PREVENTION
15 AND EDUCATION CAMPAIGN, THE DIVISION SHALL DEVELOP, IMPLEMENT,
16 AND MAINTAIN A WEBSITE TO SERVE AS THE STATE RESOURCE FOR THE
17 MOST ACCURATE AND TIMELY INFORMATION REGARDING FENTANYL. AT
18 A MINIMUM, THE WEBSITE MUST INCLUDE INFORMATION CONCERNING
19 FENTANYL, ITS DANGERS, PRECAUTIONARY MEASURES TO AVOID RISKS
20 AND PREVENT HARM CAUSED BY FENTANYL, RESOURCES FOR ADDICTION
21 TREATMENT AND SERVICES, AND LAWS REGARDING FENTANYL, INCLUDING
22 CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING AN OVERDOSE EVENT
23 PURSUANT TO SECTION 18-1-711.

24 **SECTION 24.** In Colorado Revised Statutes, 25-20.5-1101,
25 **amend** (1), (2), (3)(a), and (4) as follows:

26 **25-20.5-1101. Harm reduction grant program - creation -**
27 **application - permissible uses - department duties.** (1) Subject to

1 available appropriations, the department shall develop and implement a
2 harm reduction grant program, referred to in this section as the "grant
3 program", to PREVENT OVERDOSE DEATHS AND reduce health risks
4 associated with drug use. ~~and improve coordination between law~~
5 ~~enforcement agencies, public health agencies, and community-based~~
6 ~~organizations.~~ The department may contract with an independent entity
7 for the administration of the grant program.

8 (2) (a) To be eligible to receive grant funding pursuant to this part
9 11, an entity must be: ~~a nonprofit organization in good standing and~~
10 ~~registered with the federal internal revenue service and the Colorado~~
11 ~~secretary of state's office, a local public health agency established~~
12 ~~pursuant to section 25-1-506, or a law enforcement agency.~~

13 (I) A NONPROFIT ORGANIZATION THAT IS IN GOOD STANDING AND
14 REGISTERED WITH THE FEDERAL INTERNAL REVENUE SERVICE AND THE
15 COLORADO SECRETARY OF STATE'S OFFICE;

16 (II) A LOCAL PUBLIC HEALTH AGENCY ESTABLISHED PURSUANT TO
17 SECTION 25-1-506;

18 (III) A TRIBAL AGENCY OR PROGRAM;

19 (IV) A FEDERALLY QUALIFIED HEALTH CENTER, AS DEFINED IN THE
20 FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)(4);

21 (V) A RURAL HEALTH CLINIC, AS DEFINED IN THE FEDERAL "SOCIAL
22 SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)(2);

23 (VI) A COMMUNITY MENTAL HEALTH CENTER, AS DEFINED IN
24 SECTION 27-66-101 (2); OR

25 (VII) A LAW ENFORCEMENT AGENCY.

26 (b) AN ELIGIBLE ENTITY MAY SUBMIT A PROPOSAL ON BEHALF OF
27 A GROUP OF ELIGIBLE ENTITIES, AND APPORTION GRANT FUNDS

1 ACCORDINGLY, TO FOSTER COMMUNITY COLLABORATION AND COLLECTIVE
2 IMPACT.

3 (c) Grantees must be willing to provide services to individuals
4 who may not be ready to seek addiction treatment services or who are in
5 recovery.

6 (3) On or before November 1, 2019, the department shall develop:

7 (a) Eligibility criteria for ~~nonprofit organizations, local public~~
8 ~~health agencies, and law enforcement agencies~~ THE ENTITIES DESCRIBED
9 IN SUBSECTION (2) OF THIS SECTION;

10 (4) ~~(a)~~ Permissible uses of funding provided pursuant to this grant
11 program include GENERAL OPERATING EXPENSES, AND DIRECT AND
12 INDIRECT PROJECT COSTS INCLUDING, but ~~are~~ not limited to:

13 ~~(I)~~ (a) Trainings relevant to the field of harm reduction ~~which~~
14 THAT may include ~~how to administer naloxone~~ OVERDOSE PREVENTION,
15 SAFER SUBSTANCE USE PRACTICES, SAFE DISPOSAL, AND ACCESS TO AND
16 ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
17 SYNTHETIC OPIATE DETECTION TESTS;

18 ~~(II)~~ (b) Purchasing and providing sterile equipment,
19 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS, and syringe
20 disposal equipment;

21 ~~(III)~~ (c) Providing direct services to persons who have come into
22 contact with or who are at risk of coming into contact with the criminal
23 justice system, which may include accessing treatment and health-care
24 services, overdose prevention activities, and recovery support services;

25 ~~(IV)~~ (d) Outreach and engagement to people who come into
26 contact with or who are at risk of coming into contact with the criminal
27 justice system and who are in need of mental health or substance use

1 disorder ~~services~~ TREATMENT, OVERDOSE PREVENTION, HARM REDUCTION,
2 OR RECOVERY SUPPORT SERVICES;

3 ~~(V)~~ (e) Facilitating communication, training, and technical
4 assistance among law enforcement agencies, public health agencies, and
5 community-based harm reduction agencies IN ORDER TO DIVERT PEOPLE
6 FROM THE CRIMINAL JUSTICE SYSTEM;

7 ~~(VI) Coordinating local efforts regarding co-responder and~~
8 ~~diversion programs; and~~

9 ~~(VII)~~ (f) Auricular acudetox training and services;

10 (g) PUBLIC EDUCATION AND OUTREACH ABOUT SYNTHETIC
11 OPIATES, OVERDOSE RISKS, RECOGNIZING AN OVERDOSE EVENT,
12 RESOURCES FOR ADDICTION TREATMENT AND SERVICES, ACCESS TO AND
13 ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
14 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
15 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
16 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711;

17 (h) LOCAL CONVENTIONS FOR THE PURPOSE OF DEVELOPING
18 COMMUNITY-BASED APPROACHES FOR OVERDOSE PREVENTION, EARLY
19 INTERVENTION, AND HARM REDUCTION SERVICES;

20 (i) DEVELOPING, OR EXPANDING EXISTING, COMMUNITY-BASED
21 ORGANIZATIONS THAT PROVIDE OVERDOSE PREVENTION, EARLY
22 INTERVENTION, AND HARM REDUCTION SERVICES;

23 (j) EVIDENCE-BASED RESEARCH CONCERNING BEST OR PROMISING
24 PRACTICES IN OVERDOSE PREVENTION, EARLY INTERVENTION, HARM
25 REDUCTION, AND MEDICATION-ASSISTED TREATMENT PROTOCOLS;

26 (k) DEVELOPING STRATEGIES FOR SERVING POPULATIONS WHO ARE
27 AT A HIGHER RISK OF OVERDOSE AND LIVE IN UNDERSERVED AREAS; AND

1 (l) SUPPORT FOR A LIAISON WITH EXPERIENCE COLLABORATING
2 WITH COMMUNITY-BASED ORGANIZATIONS AND LOCAL PUBLIC HEALTH
3 AGENCIES.

4 ~~(b) In order to ensure grantees are coordinating efforts across
5 public health and criminal justice systems at the local level, funding may
6 be used to support a harm reduction and law enforcement liaison who has
7 experience working with community-based organizations, local public
8 health agencies, and law enforcement agencies.~~

9 **SECTION 25.** In Colorado Revised Statutes, 25-20.5-1102, **add**
10 (5) as follows:

11 **25-20.5-1102. Harm reduction grant program cash fund -
12 creation - repeal.** (5) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE
13 GENERAL ASSEMBLY SHALL APPROPRIATE SIX MILLION DOLLARS FROM THE
14 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION
15 24-75-230, TO THE FUND.

16 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2024.

17 **SECTION 26.** In Colorado Revised Statutes, 27-60-106, **amend**
18 (4) introductory portion, (4)(b), and (5)(a); and **add** (7) as follows:

19 **27-60-106. Jail-based behavioral health services program -
20 purpose - created - funding - repeal.** (4) Subject to available
21 appropriations, the office ~~may~~ SHALL require a county jail that receives
22 funding through the program to:

23 (b) Assess all individuals booked into the jail facility for
24 substance use withdrawal symptoms and develop protocols for medical
25 detoxification monitoring procedures, MEDICATION-ASSISTED
26 TREATMENT, OR OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE;

27 (5) (a) The office shall require a county jail that receives funding

1 through the program to have a policy in place on or before January 1,
2 2020, that describes how medication-assisted treatment, as it is defined
3 in section 23-21-803, will be provided, when necessary, to individuals
4 confined in the county jail. THE OFFICE SHALL REQUIRE A COUNTY JAIL
5 THAT RECEIVES FUNDING THROUGH THE PROGRAM TO DEVELOP AND
6 IMPLEMENT A POLICY ON OR BEFORE JANUARY 1, 2023, THAT DESCRIBES
7 THE PROVISION OF MEDICATION-ASSISTED TREATMENT AND OTHER
8 APPROPRIATE WITHDRAWAL MANAGEMENT CARE UPON RELEASE FROM
9 JAIL.

10 (7) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
11 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE
12 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION
13 24-75-230, TO THE OFFICE FOR THE PURPOSE OF ASSISTING COUNTY JAILS
14 THAT RECEIVE FUNDING THROUGH THE PROGRAM TO IMPLEMENT THE
15 REQUIREMENT PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION.

16 (b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2024.

17 **SECTION 27.** In Colorado Revised Statutes, 27-60-106, **amend**
18 (4) introductory portion, (4)(b), and (5)(a); and **add** (7) as follows:

19 **27-60-106. Jail-based behavioral health services program -**
20 **purpose - created - funding - repeal.** (4) Subject to available
21 appropriations, the ~~office may~~ BHA SHALL require a county jail that
22 receives funding through the program to:

23 (b) Assess all individuals booked into the jail facility for
24 substance use withdrawal symptoms and develop protocols for medical
25 detoxification monitoring procedures, MEDICATION-ASSISTED
26 TREATMENT, OR OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE;

27 (5) (a) The ~~office~~ BHA shall require a county jail that receives

1 funding through the program to have a policy in place on or before
2 January 1, 2020, that describes how medication-assisted treatment, as it
3 is defined in section 23-21-803, will be provided, when necessary, to
4 individuals confined in the county jail. THE BHA SHALL REQUIRE A
5 COUNTY JAIL THAT RECEIVES FUNDING THROUGH THE PROGRAM TO
6 DEVELOP AND IMPLEMENT A POLICY ON OR BEFORE JANUARY 1, 2023,
7 THAT DESCRIBES THE PROVISION OF MEDICATION-ASSISTED TREATMENT
8 AND OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE UPON
9 RELEASE FROM JAIL.

10 (7) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
11 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE
12 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION
13 24-75-230, TO THE BHA FOR THE PURPOSE OF ASSISTING COUNTY JAILS
14 THAT RECEIVE FUNDING THROUGH THE PROGRAM TO IMPLEMENT THE
15 REQUIREMENT PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION.

16 (b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2024.

17 **SECTION 28.** In Colorado Revised Statutes, **add** 27-80-107.7 as
18 follows:

19 **27-80-107.7. Increase synthetic opiate treatment - report.**

20 (1) ON OR BEFORE JANUARY 1, 2023, EACH MANAGED SERVICE
21 ORGANIZATION DESIGNATED PURSUANT TO SECTION 27-80-107 SHALL
22 EVALUATE THE CURRENT SUPPLY AND NECESSARY DEMAND WITHIN ITS
23 REGION FOR:

24 (a) THE NUMBER OF MEDICATION-ASSISTED TREATMENT
25 PROVIDERS EMPLOYED BY THE MANAGED SERVICE ORGANIZATION WHO
26 ARE TRAINED TO PROVIDE MEDICATION-ASSISTED TREATMENT TO A
27 PERSON WHO HAS CONSUMED SYNTHETIC OPIATES;

1 (b) AMBULATORY WITHDRAWAL MANAGEMENT AND MEDICAL
2 WITHDRAWAL MANAGEMENT SPECIFIC TO SYNTHETIC OPIATES;

3 (c) THE PROVISION OF RECOVERY SERVICES AT PUBLIC HIGH
4 SCHOOLS; AND

5 (d) THE PROVISION OF RECOVERY RESIDENCES, AS DEFINED IN
6 SECTION 25-1.5-108.5.

7 (2) IN ITS HEARING FOR THE 2024 LEGISLATIVE SESSION, THE
8 DEPARTMENT SHALL INCLUDE AS PART OF ITS "STATE MEASUREMENT FOR
9 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
10 GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203, THE
11 MANAGED SERVICE ORGANIZATIONS' FINDINGS PURSUANT TO SUBSECTION
12 (1) OF THIS SECTION.

13 **SECTION 29.** In Colorado Revised Statutes, **add** 27-80-127 as
14 follows:

15 **27-80-127. Fentanyl education and treatment program.** THE
16 OFFICE OF BEHAVIORAL HEALTH SHALL DEVELOP A FENTANYL EDUCATION
17 PROGRAM FOR THE PURPOSE OF SECTIONS 18-1.3-410 AND 18-1.3-509. THE
18 FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
19 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
20 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
21 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
22 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
23 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
24 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE OFFICE OF
25 BEHAVIORAL HEALTH MAY UPDATE THE FENTANYL EDUCATION PROGRAM
26 CURRICULUM AS NECESSARY.

27 **SECTION 30.** In Colorado Revised Statutes, **add** 27-80-127 as

1 follows:

2 **27-80-127. Fentanyl education and treatment program.** THE
3 BEHAVIORAL HEALTH ADMINISTRATION SHALL DEVELOP A FENTANYL
4 EDUCATION PROGRAM FOR THE PURPOSE OF SECTIONS 18-1.3-410 AND
5 18-1.3-509. THE FENTANYL EDUCATION PROGRAM MUST INCLUDE
6 INFORMATION REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF
7 SYNTHETIC OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH,
8 ACCESS TO AND ADMINISTRATION OF OPIATE ANTAGONISTS AND
9 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS, AND LAWS
10 REGARDING SYNTHETIC OPIATES, INCLUDING CRIMINAL PENALTIES AND
11 IMMUNITY FOR REPORTING AN OVERDOSE EVENT PURSUANT TO SECTION
12 18-1-711. THE BHA MAY UPDATE THE FENTANYL EDUCATION PROGRAM
13 CURRICULUM AS NECESSARY.

14 **SECTION 31. Accountability.** Notwithstanding the requirement
15 to conduct a review of the implementation of this act either two or five
16 years after the enactment of this act, three years after this act becomes law
17 and in accordance with section 2-2-1201, Colorado Revised Statutes, the
18 legislative service agencies of the Colorado general assembly shall
19 conduct a post-enactment review of the implementation of this act
20 utilizing the information contained in the legislative declaration set forth
21 in section 1 of this act.

22 **SECTION 32. Potential appropriation.** Pursuant to section
23 2-2-703, C.R.S., any bill that results in a net increase in periods of
24 imprisonment in state correctional facilities must include an appropriation
25 of money that is sufficient to cover any increased capital construction, any
26 operational costs, and increased parole costs that are the result of the bill
27 for the department of corrections in each of the first five years following

1 the effective date of the bill. Because this act may increase periods of
2 imprisonment, this act may require a five-year appropriation.

3 **SECTION 33. Effective date - applicability.** This act takes
4 effect on January 1, 2023; except that:

5 (1) Sections 1, 12, 13, 14, 18, 20, 21, 22, 23, 24, 25, 33, and 34
6 take effect on July 1, 2022;

7 (2) Sections 2, 3, 4, and 5 take effect on July 1, 2022, and applies
8 to offenses committed on or after said date;

9 (3) Sections 7, 10, 15, 26, and 29 take effect only if House Bill
10 22-1278 does not become law; and

11 (4) Sections 8, 11, 16, 27, and 30 take effect only if House Bill
12 22-1278 becomes law.

13 **SECTION 34. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, or safety.