

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 22-0883.05 Jacob Baus x2173

HOUSE BILL 22-1326

HOUSE SPONSORSHIP

Garnett and Lynch, Herod, Sandridge, Amabile, Benavidez, Bernett, Bird, Boesenecker, Duran, Esgar, Kipp, McCormick, Michaelson Jenet, Mullica, Ortiz, Tipper

SENATE SPONSORSHIP

Pettersen and Cooke, Priola, Coleman, Fenberg, Fields, Hansen, Moreno, Story

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

SENATE
Amended 3rd Reading
May 6, 2022

SENATE
Amended 2nd Reading
May 5, 2022

HOUSE
3rd Reading Unamended
April 25, 2022

HOUSE
Amended 2nd Reading
April 22, 2022

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 USE AND HARM**
112 **REDUCTION; EVALUATING THE SUBSTANCE USE AND HARM**
113 **REDUCTION NEEDS ACROSS THE STATE; 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 carfentanil, benzimidazole opiate, and analogs thereof, presents a serious
6 health risk in 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, carfentanil, benzimidazole opiate, and analogs
19 thereof, not the prosecution of low-level drug possessors, is a priority for
20 Colorado; and

21 (f) Colorado's good samaritan law, which encourages people to

1 seek medical assistance for people who are suffering from an overdose
2 crisis, is an important public policy that can assist in saving lives.

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

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

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

15 (3) The general assembly finds that for the purpose of performing
16 a post-enactment review of the implementation of House Bill 22-1326, it
17 is necessary to review the following statewide data for three years
18 subsequent to the passage of House Bill 22-1326 in order to assess its
19 impact on sentencing and filing of counts based on the good samaritan
20 law pursuant to section 18-1-711, Colorado Revised Statutes, and the
21 criminal provisions designed to address the distribution of fentanyl,
22 carfentanil, benzimidazole opiate, and analogs thereof, resulting in death:

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

27 (b) From the judicial department, the number of cases filed that

1 include a violation of section 18-18-405 (2)(a)(III)(A), Colorado Revised
2 Statutes; the judicial district where the case was filed; information on
3 other charges filed in the same case; the sentence imposed upon
4 conviction for each case; and a summary of the facts and circumstances
5 of the case as evidenced by the arrest warrant; and

6 (c) From each district attorney, the information pursuant to section
7 18-1-711 (6), Colorado Revised Statutes.

8 **SECTION 2.** In Colorado Revised Statutes, 18-18-403.5, **add**
9 (2.5), (2.7), (6), ___ as follows:

10 **18-18-403.5. Unlawful possession of a controlled substance -**
11 **notice to revisor of statutes - repeal.** (2.5) (a) NOTWITHSTANDING
12 SUBSECTION (2)(c) OF THIS SECTION, ON OR AFTER JULY 1, 2022, A PERSON
13 WHO VIOLATES SUBSECTION (1) OF THIS SECTION BY KNOWINGLY
14 POSSESSING:

15 (I) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT
16 WEIGHS MORE THAN ONE GRAM AND NOT MORE THAN FOUR GRAMS AND
17 CONTAINS ANY QUANTITY OF FENTANYL, CARFENTANIL, BENZIMIDAZOLE
18 OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204
19 (2)(g), COMMITS A LEVEL 4 DRUG FELONY.

20 (II) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT
21 WEIGHS NOT MORE THAN ONE GRAM AND CONTAINS ANY QUANTITY OF
22 FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG
23 THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), COMMITS A LEVEL
24 1 DRUG MISDEMEANOR; EXCEPT THAT A FOURTH OR SUBSEQUENT OFFENSE
25 FOR A VIOLATION OF THIS SUBSECTION (2.5)(a)(II) IS A LEVEL 4 DRUG
26 FELONY.

27 (b) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JUNE 30, 2025.

1 (2.7) (a) A PERSON WHO VIOLATES SUBSECTION (1) OF THIS
2 SECTION BY POSSESSING ANY MATERIAL, COMPOUND, MIXTURE, OR
3 PREPARATION THAT CONTAINS A QUANTITY OF FENTANYL, CARFENTANIL,
4 BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN
5 SECTION 18-18-204 (2)(g), THAT IS MORE THAN SIXTY PERCENT OF THE
6 TOTAL COMPOSITION OF THE MATERIAL, COMPOUND, MIXTURE, OR
7 PREPARATION, COMMITS A LEVEL 2 DRUG FELONY.

8 (b) (I) THIS SUBSECTION (2.7) TAKES EFFECT AT 12:01 A.M. THIRTY
9 DAYS AFTER THE DATE IDENTIFIED IN THE NOTICE PROVIDED TO THE
10 REVISOR OF STATUTES BY THE DIRECTOR OF THE COLORADO BUREAU OF
11 INVESTIGATION THAT THE COLORADO BUREAU OF INVESTIGATION HAS THE
12 RESOURCES TO DETERMINE THE QUANTITY OF FENTANYL, CARFENTANIL,
13 BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN
14 SECTION 18-18-204 (2)(g), COMPARED TO THE TOTAL COMPOSITION OF THE
15 MATERIAL, COMPOUND, MIXTURE, OR PREPARATION, OR ON THE DATE OF
16 THE NOTICE TO THE REVISOR OF STATUTES IF THE NOTICE DOES NOT
17 SPECIFY A DIFFERENT DATE.

18 (II) THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION
19 SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING WHEN THE
20 CONDITION SPECIFIED IN SUBSECTION (2.7)(b)(I) OF THIS SECTION HAS
21 OCCURRED BY E-MAILING THE NOTICE TO
22 REVISOROFSTATUTES.GA@STATE.CO.US.

23 (III) CONCURRENT WITH THE NOTICE REQUIRED IN SUBSECTION
24 (2.7)(b)(II), THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION
25 SHALL NOTIFY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
26 PRESIDENT OF THE SENATE, THE CHIEF JUSTICE OF THE SUPREME COURT,
27 THE GOVERNOR, THE ATTORNEY GENERAL, THE STATE PUBLIC DEFENDER,

1 AND EACH DISTRICT ATTORNEY IN THE STATE, THAT THE COLORADO
2 BUREAU OF INVESTIGATION HAS THE RESOURCES TO DETERMINE THE
3 QUANTITY OF FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN
4 ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), COMPARED
5 TO THE TOTAL COMPOSITION OF THE MATERIAL, COMPOUND, MIXTURE, OR
6 PREPARATION.

7 (IV) THIS SUBSECTION (2.7)(b) IS REPEALED, EFFECTIVE ONE YEAR
8 AFTER NOTICE TO THE REVISOR OF STATUTES PURSUANT TO THIS
9 SUBSECTION (2.7)(b)(II).

10 (6) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION TO THE
11 CONTRARY, A PEACE OFFICER SHALL NOT ARREST AND A DISTRICT
12 ATTORNEY SHALL NOT CHARGE OR PROSECUTE AN EMPLOYEE, AGENT, OR
13 VOLUNTEER OF AN ENTITY DESCRIBED IN SECTION 12-30-110 (1)(a) WHO,
14 IN THE PERFORMANCE OF THE PERSON'S DUTIES, IS IN POSSESSION OF A
15 CONTROLLED SUBSTANCE, INCLUDING FENTANYL, CARFENTANIL,
16 BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN
17 SECTION 18-18-204 (2)(g), FOR THE PURPOSE OF SAFE DISPOSAL OF THE
18 CONTROLLED SUBSTANCE, INCLUDING FENTANYL, CARFENTANIL,
19 BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN
20 SECTION 18-18-204 (2)(g), IN ACCORDANCE WITH APPLICABLE LAW. AS
21 USED IN THIS SUBSECTION (6), "SAFE DISPOSAL" MEANS THE PROCEDURE
22 AND PROCESS FOR DEPOSITING THE CONTROLLED SUBSTANCE, INCLUDING
23 FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG
24 THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), IN A SECURE
25 CONTAINER FOR LAW ENFORCEMENT TO SUBSEQUENTLY ACCESS AND
26 DISPOSE OF.

27 == ==

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

4 **18-18-405. Unlawful distribution, manufacturing, dispensing,**
5 **or sale.** (2) Except as otherwise provided for an offense concerning
6 marijuana and marijuana concentrate in section 18-18-406 and for special
7 offenders as provided in section 18-18-407, any person who violates any
8 of the provisions of subsection (1) of this section:

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

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

13 (D) MORE THAN FIFTY GRAMS AND CONTAINS FENTANYL,
14 CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS
15 DESCRIBED IN SECTION 18-18-204 (2)(g); OR

16 (III) (A) EXCEPT AS PROVIDED IN SECTION 18-1-711 (3)(i), THE
17 DEFENDANT COMMITTED A VIOLATION OF SUBSECTION (2)(a)(I)(D),
18 (2)(b)(I)(D), OR (2)(c)(V) OF THIS SECTION, AND THE ACTIONS IN
19 VIOLATION OF SUBSECTION (2)(a)(I)(D), (2)(b)(I)(D), OR (2)(c)(V) OF THIS
20 SECTION ARE THE PROXIMATE CAUSE OF THE DEATH OF ANOTHER PERSON
21 WHO USED OR CONSUMED THE MATERIAL, COMPOUND, MIXTURE, OR
22 PREPARATION THAT CONTAINED FENTANYL, CARFENTANIL,
23 BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN
24 SECTION 18-18-204 (2)(g).

25 (B) NOTWITHSTANDING SUBSECTION (2)(a)(III)(A) OF THIS
26 SECTION, A DEFENDANT WHO COMMITTED A VIOLATION OF SUBSECTION
27 (2)(c)(V) OF THIS SECTION, AND THE ACTIONS IN VIOLATION OF

1 SUBSECTION (2)(c)(V) OF THIS SECTION ARE THE PROXIMATE CAUSE OF
2 THE DEATH OF ANOTHER PERSON WHO USED OR CONSUMED THE MATERIAL,
3 COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINED FENTANYL,
4 CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS
5 DESCRIBED IN SECTION 18-18-204 (2)(g), IS NOT SUBJECT TO THE
6 MANDATORY SENTENCING REQUIREMENT AS DESCRIBED IN SECTION
7 18-1.3-401.5 (7).

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

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

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

13 ~~or~~

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

16 (D) MORE THAN FOUR GRAMS, BUT NOT MORE THAN FIFTY GRAMS,
17 AND CONTAINS FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN
18 ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g);

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

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

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

24 (V) NOT MORE THAN FOUR GRAMS AND CONTAINS FENTANYL,
25 CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS
26 DESCRIBED IN SECTION 18-18-204 (2)(g).

27 **SECTION 4.** In Colorado Revised Statutes, 18-18-407, **amend**

1 (1)(c); and **add** (1)(h) as follows:

2 **18-18-407. Special offender - definitions.** (1) A person who
3 commits a felony offense pursuant to this part 4 under any one or more of
4 the following aggravating circumstances commits a level 1 drug felony
5 and is a special offender:

6 (c) The defendant committed the violation and in the course of
7 that violation, introduced or imported into the state of Colorado more than
8 fourteen grams of any schedule I or II controlled substance listed in part
9 2 of this ~~article~~ or ARTICLE 18; more than seven grams of
10 methamphetamine, heroin, ketamine, or cathinones; ~~or~~ ten milligrams of
11 flunitrazepam; OR ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION
12 THAT WEIGHS MORE THAN FOUR GRAMS AND CONTAINS FENTANYL,
13 CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS
14 DESCRIBED IN SECTION 18-18-204 (2)(g);

15 (h) THE DEFENDANT COMMITTED A VIOLATION OF SECTION
16 18-18-405 (2)(a)(I)(D), (2)(b)(I)(D), OR (2)(c)(V), AND THE DEFENDANT
17 POSSESSED PILL OR TABLET MANUFACTURING EQUIPMENT WITH THE
18 INTENT TO USE THE EQUIPMENT IN THE MANUFACTURE OF A CONTROLLED
19 SUBSTANCE.

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

22 **18-1-711. Immunity for persons who suffer or report an**
23 **emergency drug or alcohol overdose event - definitions - repeal.**

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

26 (g) Possession of drug paraphernalia, as described in section
27 18-18-428; and

1 (h) Illegal possession or consumption of ethyl alcohol or
2 marijuana by an underage person or illegal possession of marijuana
3 paraphernalia by an underage person, as described in section 18-13-122;
4 AND

5 (i) A VIOLATION OF SECTION 18-18-405 (2)(a)(III)(A), IF THE
6 UNLAWFUL DISTRIBUTION, MANUFACTURING, DISPENSING, OR SALE OF THE
7 MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WEIGHS NOT MORE
8 THAN FOUR GRAMS AND CONTAINS ANY AMOUNT OF FENTANYL,
9 CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS
10 DESCRIBED IN SECTION 18-18-204 (2)(g).

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

19 (b) STARTING ON JULY 1, 2022, AND FOR THREE YEARS
20 THEREAFTER, EACH DISTRICT ATTORNEY'S OFFICE THAT RECEIVES A
21 REPORT REGARDING AN ARREST FROM LAW ENFORCEMENT PURSUANT TO
22 SUBSECTION (6)(a) OF THIS SECTION SHALL PREPARE A REPORT INDICATING
23 EACH INSTANCE WHEN A PERSON WAS NOT PROSECUTED FOR AN OFFENSE
24 PURSUANT TO THIS SECTION IF THE EVENT INVOLVED FENTANYL,
25 CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS
26 DESCRIBED IN SECTION 18-18-204 (2)(g). IF THE DISTRICT ATTORNEY
27 PROSECUTES A PERSON WHO SOUGHT EMERGENCY ASSISTANCE FOR AN

1 EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT IF THE EVENT
2 INVOLVED FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN
3 ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), THE
4 DISTRICT ATTORNEY SHALL PREPARE A REPORT DETAILING THE FACTS AND
5 CIRCUMSTANCES FOR THE DECISION THAT THE IMMUNITY PROVISIONS OF
6 SUBSECTION (1) OF THIS SECTION DID NOT APPLY.

7 (c) EACH DISTRICT ATTORNEY SHALL PROVIDE THE REPORTS
8 COLLECTED PURSUANT TO THIS SUBSECTION (6) TO THE LEGISLATIVE
9 SERVICE AGENCIES OF THE COLORADO GENERAL ASSEMBLY FOR THE
10 PURPOSE OF A POST-ENACTMENT REVIEW.

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

12 **SECTION 6.** In Colorado Revised Statutes, 18-1.3-401.5, **amend**
13 **(7), (10)(a)(III), and (10)(a)(IV); and add (2.5), (10)(a)(V), and (14)** as
14 follows:

15 **18-1.3-401.5. Drug felonies classified - presumptive and**
16 **aggravated penalties.** (2.5) IT IS THE INTENT OF THE GENERAL ASSEMBLY
17 THAT SENTENCING FOR CRIMES THAT INVOLVE FENTANYL, CARFENTANIL,
18 BENZIMIDAZOLE OPIATE, OR ANY ANALOG THEREOF, AS DESCRIBED IN
19 SECTION 18-18-204 (2)(g), EVEN IN SMALL QUANTITIES, REFLECT THE HIGH
20 RISK OF ADDICTION AND DEATH ASSOCIATED WITH FENTANYL,
21 CARFENTANIL, BENZIMIDAZOLE OPIATE, OR ANY ANALOG THEREOF.
22 THEREFORE, THE EDUCATION AND TREATMENT PROCEDURES PROVIDED IN
23 SECTION 18-1.3-410 MUST BE IMPLEMENTED TO ADDRESS THIS
24 SUBSTANTIAL HEALTH RISK.

25 (7) EXCEPT AS PROVIDED IN SECTION 18-18-405 (2)(a)(III)(B),
26 notwithstanding any provision of this section to the contrary, if the
27 defendant is convicted of a level 1 drug felony, the court shall sentence

1 the defendant to a term of incarceration in the department of corrections
2 of at least eight years but not more than thirty-two years. The presence of
3 one or more of the aggravating circumstances provided in ~~paragraph (a)~~
4 ~~of subsection (10)~~ SUBSECTION (10)(a) of this section or in section
5 18-18-407 (1) requires the court to sentence a defendant convicted of a
6 level 1 drug felony to a term of incarceration in the department of
7 corrections of at least twelve years but no more than thirty-two years. The
8 court may impose a fine in addition to imprisonment.

9 (10) (a) Except for a level 1 drug felony, the presence of one or
10 more of the following aggravating circumstances at the time of the
11 commission of a drug felony offense requires the court, if it sentences the
12 defendant to incarceration, to sentence the defendant to a term of at least
13 the midpoint in the presumptive range but not more than the maximum
14 term of the aggravated range:

15 (III) The defendant was under confinement, in prison, or in any
16 correctional institution as a convicted felon, or an escapee from any
17 correctional institution for another felony; ~~or~~

18 (IV) The defendant was on probation for or on bond while
19 awaiting sentencing following revocation of probation for a delinquent
20 act that would have constituted a felony if committed by an adult; OR

21 (V) THE DEFENDANT COMMITTED A VIOLATION OF SECTION
22 18-18-405 (2)(a)(III)(A), AND THE UNLAWFUL DISTRIBUTION,
23 MANUFACTURING, DISPENSING, OR SALE OF THE MATERIAL, COMPOUND,
24 MIXTURE, OR PREPARATION WEIGHED MORE THAN FIFTY GRAMS AND
25 CONTAINED FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN
26 ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g).

27 (14) (a) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION,

1 FOR THE PURPOSE OF SENTENCING A PERSON CONVICTED OF A LEVEL 4
2 DRUG FELONY COMMITTED ON OR AFTER JULY 1, 2022, IN VIOLATION OF
3 SECTION 18-18-403.5 (2.5), A COURT SHALL EITHER SENTENCE AN
4 OFFENDER TO PROBATION FOR UP TO TWO YEARS, WITH THE POSSIBILITY OF
5 A TOTAL OF ONE HUNDRED EIGHTY DAYS IN COUNTY JAIL, OR FOR A THIRD
6 OR SUBSEQUENT OFFENSE, A TOTAL OF UP TO THREE HUNDRED SIXTY-FOUR
7 DAYS IN COUNTY JAIL, WHICH MAY BE IMPOSED IN WHOLE OR IN PART
8 DURING THE TIME PERIOD OF PROBATION AS A CONDITION OF PROBATION
9 OR AS A SANCTION FOR A VIOLATION OF PROBATION; OR SENTENCE AN
10 OFFENDER TO UP TO ONE HUNDRED EIGHTY DAYS IN THE COUNTY JAIL;
11 EXCEPT THAT FOR A THIRD OR SUBSEQUENT OFFENSE, THE COURT MAY
12 SENTENCE AN OFFENDER TO UP TO THREE HUNDRED SIXTY-FOUR DAYS IN
13 THE COUNTY JAIL IF THE COURT SENTENCES THE OFFENDER TO JAIL. IN
14 ADDITION TO THE SENTENCE TO PROBATION OR TO THE COUNTY JAIL, THE
15 COURT MAY IMPOSE A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS.

16 (b) A COURT MAY SENTENCE A PERSON CONVICTED OF A LEVEL 4
17 DRUG FELONY COMMITTED ON OR AFTER JULY 1, 2022, IN VIOLATION OF
18 SECTION 18-18-403.5 (2.5), TO A COUNTY JAIL SENTENCING ALTERNATIVE
19 PROVIDED PURSUANT TO SECTION 18-1.3-106 OR PLACEMENT IN A
20 COMMUNITY CORRECTIONS PROGRAM AS A CONDITION OF PROBATION
21 PROVIDED PURSUANT TO SECTION 18-1.3-301 (4) AS A SENTENCING
22 ALTERNATIVE.

23 (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
24 CONTRARY, AN OFFENDER CONVICTED OF A LEVEL 4 DRUG FELONY
25 COMMITTED ON OR AFTER JULY 1, 2022, IN VIOLATION OF SECTION
26 18-18-403.5 (2.5), IS NOT SUBJECT TO THE JURISDICTION OF THE
27 DEPARTMENT OF CORRECTIONS OR A MANDATORY PERIOD OF PAROLE.

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

3 **18-1.3-410. Fentanyl education and treatment program.**

4 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE
5 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR
6 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL, CARFENTANIL,
7 BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN
8 SECTION 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE
9 ABUSE ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE
10 ABUSE ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE
11 PERSON'S HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF
12 FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG
13 THEREOF; THE PERSON'S AMENABILITY TO TREATMENT; AND THE LEVEL OF
14 TREATMENT, IF ANY, NECESSARY TO ADDRESS THE PERSON'S SUBSTANCE
15 USE DISORDER TO BE PROVIDED DURING THE PERSON'S PROBATION OR
16 DEFERRED JUDGMENT SUPERVISION.

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

21 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
22 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF
23 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR
24 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANIL,
25 BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF, THE COURT SHALL
26 ORDER RESIDENTIAL TREATMENT AS A CONDITION OF PROBATION. THE
27 RESIDENTIAL TREATMENT FACILITY MUST BE APPROVED BY THE OFFICE OF

1 BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES AND
2 DESIGNED FOR TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL,
3 CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF.
4 PLACEMENT IN A RESIDENTIAL PROGRAM AS A CONDITION OF PROBATION
5 IS LIMITED TO THE PERIOD OF TIME THAT THE PLACEMENT IS CLINICALLY
6 NECESSARY. THE RESIDENTIAL PLACEMENT COSTS MUST BE PAID FROM
7 THE CORRECTIONAL TREATMENT CASH FUND, EXISTING PURSUANT TO
8 SECTION 18-19-103 (4), FOR A PERSON ON PROBATION AND IS DETERMINED
9 BY THE COURT TO BE INDIGENT, IS REPRESENTED BY COURT-APPOINTED
10 COUNSEL, OR IS OTHERWISE UNABLE TO AFFORD THE COST OF THE
11 PLACEMENT.

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

19 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING
20 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT
21 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST
22 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
23 OFFICE OF BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127. THE
24 FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
25 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
26 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
27 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY

1 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
2 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
3 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE FENTANYL
4 EDUCATION PROGRAM COSTS MUST BE PAID FROM THE CORRECTIONAL
5 TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4),
6 FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE
7 INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS
8 OTHERWISE UNABLE TO AFFORD THE COST OF PLACEMENT.

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

11 **18-1.3-410. Fentanyl education and treatment program.**

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

25 (2) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
26 SUBSECTION (1) OF THIS SECTION RECOMMENDS COMMUNITY-BASED
27 TREATMENT, THE PERSON SHALL COMPLETE THE ASSESSED LEVEL OF

1 TREATMENT CONSISTENT WITH THE PROVISIONS OF SECTION 18-1.3-209.

2 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
3 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF
4 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR
5 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANIL,
6 BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF, THE COURT SHALL
7 ORDER RESIDENTIAL TREATMENT AS A CONDITION OF PROBATION. THE
8 RESIDENTIAL TREATMENT FACILITY MUST BE APPROVED BY THE
9 BEHAVIORAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN
10 SERVICES AND DESIGNED FOR TREATMENT OF AN ADDICTION THAT
11 INCLUDES FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN
12 ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL PROGRAM AS A
13 CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF TIME THAT THE
14 PLACEMENT IS CLINICALLY NECESSARY. THE RESIDENTIAL PLACEMENT
15 COSTS MUST BE PAID FROM THE CORRECTIONAL TREATMENT CASH FUND,
16 EXISTING PURSUANT TO SECTION 18-19-103 (4), FOR A PERSON ON
17 PROBATION AND IS DETERMINED BY THE COURT TO BE INDIGENT, IS
18 REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS OTHERWISE UNABLE
19 TO AFFORD THE COST OF THE PLACEMENT.

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

27 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING

1 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT
2 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST
3 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
4 BEHAVIORAL HEALTH ADMINISTRATION PURSUANT TO SECTION 27-80-127.
5 THE FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
6 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
7 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
8 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
9 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
10 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
11 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE FENTANYL
12 EDUCATION PROGRAM COSTS MUST BE PAID FROM THE CORRECTIONAL
13 TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4),
14 FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE
15 INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS
16 OTHERWISE UNABLE TO AFFORD THE COST OF PLACEMENT.

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

19 **18-1.3-501. Misdemeanors classified - drug misdemeanors and**
20 **drug petty offenses classified - penalties - legislative intent -**
21 **definitions.** (1) (d.5) (I) (A) It is the intention of the general assembly to
22 classify most drug possession on and after March 1, 2020, as a
23 misdemeanor offense with different sentencing options and limited
24 incarceration penalties. The purpose of this sentencing scheme is to
25 provide offenders who are assessed to be in need of treatment or other
26 intervention with probation supervision in conjunction with effective
27 medical and behavioral intervention and treatment. For those drug

1 possessors who are not in need of treatment, sentencing by the courts
2 system should be limited. This sentencing scheme recognizes that drug
3 use and possession is primarily a health concern and should be treated as
4 such by Colorado courts.

5 (B) FURTHERMORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY
6 THAT SENTENCING FOR CRIMES THAT INVOLVE FENTANYL, CARFENTANIL,
7 BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN
8 SECTION 18-18-204 (2)(g), EVEN IN SMALL QUANTITIES, REFLECT THE HIGH
9 RISK OF ADDICTION AND DEATH ASSOCIATED WITH FENTANYL,
10 CARFENTANIL, BENZIMIDAZOLE OPIATE, OR ANY ANALOG THEREOF.
11 THEREFORE, THE EDUCATION AND TREATMENT PROCEDURES PROVIDED IN
12 SECTION 18-1.3-510 MUST BE IMPLEMENTED TO ADDRESS THIS
13 SUBSTANTIAL HEALTH RISK.

14 **SECTION 10.** In Colorado Revised Statutes, **add 18-1.3-510** as
15 follows:

16 **18-1.3-510. Fentanyl education and treatment program.**

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

1 USE DISORDER TO BE PROVIDED DURING THE PERSON'S PROBATION OR
2 DEFERRED JUDGMENT SUPERVISION.

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

7 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
8 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF
9 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR
10 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANIL,
11 BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF, THE COURT SHALL
12 ORDER RESIDENTIAL TREATMENT AS A CONDITION OF PROBATION. THE
13 RESIDENTIAL TREATMENT FACILITY MUST BE APPROVED BY THE OFFICE OF
14 BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES AND
15 DESIGNED FOR TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL,
16 CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF.
17 PLACEMENT IN A RESIDENTIAL PROGRAM AS A CONDITION OF PROBATION
18 IS LIMITED TO THE PERIOD OF TIME THAT THE PLACEMENT IS CLINICALLY
19 NECESSARY. THE RESIDENTIAL PLACEMENT COSTS MUST BE PAID FROM
20 THE CORRECTIONAL TREATMENT CASH FUND, EXISTING PURSUANT TO
21 SECTION 18-19-103 (4), FOR A PERSON ON PROBATION AND IS DETERMINED
22 BY THE COURT TO BE INDIGENT, IS REPRESENTED BY COURT-APPOINTED
23 COUNSEL, OR IS OTHERWISE UNABLE TO AFFORD THE COST OF THE
24 PLACEMENT.

25 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO
26 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT
27 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE

1 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS
2 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,
3 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE
4 PERSON'S TREATMENT NEEDS.

5 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING
6 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT
7 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST
8 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
9 OFFICE OF BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127. THE
10 FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
11 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
12 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
13 AND 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. THE FENTANYL
17 EDUCATION PROGRAM COSTS MUST BE PAID FROM THE CORRECTIONAL
18 TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4),
19 FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE
20 INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS
21 OTHERWISE UNABLE TO AFFORD THE COST OF PLACEMENT.

22 **SECTION 11.** In Colorado Revised Statutes, **add 18-1.3-510** as
23 follows:

24 **18-1.3-510. Fentanyl education and treatment program.**

25 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE
26 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR
27 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL, CARFENTANIL,

1 BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN
2 SECTION 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE
3 ABUSE ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE
4 ABUSE ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE
5 PERSON'S HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF
6 FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR ANY ANALOG
7 THEREOF; THE PERSON'S AMENABILITY TO TREATMENT; AND THE LEVEL OF
8 TREATMENT, IF ANY, NECESSARY TO ADDRESS THE PERSON'S SUBSTANCE
9 USE DISORDER TO BE PROVIDED DURING THE PERSON'S PROBATION OR
10 DEFERRED JUDGMENT SUPERVISION.

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

15 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
16 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF
17 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR
18 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANIL,
19 BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF, THE COURT SHALL
20 ORDER RESIDENTIAL TREATMENT AS A CONDITION OF PROBATION. THE
21 RESIDENTIAL TREATMENT FACILITY MUST BE APPROVED BY THE
22 BEHAVIORAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN
23 SERVICES AND DESIGNED FOR TREATMENT OF AN ADDICTION THAT
24 INCLUDES FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN
25 ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL PROGRAM AS A
26 CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF TIME THAT THE
27 PLACEMENT IS CLINICALLY NECESSARY. THE RESIDENTIAL PLACEMENT

1 COSTS MUST BE PAID FROM THE CORRECTIONAL TREATMENT CASH FUND,
2 EXISTING PURSUANT TO SECTION 18-19-103 (4), FOR A PERSON ON
3 PROBATION AND IS DETERMINED BY THE COURT TO BE INDIGENT, IS
4 REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS OTHERWISE UNABLE
5 TO AFFORD THE COST OF THE PLACEMENT.

6 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO
7 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT
8 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE
9 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS
10 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,
11 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE
12 PERSON'S TREATMENT NEEDS.

13 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING
14 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT
15 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST
16 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
17 BEHAVIORAL HEALTH ADMINISTRATION PURSUANT TO SECTION 27-80-127.
18 THE 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 FENTANYL
25 EDUCATION PROGRAM COSTS MUST BE PAID FROM THE CORRECTIONAL
26 TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4),
27 FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE

1 INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS
2 OTHERWISE UNABLE TO AFFORD THE COST OF PLACEMENT.

3 **SECTION 12.** In Colorado Revised Statutes, 12-30-110, **amend**
4 (1)(a)(VI), (1)(b) introductory portion, (2)(b), (3)(c), (4)(b), and (7)(a);
5 and **add** (1)(a)(VIII), (1)(a)(IX), (1)(a)(X), (1)(a)(XI), (1)(a)(XII),
6 (1)(a)(XIII), (1)(a)(XIV), (1)(a)(XV), (1)(a)(XVI), (1)(a)(XVII),
7 (1)(a)(XVIII), (1)(a)(XIX), (1)(a)(XX), (1)(a)(XXI), (3.5), (7)(a.3),
8 (7)(a.5), (7)(a.7), (7)(b.2), (7)(b.3), (7)(b.4), (7)(b.7), (7)(b.8), (7)(h.3),
9 and (7)(h.7) as follows:

10 **12-30-110. Prescribing or dispensing opiate antagonists -**
11 **authorized recipients - definitions.** (1) (a) A prescriber may prescribe
12 or dispense, directly or in accordance with standing orders and protocols,
13 an opiate antagonist to:

14 (VI) A person described in section 25-20.5-1001; ~~or~~

15 (VIII) AN INSTITUTION OF HIGHER EDUCATION, OR AN EMPLOYEE
16 OR AGENT OF THE INSTITUTION OF HIGHER EDUCATION;

17 (IX) A LIBRARY, OR AN EMPLOYEE OR AGENT OF THE LIBRARY;

18 (X) A COMMUNITY SERVICE ORGANIZATION, OR AN EMPLOYEE OR
19 AGENT OF THE COMMUNITY SERVICE ORGANIZATION;

20 (XI) A RELIGIOUS ORGANIZATION, OR AN EMPLOYEE OR AGENT OF
21 THE RELIGIOUS ORGANIZATION;

22 (XII) A LOCAL JAIL, OR AN EMPLOYEE OR AGENT OF THE LOCAL
23 JAIL;

24 (XIII) A MULTIJURISDICTIONAL JAIL, OR AN EMPLOYEE OR AGENT
25 OF THE MULTIJURISDICTIONAL JAIL;

26 (XIV) A MUNICIPAL JAIL, OR AN EMPLOYEE OR AGENT OF THE
27 MUNICIPAL JAIL;

1 (XV) A CORRECTIONAL FACILITY, OR AN EMPLOYEE OR AGENT OF
2 THE CORRECTIONAL FACILITY;

3 (XVI) A PRIVATE CONTRACT PRISON, OR AN EMPLOYEE OR AGENT
4 OF THE PRIVATE CONTRACT PRISON;

5 (XVII) A COMMUNITY CORRECTIONS PROGRAM, OR AN EMPLOYEE
6 OR AGENT OF THE COMMUNITY CORRECTIONS PROGRAM;

7 (XVIII) A PRETRIAL SERVICES PROGRAM, OR AN EMPLOYEE OR
8 AGENT OF THE PRETRIAL SERVICES PROGRAM;

9 (XIX) A PROBATION DEPARTMENT, OR AN EMPLOYEE OR AGENT OF
10 THE PROBATION DEPARTMENT;

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

13 (XXI) A MENTAL HEALTH PROFESSIONAL.

14 ~~(b) A law enforcement agency or first responder; an employee or~~
15 ~~volunteer of a harm reduction organization; a school district, school, or~~
16 ~~employee or agent of a school; a person described in section~~
17 ~~25-20.5-1001; a mental health professional; or a unit of local government;~~

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

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

23 SUBSECTION (1)(a) OF THIS SECTION is strongly encouraged to educate
24 employees, AGENTS, and volunteers, as well as persons receiving an
25 opiate antagonist from ~~the law enforcement agency, first responder, harm~~
26 ~~reduction organization, person described in section 25-20.5-1001, mental~~
27 ~~health professional, or unit of local government,~~ THE ENTITY DESCRIBED

1 IN SUBSECTION (1)(a) OF THIS SECTION on the use of an opiate antagonist
2 for overdose, including instruction concerning risk factors for overdose,
3 recognizing an overdose, calling emergency medical services, rescue
4 breathing, and administering an opiate antagonist.

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

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

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

23 (3.5) (a) NOTWITHSTANDING ANY PROVISION OF THIS TITLE 12 OR
24 RULES IMPLEMENTING THIS TITLE 12, A PRESCRIBER PRESCRIBING OR
25 DISPENSING AN OPIATE ANTAGONIST IN ACCORDANCE WITH THIS SECTION,
26 OTHER THAN A PHARMACIST OR OTHER PRESCRIBER PRESCRIBING AND
27 DISPENSING FROM A PRESCRIPTION DRUG OUTLET OR PHARMACY, IS NOT

1 REQUIRED TO COMPLY WITH LAWS RELATING TO LABELING, STORAGE, OR
2 RECORD KEEPING FOR THE OPIATE ANTAGONIST.

3 (b) A PRESCRIBER PRESCRIBING OR DISPENSING AN OPIATE
4 ANTAGONIST EXEMPTED FROM LABELING, STORAGE, OR RECORD-KEEPING
5 REQUIREMENTS PURSUANT TO THIS SUBSECTION (3.5):

6 (I) DOES NOT ENGAGE IN UNPROFESSIONAL CONDUCT OR IS NOT
7 SUBJECT TO DISCIPLINE PURSUANT TO SECTION 12-240-121 OR 12-255-120,
8 AS APPLICABLE; AND

9 (II) IS NOT SUBJECT TO CIVIL LIABILITY OR CRIMINAL
10 PROSECUTION, AS SPECIFIED IN SECTION 13-21-108.7 (4) AND 18-1-712 (3),
11 RESPECTIVELY.

12 ~~(4) (b) A law enforcement agency or first responder; an employee~~
13 ~~or volunteer of a harm reduction organization; a school district, school,~~
14 ~~or employee or agent of a school; a person described in section~~
15 ~~25-20.5-1001; or a unit of local government~~ A PERSON OR ENTITY
16 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION acting in accordance
17 with this section is not subject to civil liability or criminal prosecution, as
18 specified in sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

19 (7) As used in this section:

20 (a) ~~"First responder" means:~~ "COMMUNITY CORRECTIONS
21 PROGRAM" HAS THE SAME MEANING AS SET FORTH IN SECTION 17-27-102
22 (3).

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

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

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

26 (a.3) "COMMUNITY SERVICE ORGANIZATION" MEANS A NONPROFIT
27 ORGANIZATION THAT IS IN GOOD STANDING AND REGISTERED WITH THE

1 FEDERAL INTERNAL REVENUE SERVICE AND THE COLORADO SECRETARY
2 OF STATE'S OFFICE THAT PROVIDES SERVICES TO INDIVIDUALS AT RISK OF
3 EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT, OR TO THE
4 INDIVIDUALS' FAMILY MEMBERS, FRIENDS, OR OTHER PERSONS IN A
5 POSITION TO ASSIST THE INDIVIDUAL.

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

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

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

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

11 (III) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION
12 31-30-1102 (9); OR

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

15 (b.2) "INSTITUTION OF HIGHER EDUCATION" MEANS A PUBLIC OR
16 NONPUBLIC INSTITUTION THAT AWARDS ANY TYPE OF POSTSECONDARY
17 CERTIFICATE, DEGREE, OR OTHER CREDENTIAL, AND IS LOCATED IN
18 COLORADO.

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

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

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

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

27 (h.3) "PRETRIAL SERVICES PROGRAM" HAS THE SAME MEANING AS

1 DESCRIBED IN SECTION 16-4-106.

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

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

6 **13-21-108.7. Persons rendering emergency assistance through**
7 **the administration of an opiate antagonist - limited immunity -**
8 **legislative declaration - definitions. (3) General immunity. (a) A**
9 person, other than a health-care provider or a health-care facility, who
10 acts in good faith to furnish or administer an opiate antagonist, including
11 an expired opiate antagonist, to an individual the person believes to be
12 suffering an opiate-related drug overdose event or to an individual who
13 is in a position to assist the individual at risk of experiencing an
14 opiate-related overdose event is not liable for any civil damages for acts
15 or omissions made as a result of the act or for any act or omission made
16 if the opiate antagonist is stolen, DEFECTIVE, OR PRODUCES AN
17 UNINTENDED RESULT.

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

19 (I) ~~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 acting in accordance with section~~
22 ~~12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section~~
23 ~~22-1-119.1; a mental health professional, as defined in section 12-30-110~~
24 ~~(7)(b.5); or a unit of local government, as defined in section 29-3.5-101~~
25 ~~(4) A PERSON OR ENTITY DESCRIBED IN SECTION 12-30-110 (1)(a); EXCEPT~~
26 THAT AN EMPLOYEE OR AGENT OF A SCHOOL MUST BE ACTING IN
27 ACCORDANCE WITH SECTION 12-30-110 (1)(b), (2)(b), AND (4)(b), AND, AS

1 APPLICABLE, SECTION 22-1-119.1; and

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

4 **13-21-108.8. Persons furnishing a non-laboratory synthetic**
5 **opiate detection test - limited immunity - definition.** (1) EXCEPT AS
6 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON WHO OR ENTITY
7 THAT ACTS IN GOOD FAITH TO FURNISH A NON-LABORATORY SYNTHETIC
8 OPIATE DETECTION TEST, INCLUDING AN EXPIRED NON-LABORATORY
9 SYNTHETIC OPIATE DETECTION TEST, TO ANOTHER PERSON IS NOT LIABLE
10 FOR ANY CIVIL DAMAGES FOR ACTS, OMISSIONS MADE AS A RESULT OF THE
11 ACT, OR FOR ANY ACT OR OMISSION MADE IF THE NON-LABORATORY
12 SYNTHETIC OPIATE DETECTION TEST IS STOLEN, DEFECTIVE, OR PRODUCES
13 AN INACCURATE RESULT.

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

17 (3) FOR PURPOSES OF THIS SECTION, "NON-LABORATORY
18 SYNTHETIC OPIATE DETECTION TEST" MEANS A PRODUCT THAT IS _____
19 INTENDED OR DESIGNED TO DETECT THE PRESENCE OF A SYNTHETIC
20 OPIATE.

21 **SECTION 15.** In Colorado Revised Statutes, 17-26-140, **amend**
22 **(1); and add (3)** as follows:

23 **17-26-140. Continuity of care for persons released from jail.**

24 (1) If a person is treated for a substance use disorder **throughout AT ANY**
25 **TIME DURING** the person's incarceration, the county jail shall, at a
26 minimum, conduct the following before releasing the person from the
27 county jail's custody:

1 (a) Provide post-release resources developed pursuant to section
2 17-1-103 (1)(r) to the person; ~~and~~

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

6 (c) IF THE PERSON RECEIVED OR HAS BEEN ASSESSED TO RECEIVE
7 MEDICATION-ASSISTED TREATMENT WHILE IN JAIL, HAS A HISTORY OF
8 SUBSTANCE USE IN THE COMMUNITY OR WHILE IN JAIL, OR REQUESTS
9 OPIATE ANTAGONISTS UPON RELEASE, PROVIDE THE PERSON, UPON
10 RELEASE FROM THE JAIL, AT LEAST EIGHT MILLIGRAMS OF AN OPIATE
11 ANTAGONIST VIA INHALATION OR ITS EQUIVALENT AND PROVIDE
12 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE
13 MEDICATION; AND

14 (d) IF THE PERSON RECEIVED MEDICATION-ASSISTED TREATMENT
15 WHILE IN JAIL, HAS A HISTORY OF SUBSTANCE USE, OR REQUESTS OPIATE
16 USE-DISORDER MEDICATION, PRESCRIBE TO THE PERSON, UPON RELEASE
17 FROM THE JAIL, MEDICATION FOR AN OPIATE USE DISORDER AND PROVIDE
18 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE
19 MEDICATION, AND PROVIDE THE PERSON WITH A REFERRAL TO AT LEAST
20 ONE MEDICATION-ASSISTED TREATMENT PROVIDER LOCATED IN THE AREA
21 WHERE THE PERSON WILL RESIDE AFTER RELEASE FROM THE JAIL.

22 (3) AS USED IN THIS SECTION, "OPIATE ANTAGONIST" MEANS
23 NALOXONE HYDROCHLORIDE OR ANY SIMILARLY ACTING DRUG THAT IS
24 NOT A CONTROLLED SUBSTANCE AND THAT IS APPROVED BY THE FEDERAL
25 FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF A DRUG
26 OVERDOSE.

27 **SECTION 16.** In Colorado Revised Statutes, 17-26-140, **amend**

1 (1); and add (3) as follows:

2 **17-26-140. Continuity of care for persons released from jail.**

3 (1) If a person is treated for a substance use disorder ~~throughout~~ AT ANY
4 TIME DURING the person's incarceration, the county jail shall, at a
5 minimum, conduct the following before releasing the person from the
6 county jail's custody:

7 (a) Provide post-release resources developed pursuant to section
8 17-1-103 (1)(r) to the person; ~~and~~

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

12 (c) IF THE PERSON RECEIVED OR HAS BEEN ASSESSED TO RECEIVE
13 MEDICATION-ASSISTED TREATMENT WHILE IN JAIL, HAS A HISTORY OF
14 SUBSTANCE USE IN THE COMMUNITY OR WHILE IN JAIL, OR REQUESTS
15 OPIATE ANTAGONISTS UPON RELEASE, PROVIDE THE PERSON, UPON
16 RELEASE FROM THE JAIL, AT LEAST EIGHT MILLIGRAMS OF AN OPIATE
17 ANTAGONIST VIA INHALATION OR ITS EQUIVALENT AND PROVIDE
18 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE
19 MEDICATION; AND

20 (d) IF THE PERSON RECEIVED MEDICATION-ASSISTED TREATMENT
21 WHILE IN JAIL, HAS A HISTORY OF SUBSTANCE USE, OR REQUESTS OPIATE
22 USE-DISORDER MEDICATION, PRESCRIBE TO THE PERSON, UPON RELEASE
23 FROM THE JAIL, MEDICATION FOR AN OPIATE USE DISORDER AND PROVIDE
24 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE
25 MEDICATION, AND PROVIDE THE PERSON WITH A REFERRAL TO AT LEAST
26 ONE MEDICATION-ASSISTED TREATMENT PROVIDER LOCATED IN THE AREA
27 WHERE THE PERSON WILL RESIDE AFTER RELEASE FROM THE JAIL.

1 (3) AS USED IN THIS SECTION, "OPIATE ANTAGONIST" MEANS
2 NALOXONE HYDROCHLORIDE OR ANY SIMILARLY ACTING DRUG THAT IS
3 NOT A CONTROLLED SUBSTANCE AND THAT IS APPROVED BY THE FEDERAL
4 FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF A DRUG
5 OVERDOSE.

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) (I) STARTING ON OR BEFORE JULY 1, 2023, A COMMUNITY
20 CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL
21 DEVELOP PROTOCOLS TO IDENTIFY WITHDRAWAL SYMPTOMS, DETERMINE
22 WHETHER A MEDICAL REFERRAL IS NEEDED, AND ENSURE INDIVIDUALS
23 HAVE ACCESS TO APPROPRIATE MEDICAL PROFESSIONALS AS NECESSARY.
24 IN INSTANCES WHEN A MEDICALLY SUPERVISED DETOXIFICATION APPEARS
25 NECESSARY, COMMUNITY CORRECTIONS PROGRAM STAFF SHALL ASSIST
26 THE INDIVIDUAL WITH ACCESSING A LOCAL EMERGENCY PROVIDER OR
27 MANAGED SERVICE ORGANIZATION FOR NECESSARY TREATMENT.

1 (II) STARTING ON OR BEFORE JULY 1, 2023, A COMMUNITY
2 CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL
3 PROVIDE MEDICATION-ASSISTED TREATMENT. IF A COMMUNITY
4 CORRECTIONS PROGRAM DOES NOT PROVIDE MEDICATION-ASSISTED
5 TREATMENT, COMMUNITY CORRECTIONS PROGRAM STAFF SHALL ASSIST
6 THE INDIVIDUAL WITH ACCESSING A COMMUNITY-BASED
7 MEDICATION-ASSISTED TREATMENT PROVIDER. A COMMUNITY
8 CORRECTIONS PROGRAM THAT DOES NOT PROVIDE A
9 MEDICATION-ASSISTED TREATMENT PURSUANT TO THIS SUBSECTION (12),
10 SHALL SUBMIT A REPORT BY JULY 1, 2023, TO THE DIVISION OF CRIMINAL
11 JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY DESCRIBING THE BARRIERS
12 TO OFFERING THE SERVICES AND WHAT RESOURCES ARE NECESSARY TO
13 PROVIDE MEDICATION-ASSISTED TREATMENT.

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

16 **18-1-712. Immunity for a person who administers an opiate**
17 **antagonist during an opiate-related drug overdose event - definitions.**

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

19 (I) ~~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 acting in accordance with section~~
22 ~~12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section~~
23 ~~22-1-119.1; a mental health professional, as defined in section 12-30-110~~
24 ~~(7)(b.5); or a unit of local government, as defined in section 29-3.5-101~~
25 (4) A PERSON OR ENTITY DESCRIBED IN SECTION 12-30-110 (1)(a); EXCEPT
26 THAT AN EMPLOYEE OR AGENT OF A SCHOOL MUST BE ACTING IN
27 ACCORDANCE WITH SECTION 12-30-110 (1)(b), (2)(b), AND (4)(b), AND, AS

1 APPLICABLE, SECTION 22-1-119.1; and

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

4 **18-19-103. Source of revenues - allocation of money.**

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

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

8 (VII) Administrative support to the correctional treatment board
9 including, but not limited to, facilitating and coordinating data collection,
10 conducting data analysis, developing contracts, preparing reports,
11 scheduling and staffing board and subcommittee meetings, and engaging
12 in budget planning and analysis; AND

13 (VIII) DRUG OVERDOSE PREVENTION, INCLUDING
14 MEDICATION-ASSISTED TREATMENT FOR OPIATE DEPENDENCE, OPIATE
15 ANTAGONISTS, AND NON-LABORATORY SYNTHETIC OPIATE DETECTION
16 TESTS.

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

19 **22-1-119.2. Policy for employee and agent furnishing**
20 **non-laboratory synthetic opiate detection tests - definition.** (1) A
21 SCHOOL DISTRICT BOARD OF EDUCATION OF A PUBLIC SCHOOL, THE STATE
22 CHARTER SCHOOL INSTITUTE FOR AN INSTITUTE CHARTER SCHOOL, OR THE
23 GOVERNING BOARD OF A NONPUBLIC SCHOOL MAY ADOPT AND IMPLEMENT
24 A POLICY WHEREBY A SCHOOL UNDER ITS JURISDICTION MAY ACQUIRE AND
25 MAINTAIN A SUPPLY OF NON-LABORATORY SYNTHETIC OPIATE DETECTION
26 TESTS, AND AN EMPLOYEE OR AGENT OF THE SCHOOL MAY FURNISH
27 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS ON SCHOOL

1 GROUND TO ANY INDIVIDUAL.

2 (2) AS USED IN THIS SECTION, "NON-LABORATORY SYNTHETIC
3 OPIATE DETECTION TEST" MEANS A PRODUCT THAT IS INTENDED OR
4 DESIGNED TO DETECT THE PRESENCE OF A SYNTHETIC OPIATE.

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

7 **25-1.5-115. Opiate antagonist bulk purchase fund - creation**
8 **- rules - report - appropriation - definition - repeal.** (5) As used in this
9 section, "eligible entity" means A PERSON OR ENTITY DESCRIBED IN
10 SECTION 12-30-110 (1)(a); EXCEPT THAT AN EMPLOYEE OR AGENT OF A
11 SCHOOL MUST BE ACTING IN ACCORDANCE WITH SECTION 12-30-110
12 (1)(b), (2)(b), AND (4)(b), AND, AS APPLICABLE, SECTION 22-1-119.1.

13 ~~(a) A unit of local government, as defined in section 29-3.5-101~~
14 ~~(4);~~

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

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

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

21 ~~(II) The state charter school institute for an institute charter~~
22 ~~school; or~~

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

24 ~~(d) A harm reduction organization, as defined in section~~
25 ~~12-30-110 (7)(b);~~

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

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

1 (6) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
2 ASSEMBLY SHALL APPROPRIATE NINETEEN MILLION SEVEN HUNDRED
3 THOUSAND DOLLARS FROM THE BEHAVIORAL AND MENTAL HEALTH CASH
4 FUND, CREATED IN SECTION 24-75-230, TO THE FUND.

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

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

8 **25-1.5-115.3. Non-laboratory synthetic opiate detection tests**
9 **- appropriation - definitions - repeal.** (1) FOR THE 2022-23 STATE

10 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE SIX HUNDRED
11 THOUSAND DOLLARS TO THE DEPARTMENT FOR THE PURPOSE OF
12 PURCHASING NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS.

13 ANY UNEXPENDED MONEY REMAINING AT THE END OF THE 2022-23 STATE
14 FISCAL YEAR FROM THIS APPROPRIATION:

15 (a) DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER
16 FUND;

17 (b) MAY BE USED BY THE DEPARTMENT IN THE 2023-24 STATE
18 FISCAL YEAR WITHOUT FURTHER APPROPRIATION; AND

19 (c) MUST NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN THE
20 PURPOSE SET FORTH IN THIS SECTION.

21 (2) THE DEPARTMENT SHALL DISTRIBUTE THE NON-LABORATORY
22 SYNTHETIC OPIATE DETECTION TESTS TO ELIGIBLE ENTITIES. THE
23 DEPARTMENT MAY PRIORITIZE THE DISTRIBUTION OF NON-LABORATORY
24 SYNTHETIC OPIATE DETECTION TESTS TO ELIGIBLE ENTITIES BASED ON THE
25 NEED OF EACH ENTITY AND THE AVAILABILITY OF THE NON-LABORATORY
26 SYNTHETIC OPIATE DETECTION TESTS AS DETERMINED BY THE
27 DEPARTMENT.

1 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
2 REQUIRES:

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

7 (b) "NON-LABORATORY SYNTHETIC OPIATE DETECTION TEST"
8 MEANS A PRODUCT THAT IS INTENDED OR DESIGNED TO DETECT THE
9 PRESENCE OF A SYNTHETIC OPIATE.

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

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

13 **25-1.5-115.5. Fentanyl prevention and education campaign -**
14 **website.** (1) SUBJECT TO AVAILABLE APPROPRIATIONS, BEGINNING IN THE
15 2022-23 STATE FISCAL YEAR, THE DEPARTMENT SHALL DEVELOP,
16 IMPLEMENT, AND MAINTAIN AN ONGOING STATEWIDE PREVENTION AND
17 EDUCATION CAMPAIGN TO ADDRESS THE FENTANYL EDUCATION NEEDS IN
18 THE STATE. IN THE PREVENTION AND EDUCATION CAMPAIGN, THE DIVISION
19 SHALL PROVIDE INFORMATION TO THE GENERAL PUBLIC ABOUT FENTANYL,
20 ITS DANGERS, PRECAUTIONARY MEASURES TO AVOID RISKS AND PREVENT
21 HARM CAUSED BY FENTANYL, RESOURCES FOR ADDICTION TREATMENT
22 AND SERVICES, AND LAWS REGARDING FENTANYL, INCLUDING CRIMINAL
23 PENALTIES AND IMMUNITY FOR REPORTING AN OVERDOSE EVENT
24 PURSUANT TO SECTION 18-1-711. ANY UNEXPENDED MONEY REMAINING
25 AT THE END OF THE 2022-23 STATE FISCAL YEAR FROM THIS
26 APPROPRIATION:

27 (a) DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER

1 FUND:

2 (b) MAY BE USED BY THE DEPARTMENT IN THE 2023-24 AND
3 2024-25 STATE FISCAL YEARS WITHOUT FURTHER APPROPRIATION; AND

4 (c) MUST NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN THE
5 PURPOSE SET FORTH IN THIS SECTION.

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

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

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

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

1 **25-20.5-1101. Harm reduction grant program - creation -**
2 **application - permissible uses - department duties.** (1) Subject to
3 available appropriations, the department shall develop and implement a
4 harm reduction grant program, referred to in this section as the "grant
5 program", to PREVENT OVERDOSE DEATHS AND reduce health risks
6 associated with drug use. ~~and improve coordination between law~~
7 ~~enforcement agencies, public health agencies, and community-based~~
8 ~~organizations.~~ The department may contract with an independent entity
9 for the administration of the grant program.

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

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

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

20 (III) A TRIBAL AGENCY OR PROGRAM;

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

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

25 (VI) A BEHAVIORAL HEALTH ENTITY, AS DEFINED IN SECTION
26 25-27.6-102 (6); OR

27 (VII) A LAW ENFORCEMENT AGENCY.

1 (b) AN ELIGIBLE ENTITY MAY SUBMIT A PROPOSAL ON BEHALF OF
2 A GROUP OF ELIGIBLE ENTITIES, AND APPORTION GRANT FUNDS
3 ACCORDINGLY, TO FOSTER COMMUNITY COLLABORATION AND COLLECTIVE
4 IMPACT.

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

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

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

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

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

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

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

27 ~~(IV)~~ (d) Outreach and engagement to people who come into

1 contact with or who are at risk of coming into contact with the criminal
2 justice system and who are in need of mental health or substance use
3 disorder ~~services~~ TREATMENT, OVERDOSE PREVENTION, HARM REDUCTION,
4 OR RECOVERY SUPPORT SERVICES;

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

9 ~~(VI) Coordinating local efforts regarding co-responder and~~
10 ~~diversion programs; and~~

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

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

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

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

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

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

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

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

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

13 **25-20.5-1102. Harm reduction grant program cash fund -**
14 **creation - repeal.** (5) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE
15 GENERAL ASSEMBLY SHALL APPROPRIATE SIX 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 (5) IS REPEALED, EFFECTIVE JULY 1, 2024.

19 **SECTION 26.** In Colorado Revised Statutes, 27-60-106, **amend**
20 (4) introductory portion, (4)(b), and (5)(a); ___ as follows:

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

25 (b) Assess all individuals ~~booked into the jail facility~~ WHEN
26 BOOKED INTO THE JAIL FACILITY AND AT ANY TIME SUBSEQUENT TO
27 BOOKING WHEN CLINICALLY INDICATED for substance use withdrawal

1 symptoms and develop protocols for medical detoxification monitoring
2 procedures, MEDICATION-ASSISTED TREATMENT, OR OTHER APPROPRIATE
3 WITHDRAWAL MANAGEMENT CARE;

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

14

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

17 **27-60-106. Jail-based behavioral health services program -**
18 **purpose - created - funding - repeal.** (4) Subject to available
19 appropriations, the ~~office may~~ BHA SHALL require a county jail that
20 receives funding through the program to:

21 (b) Assess all individuals ~~booked into the jail facility~~ WHEN
22 BOOKED INTO THE JAIL FACILITY AND AT ANY TIME SUBSEQUENT TO
23 BOOKING WHEN CLINICALLY INDICATED for substance use withdrawal
24 symptoms and develop protocols for medical detoxification monitoring
25 procedures, MEDICATION-ASSISTED TREATMENT, OR OTHER APPROPRIATE
26 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, IMPLEMENT, AND PUBLISH A POLICY ON OR BEFORE JANUARY 1,
7 2023, THAT DESCRIBES THE PROVISION OF MEDICATION-ASSISTED
8 TREATMENT AND OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE
9 UPON RELEASE FROM JAIL.

10

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

13 **27-80-107.7. Increase synthetic opiate treatment - report.**

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

18 (a) THE NUMBER OF MEDICATION-ASSISTED TREATMENT
19 PROVIDERS EMPLOYED BY THE MANAGED SERVICE ORGANIZATION WHO
20 ARE TRAINED TO PROVIDE MEDICATION-ASSISTED TREATMENT TO A
21 PERSON WHO HAS CONSUMED SYNTHETIC OPIATES;

22 (b) AMBULATORY WITHDRAWAL MANAGEMENT AND MEDICAL
23 WITHDRAWAL MANAGEMENT SPECIFIC TO SYNTHETIC OPIATES;

24 (c) THE PROVISION OF RECOVERY SERVICES AT PUBLIC HIGH
25 SCHOOLS; AND

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

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

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

9 **27-80-127. Fentanyl education and treatment program.** THE
10 OFFICE OF BEHAVIORAL HEALTH SHALL DEVELOP A FENTANYL EDUCATION
11 PROGRAM FOR THE PURPOSE OF SECTIONS 18-1.3-410 AND 18-1.3-510. THE
12 FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
13 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
14 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
15 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
16 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
17 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
18 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE OFFICE OF
19 BEHAVIORAL HEALTH MAY UPDATE THE FENTANYL EDUCATION PROGRAM
20 CURRICULUM AS NECESSARY.

21 **SECTION 30.** In Colorado Revised Statutes, **add** 27-80-127 as
22 follows:

23 **27-80-127. Fentanyl education and treatment program.** THE
24 BEHAVIORAL HEALTH ADMINISTRATION SHALL DEVELOP A FENTANYL
25 EDUCATION PROGRAM FOR THE PURPOSE OF SECTIONS 18-1.3-410 AND
26 18-1.3-510. THE FENTANYL EDUCATION PROGRAM MUST INCLUDE
27 INFORMATION REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF

1 SYNTHETIC OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH,
2 ACCESS TO AND ADMINISTRATION OF OPIATE ANTAGONISTS AND
3 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS, AND LAWS
4 REGARDING SYNTHETIC OPIATES, INCLUDING CRIMINAL PENALTIES AND
5 IMMUNITY FOR REPORTING AN OVERDOSE EVENT PURSUANT TO SECTION
6 18-1-711. THE BHA MAY UPDATE THE FENTANYL EDUCATION PROGRAM
7 CURRICULUM AS NECESSARY.

8 **SECTION 31.** In Colorado Revised Statutes, 18-1.3-103.5,
9 **amend** (3)(c) and (3)(d); and **add** (3)(e) as follows:

10 **18-1.3-103.5. Felony convictions - vacate and enter conviction**
11 **on misdemeanor after successful completion.** (3) This section applies
12 to convictions for the following offenses:

13 (c) Possession of more than twelve ounces of marijuana or more
14 than three ounces of marijuana concentrate; ~~or~~

15 (d) A violation of section 18-18-415; OR

16 (e) A VIOLATION OF SECTION 18-18-403.5 (2.5)(a).

17 **SECTION 32.** In Colorado Revised Statutes, 24-72-706, **amend**
18 (1)(b)(II) and (1)(b)(III) as follows:

19 **24-72-706. Sealing of criminal conviction records.** (1) **Sealing**
20 **of conviction records.** (b) (II) If the offense is a class 2 or class 3
21 misdemeanor, ~~or~~ any drug misdemeanor, OR A LEVEL 4 DRUG FELONY FOR
22 A CONVICTION PURSUANT TO SECTION 18-18-403.5 (2.5), the motion may
23 be filed two years after the later of the date of the final disposition of all
24 criminal proceedings against the defendant or the release of the defendant
25 from supervision concerning a criminal conviction.

26 (III) If the offense is a class 4, class 5, or class 6 felony, a level 3
27 or level 4 drug felony EXCEPT A LEVEL 4 DRUG FELONY FOR A CONVICTION

1 PURSUANT TO SECTION 18-18-403.5 (2.5), or a class 1 misdemeanor, the
2 motion may be filed three years after the later of the date of the final
3 disposition of all criminal proceedings against the defendant or the
4 release of the defendant from supervision concerning a criminal
5 conviction.

6 **SECTION 33.** In Colorado Revised Statutes, 18-1.3-801, **amend**
7 (2)(a)(I); and **add** (2)(c) as follows:

8 **18-1.3-801. Punishment for habitual criminals.**

9 (2) (a) (I) Except as otherwise provided in ~~paragraph (b) of this~~
10 ~~subsection (2)~~ SUBSECTIONS (2)(b), (2)(c), and ~~in subsection (5) of this~~
11 section, every person convicted in this state of any felony, who has been
12 three times previously convicted, upon charges separately brought and
13 tried, and arising out of separate and distinct criminal episodes, either in
14 this state or elsewhere, of a felony or, under the laws of any other state,
15 the United States, or any territory subject to the jurisdiction of the United
16 States, of a crime which, if committed within this state, would be a
17 felony, shall be adjudged an habitual criminal and shall be punished:

18 (2) (c) THE PROVISIONS OF SUBSECTION (2)(a) OF THIS SECTION DO
19 NOT APPLY TO A CONVICTION FOR A LEVEL 4 DRUG FELONY COMMITTED ON
20 OR AFTER JULY 1, 2022, PURSUANT TO SECTION 18-18-403.5 (2.5), OR A
21 CONVICTION FOR A LEVEL 4 DRUG FELONY COMMITTED ON OR AFTER JULY
22 1, 2022, FOR ATTEMPT OR CONSPIRACY TO COMMIT UNLAWFUL POSSESSION
23 OF FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG
24 THEREOF, AS DESCRIBED IN SECTION 18-18-403.5 (2.5), EVEN IF THE
25 PERSON HAS BEEN PREVIOUSLY CONVICTED OF THREE OR MORE
26 QUALIFYING FELONY CONVICTIONS.

27 **SECTION 34.** In Colorado Revised Statutes, **add** part 14 to

1 article 20.5 of title 25 as follows:

2 PART 14

3 HOUSE BILL 22-1326 INDEPENDENT STUDY

4 **25-20.5-1401. Independent study - report - repeal.** (1) (a) BY
5 JANUARY 1, 2023, THE DEPARTMENT SHALL CONTRACT WITH AN
6 INDEPENDENT ENTITY TO CONDUCT A STUDY AND PUBLISH A REPORT
7 CONCERNING THE IMPACT AND IMPLEMENTATION OF HOUSE BILL 22-1326.

8 (b) THE DEPARTMENT SHALL CONSULT WITH THE JUDICIAL
9 DEPARTMENT, THE OFFICE OF BEHAVIORAL HEALTH, AND OTHER
10 STAKEHOLDERS IDENTIFIED BY THE DEPARTMENT IN DEVELOPING AND
11 ISSUING A REQUEST FOR PROPOSALS TO ENSURE CANDIDATES HAVE
12 EXPERTISE IN DATA COLLECTION AND PROGRAM ANALYSIS, AND RELEVANT
13 CRIMINAL LAW AND HARM REDUCTION ISSUES.

14 (2) AT A MINIMUM, THE INDEPENDENT ENTITY SHALL IDENTIFY
15 AND REPORT FINDINGS REGARDING AVAILABLE DATA AND INFORMATION
16 FROM JULY 1, 2019, THROUGH JUNE 30, 2024, OBTAINED FROM THE
17 COLORADO JUDICIAL DEPARTMENT AND TREATMENT PROVIDERS SERVING
18 THE PROBATION POPULATION. DATA AND INFORMATION FROM CASES FILED
19 AND PRACTICES IMPLEMENTED PRIOR TO JULY 1, 2022, MUST BE INCLUDED
20 IN THE STUDY IN AN EFFORT TO ESTABLISH BASELINE INFORMATION, AS
21 NECESSARY. THE DATA AND INFORMATION MUST BE REPORTED BOTH ON
22 A STATEWIDE BASIS AND DISAGGREGATED BY JUDICIAL DISTRICT. THE
23 DATA AND INFORMATION MUST INCLUDE, BUT IS NOT LIMITED TO:

24 (a) EVERY CASE WITH A CHARGE FILED PURSUANT TO SECTION
25 18-18-403.5 (2.5) FOR THE UNLAWFUL POSSESSION OF FENTANYL,
26 CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF,
27 INCLUDING:

- 1 (I) WHETHER A MISDEMEANOR OR FELONY CHARGE WAS FILED;
- 2 (II) WHETHER AN ARREST WAS MADE OR A SUMMONS WAS ISSUED
- 3 FOR THE CHARGE;
- 4 (III) WHETHER ANOTHER CRIMINAL CHARGE WAS FILED IN THE
- 5 CASE, AND IF SO, WHAT CHARGE;
- 6 (IV) THE DISPOSITION OF THE CASE, INCLUDING THE SENTENCE
- 7 IMPOSED;
- 8 (V) WHETHER THE DEFENDANT IS CURRENTLY SERVING THE
- 9 SENTENCE AND IF THE SENTENCE INCLUDES PROBATION SUPERVISION;
- 10 (VI) WHETHER THE DEFENDANT SUCCESSFULLY COMPLETED THE
- 11 SENTENCE, INCLUDING IF THE DEFENDANT SUCCESSFULLY COMPLETED AN
- 12 INITIAL PROBATIONARY SENTENCE OR WHETHER PROBATION WAS REVOKED
- 13 AND RESULTED IN INCARCERATION IN JAIL OR PRISON;
- 14 (VII) IF PROBATION WAS REVOKED, WHETHER THE REVOCATION
- 15 WAS FOR A NEW CRIMINAL CASE OR A TECHNICAL VIOLATION;
- 16 (VIII) WHETHER SUBSTANCE USE TREATMENT WAS ORDERED AND,
- 17 IF SO, WHAT TYPE, INCLUDING WHETHER THE COURT ORDERED PLACEMENT
- 18 IN A RESIDENTIAL TREATMENT FACILITY PURSUANT TO SECTION 18-1.3-410
- 19 OR 18-1.3-510; AND
- 20 (IX) THE RACE, GENDER, AND AGE OF THE DEFENDANT, AND
- 21 WHETHER THE DEFENDANT WAS REPRESENTED BY COURT-APPOINTED
- 22 COUNSEL OR OTHERWISE DETERMINED TO BE INDIGENT.
- 23 (3) AT A MINIMUM, THE INDEPENDENT ENTITY SHALL IDENTIFY
- 24 AND REPORT FINDINGS BASED ON AVAILABLE DATA AND INFORMATION
- 25 OBTAINED FROM THE OFFICE OF BEHAVIORAL HEALTH, THE DEPARTMENT
- 26 OF PUBLIC HEALTH AND ENVIRONMENT, MANAGED SERVICE
- 27 ORGANIZATIONS, AND OTHER APPLICABLE AGENCIES AND TREATMENT

1 PROVIDERS, REGARDING:

2 (a) THE PREVENTION AND EDUCATION CAMPAIGN DEVELOPED BY
3 THE DEPARTMENT PURSUANT TO SECTION 25-1.5-115.5 AND THE
4 FENTANYL EDUCATION PROGRAM DEVELOPED BY THE OFFICE OF
5 BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127, INCLUDING THE
6 METHOD AND REACH OF THE CAMPAIGN AND PROGRAM;

7 (b) THE IMPLEMENTATION OF MEDICATION-ASSISTED TREATMENT
8 AND OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE BY EVERY
9 JAIL; ==

10 (c) THE ELIGIBLE ENTITIES THAT PURCHASED OPIATE ANTAGONISTS
11 THROUGH THE OPIATE ANTAGONIST BULK PURCHASE FUND PURSUANT TO
12 SECTION 25-1.5-115, INCLUDING THE AMOUNT OF OPIATE ANTAGONISTS
13 PURCHASED BY EACH ELIGIBLE ENTITY AND THE REVENUE RECEIVED BY
14 THE BULK PURCHASE FUND;

15 (d) THE ELIGIBLE ENTITIES THAT RECEIVED NON-LABORATORY
16 SYNTHETIC OPIATE DETECTION TESTS PURSUANT TO SECTION 25-1.5-115.3
17 AND THE AMOUNT OF NON-LABORATORY SYNTHETIC OPIATE DETECTION
18 TESTS RECEIVED BY EACH ELIGIBLE ENTITY;

19 (e) THE HARM REDUCTION GRANT PROGRAM, CREATED IN SECTION
20 25-20.5-1101, INCLUDING:

21 (I) THE GRANTEES, THE USES OF EACH GRANT, THE AMOUNT OF THE
22 GRANT AWARD, THE NUMBER OF PEOPLE SERVED BY THE GRANT, AND ANY
23 AVAILABLE OUTCOME MEASURES AS A RESULT OF THE GRANT USES;

24 (II) STRATEGIES DEVELOPED AND IMPLEMENTED THROUGH THE
25 PROGRAM, IF ANY, FOR SERVING POPULATIONS WHO ARE AT A HIGHER RISK
26 OF OVERDOSE AND LIVE IN UNDERSERVED AREAS; AND

27 (III) EVIDENCE-BASED RESEARCH DEVELOPED THROUGH THE

1 PROGRAM CONCERNING BEST OR PROMISING PRACTICES IN OVERDOSE
2 PREVENTION, EARLY INTERVENTION, HARM REDUCTION, AND
3 MEDICATION-ASSISTED TREATMENT;

4 (f) EVERY OVERDOSE DEATH CAUSED BY FENTANYL, CARFENTANIL,
5 BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF, OCCURRING IN A JAIL,
6 PRISON, OR RESIDENTIAL COMMUNITY CORRECTIONS FACILITY OR WHILE
7 UNDER PROBATION, PAROLE, OR PRETRIAL RELEASE;

8 (g) THE MANAGED SERVICE ORGANIZATIONS CONTRACTS
9 DEVELOPED PURSUANT TO SECTION 27-80-107.8 TO PROVIDE SHORT-TERM
10 RESIDENTIAL PLACEMENT FOR WITHDRAWAL MANAGEMENT, CRISIS
11 STABILIZATION, OR MEDICATION-ASSISTED TREATMENT, INCLUDING THE
12 NUMBER OF FACILITIES, THEIR LOCATION, SERVICES PROVIDED, AND THE
13 NUMBER OF PERSONS SERVED; AND

14 (h) THE TRAINING AND COORDINATION EFFORTS DEVELOPED AND
15 IMPLEMENTED BY THE MANAGED SERVICE ORGANIZATIONS WITH FIRST
16 RESPONDERS AND REFERRING ENTITIES REGARDING THE AVAILABLE
17 SERVICES TO BE UTILIZED IN LIEU OF ARREST AND TRANSPORT TO JAIL.

18 (4) THE INDEPENDENT ENTITY SHALL REQUEST ALL NECESSARY
19 DATA NECESSARY TO COMPLETE THE STUDY, AND EACH AGENCY OR
20 ORGANIZATION SHALL ESTABLISH ANY DATA SHARING AGREEMENT
21 NECESSARY, SUBJECT TO ALL FEDERAL AND STATE PRIVACY LAWS
22 NECESSARY TO PROTECT PRIVACY, TO SUPPORT THE STUDY.

23 (5) BY DECEMBER 31, 2024, THE INDEPENDENT ENTITY SHALL
24 SUBMIT A COMPLETED COMPREHENSIVE REPORT OF ITS FINDINGS
25 PURSUANT TO SUBSECTION (2) OF THIS SECTION TO THE DEPARTMENT.

26 (6) BY JANUARY 31, 2025, THE DEPARTMENT SHALL PUBLISH THE
27 REPORT ON ITS WEBSITE AND SHALL SUBMIT THE REPORT TO THE

1 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
2 SENATE, OR ANY SUCCESSOR COMMITTEES.

3 (7) THIS PART 14 IS REPEALED, EFFECTIVE JULY 1, 2025.

4 **SECTION 35.** In Colorado Revised Statutes, **add** part 14 to
5 article 20.5 of title 25 as follows:

6 **PART 14**

7 **HOUSE BILL 22-1326 INDEPENDENT STUDY**

8 **25-20.5-1401. Independent study - report - repeal.** (1) (a) BY
9 JANUARY 1, 2023, THE DEPARTMENT SHALL CONTRACT WITH AN
10 INDEPENDENT ENTITY TO CONDUCT A STUDY AND PUBLISH A REPORT
11 CONCERNING THE IMPACT AND IMPLEMENTATION OF HOUSE BILL 22-1326.

12 (b) THE DEPARTMENT SHALL CONSULT WITH THE JUDICIAL
13 DEPARTMENT, THE BEHAVIORAL HEALTH ADMINISTRATION, AND OTHER
14 STAKEHOLDERS IDENTIFIED BY THE DEPARTMENT IN DEVELOPING AND
15 ISSUING A REQUEST FOR PROPOSALS TO ENSURE CANDIDATES HAVE
16 EXPERTISE IN DATA COLLECTION AND PROGRAM ANALYSIS, AND RELEVANT
17 CRIMINAL LAW AND HARM REDUCTION ISSUES.

18 (2) AT A MINIMUM, THE INDEPENDENT ENTITY SHALL IDENTIFY
19 AND REPORT FINDINGS REGARDING AVAILABLE DATA AND INFORMATION
20 FROM JULY 1, 2019, THROUGH JUNE 30, 2024, OBTAINED FROM THE
21 COLORADO JUDICIAL DEPARTMENT AND TREATMENT PROVIDERS SERVING
22 THE PROBATION POPULATION. DATA AND INFORMATION FROM CASES FILED
23 AND PRACTICES IMPLEMENTED PRIOR TO JULY 1, 2022, MUST BE INCLUDED
24 IN THE STUDY IN AN EFFORT TO ESTABLISH BASELINE INFORMATION, AS
25 NECESSARY. THE DATA AND INFORMATION MUST BE REPORTED BOTH ON
26 A STATEWIDE BASIS AND DISAGGREGATED BY JUDICIAL DISTRICT. THE
27 DATA AND INFORMATION MUST INCLUDE, BUT IS NOT LIMITED TO:

1 (a) EVERY CASE WITH A CHARGE FILED PURSUANT TO SECTION
2 18-18-403.5 (2.5) FOR THE UNLAWFUL POSSESSION OF FENTANYL,
3 CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF,
4 INCLUDING:
5 (I) WHETHER A MISDEMEANOR OR FELONY CHARGE WAS FILED;
6 (II) WHETHER AN ARREST WAS MADE OR A SUMMONS WAS ISSUED
7 FOR THE CHARGE;
8 (III) WHETHER ANOTHER CRIMINAL CHARGE WAS FILED IN THE
9 CASE, AND IF SO, WHAT CHARGE;
10 (IV) THE DISPOSITION OF THE CASE, INCLUDING THE SENTENCE
11 IMPOSED;
12 (V) WHETHER THE DEFENDANT IS CURRENTLY SERVING THE
13 SENTENCE AND IF THE SENTENCE INCLUDES PROBATION SUPERVISION;
14 (VI) WHETHER THE DEFENDANT SUCCESSFULLY COMPLETED THE
15 SENTENCE, INCLUDING IF THE DEFENDANT SUCCESSFULLY COMPLETED AN
16 INITIAL PROBATIONARY SENTENCE OR WHETHER PROBATION WAS REVOKED
17 AND RESULTED IN INCARCERATION IN JAIL OR PRISON;
18 (VII) IF PROBATION WAS REVOKED, WHETHER THE REVOCATION
19 WAS FOR A NEW CRIMINAL CASE OR A TECHNICAL VIOLATION;
20 (VIII) WHETHER SUBSTANCE USE TREATMENT WAS ORDERED AND,
21 IF SO, WHAT TYPE, INCLUDING WHETHER THE COURT ORDERED PLACEMENT
22 IN A RESIDENTIAL TREATMENT FACILITY PURSUANT TO SECTION 18-1.3-410
23 OR 18-1.3-510; AND
24 (IX) THE RACE, GENDER, AND AGE OF THE DEFENDANT, AND
25 WHETHER THE DEFENDANT WAS REPRESENTED BY COURT-APPOINTED
26 COUNSEL OR OTHERWISE DETERMINED TO BE INDIGENT.
27 (3) AT A MINIMUM, THE INDEPENDENT ENTITY SHALL IDENTIFY

1 AND REPORT FINDINGS BASED ON AVAILABLE DATA AND INFORMATION
2 OBTAINED FROM THE BEHAVIORAL HEALTH ADMINISTRATION, THE
3 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, MANAGED SERVICE
4 ORGANIZATIONS, AND OTHER APPLICABLE AGENCIES AND TREATMENT
5 PROVIDERS, REGARDING:

6 (a) THE PREVENTION AND EDUCATION CAMPAIGN DEVELOPED BY
7 THE DEPARTMENT PURSUANT TO SECTION 25-1.5-115.5 AND THE
8 FENTANYL EDUCATION PROGRAM DEVELOPED BY THE BEHAVIORAL
9 HEALTH ADMINISTRATION PURSUANT TO SECTION 27-80-127, INCLUDING
10 THE METHOD AND REACH OF THE CAMPAIGN AND PROGRAM;

11 (b) THE IMPLEMENTATION OF MEDICATION-ASSISTED TREATMENT
12 AND OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE BY EVERY
13 JAIL;

14 (c) THE ELIGIBLE ENTITIES THAT PURCHASED OPIATE ANTAGONISTS
15 THROUGH THE OPIATE ANTAGONIST BULK PURCHASE FUND PURSUANT TO
16 SECTION 25-1.5-115, INCLUDING THE AMOUNT OF OPIATE ANTAGONISTS
17 PURCHASED BY EACH ELIGIBLE ENTITY AND THE REVENUE RECEIVED BY
18 THE BULK PURCHASE FUND;

19 (d) THE ELIGIBLE ENTITIES THAT RECEIVED NON-LABORATORY
20 SYNTHETIC OPIATE DETECTION TESTS PURSUANT TO SECTION 25-1.5-115.3
21 AND THE AMOUNT OF NON-LABORATORY SYNTHETIC OPIATE DETECTION
22 TESTS RECEIVED BY EACH ELIGIBLE ENTITY;

23 (e) THE HARM REDUCTION GRANT PROGRAM, CREATED IN SECTION
24 25-20.5-1101, INCLUDING:

25 (I) THE GRANTEES, THE USES OF EACH GRANT, THE AMOUNT OF THE
26 GRANT AWARD, THE NUMBER OF PEOPLE SERVED BY THE GRANT, AND ANY
27 AVAILABLE OUTCOME MEASURES AS A RESULT OF THE GRANT USES;

1 (II) STRATEGIES DEVELOPED AND IMPLEMENTED THROUGH THE
2 PROGRAM, IF ANY, FOR SERVING POPULATIONS WHO ARE AT A HIGHER RISK
3 OF OVERDOSE AND LIVE IN UNDERSERVED AREAS; AND

4 (III) EVIDENCE-BASED RESEARCH DEVELOPED THROUGH THE
5 PROGRAM CONCERNING BEST OR PROMISING PRACTICES IN OVERDOSE
6 PREVENTION, EARLY INTERVENTION, HARM REDUCTION, AND
7 MEDICATION-ASSISTED TREATMENT;

8 (f) EVERY OVERDOSE DEATH CAUSED BY FENTANYL, CARFENTANIL,
9 BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF, OCCURRING IN A JAIL,
10 PRISON, OR RESIDENTIAL COMMUNITY CORRECTIONS FACILITY OR WHILE
11 UNDER PROBATION, PAROLE, OR PRETRIAL RELEASE;

12 (g) THE MANAGED SERVICE ORGANIZATION CONTRACTS
13 DEVELOPED PURSUANT TO SECTION 27-80-107.8 TO PROVIDE SHORT-TERM
14 RESIDENTIAL PLACEMENT FOR WITHDRAWAL MANAGEMENT, CRISIS
15 STABILIZATION, OR MEDICATION-ASSISTED TREATMENT, INCLUDING THE
16 NUMBER OF FACILITIES, THEIR LOCATION, SERVICES PROVIDED, AND THE
17 NUMBER OF PERSONS SERVED; AND

18 (h) THE TRAINING AND COORDINATION EFFORTS DEVELOPED AND
19 IMPLEMENTED BETWEEN MANAGED SERVICE ORGANIZATIONS, FIRST
20 RESPONDERS, AND REFERRING ENTITIES REGARDING THE AVAILABLE
21 SERVICES TO BE UTILIZED IN LIEU OF ARREST AND TRANSPORT TO JAIL.

22 (4) THE INDEPENDENT ENTITY SHALL REQUEST ALL NECESSARY
23 DATA NECESSARY TO COMPLETE THE STUDY, AND EACH AGENCY OR
24 ORGANIZATION SHALL ESTABLISH ANY DATA-SHARING AGREEMENT
25 NECESSARY, SUBJECT TO ALL FEDERAL AND STATE PRIVACY LAWS
26 NECESSARY TO PROTECT PRIVACY, TO SUPPORT THE STUDY.

27 (5) BY DECEMBER 31, 2024, THE INDEPENDENT ENTITY SHALL

1 SUBMIT A COMPLETED COMPREHENSIVE REPORT OF ITS FINDINGS
2 PURSUANT TO SUBSECTION (2) OF THIS SECTION TO THE DEPARTMENT.

3 (6) BY JANUARY 31, 2025, THE DEPARTMENT SHALL PUBLISH THE
4 REPORT ON ITS WEBSITE AND SHALL SUBMIT THE REPORT TO THE
5 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
6 SENATE, OR ANY SUCCESSOR COMMITTEES.

7 (7) THIS PART 14 IS REPEALED, EFFECTIVE JULY 1, 2025.

8 SECTION 36. In Colorado Revised Statutes, add 27-80-107.8 as
9 follows:

10 27-80-107.8. **Withdrawal management and crisis service**
11 **expansion - appropriation.** (1) ON OR BEFORE JANUARY 1, 2023, EACH
12 MANAGED SERVICE ORGANIZATION SHALL:

13 (a) CONTRACT TO PROVIDE SHORT-TERM RESIDENTIAL PLACEMENT
14 FOR WITHDRAWAL MANAGEMENT, CRISIS STABILIZATION, OR
15 MEDICATION-ASSISTED TREATMENT FOR PERSONS IN IMMEDIATE NEED OF
16 DETOXIFICATION AND STABILIZATION SERVICES, WITH A PROVIDER WHO IS
17 LICENSED BY THE STATE OF COLORADO TO PROVIDE THOSE SERVICES. THE
18 MANAGED SERVICE ORGANIZATION IS ENCOURAGED TO CONTRACT WITH
19 CRISIS SERVICE PROVIDERS THAT HAVE EXISTING CONTRACTS WITH
20 ADMINISTRATIVE SERVICES ORGANIZATIONS FOR THE PURPOSE OF
21 PROVIDING CRISIS STABILIZATION SERVICES FOR INDIVIDUALS WHO NEED
22 SUBSTANCE USE SERVICES.

23 (b) DEVELOP A PAYMENT SCHEDULE THAT INCLUDES ADMISSION
24 AND SERVICE RATES FROM THE MANAGED SERVICE ORGANIZATION TO THE
25 PROVIDER, AND ORGANIZATIONAL FUNDING FOR TRAINING AND
26 COORDINATION WITH FIRST RESPONDERS OR REFERRING ENTITIES; AND

27 (c) PROVIDE TRAINING TO, AND ONGOING COORDINATION WITH,

1 FIRST RESPONDERS OR REFERRING ENTITIES CONCERNING THE AVAILABLE
2 SERVICES TO BE UTILIZED IN LIEU OF ARREST AND TRANSPORT TO JAIL, TO
3 THE GREATEST EXTENT POSSIBLE.

4 (2) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
5 ASSEMBLY SHALL APPROPRIATE TEN MILLION DOLLARS TO THE OFFICE OF
6 BEHAVIORAL HEALTH TO BE DISTRIBUTED TO MANAGED SERVICE
7 ORGANIZATIONS FOR THE PURPOSE OF IMPLEMENTING THIS SECTION. ANY
8 UNEXPENDED MONEY REMAINING AT THE END OF THE 2022-23 STATE
9 FISCAL YEAR FROM THIS APPROPRIATION:

10 (a) DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER
11 FUND;

12 (b) MAY BE USED BY THE OFFICE OF BEHAVIORAL HEALTH IN THE
13 2023-24 OR 2024-25 STATE FISCAL YEARS WITHOUT FURTHER
14 APPROPRIATION; AND

15 (c) MUST NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN THE
16 PURPOSES SET FORTH IN THIS SECTION.

17 **SECTION 37.** In Colorado Revised Statutes, add 27-80-107.8 as
18 follows:

19 **27-80-107.8. Withdrawal management and crisis service**
20 **expansion - appropriation.** (1) ON OR BEFORE JANUARY 1, 2023, EACH
21 MANAGED SERVICE ORGANIZATION SHALL:

22 (a) CONTRACT TO PROVIDE SHORT-TERM RESIDENTIAL PLACEMENT
23 FOR WITHDRAWAL MANAGEMENT, CRISIS STABILIZATION, OR
24 MEDICATION-ASSISTED TREATMENT FOR PERSONS IN IMMEDIATE NEED OF
25 DETOXIFICATION AND STABILIZATION SERVICES, WITH A PROVIDER WHO IS
26 LICENSED BY THE STATE OF COLORADO TO PROVIDE THOSE SERVICES. THE
27 MANAGED SERVICE ORGANIZATION IS ENCOURAGED TO CONTRACT WITH

1 CRISIS SERVICE PROVIDERS THAT HAVE EXISTING CONTRACTS WITH
2 ADMINISTRATIVE SERVICES ORGANIZATIONS FOR THE PURPOSE OF
3 PROVIDING CRISIS STABILIZATION SERVICES FOR INDIVIDUALS WHO NEED
4 SUBSTANCE USE SERVICES.

5 (b) DEVELOP A PAYMENT SCHEDULE THAT INCLUDES ADMISSION
6 AND SERVICE RATES FROM THE MANAGED SERVICE ORGANIZATION TO THE
7 PROVIDER, AND ORGANIZATIONAL FUNDING FOR TRAINING AND
8 COORDINATION WITH FIRST RESPONDERS OR REFERRING ENTITIES; AND

9 (c) PROVIDE TRAINING TO, AND ONGOING COORDINATION WITH,
10 FIRST RESPONDERS OR REFERRING ENTITIES CONCERNING THE AVAILABLE
11 SERVICES TO BE UTILIZED IN LIEU OF ARREST AND TRANSPORT TO JAIL, TO
12 THE GREATEST EXTENT POSSIBLE.

13 (2) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
14 ASSEMBLY SHALL APPROPRIATE TEN MILLION DOLLARS TO THE
15 BEHAVIORAL HEALTH ADMINISTRATION TO BE DISTRIBUTED TO MANAGED
16 SERVICE ORGANIZATIONS FOR THE PURPOSE OF IMPLEMENTING THIS
17 SECTION. ANY UNEXPENDED MONEY REMAINING AT THE END OF THE
18 2022-23 STATE FISCAL YEAR FROM THIS APPROPRIATION:

19 (a) DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER
20 FUND;

21 (b) MAY BE USED BY THE BEHAVIORAL HEALTH ADMINISTRATION
22 IN THE 2023-24 OR 2024-25 STATE FISCAL YEARS WITHOUT FURTHER
23 APPROPRIATION; AND

24 (c) MUST NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN THE
25 PURPOSES SET FORTH IN THIS SECTION.

26 **SECTION 38.** In Colorado Revised Statutes, **add 24-33.5-525** as
27 follows:

1 24-33.5-525. Synthetic opiate poisoning investigation and
2 distribution interdiction grant program - creation - duties - rules -
3 reports - appropriation - definition - repeal. (1) THERE IS CREATED IN
4 THE DIVISION THE SYNTHETIC OPIATE POISONING INVESTIGATION AND
5 DISTRIBUTION INTERDICTION GRANT PROGRAM, REFERRED TO IN THIS
6 SECTION AS THE "GRANT PROGRAM", TO PROVIDE GRANTS TO LAW
7 ENFORCEMENT AGENCIES FOR THE PURPOSE OF INVESTIGATING DEATHS
8 CAUSED BY SYNTHETIC OPIATE POISONING AND DISRUPTING SYNTHETIC
9 OPIATE SUPPLIES.

10 (2) A LAW ENFORCEMENT AGENCY MAY APPLY FOR A GRANT FOR
11 THE FOLLOWING PURPOSES ONLY:

12 (a) INVESTIGATING DEATHS AND SERIOUS INJURIES CAUSED BY
13 ILLEGAL SYNTHETIC OPIATE POISONING;

14 (b) INVESTIGATING, ENFORCING, AND PROSECUTING SYNTHETIC
15 OPIATE IMPORTATION AND HIGH-LEVEL DISTRIBUTION NETWORKS,
16 INCLUDING MULTIJURISDICTIONAL AND MULTISTATE INVESTIGATIONS AND
17 ENFORCEMENT OPERATIONS, TO REDUCE THE SUPPLY OF ILLEGAL
18 SYNTHETIC OPIATES AND PRECURSOR CHEMICALS IN COLORADO;

19 (c) TECHNOLOGY, EQUIPMENT, AND TRAINING TO ENHANCE
20 INTELLIGENCE, INFORMATION-SHARING CAPABILITIES, AND INTERAGENCY
21 COLLABORATION AMONG FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT
22 PARTNERS REGARDING SYNTHETIC OPIATE IMPORTATION AND HIGH-LEVEL
23 DISTRIBUTION NETWORKS; AND

24 (d) ANALYZING EMERGENT TRENDS IN MARKETS, INCLUDING THE
25 USE OF THE POSTAL SERVICE, PRIVATE COURIER, COMMERCIAL CARGO, AND
26 THE INTERNET, FOR THE IMPORT AND DISTRIBUTION OF ILLEGAL SYNTHETIC
27 OPIATES THROUGH A SYSTEMATIC AND STANDARDIZED APPROACH,

1 INCLUDING THE USE OF NOVEL, HIGH-FREQUENCY, AND REAL-TIME
2 SYSTEMS TO ENHANCE MARKET SURVEILLANCE.

3 (3) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, GIFTS, GRANTS,
4 OR DONATIONS, THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM
5 AND SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION.

6 (b) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
7 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF
8 THIS SECTION.

9 (4) THE DIVISION MAY PROMULGATE SUCH RULES AS MAY BE
10 NECESSARY TO IMPLEMENT THE GRANT PROGRAM, INCLUDING RULES
11 CONCERNING REQUIRED PERFORMANCE METRICS, DATA COLLECTION, AND
12 OTHER RELEVANT INFORMATION THAT GRANTEEES ARE REQUIRED TO
13 REPORT PURSUANT TO SUBSECTION (5) OF THIS SECTION.

14 (5) (a) ON OR BEFORE AUGUST 1, 2023, AND ON OR BEFORE
15 AUGUST 1 EACH YEAR THEREAFTER, EACH GRANT RECIPIENT THAT
16 RECEIVED A GRANT THROUGH THE GRANT PROGRAM IN THE PRECEDING
17 STATE FISCAL YEAR SHALL SUBMIT A NARRATIVE AND FINANCIAL REPORT
18 OF GRANT EXPENSES TO THE DIVISION IN A FORMAT REQUIRED BY THE
19 DIVISION. AT A MINIMUM, THE REPORT MUST INCLUDE A DESCRIPTION OF
20 THE USES OF THE GRANT MONEY, INCLUDING METRICS, DATA, AND OTHER
21 RELEVANT INFORMATION REQUIRED BY THE DIVISION, DURING THE
22 APPLICABLE GRANT TERM. THE DIVISION MAY PROMULGATE RULES
23 REGARDING REPORTING REQUIREMENTS, INCLUDING ADDITIONAL
24 INFORMATION TO BE INCLUDED IN THE REPORT.

25 (b) ON OR BEFORE DECEMBER 1, 2023, AND ON OR BEFORE
26 DECEMBER 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT
27 PROGRAM, THE DIVISION SHALL SUBMIT A SUMMARIZED REPORT TO THE

1 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
2 SENATE, OR ANY SUCCESSOR COMMITTEES. AT A MINIMUM, THE REPORT
3 MUST INCLUDE THE INFORMATION PROVIDED BY GRANT RECIPIENTS TO THE
4 DIVISION PURSUANT TO THIS SUBSECTION (5).

5 (6) THE DIVISION SHALL CONSULT THE P.O.S.T. BOARD DIRECTOR,
6 OR THE DIRECTOR'S DESIGNEE, AND THE DEPUTY ATTORNEY GENERAL OF
7 THE DIVISION OF CRIMINAL JUSTICE WITHIN THE DEPARTMENT OF LAW,
8 CREATED IN SECTION 24-31-102 (2), CONCERNING THE IMPLEMENTATION
9 OF THIS SECTION, INCLUDING RECOMMENDATIONS FOR POTENTIAL GRANT
10 RECIPIENTS AND EXPENDITURES.

11 (7) THE DIVISION SHALL CONSULT THE OPIOID CRISIS RECOVERY
12 FUNDS ADVISORY COMMITTEE, CREATED IN SECTION 27-81-118,
13 CONCERNING THE IMPLEMENTATION OF THIS SECTION, INCLUDING
14 RECOMMENDATIONS FOR POTENTIAL GRANT RECIPIENTS AND
15 EXPENDITURES, AND ASSISTANCE SEEKING GIFTS, GRANTS, AND
16 DONATIONS PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION.

17 (8) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
18 REQUIRES, "LAW ENFORCEMENT AGENCY" HAS THE SAME MEANING SET
19 FORTH IN SECTION 24-32-124 (1)(e), AND INCLUDES A DISTRICT
20 ATTORNEY'S OFFICE, A MULTIJURISDICTIONAL LAW ENFORCEMENT TASK
21 FORCE THAT INCLUDES A LAW ENFORCEMENT AGENCY AS DEFINED BY
22 SECTION 24-32-124 (1)(e), OR A POLICE DEPARTMENT FOR A PRIVATE OR
23 STATE INSTITUTION OF HIGHER EDUCATION.

24 (9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

25 **SECTION 39.** In Colorado Revised Statutes, add 24-31-115 as
26 follows:

27 **24-31-115. Online fentanyl trafficking - study - report -**

1 appropriation - repeal. (1) THE ATTORNEY GENERAL SHALL STUDY THE
2 USE OF THE INTERNET, INCLUDING RETAIL, PAYMENT, AND SOCIAL MEDIA
3 PLATFORMS, FOR THE PURPOSE OF TRAFFICKING FENTANYL, FENTANYL
4 ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIATES, AND
5 COUNTERFEIT PRESCRIPTION DRUGS.

6 (2) THE STUDY MUST, AT A MINIMUM:

7 (a) EXAMINE THE PREVALENCE OF THE AVAILABILITY AND
8 ACCESSIBILITY FOR FENTANYL, FENTANYL ANALOGS OR COMPOUNDS
9 THEREOF, SYNTHETIC OPIATES, AND COUNTERFEIT PRESCRIPTION DRUGS
10 THROUGH THE INTERNET;

11 (b) IDENTIFY WEBSITE POLICIES AND PRACTICES INTENDED TO
12 PREVENT THE USE OF THE WEBSITE FOR TRAFFICKING FENTANYL,
13 FENTANYL ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIATES, AND
14 COUNTERFEIT PRESCRIPTION DRUGS;

15 (c) IDENTIFY LAWS IMPLEMENTED BY OTHER STATES OR THE
16 FEDERAL GOVERNMENT INTENDED TO PREVENT THE USE OF THE INTERNET
17 FOR TRAFFICKING FENTANYL, FENTANYL ANALOGS OR COMPOUNDS
18 THEREOF, SYNTHETIC OPIATES, AND COUNTERFEIT PRESCRIPTION DRUGS;

19 AND

20 (d) EXAMINE ANY OTHER RELEVANT DATA, INFORMATION, OR
21 RESOURCES, AS DEEMED NECESSARY BY THE DEPARTMENT OF LAW,
22 CONCERNING THE USE OF THE INTERNET FOR TRAFFICKING FENTANYL,
23 FENTANYL ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIATES, AND
24 COUNTERFEIT PRESCRIPTION DRUGS.

25 (3) BY MARCH 1, 2023, THE ATTORNEY GENERAL SHALL COMPLETE
26 AND PUBLISH A REPORT OF ITS FINDINGS PURSUANT TO SUBSECTION (2) OF
27 THIS SECTION. THE REPORT MUST ALSO INCLUDE RECOMMENDATIONS FOR

1 POTENTIAL STATE LEGISLATION:

2 (a) TO PREVENT THE USE OF THE INTERNET FOR TRAFFICKING,
3 DISTRIBUTING, OR SUPPLYING FENTANYL, FENTANYL ANALOGS OR
4 COMPOUNDS THEREOF, SYNTHETIC OPIATES, AND COUNTERFEIT
5 PRESCRIPTION DRUGS;

6 (b) CONCERNING CRIMINAL AND CIVIL LIABILITY FOR THE USE OF
7 THE INTERNET FOR TRAFFICKING, DISTRIBUTING, OR SUPPLYING FENTANYL,
8 FENTANYL ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIATES, AND
9 COUNTERFEIT PRESCRIPTION DRUGS;

10 (c) REGARDING CONSUMER REPORTING MECHANISMS FOR
11 REPORTING TO LAW ENFORCEMENT OR THE ONLINE PLATFORM THE USE OF
12 A WEBSITE OR ONLINE ACCOUNT FOR TRAFFICKING FENTANYL, FENTANYL
13 ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIATES, AND
14 COUNTERFEIT PRESCRIPTION DRUGS; AND

15 (d) REGARDING ANY OTHER PUBLIC POLICY CHANGES NECESSARY
16 TO REDUCE OR ELIMINATE THE USE THE INTERNET FOR TRAFFICKING,
17 DISTRIBUTING, OR SUPPLYING FENTANYL, FENTANYL ANALOGS OR
18 COMPOUNDS THEREOF, SYNTHETIC OPIATES, AND COUNTERFEIT
19 PRESCRIPTION DRUGS.

20 (4) THE ATTORNEY GENERAL SHALL INVITE THE UNITED STATES
21 ATTORNEY FOR THE DISTRICT OF COLORADO TO COLLABORATE, CONSULT,
22 OR PROVIDE ANY AVAILABLE ASSISTANCE IN THE PERFORMANCE OF THE
23 ATTORNEY GENERAL'S DUTIES PURSUANT TO THIS SECTION.

24 (5) BY MARCH 1, 2023, THE ATTORNEY GENERAL SHALL SUBMIT
25 THE COMPLETED REPORT PURSUANT TO SUBSECTION (3) OF THIS SECTION
26 TO THE HOUSE OF REPRESENTATIVES AND SENATE JUDICIARY COMMITTEES,
27 OR ANY SUCCESSOR COMMITTEES.

1 (6) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
2 ASSEMBLY SHALL APPROPRIATE AT LEAST ONE HUNDRED FIFTY THOUSAND
3 DOLLARS TO THE DEPARTMENT OF LAW FOR THE PURPOSES OF THIS
4 SECTION.

5 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

6 **SECTION 40.** In Colorado Revised Statutes, 18-18-204, amend
7 (2)(b)(V) as follows:

8 **18-18-204. Schedule II.** (2) Unless specifically excepted by
9 Colorado or federal law or Colorado or federal regulation or more
10 specifically included in another schedule, the following controlled
11 substances are listed in schedule II:

12 (b) Any of the following synthetic opiates, including any isomers,
13 esters, ethers, salts, and salts of isomers, esters, and ethers of them that
14 are theoretically possible within the specific chemical designation:

15 (V) ~~Carfentanil~~ CARFENTANIL;

16 **SECTION 41.** In Colorado Revised Statutes, add 27-60-114 as
17 follows:

18 **27-60-114. Study of health effects of felonizing fentanyl**
19 **possession - repeal.** (1) NO LATER THAN NOVEMBER 1, 2022, THE OFFICE
20 SHALL CONTRACT WITH AN INDEPENDENT NONPROFIT OR EDUCATIONAL
21 ENTITY THAT HAS EXPERTISE IN CLINICAL EPIDEMIOLOGY, BIOSTATISTICS,
22 SUBSTANCE USE AND ADDICTION, DATA COLLECTION AND ANALYSIS, AND,
23 IF POSSIBLE, THE INTERSECTION BETWEEN THE CRIMINAL JUSTICE SYSTEM
24 AND SUBSTANCE USE, TO CONDUCT AN INDEPENDENT STUDY OF THE
25 HEALTH EFFECTS OF CRIMINAL PENALTIES PURSUANT TO CHANGES TO
26 SECTION 18-18-403.5 (2.5) IN HOUSE BILL 22-1326, ENACTED IN 2022. AT
27 A MINIMUM, THE STUDY MUST ADDRESS THE FOLLOWING:

1 (a) WHETHER THE PENALTIES PURSUANT TO SECTION 18-18-403.5
2 (2.5):

3 (I) DECREASED OR INCREASED FENTANYL-RELATED OVERDOSES,
4 BOTH FATAL AND NONFATAL, AMONG INDIVIDUALS CHARGED WITH A
5 FELONY COMPARED TO INDIVIDUALS CHARGED WITH MISDEMEANOR
6 PURSUANT TO SECTION 18-18-403.5(2.5), AND COMPARED TO INDIVIDUALS
7 WITH OPIATE MISUSE OR USE DISORDER NOT CHARGED WITH CRIMINAL
8 POSSESSION OF OPIATES; AND

9 (II) INCREASED OR DECREASED INITIATION AND RETENTION OF
10 EVIDENCE-BASED, EFFECTIVE TREATMENT FOR INDIVIDUALS CHARGED
11 WITH AN OPIATE USE DISORDER AMONG INDIVIDUALS CHARGED WITH A
12 FELONY COMPARED TO INDIVIDUALS CHARGED WITH MISDEMEANOR
13 PURSUANT TO SECTION 18-18-403.5(2.5), AND COMPARED TO INDIVIDUALS
14 WITH OPIATE MISUSE OR USE DISORDER WHO WERE NOT CHARGED WITH
15 CRIMINAL POSSESSION OF OPIATES;

16 (b) DIFFERENTIAL HEALTH OUTCOMES FOR INDIVIDUALS BASED ON
17 THE INDIVIDUAL'S RACE, GENDER, ETHNICITY, AGE, ECONOMIC STATUS,
18 PREGNANCY OR POSTPARTUM STATUS, OR HOUSING STATUS, FOR
19 INDIVIDUALS CHARGED WITH A FELONY PURSUANT TO SECTION
20 18-18-403.5 (2.5), COMPARED TO INDIVIDUALS CHARGED WITH A
21 MISDEMEANOR PURSUANT TO SECTION 18-18-403.5(2.5), AND COMPARED
22 TO INDIVIDUALS WITH OPIATE MISUSE OR USE DISORDERS WHO WERE NOT
23 CHARGED PURSUANT TO SECTION 18-18-403.5 (2.5). DIFFERENTIAL
24 HEALTH OUTCOMES TO CONSIDER INCLUDE, BUT ARE NOT LIMITED TO,
25 FATAL AND NONFATAL OVERDOSES AND INITIATION AND RETENTION ON
26 MEDICATIONS FOR OPIATE USE DISORDER.

27 (c) WHETHER EFFECTIVE, EVIDENCE-BASED TREATMENT FOR

1 OPIATE USE DISORDER IN THE GENERAL POPULATION DIMINISHED IN
2 QUALITY OR QUANTITY AS A RESULT OF INDIVIDUALS ORDERED BY THE
3 COURT INTO TREATMENT BASED ON CHARGES BROUGHT PURSUANT TO
4 SECTION 18-18-403.5 (2.5); AND

5 (d) WHETHER PENALTIES PURSUANT TO SECTION 18-18-403.5 (2.5)
6 IMPACT THE LIKELIHOOD OF INDIVIDUALS ADDICTED TO FENTANYL TO
7 SEEK OR RECEIVE TREATMENT, PROVIDE HELP TO ANOTHER PERSON IN THE
8 CASE OF AN OVERDOSE, OR UTILIZE NALOXONE, NON-LABORATORY
9 SYNTHETIC OPIATE DETECTION TESTS, AND OTHER HARM REDUCTION
10 RESOURCES.

11 (2)(a) THE OFFICE SHALL MAKE REASONABLE EFFORTS TO PROVIDE
12 NECESSARY DATA REQUESTED BY THE INDEPENDENT ENTITY TO COMPLETE
13 THE STUDY REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE
14 OFFICE SHALL ESTABLISH A DATA-SHARING AGREEMENT WITH, AT A
15 MINIMUM, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE
16 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE JUDICIAL
17 DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF
18 REGULATORY AGENCIES, AND, IF FEASIBLE, COUNTY SHERIFFS AND
19 COUNTY CORONERS, TO PROVIDE DATA TO THE INDEPENDENT ENTITY
20 INCLUDING, BUT NOT LIMITED TO:

21 (I) ALL REASONABLY AVAILABLE CRIMINAL JUSTICE DATA
22 REQUESTED BY THE INDEPENDENT ENTITY;

23 (II) OPIATE OVERDOSE DEATH RECORDS, INCLUDING TOXICOLOGY
24 REPORTS, IF AVAILABLE;

25 (III) PRESCRIPTION DATA FOR MEDICATION FOR OPIATE USE
26 DISORDER, INCLUDING FOR INDIVIDUALS IN JAIL OR PRISON CHARGED
27 PURSUANT TO SECTION 18-18-403.5 (2.5);

1 (IV) ENCOUNTERS WITH EMERGENCY MEDICAL SERVICES
2 PROVIDERS, LAW ENFORCEMENT AGENCIES, OR HEALTH-CARE FACILITIES
3 FOR FATAL AND NONFATAL FENTANYL OR OTHER OPIATE-RELATED
4 OVERDOSE; AND

5 (V) AVAILABLE INFORMATION REGARDING THE HISTORY OF
6 OVERDOSE, INCARCERATION, AND SUBSTANCE USE TREATMENT FOR
7 INDIVIDUALS CHARGED PURSUANT TO SECTION 18-18-403.5 (2.5),
8 INCLUDING WHETHER THE INDIVIDUAL HAS SOUGHT AND BEEN DENIED
9 ON-DEMAND TREATMENT.

10 (b) THE INDEPENDENT ENTITY MAY PERFORM A QUALITATIVE
11 ASSESSMENT BY, AT A MINIMUM, CONDUCTING FOCUS GROUPS OR
12 INTERVIEWS WITH A REPRESENTATIVE SAMPLE OF INDIVIDUALS WHO USE
13 DRUGS AND SUBSTANCE USE DISORDER CARE PROVIDERS AND HARM
14 REDUCTION PROVIDERS ACROSS THE STATE AND CONTINUUM.

15 (c) NO LATER THAN DECEMBER 31, 2024, THE INDEPENDENT
16 ENTITY SHALL SUBMIT A COMPREHENSIVE REPORT OF THE ENTITY'S
17 FINDINGS TO THE OFFICE.

18 (d) NO LATER THAN JANUARY 31, 2025, THE OFFICE SHALL
19 PUBLISH THE REPORT ON THE OFFICE'S WEBSITE AND SUBMIT THE REPORT
20 TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE, THE HOUSE
21 OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
22 SERVICES COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES
23 COMMITTEE, AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
24 SUCCESSOR COMMITTEES.

25 (3) THE COSTS ASSOCIATED WITH PERFORMING THE STUDY
26 PURSUANT TO THIS SECTION MUST BE PAID FROM THE CORRECTIONAL
27 TREATMENT CASH FUND CREATED IN SECTION 18-19-103 (4).

1 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

2 **SECTION 42.** In Colorado Revised Statutes, 18-19-103, **amend**
3 **(5)(c)(VI) and (5)(c)(VII); and add (5)(c)(VIII) as follows:**

4 **18-19-103. Source of revenues - allocation of money - repeal.**
5 (5) (c) The board may direct that money in the correctional treatment
6 cash fund may be used for the following purposes:

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

8 (VII) Administrative support to the correctional treatment board
9 including, but not limited to, facilitating and coordinating data collection,
10 conducting data analysis, developing contracts, preparing reports,
11 scheduling and staffing board and subcommittee meetings, and engaging
12 in budget planning and analysis; AND

13 (VIII) (A) THE STUDY OF HEALTH EFFECTS OF FELONIZING
14 FENTANYL POSSESSION PURSUANT TO SECTION 27-60-114.

15 (B) THIS SUBSECTION (5)(c)(VIII) IS REPEALED, EFFECTIVE JULY
16 1, 2025.

17 **SECTION 43.** In Colorado Revised Statutes, **add 27-50-802, as**
18 **part 8 of article 50 of title 27 as added by House Bill 22-1278, as**
19 **follows:**

20 **27-50-802. Study of health effects of felonizing fentanyl**
21 **possession - repeal.** (1) NO LATER THAN NOVEMBER 1, 2022, THE BHA
22 SHALL CONTRACT WITH AN INDEPENDENT NONPROFIT OR EDUCATIONAL
23 ENTITY THAT HAS EXPERTISE IN CLINICAL EPIDEMIOLOGY, BIOSTATISTICS,
24 SUBSTANCE USE AND ADDICTION, DATA COLLECTION AND ANALYSIS, AND,
25 IF POSSIBLE, THE INTERSECTION BETWEEN THE CRIMINAL JUSTICE SYSTEM
26 AND SUBSTANCE USE, TO CONDUCT AN INDEPENDENT STUDY OF THE
27 HEALTH EFFECTS OF CRIMINAL PENALTIES PURSUANT TO CHANGES TO

1 SECTION 18-18-403.5 (2.5) IN HOUSE BILL 22-1326, ENACTED IN 2022. AT
2 A MINIMUM, THE STUDY MUST ADDRESS THE FOLLOWING:

3 (a) WHETHER THE PENALTIES PURSUANT TO SECTION 18-18-403.5
4 (2.5):

5 (I) DECREASED OR INCREASED FENTANYL-RELATED OVERDOSES,
6 BOTH FATAL AND NONFATAL, AMONG INDIVIDUALS CHARGED WITH A
7 FELONY COMPARED TO INDIVIDUALS CHARGED WITH MISDEMEANOR
8 PURSUANT TO SECTION 18-18-403.5 (2.5), AND COMPARED TO INDIVIDUALS
9 WITH OPIATE MISUSE OR USE DISORDER NOT CHARGED WITH CRIMINAL
10 POSSESSION OF OPIATES; AND

11 (II) INCREASED OR DECREASED INITIATION AND RETENTION OF
12 EVIDENCE-BASED, EFFECTIVE TREATMENT FOR INDIVIDUALS CHARGED
13 WITH AN OPIATE USE DISORDER AMONG INDIVIDUALS CHARGED WITH A
14 FELONY COMPARED TO INDIVIDUALS CHARGED WITH MISDEMEANOR
15 PURSUANT TO SECTION 18-18-403.5 (2.5), AND COMPARED TO INDIVIDUALS
16 WITH OPIATE MISUSE OR USE DISORDER WHO WERE NOT CHARGED WITH
17 CRIMINAL POSSESSION OF OPIATES;

18 (b) DIFFERENTIAL HEALTH OUTCOMES FOR INDIVIDUALS BASED ON
19 THE INDIVIDUAL'S RACE, GENDER, ETHNICITY, AGE, ECONOMIC STATUS,
20 PREGNANCY OR POSTPARTUM STATUS, OR HOUSING STATUS, FOR
21 INDIVIDUALS CHARGED WITH A FELONY PURSUANT TO SECTION
22 18-18-403.5 (2.5), COMPARED TO INDIVIDUALS CHARGED WITH A
23 MISDEMEANOR PURSUANT TO SECTION 18-18-403.5 (2.5), AND COMPARED
24 TO INDIVIDUALS WITH OPIATE MISUSE OR USE DISORDERS WHO WERE NOT
25 CHARGED PURSUANT TO SECTION 18-18-403.5 (2.5). DIFFERENTIAL
26 HEALTH OUTCOMES TO CONSIDER INCLUDE, BUT ARE NOT LIMITED TO,
27 FATAL AND NONFATAL OVERDOSES AND INITIATION AND RETENTION ON

1 MEDICATIONS FOR OPIATE USE DISORDER.

2 (c) WHETHER EFFECTIVE, EVIDENCE-BASED TREATMENT FOR
3 OPIATE USE DISORDER IN THE GENERAL POPULATION DIMINISHED IN
4 QUALITY OR QUANTITY AS A RESULT OF INDIVIDUALS ORDERED BY THE
5 COURT INTO TREATMENT BASED ON CHARGES BROUGHT PURSUANT TO
6 SECTION 18-18-403.5 (2.5); AND

7 (d) WHETHER PENALTIES PURSUANT TO SECTION 18-18-403.5 (2.5)
8 IMPACT THE LIKELIHOOD OF INDIVIDUALS ADDICTED TO FENTANYL TO
9 SEEK OR RECEIVE TREATMENT, PROVIDE HELP TO ANOTHER PERSON IN THE
10 CASE OF AN OVERDOSE, OR UTILIZE NALOXONE, NON-LABORATORY
11 SYNTHETIC OPIATE DETECTION TESTS, AND OTHER HARM REDUCTION
12 RESOURCES.

13 (2) (a) THE BHA SHALL MAKE REASONABLE EFFORTS TO PROVIDE
14 NECESSARY DATA REQUESTED BY THE INDEPENDENT ENTITY TO COMPLETE
15 THE STUDY REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE
16 BHA SHALL ESTABLISH A DATA-SHARING AGREEMENT WITH, AT A
17 MINIMUM, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE
18 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE JUDICIAL
19 DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF
20 REGULATORY AGENCIES, AND, IF FEASIBLE, COUNTY SHERIFFS AND
21 COUNTY CORONERS, TO PROVIDE DATA TO THE INDEPENDENT ENTITY
22 INCLUDING, BUT NOT LIMITED TO:

23 (I) ALL REASONABLY AVAILABLE CRIMINAL JUSTICE DATA
24 REQUESTED BY THE INDEPENDENT ENTITY;

25 (II) OPIATE OVERDOSE DEATH RECORDS, INCLUDING TOXICOLOGY
26 REPORTS, IF AVAILABLE;

27 (III) PRESCRIPTION DATA FOR MEDICATION FOR OPIATE USE

1 DISORDER, INCLUDING FOR INDIVIDUALS IN JAIL OR PRISON CHARGED
2 PURSUANT TO SECTION 18-18-403.5 (2.5);

3 (IV) ENCOUNTERS WITH EMERGENCY MEDICAL SERVICES
4 PROVIDERS, LAW ENFORCEMENT AGENCIES, OR HEALTH-CARE FACILITIES
5 FOR FATAL AND NONFATAL FENTANYL OR OTHER OPIATE-RELATED
6 OVERDOSE; AND

7 (V) AVAILABLE INFORMATION REGARDING THE HISTORY OF
8 OVERDOSE, INCARCERATION, AND SUBSTANCE USE TREATMENT FOR
9 INDIVIDUALS CHARGED PURSUANT TO SECTION 18-18-403.5 (2.5),
10 INCLUDING WHETHER THE INDIVIDUAL HAS SOUGHT AND BEEN DENIED
11 ON-DEMAND TREATMENT.

12 (b) THE INDEPENDENT ENTITY MAY PERFORM A QUALITATIVE
13 ASSESSMENT BY, AT A MINIMUM, CONDUCTING FOCUS GROUPS OR
14 INTERVIEWS WITH A REPRESENTATIVE SAMPLE OF INDIVIDUALS WHO USE
15 DRUGS AND SUBSTANCE USE DISORDER CARE PROVIDERS AND HARM
16 REDUCTION PROVIDERS ACROSS THE STATE AND CONTINUUM.

17 (c) NO LATER THAN DECEMBER 31, 2024, THE INDEPENDENT
18 ENTITY SHALL SUBMIT A COMPREHENSIVE REPORT OF THE ENTITY'S
19 FINDINGS TO THE BHA.

20 (d) NO LATER THAN JANUARY 31, 2025, THE BHA SHALL PUBLISH
21 THE REPORT ON THE BHA'S WEBSITE AND SUBMIT THE REPORT TO THE
22 HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE, THE HOUSE OF
23 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
24 SERVICES COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES
25 COMMITTEE, AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
26 SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR
27 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)

1 GOVERNMENT ACT" PRESENTATION REQUIRED PURSUANT TO SECTION
2 2-7-203.

3 (3) THE COSTS ASSOCIATED WITH PERFORMING THE STUDY
4 PURSUANT TO THIS SECTION MUST BE PAID FROM THE CORRECTIONAL
5 TREATMENT CASH FUND CREATED IN SECTION 18-19-103 (4).

6 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

7 **SECTION 44.** In Colorado Revised Statutes, 18-19-103, **amend**
8 **(5)(c)(VI) and (5)(c)(VII); and add (5)(c)(VIII) as follows:**

9 **18-19-103. Source of revenues - allocation of money - repeal.**

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

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

13 (VII) Administrative support to the correctional treatment board
14 including, but not limited to, facilitating and coordinating data collection,
15 conducting data analysis, developing contracts, preparing reports,
16 scheduling and staffing board and subcommittee meetings, and engaging
17 in budget planning and analysis; AND

18 (VIII) (A) THE STUDY OF HEALTH EFFECTS OF FELONIZING
19 FENTANYL POSSESSION PURSUANT TO SECTION 27-50-802.

20 (B) THIS SUBSECTION (5)(c)(VIII) IS REPEALED, EFFECTIVE JULY
21 1, 2025.

22 **SECTION 45.** In Colorado Revised Statutes, 17-26-104.9,
23 **amend (1), (2), and (3); and add (1.5), (4), and (5) as follows:**

24 **17-26-104.9. Opioid treatment for a person in custody -**
25 **definitions - repeal.** (1) (a) A facility, whether operated by a
26 governmental entity or private contractor, may make available opioid
27 agonists and opioid antagonists to a person in custody with an opioid use

1 disorder. The facility is strongly encouraged to maintain the treatment of
2 the person throughout the duration of the person's incarceration, as
3 medically necessary.

4 (b) THIS SUBSECTION (1) IS REPEALED EFFECTIVE JULY 1, 2023.

5 (1.5) BY JULY 1, 2023, A FACILITY, WHETHER OPERATED BY A
6 GOVERNMENTAL ENTITY OR PRIVATE CONTRACTOR, SHALL PROVIDE
7 MEDICATION-ASSISTED TREATMENT, AND OTHER APPROPRIATE
8 WITHDRAWAL MANAGEMENT CARE TO A PERSON WITH A SUBSTANCE USE
9 DISORDER THROUGH THE DURATION OF THE PERSON'S INCARCERATION, AS
10 MEDICALLY NECESSARY. AT A MINIMUM:

11 (a) THE FACILITY SHALL PERFORM A NON-MEDICAL EVALUATION
12 OF THE PERSON UPON ENTRY INTO CUSTODY AT THE FACILITY FOR
13 SUBSTANCE USE DISORDER.

14 (b) THE FACILITY SHALL OFFER MEDICATION APPROVED BY THE
15 FEDERAL FOOD AND DRUG ADMINISTRATION THAT ARE APPROVED TO
16 TREAT OPIATE USE DISORDER, WHICH MUST INCLUDE AGONISTS, PARTIAL
17 AGONISTS, AND ANTAGONISTS, TO A PERSON IN CUSTODY WITH AN OPIATE
18 USE DISORDER. THE PERSON, IN COLLABORATION WITH THE TREATING
19 PROVIDER, MUST BE GIVEN A CHOICE CONCERNING WHAT MEDICATION IS
20 PRESCRIBED, AND THE FACILITY MUST PROVIDE THE MEDICATION
21 REQUESTED. A PERSON MAY REQUEST TO CHANGE THEIR MEDICATION AT
22 ANY TIME WHILE IN CUSTODY.

23 (c) IF THE PERSON INDICATES THAT THE PERSON HAS A SUBSTANCE
24 USE DISORDER, OR THE NON-MEDICAL EVALUATION PERFORMED PURSUANT
25 TO SUBSECTION (1.5)(a) INDICATES THAT THE PERSON MAY HAVE A
26 SUBSTANCE USE DISORDER, THE FACILITY SHALL REFER THE PERSON TO
27 THE FACILITY'S MEDICAL PROVIDER FOR AN EVALUATION, AND

1 SUBSEQUENT DIAGNOSIS, PRESCRIPTION, OR INDUCTION OF
2 MEDICATION-ASSISTED TREATMENT.

3 (d) IF AN INDIVIDUAL IS ADMITTED TO THE JAIL AND HAS A
4 PRESCRIPTION FOR MEDICATION-ASSISTED TREATMENT, THE JAIL SHALL
5 CONTINUE THE MEDICATION WITHOUT DELAY.

6 (2) Qualified medication administration personnel may, in
7 accordance with a written physician's order, administer opioid agonists
8 and opioid antagonists pursuant to subsection (1) AND (1.5) of this
9 section.

10 (3) A facility may contract with community-based health
11 providers, LOCAL PROVIDERS, OR STATE MOBILE MEDICATION-ASSISTED
12 TREATMENT UNIT PROVIDERS for the implementation of this section.

13 (4) THE JAIL SHALL PROVIDE THE INDIVIDUAL WITH A REFERRAL TO
14 A SUBSTANCE USE PROVIDER WITH THE CAPABILITY TO CONTINUE THE
15 INDIVIDUAL'S MEDICATION-ASSISTED TREATMENT AND THE CARE
16 COORDINATION INFRASTRUCTURE DESCRIBED IN SECTION 27-60-204 UPON
17 RELEASE FROM CUSTODY.

18 (5) COUNTIES ARE ENCOURAGED TO USE COUNTY FUNDING
19 AVAILABLE FROM A SETTLEMENT OR DAMAGE AWARD FROM
20 OPIATE-RELATED LITIGATION TO SUPPORT JAILS IN COMPLYING WITH THE
21 REQUIREMENTS OF THIS SECTION.

22 **SECTION 46.** In Colorado Revised Statutes, add 27-60-106.7 as
23 follows:

24 **27-60-106.7. Technical assistance to jails - appropriation -**
25 **repeal.** (1) THE OFFICE OF BEHAVIORAL HEALTH SHALL PROVIDE
26 TECHNICAL ASSISTANCE TO FACILITIES IN MEETING THEIR REQUIREMENTS
27 PURSUANT TO SECTION 17-26-104.9 (1.5). TECHNICAL ASSISTANCE

1 INCLUDES DEVELOPMENT AND IMPLEMENTATION OF
2 MEDICATION-ASSISTED TREATMENT, APPROVAL OF PRESCRIBERS BY THE
3 UNITED STATES DRUG ENFORCEMENT AGENCY, AND OTHER APPROPRIATE
4 WITHDRAWAL MANAGEMENT CARE, AND ASSISTANCE WITH IDENTIFYING
5 BULK PURCHASING OPPORTUNITIES FOR NECESSARY SERVICES.

6 (2) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
7 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE
8 BEHAVIORAL HEALTH AND MENTAL HEALTH CASH FUND, CREATED IN
9 SECTION 24-75-230, TO THE OFFICE OF BEHAVIORAL HEALTH FOR THE
10 PURPOSE OF PROVIDING TECHNICAL ASSISTANCE TO JAILS WITH MEETING
11 THEIR REQUIREMENTS PURSUANT TO SECTION 17-26-104.9, INCLUDING
12 PROVIDING FUNDING TO JAILS TO COVER THE SERVICES REQUIRED
13 PURSUANT TO SECTION 17-26-104.9.

14 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2024.

15 **SECTION 47. In Colorado Revised Statutes, add 27-50-802, as**
16 **part 8 of article 50 of title 27 as added by House Bill 22-1278, as**
17 **follows:**

18 **27-50-802. Technical assistance to jails - appropriation -**
19 **repeal. (1) THE BEHAVIORAL HEALTH ADMINISTRATION SHALL PROVIDE**
20 **TECHNICAL ASSISTANCE TO FACILITIES IN MEETING THEIR REQUIREMENTS**
21 **PURSUANT TO SECTION 17-26-104.9 (1.5). TECHNICAL ASSISTANCE**
22 **INCLUDES DEVELOPMENT AND IMPLEMENTATION OF**
23 **MEDICATION-ASSISTED TREATMENT, APPROVAL OF PRESCRIBERS BY THE**
24 **UNITED STATES DRUG ENFORCEMENT AGENCY, AND OTHER APPROPRIATE**
25 **WITHDRAWAL MANAGEMENT CARE, AND ASSISTANCE WITH IDENTIFYING**
26 **BULK PURCHASING OPPORTUNITIES FOR NECESSARY SERVICES.**

27 (2) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL

1 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE
2 BEHAVIORAL HEALTH AND MENTAL HEALTH CASH FUND, CREATED IN
3 SECTION 24-75-230, TO THE BEHAVIORAL HEALTH ADMINISTRATION FOR
4 THE PURPOSE OF PROVIDING TECHNICAL ASSISTANCE TO JAILS WITH
5 MEETING THEIR REQUIREMENTS PURSUANT TO SECTION 17-26-104.9,
6 INCLUDING PROVIDING FUNDING TO JAILS TO COVER THE SERVICES
7 REQUIRED PURSUANT TO SECTION 17-26-104.9.

8 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2024.

9 SECTION 48. In Colorado Revised Statutes, add part 14 to
10 article 20.5 of title 25 as follows:

11 PART 14

12 OVERDOSE DETECTION MAPPING APPLICATION PROGRAM

13 25-20.5-1401. Overdose detection mapping application
14 program. ON OR BEFORE JANUARY 1, 2023, EMERGENCY MEDICAL
15 SERVICE PROVIDERS, EMERGENCY DEPARTMENTS, STATE AND LOCAL LAW
16 ENFORCEMENT AGENCIES, SHERIFFS' OFFICES, AND CORONERS MAY
17 PARTICIPATE IN THE WEB-BASED OVERDOSE DETECTION MAPPING
18 APPLICATION PROGRAM TO REPORT INCIDENCES OF FATAL AND NON-FATAL
19 DRUG OVERDOSES AND SYNTHETIC OPIATE POISONINGS. EMERGENCY
20 DEPARTMENTS, STATE AND LOCAL LAW ENFORCEMENT AGENCIES,
21 SHERIFFS' OFFICES, AND CORONERS ARE ENCOURAGED TO REPORT DATA
22 NOT MORE THAN TWENTY-FOUR HOURS AFTER THE INCIDENT OR AFTER
23 RECEIVING THE INCIDENT TOXICOLOGY REPORT. ALL INCIDENT DATA MUST
24 BE MADE AVAILABLE TO THE DEPARTMENT. NOTWITHSTANDING ANY LAW
25 TO THE CONTRARY, LAW ENFORCEMENT SHALL NOT USE DATA FROM THE
26 OVERDOSE DETECTION MAPPING APPLICATION PROGRAM FOR WELFARE
27 CHECKS, WARRANT CHECKS, OR CRIMINAL INVESTIGATIONS.

1 SECTION 49. In Colorado Revised Statutes, add part 15 to
2 article 20.5 of title 25 as follows:

3 PART 15

4 OVERDOSE TRENDS REVIEW COMMITTEE

5 25-20.5-1501. Colorado overdose trends review committee -
6 recommendations - report - repeal. (1) THE DEPARTMENT SHALL
7 CONVENE INTERESTED STAKEHOLDERS FOR THE PURPOSE OF DEVELOPING
8 RECOMMENDATIONS FOR THE ESTABLISHMENT OF AN OVERDOSE TRENDS
9 REVIEW COMMITTEE THAT WOULD BE RESPONSIBLE FOR:

10 (a) IDENTIFYING AND REVIEWING CERTAIN CASES OF NON-FATAL
11 AND FATAL DRUG-RELATED OVERDOSES THAT OCCUR IN COLORADO;

12 (b) IDENTIFYING THE CAUSES OF OVERDOSES AND
13 OVERDOSE-RELATED DEATHS, AND CONDUCTING A REVIEW OF OTHER
14 FACTORS INCLUDING, BUT NOT LIMITED TO, HOUSING STATUS OR CRIMINAL
15 JUSTICE SYSTEM INVOLVEMENT;

16 (c) DEVELOPING EVIDENCE-BASED RECOMMENDATIONS TO
17 ADDRESS PREVENTABLE OVERDOSE-RELATED DEATHS, INCLUDING
18 LEGISLATION, POLICIES, AREAS FOR SCIENTIFIC RESEARCH, RULES,
19 TRAINING, AND BEST PRACTICES THAT SUPPORT THE HEALTH AND SAFETY
20 OF INDIVIDUALS WHO USE SUBSTANCES THAT MAY CAUSE OVERDOSES IN
21 COLORADO, AND PREVENT OVERDOSE-RELATED DEATHS;

22 (d) MAKING ANNUAL POLICY-RELATED AND FUNDING-RELATED
23 RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY
24 ABOUT DRUG TRENDS, INCLUDING SYNTHETIC DRUGS THAT MAY IMPACT
25 THE HEALTH AND WELL-BEING OF COLORADANS AND THAT PRESENT A
26 HIGH RISK FOR CAUSING OVERDOSE-RELATED DEATHS; AND

27 (e) ESTABLISHING A PROCESS FOR DATA SHARING BETWEEN STATE

1 DEPARTMENTS, COUNTIES, AND OTHER RELEVANT ENTITIES IN ORDER TO
2 ACCESS NECESSARY DATA CONCERNING NON-FATAL AND FATAL
3 DRUG-RELATED OVERDOSES IN COLORADO.

4 (2) IN CONVENING THE INTERESTED STAKEHOLDERS PURSUANT TO
5 SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT SHALL INVITE A
6 VARIETY OF INTERESTED STAKEHOLDERS, INCLUDING PUBLIC HEALTH
7 EXPERTS, PHYSICIANS, LAW ENFORCEMENT, CORONERS, AND PERSONS WHO
8 HAVE EXPERIENCED AN OVERDOSE.

9 (3) ON OR BEFORE SEPTEMBER 1, 2023, THE DEPARTMENT SHALL
10 SUBMIT A REPORT OF ITS RECOMMENDATIONS REGARDING THE
11 ESTABLISHMENT OF AN OVERDOSE TRENDS REVIEW COMMITTEE TO THE
12 JOINT BUDGET COMMITTEE AND ANY SUBSTANCE USE INTERIM COMMITTEE
13 EXISTING AT THAT TIME.

14 (4) THE DEPARTMENT SHALL ESTABLISH AN OVERDOSE TRENDS
15 REVIEW COMMITTEE BY SEPTEMBER 1, 2024.

16 **SECTION 50.** In Colorado Revised Statutes, amend 25.5-5-509
17 as follows:

18 **25.5-5-509. Substance use disorder - prescription drugs -**
19 **opiate antagonist.** (1) Notwithstanding any provisions of this part 5 to
20 the contrary, for the treatment of a substance use disorder, in
21 promulgating rules, and subject to any necessary federal authorization, the
22 state board shall authorize reimbursement for at least one federal food and
23 drug administration-approved ready-to-use opioid overdose reversal drug
24 without prior authorization.

25 (2) (a) AS USED IN THIS SUBSECTION (2), UNLESS THE CONTEXT
26 OTHERWISE REQUIRES, "OPIATE ANTAGONIST" HAS THE SAME MEANING AS
27 SET FORTH IN SECTION 12-30-110 (7)(d).

1 (b) A HOSPITAL OR EMERGENCY DEPARTMENT SHALL RECEIVE
2 REIMBURSEMENT UNDER THE MEDICAL ASSISTANCE PROGRAM FOR THE
3 COST OF AN OPIATE ANTAGONIST IF, IN ACCORDANCE WITH SECTION
4 12-30-110, A PRESCRIBER, AS DEFINED IN SECTION 12-30-110 (7)(h),
5 DISPENSES AN OPIATE ANTAGONIST UPON DISCHARGE TO A MEDICAL
6 ASSISTANCE RECIPIENT WHO IS AT RISK OF EXPERIENCING AN
7 OPIATE-RELATED DRUG OVERDOSE EVENT OR TO A FAMILY MEMBER,
8 FRIEND, OR OTHER PERSON IN A POSITION TO ASSIST A MEDICAL
9 ASSISTANCE RECIPIENT WHO IS AT RISK OF EXPERIENCING AN
10 OPIATE-RELATED DRUG OVERDOSE EVENT.

11 (c) THE STATE DEPARTMENT SHALL SEEK FEDERAL FINANCIAL
12 PARTICIPATION FOR THE COST OF REIMBURSEMENT FOR THE OPIATE
13 ANTAGONIST, BUT SHALL PROVIDE REIMBURSEMENT TO THE HOSPITAL OR
14 EMERGENCY DEPARTMENT FOR THE OPIATE ANTAGONIST USING STATE
15 MONEY UNTIL FEDERAL FINANCIAL PARTICIPATION IS AVAILABLE.

16 **SECTION 51.** In Colorado Revised Statutes, 27-81-104, **amend**
17 (1)(q) and (1)(r); and **add** (1)(s) as follows:

18 **27-81-104. Duties of the office of behavioral health - review.**
19 (1) In addition to duties prescribed by section 27-80-102, the office of
20 behavioral health shall:

21 (q) Encourage all health and disability insurance programs to
22 include substance use disorders as a covered illness; and

23 (r) Submit to the governor an annual report covering the activities
24 of the office of behavioral health; AND

25 (s) TRAIN EMERGENCY DEPARTMENTS AND CERTIFIED PEACE
26 OFFICERS IN THE PROCEDURES REQUIRED PURSUANT TO SECTIONS
27 27-81-111 AND 27-81-112.

1 **SECTION 52.** In Colorado Revised Statutes, 27-81-104, **amend**
2 **(1)(q) and (1)(r); and add (1)(s) as follows:**

3 **27-81-104. Duties of the office of behavioral health - review.**
4 **(1) In addition to duties prescribed by section 27-80-102, the office of**
5 **behavioral health THE BHA shall:**

6 **(q) Encourage all health and disability insurance programs to**
7 **include substance use disorders as a covered illness; and**

8 **(r) Submit to the governor an annual report covering the activities**
9 **of the office of behavioral health BHA; AND**

10 **(s) TRAIN EMERGENCY DEPARTMENTS AND CERTIFIED PEACE**
11 **OFFICERS IN THE PROCEDURES REQUIRED PURSUANT TO SECTIONS**
12 **27-81-111 AND 27-81-112.**

13 **SECTION 53.** In Colorado Revised Statutes, 27-81-112, **amend**
14 **(1) as follows:**

15 **27-81-112. Involuntary commitment of a person with a**
16 **substance use disorder. (1) The court may commit a person to the**
17 **custody of the office of behavioral health upon the petition of the person's**
18 **spouse or guardian, a relative, a physician, an advanced practice nurse,**
19 **the administrator in charge of an approved treatment facility, A CERTIFIED**
20 **PEACE OFFICER, or any other responsible person. The petition must allege**
21 **that the person has a substance use disorder and that the person has**
22 **threatened or attempted to inflict or inflicted physical harm on himself or**
23 **herself THE PERSON'S SELF or on another and that unless committed, the**
24 **person is likely to inflict physical harm on himself or herself THE**
25 **PERSON'S SELF or on another or that the person is incapacitated by**
26 **substances. A refusal to undergo treatment does not constitute evidence**
27 **of lack of judgment as to the need for treatment. The petition must be**

1 accompanied by a certificate of a licensed physician who has examined
2 the person within ten days before submission of the petition, unless the
3 person whose commitment is sought has refused to submit to a medical
4 examination, in which case the fact of refusal must be alleged in the
5 petition, or an examination cannot be made of the person due to the
6 person's condition. The certificate must set forth the physician's findings
7 in support of the petition's allegations.

8 **SECTION 54. In Colorado Revised Statutes, 27-81-112, amend**
9 **(1) as follows:**

10 **27-81-112. Involuntary commitment of a person with a**
11 **substance use disorder. (1) The court may commit a person to the**
12 **custody of the office of behavioral health BHA upon the petition of the**
13 **person's spouse or guardian, a relative, a physician, an advanced practice**
14 **nurse, the administrator in charge of an approved treatment facility, A**
15 **CERTIFIED PEACE OFFICER, or any other responsible person. The petition**
16 **must allege that the person has a substance use disorder and that the**
17 **person has threatened or attempted to inflict or inflicted physical harm on**
18 **himself or herself THE PERSON'S SELF or on another and that unless**
19 **committed, the person is likely to inflict physical harm on himself or**
20 **herself THE PERSON'S SELF or on another or that the person is incapacitated**
21 **by substances. A refusal to undergo treatment does not constitute**
22 **evidence of lack of judgment as to the need for treatment. The petition**
23 **must be accompanied by a certificate of a licensed physician who has**
24 **examined the person within ten days before submission of the petition,**
25 **unless the person whose commitment is sought has refused to submit to**
26 **a medical examination, in which case the fact of refusal must be alleged**
27 **in the petition, or an examination cannot be made of the person due to the**

1 person's condition. The certificate must set forth the physician's findings
2 in support of the petition's allegations.

3 **SECTION 55. Accountability.** Notwithstanding the requirement
4 to conduct a review of the implementation of this act either two or five
5 years after the enactment of this act, three years after this act becomes law
6 and in accordance with section 2-2-1201, Colorado Revised Statutes, the
7 legislative service agencies of the Colorado general assembly shall
8 conduct a post-enactment review of the implementation of this act
9 utilizing the information contained in the legislative declaration set forth
10 in section 1 of this act.

11 **SECTION 56. Appropriation.** (1) For the 2022-23 state
12 fiscal year, \$14,389,055 is appropriated to the department of human
13 services for use by the behavioral health administration. This
14 appropriation consists of \$10,986,092 from the general fund, \$402,963
15 from the correctional treatment cash fund created in section 18-19-103
16 (4)(a), C.R.S., and \$3,000,000 from the behavioral and mental health cash
17 fund created in section 24-75-230 (2)(a), C.R.S., which is of money the
18 state received from the federal coronavirus state fiscal recovery fund. To
19 implement this act, the administration may use this appropriation as
20 follows:

21 (a) \$286,092 from the general fund for program administration
22 related to community behavioral health administration, which amount is
23 based on an assumption that the administration will require an additional
24 3.6 FTE;

25 (b) \$10,000,000 from the general fund for treatment and
26 detoxification programs related to substance use treatment and prevention
27 services pursuant to section 27-80-107.8 (2), C.R.S.;

1 (c) \$700,000 from the general fund for managed service
2 organization regional evaluations related to substance use treatment and
3 prevention services;

4 (d) \$252,963 from the correctional treatment cash fund created in
5 section 18-19-103 (4)(a), C.R.S., for a study on the health effects of
6 criminal penalties related to substance use treatment and prevention
7 services, which amount is based on an assumption that the administration
8 will require an additional 0.5 FTE;

9 (e) \$150,000 from the correctional treatment cash fund created in
10 section 18-19-103 (4)(a), C.R.S., for a fentanyl education program related
11 to substance use treatment and prevention services; and

12 (f) \$3,000,000 from the behavioral and mental health cash fund
13 created in section 24-75-230 (2)(a), C.R.S., for jail-based behavioral
14 health services related to integrated behavioral health services. Any
15 money appropriated in this subsection (1)(d) not expended prior to July
16 1, 2023, is further appropriated to the administration from July 1, 2023,
17 through December 30, 2024, for the same purpose.

18 (2) Pursuant to section 27-80-107.8 (2)(b), C.R.S., any money
19 appropriated in subsection (1)(b) not expended prior to July 1, 2023, is
20 further appropriated to the division through June 30, 2025, for the same
21 purpose.

22 (3) For the 2022-23 state fiscal year, \$869,288 is appropriated to
23 the judicial department for use by probation and related services. This
24 appropriation consists of \$138,362 from the general fund and \$730,926
25 from the correctional treatment cash fund created in section 18-19-103
26 (4)(a), C.R.S. To implement this act, the department may use this
27 appropriation as follows:

1 (a) \$138,362 for probation programs, which amount is based on
2 an assumption that the department will require an additional 1.6 FTE; and

3 (b) \$730,926 from the correctional treatment cash fund created in
4 section 18-19-103 (4)(a), C.R.S., for offender treatment and services.

5 (4) For the 2022-23 state fiscal year, \$150,000 is appropriated to
6 the department of law for use by administration. This appropriation is
7 from the general fund. To implement this act, the department may use this
8 appropriation for operating expenses.

9 (5) For the 2022-23 state fiscal year, \$5,792,413 is appropriated
10 to the department of public health and environment for use by the
11 prevention services division. This appropriation is from the general fund.
12 To implement this act, the division may use this appropriation for
13 administration as follows:

14 (a) \$112,413 for personal services and related operating expenses,
15 which amount is based on an assumption that the division will require an
16 additional 1.5 FTE;

17 (b) \$300,000 for non-laboratory synthetic opiate detection tests
18 pursuant to section 25-1.5-115.3 (1), C.R.S.;

19 (c) \$5,000,000 for an education campaign pursuant to section
20 25-1.5-115.5 (1), C.R.S.;

21 (d) \$50,000 for regional trainings pursuant to section 25-1.5-115.5
22 (3), C.R.S.;

23 (e) \$30,000 for website development pursuant to section
24 25-25-1.5-115.5 (4), C.R.S.; and

25 (f) \$300,000 for an independent study pursuant to section
26 25-20.5-1401, C.R.S.

27 (6) Any money appropriated in subsection (5)(b) not expended

1 prior to July 1, 2023, is further appropriated to the division for the
2 2023-24 state fiscal year.

3 (7) Any money appropriated in subsection (5)(c) not expended
4 prior to July 1, 2023, is further appropriated to the division through June
5 30, 2025, for the same purpose.

6 (8) For the 2022-23 state fiscal year, \$7,000,000 is appropriated
7 to the department of public safety for use by the division of criminal
8 justice. This appropriation is from the general fund and is based on an
9 assumption that the division will require an additional 1.8 FTE. To
10 implement this act, the division may use this appropriation for DCJ
11 administrative services. Any money appropriated in this subsection (8)
12 not expended prior to July 1, 2023, is further appropriated to the division
13 for the 2023-24 state fiscal year.

14 (9) For the 2022-23 state fiscal year, \$360,000 is appropriated to
15 the department of health care policy and financing. This appropriation is
16 from the general fund. To implement this act, the department may use this
17 appropriation for medical services premiums. _____

18 (10) For the 2022-23 state fiscal year, \$19,700,000 is appropriated
19 to the opiate antagonist bulk purchase fund created in section 25-1.5-115
20 (1)(a), C.R.S. This appropriation is from the behavioral and mental health
21 cash fund created in section 24-75-230 (2)(a), C.R.S., and is of money the
22 state received from the federal coronavirus state fiscal recovery fund. The
23 department of public health and environment is responsible for the
24 accounting related to this appropriation.

25 (11) For the 2022-23 state fiscal year, \$6,000,000 is appropriated
26 to the harm reduction grant program cash fund created in section
27 25-20.5-1102 (1), C.R.S. This appropriation is from the behavioral and

1 mental health cash fund created in section 24-75-230 (2)(a), C.R.S., and
2 is of money the state received from the federal coronavirus state fiscal
3 recovery fund. The department of public health and environment is
4 responsible for the accounting related to this appropriation.

5 (12) For the 2022-23 state fiscal year, \$300,000 is appropriated to
6 the department of public health and environment for use by the prevention
7 services division. This appropriation is from the behavioral and mental
8 health cash fund created in section 24-75-230 (2)(a), C.R.S., which is of
9 money the state received from the federal coronavirus state fiscal
10 recovery fund. To implement this act, the division may use this
11 appropriation for administration. Any money appropriated in this
12 subsection (6) not expended prior to July 1, 2023, is further appropriated
13 to the division from July 1, 2023, through December 30, 2024.

14 **SECTION 57. Effective date - applicability.** (1) This act takes
15 effect July 1, 2022; except that:

16 (a) Sections 26, 29, 34, 36, 41, 42, 46, 51, and 53 of this act take
17 effect only if House Bill 22-1278 does not become law;

18 (b) Sections 27, 30, 35, 37, 43, 44, 47, 52, and 54 of this act take
19 effect only if House Bill 22-1278 becomes law, in which case they take
20 effect on the effective date of this act or House Bill 22-1278, whichever
21 is later;

22 (c) Sections 9, 17, and 19 of this act take effect January 1, 2023;

23 (d) Sections 7, 10, and 15 of this act take effect only if House Bill
24 22-1278 does not become law, in which case they take effect January 1,
25 2023; and

26 (e) Sections 8, 11, and 16 of this act take effect only if House Bill
27 22-1278 becomes law, in which case they take effect January 1, 2023, or

1 on the effective date of House Bill 22-1278, whichever is later.

2 (2) Sections 2, 3, 4, 5, 6, 31, 32, and 33 of this act apply to
3 offenses committed on or after July 1, 2022.

4 **SECTION 58. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety.