

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 22-0883.05 Jacob Baus x2173

HOUSE BILL 22-1326

HOUSE SPONSORSHIP

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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.

HOUSE
3rd Reading Unamended
April 25, 2022

HOUSE
Amended 2nd Reading
April 22, 2022

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, carfentanyl, 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), and (7) 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), AND THE PERSON KNEW OR HAD REASONABLE CAUSE TO BELIEVE
20 THAT THE MATERIAL, COMPOUND, MIXTURE, OR PREPARATION CONTAINED
21 ANY QUANTITY OF FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR
22 AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g),
23 COMMITS A LEVEL 4 DRUG FELONY.

24 (II) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT
25 WEIGHS NOT MORE THAN ONE GRAM AND CONTAINS ANY QUANTITY OF
26 FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG
27 THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), COMMITS A LEVEL

1 1 DRUG MISDEMEANOR; EXCEPT THAT A FOURTH OR SUBSEQUENT OFFENSE
2 FOR A VIOLATION OF THIS SUBSECTION (2.5)(a)(II) IS A LEVEL 4 DRUG
3 FELONY.

4 (b) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JUNE 30, 2025.

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

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

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

27 (III) CONCURRENT WITH THE NOTICE REQUIRED IN SUBSECTION

1 (2.7)(b)(II), THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION
2 SHALL NOTIFY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
3 PRESIDENT OF THE SENATE, THE CHIEF JUSTICE OF THE SUPREME COURT,
4 THE GOVERNOR, THE ATTORNEY GENERAL, THE STATE PUBLIC DEFENDER,
5 AND EACH DISTRICT ATTORNEY IN THE STATE, THAT THE COLORADO
6 BUREAU OF INVESTIGATION HAS THE RESOURCES TO DETERMINE THE
7 QUANTITY OF FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN
8 ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), COMPARED
9 TO THE TOTAL COMPOSITION OF THE MATERIAL, COMPOUND, MIXTURE, OR
10 PREPARATION.

11 (IV) THIS SUBSECTION (2.7)(b) IS REPEALED, EFFECTIVE ONE YEAR
12 AFTER NOTICE TO THE REVISOR OF STATUTES PURSUANT TO THIS
13 SUBSECTION (2.7)(b)(II).

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

1 THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), IN A SECURE
2 CONTAINER FOR LAW ENFORCEMENT TO SUBSEQUENTLY ACCESS AND
3 DISPOSE OF.

4 (7) NOTWITHSTANDING SUBSECTION (2.5) OF THIS SECTION, ON OR
5 AFTER JULY 1, 2022, THE POSSESSION OF AN OPIATE ANTAGONIST OR A
6 NON-LABORATORY SYNTHETIC OPIATE DETECTION TEST MUST NOT BE USED
7 AS EVIDENCE TO PROVE THE PERSON KNEW OR HAD REASONABLE CAUSE TO
8 BELIEVE THAT THE MATERIAL, COMPOUND, MIXTURE, OR PREPARATION
9 CONTAINED ANY QUANTITY OF FENTANYL, CARFENTANIL, BENZIMIDAZOLE
10 OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204
11 (2)(g).

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

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

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

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

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

27 (III) (A) EXCEPT AS PROVIDED IN SECTION 18-1-711 (3)(i), THE

1 DEFENDANT COMMITTED A VIOLATION OF SUBSECTION (2)(a)(I)(D),
2 (2)(b)(I)(D), OR (2)(c)(V) OF THIS SECTION, AND THE ACTIONS IN
3 VIOLATION OF SUBSECTION (2)(a)(I)(D), (2)(b)(I)(D), OR (2)(c)(V) OF THIS
4 SECTION ARE THE PROXIMATE CAUSE OF THE DEATH OF ANOTHER PERSON
5 WHO USED OR CONSUMED THE MATERIAL, COMPOUND, MIXTURE, OR
6 PREPARATION THAT CONTAINED FENTANYL, CARFENTANIL,
7 BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN
8 SECTION 18-18-204 (2)(g).

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

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

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

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

24 or

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

27 (D) MORE THAN FOUR GRAMS, BUT NOT MORE THAN FIFTY GRAMS,

1 AND CONTAINS FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN
2 ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g);

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

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

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

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

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

13 **18-18-407. Special offender - definitions.** (1) A person who
14 commits a felony offense pursuant to this part 4 under any one or more of
15 the following aggravating circumstances commits a level 1 drug felony
16 and is a special offender:

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

26 (h) THE DEFENDANT COMMITTED A VIOLATION OF SECTION
27 18-18-405 (2)(a)(I)(D), (2)(b)(I)(D), OR (2)(c)(V), AND THE DEFENDANT

1 POSSESSED PILL OR TABLET MANUFACTURING EQUIPMENT WITH THE
2 INTENT TO USE THE EQUIPMENT IN THE MANUFACTURE OF A CONTROLLED
3 SUBSTANCE.

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

6 **18-1-711. Immunity for persons who suffer or report an**
7 **emergency drug or alcohol overdose event - definitions - repeal.**

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

10 (g) Possession of drug paraphernalia, as described in section
11 18-18-428; ~~and~~

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

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

22 (6) (a) STARTING ON JULY 1, 2022, AND FOR THREE YEARS
23 THEREAFTER, A LAW ENFORCEMENT AGENCY THAT RESPONDS TO AN
24 EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT SHALL REPORT TO THE
25 DISTRICT ATTORNEY'S OFFICE IN THE LAW ENFORCEMENT AGENCY'S
26 JURISDICTION WHETHER AN ARREST WAS MADE AS A RESULT OF THE
27 INVESTIGATION OF AN EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT

1 OR WHEN AN ARREST WAS NOT MADE PURSUANT TO THE PROVISIONS OF
2 THIS SECTION.

3 (b) STARTING ON JULY 1, 2022, AND FOR THREE YEARS
4 THEREAFTER, EACH DISTRICT ATTORNEY'S OFFICE THAT RECEIVES A
5 REPORT REGARDING AN ARREST FROM LAW ENFORCEMENT PURSUANT TO
6 SUBSECTION (6)(a) OF THIS SECTION SHALL PREPARE A REPORT INDICATING
7 EACH INSTANCE WHEN A PERSON WAS NOT PROSECUTED FOR AN OFFENSE
8 PURSUANT TO THIS SECTION IF THE EVENT INVOLVED FENTANYL,
9 CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS
10 DESCRIBED IN SECTION 18-18-204 (2)(g). IF THE DISTRICT ATTORNEY
11 PROSECUTES A PERSON WHO SOUGHT EMERGENCY ASSISTANCE FOR AN
12 EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT IF THE EVENT
13 INVOLVED FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN
14 ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), THE
15 DISTRICT ATTORNEY SHALL PREPARE A REPORT DETAILING THE FACTS AND
16 CIRCUMSTANCES FOR THE DECISION THAT THE IMMUNITY PROVISIONS OF
17 SUBSECTION (1) OF THIS SECTION DID NOT APPLY.

18 (c) EACH DISTRICT ATTORNEY SHALL PROVIDE THE REPORTS
19 COLLECTED PURSUANT TO THIS SUBSECTION (6) TO THE LEGISLATIVE
20 SERVICE AGENCIES OF THE COLORADO GENERAL ASSEMBLY FOR THE
21 PURPOSE OF A POST-ENACTMENT REVIEW.

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

23 **SECTION 6.** In Colorado Revised Statutes, 18-1.3-401.5, **amend**
24 **(7), (10)(a)(III), and (10)(a)(IV); and add (2.5), (10)(a)(V), and (14) as**
25 **follows:**

26 **18-1.3-401.5. Drug felonies classified - presumptive and**
27 **aggravated penalties. (2.5) IT IS THE INTENT OF THE GENERAL ASSEMBLY**

1 THAT SENTENCING FOR CRIMES THAT INVOLVE FENTANYL, CARFENTANIL,
2 BENZIMIDAZOLE OPIATE, OR ANY ANALOG THEREOF, AS DESCRIBED IN
3 SECTION 18-18-204 (2)(g), EVEN IN SMALL QUANTITIES, REFLECT THE HIGH
4 RISK OF ADDICTION AND DEATH ASSOCIATED WITH FENTANYL,
5 CARFENTANIL, BENZIMIDAZOLE OPIATE, OR ANY ANALOG THEREOF.
6 THEREFORE, THE EDUCATION AND TREATMENT PROCEDURES PROVIDED IN
7 SECTION 18-1.3-410 MUST BE IMPLEMENTED TO ADDRESS THIS
8 SUBSTANTIAL HEALTH RISK.

9 (7) EXCEPT AS PROVIDED IN SECTION 18-18-405 (2)(a)(III)(B),
10 notwithstanding any provision of this section to the contrary, if the
11 defendant is convicted of a level 1 drug felony, the court shall sentence
12 the defendant to a term of incarceration in the department of corrections
13 of at least eight years but not more than thirty-two years. The presence of
14 one or more of the aggravating circumstances provided in ~~paragraph (a)~~
15 ~~of subsection (10)~~ SUBSECTION (10)(a) of this section or in section
16 18-18-407 (1) requires the court to sentence a defendant convicted of a
17 level 1 drug felony to a term of incarceration in the department of
18 corrections of at least twelve years but no more than thirty-two years. The
19 court may impose a fine in addition to imprisonment.

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

26 (III) The defendant was under confinement, in prison, or in any
27 correctional institution as a convicted felon, or an escapee from any

1 correctional institution for another felony; or

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

5 (V) THE DEFENDANT COMMITTED A VIOLATION OF SECTION
6 18-18-405 (2)(a)(III)(A), AND THE UNLAWFUL DISTRIBUTION,
7 MANUFACTURING, DISPENSING, OR SALE OF THE MATERIAL, COMPOUND,
8 MIXTURE, OR PREPARATION WEIGHED MORE THAN FIFTY GRAMS AND
9 CONTAINED FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN
10 ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g).

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

27 (b) A COURT MAY SENTENCE A PERSON CONVICTED OF A LEVEL 4

1 DRUG FELONY COMMITTED ON OR AFTER JULY 1, 2022, IN VIOLATION OF
2 SECTION 18-18-403.5 (2.5), TO A COUNTY JAIL SENTENCING ALTERNATIVE
3 PROVIDED PURSUANT TO SECTION 18-1.3-106 OR PLACEMENT IN A
4 COMMUNITY CORRECTIONS PROGRAM AS A CONDITION OF PROBATION
5 PROVIDED PURSUANT TO SECTION 18-1.3-301 (4) AS A SENTENCING
6 ALTERNATIVE.

7 (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
8 CONTRARY, AN OFFENDER CONVICTED OF A LEVEL 4 DRUG FELONY
9 COMMITTED ON OR AFTER JULY 1, 2022, IN VIOLATION OF SECTION
10 18-18-403.5 (2.5), IS NOT SUBJECT TO THE JURISDICTION OF THE
11 DEPARTMENT OF CORRECTIONS OR A MANDATORY PERIOD OF PAROLE.

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

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

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

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

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

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

1 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE
2 PERSON'S TREATMENT NEEDS.

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

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

22 **18-1.3-410. Fentanyl education and treatment program.**

23 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE
24 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR
25 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL, CARFENTANIL,
26 BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN
27 SECTION 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE

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

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

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

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

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

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

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

3 **18-1.3-501. Misdemeanors classified - drug misdemeanors and**
4 **drug petty offenses classified - penalties - legislative intent -**
5 **definitions.** (1) (d.5) (I) (A) It is the intention of the general assembly to
6 classify most drug possession on and after March 1, 2020, as a
7 misdemeanor offense with different sentencing options and limited
8 incarceration penalties. The purpose of this sentencing scheme is to
9 provide offenders who are assessed to be in need of treatment or other
10 intervention with probation supervision in conjunction with effective
11 medical and behavioral intervention and treatment. For those drug
12 possessors who are not in need of treatment, sentencing by the courts
13 system should be limited. This sentencing scheme recognizes that drug
14 use and possession is primarily a health concern and should be treated as
15 such by Colorado courts.

16 (B) FURTHERMORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY
17 THAT SENTENCING FOR CRIMES THAT INVOLVE FENTANYL, CARFENTANIL,
18 BENZIMIDAZOLE OPIATE, OR AN 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 18-1.3-510 MUST BE IMPLEMENTED TO ADDRESS THIS
24 SUBSTANTIAL HEALTH RISK.

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

27 **18-1.3-510.** **Fentanyl education and treatment program.**

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

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

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

1 PLACEMENT IN A RESIDENTIAL PROGRAM AS A CONDITION OF PROBATION
2 IS LIMITED TO THE PERIOD OF TIME THAT THE PLACEMENT IS CLINICALLY
3 NECESSARY. THE RESIDENTIAL PLACEMENT COSTS MUST BE PAID FROM
4 THE CORRECTIONAL TREATMENT CASH FUND, EXISTING PURSUANT TO
5 SECTION 18-19-103 (4), FOR A PERSON ON PROBATION AND IS DETERMINED
6 BY THE COURT TO BE INDIGENT, IS REPRESENTED BY COURT-APPOINTED
7 COUNSEL, OR IS OTHERWISE UNABLE TO AFFORD THE COST OF THE
8 PLACEMENT.

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

16 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING
17 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT
18 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST
19 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
20 OFFICE OF BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127. THE
21 FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
22 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
23 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
24 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
25 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
26 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
27 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE FENTANYL

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

6 SECTION 11. In Colorado Revised Statutes, add 18-1.3-510 as
7 follows:

8 **18-1.3-510. Fentanyl education and treatment program.**

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

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

26 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
27 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF

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

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

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

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

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

21 **12-30-110. Prescribing or dispensing opiate antagonists -**
22 **authorized recipients - definitions.** (1) (a) A prescriber may prescribe
23 or dispense, directly or in accordance with standing orders and protocols,
24 an opiate antagonist to:

- 25 (VI) A person described in section 25-20.5-1001; ~~or~~
- 26 (VIII) AN INSTITUTION OF HIGHER EDUCATION, OR AN EMPLOYEE
- 27 OR AGENT OF THE INSTITUTION OF HIGHER EDUCATION;

- 1 (IX) A LIBRARY, OR AN EMPLOYEE OR AGENT OF THE LIBRARY;
- 2 (X) A COMMUNITY SERVICE ORGANIZATION, OR AN EMPLOYEE OR
3 AGENT OF THE COMMUNITY SERVICE ORGANIZATION;
- 4 (XI) A RELIGIOUS ORGANIZATION, OR AN EMPLOYEE OR AGENT OF
5 THE RELIGIOUS ORGANIZATION;
- 6 (XII) A LOCAL JAIL, OR AN EMPLOYEE OR AGENT OF THE LOCAL
7 JAIL;
- 8 (XIII) A MULTIJURISDICTIONAL JAIL, OR AN EMPLOYEE OR AGENT
9 OF THE MULTIJURISDICTIONAL JAIL;
- 10 (XIV) A MUNICIPAL JAIL, OR AN EMPLOYEE OR AGENT OF THE
11 MUNICIPAL JAIL;
- 12 (XV) A CORRECTIONAL FACILITY, OR AN EMPLOYEE OR AGENT OF
13 THE CORRECTIONAL FACILITY;
- 14 (XVI) A PRIVATE CONTRACT PRISON, OR AN EMPLOYEE OR AGENT
15 OF THE PRIVATE CONTRACT PRISON;
- 16 (XVII) A COMMUNITY CORRECTIONS PROGRAM, OR AN EMPLOYEE
17 OR AGENT OF THE COMMUNITY CORRECTIONS PROGRAM;
- 18 (XVIII) A PRETRIAL SERVICES PROGRAM, OR AN EMPLOYEE OR
19 AGENT OF THE PRETRIAL SERVICES PROGRAM;
- 20 (XIX) A PROBATION DEPARTMENT, OR AN EMPLOYEE OR AGENT OF
21 THE PROBATION DEPARTMENT;
- 22 (XX) A LOCAL PUBLIC HEALTH AGENCY, OR AN EMPLOYEE OR
23 AGENT OF THE LOCAL PUBLIC HEALTH AGENCY; OR
- 24 (XXI) A MENTAL HEALTH PROFESSIONAL.
- 25 ~~(b) A law enforcement agency or first responder; an employee or~~
26 ~~volunteer of a harm reduction organization; a school district, school, or~~
27 ~~employee or agent of a school; a person described in section~~

1 ~~25-20.5-1001; a mental health professional; or a unit of local government;~~
2 A PERSON OR ENTITY DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION
3 may, pursuant to an order or standing orders and protocols:

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

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

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

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

7 (3.5) (a) NOTWITHSTANDING ANY PROVISION OF THIS TITLE 12 OR
8 RULES IMPLEMENTING THIS TITLE 12, A PRESCRIBER PRESCRIBING OR
9 DISPENSING AN OPIATE ANTAGONIST IN ACCORDANCE WITH THIS SECTION,
10 OTHER THAN A PHARMACIST OR OTHER PRESCRIBER PRESCRIBING AND
11 DISPENSING FROM A PRESCRIPTION DRUG OUTLET OR PHARMACY, IS NOT
12 REQUIRED TO COMPLY WITH LAWS RELATING TO LABELING, STORAGE, OR
13 RECORD KEEPING FOR THE OPIATE ANTAGONIST.

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

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

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

23 ~~(4) (b) A law enforcement agency or first responder; an employee~~
24 ~~or volunteer of a harm reduction organization; a school district, school,~~
25 ~~or employee or agent of a school; a person described in section~~
26 ~~25-20.5-1001; or a unit of local government~~ A PERSON OR ENTITY
27 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION acting in accordance

1 with this section is not subject to civil liability or criminal prosecution, as
2 specified in sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

3 (7) As used in this section:

4 (a) ~~"First responder" means: "COMMUNITY CORRECTIONS~~
5 ~~PROGRAM" HAS THE SAME MEANING AS SET FORTH IN SECTION 17-27-102~~
6 ~~(3).~~

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

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

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

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

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

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

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

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

22 (III) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION
23 31-30-1102 (9); OR

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

26 (b.2) "INSTITUTION OF HIGHER EDUCATION" MEANS A PUBLIC OR
27 NONPUBLIC INSTITUTION THAT AWARDS ANY TYPE OF POSTSECONDARY

1 CERTIFICATE, DEGREE, OR OTHER CREDENTIAL, AND IS LOCATED IN
2 COLORADO.

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

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

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

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

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

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

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

17 **13-21-108.7. Persons rendering emergency assistance through**
18 **the administration of an opiate antagonist - limited immunity -**
19 **legislative declaration - definitions. (3) General immunity. (a) A**
20 **person, other than a health-care provider or a health-care facility, who**
21 **acts in good faith to furnish or administer an opiate antagonist, including**
22 **an expired opiate antagonist, to an individual the person believes to be**
23 **suffering an opiate-related drug overdose event or to an individual who**
24 **is in a position to assist the individual at risk of experiencing an**
25 **opiate-related overdose event is not liable for any civil damages for acts**
26 **or omissions made as a result of the act or for any act or omission made**
27 **if the opiate antagonist is stolen, DEFECTIVE, OR PRODUCES AN**

1 UNINTENDED RESULT.

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

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

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

15 **13-21-108.8. Persons furnishing a non-laboratory synthetic**
16 **opiate detection test - limited immunity - definition.** (1) EXCEPT AS
17 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON WHO OR ENTITY
18 THAT ACTS IN GOOD FAITH TO FURNISH A NON-LABORATORY SYNTHETIC
19 OPIATE DETECTION TEST, INCLUDING AN EXPIRED NON-LABORATORY
20 SYNTHETIC OPIATE DETECTION TEST, TO ANOTHER PERSON IS NOT LIABLE
21 FOR ANY CIVIL DAMAGES FOR ACTS, OMISSIONS MADE AS A RESULT OF THE
22 ACT, OR FOR ANY ACT OR OMISSION MADE IF THE NON-LABORATORY
23 SYNTHETIC OPIATE DETECTION TEST IS STOLEN, DEFECTIVE, OR PRODUCES
24 AN INACCURATE RESULT.

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

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

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

7 **17-26-140. Continuity of care for persons released from jail.**

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

12 (a) Provide post-release resources developed pursuant to section
13 17-1-103 (1)(r) to the person; ~~and~~

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

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

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

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

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

11 **SECTION 16.** In Colorado Revised Statutes, 17-26-140, **amend**
12 **(1); and add (3)** as follows:

13 **17-26-140. Continuity of care for persons released from jail.**

14 (1) If a person is treated for a substance use disorder ~~throughout~~ **AT ANY**
15 **TIME DURING** the person's incarceration, the county jail shall, at a
16 minimum, conduct the following before releasing the person from the
17 county jail's custody:

18 (a) Provide post-release resources developed pursuant to section
19 17-1-103 (1)(r) to the person; ~~and~~

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

23 (c) **IF THE PERSON RECEIVED OR HAS BEEN ASSESSED TO RECEIVE**
24 **MEDICATION-ASSISTED TREATMENT WHILE IN JAIL, HAS A HISTORY OF**
25 **SUBSTANCE USE IN THE COMMUNITY OR WHILE IN JAIL,** OR REQUESTS
26 OPIATE ANTAGONISTS UPON RELEASE, PROVIDE THE PERSON, UPON
27 RELEASE FROM THE JAIL, AT LEAST EIGHT MILLIGRAMS OF AN OPIATE

1 ANTAGONIST VIA INHALATION OR ITS EQUIVALENT AND PROVIDE
2 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE
3 MEDICATION; AND

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

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

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

19 **17-27-104. Community corrections programs operated by**
20 **units of local government, state agencies, or nongovernmental**
21 **agencies.** (12) (a) The administrators of a community corrections
22 program established pursuant to this section may implement a behavioral
23 or mental health disorder screening program to screen the persons
24 accepted and placed in the community corrections program. If the
25 administrators choose to implement a behavioral or mental health disorder
26 screening program, the administrators shall use the standardized
27 screening instrument developed pursuant to section 16-11.9-102 and

1 conduct the screening in accordance with procedures established pursuant
2 to said section.

3 (b) (I) STARTING ON OR BEFORE JULY 1, 2023, A COMMUNITY
4 CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL
5 DEVELOP PROTOCOLS TO IDENTIFY WITHDRAWAL SYMPTOMS, DETERMINE
6 WHETHER A MEDICAL REFERRAL IS NEEDED, AND ENSURE INDIVIDUALS
7 HAVE ACCESS TO APPROPRIATE MEDICAL PROFESSIONALS AS NECESSARY.
8 IN INSTANCES WHEN A MEDICALLY SUPERVISED DETOXIFICATION APPEARS
9 NECESSARY, COMMUNITY CORRECTIONS PROGRAM STAFF SHALL ASSIST
10 THE INDIVIDUAL WITH ACCESSING A LOCAL EMERGENCY PROVIDER OR
11 MANAGED SERVICE ORGANIZATION FOR NECESSARY TREATMENT.

12 (II) STARTING ON OR BEFORE JULY 1, 2023, A COMMUNITY
13 CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL
14 PROVIDE MEDICATION-ASSISTED TREATMENT. IF A COMMUNITY
15 CORRECTIONS PROGRAM DOES NOT PROVIDE MEDICATION-ASSISTED
16 TREATMENT, COMMUNITY CORRECTIONS PROGRAM STAFF SHALL ASSIST
17 THE INDIVIDUAL WITH ACCESSING A COMMUNITY-BASED
18 MEDICATION-ASSISTED TREATMENT PROVIDER. A COMMUNITY
19 CORRECTIONS PROGRAM THAT DOES NOT PROVIDE A
20 MEDICATION-ASSISTED TREATMENT PURSUANT TO THIS SUBSECTION (12),
21 SHALL SUBMIT A REPORT BY JULY 1, 2023, TO THE DIVISION OF CRIMINAL
22 JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY DESCRIBING THE BARRIERS
23 TO OFFERING THE SERVICES AND WHAT RESOURCES ARE NECESSARY TO
24 PROVIDE MEDICATION-ASSISTED TREATMENT.

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

27 **18-1-712. Immunity for a person who administers an opiate**

1 **antagonist during an opiate-related drug overdose event - definitions.**

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

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

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

15 **18-19-103. Source of revenues - allocation of money.**

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

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

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

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

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

3 **22-1-119.2. Policy for employee and agent furnishing**
4 **non-laboratory synthetic opiate detection tests - definition.** (1) A
5 SCHOOL DISTRICT BOARD OF EDUCATION OF A PUBLIC SCHOOL, THE STATE
6 CHARTER SCHOOL INSTITUTE FOR AN INSTITUTE CHARTER SCHOOL, OR THE
7 GOVERNING BOARD OF A NONPUBLIC SCHOOL MAY ADOPT AND IMPLEMENT
8 A POLICY WHEREBY A SCHOOL UNDER ITS JURISDICTION MAY ACQUIRE AND
9 MAINTAIN A SUPPLY OF NON-LABORATORY SYNTHETIC OPIATE DETECTION
10 TESTS, AND AN EMPLOYEE OR AGENT OF THE SCHOOL MAY FURNISH
11 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS ON SCHOOL
12 GROUNDS TO ANY INDIVIDUAL.

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

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

18 **25-1.5-115. Opiate antagonist bulk purchase fund - creation**
19 **- rules - report - definition - repeal.** (5) As used in this section,
20 "eligible entity" means A PRESCRIPTION DRUG OUTLET, AS DEFINED BY
21 SECTION 12-280-103 (43), OR A PERSON OR ENTITY DESCRIBED IN SECTION
22 12-30-110 (1)(a); EXCEPT THAT AN EMPLOYEE OR AGENT OF A SCHOOL
23 MUST BE ACTING IN ACCORDANCE WITH SECTION 12-30-110 (1)(b), (2)(b),
24 AND (4)(b), AND, AS APPLICABLE, SECTION 22-1-119.1.

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

27 ~~(b) A person making an opiate antagonist available pursuant to~~

1 ~~section 25-20.5-1001;~~

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

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

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

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

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

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

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

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

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

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

20 **25-1.5-115.3. Non-laboratory synthetic opiate detection tests**

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

25 ANY UNEXPENDED MONEY REMAINING AT THE END OF THE 2022-23 STATE
26 FISCAL YEAR FROM THIS 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 STATE
3 FISCAL YEAR 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) THE DEPARTMENT SHALL DISTRIBUTE THE NON-LABORATORY
7 SYNTHETIC OPIATE DETECTION TESTS TO ELIGIBLE ENTITIES. THE
8 DEPARTMENT MAY PRIORITIZE THE DISTRIBUTION OF NON-LABORATORY
9 SYNTHETIC OPIATE DETECTION TESTS TO ELIGIBLE ENTITIES BASED ON THE
10 NEED OF EACH ENTITY AND THE AVAILABILITY OF THE NON-LABORATORY
11 SYNTHETIC OPIATE DETECTION TESTS AS DETERMINED BY THE
12 DEPARTMENT.

13 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
14 REQUIRES:

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

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

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

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

25 **25-1.5-115.5. Fentanyl prevention and education campaign -**
26 **website.** (1) SUBJECT TO AVAILABLE APPROPRIATIONS, BEGINNING IN THE
27 2022-23 STATE FISCAL YEAR, THE DEPARTMENT SHALL DEVELOP,

1 IMPLEMENT, AND MAINTAIN AN ONGOING STATEWIDE PREVENTION AND
2 EDUCATION CAMPAIGN TO ADDRESS THE FENTANYL EDUCATION NEEDS IN
3 THE STATE. IN THE PREVENTION AND EDUCATION CAMPAIGN, THE DIVISION
4 SHALL PROVIDE INFORMATION TO THE GENERAL PUBLIC ABOUT FENTANYL,
5 ITS DANGERS, PRECAUTIONARY MEASURES TO AVOID RISKS AND PREVENT
6 HARM CAUSED BY FENTANYL, RESOURCES FOR ADDICTION TREATMENT
7 AND SERVICES, AND LAWS REGARDING FENTANYL, INCLUDING CRIMINAL
8 PENALTIES AND IMMUNITY FOR REPORTING AN OVERDOSE EVENT
9 PURSUANT TO SECTION 18-1-711. ANY UNEXPENDED MONEY REMAINING
10 AT THE END OF THE 2022-23 STATE FISCAL YEAR FROM THIS
11 APPROPRIATION:

12 (a) DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER
13 FUND;

14 (b) MAY BE USED BY THE DEPARTMENT IN THE 2023-24 AND
15 2024-25 STATE FISCAL YEARS WITHOUT FURTHER APPROPRIATION; AND

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

18 (2) IN FURTHERANCE OF THE GOALS OF THE FENTANYL PREVENTION
19 AND EDUCATION CAMPAIGN, THE DIVISION MAY USE TELEVISION
20 ADVERTISING, RADIO BROADCASTS, PRINT MEDIA, DIGITAL STRATEGIES, OR
21 ANY OTHER MEDIA DEEMED NECESSARY AND APPROPRIATE BY THE
22 DIVISION TO REACH THE TARGET AUDIENCES OF THE CAMPAIGN.

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

1 (4) IN FURTHERANCE OF THE GOALS OF THE FENTANYL PREVENTION
2 AND EDUCATION CAMPAIGN, THE DIVISION SHALL DEVELOP, IMPLEMENT,
3 AND MAINTAIN A WEBSITE TO SERVE AS THE STATE RESOURCE FOR THE
4 MOST ACCURATE AND TIMELY INFORMATION REGARDING FENTANYL. AT
5 A MINIMUM, THE WEBSITE MUST INCLUDE INFORMATION CONCERNING
6 FENTANYL, ITS DANGERS, PRECAUTIONARY MEASURES TO AVOID RISKS
7 AND PREVENT HARM CAUSED BY FENTANYL, RESOURCES FOR ADDICTION
8 TREATMENT AND SERVICES, AND LAWS REGARDING FENTANYL, INCLUDING
9 CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING AN OVERDOSE EVENT
10 PURSUANT TO SECTION 18-1-711.

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

13 **25-20.5-1101. Harm reduction grant program - creation -**
14 **application - permissible uses - department duties.** (1) Subject to
15 available appropriations, the department shall develop and implement a
16 harm reduction grant program, referred to in this section as the "grant
17 program", to PREVENT OVERDOSE DEATHS AND reduce health risks
18 associated with drug use. ~~and improve coordination between law~~
19 ~~enforcement agencies, public health agencies, and community-based~~
20 ~~organizations.~~ The department may contract with an independent entity
21 for the administration of the grant program.

22 (2) (a) To be eligible to receive grant funding pursuant to this part
23 11, an entity must be: ~~a nonprofit organization in good standing and~~
24 ~~registered with the federal internal revenue service and the Colorado~~
25 ~~secretary of state's office, a local public health agency established~~
26 ~~pursuant to section 25-1-506, or a law enforcement agency.~~

27 (I) A NONPROFIT ORGANIZATION THAT IS IN GOOD STANDING AND

1 REGISTERED WITH THE FEDERAL INTERNAL REVENUE SERVICE AND THE
2 COLORADO SECRETARY OF STATE'S OFFICE;

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

5 (III) A TRIBAL AGENCY OR PROGRAM;

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

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

10 (VI) A BEHAVIORAL HEALTH ENTITY, AS DEFINED IN SECTION
11 25-27.6-102 (6); OR

12 (VII) A LAW ENFORCEMENT AGENCY.

13 (b) AN ELIGIBLE ENTITY MAY SUBMIT A PROPOSAL ON BEHALF OF
14 A GROUP OF ELIGIBLE ENTITIES, AND APPORTION GRANT FUNDS
15 ACCORDINGLY, TO FOSTER COMMUNITY COLLABORATION AND COLLECTIVE
16 IMPACT.

17 (c) Grantees must be willing to provide services to individuals
18 who may not be ready to seek addiction treatment services or who are in
19 recovery.

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

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

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

27 ~~(†)~~ (a) Trainings relevant to the field of harm reduction ~~which~~

1 THAT may include ~~how to administer naloxone~~ OVERDOSE PREVENTION,
2 SAFER SUBSTANCE USE PRACTICES, SAFE DISPOSAL, AND ACCESS TO AND
3 ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
4 SYNTHETIC OPIATE DETECTION TESTS;

5 ~~(H)~~ (b) Purchasing and providing sterile equipment,
6 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS, and syringe
7 disposal equipment;

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

12 ~~(V)~~ (d) Outreach and engagement to people who come into
13 contact with or who are at risk of coming into contact with the criminal
14 justice system and who are in need of mental health or substance use
15 disorder ~~services~~ TREATMENT, OVERDOSE PREVENTION, HARM REDUCTION,
16 OR RECOVERY SUPPORT SERVICES;

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

21 ~~(VI)~~ ~~Coordinating local efforts regarding co-responder and~~
22 ~~diversion programs; and~~

23 ~~(VH)~~ (f) Auricular acudetox training and services;

24 (g) PUBLIC EDUCATION AND OUTREACH ABOUT SYNTHETIC
25 OPIATES, OVERDOSE RISKS, RECOGNIZING AN OVERDOSE EVENT,
26 RESOURCES FOR ADDICTION TREATMENT AND SERVICES, ACCESS TO AND
27 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;

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

7 (i) DEVELOPING, OR EXPANDING EXISTING, COMMUNITY-BASED
8 ORGANIZATIONS THAT PROVIDE OVERDOSE PREVENTION, EARLY
9 INTERVENTION, AND HARM REDUCTION SERVICES;

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

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

15 (l) SUPPORT FOR A LIAISON WITH EXPERIENCE COLLABORATING
16 WITH COMMUNITY-BASED ORGANIZATIONS AND LOCAL PUBLIC HEALTH
17 AGENCIES.

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

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

25 **25-20.5-1102. Harm reduction grant program cash fund -**
26 **creation - repeal.** (5) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE
27 GENERAL ASSEMBLY SHALL APPROPRIATE SIX MILLION DOLLARS FROM THE

1 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION
2 24-75-230, TO THE FUND.

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

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

6 **27-60-106. Jail-based behavioral health services program -**
7 **purpose - created - funding - repeal.** (4) Subject to available
8 appropriations, the office ~~may~~ SHALL require a county jail that receives
9 funding through the program to:

10 (b) Assess all individuals ~~booked into the jail facility~~ WHEN
11 ~~BOOKED INTO THE JAIL FACILITY AND AT ANY TIME SUBSEQUENT TO~~
12 ~~BOOKING WHEN CLINICALLY INDICATED~~ for substance use withdrawal
13 symptoms and develop protocols for medical detoxification monitoring
14 procedures, MEDICATION-ASSISTED TREATMENT, OR OTHER APPROPRIATE
15 WITHDRAWAL MANAGEMENT CARE;

16 (5) (a) The office shall require a county jail that receives funding
17 through the program to have a policy in place on or before January 1,
18 2020, that describes how medication-assisted treatment, as it is defined
19 in section 23-21-803, will be provided, when necessary, to individuals
20 confined in the county jail. THE OFFICE SHALL REQUIRE A COUNTY JAIL
21 THAT RECEIVES FUNDING THROUGH THE PROGRAM TO ~~DEVELOP,~~
22 ~~IMPLEMENT, AND PUBLISH~~ A POLICY ON OR BEFORE JANUARY 1, 2023,
23 THAT DESCRIBES THE PROVISION OF MEDICATION-ASSISTED TREATMENT
24 AND OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE UPON
25 RELEASE FROM JAIL.

26

27 **SECTION 27.** In Colorado Revised Statutes, 27-60-106, **amend**

1 (4) introductory portion, (4)(b), and (5)(a); as follows:

2 **27-60-106. Jail-based behavioral health services program -**
3 **purpose - created - funding - repeal.** (4) Subject to available
4 appropriations, the ~~office may~~ BHA SHALL require a county jail that
5 receives funding through the program to:

6 (b) Assess all individuals ~~booked into the jail facility~~ WHEN
7 BOOKED INTO THE JAIL FACILITY AND AT ANY TIME SUBSEQUENT TO
8 BOOKING WHEN CLINICALLY INDICATED for substance use withdrawal
9 symptoms and develop protocols for medical detoxification monitoring
10 procedures, MEDICATION-ASSISTED TREATMENT, OR OTHER APPROPRIATE
11 WITHDRAWAL MANAGEMENT CARE;

12 (5) (a) The ~~office~~ BHA shall require a county jail that receives
13 funding through the program to have a policy in place on or before
14 January 1, 2020, that describes how medication-assisted treatment, as it
15 is defined in section 23-21-803, will be provided, when necessary, to
16 individuals confined in the county jail. THE BHA SHALL REQUIRE A
17 COUNTY JAIL THAT RECEIVES FUNDING THROUGH THE PROGRAM TO
18 DEVELOP, IMPLEMENT, AND PUBLISH A POLICY ON OR BEFORE JANUARY 1,
19 2023, THAT DESCRIBES THE PROVISION OF MEDICATION-ASSISTED
20 TREATMENT AND OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE
21 UPON RELEASE FROM JAIL.

22
23 **SECTION 28.** In Colorado Revised Statutes, **add** 27-80-107.7 as
24 follows:

25 **27-80-107.7. Increase synthetic opiate treatment - report.**
26 (1) ON OR BEFORE JANUARY 1, 2023, EACH MANAGED SERVICE
27 ORGANIZATION DESIGNATED PURSUANT TO SECTION 27-80-107 SHALL

1 EVALUATE THE CURRENT SUPPLY AND NECESSARY DEMAND WITHIN ITS
2 REGION FOR:

3 (a) THE NUMBER OF MEDICATION-ASSISTED TREATMENT
4 PROVIDERS EMPLOYED BY THE MANAGED SERVICE ORGANIZATION WHO
5 ARE TRAINED TO PROVIDE MEDICATION-ASSISTED TREATMENT TO A
6 PERSON WHO HAS CONSUMED SYNTHETIC OPIATES;

7 (b) AMBULATORY WITHDRAWAL MANAGEMENT AND MEDICAL
8 WITHDRAWAL MANAGEMENT SPECIFIC TO SYNTHETIC OPIATES;

9 (c) THE PROVISION OF RECOVERY SERVICES AT PUBLIC HIGH
10 SCHOOLS; AND

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

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

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

21 **27-80-127. Fentanyl education and treatment program.** THE
22 OFFICE OF BEHAVIORAL HEALTH SHALL DEVELOP A FENTANYL EDUCATION
23 PROGRAM FOR THE PURPOSE OF SECTIONS 18-1.3-410 AND 18-1.3-510. 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 OFFICE OF
4 BEHAVIORAL HEALTH MAY UPDATE THE FENTANYL EDUCATION PROGRAM
5 CURRICULUM AS NECESSARY.

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

8 **27-80-127. Fentanyl education and treatment program.** THE
9 BEHAVIORAL HEALTH ADMINISTRATION SHALL DEVELOP A FENTANYL
10 EDUCATION PROGRAM FOR THE PURPOSE OF SECTIONS 18-1.3-410 AND
11 18-1.3-510. THE FENTANYL EDUCATION PROGRAM MUST INCLUDE
12 INFORMATION REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF
13 SYNTHETIC OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH,
14 ACCESS TO AND ADMINISTRATION OF OPIATE ANTAGONISTS AND
15 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS, AND LAWS
16 REGARDING SYNTHETIC OPIATES, INCLUDING CRIMINAL PENALTIES AND
17 IMMUNITY FOR REPORTING AN OVERDOSE EVENT PURSUANT TO SECTION
18 18-1-711. THE BHA MAY UPDATE THE FENTANYL EDUCATION PROGRAM
19 CURRICULUM AS NECESSARY.

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

22 **18-1.3-103.5. Felony convictions - vacate and enter conviction**
23 **on misdemeanor after successful completion.** (3) This section applies
24 to convictions for the following offenses:

25 (c) Possession of more than twelve ounces of marijuana or more
26 than three ounces of marijuana concentrate; ~~or~~

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

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

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

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

11 (III) If the offense is a class 4, class 5, or class 6 felony, a level 3
12 or level 4 drug felony EXCEPT A LEVEL 4 DRUG FELONY FOR A CONVICTION
13 PURSUANT TO SECTION 18-18-403.5 (2.5), or a class 1 misdemeanor, the
14 motion may be filed three years after the later of the date of the final
15 disposition of all criminal proceedings against the defendant or the
16 release of the defendant from supervision concerning a criminal
17 conviction.

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

20 18-1.3-801. Punishment for habitual criminals.
21 (2) (a) (I) Except as otherwise provided in ~~paragraph (b) of this~~
22 ~~subsection (2)~~ SUBSECTIONS (2)(b), (2)(c), and ~~in subsection (5) of this~~
23 section, every person convicted in this state of any felony, who has been
24 three times previously convicted, upon charges separately brought and
25 tried, and arising out of separate and distinct criminal episodes, either in
26 this state or elsewhere, of a felony or, under the laws of any other state,
27 the United States, or any territory subject to the jurisdiction of the United

1 States, of a crime which, if committed within this state, would be a
2 felony, shall be adjudged an habitual criminal and shall be punished:

3 (2) (c) THE PROVISIONS OF SUBSECTION (2)(a) OF THIS SECTION DO
4 NOT APPLY TO A CONVICTION FOR A LEVEL 4 DRUG FELONY COMMITTED ON
5 OR AFTER JULY 1, 2022, PURSUANT TO SECTION 18-18-403.5 (2.5), OR A
6 CONVICTION FOR A LEVEL 4 DRUG FELONY COMMITTED ON OR AFTER JULY
7 1, 2022, FOR ATTEMPT OR CONSPIRACY TO COMMIT UNLAWFUL POSSESSION
8 OF FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG
9 THEREOF, AS DESCRIBED IN SECTION 18-18-403.5 (2.5), EVEN IF THE
10 PERSON HAS BEEN PREVIOUSLY CONVICTED OF THREE OR MORE
11 QUALIFYING FELONY CONVICTIONS.

12 **SECTION 34.** In Colorado Revised Statutes, **add** part 14 to
13 article 20.5 of title 25 as follows:

14 **PART 14**

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

16 **25-20.5-1401. Independent study - report - repeal.** (1) (a) BY
17 JANUARY 1, 2023, THE DEPARTMENT SHALL CONTRACT WITH AN
18 INDEPENDENT ENTITY TO CONDUCT A STUDY AND PUBLISH A REPORT
19 CONCERNING THE IMPACT AND IMPLEMENTATION OF HOUSE BILL 22-1326.

20 (b) THE DEPARTMENT SHALL CONSULT WITH THE JUDICIAL
21 DEPARTMENT, THE OFFICE OF BEHAVIORAL HEALTH, AND OTHER
22 STAKEHOLDERS IDENTIFIED BY THE DEPARTMENT IN DEVELOPING AND
23 ISSUING A REQUEST FOR PROPOSALS TO ENSURE CANDIDATES HAVE
24 EXPERTISE IN DATA COLLECTION AND PROGRAM ANALYSIS, AND RELEVANT
25 CRIMINAL LAW AND HARM REDUCTION ISSUES.

26 (2) AT A MINIMUM, THE INDEPENDENT ENTITY SHALL IDENTIFY
27 AND REPORT FINDINGS REGARDING AVAILABLE DATA AND INFORMATION

1 FROM JULY 1, 2019, THROUGH JUNE 30, 2024, OBTAINED FROM THE
2 COLORADO JUDICIAL DEPARTMENT AND TREATMENT PROVIDERS SERVING
3 THE PROBATION POPULATION. DATA AND INFORMATION FROM CASES FILED
4 AND PRACTICES IMPLEMENTED PRIOR TO JULY 1, 2022, MUST BE INCLUDED
5 IN THE STUDY IN AN EFFORT TO ESTABLISH BASELINE INFORMATION, AS
6 NECESSARY. THE DATA AND INFORMATION MUST BE REPORTED BOTH ON
7 A STATEWIDE BASIS AND DISAGGREGATED BY JUDICIAL DISTRICT. THE
8 DATA AND INFORMATION MUST INCLUDE, BUT IS NOT LIMITED TO:

9 (a) EVERY CASE WITH A CHARGE FILED PURSUANT TO SECTION
10 18-18-403.5 (2.5) FOR THE UNLAWFUL POSSESSION OF FENTANYL,
11 CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF,
12 INCLUDING:

13 (I) WHETHER A MISDEMEANOR OR FELONY CHARGE WAS FILED;

14 (II) WHETHER AN ARREST WAS MADE OR A SUMMONS WAS ISSUED
15 FOR THE CHARGE;

16 (III) WHETHER ANOTHER CRIMINAL CHARGE WAS FILED IN THE
17 CASE, AND IF SO, WHAT CHARGE;

18 (IV) THE DISPOSITION OF THE CASE, INCLUDING THE SENTENCE
19 IMPOSED;

20 (V) WHETHER THE DEFENDANT IS CURRENTLY SERVING THE
21 SENTENCE AND IF THE SENTENCE INCLUDES PROBATION SUPERVISION;

22 (VI) WHETHER THE DEFENDANT SUCCESSFULLY COMPLETED THE
23 SENTENCE, INCLUDING IF THE DEFENDANT SUCCESSFULLY COMPLETED AN
24 INITIAL PROBATIONARY SENTENCE OR WHETHER PROBATION WAS REVOKED
25 AND RESULTED IN INCARCERATION IN JAIL OR PRISON;

26 (VII) IF PROBATION WAS REVOKED, WHETHER THE REVOCATION
27 WAS FOR A NEW CRIMINAL CASE OR A TECHNICAL VIOLATION;

1 (VIII) WHETHER SUBSTANCE USE TREATMENT WAS ORDERED AND,
2 IF SO, WHAT TYPE, INCLUDING WHETHER THE COURT ORDERED PLACEMENT
3 IN A RESIDENTIAL TREATMENT FACILITY PURSUANT TO SECTION 18-1.3-410
4 OR 18-1.3-510; AND

5 (IX) THE RACE, GENDER, AND AGE OF THE DEFENDANT, AND
6 WHETHER THE DEFENDANT WAS REPRESENTED BY COURT-APPOINTED
7 COUNSEL OR OTHERWISE DETERMINED TO BE INDIGENT.

8 (3) AT A MINIMUM, THE INDEPENDENT ENTITY SHALL IDENTIFY
9 AND REPORT FINDINGS BASED ON AVAILABLE DATA AND INFORMATION
10 OBTAINED FROM THE OFFICE OF BEHAVIORAL HEALTH, THE DEPARTMENT
11 OF PUBLIC HEALTH AND ENVIRONMENT, MANAGED SERVICE
12 ORGANIZATIONS, AND OTHER APPLICABLE AGENCIES AND TREATMENT
13 PROVIDERS, REGARDING:

14 (a) THE PREVENTION AND EDUCATION CAMPAIGN DEVELOPED BY
15 THE DEPARTMENT PURSUANT TO SECTION 25-1.5-115.5 AND THE
16 FENTANYL EDUCATION PROGRAM DEVELOPED BY THE OFFICE OF
17 BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127, INCLUDING THE
18 METHOD AND REACH OF THE CAMPAIGN AND PROGRAM;

19 (b) THE IMPLEMENTATION OF MEDICATION-ASSISTED TREATMENT
20 AND OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE BY EVERY
21 JAIL; ==

22 (c) THE ELIGIBLE ENTITIES THAT PURCHASED OPIATE ANTAGONISTS
23 THROUGH THE OPIATE ANTAGONIST BULK PURCHASE FUND PURSUANT TO
24 SECTION 25-1.5-115, INCLUDING THE AMOUNT OF OPIATE ANTAGONISTS
25 PURCHASED BY EACH ELIGIBLE ENTITY AND THE REVENUE RECEIVED BY
26 THE BULK PURCHASE FUND;

27 (d) THE ELIGIBLE ENTITIES THAT RECEIVED NON-LABORATORY

1 SYNTHETIC OPIATE DETECTION TESTS PURSUANT TO SECTION 25-1.5-115.3
2 AND THE AMOUNT OF NON-LABORATORY SYNTHETIC OPIATE DETECTION
3 TESTS RECEIVED BY EACH ELIGIBLE ENTITY;

4 (e) THE HARM REDUCTION GRANT PROGRAM, CREATED IN SECTION
5 25-20.5-1101, INCLUDING:

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

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

12 (III) EVIDENCE-BASED RESEARCH DEVELOPED THROUGH THE
13 PROGRAM CONCERNING BEST OR PROMISING PRACTICES IN OVERDOSE
14 PREVENTION, EARLY INTERVENTION, HARM REDUCTION, AND
15 MEDICATION-ASSISTED TREATMENT; ==

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

20 (g) THE MANAGED SERVICE ORGANIZATIONS CONTRACTS
21 DEVELOPED PURSUANT TO SECTION 27-80-107.8 TO PROVIDE SHORT-TERM
22 RESIDENTIAL PLACEMENT FOR WITHDRAWAL MANAGEMENT, CRISIS
23 STABILIZATION, OR MEDICATION-ASSISTED TREATMENT, INCLUDING THE
24 NUMBER OF FACILITIES, THEIR LOCATION, SERVICES PROVIDED, AND THE
25 NUMBER OF PERSONS SERVED; AND

26 (h) THE TRAINING AND COORDINATION EFFORTS DEVELOPED AND
27 IMPLEMENTED BY THE MANAGED SERVICE ORGANIZATIONS WITH FIRST

1 RESPONDERS AND REFERRING ENTITIES REGARDING THE AVAILABLE
2 SERVICES TO BE UTILIZED IN LIEU OF ARREST AND TRANSPORT TO JAIL.

3 (4) THE INDEPENDENT ENTITY SHALL REQUEST ALL NECESSARY
4 DATA NECESSARY TO COMPLETE THE STUDY, AND EACH AGENCY OR
5 ORGANIZATION SHALL ESTABLISH ANY DATA SHARING AGREEMENT
6 NECESSARY, SUBJECT TO ALL FEDERAL AND STATE PRIVACY LAWS
7 NECESSARY TO PROTECT PRIVACY, TO SUPPORT THE STUDY.

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

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

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

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

18 **PART 14**

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

20 **25-20.5-1401. Independent study - report - repeal.** (1) (a) BY
21 JANUARY 1, 2023, THE DEPARTMENT SHALL CONTRACT WITH AN
22 INDEPENDENT ENTITY TO CONDUCT A STUDY AND PUBLISH A REPORT
23 CONCERNING THE IMPACT AND IMPLEMENTATION OF HOUSE BILL 22-1326.

24 (b) THE DEPARTMENT SHALL CONSULT WITH THE JUDICIAL
25 DEPARTMENT, THE BEHAVIORAL HEALTH ADMINISTRATION, AND OTHER
26 STAKEHOLDERS IDENTIFIED BY THE DEPARTMENT IN DEVELOPING AND
27 ISSUING A REQUEST FOR PROPOSALS TO ENSURE CANDIDATES HAVE

1 EXPERTISE IN DATA COLLECTION AND PROGRAM ANALYSIS, AND RELEVANT
2 CRIMINAL LAW AND HARM REDUCTION ISSUES.

3 (2) AT A MINIMUM, THE INDEPENDENT ENTITY SHALL IDENTIFY
4 AND REPORT FINDINGS REGARDING AVAILABLE DATA AND INFORMATION
5 FROM JULY 1, 2019, THROUGH JUNE 30, 2024, OBTAINED FROM THE
6 COLORADO JUDICIAL DEPARTMENT AND TREATMENT PROVIDERS SERVING
7 THE PROBATION POPULATION. DATA AND INFORMATION FROM CASES FILED
8 AND PRACTICES IMPLEMENTED PRIOR TO JULY 1, 2022, MUST BE INCLUDED
9 IN THE STUDY IN AN EFFORT TO ESTABLISH BASELINE INFORMATION, AS
10 NECESSARY. THE DATA AND INFORMATION MUST BE REPORTED BOTH ON
11 A STATEWIDE BASIS AND DISAGGREGATED BY JUDICIAL DISTRICT. THE
12 DATA AND INFORMATION MUST INCLUDE, BUT IS NOT LIMITED TO:

13 (a) EVERY CASE WITH A CHARGE FILED PURSUANT TO SECTION
14 18-18-403.5 (2.5) FOR THE UNLAWFUL POSSESSION OF FENTANYL,
15 CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF,
16 INCLUDING:

17 (I) WHETHER A MISDEMEANOR OR FELONY CHARGE WAS FILED;

18 (II) WHETHER AN ARREST WAS MADE OR A SUMMONS WAS ISSUED
19 FOR THE CHARGE;

20 (III) WHETHER ANOTHER CRIMINAL CHARGE WAS FILED IN THE
21 CASE, AND IF SO, WHAT CHARGE;

22 (IV) THE DISPOSITION OF THE CASE, INCLUDING THE SENTENCE
23 IMPOSED;

24 (V) WHETHER THE DEFENDANT IS CURRENTLY SERVING THE
25 SENTENCE AND IF THE SENTENCE INCLUDES PROBATION SUPERVISION;

26 (VI) WHETHER THE DEFENDANT SUCCESSFULLY COMPLETED THE
27 SENTENCE, INCLUDING IF THE DEFENDANT SUCCESSFULLY COMPLETED AN

1 INITIAL PROBATIONARY SENTENCE OR WHETHER PROBATION WAS REVOKED
2 AND RESULTED IN INCARCERATION IN JAIL OR PRISON;

3 (VII) IF PROBATION WAS REVOKED, WHETHER THE REVOCATION
4 WAS FOR A NEW CRIMINAL CASE OR A TECHNICAL VIOLATION;

5 (VIII) WHETHER SUBSTANCE USE TREATMENT WAS ORDERED AND,
6 IF SO, WHAT TYPE, INCLUDING WHETHER THE COURT ORDERED PLACEMENT
7 IN A RESIDENTIAL TREATMENT FACILITY PURSUANT TO SECTION 18-1.3-410
8 OR 18-1.3-510; AND

9 (IX) THE RACE, GENDER, AND AGE OF THE DEFENDANT, AND
10 WHETHER THE DEFENDANT WAS REPRESENTED BY COURT-APPOINTED
11 COUNSEL OR OTHERWISE DETERMINED TO BE INDIGENT.

12 (3) AT A MINIMUM, THE INDEPENDENT ENTITY SHALL IDENTIFY
13 AND REPORT FINDINGS BASED ON AVAILABLE DATA AND INFORMATION
14 OBTAINED FROM THE BEHAVIORAL HEALTH ADMINISTRATION, THE
15 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, MANAGED SERVICE
16 ORGANIZATIONS, AND OTHER APPLICABLE AGENCIES AND TREATMENT
17 PROVIDERS, REGARDING:

18 (a) THE PREVENTION AND EDUCATION CAMPAIGN DEVELOPED BY
19 THE DEPARTMENT PURSUANT TO SECTION 25-1.5-115.5 AND THE
20 FENTANYL EDUCATION PROGRAM DEVELOPED BY THE BEHAVIORAL
21 HEALTH ADMINISTRATION PURSUANT TO SECTION 27-80-127, INCLUDING
22 THE METHOD AND REACH OF THE CAMPAIGN AND PROGRAM;

23 (b) THE IMPLEMENTATION OF MEDICATION-ASSISTED TREATMENT
24 AND OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE BY EVERY
25 JAIL;

26 (c) THE ELIGIBLE ENTITIES THAT PURCHASED OPIATE ANTAGONISTS
27 THROUGH THE OPIATE ANTAGONIST BULK PURCHASE FUND PURSUANT TO

1 SECTION 25-1.5-115, INCLUDING THE AMOUNT OF OPIATE ANTAGONISTS
2 PURCHASED BY EACH ELIGIBLE ENTITY AND THE REVENUE RECEIVED BY
3 THE BULK PURCHASE FUND;

4 (d) THE ELIGIBLE ENTITIES THAT RECEIVED NON-LABORATORY
5 SYNTHETIC OPIATE DETECTION TESTS PURSUANT TO SECTION 25-1.5-115.3
6 AND THE AMOUNT OF NON-LABORATORY SYNTHETIC OPIATE DETECTION
7 TESTS RECEIVED BY EACH ELIGIBLE ENTITY;

8 (e) THE HARM REDUCTION GRANT PROGRAM, CREATED IN SECTION
9 25-20.5-1101, INCLUDING:

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

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

16 (III) EVIDENCE-BASED RESEARCH DEVELOPED THROUGH THE
17 PROGRAM CONCERNING BEST OR PROMISING PRACTICES IN OVERDOSE
18 PREVENTION, EARLY INTERVENTION, HARM REDUCTION, AND
19 MEDICATION-ASSISTED TREATMENT; ==

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

24 (g) THE MANAGED SERVICE ORGANIZATION CONTRACTS
25 DEVELOPED PURSUANT TO SECTION 27-80-107.8 TO PROVIDE SHORT-TERM
26 RESIDENTIAL PLACEMENT FOR WITHDRAWAL MANAGEMENT, CRISIS
27 STABILIZATION, OR MEDICATION-ASSISTED TREATMENT, INCLUDING THE

1 NUMBER OF FACILITIES, THEIR LOCATION, SERVICES PROVIDED, AND THE
2 NUMBER OF PERSONS SERVED; AND

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

7 (4) THE INDEPENDENT ENTITY SHALL REQUEST ALL NECESSARY
8 DATA NECESSARY TO COMPLETE THE STUDY, AND EACH AGENCY OR
9 ORGANIZATION SHALL ESTABLISH ANY DATA-SHARING AGREEMENT
10 NECESSARY, SUBJECT TO ALL FEDERAL AND STATE PRIVACY LAWS
11 NECESSARY TO PROTECT PRIVACY, TO SUPPORT THE STUDY.

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

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

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

20 **SECTION 36.** In Colorado Revised Statutes, **add 27-80-107.8** as
21 **follows:**

22 **27-80-107.8. Withdrawal management and crisis service**
23 **expansion - appropriation.** (1) ON OR BEFORE JANUARY 1, 2023, EACH
24 **MANAGED SERVICE ORGANIZATION SHALL:**

25 **(a) CONTRACT TO PROVIDE SHORT-TERM RESIDENTIAL PLACEMENT**
26 **FOR WITHDRAWAL MANAGEMENT, CRISIS STABILIZATION, OR**
27 **MEDICATION-ASSISTED TREATMENT FOR PERSONS IN IMMEDIATE NEED OF**

1 DETOXIFICATION AND STABILIZATION SERVICES, WITH A PROVIDER WHO IS
2 LICENSED BY THE STATE OF COLORADO TO PROVIDE THOSE SERVICES.

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

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

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

17 (a) DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER
18 FUND;

19 (b) MAY BE USED BY THE OFFICE OF BEHAVIORAL HEALTH IN THE
20 2023-24 OR 2024-25 STATE FISCAL YEARS WITHOUT FURTHER
21 APPROPRIATION; AND

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

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

26 **27-80-107.8. Withdrawal management and crisis service**
27 **expansion - appropriation.** (1) ON OR BEFORE JANUARY 1, 2023, EACH

1 MANAGED SERVICE ORGANIZATION SHALL:

2 (a) CONTRACT TO PROVIDE SHORT-TERM RESIDENTIAL PLACEMENT
3 FOR WITHDRAWAL MANAGEMENT, CRISIS STABILIZATION, OR
4 MEDICATION-ASSISTED TREATMENT FOR PERSONS IN IMMEDIATE NEED OF
5 DETOXIFICATION AND STABILIZATION SERVICES, WITH A PROVIDER WHO IS
6 LICENSED BY THE STATE OF COLORADO TO PROVIDE THOSE SERVICES.

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

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

15 (2) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
16 ASSEMBLY SHALL APPROPRIATE TEN MILLION DOLLARS TO THE
17 BEHAVIORAL HEALTH ADMINISTRATION TO BE DISTRIBUTED TO MANAGED
18 SERVICE ORGANIZATIONS FOR THE PURPOSE OF IMPLEMENTING THIS
19 SECTION. ANY UNEXPENDED MONEY REMAINING AT THE END OF THE
20 2022-23 STATE FISCAL YEAR FROM THIS APPROPRIATION:

21 (a) DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER
22 FUND;

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

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

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

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

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

14 (a) INVESTIGATING DEATHS AND SERIOUS INJURIES CAUSED BY
15 ILLEGAL SYNTHETIC OPIATE POISONING;

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

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

26 (d) ANALYZING EMERGENT TRENDS IN MARKETS, INCLUDING THE
27 USE OF THE POSTAL SERVICE, PRIVATE COURIER, COMMERCIAL CARGO, AND

1 THE INTERNET, FOR THE IMPORT AND DISTRIBUTION OF ILLEGAL SYNTHETIC
2 OPIATES THROUGH A SYSTEMATIC AND STANDARDIZED APPROACH,
3 INCLUDING THE USE OF NOVEL, HIGH-FREQUENCY, AND REAL-TIME
4 SYSTEMS TO ENHANCE MARKET SURVEILLANCE.

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

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

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

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

27 (b) ON OR BEFORE DECEMBER 1, 2023, AND ON OR BEFORE

1 DECEMBER 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT
2 PROGRAM, THE DIVISION SHALL SUBMIT A SUMMARIZED REPORT TO THE
3 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
4 SENATE, OR ANY SUCCESSOR COMMITTEES. AT A MINIMUM, THE REPORT
5 MUST INCLUDE THE INFORMATION PROVIDED BY GRANT RECIPIENTS TO THE
6 DIVISION PURSUANT TO THIS SUBSECTION (5).

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

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

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

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

27 **SECTION 39.** In Colorado Revised Statutes, add 24-31-115 as

1 follows:

2 24-31-115. Online fentanyl trafficking - study - report -

3 appropriation - repeal. (1) THE ATTORNEY GENERAL SHALL STUDY THE

4 USE OF THE INTERNET, INCLUDING RETAIL, PAYMENT, AND SOCIAL MEDIA

5 PLATFORMS, FOR THE PURPOSE OF TRAFFICKING FENTANYL, FENTANYL

6 ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIATES, AND

7 COUNTERFEIT PRESCRIPTION DRUGS.

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

9 (a) EXAMINE THE PREVALENCE OF THE AVAILABILITY AND

10 ACCESSIBILITY FOR FENTANYL, FENTANYL ANALOGS OR COMPOUNDS

11 THEREOF, SYNTHETIC OPIATES, AND COUNTERFEIT PRESCRIPTION DRUGS

12 THROUGH THE INTERNET;

13 (b) IDENTIFY WEBSITE POLICIES AND PRACTICES INTENDED TO

14 PREVENT THE USE OF THE WEBSITE FOR TRAFFICKING FENTANYL,

15 FENTANYL ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIATES, AND

16 COUNTERFEIT PRESCRIPTION DRUGS;

17 (c) IDENTIFY LAWS IMPLEMENTED BY OTHER STATES OR THE

18 FEDERAL GOVERNMENT INTENDED TO PREVENT THE USE OF THE INTERNET

19 FOR TRAFFICKING FENTANYL, FENTANYL ANALOGS OR COMPOUNDS

20 THEREOF, SYNTHETIC OPIATES, AND COUNTERFEIT PRESCRIPTION DRUGS;

21 AND

22 (d) EXAMINE ANY OTHER RELEVANT DATA, INFORMATION, OR

23 RESOURCES, AS DEEMED NECESSARY BY THE DEPARTMENT OF LAW,

24 CONCERNING THE USE OF THE INTERNET FOR TRAFFICKING FENTANYL,

25 FENTANYL ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIATES, AND

26 COUNTERFEIT PRESCRIPTION DRUGS.

27 (3) BY MARCH 1, 2023, THE ATTORNEY GENERAL SHALL COMPLETE

1 AND PUBLISH A REPORT OF ITS FINDINGS PURSUANT TO SUBSECTION (2) OF
2 THIS SECTION. THE REPORT MUST ALSO INCLUDE RECOMMENDATIONS FOR
3 POTENTIAL STATE LEGISLATION:

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

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

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

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

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

26 (5) BY MARCH 1, 2023, THE ATTORNEY GENERAL SHALL SUBMIT
27 THE COMPLETED REPORT PURSUANT TO SUBSECTION (3) OF THIS SECTION

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

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

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

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

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

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

17 (V) ~~Carfentanil~~ CARFENTANIL;

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

20 **27-60-114. Study of health effects of felonizing fentanyl**
21 **possession - repeal.** (1) NOLATER THAN NOVEMBER 1, 2022, THE OFFICE
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 OFFICE 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 OFFICE 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 OFFICE.

20 (d) NO LATER THAN JANUARY 31, 2025, THE OFFICE SHALL
21 PUBLISH THE REPORT ON THE OFFICE'S WEBSITE AND SUBMIT THE REPORT
22 TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE, THE HOUSE
23 OF 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.

27 (3) THE COSTS ASSOCIATED WITH PERFORMING THE STUDY

1 PURSUANT TO THIS SECTION MUST BE PAID FROM THE CORRECTIONAL
2 TREATMENT CASH FUND CREATED IN SECTION 18-19-103 (4).

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

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

6 **18-19-103. Source of revenues - allocation of money - repeal.**

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

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

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

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

17 (B) THIS SUBSECTION (5)(c)(VIII) IS REPEALED, EFFECTIVE JULY
18 1, 2025.

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

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

1 AND SUBSTANCE USE, TO CONDUCT AN INDEPENDENT STUDY OF THE
2 HEALTH EFFECTS OF CRIMINAL PENALTIES PURSUANT TO CHANGES TO
3 SECTION 18-18-403.5 (2.5) IN HOUSE BILL 22-1326, ENACTED IN 2022. AT
4 A MINIMUM, THE STUDY MUST ADDRESS THE FOLLOWING:

5 (a) WHETHER THE PENALTIES PURSUANT TO SECTION 18-18-403.5
6 (2.5):

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

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

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

1 HEALTH OUTCOMES TO CONSIDER INCLUDE, BUT ARE NOT LIMITED TO,
2 FATAL AND NONFATAL OVERDOSES AND INITIATION AND RETENTION ON
3 MEDICATIONS FOR OPIATE USE DISORDER.

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

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

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

25 (I) ALL REASONABLY AVAILABLE CRIMINAL JUSTICE DATA
26 REQUESTED BY THE INDEPENDENT ENTITY;

27 (II) OPIATE OVERDOSE DEATH RECORDS, INCLUDING TOXICOLOGY

1 REPORTS, IF AVAILABLE;

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

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

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

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

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

22 (d) NO LATER THAN JANUARY 31, 2025, THE BHA SHALL PUBLISH
23 THE REPORT ON THE BHA'S WEBSITE AND SUBMIT THE REPORT TO THE
24 HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE, THE HOUSE OF
25 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
26 SERVICES COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES
27 COMMITTEE, AND THE SENATE JUDICIARY COMMITTEE, OR THEIR

1 SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR
2 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
3 GOVERNMENT ACT" PRESENTATION REQUIRED PURSUANT TO SECTION
4 2-7-203.

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

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

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

11 **18-19-103. Source of revenues - allocation of money - repeal.**

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

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

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

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

22 (B) THIS SUBSECTION (5)(c)(VIII) IS REPEALED, EFFECTIVE JULY
23 1, 2025.

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

26 **17-26-104.9. Opioid treatment for a person in custody -**
27 **definitions - repeal. (1) (a) A facility, whether operated by a**

1 governmental entity or private contractor, may make available opioid
2 agonists and opioid antagonists to a person in custody with an opioid use
3 disorder. The facility is strongly encouraged to maintain the treatment of
4 the person throughout the duration of the person's incarceration, as
5 medically necessary.

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

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

13 (a) THE FACILITY SHALL OFFER OPIATE AGONIST TREATMENT TO A
14 PERSON IN CUSTODY WITH AN OPIATE USE DISORDER AT INTAKE TO THE
15 FACILITY OR AT THE REQUEST OF THE PERSON IN CUSTODY. THE FACILITY
16 SHALL ONLY OFFER OPIATE ANTAGONIST TREATMENT FOR OPIATE USE
17 DISORDER WHEN SPECIFICALLY REQUESTED BY THE PERSON OR WHEN
18 MEDICALLY NECESSARY.

19 (b) THE FACILITY SHALL PERFORM A NON-MEDICAL EVALUATION
20 OF THE PERSON UPON ENTRY INTO CUSTODY AT THE FACILITY FOR
21 SUBSTANCE USE DISORDER.

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

1 AGONIST, AS MEDICALLY APPROPRIATE.

2 (d) THE FACILITY SHALL MAKE AVAILABLE DAILY A QUALIFIED
3 MEDICATION ADMINISTRATION PERSONNEL.

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

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

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

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

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

21 **27-60-106.7. Technical assistance to jails - appropriation -**
22 **repeal.** (1) THE OFFICE OF BEHAVIORAL HEALTH SHALL PROVIDE
23 TECHNICAL ASSISTANCE TO FACILITIES IN MEETING THEIR REQUIREMENTS
24 PURSUANT TO SECTION 17-26-104.9 (1.5). TECHNICAL ASSISTANCE
25 INCLUDES DEVELOPMENT AND IMPLEMENTATION OF
26 MEDICATION-ASSISTED TREATMENT, APPROVAL OF PRESCRIBERS BY THE
27 UNITED STATES DRUG ENFORCEMENT AGENCY, AND OTHER APPROPRIATE

1 WITHDRAWAL MANAGEMENT CARE, AND ASSISTANCE WITH IDENTIFYING
2 BULK PURCHASING OPPORTUNITIES FOR NECESSARY SERVICES.

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

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

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

13 **27-50-802. Technical assistance to jails - appropriation -**
14 **repeal. (1) THE BEHAVIORAL HEALTH ADMINISTRATION SHALL PROVIDE**
15 **TECHNICAL ASSISTANCE TO FACILITIES IN MEETING THEIR REQUIREMENTS**
16 **PURSUANT TO SECTION 17-26-104.9 (1.5). TECHNICAL ASSISTANCE**
17 **INCLUDES DEVELOPMENT AND IMPLEMENTATION OF**
18 **MEDICATION-ASSISTED TREATMENT, APPROVAL OF PRESCRIBERS BY THE**
19 **UNITED STATES DRUG ENFORCEMENT AGENCY, AND OTHER APPROPRIATE**
20 **WITHDRAWAL MANAGEMENT CARE, AND ASSISTANCE WITH IDENTIFYING**
21 **BULK PURCHASING OPPORTUNITIES FOR NECESSARY SERVICES.**

22 (2) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
23 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE
24 BEHAVIORAL HEALTH AND MENTAL HEALTH CASH FUND, CREATED IN
25 SECTION 24-75-230, TO THE BEHAVIORAL HEALTH ADMINISTRATION FOR
26 THE PURPOSE OF PROVIDING TECHNICAL ASSISTANCE TO JAILS WITH
27 MEETING THEIR REQUIREMENTS PURSUANT TO SECTION 17-26-104.9.

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

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

4 PART 14
5 OVERDOSE DETECTION MAPPING APPLICATION PROGRAM

6 **25-20.5-1401. Overdose detection mapping application**
7 **program.** ON OR BEFORE JULY 1, 2023, THE DEPARTMENT SHALL REQUIRE
8 EMERGENCY MEDICAL SERVICE PROVIDERS, CORONERS, EVERY STATE OR
9 LOCAL LAW ENFORCEMENT AGENCY AND SHERIFF'S OFFICE IN THE STATE,
10 AND EMERGENCY DEPARTMENTS TO PARTICIPATE IN THE OVERDOSE
11 DETECTION MAPPING APPLICATION PROGRAM TO REPORT INCIDENCES OF
12 FATAL AND NON-FATAL DRUG OVERDOSES AND SYNTHETIC OPIATE
13 POISONINGS. NOTWITHSTANDING ANY LAW TO THE CONTRARY, LAW
14 ENFORCEMENT SHALL NOT USE THE OVERDOSE DETECTION MAPPING
15 APPLICATION PROGRAM FOR WELFARE CHECKS, WARRANT CHECKS, OR
16 CRIMINAL INVESTIGATIONS.

17 **SECTION 49.** In Colorado Revised Statutes, add 27-60-114 as
18 follows:

19 **27-60-115. Colorado overdose prevention review committee -**
20 **creation - duties - repeal.** (1) ON JULY 1, 2024, THE COLORADO
21 OVERDOSE PREVENTION REVIEW COMMITTEE IS CREATED IN THE OFFICE,
22 REFERRED TO IN THIS SECTION AS THE "COMMITTEE", FOR THE PURPOSE OF:

23 (a) REVIEWING SPECIFIC CASES OF NON-FATAL AND FATAL
24 DRUG-RELATED OVERDOSES THAT OCCUR IN COLORADO;

25 (b) IDENTIFYING THE CAUSES OF OVERDOSES AND
26 OVERDOSE-RELATED DEATH AND CONDUCTING A REVIEW OF OTHER
27 FACTORS INCLUDING, BUT NOT LIMITED TO, HOUSING STATUS OR CRIMINAL

1 JUSTICE INVOLVEMENT;

2 (c) DEVELOPING EVIDENCE-BASED RECOMMENDATIONS TO
3 ADDRESS PREVENTABLE OVERDOSE-RELATED DEATH, INCLUDING
4 LEGISLATION, POLICIES, AREAS FOR FURTHER SCIENTIFIC RESEARCH,
5 RULES, TRAINING, AND BEST PRACTICES THAT WILL SUPPORT THE HEALTH
6 AND SAFETY OF INDIVIDUALS WHO USE SUBSTANCES THAT MAY CAUSE
7 OVERDOSE IN COLORADO AND PREVENT OVERDOSE-RELATED DEATHS; AND

8 (d) ANNUALLY MAKE POLICY-RELATED AND FUNDING-RELATED
9 RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY
10 ABOUT DRUG TRENDS, INCLUDING SYNTHETIC DRUGS THAT MAY IMPACT
11 THE HEALTH AND WELL-BEING OF COLORADANS AND THAT PRESENT A
12 HIGH RISK FOR CAUSING OVERDOSE-RELATED DEATHS.

13 (2) (a) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT
14 SHALL APPOINT THE FOLLOWING MEMBERS TO SERVE ON THE COMMITTEE:

15 (I) TWO MEMBERS WHO HAVE EXPERIENCED AN OVERDOSE OR
16 HAVE A SUBSTANCE USE DISORDER;

17 (II) TWO PHYSICIANS WITH EXPERTISE IN ADDICTION MEDICINE,
18 ONE OF WHOM HAS EXPERTISE IN MEDICAL COMPLICATIONS OF SUBSTANCE
19 USE;

20 (III) TWO PUBLIC HEALTH OR EPIDEMIOLOGY EXPERTS WITH
21 EXPERTISE IN SUBSTANCE USE;

22 (IV) A REPRESENTATIVE OF THE DISTRICT ATTORNEYS APPOINTED
23 BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS'
24 COUNCIL;

25 (V) A REPRESENTATIVE OF COUNTY SHERIFFS, APPOINTED BY THE
26 DIRECTOR OF A STATEWIDE ORGANIZATION REPRESENTING SHERIFFS;

27 (VI) A REPRESENTATIVE OF THE CHIEFS OF POLICE, APPOINTED BY

1 THE PRESIDENT OF A STATEWIDE ORGANIZATION OF CHIEFS OF POLICE;
2 (VII) A PUBLIC DEFENDER;
3 (VIII) A REPRESENTATIVE FROM A HARM REDUCTION
4 ORGANIZATION; AND
5 (IX) A SUBSTANCE USE TREATMENT OR RECOVERY PROVIDER.
6 (b) EACH MEMBER'S TERM IS THREE YEARS; EXCEPT THAT THE
7 TERM OF THE FIRST SIX MEMBERS APPOINTED IS TWO YEARS. MEMBERS
8 MAY SERVE UP TO THREE TERMS. THE EXECUTIVE DIRECTOR SHALL FILL
9 ANY VACANCIES ON THE COMMITTEE.
10 (c) THE EXECUTIVE DIRECTOR SHALL MAKE AN EFFORT TO INCLUDE
11 COMMITTEE MEMBERS WORKING IN AND REPRESENTING COMMUNITIES
12 THAT ARE DIVERSE WITH REGARD TO RACE, ETHNICITY, IMMIGRATION
13 STATUS, ENGLISH PROFICIENCY, INCOME, WEALTH, AND GEOGRAPHIC
14 REGION OF THE STATE, INCLUDING BOTH URBAN AND RURAL AREAS.
15 (3) THE COMMITTEE MAY FORM SPECIAL AD HOC PANELS TO
16 FURTHER INVESTIGATE DRUG TRENDS, OVERDOSES AND
17 OVERDOSE-RELATED DEATHS WHEN THE NEED ARISES.
18 (4) THE COMMITTEE SHALL:
19 (a) REVIEW A REPRESENTATIVE SUBSET OF NON-FATAL AND FATAL
20 OVERDOSES IN COLORADO;
21 (b) REVIEW MEDICAL RECORDS AND OTHER RELEVANT DATA
22 RELATED TO EACH OVERDOSE DEATH, INCLUDING, BUT NOT LIMITED TO,
23 WHETHER THE PERSON WAS RECENTLY ENGAGED IN TREATMENT OR
24 PREVIOUSLY INCARCERATED;
25 (c) TAKE STEPS TO IMPROVE THE QUALITY AND SCOPE OF DATA
26 OBTAINED THROUGH INVESTIGATIONS AND REVIEW OF OVERDOSES AND
27 OVERDOSE-RELATED DEATHS;

1 (d) IDENTIFY TRENDS AND PATTERNS ACROSS RACIAL,
2 GEOGRAPHIC, AND OTHER GROUPS RELATED TO OVERDOSES AND
3 OVERDOSE-RELATED DEATHS;

4 (e) DEVELOP EVIDENCE-BASED RECOMMENDATIONS FOR THE
5 PREVENTION OF OVERDOSES AND OVERDOSE-RELATED DEATHS AND
6 DELIVER THE RECOMMENDATIONS TO THE LEGISLATURE AND GOVERNOR;

7 (f) PERFORM ANY OTHER FUNCTIONS AS RESOURCES ALLOW TO
8 ENHANCE THE CAPABILITY OF THE STATE TO REDUCE AND PREVENT
9 OVERDOSES AND OVERDOSE-RELATED DEATHS;

10 (g) ADVISE THE OFFICE IN THE ADMINISTRATION'S WORK ON
11 DECREASING OVERDOSES AND OVERDOSE-RELATED DEATHS;

12 (h) INFORM THE LEGISLATURE AND GOVERNOR OF DRUG TRENDS
13 NATIONALLY, INCLUDING IF A NEW DRUG TREND OCCURS AND WHAT THE
14 STATE MAY DO TO MITIGATE ANY FORTHCOMING HARM THE DRUG MAY
15 HAVE ON THE STATE; AND

16 (i) FACILITATE THE DEVELOPMENT OF A COMPREHENSIVE
17 STATEWIDE DATABASE FOR THE PURPOSE OF ADDRESSING THE OVERDOSE
18 CRISIS.

19 (5) THE OFFICE SHALL COMPILE REPORTS IN DISAGGREGATED AND
20 DE-IDENTIFIED FORMS ON TRENDS OR OTHER FINDINGS AND
21 RECOMMENDATIONS ON A BI-ANNUAL BASIS FOR DISTRIBUTION IN AN
22 EFFORT TO FURTHER STUDY THE CAUSES AND PROBLEMS ASSOCIATED WITH
23 OVERDOSES AND OVERDOSE-RELATED DEATHS THAT MAY BE DISTRIBUTED
24 TO POLICY MAKERS, LAW ENFORCEMENT, HEALTH-CARE PROVIDERS AND
25 FACILITIES, BEHAVIORAL HEALTH PROVIDERS, PUBLIC HEALTH
26 PROFESSIONALS, AND OTHERS NECESSARY TO REDUCE OVERDOSES AND
27 OVERDOSE-RELATED DEATHS.

1 (6) (a) (I) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE
2 COMMITTEE MAY ACCESS MEDICAL RECORDS RELATED TO OVERDOSE
3 DEATHS UPON REQUEST AT ANY TIME UP TO SEVEN YEARS AFTER THE LAST
4 TREATMENT OF A PATIENT.

5 (II) A HEALTH-CARE PROVIDER OR A HEALTH-CARE FACILITY
6 LICENSED OR CERTIFIED PURSUANT TO ARTICLE 3 OF THIS TITLE 25 SHALL
7 PROVIDE MEDICAL RECORDS TO THE DEPARTMENT CONCERNING EACH
8 OVERDOSE DEATH FOR ACCESS BY THE MEMBERS OF THE COMMITTEE.

9 (III) UPON REQUEST OF THE DEPARTMENT, A LAW ENFORCEMENT
10 OFFICER SHALL PROVIDE A POLICE REPORT, AND A CORONER SHALL
11 PROVIDE RECORDS OF THE CORONER AND MEDICAL EXAMINER
12 INVESTIGATIONS, THAT INVOLVE A OVERDOSE DEATH TO THE COMMITTEE.

13 (IV) A HEALTH-CARE PROVIDER, PHARMACIST, HEALTH-CARE
14 FACILITY, LAW ENFORCEMENT OFFICER, OR CORONER IS NOT CIVILLY OR
15 CRIMINALLY LIABLE FOR THE RELEASE OF MEDICAL RECORDS WHEN
16 MAKING A GOOD-FAITH EFFORT TO COMPLY WITH THIS SUBSECTION (6).

17 (b) (I) THE DISCUSSIONS IN COMMITTEE MEETINGS OR MEETINGS
18 OF AN AD HOC PANEL FORMED PURSUANT TO SECTION 25-52-104 (3)
19 CONCERNING DETAILS OF A OVERDOSE DEATH THAT COULD IDENTIFY AN
20 INDIVIDUAL INVOLVED ARE CONFIDENTIAL AND ARE NOT SUBJECT TO
21 SECTION 24-6-402.

22 (II) THE COMMITTEE MEETING NOTES, STATEMENTS, MEDICAL
23 RECORDS, REPORTS, COMMUNICATIONS, AND MEMORANDA OBTAINED BY
24 THE COMMITTEE THAT CONTAIN INFORMATION THAT COULD IDENTIFY AN
25 INDIVIDUAL INVOLVED IN A OVERDOSE DEATH ARE CONFIDENTIAL AND ARE
26 NOT SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF
27 ARTICLE 72 OF TITLE 24.

1 (III) MEMBERS OF THE COMMITTEE ARE NOT SUBJECT TO
2 SUBPOENA IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING
3 REGARDING THE INFORMATION PRESENTED IN OR OPINIONS FORMED AS A
4 RESULT OF A MEETING OR COMMUNICATION OF THE COMMITTEE; EXCEPT
5 THAT THIS SUBSECTION (2)(C) DOES NOT PREVENT A MEMBER OF THE
6 COMMITTEE FROM TESTIFYING REGARDING INFORMATION OR OPINIONS
7 OBTAINED INDEPENDENTLY OF THE COMMITTEE OR THAT ARE PUBLIC
8 INFORMATION.

9 (IV) NOTES, STATEMENTS, MEDICAL RECORDS, REPORTS,
10 COMMUNICATIONS, AND MEMORANDA THAT ARE CONFIDENTIAL PURSUANT
11 TO SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION ARE NOT;

12 (A) SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO
13 EVIDENCE IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING,
14 UNLESS THE SUBPOENA IS DIRECTED TO A SOURCE THAT IS SEPARATE AND
15 APART FROM THE COMMITTEE. NOTHING IN THIS SECTION LIMITS OR
16 RESTRICTS THE RIGHT TO DISCOVER OR USE IN A CIVIL, CRIMINAL, OR
17 ADMINISTRATIVE PROCEEDING NOTES, STATEMENTS, MEDICAL RECORDS,
18 REPORTS, COMMUNICATIONS, OR MEMORANDA THAT ARE AVAILABLE FROM
19 ANOTHER SOURCE SEPARATE AND APART FROM THE COMMITTEE AND THAT
20 ARISE ENTIRELY INDEPENDENT OF THE COMMITTEE'S ACTIVITIES.

21 (B) ADMISSIBLE AS EVIDENCE IN ANY ACTION IN ANY COURT OR
22 BEFORE ANY TRIBUNAL, BOARD, AGENCY, OR PERSON AND SHALL NOT BE
23 EXHIBITED OR DISCLOSED IN ANY WAY BY ANY PERSON UNLESS THE
24 INFORMATION WAS OBTAINED FROM ANOTHER SOURCE THAT IS SEPARATE
25 AND APART FROM THE COMMITTEE, EXCEPT AS MAY BE NECESSARY TO
26 FURTHER THE DUTIES OF THE COMMITTEE OR IN RESPONSE TO AN ALLEGED
27 VIOLATION OF A CONFIDENTIALITY AGREEMENT PURSUANT TO SUBSECTION

1 (6)(b)(V) OF THIS SECTION.

2 (V) EACH COMMITTEE MEMBER SHALL SIGN A CONFIDENTIALITY
3 AGREEMENT THAT REQUIRES THE MEMBER'S ADHERENCE TO SUBSECTIONS
4 (6)(b)(I) AND (6)(b)(II) OF THIS SECTION. A MEMBER WHO KNOWINGLY
5 VIOLATES THE CONFIDENTIALITY AGREEMENT COMMITS A PETTY OFFENSE.

6 (7) THE COMMITTEE AND THE DEPARTMENT SHALL COMPLY WITH
7 ALL APPLICABLE STATE AND FEDERAL LAWS AND RULES RELATING TO THE
8 TRANSMISSION OF HEALTH INFORMATION.

9 (8) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2033.
10 BEFORE THE REPEAL, THE FUNCTIONS OF THE COMMITTEE ARE SCHEDULED
11 FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

12 **SECTION 50. In Colorado Revised Statutes, add 27-50-802, as**
13 **part 8 of article 50 of title 27 as added by House Bill 22-1278, as**
14 **follows:**

15 **27-50-802. Colorado overdose prevention review committee -**
16 **creation - duties - repeal.** (1) ON JULY 1, 2024, THE COLORADO
17 OVERDOSE PREVENTION REVIEW COMMITTEE IS CREATED IN THE
18 BEHAVIORAL HEALTH ADMINISTRATION, REFERRED TO IN THIS SECTION AS
19 THE "COMMITTEE", FOR THE PURPOSE OF:

20 (a) REVIEWING SPECIFIC CASES OF NON-FATAL AND FATAL
21 DRUG-RELATED OVERDOSES THAT OCCUR IN COLORADO;

22 (b) IDENTIFYING THE CAUSES OF OVERDOSES AND
23 OVERDOSE-RELATED DEATH AND CONDUCTING A REVIEW OF OTHER
24 FACTORS INCLUDING, BUT NOT LIMITED TO, HOUSING STATUS OR CRIMINAL
25 JUSTICE INVOLVEMENT;

26 (c) DEVELOPING EVIDENCE-BASED RECOMMENDATIONS TO
27 ADDRESS PREVENTABLE OVERDOSE-RELATED DEATH, INCLUDING

1 LEGISLATION, POLICIES, AREAS FOR FURTHER SCIENTIFIC RESEARCH,
2 RULES, TRAINING, AND BEST PRACTICES THAT WILL SUPPORT THE HEALTH
3 AND SAFETY OF INDIVIDUALS WHO USE SUBSTANCES THAT MAY CAUSE
4 OVERDOSE IN COLORADO AND PREVENT OVERDOSE-RELATED DEATHS; AND

5 (d) ANNUALLY MAKE POLICY-RELATED AND FUNDING-RELATED
6 RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY
7 ABOUT DRUG TRENDS, INCLUDING SYNTHETIC DRUGS THAT MAY IMPACT
8 THE HEALTH AND WELL-BEING OF COLORADANS AND THAT PRESENT A
9 HIGH RISK FOR CAUSING OVERDOSE-RELATED DEATHS.

10 (2) (a) THE COMMISSIONER SHALL APPOINT THE FOLLOWING
11 MEMBERS TO SERVE ON THE COMMITTEE:

12 (I) TWO MEMBERS WHO HAVE EXPERIENCED AN OVERDOSE OR
13 HAVE A SUBSTANCE USE DISORDER;

14 (II) TWO PHYSICIANS WITH EXPERTISE IN ADDICTION MEDICINE,
15 ONE OF WHOM HAS EXPERTISE IN MEDICAL COMPLICATIONS OF SUBSTANCE
16 USE;

17 (III) TWO PUBLIC HEALTH OR EPIDEMIOLOGY EXPERTS WITH
18 EXPERTISE IN SUBSTANCE USE;

19 (IV) A REPRESENTATIVE OF THE DISTRICT ATTORNEYS APPOINTED
20 BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS'
21 COUNCIL;

22 (V) A REPRESENTATIVE OF COUNTY SHERIFFS, APPOINTED BY THE
23 DIRECTOR OF A STATEWIDE ORGANIZATION REPRESENTING SHERIFFS;

24 (VI) A REPRESENTATIVE OF THE CHIEFS OF POLICE, APPOINTED BY
25 THE PRESIDENT OF A STATEWIDE ORGANIZATION OF CHIEFS OF POLICE;

26 (VII) A PUBLIC DEFENDER;

27 (VIII) A REPRESENTATIVE FROM A HARM REDUCTION

1 ORGANIZATION; AND

2 (IX) A SUBSTANCE USE TREATMENT OR RECOVERY PROVIDER.

3 (b) EACH MEMBER'S TERM IS THREE YEARS; EXCEPT THAT THE
4 TERM OF THE FIRST SIX MEMBERS APPOINTED IS TWO YEARS. MEMBERS
5 MAY SERVE UP TO THREE TERMS. THE EXECUTIVE DIRECTOR SHALL FILL
6 ANY VACANCIES ON THE COMMITTEE.

7 (c) THE COMMISSIONER SHALL MAKE AN EFFORT TO INCLUDE
8 COMMITTEE MEMBERS WORKING IN AND REPRESENTING COMMUNITIES
9 THAT ARE DIVERSE WITH REGARD TO RACE, ETHNICITY, IMMIGRATION
10 STATUS, ENGLISH PROFICIENCY, INCOME, WEALTH, AND GEOGRAPHIC
11 REGION OF THE STATE, INCLUDING BOTH URBAN AND RURAL AREAS.

12 (3) THE COMMITTEE MAY FORM SPECIAL AD HOC PANELS TO
13 FURTHER INVESTIGATE DRUG TRENDS, OVERDOSES AND
14 OVERDOSE-RELATED DEATHS WHEN THE NEED ARISES.

15 (4) THE COMMITTEE SHALL:

16 (a) REVIEW A REPRESENTATIVE SUBSET OF NON-FATAL AND FATAL
17 OVERDOSES IN COLORADO;

18 (b) REVIEW MEDICAL RECORDS AND OTHER RELEVANT DATA
19 RELATED TO EACH OVERDOSE DEATH, INCLUDING, BUT NOT LIMITED TO,
20 WHETHER THE PERSON WAS RECENTLY ENGAGED IN TREATMENT OR
21 PREVIOUSLY INCARCERATED;

22 (c) TAKE STEPS TO IMPROVE THE QUALITY AND SCOPE OF DATA
23 OBTAINED THROUGH INVESTIGATIONS AND REVIEW OF OVERDOSES AND
24 OVERDOSE-RELATED DEATHS;

25 (d) IDENTIFY TRENDS AND PATTERNS ACROSS RACIAL,
26 GEOGRAPHIC, AND OTHER GROUPS RELATED TO OVERDOSES AND
27 OVERDOSE-RELATED DEATHS;

1 (e) DEVELOP EVIDENCE-BASED RECOMMENDATIONS FOR THE
2 PREVENTION OF OVERDOSES AND OVERDOSE-RELATED DEATHS AND
3 DELIVER THE RECOMMENDATIONS TO THE LEGISLATURE AND GOVERNOR;

4 (f) PERFORM ANY OTHER FUNCTIONS AS RESOURCES ALLOW TO
5 ENHANCE THE CAPABILITY OF THE STATE TO REDUCE AND PREVENT
6 OVERDOSES AND OVERDOSE-RELATED DEATHS;

7 (g) ADVISE THE OFFICE IN THE ADMINISTRATION'S WORK ON
8 DECREASING OVERDOSES AND OVERDOSE-RELATED DEATHS;

9 (h) INFORM THE LEGISLATURE AND GOVERNOR OF DRUG TRENDS
10 NATIONALLY, INCLUDING IF A NEW DRUG TREND OCCURS, AND WHAT THE
11 STATE MAY DO TO MITIGATE ANY FORTHCOMING HARM THE DRUG MAY
12 HAVE ON THE STATE; AND

13 (i) FACILITATE THE DEVELOPMENT OF A COMPREHENSIVE
14 STATEWIDE DATABASE FOR THE PURPOSES OF ADDRESSING THE OVERDOSE
15 CRISIS.

16 (5) THE ADMINISTRATION SHALL COMPILE REPORTS IN
17 DISAGGREGATED AND DE-IDENTIFIED FORMS ON TRENDS OR OTHER
18 FINDINGS AND RECOMMENDATIONS ON A BI-ANNUAL BASIS FOR
19 DISTRIBUTION IN AN EFFORT TO FURTHER STUDY THE CAUSES AND
20 PROBLEMS ASSOCIATED WITH OVERDOSES AND OVERDOSE-RELATED
21 DEATHS THAT MAY BE DISTRIBUTED TO POLICY MAKERS, LAW
22 ENFORCEMENT, HEALTH-CARE PROVIDERS AND FACILITIES, BEHAVIORAL
23 HEALTH PROVIDERS, PUBLIC HEALTH PROFESSIONALS, AND OTHERS
24 NECESSARY TO REDUCE OVERDOSES AND OVERDOSE-RELATED DEATHS.

25 (6) (a) (I) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE
26 COMMITTEE MAY ACCESS MEDICAL RECORDS RELATED TO OVERDOSE
27 DEATHS UPON REQUEST AT ANY TIME UP TO SEVEN YEARS AFTER THE LAST

1 TREATMENT OF A PATIENT.

2 (II) A HEALTH-CARE PROVIDER OR A HEALTH-CARE FACILITY
3 LICENSED OR CERTIFIED PURSUANT TO ARTICLE 3 OF THIS TITLE 25 SHALL
4 PROVIDE MEDICAL RECORDS TO THE ADMINISTRATION CONCERNING EACH
5 OVERDOSE MORTALITY FOR ACCESS BY THE MEMBERS OF THE COMMITTEE.

6 (III) UPON REQUEST OF THE ADMINISTRATION, A LAW
7 ENFORCEMENT OFFICER SHALL PROVIDE A POLICE REPORT, AND A CORONER
8 SHALL PROVIDE RECORDS OF THE CORONER AND MEDICAL EXAMINER
9 INVESTIGATIONS, THAT INVOLVE A OVERDOSE DEATH TO THE COMMITTEE.

10 (IV) A HEALTH-CARE PROVIDER, PHARMACIST, HEALTH-CARE
11 FACILITY, LAW ENFORCEMENT OFFICER, OR CORONER IS NOT CIVILLY OR
12 CRIMINALLY LIABLE FOR THE RELEASE OF MEDICAL RECORDS WHEN
13 MAKING A GOOD-FAITH EFFORT TO COMPLY WITH THIS SUBSECTION (6).

14 (b) (I) THE DISCUSSIONS IN COMMITTEE MEETINGS OR MEETINGS
15 OF AN AD HOC PANEL FORMED PURSUANT TO SECTION 25-52-104 (3)
16 CONCERNING DETAILS OF A OVERDOSE DEATH THAT COULD IDENTIFY AN
17 INDIVIDUAL INVOLVED ARE CONFIDENTIAL AND ARE NOT SUBJECT TO
18 SECTION 24-6-402.

19 (II) THE COMMITTEE MEETING NOTES, STATEMENTS, MEDICAL
20 RECORDS, REPORTS, COMMUNICATIONS, AND MEMORANDA OBTAINED BY
21 THE COMMITTEE THAT CONTAIN INFORMATION THAT COULD IDENTIFY AN
22 INDIVIDUAL INVOLVED IN A OVERDOSE DEATH ARE CONFIDENTIAL AND ARE
23 NOT SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF
24 ARTICLE 72 OF TITLE 24.

25 (III) MEMBERS OF THE COMMITTEE ARE NOT SUBJECT TO
26 SUBPOENA IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING
27 REGARDING THE INFORMATION PRESENTED IN OR OPINIONS FORMED AS A

1 RESULT OF A MEETING OR COMMUNICATION OF THE COMMITTEE; EXCEPT
2 THAT THIS SUBSECTION (2)(C) DOES NOT PREVENT A MEMBER OF THE
3 COMMITTEE FROM TESTIFYING REGARDING INFORMATION OR OPINIONS
4 OBTAINED INDEPENDENTLY OF THE COMMITTEE OR THAT ARE PUBLIC
5 INFORMATION.

6 (IV) NOTES, STATEMENTS, MEDICAL RECORDS, REPORTS,
7 COMMUNICATIONS, AND MEMORANDA THAT ARE CONFIDENTIAL PURSUANT
8 TO SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION ARE NOT;

9 (A) SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO
10 EVIDENCE IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING,
11 UNLESS THE SUBPOENA IS DIRECTED TO A SOURCE THAT IS SEPARATE AND
12 APART FROM THE COMMITTEE. NOTHING IN THIS SECTION LIMITS OR
13 RESTRICTS THE RIGHT TO DISCOVER OR USE IN A CIVIL, CRIMINAL, OR
14 ADMINISTRATIVE PROCEEDING NOTES, STATEMENTS, MEDICAL RECORDS,
15 REPORTS, COMMUNICATIONS, OR MEMORANDA THAT ARE AVAILABLE FROM
16 ANOTHER SOURCE SEPARATE AND APART FROM THE COMMITTEE AND THAT
17 ARISE ENTIRELY INDEPENDENT OF THE COMMITTEE'S ACTIVITIES.

18 (B) ADMISSIBLE AS EVIDENCE IN ANY ACTION IN ANY COURT OR
19 BEFORE ANY TRIBUNAL, BOARD, AGENCY, OR PERSON AND SHALL NOT BE
20 EXHIBITED OR DISCLOSED IN ANY WAY BY ANY PERSON UNLESS THE
21 INFORMATION WAS OBTAINED FROM ANOTHER SOURCE THAT IS SEPARATE
22 AND APART FROM THE COMMITTEE, EXCEPT AS MAY BE NECESSARY TO
23 FURTHER THE DUTIES OF THE COMMITTEE OR IN RESPONSE TO AN ALLEGED
24 VIOLATION OF A CONFIDENTIALITY AGREEMENT PURSUANT TO SUBSECTION
25 (6)(b)(V) OF THIS SECTION.

26 (V) EACH COMMITTEE MEMBER SHALL SIGN A CONFIDENTIALITY
27 AGREEMENT THAT REQUIRES THE MEMBER'S ADHERENCE TO SUBSECTIONS

1 (6)(b)(I) AND (6)(b)(II) OF THIS SECTION. A MEMBER WHO KNOWINGLY
2 VIOLATES THE CONFIDENTIALITY AGREEMENT COMMITS A PETTY OFFENSE.

3 (7) THE COMMITTEE AND THE ADMINISTRATION SHALL COMPLY
4 WITH ALL APPLICABLE STATE AND FEDERAL LAWS AND RULES RELATING TO
5 THE TRANSMISSION OF HEALTH INFORMATION.

6 (8) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2033.
7 BEFORE THE REPEAL, THE FUNCTIONS OF THE COMMITTEE ARE SCHEDULED
8 FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

9 **SECTION 51.** In Colorado Revised Statutes, 2-3-1203, add (22)
10 as follows:

11 **2-3-1203. Sunset review of advisory committees - legislative**
12 **declaration - definition - repeal.** (22) (a) THE FOLLOWING STATUTORY
13 AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL
14 REPEAL ON SEPTEMBER 1, 2032:

15 (I) THE COLORADO OVERDOSE PREVENTION REVIEW COMMITTEE
16 CREATED IN SECTION 27-60-114;

17 (b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1,
18 2033.

19 **SECTION 52.** In Colorado Revised Statutes, 2-3-1203, add (22)
20 as follows:

21 **2-3-1203. Sunset review of advisory committees - legislative**
22 **declaration - definition - repeal.** (22) (a) THE FOLLOWING STATUTORY
23 AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL
24 REPEAL ON SEPTEMBER 1, 2032:

25 (I) THE COLORADO OVERDOSE PREVENTION REVIEW COMMITTEE
26 CREATED IN SECTION 27-50-802;

27 (b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1,

1 2033.

2 SECTION 53. In Colorado Revised Statutes, amend 25.5-5-509
3 as follows:

4 25.5-5-509. Substance use disorder - prescription drugs -
5 opiate antagonist. (1) Notwithstanding any provisions of this part 5 to
6 the contrary, for the treatment of a substance use disorder, in
7 promulgating rules, and subject to any necessary federal authorization, the
8 state board shall authorize reimbursement for at least one federal food and
9 drug administration-approved ready-to-use opioid overdose reversal drug
10 without prior authorization.

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

14 (b) A HOSPITAL OR EMERGENCY DEPARTMENT SHALL RECEIVE
15 REIMBURSEMENT UNDER THE MEDICAL ASSISTANCE PROGRAM FOR THE
16 COST OF AN OPIATE ANTAGONIST IF, IN ACCORDANCE WITH SECTION
17 12-30-110, A PRESCRIBER, AS DEFINED IN SECTION 12-30-110 (7)(h),
18 DISPENSES AN OPIATE ANTAGONIST UPON DISCHARGE TO A MEDICAL
19 ASSISTANCE RECIPIENT WHO IS AT RISK OF EXPERIENCING AN
20 OPIATE-RELATED DRUG OVERDOSE EVENT OR TO A FAMILY MEMBER,
21 FRIEND, OR OTHER PERSON IN A POSITION TO ASSIST A MEDICAL
22 ASSISTANCE RECIPIENT WHO IS AT RISK OF EXPERIENCING AN
23 OPIATE-RELATED DRUG OVERDOSE EVENT.

24 (c) THE STATE DEPARTMENT SHALL SEEK FEDERAL FINANCIAL
25 PARTICIPATION FOR THE COST OF REIMBURSEMENT FOR THE OPIATE
26 ANTAGONIST, BUT SHALL PROVIDE REIMBURSEMENT TO THE HOSPITAL OR
27 EMERGENCY DEPARTMENT FOR THE OPIATE ANTAGONIST USING STATE

1 MONEY UNTIL FEDERAL FINANCIAL PARTICIPATION IS AVAILABLE.

2 **SECTION 54. In Colorado Revised Statutes, 27-81-104, amend**
3 **(1)(q) and (1)(r); and add (1)(s) as follows:**

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

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

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

11 **(s) TRAIN EMERGENCY DEPARTMENTS AND CERTIFIED PEACE**
12 **OFFICERS IN THE PROCEDURES REQUIRED PURSUANT TO SECTIONS**
13 **27-81-111 AND 27-81-112.**

14 **SECTION 55. In Colorado Revised Statutes, 27-81-104, amend**
15 **(1)(q) and (1)(r); and add (1)(s) as follows:**

16 **27-81-104. Duties of the office of behavioral health - review.**
17 **(1) In addition to duties prescribed by section 27-80-102, the office of**
18 **behavioral health THE BHA shall:**

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

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

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

26 **SECTION 56. In Colorado Revised Statutes, 27-81-112, amend**
27 **(1) as follows:**

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

21 **SECTION 57.** In Colorado Revised Statutes, 27-81-112, **amend**
22 (1) as follows:

23 **27-81-112. Involuntary commitment of a person with a**
24 **substance use disorder.** (1) The court may commit a person to the
25 custody of the office of behavioral health BHA upon the petition of the
26 person's spouse or guardian, a relative, a physician, an advanced practice
27 nurse, the administrator in charge of an approved treatment facility, A

1 CERTIFIED PEACE OFFICER, or any other responsible person. The petition
2 must allege that the person has a substance use disorder and that the
3 person has threatened or attempted to inflict or inflicted physical harm on
4 himself or herself THE PERSON'S SELF or on another and that unless
5 committed, the person is likely to inflict physical harm on himself or
6 herself THE PERSON'S SELF or on another or that the person is incapacitated
7 by substances. A refusal to undergo treatment does not constitute
8 evidence of lack of judgment as to the need for treatment. The petition
9 must be accompanied by a certificate of a licensed physician who has
10 examined the person within ten days before submission of the petition,
11 unless the person whose commitment is sought has refused to submit to
12 a medical examination, in which case the fact of refusal must be alleged
13 in the petition, or an examination cannot be made of the person due to the
14 person's condition. The certificate must set forth the physician's findings
15 in support of the petition's allegations.

16 **SECTION 58. Accountability.** Notwithstanding the requirement
17 to conduct a review of the implementation of this act either two or five
18 years after the enactment of this act, three years after this act becomes law
19 and in accordance with section 2-2-1201, Colorado Revised Statutes, the
20 legislative service agencies of the Colorado general assembly shall
21 conduct a post-enactment review of the implementation of this act
22 utilizing the information contained in the legislative declaration set forth
23 in section 1 of this act.

24 **SECTION 59. Appropriation.** (1) For the 2022-23 state
25 fiscal year, \$14,389,055 is appropriated to the department of human
26 services for use by the behavioral health administration. This
27 appropriation consists of \$10,986,092 from the general fund, \$402,963

1 from the correctional treatment cash fund created in section 18-19-103
2 (4)(a), C.R.S., and \$3,000,000 from the behavioral and mental health cash
3 fund created in section 24-75-230 (2)(a), C.R.S., which is of money the
4 state received from the federal coronavirus state fiscal recovery fund. To
5 implement this act, the administration may use this appropriation as
6 follows:

7 (a) \$286,092 from the general fund for program administration
8 related to community behavioral health administration, which amount is
9 based on an assumption that the administration will require an additional
10 3.6 FTE;

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

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

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

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

25 (f) \$3,000,000 from the behavioral and mental health cash fund
26 created in section 24-75-230 (2)(a), C.R.S., for jail-based behavioral
27 health services related to integrated behavioral health services. Any

1 money appropriated in this subsection (1)(d) not expended prior to July
2 1, 2023, is further appropriated to the administration from July 1, 2023,
3 through December 30, 2024, for the same purpose.

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

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

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

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

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

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

27 (a) \$112,413 for personal services and related operating expenses,

1 which amount is based on an assumption that the division will require an
2 additional 1.5 FTE;

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

5 (c) \$5,000,000 for an education campaign pursuant to section
6 25-1.5-115.5 (1), C.R.S.;

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

9 (e) \$30,000 for website development pursuant to section
10 25-25-1.5-115.5 (4), C.R.S.; and

11 (f) \$300,000 for an independent study pursuant to section
12 25-20.5-1401, C.R.S.

13 (6) Any money appropriated in subsection (5)(b) not expended
14 prior to July 1, 2023, is further appropriated to the division for the
15 2023-24 state fiscal year.

16 (7) Any money appropriated in subsection (5)(c) not expended
17 prior to July 1, 2023, is further appropriated to the division through June
18 30, 2025, for the same purpose.

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

27 (9) For the 2022-23 state fiscal year, \$360,000 is appropriated to

1 the department of health care policy and financing. This appropriation is
2 from the general fund. To implement this act, the department may use this
3 appropriation for medical services premiums. _____

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

11 (11) For the 2022-23 state fiscal year, \$6,000,000 is appropriated
12 to the harm reduction grant program cash fund created in section
13 25-20.5-1102 (1), C.R.S. This appropriation is from the behavioral and
14 mental health cash fund created in section 24-75-230 (2)(a), C.R.S., and
15 is of money the state received from the federal coronavirus state fiscal
16 recovery fund. The department of public health and environment is
17 responsible for the accounting related to this appropriation.

18 **SECTION 60. Effective date - applicability.** This act takes
19 effect on January 1, 2023; except that:

20 (1) Sections 1, 12, 13, 14, 18, 20, 21, 22, 23, 24, 25, 34, 35, and
21 36 take effect on July 1, 2022;

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

24 (3) Sections 7, 10, 15, 26, and 29 take effect only if House Bill
25 22-1278 does not become law; and

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

1 **SECTION 61. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety.