

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 23-0638.03 Yelana Love x2295

HOUSE BILL 23-1202

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A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF A MUNICIPALITY TO AUTHORIZE THE**
102 **ESTABLISHMENT OF LIFE-SAVING OVERDOSE PREVENTION**
103 **CENTERS.**

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 specifies that a city may authorize the operation of an overdose prevention center within the city's jurisdiction for the purpose of saving the lives of persons at risk of preventable overdoses.

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

HOUSE
Amended 2nd Reading
March 10, 2023

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

2 **SECTION 1. Short title.** The short title of this act is the "Local
3 Control of Life-saving Overdose Prevention Centers Act".

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

6 (a) Preventable drug overdoses are a public health crisis that
7 impact every Colorado community and are a matter of both local and state
8 concern. For far too long, Colorado has disproportionately favored a
9 criminal justice approach to substance use disorders instead of prioritizing
10 public health.

11 (b) Overdose deaths in Colorado have skyrocketed in recent years,
12 increasing by 38% from 2019 to 2020. The increase in overdose deaths
13 demands a comprehensive response by communities and elected officials,
14 designed to reduce harm to people who use illegal drugs and to improve
15 community safety.

16 (c) Colorado has not yet authorized its municipalities to fully
17 consider evidence-based behavioral health interventions or to permit the
18 overdose prevention programs that research demonstrates save lives and
19 support the recovery of people who use controlled substances; and

20 (d) It is in the public interest and would serve Colorado's goal of
21 saving lives and preventing overdose deaths to affirm that overdose
22 prevention centers (OPCs) are permissible under Colorado law.

23 (2) (a) Local control is fundamental to Colorado's identity.

24 (b) Home rule as enshrined in the Colorado constitution
25 encourages communities to foster innovation and empowers local
26 governments to tailor solutions to their own needs.

27 (c) Colorado favors the diversity and authority of local control

1 when a single statewide solution is ill-suited to address local public health
2 crises.

3 (d) While overdose deaths are a matter of statewide and local
4 concern, solutions depend deeply on each municipality's particular
5 circumstances and cannot be one-size-fits-all.

6 (3) (a) Public health crises require public health solutions.

7 (b) Overdose deaths cannot be prevented by criminalizing
8 substance use or by incarcerating people who use illegal drugs.

9 (c) Overdose prevention centers are proven to save lives and
10 increase community safety. At least 165 OPCs operate in 10 countries
11 across Europe, as well as in Australia, Canada, and the United States, and
12 there has never been a fatal overdose at any of these sites.

13 (d) OPCs lead to decreased rates of communicable disease
14 transmission, severely decrease in-public drug consumption, greatly
15 reduce public litter of drug consumption equipment, and, in their
16 surrounding neighborhoods, are associated with reduced crime.

17 (4) (a) While the drug overdose crisis impacts all Coloradans, its
18 impact in Colorado's capital city has been particularly devastating.

19 (b) Every day, at least 5 Coloradans die of a preventable drug
20 overdose, and every day, at least one of those preventable deaths occurs
21 in Denver.

22 (c) In 2018, Denver enacted ordinance 18-1292, becoming the
23 first Colorado city to authorize an OPC pilot program.

24 (d) Five years later, statutory confirmation is urgently needed to
25 clarify that Denver and every other municipality is empowered to
26 authorize OPCs in their communities.

27 (5) Therefore, it is the intent of the general assembly to permit

1 each municipality to authorize OPCs as part of a locally controlled,
2 comprehensive, public health strategy to save lives and reduce overdose
3 deaths.

4 **SECTION 3.** In Colorado Revised Statutes, **add** 31-15-905 as
5 follows:

6 **31-15-905. Authorization of overdose prevention centers -**
7 **definition.** (1) AS USED IN THIS SECTION, "OVERDOSE PREVENTION
8 CENTER" MEANS A FACILITY THAT IS DESIGNED TO PROVIDE:

9 (a) A SPACE FOR INDIVIDUALS TO USE PREVIOUSLY OBTAINED
10 CONTROLLED SUBSTANCES IN A MONITORED SETTING UNDER THE
11 SUPERVISION OF HEALTH-CARE PROFESSIONALS OR OTHER TRAINED STAFF
12 FOR THE PURPOSE OF PROVIDING LIFE-SAVING TREATMENT IN THE EVENT
13 OF A POTENTIAL OVERDOSE; AND

14 (b) LIFE-SAVING SUPPORT TO INDIVIDUALS, INCLUDING ACCESS TO
15 STERILE CONSUMPTION EQUIPMENT, TOOLS TO TEST FOR THE PRESENCE OF
16 FENTANYL, COUNSELING, REFERRALS TO SUBSTANCE USE DISORDER
17 TREATMENT, AND OTHER HARM REDUCTION SERVICES.

18 (2) A MUNICIPALITY MAY AUTHORIZE THE OPERATION OF AN
19 OVERDOSE PREVENTION CENTER WITHIN ITS BOUNDARIES ONLY AFTER
20 HOLDING A PUBLIC HEARING.

21 **SECTION 4. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 effect unless approved by the people at the general election to be held in

- 1 November 2024 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.