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SENATE BILL 24-048

BY SENATOR(S) Priola, Jaquez Lewis, Buckner, Cutter, Exum, Fields, Gonzales, Michaelson Jenet, Roberts;
also REPRESENTATIVE(S) deGruy Kennedy and Lynch, Epps, Amabile, Bacon, Bird, Boesenecker, Brown, Clifford, Daugherty, Duran, Garcia, Hamrick, Hernandez, Herod, Jodeh, Kipp, Lindsay, Mabrey, McLachlan, Rutinel, Sirota, Snyder, Story, Titone, Valdez, Velasco, Vigil, Weissman, Willford, Young, McCluskie.

CONCERNING RECOVERY FROM SUBSTANCE USE DISORDERS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** part 3 to article 20 of title 23 as follows:

PART 3
RECOVERY-FRIENDLY WORKPLACES

23-20-301. Definitions. AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(1) "CENTER" MEANS THE CENTER FOR HEALTH, WORK, AND ENVIRONMENT AT THE COLORADO SCHOOL OF PUBLIC HEALTH.

(2) "CERTIFIED RECOVERY-FRIENDLY WORKPLACE" MEANS A WORKPLACE THAT MEETS THE CRITERIA FOR CERTIFICATION AS ESTABLISHED BY THIS PART 3, ATTAINS DESIGNATION AS CERTIFIED BY THE RECOVERY-FRIENDLY WORKPLACE PROGRAM, AND RECEIVES WRITTEN DOCUMENTATION FROM THE PROGRAM OF SUCH DESIGNATION.

(3) "EMPLOYEE" MEANS ANY PERSON WHO WORKS FOR SALARY, WAGES, OR OTHER REMUNERATION FOR AN EMPLOYER SUBJECT TO THE PROVISIONS OF THIS PART 3 AND INCLUDES INDIVIDUALS IN MANAGERIAL POSITIONS, THOSE WORKING FOR OR ON BEHALF OF THE STATE, CONTRACTORS, AND INDIVIDUALS IN WORK-FROM-HOME POSITIONS.

(4) "EMPLOYER" MEANS ANY PUBLIC OR PRIVATE PERSON OR ENTITY THAT HAS ONE OR MORE EMPLOYEES WHO ARE RESIDENTS OF THE STATE AND WHO ARE COVERED BY THE "WORKERS' COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8, OR THAT CONDUCTS BUSINESS IN OR WITHIN THE STATE. "EMPLOYER" INCLUDES THE STATE AND ANY DEPARTMENT, AGENCY, OR INSTRUMENTALITY OF THE STATE; ANY COUNTY; ANY MUNICIPAL CORPORATION; AND ANY EMPLOYER THAT IS SELF-INSURED. A SINGLE EMPLOYER MAY HAVE MULTIPLE WORKPLACES.

(5) "PARTICIPANT" MEANS A WORKPLACE THAT MEETS THE CRITERIA FOR PARTICIPANT STATUS AS ESTABLISHED BY THIS PART 3, ATTAINS DESIGNATION AS A PARTICIPANT BY THE RECOVERY-FRIENDLY WORKPLACE PROGRAM, AND RECEIVES DOCUMENTATION FROM THE PROGRAM OF SUCH DESIGNATION.

(6) "PREVENTION" MEANS THE PREVENTION OF SUBSTANCE MISUSE THROUGH STRATEGIES DESIGNED TO REDUCE THE RISK OF INJURY AND STRESS IN THE WORKPLACE AND ADDRESS OTHER FACTORS THAT MAY INCREASE THE RISK OF SUBSTANCE MISUSE AND THROUGH TRAINING AND EDUCATION TO BUILD SUBSTANCE USE DISORDER AND RECOVERY LITERACY.

(7) "RECOVERY" MEANS A PROCESS OF CHANGE THROUGH WHICH INDIVIDUALS IMPROVE THEIR HEALTH AND WELLNESS, LIVE A SELF-DIRECTED LIFE, AND STRIVE TO REACH THEIR FULL POTENTIAL.

(8) "RECOVERY-FRIENDLY WORKPLACE ADVISOR" MEANS AN INDIVIDUAL WHO IS AN EMPLOYEE OF OR CONTRACTOR FOR THE RECOVERY-FRIENDLY WORKPLACE PROGRAM AND WHOSE DUTIES INCLUDE ASSISTING EMPLOYERS THROUGH THE PROCESS OF BECOMING A RECOVERY-FRIENDLY WORKPLACE PARTICIPANT OR A CERTIFIED RECOVERY-FRIENDLY WORKPLACE.

(9) "RECOVERY-FRIENDLY WORKPLACE PROGRAM" OR "PROGRAM" MEANS THE PROGRAM ESTABLISHED IN SECTION 23-20-302.

(10) "RECOVERY-FRIENDLY WORKPLACE TASK FORCE" MEANS A TASK FORCE ESTABLISHED BY AN EMPLOYER OR ITS EMPLOYEES THAT REFLECTS DIFFERENT COMPONENTS OF THE WORKFORCE AND INCLUDES DIFFERENT LEVELS OF STAFF TO LEAD RECOVERY-FRIENDLY WORKPLACE POLICY DEVELOPMENT AND IMPLEMENTATION AND TO CONTINUOUSLY REVIEW AND UPDATE THE EMPLOYER'S POLICIES AND PRACTICES TO MAKE THEM MORE RECOVERY-FRIENDLY.

(11) "RECOVERY SUPPORT SERVICES ORGANIZATION" HAS THE MEANING SET FORTH IN SECTION 27-60-108 (2)(c).

(12) "SUBSTANCE USE DISORDER" HAS THE SAME MEANING AS SET FORTH IN SECTION 27-50-101 (20).

(13) "WORKPLACE" MEANS ANY OFFICE, WAREHOUSE, BUILDING, OR OTHER LOCATION, WHETHER PERMANENT OR TEMPORARY, WHERE AN EMPLOYEE PERFORMS ANY WORK-RELATED DUTY OR DUTIES IN THE SCOPE AND COURSE OF THE EMPLOYEE'S EMPLOYMENT. EMPLOYERS MAY HAVE MORE THAN ONE WORKPLACE. "WORKPLACE" DOES NOT INCLUDE AN EMPLOYEE'S RESIDENCE OR OTHER REMOTE WORK LOCATION. IF AN EMPLOYER OPERATES EXCLUSIVELY THROUGH TELEWORK, THE DESIGNATED WORKPLACE ADDRESS IS THE ADDRESS LISTED ON THE EMPLOYER'S ARTICLES OF INCORPORATION FILED WITH THE SECRETARY OF STATE, IF INCORPORATED IN THIS STATE, OR, IF NOT INCORPORATED IN THIS STATE, THE ADDRESS OF THE EMPLOYER'S OFFICIAL HEADQUARTERS IN THIS STATE.

23-20-302. Recovery-friendly workplace program - creation - duties. (1) THERE IS HEREBY ESTABLISHED A RECOVERY-FRIENDLY WORKPLACE PROGRAM. THE CENTER MAY CONTRACT WITH ONE OR MORE PUBLIC OR PRIVATE ENTITIES TO PERFORM SOME OR ALL OF THE DUTIES

OUTLINED IN THIS PART 3 BUT SHALL MAINTAIN OVERSIGHT OF THE PROGRAM. ANY SUCH PUBLIC OR PRIVATE ENTITY SHALL BE REQUIRED TO MEET ALL REQUIREMENTS FOR CERTIFICATION AS A RECOVERY-FRIENDLY WORKPLACE.

(2) AT A MINIMUM, THE PROGRAM MUST:

(a) DEVELOP OR ADOPT A PROCESS THROUGH WHICH EMPLOYERS MAY APPLY TO BECOME RECOVERY-FRIENDLY WORKPLACE PARTICIPANTS OR CERTIFIED AS RECOVERY-FRIENDLY AS SET FORTH IN SECTION 23-20-303;

(b) DEVELOP OR ADOPT AN ORIENTATION PROCESS THAT INCLUDES TRAINING MATERIALS FOR NEW EMPLOYERS THAT PROVIDES A BASELINE INTRODUCTION TO SUBSTANCE USE DISORDERS, TREATMENT, AND RECOVERY, INCLUDING INFORMATION ON THE SCIENCE OF ADDICTION, STIGMA, SUBSTANCE USE IN THE WORKFORCE, PREVENTION MEASURES, AVAILABLE LOCAL RESOURCES, AND THE WAYS IN WHICH EMPLOYERS CAN AMEND AND IMPLEMENT RECOVERY-FRIENDLY POLICIES AND PRACTICES TO HELP THEIR EMPLOYEES WITH SUBSTANCE USE DISORDERS;

(c) PROVIDE CONSULTATION, GUIDANCE, TECHNICAL ASSISTANCE, TRAINING AND EDUCATION, AND OTHER SUPPORT TO EMPLOYERS SEEKING TO BECOME PARTICIPANTS OR CERTIFIED RECOVERY-FRIENDLY WORKPLACES, AS WELL AS TO CURRENT PARTICIPANTS AND CERTIFIED RECOVERY-FRIENDLY EMPLOYERS AND KEY STAKEHOLDERS WITHIN THE WORKPLACE, SUCH AS HUMAN RESOURCES DIRECTORS AND UNION LEADERS;

(d) CONDUCT OUTREACH TO KEY STAKEHOLDERS WITHIN THE STATE, INCLUDING EMPLOYERS THAT ARE NOT ENGAGED IN THE PROGRAM, LABOR UNIONS, AND RECOVERY SUPPORT SERVICES ORGANIZATIONS TO PROVIDE INFORMATION REGARDING THE PROGRAM AND PROGRAM BENEFITS;

(e) DEPENDENT ON FUNDING, HIRE OR CONTRACT WITH AT LEAST ONE RECOVERY-FRIENDLY WORKPLACE ADVISOR FOR EVERY ONE HUNDRED PARTICIPANTS AND CERTIFIED RECOVERY-FRIENDLY WORKPLACES;

(f) ASSIGN A RECOVERY-FRIENDLY WORKPLACE ADVISOR TO EACH EMPLOYER THAT HAS SUBMITTED A LETTER OF INTENT WHO WILL:

(I) ASSIST EMPLOYERS THROUGH THE PROCESS OF BECOMING A

PARTICIPANT OR CERTIFIED RECOVERY-FRIENDLY WORKPLACE;

(II) PROVIDE INFORMATION TO EMPLOYERS REGARDING THE STATE AND FEDERAL LAWS AND REGULATIONS THAT IMPACT INDIVIDUALS WITH SUBSTANCE USE DISORDERS, INCLUDING THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET. SEQ.; STATE DISABILITY LAWS; THE FEDERAL "FAMILY MEDICAL LEAVE ACT", 29 U.S.C. SECS. 2601 TO 2654; 42 CFR 2; AND THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", 42 U.S.C. SEC. 201 ET SEQ., THROUGH THE PROVISION OF WRITTEN MATERIALS, TRAINING, OR REFERRAL TO AN INDIVIDUAL OR ENTITY WITH THE REQUISITE KNOWLEDGE;

(III) PROVIDE ONGOING ASSISTANCE TO EMPLOYERS BY:

(A) WORKING WITH EMPLOYERS TO REVIEW THE EMPLOYERS' POLICIES AND PROCEDURES AND PROVIDING SUGGESTIONS TO MAKE SUCH POLICIES AND PROCEDURES MORE RECOVERY-FRIENDLY;

(B) REFERRING EMPLOYERS TO ORGANIZATIONS AND INDIVIDUALS WITH SPECIALIZED KNOWLEDGE AND EXPERTISE THAT MAY ASSIST THE EMPLOYER IN BECOMING OR MAINTAINING ITS STATUS AS RECOVERY-FRIENDLY OR IN REVISING ITS POLICIES OR PROCEDURES TO BETTER ASSIST EMPLOYEES WITH SUBSTANCE USE DISORDERS, ADDRESSING STIGMA AND BUILDING A RECOVERY-SUPPORTIVE WORKPLACE CULTURE, OR IN PROVIDING EMPLOYEES ACCESS TO ADDITIONAL SERVICES AND SUPPORTS; AND

(C) ENCOURAGING EMPLOYEE INVOLVEMENT IN THE EMPLOYER'S PROCESS OF BECOMING A PARTICIPANT OR CERTIFIED RECOVERY-FRIENDLY WORKPLACE OR IN MAINTAINING SUCH STATUS, INCLUDING THROUGH ACTIVITIES SUCH AS PARTICIPATING IN A RECOVERY-FRIENDLY WORKPLACE TASK FORCE, ORIENTING NEW EMPLOYEES ON THE EMPLOYER'S RECOVERY-FRIENDLY POLICIES, MONITORING THE IMPLEMENTATION PROCESS, AND PROVIDING FEEDBACK ON THE EMPLOYER'S RECOVERY-FRIENDLY WORKPLACE EFFORTS; AND

(IV) ASSIST EMPLOYERS IN RENEWING THEIR STATUS AS A PARTICIPANT OR CERTIFIED RECOVERY-FRIENDLY WORKPLACE THROUGH THE COMPLETION OF AN ANNUAL REVIEW AS SET FORTH IN SECTION 23-20-303 (5);

(g) PROVIDE EACH PARTICIPATING EMPLOYER WITH A CERTIFICATE OR OTHER DOCUMENTATION EVIDENCING THE EMPLOYER'S STATUS AS A PARTICIPANT OR AS A CERTIFIED RECOVERY-FRIENDLY WORKPLACE, WHICH MUST REFLECT THE NAME OF THE EMPLOYER, THE ADDRESS OF EACH WORKPLACE COVERED BY THE CERTIFICATE, THE DATE THE CERTIFICATE WAS ISSUED, AND THE DATE OF EXPIRATION;

(h) DEVELOP A RECOVERY-FRIENDLY WORKPLACE PROGRAM WEBSITE THAT PROVIDES RESOURCES AND INFORMATION ON SUBSTANCE USE IN THE WORKPLACE TO EMPLOYERS, EMPLOYEES, AND THE GENERAL PUBLIC OR INCORPORATE SUCH INFORMATION INTO THE CENTER'S EXISTING WEBSITE;

(i) DEVELOP OR ADOPT ALREADY EXISTING EDUCATIONAL AND TRAINING RESOURCES FOR EMPLOYERS AND EMPLOYEES THAT MUST BE POSTED TO THE PROGRAM WEBSITE AND MUST INCLUDE MATERIALS SUCH AS GUIDELINE DOCUMENTS, FLYERS, POSTERS, WEBINARS, PANEL DISCUSSIONS, ONLINE INTERACTIVE MODULES, AND TRAINING MODULES TAILORED TO SPECIFIC EMPLOYERS OR INDUSTRIES AND MAY INCLUDE INTERACTIVE CLASSROOM-BASED TRAINING;

(j) DEVELOP OR ADOPT ALREADY EXISTING MODEL RECOVERY-FRIENDLY POLICIES AND PROCEDURES FOR USE BY EMPLOYERS; AND

(k) COMPILE THE INFORMATION TO BE SUBMITTED TO THE CENTER PURSUANT TO SECTION 23-20-304 (2)(b).

23-20-303. Recovery-friendly workplace program - participants - certified recovery-friendly workplaces - requirements - renewal - termination. (1) AN EMPLOYER SEEKING TO PARTICIPATE IN THE RECOVERY-FRIENDLY WORKPLACE PROGRAM MAY CHOOSE TO DO SO AS A PARTICIPANT OR AS A CERTIFIED RECOVERY-FRIENDLY WORKPLACE.

(2) (a) TO BECOME A PARTICIPANT IN THE PROGRAM, AN EMPLOYER MUST:

(I) SUBMIT A LETTER OF INTENT TO THE PROGRAM IN A FORM AND MANNER PRESCRIBED BY THE PROGRAM THAT MUST INCLUDE, AT A MINIMUM, THE NAME AND ADDRESS OF THE EMPLOYER AND, IF THE EMPLOYER HAS MORE THAN ONE WORKPLACE, THE STREET ADDRESS OF EACH

WORKPLACE TO WHICH THE LETTER OF INTENT APPLIES;

(II) COMPLETE THE ORIENTATION PROCESS AS REQUIRED BY THE PROGRAM, INCLUDING COMPLETION OF THE ORIENTATION TRAINING MODULE;

(III) PREPARE A RECOVERY-FRIENDLY WORKPLACE PLEDGE OR STATEMENT, OR USE A FORM PROVIDED BY THE PROGRAM, THAT IDENTIFIES THE VALUES OR PRINCIPLES INFORMING THE COMMITMENT AND BRIEFLY DESCRIBES THE KEY RECOVERY-FRIENDLY WORKPLACE STEPS THE EMPLOYER MUST COMPLETE AS A PARTICIPANT; AND

(IV) NOTIFY ALL EMPLOYEES AND THE MEMBERS OF THE EMPLOYER'S BOARD OF DIRECTORS, IF ANY, IN WRITING OF THE INTENT TO BECOME A PARTICIPANT, WHICH THE EMPLOYER MUST SUBMIT TO THE PROGRAM.

(b) UPON SUBMISSION OF THE LETTER OF INTENT, THE PROGRAM MUST ASSIGN THE EMPLOYER A RECOVERY-FRIENDLY WORKPLACE ADVISOR.

(c) AFTER AN EMPLOYER COMPLETES THE MINIMUM REQUIREMENTS AS SET FORTH IN SUBSECTION (2)(a) OF THIS SECTION, THE PROGRAM MUST:

(I) LIST THE EMPLOYER AS A PARTICIPANT ON THE PROGRAM WEBSITE; AND

(II) PROVIDE THE EMPLOYER WITH A CERTIFICATE OR OTHER DOCUMENTATION VERIFYING THE EMPLOYER'S STATUS AS A PARTICIPANT IN THE RECOVERY-FRIENDLY WORKPLACE PROGRAM, WHICH CERTIFICATE OR DOCUMENTATION MUST INCLUDE THE DATE OF ISSUANCE, THE EXPIRATION DATE, AND THE ADDRESS OF EACH WORKPLACE COVERED BY THE CERTIFICATE. THE CERTIFICATE MUST BE VALID FOR A PERIOD OF AT LEAST ONE YEAR AFTER THE DATE OF ISSUANCE.

(3) (a) TO BECOME CERTIFIED AS A RECOVERY-FRIENDLY WORKPLACE, AN EMPLOYER MUST:

(I) COMPLETE ALL STEPS SET FORTH IN SUBSECTION (2)(a) OF THIS SECTION FOR BECOMING A PARTICIPANT;

(II) WITH THE EMPLOYER'S RECOVERY-FRIENDLY WORKPLACE ADVISOR, COMPLETE A STANDARDIZED ASSESSMENT OF THE EMPLOYER'S

CURRENT POLICIES, PROCEDURES, AND PRACTICES THAT IMPACT CURRENT AND PROSPECTIVE EMPLOYEES WITH SUBSTANCE USE DISORDERS AND DETERMINE WHERE IMPROVEMENTS CAN BE MADE; AND

(III) WITH THE RECOVERY-FRIENDLY WORKPLACE ADVISOR, SET TIME-LIMITED GOALS TO MAKE SELECT IMPROVEMENTS IDENTIFIED IN SUBSECTION (3)(a)(II) OF THIS SECTION, WHICH MUST BE COMPLETED WITHIN THE ONE-YEAR TERM OF THE CERTIFICATION, UNLESS AN EXTENSION OF TIME IS GRANTED BY THE PROGRAM.

(b) THE PROGRAM SHALL LIST ON THE PROGRAM WEBSITE EACH EMPLOYER THAT COMPLETES THE MINIMUM REQUIREMENTS AS SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION AS A CERTIFIED RECOVERY-FRIENDLY WORKPLACE. IF THE EMPLOYER HAS A LOGO, THE PROGRAM SHALL INCLUDE THE LOGO IN THE LISTING.

(c) UPON COMPLETION OF THE MINIMUM REQUIREMENTS AS SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION, THE PROGRAM SHALL PROVIDE AN EMPLOYER WITH A CERTIFICATE OR OTHER DOCUMENTATION SUITABLE FOR DISPLAY THAT VERIFIES THE EMPLOYER'S STATUS AS A CERTIFIED RECOVERY-FRIENDLY WORKPLACE. THE CERTIFICATE OR OTHER DOCUMENTATION MUST INCLUDE THE DATE OF ISSUANCE, THE EXPIRATION DATE, AND THE ADDRESS OF EACH WORKPLACE COVERED BY THE CERTIFICATE. THE CERTIFICATE MUST BE VALID FOR ONE YEAR AFTER THE DATE OF ISSUANCE.

(4) THE CENTER SHALL RECOGNIZE EACH CERTIFIED RECOVERY-FRIENDLY WORKPLACE EMPLOYER THROUGH PROGRAM PRESS RELEASES AND PROGRAM-SPONSORED EVENTS THROUGHOUT THE YEAR.

(5) AT LEAST THIRTY DAYS PRIOR TO THE EXPIRATION OF A CERTIFICATE DESIGNATING AN EMPLOYER AS A PARTICIPANT OR AS A CERTIFIED RECOVERY-FRIENDLY WORKPLACE, THE EMPLOYER SHALL:

(a) MEET WITH THE RECOVERY-FRIENDLY WORKPLACE ADVISOR TO COMPLETE A REVIEW OF THE EMPLOYER'S RECOVERY-FRIENDLY-RELATED ACTIVITIES FOR THE PAST YEAR, INCLUDING REVISING WORKPLACE POLICIES TO BETTER ASSIST EMPLOYEES WITH SUBSTANCE USE DISORDERS, IMPLEMENTING POLICIES TO ENCOURAGE THE HIRING OF INDIVIDUALS IN RECOVERY FROM SUBSTANCE USE DISORDERS, DECREASING OR ELIMINATING

BARRIERS FOR EMPLOYEES SEEKING TREATMENT, ESTABLISHING A RECOVERY-FRIENDLY WORKPLACE TASK FORCE, AND TAKING STEPS TO REDUCE STIGMA IN THE WORKPLACE;

(b) IN CONSULTATION WITH THE RECOVERY-FRIENDLY WORKPLACE ADVISOR, SET GOALS FOR THE UPCOMING YEAR; AND

(c) COMPLETE A WRITTEN OR ELECTRONIC PROGRAM SATISFACTION SURVEY.

(6) AN EMPLOYER MAY CHOOSE TO TERMINATE ITS PARTICIPATION IN THE PROGRAM IF THE TERMINATION:

(a) TAKES EFFECT PRIOR TO THE EXPIRATION OF THE EMPLOYER'S CURRENT DESIGNATION AND THE EMPLOYER PROVIDES WRITTEN NOTICE TO THE PROGRAM OF THE INTENT TO TERMINATE PARTICIPATION WITHIN THIRTY DAYS PRIOR TO THE PROPOSED DATE OF TERMINATION; OR

(b) TAKES EFFECT ON THE EXPIRATION OF THE EMPLOYER'S CURRENT DESIGNATION AND THE EMPLOYER PROVIDES WRITTEN NOTICE TO THE PROGRAM OF THE EMPLOYER'S INTENT NOT TO RENEW ITS DESIGNATION AS A PARTICIPANT OR A CERTIFIED RECOVERY-FRIENDLY WORKPLACE.

(7) THE PROGRAM MAY REVOKE OR DECLINE TO RENEW THE DESIGNATION AS A PARTICIPANT OR CERTIFIED RECOVERY-FRIENDLY WORKPLACE FOR ANY EMPLOYER THAT:

(a) VIOLATES ANY OF THE REQUIREMENTS OF THIS PART 3; OR

(b) FAILS TO TAKE THE NECESSARY STEPS TO RENEW ITS PARTICIPATION OR CERTIFICATION WITHIN THE TIME ALLOWED BY THE PROGRAM.

(8) THE PROGRAM SHALL REMOVE ALL PARTICIPANTS AND CERTIFIED RECOVERY-FRIENDLY WORKPLACES WHOSE DESIGNATION IS REVOKED OR WHO DO NOT SEEK RENEWAL FROM THE PROGRAM WEBSITE AND TERMINATE ALL BENEFITS ASSOCIATED WITH SUCH DESIGNATION.

(9) THE PROGRAM SHALL BE FLEXIBLE IN GRANTING EXTENSIONS TO PARTICIPANTS AND CERTIFIED RECOVERY-FRIENDLY WORKPLACES THAT

BEGIN THE PROCESS OF RENEWING THEIR DESIGNATION BUT FAIL TO COMPLETE THE PROCESS BEFORE THEIR CURRENT DESIGNATION EXPIRES.

23-20-304. Program evaluation and reports. (1) THE CENTER MAY CONDUCT AN EVALUATION OF THE EFFECTIVENESS OF THE RECOVERY-FRIENDLY WORKPLACE PROGRAM AND IDENTIFY WAYS TO IMPROVE THE PROGRAM. THE CENTER MAY HIRE AN OUTSIDE CONTRACTOR TO PERFORM THE EVALUATION.

(2) (a) BEGINNING ONE YEAR AFTER THE EFFECTIVE DATE OF THIS PART 3, AND ON AN ANNUAL BASIS THEREAFTER, THE PROGRAM SHALL COLLECT AND AGGREGATE THE SATISFACTION DATA OBTAINED AS THE RESULT OF THE RENEWAL PROCESS AND SHALL PRESENT SUCH INFORMATION IN THE FORM OF A REPORT TO THE HOUSE OF REPRESENTATIVES BUSINESS AFFAIRS AND LABOR COMMITTEE AND THE SENATE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, FOR THE PURPOSE OF PROGRAM REVIEW. THE INFORMATION IN THIS REPORT IS CONFIDENTIAL AND NOT SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT IN THIS SECTION TO REPORT TO THE GENERAL ASSEMBLY CONTINUES INDEFINITELY.

(b) ON AN ANNUAL BASIS, THE PROGRAM SHALL COLLECT AND AGGREGATE DATA REGARDING THE FOLLOWING AND SHALL SUBMIT SUCH DATA TO THE CENTER:

(I) THE NUMBER OF EMPLOYERS DESIGNATED AS PARTICIPANTS IN THE RECOVERY-FRIENDLY WORKPLACE PROGRAM, INCLUDING INFORMATION REGARDING THE TYPES OF INDUSTRIES REPRESENTED AND NUMBER OF EMPLOYEES, IF AVAILABLE;

(II) THE NUMBER OF EMPLOYERS DESIGNATED AS CERTIFIED RECOVERY-FRIENDLY WORKPLACES, INCLUDING INFORMATION REGARDING THE TYPES OF INDUSTRIES REPRESENTED AND NUMBER OF EMPLOYEES, IF AVAILABLE;

(III) THE NUMBER OF PARTICIPANTS DESIGNATED AS CERTIFIED RECOVERY-FRIENDLY WORKPLACES;

(IV) THE NUMBER OF ONLINE AND IN-PERSON TRAININGS CONDUCTED

BY THE PROGRAM, NOT INCLUDING THE ORIENTATION TRAINING, INCLUDING THE TOPICS, NUMBER OF ATTENDEES, INDUSTRIES REPRESENTED, AND WHETHER SUCH TRAININGS WERE CONDUCTED AT THE REQUEST OF ONE OR MORE EMPLOYERS; AND

(V) ANY OTHER INFORMATION REQUIRED BY THE CENTER.

23-20-305. Repeal of part. THIS PART 3 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2028.

SECTION 2. In Colorado Revised Statutes, 23-18-308, **add** (1)(n) as follows:

23-18-308. Fee-for-service contracts - grants to local district colleges - limited purpose - repeal. (1) Subject to available appropriations, the department shall enter into fee-for-service contracts for the following purposes:

(n) THE RECOVERY-FRIENDLY WORKPLACE PROGRAM CREATED IN PART 3 OF ARTICLE 20 OF THIS TITLE 23. THIS SUBSECTION (1)(n) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2028.

SECTION 3. In Colorado Revised Statutes, **add** 22-1-146 as follows:

22-1-146. Recovery school grant program - created - eligibility - reporting - definitions - rules - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION.

(b) "GRANT PROGRAM" MEANS THE RECOVERY SCHOOL GRANT PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

(c) "RECOVERY SCHOOL" MEANS A SCHOOL THAT:

(I) EDUCATES AND SUPPORTS STUDENTS IN RECOVERY FROM SUBSTANCE USE OR CO-OCCURRING DISORDERS, INCLUDING SELF-HARM AND DISORDERED EATING;

(II) INTENDS THAT ALL STUDENTS ENROLLED ARE WORKING IN AN ACTIVE AND ABSTINENCE-FOCUSED PROGRAM OF RECOVERY AS DETERMINED BY THE STUDENT AND THE SCHOOL; AND

(III) PROVIDES SUPPORT FOR FAMILIES LEARNING HOW TO LIVE WITH, AND PROVIDE SUPPORT FOR, THEIR TEENS WHO ARE ENTERING INTO THE RECOVERY LIFESTYLE.

(2)(a) THE RECOVERY SCHOOL GRANT PROGRAM IS CREATED WITHIN THE DEPARTMENT. THE PURPOSE OF THE GRANT PROGRAM IS TO PROVIDE GRANTS TO RECOVERY SCHOOLS FOR EXPENSES RELATED TO ASSISTING STUDENTS WHO ARE LIVING A LIFE OF SOBRIETY.

(b) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH THE GRANT PROGRAM FOR EXPENSES RELATED TO ASSISTING STUDENTS WHO ARE LIVING A LIFE OF SOBRIETY.

(c) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM AND SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION. GRANTS MUST BE PAID OUT OF MONEY APPROPRIATED FOR THE GRANT PROGRAM AS PROVIDED IN SUBSECTION (5) OF THIS SECTION.

(d) THE DEPARTMENT SHALL IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS SECTION. THE COMMISSIONER OF EDUCATION MAY PROMULGATE THE RULES REQUIRED IN THIS SECTION AND ANY ADDITIONAL RULES NECESSARY TO IMPLEMENT THE GRANT PROGRAM.

(3)(a) TO RECEIVE A GRANT, A RECOVERY SCHOOL MUST SUBMIT AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH RULES PROMULGATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

(b) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED PURSUANT TO THIS SECTION.

(c) ON OR BEFORE JANUARY 1, 2025, THE DEPARTMENT SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION. THE DEPARTMENT SHALL DISTRIBUTE THE GRANT MONEY WITHIN FOURTEEN DAYS AFTER AWARDING THE GRANTS.

(4) ON OR BEFORE JULY 1, 2025, EACH RECOVERY SCHOOL THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT A REPORT TO THE DEPARTMENT DETAILING HOW THE RECOVERY SCHOOL USED THE GRANT MONEY.

(5) FOR THE 2024-25 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT TO IMPLEMENT THE GRANT PROGRAM.

(6) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026.

SECTION 4. In Colorado Revised Statutes, 22-54-103, **add** (10)(i) as follows:

22-54-103. Definitions. As used in this article 54, unless the context otherwise requires:

(10) (i) (I) FOR THE 2024-25 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, A DISTRICT MAY INCLUDE IN ITS PUPIL ENROLLMENT PUPILS WHO WERE ENROLLED IN THE DISTRICT PRIOR TO THE PUPIL ENROLLMENT COUNT DAY AND THEN TRANSFERRED OUT OF THE DISTRICT PRIOR TO THE PUPIL ENROLLMENT COUNT DAY FOR THE PURPOSE OF ATTENDING A RECOVERY HIGH SCHOOL.

(II) NOTWITHSTANDING SECTION 22-2-306, THE DEPARTMENT OF EDUCATION IS NOT REQUIRED TO PROVIDE ADVANCE NOTICE REQUIREMENTS TO A SCHOOL DISTRICT OR AN INSTITUTE CHARTER SCHOOL IN IMPLEMENTING THIS SUBSECTION (10)(i).

(III) AS USED IN THIS SUBSECTION (10)(i), "RECOVERY HIGH SCHOOL" MEANS A SCHOOL THAT:

(A) EDUCATES AND SUPPORTS STUDENTS IN RECOVERY FROM SUBSTANCE USE OR CO-OCCURRING DISORDERS, INCLUDING SELF-HARM AND DISORDERED EATING;

(B) INTENDS THAT ALL STUDENTS ENROLLED ARE WORKING IN AN ACTIVE AND ABSTINENCE-FOCUSED PROGRAM OF RECOVERY AS DETERMINED BY THE STUDENT AND THE SCHOOL;

(C) PROVIDES SUPPORT FOR FAMILIES LEARNING HOW TO LIVE WITH, AND PROVIDE SUPPORT FOR, THEIR TEENS WHO ARE ENTERING INTO THE RECOVERY LIFESTYLE; AND

(D) MEETS STATE REQUIREMENTS FOR AWARDING A HIGH SCHOOL DIPLOMA.

SECTION 5. In Colorado Revised Statutes, 27-80-126, **amend** (3)(b) as follows:

27-80-126. Recovery support services grant program - creation - eligibility - reporting requirements - appropriation - rules - definitions. (3) A recovery community organization that receives a grant from the grant program may use the money to:

(b) Provide guidance to individuals with a substance use disorder or co-occurring substance use and mental health disorder and their family members on THE MANY PATHWAYS FOR RECOVERY, navigating treatment, social ~~service~~ SERVICES, and recovery support systems;

SECTION 6. In Colorado Revised Statutes, 27-80-129, **amend** (1)(b)(I) introductory portion, (3), and (4) as follows:

27-80-129. Regulation of recovery residences - rules - definitions. (1) As used in this section:

(b) (I) "Recovery residence" ~~"sober living facility", or "sober home"~~ means any premises, place, facility, or building that provides housing accommodation for individuals with a primary diagnosis of a substance use disorder that:

(3) (a) ~~Effective January 1, 2020,~~ A person shall not operate a ~~facility using the term~~ recovery residence ~~"sober living facility", "sober home"~~; or a substantially similar ~~term~~ FACILITY, and a licensed, registered, or certified health-care provider; A MANAGED CARE ENTITY, AS DEFINED IN SECTION 25.5-5-802 (5); A MANAGED CARE ORGANIZATION, AS DEFINED IN SECTION 25.5-5-403 (5); or a licensed health facility shall not refer an individual ~~in need of recovery support services~~ to a ~~facility~~ RECOVERY RESIDENCE, unless the ~~facility~~ RESIDENCE:

~~(a)~~ (I) Is certified by a certifying body as specified in subsection (4) of this section;

~~(b)~~ (II) Is chartered by Oxford House or its successor organization;
OR

~~(c)~~ (III) Has been operating as a recovery residence in Colorado for thirty or more years as of May 23, 2019. ~~or~~

~~(d) — Is a community-based organization that provides reentry services as described in section 17-33-101 (7).~~

(b) IF A PERSON IS OPERATING A RECOVERY RESIDENCE OR A SUBSTANTIALLY SIMILAR FACILITY IN VIOLATION OF SUBSECTION (3)(a) OF THIS SECTION, THE BEHAVIORAL HEALTH ADMINISTRATION SHALL SEND THE FACILITY A CEASE-AND-DESIST LETTER.

(4) The behavioral health administration ~~in the department of human services~~ shall, by rule, determine the requirements for a certifying body seeking approval for purposes of subsection ~~(3)(a)~~ (3)(a)(I) of this section, which rules must include a requirement that a certifying body include a representative from the behavioral health administration on its board.

SECTION 7. In Colorado Revised Statutes, 30-28-115, **add** (2)(b.7) as follows:

30-28-115. Public welfare to be promoted - legislative declaration - construction. (2) (b.7) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT IT IS THE POLICY OF THE STATE TO ENCOURAGE, PROMOTE, AND ASSIST PERSONS WHO ARE IN RECOVERY FROM SUBSTANCE USE DISORDERS TO LIVE IN RESIDENTIAL NEIGHBORHOODS. FURTHER, THE GENERAL ASSEMBLY DECLARES THAT THE USE OF RECOVERY RESIDENCES, AS DEFINED IN SECTION 27-80-129 (1)(b), BY PERSONS IN RECOVERY FROM SUBSTANCE USE DISORDERS IS A MATTER OF STATEWIDE CONCERN AND THAT RECOVERY RESIDENCES ARE A RESIDENTIAL USE OF PROPERTY FOR ZONING PURPOSES AND SUBJECT ONLY TO THE REGULATIONS OF LIKE DWELLINGS IN THE SAME ZONE.

SECTION 8. In Colorado Revised Statutes, 31-23-303, **add** (2)(b.7) as follows:

31-23-303. Legislative declaration. (2) (b.7) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT IT IS THE POLICY OF THE STATE TO ENCOURAGE, PROMOTE, AND ASSIST PERSONS WHO ARE IN RECOVERY FROM SUBSTANCE USE DISORDERS TO LIVE IN RESIDENTIAL NEIGHBORHOODS. FURTHER, THE GENERAL ASSEMBLY DECLARES THAT THE USE OF RECOVERY RESIDENCES, AS DEFINED IN SECTION 27-80-129 (1)(b), BY PERSONS IN RECOVERY FROM SUBSTANCE USE DISORDERS IS A MATTER OF STATEWIDE CONCERN AND THAT RECOVERY RESIDENCES ARE A RESIDENTIAL USE OF PROPERTY FOR ZONING PURPOSES AND SUBJECT ONLY TO THE REGULATIONS OF LIKE DWELLINGS IN THE SAME ZONE.

SECTION 9. In Colorado Revised Statutes, **add** 44-3-108 as follows:

44-3-108. Substance use disorders - recovery - retail liquor sales - stakeholder group - rules - repeal. (1) NO LATER THAN JULY 1, 2025, IN ORDER TO ASSIST INDIVIDUALS WHO ARE RECOVERING FROM SUBSTANCE USE DISORDERS, THE LIQUOR ENFORCEMENT DIVISION SHALL ADOPT RULES RELATED TO THE LOCATION OF ALCOHOL BEVERAGE DISPLAYS.

(2) THE LIQUOR ENFORCEMENT DIVISION SHALL CONVENE A STAKEHOLDER GROUP OF THE FOLLOWING MEMBERS TO DEVELOP THE RULES REQUIRED IN SUBSECTION (1) OF THIS SECTION:

(a) FOUR INDIVIDUALS REPRESENTING RECOVERY PROVIDERS, OF WHOM TWO INDIVIDUALS MUST REPRESENT A RECOVERY PROVIDER IN A RURAL OR FRONTIER AREA AND TWO INDIVIDUALS MUST REPRESENT A RECOVERY PROVIDER IN A METRO OR URBAN AREA;

(b) TWO INDIVIDUALS REPRESENTING A RECOVERY RESIDENCE, AS DEFINED IN SECTION 27-80-129 (1)(b);

(c) THREE INDIVIDUALS, EACH REPRESENTING A CONVENIENCE STORE LICENSED UNDER THIS ARTICLE 3 OR ARTICLE 4 OF THIS TITLE 44 TO SELL ALCOHOL BEVERAGES; AND

(d) THREE INDIVIDUALS, EACH REPRESENTING A GROCERY STORE LICENSED UNDER THIS ARTICLE 3 OR ARTICLE 4 OF THIS TITLE 44 TO SELL ALCOHOL BEVERAGES.

(3) THE LIQUOR ENFORCEMENT DIVISION SHALL PROVIDE NOTICE OF STAKEHOLDER MEETINGS ON ITS WEBSITE AND HOLD STAKEHOLDER MEETINGS OPEN TO THE PUBLIC. THE STAKEHOLDER GROUP SHALL MEET AT LEAST THREE TIMES.

(4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026.

SECTION 10. Appropriation. (1) For the 2024-25 state fiscal year, \$144,321 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$19,010 for use by management and administration for grants administration, which amount is based on an assumption that the division will require an additional 0.2 FTE;

(b) \$56,300 for use by management and administration for information technology services; and

(c) \$69,011 for use by student pathways for the substance use disorders recovery grant pilot program, which amount is based on an assumption that the division will require an additional 0.2 FTE.

(2) For the 2024-25 state fiscal year, \$303,752 is appropriated to the department of higher education. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the college opportunity fund program to be used for limited purpose fee-for-service contracts with state institutions.

(3) For the 2024-25 state fiscal year, \$303,752 is appropriated to the department of higher education. This appropriation is from reappropriated funds received from the limited purpose fee-for-service contracts with state institutions under subsection (2) of this section and is based on an assumption that the department will require an additional 1.3 FTE. To implement this act, the department may use this appropriation for the regents of the university of Colorado for allocation to the school of public health.

(4) For the 2024-25 state fiscal year, \$37,980 is appropriated to the department of revenue for use by the liquor and tobacco enforcement

division. This appropriation is from the liquor enforcement division and state licensing authority cash fund created in section 44-6-101, C.R.S. To implement this act, the division may use this appropriation as follows:

(a) \$30,798 for personal services, which amount is based on an assumption that the division will require an additional 0.4 FTE; and

(b) \$7,182 for operating expenses.

SECTION 11. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

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

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO