

Second 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. 24-0315.01 Yelana Love x2295

**HOUSE BILL 24-1037**

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**HOUSE SPONSORSHIP**

**Epps and deGruy Kennedy, Young**

**SENATE SPONSORSHIP**

**Priola, Jaquez Lewis**

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**House Committees**  
Health & Human Services

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING REDUCING THE HARM CAUSED BY SUBSTANCE USE**  
102 **DISORDERS.**

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**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/>.)*

**Opioid and Other Substance Use Disorders Study Committee.**  
**Section 1** of the bill excludes injuries involving the possession of drugs or drug paraphernalia from a physician's mandatory reporting requirements.

**Sections 2 and 3** clarify that the civil and criminal immunity that protects a person who acts in good faith to furnish or administer an opioid

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 1, 2024

antagonist also protects a person who distributes the opioid antagonist.

**Section 4** adds an exemption to the prohibition on possessing drug paraphernalia for possession of drug paraphernalia that a person received from an approved syringe exchange program or a program carried out by a harm reduction organization while the person was participating in the program.

**Section 5** specifies that money appropriated to the department of public health and environment to purchase non-laboratory synthetic opiate detection tests may also be used to purchase other drug testing equipment.

**Section 6** authorizes an organization operating a clean syringe exchange program to provide drug testing services through the program.

**Sections 7 through 23** are conforming amendments that update the term "opiate antagonist" to "opioid antagonist".

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-240-139, **amend**  
3 (1)(a)(I)(C) as follows:

4 **12-240-139. Injuries to be reported - exemptions - penalty for**  
5 **failure to report - immunity from liability - definitions.**

6 (1) (a) (I) Every licensee who attends or treats any of the following  
7 injuries shall report the injury at once to the police of the city, town, or  
8 city and county or the sheriff of the county in which the licensee is  
9 located:

10 (C) Any other injury that the licensee has reason to believe  
11 involves a criminal act OTHER THAN THE POSSESSION OF DRUGS OR DRUG  
12 PARAPHERNALIA UNDER SECTION 18-18-403.5 OR 18-18-428; except that  
13 a licensee is not required to report an injury that ~~he or she~~ THE LICENSEE  
14 has reason to believe resulted from domestic violence unless ~~he or she~~  
15 THE LICENSEE is required to report the injury pursuant to subsection  
16 (1)(a)(I)(A) or (1)(a)(I)(B) of this section or the injury is a serious bodily  
17 injury, as defined in section 18-1-901 (3)(p).

18 **SECTION 2.** In Colorado Revised Statutes, 13-21-108.7, **amend**

1 (1), (2)(c), (2)(d), (2)(e) introductory portion, (2)(e)(II), (3)(a), (3)(b)(II),  
2 (4)(a), and (5); and **repeal** (2)(a) as follows:

3 **13-21-108.7. Persons rendering emergency assistance through**  
4 **the administration of an opioid antagonist - limited immunity -**  
5 **legislative declaration - definitions. (1) Legislative declaration.** The  
6 general assembly ~~hereby~~ encourages the administration AND  
7 DISTRIBUTION of ~~opiate~~ OPIOID antagonists, INCLUDING EXPIRED OPIOID  
8 ANTAGONISTS, BY PERSONS AND ENTITIES, INCLUDING LAW ENFORCEMENT  
9 PERSONNEL, SCHOOL DISTRICT PERSONNEL, AND HEALTH-CARE PROVIDERS,  
10 for the purpose of saving the lives of people who suffer ~~opiate-related~~  
11 OPIOID-RELATED drug overdose events. ~~A~~ THE GENERAL ASSEMBLY ALSO  
12 ENCOURAGES EACH person who administers an ~~opiate~~ OPIOID antagonist  
13 to another person ~~is urged~~ to call for emergency medical services  
14 immediately.

15 (2) **Definitions.** As used in this section, unless the context  
16 otherwise requires:

17 (a) ~~"Health-care facility" means a hospital, a hospice inpatient~~  
18 ~~residence, a nursing facility, a dialysis treatment facility, an assisted~~  
19 ~~living residence, an entity that provides home- and community-based~~  
20 ~~services, a hospice or home health-care agency, or another facility that~~  
21 ~~provides or contracts to provide health-care services, which facility is~~  
22 ~~licensed, certified, or otherwise authorized or permitted by law to provide~~  
23 ~~medical treatment.~~

24 (c) ~~"Opiate"~~ "OPIOID" has the same meaning as "OPIATE", AS set  
25 forth in section 18-18-102 (21). ~~C.R.S.~~

26 (d) ~~"Opiate"~~ "OPIOID antagonist" means naloxone hydrochloride or  
27 any similarly acting drug that is not a controlled substance and that is

1 approved by the federal food and drug administration for the treatment of  
2 a ~~drug overdose~~ HAS THE SAME MEANING AS SET FORTH IN SECTION  
3 12-30-110 (7)(d).

4 (e) "~~Opiate-related~~ OPIOID-RELATED drug overdose event" means  
5 an acute condition, including a decreased level of consciousness or  
6 respiratory depression, that:

7 (II) A layperson would reasonably believe to be an ~~opiate-related~~  
8 OPIOID-RELATED drug overdose event; and

9 (3) **General immunity.** (a) A person, other than a health-care  
10 provider, ~~or a health-care facility, who~~ IS NOT LIABLE FOR ANY CIVIL  
11 DAMAGES IF THE PERSON acts in good faith to: ~~furnish or administer an~~  
12 ~~opiate antagonist, including an expired opiate antagonist, to an individual~~  
13 ~~the person believes to be suffering an opiate-related drug overdose event~~  
14 ~~or to an individual who is in a position to assist the individual at risk of~~  
15 ~~experiencing an opiate-related overdose event is not liable for any civil~~  
16 ~~damages for acts or omissions made as a result of the act or for any act or~~  
17 ~~omission made if the opiate antagonist is stolen, defective, or produces an~~  
18 ~~unintended result.~~

19 (I) FURNISH OR ADMINISTER AN OPIOID ANTAGONIST TO AN  
20 INDIVIDUAL THE PERSON BELIEVES TO BE SUFFERING AN OPIOID-RELATED  
21 DRUG OVERDOSE EVENT OR TO AN INDIVIDUAL WHO IS IN A POSITION TO  
22 ASSIST THE INDIVIDUAL AT RISK OF EXPERIENCING AN OPIOID-RELATED  
23 DRUG OVERDOSE EVENT; OR

24 (II) DISTRIBUTE THE OPIOID ANTAGONIST.

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

26 (II) A person who acts in good faith to furnish or administer an  
27 ~~opiate~~ OPIOID antagonist in accordance with section 25-20.5-1001.

1           (4) **Licensed prescribers and dispensers.** (a) An individual who  
2 is licensed by the state under title 12 and is permitted by section  
3 12-30-110 or by other applicable law to prescribe or dispense an ~~opiate~~  
4 OPIOID antagonist is not liable for any civil damages resulting from:

5           (I) Prescribing or dispensing an ~~opiate~~ OPIOID antagonist in  
6 accordance with the applicable law; or

7           (II) Any outcomes resulting from the eventual administration of  
8 the ~~opiate~~ OPIOID antagonist by a layperson.

9           (5) The provisions of this section shall not be interpreted to  
10 establish any duty or standard of care in the prescribing, dispensing, or  
11 administration of an ~~opiate~~ OPIOID antagonist.

12           **SECTION 3.** In Colorado Revised Statutes, 18-1-712, **amend** (1),  
13 (2)(a), (2)(b)(II), (3)(a), (4), (5)(c), (5)(d), (5)(e) introductory portion, and  
14 (5)(e)(II); and **repeal** (5)(a) as follows:

15           **18-1-712. Immunity for a person who administers an opioid**  
16 **antagonist during an opioid-related drug overdose event - definitions.**

17 (1) **Legislative declaration.** The general assembly hereby encourages the  
18 administration AND DISTRIBUTION of ~~opiate~~ OPIOID antagonists,  
19 INCLUDING EXPIRED OPIOID ANTAGONISTS, BY PERSONS AND ENTITIES,  
20 INCLUDING LAW ENFORCEMENT PERSONNEL, SCHOOL DISTRICT PERSONNEL,  
21 AND HEALTH-CARE PROVIDERS, for the purpose of saving the lives of  
22 people who suffer ~~opiate-related~~ OPIOID-RELATED drug overdose events.  
23 ~~A~~ THE GENERAL ASSEMBLY ALSO ENCOURAGES EACH person who  
24 administers an ~~opiate~~ OPIOID antagonist to another person ~~is urged~~ to call  
25 for emergency medical services immediately.

26           (2) **General immunity.** (a) A person, other than a health-care  
27 provider, ~~or a health-care facility, who~~ IS IMMUNE FROM CRIMINAL

1 PROSECUTION IF THE PERSON acts in good faith to: ~~furnish or administer~~  
2 ~~an opiate antagonist, including an expired opiate antagonist, to an~~  
3 ~~individual the person believes to be suffering an opiate-related drug~~  
4 ~~overdose event or to an individual who is in a position to assist the~~  
5 ~~individual at risk of experiencing an opiate-related overdose event is~~  
6 ~~immune from criminal prosecution for the act or for any act or omission~~  
7 ~~made if the opiate antagonist is stolen.~~

8 (I) FURNISH OR ADMINISTER AN OPIOID ANTAGONIST TO AN  
9 INDIVIDUAL THE PERSON BELIEVES TO BE SUFFERING AN OPIOID-RELATED  
10 DRUG OVERDOSE EVENT OR TO AN INDIVIDUAL WHO IS IN A POSITION TO  
11 ASSIST THE INDIVIDUAL AT RISK OF EXPERIENCING AN OPIOID-RELATED  
12 DRUG OVERDOSE EVENT; OR

13 (II) DISTRIBUTE THE OPIOID ANTAGONIST.

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

15 (II) A person who acts in good faith to furnish or administer an  
16 ~~opiate~~ OPIOID antagonist in accordance with section 25-20.5-1001.

17 (3) (a) **Licensed prescribers and dispensers.** An individual who  
18 is licensed by the state under title 12 and is permitted by section  
19 12-30-110 or by other applicable law to prescribe or dispense an ~~opiate~~  
20 OPIOID antagonist is immune from criminal prosecution for:

21 (I) Prescribing or dispensing an ~~opiate~~ OPIOID antagonist in  
22 accordance with the applicable law; or

23 (II) Any outcomes resulting from the eventual administration of  
24 the ~~opiate~~ OPIOID antagonist by a layperson.

25 (4) The provisions of this section shall not be interpreted to  
26 establish any duty or standard of care in the prescribing, dispensing, or  
27 administration of an ~~opiate~~ OPIOID antagonist.

1 (5) **Definitions.** As used in this section, unless the context  
2 otherwise requires:

3 (a) ~~"Health-care facility" means a hospital, a hospice inpatient~~  
4 ~~residence, a nursing facility, a dialysis treatment facility, an assisted~~  
5 ~~living residence, an entity that provides home- and community-based~~  
6 ~~services, a hospice or home health-care agency, or another facility that~~  
7 ~~provides or contracts to provide health-care services, which facility is~~  
8 ~~licensed, certified, or otherwise authorized or permitted by law to provide~~  
9 ~~medical treatment.~~

10 (c) ~~"Opiate"~~ "OPIOID" has the same meaning as "OPIATE", AS set  
11 forth in section 18-18-102 (21).

12 (d) ~~"Opiate "OPIOID antagonist" means naloxone hydrochloride or~~  
13 ~~any similarly acting drug that is not a controlled substance and that is~~  
14 ~~approved by the federal food and drug administration for the treatment of~~  
15 ~~a drug overdose~~ HAS THE SAME MEANING AS SET FORTH IN SECTION  
16 12-30-110 (7)(d).

17 (e) ~~"Opiate-related"~~ "OPIOID-RELATED drug overdose event" means  
18 an acute condition, including a decreased level of consciousness or  
19 respiratory depression, that:

20 (II) A layperson would reasonably believe to be an ~~opiate-related~~  
21 OPIOID-RELATED drug overdose event; and

22 **SECTION 4.** In Colorado Revised Statutes, 18-18-428, **add**  
23 (1)(b)(III) as follows:

24 **18-18-428. Possession of drug paraphernalia - penalty -**  
25 **exceptions.** (1) (b) (III) THIS SECTION DOES NOT APPLY TO THE  
26 POSSESSION OF DRUG PARAPHERNALIA THAT A PERSON RECEIVED FROM AN  
27 APPROVED SYRINGE EXCHANGE PROGRAM CREATED PURSUANT TO SECTION

1 25-1-520 OR A PROGRAM CARRIED OUT BY A HARM REDUCTION  
2 ORGANIZATION, AS DEFINED IN SECTION 12-30-110 (7), WHILE  
3 PARTICIPATING IN THE PROGRAM.

4 **SECTION 5.** In Colorado Revised Statutes, 25-1.5-115.3, **amend**  
5 (1) introductory portion (1)(b), and (4) as follows:

6 **25-1.5-115.3. Non-laboratory synthetic opioid detection tests**  
7 **- appropriation - definitions - repeal.** (1) For the 2022-23 state fiscal  
8 year, the general assembly shall appropriate six hundred thousand dollars  
9 to the department for the purpose of purchasing non-laboratory synthetic  
10 ~~opiate~~ OPIOID detection tests AND OTHER DRUG TESTING EQUIPMENT. Any  
11 unexpended money remaining at the end of the 2022-23 state fiscal year  
12 from this appropriation:

13 (b) May be used by the department in the 2023-24 AND 2024-25  
14 state fiscal year YEARS without further appropriation; and

15 (4) This section is repealed, effective July 1, ~~2024~~ 2025.

16 **SECTION 6.** In Colorado Revised Statutes, 25-1-520, **add** (2.3)  
17 and (4.5) as follows:

18 **25-1-520. Clean syringe exchange programs - operation -**  
19 **approval - testing supplies.** (2.3) A CLEAN SYRINGE EXCHANGE  
20 PROGRAM OPERATING PURSUANT TO THIS SECTION MAY PURCHASE AND  
21 DISTRIBUTE OTHER SUPPLIES AND TOOLS INTENDED TO REDUCE HEALTH  
22 RISKS ASSOCIATED WITH THE USE OF DRUGS, INCLUDING, BUT NOT LIMITED  
23 TO, SMOKING MATERIALS.

24 (4.5) A CLEAN SYRINGE EXCHANGE PROGRAM OPERATING  
25 PURSUANT TO THIS SECTION MAY ACQUIRE AND USE SUPPLIES OR DEVICES  
26 INTENDED FOR USE IN TESTING CONTROLLED SUBSTANCES OR CONTROLLED  
27 SUBSTANCE ANALOGS FOR POTENTIALLY DANGEROUS ADULTERANTS.



1           **SECTION 7.** In Colorado Revised Statutes, **amend** 10-16-153 as  
2 follows:

3           **10-16-153. Coverage for opioid antagonists provided by a**  
4 **hospital - definition.** (1) As used in this section, unless the context  
5 otherwise requires, "~~opiate~~ "OPIOID antagonist" has the same meaning as  
6 set forth in section 12-30-110 (7)(d).

7           (2) A carrier that provides coverage for ~~opiate~~ OPIOID antagonists  
8 pursuant to the terms of a health coverage plan the carrier offers shall  
9 reimburse a hospital for the hospital's cost of an ~~opiate~~ OPIOID antagonist  
10 if the hospital gives a covered person an ~~opiate~~ OPIOID antagonist upon  
11 discharge from the hospital.

12           **SECTION 8.** In Colorado Revised Statutes, 12-30-110, **amend**  
13 (1)(a) introductory portion, (1)(a)(I), (1)(a)(II), (1)(b), (2), (3), (3.5)(a),  
14 (3.5)(b) introductory portion, (4)(a), (5), (7)(a.3), (7)(b), (7)(c), (7)(d),  
15 (7)(e) introductory portion, (7)(e)(II), and (7)(i) as follows:

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

20           (I) An individual at risk of experiencing an ~~opiate-related~~  
21 OPIOID-RELATED drug overdose event;

22           (II) A family member, friend, or other person in a position to  
23 assist an individual at risk of experiencing an ~~opiate-related~~  
24 OPIOID-RELATED drug overdose event;

25           (b) A person or entity described in subsection (1)(a) of this section  
26 may, pursuant to an order or standing orders and protocols:

27           (I) Possess an ~~opiate~~ OPIOID antagonist;

1 (II) Furnish an ~~opiate~~ OPIOID antagonist to a family member,  
2 friend, or other person who is in a position to assist an individual who is  
3 at risk of experiencing an ~~opiate-related~~ OPIOID-RELATED drug overdose  
4 event; or

5 (III) Administer an ~~opiate~~ OPIOID antagonist to an individual  
6 experiencing, or who a reasonable person would believe is experiencing,  
7 an ~~opiate-related~~ OPIOID-RELATED drug overdose event.

8 (2) (a) A prescriber who prescribes or dispenses an ~~opiate~~ OPIOID  
9 antagonist pursuant to this section is strongly encouraged to educate  
10 persons receiving the ~~opiate~~ OPIOID antagonist on the use of an ~~opiate~~  
11 OPIOID antagonist for overdose, including instruction concerning risk  
12 factors for overdose, recognizing an overdose, calling emergency medical  
13 services, rescue breathing, and administering an ~~opiate~~ OPIOID antagonist.

14 (b) An entity described in subsection (1)(a) of this section is  
15 strongly encouraged to educate employees, agents, and volunteers, as well  
16 as persons receiving an ~~opiate~~ OPIOID antagonist from the entity described  
17 in subsection (1)(a) of this section, on the use of an ~~opiate~~ OPIOID  
18 antagonist for overdose, including instruction concerning risk factors for  
19 overdose, recognizing an overdose, calling emergency medical services,  
20 rescue breathing, and administering an ~~opiate~~ OPIOID antagonist.

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

1 (a) An individual who is at risk of experiencing an ~~opiate-related~~  
2 OPIOID-RELATED drug overdose event;

3 (b) A family member, friend, or other person who is in a position  
4 to assist an individual who is at risk of experiencing an ~~opiate-related~~  
5 OPIOID-RELATED drug overdose event; or

6 (c) A person or entity described in subsection (1)(a) of this section  
7 in responding to, treating, or otherwise assisting an individual who is  
8 experiencing or is at risk of experiencing an ~~opiate-related~~  
9 OPIOID-RELATED drug overdose event or a friend, family member, or other  
10 person in a position to assist an at-risk individual.

11 (3.5) (a) Notwithstanding any provision of this title 12 or rules  
12 implementing this title 12, a prescriber prescribing or dispensing an  
13 ~~opiate~~ OPIOID antagonist in accordance with this section, other than a  
14 pharmacist or other prescriber prescribing and dispensing from a  
15 prescription drug outlet or pharmacy, is not required to comply with laws  
16 relating to labeling, storage, or record keeping for the ~~opiate~~ OPIOID  
17 antagonist.

18 (b) A prescriber prescribing or dispensing an ~~opiate~~ OPIOID  
19 antagonist exempted from labeling, storage, or record-keeping  
20 requirements pursuant to this subsection (3.5):

21 (4) (a) A prescriber who prescribes or dispenses an ~~opiate~~ OPIOID  
22 antagonist in accordance with this section is not subject to civil liability  
23 or criminal prosecution, as specified in sections 13-21-108.7 (4) and  
24 18-1-712 (3), respectively.

25 (5) This section does not establish a duty or standard of care for  
26 prescribers regarding the prescribing, dispensing, or administering of an  
27 ~~opiate~~ OPIOID antagonist.

1 (7) As used in this section:

2 (a.3) "Community service organization" means a nonprofit  
3 organization that is in good standing and registered with the federal  
4 internal revenue service and the Colorado secretary of state's office that  
5 provides services to ~~individuals~~ AN INDIVIDUAL at risk of experiencing an  
6 ~~opiate-related~~ OPIOID-RELATED drug overdose event or to the ~~individuals'~~  
7 INDIVIDUAL'S family members, friends, or other persons in a position to  
8 assist the individual.

9 (b) "Harm reduction organization" means an organization that  
10 provides services, including medical care, counseling, homeless services,  
11 or drug treatment, to individuals at risk of experiencing an ~~opiate-related~~  
12 OPIOID-RELATED drug overdose event or to the friends and family  
13 members of an at-risk individual.

14 (c) ~~"Opiate"~~ "OPIOID" has the same meaning AS "OPIATE", as set  
15 forth in section 18-18-102 (21).

16 (d) ~~"Opiate"~~ "OPIOID antagonist" means naloxone hydrochloride or  
17 any similarly acting drug that is not a controlled substance and that is  
18 approved by the federal food and drug administration for the treatment of  
19 a drug overdose. "OPIOID ANTAGONIST" INCLUDES AN EXPIRED OPIOID  
20 ANTAGONIST.

21 (e) ~~"Opiate-related"~~ "OPIOID-RELATED drug overdose event" means  
22 an acute condition, including a decreased level of consciousness or  
23 respiratory depression, that:

24 (II) A layperson would reasonably believe to be caused by an  
25 ~~opiate-related~~ OPIOID-RELATED drug overdose event; and

26 (i) "Protocol" means a specific written plan for a course of  
27 medical treatment containing a written set of specific directions created

1 by a physician, group of physicians, hospital medical committee,  
2 pharmacy and therapeutics committee, or other similar practitioners or  
3 groups of practitioners with expertise in the use of ~~opiate~~ OPIOID  
4 antagonists.

5 **SECTION 9.** In Colorado Revised Statutes, **amend** 12-240-124  
6 as follows:

7 **12-240-124. Prescribing opioid antagonists.** A physician or  
8 physician assistant licensed pursuant to this article 240 may prescribe or  
9 dispense an ~~opiate~~ OPIOID antagonist in accordance with section  
10 12-30-110.

11 **SECTION 10.** In Colorado Revised Statutes, 12-245-210, **amend**  
12 (2) as follows:

13 **12-245-210. Prohibition against prescribing drugs or**  
14 **practicing medicine - exception for opioid antagonist.**  
15 (2) Notwithstanding subsection (1) of this section, a psychologist, social  
16 worker, marriage and family therapist, licensed professional counselor,  
17 unlicensed psychotherapist, or addiction counselor licensed, registered,  
18 or certified under this article 245 may possess, furnish, or administer an  
19 ~~opiate~~ OPIOID antagonist in accordance with section 12-30-110.

20 **SECTION 11.** In Colorado Revised Statutes, **amend** 12-255-128  
21 as follows:

22 **12-255-128. Prescribing opioid antagonists.** An advanced  
23 practice registered nurse or certified midwife with prescriptive authority  
24 pursuant to section 12-255-112 may prescribe or dispense an ~~opiate~~  
25 OPIOID antagonist in accordance with section 12-30-110.

26 **SECTION 12.** In Colorado Revised Statutes, 12-280-103, **amend**  
27 (39)(g)(III) and (40) as follows:

1           **12-280-103. Definitions - rules.** As used in this article 280, unless  
2 the context otherwise requires or the term is otherwise defined in another  
3 part of this article 280:

4           (39) "Practice of pharmacy" means:

5           (g) Exercising independent prescriptive authority:

6           (III) As authorized pursuant to sections 12-30-110 and  
7 12-280-123 (3) regarding ~~opiate~~ OPIOID antagonists; or

8           (40) "Practitioner" means a person authorized by law to prescribe  
9 any drug or device, acting within the scope of the authority, including a  
10 pharmacist who is participating within the parameters of a statewide drug  
11 therapy protocol pursuant to a collaborative pharmacy practice agreement  
12 as defined in section 12-280-601 (1)(b), prescribing over-the-counter  
13 medications pursuant to section 25.5-5-322, or prescribing an ~~opiate~~  
14 OPIOID antagonist pursuant to sections 12-30-110 and 12-280-123 (3).

15           **SECTION 13.** In Colorado Revised Statutes, 12-280-123, **amend**  
16 (1)(c)(I) introductory portion, (1)(c)(II), and (3) as follows:

17           **12-280-123. Prescription required - exception - dispensing**  
18 **opioid antagonists - selling nonprescription syringes and needles.**

19 (1) (c) (I) A pharmacist who dispenses a prescription order for a  
20 prescription drug that is an opioid shall inform the individual of the  
21 potential dangers of a high dose of an opioid, as described by the federal  
22 centers for disease control and prevention in the United States department  
23 of health and human services, and offer to dispense to the individual to  
24 whom the opioid is being dispensed, on at least an annual basis, an ~~opiate~~  
25 OPIOID antagonist approved by the FDA for the reversal of an opioid  
26 overdose if:

27           (II) Notwithstanding section 12-30-110 (2)(a), if an individual to

1 whom an opioid is being dispensed chooses to accept the pharmacist's  
2 offer for an ~~opiate~~ OPIOID antagonist, the pharmacist shall counsel the  
3 individual on how to use the ~~opiate~~ OPIOID antagonist in the event of an  
4 overdose. The pharmacist shall notify the individual of available generic  
5 and brand-name ~~opiate~~ OPIOID antagonists.

6 (3) A pharmacist may prescribe and dispense an ~~opiate~~ OPIOID  
7 antagonist in accordance with section 12-30-110.

8 **SECTION 14.** In Colorado Revised Statutes, 17-26-140, **amend**  
9 (1)(c) and (3) as follows:

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

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

14 (c) If the person received or has been assessed to receive  
15 medication-assisted treatment while in jail, has a history of substance use  
16 in the community or while in jail, or requests ~~opiate~~ OPIOID antagonists  
17 upon release, provide the person, upon release from the jail, at least eight  
18 milligrams of an ~~opiate~~ OPIOID antagonist via inhalation or its equivalent  
19 and provide education to the person about the appropriate use of the  
20 medication;

21 (3) As used in this section, "~~opiate~~ "OPIOID antagonist" means  
22 naloxone hydrochloride or any similarly acting drug that is not a  
23 controlled substance and that is approved by the federal food and drug  
24 administration for the treatment of a drug overdose.

25 **SECTION 15.** In Colorado Revised Statutes, 18-1.3-410, **amend**  
26 (4) as follows:

27 **18-1.3-410. Fentanyl education and treatment program.** (4) A

1 person, regardless of whether the person is receiving treatment in a  
2 community-based or residential treatment facility pursuant to subsection  
3 (2) or (3) of this section, must complete the fentanyl education program  
4 developed by the behavioral health administration pursuant to section  
5 27-80-128. The fentanyl education program must include information  
6 regarding the nature and addictive elements of synthetic opiates, their  
7 dangers to a person's life and health, access to and administration of  
8 ~~opiate~~ OPIOID antagonists and non-laboratory synthetic opiate detection  
9 tests, and laws regarding synthetic opiates, including criminal penalties  
10 and immunity for reporting an overdose event pursuant to section  
11 18-1-711. The fentanyl education program costs must be paid from the  
12 correctional treatment cash fund, existing pursuant to section 18-19-103  
13 (4), for a person on probation and who is determined by the court to be  
14 indigent, is represented by court-appointed counsel, or is otherwise unable  
15 to afford the cost of placement.

16 **SECTION 16.** In Colorado Revised Statutes, 18-1.3-510, **amend**  
17 (4) as follows:

18 **18-1.3-510. Fentanyl education and treatment program.** (4) A  
19 person, regardless of whether the person is receiving treatment in a  
20 community-based or residential treatment facility pursuant to subsection  
21 (2) or (3) of this section, must complete the fentanyl education program  
22 developed by the behavioral health administration pursuant to section  
23 27-80-128. The fentanyl education program must include information  
24 regarding the nature and addictive elements of synthetic opiates, their  
25 dangers to a person's life and health, access to and administration of  
26 ~~opiate~~ OPIOID antagonists and non-laboratory synthetic opiate detection  
27 tests, and laws regarding synthetic opiates, including criminal penalties



1 and immunity for reporting an overdose event pursuant to section  
2 18-1-711. The fentanyl education program costs must be paid from the  
3 correctional treatment cash fund, existing pursuant to section 18-19-103  
4 (4), for a person on probation and WHO is determined by the court to be  
5 indigent, is represented by court-appointed counsel, or is otherwise unable  
6 to afford the cost of placement.

7 **SECTION 17.** In Colorado Revised Statutes, 18-19-103, **amend**  
8 (5)(c)(IX) as follows:

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

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

12 (IX) Drug overdose prevention, including medication-assisted  
13 treatment for opiate dependence, ~~opiate~~ OPIOID antagonists, and  
14 non-laboratory synthetic opiate detection tests.

15 **SECTION 18.** In Colorado Revised Statutes, 22-1-119.1, **amend**  
16 (1), (3)(a), (3)(b) introductory portion, and (3)(b)(II) as follows:

17 **22-1-119.1. Policy for employee and agent possession and**  
18 **administration of opioid antagonists - definitions.** (1) A school district  
19 board of education of a public school, the state charter school institute for  
20 an institute charter school, or the governing board of a nonpublic school  
21 may adopt and implement a policy whereby:

22 (a) A school under its jurisdiction may acquire and maintain a  
23 stock supply of ~~opiate~~ OPIOID antagonists; and

24 (b) An employee or agent of the school may, after receiving  
25 appropriate training, administer an ~~opiate~~ OPIOID antagonist on school  
26 grounds to assist an individual who is at risk of experiencing an  
27 ~~opiate-related~~ OPIOID-RELATED drug overdose event. The training

1 provided pursuant to this subsection (1)(b) must include risk factors for  
2 overdose, recognizing an overdose, calling emergency medical services,  
3 rescue breathing, and administering an ~~opiate~~ OPIOID antagonist.

4 (3) As used in this section:

5 (a) "~~Opiate~~ "OPIOID antagonist" ~~means naloxone hydrochloride or~~  
6 ~~any similarly acting drug that is not a controlled substance and that is~~  
7 ~~approved by the federal food and drug administration for the treatment of~~  
8 ~~a drug overdose~~ HAS THE SAME MEANING AS SET FORTH IN SECTION  
9 12-30-110 (7)(d).

10 (b) "~~Opiate-related~~ "OPIOID-RELATED drug overdose event" means  
11 an acute condition, including a decreased level of consciousness or  
12 respiratory depression, that:

13 (II) A layperson would reasonably believe to be caused by an  
14 ~~opiate-related~~ OPIOID-RELATED drug overdose event; and

15 **SECTION 19.** In Colorado Revised Statutes, 25-1.5-115, **amend**  
16 (1)(a), (2), (3), (4)(a)(III), (4)(a)(IV), and (5) as follows:

17 **25-1.5-115. Opioid antagonist bulk purchase fund - creation**  
18 **- rules - report - appropriation - definitions - repeal.** (1) (a) The ~~opiate~~  
19 OPIOID antagonist bulk purchase fund ~~referred to in this section as the~~  
20 ~~"fund"~~, is hereby created in the state treasury. The fund consists of  
21 payments made to the department by participating eligible entities for the  
22 purchase of ~~opiate~~ OPIOID antagonists; gifts, grants, and donations  
23 credited to the fund pursuant to subsection (1)(b) of this section; and any  
24 money that the general assembly may appropriate or transfer to the fund.

25 (2) Money in the fund is continuously appropriated to the  
26 department for bulk purchasing of ~~opiate~~ OPIOID antagonists. Eligible  
27 entities may purchase ~~opiate~~ OPIOID antagonists from the department. The

1 department may contract with a prescription drug outlet, as defined in  
2 section 12-280-103 (43), for the bulk purchasing and distribution of  
3 ~~opiate~~ OPIOID antagonists. The department may prioritize the purchase of  
4 ~~opiate~~ OPIOID antagonists by eligible entities based on the need of the  
5 entity and the availability of the ~~opiate~~ OPIOID antagonists as determined  
6 by the department. The department shall provide technical assistance to  
7 participating eligible entities to ensure that eligible entities complete all  
8 training and registration requirements.

9 (3) The department shall promulgate rules specifying the amount  
10 an eligible entity must pay to purchase ~~opiate~~ OPIOID antagonists from the  
11 department.

12 (4) (a) No later than October 1, 2020, and every October 1  
13 thereafter, the executive director of the department or the executive  
14 director's designee shall report to the house and senate appropriations  
15 committees, or their successor committees, on the fund's activity. The  
16 report must include:

17 (III) The eligible entities that purchased ~~opiate~~ OPIOID antagonists;

18 (IV) The amount of ~~opiate~~ OPIOID antagonists purchased by each  
19 eligible entity; and

20 (5) As used in this section:

21 (a) "Eligible entity" means a person or entity described in section  
22 12-30-110 (1)(a); except that an employee or agent of a school must be  
23 acting in accordance with section 12-30-110 (1)(b), (2)(b), and (4)(b),  
24 and, as applicable, section 22-1-119.1.

25 (b) "FUND" MEANS THE OPIOID ANTAGONIST BULK PURCHASE FUND  
26 CREATED IN SUBSECTION (1)(a) OF THIS SECTION.

27 **SECTION 20.** In Colorado Revised Statutes, 25-20.5-1001,

1 **amend** (1), (2), and (3) as follows:

2 **25-20.5-1001. Making opioid antagonists available - bulk**  
3 **purchasing - immunity.** (1) A person that is not a private entity and that  
4 makes a defibrillator or AED, as defined in section 13-21-108.1, available  
5 to aid the general public may also make available an ~~opiate~~ OPIOID  
6 antagonist to aid an individual believed to be suffering an ~~opiate-related~~  
7 OPIOID-RELATED drug overdose event or to an individual who is in a  
8 position to assist the individual at risk of experiencing an ~~opiate-related~~  
9 OPIOID-RELATED drug overdose event.

10 (2) A person making an ~~opiate~~ OPIOID antagonist available in  
11 accordance with subsection (1) of this section is eligible to purchase  
12 ~~opiate~~ OPIOID antagonists from the department in accordance with section  
13 25-1.5-115.

14 (3) A person who acts in good faith to furnish or administer an  
15 ~~opiate~~ OPIOID antagonist to an individual the person believes to be  
16 suffering an ~~opiate-related~~ OPIOID-RELATED drug overdose event or to an  
17 individual who is in a position to assist the individual at risk of  
18 experiencing an ~~opiate-related~~ OPIOID-RELATED drug overdose event is  
19 not subject to civil liability or criminal prosecution, as specified in  
20 sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

21 **SECTION 21.** In Colorado Revised Statutes, 25-20.5-1501,  
22 **amend** (3) introductory portion and (3)(c) as follows:

23 **25-20.5-1501. Independent study - report - repeal.** (3) At a  
24 minimum, the independent entity shall identify and report findings based  
25 on available data and information obtained from the behavioral health  
26 administration, the department, ~~of public health and environment,~~  
27 managed service organizations, and other applicable agencies and

1 treatment providers regarding:

2 (c) The eligible entities that purchased ~~opiate~~ OPIOID antagonists  
3 through the ~~opiate~~ OPIOID antagonist bulk purchase fund pursuant to  
4 section 25-1.5-115, including the amount of ~~opiate~~ OPIOID antagonists  
5 purchased by each eligible entity and the revenue received by the bulk  
6 purchase fund;

7 **SECTION 22.** In Colorado Revised Statutes, 25.5-5-509, **amend**  
8 (2) as follows:

9 **25.5-5-509. Substance use disorder - prescription drugs -**  
10 **opioid antagonist - definition.** (2) (a) As used in this subsection (2),  
11 unless the context otherwise requires, "~~opiate~~ "OPIOID antagonist" has the  
12 same meaning as set forth in section 12-30-110 (7)(d).

13 (b) A hospital or emergency department shall receive  
14 reimbursement under the medical assistance program for the cost of an  
15 ~~opiate~~ OPIOID antagonist if, in accordance with section 12-30-110, a  
16 prescriber, as defined in section 12-30-110 (7)(h), dispenses an ~~opiate~~  
17 OPIOID antagonist upon discharge to a medical assistance recipient who  
18 is at risk of experiencing an ~~opiate-related~~ OPIOID-RELATED drug overdose  
19 event or to a family member, friend, or other person in a position to assist  
20 a medical assistance recipient who is at risk of experiencing an  
21 ~~opiate-related~~ OPIOID-RELATED drug overdose event.

22 (c) The state department shall seek federal financial participation  
23 for the cost of reimbursement for the ~~opiate~~ OPIOID antagonist, but shall  
24 provide reimbursement to the hospital or emergency department for the  
25 ~~opiate~~ OPIOID antagonist using state money until federal financial  
26 participation is available.

27 **SECTION 23.** In Colorado Revised Statutes, **amend** 27-80-128

1 as follows:

2 **27-80-128. Fentanyl education and treatment program.** The  
3 behavioral health administration shall develop a fentanyl education  
4 program for the purpose of sections 18-1.3-410 and 18-1.3-510. The  
5 fentanyl education program must include information regarding the nature  
6 and addictive elements of synthetic opiates, their dangers to a person's life  
7 and health, access to and administration of ~~opiate~~ OPIOID antagonists and  
8 non-laboratory synthetic opiate detection tests, and laws regarding  
9 synthetic opiates, including criminal penalties and immunity for reporting  
10 an overdose event pursuant to section 18-1-711. The BHA may update the  
11 fentanyl education program curriculum as necessary.

12 **SECTION 24. Safety clause.** The general assembly finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, or safety or for appropriations for  
15 the support and maintenance of the departments of the state and state  
16 institutions.