

CHAPTER 121

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 24-1003

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also SENATOR(S) Simpson and Michaelson Jenet, Bridges, Buckner, Coleman, Cutter, Exum, Gonzales, Jaquez Lewis, Marchman, Priola, Winter F.

AN ACT**CONCERNING MEASURES RELATED TO HARM REDUCTION FOR STUDENTS.**

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

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) Fentanyl, a synthetic opiate painkiller, is killing people who did not know they were consuming it. These deaths are known as fentanyl poisonings.

(b) Fentanyl is the most common cause of opiate deaths in the United States;

(c) Colorado's drug overdose rate increased fifty percent from May 2019 to May 2021. This is consistent with the national drug overdose rate trend.

(d) In 2018, less than ten percent of Colorado's drug overdoses involved fentanyl. In 2021, approximately forty-eight percent of Colorado's drug overdoses involved fentanyl.

(e) Fentanyl is approximately one hundred times stronger than morphine and approximately fifty times stronger than heroin. A person can overdose on approximately two milligrams of fentanyl.

(f) A variety of drugs, including cocaine, ecstasy, and pills made to look like prescription narcotics, are being laced with fentanyl and causing fentanyl poisonings;

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.

(g) Colorado's students are increasingly vulnerable to opiate overdoses as the opiate epidemic continues to plague our state and country. This threat can be significantly decreased by providing to students and parents greater education about the threat of opiates and greater education about and access to opiate antagonists and detection products. Availability of and access to opiate antagonists and detection products enable immediate and effective response in the case of an overdose.

(h) It is imperative to provide students with the knowledge, tools, and skills to save their lives and their peers' lives. It is imperative to create connections and communication opportunities with parents and school personnel.

(i) People who attend educational harm reduction programs are more likely to voluntarily enter addiction treatment programming; and

(j) Under current state law, a school district may establish a policy to maintain a supply of opiate antagonists and allow staff to administer an opiate antagonist to a person experiencing an opiate-related drug overdose if the staff has received training. Current state law also allows broad allowances for the general public to administer an opiate antagonist to a person who is experiencing an opiate-related drug overdose.

(2) The general assembly declares it is necessary to build upon the successes of current state law that make opiate antagonists and detection tests available, to create greater accessibility to life-saving tools, and to create greater knowledge for students and parents to save lives and reduce stigmas.

SECTION 2. In Colorado Revised Statutes, 22-1-119.1, **amend** (1)(a), (1)(b), and (2); and **add** (1)(c) and (4) as follows:

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

(a) A school under its jurisdiction may acquire and maintain a stock supply of opiate antagonists ON SCHOOL GROUNDS; ON A SCHOOL BUS OPERATED BY A DISTRICT SCHOOL, SCHOOL DISTRICT, THE CHARTER SCHOOL INSTITUTE, INSTITUTE CHARTER SCHOOL, OR NONPUBLIC SCHOOL; OR BOTH; ~~and~~

(b) An employee or agent of the school; OR AN EMPLOYEE OR AGENT OF A SCHOOL DISTRICT, A DISTRICT SCHOOL, THE CHARTER SCHOOL INSTITUTE, AN INSTITUTE CHARTER SCHOOL, OR A NONPUBLIC SCHOOL WHO OPERATES OR IS ON A SCHOOL BUS; OR BOTH, may, after receiving appropriate training, administer an opiate antagonist on school grounds OR A SCHOOL BUS to assist an individual who is at risk of experiencing an opiate-related drug overdose event. The training provided pursuant to this subsection (1)(b) must include risk factors for overdose, recognizing an overdose, calling emergency medical services, rescue breathing, and administering an opiate antagonist; AND

(c) AN EMPLOYEE OR AGENT OF THE SCHOOL MAY FURNISH OPIATE ANTAGONISTS ON SCHOOL GROUNDS OR ON A SCHOOL BUS TO ANY INDIVIDUAL, INCLUDING A STUDENT, BUT SHALL ONLY FURNISH AN OPIATE ANTAGONIST TO A STUDENT IF THE STUDENT HAS RECEIVED APPROPRIATE SCHOOL-SPONSORED TRAINING.

(2) An employee or agent of a school; OR AN EMPLOYEE OR AGENT OF THE SCHOOL DISTRICT, A DISTRICT SCHOOL, THE CHARTER SCHOOL INSTITUTE, AN INSTITUTE CHARTER SCHOOL, OR A NONPUBLIC SCHOOL WHO OPERATES OR IS ON A SCHOOL BUS; OR BOTH, acting in accordance with a policy adopted pursuant to this section is not subject to civil liability or criminal prosecution, as specified in sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

(4) THE GENERAL ASSEMBLY ENCOURAGES EACH SCHOOL DISTRICT BOARD OF EDUCATION, THE CHARTER SCHOOL INSTITUTE, AND EACH GOVERNING BOARD OF A NONPUBLIC SCHOOL TO ADOPT AND IMPLEMENT A POLICY FOR AN EMPLOYEE OR AGENT OF THE SCHOOL TO FURNISH AN OPIATE ANTAGONIST ON SCHOOL GROUNDS OR ON A SCHOOL BUS TO ANY INDIVIDUAL, INCLUDING A STUDENT. IN DEVELOPING THE POLICY, THE GENERAL ASSEMBLY ALSO ENCOURAGES EACH SCHOOL DISTRICT BOARD OF EDUCATION, THE CHARTER SCHOOL INSTITUTE, AND EACH GOVERNING BOARD OF A NONPUBLIC SCHOOL TO CONSIDER PARENT AND STUDENT INPUT; INCLUDE EDUCATION AND TRAINING TO PARENTS AND STUDENTS REGARDING OPIATE ANTAGONISTS, OPIATE DETECTION TESTS, OR NON-LABORATORY DETECTION TESTS; CONSIDER RECOMMENDATIONS TO STUDENTS OF A CERTAIN AGE OR GRADE LEVEL FOR WHOM THE POLICY APPLIES; AND COLLABORATE WITH GROUPS WHO HAVE DEVELOPED OPIATE EDUCATION AND AWARENESS CAMPAIGNS TO ENHANCE THE POLICY.

SECTION 3. In Colorado Revised Statutes, **amend 22-1-119.2** as follows:

22-1-119.2. Policy for employee and agent furnishing synthetic opiate detection tests and non-laboratory additive detection tests - legislative intent - definitions. (1) A school district board of education of a public school, the state charter school institute for an institute charter school, or the governing board of a nonpublic school may adopt and implement a policy whereby a school under its jurisdiction may acquire and maintain a supply of non-laboratory synthetic opiate detection tests, NON-LABORATORY ADDITIVE DETECTION TESTS, OR BOTH, and an employee or agent of the school may furnish non-laboratory synthetic opiate detection tests, NON-LABORATORY ADDITIVE DETECTION TESTS, OR BOTH, on school grounds to any individual.

(2) As used in this section, "~~non-laboratory synthetic opiate detection test~~" means ~~a product that is intended or designed to detect the presence of a synthetic opiate~~ UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "~~NON-LABORATORY ADDITIVE DETECTION TEST~~" MEANS A PRODUCT THAT IS INTENDED OR DESIGNED TO DETECT THE PRESENCE OF AN ADDITIVE TO A SYNTHETIC OPIATE OR AN IMMEDIATE PRECURSOR TO A SYNTHETIC OPIATE.

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

SECTION 4. In Colorado Revised Statutes, **add** 22-1-119.7 as follows:

22-1-119.7. Student possession and administration of opiate antagonists and possession of non-laboratory detection tests. (1) A SCHOOL DISTRICT OR THE STATE CHARTER SCHOOL INSTITUTE SHALL NOT PROHIBIT A STUDENT OF THE SCHOOL DISTRICT OR INSTITUTE CHARTER SCHOOL FROM, OR DISCIPLINE A STUDENT OF THE SCHOOL DISTRICT OR INSTITUTE CHARTER SCHOOL FOR POSSESSING OR ADMINISTERING AN OPIATE ANTAGONIST ON SCHOOL GROUNDS, ON A SCHOOL BUS, OR AT ANY SCHOOL-SPONSORED EVENT.

(2) A SCHOOL, SCHOOL DISTRICT, OR THE STATE CHARTER SCHOOL INSTITUTE SHALL NOT PROHIBIT A STUDENT OF THE SCHOOL DISTRICT OR INSTITUTE CHARTER SCHOOL FROM POSSESSING A NON-LABORATORY SYNTHETIC OPIATE DETECTION TEST OR NON-LABORATORY ADDITIVE DETECTION TEST ON SCHOOL GROUNDS, ON A SCHOOL BUS, OR AT ANY SCHOOL-SPONSORED EVENT.

(3) A STUDENT IS NOT SUBJECT TO CIVIL LIABILITY OR CRIMINAL PROSECUTION IF THE STUDENT ACTS AS SPECIFIED IN SECTIONS 13-21-108.7, 13-21-108.8, OR 18-1-712.

SECTION 5. In Colorado Revised Statutes, 12-30-110, **amend** (1)(a)(V) as follows:

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

(V) A school district, school, or employee or agent of a school; OR AN EMPLOYEE OR AGENT OF THE SCHOOL DISTRICT, A DISTRICT SCHOOL, THE CHARTER SCHOOL INSTITUTE, AN INSTITUTE CHARTER SCHOOL, OR A NONPUBLIC SCHOOL WHO OPERATES OR IS ON A SCHOOL BUS;

SECTION 6. In Colorado Revised Statutes, 13-21-108.7, **amend** (3)(b)(I) as follows:

13-21-108.7. Persons rendering emergency assistance through the administration of an opiate antagonist - limited immunity - legislative declaration - definitions. (3) **General immunity.** (b) This subsection (3) also applies to:

(I) A person or entity described in section 12-30-110 (1)(a); except that an employee or agent of a school, OR AN EMPLOYEE OR AGENT OF A SCHOOL DISTRICT, A DISTRICT SCHOOL, THE CHARTER SCHOOL INSTITUTE, AN INSTITUTE CHARTER SCHOOL, OR A NONPUBLIC SCHOOL WHO OPERATES OR IS ON A SCHOOL BUS, must be acting in accordance with section 12-30-110 (1)(b), (2)(b), and (4)(b), and, as applicable, section 22-1-119.1; and

SECTION 7. In Colorado Revised Statutes, **amend** 13-21-108.8 as follows:

13-21-108.8. Persons furnishing a non-laboratory synthetic opiate detection test or a non-laboratory additive detection test - limited immunity - definitions.

(1) Except as provided in subsection (2) of this section, a person who or entity that acts in good faith to furnish a non-laboratory synthetic opiate detection test OR A NON-LABORATORY ADDITIVE DETECTION TEST, including an expired non-laboratory synthetic opiate detection test OR NON-LABORATORY ADDITIVE DETECTION TEST, to another person is not liable for any civil damages for acts, omissions made as a result of the act, or for any act or omission made if the non-laboratory synthetic opiate detection test OR NON-LABORATORY ADDITIVE DETECTION TEST is stolen, defective, or produces an inaccurate result.

(2) A manufacturer, as defined in section 13-21-401 (1), of non-laboratory synthetic opiate detection tests OR NON-LABORATORY ADDITIVE DETECTION TESTS is not immune from liability as described in subsection (1) of this section.

(3) For purposes of this section, ~~"non-laboratory synthetic opiate detection test"~~ means a product that is intended or designed to detect the presence of a synthetic opiate UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "NON-LABORATORY ADDITIVE DETECTION TEST" MEANS A PRODUCT THAT IS INTENDED OR DESIGNED TO DETECT THE PRESENCE OF AN ADDITIVE TO A SYNTHETIC OPIATE OR AN IMMEDIATE PRECURSOR TO A SYNTHETIC OPIATE.

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

SECTION 8. In Colorado Revised Statutes, 18-1-712, **amend** (2)(b)(I) as follows:

18-1-712. Immunity for a person who administers an opiate antagonist during an opiate-related drug overdose event - definitions. (2) **General immunity.** (b) This subsection (2) also applies to:

(I) A person or entity described in section 12-30-110 (1)(a); except that an employee or agent of a school, OR AN EMPLOYEE OR AGENT OF A SCHOOL DISTRICT, A DISTRICT SCHOOL, THE CHARTER SCHOOL INSTITUTE, AN INSTITUTE CHARTER SCHOOL, OR A NONPUBLIC SCHOOL WHO OPERATES OR IS ON A SCHOOL BUS, must be acting in accordance with section 12-30-110 (1)(b), (2)(b), and (4)(b), and, as applicable, section 22-1-119.1; and

SECTION 9. 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.

Approved: April 22, 2024