

HB1009_L.008

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public Health Care & Human Services.

HB19-1009 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 24-32-721, amend
4 (4)(b); and add (4)(e) and (4)(f) as follows:

5 **24-32-721. Colorado affordable housing construction grants**
6 **and loans - housing development grant fund - creation - housing**
7 **assistance for a person with a behavioral, mental health, or substance**
8 **use disorder - cash fund - appropriation - report to general assembly**
9 **- definition.** (4) (b) In conjunction with its other programs to provide
10 assistance in obtaining housing and subject to available appropriations,
11 the division OF HOUSING shall establish a program that provides vouchers
12 and other support services for housing assistance for:

13 (I) ~~a person~~ AN INDIVIDUAL with a mental health disorder,
14 SUBSTANCE USE DISORDER, or co-occurring behavioral health disorder
15 who is transitioning from the department of corrections, the division of
16 youth corrections in the department of human services, A MENTAL HEALTH
17 INSTITUTE, A PSYCHIATRIC HOSPITAL, or a county jail into the community;
18 OR

19 (II) AN INDIVIDUAL WHO IS HOMELESS OR IN AN UNSTABLE
20 HOUSING ENVIRONMENT AND IS TRANSITIONING FROM A RESIDENTIAL
21 TREATMENT PROGRAM OR IS ENGAGED IN THE COMMUNITY TRANSITION
22 SPECIALIST PROGRAM CREATED PURSUANT TO SECTION 27-66.5-103.

23 (e) IN ADDITION TO ANY MONEY APPROPRIATED TO THE DIVISION
24 OF HOUSING PURSUANT TO SUBSECTION (4)(d) OF THIS SECTION, FOR THE
25 2019-20 FISCAL YEAR, AND FOR EACH OF THE FOLLOWING FOUR FISCAL
26 YEARS, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE AT
27 LEAST FOUR MILLION THREE HUNDRED THOUSAND DOLLARS FROM THE
28 GENERAL FUND TO THE DIVISION OF HOUSING FOR THE VOUCHER PROGRAM
29 SPECIFIED IN SUBSECTION (4)(b) OF THIS SECTION.

30 (f) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
31 AFFAIRS SHALL REPORT TO THE SENATE COMMITTEE ON HEALTH AND
32 HUMAN SERVICES AND THE HOUSE OF REPRESENTATIVES COMMITTEES ON
33 HEALTH AND INSURANCE AND PUBLIC HEALTH CARE AND HUMAN
34 SERVICES, OR ANY SUCCESSOR COMMITTEES, UNDER THE "STATE
35 MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT
36 (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, ON:

37 (I) THE NUMBER OF PROJECTS FUNDED UNDER THIS SECTION;

38 (II) THE NUMBER OF UNITS IN EACH PROJECT FUNDED UNDER THIS
39 SECTION; AND

40 (III) THE NUMBER OF QUALIFIED INDIVIDUALS HOUSED AS A

1 RESULT OF THIS SUBSECTION (4).

2 **SECTION 2.** In Colorado Revised Statutes, add 25-1.5-108.5 as
3 follows:

4 **25-1.5-108.5. Regulation of recovery residences - definition.**

5 (1)(a) AS USED IN THIS SECTION, "RECOVERY RESIDENCE", "SOBER LIVING
6 FACILITY", OR "SOBER HOME" MEANS ANY PREMISES, PLACE, OR BUILDING
7 THAT PROVIDES HOUSING ACCOMMODATION FOR INDIVIDUALS WITH A
8 PRIMARY DIAGNOSIS OF A SUBSTANCE USE DISORDER THAT:

9 (I) IS FREE FROM ALCOHOL AND NONPRESCRIBED OR ILLICIT DRUGS;

10 (II) PROMOTES INDEPENDENT LIVING AND LIFE SKILL
11 DEVELOPMENT; AND

12 (III) PROVIDES STRUCTURED ACTIVITIES AND RECOVERY SUPPORT
13 SERVICES THAT ARE PRIMARILY INTENDED TO PROMOTE RECOVERY FROM
14 SUBSTANCE USE DISORDERS.

15 (b) "RECOVERY RESIDENCE" DOES NOT INCLUDE:

16 (I) A PRIVATE RESIDENCE IN WHICH AN INDIVIDUAL RELATED TO
17 THE OWNER OF THE RESIDENCE BY BLOOD, ADOPTION, OR MARRIAGE IS
18 REQUIRED TO ABSTAIN FROM SUBSTANCE USE OR RECEIVE BEHAVIORAL
19 HEALTH SERVICES FOR A SUBSTANCE USE DISORDER AS A CONDITION OF
20 RESIDING IN THE RESIDENCE;

21 (II) THE SUPPORTIVE RESIDENTIAL COMMUNITY FOR INDIVIDUALS
22 WHO ARE HOMELESS OPERATED UNDER SECTION 24-32-724 AT THE FORT
23 LYON PROPERTY FOR THE PURPOSE OF PROVIDING SUBSTANCE ABUSE
24 SUPPORTIVE SERVICES, MEDICAL CARE, JOB TRAINING, AND SKILL
25 DEVELOPMENT FOR THE RESIDENTS; OR

26 (III) A FACILITY APPROVED FOR RESIDENTIAL TREATMENT BY THE
27 OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES.

28 (2) A RECOVERY RESIDENCE MAY ADMIT INDIVIDUALS WHO ARE
29 RECEIVING MEDICATION-ASSISTED TREATMENT, INCLUDING AGONIST
30 TREATMENT, FOR SUBSTANCE USE DISORDERS.

31 (3) EFFECTIVE JANUARY 1, 2020, A PERSON SHALL NOT OPERATE
32 A FACILITY USING THE TERM "RECOVERY RESIDENCE", "SOBER LIVING
33 FACILITY", "SOBER HOME", OR A SUBSTANTIALLY SIMILAR TERM, AND A
34 LICENSED, REGISTERED, OR CERTIFIED HEALTH CARE PROVIDER OR A
35 LICENSED HEALTH FACILITY SHALL NOT REFER AN INDIVIDUAL IN NEED OF
36 RECOVERY SUPPORT SERVICES TO A FACILITY, UNLESS THE FACILITY:

37 (a) IS CERTIFIED BY THE COLORADO ASSOCIATION OF RECOVERY
38 RESIDENCES OR ITS SUCCESSOR ORGANIZATION;

39 (b) IS CHARTERED BY OXFORD HOUSE OR ITS SUCCESSOR
40 ORGANIZATION; OR

41 (c) HAS BEEN OPERATING AS A RECOVERY RESIDENCE IN
42 COLORADO FOR THIRTY OR MORE YEARS AS OF THE EFFECTIVE DATE OF
43 THIS SECTION.

44 (4) A PERSON OR A RECOVERY RESIDENCE OWNER, EMPLOYEE, OR
45 ADMINISTRATOR, OR AN INDIVIDUAL RELATED TO A RECOVERY RESIDENCE

1 OWNER, EMPLOYEE, OR ADMINISTRATOR, SHALL NOT DIRECTLY OR
2 INDIRECTLY:

3 (a) SOLICIT, ACCEPT, OR RECEIVE A COMMISSION, PAYMENT,
4 TRADE, FEE, OR ANYTHING OF MONETARY OR MATERIAL VALUE:

5 (I) FOR ADMISSION OF A RESIDENT, EXCEPT FOR STATE OR FEDERAL
6 CONTRACTS THAT SPECIFICALLY REIMBURSE FOR RESIDENT FEES;

7 (II) FROM A TREATMENT FACILITY THAT IS LICENSED OR CERTIFIED
8 BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE
9 TREATMENT OF SUBSTANCE USE DISORDERS; OR

10 (III) FROM A FACILITY APPROVED FOR RESIDENTIAL TREATMENT
11 BY THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN
12 SERVICES.

13 (b) SOLICIT, ACCEPT, OR RECEIVE A COMMISSION, PAYMENT,
14 TRADE, FEE, OR ANYTHING OF MONETARY OR MATERIAL VALUE FROM A
15 TOXICOLOGY LABORATORY THAT PROVIDES CONFIRMATION TESTING OR
16 POINT-OF-CARE TESTING FOR RESIDENTS.

17 **SECTION 3.** In Colorado Revised Statutes, **add** 27-82-114 as
18 follows:

19 **27-82-114. Opioid crisis recovery funds advisory committee -**
20 **creation - membership - purpose.** (1) THERE IS HEREBY CREATED THE
21 OPIOID CRISIS RECOVERY FUNDS ADVISORY COMMITTEE, REFERRED TO IN
22 THIS SECTION AS THE "COMMITTEE", WHICH IS CREATED TO ADVISE AND
23 COLLABORATE WITH THE DEPARTMENT OF LAW ON USES OF ANY
24 CUSTODIAL FUNDS RECEIVED BY THE STATE AS THE RESULT OF
25 OPIOID-ADDICTION-RELATED LITIGATION AND FOR WHICH THE USE OF THE
26 FUNDS IS NOT PREDETERMINED OR COMMITTED BY COURT ORDER OR
27 OTHER ACTION BY A STATE OR FEDERAL COURT OF LAW.

28 (2) (a) THE COMMITTEE CONSISTS OF MEMBERS APPOINTED AS
29 FOLLOWS:

30 (I) THIRTEEN MEMBERS APPOINTED BY THE GOVERNOR,
31 INCLUDING:

32 (A) ONE MEMBER LICENSED TO PRACTICE MEDICINE PURSUANT TO
33 ARTICLE 36 OF TITLE 12;

34 (B) ONE MEMBER LICENSED TO PRACTICE PHARMACY PURSUANT
35 TO ARTICLE 42.5 OF TITLE 12;

36 (C) ONE MEMBER LICENSED TO PRACTICE AS A NURSE PURSUANT
37 TO ARTICLE 38 OF TITLE 12;

38 (D) ONE MEMBER LICENSED AS A DENTIST PURSUANT TO ARTICLE
39 35 OF TITLE 12;

40 (E) ONE MEMBER LICENSED AS A VETERINARIAN PURSUANT TO
41 ARTICLE 64 OF TITLE 12;

42 (F) ONE MEMBER LICENSED AS A PHYSICAL THERAPIST PURSUANT
43 TO ARTICLE 41 OF TITLE 12;

44 (G) ONE MEMBER REPRESENTING A LOCAL PUBLIC HEALTH
45 AGENCY;

- 1 (H) ONE MEMBER WHO HAS BEEN AFFECTED BY THE OPIOID CRISIS;
2 (I) ONE FAMILY MEMBER OF A PERSON WHO HAS BEEN AFFECTED
3 BY THE OPIOID CRISIS;
4 (J) ONE MEMBER REPRESENTING AN ADVOCACY ORGANIZATION
5 FOR PEOPLE WITH SUBSTANCE USE DISORDERS;
6 (K) TWO MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY
7 STATEWIDE ORGANIZATIONS REPRESENTING COUNTIES, WITH ONE MEMBER
8 REPRESENTING THE WESTERN SLOPE AND ONE MEMBER REPRESENTING THE
9 EASTERN PART OF THE STATE; AND
10 (L) ONE MEMBER FROM AN ASSOCIATION THAT REPRESENTS
11 BEHAVIORAL HEALTH PROVIDERS;
12 (II) TWO MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF
13 THE DEPARTMENT OF HUMAN SERVICES, ONE OF WHOM MUST REPRESENT
14 AN ASSOCIATION OF SUBSTANCE USE PROVIDERS;
15 (III) TWO MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF
16 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, ONE OF WHOM
17 IS A PAIN MANAGEMENT PATIENT;
18 (IV) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF
19 THE DEPARTMENT OF REGULATORY AGENCIES;
20 (V) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
21 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING;
22 (VI) ONE MEMBER FROM THE STATE SUBSTANCE ABUSE TREND
23 AND RESPONSE TASK FORCE, CREATED IN SECTION 18-18.5-103, APPOINTED
24 BY THE ATTORNEY GENERAL;
25 (VII) ONE MEMBER FROM THE CENTER FOR RESEARCH INTO
26 SUBSTANCE USE DISORDER PREVENTION, TREATMENT, AND RECOVERY
27 SUPPORT STRATEGIES, CREATED IN SECTION 27-80-118 (3), APPOINTED BY
28 THE DIRECTOR OF THE CENTER;
29 (VIII) ONE MEMBER FROM EACH SAFETY NET HOSPITAL THAT
30 PROVIDES ADDICTION SERVICES, APPOINTED BY THE HOSPITAL;
31 (IX) ONE MEMBER FROM THE COLORADO DISTRICT ATTORNEYS'
32 COUNCIL, OR ANY SUCCESSOR ORGANIZATION, APPOINTED BY ITS
33 EXECUTIVE DIRECTOR;
34 (X) TWO MEMBERS REPRESENTING LAW ENFORCEMENT AGENCIES,
35 ONE OF WHOM IS APPOINTED BY THE COLORADO ASSOCIATION OF CHIEFS
36 OF POLICE, OR ANY SUCCESSOR ORGANIZATION, AND ONE OF WHOM IS
37 APPOINTED BY THE COUNTY SHERIFFS OF COLORADO, OR ANY SUCCESSOR
38 ORGANIZATION; AND
39 (XI) ONE MEMBER REPRESENTING THE COLORADO MUNICIPAL
40 LEAGUE, OR ANY SUCCESSOR ORGANIZATION, APPOINTED BY THE
41 PRESIDENT OF THE EXECUTIVE BOARD OF THE COLORADO MUNICIPAL
42 LEAGUE OR THE PRESIDENT'S DESIGNEE.
43 (b) THE ATTORNEY GENERAL SHALL NOTIFY THE APPOINTING
44 AUTHORITIES IF THE STATE RECEIVES A SETTLEMENT OR DAMAGE AWARD
45 FOR WHICH THE USE OF THE CUSTODIAL FUNDS IS NOT PREDETERMINED OR

1 COMMITTED BY COURT ORDER OR OTHER ACTION BY A STATE OR FEDERAL
2 COURT OF LAW. THE APPOINTING AUTHORITIES SHALL MAKE THEIR INITIAL
3 APPOINTMENTS TO THE COMMITTEE NO LATER THAN NINETY DAYS AFTER
4 RECEIVING THE NOTICE.

5 (3) EACH MEMBER OF THE COMMITTEE WHO IS APPOINTED
6 PURSUANT TO SUBSECTION (2) OF THIS SECTION SERVES AT THE PLEASURE
7 OF THE APPOINTING AUTHORITY THAT APPOINTED THE MEMBER. A
8 VACANCY SHALL BE FILLED IN THE SAME MANNER AS THE INITIAL
9 APPOINTMENT.

10 (4) IF THE STATE RECEIVES CUSTODIAL FUNDS FROM A
11 SETTLEMENT OR DAMAGE AWARD FROM OPIOID-ADDICTION-RELATED
12 LITIGATION AND THE USE OF THE FUNDS IS NOT PREDETERMINED OR
13 COMMITTED BY COURT ORDER OR OTHER ACTION BY A STATE OR FEDERAL
14 COURT OF LAW, THE ATTORNEY GENERAL SHALL CONVENE AND CALL A
15 MEETING OF THE COMMITTEE, AND ANY SUBSEQUENT MEETINGS AS
16 NECESSARY, TO SEEK INPUT AND RECOMMENDATIONS FROM THE
17 COMMITTEE ON THE PROPER EXPENDITURE OF THE FUNDS RECEIVED.

18 (5) (a) EACH MEMBER OF THE COMMITTEE SHALL MAINTAIN
19 CONFIDENTIALITY THROUGHOUT THE PROCESS OF DETERMINING THE
20 PROPER EXPENDITURE OF CUSTODIAL FUNDS. MEMBERS SHALL NOT
21 DISCLOSE THE CONTENTS OF ANY REQUESTS FOR FUNDING WITH ANYONE
22 OUTSIDE OF THE COMMITTEE.

23 (b) EACH COMMITTEE MEMBER SHALL AFFIRM THAT THE MEMBER
24 DOES NOT HAVE A PERSONAL OR FINANCIAL INTEREST REGARDING ANY
25 ORGANIZATION THAT MAY REQUEST FUNDING. MEMBERS SHALL DISCLOSE
26 ALL POTENTIAL CONFLICT OF INTEREST SITUATIONS TO THE ATTORNEY
27 GENERAL BEFORE REVIEWING FUNDING REQUESTS.

28 **SECTION 4. Safety clause.** The general assembly hereby finds,
29 determines, and declares that this act is necessary for the immediate
30 preservation of the public peace, health, and safety."

31 Page 1, strike lines 105 through 108 and substitute "**INDIVIDUALS,**
32 **CREATING STANDARDS FOR RECOVERY RESIDENCES FOR PURPOSES OF**
33 **REFERRALS AND TITLE PROTECTION, AND CREATING THE OPIOID CRISIS**
34 **RECOVERY FUNDS ADVISORY COMMITTEE.**".

** *** ** *** **