

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB22-1326 be amended as follows:

1 Amend reengrossed bill, page 60, after line 5 insert:

2 "SECTION 39. In Colorado Revised Statutes, **add** 27-60-114 as
3 follows:

4 **27-60-114. Study of health effects of felonizing fentanyl**
5 **possession - repeal.** (1) NO LATER THAN NOVEMBER 1, 2022, THE OFFICE
6 SHALL CONTRACT WITH AN INDEPENDENT NONPROFIT OR EDUCATIONAL
7 ENTITY THAT HAS EXPERTISE IN CLINICAL EPIDEMIOLOGY, BIostatISTICS,
8 SUBSTANCE USE AND ADDICTION, DATA COLLECTION AND ANALYSIS, AND,
9 IF POSSIBLE, THE INTERSECTION BETWEEN THE CRIMINAL JUSTICE SYSTEM
10 AND SUBSTANCE USE, TO CONDUCT AN INDEPENDENT STUDY OF THE
11 HEALTH EFFECTS OF CRIMINAL PENALTIES PURSUANT TO CHANGES TO
12 SECTION 18-18-403.5 (2.5) IN HOUSE BILL 22-1326, ENACTED IN 2022. AT
13 A MINIMUM, THE STUDY MUST ADDRESS THE FOLLOWING:

14 (a) WHETHER THE PENALTIES PURSUANT TO SECTION 18-18-403.5
15 (2.5):

16 (I) DECREASED FENTANYL-RELATED OVERDOSES, BOTH FATAL AND
17 NONFATAL, AMONG INDIVIDUALS CHARGED WITH A FELONY COMPARED TO
18 INDIVIDUALS CHARGED WITH MISDEMEANOR PURSUANT TO SECTION
19 18-18-403.5 (2.5), AND COMPARED TO INDIVIDUALS WITH OPIOID MISUSE
20 OR USE DISORDER NOT CHARGED WITH CRIMINAL POSSESSION OF OPIOIDS;
21 OR

22 (II) INCREASED INITIATION AND RETENTION OF EVIDENCE-BASED,
23 EFFECTIVE TREATMENT FOR INDIVIDUALS CHARGED WITH AN OPIOID USE
24 DISORDER AMONG INDIVIDUALS CHARGED WITH A FELONY COMPARED TO
25 INDIVIDUALS CHARGED WITH MISDEMEANOR PURSUANT TO SECTION
26 18-18-403.5 (2.5), AND COMPARED TO INDIVIDUALS WITH OPIOID MISUSE
27 OR USE DISORDER WHO WERE NOT CHARGED WITH CRIMINAL POSSESSION
28 OF OPIOIDS;

29 (b) DIFFERENTIAL HEALTH OUTCOMES FOR INDIVIDUALS BASED ON
30 THE INDIVIDUAL'S RACE, GENDER, ETHNICITY, AGE, ECONOMIC STATUS,
31 PREGNANCY OR POSTPARTUM STATUS, OR HOUSING STATUS, FOR
32 INDIVIDUALS CHARGED WITH A FELONY PURSUANT TO SECTION
33 18-18-403.5 (2.5), COMPARED TO INDIVIDUALS CHARGED WITH A
34 MISDEMEANOR PURSUANT TO SECTION 18-18-403.5 (2.5), AND COMPARED
35 TO INDIVIDUALS WITH OPIOID MISUSE OR USE DISORDERS WHO WERE NOT
36 CHARGED PURSUANT TO SECTION 18-18-403.5 (2.5). DIFFERENTIAL
37 HEALTH OUTCOMES TO CONSIDER INCLUDE, BUT ARE NOT LIMITED TO,
38 FATAL AND NONFATAL OVERDOSES AND INITIATION AND RETENTION ON
39 MEDICATIONS FOR OPIOID USE DISORDER.

40 (c) WHETHER EFFECTIVE, EVIDENCE-BASED TREATMENT FOR

1 OPIOID USE DISORDER IN THE GENERAL POPULATION DIMINISHED IN
2 QUALITY OR QUANTITY AS A RESULT OF INDIVIDUALS ORDERED BY THE
3 COURT INTO TREATMENT BASED ON CHARGES BROUGHT PURSUANT TO
4 SECTION 18-18-403.5 (2.5); AND

5 (d) WHETHER PENALTIES PURSUANT TO SECTION 18-18-403.5 (2.5)
6 IMPACT THE LIKELIHOOD OF INDIVIDUALS ADDICTED TO FENTANYL TO
7 SEEK OR RECEIVE TREATMENT, PROVIDE HELP TO ANOTHER PERSON IN THE
8 CASE OF AN OVERDOSE, OR UTILIZE NALOXONE, NON-LABORATORY
9 SYNTHETIC OPIOID DETECTION TESTS, AND OTHER HARM REDUCTION
10 RESOURCES.

11 (2) (a) THE OFFICE SHALL MAKE REASONABLE EFFORTS TO PROVIDE
12 NECESSARY DATA REQUESTED BY THE INDEPENDENT ENTITY TO COMPLETE
13 THE STUDY REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE
14 OFFICE SHALL ESTABLISH A DATA-SHARING AGREEMENT WITH, AT A
15 MINIMUM, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE
16 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE JUDICIAL
17 DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF
18 REGULATORY AGENCIES, AND, IF FEASIBLE, COUNTY SHERIFFS AND
19 COUNTY CORONERS, TO PROVIDE DATA TO THE INDEPENDENT ENTITY
20 INCLUDING, BUT NOT LIMITED TO:

21 (I) ALL REASONABLY AVAILABLE CRIMINAL JUSTICE DATA
22 REQUESTED BY THE INDEPENDENT ENTITY;

23 (II) OPIOID OVERDOSE DEATH RECORDS, INCLUDING TOXICOLOGY
24 REPORTS, IF AVAILABLE;

25 (III) PRESCRIPTION DATA FOR MEDICATION FOR OPIOID USE
26 DISORDER, INCLUDING FOR INDIVIDUALS IN JAIL OR PRISON CHARGED
27 PURSUANT TO SECTION 18-18-403.5 (2.5);

28 (IV) ENCOUNTERS WITH EMERGENCY MEDICAL SERVICES
29 PROVIDERS, LAW ENFORCEMENT AGENCIES, OR HEALTH-CARE FACILITIES
30 FOR FATAL AND NONFATAL FENTANYL OR OTHER OPIOID-RELATED
31 OVERDOSE; AND

32 (V) AVAILABLE INFORMATION REGARDING THE HISTORY OF
33 OVERDOSE, INCARCERATION, AND SUBSTANCE USE TREATMENT FOR
34 INDIVIDUALS CHARGED PURSUANT TO SECTION 18-18-403.5 (2.5),
35 INCLUDING WHETHER THE INDIVIDUAL HAS SOUGHT AND BEEN DENIED
36 ON-DEMAND TREATMENT.

37 (b) THE INDEPENDENT ENTITY MAY PERFORM A QUALITATIVE
38 ASSESSMENT BY, AT A MINIMUM, CONDUCTING FOCUS GROUPS OR
39 INTERVIEWS WITH A REPRESENTATIVE SAMPLE OF INDIVIDUALS WHO USE
40 DRUGS AND SUBSTANCE USE DISORDER CARE PROVIDERS AND HARM
41 REDUCTION PROVIDERS ACROSS THE STATE AND CONTINUUM.

42 (c) NO LATER THAN DECEMBER 31, 2024, THE INDEPENDENT
43 ENTITY SHALL SUBMIT A COMPREHENSIVE REPORT OF THE ENTITY'S

1 FINDINGS TO THE OFFICE.

2 (d) NO LATER THAN JANUARY 31, 2025, THE OFFICE SHALL
3 PUBLISH THE REPORT ON THE OFFICE'S WEBSITE AND SUBMIT THE REPORT
4 TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE, THE HOUSE
5 OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
6 SERVICES COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES
7 COMMITTEE, AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
8 SUCCESSOR COMMITTEES.

9 (3) THE COSTS ASSOCIATED WITH PERFORMING THE STUDY
10 PURSUANT TO THIS SECTION MUST BE PAID FROM THE CORRECTIONAL
11 TREATMENT CASH FUND CREATED IN SECTION 18-19-103 (4).

12 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

13 **SECTION 40.** In Colorado Revised Statutes, 18-19-103, **amend**
14 (5)(c)(VI) and (5)(c)(VII); and **add** (5)(c)(VIII) as follows:

15 **18-19-103. Source of revenues - allocation of money - repeal.**

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

18 (VI) Recovery support services, including offender reentry; **and**

19 (VII) Administrative support to the correctional treatment board
20 including, but not limited to, facilitating and coordinating data collection,
21 conducting data analysis, developing contracts, preparing reports,
22 scheduling and staffing board and subcommittee meetings, and engaging
23 in budget planning and analysis; AND

24 (VIII) (A) THE STUDY OF HEALTH EFFECTS OF FELONIZING
25 FENTANYL POSSESSION PURSUANT TO SECTION 27-60-114.

26 (B) THIS SUBSECTION (5)(c)(VIII) IS REPEALED, EFFECTIVE JULY
27 1, 2025.

28 **SECTION 41.** In Colorado Revised Statutes, **add** 27-50-802, **as**
29 **part 8 of article 50 of title 27 as added by House Bill 22-1278**, **as**
30 **follows:**

31 **27-50-802. Study of health effects of felonizing fentanyl**
32 **possession - repeal.** (1) NO LATER THAN NOVEMBER 1, 2022, THE BHA
33 SHALL CONTRACT WITH AN INDEPENDENT NONPROFIT OR EDUCATIONAL
34 ENTITY THAT HAS EXPERTISE IN CLINICAL EPIDEMIOLOGY, BIOSTATISTICS,
35 SUBSTANCE USE AND ADDICTION, DATA COLLECTION AND ANALYSIS, AND,
36 IF POSSIBLE, THE INTERSECTION BETWEEN THE CRIMINAL JUSTICE SYSTEM
37 AND SUBSTANCE USE, TO CONDUCT AN INDEPENDENT STUDY OF THE
38 HEALTH EFFECTS OF CRIMINAL PENALTIES PURSUANT TO CHANGES TO
39 SECTION 18-18-403.5 (2.5) IN HOUSE BILL 22-1326, ENACTED IN 2022. AT
40 A MINIMUM, THE STUDY MUST ADDRESS THE FOLLOWING:

41 (a) WHETHER THE PENALTIES PURSUANT TO SECTION 18-18-403.5
42 (2.5):

43 (I) DECREASED FENTANYL-RELATED OVERDOSES, BOTH FATAL AND

1 NONFATAL, AMONG INDIVIDUALS CHARGED WITH A FELONY COMPARED TO
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24 (c) WHETHER EFFECTIVE, EVIDENCE-BASED TREATMENT FOR
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26 QUALITY OR QUANTITY AS A RESULT OF INDIVIDUALS ORDERED BY THE
27 COURT INTO TREATMENT BASED ON CHARGES BROUGHT PURSUANT TO
28 SECTION 18-18-403.5 (2.5); AND

29 (d) WHETHER PENALTIES PURSUANT TO SECTION 18-18-403.5 (2.5)
30 IMPACT THE LIKELIHOOD OF INDIVIDUALS ADDICTED TO FENTANYL TO
31 SEEK OR RECEIVE TREATMENT, PROVIDE HELP TO ANOTHER PERSON IN THE
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38 BHA SHALL ESTABLISH A DATA-SHARING AGREEMENT WITH, AT A
39 MINIMUM, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE
40 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE JUDICIAL
41 DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF
42 REGULATORY AGENCIES, AND, IF FEASIBLE, COUNTY SHERIFFS AND
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28 HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE, THE HOUSE OF
29 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
30 SERVICES COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES
31 COMMITTEE, AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
32 SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR
33 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
34 GOVERNMENT ACT" PRESENTATION REQUIRED PURSUANT TO SECTION
35 2-7-203.
36 (3) THE COSTS ASSOCIATED WITH PERFORMING THE STUDY
37 PURSUANT TO THIS SECTION MUST BE PAID FROM THE CORRECTIONAL
38 TREATMENT CASH FUND CREATED IN SECTION 18-19-103 (4).
39 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.
40 **SECTION 42.** In Colorado Revised Statutes, 18-19-103, **amend**
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8 (VIII) (A) THE STUDY OF HEALTH EFFECTS OF FELONIZING
9 FENTANYL POSSESSION PURSUANT TO SECTION 27-50-802.
10 (B) THIS SUBSECTION (5)(c)(VIII) IS REPEALED, EFFECTIVE JULY
11 1, 2025."
12 Renumber succeeding sections accordingly.

** ** ** ** **