

HOUSE COMMITTEE OF REFERENCE REPORT

March 6, 2019

Chair of Committee

Date

Committee on Public Health Care & Human Services.

After consideration on the merits, the Committee recommends the following:

HB19-1009 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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 (3)(b) and (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.** (3) (b) Notwithstanding any other provision of this section,
10 the division, in its discretion, may transfer twenty percent of the balance
11 of ~~moneys~~ THE MONEY in the fund into the housing investment trust fund
12 established in section 24-32-717 (1)(a), which balance is calculated as of
13 July 1 of the state fiscal year in which the money is transferred. For any
14 given state fiscal year, no more than three percent of the ~~moneys~~ MONEY
15 appropriated ~~from~~ TO the fund may be expended for the administrative
16 costs of the division in administering the fund.

17 (4) (b) In conjunction with its other programs to provide
18 assistance in obtaining housing and subject to available appropriations,
19 the division OF HOUSING shall establish a program that provides vouchers
20 and other support services for housing assistance for:

21 (I) ~~a person~~ AN INDIVIDUAL with a mental health disorder,
22 SUBSTANCE USE DISORDER, or co-occurring behavioral health disorder
23 who is transitioning from the department of corrections, the division of

1 youth ~~corrections~~ SERVICES in the department of human services, A
2 MENTAL HEALTH INSTITUTE, A PSYCHIATRIC HOSPITAL, or a county jail
3 into the community; OR

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

8 (e) IN ADDITION TO ANY MONEY APPROPRIATED TO THE DIVISION
9 OF HOUSING PURSUANT TO SUBSECTION (4)(d) OF THIS SECTION, FOR THE
10 2019-20 FISCAL YEAR, AND FOR EACH OF THE FOLLOWING FOUR FISCAL
11 YEARS, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE AT
12 LEAST FOUR MILLION THREE HUNDRED THOUSAND DOLLARS FROM THE
13 GENERAL FUND TO THE DIVISION OF HOUSING FOR THE VOUCHER PROGRAM
14 SPECIFIED IN SUBSECTION (4)(b) OF THIS SECTION.

15 (f) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
16 AFFAIRS SHALL REPORT TO THE SENATE COMMITTEE ON HEALTH AND
17 HUMAN SERVICES AND THE HOUSE OF REPRESENTATIVES COMMITTEES ON
18 HEALTH AND INSURANCE AND PUBLIC HEALTH CARE AND HUMAN
19 SERVICES, OR ANY SUCCESSOR COMMITTEES, UNDER THE "STATE
20 MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT
21 (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, ON:

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

23 (II) THE NUMBER OF UNITS IN EACH PROJECT FUNDED UNDER THIS
24 SECTION;

25 (III) THE NUMBER OF QUALIFIED INDIVIDUALS HOUSED AS A
26 RESULT OF THIS SUBSECTION (4); AND

27 (IV) TO THE EXTENT PRACTICABLE, THE NUMBER OF INDIVIDUALS
28 WHO, AFTER RECEIVING A VOUCHER UNDER SUBSECTION (4)(b) OF THIS
29 SECTION, RETURNED TO THE FACILITIES FROM WHICH THE INDIVIDUALS
30 WERE TRANSITIONING.

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

33 **25-1.5-108.5. Regulation of recovery residences - definition.**

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

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

39 (II) PROMOTES INDEPENDENT LIVING AND LIFE SKILL
40 DEVELOPMENT; AND

41 (III) PROVIDES STRUCTURED ACTIVITIES AND RECOVERY SUPPORT

1 SERVICES THAT ARE PRIMARILY INTENDED TO PROMOTE RECOVERY FROM
2 SUBSTANCE USE DISORDERS.

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

4 (I) A PRIVATE RESIDENCE IN WHICH AN INDIVIDUAL RELATED TO
5 THE OWNER OF THE RESIDENCE BY BLOOD, ADOPTION, OR MARRIAGE IS
6 REQUIRED TO ABSTAIN FROM SUBSTANCE USE OR RECEIVE BEHAVIORAL
7 HEALTH SERVICES FOR A SUBSTANCE USE DISORDER AS A CONDITION OF
8 RESIDING IN THE RESIDENCE;

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

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

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

19 (3) EFFECTIVE JANUARY 1, 2020, A PERSON SHALL NOT OPERATE
20 A FACILITY USING THE TERM "RECOVERY RESIDENCE", "SOBER LIVING
21 FACILITY", "SOBER HOME", OR A SUBSTANTIALLY SIMILAR TERM, AND A
22 LICENSED, REGISTERED, OR CERTIFIED HEALTH CARE PROVIDER OR A
23 LICENSED HEALTH FACILITY SHALL NOT REFER AN INDIVIDUAL IN NEED OF
24 RECOVERY SUPPORT SERVICES TO A FACILITY, UNLESS THE FACILITY:

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

27 (b) IS CHARTERED BY OXFORD HOUSE OR ITS SUCCESSOR
28 ORGANIZATION; OR

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

32 (4) A PERSON OR A RECOVERY RESIDENCE OWNER, EMPLOYEE, OR
33 ADMINISTRATOR, OR AN INDIVIDUAL RELATED TO A RECOVERY RESIDENCE
34 OWNER, EMPLOYEE, OR ADMINISTRATOR, SHALL NOT DIRECTLY OR
35 INDIRECTLY:

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

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

40 (II) FROM A TREATMENT FACILITY THAT IS LICENSED OR CERTIFIED
41 BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE

1 TREATMENT OF SUBSTANCE USE DISORDERS; OR
2 (III) FROM A FACILITY APPROVED FOR RESIDENTIAL TREATMENT
3 BY THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN
4 SERVICES.

5 (b) SOLICIT, ACCEPT, OR RECEIVE A COMMISSION, PAYMENT,
6 TRADE, FEE, OR ANYTHING OF MONETARY OR MATERIAL VALUE FROM A
7 TOXICOLOGY LABORATORY THAT PROVIDES CONFIRMATION TESTING OR
8 POINT-OF-CARE TESTING FOR RESIDENTS.

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

11 **27-82-114. Opioid crisis recovery funds advisory committee -**
12 **creation - membership - purpose.** (1) THERE IS HEREBY CREATED THE
13 OPIOID CRISIS RECOVERY FUNDS ADVISORY COMMITTEE, REFERRED TO IN
14 THIS SECTION AS THE "COMMITTEE", WHICH IS CREATED TO ADVISE AND
15 COLLABORATE WITH THE DEPARTMENT OF LAW ON USES OF ANY
16 CUSTODIAL FUNDS RECEIVED BY THE STATE AS THE RESULT OF
17 OPIOID-ADDICTION-RELATED LITIGATION AND FOR WHICH THE USE OF THE
18 FUNDS IS NOT PREDETERMINED OR COMMITTED BY COURT ORDER OR
19 OTHER ACTION BY A STATE OR FEDERAL COURT OF LAW.

20 (2) (a) THE COMMITTEE CONSISTS OF MEMBERS APPOINTED AS
21 FOLLOWS:

22 (I) THIRTEEN MEMBERS APPOINTED BY THE GOVERNOR,
23 INCLUDING:

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

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

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

30 (D) ONE MEMBER LICENSED AS A DENTIST PURSUANT TO ARTICLE
31 35 OF TITLE 12;

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

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

36 (G) ONE MEMBER REPRESENTING A LOCAL PUBLIC HEALTH
37 AGENCY;

38 (H) ONE MEMBER WHO HAS BEEN AFFECTED BY THE OPIOID CRISIS;

39 (I) ONE FAMILY MEMBER OF A PERSON WHO HAS BEEN AFFECTED
40 BY THE OPIOID CRISIS;

41 (J) ONE MEMBER REPRESENTING AN ADVOCACY ORGANIZATION

1 FOR PEOPLE WITH SUBSTANCE USE DISORDERS;
2 (K) TWO MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY
3 STATEWIDE ORGANIZATIONS REPRESENTING COUNTIES, WITH ONE MEMBER
4 REPRESENTING THE WESTERN SLOPE AND ONE MEMBER REPRESENTING THE
5 EASTERN PART OF THE STATE; AND
6 (L) ONE MEMBER FROM AN ASSOCIATION THAT REPRESENTS
7 BEHAVIORAL HEALTH PROVIDERS;
8 (II) TWO MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF
9 THE DEPARTMENT OF HUMAN SERVICES, ONE OF WHOM MUST REPRESENT
10 AN ASSOCIATION OF SUBSTANCE USE PROVIDERS;
11 (III) TWO MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF
12 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, ONE OF WHOM
13 IS A PAIN MANAGEMENT PATIENT;
14 (IV) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF
15 THE DEPARTMENT OF REGULATORY AGENCIES;
16 (V) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
17 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING;
18 (VI) ONE MEMBER FROM THE STATE SUBSTANCE ABUSE TREND
19 AND RESPONSE TASK FORCE, CREATED IN SECTION 18-18.5-103, APPOINTED
20 BY THE ATTORNEY GENERAL;
21 (VII) ONE MEMBER FROM THE CENTER FOR RESEARCH INTO
22 SUBSTANCE USE DISORDER PREVENTION, TREATMENT, AND RECOVERY
23 SUPPORT STRATEGIES, CREATED IN SECTION 27-80-118 (3), APPOINTED BY
24 THE DIRECTOR OF THE CENTER;
25 (VIII) ONE MEMBER FROM EACH SAFETY NET HOSPITAL THAT
26 PROVIDES ADDICTION SERVICES, APPOINTED BY THE HOSPITAL;
27 (IX) ONE MEMBER FROM THE COLORADO DISTRICT ATTORNEYS'
28 COUNCIL, OR ANY SUCCESSOR ORGANIZATION, APPOINTED BY ITS
29 EXECUTIVE DIRECTOR;
30 (X) TWO MEMBERS REPRESENTING LAW ENFORCEMENT AGENCIES,
31 ONE OF WHOM IS APPOINTED BY THE COLORADO ASSOCIATION OF CHIEFS
32 OF POLICE, OR ANY SUCCESSOR ORGANIZATION, AND ONE OF WHOM IS
33 APPOINTED BY THE COUNTY SHERIFFS OF COLORADO, OR ANY SUCCESSOR
34 ORGANIZATION; AND
35 (XI) ONE MEMBER REPRESENTING THE COLORADO MUNICIPAL
36 LEAGUE, OR ANY SUCCESSOR ORGANIZATION, APPOINTED BY THE
37 PRESIDENT OF THE EXECUTIVE BOARD OF THE COLORADO MUNICIPAL
38 LEAGUE OR THE PRESIDENT'S DESIGNEE.
39 (b) THE ATTORNEY GENERAL SHALL NOTIFY THE APPOINTING
40 AUTHORITIES IF THE STATE RECEIVES A SETTLEMENT OR DAMAGE AWARD
41 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.**"

** ** ** ** **