

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 4, 2022

Committee on Appropriations.

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

HB22-1326 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, page 5, line 14, strike "House Bill 22-____," and
2 substitute "House Bill 22-1326,".
- 3 Page 5 of the bill, line 16, strike "House Bill 22-____" and substitute
4 "House Bill 22-1326".
- 5 Page 6 of the bill, line 7, strike "and (6)" and substitute "(6)".
- 6 Page 13 of the bill, line 13, strike "(2.5) and (14) and (10)(a)(V)" and
7 substitute "(2.5), (10)(a)(V), and (14)".
- 8 Page 13 of the bill, line 18, strike "(2)(G)," and substitute "(2)(g)".
- 9 Page 21 of the bill, line 6, strike "18-1.3-509" and substitute
10 "18-1.3-510".
- 11 Page 21 of the bill, line 8, strike "18-1.3-509" and substitute
12 "18-1.3-510".
- 13 Page 21 of the bill, line 10, strike "**18-1.3-509.**" and substitute
14 "**18-1.3-510.**".
- 15 Page 23 of the bill, line 14, strike "18-1.3-509" and substitute
16 "18-1.3-510".
- 17 Page 23 of the bill, line 16, strike "**18-1.3-509.**" and substitute
18 "**18-1.3-510.**".

1 Page 25 of the bill, line 24, after "(1)(a)(XXI)," insert "(3.5),".

2 Page 28 of the bill, after line 12 insert:

3 "(3.5) (a) NOTWITHSTANDING ANY PROVISION OF THIS TITLE 12 OR
4 RULES IMPLEMENTING THIS TITLE 12, A PRESCRIBER PRESCRIBING OR
5 DISPENSING AN OPIATE ANTAGONIST IN ACCORDANCE WITH THIS SECTION,
6 OTHER THAN A PHARMACIST OR OTHER PRESCRIBER PRESCRIBING AND
7 DISPENSING FROM A PRESCRIPTION DRUG OUTLET OR PHARMACY, IS NOT
8 REQUIRED TO COMPLY WITH LAWS RELATING TO LABELING, STORAGE, OR
9 RECORD KEEPING FOR THE OPIATE ANTAGONIST.

10 (b) A PRESCRIBER PRESCRIBING OR DISPENSING AN OPIATE
11 ANTAGONIST EXEMPTED FROM LABELING, STORAGE, OR RECORD-KEEPING
12 REQUIREMENTS PURSUANT TO THIS SUBSECTION (3.5):

13 (I) DOES NOT ENGAGE IN UNPROFESSIONAL CONDUCT OR IS NOT
14 SUBJECT TO DISCIPLINE PURSUANT TO SECTION 12-240-121 OR 12-255-120,
15 AS APPLICABLE; AND

16 (II) IS NOT SUBJECT TO CIVIL LIABILITY OR CRIMINAL
17 PROSECUTION, AS SPECIFIED IN SECTION 13-21-108.7(4) AND 18-1-712(3),
18 RESPECTIVELY."

19 Page 37 of the bill, line 14, after "TESTS." insert "ANY UNEXPENDED
20 MONEY REMAINING AT THE END OF THE 2022-23 STATE FISCAL YEAR FROM
21 THIS APPROPRIATION:

22 (a) DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER
23 FUND;

24 (b) MAY BE USED BY THE DEPARTMENT IN THE 2023-24 STATE
25 FISCAL YEAR WITHOUT FURTHER APPROPRIATION; AND

26 (c) MUST NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN THE
27 PURPOSE SET FORTH IN THIS SECTION."

28 Page 38 of the bill, line 19, after "18-1-711." insert "ANY UNEXPENDED
29 MONEY REMAINING AT THE END OF THE 2022-23 STATE FISCAL YEAR FROM
30 THIS APPROPRIATION:

31 (a) DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER
32 FUND;

33 (b) MAY BE USED BY THE DEPARTMENT IN THE 2023-24 AND
34 2024-25 STATE FISCAL YEARS WITHOUT FURTHER APPROPRIATION; AND

35 (c) MUST NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN THE
36 PURPOSE SET FORTH IN THIS SECTION."

37 Page 46 of the bill, line 10, strike "18-1.3-509." and substitute
38 "18-1.3-510."

1 Page 46 of the bill, line 25, strike "18-1.3-509." and substitute
2 "18-1.3-510."

3 Page 50 of the bill, line 15, strike "18-1.3-509;" and substitute
4 "18-1.3-510;"

5 Page 53 of the bill, line 25, strike "18-1.3-509;" and substitute
6 "18-1.3-510;"

7 Page 60 of the bill, after line 5 insert:

8 **"SECTION 39.** In Colorado Revised Statutes, **amend** 25.5-5-509
9 as follows:

10 **25.5-5-509. Substance use disorder - prescription drugs -**
11 **opiate antagonist.** (1) Notwithstanding any provisions of this part 5 to
12 the contrary, for the treatment of a substance use disorder, in
13 promulgating rules, and subject to any necessary federal authorization, the
14 state board shall authorize reimbursement for at least one federal food and
15 drug administration-approved ready-to-use opioid overdose reversal drug
16 without prior authorization.

17 (2) (a) AS USED IN THIS SUBSECTION (2), UNLESS THE CONTEXT
18 OTHERWISE REQUIRES, "OPIATE ANTAGONIST" HAS THE SAME MEANING AS
19 SET FORTH IN SECTION 12-30-110 (7)(d).

20 (b) A HOSPITAL OR EMERGENCY DEPARTMENT SHALL RECEIVE
21 REIMBURSEMENT UNDER THE MEDICAL ASSISTANCE PROGRAM FOR THE
22 COST OF AN OPIATE ANTAGONIST IF, IN ACCORDANCE WITH SECTION
23 12-30-110, A PRESCRIBER, AS DEFINED IN SECTION 12-30-110 (7)(h),
24 DISPENSES AN OPIATE ANTAGONIST UPON DISCHARGE TO A MEDICAL
25 ASSISTANCE RECIPIENT WHO IS AT RISK OF EXPERIENCING AN
26 OPIATE-RELATED DRUG OVERDOSE EVENT OR TO A FAMILY MEMBER,
27 FRIEND, OR OTHER PERSON IN A POSITION TO ASSIST A MEDICAL
28 ASSISTANCE RECIPIENT WHO IS AT RISK OF EXPERIENCING AN
29 OPIATE-RELATED DRUG OVERDOSE EVENT.

30 (c) THE STATE DEPARTMENT SHALL SEEK FEDERAL FINANCIAL
31 PARTICIPATION FOR THE COST OF REIMBURSEMENT FOR THE OPIATE
32 ANTAGONIST, BUT SHALL PROVIDE REIMBURSEMENT TO THE HOSPITAL OR
33 EMERGENCY DEPARTMENT FOR THE OPIATE ANTAGONIST USING STATE
34 MONEY UNTIL FEDERAL FINANCIAL PARTICIPATION IS AVAILABLE.

35 **SECTION 40.** In Colorado Revised Statutes, 27-81-104, **amend**
36 (1)(q) and (1)(r); and **add** (1)(s) as follows:

37 **27-81-104. Duties of the office of behavioral health - review.**
38 (1) In addition to duties prescribed by section 27-80-102, the office of
39 behavioral health shall:

1 (q) Encourage all health and disability insurance programs to
2 include substance use disorders as a covered illness; ~~and~~
3 (r) Submit to the governor an annual report covering the activities
4 of the office of behavioral health; AND
5 (s) TRAIN EMERGENCY DEPARTMENTS AND CERTIFIED PEACE
6 OFFICERS IN THE PROCEDURES REQUIRED PURSUANT TO SECTIONS
7 27-81-111 AND 27-81-112.

8 **SECTION 41.** In Colorado Revised Statutes, 27-81-104, **amend**
9 (1)(q) and (1)(r); and **add** (1)(s) as follows:
10 **27-81-104. Duties of the office of behavioral health - review.**
11 (1) ~~In addition to duties prescribed by section 27-80-102, the office of~~
12 ~~behavioral health~~ THE BHA shall:
13 (q) Encourage all health and disability insurance programs to
14 include substance use disorders as a covered illness; ~~and~~
15 (r) Submit to the governor an annual report covering the activities
16 of the ~~office of behavioral health~~ BHA; AND
17 (s) TRAIN EMERGENCY DEPARTMENTS AND CERTIFIED PEACE
18 OFFICERS IN THE PROCEDURES REQUIRED PURSUANT TO SECTIONS
19 27-81-111 AND 27-81-112.

20 **SECTION 42.** In Colorado Revised Statutes, 27-81-112, **amend**
21 (1) as follows:
22 **27-81-112. Involuntary commitment of a person with a**
23 **substance use disorder.** (1) The court may commit a person to the
24 custody of the office of behavioral health upon the petition of the person's
25 spouse or guardian, a relative, a physician, an advanced practice nurse,
26 the administrator in charge of an approved treatment facility, A CERTIFIED
27 PEACE OFFICER, or any other responsible person. The petition must allege
28 that the person has a substance use disorder and that the person has
29 threatened or attempted to inflict or inflicted physical harm on ~~himself or~~
30 ~~herself~~ THE PERSON'S SELF or on another and that unless committed, the
31 person is likely to inflict physical harm on ~~himself or herself~~ THE
32 PERSON'S SELF or on another or that the person is incapacitated by
33 substances. A refusal to undergo treatment does not constitute evidence
34 of lack of judgment as to the need for treatment. The petition must be
35 accompanied by a certificate of a licensed physician who has examined
36 the person within ten days before submission of the petition, unless the
37 person whose commitment is sought has refused to submit to a medical
38 examination, in which case the fact of refusal must be alleged in the
39 petition, or an examination cannot be made of the person due to the
40 person's condition. The certificate must set forth the physician's findings
41 in support of the petition's allegations.

42 **SECTION 43.** In Colorado Revised Statutes, 27-81-112, **amend**
43 (1) as follows:

1 **27-81-112. Involuntary commitment of a person with a**
2 **substance use disorder.** (1) The court may commit a person to the
3 custody of the ~~office of behavioral health~~ BHA upon the petition of the
4 person's spouse or guardian, a relative, a physician, an advanced practice
5 nurse, the administrator in charge of an approved treatment facility, A
6 CERTIFIED PEACE OFFICER, or any other responsible person. The petition
7 must allege that the person has a substance use disorder and that the
8 person has threatened or attempted to inflict or inflicted physical harm on
9 ~~himself or herself~~ THE PERSON'S SELF or on another and that unless
10 committed, the person is likely to inflict physical harm on ~~himself or~~
11 ~~herself~~ THE PERSON'S SELF or on another or that the person is incapacitated
12 by substances. A refusal to undergo treatment does not constitute
13 evidence of lack of judgment as to the need for treatment. The petition
14 must be accompanied by a certificate of a licensed physician who has
15 examined the person within ten days before submission of the petition,
16 unless the person whose commitment is sought has refused to submit to
17 a medical examination, in which case the fact of refusal must be alleged
18 in the petition, or an examination cannot be made of the person due to the
19 person's condition. The certificate must set forth the physician's findings
20 in support of the petition's allegations.".

21 Renumber succeeding sections accordingly.

22 Page 60 of the bill, line 15, strike "\$4,033,875" and substitute
23 "\$14,389,055".

24 Page 60 of the bill, line 17, strike "\$883,875" and substitute
25 "\$10,986,092" and strike "\$150,000" and substitute "\$402,963".

26 Page 60 of the bill, line 24, strike "\$183,875" and substitute "\$286,092".

27 Page 60 of the bill, line 27, strike "1.8" and substitute "3.6".

28 Page 61 of the bill, before line 1 insert:

29 "(b) \$10,000,000 from the general fund for treatment and
30 detoxification programs related to substance use treatment and prevention
31 services pursuant to section 27-80-107.8 (2), C.R.S.;".

32 Page 61 of the bill, line 1, strike "(b)" and substitute "(c)".

33 Page 61 of the bill, after line 3 insert:

34 "(d) \$252,963 from the correctional treatment cash fund created
35 in section 18-19-103 (4)(a), C.R.S., for a study on the health effects of

1 criminal penalties related to substance use treatment and prevention
2 services, which amount is based on an assumption that the administration
3 will require an additional 0.5 FTE;"

4 Page 61 of the bill, line 4, strike "(c)" and substitute "(e)".

5 Page 61 of the bill, line 7, strike "(d)" and substitute "(f)".

6 Page 61 of the bill, after line 12 insert:
7 "(2) Pursuant to section 27-80-107.8 (2)(b), C.R.S., any money
8 appropriated in subsection (1)(b) not expended prior to July 1, 2023, is
9 further appropriated to the division through June 30, 2025, for the same
10 purpose."

11 Page 61 of the bill, line 13, strike "(2)" and substitute "(3)".

12 Page 61 of the bill, after line 22 insert:
13 "(4) For the 2022-23 state fiscal year, \$150,000 is appropriated to
14 the department of law for use by administration. This appropriation is
15 from the general fund. To implement this act, the department may use this
16 appropriation for operating expenses."

17 Page 61 of the bill, strike lines 23 through 27 and substitute
18 "(5) For the 2022-23 state fiscal year, \$5,792,413 is appropriated
19 to the department of public health and environment for use by the
20 prevention services division. This appropriation is from the general fund.
21 To implement this act, the division may use this appropriation for
22 administration as follows:
23 (a) \$112,413 for personal services and related operating expenses,
24 which amount is based on an assumption that the division will require an
25 additional 1.5 FTE;
26 (b) \$300,000 for non-laboratory synthetic opiate detection tests
27 pursuant to section 25-1.5-115.3 (1), C.R.S.;;
28 (c) \$5,000,000 for an education campaign pursuant to section 25-
29 1.5-115.5 (1), C.R.S.;;
30 (d) \$50,000 for regional trainings pursuant to section 25-1.5-115.5
31 (3), C.R.S.;;
32 (e) \$30,000 for website development pursuant to section 25-
33 25-1.5-115.5 (4), C.R.S.;; and
34 (f) \$300,000 for an independent study pursuant to section 25-20.5-
35 1401, C.R.S.
36 (6) Any money appropriated in subsection (5)(b) not expended
37 prior to July 1, 2023, is further appropriated to the division for the 2023-

- 1 24 state fiscal year.
- 2 (7) Any money appropriated in subsection (5)(c) not expended
3 prior to July 1, 2023, is further appropriated to the division through June
4 30, 2025, for the same purpose.
- 5 (8) For the 2022-23 state fiscal year, \$7,000,000 is appropriated to
6 the department of public safety for use by the division of criminal justice.
7 This appropriation is from the general fund and is based on an assumption
8 that the division will require an additional 1.8 FTE. To implement this
9 act, the division may use this appropriation for DCJ administrative
10 services. Any money appropriated in this subsection (8) not expended
11 prior to July 1, 2023, is further appropriated to the division for the 2023-2
12 24 state fiscal year.
- 13 (9) For the 2022-23 state fiscal year, \$360,000 is appropriated to
14 the department of health care policy and financing. This appropriation is
15 from the general fund. To implement this act, the department may use this
16 appropriation for medical services premiums."
- 17 Page 62 of the bill, strike line 1.
- 18 Renumber succeeding subsections accordingly.
- 19 Amend the Judiciary Committee Report, dated April 28, 2022, page 3,
20 line 3, strike ""2024" and substitute ""2024,".
- 21 Page 3 of the report, strike line 7, and substitute "(2.5)".
- 22 Page 3 of the report, after line 17, insert:
- 23 "Page 50 of the bill, strike lines 26 and 27, and substitute "JAIL;".
- 24 Page 51 of the bill, strike line 1."
- 25 Page 4 of the report, line 3, strike ""2024" and substitute ""2024,".
- 26 Page 4 of the report, strike line 7 and substitute "(2.5)".
- 27 Page 4 of the report, after line 17, insert:
- 28 "Page 54 of the bill, strike lines 9 through 11 and substitute "JAIL;"."
- 29 Page 5 of the report, line 4, strike "**opioid**" and substitute "**opiate**".
- 30 Page 8 of the report, line 2, strike "(2)(b) introductory portion and"

- 1 Page 8 of the report, line 7, strike "~~opiates~~ OPIOIDS," and substitute
2 "opiates,".
- 3 Page 8 of the report, line 26, after "DECREASED" insert "OR INCREASED".
- 4 Page 8 of the report, strike line 31 and substitute "AND".
- 5 Page 8 of the report, line 32, after "INCREASED" insert "OR DECREASED".
- 6 Page 9 of the report, line 31, strike "OPIOID" and substitute "OPIATE".
- 7 Page 9 of the report, line 38, strike "OPIOID-RELATED" and substitute
8 "OPIATE-RELATED".
- 9 Page 11 of the report, line 8, after "DECREASED" insert "OR INCREASED".
- 10 Page 11 of the report, strike line 13 and substitute "AND".
- 11 Page 11 of the report, line 14, after "INCREASED" insert "OR DECREASED".
- 12 Page 12 of the report, line 12, strike "OPIOID" and substitute "OPIATE".
- 13 Page 12 of the report, line 19, strike "OPIOID-RELATED" and substitute
14 "OPIATE-RELATED".
- 15 Page 23 of the report, line 31, strike "'carfentanil benzimidazole
16 opioids,'" and substitute "carfentanil, benzimidazole opiate,".
- 17 Page 23 of the report, lines 33 and 34, strike "'CARFENTANIL
18 BENZIMIDAZOLE OPIOIDS,'" and substitute "'CARFENTANIL,
19 BENZIMIDAZOLE OPIATE,'".
- 20 In the report, strike "OPIOID" and substitute "OPIATE" on: **Page 1**, lines 5,
21 8, 15, and 18; **Page 5**, lines 7, 11, 12, 16, 18, and 25; **Page 8**, lines 29, 33,
22 and 36; **Page 9**, lines 3, 7, 9, 17, and 33; **Page 11**, lines 11, 15, 18, 27, 31,
23 33, and 41; **Page 12**, line 14; **Page 13**, lines 36, 37, and 39 two times;
24 **Page 14**, line 8; and **Page 15**, line 31.
- 25 In the report, strike "OPIOIDS" and substitute "OPIATES" on: **Page 5**, lines
26 21 and 30; **Page 6**, lines 27, 32, and 36; **Page 7**, lines 1, 6, 14, 18, 23, and
27 28; **Page 8**, lines 30 and 38; and **Page 11**, lines 12 and 20.

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