

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 28, 2022

Committee on Judiciary.

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 on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 31, line 20, strike "APPROVED BY THE
2 FEDERAL FOOD AND DRUG ADMINISTRATION".

3 Page 31, line 23, strike "(1)" and substitute "(1); and **add** (3)".

4 Page 32, lines 11 and 12, strike "THREE DOSES OF AN OPIATE
5 ANTAGONIST" and substitute "EIGHT MILLIGRAMS OF AN OPIOID
6 ANTAGONIST VIA INHALATION OR ITS EQUIVALENT".

7 Page 32, after line 21 insert:

8 "(3) AS USED IN THIS SECTION, "OPIOID ANTAGONIST" MEANS
9 NALOXONE HYDROCHLORIDE OR ANY SIMILARLY ACTING DRUG THAT IS
10 NOT A CONTROLLED SUBSTANCE AND THAT IS APPROVED BY THE FEDERAL
11 FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF A DRUG
12 OVERDOSE."

13 Page 32, line 23, strike "(1)" and substitute "(1); and **add** (3)".

14 Page 33, lines 11 and 12, strike "THREE DOSES OF AN OPIATE
15 ANTAGONIST" and substitute "EIGHT MILLIGRAMS OF AN OPIOID
16 ANTAGONIST VIA INHALATION OR ITS EQUIVALENT".

17 Page 33, after line 21 insert:

18 "(3) AS USED IN THIS SECTION, "OPIOID ANTAGONIST" MEANS
19 NALOXONE HYDROCHLORIDE OR ANY SIMILARLY ACTING DRUG THAT IS
20 NOT A CONTROLLED SUBSTANCE AND THAT IS APPROVED BY THE FEDERAL

1 FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF A DRUG
2 OVERDOSE.".

3 Page 34, strike lines 8 through 14 and substitute:

4 "(b) (I) STARTING ON OR BEFORE JULY 1, 2023, A COMMUNITY
5 CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL
6 DEVELOP PROTOCOLS TO IDENTIFY WITHDRAWAL SYMPTOMS, DETERMINE
7 WHETHER A MEDICAL REFERRAL IS NEEDED, AND ENSURE INDIVIDUALS
8 HAVE ACCESS TO APPROPRIATE MEDICAL PROFESSIONALS AS NECESSARY.
9 IN INSTANCES WHEN A MEDICALLY SUPERVISED DETOXIFICATION APPEARS
10 NECESSARY, COMMUNITY CORRECTIONS PROGRAM STAFF SHALL ASSIST
11 THE INDIVIDUAL WITH ACCESSING A LOCAL EMERGENCY PROVIDER OR
12 MANAGED SERVICE ORGANIZATION FOR NECESSARY TREATMENT.

13 (II) STARTING ON OR BEFORE JULY 1, 2023, A COMMUNITY
14 CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL
15 PROVIDE MEDICATION-ASSISTED TREATMENT. IF A COMMUNITY
16 CORRECTIONS PROGRAM DOES NOT PROVIDE MEDICATION-ASSISTED
17 TREATMENT, COMMUNITY CORRECTIONS PROGRAM STAFF SHALL ASSIST
18 THE INDIVIDUAL WITH ACCESSING A COMMUNITY-BASED MEDICATION-
19 ASSISTED TREATMENT PROVIDER. A COMMUNITY CORRECTIONS PROGRAM
20 THAT DOES NOT PROVIDE A MEDICATION-ASSISTED TREATMENT PURSUANT
21 TO THIS SUBSECTION (12), SHALL SUBMIT A REPORT BY JULY 1, 2023, TO
22 THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY
23 DESCRIBING THE BARRIERS TO OFFERING THE SERVICES AND WHAT
24 RESOURCES ARE NECESSARY TO PROVIDE MEDICATION-ASSISTED
25 TREATMENT.".

26 Page 36, lines 4 and 5, strike "APPROVED BY THE FEDERAL FOOD AND
27 DRUG ADMINISTRATION" and substitute "THAT IS".

28 Page 36, line 11, after "means" insert "A PRESCRIPTION DRUG OUTLET, AS
29 DEFINED BY SECTION 12-280-103 (43), OR".

30 Page 38, lines 2 and 3, strike "APPROVED BY THE FEDERAL FOOD AND
31 DRUG ADMINISTRATION".

32 Page 40, strike lines 12 and 13 and substitute:

33 "(VI) A BEHAVIORAL HEALTH ENTITY, AS DEFINED IN SECTION
34 25-27.6-102 (6); OR".

35 Page 43, line 7, strike "and **add** (7)".

36 Page 44, strike lines 1 through 7.

- 1 Page 44, line 9, strike "and **add (7)**".
- 2 Page 45, strike lines 3 through 9.
- 3 Page 49, line 14, strike "2024." and substitute "2024 OBTAINED FROM THE
4 COLORADO JUDICIAL DEPARTMENT AND TREATMENT PROVIDERS SERVING
5 THE PROBATION POPULATION."
- 6 Page 49, line 22, strike "18-18-403.5" and substitute "18-18-403.5
7 (2.5)(a)".
- 8 Page 50, line 18, strike "INDIGENT;" and substitute "INDIGENT."
- 9 Page 50, after line 18, insert:
10 "(3) AT A MINIMUM, THE INDEPENDENT ENTITY SHALL IDENTIFY
11 AND REPORT FINDINGS BASED ON AVAILABLE DATA AND INFORMATION
12 OBTAINED FROM THE OFFICE OF BEHAVIORAL HEALTH, THE DEPARTMENT
13 OF PUBLIC HEALTH AND ENVIRONMENT, MANAGED SERVICE
14 ORGANIZATIONS, AND OTHER APPLICABLE AGENCIES AND TREATMENT
15 PROVIDERS, REGARDING:"
- 16 Page 50, line 19, strike "(b)" and substitute "(a)".
- 17 Reletter succeeding paragraphs accordingly.
- 18 Page 51, line 22, strike "AND".
- 19 Page 51, strike line 26 and substitute:
20 "PROBATION, PAROLE, OR PRETRIAL RELEASE;
21 (g) THE MANAGED SERVICE ORGANIZATIONS CONTRACTS
22 DEVELOPED PURSUANT TO SECTION 27-80-107.8 TO PROVIDE SHORT-TERM
23 RESIDENTIAL PLACEMENT FOR WITHDRAWAL MANAGEMENT, CRISIS
24 STABILIZATION, OR MEDICATION-ASSISTED TREATMENT, INCLUDING THE
25 NUMBER OF FACILITIES, THEIR LOCATION, SERVICES PROVIDED, AND THE
26 NUMBER OF PERSONS SERVED; AND
27 (h) THE TRAINING AND COORDINATION EFFORTS DEVELOPED AND
28 IMPLEMENTED BY THE MANAGED SERVICE ORGANIZATIONS WITH FIRST
29 RESPONDERS AND REFERRING ENTITIES REGARDING THE AVAILABLE
30 SERVICES TO BE UTILIZED IN LIEU OF ARREST AND TRANSPORT TO JAIL.
31 (4) THE INDEPENDENT ENTITY SHALL REQUEST ALL NECESSARY
32 DATA NECESSARY TO COMPLETE THE STUDY, AND EACH AGENCY OR
33 ORGANIZATION SHALL ESTABLISH ANY DATA SHARING AGREEMENT
34 NECESSARY, SUBJECT TO ALL FEDERAL AND STATE PRIVACY LAWS

- 1 NECESSARY TO PROTECT PRIVACY, TO SUPPORT THE STUDY."
- 2 Renumber succeeding subsections accordingly.
- 3 Page 52, line 24, strike "2024." and substitute "2024 OBTAINED FROM THE
4 COLORADO JUDICIAL DEPARTMENT AND TREATMENT PROVIDERS SERVING
5 THE PROBATION POPULATION."
- 6 Page 53, line 5, strike "18-18-403.5" and substitute "18-18-403.5
7 (2.5)(a)".
- 8 Page 54, line 1, strike "INDIGENT;" and substitute "INDIGENT."
- 9 Page 54, after line 1, insert:
10 "(3) AT A MINIMUM, THE INDEPENDENT ENTITY SHALL IDENTIFY
11 AND REPORT FINDINGS BASED ON AVAILABLE DATA AND INFORMATION
12 OBTAINED FROM THE BEHAVIORAL HEALTH ADMINISTRATION, THE
13 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, MANAGED SERVICE
14 ORGANIZATIONS, AND OTHER APPLICABLE AGENCIES AND TREATMENT
15 PROVIDERS, REGARDING:"
- 16 Page 54, line 2, strike "(b)" and substitute "(a)".
- 17 Reletter succeeding paragraphs accordingly.
- 18 Page 55, line 5, strike "AND".
- 19 Page 55, strike line 9 and substitute:
20 "PROBATION, PAROLE, OR PRETRIAL RELEASE;
21 (g) THE MANAGED SERVICE ORGANIZATION CONTRACTS
22 DEVELOPED PURSUANT TO SECTION 27-80-107.8 TO PROVIDE SHORT-TERM
23 RESIDENTIAL PLACEMENT FOR WITHDRAWAL MANAGEMENT, CRISIS
24 STABILIZATION, OR MEDICATION-ASSISTED TREATMENT, INCLUDING THE
25 NUMBER OF FACILITIES, THEIR LOCATION, SERVICES PROVIDED, AND THE
26 NUMBER OF PERSONS SERVED; AND
27 (h) THE TRAINING AND COORDINATION EFFORTS DEVELOPED AND
28 IMPLEMENTED BETWEEN MANAGED SERVICE ORGANIZATIONS, FIRST
29 RESPONDERS, AND REFERRING ENTITIES REGARDING THE AVAILABLE
30 SERVICES TO BE UTILIZED IN LIEU OF ARREST AND TRANSPORT TO JAIL.
31 (4) THE INDEPENDENT ENTITY SHALL REQUEST ALL NECESSARY
32 DATA NECESSARY TO COMPLETE THE STUDY, AND EACH AGENCY OR
33 ORGANIZATION SHALL ESTABLISH ANY DATA-SHARING AGREEMENT
34 NECESSARY, SUBJECT TO ALL FEDERAL AND STATE PRIVACY LAWS

1 NECESSARY TO PROTECT PRIVACY, TO SUPPORT THE STUDY."

2 Renumber succeeding subsections accordingly.

3 Page 58, strike lines 1 through 21 and substitute:

4 **"24-33.5-525. Synthetic opioid poisoning investigation and**
5 **distribution interdiction grant program - creation - duties - rules -**
6 **reports - appropriation - definition - repeal.** (1) THERE IS CREATED IN
7 THE DIVISION THE SYNTHETIC OPIOID POISONING INVESTIGATION AND
8 DISTRIBUTION INTERDICTION GRANT PROGRAM, REFERRED TO IN THIS
9 SECTION AS THE "GRANT PROGRAM", TO PROVIDE GRANTS TO LAW
10 ENFORCEMENT AGENCIES FOR THE PURPOSE OF INVESTIGATING DEATHS
11 CAUSED BY SYNTHETIC OPIOID POISONING AND DISRUPTING SYNTHETIC
12 OPIOID SUPPLIES.

13 (2) A LAW ENFORCEMENT AGENCY MAY APPLY FOR A GRANT FOR
14 THE FOLLOWING PURPOSES ONLY:

15 (a) INVESTIGATING DEATHS AND SERIOUS INJURIES CAUSED BY
16 ILLEGAL SYNTHETIC OPIOID POISONING;

17 (b) INVESTIGATING, ENFORCING, AND PROSECUTING SYNTHETIC
18 OPIOID IMPORTATION AND HIGH-LEVEL DISTRIBUTION NETWORKS,
19 INCLUDING MULTIJURISDICTIONAL AND MULTISTATE INVESTIGATIONS AND
20 ENFORCEMENT OPERATIONS, TO REDUCE THE SUPPLY OF ILLEGAL
21 SYNTHETIC OPIOIDS AND PRECURSOR CHEMICALS IN COLORADO;

22 (c) TECHNOLOGY, EQUIPMENT, AND TRAINING TO ENHANCE
23 INTELLIGENCE, INFORMATION-SHARING CAPABILITIES, AND INTERAGENCY
24 COLLABORATION AMONG FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT
25 PARTNERS REGARDING SYNTHETIC OPIOID IMPORTATION AND HIGH-LEVEL
26 DISTRIBUTION NETWORKS; AND

27 (d) ANALYZING EMERGENT TRENDS IN MARKETS, INCLUDING THE
28 USE OF THE POSTAL SERVICE, PRIVATE COURIER, COMMERCIAL CARGO, AND
29 THE INTERNET, FOR THE IMPORT AND DISTRIBUTION OF ILLEGAL SYNTHETIC
30 OPIOIDS THROUGH A SYSTEMATIC AND STANDARDIZED APPROACH,
31 INCLUDING THE USE OF NOVEL, HIGH-FREQUENCY, AND REAL-TIME
32 SYSTEMS TO ENHANCE MARKET SURVEILLANCE."

33 Page 59, strike lines 1 through 11 and substitute:

34 "(4) THE DIVISION MAY PROMULGATE SUCH RULES AS MAY BE
35 NECESSARY TO IMPLEMENT THE GRANT PROGRAM, INCLUDING RULES
36 CONCERNING REQUIRED PERFORMANCE METRICS, DATA COLLECTION, AND
37 OTHER RELEVANT INFORMATION THAT GRANTEEES ARE REQUIRED TO
38 REPORT PURSUANT TO SUBSECTION (5) OF THIS SECTION.

1 (5) (a) ON OR BEFORE AUGUST 1, 2023, AND ON OR BEFORE
2 AUGUST 1 EACH YEAR THEREAFTER, EACH GRANT RECIPIENT THAT
3 RECEIVED A GRANT THROUGH THE GRANT PROGRAM IN THE PRECEDING
4 STATE FISCAL YEAR SHALL SUBMIT A NARRATIVE AND FINANCIAL REPORT
5 OF GRANT EXPENSES TO THE DIVISION IN A FORMAT REQUIRED BY THE
6 DIVISION. AT A MINIMUM, THE REPORT MUST INCLUDE A DESCRIPTION OF
7 THE USES OF THE GRANT MONEY, INCLUDING METRICS, DATA, AND OTHER
8 RELEVANT INFORMATION REQUIRED BY THE DIVISION, DURING THE
9 APPLICABLE GRANT TERM. THE DIVISION MAY PROMULGATE RULES
10 REGARDING REPORTING REQUIREMENTS, INCLUDING ADDITIONAL
11 INFORMATION TO BE INCLUDED IN THE REPORT."

12 Page 59, after line 18 insert:

13 "(6) THE DIVISION SHALL CONSULT THE P.O.S.T. BOARD DIRECTOR,
14 OR THE DIRECTOR'S DESIGNEE, AND THE DEPUTY ATTORNEY GENERAL OF
15 THE DIVISION OF CRIMINAL JUSTICE WITHIN THE DEPARTMENT OF LAW,
16 CREATED IN SECTION 24-31-102 (2), CONCERNING THE IMPLEMENTATION
17 OF THIS SECTION, INCLUDING RECOMMENDATIONS FOR POTENTIAL GRANT
18 RECIPIENTS AND EXPENDITURES."

19 Renumber succeeding subsections accordingly.

20 Page 60, after line 5 insert:

21 "SECTION 39. In Colorado Revised Statutes, add 24-31-115 as
22 follows:

23 **24-31-115. Online fentanyl trafficking - study - report -**
24 **appropriation - repeal.** (1) THE ATTORNEY GENERAL SHALL STUDY THE
25 USE OF THE INTERNET, INCLUDING RETAIL, PAYMENT, AND SOCIAL MEDIA
26 PLATFORMS, FOR THE PURPOSE OF TRAFFICKING FENTANYL, FENTANYL
27 ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIOIDS, AND
28 COUNTERFEIT PRESCRIPTION DRUGS.

29 (2) THE STUDY MUST, AT A MINIMUM:

30 (a) EXAMINE THE PREVALENCE OF THE AVAILABILITY AND
31 ACCESSIBILITY FOR FENTANYL, FENTANYL ANALOGS OR COMPOUNDS
32 THEREOF, SYNTHETIC OPIOIDS, AND COUNTERFEIT PRESCRIPTION DRUGS
33 THROUGH THE INTERNET;

34 (b) IDENTIFY WEBSITE POLICIES AND PRACTICES INTENDED TO
35 PREVENT THE USE OF THE WEBSITE FOR TRAFFICKING FENTANYL,
36 FENTANYL ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIOIDS, AND
37 COUNTERFEIT PRESCRIPTION DRUGS;

38 (c) IDENTIFY LAWS IMPLEMENTED BY OTHER STATES OR THE
39 FEDERAL GOVERNMENT INTENDED TO PREVENT THE USE OF THE INTERNET
40 FOR TRAFFICKING FENTANYL, FENTANYL ANALOGS OR COMPOUNDS

1 THEREOF, SYNTHETIC OPIOIDS, AND COUNTERFEIT PRESCRIPTION DRUGS;
2 AND

3 (d) EXAMINE ANY OTHER RELEVANT DATA, INFORMATION, OR
4 RESOURCES, AS DEEMED NECESSARY BY THE DEPARTMENT OF LAW,
5 CONCERNING THE USE OF THE INTERNET FOR TRAFFICKING FENTANYL,
6 FENTANYL ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIOIDS, AND
7 COUNTERFEIT PRESCRIPTION DRUGS.

8 (3) BY MARCH 1, 2023, THE ATTORNEY GENERAL SHALL COMPLETE
9 AND PUBLISH A REPORT OF ITS FINDINGS PURSUANT TO SUBSECTION (2) OF
10 THIS SECTION. THE REPORT MUST ALSO INCLUDE RECOMMENDATIONS FOR
11 POTENTIAL STATE LEGISLATION:

12 (a) TO PREVENT THE USE OF THE INTERNET FOR TRAFFICKING,
13 DISTRIBUTING, OR SUPPLYING FENTANYL, FENTANYL ANALOGS OR
14 COMPOUNDS THEREOF, SYNTHETIC OPIOIDS, AND COUNTERFEIT
15 PRESCRIPTION DRUGS;

16 (b) CONCERNING CRIMINAL AND CIVIL LIABILITY FOR THE USE OF
17 THE INTERNET FOR TRAFFICKING, DISTRIBUTING, OR SUPPLYING FENTANYL,
18 FENTANYL ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIOIDS, AND
19 COUNTERFEIT PRESCRIPTION DRUGS;

20 (c) REGARDING CONSUMER REPORTING MECHANISMS FOR
21 REPORTING TO LAW ENFORCEMENT OR THE ONLINE PLATFORM THE USE OF
22 A WEBSITE OR ONLINE ACCOUNT FOR TRAFFICKING FENTANYL, FENTANYL
23 ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIOIDS, AND
24 COUNTERFEIT PRESCRIPTION DRUGS; AND

25 (d) REGARDING ANY OTHER PUBLIC POLICY CHANGES NECESSARY
26 TO REDUCE OR ELIMINATE THE USE THE INTERNET FOR TRAFFICKING,
27 DISTRIBUTING, OR SUPPLYING FENTANYL, FENTANYL ANALOGS OR
28 COMPOUNDS THEREOF, SYNTHETIC OPIOIDS, AND COUNTERFEIT
29 PRESCRIPTION DRUGS.

30 (4) THE ATTORNEY GENERAL SHALL INVITE THE UNITED STATES
31 ATTORNEY FOR THE DISTRICT OF COLORADO TO COLLABORATE, CONSULT,
32 OR PROVIDE ANY AVAILABLE ASSISTANCE IN THE PERFORMANCE OF THE
33 ATTORNEY GENERAL'S DUTIES PURSUANT TO THIS SECTION.

34 (5) BY MARCH 1, 2023, THE ATTORNEY GENERAL SHALL SUBMIT
35 THE COMPLETED REPORT PURSUANT TO SUBSECTION (3) OF THIS
36 SECTION TO THE HOUSE OF REPRESENTATIVES AND SENATE JUDICIARY
37 COMMITTEES, OR ANY SUCCESSOR COMMITTEES.

38 (6) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
39 ASSEMBLY SHALL APPROPRIATE AT LEAST ONE HUNDRED FIFTY THOUSAND
40 DOLLARS TO THE DEPARTMENT OF LAW FOR THE PURPOSES OF THIS
41 SECTION.

42 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

1 **SECTION 40.** In Colorado Revised Statutes, 18-18-204, **amend**
2 (2)(b) introductory portion and (2)(b)(V) as follows:

3 **18-18-204. Schedule II.** (2) Unless specifically excepted by
4 Colorado or federal law or Colorado or federal regulation or more
5 specifically included in another schedule, the following controlled
6 substances are listed in schedule II:

7 (b) Any of the following synthetic ~~opiates~~ OPIOIDS, including any
8 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers of
9 them that are theoretically possible within the specific chemical
10 designation:

11 (V) ~~Carfentanil~~ CARFENTANIL;

12 **SECTION 41.** In Colorado Revised Statutes, **add** 27-60-114 as
13 follows:

14 **27-60-114. Study of health effects of felonizing fentanyl**
15 **possession - repeal.** (1) NO LATER THAN NOVEMBER 1, 2022, THE OFFICE
16 SHALL CONTRACT WITH AN INDEPENDENT NONPROFIT OR EDUCATIONAL
17 ENTITY THAT HAS EXPERTISE IN CLINICAL EPIDEMIOLOGY, BIOSTATISTICS,
18 SUBSTANCE USE AND ADDICTION, DATA COLLECTION AND ANALYSIS, AND,
19 IF POSSIBLE, THE INTERSECTION BETWEEN THE CRIMINAL JUSTICE SYSTEM
20 AND SUBSTANCE USE, TO CONDUCT AN INDEPENDENT STUDY OF THE
21 HEALTH EFFECTS OF CRIMINAL PENALTIES PURSUANT TO CHANGES TO
22 SECTION 18-18-403.5 (2.5) IN HOUSE BILL 22-1326, ENACTED IN 2022. AT
23 A MINIMUM, THE STUDY MUST ADDRESS THE FOLLOWING:

24 (a) WHETHER THE PENALTIES PURSUANT TO SECTION 18-18-403.5
25 (2.5):

26 (I) DECREASED FENTANYL-RELATED OVERDOSES, BOTH FATAL AND
27 NONFATAL, AMONG INDIVIDUALS CHARGED WITH A FELONY COMPARED TO
28 INDIVIDUALS CHARGED WITH MISDEMEANOR PURSUANT TO SECTION
29 18-18-403.5 (2.5), AND COMPARED TO INDIVIDUALS WITH OPIOID MISUSE
30 OR USE DISORDER NOT CHARGED WITH CRIMINAL POSSESSION OF OPIOIDS;
31 OR

32 (II) INCREASED INITIATION AND RETENTION OF EVIDENCE-BASED,
33 EFFECTIVE TREATMENT FOR INDIVIDUALS CHARGED WITH AN OPIOID USE
34 DISORDER AMONG INDIVIDUALS CHARGED WITH A FELONY COMPARED TO
35 INDIVIDUALS CHARGED WITH MISDEMEANOR PURSUANT TO SECTION
36 18-18-403.5 (2.5), AND COMPARED TO INDIVIDUALS WITH OPIOID MISUSE
37 OR USE DISORDER WHO WERE NOT CHARGED WITH CRIMINAL POSSESSION
38 OF OPIOIDS;

39 (b) DIFFERENTIAL HEALTH OUTCOMES FOR INDIVIDUALS BASED ON
40 THE INDIVIDUAL'S RACE, GENDER, ETHNICITY, AGE, ECONOMIC STATUS,
41 PREGNANCY OR POSTPARTUM STATUS, OR HOUSING STATUS, FOR
42 INDIVIDUALS CHARGED WITH A FELONY PURSUANT TO SECTION

1 18-18-403.5 (2.5), COMPARED TO INDIVIDUALS CHARGED WITH A
2 MISDEMEANOR PURSUANT TO SECTION 18-18-403.5 (2.5), AND COMPARED
3 TO INDIVIDUALS WITH OPIOID MISUSE OR USE DISORDERS WHO WERE NOT
4 CHARGED PURSUANT TO SECTION 18-18-403.5 (2.5). DIFFERENTIAL
5 HEALTH OUTCOMES TO CONSIDER INCLUDE, BUT ARE NOT LIMITED TO,
6 FATAL AND NONFATAL OVERDOSES AND INITIATION AND RETENTION ON
7 MEDICATIONS FOR OPIOID USE DISORDER.

8 (c) WHETHER EFFECTIVE, EVIDENCE-BASED TREATMENT FOR
9 OPIOID USE DISORDER IN THE GENERAL POPULATION DIMINISHED IN
10 QUALITY OR QUANTITY AS A RESULT OF INDIVIDUALS ORDERED BY THE
11 COURT INTO TREATMENT BASED ON CHARGES BROUGHT PURSUANT TO
12 SECTION 18-18-403.5 (2.5); AND

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

19 (2)(a) THE OFFICE SHALL MAKE REASONABLE EFFORTS TO PROVIDE
20 NECESSARY DATA REQUESTED BY THE INDEPENDENT ENTITY TO COMPLETE
21 THE STUDY REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE
22 OFFICE SHALL ESTABLISH A DATA-SHARING AGREEMENT WITH, AT A
23 MINIMUM, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE
24 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE JUDICIAL
25 DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF
26 REGULATORY AGENCIES, AND, IF FEASIBLE, COUNTY SHERIFFS AND
27 COUNTY CORONERS, TO PROVIDE DATA TO THE INDEPENDENT ENTITY
28 INCLUDING, BUT NOT LIMITED TO:

29 (I) ALL REASONABLY AVAILABLE CRIMINAL JUSTICE DATA
30 REQUESTED BY THE INDEPENDENT ENTITY;

31 (II) OPIOID OVERDOSE DEATH RECORDS, INCLUDING TOXICOLOGY
32 REPORTS, IF AVAILABLE;

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

36 (IV) ENCOUNTERS WITH EMERGENCY MEDICAL SERVICES
37 PROVIDERS, LAW ENFORCEMENT AGENCIES, OR HEALTH-CARE FACILITIES
38 FOR FATAL AND NONFATAL FENTANYL OR OTHER OPIOID-RELATED
39 OVERDOSE; AND

40 (V) AVAILABLE INFORMATION REGARDING THE HISTORY OF
41 OVERDOSE, INCARCERATION, AND SUBSTANCE USE TREATMENT FOR
42 INDIVIDUALS CHARGED PURSUANT TO SECTION 18-18-403.5 (2.5),
43 INCLUDING WHETHER THE INDIVIDUAL HAS SOUGHT AND BEEN DENIED

1 ON-DEMAND TREATMENT.

2 (b) THE INDEPENDENT ENTITY MAY PERFORM A QUALITATIVE
3 ASSESSMENT BY, AT A MINIMUM, CONDUCTING FOCUS GROUPS OR
4 INTERVIEWS WITH A REPRESENTATIVE SAMPLE OF INDIVIDUALS WHO USE
5 DRUGS AND SUBSTANCE USE DISORDER CARE PROVIDERS AND HARM
6 REDUCTION PROVIDERS ACROSS THE STATE AND CONTINUUM.

7 (c) NO LATER THAN DECEMBER 31, 2024, THE INDEPENDENT
8 ENTITY SHALL SUBMIT A COMPREHENSIVE REPORT OF THE ENTITY'S
9 FINDINGS TO THE OFFICE.

10 (d) NO LATER THAN JANUARY 31, 2025, THE OFFICE SHALL
11 PUBLISH THE REPORT ON THE OFFICE'S WEBSITE AND SUBMIT THE REPORT
12 TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE, THE HOUSE
13 OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
14 SERVICES COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES
15 COMMITTEE, AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
16 SUCCESSOR COMMITTEES.

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

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

21 **SECTION 42.** In Colorado Revised Statutes, 18-19-103, **amend**
22 (5)(c)(VI) and (5)(c)(VII); and **add** (5)(c)(VIII) as follows:

23 **18-19-103. Source of revenues - allocation of money - repeal.**

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

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

27 (VII) Administrative support to the correctional treatment board
28 including, but not limited to, facilitating and coordinating data collection,
29 conducting data analysis, developing contracts, preparing reports,
30 scheduling and staffing board and subcommittee meetings, and engaging
31 in budget planning and analysis; AND

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

34 (B) THIS SUBSECTION (5)(c)(VIII) IS REPEALED, EFFECTIVE JULY
35 1, 2025.

36 **SECTION 43.** In Colorado Revised Statutes, **add** 27-50-802, **as**
37 **part 8 of article 50 of title 27 as added by House Bill 22-1278**, **as**
38 **follows:**

39 **27-50-802. Study of health effects of felonizing fentanyl**
40 **possession - repeal.** (1) NO LATER THAN NOVEMBER 1, 2022, THE BHA
41 SHALL CONTRACT WITH AN INDEPENDENT NONPROFIT OR EDUCATIONAL
42 ENTITY THAT HAS EXPERTISE IN CLINICAL EPIDEMIOLOGY, BIostatISTICS,
43 SUBSTANCE USE AND ADDICTION, DATA COLLECTION AND ANALYSIS, AND,

1 IF POSSIBLE, THE INTERSECTION BETWEEN THE CRIMINAL JUSTICE SYSTEM
2 AND SUBSTANCE USE, TO CONDUCT AN INDEPENDENT STUDY OF THE
3 HEALTH EFFECTS OF CRIMINAL PENALTIES PURSUANT TO CHANGES TO
4 SECTION 18-18-403.5 (2.5) IN HOUSE BILL 22-1326, ENACTED IN 2022. AT
5 A MINIMUM, THE STUDY MUST ADDRESS THE FOLLOWING:

6 (a) WHETHER THE PENALTIES PURSUANT TO SECTION 18-18-403.5
7 (2.5):

8 (I) DECREASED FENTANYL-RELATED OVERDOSES, BOTH FATAL AND
9 NONFATAL, AMONG INDIVIDUALS CHARGED WITH A FELONY COMPARED TO
10 INDIVIDUALS CHARGED WITH MISDEMEANOR PURSUANT TO SECTION
11 18-18-403.5 (2.5), AND COMPARED TO INDIVIDUALS WITH OPIOID MISUSE
12 OR USE DISORDER NOT CHARGED WITH CRIMINAL POSSESSION OF OPIOIDS;
13 OR

14 (II) INCREASED INITIATION AND RETENTION OF EVIDENCE-BASED,
15 EFFECTIVE TREATMENT FOR INDIVIDUALS CHARGED WITH AN OPIOID USE
16 DISORDER AMONG INDIVIDUALS CHARGED WITH A FELONY COMPARED TO
17 INDIVIDUALS CHARGED WITH MISDEMEANOR PURSUANT TO SECTION
18 18-18-403.5 (2.5), AND COMPARED TO INDIVIDUALS WITH OPIOID MISUSE
19 OR USE DISORDER WHO WERE NOT CHARGED WITH CRIMINAL POSSESSION
20 OF OPIOIDS;

21 (b) DIFFERENTIAL HEALTH OUTCOMES FOR INDIVIDUALS BASED ON
22 THE INDIVIDUAL'S RACE, GENDER, ETHNICITY, AGE, ECONOMIC STATUS,
23 PREGNANCY OR POSTPARTUM STATUS, OR HOUSING STATUS, FOR
24 INDIVIDUALS CHARGED WITH A FELONY PURSUANT TO SECTION
25 18-18-403.5 (2.5), COMPARED TO INDIVIDUALS CHARGED WITH A
26 MISDEMEANOR PURSUANT TO SECTION 18-18-403.5 (2.5), AND COMPARED
27 TO INDIVIDUALS WITH OPIOID MISUSE OR USE DISORDERS WHO WERE NOT
28 CHARGED PURSUANT TO SECTION 18-18-403.5 (2.5). DIFFERENTIAL
29 HEALTH OUTCOMES TO CONSIDER INCLUDE, BUT ARE NOT LIMITED TO,
30 FATAL AND NONFATAL OVERDOSES AND INITIATION AND RETENTION ON
31 MEDICATIONS FOR OPIOID USE DISORDER.

32 (c) WHETHER EFFECTIVE, EVIDENCE-BASED TREATMENT FOR
33 OPIOID USE DISORDER IN THE GENERAL POPULATION DIMINISHED IN
34 QUALITY OR QUANTITY AS A RESULT OF INDIVIDUALS ORDERED BY THE
35 COURT INTO TREATMENT BASED ON CHARGES BROUGHT PURSUANT TO
36 SECTION 18-18-403.5 (2.5); AND

37 (d) WHETHER PENALTIES PURSUANT TO SECTION 18-18-403.5 (2.5)
38 IMPACT THE LIKELIHOOD OF INDIVIDUALS ADDICTED TO FENTANYL TO
39 SEEK OR RECEIVE TREATMENT, PROVIDE HELP TO ANOTHER PERSON IN THE
40 CASE OF AN OVERDOSE, OR UTILIZE NALOXONE, NON-LABORATORY
41 SYNTHETIC OPIOID DETECTION TESTS, AND OTHER HARM REDUCTION
42 RESOURCES.

43 (2) (a) THE BHA SHALL MAKE REASONABLE EFFORTS TO PROVIDE

1 NECESSARY DATA REQUESTED BY THE INDEPENDENT ENTITY TO COMPLETE
2 THE STUDY REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE
3 BHA SHALL ESTABLISH A DATA-SHARING AGREEMENT WITH, AT A
4 MINIMUM, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE
5 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE JUDICIAL
6 DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF
7 REGULATORY AGENCIES, AND, IF FEASIBLE, COUNTY SHERIFFS AND
8 COUNTY CORONERS, TO PROVIDE DATA TO THE INDEPENDENT ENTITY
9 INCLUDING, BUT NOT LIMITED TO:

10 (I) ALL REASONABLY AVAILABLE CRIMINAL JUSTICE DATA
11 REQUESTED BY THE INDEPENDENT ENTITY;

12 (II) OPIOID OVERDOSE DEATH RECORDS, INCLUDING TOXICOLOGY
13 REPORTS, IF AVAILABLE;

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

17 (IV) ENCOUNTERS WITH EMERGENCY MEDICAL SERVICES
18 PROVIDERS, LAW ENFORCEMENT AGENCIES, OR HEALTH-CARE FACILITIES
19 FOR FATAL AND NONFATAL FENTANYL OR OTHER OPIOID-RELATED
20 OVERDOSE; AND

21 (V) AVAILABLE INFORMATION REGARDING THE HISTORY OF
22 OVERDOSE, INCARCERATION, AND SUBSTANCE USE TREATMENT FOR
23 INDIVIDUALS CHARGED PURSUANT TO SECTION 18-18-403.5 (2.5),
24 INCLUDING WHETHER THE INDIVIDUAL HAS SOUGHT AND BEEN DENIED
25 ON-DEMAND TREATMENT.

26 (b) THE INDEPENDENT ENTITY MAY PERFORM A QUALITATIVE
27 ASSESSMENT BY, AT A MINIMUM, CONDUCTING FOCUS GROUPS OR
28 INTERVIEWS WITH A REPRESENTATIVE SAMPLE OF INDIVIDUALS WHO USE
29 DRUGS AND SUBSTANCE USE DISORDER CARE PROVIDERS AND HARM
30 REDUCTION PROVIDERS ACROSS THE STATE AND CONTINUUM.

31 (c) NO LATER THAN DECEMBER 31, 2024, THE INDEPENDENT
32 ENTITY SHALL SUBMIT A COMPREHENSIVE REPORT OF THE ENTITY'S
33 FINDINGS TO THE BHA.

34 (d) NO LATER THAN JANUARY 31, 2025, THE BHA SHALL PUBLISH
35 THE REPORT ON THE BHA'S WEBSITE AND SUBMIT THE REPORT TO THE
36 HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE, THE HOUSE OF
37 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
38 SERVICES COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES
39 COMMITTEE, AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
40 SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR
41 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
42 GOVERNMENT ACT" PRESENTATION REQUIRED PURSUANT TO SECTION
43 2-7-203.

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

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

5 **SECTION 44.** In Colorado Revised Statutes, 18-19-103, **amend**
6 (5)(c)(VI) and (5)(c)(VII); and **add** (5)(c)(VIII) as follows:

7 **18-19-103. Source of revenues - allocation of money - repeal.**

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

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

11 (VII) Administrative support to the correctional treatment board
12 including, but not limited to, facilitating and coordinating data collection,
13 conducting data analysis, developing contracts, preparing reports,
14 scheduling and staffing board and subcommittee meetings, and engaging
15 in budget planning and analysis; AND

16 (VIII) (A) THE STUDY OF HEALTH EFFECTS OF FELONIZING
17 FENTANYL POSSESSION PURSUANT TO SECTION 27-50-802.

18 (B) THIS SUBSECTION (5)(c)(VIII) IS REPEALED, EFFECTIVE JULY
19 1, 2025.

20 **SECTION 45.** In Colorado Revised Statutes, 17-26-104.9,
21 **amend** (1), (2), and (3); and **add** (1.5) and (4) as follows:

22 **17-26-104.9. Opioid treatment for a person in custody -**
23 **definitions - repeal.** (1) (a) A facility, whether operated by a
24 governmental entity or private contractor, may make available opioid
25 agonists and opioid antagonists to a person in custody with an opioid use
26 disorder. The facility is strongly encouraged to maintain the treatment of
27 the person throughout the duration of the person's incarceration, as
28 medically necessary.

29 (b) THIS SUBSECTION (1) IS REPEALED EFFECTIVE JULY 1, 2023.

30 (1.5) BY JULY 1, 2023, A FACILITY, WHETHER OPERATED BY A
31 GOVERNMENTAL ENTITY OR PRIVATE CONTRACTOR, SHALL PROVIDE
32 MEDICATION-ASSISTED TREATMENT, AND OTHER APPROPRIATE
33 WITHDRAWAL MANAGEMENT CARE TO A PERSON WITH A SUBSTANCE USE
34 DISORDER THROUGH THE DURATION OF THE PERSON'S INCARCERATION, AS
35 MEDICALLY NECESSARY. AT A MINIMUM:

36 (a) THE FACILITY SHALL OFFER OPIOID AGONIST TREATMENT TO A
37 PERSON IN CUSTODY WITH AN OPIOID USE DISORDER AT INTAKE TO THE
38 FACILITY OR AT THE REQUEST OF THE PERSON IN CUSTODY. THE FACILITY
39 SHALL ONLY OFFER OPIOID ANTAGONIST TREATMENT FOR OPIOID USE
40 DISORDER WHEN SPECIFICALLY REQUESTED BY THE PERSON OR WHEN
41 MEDICALLY NECESSARY.

42 (b) THE FACILITY SHALL PERFORM A NON-MEDICAL EVALUATION

1 OF THE PERSON UPON ENTRY INTO CUSTODY AT THE FACILITY FOR
2 SUBSTANCE USE DISORDER.

3 (c) IF THE PERSON INDICATES THAT THE PERSON HAS A SUBSTANCE
4 USE DISORDER, OR THE NON-MEDICAL EVALUATION PERFORMED PURSUANT
5 TO SUBSECTION (1.5)(b) INDICATES THAT THE PERSON MAY HAVE A
6 SUBSTANCE USE DISORDER, THE FACILITY SHALL REFER THE PERSON TO
7 THE FACILITY'S MEDICAL PROVIDER FOR AN EVALUATION, AND
8 SUBSEQUENT DIAGNOSIS, PRESCRIPTION, OR INDUCTION OF AN OPIOID
9 AGONIST, AS MEDICALLY APPROPRIATE.

10 (d) THE FACILITY SHALL MAKE AVAILABLE DAILY A QUALIFIED
11 MEDICATION ADMINISTRATION PERSONNEL.

12 (e) IF AN INDIVIDUAL IS ADMITTED TO THE JAIL AND HAS A
13 PRESCRIPTION FOR MEDICATION-ASSISTED TREATMENT, THE JAIL SHALL
14 CONTINUE THE MEDICATION WITHOUT DELAY.

15 (2) Qualified medication administration personnel may, in
16 accordance with a written physician's order, administer opioid agonists
17 and opioid antagonists pursuant to subsection (1) AND (1.5) of this
18 section.

19 (3) A facility may contract with community-based health
20 providers, LOCAL PROVIDERS, OR MOBILE UNIT PROVIDERS for the
21 implementation of this section.

22 (4) THE JAIL SHALL PROVIDE THE INDIVIDUAL WITH A REFERRAL TO
23 A SUBSTANCE USE PROVIDER WITH THE CAPABILITY TO CONTINUE THE
24 INDIVIDUAL'S MEDICATION-ASSISTED TREATMENT AND THE CARE
25 COORDINATION INFRASTRUCTURE DESCRIBED IN SECTION 27-60-204 UPON
26 RELEASE FROM CUSTODY.

27 **SECTION 46.** In Colorado Revised Statutes, **add** 27-60-106.7 as
28 follows:

29 **27-60-106.7. Technical assistance to jails - appropriation -**
30 **repeal.** (1) THE OFFICE OF BEHAVIORAL HEALTH SHALL PROVIDE
31 TECHNICAL ASSISTANCE TO FACILITIES IN MEETING THEIR REQUIREMENTS
32 PURSUANT TO SECTION 17-26-104.9 (1.5). TECHNICAL ASSISTANCE
33 INCLUDES DEVELOPMENT AND IMPLEMENTATION OF
34 MEDICATION-ASSISTED TREATMENT, APPROVAL OF PRESCRIBERS BY THE
35 UNITED STATES DRUG ENFORCEMENT AGENCY, AND OTHER APPROPRIATE
36 WITHDRAWAL MANAGEMENT CARE, AND ASSISTANCE WITH IDENTIFYING
37 BULK PURCHASING OPPORTUNITIES FOR NECESSARY SERVICES.

38 (2) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
39 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE
40 BEHAVIORAL HEALTH AND MENTAL HEALTH CASH FUND, CREATED IN
41 SECTION 24-75-230, TO THE OFFICE OF BEHAVIORAL HEALTH FOR THE
42 PURPOSE OF PROVIDING TECHNICAL ASSISTANCE TO JAILS WITH MEETING
43 THEIR REQUIREMENTS PURSUANT TO SECTION 17-26-104.9.

1 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2024.
2 **SECTION 47.** In Colorado Revised Statutes, **add 27-50-802, as**
3 **part 8 of article 50 of title 27 as added by House Bill 22-1278, as**
4 follows:

5 **27-50-802. Technical assistance to jails - appropriation -**
6 **repeal.** (1) THE BEHAVIORAL HEALTH ADMINISTRATION SHALL PROVIDE
7 TECHNICAL ASSISTANCE TO FACILITIES IN MEETING THEIR REQUIREMENTS
8 PURSUANT TO SECTION 17-26-104.9 (1.5). TECHNICAL ASSISTANCE
9 INCLUDES DEVELOPMENT AND IMPLEMENTATION OF
10 MEDICATION-ASSISTED TREATMENT, APPROVAL OF PRESCRIBERS BY THE
11 UNITED STATES DRUG ENFORCEMENT AGENCY, AND OTHER APPROPRIATE
12 WITHDRAWAL MANAGEMENT CARE, AND ASSISTANCE WITH IDENTIFYING
13 BULK PURCHASING OPPORTUNITIES FOR NECESSARY SERVICES.

14 (2) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
15 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE
16 BEHAVIORAL HEALTH AND MENTAL HEALTH CASH FUND, CREATED IN
17 SECTION 24-75-230, TO THE BEHAVIORAL HEALTH ADMINISTRATION FOR
18 THE PURPOSE OF PROVIDING TECHNICAL ASSISTANCE TO JAILS WITH
19 MEETING THEIR REQUIREMENTS PURSUANT TO SECTION 17-26-104.9.

20 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2024.

21 **SECTION 48.** In Colorado Revised Statutes, **add** part 14 to
22 article 20.5 of title 25 as follows:

23 PART 14

24 OVERDOSE DETECTION MAPPING APPLICATION PROGRAM

25 **25-20.5-1401. Overdose detection mapping application**
26 **program.** ON OR BEFORE JULY 1, 2023, THE DEPARTMENT SHALL REQUIRE
27 EMERGENCY MEDICAL SERVICE PROVIDERS, CORONERS, EVERY STATE OR
28 LOCAL LAW ENFORCEMENT AGENCY AND SHERIFF'S OFFICE IN THE STATE,
29 AND EMERGENCY DEPARTMENTS TO PARTICIPATE IN THE OVERDOSE
30 DETECTION MAPPING APPLICATION PROGRAM TO REPORT INCIDENCES OF
31 FATAL AND NON-FATAL DRUG OVERDOSES AND SYNTHETIC OPIOID
32 POISONINGS. NOTWITHSTANDING ANY LAW TO THE CONTRARY, LAW
33 ENFORCEMENT SHALL NOT USE THE OVERDOSE DETECTION MAPPING
34 APPLICATION PROGRAM FOR WELFARE CHECKS, WARRANT CHECKS, OR
35 CRIMINAL INVESTIGATIONS.

36 **SECTION 49.** In Colorado Revised Statutes, **add** 27-60-114 as
37 follows:

38 **27-60-115. Colorado overdose prevention review committee -**
39 **creation - duties - repeal.** (1) ON JULY 1, 2024, THE COLORADO
40 OVERDOSE PREVENTION REVIEW COMMITTEE IS CREATED IN THE OFFICE,
41 REFERRED TO IN THIS SECTION AS THE "COMMITTEE", FOR THE PURPOSE OF:

1 (a) REVIEWING SPECIFIC CASES OF NON-FATAL AND FATAL
2 DRUG-RELATED OVERDOSES THAT OCCUR IN COLORADO;

3 (b) IDENTIFYING THE CAUSES OF OVERDOSES AND
4 OVERDOSE-RELATED DEATH AND CONDUCTING A REVIEW OF OTHER
5 FACTORS INCLUDING, BUT NOT LIMITED TO, HOUSING STATUS OR CRIMINAL
6 JUSTICE INVOLVEMENT;

7 (c) DEVELOPING EVIDENCE-BASED RECOMMENDATIONS TO
8 ADDRESS PREVENTABLE OVERDOSE-RELATED DEATH, INCLUDING
9 LEGISLATION, POLICIES, AREAS FOR FURTHER SCIENTIFIC RESEARCH,
10 RULES, TRAINING, AND BEST PRACTICES THAT WILL SUPPORT THE HEALTH
11 AND SAFETY OF INDIVIDUALS WHO USE SUBSTANCES THAT MAY CAUSE
12 OVERDOSE IN COLORADO AND PREVENT OVERDOSE-RELATED DEATHS; AND

13 (d) ANNUALLY MAKE POLICY-RELATED AND FUNDING-RELATED
14 RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY
15 ABOUT DRUG TRENDS, INCLUDING SYNTHETIC DRUGS THAT MAY IMPACT
16 THE HEALTH AND WELL-BEING OF COLORADANS AND THAT PRESENT A
17 HIGH RISK FOR CAUSING OVERDOSE-RELATED DEATHS.

18 (2) (a) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT
19 SHALL APPOINT THE FOLLOWING MEMBERS TO SERVE ON THE COMMITTEE:

20 (I) TWO MEMBERS WHO HAVE EXPERIENCED AN OVERDOSE OR
21 HAVE A SUBSTANCE USE DISORDER;

22 (II) TWO PHYSICIANS WITH EXPERTISE IN ADDICTION MEDICINE,
23 ONE OF WHOM HAS EXPERTISE IN MEDICAL COMPLICATIONS OF SUBSTANCE
24 USE;

25 (III) TWO PUBLIC HEALTH OR EPIDEMIOLOGY EXPERTS WITH
26 EXPERTISE IN SUBSTANCE USE;

27 (IV) A REPRESENTATIVE OF THE DISTRICT ATTORNEYS APPOINTED
28 BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS'
29 COUNCIL;

30 (V) A REPRESENTATIVE OF COUNTY SHERIFFS, APPOINTED BY THE
31 DIRECTOR OF A STATEWIDE ORGANIZATION REPRESENTING SHERIFFS;

32 (VI) A REPRESENTATIVE OF THE CHIEFS OF POLICE, APPOINTED BY
33 THE PRESIDENT OF A STATEWIDE ORGANIZATION OF CHIEFS OF POLICE;

34 (VII) A PUBLIC DEFENDER;

35 (VIII) A REPRESENTATIVE FROM A HARM REDUCTION
36 ORGANIZATION; AND

37 (IX) A SUBSTANCE USE TREATMENT OR RECOVERY PROVIDER.

38 (b) EACH MEMBER'S TERM IS THREE YEARS; EXCEPT THAT THE
39 TERM OF THE FIRST SIX MEMBERS APPOINTED IS TWO YEARS. MEMBERS
40 MAY SERVE UP TO THREE TERMS. THE EXECUTIVE DIRECTOR SHALL FILL
41 ANY VACANCIES ON THE COMMITTEE.

42 (c) THE EXECUTIVE DIRECTOR SHALL MAKE AN EFFORT TO INCLUDE
43 COMMITTEE MEMBERS WORKING IN AND REPRESENTING COMMUNITIES

1 THAT ARE DIVERSE WITH REGARD TO RACE, ETHNICITY, IMMIGRATION
2 STATUS, ENGLISH PROFICIENCY, INCOME, WEALTH, AND GEOGRAPHIC
3 REGION OF THE STATE, INCLUDING BOTH URBAN AND RURAL AREAS.

4 (3) THE COMMITTEE MAY FORM SPECIAL AD HOC PANELS TO
5 FURTHER INVESTIGATE DRUG TRENDS, OVERDOSES AND
6 OVERDOSE-RELATED DEATHS WHEN THE NEED ARISES.

7 (4) THE COMMITTEE SHALL:

8 (a) REVIEW A REPRESENTATIVE SUBSET OF NON-FATAL AND FATAL
9 OVERDOSES IN COLORADO;

10 (b) REVIEW MEDICAL RECORDS AND OTHER RELEVANT DATA
11 RELATED TO EACH OVERDOSE DEATH, INCLUDING, BUT NOT LIMITED TO,
12 WHETHER THE PERSON WAS RECENTLY ENGAGED IN TREATMENT OR
13 PREVIOUSLY INCARCERATED;

14 (c) TAKE STEPS TO IMPROVE THE QUALITY AND SCOPE OF DATA
15 OBTAINED THROUGH INVESTIGATIONS AND REVIEW OF OVERDOSES AND
16 OVERDOSE-RELATED DEATHS;

17 (d) IDENTIFY TRENDS AND PATTERNS ACROSS RACIAL,
18 GEOGRAPHIC, AND OTHER GROUPS RELATED TO OVERDOSES AND
19 OVERDOSE-RELATED DEATHS;

20 (e) DEVELOP EVIDENCE-BASED RECOMMENDATIONS FOR THE
21 PREVENTION OF OVERDOSES AND OVERDOSE-RELATED DEATHS AND
22 DELIVER THE RECOMMENDATIONS TO THE LEGISLATURE AND GOVERNOR;

23 (f) PERFORM ANY OTHER FUNCTIONS AS RESOURCES ALLOW TO
24 ENHANCE THE CAPABILITY OF THE STATE TO REDUCE AND PREVENT
25 OVERDOSES AND OVERDOSE-RELATED DEATHS;

26 (g) ADVISE THE OFFICE IN THE ADMINISTRATION'S WORK ON
27 DECREASING OVERDOSES AND OVERDOSE-RELATED DEATHS;

28 (h) INFORM THE LEGISLATURE AND GOVERNOR OF DRUG TRENDS
29 NATIONALLY, INCLUDING IF A NEW DRUG TREND OCCURS AND WHAT THE
30 STATE MAY DO TO MITIGATE ANY FORTHCOMING HARM THE DRUG MAY
31 HAVE ON THE STATE; AND

32 (i) FACILITATE THE DEVELOPMENT OF A COMPREHENSIVE
33 STATEWIDE DATABASE FOR THE PURPOSE OF ADDRESSING THE OVERDOSE
34 CRISIS.

35 (5) THE OFFICE SHALL COMPILE REPORTS IN DISAGGREGATED AND
36 DE-IDENTIFIED FORMS ON TRENDS OR OTHER FINDINGS AND
37 RECOMMENDATIONS ON A BI-ANNUAL BASIS FOR DISTRIBUTION IN AN
38 EFFORT TO FURTHER STUDY THE CAUSES AND PROBLEMS ASSOCIATED WITH
39 OVERDOSES AND OVERDOSE-RELATED DEATHS THAT MAY BE DISTRIBUTED
40 TO POLICY MAKERS, LAW ENFORCEMENT, HEALTH-CARE PROVIDERS AND
41 FACILITIES, BEHAVIORAL HEALTH PROVIDERS, PUBLIC HEALTH
42 PROFESSIONALS, AND OTHERS NECESSARY TO REDUCE OVERDOSES AND
43 OVERDOSE-RELATED DEATHS.

1 (6) (a) (I) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE
2 COMMITTEE MAY ACCESS MEDICAL RECORDS RELATED TO OVERDOSE
3 DEATHS UPON REQUEST AT ANY TIME UP TO SEVEN YEARS AFTER THE LAST
4 TREATMENT OF A PATIENT.

5 (II) A HEALTH-CARE PROVIDER OR A HEALTH-CARE FACILITY
6 LICENSED OR CERTIFIED PURSUANT TO ARTICLE 3 OF THIS TITLE 25 SHALL
7 PROVIDE MEDICAL RECORDS TO THE DEPARTMENT CONCERNING EACH
8 OVERDOSE DEATH FOR ACCESS BY THE MEMBERS OF THE COMMITTEE.

9 (III) UPON REQUEST OF THE DEPARTMENT, A LAW ENFORCEMENT
10 OFFICER SHALL PROVIDE A POLICE REPORT, AND A CORONER SHALL
11 PROVIDE RECORDS OF THE CORONER AND MEDICAL EXAMINER
12 INVESTIGATIONS, THAT INVOLVE A OVERDOSE DEATH TO THE COMMITTEE.

13 (IV) A HEALTH-CARE PROVIDER, PHARMACIST, HEALTH-CARE
14 FACILITY, LAW ENFORCEMENT OFFICER, OR CORONER IS NOT CIVILLY OR
15 CRIMINALLY LIABLE FOR THE RELEASE OF MEDICAL RECORDS WHEN
16 MAKING A GOOD-FAITH EFFORT TO COMPLY WITH THIS SUBSECTION (6).

17 (b) (I) THE DISCUSSIONS IN COMMITTEE MEETINGS OR MEETINGS
18 OF AN AD HOC PANEL FORMED PURSUANT TO SECTION 25-52-104 (3)
19 CONCERNING DETAILS OF A OVERDOSE DEATH THAT COULD IDENTIFY AN
20 INDIVIDUAL INVOLVED ARE CONFIDENTIAL AND ARE NOT SUBJECT TO
21 SECTION 24-6-402.

22 (II) THE COMMITTEE MEETING NOTES, STATEMENTS, MEDICAL
23 RECORDS, REPORTS, COMMUNICATIONS, AND MEMORANDA OBTAINED BY
24 THE COMMITTEE THAT CONTAIN INFORMATION THAT COULD IDENTIFY AN
25 INDIVIDUAL INVOLVED IN A OVERDOSE DEATH ARE CONFIDENTIAL AND ARE
26 NOT SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF
27 ARTICLE 72 OF TITLE 24.

28 (III) MEMBERS OF THE COMMITTEE ARE NOT SUBJECT TO
29 SUBPOENA IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING
30 REGARDING THE INFORMATION PRESENTED IN OR OPINIONS FORMED AS A
31 RESULT OF A MEETING OR COMMUNICATION OF THE COMMITTEE; EXCEPT
32 THAT THIS SUBSECTION (2)(C) DOES NOT PREVENT A MEMBER OF THE
33 COMMITTEE FROM TESTIFYING REGARDING INFORMATION OR OPINIONS
34 OBTAINED INDEPENDENTLY OF THE COMMITTEE OR THAT ARE PUBLIC
35 INFORMATION.

36 (IV) NOTES, STATEMENTS, MEDICAL RECORDS, REPORTS,
37 COMMUNICATIONS, AND MEMORANDA THAT ARE CONFIDENTIAL PURSUANT
38 TO SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION ARE NOT:

39 (A) SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO
40 EVIDENCE IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING,
41 UNLESS THE SUBPOENA IS DIRECTED TO A SOURCE THAT IS SEPARATE AND
42 APART FROM THE COMMITTEE. NOTHING IN THIS SECTION LIMITS OR
43 RESTRICTS THE RIGHT TO DISCOVER OR USE IN A CIVIL, CRIMINAL, OR

1 ADMINISTRATIVE PROCEEDING NOTES, STATEMENTS, MEDICAL RECORDS,
2 REPORTS, COMMUNICATIONS, OR MEMORANDA THAT ARE AVAILABLE FROM
3 ANOTHER SOURCE SEPARATE AND APART FROM THE COMMITTEE AND THAT
4 ARISE ENTIRELY INDEPENDENT OF THE COMMITTEE'S ACTIVITIES.

5 (B) ADMISSIBLE AS EVIDENCE IN ANY ACTION IN ANY COURT OR
6 BEFORE ANY TRIBUNAL, BOARD, AGENCY, OR PERSON AND SHALL NOT BE
7 EXHIBITED OR DISCLOSED IN ANY WAY BY ANY PERSON UNLESS THE
8 INFORMATION WAS OBTAINED FROM ANOTHER SOURCE THAT IS SEPARATE
9 AND APART FROM THE COMMITTEE, EXCEPT AS MAY BE NECESSARY TO
10 FURTHER THE DUTIES OF THE COMMITTEE OR IN RESPONSE TO AN ALLEGED
11 VIOLATION OF A CONFIDENTIALITY AGREEMENT PURSUANT TO SUBSECTION
12 (6)(b)(V) OF THIS SECTION.

13 (V) EACH COMMITTEE MEMBER SHALL SIGN A CONFIDENTIALITY
14 AGREEMENT THAT REQUIRES THE MEMBER'S ADHERENCE TO SUBSECTIONS
15 (6)(b)(I) AND (6)(b)(II) OF THIS SECTION. A MEMBER WHO KNOWINGLY
16 VIOLATES THE CONFIDENTIALITY AGREEMENT COMMITS A PETTY OFFENSE.

17 (7) THE COMMITTEE AND THE DEPARTMENT SHALL COMPLY WITH
18 ALL APPLICABLE STATE AND FEDERAL LAWS AND RULES RELATING TO THE
19 TRANSMISSION OF HEALTH INFORMATION.

20 (8) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2033.
21 BEFORE THE REPEAL, THE FUNCTIONS OF THE COMMITTEE ARE SCHEDULED
22 FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

23 **SECTION 50.** In Colorado Revised Statutes, **add 27-50-802, as**
24 **part 8 of article 50 of title 27 as added by House Bill 22-1278,** as
25 follows:

26 **27-50-802. Colorado overdose prevention review committee -**
27 **creation - duties - repeal.** (1) ON JULY 1, 2024, THE COLORADO
28 OVERDOSE PREVENTION REVIEW COMMITTEE IS CREATED IN THE
29 BEHAVIORAL HEALTH ADMINISTRATION, REFERRED TO IN THIS SECTION AS
30 THE "COMMITTEE", FOR THE PURPOSE OF:

31 (a) REVIEWING SPECIFIC CASES OF NON-FATAL AND FATAL
32 DRUG-RELATED OVERDOSES THAT OCCUR IN COLORADO;

33 (b) IDENTIFYING THE CAUSES OF OVERDOSES AND
34 OVERDOSE-RELATED DEATH AND CONDUCTING A REVIEW OF OTHER
35 FACTORS INCLUDING, BUT NOT LIMITED TO, HOUSING STATUS OR CRIMINAL
36 JUSTICE INVOLVEMENT;

37 (c) DEVELOPING EVIDENCE-BASED RECOMMENDATIONS TO
38 ADDRESS PREVENTABLE OVERDOSE-RELATED DEATH, INCLUDING
39 LEGISLATION, POLICIES, AREAS FOR FURTHER SCIENTIFIC RESEARCH,
40 RULES, TRAINING, AND BEST PRACTICES THAT WILL SUPPORT THE HEALTH
41 AND SAFETY OF INDIVIDUALS WHO USE SUBSTANCES THAT MAY CAUSE
42 OVERDOSE IN COLORADO AND PREVENT OVERDOSE-RELATED DEATHS; AND

43 (d) ANNUALLY MAKE POLICY-RELATED AND FUNDING-RELATED

1 RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY
2 ABOUT DRUG TRENDS, INCLUDING SYNTHETIC DRUGS THAT MAY IMPACT
3 THE HEALTH AND WELL-BEING OF COLORADANS AND THAT PRESENT A
4 HIGH RISK FOR CAUSING OVERDOSE-RELATED DEATHS.

5 (2) (a) THE COMMISSIONER SHALL APPOINT THE FOLLOWING
6 MEMBERS TO SERVE ON THE COMMITTEE:

7 (I) TWO MEMBERS WHO HAVE EXPERIENCED AN OVERDOSE OR
8 HAVE A SUBSTANCE USE DISORDER;

9 (II) TWO PHYSICIANS WITH EXPERTISE IN ADDICTION MEDICINE,
10 ONE OF WHOM HAS EXPERTISE IN MEDICAL COMPLICATIONS OF SUBSTANCE
11 USE;

12 (III) TWO PUBLIC HEALTH OR EPIDEMIOLOGY EXPERTS WITH
13 EXPERTISE IN SUBSTANCE USE;

14 (IV) A REPRESENTATIVE OF THE DISTRICT ATTORNEYS APPOINTED
15 BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS'
16 COUNCIL;

17 (V) A REPRESENTATIVE OF COUNTY SHERIFFS, APPOINTED BY THE
18 DIRECTOR OF A STATEWIDE ORGANIZATION REPRESENTING SHERIFFS;

19 (VI) A REPRESENTATIVE OF THE CHIEFS OF POLICE, APPOINTED BY
20 THE PRESIDENT OF A STATEWIDE ORGANIZATION OF CHIEFS OF POLICE;

21 (VII) A PUBLIC DEFENDER;

22 (VIII) A REPRESENTATIVE FROM A HARM REDUCTION
23 ORGANIZATION; AND

24 (IX) A SUBSTANCE USE TREATMENT OR RECOVERY PROVIDER.

25 (b) EACH MEMBER'S TERM IS THREE YEARS; EXCEPT THAT THE
26 TERM OF THE FIRST SIX MEMBERS APPOINTED IS TWO YEARS. MEMBERS
27 MAY SERVE UP TO THREE TERMS. THE EXECUTIVE DIRECTOR SHALL FILL
28 ANY VACANCIES ON THE COMMITTEE.

29 (c) THE COMMISSIONER SHALL MAKE AN EFFORT TO INCLUDE
30 COMMITTEE MEMBERS WORKING IN AND REPRESENTING COMMUNITIES
31 THAT ARE DIVERSE WITH REGARD TO RACE, ETHNICITY, IMMIGRATION
32 STATUS, ENGLISH PROFICIENCY, INCOME, WEALTH, AND GEOGRAPHIC
33 REGION OF THE STATE, INCLUDING BOTH URBAN AND RURAL AREAS.

34 (3) THE COMMITTEE MAY FORM SPECIAL AD HOC PANELS TO
35 FURTHER INVESTIGATE DRUG TRENDS, OVERDOSES AND
36 OVERDOSE-RELATED DEATHS WHEN THE NEED ARISES.

37 (4) THE COMMITTEE SHALL:

38 (a) REVIEW A REPRESENTATIVE SUBSET OF NON-FATAL AND FATAL
39 OVERDOSES IN COLORADO;

40 (b) REVIEW MEDICAL RECORDS AND OTHER RELEVANT DATA
41 RELATED TO EACH OVERDOSE DEATH, INCLUDING, BUT NOT LIMITED TO,
42 WHETHER THE PERSON WAS RECENTLY ENGAGED IN TREATMENT OR
43 PREVIOUSLY INCARCERATED;

- 1 (c) TAKE STEPS TO IMPROVE THE QUALITY AND SCOPE OF DATA
2 OBTAINED THROUGH INVESTIGATIONS AND REVIEW OF OVERDOSES AND
3 OVERDOSE-RELATED DEATHS;
- 4 (d) IDENTIFY TRENDS AND PATTERNS ACROSS RACIAL,
5 GEOGRAPHIC, AND OTHER GROUPS RELATED TO OVERDOSES AND
6 OVERDOSE-RELATED DEATHS;
- 7 (e) DEVELOP EVIDENCE-BASED RECOMMENDATIONS FOR THE
8 PREVENTION OF OVERDOSES AND OVERDOSE-RELATED DEATHS AND
9 DELIVER THE RECOMMENDATIONS TO THE LEGISLATURE AND GOVERNOR;
- 10 (f) PERFORM ANY OTHER FUNCTIONS AS RESOURCES ALLOW TO
11 ENHANCE THE CAPABILITY OF THE STATE TO REDUCE AND PREVENT
12 OVERDOSES AND OVERDOSE-RELATED DEATHS;
- 13 (g) ADVISE THE OFFICE IN THE ADMINISTRATION'S WORK ON
14 DECREASING OVERDOSES AND OVERDOSE-RELATED DEATHS;
- 15 (h) INFORM THE LEGISLATURE AND GOVERNOR OF DRUG TRENDS
16 NATIONALLY, INCLUDING IF A NEW DRUG TREND OCCURS, AND WHAT THE
17 STATE MAY DO TO MITIGATE ANY FORTHCOMING HARM THE DRUG MAY
18 HAVE ON THE STATE; AND
- 19 (i) FACILITATE THE DEVELOPMENT OF A COMPREHENSIVE
20 STATEWIDE DATABASE FOR THE PURPOSES OF ADDRESSING THE OVERDOSE
21 CRISIS.
- 22 (5) THE ADMINISTRATION SHALL COMPILE REPORTS IN
23 DISAGGREGATED AND DE-IDENTIFIED FORMS ON TRENDS OR OTHER
24 FINDINGS AND RECOMMENDATIONS ON A BI-ANNUAL BASIS FOR
25 DISTRIBUTION IN AN EFFORT TO FURTHER STUDY THE CAUSES AND
26 PROBLEMS ASSOCIATED WITH OVERDOSES AND OVERDOSE-RELATED
27 DEATHS THAT MAY BE DISTRIBUTED TO POLICY MAKERS, LAW
28 ENFORCEMENT, HEALTH-CARE PROVIDERS AND FACILITIES, BEHAVIORAL
29 HEALTH PROVIDERS, PUBLIC HEALTH PROFESSIONALS, AND OTHERS
30 NECESSARY TO REDUCE OVERDOSES AND OVERDOSE-RELATED DEATHS.
- 31 (6) (a) (I) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE
32 COMMITTEE MAY ACCESS MEDICAL RECORDS RELATED TO OVERDOSE
33 DEATHS UPON REQUEST AT ANY TIME UP TO SEVEN YEARS AFTER THE LAST
34 TREATMENT OF A PATIENT.
- 35 (II) A HEALTH-CARE PROVIDER OR A HEALTH-CARE FACILITY
36 LICENSED OR CERTIFIED PURSUANT TO ARTICLE 3 OF THIS TITLE 25 SHALL
37 PROVIDE MEDICAL RECORDS TO THE ADMINISTRATION CONCERNING EACH
38 OVERDOSE MORTALITY FOR ACCESS BY THE MEMBERS OF THE COMMITTEE.
- 39 (III) UPON REQUEST OF THE ADMINISTRATION, A LAW
40 ENFORCEMENT OFFICER SHALL PROVIDE A POLICE REPORT, AND A CORONER
41 SHALL PROVIDE RECORDS OF THE CORONER AND MEDICAL EXAMINER
42 INVESTIGATIONS, THAT INVOLVE A OVERDOSE DEATH TO THE COMMITTEE.
- 43 (IV) A HEALTH-CARE PROVIDER, PHARMACIST, HEALTH-CARE

1 FACILITY, LAW ENFORCEMENT OFFICER, OR CORONER IS NOT CIVILLY OR
2 CRIMINALLY LIABLE FOR THE RELEASE OF MEDICAL RECORDS WHEN
3 MAKING A GOOD-FAITH EFFORT TO COMPLY WITH THIS SUBSECTION (6).

4 (b) (I) THE DISCUSSIONS IN COMMITTEE MEETINGS OR MEETINGS
5 OF AN AD HOC PANEL FORMED PURSUANT TO SECTION 25-52-104 (3)
6 CONCERNING DETAILS OF A OVERDOSE DEATH THAT COULD IDENTIFY AN
7 INDIVIDUAL INVOLVED ARE CONFIDENTIAL AND ARE NOT SUBJECT TO
8 SECTION 24-6-402.

9 (II) THE COMMITTEE MEETING NOTES, STATEMENTS, MEDICAL
10 RECORDS, REPORTS, COMMUNICATIONS, AND MEMORANDA OBTAINED BY
11 THE COMMITTEE THAT CONTAIN INFORMATION THAT COULD IDENTIFY AN
12 INDIVIDUAL INVOLVED IN A OVERDOSE DEATH ARE CONFIDENTIAL AND ARE
13 NOT SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF
14 ARTICLE 72 OF TITLE 24.

15 (III) MEMBERS OF THE COMMITTEE ARE NOT SUBJECT TO
16 SUBPOENA IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING
17 REGARDING THE INFORMATION PRESENTED IN OR OPINIONS FORMED AS A
18 RESULT OF A MEETING OR COMMUNICATION OF THE COMMITTEE; EXCEPT
19 THAT THIS SUBSECTION (2)(C) DOES NOT PREVENT A MEMBER OF THE
20 COMMITTEE FROM TESTIFYING REGARDING INFORMATION OR OPINIONS
21 OBTAINED INDEPENDENTLY OF THE COMMITTEE OR THAT ARE PUBLIC
22 INFORMATION.

23 (IV) NOTES, STATEMENTS, MEDICAL RECORDS, REPORTS,
24 COMMUNICATIONS, AND MEMORANDA THAT ARE CONFIDENTIAL PURSUANT
25 TO SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION ARE NOT:

26 (A) SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO
27 EVIDENCE IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING,
28 UNLESS THE SUBPOENA IS DIRECTED TO A SOURCE THAT IS SEPARATE AND
29 APART FROM THE COMMITTEE. NOTHING IN THIS SECTION LIMITS OR
30 RESTRICTS THE RIGHT TO DISCOVER OR USE IN A CIVIL, CRIMINAL, OR
31 ADMINISTRATIVE PROCEEDING NOTES, STATEMENTS, MEDICAL RECORDS,
32 REPORTS, COMMUNICATIONS, OR MEMORANDA THAT ARE AVAILABLE FROM
33 ANOTHER SOURCE SEPARATE AND APART FROM THE COMMITTEE AND THAT
34 ARISE ENTIRELY INDEPENDENT OF THE COMMITTEE'S ACTIVITIES.

35 (B) ADMISSIBLE AS EVIDENCE IN ANY ACTION IN ANY COURT OR
36 BEFORE ANY TRIBUNAL, BOARD, AGENCY, OR PERSON AND SHALL NOT BE
37 EXHIBITED OR DISCLOSED IN ANY WAY BY ANY PERSON UNLESS THE
38 INFORMATION WAS OBTAINED FROM ANOTHER SOURCE THAT IS SEPARATE
39 AND APART FROM THE COMMITTEE, EXCEPT AS MAY BE NECESSARY TO
40 FURTHER THE DUTIES OF THE COMMITTEE OR IN RESPONSE TO AN ALLEGED
41 VIOLATION OF A CONFIDENTIALITY AGREEMENT PURSUANT TO SUBSECTION
42 (6)(b)(V) OF THIS SECTION.

43 (V) EACH COMMITTEE MEMBER SHALL SIGN A CONFIDENTIALITY

1 AGREEMENT THAT REQUIRES THE MEMBER'S ADHERENCE TO SUBSECTIONS
2 (6)(b)(I) AND (6)(b)(II) OF THIS SECTION. A MEMBER WHO KNOWINGLY
3 VIOLATES THE CONFIDENTIALITY AGREEMENT COMMITS A PETTY OFFENSE.

4 (7) THE COMMITTEE AND THE ADMINISTRATION SHALL COMPLY
5 WITH ALL APPLICABLE STATE AND FEDERAL LAWS AND RULES RELATING TO
6 THE TRANSMISSION OF HEALTH INFORMATION.

7 (8) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2033.
8 BEFORE THE REPEAL, THE FUNCTIONS OF THE COMMITTEE ARE SCHEDULED
9 FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

10 **SECTION 51.** In Colorado Revised Statutes, 2-3-1203, **add** (22)
11 as follows:

12 **2-3-1203. Sunset review of advisory committees - legislative**
13 **declaration - definition - repeal.** (22) (a) THE FOLLOWING STATUTORY
14 AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL
15 REPEAL ON SEPTEMBER 1, 2032:

16 (I) THE COLORADO OVERDOSE PREVENTION REVIEW COMMITTEE
17 CREATED IN SECTION 27-60-114;

18 (b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1,
19 2033.

20 **SECTION 52.** In Colorado Revised Statutes, 2-3-1203, **add** (22)
21 as follows:

22 **2-3-1203. Sunset review of advisory committees - legislative**
23 **declaration - definition - repeal.** (22) (a) THE FOLLOWING STATUTORY
24 AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL
25 REPEAL ON SEPTEMBER 1, 2032:

26 (I) THE COLORADO OVERDOSE PREVENTION REVIEW COMMITTEE
27 CREATED IN SECTION 27-50-802;

28 (b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1,
29 2033."

30 Renumber succeeding sections accordingly.

31 Strike "carfentanal," and substitute "carfentanil benzimidazole opioids,"
32 on: **Page 4**, lines 5 and 18; and **Page 5**, lines 5, 10, and 20.

33 Strike "CARFENTANAL," and substitute "CARFENTANIL BENZIMIDAZOLE
34 OPIOIDS," on: **Page 6**, lines 15, 19, and 23; **Page 7**, lines 3 and 12; **Page**
35 **8**, lines 3, 14, 17, and 21; **Page 9**, lines 2, 17, and 25; **Page 10**, lines 6, 18,
36 and 26; **Page 11**, line 14; **Page 12**, lines 10 and 26; **Page 13**, lines 2, 17,
37 and 20; **Page 14**, line 24; **Page 16**, lines 6, 11, 22, and 27; **Page 18**, lines
38 12 and 17; **Page 19**, lines 1 and 7; **Page 21**, lines 1, 4, 14, and 19; **Page**
39 **22**, lines 3 and 8; **Page 23**, lines 20 and 25; **Page 24**, lines 9 and 15; **Page**

1 **48**, line 22; **Page 49**, line 23; **Page 51**, line 24; **Page 53**, line 6; and **Page**
2 **55**, line 7.

3 Strike "SUBSTANCE ABUSE" and substitute "SUBSTANCE USE" on: **Page 16**,
4 line 13; **Page 18**, line 19; **Page 21**, line 21; **Page 23**, line 27; **Page 50**,
5 line 12; and **Page 53**, line 22.

6 Page 1, line 111, strike "ABUSE" and substitute "USE".

7 Page 1, line 112, strike "ABUSE" and substitute "USE".

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