

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 15, 2023
Date

Committee on Public & Behavioral Health & Human Services.

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

HB23-1204 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike lines 2 through 5 and substitute:

2 "SECTION 1. In Colorado Revised Statutes, **add with amended**
3 **and relocated provisions** 27-80-129 as follows:

4 **27-80-129. [Formerly 25-1.5-108.5] Regulation of recovery**
5 **residences - rules - definitions.** (1) ~~(a)~~ As used in this section:".

6 Page 3, after line 12 insert:

7 "(2) A recovery residence may admit individuals who are
8 receiving medication-assisted treatment, including agonist treatment, for
9 substance use disorders; except that a recovery residence receiving state
10 money or providing services that are paid for through state programs shall
11 not deny admission to persons who are participating in prescribed
12 medication-assisted treatment, as defined in section 23-21-803, for a
13 substance use disorder."

14 Page 3, after line 21 insert:

15 "(b) Is chartered by Oxford House or its successor organization;
16 (c) Has been operating as a recovery residence in Colorado for
17 thirty or more years as of May 23, 2019; or
18 (d) Is a community-based organization that provides reentry
19 services as described in section 17-33-101 (7)."

20 Page 4, before line 1 insert:

21 "(5) A recovery residence owner, employee, or administrator, or

1 an individual related to a recovery residence owner, employee, or
2 administrator, shall not directly or indirectly:

3 (a) Solicit, accept, or receive a commission, payment, trade, fee,
4 or anything of monetary or material value, excluding the supportive
5 services required to place the resident:

6 (I) For admission of a resident, except for state or federal
7 contracts that specifically reimburse for resident fees;

8 (II) From a treatment facility that is licensed or certified by the
9 department of public health and environment for the treatment of
10 substance use disorders; or

11 (III) From a facility approved for residential treatment by the
12 behavioral health administration in the department of human services;

13 (b) Solicit, accept, or receive a commission, payment, trade, fee,
14 or anything of monetary or material value from a toxicology laboratory
15 that provides confirmation testing or point-of-care testing for residents.

16 (6) A RECOVERY RESIDENCE SHALL HAVE THE FOLLOWING IN
17 PLACE FOR EACH CLIENT AT THE TIME AN INDIVIDUAL BECOMES A CLIENT
18 OF THE RECOVERY RESIDENCE:

19 (a) A SIGNED PROGRAM AGREEMENT BETWEEN THE RECOVERY
20 RESIDENCE AND THE CLIENT THAT OUTLINES THE REQUIREMENTS THE
21 CLIENT MUST FOLLOW TO RESIDE AT THE RECOVERY RESIDENCE, THE DRUG
22 SCREENING POLICY, AND THE RECOVERY RESIDENCE'S CODE OF CONDUCT
23 WHICH PROHIBITS THE USE OF ALCOHOL, NONPRESCRIBED DRUGS, AND
24 ILLICIT DRUGS; AND

25 (b) A RELAPSE PLAN THAT MUST BE IMPLEMENTED IF THE CLIENT
26 RETURNS TO THE USE OF ALCOHOL, NONPRESCRIBED DRUGS, OR ILLICIT
27 DRUGS. THE RELAPSE PLAN MUST OUTLINE STEPS THAT MUST BE TAKEN TO
28 EVALUATE AND ADDRESS THE CLIENT'S RETURN TO USE AND TO ALLOW
29 THE CLIENT TO REMAIN IN THE RECOVERY RESIDENCE AFTER A RELAPSE
30 HAS OCCURRED, IF POSSIBLE."

31 Renumber succeeding subsections accordingly.

32 Page 4, line 7, strike "IMMEDIATELY".

33 Page 4, line 8, strike "CLIENT," and substitute "CLIENT WITHIN
34 TWENTY-FOUR HOURS,".

35 Page 4, line 11, strike "AND WELFARE".

36 Page 4, strike lines 13 through 15 and substitute:

37 "(II) THE CLIENT'S RETURN TO THE USE OF ALCOHOL,

1 NONPRESCRIPTION DRUGS, OR ILLICIT DRUGS CONSTITUTES A DIRECT
2 THREAT TO THE HEALTH AND SAFETY OF OTHER RECOVERY RESIDENCE
3 CLIENTS OR STAFF.

4 (b) RECOVERY RESIDENCE STAFF MAY IMMEDIATELY DISCHARGE
5 OR TRANSFER A CLIENT, ACCORDING TO THE POLICY, IF THE CLIENT IS
6 ACTIVELY USING OR IN POSSESSION OF ALCOHOL, NONPRESCRIPTION
7 DRUGS, OR ILLICIT DRUGS."

8 Reletter succeeding paragraphs accordingly.

9 Page 5, line 7, strike "(6)(b)" and substitute "(7)(c)".

10 Page 5, line 12, strike "LEAST FORTY-EIGHT HOURS AFTER DISCHARGE."
11 and substitute "THE TIME OF DISCHARGE."

12 Page 6, after line 12 insert:

13 "(11) A RECOVERY RESIDENCE SHALL MAKE THE RECOVERY
14 RESIDENCE'S CODE OF CONDUCT, DRUG SCREENING POLICY, AND
15 DISCHARGE AND TRANSFER POLICY ACCESSIBLE IN ALL COMMON AREAS OF
16 THE RECOVERY RESIDENCE.

17 **SECTION 2.** In Colorado Revised Statutes, 27-50-105, **amend**
18 (1)(a) as follows:

19 **27-50-105. Administration of behavioral health programs -**
20 **state plan - sole mental health authority.** (1) The BHA shall administer
21 and provide the following behavioral health programs and services:

22 (a) The regulation of recovery residences pursuant to ~~section~~
23 ~~25-1.5-108.5~~ SECTION 27-80-129;

24 **SECTION 3.** In Colorado Revised Statutes, 27-80-107.7, **amend**
25 (1)(d) as follows:

26 **27-80-107.7. Increase synthetic opiate treatment - report.**
27 (1) On or before January 1, 2023, each managed service organization
28 designated pursuant to section 27-80-107 shall evaluate the current supply
29 and necessary demand within its region for:

30 (d) The provision of recovery residences, as defined in ~~section~~
31 ~~25-1.5-108.5~~ SECTION 27-80-129.

32 **SECTION 4.** In Colorado Revised Statutes, 27-80-122, **amend**
33 (1)(a) as follows:

34 **27-80-122. Recovery residence certifying body - competitive**
35 **selection process - appropriation.** (1) No later than January 1, 2022, the
36 BHA shall use a competitive selection process pursuant to the
37 "Procurement Code", articles 101 to 112 of title 24, to select a recovery
38 residence certifying body to:

1 (a) Certify recovery residences pursuant to ~~section 25-1.5-108.5~~
2 SECTION 27-80-129; and".

3 Renumber succeeding sections accordingly.

4 Page 6, line 19, strike "SECTION 25-1.5-108.5." and substitute "SECTION
5 27-80-129.

6 **SECTION 6. Repeal of relocated provisions in this act.** In
7 Colorado Revised Statutes, **repeal** 25-1.5-108.5".

8 Renumber succeeding section accordingly.

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