

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 18-0255.01 Kristen Forrestal x4217

HOUSE BILL 18-1003

HOUSE SPONSORSHIP

Pettersen, Kennedy, Singer

SENATE SPONSORSHIP

Priola and Jahn, Aguilar, Lambert, Tate

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

State, Veterans, & Military Affairs
Legislative Council
Appropriations

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PREVENT OPIOID MISUSE IN COLORADO,**
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Opioid and Other Substance Use Disorders Interim Study Committee. Section 1 of the bill establishes in statute the opioid and other substance use disorders study committee, consisting of 5 senators and 5 representatives from the general assembly, to:

- ! Study data and statistics on the scope of the substance use disorder problem in Colorado;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
May 2, 2018

SENATE
Amended 2nd Reading
May 1, 2018

HOUSE
3rd Reading Unamended
April 20, 2018

HOUSE
Amended 2nd Reading
April 19, 2018

- ! Study current prevention, intervention, harm reduction, treatment, and recovery resources available to Coloradans, as well as public and private insurance coverage and other sources of support for treatment and recovery resources;
- ! Review the availability of medication-assisted treatment and the ability of pharmacists to prescribe those medications;
- ! Examine measures that other states and countries use to address substance use disorders;
- ! Identify the gaps in prevention, intervention, harm reduction, treatment, and recovery resources available to Coloradans and hurdles to accessing those resources; and
- ! Identify possible legislative options to address gaps and hurdles to accessing prevention, intervention, harm reduction, treatment, and recovery resources.

The committee is authorized to meet 6 times in a calendar year and may report up to 6 legislative measures to the legislative council, which bills are exempt from bill limitations and introduction deadlines. The committee is repealed on July 1, 2020.

Section 2 specifies school-based health care centers may apply for grants from the school-based health center grant program to expand behavioral health services to include treatment for opioid and other substance use disorders.

Section 3 directs the department of health care policy and financing, starting July 1, 2018, to award grants to organizations to operate a substance abuse screening, brief intervention, and referral program.

Section 4 directs the center for research into substance use disorder prevention, treatment, and recovery to develop and implement continuing medical education activities to help prescribers of pain medication to safely and effectively manage patients with chronic pain, and when appropriate, prescribe opioids. Sections 2 through 4 also direct the general assembly to appropriate money to implement those sections.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 22.3 to
 3 title 10 as follows:

4 **ARTICLE 22.3**

5 **Opioid and Other Substance Use Disorders Study Committee**

6 **10-22.3-101. Opioid and other substance use disorders study**

1 **committee - creation - members - purposes.** (1)(a) NOTWITHSTANDING
2 SECTION 2-3-303.3, THERE IS HEREBY CREATED THE OPIOID AND OTHER
3 SUBSTANCE USE DISORDERS STUDY COMMITTEE. THE COMMITTEE
4 CONSISTS OF TEN MEMBERS OF THE GENERAL ASSEMBLY APPOINTED ON OR
5 BEFORE JUNE 1, 2018, AS FOLLOWS:

6 (I) FIVE MEMBERS OF THE SENATE, WITH THREE MEMBERS
7 APPOINTED BY THE PRESIDENT OF THE SENATE AND TWO MEMBERS
8 APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

9 (II) FIVE MEMBERS OF THE HOUSE OF REPRESENTATIVES, WITH
10 THREE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
11 REPRESENTATIVES AND TWO MEMBERS APPOINTED BY THE MINORITY
12 LEADER OF THE HOUSE OF REPRESENTATIVES.

13 (b) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
14 APPOINT THE CHAIR OF THE COMMITTEE IN EVEN-NUMBERED YEARS AND
15 THE VICE-CHAIR IN ODD-NUMBERED YEARS, AND THE PRESIDENT OF THE
16 SENATE SHALL APPOINT THE CHAIR OF THE COMMITTEE IN ODD-NUMBERED
17 YEARS AND THE VICE-CHAIR IN EVEN-NUMBERED YEARS.

18 (2) THE COMMITTEE SHALL:

19 (a) STUDY DATA, DATA ANALYTICS, AND STATISTICS ON THE SCOPE
20 OF THE SUBSTANCE USE DISORDER PROBLEM IN COLORADO, INCLUDING
21 TRENDS IN RATES OF SUBSTANCE ABUSE, TREATMENT ADMISSIONS, AND
22 DEATHS FROM SUBSTANCE USE;

23 (b) STUDY THE CURRENT PREVENTION, INTERVENTION, HARM
24 REDUCTION, TREATMENT, AND RECOVERY RESOURCES, INCLUDING
25 SUBSTANCE ABUSE PREVENTION OUTREACH AND EDUCATION, AVAILABLE
26 TO COLORADANS, AS WELL AS PUBLIC AND PRIVATE INSURANCE COVERAGE
27 AND OTHER SOURCES OF SUPPORT FOR TREATMENT AND RECOVERY

1 RESOURCES;

2 (c) REVIEW THE AVAILABILITY OF MEDICATION-ASSISTED
3 TREATMENT AND WHETHER PHARMACISTS CAN PRESCRIBE THOSE
4 MEDICATIONS THROUGH THE DEVELOPMENT OF COLLABORATIVE
5 PHARMACY PRACTICE AGREEMENTS WITH PHYSICIANS;

6 (d) EXAMINE THE MEASURES THAT OTHER STATES, THE UNITED
7 STATES GOVERNMENT, AND OTHER COUNTRIES USE TO ADDRESS
8 SUBSTANCE USE DISORDERS, INCLUDING EVIDENCE-BASED BEST PRACTICES
9 AND THE USE OF EVIDENCE IN DETERMINING STRATEGIES TO TREAT
10 SUBSTANCE USE DISORDERS, AND BEST PRACTICES ON THE USE OF
11 PRESCRIPTION DRUG MONITORING PROGRAMS;

12 (e) IDENTIFY THE GAPS IN PREVENTION, INTERVENTION, HARM
13 REDUCTION, TREATMENT, AND RECOVERY RESOURCES AVAILABLE TO
14 COLORADANS AND HURDLES TO ACCESSING THOSE RESOURCES;

15 (f) IDENTIFY POSSIBLE LEGISLATIVE OPTIONS TO ADDRESS GAPS
16 AND HURDLES TO ACCESSING PREVENTION, INTERVENTION, HARM
17 REDUCTION, TREATMENT, AND RECOVERY RESOURCES; AND

18 (g) EXAMINE LAW ENFORCEMENT AND CRIMINAL JUSTICE
19 MEASURES, INCLUDING THE PROHIBITION OF ILLEGAL DRUGS, PENALTIES
20 FOR TRAFFICKING ILLEGAL DRUGS, DIVERSION, JAIL-BASED AND
21 PRISON-BASED TREATMENT AND REDUCTION PROGRAMS, AND
22 TECHNOLOGIES AND OTHER REQUIREMENTS USEFUL IN ENFORCING LAWS
23 REMOVING OPIOID AND OTHER ILLEGAL SUBSTANCES.

24 (3) (a) THE COMMITTEE MAY MEET UP TO SIX TIMES PER INTERIM.
25 THE COMMITTEE MAY RECOMMEND UP TO A TOTAL OF FIVE BILLS DURING
26 EACH INTERIM. LEGISLATION RECOMMENDED BY THE COMMITTEE MUST BE
27 TREATED AS LEGISLATION RECOMMENDED BY AN INTERIM COMMITTEE FOR

1 PURPOSES OF APPLICABLE DEADLINES, BILL INTRODUCTION LIMITS, AND
2 ANY OTHER REQUIREMENTS IMPOSED BY THE JOINT RULES OF THE GENERAL
3 ASSEMBLY.

4 (b) NO LATER THAN DECEMBER 1, 2018, AND NO LATER THAN
5 EACH DECEMBER 1 THEREAFTER, THE COMMITTEE SHALL MAKE A REPORT
6 TO THE LEGISLATIVE COUNCIL CREATED IN SECTION 2-3-301 THAT MAY
7 INCLUDE RECOMMENDATIONS FOR LEGISLATION.

8 (4) (a) MEMBERS OF THE COMMITTEE ARE ENTITLED TO RECEIVE
9 THE USUAL PER DIEM AND NECESSARY TRAVEL AND SUBSISTENCE
10 EXPENSES AS PROVIDED PURSUANT TO SECTION 2-2-307 FOR MEMBERS OF
11 THE GENERAL ASSEMBLY WHO ATTEND INTERIM COMMITTEE MEETINGS.

12 (b) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
13 AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL
14 PROVIDE STAFF ASSISTANCE TO THE COMMITTEE.

15 **10-22.3-102. Repeal of article.** THIS ARTICLE 22.3 IS REPEALED,
16 EFFECTIVE JULY 1, 2020.

17 **SECTION 2.** In Colorado Revised Statutes, **add 10-16-124.8** as
18 follows:

19 **10-16-124.8. Colorado consortium for prescription drug abuse**
20 **prevention - create process for recovery - report.** (1) THE GOVERNOR
21 SHALL DIRECT THE COLORADO CONSORTIUM FOR PRESCRIPTION DRUG
22 ABUSE PREVENTION WITHIN THE UNIVERSITY OF COLORADO TO:

23 (a) CREATE A PROCESS WITH THE SUBSTANCE ABUSE RECOVERY
24 COMMUNITY TO DEVELOP A STRATEGIC PLAN THAT ADDRESSES THE FULL
25 CONTINUUM OF RECOVERY SERVICES, INCLUDING DETOXIFICATION
26 SERVICES AND REINTEGRATION INTO THE COMMUNITY WITH PEER SUPPORT,
27 FOR INDIVIDUALS WHO EXPERIENCE SUBSTANCE USE DISORDER;

1 (b) DEVELOP A DEFINITION FOR RECOVERY RESIDENCES AND ISSUE
2 RECOMMENDATIONS REGARDING WHETHER RECOVERY RESIDENCES
3 SHOULD BE LICENSED; AND

4 (c) REPORT THE RECOMMENDATIONS PURSUANT TO THIS SECTION
5 TO THE GENERAL ASSEMBLY ON OR BEFORE JANUARY 1, 2020.

6 (2) MONEY IN THE GENERAL FUND MAY NOT BE USED FOR THE
7 IMPLEMENTATION OF THIS SECTION.

8 **SECTION 3.** In Colorado Revised Statutes, 25-20.5-503, **amend**
9 (2) as follows:

10 **25-20.5-503. School-based health center grant program -**
11 **creation - funding - grants - repeal.** (2) (a) Operators of school-based
12 health centers may apply for grants for the benefit of school-based health
13 centers. The grant program shall provide grants for school-based health
14 centers selected by the division. The division, in consultation with
15 school-based health centers, shall develop criteria under which the grants
16 are distributed and evaluated. In developing the criteria for grants, the
17 division shall give priority to centers that serve a disproportionate number
18 of uninsured children or a low-income population or both and may award
19 grants to establish new school-based health centers; to expand primary
20 health services, behavioral health services, INCLUDING EDUCATION,
21 INTERVENTION, AND PREVENTION SERVICES FOR OPIOID, ALCOHOL, AND
22 MARIJUANA, AND OTHER SUBSTANCE USE DISORDERS, or oral health
23 services offered by existing school-based health centers; to expand
24 enrollment in the children's basic health plan; or to provide support for
25 ongoing operations of school-based health centers. None of the grants
26 shall be awarded to provide abortion services in violation of section 50
27 of article V of the state constitution.

1 (b) (I) ON OR BEFORE JULY 1, 2018, THE GENERAL ASSEMBLY
2 SHALL APPROPRIATE SEVEN HUNDRED SEVENTY-FIVE THOUSAND DOLLARS
3 TO THE DEPARTMENT FROM THE MARIJUANA TAX CASH FUND CREATED IN
4 SECTION 39-28.8-501 FOR THE PURPOSES OF EXPANDING BEHAVIORAL
5 HEALTH THERAPY, INTERVENTION, AND PREVENTION SERVICES FOR OPIOID,
6 ALCOHOL, AND MARIJUANA, AND OTHER SUBSTANCE USE DISORDERS
7 PURSUANT TO THIS SUBSECTION (2). THE DEPARTMENT SHALL PRIORITIZE
8 FUNDING TO SCHOOL-BASED HEALTH CENTERS THAT SERVE COMMUNITIES
9 WITH HIGH RISK FACTORS FOR SUBSTANCE ABUSE COMBINED WITH LIMITED
10 ACCESS TO TREATMENT SERVICES ACCORDING TO STATE NEEDS
11 ASSESSMENTS, COLORADO HEALTH INDICATOR DATA, AND NATIONAL BEST
12 PRACTICE TRENDS.

13 (II) ANY UNENCUMBERED AND UNEXPENDED MONEY FROM AN
14 APPROPRIATION MADE PURSUANT TO THIS SUBSECTION (2)(b) REMAINS
15 AVAILABLE FOR EXPENDITURE BY THE DEPARTMENT IN THE NEXT TWO
16 FISCAL YEARS WITHOUT FURTHER APPROPRIATION.

17 **SECTION 4.** In Colorado Revised Statutes, **amend** 25.5-5-208
18 as follows:

19 **25.5-5-208. Additional services - training - grants - screening,**
20 **brief intervention, and referral - repeal.** (1) ~~On or before June 30,~~
21 ~~2016, the state department shall grant, through a competitive grant~~
22 ~~program, up to five hundred thousand dollars to one or more~~
23 ~~organizations to provide evidence-based training and outreach to health~~
24 ~~professionals statewide related to screening, brief intervention, and~~
25 ~~referral to treatment for individuals at risk of substance abuse for whom~~
26 ~~Colorado provides optional services in accordance with section~~
27 ~~25.5-5-202 (1)(u). For any fiscal year beginning on or after July 1, 2016,~~

1 ~~the state department shall award additional grants for this training and~~
2 ~~outreach, subject to available appropriations. Any moneys appropriated~~
3 ~~for grants pursuant to this section are not subject to federal financial~~
4 ~~participation.~~

5 (2) (a) ON OR AFTER JULY 1, 2018, THE STATE DEPARTMENT SHALL
6 GRANT, THROUGH A COMPETITIVE GRANT PROGRAM, ONE MILLION FIVE
7 HUNDRED THOUSAND DOLLARS TO ONE OR MORE ORGANIZATIONS TO
8 OPERATE A SUBSTANCE ABUSE SCREENING, BRIEF INTERVENTION, AND
9 REFERRAL TO TREATMENT PRACTICE. THE GRANT PROGRAM MUST
10 REQUIRE:

11 (I) TRAINING FOR HEALTH CARE PROFESSIONALS STATEWIDE
12 INCLUDING PROVIDERS WHO SERVE WOMEN OF CHILD-BEARING AGE THAT
13 IS EVIDENCE-BASED AND THAT MAY BE ATTENDED EITHER IN PERSON OR
14 ONLINE. THE TRAINING MUST INCLUDE TRAINING FOR REIMBURSEMENT
15 AND BILLING CODES IN THE "COLORADO MEDICAL ASSISTANCE ACT",
16 ARTICLES 4 TO 6 OF THIS TITLE 25.5.

17 (II) CONSULTATION AND TECHNICAL ASSISTANCE FOR HEALTH
18 CARE PROVIDERS, HEALTH CARE ORGANIZATIONS, AND STAKEHOLDERS;

19 (III) OUTREACH, COMMUNICATION, AND EDUCATION TO PROVIDERS
20 AND PATIENTS;

21 (IV) COORDINATION WITH PRIMARY CARE, MENTAL HEALTH CARE,
22 INTEGRATED HEALTH CARE, AND SUBSTANCE USE PREVENTION,
23 TREATMENT, AND RECOVERY EFFORTS; AND

24 (V) CAMPAIGNING TO INCREASE PUBLIC AWARENESS OF THE RISKS
25 RELATED TO ALCOHOL, MARIJUANA, TOBACCO, AND DRUG USE AND TO
26 REDUCE ANY STIGMA ASSOCIATED WITH TREATMENT.

27 (b) (I) THE STATE DEPARTMENT CONTRACTOR SHALL DEVELOP A

1 PATIENT EDUCATION TOOL FOR WOMEN OF CHILDBEARING AGE TO LEARN
2 ABOUT THE RISKS OF SUBSTANCE-EXPOSED PREGNANCIES, TO BE
3 DEPLOYED FOR PUBLIC USE IN THE STATE.

4 (II) (A) ON OR BEFORE JULY 1, 2018, THE GENERAL ASSEMBLY
5 SHALL APPROPRIATE ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS TO
6 THE STATE DEPARTMENT FROM THE MARIJUANA TAX CASH FUND CREATED
7 IN SECTION 39-28.8-501 FOR THE PURPOSES OF THIS SUBSECTION (2)(b).

8 (B) THIS SUBSECTION (2)(b)(II) IS REPEALED, EFFECTIVE
9 SEPTEMBER 1, 2019.

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11 **SECTION 5.** In Colorado Revised Statutes, 27-80-118, **add** (4)
12 as follows:

13 **27-80-118. Center for research into substance use disorder**
14 **prevention, treatment, and recovery support strategies - legislative**
15 **declaration - established - repeal.** (4) (a) THE CENTER SHALL DEVELOP
16 AND IMPLEMENT A SERIES OF CONTINUING EDUCATION ACTIVITIES
17 DESIGNED TO HELP A PRESCRIBER OF PAIN MEDICATION TO SAFELY AND
18 EFFECTIVELY MANAGE PATIENTS WITH PAIN AND, WHEN APPROPRIATE,
19 PRESCRIBE OPIOIDS OR MEDICATION ASSISTED TREATMENT. THE
20 EDUCATIONAL ACTIVITIES MUST APPLY TO PHYSICIANS, PHYSICIAN
21 ASSISTANTS, NURSES, AND DENTISTS.

22 (b) THE CENTER SHALL ALSO DEVELOP EDUCATION AND TRAINING
23 FOR LAW ENFORCEMENT OFFICERS AND FIRST RESPONDERS CONCERNING
24 THE USE OF OPIOID ANTAGONISTS FOR OPIOID OVERDOSE AND
25 COMMUNITY-BASED TRAINING FOR PERSONS AT RISK OF OPIOID OVERDOSE.

26 (c) (I) ON OR BEFORE JULY 1, 2018, THE GENERAL ASSEMBLY
27 SHALL APPROPRIATE SEVEN HUNDRED FIFTY THOUSAND DOLLARS TO THE

1 CENTER FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION
2 39-28.8-501 FOR THE PURPOSES OF THIS SUBSECTION (4).

3 (II) THIS SUBSECTION (4)(c) IS REPEALED, EFFECTIVE SEPTEMBER
4 1, 2019.

5 **SECTION 6. Appropriation.** (1) For the 2018-19 state fiscal
6 year, \$925,000 is appropriated to the department of health care policy and
7 financing. This appropriation is from the marijuana tax cash fund created
8 in section 39-28.8-501 (1), C.R.S. To implement this act, the department
9 may use this appropriation for the screening, brief intervention, and
10 referral to treatment training grant program.

11 (2) For the 2018-19 state fiscal year, \$750,000 is appropriated to
12 the department of higher education for use by the regents of the university
13 of Colorado. This appropriation is from the marijuana tax cash fund
14 created in section 39-28.8-501 (1), C.R.S. To implement this act, the
15 regents may use this appropriation for the center for research into
16 substance use disorder prevention, treatment, and recovery support
17 strategies.

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19 (3) For the 2018-19 state fiscal year, \$39,249 is appropriated to
20 the legislative department. This appropriation is from the general fund. To
21 implement this act, the department may use this appropriation as follows:

22 (a) \$18,414 for use by the legislative council, which amount is
23 based on an assumption that the council will require an additional 0.3
24 FTE;

25 (b) \$7,725 for use by the committee on legal services, which
26 amount is based on an assumption that the committee will require an
27 additional 0.1 FTE; and

1 (c) \$13,110 for use by the general assembly for member
2 reimbursement and per diem.

3 (4) For the 2018-19 state fiscal year, \$775,000 is appropriated to
4 the department of public health and environment for use by the prevention
5 services division. This appropriation is from the marijuana tax cash fund
6 created in section 39-28.8-501 (1), C.R.S. To implement this act, the
7 division may use this appropriation for school-based health centers.

8 **SECTION 7. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.