

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0364.01 Conrad Imel x2313

SENATE BILL 19-219

SENATE SPONSORSHIP

Pettersen,

HOUSE SPONSORSHIP

Gonzales-Gutierrez,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE "COLORADO LICENSING OF
102 CONTROLLED SUBSTANCES ACT", AND, IN CONNECTION
103 THEREWITH, IMPLEMENTING THE RECOMMENDATIONS
104 CONTAINED IN THE 2018 SUNSET REPORT BY THE DEPARTMENT
105 OF REGULATORY AGENCIES.

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/>.)

Sunset Process - Senate Health and Human Services Committee. Sections 1 and 3 of the bill continue the "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.

Licensing of Controlled Substances Act" (act) until 2026. **Sections 2 to 8** repeal references to research as a regulated activity in the act. **Section 6** requires the department of human services (department) to develop and implement a formal, simple, accurate, and objective system to track and categorize complaints and disciplinary actions. **Section 9** directs the department to develop a secure online central registry for licensees to submit information to the department.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (17)(a)(XI); and **add** (27)(a)(VIII) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (17) (a) The following agencies, functions, or both,
7 are scheduled for repeal on September 1, 2019:

8 ~~(XI) The record-keeping and licensing functions of the department~~
9 ~~of human services relating to substance use disorder treatment programs~~
10 ~~under which controlled substances are compounded, administered, or~~
11 ~~dispensed in accordance with part 2 of article 80 of title 27;~~

12 (27) (a) The following agencies, functions, or both, are scheduled
13 for repeal on September 1, 2026:

14 (VIII) THE RECORD-KEEPING, LICENSING, AND CENTRAL REGISTRY
15 FUNCTIONS OF THE DEPARTMENT OF HUMAN SERVICES RELATING TO
16 SUBSTANCE USE DISORDER TREATMENT PROGRAMS UNDER WHICH
17 CONTROLLED SUBSTANCES ARE COMPOUNDED, ADMINISTERED, OR
18 DISPENSED IN ACCORDANCE WITH PART 2 OF ARTICLE 80 OF TITLE 27;

19 **SECTION 2.** In Colorado Revised Statutes, 27-80-203, **amend**
20 (3) and (6)(a)(II); and **repeal** (23) as follows:

21 **27-80-203. Definitions.** As used in this part 2, unless the context
22 otherwise requires:

1 (3) "Administer" means to apply a controlled substance, whether
2 by injection, inhalation, ingestion, or any other means, directly to the
3 body of a patient. ~~or research subject.~~

4 (6) (a) "Compound" means to prepare, mix, assemble, package, or
5 label a drug or device:

6 (II) For the purpose of, or as an incident to, ~~research~~, teaching or
7 chemical analysis and not for sale or dispensing.

8 (23) ~~"Researcher" means any person licensed by the department
9 pursuant to this part 2 to experiment with, study, or test any controlled
10 substance within this state and includes analytical laboratories.~~

11 **SECTION 3.** In Colorado Revised Statutes, 27-80-204, **amend**
12 (1)(b)(I) and (2); and **repeal** (5) as follows:

13 **27-80-204. License required - controlled substances - repeal.**

14 (1) (b) (I) This subsection (1) is repealed, effective ~~September 1, 2019~~
15 SEPTEMBER 1, 2026.

16 (2) Persons licensed as required under this part 2, or otherwise
17 licensed as required by federal law, may possess, distribute, dispense, OR
18 administer ~~or conduct or do research with~~ controlled substances only to
19 the extent authorized by their licenses and in conformity with the
20 provisions of this part 2 and with article 18 of title 18. ~~C.R.S.~~

21 (5) ~~The department shall not issue a license under this part 2 to a
22 researcher of marijuana or marijuana concentrate.~~

23 **SECTION 4.** In Colorado Revised Statutes, 27-80-205, **amend**
24 (1) introductory portion; and **repeal** (3)(a) as follows:

25 **27-80-205. Issuance of license - fees.** (1) The department, as
26 provided in section 27-80-204 (1), shall issue the appropriate license to
27 each ~~researcher and~~ substance use disorder treatment program meeting all

1 the requirements of this part 2 unless it determines that the issuance of the
2 license would be inconsistent with the public interest. In determining the
3 public interest, the department shall consider the following factors:

- 4 (3) (a) ~~The initial and annual license fees are as follows:~~
- 5 ~~(I) Repealed:~~
- 6 ~~(H) Researchers \$25.00~~

7 **SECTION 5.** In Colorado Revised Statutes, 27-80-207, **repeal** (2)
8 as follows:

9 **27-80-207. Qualifications for license.** (2) ~~Any person registered~~
10 ~~as a researcher by the federal government is presumed to possess the~~
11 ~~qualifications described in this section as long as his or her federal~~
12 ~~registration is valid.~~

13 **SECTION 6.** In Colorado Revised Statutes, 27-80-208, **amend**
14 (1) introductory portion and (1)(c); and **add** (5) as follows:

15 **27-80-208. Denial, revocation, or suspension of license - other**
16 **disciplinary actions - notice - repeal.** (1) The department may deny,
17 suspend, or revoke a license issued under this part 2 pursuant to article 4
18 of title 24, ~~C.R.S.~~, or take other disciplinary action as set forth in
19 subsection (2.5) of this section, at the department's discretion, upon a
20 finding that the licensee:

- 21 (c) Has had his or her federal registration to manufacture, ~~conduct~~
- 22 ~~research on~~, distribute, or dispense a controlled substance suspended or
- 23 revoked; or

24 (5) (a) ON OR BEFORE JULY 1, 2020, THE DEPARTMENT SHALL
25 DEVELOP AND IMPLEMENT A FORMAL, SIMPLE, ACCURATE, AND OBJECTIVE
26 SYSTEM TO TRACK AND CATEGORIZE COMPLAINTS MADE AGAINST A
27 LICENSEE AND DISCIPLINARY ACTION TAKEN PURSUANT TO THIS PART 2.

1 (b) (I) THE EXECUTIVE DIRECTOR SHALL NOTIFY IN WRITING THE
2 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE
3 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
4 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, OF THE DATE ON
5 WHICH THE DEPARTMENT HAS IMPLEMENTED THE SYSTEM DESCRIBED IN
6 SUBSECTION (5)(a) OF THIS SECTION.

7 (II) THIS SUBSECTION (5)(b) IS REPEALED, EFFECTIVE JULY 1, 2021.

8 **SECTION 7.** In Colorado Revised Statutes, 27-80-211, **amend**
9 (2)(b) as follows:

10 **27-80-211. Enforcement and cooperation.** (2) The department
11 shall cooperate with all agencies charged with the enforcement of the
12 laws of this state, all other states, and the United States relating to
13 controlled substances. To this end, the department shall:

14 (b) Cooperate with the bureau and with local, state, and other
15 federal agencies by maintaining a centralized unit to accept, catalogue,
16 file, and collect statistics, including records of dependent and other
17 controlled substance law offenders within the state, and make the
18 information available for federal, state, and local law enforcement or
19 regulatory purposes. The department shall not furnish the name or identity
20 of a patient ~~or research subject~~ whose identity could not be obtained
21 under section 27-80-212.

22 **SECTION 8.** In Colorado Revised Statutes, 27-80-213, **amend**
23 (2) as follows:

24 **27-80-213. Rules.** (2) The department shall promulgate rules, in
25 accordance with article 4 of title 24, ~~for research programs and~~ for the
26 conduct of detoxification treatment, maintenance treatment, and
27 withdrawal treatment programs for substance use disorders related to

1 controlled substances.

2 **SECTION 9.** In Colorado Revised Statutes, **add** 27-80-215 as
3 follows:

4 **27-80-215. Central registry - registration required - notice -**
5 **repeal.** (1) (a) ON OR BEFORE JULY 1, 2020, THE DEPARTMENT SHALL
6 DEVELOP OR PROCURE A SECURE ONLINE CENTRAL REGISTRY, REFERRED
7 TO IN THIS SECTION AS THE "REGISTRY", TO REGISTER PATIENTS TREATED
8 IN A SUBSTANCE USE DISORDER TREATMENT PROGRAM.

9 (b) THE DEPARTMENT SHALL OPERATE AND MAINTAIN THE
10 REGISTRY OR ENTER INTO AN AGREEMENT WITH A THIRD PARTY TO
11 OPERATE AND MAINTAIN THE REGISTRY ON ITS BEHALF.

12 (c) EACH SUBSTANCE USE DISORDER TREATMENT PROGRAM SHALL
13 REGISTER AND MAINTAIN AN ACCOUNT WITH THE REGISTRY.

14 (d) (I) THE EXECUTIVE DIRECTOR SHALL NOTIFY IN WRITING THE
15 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE
16 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
17 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, OF THE DATE ON
18 WHICH THE DEPARTMENT HAS IMPLEMENTED THE REGISTRY DESCRIBED IN
19 SUBSECTION (1)(a) OF THIS SECTION.

20 (II) THIS SUBSECTION (1)(d) IS REPEALED, EFFECTIVE JULY 1, 2021.

21 (2) (a) (I) IN ORDER TO PREVENT SIMULTANEOUS ENROLLMENT OF
22 A PATIENT IN MORE THAN ONE CLINIC OR PROGRAM, EACH SUBSTANCE USE
23 DISORDER TREATMENT PROGRAM SHALL FULLY PARTICIPATE IN THE
24 REGISTRY, INCLUDING SUBMITTING A QUERY TO THE REGISTRY FOR EACH
25 PATIENT AND ENTERING IN PATIENT INFORMATION AS REQUIRED BY THIS
26 PART 2 AND DEPARTMENT RULE.

27 (II) FOR EACH PATIENT, THE ENTRY INTO THE REGISTRY MUST

1 INCLUDE THE PATIENT'S NAME, THE SUBSTANCE USE DISORDER TREATMENT
2 PROGRAM PROVIDING TREATMENT TO THE PATIENT, AND ANY
3 INFORMATION THE DEPARTMENT DEEMS NECESSARY TO FURTHER THE
4 GOALS OF THIS PART 2.

5 (III) ANY PERSON SEEKING TREATMENT FROM A SUBSTANCE USE
6 DISORDER TREATMENT PROGRAM MUST PROVIDE THE PROGRAM WITH ANY
7 INFORMATION REQUIRED BY THIS SECTION AND AUTHORIZE THE PROGRAM
8 TO QUERY THE REGISTRY. A PROGRAM MAY NOT QUERY OR ENTER ANY
9 INFORMATION INTO THE REGISTRY WITHOUT AUTHORIZATION FROM THE
10 PATIENT.

11 (b) THE DEPARTMENT SHALL ESTABLISH THE METHOD FOR
12 SUBSTANCE USE DISORDER TREATMENT PROGRAMS TO ENTER
13 INFORMATION INTO THE REGISTRY AND QUERY THE REGISTRY FOR
14 INFORMATION CONCERNING PROSPECTIVE PATIENTS.

15 (3) (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026.

16 (b) PRIOR TO THE REPEAL, THE DEPARTMENT OF REGULATORY
17 AGENCIES SHALL REVIEW THE REGISTRATION FUNCTIONS OF THE
18 DEPARTMENT AS PROVIDED IN SECTION 24-34-104.

19 **SECTION 10. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect
26 unless approved by the people at the general election to be held in

- 1 November 2020 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.