

CHAPTER 273

HEALTH AND ENVIRONMENT

SENATE BILL 19-227

BY SENATOR(S) Pettersen and Gonzales, Bridges, Fenberg, Ginal, Lee, Moreno, Priola, Rodriguez, Story, Todd, Garcia; also REPRESENTATIVE(S) Kennedy and Herod, Arndt, Bird, Buentello, Duran, Esgar, Galindo, Gonzales-Gutierrez, Hansen, Hooton, Kipp, Lontine, McCluskie, Michaelson Jenet, Mullica, Singer, Sirota, Valdez A., Becker.

AN ACT

CONCERNING THE REDUCTION OF HARM CAUSED BY SUBSTANCE USE DISORDERS, AND, IN CONNECTION THEREWITH, AUTHORIZING SCHOOLS TO OBTAIN A SUPPLY OF OPIATE ANTAGONISTS; SPECIFYING THAT A LICENSED OR CERTIFIED HOSPITAL MAY BE USED AS A CLEAN SYRINGE EXCHANGE SITE; CREATING THE OPIATE ANTAGONIST PURCHASE FUND; EXPANDING THE HOUSEHOLD MEDICATION TAKE-BACK PROGRAM IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT; AUTHORIZING A PERSON THAT MAKES AN AUTOMATED EXTERNAL DEFIBRILLATOR AVAILABLE TO THE PUBLIC TO ALSO MAKE AN OPIATE ANTAGONIST AVAILABLE; REQUIRING THE DEPARTMENT OF HUMAN SERVICES TO CREATE A POLICY CONCERNING THE IDENTIFICATION OF CERTAIN INDIVIDUALS WITH A SUBSTANCE USE DISORDER; AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 22-1-119.1 as follows:

22-1-119.1. Policy for employee and agent possession and administration of opiate antagonists - definitions. (1) A SCHOOL DISTRICT BOARD OF EDUCATION OF A PUBLIC SCHOOL, THE STATE CHARTER SCHOOL INSTITUTE FOR AN INSTITUTE CHARTER SCHOOL, OR THE GOVERNING BOARD OF A NONPUBLIC SCHOOL MAY ADOPT AND IMPLEMENT A POLICY WHEREBY:

(a) A SCHOOL UNDER ITS JURISDICTION MAY ACQUIRE AND MAINTAIN A STOCK SUPPLY OF OPIATE ANTAGONISTS; AND

(b) AN EMPLOYEE OR AGENT OF THE SCHOOL MAY, AFTER RECEIVING APPROPRIATE TRAINING, ADMINISTER AN OPIATE ANTAGONIST ON SCHOOL GROUNDS TO ASSIST AN INDIVIDUAL WHO IS AT RISK OF EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT. THE TRAINING PROVIDED PURSUANT TO THIS SUBSECTION (1)(b) MUST INCLUDE RISK FACTORS FOR OVERDOSE, RECOGNIZING AN OVERDOSE,

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

CALLING EMERGENCY MEDICAL SERVICES, RESCUE BREATHING, AND ADMINISTERING AN OPIATE ANTAGONIST.

(2) AN EMPLOYEE OR AGENT OF A SCHOOL ACTING IN ACCORDANCE WITH A POLICY ADOPTED PURSUANT TO THIS SECTION IS NOT SUBJECT TO CIVIL LIABILITY OR CRIMINAL PROSECUTION, AS SPECIFIED IN SECTIONS 13-21-108.7 (3) AND 18-1-712 (2), RESPECTIVELY.

(3) AS USED IN THIS SECTION:

(a) "OPIATE ANTAGONIST" MEANS NALOXONE HYDROCHLORIDE OR ANY SIMILARLY ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE AND THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE.

(b) "OPIATE-RELATED DRUG OVERDOSE EVENT" MEANS AN ACUTE CONDITION, INCLUDING A DECREASED LEVEL OF CONSCIOUSNESS OR RESPIRATORY DEPRESSION, THAT:

(I) RESULTS FROM THE CONSUMPTION OR USE OF A CONTROLLED SUBSTANCE OR ANOTHER SUBSTANCE WITH WHICH A CONTROLLED SUBSTANCE WAS COMBINED;

(II) A LAYPERSON WOULD REASONABLY BELIEVE TO BE CAUSED BY AN OPIATE-RELATED DRUG OVERDOSE EVENT; AND

(III) REQUIRES MEDICAL ASSISTANCE.

SECTION 2. In Colorado Revised Statutes, 12-36-117.7, **amend** (1) introductory portion, (1)(c), (1)(d), and (3)(c); and **add** (1)(e), (1)(f), and (6)(f.5) as follows:

12-36-117.7. Prescribing opiate antagonists - definitions. (1) A physician or physician assistant licensed pursuant to this ~~article~~ ARTICLE 36 may prescribe or dispense, directly or in accordance with standing orders and protocols, an opiate antagonist to:

- (c) An employee or volunteer of a harm reduction organization; ~~or~~
- (d) A LAW ENFORCEMENT AGENCY OR first responder;
- (e) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR
- (f) A PERSON DESCRIBED IN SECTION 25-20.5-1001.

(3) A licensed physician or physician assistant does not engage in unprofessional conduct pursuant to section 12-36-117 if the physician or physician assistant issues standing orders and protocols regarding opiate antagonists or prescribes or dispenses an opiate antagonist in a good-faith effort to assist:

(c) ~~A first responder or an employee or volunteer of a harm reduction organization~~ THE FOLLOWING PERSONS in responding to, treating, or otherwise

assisting an individual who is experiencing or is at risk of experiencing an opiate-related drug overdose event or a friend, family member, or other person in a position to assist an at-risk individual:

- (I) A LAW ENFORCEMENT AGENCY OR FIRST RESPONDER;
 - (II) AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION ORGANIZATION;
 - (III) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR
 - (IV) A PERSON DESCRIBED IN SECTION 25-20.5-1001.
- (6) As used in this section:

(f.5) "SCHOOL" MEANS AN ELEMENTARY OR SECONDARY PUBLIC OR NONPUBLIC SCHOOL WHOSE GOVERNING AUTHORITY HAS ADOPTED AND IMPLEMENTED A POLICY PURSUANT TO SECTION 22-1-119.1.

SECTION 3. In Colorado Revised Statutes, 12-38-125.5, **amend** (1)(c), (1)(d), and (3)(c); and **add** (1)(e), (1)(f), and (6)(f.5) as follows:

12-38-125.5. Prescribing opiate antagonists - definitions. (1) An advanced practice nurse with prescriptive authority pursuant to section 12-38-111.6 may prescribe or dispense, directly or in accordance with standing orders and protocols, an opiate antagonist to:

- (c) An employee or volunteer of a harm reduction organization; ~~or~~
- (d) A LAW ENFORCEMENT AGENCY OR first responder;
- (e) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR
- (f) A PERSON DESCRIBED IN SECTION 25-20.5-1001.

(3) An advanced practice nurse with prescriptive authority does not engage in conduct that is grounds for discipline pursuant to section 12-38-117 if the advanced practice nurse issues standing orders and protocols regarding opiate antagonists or prescribes or dispenses an opiate antagonist in a good-faith effort to assist:

(c) ~~A first responder or an employee or volunteer of a harm reduction organization~~ THE FOLLOWING PERSONS in responding to, treating, or otherwise assisting an individual who is experiencing or is at risk of experiencing an opiate-related drug overdose event or a friend, family member, or other person in a position to assist an at-risk individual:

- (I) A LAW ENFORCEMENT AGENCY OR FIRST RESPONDER;
- (II) AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION ORGANIZATION;
- (III) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR

(IV) A PERSON DESCRIBED IN SECTION 25-20.5-1001.

(6) As used in this section:

(f.5) "SCHOOL" MEANS AN ELEMENTARY OR SECONDARY PUBLIC OR NONPUBLIC SCHOOL WHOSE GOVERNING AUTHORITY HAS ADOPTED AND IMPLEMENTED A POLICY PURSUANT TO SECTION 22-1-119.1.

SECTION 4. In Colorado Revised Statutes, 12-42.5-105, **amend** (2) as follows:

12-42.5-105. Rules. (2) On or before January 1, ~~2016~~ 2020, the board shall adopt or amend rules as necessary to permit the dispensing of an opiate antagonist in accordance with section 12-42.5-120 (3).

SECTION 5. In Colorado Revised Statutes, 12-42.5-120, **amend** (3)(a)(III), (3)(a)(IV), (3)(c)(I)(C), (3)(d)(I) introductory portion, and (3)(d)(III); and **add** (3)(a)(V), (3)(a)(VI), and (3)(e)(VI.5) as follows:

12-42.5-120. Prescription required - exception - dispensing opiate antagonists - definitions. (3) (a) A pharmacist may dispense, pursuant to an order or standing orders and protocols, an opiate antagonist to:

(III) An employee or volunteer of a harm reduction organization; ~~or~~

(IV) A LAW ENFORCEMENT AGENCY OR first responder;

(V) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR

(VI) A PERSON DESCRIBED IN SECTION 25-20.5-1001.

(c) (I) A pharmacist does not engage in unprofessional conduct pursuant to section 12-42.5-123 if the pharmacist dispenses, pursuant to an order or standing orders and protocols, an opiate antagonist in a good-faith effort to assist:

~~(C) A first responder or an employee or volunteer of a harm reduction organization~~ THE FOLLOWING PERSONS in responding to, treating, or otherwise assisting an individual who is experiencing or is at risk of experiencing an opiate-related drug overdose event or a friend, family member, or other person in a position to assist an at-risk individual: A LAW ENFORCEMENT AGENCY OR FIRST RESPONDER; AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION ORGANIZATION; A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR A PERSON DESCRIBED IN SECTION 25-20.5-1001.

(d) (I) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an employee or volunteer of a harm reduction organization; A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR A PERSON DESCRIBED IN SECTION 25-20.5-1001 may, pursuant to an order or standing orders and protocols:

(III) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an employee or volunteer of a harm reduction organization; A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR A PERSON DESCRIBED IN SECTION

25-20.5-1001 acting in accordance with this ~~paragraph (d)~~ SUBSECTION (3)(d) is not subject to civil liability or criminal prosecution, as specified in sections 13-21-108.7 (3) and 18-1-712 (2), ~~C.R.S.~~, respectively.

(e) As used in this section:

(VI.5) "SCHOOL" MEANS AN ELEMENTARY OR SECONDARY PUBLIC OR NONPUBLIC SCHOOL WHOSE GOVERNING AUTHORITY HAS ADOPTED AND IMPLEMENTED A POLICY PURSUANT TO SECTION 22-1-119.1.

SECTION 6. In Colorado Revised Statutes, 13-21-108.7, **amend** (3) as follows:

13-21-108.7. Persons rendering emergency assistance through the administration of an opiate antagonist - limited immunity - legislative declaration - definitions. (3) General immunity. (a) A person, other than a health care provider or a health care facility, who acts in good faith to furnish or administer an opiate antagonist to an individual the person believes to be suffering an opiate-related drug overdose event or to an individual who is in a position to assist the individual at risk of experiencing an opiate-related overdose event is not liable for any civil damages for acts or omissions made as a result of the act OR FOR ANY ACT OR OMISSION MADE IF THE OPIATE ANTAGONIST IS STOLEN.

(b) This subsection (3) also applies to:

(I) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an employee or volunteer of a harm reduction organization; OR A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL acting in accordance with section 12-42.5-120 (3)(d) ~~C.R.S.~~ AND, AS APPLICABLE, SECTION 22-1-119.1; AND

(II) A PERSON WHO ACTS IN GOOD FAITH TO FURNISH OR ADMINISTER AN OPIATE ANTAGONIST IN ACCORDANCE WITH SECTION 25-20.5-1001.

SECTION 7. In Colorado Revised Statutes, 18-1-712, **amend** (2) as follows:

18-1-712. Immunity for a person who administers an opiate antagonist during an opiate-related drug overdose event - definitions. (2) General immunity. (a) A person, other than a health care provider or a health care facility, who acts in good faith to furnish or administer an opiate antagonist to an individual the person believes to be suffering an opiate-related drug overdose event or to an individual who is in a position to assist the individual at risk of experiencing an opiate-related overdose event is immune from criminal prosecution for the act OR FOR ANY ACT OR OMISSION MADE IF THE OPIATE ANTAGONIST IS STOLEN.

(b) This subsection (2) also applies to:

(I) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an employee or volunteer of a harm reduction organization; OR A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL acting in accordance with section 12-42.5-120 (3)(d) ~~C.R.S.~~ AND, AS APPLICABLE, SECTION 22-1-119.1; AND

(II) A PERSON WHO ACTS IN GOOD FAITH TO FURNISH OR ADMINISTER AN OPIATE

ANTAGONIST IN ACCORDANCE WITH SECTION 25-20.5-1001.

SECTION 8. In Colorado Revised Statutes, 18-18-426, **amend** (1) introductory portion and (2); and **repeal** (1)(a) as follows:

18-18-426. Drug paraphernalia - definitions. As used in sections 18-18-425 to 18-18-430, unless the context otherwise requires:

(1) "Drug paraphernalia" means all equipment, products, and materials of any kind ~~which~~ THAT are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, ~~testing, analyzing,~~ packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the laws of this state. "Drug paraphernalia" includes, but is not limited to:

(a) ~~Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances under circumstances in violation of the laws of this state;~~

(2) "Drug paraphernalia" does not include:

(a) Any marijuana accessories as defined in section 16 (2)(g) of article XVIII of the state constitution; OR

(b) TESTING EQUIPMENT USED, INTENDED FOR USE, OR DESIGNED FOR USE IN IDENTIFYING OR IN ANALYZING THE STRENGTH, EFFECTIVENESS, OR PURITY OF CONTROLLED SUBSTANCES.

SECTION 9. In Colorado Revised Statutes, 25-1-520, **add** (2.5) as follows:

25-1-520. Clean syringe exchange programs - approval - reporting requirements. (2.5) A PROGRAM DEVELOPED PURSUANT TO THIS SECTION MAY BE OPERATED IN A HOSPITAL LICENSED OR CERTIFIED BY THE STATE DEPARTMENT PURSUANT TO SECTION 25-1.5-103 (1)(a).

SECTION 10. In Colorado Revised Statutes, **add** 25-1.5-115 as follows:

25-1.5-115. Opiate antagonist bulk purchase fund - creation - definition - rules - report. (1) (a) THE OPIATE ANTAGONIST BULK PURCHASE FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF PAYMENTS MADE TO THE DEPARTMENT BY PARTICIPATING ELIGIBLE ENTITIES FOR THE PURCHASE OF OPIATE ANTAGONISTS; GIFTS, GRANTS, AND DONATIONS CREDITED TO THE FUND PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION; AND ANY MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

(b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. THE DEPARTMENT SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE

FUND.

(c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(2) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR BULK PURCHASING OF OPIATE ANTAGONISTS. ELIGIBLE ENTITIES MAY PURCHASE OPIATE ANTAGONISTS FROM THE DEPARTMENT. THE DEPARTMENT MAY CONTRACT WITH A PRESCRIPTION DRUG OUTLET, AS DEFINED IN SECTION 12-42.5-102 (35), FOR THE BULK PURCHASING AND DISTRIBUTION OF OPIATE ANTAGONISTS. THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO PARTICIPATING ELIGIBLE ENTITIES TO ENSURE THAT ELIGIBLE ENTITIES COMPLETE ALL TRAINING AND REGISTRATION REQUIREMENTS.

(3) THE DEPARTMENT SHALL PROMULGATE RULES SPECIFYING THE AMOUNT AN ELIGIBLE ENTITY MUST PAY TO PURCHASE OPIATE ANTAGONISTS FROM THE DEPARTMENT.

(4) (a) NO LATER THAN OCTOBER 1, 2020, AND EVERY OCTOBER 1 THEREAFTER, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL REPORT TO THE HOUSE AND SENATE APPROPRIATIONS COMMITTEES, OR THEIR SUCCESSOR COMMITTEES, ON THE FUND'S ACTIVITY. THE REPORT MUST INCLUDE:

(I) REVENUE RECEIVED BY THE FUND;

(II) REVENUE AND EXPENDITURE PROJECTIONS FOR THE FORTHCOMING FISCAL YEAR AND DETAILS OF ALL EXPENDITURES FROM THE FUND;

(III) THE ELIGIBLE ENTITIES THAT PURCHASED OPIATE ANTAGONISTS;

(IV) THE AMOUNT OF OPIATE ANTAGONISTS PURCHASED BY EACH ELIGIBLE ENTITY; AND

(V) THE DISCOUNT PROCURED THROUGH BULK PURCHASING.

(b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT REQUIRED IN THIS SUBSECTION (4) CONTINUES INDEFINITELY.

(5) AS USED IN THIS SECTION, "ELIGIBLE ENTITY" MEANS:

(a) A UNIT OF LOCAL GOVERNMENT, AS DEFINED IN SECTION 29-3.5-101 (4);

(b) A PERSON MAKING AN OPIATE ANTAGONIST AVAILABLE PURSUANT TO SECTION 25-20.5-1001; OR

(c) THE FOLLOWING ENTITIES, IF THE ENTITY HAS ADOPTED A POLICY ALLOWING THE ACQUISITION, MAINTENANCE, AND ADMINISTRATION OF OPIATE ANTAGONISTS PURSUANT TO SECTION 22-1-119.1:

(I) A SCHOOL DISTRICT BOARD OF EDUCATION OF A PUBLIC SCHOOL;

(II) THE STATE CHARTER SCHOOL INSTITUTE FOR AN INSTITUTE CHARTER SCHOOL;
OR

(III) A GOVERNING BOARD OF A NONPUBLIC SCHOOL.

SECTION 11. In Colorado Revised Statutes, 25-15-328, **amend** (3) and (5) as follows:

25-15-328. Household medication take-back program - collection and disposal of medication injection devices - creation - liability - definitions - cash fund - rules. (3) (a) Subject to available funds, the executive director of the department shall establish a household medication take-back program to collect and dispose of unused household medications. The program must allow for individuals to dispose of unused household medications at approved collection sites and for carriers to transport unused household medications from approved collection sites to disposal locations.

(b) STARTING IN THE 2020-21 FISCAL YEAR, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL USE THE MONEY APPROPRIATED TO THE DEPARTMENT PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION TO IMPLEMENT A PROCESS FOR THE SAFE COLLECTION AND DISPOSAL OF NEEDLES, SYRINGES, AND OTHER DEVICES USED TO INJECT MEDICATION. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL DETERMINE THE PROCESSES AND LOCATIONS FOR THE SAFE COLLECTION AND DISPOSAL OF MEDICATION INJECTION DEVICES.

(5) (a) The household medication take-back cash fund is created in the state treasury for the direct and indirect costs associated with the implementation of this section. The fund consists of ~~moneys~~ MONEY appropriated or transferred to the fund by the general assembly and any gifts, grants, and donations from any public or private entity. The department shall transmit gifts, grants, and donations collected by the department to the state treasurer, who shall credit the ~~moneys~~ MONEY to the fund. The ~~moneys~~ MONEY in the fund ~~are~~ IS subject to annual appropriation by the general assembly.

(b) FOR THE 2020-21 FISCAL YEAR AND EACH YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM THE GENERAL FUND TO THE DEPARTMENT FOR THE PURPOSE OF EXPANDING THE HOUSEHOLD MEDICATION TAKE-BACK PROGRAM TO INCLUDE THE SAFE COLLECTION AND DISPOSAL OF MEDICATION INJECTION DEVICES PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION.

SECTION 12. In Colorado Revised Statutes, **add** part 10 to article 20.5 of title 25 as follows:

PART 10
MAKING OPIATE ANTAGONISTS AVAILABLE

25-20.5-1001. Making opiate antagonists available - bulk purchasing - immunity. (1) A PERSON THAT IS NOT A PRIVATE ENTITY AND THAT MAKES A DEFIBRILATOR OR AED, AS DEFINED IN SECTION 13-21-108.1, AVAILABLE TO AID THE GENERAL PUBLIC MAY ALSO MAKE AVAILABLE AN OPIATE ANTAGONIST TO AID AN INDIVIDUAL BELIEVED TO BE SUFFERING AN OPIATE-RELATED DRUG OVERDOSE

EVENT OR TO AN INDIVIDUAL WHO IS IN A POSITION TO ASSIST THE INDIVIDUAL AT RISK OF EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT.

(2) A PERSON MAKING AN OPIATE ANTAGONIST AVAILABLE IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION IS ELIGIBLE TO PURCHASE OPIATE ANTAGONISTS FROM THE DEPARTMENT IN ACCORDANCE WITH SECTION 25-1.5-115.

(3) A PERSON WHO ACTS IN GOOD FAITH TO FURNISH OR ADMINISTER AN OPIATE ANTAGONIST TO AN INDIVIDUAL THE PERSON BELIEVES TO BE SUFFERING AN OPIATE-RELATED DRUG OVERDOSE EVENT OR TO AN INDIVIDUAL WHO IS IN A POSITION TO ASSIST THE INDIVIDUAL AT RISK OF EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT IS NOT SUBJECT TO CIVIL LIABILITY OR CRIMINAL PROSECUTION, AS SPECIFIED IN SECTIONS 13-21-108.7 (3) AND 18-1-712 (2), RESPECTIVELY.

(4) THIS SECTION DOES NOT APPLY TO AN ELEMENTARY OR SECONDARY PUBLIC OR NONPUBLIC SCHOOL.

SECTION 13. In Colorado Revised Statutes, **add** 27-80-216 as follows:

27-80-216. Policy verifying identity. THE DEPARTMENT SHALL ESTABLISH A POLICY ON HOW A SUBSTANCE USE DISORDER TREATMENT PROGRAM MUST VERIFY THE IDENTITY OF INDIVIDUALS INITIATING INTO DETOXIFICATION, WITHDRAWAL, OR MAINTENANCE TREATMENT FOR A SUBSTANCE USE DISORDER. THE DEPARTMENT POLICY MUST INCLUDE VERIFICATION REQUIREMENTS FOR INDIVIDUALS WITHOUT IDENTIFICATION AND INDIVIDUALS EXPERIENCING HOMELESSNESS.

SECTION 14. In Colorado Revised Statutes, 12-30-110, **amend as relocated by House Bill 19-1172** (1)(a)(III), (1)(a)(IV), (1)(b) introductory portion, (2)(b), (3) introductory portion, (3)(c), and (4)(b); and **add** (1)(a)(V), (1)(a)(VI), and (7)(i.5) as follows:

12-30-110. Prescribing or dispensing opiate antagonists - authorized recipients - definitions. (1)(a) A prescriber may prescribe or dispense, directly or in accordance with standing orders and protocols, and a pharmacist may dispense, pursuant to an order or standing orders and protocols, an opiate antagonist to:

- (III) An employee or volunteer of a harm reduction organization; ~~or~~
- (IV) A LAW ENFORCEMENT AGENCY OR first responder;
- (V) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR
- (VI) A PERSON DESCRIBED IN SECTION 25-20.5-1001.

(b) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an employee or volunteer of a harm reduction organization; A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR A PERSON DESCRIBED IN SECTION 25-20.5-1001 may, pursuant to an order or standing orders and protocols:

- (2) (b) A LAW ENFORCEMENT AGENCY, first responder, ~~or~~ harm reduction

organization, OR PERSON DESCRIBED IN SECTION 25-20.5-1001 is strongly encouraged to educate its employees and volunteers, as well as persons receiving an opiate antagonist from the LAW ENFORCEMENT AGENCY, first responder, or harm reduction organization, OR PERSON DESCRIBED IN SECTION 25-20.5-1001 on the use of an opiate antagonist for overdose, including instruction concerning risk factors for overdose, recognizing an overdose, calling emergency medical services, rescue breathing, and administering an opiate antagonist.

(3) NEITHER a prescriber described in subsection (7)(h)(I) of this section or NOR A pharmacist ~~does not engage~~ ENGAGES in unprofessional conduct pursuant to section 12-240-121 or 12-280-126, respectively, and a prescriber described in subsection (7)(h)(II) of this section does not engage in conduct that is grounds for discipline pursuant to section 12-255-120, if the prescriber issues standing orders and protocols regarding opiate antagonists or prescribes or dispenses, or the pharmacist dispenses, pursuant to an order or standing orders and protocols, an opiate antagonist in a good-faith effort to assist:

(c) ~~A first responder or an employee or volunteer of a harm reduction organization~~ THE FOLLOWING PERSONS in responding to, treating, or otherwise assisting an individual who is experiencing or is at risk of experiencing an opiate-related drug overdose event or a friend, family member, or other person in a position to assist an at-risk individual:

- (I) A LAW ENFORCEMENT AGENCY OR FIRST RESPONDER;
- (II) AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION ORGANIZATION;
- (III) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR
- (IV) A PERSON DESCRIBED IN SECTION 25-20.5-1001.

(4) (b) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an employee or volunteer of a harm reduction organization; A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR A PERSON DESCRIBED IN SECTION 25-20.5-1001 acting in accordance with this section is not subject to civil liability or criminal prosecution, as specified in sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

(7) As used in this section:

(i.5) "SCHOOL" MEANS AN ELEMENTARY OR SECONDARY PUBLIC OR NONPUBLIC SCHOOL WHOSE GOVERNING AUTHORITY HAS ADOPTED AND IMPLEMENTED A POLICY PURSUANT TO SECTION 22-1-119.1.

SECTION 15. In Colorado Revised Statutes, 12-280-107, **amend as relocated by House Bill 19-1172 (2)** as follows:

12-280-107. Rules. (2) On or before January 1, ~~2016~~ 2020, the board shall adopt or amend rules as necessary to permit the dispensing of an opiate antagonist in accordance with sections 12-30-110 and 12-280-123 (3).

SECTION 16. Appropriation. For the 2019-20 state fiscal year, \$659,472 is appropriated to the department of public health and environment. This appropriation consists of \$434,472 from the general fund and \$225,000 from the opiate antagonist bulk purchase fund created in section 25-1.5-115 (1)(a), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$621,070 which consists of \$396,070 from general fund and \$225,000 from the opiate antagonist bulk purchase fund, for use by the prevention services division for administration, which amount is based on an assumption that the department will require an additional 1.8 FTE; and

(b) \$38,402 from general fund for the household medication take-back program, which amount is based on an assumption that the department will require an additional 0.4 FTE.

SECTION 17. Effective date - applicability. (1) This act takes effect upon passage; except that sections 14 and 15 of this act take effect only if House Bill 19-1172 becomes law, in which case sections 14 and 15 take effect October 1, 2019.

(2) This act applies to conduct occurring on or after the effective date of this act.

SECTION 18. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 2019