

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 20-0297.01 Brita Darling x2241

SENATE BILL 20-007

SENATE SPONSORSHIP

Pettersen and Winter, Donovan, Priola, Bridges, Fenberg, Garcia, Lee, Moreno, Story, Todd

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Senate Committees

Health & Human Services
Appropriations

House Committees

Health & Insurance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING TREATMENT FOR SUBSTANCE USE DISORDERS.**

102

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 Study Committee.

Section 1 of the bill requires updated community assessments every 2 years of the sufficiency of substance use disorder services in the community to be compiled by an independent entity contracted by the department of human services (DHS). The assessment must include input and the opportunity for review and comment from community entities and

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.

HOUSE
3rd Reading Unamended
June 12, 2020

HOUSE
Amended 2nd Reading
June 11, 2020

SENATE
3rd Reading Unamended
June 6, 2020

SENATE
Amended 2nd Reading
June 5, 2020

individuals. Based on the community assessment, the managed service organization will prepare a draft community action plan and shall allow time for stakeholder review and comment on the plan.

Section 2 of the bill requires insurance carriers to provide coverage for the treatment of substance use disorders in accordance with the American society of addiction medicine (ASAM) criteria for placement, medical necessity, and utilization management determinations in accordance with the most recent edition of the ASAM criteria. The bill also authorizes the commissioner of insurance, in consultation with DHS and the department of health care policy and financing, to identify by rule alternate nationally recognized substance-use-disorder-specific treatment criteria if the ASAM criteria are no longer available, relevant, or reflect best practices.

Sections 3, 4, and 5 of the bill increases funding by \$1 million for provider loan forgiveness and scholarships from the Colorado health service corps fund in the department of public health and environment (CDPHE). The bill recognizes a goal of the loan forgiveness and scholarship programs of creating a diverse health care workforce that is able to address the needs of underserved populations and communities.

Section 6 of the bill authorizes a pharmacy that has entered into a collaborative pharmacy agreement with one or more physicians to receive an enhanced dispensing fee for the administration of all injectable medications for medication-assisted treatment that are approved by the federal food and drug administration, and not just injectable antagonist medication.

Section 7 of the bill requires DHS to commission a state child care and treatment study and final report to make findings and recommendations concerning gaps in family-centered substance use disorder treatment and to identify alternative payment structures for funding child care and children's services alongside substance use disorder treatment of a child's parent. DHS shall distribute the report to the general assembly and present the report in its annual presentation to committees of the general assembly.

Sections 8, 9, 10, 11, and 12 of the bill prohibit managed service organization contracted providers; withdrawal management services; and recovery residences from denying access to medical or substance use disorder treatment services, including recovery services, to persons who are participating in prescribed medication-assisted treatment for substance use disorders. In addition, the bill prohibits courts and parole, probation, and community corrections from prohibiting the use of prescribed medication-assisted treatment as a condition of participation or placement.

Section 13 of the bill requires managed care entities to provide coordination of care for the full continuum of substance use disorder and mental health treatment and recovery services, including support for

individuals transitioning between levels of care.

Section 14 of the bill appropriates \$250,000 to the office of behavioral health in DHS for allocation to the center for research into substance use disorder prevention, treatment, and recovery support strategies for the continued employment of grant writers to aid local communities in need of assistance to access federal and state money to address opioid and other substance use disorders in their communities.

Section 15 of the bill authorizes the commissioner of insurance, in consultation with CDPHE, to promulgate rules, or to seek a revision of the essential health benefits package, for prescription medications for medication-assisted treatment to be included on insurance carriers' formularies.

Section 16 of the bill requires insurance carriers to report to the commissioner of insurance on the number of in-network providers who are licensed to prescribe medication-assisted treatment for substance use disorders, including buprenorphine, and of that number, to indicate how many providers are actively prescribing medication-assisted treatment. The bill requires the commissioner of insurance to promulgate rules concerning the reporting.

Section 17 of the bill requires insurance carriers to provide coverage for naloxone hydrochloride, or other similarly acting drug, without prior authorization and without imposing any deductible, copayment, coinsurance, or other cost-sharing requirement.

Section 18 of the bill requires DHS to implement a program for training and community outreach relating to, at a minimum, the availability of and process for civil commitment of persons with an alcohol or substance use disorder. The training must be provided to first responders, law enforcement, emergency departments, primary care providers, and persons and families of persons with a substance use disorder, among others.

Sections 19 through 65 of the bill consolidate part 1 of article 82 of title 27, C.R.S., relating to emergency treatment and voluntary and involuntary commitment of persons for treatment of drugs into the existing part 1 of article 81 of title 27, C.R.S., relating to emergency treatment and voluntary and involuntary commitment of persons for treatment of alcohol use disorders, in order to create a single process that includes all substances.

The new scope of part 1 of article 81 of title 27, C.R.S., includes both alcohol use disorder and substance use disorder under the defined term "substance use disorder".

The amendments and additions to part 1 of article 81 of title 27, C.R.S., include:

- ! Defining "administrator" to include an administrator's designee;
- ! Adding a definition of "incapacitated by substances" to

- include a person who is incapacitated by alcohol or incapacitated by substances;
- ! Changing terminology throughout to refer to "substances" to include both alcohol and drugs;
- ! Adjusting the duration of the initial involuntary commitment from 30 days to up to 90 days;
- ! Allowing a person to enter into a stipulated order for committed treatment, expediting placement into treatment;
- ! Removing the mandatory hearing for the initial involuntary commitment but allowing a person to request a hearing if the person does not want to enter into a stipulated order for committed treatment;
- ! Incorporating in statute "patient's rights" relating to civil commitment;
- ! Using person-centered language throughout the statutory process; and
- ! Relocating the existing opioid crisis recovery funds advisory committee from article 82 in title 27, C.R.S., to article 81 in title 27, C.R.S.

In addition, the bill makes conforming amendments, including several in the professional licensing statutes in title 12, C.R.S., to remove references to both alcohol use disorder and substance use disorder as grounds for professional discipline, and replaces those terms with the single term "substance use disorder", which the bill now defines in article 81 of title 27, C.R.S., to include both drugs and alcohol.

The bill also makes conforming amendments to remove statutory references to provisions in part 2 of article 82 of title 27, C.R.S., which the bill repeals, and replaces those references with a new reference to the relevant provisions in article 81 of title 27, C.R.S.

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

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3 **SECTION 1.** In Colorado Revised Statutes, 10-16-104, **amend**
 4 (5.5)(a)(I) as follows:

5 **10-16-104. Mandatory coverage provisions - definitions -**
 6 **rules. (5.5) Behavioral, mental health, and substance use disorders**
 7 **- rules. (a) (I)** Every health benefit plan subject to part 2, 3, or 4 of this
 8 article 16, except those described in section 10-16-102 (32)(b), must

1 provide coverage:

2 (A) For the prevention of, screening for, and treatment of
3 behavioral, mental health, and substance use disorders that is no less
4 extensive than the coverage provided for any physical illness and that
5 complies with the requirements of the MHPAEA; AND

6 (B) AT A MINIMUM, FOR THE TREATMENT OF SUBSTANCE USE
7 DISORDERS IN ACCORDANCE WITH THE AMERICAN SOCIETY OF ADDICTION
8 MEDICINE CRITERIA FOR PLACEMENT, MEDICAL NECESSITY, AND
9 UTILIZATION MANAGEMENT DETERMINATIONS AS SET FORTH IN THE MOST
10 RECENT EDITION OF "THE ASAM CRITERIA FOR ADDICTIVE,
11 SUBSTANCE-RELATED, AND CO-OCCURRING CONDITIONS"; EXCEPT THAT
12 THE COMMISSIONER MAY IDENTIFY BY RULE, IN CONSULTATION WITH THE
13 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE OFFICE
14 OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES, AN
15 ALTERNATE NATIONALLY RECOGNIZED AND EVIDENCE-BASED
16 SUBSTANCE-USE-DISORDER-SPECIFIC CRITERIA FOR PLACEMENT, MEDICAL
17 NECESSITY, OR UTILIZATION MANAGEMENT, IF AMERICAN SOCIETY OF
18 ADDICTION MEDICINE CRITERIA ARE NO LONGER AVAILABLE, RELEVANT,
19 OR DO NOT FOLLOW BEST PRACTICES FOR SUBSTANCE USE DISORDER
20 TREATMENT.

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24 **SECTION 2.** In Colorado Revised Statutes, 27-80-107, **amend**
25 (4) as follows:

26 **27-80-107. Designation of managed service organizations -**
27 **purchase of services - revocation of designation.** (4) The terms and

1 conditions for providing substance use disorder treatment services must
2 be specified in the contract entered into between the office of behavioral
3 health and the designated managed service organization. CONTRACTS
4 ENTERED INTO BETWEEN THE OFFICE OF BEHAVIORAL HEALTH AND THE
5 DESIGNATED MANAGED SERVICE ORGANIZATION MUST INCLUDE TERMS
6 AND CONDITIONS PROHIBITING A DESIGNATED MANAGED SERVICE
7 ORGANIZATION CONTRACTED TREATMENT PROVIDER FROM DENYING OR
8 PROHIBITING ACCESS TO MEDICATION-ASSISTED TREATMENT, AS DEFINED
9 IN SECTION 23-21-803, FOR A SUBSTANCE USE DISORDER.

10 **SECTION 3.** In Colorado Revised Statutes, 27-80-108, **amend**
11 (1)(c) as follows:

12 **27-80-108. Rules.** (1) The state board of human services, created
13 in section 26-1-107, has the power to promulgate rules governing the
14 provisions of this article 80. The rules may include, but are not limited to:

15 (c) Requirements for public and private agencies, organizations,
16 and institutions from which the office of behavioral health may purchase
17 services pursuant to section 27-80-106 (1), WHICH REQUIREMENTS MUST
18 INCLUDE PROHIBITING THE PURCHASE OF SERVICES FROM ENTITIES THAT
19 DENY OR PROHIBIT ACCESS TO MEDICAL SERVICES OR SUBSTANCE USE
20 DISORDER TREATMENT AND SERVICES TO PERSONS WHO ARE
21 PARTICIPATING IN PRESCRIBED MEDICATION-ASSISTED TREATMENT, AS
22 DEFINED IN SECTION 23-21-803, FOR A SUBSTANCE USE DISORDER;

23 **SECTION 4.** In Colorado Revised Statutes, 25-1.5-108.5, **amend**
24 (2) as follows:

25 **25-1.5-108.5. Regulation of recovery residences - definition -**
26 **rules.** (2) A recovery residence may admit individuals who are receiving
27 medication-assisted treatment, including agonist treatment, for substance

1 use disorders; EXCEPT THAT A RECOVERY RESIDENCE RECEIVING STATE
2 MONEY OR PROVIDING SERVICES THAT ARE PAID FOR THROUGH STATE
3 PROGRAMS SHALL NOT DENY ADMISSION TO PERSONS WHO ARE
4 PARTICIPATING IN PRESCRIBED MEDICATION-ASSISTED TREATMENT, AS
5 DEFINED IN SECTION 23-21-803, FOR A SUBSTANCE USE DISORDER.

6 **SECTION 5.** In Colorado Revised Statutes, **add** 13-1-139 as
7 follows:

8 **13-1-139. Court limitations on medication-assisted treatment**
9 **- prohibited.** A COURT SHALL NOT CONDITION PARTICIPATION IN A DRUG
10 OR PROBLEM-SOLVING COURT OR OTHER JUDICIAL PROGRAM, OR ENTER
11 ORDERS RELATING TO PROBATION OR PAROLE OR PLACEMENT IN
12 COMMUNITY CORRECTIONS, BASED ON THE REQUIREMENT THAT A PERSON
13 CEASE PARTICIPATING IN PRESCRIBED MEDICATION-ASSISTED TREATMENT
14 FOR SUBSTANCE USE DISORDERS, AS DEFINED IN SECTION 23-21-803,
15 UNLESS THE PERSON OR THE PRESCRIBER DETERMINES THAT
16 MEDICATION-ASSISTED TREATMENT IS NO LONGER NECESSARY OR IS NO
17 LONGER AN EFFECTIVE TREATMENT FOR THE PERSON.

18 **SECTION 6.** In Colorado Revised Statutes, 17-27-104, **add** (13)
19 as follows:

20 **17-27-104. Community corrections programs operated by**
21 **units of local government, state agencies, or nongovernmental**
22 **agencies.** (13) THE ADMINISTRATOR OF ANY COMMUNITY CORRECTIONS
23 PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL NOT REJECT
24 ANY OFFENDER REFERRED FOR PLACEMENT BASED ON THE OFFENDER'S
25 PARTICIPATION IN MEDICATION-ASSISTED TREATMENT, AS DEFINED IN
26 SECTION 23-21-803, OR ESTABLISH ANY RULE OR CONDITION OR GUIDELINE
27 FOR THE CONDUCT OF AN OFFENDER THAT PROHIBITS OR SIGNIFICANTLY

1 IMPAIRS AN OFFENDER'S ABILITY TO PARTICIPATE IN PRESCRIBED
2 MEDICATION-ASSISTED TREATMENT.

3 **SECTION 7.** In Colorado Revised Statutes, 25.5-5-402, **add**
4 (3)(c.5) as follows:

5 **25.5-5-402. Statewide managed care system - definition - rules.**

6 (3) The statewide managed care system must include a statewide system
7 of community behavioral health care that must:

8 (c.5) PROVIDE COORDINATION OF CARE FOR THE FULL CONTINUUM
9 OF SUBSTANCE USE DISORDER AND MENTAL HEALTH TREATMENT AND
10 RECOVERY, INCLUDING SUPPORT FOR INDIVIDUALS TRANSITIONING
11 BETWEEN LEVELS OF CARE;

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13 **SECTION 8.** In Colorado Revised Statutes, 10-16-148, **add** (1.5)
14 as follows:

15 **10-16-148. Medication-assisted treatment - limitations on**
16 **carriers - rules - definition.** (1.5) THE COMMISSIONER, IN
17 CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND
18 ENVIRONMENT, MAY PROMULGATE RULES OR SEEK A REVISION TO THE
19 PRESCRIPTION DRUG BENEFITS REQUIRED UNDER THE ESSENTIAL HEALTH
20 BENEFITS PACKAGE CONCERNING PRESCRIPTION MEDICATIONS THAT MUST
21 BE INCLUDED ON A CARRIER'S FORMULARY FOR MEDICATION-ASSISTED
22 TREATMENT OF SUBSTANCE USE DISORDERS.

23 **SECTION 9.** In Colorado Revised Statutes, **add** 10-16-710 as
24 follows:

25 **10-16-710. Reporting to commissioner - medication-assisted**
26 **treatment - rules.** (1) A CARRIER SHALL REPORT TO THE COMMISSIONER:

27 (a) THE NUMBER OF IN-NETWORK PROVIDERS WHO ARE FEDERALLY

1 LICENSED TO PRESCRIBE MEDICATION-ASSISTED TREATMENT FOR
2 SUBSTANCE USE DISORDERS, INCLUDING BUPRENORPHINE; AND

3 (b) THE NUMBER OF PRESCRIPTIONS FILLED BY ENROLLEES FOR
4 MEDICATION-ASSISTED TREATMENT FOR SUBSTANCE USE DISORDERS; AND

5 (c) THE CARRIER'S EFFORTS TO ENSURE SUFFICIENT CAPACITY FOR
6 AND ACCESS TO MEDICATION-ASSISTED TREATMENT FOR SUBSTANCE USE
7 DISORDERS.

8 (2) THE COMMISSIONER SHALL PROMULGATE RULES CONCERNING
9 THE REPORTING REQUIREMENTS SPECIFIED IN SUBSECTION (1) OF THIS
10 SECTION, INCLUDING THE REPORTING PERIOD, THE FREQUENCY OF
11 REPORTING, AND ANY OTHER PROVISIONS NECESSARY TO COMPLY WITH
12 THE REPORTING REQUIREMENT.

13 **SECTION 10.** In Colorado Revised Statutes, 10-16-104, **amend**
14 (5.5)(a)(III)(A); and **add** (5.5)(a)(III)(C) as follows:

15 **10-16-104. Mandatory coverage provisions - rules -**
16 **definitions. (5.5) Behavioral, mental health, and substance use**
17 **disorders - rules. (a) (III) (A) Except as provided in subsection**
18 **(5.5)(a)(III)(B) SUBSECTIONS (5.5)(a)(III)(B) AND (5.5)(a)(III)(C) of this**
19 **section, any preauthorization or utilization review mechanism used in the**
20 **determination to provide the coverage required by this subsection (5.5)(a)**
21 **must be the same as, or no more restrictive than, that used in the**
22 **determination to provide coverage for a physical illness. The**
23 **commissioner shall adopt rules as necessary to implement and administer**
24 **this subsection (5.5).**

25 (C) A HEALTH BENEFIT PLAN SUBJECT TO THIS SUBSECTION (5.5)
26 MUST PROVIDE COVERAGE FOR AT LEAST ONE OPIATE ANTAGONIST, AS
27 DEFINED IN SECTION 12-30-110 (7)(d).

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SECTION 11. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 27-81-101 as follows:

27-81-101. [Similar to 27-82-101] Legislative declaration.

(1) THE GENERAL ASSEMBLY RECOGNIZES THE CHARACTER AND PERVASIVENESS OF SUBSTANCE USE DISORDERS AND THAT SUBSTANCE USE DISORDERS ARE SERIOUS PROBLEMS. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THESE PROBLEMS HAVE BEEN VERY SERIOUSLY NEGLECTED AND THAT THE SOCIAL AND ECONOMIC COSTS AND THE WASTE OF HUMAN RESOURCES CAUSED BY SUBSTANCE USE DISORDERS ARE MASSIVE, TRAGIC, AND NO LONGER ACCEPTABLE. THE GENERAL ASSEMBLY BELIEVES THAT THE BEST INTERESTS OF THIS STATE DEMAND AN ACROSS-THE-BOARD, LOCALLY ORIENTED ATTACK ON THE MASSIVE PROBLEMS OF DRUG ABUSE AND SUBSTANCE USE DISORDERS. THE ATTACK INCLUDES PREVENTION, EDUCATION, AND TREATMENT, AND THIS ARTICLE 81 PROVIDES A BASE FROM WHICH TO LAUNCH THE ATTACK AND REDUCE THE TRAGIC HUMAN LOSS.

(2) IT IS THE POLICY OF THIS STATE THAT PERSONS WITH SUBSTANCE USE DISORDERS, PERSONS INTOXICATED BY ALCOHOL, AND PERSONS UNDER THE INFLUENCE OF DRUGS SHOULD BE AFFORDED TREATMENT SO THEY MAY LEAD NORMAL LIVES AS PRODUCTIVE MEMBERS OF SOCIETY. THE GENERAL ASSEMBLY FINDS AND DECLARES THAT SUBSTANCE USE DISORDERS ARE MATTERS OF STATEWIDE CONCERN.

SECTION 12. In Colorado Revised Statutes, 27-81-102, **amend (14); amend as it exists until July 1, 2022, (1); amend as it will become effective July 1, 2022, (1); add (9.4); add with amended and relocated provisions (6.5), (9.2), (13.6), and (13.9); add with amended and**

1 **relocated provisions as it exists until July 1, 2022, (1.2); and add with**
2 **amended and relocated provisions as they will become effective July**
3 **1, 2022, (1.2) and (13.8) as follows:**

4 **27-81-102. Definitions.** As used in this article 81, unless the
5 context otherwise requires:

6 (1) ~~***[Editor's note: This version of subsection (1) is effective until***~~
7 ~~***July 1, 2022.]*** "Alcohol use disorder" means a condition by which a
8 person habitually lacks self-control as to the use of alcoholic beverages
9 or uses alcoholic beverages to the extent that his or her health is
10 substantially impaired or endangered or his or her social or economic
11 function is substantially disrupted. Nothing in this subsection (1)
12 precludes the denomination of a person with an alcohol use disorder as
13 intoxicated by alcohol or incapacitated by alcohol "ADMINISTRATOR"
14 MEANS THE ADMINISTRATOR OF AN APPROVED TREATMENT FACILITY OR
15 AN INDIVIDUAL AUTHORIZED IN WRITING TO ACT AS THE ADMINISTRATOR'S
16 DESIGNEE.~~

17 (1) ~~***[Editor's note: This version of subsection (1) is effective July***~~
18 ~~***1, 2022.]*** "Alcohol use disorder" means a chronic relapsing brain disease
19 characterized by recurrent use of alcohol causing clinically significant
20 impairment, including health problems, disability, and failure to meet
21 major responsibilities at work, school, and home "ADMINISTRATOR"
22 MEANS THE ADMINISTRATOR OF AN APPROVED TREATMENT FACILITY OR
23 AN INDIVIDUAL AUTHORIZED IN WRITING TO ACT AS THE ADMINISTRATOR'S
24 DESIGNEE.~~

25 (1.2) **[Formerly 27-81-102 (1) as it is effective until July 1,**
26 **2022]** "Alcohol use disorder" means a condition by which a person
27 habitually lacks self-control as to the use of alcoholic beverages or uses

1 alcoholic beverages to the extent that ~~his or her~~ THE PERSON'S health is
2 substantially impaired or endangered or ~~his or her~~ THE PERSON'S social or
3 economic function is substantially disrupted. Nothing in this ~~subsection~~
4 ~~(1)~~ SUBSECTION (1.2) precludes the denomination of a person with an
5 alcohol use disorder as intoxicated by alcohol or incapacitated by alcohol.

6 (1.2) [Formerly 27-81-102 (1) as it will become effective July 1,
7 2022] "Alcohol use disorder" means a chronic relapsing brain disease
8 characterized by recurrent use of alcohol causing clinically significant
9 impairment, including health problems, disability, and failure to meet
10 major responsibilities at work, school, and home.

11 (6.5) [Formerly 27-82-102 (7)] "Drug" means a controlled
12 substance, as defined in section 18-18-102 (5), ~~C.R.S.~~, and toxic vapors.

13 (9.2) [Formerly 27-82-102 (10)] "Incapacitated by drugs" means
14 that a person, as a result of the use of drugs, is unconscious or has ~~his or~~
15 ~~her~~ judgment otherwise so impaired that ~~he or she~~ THE PERSON is
16 incapable of realizing and making a rational decision with respect to ~~his~~
17 ~~or her~~ THE PERSON'S need for treatment, is unable to take care of ~~his or her~~
18 basic personal needs or safety, or lacks sufficient understanding or
19 capacity to make or communicate rational decisions concerning himself
20 or herself.

21 (9.4) "INCAPACITATED BY SUBSTANCES" MEANS THAT A PERSON IS
22 INCAPACITATED BY ALCOHOL OR IS INCAPACITATED BY DRUGS.

23 (13.6) [Formerly 27-82-102 (13)] "Person under the influence of
24 drugs" means any person whose mental or physical functioning is
25 temporarily but substantially impaired as a result of the presence of drugs
26 in ~~his or her~~ THE PERSON'S body.

27 (13.8) [Formerly 27-82-102 (13.5) as it will become effective

1 **July 1, 2022]** "Substance use disorder" means a chronic relapsing brain
2 disease, characterized by recurrent use of alcohol, drugs, or both, causing
3 clinically significant impairment, including health problems, disability,
4 and failure to meet major responsibilities at work, school, or home.

5 (13.9) [**Formerly 27-82-102 (14)**] "Toxic vapors" means a
6 substance or product containing such substances as defined in section
7 18-18-412 (3). ~~C.R.S.~~

8 (14) "Treatment" means the broad range of emergency, outpatient,
9 intermediate, and inpatient services and care, including diagnostic
10 evaluation, medical, psychiatric, psychological, and social service care,
11 vocational rehabilitation, and career counseling that may be extended to
12 a person with ~~an alcohol~~ A SUBSTANCE use disorder, A PERSON
13 INCAPACITATED BY SUBSTANCES, A PERSON UNDER THE INFLUENCE OF
14 DRUGS, and A PERSON intoxicated ~~persons~~ BY ALCOHOL.

15 **SECTION 13.** In Colorado Revised Statutes, 27-81-103, **amend**
16 (1)(a), (1)(b), (1)(d), (1)(e), and (1)(h) as follows:

17 **27-81-103. Powers of the office of behavioral health.** (1) To
18 carry out the purposes of this article 81, the office of behavioral health
19 may:

20 (a) Plan, establish, and maintain ~~alcohol~~ SUBSTANCE use disorder
21 treatment programs as necessary or desirable;

22 (b) Make contracts necessary or incidental to the performance of
23 its duties and the execution of its powers, including contracts with public
24 and private agencies, organizations, and individuals to pay them for
25 services rendered or furnished to persons with ~~alcohol~~ SUBSTANCE use
26 disorders, ~~or~~ PERSONS intoxicated ~~persons~~ BY ALCOHOL, OR PERSONS
27 UNDER THE INFLUENCE OF DRUGS;

1 (d) Administer or supervise the administration of the provisions
2 relating to persons with ~~alcohol~~ SUBSTANCE use disorders, ~~and intoxicated~~
3 persons INTOXICATED BY ALCOHOL, AND PERSONS UNDER THE INFLUENCE
4 OF DRUGS of any state plan submitted for federal funding pursuant to
5 federal health, welfare, or treatment legislation;

6 (e) Coordinate its activities and cooperate with ~~alcohol~~
7 SUBSTANCE use disorder treatment programs in this state and other states
8 and make contracts and other joint or cooperative arrangements with
9 state, local, or private agencies in this state and other states for the
10 treatment of persons with ~~alcohol~~ SUBSTANCE use disorders, ~~and~~
11 ~~intoxicated~~ persons INTOXICATED BY ALCOHOL, AND PERSONS UNDER THE
12 INFLUENCE OF DRUGS and for the common advancement of ~~alcohol~~
13 SUBSTANCE use disorder treatment programs;

14 (h) Acquire, hold, or dispose of real property, or any interest
15 therein, and construct, lease, or otherwise provide ~~alcohol~~ SUBSTANCE use
16 disorder treatment facilities for persons with ~~alcohol~~ SUBSTANCE use
17 disorders, PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons
18 UNDER THE INFLUENCE OF DRUGS.

19 **SECTION 14.** In Colorado Revised Statutes, **amend** 27-81-104
20 as follows:

21 **27-81-104. Duties of the office of behavioral health - review.**

22 (1) In addition to duties prescribed by section 27-80-102, the office of
23 behavioral health shall:

24 (a) Develop, encourage, and foster statewide, regional, and local
25 plans and programs for the prevention of ~~alcohol~~ SUBSTANCE use
26 disorders and treatment of persons with ~~alcohol~~ SUBSTANCE use disorders,
27 PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE

1 INFLUENCE OF DRUGS, in cooperation with public and private agencies,
2 organizations, and individuals and provide technical assistance and
3 consultation services for these purposes;

4 (b) Coordinate the efforts and enlist the assistance of all public
5 and private agencies, organizations, and individuals interested in
6 prevention of ~~alcohol~~ SUBSTANCE use disorders and treatment of persons
7 with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY
8 ALCOHOL, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS;

9 (c) ***[Editor's note: This version of subsection (1)(c) is effective***
10 ***until July 1, 2022.*** Utilize community mental health centers and clinics,
11 OR OTHER APPROVED TREATMENT FACILITIES, whenever feasible;

12 (c) ***[Editor's note: This version of subsection (1)(c) is effective***
13 ***July 1, 2022.*** Utilize behavioral health entities, community mental health
14 centers and clinics, OR OTHER APPROVED TREATMENT FACILITIES,
15 whenever feasible;

16 (d) Cooperate with the department of corrections in establishing
17 and conducting programs for the prevention of ~~alcohol~~ SUBSTANCE use
18 disorders and treatment of persons with ~~alcohol~~ SUBSTANCE use disorders,
19 PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE
20 INFLUENCE OF DRUGS in appropriate agencies and institutions and for
21 persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY
22 ALCOHOL, and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS in or
23 on parole from correctional institutions and in carrying out duties
24 specified in subsections (1)(i) and (1)(k) of this section;

25 (e) Cooperate with the department of education, schools, police
26 departments, courts, and other public and private agencies, organizations,
27 and individuals in establishing programs for the prevention of ~~alcohol~~

1 SUBSTANCE use disorders and treatment of persons with ~~alcohol~~
2 SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and
3 ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS and preparing
4 curriculum materials for use at all levels of school education;

5 (f) Prepare, publish, evaluate, and disseminate educational
6 material dealing with the nature and effects of alcohol AND DRUGS;

7 (g) Develop and implement, as an integral part of ~~alcohol~~
8 SUBSTANCE use disorder treatment programs, an educational program for
9 use in the treatment of persons with ~~alcohol~~ SUBSTANCE use disorders,
10 PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE
11 INFLUENCE OF DRUGS. The program must include the dissemination of
12 information concerning the nature and effects of alcohol AND DRUGS;

13 (h) Organize and foster training programs for all persons engaged
14 in treatment of persons with ~~alcohol~~ SUBSTANCE use disorders, PERSONS
15 INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE
16 INFLUENCE OF DRUGS;

17 (i) Sponsor and encourage research into the causes and nature of
18 ~~alcohol~~ SUBSTANCE use disorders and treatment of persons with ~~alcohol~~
19 SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and
20 ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS, and serve as a
21 clearinghouse for information relating to ~~alcohol~~ SUBSTANCE use
22 disorders;

23 (j) Specify uniform methods for keeping statistical information by
24 public and private agencies, organizations, and individuals and collect
25 and make available relevant statistical information, including number of
26 persons treated, frequency of admission and readmission, and frequency
27 and duration of treatment;

1 (k) Advise the governor in the preparation of a comprehensive
2 plan for treatment of persons with ~~alcohol~~ SUBSTANCE use disorders,
3 PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE
4 INFLUENCE OF DRUGS for inclusion in the state's comprehensive health
5 plan;

6 (l) Review all state health, welfare, and treatment plans to be
7 submitted for federal funding under federal legislation and advise the
8 governor on provisions to be included relating to ~~alcohol~~ SUBSTANCE use
9 disorders, persons with ~~alcohol~~ SUBSTANCE use disorders, and ~~intoxicated~~
10 persons UNDER THE INFLUENCE OF DRUGS;

11 (m) Assist in the development of, and cooperate with, ~~alcohol~~
12 SUBSTANCE USE education and treatment programs for employees of state
13 and local governments and businesses and industries in this state;

14 (n) Utilize the support and assistance of interested persons in the
15 community, particularly persons with ~~alcohol~~ SUBSTANCE use disorders
16 that are in remission, to encourage persons with ~~alcohol~~ SUBSTANCE use
17 disorders to voluntarily undergo treatment;

18 (o) Cooperate with the department of transportation in
19 establishing and conducting programs designed to deal with the problem
20 of persons operating motor vehicles while under the influence of, or
21 impaired by, alcohol OR DRUGS;

22 (p) Encourage general hospitals and other appropriate health
23 facilities to admit without discrimination persons with ~~alcohol~~
24 SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL, and
25 ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS and to provide them
26 with adequate and appropriate treatment;

27 (q) Encourage all health and disability insurance programs to

1 include ~~alcohol~~ SUBSTANCE use disorders as a covered illness; and

2 (r) Submit to the governor an annual report covering the activities
3 of the office of behavioral health.

4 **SECTION 15.** In Colorado Revised Statutes, 27-81-105, **amend**
5 (1) and (3) as follows:

6 **27-81-105. Comprehensive program for treatment - regional**
7 **facilities.** (1) The office of behavioral health shall establish a
8 comprehensive and coordinated program for the treatment of persons with
9 ~~alcohol~~ SUBSTANCE use disorders, PERSONS INTOXICATED BY ALCOHOL,
10 and ~~intoxicated~~ persons UNDER THE INFLUENCE OF DRUGS.

11 (3) The office of behavioral health shall provide adequate and
12 appropriate treatment for persons with ~~alcohol~~ SUBSTANCE use disorders,
13 PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE
14 INFLUENCE OF DRUGS admitted pursuant to sections 27-81-109 to
15 27-81-112. Except as otherwise provided in section 27-81-111, treatment
16 ~~may~~ MUST not be provided at a correctional institution, except for
17 inmates.

18 **SECTION 16.** In Colorado Revised Statutes, 27-81-106, **repeal**
19 **and reenact, with amendments,** (6) as follows:

20 **27-81-106. Standards for public and private treatment**
21 **facilities - fees - enforcement procedures - penalties. (6) [Similar to**
22 **27-82-103 (6)]** A PERSON SHALL NOT OPERATE A PRIVATE OR PUBLIC
23 TREATMENT FACILITY IN THIS STATE WITHOUT APPROVAL FROM THE
24 OFFICE OF BEHAVIORAL HEALTH; EXCEPT THAT THIS ARTICLE 81 DOES NOT
25 APPLY TO A PRIVATE TREATMENT FACILITY THAT ACCEPTS ONLY PRIVATE
26 MONEY AND DOES NOT DISPENSE CONTROLLED SUBSTANCES. THE DISTRICT
27 COURT MAY RESTRAIN ANY VIOLATION OF, REVIEW ANY DENIAL,

1 RESTRICTION, OR REVOCATION OF APPROVAL UNDER, AND GRANT OTHER
2 RELIEF REQUIRED TO ENFORCE THE PROVISIONS OF THIS SECTION.

3 **SECTION 17.** In Colorado Revised Statutes, 27-81-108, **amend**
4 (1) introductory portion, (1)(b), and (1)(c) as follows:

5 **27-81-108. Acceptance for treatment - rules.** (1) The director
6 shall adopt and may amend and repeal rules for acceptance of persons
7 into the SUBSTANCE USE DISORDER treatment program, considering
8 available treatment resources and facilities, for the purpose of early and
9 effective treatment of persons with ~~alcohol~~ SUBSTANCE use disorders,
10 PERSONS INTOXICATED BY ALCOHOL, and ~~intoxicated~~ persons UNDER THE
11 INFLUENCE OF DRUGS. In establishing the rules, THE FOLLOWING
12 STANDARDS GUIDE the director: ~~shall be guided by the following~~
13 ~~standards:~~

14 (b) ~~A patient shall be initially assigned or transferred to outpatient~~
15 ~~or intermediate treatment, unless he or she is found to require inpatient~~
16 ~~treatment~~ QUALIFIED STAFF SHALL ASSESS THE PROPER LEVEL OF CARE FOR
17 THE PERSON PURSUANT TO RULES ADOPTED BY THE DIRECTOR AND MAKE
18 A REFERRAL FOR PLACEMENT.

19 (c) A person ~~shall~~ MUST not be denied treatment solely because ~~he~~
20 ~~or she~~ THE PERSON has withdrawn from treatment against medical advice
21 on a prior occasion or because ~~he or she~~ THE PERSON has relapsed after
22 earlier treatment.

23 **SECTION 18.** In Colorado Revised Statutes, **repeal and reenact,**
24 **with amendments,** 27-81-109 as follows:

25 **27-81-109. [Similar to 27-82-105] Voluntary treatment of**
26 **persons with substance use disorders.** (1) A PERSON WITH A
27 SUBSTANCE USE DISORDER, INCLUDING A MINOR, MAY APPLY FOR

1 VOLUNTARY TREATMENT DIRECTLY TO AN APPROVED TREATMENT
2 FACILITY.

3 (2) SUBJECT TO RULES ADOPTED BY THE DIRECTOR, THE
4 ADMINISTRATOR IN CHARGE OF AN APPROVED TREATMENT FACILITY SHALL
5 DETERMINE WHO IS ADMITTED FOR TREATMENT. IF A PERSON IS REFUSED
6 ADMISSION TO AN APPROVED TREATMENT FACILITY, THE ADMINISTRATOR
7 MAY REFER THE PERSON TO ANOTHER APPROVED AND APPROPRIATE
8 TREATMENT FACILITY FOR TREATMENT IF IT IS DEEMED LIKELY TO BE
9 BENEFICIAL. A PERSON MUST NOT BE REFERRED FOR FURTHER TREATMENT
10 IF IT IS DETERMINED THAT FURTHER TREATMENT IS NOT LIKELY TO BRING
11 ABOUT SIGNIFICANT IMPROVEMENT IN THE PERSON'S CONDITION, OR
12 TREATMENT IS NO LONGER APPROPRIATE, OR FURTHER TREATMENT IS
13 UNLIKELY TO BE BENEFICIAL.

14 (3) IF A PATIENT RECEIVING RESIDENTIAL CARE LEAVES AN
15 APPROVED TREATMENT FACILITY, THE PERSON IS ENCOURAGED TO
16 CONSENT TO OUTPATIENT TREATMENT OR SUPPORTIVE SERVICES IF
17 APPROPRIATE.

18 **SECTION 19.** In Colorado Revised Statutes, **repeal and reenact,**
19 **with amendments,** 27-81-110 as follows:

20 **27-81-110. [Similar to 27-82-106] Voluntary treatment for**
21 **persons intoxicated by alcohol, under the influence of drugs, or**
22 **incapacitated by substances.** (1) A PERSON INTOXICATED BY ALCOHOL,
23 UNDER THE INFLUENCE OF DRUGS, OR INCAPACITATED BY SUBSTANCES,
24 INCLUDING A MINOR IF PROVIDED BY RULES OF THE OFFICE OF BEHAVIORAL
25 HEALTH, MAY VOLUNTARILY ADMIT HIMSELF OR HERSELF TO AN APPROVED
26 TREATMENT FACILITY FOR AN EMERGENCY EVALUATION TO DETERMINE
27 NEED FOR TREATMENT.

1 (2) THE ADMINISTRATOR SHALL IMMEDIATELY EVALUATE OR
2 EXAMINE A PERSON WHO VOLUNTARILY ENTERS AN APPROVED TREATMENT
3 FACILITY. IF THE PERSON IS FOUND TO BE IN NEED OF TREATMENT, THE
4 ADMINISTRATOR SHALL ADMIT THE PERSON OR REFER THE PERSON TO
5 ANOTHER APPROPRIATE FACILITY. IF A PERSON IS FOUND NOT TO BE IN
6 NEED OF TREATMENT, THE ADMINISTRATOR SHALL RELEASE THE PERSON
7 AND MAY REFER THE PERSON TO ANOTHER APPROPRIATE FACILITY.

8 (3) EXCEPT AS PROVIDED IN SUBSECTION (7) OF THIS SECTION, A
9 TREATMENT FACILITY SHALL IMMEDIATELY RELEASE A VOLUNTARILY
10 ADMITTED PERSON UPON THE PERSON'S REQUEST.

11 (4) A PERSON WHO IS NOT ADMITTED TO AN APPROVED TREATMENT
12 FACILITY OR REFERRED TO ANOTHER HEALTH FACILITY, AND WHO HAS NO
13 MONEY, MAY BE TAKEN TO THE PERSON'S HOME, IF ANY. IF THE PERSON
14 HAS NO HOME, THE APPROVED TREATMENT FACILITY MAY ASSIST THE
15 PERSON IN OBTAINING SHELTER.

16 (5) IF A PERSON IS ADMITTED TO AN APPROVED TREATMENT
17 FACILITY, THE PERSON'S FAMILY OR NEXT OF KIN MUST BE NOTIFIED AS
18 PROMPTLY AS POSSIBLE IN ACCORDANCE WITH FEDERAL CONFIDENTIALITY
19 REGULATIONS FOR SUBSTANCE USE DISORDER PATIENT RECORDS, WHICH
20 REGULATIONS ARE FOUND AT 42 CFR PART 2, AS AMENDED. IF AN ADULT
21 PERSON REQUESTS THAT THERE BE NO NOTIFICATION, THE ADULT PERSON'S
22 REQUEST MUST BE RESPECTED.

23 (6) IF THE ADMINISTRATOR DETERMINES THAT IT IS FOR THE
24 PERSON'S BENEFIT, THE PERSON MUST BE ENCOURAGED TO AGREE TO
25 FURTHER DIAGNOSIS AND APPROPRIATE VOLUNTARY TREATMENT.

26 (7) NOTHING IN THIS SECTION PRECLUDES THE ADMINISTRATOR
27 FROM SEEKING EMERGENCY COMMITMENT OF A PERSON AS PROVIDED IN

1 SECTION 27-81-111 OR INVOLUNTARY COMMITMENT OF A PERSON AS
2 PROVIDED IN SECTION 27-81-112, REGARDLESS OF WHETHER THE PERSON
3 HAS BEEN VOLUNTARILY ADMITTED UNDER THIS SECTION. IN SUCH CASE,
4 THE ADMINISTRATOR'S FURTHER CONDUCT IS GOVERNED BY SECTION
5 27-81-111 OR 27-81-112, AS APPLICABLE.

6 **SECTION 20.** In Colorado Revised Statutes, **amend** 27-81-111
7 as follows:

8 **27-81-111. Emergency commitment.** (1) (a) When a person is
9 ~~intoxicated~~ UNDER THE INFLUENCE OF or incapacitated by ~~alcohol~~
10 SUBSTANCES and clearly dangerous to the health and safety of himself,
11 herself, or others, ~~he or she shall be taken into protective custody by law~~
12 enforcement authorities or an emergency service patrol, acting with
13 probable cause, ~~and placed~~ SHALL TAKE THE PERSON INTO PROTECTIVE
14 CUSTODY in an approved treatment facility. If no such facilities are
15 available, ~~he or she~~ THE PERSON may be detained in an emergency
16 medical facility or jail, but only for so long as may be necessary to
17 prevent injury to himself, herself, or others or to prevent a breach of the
18 peace. If the person being detained is a juvenile, as defined in section
19 19-1-103 (68), ~~C.R.S.~~, the juvenile shall be placed in a setting that is
20 nonsecure and physically segregated by sight and sound from the adult
21 offenders. A law enforcement officer or emergency service patrol officer,
22 in detaining the person, is taking ~~him or her~~ THE PERSON into protective
23 custody. In so doing, the detaining officer may protect himself or herself
24 by reasonable methods but shall make every reasonable effort to protect
25 the detainee's health and safety. A taking into protective custody under
26 this section is not an arrest, and no entry or other record shall be made to
27 indicate that the person has been arrested or charged with a crime. Law

1 enforcement or emergency service personnel who act in compliance with
2 this section are acting in the course of their official duties and are not
3 criminally or civilly liable therefor. Nothing in this subsection (1) ~~shall~~
4 ~~preclude an intoxicated or incapacitated~~ PRECLUDES A person
5 INTOXICATED BY ALCOHOL, UNDER THE INFLUENCE OF DRUGS, OR
6 INCAPACITATED BY SUBSTANCES who is not dangerous to the health and
7 safety of himself, herself, or others from being assisted to ~~his or her~~ THE
8 PERSON'S home or like location by the law enforcement officer or
9 emergency service patrol officer.

10 (b) A sheriff or police chief who violates the provisions of
11 ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION
12 related to detaining juveniles may be subject to a civil fine of no more
13 than one thousand dollars. The decision to fine shall be based on prior
14 violations of the provisions of ~~paragraph (a) of this subsection (1)~~
15 SUBSECTION (1)(a) OF THIS SECTION by the sheriff or police chief and the
16 willingness of the sheriff or police chief to address the violations in order
17 to comply with ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF
18 THIS SECTION.

19 (2) A law enforcement officer, emergency service ~~patrolman~~
20 PATROL OFFICER, physician, spouse, guardian, or relative of the person to
21 be committed or any other responsible person may make a written
22 application for emergency commitment under this section, directed to the
23 administrator of the approved treatment facility. The application ~~shall~~
24 MUST state the circumstances requiring emergency commitment,
25 including the applicant's personal observations and the specific statements
26 of others, if any, upon which ~~he or she~~ THE APPLICANT relies in making
27 the application. A copy of the application ~~shall~~ MUST be furnished to the

1 person to be committed.

2 (3) If the ~~approved treatment facility administrator or his or her~~
3 ~~authorized designee~~ approves the application, the ~~person~~ ADMINISTRATOR
4 shall ~~be committed, evaluated, and treated~~ COMMIT, EVALUATE, AND
5 TREAT THE PERSON for a period not to exceed five days. ~~The person shall~~
6 ~~be brought to the facility by~~ A peace officer, the emergency service
7 patrol, or any interested person SHALL BRING THE PERSON TO THE
8 FACILITY. If necessary, the court may be contacted to issue an order to the
9 police, the peace officer's department, or the sheriff's department to
10 transport the person to the facility.

11 (4) If the ~~approved treatment facility administrator or his or her~~
12 ~~authorized designee~~ determines that the application fails to sustain the
13 grounds for emergency commitment as set forth in subsection (1) of this
14 section, the ~~commitment shall be refused and the person detained~~
15 ~~immediately released, and the person shall be encouraged~~
16 ADMINISTRATOR SHALL REFUSE THE COMMITMENT, IMMEDIATELY RELEASE
17 THE DETAINED PERSON, AND ENCOURAGE THE PERSON to seek voluntary
18 treatment if appropriate.

19 (5) When the administrator determines that the grounds for
20 commitment no longer exist, ~~he or she~~ THE ADMINISTRATOR shall
21 discharge the person committed under this section. A person committed
22 under this section ~~may~~ MUST not be detained in any treatment facility for
23 more than five days; except that a person may be detained for longer than
24 five days at the approved treatment facility if, in that period of time, a
25 petition for involuntary commitment has been filed pursuant to section
26 27-81-112. A person ~~may~~ MUST not be detained longer than ten days,
27 EXCLUDING WEEKENDS AND HOLIDAYS, after the date of filing of the

1 petition for involuntary commitment UNLESS A VALID MEDICAL REASON
2 EXISTS FOR DETAINING A PERSON LONGER.

3 (6) Whenever a person is involuntarily detained pursuant to this
4 section, ~~he or she~~ THE ADMINISTRATOR shall, ~~immediately be advised by~~
5 ~~the facility administrator or his or her authorized designee~~ WITHIN
6 TWENTY-FOUR HOURS AFTER DETAINMENT, ADVISE THE PERSON WHO IS
7 INVOLUNTARILY DETAINED, both orally and in writing, of ~~his or her~~ THE
8 PERSON'S right to challenge ~~such~~ THE detention by application to the
9 courts for a writ of habeas corpus, to be represented by counsel at every
10 stage of any proceedings relating to ~~his or her~~ commitment and
11 recommitment, and to have counsel appointed by the court or provided by
12 the court if ~~he or she~~ THE PERSON wants the assistance of counsel and is
13 unable to obtain counsel.

14 (7) ANY LAW ENFORCEMENT OFFICER, EMERGENCY SERVICE
15 PERSONNEL, PHYSICIAN, SPOUSE, GUARDIAN, OR RELATIVE OF ANY PERSON
16 TO BE COMMITTED; ANY TREATMENT FACILITY ADMINISTRATOR OR THE
17 ADMINISTRATOR'S DESIGNEE; OR ANY OTHER EMPLOYEE OR PERSON
18 ACTING ON BEHALF OF AN APPROVED TREATMENT FACILITY,
19 PARTICIPATING IN OR CARRYING OUT THE EMERGENCY COMMITMENT OR
20 TREATMENT AS DESCRIBED IN THIS SECTION, WHETHER ACTING
21 INDIVIDUALLY OR IN HIS OR HER OFFICIAL CAPACITY, IS NOT CRIMINALLY
22 OR CIVILLY LIABLE THEREFOR.

23 **SECTION 21.** In Colorado Revised Statutes, **amend** 27-81-112
24 as follows:

25 **27-81-112. Involuntary commitment of a person with a**
26 **substance use disorder.** (1) The court may commit a person to the
27 custody of the office of behavioral health upon the petition of the person's

1 spouse or guardian, a relative, a physician, an advanced practice nurse,
2 the administrator in charge of an approved treatment facility, or any other
3 responsible person. The petition must allege that the person ~~is a person~~
4 ~~with an alcohol~~ HAS A SUBSTANCE use disorder and that the person has
5 threatened or attempted to inflict or inflicted physical harm on himself or
6 herself or on another and that unless committed the person is likely to
7 inflict physical harm on himself or herself or on another or that the person
8 is incapacitated by ~~alcohol~~ SUBSTANCES. A refusal to undergo treatment
9 does not constitute evidence of lack of judgment as to the need for
10 treatment. The petition must be accompanied by a certificate of a licensed
11 physician who has examined the person within ~~two~~ TEN days before
12 submission of the petition, unless the person whose commitment is sought
13 has refused to submit to a medical examination, in which case the fact of
14 refusal must be alleged in the petition, OR AN EXAMINATION CANNOT BE
15 MADE OF THE PERSON DUE TO THE PERSON'S CONDITION. The certificate
16 must set forth the physician's findings in support of the petition's
17 allegations.

18 (2) A COURT SHALL NOT ACCEPT a petition submitted pursuant to
19 subsection (1) of this section ~~shall not be accepted~~ unless there is
20 documentation of the refusal by the person to be committed to accessible
21 and affordable voluntary treatment. The documentation may include, but
22 ~~shall not be~~ IS NOT limited to, notations in the person's medical or law
23 enforcement records or statements by a physician, advanced practice
24 nurse, or witness.

25 (3) (a) Upon filing the petition, THE PERSON WHOSE COMMITMENT
26 IS SOUGHT MUST BE NOTIFIED OF THE PERSON'S RIGHT TO:

27 (I) ENTER INTO A STIPULATED ORDER OF THE COURT FOR

1 COMMITTED TREATMENT IN ORDER TO EXPEDITE PLACEMENT IN AN
2 APPROVED TREATMENT FACILITY BY THE OFFICE OF BEHAVIORAL HEALTH;
3 OR

4 (II) TO CONTEST THE COMMITMENT PROCEEDING.

5 (b) IF A STIPULATED ORDER IS ENTERED, THE OFFICE OF
6 BEHAVIORAL HEALTH SHALL PLACE THE PERSON IN AN APPROVED
7 TREATMENT PROGRAM THAT REFLECTS THE LEVEL OF NEED OF THE
8 PERSON.

9 (c) IF THE PERSON WHOSE COMMITMENT IS SOUGHT EXERCISES THE
10 RIGHT TO CONTEST THE PETITION, the court shall fix a date for a hearing
11 no later than ten days, EXCLUDING WEEKENDS AND HOLIDAYS, after the
12 date the petition was filed. A copy of the petition and the notice of the
13 hearing, including the date fixed by the court, must be personally served
14 on the petitioner, the person whose commitment is sought, and one of ~~his~~
15 ~~or her~~ THE PERSON'S parents or ~~his or her~~ THE PERSON'S legal guardian if
16 ~~he or she~~ THE PERSON is a minor. A copy of the petition and notice of
17 hearing must be ~~mailed~~ PROVIDED to the office of behavioral health, to
18 counsel for the person whose commitment is sought, to the administrator
19 in charge of the approved treatment facility to which the person may have
20 been committed for emergency treatment, and to any other person the
21 court believes advisable.

22 (4) At the hearing, the court shall hear all relevant testimony,
23 including, if possible, the testimony of at least one licensed physician who
24 has examined the person whose commitment is sought. The person ~~shall~~
25 MUST be present unless the court believes that the person's presence is
26 likely to be injurious to the person; in this event, the court shall appoint
27 a guardian ad litem to represent the person throughout the proceeding. If

1 the person has refused to be examined by a licensed physician, ~~he or she~~
2 ~~shall~~ THE PERSON MUST be given an opportunity to be examined by a
3 court-appointed licensed physician. If the person refuses and there is
4 sufficient evidence to believe that the allegations of the petition are true
5 or if the court believes that more medical evidence is necessary, the court
6 may commit the person to a licensed hospital for a period of not more
7 than five days for a diagnostic examination. In such event, the court shall
8 schedule a further hearing for final determination of commitment, in no
9 event later than five days after the first hearing.

10 (5) If after hearing all relevant evidence, including the results of
11 any diagnostic examination by the licensed hospital, the court finds that
12 grounds for involuntary commitment have been established by clear and
13 convincing proof, ~~it~~ THE COURT shall make an order of commitment to the
14 office of behavioral health. The office of behavioral health has the right
15 to delegate physical custody of the person to an appropriate approved
16 treatment facility. The court may not order commitment of a person
17 unless it determines that the office of behavioral health is able to provide
18 adequate and appropriate treatment for the person, and the treatment is
19 likely to be beneficial.

20 (6) Upon the court's commitment of a person to the office of
21 behavioral health, the court may issue an order to the sheriff to transport
22 the person to the facility designated by the office of behavioral health.

23 (7) A person committed as provided for in this section remains in
24 the custody of the office of behavioral health for treatment for a period of
25 ~~thirty~~ UP TO NINETY days. ~~unless discharged sooner.~~ At the end of the
26 ~~thirty-day~~ NINETY-DAY period, ~~he or she shall be discharged automatically~~
27 THE TREATMENT FACILITY SHALL AUTOMATICALLY DISCHARGE THE

1 PERSON unless the office of behavioral health, before expiration of the
2 ~~thirty-day~~ NINETY-DAY period, obtains a court order for ~~his or her~~ THE
3 PERSON'S recommitment on the grounds set forth in subsection (1) of this
4 section for a further period of ninety days unless discharged sooner. If a
5 person has been committed because ~~he or she~~ THE PERSON is a person
6 with ~~an alcohol~~ A SUBSTANCE use disorder who is likely to inflict physical
7 harm on another, the office of behavioral health shall apply for
8 recommitment if, after examination, it is determined that the likelihood
9 to inflict physical harm on another still exists.

10 (8) A person who is recommitted as provided for in subsection (7)
11 of this section and who has not been discharged by the office of
12 behavioral health before the end of the ninety-day period is discharged at
13 the expiration of that ninety-day period unless the office of behavioral
14 health, before expiration of the ninety-day period, obtains a court order
15 on the grounds set forth in subsection (1) of this section for
16 recommitment for a further period, not to exceed ninety days. If a person
17 has been committed because ~~he or she~~ THE PERSON is a person with ~~an~~
18 ~~alcohol~~ A SUBSTANCE use disorder who is likely to inflict physical harm
19 on another, the office of behavioral health shall apply for recommitment
20 if, after examination, it is determined that the likelihood to inflict physical
21 harm on another still exists. Only two recommitment orders pursuant to
22 subsection (7) of this section and this subsection (8) are permitted.

23 (9) Upon the filing of a petition for recommitment under
24 subsections (7) and (8) of this section, the court shall fix a date for
25 hearing ~~no~~ NOT later than ten days, EXCLUDING WEEKENDS AND
26 HOLIDAYS, after the date the petition was filed UNLESS A VALID MEDICAL
27 REASON EXISTS FOR DELAYING THE HEARING. A copy of the petition and

1 of the notice of hearing shall be served and ~~mailed~~ PROVIDED as required
2 in subsection (3) of this section. At the hearing, the court shall proceed as
3 provided in subsection (4) of this section.

4 (10) The office of behavioral health shall provide adequate and
5 appropriate treatment of a person committed to its custody. The office of
6 behavioral health may transfer any person committed to its custody from
7 one approved treatment facility to another, if transfer is advisable.

8 (11) The office of behavioral health shall discharge a person
9 committed to its custody for treatment at any time before the end of the
10 period for which ~~he or she~~ THE PERSON has been committed if either of
11 the following conditions is met:

12 (a) In the case of a person with ~~an alcohol~~ A SUBSTANCE use
13 disorder committed on the grounds that ~~he or she~~ THE PERSON is likely to
14 inflict physical harm upon another, that ~~he or she~~ THE PERSON no longer
15 has ~~an alcohol~~ A SUBSTANCE use disorder that requires treatment or the
16 likelihood to inflict physical harm upon another no longer exists; or

17 (b) In the case of a person with ~~an alcohol~~ A SUBSTANCE use
18 disorder committed on the grounds of the need of treatment and
19 incapacity, that the incapacity no longer exists, OR IN THE CASE OF A
20 PERSON WITH A SUBSTANCE USE DISORDER COMMITTED ON ANY GROUNDS
21 PURSUANT TO THIS SECTION, THAT further treatment ~~will~~ IS not likely TO
22 bring about significant improvement in the person's condition, or
23 treatment is no longer appropriate, OR THAT FURTHER TREATMENT IS
24 UNLIKELY TO BE BENEFICIAL.

25 (12) The court shall inform the person whose commitment or
26 recommitment is sought of ~~his or her~~ THE PERSON'S right to contest the
27 application, to be represented by counsel at every stage of any

1 proceedings relating to the person's commitment and recommitment, and
2 to have counsel appointed by the court or provided by the court if ~~he or~~
3 ~~she~~ THE PERSON wants the assistance of counsel and is unable to obtain
4 counsel. If the court believes that the person needs the assistance of
5 counsel, the court shall require, by appointment if necessary, counsel for
6 the person regardless of ~~his or her~~ THE PERSON'S wishes. The person
7 whose commitment or recommitment is sought shall be informed of ~~his~~
8 ~~or her~~ THE PERSON'S right to be examined by a licensed physician of the
9 person's choice. If the person is unable to obtain a licensed physician and
10 requests examination by a physician, the court shall employ a licensed
11 physician.

12 (13) If a private treatment facility agrees with the request of a
13 competent patient or ~~his or her~~ THE PATIENT'S parent, sibling, adult child,
14 or guardian to accept the patient for treatment, the administrator of the
15 public treatment facility shall transfer ~~him or her~~ THE PATIENT to the
16 private treatment facility.

17 (14) A person committed under this ~~article~~ ARTICLE 81 may at any
18 time seek to be discharged from commitment by an order in the nature of
19 habeas corpus.

20 (15) The venue for proceedings under this section is the county in
21 which the person to be committed resides or is present.

22 (16) All proceedings conducted pursuant to this ~~article shall be~~
23 ARTICLE 81 ARE conducted by the district attorney of the county where the
24 proceeding is held or by an attorney acting for the district attorney
25 appointed by the court for that purpose; except that, in any county or in
26 any city and county having a population exceeding one hundred thousand
27 persons, the proceedings shall be conducted by the county attorney or by

1 an attorney acting for the county attorney appointed by the court.

2 **SECTION 22.** In Colorado Revised Statutes, **amend** 27-81-113
3 as follows:

4 **27-81-113. Records of persons with substance use disorders,**
5 **persons intoxicated by alcohol, and persons under the influence of**
6 **substances.** (1) The registration and other records of treatment facilities
7 ~~shall remain~~ ARE confidential AND FULLY PROTECTED AS OUTLINED IN
8 FEDERAL CONFIDENTIALITY REGULATIONS FOR SUBSTANCE USE DISORDER
9 RECORDS FOUND AT 42 CFR PART 2, AS AMENDED, and are privileged to
10 the patient.

11 (2) Notwithstanding subsection (1) of this section, the director
12 may make available information from patients' records for purposes of
13 research into the causes and treatment of ~~alcohol~~ SUBSTANCE use
14 disorders. Information ~~under~~ MADE AVAILABLE PURSUANT TO this
15 subsection (2) must not be published in a way that discloses patients'
16 names or other identifying information.

17 (3) Nothing in this section ~~shall be construed to prohibit or limit~~
18 PROHIBITS OR LIMITS the sharing of information by a state institution of
19 higher education police department to authorized university
20 administrators pursuant to section 23-5-141. ~~C.R.S.~~

21 **SECTION 23.** In Colorado Revised Statutes, **repeal and reenact,**
22 **with amendments,** 27-81-114 as follows:

23 **27-81-114. Rights of persons receiving evaluation, care, or**
24 **treatment.** (1) A FACILITY SHALL IMMEDIATELY ADVISE EACH PERSON
25 RECEIVING EVALUATION, CARE, OR TREATMENT UNDER ANY PROVISION OF
26 THIS ARTICLE 81, ORALLY AND IN WRITING, THAT THE PERSON HAS AND IS
27 AFFORDED THE FOLLOWING RIGHTS:

1 (a) TO BE EVALUATED TO DETERMINE THE PERSON'S BEHAVIORAL
2 HEALTH TREATMENT NEEDS RELATING TO THE USE OF SUBSTANCES,
3 INCLUDING ALCOHOL OR DRUGS;

4 (b) IF UNDER AN EMERGENCY COMMITMENT PURSUANT TO SECTION
5 27-81-111, TO REFUSE TO BE EXAMINED BY A LICENSED PHYSICIAN FOR
6 CERTIFICATION. A PERSON'S REFUSAL TO BE EXAMINED FOR CERTIFICATION
7 MAY BE ALLEGED IN A PETITION FOR INVOLUNTARY COMMITMENT. A
8 PERSON MAY REQUEST TO BE EXAMINED BY THE PERSON'S PHYSICIAN, OR
9 A COURT MAY ORDER A PERSON TO BE EVALUATED BY A LICENSED
10 PHYSICIAN FOR CERTIFICATION.

11 (c) TO RECEIVE TIMELY MEDICAL AND BEHAVIORAL HEALTH CARE
12 AND TREATMENT, AS SPECIFIED IN LAW, THAT IS DETERMINED BASED ON
13 THE PERSON'S NEEDS AND THAT IS DELIVERED IN THE LEAST RESTRICTIVE
14 TREATMENT SETTING POSSIBLE, AS SET FORTH IN DEPARTMENT RULES;

15 (d) TO BE TREATED FAIRLY AND TO RECEIVE THE SAME
16 CONSIDERATION AND ACCESS TO APPROPRIATE SERVICES AS OTHERS,
17 REGARDLESS OF RACE, COLOR, NATIONAL ORIGIN, AGE, GENDER IDENTITY,
18 SEXUAL ORIENTATION, POLITICAL AFFILIATION, RELIGIOUS BELIEFS,
19 FINANCIAL STATUS, OR DISABILITY;

20 (e) TO CONTEST A COMMITMENT PROCEEDING OR TO ENTER INTO
21 A STIPULATED ORDER OF THE COURT FOR COMMITTED TREATMENT;

22 (f) TO RETAIN AND CONSULT WITH AN ATTORNEY AT ANY TIME
23 AND TO HAVE AN ATTORNEY APPOINTED BY OR PROVIDED BY THE COURT
24 IN A TIMELY MANNER IN ANY PROCEEDINGS RELATING TO COMMITMENT OR
25 RECOMMITMENT, IF THE PERSON WANTS THE ASSISTANCE OF AN ATTORNEY
26 AND IS UNABLE TO OBTAIN AN ATTORNEY;

27 (g) TO AT ANY TIME SEEK TO BE DISCHARGED FROM COMMITMENT

1 BY AN ORDER IN THE NATURE OF HABEAS CORPUS;

2 (h) ONCE NO LONGER UNDER THE INFLUENCE OF DRUGS OR
3 INTOXICATED BY ALCOHOL, TO SIGN IN AND SEEK VOLUNTARY SUBSTANCE
4 USE DISORDER TREATMENT, UNLESS THE ADMINISTRATOR DETERMINES IN
5 WRITING THAT REASONABLE GROUNDS EXIST TO BELIEVE THAT THE
6 PERSON WILL NOT REMAIN IN VOLUNTARY TREATMENT OR THAT THE
7 PERSON IS CLEARLY DANGEROUS TO THE HEALTH AND SAFETY OF HIMSELF
8 OR HERSELF OR OTHERS;

9 (i) IF IN COMMITTED TREATMENT, TO RECEIVE
10 TWENTY-FOUR-HOUR NOTICE PRIOR TO BEING TRANSFERRED TO ANOTHER
11 FACILITY;

12 (j) TO HAVE REASONABLE OPPORTUNITIES FOR CONTINUING
13 VISITATION AND COMMUNICATION WITH THE PERSON'S FAMILY AND
14 FRIENDS, CONSISTENT WITH AN EFFECTIVE TREATMENT PROGRAM AND AS
15 DETERMINED IN DEPARTMENT RULES. EACH PERSON MAY MEET WITH THE
16 PERSON'S ATTORNEY, CLERGY PERSON, OR HEALTH CARE PROVIDER AT ANY
17 TIME.

18 (k) TO HAVE REASONABLE ACCESS TO MAIL AND WRITING
19 MATERIALS, INCLUDING POSTAGE, AS WELL AS THE ASSISTANCE OF
20 FACILITY STAFF IF THE PERSON IS UNABLE TO WRITE, PREPARE, OR MAIL
21 CORRESPONDENCE;

22 (l) SUBJECT TO DEPARTMENT RULES RELATING TO THE USE OF
23 TELEPHONES AND OTHER COMMUNICATION DEVICES, TO HAVE
24 REASONABLE ACCESS TO TELEPHONES OR OTHER COMMUNICATION
25 DEVICES, AND TO MAKE AND TO RECEIVE CALLS OR COMMUNICATIONS IN
26 PRIVACY. FACILITY STAFF SHALL NOT OPEN, DELAY, INTERCEPT, READ, OR
27 CENSOR MAIL OR OTHER COMMUNICATIONS OR USE MAIL OR OTHER

1 COMMUNICATIONS AS A METHOD TO ENFORCE COMPLIANCE WITH FACILITY
2 STAFF.

3 (m) TO WEAR HIS OR HER OWN CLOTHES, KEEP AND USE PERSONAL
4 POSSESSIONS, AND KEEP AND BE ALLOWED TO SPEND A REASONABLE SUM
5 OF THE PERSON'S OWN MONEY;

6 (n) TO HAVE ACCESS TO MEDICAL RECORDS;

7 (o) TO HAVE TREATMENT RECORDS REMAIN CONFIDENTIAL,
8 EXCEPT AS REQUIRED BY LAW;

9 (p) TO NOT BE FINGERPRINTED, UNLESS REQUIRED BY LAW;

10 (q) TO REFUSE TO BE PHOTOGRAPHED, EXCEPT FOR TREATMENT
11 FACILITY IDENTIFICATION PURPOSES;

12 (r) TO HAVE THE OPPORTUNITY TO REGISTER AND VOTE BY
13 ABSENTEE BALLOT WITH THE ASSISTANCE OF FACILITY STAFF;

14 (s) TO HAVE APPROPRIATE ACCESS TO ADEQUATE FOOD, WATER,
15 AND HYGIENE PRODUCTS;

16 (t) TO HAVE PHYSICAL PRIVACY IN SHOWERING, CHANGING, AND
17 USING THE RESTROOM; AND

18 (u) TO BE FREE OF RESTRAINTS AND SOLITARY CONFINEMENT.

19 (2) ONLY QUALIFIED STAFF PROVIDING EVALUATION, TREATMENT,
20 OR CARE FOR A PERSON MAY DENY OR RESTRICT THE PERSON'S RIGHTS
21 UNDER SUBSECTION (1) OF THIS SECTION IF THE PERSON'S HEALTH OR
22 SAFETY WOULD BE CLEARLY ENDANGERED IF THE RIGHTS WERE NOT
23 DENIED OR RESTRICTED. IF A PERSON'S RIGHTS ARE DENIED OR
24 RESTRICTED, THE REASON FOR THE DENIAL OR RESTRICTION MUST BE
25 EXPLAINED TO THE PERSON AND ENTERED INTO THE PERSON'S TREATMENT
26 RECORD. THE FACILITY SHALL PROVIDE THE PERSON AND THE PERSON'S
27 ATTORNEY THE INFORMATION PERTAINING TO A DENIAL OR RESTRICTION

1 OF RIGHTS CONTAINED IN THE PERSON'S TREATMENT RECORD. THE
2 PERSON'S RIGHTS MUST BE IMMEDIATELY RESTORED AS SOON AS THE
3 PERSON'S HEALTH AND SAFETY ARE NO LONGER CLEARLY ENDANGERED.

4 (3) A PERSON RECEIVING EVALUATION, CARE, OR TREATMENT
5 UNDER ANY PROVISION OF THIS ARTICLE 81 MAY SUBMIT A GRIEVANCE OR
6 COMPLAINT AGAINST THE FACILITY OR FACILITY STAFF PURSUANT TO A
7 GRIEVANCE OR COMPLAINT PROCESS, WHICH IS EXPLAINED TO THE PERSON
8 IN DETAIL AND INCLUDED WITH THE ORAL AND WRITTEN EXPLANATION OF
9 RIGHTS.

10 (4) AS PART OF THE IMMEDIATE ORAL AND WRITTEN ADVISEMENT
11 OF THE RIGHTS ENUMERATED IN THIS SECTION, A FACILITY SHALL ALSO
12 INCLUDE THE TELEPHONE NUMBER AND E-MAIL ADDRESS FOR THE OFFICE
13 OF THE OMBUDSMAN FOR BEHAVIORAL HEALTH ACCESS TO CARE, CREATED
14 IN SECTION 27-80-303. THE WRITTEN ADVISEMENTS MUST BE TRANSLATED
15 IF THE PERSON CANNOT READ OR UNDERSTAND ENGLISH. THE
16 ADMINISTRATOR SHALL CAUSE THE RIGHTS ENUMERATED IN THIS SECTION
17 TO BE POSTED IN A PROMINENT LOCATION WHERE CLIENTS IN THE FACILITY
18 RESIDE, WHICH POSTING MUST ALSO INCLUDE THE NUMBER AND E-MAIL
19 ADDRESS FOR THE OFFICE OF THE OMBUDSMAN FOR BEHAVIORAL HEALTH
20 ACCESS TO CARE, CREATED IN SECTION 27-80-303.

21 **SECTION 24.** In Colorado Revised Statutes, 27-81-115, **amend**
22 (1) as follows:

23 **27-81-115. Emergency service patrol - establishment - rules.**

24 (1) The office of behavioral health and cities, counties, city and counties,
25 and regional service authorities may establish emergency service patrols.
26 A patrol consists of persons trained to give assistance in the streets and
27 in other public places to persons who are intoxicated or incapacitated by

1 alcohol, UNDER THE INFLUENCE OF DRUGS, OR INCAPACITATED BY
2 SUBSTANCES. Members of an emergency service patrol must be capable
3 of providing first aid in emergency situations and are authorized to
4 transport a person intoxicated ~~or incapacitated~~ by alcohol, UNDER THE
5 INFLUENCE OF DRUGS, OR INCAPACITATED BY SUBSTANCES to his or her
6 home and to and from treatment facilities.

7 **SECTION 25.** In Colorado Revised Statutes, **amend** 27-81-117
8 as follows:

9 **27-81-117. Criminal laws - limitations.** (1) A county,
10 municipality, or other political subdivision may not adopt or enforce a
11 local law, ordinance, resolution, or rule having the force of law that
12 includes drinking, being a person with an alcohol use disorder, or being
13 found in an intoxicated condition as one of the elements of the offense
14 giving rise to a criminal or civil penalty or sanction.

15 (2) A county, municipality, or other political subdivision ~~may~~
16 SHALL not interpret or apply any law of general application to circumvent
17 the provisions of subsection (1) of this section.

18 (3) Nothing in this ~~article~~ ARTICLE 81 affects any law, ordinance,
19 resolution, or rule against drunken driving, driving under the influence of
20 alcohol OR DRUGS, or other similar offense involving the operation of a
21 vehicle, an aircraft, or a boat or machinery or other equipment or
22 regarding the sale, purchase, dispensing, possessing, or use of DRUGS OR
23 alcoholic beverages at stated times and places or by a particular class of
24 persons.

25 (4) The fact that a person is intoxicated ~~or incapacitated~~ by
26 alcohol, ~~shall~~ UNDER THE INFLUENCE OF DRUGS, OR INCAPACITATED BY
27 SUBSTANCES DOES not prevent ~~his or her~~ THE PERSON'S arrest or

1 prosecution for the commission of any criminal act or conduct not
2 enumerated in subsection (1) of this section.

3 (5) Nothing in this ~~article shall be construed as a limitation upon~~
4 ARTICLE 81 LIMITS the right of a police officer to make an otherwise legal
5 arrest, notwithstanding the fact that the arrested person may be
6 intoxicated BY ALCOHOL, UNDER THE INFLUENCE OF DRUGS, or
7 incapacitated by ~~alcohol~~ SUBSTANCES.

8 **SECTION 26.** In Colorado Revised Statutes, **add with amended**
9 **and relocated provisions** 27-81-118 as follows:

10 **27-81-118. [Formerly 27-82-114] Opioid crisis recovery funds**
11 **advisory committee - creation - membership - purpose.** (1) There is
12 ~~hereby~~ created the opioid crisis recovery funds advisory committee,
13 referred to in this section as the "committee", which is created to advise
14 and collaborate with the department of law on uses of any custodial funds
15 received by the state as the result of opioid-addiction-related litigation
16 and for which the use of the funds is not predetermined or committed by
17 court order or other action by a state or federal court of law.

18 (2) (a) The committee consists of members appointed as follows:

19 (I) Thirteen members appointed by the governor, including:

20 (A) One member licensed to practice medicine pursuant to article
21 240 of title 12;

22 (B) One member licensed to practice pharmacy pursuant to article
23 280 of title 12;

24 (C) One member licensed to practice as a nurse pursuant to article
25 255 of title 12;

26 (D) One member licensed as a dentist pursuant to article 220 of
27 title 12;

1 (E) One member licensed as a veterinarian pursuant to article 315
2 of title 12;

3 (F) One member licensed as a physical therapist pursuant to article
4 285 of title 12;

5 (G) One member representing a local public health agency;

6 (H) One member who has been affected by the opioid crisis;

7 (I) One family member of a person who has been affected by the
8 opioid crisis;

9 (J) One member representing an advocacy organization for people
10 with substance use disorders;

11 (K) Two members appointed from nominees submitted by
12 statewide organizations representing counties, with one member
13 representing the western slope and one member representing the eastern
14 part of the state; and

15 (L) One member from an association that represents behavioral
16 health providers;

17 (II) Two members appointed by the executive director of the
18 department of human services, one of whom must represent an
19 association of substance use providers;

20 (III) Two members appointed by the executive director of the
21 department of public health and environment, one of whom is a pain
22 management patient;

23 (IV) One member appointed by the executive director of the
24 department of regulatory agencies;

25 (V) One member appointed by the executive director of the
26 department of health care policy and financing;

27 (VI) One member from the state substance abuse trend and

1 response task force, created in section 18-18.5-103, appointed by the
2 attorney general;

3 (VII) One member from the center for research into substance use
4 disorder prevention, treatment, and recovery support strategies, created
5 in section 27-80-118 (3), appointed by the director of the center;

6 (VIII) One member from each safety net hospital that provides
7 addiction services, appointed by the hospital;

8 (IX) One member from the Colorado district attorneys' council, or
9 any successor organization, appointed by its executive director;

10 (X) Two members representing law enforcement agencies, one of
11 whom is appointed by the Colorado association of chiefs of police, or any
12 successor organization, and one of whom is appointed by the county
13 sheriffs of Colorado, or any successor organization; and

14 (XI) One member representing the Colorado municipal league, or
15 any successor organization, appointed by the president of the executive
16 board of the Colorado municipal league or the president's designee.

17 (b) The attorney general shall notify the appointing authorities if
18 the state receives a settlement or damage award for which the use of the
19 custodial funds is not predetermined or committed by court order or other
20 action by a state or federal court of law. The appointing authorities shall
21 make their initial appointments to the committee no later than ninety days
22 after receiving the notice.

23 (3) Each member of the committee who is appointed pursuant to
24 subsection (2) of this section serves at the pleasure of the appointing
25 authority that appointed the member. THE APPOINTING AUTHORITY SHALL
26 FILL a vacancy ~~shall be filled~~ in the same manner as the initial
27 appointment.

1 (4) If the state receives custodial funds from a settlement or
2 damage award from opioid-addiction-related litigation and the use of the
3 funds is not predetermined or committed by court order or other action by
4 a state or federal court of law, the attorney general shall convene and call
5 a meeting of the committee, and any subsequent meetings as necessary,
6 to seek input and recommendations from the committee on the proper
7 expenditure of the funds received.

8 (5) (a) Each member of the committee shall maintain
9 confidentiality throughout the process of determining the proper
10 expenditure of custodial funds. Members shall not disclose the contents
11 of any requests for funding with anyone outside of the committee.

12 (b) Each committee member shall affirm that the member does not
13 have a personal or financial interest regarding any organization that may
14 request funding. Members shall disclose all potential conflict of interest
15 situations to the attorney general before reviewing funding requests.

16 **SECTION 27. Repeal of relocated and nonrelocated**
17 **provisions in this act.** (1) In Colorado Revised Statutes, repeal part 1 of
18 article 82 of title 27.

19 (2) The repeal of part 1 includes sections 27-82-102 (13.3) and
20 (13.5) and 27-82-103.5 as they would become effective July 1, 2022.

21 (3) Section 27-82-102 (7), (10), (13), (13.5) as it would become
22 effective July 1, 2022, and (14) and section 27-82-114 are relocated.

23 **SECTION 28.** In Colorado Revised Statutes, 12-100-120, **amend**
24 (1)(l) as follows:

25 **12-100-120. Grounds for disciplinary action - administrative**
26 **penalties.** (1) After notice and hearing as provided in section
27 12-100-123, the board may take disciplinary or other action as authorized

1 in section 12-20-404 and impose other conditions or limitations on a
2 person for any of the following causes:

3 (l) ~~An alcohol~~ A SUBSTANCE use disorder, as defined in section
4 ~~27-81-102, or a substance use disorder, as defined in section 27-82-102,~~
5 or an excessive use of a habit-forming drug, controlled substance, as
6 defined in section 18-18-102 (5), or alcohol beverage that renders the
7 certified public accountant unfit to practice public accounting;

8 **SECTION 29.** In Colorado Revised Statutes, 12-110-111, **amend**
9 (1)(d) as follows:

10 **12-110-111. Grounds for discipline.** (1) The director may take
11 disciplinary or other action as authorized in section 12-20-404 against a
12 license or an application for a license if the applicant or licensee:

13 (d) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
14 section ~~27-81-102, or a substance use disorder, as defined in section~~
15 ~~27-82-102,~~ or is an excessive or a habitual user or abuser of alcohol or
16 habit-forming drugs or is a habitual user of a controlled substance, as
17 defined in section 18-18-102 (5), if the use, disorder, or dependency is a
18 danger to other licensees;

19 **SECTION 30.** In Colorado Revised Statutes, 12-155-113, **amend**
20 (1)(l) as follows:

21 **12-155-113. Disciplinary action by board - procedures -**
22 **cease-and-desist orders.** (1) The board may take disciplinary or other
23 action as authorized by section 12-20-404 for any of the following
24 reasons:

25 (l) ~~An alcohol~~ A SUBSTANCE use disorder, as defined in section
26 ~~27-81-102, or a substance use disorder, as defined in section 27-82-102,~~
27 or excessive use of any habit-forming drug, any controlled substance, as

1 defined in section 18-18-102 (5), or any alcoholic beverage;

2 **SECTION 31.** In Colorado Revised Statutes, 12-205-111, **amend**
3 (2)(c) as follows:

4 **12-205-111. Grounds for discipline - disciplinary proceedings**
5 **- definitions.** (2) The director may take disciplinary or other action in
6 accordance with section 12-20-404 or issue a cease-and-desist order in
7 accordance with section 12-205-112 upon reasonable grounds that the
8 licensee:

9 (c) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
10 section 27-81-102, ~~or a substance use disorder, as defined in section~~
11 ~~27-82-102~~, or is an excessive or habitual user or abuser of alcohol or
12 habit-forming drugs or is a habitual user of a controlled substance, as
13 defined in section 18-18-102 (5), or other drugs having similar effects;
14 except that the director has the discretion not to discipline the licensee if
15 the licensee is participating in good faith in an alcohol or substance use
16 disorder treatment program approved by the director;

17 **SECTION 32.** In Colorado Revised Statutes, 12-210-108, **amend**
18 (2)(q) as follows:

19 **12-210-108. Disciplinary actions - grounds for discipline.**
20 (2) The following acts constitute grounds for discipline:

21 (q) Having ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
22 section 27-81-102, ~~or a substance use disorder, as defined in section~~
23 ~~27-82-102~~, or excessively or habitually using or abusing alcohol or
24 habit-forming drugs or habitually using a controlled substance, as defined
25 in section 18-18-102 (5), or other drugs or substances having similar
26 effects; except that the director has the discretion not to discipline the
27 licensee if he or she is participating in good faith in an alcohol or

1 substance use disorder treatment program approved by the director;

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3 **SECTION 33.** In Colorado Revised Statutes, 12-235-111, **amend**

4 (1)(f) as follows:

5 **12-235-111. Grounds for discipline - definitions.** (1) The
6 director is authorized to take disciplinary action pursuant to section
7 12-235-112 against any person who has:

8 (f) ~~An alcohol~~ A SUBSTANCE use disorder, as defined in section
9 27-81-102, ~~or a substance use disorder, as defined in section 27-82-102,~~
10 or a dependence on or addiction to alcohol or any habit-forming drug, or
11 who abuses or engages in the habitual or excessive use of any
12 habit-forming drug or any controlled substance as defined in section
13 18-18-102 (5), but the director may take into account the licensee's
14 participation in a substance use disorder treatment program when
15 considering disciplinary action;

16 **SECTION 34.** In Colorado Revised Statutes, 12-260-114, **amend**

17 (1)(g) as follows:

18 **12-260-114. Grounds for discipline.** (1) The board may suspend,
19 revoke, or deny any person's certification to practice as a nurse aide or
20 authority to practice as a medication aide in accordance with section
21 12-20-404 (1)(d) or may issue to the person a letter of admonition under
22 the circumstances specified in and in accordance with section 12-20-404
23 (4), upon proof that a person:

24 (g) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
25 section 27-81-102, ~~or a substance use disorder, as defined in section~~
26 ~~27-82-102,~~ or excessively uses any habit-forming drug or any controlled
27 substance, as defined in section 18-18-102 (5), or other drugs having

1 similar effects, or is diverting controlled substances, as defined in section
2 18-18-102 (5), or other drugs having similar effects from the person's
3 place of employment;

4 **SECTION 35.** In Colorado Revised Statutes, 12-265-113, **amend**
5 (1)(g) as follows:

6 **12-265-113. Grounds for discipline.** (1) The board has the
7 power to take disciplinary or other action as specified in sections
8 12-20-404 and 12-265-107 (1)(d), upon proof that the person:

9 (g) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
10 section 27-81-102, ~~or a substance use disorder, as defined in section~~
11 ~~27-82-102~~, abuses or engages in the habitual or excessive use of any such
12 habit-forming drug or any controlled substance as defined in section
13 18-18-102 (5), or participates in the unlawful use of controlled substances
14 as specified in section 18-18-404; except that the board has the discretion
15 not to discipline the licensee if the person is participating, in good faith,
16 in a substance use disorder treatment program approved by the board;

17 **SECTION 36.** In Colorado Revised Statutes, 12-275-110, **amend**
18 (1)(d) as follows:

19 **12-275-110. Application for license - licensure by endorsement**
20 **- rules.** (1) A person who desires to practice optometry in the state may
21 file with the board an application for a license, giving the information
22 required in a form and manner approved by the board. The applicant shall
23 demonstrate that the applicant possesses the following qualifications:

24 (d) The applicant does not have ~~an alcohol~~ A SUBSTANCE use
25 disorder, as defined in section 27-81-102, ~~or a substance use disorder, as~~
26 ~~defined in section 27-82-102~~, or has not habitually or excessively used or
27 abused alcohol, habit-forming drugs, or controlled substances as defined

1 in section 18-18-102 (5).

2 **SECTION 37.** In Colorado Revised Statutes, 12-280-126, **amend**
3 (1)(e) as follows:

4 **12-280-126. Unprofessional conduct - grounds for discipline.**

5 (1) The board may take disciplinary or other action as authorized in
6 section 12-20-404, after a hearing held in accordance with the provisions
7 of sections 12-20-403 and 12-280-127, upon proof that the licensee,
8 certificant, or registrant:

9 (e) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
10 section 27-81-102, ~~or a substance use disorder, as defined in section~~
11 ~~27-82-102~~, or engages in the habitual or excessive use or abuse of
12 alcohol, a habit-forming drug, or a controlled substance, as defined in
13 section 18-18-102 (5);

14 **SECTION 38.** In Colorado Revised Statutes, 12-280-204, **amend**
15 (2)(a) as follows:

16 **12-280-204. Eligibility - participants.** (2) In order to be eligible
17 for participation, a licensee shall:

18 (a) Acknowledge the existence or the potential existence of a
19 psychiatric, psychological, or emotional problem; excessive alcohol or
20 drug use; ~~or an alcohol~~ A SUBSTANCE use disorder, as defined in section
21 27-81-102; ~~or a substance use disorder, as defined in section 27-82-102~~;

22 **SECTION 39.** In Colorado Revised Statutes, 12-300-109, **amend**
23 (2)(h) as follows:

24 **12-300-109. Grounds for action - disciplinary proceedings.**

25 (2) The director has the power to take disciplinary or other action as
26 authorized in section 12-20-404 against a licensee in accordance with
27 subsections (4), (5), (6), and (8) of this section upon proof that the person:

1 (h) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
2 section 27-81-102, ~~or a substance use disorder, as defined in section~~
3 ~~27-82-102~~, or is an excessive or habitual user or abuser of alcohol or
4 habit-forming drugs or is a habitual user of a controlled substance, as
5 defined in section 18-18-102 (5), or other drugs having similar effects;
6 except that the director has the discretion not to discipline the license
7 holder if he or she is participating in good faith in an alcohol or substance
8 use disorder treatment program approved by the director;

9 **SECTION 40.** In Colorado Revised Statutes, 12-305-112, **amend**
10 (2)(c) as follows:

11 **12-305-112. Grounds for discipline - definitions.** (2) The
12 director may take disciplinary or other action specified in section
13 12-20-404 or 12-305-113 or issue a cease-and-desist order to a certificate
14 holder in accordance with sections 12-20-405 and 12-305-113 (8) upon
15 proof that the certificate holder:

16 (c) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
17 section 27-81-102, ~~or a substance use disorder, as defined in section~~
18 ~~27-82-102~~, excessively or habitually uses or abuses alcohol or
19 habit-forming drugs, or habitually uses a controlled substance, as defined
20 in section 18-18-102 (5), or other drugs having similar effects; except that
21 the director has the discretion not to discipline the certificate holder if the
22 certificate holder is participating in good faith in an alcohol or substance
23 use disorder treatment program approved by the director;

24 **SECTION 41.** In Colorado Revised Statutes, 12-310-106, **amend**
25 (2)(c) as follows:

26 **12-310-106. Grounds for discipline - disciplinary proceedings**
27 **- judicial review.** (2) The director may take disciplinary or other action

1 as authorized in section 12-20-404 against, or issue a cease-and-desist
2 order in accordance with section 12-20-405 to, a registrant in accordance
3 with this section and section 12-20-403, upon proof that the registrant:

4 (c) Has ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
5 section 27-81-102; ~~or a substance use disorder, as defined in section~~
6 ~~27-82-102~~; is an excessive or habitual user or abuser of alcohol or
7 habit-forming drugs; or is a habitual user of a controlled substance, as
8 defined in section 18-18-102 (5), or other drugs having similar effects;

9 **SECTION 42.** In Colorado Revised Statutes, 13-5-142, **amend**
10 (1)(b) as follows:

11 **13-5-142. National instant criminal background check system**
12 **- reporting.** (1) On and after March 20, 2013, the state court
13 administrator shall send electronically the following information to the
14 Colorado bureau of investigation created pursuant to section 24-33.5-401,
15 referred to in this section as the "bureau":

16 (b) The name of each person who has been committed by order of
17 the court to the custody of the office of behavioral health in the
18 department of human services pursuant to section 27-81-112; ~~or~~
19 ~~27-82-108~~; and

20 **SECTION 43.** In Colorado Revised Statutes, 13-5-142.5, **amend**
21 (2)(a)(II) as follows:

22 **13-5-142.5. National instant criminal background check**
23 **system - judicial process for awarding relief from federal**
24 **prohibitions - legislative declaration.** (2) **Eligibility.** A person may
25 petition for relief pursuant to this section if:

26 (a) (II) He or she has been committed by order of the court to the
27 custody of the office of behavioral health in the department of human

1 services pursuant to section 27-81-112; ~~or 27-82-108~~; or

2 **SECTION 44.** In Colorado Revised Statutes, 13-9-123, **amend**
3 (1)(b) as follows:

4 **13-9-123. National instant criminal background check system**
5 **- reporting.** (1) On and after March 20, 2013, the state court
6 administrator shall send electronically the following information to the
7 Colorado bureau of investigation created pursuant to section 24-33.5-401,
8 referred to in this section as the "bureau":

9 (b) The name of each person who has been committed by order of
10 the court to the custody of the office of behavioral health in the
11 department of human services pursuant to section 27-81-112; ~~or~~
12 ~~27-82-108~~; and

13 **SECTION 45.** In Colorado Revised Statutes, 13-9-124, **amend**
14 (2)(a)(II) as follows:

15 **13-9-124. National instant criminal background check system**
16 **- judicial process for awarding relief from federal prohibitions -**
17 **legislative declaration.** (2) **Eligibility.** A person may petition for relief
18 pursuant to this section if:

19 (a) (II) He or she has been committed by order of the court to the
20 custody of the office of behavioral health in the department of human
21 services pursuant to section 27-81-112; ~~or 27-82-108~~; or

22 **SECTION 46.** In Colorado Revised Statutes, 13-14.5-105,
23 **amend** (8)(b) as follows:

24 **13-14.5-105. Hearings on petition - grounds for order issuance.**
25 (8) (b) Before issuing an extreme risk protection order, the court shall
26 consider whether the respondent meets the standard for an emergency
27 commitment pursuant to section 27-81-111. ~~or 27-82-107~~. If the court

1 determines that the respondent meets the standard, then, in addition to
2 issuing an extreme risk protection order, the court shall order an
3 emergency commitment pursuant to section 27-81-111. ~~or 27-82-107.~~

4 **SECTION 47.** In Colorado Revised Statutes, 13-90-107, **amend**
5 (1)(m)(IV)(C) as follows:

6 **13-90-107. Who may not testify without consent - definitions.**

7 (1) There are particular relations in which it is the policy of the law to
8 encourage confidence and to preserve it inviolate; therefore, a person
9 shall not be examined as a witness in the following cases:

10 (m) (IV) This subsection (1)(m) does not apply in cases in which:

11 (C) Due to INTOXICATION BY alcohol, ~~or other substance~~
12 ~~intoxication or abuse~~ BEING UNDER THE INFLUENCE OF DRUGS, OR
13 INCAPACITATION BY SUBSTANCES as described in ~~sections 27-81-111 and~~
14 ~~27-82-107, C.R.S.~~ SECTION 27-81-111, the person receiving peer support
15 is a clear and immediate danger to the person's self or others;

16 **SECTION 48.** In Colorado Revised Statutes, 25-1-1202, **amend**
17 (1)(vv) as follows:

18 **25-1-1202. Index of statutory sections regarding medical**
19 **record confidentiality and health information.** (1) Statutory provisions
20 concerning policies, procedures, and references to the release, sharing,
21 and use of medical records and health information include the following:

22 (vv) ~~Sections 27-82-106 and 27-82-109~~ SECTIONS 27-81-109 AND
23 27-81-113, concerning the treatment of persons with substance use
24 disorders;

25 **SECTION 49.** In Colorado Revised Statutes, 25-3.5-208, **amend**
26 (7)(a)(I) as follows:

27 **25-3.5-208. Emergency medical service providers' peer health**

1 **assistance program - fund - rules.** (7) (a) Any certificate holder who
2 does not have access to an employee assistance program may apply to the
3 department for participation in a qualified peer health assistance program.
4 In order to be eligible for participation, a certificate holder shall:

5 (I) Acknowledge the existence or the potential existence of a
6 physical, psychological, or emotional condition; excessive alcohol or drug
7 use; or ~~an alcohol~~ A SUBSTANCE use disorder, as defined in section
8 27-81-102; ~~(1); or a substance use disorder, as defined in section~~
9 ~~27-82-102 (13.5);~~

10 **SECTION 50.** In Colorado Revised Statutes, 25-27.6-104,
11 **amend as it will become effective July 1, 2022,** (1)(b) as follows:

12 **25-27.6-104. License required - criminal and civil penalties.**

13 (1) (b) On or after July 1, 2023, an entity seeking initial licensure as a
14 behavioral health entity shall apply for a behavioral health entity license
15 if the entity would previously have been licensed or subject to approval
16 by the office of behavioral health in the department of human services
17 pursuant to section 27-81-106 ~~or 27-82-103~~ as an approved treatment
18 program for alcohol use disorders or substance use disorders.

19 **SECTION 51.** In Colorado Revised Statutes, 26-6.9-101, **amend**
20 (1) as follows:

21 **26-6.9-101. Definitions.** As used in this article 6.9, unless the
22 context otherwise requires:

23 (1) "Facility" means an agency meeting the standards described
24 in section 27-81-106 (1) ~~or 27-82-103 (1)~~ and approved pursuant to
25 section 27-81-106. ~~or 27-82-103.~~

26 **SECTION 52.** In Colorado Revised Statutes, 27-60-104.5,
27 **amend** (3)(e)(I) as follows:

1 **27-60-104.5. Behavioral health capacity tracking system -**
2 **legislative declaration - definitions - rules.** (3) Pursuant to subsection
3 (8) of this section, the state department shall implement a behavioral
4 health capacity tracking system, which must include the following:

5 (e) Capacity reporting for the following facilities and treatment
6 providers statewide:

7 (I) Facilities that provide evaluation and treatment to individuals
8 held under an emergency commitment pursuant to section 27-81-111, ~~or~~
9 ~~section 27-82-107~~, an involuntary commitment pursuant to section
10 27-81-112, ~~or section 27-82-108~~, or a civil commitment pursuant to
11 section 27-65-105, including crisis stabilization units, acute treatment
12 units, community mental health centers, and hospitals, including state
13 mental health institutes;

14 **SECTION 53.** In Colorado Revised Statutes, 27-66.5-102,
15 **amend** (3)(a)(IV) and (3)(a)(V) as follows:

16 **27-66.5-102. Definitions.** As used in this article 66.5, unless the
17 context otherwise requires:

18 (3) "High-risk individual" means a person who:

19 (a) Is under:

20 (IV) An emergency commitment pursuant to section 27-81-111;
21 ~~or 27-82-107~~; or

22 (V) An involuntary commitment pursuant to section 27-81-112;
23 ~~or 27-82-108~~;

24 **SECTION 54.** In Colorado Revised Statutes, 27-82-202, **amend**
25 (4) as follows:

26 **27-82-202. Definitions.** As used in this part 2, unless the context
27 otherwise requires:

1 (4) "Treatment facility" means a health care facility that provides
2 substance use disorder or medication-assisted treatment and that is
3 approved by the office of behavioral health pursuant to ~~section 27-82-103~~
4 SECTION 27-81-106.

5 **SECTION 55.** In Colorado Revised Statutes, 42-2-104, **amend**
6 (2)(c) as follows:

7 **42-2-104. Licenses issued - denied.** (2) Except as otherwise
8 provided in this article 2, the department shall not license a person to
9 operate any motor vehicle in this state:

10 (c) Who has been adjudged or determined by a court of competent
11 jurisdiction to have ~~an alcohol~~ A SUBSTANCE use disorder, as defined in
12 section 27-81-102, ~~or a substance use disorder, as defined in section~~
13 ~~27-82-102~~, with respect to a controlled substance, as defined in section
14 18-18-102 (5);

15 **SECTION 56.** In Colorado Revised Statutes, 42-4-1301.3,
16 **amend** (4)(a) as follows:

17 **42-4-1301.3. Alcohol and drug driving safety program -**
18 **definition.** (4) (a) There is created an alcohol and drug driving safety
19 program fund in the office of the state treasurer, referred to in this
20 subsection (4) as the "fund". The fund consists of money deposited in it
21 as directed by this subsection (4)(a). The assessment in effect on July 1,
22 1998, remains in effect unless the judicial department and the office of
23 behavioral health in the department of human services have provided the
24 general assembly with a statement of the cost of the program, including
25 costs of administration for the past and current fiscal year to include a
26 proposed change in the assessment. The general assembly shall then
27 consider the proposed new assessment and approve the amount to be

1 assessed against each person during the following fiscal year in order to
2 ensure that the alcohol and drug driving safety program established in this
3 section is financially self-supporting. Any adjustment in the amount to be
4 assessed must be noted in the appropriation to the judicial department and
5 the office of behavioral health in the department of human services as a
6 footnote or line item related to this program in the general appropriation
7 bill. The state auditor shall periodically audit the costs of the programs to
8 determine that they are reasonable and that the rate charged is accurate
9 based on these costs. Any other fines, fees, or costs levied against a
10 person are not part of the program fund. The court shall transmit to the
11 state treasurer the amount assessed for the alcohol and drug evaluation to
12 be credited to the fund. Fees charged pursuant to ~~sections 27-81-106 (1)~~
13 ~~and 27-82-103 (1)~~ SECTION 27-81-106 (1) to approved alcohol and drug
14 treatment facilities that provide level I and level II programs as provided
15 in subsection (3)(c) of this section must be transmitted to the state
16 treasurer, who shall credit the fees to the fund. Upon appropriation by the
17 general assembly, the money must be expended by the judicial department
18 and the office of behavioral health in the department of human services
19 for the administration of the alcohol and drug driving safety program. In
20 administering the alcohol and drug driving safety program, the judicial
21 department is authorized to contract with any agency for any services the
22 judicial department deems necessary. Money deposited in the fund
23 remains in the fund to be used for the purposes set forth in this section
24 and must not revert or transfer to the general fund except by further act
25 of the general assembly.

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27

1 **SECTION 57. Applicability.** Section 1 of this act applies to
2 **health benefits plans issued or renewed on or after January 1, 2022.**

3 **SECTION 58. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.