

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0883.05 Jacob Baus x2173

HOUSE BILL 22-1326

HOUSE SPONSORSHIP

Garnett and Lynch, Herod, Sandridge

SENATE SPONSORSHIP

Pettersen and Cooke, Priola

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ADDRESS SYNTHETIC OPIATES, AND, IN**
102 **CONNECTION THEREWITH, CHANGING THE CRIMINAL PENALTIES**
103 **ASSOCIATED WITH SYNTHETIC OPIATES; USING A SUBSTANCE**
104 **ABUSE ASSESSMENT TO DIRECT APPROPRIATE TREATMENT AT**
105 **SENTENCING; PROVIDING OPIATE ANTAGONISTS IN THE**
106 **COMMUNITY; PROVIDING SYNTHETIC OPIATE DETECTION TESTS**
107 **IN THE COMMUNITY; CREATING IMMUNITY FOR FURNISHING**
108 **SYNTHETIC OPIATE DETECTION TESTS; PROVIDING TREATMENT**
109 **FOR PERSONS IN THE CRIMINAL JUSTICE SYSTEM; DEVELOPING**
110 **A FENTANYL PREVENTION AND EDUCATION CAMPAIGN;**
111 **PROVIDING FUNDING FOR SUBSTANCE ABUSE AND HARM**
112 **REDUCTION; EVALUATING THE SUBSTANCE ABUSE AND HARM**
113 **REDUCTION NEEDS ACROSS THE STATE; REQUIRING A**

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.

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>.)

The bill makes the unlawful possession of any material, compound, mixture, or preparation that weighs more than 4 grams and contains any amount of fentanyl, carfentanyl, or an analog thereof a level 4 drug felony.

The bill creates an exemption to the unlawful possession of a controlled substance offense for employees, agents, or volunteers of certain agencies who are in possession of the controlled substance, including fentanyl, carfentanyl, or an analog thereof, for the purpose of safe disposal of the controlled substance.

The bill makes the unlawful distribution, manufacturing, dispensing, or sale of a material, compound, mixture, or preparation containing fentanyl, carfentanyl, or an analog thereof:

- A level 1 drug felony if it weighs more than 50 grams;
- A level 2 drug felony if it weighs more than 4 grams, but not more than 50 grams; and
- A level 3 drug felony if it weighs not more than 4 grams.

The bill makes it a level 1 drug felony if the defendant unlawfully distributed, manufactured, dispensed, or sold a material, compound, mixture, or preparation containing fentanyl, carfentanyl, or an analog thereof, and a person died as a proximate cause of using or consuming it.

The bill makes a defendant a special offender, making them subject to a level 1 drug felony, if:

- The defendant introduced or imported into Colorado any material, compound, mixture, or preparation that weighs more than 4 grams and contains fentanyl or carfentanyl; or
- The defendant unlawfully distributed, manufactured, dispensed, or sold a material, compound, mixture, or preparation containing fentanyl or carfentanyl, and the defendant possessed pill or tablet manufacturing equipment with the intent to use the equipment in the manufacture of a controlled substance.

For certain offenses, the bill requires a court to order placement in a residential treatment facility for treatment of an addiction that includes

fentanyl, carfentanil, or an analog thereof as a condition of probation if recommended pursuant to a substance abuse assessment. Furthermore, for certain offenses, a court is required to order a fentanyl education class, which is developed by the office of behavioral health.

The bill expands the list of eligible entities that are eligible for standing orders to receive opiate antagonists.

The bill creates immunity from civil liability for certain persons who or entities that act in good faith to furnish a non-laboratory synthetic opiate detection test to another person.

The bill requires a jail, upon release, to provide opiate antagonists and prescribe medication for an opiate use disorder to certain persons.

The bill requires community corrections programs to assess individuals residing in the programs for substance use withdrawal symptoms and develop protocols for medical detoxification monitoring, medication-assisted treatment, and other appropriate withdrawal management care.

The bill permits the correctional treatment board to direct money in the correctional treatment cash fund for drug overdose prevention, opiate antagonists, and non-laboratory synthetic opiate detection tests.

The bill permits a school district board of education, the charter school institute, or governing board of a nonpublic school to adopt and implement a policy to permit a school to acquire and maintain non-laboratory synthetic opiate detection tests and furnish them on school grounds.

For the 2022-23 fiscal year, the bill requires the appropriation of \$20 million from the behavioral and mental health cash fund to the opiate antagonist bulk purchase fund.

For the 2022-23 fiscal year, the bill requires the appropriation of \$300,000 to the department of public health and environment for the purchase and distribution of non-laboratory synthetic opiate detection tests to eligible entities.

The bill requires the department of public health and environment to develop and implement a statewide fentanyl prevention and education campaign.

The bill expands the types of entities that are eligible for a harm reduction grant and the permissible uses of the grant funds. For the 2022-23 fiscal year, the bill requires the appropriation of \$6 million from the behavioral and mental health cash fund to the harm reduction grant program cash fund.

The bill requires a jail that receives funding through the jail-based behavioral health services program to develop protocols for medication-assisted treatment and withdrawal management care and develop and implement a policy that describes the provision of medication-assisted treatment to individuals upon release. For the 2022-23 fiscal year, the bill requires the appropriation of \$3 million from

the behavioral and mental health cash fund for these purposes.

The bill requires each managed service organization to evaluate current supply and necessary demand within its region for certain harm reduction and treatment services and report their findings to the general assembly.

The bill requires the legislative services agencies of the general assembly to perform a post-enactment review of certain criminal provisions 3 years following the act becoming law.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The illegal distribution of synthetic opiates, including fentanyl,
5 carfentanal, and analogs thereof, presents a serious health risk in
6 Colorado and across the country;

7 (b) The increase in the number of overdose deaths in Colorado
8 demands a comprehensive response by communities and elected officials,
9 designed to reduce the risks of harm to all people and recalibrate the
10 criminal justice system's response to illegal distribution of these
11 dangerous drugs;

12 (c) Colorado has not adequately funded behavioral health
13 interventions, treatment, overdose prevention, and other supportive
14 services that research demonstrates reduce the risk of harm and the
15 recovery of people suffering from a behavioral health disorder;

16 (d) Funding for supervised-injection sites is prohibited;

17 (e) The prosecution of drug dealers who manufacture, distribute,
18 dispense, or sell fentanyl, carfentanal, and analogs thereof, not the
19 prosecution of low-level drug possessors, is a priority for Colorado; and

20 (f) Colorado's good samaritan law, which encourages people to
21 seek medical assistance for people who are suffering from an overdose

1 crisis, is an important public policy that can assist in saving lives.

2 (2) Therefore, it is the intent of the general assembly to:

3 (a) Direct additional resources to communities and agencies to
4 allow more effective and healthy interventions and treatment for people
5 who use fentanyl, carfentanal, or analogs thereof, and develop an
6 effective public education campaign about the dangers of these drugs and
7 their presence in other drugs; and

8 (b) Enact a properly calibrated sentencing scheme, prescribing
9 specific penalties for the unlawful manufacturing, distribution,
10 dispensing, or selling of fentanyl, carfentanal, and analogs thereof,
11 including specifically designed penalties for people whose manufacturing,
12 distribution, dispensing, or selling leads to the death of another person.

13 (3) The general assembly finds that for the purpose of performing
14 a post-enactment review of the implementation of House Bill 22-____, it
15 is necessary to review the following statewide data for three years
16 subsequent to the passage of House Bill 22-____ in order to assess its
17 impact on sentencing and filing of counts based on the good samaritan
18 law pursuant to section 18-1-711, Colorado Revised Statutes, and the
19 criminal provisions designed to address the distribution of fentanyl,
20 carfentanal, and analogs thereof, resulting in death:

21 (a) From the judicial department, the number of cases filed that
22 include a violation of section 18-18-405 (2)(a)(I)(D), (2)(b)(I)(D), and
23 (2)(c)(V), Colorado Revised Statutes; the judicial district where each case
24 was filed; and the sentence imposed upon conviction for each case;

25 (b) From the judicial department, the number of cases filed that
26 include a violation of section 18-18-405 (2)(a)(III)(A), Colorado Revised
27 Statutes; the judicial district where the case was filed; information on

1 other charges filed in the same case; the sentence imposed upon
2 conviction for each case; and a summary of the facts and circumstances
3 of the case as evidenced by the arrest warrant; and

4 (c) From each district attorney, the information pursuant to section
5 18-1-711 (6), Colorado Revised Statutes.

6 **SECTION 2.** In Colorado Revised Statutes, 18-18-403.5, **add**
7 (2.5), (2.7), and (6) as follows:

8 **18-18-403.5. Unlawful possession of a controlled substance -**
9 **notice to revisor of statutes - repeal.** (2.5) (a) NOTWITHSTANDING
10 SUBSECTION (2)(c) OF THIS SECTION, ON OR AFTER JULY 1, 2022, A PERSON
11 WHO VIOLATES SUBSECTION (1) OF THIS SECTION BY KNOWINGLY
12 POSSESSING:

13 (I) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT
14 WEIGHS MORE THAN ONE GRAM AND NOT MORE THAN FOUR GRAMS AND
15 CONTAINS ANY QUANTITY OF FENTANYL, CARFENTANAL, OR AN ANALOG
16 THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), AND THE PERSON
17 HAD REASONABLE CAUSE TO BELIEVE THAT THE MATERIAL, COMPOUND,
18 MIXTURE, OR PREPARATION CONTAINED ANY QUANTITY OF FENTANYL,
19 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
20 18-18-204 (2)(g), COMMITS A LEVEL 4 DRUG FELONY.

21 (II) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT
22 WEIGHS NOT MORE THAN ONE GRAM AND CONTAINS ANY QUANTITY OF
23 FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN
24 SECTION 18-18-204 (2)(g), COMMITS A LEVEL 1 DRUG MISDEMEANOR;
25 EXCEPT THAT A FOURTH OR SUBSEQUENT OFFENSE FOR A VIOLATION OF
26 THIS SUBSECTION (2.5)(a)(II) IS A LEVEL 4 DRUG FELONY.

27 (b) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JUNE 30, 2025.

1 (2.7) (a) A PERSON WHO VIOLATES SUBSECTION (1) OF THIS
2 SECTION BY POSSESSING ANY MATERIAL, COMPOUND, MIXTURE, OR
3 PREPARATION THAT CONTAINS A QUANTITY OF FENTANYL, CARFENTANAL,
4 OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g),
5 THAT IS MORE THAN SIXTY PERCENT OF THE TOTAL COMPOSITION OF THE
6 MATERIAL, COMPOUND, MIXTURE, OR PREPARATION, COMMITS A LEVEL 2
7 DRUG FELONY.

8 (b) (I) THIS SUBSECTION (2.7) TAKES EFFECT AT 12:01 A.M. THIRTY
9 DAYS AFTER THE DATE IDENTIFIED IN THE NOTICE PROVIDED TO THE
10 REVISOR OF STATUTES BY THE DIRECTOR OF THE COLORADO BUREAU OF
11 INVESTIGATION THAT THE COLORADO BUREAU OF INVESTIGATION HAS THE
12 RESOURCES TO DETERMINE THE QUANTITY OF FENTANYL, CARFENTANAL,
13 OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g),
14 COMPARED TO THE TOTAL COMPOSITION OF THE MATERIAL, COMPOUND,
15 MIXTURE, OR PREPARATION, OR ON THE DATE OF THE NOTICE TO THE
16 REVISOR OF STATUTES IF THE NOTICE DOES NOT SPECIFY A DIFFERENT
17 DATE.

18 (II) THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION
19 SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING WHEN THE
20 CONDITION SPECIFIED IN SUBSECTION (2.7)(b)(I) OF THIS SECTION HAS
21 OCCURRED BY E-MAILING THE NOTICE TO
22 REVISOROFSTATUTES.GA@STATE.CO.US.

23 (III) CONCURRENT WITH THE NOTICE REQUIRED IN SUBSECTION
24 (2.7)(b)(II), THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION
25 SHALL NOTIFY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
26 PRESIDENT OF THE SENATE, THE CHIEF JUSTICE OF THE SUPREME COURT,
27 THE GOVERNOR, THE ATTORNEY GENERAL, THE STATE PUBLIC DEFENDER,

1 AND EACH DISTRICT ATTORNEY IN THE STATE, THAT THE COLORADO
2 BUREAU OF INVESTIGATION HAS THE RESOURCES TO DETERMINE THE
3 QUANTITY OF FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS
4 DESCRIBED IN SECTION 18-18-204 (2)(g), COMPARED TO THE TOTAL
5 COMPOSITION OF THE MATERIAL, COMPOUND, MIXTURE, OR PREPARATION.

6 (IV) THIS SUBSECTION (2.7)(b) IS REPEALED, EFFECTIVE ONE YEAR
7 AFTER NOTICE TO THE REVISOR OF STATUTES PURSUANT TO THIS
8 SUBSECTION (2.7)(b)(II).

9 (6) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION TO THE
10 CONTRARY, A PEACE OFFICER SHALL NOT ARREST AND A DISTRICT
11 ATTORNEY SHALL NOT CHARGE OR PROSECUTE AN EMPLOYEE, AGENT, OR
12 VOLUNTEER OF AN ENTITY DESCRIBED IN SECTION 12-30-110 (1)(a) WHO,
13 IN THE PERFORMANCE OF THE PERSON'S DUTIES, IS IN POSSESSION OF A
14 CONTROLLED SUBSTANCE, INCLUDING FENTANYL, CARFENTANAL, OR AN
15 ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), FOR THE
16 PURPOSE OF SAFE DISPOSAL OF THE CONTROLLED SUBSTANCE, INCLUDING
17 FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN
18 SECTION 18-18-204 (2)(g), IN ACCORDANCE WITH APPLICABLE LAW. AS
19 USED IN THIS SUBSECTION (6), "SAFE DISPOSAL" MEANS THE PROCEDURE
20 AND PROCESS FOR DEPOSITING THE CONTROLLED SUBSTANCE, INCLUDING
21 FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN
22 SECTION 18-18-204 (2)(g), IN A SECURE CONTAINER FOR LAW
23 ENFORCEMENT TO SUBSEQUENTLY ACCESS AND DISPOSE OF.

24 **SECTION 3.** In Colorado Revised Statutes, 18-18-405, **amend**
25 (2)(b)(I)(B), (2)(b)(I)(C), (2)(c)(III), and (2)(c)(IV); and **add** (2)(a)(I)(D),
26 (2)(a)(III), (2)(b)(I)(D), and (2)(c)(V) as follows:

27 **18-18-405. Unlawful distribution, manufacturing, dispensing,**

1 or sale. (2) Except as otherwise provided for an offense concerning
2 marijuana and marijuana concentrate in section 18-18-406 and for special
3 offenders as provided in section 18-18-407, any person who violates any
4 of the provisions of subsection (1) of this section:

5 (a) Commits a level 1 drug felony and is subject to the mandatory
6 sentencing provisions in section 18-1.3-401.5 (7) if:

7 (I) The violation involves any material, compound, mixture, or
8 preparation that weighs:

9 (D) MORE THAN FIFTY GRAMS AND CONTAINS FENTANYL,
10 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
11 18-18-204 (2)(g); OR

12 (III) (A) EXCEPT AS PROVIDED IN SECTION 18-1-711 (3)(i), THE
13 DEFENDANT COMMITTED A VIOLATION OF SUBSECTION (2)(a)(I)(D),
14 (2)(b)(I)(D), OR (2)(c)(V) OF THIS SECTION, AND THE ACTIONS IN
15 VIOLATION OF SUBSECTION (2)(a)(I)(D), (2)(b)(I)(D), OR (2)(c)(V) OF THIS
16 SECTION ARE THE PROXIMATE CAUSE OF THE DEATH OF ANOTHER PERSON
17 WHO USED OR CONSUMED THE MATERIAL, COMPOUND, MIXTURE, OR
18 PREPARATION THAT CONTAINED FENTANYL, CARFENTANAL, OR AN
19 ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g).

20 (B) NOTWITHSTANDING SUBSECTION (2)(a)(III)(A) OF THIS
21 SECTION, A DEFENDANT WHO COMMITTED A VIOLATION OF SUBSECTION
22 (2)(c)(V) OF THIS SECTION, AND THE ACTIONS IN VIOLATION OF
23 SUBSECTION (2)(c)(V) OF THIS SECTION ARE THE PROXIMATE CAUSE OF
24 THE DEATH OF ANOTHER PERSON WHO USED OR CONSUMED THE MATERIAL,
25 COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINED FENTANYL,
26 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
27 18-18-204 (2)(g), IS NOT SUBJECT TO THE MANDATORY SENTENCING

1 REQUIREMENT AS DESCRIBED IN SECTION 18-1.3-401.5 (7).

2 (b) Commits a level 2 drug felony if:

3 (I) The violation involves any material, compound, mixture, or
4 preparation that weighs:

5 (B) More than seven grams, but not more than one hundred twelve
6 grams, and contains methamphetamine, heroin, ketamine, or cathinones;

7 ~~or~~

8 (C) More than ten milligrams, but not more than fifty milligrams,
9 and contains flunitrazepam; OR

10 (D) MORE THAN FOUR GRAMS, BUT NOT MORE THAN FIFTY GRAMS,
11 AND CONTAINS FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS
12 DESCRIBED IN SECTION 18-18-204 (2)(g);

13 (c) Commits a level 3 drug felony if the violation involves any
14 material, compound, mixture, or preparation that weighs:

15 (III) Not more than ten milligrams and contains flunitrazepam; ~~or~~

16 (IV) More than four grams and contains a schedule III or schedule
17 IV controlled substance; OR

18 (V) NOT MORE THAN FOUR GRAMS AND CONTAINS FENTANYL,
19 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
20 18-18-204 (2)(g).

21 **SECTION 4.** In Colorado Revised Statutes, 18-18-407, **amend**
22 (1)(c); and **add** (1)(h) as follows:

23 **18-18-407. Special offender - definitions.** (1) A person who
24 commits a felony offense pursuant to this part 4 under any one or more of
25 the following aggravating circumstances commits a level 1 drug felony
26 and is a special offender:

27 (c) The defendant committed the violation and in the course of

1 that violation, introduced or imported into the state of Colorado more than
2 fourteen grams of any schedule I or II controlled substance listed in part
3 2 of this ~~article~~ or ARTICLE 18; more than seven grams of
4 methamphetamine, heroin, ketamine, or cathinones; ~~or~~ ten milligrams of
5 flunitrazepam; OR ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION
6 THAT WEIGHS MORE THAN FOUR GRAMS AND CONTAINS FENTANYL,
7 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
8 18-18-204 (2)(g);

9 (h) THE DEFENDANT COMMITTED A VIOLATION OF SECTION
10 18-18-405 (2)(a)(I)(D), (2)(b)(I)(D), OR (2)(c)(V), AND THE DEFENDANT
11 POSSESSED PILL OR TABLET MANUFACTURING EQUIPMENT WITH THE
12 INTENT TO USE THE EQUIPMENT IN THE MANUFACTURE OF A CONTROLLED
13 SUBSTANCE.

14 **SECTION 5.** In Colorado Revised Statutes, 18-1-711, **amend**
15 (3)(g) and (3)(h); and **add** (3)(i) and (6) as follows:

16 **18-1-711. Immunity for persons who suffer or report an**
17 **emergency drug or alcohol overdose event - definitions - repeal.**

18 (3) The immunity described in subsection (1) of this section applies to
19 the following criminal offenses:

20 (g) Possession of drug paraphernalia, as described in section
21 18-18-428; ~~and~~

22 (h) Illegal possession or consumption of ethyl alcohol or
23 marijuana by an underage person or illegal possession of marijuana
24 paraphernalia by an underage person, as described in section 18-13-122;
25 AND

26 (i) A VIOLATION OF SECTION 18-18-405 (2)(a)(III)(A), IF THE
27 UNLAWFUL DISTRIBUTION, MANUFACTURING, DISPENSING, OR SALE OF THE

1 MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WEIGHS NOT MORE
2 THAN FOUR GRAMS AND CONTAINS ANY AMOUNT OF FENTANYL,
3 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
4 18-18-204 (2)(g).

5 (6) (a) STARTING ON JULY 1, 2022, AND FOR THREE YEARS
6 THEREAFTER, A LAW ENFORCEMENT AGENCY THAT RESPONDS TO AN
7 EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT SHALL REPORT TO THE
8 DISTRICT ATTORNEY'S OFFICE IN THE LAW ENFORCEMENT AGENCY'S
9 JURISDICTION WHETHER AN ARREST WAS MADE AS A RESULT OF THE
10 INVESTIGATION OF AN EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT
11 OR WHEN AN ARREST WAS NOT MADE PURSUANT TO THE PROVISIONS OF
12 THIS SECTION.

13 (b) STARTING ON JULY 1, 2022, AND FOR THREE YEARS
14 THEREAFTER, EACH DISTRICT ATTORNEY'S OFFICE THAT RECEIVES A
15 REPORT REGARDING AN ARREST FROM LAW ENFORCEMENT PURSUANT TO
16 SUBSECTION (6)(a) OF THIS SECTION SHALL PREPARE A REPORT INDICATING
17 EACH INSTANCE WHEN A PERSON WAS NOT PROSECUTED FOR AN OFFENSE
18 PURSUANT TO THIS SECTION IF THE EVENT INVOLVED FENTANYL,
19 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
20 18-18-204 (2)(g). IF THE DISTRICT ATTORNEY PROSECUTES A PERSON WHO
21 SOUGHT EMERGENCY ASSISTANCE FOR AN EMERGENCY DRUG OR ALCOHOL
22 OVERDOSE EVENT IF THE EVENT INVOLVED FENTANYL, CARFENTANAL, OR
23 AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), THE
24 DISTRICT ATTORNEY SHALL PREPARE A REPORT DETAILING THE FACTS AND
25 CIRCUMSTANCES FOR THE DECISION THAT THE IMMUNITY PROVISIONS OF
26 SUBSECTION (1) OF THIS SECTION DID NOT APPLY.

27 (c) EACH DISTRICT ATTORNEY SHALL PROVIDE THE REPORTS

1 COLLECTED PURSUANT TO THIS SUBSECTION (6) TO THE LEGISLATIVE
2 SERVICE AGENCIES OF THE COLORADO GENERAL ASSEMBLY FOR THE
3 PURPOSE OF A POST-ENACTMENT REVIEW.

4 (d) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2026.

5 **SECTION 6.** In Colorado Revised Statutes, 18-1.3-401.5, **amend**
6 (7); and **add** (2.5) and (14) as follows:

7 **18-1.3-401.5. Drug felonies classified - presumptive and**
8 **aggravated penalties.** (2.5) IT IS THE INTENT OF THE GENERAL ASSEMBLY
9 THAT SENTENCING FOR CRIMES THAT INVOLVE FENTANYL, CARFENTANAL,
10 OR ANY ANALOG THEREOF, AS DESCRIBED IN SECTION 18-18-204 (2)(G),
11 EVEN IN SMALL QUANTITIES, REFLECT THE HIGH RISK OF ADDICTION AND
12 DEATH ASSOCIATED WITH FENTANYL, CARFENTANAL, OR ANY ANALOG
13 THEREOF. THEREFORE, THE EDUCATION AND TREATMENT PROCEDURES
14 PROVIDED IN SECTION 18-1.3-410 MUST BE IMPLEMENTED TO ADDRESS
15 THIS SUBSTANTIAL HEALTH RISK.

16 (7) EXCEPT AS PROVIDED IN SECTION 18-18-405 (2)(a)(III)(B),
17 notwithstanding any provision of this section to the contrary, if the
18 defendant is convicted of a level 1 drug felony, the court shall sentence
19 the defendant to a term of incarceration in the department of corrections
20 of at least eight years but not more than thirty-two years. The presence of
21 one or more of the aggravating circumstances provided in ~~paragraph (a)~~
22 ~~of subsection (10)~~ SUBSECTION (10)(a) of this section or in section
23 18-18-407 (1) requires the court to sentence a defendant convicted of a
24 level 1 drug felony to a term of incarceration in the department of
25 corrections of at least twelve years but no more than thirty-two years. The
26 court may impose a fine in addition to imprisonment.

27 (14) (a) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION,

1 FOR THE PURPOSE OF SENTENCING A PERSON CONVICTED OF A LEVEL 4
2 DRUG FELONY COMMITTED ON OR AFTER JULY 1, 2022, IN VIOLATION OF
3 SECTION 18-18-403.5 (2.5), A COURT SHALL EITHER SENTENCE AN
4 OFFENDER TO PROBATION FOR UP TO TWO YEARS, WITH THE POSSIBILITY OF
5 A TOTAL OF ONE HUNDRED EIGHTY DAYS IN COUNTY JAIL, OR FOR A THIRD
6 OR SUBSEQUENT OFFENSE, A TOTAL OF UP TO THREE HUNDRED SIXTY-FOUR
7 DAYS IN COUNTY JAIL, WHICH MAY BE IMPOSED IN WHOLE OR IN PART
8 DURING THE TIME PERIOD OF PROBATION AS A CONDITION OF PROBATION
9 OR AS A SANCTION FOR A VIOLATION OF PROBATION; OR SENTENCE AN
10 OFFENDER TO UP TO ONE HUNDRED EIGHTY DAYS IN THE COUNTY JAIL;
11 EXCEPT THAT FOR A THIRD OR SUBSEQUENT OFFENSE, THE COURT MAY
12 SENTENCE AN OFFENDER TO UP TO THREE HUNDRED SIXTY-FOUR DAYS IN
13 THE COUNTY JAIL IF THE COURT SENTENCES THE OFFENDER TO JAIL. IN
14 ADDITION TO THE SENTENCE TO PROBATION OR TO THE COUNTY JAIL, THE
15 COURT MAY IMPOSE A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS.

16 (b) A COURT MAY SENTENCE A PERSON CONVICTED OF A LEVEL 4
17 DRUG FELONY COMMITTED ON OR AFTER JULY 1, 2022, IN VIOLATION OF
18 SECTION 18-18-403.5 (2.5), TO A COUNTY JAIL SENTENCING ALTERNATIVE
19 PROVIDED PURSUANT TO SECTION 18-1.3-106 OR PLACEMENT IN A
20 COMMUNITY CORRECTIONS PROGRAM AS A CONDITION OF PROBATION
21 PROVIDED PURSUANT TO SECTION 18-1.3-301 (4) AS A SENTENCING
22 ALTERNATIVE.

23 (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
24 CONTRARY, AN OFFENDER CONVICTED OF A LEVEL 4 DRUG FELONY
25 COMMITTED ON OR AFTER JULY 1, 2022, IN VIOLATION OF SECTION
26 18-18-403.5 (2.5), IS NOT SUBJECT TO THE JURISDICTION OF THE
27 DEPARTMENT OF CORRECTIONS OR A MANDATORY PERIOD OF PAROLE.

1 **SECTION 7.** In Colorado Revised Statutes, **add** 18-1.3-410 as
2 follows:

3 **18-1.3-410. Fentanyl education and treatment program.**

4 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE
5 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR
6 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL,
7 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
8 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE ABUSE
9 ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE ABUSE
10 ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE PERSON'S
11 HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF FENTANYL,
12 CARFENTANAL, OR AN ANALOG THEREOF; THE PERSON'S AMENABILITY TO
13 TREATMENT; AND THE LEVEL OF TREATMENT, IF ANY, NECESSARY TO
14 ADDRESS THE PERSON'S SUBSTANCE ABUSE DISORDER TO BE PROVIDED
15 DURING THE PERSON'S PROBATION OR DEFERRED JUDGMENT SUPERVISION.

16 (2) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
17 SUBSECTION (1) OF THIS SECTION RECOMMENDS COMMUNITY-BASED
18 TREATMENT, THE PERSON SHALL COMPLETE THE ASSESSED LEVEL OF
19 TREATMENT CONSISTENT WITH THE PROVISIONS OF SECTION 18-1.3-209.

20 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
21 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF
22 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR
23 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
24 OR AN ANALOG THEREOF, THE COURT SHALL ORDER RESIDENTIAL
25 TREATMENT AS A CONDITION OF PROBATION. THE RESIDENTIAL
26 TREATMENT FACILITY MUST BE APPROVED BY THE OFFICE OF BEHAVIORAL
27 HEALTH IN THE DEPARTMENT OF HUMAN SERVICES AND DESIGNED FOR

1 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
2 OR AN ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL PROGRAM AS A
3 CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF TIME THAT THE
4 PLACEMENT IS CLINICALLY NECESSARY. THE RESIDENTIAL PLACEMENT
5 COSTS MUST BE PAID FROM THE CORRECTIONAL TREATMENT CASH FUND,
6 EXISTING PURSUANT TO SECTION 18-19-103 (4), FOR A PERSON ON
7 PROBATION AND IS DETERMINED BY THE COURT TO BE INDIGENT, IS
8 REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS OTHERWISE UNABLE
9 TO AFFORD THE COST OF THE PLACEMENT.

10 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO
11 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT
12 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE
13 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS
14 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,
15 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE
16 PERSON'S TREATMENT NEEDS.

17 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING
18 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT
19 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST
20 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
21 OFFICE OF BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127. THE
22 FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
23 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
24 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
25 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
26 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
27 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING

1 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE FENTANYL
2 EDUCATION PROGRAM COSTS MUST BE PAID FROM THE CORRECTIONAL
3 TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4),
4 FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE
5 INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS
6 OTHERWISE UNABLE TO AFFORD THE COST OF PLACEMENT.

7 **SECTION 8.** In Colorado Revised Statutes, **add** 18-1.3-410 as
8 follows:

9 **18-1.3-410. Fentanyl education and treatment program.**

10 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE
11 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR
12 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL,
13 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
14 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE ABUSE
15 ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE ABUSE
16 ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE PERSON'S
17 HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF FENTANYL,
18 CARFENTANAL, OR AN ANALOG THEREOF; THE PERSON'S AMENABILITY TO
19 TREATMENT; AND THE LEVEL OF TREATMENT, IF ANY, NECESSARY TO
20 ADDRESS THE PERSON'S SUBSTANCE ABUSE DISORDER TO BE PROVIDED
21 DURING THE PERSON'S PROBATION OR DEFERRED JUDGMENT SUPERVISION.

22 (2) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
23 SUBSECTION (1) OF THIS SECTION RECOMMENDS COMMUNITY-BASED
24 TREATMENT, THE PERSON SHALL COMPLETE THE ASSESSED LEVEL OF
25 TREATMENT CONSISTENT WITH THE PROVISIONS OF SECTION 18-1.3-209.

26 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
27 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF

1 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR
2 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
3 OR AN ANALOG THEREOF, THE COURT SHALL ORDER RESIDENTIAL
4 TREATMENT AS A CONDITION OF PROBATION. THE RESIDENTIAL
5 TREATMENT FACILITY MUST BE APPROVED BY THE BEHAVIORAL HEALTH
6 ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES AND
7 DESIGNED FOR TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL,
8 CARFENTANAL, OR AN ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL
9 PROGRAM AS A CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF
10 TIME THAT THE PLACEMENT IS CLINICALLY NECESSARY. THE
11 RESIDENTIAL PLACEMENT COSTS MUST BE PAID FROM THE CORRECTIONAL
12 TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4),
13 FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE
14 INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS
15 OTHERWISE UNABLE TO AFFORD THE COST OF THE PLACEMENT.

16 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO
17 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT
18 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE
19 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS
20 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,
21 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE
22 PERSON'S TREATMENT NEEDS.

23 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING
24 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT
25 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST
26 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
27 BEHAVIORAL HEALTH ADMINISTRATION PURSUANT TO SECTION 27-80-127.

1 THE FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
2 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
3 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
4 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
5 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
6 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
7 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE FENTANYL
8 EDUCATION PROGRAM COSTS MUST BE PAID FROM THE CORRECTIONAL
9 TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4),
10 FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE
11 INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS
12 OTHERWISE UNABLE TO AFFORD THE COST OF PLACEMENT.

13 SECTION 9. In Colorado Revised Statutes, 18-1.3-501, **amend**
14 (1)(d.5)(I) as follows:

15 **18-1.3-501. Misdemeanors classified - drug misdemeanors and**
16 **drug petty offenses classified - penalties - legislative intent -**
17 **definitions.** (1) (d.5) (I) (A) It is the intention of the general assembly to
18 classify most drug possession on and after March 1, 2020, as a
19 misdemeanor offense with different sentencing options and limited
20 incarceration penalties. The purpose of this sentencing scheme is to
21 provide offenders who are assessed to be in need of treatment or other
22 intervention with probation supervision in conjunction with effective
23 medical and behavioral intervention and treatment. For those drug
24 possessors who are not in need of treatment, sentencing by the courts
25 system should be limited. This sentencing scheme recognizes that drug
26 use and possession is primarily a health concern and should be treated as
27 such by Colorado courts.

1 (B) FURTHERMORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY
2 THAT SENTENCING FOR CRIMES THAT INVOLVE FENTANYL, CARFENTANAL,
3 OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g),
4 EVEN IN SMALL QUANTITIES, REFLECT THE HIGH RISK OF ADDICTION AND
5 DEATH ASSOCIATED WITH FENTANYL, CARFENTANAL, OR ANY ANALOG
6 THEREOF. THEREFORE, THE EDUCATION AND TREATMENT PROCEDURES
7 PROVIDED IN SECTION 18-1.3-509 MUST BE IMPLEMENTED TO ADDRESS
8 THIS SUBSTANTIAL HEALTH RISK.

9 **SECTION 10.** In Colorado Revised Statutes, **add** 18-1.3-509 as
10 follows:

11 **18-1.3-509. Fentanyl education and treatment program.**

12 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE
13 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR
14 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL,
15 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
16 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE ABUSE
17 ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE ABUSE
18 ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE PERSON'S
19 HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF FENTANYL,
20 CARFENTANAL, OR ANY ANALOG THEREOF; THE PERSON'S AMENABILITY TO
21 TREATMENT; AND THE LEVEL OF TREATMENT, IF ANY, NECESSARY TO
22 ADDRESS THE PERSON'S SUBSTANCE ABUSE DISORDER TO BE PROVIDED
23 DURING THE PERSON'S PROBATION OR DEFERRED JUDGMENT SUPERVISION.

24 (2) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
25 SUBSECTION (1) OF THIS SECTION RECOMMENDS COMMUNITY-BASED
26 TREATMENT, THE PERSON SHALL COMPLETE THE ASSESSED LEVEL OF
27 TREATMENT CONSISTENT WITH THE PROVISIONS OF SECTION 18-1.3-209.

1 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
2 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF
3 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR
4 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
5 OR AN ANALOG THEREOF, THE COURT SHALL ORDER RESIDENTIAL
6 TREATMENT AS A CONDITION OF PROBATION. THE RESIDENTIAL
7 TREATMENT FACILITY MUST BE APPROVED BY THE OFFICE OF BEHAVIORAL
8 HEALTH IN THE DEPARTMENT OF HUMAN SERVICES AND DESIGNED FOR
9 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
10 OR AN ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL PROGRAM AS A
11 CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF TIME THAT THE
12 PLACEMENT IS CLINICALLY NECESSARY. THE RESIDENTIAL PLACEMENT
13 COSTS MUST BE PAID FROM THE CORRECTIONAL TREATMENT CASH FUND,
14 EXISTING PURSUANT TO SECTION 18-19-103 (4), FOR A PERSON ON
15 PROBATION AND IS DETERMINED BY THE COURT TO BE INDIGENT, IS
16 REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS OTHERWISE UNABLE
17 TO AFFORD THE COST OF THE PLACEMENT.

18 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO
19 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT
20 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE
21 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS
22 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,
23 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE
24 PERSON'S TREATMENT NEEDS.

25 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING
26 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT
27 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST

1 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
2 OFFICE OF BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127. THE
3 FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
4 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
5 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
6 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
7 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
8 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
9 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE FENTANYL
10 EDUCATION PROGRAM COSTS MUST BE PAID FROM THE CORRECTIONAL
11 TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4),
12 FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE
13 INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS
14 OTHERWISE UNABLE TO AFFORD THE COST OF PLACEMENT.

15 SECTION 11. In Colorado Revised Statutes, add 18-1.3-509 as
16 follows:

17 18-1.3-509. Fentanyl education and treatment program.

18 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE
19 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR
20 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL,
21 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
22 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE ABUSE
23 ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE ABUSE
24 ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE PERSON'S
25 HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF FENTANYL,
26 CARFENTANAL, OR ANY ANALOG THEREOF; THE PERSON'S AMENABILITY TO
27 TREATMENT; AND THE LEVEL OF TREATMENT, IF ANY, NECESSARY TO

1 ADDRESS THE PERSON'S SUBSTANCE ABUSE DISORDER TO BE PROVIDED
2 DURING THE PERSON'S PROBATION OR DEFERRED JUDGMENT SUPERVISION.

3 (2) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
4 SUBSECTION (1) OF THIS SECTION RECOMMENDS COMMUNITY-BASED
5 TREATMENT, THE PERSON SHALL COMPLETE THE ASSESSED LEVEL OF
6 TREATMENT CONSISTENT WITH THE PROVISIONS OF SECTION 18-1.3-209.

7 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
8 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF
9 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR
10 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
11 OR AN ANALOG THEREOF, THE COURT SHALL ORDER RESIDENTIAL
12 TREATMENT AS A CONDITION OF PROBATION. THE RESIDENTIAL
13 TREATMENT FACILITY MUST BE APPROVED BY THE BEHAVIORAL HEALTH
14 ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES AND
15 DESIGNED FOR TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL,
16 CARFENTANAL, OR AN ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL
17 PROGRAM AS A CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF
18 TIME THAT THE PLACEMENT IS CLINICALLY NECESSARY. THE
19 RESIDENTIAL PLACEMENT COSTS MUST BE PAID FROM THE CORRECTIONAL
20 TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4),
21 FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE
22 INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS
23 OTHERWISE UNABLE TO AFFORD THE COST OF THE PLACEMENT.

24 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO
25 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT
26 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE
27 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS

1 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,
2 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE
3 PERSON'S TREATMENT NEEDS.

4 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING
5 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT
6 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST
7 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
8 BEHAVIORAL HEALTH ADMINISTRATION PURSUANT TO SECTION 27-80-127.
9 THE FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
10 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
11 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
12 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
13 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
14 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
15 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE FENTANYL
16 EDUCATION PROGRAM COSTS MUST BE PAID FROM THE CORRECTIONAL
17 TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4),
18 FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE
19 INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS
20 OTHERWISE UNABLE TO AFFORD THE COST OF PLACEMENT.

21 **SECTION 12.** In Colorado Revised Statutes, 12-30-110, **amend**
22 (1)(a)(VI), (1)(b) introductory portion, (2)(b), (3)(c), (4)(b), and (7)(a);
23 and **add** (1)(a)(VIII), (1)(a)(IX), (1)(a)(X), (1)(a)(XI), (1)(a)(XII),
24 (1)(a)(XIII), (1)(a)(XIV), (1)(a)(XV), (1)(a)(XVI), (1)(a)(XVII),
25 (1)(a)(XVIII), (1)(a)(XIX), (1)(a)(XX), (1)(a)(XXI), (7)(a.3), (7)(a.5),
26 (7)(a.7), (7)(b.2), (7)(b.3), (7)(b.4), (7)(b.7), (7)(b.8), (7)(h.3), and
27 (7)(h.7) as follows:

1 **12-30-110. Prescribing or dispensing opiate antagonists -**

2 **authorized recipients - definitions.** (1) (a) A prescriber may prescribe
3 or dispense, directly or in accordance with standing orders and protocols,
4 an opiate antagonist to:

5 (VI) A person described in section 25-20.5-1001; ~~or~~

6 (VIII) AN INSTITUTION OF HIGHER EDUCATION, OR AN EMPLOYEE
7 OR AGENT OF THE INSTITUTION OF HIGHER EDUCATION;

8 (IX) A LIBRARY, OR AN EMPLOYEE OR AGENT OF THE LIBRARY;

9 (X) A COMMUNITY SERVICE ORGANIZATION, OR AN EMPLOYEE OR
10 AGENT OF THE COMMUNITY SERVICE ORGANIZATION;

11 (XI) A RELIGIOUS ORGANIZATION, OR AN EMPLOYEE OR AGENT OF
12 THE RELIGIOUS ORGANIZATION;

13 (XII) A LOCAL JAIL, OR AN EMPLOYEE OR AGENT OF THE LOCAL
14 JAIL;

15 (XIII) A MULTIJURISDICTIONAL JAIL, OR AN EMPLOYEE OR AGENT
16 OF THE MULTIJURISDICTIONAL JAIL;

17 (XIV) A MUNICIPAL JAIL, OR AN EMPLOYEE OR AGENT OF THE
18 MUNICIPAL JAIL;

19 (XV) A CORRECTIONAL FACILITY, OR AN EMPLOYEE OR AGENT OF
20 THE CORRECTIONAL FACILITY;

21 (XVI) A PRIVATE CONTRACT PRISON, OR AN EMPLOYEE OR AGENT
22 OF THE PRIVATE CONTRACT PRISON;

23 (XVII) A COMMUNITY CORRECTIONS PROGRAM, OR AN EMPLOYEE
24 OR AGENT OF THE COMMUNITY CORRECTIONS PROGRAM;

25 (XVIII) A PRETRIAL SERVICES PROGRAM, OR AN EMPLOYEE OR
26 AGENT OF THE PRETRIAL SERVICES PROGRAM;

27 (XIX) A PROBATION DEPARTMENT, OR AN EMPLOYEE OR AGENT OF

1 THE PROBATION DEPARTMENT;

2 (XX) A LOCAL PUBLIC HEALTH AGENCY, OR AN EMPLOYEE OR
3 AGENT OF THE LOCAL PUBLIC HEALTH AGENCY; OR

4 (XXI) A MENTAL HEALTH PROFESSIONAL.

5 ~~(b) A law enforcement agency or first responder; an employee or~~
6 ~~volunteer of a harm reduction organization; a school district, school, or~~
7 ~~employee or agent of a school; a person described in section~~
8 ~~25-20.5-1001; a mental health professional; or a unit of local government;~~

9 A PERSON OR ENTITY DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION
10 may, pursuant to an order or standing orders and protocols:

11 ~~(2) (b) A law enforcement agency, first responder, harm reduction~~
12 ~~organization, person described in section 25-20.5-1001, mental health~~
13 ~~professional, or unit of local government~~ AN ENTITY DESCRIBED IN

14 SUBSECTION (1)(a) OF THIS SECTION is strongly encouraged to educate
15 employees, AGENTS, and volunteers, as well as persons receiving an
16 opiate antagonist from ~~the law enforcement agency, first responder, harm~~
17 ~~reduction organization, person described in section 25-20.5-1001, mental~~
18 ~~health professional, or unit of local government~~, THE ENTITY DESCRIBED
19 IN SUBSECTION (1)(a) OF THIS SECTION on the use of an opiate antagonist
20 for overdose, including instruction concerning risk factors for overdose,
21 recognizing an overdose, calling emergency medical services, rescue
22 breathing, and administering an opiate antagonist.

23 (3) A prescriber described in subsection (7)(h) of this section does
24 not engage in unprofessional conduct or is not subject to discipline
25 pursuant to section 12-240-121, 12-255-120, or 12-280-126, as
26 applicable, if the prescriber issues standing orders and protocols
27 regarding opiate antagonists or prescribes or dispenses, pursuant to an

1 order or standing orders and protocols, an opiate antagonist in a
2 good-faith effort to assist:

3 (c) ~~The following persons~~ A PERSON OR ENTITY DESCRIBED IN
4 SUBSECTION (1)(a) OF THIS SECTION in responding to, treating, or
5 otherwise assisting an individual who is experiencing or is at risk of
6 experiencing an opiate-related drug overdose event or a friend, family
7 member, or other person in a position to assist an at-risk individual.

8 ~~(I) A law enforcement agency or first responder;~~

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

10 ~~(III) A school district, school, or employee or agent of a school;~~

11 ~~(IV) A person described in section 25-20.5-1001;~~

12 ~~(V) A mental health professional; or~~

13 ~~(VI) A unit of local government.~~

14 (4) (b) ~~A law enforcement agency or first responder; an employee~~
15 ~~or volunteer of a harm reduction organization; a school district, school,~~
16 ~~or employee or agent of a school; a person described in section~~
17 ~~25-20.5-1001; or a unit of local government~~ A PERSON OR ENTITY
18 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION acting in accordance
19 with this section is not subject to civil liability or criminal prosecution, as
20 specified in sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

21 (7) As used in this section:

22 (a) ~~"First responder" means:~~ "COMMUNITY CORRECTIONS
23 PROGRAM" HAS THE SAME MEANING AS SET FORTH IN SECTION 17-27-102
24 (3).

25 ~~(I) A peace officer, as defined in section 16-2.5-101;~~

26 ~~(II) A firefighter, as defined in section 29-5-203 (10); or~~

27 ~~(III) A volunteer firefighter, as defined in section 31-30-1102 (9).~~

1 (a.3) "COMMUNITY SERVICE ORGANIZATION" MEANS A NONPROFIT
2 ORGANIZATION THAT IS IN GOOD STANDING AND REGISTERED WITH THE
3 FEDERAL INTERNAL REVENUE SERVICE AND THE COLORADO SECRETARY
4 OF STATE'S OFFICE THAT PROVIDES SERVICES TO INDIVIDUALS AT RISK OF
5 EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT, OR TO THE
6 INDIVIDUALS' FAMILY MEMBERS, FRIENDS, OR OTHER PERSONS IN A
7 POSITION TO ASSIST THE INDIVIDUAL.

8 (a.5) "CORRECTIONAL FACILITY" HAS THE SAME MEANING AS SET
9 FORTH IN SECTION 17-1-102 (1.7).

10 (a.7) "FIRST RESPONDER" MEANS:

11 (I) A PEACE OFFICER, AS DEFINED IN SECTION 16-2.5-101;

12 (II) A FIREFIGHTER, AS DEFINED IN SECTION 29-5-203 (10);

13 (III) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION
14 31-30-1102 (9); OR

15 (IV) AN EMERGENCY MEDICAL SERVICE PROVIDER, AS DEFINED IN
16 SECTION 25-3.5-103 (8).

17 (b.2) "INSTITUTION OF HIGHER EDUCATION" MEANS A PUBLIC OR
18 NONPUBLIC INSTITUTION THAT AWARDS ANY TYPE OF POSTSECONDARY
19 CERTIFICATE, DEGREE, OR OTHER CREDENTIAL, AND IS LOCATED IN
20 COLORADO.

21 (b.3) "LOCAL JAIL" HAS THE SAME MEANING AS SET FORTH IN
22 SECTION 17-1-102 (7).

23 (b.4) "LOCAL PUBLIC HEALTH AGENCY" MEANS AN AGENCY
24 ESTABLISHED PURSUANT TO SECTION 25-1-506.

25 (b.7) "MULTIJURISDICTIONAL JAIL" HAS THE SAME MEANING AS
26 DESCRIBED IN SECTION 17-26.5-101.

27 (b.8) "MUNICIPAL JAIL" HAS THE SAME MEANING AS DESCRIBED IN

1 SECTION 31-15-401 (1)(j).

2 (h.3) "PRETRIAL SERVICES PROGRAM" HAS THE SAME MEANING AS
3 DESCRIBED IN SECTION 16-4-106.

4 (h.7) "PRIVATE CONTRACT PRISON" HAS THE SAME MEANING AS
5 SET FORTH IN SECTION 17-1-102 (7.3).

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

8 **13-21-108.7. Persons rendering emergency assistance through**
9 **the administration of an opiate antagonist - limited immunity -**
10 **legislative declaration - definitions. (3) General immunity. (a) A**
11 **person, other than a health-care provider or a health-care facility, who**
12 **acts in good faith to furnish or administer an opiate antagonist, including**
13 **an expired opiate antagonist, to an individual the person believes to be**
14 **suffering an opiate-related drug overdose event or to an individual who**
15 **is in a position to assist the individual at risk of experiencing an**
16 **opiate-related overdose event is not liable for any civil damages for acts**
17 **or omissions made as a result of the act or for any act or omission made**
18 **if the opiate antagonist is stolen, DEFECTIVE, OR PRODUCES AN**
19 **UNINTENDED RESULT.**

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

21 (I) ~~A law enforcement agency or first responder; an employee or~~
22 ~~volunteer of a harm reduction organization; a school district, school, or~~
23 ~~employee or agent of a school acting in accordance with section~~
24 ~~12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section~~
25 ~~22-1-119.1; a mental health professional, as defined in section 12-30-110~~
26 ~~(7)(b.5); or a unit of local government, as defined in section 29-3.5-101~~
27 ~~(4) A PERSON OR ENTITY DESCRIBED IN SECTION 12-30-110 (1)(a); EXCEPT~~

1 THAT AN EMPLOYEE OR AGENT OF A SCHOOL MUST BE ACTING IN
2 ACCORDANCE WITH SECTION 12-30-110 (1)(b), (2)(b), AND (4)(b), AND, AS
3 APPLICABLE, SECTION 22-1-119.1; and

4 **SECTION 14.** In Colorado Revised Statutes, **add** 13-21-108.8 as
5 follows:

6 **13-21-108.8. Persons furnishing a non-laboratory synthetic**
7 **opiate detection test - limited immunity - definition.** (1) EXCEPT AS
8 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON WHO OR ENTITY
9 THAT ACTS IN GOOD FAITH TO FURNISH A NON-LABORATORY SYNTHETIC
10 OPIATE DETECTION TEST, INCLUDING AN EXPIRED NON-LABORATORY
11 SYNTHETIC OPIATE DETECTION TEST, TO ANOTHER PERSON IS NOT LIABLE
12 FOR ANY CIVIL DAMAGES FOR ACTS, OMISSIONS MADE AS A RESULT OF THE
13 ACT, OR FOR ANY ACT OR OMISSION MADE IF THE NON-LABORATORY
14 SYNTHETIC OPIATE DETECTION TEST IS STOLEN, DEFECTIVE, OR PRODUCES
15 AN INACCURATE RESULT.

16 (2) A MANUFACTURER, AS DEFINED IN SECTION 13-21-401 (1), OF
17 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS IS NOT IMMUNE
18 FROM LIABILITY AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

19 (3) FOR PURPOSES OF THIS SECTION, "NON-LABORATORY
20 SYNTHETIC OPIATE DETECTION TEST" MEANS A PRODUCT THAT IS
21 APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION INTENDED
22 OR DESIGNED TO DETECT THE PRESENCE OF A SYNTHETIC OPIATE.

23 **SECTION 15.** In Colorado Revised Statutes, 17-26-140, **amend**
24 (1) as follows:

25 **17-26-140. Continuity of care for persons released from jail.**
26 (1) If a person is treated for a substance use disorder throughout the
27 person's incarceration, the county jail shall, at a minimum, conduct the

1 following before releasing the person from the county jail's custody:

2 (a) Provide post-release resources developed pursuant to section
3 17-1-103 (1)(r) to the person; ~~and~~

4 (b) Provide a list of available substance use providers, to the
5 extent the office of behavioral health in the state department has such a
6 list available;

7 (c) IF THE PERSON RECEIVED MEDICATION-ASSISTED TREATMENT
8 WHILE IN JAIL, HAS A HISTORY OF SUBSTANCE USE, OR REQUESTS OPIATE
9 ANTAGONISTS UPON RELEASE, PROVIDE THE PERSON, UPON RELEASE FROM
10 THE JAIL, AT LEAST THREE DOSES OF AN OPIATE ANTAGONIST AND PROVIDE
11 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE
12 MEDICATION; AND

13 (d) IF THE PERSON RECEIVED MEDICATION-ASSISTED TREATMENT
14 WHILE IN JAIL, HAS A HISTORY OF SUBSTANCE USE, OR REQUESTS OPIATE
15 USE-DISORDER MEDICATION, PRESCRIBE TO THE PERSON, UPON RELEASE
16 FROM THE JAIL, MEDICATION FOR AN OPIATE USE DISORDER AND PROVIDE
17 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE
18 MEDICATION, AND PROVIDE THE PERSON WITH A REFERRAL TO AT LEAST
19 ONE MEDICATION-ASSISTED TREATMENT PROVIDER LOCATED IN THE AREA
20 WHERE THE PERSON WILL RESIDE AFTER RELEASE FROM THE JAIL.

21 **SECTION 16.** In Colorado Revised Statutes, 17-26-140, **amend**
22 (1) as follows:

23 **17-26-140. Continuity of care for persons released from jail.**

24 (1) If a person is treated for a substance use disorder throughout the
25 person's incarceration, the county jail shall, at a minimum, conduct the
26 following before releasing the person from the county jail's custody:

27 (a) Provide post-release resources developed pursuant to section

1 17-1-103 (1)(r) to the person; ~~and~~

2 (b) Provide a list of available substance use providers, to the
3 extent the ~~office of behavioral health~~ ADMINISTRATION in the ~~state~~
4 department OF HUMAN SERVICES has such a list available;

5 (c) IF THE PERSON RECEIVED MEDICATION-ASSISTED TREATMENT
6 WHILE IN JAIL, HAS A HISTORY OF SUBSTANCE USE, OR REQUESTS OPIATE
7 ANTAGONISTS UPON RELEASE, PROVIDE THE PERSON, UPON RELEASE FROM
8 THE JAIL, AT LEAST THREE DOSES OF AN OPIATE ANTAGONIST AND PROVIDE
9 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE
10 MEDICATION; AND

11 (d) IF THE PERSON RECEIVED MEDICATION-ASSISTED TREATMENT
12 WHILE IN JAIL, HAS A HISTORY OF SUBSTANCE USE, OR REQUESTS OPIATE
13 USE-DISORDER MEDICATION, PRESCRIBE TO THE PERSON, UPON RELEASE
14 FROM THE JAIL, MEDICATION FOR AN OPIATE USE DISORDER AND PROVIDE
15 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE
16 MEDICATION, AND PROVIDE THE PERSON WITH A REFERRAL TO AT LEAST
17 ONE MEDICATION-ASSISTED TREATMENT PROVIDER LOCATED IN THE AREA
18 WHERE THE PERSON WILL RESIDE AFTER RELEASE FROM THE JAIL.

19 **SECTION 17.** In Colorado Revised Statutes, 17-27-104, **amend**
20 (12) as follows:

21 **17-27-104. Community corrections programs operated by**
22 **units of local government, state agencies, or nongovernmental**
23 **agencies.** (12) (a) The administrators of a community corrections
24 program established pursuant to this section may implement a behavioral
25 or mental health disorder screening program to screen the persons
26 accepted and placed in the community corrections program. If the
27 administrators choose to implement a behavioral or mental health disorder

1 screening program, the administrators shall use the standardized
2 screening instrument developed pursuant to section 16-11.9-102 and
3 conduct the screening in accordance with procedures established pursuant
4 to said section.

5 (b) STARTING ON OR BEFORE JANUARY 1, 2023, A COMMUNITY
6 CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL
7 ASSESS INDIVIDUALS RESIDING IN THE COMMUNITY CORRECTIONS
8 PROGRAM FOR SUBSTANCE USE WITHDRAWAL SYMPTOMS AND SHALL
9 DEVELOP PROTOCOLS FOR MEDICAL DETOXIFICATION MONITORING
10 PROCEDURES, MEDICATION-ASSISTED TREATMENT, AND OTHER
11 APPROPRIATE WITHDRAWAL MANAGEMENT CARE.

12 **SECTION 18.** In Colorado Revised Statutes, 18-1-712, **amend**
13 (2)(b)(I) as follows:

14 **18-1-712. Immunity for a person who administers an opiate**
15 **antagonist during an opiate-related drug overdose event - definitions.**

16 (2) **General immunity.** (b) This subsection (2) also applies to:

17 ~~(I) A law enforcement agency or first responder; an employee or~~
18 ~~volunteer of a harm reduction organization; a school district, school, or~~
19 ~~employee or agent of a school acting in accordance with section~~
20 ~~12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section~~
21 ~~22-1-119.1; a mental health professional, as defined in section 12-30-110~~
22 ~~(7)(b.5); or a unit of local government, as defined in section 29-3.5-101~~
23 ~~(4) A PERSON OR ENTITY DESCRIBED IN SECTION 12-30-110 (1)(a); EXCEPT~~
24 ~~THAT AN EMPLOYEE OR AGENT OF A SCHOOL MUST BE ACTING IN~~
25 ~~ACCORDANCE WITH SECTION 12-30-110 (1)(b), (2)(b), AND (4)(b), AND, AS~~
26 ~~APPLICABLE, SECTION 22-1-119.1; and~~

27 **SECTION 19.** In Colorado Revised Statutes, 18-19-103, **amend**

1 (5)(c)(VI) and (5)(c)(VII); and **add** (5)(c)(VIII) as follows:

2 **18-19-103. Source of revenues - allocation of money.**

3 (5) (c) The board may direct that money in the correctional treatment
4 cash fund may be used for the following purposes:

5 (VI) Recovery support services, including offender reentry; ~~and~~

6 (VII) Administrative support to the correctional treatment board
7 including, but not limited to, facilitating and coordinating data collection,
8 conducting data analysis, developing contracts, preparing reports,
9 scheduling and staffing board and subcommittee meetings, and engaging
10 in budget planning and analysis; AND

11 (VIII) DRUG OVERDOSE PREVENTION, INCLUDING
12 MEDICATION-ASSISTED TREATMENT FOR OPIATE DEPENDENCE, OPIATE
13 ANTAGONISTS, AND NON-LABORATORY SYNTHETIC OPIATE DETECTION
14 TESTS.

15 **SECTION 20.** In Colorado Revised Statutes, **add** 22-1-119.2 as
16 follows:

17 **22-1-119.2. Policy for employee and agent furnishing**
18 **non-laboratory synthetic opiate detection tests - definition.** (1) A
19 SCHOOL DISTRICT BOARD OF EDUCATION OF A PUBLIC SCHOOL, THE STATE
20 CHARTER SCHOOL INSTITUTE FOR AN INSTITUTE CHARTER SCHOOL, OR THE
21 GOVERNING BOARD OF A NONPUBLIC SCHOOL MAY ADOPT AND IMPLEMENT
22 A POLICY WHEREBY A SCHOOL UNDER ITS JURISDICTION MAY ACQUIRE AND
23 MAINTAIN A SUPPLY OF NON-LABORATORY SYNTHETIC OPIATE DETECTION
24 TESTS, AND AN EMPLOYEE OR AGENT OF THE SCHOOL MAY FURNISH
25 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS ON SCHOOL
26 GROUNDS TO ANY INDIVIDUAL.

27 (2) AS USED IN THIS SECTION, "NON-LABORATORY SYNTHETIC

1 OPIATE DETECTION TEST" MEANS A PRODUCT APPROVED BY THE FEDERAL
2 FOOD AND DRUG ADMINISTRATION INTENDED OR DESIGNED TO DETECT THE
3 PRESENCE OF A SYNTHETIC OPIATE.

4 **SECTION 21.** In Colorado Revised Statutes, 25-1.5-115, **amend**
5 (5); and **add** (6) as follows:

6 **25-1.5-115. Opiate antagonist bulk purchase fund - creation**
7 **- rules - report - definition - repeal.** (5) As used in this section,
8 "eligible entity" means A PERSON OR ENTITY DESCRIBED IN SECTION
9 12-30-110 (1)(a); EXCEPT THAT AN EMPLOYEE OR AGENT OF A SCHOOL
10 MUST BE ACTING IN ACCORDANCE WITH SECTION 12-30-110 (1)(b), (2)(b),
11 AND (4)(b), AND, AS APPLICABLE, SECTION 22-1-119.1.

12 ~~(a) A unit of local government, as defined in section 29-3.5-101~~
13 ~~(4);~~

14 ~~(b) A person making an opiate antagonist available pursuant to~~
15 ~~section 25-20.5-1001;~~

16 ~~(c) The following entities, if the entity has adopted a policy~~
17 ~~allowing the acquisition, maintenance, and administration of opiate~~
18 ~~antagonists pursuant to section 22-1-119.1:~~

19 ~~(I) A school district board of education of a public school;~~

20 ~~(II) The state charter school institute for an institute charter~~
21 ~~school; or~~

22 ~~(III) A governing board of a nonpublic school.~~

23 ~~(d) A harm reduction organization, as defined in section~~
24 ~~12-30-110 (7)(b);~~

25 ~~(e) A law enforcement agency; or~~

26 ~~(f) A first responder, as defined in section 12-30-110 (7)(a).~~

27 (6) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL

1 ASSEMBLY SHALL APPROPRIATE TWENTY MILLION DOLLARS FROM THE
2 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION
3 24-75-230, TO THE FUND.

4 (b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2024.

5 **SECTION 22.** In Colorado Revised Statutes, **add** 25-1.5-115.3
6 as follows:

7 **25-1.5-115.3. Non-laboratory synthetic opiate detection tests**
8 **- appropriation - definitions - repeal.** (1) FOR THE 2022-23 STATE
9 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE THREE
10 HUNDRED THOUSAND DOLLARS TO THE DEPARTMENT FOR THE PURPOSE OF
11 PURCHASING NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS.

12 (2) THE DEPARTMENT SHALL DISTRIBUTE THE NON-LABORATORY
13 SYNTHETIC OPIATE DETECTION TESTS TO ELIGIBLE ENTITIES. THE
14 DEPARTMENT MAY PRIORITIZE THE DISTRIBUTION OF NON-LABORATORY
15 SYNTHETIC OPIATE DETECTION TESTS TO ELIGIBLE ENTITIES BASED ON THE
16 NEED OF EACH ENTITY AND THE AVAILABILITY OF THE NON-LABORATORY
17 SYNTHETIC OPIATE DETECTION TESTS AS DETERMINED BY THE
18 DEPARTMENT.

19 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
20 REQUIRES:

21 (a) "ELIGIBLE ENTITY" MEANS A PERSON OR ENTITY DESCRIBED IN
22 SECTION 12-30-110 (1)(a); EXCEPT THAT AN EMPLOYEE OR AGENT OF A
23 SCHOOL MUST BE ACTING IN ACCORDANCE WITH SECTION 12-30-110
24 (1)(b), (2)(b), OR (4)(b), AND, AS APPLICABLE, SECTION 22-1-119.2.

25 (b) "NON-LABORATORY SYNTHETIC OPIATE DETECTION TEST"
26 MEANS A PRODUCT THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG
27 ADMINISTRATION INTENDED OR DESIGNED TO DETECT THE PRESENCE OF A

1 SYNTHETIC OPIATE.

2 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

3 **SECTION 23.** In Colorado Revised Statutes, **add 25-1.5-115.5**
4 as follows:

5 **25-1.5-115.5. Fentanyl prevention and education campaign -**

6 **website.** (1) SUBJECT TO AVAILABLE APPROPRIATIONS, BEGINNING IN THE
7 2022-23 STATE FISCAL YEAR, THE DEPARTMENT SHALL DEVELOP,
8 IMPLEMENT, AND MAINTAIN AN ONGOING STATEWIDE PREVENTION AND
9 EDUCATION CAMPAIGN TO ADDRESS THE FENTANYL EDUCATION NEEDS IN
10 THE STATE. IN THE PREVENTION AND EDUCATION CAMPAIGN, THE DIVISION
11 SHALL PROVIDE INFORMATION TO THE GENERAL PUBLIC ABOUT FENTANYL,
12 ITS DANGERS, PRECAUTIONARY MEASURES TO AVOID RISKS AND PREVENT
13 HARM CAUSED BY FENTANYL, RESOURCES FOR ADDICTION TREATMENT
14 AND SERVICES, AND LAWS REGARDING FENTANYL, INCLUDING CRIMINAL
15 PENALTIES AND IMMUNITY FOR REPORTING AN OVERDOSE EVENT
16 PURSUANT TO SECTION 18-1-711.

17 (2) IN FURTHERANCE OF THE GOALS OF THE FENTANYL PREVENTION
18 AND EDUCATION CAMPAIGN, THE DIVISION MAY USE TELEVISION
19 ADVERTISING, RADIO BROADCASTS, PRINT MEDIA, DIGITAL STRATEGIES, OR
20 ANY OTHER MEDIA DEEMED NECESSARY AND APPROPRIATE BY THE
21 DIVISION TO REACH THE TARGET AUDIENCES OF THE CAMPAIGN.

22 (3) IN FURTHERANCE OF THE GOALS OF THE FENTANYL PREVENTION
23 AND EDUCATION CAMPAIGN, THE DIVISION SHALL PROVIDE AT LEAST FIVE
24 REGIONAL TRAINING SESSIONS DURING THE 2022-23 FISCAL YEAR FOR
25 COMMUNITY PARTNERS TO IMPLEMENT YOUTH HEALTH DEVELOPMENT
26 STRATEGIES.

27 (4) IN FURTHERANCE OF THE GOALS OF THE FENTANYL PREVENTION

1 AND EDUCATION CAMPAIGN, THE DIVISION SHALL DEVELOP, IMPLEMENT,
2 AND MAINTAIN A WEBSITE TO SERVE AS THE STATE RESOURCE FOR THE
3 MOST ACCURATE AND TIMELY INFORMATION REGARDING FENTANYL. AT
4 A MINIMUM, THE WEBSITE MUST INCLUDE INFORMATION CONCERNING
5 FENTANYL, ITS DANGERS, PRECAUTIONARY MEASURES TO AVOID RISKS
6 AND PREVENT HARM CAUSED BY FENTANYL, RESOURCES FOR ADDICTION
7 TREATMENT AND SERVICES, AND LAWS REGARDING FENTANYL, INCLUDING
8 CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING AN OVERDOSE EVENT
9 PURSUANT TO SECTION 18-1-711.

10 **SECTION 24.** In Colorado Revised Statutes, 25-20.5-1101,
11 **amend** (1), (2), (3)(a), and (4) as follows:

12 **25-20.5-1101. Harm reduction grant program - creation -**
13 **application - permissible uses - department duties.** (1) Subject to
14 available appropriations, the department shall develop and implement a
15 harm reduction grant program, referred to in this section as the "grant
16 program", to PREVENT OVERDOSE DEATHS AND reduce health risks
17 associated with drug use. ~~and improve coordination between law~~
18 ~~enforcement agencies, public health agencies, and community-based~~
19 ~~organizations.~~ The department may contract with an independent entity
20 for the administration of the grant program.

21 (2) (a) To be eligible to receive grant funding pursuant to this part
22 11, an entity must be: ~~a nonprofit organization in good standing and~~
23 ~~registered with the federal internal revenue service and the Colorado~~
24 ~~secretary of state's office, a local public health agency established~~
25 ~~pursuant to section 25-1-506, or a law enforcement agency.~~

26 (I) A NONPROFIT ORGANIZATION THAT IS IN GOOD STANDING AND
27 REGISTERED WITH THE FEDERAL INTERNAL REVENUE SERVICE AND THE

- 1 COLORADO SECRETARY OF STATE'S OFFICE;
- 2 (II) A LOCAL PUBLIC HEALTH AGENCY ESTABLISHED PURSUANT TO
- 3 SECTION 25-1-506;
- 4 (III) A TRIBAL AGENCY OR PROGRAM;
- 5 (IV) A FEDERALLY QUALIFIED HEALTH CENTER, AS DEFINED IN THE
- 6 FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)(4);
- 7 (V) A RURAL HEALTH CLINIC, AS DEFINED IN THE FEDERAL "SOCIAL
- 8 SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)(2);
- 9 (VI) A COMMUNITY MENTAL HEALTH CENTER, AS DEFINED IN
- 10 SECTION 27-66-101 (2); OR
- 11 (VII) A LAW ENFORCEMENT AGENCY.

12 (b) AN ELIGIBLE ENTITY MAY SUBMIT A PROPOSAL ON BEHALF OF

13 A GROUP OF ELIGIBLE ENTITIES, AND APPORTION GRANT FUNDS

14 ACCORDINGLY, TO FOSTER COMMUNITY COLLABORATION AND COLLECTIVE

15 IMPACT.

16 (c) Grantees must be willing to provide services to individuals

17 who may not be ready to seek addiction treatment services or who are in

18 recovery.

19 (3) On or before November 1, 2019, the department shall develop:

20 (a) Eligibility criteria for ~~nonprofit organizations, local public~~

21 ~~health agencies, and law enforcement agencies~~ THE ENTITIES DESCRIBED

22 IN SUBSECTION (2) OF THIS SECTION;

23 (4) ~~(a)~~ Permissible uses of funding provided pursuant to this grant

24 program include GENERAL OPERATING EXPENSES, AND DIRECT AND

25 INDIRECT PROJECT COSTS INCLUDING, but ~~are~~ not limited to:

26 ~~(H)~~ (a) Trainings relevant to the field of harm reduction ~~which~~

27 THAT may include ~~how to administer naloxone~~ OVERDOSE PREVENTION,

1 SAFER SUBSTANCE USE PRACTICES, SAFE DISPOSAL, AND ACCESS TO AND
2 ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
3 SYNTHETIC OPIATE DETECTION TESTS;

4 ~~(H)~~ (b) Purchasing and providing sterile equipment,
5 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS, and syringe
6 disposal equipment;

7 ~~(H)~~ (c) Providing direct services to persons who have come into
8 contact with or who are at risk of coming into contact with the criminal
9 justice system, which may include accessing treatment and health-care
10 services, overdose prevention activities, and recovery support services;

11 ~~(V)~~ (d) Outreach and engagement to people who come into
12 contact with or who are at risk of coming into contact with the criminal
13 justice system and who are in need of mental health or substance use
14 disorder ~~services~~ TREATMENT, OVERDOSE PREVENTION, HARM REDUCTION,
15 OR RECOVERY SUPPORT SERVICES;

16 ~~(V)~~ (e) Facilitating communication, training, and technical
17 assistance among law enforcement agencies, public health agencies, and
18 community-based harm reduction agencies IN ORDER TO DIVERT PEOPLE
19 FROM THE CRIMINAL JUSTICE SYSTEM;

20 ~~(VI)~~ ~~Coordinating local efforts regarding co-responder and~~
21 ~~diversion programs; and~~

22 ~~(VH)~~ (f) Auricular acudetox training and services;

23 (g) PUBLIC EDUCATION AND OUTREACH ABOUT SYNTHETIC
24 OPIATES, OVERDOSE RISKS, RECOGNIZING AN OVERDOSE EVENT,
25 RESOURCES FOR ADDICTION TREATMENT AND SERVICES, ACCESS TO AND
26 ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
27 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC

1 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
2 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711;

3 (h) LOCAL CONVENTIONS FOR THE PURPOSE OF DEVELOPING
4 COMMUNITY-BASED APPROACHES FOR OVERDOSE PREVENTION, EARLY
5 INTERVENTION, AND HARM REDUCTION SERVICES;

6 (i) DEVELOPING, OR EXPANDING EXISTING, COMMUNITY-BASED
7 ORGANIZATIONS THAT PROVIDE OVERDOSE PREVENTION, EARLY
8 INTERVENTION, AND HARM REDUCTION SERVICES;

9 (j) EVIDENCE-BASED RESEARCH CONCERNING BEST OR PROMISING
10 PRACTICES IN OVERDOSE PREVENTION, EARLY INTERVENTION, HARM
11 REDUCTION, AND MEDICATION-ASSISTED TREATMENT PROTOCOLS;

12 (k) DEVELOPING STRATEGIES FOR SERVING POPULATIONS WHO ARE
13 AT A HIGHER RISK OF OVERDOSE AND LIVE IN UNDERSERVED AREAS; AND

14 (l) SUPPORT FOR A LIAISON WITH EXPERIENCE COLLABORATING
15 WITH COMMUNITY-BASED ORGANIZATIONS AND LOCAL PUBLIC HEALTH
16 AGENCIES.

17 ~~(b) In order to ensure grantees are coordinating efforts across~~
18 ~~public health and criminal justice systems at the local level, funding may~~
19 ~~be used to support a harm reduction and law enforcement liaison who has~~
20 ~~experience working with community-based organizations, local public~~
21 ~~health agencies, and law enforcement agencies.~~

22 **SECTION 25.** In Colorado Revised Statutes, 25-20.5-1102, **add**
23 (5) as follows:

24 **25-20.5-1102. Harm reduction grant program cash fund -**
25 **creation - repeal.** (5) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE
26 GENERAL ASSEMBLY SHALL APPROPRIATE SIX MILLION DOLLARS FROM THE
27 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION

1 24-75-230, TO THE FUND.

2 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2024.

3 **SECTION 26.** In Colorado Revised Statutes, 27-60-106, **amend**

4 (4) introductory portion, (4)(b), and (5)(a); and **add** (7) as follows:

5 **27-60-106. Jail-based behavioral health services program -**

6 **purpose - created - funding - repeal.** (4) Subject to available

7 appropriations, the office ~~may~~ SHALL require a county jail that receives

8 funding through the program to:

9 (b) Assess all individuals booked into the jail facility for
10 substance use withdrawal symptoms and develop protocols for medical
11 detoxification monitoring procedures, MEDICATION-ASSISTED
12 TREATMENT, OR OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE;

13 (5) (a) The office shall require a county jail that receives funding
14 through the program to have a policy in place on or before January 1,
15 2020, that describes how medication-assisted treatment, as it is defined
16 in section 23-21-803, will be provided, when necessary, to individuals
17 confined in the county jail. THE OFFICE SHALL REQUIRE A COUNTY JAIL
18 THAT RECEIVES FUNDING THROUGH THE PROGRAM TO DEVELOP AND
19 IMPLEMENT A POLICY ON OR BEFORE JANUARY 1, 2023, THAT DESCRIBES
20 THE PROVISION OF MEDICATION-ASSISTED TREATMENT AND OTHER
21 APPROPRIATE WITHDRAWAL MANAGEMENT CARE UPON RELEASE FROM
22 JAIL.

23 (7) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
24 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE
25 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION
26 24-75-230, TO THE OFFICE FOR THE PURPOSE OF ASSISTING COUNTY JAILS
27 THAT RECEIVE FUNDING THROUGH THE PROGRAM TO IMPLEMENT THE

1 REQUIREMENT PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION.

2 (b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2024.

3 **SECTION 27.** In Colorado Revised Statutes, 27-60-106, **amend**

4 (4) introductory portion, (4)(b), and (5)(a); and **add** (7) as follows:

5 **27-60-106. Jail-based behavioral health services program -**

6 **purpose - created - funding - repeal.** (4) Subject to available

7 appropriations, the ~~office may~~ BHA SHALL require a county jail that

8 receives funding through the program to:

9 (b) Assess all individuals booked into the jail facility for

10 substance use withdrawal symptoms and develop protocols for medical

11 detoxification monitoring procedures, MEDICATION-ASSISTED

12 TREATMENT, OR OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE;

13 (5) (a) The ~~office~~ BHA shall require a county jail that receives

14 funding through the program to have a policy in place on or before

15 January 1, 2020, that describes how medication-assisted treatment, as it

16 is defined in section 23-21-803, will be provided, when necessary, to

17 individuals confined in the county jail. THE BHA SHALL REQUIRE A

18 COUNTY JAIL THAT RECEIVES FUNDING THROUGH THE PROGRAM TO

19 DEVELOP AND IMPLEMENT A POLICY ON OR BEFORE JANUARY 1, 2023,

20 THAT DESCRIBES THE PROVISION OF MEDICATION-ASSISTED TREATMENT

21 AND OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE UPON

22 RELEASE FROM JAIL.

23 (7) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL

24 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE

25 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION

26 24-75-230, TO THE BHA FOR THE PURPOSE OF ASSISTING COUNTY JAILS

27 THAT RECEIVE FUNDING THROUGH THE PROGRAM TO IMPLEMENT THE

1 REQUIREMENT PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION.

2 (b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2024.

3 **SECTION 28.** In Colorado Revised Statutes, **add** 27-80-107.7 as
4 follows:

5 **27-80-107.7. Increase synthetic opiate treatment - report.**

6 (1) ON OR BEFORE JANUARY 1, 2023, EACH MANAGED SERVICE
7 ORGANIZATION DESIGNATED PURSUANT TO SECTION 27-80-107 SHALL
8 EVALUATE THE CURRENT SUPPLY AND NECESSARY DEMAND WITHIN ITS
9 REGION FOR:

10 (a) THE NUMBER OF MEDICATION-ASSISTED TREATMENT
11 PROVIDERS EMPLOYED BY THE MANAGED SERVICE ORGANIZATION WHO
12 ARE TRAINED TO PROVIDE MEDICATION-ASSISTED TREATMENT TO A
13 PERSON WHO HAS CONSUMED SYNTHETIC OPIATES;

14 (b) AMBULATORY WITHDRAWAL MANAGEMENT AND MEDICAL
15 WITHDRAWAL MANAGEMENT SPECIFIC TO SYNTHETIC OPIATES;

16 (c) THE PROVISION OF RECOVERY SERVICES AT PUBLIC HIGH
17 SCHOOLS; AND

18 (d) THE PROVISION OF RECOVERY RESIDENCES, AS DEFINED IN
19 SECTION 25-1.5-108.5.

20 (2) IN ITS HEARING FOR THE 2024 LEGISLATIVE SESSION, THE
21 DEPARTMENT SHALL INCLUDE AS PART OF ITS "STATE MEASUREMENT FOR
22 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
23 GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203, THE
24 MANAGED SERVICE ORGANIZATIONS' FINDINGS PURSUANT TO SUBSECTION
25 (1) OF THIS SECTION.

26 **SECTION 29.** In Colorado Revised Statutes, **add** 27-80-127 as
27 follows:

1 **27-80-127. Fentanyl education and treatment program.** THE
2 OFFICE OF BEHAVIORAL HEALTH SHALL DEVELOP A FENTANYL EDUCATION
3 PROGRAM FOR THE PURPOSE OF SECTIONS 18-1.3-410 AND 18-1.3-509. THE
4 FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
5 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
6 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
7 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
8 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
9 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
10 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE OFFICE OF
11 BEHAVIORAL HEALTH MAY UPDATE THE FENTANYL EDUCATION PROGRAM
12 CURRICULUM AS NECESSARY.

13 **SECTION 30.** In Colorado Revised Statutes, **add** 27-80-127 as
14 follows:

15 **27-80-127. Fentanyl education and treatment program.** THE
16 BEHAVIORAL HEALTH ADMINISTRATION SHALL DEVELOP A FENTANYL
17 EDUCATION PROGRAM FOR THE PURPOSE OF SECTIONS 18-1.3-410 AND
18 18-1.3-509. THE FENTANYL EDUCATION PROGRAM MUST INCLUDE
19 INFORMATION REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF
20 SYNTHETIC OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH,
21 ACCESS TO AND ADMINISTRATION OF OPIATE ANTAGONISTS AND
22 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS, AND LAWS
23 REGARDING SYNTHETIC OPIATES, INCLUDING CRIMINAL PENALTIES AND
24 IMMUNITY FOR REPORTING AN OVERDOSE EVENT PURSUANT TO SECTION
25 18-1-711. THE BHA MAY UPDATE THE FENTANYL EDUCATION PROGRAM
26 CURRICULUM AS NECESSARY.

27 **SECTION 31.** In Colorado Revised Statutes, 18-1.3-103.5,

1 **amend** (3)(c) and (3)(d); and **add** (3)(e) as follows:

2 **18-1.3-103.5. Felony convictions - vacate and enter conviction**
3 **on misdemeanor after successful completion.** (3) This section applies
4 to convictions for the following offenses:

5 (c) Possession of more than twelve ounces of marijuana or more
6 than three ounces of marijuana concentrate; **or**

7 (d) A violation of section 18-18-415; **OR**

8 (e) A VIOLATION OF SECTION 18-18-403.5 (2.5)(a).

9 **SECTION 32.** In Colorado Revised Statutes, 24-72-706, **amend**
10 (1)(b)(II) and (1)(b)(III) as follows:

11 **24-72-706. Sealing of criminal conviction records.** (1) **Sealing**
12 **of conviction records.** (b) (II) If the offense is a class 2 or class 3
13 misdemeanor, **or** any drug misdemeanor, **OR A LEVEL 4 DRUG FELONY FOR**
14 **A CONVICTION PURSUANT TO SECTION 18-18-403.5 (2.5),** the motion may
15 be filed two years after the later of the date of the final disposition of all
16 criminal proceedings against the defendant or the release of the defendant
17 from supervision concerning a criminal conviction.

18 (III) If the offense is a class 4, class 5, or class 6 felony, a level 3
19 or level 4 drug felony **EXCEPT A LEVEL 4 DRUG FELONY FOR A CONVICTION**
20 **PURSUANT TO SECTION 18-18-403.5 (2.5),** or a class 1 misdemeanor, the
21 motion may be filed three years after the later of the date of the final
22 disposition of all criminal proceedings against the defendant or the
23 release of the defendant from supervision concerning a criminal
24 conviction.

25 **SECTION 33.** In Colorado Revised Statutes, 1-2-103, **amend** (4)
26 as follows:

27 **1-2-103. Military service - students - inmates - persons with**

1 **behavioral or mental health disorders - confinement.** (4) No person
2 while serving a sentence of detention or confinement in a correctional
3 facility, jail, or other location for a felony conviction, EXCEPT A LEVEL 4
4 DRUG FELONY FOR A CONVICTION PURSUANT TO SECTION 18-18-403.5
5 (2.5), is eligible to register to vote or to vote in any election. A confined
6 prisoner who is awaiting trial but has not been tried or who is not serving
7 a sentence for a felony conviction shall be certified by the institutional
8 administrator, may register to vote pursuant to this article 2, and may list
9 his or her confinement location as his or her ballot address in accordance
10 with section 1-2-204 (2)(f.3). An individual serving a sentence of parole
11 is eligible to register to vote and to vote in any election.

12 **SECTION 34.** In Colorado Revised Statutes, 18-1.3-801, **amend**
13 **(2)(a)(I); and add (2)(c) as follows:**

14 **18-1.3-801. Punishment for habitual criminals.**
15 (2) (a) (I) Except as otherwise provided in ~~paragraph (b) of this~~
16 ~~subsection (2)~~ SUBSECTIONS (2)(b), (2)(c), and ~~in subsection (5) of this~~
17 section, every person convicted in this state of any felony, who has been
18 three times previously convicted, upon charges separately brought and
19 tried, and arising out of separate and distinct criminal episodes, either in
20 this state or elsewhere, of a felony or, under the laws of any other state,
21 the United States, or any territory subject to the jurisdiction of the United
22 States, of a crime which, if committed within this state, would be a
23 felony, shall be adjudged an habitual criminal and shall be punished:

24 (2) (c) THE PROVISIONS OF SUBSECTION (2)(a) OF THIS SECTION DO
25 NOT APPLY TO A CONVICTION FOR A LEVEL 4 DRUG FELONY COMMITTED ON
26 OR AFTER JULY 1, 2022, PURSUANT TO SECTION 18-18-403.5 (2.5), OR A
27 CONVICTION FOR A LEVEL 4 DRUG FELONY COMMITTED ON OR AFTER JULY

1 1, 2022, FOR ATTEMPT OR CONSPIRACY TO COMMIT UNLAWFUL POSSESSION
2 OF FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF, AS DESCRIBED IN
3 SECTION 18-18-403.5 (2.5), EVEN IF THE PERSON HAS BEEN PREVIOUSLY
4 CONVICTED OF THREE OR MORE QUALIFYING FELONY CONVICTIONS.

5 **SECTION 35. Accountability.** Notwithstanding the requirement
6 to conduct a review of the implementation of this act either two or five
7 years after the enactment of this act, three years after this act becomes law
8 and in accordance with section 2-2-1201, Colorado Revised Statutes, the
9 legislative service agencies of the Colorado general assembly shall
10 conduct a post-enactment review of the implementation of this act
11 utilizing the information contained in the legislative declaration set forth
12 in section 1 of this act.

13 **SECTION 36. Appropriation.** (1) For the 2022-23 state
14 fiscal year, \$4,033,875 is appropriated to the department of human
15 services for use by the behavioral health administration. This
16 appropriation consists of \$883,875 from the general fund, \$150,000 from
17 the correctional treatment cash fund created in section 18-19-103 (4)(a),
18 C.R.S., and \$3,000,000 from the behavioral and mental health cash fund
19 created in section 24-75-230 (2)(a), C.R.S., which is of money the state
20 received from the federal coronavirus state fiscal recovery fund. To
21 implement this act, the administration may use this appropriation as
22 follows:

23 (a) \$183,875 from the general fund for program administration
24 related to community behavioral health administration, which amount is
25 based on an assumption that the administration will require an additional
26 1.8 FTE;

27 (b) \$700,000 from the general fund for managed service

1 organization regional evaluations related to substance use treatment and
2 prevention services;

3 (c) \$150,000 from the correctional treatment cash fund created in
4 section 18-19-103 (4)(a), C.R.S., for a fentanyl education program related
5 to substance use treatment and prevention services; and

6 (d) \$3,000,000 from the behavioral and mental health cash fund
7 created in section 24-75-230 (2)(a), C.R.S., for jail-based behavioral
8 health services related to integrated behavioral health services. Any
9 money appropriated in this subsection (1)(d) not expended prior to July
10 1, 2023, is further appropriated to the administration from July 1, 2023,
11 through December 30, 2024, for the same purpose.

12 (2) For the 2022-23 state fiscal year, \$869,288 is appropriated to
13 the judicial department for use by probation and related services. This
14 appropriation consists of \$138,362 from the general fund and \$730,926
15 from the correctional treatment cash fund created in section 18-19-103
16 (4)(a), C.R.S. To implement this act, the department may use this
17 appropriation as follows:

18 (a) \$138,362 for probation programs, which amount is based on an
19 assumption that the department will require an additional 1.6 FTE; and

20 (b) \$730,926 from the correctional treatment cash fund created in
21 section 18-19-103 (4)(a), C.R.S., for offender treatment and services.

22 (3) For the 2022-23 state fiscal year, \$1,350,365 is appropriated
23 to the department of public health and environment for use by the
24 prevention services division. This appropriation is from the general fund
25 and is based on an assumption that the division will require an additional
26 0.6 FTE. To implement this act, the division may use this appropriation
27 for administration.

1 (4) For the 2022-23 state fiscal year, \$20,000,000 is appropriated
2 to the opiate antagonist bulk purchase fund created in section 25-1.5-115
3 (1)(a), C.R.S. This appropriation is from the behavioral and mental health
4 cash fund created in section 24-75-230 (2)(a), C.R.S., and is of money the
5 state received from the federal coronavirus state fiscal recovery fund. The
6 department of public health and environment is responsible for the
7 accounting related to this appropriation.

8 (5) For the 2022-23 state fiscal year, \$6,000,000 is appropriated
9 to the harm reduction grant program cash fund created in section
10 25-20.5-1102 (1), C.R.S. This appropriation is from the behavioral and
11 mental health cash fund created in section 24-75-230 (2)(a), C.R.S., and
12 is of money the state received from the federal coronavirus state fiscal
13 recovery fund. The department of public health and environment is
14 responsible for the accounting related to this appropriation.

15 **SECTION 37. Effective date - applicability.** This act takes
16 effect on January 1, 2023; except that:

17 (1) Sections 1, 12, 13, 14, 18, 20, 21, 22, 23, 24, 25, 34, 35, and
18 36 take effect on July 1, 2022;

19 (2) Sections 2, 3, 4, and 5 take effect on July 1, 2022, and applies
20 to offenses committed on or after said date;

21 (3) Sections 7, 10, 15, 26, and 29 take effect only if House Bill
22 22-1278 does not become law; and

23 (4) Sections 8, 11, 16, 27, and 30 take effect only if House Bill
24 22-1278 becomes law.

25 **SECTION 38. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety.