

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 22-0883.05 Jacob Baus x2173

**HOUSE BILL 22-1326**

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**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.*

HOUSE  
3rd Reading Unamended  
April 25, 2022

HOUSE  
Amended 2nd Reading  
April 22, 2022

### 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.

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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) and (7) 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 KNEW OR HAD REASONABLE CAUSE TO BELIEVE THAT THE MATERIAL,  
18 COMPOUND, MIXTURE, OR PREPARATION CONTAINED ANY QUANTITY OF  
19 FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN  
20 SECTION 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 (7) NOTWITHSTANDING SUBSECTION (2.5) OF THIS SECTION, ON OR  
25 AFTER JULY 1, 2022, THE POSSESSION OF AN OPIATE ANTAGONIST OR A  
26 NON-LABORATORY SYNTHETIC OPIATE DETECTION TEST MUST NOT BE USED  
27 AS EVIDENCE TO PROVE THE PERSON KNEW OR HAD REASONABLE CAUSE TO



1 BELIEVE THAT THE MATERIAL, COMPOUND, MIXTURE, OR PREPARATION  
2 CONTAINED ANY QUANTITY OF FENTANYL, CARFENTANAL, OR AN ANALOG  
3 THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g).

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

7 **18-18-405. Unlawful distribution, manufacturing, dispensing,**  
8 **or sale.** (2) Except as otherwise provided for an offense concerning  
9 marijuana and marijuana concentrate in section 18-18-406 and for special  
10 offenders as provided in section 18-18-407, any person who violates any  
11 of the provisions of subsection (1) of this section:

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

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

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

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

27 (B) NOTWITHSTANDING SUBSECTION (2)(a)(III)(A) OF THIS

1 SECTION, A DEFENDANT WHO COMMITTED A VIOLATION OF SUBSECTION  
2 (2)(c)(V) OF THIS SECTION, AND THE ACTIONS IN VIOLATION OF  
3 SUBSECTION (2)(c)(V) OF THIS SECTION ARE THE PROXIMATE CAUSE OF  
4 THE DEATH OF ANOTHER PERSON WHO USED OR CONSUMED THE MATERIAL,  
5 COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINED FENTANYL,  
6 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION  
7 18-18-204 (2)(g), IS NOT SUBJECT TO THE MANDATORY SENTENCING  
8 REQUIREMENT AS DESCRIBED IN SECTION 18-1.3-401.5 (7).

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

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

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

14 or

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

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

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

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

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

25 (V) NOT MORE THAN FOUR GRAMS AND CONTAINS FENTANYL,  
26 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION  
27 18-18-204 (2)(g).

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

3           **18-18-407. Special offender - definitions.** (1) A person who  
4 commits a felony offense pursuant to this part 4 under any one or more of  
5 the following aggravating circumstances commits a level 1 drug felony  
6 and is a special offender:

7           (c) The defendant committed the violation and in the course of  
8 that violation, introduced or imported into the state of Colorado more than  
9 fourteen grams of any schedule I or II controlled substance listed in part  
10 2 of this ~~article~~ or ARTICLE 18; more than seven grams of  
11 methamphetamine, heroin, ketamine, or cathinones; ~~or~~ ten milligrams of  
12 flunitrazepam; OR ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION  
13 THAT WEIGHS MORE THAN FOUR GRAMS AND CONTAINS FENTANYL,  
14 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION  
15 18-18-204 (2)(g);

16           (h) THE DEFENDANT COMMITTED A VIOLATION OF SECTION  
17 18-18-405 (2)(a)(I)(D), (2)(b)(I)(D), OR (2)(c)(V), AND THE DEFENDANT  
18 POSSESSED PILL OR TABLET MANUFACTURING EQUIPMENT WITH THE  
19 INTENT TO USE THE EQUIPMENT IN THE MANUFACTURE OF A CONTROLLED  
20 SUBSTANCE.

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

23           **18-1-711. Immunity for persons who suffer or report an**  
24 **emergency drug or alcohol overdose event - definitions - repeal.**

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

27           (g) Possession of drug paraphernalia, as described in section

1 18-18-428; and

2 (h) Illegal possession or consumption of ethyl alcohol or  
3 marijuana by an underage person or illegal possession of marijuana  
4 paraphernalia by an underage person, as described in section 18-13-122;  
5 AND

6 (i) A VIOLATION OF SECTION 18-18-405 (2)(a)(III)(A), IF THE  
7 UNLAWFUL DISTRIBUTION, MANUFACTURING, DISPENSING, OR SALE OF THE  
8 MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WEIGHS NOT MORE  
9 THAN FOUR GRAMS AND CONTAINS ANY AMOUNT OF FENTANYL,  
10 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION  
11 18-18-204 (2)(g).

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

20 (b) STARTING ON JULY 1, 2022, AND FOR THREE YEARS  
21 THEREAFTER, EACH DISTRICT ATTORNEY'S OFFICE THAT RECEIVES A  
22 REPORT REGARDING AN ARREST FROM LAW ENFORCEMENT PURSUANT TO  
23 SUBSECTION (6)(a) OF THIS SECTION SHALL PREPARE A REPORT INDICATING  
24 EACH INSTANCE WHEN A PERSON WAS NOT PROSECUTED FOR AN OFFENSE  
25 PURSUANT TO THIS SECTION IF THE EVENT INVOLVED FENTANYL,  
26 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION  
27 18-18-204 (2)(g). IF THE DISTRICT ATTORNEY PROSECUTES A PERSON WHO

1 SOUGHT EMERGENCY ASSISTANCE FOR AN EMERGENCY DRUG OR ALCOHOL  
2 OVERDOSE EVENT IF THE EVENT INVOLVED FENTANYL, CARFENTANAL, OR  
3 AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), THE  
4 DISTRICT ATTORNEY SHALL PREPARE A REPORT DETAILING THE FACTS AND  
5 CIRCUMSTANCES FOR THE DECISION THAT THE IMMUNITY PROVISIONS OF  
6 SUBSECTION (1) OF THIS SECTION DID NOT APPLY.

7 (c) EACH DISTRICT ATTORNEY SHALL PROVIDE THE REPORTS  
8 COLLECTED PURSUANT TO THIS SUBSECTION (6) TO THE LEGISLATIVE  
9 SERVICE AGENCIES OF THE COLORADO GENERAL ASSEMBLY FOR THE  
10 PURPOSE OF A POST-ENACTMENT REVIEW.

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

12 **SECTION 6.** In Colorado Revised Statutes, 18-1.3-401.5, **amend**  
13 **(7), (10)(a)(III), and (10)(a)(IV); and add (2.5) and (14) and (10)(a)(V)**  
14 **as follows:**

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

24 (7) EXCEPT AS PROVIDED IN SECTION 18-18-405 (2)(a)(III)(B),  
25 notwithstanding any provision of this section to the contrary, if the  
26 defendant is convicted of a level 1 drug felony, the court shall sentence  
27 the defendant to a term of incarceration in the department of corrections

1 of at least eight years but not more than thirty-two years. The presence of  
2 one or more of the aggravating circumstances provided in ~~paragraph (a)~~  
3 ~~of subsection (10)~~ SUBSECTION (10)(a) of this section or in section  
4 18-18-407 (1) requires the court to sentence a defendant convicted of a  
5 level 1 drug felony to a term of incarceration in the department of  
6 corrections of at least twelve years but no more than thirty-two years. The  
7 court may impose a fine in addition to imprisonment.

8 (10) (a) Except for a level 1 drug felony, the presence of one or  
9 more of the following aggravating circumstances at the time of the  
10 commission of a drug felony offense requires the court, if it sentences the  
11 defendant to incarceration, to sentence the defendant to a term of at least  
12 the midpoint in the presumptive range but not more than the maximum  
13 term of the aggravated range:

14 (III) The defendant was under confinement, in prison, or in any  
15 correctional institution as a convicted felon, or an escapee from any  
16 correctional institution for another felony; ~~or~~

17 (IV) The defendant was on probation for or on bond while  
18 awaiting sentencing following revocation of probation for a delinquent  
19 act that would have constituted a felony if committed by an adult; ~~OR~~

20 (V) THE DEFENDANT COMMITTED A VIOLATION OF SECTION  
21 18-18-405 (2)(a)(III)(A), AND THE UNLAWFUL DISTRIBUTION,  
22 MANUFACTURING, DISPENSING, OR SALE OF THE MATERIAL, COMPOUND,  
23 MIXTURE, OR PREPARATION WEIGHED MORE THAN FIFTY GRAMS AND  
24 CONTAINED FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS  
25 DESCRIBED IN SECTION 18-18-204 (2)(g).

26 (14) (a) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION,  
27 FOR THE PURPOSE OF SENTENCING A PERSON CONVICTED OF A LEVEL 4

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

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

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

27 **SECTION 7.** In Colorado Revised Statutes, **add** 18-1.3-410 as

1 follows:

2 **18-1.3-410. Fentanyl education and treatment program.**

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

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

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



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

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

16 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING  
17 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT  
18 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST  
19 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE  
20 OFFICE OF BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127. THE  
21 FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION  
22 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC  
23 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO  
24 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY  
25 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC  
26 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING  
27 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE FENTANYL

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

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

8 **18-1.3-410. Fentanyl education and treatment program.**

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

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

25 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN  
26 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF  
27 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR

1 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,  
2 OR AN ANALOG THEREOF, THE COURT SHALL ORDER RESIDENTIAL  
3 TREATMENT AS A CONDITION OF PROBATION. THE RESIDENTIAL  
4 TREATMENT FACILITY MUST BE APPROVED BY THE BEHAVIORAL HEALTH  
5 ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES AND  
6 DESIGNED FOR TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL,  
7 CARFENTANAL, OR AN ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL  
8 PROGRAM AS A CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF  
9 TIME THAT THE PLACEMENT IS CLINICALLY NECESSARY. THE  
10 RESIDENTIAL PLACEMENT 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 THE PLACEMENT.

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

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

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

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

14 **18-1.3-501. Misdemeanors classified - drug misdemeanors and**  
15 **drug petty offenses classified - penalties - legislative intent -**  
16 **definitions.** (1) (d.5) (I) (A) It is the intention of the general assembly to  
17 classify most drug possession on and after March 1, 2020, as a  
18 misdemeanor offense with different sentencing options and limited  
19 incarceration penalties. The purpose of this sentencing scheme is to  
20 provide offenders who are assessed to be in need of treatment or other  
21 intervention with probation supervision in conjunction with effective  
22 medical and behavioral intervention and treatment. For those drug  
23 possessors who are not in need of treatment, sentencing by the courts  
24 system should be limited. This sentencing scheme recognizes that drug  
25 use and possession is primarily a health concern and should be treated as  
26 such by Colorado courts.

27 (B) FURTHERMORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY

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

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

10 **18-1.3-509. Fentanyl education and treatment program.**

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

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

27 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN

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

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

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

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

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

16 **18-1.3-509. Fentanyl education and treatment program.**

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

1 DURING THE PERSON'S PROBATION OR DEFERRED JUDGMENT SUPERVISION.

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

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

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



1 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE  
2 PERSON'S TREATMENT NEEDS.

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

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

27 **12-30-110. Prescribing or dispensing opiate antagonists -**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3           (XXI) A MENTAL HEALTH PROFESSIONAL.

4           (b) ~~A law enforcement agency or first responder; an employee or~~  
5 ~~volunteer of a harm reduction organization; a school district, school, or~~  
6 ~~employee or agent of a school; a person described in section~~  
7 ~~25-20.5-1001; a mental health professional; or a unit of local government;~~  
8 A PERSON OR ENTITY DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION  
9 may, pursuant to an order or standing orders and protocols:

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

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

1 good-faith effort to assist:

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

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

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

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

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

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

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

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

20 (7) As used in this section:

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

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

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

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

27 (a.3) "COMMUNITY SERVICE ORGANIZATION" MEANS A NONPROFIT

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

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

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

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

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

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

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

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

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

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

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

26 (b.8) "MUNICIPAL JAIL" HAS THE SAME MEANING AS DESCRIBED IN  
27 SECTION 31-15-401 (1)(j).

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

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

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

7 **13-21-108.7. Persons rendering emergency assistance through**  
8 **the administration of an opiate antagonist - limited immunity -**  
9 **legislative declaration - definitions. (3) General immunity. (a)** A  
10 person, other than a health-care provider or a health-care facility, who  
11 acts in good faith to furnish or administer an opiate antagonist, including  
12 an expired opiate antagonist, to an individual the person believes to be  
13 suffering an opiate-related drug overdose event or to an individual who  
14 is in a position to assist the individual at risk of experiencing an  
15 opiate-related overdose event is not liable for any civil damages for acts  
16 or omissions made as a result of the act or for any act or omission made  
17 if the opiate antagonist is stolen, DEFECTIVE, OR PRODUCES AN  
18 UNINTENDED RESULT.

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

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

1 ACCORDANCE WITH SECTION 12-30-110 (1)(b), (2)(b), AND (4)(b), AND, AS  
2 APPLICABLE, SECTION 22-1-119.1; and

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

5 **13-21-108.8. Persons furnishing a non-laboratory synthetic**  
6 **opiate detection test - limited immunity - definition.** (1) EXCEPT AS  
7 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON WHO OR ENTITY  
8 THAT ACTS IN GOOD FAITH TO FURNISH A NON-LABORATORY SYNTHETIC  
9 OPIATE DETECTION TEST, INCLUDING AN EXPIRED NON-LABORATORY  
10 SYNTHETIC OPIATE DETECTION TEST, TO ANOTHER PERSON IS NOT LIABLE  
11 FOR ANY CIVIL DAMAGES FOR ACTS, OMISSIONS MADE AS A RESULT OF THE  
12 ACT, OR FOR ANY ACT OR OMISSION MADE IF THE NON-LABORATORY  
13 SYNTHETIC OPIATE DETECTION TEST IS STOLEN, DEFECTIVE, OR PRODUCES  
14 AN INACCURATE RESULT.

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

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

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

24 **17-26-140. Continuity of care for persons released from jail.**  
25 (1) If a person is treated for a substance use disorder **throughout** AT ANY  
26 **TIME DURING** the person's incarceration, the county jail shall, at a  
27 minimum, conduct the following before releasing the person from the

1 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 OR HAS BEEN ASSESSED TO RECEIVE  
8 MEDICATION-ASSISTED TREATMENT WHILE IN JAIL, HAS A HISTORY OF  
9 SUBSTANCE USE IN THE COMMUNITY OR WHILE IN JAIL, OR REQUESTS  
10 OPIATE ANTAGONISTS UPON RELEASE, PROVIDE THE PERSON, UPON  
11 RELEASE FROM THE JAIL, AT LEAST THREE DOSES OF AN OPIATE  
12 ANTAGONIST AND PROVIDE EDUCATION TO THE PERSON ABOUT THE  
13 APPROPRIATE USE OF THE MEDICATION; AND

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

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

24 **17-26-140. Continuity of care for persons released from jail.**

25 (1) If a person is treated for a substance use disorder ~~throughout~~ AT ANY  
26 TIME DURING the person's incarceration, the county jail shall, at a  
27 minimum, conduct the following before releasing the person from the



1 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~~ ADMINISTRATION in the state  
6 department OF HUMAN SERVICES has such a list available;

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

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

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

24 **17-27-104. Community corrections programs operated by**  
25 **units of local government, state agencies, or nongovernmental**  
26 **agencies.** (12) (a) The administrators of a community corrections  
27 program established pursuant to this section may implement a behavioral

1 or mental health disorder screening program to screen the persons  
2 accepted and placed in the community corrections program. If the  
3 administrators choose to implement a behavioral or mental health disorder  
4 screening program, the administrators shall use the standardized  
5 screening instrument developed pursuant to section 16-11.9-102 and  
6 conduct the screening in accordance with procedures established pursuant  
7 to said section.

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

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

17 **18-1-712. Immunity for a person who administers an opiate**  
18 **antagonist during an opiate-related drug overdose event - definitions.**

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

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

1 ACCORDANCE WITH SECTION 12-30-110 (1)(b), (2)(b), AND (4)(b), AND, AS  
2 APPLICABLE, SECTION 22-1-119.1; and

3 **SECTION 19.** In Colorado Revised Statutes, 18-19-103, **amend**  
4 (5)(c)(VI) and (5)(c)(VII); and **add** (5)(c)(VIII) as follows:

5 **18-19-103. Source of revenues - allocation of money.**

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

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

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

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

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

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

1 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS ON SCHOOL  
2 GROUNDS TO ANY INDIVIDUAL.

3 (2) AS USED IN THIS SECTION, "NON-LABORATORY SYNTHETIC  
4 OPIATE DETECTION TEST" MEANS A PRODUCT APPROVED BY THE FEDERAL  
5 FOOD AND DRUG ADMINISTRATION INTENDED OR DESIGNED TO DETECT THE  
6 PRESENCE OF A SYNTHETIC OPIATE.

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

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

15 ~~(a) A unit of local government, as defined in section 29-3.5-101~~  
16 ~~(4);~~

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

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

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

23 ~~(II) The state charter school institute for an institute charter~~  
24 ~~school; or~~

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

26 ~~(d) A harm reduction organization, as defined in section~~  
27 ~~12-30-110 (7)(b);~~

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

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

3           (6) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL  
4 ASSEMBLY SHALL APPROPRIATE TWENTY MILLION DOLLARS FROM THE  
5 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION  
6 24-75-230, TO THE FUND.

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

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

10           **25-1.5-115.3. Non-laboratory synthetic opiate detection tests**

11 **- appropriation - definitions - repeal.** (1) FOR THE 2022-23 STATE  
12 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE THREE  
13 HUNDRED THOUSAND DOLLARS TO THE DEPARTMENT FOR THE PURPOSE OF  
14 PURCHASING NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS.

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

22           (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
23 REQUIRES:

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

1 (b) "NON-LABORATORY SYNTHETIC OPIATE DETECTION TEST"  
2 MEANS A PRODUCT THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG  
3 ADMINISTRATION INTENDED OR DESIGNED TO DETECT THE PRESENCE OF A  
4 SYNTHETIC OPIATE.

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

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

8 **25-1.5-115.5. Fentanyl prevention and education campaign -**  
9 **website.** (1) SUBJECT TO AVAILABLE APPROPRIATIONS, BEGINNING IN THE  
10 2022-23 STATE FISCAL YEAR, THE DEPARTMENT SHALL DEVELOP,  
11 IMPLEMENT, AND MAINTAIN AN ONGOING STATEWIDE PREVENTION AND  
12 EDUCATION CAMPAIGN TO ADDRESS THE FENTANYL EDUCATION NEEDS IN  
13 THE STATE. IN THE PREVENTION AND EDUCATION CAMPAIGN, THE DIVISION  
14 SHALL PROVIDE INFORMATION TO THE GENERAL PUBLIC ABOUT FENTANYL,  
15 ITS DANGERS, PRECAUTIONARY MEASURES TO AVOID RISKS AND PREVENT  
16 HARM CAUSED BY FENTANYL, RESOURCES FOR ADDICTION TREATMENT  
17 AND SERVICES, AND LAWS REGARDING FENTANYL, INCLUDING CRIMINAL  
18 PENALTIES AND IMMUNITY FOR REPORTING AN OVERDOSE EVENT  
19 PURSUANT TO SECTION 18-1-711.

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

25 (3) IN FURTHERANCE OF THE GOALS OF THE FENTANYL PREVENTION  
26 AND EDUCATION CAMPAIGN, THE DIVISION SHALL PROVIDE AT LEAST FIVE  
27 REGIONAL TRAINING SESSIONS DURING THE 2022-23 FISCAL YEAR FOR

1 COMMUNITY PARTNERS TO IMPLEMENT YOUTH HEALTH DEVELOPMENT  
2 STRATEGIES.

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

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

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

24 (2) (a) To be eligible to receive grant funding pursuant to this part  
25 11, an entity must be: ~~a nonprofit organization in good standing and~~  
26 ~~registered with the federal internal revenue service and the Colorado~~  
27 ~~secretary of state's office, a local public health agency established~~

1 ~~pursuant to section 25-1-506, or a law enforcement agency.~~

2 (I) A NONPROFIT ORGANIZATION THAT IS IN GOOD STANDING AND  
3 REGISTERED WITH THE FEDERAL INTERNAL REVENUE SERVICE AND THE  
4 COLORADO SECRETARY OF STATE'S OFFICE;

5 (II) A LOCAL PUBLIC HEALTH AGENCY ESTABLISHED PURSUANT TO  
6 SECTION 25-1-506;

7 (III) A TRIBAL AGENCY OR PROGRAM;

8 (IV) A FEDERALLY QUALIFIED HEALTH CENTER, AS DEFINED IN THE  
9 FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)(4);

10 (V) A RURAL HEALTH CLINIC, AS DEFINED IN THE FEDERAL "SOCIAL  
11 SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)(2);

12 (VI) A COMMUNITY MENTAL HEALTH CENTER, AS DEFINED IN  
13 SECTION 27-66-101 (2); OR

14 (VII) A LAW ENFORCEMENT AGENCY.

15 (b) AN ELIGIBLE ENTITY MAY SUBMIT A PROPOSAL ON BEHALF OF  
16 A GROUP OF ELIGIBLE ENTITIES, AND APPORTION GRANT FUNDS  
17 ACCORDINGLY, TO FOSTER COMMUNITY COLLABORATION AND COLLECTIVE  
18 IMPACT.

19 (c) Grantees must be willing to provide services to individuals  
20 who may not be ready to seek addiction treatment services or who are in  
21 recovery.

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

23 (a) Eligibility criteria for ~~nonprofit organizations, local public~~  
24 ~~health agencies, and law enforcement agencies~~ THE ENTITIES DESCRIBED  
25 IN SUBSECTION (2) OF THIS SECTION;

26 (4) ~~(a)~~ Permissible uses of funding provided pursuant to this grant  
27 program include GENERAL OPERATING EXPENSES, AND DIRECT AND



1 INDIRECT PROJECT COSTS INCLUDING, but are not limited to:

2 ~~(H)~~ (a) Trainings relevant to the field of harm reduction which  
3 THAT may include ~~how to administer naloxone~~ OVERDOSE PREVENTION,  
4 SAFER SUBSTANCE USE PRACTICES, SAFE DISPOSAL, AND ACCESS TO AND  
5 ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY  
6 SYNTHETIC OPIATE DETECTION TESTS;

7 ~~(H)~~ (b) Purchasing and providing sterile equipment,  
8 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS, and syringe  
9 disposal equipment;

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

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

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

23 ~~(VI)~~ ~~Coordinating local efforts regarding co-responder and~~  
24 ~~diversion programs; and~~

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

26 (g) PUBLIC EDUCATION AND OUTREACH ABOUT SYNTHETIC  
27 OPIATES, OVERDOSE RISKS, RECOGNIZING AN OVERDOSE EVENT,

1 RESOURCES FOR ADDICTION TREATMENT AND SERVICES, ACCESS TO AND  
2 ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY  
3 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC  
4 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING  
5 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711;

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

9 (i) DEVELOPING, OR EXPANDING EXISTING, COMMUNITY-BASED  
10 ORGANIZATIONS THAT PROVIDE OVERDOSE PREVENTION, EARLY  
11 INTERVENTION, AND HARM REDUCTION SERVICES;

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

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

17 (l) SUPPORT FOR A LIAISON WITH EXPERIENCE COLLABORATING  
18 WITH COMMUNITY-BASED ORGANIZATIONS AND LOCAL PUBLIC HEALTH  
19 AGENCIES.

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

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

27 **25-20.5-1102. Harm reduction grant program cash fund -**

1 **creation - repeal.** (5) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE  
2 GENERAL ASSEMBLY SHALL APPROPRIATE SIX MILLION DOLLARS FROM THE  
3 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION  
4 24-75-230, TO THE FUND.

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

6 **SECTION 26.** In Colorado Revised Statutes, 27-60-106, **amend**  
7 (4) introductory portion, (4)(b), and (5)(a); and **add** (7) as follows:

8 **27-60-106. Jail-based behavioral health services program -**  
9 **purpose - created - funding - repeal.** (4) Subject to available  
10 appropriations, the office ~~may~~ SHALL require a county jail that receives  
11 funding through the program to:

12 (b) Assess all individuals ~~booked into the jail facility~~ WHEN  
13 BOOKED INTO THE JAIL FACILITY AND AT ANY TIME SUBSEQUENT TO  
14 BOOKING WHEN CLINICALLY INDICATED for substance use withdrawal  
15 symptoms and develop protocols for medical detoxification monitoring  
16 procedures, MEDICATION-ASSISTED TREATMENT, OR OTHER APPROPRIATE  
17 WITHDRAWAL MANAGEMENT CARE;

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

1 (7) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL  
2 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE  
3 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION  
4 24-75-230, TO THE OFFICE FOR THE PURPOSE OF ASSISTING COUNTY JAILS  
5 THAT RECEIVE FUNDING THROUGH THE PROGRAM TO IMPLEMENT THE  
6 REQUIREMENT PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION.

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

8 **SECTION 27.** In Colorado Revised Statutes, 27-60-106, **amend**  
9 (4) introductory portion, (4)(b), and (5)(a); and **add** (7) as follows:

10 **27-60-106. Jail-based behavioral health services program -**  
11 **purpose - created - funding - repeal.** (4) Subject to available  
12 appropriations, the ~~office may~~ BHA SHALL require a county jail that  
13 receives funding through the program to:

14 (b) Assess all individuals ~~booked into the jail facility~~ WHEN  
15 BOOKED INTO THE JAIL FACILITY AND AT ANY TIME SUBSEQUENT TO  
16 BOOKING WHEN CLINICALLY INDICATED for substance use withdrawal  
17 symptoms and develop protocols for medical detoxification monitoring  
18 procedures, MEDICATION-ASSISTED TREATMENT, OR OTHER APPROPRIATE  
19 WITHDRAWAL MANAGEMENT CARE;

20 (5) (a) The ~~office~~ BHA shall require a county jail that receives  
21 funding through the program to have a policy in place on or before  
22 January 1, 2020, that describes how medication-assisted treatment, as it  
23 is defined in section 23-21-803, will be provided, when necessary, to  
24 individuals confined in the county jail. THE BHA SHALL REQUIRE A  
25 COUNTY JAIL THAT RECEIVES FUNDING THROUGH THE PROGRAM TO  
26 DEVELOP, IMPLEMENT, AND PUBLISH A POLICY ON OR BEFORE JANUARY 1,  
27 2023, THAT DESCRIBES THE PROVISION OF MEDICATION-ASSISTED

1 TREATMENT AND OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE  
2 UPON RELEASE FROM JAIL.

3 (7) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL  
4 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE  
5 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION  
6 24-75-230, TO THE BHA FOR THE PURPOSE OF ASSISTING COUNTY JAILS  
7 THAT RECEIVE FUNDING THROUGH THE PROGRAM TO IMPLEMENT THE  
8 REQUIREMENT PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION.

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

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

12 **27-80-107.7. Increase synthetic opiate treatment - report.**

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

17 (a) THE NUMBER OF MEDICATION-ASSISTED TREATMENT  
18 PROVIDERS EMPLOYED BY THE MANAGED SERVICE ORGANIZATION WHO  
19 ARE TRAINED TO PROVIDE MEDICATION-ASSISTED TREATMENT TO A  
20 PERSON WHO HAS CONSUMED SYNTHETIC OPIATES;

21 (b) AMBULATORY WITHDRAWAL MANAGEMENT AND MEDICAL  
22 WITHDRAWAL MANAGEMENT SPECIFIC TO SYNTHETIC OPIATES;

23 (c) THE PROVISION OF RECOVERY SERVICES AT PUBLIC HIGH  
24 SCHOOLS; AND

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

27 (2) IN ITS HEARING FOR THE 2024 LEGISLATIVE SESSION, THE

1 DEPARTMENT SHALL INCLUDE AS PART OF ITS "STATE MEASUREMENT FOR  
2 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)  
3 GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203, THE  
4 MANAGED SERVICE ORGANIZATIONS' FINDINGS PURSUANT TO SUBSECTION  
5 (1) OF THIS SECTION.

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

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

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

22 **27-80-127. Fentanyl education and treatment program.** THE  
23 BEHAVIORAL HEALTH ADMINISTRATION SHALL DEVELOP A FENTANYL  
24 EDUCATION PROGRAM FOR THE PURPOSE OF SECTIONS 18-1.3-410 AND  
25 18-1.3-509. THE FENTANYL EDUCATION PROGRAM MUST INCLUDE  
26 INFORMATION REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF  
27 SYNTHETIC OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH,

1 ACCESS TO AND ADMINISTRATION OF OPIATE ANTAGONISTS AND  
2 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS, AND LAWS  
3 REGARDING SYNTHETIC OPIATES, INCLUDING CRIMINAL PENALTIES AND  
4 IMMUNITY FOR REPORTING AN OVERDOSE EVENT PURSUANT TO SECTION  
5 18-1-711. THE BHA MAY UPDATE THE FENTANYL EDUCATION PROGRAM  
6 CURRICULUM AS NECESSARY.

7 **SECTION 31.** In Colorado Revised Statutes, 18-1.3-103.5,  
8 **amend** (3)(c) and (3)(d); and **add** (3)(e) as follows:

9 **18-1.3-103.5. Felony convictions - vacate and enter conviction**  
10 **on misdemeanor after successful completion.** (3) This section applies  
11 to convictions for the following offenses:

12 (c) Possession of more than twelve ounces of marijuana or more  
13 than three ounces of marijuana concentrate; ~~or~~

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

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

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

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

25 (III) If the offense is a class 4, class 5, or class 6 felony, a level 3  
26 or level 4 drug felony EXCEPT A LEVEL 4 DRUG FELONY FOR A CONVICTION  
27 PURSUANT TO SECTION 18-18-403.5 (2.5), or a class 1 misdemeanor, the

1 motion may be filed three years after the later of the date of the final  
2 disposition of all criminal proceedings against the defendant or the  
3 release of the defendant from supervision concerning a criminal  
4 conviction.

5 **SECTION 33.** In Colorado Revised Statutes, 18-1.3-801, **amend**  
6 **(2)(a)(I); and add (2)(c) as follows:**

7 **18-1.3-801. Punishment for habitual criminals.**

8 **(2) (a) (I)** Except as otherwise provided in ~~paragraph (b) of this~~  
9 ~~subsection (2)~~ **SUBSECTIONS (2)(b), (2)(c), and in subsection (5)** of this  
10 section, every person convicted in this state of any felony, who has been  
11 three times previously convicted, upon charges separately brought and  
12 tried, and arising out of separate and distinct criminal episodes, either in  
13 this state or elsewhere, of a felony or, under the laws of any other state,  
14 the United States, or any territory subject to the jurisdiction of the United  
15 States, of a crime which, if committed within this state, would be a  
16 felony, shall be adjudged an habitual criminal and shall be punished:

17 **(2) (c)** **THE PROVISIONS OF SUBSECTION (2)(a) OF THIS SECTION DO**  
18 **NOT APPLY TO A CONVICTION FOR A LEVEL 4 DRUG FELONY COMMITTED ON**  
19 **OR AFTER JULY 1, 2022, PURSUANT TO SECTION 18-18-403.5 (2.5), OR A**  
20 **CONVICTION FOR A LEVEL 4 DRUG FELONY COMMITTED ON OR AFTER JULY**  
21 **1, 2022, FOR ATTEMPT OR CONSPIRACY TO COMMIT UNLAWFUL POSSESSION**  
22 **OF FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF, AS DESCRIBED IN**  
23 **SECTION 18-18-403.5 (2.5), EVEN IF THE PERSON HAS BEEN PREVIOUSLY**  
24 **CONVICTED OF THREE OR MORE QUALIFYING FELONY CONVICTIONS.**

25 **SECTION 34.** In Colorado Revised Statutes, **add part 14 to**  
26 **article 20.5 of title 25 as follows:**

27 **PART 14**



1 HOUSE BILL 22-1326 INDEPENDENT STUDY

2 25-20.5-1401. Independent study - report - repeal. (1) (a) BY

3 JANUARY 1, 2023, THE DEPARTMENT SHALL CONTRACT WITH AN  
4 INDEPENDENT ENTITY TO CONDUCT A STUDY AND PUBLISH A REPORT  
5 CONCERNING THE IMPACT AND IMPLEMENTATION OF HOUSE BILL 22-1326.

6 (b) THE DEPARTMENT SHALL CONSULT WITH THE JUDICIAL  
7 DEPARTMENT, THE OFFICE OF BEHAVIORAL HEALTH, AND OTHER  
8 STAKEHOLDERS IDENTIFIED BY THE DEPARTMENT IN DEVELOPING AND  
9 ISSUING A REQUEST FOR PROPOSALS TO ENSURE CANDIDATES HAVE  
10 EXPERTISE IN DATA COLLECTION AND PROGRAM ANALYSIS, AND RELEVANT  
11 CRIMINAL LAW AND HARM REDUCTION ISSUES.

12 (2) AT A MINIMUM, THE INDEPENDENT ENTITY SHALL IDENTIFY  
13 AND REPORT FINDINGS REGARDING AVAILABLE DATA AND INFORMATION  
14 FROM JULY 1, 2019, THROUGH JUNE 30, 2024. DATA AND INFORMATION  
15 FROM CASES FILED AND PRACTICES IMPLEMENTED PRIOR TO JULY 1, 2022,  
16 MUST BE INCLUDED IN THE STUDY IN AN EFFORT TO ESTABLISH BASELINE  
17 INFORMATION, AS NECESSARY. THE DATA AND INFORMATION MUST BE  
18 REPORTED BOTH ON A STATEWIDE BASIS AND DISAGGREGATED BY  
19 JUDICIAL DISTRICT. THE DATA AND INFORMATION MUST INCLUDE, BUT IS  
20 NOT LIMITED TO:

21 (a) EVERY CASE WITH A CHARGE FILED PURSUANT TO SECTION  
22 18-18-403.5 FOR THE UNLAWFUL POSSESSION OF FENTANYL,  
23 CARFENTANAL, OR AN ANALOG THEREOF, INCLUDING:

- 24 (I) WHETHER A MISDEMEANOR OR FELONY CHARGE WAS FILED;  
25 (II) WHETHER AN ARREST WAS MADE OR A SUMMONS WAS ISSUED  
26 FOR THE CHARGE;  
27 (III) WHETHER ANOTHER CRIMINAL CHARGE WAS FILED IN THE

1 CASE, AND IF SO, WHAT CHARGE;

2 (IV) THE DISPOSITION OF THE CASE, INCLUDING THE SENTENCE

3 IMPOSED;

4 (V) WHETHER THE DEFENDANT IS CURRENTLY SERVING THE

5 SENTENCE AND IF THE SENTENCE INCLUDES PROBATION SUPERVISION;

6 (VI) WHETHER THE DEFENDANT SUCCESSFULLY COMPLETED THE

7 SENTENCE, INCLUDING IF THE DEFENDANT SUCCESSFULLY COMPLETED AN

8 INITIAL PROBATIONARY SENTENCE OR WHETHER PROBATION WAS REVOKED

9 AND RESULTED IN INCARCERATION IN JAIL OR PRISON;

10 (VII) IF PROBATION WAS REVOKED, WHETHER THE REVOCATION

11 WAS FOR A NEW CRIMINAL CASE OR A TECHNICAL VIOLATION;

12 (VIII) WHETHER SUBSTANCE ABUSE TREATMENT WAS ORDERED

13 AND, IF SO, WHAT TYPE, INCLUDING WHETHER THE COURT ORDERED

14 PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY PURSUANT TO

15 SECTION 18-1.3-410 OR 18-1.3-509; AND

16 (IX) THE RACE, GENDER, AND AGE OF THE DEFENDANT, AND

17 WHETHER THE DEFENDANT WAS REPRESENTED BY COURT-APPOINTED

18 COUNSEL OR OTHERWISE DETERMINED TO BE INDIGENT;

19 (b) THE PREVENTION AND EDUCATION CAMPAIGN DEVELOPED BY

20 THE DEPARTMENT PURSUANT TO SECTION 25-1.5-115.5 AND THE

21 FENTANYL EDUCATION PROGRAM DEVELOPED BY THE OFFICE OF

22 BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127, INCLUDING THE

23 METHOD AND REACH OF THE CAMPAIGN AND PROGRAM;

24 (c) THE IMPLEMENTATION OF MEDICATION-ASSISTED TREATMENT

25 AND OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE BY EVERY

26 JAIL THAT RECEIVED FUNDING PURSUANT TO SECTION 27-60-106,

27 INCLUDING WHETHER THE JAILS COMPLIED WITH IMPLEMENTATION AND,

1 IF NOT, WHETHER THE JAIL FORFEITED OR RETURNED FUNDING;

2 (d) THE ELIGIBLE ENTITIES THAT PURCHASED OPIATE ANTAGONISTS  
3 THROUGH THE OPIATE ANTAGONIST BULK PURCHASE FUND PURSUANT TO  
4 SECTION 25-1.5-115, INCLUDING THE AMOUNT OF OPIATE ANTAGONISTS  
5 PURCHASED BY EACH ELIGIBLE ENTITY AND THE REVENUE RECEIVED BY  
6 THE BULK PURCHASE FUND;

7 (e) THE ELIGIBLE ENTITIES THAT RECEIVED NON-LABORATORY  
8 SYNTHETIC OPIATE DETECTION TESTS PURSUANT TO SECTION 25-1.5-115.3  
9 AND THE AMOUNT OF NON-LABORATORY SYNTHETIC OPIATE DETECTION  
10 TESTS RECEIVED BY EACH ELIGIBLE ENTITY;

11 (f) THE HARM REDUCTION GRANT PROGRAM, CREATED IN SECTION  
12 25-20.5-1101, INCLUDING:

13 (I) THE GRANTEES, THE USES OF EACH GRANT, THE AMOUNT OF THE  
14 GRANT AWARD, THE NUMBER OF PEOPLE SERVED BY THE GRANT, AND ANY  
15 AVAILABLE OUTCOME MEASURES AS A RESULT OF THE GRANT USES;

16 (II) STRATEGIES DEVELOPED AND IMPLEMENTED THROUGH THE  
17 PROGRAM, IF ANY, FOR SERVING POPULATIONS WHO ARE AT A HIGHER RISK  
18 OF OVERDOSE AND LIVE IN UNDERSERVED AREAS; AND

19 (III) EVIDENCE-BASED RESEARCH DEVELOPED THROUGH THE  
20 PROGRAM CONCERNING BEST OR PROMISING PRACTICES IN OVERDOSE  
21 PREVENTION, EARLY INTERVENTION, HARM REDUCTION, AND  
22 MEDICATION-ASSISTED TREATMENT; AND

23 (g) EVERY OVERDOSE DEATH CAUSED BY FENTANYL,  
24 CARFENTANAL, OR AN ANALOG THEREOF, OCCURRING IN A JAIL, PRISON, OR  
25 RESIDENTIAL COMMUNITY CORRECTIONS FACILITY OR WHILE UNDER  
26 PROBATION, PAROLE, OR PRETRIAL RELEASE.

27 (3) BY DECEMBER 31, 2024, THE INDEPENDENT ENTITY SHALL

1 SUBMIT A COMPLETED COMPREHENSIVE REPORT OF ITS FINDINGS  
2 PURSUANT TO SUBSECTION (2) OF THIS SECTION TO THE DEPARTMENT.

3 (4) BY JANUARY 31, 2025, THE DEPARTMENT SHALL PUBLISH THE  
4 REPORT ON ITS WEBSITE AND SHALL SUBMIT THE REPORT TO THE  
5 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
6 SENATE, OR ANY SUCCESSOR COMMITTEES.

7 (5) THIS PART 14 IS REPEALED, EFFECTIVE JULY 1, 2025.

8 **SECTION 35.** In Colorado Revised Statutes, **add** part 14 to  
9 article 20.5 of title 25 as follows:

10 **PART 14**

11 **HOUSE BILL 22-1326 INDEPENDENT STUDY**

12 **25-20.5-1401. Independent study - report - repeal.** (1) (a) BY  
13 JANUARY 1, 2023, THE DEPARTMENT SHALL CONTRACT WITH AN  
14 INDEPENDENT ENTITY TO CONDUCT A STUDY AND PUBLISH A REPORT  
15 CONCERNING THE IMPACT AND IMPLEMENTATION OF HOUSE BILL 22-1326.

16 (b) THE DEPARTMENT SHALL CONSULT WITH THE JUDICIAL  
17 DEPARTMENT, THE BEHAVIORAL HEALTH ADMINISTRATION, AND OTHER  
18 STAKEHOLDERS IDENTIFIED BY THE DEPARTMENT IN DEVELOPING AND  
19 ISSUING A REQUEST FOR PROPOSALS TO ENSURE CANDIDATES HAVE  
20 EXPERTISE IN DATA COLLECTION AND PROGRAM ANALYSIS, AND RELEVANT  
21 CRIMINAL LAW AND HARM REDUCTION ISSUES.

22 (2) AT A MINIMUM, THE INDEPENDENT ENTITY SHALL IDENTIFY  
23 AND REPORT FINDINGS REGARDING AVAILABLE DATA AND INFORMATION  
24 FROM JULY 1, 2019, THROUGH JUNE 30, 2024. DATA AND INFORMATION  
25 FROM CASES FILED AND PRACTICES IMPLEMENTED PRIOR TO JULY 1, 2022,  
26 MUST BE INCLUDED IN THE STUDY IN AN EFFORT TO ESTABLISH BASELINE  
27 INFORMATION, AS NECESSARY. THE DATA AND INFORMATION MUST BE

1 REPORTED BOTH ON A STATEWIDE BASIS AND DISAGGREGATED BY  
2 JUDICIAL DISTRICT. THE DATA AND INFORMATION MUST INCLUDE, BUT IS  
3 NOT LIMITED TO:

4 (a) EVERY CASE WITH A CHARGE FILED PURSUANT TO SECTION  
5 18-18-403.5 FOR THE UNLAWFUL POSSESSION OF FENTANYL,  
6 CARFENTANAL, OR AN ANALOG THEREOF, INCLUDING:

7 (I) WHETHER A MISDEMEANOR OR FELONY CHARGE WAS FILED;

8 (II) WHETHER AN ARREST WAS MADE OR A SUMMONS WAS ISSUED  
9 FOR THE CHARGE;

10 (III) WHETHER ANOTHER CRIMINAL CHARGE WAS FILED IN THE  
11 CASE, AND IF SO, WHAT CHARGE;

12 (IV) THE DISPOSITION OF THE CASE, INCLUDING THE SENTENCE  
13 IMPOSED;

14 (V) WHETHER THE DEFENDANT IS CURRENTLY SERVING THE  
15 SENTENCE AND IF THE SENTENCE INCLUDES PROBATION SUPERVISION;

16 (VI) WHETHER THE DEFENDANT SUCCESSFULLY COMPLETED THE  
17 SENTENCE, INCLUDING IF THE DEFENDANT SUCCESSFULLY COMPLETED AN  
18 INITIAL PROBATIONARY SENTENCE OR WHETHER PROBATION WAS REVOKED  
19 AND RESULTED IN INCARCERATION IN JAIL OR PRISON;

20 (VII) IF PROBATION WAS REVOKED, WHETHER THE REVOCATION  
21 WAS FOR A NEW CRIMINAL CASE OR A TECHNICAL VIOLATION;

22 (VIII) WHETHER SUBSTANCE ABUSE TREATMENT WAS ORDERED  
23 AND, IF SO, WHAT TYPE, INCLUDING WHETHER THE COURT ORDERED  
24 PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY PURSUANT TO  
25 SECTION 18-1.3-410 OR 18-1.3-509; AND

26 (IX) THE RACE, GENDER, AND AGE OF THE DEFENDANT, AND  
27 WHETHER THE DEFENDANT WAS REPRESENTED BY COURT-APPOINTED

1 COUNSEL OR OTHERWISE DETERMINED TO BE INDIGENT;

2 (b) THE PREVENTION AND EDUCATION CAMPAIGN DEVELOPED BY  
3 THE DEPARTMENT PURSUANT TO SECTION 25-1.5-115.5 AND THE  
4 FENTANYL EDUCATION PROGRAM DEVELOPED BY THE BEHAVIORAL  
5 HEALTH ADMINISTRATION PURSUANT TO SECTION 27-80-127, INCLUDING  
6 THE METHOD AND REACH OF THE CAMPAIGN AND PROGRAM;

7 (c) THE IMPLEMENTATION OF MEDICATION-ASSISTED TREATMENT  
8 AND OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE BY EVERY  
9 JAIL THAT RECEIVED FUNDING PURSUANT TO SECTION 27-60-106,  
10 INCLUDING WHETHER THE JAILS COMPLIED WITH IMPLEMENTATION AND,  
11 IF NOT, WHETHER THE JAIL FORFEITED OR RETURNED FUNDING;

12 (d) THE ELIGIBLE ENTITIES THAT PURCHASED OPIATE ANTAGONISTS  
13 THROUGH THE OPIATE ANTAGONIST BULK PURCHASE FUND PURSUANT TO  
14 SECTION 25-1.5-115, INCLUDING THE AMOUNT OF OPIATE ANTAGONISTS  
15 PURCHASED BY EACH ELIGIBLE ENTITY AND THE REVENUE RECEIVED BY  
16 THE BULK PURCHASE FUND;

17 (e) THE ELIGIBLE ENTITIES THAT RECEIVED NON-LABORATORY  
18 SYNTHETIC OPIATE DETECTION TESTS PURSUANT TO SECTION 25-1.5-115.3  
19 AND THE AMOUNT OF NON-LABORATORY SYNTHETIC OPIATE DETECTION  
20 TESTS RECEIVED BY EACH ELIGIBLE ENTITY;

21 (f) THE HARM REDUCTION GRANT PROGRAM, CREATED IN SECTION  
22 25-20.5-1101, INCLUDING:

23 (I) THE GRANTEES, THE USES OF EACH GRANT, THE AMOUNT OF THE  
24 GRANT AWARD, THE NUMBER OF PEOPLE SERVED BY THE GRANT, AND ANY  
25 AVAILABLE OUTCOME MEASURES AS A RESULT OF THE GRANT USES;

26 (II) STRATEGIES DEVELOPED AND IMPLEMENTED THROUGH THE  
27 PROGRAM, IF ANY, FOR SERVING POPULATIONS WHO ARE AT A HIGHER RISK

1 OF OVERDOSE AND LIVE IN UNDERSERVED AREAS; AND

2 (III) EVIDENCE-BASED RESEARCH DEVELOPED THROUGH THE  
3 PROGRAM CONCERNING BEST OR PROMISING PRACTICES IN OVERDOSE  
4 PREVENTION, EARLY INTERVENTION, HARM REDUCTION, AND  
5 MEDICATION-ASSISTED TREATMENT; AND

6 (g) EVERY OVERDOSE DEATH CAUSED BY FENTANYL,  
7 CARFENTANAL, OR AN ANALOG THEREOF, OCCURRING IN A JAIL, PRISON, OR  
8 RESIDENTIAL COMMUNITY CORRECTIONS FACILITY OR WHILE UNDER  
9 PROBATION, PAROLE, OR PRETRIAL RELEASE.

10 (3) BY DECEMBER 31, 2024, THE INDEPENDENT ENTITY SHALL  
11 SUBMIT A COMPLETED COMPREHENSIVE REPORT OF ITS FINDINGS  
12 PURSUANT TO SUBSECTION (2) OF THIS SECTION TO THE DEPARTMENT.

13 (4) BY JANUARY 31, 2025, THE DEPARTMENT SHALL PUBLISH THE  
14 REPORT ON ITS WEBSITE AND SHALL SUBMIT THE REPORT TO THE  
15 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
16 SENATE, OR ANY SUCCESSOR COMMITTEES.

17 (5) THIS PART 14 IS REPEALED, EFFECTIVE JULY 1, 2025.

18 **SECTION 36.** In Colorado Revised Statutes, **add** 27-80-107.8 as  
19 follows:

20 **27-80-107.8. Withdrawal management and crisis service**  
21 **expansion - appropriation.** (1) ON OR BEFORE JANUARY 1, 2023, EACH  
22 MANAGED SERVICE ORGANIZATION SHALL:

23 (a) CONTRACT TO PROVIDE SHORT-TERM RESIDENTIAL PLACEMENT  
24 FOR WITHDRAWAL MANAGEMENT, CRISIS STABILIZATION, OR  
25 MEDICATION-ASSISTED TREATMENT FOR PERSONS IN IMMEDIATE NEED OF  
26 DETOXIFICATION AND STABILIZATION SERVICES, WITH A PROVIDER WHO IS  
27 LICENSED BY THE STATE OF COLORADO TO PROVIDE THOSE SERVICES.

1 (b) DEVELOP A PAYMENT SCHEDULE THAT INCLUDES ADMISSION  
2 AND SERVICE RATES FROM THE MANAGED SERVICE ORGANIZATION TO THE  
3 PROVIDER, AND ORGANIZATIONAL FUNDING FOR TRAINING AND  
4 COORDINATION WITH FIRST RESPONDERS OR REFERRING ENTITIES; AND

5 (c) PROVIDE TRAINING TO, AND ONGOING COORDINATION WITH,  
6 FIRST RESPONDERS OR REFERRING ENTITIES CONCERNING THE AVAILABLE  
7 SERVICES TO BE UTILIZED IN LIEU OF ARREST AND TRANSPORT TO JAIL, TO  
8 THE GREATEST EXTENT POSSIBLE.

9 (2) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL  
10 ASSEMBLY SHALL APPROPRIATE TEN MILLION DOLLARS TO THE OFFICE OF  
11 BEHAVIORAL HEALTH TO BE DISTRIBUTED TO MANAGED SERVICE  
12 ORGANIZATIONS FOR THE PURPOSE OF IMPLEMENTING THIS SECTION. ANY  
13 UNEXPENDED MONEY REMAINING AT THE END OF THE 2022-23 STATE  
14 FISCAL YEAR FROM THIS APPROPRIATION:

15 (a) DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER  
16 FUND;

17 (b) MAY BE USED BY THE OFFICE OF BEHAVIORAL HEALTH IN THE  
18 2023-24 OR 2024-25 STATE FISCAL YEARS WITHOUT FURTHER  
19 APPROPRIATION; AND

20 (c) MUST NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN THE  
21 PURPOSES SET FORTH IN THIS SECTION.

22 **SECTION 37.** In Colorado Revised Statutes, **add 27-80-107.8** as  
23 follows:

24 **27-80-107.8. Withdrawal management and crisis service**  
25 **expansion - appropriation.** (1) ON OR BEFORE JANUARY 1, 2023, EACH  
26 MANAGED SERVICE ORGANIZATION SHALL:

27 (a) CONTRACT TO PROVIDE SHORT-TERM RESIDENTIAL PLACEMENT



1 FOR WITHDRAWAL MANAGEMENT, CRISIS STABILIZATION, OR  
2 MEDICATION-ASSISTED TREATMENT FOR PERSONS IN IMMEDIATE NEED OF  
3 DETOXIFICATION AND STABILIZATION SERVICES, WITH A PROVIDER WHO IS  
4 LICENSED BY THE STATE OF COLORADO TO PROVIDE THOSE SERVICES.

5 (b) DEVELOP A PAYMENT SCHEDULE THAT INCLUDES ADMISSION  
6 AND SERVICE RATES FROM THE MANAGED SERVICE ORGANIZATION TO THE  
7 PROVIDER, AND ORGANIZATIONAL FUNDING FOR TRAINING AND  
8 COORDINATION WITH FIRST RESPONDERS OR REFERRING ENTITIES; AND

9 (c) PROVIDE TRAINING TO, AND ONGOING COORDINATION WITH,  
10 FIRST RESPONDERS OR REFERRING ENTITIES CONCERNING THE AVAILABLE  
11 SERVICES TO BE UTILIZED IN LIEU OF ARREST AND TRANSPORT TO JAIL, TO  
12 THE GREATEST EXTENT POSSIBLE.

13 (2) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL  
14 ASSEMBLY SHALL APPROPRIATE TEN MILLION DOLLARS TO THE  
15 BEHAVIORAL HEALTH ADMINISTRATION TO BE DISTRIBUTED TO MANAGED  
16 SERVICE ORGANIZATIONS FOR THE PURPOSE OF IMPLEMENTING THIS  
17 SECTION. ANY UNEXPENDED MONEY REMAINING AT THE END OF THE  
18 2022-23 STATE FISCAL YEAR FROM THIS APPROPRIATION:

19 (a) DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER  
20 FUND;

21 (b) MAY BE USED BY THE BEHAVIORAL HEALTH ADMINISTRATION  
22 IN THE 2023-24 OR 2024-25 STATE FISCAL YEARS WITHOUT FURTHER  
23 APPROPRIATION; AND

24 (c) MUST NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN THE  
25 PURPOSES SET FORTH IN THIS SECTION.

26 **SECTION 38.** In Colorado Revised Statutes, add 24-33.5-525 as  
27 follows:

1           **24-33.5-525. Synthetic opiate poisoning investigation and**  
2 **distribution interdiction grant program - creation - duties - rules -**  
3 **reports - appropriation - definition - repeal.** (1) THERE IS CREATED IN

4 THE DIVISION THE SYNTHETIC OPIATE POISONING INVESTIGATION AND  
5 DISTRIBUTION INTERDICTION GRANT PROGRAM, REFERRED TO IN THIS  
6 SECTION AS "GRANT PROGRAM", TO PROVIDE GRANTS TO LAW  
7 ENFORCEMENT AGENCIES FOR THE PURPOSE OF INVESTIGATING DEATHS  
8 CAUSED BY SYNTHETIC OPIATE POISONING AND DISRUPTING SYNTHETIC  
9 OPIATE DISTRIBUTION.

10           (2) A LAW ENFORCEMENT AGENCY MAY APPLY FOR A GRANT FOR  
11 THE FOLLOWING PURPOSES:

12           (a) INVESTIGATING DEATHS AND SERIOUS INJURIES CAUSED BY  
13 SYNTHETIC OPIATE POISONING;

14           (b) INVESTIGATING, ENFORCING, AND PROSECUTING SYNTHETIC  
15 OPIATE DISTRIBUTION NETWORKS, INCLUDING PERFORMING  
16 MULTIJURISDICTIONAL INVESTIGATIONS AND ENFORCEMENT OPERATIONS;  
17 AND

18           (c) ENHANCING SYNTHETIC OPIATE DISTRIBUTION INTELLIGENCE,  
19 INFORMATION-SHARING CAPABILITIES, AND INTERAGENCY  
20 COLLABORATION AMONG FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT  
21 PARTNERS.

22           (3) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, GIFTS, GRANTS,  
23 OR DONATIONS, THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM  
24 AND SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION.

25           (b) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,  
26 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF  
27 THIS SECTION.

1 (4) THE DIVISION MAY PROMULGATE SUCH RULES AS MAY BE  
2 NECESSARY TO IMPLEMENT THE GRANT PROGRAM.

3 (5) (a) ON OR BEFORE AUGUST 1, 2023, AND ON OR BEFORE  
4 AUGUST 1 EACH YEAR THEREAFTER, EACH GRANT RECIPIENT THAT  
5 RECEIVED A GRANT THROUGH THE GRANT PROGRAM IN THE PRECEDING  
6 STATE FISCAL YEAR SHALL SUBMIT A REPORT TO THE DIVISION IN A  
7 FORMAT REQUIRED BY THE DIVISION. AT A MINIMUM, THE REPORT MUST  
8 INCLUDE A DESCRIPTION OF THE USES OF THE GRANT MONEY DURING THE  
9 APPLICABLE GRANT TERM. THE DIVISION MAY PROMULGATE RULES  
10 REGARDING REPORTING REQUIREMENTS, INCLUDING ADDITIONAL  
11 INFORMATION TO BE INCLUDED IN THE REPORT.

12 (b) ON OR BEFORE DECEMBER 1, 2023, AND ON OR BEFORE  
13 DECEMBER 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT  
14 PROGRAM, THE DIVISION SHALL SUBMIT A SUMMARIZED REPORT TO THE  
15 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
16 SENATE, OR ANY SUCCESSOR COMMITTEES. AT A MINIMUM, THE REPORT  
17 MUST INCLUDE THE INFORMATION PROVIDED BY GRANT RECIPIENTS TO THE  
18 DIVISION PURSUANT TO THIS SUBSECTION (5).

19 (6) THE DIVISION SHALL CONSULT THE OPIOID CRISIS RECOVERY  
20 FUNDS ADVISORY COMMITTEE, CREATED IN SECTION 27-81-118,  
21 CONCERNING THE IMPLEMENTATION OF THIS SECTION, INCLUDING  
22 RECOMMENDATIONS FOR POTENTIAL GRANT RECIPIENTS AND  
23 EXPENDITURES, AND ASSISTANCE SEEKING GIFTS, GRANTS, AND  
24 DONATIONS PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION.

25 (7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
26 REQUIRES, "LAW ENFORCEMENT AGENCY" HAS THE SAME MEANING SET  
27 FORTH IN SECTION 24-32-124 (1)(e), AND INCLUDES A DISTRICT

1 ATTORNEY'S OFFICE, A MULTIJURISDICTIONAL LAW ENFORCEMENT TASK  
2 FORCE THAT INCLUDES A LAW ENFORCEMENT AGENCY AS DEFINED BY  
3 SECTION 24-32-124 (1)(e), OR A POLICE DEPARTMENT FOR A PRIVATE OR  
4 STATE INSTITUTION OF HIGHER EDUCATION.

5 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

6 **SECTION 39. Accountability.** Notwithstanding the requirement  
7 to conduct a review of the implementation of this act either two or five  
8 years after the enactment of this act, three years after this act becomes law  
9 and in accordance with section 2-2-1201, Colorado Revised Statutes, the  
10 legislative service agencies of the Colorado general assembly shall  
11 conduct a post-enactment review of the implementation of this act  
12 utilizing the information contained in the legislative declaration set forth  
13 in section 1 of this act.

14 **SECTION 40. Appropriation.** (1) For the 2022-23 state  
15 fiscal year, \$4,033,875 is appropriated to the department of human  
16 services for use by the behavioral health administration. This  
17 appropriation consists of \$883,875 from the general fund, \$150,000 from  
18 the correctional treatment cash fund created in section 18-19-103 (4)(a),  
19 C.R.S., and \$3,000,000 from the behavioral and mental health cash fund  
20 created in section 24-75-230 (2)(a), C.R.S., which is of money the state  
21 received from the federal coronavirus state fiscal recovery fund. To  
22 implement this act, the administration may use this appropriation as  
23 follows:

24 (a) \$183,875 from the general fund for program administration  
25 related to community behavioral health administration, which amount is  
26 based on an assumption that the administration will require an additional  
27 1.8 FTE;

1 (b) \$700,000 from the general fund for managed service  
2 organization regional evaluations related to substance use treatment and  
3 prevention services;

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

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

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

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

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

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

1 for administration.

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

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

16 **SECTION 41. Effective date - applicability.** This act takes  
17 effect on January 1, 2023; except that:

18 (1) Sections 1, 12, 13, 14, 18, 20, 21, 22, 23, 24, 25, 34, 35, and  
19 36 take effect on July 1, 2022;

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

22 (3) Sections 7, 10, 15, 26, and 29 take effect only if House Bill  
23 22-1278 does not become law; and

24 (4) Sections 8, 11, 16, 27, and 30 take effect only if House Bill  
25 22-1278 becomes law.

26 **SECTION 42. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.