

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 24-0315.01 Yelana Love x2295

HOUSE BILL 24-1037

HOUSE SPONSORSHIP

Epps and deGruy Kennedy, Young

SENATE SPONSORSHIP

Priola, Jaquez Lewis

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REDUCING THE HARM CAUSED BY SUBSTANCE USE**
102 **DISORDERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Opioid and Other Substance Use Disorders Study Committee.
Section 1 of the bill excludes injuries involving the possession of drugs or drug paraphernalia from a physician's mandatory reporting requirements.

Sections 2 and 3 clarify that the civil and criminal immunity that protects a person who acts in good faith to furnish or administer an opioid

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

antagonist also protects a person who distributes the opioid antagonist.

Section 4 adds an exemption to the prohibition on possessing drug paraphernalia for possession of drug paraphernalia that a person received from an approved syringe exchange program or a program carried out by a harm reduction organization while the person was participating in the program.

Section 5 specifies that money appropriated to the department of public health and environment to purchase non-laboratory synthetic opiate detection tests may also be used to purchase other drug testing equipment.

Section 6 authorizes an organization operating a clean syringe exchange program to provide drug testing services through the program.

Sections 7 through 23 are conforming amendments that update the term "opiate antagonist" to "opioid antagonist".

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-240-139, **amend**
3 (1)(a)(I)(C) as follows:

4 **12-240-139. Injuries to be reported - exemptions - penalty for**
5 **failure to report - immunity from liability - definitions.**

6 (1) (a) (I) Every licensee who attends or treats any of the following
7 injuries shall report the injury at once to the police of the city, town, or
8 city and county or the sheriff of the county in which the licensee is
9 located:

10 (C) Any other injury that the licensee has reason to believe
11 involves a criminal act OTHER THAN THE POSSESSION OF DRUGS OR DRUG
12 PARAPHERNALIA UNDER SECTION 18-18-403.5 OR 18-18-428; except that
13 a licensee is not required to report an injury that ~~he or she~~ THE LICENSEE
14 has reason to believe resulted from domestic violence unless ~~he or she~~
15 THE LICENSEE is required to report the injury pursuant to subsection
16 (1)(a)(I)(A) or (1)(a)(I)(B) of this section or the injury is a serious bodily
17 injury, as defined in section 18-1-901 (3)(p).

18 **SECTION 2.** In Colorado Revised Statutes, 13-21-108.7, **amend**

1 (1), (2)(c), (2)(d), (2)(e) introductory portion, (2)(e)(II), (3)(a), (3)(b)(II),
2 (4)(a), and (5); and **repeal** (2)(a) as follows:

3 **13-21-108.7. Persons rendering emergency assistance through**
4 **the administration of an opioid antagonist - limited immunity -**
5 **legislative declaration - definitions. (1) Legislative declaration.** The
6 general assembly ~~hereby~~ encourages the administration AND
7 DISTRIBUTION of ~~opiate~~ OPIOID antagonists, INCLUDING EXPIRED OPIOID
8 ANTAGONISTS, BY PERSONS AND ENTITIES, INCLUDING LAW ENFORCEMENT
9 PERSONNEL, SCHOOL DISTRICT PERSONNEL, AND HEALTH-CARE PROVIDERS,
10 for the purpose of saving the lives of people who suffer ~~opiate-related~~
11 OPIOID-RELATED drug overdose events. ~~A~~ THE GENERAL ASSEMBLY ALSO
12 ENCOURAGES EACH person who administers an ~~opiate~~ OPIOID antagonist
13 to another person ~~is urged~~ to call for emergency medical services
14 immediately.

15 (2) **Definitions.** As used in this section, unless the context
16 otherwise requires:

17 (a) ~~"Health-care facility" means a hospital, a hospice inpatient~~
18 ~~residence, a nursing facility, a dialysis treatment facility, an assisted~~
19 ~~living residence, an entity that provides home- and community-based~~
20 ~~services, a hospice or home health-care agency, or another facility that~~
21 ~~provides or contracts to provide health-care services, which facility is~~
22 ~~licensed, certified, or otherwise authorized or permitted by law to provide~~
23 ~~medical treatment.~~

24 (c) ~~"Opiate"~~ "OPIOID" has the same meaning as "OPIATE", AS set
25 forth in section 18-18-102 (21). ~~C.R.S.~~

26 (d) ~~"Opiate"~~ "OPIOID antagonist" means ~~naloxone hydrochloride or~~
27 ~~any similarly acting drug that is not a controlled substance and that is~~

1 approved by the federal food and drug administration for the treatment of
2 a ~~drug overdose~~ HAS THE SAME MEANING AS SET FORTH IN SECTION
3 12-30-110 (7)(d).

4 (e) "~~Opiate-related~~ OPIOID-RELATED drug overdose event" means
5 an acute condition, including a decreased level of consciousness or
6 respiratory depression, that:

7 (II) A layperson would reasonably believe to be an ~~opiate-related~~
8 OPIOID-RELATED drug overdose event; and

9 (3) **General immunity.** (a) A person, other than a health-care
10 provider, ~~or a health-care facility, who~~ IS NOT LIABLE FOR ANY CIVIL
11 DAMAGES IF THE PERSON acts in good faith to: ~~furnish or administer an~~
12 ~~opiate antagonist, including an expired opiate antagonist, to an individual~~
13 ~~the person believes to be suffering an opiate-related drug overdose event~~
14 ~~or to an individual who is in a position to assist the individual at risk of~~
15 ~~experiencing an opiate-related overdose event is not liable for any civil~~
16 ~~damages for acts or omissions made as a result of the act or for any act or~~
17 ~~omission made if the opiate antagonist is stolen, defective, or produces an~~
18 ~~unintended result.~~

19 (I) FURNISH OR ADMINISTER AN OPIOID ANTAGONIST TO AN
20 INDIVIDUAL THE PERSON BELIEVES TO BE SUFFERING AN OPIOID-RELATED
21 DRUG OVERDOSE EVENT OR TO AN INDIVIDUAL WHO IS IN A POSITION TO
22 ASSIST THE INDIVIDUAL AT RISK OF EXPERIENCING AN OPIOID-RELATED
23 DRUG OVERDOSE EVENT; OR

24 (II) DISTRIBUTE THE OPIOID ANTAGONIST.

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

26 (II) A person who acts in good faith to furnish or administer an
27 ~~opiate~~ OPIOID antagonist in accordance with section 25-20.5-1001.

1 (4) **Licensed prescribers and dispensers.** (a) An individual who
2 is licensed by the state under title 12 and is permitted by section
3 12-30-110 or by other applicable law to prescribe or dispense an ~~opiate~~
4 OPIOID antagonist is not liable for any civil damages resulting from:

5 (I) Prescribing or dispensing an ~~opiate~~ OPIOID antagonist in
6 accordance with the applicable law; or

7 (II) Any outcomes resulting from the eventual administration of
8 the ~~opiate~~ OPIOID antagonist by a layperson.

9 (5) The provisions of this section shall not be interpreted to
10 establish any duty or standard of care in the prescribing, dispensing, or
11 administration of an ~~opiate~~ OPIOID antagonist.

12 **SECTION 3.** In Colorado Revised Statutes, 18-1-712, **amend** (1),
13 (2)(a), (2)(b)(II), (3)(a), (4), (5)(c), (5)(d), (5)(e) introductory portion, and
14 (5)(e)(II); and **repeal** (5)(a) as follows:

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

17 (1) **Legislative declaration.** The general assembly hereby encourages the
18 administration AND DISTRIBUTION of ~~opiate~~ OPIOID antagonists,
19 INCLUDING EXPIRED OPIOID ANTAGONISTS, BY PERSONS AND ENTITIES,
20 INCLUDING LAW ENFORCEMENT PERSONNEL, SCHOOL DISTRICT PERSONNEL,
21 AND HEALTH-CARE PROVIDERS, for the purpose of saving the lives of
22 people who suffer ~~opiate-related~~ OPIOID-RELATED drug overdose events.
23 ~~A~~ THE GENERAL ASSEMBLY ALSO ENCOURAGES EACH person who
24 administers an ~~opiate~~ OPIOID antagonist to another person ~~is urged~~ to call
25 for emergency medical services immediately.

26 (2) **General immunity.** (a) A person, other than a health-care
27 provider, ~~or a health-care facility, who~~ IS IMMUNE FROM CRIMINAL

1 PROSECUTION IF THE PERSON acts in good faith to: ~~furnish or administer~~
2 ~~an opiate antagonist, including an expired opiate antagonist, to an~~
3 ~~individual the person believes to be suffering an opiate-related drug~~
4 ~~overdose event or to an individual who is in a position to assist the~~
5 ~~individual at risk of experiencing an opiate-related overdose event is~~
6 ~~immune from criminal prosecution for the act or for any act or omission~~
7 ~~made if the opiate antagonist is stolen.~~

8 (I) FURNISH OR ADMINISTER AN OPIOID ANTAGONIST TO AN
9 INDIVIDUAL THE PERSON BELIEVES TO BE SUFFERING AN OPIOID-RELATED
10 DRUG OVERDOSE EVENT OR TO AN INDIVIDUAL WHO IS IN A POSITION TO
11 ASSIST THE INDIVIDUAL AT RISK OF EXPERIENCING AN OPIOID-RELATED
12 DRUG OVERDOSE EVENT; OR

13 (II) DISTRIBUTE THE OPIOID ANTAGONIST.

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

15 (II) A person who acts in good faith to furnish or administer an
16 ~~opiate~~ OPIOID antagonist in accordance with section 25-20.5-1001.

17 (3) (a) **Licensed prescribers and dispensers.** An individual who
18 is licensed by the state under title 12 and is permitted by section
19 12-30-110 or by other applicable law to prescribe or dispense an ~~opiate~~
20 OPIOID antagonist is immune from criminal prosecution for:

21 (I) Prescribing or dispensing an ~~opiate~~ OPIOID antagonist in
22 accordance with the applicable law; or

23 (II) Any outcomes resulting from the eventual administration of
24 the ~~opiate~~ OPIOID antagonist by a layperson.

25 (4) The provisions of this section shall not be interpreted to
26 establish any duty or standard of care in the prescribing, dispensing, or
27 administration of an ~~opiate~~ OPIOID antagonist.

1 (5) **Definitions.** As used in this section, unless the context
2 otherwise requires:

3 (a) ~~"Health-care facility" means a hospital, a hospice inpatient~~
4 ~~residence, a nursing facility, a dialysis treatment facility, an assisted~~
5 ~~living residence, an entity that provides home- and community-based~~
6 ~~services, a hospice or home health-care agency, or another facility that~~
7 ~~provides or contracts to provide health-care services, which facility is~~
8 ~~licensed, certified, or otherwise authorized or permitted by law to provide~~
9 ~~medical treatment.~~

10 (c) ~~"Opiate"~~ "OPIOID" has the same meaning as "OPIATE", AS set
11 forth in section 18-18-102 (21).

12 (d) ~~"Opiate "OPIOID antagonist" means naloxone hydrochloride or~~
13 ~~any similarly acting drug that is not a controlled substance and that is~~
14 ~~approved by the federal food and drug administration for the treatment of~~
15 ~~a drug overdose~~ HAS THE SAME MEANING AS SET FORTH IN SECTION
16 12-30-110 (7)(d).

17 (e) ~~"Opiate-related"~~ "OPIOID-RELATED drug overdose event" means
18 an acute condition, including a decreased level of consciousness or
19 respiratory depression, that:

20 (II) A layperson would reasonably believe to be an ~~opiate-related~~
21 OPIOID-RELATED drug overdose event; and

22 **SECTION 4.** In Colorado Revised Statutes, 18-18-428, **add**
23 (1)(b)(III) as follows:

24 **18-18-428. Possession of drug paraphernalia - penalty -**
25 **exceptions.** (1) (b) (III) THIS SECTION DOES NOT APPLY TO THE
26 POSSESSION OF DRUG PARAPHERNALIA THAT A PERSON RECEIVED FROM AN
27 APPROVED SYRINGE EXCHANGE PROGRAM CREATED PURSUANT TO SECTION

1 25-1-520 OR A PROGRAM CARRIED OUT BY A HARM REDUCTION
2 ORGANIZATION, AS DEFINED IN SECTION 12-30-110 (7), WHILE
3 PARTICIPATING IN THE PROGRAM.

4 **SECTION 5.** In Colorado Revised Statutes, 25-1.5-115.3, **amend**
5 (1) introductory portion as follows:

6 **25-1.5-115.3. Non-laboratory synthetic opioid detection tests**
7 **- appropriation - definitions - repeal.** (1) For the 2022-23 state fiscal
8 year, the general assembly shall appropriate six hundred thousand dollars
9 to the department for the purpose of purchasing non-laboratory synthetic
10 ~~opiate~~ OPIOID detection tests AND OTHER DRUG TESTING EQUIPMENT. Any
11 unexpended money remaining at the end of the 2022-23 state fiscal year
12 from this appropriation:

13 **SECTION 6.** In Colorado Revised Statutes, 25-1-520, **add** (2.3)
14 **and** (4.5) as follows:

15 **25-1-520. Clean syringe exchange programs - operation -**
16 **approval - testing supplies.** (2.3) A CLEAN SYRINGE EXCHANGE
17 PROGRAM OPERATING PURSUANT TO THIS SECTION MAY PURCHASE AND
18 DISTRIBUTE OTHER SUPPLIES AND TOOLS INTENDED TO REDUCE HEALTH
19 RISKS ASSOCIATED WITH THE USE OF DRUGS, INCLUDING, BUT NOT LIMITED
20 TO, SMOKING MATERIALS.

21 (4.5) A CLEAN SYRINGE EXCHANGE PROGRAM OPERATING
22 PURSUANT TO THIS SECTION MAY ACQUIRE AND USE SUPPLIES OR DEVICES
23 INTENDED FOR USE IN TESTING CONTROLLED SUBSTANCES OR CONTROLLED
24 SUBSTANCE ANALOGS FOR POTENTIALLY DANGEROUS ADULTERANTS.

25 **SECTION 7.** In Colorado Revised Statutes, **amend** 10-16-153 as
26 follows:

27 **10-16-153. Coverage for opioid antagonists provided by a**

1 **hospital - definition.** (1) As used in this section, unless the context
2 otherwise requires, "~~opiate~~ "OPIOID antagonist" has the same meaning as
3 set forth in section 12-30-110 (7)(d).

4 (2) A carrier that provides coverage for ~~opiate~~ OPIOID antagonists
5 pursuant to the terms of a health coverage plan the carrier offers shall
6 reimburse a hospital for the hospital's cost of an ~~opiate~~ OPIOID antagonist
7 if the hospital gives a covered person an ~~opiate~~ OPIOID antagonist upon
8 discharge from the hospital.

9 **SECTION 8.** In Colorado Revised Statutes, 12-30-110, **amend**
10 (1)(a) introductory portion, (1)(a)(I), (1)(a)(II), (1)(b), (2), (3), (3.5)(a),
11 (3.5)(b) introductory portion, (4)(a), (5), (7)(a.3), (7)(b), (7)(c), (7)(d),
12 (7)(e) introductory portion, (7)(e)(II), and (7)(i) as follows:

13 **12-30-110. Prescribing or dispensing opioid antagonists -**
14 **authorized recipients - definitions.** (1) (a) A prescriber may prescribe
15 or dispense, directly or in accordance with standing orders and protocols,
16 an ~~opiate~~ OPIOID antagonist to:

17 (I) An individual at risk of experiencing an ~~opiate-related~~
18 OPIOID-RELATED drug overdose event;

19 (II) A family member, friend, or other person in a position to
20 assist an individual at risk of experiencing an ~~opiate-related~~
21 OPIOID-RELATED drug overdose event;

22 (b) A person or entity described in subsection (1)(a) of this section
23 may, pursuant to an order or standing orders and protocols:

24 (I) Possess an ~~opiate~~ OPIOID antagonist;

25 (II) Furnish an ~~opiate~~ OPIOID antagonist to a family member,
26 friend, or other person who is in a position to assist an individual who is
27 at risk of experiencing an ~~opiate-related~~ OPIOID-RELATED drug overdose

1 event; or

2 (III) Administer an ~~opiate~~ OPIOID antagonist to an individual
3 experiencing, or who a reasonable person would believe is experiencing,
4 an ~~opiate-related~~ OPIOID-RELATED drug overdose event.

5 (2) (a) A prescriber who prescribes or dispenses an ~~opiate~~ OPIOID
6 antagonist pursuant to this section is strongly encouraged to educate
7 persons receiving the ~~opiate~~ OPIOID antagonist on the use of an ~~opiate~~
8 OPIOID antagonist for overdose, including instruction concerning risk
9 factors for overdose, recognizing an overdose, calling emergency medical
10 services, rescue breathing, and administering an ~~opiate~~ OPIOID antagonist.

11 (b) An entity described in subsection (1)(a) of this section is
12 strongly encouraged to educate employees, agents, and volunteers, as well
13 as persons receiving an ~~opiate~~ OPIOID antagonist from the entity described
14 in subsection (1)(a) of this section, on the use of an ~~opiate~~ OPIOID
15 antagonist for overdose, including instruction concerning risk factors for
16 overdose, recognizing an overdose, calling emergency medical services,
17 rescue breathing, and administering an ~~opiate~~ OPIOID antagonist.

18 (3) A prescriber described in subsection (7)(h) of this section does
19 not engage in unprofessional conduct or is not subject to discipline
20 pursuant to section 12-240-121, 12-255-120, or 12-280-126, as
21 applicable, if the prescriber issues standing orders and protocols
22 regarding ~~opiate~~ OPIOID antagonists or prescribes or dispenses, pursuant
23 to an order or standing orders and protocols, an ~~opiate~~ OPIOID antagonist
24 in a good faith effort to assist:

25 (a) An individual who is at risk of experiencing an ~~opiate-related~~
26 OPIOID-RELATED drug overdose event;

27 (b) A family member, friend, or other person who is in a position

1 to assist an individual who is at risk of experiencing an ~~opiate-related~~
2 OPIOID-RELATED drug overdose event; or

3 (c) A person or entity described in subsection (1)(a) of this section
4 in responding to, treating, or otherwise assisting an individual who is
5 experiencing or is at risk of experiencing an ~~opiate-related~~
6 OPIOID-RELATED drug overdose event or a friend, family member, or other
7 person in a position to assist an at-risk individual.

8 (3.5) (a) Notwithstanding any provision of this title 12 or rules
9 implementing this title 12, a prescriber prescribing or dispensing an
10 ~~opiate~~ OPIOID antagonist in accordance with this section, other than a
11 pharmacist or other prescriber prescribing and dispensing from a
12 prescription drug outlet or pharmacy, is not required to comply with laws
13 relating to labeling, storage, or record keeping for the ~~opiate~~ OPIOID
14 antagonist.

15 (b) A prescriber prescribing or dispensing an ~~opiate~~ OPIOID
16 antagonist exempted from labeling, storage, or record-keeping
17 requirements pursuant to this subsection (3.5):

18 (4) (a) A prescriber who prescribes or dispenses an ~~opiate~~ OPIOID
19 antagonist in accordance with this section is not subject to civil liability
20 or criminal prosecution, as specified in sections 13-21-108.7 (4) and
21 18-1-712 (3), respectively.

22 (5) This section does not establish a duty or standard of care for
23 prescribers regarding the prescribing, dispensing, or administering of an
24 ~~opiate~~ OPIOID antagonist.

25 (7) As used in this section:

26 (a.3) "Community service organization" means a nonprofit
27 organization that is in good standing and registered with the federal

1 internal revenue service and the Colorado secretary of state's office that
2 provides services to ~~individuals~~ AN INDIVIDUAL at risk of experiencing an
3 ~~opiate-related~~ OPIOID-RELATED drug overdose event or to the ~~individuals'~~
4 INDIVIDUAL'S family members, friends, or other persons in a position to
5 assist the individual.

6 (b) "Harm reduction organization" means an organization that
7 provides services, including medical care, counseling, homeless services,
8 or drug treatment, to individuals at risk of experiencing an ~~opiate-related~~
9 OPIOID-RELATED drug overdose event or to the friends and family
10 members of an at-risk individual.

11 (c) ~~"Opiate"~~ "OPIOID" has the same meaning AS "OPIATE", as set
12 forth in section 18-18-102 (21).

13 (d) ~~"Opiate"~~ "OPIOID antagonist" means naloxone hydrochloride or
14 any similarly acting drug that is not a controlled substance and that is
15 approved by the federal food and drug administration for the treatment of
16 a drug overdose. "OPIOID ANTAGONIST" INCLUDES AN EXPIRED OPIOID
17 ANTAGONIST.

18 (e) ~~"Opiate-related"~~ "OPIOID-RELATED drug overdose event" means
19 an acute condition, including a decreased level of consciousness or
20 respiratory depression, that:

21 (II) A layperson would reasonably believe to be caused by an
22 ~~opiate-related~~ OPIOID-RELATED drug overdose event; and

23 (i) "Protocol" means a specific written plan for a course of
24 medical treatment containing a written set of specific directions created
25 by a physician, group of physicians, hospital medical committee,
26 pharmacy and therapeutics committee, or other similar practitioners or
27 groups of practitioners with expertise in the use of ~~opiate~~ OPIOID

1 antagonists.

2 **SECTION 9.** In Colorado Revised Statutes, **amend** 12-240-124
3 as follows:

4 **12-240-124. Prescribing opioid antagonists.** A physician or
5 physician assistant licensed pursuant to this article 240 may prescribe or
6 dispense an ~~opiate~~ OPIOID antagonist in accordance with section
7 12-30-110.

8 **SECTION 10.** In Colorado Revised Statutes, 12-245-210, **amend**
9 (2) as follows:

10 **12-245-210. Prohibition against prescribing drugs or**
11 **practicing medicine - exception for opioid antagonist.**

12 (2) Notwithstanding subsection (1) of this section, a psychologist, social
13 worker, marriage and family therapist, licensed professional counselor,
14 unlicensed psychotherapist, or addiction counselor licensed, registered,
15 or certified under this article 245 may possess, furnish, or administer an
16 ~~opiate~~ OPIOID antagonist in accordance with section 12-30-110.

17 **SECTION 11.** In Colorado Revised Statutes, **amend** 12-255-128
18 as follows:

19 **12-255-128. Prescribing opioid antagonists.** An advanced
20 practice registered nurse or certified midwife with prescriptive authority
21 pursuant to section 12-255-112 may prescribe or dispense an ~~opiate~~
22 OPIOID antagonist in accordance with section 12-30-110.

23 **SECTION 12.** In Colorado Revised Statutes, 12-280-103, **amend**
24 (39)(g)(III) and (40) as follows:

25 **12-280-103. Definitions - rules.** As used in this article 280, unless
26 the context otherwise requires or the term is otherwise defined in another
27 part of this article 280:

1 (39) "Practice of pharmacy" means:
2 (g) Exercising independent prescriptive authority:
3 (III) As authorized pursuant to sections 12-30-110 and
4 12-280-123 (3) regarding ~~opiate~~ OPIOID antagonists; or
5 (40) "Practitioner" means a person authorized by law to prescribe
6 any drug or device, acting within the scope of the authority, including a
7 pharmacist who is participating within the parameters of a statewide drug
8 therapy protocol pursuant to a collaborative pharmacy practice agreement
9 as defined in section 12-280-601 (1)(b), prescribing over-the-counter
10 medications pursuant to section 25.5-5-322, or prescribing an ~~opiate~~
11 OPIOID antagonist pursuant to sections 12-30-110 and 12-280-123 (3).

12 **SECTION 13.** In Colorado Revised Statutes, 12-280-123, **amend**
13 (1)(c)(I) introductory portion, (1)(c)(II), and (3) as follows:

14 **12-280-123. Prescription required - exception - dispensing**
15 **opioid antagonists - selling nonprescription syringes and needles.**

16 (1) (c) (I) A pharmacist who dispenses a prescription order for a
17 prescription drug that is an opioid shall inform the individual of the
18 potential dangers of a high dose of an opioid, as described by the federal
19 centers for disease control and prevention in the United States department
20 of health and human services, and offer to dispense to the individual to
21 whom the opioid is being dispensed, on at least an annual basis, an ~~opiate~~
22 OPIOID antagonist approved by the FDA for the reversal of an opioid
23 overdose if:

24 (II) Notwithstanding section 12-30-110 (2)(a), if an individual to
25 whom an opioid is being dispensed chooses to accept the pharmacist's
26 offer for an ~~opiate~~ OPIOID antagonist, the pharmacist shall counsel the
27 individual on how to use the ~~opiate~~ OPIOID antagonist in the event of an

1 overdose. The pharmacist shall notify the individual of available generic
2 and brand-name ~~opiate~~ OPIOID antagonists.

3 (3) A pharmacist may prescribe and dispense an ~~opiate~~ OPIOID
4 antagonist in accordance with section 12-30-110.

5 **SECTION 14.** In Colorado Revised Statutes, 17-26-140, **amend**
6 (1)(c) and (3) as follows:

7 **17-26-140. Continuity of care for persons released from jail.**

8 (1) If a person is treated for a substance use disorder at any time during
9 the person's incarceration, the county jail shall, at a minimum, conduct the
10 following before releasing the person from the county jail's custody:

11 (c) If the person received or has been assessed to receive
12 medication-assisted treatment while in jail, has a history of substance use
13 in the community or while in jail, or requests ~~opiate~~ OPIOID antagonists
14 upon release, provide the person, upon release from the jail, at least eight
15 milligrams of an ~~opiate~~ OPIOID antagonist via inhalation or its equivalent
16 and provide education to the person about the appropriate use of the
17 medication;

18 (3) As used in this section, "~~opiate~~ "OPIOID antagonist" means
19 naloxone hydrochloride or any similarly acting drug that is not a
20 controlled substance and that is approved by the federal food and drug
21 administration for the treatment of a drug overdose.

22 **SECTION 15.** In Colorado Revised Statutes, 18-1.3-410, **amend**
23 (4) as follows:

24 **18-1.3-410. Fentanyl education and treatment program.** (4) A
25 person, regardless of whether the person is receiving treatment in a
26 community-based or residential treatment facility pursuant to subsection
27 (2) or (3) of this section, must complete the fentanyl education program

1 developed by the behavioral health administration pursuant to section
2 27-80-128. The fentanyl education program must include information
3 regarding the nature and addictive elements of synthetic opiates, their
4 dangers to a person's life and health, access to and administration of
5 ~~opiate~~ OPIOID antagonists and non-laboratory synthetic opiate detection
6 tests, and laws regarding synthetic opiates, including criminal penalties
7 and immunity for reporting an overdose event pursuant to section
8 18-1-711. The fentanyl education program costs must be paid from the
9 correctional treatment cash fund, existing pursuant to section 18-19-103
10 (4), for a person on probation and who is determined by the court to be
11 indigent, is represented by court-appointed counsel, or is otherwise unable
12 to afford the cost of placement.

13 **SECTION 16.** In Colorado Revised Statutes, 18-1.3-510, **amend**
14 (4) as follows:

15 **18-1.3-510. Fentanyl education and treatment program.** (4) A
16 person, regardless of whether the person is receiving treatment in a
17 community-based or residential treatment facility pursuant to subsection
18 (2) or (3) of this section, must complete the fentanyl education program
19 developed by the behavioral health administration pursuant to section
20 27-80-128. The fentanyl education program must include information
21 regarding the nature and addictive elements of synthetic opiates, their
22 dangers to a person's life and health, access to and administration of
23 ~~opiate~~ OPIOID antagonists and non-laboratory synthetic opiate detection
24 tests, and laws regarding synthetic opiates, including criminal penalties
25 and immunity for reporting an overdose event pursuant to section
26 18-1-711. The fentanyl education program costs must be paid from the
27 correctional treatment cash fund, existing pursuant to section 18-19-103

1 (4), for a person on probation and WHO is determined by the court to be
2 indigent, is represented by court-appointed counsel, or is otherwise unable
3 to afford the cost of placement.

4 **SECTION 17.** In Colorado Revised Statutes, 18-19-103, **amend**
5 (5)(c)(IX) as follows:

6 **18-19-103. Source of revenues - allocation of money - repeal.**

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

9 (IX) Drug overdose prevention, including medication-assisted
10 treatment for opiate dependence, ~~opiate~~ OPIOID antagonists, and
11 non-laboratory synthetic opiate detection tests.

12 **SECTION 18.** In Colorado Revised Statutes, 22-1-119.1, **amend**
13 (1), (3)(a), (3)(b) introductory portion, and (3)(b)(II) as follows:

14 **22-1-119.1. Policy for employee and agent possession and**
15 **administration of opioid antagonists - definitions.** (1) A school district

16 board of education of a public school, the state charter school institute for
17 an institute charter school, or the governing board of a nonpublic school
18 may adopt and implement a policy whereby:

19 (a) A school under its jurisdiction may acquire and maintain a
20 stock supply of ~~opiate~~ OPIOID antagonists; and

21 (b) An employee or agent of the school may, after receiving
22 appropriate training, administer an ~~opiate~~ OPIOID antagonist on school
23 grounds to assist an individual who is at risk of experiencing an
24 ~~opiate-related~~ OPIOID-RELATED drug overdose event. The training
25 provided pursuant to this subsection (1)(b) must include risk factors for
26 overdose, recognizing an overdose, calling emergency medical services,
27 rescue breathing, and administering an ~~opiate~~ OPIOID antagonist.

1 (3) As used in this section:

2 (a) "~~Opiate~~ OPIOID antagonist" means ~~naloxone hydrochloride or~~
3 ~~any similarly acting drug that is not a controlled substance and that is~~
4 ~~approved by the federal food and drug administration for the treatment of~~
5 ~~a drug overdose~~ HAS THE SAME MEANING AS SET FORTH IN SECTION
6 12-30-110 (7)(d).

7 (b) "~~Opiate-related~~ OPIOID-RELATED drug overdose event" means
8 an acute condition, including a decreased level of consciousness or
9 respiratory depression, that:

10 (II) A layperson would reasonably believe to be caused by an
11 ~~opiate-related~~ OPIOID-RELATED drug overdose event; and

12 **SECTION 19.** In Colorado Revised Statutes, 25-1.5-115, **amend**
13 (1)(a), (2), (3), (4)(a)(III), (4)(a)(IV), and (5) as follows:

14 **25-1.5-115. Opioid antagonist bulk purchase fund - creation**
15 **- rules - report - appropriation - definitions - repeal.** (1) (a) The ~~opiate~~
16 OPIOID antagonist bulk purchase fund ~~referred to in this section as the~~
17 "~~fund~~", is ~~hereby~~ created in the state treasury. The fund consists of
18 payments made to the department by participating eligible entities for the
19 purchase of ~~opiate~~ OPIOID antagonists; gifts, grants, and donations
20 credited to the fund pursuant to subsection (1)(b) of this section; and any
21 money that the general assembly may appropriate or transfer to the fund.

22 (2) Money in the fund is continuously appropriated to the
23 department for bulk purchasing of ~~opiate~~ OPIOID antagonists. Eligible
24 entities may purchase ~~opiate~~ OPIOID antagonists from the department. The
25 department may contract with a prescription drug outlet, as defined in
26 section 12-280-103 (43), for the bulk purchasing and distribution of
27 ~~opiate~~ OPIOID antagonists. The department may prioritize the purchase of

1 ~~opiate~~ OPIOID antagonists by eligible entities based on the need of the
2 entity and the availability of the ~~opiate~~ OPIOID antagonists as determined
3 by the department. The department shall provide technical assistance to
4 participating eligible entities to ensure that eligible entities complete all
5 training and registration requirements.

6 (3) The department shall promulgate rules specifying the amount
7 an eligible entity must pay to purchase ~~opiate~~ OPIOID antagonists from the
8 department.

9 (4) (a) No later than October 1, 2020, and every October 1
10 thereafter, the executive director of the department or the executive
11 director's designee shall report to the house and senate appropriations
12 committees, or their successor committees, on the fund's activity. The
13 report must include:

14 (III) The eligible entities that purchased ~~opiate~~ OPIOID antagonists;

15 (IV) The amount of ~~opiate~~ OPIOID antagonists purchased by each
16 eligible entity; and

17 (5) As used in this section:

18 (a) "Eligible entity" means a person or entity described in section
19 12-30-110 (1)(a); except that an employee or agent of a school must be
20 acting in accordance with section 12-30-110 (1)(b), (2)(b), and (4)(b),
21 and, as applicable, section 22-1-119.1.

22 (b) "FUND" MEANS THE OPIOID ANTAGONIST BULK PURCHASE FUND
23 CREATED IN SUBSECTION (1)(a) OF THIS SECTION.

24 **SECTION 20.** In Colorado Revised Statutes, 25-20.5-1001,
25 **amend** (1), (2), and (3) as follows:

26 **25-20.5-1001. Making opioid antagonists available - bulk**
27 **purchasing - immunity.** (1) A person that is not a private entity and that

1 makes a defibrillator or AED, as defined in section 13-21-108.1, available
2 to aid the general public may also make available an ~~opiate~~ OPIOID
3 antagonist to aid an individual believed to be suffering an ~~opiate-related~~
4 OPIOID-RELATED drug overdose event or to an individual who is in a
5 position to assist the individual at risk of experiencing an ~~opiate-related~~
6 OPIOID-RELATED drug overdose event.

7 (2) A person making an ~~opiate~~ OPIOID antagonist available in
8 accordance with subsection (1) of this section is eligible to purchase
9 ~~opiate~~ OPIOID antagonists from the department in accordance with section
10 25-1.5-115.

11 (3) A person who acts in good faith to furnish or administer an
12 ~~opiate~~ OPIOID antagonist to an individual the person believes to be
13 suffering an ~~opiate-related~~ OPIOID-RELATED drug overdose event or to an
14 individual who is in a position to assist the individual at risk of
15 experiencing an ~~opiate-related~~ OPIOID-RELATED drug overdose event is
16 not subject to civil liability or criminal prosecution, as specified in
17 sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

18 **SECTION 21.** In Colorado Revised Statutes, 25-20.5-1501,
19 **amend** (3) introductory portion and (3)(c) as follows:

20 **25-20.5-1501. Independent study - report - repeal.** (3) At a
21 minimum, the independent entity shall identify and report findings based
22 on available data and information obtained from the behavioral health
23 administration, the department, ~~of public health and environment,~~
24 managed service organizations, and other applicable agencies and
25 treatment providers regarding:

26 (c) The eligible entities that purchased ~~opiate~~ OPIOID antagonists
27 through the ~~opiate~~ OPIOID antagonist bulk purchase fund pursuant to

1 section 25-1.5-115, including the amount of ~~opiate~~ OPIOID antagonists
2 purchased by each eligible entity and the revenue received by the bulk
3 purchase fund;

4 **SECTION 22.** In Colorado Revised Statutes, 25.5-5-509, **amend**
5 (2) as follows:

6 **25.5-5-509. Substance use disorder - prescription drugs -**
7 **opiod antagonist - definition.** (2) (a) As used in this subsection (2),
8 unless the context otherwise requires, "~~opiate~~ "OPIOID antagonist" has the
9 same meaning as set forth in section 12-30-110 (7)(d).

10 (b) A hospital or emergency department shall receive
11 reimbursement under the medical assistance program for the cost of an
12 ~~opiate~~ OPIOID antagonist if, in accordance with section 12-30-110, a
13 prescriber, as defined in section 12-30-110 (7)(h), dispenses an ~~opiate~~
14 OPIOID antagonist upon discharge to a medical assistance recipient who
15 is at risk of experiencing an ~~opiate-related~~ OPIOID-RELATED drug overdose
16 event or to a family member, friend, or other person in a position to assist
17 a medical assistance recipient who is at risk of experiencing an
18 ~~opiate-related~~ OPIOID-RELATED drug overdose event.

19 (c) The state department shall seek federal financial participation
20 for the cost of reimbursement for the ~~opiate~~ OPIOID antagonist, but shall
21 provide reimbursement to the hospital or emergency department for the
22 ~~opiate~~ OPIOID antagonist using state money until federal financial
23 participation is available.

24 **SECTION 23.** In Colorado Revised Statutes, **amend** 27-80-128
25 as follows:

26 **27-80-128. Fentanyl education and treatment program.** The
27 behavioral health administration shall develop a fentanyl education

1 program for the purpose of sections 18-1.3-410 and 18-1.3-510. The
2 fentanyl education program must include information regarding the nature
3 and addictive elements of synthetic opiates, their dangers to a person's life
4 and health, access to and administration of ~~opiate~~ OPIOID antagonists and
5 non-laboratory synthetic opiate detection tests, and laws regarding
6 synthetic opiates, including criminal penalties and immunity for reporting
7 an overdose event pursuant to section 18-1-711. The BHA may update the
8 fentanyl education program curriculum as necessary.

9 **SECTION 24. Safety clause.** The general assembly finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety or for appropriations for
12 the support and maintenance of the departments of the state and state
13 institutions.