

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 25-0352.02 Owen Hatch x2698

SENATE BILL 25-164

SENATE SPONSORSHIP

Winter F.,

HOUSE SPONSORSHIP

Jackson,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING OPIOID ANTAGONISTS WITH A PRIMARY FOCUS ON THE**
102 **YOUTH OPIOID EPIDEMIC, AND, IN CONNECTION THEREWITH,**
103 **CLARIFYING REQUIREMENTS FOR SCHOOL POLICIES ABOUT**
104 **POSSESSION AND ADMINISTRATION OF OPIOID ANTAGONISTS,**
105 **REQUIRING THE STATE BOARD OF HEALTH TO DETERMINE WHO**
106 **A PRESCRIBER MAY PRESCRIBE OR DISPENSE AN OPIOID**
107 **ANTAGONIST TO, AND REQUIRING THE STATE BOARD TO**
108 **CONSULT WITH THE COLORADO YOUTH ADVISORY COUNCIL ON**
109 **ISSUES RELATING TO THE YOUTH OPIOID EPIDEMIC.**

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

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.

applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the state board of health (board) to allow the Colorado youth advisory council to present to the board twice a year on issues regarding the youth opioid epidemic and other health issues. The bill also requires the board to consult the council when the board engages in its rule-making authority regarding opioid antagonists.

Under current law, a school district, the state charter school institute, or a governing board of a nonpublic school may adopt and implement a policy that allows:

- A school to acquire and maintain a stock supply of opioid antagonists on school grounds or on a school bus;
- A school employee or agent who has received relevant training to administer an opioid antagonist to a person who is at risk of experiencing an opioid-related overdose; and
- A school employee or agent to furnish an opioid antagonist to any individual, including a student, if the student has received relevant training.

The bill:

- Permits a school to maintain an opioid antagonist in an automated external defibrillator or defibrillator cabinet in the school or on a school bus;
- Repeals the requirement that a school employee or agent must receive training prior to administering an opioid antagonist; and
- Creates an exception that a school employee or agent may furnish an opioid antagonist to a student who has not received relevant training if the employee or agent believes that the student is in a position to assist an individual who is suffering from an opioid-related drug overdose event or who is at risk of experiencing an opioid-related drug overdose event.

Current law provides a specific list of eligible entities that a prescriber may prescribe or dispense an opioid antagonist to. The bill eliminates the specific list and instead requires the state board of health to establish a list of eligible entities that a prescriber may prescribe or dispense an opioid antagonist to.

The bill creates a standing order allowing all eligible entities to distribute opioid antagonists.

The bill requires the department of public health and environment to furnish a report detailing youth overdose prevention during "SMART Act" hearings.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-2-1304, **add** (1)(e)
3 and (1)(f) as follows:

4 **2-2-1304. Duties - meetings - community outreach -**
5 **designation of organization to accept donations - authority to**
6 **contract.** (1) The council shall have the following duties and
7 responsibilities:

8 (e) TO PRESENT TO THE STATE BOARD OF HEALTH TWICE A YEAR
9 ON ISSUES INCLUDING THE YOUTH OPIOID EPIDEMIC AND OTHER HEALTH
10 ISSUES; AND

11 (f) TO CONSULT WITH THE PREVENTION SERVICES DIVISION WITHIN
12 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT DURING THE
13 STAKEHOLDER PROCESS FOR RULE-MAKING REGARDING OPIOID
14 ANTAGONISTS.

15 **SECTION 2.** In Colorado Revised Statutes, 25-1-108, **add** (6) as
16 follows:

17 **25-1-108. Powers and duties of state board of health - rules.**

18 (6) THE BOARD SHALL ALLOW THE COLORADO YOUTH ADVISORY
19 COUNCIL, AS ESTABLISHED IN SECTION 2-2-1302, TO PRESENT TO THE
20 BOARD TWICE A YEAR ON ISSUES INCLUDING THE YOUTH OPIOID EPIDEMIC
21 AND OTHER HEALTH ISSUES.

22

23 **SECTION 3.** In Colorado Revised Statutes, 22-1-119.1, **amend**
24 (1) as follows:

25 **22-1-119.1. Policy for employee and agent possession and**
26 **administration of opioid antagonists - definitions.** (1) A school district
27 board of education of a public school, the state charter school institute for

1 an institute charter school, or the governing board of a nonpublic school
2 may adopt and implement a policy whereby:

3 (a) A school under its jurisdiction may acquire and maintain a
4 stock supply of opioid antagonists on school grounds; on a school bus
5 operated by a district school, a school district, the charter school institute,
6 an institute charter school, or a nonpublic school; or both. IN ADDITION TO
7 ACQUIRING AND MAINTAINING A STOCK SUPPLY OF OPIOID ANTAGONISTS,
8 THE SCHOOL MAY MAINTAIN AN OPIOID ANTAGONIST IN AN AUTOMATED
9 EXTERNAL DEFIBRILLATOR OR DEFIBRILLATOR CABINET IN THE SCHOOL OR
10 ON A SCHOOL BUS.

11 (b) An employee or agent of the school, or an employee or agent
12 of a school district, a district school, the charter school institute, an
13 institute charter school, or a nonpublic school who operates or is on a
14 school bus, or both, may ~~after receiving appropriate training~~ administer
15 an opioid antagonist on school grounds or a school bus to assist an
16 individual ~~who~~ WHOM THE EMPLOYEE OR AGENT BELIEVES TO BE
17 SUFFERING FROM AN OPIOID-RELATED DRUG OVERDOSE EVENT OR is at risk
18 of experiencing an opioid-related drug overdose event. ~~The training~~
19 ~~provided pursuant to this subsection (1)(b) must include~~ A SCHOOL
20 DISTRICT BOARD OF EDUCATION OF A PUBLIC SCHOOL, THE STATE CHARTER
21 SCHOOL INSTITUTE FOR AN INSTITUTE CHARTER SCHOOL, OR THE
22 GOVERNING BOARD OF A NONPUBLIC SCHOOL THAT ADOPTS AND
23 IMPLEMENTS A POLICY PURSUANT TO THIS SUBSECTION (1)(b) IS
24 ENCOURAGED TO PROVIDE TRAINING TO ITS EMPLOYEES OR AGENTS,
25 INCLUDING risk factors for overdose, recognizing an overdose, calling
26 emergency medical services, rescue breathing, and administering an
27 opioid antagonist. ~~and~~

1 (c) An employee or agent of the school may furnish ~~opiate~~ OPIOID
2 antagonists on school grounds or on a school bus to any individual,
3 including a student, but shall only furnish an ~~opiate~~ OPIOID antagonist to
4 a student if the student has received appropriate school-sponsored
5 training; EXCEPT THAT AN EMPLOYEE OR AGENT OF THE SCHOOL MAY
6 FURNISH AN OPIOID ANTAGONIST TO A STUDENT WHO HAS NOT RECEIVED
7 APPROPRIATE SCHOOL-SPONSORED TRAINING IF THE EMPLOYEE OR AGENT
8 BELIEVES THAT THE STUDENT IS IN A POSITION TO ASSIST AN INDIVIDUAL
9 WHO IS SUFFERING FROM AN OPIOID-RELATED DRUG OVERDOSE EVENT OR
10 WHO IS AT RISK OF EXPERIENCING AN OPIOID-RELATED DRUG OVERDOSE
11 EVENT.

12 **SECTION 4.** In Colorado Revised Statutes, **add** 25-1.5-115.1 as
13 follows:

14 **25-1.5-115.1. Opioid antagonist distribution - eligible entity**
15 **list - standing order - annual youth overdose prevention report.**

16 (1) THE STATE BOARD OF HEALTH CREATED IN SECTION 25-1-103 SHALL
17 ESTABLISH AN ELIGIBLE ENTITY LIST OF ENTITIES ELIGIBLE TO BE
18 PRESCRIBED OR DISPENSED, DIRECTLY OR IN ACCORDANCE WITH STANDING
19 ORDERS AND PROTOCOLS, AN OPIOID ANTAGONIST FROM A PRESCRIBER.

20 (2) THE STATE'S CHIEF MEDICAL OFFICER, AS DESCRIBED IN
21 SECTION 25-1-105, MAY GRANT A STANDING ORDER ALLOWING ALL
22 ENTITIES INCLUDED ON THE STATE BOARD OF HEALTH'S ELIGIBLE ENTITY
23 LIST CREATED PURSUANT TO SUBSECTION (1) OF THIS SECTION TO
24 DISTRIBUTE OPIOID ANTAGONISTS, CONSISTENT WITH THE LAWS OF THIS
25 STATE.

26 (3) BEGINNING IN JANUARY 2026, AND IN JANUARY EACH YEAR
27 THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS

1 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
2 SECTION 2-7-203, INFORMATION CONCERNING YOUTH OVERDOSE
3 PREVENTION.

4 **SECTION 5.** In Colorado Revised Statutes, 25-1.5-115, **amend**
5 (5)(a) as follows:

6 **25-1.5-115. Opioid antagonist bulk purchase fund - creation**
7 **- rules - report - appropriation - definitions.** (5) As used in this
8 section:

9 (a) "Eligible entity" means ~~a person or AN~~ AN entity ~~described in~~
10 ~~section 12-30-110 (1)(a)~~ INCLUDED ON THE STATE BOARD OF HEALTH'S
11 ELIGIBLE ENTITY LIST CREATED PURSUANT TO SECTION 25-1.5-115.1 (1);
12 except that an employee or agent of a school must be acting in accordance
13 with section 12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable,
14 section 22-1-119.1.

15 **SECTION 6.** In Colorado Revised Statutes, 12-30-110, **amend**
16 (1)(a), (1)(b) introductory portion, (2)(b), (3)(c), and (4)(b) as follows:

17 **12-30-110. Prescribing or dispensing opioid antagonists -**
18 **authorized recipients - definitions.** (1) (a) A prescriber may prescribe
19 or dispense, directly or in accordance with standing orders and protocols,
20 an opioid antagonist to AN ENTITY ON THE STATE BOARD OF HEALTH'S
21 ELIGIBLE ENTITY LIST CREATED PURSUANT TO SECTION 25-1.5-115.1 (1).

22 ~~(I) An individual at risk of experiencing an opioid-related drug~~
23 ~~overdose event;~~

24 ~~(II) A family member, friend, or other person in a position to~~
25 ~~assist an individual at risk of experiencing an opioid-related drug~~
26 ~~overdose event;~~

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

- 1 ~~(IV) A law enforcement agency or first responder;~~
- 2 ~~(V) A school district, school, or employee or agent of a school or~~
3 ~~an employee or agent of the school district, a district school, the charter~~
4 ~~school institute, an institute charter school, or a nonpublic school who~~
5 ~~operates or is on a school bus;~~
- 6 ~~(VI) A person described in section 25-20.5-1001;~~
- 7 ~~(VII) A unit of local government;~~
- 8 ~~(VIII) An institution of higher education or an employee or agent~~
9 ~~of the institution of higher education;~~
- 10 ~~(IX) A library or an employee or agent of the library;~~
- 11 ~~(X) A community service organization or an employee or agent of~~
12 ~~the community service organization;~~
- 13 ~~(XI) A religious organization or an employee or agent of the~~
14 ~~religious organization;~~
- 15 ~~(XII) A local jail or an employee or agent of the local jail;~~
- 16 ~~(XIII) A multijurisdictional jail or an employee or agent of the~~
17 ~~multijurisdictional jail;~~
- 18 ~~(XIV) A municipal jail or an employee or agent of the municipal~~
19 ~~jail;~~
- 20 ~~(XV) A correctional facility or an employee or agent of the~~
21 ~~correctional facility;~~
- 22 ~~(XVI) A private contract prison or an employee or agent of the~~
23 ~~private contract prison;~~
- 24 ~~(XVII) A community corrections program or an employee or~~
25 ~~agent of the community corrections program;~~
- 26 ~~(XVIII) A pretrial services program or an employee or agent of~~
27 ~~the pretrial services program;~~

1 ~~(XIX) A probation department or an employee or agent of the~~
2 ~~probation department;~~

3 ~~(XX) A local public health agency or an employee or agent of the~~
4 ~~local public health agency; or~~

5 ~~(XXI) A mental health professional.~~

6 (b) ~~A person or~~ AN ELIGIBLE entity described in ~~subsection (1)(a)~~
7 ~~of this section~~ SECTION 25-1.5-115.1 (1) may, pursuant to an order or
8 standing orders and protocols:

9 (2) (b) An ELIGIBLE entity described in ~~subsection (1)(a) of this~~
10 ~~section~~ SECTION 25-1.5-115.1 (1) is strongly encouraged to educate
11 employees, agents, and volunteers, as well as persons receiving an opioid
12 antagonist from ~~the~~ AN ELIGIBLE entity described in ~~subsection (1)(a) of~~
13 ~~this section~~ SECTION 25-1.5-115.1 (1), on the use of an opioid antagonist
14 for overdose, including instruction concerning risk factors for overdose,
15 recognizing an overdose, calling emergency medical services, rescue
16 breathing, and administering an opioid antagonist.

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

24 (c) ~~A person or~~ AN ELIGIBLE entity described in ~~subsection (1)(a)~~
25 ~~of this section~~ SECTION 25-1.5-115.1 (1), in responding to, treating, or
26 otherwise assisting an individual who is experiencing or is at risk of
27 experiencing an opioid-related drug overdose event or a friend, family

1 member, or other person in a position to assist an at-risk individual.

2 (4) (b) ~~A person or~~ AN ELIGIBLE entity described in subsection
3 ~~(1)(a) of this section~~ SECTION 25-1.5-115.1 (1) acting in accordance with
4 this section is not subject to civil liability or criminal prosecution, as
5 specified in sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

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

8 **13-21-108.7. Persons rendering emergency assistance through**
9 **the administration of an opioid antagonist - limited immunity -**
10 **legislative declaration - definitions. (3) General immunity. (b) This**
11 subsection (3) also applies to:

12 (I) ~~A person or~~ AN ELIGIBLE entity described in ~~section 12-30-110~~
13 ~~(1)(a)~~ SECTION 25-1.5-115.1 (1); except that an employee or agent of a
14 school, or an employee or agent of a school district, a district school, the
15 charter school institute, an institute charter school, or a nonpublic school
16 who operates or is on a school bus, must be acting in accordance with
17 section 12-30-110 (1)(b), (2)(b), and (4)(b), and, as applicable, section
18 22-1-119.1; and

19 **SECTION 8.** In Colorado Revised Statutes, 18-1-712, **amend**
20 (2)(b)(I) as follows:

21 **18-1-712. Immunity for a person who administers an opioid**
22 **antagonist during an opioid-related drug overdose event - definitions.**
23 (2) **General immunity. (b) This subsection (2) also applies to:**

24 (I) ~~A person or~~ AN ELIGIBLE entity described in ~~section 12-30-110~~
25 ~~(1)(a)~~ SECTION 25-1.5-115.1 (1); except that an employee or agent of a
26 school, or an employee or agent of a school district, a district school, the
27 charter school institute, an institute charter school, or a nonpublic school

1 who operates or is on a school bus, must be acting in accordance with
2 section 12-30-110 (1)(b), (2)(b), and (4)(b), and, as applicable, section
3 22-1-119.1; and

4 **SECTION 9.** In Colorado Revised Statutes, 18-18-403.5, **amend**
5 (6) as follows:

6 **18-18-403.5. Unlawful possession of a controlled substance -**
7 **notice to revisor of statutes - repeal.** (6) Notwithstanding subsection (2)
8 of this section to the contrary, a peace officer shall not arrest and a district
9 attorney shall not charge or prosecute an employee, agent, or volunteer of
10 an ELIGIBLE entity described in ~~section 12-30-110 (1)(a)~~ SECTION
11 25-1.5-115.1 (1) who, in the performance of the person's duties, is in
12 possession of a controlled substance, including fentanyl, carfentanil,
13 benzimidazole opiate, or an analog thereof as described in section
14 18-18-204 (2)(g), for the purpose of safe disposal of the controlled
15 substance, including fentanyl, carfentanil, benzimidazole opiate, or an
16 analog thereof as described in section 18-18-204 (2)(g), in accordance
17 with applicable law. As used in this subsection (6), "safe disposal" means
18 the procedure and process for depositing the controlled substance,
19 including fentanyl, carfentanil, benzimidazole opiate, or an analog thereof
20 as described in section 18-18-204 (2)(g), in a secure container for law
21 enforcement to subsequently access and dispose of.

22 **SECTION 10. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly; except
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V
26 of the state constitution against this act or an item, section, or part of this
27 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2026 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.