SENATE BILL 20-028

BY SENATOR(S) Pettersen and Priola, Crowder, Danielsøn, Donovan, Fenberg, Fields, Ginal, Gonzales, Hansen, Lee, Moreno, Story, Tate, Todd, Winter, Zenzinger, Garcia; also REPRESENTATIVE(S) Buentello and Herod, Kennedy, Bird, Buckner, Caraveo, Cutter, Duran, Esgar, Exum, Gonzales-Gutierrez, Gray, Hooton, Jackson, Jaquez Lewis, Kipp, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Tipper, Titone, Valdez A., Weissman, Woodrow, Young.

CONCERNING MEASURES TO ASSIST AN INDIVIDUAL'S RECOVERY FROM A SUBSTANCE USE DISORDER, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 10-22.3-101, amend (1)(a) introductory portion, (1)(b), (2)(f), and (3); and add (2)(h) and (2)(i) as follows:

10-22.3-101. Opioid and other substance use disorders study committee - creation - members - purposes. (1) (a) Notwithstanding section 2-3-303.3, there is hereby created the opioid and other substance use
disorders study committee. The committee consists of ten members of the
general assembly appointed on or before June 1, 2018, as follows:

(b) The speaker of the house of representatives shall appoint the
chair of the committee in even-numbered years THE 2023 INTERIM and the
vice-chair in odd-numbered years THE 2021 INTERIM, and the president of
the senate shall appoint the chair of the committee in odd-numbered years
THE 2021 INTERIM and the vice-chair in even-numbered years THE 2023
INTERIM.

(2) The committee shall:

(f) Identify possible legislative options to address gaps and hurdles
to accessing prevention, intervention, harm reduction, treatment, and
recovery resources; and

(h) DURING THE 2021 INTERIM, STUDY THE RELATIONSHIP BETWEEN
MENTAL HEALTH CONDITIONS AND SUBSTANCE USE DISORDERS AND
EXAMINE TREATMENT MODALITIES THAT BEST SERVE INDIVIDUALS WITH
CO-OCCURRING MENTAL HEALTH CONDITIONS AND SUBSTANCE USE
DISORDERS, INCLUDING THE BENEFITS OF INTEGRATED SERVICES; AND

(i) DURING THE 2021 INTERIM, STUDY THE IMPACT OF COVID-19,
THE CORONAVIRUS DISEASE CAUSED BY THE SEVERE ACUTE RESPIRATORY
SYNDROME CORONAVIRUS 2, ALSO KNOWN AS SARS-CoV-2, ON THE
PROVISION OF PREVENTION, HARM REDUCTION, TREATMENT AND RECOVERY
SUPPORT SERVICES, AND RELATED BEHAVIORAL HEALTH SERVICES,
INCLUDING THE IMPACT RELATED TO THE OPIOID CRISIS AND DRUG
OVERDOSES, AND PREPARE LEGISLATIVE RECOMMENDATIONS FOR THE
GENERAL ASSEMBLY FOR ADDRESSING THE IMPACTS.

(3) (a) The committee may meet IN THE 2021 AND 2023 INTERIMS up
to six times per interim. The committee may recommend up to a total of five
bills during each interim. Legislation recommended by the committee must
be treated as legislation recommended by an interim committee for purposes
of applicable deadlines, bill introduction limits, and any other requirements
imposed by the joint rules of the general assembly.

(b) No later than BY December 1, 2021, and no later than each
December 1, thereafter 2023, the committee shall make a report AND A
FINAL REPORT, RESPECTIVELY, to the legislative council created in section 2-3-301 that may include recommendations for legislation.

SECTION 2. In Colorado Revised Statutes, amend 10-22.3-102 as follows:

10-22.3-102. Repeal of article. This article 22.3 is repealed, effective July 1, 2020 SEPTEMBER 1, 2024.

SECTION 3. In Colorado Revised Statutes, 18-18.5-103, add (6)(c.5) as follows:

18-18.5-103. State substance abuse trend and response task force - creation - membership - duties - report. (6) In addition, the task force shall:

(c.5) CONVENE STAKEHOLDERS FOR THE PURPOSE OF:

(I) REVIEWING PROGRESS ON BILLS INTRODUCED BY THE OPIOID AND OTHER SUBSTANCE USE DISORDERS STUDY COMMITTEE CREATED IN SECTION 10-22.3-101 AND ENACTED BY THE GENERAL ASSEMBLY; AND

(II) GENERATING POLICY RECOMMENDATIONS RELATED TO OPIOID AND OTHER SUBSTANCE USE DISORDERS, INCLUDING PREVENTION, HARM REDUCTION, TREATMENT, CRIMINAL JUSTICE, AND RECOVERY;

SECTION 4. In Colorado Revised Statutes, 19-1-103, amend (1)(a)(VII) as follows:

19-1-103. Definitions. As used in this title 19 or in the specified portion of this title 19, unless the context otherwise requires:

(1)(a) "Abuse" or "child abuse or neglect", as used in part 3 of article 3 of this title 19, means an act or omission in one of the following categories that threatens the health or welfare of a child:

(VII) Any case in which a child tests positive at birth for either a schedule I controlled substance, as defined in section 18-18-203, C.R.S., or a schedule II controlled substance, as defined in section 18-18-204, C.R.S., unless the child tests positive for a schedule II controlled substance as a
result of the mother's lawful intake of such substance as prescribed is born affected by alcohol or substance exposure, except when taken as prescribed or recommended and monitored by a licensed health care provider, and the newborn child's health or welfare is threatened by substance use;

SECTION 5. In Colorado Revised Statutes, 19-3-102, amend (1)(g) as follows:

19-3-102. Neglected or dependent child. (1) A child is neglected or dependent if:

   (g) The child tests positive at birth for either a schedule I controlled substance, as defined in section 18-18-203, C.R.S., or a schedule II controlled substance, as defined in section 18-18-204, C.R.S., unless the child tests positive for a schedule II controlled substance as a result of the mother's lawful intake of such substance as prescribed is born affected by alcohol or substance exposure, except when taken as prescribed or recommended and monitored by a licensed health care provider, and the newborn child's health or welfare is threatened by substance use.

SECTION 6. In Colorado Revised Statutes, add 19-3-216 as follows:

19-3-216. Rules. The state board of human services shall promulgate rules to determine whether there is child abuse or neglect as defined in section 19-1-103 (1)(a)(VII) or if a child is neglected or dependent as described in section 19-3-102 (1)(g).

SECTION 7. In Colorado Revised Statutes, 27-80-121, add (2.5) as follows:

27-80-121. Perinatal substance use data linkage project - center for research into substance use disorder prevention, treatment, and recovery support strategies - report. (2.5) The statewide perinatal substance use data linkage project may conduct ongoing research related to the incidence of perinatal substance exposure or related infant and family health and human service outcomes based on the standards specified in sections 19-1-103 (1)(a)(VII) and
SECTION 8. Appropriation - adjustments to 2020 long bill. To implement this act, the general fund appropriation made in the annual general appropriation act for the 2020-21 state fiscal year to the office of the governor for use by the office of information technology for applications administration is decreased by $74,620.

SECTION 9. Appropriation. (1) For the 2020-21 state fiscal year, $74,620 is appropriated to the department of human services. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the purchase of legal services.

(2) For the 2020-21 state fiscal year, $74,620 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of human services under subsection (1) of this section and is based on an assumption that the department of law will require an additional 0.4 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of human services.

SECTION 10. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Leroy M. Garcia  
PRESIDENT OF  
THE SENATE

KC Becker  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

Cindi L. Markwell  
SECRETARY OF  
THE SENATE

Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED June 30, 2020 at 3:44 pm  
(Date and Time)

Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

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