

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB22-1326

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB22-1326, concerning measures to address synthetic opiates, and, in connection therewith, changing the criminal penalties associated with synthetic opiates; using a substance abuse assessment to direct appropriate treatment at sentencing; providing opiate antagonists in the community; providing synthetic opiate detection tests in the community; creating immunity for furnishing synthetic opiate detection tests; providing treatment for persons in the criminal justice system; developing a fentanyl prevention and education campaign; providing funding for substance use and harm reduction; evaluating the substance use and harm reduction needs across the state; requiring a post-enactment review of the implementation of this act; and making an appropriation, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 75, line 23, strike "(1.5), (4), and (5)" and substitute "(1.5) and (4)".

Page 76, strike lines 11 through 13 and substitute:

"(a) THE FACILITY SHALL PERFORM A NONMEDICAL EVALUATION, CONSISTENT WITH GUIDELINES DEVELOPED BY THE BEHAVIORAL HEALTH ADMINISTRATION, OF THE PERSON UPON ENTRY INTO CUSTODY AT THE FACILITY FOR RECENT SUBSTANCE USE."

Page 76, lines 25 and 26, strike "MAY HAVE A SUBSTANCE USE DISORDER," and substitute "MAY HAVE RECENTLY USED A SUBSTANCE,".

Page 77, strike lines 3 through 5 and substitute:

"(d) IF THE PERSON INDICATES THAT THE PERSON WAS TAKING MEDICATION THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION PRIOR TO ENTRY INTO CUSTODY AT THE FACILITY TO TREAT A SUBSTANCE USE DISORDER, THE FACILITY SHALL PROVIDE THE SAME MEDICATION TO THE PERSON WHILE THE PERSON IS IN CUSTODY."

Page 77, strike lines 13 through 17.

Renumber succeeding subsection accordingly.

Page 78, line 23, after "TREATMENT," insert "DEVELOPMENT OF GUIDELINES FOR NONMEDICAL EVALUATIONS, INCLUDING TIMELINES FOR PERFORMING A SUBSEQUENT MEDICAL EVALUATION AND ADMINISTERING MEDICAL WITHDRAWAL MANAGEMENT,".

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 6, strike line 27 and substitute:

"(b) NOTWITHSTANDING THE PROVISIONS OF SECTION 18-18-403.5 (2.5)(a)(I) OF THIS SECTION, WHEN A DEFENDANT SHOWS SUPPORTING EVIDENCE TO ESTABLISH THAT HE OR SHE MADE A REASONABLE MISTAKE OF FACT AND DID NOT KNOW THAT THE CONTROLLED SUBSTANCE HE OR SHE POSSESSED CONTAINED FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), THE MATTER SHALL BE SUBMITTED TO THE FINDER OF FACT IN THE FORM OF AN INTERROGATORY INCLUDED IN THE VERDICT FORM. SHOULD THE FINDER OF FACT DETERMINE THE DEFENDANT MADE SUCH A REASONABLE MISTAKE OF FACT, THE DEFENDANT COMMITS A LEVEL 1 DRUG MISDEMEANOR."

Page 32, line 22, after "(3)" insert "and (4)".

Page 33, line 13, strike "AND".

Page 33, strike lines 19 through 21 and substitute:

"MEDICATION; AND

(e) COORDINATE CONTINUED CARE FOR THE PERSON, INCLUDING SCHEDULING AN APPOINTMENT FOR THE PERSON WITH A SUBSTANCE USE PROVIDER WITH THE ABILITY TO CONTINUE THE PERSON'S TREATMENT, PROVIDE THE PERSON WITH DETAILED INFORMATION ABOUT THE SCHEDULED APPOINTMENT, PROVIDE THE PERSON WITH A PRESCRIPTION FOR THE MEDICATION THAT THE PERSON WAS TAKING WHILE IN CUSTODY AT THE FACILITY IN AN AMOUNT THAT IS AT LEAST SUFFICIENT TO SUSTAIN THE PERSON UNTIL THE SCHEDULED APPOINTMENT, AND PROVIDE THE PERSON WITH A REFERRAL TO THE CARE COORDINATION INFRASTRUCTURE DESCRIBED IN SECTION 27-60-204."

Page 33, after line 26 insert:

"(4) NOTWITHSTANDING ANY REQUIREMENT OF THIS SECTION, A COUNTY JAIL SHALL NOT DELAY A PERSON'S RELEASE FROM THE COUNTY JAIL BECAUSE THE JAIL CANNOT TIMELY COMPLY WITH A REQUIREMENT OF THIS SECTION."

Page 34, line 1, after "(3)" insert "and (4)".

Page 34, line 19, strike "AND".

Page 34, strike lines 25 through 27 and substitute:

"MEDICATION; AND

(e) COORDINATE CONTINUED CARE FOR THE PERSON, INCLUDING SCHEDULING AN APPOINTMENT FOR THE PERSON WITH A SUBSTANCE USE PROVIDER WITH THE ABILITY TO CONTINUE THE PERSON'S TREATMENT, PROVIDE THE PERSON WITH DETAILED INFORMATION ABOUT THE SCHEDULED APPOINTMENT, PROVIDE THE PERSON WITH A PRESCRIPTION FOR THE MEDICATION THAT THE PERSON WAS TAKING WHILE IN CUSTODY AT THE FACILITY IN AN AMOUNT THAT IS AT LEAST SUFFICIENT TO SUSTAIN THE PERSON UNTIL THE SCHEDULED APPOINTMENT, AND PROVIDE THE PERSON WITH A REFERRAL TO THE CARE COORDINATION INFRASTRUCTURE DESCRIBED IN SECTION 27-60-204."

Page 35, after line 5 insert:

"(4) NOTWITHSTANDING ANY REQUIREMENT OF THIS SECTION, A COUNTY JAIL SHALL NOT DELAY A PERSON'S RELEASE FROM THE COUNTY JAIL BECAUSE THE JAIL CANNOT TIMELY COMPLY WITH A REQUIREMENT OF THIS SECTION."

Page 46, line 3, strike "CARE;" and substitute "CARE, CONSISTENT WITH THE REQUIREMENTS PURSUANT TO SECTIONS 17-26-104.9 AND 17-26-140;".

Page 46, line 26, strike "CARE;" and substitute "CARE, CONSISTENT WITH THE REQUIREMENTS PURSUANT TO SECTIONS 17-26-104.9 AND 17-26-140;".

Respectfully submitted,

House Committee:

Senate Committee:

Chair

Chair

