

## CHAPTER 224

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**HEALTH AND ENVIRONMENT**

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**HOUSE BILL 18-1003**

BY REPRESENTATIVE(S) Pettersen, Kennedy, Singer, Arndt, Becker K., Bridges, Buckner, Coleman, Danielson, Esgar, Exum, Foote, Garnett, Gray, Hammer, Hansen, Herod, Hooton, Jackson, Kraft-Tharp, Lee, Lontine, McLachlan, Melton, Michaelson Jenet, Reyher, Roberts, Rosenthal, Valdez, Weissman, Winter, Young, Duran, Ginal, Salazar; also SENATOR(S) Priola and Jahn, Aguilar, Lambert, Tate, Fenberg, Guzman, Jones, Kefalas, Kerr, Martinez Humenik, Moreno, Todd.

**AN ACT**

**CONCERNING MEASURES TO PREVENT OPIOID MISUSE IN COLORADO, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, **add** article 22.3 to title 10 as follows:

**ARTICLE 22.3****Opioid and Other Substance Use Disorders Study Committee**

**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:

(I) FIVE MEMBERS OF THE SENATE, WITH THREE MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE AND TWO MEMBERS APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

(II) FIVE MEMBERS OF THE HOUSE OF REPRESENTATIVES, WITH THREE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TWO MEMBERS APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(b) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT THE CHAIR OF THE COMMITTEE IN EVEN-NUMBERED YEARS AND THE VICE-CHAIR IN ODD-NUMBERED YEARS, AND THE PRESIDENT OF THE SENATE SHALL APPOINT THE CHAIR OF THE COMMITTEE IN ODD-NUMBERED YEARS AND THE VICE-CHAIR IN EVEN-NUMBERED YEARS.

(2) THE COMMITTEE SHALL:

(a) STUDY DATA, DATA ANALYTICS, AND STATISTICS ON THE SCOPE OF THE SUBSTANCE USE DISORDER PROBLEM IN COLORADO, INCLUDING TRENDS IN RATES OF SUBSTANCE ABUSE, TREATMENT ADMISSIONS, AND DEATHS FROM SUBSTANCE USE;

(b) STUDY THE CURRENT PREVENTION, INTERVENTION, HARM REDUCTION, TREATMENT, AND RECOVERY RESOURCES, INCLUDING SUBSTANCE ABUSE PREVENTION OUTREACH AND EDUCATION, AVAILABLE TO COLORADANS, AS WELL AS PUBLIC AND PRIVATE INSURANCE COVERAGE AND OTHER SOURCES OF SUPPORT FOR TREATMENT AND RECOVERY RESOURCES;

(c) REVIEW THE AVAILABILITY OF MEDICATION-ASSISTED TREATMENT AND WHETHER PHARMACISTS CAN PRESCRIBE THOSE MEDICATIONS THROUGH THE DEVELOPMENT OF COLLABORATIVE PHARMACY PRACTICE AGREEMENTS WITH PHYSICIANS;

(d) EXAMINE THE MEASURES THAT OTHER STATES, THE UNITED STATES GOVERNMENT, AND OTHER COUNTRIES USE TO ADDRESS SUBSTANCE USE DISORDERS, INCLUDING EVIDENCE-BASED BEST PRACTICES AND THE USE OF EVIDENCE IN DETERMINING STRATEGIES TO TREAT SUBSTANCE USE DISORDERS, AND BEST PRACTICES ON THE USE OF PRESCRIPTION DRUG MONITORING PROGRAMS;

(e) IDENTIFY THE GAPS IN PREVENTION, INTERVENTION, HARM REDUCTION, TREATMENT, AND RECOVERY RESOURCES AVAILABLE TO COLORADANS AND HURDLES TO ACCESSING THOSE RESOURCES;

(f) IDENTIFY POSSIBLE LEGISLATIVE OPTIONS TO ADDRESS GAPS AND HURDLES TO ACCESSING PREVENTION, INTERVENTION, HARM REDUCTION, TREATMENT, AND RECOVERY RESOURCES; AND

(g) EXAMINE LAW ENFORCEMENT AND CRIMINAL JUSTICE MEASURES, INCLUDING THE PROHIBITION OF ILLEGAL DRUGS, PENALTIES FOR TRAFFICKING ILLEGAL DRUGS, DIVERSION, JAIL-BASED AND PRISON-BASED TREATMENT AND REDUCTION PROGRAMS, AND TECHNOLOGIES AND OTHER REQUIREMENTS USEFUL IN ENFORCING LAWS REMOVING OPIOID AND OTHER ILLEGAL SUBSTANCES.

(3)(a) THE COMMITTEE MAY MEET 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 DECEMBER 1, 2018, AND NO LATER THAN EACH DECEMBER

1 THEREAFTER, THE COMMITTEE SHALL MAKE A REPORT TO THE LEGISLATIVE COUNCIL CREATED IN SECTION 2-3-301 THAT MAY INCLUDE RECOMMENDATIONS FOR LEGISLATION.

(4) (a) MEMBERS OF THE COMMITTEE ARE ENTITLED TO RECEIVE THE USUAL PER DIEM AND NECESSARY TRAVEL AND SUBSISTENCE EXPENSES AS PROVIDED PURSUANT TO SECTION 2-2-307 FOR MEMBERS OF THE GENERAL ASSEMBLY WHO ATTEND INTERIM COMMITTEE MEETINGS.

(b) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL PROVIDE STAFF ASSISTANCE TO THE COMMITTEE.

**10-22.3-102. Repeal of article.** THIS ARTICLE 22.3 IS REPEALED, EFFECTIVE JULY 1, 2020.

**SECTION 2.** In Colorado Revised Statutes, **add** 10-16-124.8 as follows:

**10-16-124.8. Colorado consortium for prescription drug abuse prevention - create process for recovery - report.** (1) THE GOVERNOR SHALL DIRECT THE COLORADO CONSORTIUM FOR PRESCRIPTION DRUG ABUSE PREVENTION WITHIN THE UNIVERSITY OF COLORADO TO:

(a) CREATE A PROCESS WITH THE SUBSTANCE ABUSE RECOVERY COMMUNITY TO DEVELOP A STRATEGIC PLAN THAT ADDRESSES THE FULL CONTINUUM OF RECOVERY SERVICES, INCLUDING DETOXIFICATION SERVICES AND REINTEGRATION INTO THE COMMUNITY WITH PEER SUPPORT, FOR INDIVIDUALS WHO EXPERIENCE SUBSTANCE USE DISORDER;

(b) DEVELOP A DEFINITION FOR RECOVERY RESIDENCES AND ISSUE RECOMMENDATIONS REGARDING WHETHER RECOVERY RESIDENCES SHOULD BE LICENSED; AND

(c) REPORT THE RECOMMENDATIONS PURSUANT TO THIS SECTION TO THE GENERAL ASSEMBLY ON OR BEFORE JANUARY 1, 2020.

(2) MONEY IN THE GENERAL FUND MAY NOT BE USED FOR THE IMPLEMENTATION OF THIS SECTION.

**SECTION 3.** In Colorado Revised Statutes, 25-20.5-503, **amend** (2) as follows:

**25-20.5-503. School-based health center grant program - creation - funding - grants - repeal.** (2) (a) Operators of school-based health centers may apply for grants for the benefit of school-based health centers. The grant program shall provide grants for school-based health centers selected by the division. The division, in consultation with school-based health centers, shall develop criteria under which the grants are distributed and evaluated. In developing the criteria for grants, the division shall give priority to centers that serve a disproportionate number of uninsured children or a low-income population or both and may award grants to establish new school-based health centers; to expand primary health services, behavioral health services, INCLUDING EDUCATION, INTERVENTION, AND

PREVENTION SERVICES FOR OPIOID, ALCOHOL, AND MARIJUANA, AND OTHER SUBSTANCE USE DISORDERS, or oral health services offered by existing school-based health centers; to expand enrollment in the children's basic health plan; or to provide support for ongoing operations of school-based health centers. None of the grants shall be awarded to provide abortion services in violation of section 50 of article V of the state constitution.

(b)(I) ON OR BEFORE JULY 1, 2018, THE GENERAL ASSEMBLY SHALL APPROPRIATE SEVEN HUNDRED SEVENTY-FIVE THOUSAND DOLLARS TO THE DEPARTMENT FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501 FOR THE PURPOSES OF EXPANDING BEHAVIORAL HEALTH THERAPY, INTERVENTION, AND PREVENTION SERVICES FOR OPIOID, ALCOHOL, AND MARIJUANA, AND OTHER SUBSTANCE USE DISORDERS PURSUANT TO THIS SUBSECTION (2). THE DEPARTMENT SHALL PRIORITIZE FUNDING TO SCHOOL-BASED HEALTH CENTERS THAT SERVE COMMUNITIES WITH HIGH RISK FACTORS FOR SUBSTANCE ABUSE COMBINED WITH LIMITED ACCESS TO TREATMENT SERVICES ACCORDING TO STATE NEEDS ASSESSMENTS, COLORADO HEALTH INDICATOR DATA, AND NATIONAL BEST PRACTICE TRENDS.

(II) ANY UNENCUMBERED AND UNEXPENDED MONEY FROM AN APPROPRIATION MADE PURSUANT TO THIS SUBSECTION (2)(b) REMAINS AVAILABLE FOR EXPENDITURE BY THE DEPARTMENT IN THE NEXT TWO FISCAL YEARS WITHOUT FURTHER APPROPRIATION.

**SECTION 4.** In Colorado Revised Statutes, **amend** 25.5-5-208 as follows:

**25.5-5-208. Additional services - training - grants - screening, brief intervention, and referral - repeal.** ~~On or before June 30, 2016, the state department shall grant, through a competitive grant program, up to five hundred thousand dollars to one or more organizations to provide evidence-based training and outreach to health professionals statewide related to screening, brief intervention, and referral to treatment for individuals at risk of substance abuse for whom Colorado provides optional services in accordance with section 25.5-5-202 (1)(u). For any fiscal year beginning on or after July 1, 2016, the state department shall award additional grants for this training and outreach, subject to available appropriations. Any moneys appropriated for grants pursuant to this section are not subject to federal financial participation.~~

(1) ON OR AFTER JULY 1, 2018, THE STATE DEPARTMENT SHALL GRANT, THROUGH A COMPETITIVE GRANT PROGRAM, ONE MILLION FIVE HUNDRED THOUSAND DOLLARS TO ONE OR MORE ORGANIZATIONS TO OPERATE A SUBSTANCE ABUSE SCREENING, BRIEF INTERVENTION, AND REFERRAL TO TREATMENT PRACTICE. THE GRANT PROGRAM MUST REQUIRE:

(a) TRAINING FOR HEALTH CARE PROFESSIONALS STATEWIDE INCLUDING PROVIDERS WHO SERVE WOMEN OF CHILDBEARING AGE THAT IS EVIDENCE-BASED AND THAT MAY BE ATTENDED EITHER IN PERSON OR ONLINE. THE TRAINING MUST INCLUDE TRAINING FOR REIMBURSEMENT AND BILLING CODES IN THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO 6 OF THIS TITLE 25.5.

(b) CONSULTATION AND TECHNICAL ASSISTANCE FOR HEALTH CARE PROVIDERS,

HEALTH CARE ORGANIZATIONS, AND STAKEHOLDERS;

(c) OUTREACH, COMMUNICATION, AND EDUCATION TO PROVIDERS AND PATIENTS;

(d) COORDINATION WITH PRIMARY CARE, MENTAL HEALTH CARE, INTEGRATED HEALTH CARE, AND SUBSTANCE USE PREVENTION, TREATMENT, AND RECOVERY EFFORTS; AND

(e) CAMPAIGNING TO INCREASE PUBLIC AWARENESS OF THE RISKS RELATED TO ALCOHOL, MARIJUANA, TOBACCO, AND DRUG USE AND TO REDUCE ANY STIGMA ASSOCIATED WITH TREATMENT.

(2) (a) THE STATE DEPARTMENT CONTRACTOR SHALL DEVELOP A PATIENT EDUCATION TOOL FOR WOMEN OF CHILDBEARING AGE TO LEARN ABOUT THE RISKS OF SUBSTANCE-EXPOSED PREGNANCIES, TO BE DEPLOYED FOR PUBLIC USE IN THE STATE.

(b) (I) ON OR BEFORE JULY 1, 2018, THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS TO THE STATE DEPARTMENT FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501 FOR THE PURPOSES OF THIS SUBSECTION (2)(b).

(II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2019.

**SECTION 5.** In Colorado Revised Statutes, 27-80-118, **add (4)** as follows:

**27-80-118. Center for research into substance use disorder prevention, treatment, and recovery support strategies - legislative declaration - established - repeal.** (4) (a) THE CENTER SHALL DEVELOP AND IMPLEMENT A SERIES OF CONTINUING EDUCATION ACTIVITIES DESIGNED TO HELP A PRESCRIBER OF PAIN MEDICATION TO SAFELY AND EFFECTIVELY MANAGE PATIENTS WITH PAIN AND, WHEN APPROPRIATE, PRESCRIBE OPIOIDS OR MEDICATION ASSISTED TREATMENT. THE EDUCATIONAL ACTIVITIES MUST APPLY TO PHYSICIANS, PHYSICIAN ASSISTANTS, NURSES, AND DENTISTS.

(b) THE CENTER SHALL ALSO DEVELOP EDUCATION AND TRAINING FOR LAW ENFORCEMENT OFFICERS AND FIRST RESPONDERS CONCERNING THE USE OF OPIOID ANTAGONISTS FOR OPIOID OVERDOSE AND COMMUNITY-BASED TRAINING FOR PERSONS AT RISK OF OPIOID OVERDOSE.

(c) (I) ON OR BEFORE JULY 1, 2018, THE GENERAL ASSEMBLY SHALL APPROPRIATE SEVEN HUNDRED FIFTY THOUSAND DOLLARS TO THE CENTER FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501 FOR THE PURPOSES OF THIS SUBSECTION (4).

(II) THIS SUBSECTION (4)(c) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2019.

**SECTION 6. Appropriation.** (1) For the 2018-19 state fiscal year, \$925,000 is appropriated to the department of health care policy and financing. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department may use this appropriation for the

screening, brief intervention, and referral to treatment training grant program.

(2) For the 2018-19 state fiscal year, \$750,000 is appropriated to the department of higher education for use by the regents of the university of Colorado. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the regents may use this appropriation for the center for research into substance use disorder prevention, treatment, and recovery support strategies.

(3) For the 2018-19 state fiscal year, \$39,249 is appropriated to the legislative department. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$18,414 for use by the legislative council, which amount is based on an assumption that the council will require an additional 0.3 FTE;

(b) \$7,725 for use by the committee on legal services, which amount is based on an assumption that the committee will require an additional 0.1 FTE; and

(c) \$13,110 for use by the general assembly for member reimbursement and per diem.

(4) For the 2018-19 state fiscal year, \$775,000 is appropriated to the department of public health and environment for use by the prevention services division. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the division may use this appropriation for school-based health centers.

**SECTION 7. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 21, 2018