

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 19-0438.02 Yelana Love x2295

SENATE BILL 19-227

SENATE SPONSORSHIP

Pettersen and Gonzales, Bridges, Fenberg, Garcia, Ginal, Lee, Moreno, Priola,
Rodriguez, Story, Todd

HOUSE SPONSORSHIP

Kennedy and Herod,

Senate Committees

Health & Human Services
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REDUCTION OF HARM CAUSED BY SUBSTANCE USE**
102 **DISORDERS, AND, IN CONNECTION THEREWITH, AUTHORIZING**
103 **SCHOOLS TO OBTAIN A SUPPLY OF OPIATE ANTAGONISTS;**
104 **SPECIFYING THAT A LICENSED OR CERTIFIED HOSPITAL MAY BE**
105 **USED AS A CLEAN SYRINGE EXCHANGE SITE; CREATING THE**
106 **OPIATE ANTAGONIST PURCHASE FUND; EXPANDING THE**
107 **HOUSEHOLD MEDICATION TAKE-BACK PROGRAM IN THE**
108 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;**
109 **AUTHORIZING A PERSON THAT MAKES AN AUTOMATED**
110 **EXTERNAL DEFIBRILLATOR AVAILABLE TO THE PUBLIC TO ALSO**
111 **MAKE AN OPIATE ANTAGONIST AVAILABLE; REQUIRING THE**
112 **DEPARTMENT OF HUMAN SERVICES TO CREATE A POLICY**
113 **CONCERNING THE IDENTIFICATION OF CERTAIN INDIVIDUALS**

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

SENATE
3rd Reading Unamended
April 24, 2019

SENATE
Amended 2nd Reading
April 23, 2019

101
102

WITH A SUBSTANCE USE DISORDER, AND MAKING AN
APPROPRIATION.

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>.)

The bill:

- ! Allows school districts and nonpublic schools to develop policies by which schools are authorized to obtain a supply of opiate antagonists and school employees are trained to administer opiate antagonists to individuals at risk of experiencing a drug overdose (**sections 1 through 7** of the bill);
- ! Specifies that a licensed or certified hospital may be used as a clean syringe exchange site (**section 8**);
- ! Creates the opiate antagonist bulk purchase fund to facilitate bulk purchasing of opiate antagonists at a discounted price (**section 9**);
- ! Expands the household medication take-back program in the department of public health and environment for the purpose of allowing the safe collection and disposal of needles, syringes, and other devices used to inject medication (**section 10**);
- ! Requires a person or entity that makes an automated external defibrillator available to the public to also make an opiate antagonist available to the public (**sections 2 through 7 and 11**);
- ! Requires the department of human services to make mobile response units available for the purpose of providing medication-assisted treatment in jails and department of corrections facilities and community-based opiate antagonist training (**section 12**);
- ! Prohibits the office of behavior health in the department of human services from penalizing a facility that initiates an individual into medication-assisted treatment who does not have documentation verifying identification. To continue treatment, the individual has 6 weeks to provide the required documentation (**section 13**); and
- ! Makes conforming amendments necessary to harmonize the

bill with the title 12 recodification bill, House Bill 19-1172
(sections 14 and 15).

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-1-119.1 as
3 follows:

4 **22-1-119.1. Policy for employee and agent possession and**
5 **administration of opiate antagonists - definitions.** (1) A SCHOOL
6 DISTRICT BOARD OF EDUCATION OF A PUBLIC SCHOOL, THE STATE CHARTER
7 SCHOOL INSTITUTE FOR AN INSTITUTE CHARTER SCHOOL, OR THE
8 GOVERNING BOARD OF A NONPUBLIC SCHOOL MAY ADOPT AND IMPLEMENT
9 A POLICY WHEREBY:

10 (a) A SCHOOL UNDER ITS JURISDICTION MAY ACQUIRE AND
11 MAINTAIN A STOCK SUPPLY OF OPIATE ANTAGONISTS; AND

12 (b) AN EMPLOYEE OR AGENT OF THE SCHOOL MAY, AFTER
13 RECEIVING APPROPRIATE TRAINING, ADMINISTER AN OPIATE ANTAGONIST
14 ON SCHOOL GROUNDS TO ASSIST AN INDIVIDUAL WHO IS AT RISK OF
15 EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT. THE
16 TRAINING PROVIDED PURSUANT TO THIS SUBSECTION (1)(b) MUST INCLUDE
17 RISK FACTORS FOR OVERDOSE, RECOGNIZING AN OVERDOSE, CALLING
18 EMERGENCY MEDICAL SERVICES, RESCUE BREATHING, AND ADMINISTERING
19 AN OPIATE ANTAGONIST.

20 (2) AN EMPLOYEE OR AGENT OF A SCHOOL ACTING IN ACCORDANCE
21 WITH A POLICY ADOPTED PURSUANT TO THIS SECTION IS NOT SUBJECT TO
22 CIVIL LIABILITY OR CRIMINAL PROSECUTION, AS SPECIFIED IN SECTIONS
23 13-21-108.7 (3) AND 18-1-712 (2), RESPECTIVELY.

24 (3) AS USED IN THIS SECTION:

25 (a) "OPIATE ANTAGONIST" MEANS NALOXONE HYDROCHLORIDE OR

1 ANY SIMILARLY ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE
2 AND THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG
3 ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE.

4 (b) "OPIATE-RELATED DRUG OVERDOSE EVENT" MEANS AN ACUTE
5 CONDITION, INCLUDING A DECREASED LEVEL OF CONSCIOUSNESS OR
6 RESPIRATORY DEPRESSION, THAT:

7 (I) RESULTS FROM THE CONSUMPTION OR USE OF A CONTROLLED
8 SUBSTANCE OR ANOTHER SUBSTANCE WITH WHICH A CONTROLLED
9 SUBSTANCE WAS COMBINED;

10 (II) A LAYPERSON WOULD REASONABLY BELIEVE TO BE CAUSED BY
11 AN OPIATE-RELATED DRUG OVERDOSE EVENT; AND

12 (III) REQUIRES MEDICAL ASSISTANCE.

13 **SECTION 2.** In Colorado Revised Statutes, 12-36-117.7, **amend**
14 (1) introductory portion, (1)(c), (1)(d), and (3)(c); and **add** (1)(e), (1)(f),
15 and (6)(f.5) as follows:

16 **12-36-117.7. Prescribing opiate antagonists - definitions.** (1) A
17 physician or physician assistant licensed pursuant to this ~~article~~ ARTICLE
18 36 may prescribe or dispense, directly or in accordance with standing
19 orders and protocols, an opiate antagonist to:

20 (c) An employee or volunteer of a harm reduction organization;

21 ~~or~~

22 (d) A LAW ENFORCEMENT AGENCY OR first responder;

23 (e) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A
24 SCHOOL; OR

25 (f) A PERSON DESCRIBED IN SECTION 25-20.5-901.

26 (3) A licensed physician or physician assistant does not engage in
27 unprofessional conduct pursuant to section 12-36-117 if the physician or

1 physician assistant issues standing orders and protocols regarding opiate
2 antagonists or prescribes or dispenses an opiate antagonist in a good-faith
3 effort to assist:

4 ~~(c) A first responder or an employee or volunteer of a harm~~
5 ~~reduction organization~~ THE FOLLOWING PERSONS in responding to,
6 treating, or otherwise assisting an individual who is experiencing or is at
7 risk of experiencing an opiate-related drug overdose event or a friend,
8 family member, or other person in a position to assist an at-risk
9 individual:

10 (I) A LAW ENFORCEMENT AGENCY OR FIRST RESPONDER;

11 (II) AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION
12 ORGANIZATION;

13 (III) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A
14 SCHOOL; OR

15 (IV) A PERSON DESCRIBED IN SECTION 25-20.5-901.

16 (6) As used in this section:

17 (f.5) "SCHOOL" MEANS AN ELEMENTARY OR SECONDARY PUBLIC
18 OR NONPUBLIC SCHOOL WHOSE GOVERNING AUTHORITY HAS ADOPTED AND
19 IMPLEMENTED A POLICY PURSUANT TO SECTION 22-1-119.1.

20 **SECTION 3.** In Colorado Revised Statutes, 12-38-125.5, **amend**
21 (1)(c), (1)(d), and (3)(c); and **add** (1)(e), (1)(f), and (6)(f.5) as follows:

22 **12-38-125.5. Prescribing opiate antagonists - definitions.**

23 (1) An advanced practice nurse with prescriptive authority pursuant to
24 section 12-38-111.6 may prescribe or dispense, directly or in accordance
25 with standing orders and protocols, an opiate antagonist to:

26 (c) An employee or volunteer of a harm reduction organization;

27 **or**

1 (d) A LAW ENFORCEMENT AGENCY OR first responder;

2 (e) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A
3 SCHOOL; OR

4 (f) A PERSON DESCRIBED IN SECTION 25-20.5-901.

5 (3) An advanced practice nurse with prescriptive authority does
6 not engage in conduct that is grounds for discipline pursuant to section
7 12-38-117 if the advanced practice nurse issues standing orders and
8 protocols regarding opiate antagonists or prescribes or dispenses an opiate
9 antagonist in a good-faith effort to assist:

10 (c) ~~A first responder or an employee or volunteer of a harm~~
11 ~~reduction organization~~ THE FOLLOWING PERSONS in responding to,
12 treating, or otherwise assisting an individual who is experiencing or is at
13 risk of experiencing an opiate-related drug overdose event or a friend,
14 family member, or other person in a position to assist an at-risk
15 individual:

16 (I) A LAW ENFORCEMENT AGENCY OR FIRST RESPONDER;

17 (II) AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION
18 ORGANIZATION;

19 (III) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A
20 SCHOOL; OR

21 (IV) A PERSON DESCRIBED IN SECTION 25-20.5-901.

22 (6) As used in this section:

23 (f.5) "SCHOOL" MEANS AN ELEMENTARY OR SECONDARY PUBLIC
24 OR NONPUBLIC SCHOOL WHOSE GOVERNING AUTHORITY HAS ADOPTED AND
25 IMPLEMENTED A POLICY PURSUANT TO SECTION 22-1-119.1.

26 **SECTION 4.** In Colorado Revised Statutes, 12-42.5-105, **amend**
27 (2) as follows:

1 **12-42.5-105. Rules.** (2) On or before January 1, 2016 2020, the
2 board shall adopt or amend rules as necessary to permit the dispensing of
3 an opiate antagonist in accordance with section 12-42.5-120 (3).

4 **SECTION 5.** In Colorado Revised Statutes, 12-42.5-120, **amend**
5 (3)(a)(III), (3)(a)(IV), (3)(c)(I)(C), (3)(d)(I) introductory portion, and
6 (3)(d)(III); and **add** (3)(a)(V), (3)(a)(VI), and (3)(e)(VI.5) as follows:

7 **12-42.5-120. Prescription required - exception - dispensing**
8 **opiate antagonists - definitions.** (3) (a) A pharmacist may dispense,
9 pursuant to an order or standing orders and protocols, an opiate antagonist
10 to:

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

12 or

13 (IV) A LAW ENFORCEMENT AGENCY OR first responder;

14 (V) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A
15 SCHOOL; OR

16 (VI) A PERSON DESCRIBED IN SECTION 25-20.5-901.

17 (c) (I) A pharmacist does not engage in unprofessional conduct
18 pursuant to section 12-42.5-123 if the pharmacist dispenses, pursuant to
19 an order or standing orders and protocols, an opiate antagonist in a
20 good-faith effort to assist:

21 (C) ~~A first responder or an employee or volunteer of a harm~~
22 ~~reduction organization~~ THE FOLLOWING PERSONS in responding to,

23 treating, or otherwise assisting an individual who is experiencing or is at
24 risk of experiencing an opiate-related drug overdose event or a friend,

25 family member, or other person in a position to assist an at-risk
26 individual: A LAW ENFORCEMENT AGENCY OR FIRST RESPONDER; AN

27 EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION ORGANIZATION; A

1 SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR A
2 PERSON DESCRIBED IN SECTION 25-20.5-901.

3 (d) (I) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an
4 employee or volunteer of a harm reduction organization; A SCHOOL
5 DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR A PERSON
6 DESCRIBED IN SECTION 25-20.5-901 may, pursuant to an order or standing
7 orders and protocols:

8 (III) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an
9 employee or volunteer of a harm reduction organization; A SCHOOL
10 DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR A PERSON
11 DESCRIBED IN SECTION 25-20.5-901 acting in accordance with this
12 ~~paragraph (d)~~ SUBSECTION (3)(d) is not subject to civil liability or
13 criminal prosecution, as specified in sections 13-21-108.7 (3) and
14 18-1-712 (2), ~~C.R.S.~~, respectively.

15 (e) As used in this section:

16 (VI.5) "SCHOOL" MEANS AN ELEMENTARY OR SECONDARY PUBLIC
17 OR NONPUBLIC SCHOOL WHOSE GOVERNING AUTHORITY HAS ADOPTED AND
18 IMPLEMENTED A POLICY PURSUANT TO SECTION 22-1-119.1.

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

21 **13-21-108.7. Persons rendering emergency assistance through**
22 **the administration of an opiate antagonist - limited immunity -**
23 **legislative declaration - definitions. (3) General immunity. (a) A**
24 **person, other than a health care provider or a health care facility, who acts**
25 **in good faith to furnish or administer an opiate antagonist to an individual**
26 **the person believes to be suffering an opiate-related drug overdose event**
27 **or to an individual who is in a position to assist the individual at risk of**

1 experiencing an opiate-related overdose event is not liable for any civil
2 damages for acts or omissions made as a result of the act OR FOR ANY ACT
3 OR OMISSION MADE IF THE OPIATE ANTAGONIST IS STOLEN.

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

5 (I) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an
6 employee or volunteer of a harm reduction organization; OR A SCHOOL
7 DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL acting in
8 accordance with section 12-42.5-120 (3)(d) ~~C.R.S.~~ AND, AS APPLICABLE,
9 SECTION 22-1-119.1; AND

10 (II) A PERSON WHO ACTS IN GOOD FAITH TO FURNISH OR
11 ADMINISTER AN OPIATE ANTAGONIST IN ACCORDANCE WITH SECTION
12 25-20.5-901.

13 **SECTION 7.** In Colorado Revised Statutes, 18-1-712, **amend** (2)
14 as follows:

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

17 (2) **General immunity.** (a) A person, other than a health care provider
18 or a health care facility, who acts in good faith to furnish or administer an
19 opiate antagonist to an individual the person believes to be suffering an
20 opiate-related drug overdose event or to an individual who is in a position
21 to assist the individual at risk of experiencing an opiate-related overdose
22 event is immune from criminal prosecution for the act OR FOR ANY ACT OR
23 OMISSION MADE IF THE OPIATE ANTAGONIST IS STOLEN.

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

25 (I) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an
26 employee or volunteer of a harm reduction organization; OR A SCHOOL
27 DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL acting in

1 accordance with section 12-42.5-120 (3)(d) ~~C.R.S.~~ AND, AS APPLICABLE,
2 SECTION 22-1-119.1; AND

3 (II) A PERSON WHO ACTS IN GOOD FAITH TO FURNISH OR
4 ADMINISTER AN OPIATE ANTAGONIST IN ACCORDANCE WITH SECTION
5 25-20.5-901.

6 **SECTION 8.** In Colorado Revised Statutes, 18-18-426, **amend**
7 **(1) introductory portion and (2); and repeal (1)(a) as follows:**

8 **18-18-426. Drug paraphernalia - definitions.** As used in
9 sections 18-18-425 to 18-18-430, unless the context otherwise requires:

10 (1) "Drug paraphernalia" means all equipment, products, and
11 materials of any kind ~~which~~ THAT are used, intended for use, or designed
12 for use in planting, propagating, cultivating, growing, harvesting,
13 manufacturing, compounding, converting, producing, processing,
14 preparing, testing, analyzing, packaging, repackaging, storing, containing,
15 concealing, injecting, ingesting, inhaling, or otherwise introducing into
16 the human body a controlled substance in violation of the laws of this
17 state. "Drug paraphernalia" includes, but is not limited to:

18 (a) Testing equipment used, intended for use, or designed for use
19 in identifying or in analyzing the strength, effectiveness, or purity of
20 controlled substances under circumstances in violation of the laws of this
21 state;

22 (2) "Drug paraphernalia" does not include:

23 (a) Any marijuana accessories as defined in section 16 (2)(g) of
24 article XVIII of the state constitution; OR

25 (b) TESTING EQUIPMENT USED, INTENDED FOR USE, OR DESIGNED
26 FOR USE IN IDENTIFYING OR IN ANALYZING THE STRENGTH,
27 EFFECTIVENESS, OR PURITY OF CONTROLLED SUBSTANCES.

1 **SECTION 9.** In Colorado Revised Statutes, 25-1-520, **add** (2.5)
2 as follows:

3 **25-1-520. Clean syringe exchange programs - approval -**
4 **reporting requirements.** (2.5) A PROGRAM DEVELOPED PURSUANT TO
5 THIS SECTION MAY BE OPERATED IN A HOSPITAL LICENSED OR CERTIFIED
6 BY THE STATE DEPARTMENT PURSUANT TO SECTION 25-1.5-103 (1)(a).

7 **SECTION 10.** In Colorado Revised Statutes, **add** 25-1.5-114 as
8 follows:

9 **25-1.5-114. Opiate antagonist bulk purchase fund - creation**
10 **- definition - rules - report.** (1) (a) THE OPIATE ANTAGONIST BULK
11 PURCHASE FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY
12 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF PAYMENTS
13 MADE TO THE DEPARTMENT BY PARTICIPATING ELIGIBLE ENTITIES FOR THE
14 PURCHASE OF OPIATE ANTAGONISTS; GIFTS, GRANTS, AND DONATIONS
15 CREDITED TO THE FUND PURSUANT TO SUBSECTION (1)(b) OF THIS
16 SECTION; AND ANY MONEY THAT THE GENERAL ASSEMBLY MAY
17 APPROPRIATE OR TRANSFER TO THE FUND.

18 (b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
19 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
20 PURPOSES OF THIS SECTION. THE DEPARTMENT SHALL TRANSMIT ALL
21 MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE
22 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

23 (c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
24 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
25 FUND TO THE FUND.

26 (2) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
27 DEPARTMENT FOR BULK PURCHASING OF OPIATE ANTAGONISTS. ELIGIBLE

1 ENTITIES MAY PURCHASE OPIATE ANTAGONISTS FROM THE DEPARTMENT.
2 THE DEPARTMENT MAY CONTRACT WITH A PRESCRIPTION DRUG OUTLET,
3 AS DEFINED IN SECTION 12-42.5-102 (35), FOR THE BULK PURCHASING AND
4 DISTRIBUTION OF OPIATE ANTAGONISTS. THE DEPARTMENT SHALL PROVIDE
5 TECHNICAL ASSISTANCE TO PARTICIPATING ELIGIBLE ENTITIES TO ENSURE
6 THAT ELIGIBLE ENTITIES COMPLETE ALL TRAINING AND REGISTRATION
7 REQUIREMENTS.

8 (3) THE DEPARTMENT SHALL PROMULGATE RULES SPECIFYING THE
9 AMOUNT AN ELIGIBLE ENTITY MUST PAY TO PURCHASE OPIATE
10 ANTAGONISTS FROM THE DEPARTMENT.

11 (4) (a) NO LATER THAN OCTOBER 1, 2020, AND EVERY OCTOBER
12 1 THEREAFTER, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE
13 EXECUTIVE DIRECTOR'S DESIGNEE SHALL REPORT TO THE HOUSE AND
14 SENATE APPROPRIATIONS COMMITTEES, OR THEIR SUCCESSOR
15 COMMITTEES, ON THE FUND'S ACTIVITY. THE REPORT MUST INCLUDE:

16 (I) REVENUE RECEIVED BY THE FUND;

17 (II) REVENUE AND EXPENDITURE PROJECTIONS FOR THE
18 FORTHCOMING FISCAL YEAR AND DETAILS OF ALL EXPENDITURES FROM
19 THE FUND;

20 (III) THE ELIGIBLE ENTITIES THAT PURCHASED OPIATE
21 ANTAGONISTS;

22 (IV) THE AMOUNT OF OPIATE ANTAGONISTS PURCHASED BY EACH
23 ELIGIBLE ENTITY; AND

24 (V) THE DISCOUNT PROCURED THROUGH BULK PURCHASING.

25 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT
26 REQUIRED IN THIS SUBSECTION (4) CONTINUES INDEFINITELY.

27 (5) AS USED IN THIS SECTION, "ELIGIBLE ENTITY" MEANS:

1 (a) A UNIT OF LOCAL GOVERNMENT, AS DEFINED IN SECTION
2 29-3.5-101 (4);

3 (b) A PERSON MAKING AN OPIATE ANTAGONIST AVAILABLE
4 PURSUANT TO SECTION 25-20.5-901; OR

5 (c) THE FOLLOWING ENTITIES, IF THE ENTITY HAS ADOPTED A
6 POLICY ALLOWING THE ACQUISITION, MAINTENANCE, AND
7 ADMINISTRATION OF OPIATE ANTAGONISTS PURSUANT TO SECTION
8 22-1-119.1:

9 (I) A SCHOOL DISTRICT BOARD OF EDUCATION OF A PUBLIC
10 SCHOOL;

11 (II) THE STATE CHARTER SCHOOL INSTITUTE FOR AN INSTITUTE
12 CHARTER SCHOOL; OR

13 (III) A GOVERNING BOARD OF A NONPUBLIC SCHOOL.

14 **SECTION 11.** In Colorado Revised Statutes, 25-15-328, **amend**
15 (3) and (5) as follows:

16 **25-15-328. Household medication take-back program -**
17 **collection and disposal of medication injection devices - creation -**
18 **liability - definitions - cash fund - rules.** (3) (a) Subject to available
19 funds, the executive director of the department shall establish a household
20 medication take-back program to collect and dispose of unused household
21 medications. The program must allow for individuals to dispose of
22 unused household medications at approved collection sites and for
23 carriers to transport unused household medications from approved
24 collection sites to disposal locations.

25 (b) STARTING IN THE 2020-21 FISCAL YEAR, THE EXECUTIVE
26 DIRECTOR OF THE DEPARTMENT SHALL USE THE MONEY APPROPRIATED TO
27 THE DEPARTMENT PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION TO

1 IMPLEMENT A PROCESS FOR THE SAFE COLLECTION AND DISPOSAL OF
2 NEEDLES, SYRINGES, AND OTHER DEVICES USED TO INJECT MEDICATION.
3 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL DETERMINE THE
4 PROCESSES AND LOCATIONS FOR THE SAFE COLLECTION AND DISPOSAL OF
5 MEDICATION INJECTION DEVICES.

6 (5) (a) The household medication take-back cash fund is created
7 in the state treasury for the direct and indirect costs associated with the
8 implementation of this section. The fund consists of ~~moneys~~ MONEY
9 appropriated or transferred to the fund by the general assembly and any
10 gifts, grants, and donations from any public or private entity. The
11 department shall transmit gifts, grants, and donations collected by the
12 department to the state treasurer, who shall credit the ~~moneys~~ MONEY to
13 the fund. The ~~moneys~~ MONEY in the fund ~~are~~ IS subject to annual
14 appropriation by the general assembly.

15 (b) FOR THE 2020-21 FISCAL YEAR AND EACH YEAR THEREAFTER,
16 THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM THE GENERAL
17 FUND TO THE DEPARTMENT FOR THE PURPOSE OF EXPANDING THE
18 HOUSEHOLD MEDICATION TAKE-BACK PROGRAM TO INCLUDE THE SAFE
19 COLLECTION AND DISPOSAL OF MEDICATION INJECTION DEVICES PURSUANT
20 TO SUBSECTION (3)(b) OF THIS SECTION.

21 **SECTION 12.** In Colorado Revised Statutes, **add** part 9 to article
22 20.5 of title 25 as follows:

23 PART 9

24 REQUIREMENT TO MAKE OPIATE

25 ANTAGONISTS AVAILABLE

26 **25-20.5-901. Making opiate antagonists available - bulk**
27 **purchasing - immunity.** (1) A PERSON THAT IS NOT A PRIVATE ENTITY

1 AND THAT MAKES A DEFIBRILATOR OR AED, AS DEFINED IN SECTION
2 13-21-108.1, AVAILABLE TO AID THE GENERAL PUBLIC MAY ALSO MAKE
3 AVAILABLE AN OPIATE ANTAGONIST TO AID AN INDIVIDUAL BELIEVED TO
4 BE SUFFERING AN OPIATE-RELATED DRUG OVERDOSE EVENT OR TO AN
5 INDIVIDUAL WHO IS IN A POSITION TO ASSIST THE INDIVIDUAL AT RISK OF
6 EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT.

7 (2) A PERSON MAKING AN OPIATE ANTAGONIST AVAILABLE IN
8 ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION IS ELIGIBLE TO
9 PURCHASE OPIATE ANTAGONISTS FROM THE DEPARTMENT IN ACCORDANCE
10 WITH SECTION 25-1.5-114.

11 (3) A PERSON WHO ACTS IN GOOD FAITH TO FURNISH OR
12 ADMINISTER AN OPIATE ANTAGONIST TO AN INDIVIDUAL THE PERSON
13 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
15 RISK OF EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT IS
16 NOT SUBJECT TO CIVIL LIABILITY OR CRIMINAL PROSECUTION, AS SPECIFIED
17 IN SECTIONS 13-21-108.7 (3) AND 18-1-712 (2), RESPECTIVELY.

18 (4) THIS SECTION DOES NOT APPLY TO AN ELEMENTARY OR
19 SECONDARY PUBLIC OR NONPUBLIC SCHOOL.

20 **SECTION 13. In Colorado Revised Statutes, add 27-80-215 as**
21 **follows:**

22 **27-80-215. Policy verifying identity. THE DEPARTMENT SHALL**
23 **ESTABLISH A POLICY ON HOW A SUBSTANCE USE DISORDER TREATMENT**
24 **PROGRAM MUST VERIFY THE IDENTITY OF INDIVIDUALS INITIATING INTO**
25 **DETOXIFICATION, WITHDRAWAL, OR MAINTENANCE TREATMENT FOR A**
26 **SUBSTANCE USE DISORDER. THE DEPARTMENT POLICY MUST INCLUDE**
27 **VERIFICATION REQUIREMENTS FOR INDIVIDUALS WITHOUT IDENTIFICATION**

1 AND INDIVIDUALS EXPERIENCING HOMELESSNESS.

2 **SECTION 14.** In Colorado Revised Statutes, 12-30-110, **amend**
3 **as relocated by House Bill 19-1172** (1)(a)(III), (1)(a)(IV), (1)(b)
4 introductory portion, (2)(b), (3) introductory portion, (3)(c), and (4)(b);
5 and **add** (1)(a)(V), (1)(a)(VI), and (7)(i.5) as follows:

6 **12-30-110. Prescribing or dispensing opiate antagonists -**
7 **authorized recipients - definitions.** (1) (a) A prescriber may prescribe
8 or dispense, directly or in accordance with standing orders and protocols,
9 and a pharmacist may dispense, pursuant to an order or standing orders
10 and protocols, an opiate antagonist to:

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

12 ~~or~~

13 (IV) A LAW ENFORCEMENT AGENCY OR first responder;

14 (V) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A
15 SCHOOL; OR

16 (VI) A PERSON DESCRIBED IN SECTION 25-20.5-901.

17 (b) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an
18 employee or volunteer of a harm reduction organization; A SCHOOL
19 DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR A PERSON
20 DESCRIBED IN SECTION 25-20.5-901 may, pursuant to an order or standing
21 orders and protocols:

22 (2) (b) A LAW ENFORCEMENT AGENCY, first responder, ~~or~~ harm
23 reduction organization, OR PERSON DESCRIBED IN SECTION 25-20.5-901 is
24 strongly encouraged to educate its employees and volunteers, as well as
25 persons receiving an opiate antagonist from the LAW ENFORCEMENT
26 AGENCY, first responder, ~~or~~ harm reduction organization, OR PERSON
27 DESCRIBED IN SECTION 25-20.5-901 on the use of an opiate antagonist for

1 overdose, including instruction concerning risk factors for overdose,
2 recognizing an overdose, calling emergency medical services, rescue
3 breathing, and administering an opiate antagonist.

4 (3) NEITHER a prescriber described in subsection (7)(h)(I) of this
5 section ~~or~~ NOR A pharmacist ~~does not engage~~ ENGAGES in unprofessional
6 conduct pursuant to section 12-240-121 or 12-280-126, respectively, and
7 a prescriber described in subsection (7)(h)(II) of this section does not
8 engage in conduct that is grounds for discipline pursuant to section
9 12-255-120, if the prescriber issues standing orders and protocols
10 regarding opiate antagonists or prescribes or dispenses, or the pharmacist
11 dispenses, pursuant to an order or standing orders and protocols, an opiate
12 antagonist in a good-faith effort to assist:

13 (c) ~~A first responder or an employee or volunteer of a harm~~
14 ~~reduction organization~~ THE FOLLOWING PERSONS in responding to,
15 treating, or otherwise assisting an individual who is experiencing or is at
16 risk of experiencing an opiate-related drug overdose event or a friend,
17 family member, or other person in a position to assist an at-risk
18 individual:

19 (I) A LAW ENFORCEMENT AGENCY OR FIRST RESPONDER;

20 (II) AN EMPLOYEE OR VOLUNTEER OF A HARM REDUCTION
21 ORGANIZATION;

22 (III) A SCHOOL DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A
23 SCHOOL; OR

24 (IV) A PERSON DESCRIBED IN SECTION 25-20.5-901.

25 (4) (b) A LAW ENFORCEMENT AGENCY OR first responder; ~~or~~ an
26 employee or volunteer of a harm reduction organization; A SCHOOL
27 DISTRICT, SCHOOL, OR EMPLOYEE OR AGENT OF A SCHOOL; OR A PERSON

1 DESCRIBED IN SECTION 25-20.5-901 acting in accordance with this section
2 is not subject to civil liability or criminal prosecution, as specified in
3 sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

4 (7) As used in this section:

5 (i.5) "SCHOOL" MEANS AN ELEMENTARY OR SECONDARY PUBLIC OR
6 NONPUBLIC SCHOOL WHOSE GOVERNING AUTHORITY HAS ADOPTED AND
7 IMPLEMENTED A POLICY PURSUANT TO SECTION 22-1-119.1.

8 **SECTION 15.** In Colorado Revised Statutes, 12-280-107, **amend**
9 **as relocated by House Bill 19-1172 (2)** as follows:

10 **12-280-107. Rules.** (2) On or before January 1, ~~2016~~ 2020, the
11 board shall adopt or amend rules as necessary to permit the dispensing of
12 an opiate antagonist in accordance with sections 12-30-110 and
13 12-280-123 (3).

14 **SECTION 16. Appropriation.** For the 2019-20 state fiscal year,
15 \$659,472 is appropriated to the department of public health and
16 environment. This appropriation consists of \$434,472 from the general
17 fund and \$225,000 from the opiate antagonist bulk purchase fund created
18 in section 25-1.5-114 (1)(a), C.R.S. To implement this act, the department
19 may use this appropriation as follows:

20 (a) \$621,070 which consists of \$396,070 from general fund and
21 \$225,000 from the opiate antagonist bulk purchase fund, for use by the
22 prevention services division for administration, which amount is based on
23 an assumption that the department will require an additional 1.8 FTE; and

24 (b) \$38,402 from general fund for the household take-back
25 medication program, which amount is based on an assumption that the
26 department will require an additional 0.4 FTE.

27 **SECTION 17. Effective date - applicability.** (1) This act takes

1 effect upon passage; except that sections 14 and 15 of this act take effect
2 only if House Bill 19-1172 becomes law, in which case sections 14 and
3 15 take effect October 1, 2019.

4 (2) This act applies to conduct occurring on or after the effective
5 date of this act.

6 **SECTION 18. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.