Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO  
INTRODUCED

LLS NO. 20-0295.01 Yelana Love x2295  
SENATE BILL 20-028

SENATE SPONSORSHIP  
Pettersen and Priola,

HOUSE SPONSORSHIP  
Buentello and Herod, Kennedy

Senate Committees  
Health & Human Services  

House Committees

A BILL FOR AN ACT

CONCERNING MEASURES TO ASSIST AN INDIVIDUAL’S RECOVERY FROM A SUBSTANCE USE DISORDER.

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/.)

Opioid and Other Substance Use Disorders Study Committee.  
The bill:

! Annually appropriates $250,000 to the department of labor and employment for the purpose of providing peer coaching and peer specialist training for individuals recovering from substance use disorders (section 1 of the
Continues the opioid and other substance use disorders study committee (committee) for an additional 4 years, meeting every other year beginning in 2021 (sections 2 and 3);

Requires the state substance abuse trend and response task force to: Convene stakeholders for the purpose of reviewing progress on bills introduced by the committee and passed by the general assembly and generating policy recommendations related to opioid and other substance use disorders; and submit its annual report to the committee (section 4);

Modifies how the determination of child abuse, neglect, or dependency is determined in situations involving alcohol or substance exposure (sections 5 to 7);

Annually appropriates $2 million to the office of behavioral health (office) in the department of human services for the purpose of expanding the individual placement and support program (section 8);

Requires the center for research into substance use disorder prevention, treatment, and recovery support strategies (center) to design and conduct a comprehensive review of Colorado's substance use disorder treatment and recovery services to inform a state plan for the delivery of services across the continuum of care for individuals at risk of relapse and appropriates $500,000 to the center for the completion of the review (section 9);

Requires the center, through the statewide perinatal substance use data linkage project, to conduct ongoing research related to the incidence of perinatal substance exposure or related infant and family health and human service outcomes. The bill also annually appropriates $75,000 to the center to conduct the research (section 10).

Requires the office to establish a program to assist individuals with substance use disorders by providing the individuals with temporary financial housing assistance and annually appropriates $4 million to the office for purposes of the program (section 11); and

Creates the recovery support services grant program in the office to provide grants to recovery community organizations, and annually appropriates $3.5 million to implement the program (section 12).

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1 Be it enacted by the General Assembly of the State of Colorado:
SECTION 1. In Colorado Revised Statutes, add 8-84-109 as follows:

8-84-109. Appropriation for peer coaching and peer specialist training. For the 2020-21 state fiscal year and each state fiscal year thereafter, the general assembly shall appropriate two hundred fifty thousand dollars to the department for the purpose of providing peer coaching and peer specialist training to individuals recovering from substance use disorders.

SECTION 2. In Colorado Revised Statutes, 10-22.3-101, amend (1)(a) introductory portion and (3) 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:

(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 in which the committee is authorized to meet. 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, the committee shall make a report to the legislative council created in section 2-3-301 that may include recommendations for legislation.

SECTION 3. In Colorado Revised Statutes, amend 10-22.3-102
10-22.3-102. Repeal of article. This article 22.3 is repealed, effective July 1, 2020 September 1, 2024.

SECTION 4. In Colorado Revised Statutes, 18-18.5-103, amend (6)(d) introductory portion; and 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;

(d) Notwithstanding section 24-1-136 (11)(a)(I), submit a written report to the judiciary committees, or any successor committees, of the senate and the house of representatives of the general assembly AND THE OPIOID AND OTHER SUBSTANCE USE DISORDERS STUDY COMMITTEE CREATED IN SECTION 10-22.3-101 by January 1, 2021, and by each January 1 thereafter, at a minimum specifying the following:

SECTION 5. 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 6. 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 7. 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 8. In Colorado Revised Statutes, add 27-60-108 as follows:

27-60-108. Appropriation for individual placement and
support program. For the 2020-21 state fiscal year and each
state fiscal year thereafter, the General Assembly shall
appropriate two million dollars to the office for the purpose of
expanding the individual placement and support program
administered by the office.

SECTION 9. In Colorado Revised Statutes, 27-80-118, add (7) as follows:

27-80-118. Center for research into substance use disorder
prevention, treatment, and recovery support strategies - legislative
declaration - established - mission - continuing education - public
awareness program - grant writer assistance - comprehensive review
of treatment and recovery services - repeal. (7)(a) The center shall
design and conduct a comprehensive review of Colorado’s
substance use disorder treatment and recovery services to
inform a state plan for the delivery of services across the
continuum of care in Colorado to individuals at risk of
experiencing relapse after a period of recovery. The center
shall identify and consult with recovery research experts to:

(I) Conduct a review of the research on effective models
of care across the continuum of care, from withdrawal
management services to recovery management services. The
analysis should assess the evidence basis of substance use
DISORDER TREATMENT AND RECOVERY SERVICES, INCLUDING EFFICACY, OUTCOMES, AND QUALITY OF CARE, PARTICULARLY AT "HAND-OFFS" IN CARE, AS THEY RELATE TO THE RISK OF RELAPSE FOR THE INDIVIDUALS SERVED.

(II) ASSESS STANDARDS OF CARE THROUGHOUT THE CONTINUUM OF CARE TO DETERMINE IF THEY ADEQUATELY ADDRESS THE RELATIVE RISK FOR RELAPSE OF THE INDIVIDUALS SERVED;

(III) FOCUS ON RECOVERY MANAGEMENT SERVICES AND THE YEARS OF RELAPSE RISK IN COMPARISON TO OTHER CHRONIC HEALTH CONDITIONS;

(IV) ANALYZE THE EFFECT OF STIGMA ON SUBSEQUENT ACCESS TO CARE, TREATMENT, AND COMMUNITY SERVICES FOR THOSE WHO EXPERIENCE RELAPSE IN RECOVERY; AND

(V) IDENTIFY AND PROVIDE PRACTICE AND POLICY RECOMMENDATIONS FOR IMPROVING SERVICES FOR INDIVIDUALS WHO RELAPSE IN RECOVERY.

(b) IN DESIGNING AND CONDUCTING THE COMPREHENSIVE REVIEW DESCRIBED IN THIS SUBSECTION (7), THE CENTER SHALL CONSIDER THE NEEDS OF UNDERSERVED POPULATIONS AND COMMUNITIES.

(c) BY AUGUST 1, 2021, THE CENTER SHALL REPORT ITS FINDINGS AND ANY RECOMMENDATIONS TO THE OPIOID AND OTHER SUBSTANCE USE DISORDERS STUDY COMMITTEE CREATED IN SECTION 10-22.3-101. IN MAKING ITS RECOMMENDATIONS, THE CENTER SHALL CONSULT WITH INDIVIDUALS IN RECOVERY AND REPRESENTATIVES OF RECOVERY COMMUNITY ORGANIZATIONS, AS DEFINED IN SECTION 27-82-115 (1)(b); RECOVERY RESIDENCES, AS DEFINED IN SECTION 25-1.5-108.5 (1)(a); TREATMENT PROVIDERS; AND RECOVERY ADVOCACY ORGANIZATIONS.
(d) For the 2020-21 fiscal year, the General Assembly shall appropriate five hundred thousand dollars to the Center for the implementation of this subsection (7).

(e) This subsection (7) is repealed, effective September 1, 2021.

SECTION 10. 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 - appropriation.

(2.5) (a) The statewide perinatal substance use data linkage project must 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 19-3-102 (1)(g) for determining child abuse or neglect or whether a child is neglected or dependent.

(b) For the 2020-21 state fiscal year and each state fiscal year thereafter, the General Assembly shall appropriate seventy-five thousand dollars to the Center for purposes of subsection (2.5)(a) of this section.

SECTION 11. In Colorado Revised Statutes, add 27-80-124 as follows:

27-80-124. Housing assistance for individuals with a substance use disorder - rules - report - appropriation. (1) Subject to available appropriations, the Office of Behavioral Health shall establish a program to provide temporary financial housing...
ASSISTANCE TO INDIVIDUALS WITH A SUBSTANCE USE DISORDER WHO
HAVE NO SUPPORTIVE HOUSING OPTIONS WHEN THE INDIVIDUAL IS:

(a) TRANSITIONING OUT OF A RESIDENTIAL TREATMENT SETTING
AND INTO RECOVERY; OR

(b) RECEIVING TREATMENT FOR THE INDIVIDUAL'S SUBSTANCE USE
DISORDER.

(2) THE OFFICE OF BEHAVIORAL HEALTH SHALL PROMULGATE
RULES ESTABLISHING THE MAXIMUM AMOUNT OF TEMPORARY FINANCIAL
ASSISTANCE THAT AN INDIVIDUAL CAN RECEIVE AND THE MAXIMUM
AMOUNT OF TIME FOR WHICH AN INDIVIDUAL MAY RECEIVE ASSISTANCE.
RULES PROMULGATED PURSUANT TO THIS SUBSECTION (2) RELATED TO
THE TIME FOR WHICH AN INDIVIDUAL MAY RECEIVE ASSISTANCE MUST BE
CLINICALLY BASED.

(3) IN AWARDING TEMPORARY FINANCIAL HOUSING ASSISTANCE IN
ACCORDANCE WITH THIS SECTION, THE OFFICE OF BEHAVIORAL HEALTH
SHALL PRIORITIZE FUNDING FOR INDIVIDUALS ENTERING INTO RECOVERY
RESIDENCES, AS DEFINED IN SECTION 25-1.5-108.5 (1)(a).

(4) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), BY
FEBRUARY 1, 2021, AND BY FEBRUARY 1 EACH YEAR THEREAFTER, THE
OFFICE OF BEHAVIORAL HEALTH SHALL SUBMIT A REPORT DETAILING THE
AMOUNT OF HOUSING ASSISTANCE PROVIDED IN THE PRIOR YEAR, THE
NUMBER OF INDIVIDUALS AND THE ENTITIES THAT RECEIVED THE HOUSING
ASSISTANCE, AND THE DURATION OF HOUSING ASSISTANCE EACH
INDIVIDUAL OR ENTITY RECEIVED TO THE HEALTH AND HUMAN SERVICES
COMMITTEE OF THE SENATE, THE HEALTH AND INSURANCE AND THE
PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEES OF THE HOUSE
OF REPRESENTATIVES, AND THE OPIOID AND OTHER SUBSTANCE USE
DISORDERS STUDY COMMITTEE CREATED IN SECTION 10-22.3-101, OR ANY
SUCCESSOR COMMITTEES.

(5) FOR THE 2020-21 STATE FISCAL YEAR AND EACH STATE FISCAL
YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE FOUR
MILLION DOLLARS TO THE OFFICE OF BEHAVIORAL HEALTH FOR THE
PURPOSE OF THE HOUSING PROGRAM DESCRIBED IN THIS SECTION.

SECTION 12. In Colorado Revised Statutes, add 27-82-115 as
follows:

27-82-115. Recovery support services grant program -
creation - eligibility - reporting requirements - definitions - rules -
appropriation. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
OTHERWISE REQUIRES:

(a) "GRANT PROGRAM" MEANS THE RECOVERY SUPPORT SERVICES
GRANT PROGRAM CREATED IN THIS SECTION.

(b) "RECOVERY COMMUNITY ORGANIZATION" MEANS AN
INDEPENDENT, NONPROFIT ORGANIZATION LED AND GOVERNED BY
REPRESENTATIVES OF LOCAL COMMUNITIES OF RECOVERY THAT ORGANIZE
RECOVERY-FOCUSED POLICY ADVOCACY ACTIVITIES, CARRY OUT
RECOVERY-FOCUSED COMMUNITY EDUCATION AND OUTREACH PROGRAMS,
OR PROVIDE PEER-RUN RECOVERY SUPPORT SERVICES.

(2) THERE IS HEREBY CREATED IN THE OFFICE OF BEHAVIORAL
HEALTH THE RECOVERY SUPPORT SERVICES GRANT PROGRAM TO PROVIDE
GRANTS TO RECOVERY COMMUNITY ORGANIZATIONS FOR THE PURPOSE OF
PROVIDING RECOVERY-ORIENTED SERVICES TO INDIVIDUALS WITH A
SUBSTANCE USE AND CO-OCcurring MENTAL HEALTH DISORDER.

(3) A RECOVERY COMMUNITY ORGANIZATION THAT RECEIVES A
GRANT FROM THE GRANT PROGRAM MAY USE THE MONEY TO:
(a) Offer opportunities for individuals in recovery to engage in activities focused on mental or physical wellness or community service;

(b) Provide guidance to individuals with a substance use and co-occurring mental health disorder and their family members on navigating treatment, social service, and recovery support systems;

(c) Help individuals with a substance use and co-occurring mental health disorder to connect with resources needed to initiate and maintain recovery as outlined by the federal substance abuse and mental health services administration's four dimensions of recovery: health, home, community, and purpose;

(d) Assist in establishing and sustaining a social and physical environment supportive of recovery;

(e) Provide local and state recovery resources to recovery community organization participants and community members; and

(f) Provide recovery support services for caregivers and families of individuals recovering from a substance use and co-occurring mental health disorder.

(4) The office of behavioral health shall administer the grant program and, subject to available appropriations, shall award grants as provided in this section. The office must award grants from the money annually appropriated for the grant program as provided in subsection (8) of this section.

(5) The office of behavioral health shall implement the
GRANT PROGRAM IN ACCORDANCE WITH THIS SECTION. PURSUANT TO
ARTICLE 4 OF TITLE 24, THE OFFICE SHALL PROMULGATE RULES AS
NECESSARY TO IMPLEMENT THE GRANT PROGRAM.

(6) (a) TO RECEIVE A GRANT, A RECOVERY COMMUNITY
ORGANIZATION MUST SUBMIT AN APPLICATION TO THE OFFICE OF
BEHAVIORAL HEALTH IN ACCORDANCE WITH RULES PROMULGATED BY THE
OFFICE. AT A MINIMUM, THE APPLICATION MUST INCLUDE:

(I) A BUSINESS PLAN, INCLUDING A BUDGET, OPERATIONS, AND
SUSTAINABILITY PLAN;

(II) A PLAN FOR EDUCATING THE PUBLIC ABOUT BEHAVIORAL
HEALTH DISORDERS AND RECOVERY PATHWAYS; AND

(III) A MECHANISM FOR TRACKING RECOVERY CAPITAL MEASURES
FOR PARTICIPANTS.

(b) THE OFFICE SHALL REVIEW THE APPLICATIONS RECEIVED
PURSUANT TO THIS SECTION. IN AWARDING GRANTS, THE OFFICE SHALL
CONSIDER THE FOLLOWING CRITERIA:

(I) PRIORITY SHOULD BE GIVEN TO AN APPLICANT WHOSE PROGRAM
OUTLINES THE CAPACITY TO DELIVER RECOVERY SUPPORT SERVICES TO
MEET THE NEEDS OF DIVERSE RACIAL, CULTURAL, INCOME, ABILITY, AND
OTHER UNDERSERVED GROUPS;

(II) IN THE FIRST YEAR OF AWARDING GRANTS, A MINIMUM OF
SIXTY PERCENT OF FUNDING SHOULD BE USED TO SUPPORT THE
DEVELOPMENT OF NEW RECOVERY COMMUNITY ORGANIZATION SERVICES;
AND

(III) IN THE SECOND YEAR OF AWARDING GRANTS, A MINIMUM OF
FORTY PERCENT OF FUNDING SHOULD BE USED TO SUPPORT THE
DEVELOPMENT OF NEW RECOVERY COMMUNITY ORGANIZATION SERVICES.
(c) Subject to available appropriations, on or before December 1 each year of the grant program, the office shall award grants as provided in this section. The office shall distribute the grant money within forty-five days after awarding the grants.

(7) (a) On or before December 1, 2021, and on or before December 1 each year thereafter, each recovery community organization that receives a grant through the grant program shall submit a report to the Office of Behavioral Health. At a minimum, the report must include the following information:

(I) The number of community members involved in the organization;

(II) A detailed description of the organization's advocacy efforts;

(III) Any collaborative projects with other recovery community organizations across the state;

(IV) Efforts to capture recovery capital measures as described in subsection (6)(a)(III) of this section; and

(V) Any other information required by the office.

(b) On or before March 1, 2021, and on or before March 1 each year thereafter for the duration of the grant program, the office shall submit a summarized report on the grant program to the Health and Human Services Committee of the Senate and the Health and Insurance and the Public Health Care and Human Services Committees of the House of Representatives, or any successor committees, and to the Opioid and Other Substance Use Disorders Study Committee created in section SB20-028.
(c) Notwithstanding section 24-1-136 (11)(a)(I), the reporting requirements set forth in this subsection (7) continue indefinitely.

(8) For the 2020-21 state fiscal year and each state fiscal year thereafter, the general assembly shall appropriate three million five hundred thousand dollars from the general fund to the office of behavioral health to implement the grant program. The office may use a portion of the money appropriated for the grant program to pay the direct and indirect costs of administering the grant program.

SECTION 13. 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.