

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0883.05 Jacob Baus x2173

**HOUSE BILL 22-1326**

**HOUSE SPONSORSHIP**

**Garnett and Lynch**, Herod, Sandridge, Amabile, Benavidez, Bernett, Bird, Boesenecker, Duran, Esgar, Kipp, McCormick, Michaelson Jenet, Mullica, Ortiz, Tipper

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Judiciary  
Appropriations

**Senate Committees**

Judiciary  
Appropriations

**A BILL FOR AN ACT**

101       **CONCERNING MEASURES TO ADDRESS SYNTHETIC OPIATES, AND, IN**  
102               **CONNECTION THEREWITH, CHANGING THE CRIMINAL PENALTIES**  
103               **ASSOCIATED WITH SYNTHETIC OPIATES; USING A SUBSTANCE**  
104               **ABUSE ASSESSMENT TO DIRECT APPROPRIATE TREATMENT AT**  
105               **SENTENCING; PROVIDING OPIATE ANTAGONISTS IN THE**  
106               **COMMUNITY; PROVIDING SYNTHETIC OPIATE DETECTION TESTS**  
107               **IN THE COMMUNITY; CREATING IMMUNITY FOR FURNISHING**  
108               **SYNTHETIC OPIATE DETECTION TESTS; PROVIDING TREATMENT**  
109               **FOR PERSONS IN THE CRIMINAL JUSTICE SYSTEM; DEVELOPING**  
110               **A FENTANYL PREVENTION AND EDUCATION CAMPAIGN;**  
111               **PROVIDING FUNDING FOR SUBSTANCE USE AND HARM**  
112               **REDUCTION; EVALUATING THE SUBSTANCE USE AND HARM**  
113               **REDUCTION NEEDS ACROSS THE STATE;   REQUIRING A**

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.*

HOUSE  
3rd Reading Unamended  
April 25, 2022

HOUSE  
Amended 2nd Reading  
April 22, 2022

### 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 makes the unlawful possession of any material, compound, mixture, or preparation that weighs more than 4 grams and contains any amount of fentanyl, carfentanyl, or an analog thereof a level 4 drug felony.

The bill creates an exemption to the unlawful possession of a controlled substance offense for employees, agents, or volunteers of certain agencies who are in possession of the controlled substance, including fentanyl, carfentanyl, or an analog thereof, for the purpose of safe disposal of the controlled substance.

The bill makes the unlawful distribution, manufacturing, dispensing, or sale of a material, compound, mixture, or preparation containing fentanyl, carfentanyl, or an analog thereof:

- A level 1 drug felony if it weighs more than 50 grams;
- A level 2 drug felony if it weighs more than 4 grams, but not more than 50 grams; and
- A level 3 drug felony if it weighs not more than 4 grams.

The bill makes it a level 1 drug felony if the defendant unlawfully distributed, manufactured, dispensed, or sold a material, compound, mixture, or preparation containing fentanyl, carfentanyl, or an analog thereof, and a person died as a proximate cause of using or consuming it.

The bill makes a defendant a special offender, making them subject to a level 1 drug felony, if:

- The defendant introduced or imported into Colorado any material, compound, mixture, or preparation that weighs more than 4 grams and contains fentanyl or carfentanyl; or
- The defendant unlawfully distributed, manufactured, dispensed, or sold a material, compound, mixture, or preparation containing fentanyl or carfentanyl, and the defendant possessed pill or tablet manufacturing equipment with the intent to use the equipment in the manufacture of a controlled substance.

For certain offenses, the bill requires a court to order placement in a residential treatment facility for treatment of an addiction that includes

fentanyl, carfentanil, or an analog thereof as a condition of probation if recommended pursuant to a substance abuse assessment. Furthermore, for certain offenses, a court is required to order a fentanyl education class, which is developed by the office of behavioral health.

The bill expands the list of eligible entities that are eligible for standing orders to receive opiate antagonists.

The bill creates immunity from civil liability for certain persons who or entities that act in good faith to furnish a non-laboratory synthetic opiate detection test to another person.

The bill requires a jail, upon release, to provide opiate antagonists and prescribe medication for an opiate use disorder to certain persons.

The bill requires community corrections programs to assess individuals residing in the programs for substance use withdrawal symptoms and develop protocols for medical detoxification monitoring, medication-assisted treatment, and other appropriate withdrawal management care.

The bill permits the correctional treatment board to direct money in the correctional treatment cash fund for drug overdose prevention, opiate antagonists, and non-laboratory synthetic opiate detection tests.

The bill permits a school district board of education, the charter school institute, or governing board of a nonpublic school to adopt and implement a policy to permit a school to acquire and maintain non-laboratory synthetic opiate detection tests and furnish them on school grounds.

For the 2022-23 fiscal year, the bill requires the appropriation of \$20 million from the behavioral and mental health cash fund to the opiate antagonist bulk purchase fund.

For the 2022-23 fiscal year, the bill requires the appropriation of \$300,000 to the department of public health and environment for the purchase and distribution of non-laboratory synthetic opiate detection tests to eligible entities.

The bill requires the department of public health and environment to develop and implement a statewide fentanyl prevention and education campaign.

The bill expands the types of entities that are eligible for a harm reduction grant and the permissible uses of the grant funds. For the 2022-23 fiscal year, the bill requires the appropriation of \$6 million from the behavioral and mental health cash fund to the harm reduction grant program cash fund.

The bill requires a jail that receives funding through the jail-based behavioral health services program to develop protocols for medication-assisted treatment and withdrawal management care and develop and implement a policy that describes the provision of medication-assisted treatment to individuals upon release. For the 2022-23 fiscal year, the bill requires the appropriation of \$3 million from

the behavioral and mental health cash fund for these purposes.

The bill requires each managed service organization to evaluate current supply and necessary demand within its region for certain harm reduction and treatment services and report their findings to the general assembly.

The bill requires the legislative services agencies of the general assembly to perform a post-enactment review of certain criminal provisions 3 years following the act becoming law.

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4           (a) The illegal distribution of synthetic opiates, including fentanyl,  
5 carfentanil benzimidazole opioids, and analogs thereof, presents a serious  
6 health risk in Colorado and across the country;

7           (b) The increase in the number of overdose deaths in Colorado  
8 demands a comprehensive response by communities and elected officials,  
9 designed to reduce the risks of harm to all people and recalibrate the  
10 criminal justice system's response to illegal distribution of these  
11 dangerous drugs;

12           (c) Colorado has not adequately funded behavioral health  
13 interventions, treatment, overdose prevention, and other supportive  
14 services that research demonstrates reduce the risk of harm and the  
15 recovery of people suffering from a behavioral health disorder;

16           (d) Funding for supervised-injection sites is prohibited;

17           (e) The prosecution of drug dealers who manufacture, distribute,  
18 dispense, or sell fentanyl, carfentanil benzimidazole opioids, and analogs  
19 thereof, not the prosecution of low-level drug possessors, is a priority for  
20 Colorado; and

21           (f) Colorado's good samaritan law, which encourages people to

1 seek medical assistance for people who are suffering from an overdose  
2 crisis, is an important public policy that can assist in saving lives.

3 (2) Therefore, it is the intent of the general assembly to:

4 (a) Direct additional resources to communities and agencies to  
5 allow more effective and healthy interventions and treatment for people  
6 who use fentanyl, carfentanil benzimidazole opioids, or analogs thereof,  
7 and develop an effective public education campaign about the dangers of  
8 these drugs and their presence in other drugs; and

9 (b) Enact a properly calibrated sentencing scheme, prescribing  
10 specific penalties for the unlawful manufacturing, distribution,  
11 dispensing, or selling of fentanyl, carfentanil benzimidazole opioids, and  
12 analogs thereof, including specifically designed penalties for people  
13 whose manufacturing, distribution, dispensing, or selling leads to the  
14 death of another person.

15 (3) The general assembly finds that for the purpose of performing  
16 a post-enactment review of the implementation of House Bill 22-\_\_\_\_, it  
17 is necessary to review the following statewide data for three years  
18 subsequent to the passage of House Bill 22-\_\_\_\_ in order to assess its  
19 impact on sentencing and filing of counts based on the good samaritan  
20 law pursuant to section 18-1-711, Colorado Revised Statutes, and the  
21 criminal provisions designed to address the distribution of fentanyl,  
22 carfentanil benzimidazole opioids, and analogs thereof, resulting in death:

23 (a) From the judicial department, the number of cases filed that  
24 include a violation of section 18-18-405 (2)(a)(I)(D), (2)(b)(I)(D), and  
25 (2)(c)(V), Colorado Revised Statutes; the judicial district where each case  
26 was filed; and the sentence imposed upon conviction for each case;

27 (b) From the judicial department, the number of cases filed that

1 include a violation of section 18-18-405 (2)(a)(III)(A), Colorado Revised  
2 Statutes; the judicial district where the case was filed; information on  
3 other charges filed in the same case; the sentence imposed upon  
4 conviction for each case; and a summary of the facts and circumstances  
5 of the case as evidenced by the arrest warrant; and

6 (c) From each district attorney, the information pursuant to section  
7 18-1-711 (6), Colorado Revised Statutes.

8 **SECTION 2.** In Colorado Revised Statutes, 18-18-403.5, **add**  
9 (2.5), (2.7), and (6) and (7) as follows:

10 **18-18-403.5. Unlawful possession of a controlled substance -**  
11 **notice to revisor of statutes - repeal.** (2.5) (a) NOTWITHSTANDING  
12 SUBSECTION (2)(c) OF THIS SECTION, ON OR AFTER JULY 1, 2022, A PERSON  
13 WHO VIOLATES SUBSECTION (1) OF THIS SECTION BY KNOWINGLY  
14 POSSESSING:

15 (I) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT  
16 WEIGHS MORE THAN ONE GRAM AND NOT MORE THAN FOUR GRAMS AND  
17 CONTAINS ANY QUANTITY OF FENTANYL, CARFENTANIL BENZIMIDAZOLE  
18 OPIOIDS, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204  
19 (2)(g), AND THE PERSON KNEW OR HAD REASONABLE CAUSE TO BELIEVE  
20 THAT THE MATERIAL, COMPOUND, MIXTURE, OR PREPARATION CONTAINED  
21 ANY QUANTITY OF FENTANYL, CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR  
22 AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g),  
23 COMMITS A LEVEL 4 DRUG FELONY.

24 (II) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT  
25 WEIGHS NOT MORE THAN ONE GRAM AND CONTAINS ANY QUANTITY OF  
26 FENTANYL, CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN ANALOG  
27 THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), COMMITS A LEVEL

1 1 DRUG MISDEMEANOR; EXCEPT THAT A FOURTH OR SUBSEQUENT OFFENSE  
2 FOR A VIOLATION OF THIS SUBSECTION (2.5)(a)(II) IS A LEVEL 4 DRUG  
3 FELONY.

4 (b) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JUNE 30, 2025.

5 (2.7) (a) A PERSON WHO VIOLATES SUBSECTION (1) OF THIS  
6 SECTION BY POSSESSING ANY MATERIAL, COMPOUND, MIXTURE, OR  
7 PREPARATION THAT CONTAINS A QUANTITY OF FENTANYL, CARFENTANIL  
8 BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF AS DESCRIBED IN  
9 SECTION 18-18-204 (2)(g), THAT IS MORE THAN SIXTY PERCENT OF THE  
10 TOTAL COMPOSITION OF THE MATERIAL, COMPOUND, MIXTURE, OR  
11 PREPARATION, COMMITS A LEVEL 2 DRUG FELONY.

12 (b) (I) THIS SUBSECTION (2.7) TAKES EFFECT AT 12:01 A.M. THIRTY  
13 DAYS AFTER THE DATE IDENTIFIED IN THE NOTICE PROVIDED TO THE  
14 REVISOR OF STATUTES BY THE DIRECTOR OF THE COLORADO BUREAU OF  
15 INVESTIGATION THAT THE COLORADO BUREAU OF INVESTIGATION HAS THE  
16 RESOURCES TO DETERMINE THE QUANTITY OF FENTANYL, CARFENTANIL  
17 BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF AS DESCRIBED IN  
18 SECTION 18-18-204 (2)(g), COMPARED TO THE TOTAL COMPOSITION OF THE  
19 MATERIAL, COMPOUND, MIXTURE, OR PREPARATION, OR ON THE DATE OF  
20 THE NOTICE TO THE REVISOR OF STATUTES IF THE NOTICE DOES NOT  
21 SPECIFY A DIFFERENT DATE.

22 (II) THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION  
23 SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING WHEN THE  
24 CONDITION SPECIFIED IN SUBSECTION (2.7)(b)(I) OF THIS SECTION HAS  
25 OCCURRED BY E-MAILING THE NOTICE TO  
26 REVISOROFSTATUTES.GA@STATE.CO.US.

27 (III) CONCURRENT WITH THE NOTICE REQUIRED IN SUBSECTION

1 (2.7)(b)(II), THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION  
2 SHALL NOTIFY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE  
3 PRESIDENT OF THE SENATE, THE CHIEF JUSTICE OF THE SUPREME COURT,  
4 THE GOVERNOR, THE ATTORNEY GENERAL, THE STATE PUBLIC DEFENDER,  
5 AND EACH DISTRICT ATTORNEY IN THE STATE, THAT THE COLORADO  
6 BUREAU OF INVESTIGATION HAS THE RESOURCES TO DETERMINE THE  
7 QUANTITY OF FENTANYL, CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN  
8 ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), COMPARED  
9 TO THE TOTAL COMPOSITION OF THE MATERIAL, COMPOUND, MIXTURE, OR  
10 PREPARATION.

11 (IV) THIS SUBSECTION (2.7)(b) IS REPEALED, EFFECTIVE ONE YEAR  
12 AFTER NOTICE TO THE REVISOR OF STATUTES PURSUANT TO THIS  
13 SUBSECTION (2.7)(b)(II).

14 (6) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION TO THE  
15 CONTRARY, A PEACE OFFICER SHALL NOT ARREST AND A DISTRICT  
16 ATTORNEY SHALL NOT CHARGE OR PROSECUTE AN EMPLOYEE, AGENT, OR  
17 VOLUNTEER OF AN ENTITY DESCRIBED IN SECTION 12-30-110 (1)(a) WHO,  
18 IN THE PERFORMANCE OF THE PERSON'S DUTIES, IS IN POSSESSION OF A  
19 CONTROLLED SUBSTANCE, INCLUDING FENTANYL, CARFENTANIL  
20 BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF AS DESCRIBED IN  
21 SECTION 18-18-204 (2)(g), FOR THE PURPOSE OF SAFE DISPOSAL OF THE  
22 CONTROLLED SUBSTANCE, INCLUDING FENTANYL, CARFENTANIL  
23 BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF AS DESCRIBED IN  
24 SECTION 18-18-204 (2)(g), IN ACCORDANCE WITH APPLICABLE LAW. AS  
25 USED IN THIS SUBSECTION (6), "SAFE DISPOSAL" MEANS THE PROCEDURE  
26 AND PROCESS FOR DEPOSITING THE CONTROLLED SUBSTANCE, INCLUDING  
27 FENTANYL, CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN ANALOG



1 THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), IN A SECURE  
2 CONTAINER FOR LAW ENFORCEMENT TO SUBSEQUENTLY ACCESS AND  
3 DISPOSE OF.

4 (7) NOTWITHSTANDING SUBSECTION (2.5) OF THIS SECTION, ON OR  
5 AFTER JULY 1, 2022, THE POSSESSION OF AN OPIATE ANTAGONIST OR A  
6 NON-LABORATORY SYNTHETIC OPIATE DETECTION TEST MUST NOT BE USED  
7 AS EVIDENCE TO PROVE THE PERSON KNEW OR HAD REASONABLE CAUSE TO  
8 BELIEVE THAT THE MATERIAL, COMPOUND, MIXTURE, OR PREPARATION  
9 CONTAINED ANY QUANTITY OF FENTANYL, CARFENTANIL BENZIMIDAZOLE  
10 OPIOIDS, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204  
11 (2)(g).

12 **SECTION 3.** In Colorado Revised Statutes, 18-18-405, **amend**  
13 (2)(b)(I)(B), (2)(b)(I)(C), (2)(c)(III), and (2)(c)(IV); and **add** (2)(a)(I)(D),  
14 (2)(a)(III), (2)(b)(I)(D), and (2)(c)(V) as follows:

15 **18-18-405. Unlawful distribution, manufacturing, dispensing,**  
16 **or sale.** (2) Except as otherwise provided for an offense concerning  
17 marijuana and marijuana concentrate in section 18-18-406 and for special  
18 offenders as provided in section 18-18-407, any person who violates any  
19 of the provisions of subsection (1) of this section:

20 (a) Commits a level 1 drug felony and is subject to the mandatory  
21 sentencing provisions in section 18-1.3-401.5 (7) if:

22 (I) The violation involves any material, compound, mixture, or  
23 preparation that weighs:

24 (D) MORE THAN FIFTY GRAMS AND CONTAINS FENTANYL,  
25 CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF AS  
26 DESCRIBED IN SECTION 18-18-204 (2)(g); OR

27 (III) (A) EXCEPT AS PROVIDED IN SECTION 18-1-711 (3)(i), THE

1 DEFENDANT COMMITTED A VIOLATION OF SUBSECTION (2)(a)(I)(D),  
2 (2)(b)(I)(D), OR (2)(c)(V) OF THIS SECTION, AND THE ACTIONS IN  
3 VIOLATION OF SUBSECTION (2)(a)(I)(D), (2)(b)(I)(D), OR (2)(c)(V) OF THIS  
4 SECTION ARE THE PROXIMATE CAUSE OF THE DEATH OF ANOTHER PERSON  
5 WHO USED OR CONSUMED THE MATERIAL, COMPOUND, MIXTURE, OR  
6 PREPARATION THAT CONTAINED FENTANYL, CARFENTANIL BENZIMIDAZOLE  
7 OPIOIDS, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204  
8 (2)(g).

9 (B) NOTWITHSTANDING SUBSECTION (2)(a)(III)(A) OF THIS  
10 SECTION, A DEFENDANT WHO COMMITTED A VIOLATION OF SUBSECTION  
11 (2)(c)(V) OF THIS SECTION, AND THE ACTIONS IN VIOLATION OF  
12 SUBSECTION (2)(c)(V) OF THIS SECTION ARE THE PROXIMATE CAUSE OF  
13 THE DEATH OF ANOTHER PERSON WHO USED OR CONSUMED THE MATERIAL,  
14 COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINED FENTANYL,  
15 CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF AS  
16 DESCRIBED IN SECTION 18-18-204 (2)(g), IS NOT SUBJECT TO THE  
17 MANDATORY SENTENCING REQUIREMENT AS DESCRIBED IN SECTION  
18 18-1.3-401.5 (7).

19 (b) Commits a level 2 drug felony if:

20 (I) The violation involves any material, compound, mixture, or  
21 preparation that weighs:

22 (B) More than seven grams, but not more than one hundred twelve  
23 grams, and contains methamphetamine, heroin, ketamine, or cathinones;

24 or

25 (C) More than ten milligrams, but not more than fifty milligrams,  
26 and contains flunitrazepam; OR

27 (D) MORE THAN FOUR GRAMS, BUT NOT MORE THAN FIFTY GRAMS,

1 AND CONTAINS FENTANYL, CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN  
2 ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g);

3 (c) Commits a level 3 drug felony if the violation involves any  
4 material, compound, mixture, or preparation that weighs:

5 (III) Not more than ten milligrams and contains flunitrazepam; ~~or~~

6 (IV) More than four grams and contains a schedule III or schedule  
7 IV controlled substance; OR

8 (V) NOT MORE THAN FOUR GRAMS AND CONTAINS FENTANYL,  
9 CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF AS  
10 DESCRIBED IN SECTION 18-18-204 (2)(g).

11 **SECTION 4.** In Colorado Revised Statutes, 18-18-407, **amend**  
12 (1)(c); and **add** (1)(h) as follows:

13 **18-18-407. Special offender - definitions.** (1) A person who  
14 commits a felony offense pursuant to this part 4 under any one or more of  
15 the following aggravating circumstances commits a level 1 drug felony  
16 and is a special offender:

17 (c) The defendant committed the violation and in the course of  
18 that violation, introduced or imported into the state of Colorado more than  
19 fourteen grams of any schedule I or II controlled substance listed in part  
20 2 of this ~~article~~ ~~or~~ ARTICLE 18; more than seven grams of  
21 methamphetamine, heroin, ketamine, or cathinones; ~~or~~ ten milligrams of  
22 flunitrazepam; OR ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION  
23 THAT WEIGHS MORE THAN FOUR GRAMS AND CONTAINS FENTANYL,  
24 CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF AS  
25 DESCRIBED IN SECTION 18-18-204 (2)(g);

26 (h) THE DEFENDANT COMMITTED A VIOLATION OF SECTION  
27 18-18-405 (2)(a)(I)(D), (2)(b)(I)(D), OR (2)(c)(V), AND THE DEFENDANT

1 POSSESSED PILL OR TABLET MANUFACTURING EQUIPMENT WITH THE  
2 INTENT TO USE THE EQUIPMENT IN THE MANUFACTURE OF A CONTROLLED  
3 SUBSTANCE.

4 **SECTION 5.** In Colorado Revised Statutes, 18-1-711, **amend**  
5 (3)(g) and (3)(h); and **add** (3)(i) and (6) as follows:

6 **18-1-711. Immunity for persons who suffer or report an**  
7 **emergency drug or alcohol overdose event - definitions - repeal.**

8 (3) The immunity described in subsection (1) of this section applies to  
9 the following criminal offenses:

10 (g) Possession of drug paraphernalia, as described in section  
11 18-18-428; ~~and~~

12 (h) Illegal possession or consumption of ethyl alcohol or  
13 marijuana by an underage person or illegal possession of marijuana  
14 paraphernalia by an underage person, as described in section 18-13-122;  
15 AND

16 (i) A VIOLATION OF SECTION 18-18-405 (2)(a)(III)(A), IF THE  
17 UNLAWFUL DISTRIBUTION, MANUFACTURING, DISPENSING, OR SALE OF THE  
18 MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WEIGHS NOT MORE  
19 THAN FOUR GRAMS AND CONTAINS ANY AMOUNT OF FENTANYL,  
20 CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF AS  
21 DESCRIBED IN SECTION 18-18-204 (2)(g).

22 (6) (a) STARTING ON JULY 1, 2022, AND FOR THREE YEARS  
23 THEREAFTER, A LAW ENFORCEMENT AGENCY THAT RESPONDS TO AN  
24 EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT SHALL REPORT TO THE  
25 DISTRICT ATTORNEY'S OFFICE IN THE LAW ENFORCEMENT AGENCY'S  
26 JURISDICTION WHETHER AN ARREST WAS MADE AS A RESULT OF THE  
27 INVESTIGATION OF AN EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT

1 OR WHEN AN ARREST WAS NOT MADE PURSUANT TO THE PROVISIONS OF  
2 THIS SECTION.

3 (b) STARTING ON JULY 1, 2022, AND FOR THREE YEARS  
4 THEREAFTER, EACH DISTRICT ATTORNEY'S OFFICE THAT RECEIVES A  
5 REPORT REGARDING AN ARREST FROM LAW ENFORCEMENT PURSUANT TO  
6 SUBSECTION (6)(a) OF THIS SECTION SHALL PREPARE A REPORT INDICATING  
7 EACH INSTANCE WHEN A PERSON WAS NOT PROSECUTED FOR AN OFFENSE  
8 PURSUANT TO THIS SECTION IF THE EVENT INVOLVED FENTANYL,  
9 CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF AS  
10 DESCRIBED IN SECTION 18-18-204 (2)(g). IF THE DISTRICT ATTORNEY  
11 PROSECUTES A PERSON WHO SOUGHT EMERGENCY ASSISTANCE FOR AN  
12 EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT IF THE EVENT  
13 INVOLVED FENTANYL, CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN  
14 ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), THE  
15 DISTRICT ATTORNEY SHALL PREPARE A REPORT DETAILING THE FACTS AND  
16 CIRCUMSTANCES FOR THE DECISION THAT THE IMMUNITY PROVISIONS OF  
17 SUBSECTION (1) OF THIS SECTION DID NOT APPLY.

18 (c) EACH DISTRICT ATTORNEY SHALL PROVIDE THE REPORTS  
19 COLLECTED PURSUANT TO THIS SUBSECTION (6) TO THE LEGISLATIVE  
20 SERVICE AGENCIES OF THE COLORADO GENERAL ASSEMBLY FOR THE  
21 PURPOSE OF A POST-ENACTMENT REVIEW.

22 (d) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2026.

23 **SECTION 6.** In Colorado Revised Statutes, 18-1.3-401.5, **amend**  
24 **(7), (10)(a)(III), and (10)(a)(IV); and add (2.5) and (14) and (10)(a)(V)**  
25 **as follows:**

26 **18-1.3-401.5. Drug felonies classified - presumptive and**  
27 **aggravated penalties. (2.5) IT IS THE INTENT OF THE GENERAL ASSEMBLY**

1 THAT SENTENCING FOR CRIMES THAT INVOLVE FENTANYL, CARFENTANIL  
2 BENZIMIDAZOLE OPIOIDS, OR ANY ANALOG THEREOF, AS DESCRIBED IN  
3 SECTION 18-18-204(2)(G), EVEN IN SMALL QUANTITIES, REFLECT THE HIGH  
4 RISK OF ADDICTION AND DEATH ASSOCIATED WITH FENTANYL,  
5 CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR ANY ANALOG THEREOF.  
6 THEREFORE, THE EDUCATION AND TREATMENT PROCEDURES PROVIDED IN  
7 SECTION 18-1.3-410 MUST BE IMPLEMENTED TO ADDRESS THIS  
8 SUBSTANTIAL HEALTH RISK.

9 (7) EXCEPT AS PROVIDED IN SECTION 18-18-405 (2)(a)(III)(B),  
10 notwithstanding any provision of this section to the contrary, if the  
11 defendant is convicted of a level 1 drug felony, the court shall sentence  
12 the defendant to a term of incarceration in the department of corrections  
13 of at least eight years but not more than thirty-two years. The presence of  
14 one or more of the aggravating circumstances provided in ~~paragraph (a)~~  
15 ~~of subsection (10)~~ SUBSECTION (10)(a) of this section or in section  
16 18-18-407 (1) requires the court to sentence a defendant convicted of a  
17 level 1 drug felony to a term of incarceration in the department of  
18 corrections of at least twelve years but no more than thirty-two years. The  
19 court may impose a fine in addition to imprisonment.

20 (10) (a) Except for a level 1 drug felony, the presence of one or  
21 more of the following aggravating circumstances at the time of the  
22 commission of a drug felony offense requires the court, if it sentences the  
23 defendant to incarceration, to sentence the defendant to a term of at least  
24 the midpoint in the presumptive range but not more than the maximum  
25 term of the aggravated range:

26 (III) The defendant was under confinement, in prison, or in any  
27 correctional institution as a convicted felon, or an escapee from any

1       correctional institution for another felony; or

2               (IV) The defendant was on probation for or on bond while  
3       awaiting sentencing following revocation of probation for a delinquent  
4       act that would have constituted a felony if committed by an adult; OR

5               (V) THE DEFENDANT COMMITTED A VIOLATION OF SECTION  
6       18-18-405 (2)(a)(III)(A), AND THE UNLAWFUL DISTRIBUTION,  
7       MANUFACTURING, DISPENSING, OR SALE OF THE MATERIAL, COMPOUND,  
8       MIXTURE, OR PREPARATION WEIGHED MORE THAN FIFTY GRAMS AND  
9       CONTAINED FENTANYL, CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN  
10      ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g).

11              (14) (a) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION,  
12      FOR THE PURPOSE OF SENTENCING A PERSON CONVICTED OF A LEVEL 4  
13      DRUG FELONY COMMITTED ON OR AFTER JULY 1, 2022, IN VIOLATION OF  
14      SECTION 18-18-403.5 (2.5), A COURT SHALL EITHER SENTENCE AN  
15      OFFENDER TO PROBATION FOR UP TO TWO YEARS, WITH THE POSSIBILITY OF  
16      A TOTAL OF ONE HUNDRED EIGHTY DAYS IN COUNTY JAIL, OR FOR A THIRD  
17      OR SUBSEQUENT OFFENSE, A TOTAL OF UP TO THREE HUNDRED SIXTY-FOUR  
18      DAYS IN COUNTY JAIL, WHICH MAY BE IMPOSED IN WHOLE OR IN PART  
19      DURING THE TIME PERIOD OF PROBATION AS A CONDITION OF PROBATION  
20      OR AS A SANCTION FOR A VIOLATION OF PROBATION; OR SENTENCE AN  
21      OFFENDER TO UP TO ONE HUNDRED EIGHTY DAYS IN THE COUNTY JAIL;  
22      EXCEPT THAT FOR A THIRD OR SUBSEQUENT OFFENSE, THE COURT MAY  
23      SENTENCE AN OFFENDER TO UP TO THREE HUNDRED SIXTY-FOUR DAYS IN  
24      THE COUNTY JAIL IF THE COURT SENTENCES THE OFFENDER TO JAIL. IN  
25      ADDITION TO THE SENTENCE TO PROBATION OR TO THE COUNTY JAIL, THE  
26      COURT MAY IMPOSE A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS.

27              (b) A COURT MAY SENTENCE A PERSON CONVICTED OF A LEVEL 4

1 DRUG FELONY COMMITTED ON OR AFTER JULY 1, 2022, IN VIOLATION OF  
2 SECTION 18-18-403.5 (2.5), TO A COUNTY JAIL SENTENCING ALTERNATIVE  
3 PROVIDED PURSUANT TO SECTION 18-1.3-106 OR PLACEMENT IN A  
4 COMMUNITY CORRECTIONS PROGRAM AS A CONDITION OF PROBATION  
5 PROVIDED PURSUANT TO SECTION 18-1.3-301 (4) AS A SENTENCING  
6 ALTERNATIVE.

7 (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE  
8 CONTRARY, AN OFFENDER CONVICTED OF A LEVEL 4 DRUG FELONY  
9 COMMITTED ON OR AFTER JULY 1, 2022, IN VIOLATION OF SECTION  
10 18-18-403.5 (2.5), IS NOT SUBJECT TO THE JURISDICTION OF THE  
11 DEPARTMENT OF CORRECTIONS OR A MANDATORY PERIOD OF PAROLE.

12 SECTION 7. In Colorado Revised Statutes, add 18-1.3-410 as  
13 follows:

14 18-1.3-410. Fentanyl education and treatment program.

15 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE  
16 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR  
17 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL, CARFENTANIL  
18 BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF AS DESCRIBED IN  
19 SECTION 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE  
20 ABUSE ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE  
21 ABUSE ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE  
22 PERSON'S HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF  
23 FENTANYL, CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN ANALOG  
24 THEREOF; THE PERSON'S AMENABILITY TO TREATMENT; AND THE LEVEL OF  
25 TREATMENT, IF ANY, NECESSARY TO ADDRESS THE PERSON'S SUBSTANCE  
26 USE DISORDER TO BE PROVIDED DURING THE PERSON'S PROBATION OR  
27 DEFERRED JUDGMENT SUPERVISION.



1 (2) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN  
2 SUBSECTION (1) OF THIS SECTION RECOMMENDS COMMUNITY-BASED  
3 TREATMENT, THE PERSON SHALL COMPLETE THE ASSESSED LEVEL OF  
4 TREATMENT CONSISTENT WITH THE PROVISIONS OF SECTION 18-1.3-209.

5 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN  
6 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF  
7 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR  
8 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANIL  
9 BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF, THE COURT SHALL  
10 ORDER RESIDENTIAL TREATMENT AS A CONDITION OF PROBATION. THE  
11 RESIDENTIAL TREATMENT FACILITY MUST BE APPROVED BY THE OFFICE OF  
12 BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES AND  
13 DESIGNED FOR TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL,  
14 CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF.  
15 PLACEMENT IN A RESIDENTIAL PROGRAM AS A CONDITION OF PROBATION  
16 IS LIMITED TO THE PERIOD OF TIME THAT THE PLACEMENT IS CLINICALLY  
17 NECESSARY. THE RESIDENTIAL PLACEMENT COSTS MUST BE PAID FROM  
18 THE CORRECTIONAL TREATMENT CASH FUND, EXISTING PURSUANT TO  
19 SECTION 18-19-103 (4), FOR A PERSON ON PROBATION AND IS DETERMINED  
20 BY THE COURT TO BE INDIGENT, IS REPRESENTED BY COURT-APPOINTED  
21 COUNSEL, OR IS OTHERWISE UNABLE TO AFFORD THE COST OF THE  
22 PLACEMENT.

23 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO  
24 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT  
25 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE  
26 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS  
27 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,

1 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE  
2 PERSON'S TREATMENT NEEDS.

3 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING  
4 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT  
5 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST  
6 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE  
7 OFFICE OF BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127. THE  
8 FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION  
9 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC  
10 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO  
11 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY  
12 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC  
13 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING  
14 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE FENTANYL  
15 EDUCATION PROGRAM COSTS MUST BE PAID FROM THE CORRECTIONAL  
16 TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4),  
17 FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE  
18 INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS  
19 OTHERWISE UNABLE TO AFFORD THE COST OF PLACEMENT.

20 **SECTION 8.** In Colorado Revised Statutes, **add** 18-1.3-410 as  
21 follows:

22 **18-1.3-410. Fentanyl education and treatment program.**

23 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE  
24 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR  
25 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL, CARFENTANIL  
26 BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF AS DESCRIBED IN  
27 SECTION 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE

1 ABUSE ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE  
2 ABUSE ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE  
3 PERSON'S HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF  
4 FENTANYL, CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN ANALOG  
5 THEREOF; THE PERSON'S AMENABILITY TO TREATMENT; AND THE LEVEL OF  
6 TREATMENT, IF ANY, NECESSARY TO ADDRESS THE PERSON'S SUBSTANCE  
7 USE DISORDER TO BE PROVIDED DURING THE PERSON'S PROBATION OR  
8 DEFERRED JUDGMENT SUPERVISION.

9 (2) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN  
10 SUBSECTION (1) OF THIS SECTION RECOMMENDS COMMUNITY-BASED  
11 TREATMENT, THE PERSON SHALL COMPLETE THE ASSESSED LEVEL OF  
12 TREATMENT CONSISTENT WITH THE PROVISIONS OF SECTION 18-1.3-209.

13 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN  
14 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF  
15 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR  
16 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANIL  
17 BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF, THE COURT SHALL  
18 ORDER RESIDENTIAL TREATMENT AS A CONDITION OF PROBATION. THE  
19 RESIDENTIAL TREATMENT FACILITY MUST BE APPROVED BY THE  
20 BEHAVIORAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN  
21 SERVICES AND DESIGNED FOR TREATMENT OF AN ADDICTION THAT  
22 INCLUDES FENTANYL, CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN  
23 ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL PROGRAM AS A  
24 CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF TIME THAT THE  
25 PLACEMENT IS CLINICALLY NECESSARY. THE RESIDENTIAL PLACEMENT  
26 COSTS MUST BE PAID FROM THE CORRECTIONAL TREATMENT CASH FUND,  
27 EXISTING PURSUANT TO SECTION 18-19-103 (4), FOR A PERSON ON

1 PROBATION AND IS DETERMINED BY THE COURT TO BE INDIGENT, IS  
2 REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS OTHERWISE UNABLE  
3 TO AFFORD THE COST OF THE PLACEMENT.

4 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO  
5 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT  
6 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE  
7 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS  
8 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,  
9 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE  
10 PERSON'S TREATMENT NEEDS.

11 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING  
12 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT  
13 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST  
14 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE  
15 BEHAVIORAL HEALTH ADMINISTRATION PURSUANT TO SECTION 27-80-127.  
16 THE FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION  
17 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC  
18 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO  
19 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY  
20 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC  
21 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING  
22 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE FENTANYL  
23 EDUCATION PROGRAM COSTS MUST BE PAID FROM THE CORRECTIONAL  
24 TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4),  
25 FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE  
26 INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS  
27 OTHERWISE UNABLE TO AFFORD THE COST OF PLACEMENT.

1           **SECTION 9.** In Colorado Revised Statutes, 18-1.3-501, **amend**  
2 (1)(d.5)(I) as follows:

3           **18-1.3-501. Misdemeanors classified - drug misdemeanors and**  
4 **drug petty offenses classified - penalties - legislative intent -**  
5 **definitions.** (1) (d.5) (I) (A) It is the intention of the general assembly to  
6 classify most drug possession on and after March 1, 2020, as a  
7 misdemeanor offense with different sentencing options and limited  
8 incarceration penalties. The purpose of this sentencing scheme is to  
9 provide offenders who are assessed to be in need of treatment or other  
10 intervention with probation supervision in conjunction with effective  
11 medical and behavioral intervention and treatment. For those drug  
12 possessors who are not in need of treatment, sentencing by the courts  
13 system should be limited. This sentencing scheme recognizes that drug  
14 use and possession is primarily a health concern and should be treated as  
15 such by Colorado courts.

16           (B) FURTHERMORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY  
17 THAT SENTENCING FOR CRIMES THAT INVOLVE FENTANYL, CARFENTANIL  
18 BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF AS DESCRIBED IN  
19 SECTION 18-18-204 (2)(g), EVEN IN SMALL QUANTITIES, REFLECT THE HIGH  
20 RISK OF ADDICTION AND DEATH ASSOCIATED WITH FENTANYL,  
21 CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR ANY ANALOG THEREOF.  
22 THEREFORE, THE EDUCATION AND TREATMENT PROCEDURES PROVIDED IN  
23 SECTION 18-1.3-509 MUST BE IMPLEMENTED TO ADDRESS THIS  
24 SUBSTANTIAL HEALTH RISK.

25           **SECTION 10.** In Colorado Revised Statutes, **add** 18-1.3-509 as  
26 follows:

27           **18-1.3-509. Fentanyl education and treatment program.**

1 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE  
2 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR  
3 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL, CARFENTANIL  
4 BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF AS DESCRIBED IN  
5 SECTION 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE  
6 ABUSE ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE  
7 ABUSE ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE  
8 PERSON'S HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF  
9 FENTANYL, CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR ANY ANALOG  
10 THEREOF; THE PERSON'S AMENABILITY TO TREATMENT; AND THE LEVEL OF  
11 TREATMENT, IF ANY, NECESSARY TO ADDRESS THE PERSON'S SUBSTANCE  
12 USE DISORDER TO BE PROVIDED DURING THE PERSON'S PROBATION OR  
13 DEFERRED JUDGMENT SUPERVISION.

14 (2) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN  
15 SUBSECTION (1) OF THIS SECTION RECOMMENDS COMMUNITY-BASED  
16 TREATMENT, THE PERSON SHALL COMPLETE THE ASSESSED LEVEL OF  
17 TREATMENT CONSISTENT WITH THE PROVISIONS OF SECTION 18-1.3-209.

18 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN  
19 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF  
20 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR  
21 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANIL  
22 BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF, THE COURT SHALL  
23 ORDER RESIDENTIAL TREATMENT AS A CONDITION OF PROBATION. THE  
24 RESIDENTIAL TREATMENT FACILITY MUST BE APPROVED BY THE OFFICE OF  
25 BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES AND  
26 DESIGNED FOR TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL,  
27 CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF.

1 PLACEMENT IN A RESIDENTIAL PROGRAM AS A CONDITION OF PROBATION  
2 IS LIMITED TO THE PERIOD OF TIME THAT THE PLACEMENT IS CLINICALLY  
3 NECESSARY. THE RESIDENTIAL PLACEMENT COSTS MUST BE PAID FROM  
4 THE CORRECTIONAL TREATMENT CASH FUND, EXISTING PURSUANT TO  
5 SECTION 18-19-103 (4), FOR A PERSON ON PROBATION AND IS DETERMINED  
6 BY THE COURT TO BE INDIGENT, IS REPRESENTED BY COURT-APPOINTED  
7 COUNSEL, OR IS OTHERWISE UNABLE TO AFFORD THE COST OF THE  
8 PLACEMENT.

9 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO  
10 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT  
11 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE  
12 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS  
13 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,  
14 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE  
15 PERSON'S TREATMENT NEEDS.

16 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING  
17 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT  
18 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST  
19 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE  
20 OFFICE OF BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127. THE  
21 FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION  
22 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC  
23 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO  
24 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY  
25 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC  
26 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING  
27 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE FENTANYL

1 EDUCATION PROGRAM COSTS MUST BE PAID FROM THE CORRECTIONAL  
2 TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4),  
3 FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE  
4 INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS  
5 OTHERWISE UNABLE TO AFFORD THE COST OF PLACEMENT.

6 **SECTION 11.** In Colorado Revised Statutes, **add** 18-1.3-509 as  
7 follows:

8 **18-1.3-509. Fentanyl education and treatment program.**

9 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE  
10 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR  
11 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL, CARFENTANIL  
12 BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF AS DESCRIBED IN  
13 SECTION 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE  
14 ABUSE ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE  
15 ABUSE ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE  
16 PERSON'S HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF  
17 FENTANYL, CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR ANY ANALOG  
18 THEREOF; THE PERSON'S AMENABILITY TO TREATMENT; AND THE LEVEL OF  
19 TREATMENT, IF ANY, NECESSARY TO ADDRESS THE PERSON'S SUBSTANCE  
20 USE DISORDER TO BE PROVIDED DURING THE PERSON'S PROBATION OR  
21 DEFERRED JUDGMENT SUPERVISION.

22 (2) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN  
23 SUBSECTION (1) OF THIS SECTION RECOMMENDS COMMUNITY-BASED  
24 TREATMENT, THE PERSON SHALL COMPLETE THE ASSESSED LEVEL OF  
25 TREATMENT CONSISTENT WITH THE PROVISIONS OF SECTION 18-1.3-209.

26 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN  
27 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF



1 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR  
2 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANIL  
3 BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF, THE COURT SHALL  
4 ORDER RESIDENTIAL TREATMENT AS A CONDITION OF PROBATION. THE  
5 RESIDENTIAL TREATMENT FACILITY MUST BE APPROVED BY THE  
6 BEHAVIORAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN  
7 SERVICES AND DESIGNED FOR TREATMENT OF AN ADDICTION THAT  
8 INCLUDES FENTANYL, CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN  
9 ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL PROGRAM AS A  
10 CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF TIME THAT THE  
11 PLACEMENT IS CLINICALLY NECESSARY. THE RESIDENTIAL PLACEMENT  
12 COSTS MUST BE PAID FROM THE CORRECTIONAL TREATMENT CASH FUND,  
13 EXISTING PURSUANT TO SECTION 18-19-103 (4), FOR A PERSON ON  
14 PROBATION AND IS DETERMINED BY THE COURT TO BE INDIGENT, IS  
15 REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS OTHERWISE UNABLE  
16 TO AFFORD THE COST OF THE PLACEMENT.

17 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO  
18 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT  
19 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE  
20 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS  
21 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,  
22 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE  
23 PERSON'S TREATMENT NEEDS.

24 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING  
25 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT  
26 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST  
27 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE

1 BEHAVIORAL HEALTH ADMINISTRATION PURSUANT TO SECTION 27-80-127.  
2 THE FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION  
3 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC  
4 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO  
5 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY  
6 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC  
7 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING  
8 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE FENTANYL  
9 EDUCATION PROGRAM COSTS MUST BE PAID FROM THE CORRECTIONAL  
10 TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4),  
11 FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE  
12 INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS  
13 OTHERWISE UNABLE TO AFFORD THE COST OF PLACEMENT.

14 **SECTION 12.** In Colorado Revised Statutes, 12-30-110, **amend**  
15 (1)(a)(VI), (1)(b) introductory portion, (2)(b), (3)(c), (4)(b), and (7)(a);  
16 and **add** (1)(a)(VIII), (1)(a)(IX), (1)(a)(X), (1)(a)(XI), (1)(a)(XII),  
17 (1)(a)(XIII), (1)(a)(XIV), (1)(a)(XV), (1)(a)(XVI), (1)(a)(XVII),  
18 (1)(a)(XVIII), (1)(a)(XIX), (1)(a)(XX), (1)(a)(XXI), (7)(a.3), (7)(a.5),  
19 (7)(a.7), (7)(b.2), (7)(b.3), (7)(b.4), (7)(b.7), (7)(b.8), (7)(h.3), and  
20 (7)(h.7) as follows:

21 **12-30-110. Prescribing or dispensing opiate antagonists -**  
22 **authorized recipients - definitions.** (1) (a) A prescriber may prescribe  
23 or dispense, directly or in accordance with standing orders and protocols,  
24 an opiate antagonist to:

- 25 (VI) A person described in section 25-20.5-1001; ~~or~~
- 26 (VIII) AN INSTITUTION OF HIGHER EDUCATION, OR AN EMPLOYEE  
27 OR AGENT OF THE INSTITUTION OF HIGHER EDUCATION;

- 1 (IX) A LIBRARY, OR AN EMPLOYEE OR AGENT OF THE LIBRARY;
- 2 (X) A COMMUNITY SERVICE ORGANIZATION, OR AN EMPLOYEE OR  
3 AGENT OF THE COMMUNITY SERVICE ORGANIZATION;
- 4 (XI) A RELIGIOUS ORGANIZATION, OR AN EMPLOYEE OR AGENT OF  
5 THE RELIGIOUS ORGANIZATION;
- 6 (XII) A LOCAL JAIL, OR AN EMPLOYEE OR AGENT OF THE LOCAL  
7 JAIL;
- 8 (XIII) A MULTIJURISDICTIONAL JAIL, OR AN EMPLOYEE OR AGENT  
9 OF THE MULTIJURISDICTIONAL JAIL;
- 10 (XIV) A MUNICIPAL JAIL, OR AN EMPLOYEE OR AGENT OF THE  
11 MUNICIPAL JAIL;
- 12 (XV) A CORRECTIONAL FACILITY, OR AN EMPLOYEE OR AGENT OF  
13 THE CORRECTIONAL FACILITY;
- 14 (XVI) A PRIVATE CONTRACT PRISON, OR AN EMPLOYEE OR AGENT  
15 OF THE PRIVATE CONTRACT PRISON;
- 16 (XVII) A COMMUNITY CORRECTIONS PROGRAM, OR AN EMPLOYEE  
17 OR AGENT OF THE COMMUNITY CORRECTIONS PROGRAM;
- 18 (XVIII) A PRETRIAL SERVICES PROGRAM, OR AN EMPLOYEE OR  
19 AGENT OF THE PRETRIAL SERVICES PROGRAM;
- 20 (XIX) A PROBATION DEPARTMENT, OR AN EMPLOYEE OR AGENT OF  
21 THE PROBATION DEPARTMENT;
- 22 (XX) A LOCAL PUBLIC HEALTH AGENCY, OR AN EMPLOYEE OR  
23 AGENT OF THE LOCAL PUBLIC HEALTH AGENCY; OR
- 24 (XXI) A MENTAL HEALTH PROFESSIONAL.
- 25 ~~(b) A law enforcement agency or first responder; an employee or~~  
26 ~~volunteer of a harm reduction organization; a school district, school, or~~  
27 ~~employee or agent of a school; a person described in section~~

1 ~~25-20.5-1001; a mental health professional; or a unit of local government;~~  
2 A PERSON OR ENTITY DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION  
3 may, pursuant to an order or standing orders and protocols:

4 (2) (b) ~~A law enforcement agency, first responder, harm reduction~~  
5 ~~organization, person described in section 25-20.5-1001, mental health~~  
6 ~~professional, or unit of local government~~ AN ENTITY DESCRIBED IN  
7 SUBSECTION (1)(a) OF THIS SECTION is strongly encouraged to educate  
8 employees, AGENTS, and volunteers, as well as persons receiving an  
9 opiate antagonist from ~~the law enforcement agency, first responder, harm~~  
10 ~~reduction organization, person described in section 25-20.5-1001, mental~~  
11 ~~health professional, or unit of local government,~~ THE ENTITY DESCRIBED  
12 IN SUBSECTION (1)(a) OF THIS SECTION on the use of an opiate antagonist  
13 for overdose, including instruction concerning risk factors for overdose,  
14 recognizing an overdose, calling emergency medical services, rescue  
15 breathing, and administering an opiate antagonist.

16 (3) A prescriber described in subsection (7)(h) of this section does  
17 not engage in unprofessional conduct or is not subject to discipline  
18 pursuant to section 12-240-121, 12-255-120, or 12-280-126, as  
19 applicable, if the prescriber issues standing orders and protocols  
20 regarding opiate antagonists or prescribes or dispenses, pursuant to an  
21 order or standing orders and protocols, an opiate antagonist in a  
22 good-faith effort to assist:

23 (c) ~~The following persons~~ A PERSON OR ENTITY DESCRIBED IN  
24 SUBSECTION (1)(a) OF THIS SECTION in responding to, treating, or  
25 otherwise assisting an individual who is experiencing or is at risk of  
26 experiencing an opiate-related drug overdose event or a friend, family  
27 member, or other person in a position to assist an at-risk individual.

- 1           ~~(I) A law enforcement agency or first responder;~~
- 2           ~~(II) An employee or volunteer of a harm reduction organization;~~
- 3           ~~(III) A school district, school, or employee or agent of a school;~~
- 4           ~~(IV) A person described in section 25-20.5-1001;~~
- 5           ~~(V) A mental health professional; or~~
- 6           ~~(VI) A unit of local government.~~

7           (4) ~~(b) A law enforcement agency or first responder; an employee~~  
8 ~~or volunteer of a harm reduction organization; a school district, school,~~  
9 ~~or employee or agent of a school; a person described in section~~  
10 ~~25-20.5-1001; or a unit of local government~~ A PERSON OR ENTITY  
11 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION acting in accordance  
12 with this section is not subject to civil liability or criminal prosecution, as  
13 specified in sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

14           (7) As used in this section:  
15           (a) ~~"First responder" means:~~ "COMMUNITY CORRECTIONS  
16 PROGRAM" HAS THE SAME MEANING AS SET FORTH IN SECTION 17-27-102  
17 (3).

- 18           ~~(I) A peace officer, as defined in section 16-2.5-101;~~
- 19           ~~(II) A firefighter, as defined in section 29-5-203 (10); or~~
- 20           ~~(III) A volunteer firefighter, as defined in section 31-30-1102 (9).~~

21           (a.3) "COMMUNITY SERVICE ORGANIZATION" MEANS A NONPROFIT  
22 ORGANIZATION THAT IS IN GOOD STANDING AND REGISTERED WITH THE  
23 FEDERAL INTERNAL REVENUE SERVICE AND THE COLORADO SECRETARY  
24 OF STATE'S OFFICE THAT PROVIDES SERVICES TO INDIVIDUALS AT RISK OF  
25 EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT, OR TO THE  
26 INDIVIDUALS' FAMILY MEMBERS, FRIENDS, OR OTHER PERSONS IN A  
27 POSITION TO ASSIST THE INDIVIDUAL.

1 (a.5) "CORRECTIONAL FACILITY" HAS THE SAME MEANING AS SET  
2 FORTH IN SECTION 17-1-102 (1.7).

3 (a.7) "FIRST RESPONDER" MEANS:

4 (I) A PEACE OFFICER, AS DEFINED IN SECTION 16-2.5-101;

5 (II) A FIREFIGHTER, AS DEFINED IN SECTION 29-5-203 (10);

6 (III) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION  
7 31-30-1102 (9); OR

8 (IV) AN EMERGENCY MEDICAL SERVICE PROVIDER, AS DEFINED IN  
9 SECTION 25-3.5-103 (8).

10 (b.2) "INSTITUTION OF HIGHER EDUCATION" MEANS A PUBLIC OR  
11 NONPUBLIC INSTITUTION THAT AWARDS ANY TYPE OF POSTSECONDARY  
12 CERTIFICATE, DEGREE, OR OTHER CREDENTIAL, AND IS LOCATED IN  
13 COLORADO.

14 (b.3) "LOCAL JAIL" HAS THE SAME MEANING AS SET FORTH IN  
15 SECTION 17-1-102 (7).

16 (b.4) "LOCAL PUBLIC HEALTH AGENCY" MEANS AN AGENCY  
17 ESTABLISHED PURSUANT TO SECTION 25-1-506.

18 (b.7) "MULTIJURISDICTIONAL JAIL" HAS THE SAME MEANING AS  
19 DESCRIBED IN SECTION 17-26.5-101.

20 (b.8) "MUNICIPAL JAIL" HAS THE SAME MEANING AS DESCRIBED IN  
21 SECTION 31-15-401 (1)(j).

22 (h.3) "PRETRIAL SERVICES PROGRAM" HAS THE SAME MEANING AS  
23 DESCRIBED IN SECTION 16-4-106.

24 (h.7) "PRIVATE CONTRACT PRISON" HAS THE SAME MEANING AS  
25 SET FORTH IN SECTION 17-1-102 (7.3).

26 **SECTION 13.** In Colorado Revised Statutes, 13-21-108.7,  
27 **amend** (3)(a) and (3)(b)(I) as follows:

1           **13-21-108.7. Persons rendering emergency assistance through**  
2 **the administration of an opiate antagonist - limited immunity -**  
3 **legislative declaration - definitions. (3) General immunity. (a) A**  
4 person, other than a health-care provider or a health-care facility, who  
5 acts in good faith to furnish or administer an opiate antagonist, including  
6 an expired opiate antagonist, to an individual the person believes to be  
7 suffering an opiate-related drug overdose event or to an individual who  
8 is in a position to assist the individual at risk of experiencing an  
9 opiate-related overdose event is not liable for any civil damages for acts  
10 or omissions made as a result of the act or for any act or omission made  
11 if the opiate antagonist is stolen, DEFECTIVE, OR PRODUCES AN  
12 UNINTENDED RESULT.

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

14           (I) ~~A law enforcement agency or first responder; an employee or~~  
15 ~~volunteer of a harm reduction organization; a school district, school, or~~  
16 ~~employee or agent of a school acting in accordance with section~~  
17 ~~12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section~~  
18 ~~22-1-119.1; a mental health professional, as defined in section 12-30-110~~  
19 ~~(7)(b.5); or a unit of local government, as defined in section 29-3.5-101~~  
20 ~~(4) A PERSON OR ENTITY DESCRIBED IN SECTION 12-30-110 (1)(a); EXCEPT~~  
21 ~~THAT AN EMPLOYEE OR AGENT OF A SCHOOL MUST BE ACTING IN~~  
22 ~~ACCORDANCE WITH SECTION 12-30-110 (1)(b), (2)(b), AND (4)(b), AND, AS~~  
23 ~~APPLICABLE, SECTION 22-1-119.1; and~~

24           **SECTION 14.** In Colorado Revised Statutes, **add** 13-21-108.8 as  
25 follows:

26           **13-21-108.8. Persons furnishing a non-laboratory synthetic**  
27 **opiate detection test - limited immunity - definition. (1) EXCEPT AS**

1 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON WHO OR ENTITY  
2 THAT ACTS IN GOOD FAITH TO FURNISH A NON-LABORATORY SYNTHETIC  
3 OPIATE DETECTION TEST, INCLUDING AN EXPIRED NON-LABORATORY  
4 SYNTHETIC OPIATE DETECTION TEST, TO ANOTHER PERSON IS NOT LIABLE  
5 FOR ANY CIVIL DAMAGES FOR ACTS, OMISSIONS MADE AS A RESULT OF THE  
6 ACT, OR FOR ANY ACT OR OMISSION MADE IF THE NON-LABORATORY  
7 SYNTHETIC OPIATE DETECTION TEST IS STOLEN, DEFECTIVE, OR PRODUCES  
8 AN INACCURATE RESULT.

9 (2) A MANUFACTURER, AS DEFINED IN SECTION 13-21-401 (1), OF  
10 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS IS NOT IMMUNE  
11 FROM LIABILITY AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

12 (3) FOR PURPOSES OF THIS SECTION, "NON-LABORATORY  
13 SYNTHETIC OPIATE DETECTION TEST" MEANS A PRODUCT THAT IS         
14 INTENDED OR DESIGNED TO DETECT THE PRESENCE OF A SYNTHETIC  
15 OPIATE.

16 **SECTION 15.** In Colorado Revised Statutes, 17-26-140, **amend**  
17 **(1); and **add (3)**** as follows:

18 **17-26-140. Continuity of care for persons released from jail.**

19 (1) If a person is treated for a substance use disorder ~~throughout~~ **AT ANY**  
20 **TIME DURING** the person's incarceration, the county jail shall, at a  
21 minimum, conduct the following before releasing the person from the  
22 county jail's custody:

23 (a) Provide post-release resources developed pursuant to section  
24 17-1-103 (1)(r) to the person; **and**

25 (b) Provide a list of available substance use providers, to the  
26 extent the office of behavioral health in the state department has such a  
27 list available;



1 (c) IF THE PERSON RECEIVED OR HAS BEEN ASSESSED TO RECEIVE  
2 MEDICATION-ASSISTED TREATMENT WHILE IN JAIL, HAS A HISTORY OF  
3 SUBSTANCE USE IN THE COMMUNITY OR WHILE IN JAIL, OR REQUESTS  
4 OPIATE ANTAGONISTS UPON RELEASE, PROVIDE THE PERSON, UPON  
5 RELEASE FROM THE JAIL, AT LEAST EIGHT MILLIGRAMS OF AN OPIOID  
6 ANTAGONIST VIA INHALATION OR ITS EQUIVALENT AND PROVIDE  
7 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE  
8 MEDICATION; AND

9 (d) IF THE PERSON RECEIVED MEDICATION-ASSISTED TREATMENT  
10 WHILE IN JAIL, HAS A HISTORY OF SUBSTANCE USE, OR REQUESTS OPIATE  
11 USE-DISORDER MEDICATION, PRESCRIBE TO THE PERSON, UPON RELEASE  
12 FROM THE JAIL, MEDICATION FOR AN OPIATE USE DISORDER AND PROVIDE  
13 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE  
14 MEDICATION, AND PROVIDE THE PERSON WITH A REFERRAL TO AT LEAST  
15 ONE MEDICATION-ASSISTED TREATMENT PROVIDER LOCATED IN THE AREA  
16 WHERE THE PERSON WILL RESIDE AFTER RELEASE FROM THE JAIL.

17 (3) AS USED IN THIS SECTION, "OPIOID ANTAGONIST" MEANS  
18 NALOXONE HYDROCHLORIDE OR ANY SIMILARLY ACTING DRUG THAT IS  
19 NOT A CONTROLLED SUBSTANCE AND THAT IS APPROVED BY THE FEDERAL  
20 FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF A DRUG  
21 OVERDOSE.

22 **SECTION 16.** In Colorado Revised Statutes, 17-26-140, **amend**  
23 **(1); and add (3)** as follows:

24 **17-26-140. Continuity of care for persons released from jail.**

25 (1) If a person is treated for a substance use disorder **throughout** AT ANY  
26 TIME DURING the person's incarceration, the county jail shall, at a  
27 minimum, conduct the following before releasing the person from the

1 county jail's custody:

2 (a) Provide post-release resources developed pursuant to section  
3 17-1-103 (1)(r) to the person; ~~and~~

4 (b) Provide a list of available substance use providers, to the  
5 extent the ~~office of behavioral health~~ ADMINISTRATION in the state  
6 department OF HUMAN SERVICES has such a list available;

7 (c) IF THE PERSON RECEIVED OR HAS BEEN ASSESSED TO RECEIVE  
8 MEDICATION-ASSISTED TREATMENT WHILE IN JAIL, HAS A HISTORY OF  
9 SUBSTANCE USE IN THE COMMUNITY OR WHILE IN JAIL, OR REQUESTS  
10 OPIATE ANTAGONISTS UPON RELEASE, PROVIDE THE PERSON, UPON  
11 RELEASE FROM THE JAIL, AT LEAST EIGHT MILLIGRAMS OF AN OPIOID  
12 ANTAGONIST VIA INHALATION OR ITS EQUIVALENT AND PROVIDE  
13 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE  
14 MEDICATION; AND

15 (d) IF THE PERSON RECEIVED MEDICATION-ASSISTED TREATMENT  
16 WHILE IN JAIL, HAS A HISTORY OF SUBSTANCE USE, OR REQUESTS OPIATE  
17 USE-DISORDER MEDICATION, PRESCRIBE TO THE PERSON, UPON RELEASE  
18 FROM THE JAIL, MEDICATION FOR AN OPIATE USE DISORDER AND PROVIDE  
19 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE  
20 MEDICATION, AND PROVIDE THE PERSON WITH A REFERRAL TO AT LEAST  
21 ONE MEDICATION-ASSISTED TREATMENT PROVIDER LOCATED IN THE AREA  
22 WHERE THE PERSON WILL RESIDE AFTER RELEASE FROM THE JAIL.

23 (3) AS USED IN THIS SECTION, "OPIOID ANTAGONIST" MEANS  
24 NALOXONE HYDROCHLORIDE OR ANY SIMILARLY ACTING DRUG THAT IS  
25 NOT A CONTROLLED SUBSTANCE AND THAT IS APPROVED BY THE FEDERAL  
26 FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF A DRUG  
27 OVERDOSE.

1           **SECTION 17.** In Colorado Revised Statutes, 17-27-104, **amend**  
2 (12) as follows:

3           **17-27-104. Community corrections programs operated by**  
4 **units of local government, state agencies, or nongovernmental**  
5 **agencies.** (12) (a) The administrators of a community corrections  
6 program established pursuant to this section may implement a behavioral  
7 or mental health disorder screening program to screen the persons  
8 accepted and placed in the community corrections program. If the  
9 administrators choose to implement a behavioral or mental health disorder  
10 screening program, the administrators shall use the standardized  
11 screening instrument developed pursuant to section 16-11.9-102 and  
12 conduct the screening in accordance with procedures established pursuant  
13 to said section.

14           (b) (I) STARTING ON OR BEFORE JULY 1, 2023, A COMMUNITY  
15 CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL  
16 DEVELOP PROTOCOLS TO IDENTIFY WITHDRAWAL SYMPTOMS, DETERMINE  
17 WHETHER A MEDICAL REFERRAL IS NEEDED, AND ENSURE INDIVIDUALS  
18 HAVE ACCESS TO APPROPRIATE MEDICAL PROFESSIONALS AS NECESSARY.  
19 IN INSTANCES WHEN A MEDICALLY SUPERVISED DETOXIFICATION APPEARS  
20 NECESSARY, COMMUNITY CORRECTIONS PROGRAM STAFF SHALL ASSIST  
21 THE INDIVIDUAL WITH ACCESSING A LOCAL EMERGENCY PROVIDER OR  
22 MANAGED SERVICE ORGANIZATION FOR NECESSARY TREATMENT.

23           (II) STARTING ON OR BEFORE JULY 1, 2023, A COMMUNITY  
24 CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL  
25 PROVIDE MEDICATION-ASSISTED TREATMENT. IF A COMMUNITY  
26 CORRECTIONS PROGRAM DOES NOT PROVIDE MEDICATION-ASSISTED  
27 TREATMENT, COMMUNITY CORRECTIONS PROGRAM STAFF SHALL ASSIST

1 THE INDIVIDUAL WITH ACCESSING A COMMUNITY-BASED  
2 MEDICATION-ASSISTED TREATMENT PROVIDER. A COMMUNITY  
3 CORRECTIONS PROGRAM THAT DOES NOT PROVIDE A  
4 MEDICATION-ASSISTED TREATMENT PURSUANT TO THIS SUBSECTION (12),  
5 SHALL SUBMIT A REPORT BY JULY 1, 2023, TO THE DIVISION OF CRIMINAL  
6 JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY DESCRIBING THE BARRIERS  
7 TO OFFERING THE SERVICES AND WHAT RESOURCES ARE NECESSARY TO  
8 PROVIDE MEDICATION-ASSISTED TREATMENT.

9           **SECTION 18.** In Colorado Revised Statutes, 18-1-712, **amend**  
10 (2)(b)(I) as follows:

11           **18-1-712. Immunity for a person who administers an opiate**  
12 **antagonist during an opiate-related drug overdose event - definitions.**

13 (2) **General immunity.** (b) This subsection (2) also applies to:

14           ~~(I) A law enforcement agency or first responder; an employee or~~  
15 ~~volunteer of a harm reduction organization; a school district, school, or~~  
16 ~~employee or agent of a school acting in accordance with section~~  
17 ~~12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section~~  
18 ~~22-1-119.1; a mental health professional, as defined in section 12-30-110~~  
19 ~~(7)(b.5); or a unit of local government, as defined in section 29-3.5-101~~

20 ~~(4) A PERSON OR ENTITY DESCRIBED IN SECTION 12-30-110 (1)(a); EXCEPT~~  
21 ~~THAT AN EMPLOYEE OR AGENT OF A SCHOOL MUST BE ACTING IN~~  
22 ~~ACCORDANCE WITH SECTION 12-30-110 (1)(b), (2)(b), AND (4)(b), AND, AS~~  
23 ~~APPLICABLE, SECTION 22-1-119.1; and~~

24           **SECTION 19.** In Colorado Revised Statutes, 18-19-103, **amend**  
25 (5)(c)(VI) and (5)(c)(VII); and **add** (5)(c)(VIII) as follows:

26           **18-19-103. Source of revenues - allocation of money.**

27 (5) (c) The board may direct that money in the correctional treatment

1 cash fund may be used for the following purposes:

2 (VI) Recovery support services, including offender reentry; ~~and~~

3 (VII) Administrative support to the correctional treatment board  
4 including, but not limited to, facilitating and coordinating data collection,  
5 conducting data analysis, developing contracts, preparing reports,  
6 scheduling and staffing board and subcommittee meetings, and engaging  
7 in budget planning and analysis; AND

8 (VIII) DRUG OVERDOSE PREVENTION, INCLUDING  
9 MEDICATION-ASSISTED TREATMENT FOR OPIATE DEPENDENCE, OPIATE  
10 ANTAGONISTS, AND NON-LABORATORY SYNTHETIC OPIATE DETECTION  
11 TESTS.

12 **SECTION 20.** In Colorado Revised Statutes, **add** 22-1-119.2 as  
13 follows:

14 **22-1-119.2. Policy for employee and agent furnishing**  
15 **non-laboratory synthetic opiate detection tests - definition.** (1) A  
16 SCHOOL DISTRICT BOARD OF EDUCATION OF A PUBLIC SCHOOL, THE STATE  
17 CHARTER SCHOOL INSTITUTE FOR AN INSTITUTE CHARTER SCHOOL, OR THE  
18 GOVERNING BOARD OF A NONPUBLIC SCHOOL MAY ADOPT AND IMPLEMENT  
19 A POLICY WHEREBY A SCHOOL UNDER ITS JURISDICTION MAY ACQUIRE AND  
20 MAINTAIN A SUPPLY OF NON-LABORATORY SYNTHETIC OPIATE DETECTION  
21 TESTS, AND AN EMPLOYEE OR AGENT OF THE SCHOOL MAY FURNISH  
22 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS ON SCHOOL  
23 GROUNDS TO ANY INDIVIDUAL.

24 (2) AS USED IN THIS SECTION, "NON-LABORATORY SYNTHETIC  
25 OPIATE DETECTION TEST" MEANS A PRODUCT THAT IS INTENDED OR  
26 DESIGNED TO DETECT THE PRESENCE OF A SYNTHETIC OPIATE.

27 **SECTION 21.** In Colorado Revised Statutes, 25-1.5-115, **amend**

1 (5); and **add** (6) as follows:

2 **25-1.5-115. Opiate antagonist bulk purchase fund - creation**

3 **- rules - report - definition - repeal.** (5) As used in this section,

4 "eligible entity" means A PRESCRIPTION DRUG OUTLET, AS DEFINED BY

5 SECTION 12-280-103 (43), OR A PERSON OR ENTITY DESCRIBED IN SECTION

6 12-30-110 (1)(a); EXCEPT THAT AN EMPLOYEE OR AGENT OF A SCHOOL

7 MUST BE ACTING IN ACCORDANCE WITH SECTION 12-30-110 (1)(b), (2)(b),

8 AND (4)(b), AND, AS APPLICABLE, SECTION 22-1-119.1.

9 ~~(a) A unit of local government, as defined in section 29-3.5-101~~

10 ~~(4);~~

11 ~~(b) A person making an opiate antagonist available pursuant to~~

12 ~~section 25-20.5-1001;~~

13 ~~(c) The following entities, if the entity has adopted a policy~~

14 ~~allowing the acquisition, maintenance, and administration of opiate~~

15 ~~antagonists pursuant to section 22-1-119.1:~~

16 ~~(I) A school district board of education of a public school;~~

17 ~~(II) The state charter school institute for an institute charter~~

18 ~~school; or~~

19 ~~(III) A governing board of a nonpublic school.~~

20 ~~(d) A harm reduction organization, as defined in section~~

21 ~~12-30-110 (7)(b);~~

22 ~~(e) A law enforcement agency; or~~

23 ~~(f) A first responder, as defined in section 12-30-110 (7)(a).~~

24 (6) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL

25 ASSEMBLY SHALL APPROPRIATE TWENTY MILLION DOLLARS FROM THE

26 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION

27 24-75-230, TO THE FUND.

1 (b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2024.

2 **SECTION 22.** In Colorado Revised Statutes, **add** 25-1.5-115.3  
3 as follows:

4 **25-1.5-115.3. Non-laboratory synthetic opiate detection tests**  
5 **- appropriation - definitions - repeal.** (1) FOR THE 2022-23 STATE  
6 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE THREE  
7 HUNDRED THOUSAND DOLLARS TO THE DEPARTMENT FOR THE PURPOSE OF  
8 PURCHASING NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS.

9 (2) THE DEPARTMENT SHALL DISTRIBUTE THE NON-LABORATORY  
10 SYNTHETIC OPIATE DETECTION TESTS TO ELIGIBLE ENTITIES. THE  
11 DEPARTMENT MAY PRIORITIZE THE DISTRIBUTION OF NON-LABORATORY  
12 SYNTHETIC OPIATE DETECTION TESTS TO ELIGIBLE ENTITIES BASED ON THE  
13 NEED OF EACH ENTITY AND THE AVAILABILITY OF THE NON-LABORATORY  
14 SYNTHETIC OPIATE DETECTION TESTS AS DETERMINED BY THE  
15 DEPARTMENT.

16 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
17 REQUIRES:

18 (a) "ELIGIBLE ENTITY" MEANS A PERSON OR ENTITY DESCRIBED IN  
19 SECTION 12-30-110 (1)(a); EXCEPT THAT AN EMPLOYEE OR AGENT OF A  
20 SCHOOL MUST BE ACTING IN ACCORDANCE WITH SECTION 12-30-110  
21 (1)(b), (2)(b), OR (4)(b), AND, AS APPLICABLE, SECTION 22-1-119.2.

22 (b) "NON-LABORATORY SYNTHETIC OPIATE DETECTION TEST"  
23 MEANS A PRODUCT THAT IS   INTENDED OR DESIGNED TO DETECT THE  
24 PRESENCE OF A SYNTHETIC OPIATE.

25 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

26 **SECTION 23.** In Colorado Revised Statutes, **add** 25-1.5-115.5  
27 as follows:

1                   **25-1.5-115.5. Fentanyl prevention and education campaign -**  
2 **website.** (1) SUBJECT TO AVAILABLE APPROPRIATIONS, BEGINNING IN THE  
3 2022-23 STATE FISCAL YEAR, THE DEPARTMENT SHALL DEVELOP,  
4 IMPLEMENT, AND MAINTAIN AN ONGOING STATEWIDE PREVENTION AND  
5 EDUCATION CAMPAIGN TO ADDRESS THE FENTANYL EDUCATION NEEDS IN  
6 THE STATE. IN THE PREVENTION AND EDUCATION CAMPAIGN, THE DIVISION  
7 SHALL PROVIDE INFORMATION TO THE GENERAL PUBLIC ABOUT FENTANYL,  
8 ITS DANGERS, PRECAUTIONARY MEASURES TO AVOID RISKS AND PREVENT  
9 HARM CAUSED BY FENTANYL, RESOURCES FOR ADDICTION TREATMENT  
10 AND SERVICES, AND LAWS REGARDING FENTANYL, INCLUDING CRIMINAL  
11 PENALTIES AND IMMUNITY FOR REPORTING AN OVERDOSE EVENT  
12 PURSUANT TO SECTION 18-1-711.

13                   (2) IN FURTHERANCE OF THE GOALS OF THE FENTANYL PREVENTION  
14 AND EDUCATION CAMPAIGN, THE DIVISION MAY USE TELEVISION  
15 ADVERTISING, RADIO BROADCASTS, PRINT MEDIA, DIGITAL STRATEGIES, OR  
16 ANY OTHER MEDIA DEEMED NECESSARY AND APPROPRIATE BY THE  
17 DIVISION TO REACH THE TARGET AUDIENCES OF THE CAMPAIGN.

18                   (3) IN FURTHERANCE OF THE GOALS OF THE FENTANYL PREVENTION  
19 AND EDUCATION CAMPAIGN, THE DIVISION SHALL PROVIDE AT LEAST FIVE  
20 REGIONAL TRAINING SESSIONS DURING THE 2022-23 FISCAL YEAR FOR  
21 COMMUNITY PARTNERS TO IMPLEMENT YOUTH HEALTH DEVELOPMENT  
22 STRATEGIES.

23                   (4) IN FURTHERANCE OF THE GOALS OF THE FENTANYL PREVENTION  
24 AND EDUCATION CAMPAIGN, THE DIVISION SHALL DEVELOP, IMPLEMENT,  
25 AND MAINTAIN A WEBSITE TO SERVE AS THE STATE RESOURCE FOR THE  
26 MOST ACCURATE AND TIMELY INFORMATION REGARDING FENTANYL. AT  
27 A MINIMUM, THE WEBSITE MUST INCLUDE INFORMATION CONCERNING



1 FENTANYL, ITS DANGERS, PRECAUTIONARY MEASURES TO AVOID RISKS  
2 AND PREVENT HARM CAUSED BY FENTANYL, RESOURCES FOR ADDICTION  
3 TREATMENT AND SERVICES, AND LAWS REGARDING FENTANYL, INCLUDING  
4 CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING AN OVERDOSE EVENT  
5 PURSUANT TO SECTION 18-1-711.

6 **SECTION 24.** In Colorado Revised Statutes, 25-20.5-1101,  
7 **amend** (1), (2), (3)(a), and (4) as follows:

8 **25-20.5-1101. Harm reduction grant program - creation -**  
9 **application - permissible uses - department duties.** (1) Subject to  
10 available appropriations, the department shall develop and implement a  
11 harm reduction grant program, referred to in this section as the "grant  
12 program", to PREVENT OVERDOSE DEATHS AND reduce health risks  
13 associated with drug use. ~~and improve coordination between law~~  
14 ~~enforcement agencies, public health agencies, and community-based~~  
15 ~~organizations.~~ The department may contract with an independent entity  
16 for the administration of the grant program.

17 (2) (a) To be eligible to receive grant funding pursuant to this part  
18 11, an entity must be: ~~a nonprofit organization in good standing and~~  
19 ~~registered with the federal internal revenue service and the Colorado~~  
20 ~~secretary of state's office, a local public health agency established~~  
21 ~~pursuant to section 25-1-506, or a law enforcement agency.~~

22 (I) A NONPROFIT ORGANIZATION THAT IS IN GOOD STANDING AND  
23 REGISTERED WITH THE FEDERAL INTERNAL REVENUE SERVICE AND THE  
24 COLORADO SECRETARY OF STATE'S OFFICE;

25 (II) A LOCAL PUBLIC HEALTH AGENCY ESTABLISHED PURSUANT TO  
26 SECTION 25-1-506;

27 (III) A TRIBAL AGENCY OR PROGRAM;

1 (IV) A FEDERALLY QUALIFIED HEALTH CENTER, AS DEFINED IN THE  
2 FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)(4);

3 (V) A RURAL HEALTH CLINIC, AS DEFINED IN THE FEDERAL "SOCIAL  
4 SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)(2);

5 (VI) A BEHAVIORAL HEALTH ENTITY, AS DEFINED IN SECTION  
6 25-27.6-102 (6); OR

7 (VII) A LAW ENFORCEMENT AGENCY.

8 (b) AN ELIGIBLE ENTITY MAY SUBMIT A PROPOSAL ON BEHALF OF  
9 A GROUP OF ELIGIBLE ENTITIES, AND APPORTION GRANT FUNDS  
10 ACCORDINGLY, TO FOSTER COMMUNITY COLLABORATION AND COLLECTIVE  
11 IMPACT.

12 (c) Grantees must be willing to provide services to individuals  
13 who may not be ready to seek addiction treatment services or who are in  
14 recovery.

15 (3) On or before November 1, 2019, the department shall develop:

16 (a) Eligibility criteria for ~~nonprofit organizations, local public~~  
17 ~~health agencies, and law enforcement agencies~~ THE ENTITIES DESCRIBED  
18 IN SUBSECTION (2) OF THIS SECTION;

19 (4) ~~(a)~~ Permissible uses of funding provided pursuant to this grant  
20 program include GENERAL OPERATING EXPENSES, AND DIRECT AND  
21 INDIRECT PROJECT COSTS INCLUDING, but ~~are~~ not limited to:

22 ~~(H)~~ (a) Trainings relevant to the field of harm reduction ~~which~~  
23 THAT may include ~~how to administer naloxone~~ OVERDOSE PREVENTION,  
24 SAFER SUBSTANCE USE PRACTICES, SAFE DISPOSAL, AND ACCESS TO AND  
25 ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY  
26 SYNTHETIC OPIATE DETECTION TESTS;

27 ~~(H)~~ (b) Purchasing and providing sterile equipment,

1 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS, and syringe  
2 disposal equipment;

3 ~~(HH)~~ (c) Providing direct services to persons who have come into  
4 contact with or who are at risk of coming into contact with the criminal  
5 justice system, which may include accessing treatment and health-care  
6 services, overdose prevention activities, and recovery support services;

7 ~~(IV)~~ (d) Outreach and engagement to people who come into  
8 contact with or who are at risk of coming into contact with the criminal  
9 justice system and who are in need of mental health or substance use  
10 disorder ~~services~~ TREATMENT, OVERDOSE PREVENTION, HARM REDUCTION,  
11 OR RECOVERY SUPPORT SERVICES;

12 ~~(V)~~ (e) Facilitating communication, training, and technical  
13 assistance among law enforcement agencies, public health agencies, and  
14 community-based harm reduction agencies IN ORDER TO DIVERT PEOPLE  
15 FROM THE CRIMINAL JUSTICE SYSTEM;

16 ~~(VI)~~ ~~Coordinating local efforts regarding co-responder and~~  
17 ~~diversion programs; and~~

18 ~~(VH)~~ (f) Auricular acudetox training and services;

19 (g) PUBLIC EDUCATION AND OUTREACH ABOUT SYNTHETIC  
20 OPIATES, OVERDOSE RISKS, RECOGNIZING AN OVERDOSE EVENT,  
21 RESOURCES FOR ADDICTION TREATMENT AND SERVICES, ACCESS TO AND  
22 ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY  
23 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC  
24 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING  
25 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711;

26 (h) LOCAL CONVENTIONS FOR THE PURPOSE OF DEVELOPING  
27 COMMUNITY-BASED APPROACHES FOR OVERDOSE PREVENTION, EARLY

1 INTERVENTION, AND HARM REDUCTION SERVICES;

2 (i) DEVELOPING, OR EXPANDING EXISTING, COMMUNITY-BASED  
3 ORGANIZATIONS THAT PROVIDE OVERDOSE PREVENTION, EARLY  
4 INTERVENTION, AND HARM REDUCTION SERVICES;

5 (j) EVIDENCE-BASED RESEARCH CONCERNING BEST OR PROMISING  
6 PRACTICES IN OVERDOSE PREVENTION, EARLY INTERVENTION, HARM  
7 REDUCTION, AND MEDICATION-ASSISTED TREATMENT PROTOCOLS;

8 (k) DEVELOPING STRATEGIES FOR SERVING POPULATIONS WHO ARE  
9 AT A HIGHER RISK OF OVERDOSE AND LIVE IN UNDERSERVED AREAS; AND

10 (l) SUPPORT FOR A LIAISON WITH EXPERIENCE COLLABORATING  
11 WITH COMMUNITY-BASED ORGANIZATIONS AND LOCAL PUBLIC HEALTH  
12 AGENCIES.

13 ~~(b) In order to ensure grantees are coordinating efforts across  
14 public health and criminal justice systems at the local level, funding may  
15 be used to support a harm reduction and law enforcement liaison who has  
16 experience working with community-based organizations, local public  
17 health agencies, and law enforcement agencies.~~

18 **SECTION 25.** In Colorado Revised Statutes, 25-20.5-1102, **add**  
19 (5) as follows:

20 **25-20.5-1102. Harm reduction grant program cash fund -**  
21 **creation - repeal.** (5) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE  
22 GENERAL ASSEMBLY SHALL APPROPRIATE SIX MILLION DOLLARS FROM THE  
23 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION  
24 24-75-230, TO THE FUND.

25 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2024.

26 **SECTION 26.** In Colorado Revised Statutes, 27-60-106, **amend**  
27 (4) introductory portion, (4)(b), and (5)(a); \_\_\_ as follows:

1           **27-60-106. Jail-based behavioral health services program -**  
2 **purpose - created - funding - repeal.** (4) Subject to available  
3 appropriations, the office ~~may~~ SHALL require a county jail that receives  
4 funding through the program to:

5           (b) Assess all individuals ~~booked into the jail facility~~ WHEN  
6 ~~BOOKED INTO THE JAIL FACILITY AND AT ANY TIME SUBSEQUENT TO~~  
7 ~~BOOKING WHEN CLINICALLY INDICATED~~ for substance use withdrawal  
8 symptoms and develop protocols for medical detoxification monitoring  
9 procedures, MEDICATION-ASSISTED TREATMENT, OR OTHER APPROPRIATE  
10 WITHDRAWAL MANAGEMENT CARE;

11           (5) (a) The office shall require a county jail that receives funding  
12 through the program to have a policy in place on or before January 1,  
13 2020, that describes how medication-assisted treatment, as it is defined  
14 in section 23-21-803, will be provided, when necessary, to individuals  
15 confined in the county jail. THE OFFICE SHALL REQUIRE A COUNTY JAIL  
16 THAT RECEIVES FUNDING THROUGH THE PROGRAM TO ~~DEVELOP,~~  
17 ~~IMPLEMENT, AND PUBLISH~~ A POLICY ON OR BEFORE JANUARY 1, 2023,  
18 THAT DESCRIBES THE PROVISION OF MEDICATION-ASSISTED TREATMENT  
19 AND OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE UPON  
20 RELEASE FROM JAIL.

21           ==  
22           **SECTION 27.** In Colorado Revised Statutes, 27-60-106, **amend**  
23 (4) introductory portion, (4)(b), and (5)(a); == as follows:

24           **27-60-106. Jail-based behavioral health services program -**  
25 **purpose - created - funding - repeal.** (4) Subject to available  
26 appropriations, the ~~office may~~ BHA SHALL require a county jail that  
27 receives funding through the program to:

1 (b) Assess all individuals ~~booked into the jail facility~~ WHEN  
2 BOOKED INTO THE JAIL FACILITY AND AT ANY TIME SUBSEQUENT TO  
3 BOOKING WHEN CLINICALLY INDICATED for substance use withdrawal  
4 symptoms and develop protocols for medical detoxification monitoring  
5 procedures, MEDICATION-ASSISTED TREATMENT, OR OTHER APPROPRIATE  
6 WITHDRAWAL MANAGEMENT CARE;

7 (5) (a) The ~~office~~ BHA shall require a county jail that receives  
8 funding through the program to have a policy in place on or before  
9 January 1, 2020, that describes how medication-assisted treatment, as it  
10 is defined in section 23-21-803, will be provided, when necessary, to  
11 individuals confined in the county jail. THE BHA SHALL REQUIRE A  
12 COUNTY JAIL THAT RECEIVES FUNDING THROUGH THE PROGRAM TO  
13 DEVELOP, IMPLEMENT, AND PUBLISH A POLICY ON OR BEFORE JANUARY 1,  
14 2023, THAT DESCRIBES THE PROVISION OF MEDICATION-ASSISTED  
15 TREATMENT AND OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE  
16 UPON RELEASE FROM JAIL.

17

==

18 **SECTION 28.** In Colorado Revised Statutes, **add** 27-80-107.7 as  
19 follows:

20 **27-80-107.7. Increase synthetic opiate treatment - report.**

21 (1) ON OR BEFORE JANUARY 1, 2023, EACH MANAGED SERVICE  
22 ORGANIZATION DESIGNATED PURSUANT TO SECTION 27-80-107 SHALL  
23 EVALUATE THE CURRENT SUPPLY AND NECESSARY DEMAND WITHIN ITS  
24 REGION FOR:

25 (a) THE NUMBER OF MEDICATION-ASSISTED TREATMENT  
26 PROVIDERS EMPLOYED BY THE MANAGED SERVICE ORGANIZATION WHO  
27 ARE TRAINED TO PROVIDE MEDICATION-ASSISTED TREATMENT TO A

1 PERSON WHO HAS CONSUMED SYNTHETIC OPIATES;

2 (b) AMBULATORY WITHDRAWAL MANAGEMENT AND MEDICAL  
3 WITHDRAWAL MANAGEMENT SPECIFIC TO SYNTHETIC OPIATES;

4 (c) THE PROVISION OF RECOVERY SERVICES AT PUBLIC HIGH  
5 SCHOOLS; AND

6 (d) THE PROVISION OF RECOVERY RESIDENCES, AS DEFINED IN  
7 SECTION 25-1.5-108.5.

8 (2) IN ITS HEARING FOR THE 2024 LEGISLATIVE SESSION, THE  
9 DEPARTMENT SHALL INCLUDE AS PART OF ITS "STATE MEASUREMENT FOR  
10 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)  
11 GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203, THE  
12 MANAGED SERVICE ORGANIZATIONS' FINDINGS PURSUANT TO SUBSECTION  
13 (1) OF THIS SECTION.

14 **SECTION 29.** In Colorado Revised Statutes, **add** 27-80-127 as  
15 follows:

16 **27-80-127. Fentanyl education and treatment program.** THE  
17 OFFICE OF BEHAVIORAL HEALTH SHALL DEVELOP A FENTANYL EDUCATION  
18 PROGRAM FOR THE PURPOSE OF SECTIONS 18-1.3-410 AND 18-1.3-509. THE  
19 FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION  
20 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC  
21 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO  
22 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY  
23 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC  
24 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING  
25 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE OFFICE OF  
26 BEHAVIORAL HEALTH MAY UPDATE THE FENTANYL EDUCATION PROGRAM  
27 CURRICULUM AS NECESSARY.

1           **SECTION 30.** In Colorado Revised Statutes, **add** 27-80-127 as  
2 follows:

3           **27-80-127. Fentanyl education and treatment program.** THE  
4 BEHAVIORAL HEALTH ADMINISTRATION SHALL DEVELOP A FENTANYL  
5 EDUCATION PROGRAM FOR THE PURPOSE OF SECTIONS 18-1.3-410 AND  
6 18-1.3-509. THE FENTANYL EDUCATION PROGRAM MUST INCLUDE  
7 INFORMATION REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF  
8 SYNTHETIC OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH,  
9 ACCESS TO AND ADMINISTRATION OF OPIATE ANTAGONISTS AND  
10 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS, AND LAWS  
11 REGARDING SYNTHETIC OPIATES, INCLUDING CRIMINAL PENALTIES AND  
12 IMMUNITY FOR REPORTING AN OVERDOSE EVENT PURSUANT TO SECTION  
13 18-1-711. THE BHA MAY UPDATE THE FENTANYL EDUCATION PROGRAM  
14 CURRICULUM AS NECESSARY.

15           **SECTION 31.** In Colorado Revised Statutes, 18-1.3-103.5,  
16 **amend** (3)(c) and (3)(d); and **add** (3)(e) as follows:

17           **18-1.3-103.5. Felony convictions - vacate and enter conviction**  
18 **on misdemeanor after successful completion.** (3) This section applies  
19 to convictions for the following offenses:

20           (c) Possession of more than twelve ounces of marijuana or more  
21 than three ounces of marijuana concentrate; ~~or~~

22           (d) A violation of section 18-18-415; OR

23           (e) A VIOLATION OF SECTION 18-18-403.5 (2.5)(a).

24           **SECTION 32.** In Colorado Revised Statutes, 24-72-706, **amend**  
25 (1)(b)(II) and (1)(b)(III) as follows:

26           **24-72-706. Sealing of criminal conviction records.** (1) **Sealing**  
27 **of conviction records.** (b) (II) If the offense is a class 2 or class 3



1 misdemeanor, ~~or any drug misdemeanor, OR A LEVEL 4~~ DRUG FELONY FOR  
2 A CONVICTION PURSUANT TO SECTION 18-18-403.5 (2.5), the motion may  
3 be filed two years after the later of the date of the final disposition of all  
4 criminal proceedings against the defendant or the release of the defendant  
5 from supervision concerning a criminal conviction.

6 (III) If the offense is a class 4, class 5, or class 6 felony, a level 3  
7 or level 4 drug felony EXCEPT A LEVEL 4 DRUG FELONY FOR A CONVICTION  
8 PURSUANT TO SECTION 18-18-403.5 (2.5), or a class 1 misdemeanor, the  
9 motion may be filed three years after the later of the date of the final  
10 disposition of all criminal proceedings against the defendant or the  
11 release of the defendant from supervision concerning a criminal  
12 conviction.

13 **SECTION 33.** In Colorado Revised Statutes, 18-1.3-801, **amend**  
14 (2)(a)(I); and **add** (2)(c) as follows:

15 **18-1.3-801. Punishment for habitual criminals.**

16 (2) (a) (I) Except as otherwise provided in ~~paragraph (b) of this~~  
17 ~~subsection (2)~~ SUBSECTIONS (2)(b), (2)(c), and ~~in subsection (5) of this~~  
18 section, every person convicted in this state of any felony, who has been  
19 three times previously convicted, upon charges separately brought and  
20 tried, and arising out of separate and distinct criminal episodes, either in  
21 this state or elsewhere, of a felony or, under the laws of any other state,  
22 the United States, or any territory subject to the jurisdiction of the United  
23 States, of a crime which, if committed within this state, would be a  
24 felony, shall be adjudged an habitual criminal and shall be punished:

25 (2) (c) THE PROVISIONS OF SUBSECTION (2)(a) OF THIS SECTION DO  
26 NOT APPLY TO A CONVICTION FOR A LEVEL 4 DRUG FELONY COMMITTED ON  
27 OR AFTER JULY 1, 2022, PURSUANT TO SECTION 18-18-403.5 (2.5), OR A

1 CONVICTION FOR A LEVEL 4 DRUG FELONY COMMITTED ON OR AFTER JULY  
2 1, 2022, FOR ATTEMPT OR CONSPIRACY TO COMMIT UNLAWFUL POSSESSION  
3 OF FENTANYL, CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN ANALOG  
4 THEREOF, AS DESCRIBED IN SECTION 18-18-403.5 (2.5), EVEN IF THE  
5 PERSON HAS BEEN PREVIOUSLY CONVICTED OF THREE OR MORE  
6 QUALIFYING FELONY CONVICTIONS.

7 **SECTION 34.** In Colorado Revised Statutes, **add** part 14 to  
8 article 20.5 of title 25 as follows:

9 **PART 14**

10 **HOUSE BILL 22-1326 INDEPENDENT STUDY**

11 **25-20.5-1401. Independent study - report - repeal.** (1) (a) BY  
12 JANUARY 1, 2023, THE DEPARTMENT SHALL CONTRACT WITH AN  
13 INDEPENDENT ENTITY TO CONDUCT A STUDY AND PUBLISH A REPORT  
14 CONCERNING THE IMPACT AND IMPLEMENTATION OF HOUSE BILL 22-1326.

15 (b) THE DEPARTMENT SHALL CONSULT WITH THE JUDICIAL  
16 DEPARTMENT, THE OFFICE OF BEHAVIORAL HEALTH, AND OTHER  
17 STAKEHOLDERS IDENTIFIED BY THE DEPARTMENT IN DEVELOPING AND  
18 ISSUING A REQUEST FOR PROPOSALS TO ENSURE CANDIDATES HAVE  
19 EXPERTISE IN DATA COLLECTION AND PROGRAM ANALYSIS, AND RELEVANT  
20 CRIMINAL LAW AND HARM REDUCTION ISSUES.

21 (2) AT A MINIMUM, THE INDEPENDENT ENTITY SHALL IDENTIFY  
22 AND REPORT FINDINGS REGARDING AVAILABLE DATA AND INFORMATION  
23 FROM JULY 1, 2019, THROUGH JUNE 30, 2024 OBTAINED FROM THE  
24 COLORADO JUDICIAL DEPARTMENT AND TREATMENT PROVIDERS SERVING  
25 THE PROBATION POPULATION. DATA AND INFORMATION FROM CASES FILED  
26 AND PRACTICES IMPLEMENTED PRIOR TO JULY 1, 2022, MUST BE INCLUDED  
27 IN THE STUDY IN AN EFFORT TO ESTABLISH BASELINE INFORMATION, AS

1 NECESSARY. THE DATA AND INFORMATION MUST BE REPORTED BOTH ON  
2 A STATEWIDE BASIS AND DISAGGREGATED BY JUDICIAL DISTRICT. THE  
3 DATA AND INFORMATION MUST INCLUDE, BUT IS NOT LIMITED TO:

4 (a) EVERY CASE WITH A CHARGE FILED PURSUANT TO SECTION  
5 18-18-403.5 (2.5)(a) FOR THE UNLAWFUL POSSESSION OF FENTANYL,  
6 CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF,  
7 INCLUDING:

8 (I) WHETHER A MISDEMEANOR OR FELONY CHARGE WAS FILED;

9 (II) WHETHER AN ARREST WAS MADE OR A SUMMONS WAS ISSUED  
10 FOR THE CHARGE;

11 (III) WHETHER ANOTHER CRIMINAL CHARGE WAS FILED IN THE  
12 CASE, AND IF SO, WHAT CHARGE;

13 (IV) THE DISPOSITION OF THE CASE, INCLUDING THE SENTENCE  
14 IMPOSED;

15 (V) WHETHER THE DEFENDANT IS CURRENTLY SERVING THE  
16 SENTENCE AND IF THE SENTENCE INCLUDES PROBATION SUPERVISION;

17 (VI) WHETHER THE DEFENDANT SUCCESSFULLY COMPLETED THE  
18 SENTENCE, INCLUDING IF THE DEFENDANT SUCCESSFULLY COMPLETED AN  
19 INITIAL PROBATIONARY SENTENCE OR WHETHER PROBATION WAS REVOKED  
20 AND RESULTED IN INCARCERATION IN JAIL OR PRISON;

21 (VII) IF PROBATION WAS REVOKED, WHETHER THE REVOCATION  
22 WAS FOR A NEW CRIMINAL CASE OR A TECHNICAL VIOLATION;

23 (VIII) WHETHER SUBSTANCE USE TREATMENT WAS ORDERED AND,  
24 IF SO, WHAT TYPE, INCLUDING WHETHER THE COURT ORDERED PLACEMENT  
25 IN A RESIDENTIAL TREATMENT FACILITY PURSUANT TO SECTION 18-1.3-410  
26 OR 18-1.3-509; AND

27 (IX) THE RACE, GENDER, AND AGE OF THE DEFENDANT, AND

1 WHETHER THE DEFENDANT WAS REPRESENTED BY COURT-APPOINTED  
2 COUNSEL OR OTHERWISE DETERMINED TO BE INDIGENT.

3 (3) AT A MINIMUM, THE INDEPENDENT ENTITY SHALL IDENTIFY  
4 AND REPORT FINDINGS BASED ON AVAILABLE DATA AND INFORMATION  
5 OBTAINED FROM THE OFFICE OF BEHAVIORAL HEALTH, THE DEPARTMENT  
6 OF PUBLIC HEALTH AND ENVIRONMENT, MANAGED SERVICE  
7 ORGANIZATIONS, AND OTHER APPLICABLE AGENCIES AND TREATMENT  
8 PROVIDERS, REGARDING:

9 (a) THE PREVENTION AND EDUCATION CAMPAIGN DEVELOPED BY  
10 THE DEPARTMENT PURSUANT TO SECTION 25-1.5-115.5 AND THE  
11 FENTANYL EDUCATION PROGRAM DEVELOPED BY THE OFFICE OF  
12 BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127, INCLUDING THE  
13 METHOD AND REACH OF THE CAMPAIGN AND PROGRAM;

14 (b) THE IMPLEMENTATION OF MEDICATION-ASSISTED TREATMENT  
15 AND OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE BY EVERY  
16 JAIL THAT RECEIVED FUNDING PURSUANT TO SECTION 27-60-106,  
17 INCLUDING WHETHER THE JAILS COMPLIED WITH IMPLEMENTATION AND,  
18 IF NOT, WHETHER THE JAIL FORFEITED OR RETURNED FUNDING;

19 (c) THE ELIGIBLE ENTITIES THAT PURCHASED OPIATE ANTAGONISTS  
20 THROUGH THE OPIATE ANTAGONIST BULK PURCHASE FUND PURSUANT TO  
21 SECTION 25-1.5-115, INCLUDING THE AMOUNT OF OPIATE ANTAGONISTS  
22 PURCHASED BY EACH ELIGIBLE ENTITY AND THE REVENUE RECEIVED BY  
23 THE BULK PURCHASE FUND;

24 (d) THE ELIGIBLE ENTITIES THAT RECEIVED NON-LABORATORY  
25 SYNTHETIC OPIATE DETECTION TESTS PURSUANT TO SECTION 25-1.5-115.3  
26 AND THE AMOUNT OF NON-LABORATORY SYNTHETIC OPIATE DETECTION  
27 TESTS RECEIVED BY EACH ELIGIBLE ENTITY;

1           (e) THE HARM REDUCTION GRANT PROGRAM, CREATED IN SECTION  
2           25-20.5-1101, INCLUDING:

3           (I) THE GRANTEES, THE USES OF EACH GRANT, THE AMOUNT OF THE  
4           GRANT AWARD, THE NUMBER OF PEOPLE SERVED BY THE GRANT, AND ANY  
5           AVAILABLE OUTCOME MEASURES AS A RESULT OF THE GRANT USES;

6           (II) STRATEGIES DEVELOPED AND IMPLEMENTED THROUGH THE  
7           PROGRAM, IF ANY, FOR SERVING POPULATIONS WHO ARE AT A HIGHER RISK  
8           OF OVERDOSE AND LIVE IN UNDERSERVED AREAS; AND

9           (III) EVIDENCE-BASED RESEARCH DEVELOPED THROUGH THE  
10          PROGRAM CONCERNING BEST OR PROMISING PRACTICES IN OVERDOSE  
11          PREVENTION, EARLY INTERVENTION, HARM REDUCTION, AND  
12          MEDICATION-ASSISTED TREATMENT; ==

13          (f) EVERY OVERDOSE DEATH CAUSED BY FENTANYL, CARFENTANIL  
14          BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF, OCCURRING IN A JAIL,  
15          PRISON, OR RESIDENTIAL COMMUNITY CORRECTIONS FACILITY OR WHILE  
16          UNDER PROBATION, PAROLE, OR PRETRIAL RELEASE;

17          (g) THE MANAGED SERVICE ORGANIZATIONS CONTRACTS  
18          DEVELOPED PURSUANT TO SECTION 27-80-107.8 TO PROVIDE SHORT-TERM  
19          RESIDENTIAL PLACEMENT FOR WITHDRAWAL MANAGEMENT, CRISIS  
20          STABILIZATION, OR MEDICATION-ASSISTED TREATMENT, INCLUDING THE  
21          NUMBER OF FACILITIES, THEIR LOCATION, SERVICES PROVIDED, AND THE  
22          NUMBER OF PERSONS SERVED; AND

23          (h) THE TRAINING AND COORDINATION EFFORTS DEVELOPED AND  
24          IMPLEMENTED BY THE MANAGED SERVICE ORGANIZATIONS WITH FIRST  
25          RESPONDERS AND REFERRING ENTITIES REGARDING THE AVAILABLE  
26          SERVICES TO BE UTILIZED IN LIEU OF ARREST AND TRANSPORT TO JAIL.

27          (4) THE INDEPENDENT ENTITY SHALL REQUEST ALL NECESSARY

1 DATA NECESSARY TO COMPLETE THE STUDY, AND EACH AGENCY OR  
2 ORGANIZATION SHALL ESTABLISH ANY DATA SHARING AGREEMENT  
3 NECESSARY, SUBJECT TO ALL FEDERAL AND STATE PRIVACY LAWS  
4 NECESSARY TO PROTECT PRIVACY, TO SUPPORT THE STUDY.

5 (5) BY DECEMBER 31, 2024, THE INDEPENDENT ENTITY SHALL  
6 SUBMIT A COMPLETED COMPREHENSIVE REPORT OF ITS FINDINGS  
7 PURSUANT TO SUBSECTION (2) OF THIS SECTION TO THE DEPARTMENT.

8 (6) BY JANUARY 31, 2025, THE DEPARTMENT SHALL PUBLISH THE  
9 REPORT ON ITS WEBSITE AND SHALL SUBMIT THE REPORT TO THE  
10 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
11 SENATE, OR ANY SUCCESSOR COMMITTEES.

12 (7) THIS PART 14 IS REPEALED, EFFECTIVE JULY 1, 2025.

13 **SECTION 35.** In Colorado Revised Statutes, **add** part 14 to  
14 article 20.5 of title 25 as follows:

15 **PART 14**

16 **HOUSE BILL 22-1326 INDEPENDENT STUDY**

17 **25-20.5-1401. Independent study - report - repeal.** (1) (a) BY  
18 JANUARY 1, 2023, THE DEPARTMENT SHALL CONTRACT WITH AN  
19 INDEPENDENT ENTITY TO CONDUCT A STUDY AND PUBLISH A REPORT  
20 CONCERNING THE IMPACT AND IMPLEMENTATION OF HOUSE BILL 22-1326.

21 (b) THE DEPARTMENT SHALL CONSULT WITH THE JUDICIAL  
22 DEPARTMENT, THE BEHAVIORAL HEALTH ADMINISTRATION, AND OTHER  
23 STAKEHOLDERS IDENTIFIED BY THE DEPARTMENT IN DEVELOPING AND  
24 ISSUING A REQUEST FOR PROPOSALS TO ENSURE CANDIDATES HAVE  
25 EXPERTISE IN DATA COLLECTION AND PROGRAM ANALYSIS, AND RELEVANT  
26 CRIMINAL LAW AND HARM REDUCTION ISSUES.

27 (2) AT A MINIMUM, THE INDEPENDENT ENTITY SHALL IDENTIFY

1 AND REPORT FINDINGS REGARDING AVAILABLE DATA AND INFORMATION  
2 FROM JULY 1, 2019, THROUGH JUNE 30, 2024 OBTAINED FROM THE  
3 COLORADO JUDICIAL DEPARTMENT AND TREATMENT PROVIDERS SERVING  
4 THE PROBATION POPULATION. DATA AND INFORMATION FROM CASES FILED  
5 AND PRACTICES IMPLEMENTED PRIOR TO JULY 1, 2022, MUST BE INCLUDED  
6 IN THE STUDY IN AN EFFORT TO ESTABLISH BASELINE INFORMATION, AS  
7 NECESSARY. THE DATA AND INFORMATION MUST BE REPORTED BOTH ON  
8 A STATEWIDE BASIS AND DISAGGREGATED BY JUDICIAL DISTRICT. THE  
9 DATA AND INFORMATION MUST INCLUDE, BUT IS NOT LIMITED TO:

10 (a) EVERY CASE WITH A CHARGE FILED PURSUANT TO SECTION  
11 18-18-403.5 (2.5)(a) FOR THE UNLAWFUL POSSESSION OF FENTANYL,  
12 CARFENTANIL BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF,  
13 INCLUDING:

14 (I) WHETHER A MISDEMEANOR OR FELONY CHARGE WAS FILED;

15 (II) WHETHER AN ARREST WAS MADE OR A SUMMONS WAS ISSUED  
16 FOR THE CHARGE;

17 (III) WHETHER ANOTHER CRIMINAL CHARGE WAS FILED IN THE  
18 CASE, AND IF SO, WHAT CHARGE;

19 (IV) THE DISPOSITION OF THE CASE, INCLUDING THE SENTENCE  
20 IMPOSED;

21 (V) WHETHER THE DEFENDANT IS CURRENTLY SERVING THE  
22 SENTENCE AND IF THE SENTENCE INCLUDES PROBATION SUPERVISION;

23 (VI) WHETHER THE DEFENDANT SUCCESSFULLY COMPLETED THE  
24 SENTENCE, INCLUDING IF THE DEFENDANT SUCCESSFULLY COMPLETED AN  
25 INITIAL PROBATIONARY SENTENCE OR WHETHER PROBATION WAS REVOKED  
26 AND RESULTED IN INCARCERATION IN JAIL OR PRISON;

27 (VII) IF PROBATION WAS REVOKED, WHETHER THE REVOCATION

1 WAS FOR A NEW CRIMINAL CASE OR A TECHNICAL VIOLATION;

2 (VIII) WHETHER SUBSTANCE USE TREATMENT WAS ORDERED AND,  
3 IF SO, WHAT TYPE, INCLUDING WHETHER THE COURT ORDERED PLACEMENT  
4 IN A RESIDENTIAL TREATMENT FACILITY PURSUANT TO SECTION 18-1.3-410  
5 OR 18-1.3-509; AND

6 (IX) THE RACE, GENDER, AND AGE OF THE DEFENDANT, AND  
7 WHETHER THE DEFENDANT WAS REPRESENTED BY COURT-APPOINTED  
8 COUNSEL OR OTHERWISE DETERMINED TO BE INDIGENT.

9 (3) AT A MINIMUM, THE INDEPENDENT ENTITY SHALL IDENTIFY  
10 AND REPORT FINDINGS BASED ON AVAILABLE DATA AND INFORMATION  
11 OBTAINED FROM THE BEHAVIORAL HEALTH ADMINISTRATION, THE  
12 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, MANAGED SERVICE  
13 ORGANIZATIONS, AND OTHER APPLICABLE AGENCIES AND TREATMENT  
14 PROVIDERS, REGARDING:

15 (a) THE PREVENTION AND EDUCATION CAMPAIGN DEVELOPED BY  
16 THE DEPARTMENT PURSUANT TO SECTION 25-1.5-115.5 AND THE  
17 FENTANYL EDUCATION PROGRAM DEVELOPED BY THE BEHAVIORAL  
18 HEALTH ADMINISTRATION PURSUANT TO SECTION 27-80-127, INCLUDING  
19 THE METHOD AND REACH OF THE CAMPAIGN AND PROGRAM;

20 (b) THE IMPLEMENTATION OF MEDICATION-ASSISTED TREATMENT  
21 AND OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE BY EVERY  
22 JAIL THAT RECEIVED FUNDING PURSUANT TO SECTION 27-60-106,  
23 INCLUDING WHETHER THE JAILS COMPLIED WITH IMPLEMENTATION AND,  
24 IF NOT, WHETHER THE JAIL FORFEITED OR RETURNED FUNDING;

25 (c) THE ELIGIBLE ENTITIES THAT PURCHASED OPIATE ANTAGONISTS  
26 THROUGH THE OPIATE ANTAGONIST BULK PURCHASE FUND PURSUANT TO  
27 SECTION 25-1.5-115, INCLUDING THE AMOUNT OF OPIATE ANTAGONISTS



1 PURCHASED BY EACH ELIGIBLE ENTITY AND THE REVENUE RECEIVED BY  
2 THE BULK PURCHASE FUND;

3 (d) THE ELIGIBLE ENTITIES THAT RECEIVED NON-LABORATORY  
4 SYNTHETIC OPIATE DETECTION TESTS PURSUANT TO SECTION 25-1.5-115.3  
5 AND THE AMOUNT OF NON-LABORATORY SYNTHETIC OPIATE DETECTION  
6 TESTS RECEIVED BY EACH ELIGIBLE ENTITY;

7 (e) THE HARM REDUCTION GRANT PROGRAM, CREATED IN SECTION  
8 25-20.5-1101, INCLUDING:

9 (I) THE GRANTEES, THE USES OF EACH GRANT, THE AMOUNT OF THE  
10 GRANT AWARD, THE NUMBER OF PEOPLE SERVED BY THE GRANT, AND ANY  
11 AVAILABLE OUTCOME MEASURES AS A RESULT OF THE GRANT USES;

12 (II) STRATEGIES DEVELOPED AND IMPLEMENTED THROUGH THE  
13 PROGRAM, IF ANY, FOR SERVING POPULATIONS WHO ARE AT A HIGHER RISK  
14 OF OVERDOSE AND LIVE IN UNDERSERVED AREAS; AND

15 (III) EVIDENCE-BASED RESEARCH DEVELOPED THROUGH THE  
16 PROGRAM CONCERNING BEST OR PROMISING PRACTICES IN OVERDOSE  
17 PREVENTION, EARLY INTERVENTION, HARM REDUCTION, AND  
18 MEDICATION-ASSISTED TREATMENT; ==

19 (f) EVERY OVERDOSE DEATH CAUSED BY FENTANYL, CARFENTANIL  
20 BENZIMIDAZOLE OPIOIDS, OR AN ANALOG THEREOF, OCCURRING IN A JAIL,  
21 PRISON, OR RESIDENTIAL COMMUNITY CORRECTIONS FACILITY OR WHILE  
22 UNDER PROBATION, PAROLE, OR PRETRIAL RELEASE;

23 (g) THE MANAGED SERVICE ORGANIZATION CONTRACTS  
24 DEVELOPED PURSUANT TO SECTION 27-80-107.8 TO PROVIDE SHORT-TERM  
25 RESIDENTIAL PLACEMENT FOR WITHDRAWAL MANAGEMENT, CRISIS  
26 STABILIZATION, OR MEDICATION-ASSISTED TREATMENT, INCLUDING THE  
27 NUMBER OF FACILITIES, THEIR LOCATION, SERVICES PROVIDED, AND THE

1 NUMBER OF PERSONS SERVED; AND

2 (h) THE TRAINING AND COORDINATION EFFORTS DEVELOPED AND  
3 IMPLEMENTED BETWEEN MANAGED SERVICE ORGANIZATIONS, FIRST  
4 RESPONDERS, AND REFERRING ENTITIES REGARDING THE AVAILABLE  
5 SERVICES TO BE UTILIZED IN LIEU OF ARREST AND TRANSPORT TO JAIL.

6 (4) THE INDEPENDENT ENTITY SHALL REQUEST ALL NECESSARY  
7 DATA NECESSARY TO COMPLETE THE STUDY, AND EACH AGENCY OR  
8 ORGANIZATION SHALL ESTABLISH ANY DATA-SHARING AGREEMENT  
9 NECESSARY, SUBJECT TO ALL FEDERAL AND STATE PRIVACY LAWS  
10 NECESSARY TO PROTECT PRIVACY, TO SUPPORT THE STUDY.

11 (5) BY DECEMBER 31, 2024, THE INDEPENDENT ENTITY SHALL  
12 SUBMIT A COMPLETED COMPREHENSIVE REPORT OF ITS FINDINGS  
13 PURSUANT TO SUBSECTION (2) OF THIS SECTION TO THE DEPARTMENT.

14 (6) BY JANUARY 31, 2025, THE DEPARTMENT SHALL PUBLISH THE  
15 REPORT ON ITS WEBSITE AND SHALL SUBMIT THE REPORT TO THE  
16 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
17 SENATE, OR ANY SUCCESSOR COMMITTEES.

18 (7) THIS PART 14 IS REPEALED, EFFECTIVE JULY 1, 2025.

19 **SECTION 36.** In Colorado Revised Statutes, **add 27-80-107.8** as  
20 **follows:**

21 **27-80-107.8. Withdrawal management and crisis service**  
22 **expansion - appropriation.** (1) ON OR BEFORE JANUARY 1, 2023, EACH  
23 **MANAGED SERVICE ORGANIZATION SHALL:**

24 **(a) CONTRACT TO PROVIDE SHORT-TERM RESIDENTIAL PLACEMENT**  
25 **FOR WITHDRAWAL MANAGEMENT, CRISIS STABILIZATION, OR**  
26 **MEDICATION-ASSISTED TREATMENT FOR PERSONS IN IMMEDIATE NEED OF**  
27 **DETOXIFICATION AND STABILIZATION SERVICES, WITH A PROVIDER WHO IS**

1 LICENSED BY THE STATE OF COLORADO TO PROVIDE THOSE SERVICES.

2 (b) DEVELOP A PAYMENT SCHEDULE THAT INCLUDES ADMISSION  
3 AND SERVICE RATES FROM THE MANAGED SERVICE ORGANIZATION TO THE  
4 PROVIDER, AND ORGANIZATIONAL FUNDING FOR TRAINING AND  
5 COORDINATION WITH FIRST RESPONDERS OR REFERRING ENTITIES; AND

6 (c) PROVIDE TRAINING TO, AND ONGOING COORDINATION WITH,  
7 FIRST RESPONDERS OR REFERRING ENTITIES CONCERNING THE AVAILABLE  
8 SERVICES TO BE UTILIZED IN LIEU OF ARREST AND TRANSPORT TO JAIL, TO  
9 THE GREATEST EXTENT POSSIBLE.

10 (2) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL  
11 ASSEMBLY SHALL APPROPRIATE TEN MILLION DOLLARS TO THE OFFICE OF  
12 BEHAVIORAL HEALTH TO BE DISTRIBUTED TO MANAGED SERVICE  
13 ORGANIZATIONS FOR THE PURPOSE OF IMPLEMENTING THIS SECTION. ANY  
14 UNEXPENDED MONEY REMAINING AT THE END OF THE 2022-23 STATE  
15 FISCAL YEAR FROM THIS APPROPRIATION:

16 (a) DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER  
17 FUND;

18 (b) MAY BE USED BY THE OFFICE OF BEHAVIORAL HEALTH IN THE  
19 2023-24 OR 2024-25 STATE FISCAL YEARS WITHOUT FURTHER  
20 APPROPRIATION; AND

21 (c) MUST NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN THE  
22 PURPOSES SET FORTH IN THIS SECTION.

23 **SECTION 37.** In Colorado Revised Statutes, add 27-80-107.8 as  
24 follows:

25 **27-80-107.8. Withdrawal management and crisis service**  
26 **expansion - appropriation.** (1) ON OR BEFORE JANUARY 1, 2023, EACH  
27 MANAGED SERVICE ORGANIZATION SHALL:

1 (a) CONTRACT TO PROVIDE SHORT-TERM RESIDENTIAL PLACEMENT  
2 FOR WITHDRAWAL MANAGEMENT, CRISIS STABILIZATION, OR  
3 MEDICATION-ASSISTED TREATMENT FOR PERSONS IN IMMEDIATE NEED OF  
4 DETOXIFICATION AND STABILIZATION SERVICES, WITH A PROVIDER WHO IS  
5 LICENSED BY THE STATE OF COLORADO TO PROVIDE THOSE SERVICES.

6 (b) DEVELOP A PAYMENT SCHEDULE THAT INCLUDES ADMISSION  
7 AND SERVICE RATES FROM THE MANAGED SERVICE ORGANIZATION TO THE  
8 PROVIDER, AND ORGANIZATIONAL FUNDING FOR TRAINING AND  
9 COORDINATION WITH FIRST RESPONDERS OR REFERRING ENTITIES; AND

10 (c) PROVIDE TRAINING TO, AND ONGOING COORDINATION WITH,  
11 FIRST RESPONDERS OR REFERRING ENTITIES CONCERNING THE AVAILABLE  
12 SERVICES TO BE UTILIZED IN LIEU OF ARREST AND TRANSPORT TO JAIL, TO  
13 THE GREATEST EXTENT POSSIBLE.

14 (2) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL  
15 ASSEMBLY SHALL APPROPRIATE TEN MILLION DOLLARS TO THE  
16 BEHAVIORAL HEALTH ADMINISTRATION TO BE DISTRIBUTED TO MANAGED  
17 SERVICE ORGANIZATIONS FOR THE PURPOSE OF IMPLEMENTING THIS  
18 SECTION. ANY UNEXPENDED MONEY REMAINING AT THE END OF THE  
19 2022-23 STATE FISCAL YEAR FROM THIS APPROPRIATION:

20 (a) DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER  
21 FUND;

22 (b) MAY BE USED BY THE BEHAVIORAL HEALTH ADMINISTRATION  
23 IN THE 2023-24 OR 2024-25 STATE FISCAL YEARS WITHOUT FURTHER  
24 APPROPRIATION; AND

25 (c) MUST NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN THE  
26 PURPOSES SET FORTH IN THIS SECTION.

27 **SECTION 38.** In Colorado Revised Statutes, add 24-33.5-525 as

1 follows:

2 24-33.5-525. Synthetic opioid poisoning investigation and  
3 distribution interdiction grant program - creation - duties - rules -  
4 reports - appropriation - definition - repeal. (1) THERE IS CREATED IN  
5 THE DIVISION THE SYNTHETIC OPIOID POISONING INVESTIGATION AND  
6 DISTRIBUTION INTERDICTION GRANT PROGRAM, REFERRED TO IN THIS  
7 SECTION AS THE "GRANT PROGRAM", TO PROVIDE GRANTS TO LAW  
8 ENFORCEMENT AGENCIES FOR THE PURPOSE OF INVESTIGATING DEATHS  
9 CAUSED BY SYNTHETIC OPIOID POISONING AND DISRUPTING SYNTHETIC  
10 OPIOID SUPPLIES.

11 (2) A LAW ENFORCEMENT AGENCY MAY APPLY FOR A GRANT FOR  
12 THE FOLLOWING PURPOSES ONLY:

13 (a) INVESTIGATING DEATHS AND SERIOUS INJURIES CAUSED BY  
14 ILLEGAL SYNTHETIC OPIOID POISONING;

15 (b) INVESTIGATING, ENFORCING, AND PROSECUTING SYNTHETIC  
16 OPIOID IMPORTATION AND HIGH-LEVEL DISTRIBUTION NETWORKS,  
17 INCLUDING MULTIJURISDICTIONAL AND MULTISTATE INVESTIGATIONS AND  
18 ENFORCEMENT OPERATIONS, TO REDUCE THE SUPPLY OF ILLEGAL  
19 SYNTHETIC OPIOIDS AND PRECURSOR CHEMICALS IN COLORADO;

20 (c) TECHNOLOGY, EQUIPMENT, AND TRAINING TO ENHANCE  
21 INTELLIGENCE, INFORMATION-SHARING CAPABILITIES, AND INTERAGENCY  
22 COLLABORATION AMONG FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT  
23 PARTNERS REGARDING SYNTHETIC OPIOID IMPORTATION AND HIGH-LEVEL  
24 DISTRIBUTION NETWORKS; AND

25 (d) ANALYZING EMERGENT TRENDS IN MARKETS, INCLUDING THE  
26 USE OF THE POSTAL SERVICE, PRIVATE COURIER, COMMERCIAL CARGO, AND  
27 THE INTERNET, FOR THE IMPORT AND DISTRIBUTION OF ILLEGAL SYNTHETIC

1 OPIOIDS THROUGH A SYSTEMATIC AND STANDARDIZED APPROACH,  
2 INCLUDING THE USE OF NOVEL, HIGH-FREQUENCY, AND REAL-TIME  
3 SYSTEMS TO ENHANCE MARKET SURVEILLANCE.

4 (3) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, GIFTS, GRANTS,  
5 OR DONATIONS, THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM  
6 AND SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION.

7 (b) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,  
8 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF  
9 THIS SECTION.

10 (4) THE DIVISION MAY PROMULGATE SUCH RULES AS MAY BE  
11 NECESSARY TO IMPLEMENT THE GRANT PROGRAM, INCLUDING RULES  
12 CONCERNING REQUIRED PERFORMANCE METRICS, DATA COLLECTION, AND  
13 OTHER RELEVANT INFORMATION THAT GRANTEEES ARE REQUIRED TO  
14 REPORT PURSUANT TO SUBSECTION (5) OF THIS SECTION.

15 (5) (a) ON OR BEFORE AUGUST 1, 2023, AND ON OR BEFORE  
16 AUGUST 1 EACH YEAR THEREAFTER, EACH GRANT RECIPIENT THAT  
17 RECEIVED A GRANT THROUGH THE GRANT PROGRAM IN THE PRECEDING  
18 STATE FISCAL YEAR SHALL SUBMIT A NARRATIVE AND FINANCIAL REPORT  
19 OF GRANT EXPENSES TO THE DIVISION IN A FORMAT REQUIRED BY THE  
20 DIVISION. AT A MINIMUM, THE REPORT MUST INCLUDE A DESCRIPTION OF  
21 THE USES OF THE GRANT MONEY, INCLUDING METRICS, DATA, AND OTHER  
22 RELEVANT INFORMATION REQUIRED BY THE DIVISION, DURING THE  
23 APPLICABLE GRANT TERM. THE DIVISION MAY PROMULGATE RULES  
24 REGARDING REPORTING REQUIREMENTS, INCLUDING ADDITIONAL  
25 INFORMATION TO BE INCLUDED IN THE REPORT.

26 (b) ON OR BEFORE DECEMBER 1, 2023, AND ON OR BEFORE  
27 DECEMBER 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT

1 PROGRAM, THE DIVISION SHALL SUBMIT A SUMMARIZED REPORT TO THE  
2 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
3 SENATE, OR ANY SUCCESSOR COMMITTEES. AT A MINIMUM, THE REPORT  
4 MUST INCLUDE THE INFORMATION PROVIDED BY GRANT RECIPIENTS TO THE  
5 DIVISION PURSUANT TO THIS SUBSECTION (5).

6 (6) THE DIVISION SHALL CONSULT THE P.O.S.T. BOARD DIRECTOR,  
7 OR THE DIRECTOR'S DESIGNEE, AND THE DEPUTY ATTORNEY GENERAL OF  
8 THE DIVISION OF CRIMINAL JUSTICE WITHIN THE DEPARTMENT OF LAW,  
9 CREATED IN SECTION 24-31-102 (2), CONCERNING THE IMPLEMENTATION  
10 OF THIS SECTION, INCLUDING RECOMMENDATIONS FOR POTENTIAL GRANT  
11 RECIPIENTS AND EXPENDITURES.

12 (7) THE DIVISION SHALL CONSULT THE OPIOID CRISIS RECOVERY  
13 FUNDS ADVISORY COMMITTEE, CREATED IN SECTION 27-81-118,  
14 CONCERNING THE IMPLEMENTATION OF THIS SECTION, INCLUDING  
15 RECOMMENDATIONS FOR POTENTIAL GRANT RECIPIENTS AND  
16 EXPENDITURES, AND ASSISTANCE SEEKING GIFTS, GRANTS, AND  
17 DONATIONS PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION.

18 (8) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
19 REQUIRES, "LAW ENFORCEMENT AGENCY" HAS THE SAME MEANING SET  
20 FORTH IN SECTION 24-32-124 (1)(e), AND INCLUDES A DISTRICT  
21 ATTORNEY'S OFFICE, A MULTIJURISDICTIONAL LAW ENFORCEMENT TASK  
22 FORCE THAT INCLUDES A LAW ENFORCEMENT AGENCY AS DEFINED BY  
23 SECTION 24-32-124 (1)(e), OR A POLICE DEPARTMENT FOR A PRIVATE OR  
24 STATE INSTITUTION OF HIGHER EDUCATION.

25 (9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

26 **SECTION 39.** In Colorado Revised Statutes, add 24-31-115 as  
27 follows:

1                    24-31-115. Online fentanyl trafficking - study - report -  
2                    appropriation - repeal. (1) THE ATTORNEY GENERAL SHALL STUDY THE  
3                    USE OF THE INTERNET, INCLUDING RETAIL, PAYMENT, AND SOCIAL MEDIA  
4                    PLATFORMS, FOR THE PURPOSE OF TRAFFICKING FENTANYL, FENTANYL  
5                    ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIOIDS, AND  
6                    COUNTERFEIT PRESCRIPTION DRUGS.  
7                    (2) THE STUDY MUST, AT A MINIMUM:  
8                    (a) EXAMINE THE PREVALENCE OF THE AVAILABILITY AND  
9                    ACCESSIBILITY FOR FENTANYL, FENTANYL ANALOGS OR COMPOUNDS  
10                   THEREOF, SYNTHETIC OPIOIDS, AND COUNTERFEIT PRESCRIPTION DRUGS  
11                   THROUGH THE INTERNET;  
12                   (b) IDENTIFY WEBSITE POLICIES AND PRACTICES INTENDED TO  
13                   PREVENT THE USE OF THE WEBSITE FOR TRAFFICKING FENTANYL,  
14                   FENTANYL ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIOIDS, AND  
15                   COUNTERFEIT PRESCRIPTION DRUGS;  
16                   (c) IDENTIFY LAWS IMPLEMENTED BY OTHER STATES OR THE  
17                   FEDERAL GOVERNMENT INTENDED TO PREVENT THE USE OF THE INTERNET  
18                   FOR TRAFFICKING FENTANYL, FENTANYL ANALOGS OR COMPOUNDS  
19                   THEREOF, SYNTHETIC OPIOIDS, AND COUNTERFEIT PRESCRIPTION DRUGS;  
20                   AND  
21                   (d) EXAMINE ANY OTHER RELEVANT DATA, INFORMATION, OR  
22                   RESOURCES, AS DEEMED NECESSARY BY THE DEPARTMENT OF LAW,  
23                   CONCERNING THE USE OF THE INTERNET FOR TRAFFICKING FENTANYL,  
24                   FENTANYL ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIOIDS, AND  
25                   COUNTERFEIT PRESCRIPTION DRUGS.  
26                   (3) BY MARCH 1, 2023, THE ATTORNEY GENERAL SHALL COMPLETE  
27                   AND PUBLISH A REPORT OF ITS FINDINGS PURSUANT TO SUBSECTION (2) OF



1 THIS SECTION. THE REPORT MUST ALSO INCLUDE RECOMMENDATIONS FOR  
2 POTENTIAL STATE LEGISLATION:

3 (a) TO PREVENT THE USE OF THE INTERNET FOR TRAFFICKING,  
4 DISTRIBUTING, OR SUPPLYING FENTANYL, FENTANYL ANALOGS OR  
5 COMPOUNDS THEREOF, SYNTHETIC OPIOIDS, AND COUNTERFEIT  
6 PRESCRIPTION DRUGS;

7 (b) CONCERNING CRIMINAL AND CIVIL LIABILITY FOR THE USE OF  
8 THE INTERNET FOR TRAFFICKING, DISTRIBUTING, OR SUPPLYING FENTANYL,  
9 FENTANYL ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIOIDS, AND  
10 COUNTERFEIT PRESCRIPTION DRUGS;

11 (c) REGARDING CONSUMER REPORTING MECHANISMS FOR  
12 REPORTING TO LAW ENFORCEMENT OR THE ONLINE PLATFORM THE USE OF  
13 A WEBSITE OR ONLINE ACCOUNT FOR TRAFFICKING FENTANYL, FENTANYL  
14 ANALOGS OR COMPOUNDS THEREOF, SYNTHETIC OPIOIDS, AND  
15 COUNTERFEIT PRESCRIPTION DRUGS; AND

16 (d) REGARDING ANY OTHER PUBLIC POLICY CHANGES NECESSARY  
17 TO REDUCE OR ELIMINATE THE USE THE INTERNET FOR TRAFFICKING,  
18 DISTRIBUTING, OR SUPPLYING FENTANYL, FENTANYL ANALOGS OR  
19 COMPOUNDS THEREOF, SYNTHETIC OPIOIDS, AND COUNTERFEIT  
20 PRESCRIPTION DRUGS.

21 (4) THE ATTORNEY GENERAL SHALL INVITE THE UNITED STATES  
22 ATTORNEY FOR THE DISTRICT OF COLORADO TO COLLABORATE, CONSULT,  
23 OR PROVIDE ANY AVAILABLE ASSISTANCE IN THE PERFORMANCE OF THE  
24 ATTORNEY GENERAL'S DUTIES PURSUANT TO THIS SECTION.

25 (5) BY MARCH 1, 2023, THE ATTORNEY GENERAL SHALL SUBMIT  
26 THE COMPLETED REPORT PURSUANT TO SUBSECTION (3) OF THIS SECTION  
27 TO THE HOUSE OF REPRESENTATIVES AND SENATE JUDICIARY COMMITTEES,

1 OR ANY SUCCESSOR COMMITTEES.

2 (6) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL  
3 ASSEMBLY SHALL APPROPRIATE AT LEAST ONE HUNDRED FIFTY THOUSAND  
4 DOLLARS TO THE DEPARTMENT OF LAW FOR THE PURPOSES OF THIS  
5 SECTION.

6 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2023.

7 **SECTION 40.** In Colorado Revised Statutes, 18-18-204, amend  
8 (2)(b) introductory portion and (2)(b)(V) as follows:

9 **18-18-204. Schedule II.** (2) Unless specifically excepted by  
10 Colorado or federal law or Colorado or federal regulation or more  
11 specifically included in another schedule, the following controlled  
12 substances are listed in schedule II:

13 (b) Any of the following synthetic opiates OPIOIDS, including any  
14 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers of  
15 them that are theoretically possible within the specific chemical  
16 designation:

17 (V) ~~Carfentanil~~ CARFENTANIL;

18 **SECTION 41.** In Colorado Revised Statutes, add 27-60-114 as  
19 follows:

20 **27-60-114. Study of health effects of felonizing fentanyl**  
21 **possession - repeal.** (1) NO LATER THAN NOVEMBER 1, 2022, THE OFFICE  
22 SHALL CONTRACT WITH AN INDEPENDENT NONPROFIT OR EDUCATIONAL  
23 ENTITY THAT HAS EXPERTISE IN CLINICAL EPIDEMIOLOGY, BIostatISTICS,  
24 SUBSTANCE USE AND ADDICTION, DATA COLLECTION AND ANALYSIS, AND,  
25 IF POSSIBLE, THE INTERSECTION BETWEEN THE CRIMINAL JUSTICE SYSTEM  
26 AND SUBSTANCE USE, TO CONDUCT AN INDEPENDENT STUDY OF THE  
27 HEALTH EFFECTS OF CRIMINAL PENALTIES PURSUANT TO CHANGES TO

1 SECTION 18-18-403.5 (2.5) IN HOUSE BILL 22-1326, ENACTED IN 2022. AT  
2 A MINIMUM, THE STUDY MUST ADDRESS THE FOLLOWING:

3 (a) WHETHER THE PENALTIES PURSUANT TO SECTION 18-18-403.5  
4 (2.5):

5 (I) DECREASED FENTANYL-RELATED OVERDOSES, BOTH FATAL AND  
6 NONFATAL, AMONG INDIVIDUALS CHARGED WITH A FELONY COMPARED TO  
7 INDIVIDUALS CHARGED WITH MISDEMEANOR PURSUANT TO SECTION  
8 18-18-403.5 (2.5), AND COMPARED TO INDIVIDUALS WITH OPIOID MISUSE  
9 OR USE DISORDER NOT CHARGED WITH CRIMINAL POSSESSION OF OPIOIDS;

10 OR

11 (II) INCREASED INITIATION AND RETENTION OF EVIDENCE-BASED,  
12 EFFECTIVE TREATMENT FOR INDIVIDUALS CHARGED WITH AN OPIOID USE  
13 DISORDER AMONG INDIVIDUALS CHARGED WITH A FELONY COMPARED TO  
14 INDIVIDUALS CHARGED WITH MISDEMEANOR PURSUANT TO SECTION  
15 18-18-403.5 (2.5), AND COMPARED TO INDIVIDUALS WITH OPIOID MISUSE  
16 OR USE DISORDER WHO WERE NOT CHARGED WITH CRIMINAL POSSESSION  
17 OF OPIOIDS;

18 (b) DIFFERENTIAL HEALTH OUTCOMES FOR INDIVIDUALS BASED ON  
19 THE INDIVIDUAL'S RACE, GENDER, ETHNICITY, AGE, ECONOMIC STATUS,  
20 PREGNANCY OR POSTPARTUM STATUS, OR HOUSING STATUS, FOR  
21 INDIVIDUALS CHARGED WITH A FELONY PURSUANT TO SECTION  
22 18-18-403.5 (2.5), COMPARED TO INDIVIDUALS CHARGED WITH A  
23 MISDEMEANOR PURSUANT TO SECTION 18-18-403.5 (2.5), AND COMPARED  
24 TO INDIVIDUALS WITH OPIOID MISUSE OR USE DISORDERS WHO WERE NOT  
25 CHARGED PURSUANT TO SECTION 18-18-403.5 (2.5). DIFFERENTIAL  
26 HEALTH OUTCOMES TO CONSIDER INCLUDE, BUT ARE NOT LIMITED TO,  
27 FATAL AND NONFATAL OVERDOSES AND INITIATION AND RETENTION ON

1 MEDICATIONS FOR OPIOID USE DISORDER.

2 (c) WHETHER EFFECTIVE, EVIDENCE-BASED TREATMENT FOR  
3 OPIOID USE DISORDER IN THE GENERAL POPULATION DIMINISHED IN  
4 QUALITY OR QUANTITY AS A RESULT OF INDIVIDUALS ORDERED BY THE  
5 COURT INTO TREATMENT BASED ON CHARGES BROUGHT PURSUANT TO  
6 SECTION 18-18-403.5 (2.5); AND

7 (d) WHETHER PENALTIES PURSUANT TO SECTION 18-18-403.5 (2.5)  
8 IMPACT THE LIKELIHOOD OF INDIVIDUALS ADDICTED TO FENTANYL TO  
9 SEEK OR RECEIVE TREATMENT, PROVIDE HELP TO ANOTHER PERSON IN THE  
10 CASE OF AN OVERDOSE, OR UTILIZE NALOXONE, NON-LABORATORY  
11 SYNTHETIC OPIOID DETECTION TESTS, AND OTHER HARM REDUCTION  
12 RESOURCES.

13 (2)(a) THE OFFICE SHALL MAKE REASONABLE EFFORTS TO PROVIDE  
14 NECESSARY DATA REQUESTED BY THE INDEPENDENT ENTITY TO COMPLETE  
15 THE STUDY REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE  
16 OFFICE SHALL ESTABLISH A DATA-SHARING AGREEMENT WITH, AT A  
17 MINIMUM, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE  
18 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE JUDICIAL  
19 DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF  
20 REGULATORY AGENCIES, AND, IF FEASIBLE, COUNTY SHERIFFS AND  
21 COUNTY CORONERS, TO PROVIDE DATA TO THE INDEPENDENT ENTITY  
22 INCLUDING, BUT NOT LIMITED TO:

23 (I) ALL REASONABLY AVAILABLE CRIMINAL JUSTICE DATA  
24 REQUESTED BY THE INDEPENDENT ENTITY;

25 (II) OPIOID OVERDOSE DEATH RECORDS, INCLUDING TOXICOLOGY  
26 REPORTS, IF AVAILABLE;

27 (III) PRESCRIPTION DATA FOR MEDICATION FOR OPIOID USE

1 DISORDER, INCLUDING FOR INDIVIDUALS IN JAIL OR PRISON CHARGED  
2 PURSUANT TO SECTION 18-18-403.5 (2.5);

3 (IV) ENCOUNTERS WITH EMERGENCY MEDICAL SERVICES  
4 PROVIDERS, LAW ENFORCEMENT AGENCIES, OR HEALTH-CARE FACILITIES  
5 FOR FATAL AND NONFATAL FENTANYL OR OTHER OPIOID-RELATED  
6 OVERDOSE; AND

7 (V) AVAILABLE INFORMATION REGARDING THE HISTORY OF  
8 OVERDOSE, INCARCERATION, AND SUBSTANCE USE TREATMENT FOR  
9 INDIVIDUALS CHARGED PURSUANT TO SECTION 18-18-403.5 (2.5),  
10 INCLUDING WHETHER THE INDIVIDUAL HAS SOUGHT AND BEEN DENIED  
11 ON-DEMAND TREATMENT.

12 (b) THE INDEPENDENT ENTITY MAY PERFORM A QUALITATIVE  
13 ASSESSMENT BY, AT A MINIMUM, CONDUCTING FOCUS GROUPS OR  
14 INTERVIEWS WITH A REPRESENTATIVE SAMPLE OF INDIVIDUALS WHO USE  
15 DRUGS AND SUBSTANCE USE DISORDER CARE PROVIDERS AND HARM  
16 REDUCTION PROVIDERS ACROSS THE STATE AND CONTINUUM.

17 (c) NO LATER THAN DECEMBER 31, 2024, THE INDEPENDENT  
18 ENTITY SHALL SUBMIT A COMPREHENSIVE REPORT OF THE ENTITY'S  
19 FINDINGS TO THE OFFICE.

20 (d) NO LATER THAN JANUARY 31, 2025, THE OFFICE SHALL  
21 PUBLISH THE REPORT ON THE OFFICE'S WEBSITE AND SUBMIT THE REPORT  
22 TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE, THE HOUSE  
23 OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN  
24 SERVICES COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES  
25 COMMITTEE, AND THE SENATE JUDICIARY COMMITTEE, OR THEIR  
26 SUCCESSOR COMMITTEES.

27 (3) THE COSTS ASSOCIATED WITH PERFORMING THE STUDY

1 PURSUANT TO THIS SECTION MUST BE PAID FROM THE CORRECTIONAL  
2 TREATMENT CASH FUND CREATED IN SECTION 18-19-103 (4).

3 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

4 **SECTION 42. In Colorado Revised Statutes, 18-19-103, amend**  
5 **(5)(c)(VI) and (5)(c)(VII); and add (5)(c)(VIII) as follows:**

6 **18-19-103. Source of revenues - allocation of money - repeal.**

7 (5) (c) The board may direct that money in the correctional treatment  
8 cash fund may be used for the following purposes:

9 (VI) Recovery support services, including offender reentry; and

10 (VII) Administrative support to the correctional treatment board  
11 including, but not limited to, facilitating and coordinating data collection,  
12 conducting data analysis, developing contracts, preparing reports,  
13 scheduling and staffing board and subcommittee meetings, and engaging  
14 in budget planning and analysis; AND

15 (VIII) (A) THE STUDY OF HEALTH EFFECTS OF FELONIZING  
16 FENTANYL POSSESSION PURSUANT TO SECTION 27-60-114.

17 (B) THIS SUBSECTION (5)(c)(VIII) IS REPEALED, EFFECTIVE JULY  
18 1, 2025.

19 **SECTION 43. In Colorado Revised Statutes, add 27-50-802, as**  
20 **part 8 of article 50 of title 27 as added by House Bill 22-1278, as**  
21 **follows:**

22 **27-50-802. Study of health effects of felonizing fentanyl**  
23 **possession - repeal. (1) NO LATER THAN NOVEMBER 1, 2022, THE BHA**  
24 **SHALL CONTRACT WITH AN INDEPENDENT NONPROFIT OR EDUCATIONAL**  
25 **ENTITY THAT HAS EXPERTISE IN CLINICAL EPIDEMIOLOGY, BIOSTATISTICS,**  
26 **SUBSTANCE USE AND ADDICTION, DATA COLLECTION AND ANALYSIS, AND,**  
27 **IF POSSIBLE, THE INTERSECTION BETWEEN THE CRIMINAL JUSTICE SYSTEM**

1 AND SUBSTANCE USE, TO CONDUCT AN INDEPENDENT STUDY OF THE  
2 HEALTH EFFECTS OF CRIMINAL PENALTIES PURSUANT TO CHANGES TO  
3 SECTION 18-18-403.5 (2.5) IN HOUSE BILL 22-1326, ENACTED IN 2022. AT  
4 A MINIMUM, THE STUDY MUST ADDRESS THE FOLLOWING:

5 (a) WHETHER THE PENALTIES PURSUANT TO SECTION 18-18-403.5  
6 (2.5):

7 (I) DECREASED FENTANYL-RELATED OVERDOSES, BOTH FATAL AND  
8 NONFATAL, AMONG INDIVIDUALS CHARGED WITH A FELONY COMPARED TO  
9 INDIVIDUALS CHARGED WITH MISDEMEANOR PURSUANT TO SECTION  
10 18-18-403.5 (2.5), AND COMPARED TO INDIVIDUALS WITH OPIOID MISUSE  
11 OR USE DISORDER NOT CHARGED WITH CRIMINAL POSSESSION OF OPIOIDS;  
12 OR

13 (II) INCREASED INITIATION AND RETENTION OF EVIDENCE-BASED,  
14 EFFECTIVE TREATMENT FOR INDIVIDUALS CHARGED WITH AN OPIOID USE  
15 DISORDER AMONG INDIVIDUALS CHARGED WITH A FELONY COMPARED TO  
16 INDIVIDUALS CHARGED WITH MISDEMEANOR PURSUANT TO SECTION  
17 18-18-403.5 (2.5), AND COMPARED TO INDIVIDUALS WITH OPIOID MISUSE  
18 OR USE DISORDER WHO WERE NOT CHARGED WITH CRIMINAL POSSESSION  
19 OF OPIOIDS;

20 (b) DIFFERENTIAL HEALTH OUTCOMES FOR INDIVIDUALS BASED ON  
21 THE INDIVIDUAL'S RACE, GENDER, ETHNICITY, AGE, ECONOMIC STATUS,  
22 PREGNANCY OR POSTPARTUM STATUS, OR HOUSING STATUS, FOR  
23 INDIVIDUALS CHARGED WITH A FELONY PURSUANT TO SECTION  
24 18-18-403.5 (2.5), COMPARED TO INDIVIDUALS CHARGED WITH A  
25 MISDEMEANOR PURSUANT TO SECTION 18-18-403.5 (2.5), AND COMPARED  
26 TO INDIVIDUALS WITH OPIOID MISUSE OR USE DISORDERS WHO WERE NOT  
27 CHARGED PURSUANT TO SECTION 18-18-403.5 (2.5). DIFFERENTIAL

1 HEALTH OUTCOMES TO CONSIDER INCLUDE, BUT ARE NOT LIMITED TO,  
2 FATAL AND NONFATAL OVERDOSES AND INITIATION AND RETENTION ON  
3 MEDICATIONS FOR OPIOID USE DISORDER.

4 (c) WHETHER EFFECTIVE, EVIDENCE-BASED TREATMENT FOR  
5 OPIOID USE DISORDER IN THE GENERAL POPULATION DIMINISHED IN  
6 QUALITY OR QUANTITY AS A RESULT OF INDIVIDUALS ORDERED BY THE  
7 COURT INTO TREATMENT BASED ON CHARGES BROUGHT PURSUANT TO  
8 SECTION 18-18-403.5 (2.5); AND

9 (d) WHETHER PENALTIES PURSUANT TO SECTION 18-18-403.5 (2.5)  
10 IMPACT THE LIKELIHOOD OF INDIVIDUALS ADDICTED TO FENTANYL TO  
11 SEEK OR RECEIVE TREATMENT, PROVIDE HELP TO ANOTHER PERSON IN THE  
12 CASE OF AN OVERDOSE, OR UTILIZE NALOXONE, NON-LABORATORY  
13 SYNTHETIC OPIOID DETECTION TESTS, AND OTHER HARM REDUCTION  
14 RESOURCES.

15 (2) (a) THE BHA SHALL MAKE REASONABLE EFFORTS TO PROVIDE  
16 NECESSARY DATA REQUESTED BY THE INDEPENDENT ENTITY TO COMPLETE  
17 THE STUDY REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE  
18 BHA SHALL ESTABLISH A DATA-SHARING AGREEMENT WITH, AT A  
19 MINIMUM, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE  
20 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE JUDICIAL  
21 DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF  
22 REGULATORY AGENCIES, AND, IF FEASIBLE, COUNTY SHERIFFS AND  
23 COUNTY CORONERS, TO PROVIDE DATA TO THE INDEPENDENT ENTITY  
24 INCLUDING, BUT NOT LIMITED TO:

25 (I) ALL REASONABLY AVAILABLE CRIMINAL JUSTICE DATA  
26 REQUESTED BY THE INDEPENDENT ENTITY;

27 (II) OPIOID OVERDOSE DEATH RECORDS, INCLUDING TOXICOLOGY



1 REPORTS, IF AVAILABLE;

2 (III) PRESCRIPTION DATA FOR MEDICATION FOR OPIOID USE  
3 DISORDER, INCLUDING FOR INDIVIDUALS IN JAIL OR PRISON CHARGED  
4 PURSUANT TO SECTION 18-18-403.5 (2.5);

5 (IV) ENCOUNTERS WITH EMERGENCY MEDICAL SERVICES  
6 PROVIDERS, LAW ENFORCEMENT AGENCIES, OR HEALTH-CARE FACILITIES  
7 FOR FATAL AND NONFATAL FENTANYL OR OTHER OPIOID-RELATED  
8 OVERDOSE; AND

9 (V) AVAILABLE INFORMATION REGARDING THE HISTORY OF  
10 OVERDOSE, INCARCERATION, AND SUBSTANCE USE TREATMENT FOR  
11 INDIVIDUALS CHARGED PURSUANT TO SECTION 18-18-403.5 (2.5),  
12 INCLUDING WHETHER THE INDIVIDUAL HAS SOUGHT AND BEEN DENIED  
13 ON-DEMAND TREATMENT.

14 (b) THE INDEPENDENT ENTITY MAY PERFORM A QUALITATIVE  
15 ASSESSMENT BY, AT A MINIMUM, CONDUCTING FOCUS GROUPS OR  
16 INTERVIEWS WITH A REPRESENTATIVE SAMPLE OF INDIVIDUALS WHO USE  
17 DRUGS AND SUBSTANCE USE DISORDER CARE PROVIDERS AND HARM  
18 REDUCTION PROVIDERS ACROSS THE STATE AND CONTINUUM.

19 (c) NO LATER THAN DECEMBER 31, 2024, THE INDEPENDENT  
20 ENTITY SHALL SUBMIT A COMPREHENSIVE REPORT OF THE ENTITY'S  
21 FINDINGS TO THE BHA.

22 (d) NO LATER THAN JANUARY 31, 2025, THE BHA SHALL PUBLISH  
23 THE REPORT ON THE BHA'S WEBSITE AND SUBMIT THE REPORT TO THE  
24 HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE, THE HOUSE OF  
25 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN  
26 SERVICES COMMITTEE, THE SENATE HEALTH AND HUMAN SERVICES  
27 COMMITTEE, AND THE SENATE JUDICIARY COMMITTEE, OR THEIR

1 SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR  
2 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)  
3 GOVERNMENT ACT" PRESENTATION REQUIRED PURSUANT TO SECTION  
4 2-7-203.

5 (3) THE COSTS ASSOCIATED WITH PERFORMING THE STUDY  
6 PURSUANT TO THIS SECTION MUST BE PAID FROM THE CORRECTIONAL  
7 TREATMENT CASH FUND CREATED IN SECTION 18-19-103 (4).

8 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

9 **SECTION 44. In Colorado Revised Statutes, 18-19-103, amend**  
10 **(5)(c)(VI) and (5)(c)(VII); and add (5)(c)(VIII) as follows:**

11 **18-19-103. Source of revenues - allocation of money - repeal.**

12 (5) (c) The board may direct that money in the correctional treatment  
13 cash fund may be used for the following purposes:

14 (VI) Recovery support services, including offender reentry; and

15 (VII) Administrative support to the correctional treatment board  
16 including, but not limited to, facilitating and coordinating data collection,  
17 conducting data analysis, developing contracts, preparing reports,  
18 scheduling and staffing board and subcommittee meetings, and engaging  
19 in budget planning and analysis; AND

20 (VIII) (A) THE STUDY OF HEALTH EFFECTS OF FELONIZING  
21 FENTANYL POSSESSION PURSUANT TO SECTION 27-50-802.

22 (B) THIS SUBSECTION (5)(c)(VIII) IS REPEALED, EFFECTIVE JULY  
23 1, 2025.

24 **SECTION 45. In Colorado Revised Statutes, 17-26-104.9,**  
25 **amend (1), (2), and (3); and add (1.5) and (4) as follows:**

26 **17-26-104.9. Opioid treatment for a person in custody -**  
27 **definitions - repeal. (1) (a) A facility, whether operated by a**

1 governmental entity or private contractor, may make available opioid  
2 agonists and opioid antagonists to a person in custody with an opioid use  
3 disorder. The facility is strongly encouraged to maintain the treatment of  
4 the person throughout the duration of the person's incarceration, as  
5 medically necessary.

6 (b) THIS SUBSECTION (1) IS REPEALED EFFECTIVE JULY 1, 2023.

7 (1.5) BY JULY 1, 2023, A FACILITY, WHETHER OPERATED BY A  
8 GOVERNMENTAL ENTITY OR PRIVATE CONTRACTOR, SHALL PROVIDE  
9 MEDICATION-ASSISTED TREATMENT, AND OTHER APPROPRIATE  
10 WITHDRAWAL MANAGEMENT CARE TO A PERSON WITH A SUBSTANCE USE  
11 DISORDER THROUGH THE DURATION OF THE PERSON'S INCARCERATION, AS  
12 MEDICALLY NECESSARY. AT A MINIMUM:

13 (a) THE FACILITY SHALL OFFER OPIOID AGONIST TREATMENT TO A  
14 PERSON IN CUSTODY WITH AN OPIOID USE DISORDER AT INTAKE TO THE  
15 FACILITY OR AT THE REQUEST OF THE PERSON IN CUSTODY. THE FACILITY  
16 SHALL ONLY OFFER OPIOID ANTAGONIST TREATMENT FOR OPIOID USE  
17 DISORDER WHEN SPECIFICALLY REQUESTED BY THE PERSON OR WHEN  
18 MEDICALLY NECESSARY.

19 (b) THE FACILITY SHALL PERFORM A NON-MEDICAL EVALUATION  
20 OF THE PERSON UPON ENTRY INTO CUSTODY AT THE FACILITY FOR  
21 SUBSTANCE USE DISORDER.

22 (c) IF THE PERSON INDICATES THAT THE PERSON HAS A SUBSTANCE  
23 USE DISORDER, OR THE NON-MEDICAL EVALUATION PERFORMED PURSUANT  
24 TO SUBSECTION (1.5)(b) INDICATES THAT THE PERSON MAY HAVE A  
25 SUBSTANCE USE DISORDER, THE FACILITY SHALL REFER THE PERSON TO  
26 THE FACILITY'S MEDICAL PROVIDER FOR AN EVALUATION, AND  
27 SUBSEQUENT DIAGNOSIS, PRESCRIPTION, OR INDUCTION OF AN OPIOID

1 AGONIST, AS MEDICALLY APPROPRIATE.

2 (d) THE FACILITY SHALL MAKE AVAILABLE DAILY A QUALIFIED  
3 MEDICATION ADMINISTRATION PERSONNEL.

4 (e) IF AN INDIVIDUAL IS ADMITTED TO THE JAIL AND HAS A  
5 PRESCRIPTION FOR MEDICATION-ASSISTED TREATMENT, THE JAIL SHALL  
6 CONTINUE THE MEDICATION WITHOUT DELAY.

7 (2) Qualified medication administration personnel may, in  
8 accordance with a written physician's order, administer opioid agonists  
9 and opioid antagonists pursuant to subsection (1) AND (1.5) of this  
10 section.

11 (3) A facility may contract with community-based health  
12 providers, LOCAL PROVIDERS, OR MOBILE UNIT PROVIDERS for the  
13 implementation of this section.

14 (4) THE JAIL SHALL PROVIDE THE INDIVIDUAL WITH A REFERRAL TO  
15 A SUBSTANCE USE PROVIDER WITH THE CAPABILITY TO CONTINUE THE  
16 INDIVIDUAL'S MEDICATION-ASSISTED TREATMENT AND THE CARE  
17 COORDINATION INFRASTRUCTURE DESCRIBED IN SECTION 27-60-204 UPON  
18 RELEASE FROM CUSTODY.

19 **SECTION 46.** In Colorado Revised Statutes, **add** 27-60-106.7 as  
20 follows:

21 **27-60-106.7. Technical assistance to jails - appropriation -**  
22 **repeal.** (1) THE OFFICE OF BEHAVIORAL HEALTH SHALL PROVIDE  
23 TECHNICAL ASSISTANCE TO FACILITIES IN MEETING THEIR REQUIREMENTS  
24 PURSUANT TO SECTION 17-26-104.9 (1.5). TECHNICAL ASSISTANCE  
25 INCLUDES DEVELOPMENT AND IMPLEMENTATION OF  
26 MEDICATION-ASSISTED TREATMENT, APPROVAL OF PRESCRIBERS BY THE  
27 UNITED STATES DRUG ENFORCEMENT AGENCY, AND OTHER APPROPRIATE

1 WITHDRAWAL MANAGEMENT CARE, AND ASSISTANCE WITH IDENTIFYING  
2 BULK PURCHASING OPPORTUNITIES FOR NECESSARY SERVICES.

3 (2) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL  
4 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE  
5 BEHAVIORAL HEALTH AND MENTAL HEALTH CASH FUND, CREATED IN  
6 SECTION 24-75-230, TO THE OFFICE OF BEHAVIORAL HEALTH FOR THE  
7 PURPOSE OF PROVIDING TECHNICAL ASSISTANCE TO JAILS WITH MEETING  
8 THEIR REQUIREMENTS PURSUANT TO SECTION 17-26-104.9.

9 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2024.

10 **SECTION 47. In Colorado Revised Statutes, add 27-50-802, as**  
11 **part 8 of article 50 of title 27 as added by House Bill 22-1278, as**  
12 **follows:**

13 **27-50-802. Technical assistance to jails - appropriation -**  
14 **repeal. (1) THE BEHAVIORAL HEALTH ADMINISTRATION SHALL PROVIDE**  
15 **TECHNICAL ASSISTANCE TO FACILITIES IN MEETING THEIR REQUIREMENTS**  
16 **PURSUANT TO SECTION 17-26-104.9 (1.5). TECHNICAL ASSISTANCE**  
17 **INCLUDES DEVELOPMENT AND IMPLEMENTATION OF**  
18 **MEDICATION-ASSISTED TREATMENT, APPROVAL OF PRESCRIBERS BY THE**  
19 **UNITED STATES DRUG ENFORCEMENT AGENCY, AND OTHER APPROPRIATE**  
20 **WITHDRAWAL MANAGEMENT CARE, AND ASSISTANCE WITH IDENTIFYING**  
21 **BULK PURCHASING OPPORTUNITIES FOR NECESSARY SERVICES.**

22 (2) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL  
23 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE  
24 BEHAVIORAL HEALTH AND MENTAL HEALTH CASH FUND, CREATED IN  
25 SECTION 24-75-230, TO THE BEHAVIORAL HEALTH ADMINISTRATION FOR  
26 THE PURPOSE OF PROVIDING TECHNICAL ASSISTANCE TO JAILS WITH  
27 MEETING THEIR REQUIREMENTS PURSUANT TO SECTION 17-26-104.9.



1 JUSTICE INVOLVEMENT;

2 (c) DEVELOPING EVIDENCE-BASED RECOMMENDATIONS TO  
3 ADDRESS PREVENTABLE OVERDOSE-RELATED DEATH, INCLUDING  
4 LEGISLATION, POLICIES, AREAS FOR FURTHER SCIENTIFIC RESEARCH,  
5 RULES, TRAINING, AND BEST PRACTICES THAT WILL SUPPORT THE HEALTH  
6 AND SAFETY OF INDIVIDUALS WHO USE SUBSTANCES THAT MAY CAUSE  
7 OVERDOSE IN COLORADO AND PREVENT OVERDOSE-RELATED DEATHS; AND

8 (d) ANNUALLY MAKE POLICY-RELATED AND FUNDING-RELATED  
9 RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY  
10 ABOUT DRUG TRENDS, INCLUDING SYNTHETIC DRUGS THAT MAY IMPACT  
11 THE HEALTH AND WELL-BEING OF COLORADANS AND THAT PRESENT A  
12 HIGH RISK FOR CAUSING OVERDOSE-RELATED DEATHS.

13 (2) (a) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT  
14 SHALL APPOINT THE FOLLOWING MEMBERS TO SERVE ON THE COMMITTEE:

15 (I) TWO MEMBERS WHO HAVE EXPERIENCED AN OVERDOSE OR  
16 HAVE A SUBSTANCE USE DISORDER;

17 (II) TWO PHYSICIANS WITH EXPERTISE IN ADDICTION MEDICINE,  
18 ONE OF WHOM HAS EXPERTISE IN MEDICAL COMPLICATIONS OF SUBSTANCE  
19 USE;

20 (III) TWO PUBLIC HEALTH OR EPIDEMIOLOGY EXPERTS WITH  
21 EXPERTISE IN SUBSTANCE USE;

22 (IV) A REPRESENTATIVE OF THE DISTRICT ATTORNEYS APPOINTED  
23 BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS'  
24 COUNCIL;

25 (V) A REPRESENTATIVE OF COUNTY SHERIFFS, APPOINTED BY THE  
26 DIRECTOR OF A STATEWIDE ORGANIZATION REPRESENTING SHERIFFS;

27 (VI) A REPRESENTATIVE OF THE CHIEFS OF POLICE, APPOINTED BY

1 THE PRESIDENT OF A STATEWIDE ORGANIZATION OF CHIEFS OF POLICE;  
2 (VII) A PUBLIC DEFENDER;  
3 (VIII) A REPRESENTATIVE FROM A HARM REDUCTION  
4 ORGANIZATION; AND  
5 (IX) A SUBSTANCE USE TREATMENT OR RECOVERY PROVIDER.  
6 (b) EACH MEMBER'S TERM IS THREE YEARS; EXCEPT THAT THE  
7 TERM OF THE FIRST SIX MEMBERS APPOINTED IS TWO YEARS. MEMBERS  
8 MAY SERVE UP TO THREE TERMS. THE EXECUTIVE DIRECTOR SHALL FILL  
9 ANY VACANCIES ON THE COMMITTEE.  
10 (c) THE EXECUTIVE DIRECTOR SHALL MAKE AN EFFORT TO INCLUDE  
11 COMMITTEE MEMBERS WORKING IN AND REPRESENTING COMMUNITIES  
12 THAT ARE DIVERSE WITH REGARD TO RACE, ETHNICITY, IMMIGRATION  
13 STATUS, ENGLISH PROFICIENCY, INCOME, WEALTH, AND GEOGRAPHIC  
14 REGION OF THE STATE, INCLUDING BOTH URBAN AND RURAL AREAS.  
15 (3) THE COMMITTEE MAY FORM SPECIAL AD HOC PANELS TO  
16 FURTHER INVESTIGATE DRUG TRENDS, OVERDOSES AND  
17 OVERDOSE-RELATED DEATHS WHEN THE NEED ARISES.  
18 (4) THE COMMITTEE SHALL:  
19 (a) REVIEW A REPRESENTATIVE SUBSET OF NON-FATAL AND FATAL  
20 OVERDOSES IN COLORADO;  
21 (b) REVIEW MEDICAL RECORDS AND OTHER RELEVANT DATA  
22 RELATED TO EACH OVERDOSE DEATH, INCLUDING, BUT NOT LIMITED TO,  
23 WHETHER THE PERSON WAS RECENTLY ENGAGED IN TREATMENT OR  
24 PREVIOUSLY INCARCERATED;  
25 (c) TAKE STEPS TO IMPROVE THE QUALITY AND SCOPE OF DATA  
26 OBTAINED THROUGH INVESTIGATIONS AND REVIEW OF OVERDOSES AND  
27 OVERDOSE-RELATED DEATHS;



1           (d) IDENTIFY TRENDS AND PATTERNS ACROSS RACIAL,  
2           GEOGRAPHIC, AND OTHER GROUPS RELATED TO OVERDOSES AND  
3           OVERDOSE-RELATED DEATHS;

4           (e) DEVELOP EVIDENCE-BASED RECOMMENDATIONS FOR THE  
5           PREVENTION OF OVERDOSES AND OVERDOSE-RELATED DEATHS AND  
6           DELIVER THE RECOMMENDATIONS TO THE LEGISLATURE AND GOVERNOR;

7           (f) PERFORM ANY OTHER FUNCTIONS AS RESOURCES ALLOW TO  
8           ENHANCE THE CAPABILITY OF THE STATE TO REDUCE AND PREVENT  
9           OVERDOSES AND OVERDOSE-RELATED DEATHS;

10          (g) ADVISE THE OFFICE IN THE ADMINISTRATION'S WORK ON  
11          DECREASING OVERDOSES AND OVERDOSE-RELATED DEATHS;

12          (h) INFORM THE LEGISLATURE AND GOVERNOR OF DRUG TRENDS  
13          NATIONALLY, INCLUDING IF A NEW DRUG TREND OCCURS AND WHAT THE  
14          STATE MAY DO TO MITIGATE ANY FORTHCOMING HARM THE DRUG MAY  
15          HAVE ON THE STATE; AND

16          (i) FACILITATE THE DEVELOPMENT OF A COMPREHENSIVE  
17          STATEWIDE DATABASE FOR THE PURPOSE OF ADDRESSING THE OVERDOSE  
18          CRISIS.

19          (5) THE OFFICE SHALL COMPILE REPORTS IN DISAGGREGATED AND  
20          DE-IDENTIFIED FORMS ON TRENDS OR OTHER FINDINGS AND  
21          RECOMMENDATIONS ON A BI-ANNUAL BASIS FOR DISTRIBUTION IN AN  
22          EFFORT TO FURTHER STUDY THE CAUSES AND PROBLEMS ASSOCIATED WITH  
23          OVERDOSES AND OVERDOSE-RELATED DEATHS THAT MAY BE DISTRIBUTED  
24          TO POLICY MAKERS, LAW ENFORCEMENT, HEALTH-CARE PROVIDERS AND  
25          FACILITIES, BEHAVIORAL HEALTH PROVIDERS, PUBLIC HEALTH  
26          PROFESSIONALS, AND OTHERS NECESSARY TO REDUCE OVERDOSES AND  
27          OVERDOSE-RELATED DEATHS.

1           (6) (a) (I) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE  
2           COMMITTEE MAY ACCESS MEDICAL RECORDS RELATED TO OVERDOSE  
3           DEATHS UPON REQUEST AT ANY TIME UP TO SEVEN YEARS AFTER THE LAST  
4           TREATMENT OF A PATIENT.

5           (II) A HEALTH-CARE PROVIDER OR A HEALTH-CARE FACILITY  
6           LICENSED OR CERTIFIED PURSUANT TO ARTICLE 3 OF THIS TITLE 25 SHALL  
7           PROVIDE MEDICAL RECORDS TO THE DEPARTMENT CONCERNING EACH  
8           OVERDOSE DEATH FOR ACCESS BY THE MEMBERS OF THE COMMITTEE.

9           (III) UPON REQUEST OF THE DEPARTMENT, A LAW ENFORCEMENT  
10          OFFICER SHALL PROVIDE A POLICE REPORT, AND A CORONER SHALL  
11          PROVIDE RECORDS OF THE CORONER AND MEDICAL EXAMINER  
12          INVESTIGATIONS, THAT INVOLVE A OVERDOSE DEATH TO THE COMMITTEE.

13          (IV) A HEALTH-CARE PROVIDER, PHARMACIST, HEALTH-CARE  
14          FACILITY, LAW ENFORCEMENT OFFICER, OR CORONER IS NOT CIVILLY OR  
15          CRIMINALLY LIABLE FOR THE RELEASE OF MEDICAL RECORDS WHEN  
16          MAKING A GOOD-FAITH EFFORT TO COMPLY WITH THIS SUBSECTION (6).

17          (b) (I) THE DISCUSSIONS IN COMMITTEE MEETINGS OR MEETINGS  
18          OF AN AD HOC PANEL FORMED PURSUANT TO SECTION 25-52-104 (3)  
19          CONCERNING DETAILS OF A OVERDOSE DEATH THAT COULD IDENTIFY AN  
20          INDIVIDUAL INVOLVED ARE CONFIDENTIAL AND ARE NOT SUBJECT TO  
21          SECTION 24-6-402.

22          (II) THE COMMITTEE MEETING NOTES, STATEMENTS, MEDICAL  
23          RECORDS, REPORTS, COMMUNICATIONS, AND MEMORANDA OBTAINED BY  
24          THE COMMITTEE THAT CONTAIN INFORMATION THAT COULD IDENTIFY AN  
25          INDIVIDUAL INVOLVED IN A OVERDOSE DEATH ARE CONFIDENTIAL AND ARE  
26          NOT SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF  
27          ARTICLE 72 OF TITLE 24.

1           (III) MEMBERS OF THE COMMITTEE ARE NOT SUBJECT TO  
2           SUBPOENA IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING  
3           REGARDING THE INFORMATION PRESENTED IN OR OPINIONS FORMED AS A  
4           RESULT OF A MEETING OR COMMUNICATION OF THE COMMITTEE; EXCEPT  
5           THAT THIS SUBSECTION (2)(C) DOES NOT PREVENT A MEMBER OF THE  
6           COMMITTEE FROM TESTIFYING REGARDING INFORMATION OR OPINIONS  
7           OBTAINED INDEPENDENTLY OF THE COMMITTEE OR THAT ARE PUBLIC  
8           INFORMATION.

9           (IV) NOTES, STATEMENTS, MEDICAL RECORDS, REPORTS,  
10          COMMUNICATIONS, AND MEMORANDA THAT ARE CONFIDENTIAL PURSUANT  
11          TO SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION ARE NOT;

12          (A) SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO  
13          EVIDENCE IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING,  
14          UNLESS THE SUBPOENA IS DIRECTED TO A SOURCE THAT IS SEPARATE AND  
15          APART FROM THE COMMITTEE. NOTHING IN THIS SECTION LIMITS OR  
16          RESTRICTS THE RIGHT TO DISCOVER OR USE IN A CIVIL, CRIMINAL, OR  
17          ADMINISTRATIVE PROCEEDING NOTES, STATEMENTS, MEDICAL RECORDS,  
18          REPORTS, COMMUNICATIONS, OR MEMORANDA THAT ARE AVAILABLE FROM  
19          ANOTHER SOURCE SEPARATE AND APART FROM THE COMMITTEE AND THAT  
20          ARISE ENTIRELY INDEPENDENT OF THE COMMITTEE'S ACTIVITIES.

21          (B) ADMISSIBLE AS EVIDENCE IN ANY ACTION IN ANY COURT OR  
22          BEFORE ANY TRIBUNAL, BOARD, AGENCY, OR PERSON AND SHALL NOT BE  
23          EXHIBITED OR DISCLOSED IN ANY WAY BY ANY PERSON UNLESS THE  
24          INFORMATION WAS OBTAINED FROM ANOTHER SOURCE THAT IS SEPARATE  
25          AND APART FROM THE COMMITTEE, EXCEPT AS MAY BE NECESSARY TO  
26          FURTHER THE DUTIES OF THE COMMITTEE OR IN RESPONSE TO AN ALLEGED  
27          VIOLATION OF A CONFIDENTIALITY AGREEMENT PURSUANT TO SUBSECTION

1 (6)(b)(V) OF THIS SECTION.

2 (V) EACH COMMITTEE MEMBER SHALL SIGN A CONFIDENTIALITY  
3 AGREEMENT THAT REQUIRES THE MEMBER'S ADHERENCE TO SUBSECTIONS  
4 (6)(b)(I) AND (6)(b)(II) OF THIS SECTION. A MEMBER WHO KNOWINGLY  
5 VIOLATES THE CONFIDENTIALITY AGREEMENT COMMITS A PETTY OFFENSE.

6 (7) THE COMMITTEE AND THE DEPARTMENT SHALL COMPLY WITH  
7 ALL APPLICABLE STATE AND FEDERAL LAWS AND RULES RELATING TO THE  
8 TRANSMISSION OF HEALTH INFORMATION.

9 (8) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2033.  
10 BEFORE THE REPEAL, THE FUNCTIONS OF THE COMMITTEE ARE SCHEDULED  
11 FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

12 **SECTION 50. In Colorado Revised Statutes, add 27-50-802, as**  
13 **part 8 of article 50 of title 27 as added by House Bill 22-1278, as**  
14 **follows:**

15 **27-50-802. Colorado overdose prevention review committee -**  
16 **creation - duties - repeal. (1) ON JULY 1, 2024, THE COLORADO**  
17 **OVERDOSE PREVENTION REVIEW COMMITTEE IS CREATED IN THE**  
18 **BEHAVIORAL HEALTH ADMINISTRATION, REFERRED TO IN THIS SECTION AS**  
19 **THE "COMMITTEE", FOR THE PURPOSE OF:**

20 (a) REVIEWING SPECIFIC CASES OF NON-FATAL AND FATAL  
21 DRUG-RELATED OVERDOSES THAT OCCUR IN COLORADO;

22 (b) IDENTIFYING THE CAUSES OF OVERDOSES AND  
23 OVERDOSE-RELATED DEATH AND CONDUCTING A REVIEW OF OTHER  
24 FACTORS INCLUDING, BUT NOT LIMITED TO, HOUSING STATUS OR CRIMINAL  
25 JUSTICE INVOLVEMENT;

26 (c) DEVELOPING EVIDENCE-BASED RECOMMENDATIONS TO  
27 ADDRESS PREVENTABLE OVERDOSE-RELATED DEATH, INCLUDING

1 LEGISLATION, POLICIES, AREAS FOR FURTHER SCIENTIFIC RESEARCH,  
2 RULES, TRAINING, AND BEST PRACTICES THAT WILL SUPPORT THE HEALTH  
3 AND SAFETY OF INDIVIDUALS WHO USE SUBSTANCES THAT MAY CAUSE  
4 OVERDOSE IN COLORADO AND PREVENT OVERDOSE-RELATED DEATHS; AND

5 (d) ANNUALLY MAKE POLICY-RELATED AND FUNDING-RELATED  
6 RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY  
7 ABOUT DRUG TRENDS, INCLUDING SYNTHETIC DRUGS THAT MAY IMPACT  
8 THE HEALTH AND WELL-BEING OF COLORADANS AND THAT PRESENT A  
9 HIGH RISK FOR CAUSING OVERDOSE-RELATED DEATHS.

10 (2) (a) THE COMMISSIONER SHALL APPOINT THE FOLLOWING  
11 MEMBERS TO SERVE ON THE COMMITTEE:

12 (I) TWO MEMBERS WHO HAVE EXPERIENCED AN OVERDOSE OR  
13 HAVE A SUBSTANCE USE DISORDER;

14 (II) TWO PHYSICIANS WITH EXPERTISE IN ADDICTION MEDICINE,  
15 ONE OF WHOM HAS EXPERTISE IN MEDICAL COMPLICATIONS OF SUBSTANCE  
16 USE;

17 (III) TWO PUBLIC HEALTH OR EPIDEMIOLOGY EXPERTS WITH  
18 EXPERTISE IN SUBSTANCE USE;

19 (IV) A REPRESENTATIVE OF THE DISTRICT ATTORNEYS APPOINTED  
20 BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS'  
21 COUNCIL;

22 (V) A REPRESENTATIVE OF COUNTY SHERIFFS, APPOINTED BY THE  
23 DIRECTOR OF A STATEWIDE ORGANIZATION REPRESENTING SHERIFFS;

24 (VI) A REPRESENTATIVE OF THE CHIEFS OF POLICE, APPOINTED BY  
25 THE PRESIDENT OF A STATEWIDE ORGANIZATION OF CHIEFS OF POLICE;

26 (VII) A PUBLIC DEFENDER;

27 (VIII) A REPRESENTATIVE FROM A HARM REDUCTION

1 ORGANIZATION; AND

2 (IX) A SUBSTANCE USE TREATMENT OR RECOVERY PROVIDER.

3 (b) EACH MEMBER'S TERM IS THREE YEARS; EXCEPT THAT THE  
4 TERM OF THE FIRST SIX MEMBERS APPOINTED IS TWO YEARS. MEMBERS  
5 MAY SERVE UP TO THREE TERMS. THE EXECUTIVE DIRECTOR SHALL FILL  
6 ANY VACANCIES ON THE COMMITTEE.

7 (c) THE COMMISSIONER SHALL MAKE AN EFFORT TO INCLUDE  
8 COMMITTEE MEMBERS WORKING IN AND REPRESENTING COMMUNITIES  
9 THAT ARE DIVERSE WITH REGARD TO RACE, ETHNICITY, IMMIGRATION  
10 STATUS, ENGLISH PROFICIENCY, INCOME, WEALTH, AND GEOGRAPHIC  
11 REGION OF THE STATE, INCLUDING BOTH URBAN AND RURAL AREAS.

12 (3) THE COMMITTEE MAY FORM SPECIAL AD HOC PANELS TO  
13 FURTHER INVESTIGATE DRUG TRENDS, OVERDOSES AND  
14 OVERDOSE-RELATED DEATHS WHEN THE NEED ARISES.

15 (4) THE COMMITTEE SHALL:

16 (a) REVIEW A REPRESENTATIVE SUBSET OF NON-FATAL AND FATAL  
17 OVERDOSES IN COLORADO;

18 (b) REVIEW MEDICAL RECORDS AND OTHER RELEVANT DATA  
19 RELATED TO EACH OVERDOSE DEATH, INCLUDING, BUT NOT LIMITED TO,  
20 WHETHER THE PERSON WAS RECENTLY ENGAGED IN TREATMENT OR  
21 PREVIOUSLY INCARCERATED;

22 (c) TAKE STEPS TO IMPROVE THE QUALITY AND SCOPE OF DATA  
23 OBTAINED THROUGH INVESTIGATIONS AND REVIEW OF OVERDOSES AND  
24 OVERDOSE-RELATED DEATHS;

25 (d) IDENTIFY TRENDS AND PATTERNS ACROSS RACIAL,  
26 GEOGRAPHIC, AND OTHER GROUPS RELATED TO OVERDOSES AND  
27 OVERDOSE-RELATED DEATHS;

1           (e) DEVELOP EVIDENCE-BASED RECOMMENDATIONS FOR THE  
2 PREVENTION OF OVERDOSES AND OVERDOSE-RELATED DEATHS AND  
3 DELIVER THE RECOMMENDATIONS TO THE LEGISLATURE AND GOVERNOR;

4           (f) PERFORM ANY OTHER FUNCTIONS AS RESOURCES ALLOW TO  
5 ENHANCE THE CAPABILITY OF THE STATE TO REDUCE AND PREVENT  
6 OVERDOSES AND OVERDOSE-RELATED DEATHS;

7           (g) ADVISE THE OFFICE IN THE ADMINISTRATION'S WORK ON  
8 DECREASING OVERDOSES AND OVERDOSE-RELATED DEATHS;

9           (h) INFORM THE LEGISLATURE AND GOVERNOR OF DRUG TRENDS  
10 NATIONALLY, INCLUDING IF A NEW DRUG TREND OCCURS, AND WHAT THE  
11 STATE MAY DO TO MITIGATE ANY FORTHCOMING HARM THE DRUG MAY  
12 HAVE ON THE STATE; AND

13           (i) FACILITATE THE DEVELOPMENT OF A COMPREHENSIVE  
14 STATEWIDE DATABASE FOR THE PURPOSES OF ADDRESSING THE OVERDOSE  
15 CRISIS.

16           (5) THE ADMINISTRATION SHALL COMPILE REPORTS IN  
17 DISAGGREGATED AND DE-IDENTIFIED FORMS ON TRENDS OR OTHER  
18 FINDINGS AND RECOMMENDATIONS ON A BI-ANNUAL BASIS FOR  
19 DISTRIBUTION IN AN EFFORT TO FURTHER STUDY THE CAUSES AND  
20 PROBLEMS ASSOCIATED WITH OVERDOSES AND OVERDOSE-RELATED  
21 DEATHS THAT MAY BE DISTRIBUTED TO POLICY MAKERS, LAW  
22 ENFORCEMENT, HEALTH-CARE PROVIDERS AND FACILITIES, BEHAVIORAL  
23 HEALTH PROVIDERS, PUBLIC HEALTH PROFESSIONALS, AND OTHERS  
24 NECESSARY TO REDUCE OVERDOSES AND OVERDOSE-RELATED DEATHS.

25           (6) (a) (I) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE  
26 COMMITTEE MAY ACCESS MEDICAL RECORDS RELATED TO OVERDOSE  
27 DEATHS UPON REQUEST AT ANY TIME UP TO SEVEN YEARS AFTER THE LAST

1 TREATMENT OF A PATIENT.

2 (II) A HEALTH-CARE PROVIDER OR A HEALTH-CARE FACILITY  
3 LICENSED OR CERTIFIED PURSUANT TO ARTICLE 3 OF THIS TITLE 25 SHALL  
4 PROVIDE MEDICAL RECORDS TO THE ADMINISTRATION CONCERNING EACH  
5 OVERDOSE MORTALITY FOR ACCESS BY THE MEMBERS OF THE COMMITTEE.

6 (III) UPON REQUEST OF THE ADMINISTRATION, A LAW  
7 ENFORCEMENT OFFICER SHALL PROVIDE A POLICE REPORT, AND A CORONER  
8 SHALL PROVIDE RECORDS OF THE CORONER AND MEDICAL EXAMINER  
9 INVESTIGATIONS, THAT INVOLVE A OVERDOSE DEATH TO THE COMMITTEE.

10 (IV) A HEALTH-CARE PROVIDER, PHARMACIST, HEALTH-CARE  
11 FACILITY, LAW ENFORCEMENT OFFICER, OR CORONER IS NOT CIVILLY OR  
12 CRIMINALLY LIABLE FOR THE RELEASE OF MEDICAL RECORDS WHEN  
13 MAKING A GOOD-FAITH EFFORT TO COMPLY WITH THIS SUBSECTION (6).

14 (b) (I) THE DISCUSSIONS IN COMMITTEE MEETINGS OR MEETINGS  
15 OF AN AD HOC PANEL FORMED PURSUANT TO SECTION 25-52-104 (3)  
16 CONCERNING DETAILS OF A OVERDOSE DEATH THAT COULD IDENTIFY AN  
17 INDIVIDUAL INVOLVED ARE CONFIDENTIAL AND ARE NOT SUBJECT TO  
18 SECTION 24-6-402.

19 (II) THE COMMITTEE MEETING NOTES, STATEMENTS, MEDICAL  
20 RECORDS, REPORTS, COMMUNICATIONS, AND MEMORANDA OBTAINED BY  
21 THE COMMITTEE THAT CONTAIN INFORMATION THAT COULD IDENTIFY AN  
22 INDIVIDUAL INVOLVED IN A OVERDOSE DEATH ARE CONFIDENTIAL AND ARE  
23 NOT SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF  
24 ARTICLE 72 OF TITLE 24.

25 (III) MEMBERS OF THE COMMITTEE ARE NOT SUBJECT TO  
26 SUBPOENA IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING  
27 REGARDING THE INFORMATION PRESENTED IN OR OPINIONS FORMED AS A



1 RESULT OF A MEETING OR COMMUNICATION OF THE COMMITTEE; EXCEPT  
2 THAT THIS SUBSECTION (2)(C) DOES NOT PREVENT A MEMBER OF THE  
3 COMMITTEE FROM TESTIFYING REGARDING INFORMATION OR OPINIONS  
4 OBTAINED INDEPENDENTLY OF THE COMMITTEE OR THAT ARE PUBLIC  
5 INFORMATION.

6 (IV) NOTES, STATEMENTS, MEDICAL RECORDS, REPORTS,  
7 COMMUNICATIONS, AND MEMORANDA THAT ARE CONFIDENTIAL PURSUANT  
8 TO SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION ARE NOT;

9 (A) SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO  
10 EVIDENCE IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING,  
11 UNLESS THE SUBPOENA IS DIRECTED TO A SOURCE THAT IS SEPARATE AND  
12 APART FROM THE COMMITTEE. NOTHING IN THIS SECTION LIMITS OR  
13 RESTRICTS THE RIGHT TO DISCOVER OR USE IN A CIVIL, CRIMINAL, OR  
14 ADMINISTRATIVE PROCEEDING NOTES, STATEMENTS, MEDICAL RECORDS,  
15 REPORTS, COMMUNICATIONS, OR MEMORANDA THAT ARE AVAILABLE FROM  
16 ANOTHER SOURCE SEPARATE AND APART FROM THE COMMITTEE AND THAT  
17 ARISE ENTIRELY INDEPENDENT OF THE COMMITTEE'S ACTIVITIES.

18 (B) ADMISSIBLE AS EVIDENCE IN ANY ACTION IN ANY COURT OR  
19 BEFORE ANY TRIBUNAL, BOARD, AGENCY, OR PERSON AND SHALL NOT BE  
20 EXHIBITED OR DISCLOSED IN ANY WAY BY ANY PERSON UNLESS THE  
21 INFORMATION WAS OBTAINED FROM ANOTHER SOURCE THAT IS SEPARATE  
22 AND APART FROM THE COMMITTEE, EXCEPT AS MAY BE NECESSARY TO  
23 FURTHER THE DUTIES OF THE COMMITTEE OR IN RESPONSE TO AN ALLEGED  
24 VIOLATION OF A CONFIDENTIALITY AGREEMENT PURSUANT TO SUBSECTION  
25 (6)(b)(V) OF THIS SECTION.

26 (V) EACH COMMITTEE MEMBER SHALL SIGN A CONFIDENTIALITY  
27 AGREEMENT THAT REQUIRES THE MEMBER'S ADHERENCE TO SUBSECTIONS

1 (6)(b)(I) AND (6)(b)(II) OF THIS SECTION. A MEMBER WHO KNOWINGLY  
2 VIOLATES THE CONFIDENTIALITY AGREEMENT COMMITS A PETTY OFFENSE.

3 (7) THE COMMITTEE AND THE ADMINISTRATION SHALL COMPLY  
4 WITH ALL APPLICABLE STATE AND FEDERAL LAWS AND RULES RELATING TO  
5 THE TRANSMISSION OF HEALTH INFORMATION.

6 (8) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2033.  
7 BEFORE THE REPEAL, THE FUNCTIONS OF THE COMMITTEE ARE SCHEDULED  
8 FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

9 **SECTION 51.** In Colorado Revised Statutes, 2-3-1203, add (22)  
10 as follows:

11 **2-3-1203. Sunset review of advisory committees - legislative**  
12 **declaration - definition - repeal.** (22) (a) THE FOLLOWING STATUTORY  
13 AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL  
14 REPEAL ON SEPTEMBER 1, 2032:

15 (I) THE COLORADO OVERDOSE PREVENTION REVIEW COMMITTEE  
16 CREATED IN SECTION 27-60-114;

17 (b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
18 2033.

19 **SECTION 52.** In Colorado Revised Statutes, 2-3-1203, add (22)  
20 as follows:

21 **2-3-1203. Sunset review of advisory committees - legislative**  
22 **declaration - definition - repeal.** (22) (a) THE FOLLOWING STATUTORY  
23 AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL  
24 REPEAL ON SEPTEMBER 1, 2032:

25 (I) THE COLORADO OVERDOSE PREVENTION REVIEW COMMITTEE  
26 CREATED IN SECTION 27-50-802;

27 (b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1,

1 2033.

2 **SECTION 53. Accountability.** Notwithstanding the requirement  
3 to conduct a review of the implementation of this act either two or five  
4 years after the enactment of this act, three years after this act becomes law  
5 and in accordance with section 2-2-1201, Colorado Revised Statutes, the  
6 legislative service agencies of the Colorado general assembly shall  
7 conduct a post-enactment review of the implementation of this act  
8 utilizing the information contained in the legislative declaration set forth  
9 in section 1 of this act.

10 **SECTION 54. Appropriation.** (1) For the 2022-23 state  
11 fiscal year, \$4,033,875 is appropriated to the department of human  
12 services for use by the behavioral health administration. This  
13 appropriation consists of \$883,875 from the general fund, \$150,000 from  
14 the correctional treatment cash fund created in section 18-19-103 (4)(a),  
15 C.R.S., and \$3,000,000 from the behavioral and mental health cash fund  
16 created in section 24-75-230 (2)(a), C.R.S., which is of money the state  
17 received from the federal coronavirus state fiscal recovery fund. To  
18 implement this act, the administration may use this appropriation as  
19 follows:

20 (a) \$183,875 from the general fund for program administration  
21 related to community behavioral health administration, which amount is  
22 based on an assumption that the administration will require an additional  
23 1.8 FTE;

24 (b) \$700,000 from the general fund for managed service  
25 organization regional evaluations related to substance use treatment and  
26 prevention services;

27 (c) \$150,000 from the correctional treatment cash fund created in

1 section 18-19-103 (4)(a), C.R.S., for a fentanyl education program related  
2 to substance use treatment and prevention services; and

3 (d) \$3,000,000 from the behavioral and mental health cash fund  
4 created in section 24-75-230 (2)(a), C.R.S., for jail-based behavioral  
5 health services related to integrated behavioral health services. Any  
6 money appropriated in this subsection (1)(d) not expended prior to July  
7 1, 2023, is further appropriated to the administration from July 1, 2023,  
8 through December 30, 2024, for the same purpose.

9 (2) For the 2022-23 state fiscal year, \$869,288 is appropriated to  
10 the judicial department for use by probation and related services. This  
11 appropriation consists of \$138,362 from the general fund and \$730,926  
12 from the correctional treatment cash fund created in section 18-19-103  
13 (4)(a), C.R.S. To implement this act, the department may use this  
14 appropriation as follows:

15 (a) \$138,362 for probation programs, which amount is based on an  
16 assumption that the department will require an additional 1.6 FTE; and

17 (b) \$730,926 from the correctional treatment cash fund created in  
18 section 18-19-103 (4)(a), C.R.S., for offender treatment and services.

19 (3) For the 2022-23 state fiscal year, \$1,350,365 is appropriated  
20 to the department of public health and environment for use by the  
21 prevention services division. This appropriation is from the general fund  
22 and is based on an assumption that the division will require an additional  
23 0.6 FTE. To implement this act, the division may use this appropriation  
24 for administration.

25 (4) For the 2022-23 state fiscal year, \$20,000,000 is appropriated  
26 to the opiate antagonist bulk purchase fund created in section 25-1.5-115  
27 (1)(a), C.R.S. This appropriation is from the behavioral and mental health

1 cash fund created in section 24-75-230 (2)(a), C.R.S., and is of money the  
2 state received from the federal coronavirus state fiscal recovery fund. The  
3 department of public health and environment is responsible for the  
4 accounting related to this appropriation.

5 (5) For the 2022-23 state fiscal year, \$6,000,000 is appropriated  
6 to the harm reduction grant program cash fund created in section  
7 25-20.5-1102 (1), C.R.S. This appropriation is from the behavioral and  
8 mental health cash fund created in section 24-75-230 (2)(a), C.R.S., and  
9 is of money the state received from the federal coronavirus state fiscal  
10 recovery fund. The department of public health and environment is  
11 responsible for the accounting related to this appropriation.

12 **SECTION 55. Effective date - applicability.** This act takes  
13 effect on January 1, 2023; except that:

14 (1) Sections 1, 12, 13, 14, 18, 20, 21, 22, 23, 24, 25, 34, 35, and  
15 36 take effect on July 1, 2022;

16 (2) Sections 2, 3, 4, and 5 take effect on July 1, 2022, and applies  
17 to offenses committed on or after said date;

18 (3) Sections 7, 10, 15, 26, and 29 take effect only if House Bill  
19 22-1278 does not become law; and

20 (4) Sections 8, 11, 16, 27, and 30 take effect only if House Bill  
21 22-1278 becomes law.

22 **SECTION 56. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, or safety.