

CHAPTER 115

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 23-1009

BY REPRESENTATIVE(S) Lindsay, Amabile, Bacon, Bird, Boesenecker, Brown, deGruy Kennedy, Dickson, English, Epps, Garcia, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Lieder, Lukens, McCormick, McLachlan, Michaelson Jenet, Ricks, Sharbini, Snyder, Titone, Willford, Young, McCluskie, Kipp, Mabrey, Valdez;
also SENATOR(S) Moreno, Buckner, Coleman, Cutter, Exum, Fields, Ginal, Gonzales, Hinrichsen, Jaquez Lewis, Kolker, Marchman, Priola, Winter F., Zenzinger, Fenberg.

AN ACT

CONCERNING MEASURES TO IMPROVE SERVICES FOR STUDENTS WHO USE SUBSTANCES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

- (a) Substance use is a major issue afflicting Colorado youth;
- (b) Colorado has higher levels of substance use, particularly among youth, than most other states;
- (c) Colorado schools' substance use intervention programs lack uniformity, resulting in inequitable interventions and treatment referrals for youth;
- (d) A screening, brief intervention, and referral to treatment methodology has been adopted by schools with school-based health centers, and this methodology has revolutionized substance use treatment for youth;
- (e) The screening, brief intervention, and referral to treatment methodology, if modified appropriately, may be implemented in secondary schools without school-based health centers in order to provide more support to youth who use substances;
- (f) Access to the crisis response system is critical for youth suffering from

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behavioral health and substance use crises; and

(g) Adequate funding for the crisis response system is necessary to ensure that youth suffering from behavioral health and substance use crises may seek and receive timely support in order to prevent avoidable outcomes.

SECTION 2. In Colorado Revised Statutes, **add 22-2-148** as follows:

22-2-148. Secondary school student substance use - committee - definitions - repeal. (1) (a) THERE IS CREATED IN THE DEPARTMENT THE SECONDARY SCHOOL STUDENT SUBSTANCE USE COMMITTEE, REFERRED TO IN THIS SECTION AS THE "COMMITTEE". ON OR BEFORE SEPTEMBER 1, 2023, THE COMMISSIONER SHALL APPOINT THE FOLLOWING MEMBERS TO SERVE ON THE COMMITTEE:

(I) TWO MEMBERS WHO ARE STUDENTS AT A PUBLIC SECONDARY SCHOOL, ONE WHO ATTENDS A SCHOOL THAT IS LOCATED IN A RURAL SCHOOL DISTRICT AND ONE WHO ATTENDS A SCHOOL THAT IS NOT LOCATED IN A RURAL SCHOOL DISTRICT;

(II) TWO MEMBERS WHO ARE TEACHERS AT A PUBLIC SECONDARY SCHOOL, ONE WHO TEACHES AT A SCHOOL THAT IS LOCATED IN A RURAL SCHOOL DISTRICT AND ONE WHO TEACHES AT A SCHOOL THAT IS NOT LOCATED IN A RURAL SCHOOL DISTRICT;

(III) TWO MEMBERS WHO ARE LICENSED SPECIAL SERVICES PROVIDERS WITH A SCHOOL COUNSELOR ENDORSEMENT AT A PUBLIC SECONDARY SCHOOL WHOSE RESPONSIBILITIES INCLUDE MENTAL HEALTH COUNSELING, ONE WHO IS A LICENSED SPECIAL SERVICES PROVIDER WITH A SCHOOL COUNSELOR ENDORSEMENT AT A SCHOOL THAT IS LOCATED IN A RURAL SCHOOL DISTRICT AND ONE WHO IS A LICENSED SPECIAL SERVICES PROVIDER WITH A SCHOOL COUNSELOR ENDORSEMENT AT A SCHOOL THAT IS NOT LOCATED IN A RURAL SCHOOL DISTRICT;

(IV) TWO MEMBERS WHO ARE SCHOOL ADMINISTRATORS AT A PUBLIC SECONDARY SCHOOL, ONE WHO IS A SCHOOL ADMINISTRATOR AT A SCHOOL THAT IS LOCATED IN A RURAL SCHOOL DISTRICT AND ONE WHO IS A SCHOOL ADMINISTRATOR AT A SCHOOL THAT IS NOT LOCATED IN A RURAL SCHOOL DISTRICT;

(V) TWO MEMBERS WHO ARE PARENTS OR LEGAL GUARDIANS OF A STUDENT ATTENDING A PUBLIC SECONDARY SCHOOL, ONE WHO IS A PARENT OR LEGAL GUARDIAN OF A STUDENT ATTENDING A SCHOOL THAT IS LOCATED IN A RURAL SCHOOL DISTRICT AND ONE WHO IS A PARENT OR LEGAL GUARDIAN OF A STUDENT ATTENDING A SCHOOL THAT IS NOT LOCATED IN A RURAL SCHOOL DISTRICT;

(VI) TWO MEMBERS WHO ARE LICENSED MEDICAL PROFESSIONALS WITH EXPERTISE IN ADOLESCENT SUBSTANCE USE DISORDERS, ONE WHO PRACTICES IN A RURAL REGION AND ONE WHO PRACTICES IN AN URBAN OR SUBURBAN REGION;

(VII) TWO MEMBERS WHO ARE SCHOOL NURSES, ONE WHO IS A SCHOOL NURSE AT A SCHOOL THAT IS LOCATED IN A RURAL SCHOOL DISTRICT AND ONE WHO IS A SCHOOL NURSE AT A SCHOOL THAT IS NOT LOCATED IN A RURAL SCHOOL DISTRICT;

(VIII) TWO MEMBERS WHO ARE EXPERTS IN THE PRACTICE OF SUBSTANCE USE

SCREENING, BRIEF INTERVENTION, AND REFERRAL TO TREATMENT, ONE WHO PRACTICES IN A RURAL REGION AND ONE WHO PRACTICES IN AN URBAN OR SUBURBAN REGION;

(IX) ONE MEMBER WHO REPRESENTS THE OFFICE OF CHILDREN, YOUTH, AND FAMILIES IN THE DEPARTMENT OF HUMAN SERVICES; AND

(X) ONE MEMBER WHO REPRESENTS THE PREVENTION SERVICES DIVISION WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(b) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE COMMITTEE MUST INCLUDE PERSONS FROM THROUGHOUT THE STATE AND REFLECT THE RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY OF THE STATE.

(c) MEMBERS OF THE COMMITTEE SERVE AT THE PLEASURE OF THE COMMISSIONER, AND SERVE WITHOUT COMPENSATION OR PER DIEM; EXCEPT THAT MEMBERS OF THE COMMITTEE ARE ENTITLED TO REIMBURSEMENT FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN PERFORMING THEIR DUTIES UNDER THIS SECTION, INCLUDING MILEAGE REIMBURSEMENT.

(2) THE COMMITTEE SHALL DEVELOP A PRACTICE, OR IDENTIFY OR MODIFY AN EXISTING PRACTICE, FOR SECONDARY SCHOOLS TO IMPLEMENT THAT IDENTIFIES STUDENTS' SUBSTANCE USE, OFFERS BRIEF INTERVENTION WITH INFORMATION REGARDING SUBSTANCE USE AND CONSEQUENTIAL HEALTH RISKS, AND REFERS THE STUDENTS TO SUBSTANCE USE TREATMENT RESOURCES. THE COMMITTEE SHALL CONSIDER EXISTING AND AVAILABLE INFORMATION CONCERNING SECONDARY SCHOOL STUDENT SUBSTANCE USE IN COLORADO, AND HOW THE PRACTICE MUST ADDRESS THE CHALLENGES, RESOURCES, AND NEEDS IDENTIFIED FROM THE EXISTING AND AVAILABLE INFORMATION.

(3) ON OR BEFORE JANUARY 5, 2024, THE COMMITTEE SHALL SUBMIT A REPORT TO THE DEPARTMENT THAT DETAILS THE RECOMMENDED PRACTICE PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE DEPARTMENT SHALL PUBLISH THE REPORT ON ITS WEBSITE AND SUBMIT THE REPORT TO THE SUPERINTENDENT OF EVERY SCHOOL DISTRICT AND THE CHIEF ADMINISTRATOR OF EVERY INSTITUTE CHARTER SCHOOL THAT IS A SECONDARY SCHOOL.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "LICENSED MEDICAL PROFESSIONAL" MEANS A PSYCHOLOGIST OR PHYSICIAN LICENSED TO PRACTICE IN COLORADO.

(b) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN COLORADO THAT THE DEPARTMENT DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA.

(c) "SECONDARY SCHOOL" MEANS A MIDDLE SCHOOL, JUNIOR HIGH SCHOOL, OR HIGH SCHOOL.

(d) "SUBSTANCE USE" MEANS THE USE OF ALCOHOL, TOBACCO, CONTROLLED

SUBSTANCES, OR PRESCRIPTION MEDICATION.

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

SECTION 3. Appropriation. For the 2023-24 state fiscal year, \$49,950 is appropriated to the department of education. This appropriation is from the general fund and is based on an assumption that the department will require an additional 0.2 FTE. To implement this act, the department may use this appropriation for a secondary school student substance use committee.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 26, 2023