



Legislative Council Staff

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Fiscal Note

Drafting Number:	LLS 24-0315	Date:	January 31, 2024
Prime Sponsors:	Rep. Epps; deGruy Kennedy Sen. Priola	Bill Status:	House Health & Human Services
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Bill Topic: **SUBSTANCE USE DISORDERS HARM REDUCTION**

Summary of Fiscal Impact:	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill clarifies that harm reduction centers may provide drug testing services and use a specific appropriation on the equipment. The bill modifies language concerning drug possession to exclude elect actors and actions from penalties. The bill will impact state and local revenue and workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill as recommended by the Opioid and Other Substance Use Disorders Study Committee.

Summary of Legislation

The bill clarifies that harm reduction centers may provide drug testing services and the Department of Public Health and Environment (CDPHE) may use existing funding for synthetic opioid detection tests on other drug testing equipment.

The bill modifies mandatory reporting requirements, court procedures, and the criminal code to:

- exclude injuries involving drug or drug paraphernalia possession from physicians' mandatory reporting requirements;
- clarify that distributors of an opioid antagonist have the same immunity protections as those furnishing or administering the opioid antagonist; and
- exclude sterile equipment received through harm reduction centers and state programs from drug paraphernalia laws.

Additionally, the bill updates the term "opiate antagonist" to "opioid antagonist" throughout statute.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

Possession of drug paraphernalia. This bill creates a new factual basis for the existing offense of possession of drug paraphernalia, a petty offense, by exempting individuals who receive paraphernalia from an approved syringe exchange program or harm reduction center program. From FY 2020-21 to FY 2022-23, 3,140 offenders have been sentenced and convicted for this offense. Of those, 2,173 were male, 956 were female, and 11 didn't have gender identified. Demographically, 2,671 were White, 220 were Black/African-American, 161 were Hispanic, 15 were Asian, 11 were American Indian, 49 were classified as Other, and 13 were unknown. It is assumed that most of these offenses did not include paraphernalia from an approved syringe exchange or harm reduction program.

Immunity for distributing an opioid antagonist. In addition, the bill clarifies that persons who distribute an opioid antagonist are immune from civil and criminal immunity.

Assumption. The fiscal note assumes that there will be minimal reductions in case filings or convictions resulting from the new factual basis for paraphernalia possession or immunity for opioid antagonist distributors. For more information about criminal justice costs in fiscal notes, visit leg.colorado.gov/fiscalnotes.

State Revenue and Expenditures

Criminal justice agencies. Based on the assumptions above, the bill is expected to have a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may decrease by a minimal amount. Similarly, any decrease in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, and the Department of Corrections are assumed to be minimal and no change in appropriations is required.

Department of Public Health and Environment. The bill may minimally increase workload in the CDPHE to update uses of Harm Reduction Grant Program funding. No change in appropriations is required.

Local Government

Similar to the state, it is expected that any workload or cost decreases for district attorneys to prosecute fewer offenses, or for county jails to imprison fewer individuals under the bill will be minimal. District attorney offices and county jails are funded by counties.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Behavioral Health Administration	Counties	District Attorneys
Human Services	Information Technology	Judicial
Public Health and Environment	Regulatory Agencies	Sheriffs

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit: leg.colorado.gov/fiscalnotes.