

## CHAPTER 144

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**CRIMINAL LAW AND PROCEDURE**

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**HOUSE BILL 23-1167**

BY REPRESENTATIVE(S) deGruy Kennedy and Sharbini, Amabile, Bacon, Brown, Dickson, Duran, English, Herod, Jodeh, Lieder, Lindsay, Lindstedt, Mabrey, McCormick, Michaelson Jenet, Ortiz, Ricks, Sirota, Snyder, Titone, Valdez, Vigil, Weissman, Woodrow, Epps;  
also SENATOR(S) Rodriguez, Buckner, Coleman, Cutter, Fields, Ginal, Gonzales, Hansen, Jaquez Lewis, Marchman, Moreno, Priola, Sullivan, Winter F.

**AN ACT****CONCERNING PERSONS WHO REPORT EMERGENCY OVERDOSE EVENTS IN GOOD FAITH.**

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

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

**18-1-711. Immunity for persons who suffer or report an emergency drug or alcohol overdose event - definitions - repeal.** (1) A person is immune from arrest and prosecution for an offense described in subsection (3) of this section if:

(a) The person reports in good faith an emergency drug or alcohol overdose event to a law enforcement officer, to the 911 system, or to a medical provider, **OR THE PERSON AIDS OR SEEKS AID FOR THE PERSON WHO SUFFERED THE EMERGENCY DRUG OR ALCOHOL OVERDOSE;**

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

(a) Unlawful possession of a controlled substance, as described in ~~section 18-18-403.5(2)~~ **SECTION 18-18-403.5 (2) OR (2.5);**

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

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(i) A violation of section 18-18-405 (2)(a)(III)(A), if the unlawful distribution, manufacturing, dispensing, or sale of the material, compound, mixture, or preparation weighs not more than four grams and contains any amount of fentanyl, carfentanil, benzimidazole opiate, or an analog thereof as described in section 18-18-204 (2)(g); AND

(j) A VIOLATION OF SECTION 18-18-405 (2)(d)(II) INVOLVING UNLAWFUL DISTRIBUTION OR TRANSFERRING.

**SECTION 2.** In Colorado Revised Statutes, 18-18-405, **amend** (2)(c) introductory portion and (2)(d) introductory portion; and **add** (8) as follows:

**18-18-405. Unlawful distribution, manufacturing, dispensing, or sale.**

(2) Except as otherwise provided for an offense concerning marijuana and marijuana concentrate in section 18-18-406 and for special offenders as provided in section 18-18-407, any person who violates any of the provisions of subsection (1) of this section:

(c) EXCEPT AS PROVIDED IN SUBSECTION (8) OF THIS SECTION, commits a level 3 drug felony if the violation involves any material, compound, mixture, or preparation that weighs:

(d) EXCEPT AS PROVIDED IN SUBSECTION (8) OF THIS SECTION OR SECTION 18-1-711 (3)(j), commits a level 4 drug felony if:

(8) EXCEPT FOR A PROSECUTION FOR MANUFACTURING, A PERSON COMMITS A LEVEL 1 DRUG MISDEMEANOR FOR A VIOLATION OF SUBSECTION (2)(c)(I), (2)(c)(II), (2)(c)(V), OR (2)(d) OF THIS SECTION, IF:

(a) THE DISTRIBUTION, DISPENSING, TRANSFER, OR SALE INVOLVES A MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT WEIGHS NOT MORE THAN FOUR GRAMS AND CONTAINS ANY AMOUNT OF A CONTROLLED SUBSTANCE IDENTIFIED IN SUBSECTION (2)(c)(I), (2)(c)(II), (2)(c)(V), OR (2)(d) OF THIS SECTION;

(b) THE DEFENDANT REPORTS IN GOOD FAITH AN EMERGENCY DRUG OVERDOSE EVENT TO A LAW ENFORCEMENT OFFICER, TO THE 911 SYSTEM, OR TO A MEDICAL PROVIDER, OR THE DEFENDANT AIDS OR SEEKS AID FOR THE PERSON WHO SUFFERED THE EMERGENCY DRUG OVERDOSE;

(c) THE DEFENDANT REMAINS AT THE SCENE OF THE EVENT UNTIL A LAW ENFORCEMENT OFFICER OR AN EMERGENCY MEDICAL RESPONDER ARRIVES OR THE DEFENDANT REMAINS AT THE FACILITIES OF THE MEDICAL PROVIDER UNTIL A LAW ENFORCEMENT OFFICER ARRIVES;

(d) THE DEFENDANT IDENTIFIES HIMSELF OR HERSELF AND COOPERATES WITH THE LAW ENFORCEMENT OFFICER, EMERGENCY MEDICAL RESPONDER, OR MEDICAL PROVIDER; AND

(e) THE OFFENSE ARISES FROM THE SAME COURSE OF EVENTS FROM WHICH THE EMERGENCY OVERDOSE EVENT AROSE.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: May 1, 2023