

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

HB22-1278 be amended as follows:

- 1 Amend reengrossed bill, page 4, strike line 7 and substitute "AND ALL".
- 2 Page 6, line 26, after the period add "THE BHA SHALL CONSIDER
- 3 RECOMMENDATIONS FROM THE BEHAVIORAL HEALTH ADMINISTRATIVE
- 4 SERVICES ORGANIZATIONS, THE ADVISORY COUNCIL, AND REGIONAL
- 5 SUBCOMMITTEES IN IDENTIFYING SUBPOPULATIONS."
- 6 Page 16, line 5 and 6, strike "NULLIFIED PURSUANT TO SUBSECTION (2)(a)
- 7 OF THIS SECTION." and substitute "NULLIFIED."
- 8 Page 16, lines 18 and 19, strike "REPEALED PURSUANT TO SUBSECTION
- 9 (2)(a) OF THIS SECTION." and substitute "REPEALED."
- 10 Page 16, strike lines 24 through 27.
- 11 Page 17, strike line 1.
- 12 Page 17, line 2, strike "(b)" and substitute "(2)".
- 13 Page 38, strike line 24 through 27.
- 14 Strike page 39.
- 15 Page 40, strike line 1.
- 16 Page 57, line 14, after "(e)" insert "(I)".
- 17 Page 57, after line 15, insert:
- 18 "(II) THE ASSESSMENT OF CIVIL FINES SHALL FOLLOW THE
- 19 PROCEDURES SET FORTH IN SECTION 26.5-5-323."
- 20 Page 65, line 13, strike "AND".
- 21 Page 65, line 17, strike "27-50-201." and substitute "27-50-201; AND
- 22 (d) PREPARING AN ANNUAL REPORT OF RECOMMENDATIONS AND
- 23 SUBMITTING IT TO THE BHA BY SEPTEMBER 1 OF EACH YEAR; THE REPORT
- 24 SHALL BE INCLUDED IN THE BHA'S ANNUAL BEHAVIORAL HEALTH SYSTEM
- 25 PLAN PURSUANT TO SECTION 27-50-204 (1)."
- 26 Page 186, line 25, strike "(7)" and substitute "(7); and **add** (8)".

1 Page 187, line 1, strike "**designation.**" and substitute "**designation -**  
2 **repeal.**".

3 Page 189, after line 18, insert:

4 "(8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.".

5 Page 255, line 16, after "~~center,~~" insert "BEHAVIORAL HEALTH SAFETY NET  
6 PROVIDER, AS DEFINED IN SECTION 27-50-101 (7),".

7 Page 261, after line 20 insert:

8 "**SECTION 240.** In Colorado Revised Statutes, 16-13-311,  
9 **amend as amended by House Bill 22-1278** (3)(a)(VII)(B) as follows:

10 **16-13-311. Disposition of seized personal property.** (3) (a) If  
11 the prosecution prevails in the forfeiture action, the court shall order the  
12 property forfeited. Such order perfects the state's right and interest in and  
13 title to such property and relates back to the date when title to the property  
14 vested in the state pursuant to section 16-13-316. Except as otherwise  
15 provided in subsection (3)(c) of this section, the court shall also order  
16 such property to be sold at a public sale by the law enforcement agency  
17 in possession of the property in the manner provided for sales on  
18 execution, or in another commercially reasonable manner. Property  
19 forfeited pursuant to this section or proceeds therefrom must be  
20 distributed or applied in the following order:

21 (VII) The balance must be delivered, upon order of the court, as  
22 follows:

23 (B) Twenty-five percent to the ~~managed-service~~ BEHAVIORAL  
24 HEALTH ADMINISTRATIVE SERVICES organization contracting with the  
25 behavioral health administration in the department of human services  
26 serving the judicial district where the forfeiture proceeding was  
27 prosecuted to fund detoxification and substance use disorder treatment.  
28 Money appropriated to the ~~managed-service~~ BEHAVIORAL HEALTH  
29 ADMINISTRATIVE SERVICES organization must be in addition to, and not  
30 be used to supplant, other funding appropriated to the behavioral health  
31 administration; and

32 **SECTION 241.** In Colorado Revised Statutes, **amend as**  
33 **amended by House Bill 22-1278** 25.5-5-325 (2)(b) introductory portion  
34 and (2)(b)(I) as follows:

35 **25.5-5-325. Residential and inpatient substance use disorder**  
36 **treatment - medical detoxification services - federal approval -**  
37 **performance review report.** (2) (b) Prior to seeking federal approval  
38 pursuant to subsection (2)(a) of this section, the state department shall  
39 seek input from relevant stakeholders, including existing providers of  
40 substance use disorder treatment and medical detoxification services and

1 ~~managed-service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES  
2 organizations. The state department shall seek input and involve  
3 stakeholders in decisions regarding:

4 (I) The coordination of benefits with ~~managed-service~~  
5 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organizations and the  
6 behavioral health administration in the department of human services;

7 **SECTION 242.** In Colorado Revised Statutes, **amend as**  
8 **amended by House Bill 22-1278** 27-63-105 (2) as follows:

9 **27-63-105. Safety net system implementation - safety net**  
10 **system criteria.** (2) The safety net system must have a network of  
11 behavioral health-care providers that collectively offer a full continuum  
12 of services to ensure individuals with severe behavioral health disorders  
13 are triaged in a timely manner to the appropriate care setting if an  
14 individual behavioral health-care provider is unable to provide ongoing  
15 care and treatment for the individual. The BHA shall consider ~~community~~  
16 ~~mental health centers, managed-service~~ BEHAVIORAL HEALTH SAFETY NET  
17 PROVIDERS, BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES  
18 organizations, contractors for the statewide behavioral health crisis  
19 response system, and other behavioral health community providers as key  
20 elements in the behavioral health safety net system.

21 **SECTION 243.** In Colorado Revised Statutes, **amend as**  
22 **amended by House Bill 22-1278** 27-80-101 (2.6) as follows:

23 **27-80-101. Definitions.** As used in this article 80, unless the  
24 context otherwise requires:

25 (2.6) "Designated service area" means the geographical substate  
26 planning area specified by the commissioner to be served by a ~~designated~~  
27 ~~managed-service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES  
28 organization, as described in section 27-80-107.

29 **SECTION 244.** In Colorado Revised Statutes, **amend as**  
30 **amended by House Bill 22-1278** 27-80-106 (2)(a); and **amend** (2)(b) as  
31 follows:

32 **27-80-106. Purchase of prevention and treatment services.**

33 (2) (a) In addition to the services purchased pursuant to subsection (1) of  
34 this section, using money appropriated for purposes of this section or  
35 available from any other governmental or private source, the BHA may  
36 purchase services for the treatment of alcohol and drug abuse or  
37 substance use disorders on a contract basis from a ~~designated managed~~  
38 ~~service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization for  
39 a designated service area as set forth in section 27-80-107. A public or  
40 private agency, organization, or institution approved by the BHA through  
41 the process set forth in section 27-80-107 may be designated as a  
42 ~~designated managed-service~~ BEHAVIORAL HEALTH ADMINISTRATIVE  
43 SERVICES organization.

1 (b) ~~Designated managed service~~ BEHAVIORAL HEALTH  
2 ADMINISTRATIVE SERVICES organizations receiving money pursuant to this  
3 subsection (2) shall comply with all relevant provisions of and rules  
4 promulgated pursuant to this article 80.

5 **SECTION 245.** In Colorado Revised Statutes, **amend as**  
6 **amended by House Bill 22-1278** 27-80-107.5 (3), (4)(b), (4)(c), (5)(a),  
7 and (5)(b); and **amend** (2) as follows:

8 **27-80-107.5. Increasing access to effective substance use**  
9 **disorder services act - managed service organizations - substance use**  
10 **disorder services - assessment - community action plan - allocations**  
11 **- reporting requirements - evaluation.** (2) On or before February 1,  
12 2017, each ~~managed service~~ BEHAVIORAL HEALTH ADMINISTRATIVE  
13 SERVICES organization designated pursuant to section 27-80-107 shall  
14 assess the sufficiency of substance use disorder services within its  
15 geographic region for adolescents ages seventeen and younger, young  
16 adults ages eighteen through twenty-five, pregnant women, women who  
17 are postpartum and parenting, and other adults who are in need of such  
18 services. During the community assessment process, each ~~managed~~  
19 ~~service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization  
20 shall seek input and information from appropriate BEHAVIORAL HEALTH  
21 entities, ~~such as community mental health centers, behavioral health~~  
22 ~~organizations~~, county departments of human or social services, local  
23 public health agencies, substance use disorder treatment providers, law  
24 enforcement agencies, probation departments, organizations that serve  
25 veterans or homeless individuals, and other relevant stakeholders. The  
26 community assessment must include an analysis of existing funding and  
27 resources within the community to provide a continuum of substance use  
28 disorder services, including prevention, intervention, treatment, and  
29 recovery support services, for adolescents ages seventeen and younger,  
30 young adults ages eighteen through twenty-five, pregnant women, women  
31 who are postpartum and parenting, and other adults who are in need of  
32 such services.

33 (3) (a) On or before March 1, 2017, each ~~managed service~~  
34 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization that has  
35 completed a community assessment pursuant to subsection (2) of this  
36 section shall prepare and submit in electronic format to the BHA and the  
37 department of health care policy and financing a community action plan  
38 to increase access to effective substance use disorder services, referred to  
39 in this section as the "community action plan". The community action  
40 plan must summarize the results of the community assessment and  
41 include a description of how the ~~managed service~~ BEHAVIORAL HEALTH  
42 ADMINISTRATIVE SERVICES organization will utilize its allocation of  
43 funding from the marijuana tax cash fund created in section 39-28.8-501,

1 to address the most critical service gaps in its geographic region and a  
2 timeline for implementation of the community action plan.

3 (b) A ~~managed-service~~ BEHAVIORAL HEALTH ADMINISTRATIVE  
4 SERVICES organization may periodically update its community action plan  
5 to reflect changes in community needs and priorities. Any such updated  
6 plan must be submitted in electronic format to the BHA and the  
7 department of health care policy and financing.

8 (c) On or before May 1, 2017, the BHA shall post the community  
9 action plans from the ~~managed-service~~ BEHAVIORAL HEALTH  
10 ADMINISTRATIVE SERVICES organizations developed pursuant to  
11 SUBSECTION (3)(a) OF THIS SECTION on its website. On or before May 1,  
12 2017, the BHA shall submit a report summarizing all of the community  
13 action plans received from the ~~managed-service~~ BEHAVIORAL HEALTH  
14 ADMINISTRATIVE SERVICES organizations to the joint budget committee,  
15 the health and human services committee of the senate, and the public  
16 AND BEHAVIORAL health ~~care~~ and human services committee of the house  
17 of representatives, or any successor committees. The BHA shall post on  
18 its website any updated community action plans received pursuant to  
19 subsection (3)(b) OF THIS SECTION.

20 (4) (b) On July 1, 2017, and on every July 1 thereafter, the BHA  
21 shall disburse to each ~~designated managed-service~~ BEHAVIORAL HEALTH  
22 ADMINISTRATIVE SERVICES organization that has submitted a community  
23 action plan one hundred percent of the ~~designated managed-service~~  
24 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization's allocation  
25 from the money appropriated from the marijuana tax cash fund.

26 (c) It is the intent of the general assembly that each ~~designated~~  
27 ~~managed-service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES  
28 organization use money allocated to it from the marijuana tax cash fund  
29 to cover expenditures for substance use disorder services that are not  
30 otherwise covered by public or private insurance. Each ~~managed-service~~  
31 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization may use its  
32 allocation from the marijuana tax cash fund to implement its community  
33 action plan, including expenditures for substance use disorder services  
34 and for any start-up costs or other expenses necessary to increase capacity  
35 to provide such services. A ~~designated managed-service~~ BEHAVIORAL  
36 HEALTH ADMINISTRATIVE SERVICES organization must spend its allocation  
37 in the state fiscal year in which it is received or in the next state fiscal  
38 year thereafter. If there is any money from the allocation remaining after  
39 the second state fiscal year, then the ~~designated managed-service~~  
40 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES organization shall return  
41 the money to the BHA. If an enhanced residential and inpatient substance  
42 use disorder treatment and medical detoxification services benefit  
43 becomes available under the Colorado medical assistance program,

1 ~~managed-service~~ BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES  
2 organizations shall determine to what extent money allocated from the  
3 marijuana tax cash fund may be used to assist in providing substance use  
4 disorder treatment, including residential and inpatient substance use  
5 disorder treatment and medical detoxification services, if those services  
6 are not otherwise covered by public or private insurance.

7 (5) (a) On or before September 1, 2017, and on or before each  
8 September 1 thereafter, each ~~designated-managed-service~~ BEHAVIORAL  
9 HEALTH ADMINISTRATIVE SERVICES organization shall submit an annual  
10 report to the BHA, the joint budget committee, the health and human  
11 services committee of the senate, and the public and behavioral health and  
12 human services committee of the house of representatives, or their  
13 successor committees, concerning the amount and purpose of actual  
14 expenditures made using money from the marijuana tax cash fund in the  
15 previous state fiscal year. The report must contain a description of the  
16 impact of the expenditures on addressing the needs that were identified  
17 in the initial and any subsequent community assessments and action plans  
18 developed pursuant to subsection (3) of this section, as well as any other  
19 requirements established for the contents of the report by the BHA.

20 (b) A ~~designated-managed-service~~ BEHAVIORAL HEALTH  
21 ADMINISTRATIVE SERVICES organization shall provide the BHA with  
22 information about actual expenditures as required by the BHA.".

23 Renumber succeeding sections accordingly.

24 Page 265, line 21, strike "240" and substitute "246".

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