

## HB22-1326

## HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Weissman

1 Amend printed bill, page 42, before line 14 insert:

2 "SECTION 31. In Colorado Revised Statutes, **add** part 14 to  
3 article 20.5 of title 25 as follows:

4 PART 14

5 HOUSE BILL 22-1326 INDEPENDENT STUDY

6 **25-20.5-1401. Independent study - report - repeal.** (1) (a) By  
7 JANUARY 1, 2023, THE DEPARTMENT SHALL CONTRACT WITH AN  
8 INDEPENDENT ENTITY TO CONDUCT A STUDY AND PUBLISH A REPORT  
9 CONCERNING THE IMPACT AND IMPLEMENTATION OF HOUSE BILL 22-1326.

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

16 (2) AT A MINIMUM, THE INDEPENDENT ENTITY SHALL IDENTIFY  
17 AND REPORT FINDINGS REGARDING AVAILABLE DATA AND INFORMATION  
18 FROM JULY 1, 2019, THROUGH JUNE 30, 2024. DATA AND INFORMATION  
19 FROM CASES FILED AND PRACTICES IMPLEMENTED PRIOR TO JULY 1, 2022,  
20 MUST BE INCLUDED IN THE STUDY IN AN EFFORT TO ESTABLISH BASELINE  
21 INFORMATION, AS NECESSARY. THE DATA AND INFORMATION MUST BE  
22 REPORTED BOTH ON A STATEWIDE BASIS AND DISAGGREGATED BY  
23 JUDICIAL DISTRICT. THE DATA AND INFORMATION MUST INCLUDE, BUT IS  
24 NOT LIMITED TO:

25 (a) EVERY CASE WITH A CHARGE FILED PURSUANT TO SECTION  
26 18-18-403.5 FOR THE UNLAWFUL POSSESSION OF FENTANYL,  
27 CARFENTANAL, OR AN ANALOG THEREOF, INCLUDING:

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

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

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

33 (IV) THE DISPOSITION OF THE CASE, INCLUDING THE SENTENCE  
34 IMPOSED;

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

37 (VI) WHETHER THE DEFENDANT SUCCESSFULLY COMPLETED THE  
38 SENTENCE, INCLUDING IF THE DEFENDANT SUCCESSFULLY COMPLETED AN  
39 INITIAL PROBATIONARY SENTENCE OR WHETHER PROBATION WAS REVOKED  
40 AND RESULTED IN INCARCERATION IN JAIL OR PRISON;

41 (VII) IF PROBATION WAS REVOKED, WHETHER THE REVOCATION

1 WAS FOR A NEW CRIMINAL CASE OR A TECHNICAL VIOLATION;  
2 (VIII) WHETHER SUBSTANCE ABUSE TREATMENT WAS ORDERED  
3 AND, IF SO, WHAT TYPE, INCLUDING WHETHER THE COURT ORDERED  
4 PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY PURSUANT TO  
5 SECTION 18-1.3-410 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 (b) 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 (c) 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 (d) 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 (e) 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;  
28 (f) THE HARM REDUCTION GRANT PROGRAM, CREATED IN SECTION  
29 25-20.5-1101, INCLUDING:  
30 (I) THE GRANTEES, THE USES OF EACH GRANT, THE AMOUNT OF THE  
31 GRANT AWARD, THE NUMBER OF PEOPLE SERVED BY THE GRANT, AND ANY  
32 AVAILABLE OUTCOME MEASURES AS A RESULT OF THE GRANT USES;  
33 (II) STRATEGIES DEVELOPED AND IMPLEMENTED THROUGH THE  
34 PROGRAM, IF ANY, FOR SERVING POPULATIONS WHO ARE AT A HIGHER RISK  
35 OF OVERDOSE AND LIVE IN UNDERSERVED AREAS; AND  
36 (III) EVIDENCE-BASED RESEARCH DEVELOPED THROUGH THE  
37 PROGRAM CONCERNING BEST OR PROMISING PRACTICES IN OVERDOSE  
38 PREVENTION, EARLY INTERVENTION, HARM REDUCTION, AND  
39 MEDICATION-ASSISTED TREATMENT; AND  
40 (g) EVERY OVERDOSE DEATH CAUSED BY FENTANYL,  
41 CARFENTANAL, OR AN ANALOG THEREOF, OCCURRING IN A JAIL, PRISON, OR  
42 RESIDENTIAL COMMUNITY CORRECTIONS FACILITY OR WHILE UNDER  
43 PROBATION, PAROLE, OR PRETRIAL RELEASE.

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

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

8 (5) THIS PART 14 IS REPEALED, EFFECTIVE JULY 1, 2025.

9 **SECTION 32.** In Colorado Revised Statutes, **add** part 14 to  
10 article 20.5 of title 25 as follows:

11 **PART 14**

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

13 **25-20.5-1401. Independent study - report - repeal.** (1) (a) BY  
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18 DEPARTMENT, THE BEHAVIORAL HEALTH ADMINISTRATION, AND OTHER  
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