

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

June 8, 2020

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

HB20-1017 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Strike the Public Health Care & Human Services Committee Report,  
2 dated February 12, 2020.

3 Amend printed bill, page 2, strike lines 6 through 8 and substitute "PRISON  
4 MAY MAKE AVAILABLE OPIOID AGONISTS AND OPIOID ANTAGONISTS TO A  
5 PERSON IN CUSTODY WITH AN OPIOID USE DISORDER. THE CORRECTIONAL  
6 FACILITY OR PRIVATE CONTRACT PRISON IS STRONGLY ENCOURAGED TO  
7 MAINTAIN THE TREATMENT OF THE PERSON THROUGHOUT THE DURATION  
8 OF THE PERSON'S INCARCERATION, AS MEDICALLY NECESSARY.

9 (2) QUALIFIED MEDICATION ADMINISTRATION PERSONNEL MAY, IN  
10 ACCORDANCE WITH A WRITTEN PHYSICIAN'S ORDER, ADMINISTER OPIOID  
11 AGONISTS AND OPIOID ANTAGONISTS PURSUANT TO SUBSECTION (1) OF  
12 THIS SECTION.

13 (3) A CORRECTIONAL FACILITY OR PRIVATE CONTRACT PRISON  
14 MAY CONTRACT WITH COMMUNITY-BASED HEALTH PROVIDERS FOR THE  
15 IMPLEMENTATION OF THIS SECTION."

16 Page 3, strike line 1.

17 Renumber succeeding subsection accordingly.

18 Page 3, strike lines 15 through 18 and substitute "ENTITY OR PRIVATE  
19 CONTRACTOR, MAY MAKE AVAILABLE OPIOID AGONISTS AND OPIOID  
20 ANTAGONISTS TO A PERSON IN CUSTODY WITH AN OPIOID USE DISORDER.

1 THE FACILITY IS STRONGLY ENCOURAGED TO MAINTAIN THE TREATMENT  
2 OF THE PERSON THROUGHOUT THE DURATION OF THE PERSON'S  
3 INCARCERATION, AS MEDICALLY NECESSARY.

4 (2) QUALIFIED MEDICATION ADMINISTRATION PERSONNEL MAY, IN  
5 ACCORDANCE WITH A WRITTEN PHYSICIAN'S ORDER, ADMINISTER OPIOID  
6 AGONISTS AND OPIOID ANTAGONISTS PURSUANT TO SUBSECTION (1) OF  
7 THIS SECTION.

8 (3) A FACILITY MAY CONTRACT WITH COMMUNITY-BASED HEALTH  
9 PROVIDERS FOR THE IMPLEMENTATION OF THIS SECTION."

10 Renumber succeeding subsection accordingly.

11 Page 4, line 10, strike "SHALL" and substitute "MAY".

12 Page 4, strike lines 11 through 14 and substitute "OPIOID AGONISTS AND  
13 OPIOID ANTAGONISTS TO A PERSON COMMITTED TO OR PLACED WITHIN THE  
14 FACILITY WITH AN OPIOID USE DISORDER. THE FACILITY IS STRONGLY  
15 ENCOURAGED TO MAINTAIN THE TREATMENT OF THE PERSON THROUGHOUT  
16 THE DURATION OF THE PERSON'S COMMITMENT, AS MEDICALLY  
17 NECESSARY.

18 (2) QUALIFIED MEDICATION ADMINISTRATION PERSONNEL MAY, IN  
19 ACCORDANCE WITH A WRITTEN PHYSICIAN'S ORDER, ADMINISTER OPIOID  
20 AGONISTS AND OPIOID ANTAGONISTS PURSUANT TO SUBSECTION (1) OF  
21 THIS SECTION.

22 (3) A STATE DEPARTMENT FACILITY MAY CONTRACT WITH  
23 COMMUNITY-BASED HEALTH PROVIDERS FOR THE IMPLEMENTATION OF  
24 THIS SECTION."

25 Renumber succeeding subsection accordingly.

26 Page 5, line 1, strike "SHALL" and substitute "IS STRONGLY ENCOURAGED  
27 TO".

28 Page 5, line 10, strike "EITHER".

29 Page 5, strike lines 11 through 13 and substitute "UTILIZE CURRENT  
30 PROCEDURES AND PROTOCOLS FOR THE DISPOSAL OF THE CONTROLLED  
31 SUBSTANCES."

32 Page 5, strike lines 23 and 24 and substitute "SHALL PROVIDE THE PERSON  
33 WITH INFORMATION ABOUT THE BEHAVIORAL HEALTH CRISIS RESPONSE

1 SYSTEM, CREATED IN SECTION 27-60-103, TO HELP IDENTIFY AVAILABLE  
2 TREATMENT OPTIONS AND, IF PRACTICABLE, PROVIDE TRANSPORTATION  
3 FOR THE PERSON TO THE MOST APPROPRIATE FACILITY FOR TREATMENT OF  
4 A SUBSTANCE USE DISORDER. INFORMATION ABOUT THE CRISIS HOTLINE  
5 MUST BE DEVELOPED BY THE OFFICE OF BEHAVIORAL HEALTH IN THE  
6 STATE DEPARTMENT AND BE PROVIDED TO SAFE STATIONS FOR  
7 DISTRIBUTION."

8 Page 5, before line 25 insert:

9 "(3) THIS SECTION DOES NOT APPLY IF SAFE STATION PERSONNEL  
10 ARE NOT AVAILABLE TO ASSIST A PERSON WHO ARRIVES AT A SAFE  
11 STATION FOR DISPOSAL OF A CONTROLLED SUBSTANCE."

12 Renumber succeeding subsection accordingly.

13 Page 6, line 6, strike "SHALL" and substitute "SHALL, AT A MINIMUM,".

14 Page 6, strike lines 9 through 11.

15 Page 6, line 12, strike "(c)" and substitute "(a)".

16 Page 6, line 13, after "PERSON;" add "AND".

17 Page 6, strike lines 14 through 18 and substitute:

18 "(b) PROVIDE A LIST OF AVAILABLE SUBSTANCE USE PROVIDERS,  
19 TO THE EXTENT THE OFFICE OF BEHAVIORAL HEALTH IN THE STATE  
20 DEPARTMENT HAS SUCH A LIST AVAILABLE.

21 (2) THE COUNTY JAIL SHALL PROVIDE MEDICAID REENROLLMENT  
22 PAPERWORK TO THE PERSON WHEN THE PERSON ENTERS THE COUNTY JAIL.  
23 THE COUNTY JAIL MUST FILE THE MEDICAID PAPERWORK WITH THE  
24 COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES UPON RELEASING  
25 THE PERSON FROM THE COUNTY JAIL'S CUSTODY."

26 Page 7, line 24, after "(1)" insert "(a)".

27 Page 8, after line 4 insert:

28 "(b) THE OFFICE OF BEHAVIORAL HEALTH IN THE STATE  
29 DEPARTMENT MAY REQUIRE CRIMINAL JUSTICE DIVERSION PROGRAMS  
30 CONTRACTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION TO  
31 PARTICIPATE AS A MOBILE CRISIS SERVICE IN THE BEHAVIORAL HEALTH  
32 CRISIS RESPONSE SYSTEM, CREATED PURSUANT TO SECTION 27-60-103."

1 Page 8, strike lines 19 through 26 and substitute:

2 "SECTION 11. In Colorado Revised Statutes, 27-60-100.3, **add**  
3 (1.5) as follows:

4 **27-60-100.3. Definitions.** (1.5) "CRIMINAL JUSTICE DIVERSION  
5 PROGRAM" MEANS A PROGRAM CREATED PURSUANT TO SECTION  
6 27-60-106.5 OR PROGRAMS OPERATED BY CITIES OR COUNTIES THAT  
7 CONNECT LAW ENFORCEMENT OFFICERS WITH BEHAVIORAL HEALTH  
8 PROVIDERS TO ASSIST INDIVIDUALS IN NEED OF BEHAVIORAL HEALTH  
9 INTERVENTIONS OR TO DIVERT INDIVIDUALS FROM THE CRIMINAL JUSTICE  
10 SYSTEM.

11 **SECTION 12.** In Colorado Revised Statutes, 27-60-104, **amend**  
12 (2) as follows:

13 **27-60-104. Behavioral health crisis response system - crisis**  
14 **service facilities - walk-in centers - mobile response units.** (2) (a) On  
15 or before January 1, 2018, the state department shall ensure that mobile  
16 response units are available to respond to a behavioral health crisis  
17 anywhere in the state within no more than two hours, either face-to-face  
18 or using telehealth operations, for mobile crisis evaluations.

19 (b) MOBILE CRISIS SERVICES MAY BE DELIVERED BY CRIMINAL  
20 JUSTICE DIVERSION PROGRAMS APPROVED BY THE STATE DEPARTMENT OR  
21 A CRISIS RESPONSE SYSTEM CONTRACTOR.

22 **SECTION 13. Act subject to petition - effective date.** This act  
23 takes effect at 12:01 a.m. on the day following the expiration of the  
24 ninety-day period after final adjournment of the general assembly; except  
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
26 of the state constitution against this act or an item, section, or part of this  
27 act within such period, then the act, item, section, or part will not take  
28 effect unless approved by the people at the general election to be held in  
29 November 2022 and, in such case, will take effect on the date of the  
30 official declaration of the vote thereon by the governor."

31 Page 1, strike lines 103 and 104 and substitute "**JUSTICE SYSTEM.**".

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