

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0255.01 Kristen Forrestal x4217

HOUSE BILL 18-1003

HOUSE SPONSORSHIP

Pettersen, Buck, Kennedy, Singer

SENATE SPONSORSHIP

Priola and Jahn, Aguilar, Lambert, Tate

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PREVENT OPIOID MISUSE IN COLORADO.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Opioid and Other Substance Use Disorders Interim Study Committee. Section 1 of the bill establishes in statute the opioid and other substance use disorders study committee, consisting of 5 senators and 5 representatives from the general assembly, to:

- ! Study data and statistics on the scope of the substance use disorder problem in Colorado;
- ! Study current prevention, intervention, harm reduction, treatment, and recovery resources available to Coloradans,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- as well as public and private insurance coverage and other sources of support for treatment and recovery resources;
- ! Review the availability of medication-assisted treatment and the ability of pharmacists to prescribe those medications;
- ! Examine measures that other states and countries use to address substance use disorders;
- ! Identify the gaps in prevention, intervention, harm reduction, treatment, and recovery resources available to Coloradans and hurdles to accessing those resources; and
- ! Identify possible legislative options to address gaps and hurdles to accessing prevention, intervention, harm reduction, treatment, and recovery resources.

The committee is authorized to meet 6 times in a calendar year and may report up to 6 legislative measures to the legislative council, which bills are exempt from bill limitations and introduction deadlines. The committee is repealed on July 1, 2020.

Section 2 specifies school-based health care centers may apply for grants from the school-based health center grant program to expand behavioral health services to include treatment for opioid and other substance use disorders.

Section 3 directs the department of health care policy and financing, starting July 1, 2018, to award grants to organizations to operate a substance abuse screening, brief intervention, and referral program.

Section 4 directs the center for research into substance use disorder prevention, treatment, and recovery to develop and implement continuing medical education activities to help prescribers of pain medication to safely and effectively manage patients with chronic pain, and when appropriate, prescribe opioids. Sections 2 through 4 also direct the general assembly to appropriate money to implement those sections.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 22.3 to
 3 title 10 as follows:

4 **ARTICLE 22.3**

5 **Opioid and Other Substance Use Disorders Study Committee**

6 **10-22.3-101. Opioid and other substance use disorders study**
 7 **committee - creation - members - purposes.** (1)(a) NOTWITHSTANDING

1 SECTION 2-3-303.3, THERE IS HEREBY CREATED THE OPIOID AND OTHER
2 SUBSTANCE USE DISORDERS STUDY COMMITTEE. THE COMMITTEE
3 CONSISTS OF TEN MEMBERS OF THE GENERAL ASSEMBLY APPOINTED ON OR
4 BEFORE JUNE 1, 2018, AS FOLLOWS:

5 (I) FIVE MEMBERS OF THE SENATE, WITH THREE MEMBERS
6 APPOINTED BY THE PRESIDENT OF THE SENATE AND TWO MEMBERS
7 APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

8 (II) FIVE MEMBERS OF THE HOUSE OF REPRESENTATIVES, WITH
9 THREE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
10 REPRESENTATIVES AND TWO MEMBERS APPOINTED BY THE MINORITY
11 LEADER OF THE HOUSE OF REPRESENTATIVES.

12 (b) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
13 APPOINT THE CHAIR OF THE COMMITTEE IN EVEN-NUMBERED YEARS AND
14 THE VICE-CHAIR IN ODD-NUMBERED YEARS, AND THE PRESIDENT OF THE
15 SENATE SHALL APPOINT THE CHAIR OF THE COMMITTEE IN ODD-NUMBERED
16 YEARS AND THE VICE-CHAIR IN EVEN-NUMBERED YEARS.

17 (2) THE COMMITTEE SHALL:

18 (a) STUDY DATA AND STATISTICS ON THE SCOPE OF THE
19 SUBSTANCE USE DISORDER PROBLEM IN COLORADO, INCLUDING TRENDS IN
20 RATES OF SUBSTANCE ABUSE, TREATMENT ADMISSIONS, AND DEATHS FROM
21 SUBSTANCE USE;

22 (b) STUDY THE CURRENT PREVENTION, INTERVENTION, HARM
23 REDUCTION, TREATMENT, AND RECOVERY RESOURCES, INCLUDING
24 SUBSTANCE ABUSE PREVENTION OUTREACH AND EDUCATION, AVAILABLE
25 TO COLORADANS, AS WELL AS PUBLIC AND PRIVATE INSURANCE COVERAGE
26 AND OTHER SOURCES OF SUPPORT FOR TREATMENT AND RECOVERY
27 RESOURCES;

1 (c) REVIEW THE AVAILABILITY OF MEDICATION-ASSISTED
2 TREATMENT AND WHETHER PHARMACISTS CAN PRESCRIBE THOSE
3 MEDICATIONS THROUGH THE DEVELOPMENT OF COLLABORATIVE
4 PHARMACY PRACTICE AGREEMENTS WITH PHYSICIANS;

5 (d) EXAMINE THE MEASURES THAT OTHER STATES AND COUNTRIES
6 USE TO ADDRESS SUBSTANCE USE DISORDERS, INCLUDING
7 EVIDENCE-BASED BEST PRACTICES AND THE USE OF EVIDENCE IN
8 DETERMINING STRATEGIES TO TREAT SUBSTANCE USE DISORDERS, AND
9 BEST PRACTICES ON THE USE OF PRESCRIPTION DRUG MONITORING
10 PROGRAMS;

11 (e) IDENTIFY THE GAPS IN PREVENTION, INTERVENTION, HARM
12 REDUCTION, TREATMENT, AND RECOVERY RESOURCES AVAILABLE TO
13 COLORADANS AND HURDLES TO ACCESSING THOSE RESOURCES; AND

14 (f) IDENTIFY POSSIBLE LEGISLATIVE OPTIONS TO ADDRESS GAPS
15 AND HURDLES TO ACCESSING PREVENTION, INTERVENTION, HARM
16 REDUCTION, TREATMENT, AND RECOVERY RESOURCES.

17 (3) (a) THE COMMITTEE SHALL MEET AS NECESSARY UP TO SIX
18 TIMES PER CALENDAR YEAR DURING ANY LEGISLATIVE SESSION OR ANY
19 INTERIM BETWEEN LEGISLATIVE SESSIONS. THE COMMITTEE MAY
20 INTRODUCE UP TO A TOTAL OF SIX BILLS IN EACH OF THE 2019 AND 2020
21 LEGISLATIVE SESSIONS. BILLS THAT THE COMMITTEE INTRODUCES ARE
22 EXEMPT FROM THE FIVE-BILL LIMITATION SPECIFIED IN RULE 24 (b)(1)(A)
23 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

24 (b) NO LATER THAN NOVEMBER 1, 2018, AND NO LATER THAN
25 EACH NOVEMBER 1 THEREAFTER, THE COMMITTEE SHALL MAKE A REPORT
26 TO THE LEGISLATIVE COUNCIL CREATED IN SECTION 2-3-301 THAT MAY
27 INCLUDE RECOMMENDATIONS FOR LEGISLATION.

1 (4) (a) MEMBERS OF THE COMMITTEE ARE ENTITLED TO RECEIVE
2 THE USUAL PER DIEM AND NECESSARY TRAVEL AND SUBSISTENCE
3 EXPENSES AS PROVIDED PURSUANT TO SECTION 2-2-307 FOR MEMBERS OF
4 THE GENERAL ASSEMBLY WHO ATTEND INTERIM COMMITTEE MEETINGS.

5 (b) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
6 AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL
7 PROVIDE STAFF ASSISTANCE TO THE COMMITTEE.

8 **10-22.3-102. Repeal of article.** THIS ARTICLE 22.3 IS REPEALED,
9 EFFECTIVE JULY 1, 2020.

10 **SECTION 2.** In Colorado Revised Statutes, **add 10-16-124.8** as
11 follows:

12 **10-16-124.8. Colorado consortium for prescription drug abuse**
13 **prevention - create process for recovery - report.** (1) THE GOVERNOR
14 SHALL DIRECT THE COLORADO CONSORTIUM FOR PRESCRIPTION DRUG
15 ABUSE PREVENTION WITHIN THE UNIVERSITY OF COLORADO TO:

16 (a) CREATE A PROCESS WITH THE SUBSTANCE ABUSE RECOVERY
17 COMMUNITY TO DEVELOP A STRATEGIC PLAN THAT ADDRESSES THE FULL
18 CONTINUUM OF RECOVERY SERVICES, INCLUDING DETOXIFICATION
19 SERVICES AND REINTEGRATION INTO THE COMMUNITY WITH PEER SUPPORT,
20 FOR INDIVIDUALS WHO EXPERIENCE SUBSTANCE USE DISORDER;

21 (b) DEVELOP A DEFINITION FOR RECOVERY RESIDENCES AND ISSUE
22 RECOMMENDATIONS REGARDING WHETHER RECOVERY RESIDENCES
23 SHOULD BE LICENSED; AND

24 (c) REPORT THE RECOMMENDATIONS PURSUANT TO THIS SECTION
25 TO THE GENERAL ASSEMBLY ON OR BEFORE JANUARY 1, 2020.

26 (2) MONEY IN THE GENERAL FUND MAY NOT BE USED FOR THE
27 IMPLEMENTATION OF THIS SECTION.

1 **SECTION 3.** In Colorado Revised Statutes, 25-20.5-503, **amend**
2 (2) as follows:

3 **25-20.5-503. School-based health center grant program -**
4 **creation - funding - grants - repeal.** (2) (a) Operators of school-based
5 health centers may apply for grants for the benefit of school-based health
6 centers. The grant program shall provide grants for school-based health
7 centers selected by the division. The division, in consultation with
8 school-based health centers, shall develop criteria under which the grants
9 are distributed and evaluated. In developing the criteria for grants, the
10 division shall give priority to centers that serve a disproportionate number
11 of uninsured children or a low-income population or both and may award
12 grants to establish new school-based health centers; to expand primary
13 health services, behavioral health services, INCLUDING EDUCATION,
14 INTERVENTION, AND PREVENTION SERVICES FOR OPIOID, ALCOHOL, AND
15 MARIJUANA, AND OTHER SUBSTANCE USE DISORDERS, or oral health
16 services offered by existing school-based health centers; to expand
17 enrollment in the children's basic health plan; or to provide support for
18 ongoing operations of school-based health centers. None of the grants
19 shall be awarded to provide abortion services in violation of section 50
20 of article V of the state constitution.

21 (b) (I) ON OR BEFORE JULY 1, 2018, THE GENERAL ASSEMBLY
22 SHALL APPROPRIATE SEVEN HUNDRED SEVENTY-FIVE THOUSAND DOLLARS
23 TO THE DEPARTMENT FROM THE MARIJUANA TAX CASH FUND CREATED IN
24 SECTION 39-28.8-501 FOR THE PURPOSES OF EXPANDING BEHAVIORAL
25 HEALTH THERAPY, INTERVENTION, AND PREVENTION SERVICES FOR OPIOID,
26 ALCOHOL, AND MARIJUANA, AND OTHER SUBSTANCE USE DISORDERS
27 PURSUANT TO THIS SUBSECTION (2).

1 (II) THIS SUBSECTION (2)(b) IS REPEALED EFFECTIVE SEPTEMBER
2 1, 2019.

3 **SECTION 4.** In Colorado Revised Statutes, **amend** 25.5-5-208
4 as follows:

5 **25.5-5-208. Additional services - training - grants - screening,**
6 **brief intervention, and referral - repeal.** (1) On or before June 30,
7 2016, the state department shall grant, through a competitive grant
8 program, up to five hundred thousand dollars to one or more
9 organizations to provide evidence-based training and outreach to health
10 professionals statewide related to screening, brief intervention, and
11 referral to treatment for individuals at risk of substance abuse for whom
12 Colorado provides optional services in accordance with section
13 25.5-5-202 (1)(u). For any fiscal year beginning on or after July 1, 2016,
14 UNTIL THE FISCAL YEAR ENDING JUNE 30, 2018, the state department shall
15 award additional grants for this training and outreach, subject to available
16 appropriations. Any moneys appropriated for grants pursuant to this
17 section are not subject to federal financial participation.

18 (2) (a) ON OR AFTER JULY 1, 2018, THE STATE DEPARTMENT SHALL
19 GRANT, THROUGH A COMPETITIVE GRANT PROGRAM, ONE MILLION TWO
20 HUNDRED FIFTY THOUSAND DOLLARS TO ONE OR MORE ORGANIZATIONS TO
21 OPERATE A SUBSTANCE ABUSE SCREENING, BRIEF INTERVENTION, AND
22 REFERRAL SCREENING PRACTICE. THE GRANT PROGRAM MUST REQUIRE:

23 (I) TRAINING FOR HEALTH CARE PROFESSIONALS STATEWIDE THAT
24 IS EVIDENCE-BASED AND THAT MAY BE ATTENDED EITHER IN PERSON OR
25 ONLINE. THE TRAINING MUST INCLUDE TRAINING FOR REIMBURSEMENT
26 AND BILLING CODES IN THE "COLORADO MEDICAL ASSISTANCE ACT",
27 ARTICLES 4 TO 6 OF THIS TITLE 25.5.

1 (II) CONSULTATION AND TECHNICAL ASSISTANCE FOR HEALTH
2 CARE PROVIDERS, HEALTH CARE ORGANIZATIONS, AND STAKEHOLDERS;

3 (III) OUTREACH, COMMUNICATION, AND EDUCATION TO PROVIDERS
4 AND PATIENTS;

5 (IV) COORDINATION WITH PRIMARY CARE, MENTAL HEALTH CARE,
6 INTEGRATED HEALTH CARE, AND SUBSTANCE USE PREVENTION,
7 TREATMENT, AND RECOVERY EFFORTS; AND

8 (V) CAMPAIGNING TO INCREASE PUBLIC AWARENESS OF THE RISKS
9 RELATED TO ALCOHOL, MARIJUANA, TOBACCO, AND DRUG USE AND TO
10 REDUCE ANY STIGMA ASSOCIATED WITH TREATMENT.

11 (b) (I) THE STATE DEPARTMENT CONTRACTOR SHALL DEVELOP A
12 PATIENT EDUCATION TOOL FOR WOMEN OF CHILDBEARING AGE TO LEARN
13 ABOUT THE RISKS OF SUBSTANCE-EXPOSED PREGNANCIES, TO BE
14 DEPLOYED FOR PUBLIC USE IN THE STATE.

15 (II) (A) ON OR BEFORE JULY 1, 2018, THE GENERAL ASSEMBLY
16 SHALL APPROPRIATE ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS TO
17 THE STATE DEPARTMENT FROM THE MARIJUANA TAX CASH FUND CREATED
18 IN SECTION 39-28.8-501 FOR THE PURPOSES OF THIS SUBSECTION (2)(b).

19 (B) THIS SUBSECTION (2)(b)(II) IS REPEALED, EFFECTIVE
20 SEPTEMBER 1, 2019.

21 **SECTION 5.** In Colorado Revised Statutes, **add 26-6.8-107** as
22 follows:

23 **26-6.8-107. Opioid prevention grant pilot program - fund -**
24 **report.** (1) (a) THERE IS CREATED, IN THE TONY GRAMPSAS YOUTH
25 SERVICES PROGRAM, THE CHARLIE HUGHES AND NATHAN GAUNA OPIOID
26 PREVENTION PROGRAM TO IMPROVE YOUNG LIVES, WHICH IS A
27 THREE-YEAR GRANT PILOT PROGRAM, REFERRED TO IN THIS SECTION AS

1 THE "PROGRAM", FOR PREVENTING OPIOID USE AMONG THE STATE'S YOUTH
2 POPULATION AND SUPPORTING YOUTH WHOSE FAMILY MEMBERS
3 EXPERIENCE ADDICTION. AN ENTITY THAT RECEIVES A GRANT PURSUANT
4 TO THIS SECTION SHALL APPLY THE GRANT TO ADMINISTER AN
5 EVIDENCE-BASED PROGRAM WITH CLEAR METRICS AND BENCHMARKS TO
6 DEVELOP, IMPLEMENT, AND IDENTIFY PROOF POINTS AND BEST PRACTICES
7 FOR PREVENTING OPIOID USE AMONG THE STATE'S YOUTH POPULATION.

8 (b) (I) THE STATE DEPARTMENT SHALL OVERSEE THE GRANT
9 PROCESS, INCLUDING THE PUBLICATION OF THE REQUIREMENTS TO RECEIVE
10 A GRANT, THE REVIEW OF APPLICANTS, AND THE SELECTION OF GRANT
11 RECIPIENTS.

12 (II) IN CHOOSING THE GRANT RECIPIENTS, THE STATE DEPARTMENT
13 SHALL CONSIDER THE NUMBER OF YOUTH TO BE SERVED BY THE
14 APPLICANT, THE GEOGRAPHIC LOCATION OF THE APPLICANT, AND THE
15 DEMONSTRATION OF NEED IN THE GEOGRAPHIC AREA TO BE SERVED. THE
16 STATE DEPARTMENT MAY AWARD A GRANT TO ONE OR MORE, BUT NOT TO
17 EXCEED FIVE, GEOGRAPHICALLY DIVERSE APPLICANTS.

18 (2) THE STATE DEPARTMENT SHALL REQUIRE THAT AN APPLICANT
19 FOR A GRANT THROUGH THE PROGRAM MEET THE FOLLOWING CRITERIA:

20 (a) THE APPLICANT SERVES YOUTH FIVE YEARS OF AGE AND OLDER
21 BUT YOUNGER THAN NINETEEN YEARS OF AGE;

22 (b) THE APPLICANT SERVES YOUTH LIVING IN COMMUNITIES
23 EXPERIENCING AN OPIOID CRISIS;

24 (c) THE APPLICANT DEMONSTRATES THAT IT WILL ADMINISTER AN
25 EVIDENCE-BASED PROGRAM WITH CLEAR METRICS AND BENCHMARKS;

26 (d) THE APPLICANT HAS CONDUCTED NATIONAL RESEARCH THAT
27 SHOWS THAT THE APPLICANT HAS THE CAPACITY TO DELIVER PARTICIPANT

1 OUTCOMES ASSOCIATED WITH DECREASED LEVELS OF OPIOID OR OTHER
2 SUBSTANCE USE;

3 (e) THE APPLICANT HAS A HISTORY OF DELIVERING YOUTH
4 PREVENTION PROGRAMS; AND

5 (f) THE APPLICANT HAS AGREED THAT DURING EACH GRANT YEAR:

6 (I) THE APPLICANT WILL MEASURE THE YOUTH PARTICIPANTS'
7 ATTITUDES ON OPIOID USE AND OTHER SUBSTANCE USE; AND

8 (II) THE APPLICANT WILL TRACK DEMOGRAPHICS, ATTENDANCE,
9 AND PARTICIPATION IN THE INDIVIDUAL GRANTEE PROGRAM AND COMPILE
10 AGGREGATED FEEDBACK ON THIS INFORMATION FOR THE REPORT
11 REQUIRED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

12 (3) THE TONY GRAMPSAS YOUTH SERVICES PROGRAM SHALL
13 AWARD THE GRANTS TO THE SELECTED RECIPIENTS ON OR BEFORE
14 OCTOBER 1, 2018, AND CONTRACT WITH THE GRANT RECIPIENTS NO LATER
15 THAN NOVEMBER 1, 2018.

16 (4) (a) THERE IS CREATED IN THE STATE TREASURY THE YOUTH
17 OPIOID AND SUBSTANCE USE PREVENTION FUND, WHICH CONSISTS OF
18 MONEY APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY
19 BEGINNING IN FISCAL YEAR 2018, FOR THE DIRECT AND INDIRECT COSTS
20 ASSOCIATED WITH THE PROGRAM. THE STATE DEPARTMENT MAY USE UP
21 TO TWO PERCENT OF THE MONEY APPROPRIATED BY THE GENERAL
22 ASSEMBLY FOR THE ADMINISTRATION AND EVALUATION OF THE PROGRAM.
23 ANY MONEY IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS
24 SECTION AT THE END OF THE THREE-YEAR PROGRAM MAY BE INVESTED BY
25 THE STATE TREASURER AS PROVIDED BY LAW UNLESS THE PILOT PROGRAM
26 IS EXTENDED BY THE GENERAL ASSEMBLY. ANY UNEXPENDED AND
27 UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF EACH

1 FISCAL YEAR OF THE PROGRAM SHALL REMAIN IN THE FUND AND SHALL
2 NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER
3 FUND UNTIL THE PROGRAM HAS EXPIRED.

4 (b) THE STATE DEPARTMENT SHALL WORK WITH THE GRANT
5 RECIPIENTS AT THE CONCLUSION OF THE PROGRAM. THE STATE
6 DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY ON OR
7 BEFORE JANUARY 1, 2021, REGARDING THE PROGRESS OF THE GRANT
8 RECIPIENT BASED ON THE DATA AND PERFORMANCE METRICS SPECIFIED IN
9 THE GRANT APPLICATION.

10 SECTION 6. In Colorado Revised Statutes, 27-80-118, add (4)
11 as follows:

12 27-80-118. Center for research into substance use disorder
13 prevention, treatment, and recovery support strategies - legislative
14 declaration - established - repeal. (4) (a) THE CENTER SHALL DEVELOP
15 AND IMPLEMENT A SERIES OF CONTINUING EDUCATION ACTIVITIES
16 DESIGNED TO HELP A PRESCRIBER OF PAIN MEDICATION TO SAFELY AND
17 EFFECTIVELY MANAGE PATIENTS WITH PAIN AND, WHEN APPROPRIATE,
18 PRESCRIBE OPIOIDS OR MEDICATION ASSISTED TREATMENT. THE
19 EDUCATIONAL ACTIVITIES MUST APPLY TO PHYSICIANS, PHYSICIAN
20 ASSISTANTS, NURSES, AND DENTISTS.

21 (b) THE CENTER SHALL ALSO DEVELOP EDUCATION AND TRAINING
22 FOR LAW ENFORCEMENT OFFICERS AND FIRST RESPONDERS CONCERNING
23 THE USE OF OPIOID ANTAGONISTS FOR OPIOID OVERDOSE AND
24 COMMUNITY-BASED TRAINING FOR PERSONS AT RISK OF OPIOID OVERDOSE.

25 (c) (I) ON OR BEFORE JULY 1, 2018, THE GENERAL ASSEMBLY
26 SHALL APPROPRIATE SEVEN HUNDRED FIFTY THOUSAND DOLLARS TO THE
27 CENTER FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION

1 39-28.8-501 FOR THE PURPOSES OF THIS SUBSECTION (4).

2 (II) THIS SUBSECTION (4)(c) IS REPEALED, EFFECTIVE SEPTEMBER
3 1, 2019.

4 **SECTION 7. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.