

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 20-028

BY SENATOR(S) Pettersen and Priola, Crowder, Danielson, Donovan, Fenberg, Fields, Ginal, Gonzales, Hansen, Lee, Moreno, Story, Tate, Todd, Winter, Zenzinger, Garcia;
also REPRESENTATIVE(S) Buentello and Herod, Kennedy, Bird, Buckner, Caraveo, Cutter, Duran, Esgar, Exum, Gonzales-Gutierrez, Gray, Hooton, Jackson, Jaquez Lewis, Kipp, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Tipper, Titone, Valdez A., Weissman, Woodrow, Young.

CONCERNING MEASURES TO ASSIST AN INDIVIDUAL'S RECOVERY FROM A SUBSTANCE USE DISORDER, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 10-22.3-101, **amend** (1)(a) introductory portion, (1)(b), (2)(f), and (3); and **add** (2)(h) and (2)(i) as follows:

10-22.3-101. Opioid and other substance use disorders study committee - creation - members - purposes. (1) (a) Notwithstanding section 2-3-303.3, there is hereby created the opioid and other substance use

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.

disorders study committee. The committee consists of ten members of the general assembly ~~appointed on or before June 1, 2018,~~ as follows:

(b) The speaker of the house of representatives shall appoint the chair of the committee in ~~even-numbered years~~ THE 2023 INTERIM and the vice-chair in ~~odd-numbered years~~ THE 2021 INTERIM, and the president of the senate shall appoint the chair of the committee in ~~odd-numbered years~~ THE 2021 INTERIM and the vice-chair in ~~even-numbered years~~ THE 2023 INTERIM.

(2) The committee shall:

(f) Identify possible legislative options to address gaps and hurdles to accessing prevention, intervention, harm reduction, treatment, and recovery resources; ~~and~~

(h) DURING THE 2021 INTERIM, STUDY THE RELATIONSHIP BETWEEN MENTAL HEALTH CONDITIONS AND SUBSTANCE USE DISORDERS AND EXAMINE TREATMENT MODALITIES THAT BEST SERVE INDIVIDUALS WITH CO-OCCURRING MENTAL HEALTH CONDITIONS AND SUBSTANCE USE DISORDERS, INCLUDING THE BENEFITS OF INTEGRATED SERVICES; AND

(i) DURING THE 2021 INTERIM, STUDY THE IMPACT OF COVID-19, THE CORONAVIRUS DISEASE CAUSED BY THE SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2, ALSO KNOWN AS SARS-CoV-2, ON THE PROVISION OF PREVENTION, HARM REDUCTION, TREATMENT AND RECOVERY SUPPORT SERVICES, AND RELATED BEHAVIORAL HEALTH SERVICES, INCLUDING THE IMPACT RELATED TO THE OPIOID CRISIS AND DRUG OVERDOSES, AND PREPARE LEGISLATIVE RECOMMENDATIONS FOR THE GENERAL ASSEMBLY FOR ADDRESSING THE IMPACTS.

(3) (a) The committee may meet IN THE 2021 AND 2023 INTERIMS up to six times per interim. The committee may recommend up to a total of five bills during each interim. Legislation recommended by the committee must be treated as legislation recommended by an interim committee for purposes of applicable deadlines, bill introduction limits, and any other requirements imposed by the joint rules of the general assembly.

(b) ~~No later than~~ By December 1, ~~2018~~ 2021, and ~~no later than each~~ December 1, ~~thereafter~~ 2023, the committee shall make a report AND A

FINAL REPORT, RESPECTIVELY, to the legislative council created in section 2-3-301 that may include recommendations for legislation.

SECTION 2. In Colorado Revised Statutes, **amend** 10-22.3-102 as follows:

10-22.3-102. Repeal of article. This article 22.3 is repealed, effective ~~July 1, 2020~~ SEPTEMBER 1, 2024.

SECTION 3. In Colorado Revised Statutes, 18-18.5-103, **add** (6)(c.5) as follows:

18-18.5-103. State substance abuse trend and response task force - creation - membership - duties - report. (6) In addition, the task force shall:

(c.5) CONVENE STAKEHOLDERS FOR THE PURPOSE OF:

(I) REVIEWING PROGRESS ON BILLS INTRODUCED BY THE OPIOID AND OTHER SUBSTANCE USE DISORDERS STUDY COMMITTEE CREATED IN SECTION 10-22.3-101 AND ENACTED BY THE GENERAL ASSEMBLY; AND

(II) GENERATING POLICY RECOMMENDATIONS RELATED TO OPIOID AND OTHER SUBSTANCE USE DISORDERS, INCLUDING PREVENTION, HARM REDUCTION, TREATMENT, CRIMINAL JUSTICE, AND RECOVERY;

SECTION 4. In Colorado Revised Statutes, 19-1-103, **amend** (1)(a)(VII) as follows:

19-1-103. Definitions. As used in this title 19 or in the specified portion of this title 19, unless the context otherwise requires:

(1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of article 3 of this title 19, means an act or omission in one of the following categories that threatens the health or welfare of a child:

(VII) Any case in which a child ~~tests positive at birth for either a schedule I controlled substance, as defined in section 18-18-203, C.R.S., or a schedule II controlled substance, as defined in section 18-18-204, C.R.S., unless the child tests positive for a schedule II controlled substance as a~~

~~result of the mother's lawful intake of such substance as prescribed~~ IS BORN AFFECTED BY ALCOHOL OR SUBSTANCE EXPOSURE, EXCEPT WHEN TAKEN AS PRESCRIBED OR RECOMMENDED AND MONITORED BY A LICENSED HEALTH CARE PROVIDER, AND THE NEWBORN CHILD'S HEALTH OR WELFARE IS THREATENED BY SUBSTANCE USE;

SECTION 5. In Colorado Revised Statutes, 19-3-102, **amend** (1)(g) as follows:

19-3-102. Neglected or dependent child. (1) A child is neglected or dependent if:

(g) ~~The child tests positive at birth for either a schedule I controlled substance, as defined in section 18-18-203, C.R.S., or a schedule II controlled substance, as defined in section 18-18-204, C.R.S., unless the child tests positive for a schedule II controlled substance as a result of the mother's lawful intake of such substance as prescribed~~ IS BORN AFFECTED BY ALCOHOL OR SUBSTANCE EXPOSURE, EXCEPT WHEN TAKEN AS PRESCRIBED OR RECOMMENDED AND MONITORED BY A LICENSED HEALTH CARE PROVIDER, AND THE NEWBORN CHILD'S HEALTH OR WELFARE IS THREATENED BY SUBSTANCE USE.

SECTION 6. In Colorado Revised Statutes, **add** 19-3-216 as follows:

19-3-216. Rules. THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES TO DETERMINE WHETHER THERE IS CHILD ABUSE OR NEGLECT AS DEFINED IN SECTION 19-1-103 (1)(a)(VII) OR IF A CHILD IS NEGLECTED OR DEPENDENT AS DESCRIBED IN SECTION 19-3-102 (1)(g).

SECTION 7. In Colorado Revised Statutes, 27-80-121, **add** (2.5) as follows:

27-80-121. Perinatal substance use data linkage project - center for research into substance use disorder prevention, treatment, and recovery support strategies - report. (2.5) THE STATEWIDE PERINATAL SUBSTANCE USE DATA LINKAGE PROJECT MAY CONDUCT ONGOING RESEARCH RELATED TO THE INCIDENCE OF PERINATAL SUBSTANCE EXPOSURE OR RELATED INFANT AND FAMILY HEALTH AND HUMAN SERVICE OUTCOMES BASED ON THE STANDARDS SPECIFIED IN SECTIONS 19-1-103 (1)(a)(VII) AND

19-3-102 (1)(g) FOR DETERMINING CHILD ABUSE OR NEGLECT OR WHETHER A CHILD IS NEGLECTED OR DEPENDENT.

SECTION 8. Appropriation - adjustments to 2020 long bill. To implement this act, the general fund appropriation made in the annual general appropriation act for the 2020-21 state fiscal year to the office of the governor for use by the office of information technology for applications administration is decreased by \$74,620.

SECTION 9. Appropriation. (1) For the 2020-21 state fiscal year, \$74,620 is appropriated to the department of human services. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the purchase of legal services.

(2) For the 2020-21 state fiscal year, \$74,620 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of human services under subsection (1) of this section and is based on an assumption that the department of law will require an additional 0.4 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of human services.

SECTION 10. 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.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO