

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 20-0294.01 Shelby Ross x4510

HOUSE BILL 20-1017

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House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING TREATMENT OF INDIVIDUALS WITH SUBSTANCE USE**
102 **DISORDERS WHO COME INTO CONTACT WITH THE CRIMINAL**
103 **JUSTICE SYSTEM.**

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 Study Committee.

The bill requires the department of corrections, local jails, multijurisdictional jails, municipal jails, and state department of human services facilities to make available at least one opioid agonist and one opioid antagonist to a person in custody with an opioid use disorder

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.

SENATE
3rd Reading Unamended
June 11, 2020

SENATE
2nd Reading Unamended
June 10, 2020

HOUSE
3rd Reading Unamended
June 9, 2020

HOUSE
Amended 2nd Reading
June 8, 2020

throughout the duration of the person's incarceration or commitment.

The bill allows a person to dispose of any controlled substances at a safe station and request assistance in gaining access to treatment for a substance use disorder. The bill defines a "safe station" as any municipal police station; county sheriff's office; or municipal, county, or fire protection district fire station.

The bill requires the department of corrections and jails to ensure that continuity of care is provided to inmates prior to release.

The bill requires the executive director of the department of corrections, in consultation with the offices of behavioral health and economic security in the department of human services, the department of health care policy and financing, the department of local affairs, and local service providers to develop resources for inmates post-release that provide information to help prepare inmates for release and reintegration into their communities.

If a person who is the subject of a petition to seal criminal records has entered into or successfully completed a licensed substance use disorder treatment program, the court is required to consider such factor favorably in determining whether to issue the order.

The bill allows the office of behavioral health in the department of human services to contract with cities and counties for the creation, maintenance, or expansion of criminal justice diversion programs. The bill requires the department of human services to include an update regarding the current status of funding and implementation of the criminal justice diversion programs in its annual SMART presentation.

The bill appropriates money to the office of behavioral health in the department of human services for criminal justice diversion programs.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 17-1-113.4 as
3 follows:

4 **17-1-113.4. Opioid treatment for a person in custody -**
5 **definitions.** (1) A CORRECTIONAL FACILITY OR PRIVATE CONTRACT
6 PRISON MAY MAKE AVAILABLE OPIOID AGONISTS AND OPIOID
7 ANTAGONISTS TO A PERSON IN CUSTODY WITH AN OPIOID USE DISORDER.
8 THE CORRECTIONAL FACILITY OR PRIVATE CONTRACT PRISON IS STRONGLY
9 ENCOURAGED TO MAINTAIN THE TREATMENT OF THE PERSON THROUGHOUT
10 THE DURATION OF THE PERSON'S INCARCERATION, AS MEDICALLY

1 NECESSARY.

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

6 (3) A CORRECTIONAL FACILITY OR PRIVATE CONTRACT PRISON
7 MAY CONTRACT WITH COMMUNITY-BASED HEALTH PROVIDERS FOR THE
8 IMPLEMENTATION OF THIS SECTION.

9 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES:

11 (a) "OPIOID AGONIST" MEANS A FULL OR PARTIAL AGONIST THAT
12 IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE
13 TREATMENT OF AN OPIOID USE DISORDER.

14 (b) "OPIOID ANTAGONIST" MEANS NALTREXONE OR ANY SIMILARLY
15 ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE AND THAT IS
16 APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE
17 TREATMENT OF AN OPIOID USE DISORDER.

18 **SECTION 2.** In Colorado Revised Statutes, **add** 17-26-104.9 as
19 follows:

20 **17-26-104.9. Opioid treatment for a person in custody -**
21 **definitions.** (1) A FACILITY, WHETHER OPERATED BY A GOVERNMENTAL
22 ENTITY OR PRIVATE CONTRACTOR, MAY MAKE AVAILABLE OPIOID
23 AGONISTS AND OPIOID ANTAGONISTS TO A PERSON IN CUSTODY WITH AN
24 OPIOID USE DISORDER. THE FACILITY IS STRONGLY ENCOURAGED TO
25 MAINTAIN THE TREATMENT OF THE PERSON THROUGHOUT THE DURATION
26 OF THE PERSON'S INCARCERATION, AS MEDICALLY NECESSARY.

27 (2) QUALIFIED MEDICATION ADMINISTRATION PERSONNEL MAY, IN

1 ACCORDANCE WITH A WRITTEN PHYSICIAN'S ORDER, ADMINISTER OPIOID
2 AGONISTS AND OPIOID ANTAGONISTS PURSUANT TO SUBSECTION (1) OF
3 THIS SECTION.

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

6 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "FACILITY" MEANS:

9 (I) A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7);

10 (II) A MULTI JURISDICTIONAL JAIL, AS DESCRIBED IN SECTION
11 17-26.5-101; AND

12 (III) A MUNICIPAL JAIL, AS AUTHORIZED IN SECTION 31-15-401
13 (1)(j).

14 (b) "OPIOID AGONIST" MEANS A FULL OR PARTIAL AGONIST THAT
15 IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE
16 TREATMENT OF AN OPIOID USE DISORDER.

17 (c) "OPIOID ANTAGONIST" MEANS NALTREXONE OR ANY SIMILARLY
18 ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE AND THAT IS
19 APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE
20 TREATMENT OF AN OPIOID USE DISORDER.

21 **SECTION 3.** In Colorado Revised Statutes, **add** 26-1-136.7 as
22 follows:

23 **26-1-136.7. Opioid treatment for a person in custody -**
24 **definitions.** (1) A STATE DEPARTMENT FACILITY MAY MAKE AVAILABLE
25 OPIOID AGONISTS AND OPIOID ANTAGONISTS TO A PERSON COMMITTED TO
26 OR PLACED WITHIN THE FACILITY WITH AN OPIOID USE DISORDER. THE
27 FACILITY IS STRONGLY ENCOURAGED TO MAINTAIN THE TREATMENT OF

1 THE PERSON THROUGHOUT THE DURATION OF THE PERSON'S COMMITMENT,
2 AS MEDICALLY NECESSARY.

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

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

10 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
11 REQUIRES:

12 (a) "OPIOID AGONIST" MEANS A FULL OR PARTIAL AGONIST THAT
13 IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE
14 TREATMENT OF AN OPIOID USE DISORDER.

15 (b) "OPIOID ANTAGONIST" MEANS NALTREXONE OR ANY SIMILARLY
16 ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE AND THAT IS
17 APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE
18 TREATMENT OF AN OPIOID USE DISORDER.

19 **SECTION 4.** In Colorado Revised Statutes, **add** 31-15-405 as
20 follows:

21 **31-15-405. Opioid treatment for a person in custody.** A
22 MUNICIPALITY THAT CHOOSES TO ESTABLISH AND OPERATE A JAIL, AS
23 AUTHORIZED IN SECTION 31-15-401 (1)(j), IS STRONGLY ENCOURAGED TO
24 COMPLY WITH THE PROVISIONS OF SECTION 17-26-104.9 CONCERNING
25 OPIOID TREATMENT FOR A PERSON IN CUSTODY.

26 **SECTION 5.** In Colorado Revised Statutes, **add** 18-18-607 as
27 follows:

1 **18-18-607. Safe stations - disposal of controlled substances -**

2 **medical evaluation - definition.** (1) (a) UPON ARRIVAL TO A SAFE
3 STATION, A PERSON MAY TURN IN ANY CONTROLLED SUBSTANCES AND
4 REQUEST ASSISTANCE IN GAINING ACCESS TO TREATMENT FOR A
5 SUBSTANCE USE DISORDER. SAFE STATION PERSONNEL SHALL UTILIZE
6 CURRENT PROCEDURES AND PROTOCOLS FOR THE DISPOSAL OF THE
7 CONTROLLED SUBSTANCES.

8 (b) A PERSON WHO TURNS IN ONE OR MORE CONTROLLED
9 SUBSTANCES PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION IS NOT
10 SUBJECT TO ARREST OR PROSECUTION FOR POSSESSION OF SUCH
11 CONTROLLED SUBSTANCES.

12 (2) REASONABLE EFFORTS SHOULD BE TAKEN BY SAFE STATION
13 PERSONNEL TO DETERMINE IF THE PERSON IS IN NEED OF IMMEDIATE
14 MEDICAL ATTENTION AND FACILITATE TRANSPORTATION TO AN
15 APPROPRIATE MEDICAL FACILITY, IF NECESSARY. IF THE PERSON DOES NOT
16 REQUIRE IMMEDIATE MEDICAL ATTENTION, THE SAFE STATION PERSONNEL
17 SHALL PROVIDE THE PERSON WITH INFORMATION ABOUT THE BEHAVIORAL
18 HEALTH CRISIS RESPONSE SYSTEM, CREATED IN SECTION 27-60-103, TO
19 HELP IDENTIFY AVAILABLE TREATMENT OPTIONS AND, IF PRACTICABLE,
20 PROVIDE TRANSPORTATION FOR THE PERSON TO THE MOST APPROPRIATE
21 FACILITY FOR TREATMENT OF A SUBSTANCE USE DISORDER. INFORMATION
22 ABOUT THE CRISIS HOTLINE MUST BE DEVELOPED BY THE OFFICE OF
23 BEHAVIORAL HEALTH IN THE STATE DEPARTMENT AND BE PROVIDED TO
24 SAFE STATIONS FOR DISTRIBUTION.

25 (3) THIS SECTION DOES NOT APPLY IF SAFE STATION PERSONNEL
26 ARE NOT AVAILABLE TO ASSIST A PERSON WHO ARRIVES AT A SAFE
27 STATION FOR DISPOSAL OF A CONTROLLED SUBSTANCE.

1 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
2 REQUIRES, A "SAFE STATION" MEANS ANY MUNICIPAL POLICE STATION;
3 COUNTY SHERIFF'S OFFICE; OR MUNICIPAL, COUNTY, OR FIRE PROTECTION
4 DISTRICT FIRE STATION.

5 **SECTION 6.** In Colorado Revised Statutes, **add** 17-26-140 as
6 follows:

7 **17-26-140. Continuity of care for persons released from jail.**

8 (1) IF A PERSON IS TREATED FOR A SUBSTANCE USE DISORDER
9 THROUGHOUT THE PERSON'S INCARCERATION, THE COUNTY JAIL SHALL, AT
10 A MINIMUM, CONDUCT THE FOLLOWING BEFORE RELEASING THE PERSON
11 FROM THE COUNTY JAIL'S CUSTODY:

12 [REDACTED]
13 (a) PROVIDE POST-RELEASE RESOURCES DEVELOPED PURSUANT TO
14 SECTION 17-1-103 (1)(r) TO THE PERSON; AND

15 (b) PROVIDE A LIST OF AVAILABLE SUBSTANCE USE PROVIDERS, TO
16 THE EXTENT THE OFFICE OF BEHAVIORAL HEALTH IN THE STATE
17 DEPARTMENT HAS SUCH A LIST AVAILABLE.

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

23 **SECTION 7.** In Colorado Revised Statutes, **add** 17-1-113.2 as
24 follows:

25 **17-1-113.2. Continuity of care for persons released from**
26 **correctional facility.** BEFORE A PERSON IS RELEASED FROM THE CUSTODY
27 OF A CORRECTIONAL FACILITY, THE CORRECTIONAL FACILITY SHALL

1 COMPLY WITH THE PROVISIONS OF SECTION 17-26-140 CONCERNING
2 CONTINUITY OF CARE FOR PERSONS WITH A SUBSTANCE USE DISORDER.

3 **SECTION 8.** In Colorado Revised Statutes, 17-1-103, **amend** (1)
4 introductory portion; and **add** (1)(r) as follows:

5 **17-1-103. Duties of the executive director.** (1) The duties of the
6 executive director ~~shall be~~ ARE:

7 (r) IN CONSULTATION WITH THE OFFICES OF BEHAVIORAL HEALTH
8 AND ECONOMIC SECURITY IN THE DEPARTMENT OF HUMAN SERVICES, THE
9 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE DEPARTMENT
10 OF LOCAL AFFAIRS, AND LOCAL SERVICE PROVIDERS, TO DEVELOP
11 RESOURCES FOR INMATES POST-RELEASE THAT PROVIDE INFORMATION TO
12 HELP PREPARE INMATES FOR RELEASE AND SUCCESSFUL REINTEGRATION
13 INTO THEIR COMMUNITIES. THE RESOURCES MUST REFLECT THE NEEDS OF
14 DIVERSE AND UNDERSERVED POPULATIONS AND COMMUNITIES.

15 **SECTION 9.** In Colorado Revised Statutes, 24-72-703, **add**
16 (10.5) as follows:

17 **24-72-703. Sealing of arrest and criminal records - general**
18 **provisions - order applicability - discovery and advisements.** (10.5) IF
19 THE PERSON IN INTEREST HAS ENTERED INTO OR SUCCESSFULLY
20 COMPLETED A SUBSTANCE USE DISORDER TREATMENT PROGRAM LICENSED
21 PURSUANT TO SECTION 27-80-205 IN THE CASE THAT IS THE SUBJECT OF
22 THE PETITION TO SEAL, THE COURT SHALL CONSIDER SUCH FACTOR
23 FAVORABLY IN DETERMINING WHETHER TO ISSUE AN ORDER TO SEAL
24 RECORDS PURSUANT TO THIS SECTION.

25 **SECTION 10.** In Colorado Revised Statutes, **add** 27-60-106.5 as
26 follows:

27 **27-60-106.5. Criminal justice diversion programs - rules -**

1 **report.** (1) (a) THE OFFICE OF BEHAVIORAL HEALTH IN THE STATE
2 DEPARTMENT MAY CONTRACT WITH CITIES AND COUNTIES FOR THE
3 CREATION, MAINTENANCE, OR EXPANSION OF CRIMINAL JUSTICE DIVERSION
4 PROGRAMS. THE GOAL OF EACH PROGRAM CREATED PURSUANT TO THIS
5 SECTION SHOULD BE TO CONNECT LAW ENFORCEMENT OFFICERS WITH
6 BEHAVIORAL HEALTH PROVIDERS TO ASSIST INDIVIDUALS IN NEED OF
7 BEHAVIORAL HEALTH INTERVENTION OR TO DIVERT INDIVIDUALS FROM
8 THE CRIMINAL JUSTICE SYSTEM.

9 (b) THE OFFICE OF BEHAVIORAL HEALTH IN THE STATE
10 DEPARTMENT MAY REQUIRE CRIMINAL JUSTICE DIVERSION PROGRAMS
11 CONTRACTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION TO
12 PARTICIPATE AS A MOBILE CRISIS SERVICE IN THE BEHAVIORAL HEALTH
13 CRISIS RESPONSE SYSTEM, CREATED PURSUANT TO SECTION 27-60-103.

14 (2) ON OR BEFORE NOVEMBER 1, 2021, AND ON OR BEFORE EACH
15 NOVEMBER 1 THEREAFTER, THE STATE DEPARTMENT SHALL INCLUDE AN
16 UPDATE REGARDING THE CURRENT STATUS OF FUNDING AND THE CRIMINAL
17 JUSTICE DIVERSION PROGRAMS IMPLEMENTED PURSUANT TO THIS SECTION
18 IN ITS REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND THE
19 HOUSE OF REPRESENTATIVES, THE HEALTH AND HUMAN SERVICES
20 COMMITTEE OF THE SENATE, THE PUBLIC HEALTH CARE AND HUMAN
21 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY
22 SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR
23 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
24 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203.

25 (3) THE STATE BOARD OF HUMAN SERVICES, CREATED IN SECTION
26 26-1-107, MAY PROMULGATE RULES TO IMPLEMENT THE PROVISIONS OF
27 THIS SECTION.

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

3 **27-60-100.3. Definitions.** (1.5) "CRIMINAL JUSTICE DIVERSION
4 PROGRAM" MEANS A PROGRAM CREATED PURSUANT TO SECTION
5 27-60-106.5 OR PROGRAMS OPERATED BY CITIES OR COUNTIES THAT
6 CONNECT LAW ENFORCEMENT OFFICERS WITH BEHAVIORAL HEALTH
7 PROVIDERS TO ASSIST INDIVIDUALS IN NEED OF BEHAVIORAL HEALTH
8 INTERVENTIONS OR TO DIVERT INDIVIDUALS FROM THE CRIMINAL JUSTICE
9 SYSTEM.

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

12 **27-60-104. Behavioral health crisis response system - crisis**
13 **service facilities - walk-in centers - mobile response units.** (2) (a) On
14 or before January 1, 2018, the state department shall ensure that mobile
15 response units are available to respond to a behavioral health crisis
16 anywhere in the state within no more than two hours, either face-to-face
17 or using telehealth operations, for mobile crisis evaluations.

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

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

- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.