

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 20-0296.01 Yelana Love x2295

HOUSE BILL 20-1065

HOUSE SPONSORSHIP

Kennedy and Herod,

SENATE SPONSORSHIP

Pettersen and Priola,

House Committees

Health & Insurance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE USE OF MEASURES THAT DO NOT INVOLVE SCHEDULE**
102 **I CONTROLLED SUBSTANCES TO REDUCE THE HARM CAUSED BY**
103 **SUBSTANCE USE DISORDERS.**

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 a carrier that provides coverage for opiate antagonists to reimburse a hospital if the hospital provides a covered person with an opiate antagonist upon discharge

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.

HOUSE
Amended 2nd Reading
June 8, 2020

- ! (section 1 of the bill);
- ! Allows a pharmacist or pharmacy technician to sell a nonprescription syringe or needle to any person (sections 2 and 5);
- ! Extends civil and criminal immunity for a person who acts in good faith to furnish or administer an opiate antagonist to an individual the person believes to be suffering an opiate-related drug overdose when the opiate antagonist was expired (sections 3 and 4);
- ! Removes the requirement that entities first receive local board of health approval before operating a clean syringe exchange program (sections 6 and 7); and
- ! Provides that money in the harm reduction grant program cash fund is continuously appropriated to the department of public health and environment for purposes of the harm reduction grant program and establishes an annual appropriation of an amount equal to the appropriation for the 2019-20 fiscal year plus \$250,000 (section 8).

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 10-16-152 as
 3 follows:

4 **10-16-152. Coverage for opiate antagonists provided by a**
 5 **hospital - definition.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
 6 OTHERWISE REQUIRES, "OPIATE ANTAGONIST" HAS THE SAME MEANING AS
 7 SET FORTH IN SECTION 12-30-110 (7)(d).

8 (2) A CARRIER THAT PROVIDES COVERAGE FOR OPIATE
 9 ANTAGONISTS PURSUANT TO THE TERMS OF A HEALTH COVERAGE PLAN
 10 THE CARRIER OFFERS SHALL REIMBURSE A HOSPITAL FOR THE HOSPITAL'S
 11 COST OF AN OPIATE ANTAGONIST IF THE HOSPITAL GIVES A COVERED
 12 PERSON AN OPIATE ANTAGONIST UPON DISCHARGE FROM THE HOSPITAL.

13 **SECTION 2.** In Colorado Revised Statutes, 12-280-123, **add**
 14 (1)(c) as follows:

15 **12-280-123. Prescription required - exception - dispensing**

1 **opiate antagonists. (1) (c) A PHARMACIST WHO DISPENSES A**
2 **PRESCRIPTION ORDER FOR A PRESCRIPTION DRUG THAT IS AN OPIOID SHALL**
3 **NOTIFY THE INDIVIDUAL TO WHOM THE OPIOID IS BEING DISPENSED ABOUT**
4 **THE AVAILABILITY OF AN OPIATE ANTAGONIST WHEN, IN THE**
5 **PHARMACIST'S PROFESSIONAL JUDGMENT, THE INDIVIDUAL WOULD**
6 **BENEFIT FROM THE NOTIFICATION.**

7 **SECTION 3.** In Colorado Revised Statutes, 12-280-123, **add** (4)
8 as follows:

9 **12-280-123. Prescription required - exception - dispensing**
10 **opiate antagonists - selling nonprescription syringes and needles.**

11 (4) A PHARMACIST OR PHARMACY TECHNICIAN MAY SELL A
12 NONPRESCRIPTION SYRINGE OR NEEDLE TO ANY PERSON.

13 **SECTION 4.** In Colorado Revised Statutes, 13-21-108.7, **amend**
14 (3)(a) as follows:

15 **13-21-108.7. Persons rendering emergency assistance through**
16 **the administration of an opiate antagonist - limited immunity -**
17 **legislative declaration - definitions. (3) General immunity. (a) A**
18 **person, other than a health care provider or a health care facility, who acts**
19 **in good faith to furnish or administer an opiate antagonist, INCLUDING AN**
20 **EXPIRED OPIATE ANTAGONIST, to an individual the person believes to be**
21 **suffering an opiate-related drug overdose event or to an individual who**
22 **is in a position to assist the individual at risk of experiencing an**
23 **opiate-related overdose event is not liable for any civil damages for acts**
24 **or omissions made as a result of the act or for any act or omission made**
25 **if the opiate antagonist is stolen.**

26 **SECTION 5.** In Colorado Revised Statutes, 18-1-712, **amend**
27 (2)(a) as follows:

1 **18-1-712. Immunity for a person who administers an opiate**
2 **antagonist during an opiate-related drug overdose event - definitions.**

3 (2) **General immunity.** (a) A person, other than a health care provider
4 or a health care facility, who acts in good faith to furnish or administer an
5 opiate antagonist, INCLUDING AN EXPIRED OPIATE ANTAGONIST, to an
6 individual the person believes to be suffering an opiate-related drug
7 overdose event or to an individual who is in a position to assist the
8 individual at risk of experiencing an opiate-related overdose event is
9 immune from criminal prosecution for the act or for any act or omission
10 made if the opiate antagonist is stolen.

11 **SECTION 6.** In Colorado Revised Statutes, **amend** 18-18-430.5
12 as follows:

13 **18-18-430.5. Drug paraphernalia - exemption.** (1) A person
14 ~~shall be~~ IS exempt from ~~the provisions of~~ sections 18-18-425 to
15 18-18-430 if ~~he or she~~ THE PERSON is:

16 (a) Participating as an employee, volunteer, or participant in an
17 approved syringe exchange program created pursuant to section 25-1-520;
18 ~~C.R.S.~~ OR

19 (b) A PHARMACIST OR PHARMACY TECHNICIAN WHO SELLS
20 NONPRESCRIPTION SYRINGES OR NEEDLES PURSUANT TO SECTION
21 12-280-123 (4).

22 **SECTION 7.** In Colorado Revised Statutes, 25-1-520, **amend**
23 (2.5) as follows:

24 **25-1-520. Clean syringe exchange programs - operation -**
25 **approval - reporting requirements.** (2.5) (a) ~~A program developed~~
26 ~~pursuant to this section may be operated in a hospital~~ NONPROFIT
27 ORGANIZATION WITH EXPERIENCE OPERATING A CLEAN SYRINGE

1 EXCHANGE PROGRAM OR A HEALTH FACILITY licensed or certified by the
2 state department pursuant to section 25-1.5-103 (1)(a) MAY OPERATE A
3 CLEAN SYRINGE EXCHANGE PROGRAM WITHOUT PRIOR BOARD APPROVAL.

4 (b) PRIOR TO OPERATING A CLEAN SYRINGE EXCHANGE PROGRAM
5 PURSUANT TO THIS SUBSECTION (2.5), A NONPROFIT ORGANIZATION SHALL
6 CONSULT WITH INTERESTED STAKEHOLDERS AND DISCUSS THE ISSUES
7 DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

8 (c) EACH NONPROFIT ORGANIZATION AND HEALTH FACILITY THAT
9 OPERATES A CLEAN SYRINGE EXCHANGE PROGRAM PURSUANT TO THIS
10 SUBSECTION (2.5) SHALL ANNUALLY REPORT TO THE STATE DEPARTMENT
11 SPECIFYING THE NONPROFIT ORGANIZATION'S OR HEALTH FACILITY'S
12 NUMBER OF SYRINGE ACCESS EPISODES IN THE PREVIOUS YEAR AND THE
13 NUMBER OF USED SYRINGES COLLECTED BY THE NONPROFIT
14 ORGANIZATION OR HEALTH FACILITY.

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16 **SECTION 8.** In Colorado Revised Statutes, 12-280-123, add
17 (1)(c) as follows:

18 **12-280-123. Prescription required - exception - dispensing**
19 **opiate antagonists.** (1) (c) A PHARMACIST WHO DISPENSES A
20 PRESCRIPTION ORDER FOR A PRESCRIPTION DRUG THAT IS AN OPIOID SHALL
21 NOTIFY THE INDIVIDUAL TO WHOM THE OPIOID IS BEING DISPENSED ABOUT
22 THE AVAILABILITY OF AN OPIATE ANTAGONIST AT NO CHARGE TO THE
23 INDIVIDUAL WHEN, IN THE PHARMACIST'S PROFESSIONAL JUDGMENT, THE
24 INDIVIDUAL WOULD BENEFIT FROM THE NOTIFICATION.

25 **SECTION 9. Act subject to petition - effective date.** (1) Except
26 as otherwise provided in this section, this act takes effect at 12:01 a.m. on
27 the day following the expiration of the ninety-day period after final

1 adjournment of the general assembly; except that, if a referendum petition
2 is filed pursuant to section 1 (3) of article V of the state constitution
3 against this act or an item, section, or part of this act within such period,
4 then the act, item, section, or part will not take effect unless approved by
5 the people at the general election to be held in November 2022 and, in
6 such case, will take effect on the date of the official declaration of the
7 vote thereon by the governor.

8 (2) Section 2 of this act takes effect only if Senate Bill 20-007
9 does not become law.

10 (3) Section 8 of this act takes effect only if Senate Bill 20-007
11 becomes law, in which case section 8 takes effect on the effective date of
12 this act or Senate Bill 20-007, whichever is later.