

CHAPTER 287

HEALTH AND ENVIRONMENT

HOUSE BILL 20-1065

BY REPRESENTATIVE(S) Kennedy and Herod, Caraveo, Duran, Esgar, Gonzales-Gutierrez, Gray, Hooton, Jackson, Jaquez Lewis, Kipp, Lontine, McCluskie, Michaelson Jenet, Mullica, Singer, Sirota, Titone, Valdez A., Valdez D., Young, Becker; also SENATOR(S) Pettersen and Priola, Danielson, Ginal, Gonzales, Lee, Moreno, Story, Winter.

AN ACT

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

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

SECTION 1. In Colorado Revised Statutes, **add** 10-16-154 as follows:

10-16-154. Coverage for opiate antagonists provided by a hospital - definition. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "OPIATE ANTAGONIST" HAS THE SAME MEANING AS SET FORTH IN SECTION 12-30-110 (7)(d).

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

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

12-280-123. Prescription required - exception - dispensing opiate antagonists. (1) (c) A PHARMACIST WHO DISPENSES A PRESCRIPTION ORDER FOR A PRESCRIPTION DRUG THAT IS AN OPIOID SHALL NOTIFY THE INDIVIDUAL TO WHOM THE OPIOID IS BEING DISPENSED ABOUT THE AVAILABILITY OF AN OPIATE ANTAGONIST WHEN, IN THE PHARMACIST'S PROFESSIONAL JUDGMENT, THE INDIVIDUAL WOULD BENEFIT FROM THE NOTIFICATION.

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

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.

12-280-123. Prescription required - exception - dispensing opiate antagonists - selling nonprescription syringes and needles. (4) A PHARMACIST OR PHARMACY TECHNICIAN MAY SELL A NONPRESCRIPTION SYRINGE OR NEEDLE TO ANY PERSON.

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

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

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

18-1-712. Immunity for a person who administers an opiate antagonist during an opiate-related drug overdose event - definitions. (2) **General immunity.** (a) A person, other than a health care provider or a health care facility, who acts in good faith to furnish or administer an opiate antagonist, INCLUDING AN EXPIRED OPIATE ANTAGONIST, to an individual the person believes to be suffering an opiate-related drug overdose event or to an individual who is in a position to assist the individual at risk of experiencing an opiate-related overdose event is immune from criminal prosecution for the act or for any act or omission made if the opiate antagonist is stolen.

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

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

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

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

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

25-1-520. Clean syringe exchange programs - operation - approval - reporting requirements. (2.5) (a) ~~A program developed pursuant to this section may be operated in a hospital~~ NONPROFIT ORGANIZATION WITH EXPERIENCE OPERATING A CLEAN SYRINGE EXCHANGE PROGRAM OR A HEALTH FACILITY licensed or certified by the state ~~department pursuant to section 25-1.5-103 (1)(a)~~ MAY OPERATE A CLEAN SYRINGE EXCHANGE PROGRAM WITHOUT PRIOR BOARD APPROVAL.

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

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

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

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

SECTION 9. Act subject to petition - effective date. (1) Except as otherwise provided in this section, this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

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

Approved: July 13, 2020