

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 21-0405.01 Kristen Forrestal x4217

SENATE BILL 21-122

SENATE SPONSORSHIP

Ginal,

HOUSE SPONSORSHIP

Froelich, Amabile, Arndt, Bird, Carver, Cutter, Esgar, Gonzales-Gutierrez, Gray, Herod, Hooton, Kennedy, Lontine, McCluskie, Michaelson Jenet, Mullica, Ortiz, Titone, Valdez A.

Senate Committees
Health & Human Services

House Committees
Public & Behavioral Health & Human Services

HOUSE
3rd Reading Unamended
April 5, 2021

A BILL FOR AN ACT

101 **CONCERNING THE BULK PURCHASE OF OPIATE ANTAGONISTS**
102 **PURSUANT TO A STANDING ORDER.**

HOUSE
2nd Reading Unamended
April 1, 2021

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>.)

SENATE
3rd Reading Unamended
March 16, 2021

Current law allows specific entities to purchase opiate antagonists through the opiate antagonist bulk purchase fund (fund) and also allows specific entities to receive opiate antagonists pursuant to standing orders and protocols. The bill aligns these sections of law so that:

- A unit of local government may purchase opiate antagonists through the fund pursuant to a standing order

SENATE
2nd Reading Unamended
March 12, 2021

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.

- and protocol; and
A harm reduction organization, law enforcement agency, or first responder to which opiate antagonists have been prescribed or dispensed through a standing order and protocol may purchase the opiate antagonists through the fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-30-110, **amend**
3 (1)(a)(V), (1)(a)(VI), (1)(b) introductory portion, (2)(b), (3)(c)(IV),
4 (3)(c)(V), and (4)(b); and **add** (1)(a)(VII), (3)(c)(VI), and (7)(k) as
5 follows:

6 **12-30-110. Prescribing or dispensing opiate antagonists -**
7 **authorized recipients - definitions.** (1) (a) A prescriber may prescribe
8 or dispense, directly or in accordance with standing orders and protocols,
9 and a pharmacist may dispense, pursuant to an order or standing orders
10 and protocols, an opiate antagonist to:

11 (V) A school district, school, or employee or agent of a school; ~~or~~

12 (VI) A person described in section 25-20.5-1001; OR

13 (VII) A UNIT OF LOCAL GOVERNMENT.

14 (b) A law enforcement agency or first responder; an employee or
15 volunteer of a harm reduction organization; a school district, school, or
16 employee or agent of a school; a person described in section
17 25-20.5-1001; ~~or~~ a mental health professional; OR A UNIT OF LOCAL
18 GOVERNMENT may, pursuant to an order or standing orders and protocols:

19 (2) (b) A law enforcement agency, first responder, harm reduction
20 organization, person described in section 25-20.5-1001, ~~or~~ mental health
21 professional, OR UNIT OF LOCAL GOVERNMENT is strongly encouraged to
22 educate employees and volunteers, as well as persons receiving an opiate

1 antagonist from the law enforcement agency, first responder, harm
2 reduction organization, person described in section 25-20.5-1001, ~~or~~
3 mental health professional, OR UNIT OF LOCAL GOVERNMENT, on the use
4 of an opiate antagonist for overdose, including instruction concerning risk
5 factors for overdose, recognizing an overdose, calling emergency medical
6 services, rescue breathing, and administering an opiate antagonist.

7 (3) Neither a prescriber described in subsection (7)(h)(I) of this
8 section nor a pharmacist engages in unprofessional conduct pursuant to
9 section 12-240-121 or 12-280-126, respectively, and a prescriber
10 described in subsection (7)(h)(II) of this section does not engage in
11 conduct that is grounds for discipline pursuant to section 12-255-120, if
12 the prescriber issues standing orders and protocols regarding opiate
13 antagonists or prescribes or dispenses, or the pharmacist dispenses,
14 pursuant to an order or standing orders and protocols, an opiate antagonist
15 in a good-faith effort to assist:

16 (c) The following persons in responding to, treating, or otherwise
17 assisting an individual who is experiencing or is at risk of experiencing
18 an opiate-related drug overdose event or a friend, family member, or other
19 person in a position to assist an at-risk individual:

20 (IV) A person described in section 25-20.5-1001; ~~or~~

21 (V) A mental health professional; OR

22 (VI) A UNIT OF LOCAL GOVERNMENT.

23 (4) (b) A law enforcement agency or first responder; an employee
24 or volunteer of a harm reduction organization; a school district, school,
25 or employee or agent of a school; ~~or~~ a person described in section
26 25-20.5-1001; OR A UNIT OF LOCAL GOVERNMENT acting in accordance
27 with this section is not subject to civil liability or criminal prosecution, as

1 specified in sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

2 (7) As used in this section:

3 (k) "UNIT OF LOCAL GOVERNMENT" HAS THE SAME MEANING AS
4 SET FORTH IN SECTION 29-3.5-101 (4).

5 **SECTION 2.** In Colorado Revised Statutes, 13-21-108.7, **amend**
6 (3)(b)(I) as follows:

7 **13-21-108.7. Persons rendering emergency assistance through**
8 **the administration of an opiate antagonist - limited immunity -**
9 **legislative declaration - definitions. (3) General immunity. (b) This**
10 subsection (3) also applies to:

11 (I) A law enforcement agency or first responder; an employee or
12 volunteer of a harm reduction organization; a school district, school, or
13 employee or agent of a school acting in accordance with section
14 12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section
15 22-1-119.1; ~~or~~ a mental health professional, as defined in section
16 12-30-110 (7)(b.5); OR A UNIT OF LOCAL GOVERNMENT, AS DEFINED IN
17 SECTION 29-3.5-101 (4); and

18 **SECTION 3.** In Colorado Revised Statutes, 18-1-712, **amend**
19 (2)(b)(I) as follows:

20 **18-1-712. Immunity for a person who administers an opiate**
21 **antagonist during an opiate-related drug overdose event - definitions.**
22 (2) **General immunity. (b) This subsection (2) also applies to:**

23 (I) A law enforcement agency or first responder; an employee or
24 volunteer of a harm reduction organization; a school district, school, or
25 employee or agent of a school acting in accordance with section
26 12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section
27 22-1-119.1; ~~or~~ a mental health professional, as defined in section

1 12-30-110 (7)(b.5); OR A UNIT OF LOCAL GOVERNMENT, AS DEFINED IN
2 SECTION 29-3.5-101 (4); and

3 **SECTION 4.** In Colorado Revised Statutes, 25-1.5-115, **amend**
4 (2) and (5)(b); and **add** (5)(d), (5)(e), and (5)(f) as follows:

5 **25-1.5-115. Opiate antagonist bulk purchase fund - creation**
6 **- definition - rules - report.** (2) Money in the fund is continuously
7 appropriated to the department for bulk purchasing of opiate antagonists.
8 Eligible entities may purchase opiate antagonists from the department.
9 The department may contract with a prescription drug outlet, as defined
10 in section 12-280-103 (43), for the bulk purchasing and distribution of
11 opiate antagonists. THE DEPARTMENT MAY PRIORITIZE THE PURCHASE OF
12 OPIATE ANTAGONISTS BY ELIGIBLE ENTITIES BASED ON THE NEED OF THE
13 ENTITY AND THE AVAILABILITY OF THE OPIATE ANTAGONISTS AS
14 DETERMINED BY THE DEPARTMENT. The department shall provide
15 technical assistance to participating eligible entities to ensure that eligible
16 entities complete all training and registration requirements.

17 (5) As used in this section, "eligible entity" means:

18 (b) A person making an opiate antagonist available pursuant to
19 section 25-20.5-1001; ~~or~~

20 (d) A HARM REDUCTION ORGANIZATION, AS DEFINED IN SECTION
21 12-30-110 (7)(b);

22 (e) A LAW ENFORCEMENT AGENCY; OR

23 (f) A FIRST RESPONDER, AS DEFINED IN SECTION 12-30-110 (7)(a).

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