

## CHAPTER 33

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**HEALTH AND ENVIRONMENT**


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## SENATE BILL 21-122

BY SENATOR(S) Ginal;  
 also REPRESENTATIVE(S) Froelich, Amabile, Arndt, Bird, Carver, Cutter, Esgar, Gonzales-Gutierrez, Gray, Herod, Hooton,  
 Kennedy, Lontine, McCluskie, Michaelson Jenet, Mullica, Ortiz, Titone, Valdez A.

## AN ACT

### CONCERNING THE BULK PURCHASE OF OPIATE ANTAGONISTS PURSUANT TO A STANDING ORDER.

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

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

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

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

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

(VII) A UNIT OF LOCAL GOVERNMENT.

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

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

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*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.*

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

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

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

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

(V) A mental health professional; ~~OR~~

(VI) A ~~UNIT OF LOCAL GOVERNMENT~~.

(4) (b) A law enforcement agency or first responder; an employee or volunteer of a harm reduction organization; a school district, school, or employee or agent of a school; ~~or~~ a person described in section 25-20.5-1001; ~~OR A UNIT OF LOCAL GOVERNMENT~~ acting in accordance with this section is not subject to civil liability or criminal prosecution, as specified in sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

(7) As used in this section:

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

**SECTION 2.** In Colorado Revised Statutes, 13-21-108.7, **amend** (3)(b)(I) 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.** (b) This subsection (3) also applies to:

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

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

**SECTION 3.** In Colorado Revised Statutes, 18-1-712, **amend** (2)(b)(I) 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.** (b) This subsection (2) also applies to:

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

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

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

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

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

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

(e) A LAW ENFORCEMENT AGENCY; OR

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

**SECTION 5. 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.

Approved: April 15, 2021