

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0883.05 Jacob Baus x2173

HOUSE BILL 22-1326

HOUSE SPONSORSHIP

Garnett and Lynch, Herod, Sandridge

SENATE SPONSORSHIP

Pettersen and Cooke, Priola

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ADDRESS SYNTHETIC OPIATES, AND, IN**
102 **CONNECTION THEREWITH, CHANGING THE CRIMINAL PENALTIES**
103 **ASSOCIATED WITH SYNTHETIC OPIATES; USING A SUBSTANCE**
104 **ABUSE ASSESSMENT TO DIRECT APPROPRIATE TREATMENT AT**
105 **SENTENCING; PROVIDING OPIATE ANTAGONISTS IN THE**
106 **COMMUNITY; PROVIDING SYNTHETIC OPIATE DETECTION TESTS**
107 **IN THE COMMUNITY; CREATING IMMUNITY FOR FURNISHING**
108 **SYNTHETIC OPIATE DETECTION TESTS; PROVIDING TREATMENT**
109 **FOR PERSONS IN THE CRIMINAL JUSTICE SYSTEM; DEVELOPING**
110 **A FENTANYL PREVENTION AND EDUCATION CAMPAIGN;**
111 **PROVIDING FUNDING FOR SUBSTANCE ABUSE AND HARM**
112 **REDUCTION; EVALUATING THE SUBSTANCE ABUSE AND HARM**
113 **REDUCTION NEEDS ACROSS THE STATE; AND REQUIRING A**

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.

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>.)

The bill makes the unlawful possession of any material, compound, mixture, or preparation that weighs more than 4 grams and contains any amount of fentanyl, carfentanyl, or an analog thereof a level 4 drug felony.

The bill creates an exemption to the unlawful possession of a controlled substance offense for employees, agents, or volunteers of certain agencies who are in possession of the controlled substance, including fentanyl, carfentanyl, or an analog thereof, for the purpose of safe disposal of the controlled substance.

The bill makes the unlawful distribution, manufacturing, dispensing, or sale of a material, compound, mixture, or preparation containing fentanyl, carfentanyl, or an analog thereof:

- A level 1 drug felony if it weighs more than 50 grams;
- A level 2 drug felony if it weighs more than 4 grams, but not more than 50 grams; and
- A level 3 drug felony if it weighs not more than 4 grams.

The bill makes it a level 1 drug felony if the defendant unlawfully distributed, manufactured, dispensed, or sold a material, compound, mixture, or preparation containing fentanyl, carfentanyl, or an analog thereof, and a person died as a proximate cause of using or consuming it.

The bill makes a defendant a special offender, making them subject to a level 1 drug felony, if:

- The defendant introduced or imported into Colorado any material, compound, mixture, or preparation that weighs more than 4 grams and contains fentanyl or carfentanyl; or
- The defendant unlawfully distributed, manufactured, dispensed, or sold a material, compound, mixture, or preparation containing fentanyl or carfentanyl, and the defendant possessed pill or tablet manufacturing equipment with the intent to use the equipment in the manufacture of a controlled substance.

For certain offenses, the bill requires a court to order placement in a residential treatment facility for treatment of an addiction that includes

fentanyl, carfentanil, or an analog thereof as a condition of probation if recommended pursuant to a substance abuse assessment. Furthermore, for certain offenses, a court is required to order a fentanyl education class, which is developed by the office of behavioral health.

The bill expands the list of eligible entities that are eligible for standing orders to receive opiate antagonists.

The bill creates immunity from civil liability for certain persons who or entities that act in good faith to furnish a non-laboratory synthetic opiate detection test to another person.

The bill requires a jail, upon release, to provide opiate antagonists and prescribe medication for an opiate use disorder to certain persons.

The bill requires community corrections programs to assess individuals residing in the programs for substance use withdrawal symptoms and develop protocols for medical detoxification monitoring, medication-assisted treatment, and other appropriate withdrawal management care.

The bill permits the correctional treatment board to direct money in the correctional treatment cash fund for drug overdose prevention, opiate antagonists, and non-laboratory synthetic opiate detection tests.

The bill permits a school district board of education, the charter school institute, or governing board of a nonpublic school to adopt and implement a policy to permit a school to acquire and maintain non-laboratory synthetic opiate detection tests and furnish them on school grounds.

For the 2022-23 fiscal year, the bill requires the appropriation of \$20 million from the behavioral and mental health cash fund to the opiate antagonist bulk purchase fund.

For the 2022-23 fiscal year, the bill requires the appropriation of \$300,000 to the department of public health and environment for the purchase and distribution of non-laboratory synthetic opiate detection tests to eligible entities.

The bill requires the department of public health and environment to develop and implement a statewide fentanyl prevention and education campaign.

The bill expands the types of entities that are eligible for a harm reduction grant and the permissible uses of the grant funds. For the 2022-23 fiscal year, the bill requires the appropriation of \$6 million from the behavioral and mental health cash fund to the harm reduction grant program cash fund.

The bill requires a jail that receives funding through the jail-based behavioral health services program to develop protocols for medication-assisted treatment and withdrawal management care and develop and implement a policy that describes the provision of medication-assisted treatment to individuals upon release. For the 2022-23 fiscal year, the bill requires the appropriation of \$3 million from

the behavioral and mental health cash fund for these purposes.

The bill requires each managed service organization to evaluate current supply and necessary demand within its region for certain harm reduction and treatment services and report their findings to the general assembly.

The bill requires the legislative services agencies of the general assembly to perform a post-enactment review of certain criminal provisions 3 years following the act becoming law.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The illegal distribution of synthetic opiates, including fentanyl,
5 carfentanal, and analogs thereof, presents a serious health risk in
6 Colorado and across the country;

7 (b) The increase in the number of overdose deaths in Colorado
8 demands a comprehensive response by communities and elected officials,
9 designed to reduce the risks of harm to all people and recalibrate the
10 criminal justice system's response to illegal distribution of these
11 dangerous drugs;

12 (c) Colorado has not adequately funded behavioral health
13 interventions, treatment, overdose prevention, and other supportive
14 services that research demonstrates reduce the risk of harm and the
15 recovery of people suffering from a behavioral health disorder;

16 (d) Funding for supervised-injection sites is prohibited;

17 (e) The prosecution of drug dealers who manufacture, distribute,
18 dispense, or sell fentanyl, carfentanal, and analogs thereof, not the
19 prosecution of low-level drug possessors, is a priority for Colorado; and

20 (f) Colorado's good samaritan law, which encourages people to
21 seek medical assistance for people who are suffering from an overdose

1 crisis, is an important public policy that can assist in saving lives.

2 (2) Therefore, it is the intent of the general assembly to:

3 (a) Direct additional resources to communities and agencies to
4 allow more effective and healthy interventions and treatment for people
5 who use fentanyl, carfentanal, or analogs thereof, and develop an
6 effective public education campaign about the dangers of these drugs and
7 their presence in other drugs; and

8 (b) Enact a properly calibrated sentencing scheme, prescribing
9 specific penalties for the unlawful manufacturing, distribution,
10 dispensing, or selling of fentanyl, carfentanal, and analogs thereof,
11 including specifically designed penalties for people whose manufacturing,
12 distribution, dispensing, or selling leads to the death of another person.

13 (3) The general assembly finds that for the purpose of performing
14 a post-enactment review of the implementation of House Bill 22-____, it
15 is necessary to review the following statewide data for three years
16 subsequent to the passage of House Bill 22-____ in order to assess its
17 impact on sentencing and filing of counts based on the good samaritan
18 law pursuant to section 18-1-711, Colorado Revised Statutes, and the
19 criminal provisions designed to address the distribution of fentanyl,
20 carfentanal, and analogs thereof, resulting in death:

21 (a) From the judicial department, the number of cases filed that
22 include a violation of section 18-18-405 (2)(a)(I)(D), (2)(b)(I)(D), and
23 (2)(c)(V), Colorado Revised Statutes; the judicial district where each case
24 was filed; and the sentence imposed upon conviction for each case;

25 (b) From the judicial department, the number of cases filed that
26 include a violation of section 18-18-405 (2)(a)(III)(A), Colorado Revised
27 Statutes; the judicial district where the case was filed; information on

1 other charges filed in the same case; the sentence imposed upon
2 conviction for each case; and a summary of the facts and circumstances
3 of the case as evidenced by the arrest warrant; and

4 (c) From each district attorney, the information pursuant to section
5 18-1-711 (6), Colorado Revised Statutes.

6 **SECTION 2.** In Colorado Revised Statutes, 18-18-403.5, **add**
7 (2.5), (2.7), and (6) as follows:

8 **18-18-403.5. Unlawful possession of a controlled substance -**
9 **notice to revisor of statutes - repeal.** (2.5) NOTWITHSTANDING
10 SUBSECTION (2)(c) OF THIS SECTION, ON OR AFTER JULY 1, 2022, A PERSON
11 WHO VIOLATES SUBSECTION (1) OF THIS SECTION BY KNOWINGLY
12 POSSESSING:

13 (a) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT
14 WEIGHS MORE THAN ONE GRAM AND NOT MORE THAN FOUR GRAMS AND
15 CONTAINS ANY QUANTITY OF FENTANYL, CARFENTANAL, OR AN ANALOG
16 THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), AND THE PERSON
17 KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE MATERIAL,
18 COMPOUND, MIXTURE, OR PREPARATION CONTAINED ANY QUANTITY OF
19 FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN
20 SECTION 18-18-204 (2)(g), COMMITS A LEVEL 4 DRUG FELONY.

21 (b) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT
22 WEIGHS NOT MORE THAN ONE GRAM AND CONTAINS ANY QUANTITY OF
23 FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN
24 SECTION 18-18-204 (2)(g), COMMITS A LEVEL 1 DRUG MISDEMEANOR;
25 EXCEPT THAT A FOURTH OR SUBSEQUENT OFFENSE FOR A VIOLATION OF
26 THIS SUBSECTION (2.5)(b) IS A LEVEL 4 DRUG FELONY.

27 (2.7) (a) A PERSON WHO VIOLATES SUBSECTION (1) OF THIS

1 SECTION BY POSSESSING ANY MATERIAL, COMPOUND, MIXTURE, OR
2 PREPARATION THAT CONTAINS A QUANTITY OF FENTANYL, CARFENTANAL,
3 OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g),
4 THAT IS MORE THAN SIXTY PERCENT OF THE TOTAL COMPOSITION OF THE
5 MATERIAL, COMPOUND, MIXTURE, OR PREPARATION, COMMITS A LEVEL 2
6 DRUG FELONY.

7 (b) (I) THIS SUBSECTION (2.7) TAKES EFFECT AT 12:01 A.M. THIRTY
8 DAYS AFTER THE DATE IDENTIFIED IN THE NOTICE PROVIDED TO THE
9 REVISOR OF STATUTES BY THE DIRECTOR OF THE COLORADO BUREAU OF
10 INVESTIGATION THAT THE COLORADO BUREAU OF INVESTIGATION HAS THE
11 RESOURCES TO DETERMINE THE QUANTITY OF FENTANYL, CARFENTANAL,
12 OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g),
13 COMPARED TO THE TOTAL COMPOSITION OF THE MATERIAL, COMPOUND,
14 MIXTURE, OR PREPARATION, OR ON THE DATE OF THE NOTICE TO THE
15 REVISOR OF STATUTES IF THE NOTICE DOES NOT SPECIFY A DIFFERENT
16 DATE.

17 (II) THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION
18 SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING WHEN THE
19 CONDITION SPECIFIED IN SUBSECTION (2.7)(b)(I) OF THIS SECTION HAS
20 OCCURRED BY E-MAILING THE NOTICE TO
21 REVISOROFSTATUTES.GA@STATE.CO.US.

22 (III) CONCURRENT WITH THE NOTICE REQUIRED IN SUBSECTION
23 (2.7)(b)(II), THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION
24 SHALL NOTIFY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
25 PRESIDENT OF THE SENATE, THE CHIEF JUSTICE OF THE SUPREME COURT,
26 THE GOVERNOR, THE ATTORNEY GENERAL, THE STATE PUBLIC DEFENDER,
27 AND EACH DISTRICT ATTORNEY IN THE STATE, THAT THE COLORADO

1 BUREAU OF INVESTIGATION HAS THE RESOURCES TO DETERMINE THE
2 QUANTITY OF FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS
3 DESCRIBED IN SECTION 18-18-204 (2)(g), COMPARED TO THE TOTAL
4 COMPOSITION OF THE MATERIAL, COMPOUND, MIXTURE, OR PREPARATION.

5 (IV) THIS SUBSECTION (2.7)(b) IS REPEALED, EFFECTIVE ONE YEAR
6 AFTER NOTICE TO THE REVISOR OF STATUTES PURSUANT TO THIS
7 SUBSECTION (2.7)(b)(II).

8 (6) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION TO THE
9 CONTRARY, A PEACE OFFICER SHALL NOT ARREST AND A DISTRICT
10 ATTORNEY SHALL NOT CHARGE OR PROSECUTE AN EMPLOYEE, AGENT, OR
11 VOLUNTEER OF AN ENTITY DESCRIBED IN SECTION 12-30-110 (1)(a) WHO,
12 IN THE PERFORMANCE OF THE PERSON'S DUTIES, IS IN POSSESSION OF A
13 CONTROLLED SUBSTANCE, INCLUDING FENTANYL, CARFENTANAL, OR AN
14 ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), FOR THE
15 PURPOSE OF SAFE DISPOSAL OF THE CONTROLLED SUBSTANCE, INCLUDING
16 FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN
17 SECTION 18-18-204 (2)(g), IN ACCORDANCE WITH APPLICABLE LAW. AS
18 USED IN THIS SUBSECTION (6), "SAFE DISPOSAL" MEANS THE PROCEDURE
19 AND PROCESS FOR DEPOSITING THE CONTROLLED SUBSTANCE, INCLUDING
20 FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN
21 SECTION 18-18-204 (2)(g), IN A SECURE CONTAINER FOR LAW
22 ENFORCEMENT TO SUBSEQUENTLY ACCESS AND DISPOSE OF.

23 **SECTION 3.** In Colorado Revised Statutes, 18-18-405, **amend**
24 (2)(b)(I)(B), (2)(b)(I)(C), (2)(c)(III), and (2)(c)(IV); and **add** (2)(a)(I)(D),
25 (2)(a)(III), (2)(b)(I)(D), and (2)(c)(V) as follows:

26 **18-18-405. Unlawful distribution, manufacturing, dispensing,**
27 **or sale.** (2) Except as otherwise provided for an offense concerning

1 marijuana and marijuana concentrate in section 18-18-406 and for special
2 offenders as provided in section 18-18-407, any person who violates any
3 of the provisions of subsection (1) of this section:

4 (a) Commits a level 1 drug felony and is subject to the mandatory
5 sentencing provisions in section 18-1.3-401.5 (7) if:

6 (I) The violation involves any material, compound, mixture, or
7 preparation that weighs:

8 (D) MORE THAN FIFTY GRAMS AND CONTAINS FENTANYL,
9 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
10 18-18-204 (2)(g); OR

11 (III) (A) EXCEPT AS PROVIDED IN SECTION 18-1-711 (3)(i), THE
12 DEFENDANT COMMITTED A VIOLATION OF SUBSECTION (2)(a)(I)(D),
13 (2)(b)(I)(D), OR (2)(c)(V) OF THIS SECTION, AND THE ACTIONS IN
14 VIOLATION OF SUBSECTION (2)(a)(I)(D), (2)(b)(I)(D), OR (2)(c)(V) OF THIS
15 SECTION ARE THE PROXIMATE CAUSE OF THE DEATH OF ANOTHER PERSON
16 WHO USED OR CONSUMED THE MATERIAL, COMPOUND, MIXTURE, OR
17 PREPARATION THAT CONTAINED FENTANYL, CARFENTANAL, OR AN
18 ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g).

19 (B) NOTWITHSTANDING SUBSECTION (2)(a)(III)(A) OF THIS
20 SECTION, A DEFENDANT WHO COMMITTED A VIOLATION OF SUBSECTION
21 (2)(c)(V) OF THIS SECTION, AND THE ACTIONS IN VIOLATION OF
22 SUBSECTION (2)(c)(V) OF THIS SECTION ARE THE PROXIMATE CAUSE OF
23 THE DEATH OF ANOTHER PERSON WHO USED OR CONSUMED THE MATERIAL,
24 COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINED FENTANYL,
25 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
26 18-18-204 (2)(g), IS NOT SUBJECT TO THE MANDATORY SENTENCING
27 REQUIREMENT AS DESCRIBED IN SECTION 18-1.3-401.5 (7).

- 1 (b) Commits a level 2 drug felony if:
- 2 (I) The violation involves any material, compound, mixture, or
- 3 preparation that weighs:
- 4 (B) More than seven grams, but not more than one hundred twelve
- 5 grams, and contains methamphetamine, heroin, ketamine, or cathinones;
- 6 ~~or~~
- 7 (C) More than ten milligrams, but not more than fifty milligrams,
- 8 and contains flunitrazepam; OR
- 9 (D) MORE THAN FOUR GRAMS, BUT NOT MORE THAN FIFTY GRAMS,
- 10 AND CONTAINS FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS
- 11 DESCRIBED IN SECTION 18-18-204 (2)(g);
- 12 (c) Commits a level 3 drug felony if the violation involves any
- 13 material, compound, mixture, or preparation that weighs:
- 14 (III) Not more than ten milligrams and contains flunitrazepam; ~~or~~
- 15 (IV) More than four grams and contains a schedule III or schedule
- 16 IV controlled substance; OR
- 17 (V) NOT MORE THAN FOUR GRAMS AND CONTAINS FENTANYL,
- 18 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
- 19 18-18-204 (2)(g).

20 **SECTION 4.** In Colorado Revised Statutes, 18-18-407, **amend**

21 (1)(c); and **add** (1)(h) as follows:

22 **18-18-407. Special offender - definitions.** (1) A person who

23 commits a felony offense pursuant to this part 4 under any one or more of

24 the following aggravating circumstances commits a level 1 drug felony

25 and is a special offender:

26 (c) The defendant committed the violation and in the course of

27 that violation, introduced or imported into the state of Colorado more than

1 fourteen grams of any schedule I or II controlled substance listed in part
2 of this ~~article~~ or ARTICLE 18; more than seven grams of
3 methamphetamine, heroin, ketamine, or cathinones; ~~or~~ ten milligrams of
4 flunitrazepam; OR ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION
5 THAT WEIGHS MORE THAN FOUR GRAMS AND CONTAINS FENTANYL,
6 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
7 18-18-204 (2)(g);

8 (h) THE DEFENDANT COMMITTED A VIOLATION OF SECTION
9 18-18-405 (2)(a)(I)(D), (2)(b)(I)(D), OR (2)(c)(V), AND THE DEFENDANT
10 POSSESSED PILL OR TABLET MANUFACTURING EQUIPMENT WITH THE
11 INTENT TO USE THE EQUIPMENT IN THE MANUFACTURE OF A CONTROLLED
12 SUBSTANCE.

13 **SECTION 5.** In Colorado Revised Statutes, 18-1-711, **amend**
14 (3)(g) and (3)(h); and **add** (3)(i) and (6) as follows:

15 **18-1-711. Immunity for persons who suffer or report an**
16 **emergency drug or alcohol overdose event - definitions - repeal.**

17 (3) The immunity described in subsection (1) of this section applies to
18 the following criminal offenses:

19 (g) Possession of drug paraphernalia, as described in section
20 18-18-428; ~~and~~

21 (h) Illegal possession or consumption of ethyl alcohol or
22 marijuana by an underage person or illegal possession of marijuana
23 paraphernalia by an underage person, as described in section 18-13-122;
24 AND

25 (i) A VIOLATION OF SECTION 18-18-405 (2)(a)(III)(A), IF THE
26 UNLAWFUL DISTRIBUTION, MANUFACTURING, DISPENSING, OR SALE OF THE
27 MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WEIGHS NOT MORE

1 THAN FOUR GRAMS AND CONTAINS ANY AMOUNT OF FENTANYL,
2 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
3 18-18-204 (2)(g).

4 (6) (a) STARTING ON JULY 1, 2022, AND FOR THREE YEARS
5 THEREAFTER, A LAW ENFORCEMENT AGENCY THAT RESPONDS TO AN
6 EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT SHALL REPORT TO THE
7 DISTRICT ATTORNEY'S OFFICE IN THE LAW ENFORCEMENT AGENCY'S
8 JURISDICTION WHETHER AN ARREST WAS MADE AS A RESULT OF THE
9 INVESTIGATION OF AN EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT
10 OR WHEN AN ARREST WAS NOT MADE PURSUANT TO THE PROVISIONS OF
11 THIS SECTION.

12 (b) STARTING ON JULY 1, 2022, AND FOR THREE YEARS
13 THEREAFTER, EACH DISTRICT ATTORNEY'S OFFICE THAT RECEIVES A
14 REPORT REGARDING AN ARREST FROM LAW ENFORCEMENT PURSUANT TO
15 SUBSECTION (6)(a) OF THIS SECTION SHALL PREPARE A REPORT INDICATING
16 EACH INSTANCE WHEN A PERSON WAS NOT PROSECUTED FOR AN OFFENSE
17 PURSUANT TO THIS SECTION IF THE EVENT INVOLVED FENTANYL,
18 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
19 18-18-204 (2)(g). IF THE DISTRICT ATTORNEY PROSECUTES A PERSON WHO
20 SOUGHT EMERGENCY ASSISTANCE FOR AN EMERGENCY DRUG OR ALCOHOL
21 OVERDOSE EVENT IF THE EVENT INVOLVED FENTANYL, CARFENTANAL, OR
22 AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), THE
23 DISTRICT ATTORNEY SHALL PREPARE A REPORT DETAILING THE FACTS AND
24 CIRCUMSTANCES FOR THE DECISION THAT THE IMMUNITY PROVISIONS OF
25 SUBSECTION (1) OF THIS SECTION DID NOT APPLY.

26 (c) EACH DISTRICT ATTORNEY SHALL PROVIDE THE REPORTS
27 COLLECTED PURSUANT TO THIS SUBSECTION (6) TO THE LEGISLATIVE

1 SERVICE AGENCIES OF THE COLORADO GENERAL ASSEMBLY FOR THE
2 PURPOSE OF A POST-ENACTMENT REVIEW.

3 (d) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2026.

4 **SECTION 6.** In Colorado Revised Statutes, 18-1.3-401.5, **amend**
5 (7); and **add** (2.5) as follows:

6 **18-1.3-401.5. Drug felonies classified - presumptive and**
7 **aggravated penalties.** (2.5) IT IS THE INTENT OF THE GENERAL ASSEMBLY
8 THAT SENTENCING FOR CRIMES THAT INVOLVE FENTANYL, CARFENTANAL,
9 OR ANY ANALOG THEREOF, AS DESCRIBED IN SECTION 18-18-204 (2)(G),
10 EVEN IN SMALL QUANTITIES, REFLECT THE HIGH RISK OF ADDICTION AND
11 DEATH ASSOCIATED WITH FENTANYL, CARFENTANAL, OR ANY ANALOG
12 THEREOF. THEREFORE, THE EDUCATION AND TREATMENT PROCEDURES
13 PROVIDED IN SECTION 18-1.3-410 MUST BE IMPLEMENTED TO ADDRESS
14 THIS SUBSTANTIAL HEALTH RISK.

15 (7) EXCEPT AS PROVIDED IN SECTION 18-18-405 (2)(a)(III)(B),
16 notwithstanding any provision of this section to the contrary, if the
17 defendant is convicted of a level 1 drug felony, the court shall sentence
18 the defendant to a term of incarceration in the department of corrections
19 of at least eight years but not more than thirty-two years. The presence of
20 one or more of the aggravating circumstances provided in ~~paragraph (a)~~
21 ~~of subsection (10)~~ SUBSECTION (10)(a) of this section or in section
22 18-18-407 (1) requires the court to sentence a defendant convicted of a
23 level 1 drug felony to a term of incarceration in the department of
24 corrections of at least twelve years but no more than thirty-two years. The
25 court may impose a fine in addition to imprisonment.

26 **SECTION 7.** In Colorado Revised Statutes, **add** 18-1.3-410 as
27 follows:

1 **18-1.3-410. Fentanyl education and treatment program.**

2 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE
3 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR
4 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL,
5 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
6 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE ABUSE
7 ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE ABUSE
8 ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE PERSON'S
9 HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF FENTANYL,
10 CARFENTANAL, OR AN ANALOG THEREOF; THE PERSON'S AMENABILITY TO
11 TREATMENT; AND THE LEVEL OF TREATMENT, IF ANY, NECESSARY TO
12 ADDRESS THE PERSON'S SUBSTANCE ABUSE DISORDER TO BE PROVIDED
13 DURING THE PERSON'S PROBATION OR DEFERRED JUDGMENT SUPERVISION.

14 (2) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
15 SUBSECTION (1) OF THIS SECTION RECOMMENDS COMMUNITY-BASED
16 TREATMENT, THE PERSON SHALL COMPLETE THE ASSESSED LEVEL OF
17 TREATMENT CONSISTENT WITH THE PROVISIONS OF SECTION 18-1.3-209.

18 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
19 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF
20 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR
21 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
22 OR AN ANALOG THEREOF, THE COURT SHALL ORDER RESIDENTIAL
23 TREATMENT AS A CONDITION OF PROBATION. THE RESIDENTIAL
24 TREATMENT FACILITY MUST BE APPROVED BY THE OFFICE OF BEHAVIORAL
25 HEALTH IN THE DEPARTMENT OF HUMAN SERVICES AND DESIGNED FOR
26 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
27 OR AN ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL PROGRAM AS A

1 CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF TIME THAT THE
2 PLACEMENT IS CLINICALLY NECESSARY. A PERSON WHO WAS REPRESENTED
3 BY COURT-APPOINTED COUNSEL IS NOT REQUIRED TO PAY THE COST OF
4 PLACEMENT ORDERED AS A CONDITION OF PROBATION.

5 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO
6 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT
7 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE
8 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS
9 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,
10 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE
11 PERSON'S TREATMENT NEEDS.

12 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING
13 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT
14 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST
15 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
16 OFFICE OF BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127. THE
17 FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
18 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
19 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
20 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
21 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
22 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
23 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. A PERSON WHO
24 WAS REPRESENTED BY COURT-APPOINTED COUNSEL IS NOT REQUIRED TO
25 PAY ANY COSTS IN ORDER TO SATISFY THE EDUCATION REQUIREMENT.

26 **SECTION 8.** In Colorado Revised Statutes, **add** 18-1.3-410 as
27 follows:

1 **18-1.3-410. Fentanyl education and treatment program.**

2 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE
3 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR
4 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL,
5 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
6 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE ABUSE
7 ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE ABUSE
8 ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE PERSON'S
9 HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF FENTANYL,
10 CARFENTANAL, OR AN ANALOG THEREOF; THE PERSON'S AMENABILITY TO
11 TREATMENT; AND THE LEVEL OF TREATMENT, IF ANY, NECESSARY TO
12 ADDRESS THE PERSON'S SUBSTANCE ABUSE DISORDER TO BE PROVIDED
13 DURING THE PERSON'S PROBATION OR DEFERRED JUDGMENT SUPERVISION.

14 (2) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
15 SUBSECTION (1) OF THIS SECTION RECOMMENDS COMMUNITY-BASED
16 TREATMENT, THE PERSON SHALL COMPLETE THE ASSESSED LEVEL OF
17 TREATMENT CONSISTENT WITH THE PROVISIONS OF SECTION 18-1.3-209.

18 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
19 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF
20 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR
21 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
22 OR AN ANALOG THEREOF, THE COURT SHALL ORDER RESIDENTIAL
23 TREATMENT AS A CONDITION OF PROBATION. THE RESIDENTIAL
24 TREATMENT FACILITY MUST BE APPROVED BY THE BEHAVIORAL HEALTH
25 ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES AND
26 DESIGNED FOR TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL,
27 CARFENTANAL, OR AN ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL

1 PROGRAM AS A CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF
2 TIME THAT THE PLACEMENT IS CLINICALLY NECESSARY. A PERSON WHO
3 WAS REPRESENTED BY COURT-APPOINTED COUNSEL IS NOT REQUIRED TO
4 PAY THE COST OF PLACEMENT ORDERED AS A CONDITION OF PROBATION.

5 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO
6 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT
7 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE
8 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS
9 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,
10 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE
11 PERSON'S TREATMENT NEEDS.

12 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING
13 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT
14 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST
15 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
16 BEHAVIORAL HEALTH ADMINISTRATION PURSUANT TO SECTION 27-80-127.
17 THE FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
18 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
19 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
20 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
21 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
22 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
23 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. A PERSON WHO
24 WAS REPRESENTED BY COURT-APPOINTED COUNSEL IS NOT REQUIRED TO
25 PAY ANY COSTS IN ORDER TO SATISFY THE EDUCATION REQUIREMENT.

26 **SECTION 9.** In Colorado Revised Statutes, 18-1.3-501, **amend**
27 (1)(d.5)(I) as follows:

1 **18-1.3-501. Misdemeanors classified - drug misdemeanors and**
2 **drug petty offenses classified - penalties - legislative intent -**
3 **definitions.** (1) (d.5) (I) (A) It is the intention of the general assembly to
4 classify most drug possession on and after March 1, 2020, as a
5 misdemeanor offense with different sentencing options and limited
6 incarceration penalties. The purpose of this sentencing scheme is to
7 provide offenders who are assessed to be in need of treatment or other
8 intervention with probation supervision in conjunction with effective
9 medical and behavioral intervention and treatment. For those drug
10 possessors who are not in need of treatment, sentencing by the courts
11 system should be limited. This sentencing scheme recognizes that drug
12 use and possession is primarily a health concern and should be treated as
13 such by Colorado courts.

14 (B) FURTHERMORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY
15 THAT SENTENCING FOR CRIMES THAT INVOLVE FENTANYL, CARFENTANAL,
16 OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g),
17 EVEN IN SMALL QUANTITIES, REFLECT THE HIGH RISK OF ADDICTION AND
18 DEATH ASSOCIATED WITH FENTANYL, CARFENTANAL, OR ANY ANALOG
19 THEREOF. THEREFORE, THE EDUCATION AND TREATMENT PROCEDURES
20 PROVIDED IN SECTION 18-1.3-509 MUST BE IMPLEMENTED TO ADDRESS
21 THIS SUBSTANTIAL HEALTH RISK.

22 **SECTION 10.** In Colorado Revised Statutes, **add** 18-1.3-509 as
23 follows:

24 **18-1.3-509. Fentanyl education and treatment program.**
25 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE
26 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR
27 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL,

1 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
2 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE ABUSE
3 ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE ABUSE
4 ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE PERSON'S
5 HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF FENTANYL,
6 CARFENTANAL, OR ANY ANALOG THEREOF; THE PERSON'S AMENABILITY TO
7 TREATMENT; AND THE LEVEL OF TREATMENT, IF ANY, NECESSARY TO
8 ADDRESS THE PERSON'S SUBSTANCE ABUSE DISORDER TO BE PROVIDED
9 DURING THE PERSON'S PROBATION OR DEFERRED JUDGMENT SUPERVISION.

10 (2) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
11 SUBSECTION (1) OF THIS SECTION RECOMMENDS COMMUNITY-BASED
12 TREATMENT, THE PERSON SHALL COMPLETE THE ASSESSED LEVEL OF
13 TREATMENT CONSISTENT WITH THE PROVISIONS OF SECTION 18-1.3-209.

14 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
15 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF
16 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR
17 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
18 OR AN ANALOG THEREOF, THE COURT SHALL ORDER RESIDENTIAL
19 TREATMENT AS A CONDITION OF PROBATION. THE RESIDENTIAL
20 TREATMENT FACILITY MUST BE APPROVED BY THE OFFICE OF BEHAVIORAL
21 HEALTH IN THE DEPARTMENT OF HUMAN SERVICES AND DESIGNED FOR
22 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
23 OR AN ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL PROGRAM AS A
24 CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF TIME THAT THE
25 PLACEMENT IS CLINICALLY NECESSARY. A PERSON WHO WAS REPRESENTED
26 BY COURT-APPOINTED COUNSEL IS NOT REQUIRED TO PAY THE COST OF
27 PLACEMENT ORDERED AS A CONDITION OF PROBATION.

1 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO
2 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT
3 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE
4 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS
5 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,
6 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE
7 PERSON'S TREATMENT NEEDS.

8 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING
9 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT
10 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST
11 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
12 OFFICE OF BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127. THE
13 FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
14 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
15 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
16 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
17 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
18 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
19 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. A PERSON WHO
20 WAS REPRESENTED BY COURT-APPOINTED COUNSEL IS NOT REQUIRED TO
21 PAY ANY COSTS IN ORDER TO SATISFY THE EDUCATION REQUIREMENT.

22 **SECTION 11.** In Colorado Revised Statutes, **add** 18-1.3-509 as
23 follows:

24 **18-1.3-509. Fentanyl education and treatment program.**

25 (1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE
26 18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR
27 PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL,

1 CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
2 18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE ABUSE
3 ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE ABUSE
4 ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE PERSON'S
5 HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF FENTANYL,
6 CARFENTANAL, OR ANY ANALOG THEREOF; THE PERSON'S AMENABILITY TO
7 TREATMENT; AND THE LEVEL OF TREATMENT, IF ANY, NECESSARY TO
8 ADDRESS THE PERSON'S SUBSTANCE ABUSE DISORDER TO BE PROVIDED
9 DURING THE PERSON'S PROBATION OR DEFERRED JUDGMENT SUPERVISION.

10 (2) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
11 SUBSECTION (1) OF THIS SECTION RECOMMENDS COMMUNITY-BASED
12 TREATMENT, THE PERSON SHALL COMPLETE THE ASSESSED LEVEL OF
13 TREATMENT CONSISTENT WITH THE PROVISIONS OF SECTION 18-1.3-209.

14 (3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN
15 SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF
16 PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR
17 TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL,
18 OR AN ANALOG THEREOF, THE COURT SHALL ORDER RESIDENTIAL
19 TREATMENT AS A CONDITION OF PROBATION. THE RESIDENTIAL
20 TREATMENT FACILITY MUST BE APPROVED BY THE BEHAVIORAL HEALTH
21 ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES AND
22 DESIGNED FOR TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL,
23 CARFENTANAL, OR AN ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL
24 PROGRAM AS A CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF
25 TIME THAT THE PLACEMENT IS CLINICALLY NECESSARY. A PERSON WHO
26 WAS REPRESENTED BY COURT-APPOINTED COUNSEL IS NOT REQUIRED TO
27 PAY THE COST OF PLACEMENT ORDERED AS A CONDITION OF PROBATION.

1 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION TO
2 THE CONTRARY, THE COURT MAY ORDER NON-RESIDENTIAL TREATMENT
3 AS A CONDITION OF PROBATION IF THE COURT MAKES FINDINGS ON THE
4 RECORD THAT A RESIDENTIAL TREATMENT FACILITY DOES NOT EXIST, IS
5 NOT ACCESSIBLE FOR THE PERSON WITHIN A REASONABLE PERIOD OF TIME,
6 OR NON-RESIDENTIAL TREATMENT IS AVAILABLE TO ADDRESS THE
7 PERSON'S TREATMENT NEEDS.

8 (4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING
9 TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT
10 FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST
11 COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
12 BEHAVIORAL HEALTH ADMINISTRATION PURSUANT TO SECTION 27-80-127.
13 THE FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
14 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
15 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
16 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
17 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
18 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
19 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. A PERSON WHO
20 WAS REPRESENTED BY COURT-APPOINTED COUNSEL IS NOT REQUIRED TO
21 PAY ANY COSTS IN ORDER TO SATISFY THE EDUCATION REQUIREMENT.

22 **SECTION 12.** In Colorado Revised Statutes, 12-30-110, **amend**
23 (1)(a)(VI), (1)(b) introductory portion, (2)(b), (3)(c), (4)(b), and (7)(a);
24 **and add** (1)(a)(VIII), (1)(a)(IX), (1)(a)(X), (1)(a)(XI), (1)(a)(XII),
25 (1)(a)(XIII), (1)(a)(XIV), (1)(a)(XV), (1)(a)(XVI), (1)(a)(XVII),
26 (1)(a)(XVIII), (1)(a)(XIX), (1)(a)(XX), (1)(a)(XXI), (7)(a.3), (7)(a.5),
27 (7)(a.7), (7)(b.2), (7)(b.3), (7)(b.4), (7)(b.7), (7)(b.8), (7)(h.3), and

1 (7)(h.7) as follows:

2 **12-30-110. Prescribing or dispensing opiate antagonists -**

3 **authorized recipients - definitions.** (1) (a) A prescriber may prescribe
4 or dispense, directly or in accordance with standing orders and protocols,
5 an opiate antagonist to:

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

7 (VIII) AN INSTITUTION OF HIGHER EDUCATION, OR AN EMPLOYEE
8 OR AGENT OF THE INSTITUTION OF HIGHER EDUCATION;

9 (IX) A LIBRARY, OR AN EMPLOYEE OR AGENT OF THE LIBRARY;

10 (X) A COMMUNITY SERVICE ORGANIZATION, OR AN EMPLOYEE OR
11 AGENT OF THE COMMUNITY SERVICE ORGANIZATION;

12 (XI) A RELIGIOUS ORGANIZATION, OR AN EMPLOYEE OR AGENT OF
13 THE RELIGIOUS ORGANIZATION;

14 (XII) A LOCAL JAIL, OR AN EMPLOYEE OR AGENT OF THE LOCAL
15 JAIL;

16 (XIII) A MULTIJURISDICTIONAL JAIL, OR AN EMPLOYEE OR AGENT
17 OF THE MULTIJURISDICTIONAL JAIL;

18 (XIV) A MUNICIPAL JAIL, OR AN EMPLOYEE OR AGENT OF THE
19 MUNICIPAL JAIL;

20 (XV) A CORRECTIONAL FACILITY, OR AN EMPLOYEE OR AGENT OF
21 THE CORRECTIONAL FACILITY;

22 (XVI) A PRIVATE CONTRACT PRISON, OR AN EMPLOYEE OR AGENT
23 OF THE PRIVATE CONTRACT PRISON;

24 (XVII) A COMMUNITY CORRECTIONS PROGRAM, OR AN EMPLOYEE
25 OR AGENT OF THE COMMUNITY CORRECTIONS PROGRAM;

26 (XVIII) A PRETRIAL SERVICES PROGRAM, OR AN EMPLOYEE OR
27 AGENT OF THE PRETRIAL SERVICES PROGRAM;

1 (XIX) A PROBATION DEPARTMENT, OR AN EMPLOYEE OR AGENT OF
2 THE PROBATION DEPARTMENT;

3 (XX) A LOCAL PUBLIC HEALTH AGENCY, OR AN EMPLOYEE OR
4 AGENT OF THE LOCAL PUBLIC HEALTH AGENCY; OR

5 (XXI) A MENTAL HEALTH PROFESSIONAL.

6 (b) ~~A law enforcement agency or first responder; an employee or~~
7 ~~volunteer of a harm reduction organization; a school district, school, or~~
8 ~~employee or agent of a school; a person described in section~~
9 ~~25-20.5-1001; a mental health professional; or a unit of local government;~~

10 A PERSON OR ENTITY DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION
11 may, pursuant to an order or standing orders and protocols:

12 (2) (b) ~~A law enforcement agency, first responder, harm reduction~~
13 ~~organization, person described in section 25-20.5-1001, mental health~~
14 ~~professional, or unit of local government~~ AN ENTITY DESCRIBED IN
15 SUBSECTION (1)(a) OF THIS SECTION is strongly encouraged to educate
16 employees, AGENTS, and volunteers, as well as persons receiving an
17 opiate antagonist from ~~the law enforcement agency, first responder, harm~~
18 ~~reduction organization, person described in section 25-20.5-1001, mental~~
19 ~~health professional, or unit of local government,~~ THE ENTITY DESCRIBED
20 IN SUBSECTION (1)(a) OF THIS SECTION on the use of an opiate antagonist
21 for overdose, including instruction concerning risk factors for overdose,
22 recognizing an overdose, calling emergency medical services, rescue
23 breathing, and administering an opiate antagonist.

24 (3) A prescriber described in subsection (7)(h) of this section does
25 not engage in unprofessional conduct or is not subject to discipline
26 pursuant to section 12-240-121, 12-255-120, or 12-280-126, as
27 applicable, if the prescriber issues standing orders and protocols

1 regarding opiate antagonists or prescribes or dispenses, pursuant to an
2 order or standing orders and protocols, an opiate antagonist in a
3 good-faith effort to assist:

4 (c) ~~The following persons~~ A PERSON OR ENTITY DESCRIBED IN
5 SUBSECTION (1)(a) OF THIS SECTION in responding to, treating, or
6 otherwise assisting an individual who is experiencing or is at risk of
7 experiencing an opiate-related drug overdose event or a friend, family
8 member, or other person in a position to assist an at-risk individual.

9 ~~(I) A law enforcement agency or first responder;~~

10 ~~(II) An employee or volunteer of a harm reduction organization;~~

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

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

13 ~~(V) A mental health professional; or~~

14 ~~(VI) A unit of local government.~~

15 (4) (b) ~~A law enforcement agency or first responder; an employee~~
16 ~~or volunteer of a harm reduction organization; a school district, school,~~
17 ~~or employee or agent of a school; a person described in section~~
18 ~~25-20.5-1001; or a unit of local government~~ A PERSON OR ENTITY
19 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION acting in accordance
20 with this section is not subject to civil liability or criminal prosecution, as
21 specified in sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

22 (7) As used in this section:

23 (a) ~~"First responder" means:~~ "COMMUNITY CORRECTIONS
24 PROGRAM" HAS THE SAME MEANING AS SET FORTH IN SECTION 17-27-102
25 (3).

26 ~~(I) A peace officer, as defined in section 16-2.5-101;~~

27 ~~(II) A firefighter, as defined in section 29-5-203 (10); or~~

1 ~~(HH) A volunteer firefighter, as defined in section 31-30-1102 (9).~~

2 (a.3) "COMMUNITY SERVICE ORGANIZATION" MEANS A NONPROFIT
3 ORGANIZATION THAT IS IN GOOD STANDING AND REGISTERED WITH THE
4 FEDERAL INTERNAL REVENUE SERVICE AND THE COLORADO SECRETARY
5 OF STATE'S OFFICE THAT PROVIDES SERVICES TO INDIVIDUALS AT RISK OF
6 EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT, OR TO THE
7 INDIVIDUALS' FAMILY MEMBERS, FRIENDS, OR OTHER PERSONS IN A
8 POSITION TO ASSIST THE INDIVIDUAL.

9 (a.5) "CORRECTIONAL FACILITY" HAS THE SAME MEANING AS SET
10 FORTH IN SECTION 17-1-102 (1.7).

11 (a.7) "FIRST RESPONDER" MEANS:

12 (I) A PEACE OFFICER, AS DEFINED IN SECTION 16-2.5-101;

13 (II) A FIREFIGHTER, AS DEFINED IN SECTION 29-5-203 (10);

14 (III) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION
15 31-30-1102 (9); OR

16 (IV) AN EMERGENCY MEDICAL SERVICE PROVIDER, AS DEFINED IN
17 SECTION 25-3.5-103 (8).

18 (b.2) "INSTITUTION OF HIGHER EDUCATION" MEANS A PUBLIC OR
19 NONPUBLIC INSTITUTION THAT AWARDS ANY TYPE OF POSTSECONDARY
20 CERTIFICATE, DEGREE, OR OTHER CREDENTIAL, AND IS LOCATED IN
21 COLORADO.

22 (b.3) "LOCAL JAIL" HAS THE SAME MEANING AS SET FORTH IN
23 SECTION 17-1-102 (7).

24 (b.4) "LOCAL PUBLIC HEALTH AGENCY" MEANS AN AGENCY
25 ESTABLISHED PURSUANT TO SECTION 25-1-506.

26 (b.7) "MULTIJURISDICTIONAL JAIL" HAS THE SAME MEANING AS
27 DESCRIBED IN SECTION 17-26.5-101.

1 (b.8) "MUNICIPAL JAIL" HAS THE SAME MEANING AS DESCRIBED IN
2 SECTION 31-15-401 (1)(j).

3 (h.3) "PRETRIAL SERVICES PROGRAM" HAS THE SAME MEANING AS
4 DESCRIBED IN SECTION 16-4-106.

5 (h.7) "PRIVATE CONTRACT PRISON" HAS THE SAME MEANING AS
6 SET FORTH IN SECTION 17-1-102 (7.3).

7 **SECTION 13.** In Colorado Revised Statutes, 13-21-108.7,
8 **amend** (3)(a) and (3)(b)(I) as follows:

9 **13-21-108.7. Persons rendering emergency assistance through**
10 **the administration of an opiate antagonist - limited immunity -**
11 **legislative declaration - definitions. (3) General immunity. (a) A**
12 **person, other than a health-care provider or a health-care facility, who**
13 **acts in good faith to furnish or administer an opiate antagonist, including**
14 **an expired opiate antagonist, to an individual the person believes to be**
15 **suffering an opiate-related drug overdose event or to an individual who**
16 **is in a position to assist the individual at risk of experiencing an**
17 **opiate-related overdose event is not liable for any civil damages for acts**
18 **or omissions made as a result of the act or for any act or omission made**
19 **if the opiate antagonist is stolen, DEFECTIVE, OR PRODUCES AN**
20 **UNINTENDED RESULT.**

21 (b) This subsection (3) also applies to:

22 (I) ~~A law enforcement agency or first responder; an employee or~~
23 ~~volunteer of a harm reduction organization; a school district, school, or~~
24 ~~employee or agent of a school acting in accordance with section~~
25 ~~12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section~~
26 ~~22-1-119.1; a mental health professional, as defined in section 12-30-110~~
27 ~~(7)(b.5); or a unit of local government, as defined in section 29-3.5-101~~

1 ~~(4)~~ A PERSON OR ENTITY DESCRIBED IN SECTION 12-30-110 (1)(a); EXCEPT
2 THAT AN EMPLOYEE OR AGENT OF A SCHOOL MUST BE ACTING IN
3 ACCORDANCE WITH SECTION 12-30-110 (1)(b), (2)(b), AND (4)(b), AND, AS
4 APPLICABLE, SECTION 22-1-119.1; and

5 **SECTION 14.** In Colorado Revised Statutes, **add** 13-21-108.8 as
6 follows:

7 **13-21-108.8. Persons furnishing a non-laboratory synthetic**
8 **opiate detection test - limited immunity - definition.** (1) EXCEPT AS
9 PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON WHO OR ENTITY
10 THAT ACTS IN GOOD FAITH TO FURNISH A NON-LABORATORY SYNTHETIC
11 OPIATE DETECTION TEST, INCLUDING AN EXPIRED NON-LABORATORY
12 SYNTHETIC OPIATE DETECTION TEST, TO ANOTHER PERSON IS NOT LIABLE
13 FOR ANY CIVIL DAMAGES FOR ACTS, OMISSIONS MADE AS A RESULT OF THE
14 ACT, OR FOR ANY ACT OR OMISSION MADE IF THE NON-LABORATORY
15 SYNTHETIC OPIATE DETECTION TEST IS STOLEN, DEFECTIVE, OR PRODUCES
16 AN INACCURATE RESULT.

17 (2) A MANUFACTURER, AS DEFINED IN SECTION 13-21-401 (1), OF
18 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS IS NOT IMMUNE
19 FROM LIABILITY AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

20 (3) FOR PURPOSES OF THIS SECTION, "NON-LABORATORY
21 SYNTHETIC OPIATE DETECTION TEST" MEANS A PRODUCT THAT IS
22 APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION INTENDED
23 OR DESIGNED TO DETECT THE PRESENCE OF A SYNTHETIC OPIATE.

24 **SECTION 15.** In Colorado Revised Statutes, 17-26-140, **amend**
25 (1) as follows:

26 **17-26-140. Continuity of care for persons released from jail.**
27 (1) If a person is treated for a substance use disorder throughout the

1 person's incarceration, the county jail shall, at a minimum, conduct the
2 following before releasing the person from the county jail's custody:

3 (a) Provide post-release resources developed pursuant to section
4 17-1-103 (1)(r) to the person; ~~and~~

5 (b) Provide a list of available substance use providers, to the
6 extent the office of behavioral health in the state department has such a
7 list available;

8 (c) IF THE PERSON RECEIVED MEDICATION-ASSISTED TREATMENT
9 WHILE IN JAIL, HAS A HISTORY OF SUBSTANCE USE, OR REQUESTS OPIATE
10 ANTAGONISTS UPON RELEASE, PROVIDE THE PERSON, UPON RELEASE FROM
11 THE JAIL, AT LEAST THREE DOSES OF AN OPIATE ANTAGONIST AND PROVIDE
12 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE
13 MEDICATION; AND

14 (d) IF THE PERSON RECEIVED MEDICATION-ASSISTED TREATMENT
15 WHILE IN JAIL, HAS A HISTORY OF SUBSTANCE USE, OR REQUESTS OPIATE
16 USE-DISORDER MEDICATION, PRESCRIBE TO THE PERSON, UPON RELEASE
17 FROM THE JAIL, MEDICATION FOR AN OPIATE USE DISORDER AND PROVIDE
18 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE
19 MEDICATION, AND PROVIDE THE PERSON WITH A REFERRAL TO AT LEAST
20 ONE MEDICATION-ASSISTED TREATMENT PROVIDER LOCATED IN THE AREA
21 WHERE THE PERSON WILL RESIDE AFTER RELEASE FROM THE JAIL.

22 **SECTION 16.** In Colorado Revised Statutes, 17-26-140, **amend**
23 (1) as follows:

24 **17-26-140. Continuity of care for persons released from jail.**

25 (1) If a person is treated for a substance use disorder throughout the
26 person's incarceration, the county jail shall, at a minimum, conduct the
27 following before releasing the person from the county jail's custody:

1 (a) Provide post-release resources developed pursuant to section
2 17-1-103 (1)(r) to the person; ~~and~~

3 (b) Provide a list of available substance use providers, to the
4 extent the ~~office of behavioral health~~ ADMINISTRATION in the ~~state~~
5 department OF HUMAN SERVICES has such a list available;

6 (c) IF THE PERSON RECEIVED MEDICATION-ASSISTED TREATMENT
7 WHILE IN JAIL, HAS A HISTORY OF SUBSTANCE USE, OR REQUESTS OPIATE
8 ANTAGONISTS UPON RELEASE, PROVIDE THE PERSON, UPON RELEASE FROM
9 THE JAIL, AT LEAST THREE DOSES OF AN OPIATE ANTAGONIST AND PROVIDE
10 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE
11 MEDICATION; AND

12 (d) IF THE PERSON RECEIVED MEDICATION-ASSISTED TREATMENT
13 WHILE IN JAIL, HAS A HISTORY OF SUBSTANCE USE, OR REQUESTS OPIATE
14 USE-DISORDER MEDICATION, PRESCRIBE TO THE PERSON, UPON RELEASE
15 FROM THE JAIL, MEDICATION FOR AN OPIATE USE DISORDER AND PROVIDE
16 EDUCATION TO THE PERSON ABOUT THE APPROPRIATE USE OF THE
17 MEDICATION, AND PROVIDE THE PERSON WITH A REFERRAL TO AT LEAST
18 ONE MEDICATION-ASSISTED TREATMENT PROVIDER LOCATED IN THE AREA
19 WHERE THE PERSON WILL RESIDE AFTER RELEASE FROM THE JAIL.

20 **SECTION 17.** In Colorado Revised Statutes, 17-27-104, **amend**
21 (12) as follows:

22 **17-27-104. Community corrections programs operated by**
23 **units of local government, state agencies, or nongovernmental**
24 **agencies.** (12) (a) The administrators of a community corrections
25 program established pursuant to this section may implement a behavioral
26 or mental health disorder screening program to screen the persons
27 accepted and placed in the community corrections program. If the

1 administrators choose to implement a behavioral or mental health disorder
2 screening program, the administrators shall use the standardized
3 screening instrument developed pursuant to section 16-11.9-102 and
4 conduct the screening in accordance with procedures established pursuant
5 to said section.

6 (b) STARTING ON OR BEFORE JANUARY 1, 2023, A COMMUNITY
7 CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL
8 ASSESS INDIVIDUALS RESIDING IN THE COMMUNITY CORRECTIONS
9 PROGRAM FOR SUBSTANCE USE WITHDRAWAL SYMPTOMS AND SHALL
10 DEVELOP PROTOCOLS FOR MEDICAL DETOXIFICATION MONITORING
11 PROCEDURES, MEDICATION-ASSISTED TREATMENT, AND OTHER
12 APPROPRIATE WITHDRAWAL MANAGEMENT CARE.

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

15 **18-1-712. Immunity for a person who administers an opiate**
16 **antagonist during an opiate-related drug overdose event - definitions.**

17 (2) **General immunity.** (b) This subsection (2) also applies to:

18 (I) ~~A law enforcement agency or first responder; an employee or~~
19 ~~volunteer of a harm reduction organization; a school district, school, or~~
20 ~~employee or agent of a school acting in accordance with section~~
21 ~~12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section~~
22 ~~22-1-119.1; a mental health professional, as defined in section 12-30-110~~
23 ~~(7)(b.5); or a unit of local government, as defined in section 29-3.5-101~~
24 ~~(4) A PERSON OR ENTITY DESCRIBED IN SECTION 12-30-110 (1)(a); EXCEPT~~
25 ~~THAT AN EMPLOYEE OR AGENT OF A SCHOOL MUST BE ACTING IN~~
26 ~~ACCORDANCE WITH SECTION 12-30-110 (1)(b), (2)(b), AND (4)(b), AND, AS~~
27 ~~APPLICABLE, SECTION 22-1-119.1; and~~

1 **SECTION 19.** In Colorado Revised Statutes, 18-19-103, **amend**
2 (5)(c)(VI) and (5)(c)(VII); and **add** (5)(c)(VIII) as follows:

3 **18-19-103. Source of revenues - allocation of money.**

4 (5) (c) The board may direct that money in the correctional treatment
5 cash fund may be used for the following purposes:

6 (VI) Recovery support services, including offender reentry; ~~and~~

7 (VII) Administrative support to the correctional treatment board
8 including, but not limited to, facilitating and coordinating data collection,
9 conducting data analysis, developing contracts, preparing reports,
10 scheduling and staffing board and subcommittee meetings, and engaging
11 in budget planning and analysis; AND

12 (VIII) DRUG OVERDOSE PREVENTION, INCLUDING
13 MEDICATION-ASSISTED TREATMENT FOR OPIATE DEPENDENCE, OPIATE
14 ANTAGONISTS, AND NON-LABORATORY SYNTHETIC OPIATE DETECTION
15 TESTS.

16 **SECTION 20.** In Colorado Revised Statutes, **add** 22-1-119.2 as
17 follows:

18 **22-1-119.2. Policy for employee and agent furnishing**
19 **non-laboratory synthetic opiate detection tests - definition.** (1) A
20 SCHOOL DISTRICT BOARD OF EDUCATION OF A PUBLIC SCHOOL, THE STATE
21 CHARTER SCHOOL INSTITUTE FOR AN INSTITUTE CHARTER SCHOOL, OR THE
22 GOVERNING BOARD OF A NONPUBLIC SCHOOL MAY ADOPT AND IMPLEMENT
23 A POLICY WHEREBY A SCHOOL UNDER ITS JURISDICTION MAY ACQUIRE AND
24 MAINTAIN A SUPPLY OF NON-LABORATORY SYNTHETIC OPIATE DETECTION
25 TESTS, AND AN EMPLOYEE OR AGENT OF THE SCHOOL MAY FURNISH
26 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS ON SCHOOL
27 GROUNDS TO ANY INDIVIDUAL.

1 (2) AS USED IN THIS SECTION, "NON-LABORATORY SYNTHETIC
2 OPIATE DETECTION TEST" MEANS A PRODUCT APPROVED BY THE FEDERAL
3 FOOD AND DRUG ADMINISTRATION INTENDED OR DESIGNED TO DETECT THE
4 PRESENCE OF A SYNTHETIC OPIATE.

5 **SECTION 21.** In Colorado Revised Statutes, 25-1.5-115, **amend**
6 (5); and **add** (6) as follows:

7 **25-1.5-115. Opiate antagonist bulk purchase fund - creation**
8 **- rules - report - definition - repeal.** (5) As used in this section,
9 "eligible entity" means A PERSON OR ENTITY DESCRIBED IN SECTION
10 12-30-110 (1)(a); EXCEPT THAT AN EMPLOYEE OR AGENT OF A SCHOOL
11 MUST BE ACTING IN ACCORDANCE WITH SECTION 12-30-110 (1)(b), (2)(b),
12 AND (4)(b), AND, AS APPLICABLE, SECTION 22-1-119.1.

13 ~~(a) A unit of local government, as defined in section 29-3.5-101~~
14 ~~(4);~~

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

17 ~~(c) The following entities, if the entity has adopted a policy~~
18 ~~allowing the acquisition, maintenance, and administration of opiate~~
19 ~~antagonists pursuant to section 22-1-119.1:~~

20 ~~(I) A school district board of education of a public school;~~

21 ~~(II) The state charter school institute for an institute charter~~
22 ~~school; or~~

23 ~~(III) A governing board of a nonpublic school.~~

24 ~~(d) A harm reduction organization, as defined in section~~
25 ~~12-30-110 (7)(b);~~

26 ~~(e) A law enforcement agency; or~~

27 ~~(f) A first responder, as defined in section 12-30-110 (7)(a).~~

1 (6) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
2 ASSEMBLY SHALL APPROPRIATE TWENTY MILLION DOLLARS FROM THE
3 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION
4 24-75-230, TO THE FUND.

5 (b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2024.

6 **SECTION 22.** In Colorado Revised Statutes, **add** 25-1.5-115.3
7 as follows:

8 **25-1.5-115.3. Non-laboratory synthetic opiate detection tests**
9 **- appropriation - definitions - repeal.** (1) FOR THE 2022-23 STATE

10 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE THREE
11 HUNDRED THOUSAND DOLLARS TO THE DEPARTMENT FOR THE PURPOSE OF
12 PURCHASING NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS.

13 (2) THE DEPARTMENT SHALL DISTRIBUTE THE NON-LABORATORY
14 SYNTHETIC OPIATE DETECTION TESTS TO ELIGIBLE ENTITIES. THE
15 DEPARTMENT MAY PRIORITIZE THE DISTRIBUTION OF NON-LABORATORY
16 SYNTHETIC OPIATE DETECTION TESTS TO ELIGIBLE ENTITIES BASED ON THE
17 NEED OF EACH ENTITY AND THE AVAILABILITY OF THE NON-LABORATORY
18 SYNTHETIC OPIATE DETECTION TESTS AS DETERMINED BY THE
19 DEPARTMENT.

20 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
21 REQUIRES:

22 (a) "ELIGIBLE ENTITY" MEANS A PERSON OR ENTITY DESCRIBED IN
23 SECTION 12-30-110 (1)(a); EXCEPT THAT AN EMPLOYEE OR AGENT OF A
24 SCHOOL MUST BE ACTING IN ACCORDANCE WITH SECTION 12-30-110
25 (1)(b), (2)(b), OR (4)(b), AND, AS APPLICABLE, SECTION 22-1-119.2.

26 (b) "NON-LABORATORY SYNTHETIC OPIATE DETECTION TEST"
27 MEANS A PRODUCT THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG

1 ADMINISTRATION INTENDED OR DESIGNED TO DETECT THE PRESENCE OF A
2 SYNTHETIC OPIATE.

3 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

4 **SECTION 23.** In Colorado Revised Statutes, **add** 25-1.5-115.5
5 as follows:

6 **25-1.5-115.5. Fentanyl prevention and education campaign -**
7 **website.** (1) SUBJECT TO AVAILABLE APPROPRIATIONS, BEGINNING IN THE
8 2022-23 STATE FISCAL YEAR, THE DEPARTMENT SHALL DEVELOP,
9 IMPLEMENT, AND MAINTAIN AN ONGOING STATEWIDE PREVENTION AND
10 EDUCATION CAMPAIGN TO ADDRESS THE FENTANYL EDUCATION NEEDS IN
11 THE STATE. IN THE PREVENTION AND EDUCATION CAMPAIGN, THE DIVISION
12 SHALL PROVIDE INFORMATION TO THE GENERAL PUBLIC ABOUT FENTANYL,
13 ITS DANGERS, PRECAUTIONARY MEASURES TO AVOID RISKS AND PREVENT
14 HARM CAUSED BY FENTANYL, RESOURCES FOR ADDICTION TREATMENT
15 AND SERVICES, AND LAWS REGARDING FENTANYL, INCLUDING CRIMINAL
16 PENALTIES AND IMMUNITY FOR REPORTING AN OVERDOSE EVENT
17 PURSUANT TO SECTION 18-1-711.

18 (2) IN FURTHERANCE OF THE GOALS OF THE FENTANYL PREVENTION
19 AND EDUCATION CAMPAIGN, THE DIVISION MAY USE TELEVISION
20 ADVERTISING, RADIO BROADCASTS, PRINT MEDIA, DIGITAL STRATEGIES, OR
21 ANY OTHER MEDIA DEEMED NECESSARY AND APPROPRIATE BY THE
22 DIVISION TO REACH THE TARGET AUDIENCES OF THE CAMPAIGN.

23 (3) IN FURTHERANCE OF THE GOALS OF THE FENTANYL PREVENTION
24 AND EDUCATION CAMPAIGN, THE DIVISION SHALL PROVIDE AT LEAST FIVE
25 REGIONAL TRAINING SESSIONS DURING THE 2022-23 FISCAL YEAR FOR
26 COMMUNITY PARTNERS TO IMPLEMENT YOUTH HEALTH DEVELOPMENT
27 STRATEGIES.

1 (4) IN FURTHERANCE OF THE GOALS OF THE FENTANYL PREVENTION
2 AND EDUCATION CAMPAIGN, THE DIVISION SHALL DEVELOP, IMPLEMENT,
3 AND MAINTAIN A WEBSITE TO SERVE AS THE STATE RESOURCE FOR THE
4 MOST ACCURATE AND TIMELY INFORMATION REGARDING FENTANYL. AT
5 A MINIMUM, THE WEBSITE MUST INCLUDE INFORMATION CONCERNING
6 FENTANYL, ITS DANGERS, PRECAUTIONARY MEASURES TO AVOID RISKS
7 AND PREVENT HARM CAUSED BY FENTANYL, RESOURCES FOR ADDICTION
8 TREATMENT AND SERVICES, AND LAWS REGARDING FENTANYL, INCLUDING
9 CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING AN OVERDOSE EVENT
10 PURSUANT TO SECTION 18-1-711.

11 **SECTION 24.** In Colorado Revised Statutes, 25-20.5-1101,
12 **amend** (1), (2), (3)(a), and (4) as follows:

13 **25-20.5-1101. Harm reduction grant program - creation -**
14 **application - permissible uses - department duties.** (1) Subject to
15 available appropriations, the department shall develop and implement a
16 harm reduction grant program, referred to in this section as the "grant
17 program", to PREVENT OVERDOSE DEATHS AND reduce health risks
18 associated with drug use. ~~and improve coordination between law~~
19 ~~enforcement agencies, public health agencies, and community-based~~
20 ~~organizations.~~ The department may contract with an independent entity
21 for the administration of the grant program.

22 (2) (a) To be eligible to receive grant funding pursuant to this part
23 11, an entity must be: ~~a nonprofit organization in good standing and~~
24 ~~registered with the federal internal revenue service and the Colorado~~
25 ~~secretary of state's office, a local public health agency established~~
26 ~~pursuant to section 25-1-506, or a law enforcement agency.~~

27 (I) A NONPROFIT ORGANIZATION THAT IS IN GOOD STANDING AND

1 REGISTERED WITH THE FEDERAL INTERNAL REVENUE SERVICE AND THE
2 COLORADO SECRETARY OF STATE'S OFFICE;

3 (II) A LOCAL PUBLIC HEALTH AGENCY ESTABLISHED PURSUANT TO
4 SECTION 25-1-506;

5 (III) A TRIBAL AGENCY OR PROGRAM;

6 (IV) A FEDERALLY QUALIFIED HEALTH CENTER, AS DEFINED IN THE
7 FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)(4);

8 (V) A RURAL HEALTH CLINIC, AS DEFINED IN THE FEDERAL "SOCIAL
9 SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)(2);

10 (VI) A COMMUNITY MENTAL HEALTH CENTER, AS DEFINED IN
11 SECTION 27-66-101 (2); OR

12 (VII) A LAW ENFORCEMENT AGENCY.

13 (b) AN ELIGIBLE ENTITY MAY SUBMIT A PROPOSAL ON BEHALF OF
14 A GROUP OF ELIGIBLE ENTITIES, AND APPORTION GRANT FUNDS
15 ACCORDINGLY, TO FOSTER COMMUNITY COLLABORATION AND COLLECTIVE
16 IMPACT.

17 (c) Grantees must be willing to provide services to individuals
18 who may not be ready to seek addiction treatment services or who are in
19 recovery.

20 (3) On or before November 1, 2019, the department shall develop:

21 (a) Eligibility criteria for ~~nonprofit organizations, local public~~
22 ~~health agencies, and law enforcement agencies~~ THE ENTITIES DESCRIBED
23 IN SUBSECTION (2) OF THIS SECTION;

24 (4) ~~(a)~~ Permissible uses of funding provided pursuant to this grant
25 program include GENERAL OPERATING EXPENSES, AND DIRECT AND
26 INDIRECT PROJECT COSTS INCLUDING, but ~~are~~ not limited to:

27 ~~(f)~~ (a) Trainings relevant to the field of harm reduction ~~which~~

1 THAT may include ~~how to administer naloxone~~ OVERDOSE PREVENTION,
2 SAFER SUBSTANCE USE PRACTICES, SAFE DISPOSAL, AND ACCESS TO AND
3 ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
4 SYNTHETIC OPIATE DETECTION TESTS;

5 ~~(H)~~ (b) Purchasing and providing sterile equipment,
6 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS, and syringe
7 disposal equipment;

8 ~~(H)~~ (c) Providing direct services to persons who have come into
9 contact with or who are at risk of coming into contact with the criminal
10 justice system, which may include accessing treatment and health-care
11 services, overdose prevention activities, and recovery support services;

12 ~~(V)~~ (d) Outreach and engagement to people who come into
13 contact with or who are at risk of coming into contact with the criminal
14 justice system and who are in need of mental health or substance use
15 disorder ~~services~~ TREATMENT, OVERDOSE PREVENTION, HARM REDUCTION,
16 OR RECOVERY SUPPORT SERVICES;

17 ~~(V)~~ (e) Facilitating communication, training, and technical
18 assistance among law enforcement agencies, public health agencies, and
19 community-based harm reduction agencies IN ORDER TO DIVERT PEOPLE
20 FROM THE CRIMINAL JUSTICE SYSTEM;

21 ~~(VI)~~ ~~Coordinating local efforts regarding co-responder and~~
22 ~~diversion programs; and~~

23 ~~(VH)~~ (f) Auricular acudetox training and services;

24 (g) PUBLIC EDUCATION AND OUTREACH ABOUT SYNTHETIC
25 OPIATES, OVERDOSE RISKS, RECOGNIZING AN OVERDOSE EVENT,
26 RESOURCES FOR ADDICTION TREATMENT AND SERVICES, ACCESS TO AND
27 ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY

1 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
2 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
3 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711;

4 (h) LOCAL CONVENTIONS FOR THE PURPOSE OF DEVELOPING
5 COMMUNITY-BASED APPROACHES FOR OVERDOSE PREVENTION, EARLY
6 INTERVENTION, AND HARM REDUCTION SERVICES;

7 (i) DEVELOPING, OR EXPANDING EXISTING, COMMUNITY-BASED
8 ORGANIZATIONS THAT PROVIDE OVERDOSE PREVENTION, EARLY
9 INTERVENTION, AND HARM REDUCTION SERVICES;

10 (j) EVIDENCE-BASED RESEARCH CONCERNING BEST OR PROMISING
11 PRACTICES IN OVERDOSE PREVENTION, EARLY INTERVENTION, HARM
12 REDUCTION, AND MEDICATION-ASSISTED TREATMENT PROTOCOLS;

13 (k) DEVELOPING STRATEGIES FOR SERVING POPULATIONS WHO ARE
14 AT A HIGHER RISK OF OVERDOSE AND LIVE IN UNDERSERVED AREAS; AND

15 (l) SUPPORT FOR A LIAISON WITH EXPERIENCE COLLABORATING
16 WITH COMMUNITY-BASED ORGANIZATIONS AND LOCAL PUBLIC HEALTH
17 AGENCIES.

18 ~~(b) In order to ensure grantees are coordinating efforts across~~
19 ~~public health and criminal justice systems at the local level, funding may~~
20 ~~be used to support a harm reduction and law enforcement liaison who has~~
21 ~~experience working with community-based organizations, local public~~
22 ~~health agencies, and law enforcement agencies.~~

23 **SECTION 25.** In Colorado Revised Statutes, 25-20.5-1102, **add**
24 (5) as follows:

25 **25-20.5-1102. Harm reduction grant program cash fund -**
26 **creation - repeal.** (5) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE
27 GENERAL ASSEMBLY SHALL APPROPRIATE SIX MILLION DOLLARS FROM THE

1 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION
2 24-75-230, TO THE FUND.

3 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2024.

4 **SECTION 26.** In Colorado Revised Statutes, 27-60-106, **amend**
5 (4) introductory portion, (4)(b), and (5)(a); and **add** (7) as follows:

6 **27-60-106. Jail-based behavioral health services program -**
7 **purpose - created - funding - repeal.** (4) Subject to available
8 appropriations, the office ~~may~~ SHALL require a county jail that receives
9 funding through the program to:

10 (b) Assess all individuals booked into the jail facility for
11 substance use withdrawal symptoms and develop protocols for medical
12 detoxification monitoring procedures, MEDICATION-ASSISTED
13 TREATMENT, OR OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE;

14 (5) (a) The office shall require a county jail that receives funding
15 through the program to have a policy in place on or before January 1,
16 2020, that describes how medication-assisted treatment, as it is defined
17 in section 23-21-803, will be provided, when necessary, to individuals
18 confined in the county jail. THE OFFICE SHALL REQUIRE A COUNTY JAIL
19 THAT RECEIVES FUNDING THROUGH THE PROGRAM TO DEVELOP AND
20 IMPLEMENT A POLICY ON OR BEFORE JANUARY 1, 2023, THAT DESCRIBES
21 THE PROVISION OF MEDICATION-ASSISTED TREATMENT AND OTHER
22 APPROPRIATE WITHDRAWAL MANAGEMENT CARE UPON RELEASE FROM
23 JAIL.

24 (7) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
25 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE
26 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION
27 24-75-230, TO THE OFFICE FOR THE PURPOSE OF ASSISTING COUNTY JAILS

1 THAT RECEIVE FUNDING THROUGH THE PROGRAM TO IMPLEMENT THE
2 REQUIREMENT PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION.

3 (b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2024.

4 **SECTION 27.** In Colorado Revised Statutes, 27-60-106, **amend**
5 (4) introductory portion, (4)(b), and (5)(a); and **add** (7) as follows:

6 **27-60-106. Jail-based behavioral health services program -**
7 **purpose - created - funding - repeal.** (4) Subject to available
8 appropriations, the ~~office may~~ BHA SHALL require a county jail that
9 receives funding through the program to:

10 (b) Assess all individuals booked into the jail facility for
11 substance use withdrawal symptoms and develop protocols for medical
12 detoxification monitoring procedures, MEDICATION-ASSISTED
13 TREATMENT, OR OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE;

14 (5) (a) The ~~office~~ BHA shall require a county jail that receives
15 funding through the program to have a policy in place on or before
16 January 1, 2020, that describes how medication-assisted treatment, as it
17 is defined in section 23-21-803, will be provided, when necessary, to
18 individuals confined in the county jail. THE BHA SHALL REQUIRE A
19 COUNTY JAIL THAT RECEIVES FUNDING THROUGH THE PROGRAM TO
20 DEVELOP AND IMPLEMENT A POLICY ON OR BEFORE JANUARY 1, 2023,
21 THAT DESCRIBES THE PROVISION OF MEDICATION-ASSISTED TREATMENT
22 AND OTHER APPROPRIATE WITHDRAWAL MANAGEMENT CARE UPON
23 RELEASE FROM JAIL.

24 (7) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
25 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE
26 BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION
27 24-75-230, TO THE BHA FOR THE PURPOSE OF ASSISTING COUNTY JAILS

1 THAT RECEIVE FUNDING THROUGH THE PROGRAM TO IMPLEMENT THE
2 REQUIREMENT PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION.

3 (b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2024.

4 **SECTION 28.** In Colorado Revised Statutes, **add** 27-80-107.7 as
5 follows:

6 **27-80-107.7. Increase synthetic opiate treatment - report.**

7 (1) ON OR BEFORE JANUARY 1, 2023, EACH MANAGED SERVICE
8 ORGANIZATION DESIGNATED PURSUANT TO SECTION 27-80-107 SHALL
9 EVALUATE THE CURRENT SUPPLY AND NECESSARY DEMAND WITHIN ITS
10 REGION FOR:

11 (a) THE NUMBER OF MEDICATION-ASSISTED TREATMENT
12 PROVIDERS EMPLOYED BY THE MANAGED SERVICE ORGANIZATION WHO
13 ARE TRAINED TO PROVIDE MEDICATION-ASSISTED TREATMENT TO A
14 PERSON WHO HAS CONSUMED SYNTHETIC OPIATES;

15 (b) AMBULATORY WITHDRAWAL MANAGEMENT AND MEDICAL
16 WITHDRAWAL MANAGEMENT SPECIFIC TO SYNTHETIC OPIATES;

17 (c) THE PROVISION OF RECOVERY SERVICES AT PUBLIC HIGH
18 SCHOOLS; AND

19 (d) THE PROVISION OF RECOVERY RESIDENCES, AS DEFINED IN
20 SECTION 25-1.5-108.5.

21 (2) IN ITS HEARING FOR THE 2024 LEGISLATIVE SESSION, THE
22 DEPARTMENT SHALL INCLUDE AS PART OF ITS "STATE MEASUREMENT FOR
23 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
24 GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203, THE
25 MANAGED SERVICE ORGANIZATIONS' FINDINGS PURSUANT TO SUBSECTION
26 (1) OF THIS SECTION.

27 **SECTION 29.** In Colorado Revised Statutes, **add** 27-80-127 as

1 follows:

2 **27-80-127. Fentanyl education and treatment program.** THE
3 OFFICE OF BEHAVIORAL HEALTH SHALL DEVELOP A FENTANYL EDUCATION
4 PROGRAM FOR THE PURPOSE OF SECTIONS 18-1.3-410 AND 18-1.3-509. THE
5 FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
6 REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
7 OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
8 AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
9 SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
10 OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
11 AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE OFFICE OF
12 BEHAVIORAL HEALTH MAY UPDATE THE FENTANYL EDUCATION PROGRAM
13 CURRICULUM AS NECESSARY.

14 **SECTION 30.** In Colorado Revised Statutes, **add** 27-80-127 as
15 follows:

16 **27-80-127. Fentanyl education and treatment program.** THE
17 BEHAVIORAL HEALTH ADMINISTRATION SHALL DEVELOP A FENTANYL
18 EDUCATION PROGRAM FOR THE PURPOSE OF SECTIONS 18-1.3-410 AND
19 18-1.3-509. THE FENTANYL EDUCATION PROGRAM MUST INCLUDE
20 INFORMATION REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF
21 SYNTHETIC OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH,
22 ACCESS TO AND ADMINISTRATION OF OPIATE ANTAGONISTS AND
23 NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS, AND LAWS
24 REGARDING SYNTHETIC OPIATES, INCLUDING CRIMINAL PENALTIES AND
25 IMMUNITY FOR REPORTING AN OVERDOSE EVENT PURSUANT TO SECTION
26 18-1-711. THE BHA MAY UPDATE THE FENTANYL EDUCATION PROGRAM
27 CURRICULUM AS NECESSARY.

1 **SECTION 31.** In Colorado Revised Statutes, 24-72-706, **amend**
2 (1)(b)(II) and (1)(b)(III) as follows:

3 **24-72-706. Sealing of criminal conviction records.** (1) **Sealing**
4 **of conviction records.** (b) (II) If the offense is a class 2 or class 3
5 misdemeanor, ~~or~~ any drug misdemeanor, OR A LEVEL 4 DRUG FELONY FOR
6 A CONVICTION PURSUANT TO SECTION 18-18-403.5 (2.5), the motion may
7 be filed two years after the later of the date of the final disposition of all
8 criminal proceedings against the defendant or the release of the defendant
9 from supervision concerning a criminal conviction.

10 (III) If the offense is a class 4, class 5, or class 6 felony, a level 3
11 or level 4 drug felony EXCEPT A LEVEL 4 DRUG FELONY FOR A CONVICTION
12 PURSUANT TO SECTION 18-18-403.5 (2.5), or a class 1 misdemeanor, the
13 motion may be filed three years after the later of the date of the final
14 disposition of all criminal proceedings against the defendant or the
15 release of the defendant from supervision concerning a criminal
16 conviction.

17 **SECTION 32.** In Colorado Revised Statutes, 1-2-103, **amend** (4)
18 as follows:

19 **1-2-103. Military service - students - inmates - persons with**
20 **behavioral or mental health disorders - confinement.** (4) No person
21 while serving a sentence of detention or confinement in a correctional
22 facility, jail, or other location for a felony conviction, EXCEPT A LEVEL 4
23 DRUG FELONY FOR A CONVICTION PURSUANT TO SECTION 18-18-403.5
24 (2.5), is eligible to register to vote or to vote in any election. A confined
25 prisoner who is awaiting trial but has not been tried or who is not serving
26 a sentence for a felony conviction shall be certified by the institutional
27 administrator, may register to vote pursuant to this article 2, and may list

1 his or her confinement location as his or her ballot address in accordance
2 with section 1-2-204 (2)(f.3). An individual serving a sentence of parole
3 is eligible to register to vote and to vote in any election.

4 **SECTION 33. Accountability.** Notwithstanding the requirement
5 to conduct a review of the implementation of this act either two or five
6 years after the enactment of this act, three years after this act becomes law
7 and in accordance with section 2-2-1201, Colorado Revised Statutes, the
8 legislative service agencies of the Colorado general assembly shall
9 conduct a post-enactment review of the implementation of this act
10 utilizing the information contained in the legislative declaration set forth
11 in section 1 of this act.

12 **SECTION 34. Potential appropriation.** Pursuant to section
13 2-2-703, C.R.S., any bill that results in a net increase in periods of
14 imprisonment in state correctional facilities must include an appropriation
15 of money that is sufficient to cover any increased capital construction, any
16 operational costs, and increased parole costs that are the result of the bill
17 for the department of corrections in each of the first five years following
18 the effective date of the bill. Because this act may increase periods of
19 imprisonment, this act may require a five-year appropriation.

20 **SECTION 35. Effective date - applicability.** This act takes
21 effect on January 1, 2023; except that:

22 (1) Sections 1, 12, 13, 14, 18, 20, 21, 22, 23, 24, 25, 32, 35, and
23 36 take effect on July 1, 2022;

24 (2) Sections 2, 3, 4, and 5 take effect on July 1, 2022, and applies
25 to offenses committed on or after said date;

26 (3) Sections 7, 10, 15, 26, and 29 take effect only if House Bill
27 22-1278 does not become law; and

1 (4) Sections 8, 11, 16, 27, and 30 take effect only if House Bill
2 22-1278 becomes law.

3 **SECTION 36. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.