CONCERNING MEASURES TO ADDRESS SYNTHETIC OPIATES, AND, IN CONNECTION THEREWITH, CHANGING THE CRIMINAL PENALTIES ASSOCIATED WITH SYNTHETIC OPIATES; USING A SUBSTANCE ABUSE ASSESSMENT TO DIRECT APPROPRIATE TREATMENT AT SENTENCING; PROVIDING OPIATE ANTAGONISTS IN THE COMMUNITY; PROVIDING SYNTHETIC OPIATE DETECTION TESTS IN THE COMMUNITY; CREATING IMMUNITY FOR FURNISHING SYNTHETIC OPIATE DETECTION TESTS; PROVIDING TREATMENT FOR PERSONS IN THE CRIMINAL JUSTICE SYSTEM; DEVELOPING A FENTANYL PREVENTION AND EDUCATION CAMPAIGN; PROVIDING FUNDING FOR SUBSTANCE ABUSE AND HARM REDUCTION; EVALUATING THE SUBSTANCE ABUSE AND HARM REDUCTION NEEDS ACROSS THE STATE; REQUIRING A
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, carfentanal, 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, carfentanal, 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, carfentanal, 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, carfentanal, 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 carfentanal; or
- The defendant unlawfully distributed, manufactured, dispensed, or sold a material, compound, mixture, or preparation containing fentanyl or carfentanal, 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, carfentanal, 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.

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

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

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

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

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

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

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

(f) Colorado's good samaritan law, which encourages people to seek medical assistance for people who are suffering from an overdose
crisis, is an important public policy that can assist in saving lives.

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

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

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

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

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

(b) From the judicial department, the number of cases filed that include a violation of section 18-18-405 (2)(a)(III)(A), Colorado Revised Statutes; the judicial district where the case was filed; information on
other charges filed in the same case; the sentence imposed upon
conviction for each case; and a summary of the facts and circumstances
of the case as evidenced by the arrest warrant; and
(c) From each district attorney, the information pursuant to section
18-1-711 (6), Colorado Revised Statutes.

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

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

(I) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT
WEIGHS MORE THAN ONE GRAM AND NOT MORE THAN FOUR GRAMS AND
CONTAINS ANY QUANTITY OF FENTANYL, CARFENTANAL, OR AN ANALOG
THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), AND THE PERSON
HAD REASONABLE CAUSE TO BELIEVE THAT THE MATERIAL, COMPOUND,
MIXTURE, OR PREPARATION CONTAINED ANY QUANTITY OF FENTANYL,
CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
18-18-204 (2)(g), Commits A LEVEL 4 DRUG FELONY.

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

(b) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JUNE 30, 2025.
(2.7) (a) A person who violates subsection (1) of this section by possessing any material, compound, mixture, or preparation that contains a quantity of fentanyl, carfentanal, or an analog thereof as described in section 18-18-204 (2)(g), that is more than sixty percent of the total composition of the material, compound, mixture, or preparation, commits a level 2 drug felony.

(b) (I) This subsection (2.7) takes effect at 12:01 a.m. thirty days after the date identified in the notice provided to the revisor of statutes by the director of the Colorado bureau of investigation that the Colorado bureau of investigation has the resources to determine the quantity of fentanyl, carfentanal, or an analog thereof as described in section 18-18-204 (2)(g), compared to the total composition of the material, compound, mixture, or preparation, or on the date of the notice to the revisor of statutes if the notice does not specify a different date.

(II) The director of the Colorado bureau of investigation shall notify the revisor of statutes in writing when the condition specified in subsection (2.7)(b)(I) of this section has occurred by e-mailing the notice to revisorofstatutes.ga@state.co.us.

(III) Concurrent with the notice required in subsection (2.7)(b)(II), the director of the Colorado bureau of investigation shall notify the speaker of the house of representatives, the president of the senate, the chief justice of the supreme court, the governor, the attorney general, the state public defender,
AND EACH DISTRICT ATTORNEY IN THE STATE, THAT THE COLORADO
BUREAU OF INVESTIGATION HAS THE RESOURCES TO DETERMINE THE
QUANTITY OF FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS
DESCRIBED IN SECTION 18-18-204 (2)(g), COMPARED TO THE TOTAL
COMPOSITION OF THE MATERIAL, COMPOUND, MIXTURE, OR PREPARATION.

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

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

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

18-18-405. Unlawful distribution, manufacturing, dispensing,
or sale. (2) Except as otherwise provided for an offense concerning
marijuana and marijuana concentrate in section 18-18-406 and for special
offenders as provided in section 18-18-407, any person who violates any
of the provisions of subsection (1) of this section:

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

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

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

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

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

(b) Commits a level 2 drug felony if:

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

(B) More than seven grams, but not more than one hundred twelve grams, and contains methamphetamine, heroin, ketamine, or cathinones; OR

(C) More than ten milligrams, but not more than fifty milligrams, and contains flunitrazepam; OR

(D) More than four grams, but not more than fifty grams, and contains fentanyl, carfentanil, or an analog thereof as described in Section 18-18-204 (2)(g);

(c) Commits a level 3 drug felony if the violation involves any material, compound, mixture, or preparation that weighs:

(III) Not more than ten milligrams and contains flunitrazepam; OR

(IV) More than four grams and contains a schedule III or schedule IV controlled substance; OR

(V) Not more than four grams and contains fentanyl, carfentanil, or an analog thereof as described in Section 18-18-204 (2)(g).

SECTION 4. In Colorado Revised Statutes, 18-18-407, amend (1)(c); and add (1)(h) as follows:

18-18-407. Special offender - definitions. (1) A person who commits a felony offense pursuant to this part 4 under any one or more of the following aggravating circumstances commits a level 1 drug felony and is a special offender:

(c) The defendant committed the violation and in the course of
that violation, introduced or imported into the state of Colorado more than
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
methamphetamine, heroin, ketamine, or cathinones; or ten milligrams of
flunitrazepam; OR ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION
THAT WEIGHS MORE THAN FOUR GRAMS AND CONTAINS FENTANYL,
carfentanial, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
18-18-204 (2)(g);

(h) THE DEFENDANT COMMITTED A VIOLATION OF SECTION
POSSSESSED PILL OR TABLET MANUFACTURING EQUIPMENT WITH THE
INTENT TO USE THE EQUIPMENT IN THE MANUFACTURE OF A CONTROLLED
SUBSTANCE.

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

18-1-711. Immunity for persons who suffer or report an
emergency drug or alcohol overdose event - definitions - repeal.
(3) The immunity described in subsection (1) of this section applies to
the following criminal offenses:

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

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

(i) A VIOLATION OF SECTION 18-18-405 (2)(a)(III)(A), IF THE
UNLAWFUL DISTRIBUTION, MANUFACTURING, DISPENSING, OR SALE OF THE
MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WEIGHS NOT MORE THAN FOUR GRAMS AND CONTAINS ANY AMOUNT OF FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g).

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

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

(c) EACH DISTRICT ATTORNEY SHALL PROVIDE THE REPORTS
COLLECTED PURSUANT TO THIS SUBSECTION (6) TO THE LEGISLATIVE
SERVICE AGENCIES OF THE COLORADO GENERAL ASSEMBLY FOR THE
PURPOSE OF A POST-ENACTMENT REVIEW.

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

SECTION 6. In Colorado Revised Statutes, 18-1.3-401.5, amend
(7); and add (2.5) and (14) as follows:

18-1.3-401.5. Drug felonies classified - presumptive and
aggravated penalties. (2.5) It is the intent of the General Assembly
that sentencing for crimes that involve fentanyl, carfentanil,
or any analog thereof, as described in section 18-18-204 (2)(g),
even in small quantities, reflect the high risk of addiction and
death associated with fentanyl, carfentanil, or any analog
thereof. Therefore, the education and treatment procedures
provided in section 18-1.3-410 must be implemented to address
this substantial health risk.

(7) Except as provided in section 18-18-405 (2)(a)(III)(B),
notwithstanding any provision of this section to the contrary, if the
defendant is convicted of a level 1 drug felony, the court shall sentence
the defendant to a term of incarceration in the department of corrections
of at least eight years but not more than thirty-two years. The presence of
one or more of the aggravating circumstances provided in paragraph (a)
of subsection (10) subsection (10)(a) of this section or in section
18-18-407 (1) requires the court to sentence a defendant convicted of a
level 1 drug felony to a term of incarceration in the department of
corrections of at least twelve years but no more than thirty-two years. The
court may impose a fine in addition to imprisonment.

(14) (a) Notwithstanding subsection (2)(a) of this section,
FOR THE PURPOSE OF SENTENCING A PERSON CONVICTED OF A LEVEL 4
DRUG FELONY COMMITTED ON OR AFTER JULY 1, 2022, IN VIOLATION OF
SECTION 18-18-403.5 (2.5), A COURT SHALL EITHER SENTENCE AN
OFFENDER TO PROBATION FOR UP TO TWO YEARS, WITH THE POSSIBILITY OF
A TOTAL OF ONE HUNDRED EIGHTY DAYS IN COUNTY JAIL, OR FOR A THIRD
OR SUBSEQUENT OFFENSE, A TOTAL OF UP TO THREE HUNDRED SIXTY-FOUR
DAYS IN COUNTY JAIL, WHICH MAY BE IMPOSED IN WHOLE OR IN PART
DURING THE TIME PERIOD OF PROBATION AS A CONDITION OF PROBATION
OR AS A SANCTION FOR A VIOLATION OF PROBATION; OR SENTENCE AN
OFFENDER TO UP TO ONE HUNDRED EIGHTY DAYS IN THE COUNTY JAIL;
EXCEPT THAT FOR A THIRD OR SUBSEQUENT OFFENSE, THE COURT MAY
SENTENCE AN OFFENDER TO UP TO THREE HUNDRED SIXTY-FOUR DAYS IN
THE COUNTY JAIL IF THE COURT SENTENCES THE OFFENDER TO JAIL. IN
ADDITION TO THE SENTENCE TO PROBATION OR TO THE COUNTY JAIL, THE
COURT MAY IMPOSE A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS.

(b) A COURT MAY SENTENCE A PERSON CONVICTED OF A LEVEL 4
DRUG FELONY COMMITTED ON OR AFTER JULY 1, 2022, IN VIOLATION OF
SECTION 18-18-403.5 (2.5), TO A COUNTY JAIL SENTENCING ALTERNATIVE
PROVIDED PURSUANT TO SECTION 18-1.3-106 OR PLACEMENT IN A
COMMUNITY CORRECTIONS PROGRAM AS A CONDITION OF PROBATION
PROVIDED PURSUANT TO SECTION 18-1.3-301 (4) AS A SENTENCING
ALTERNATIVE.

(c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
CONTRARY, AN OFFENDER CONVICTED OF A LEVEL 4 DRUG FELONY
COMMITTED ON OR AFTER JULY 1, 2022, IN VIOLATION OF SECTION
18-18-403.5 (2.5), IS NOT SUBJECT TO THE JURISDICTION OF THE
DEPARTMENT OF CORRECTIONS OR A MANDATORY PERIOD OF PAROLE.
SECTION 7. In Colorado Revised Statutes, add 18-1.3-410 as follows:

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

(1) Upon conviction of any offense pursuant to Part 4 of Article 18 of this Title 18 for a material, compound, mixture, or preparation that contains any amount of fentanyl, carfentanil, or an analog thereof as described in Section 18-18-204 (2)(g), the court shall require a substance abuse assessment pursuant to Section 18-1.3-209. The substance abuse assessment must include information regarding the person's history of substance use, specifically the use of fentanyl, carfentanil, or an analog thereof; the person's amenability to treatment; and the level of treatment, if any, necessary to address the person's substance abuse disorder to be provided during the person's probation or deferred judgment supervision.

(2) If the substance abuse assessment described in subsection (1) of this section recommends community-based treatment, the person shall complete the assessed level of treatment consistent with the provisions of Section 18-1.3-209.

(3) (a) If the substance abuse assessment described in subsection (1) of this section recommends as a condition of probation placement in a residential treatment facility for treatment of an addiction that includes fentanyl, carfentanil, or an analog thereof, the court shall order residential treatment as a condition of probation. The residential treatment facility must be approved by the Office of Behavioral Health in the Department of Human Services and designed for
TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL PROGRAM AS A CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF TIME THAT THE PLACEMENT IS CLINICALLY NECESSARY. THE RESIDENTIAL PLACEMENT COSTS MUST BE PAID FROM THE CORRECTIONAL TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4), FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS OTHERWISE UNABLE TO AFFORD THE COST OF THE PLACEMENT.

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

(4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE OFFICE OF BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127. THE FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE FENTANYL EDUCATION PROGRAM COSTS MUST BE PAID FROM THE CORRECTIONAL TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4), FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS OTHERWISE UNABLE TO AFFORD THE COST OF PLACEMENT.

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

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

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

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

(3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF
PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF, THE COURT SHALL ORDER RESIDENTIAL TREATMENT AS A CONDITION OF PROBATION. THE RESIDENTIAL TREATMENT FACILITY MUST BE APPROVED BY THE BEHAVIORAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES AND DESIGNED FOR TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL PROGRAM AS A CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF TIME THAT THE PLACEMENT IS CLINICALLY NECESSARY. THE RESIDENTIAL PLACEMENT COSTS MUST BE PAID FROM THE CORRECTIONAL TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4), FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS OTHERWISE UNABLE TO AFFORD THE COST OF THE PLACEMENT.

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

(4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE BEHAVIORAL HEALTH ADMINISTRATION PURSUANT TO SECTION 27-80-127.
THE FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711.

THE FENTANYL EDUCATION PROGRAM COSTS MUST BE PAID FROM THE CORRECTIONAL TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4), FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS OTHERWISE UNABLE TO AFFORD THE COST OF PLACEMENT.

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

18-1.3-501. Misdemeanors classified - drug misdemeanors and drug petty offenses classified - penalties - legislative intent - definitions. (1) (d.5) (I) (A) It is the intention of the general assembly to classify most drug possession on and after March 1, 2020, as a misdemeanor offense with different sentencing options and limited incarceration penalties. The purpose of this sentencing scheme is to provide offenders who are assessed to be in need of treatment or other intervention with probation supervision in conjunction with effective medical and behavioral intervention and treatment. For those drug possessors who are not in need of treatment, sentencing by the courts system should be limited. This sentencing scheme recognizes that drug use and possession is primarily a health concern and should be treated as such by Colorado courts.
(B) Furthermore, it is the intent of the General Assembly that sentencing for crimes that involve fentanyl, carfentanil, or an analog thereof as described in Section 18-18-204(2)(g), even in small quantities, reflect the high risk of addiction and death associated with fentanyl, carfentanil, or any analog thereof. Therefore, the education and treatment procedures provided in Section 18-1.3-509 must be implemented to address this substantial health risk.

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

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

(1) Upon conviction of any offense pursuant to Part 4 of Article 18 of this title 18 for a material, compound, mixture, or preparation that contains any amount of fentanyl, carfentanil, or an analog thereof as described in Section 18-18-204(2)(g), the court shall require a substance abuse assessment pursuant to Section 18-1.3-209. The substance abuse assessment must include information regarding the person’s history of substance use, specifically the use of fentanyl, carfentanil, or any analog thereof; the person’s amenability to treatment; and the level of treatment, if any, necessary to address the person’s substance abuse disorder to be provided during the person’s probation or deferred judgment supervision.

(2) If the substance abuse assessment described in subsection (1) of this section recommends community-based treatment, the person shall complete the assessed level of treatment consistent with the provisions of Section 18-1.3-209.
(3) (a) if the substance abuse assessment described in subsection (1) of this section recommends as a condition of probation placement in a residential treatment facility for treatment of an addiction that includes fentanyl, carfentanil, or an analog thereof, the court shall order residential treatment as a condition of probation. The residential treatment facility must be approved by the office of behavioral health in the department of human services and designed for treatment of an addiction that includes fentanyl, carfentanil, or an analog thereof. Placement in a residential program as a condition of probation is limited to the period of time that the placement is clinically necessary.

The residential placement costs must be paid from the correctional treatment cash fund, existing pursuant to section 18-19-103 (4), for a person on probation and is determined by the court to be indigent, is represented by court-appointed counsel, or is otherwise unable to afford the cost of the placement.

(b) notwithstanding subsection (3)(a) of this section to the contrary, the court may order non-residential treatment as a condition of probation if the court makes findings on the record that a residential treatment facility does not exist, is not accessible for the person within a reasonable period of time, or non-residential treatment is available to address the person’s treatment needs.

(4) a person, regardless of whether the person is receiving treatment in a community-based or residential treatment facility pursuant to subsection (2) or (3) of this section, must
COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE
OFFICE OF BEHAVIORAL HEALTH PURSUANT TO SECTION 27-80-127. THE
FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION
REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC
OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO
AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING
AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE FENTANYL
EDUCATION PROGRAM COSTS MUST BE PAID FROM THE CORRECTIONAL
TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4),
FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE
INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS
OTHERWISE UNABLE TO AFFORD THE COST OF PLACEMENT.

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

18-1.3-509. Fentanyl education and treatment program.
(1) UPON CONVICTION OF ANY OFFENSE PURSUANT TO PART 4 OF ARTICLE
18 OF THIS TITLE 18 FOR A MATERIAL, COMPOUND, MIXTURE, OR
PREPARATION THAT CONTAINS ANY AMOUNT OF FENTANYL,
CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION
18-18-204 (2)(g), THE COURT SHALL REQUIRE A SUBSTANCE ABUSE
ASSESSMENT PURSUANT TO SECTION 18-1.3-209. THE SUBSTANCE ABUSE
ASSESSMENT MUST INCLUDE INFORMATION REGARDING THE PERSON'S
HISTORY OF SUBSTANCE USE, SPECIFICALLY THE USE OF FENTANYL,
CARFENTANAL, OR ANY ANALOG THEREOF; THE PERSON'S AMENABILITY TO
TREATMENT; AND THE LEVEL OF TREATMENT, IF ANY, NECESSARY TO
ADDRESS THE PERSON'S SUBSTANCE ABUSE DISORDER TO BE PROVIDED DURING THE PERSON'S PROBATION OR DEFERRED JUDGMENT SUPERVISION.

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

(3) (a) IF THE SUBSTANCE ABUSE ASSESSMENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION RECOMMENDS AS A CONDITION OF PROBATION PLACEMENT IN A RESIDENTIAL TREATMENT FACILITY FOR TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF, THE COURT SHALL ORDER RESIDENTIAL TREATMENT AS A CONDITION OF PROBATION. THE RESIDENTIAL TREATMENT FACILITY MUST BE APPROVED BY THE BEHAVIORAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES AND DESIGNED FOR TREATMENT OF AN ADDICTION THAT INCLUDES FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF. PLACEMENT IN A RESIDENTIAL PROGRAM AS A CONDITION OF PROBATION IS LIMITED TO THE PERIOD OF TIME THAT THE PLACEMENT IS CLINICALLY NECESSARY. THE RESIDENTIAL PLACEMENT COSTS MUST BE PAID FROM THE CORRECTIONAL TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4), FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS OTHERWISE UNABLE TO AFFORD THE COST OF THE PLACEMENT.

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

(4) A PERSON, REGARDLESS OF WHETHER THE PERSON IS RECEIVING TREATMENT IN A COMMUNITY-BASED OR RESIDENTIAL TREATMENT FACILITY PURSUANT TO SUBSECTION (2) OR (3) OF THIS SECTION, MUST COMPLETE THE FENTANYL EDUCATION PROGRAM DEVELOPED BY THE BEHAVIORAL HEALTH ADMINISTRATION PURSUANT TO SECTION 27-80-127. THE FENTANYL EDUCATION PROGRAM MUST INCLUDE INFORMATION REGARDING THE NATURE AND ADDICTIVE ELEMENTS OF SYNTHETIC OPIATES, THEIR DANGERS TO A PERSON'S LIFE AND HEALTH, ACCESS TO AND ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711. THE FENTANYL EDUCATION PROGRAM COSTS MUST BE PAID FROM THE CORRECTIONAL TREATMENT CASH FUND, EXISTING PURSUANT TO SECTION 18-19-103 (4), FOR A PERSON ON PROBATION AND IS DETERMINED BY THE COURT TO BE INDIGENT, IS REPRESENTED BY COURT-APPOINTED COUNSEL, OR IS OTHERWISE UNABLE TO AFFORD THE COST OF PLACEMENT.

SECTION 12. In Colorado Revised Statutes, 12-30-110, amend (1)(a)(VI), (1)(b) introductory portion, (2)(b), (3)(c), (4)(b), and (7)(a); and add (1)(a)(VIII), (1)(a)(IX), (1)(a)(X), (1)(a)(XI), (1)(a)(XII), (1)(a)(XIII), (1)(a)(XIV), (1)(a)(XV), (1)(a)(XVI), (1)(a)(XVII), (1)(a)(XVIII), (1)(a)(XIX), (1)(a)(XX), (1)(a)(XXI), (7)(a.3), (7)(a.5), (7)(a.7), (7)(b.2), (7)(b.3), (7)(b.4), (7)(b.7), (7)(b.8), (7)(h.3), and (7)(h.7) 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, an opiate antagonist to:

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

(VIII) An institution of higher education, or an employee or agent of the institution of higher education;

(IX) A library, or an employee or agent of the library;

(X) A community service organization, or an employee or agent of the community service organization;

(XI) A religious organization, or an employee or agent of the religious organization;

(XII) A local jail, or an employee or agent of the local jail;

(XIII) A multijurisdictional jail, or an employee or agent of the multijurisdictional jail;

(XIV) A municipal jail, or an employee or agent of the municipal jail;

(XV) A correctional facility, or an employee or agent of the correctional facility;

(XVI) A private contract prison, or an employee or agent of the private contract prison;

(XVII) A community corrections program, or an employee or agent of the community corrections program;

(XVIII) A pretrial services program, or an employee or agent of the pretrial services program;

(XIX) A probation department, or an employee or agent of the probation department.
THE PROBATION DEPARTMENT;

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

(XXI) A MENTAL HEALTH PROFESSIONAL.

(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; a mental health professional; or a unit of local government;

A PERSON OR ENTITY DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION 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, mental health professional, or unit of local government AN ENTITY DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION is strongly encouraged to educate employees, AGENTS, and volunteers, 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, mental health professional, or unit of local government. THE ENTITY DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION 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) A prescriber described in subsection (7)(h) of this section does not engage in unprofessional conduct or is not subject to discipline pursuant to section 12-240-121, 12-255-120, or 12-280-126, as applicable, if the prescriber issues standing orders and protocols regarding opiate antagonists or prescribes or dispenses, pursuant to an
order or standing orders and protocols, an opiate antagonist in a
good-faith effort to assist:

(c) The following persons

A PERSON OR ENTITY DESCRIBED IN
SUBSECTION (1)(a) OF THIS SECTION 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.

(I) A law enforcement agency or first responder;

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

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

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

(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; a person described in section
25-20.5-1001; or a unit of local government A PERSON OR ENTITY
DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION 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:

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

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

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

(III) A volunteer firefighter, as defined in section 31-30-1102 (9).
(a.3) "COMMUNITY SERVICE ORGANIZATION" MEANS A NONPROFIT ORGANIZATION THAT IS IN GOOD STANDING AND REGISTERED WITH THE FEDERAL INTERNAL REVENUE SERVICE AND THE COLORADO SECRETARY OF STATE'S OFFICE THAT PROVIDES SERVICES TO INDIVIDUALS AT RISK OF EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT, OR TO THE INDIVIDUALS' FAMILY MEMBERS, FRIENDS, OR OTHER PERSONS IN A POSITION TO ASSIST THE INDIVIDUAL.

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

(a.7) "FIRST RESPONDER" MEANS:
(I) A PEACE OFFICER, AS DEFINED IN SECTION 16-2.5-101;
(II) A FIREFIGHTER, AS DEFINED IN SECTION 29-5-203 (10);
(III) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION 31-30-1102 (9); OR
(IV) AN EMERGENCY MEDICAL SERVICE PROVIDER, AS DEFINED IN SECTION 25-3.5-103 (8).

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

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

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

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

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

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

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

SECTION 13. In Colorado Revised Statutes, 13-21-108.7, amend (3)(a) and (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. (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, DEFECTIVE, OR PRODUCES AN UNINTENDED RESULT.

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

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

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

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

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

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

17-26-140. Continuity of care for persons released from jail.
(1) If a person is treated for a substance use disorder throughout the
person's incarceration, the county jail shall, at a minimum, conduct the
following before releasing the person from the county jail's custody:

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

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

(c) If the person received medication-assisted treatment while in jail, has a history of substance use, or requests opiate antagonists upon release, provide the person, upon release from the jail, at least three doses of an opiate antagonist and provide education to the person about the appropriate use of the medication; and

(d) If the person received medication-assisted treatment while in jail, has a history of substance use, or requests opiate use-disorder medication, prescribe to the person, upon release from the jail, medication for an opiate use disorder and provide education to the person about the appropriate use of the medication, and provide the person with a referral to at least one medication-assisted treatment provider located in the area where the person will reside after release from the jail.

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

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

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

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

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

(c) If the person received medication-assisted treatment while in jail, has a history of substance use, or requests opiate antagonists upon release, provide the person, upon release from the jail, at least three doses of an opiate antagonist and provide education to the person about the appropriate use of the medication; and

(d) If the person received medication-assisted treatment while in jail, has a history of substance use, or requests opiate use-disorder medication, prescribe to the person, upon release from the jail, medication for an opiate use disorder and provide education to the person about the appropriate use of the medication, and provide the person with a referral to at least one medication-assisted treatment provider located in the area where the person will reside after release from the jail.

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

17-27-104. Community corrections programs operated by units of local government, state agencies, or nongovernmental agencies. (12) (a) The administrators of a community corrections program established pursuant to this section may implement a behavioral or mental health disorder screening program to screen the persons accepted and placed in the community corrections program. If the administrators choose to implement a behavioral or mental health disorder
screening program, the administrators shall use the standardized screening instrument developed pursuant to section 16-11.9-102 and conduct the screening in accordance with procedures established pursuant to said section.

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

SECTION 18. 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:

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

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


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

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

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

(VIII) Drug overdose prevention, including medication-assisted treatment for opiate dependence, opiate antagonists, and non-laboratory synthetic opiate detection tests.

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

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

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

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

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

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

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

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

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

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

(III) A governing board of a nonpublic school;

(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);

(6) (a) For the 2022-23 state fiscal year, the general
ASSEMBLY SHALL APPROPRIATE TWENTY MILLION DOLLARS FROM THE BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION 24-75-230, TO THE FUND.

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

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


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

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

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

(b) "NON-LABORATORY SYNTHETIC OPIATE DETECTION TEST" MEANS A PRODUCT THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION INTENDED OR DESIGNED TO DETECT THE PRESENCE OF A
This section is repealed, effective July 1, 2024.

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

25-1.5-115.5. Fentanyl prevention and education campaign - website. (1) Subject to available appropriations, beginning in the 2022-23 state fiscal year, the department shall develop, implement, and maintain an ongoing statewide prevention and education campaign to address the fentanyl education needs in the state. In the prevention and education campaign, the division shall provide information to the general public about fentanyl, its dangers, precautionary measures to avoid risks and prevent harm caused by fentanyl, resources for addiction treatment and services, and laws regarding fentanyl, including criminal penalties and immunity for reporting an overdose event pursuant to section 18-1-711.

(2) In furtherance of the goals of the fentanyl prevention and education campaign, the division may use television advertising, radio broadcasts, print media, digital strategies, or any other media deemed necessary and appropriate by the division to reach the target audiences of the campaign.

(3) In furtherance of the goals of the fentanyl prevention and education campaign, the division shall provide at least five regional training sessions during the 2022-23 fiscal year for community partners to implement youth health development strategies.

(4) In furtherance of the goals of the fentanyl prevention
AND EDUCATION CAMPAIGN, THE DIVISION SHALL DEVELOP, IMPLEMENT, AND MAINTAIN A WEBSITE TO SERVE AS THE STATE RESOURCE FOR THE MOST ACCURATE AND TIMELY INFORMATION REGARDING FENTANYL. AT A MINIMUM, THE WEBSITE MUST INCLUDE INFORMATION CONCERNING FENTANYL, ITS DANGERS, PRECAUTIONARY MEASURES TO AVOID RISKS AND PREVENT HARM CAUSED BY FENTANYL, RESOURCES FOR ADDICTION TREATMENT AND SERVICES, AND LAWS REGARDING FENTANYL, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711.

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

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

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

(I) A NONPROFIT ORGANIZATION THAT IS IN GOOD STANDING AND REGISTERED WITH THE FEDERAL INTERNAL REVENUE SERVICE AND THE
COLORADO SECRETARY OF STATE'S OFFICE;

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

(III) A TRIBAL AGENCY OR PROGRAM;

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

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

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

(VII) A LAW ENFORCEMENT AGENCY.

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

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

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

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

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

(†) (a) Trainings relevant to the field of harm reduction which may include how to administer naloxone OVERDOSE PREVENTION,
SAFER SUBSTANCE USE PRACTICES, SAFE DISPOSAL, AND ACCESS TO AND
ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
SYNTHETIC OPIATE DETECTION TESTS;

(II) (b) Purchasing and providing sterile equipment,
NON-LABORATORY SYNTHETIC OPIATE DETECTION TESTS, and syringe
disposal equipment;

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

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

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

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

(VII) (f) Auricular acudetox training and services;

(g) PUBLIC EDUCATION AND OUTREACH ABOUT SYNTHETIC
OPIATES, OVERDOSE RISKS, RECOGNIZING AN OVERDOSE EVENT,
RESOURCES FOR ADDICTION TREATMENT AND SERVICES, ACCESS TO AND
ADMINISTRATION OF OPIATE ANTAGONISTS AND NON-LABORATORY
SYNTHETIC OPIATE DETECTION TESTS, AND LAWS REGARDING SYNTHETIC
OPIATES, INCLUDING CRIMINAL PENALTIES AND IMMUNITY FOR REPORTING AN OVERDOSE EVENT PURSUANT TO SECTION 18-1-711;

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

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

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

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

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

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

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

25-20.5-1102. Harm reduction grant program cash fund - creation - repeal. (5) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE SIX MILLION DOLLARS FROM THE BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION
(b) This subsection (5) is repealed, effective July 1, 2024.

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

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

(b) Assess all individuals booked into the jail facility for substance use withdrawal symptoms and develop protocols for medical detoxification monitoring procedures, medication-assisted treatment, or other appropriate withdrawal management care;

(5)(a) The office shall require a county jail that receives funding through the program to have a policy in place on or before January 1, 2020, that describes how medication-assisted treatment, as it is defined in section 23-21-803, will be provided, when necessary, to individuals confined in the county jail. The office shall require a county jail that receives funding through the program to develop and implement a policy on or before January 1, 2023, that describes the provision of medication-assisted treatment and other appropriate withdrawal management care upon release from jail.

(7)(a) For the 2022-23 state fiscal year, the general assembly shall appropriate three million dollars from the behavioral and mental health cash fund, created in section 24-75-230, to the office for the purpose of assisting county jails that receive funding through the program to implement the
REQUIREMENT PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION.

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

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

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

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

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

(7)(a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE BEHAVIORAL AND MENTAL HEALTH CASH FUND, CREATED IN SECTION 24-75-230, TO THE BHA FOR THE PURPOSE OF ASSISTING COUNTY JAILS THAT RECEIVE FUNDING THROUGH THE PROGRAM TO IMPLEMENT THE
REQUIREMENT PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION.

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

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


(1) On or before January 1, 2023, each managed service organization designated pursuant to section 27-80-107 shall evaluate the current supply and necessary demand within its region for:

(a) The number of medication-assisted treatment providers employed by the managed service organization who are trained to provide medication-assisted treatment to a person who has consumed synthetic opiates;

(b) Ambulatory withdrawal management and medical withdrawal management specific to synthetic opiates;

(c) The provision of recovery services at public high schools; and

(d) The provision of recovery residences, as defined in section 25-1.5-108.5.

(2) In its hearing for the 2024 legislative session, the department shall include as part of its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing required by section 2-7-203, the managed service organizations' findings pursuant to subsection (1) of this section.

SECTION 29. In Colorado Revised Statutes, add 27-80-127 as follows:
27-80-127. Fentanyl education and treatment program. The
Office of Behavioral Health shall develop a fentanyl education
program for the purpose of sections 18-1.3-410 and 18-1.3-509. The
fentanyl education program must include information
regarding the nature and addictive elements of synthetic
opiates, their dangers to a person's life and health, access to
and administration of opiate antagonists and non-laboratory
synthetic opiate detection tests, and laws regarding synthetic
opiates, including criminal penalties and immunity for reporting
an overdose event pursuant to section 18-1-711. The office of
behavioral health may update the fentanyl education program
curriculum as necessary.

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

27-80-127. Fentanyl education and treatment program. The
behavioral health administration shall develop a fentanyl
education program for the purpose of sections 18-1.3-410 and
18-1.3-509. The fentanyl education program must include
information regarding the nature and addictive elements of
synthetic opiates, their dangers to a person's life and health,
access to and administration of opiate antagonists and
non-laboratory synthetic opiate detection tests, and laws
regarding synthetic opiates, including criminal penalties and
immunity for reporting an overdose event pursuant to section
18-1-711. The BHA may update the fentanyl education program
curriculum as necessary.

SECTION 31. In Colorado Revised Statutes, 18-1.3-103.5,
amend (3)(c) and (3)(d); and add (3)(e) as follows:

18-1.3-103.5. Felony convictions - vacate and enter conviction
on misdemeanor after successful completion. (3) This section applies
to convictions for the following offenses:

(c) Possession of more than twelve ounces of marijuana or more
than three ounces of marijuana concentrate; or

(d) A violation of section 18-18-415; or

(e) A VIOLATION OF SECTION 18-18-403.5 (2.5)(a).

SECTION 32. In Colorado Revised Statutes, 24-72-706, amend
(1)(b)(II) and (1)(b)(III) as follows:

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

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

SECTION 33. In Colorado Revised Statutes, 1-2-103, amend (4)
as follows:

1-2-103. Military service - students - inmates - persons with
behavioral or mental health disorders - confinement. (4) No person while serving a sentence of detention or confinement in a correctional facility, jail, or other location for a felony conviction, EXCEPT A LEVEL 4 DRUG FELONY FOR A CONVICTION PURSUANT TO SECTION 18-18-403.5 (2.5), is eligible to register to vote or to vote in any election. A confined prisoner who is awaiting trial but has not been tried or who is not serving a sentence for a felony conviction shall be certified by the institutional administrator, may register to vote pursuant to this article 2, and may list his or her confinement location as his or her ballot address in accordance with section 1-2-204 (2)(f.3). An individual serving a sentence of parole is eligible to register to vote and to vote in any election.

SECTION 34. In Colorado Revised Statutes, 18-1.3-801, amend (2)(a)(I); and add (2)(c) as follows:

18-1.3-801. Punishment for habitual criminals.

(2) (a) (I) Except as otherwise provided in paragraph (b) of this subsection (2) SUBSECTIONS (2)(b), (2)(c), and in subsection (5) of this section, every person convicted in this state of any felony, who has been three times previously convicted, upon charges separately brought and tried, and arising out of separate and distinct criminal episodes, either in this state or elsewhere, of a felony or, under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States, of a crime which, if committed within this state, would be a felony, shall be adjudged an habitual criminal and shall be punished:

(2) (c) THE PROVISIONS OF SUBSECTION (2)(a) OF THIS SECTION DO NOT APPLY TO A CONVICTION FOR A LEVEL 4 DRUG FELONY COMMITTED ON OR AFTER JULY 1, 2022, PURSUANT TO SECTION 18-18-403.5 (2.5), OR A CONVICTION FOR A LEVEL 4 DRUG FELONY COMMITTED ON OR AFTER JULY
FOR ATTEMPT OR CONSPIRACY TO COMMIT UNLAWFUL POSSESSION
OF FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF, AS DESCRIBED IN
SECTION 18-18-403.5 (2.5), EVEN IF THE PERSON HAS BEEN PREVIOUSLY
CONVICTED OF THREE OR MORE QUALIFYING FELONY CONVICTIONS.

SECTION 35. Accountability. Notwithstanding the requirement
to conduct a review of the implementation of this act either two or five
years after the enactment of this act, three years after this act becomes law
and in accordance with section 2-2-1201, Colorado Revised Statutes, the
legislative service agencies of the Colorado general assembly shall
conduct a post-enactment review of the implementation of this act
utilizing the information contained in the legislative declaration set forth
in section 1 of this act.

SECTION 36. Appropriation. (1) For the 2022-23 state
fiscal year, $4,033,875 is appropriated to the department of human
services for use by the behavioral health administration. This
appropriation consists of $883,875 from the general fund, $150,000 from
the correctional treatment cash fund created in section 18-19-103 (4)(a),
C.R.S., and $3,000,000 from the behavioral and mental health cash fund
created in section 24-75-230 (2)(a), C.R.S., which is of money the state
received from the federal coronavirus state fiscal recovery fund. To
implement this act, the administration may use this appropriation as
follows:
(a) $183,875 from the general fund for program administration
related to community behavioral health administration, which amount is
based on an assumption that the administration will require an additional
1.8 FTE;
(b) $700,000 from the general fund for managed service
organization regional evaluations related to substance use treatment and prevention services;

(c) $150,000 from the correctional treatment cash fund created in section 18-19-103 (4)(a), C.R.S., for a fentanyl education program related to substance use treatment and prevention services; and

(d) $3,000,000 from the behavioral and mental health cash fund created in section 24-75-230 (2)(a), C.R.S., for jail-based behavioral health services related to integrated behavioral health services. Any money appropriated in this subsection (1)(d) not expended prior to July 1, 2023, is further appropriated to the administration from July 1, 2023, through December 30, 2024, for the same purpose.

(2) For the 2022-23 state fiscal year, $869,288 is appropriated to the judicial department for use by probation and related services. This appropriation consists of $138,362 from the general fund and $730,926 from the correctional treatment cash fund created in section 18-19-103 (4)(a), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) $138,362 for probation programs, which amount is based on an assumption that the department will require an additional 1.6 FTE; and

(b) $730,926 from the correctional treatment cash fund created in section 18-19-103 (4)(a), C.R.S., for offender treatment and services.

(3) For the 2022-23 state fiscal year, $1,350,365 is appropriated to the department of public health and environment for use by the prevention services division. This appropriation is from the general fund and is based on an assumption that the division will require an additional 0.6 FTE. To implement this act, the division may use this appropriation for administration.
(4) For the 2022-23 state fiscal year, $20,000,000 is appropriated to the opiate antagonist bulk purchase fund created in section 25-1.5-115 (1)(a), C.R.S. This appropriation is from the behavioral and mental health cash fund created in section 24-75-230 (2)(a), C.R.S., and is of money the state received from the federal coronavirus state fiscal recovery fund. The department of public health and environment is responsible for the accounting related to this appropriation.

(5) For the 2022-23 state fiscal year, $6,000,000 is appropriated to the harm reduction grant program cash fund created in section 25-20.5-1102 (1), C.R.S. This appropriation is from the behavioral and mental health cash fund created in section 24-75-230 (2)(a), C.R.S., and is of money the state received from the federal coronavirus state fiscal recovery fund. The department of public health and environment is responsible for the accounting related to this appropriation.

SECTION 37. Effective date - applicability. This act takes effect on January 1, 2023; except that:

(1) Sections 1, 12, 13, 14, 18, 20, 21, 22, 23, 24, 25, 34, 35, and 36 take effect on July 1, 2022;

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

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

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

SECTION 38. 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.