A BILL FOR AN ACT

CONCERNING THE ABILITY OF A MUNICIPALITY TO AUTHORIZE THE
ESTABLISHMENT OF LIFE-SAVING OVERDOSE PREVENTION CENTERS.

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 specifies that a city may authorize the operation of an overdose prevention center within the city's jurisdiction for the purpose of saving the lives of persons at risk of preventable overdoses.
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Short title. The short title of this act is the "Local Control of Life-saving Overdose Prevention Centers Act".

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

(a) Preventable drug overdoses are a public health crisis that impact every Colorado community and are a matter of both local and state concern. For far too long, Colorado has disproportionately favored a criminal justice approach to substance use disorders instead of prioritizing public health.

(b) Overdose deaths in Colorado have skyrocketed in recent years, increasing by 38% from 2019 to 2020. The increase in overdose deaths demands a comprehensive response by communities and elected officials, designed to reduce harm to people who use illegal drugs and to improve community safety.

(c) Colorado has not yet authorized its municipalities to fully consider evidence-based behavioral health interventions or to permit the overdose prevention programs that research demonstrates save lives and support the recovery of people who use controlled substances; and

(d) It is in the public interest and would serve Colorado's goal of saving lives and preventing overdose deaths to affirm that overdose prevention centers (OPCs) are permissible under Colorado law.

(2) (a) Local control is fundamental to Colorado's identity.

(b) Home rule as enshrined in the Colorado constitution encourages communities to foster innovation and empowers local governments to tailor solutions to their own needs.

(c) Colorado favors the diversity and authority of local control
when a single statewide solution is ill-suited to address local public health crises.

(d) While overdose deaths are a matter of statewide and local concern, solutions depend deeply on each municipality's particular circumstances and cannot be one-size-fits-all.

(3) (a) Public health crises require public health solutions.
(b) Overdose deaths cannot be prevented by criminalizing substance use or by incarcerating people who use illegal drugs.
(c) Overdose prevention centers are proven to save lives and increase community safety. At least 165 OPCs operate in 10 countries across Europe, as well as in Australia, Canada, and the United States, and there has never been a fatal overdose at any of these sites.
(d) OPCs lead to decreased rates of communicable disease transmission, severely decrease in-public drug consumption, greatly reduce public litter of drug consumption equipment, and, in their surrounding neighborhoods, are associated with reduced crime.

(4) (a) While the drug overdose crisis impacts all Coloradans, its impact in Colorado's capital city has been particularly devastating.
(b) Every day, at least 5 Coloradans die of a preventable drug overdose, and every day, at least one of those preventable deaths occurs in Denver.
(c) In 2018, Denver enacted ordinance 18-1292, becoming the first Colorado city to authorize an OPC pilot program.
(d) Five years later, statutory confirmation is urgently needed to clarify that Denver and every other municipality is empowered to authorize OPCs in their communities.

(5) Therefore, it is the intent of the general assembly to permit
each municipality to authorize OPCs as part of a locally controlled, comprehensive, public health strategy to save lives and reduce overdose deaths.

SECTION 3. In Colorado Revised Statutes, add 31-15-905 as follows:

31-15-905. Authorization of overdose prevention centers - definition. (1) As used in this section, "OVERDOSE PREVENTION CENTER" means a facility that is designed to provide:

(a) A space for individuals to use previously obtained controlled substances in a monitored setting under the supervision of health-care professionals or other trained staff for the purpose of providing life-saving treatment in the event of a potential overdose; and

(b) Life-saving support to individuals, including access to sterile consumption equipment, tools to test for the presence of fentanyl, counseling, referrals to substance use disorder treatment, and other harm reduction services.

(2) A municipality may authorize the operation of an overdose prevention center within its boundaries.

SECTION 4. 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.