

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0315.01 Yelana Love x2295

HOUSE BILL 24-1037

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HOUSE SPONSORSHIP

Epps and deGruy Kennedy, Young

SENATE SPONSORSHIP

Priola, Jaquez Lewis

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House Committees  
Health & Human Services

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING REDUCING THE HARM CAUSED BY SUBSTANCE USE  
102 DISORDERS.

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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/>.)*

**Opioid and Other Substance Use Disorders Study Committee.**  
**Section 1** of the bill excludes injuries involving the possession of drugs or drug paraphernalia from a physician's mandatory reporting requirements.

**Sections 2 and 3** clarify that the civil and criminal immunity that protects a person who acts in good faith to furnish or administer an opioid

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

antagonist also protects a person who distributes the opioid antagonist.

**Section 4** adds an exemption to the prohibition on possessing drug paraphernalia for possession of drug paraphernalia that a person received from an approved syringe exchange program or a program carried out by a harm reduction organization while the person was participating in the program.

**Section 5** specifies that money appropriated to the department of public health and environment to purchase non-laboratory synthetic opiate detection tests may also be used to purchase other drug testing equipment.

**Section 6** authorizes an organization operating a clean syringe exchange program to provide drug testing services through the program.

**Sections 7 through 23** are conforming amendments that update the term "opiate antagonist" to "opioid antagonist".

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-240-139, **amend**  
3 (1)(a)(I)(C) as follows:

4 **12-240-139. Injuries to be reported - exemptions - penalty for**  
5 **failure to report - immunity from liability - definitions.**

6 (1) (a) (I) Every licensee who attends or treats any of the following  
7 injuries shall report the injury at once to the police of the city, town, or  
8 city and county or the sheriff of the county in which the licensee is  
9 located:

10 (C) Any other injury that the licensee has reason to believe  
11 involves a criminal act OTHER THAN THE POSSESSION OF DRUGS OR DRUG  
12 PARAPHERNALIA UNDER SECTION 18-18-403.5 OR 18-18-428; except that  
13 a licensee is not required to report an injury that ~~he or she~~ THE LICENSEE  
14 has reason to believe resulted from domestic violence unless ~~he or she~~  
15 THE LICENSEE is required to report the injury pursuant to subsection  
16 (1)(a)(I)(A) or (1)(a)(I)(B) of this section or the injury is a serious bodily  
17 injury, as defined in section 18-1-901 (3)(p).

18 **SECTION 2.** In Colorado Revised Statutes, 13-21-108.7, **amend**

1 (1), (2)(c), (2)(d), (2)(e) introductory portion, (2)(e)(II), (3)(a), (3)(b)(II),  
2 (4)(a), and (5); and **repeal** (2)(a) as follows:

3 **13-21-108.7. Persons rendering emergency assistance through**  
4 **the administration of an opioid antagonist - limited immunity -**  
5 **legislative declaration - definitions. (1) Legislative declaration.** The  
6 general assembly ~~hereby~~ encourages the administration AND  
7 DISTRIBUTION of ~~opiate~~ OPIOID antagonists, INCLUDING EXPIRED OPIOID  
8 ANTAGONISTS, BY PERSONS AND ENTITIES, INCLUDING LAW ENFORCEMENT  
9 PERSONNEL, SCHOOL DISTRICT PERSONNEL, AND HEALTH-CARE PROVIDERS,  
10 for the purpose of saving the lives of people who suffer ~~opiate-related~~  
11 OPIOID-RELATED drug overdose events. ~~A~~ THE GENERAL ASSEMBLY ALSO  
12 ENCOURAGES EACH person who administers an ~~opiate~~ OPIOID antagonist  
13 to another person ~~is urged~~ to call for emergency medical services  
14 immediately.

15 (2) **Definitions.** As used in this section, unless the context  
16 otherwise requires:

17 (a) ~~"Health-care facility" means a hospital, a hospice inpatient~~  
18 ~~residence, a nursing facility, a dialysis treatment facility, an assisted~~  
19 ~~living residence, an entity that provides home- and community-based~~  
20 ~~services, a hospice or home health-care agency, or another facility that~~  
21 ~~provides or contracts to provide health-care services, which facility is~~  
22 ~~licensed, certified, or otherwise authorized or permitted by law to provide~~  
23 ~~medical treatment.~~

24 (c) ~~"Opiate"~~ "OPIOID" has the same meaning as "OPIATE", AS set  
25 forth in section 18-18-102 (21). ~~C.R.S.~~

26 (d) ~~"Opiate"~~ "OPIOID antagonist" means ~~naloxone hydrochloride or~~  
27 ~~any similarly acting drug that is not a controlled substance and that is~~

1 approved by the federal food and drug administration for the treatment of  
2 a ~~drug overdose~~ HAS THE SAME MEANING AS SET FORTH IN SECTION  
3 12-30-110 (7)(d).

4 (e) "~~Opiate-related~~ OPIOID-RELATED drug overdose event" means  
5 an acute condition, including a decreased level of consciousness or  
6 respiratory depression, that:

7 (II) A layperson would reasonably believe to be an ~~opiate-related~~  
8 OPIOID-RELATED drug overdose event; and

9 (3) **General immunity.** (a) A person, other than a health-care  
10 provider, ~~or a health-care facility, who~~ IS NOT LIABLE FOR ANY CIVIL  
11 DAMAGES IF THE PERSON acts in good faith to: ~~furnish or administer an~~  
12 ~~opiate antagonist, including an expired opiate antagonist, to an individual~~  
13 ~~the person believes to be suffering an opiate-related drug overdose event~~  
14 ~~or to an individual who is in a position to assist the individual at risk of~~  
15 ~~experiencing an opiate-related overdose event is not liable for any civil~~  
16 ~~damages for acts or omissions made as a result of the act or for any act or~~  
17 ~~omission made if the opiate antagonist is stolen, defective, or produces an~~  
18 ~~unintended result.~~

19 (I) FURNISH OR ADMINISTER AN OPIOID ANTAGONIST TO AN  
20 INDIVIDUAL THE PERSON BELIEVES TO BE SUFFERING AN OPIOID-RELATED  
21 DRUG OVERDOSE EVENT OR TO AN INDIVIDUAL WHO IS IN A POSITION TO  
22 ASSIST THE INDIVIDUAL AT RISK OF EXPERIENCING AN OPIOID-RELATED  
23 DRUG OVERDOSE EVENT; OR

24 (II) DISTRIBUTE THE OPIOID ANTAGONIST.

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

26 (II) A person who acts in good faith to furnish or administer an  
27 ~~opiate~~ OPIOID antagonist in accordance with section 25-20.5-1001.

1           (4) **Licensed prescribers and dispensers.** (a) An individual who  
2 is licensed by the state under title 12 and is permitted by section  
3 12-30-110 or by other applicable law to prescribe or dispense an ~~opiate~~  
4 OPIOID antagonist is not liable for any civil damages resulting from:

5           (I) Prescribing or dispensing an ~~opiate~~ OPIOID antagonist in  
6 accordance with the applicable law; or

7           (II) Any outcomes resulting from the eventual administration of  
8 the ~~opiate~~ OPIOID antagonist by a layperson.

9           (5) The provisions of this section shall not be interpreted to  
10 establish any duty or standard of care in the prescribing, dispensing, or  
11 administration of an ~~opiate~~ OPIOID antagonist.

12           **SECTION 3.** In Colorado Revised Statutes, 18-1-712, **amend** (1),  
13 (2)(a), (2)(b)(II), (3)(a), (4), (5)(c), (5)(d), (5)(e) introductory portion, and  
14 (5)(e)(II); and **repeal** (5)(a) as follows:

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

17 (1) **Legislative declaration.** The general assembly hereby encourages the  
18 administration AND DISTRIBUTION of ~~opiate~~ OPIOID antagonists,  
19 INCLUDING EXPIRED OPIOID ANTAGONISTS, BY PERSONS AND ENTITIES,  
20 INCLUDING LAW ENFORCEMENT PERSONNEL, SCHOOL DISTRICT PERSONNEL,  
21 AND HEALTH-CARE PROVIDERS, for the purpose of saving the lives of  
22 people who suffer ~~opiate-related~~ OPIOID-RELATED drug overdose events.  
23 ~~A~~ THE GENERAL ASSEMBLY ALSO ENCOURAGES EACH person who  
24 administers an ~~opiate~~ OPIOID antagonist to another person ~~is urged~~ to call  
25 for emergency medical services immediately.

26           (2) **General immunity.** (a) A person, other than a health-care  
27 provider, ~~or a health-care facility, who~~ IS IMMUNE FROM CRIMINAL

1 PROSECUTION IF THE PERSON acts in good faith to: ~~furnish or administer~~  
2 ~~an opiate antagonist, including an expired opiate antagonist, to an~~  
3 ~~individual the person believes to be suffering an opiate-related drug~~  
4 ~~overdose event or to an individual who is in a position to assist the~~  
5 ~~individual at risk of experiencing an opiate-related overdose event is~~  
6 ~~immune from criminal prosecution for the act or for any act or omission~~  
7 ~~made if the opiate antagonist is stolen.~~

8 (I) FURNISH OR ADMINISTER AN OPIOID ANTAGONIST TO AN  
9 INDIVIDUAL THE PERSON BELIEVES TO BE SUFFERING AN OPIOID-RELATED  
10 DRUG OVERDOSE EVENT OR TO AN INDIVIDUAL WHO IS IN A POSITION TO  
11 ASSIST THE INDIVIDUAL AT RISK OF EXPERIENCING AN OPIOID-RELATED  
12 DRUG OVERDOSE EVENT; OR

13 (II) DISTRIBUTE THE OPIOID ANTAGONIST.

14 (b) This subsection (2) also applies to:

15 (II) A person who acts in good faith to furnish or administer an  
16 ~~opiate~~ OPIOID antagonist in accordance with section 25-20.5-1001.

17 (3) (a) **Licensed prescribers and dispensers.** An individual who  
18 is licensed by the state under title 12 and is permitted by section  
19 12-30-110 or by other applicable law to prescribe or dispense an ~~opiate~~  
20 OPIOID antagonist is immune from criminal prosecution for:

21 (I) Prescribing or dispensing an ~~opiate~~ OPIOID antagonist in  
22 accordance with the applicable law; or

23 (II) Any outcomes resulting from the eventual administration of  
24 the ~~opiate~~ OPIOID antagonist by a layperson.

25 (4) The provisions of this section shall not be interpreted to  
26 establish any duty or standard of care in the prescribing, dispensing, or  
27 administration of an ~~opiate~~ OPIOID antagonist.

1 (5) **Definitions.** As used in this section, unless the context  
2 otherwise requires:

3 (a) ~~"Health-care facility" means a hospital, a hospice inpatient~~  
4 ~~residence, a nursing facility, a dialysis treatment facility, an assisted~~  
5 ~~living residence, an entity that provides home- and community-based~~  
6 ~~services, a hospice or home health-care agency, or another facility that~~  
7 ~~provides or contracts to provide health-care services, which facility is~~  
8 ~~licensed, certified, or otherwise authorized or permitted by law to provide~~  
9 ~~medical treatment.~~

10 (c) ~~"Opiate"~~ "OPIOID" has the same meaning as "OPIATE", AS set  
11 forth in section 18-18-102 (21).

12 (d) ~~"Opiate "OPIOID antagonist" means naloxone hydrochloride or~~  
13 ~~any similarly acting drug that is not a controlled substance and that is~~  
14 ~~approved by the federal food and drug administration for the treatment of~~  
15 ~~a drug overdose~~ HAS THE SAME MEANING AS SET FORTH IN SECTION  
16 12-30-110 (7)(d).

17 (e) ~~"Opiate-related"~~ "OPIOID-RELATED drug overdose event" means  
18 an acute condition, including a decreased level of consciousness or  
19 respiratory depression, that:

20 (II) A layperson would reasonably believe to be an ~~opiate-related~~  
21 OPIOID-RELATED drug overdose event; and

22 **SECTION 4.** In Colorado Revised Statutes, 18-18-428, **add**  
23 (1)(b)(III) as follows:

24 **18-18-428. Possession of drug paraphernalia - penalty -**  
25 **exceptions.** (1) (b) (III) THIS SECTION DOES NOT APPLY TO THE  
26 POSSESSION OF DRUG PARAPHERNALIA THAT A PERSON RECEIVED FROM AN  
27 APPROVED SYRINGE EXCHANGE PROGRAM CREATED PURSUANT TO SECTION

1 25-1-520 OR A PROGRAM CARRIED OUT BY A HARM REDUCTION  
2 ORGANIZATION, AS DEFINED IN SECTION 12-30-110 (7), WHILE  
3 PARTICIPATING IN THE PROGRAM.

4 **SECTION 5.** In Colorado Revised Statutes, 25-1.5-115.3, **amend**  
5 (1) introductory portion as follows:

6 **25-1.5-115.3. Non-laboratory synthetic opioid detection tests**  
7 **- appropriation - definitions - repeal.** (1) For the 2022-23 state fiscal  
8 year, the general assembly shall appropriate six hundred thousand dollars  
9 to the department for the purpose of purchasing non-laboratory synthetic  
10 ~~opiate~~ OPIOID detection tests AND OTHER DRUG TESTING EQUIPMENT. Any  
11 unexpended money remaining at the end of the 2022-23 state fiscal year  
12 from this appropriation:

13 **SECTION 6.** In Colorado Revised Statutes, 25-1-520, **add** (4.5)  
14 as follows:

15 **25-1-520. Clean syringe exchange programs - operation -**  
16 **approval.** (4.5) A CLEAN SYRINGE EXCHANGE PROGRAM OPERATING  
17 PURSUANT TO THIS SECTION MAY ACQUIRE AND USE SUPPLIES OR DEVICES  
18 INTENDED FOR USE IN TESTING CONTROLLED SUBSTANCES OR CONTROLLED  
19 SUBSTANCE ANALOGS FOR POTENTIALLY DANGEROUS ADULTERANTS.

20 **SECTION 7.** In Colorado Revised Statutes, **amend** 10-16-153 as  
21 follows:

22 **10-16-153. Coverage for opioid antagonists provided by a**  
23 **hospital - definition.** (1) As used in this section, unless the context  
24 otherwise requires, "~~opiate~~ "OPIOID antagonist" has the same meaning as  
25 set forth in section 12-30-110 (7)(d).

26 (2) A carrier that provides coverage for ~~opiate~~ OPIOID antagonists  
27 pursuant to the terms of a health coverage plan the carrier offers shall



1 reimburse a hospital for the hospital's cost of an ~~opiate~~ OPIOID antagonist  
2 if the hospital gives a covered person an ~~opiate~~ OPIOID antagonist upon  
3 discharge from the hospital.

4 **SECTION 8.** In Colorado Revised Statutes, 12-30-110, **amend**  
5 (1)(a) introductory portion, (1)(a)(I), (1)(a)(II), (1)(b), (2), (3), (3.5)(a),  
6 (3.5)(b) introductory portion, (4)(a), (5), (7)(a.3), (7)(b), (7)(c), (7)(d),  
7 (7)(e) introductory portion, (7)(e)(II), and (7)(i) as follows:

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

12 (I) An individual at risk of experiencing an ~~opiate-related~~  
13 OPIOID-RELATED drug overdose event;

14 (II) A family member, friend, or other person in a position to  
15 assist an individual at risk of experiencing an ~~opiate-related~~  
16 OPIOID-RELATED drug overdose event;

17 (b) A person or entity described in subsection (1)(a) of this section  
18 may, pursuant to an order or standing orders and protocols:

19 (I) Possess an ~~opiate~~ OPIOID antagonist;

20 (II) Furnish an ~~opiate~~ OPIOID antagonist to a family member,  
21 friend, or other person who is in a position to assist an individual who is  
22 at risk of experiencing an ~~opiate-related~~ OPIOID-RELATED drug overdose  
23 event; or

24 (III) Administer an ~~opiate~~ OPIOID antagonist to an individual  
25 experiencing, or who a reasonable person would believe is experiencing,  
26 an ~~opiate-related~~ OPIOID-RELATED drug overdose event.

27 (2) (a) A prescriber who prescribes or dispenses an ~~opiate~~ OPIOID

1 antagonist pursuant to this section is strongly encouraged to educate  
2 persons receiving the ~~opiate~~ OPIOID antagonist on the use of an ~~opiate~~  
3 OPIOID antagonist for overdose, including instruction concerning risk  
4 factors for overdose, recognizing an overdose, calling emergency medical  
5 services, rescue breathing, and administering an ~~opiate~~ OPIOID antagonist.

6 (b) An entity described in subsection (1)(a) of this section is  
7 strongly encouraged to educate employees, agents, and volunteers, as well  
8 as persons receiving an ~~opiate~~ OPIOID antagonist from the entity described  
9 in subsection (1)(a) of this section, on the use of an ~~opiate~~ OPIOID  
10 antagonist for overdose, including instruction concerning risk factors for  
11 overdose, recognizing an overdose, calling emergency medical services,  
12 rescue breathing, and administering an ~~opiate~~ OPIOID antagonist.

13 (3) A prescriber described in subsection (7)(h) of this section does  
14 not engage in unprofessional conduct or is not subject to discipline  
15 pursuant to section 12-240-121, 12-255-120, or 12-280-126, as  
16 applicable, if the prescriber issues standing orders and protocols  
17 regarding ~~opiate~~ OPIOID antagonists or prescribes or dispenses, pursuant  
18 to an order or standing orders and protocols, an ~~opiate~~ OPIOID antagonist  
19 in a good faith effort to assist:

20 (a) An individual who is at risk of experiencing an ~~opiate-related~~  
21 OPIOID-RELATED drug overdose event;

22 (b) A family member, friend, or other person who is in a position  
23 to assist an individual who is at risk of experiencing an ~~opiate-related~~  
24 OPIOID-RELATED drug overdose event; or

25 (c) A person or entity described in subsection (1)(a) of this section  
26 in responding to, treating, or otherwise assisting an individual who is  
27 experiencing or is at risk of experiencing an ~~opiate-related~~

1 OPIOID-RELATED drug overdose event or a friend, family member, or other  
2 person in a position to assist an at-risk individual.

3 (3.5) (a) Notwithstanding any provision of this title 12 or rules  
4 implementing this title 12, a prescriber prescribing or dispensing an  
5 ~~opiate~~ OPIOID antagonist in accordance with this section, other than a  
6 pharmacist or other prescriber prescribing and dispensing from a  
7 prescription drug outlet or pharmacy, is not required to comply with laws  
8 relating to labeling, storage, or record keeping for the ~~opiate~~ OPIOID  
9 antagonist.

10 (b) A prescriber prescribing or dispensing an ~~opiate~~ OPIOID  
11 antagonist exempted from labeling, storage, or record-keeping  
12 requirements pursuant to this subsection (3.5):

13 (4) (a) A prescriber who prescribes or dispenses an ~~opiate~~ OPIOID  
14 antagonist in accordance with this section is not subject to civil liability  
15 or criminal prosecution, as specified in sections 13-21-108.7 (4) and  
16 18-1-712 (3), respectively.

17 (5) This section does not establish a duty or standard of care for  
18 prescribers regarding the prescribing, dispensing, or administering of an  
19 ~~opiate~~ OPIOID antagonist.

20 (7) As used in this section:

21 (a.3) "Community service organization" means a nonprofit  
22 organization that is in good standing and registered with the federal  
23 internal revenue service and the Colorado secretary of state's office that  
24 provides services to ~~individuals~~ AN INDIVIDUAL at risk of experiencing an  
25 ~~opiate-related~~ OPIOID-RELATED drug overdose event or to the ~~individuals'~~  
26 INDIVIDUAL'S family members, friends, or other persons in a position to  
27 assist the individual.

1 (b) "Harm reduction organization" means an organization that  
2 provides services, including medical care, counseling, homeless services,  
3 or drug treatment, to individuals at risk of experiencing an ~~opiate-related~~  
4 OPIOID-RELATED drug overdose event or to the friends and family  
5 members of an at-risk individual.

6 (c) ~~"Opiate"~~ "OPIOID" has the same meaning AS "OPIATE", as set  
7 forth in section 18-18-102 (21).

8 (d) ~~"Opiate"~~ "OPIOID antagonist" means naloxone hydrochloride or  
9 any similarly acting drug that is not a controlled substance and that is  
10 approved by the federal food and drug administration for the treatment of  
11 a drug overdose. "OPIOID ANTAGONIST" INCLUDES AN EXPIRED OPIOID  
12 ANTAGONIST.

13 (e) ~~"Opiate-related"~~ "OPIOID-RELATED drug overdose event" means  
14 an acute condition, including a decreased level of consciousness or  
15 respiratory depression, that:

16 (II) A layperson would reasonably believe to be caused by an  
17 ~~opiate-related~~ OPIOID-RELATED drug overdose event; and

18 (i) "Protocol" means a specific written plan for a course of  
19 medical treatment containing a written set of specific directions created  
20 by a physician, group of physicians, hospital medical committee,  
21 pharmacy and therapeutics committee, or other similar practitioners or  
22 groups of practitioners with expertise in the use of ~~opiate~~ OPIOID  
23 antagonists.

24 **SECTION 9.** In Colorado Revised Statutes, **amend** 12-240-124  
25 as follows:

26 **12-240-124. Prescribing opioid antagonists.** A physician or  
27 physician assistant licensed pursuant to this article 240 may prescribe or

1 dispense an ~~opiate~~ OPIOID antagonist in accordance with section  
2 12-30-110.

3 **SECTION 10.** In Colorado Revised Statutes, 12-245-210, **amend**  
4 (2) as follows:

5 **12-245-210. Prohibition against prescribing drugs or**  
6 **practicing medicine - exception for opioid antagonist.**

7 (2) Notwithstanding subsection (1) of this section, a psychologist, social  
8 worker, marriage and family therapist, licensed professional counselor,  
9 unlicensed psychotherapist, or addiction counselor licensed, registered,  
10 or certified under this article 245 may possess, furnish, or administer an  
11 ~~opiate~~ OPIOID antagonist in accordance with section 12-30-110.

12 **SECTION 11.** In Colorado Revised Statutes, **amend** 12-255-128  
13 as follows:

14 **12-255-128. Prescribing opioid antagonists.** An advanced  
15 practice registered nurse or certified midwife with prescriptive authority  
16 pursuant to section 12-255-112 may prescribe or dispense an ~~opiate~~  
17 OPIOID antagonist in accordance with section 12-30-110.

18 **SECTION 12.** In Colorado Revised Statutes, 12-280-103, **amend**  
19 (39)(g)(III) and (40) as follows:

20 **12-280-103. Definitions - rules.** As used in this article 280, unless  
21 the context otherwise requires or the term is otherwise defined in another  
22 part of this article 280:

23 (39) "Practice of pharmacy" means:

24 (g) Exercising independent prescriptive authority:

25 (III) As authorized pursuant to sections 12-30-110 and  
26 12-280-123 (3) regarding ~~opiate~~ OPIOID antagonists; or

27 (40) "Practitioner" means a person authorized by law to prescribe

1 any drug or device, acting within the scope of the authority, including a  
2 pharmacist who is participating within the parameters of a statewide drug  
3 therapy protocol pursuant to a collaborative pharmacy practice agreement  
4 as defined in section 12-280-601 (1)(b), prescribing over-the-counter  
5 medications pursuant to section 25.5-5-322, or prescribing an ~~opiate~~  
6 OPIOID antagonist pursuant to sections 12-30-110 and 12-280-123 (3).

7 **SECTION 13.** In Colorado Revised Statutes, 12-280-123, **amend**  
8 (1)(c)(I) introductory portion, (1)(c)(II), and (3) as follows:

9 **12-280-123. Prescription required - exception - dispensing**  
10 **opioid antagonists - selling nonprescription syringes and needles.**

11 (1) (c) (I) A pharmacist who dispenses a prescription order for a  
12 prescription drug that is an opioid shall inform the individual of the  
13 potential dangers of a high dose of an opioid, as described by the federal  
14 centers for disease control and prevention in the United States department  
15 of health and human services, and offer to dispense to the individual to  
16 whom the opioid is being dispensed, on at least an annual basis, an ~~opiate~~  
17 OPIOID antagonist approved by the FDA for the reversal of an opioid  
18 overdose if:

19 (II) Notwithstanding section 12-30-110 (2)(a), if an individual to  
20 whom an opioid is being dispensed chooses to accept the pharmacist's  
21 offer for an ~~opiate~~ OPIOID antagonist, the pharmacist shall counsel the  
22 individual on how to use the ~~opiate~~ OPIOID antagonist in the event of an  
23 overdose. The pharmacist shall notify the individual of available generic  
24 and brand-name ~~opiate~~ OPIOID antagonists.

25 (3) A pharmacist may prescribe and dispense an ~~opiate~~ OPIOID  
26 antagonist in accordance with section 12-30-110.

27 **SECTION 14.** In Colorado Revised Statutes, 17-26-140, **amend**

1 (1)(c) and (3) as follows:

2 **17-26-140. Continuity of care for persons released from jail.**

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

6 (c) If the person received or has been assessed to receive  
7 medication-assisted treatment while in jail, has a history of substance use  
8 in the community or while in jail, or requests ~~opiate~~ OPIOID antagonists  
9 upon release, provide the person, upon release from the jail, at least eight  
10 milligrams of an ~~opiate~~ OPIOID antagonist via inhalation or its equivalent  
11 and provide education to the person about the appropriate use of the  
12 medication;

13 (3) As used in this section, "~~opiate~~ "OPIOID antagonist" means  
14 naloxone hydrochloride or any similarly acting drug that is not a  
15 controlled substance and that is approved by the federal food and drug  
16 administration for the treatment of a drug overdose.

17 **SECTION 15.** In Colorado Revised Statutes, 18-1.3-410, **amend**  
18 (4) as follows:

19 **18-1.3-410. Fentanyl education and treatment program.** (4) A  
20 person, regardless of whether the person is receiving treatment in a  
21 community-based or residential treatment facility pursuant to subsection  
22 (2) or (3) of this section, must complete the fentanyl education program  
23 developed by the behavioral health administration pursuant to section  
24 27-80-128. The fentanyl education program must include information  
25 regarding the nature and addictive elements of synthetic opiates, their  
26 dangers to a person's life and health, access to and administration of  
27 ~~opiate~~ OPIOID antagonists and non-laboratory synthetic opiate detection

1 tests, and laws regarding synthetic opiates, including criminal penalties  
2 and immunity for reporting an overdose event pursuant to section  
3 18-1-711. The fentanyl education program costs must be paid from the  
4 correctional treatment cash fund, existing pursuant to section 18-19-103  
5 (4), for a person on probation and who is determined by the court to be  
6 indigent, is represented by court-appointed counsel, or is otherwise unable  
7 to afford the cost of placement.

8 **SECTION 16.** In Colorado Revised Statutes, 18-1.3-510, **amend**  
9 (4) as follows:

10 **18-1.3-510. Fentanyl education and treatment program.** (4) A  
11 person, regardless of whether the person is receiving treatment in a  
12 community-based or residential treatment facility pursuant to subsection  
13 (2) or (3) of this section, must complete the fentanyl education program  
14 developed by the behavioral health administration pursuant to section  
15 27-80-128. The fentanyl education program must include information  
16 regarding the nature and addictive elements of synthetic opiates, their  
17 dangers to a person's life and health, access to and administration of  
18 ~~opiate~~ OPIOID antagonists and non-laboratory synthetic opiate detection  
19 tests, and laws regarding synthetic opiates, including criminal penalties  
20 and immunity for reporting an overdose event pursuant to section  
21 18-1-711. The fentanyl education program costs must be paid from the  
22 correctional treatment cash fund, existing pursuant to section 18-19-103  
23 (4), for a person on probation and WHO is determined by the court to be  
24 indigent, is represented by court-appointed counsel, or is otherwise unable  
25 to afford the cost of placement.

26 **SECTION 17.** In Colorado Revised Statutes, 18-19-103, **amend**  
27 (5)(c)(IX) as follows:



1           **18-19-103. Source of revenues - allocation of money - repeal.**

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

4           (IX) Drug overdose prevention, including medication-assisted  
5 treatment for opiate dependence, ~~opiate~~ OPIOID antagonists, and  
6 non-laboratory synthetic opiate detection tests.

7           **SECTION 18.** In Colorado Revised Statutes, 22-1-119.1, **amend**  
8 (1), (3)(a), (3)(b) introductory portion, and (3)(b)(II) as follows:

9           **22-1-119.1. Policy for employee and agent possession and**  
10 **administration of opioid antagonists - definitions.** (1) A school district  
11 board of education of a public school, the state charter school institute for  
12 an institute charter school, or the governing board of a nonpublic school  
13 may adopt and implement a policy whereby:

14           (a) A school under its jurisdiction may acquire and maintain a  
15 stock supply of ~~opiate~~ OPIOID antagonists; and

16           (b) An employee or agent of the school may, after receiving  
17 appropriate training, administer an ~~opiate~~ OPIOID antagonist on school  
18 grounds to assist an individual who is at risk of experiencing an  
19 ~~opiate-related~~ OPIOID-RELATED drug overdose event. The training  
20 provided pursuant to this subsection (1)(b) must include risk factors for  
21 overdose, recognizing an overdose, calling emergency medical services,  
22 rescue breathing, and administering an ~~opiate~~ OPIOID antagonist.

23           (3) As used in this section:

24           (a) "~~Opiate~~ "OPIOID antagonist" ~~means naloxone hydrochloride or~~  
25 ~~any similarly acting drug that is not a controlled substance and that is~~  
26 ~~approved by the federal food and drug administration for the treatment of~~  
27 ~~a drug overdose~~ HAS THE SAME MEANING AS SET FORTH IN SECTION

1 12-30-110 (7)(d).

2 (b) "~~Opiate-related~~ OPIOID-RELATED drug overdose event" means  
3 an acute condition, including a decreased level of consciousness or  
4 respiratory depression, that:

5 (II) A layperson would reasonably believe to be caused by an  
6 ~~opiate-related~~ OPIOID-RELATED drug overdose event; and

7 **SECTION 19.** In Colorado Revised Statutes, 25-1.5-115, **amend**  
8 (1)(a), (2), (3), (4)(a)(III), (4)(a)(IV), and (5) as follows:

9 **25-1.5-115. Opioid antagonist bulk purchase fund - creation**  
10 **- rules - report - appropriation - definitions - repeal.** (1) (a) The ~~opiate~~  
11 OPIOID antagonist bulk purchase fund ~~referred to in this section as the~~  
12 "~~fund~~", is ~~hereby~~ created in the state treasury. The fund consists of  
13 payments made to the department by participating eligible entities for the  
14 purchase of ~~opiate~~ OPIOID antagonists; gifts, grants, and donations  
15 credited to the fund pursuant to subsection (1)(b) of this section; and any  
16 money that the general assembly may appropriate or transfer to the fund.

17 (2) Money in the fund is continuously appropriated to the  
18 department for bulk purchasing of ~~opiate~~ OPIOID antagonists. Eligible  
19 entities may purchase ~~opiate~~ OPIOID antagonists from the department. The  
20 department may contract with a prescription drug outlet, as defined in  
21 section 12-280-103 (43), for the bulk purchasing and distribution of  
22 ~~opiate~~ OPIOID antagonists. The department may prioritize the purchase of  
23 ~~opiate~~ OPIOID antagonists by eligible entities based on the need of the  
24 entity and the availability of the ~~opiate~~ OPIOID antagonists as determined  
25 by the department. The department shall provide technical assistance to  
26 participating eligible entities to ensure that eligible entities complete all  
27 training and registration requirements.

1 (3) The department shall promulgate rules specifying the amount  
2 an eligible entity must pay to purchase ~~opiate~~ OPIOID antagonists from the  
3 department.

4 (4) (a) No later than October 1, 2020, and every October 1  
5 thereafter, the executive director of the department or the executive  
6 director's designee shall report to the house and senate appropriations  
7 committees, or their successor committees, on the fund's activity. The  
8 report must include:

9 (III) The eligible entities that purchased ~~opiate~~ OPIOID antagonists;

10 (IV) The amount of ~~opiate~~ OPIOID antagonists purchased by each  
11 eligible entity; and

12 (5) As used in this section:

13 (a) "Eligible entity" means a person or entity described in section  
14 12-30-110 (1)(a); except that an employee or agent of a school must be  
15 acting in accordance with section 12-30-110 (1)(b), (2)(b), and (4)(b),  
16 and, as applicable, section 22-1-119.1.

17 (b) "FUND" MEANS THE OPIOID ANTAGONIST BULK PURCHASE FUND  
18 CREATED IN SUBSECTION (1)(a) OF THIS SECTION.

19 **SECTION 20.** In Colorado Revised Statutes, 25-20.5-1001,  
20 **amend** (1), (2), and (3) as follows:

21 **25-20.5-1001. Making opioid antagonists available - bulk**  
22 **purchasing - immunity.** (1) A person that is not a private entity and that  
23 makes a defibrillator or AED, as defined in section 13-21-108.1, available  
24 to aid the general public may also make available an ~~opiate~~ OPIOID  
25 antagonist to aid an individual believed to be suffering an ~~opiate-related~~  
26 OPIOID-RELATED drug overdose event or to an individual who is in a  
27 position to assist the individual at risk of experiencing an ~~opiate-related~~

1 OPIOID-RELATED drug overdose event.

2 (2) A person making an ~~opiate~~ OPIOID antagonist available in  
3 accordance with subsection (1) of this section is eligible to purchase  
4 ~~opiate~~ OPIOID antagonists from the department in accordance with section  
5 25-1.5-115.

6 (3) A person who acts in good faith to furnish or administer an  
7 ~~opiate~~ OPIOID antagonist to an individual the person believes to be  
8 suffering an ~~opiate-related~~ OPIOID-RELATED drug overdose event or to an  
9 individual who is in a position to assist the individual at risk of  
10 experiencing an ~~opiate-related~~ OPIOID-RELATED drug overdose event is  
11 not subject to civil liability or criminal prosecution, as specified in  
12 sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

13 **SECTION 21.** In Colorado Revised Statutes, 25-20.5-1501,  
14 **amend** (3) introductory portion and (3)(c) as follows:

15 **25-20.5-1501. Independent study - report - repeal.** (3) At a  
16 minimum, the independent entity shall identify and report findings based  
17 on available data and information obtained from the behavioral health  
18 administration, the department, ~~of public health and environment,~~  
19 managed service organizations, and other applicable agencies and  
20 treatment providers regarding:

21 (c) The eligible entities that purchased ~~opiate~~ OPIOID antagonists  
22 through the ~~opiate~~ OPIOID antagonist bulk purchase fund pursuant to  
23 section 25-1.5-115, including the amount of ~~opiate~~ OPIOID antagonists  
24 purchased by each eligible entity and the revenue received by the bulk  
25 purchase fund;

26 **SECTION 22.** In Colorado Revised Statutes, 25.5-5-509, **amend**  
27 (2) as follows:

1           **25.5-5-509. Substance use disorder - prescription drugs -**  
2 **opioid antagonist - definition.** (2) (a) As used in this subsection (2),  
3 unless the context otherwise requires, "~~opiate~~ "OPIOID antagonist" has the  
4 same meaning as set forth in section 12-30-110 (7)(d).

5           (b) A hospital or emergency department shall receive  
6 reimbursement under the medical assistance program for the cost of an  
7 ~~opiate~~ OPIOID antagonist if, in accordance with section 12-30-110, a  
8 prescriber, as defined in section 12-30-110 (7)(h), dispenses an ~~opiate~~  
9 OPIOID antagonist upon discharge to a medical assistance recipient who  
10 is at risk of experiencing an ~~opiate-related~~ OPIOID-RELATED drug overdose  
11 event or to a family member, friend, or other person in a position to assist  
12 a medical assistance recipient who is at risk of experiencing an  
13 ~~opiate-related~~ OPIOID-RELATED drug overdose event.

14           (c) The state department shall seek federal financial participation  
15 for the cost of reimbursement for the ~~opiate~~ OPIOID antagonist, but shall  
16 provide reimbursement to the hospital or emergency department for the  
17 ~~opiate~~ OPIOID antagonist using state money until federal financial  
18 participation is available.

19           **SECTION 23.** In Colorado Revised Statutes, **amend** 27-80-128  
20 as follows:

21           **27-80-128. Fentanyl education and treatment program.** The  
22 behavioral health administration shall develop a fentanyl education  
23 program for the purpose of sections 18-1.3-410 and 18-1.3-510. The  
24 fentanyl education program must include information regarding the nature  
25 and addictive elements of synthetic opiates, their dangers to a person's life  
26 and health, access to and administration of ~~opiate~~ OPIOID antagonists and  
27 non-laboratory synthetic opiate detection tests, and laws regarding

1 synthetic opiates, including criminal penalties and immunity for reporting  
2 an overdose event pursuant to section 18-1-711. The BHA may update the  
3 fentanyl education program curriculum as necessary.

4 **SECTION 24. Act subject to petition - effective date.** This act  
5 takes effect at 12:01 a.m. on the day following the expiration of the  
6 ninety-day period after final adjournment of the general assembly; except  
7 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
8 of the state constitution against this act or an item, section, or part of this  
9 act within such period, then the act, item, section, or part will not take  
10 effect unless approved by the people at the general election to be held in  
11 November 2024 and, in such case, will take effect on the date of the  
12 official declaration of the vote thereon by the governor.