

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 24-1037

BY REPRESENTATIVE(S) Epps and deGruy Kennedy, Young, Amabile, Bacon, Boesenecker, Brown, Clifford, Garcia, Hernandez, Herod, Jodeh, Kipp, Lindsay, Mabrey, Marvin, McCormick, McLachlan, Rutinel, Sirota, Snyder, Vigil, Woodrow, English, Joseph, Mauro, Parenti, Story, Titone, Velasco, Weissman;
also SENATOR(S) Priola, Jaquez Lewis, Cutter, Gonzales, Hinrichsen, Michaelson Jenet, Winter F.

CONCERNING REDUCING THE HARM CAUSED BY SUBSTANCE USE DISORDERS.

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

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

12-240-139. Injuries to be reported - exemptions - penalty for failure to report - immunity from liability - definitions. (1) (a) (I) Every licensee who attends or treats any of the following injuries shall report the injury at once to the police of the city, town, or city and county or the sheriff of the county in which the licensee is located:

(C) Any other injury that the licensee has reason to believe involves

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

SECTION 2. In Colorado Revised Statutes, 13-21-108.7, **amend** (1), (2)(c), (2)(d), (2)(e) introductory portion, (2)(e)(II), (3)(a), (3)(b)(II), (4)(a), and (5); and **repeal** (2)(a) as follows:

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

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

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

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

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

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

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

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

(3) **General immunity.** (a) A person, other than a health-care provider, ~~or a health-care facility, who~~ IS NOT LIABLE FOR ANY CIVIL DAMAGES IF THE PERSON 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.~~

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

(II) DISTRIBUTE THE OPIOID ANTAGONIST.

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

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

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

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

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

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

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

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

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

(2) **General immunity.** (a) A person, other than a health-care provider, ~~or a health-care facility, who~~ IS IMMUNE FROM CRIMINAL PROSECUTION IF THE PERSON 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 immune from criminal prosecution for the act or for any act or omission made if the opiate antagonist is stolen.~~

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

OVERDOSE EVENT; OR

(II) DISTRIBUTE THE OPIOID ANTAGONIST.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. In Colorado Revised Statutes, **add** 18-1-712.3 as follows:

18-1-712.3. Possession of opioid antagonist - insufficient for probable cause. THE MERE PRESENCE OF A DRUG APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR OPIOID OVERDOSE REVERSAL IS NOT INDICATIVE OF A CRIME AND SHALL NOT BE USED TO SUPPORT PROBABLE CAUSE.

SECTION 5. In Colorado Revised Statutes, 18-18-428, **add** (1)(b)(III) as follows:

18-18-428. Possession of drug paraphernalia - penalty - exceptions. (1) (b) (III) THIS SECTION DOES NOT APPLY TO THE POSSESSION OF DRUG PARAPHERNALIA THAT A PERSON RECEIVED FROM AN APPROVED SYRINGE EXCHANGE PROGRAM CREATED PURSUANT TO SECTION 25-1-520 OR A PROGRAM CARRIED OUT BY A HARM REDUCTION ORGANIZATION, AS DEFINED IN SECTION 12-30-110 (7), WHILE PARTICIPATING IN THE PROGRAM.

SECTION 6. In Colorado Revised Statutes, 25-1.5-115.3, **amend** (1) introductory portion, (1)(b), and (4) as follows:

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

(b) May be used by the department in the 2023-24 AND 2024-25 state fiscal year YEARS without further appropriation; and

(4) This section is repealed, effective July 1, ~~2024~~ 2025.

SECTION 7. In Colorado Revised Statutes, 25-1-520, **add** (2.3) and (4.5) as follows:

25-1-520. Clean syringe exchange programs - operation - approval - testing supplies. (2.3) A CLEAN SYRINGE EXCHANGE PROGRAM OPERATING PURSUANT TO THIS SECTION MAY PURCHASE AND DISTRIBUTE OTHER SUPPLIES AND TOOLS INTENDED TO REDUCE HEALTH RISKS ASSOCIATED WITH THE USE OF DRUGS, INCLUDING, BUT NOT LIMITED TO, SMOKING MATERIALS.

(4.5) A CLEAN SYRINGE EXCHANGE PROGRAM OPERATING PURSUANT TO THIS SECTION MAY ACQUIRE AND USE SUPPLIES OR DEVICES INTENDED FOR USE IN TESTING CONTROLLED SUBSTANCES OR CONTROLLED SUBSTANCE ANALOGS FOR POTENTIALLY DANGEROUS ADULTERANTS.

SECTION 8. In Colorado Revised Statutes, **amend** 10-16-153 as follows:

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

(2) A carrier that provides coverage for ~~opiate~~ OPIOID antagonists pursuant to the terms of a health coverage plan the carrier offers shall reimburse a hospital for the hospital's cost of an ~~opiate~~ OPIOID antagonist if the hospital gives a covered person an ~~opiate~~ OPIOID antagonist upon discharge from the hospital.

SECTION 9. In Colorado Revised Statutes, 12-30-110, **amend** (1)(a) introductory portion, (1)(a)(I), (1)(a)(II), (1)(b), (2), (3), (3.5)(a), (3.5)(b) introductory portion, (4)(a), (5), (7)(a.3), (7)(b), (7)(c), (7)(d), (7)(e) introductory portion, (7)(e)(II), and (7)(i) as follows:

12-30-110. Prescribing or dispensing opioid antagonists -

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

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

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

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

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

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

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

(2) (a) A prescriber who prescribes or dispenses an ~~opiate~~ OPIOID antagonist pursuant to this section is strongly encouraged to educate persons receiving the ~~opiate~~ OPIOID antagonist on the use of an ~~opiate~~ OPIOID antagonist for overdose, including instruction concerning risk factors for overdose, recognizing an overdose, calling emergency medical services, rescue breathing, and administering an ~~opiate~~ OPIOID antagonist.

(b) 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~~ OPIOID antagonist from the entity described in subsection (1)(a) of this section, on the use of an ~~opiate~~ OPIOID antagonist for overdose, including instruction concerning risk factors for overdose, recognizing an overdose, calling emergency medical services, rescue breathing, and administering an ~~opiate~~ OPIOID 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~~ OPIOID antagonists or prescribes or dispenses, pursuant to an order or standing orders and protocols, an ~~opiate~~ OPIOID antagonist in a good faith effort to assist:

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

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

(c) 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~~ OPIOID-RELATED drug overdose event or a friend, family member, or other person in a position to assist an at-risk individual.

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

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

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

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

(7) As used in this section:

(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~~ AN INDIVIDUAL at risk of experiencing an ~~opiate-related~~ OPIOID-RELATED drug overdose event or to the ~~individuals'~~ INDIVIDUAL'S family members, friends, or other persons in a position to assist the individual.

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

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

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

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

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

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

SECTION 10. In Colorado Revised Statutes, **amend** 12-240-124 as follows:

12-240-124. Prescribing opioid antagonists. A physician or physician assistant licensed pursuant to this article 240 may prescribe or dispense an ~~opiate~~ OPIOID antagonist in accordance with section 12-30-110.

SECTION 11. In Colorado Revised Statutes, 12-245-210, **amend** (2) as follows:

12-245-210. Prohibition against prescribing drugs or practicing medicine - exception for opioid antagonist. (2) Notwithstanding subsection (1) of this section, a psychologist, social worker, marriage and family therapist, licensed professional counselor, unlicensed psychotherapist, or addiction counselor licensed, registered, or certified under this article 245 may possess, furnish, or administer an ~~opiate~~ OPIOID antagonist in accordance with section 12-30-110.

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

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

SECTION 13. In Colorado Revised Statutes, 12-280-103, **amend** (39)(g)(III) and (40) as follows:

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

(39) "Practice of pharmacy" means:

(g) Exercising independent prescriptive authority:

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

(40) "Practitioner" means a person authorized by law to prescribe any drug or device, acting within the scope of the authority, including a pharmacist who is participating within the parameters of a statewide drug

therapy protocol pursuant to a collaborative pharmacy practice agreement as defined in section 12-280-601 (1)(b), prescribing over-the-counter medications pursuant to section 25.5-5-322, or prescribing an ~~opiate~~ OPIOID antagonist pursuant to sections 12-30-110 and 12-280-123 (3).

SECTION 14. In Colorado Revised Statutes, 12-280-123, **amend** (1)(c)(I) introductory portion, (1)(c)(II), and (3) as follows:

12-280-123. Prescription required - exception - dispensing opioid antagonists - selling nonprescription syringes and needles. (1) (c) (I) A pharmacist who dispenses a prescription order for a prescription drug that is an opioid shall inform the individual of the potential dangers of a high dose of an opioid, as described by the federal centers for disease control and prevention in the United States department of health and human services, and offer to dispense to the individual to whom the opioid is being dispensed, on at least an annual basis, an ~~opiate~~ OPIOID antagonist approved by the FDA for the reversal of an opioid overdose if:

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

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

SECTION 15. In Colorado Revised Statutes, 17-26-140, **amend** (1)(c) and (3) as follows:

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

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

(c) If the person received or has been assessed to receive medication-assisted treatment while in jail, has a history of substance use in the community or while in jail, or requests ~~opiate~~ OPIOID antagonists upon release, provide the person, upon release from the jail, at least eight

milligrams of an ~~opiate~~ OPIOID antagonist via inhalation or its equivalent and provide education to the person about the appropriate use of the medication;

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

SECTION 16. In Colorado Revised Statutes, 18-1.3-410, **amend** (4) as follows:

18-1.3-410. Fentanyl education and treatment program. (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 27-80-128. 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~~ OPIOID 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 who 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 17. In Colorado Revised Statutes, 18-1.3-510, **amend** (4) as follows:

18-1.3-510. Fentanyl education and treatment program. (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 27-80-128. 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~~

OPIOID 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 WHO 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 18. In Colorado Revised Statutes, 18-19-103, **amend** (5)(c)(IX) as follows:

18-19-103. Source of revenues - allocation of money - repeal. (5) (c) The board may direct that money in the correctional treatment cash fund may be used for the following purposes:

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

SECTION 19. In Colorado Revised Statutes, 22-1-119.1, **amend** (1), (3)(a), (3)(b) introductory portion, and (3)(b)(II) as follows:

22-1-119.1. Policy for employee and agent possession and administration of opioid antagonists - definitions. (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) A school under its jurisdiction may acquire and maintain a stock supply of ~~opiate~~ OPIOID antagonists; and

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

(3) As used in this section:

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

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

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

SECTION 20. In Colorado Revised Statutes, 25-1.5-115, **amend** (1)(a), (2), (3), (4)(a)(III), (4)(a)(IV), and (5) as follows:

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

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

(3) The department shall promulgate rules specifying the amount an

eligible entity must pay to purchase ~~opiate~~ OPIOID antagonists from the department.

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

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

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

(5) As used in this section:

(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), and (4)(b), and, as applicable, section 22-1-119.1.

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

SECTION 21. In Colorado Revised Statutes, 25-20.5-1001, **amend** (1), (2), and (3) as follows:

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

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

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

SECTION 22. In Colorado Revised Statutes, 25-20.5-1501, **amend** (3) introductory portion and (3)(c) as follows:

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

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

SECTION 23. In Colorado Revised Statutes, 25.5-5-509, **amend** (2) as follows:

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

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

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

SECTION 24. In Colorado Revised Statutes, **amend** 27-80-128 as follows:

27-80-128. 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 18-1.3-510. 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~~ OPIOID 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 25. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate

preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO