

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

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 24-0315.01 Yelana Love x2295

**HOUSE BILL 24-1037**

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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.

SENATE  
3rd Reading Unamended  
April 3, 2024

SENATE  
Amended 2nd Reading  
April 2, 2024

HOUSE  
3rd Reading Unamended  
March 4, 2024

HOUSE  
Amended 2nd Reading  
March 1, 2024

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, **add 18-1-712.3** as  
23 **follows:**

24 **18-1-712.3. Possession of opioid antagonist - insufficient for**  
25 **probable cause - definition.** (1) **AS USED IN THIS SECTION, "OPIOID**  
26 **ANTAGONIST" HAS THE MEANING SET FORTH IN SECTION 12-30-110 (7)(d).**

27 **(2) A PEACE OFFICER SHALL NOT USE THE PRESENCE OF AN OPIOID**

1 ANTAGONIST NEAR AN INDIVIDUAL OR AN INDIVIDUAL'S POSSESSION OF AN  
2 OPIOID ANTAGONIST AS THE SOLE BASIS FOR PROBABLE CAUSE TO PERFORM  
3 A WARRANTLESS SEARCH OR SEIZURE OF THE INDIVIDUAL.

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

6 **18-18-428. Possession of drug paraphernalia - penalty -**  
7 **exceptions.** (1) (b) (III) THIS SECTION DOES NOT APPLY TO THE  
8 POSSESSION OF DRUG PARAPHERNALIA THAT A PERSON RECEIVED FROM AN  
9 APPROVED SYRINGE EXCHANGE PROGRAM CREATED PURSUANT TO SECTION  
10 25-1-520 OR A PROGRAM CARRIED OUT BY A HARM REDUCTION  
11 ORGANIZATION, AS DEFINED IN SECTION 12-30-110 (7), WHILE  
12 PARTICIPATING IN THE PROGRAM.

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

15 **25-1.5-115.3. Non-laboratory synthetic opioid detection tests**  
16 **- appropriation - definitions - repeal.** (1) For the 2022-23 state fiscal  
17 year, the general assembly shall appropriate six hundred thousand dollars  
18 to the department for the purpose of purchasing non-laboratory synthetic  
19 ~~opiate~~ OPIOID detection tests AND OTHER DRUG TESTING EQUIPMENT. Any  
20 unexpended money remaining at the end of the 2022-23 state fiscal year  
21 from this appropriation:

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

24 (4) This section is repealed, effective July 1, 2024 2025.

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

27 **25-1-520. Clean syringe exchange programs - operation -**



1 **approval - testing supplies. (2.3)** A CLEAN SYRINGE EXCHANGE  
2 PROGRAM OPERATING PURSUANT TO THIS SECTION MAY PURCHASE AND  
3 DISTRIBUTE OTHER SUPPLIES AND TOOLS INTENDED TO REDUCE HEALTH  
4 RISKS ASSOCIATED WITH THE USE OF DRUGS, INCLUDING, BUT NOT LIMITED  
5 TO, SMOKING MATERIALS.

6 (4.5) A CLEAN SYRINGE EXCHANGE PROGRAM OPERATING  
7 PURSUANT TO THIS SECTION MAY ACQUIRE AND USE SUPPLIES OR DEVICES  
8 INTENDED FOR USE IN TESTING CONTROLLED SUBSTANCES OR CONTROLLED  
9 SUBSTANCE ANALOGS FOR POTENTIALLY DANGEROUS ADULTERANTS.

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

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

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

21 **SECTION 9.** In Colorado Revised Statutes, 12-30-110, **amend**  
22 (1)(a) introductory portion, (1)(a)(I), (1)(a)(II), (1)(b), (2), (3), (3.5)(a),  
23 (3.5)(b) introductory portion, (4)(a), (5), (7)(a.3), (7)(b), (7)(c), (7)(d),  
24 (7)(e) introductory portion, (7)(e)(II), and (7)(i) as follows:

25 **12-30-110. Prescribing or dispensing opioid antagonists -**  
26 **authorized recipients - definitions.** (1) (a) A prescriber may prescribe  
27 or dispense, directly or in accordance with standing orders and protocols,

1 an ~~opiate~~ OPIOID antagonist to:

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

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

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

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

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

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

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

23 (b) An entity described in subsection (1)(a) of this section is  
24 strongly encouraged to educate employees, agents, and volunteers, as well  
25 as persons receiving an ~~opiate~~ OPIOID antagonist from the entity described  
26 in subsection (1)(a) of this section, on the use of an ~~opiate~~ OPIOID  
27 antagonist for overdose, including instruction concerning risk factors for

1 overdose, recognizing an overdose, calling emergency medical services,  
2 rescue breathing, and administering an ~~opiate~~ OPIOID antagonist.

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

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

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

15 (c) A person or entity described in subsection (1)(a) of this section  
16 in responding to, treating, or otherwise assisting an individual who is  
17 experiencing or is at risk of experiencing an ~~opiate-related~~  
18 OPIOID-RELATED drug overdose event or a friend, family member, or other  
19 person in a position to assist an at-risk individual.

20 (3.5) (a) Notwithstanding any provision of this title 12 or rules  
21 implementing this title 12, a prescriber prescribing or dispensing an  
22 ~~opiate~~ OPIOID antagonist in accordance with this section, other than a  
23 pharmacist or other prescriber prescribing and dispensing from a  
24 prescription drug outlet or pharmacy, is not required to comply with laws  
25 relating to labeling, storage, or record keeping for the ~~opiate~~ OPIOID  
26 antagonist.

27 (b) A prescriber prescribing or dispensing an ~~opiate~~ OPIOID

1 antagonist exempted from labeling, storage, or record-keeping  
2 requirements pursuant to this subsection (3.5):

3 (4) (a) A prescriber who prescribes or dispenses an ~~opiate~~ OPIOID  
4 antagonist in accordance with this section is not subject to civil liability  
5 or criminal prosecution, as specified in sections 13-21-108.7 (4) and  
6 18-1-712 (3), respectively.

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

10 (7) As used in this section:

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

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

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

25 (d) "~~Opiate~~" "OPIOID antagonist" means naloxone hydrochloride or  
26 any similarly acting drug that is not a controlled substance and that is  
27 approved by the federal food and drug administration for the treatment of

1 a drug overdose. "OPIOID ANTAGONIST" INCLUDES AN EXPIRED OPIOID  
2 ANTAGONIST.

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

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

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

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

16 **12-240-124. Prescribing opioid antagonists.** A physician or  
17 physician assistant licensed pursuant to this article 240 may prescribe or  
18 dispense an ~~opiate~~ OPIOID antagonist in accordance with section  
19 12-30-110.

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

22 **12-245-210. Prohibition against prescribing drugs or**  
23 **practicing medicine - exception for opioid antagonist.**

24 (2) Notwithstanding subsection (1) of this section, a psychologist, social  
25 worker, marriage and family therapist, licensed professional counselor,  
26 unlicensed psychotherapist, or addiction counselor licensed, registered,  
27 or certified under this article 245 may possess, furnish, or administer an

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

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

4 **12-255-128. Prescribing opioid antagonists.** An advanced  
5 practice registered nurse or certified midwife with prescriptive authority  
6 pursuant to section 12-255-112 may prescribe or dispense an ~~opiate~~  
7 OPIOID antagonist in accordance with section 12-30-110.

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

10 **12-280-103. Definitions - rules.** As used in this article 280, unless  
11 the context otherwise requires or the term is otherwise defined in another  
12 part of this article 280:

13 (39) "Practice of pharmacy" means:

14 (g) Exercising independent prescriptive authority:

15 (III) As authorized pursuant to sections 12-30-110 and  
16 12-280-123 (3) regarding ~~opiate~~ OPIOID antagonists; or

17 (40) "Practitioner" means a person authorized by law to prescribe  
18 any drug or device, acting within the scope of the authority, including a  
19 pharmacist who is participating within the parameters of a statewide drug  
20 therapy protocol pursuant to a collaborative pharmacy practice agreement  
21 as defined in section 12-280-601 (1)(b), prescribing over-the-counter  
22 medications pursuant to section 25.5-5-322, or prescribing an ~~opiate~~  
23 OPIOID antagonist pursuant to sections 12-30-110 and 12-280-123 (3).

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

26 **12-280-123. Prescription required - exception - dispensing**  
27 **opioid antagonists - selling nonprescription syringes and needles.**

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

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

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

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

19 **17-26-140. Continuity of care for persons released from jail.**

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

23 (c) If the person received or has been assessed to receive  
24 medication-assisted treatment while in jail, has a history of substance use  
25 in the community or while in jail, or requests ~~opiate~~ OPIOID antagonists  
26 upon release, provide the person, upon release from the jail, at least eight  
27 milligrams of an ~~opiate~~ OPIOID antagonist via inhalation or its equivalent

1 and provide education to the person about the appropriate use of the  
2 medication;

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

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

9 **18-1.3-410. Fentanyl education and treatment program.** (4) A  
10 person, regardless of whether the person is receiving treatment in a  
11 community-based or residential treatment facility pursuant to subsection  
12 (2) or (3) of this section, must complete the fentanyl education program  
13 developed by the behavioral health administration pursuant to section  
14 27-80-128. The fentanyl education program must include information  
15 regarding the nature and addictive elements of synthetic opiates, their  
16 dangers to a person's life and health, access to and administration of  
17 ~~opiate~~ OPIOID antagonists and non-laboratory synthetic opiate detection  
18 tests, and laws regarding synthetic opiates, including criminal penalties  
19 and immunity for reporting an overdose event pursuant to section  
20 18-1-711. The fentanyl education program costs must be paid from the  
21 correctional treatment cash fund, existing pursuant to section 18-19-103  
22 (4), for a person on probation and who is determined by the court to be  
23 indigent, is represented by court-appointed counsel, or is otherwise unable  
24 to afford the cost of placement.

25 **SECTION 17.** In Colorado Revised Statutes, 18-1.3-510, **amend**  
26 (4) as follows:

27 **18-1.3-510. Fentanyl education and treatment program.** (4) A



1 person, regardless of whether the person is receiving treatment in a  
2 community-based or residential treatment facility pursuant to subsection  
3 (2) or (3) of this section, must complete the fentanyl education program  
4 developed by the behavioral health administration pursuant to section  
5 27-80-128. The fentanyl education program must include information  
6 regarding the nature and addictive elements of synthetic opiates, their  
7 dangers to a person's life and health, access to and administration of  
8 ~~opiate~~ OPIOID antagonists and non-laboratory synthetic opiate detection  
9 tests, and laws regarding synthetic opiates, including criminal penalties  
10 and immunity for reporting an overdose event pursuant to section  
11 18-1-711. The fentanyl education program costs must be paid from the  
12 correctional treatment cash fund, existing pursuant to section 18-19-103  
13 (4), for a person on probation and WHO is determined by the court to be  
14 indigent, is represented by court-appointed counsel, or is otherwise unable  
15 to afford the cost of placement.

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

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

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

24 **SECTION 19.** In Colorado Revised Statutes, 22-1-119.1, **amend**  
25 (1), (3)(a), (3)(b) introductory portion, and (3)(b)(II) as follows:

26 **22-1-119.1. Policy for employee and agent possession and**  
27 **administration of opioid antagonists - definitions.** (1) A school district

1 board of education of a public school, the state charter school institute for  
2 an institute charter school, or the governing board of a nonpublic school  
3 may adopt and implement a policy whereby:

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

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

13 (3) As used in this section:

14 (a) "~~Opiate~~ "OPIOID antagonist" ~~means naloxone hydrochloride or~~  
15 ~~any similarly acting drug that is not a controlled substance and that is~~  
16 ~~approved by the federal food and drug administration for the treatment of~~  
17 ~~a drug overdose~~ HAS THE SAME MEANING AS SET FORTH IN SECTION  
18 12-30-110 (7)(d).

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

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

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

26 **25-1.5-115. Opioid antagonist bulk purchase fund - creation**  
27 **- rules - report - appropriation - definitions - repeal.** (1) (a) The ~~opiate~~

1 OPIOID antagonist bulk purchase fund ~~referred to in this section as the~~  
2 "~~fund~~", is hereby created in the state treasury. The fund consists of  
3 payments made to the department by participating eligible entities for the  
4 purchase of ~~opiate~~ OPIOID antagonists; gifts, grants, and donations  
5 credited to the fund pursuant to subsection (1)(b) of this section; and any  
6 money that the general assembly may appropriate or transfer to the fund.

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

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

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

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

27 (IV) The amount of ~~opiate~~ OPIOID antagonists purchased by each

1 eligible entity; and

2 (5) As used in this section:

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

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

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

11 **25-20.5-1001. Making opioid antagonists available - bulk**  
12 **purchasing - immunity.** (1) A person that is not a private entity and that  
13 makes a defibrillator or AED, as defined in section 13-21-108.1, available  
14 to aid the general public may also make available an ~~opiate~~ OPIOID  
15 antagonist to aid an individual believed to be suffering an ~~opiate-related~~  
16 OPIOID-RELATED drug overdose event or to an individual who is in a  
17 position to assist the individual at risk of experiencing an ~~opiate-related~~  
18 OPIOID-RELATED drug overdose event.

19 (2) A person making an ~~opiate~~ OPIOID antagonist available in  
20 accordance with subsection (1) of this section is eligible to purchase  
21 ~~opiate~~ OPIOID antagonists from the department in accordance with section  
22 25-1.5-115.

23 (3) A person who acts in good faith to furnish or administer an  
24 ~~opiate~~ OPIOID antagonist to an individual the person believes to be  
25 suffering an ~~opiate-related~~ OPIOID-RELATED drug overdose event or to an  
26 individual who is in a position to assist the individual at risk of  
27 experiencing an ~~opiate-related~~ OPIOID-RELATED drug overdose event is

1 not subject to civil liability or criminal prosecution, as specified in  
2 sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

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

5 **25-20.5-1501. Independent study - report - repeal.** (3) At a  
6 minimum, the independent entity shall identify and report findings based  
7 on available data and information obtained from the behavioral health  
8 administration, the department, ~~of public health and environment,~~  
9 managed service organizations, and other applicable agencies and  
10 treatment providers regarding:

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

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

18 **25.5-5-509. Substance use disorder - prescription drugs -**  
19 **opioid antagonist - definition.** (2) (a) As used in this subsection (2),  
20 unless the context otherwise requires, "~~opiate~~ "OPIOID antagonist" has the  
21 same meaning as set forth in section 12-30-110 (7)(d).

22 (b) A hospital or emergency department shall receive  
23 reimbursement under the medical assistance program for the cost of an  
24 ~~opiate~~ OPIOID antagonist if, in accordance with section 12-30-110, a  
25 prescriber, as defined in section 12-30-110 (7)(h), dispenses an ~~opiate~~  
26 OPIOID antagonist upon discharge to a medical assistance recipient who  
27 is at risk of experiencing an ~~opiate-related~~ OPIOID-RELATED drug overdose

1 event or to a family member, friend, or other person in a position to assist  
2 a medical assistance recipient who is at risk of experiencing an  
3 ~~opiate-related~~ OPIOID-RELATED drug overdose event.

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

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

11 **27-80-128. Fentanyl education and treatment program.** The  
12 behavioral health administration shall develop a fentanyl education  
13 program for the purpose of sections 18-1.3-410 and 18-1.3-510. The  
14 fentanyl education program must include information regarding the nature  
15 and addictive elements of synthetic opiates, their dangers to a person's life  
16 and health, access to and administration of ~~opiate~~ OPIOID antagonists and  
17 non-laboratory synthetic opiate detection tests, and laws regarding  
18 synthetic opiates, including criminal penalties and immunity for reporting  
19 an overdose event pursuant to section 18-1-711. The BHA may update the  
20 fentanyl education program curriculum as necessary.

21 **SECTION 25. Safety clause.** The general assembly finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, or safety or for appropriations for  
24 the support and maintenance of the departments of the state and state  
25 institutions.