

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0498.01 Jacob Baus x2173

SENATE BILL 25-066

SENATE SPONSORSHIP

Lundeen and Mullica,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING APPROPRIATE STATE CONTRACTING WITH OPIOID**
102 **ANTAGONIST BUSINESSES.**

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>.)

Under current law, the opioid antagonist bulk purchase fund (fund) allows the department of public health and environment (department) to bulk purchase opioid antagonists and distribute them to eligible entities.

In contracting for the bulk purchasing and distribution of opioid antagonists, the bill requires the department to contract with an opioid antagonist medication distributor. However, the bill prohibits the

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.

department from contracting with an opioid antagonist medication distributor if the distributor:

- Was found liable for the manufacture or distribution of an opioid that resulted in an opioid-related overdose;
- Is or was a liable party to a settlement agreement for the manufacture or distribution of an opioid that resulted in an opioid-related overdose; or
- Is or was liable for a fine or penalty levied by a governmental entity for the manufacture or distribution of an opioid that resulted in an opioid-related overdose.

The bill requires the department to implement a competitive selection process for the bulk purchase of opioid antagonists.

The bill declares any contract or agreement that does not comply with the contracting requirements of the bill is void and unenforceable.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1.5-115, **amend**
3 (2) as follows:

4 **25-1.5-115. Opioid antagonist bulk purchase fund - creation**
5 **- report - rules - appropriation - definitions.** (2) (a) Money in the fund
6 is continuously appropriated to the department for bulk purchasing of
7 opioid antagonists. Eligible entities may purchase opioid antagonists from
8 the department. The department ~~may contract with a prescription drug~~
9 ~~outlet, as defined in section 12-280-103 (43),~~ SHALL CONTRACT WITH AN
10 OPIOID ANTAGONIST MEDICATION DISTRIBUTOR for the bulk purchasing
11 and distribution of opioid antagonists THAT ARE APPROVED BY THE
12 FEDERAL FOOD AND DRUG ADMINISTRATION. The department may
13 prioritize the purchase of opioid antagonists by eligible entities based on
14 the need of the entity and the availability of the opioid antagonists as
15 determined by the department. The department shall provide technical
16 assistance to participating eligible entities to ensure that eligible entities
17 complete all training and registration requirements.

1 (b) (I) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION,
2 THE DEPARTMENT SHALL NOT ENTER INTO A CONTRACT FOR THE BULK
3 PURCHASING AND DISTRIBUTION OF OPIOID ANTAGONISTS FROM AN OPIOID
4 ANTAGONIST MEDICATION DISTRIBUTOR THAT:

5 (A) WAS FOUND LIABLE FOR THE MANUFACTURE OR DISTRIBUTION
6 OF AN OPIOID THAT RESULTED IN AN OPIOID-RELATED DRUG OVERDOSE
7 EVENT;

8 (B) IS OR WAS A LIABLE PARTY TO A SETTLEMENT AGREEMENT FOR
9 THE MANUFACTURE OR DISTRIBUTION OF AN OPIOID THAT RESULTED IN AN
10 OPIOID-RELATED DRUG OVERDOSE EVENT; OR

11 (C) IS OR WAS LIABLE FOR A FINE OR PENALTY LEVIED BY THE
12 FEDERAL GOVERNMENT OR A STATE OR LOCAL GOVERNMENT FOR THE
13 MANUFACTURE OR DISTRIBUTION OF AN OPIOID THAT RESULTED IN AN
14 OPIOID-RELATED DRUG OVERDOSE EVENT.

15 (II) THE DEPARTMENT SHALL NOT ENTER INTO A CONTRACT FOR
16 THE BULK PURCHASING AND DISTRIBUTION OF OPIOID ANTAGONISTS WITH
17 AN OPIOID ANTAGONIST MEDICATION DISTRIBUTOR THAT IS A DIVISION,
18 SUBSIDIARY, PARENT, AFFILIATE, OR RELATED ENTITY UNDER COMMON
19 OWNERSHIP, CONTROL, OR INFLUENCE OF AN ENTITY DESCRIBED PURSUANT
20 TO SUBSECTION (2)(b)(I) OF THIS SECTION.

21 (c) (I) THE DEPARTMENT SHALL IMPLEMENT A COMPETITIVE
22 SELECTION PROCESS SUBJECT TO THE "PROCUREMENT CODE", ARTICLES
23 101 TO 112 OF TITLE 24, TO SELECT AN OPIOID ANTAGONIST MEDICATION
24 DISTRIBUTOR OR DISTRIBUTORS FOR THE BULK PURCHASING AND
25 DISTRIBUTION OF OPIOID ANTAGONISTS PURSUANT TO THIS SECTION. IN
26 THE COMPETITIVE SELECTION PROCESS, THE DEPARTMENT SHALL STATE
27 THE PROHIBITIONS DESCRIBED PURSUANT TO SUBSECTION (2)(b) OF THIS

1 SECTION. TO BE ELIGIBLE FOR A CONTRACT TO SELL AND DISTRIBUTE
2 OPIOID ANTAGONISTS, THE OPIOID ANTAGONIST MEDICATION DISTRIBUTOR
3 SHALL DEMONSTRATE, AND THE DEPARTMENT SHALL VERIFY, THAT THE
4 DISTRIBUTOR IS NOT PROHIBITED PURSUANT TO SUBSECTION (2)(b) OF THIS
5 SECTION.

6 (II) AFTER THE CONTRACT DESCRIBED PURSUANT TO THIS
7 SUBSECTION (2) IS AWARDED, ALL SELECTION PROCESS RECORDS ARE OPEN
8 TO PUBLIC INSPECTION IN ACCORDANCE WITH THE PROVISIONS OF
9 SECTIONS 24-72-203 AND 24-72-204.

10 (d) A CONTRACT OR AGREEMENT THAT VIOLATES THIS SUBSECTION
11 (2) IS VOID AND UNENFORCEABLE AS CONTRARY TO THE PUBLIC POLICY OF
12 THE STATE.

13 **SECTION 2. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly; except
16 that, if a referendum petition is filed pursuant to section 1 (3) of article V
17 of the state constitution against this act or an item, section, or part of this
18 act within such period, then the act, item, section, or part will not take
19 effect unless approved by the people at the general election to be held in
20 November 2026 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.