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BILL 1

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INTERIM COMMITTEE BILL

Representative Hugh McKean
Colorado Youth Advisory Council Review Committee

BILL TOPIC: Opioid Antagonist Availability
DEADLINES: File by: 9/9/2024

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO MAKE OPIOID ANTAGONISTS AVAILABLE.**

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/>.)

Representative Hugh McKean Colorado Youth Advisory Council Review Committee. Under current law, a school district, the state charter school institute, or a governing board of a nonpublic school may adopt and implement a policy that allows:

- A school to acquire and maintain a stock supply of opioid antagonists on school grounds or on a school bus;
- A school employee or agent who has received relevant training to administer an opioid antagonist to a person who

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

- is at risk of experiencing an opioid-related overdose; and
- A school employee or agent to furnish an opioid antagonist to any individual, including a student if the student has received relevant training.

The bill:

- Elaborates that a school may maintain an opioid antagonist in an automated external defibrillator or defibrillator cabinet in the school or on a school bus;
- Repeals the requirement that a school employee or agent must receive training prior to administering an opioid antagonist; and
- Creates an exception that a school employee or agent may furnish an opioid antagonist to a student who has not received relevant training if the employee or agent believes that the student is in a position to assist an individual who is suffering from an opioid-related drug overdose event or who is at risk of experiencing an opioid-related drug overdose event.

The bill creates the opioid antagonist free distribution program (program) in the department of public health and environment (department). The program provides opioid antagonists at no expense to privately owned businesses that do not engage in the business of selling or prescribing opioid antagonists and that are physically located in a rural community so they can provide opioid antagonists to the general public. The bill exempts the participating business and its owners, employees, or agents from liability for providing opioid antagonists if they are acting in good faith.

The bill creates the opioid antagonist free distribution program fund (fund), which consists of gifts, grants, and donations and any money appropriated or transferred to the fund by the general assembly. The bill requires the department to annually report the status of the fund to the appropriations committees of the general assembly.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-1-119.1, **amend**
3 (1) as follows:

4 **22-1-119.1. Policy for employee and agent possession and**
5 **administration of opioid antagonists - definitions.** (1) A school district
6 board of education of a public school, the state charter school institute for
7 an institute charter school, or the governing board of a nonpublic school

1 may adopt and implement a policy whereby:

2 (a) A school under its jurisdiction may acquire and maintain a
3 stock supply of opioid antagonists on school grounds; on a school bus
4 operated by a district school, a school district, the charter school institute,
5 an institute charter school, or a nonpublic school; or both. IN ADDITION TO
6 ACQUIRING AND MAINTAINING A STOCK SUPPLY OF OPIOID ANTAGONISTS,
7 A SCHOOL MAY MAINTAIN AN OPIOID ANTAGONIST IN AN AUTOMATED
8 EXTERNAL DEFIBRILLATOR OR DEFIBRILLATOR CABINET IN THE SCHOOL OR
9 ON A SCHOOL BUS.

10 (b) An employee or agent of the school, or an employee or agent
11 of a school district, a district school, the charter school institute, an
12 institute charter school, or a nonpublic school who operates or is on a
13 school bus, or both, may ~~after receiving appropriate training~~ administer
14 an opioid antagonist on school grounds or a school bus to assist an
15 individual ~~who~~ WHOM THE EMPLOYEE OR AGENT BELIEVES TO BE
16 SUFFERING FROM AN OPIOID-RELATED DRUG OVERDOSE EVENT OR IS AT RISK
17 of experiencing an opioid-related drug overdose event. ~~The training~~
18 ~~provided pursuant to this subsection (1)(b) must include~~ A SCHOOL
19 DISTRICT BOARD OF EDUCATION OF A PUBLIC SCHOOL, THE STATE CHARTER
20 SCHOOL INSTITUTE FOR AN INSTITUTE CHARTER SCHOOL, OR THE
21 GOVERNING BOARD OF A NONPUBLIC SCHOOL THAT ADOPTS AND
22 IMPLEMENTS A POLICY PURSUANT TO THIS SUBSECTION (1)(b) IS
23 ENCOURAGED TO PROVIDE TRAINING TO ITS EMPLOYEES OR AGENTS,
24 INCLUDING risk factors for overdose, recognizing an overdose, calling
25 emergency medical services, rescue breathing, and administering an
26 opioid antagonist. ~~and~~

27 (c) An employee or agent of the school may furnish ~~opiate~~ OPIOID

1 antagonists on school grounds or on a school bus to any individual,
2 including a student, but shall only furnish an ~~opiate~~ OPIOID antagonist to
3 a student if the student has received appropriate school-sponsored
4 training; EXCEPT THAT AN EMPLOYEE OR AGENT OF THE SCHOOL MAY
5 FURNISH AN OPIOID ANTAGONIST TO A STUDENT WHO HAS NOT RECEIVED
6 APPROPRIATE SCHOOL-SPONSORED TRAINING IF THE EMPLOYEE OR AGENT
7 BELIEVES THAT THE STUDENT IS IN A POSITION TO ASSIST AN INDIVIDUAL
8 WHO IS SUFFERING FROM AN OPIOID-RELATED DRUG OVERDOSE EVENT OR
9 WHO IS AT RISK OF EXPERIENCING AN OPIOID-RELATED DRUG OVERDOSE
10 EVENT.

11 **SECTION 2.** In Colorado Revised Statutes, **add** 25-1.5-115.1 as
12 follows:

13 **25-1.5-115.1. Opioid antagonist free distribution program -**
14 **creation - eligibility - immunity - fund - rules - definitions.** (1) As
15 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

16 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
17 AND ENVIRONMENT CREATED PURSUANT TO SECTION 25-1-102.

18 (b) "ELIGIBLE ENTITY" MEANS A PRIVATELY OWNED BUSINESS
19 THAT DOES NOT ENGAGE IN THE BUSINESS OF SELLING OR PRESCRIBING
20 OPIOID ANTAGONISTS AND THAT IS PHYSICALLY LOCATED IN A RURAL
21 COMMUNITY IN COLORADO.

22 (c) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
23 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

24 (d) "FUND" MEANS THE OPIOID ANTAGONIST FREE DISTRIBUTION
25 PROGRAM FUND CREATED PURSUANT TO SUBSECTION (6) OF THIS SECTION.

26 (e) "OPIOID ANTAGONIST" MEANS NALOXONE HYDROCHLORIDE OR
27 ANY SIMILARLY ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE

1 AND THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG
2 ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE.

3 (f) "OPIOID-RELATED DRUG OVERDOSE EVENT" MEANS AN ACUTE
4 CONDITION, INCLUDING A DECREASED LEVEL OF CONSCIOUSNESS OR
5 RESPIRATORY DEPRESSION, THAT:

6 (I) RESULTS FROM THE CONSUMPTION OR USE OF A CONTROLLED
7 SUBSTANCE OR ANOTHER SUBSTANCE WITH WHICH A CONTROLLED
8 SUBSTANCE WAS COMBINED;

9 (II) A LAYPERSON WOULD REASONABLY BELIEVE TO BE AN
10 OPIOID-RELATED DRUG OVERDOSE EVENT; AND

11 (III) REQUIRES MEDICAL ASSISTANCE.

12 (g) "PROGRAM" MEANS THE OPIOID ANTAGONIST FREE
13 DISTRIBUTION PROGRAM CREATED PURSUANT TO SUBSECTION (2) OF THIS
14 SECTION.

15 (h) "RURAL COMMUNITY" MEANS A COUNTY WITH A POPULATION
16 OF FEWER THAN FIFTY THOUSAND RESIDENTS OR A MUNICIPALITY WITH A
17 POPULATION OF FEWER THAN TWENTY-FIVE THOUSAND RESIDENTS IF THE
18 MUNICIPALITY IS NOT CONTIGUOUS TO A MUNICIPALITY WITH A
19 POPULATION OF TWENTY-FIVE THOUSAND OR MORE RESIDENTS.

20 (2) THE OPIOID ANTAGONIST FREE DISTRIBUTION PROGRAM IS
21 CREATED IN THE DEPARTMENT. THE PURPOSE OF THE PROGRAM IS TO
22 PROVIDE OPIOID ANTAGONISTS AT NO EXPENSE TO ELIGIBLE ENTITIES TO:

23 (a) FURNISH OR ADMINISTER AN OPIOID ANTAGONIST AT NO
24 EXPENSE TO AN INDIVIDUAL WHOM THE ELIGIBLE ENTITY, OR ITS OWNER,
25 EMPLOYEE, OR AGENT, BELIEVES TO BE SUFFERING FROM AN
26 OPIOID-RELATED DRUG OVERDOSE EVENT OR TO AN INDIVIDUAL WHO IS IN
27 A POSITION TO ASSIST THE INDIVIDUAL WHO IS AT RISK OF EXPERIENCING

1 AN OPIOID-RELATED DRUG OVERDOSE EVENT; OR

2 (b) DISTRIBUTE OPIOID ANTAGONISTS AT NO EXPENSE TO THE
3 GENERAL PUBLIC.

4 (3) THE ELIGIBLE ENTITY, OR ITS OWNER, EMPLOYEE, OR AGENT,
5 IS NOT LIABLE FOR ANY CIVIL DAMAGES IF THE ELIGIBLE ENTITY, OR ITS
6 OWNER, EMPLOYEE, OR AGENT, ACTS IN GOOD FAITH TO:

7 (a) FURNISH OR ADMINISTER AN OPIOID ANTAGONIST TO AN
8 INDIVIDUAL WHOM THE ELIGIBLE ENTITY, OR ITS OWNER, EMPLOYEE, OR
9 AGENT, BELIEVES TO BE SUFFERING FROM AN OPIOID-RELATED DRUG
10 OVERDOSE EVENT OR TO AN INDIVIDUAL WHO IS IN A POSITION TO ASSIST
11 THE INDIVIDUAL WHO IS AT RISK OF EXPERIENCING AN OPIOID-RELATED
12 DRUG OVERDOSE EVENT; OR

13 (b) DISTRIBUTE THE OPIOID ANTAGONIST.

14 (4) THE DEPARTMENT MAY CONTRACT WITH A PRESCRIPTION DRUG
15 OUTLET, AS DEFINED IN SECTION 12-280-103 (43), FOR THE BULK
16 PURCHASING OF OPIOID ANTAGONISTS TO BE DISTRIBUTED PURSUANT TO
17 THE PROGRAM.

18 (5) (a) THE DEPARTMENT SHALL PROMULGATE RULES THAT ARE
19 DETERMINED NECESSARY BY THE DEPARTMENT FOR THE ADMINISTRATION
20 OF THE PROGRAM.

21 (b) THE DEPARTMENT MAY PRIORITIZE OPIOID ANTAGONIST
22 DISTRIBUTION PURSUANT TO THE PROGRAM BASED ON THE
23 DEMONSTRATED NEED OF THE RURAL COMMUNITIES SERVED BY THE
24 APPLICANTS AND THE AVAILABLE SUPPLY OF OPIOID ANTAGONISTS. IF THE
25 DEPARTMENT PRIORITIZES OPIOID ANTAGONIST DISTRIBUTION, THE
26 DEPARTMENT SHALL PROMULGATE RULES SPECIFYING THE PRIORITIZATION
27 FACTORS.

1 (6) (a) THE OPIOID ANTAGONIST FREE DISTRIBUTION PROGRAM
2 FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF GIFTS,
3 GRANTS, OR DONATIONS CREDITED TO THE FUND PURSUANT TO
4 SUBSECTION (6)(b) OF THIS SECTION AND ANY MONEY THAT THE GENERAL
5 ASSEMBLY APPROPRIATES OR TRANSFERS TO THE FUND.

6 (b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
7 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
8 PURPOSES OF THE PROGRAM. THE DEPARTMENT SHALL TRANSMIT ALL
9 MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE
10 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

11 (c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
12 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
13 FUND TO THE FUND.

14 (d) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
15 DEPARTMENT FOR BULK PURCHASING OF OPIOID ANTAGONISTS TO BE
16 DISTRIBUTED PURSUANT TO THE PROGRAM.

17 (7) (a) NO LATER THAN OCTOBER 1, 2026, AND EVERY OCTOBER
18 1 THEREAFTER, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE
19 EXECUTIVE DIRECTOR'S DESIGNEE SHALL REPORT TO THE APPROPRIATIONS
20 COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY
21 SUCCESSOR COMMITTEES, ON THE FUND'S ACTIVITY. AT A MINIMUM, THE
22 REPORT MUST INCLUDE:

23 (I) REVENUE RECEIVED BY THE FUND;

24 (II) THE NAMES OF THE ELIGIBLE ENTITIES AND THEIR RESPECTIVE
25 RURAL COMMUNITIES THAT RECEIVED OPIOID ANTAGONISTS PURSUANT TO
26 THE PROGRAM;

27 (III) THE NUMBER OF OPIOID ANTAGONISTS RECEIVED BY EACH

1 ELIGIBLE ENTITY; AND

2 (IV) THE DISCOUNT, IF ANY, PROCURED BY THE DEPARTMENT
3 THROUGH BULK PURCHASING.

4 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT
5 REQUIRED BY THIS SUBSECTION (7) CONTINUES INDEFINITELY.

6 **SECTION 3.** In Colorado Revised Statutes, 13-21-108.7, **amend**
7 (3)(b) as follows:

8 **13-21-108.7. Persons rendering emergency assistance through**
9 **the administration of an opioid antagonist - limited immunity -**
10 **legislative declaration - definitions. (3) General immunity. (b) This**
11 subsection (3) also applies to:

12 (I) A person or entity described in section 12-30-110 (1)(a);
13 except that an employee or agent of a school, or an employee or agent of
14 a school district, a district school, the charter school institute, an institute
15 charter school, or a nonpublic school who operates or is on a school bus,
16 must be acting in accordance with section 12-30-110 (1)(b), (2)(b), and
17 (4)(b), and, as applicable, section 22-1-119.1; ~~and~~

18 (II) A person who acts in good faith to furnish or administer an
19 opioid antagonist in accordance with section 25-20.5-1001; AND

20 (III) AN ELIGIBLE ENTITY, OR ITS OWNER, EMPLOYEE, OR AGENT,
21 WHO ACTS IN GOOD FAITH TO FURNISH, ADMINISTER, OR DISTRIBUTE AN
22 OPIOID ANTAGONIST IN ACCORDANCE WITH SECTION 25-1.5-115.1.

23 **SECTION 4.** In Colorado Revised Statutes, 18-1-712, **amend**
24 (2)(b) as follows:

25 **18-1-712. Immunity for a person who administers an opioid**
26 **antagonist during an opioid-related drug overdose event - definitions.**

27 (2) **General immunity. (b) This subsection (2) also applies to:**

1 (I) A person or entity described in section 12-30-110 (1)(a);
2 except that an employee or agent of a school, or an employee or agent of
3 a school district, a district school, the charter school institute, an institute
4 charter school, or a nonpublic school who operates or is on a school bus,
5 must be acting in accordance with section 12-30-110 (1)(b), (2)(b), and
6 (4)(b), and, as applicable, section 22-1-119.1; ~~and~~

7 (II) A person who acts in good faith to furnish or administer an
8 opioid antagonist in accordance with section 25-20.5-1001; AND

9 (III) AN ELIGIBLE ENTITY, OR ITS OWNER, EMPLOYEE, OR AGENT,
10 WHO ACTS IN GOOD FAITH TO FURNISH, ADMINISTER, OR DISTRIBUTE AN
11 OPIOID ANTAGONIST IN ACCORDANCE WITH SECTION 25-1.5-115.1.

12 **SECTION 5. Safety clause.** The general assembly finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety or for appropriations for
15 the support and maintenance of the departments of the state and state
16 institutions.