

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

BILL 3

LLS NO. 18-0259.01 Yelana Love x2295

INTERIM COMMITTEE BILL

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Opioid and Other Substance Use  
Disorders Interim Study Committee

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@House1 Committees

@House2 Committees

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A BILL FOR AN ACT

101 CONCERNING MEASURES TO ADDRESS THE OPIOID CRISIS IN  
102 COLORADO.

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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 Interim Study Committee.** The bill:

- Excludes supervised injection facilities from the laws regarding public nuisance (**section 1**);
- Allows local public health agencies to establish clean syringe exchange programs without prior approval from

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

- their governing health boards and grants civil immunity to a person who provides a clean syringe in accordance with a clean syringe exchange program (**section 2**);
- Specifies that hospitals may be used as clean syringe exchange sites (**section 2**);
  - Allows school districts and nonpublic schools to develop a policy by which schools are allowed to obtain a supply of opiate antagonists and school employees are trained to administer opiate antagonists to individuals at risk of experiencing a drug overdose (**sections 3 through 7**);
  - Increases the criminal penalties related to synthetic opioids (**sections 8 and 9**).
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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 16-13-301, **amend**  
3 (2) as follows:

4 **16-13-301. Definitions.** As used in this part 3, unless the context  
5 otherwise requires:

6 (2) (a) "Building" means a structure ~~which~~ THAT has the capacity  
7 to contain, and is designed for the shelter of, ~~man~~ PERSONS, animals, or  
8 property, including any house, office building, store, warehouse, or  
9 structure of any kind, whether or not such building is permanently affixed  
10 to the ground upon which it is situate, and any trailer, semitrailer, trailer  
11 coach, mobile home, or other vehicle designed or used for occupancy by  
12 persons for any purpose.

13 (b) "BUILDING" DOES NOT INCLUDE FACILITIES:

14 (I) DESIGNED TO PROVIDE A SPACE FOR PEOPLE WHO INJECT  
15 PREVIOUSLY OBTAINED DRUGS UNDER THE SUPERVISION OF HEALTH CARE  
16 PROFESSIONALS OR OTHER TRAINED HEALTH CARE STAFF; AND

17 (II) THAT MAY PROVIDE OTHER RELATED SERVICES INCLUDING  
18 SYRINGE ACCESS, OVERDOSE PREVENTION, AND REFERRALS TO SUBSTANCE  
19 USE DISORDER TREATMENT AND OTHER SERVICES.

1           **SECTION 2.** In Colorado Revised Statutes, 25-1-520 **amend** (1)  
2 and (5); **repeal** (3) and (4); and **add** (7) as follows:

3           **25-1-520. Clean syringe exchange programs - authority to**  
4 **develop - minimum requirements - immunity.** (1) A county public  
5 health agency or district public health agency may ~~request approval from~~  
6 ~~its county board of health or district board of health, referred to in this~~  
7 ~~section as the "board", for DEVELOP a clean syringe exchange program~~  
8 ~~operated by the agency or by a nonprofit organization with which the~~  
9 ~~agency contracts to operate the clean syringe exchange program. Prior to~~  
10 ~~approving or disapproving any such optional program, the board shall~~  
11 ~~consult with the agency and interested stakeholders concerning the~~  
12 ~~establishment of the clean syringe exchange program. Interested~~  
13 ~~stakeholders must include, but need not be limited to, local law~~  
14 ~~enforcement agencies, district attorneys, substance use disorder treatment~~  
15 ~~providers, persons with a substance use disorder in remission, nonprofit~~  
16 ~~organizations, hepatitis C and HIV advocacy organizations, and members~~  
17 ~~of the community. The board and interested stakeholders shall consider,~~  
18 ~~at a minimum, the following issues:~~ A PROGRAM DEVELOPED PURSUANT  
19 TO THIS SECTION MAY BE OPERATED IN A HOSPITAL LICENSED UNDER  
20 SECTION 25-3-101.

21           ~~(a) The scope of the problem being addressed and the population~~  
22 ~~the program would serve;~~

23           ~~(b) Concerns of the law enforcement community; and~~

24           ~~(c) The parameters of the proposed program, including methods~~  
25 ~~for identifying program workers and volunteers.~~

26           ~~(3) The board may approve or disapprove the proposed clean~~  
27 ~~syringe exchange program based on the results of the meetings held~~

1 pursuant to subsection (1) of this section.

2 (4) ~~If the board approves a clean syringe exchange program that~~  
3 ~~is operated through a contract with a nonprofit organization, the contract~~  
4 ~~shall be subject to annual review and shall be renewed only if the board~~  
5 ~~approves the contract after consultation with the county or district public~~  
6 ~~health agency and interested stakeholders as described in subsection (1)~~  
7 ~~of this section.~~

8 (5) One or more counties represented on a district board of health  
9 may at any time opt out of a clean syringe exchange program ~~proposed or~~  
10 ~~approved~~ OPERATED pursuant to this section.

11 (7) AN INDIVIDUAL WHO PROVIDES A CLEAN SYRINGE IN  
12 ACCORDANCE WITH A CLEAN SYRINGE EXCHANGE PROGRAM ESTABLISHED  
13 UNDER THIS SECTION IS NOT LIABLE FOR ANY CIVIL DAMAGES RESULTING  
14 FROM THE ACT.

15 **SECTION 3.** In Colorado Revised Statutes, 12-36-117.7, **amend**  
16 (1) introductory portion, (1)(c), (1)(d), and (3)(c); and **add** (1)(e) and  
17 (6)(f.5) as follows:

18 **12-36-117.7. Prescribing opiate antagonists - definitions.** (1) A  
19 physician or physician assistant licensed pursuant to this ~~article~~ ARTICLE  
20 36 may prescribe or dispense, directly or in accordance with standing  
21 orders and protocols, an opiate antagonist to:

22 (c) An employee or volunteer of a harm reduction organization;  
23 ~~or~~

24 (d) A first responder; OR

25 (e) AN EMPLOYEE OR AGENT OF A SCHOOL.

26 (3) A licensed physician or physician assistant does not engage in  
27 unprofessional conduct pursuant to section 12-36-117 if the physician or

1 physician assistant issues standing orders and protocols regarding opiate  
2 antagonists or prescribes or dispenses an opiate antagonist in a good-faith  
3 effort to assist:

4 (c) A first responder, ~~or~~ an employee or volunteer of a harm  
5 reduction organization, OR AN EMPLOYEE OR AGENT OF A SCHOOL in  
6 responding to, treating, or otherwise assisting an individual who is  
7 experiencing or is at risk of experiencing an opiate-related drug overdose  
8 event or a friend, family member, or other person in a position to assist  
9 an at-risk individual.

10 (6) As used in this section:

11 (f.5) "SCHOOL" MEANS AN ELEMENTARY OR SECONDARY PUBLIC  
12 OR NONPUBLIC SCHOOL WHOSE GOVERNING AUTHORITY HAS ADOPTED AND  
13 IMPLEMENTED A POLICY PURSUANT TO SECTION 22-1-119.1.

14 **SECTION 4.** In Colorado Revised Statutes, 12-38-125.5, **amend**  
15 (1)(c), (1)(d), and (3)(c); and **add** (1)(e) and (6)(f.5) as follows:

16 **12-38-125.5. Prescribing opiate antagonists - definitions.**

17 (1) An advanced practice nurse with prescriptive authority pursuant to  
18 section 12-38-111.6 may prescribe or dispense, directly or in accordance  
19 with standing orders and protocols, an opiate antagonist to:

20 (c) An employee or volunteer of a harm reduction organization;

21 ~~or~~

22 (d) A first responder; OR

23 (e) AN EMPLOYEE OR AGENT OF A SCHOOL.

24 (3) An advanced practice nurse with prescriptive authority does  
25 not engage in conduct that is grounds for discipline pursuant to section  
26 12-38-117 if the advanced practice nurse issues standing orders and  
27 protocols regarding opiate antagonists or prescribes or dispenses an opiate

1 antagonist in a good-faith effort to assist:

2 (c) A first responder, ~~or~~ an employee or volunteer of a harm  
3 reduction organization, OR AN EMPLOYEE OR AGENT OF A SCHOOL in  
4 responding to, treating, or otherwise assisting an individual who is  
5 experiencing or is at risk of experiencing an opiate-related drug overdose  
6 event or a friend, family member, or other person in a position to assist  
7 an at-risk individual.

8 (6) As used in this section:

9 (f.5) "SCHOOL" MEANS AN ELEMENTARY OR SECONDARY PUBLIC  
10 OR NONPUBLIC SCHOOL WHOSE GOVERNING AUTHORITY HAS ADOPTED AND  
11 IMPLEMENTED A POLICY PURSUANT TO SECTION 22-1-119.1.

12 **SECTION 5.** In Colorado Revised Statutes, 12-42.5-105, **amend**  
13 (2) as follows:

14 **12-42.5-105. Rules.** (2) On or before January 1, ~~2016~~ 2019, the  
15 board shall adopt or amend rules as necessary to permit the dispensing of  
16 an opiate antagonist in accordance with section 12-42.5-120 (3).

17 **SECTION 6.** In Colorado Revised Statutes, 12-42.5-120, **amend**  
18 (3)(a)(III), (3)(a)(IV), (3)(c)(I)(C), (3)(d)(I) introductory portion, and  
19 (3)(d)(III); and **add** (3)(a)(V) and (3)(e)(VI.5) as follows:

20 **12-42.5-120. Prescription required - exception - dispensing**  
21 **opiate antagonists - definitions.** (3) (a) A pharmacist may dispense,  
22 pursuant to an order or standing orders and protocols, an opiate antagonist  
23 to:

24 (III) An employee or volunteer of a harm reduction organization;

25 ~~or~~

26 (IV) A first responder; OR

27 (V) AN EMPLOYEE OR AGENT OF A SCHOOL.

1 (c) (I) A pharmacist does not engage in unprofessional conduct  
2 pursuant to section 12-42.5-123 if the pharmacist dispenses, pursuant to  
3 an order or standing orders and protocols, an opiate antagonist in a  
4 good-faith effort to assist:

5 (C) A first responder, ~~or~~ an employee or volunteer of a harm  
6 reduction organization, OR AN EMPLOYEE OR AGENT OF A SCHOOL in  
7 responding to, treating, or otherwise assisting an individual who is  
8 experiencing or is at risk of experiencing an opiate-related drug overdose  
9 event or a friend, family member, or other person in a position to assist  
10 an at-risk individual.

11 (d) (I) A first responder, ~~or~~ an employee or volunteer of a harm  
12 reduction organization, OR AN EMPLOYEE OR AGENT OF A SCHOOL may,  
13 pursuant to an order or standing orders and protocols:

14 (III) A first responder, ~~or~~ an employee or volunteer of a harm  
15 reduction organization, OR AN EMPLOYEE OR AGENT OF A SCHOOL acting  
16 in accordance with this ~~paragraph (d)~~ SUBSECTION (3)(d) is not subject to  
17 civil liability or criminal prosecution, as specified in sections 13-21-108.7  
18 (3) and 18-1-712 (2), ~~C.R.S.~~, respectively.

19 (e) As used in this section:

20 (VI.5) "SCHOOL" MEANS AN ELEMENTARY OR SECONDARY PUBLIC  
21 OR NONPUBLIC SCHOOL WHOSE GOVERNING AUTHORITY HAS ADOPTED AND  
22 IMPLEMENTED A POLICY PURSUANT TO SECTION 22-1-119.1.

23 **SECTION 7.** In Colorado Revised Statutes, **add** 22-1-119.1 as  
24 follows:

25 **22-1-119.1. Policy for employee and agent possession and**  
26 **administration of opiate antagonists.** (1) A SCHOOL DISTRICT BOARD OF  
27 EDUCATION OF A PUBLIC SCHOOL, THE STATE CHARTER SCHOOL INSTITUTE

1 FOR AN INSTITUTE CHARTER SCHOOL, OR THE GOVERNING BOARD OF A  
2 NONPUBLIC SCHOOL MAY ADOPT AND IMPLEMENT A POLICY WHEREBY:

3 (a) SCHOOLS UNDER ITS JURISDICTION MAY ACQUIRE AND  
4 MAINTAIN A STOCK SUPPLY OF OPIATE ANTAGONISTS; AND

5 (b) EMPLOYEES AND AGENTS OF THE SCHOOL MAY, AFTER  
6 RECEIVING APPROPRIATE TRAINING, ADMINISTER AN OPIATE ANTAGONIST  
7 ON SCHOOL GROUNDS TO ASSIST AN INDIVIDUAL WHO IS AT RISK OF  
8 EXPERIENCING AN OPIATE-RELATED DRUG OVERDOSE EVENT.

9 (2) A POLICY ADOPTED PURSUANT TO THIS SECTION MUST INCLUDE  
10 TRAINING AND EDUCATION FOR SCHOOL EMPLOYEES CONCERNING THE  
11 RISK FACTORS FOR OVERDOSE, RECOGNIZING AN OVERDOSE, CALLING  
12 EMERGENCY MEDICAL SERVICES, RESCUE BREATHING, AND ADMINISTERING  
13 AN OPIATE ANTAGONIST.

14 (3) AN EMPLOYEE OR AGENT OF A SCHOOL ACTING IN ACCORDANCE  
15 WITH A POLICY ADOPTED PURSUANT TO THIS SECTION IS NOT SUBJECT TO  
16 CIVIL LIABILITY OR CRIMINAL PROSECUTION, AS SPECIFIED IN SECTIONS  
17 13-21-108.7 (3) AND 18-1-712 (2), RESPECTIVELY.

18 (4) AS USED IN THIS SECTION:

19 (a) "OPIATE ANTAGONIST" MEANS NALOXONE HYDROCHLORIDE OR  
20 ANY SIMILARLY ACTING DRUG THAT IS NOT A CONTROLLED SUBSTANCE  
21 AND THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG  
22 ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE.

23 (b) "OPIATE-RELATED DRUG OVERDOSE EVENT" MEANS AN ACUTE  
24 CONDITION, INCLUDING A DECREASED LEVEL OF CONSCIOUSNESS OR  
25 RESPIRATORY DEPRESSION, THAT:

26 (I) RESULTS FROM THE CONSUMPTION OR USE OF A CONTROLLED  
27 SUBSTANCE OR ANOTHER SUBSTANCE WITH WHICH A CONTROLLED



1 SUBSTANCE WAS COMBINED;

2 (II) A LAYPERSON WOULD REASONABLY BELIEVE TO BE CAUSED BY  
3 AN OPIATE-RELATED DRUG OVERDOSE EVENT; AND

4 (III) REQUIRES MEDICAL ASSISTANCE.

5 **SECTION 8.** In Colorado Revised Statutes, 13-21-108.7, **amend**  
6 (3) as follows:

7 **13-21-108.7. Persons rendering emergency assistance through**  
8 **the administration of an opiate antagonist - limited immunity -**  
9 **legislative declaration - definitions. (3) General immunity.** A person,  
10 other than a health care provider or a health care facility, who acts in  
11 good faith to furnish or administer an opiate antagonist to an individual  
12 the person believes to be suffering an opiate-related drug overdose event  
13 or to an individual who is in a position to assist the individual at risk of  
14 experiencing an opiate-related overdose event is not liable for any civil  
15 damages for acts or omissions made as a result of the act. This subsection  
16 (3) also applies to a first responder, ~~or~~ an employee or volunteer of a harm  
17 reduction organization, ~~OR AN EMPLOYEE OR AGENT OF A SCHOOL~~ acting  
18 in accordance with section 12-42.5-120 (3)(d). ~~C.R.S.~~

19 **SECTION 9.** In Colorado Revised Statutes, 18-1-712, **amend** (2)  
20 as follows:

21 **18-1-712. Immunity for a person who administers an opiate**  
22 **antagonist during an opiate-related drug overdose event - definitions.**  
23 (2) **General immunity.** A person, other than a health care provider or a  
24 health care facility, who acts in good faith to furnish or administer an  
25 opiate antagonist to an individual the person believes to be suffering an  
26 opiate-related drug overdose event or to an individual who is in a position  
27 to assist the individual at risk of experiencing an opiate-related overdose

1 event is immune from criminal prosecution for the act. This subsection  
2 (2) also applies to a first responder, ~~or~~ an employee or volunteer of a harm  
3 reduction organization, ~~OR AN EMPLOYEE OR AGENT OF A SCHOOL~~ acting  
4 in accordance with section 12-42.5-120 (3)(d). ~~C.R.S.~~

5 **SECTION 10.** In Colorado Revised Statutes, 18-18-204, **repeal**  
6 (2)(b) as follows:

7 **18-18-204. Schedule II.** (2) Unless specifically excepted by  
8 Colorado or federal law or Colorado or federal regulation or more  
9 specifically included in another schedule, the following controlled  
10 substances are listed in schedule II:

11 (b) ~~Any of the following synthetic opiates, including any isomers,~~  
12 ~~esters, ethers, salts, and salts of isomers, esters, and ethers of them that~~  
13 ~~are theoretically possible within the specific chemical designation:~~

- 14 ~~(I) Alfentanil;~~
- 15 ~~(II) Alphaprodine;~~
- 16 ~~(III) Anileridine;~~
- 17 ~~(IV) Benzitramide;~~
- 18 ~~(V) Carfentanyl;~~
- 19 ~~(VI) Dihydrocodeine;~~
- 20 ~~(VII) Diphenoxylate;~~
- 21 ~~(VIII) Fentanyl;~~
- 22 ~~(IX) Isomethadone;~~
- 23 ~~(IX.5) Levo-alphaacetylmethadol;~~
- 24 ~~(X) Levomethorphan;~~
- 25 ~~(XI) Levorphanol;~~
- 26 ~~(XII) Metazocine;~~
- 27 ~~(XIII) Methadone;~~

- 1           ~~(XIV) Methadone - Intermediate, 4-cyano-2- dimethylamino-4,~~  
2           ~~4-diphenyl butane;~~
- 3           ~~(XV) Moramide - Intermediate, 2-methyl-3-morpholino-1,~~  
4           ~~1-diphenylpropane-carboxylic acid;~~
- 5           ~~(XVI) Pethidine (meperidine);~~
- 6           ~~(XVII) Pethidine - Intermediate-A, 4-cyano-1-~~  
7           ~~methyl-4-phenylpiperidine;~~
- 8           ~~(XVIII) Pethidine - Intermediate-B, ethyl-4-~~  
9           ~~phenylpiperidine-4-carboxylate;~~
- 10           ~~(XIX) Pethidine - Intermediate-C, 1-methyl-~~  
11           ~~4-phenylpiperidine-4-carboxylic acid;~~
- 12           ~~(XX) Phenazocine;~~
- 13           ~~(XXI) Piminodine;~~
- 14           ~~(XXII) Propoxyphene (non-dosage forms);~~
- 15           ~~(XXIII) Racemethorphan;~~
- 16           ~~(XXIV) Racemorphan;~~
- 17           ~~(XXV) Sufentanil.~~

18           **SECTION 11.** In Colorado Revised Statutes, **add** 18-18-405.5 as  
19 follows:

20           **18-18-405.5. Unlawful distribution, manufacturing,**  
21 **dispensing, sale, or cultivation of synthetic opioids.** (1) IT IS  
22 UNLAWFUL FOR ANY PERSON KNOWINGLY TO:

23           (a) MANUFACTURE, DISPENSE, SELL, OR DISTRIBUTE, OR TO  
24 POSSESS WITH INTENT TO MANUFACTURE, DISPENSE, SELL, OR DISTRIBUTE,  
25 ANY AMOUNT OF ANY SYNTHETIC OPIOID; OR

26           (b) INDUCE, ATTEMPT TO INDUCE, OR CONSPIRE WITH ONE OR MORE  
27 OTHER PERSONS, TO MANUFACTURE, DISPENSE, SELL, DISTRIBUTE, OR

1 POSSESS WITH INTENT TO MANUFACTURE, DISPENSE, SELL, OR DISTRIBUTE,  
2 ANY AMOUNT OF ANY SYNTHETIC OPIOID.

3 (2) A PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION (1)  
4 OF THIS SECTION COMMITS A LEVEL \_\_\_\_ DRUG FELONY.

5 (3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF  
6 THIS SECTION, A PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION  
7 (1) OF THIS SECTION BY DISPENSING, SELLING, OR DISTRIBUTING ANY  
8 AMOUNT OF ANY SYNTHETIC OPIOID COMMITS A LEVEL \_\_\_\_ DRUG  
9 FELONY IF THE PERSON:

10 (a) DISPENSES, SELLS, OR DISTRIBUTES THE SYNTHETIC OPIOID TO  
11 A MINOR WHO IS LESS THAN EIGHTEEN YEARS OF AGE; AND

12 (b) IS AT LEAST EIGHTEEN YEARS OF AGE AND AT LEAST TWO  
13 YEARS OLDER THAN THE MINOR.

14 (4) AS USED IN THIS SECTION:

15 (a) "DISPENSE" DOES NOT INCLUDE LABELING, AS DEFINED IN  
16 SECTION 12-42.5-102 (18); AND

17 (b) "SYNTHETIC OPIOID" INCLUDES ANY OF THE FOLLOWING  
18 SYNTHETIC OPIATES, INCLUDING ANY ISOMERS, ESTERS, ETHERS, SALTS,  
19 AND SALTS OF ISOMERS, ESTERS, AND ETHERS OF THEM THAT ARE  
20 THEORETICALLY POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION:

21 (I) ALFENTANIL;

22 (II) ALPHAPRODINE;

23 (III) ANILERIDINE;

24 (IV) BENZITRAMIDE;

25 (V) CARFENTANAL;

26 (VI) DIHYDROCODEINE;

27 (VII) DIPHENOXYLATE;

- 1 (VIII) FENTANYL;
- 2 (IX) ISOMETHADONE;
- 3 (X) LEVO-ALPHACETYLMETHADOL;
- 4 (XI) LEVOMETHORPHAN;
- 5 (XII) LEVORPHANOL;
- 6 (XIII) METAZOCINE;
- 7 (XIV) METHADONE;
- 8 (XV) METHADONE - INTERMEDIATE, 4-CYANO-2-
- 9 DIMETHYLAMINO-4, 4-DIPHENYL BUTANE;
- 10 (XVI) MORAMIDE - INTERMEDIATE, 2-METHYL-3-MORPHOLINO-1,
- 11 1-DIPHENYLPROPANE-CARBOXYLIC ACID;
- 12 (XVII) PETHIDINE (MEPERIDINE);
- 13 (XVIII) PETHIDINE - INTERMEDIATE-A, 4-CYANO-1-
- 14 METHYL-4-PHENYLPYPERIDINE;
- 15 (XIX) PETHIDINE - INTERMEDIATE-B, ETHYL-4-
- 16 PHENYLPYPERIDINE-4-CARBOXYLATE;
- 17 (XX) PETHIDINE - INTERMEDIATE-C, 1-METHYL-
- 18 4-PHENYLPYPERIDINE-4-CARBOXYLIC ACID;
- 19 (XXI) PHENAZOCINE;
- 20 (XXII) PIMINODINE;
- 21 (XXIII) PROPOXYPHENE (NON-DOSAGE FORMS);
- 22 (XXIV) RACEMETHORPHAN;
- 23 (XXV) RACEMORPHAN;
- 24 (XXVI) SUFENTANIL.

25 **SECTION 12. Act subject to petition - effective date -**  
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly (August 8, 2018, if adjournment sine die is on May 9,  
2 2018); except that, if a referendum petition is filed pursuant to section 1  
3 (3) of article V of the state constitution against this act or an item, section,  
4 or part of this act within such period, then the act, item, section, or part  
5 will not take effect unless approved by the people at the general election  
6 to be held in November 2018 and, in such case, will take effect on the  
7 date of the official declaration of the vote thereon by the governor.

8 (2) This act applies to offenses committed on or after the  
9 applicable effective date of this act.