

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL B

LLS NO. 20-0296.01 Yelana Love x2295

HOUSE BILL

HOUSE SPONSORSHIP

Kennedy and Herod,

SENATE SPONSORSHIP

Pettersen and Priola,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO REDUCE THE HARM CAUSED BY SUBSTANCE**
102 **USE DISORDERS.**

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.

The bill:

- Requires a carrier that provides coverage for opiate antagonists to reimburse a hospital if the hospital provides a covered person with an opiate antagonist upon discharge (**section 1** of the bill);

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

- Allows a pharmacist or pharmacy technician to sell a nonprescription syringe or needle to any person (**sections 2 and 5**);
- Extends civil and criminal immunity for a person who acts in good faith to furnish or administer an opiate antagonist to an individual the person believes to be suffering an opiate-related drug overdose when the opiate antagonist was expired (**sections 3 and 4**);
- Removes the requirement that entities first receive local board of health approval before operating a clean syringe exchange program (**sections 6 and 7**); and
- Provides that money in the harm reduction grant program cash fund is continuously appropriated to the department of public health and environment for purposes of the harm reduction grant program and establishes an annual appropriation of an amount equal to the appropriation for the 2019-20 fiscal year plus \$250,000 (**section 8**).

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 10-16-152 as
 3 follows:

4 **10-16-152. Coverage for opiate antagonists provided by a**
 5 **hospital - definition.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
 6 OTHERWISE REQUIRES, "OPIATE ANTAGONIST" HAS THE SAME MEANING AS
 7 SET FORTH IN SECTION 12-30-110 (7)(d).

8 (2) A CARRIER THAT PROVIDES COVERAGE FOR OPIATE
 9 ANTAGONISTS PURSUANT TO THE TERMS OF A HEALTH COVERAGE PLAN
 10 THE CARRIER OFFERS SHALL REIMBURSE A HOSPITAL FOR THE HOSPITAL'S
 11 COST OF AN OPIATE ANTAGONIST IF THE HOSPITAL GIVES A COVERED
 12 PERSON AN OPIATE ANTAGONIST UPON DISCHARGE FROM THE HOSPITAL.

13 **SECTION 2.** In Colorado Revised Statutes, 12-280-123, **add** (4)
 14 as follows:

15 **12-280-123. Prescription required - exception - dispensing**
 16 **opiate antagonists - selling nonprescription syringes and needles.**

1 (4) A PHARMACIST OR PHARMACY TECHNICIAN MAY SELL A
2 NONPRESCRIPTION SYRINGE OR NEEDLE TO ANY PERSON.

3 **SECTION 3.** In Colorado Revised Statutes, 13-21-108.7, **amend**
4 (3)(a) as follows:

5 **13-21-108.7. Persons rendering emergency assistance through**
6 **the administration of an opiate antagonist - limited immunity -**
7 **legislative declaration - definitions. (3) General immunity. (a)** A
8 person, other than a health care provider or a health care facility, who acts
9 in good faith to furnish or administer an opiate antagonist, INCLUDING AN
10 EXPIRED OPIATE ANTAGONIST, to an individual the person believes to be
11 suffering an opiate-related drug overdose event or to an individual who
12 is in a position to assist the individual at risk of experiencing an
13 opiate-related overdose event is not liable for any civil damages for acts
14 or omissions made as a result of the act or for any act or omission made
15 if the opiate antagonist is stolen.

16 **SECTION 4.** In Colorado Revised Statutes, 18-1-712, **amend**
17 (2)(a) as follows:

18 **18-1-712. Immunity for a person who administers an opiate**
19 **antagonist during an opiate-related drug overdose event - definitions.**
20 (2) **General immunity. (a)** A person, other than a health care provider
21 or a health care facility, who acts in good faith to furnish or administer an
22 opiate antagonist, INCLUDING AN EXPIRED OPIATE ANTAGONIST, to an
23 individual the person believes to be suffering an opiate-related drug
24 overdose event or to an individual who is in a position to assist the
25 individual at risk of experiencing an opiate-related overdose event is
26 immune from criminal prosecution for the act or for any act or omission
27 made if the opiate antagonist is stolen.

1 **SECTION 5.** In Colorado Revised Statutes, **amend** 18-18-430.5
2 as follows:

3 **18-18-430.5. Drug paraphernalia - exemption.** (1) A person
4 ~~shall be~~ IS exempt from ~~the provisions of~~ sections 18-18-425 to
5 18-18-430 if ~~he or she~~ THE PERSON is:

6 (a) Participating as an employee, volunteer, or participant in an
7 approved syringe exchange program created pursuant to section 25-1-520;
8 ~~C.R.S.~~ OR

9 (b) A PHARMACIST OR PHARMACY TECHNICIAN WHO SELLS
10 NONPRESCRIPTION SYRINGES OR NEEDLES PURSUANT TO SECTION
11 12-280-123 (4).

12 **SECTION 6.** In Colorado Revised Statutes, 25-1-508, **repeal**
13 (5)(1) as follows:

14 **25-1-508. County or district boards of public health - public**
15 **health directors.** (5) In addition to all other powers and duties conferred
16 and imposed upon a county board of health or a district board of health
17 by the provisions of this subpart 3, a county board of health or a district
18 board of health shall have and exercise the following specific powers and
19 duties:

20 (1) ~~To approve, as provided for in section 25-1-520, a clean~~
21 ~~syringe exchange program proposed by an agency. A county board of~~
22 ~~health or district board of health shall not be required to approve a~~
23 ~~proposed program.~~

24 **SECTION 7.** In Colorado Revised Statutes, 25-1-520, **amend** (1),
25 (2) introductory portion, (2)(f), and (5); and **repeal** (2.5), (3), and (4) as
26 follows:

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

1 **approval - reporting requirements.** (1) A county public health agency
2 or district public health agency may ~~request approval from its county~~
3 ~~board of health or district board of health, referred to in this section as the~~
4 ~~"board", for OPERATE a clean syringe exchange program operated by the~~
5 ~~agency or by CONTRACT WITH a nonprofit organization with which the~~
6 ~~agency contracts to operate the~~ A clean syringe exchange program. Prior
7 to approving or disapproving any such optional program, the board shall
8 consult with the agency and interested stakeholders concerning the
9 establishment of the clean syringe exchange program. Interested
10 stakeholders must include, but need not be limited to, local law
11 enforcement agencies, district attorneys, substance use disorder treatment
12 providers, persons with a substance use disorder in remission, nonprofit
13 organizations, hepatitis C and HIV advocacy organizations, and members
14 of the community. The board and interested stakeholders shall consider,
15 at a minimum, the following issues: ADDITIONALLY, A HOSPITAL
16 LICENSED OR CERTIFIED BY THE STATE DEPARTMENT PURSUANT TO
17 SECTION 25-1.5-103 (1)(a) MAY OPERATE A CLEAN SYRINGE PROGRAM.

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

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

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

23 (2) Each ~~proposed~~ clean syringe exchange program must, at a
24 minimum, have the ability to:

25 (f) Develop a timeline for the ~~proposed~~ program and for the
26 development of policies and procedures; and

27 (2.5) ~~A program developed pursuant to this section may be~~

1 ~~operated in a hospital licensed or certified by the state department~~
2 ~~pursuant to section 25-1.5-103 (1)(a).~~

3 (3) ~~The board may approve or disapprove the proposed clean~~
4 ~~syringe exchange program based on the results of the meetings held~~
5 ~~pursuant to subsection (1) of this section.~~

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

12 (5) AT ANY TIME, one or more counties represented on a district
13 board of health may ~~at any time~~ opt out of a clean syringe exchange
14 program ~~proposed or approved~~ OPERATED pursuant to this section.

15 **SECTION 8.** In Colorado Revised Statutes, 25-20.5-1102,
16 **amend** (1) and (3) as follows:

17 **25-20.5-1102. Harm reduction grant program cash fund -**
18 **creation.** (1) The harm reduction grant program cash fund, referred to in
19 this section as the "fund", is created in the state treasury. ~~The fund~~
20 ~~consists of money that the general assembly may appropriate or transfer~~
21 ~~to the fund~~ FOR THE 2020-21 STATE FISCAL YEAR, AND EACH STATE FISCAL
22 YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE
23 FUND AN AMOUNT EQUAL TO THE AMOUNT APPROPRIATED TO THE FUND
24 FOR THE 2019-20 STATE FISCAL YEAR PLUS TWO-HUNDRED FIFTY
25 THOUSAND DOLLARS.

26 (3) ~~Subject to annual appropriation by the general assembly, the~~
27 ~~department may expend money from the fund~~ MONEY IN THE FUND IS

1 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT for the purposes of
2 this part 11.

3 **SECTION 9. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.