

CHAPTER 212

HEALTH AND ENVIRONMENT

HOUSE BILL 06-1392

BY REPRESENTATIVE(S) Kerr A., Benefield, Garcia, Jahn, McGihon, Merrifield, Sullivan, and Todd;
also SENATOR(S) Boyd, Tochtrop, Williams, and Windels.

AN ACT**CONCERNING THE AUTHORITY OF THE DIVISION OF ALCOHOL AND DRUG ABUSE TO REGULATE
TREATMENT FACILITIES.**

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

SECTION 1. 25-1-1102 (1) and (6), Colorado Revised Statutes, are amended to read:

25-1-1102. Standards for public and private treatment facilities - fees - enforcement procedures - penalties. (1) In accordance with the provisions of this part 11, the division shall establish standards for approved treatment facilities that receive ~~state~~ PUBLIC funds OR THAT DISPENSE CONTROLLED SUBSTANCES OR BOTH. Such standards must be met for a treatment facility to be approved as a public or private treatment facility. The division shall fix the fees to be charged for the required inspections. The fees that are charged to approved treatment facilities that provide level I and level II programs as provided in section 42-4-1301.3 (3) (c), C.R.S., shall be transmitted to the state treasurer, who shall credit the fees to the alcohol and drug driving safety program fund created in section 42-4-1301.3 (4) (a), C.R.S. The standards may concern only the health standards to be met and standards of treatment to be afforded patients and shall reflect the success criteria established by the general assembly.

(6) NO PERSON SHALL OPERATE A PRIVATE OR PUBLIC TREATMENT FACILITY IN THIS STATE WITHOUT APPROVAL FROM THE DIVISION; EXCEPT THAT THIS PART 11 SHALL NOT APPLY TO A PRIVATE TREATMENT FACILITY THAT ACCEPTS ONLY PRIVATE FUNDS AND DOES NOT DISPENSE CONTROLLED SUBSTANCES. The district court may restrain any violation of, review any denial, restriction, or revocation of approval under, and grant other relief required to enforce the provisions of this section.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. 25-1-306 (1), Colorado Revised Statutes, is amended to read:

25-1-306. Standards for public and private treatment facilities - fees - enforcement procedures - penalties. (1) In accordance with the provisions of this part 3, the division shall establish standards for approved treatment facilities that receive ~~state~~ PUBLIC funds. Such standards must be met for a treatment facility to be approved as a public or private treatment facility. The division shall fix the fees to be charged for the required inspections. The fees that are charged to approved treatment facilities that provide level I and level II programs as provided in section 42-4-1301.3 (3) (c), C.R.S., shall be transmitted to the state treasurer, who shall credit the fees to the alcohol and drug driving safety program fund created in section 42-4-1301.3 (4) (a), C.R.S. The standards may concern only the health standards to be met and standards of treatment to be afforded patients and shall reflect the success criteria established by the general assembly.

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

Approved: May 17, 2006