

CHAPTER 291

HUMAN SERVICES - BEHAVIORAL HEALTH

HOUSE BILL 14-1173

BY REPRESENTATIVE(S) Ginal and McCann, Schafer, Tyler, Young, Conti, Landgraf, Primavera, Singer, Becker, Fields, Hullinghorst, Kraft-Tharp, Rosenthal;
also SENATOR(S) Newell, Aguilar, Kefalas, Kerr, King, Nicholson, Todd.

AN ACT

CONCERNING CONTINUATION OF THE CONTROLLED SUBSTANCES ABUSE ACT, AND, IN CONNECTION THEREWITH, THE TREATMENT OF CONTROLLED SUBSTANCES ABUSE AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 24-34-104, **repeal** (45) (e); and **add** (50.5) (k) as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (45) The following agencies, functions, or both, terminate on July 1, 2014:

(e) ~~The record-keeping and licensing functions of the department of human services relating to addiction programs under which controlled substances are compounded, administered, or dispensed in accordance with part 2 of article 80 of title 27, C.R.S.~~

(50.5) The following agencies, functions, or both, terminate on September 1, 2019:

(k) THE RECORD-KEEPING AND LICENSING FUNCTIONS OF THE DEPARTMENT OF HUMAN SERVICES RELATING TO ADDICTION PROGRAMS UNDER WHICH CONTROLLED SUBSTANCES ARE COMPOUNDED, ADMINISTERED, OR DISPENSED IN ACCORDANCE WITH PART 2 OF ARTICLE 80 OF TITLE 27, C.R.S.

SECTION 2. In Colorado Revised Statutes, 27-80-204, **amend** (1) (b) (I) as follows:

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

27-80-204. License required - controlled substances - repeal. (1) (b) (I) This subsection (1) is repealed, effective ~~July 1, 2014~~ SEPTEMBER 1, 2019.

SECTION 3. In Colorado Revised Statutes, 27-80-208, **amend** (1) introductory portion; and **add** (2.5) as follows:

27-80-208. Denial, revocation, or suspension of license - other disciplinary actions. (1) The department may deny, suspend, or revoke a license issued under this part 2 pursuant to article 4 of title 24, C.R.S., OR TAKE OTHER DISCIPLINARY ACTION AS SET FORTH IN SUBSECTION (2.5) OF THIS SECTION, AT THE DEPARTMENT'S DISCRETION, upon a finding that the licensee:

(2.5) IF THE DEPARTMENT DETERMINES THAT A LICENSEE HAS COMMITTED AN ACT THAT WOULD AUTHORIZE THE DEPARTMENT TO DENY, REVOKE, OR SUSPEND A LICENSE, THE DEPARTMENT MAY, AT ITS DISCRETION, IMPOSE OTHER DISCIPLINARY ACTIONS THAT MAY INCLUDE, BUT NEED NOT BE LIMITED TO A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS, PROBATION, OR STIPULATION.

SECTION 4. In Colorado Revised Statutes, 12-42.5-404, **add** (3) (c.5) as follows:

12-42.5-404. Program operation - access - rules. (3) The program is available for query only to the following persons or groups of persons:

(c.5) THE MEDICAL DIRECTOR, OR HIS OR HER DESIGNEE, AT A FACILITY THAT TREATS ADDICTION WITH CONTROLLED SUBSTANCES, IF AN INDIVIDUAL IN TREATMENT AT THE FACILITY GIVES PERMISSION TO THE FACILITY TO ACCESS HIS OR HER PROGRAM RECORDS;

SECTION 5. In Colorado Revised Statutes, 27-80-205, **add** (3) (a.5); and **repeal** (3) (a) (I) as follows:

27-80-205. Issuance of license - fees. (3) (a) The initial and annual license fees are as follows:

(I) ~~Addiction program~~ — \$ 75.00

(a.5) THE DEPARTMENT MAY ADMINISTRATIVELY SET INITIAL AND ANNUAL LICENSE FEES FOR ADDICTION PROGRAMS TO APPROXIMATE THE DIRECT AND INDIRECT COSTS OF THE PROGRAM.

SECTION 6. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the prescription drug monitoring fund created in section 12-42.5-405 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2014, the sum of \$7,500, or so much thereof as may be necessary, for allocation to the division of professions and occupations for computer system changes related to the implementation of this act.

SECTION 7. Effective date. (1) Except as specified in subsection (2) of this

section, this act takes effect upon passage.

(2) Section 6 of this act takes effect only if House Bill 14-1283 is not enacted or does not become law.

SECTION 8. 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 31, 2014